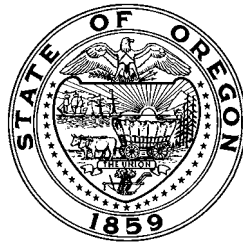


# OREGON BULLETIN

Supplements the 2003 *Oregon Administrative Rules Compilation*

**Volume 42, No. 12**  
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For October 16, 2003–November 14, 2003



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# INFORMATION AND PUBLICATION SCHEDULE

## General Information

The Administrative Rules Unit, Archives Division, Secretary of State publishes the *Oregon Administrative Rules Compilation* and the *Oregon Bulletin*. The Oregon Administrative Rules Compilation is an annual publication containing the complete text of the Oregon Administrative Rules at the time of publication. The *Oregon Bulletin* is a monthly publication which updates rule text found in the annual compilation and provides notice of intended rule action, Executive Orders of the Governor and Opinions of the Attorney General.

## Background on Oregon Administrative Rules

The *Oregon Attorney General's Administrative Law Manual* defines "rule" to include "directives, standards, regulations or statements of general applicability that implement, interpret or prescribe law or policy or describe the agency's procedure or practice requirements." ORS 183.310(8) Agencies may adopt, amend, repeal or renumber rules, permanently or temporarily (180 days), using the procedures outlined in the *Oregon Attorney General's Administrative Law Manual*. The Administrative Rules Unit, Archives Division, Secretary of State assists agencies with the notification, filing and publication requirements of the administrative rules process. Every Administrative Rule uses the same numbering sequence of a 3 digit agency chapter number followed by a 3 digit division number and ending with a 4 digit rule number. (000-000-0000)

## How to Cite

Citation of the Oregon Administrative Rules is made by chapter and rule number. Example: Oregon Administrative Rules, chapter 164, rule 164-001-0005 (short form: OAR 164-001-0005).

## Understanding an Administrative Rule's "History"

State agencies operate in a dynamic environment of ever-changing laws, public concerns and legislative mandates which necessitate ongoing rulemaking. To track the changes to individual rules, and organize the rule filing forms for permanent retention, the Administrative Rules Unit has developed a "history" for each rule which is located at the end of rule text. An Administrative Rule "history" outlines the statutory authority, statutes being implemented and dates of each authorized modification to the rule text. Changes are listed in chronological order and identify the agency, filing number, year, filing date and effective date in an abbreviated format. For example: "OSA 4-1993, f. & cert. ef. 11-10-93; Renumbered from 164-001-0005" documents a rule change made by the Oregon State Archives (OSA). The history notes that this was the 4th filing from the Archives in 1993, it was filed on November 10, 1993 and the rule changes became effective on the same date. The rule was renumbered by this rule change and was formerly known as rule 164-001-0005. The most recent change to each rule is listed at the end of the "history."

## Locating the Most Recent Version of an Administrative Rule

The annual, bound *Oregon Administrative Rules Compilation* contains the full text of all permanent rules filed through November 15 of the previous year. Subsequent changes to individual rules are listed in the OAR Revision Cumulative Index which is published monthly in the *Oregon Bulletin*. Changes to individual Administrative rules are listed in the OAR Revision Cumulative Index by OAR number and include the effective date, the specific rulemaking action and the issue of the *Oregon Bulletin* which contains the full text of the amended rule. The *Oregon Bulletin* publishes the full text of permanent and temporary administrative rules submitted for publication.

## Locating Administrative Rules Unit Publications

The Oregon Administrative Rules Compilation and the Oregon Bulletin are available in electronic and printed formats. Electronic versions are available through the Oregon State Archives Website at <http://arcweb.sos.state.or.us> Printed copies of these publications are deposited in Oregon's Public Documents Depository Libraries listed in OAR 543-070-0000 and may be ordered by contacting: Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, OR 97310, (503) 373-0701 - ext. 240, Julie.A.Yamaka@state.or.us

## 2002-2003 Oregon Bulletin Publication Schedule

The Administrative Rule Unit accepts rulemaking notices and filings Monday through Friday 8:00 a.m. to 5:00 p.m. at the Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310. To expedite the rulemaking process agencies are encouraged to set the time and place for a hearing in the Notice of Proposed Rulemaking, and submit their filings early in the month to meet the following publication deadlines.

### Submission Deadline — Publishing Date

December 13, 2002	January 1, 2003
January 15, 2003	February 1, 2003
February 14, 2003	March 1, 2003
March 14, 2003	April 1, 2003
April 15, 2003	May 1, 2003
May 15, 2003	June 1, 2003
June 13, 2003	July 1, 2003
July 15, 2003	August 1, 2003
August 15, 2003	September 1, 2003
September 15, 2003	October 1, 2003
October 15, 2003	November 1, 2003
November 14, 2003	December 1, 2003

## Reminder for Agency Rules Coordinators

Each agency that engages in rulemaking must appoint a rules coordinator and file an "Appointment of Agency Rules Coordinator" form, ARC 910-1997, with the Administrative Rules Unit, Archives Division, Secretary of State. Agencies which delegate rulemaking authority to an officer or employee within the agency must also file a "Delegation of Rulemaking Authority" form, ARC 915-1997. It is the agency's responsibility to monitor the rulemaking authority of selected employees and to keep the appropriate forms updated. The Administrative Rules Unit does not verify agency signatures as part of the rulemaking process. Forms ARC 910-1997 and ARC 915-1997 are available from the Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

## Publication Authority

The *Oregon Bulletin* is published pursuant to ORS 183.360(3). Copies of the complete text of permanent and temporary rules may be obtained from the adopting agency or from the Secretary of State, Archives Division, 800 Summer Street, Salem, Oregon, 97310; (503) 373-0701.

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## OTHER NOTICES

### CHANCE TO COMMENT ON... PROPOSED ENVIRONMENTAL CLEANUP ACTIONS FOR THE FORMER DURHAM QUARRY TIGARD AND TUALATIN, OREGON

**COMMENTS DUE:** January 15, 2004

**PROJECT LOCATION:** Former Durham Quarry, Northwest of the intersection of SW 72nd Avenue and SW Bridgeport Road, Tigard and Tualatin, Oregon.

**PROPOSAL:** Pursuant to Oregon Revised Statutes, ORS 465.320 and Oregon Administrative Rules, OAR 340-122-100, the Department of Environmental Quality (DEQ) requests public comment on its proposed cleanup decision regarding methane gas and other hazardous substances in soil and groundwater at the former Durham Quarry site.

**HIGHLIGHTS:** Washington County has owned this 29-acre site since 1939, which was operated as a gravel quarry from about 1952 to the early 1970s. The quarry pit was subsequently filled from 1992 through 2002, primarily with inert soil, concrete, and hardened asphalt, although organic land clearing debris, wood debris, and building demolition materials were periodically disposed in the pit. The site is planned for development by Opus Northwest as Bridgeport Village, a commercial and retail complex.

Environmental investigations at the site have found methane gas in the subsurface at the site at concentrations greater than DEQ's regulatory level of 1.25 percent. At those greater concentrations, methane poses a potential risk to human health and safety. The presence of methane gas is directly attributed to the decomposition of the organic components of the fill material used to backfill the quarry.

DEQ's proposed cleanup actions include a combination of active and passive engineering controls, institutional controls, and site monitoring to prevent methane from accumulating in future buildings and other confined spaces on the site, and to prevent methane from migrating to off-site areas. Methane mitigation measures include (1) a perimeter, active gas extraction system with shallow and deep wells; (2) interior, active gas extraction wells in areas of high methane concentrations and/or pressures; (3) impermeable gas barriers and passive venting systems underneath buildings; (4) low-permeable membrane collars or trench plugs in utility corridors; (5) special design and construction of utility vaults, manholes, underground electrical conduits and associated equipment to prevent methane accumulation; (6) long-term methane monitoring of building interiors, building sub-slabs, monitoring wells, gas extraction and venting systems, and confined spaces; (7) institutional controls, such as deeded property-use controls to prevent disturbance of the engineering controls; and (8) contingency measures, such as additional engineering controls, if monitoring results indicate potential methane hazards are not being mitigated.

**HOW TO COMMENT:** A detailed description of DEQ's proposed cleanup action is provided in a Staff Report for the Recommended Remedial Action, which will be available for public review at the start of the public comment period. The Staff Report, project files, remedial investigation and feasibility study reports, and other reports in the administrative record are available for public review by appointment at DEQ's Northwest Region Office, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon. Appointments to review these files can be made by calling 503-229-6729, toll free at 1-800-452-4011, or TTY at 503-229-5471. Information is also available on DEQ's web site at <http://www.deq.state.or.us/nwr/>.

Written comments must be received by 5:00 pm on January 15, 2004. Please send written comments by mail or fax to:

Jill Kiernan, P.E.  
Senior Project Engineer  
DEQ Northwest Region  
2020 SW Fourth Avenue, Suite 400  
Portland, OR 97201-4987  
Fax: 503-229-6945

DEQ will host two public informational meetings to discuss the recommended cleanup actions and receive verbal comments. The first meeting will be held on Wednesday, December 3, 2003, at 7:00 pm. The second meeting will be held on January 7, 2004, at 7:00 pm. Both meetings will be held at the Tualatin Police Department Training/Conference Room located at 8650 SW Tualatin Road in Tualatin, Oregon.

**THE NEXT STEP:** DEQ will consider all public comments received by the January 15, 2004, deadline. The DEQ Director will make a final decision on the cleanup after consideration of public comments. The final decision will be announced in this publication.

### CHANCE TO COMMENT ON... PROPOSED CONDITIONAL NO FURTHER ACTION DECISION FOR THE FORMER ALPINE DRY CLEANERS SITE, TIGARD, OREGON

**COMMENTS DUE:** January 5, 2004

**PROJECT LOCATION:** 12198 S.W. Scholls Ferry Road, Tigard, Oregon

**PROPOSAL:** Pursuant to Oregon Revised Statute, ORS 465.320, and Oregon Administrative Rules, OAR 340-122-100, the Department of Environmental Quality (DEQ) invites public comment on the "No Further Action" (NFA) determination proposed for the former Alpine Cleaners site in Tigard, Oregon.

**HIGHLIGHTS:** DEQ has completed an evaluation of the investigation and cleanup of the former Alpine Cleaners site completed by the property owner under DEQ oversight. The Alpine Cleaners is a closed dry cleaning facility, which operated in the Greenway Town Center until 1999. The property owner applied to DEQ's Dry Cleaner Environmental Response Program in 1998 after completion of an environmental investigation and cleanup. DEQ provided oversight of additional investigation conducted in 1999 and 2000 to refine the extent of contamination and provide additional data for a human health risk assessment. Elevated levels of perchloroethylene (PCE or perc), a dry cleaning solvent, and breakdown products of PCE were found in groundwater beneath the parking lot and next to the dry cleaner building in 1993. An interim remedial action was conducted between 1995 and 1998 to remove PCE and breakdown products from soil and groundwater using soil vapor extraction and air sparging treatment methods. The remediation work was suspended when PCE was not detected in collected vapors over a 2 year time-frame. A risk assessment determined that current conditions are protective of human health and the environment. Existing groundwater contamination beneath the property could pose an unacceptable risk to construction workers if future development occurs at the facility that involves excavation to the depth of the groundwater contamination, which is 10 to 12 feet below ground surface. DEQ would provide oversight of any future redevelopment of the property to ensure worker safety and proper management and disposal of contaminated groundwater or soil.

**HOW TO COMMENT:** DEQ's Staff Report, dated November 6, 2003, and other project file information is available for public review (by appointment) at DEQ's Northwest Region Office, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon, 97201. To schedule a file review appointment, call: 503-229-6729; toll free at 1-800-452-4011; or TTY at 503-229-5471. Please send written comments to Bruce Gilles, Project Manager, at the address listed above or via email at [gilles.bruce@deq.state.or.us](mailto:gilles.bruce@deq.state.or.us) by 5 p.m., January 5, 2004. DEQ will hold a public meeting to receive verbal comments if requested by ten or more people or by a group with 10 or more members.

Please notify DEQ of any special physical or other accommodations you may need due to a disability, language accommodations, or if you need copies of written materials in an alternative format (e.g. Braille, large print, etc). To make these arrangements, contact DEQ's Office of Communications and Outreach at 503-229-5317.

## OTHER NOTICES

**THE NEXT STEP:** DEQ will consider all public comments received by the January 5, 2004 deadline. In the absence of comments, DEQ will issue the conditional No Further Action decision.

### **PUBLIC COMMENT PERIOD EXTENDED PROPOSED FINAL CLEANUP ACTIONS OREGON STATE PENITENTIARY (OSP) SITE SALEM, OREGON**

**COMMENTS DUE:** December 31, 2003

**PROJECT LOCATION:** Oregon State Penitentiary (OSP) Site, 2605 State Street, Salem, Oregon

**BACKGROUND:** DEQ is proposing the final cleanup actions for the Oregon State Penitentiary (OSP) facility located at 2605 State Street in Salem. The Department of Corrections (DOC) has been conducting environmental investigation and cleanup activities under DEQ oversight since 1989. Solvents that leaked from a dry cleaner facility inside the prison contaminated groundwater beneath the prison. Dry cleaning solvent, known as tetrachlorethene or PCE, was first found in water supply wells at the prison in 1989. DOC began investigating the extent of contamination and found that groundwater contamination extends from inside the prison towards Walker Park and into the nearby residential neighborhood.

In January 2000, DOC installed a cleanup system that treats contaminated groundwater. The system was designed to prevent further movement of contaminated groundwater away from the prison, and remove contaminants from the groundwater. This cleanup system has proven to be effective at stopping movement of contaminant groundwater into the neighborhoods and reducing solvent concentrations in groundwater.

Recently, DOC completed a Feasibility Study to assess long term alternatives for addressing the remaining contamination at the Site. Some groundwater at OSP and in the neighborhood contains concentrations of solvents that could pose future risk if groundwater were used for domestic water supply. However, OSP and residents in the neighborhood currently use city water and the groundwater poses no risk to the neighborhood.

DEQ's proposed remedial cleanup actions are outlined in a Remedial Action Recommendation Staff Report. This Staff Report will be available for public review and comment for a 30 day period. The original comment period was scheduled from November 10, 2003 through December 12, 2003. The public comment period has been extended through December 31, 2003. The components of the recommended cleanup actions are summarized below.

**PROPOSED ACTIONS:** DEQ is proposing several actions at the OSP Site that will protect workers, inmates, and adjacent property owners from solvents at the Site. These measures would include: 1) continue operating the groundwater cleanup system, 2) groundwater monitoring to confirm that contamination levels are continuing to decline towards the cleanup goal, 3) periodically review of groundwater use in the adjacent off-site neighborhoods to confirm the assumption that off-site groundwater is not being used in the future, and 4) development of contingency plans.

**HOW TO COMMENT:** The Staff Report will be available at DEQ's Salem and Eugene offices, and at the Salem Public Library. There will also be a copy available on DEQ's web site at (<http://www.deq.state.or.us/wmc/cleanup/cuospfact.htm>). Written comments must be received by December 31, 2003. Comments should be submitted to DEQ's Eugene office, located at 1102 Lincoln St., Suite 210, Eugene, OR 97401. Questions may also be directed to Mary Camarata at that address or by calling her at 1-800-844-8467 ext 259. The TTY number for the hearing impaired is 541-687-5603.

**THE NEXT STEP:** DEQ will consider all public comments on the proposed remedial action prior to selecting the final remedial actions in a Record of Decision (ROD). A public meeting will be held to

receive verbal comments on the proposed cleanup action if there is significant interest in the project.

### **PROPOSED APPROVAL OF SOIL CLEANUP AT THE PALMBERG PAVING COMPANY SITE GEARHART, OREGON**

**COMMENTS DUE:** January 2, 2004

**PROJECT LOCATION:** 448 McCormick Gardens Road, Gearhart, Oregon

**PROPOSAL:** The Oregon Department of Environmental Quality (DEQ) proposes approval of the cleanup of petroleum-contaminated soil at the site.

**HIGHLIGHTS:** The site covers 27.36 acres of relatively flat land approximately 0.5 miles east of the Pacific Ocean. The property is zoned residential, but is proposed for development as commercial property. The east-central portion of the site was used by an automobile wrecking company (1958-1960), and a sand and gravel mining operation occupied the site in the early to mid 1960s. The Palmberg Paving Company Inc. operated an asphalt plant at the site from the early 1960s to 1998. Petroleum related to asphalt production, in addition to diesel that was sprayed on truck beds and used to clean equipment, was released to the environment.

A series of site investigations showed significant petroleum-contaminated soil present at the site, but no significant impacts to site groundwater or to an on-site lake. The primary contaminants are heavy oil and diesel. Petroleum constituents were detected at relatively low levels. Automotive-related debris is present in the east central portion of the site, but elevated levels of contamination were not detected in this area. A soil removal was conducted in two of the most highly impacted areas of the site. Residual petroleum exists in site soil at the two removal areas and other areas of the site. The residual concentrations are below DEQ generic risk-based screening concentrations for occupational exposure, indicating the cleanup is protective for future site use as industrial or commercial property. Because residual concentrations are near the standards for residential property, additional investigation would be required to assess whether the site cleanup is protective for future use as residential property. Therefore, the proposed cleanup approval and no further action determination is conditional upon future site use as industrial or commercial property, and does cover residential use.

**HOW TO COMMENT:** The staff memorandum and other files will be available for public review beginning Monday, December 1, 2003. To schedule an appointment to review the site files call Gerald Gamolo at (503) 229-6729. The DEQ project manager is Mark Pugh (503) 229-5587. Written comments should be sent to the project manager at the Department of Environmental Quality, Northwest Region, 2020 SW 4th Ave., Suite 400, Portland, OR 97201 by Friday, January 2, 2004. A public meeting will be held to receive verbal comments if requested by 10 or more people or by a group with a membership of 10 or more.

**THE NEXT STEP:** DEQ will consider all public comments and DEQ's Northwest Region Cleanup Manager will make and publish the final decision after consideration of these comments.

### **PROPOSED APPROVAL OF CLEANUP FORMER ASTORIA PLYWOOD MILL 409 23RD STREET, ASTORIA, OREGON**

**COMMENT PERIOD:** December 1 to December 31, 2003

**COMMENTS DUE:** December 31, 2003

**PROPOSAL:** The Oregon Department of Environmental Quality (DEQ) proposes to approve a cleanup of the Astoria Plywood Mill site.

**HIGHLIGHTS:** Several environmental investigations, removals, and remedial actions were performed at the site. Drums of hazardous wastes, PCB-containing capacitors, soils containing petroleum

## OTHER NOTICES

hydrocarbons and PCBs, and petroleum-impacted sediments in the former log pond were remediated on-site or removed for off-site disposal in a permitted facility. DEQ issued a Record of Decision (ROD) in 1977. The ROD required a final cleanup consisting of capping near-surface soil contamination, sediment stabilization, and institutional controls. In 1999 DEQ and the City of Astoria entered into a Perspective Purchaser Agreement (PPA) that required the city to complete remedial actions in accordance with the ROD, and outlined specific use restrictions. Venerable Properties, Inc. purchased the site from the City of Astoria for development as Mill Pond Village. DEQ, the City of Astoria and Venerable Properties have completed the actions required by the ROD and PPA. The remaining site risks will be adequately addressed by deed restrictions that will restrict future site excavation and groundwater use at the redeveloped site. DEQ is seeking comment on completion of the ROD and PPA actions, except for the ongoing cap maintenance and institutional controls.

**HOW TO COMMENT:** The project file is available for public review. To schedule an appointment call (503) 229-6729. The DEQ project manager is Anna Coates, (503) 229-5213. Written comments should be sent to Anna Coates, DEQ, 2020 SW Fourth Avenue, Suite 400, Portland, OR 97201 by December 31, 2003. A public meeting will be held to receive comments if requested by 10 or more persons or by a group with a membership of 10 or more.

**THE NEXT STEP:** DEQ will consider all public comments before making the final decision.

### PROPOSED APPROVAL OF CLEANUP AT BERTHA TRIANGLE, HILLSDALE, OREGON

**COMMENTS DUE:** December 31, 2003

**PROJECT LOCATION:** Vacant property bounded by SW Bertha Boulevard, SW Bertha Court, and SW Capitol Highway in Hillsdale, SW Portland, Oregon

**PROPOSAL:** Pursuant to Oregon Revised Statute, ORS 465.320, and Oregon Administrative Rules, OAR 340-122-100, the Department of Environmental Quality (DEQ) invites public comment on the "No Further Action" (NFA) determination proposed for the investigation of petroleum-contaminated soils at the Bertha Triangle site in SW Portland, Oregon.

**HIGHLIGHTS:** The site was part of the Fulton Park Dairy farm from the turn of the century until 1953 and a hay barn was located in the south part of the property. During the 1920s the site was the location of the Bertha Station, a stop on Southern Pacific Railroad's interurban Red Electric rail system. The northern part of the property was leased from the Wardin Family by Capitol Highway Auto Parts for use as an auto wrecking and gas station facility from the mid-1930s to the early 1940s. ODOT purchased the property in 1957. More recent uses of the property include storage space for recycled newspapers by the Lions Club and the Oregonian newspaper and overnight storage of sanitation vehicles by Trout Brothers.

Investigation of the site began in 1998 when Multnomah County was considering the site for the Hillsdale Branch Library. Contamination was identified in the northeast corner of the site and at the Sparks Property (now home of Papa Johns Pizza). In 2001, DEQ began a comprehensive investigation of the site with funding help from EPA.

Soil and groundwater samples were collected from borings throughout the site. The extent of subsurface contamination is generally limited to the northeastern portion of the property. Subsurface soil and groundwater is contaminated with petroleum compounds and in a more limited area, with solvents related to dry cleaning. Petroleum contamination is likely from past site wrecking yard operations and dry cleaner solvents may have migrated onto the site from upgradient sources. The Sparks property does not appear to be a major source for contamination on the Bertha Triangle site.

A risk assessment was completed and the results indicate that the remaining soil and groundwater contamination does not pose an unacceptable risk to human health and the environment. Redevelopment plans for the property propose underground parking. Contaminated soil that is excavated will have to be removed for proper treatment or disposal. Current conditions are considered protective of human health and the environment, and therefore, meet the requirements of the Oregon Environmental Cleanup Laws.

**HOW TO COMMENT:** DEQ's Staff Report, dated November 10, 2003, and other project file information is available for public review (by appointment) at DEQ's Northwest Region Office, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon, 97201. To schedule a file review appointment, call Gerald Gamolo at 503-229-6729; toll free at 1-800-452-4011; or TTY at 503-229-5471. Please send written comments to Robert Williams, Project Manager, at the address listed above or via email at Williams.robert.k@deq.state.or.us. DEQ must receive written comments by 5 pm on December 31, 2003. Upon written request by ten or more persons or by a group with a membership of 10 or more, DEQ will hold a public meeting to receive verbal comments.

Please notify DEQ of any special physical or other accommodations you may need due to a disability, language accommodations, or if you need copies of written materials in an alternative format (e.g. Braille, large print, etc). To make these arrangements, contact DEQ's Office of Communications and Outreach at 503-229-5317.

**THE NEXT STEP:** DEQ will consider all public comments received by the December 31, 2003 deadline. In the absence of comments, DEQ will issue the No Further Action determination.

### PROPOSED APPROVAL OF CLEANUP AT THE FORMER MASONITE SITE, PILOT ROCK UMATILLA COUNTY, OREGON

**COMMENTS DUE:** January 5, 2004

**PROJECT LOCATION:** 700 N. Cedar, Pilot Rock, OR

**PROPOSAL:** The Department of Environmental Quality (DEQ) is proposing to issue a "No Further Action" determination based on approval of the environmental investigation and remedial action at the Former Masonite Fiberboard Mill Site, located at 700 N. Cedar, in Pilot Rock, Oregon.

**HIGHLIGHTS:** The Voluntary Cleanup Program has reviewed the information gathered during the been providing oversight of investigation of environmental conditions and remedial action at the former Masonite site. International Paper, the owner of the site, has completed the proposed remedy by removing approximately 310,000 cubic yards of petroleum contaminated wood fiber, sludge and soil from the former Primary and Secondary water treatment ponds and placing the material in an on-site landfill.

The proposed No-Further-Action (NFA) determination applies only to the former Primary and Secondary Pond areas and associated wastewater spray fields. The proposed NFA requires a deed restriction to be placed on the area of the former Secondary Pond, Condra Field, Spray Field #1 and Spray Field #2. The deed restriction will require the land use in these areas to remain industrial, and no residential development will be allowed without further investigation and cleanup.

**HOW TO COMMENT:** The project file may be reviewed by appointment at DEQ's Eastern Regional Office at 700 SE Emigrant, Suite #330, Pendleton, OR 97801. To schedule an appointment to review the file or to ask questions, please contact John Dadoly at (541) 278-4616. Written comments should be sent by January 5, 2004 to John Dadoly, Project Manager, at the address listed above.

Upon written request by ten or more persons or by a group with a membership of 10 or more, a public meeting will be held to receive verbal comments.

## OTHER NOTICES

**THE NEXT STEP:** DEQ will consider all public comments received before making a final decision regarding the "No Further Action" determination.

### PROPOSED APPROVAL OF CLEANUP AT HANEL ORCHARD, ODELL, OREGON

**COMMENTS DUE:** December 31, 2003

**PROJECT LOCATION:** 3165 Neal Creek Mill Road, Odell, Oregon

**PROPOSAL:** The Department of Environmental Quality is proposing to issue a "No Further Action" determination based on results of site investigation and remedial activities performed at the Hanel Orchard site located at 3165 Neal Creek Mill Road in Odell, Oregon.

**HIGHLIGHTS:** The Voluntary Cleanup Program has reviewed site assessment and remedial activities performed at the site. The site was used as a commercial fruit tree orchard for over 100 years. All structures and fruit trees have been removed. This decision document is specific to the 13 acres of industrially zoned land purchased by Cardinal Glass in June 2003. Approximately 140 tons of diesel contaminated soil was excavated from the vicinity of the smudge pots and diesel AST. All detected concentrations in confirmation samples are less than respective PRG and RBCs. Four cubic yards of hazardous waste was removed from the dirt floor of the chemical storage room. Following the confirmation that all of the hazardous waste was removed, approximately 640 cubic yards of petroleum contaminated soil associated with two leaking gasoline underground storage tanks was removed and treated on the adjacent Hanel Mill site. Approximately 21 cubic yards of lube oil impacted soil was segregated and transported to a local landfill for disposal. Two solid waste landfills were encountered during grading activities. The solid waste was excavated and transported to the landfill for disposal. Stained soil was also excavated and transported off-site for disposal. The orchard area was systematically sampled. Four of the nine soil samples slightly exceeded the EPA Region 9 industrial PRG of 110 ppb. The property has been redeveloped into a new industrial use. The soil containing dielrin was re-used on-site during site grading. The soil is not in contact with groundwater.

**HOW TO COMMENT:** The project file may be reviewed by appointment at DEQ's Eastern Regional Office at 700 SE Emigrant, Suite #330, Pendleton, OR 97801. To schedule an appointment to review the file or to ask questions, please contact Katie Robertson at (541) 278-4620. Written comments should be received by December 31, 2003 and sent to Katie Robertson, Project Manager, at the address listed above.

Upon written request by ten or more persons or by a group with a membership of 10 or more, a public meeting will be held to receive verbal comments.

**THE NEXT STEP:** DEQ will consider all public comments received before making a final decision regarding the "No Further Action" determination.

### PROPOSED ENVIRONMENTAL REMEDY SOUTH WATERFRONT REDEVELOPMENT LOT #3

**COMMENTS DUE:** December 31, 2003

**PROJECT LOCATION:** South Waterfront Lot #3; north of the Marquam Bridge at the intersection of SW Harbor Way, SW River Parkway and SW Moody Avenue, Portland, Oregon

**PROPOSAL:** The Oregon Department of Environmental Quality (DEQ) has prepared a Staff Report recommending a remedy to address petroleum-contaminated soil at the South Waterfront Lot #3 site. DEQ is recommending an easement with restrictions on managing contaminated soil during future development for the site.

**HIGHLIGHTS:** In the early 1900s the Portland Lumber Company occupied part of Lot #3. The area has since been built up over time with fill materials including soil, wood waste, and other refuse. A

remedial investigation and risk assessment was completed by the Portland Development Commission to evaluate concentrations of contaminants in soil and groundwater at the property. The main contaminants of concern are polynuclear aromatic hydrocarbons associated with petroleum, and the highest concentrations detected are in a black-stained layer of soil 14 to 25 feet beneath the site. The risk assessment indicates that contaminants are below concentrations that pose a significant risk to human health unless contaminated soil below 10 feet is excavated during future site development. Shallow groundwater beneath the site is not used and contaminants in groundwater have not migrated significantly off-site. To address soil and groundwater concerns DEQ is recommending an easement on the property that requires engineering and worker health and safety protections during site development, and offsite disposal at a permitted facility of any contaminated soil excavated below 10 feet. Groundwater use will be restricted through the easement. The Portland Development Commission entered the DEQ Voluntary Cleanup Program in December 1999 for oversight of the Lot #3 site investigation activities. Pursuant to ORS 465.230 and Oregon Administrative Rules (OAR) 340-122-078, DEQ requests public comment on the recommended remedy.

**HOW TO COMMENT:** The Staff Report and project file is available for public review. To schedule an appointment contact Gerald Gamolo at 503-229-6729. The DEQ project manager is Tom Roick, 503-229-5502. Written comments should be sent to the project manager at the DEQ, Northwest Region, 2020 SW Fourth Avenue, Suite 400, Portland, OR 97201 by December 31, 2003. A public meeting will be held to receive comments if requested by 10 or more persons or by a group with a membership of 10 or more. Please notify DEQ of any special physical or language accommodations you may need due to a disability, or if you need copies of written materials in an alternative format (e.g., Braille, large print, etc.). To make these arrangements, contact DEQ Public Affairs, 503-229-5317.

**THE NEXT STEP:** DEQ will consider all public comments and publish the final decision.

### PROPOSED NO FURTHER ACTION DETERMINATION TRUAX GAS STATION, 304 NE 3RD STREET BEND, OREGON

**COMMENTS DUE:** December 31, 2003

**PROJECT LOCATION:** Northeast corner of 3rd Street (Highway 97) and E. Clay Av., Bend, Oregon

**PROPOSAL:** The Department of Environmental Quality is proposing to issue a No Further Action determination following excavation and disposal of soil contaminated with volatile organic compounds. The material was found during excavation of underground petroleum storage tanks near the southwest corner of the service station building. This determination is based on approval of investigation and remedial measures conducted to date. Public notification is required by ORS 465.320.

**HIGHLIGHTS:** This property has been a service station for at least 40 years. Decommissioning of four underground storage tanks began in April 2003. During excavation associated with the tank decommissioning, the contractor encountered non-petroleum contaminants, which were traced to a small concrete sump at a depth of about 10 feet. Approximately 86 tons of contaminated soil were excavated and disposed of at Knott Landfill in Bend in the course of underground storage tank decommissioning and site cleanup. Confirmation samples collected following removal of the contaminated soil indicated that remaining contamination does not exceed acceptable risk levels. The Department has therefore determined that no further action is required at this site.

**HOW TO COMMENT:** Comments and questions, by phone, fax, mail or email, should be directed to:

Bob Schwarz, Project Manager  
Phone: 541-298-7255, ext. 30

## OTHER NOTICES

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Fax: 541-298-7330

Email: Schwarz.bob@deq.state.or.us

To schedule an appointment or to obtain a copy of the staff report, please contact Mr. Schwarz as well. Written comments must be received by December 31, 2003.

**THE NEXT STEP:** DEQ will consider all comments received. A final decision concerning the proposed remedial actions will be made after consideration of public comments.

### DEQ NOTICE OF AGREEMENT

The Oregon Department of Environmental Quality (DEQ) has entered into a Prospective Purchaser Agreement (PPA) with Marty and Lyn Clark for an 1.86 acres property in Nyssa. The property is located at 100 Highway 201 in Nyssa and will be redeveloped for commercial use.

Under the PPA, Marty and Lyn Clark will abandon the on-site drinking water well, install groundwater monitoring wells, and remove grossly contaminated soil. In exchange for conducting these remedial measures, DEQ has agreed to limit the liability of Marty and Lyn Clark under state law for the existing contamination.

DEQ's Prospective Purchaser Program was created in 1995 through amendments to the state's Environmental Cleanup Law. The Prospective Purchaser Agreement is a tool which facilitates the cleanup of contaminated property and encourages property transactions which would otherwise not likely occur because of the liabilities associated with existing contamination. DEQ has approved over 50 Prospective Purchaser Agreements throughout the State since the program began.

For additional information on DEQ's Prospective Purchaser Program, contact Charlie Landman, Oregon DEQ, at (503) 229-6461.



# 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 listed below.

Public comment may be submitted in writing directly to an agency or presented orally or in writing at the rulemaking hearing. Written comment must be submitted to an agency by 5:00 pm on the Last Day for Comment listed below. Written and oral comments may be submitted at the appropriate time during a rulemaking hearing as outlined in OAR 137-001-0030.

ORS 183.335(2)(b)(G) requests 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.

A public rulemaking 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 by the Last Date for Comment as printed in the Notice of Proposed Rulemaking in the Oregon Bulletin. If sufficient hearing requests are received by an agency, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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### Appraiser Certification and Licensure Board Chapter 161

Date:	Time:	Location:
1-5-04	9 a.m.	West Coast Bank 2nd Floor Community. Conference. Rm. 301 Church St. NE Salem, OR

**Hearing Officer:** Terry Bernhardt  
**Stat. Auth.:** ORS 183.341(4), 674.305(8) & 674.310  
**Stats. Implemented:** ORS 674.305(8) & 674.130  
**Proposed Amendments:** 161-002-0000, 161-025-0060  
**Last Date for Comment:** 1-5-04, close of hearing  
**Summary:** Proposed changes to Oregon Administrative Rules 161, Division 2 regarding definitions; and Division 25 regarding appraisal standards and USPAP.  
*\*Auxiliary aids for persons with disabilities are available upon advance request.*  
**Rules Coordinator:** Karen Turnbow  
**Address:** Appraiser Certification and Licensure Board, 1860 Hawthorne Ave NE, Suite 200, Salem, OR 97303  
**Telephone:** (503) 485-2555

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### Board of Accountancy Chapter 801

**Stat. Auth.:** ORS 36.224  
**Stats. Implemented:** ORS 36.220 - 36.238, 183.335(5) & 673.410  
**Proposed Adoptions:** 801-001-0050  
**Last Date for Comment:** 12-22-03  
**Summary:** This rule is identical to the rule on confidentiality of mediation communications, developed by the Attorney General pursuant to ORS 36.224(2). This rule covers all mediations involving the Board of Accountancy, except those express exclusions. The rule limits information that the mediator may disclose and allows the parties to agree in writing to limit what may be disclosed or used in a subsequent administrative proceeding.  
**Rules Coordinator:** Kimberly Bennett  
**Address:** Board of Accountancy, 3218 Pringle Rd. SE, Suite 110, Salem, OR 97302  
**Telephone:** (503) 378-4181, ext. 24

## Board of Architect Examiners Chapter 806

**Stat. Auth.:** ORS 671.090, 671.125 & 671.220; Other Auth.: SB 211, 2003  
**Stats. Implemented:** ORS 671.090 & 671.220  
**Proposed Amendments:** 806-020-0080  
**Last Date for Comment:** 1-2-04, 4:30 p.m.  
**Summary:** This rule change is needed to accommodate the changes from the passage of Senate Bill 211 at the 2003 Legislative Assembly. The change allows the Board to take disciplinary action against those who have been the subject of disciplinary action by another jurisdiction.  
**Rules Coordinator:** Carol Halford  
**Address:** Oregon Board of Architect Examiners, 750 Front St. NE, Suite 260, Salem, OR 97301  
**Telephone:** (503) 378-4270

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### Board of Examiners for Engineering and Land Surveying Chapter 820

Date:	Time:	Location:
1-13-04	1-1:30 p.m.	Engineering and Land Surveying Board 728 Hawthorne Ave. NE Salem, OR

**Hearing Officer:** Stuart Albright  
**Stat. Auth.:** ORS 670.310, 672.020, 672.025, 672.045, 672.097, 672.099, 672.180 & 672.255  
**Stats. Implemented:** ORS 672.002 - 672.325  
**Proposed Adoptions:** 820-010-0622, 820-010-0623  
**Proposed Amendments:** 820-010-0010, 820-010-0200, 820-010-0225, 820-010-0450, 820-015-0026  
**Last Date for Comment:** 1-13-04, 4 p.m.  
**Summary:** OAR 820-010-0010(17) - Clarifies the scope of practice of retired engineers.

OAR 820-010-0010(18) - Creates a definition of a nonresident engineer as referred in ORS 672.050.

OAR 820-010-0200 - Repeals language previously adopted to implement the grandfather provision under ORS 672.129(4), which ceased to apply on October 23, 2000.

OAR 820-010-0225 3(c) 4(b) - Clarifies and expands types of qualifying programs for licensing applicants.

OAR 820-010-0450 - Removes acoustical, manufacturing, and traffic engineering from the list of exams offered by the Board as provided in OAR 820-010-0450 (3).

OAR 820-010-0622 - Adds requirements and restrictions for stamping documents involving modification of documents prepared by another registrant. These proposed rules protect the public in requiring the registrant to clearly explain which portion of a document the registrant has changed or revised and is responsible for.

OAR 820-010-0623 - Adds requirements and restrictions for stamping documents prepared by more than one registrant. This allows multiple registrants to prepare and take responsibility for portions of a document as long as the portion prepared by each registrant is clearly denoted.

OAR 820-015-0026 (2) (3) - Provides for placing license of registrant in inactive status for failing to comply with continuing professional development requirements and allows the Board to provide a one-year grace period for a registrant deficient in accumulating PDH requirements.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Mari Lopez  
**Address:** Board of Examiners for Engineering and Land Surveying, 728 Hawthorne Ave. NE, Salem, OR 97301  
**Telephone:** (503) 362-2666

# NOTICES OF PROPOSED RULEMAKING

**Date:** 1-13-04  
**Time:** 1-1:30 p.m.  
**Location:** Engineering and Land Surveying Board  
728 Hawthorne Ave. NE  
Salem, OR

**Hearing Officer:** Stuart Albright  
**Stat. Auth.:** ORS 670.310 & 672.255  
**Stats. Implemented:** ORS 672.002 - 672.325  
**Proposed Amendments:** 820-010-0500  
**Last Date for Comment:** 1-13-04, 4 p.m.  
**Summary:** Repeals subsection (2) of the rule removing the requirement for licensure as a qualification for the position of Executive Secretary.  
*\*Auxiliary aids for persons with disabilities are available upon advance request.*  
**Rules Coordinator:** Mari Lopez  
**Address:** Board of Examiners for Engineering and Land Surveying, 728 Hawthorne Ave. NE, Salem, OR 97301  
**Telephone:** (503) 362-2666

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**Board of Massage Therapists**  
**Chapter 334**

**Date:** 1-7-04  
**Time:** 1-2 p.m.  
**Location:** Board Office  
Sign-in 748 Hawthorne Ave NE  
ends 1:15 p.m. Salem, OR 97301

**Hearing Officer:** Bev Holzman  
**Stat. Auth.:** ORS 183, ORS 687.121 & SB 1127  
**Stats. Implemented:** Section (6), (1) & (2)  
**Proposed Amendments:** 334-010-0005, 334-010-0010, 334-010-0015, 334-010-0017, 334-010-0025, 334-010-0050  
**Last Date for Comment:** 1-7-04  
**Summary:** 334-010-0005: Deletes the verbiage concerning application deadlines.  
334-010-0010: Further defines the timeline of the application process as well as allowing more time for an applicant to forward or get a refund of fees.  
334-010-0015: Would allow a different method of obtaining CE hours.  
334-010-0017: Would allow a different method of obtaining CE hours.  
334-010-0025: The current sentence is unintelligible. This is rewritten for clarification purposes.  
334-010-0050: Some housekeeping changes were made as well as redefining the continuing education requirements.  
*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Michelle Sherman  
**Address:** Board of Massage Therapists, 748 Hawthorne Ave. NE, Salem, OR 97301  
**Telephone:** (503) 365-8657

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**Board of Medical Examiners**  
**Chapter 847**

**Stat. Auth.:** ORS 677.265  
**Stats. Implemented:** ORS 677.110, 677.172, 677.175 & 677.220  
**Proposed Amendments:** 847-008-0015, 847-008-0055  
**Last Date for Comment:** 12-29-03  
**Summary:** Proposed rules change in OAR 847-008-0015 provide alternative documentation of evidence of Oregon as state of residence for physicians who request Active-Military status and who do not have an Oregon address to provide to the Board. Proposed rules change in OAR 847-008-0055 shortens the reactivation process and waives the reactivation fee for physicians with Active-Military status returning to private practice after being called up to active duty in the armed forces.  
**Rules Coordinator:** Diana M. Dolstra

**Address:** Board of Medical Examiners, 1500 SW 1st Ave., Suite #620, Portland, OR 97201-5826  
**Telephone:** (503) 229-5873, ext. 223

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**Stat. Auth.:** ORS 677.265  
**Stats. Implemented:** ORS 677.265 & HB 2305, 2003  
**Proposed Amendments:** 847-012-0000  
**Last Date for Comment:** 12-29-03  
**Summary:** The proposed amendment updates the administrative rules on a patient's access to physician medical records in HB 2305 passed by the 2003 Legislature and updates the rules per the Health Insurance Portability and Accountability Act (HIPAA) of 1996.  
**Rules Coordinator:** Diana M. Dolstra  
**Address:** Board of Medical Examiners, 1500 SW 1st Ave., Suite #620, Portland, OR 97201-5826  
**Telephone:** (503) 229-5873, ext. 223

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**Stat. Auth.:** ORS 677.265  
**Stats. Implemented:** ORS 677.110  
**Proposed Amendments:** 847-020-0170  
**Last Date for Comment:** 12-29-03  
**Summary:** The proposed administrative rules create a waiver for applicants who have participated in a combine MD/DO/PhD program of the requirement that they must have passed the combined licensing examinations (National Board of Medical Examiners, FLEX and USMLE) by the year 2000.  
**Rules Coordinator:** Diana M. Dolstra  
**Address:** Board of Medical Examiners, 1500 SW 1st Ave., Suite #620, Portland, OR 97201-5826  
**Telephone:** (503) 229-5873, ext. 223

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**Stat. Auth.:** ORS 677.245  
**Stats. Implemented:** ORS 677.245  
**Proposed Amendments:** 847-035-0030  
**Last Date for Comment:** 12-29-03  
**Summary:** The proposed amendment deletes the requirement that the EMT-Basic complete a course approved by the Emergency Medical Services and Trauma Section of the Office of Public Health Systems of the Department of Human Resources prior to using a dual lumen airway device in the practice of airway maintenance. The EMT-Basic may obtain training through his/her ambulance service or fire department, and it will be added to the EMT-Basic curriculum. Section approved training in the administration of aspirin is also being deleted as current EMT-Basics have obtained training, and it has been added to the EMT-Basic curriculum.  
**Rules Coordinator:** Diana M. Dolstra  
**Address:** Board of Medical Examiners, 1500 SW 1st Ave., Suite #620, Portland, OR 97201-5826  
**Telephone:** (503) 229-5873, ext. 223

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**Stat. Auth.:** ORS 677.265  
**Stats. Implemented:** ORS 677.265(1) & (2)  
**Proposed Adoptions:** 847-070-0033  
**Last Date for Comment:** 12-29-03

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**Stat. Auth.:** ORS 677.265  
**Stats. Implemented:** ORS 677.265(1) & (2)  
**Proposed Adoptions:** 847-070-0033  
**Last Date for Comment:** 12-29-03  
**Summary:** The proposed rules describe the requirements for a visiting acupuncturist to be granted approval by the Board to demonstrate needling of patients at a conference, seminar, and workshop sponsored by an Oregon school or program of acupuncture or oriental medicine in Oregon for up to ten days, no more than three times a year. The proposed rules outline the process of submitting the request for approval from the Board, and the requirements that must be met by the acupuncture school or program and the visiting acupuncturist.  
**Rules Coordinator:** Diana M. Dolstra  
**Address:** Board of Medical Examiners, 1500 SW 1st Ave., Suite #620, Portland, OR 97201-5826  
**Telephone:** (503) 229-5873, ext. 223

# NOTICES OF PROPOSED RULEMAKING

**Stat. Auth.:** ORS 677.265  
**Stats. Implemented:** ORS 677.110  
**Proposed Amendments:** 847-020-0170, 847-020-0180  
**Last Date for Comment:** 12-29-03

**Summary:** The proposed rules add the National Board of Osteopathic Medical Examiners (NBOME) examination to the section of the rules that cover the various medical licensing examinations that have been and are currently required for licensure. The proposed rules also add language as to when an applicant may request a waiver of the seven year requirement for passing the United States Medical Licensing Examination (USMLE) or the NBOME examination, and adds January 16, 2003 as the effective date the Board adopted rules on the number of attempts allowed on each Step of USMLE in order to be eligible for licensure.

**Rules Coordinator:** Diana M. Dolstra  
**Address:** Board of Medical Examiners, 1500 SW 1st Ave., Suite #620, Portland, OR 97201-5826  
**Telephone:** (503) 229-5873, ext. 223

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**Board of Tax Practitioners**  
**Chapter 800**

Date:	Time:	Location:
12-30-03	9 a.m.	3218 Pringle Rd. SE, #120 Salem, OR 97302

**Hearing Officer:** Ronald A. Bersin  
**Stat. Auth.:** ORS 673.605 - 673.740 & 673.990  
**Stats. Implemented:** ORS 673.605 - 673.740 & 673.990  
**Proposed Amendments:** 800-025-0025, 800-030-0025  
**Last Date for Comment:** 12-30-03, 5 p.m.

**Summary:** The Oregon Administrative Rule revisions the Board of Tax Practitioners is proposing are to change the language to better reflect ORS 673.605 - 673.740 & 673.990 as well as conform to the current standards the Board is operating under per ORS.

The amendment to OAR 800-025-0025 extends the date(s) in which business registrations expire to match the date(s) in which tax consultant/preparer licenses expire.

The amendments to OAR 800-030-0025 provide the Board guidance when assessing civil penalties. These amendments help to clarify to the public as well as the hearings officer panel the Board's intentions and practice in assessing civil penalties. This includes providing a penalty matrix clarifying the Board's intent on assessing civil penalties.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Monical J. Leisten  
**Address:** Board of Tax Practitioners, 3218 Pringle Rd. SE - Room 120, Salem, OR 97302-6308  
**Telephone:** (503) 378-4034

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**Bureau of Labor and Industries**  
**Chapter 839**

**Stat. Auth.:** ORS 651.060(4), 652 & 653; Other Auth.: HB 3544, 2003  
**Stats. Implemented:** ORS 18.838, 652.150 & 653.261(1)  
**Proposed Adoptions:** 839-001-0200, 839-001-0490, 839-020-0027  
**Proposed Amendments:** 839-001-0420, 839-001-0470, 839-020-0030, 839-020-0115, 839-020-0125  
**Last Date for Comment:** 12-22-03

**Summary:** The proposed rules conform the agency's rules to the provisions of HB 3544 (2003 Legislature) relating to garnishment processing fees; penalty wage liability for failure to pay wages upon termination of employment; and special provisions for the payment of wages at termination for employees employed by businesses primarily engaged in the sale of motor vehicles and farm implements who are paid on a commission basis. The proposed rule revisions also

update examples in the division 020 rules to reflect increases in the minimum wage. (These revisions are "housekeeping" in nature.)

**Rules Coordinator:** Marcia Ohlemiller  
**Address:** Bureau of Labor and Industries, 800 NE Oregon St., # 32, Portland, OR 97232  
**Telephone:** (503) 731-4212

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**Stat. Auth.:** ORS 658.210; Other Auth.: SB 341, 2003  
**Stats. Implemented:** ORS 658.005 - 658.991  
**Proposed Adoptions:** 839-017-0500 - 839-017-0550  
**Proposed Amendments:** 839-017-0004 - 839-017-0477  
**Last Date for Comment:** 12-22-03

**Summary:** The proposed rules conform the agency's existing rules relating to Private Employment Agency matters to the provisions of SB 341 (2003 Legislature) pertaining to employment listing services. In addition to adopting the definition of "employment listing service" in SB 341, as required by the legislation, the proposed rules prescribe the terms of contracts that an employment listing service requires an individual who uses its services to sign; regulate the conditions by which fees may be charged by an employment listing service for its services; and prescribe the methods that an employment listing service uses to confirm and keep current the list of specified positions of employment available with an employer that the employment listing services provides to individuals.

**Rules Coordinator:** Marcia Ohlemiller  
**Address:** Bureau of Labor and Industries, 800 NE Oregon St., # 32, Portland, OR 97232  
**Telephone:** (503) 731-4212

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**Department of Administrative Services,**  
**Budget and Management Division**  
**Chapter 122**

**Stat. Auth.:** ORS 291.373  
**Stats. Implemented:** ORS 291.373(2)  
**Proposed Adoptions:** 122-040-0040, 122-040-0050, 122-040-0060  
**Last Date for Comment:** 12-23-03, 5 p.m.

**Summary:** This rule will allow the Department of Administrative Services to comply with state agency requirements for reporting of substantive program changes as required by ORS 291.373(2).

**Rules Coordinator:** Mary Unger  
**Address:** Department of Administrative Services, Budget and Management Division, 155 Cottage St. NE U90, Salem, OR 97301-3972  
**Telephone:** (503) 378-2349, ext. 320

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**Department of Administrative Services,**  
**Office of Business Administration**  
**Chapter 121**

**Stat. Auth.:** ORS 461.500 & 461.555; Other Auth.: OR Const., Article XV, § 4(4)(d)  
**Stats. Implemented:** HB 5067, 2003  
**Proposed Amendments:** 121-040-0010  
**Last Date for Comment:** 12-23-03

**Summary:** This rule establishes a process for allocating available moneys in the Administrative Services Economic Development Fund as directed by the 2003 House Bill 5067.

**Rules Coordinator:** Mary Unger  
**Address:** Department of Administrative Services, Office of Business Administration, 155 Cottage St. NE U90, Salem, OR 97301-3972  
**Telephone:** (503) 378-2349, ext. 320

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**Department of Agriculture**  
**Chapter 603**

Date:	Time:	Location:
1-6-04	11 a.m.	Agriculture Bldg. 635 Capitol St. NE Salem, OR

# NOTICES OF PROPOSED RULEMAKING

**Hearing Officer:** Ron McKay

**Stat. Auth.:** ORS 561.190

**Stats. Implemented:**

**Proposed Repeals:** 603-051-0801, 603-051-0802, 603-051-0810 - 603-051-0818, 603-051-0819 - 603-051-0829, 603-051-0950, 603-052-0325, 603-052-0326, 603-052-0327, 603-052-0331, 603-052-0332, 603-052-0333, 603-052-0335, 603-052-0340, 603-052-0345, 603-052-0349, 603-052-0400, 603-052-0425, 603-052-0810, 603-052-1000, 603-052-1010, 603-054-0010

**Last Date for Comment:** 1-13-04

**Summary:** The proposed action is to repeal all the rules listed which are believed to be obsolete. A detailed explanation is attached.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Sherry Kudna

**Address:** Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301-2532

**Telephone:** (503) 986-4619

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**Stat. Auth.:** ORS 561.190, 561.191, 561.400 & 568.900 - 568.933;  
Other Auth.: OAR 603-090

**Stats. Implemented:** ORS 568.900 - 568.933

**Proposed Adoptions:** 603-095-3800, 603-095-3820, 603-095-3840

**Last Date for Comment:** 12-5-03

**Summary:** This hearing notice is the second of two concerning this rulemaking action and relates to reopening the public comment period for the proposed adoption of new rules relating to the Klamath Headwaters Agricultural Water Quality Management Area. The first notice for this rulemaking action appeared in the October 2003 issue of the Secretary of State's Oregon Bulletin. In that notice, ODA announced that the closing date for public comment would be November 17, 2003, at 5 p.m.

By means of this notice, ODA notifies persons interested in the proposed rules that it is reopening the public comment period. ODA will accept public comments again for one business week, December 1, 2003 through December 5, 2003, at 5 p.m. In accordance with ORS 183.335(2)(b)(G), ODA explicitly requests comment on whether other options would be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

**Rules Coordinator:** Sherry Kudna

**Address:** Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301-2532

**Telephone:** (503) 986-4619

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**Stat. Auth.:** ORS 561.190

**Stats. Implemented:** ORS 183.341 & 183.355

**Proposed Amendments:** 603-001-0001

**Last Date for Comment:** 12-29-03

**Summary:** The proposed amendment is to clarify the procedures of the department when filing a temporary rule.

**Rules Coordinator:** Sherry Kudna

**Address:** Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301-2532

**Telephone:** (503) 986-4619

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**Department of Agriculture,  
Oregon Albacore Commission  
Chapter 972**

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
1-7-04	10 a.m.	Hatfield Marine Science Ctr. Rm. 3032 Newport, OR

**Hearing Officer:** Shirley Velazquez

**Stat. Auth.:** ORS 576 & OL 2003, Ch. 604; Other Auth.: OAR 972-001

**Stats. Implemented:** OL 2003, Ch. 604

**Proposed Adoptions:** 972-010-0030, 972-030-0010, 972-030-0020, 972-030-0030, 972-030-0040

**Last Date for Comment:** 1-7-04, close of hearing

**Summary:** These rules implement the provisions of 2003 Oregon Laws, Chapter 604 (SB 854) that relate to the number, term, qualifications, removal and other aspects of commodity commissioner appointment, service and removal, including the appointment of a public member. These rules may also address other organizational aspects of the commission and, where necessary may address the commission's assessment rate if necessary to meet the limits in 2003 Oregon Laws, Chapter 604 (section 39). In addition, these rules may include exemptions from assessments based on commodity quantities, types of commodity sale, or types of commodity producer. 2003 OR Laws Chapter 604 (section 9).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Shirley Velazquez

**Address:** Oregon Albacore Commission, 964 Central Ave., PO box 1160, Coos Bay, OR 97420

**Telephone:** (541) 267-5810

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**Department of Agriculture,  
Oregon Alfalfa Seed Commission  
Chapter 624**

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
1-7-04	11 a.m.	Malheur Co. Extension Office 710 SW 5th Ave. Ontario, OR 97914

**Hearing Officer:** Carl L. Hill

**Stat. Auth.:** ORS 576 & OL 2003, Ch. 604; Other Auth.: OAR 624-001

**Stats. Implemented:** OL 2003, Ch. 604

**Proposed Adoptions:** 624-030-0010, 624-030-0020, 624-030-0030, 624-030-0040, 624-010-0050

**Proposed Amendments:** 624-010-0000, 624-010-0030

**Last Date for Comment:** 1-7-04, close of hearing

**Summary:** These rules implement the provisions of 2003 Oregon Laws, Chapter 604 (SB 854) that relate to the number, term, qualifications, removal and other aspects of commodity commissioner appointment, service and removal, including the appointment of a public member. These rules may also address other organizational aspects of the commission and where necessary may address the commission's assessment rate, if necessary to meet the limits in 2003 Oregon Laws, Chapter 604 (section 39) and penalties for non-payment of assessment as stated in 2003 Oregon Laws, Chapter 604 (section 42). In addition, these rules may include a partial refund of assessment 2003 Oregon Laws, Chapter 604 (section 22).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Edith Kressly

**Address:** Department of Agriculture, Alfalfa Seed Commission, PO Box 688, Ontario, OR 97914

**Telephone:** (541) 881-1335

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**Department of Agriculture,  
Oregon Bartlett Pear Commission  
Chapter 606**

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
1-5-04	3 p.m.	4382 SE International Way Suite A Milwaukie, OR 97222-4635

**Hearing Officer:** Linda Bailey

**Stat. Auth.:** ORS 576 & OL 2003, Ch. 604; Other Auth.: OAR 606-001

**Stats. Implemented:** OL 2003, Ch. 604

**Proposed Adoptions:** 606-030-0010, 606-030-0020, 606-030-0030, 606-030-0040

# NOTICES OF PROPOSED RULEMAKING

**Proposed Amendments:** 606-010-0025

**Last Date for Comment:** 1-5-04, close of hearing

**Summary:** These rules implement the provisions of 2003 Oregon Laws, Chapter 604 (SB 854) that relate to the number, term, qualifications, removal and other aspects of commodity commissioner appointment, service and removal, including the appointment of a public member. These rules may also address other organizational aspects of the commission and, where necessary may address the commission's assessment rate if necessary to meet the limits in 2003 Oregon Laws, Chapter 604 (section 39) or penalties for non-payment of assessment as stated in 2003 Oregon Laws, Chapter 604 (section 42).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Linda Bailey

**Address:** Department of Agriculture, Bartlett Pear Commission, 4382 SE International Way - Suite A, Milwaukie, OR 97222-4635

**Telephone:** (503) 652-9720

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## Department of Agriculture, Oregon Beef Council Chapter 605

Date:	Time:	Location:
12-17-03	2 p.m.	1200 NW Naito Pkwy. Suite 290 Portland, OR 97209

**Hearing Officer:** Dianne Byrne Johnston

**Stat. Auth.:** ORS 576, 577 & OL 2003, Ch. 604; Other Auth.: OAR 605-001-0000

**Stats. Implemented:** ORS 577.220 - 577.250 & OL 2003, Ch. 604

**Proposed Adoptions:** 605-030-0010, 605-030-0020, 605-030-0030, 605-030-0040

**Last Date for Comment:** 12-17-03, close of hearing

**Summary:** These rules implement the provisions of 2003 Oregon Laws, Chapter 604 (SB 854) and ORS 577 that relate to the number, term, qualifications, removal and other aspects of commodity commissioner appointment, service and removal, including the appointment of a public member.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Dianne Byrne Johnston

**Address:** Department of Agriculture, Oregon Beef Council, 1200 NW Naito Pkwy - Suite 290, Portland, OR 97209

**Telephone:** (503) 274-2333

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## Department of Agriculture, Oregon Blueberry Commission Chapter 670

Date:	Time:	Location:
1-6-04	12 p.m.	North Willamette Research and Extension Center, Conference Rm. 15210 NE Miley Rd. Aurora, OR

**Hearing Officer:** Roy Malensky

**Stat. Auth.:** ORS 576 & OL 2003, Ch. 604; Other Auth.: OAR 670-001-0000

**Stats. Implemented:** OL 2003, Ch. 604

**Proposed Adoptions:** 670-030-0010, 670-030-0020, 670-030-0030

**Proposed Amendments:** 670-010-0020

**Last Date for Comment:** 1-6-04, close of hearing

**Summary:** These rules implement the provisions of 2003 Oregon Laws, Chapter 604 (SB 854) that relate to the number, term, qualifications, removal and other aspects of commodity commissioner appointment, service and removal, including the appointment of a public member. These rules may also address other organizational aspects of the commission.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Lisa Ostlund

**Address:** Department of Agriculture, Oregon Blueberry Commission, PO Box 3366, Salem, OR 97302

**Telephone:** (503) 364-2944

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## Department of Agriculture, Oregon Dairy Products Commission Chapter 617

Date:	Time:	Location:
12-18-03	10 a.m.	10505 SW Barbur Blvd. Portland, OR 97219

**Hearing Officer:** Sue Emerson

**Stat. Auth.:** ORS 576 & OL 2003, Ch. 604; Other Auth.: OAR 617-001, 617-010

**Stats. Implemented:** OL 2003, Ch. 604

**Proposed Adoptions:** 617-030-0010, 617-030-0020, 617-030-0030, 617-030-0040, 617-010-0090

**Last Date for Comment:** 12-18-03, close of hearing

**Summary:** These rules implement the provisions of 2003 Oregon Laws, Chapter 604 (SB 854) that relate to the number, term, qualifications, removal and other aspects of commodity commissioner appointment, service and removal, including the appointment of a public member. These rules may also address other organizational aspects of the commission and, where necessary may address the commission's assessment rate if necessary to meet the limits in 2003 Oregon Laws, Chapter 604 (section 39) or penalties for non-payment of assessment as stated in 2003 Oregon Laws, Chapter 604 (section 42). In addition, these rules may include exemptions from assessments based on commodity quantities, types of commodity sale, or types of commodity producer. 2003 OR Laws Chapter 604 (section 9).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Sheldon Pratt

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

**Telephone:** (503) 229-5033

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## Department of Agriculture, Oregon Dungeness Crab Commission Chapter 645

Date:	Time:	Location:
1-9-04	10 a.m.	Port of Charleston R.V. Park Rec. Room 63402 Kingfisher Lane Charleston, OR 97420

**Hearing Officer:** Shirley Velazquez

**Stat. Auth.:** ORS 576 & OL 2003, Ch. 604; Other Auth.: OAR 645-001

**Stats. Implemented:** OL 2003, Ch. 604

**Proposed Adoptions:** 645-030-0010, 645-030-0020, 645-030-0030, 645-030-0040

**Proposed Amendments:** 645-010-0020

**Last Date for Comment:** 1-9-04, close of hearing

**Summary:** These rules implement the provisions of 2003 Oregon Laws, Chapter 604 (SB 854) that relate to the number, term, qualifications, removal and other aspects of commodity commissioner appointment, service and removal, including the appointment of a public member. These rules may also address other organizational aspects of the commission and, where necessary may address the commission's assessment rate if necessary to meet the limits in 2003 Oregon Laws, Chapter 604 (section 39) or penalties for non-payment of assessment as stated in 2003 Oregon Laws, Chapter 604 (section 42). In addition, these rules may include an amendment to the Penalties rule to comply with Oregon Laws, Chapter 604 (section 42) and exemptions from assessments based on commodity quantities, types

# NOTICES OF PROPOSED RULEMAKING

of commodity sale, or types of commodity producer. 2003 OR Laws Chapter 604 (section 9).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Shirley Velazquez

**Address:** Oregon Dungeness Crab Commission, 964 Central Ave., PO Box 1160, Coos Bay, OR 97420

**Telephone:** (541) 267-5810

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## Department of Agriculture, Oregon Fryer Commission Chapter 620

Date:	Time:	Location:
12-22-03	9 a.m.	North Willamette Research and Extension Center Aurora, OR

**Hearing Officer:** Jeff Bradley

**Stat. Auth.:** ORS 576 & OL 2003, Ch. 604; Other Auth.: OAR 620

**Stats. Implemented:** OL 2003, Ch. 604

**Proposed Adoptions:** 620-030-0010, 620-030-0020, 620-030-0030, 620-030-0040, 620-010-0050

**Last Date for Comment:** 12-22-03, close of hearing

**Summary:** These rules implement the provisions of 2003 Oregon Laws, Chapter 604 (SB 854) that relate to the number, term, qualifications, removal and other aspects of commodity commissioner appointment, service and removal, including the appointment of a public member. These rules may also address other organizational aspects of the commission and, where necessary may address the commission's assessment rate if necessary to meet the limits in 2003 Oregon Laws, Chapter 604 (section 39). In addition, these rules may include exemptions from assessments based on commodity quantities, types of commodity sale, or types of commodity producer. 2003 OR Laws Chapter 604 (section 9).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Nicole Negulesco

**Address:** Department of Agriculture, Oregon Fryer Commission, 11220 SE Stark St. - Suite 12, Portland, OR 97216

**Telephone:** (503) 256-1151

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## Department of Agriculture, Oregon Grains Commission Chapter 679

Date:	Time:	Location:
1-7-04	10 a.m.	115 SE 8th Pendleton, OR

**Hearing Officer:** Richard Hemphill

**Stat. Auth.:** ORS 576 & OL 2003, Ch. 604; Other Auth.: OAR 679-001-0000, 679-001-0005 & 679-010-0010

**Stats. Implemented:** OL 2003, Ch. 604

**Proposed Adoptions:** 679-010-0050, 679-030-0010, 679-030-0020, 679-030-0030

**Proposed Amendments:** 679-010-0000, 679-010-0010, 679-010-0030

**Last Date for Comment:** 1-7-04

**Summary:** These rules implement the provisions of 2003 Oregon Laws, Chapter 604 (SB 854) that relate to the number, term, qualifications, removal and other aspects of commodity commissioner appointment, service and removal, including the appointment of a public member. These rules may also address other organizational aspects of the commission and, where necessary may address the commissions assessment rate if necessary to meet the limits in 2003 Oregon laws, Chapter 604 (section 39) or penalties for non-payment of assessment as stated in 2003 Oregon Laws, Chapter 604 (section 42). In addition, these rules may include exemptions from assessments based on commodity quantities, types of commodity sale, or types of commodity producer. 2003 Or. Laws Chapter 604 (section 9).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Tammy Dennee

**Address:** Department of Agriculture, Oregon Grains Commission, 115 SE 8th St., PO Box 1086, Pendleton, OR 97801

**Telephone:** (541) 276-7330

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## Department of Agriculture, Oregon Hop Commission Chapter 643

Date:	Time:	Location:
12-18-03	11:30 a.m.	Margaret's Place 4113 Church St. St. Paul, OR

**Hearing Officer:** Michelle L. Palacios

**Stat. Auth.:** ORS 576 & OL 2003, Ch. 604; Other Auth.: OAR 643-001

**Stats. Implemented:** OL 2003, Ch. 604

**Proposed Adoptions:** 643-010-0030, 643-030-0010, 643-030-0020, 643-030-0030, 643-030-0040

**Last Date for Comment:** 12-18-03, close of hearing

**Summary:** These rules implement the provisions of 2003 Oregon Laws, Chapter 604 (SB 854) that relate to the number, term, qualifications, removal and other aspects of commodity commissioner appointment, service and removal, including the appointment of a public member. These rules may also address other organizational aspects of the commission and, where necessary may address the commission's assessment rate if necessary to meet the limits in 2003 Oregon Laws, Chapter 604 (section 39) or penalties for non-payment of assessment as stated in 2003 Oregon Laws, Chapter 604 (section 42). In addition, these rules may include exemptions from assessments based on commodity quantities, types of commodity sale, or types of commodity producer. 2003 OR Laws Chapter 604 (section 9).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Michelle L. Palacios

**Address:** Department of Agriculture, Oregon Hop Commission, P.O. Box 9, 20209 Main St., St. Paul, OR 97137

**Telephone:** (503) 633-2922

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

Date:	Time:	Location:
1-5-04	11:30 a.m.	4000 Ag and Life Sciences Bldg. OSU Corvallis, OR

**Hearing Officer:** Mark Lewis

**Stat. Auth.:** ORS 576 & OL 2003, Ch. 604; Other Auth.: OAR 647-001-0000

**Stats. Implemented:** OL 2003, Ch. 604

**Proposed Adoptions:** 647-015-0010, 647-015-0020, 647-015-0030

**Proposed Amendments:** 647-010-0020

**Last Date for Comment:** 1-5-04, close of hearing

**Summary:** These rules implement the provisions of 2003 Oregon Laws, Chapter 604 (SB 854) that relate to the number, term, qualifications, removal and other aspects of commodity commissioner appointment, service and removal, including the appointment of a public member. The amendment to OAR 647-010-0020 addresses penalties for late payment of assessment as stated in 2003 Oregon Laws, Chapter 604 (section 42).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** John McCulley

# NOTICES OF PROPOSED RULEMAKING

**Address:** Department of Agriculture, Processed Vegetable Commission, PO Box 2042, Salem, OR 97308  
**Telephone:** (503) 370-7019

**Address:** Department of Agriculture, Sweet Cherry Commission, 2527 Reed Rd., Hood River, OR 97031  
**Telephone:** (541) 386-5761

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**Department of Agriculture,  
Oregon Sheep Commission  
Chapter 644**

**Date:** 12-22-03      **Time:** 10:30 a.m.      **Location:** Oregon Dept. of Agriculture  
Conf. Rm. B  
635 Capitol St. NE  
Salem, OR 97301

**Hearing Officer:** Cleve Dumdi  
**Stat. Auth.:** ORS 576 & OL 2003, Ch. 604; Other Auth.: OAR 644-001-0000  
**Stats. Implemented:** OL 2003, Ch. 604  
**Proposed Adoptions:** 644-030-0010, 644-030-0020, 644-030-0030, 644-030-0040  
**Proposed Amendments:** 644-010-0005, 644-010-0010, 644-010-0015, 644-010-0020, 644-010-0025  
**Last Date for Comment:** 12-22-03, close of hearing

**Summary:** These new and amended rules are necessary to conform with and implement the provisions of 2003 Oregon Laws, Chapter 604 (SB 854). The new rules under Division 30 relate to the number, term, qualifications, removal and other aspects of commodity commissioner appointment, service and removal, including the appointment of a public member. In addition, the proposed amendments implement the penalty provisions for non-payment of assessment as stated in 2003 Oregon Laws, Chapter 604 (section 42). The proposed amendments clarify the definition for "casual sales" based on commodity quantities, 2003 Oregon Laws Chapter 604 (section 39).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Richard Koesan  
**Address:** Department of Agriculture, Oregon Sheep Commission, 1270 Chemeketa St. NE, Salem, OR 97301  
**Telephone:** (503) 370-7024

.....  
**Department of Agriculture,  
Oregon Sweet Cherry Commission  
Chapter 669**

**Date:** 12-17-03      **Time:** 10 a.m.      **Location:** Hood River Extension Office  
2990 Experiment Station Dr.  
Hood River, OR

**Hearing Officer:** Bryce Molesworth  
**Stat. Auth.:** ORS 576 & OL 2003, Ch. 604; Other Auth.: ORS 576, 576.305 & OAR 669-001-0000  
**Stats. Implemented:** ORS 576.325 & OL 2003, Ch. 604  
**Proposed Adoptions:** 669-010-0050, 669-030-0010, 669-030-0020, 669-030-0030, 669-030-0040  
**Proposed Amendments:** 669-010-0015, 669-010-0020, 669-010-0025, 669-010-0030, 669-010-0040  
**Last Date for Comment:** 12-17-03, close of hearing

**Summary:** These rules implement the provisions of 2003 Oregon Laws, Chapter 604 (SB 854) that relate to the number, term, qualifications, removal and other aspects of commodity commissioner appointment, service and removal, including the appointment of a public member. These rules address other organizational aspects of the commission and increase the assessment rates for the 2004 crop year. In addition, these rules allow for the forgiveness of penalty charges by majority vote of the Commission after reviewing the explanation of why the payment was late. 2003 OR Laws Chapter 604 (section 42).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Dana Branson

.....  
**Department of Agriculture,  
Western Oregon Onion Commission  
Chapter 608**

**Date:** 12-15-03      **Time:** 5 p.m.      **Location:** Alpha Nursery Board Rm.  
5050 Hazelgreen Rd. NE  
Salem, OR

**Hearing Officer:** Bruce Andrews  
**Stat. Auth.:** ORS 576 & OL 2003, Ch. 604; Other Auth.: OAR 608-001

**Stats. Implemented:** OL 2003, Ch. 604  
**Proposed Adoptions:** 608-030-0010, 608-030-0020, 608-030-0030, 608-030-0040

**Proposed Amendments:** 608-010-0015, 608-010-0020

**Last Date for Comment:** 12-15-03, close of hearing

**Summary:** These rules implement the provisions of 2003 Oregon Laws, Chapter 604 (SB 854) that relate to the number, term, qualifications, removal and other aspects of commodity commissioner appointment, service and removal, including the appointment of a public member. These rules may also address other organizational aspects of the commission including payment of assessments and penalties for non-payment of assessment as stated in 2003 Oregon Laws, Chapter 604 (section 42).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Bruce Andrews  
**Address:** Department of Agriculture, Western Oregon Onion Commission, 3228 Journey Ct., West Linn, OR 97068  
**Telephone:** (503) 742-0160

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

**Date:** 12-16-03      **Time:** 9:30 a.m.      **Location:** 1535 Edgewater NW  
Salem, OR 97304

**Hearing Officer:** Richard Baumann  
**Stat. Auth.:** ORS 447.231, 447.247, 455.020, 455.030 & 455.110  
**Stats. Implemented:** ORS 447.247, 455.020, 455.030 & 455.110

**Proposed Amendments:** 918-460-0015

**Last Date for Comment:** 12-16-03, 5 p.m.

**Summary:** Re-adopts the amendments to the Oregon Structural Specialty Code that were effective October 1, 2003.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Louann P. Rahmig  
**Address:** Department of Consumer and Business Services, Building Codes Division, P.O. Box 14470, Salem, OR 97309  
**Telephone:** (503) 373-7438

.....  
**Date:** 12-16-03      **Time:** 10:30 a.m.      **Location:** 1535 Edgewater NW  
Salem, OR 97304

**Hearing Officer:** Richard Baumann  
**Stat. Auth.:** ORS 447.072 & 447.076

**Stats. Implemented:** ORS 447.072 & 447.076

**Proposed Adoptions:** 918-780-0035

**Last Date for Comment:** 12-16-03, 5 p.m.

**Summary:** Adopts criteria for allowing exemption from permits and inspections for minor plumbing repairs. Expands exemption to commercial and industrial properties.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Louann P. Rahmig

# NOTICES OF PROPOSED RULEMAKING

**Address:** Department of Consumer and Business Services, Building Codes Division, P.O. Box 14470, Salem, OR 97309  
**Telephone:** (503) 373-7438

\*\*\*\*\*

**Stat. Auth.:** ORS 455.842, 455.844 & 455.846  
**Stats. Implemented:** ORS 455.842, 455.844 & 455.846  
**Proposed Amendments:** 918-050-0010, 918-050-0020  
**Last Date for Comment:** 12-22-03, 5 p.m.  
**Summary:** Housekeeping changes needed as 2003 Senate Bill 906 eliminated the Tri-County Building Industry Service Board.  
**Rules Coordinator:** Louann P. Rahmig  
**Address:** Department of Consumer and Business Services, Building Codes Division, P.O. Box 14470, Salem, OR 97309  
**Telephone:** (503) 373-7438

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

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-22-03	9 a.m.	Labor & Industries Bldg. 350 Winter St. NE Conference Rm. F Salem, OR

**Hearing Officer:** Fred Bruyns  
**Stat. Auth.:** ORS 36.224 & 705.135; Other Auth.: Social Security Act, §466(a)(13)  
**Stats. Implemented:** ORS 18.902, 25.278, 36.224, 36.228, 36.230, 36.232, 705.135, OL 2003, Ch. 578 & 610  
**Proposed Adoptions:** 440-020-0010, 440-020-0015, 440-055-0008, 440-100-0010  
**Proposed Repeals:** 440-055-0000, 440-055-0005  
**Last Date for Comment:** 12-23-03  
**Summary:** OAR 440-020-0010, 440-020-0015 **Licensing:** ORS 25.785 requires the Department of Consumer and Business Services to record an applicant's social security number in order to issue or renew a license, permit or registration. These rules establish requirements and procedures for requiring an applicant to provide a social security number as well as establishing requirements for applicants who have not been issued a social security number by the United States Social Security Administration.

**OAR 440-055-0008 Confidentiality and Inadmissibility of Mediation Communications:** ORS 36.220 through 36.238 authorize state agencies to make mediation communications confidential. These statutes also allow agencies to limit the discovery and admissibility of mediation communications in subsequent proceedings. The Department of Justice has developed model rules regarding confidentiality and inadmissibility of mediation communications. The Department of Consumer and Business Services is proposing to adopt the model rule of the Department of Justice.

**OAR 440-055-0000 Authority for Rules and 440-055-0005 Applicability of Rule:** 440-055-0000 and 440-055-0005 are being repealed because they are unnecessary. The authority for and applicability of rules in OAR Chapter 440 Division 55 are included in OAR 440-055-0008 and OAR 440-055-0010.

**OAR 440-100-0010 Appeal Period after Garnishment Challenge Denied:** Establishes a deadline to request a contested case hearing when the Department of Consumer and Business Services denies a challenge to a garnishment proceeding for collection of an unpaid debt.

Address questions to: Myrna Curzon, Rules Coordinator; phone 503-947-7866; fax 503-947-6444; or e-mail myrna.curzon@state.or.us

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Myrna Curzon  
**Address:** Department of Consumer and Business Services, Director's Office, 350 Winter St. NE, Salem, OR 97301  
**Telephone:** (503) 947-7866

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

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-22-03	9:30 a.m.	HR E 350 Winter St. NE Salem, OR

**Hearing Officer:** Pat Locnikar  
**Stat. Auth.:** ORS 726.250  
**Stats. Implemented:** ORS 726.250  
**Proposed Adoptions:** 441-740-0030  
**Last Date for Comment:** 12-22-03  
**Summary:** This rule prescribes the books, records and documents to be submitted by each licensed pawnbroker to the director during any calendar year in which an examination is not conducted at the licensed location of the pawnbroker.  
*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Berri Leslie  
**Address:** Department of Consumer and Business Services, Finance and Corporate Securities, 350 Winter St. NE - Rm. 410, Salem, OR 97301-3881  
**Telephone:** (503) 947-7478

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

**Stat. Auth.:** ORS 422.807  
**Stats. Implemented:** ORS 422.800 - 422.807  
**Proposed Amendments:** 836-052-0700  
**Last Date for Comment:** 1-6-04  
**Summary:** This rulemaking proposes to amend the Insurance Division rule that adopts the Oregon Practitioner Credentialing Application and the Oregon Practitioner Recredentialing Application in order to incorporate recent changes recommended by the Advisory Committee on Physician Credentialing Information in the Office for Oregon Health Plan Policy and Research. The Applications allow collection of uniform information needed by health care service contractors to credential and recredential physicians seeking designation as participating providers for health plans. The Director of the Department of Consumer and Business Services and the Director of Human Services are required to adopt identical rules in a timely manner to carry out the recommendations.

The Oregon Practitioner Credentialing Application and the Oregon Practitioner Recredentialing Application with the recommended changes incorporated are available for review through the Insurance Division website at [www.oregoninsurance.org](http://www.oregoninsurance.org). Then click on "Laws, Rules and Bulletins." If you wish to have a paper copy of the applications, please call 503-947-7272.

**Rules Coordinator:** Sue Munson  
**Address:** Department of Consumer and Business Services, Insurance Division, 350 Winter St. NE - Room 440, Salem, OR 97301  
**Telephone:** (503) 947-7272

\*\*\*\*\*  
**Department of Consumer and Business Services,  
Minority, Women and Emerging Small Business  
Chapter 445**

**Stat. Auth.:** ORS 183.341 & 705.135; Other Auth.: ORS 183.335  
**Stats. Implemented:** ORS 200.005 - 200.055  
**Proposed Amendments:** 445-050-0005, 445-050-0020, 445-050-0030, 445-050-0040, 445-050-0050, 445-050-0060, 445-050-0080, 445-050-0090, 445-050-0155  
**Last Date for Comment:** 12-22-03  
**Summary:** OAR 445-050-0005(1): This rule is being amended to mirror the language used in 49 Code of Federal Regulations, chapter 26. The current language precludes individuals who are not Socially and Economically Disadvantaged from transferring or giv-



## NOTICES OF PROPOSED RULEMAKING

ing capital, tangible personal assets or expertise to an applicant who is applying for Disadvantaged Business Enterprise certification.

ORAR 445-050-0005(1)(b): This rule is being amended to mirror the language used in 49 Code of Federal Regulations, chapter 26. The current language states that a business must have adequate resources to perform work and does not allow for leasing of equipment as an option.

ORAR 445-050-0005(6)(a)(D)(E)(F): This rule is being amended to mirror the language used in 49 Code of Federal Regulations, chapter 26. Additional minority groups are included under the definition of "Minority".

ORAR 445-050-0005(12)(a)(b): These rules are being amended to list the current North American Industry Classification System size limits, averaged over the previous three fiscal years, for general contractors (from \$27,500,000 to \$28,500,000) and specialty contractors (from \$11,500,000 to \$12,000,000).

ORAR 445-050-0005(12)(c): Subparagraph (c) of this rule is being deleted and replaced. Rather than list engineering, surveying and architecture separately with a maximum of \$4,000,000 (the amounts actually vary between 4 and 6 million) these industries will be included in the code size standards for all other industries.

ORAR 445-050-0005(12)(c): The following paragraph replaces subparagraph (c). The new paragraph now states: For firms not included in subsections (a) and (b) - Small Business Administration (SBA) the North American Industry Classification System (NAICS) code size standard established under 13 CFR 121.

ORAR 445-050-0005(12)(d): This rule is being amended and subparagraph (e) now moves up as subparagraph (d). This rule clarifies that DBE firms must meet current SBA business size standard limits for each type of work not to exceed \$17,420,000. The rule remains the same for firms seeking MBE/WBE certification. They must meet the current SBA business size standard limit for a primary area of work. The firm's primary area of work is determined by percentage of income.

ORAR 445-050-0020(1)(h): This rule is being amended to mirror the language used in 49 Code of Federal Regulations, chapter 26. The current language states that a business must have sufficient machinery, equipment and employees to operate and does not allow for leasing of machinery, equipment, and employees as an option. The proposed rule allows leasing where a non-DBE firm, in a same or similar business, would do likewise.

ORAR 445-050-0030(4): The current rule states that the one or more Qualifying Individual(s) must have made a contribution of capital to the business. The new amended rule changes the word "capital" to "assets". The word "assets" is being used because it is more encompassing of potential contributions that Qualifying Individuals could make to a business. Expertise is an example of an asset contribution.

ORAR 445-050-0030(8): This rule is being amended by including new paragraph eight. It mirrors the federal DBE requirement that a business must have or lease sufficient machinery, equipment and employees to operate. This shows that a business is established and able to operate.

ORAR 445-050-0030(9): Qualifying Individuals must have training and experience in the field(s) of operation for which certification is sought. Amended language provides examples and separates construction from professional related activities. Amended subparagraph (9)(a) makes it a requirement that if licensing is required for the field in which the firm is requesting certification, the Qualifying Individual must hold the essential license.

ORAR 445-050-0040(1): This rule is being amended in compliance with 49 CFR, chapter 26. Businesses wishing to be certified as Disadvantaged Business Enterprises must complete the US DOT Uniform Certification Application. Additionally, a notice is being given to business owners that incomplete applications will be denied.

ORAR 445-050-0040(2): This amended rule lists a new mailing address for OMWESB. The new address is: P.O. Box 14480, Salem, OR 97309-0405.

ORAR 445-050-0050(1): This rule is amended and replaces paragraph (1). Certified businesses must use the current business name as registered with the Secretary of State Corporation Division for the OMWESB directory. If an assumed business name is used for contracting purposes, it must be written in conjunction with the registered business name.

ORAR 445-050-0050(2)(3): These rules are amended and move downward to paragraphs (2) and (3). The rules clarify that the OMWESB directory is maintained in an electronic format and available on-line. The directory will indicate the certification status of each firm. Additionally, OMWESB shall update the directory no less than on a quarterly basis.

ORAR 445-050-0060(4): This rule is amended and separates the requirement from DBE and MBE/WBE firms in the submission of an affidavit and federal tax information for one-year and two-year anniversaries of the certification date. This will be required of DBE firms only and MBE/WBE certified firms will be exempt.

ORAR 445-050-0080(4): This rule is amended and mirrors the federal language regarding the Federal and State of Oregon Freedom of Information and Privacy Acts regarding Third Party Complaints. The rule states that information concerning DBE, MBE, and WBE programs may be made available to the public if it is not prohibited by federal or state law. It also establishes that OMWESB may maintain the identity of complainants confidential throughout the course of Third Party Complaint investigations.

ORAR 445-050-0080(5): This rule is amended to include a preliminary investigative review prior to notifying a DBE/MBE/WBE of a Third Party Complaint. If the preliminary investigative results show good cause for in-depth investigation, OMWESB will notify the certified firm accordingly.

ORAR 445-050-0080(6): This amended rule provides hearing and appeal rights to DBE/MBE/WBE firms in situation where decertification is proposed as a result of a Third Party Complaint.

ORAR 445-050-0090(1): This rule is amended to allow a Third Party Challenge of DBE/MBE/WBE firms who are not only certified by also those who are seeking certification.

ORAR 445-050-0090(3)(d): This rule is amended by deleting the requirement of divulging the identity of the challenging party. That information will be protected if allowed by federal and state laws in reference to confidentiality, or may be divulged upon completion of the investigation.

ORAR 445-050-0090(4): This rule is amended and adds paragraph 4. This rule lists the steps OMWESB will take after the completion of a Third Party Challenge.

ORAR 445-050-0090(5): This rule is amended and adds paragraph 5.

ORAR 445-050-0090(6): This rule is amended and adds paragraph (6). The rule mirrors the federal language regarding the Federal and State of Oregon Freedom of Information and Privacy Acts. The rule states that information concerning DBE, MBE, and WBE programs may be made available to the public if it is not prohibited by federal or state law. It also establishes that OMWESB may maintain the identity of complainants confidential throughout the course of complaint investigations.

ORAR 445-050-0155(7)(a): This rule is amended and adds paragraph 7 and subparagraph (a). The rule mirrors the federal language regarding the Federal and State of Oregon Freedom of Information and Privacy Acts. The rule states that information concerning ESB complaints may be made available to the public if it is not prohibited by federal or state law. It also establishes that OMWESB may maintain the identity of complainants confidential throughout the course of complaint investigations.

**Rules Coordinator:** Gabriel M. Silva

**Address:** Department of Consumer and Business Services, Office for Minority, Women and Emerging Small Business, 350 Winter St. NE, Salem, OR 97309

**Telephone:** (503) 947-7948

# NOTICES OF PROPOSED RULEMAKING

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

**Date:** 12-17-03      **Time:** 9:30 a.m.      **Location:** Labor & Industries Bldg.  
Second Fl., Rm. 260  
350 Winter St. NE  
Salem, OR 97301-3882

**Hearing Officer:** Marilyn Schuster  
**Stat. Auth.:** ORS 654.025(2) & 656.726(4)  
**Stats. Implemented:** ORS 654.001 - 654.295  
**Proposed Adoptions:** 437-003-1754  
**Proposed Amendments:** 437-003-0001  
**Proposed Repeals:** 437-003-0754, 437-003-1760  
**Last Date for Comment:** 12-19-03

**Summary:** The Department of Consumer and Business Services was directed to change its steel erection rules by the 2003 Legislature's House Bill 3010, which amended ORS 654.035. OR-OSHA can not require the use of fall protection by workers engaged in steel erection at heights lower than the heights at which fall protection relating to steel erection is required by federal regulation. Oregon OSHA proposes to adopt, amend, and repeal rules in Division 3/R, Construction/Steel Erection to comply with this ORS amendment.

Please visit our web site for the text of proposed changes: [www.orosha.org](http://www.orosha.org)  
*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**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 Environmental Quality  
Chapter 340**

**Date:** 12-16-03      **Time:** 6 p.m.      **Location:** Jackson Co. Courthouse  
Auditorium  
10 South Oakdale  
Medford, OR

**Hearing Officer:** David Collier  
**Stat. Auth.:** ORS 468A.035; Other Auth.: OAR 340-200-0040  
**Stats. Implemented:**  
**Proposed Amendments:** 340-200-0040, 340-204-0010, 340-204-0030, 340-204-0040, 340-222-0041, 340-222-0042, 340-224-0060, 340-225-0020, 340-225-0045, 340-225-0090, 340-240-0030, 340-240-0100, 340-240-0110, 340-240-0120, 340-240-0130, 340-240-0140, 340-240-0150, 340-240-0180, 340-240-0190, 340-240-0200, 340-240-0210, 340-240-0220, 340-240-0230, 340-240-0240, 340-240-0270

**Last Date for Comment:** 12-31-03, 5 p.m.  
**Summary:** The Oregon Department of Environmental Quality (DEQ) is proposing to revise the PM<sub>10</sub> attainment plan and establish a PM<sub>10</sub> maintenance plan for the Medford-Ashland Air Quality Maintenance Area (AQMA). The combined attainment and maintenance plan will demonstrate that the AQMA has met, and will continue to meet, National Ambient Air Quality Standards (NAAQS) for PM<sub>10</sub> through at least the year 2015. The Department is also proposing amendments to air quality rules affecting new and expanding major industrial sources in the AQMA. The plan is supporting rule amendments will be presented for adoption to the Environmental Quality Commission (EQC) as an amendment to the State Implementation Plan (SIP), as required by the Clear Air Act (amends OAR 340-200-0040). If approved by the EQC, DEQ will submit the plans to the Environmental Protection Agency (EPA) for approval with a request that the legal status of the AQMA be revised from nonattainment to attainment for PM<sub>10</sub>.

To submit comments or request additional information, please contact David Collier at the Department of Environment Quality (DEQ), 811 SW 6th Ave., Portland, OR 97204, toll free in Oregon at 800-452-4011 or (503) 229-5177, [collier.david@deq.state.or.us](mailto:collier.david@deq.state.or.us). Fax: (503) 229-5675, or visit DEQ's website <http://www.deq.state.or.us/news/index.asp>

All comments are due to DEQ by 5 p.m., Wednesday, December 31, 2003. DEQ cannot consider comments from any party received after the deadline for public comment.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Rachel Sakata  
**Address:** Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204  
**Telephone:** (503) 229-5659

\*\*\*\*\*

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
1-5-04	3-5 p.m.	DEQ NWR Office 2020 SW 4th Portland, OR
1-6-04	1-3 p.m.	Eugene Public Library 100 W 13th Eugene, OR
1-6-04	6-8 p.m.	City Council Bldg. 101 NW A St. Grants Pass, OR
1-7-04	10 a.m.-12 p.m.	North Bend Public Library 1800 Sherman Ave. North Bend, OR
1-12-04	11 a.m.-1 p.m.	Bend DEQ 2146 NE 4th St. #104 Bend, OR
1-12-04	6-8 p.m.	Harney Co. Courthouse 450 N. Buena Vista Burns, OR
1-13-04	1-3 p.m.	Pendleton Conv. Center 1601 Westgate #1 Pendleton, OR

**Hearing Officer:** Loretta Pickerell, Randy Trox, Chuck Costanzo, Del Cline, Bob Baggett, DEQ Staff

**Stat. Auth.:** ORS 454.625, 468.020 & 468.065  
**Stats. Implemented:** ORS 183,335, 454.275, 454.305, 454.605, 454.610, 454.615, 454.625, 454.655, 454.657, 454.660, 454.662, 454.665, 454.685, 454.695, 454.725, 454.745, 454.755, 468.035, 468.045, 468.065, 468.070, 468B.010, 468B.015, 468B.020, 468B.050, 468B.055 & 468B.080

**Proposed Adoptions:** 340-071-0131, 340-071-0135, 340-071-0650

**Proposed Amendments:** 340-071-0100, 340-071-0110, 340-071-0115, 340-071-0120, 340-071-0130, 340-071-0140, 340-071-0150, 340-071-0155, 340-071-0160, 340-071-0162, 340-071-0165, 340-071-0170, 340-071-0175, 340-071-0185, 340-071-0195, 340-071-0200, 340-071-0205, 340-071-0210, 340-071-0215, 340-071-0220, 340-071-0260, 340-071-0265, 340-071-0270, 340-071-0275, 340-071-0280, 340-071-0285, 340-071-0290, 340-071-0295, 340-071-0302, 340-071-0310, 340-071-0315, 340-071-0320, 340-071-0325, 340-071-0330, 340-071-0335, 340-071-0340, 340-071-0345, 340-071-0360, 340-071-0400, 340-071-0401, 340-071-0410, 340-071-0415, 340-071-0420, 340-071-0425, 340-071-0430, 340-071-0435, 340-071-0440, 340-071-0445, 340-071-0460, 340-071-0500, 340-071-0520, 340-071-0600, 340-073-0025, 340-073-0026, 340-073-0030, 340-073-0035, 340-073-0040, 340-073-0041, 340-073-0045, 340-073-0050, 340-073-0055, 340-073-0056, 340-073-0060, 340-073-0065, 340-073-0070, 340-073-0075, 340-073-0080, 340-073-0085

**Proposed Repeals:** 340-071-0300, 340-071-0450

**Last Date for Comment:** 1-15-04, 5 p.m.

**Summary:** The Department of Environmental Quality (DEQ) is proposing rule changes in OAR chapter 340, divisions 071 and 073 to

# NOTICES OF PROPOSED RULEMAKING

streamline the state's onsite wastewater management program. Proposed changes will allow more alternative treatment technologies to be used in Oregon, simplify permitting for onsite systems using alternative technologies, provide third-party certification of onsite system installers and service providers, change from annual to multi-year licenses for onsite system installers and pumpers, update technical requirements for onsite systems, and make the rules consistent with current practices and more readable. Fee changes are also proposed to implement these program improvements. More specifically, the following are included among the proposed changes:

- Streamline the permitting and approval process for onsite systems.

Establish standards for onsite systems using alternative treatment technologies (ATTs), including criteria for approving and listing ATTs. Apply the existing fee for approval of other innovative technologies for listing ATTs.

Repeal standards for aerobic treatment units (ATUs), which may be permitted under the new ATT standard.

Allow four types of alternative systems to be constructed under construction-installation (CI) permits instead of the more complex Water Pollution Control Facility (WPCF) permits: recirculating gravel filters (RGFs), commercial sand filters (CSFs), ATTs, and holding tanks (HTs). Add categories for these systems to existing CI-permit and annual reporting fees.

- Repeal the process for permitting experimental systems, which will be permitted as ATTs or through a revised innovative technology approval process.

- Reduce the fee for renewing authorizations for hardship exceptions for temporary dwellings.

- Establish a new flat fee for major repair permits for commercial systems to replace the existing fee structure. (Flat fee will be lower for a few commercial systems and the same for all other systems.)

- Modify the fee categories for the annual compliance determination fee for onsite systems under WPCF permits. (Fees will be lower for a few systems and the same for all others.)

- Repeal a redundant site evaluation fee for variances in designated rural areas.

- Revise technical requirements for onsite systems to improve performance and make the requirements more workable.

- Require the owner of real property served by an onsite system using alternative treatment technologies to have the system evaluated before transferring the property.

- Clarify the process DEQ uses to approve innovative technologies, materials, and designs for onsite systems.

- Lengthen from 1 to 3 years the term of the license required for persons who install and pump onsite systems and adjust the annual fees for the new 3-year license to accommodate this shift. Increase the amount of the surety bond required for each license.

- Authorize DEQ to implement a program to certify onsite system installers and alternative system service providers through agreement with another governmental entity (e.g., a community college). Require alternative systems service providers to be certified and establish a deadline for becoming certified. Establish a new surcharge on each certification to fund DEQ's oversight of the certification program.

To submit comments or request additional information, please contact Uri Papish at the Department of Environmental Quality (DEQ), 811 SW Sixth Avenue, Portland, OR 97204, toll free in Oregon at 800-452-4011 or 503-229-5013, e-mail [papish.uri@deq.state.or.us](mailto:papish.uri@deq.state.or.us), fax 503-229-6037, or DEQ's website <http://www.deq.state.or.us/news/index.asp>

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Rachel Sakata

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

**Telephone:** (503) 229-5659

## Department of Fish and Wildlife Chapter 635

**Date:** 1-9-04  
**Time:** 8 a.m.  
**Location:** ODFW Commission Rm.  
3406 Cherry Ave. NE  
Salem, OR 97303

**Hearing Officer:** Fish and Wildlife Commission

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

**Stats. Implemented:** ORS 496.138, 496.146, 496.162 & 498.172(2)

**Proposed Amendments:** Rules in 635-050

**Last Date for Comment:** 1-9-04

**Summary:** As required by ORS 498.172(2), amend rules to define "regular basis" trap check requirements for predatory animals. This will include definitions of different trap types. Housekeeping and technical corrections to the rules may occur to ensure rule consistency.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Mike Lueck

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

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

\*\*\*\*\*

**Date:** 1-9-04  
**Time:** 8 a.m.  
**Location:** ODFW Commission Rm.  
3406 Cherry Ave. NE  
Salem, OR

**Hearing Officer:** Fish and Wildlife Commission

**Stat. Auth.:** ORS 506.119

**Stats. Implemented:** ORS 506.109 & 506.720

**Proposed Amendments:** 635-006-0232

**Last Date for Comment:** 1-9-04

**Summary:** Amend rules to establish the average market value of food fish species used to determine damages for commercial fishing violations during the upcoming year.

Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Mike Lueck

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

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

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## Department of Human Services, Departmental Administration and Medical Assistance Programs Chapter 410

**Date:** 12-19-03  
**Time:** 10:30 a.m.-12 p.m.  
**Location:** Rm. 352  
500 Summer St. NE  
Salem, OR

**Hearing Officer:** Darlene Nelson

**Stat. Auth.:** ORS 409.010 & 409.110

**Stats. Implemented:** ORS 414.065

**Proposed Amendments:** 410-141-0480, 410-141-0500, 410-141-0520

**Last Date for Comment:** 12-19-03, 5 p.m.

**Summary:** The Oregon Health Plan waiver identifies covered services based on the prioritized list of condition/treatment pairs (List) prepared by the Health Services Commission. The New List became legally effective under state law on October 1, 2003, however, the federal waiver conditions required approval from Centers for Medicare and Medicaid Services (CMS). The new List was submitted to CMS for approval on or before August 1, 2003 for implementation on October 1, 2003, but CMS had not yet granted approval in time for standard rule filing. Therefore, September 2, 2003, DHS temporarily amended rules 410-141-0480, 410-141-0500 and 410-

## NOTICES OF PROPOSED RULEMAKING

141-0520 to maintain the coverage provided by the former List pending CMS approval of the new list. In addition, these rules were temporarily amended to make changes in the List pending CMS approval in order to comply with federal requirements related to medical codes based on the Health Insurance Portability and Accountability Act. This is Notice to permanently amend the rules.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Darlene Nelson

**Address:** Department of Human Services, Departmental Administration and Medical Assistance Programs, 500 Summer St. NE, E35, Salem, OR 97301

**Telephone:** (503) 945-6927

\*\*\*\*\*

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-19-03	10:30 a.m.-12 p.m.	Rm. 352 500 Summer St. NE Salem, OR

**Hearing Officer:** Darlene Nelson

**Stat. Auth.:** ORS 409.010 & 409.110

**Stats. Implemented:** ORS 414.065

**Proposed Amendments:** 410-120-1295

**Last Date for Comment:** 12-19-03, 5 p.m.

**Summary:** The General Rules program Administrative Rules govern the Office of Medical Assistance Programs (OMAP) payment for services provided to clients. SB 5548 adjusts the budget for the Department of Human Services (DHS) through fund shifts, program reductions and restoration of some services reduced as part of the budget reductions from House Bill 5100 (2002 fifth special session). DHS is authorized to provide State-funded reimbursement for limited prescription drugs to "certain individuals previously participating in the Medically Needy program and receiving prescription drugs to support organ transplants and remediate HIV-positive symptoms." Qualified individuals identified with specific health related conditions as outlined in the committee report for Senate Bill 5548, will be eligible for a State-funded limited prescription drug benefit. The program was originally funded through June 30, 2003 with an extension until December 31, 2003. This program is being extended until the Department obtains approval from the Centers for Medicare and Medicaid Services (CMS), for a new program to replace this State-funded only program. This approval is expected for January 1, 2004 effective date.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Darlene Nelson

**Address:** Department of Human Services, Departmental Administration and Medical Assistance Programs, 500 Summer St. NE, E35, Salem, OR 97301

**Telephone:** (503) 945-6927

\*\*\*\*\*

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-19-03	10:30 a.m.-12 p.m.	Rm. 352 500 Summer St. NE Salem, OR

**Hearing Officer:** Darlene Nelson

**Stat. Auth.:** ORS 409.010 & 409.110

**Stats. Implemented:** ORS 414.065

**Proposed Amendments:** 410-125-0141, 410-125-0181, 410-125-0195

**Last Date for Comment:** 12-19-03, 5 p.m.

**Summary:** The Hospital Services administrative rules govern Office of Medical Assistance Programs (OMAP) payment to providers for services provided to clients. Rules 410-125-0141, 410-125-0181 and 410-125-0195 are being revised to reinstate the hospital reimbursement rate in effect prior to March 2003. Rules 410-125-0181 and 410-125-0195 will be revised to reinstate rates for outpatient services. OAR 410-125-0141 has two components; reinstatement of DRG hospital rate and the reinstatement of outlier payments to all

hospitals for all clients. Implementation of the outlier reinstatement is contingent upon CMS approval.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Darlene Nelson

**Address:** Department of Human Services, Departmental Administration and Medical Assistance Programs, 500 Summer St. NE, E35, Salem, OR 97301

**Telephone:** (503) 945-6927

\*\*\*\*\*

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-19-03	10:30 a.m.-12 p.m.	Rm. 352 500 Summer St. NE Salem, OR

**Hearing Officer:** Darlene Nelson

**Stat. Auth.:** ORS 409.010 & 409.110

**Stats. Implemented:** ORS 414.065

**Proposed Amendments:** 410-127-0080

**Last Date for Comment:** 12-19-03, 5 p.m.

**Summary:** The Home Health Services program administrative rules govern Office of Medical Assistance Programs (OMAP) payments for products and services provided to clients. OAR 410-127-0080 is being amended to centralize prior/payment authorizations of home health services.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Darlene Nelson

**Address:** Department of Human Services, Departmental Administration and Medical Assistance Programs, 500 Summer St. NE, E35, Salem, OR 97301

**Telephone:** (503) 945-6927

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<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-19-03	10:30 a.m.-12 p.m.	Rm. 352 500 Summer St. NE Salem, OR

**Hearing Officer:** Darlene Nelson

**Stat. Auth.:** ORS 409.010 & 409.110

**Stats. Implemented:** ORS 414.065

**Proposed Amendments:** 410-131-0160

**Last Date for Comment:** 12-19-03, 5 p.m.

**Summary:** The Physical and Occupational Therapy Services program administrative rules govern Office of Medical Assistance Programs (OMAP) payments for products and services provided to clients. OAR 410-131-0160 is being amended to centralize prior/payment authorizations of Physical and Occupational Therapy Services.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Darlene Nelson

**Address:** Department of Human Services, Departmental Administration and Medical Assistance Programs, 500 Summer St. NE, E35, Salem, OR 97301

**Telephone:** (503) 945-6927

\*\*\*\*\*

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-19-03	10:30 a.m.-12 p.m.	Rm. 352 500 Summer St. NE Salem, OR

**Hearing Officer:** Darlene Nelson

**Stat. Auth.:** ORS 409.010 & 409.110

**Stats. Implemented:** ORS 414.065

**Proposed Amendments:** 410-132-0100

**Last Date for Comment:** 12-19-03, 5 p.m.

**Summary:** The Private Duty Nursing Services program administrative rules govern Office of Medical Assistance Programs (OMAP) payments for services provided to clients. OAR 410-132-0100 is being amended to centralize prior/payment authorizations of private duty nursing services.

# NOTICES OF PROPOSED RULEMAKING

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Darlene Nelson

**Address:** Department of Human Services, Departmental Administration and Medical Assistance Programs, 500 Summer St. NE, E35, Salem, OR 97301

**Telephone:** (503) 945-6927

\*\*\*\*\*  
**Department of Human Services,  
Public Health  
Chapter 333**

Date:	Time:	Location:
12-30-03	3:30 p.m.	800 NE Oregon St. Suite 918 Portland, OR 97232

**Hearing Officer:** Jana Fussell

**Stat. Auth.:** ORS 431.120(6) & 442.315

**Stats. Implemented:** ORS 431.120(6) & 442.315

**Proposed Amendments:** 333-560-0010

**Proposed Repeals:** 333-635-0000, 333-635-0010, 333-635-0020, 333-635-0030

**Last Date for Comment:** 12-30-03, 3:30 p.m.

**Summary:** OAR 333-560-0010 would be amended to allow for a limited number of freestanding hospice facilities to receive a certificate of need under the abbreviated review process. OAR 333-635-0000, OAR 333-635-0010, OAR 333-635-0020 and OAR 333-635-0030 constitute Division 635, Demonstration of Need for Hospice Beds. These rules would be repealed.

The aforementioned rule changes were previously filed with the Administrative Rules Unit as a Permanent Administrative Rule Filing July 3, 2002. There was a technical deficiency with the first filing as the required filing with Legislative Counsel was not timely.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Christina Hartman

**Address:** Department of Human Services, Public Health, 800 NE Oregon St., Portland, OR 97232

**Telephone:** (503) 731-4000, ext. 822

\*\*\*\*\*  

Date:	Time:	Location:
12-17-03	9 a.m.	800 NE Oregon St. Rm. 120B Portland, OR 97232

**Hearing Officer:** Jana Fussell

**Stat. Auth.:** ORS 446.425, 448.100 & 624.510; Other Auth.: HB 3156, 2003

**Stats. Implemented:** ORS 446.425, 448.100 & 624.510

**Proposed Adoptions:** 333-012-0053, 333-012-0061, 333-012-0063, 333-012-0067

**Proposed Amendments:** 333-012-0050, 333-012-0055, 333-012-0057, 333-012-0060, 333-012-0065, 333-012-0070

**Last Date for Comment:** 12-22-03

**Summary:** The passage of HB 3156 made substantial changes to the restaurant licensing and inspection programs and created the Food-borne Illness Prevention Program. To implement the statutory changes, the administrative rules that establish standards under which Local Health Departments implement the food, pool and tourist facility programs must be amended.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Christina Hartman

**Address:** Department of Human Services, Public Health, 800 NE Oregon St., Portland, OR 97232

**Telephone:** (503) 731-4000, ext. 822

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**Stat. Auth.:** ORS 291.003, 431.110, 431.250 & 409.600; Other Auth.: 7 CFR 246.12, 7 CFR 278.6, 7 CFR 15, 15a & 15b

**Stats. Implemented:** ORS 409.600

**Proposed Adoptions:** 333-054-0100

**Proposed Amendments:** 333-054-0000, 333-054-0010, 333-054-0020, 333-054-0030, 333-054-0040, 333-054-0050, 333-054-0060, 333-054-0070

**Proposed Repeals:** 333-054-0090

**Last Date for Comment:** 12-21-03

**Summary:** Retroactively adopts rules that were previously submitted to the Secretary of State's office on December 24, 2002. The previously submitted rule changes included recommendations by USDA to delete some Type 2 state violations that are covered under Type 3 federally mandated violations. Rule changes outlined acceptable parameters on the use of state and federally protected acronyms and logos and retention of WIC shopper information. Under those rules, Oregon WIC vendors must be authorized with the Food Stamp Program, conduct all WIC transactions at the store location, and carry a minimum stock requirement at all times.

Excepting one new rule regarding the effective date, these rules are identical to the rules previously filed with the Secretary of State on December 24, 2002.

**Rules Coordinator:** Christina Hartman

**Address:** Department of Human Services, Public Health, 800 NE Oregon St., Portland, OR 97232

**Telephone:** (503) 731-4000, ext. 822

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**Stat. Auth.:** ORS 813.160 & 830.535; Other Auth.: HB 2157, 2003

**Stats. Implemented:**

**Proposed Repeals:** 333-013-0006, 333-013-0026

**Last Date for Comment:** 12-31-03

**Summary:** Repeal 333-013-0006, Laboratory Methods and 333-013-0026, Methods of Chemical Analysis, in response to HB 2157. Since 1987, analysis of a person's blood for alcohol content while driving or boating, had to be performed by a method approved by the Department of Human Services (DHS). DHS will no longer be involved in maintaining and updating rules related to blood alcohol methods. Effective January 1, 2004 a blood alcohol test will be valid under ORS 813.300, if it is performed in a laboratory certified or accredited under the Clinical Laboratory Improvement Amendments (CLIA) for toxicology testing, a laboratory licensed under ORS 438.110 and approved for toxicology testing, or a forensic laboratory established by the Department of State Police under ORS 181.080 that is accredited by a national forensic accrediting organization.

**Rules Coordinator:** Christina Hartman

**Address:** Department of Human Services, Public Health, 800 NE Oregon St., Portland, OR 97232

**Telephone:** (503) 731-4000, ext. 822

\*\*\*\*\*  
**Department of Human Services,  
Self-Sufficiency Programs  
Chapter 461**

Date:	Time:	Location:
12-23-03	10 a.m.	Rm. 225 500 Summer St. NE Salem, OR

**Hearing Officer:** Annette Tesch

**Stat. Auth.:** ORS 411.060, 414.042 & 414.047; Other Auth.: Oregon's Health Insurance Flexibility and Accountability (HIFA)/ Section 1115 demonstration, the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services

**Stats. Implemented:** ORS 411.060, 414.042 & 414.047

**Proposed Amendments:** 461-115-0705, 461-120-0345, 461-135-1120

**Last Date for Comment:** 12-23-03

**Summary:** Rule 461-115-0705 is being amended to clarify that the verification requirements for OHP also include the need to verify eligibility for benefits through an Indian Health Program for persons who want to be exempt from paying OHP premiums.

# NOTICES OF PROPOSED RULEMAKING

Rule 461-120-0345 is being amended to clarify that persons eligible for benefits through an Indian Health Program are exempt from the requirement to cooperate in determining eligibility for the Family Health Insurance Assistance Program as a client of the Oregon Health Plan.

Rule 461-135-1120 is being amended to clarify that persons eligible for benefits through an Indian Health Program are exempt from the requirement to pay premiums under the OHP-OPU program of the Oregon Health Plan.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Annette Tesch

**Address:** Department of Human Services, Self-Sufficiency Programs, 500 Summer St. NE, E48, Salem, OR 97301-1066

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

.....  
**Department of Human Services,  
Vocational Rehabilitation Services  
Chapter 582**

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-17-03	3 p.m.	Human Services Bldg. Room #252 500 Summer St. NE Salem, OR

**Hearing Officer:** Robert Tractenberg

**Stat. Auth.:** ORS 344.530; Other Auth.: 29 U.S.C. 722(d) & 34 CFR 361.13(c)(iii)

**Stats. Implemented:** ORS 344.530 & 344.550

**Proposed Adoptions:** 582-010-0030

**Proposed Amendments:** 582-010-0005, 582-010-0010, 582-010-0015, 582-010-0020, 582-010-0025, 582-070-0020, 582-080-0020, 582-085-0020

**Last Date for Comment:** 12-22-03

**Summary:** These amendments clarify that contractors providing vocational rehabilitation services such as assessment, job development, job placement, and job coaching must provide proof of required insurance, submit a signed Statement of Assurances and Conditions, clear any applicable criminal history check, and be placed on the OVRs vendor list. The amendments clarify that these contractors must qualify under state and federal law as independent contractors, or non-profit or for-profit organizations, or sole proprietorships with employees/contractors. The amendments centralize placement on the approved vendor list, clarify duration of approval, and establish the process for denial and termination of approved status. Contractors receiving less than \$5000 in funds are no longer exempt from certain requirements through an interim approval, including purchase of business liability insurance and, if transporting clients, purchase of \$1 million personal injury automobile insurance. Insurance requirements are extended to peer mentors. Interim approval is only available to agencies awaiting accreditation that meet other requirements. The amendments clarify performance expectations and prohibited conduct. The amendments clarify distinctions between regulations applying to treatment professionals, employment professionals, and other vendors.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Robert Trachtenberg

**Address:** Department of Human Services, Vocational Rehabilitation Services, 500 Summer St. NE E-87, Salem, OR 97301-1120

**Telephone:** (503) 945-6734

.....  
**Department of Justice  
Chapter 137**

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-16-03	10 a.m.	1035 SE Douglas Roseburg, OR 97470
12-17-03	10 a.m.	1515 SW 5th Ave. Suite 410 Portland, OR 97201

**Hearing Officer:** Ross Laybourn

**Stat. Auth.:** ORS 464.250(1)(a), 464.250(g) & 464.250(3)

**Stats. Implemented:** SB 716, 2003

**Proposed Adoptions:** Rules in 137-025

**Proposed Amendments:** 137-025-0020, 137-025-0180

**Last Date for Comment:** 12-24-03

**Summary:** Adopts/amends rules to implement 2003 legislation authorizing linked progressing bingo games. Any newly adopted rules will be added to OAR 137-025.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Carol Riches

**Address:** Department of Justice, 1162 Court St. NE, Salem, OR 97305

**Telephone:** (503) 378-6313

.....  
**Date:** 12-22-03  
**Time:** 10 a.m.-12 p.m.  
**Location:** Robertson II  
Conference Rm. D  
Salem, OR

**Hearing Officer:** Blake Underwood

**Stat. Auth.:** ORS 279.011, 279.015, 279.027, 279.049 & 351.086; Other Auth.: HB 3476 (OL 2003, ch. 562) & HB 3422 (OL 2003, ch. 535)

**Stats. Implemented:** ORS 279.011, 279.015, 279.027, 279.049 & 351.086

**Proposed Adoptions:** 137-040-0565

**Proposed Amendments:** 137-040-0017, 137-040-0500, 137-040-0510, 137-040-0520, 137-040-0550, 137-040-0560

**Last Date for Comment:** 12-22-03

**Summary:** An "energy savings performance contract" is a public contract between a public agency and a qualified energy service company for the identification, evaluation, recommendation, design and construction of energy conservation measures, including a design-build contract, that guarantee safe energy savings or performance. The adopted and amended rules under OAR Chapter 137, Division 40 are to be used by all public contracting agencies to govern the procedures for entering into energy savings performance contracts.

OAR 137-040-0017 was amended by temporary rule effective on August 1, 2003, to implement statutory changes in first-tier subcontractor disclosure applicable to certain competitively bid public improvement contracts. This model public contract rule amendment would make those temporary rule changes permanent, effective as of January 1, 2004.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Carol Riches

**Address:** Department of Justice, 1162 Court St. NE, Salem, OR 97301

**Telephone:** (503) 378-6313

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

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-15-03	1:30 p.m.	4760 Portland Rd. NE Salem, OR

**Hearing Officer:** John Caul

**Stat. Auth.:** ORS 476.030, 480.127, 480.130, 480.150 & 480.165; Other Auth.: ORS 476.030, 480.127, 480.130, 480.150 & 480.165

**Stats. Implemented:** ORS 480.110 - 480.165

**Proposed Amendments:** 837-012-0530, 837-012-0625, 837-012-0645, 837-012-0720, 837-012-0750, 837-012-0830, 837-012-0850

**Last Date for Comment:** 12-15-03, 5 p.m.

**Summary:** The 2001 legislature developed a budget note of instruction to be used by the Office of the State Fire Marshal to jointly form a work group to identify how other states fund fire programs, evaluate viable alternative ways to appropriately enhance the amount of

# NOTICES OF PROPOSED RULEMAKING

revenue available to fund Oregon's fire programs; and develop fire program funding recommendations. As a result, the recommendation was made by work group and subsequently the Governor's Fire Service Policy Council to increase fireworks fees to make the fireworks program a self-supporting fee based program. At this time, the existing fees are inadequate to fund the fireworks program. This fee increase will add additional funding necessary to support this program. These rules are proposed to be amended to increase fireworks permit fees approximately \$55,000 for the 2003-2005 biennium.

Other rule revisions include an amendment to change the minimum 50 feet distance between fireworks retail sales outlets and fireworks being discharged will be increased to a minimum of 100 feet. This distance change will bring the administrative rules in alignment with the fire code requirements, and is supported by the Retail Fireworks Advisory Committee. Other revisions include changes to definitions, general housekeeping, and clarification of language.

**Rules Coordinator:** Glen Andreassen  
**Address:** Oregon State Police, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305  
**Telephone:** (503) 373-1540, ext. 210

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Date:	Time:	Location:
12-15-03	2:30 p.m.	4760 Portland Rd. NE Salem, OR

**Hearing Officer:** John Caul  
**Stat. Auth.:** ORS 476.030, 480.420, 480.436, 480.440 & 480.450  
**Stats. Implemented:** ORS 480.410 - 480.460 & 480.990(6)  
**Proposed Amendments:** 837-030-0130, 837-030-0220, 837-030-0230, 837-030-0240, 837-030-0250, 837-030-0280  
**Last Date for Comment:** 12-15-03, 5 p.m.

**Summary:** The 2003 Legislative session passed HB 2248, which has a fiscal impact on the liquefied petroleum gas industry in Oregon. HB 2248 increased certain liquefied petroleum gas fees, added two fees and reduced one fee. These fees, effective January 1, 2004, are in conflict with the currently adopted administrative rules. Temporary rules are now in effect to delete the fees currently referenced in administrative rule.

This revised fee structure was developed and passed with a partnership between the liquefied petroleum gas industry, hearth products industry, and the Office of State Fire Marshal.

Additionally, a minor change to OAR 837-030-0130 will be made to indicate the State Fire Marshal's adoption of NFPA 2001 Edition, rather than the 1998 Edition as currently referred to in OAR 837-030-0130(3). This housekeeping item does not affect a fiscal impact.

**Rules Coordinator:** Glen Andreassen  
**Address:** Oregon State Police, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305  
**Telephone:** (503) 373-1540, ext. 210

\*\*\*\*\*

Date:	Time:	Location:
12-15-03	3:30 p.m.	4760 Portland Rd. NE Salem, OR

**Hearing Officer:** John Caul  
**Stat. Auth.:** ORS 476.030, 480.225, 480.230, 480.235, 480.239, 480.244, 480.270, 480.275, 480.280 & 480.290  
**Stats. Implemented:** ORS 480.200 - 480.290 & 480.990(6)  
**Proposed Amendments:** 837-012-1210, 837-012-1220, 837-012-1230, 837-012-1260, 837-012-1290, 837-012-1300, 837-012-1320, 837-012-1340

**Last Date for Comment:** 12-15-03, 5 p.m.  
**Summary:** The 2001 legislature developed a budget note of instruction to be used by the Office of State Fire Marshal to jointly form a work group to identify how other states fund fire programs, evaluate viable alternative ways to appropriately enhance the amount of revenue available to fund Oregon's fire programs; and develop fire program funding recommendations. As a result, the recommendation was made by work group and subsequently the Governor's Fire Service Policy Council to increase program fees to make the explosives

program a self-supporting fee based program. At this time, the existing fees are inadequate to fund the explosives program. This fee increase will add additional funding necessary to support this program. These rules are proposed to be amended to increase explosives program fees approximately \$12,500 for the 2003-2005 biennium.

Other rule revisions include an amendment to adopt the current edition of the National Fire Association Standard Explosives Material Code 495.

**Rules Coordinator:** Glen Andreassen  
**Address:** Oregon State Police, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305  
**Telephone:** (503) 373-1540, ext. 210

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## Department of Public Safety Standards and Training Chapter 259

**Stat. Auth.:** ORS 181.640  
**Stats. Implemented:** ORS 181.640  
**Proposed Amendments:** 259-008-0070  
**Last Date for Comment:** 12-26-03

**Summary:** Clarifies language regarding time period for requesting hearing as a result of revocation or denial of certification; add language from statute regarding Court of Appeal rights and when an individual may reapply for certification.

Rule can be viewed at DPSST web site: [www.dpsst.state.or.us](http://www.dpsst.state.or.us).

**Rules Coordinator:** Mary Gaines  
**Address:** Department of Public Safety Standards and Training, 550 N Monmouth Ave., Monmouth, OR 97304  
**Telephone:** (503) 378-2100, ext. 2367

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**Stat. Auth.:** ORS 181.640  
**Stats. Implemented:**  
**Proposed Amendments:** 259-009-0062  
**Last Date for Comment:** 12-26-03

**Summary:** Requires fire service professionals to complete annual maintenance training to maintain certification(s); defines process for reinstating certifications after a lapse in service; sets minimum passing score for testing at 70 percent; requires DPSST to certify only content level courses every 5 years; requires instructors teaching certified courses to be certified every 5 years; requires accreditation agreements be reviewed every 3 years; housekeeping changes.

Rule can be viewed at DPSST web site: [www.dpsst.state.or.us](http://www.dpsst.state.or.us).

**Rules Coordinator:** Mary Gaines  
**Address:** Department of Public Safety Standards and Training, 550 N Monmouth Ave., Monmouth, OR 97304  
**Telephone:** (503) 378-2100, ext. 2367

\*\*\*\*\*

**Stat. Auth.:** ORS 181.640  
**Stats. Implemented:**  
**Proposed Adoptions:** 259-009-0065  
**Proposed Amendments:** 259-009-0005, 259-009-0010, 259-009-0062, 259-009-0067, 259-009-0080, 259-009-0085, 259-009-0087  
**Last Date for Comment:** 12-26-03

**Summary:** Requires fire service professionals to complete annual maintenance training to maintain certification(s); defines process for reinstating certifications after a lapse in service; sets minimum passing score for testing at 70 percent; requires DPSST to certify only content level courses every 5 years; requires instructors teaching certified courses to be certified every 5 years; requires accreditation agreements be reviewed every 3 years; housekeeping changes.

Rule can be viewed at DPSST web site: [www.dpsst.state.or.us](http://www.dpsst.state.or.us).

**Rules Coordinator:** Mary Gaines  
**Address:** Department of Public Safety Standards and Training, 550 N Monmouth Ave., Monmouth, OR 97304  
**Telephone:** (503) 378-2100, ext. 2367

# NOTICES OF PROPOSED RULEMAKING

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

**Date:** 1-7-04  
**Time:** 9 a.m.  
**Location:** ODOT Bldg.  
Rm. 122  
355 Captiol St. NE  
Salem, OR

**Hearing Officer:** Liz Woods

**Stat. Auth.:** ORS 184.616, 184.619, 807.050, 807.150 & 807.400  
**Stats. Implemented:** ORS 807.050, 807.062, 807.110, 807.150, 807.160, 807.220, 807.230, 807.280 & 807.400

**Proposed Amendments:** 735-062-0020, 735-062-0030

**Last Date for Comment:** 1-9-04

**Summary:** These rules outline acceptable proof of an applicant's identity, age and residence address when applying to DMV for an original, renewal or duplicate driver permit, driver license or identification card. Because of the tremendous problem identity theft and use of fraudulently obtained documents present nationwide, including a threat to the nation's security, and because a driver license or identification card are the primary forms of identification, these proposed rule amendments are intended to provide DMV with the documentation necessary to verify the identity, age and residence address of a person issued a driver permit, driver license or identification card.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.odot.state.or.us/rules/>

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Brenda Trump

**Address:** Department of Transportation, Driver and Motor Vehicle Services Division, 1905 Lana Ave. NE, Salem, OR 97314

**Telephone:** (503) 945-5278

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**Stat. Auth.:** ORS 184.616, 184.619, 809.480 & 809.605  
**Stats. Implemented:** ORS 807.240, 807.270, 809.480, 809.600(2) & 809.605

**Proposed Amendments:** 735-064-0220

**Last Date for Comment:** 1-9-04

**Summary:** ORS 809.605 requires DMV to adopt rules specifying which traffic offenses count for the purpose of determining that a person is a habitual offender under ORS 809.600(2). By administrative rule, those offenses are used to determine who qualifies for DMV's Driver Improvement programs, and whether a person has violated the terms of a hardship or probationary permit or has committed a serious traffic violation while operating a commercial motor vehicle. OAR 735-064-0220 specifies those traffic offense convictions DMV will use for the above described purposes. The 2003 Legislature enacted several bills that create new traffic offenses or amend current traffic offense statutes. The proposed amendments to OAR 735-064-0220 revise the list of traffic offenses to implement these legislative changes. Section (3) of the rule is being amended to clarify that the DMV may use the AAMVAnet Code Dictionary (ACD) code when posting convictions received from other states or jurisdictions and updates the references of equivalent Oregon traffic offenses based upon the new legislation.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.odot.state.or.us/rules/>

**Rules Coordinator:** Brenda Trump

**Address:** Department of Transportation, Driver and Motor Vehicle Services Division, 1905 Lana Ave. NE, Salem, OR 97314

**Telephone:** (503) 945-5278

## Department of Transportation, Highway Division Chapter 734

**Stat. Auth.:** ORS 184.616, 184.619 & 818.220  
**Stats. Implemented:** ORS 818.200 & 818.220  
**Proposed Adoptions:** 734-082-0080  
**Last Date for Comment:** 1-9-04

**Summary:** Current over-dimensional variance permit rules do not establish criteria for emergency issuance of authority when an emergency occurs requiring the movement of an oversize load at a time when a written permit cannot be issued. Such movements may occur on a weekday after hours, a weekend or a holiday. The rule is necessary to establish a process to ensure that when an emergency does exist, issuance of authority is handled in a consistent manner, authorization is clearly documented, and there is a follow-up by the motor carrier to order the written permit on the next business day.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.odot.state.or.us/rules/>

**Rules Coordinator:** Brenda Trump

**Address:** Department of Transportation, Highway Division, 1905 Lana Ave. NE, Salem, OR 97314

**Telephone:** (503) 945-5278

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## Department of Veterans' Affairs Chapter 274

**Date:** 12-17-03  
**Time:** 1:30-3 p.m.  
**Location:** Oregon Veterans' Home  
700 Veterans Dr.  
The Dalles, OR

**Hearing Officer:** Charles E. Gehley

**Stat. Auth.:** ORS 406.030, 406.050, 408.365, 408.368, 408.370, 408.510, 408.520 & 408.530

**Stats. Implemented:** ORS 174.105, 406.030, 406.040, 406.050, 408.365, 408.368 & 408.370

**Proposed Amendments:** 274-040-0015, 274-040-0030

**Proposed Repeals:** 274-040-0015(T), 274-040-0030(T)

**Last Date for Comment:** 12-21-03

**Summary:** OAR 274-040-0015 and 274-040-0030 are being amended and supersede the Temporary Rule, filed on November 14, 2003.

274-040-0015(3) is being amended to further clarify the guidelines regarding admission to the Oregon Veterans' Home (OVH). The admission priority process which is currently based solely on the date of completed application is being amended to include the level of care requirements that the OVH Contractor's staff can legally meet at the time of admission.

The Oregon Veterans' Home (OVH) has been approved for Medicaid certification and is eligible to participate in the Medicaid program. This rule is being amended to include Medicare and Medicaid as additional sources of revenue/income when determining to whom the Covered Care Program account is available.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Charles E. Gehley

**Address:** Department of Veterans' Affairs, 700 Summer St. NE, Salem, OR 97310

**Telephone:** (503) 373-2141

\*\*\*\*\*

## Employment Department Chapter 471

**Date:** 12-17-03  
**Time:** 11 a.m.  
**Location:** Employment Dept.  
Auditorium  
875 Union NE  
Salem, OR 97311

**Hearing Officer:** Richard Luthé

**Stat. Auth.:** OL 2003, Ch. 75, Sec. 10 (HB 2526)



# NOTICES OF PROPOSED RULEMAKING

**Stats. Implemented:** OL 2003, Ch. 75, Sec. 10 (HB 2526)

**Proposed Amendments:** 471-060-0005

**Last Date for Comment:** 12-17-03, 5 p.m.

**Summary:** The Employment Department, Office of Administrative Hearings, is proposing to amend the "Request for Change of Hearing Officer" rule to clarify that the term "hearing officer" is being replaced with the term "administrative law judge" to reflect the official change that occurred due to the passage of HB 2526. This rule revision will also change the title of the rule from "Request for Change of Hearing Officer" to "Request for Change of Administrative Law Judge."

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Richard L. Luthe

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

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

.....

Date:	Time:	Location:
12-17-03	9:30 a.m.	Employment Dept. Auditorium 875 Union NE Salem, OR 97311

**Hearing Officer:** Richard Luthe

**Stat. Auth.:** ORS 657.610

**Stats. Implemented:** ORS 657.176 & OL 2003, Ch. 792 (SB 916)

**Proposed Adoptions:** 471-030-0125

**Proposed Repeals:** 471-030-0130, 471-030-0135, 471-030-0140, 471-030-0145

**Last Date for Comment:** 12-17-03, 5 p.m.

**Summary:** The Employment Department is proposing to adopt a new rule to consolidate existing "Drug and Alcohol" rules into a single section; to clarify current practices; and to address changes to ORS 657.176 as a result of the passage of SB 916 (Chapter 972, Oregon Laws 2003).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Richard L. Luthe

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

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

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Date:	Time:	Location:
12-17-03	8 a.m.	Employment Dept. Auditorium 875 Union NE Salem, OR 97311

**Hearing Officer:** Richard Luthe

**Stat. Auth.:** ORS 657.610

**Stats. Implemented:** ORS 657.665

**Proposed Adoptions:** 471-010-0057

**Proposed Amendments:** 471-010-0050, 471-010-0051, 471-010-0054

**Last Date for Comment:** 12-17-03, 5 p.m.

**Summary:** The Employment Department is proposing to adopt a new rule regarding audit authority and written agreements with entities having access to Employment Department information; and to amend existing rules reflect updated definitions and practices; and to bring them into compliance with HB 3200 (Chapter 773, Oregon Laws 2003); HB 3120 (Chapter 749, Oregon Laws 2003).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Richard L. Luthe

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

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

## Employment Department, Child Care Division Chapter 414

Date:	Time:	Location:
12-17-03	1 p.m.	Employment Dept. Auditorium 875 Union NE Salem, OR 97311

**Hearing Officer:** Richard Luthe

**Stat. Auth.:** ORS 657 & 657A

**Stats. Implemented:** ORS 657.610, 657A.010, 657A.260, 657A.280 & HB 2191 (Ch. 293, OL 2003)

**Proposed Amendments:** 414-150-0055, 414-150-0080, 414-150-0120, 414-300-0000, 414-300-0005, 414-350-0010, 414-500-0030

**Last Date for Comment:** 12-17-03, 5 p.m.

**Summary:** The Employment Department, Child Care Division, is updating rules in OAR Chapter 414 to comply with changes to ORS Chapter 657A made by the legislature in HB 2191 (Chapter 293, Oregon Laws 2003).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Richard L. Luthe

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

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

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Date:	Time:	Location:
12-17-03	4 p.m.	Employment Dept. Auditorium 875 Union NE Salem, OR 97311

**Hearing Officer:** Richard Luthe

**Stat. Auth.:** ORS 657 & 657A

**Stats. Implemented:** ORS 657.610, 657A.260, 657A.280 & HB 2325 (OL 2003, Ch. 547)

**Proposed Amendments:** 414-300-0010, 414-300-0180, 414-300-0190, 414-300-0200, 414-300-0210, 414-300-0280, 414-300-0360, 414-350-0020, 414-350-0210, 414-350-0235

**Last Date for Comment:** 12-17-03, 5 p.m.

**Summary:** The Employment Department, Child Care Division, is updating rules in OAR Chapter 414 to comply with changes to ORS Chapter 700 made by the legislature in HB 2325 (Chapter 547, Oregon Laws 2003).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Richard L. Luthe

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

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

.....

Date:	Time:	Location:
12-17-03	2:30 p.m.	Employment Dept. Auditorium 875 Union NE Salem, OR 97311

**Hearing Officer:** Richard Luthe

**Stat. Auth.:** ORS 657 & 657A

**Stats. Implemented:** ORS 657.610, 657A.010, 657A.260, 657A.280, 657.330 & SB 534 (OL 2003, Ch. 366)

**Proposed Amendments:** 414-205-0000, 414-350-0010

**Last Date for Comment:** 12-17-03, 5 p.m.

**Summary:** The Employment Department, Child Care Division, is updating rules in OAR Chapter 414 to comply with changes to ORS Chapter 657A made by the legislature in HB 534 (Chapter 366, Oregon Laws 2003).

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Richard L. Luthe

# NOTICES OF PROPOSED RULEMAKING

**Address:** Employment Department, Child Care Division, 875 Union St. NE, Salem, OR 97311  
**Telephone:** (503) 947-1724

.....  
**Landscape Architect Board**  
**Chapter 804**

**Date:** 2-13-04      **Time:** 1 p.m.      **Location:** 1193 Royvonne SE Board Rm. A Salem, OR 97302

**Hearing Officer:** Staff  
**Stat. Auth.:** ORS 671

**Stats. Implemented:** ORS 671.395

**Proposed Amendments:** 804-030-0010

**Last Date for Comment:** 2-13-04

**Summary:** These rules establish requirements for continuing education of landscape architects licensed in Oregon.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Leslie Clement

**Address:** Landscape Architect Board, 1193 Royvonne Ave SE Suite 19, Salem, OR 97302

**Telephone:** (503) 589-0093

.....  
**Oregon Department of Education**  
**Chapter 581**

**Date:** 12-16-03      **Time:** 3 p.m.      **Location:** Public Service Bldg. Rm. 251-A 255 Capitol St. NE Salem, OR

**Hearing Officer:** Mike Reed

**Stat. Auth.:** ORS 326.051

**Stats. Implemented:** ORS 337.035

**Proposed Adoptions:** 581-011-0150

**Last Date for Comment:** 12-16-03

**Summary:** Changes in statutes and recordkeeping have changed the methods the court enters and seals certain records. This change helps define what a conviction is and how out-of-state records will be considered in Oregon.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Debby Ryan

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

**Telephone:** (503) 378-3600, ext. 2348

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

**Date:** 12-18-03      **Time:** 11 a.m.      **Location:** Boardroom PERS Headquarters 11410 SW 68th Pkwy. Tigard, OR

**Hearing Officer:** Yvette Elledge

**Stat. Auth.:** ORS 238.650

**Stats. Implemented:** ORS 238.105 & 243.800

**Proposed Repeals:** 459-005-0320

**Last Date for Comment:** 12-31-03

**Summary:** ORS 243.800 provides for an Optional Retirement Plan (ORP) in which certain higher education employees can participate instead of PERS. The statute provides that the ORP is administered by the State Board of Higher Education. This rule was being amended to conform to the new definition of "vesting" under HB 2003. At the request of the Oregon University System (OUS), however, staff has instead reconsidered the need for this rule at all. As the rule pertains to administration of the ORP, staff concurs with OUS that this

rule should be repealed instead of amended. The ORP's administrators should more properly develop rules pertaining to that plan.

A copy of the proposed rule is available to any person upon request. The rule is also available at <http://www.pers.state.or.us/>. Public comment may be mailed to the above address or sent via email to [yvette.s.elledge@state.or.us](mailto:yvette.s.elledge@state.or.us)

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Yvette S. Elledge

**Address:** Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281-3700

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

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**Date:** 12-16-03      **Time:** 6:30 p.m.      **Location:** Boardroom PERS Headquarters 11410 SW 68th Pkwy. Tigard, OR

**Hearing Officer:** Yvette Elledge

**Stat. Auth.:** ORS 238.650 & OL 2003, Ch. 733

**Stats. Implemented:** OL 2003, Ch. 733

**Proposed Adoptions:** 459-075-0150

**Last Date for Comment:** 1-30-04

**Summary:** A new administrative rule is needed to implement and clarify the service credit provisions of Enrolled HB 2020, which establishes the Oregon Public Service Retirement Plan (OPSRP). OAR 459-075-0150 is a new rule addressing the accrual of service credit under the OPSRP Pension Program. Section (1) of the rule implements HB 2020 subsection 11(2), which grants service credit for the six-month period of employment required for membership in the program. This section also clarifies that the amount of credit awarded for this period will be determined in accordance with the general provisions governing accrual of service credit. Sections (2) and (3) of the rule implement subsection 11(5) of HB 2020, which governs prorated service credit to school employees.

A copy of the proposed rule is available to any person upon request. The rule is also available at <http://www.pers.state.or.us/>. Public comment may be mailed to the above address or sent via email to [yvette.s.elledge@state.or.us](mailto:yvette.s.elledge@state.or.us)

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Yvette S. Elledge

**Address:** Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281-3700

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

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**Oregon Student Assistance Commission,**  
**Office of Degree Authorization**  
**Chapter 583**

**Date:** 1-9-04      **Time:** 10:20-10:30 a.m.      **Location:** 1500 Valley River Dr. Suite 100 Eugene, OR 97401

**Hearing Officer:** Brian Clem, Commission Chair

**Stat. Auth.:** ORS 348.594 & 348.606

**Stats. Implemented:** ORS 348.594, 348.603, 348.606 & 348.612

**Proposed Amendments:** 583-030-0021, 583-030-0030, 583-030-0045

**Last Date for Comment:** 1-9-04

**Summary:** Clarifies jurisdiction of Private Career Schools office. Permits payment of ODA fees over time. Clarifies conditions under which ODA will use a hearing officer.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Susan Taylor

**Address:** Student Assistance Commission, Office of Degree Authorization, 1500 Valley River Dr. #100, Eugene, OR 97401

**Telephone:** (541) 687-7443

# NOTICES OF PROPOSED RULEMAKING

## Oregon Youth Authority Chapter 416

**Stat. Auth.:** ORS 420A.025

**Stats. Implemented:** ORS 192 & 419A.255

**Proposed Adoptions:** 416-105-0000, 416-105-0010, 416-105-0020, 416-105-0030, 416-105-0040

**Last Date for Comment:** 1-2-04

**Summary:** This rule is being adopted and will include language from OAR Chapter 416, Division 110. Division 110 is being repealed and renumbered as Division 105. Language has also been added to define "authorized representative." Agency name changes will be adopted, language changes from "shall" to "will," and minor grammatical errors will be corrected. The OYA is aligning its rules to more closely follow its policies and procedures. Interested persons may request a copy of the proposed rule from Kimberly Walker, OYA Rules/Policy Coordinator, 530 Center Street, Suite 200, Salem, OR 97301; 503-378-3864.

**Rules Coordinator:** Kimberly Walker

**Address:** Oregon Youth Authority, 530 Center St. NE - Suite 200, Salem, OR 97301

**Telephone:** (503) 378-3864

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**Stat. Auth.:** ORS 420A.025

**Stats. Implemented:**

**Proposed Repeals:** 416-110-0000, 416-110-0010, 416-110-0020, 416-110-0030

**Last Date for Comment:** 1-2-04

**Summary:** This rule is being repealed in its entirety. The language will be adopted in a new division number. The OYA is aligning its rules to more closely follow its policies and procedures. Interested persons may request a copy of the current rule from Kimberly Walker, OYA Rules/Policy Coordinator, 530 Center Street, Suite 200, Salem, OR 97301; 503-378-3864.

**Rules Coordinator:** Kimberly Walker

**Address:** Oregon Youth Authority, 530 Center St. NE - Suite 200, Salem, OR 97301

**Telephone:** (503) 378-3864

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## Public Utility Commission Chapter 860

Date:	Time:	Location:
12-16-03	1:30 p.m.	Public Utility Commission Valley Conf. Rm., 2nd Fl. 550 Capitol St. NE Salem, OR

**Hearing Officer:** Kathryn Logan

**Stat. Auth.:** ORS 183.35 & OL 2003, Ch. 234

**Stats. Implemented:** OL 2003, Ch. 234

**Proposed Adoptions:** 860-012-0100, 860-012-0190

**Last Date for Comment:** 12-21-03

**Summary:** The Oregon Legislative Assembly enacted OR Laws 2003, Ch. 234 (Senate Bill 205). This law provides for a program by which intervenors participating in certain Commission regulatory proceedings can receive financial assistance. This statute authorizes the Commission to approve written agreements for intervenor funding grants between electric and natural gas utilities and organizations representing broad customer interests. Proposed OAR 860-012-0100, details the requirements for an intervenor to be certified as eligible for an intervenor funding grant. Proposed OAR 860-012-0190, explains how and why certification could be canceled and the consequences of such action.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Lauri Salsbury

**Address:** Public Utility Commission of Oregon, 550 Capitol St. NE, Suite 215, Salem, OR 97301-2551

**Telephone:** (503) 378-4372

**Stat. Auth.:** ORS 183, 756, 757 & 759; Other Auth.: 47 USC § 224(c)(3)(B)(ii)

**Stats. Implemented:** ORS 756.040, 757.270 - 757.290, 759.045 & 759.650 - 759.675

**Proposed Adoptions:** 860-028-0195

**Last Date for Comment:** 12-21-03

**Summary:** Section 224 of the Telecommunications Act of 1996 provides that a state must take final action on a pole attachment complaint within 180 days after the complaint is filed unless rules and regulations of the state prescribe a time period, not exceeding 360 days, for responding to such complaints. Oregon currently has no rules or regulations that prescribe a time period for responding to such complaints.

The Commission has received a number of complex pole attachment complaints that will require more than 180 days to complete. In order to adequately review these and other pole attachment complaints, the extended time provided for in the Telecommunications Act is required.

The proposed rule requires the Commission to issue a final order in any pole attachment complaint within 360 days of the filing of such complaint. This rule will allow time for the Commission to sufficiently review pole attachment complaints while issuing a final order within the time frame prescribed by the FCC.

**Rules Coordinator:** Lauri Salsbury

**Address:** Public Utility Commission of Oregon, 550 Capitol St. NE, Suite 215, Salem, OR 97301-2551

**Telephone:** (503) 378-4372

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**Stat. Auth.:** ORS 183, 756 & 757

**Stats. Implemented:** ORS 98.316, 756.040, 756.105, 756.310, 756.320, 756.500, 756.512, 757.005 - 757.495, 757.542 - 757.562, 757.760, 757.755 & 759.650 - 759.675

**Proposed Adoptions:** 860-037-0067, 860-037-0101, 860-037-0307, 860-037-0517, 860-037-0567

**Proposed Amendments:** 860-037-0001, 860-037-0005, 860-037-0010, 860-037-0015, 860-037-0020, 860-037-0025, 860-037-0030, 860-037-0035, 860-037-0040, 860-037-0045, 860-037-0050, 860-037-0055, 860-037-0060, 860-037-0065, 860-037-0070, 860-037-0075, 860-037-0080, 860-037-0105, 860-037-0110, 860-037-0115, 860-037-0120, 860-037-0125, 860-037-0205, 860-037-0210, 860-037-0215, 860-037-0220, 860-037-0225, 860-037-0230, 860-037-0235, 860-037-0240, 860-037-0245, 860-037-0310, 860-037-0405, 860-037-0410, 860-037-0415, 860-037-0425, 860-037-0430, 860-037-0435, 860-037-0440, 860-037-0445, 860-037-0450, 860-037-0505, 860-037-0510, 860-037-0515, 860-037-0520, 860-037-0525, 860-037-0530, 860-037-0535, 860-037-0540, 860-037-0545, 860-037-0550, 860-037-0555, 860-037-0560, 860-037-0565, 860-037-0605, 860-037-0610, 860-037-0615, 860-037-0625, 860-037-0630

**Proposed Repeals:** 860-037-0315, 860-037-0305

**Last Date for Comment:** 12-21-03

**Summary:** AR 405 is a general rulemaking in the Wastewater Administrative Rules, OAR Chapter 860, Division 037. The purpose of the rulemaking is to modify and clarify language in the existing rules, update the Commission's telephone numbers and address, and implement five new rules. Three new rules are the result of recommendations made by the Water Issues Steering Committee in its report to the Commission, August 2002. The new rules are: compliance enforcement by regent appointment, acquisition adjustments, and accounting treatment of Contributions In Aid of Construction, wastewater disposal, and wastewater service charges. AR 405 also includes housekeeping changes.

AR 405 repeals two rules: The first rule is a service territory rule that is not applicable to wastewater utilities. The second rule is a customer service credit for inadequate wastewater service. This rule is replaced with 2003 new legislation (HB 2227) that authorizes PUC to directly fine wastewater companies up to \$500 for inadequate service.

**Rules Coordinator:** Lauri Salsbury

# NOTICES OF PROPOSED RULEMAKING

**Address:** Public Utility Commission of Oregon, 550 Capitol St. NE, Suite 215, Salem, OR 97301-2551  
**Telephone:** (503) 378-4372

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**Real Estate Agency**  
**Chapter 863**

**Stat. Auth.:** ORS 185.335, 696.385, 696.578, 696.581 & 696.541  
**Stats. Implemented:** ORS 105.475, 696.581, 696.535, 696.578, 696.541 & 696.525

**Proposed Adoptions:** 863-050-0000, 863-050-0040  
**Proposed Amendments:** 863-050-0015, 863-050-0020, 863-050-0025, 863-050-0050, 863-050-0055, 863-050-0060, 863-050-0065, 863-050-0100, 863-050-0115, 863-050-0150  
**Proposed Repeals:** 863-050-0108, 863-050-0110  
**Last Date for Comment:** 12-21-03

**Summary:** In accordance with the Governor's directive to eliminate unnecessary regulation and to streamline the regulatory process, these proposed administrative rules eliminate redundant and unnecessary regulations. The Real Estate Commissioner consulted with committees consisting of persons representing escrow agents throughout the state to obtain public views that assisted the agency in drafting the proposed rules dealing with such issues as (including, but not limited to) reconciliation of interest-bearing accounts, electronic storage of documents and streamlining the provisions for audit and internal controls.

**Rules Coordinator:** Brian DeMarco  
**Address:** Real Estate Agency, 1177 Center St. NE, Salem, OR 97301-2505  
**Telephone:** (503) 378-4170, ext. 237

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**Secretary of State,**  
**Elections Division**  
**Chapter 165**

Date:	Time:	Location:
12-23-03	9-9:30 a.m.	Rm. 257 State Capitol Bldg. Salem, OR 97301

**Hearing Officer:** Brenda Bayes  
**Stat. Auth.:** ORS 246.150, 254.465 & 254.470  
**Stats. Implemented:** ORS 254.465 & 254.470  
**Proposed Amendments:** 165-007-0030  
**Last Date for Comment:** 12-23-03, 5 p.m.

**Summary:** This rule amendment deletes a reference to the Vote-by-Mail Manual as a directive because it is now an administrative rule. No amendments to the manual itself are proposed.  
*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Brenda Bayes  
**Address:** Secretary of State, Elections Division, 141 State Capitol, Salem, OR 97310-0722  
**Telephone:** (503) 986-1518

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Date:	Time:	Location:
12-23-03	9-9:30 a.m.	Rm. 257 State Capitol Bldg. Salem, OR 97301

**Hearing Officer:** Brenda Bayes  
**Stat. Auth.:** ORS 246.150 & OL 2003, Ch. 64; Other Auth.: Title III, Help America Vote Act of 2002 (HAVA)(P.L. 107-252) & HB 2145  
**Stats. Implemented:** OL 2003, Ch. 64  
**Proposed Adoptions:** 165-001-0090  
**Last Date for Comment:** 12-23-03, 5 p.m.  
**Summary:** During the 2003 Legislative Session Chapter 64, 2003 Oregon Laws was adopted requiring the Secretary of State to establish by rule an administrative complaint procedure, that meets the requirements of Title III of the Help America Vote Act 2002. This rule adopts the procedures and associated forms for filing a complaint alleging a violation of Title III of HAVA.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Brenda Bayes  
**Address:** Secretary of State, Elections Division, 141 State Capitol, Salem, OR 97310-0722  
**Telephone:** (503) 986-1518

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

Date:	Time:	Location:
1-8-04	4 p.m.	Multnomah Education Service District 11611 NE Ainsworth Circle Portland, OR 97220
3-4-04	4 p.m.	Parkrose High School & Community Center 12003 NE Shaver St. Portland, OR 97220

**Hearing Officer:** Cathy Gwinn, TSPC Chair  
**Stat. Auth.:** ORS 342.165  
**Stats. Implemented:** ORS 181.525, 342.120-342.200, 342.223-342.232, 342.400 & 342.985  
**Proposed Amendments:** 584-036-0062, 584-060-0171, 584-070-0011

**Last Date for Comment:** 3-4-04  
**Summary:** 1. Clarifies fingerprint check requirement as part of criminal background check.  
2. Removes requirement of passing the Basic Skills Test for renewal of the Limited Teaching License.  
3. Allows alternative rout to obtain initial School Counselor License.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Robyn MacKillop  
**Address:** Teacher Standards and Practices Commission, 465 Commercial St. NE, Salem, OR 97301  
**Telephone:** (503) 373-1060

\*\*\*\*\*  
**Veterinary Medical Examining Board**  
**Chapter 875**

**Stat. Auth.:** ORS 686.210  
**Stats. Implemented:** ORS 686.350 & 686.360  
**Proposed Amendments:** 875-030-0040, 875-030-0050  
**Last Date for Comment:** 12-22-03

**Summary:** This amendment permits certified veterinary technicians to administer rabies vaccine under the direct supervision of a licensed veterinarian. It does not permit certified veterinary technicians to sign rabies vaccination certificates. Adoption of the amendment will make the Veterinary Practice Act consistent with ORS 333-019-0017, which allows certified veterinary technicians to administer rabies vaccine under the supervision of a licensed veterinarian, and Oregon Department of Agriculture statutes.

**Rules Coordinator:** Lori V. Makinen  
**Address:** Veterinary Medical Examining Board, 800 NE Oregon St., Suite 407, Portland, OR 97232  
**Telephone:** (503) 731-4051

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

Date:	Time:	Location:
1-9-04	2-3 p.m.	Board of Commissioners Hearing Rm. Administration Bldg. 1130 NW Harriman Bend, OR 97791

**Hearing Officer:** Debbie Colbert  
**Stat. Auth.:** ORS 536.025 & 536.027  
**Stats. Implemented:** SB 820, 2003

## NOTICES OF PROPOSED RULEMAKING

**Proposed Adoptions:** 690-380-8002, 690-380-8004

**Proposed Amendments:** 690-380-2130, 690-380-4020, 690-380-8000, 690-380-8010

**Last Date for Comment:** 1-23-04

**Summary:** The Water Resources Department is proposing to create and amend rules relating to water right transfers (OAR Chapter 690, Division, 380) to implement statutory changes from the 2003 legislative session. Specifically, the proposed rules allow greater flexibility to change a point of diversion from surface water to ground water wells in the Deschutes Ground Water Study Area.\* The proposed rules also allow temporary changes in place of use and type of use from irrigation to municipal use in the Deschutes River Basin of all or a portion of a water right, for a period not to exceed 25 years. The Department has worked with a Rules Advisory Committee in developing these proposed rules.

ORS 183.335(2)(G) requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

Background: Growth pressures in the Deschutes River Basin have increased demand for new water supplies, with a particular emphasis on ground water. However, the conclusions of a 2001 Water Resources Department/USGS study demonstrated a hydraulic connection between ground water in the Upper and Middle Deschutes

River Basin and surface water flows in the Deschutes River and various tributaries. The study established that new uses of ground water in certain parts of the Basin could impact existing surface water rights and scenic waterway flows.

To provide a framework under which the Water Resources Department could approve new ground water uses in the study area, the Commission adopted the Deschutes Ground Water Mitigation Rules (OAR Chapter 690, Division 505) and Deschutes Basin Mitigation Bank and Mitigation Credit Rules (OAR Chapter 690, Division 521) on September 13, 2002. These administrative rules provide for mitigation of impacts to scenic waterway flows and senior water rights while allowing additional qualifying appropriations of ground water.

The rules proposed under OAR Chapter 690, Division 380 would provide additional tools for accommodating water demand associated with growth and at the same time protecting the Deschutes River and existing water rights.

\*Deschutes Ground Water Study Area as designated in OAR Chapter 690, Division 505, Exhibit 1.

*\*Auxiliary aids for persons with disabilities are available upon advance request.*

**Rules Coordinator:** Adam Sussman

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

**Telephone:** (503) 986-0877

# ADMINISTRATIVE RULES

## Appraiser Certification and Licensure Board Chapter 161

**Adm. Order No.:** ACLB 5-2003  
**Filed with Sec. of State:** 11-10-2003  
**Certified to be Effective:** 11-10-03  
**Notice Publication Date:** 9-1-03  
**Rules Amended:** 161-006-0025  
**Subject:** Permanent changes to Oregon Administrative Rules 161, Division 6 regarding adoption of 2003-2005 biennium budget.  
**Rules Coordinator:** Karen Turnbow—(503) 485-2555

### 161-006-0025 Budget

The Board hereby adopts by reference the Board's 2003-2005 Biennium Budget of \$880,142 covering the period from July 1, 2003 through June 30, 2005. The Board will amend budgeted accounts as necessary within the approved budget of \$880,142 for the effective operation of the Board. The Board will not exceed the approved 2003-2005 Biennium Budget without amending this rule, notifying holders of licenses, and holding a public hearing thereon as required by ORS Chapter 182.462(1)(2). Copies of the budget are available from the Board's office.

Stat. Auth.: ORS 674.305(8) & ORS 674.310  
Stats. Implemented: ORS 674  
Hist.: ACLB 4-2001(Temp), f. & cert. ef. 9-12-01 thru 3-1-02; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 1-2003(Temp), f. & cert. ef. 1-14-03 thru 7-11-03; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 4-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03; ACLB 5-2003, f. & cert. ef. 11-10-03

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## Board of Examiners for Engineering and Land Survey Chapter 820

**Adm. Order No.:** BEELS 5-2003(Temp)  
**Filed with Sec. of State:** 11-10-2003  
**Certified to be Effective:** 11-12-03 thru 5-8-04  
**Notice Publication Date:**  
**Rules Amended:** 820-010-0500  
**Subject:** Repeals subsection (2) of the rule removing the requirement for licensure as a qualification for the position of Executive Secretary.  
**Rules Coordinator:** Mari Lopez—(503) 362-2666

### 820-010-0500 Qualifications of Administrative Officer (Executive Secretary)

The administrative officer of the Oregon State Board of Examiners for Engineering and Land Surveying authorized by ORS 670.306 shall:

- (1) Not be a member of the Board.
- (2) Serve at the pleasure of the Board.
- (3) Receive such compensation as the Board may determine.
- (4) Perform such duties as assigned by the Board.

Stat. Auth.: ORS 670.310 & ORS 672.255  
Stats. Implemented: ORS 672.002 - ORS 672.325  
Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 1-1983, f. 2-28-83, ef. 3-1-83; EE 1-1984, f. & ef. 3-6-84; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-2001, f. & cert. ef. 5-22-01; BEELS 3-2002, f. & cert. ef. 11-13-02; BEELS 3-2003(Temp), f. 5-14-03, cert. ef. 5-15-03 thru 11-11-03; BEELS 5-2003(Temp), f. 11-10-03, cert. ef. 11-12-03 thru 5-8-04

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## Board of Examiners of Nursing Home Administrators Chapter 853

**Adm. Order No.:** BENHA 1-2003  
**Filed with Sec. of State:** 11-12-2003  
**Certified to be Effective:** 11-12-03  
**Notice Publication Date:** 8-1-03  
**Rules Adopted:** 853-010-0074  
**Rules Amended:** 853-010-0010, 853-010-0065  
**Subject:** • **OAR 853-010-0010, Definitions:** Removes (11) Unprofessional Conduct and renumbers (12) to (11).  
• **OAR 853-010-0065, Standards for Nursing Home Administrators:** Removes reference to American College of Health Care Administrators adopted standards as an attachment to rules and includes revised standards as part of the rules. These standards will

be the Board's statement of conditions and performances which are expected, rather than goals.

• **OAR 853-010-0074 Unprofessional Conduct:** New rule. Defines "Unprofessional Conduct" and provides numerous examples of unprofessional conduct.  
**Rules Coordinator:** Barbara Orazio—(503) 731-4046

### 853-010-0010 Definitions

- (1) "Board" means the Board of Examiners of Nursing Home Administrators.
- (2) "Continuing Education" means post-licensure education in health care administration undertaken to maintain professional competency to practice nursing home administration, improve administration skills and effect standards of excellence in the interest of safety, health and welfare of the people served.
- (3) "Experience" means prior performance in administration, including planning, organizing, directing, staffing, and budgeting of a licensed long-term care facility.
- (4) "Licensee" means a person who is issued a nursing home administrator license upon making application and meeting training, experience, and education requirements; or a person who is issued a provisional license.
- (5) "Long-Term Care Facility" means a licensed facility as defined in ORS 441.005.
- (6) "Nursing Home Administrator" means an individual responsible for planning, organizing, directing, and controlling the operation of a nursing home.
- (7) "One Year" when related to employment means a period equivalent to 40 hours a week for 48 weeks.
- (8) "Preceptor" means a person who has been a licensed nursing home administrator for at least three years and who has attended an approved workshop for preceptors in Oregon.
- (9) "Trainee" or "Administrator-in-Training" means a person being trained to become a nursing home administrator.
- (10) "Training" means the completion of a supervised program by a preceptor for a minimum of 40 hours per week for six months or the equivalent of 960 hours.
- (11) "Experience in health care management" means experience in administration, planning, organizing, directing, staffing and budgeting of a licensed health care facility.

Stat. Auth.: ORS 678  
Stats. Implemented: ORS 678.710, ORS 678.730, ORS 678.760, ORS 678.780 & ORS 678.820  
Hist.: NHA 1(Temp), f. & ef. 9-29-71; NHA 4, f. 1-5-72, ef. 1-28-72; NHA 8, f. 2-6-74, ef. 2-25-74; NHA 9(Temp), f. & ef. 3-6-75; NHA 10, f. 7-3-75, ef. 7-25-75; NHA 1-1982, f. 12-15-82, ef. 1-1-83; NHA 1-1989, f. & cert. ef. 2-15-89; NHA 1-1996, f. & cert. ef. 7-31-96; BENHA 1-2003, f. & cert. ef. 11-12-03

### 853-010-0065 Standards for Nursing Home Administrators

The Board adopts the following standards of practice for nursing home administrators:

- (1) Organizational Management and General Administration:
  - (a) Exercise ethical and sound decision making and judgment.
  - (b) Assume leadership in his/her facility.
  - (c) Demonstrates supervisory techniques which through professional experience have become established by the consensus of the expert opinion of practicing nursing home administrators.
  - (d) Delegates responsibility and authority to appropriate staff in order to carry out the work of the facility and hold department heads accountable for the performance of their respective departments.
  - (e) Promote residents and families/responsible parties' satisfaction with quality of care and quality of life.
  - (f) Exercises technical competence in carrying out nursing home administration.
  - (g) Seeks proper education and preparation for new nursing home administrator techniques or procedures.
  - (h) Ensure that resources (for example, supplies, medical equipment, technology, trained staff) are in place to provide resident care and to promote quality of life.
  - (i) Maintains a safe working environment for staff in order to provide quality care.
- (2) Resident Care:
  - (a) Ensure that nursing services are planned, implemented, and evaluated to maximize resident quality of life and quality of care.
  - (b) Ensure that medical services are planned, implemented, and evaluated to maximize resident quality of life and quality of care.

## ADMINISTRATIVE RULES

(c) Ensure the integration of resident rights with all aspects of resident care.

(d) Ensure that the facility complies with applicable federal, state, and local standards and regulations.

(e) Ensure that the following services are planned, implemented, and evaluated to maximize resident quality of life and quality of care: social services, dietary services, activities, clinical records program, pharmaceutical program, rehabilitation services, auxiliary services, and environmental services.

(f) Recruits, hires and provides ongoing education for a health care team in order to assure quality care of the long-term care resident.

(g) Obtains and coordinates consultant services as needed.

(h) Coordinates the development and evaluation with the health care team of resident care goals and policies in order to assure that adequate resources, environments, and services are provided to residents.

(i) Meets regularly with health care team to assure highest practicable care is being delivered.

(j) Recruits a qualified medical director and ensures a well planned and implemented medical care program.

(k) Ensures that staff make appropriate discharge decisions.

(l) Ensures the information or knowledge concerning the resident is made available only to those stated in state or federal regulations.

(m) Evaluates the quality of resident care, residents' rights, and quality of life. Identify strengths and weaknesses and set in place measures for the improvement where necessary, evaluate progress, and institute appropriate follow-up activities.

(n) Ensure residents' dignity and right to privacy and that residents are free from sexual abuse, physical abuse, mental abuse, corporal punishment, exploitation, neglect and involuntary seclusion.

(o) Protect residents funds and property.

(p) Ensure development, implementation, and review of resident care policies and procedures.

(q) Ensure that a health information management program for resident care is planned, implemented, and evaluated to meet documentation requirements.

(r) Identify, monitor, and ensure that quality indicators and quality assurance programs are utilized to maximize effectiveness in resident care and services.

(3) Personnel Management:

(a) Ensure that personnel are present in number and ability to attain or maintain the highest practicable level of physical, mental and psychosocial well being for each resident.

(b) Coordinates the development and dissemination of written personnel policies and procedures to assure procedures are followed in recruitment, hiring, employment and termination of staff.

(c) Establishes safety rules and procedures that incorporate federal regulations and OSHA requirements to ensure employee health and safety.

(d) Assures adherence to established personnel policies and procedures including timely criminal background checks.

(e) Establishes clear lines of authority and responsibility within the staff in order to assure understanding and production of quality work.

(f) Recruits and hires qualified supervisors to meet the requirements of their position.

(g) Plans, implement and evaluates an orientation program.

(h) Ensure that human resource management policies and programs are planned, implemented, and evaluated in compliance with governmental entities, laws and regulations (for example, job descriptions, education programs, union relations)

(4) Financial Management:

(a) Coordinates the development of a budget which assures allocation of fiscal resources to meet regulatory requirements and provides quality services.

(b) Evaluates the implication of budget on the quality of care.

(c) Analyzes financial performance to ensure conformance with standards of quality.

(d) Manage and implement corporate compliance programs and train staff.

(e) Protect resident funds.

(5) Environmental Management:

(a) Evaluates maintenance of building grounds and equipment and recommends corrections as needed.

(b) Ensure development, implementation and review of environmental policies and procedures.

(c) Ensure that the facility provides a clean environment for residents, staff and visitors.

(d) Develops, implemented and evaluates fire, emergency and disaster plans to protect the safety and welfare of residents, staff and property.

(e) Ensure the planning, implementation, and evaluation of any environmental safety program that will maintain the health, welfare, and safety of residents, staff and visitors.

(f) Identify, monitor, and ensure that the quality assurance programs are utilized to maximize effectiveness in environmental services.

(g) Ensure that facility complies with applicable, federal, state and local standards and regulations (for example, ADA, OSHA, CMS, Life Safety Code).

(6) Regulatory Management/Governance:

(a) Ensures compliance with federal and state regulations to assure compliance and efficient integration with established policies and procedures at the facility.

(b) Direct compliance of the facility with government regulations, including protecting residents, employees or staff from discrimination.

(c) Protect resident records from unauthorized disclosure of confidential information.

(d) Monitors medical reporting, staffing and procedures in order to assure compliance with regulations and quality care.

(e) Evaluates staff work procedures and policies to assure compliance with federal and state regulations.

(f) Ensure that policies and procedures are developed, implemented, monitored, and evaluated in order to maintain compliance with directives of governing entities.

(g) Observe, monitor, and evaluate outcomes of all of the facility's programs, policies and procedures to ensure effectiveness, and to fulfill administrative responsibility (for example, facility license) and professional responsibility (for example, personal NHA license).

(h) Identify areas of potential legal liability, and develop and implement an administrative intervention or risk management program to minimize or eliminate exposure.

(i) Ensure that resources (for example, supplies, medical equipment, technology, trained staff) are in place to provide resident care and to promote quality of life.

Stat. Auth.: ORS 678.820 & ORS 678.760

Stats. Implemented: ORS 678.820(1)

Hist.: NHA 1-1982, f. 12-15-82, ef. 1-1-83; NHA 1-1989, f. & cert. ef. 2-15-89; NHA 1-1991, f. & cert. ef. 5-3-91; NHA 1-1995, f. & cert. ef. 4-19-95; BENHA 1-2003, f. & cert. ef. 11-12-03

### 853-010-0074

#### Unprofessional Conduct

"Unprofessional Conduct" by a nursing home administrator includes, but is not limited, to the following:

(1) Failing to follow the rules and statutes regulating nursing facilities.

(2) Failing to act in a manner consistent with the care for the welfare and the health and safety of the residents of the nursing facility in which he/she is the administrator.

(3) Failing to follow facility policies or practices in the administration of a nursing facility.

(4) Failing or allowing the failure of employees to comply with standards for the operation of the nursing home for which the administrator is responsible.

(5) Failing to correct deficiencies or failure to maintain corrective measures in the nursing homes as cited by any agency of government which has nursing home administration responsibility.

(6) Violating the confidentiality of information or knowledge concerning the resident.

(7) Allowing harassment or mental, verbal, or physical abuse of residents.

(8) Using alcohol or other drugs to the extent that there is interference with job performance.

(9) Misusing of drug supplies, narcotics, or altering or discarding residents' records.

(10) Engaging in sexual harassment, making sexual advances toward, or engaging in sexual contact with any resident, or trainee under the licensee's supervision or engaging in sexual harassment of an employee, consultant or visitor to the facility in which the licensee practices.

(11) Appropriating medications, supplies, or personal items of the resident or nursing facility for personal use.

(12) Forging prescriptions or making drugs available to self, friends, or family members.

(13) Failing to take appropriate action on an employee who diverts drugs or medications prescribed for residents.

# ADMINISTRATIVE RULES

(14) Falsifying any records relating to the operation of the nursing facility.

(15) Failing to cooperate with an authorized investigation of a complaint.

(16) Failing to designate a designee to perform the functions, tasks or responsibilities in the absence of the administrator to the detriment of resident safety.

(17) Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a licensed professional.

(18) Failing to report to the appropriate licensing board and/or law enforcement the incompetent, unethical, or illegal practice of any person who is providing or who is purporting to provide health care.

(19) Violating an order of the Board.

(20) Using the licensee's professional status, title, position, or relationship as a nursing home administrator or licensee to coerce, improperly influence, or obtain money, property, or services from a resident, resident's family member or visitor, employee, or any person served by or doing business with the nursing facility that the licensee administers or is employed by.

(21) Leaving employment as a nursing facility administrator without notifying Board and notifying state agency responsible for regulating nursing facilities.

(22) Permitting an unlicensed person to use a nursing facility administrator license for any purpose.

(23) Advertising in a manner which is false, deceptive or misleading.

(24) Failing to notify the Board when a license or certificate in a related health care discipline in Oregon or in another state has been denied, refused renewal, revoked, or suspended for unprofessional conduct.

Stat. Auth.: ORS 678

Stats. Implemented: ORS 678.710, ORS 678.730, ORS 678.760, ORS 678.780 & ORS 678.820

Hist.: BENHA 1-2003, f. & cert. ef. 11-12-03

## Board of Medical Examiners Chapter 847

**Adm. Order No.:** BME 15-2003

**Filed with Sec. of State:** 10-23-2003

**Certified to be Effective:** 10-23-03

**Notice Publication Date:** 8-1-03

**Rules Amended:** 847-070-0038

**Subject:** The adopted rules makes the Limited License, Visiting Professor for acupuncturists much the same as the Limited License, Visiting Professor for physicians. The acupuncture applicant will not be required to submit an application for permanent licensure, but a limited license application. Additional documentation required will be verification of education, acupuncture licensure, verification of identity, and a letter from the acupuncture school or program offering him/her a faculty position. Practice and teaching are limited to the school or program.

**Rules Coordinator:** Diana M. Dolstra—(503) 229-5873, ext. 223

### 847-070-0038

#### Limited License, Visiting Professor

(1) An acupuncturist who has received a teaching position in a school of acupuncture in this state may be issued a Limited License, Visiting Professor if the following criteria are met:

(a) The applicant has established to the satisfaction of the Board that he/she has the skills and training equivalent to OAR 847-070-0016(1)(a)-(b);

(b) The applicant has at least five years experience as an acupuncturist; and

(c) The applicant has submitted the appropriate form and fee for a Limited License, Visiting Professor.

(2) The head of the acupuncture school in which the applicant will be teaching shall certify in writing to the Board that the applicant has been offered a teaching position which will be under the direction of the head of the department and will not be permitted to practice acupuncture unless as a necessary part of the applicant's teaching position as approved by the Board.

(3) An acupuncturist who is applying for a Limited License, Visiting Professor may also be approved as a clinical supervisor if the applicant meets the requirements of OAR 847-070-0017.

(4) The Limited License, Visiting Professor may be granted for one year and may be granted a total of two one-year extensions upon annual review of the written justification of the need based upon academic necessity. The renewal form and fee must be submitted 30 days before the end of the year if an extension of the Limited License, Visiting Professor is requested.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 132

Hist.: ME 2-1981, f. & ef. 2-3-81; ME 9-1982, f. & ef. 10-27-82; ME 6-1984, f. & ef. 1-20-84; ME 1-1985, f. & ef. 1-21-85; ME 13-1989, f. & cert. ef. 8-4-89; ME 8-1990, f. & cert. ef. 4-25-90; ME 9-1991, f. & cert. ef. 7-24-91; ME 6-1993, f. & cert. ef. 4-22-93; ME 10-1996, f. & cert. ef. 10-29-96; ME 5-1997, f. & cert. ef. 11-3-97; BME 14-2001, f. & cert. ef. 10-30-01; BME 15-2003, f. & cert. ef. 10-23-03

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**Adm. Order No.:** BME 16-2003

**Filed with Sec. of State:** 10-23-2003

**Certified to be Effective:** 10-23-03

**Notice Publication Date:** 8-1-03

**Rules Amended:** 847-005-0005

**Subject:** The adopted rule would increase the physician assistant license renewal fee by \$50.00, but would allow physician assistant unlimited supervising physician and practice description changes during the biennium for free.

Physician assistants will be able to make changes in their supervising physician or practice description by submitting a new practice description form but without having to submit \$50.00 each time there is a change.

**Rules Coordinator:** Diana M. Dolstra—(503) 229-5873 ext. 223

### 847-005-0005

#### Fees

Fees to be effective upon adoption:

(1) Doctor of Medicine/Doctor of Osteopathy (MD/DO) Initial License Application — \$375.

(2) MD/DO Interview Reschedule — \$150.

(3) MD/DO Registration: Active (in-state), Inactive (out-of-state), and Locum Tenens — \$219/year.\*\*\*

(4) MD/DO Emeritus Registration — \$50/year.

(5) Limited License, Institutional Practice, Public Health, SPEX, Visiting Professor, Fellow, Medical Faculty, Postgraduate, Special — \$185.

(6) Acupuncture Initial License Application — \$245.

(7) Acupuncture Registration — \$140/year.\*\*\*

(8) Acupuncture Limited License, Special, Visiting Professor, Postgraduate — \$75.

(9) Physician Assistant Initial License Application — \$245.

(10) Physician Assistant Registration — \$140/year\*\*\* + \$50.†

(11) Physician Assistant Supervising Physician Change or Practice Change — \$50.††

(12) Physician Assistant Limited License, Special, Postgraduate — \$75.

(13) Podiatrist Initial Application/Exam — \$340.

(14) Podiatrist Competency Examination (PMLexis) Fees:

(a) PMLexis Examination — \$350.

(b) PMLexis Administration (plus PMLexis Examination) — \$200.

(c) PMLexis Examinee Review of Scores — \$40.

(15) Podiatrist Interview Reschedule — \$150.

(16) Podiatrist Re-exam — \$100.

(17) Podiatrist Registration: Active (in-state), Inactive (out-of-state), and Locum Tenens — \$219/year.\*\*\*

(18) Podiatrist Limited License, Special, Postgraduate — \$185.

(19) Miscellaneous: All Fines and Late Fees:

(a) MD/DO Registration Renewal Late Fee — \$150.

(b) Acupuncture Registration Renewal Late Fee — \$75.

(c) Physician Assistant Registration Renewal Late Fee — \$75.

(d) Podiatrist Registration Renewal Late Fee — \$150.

(e) Dispensing MD/DO/DPM Failure to Register — \$150.

(20) Certification of Grades and Licensure Standing — \$50.

(21) Oral Specialty or Competency Examination (\$1,000 deposit required) — Actual costs.

(22) Affidavit Processing Fee for Reactivation — \$50.

(23) Reissue Certificate of Registration — \$10.

(24) Duplicate License — \$25.

(25) Name Change for Licensee (includes new license and amended Certificate of Registration — \$50.



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(26) Name Change for Applicant with a Limited License (includes amended Certificate of Registration) — \$25.

(27) Duplicate of Wallet Size Card for License — \$10.

(28)(a) Verification of Licensure-Individual Requests (1-4 Licenses) — \$10 per license.

(b) Verification of Licensure-Multiple (5 or more) — \$7.50 per license.

(c) Malpractice Report — Individual Requests — \$10 per license/report.

(d) Malpractice Report — Multiple (monthly report) — \$15 per report.

(e) Disciplinary — Individual Requests — \$10 per license.

(f) Disciplinary Report — Multiple (quarterly report) — \$15 per report.

(29) Base Service Charge for Copying — \$5 + .20/page.

(30) Record Search Fee (+ copy charges see section (29) of this rule):

(a) Clerical — \$20 per hour.\*

(b) Administrative — \$30 per hour.\*

(c) Executive — \$50 per hour.\*

(d) Medical Consultant — \$75 per hour.\*

(31) Data Processing Labels:

(a) Oregon only — \$300.

(b) Complete (Oregon & out-of-state) — \$300.

(c) MD/DO Registration Renewal — \$150.

(32) Data Processing Lists:

(a) Oregon only — \$150.

(b) Complete (Oregon & out-of-state) — \$150.

(c) MD/DO Registration Renewal — \$150/year.

(33) Data Order:

(a) Standard Data License Order — \$300.

(b) Custom Data License Order — \$400.

(c) Address Label Disk — \$100.

(34) Quarterly Lists:

(a) Active MD's/DO's, including MD's/DO's licensed at quarterly Board meeting — \$75 Each.

(b) New Physician List (MD's/DO's Licensed at Quarterly Board Meeting) — \$10.

(c) Active DPM's, PA's and AC's Lists, including DPM's, PA's, and AC's licensed at quarterly Board meeting — \$10 per list.

(35) Physician Handbook — \$15.

(36) All Board fees and fines are non-refundable, and non-transferable.

\*Plus photocopying charge above, if applicable.

\*\*Collected biennially except where noted in the Administrative Rules.

\*\*\*All active registration fees include annual assessments of \$33.00 for the Diversion Program for Health Professionals and \$10.00 for the Oregon Health Sciences University Library, and are collected biennially.

† Effective the 2004-2005 biennial registration renewal period.

†† Effective February 1, 2004, delete \$50 physician assistant supervising physician change or practice change fee.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265

Hist.: ME 7-1984, f. & ef. 1-26-84; ME 17-1984, f. & ef. 11-5-84; ME 6-1985, f. & ef. 7-30-85; ME 3-1986(Temp), f. & ef. 4-23-86; ME 4-1986, f. & ef. 4-23-86; ME 9-1986, f. & ef. 7-31-86; ME 2-1987, f. & ef. 1-10-87; ME 7-1987(Temp), f. & ef. 1-26-87; ME 9-1987, f. & ef. 4-28-87; ME 25-1987, f. & ef. 11-5-87; ME 9-1988, f. & cert. ef. 8-5-88; ME 14-1988, f. & cert. ef. 10-20-88; ME 1-1989, f. & cert. ef. 1-25-89; ME 5-1989 (Temp), f. & cert. ef. 2-16-89; ME 6-1989, f. & cert. ef. 4-27-89; ME 9-1989(Temp), f. & cert. ef. 8-1-89; ME 17-1989, f. & cert. ef. 10-20-89; ME 4-1990, f. & cert. ef. 4-25-90; ME 9-1990, f. & cert. ef. 8-2-90; ME 5-1991, f. & cert. ef. 7-24-91; ME 11-1991(Temp), f. & cert. ef. 10-21-91; ME 6-1992, f. & cert. ef. 5-26-92; ME 1-1993, f. & cert. ef. 1-29-93; ME 13-1993, f. & cert. ef. 11-1-93; ME 14-1993(Temp), f. & cert. ef. 11-1-93; ME 1-1994, f. & cert. ef. 1-24-94; ME 6-1995, f. & cert. ef. 7-28-95; ME 7-1996, f. & cert. ef. 10-29-96; ME 3-1997, f. & cert. ef. 11-3-97; BME 7-1998, f. & cert. ef. 7-22-98; BME 7-1999, f. & cert. ef. 4-22-99; BME 10-1999, f. & cert. ef. 7-8-99, cert. ef. 8-3-99; BME 14-1999, f. & cert. ef. 10-28-99; BME 4-2000, f. & cert. ef. 2-22-00; BME 6-2001(Temp), f. & cert. ef. 7-18-01 thru 11-30-01; BME 10-2001, f. & cert. ef. 10-30-01; BME 8-2003, f. & cert. ef. 4-24-03; BME 16-2003, f. & cert. ef. 10-23-03

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## Department of Administrative Services Chapter 125

**Adm. Order No.:** DAS 6-2003

**Filed with Sec. of State:** 10-24-2003

**Certified to be Effective:** 10-24-03

**Notice Publication Date:** 9-1-03

**Rules Amended:** 125-001-0000, 125-001-0005

**Subject:** Housekeeping changes to update OAR 125-001-0000 and 125-001-0005 to meet the criteria stated in ORS 183.335 and the cur-

rent Oregon Administrative Procedures Act (APA), Oregon Attorney General's Administrative Law Manual. Of October 3, 2001.

**Rules Coordinator:** Mary Unger—(503) 378-2349, ext. 320

### 125-001-0000

#### Notice of Proposed Rule

Prior to adoption, amendment or repeal of any rule, the Department of Administrative Services shall give notice of the intended action by:

(1) Publishing in the Secretary of State's Bulletin, referred to in ORS 183.360, at least 21 days prior to the effective date of the intended action.

(2) Mailing a copy of the notice to certain legislators at least 49 days before the effective date of the rule. ORS 183.335(1)(d).

(3) Mailing a copy of the notice to persons or organizations on the Department's mailing list, established pursuant to ORS 183.335(7), at least 28 days prior to the effective date of the intended action.

(a) An interested person or organization may request to be placed on the Department's mailing list by submitting its request in writing to the Agency Rules Coordinator, Office of Business Administration, 155 Cottage Street NE, Salem, OR 97301 or by telephoning 503-373-7245 ext. 320.

(4) Mailing or furnishing a copy of the notice to:

(a) The Associated Press.

(b) State Agency Administrators; and

(c) The Capitol Building Press Room.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183

Hist.: GS 2-1978, f. & ef. 4-25-78; GS 1-1980, f. & ef. 1-11-80; GS 2-1982, f. 1-29-82, ef. 2-1-82; GS 6-1986, f. 9-3-86, ef. 10-1-86; DASII 5-1996, f. 12-31-96, cert. ef. 1-1-97; DAS 6-2003, f. & cert. ef. 10-24-03

### 125-001-0005

#### Uniform and Model Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Department adopts the Attorney General's Model Rules of Procedure under the Administrative Procedures Act, effective October 3, 2003 to govern rulemaking and contested cases or equivalent proceedings by the Department of Administrative Services.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the agency.]

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183

Hist.: GS 2-1978, f. & ef. 4-25-78; GS 1-1980, f. & ef. 11-11-80; GS 8-1981, f. & ef. 12-4-81; GS 2-1982, f. 1-29-82, ef. 2-1-82; GS 6-1986, f. 9-3-86, ef. 10-1-86; DASII 5-1996, f. 12-31-96, cert. ef. 1-1-97; DAS 6-2003, f. & cert. ef. 10-24-03

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## Department of Administrative Services, Budget and Management Division Chapter 122

**Adm. Order No.:** BMD 5-2003

**Filed with Sec. of State:** 10-24-2003

**Certified to be Effective:** 10-24-03

**Notice Publication Date:** 9-1-03

**Rules Amended:** 122-001-0000, 122-001-0005

**Subject:** Housekeeping changes to update OAR 122-001-0000 and 122-001-0005 to meet the criteria stated in ORS 183.335 and the current Oregon Administrative Procedures Act (APA), Oregon Attorney General's Administrative Law Manual. Of October 3, 2001.

**Rules Coordinator:** Mary Unger—(503) 378-2349, ext. 320

### 122-001-0000

#### Notice of Proposed Adoption, Amendment, or Repeal of Rules

Prior to the adoption, amendment, or repeal of any rule, other than a temporary rule which shall be adopted in accordance with ORS 183.335(5), the Department of Administrative Services, Budget and Management Division, shall give notice of the intended action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the intended action;

(2) By mailing a copy of the notice to persons on the Department of Administrative Service's mailing list established pursuant to ORS 183.335(7) at least 28 days before the effective date of the rule. (ORS 183.335(1)(c);

(3) By mailing notice to certain legislators at least 49 days before the effective date of the rule. (ORS 183.335(1)(d); and

(4) By mailing or furnishing a copy of the notice to:

(a) The Associated Press;

(b) State Agency Administrators; and

(c) The Capitol Building Press Room.

# ADMINISTRATIVE RULES

Stat. Auth.: ORS 183 & ORS 184  
Stats. Implemented:  
Hist.: BMD 1-1982, f. & ef. 3-1-82; BMD 5-2003, f. & cert. ef. 10-24-03

## 122-001-0005

### Model Rules of Procedure

The Attorney General's Model Rules of Procedure under the Administrative Procedures Act (October 3, 2001) are hereby adopted by reference as general administrative procedural rules of the Department of Administrative Services and the Budget and Management Division.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the agency.]

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183

Hist.: ED 1-1982, f. & ef. 1-11-82; BMD 1-1983, f. & ef. 10-11-83; BMD 1-1986, f. & ef. 2-20-86; BMD 5-2003, f. & cert. ef. 10-24-03

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**Adm. Order No.:** BMD 6-2003(Temp)

**Filed with Sec. of State:** 11-10-2003

**Certified to be Effective:** 11-10-03 thru 5-5-04

**Notice Publication Date:**

**Rules Adopted:** 122-040-0040, 122-040-0050, 122-040-0060

**Subject:** This rule will allow the Department of Administrative Services to comply with state agency's requirements for reporting of substantive program changes as required by ORS 291.373(2).

**Rules Coordinator:** Mary Unger—(503) 378-2349, ext. 320

## 122-040-0040

### Definitions

(1) For purposes of this rule, unless the context requires otherwise:

(a) "State agency" has the meaning given that term in ORS 291.002;

(b) "Director" means the Director of the Department of Administrative Services; and,

(c) "Program" means an activity or a series of related activities that a state agency performs to fulfill its constitutional or statutory duties and that is identified, by name or otherwise with particularity, in: the Oregon Constitution or an Oregon law, including but not limited to a statute making appropriations to the state agency; a budget report and measure summary issued by the Legislative Assembly relating to the budget for the state agency that the Legislative Assembly most recently enacted into law or the Emergency Board most recently amended; a state agency performance measure developed under ORS 291.110, or link to an Oregon Benchmark approved under ORS 285A.168(2).

(2) For purposes of ORS 291.373, a state agency substantively changes a Program, i.e., makes a "substantive Program change," when the state agency:

(a) Establishes a new Program, unless the Legislative Assembly provided for establishment of the Program by statute or anticipated establishment of the Program in a budget report and measure summary;

(b) Eliminates an existing Program, unless the Legislative Assembly provided for elimination of the Program by statute or anticipated elimination of the Program in a budget report and measure summary;

(c) Delays by six months or longer the legislatively planned establishment or elimination of a Program;

(d) Makes changes to the operation or financing of a Program by: redesigning the Program so as to affect a class of client benefit levels or provider reimbursement levels, unless the redesign consists solely of adjustments of an ongoing nature or process that are described in written materials presented to the Legislative Assembly by the state agency during the most recent legislative session; implementing an executive order; redirecting more than 10 percent of the Program's funding to another purpose as allowed by a relevant appropriation or expenditure limitation; or, otherwise makes changes to the operation or financing of a Program that the director determines affects one or more essential aspects of that Program.

Stat. Auth.: ORS 291.373

Stats. Implemented: ORS 291.373(2)

Hist.: BMD 6-2003(Temp), f. & cert. ef. 11-10-03 thru 5-5-04

## 122-040-0050

### Report Filing

(1) No later than fourteen days after the conclusion of each calendar quarter, a state agency shall report on and describe to the director any substantive program changes made during that calendar quarter.

(2) No later than thirty-five days after the conclusion of the calendar quarter, the director shall deliver a report on all substantive program

changes made by state agencies during the calendar quarter, or deliver a report that no substantive program changes have been made during the calendar quarter, to the President of the Senate, Speaker of the House of Representatives, and the Legislative Fiscal Officer.

(3) The director may develop reporting forms for purposes of state agency reports required under subsection (1) of this section.

(4) A state agency need not submit a report to the director if it has not made any substantive program changes during the calendar quarter.

Stat. Auth.: ORS 291.373

Stats. Implemented: ORS 291.373(2)

Hist.: BMD 6-2003(Temp), f. & cert. ef. 11-10-03 thru 5-5-04

## 122-040-0060

### Failure to Report Substantive Program Changes

(1) A state agency that fails to report a substantive program change in a timely manner as required under subsection (1) of 122-040-0020 above shall immediately report to the director.

(2) The report to the director shall include: description of the substantive program change; information on the timing of the substantive program change and the date that the change should have been reported to the director; and, explanation of why the substantive program change was not reported as required.

(3) The director shall submit a list identifying any substantive program changes that state agencies failed to report with the report submitted to the President of the Senate, Speaker of the House of Representatives, and the Legislative Fiscal Officer required under subsection (2) of this section. The list shall include the information submitted to the department by the state agency under subsection (2) of this section, and shall indicate whether the failure to report was identified by the state agency or discovered by another party.

Stat. Auth.: ORS 291.373

Stats. Implemented: ORS 291.373(2)

Hist.: BMD 6-2003(Temp), f. & cert. ef. 11-10-03 thru 5-5-04

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## Department of Administrative Services,

### Office of Business Administration

#### Chapter 121

**Adm. Order No.:** BAD 2-2003

**Filed with Sec. of State:** 10-24-2003

**Certified to be Effective:** 10-24-03

**Notice Publication Date:** 9-1-03

**Rules Amended:** 121-001-0000, 121-001-0005

**Subject:** Housekeeping changes to update OAR 121-001-0000 and 121-001-0005 to meet the criteria stated in ORS 183.335 and the current Oregon Administrative Procedures Act (APA), Oregon Attorney General's Administrative Law Manual. Of October 3, 2001.

**Rules Coordinator:** Mary Unger—(503) 378-2349, ext. 320

## 121-001-0000

### Notice of Proposed Adoption, Amendment, or Repeal of Rules

Prior to the adoption, amendment, or repeal of any rule, other than a temporary rule which shall be adopted in accordance with ORS 183.335(5), the Department of Administrative Services shall give notice of the intended action:

(1) In the Secretary of State's Bulletin at least 21 days before the effective date of rule. ORS 183.335(1)(b);

(2) By mailing a copy of the notice to persons on the Department of Administrative Services mailing list established pursuant to ORS 183.335(7) at least 28 days before the effective date of the rule ORS 183.335(1)(c);

(3) By mailing notice to certain legislators at least 49 days before the effective date of the rule. (ORS 183.335(1)(d); and

(4) By mailing or furnishing a copy of the notice to:

(a) The Associated Press;

(b) State Agency Administrators; and

(c) The Capitol Building Press Room.

Stat. Auth.: ORS 183

Stats. Implemented:

Hist.: ED 2-1982, f. & ef. 3-12-82; BAD 2-2003, f. & cert. ef. 10-24-03

## 121-001-0005

### Model Rules of Procedure

The Attorney General's Model Rules of Procedure under the Administrative Procedures Act (October 3, 2001), are hereby adopted by

# ADMINISTRATIVE RULES

reference as general administrative procedural rules of the Department of Administrative Services.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or DAS.]  
Stat. Auth.: ORS 183  
Stats. Implemented: ORS 183  
Hist.: ED 1-1982, f. & ef. 1-11-82; ED 1-1986, f. & ef. 2-20-86; EX 1-1992, f. & cert. ef. 3-18-92; BAD 2-2003, f. & cert. ef. 10-24-03

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**Adm. Order No.:** BAD 3-2003  
**Filed with Sec. of State:** 11-10-2003  
**Certified to be Effective:** 11-10-03  
**Notice Publication Date:** 10-1-03  
**Rules Amended:** 121-030-0040  
**Rules Repealed:** 121-030-0040(T)

**Subject:** 121-030-0040(2) - "Sexual Orientation" was added to the rule to clarify the CFD's non-discrimination clause. The language had not been permanently added to the rule, yet has functioned as a part of the applications to participate for 12 years.

It is critical to include "sexual orientation" in the rule to further establish the criteria that is to be used to certify funds and federations and their member organizations.

**Rules Coordinator:** Mary Unger—(503) 378-2349 ext. 320

## 121-030-0040

### Participation Requirements for Charitable Organizations

(1) In order to participate in the annual charitable fund drive, each charitable organization shall participate as a member of an eligible federation/fund, shall satisfy each of the following standards and shall submit the following to the federation/fund for submission to the department upon request:

(a) Evidence that the organization meets the definition of "charitable organization" in OAR 121-030-0010;

(b) Evidence that the organization has the required local presence defined in OAR 121-030-0010;

(c) A copy of the Internal Revenue Service determination letter indicating that the charitable organization is an exempt organization under Internal Revenue Code Section 501(c)(3). An advance ruling on such exempt status shall meet this requirement;

(d) Evidence that the charitable organization has complied with the relevant provisions of ORS 128.610 to 128.995 concerning registration with and reporting to the Attorney General;

(e) Evidence that it has not been removed from participation in the drive within the last three years under OAR 121-030-0050.

(2) A copy of the charitable organization's written policy on nondiscrimination regarding race, color, religion, national origin, disability, age, sex, sexual orientation, or association with any of these protected classes applicable to persons served by it.

(3) Public Accountability Standards: The charitable organization shall annually prepare and make available to the federation/fund a report which includes a full description of its activities, including types of solicitation for contributions, the names of its chief administrative personnel, and full disclosure of the source of and use of all contributions. The report shall also disclose the charitable organization's fund-raising cost and the estimated percentage of money collected which will be applied to administrative costs and to the charitable purpose. The federation/fund shall disclose this information to the state employees during the annual solicitation.

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 184.340, ORS 292.045 & OL 1993, Ch. 500, Sec. 2  
Stats. Implemented: ORS 184.340, ORS 292.045 & OL 1993, Ch. 500, Sec. 2  
Hist.: ASD 1-1993, f. 12-29-93, cert. ef. 1-1-94; BAD 2-1998, f. 12-17-98, cert. ef. 12-24-98; BAD 2-2002, f. & cert. ef. 7-30-02; BAD 1-2003(Temp), f. & cert. ef. 6-11-03 thru 12-8-03; BAD 3-2003, f. & cert. ef. 11-10-03

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## Department of Agriculture Chapter 603

**Adm. Order No.:** DOA 39-2003  
**Filed with Sec. of State:** 10-17-2003  
**Certified to be Effective:** 11-15-03  
**Notice Publication Date:** 9-1-03  
**Rules Amended:** 603-057-0100

**Subject:** Increase the annual license fees for Pesticide Operators, Applicators, Trainees, Dealers and Consultants, and Public Applicators and Trainees to the maximums allowed by statute.

**Rules Coordinator:** Sherry Kudna—(503) 986-4619

## 603-057-0100

### License Fees

The following designated annual fees shall be applicable to each described license:

(1) Pesticide Operator: \$90 including one category; \$15 for each additional category; and \$20 for each additional category after license issued.

(2) Pesticide Applicator: \$50 including one category; \$7.50 for each additional category; and \$12.50 for each additional category after license issued.

(3) Pesticide Trainee: Same as pesticide applicators.

(4) Public Applicator or Trainee: Same as pesticide applicators.

(5) Pesticide Dealer: \$75, with a separate license required for each sales outlet or location.

(6) Pesticide Consultant: \$40.

Stat. Auth.: ORS 561 & ORS 634

Stats. Implemented: ORS 634.116, 634.122, 634.126, 634.132 & 634.136

Hist.: AD 1001(15-73), f. 11-20-73, ef. 12-11-73; AD 7-1977, f. & ef. 4-5-77; AD 24-1981, f. & ef. 12-1-81; DOA 39-2003, f. 10-17-03, cert. ef. 11-15-03

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**Adm. Order No.:** DOA 40-2003

**Filed with Sec. of State:** 10-17-2003

**Certified to be Effective:** 10-17-03

**Notice Publication Date:** 9-1-03

**Rules Amended:** 603-057-0006

**Subject:** Removes inconsistencies in language between rule and enabling statutes by deleting OAR 603-057-0006(2) and (3). Does not change fee charged. Does not change program components authorized through statute to receive fee revenues.

**Rules Coordinator:** Sherry Kudna—(503) 986-4619

## 603-057-0006

### Pesticide Registration Fees

The annual registration fee for each pesticide product shall be \$160.

Stat. Auth.: ORS 634

Stats. Implemented: ORS 634

Hist.: AD 855(27-67), f. 10-9-67, ef. 1-1-68; AD 1008(22-73)(Temp), f. & ef. 12-5-73; AD 1014(4-74), f. 1-18-74, ef. 2-11-74; AD 7-1977, f. & ef. 4-5-77; AD 24-1981, f. & ef. 12-1-81; AD 17, f. & cert. ef. 11-15-89; DOA 21-1999, f. 9-30-99, cert. ef. 11-1-99; DOA 26-2001, f. & cert. ef. 11-6-01; DOA 38-2003(Temp), f. 10-15-03 cert. ef. 11-23-03 thru 5-19-04; DOA 40-2003, f. & cert. ef. 10-17-03

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**Adm. Order No.:** DOA 41-2003(Temp)

**Filed with Sec. of State:** 11-14-2003

**Certified to be Effective:** 11-23-03 thru 5-20-04

**Notice Publication Date:**

**Rules Amended:** 603-057-0006

**Subject:** OAR 603-057-0006 provides for annual pesticide registration fees. This temporary rulemaking is related to two other rulemakings. On October 16, 2003, OAR 603-057-0006 was amended through a permanent rulemaking process so that the applicable statutes rather than any rule would control the allocation of pesticide registration fees to particular program components. The amendments deleted subsections (2) and (3) from the rule. Effective November 22, 2003, the Oregon Department of Agriculture is amending OAR 603-057-0006 through a temporary rulemaking process (the first temporary rule). Those amendments modify subsection (1) by temporarily decreasing the annual fee for registration of a pesticide product with the department from \$160 to \$120. In addition, they erroneously readopt out -of-date versions of subsection (2) and (3). In this, the second temporary rule affecting OAR 603 057-0006, ODA corrects the error that was made in the first temporary rule, by suspending the out-of-date versions of subsections (2) and (3). This second temporary rule does not affect subsection (1). As a result, the

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temporary decrease in the pesticide registration fee from \$160 to \$120 remains effective.

On November 1, 2003, ODA initiated a permanent rulemaking that proposes a permanent reduction in pesticide registration fees from \$160 to \$120.

**Rules Coordinator:** Sherry Kudna—(503) 986-4619

## 603-057-0006

### Pesticide Registration Fees

The annual registration fee for each pesticide product shall be \$120.

Stat. Auth.: ORS 634

Stats. Implemented: ORS 634

Hist.: AD 855(27-67), f. 10-9-67, ef. 1-1-68; AD 1008(22-73)(Temp), f. & ef. 12-5-73; AD 1014(4-74), f. 1-18-74, ef. 2-11-74; AD 7-1977, f. & ef. 4-5-77; AD 24-1981, f. & ef. 12-1-81; AD 17, f. & cert. ef. 11-15-89; DOA 21-1999, f. 9-30-99, cert. ef. 11-1-99; DOA 26-2001, f. & cert. ef. 11-6-01; DOA 38-2003(Temp), f. 10-15-03 cert. ef. 11-23-03 thru 5-19-04; DOA 40-2003, f. & cert. ef. 10-17-03; DOA 41-2003(Temp), f. 11-14-03, cert. ef. 11-23-03 thru 5-20-04

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## Department of Community Colleges and Workforce Development Chapter 589

**Adm. Order No.:** DCCWD 5-2003

**Filed with Sec. of State:** 10-20-2003

**Certified to be Effective:** 10-20-03

**Notice Publication Date:** 6-1-03

**Rules Adopted:** 589-006-0050, 589-006-0150, 589-006-0350, 589-007-0110, 589-007-0120, 589-007-0130, 589-007-0140, 589-007-0150, 589-007-0160, 589-007-0170, 589-007-0180

**Rules Amended:** 589-001-0000, 589-002-0200, 589-002-0300, 589-002-0500, 589-002-0600, 589-002-0700, 589-002-0800, 589-003-0100, 589-005-0100, 589-005-0200, 589-005-0300, 589-005-0400, 589-005-0500, 589-006-0100, 589-006-0200, 589-006-0300, 589-006-0400, 589-007-0100, 589-007-0200, 589-007-0300, 589-008-0100, 589-008-0200, 589-009-0100, 589-010-0100

**Rules Repealed:** 589-002-0400

**Subject:** This notice and order have been prepared on recommendation from the Attorney General in order to correct an oversight in the filing process when the rules were originally adopted, amended or repealed. The step in the process of filing a copy of the rule with the Legislative Counsel within 10 days of filing the Certificate and Order of Filing with the Secretary of State's was mistakenly skipped. No substance was changed with this filing, only a correction in the processing oversight.

**Rules Coordinator:** Laura J. Roberts—(503) 378-8648, ext. 238

## 589-001-0000

### Notice of Proposed Rule

Prior to the adoption, amendments, or repeal of any rule the State Board of Education shall give notice of the intended action:

(1) 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.

(2) By mailing a copy of the notice to persons on the State Board of Education's mailing list established pursuant to ORS 183.335(7) at least 28 days prior to the effective date of the rule

(3) By mailing a copy of the notice to legislators as provided by ORS 183.335(14) at least 49 days prior to the effective date of the rule.

(4) To the general public, by posting the notice on the Department's website at least 28 days prior to the effective date of the rule.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 183.335

Hist.: EB 12-1991, f. & cert. ef. 7-19-91; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0000; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-002-0200

### State Reimbursement and Student Residency

For the purposes of OAR 589-002-0100, Distribution of Community College Support Fund:

(1) "Permanent Residence" is defined as a person's home, to which one intends to return after any absence and in which one's dependents reside for an unlimited period of time. A permanent residence shall be verified by specific documentation. Such documentation may include, but is not limited to, copies of the Oregon Department of Revenue income tax statements; deeds, bills of sale or other papers indicating ownership by the

student or a member of his or her family of the dwelling in which he or she resides; appropriate Department of Defense forms indicating that the student took residence in Oregon within one year of being released from active duty in the armed forces; possession of a driver's license issued by the State of Oregon; and evidence indicating that a parent or guardian of a dependent student qualifies as an Oregon resident under this rule.

(2) "Oregon Resident" is defined as a person who currently maintains a permanent residence in the state and whose permanent residence has been maintained in Oregon for no less than ninety continuous days immediately preceding the person's first instructional day of the term (quarter) for which residency is in question.

(3) Pursuant to ORS 341.528, and notwithstanding subsection (2) of this section, students who are residents of Idaho, Washington, California and Nevada and students admitted pursuant to ORS 351.647 shall be considered as residents of Oregon for the purpose of reimbursement.

(4) District policies regarding student residency for state reimbursement purposes may be subject to the periodic review and approval of the State Board of Education. In the event that approval is not granted, the State Board of Education may withhold reimbursement.

Stat. Auth.: ORS 326.051 & ORS 341.626

Stats. Implemented: ORS 341.290(7), ORS 341.505, ORS 341.529 & ORS 341.626

Hist.: 1EB 9-1979, f. & ef. 6-11-79; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0260; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0205; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-002-0300

### Advanced Payment to Newly Created Community College District or Service District

A newly created community college district, or community college service district, shall be assigned by the State Board of Education a base allocation level for its initial year of operation, based on the projected budget requirements as set in the feasibility study approved by the State Board of Education. Payments to the new district for its initial year shall be based on the assigned base allocation. From operating funds available to the new district, the Commissioner may advance reasonable sums for organizational expenses. Such an advance may be made only after the new district has formally adopted a budget. An advance will not serve to increase eligibility for state operating funds; it is a partial payment of the sum due the new district from its assigned base allocation in its initial year of operation.

Stat. Auth.: ORS 326.051 & ORS 341.626

Stats. Implemented: ORS 341.626

Hist.: EB 14-1987(Temp), f. & ef. 7-30-87; EB 5-1988, f. & cert. ef. 1-14-88; EB 23-1989(Temp), f. & cert. ef. 6-12-89; EB 33-1989, f. & cert. ef. 11-28-89; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0266; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0210; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-002-0500

### Contracts with Agencies, Organizations, and Industries for Which State Reimbursement is Requested

(1) For the purposes of this rule, the following definitions apply:

(a) "Contract" is defined as an agreement between a community college and an agency, organization, individual, or industry to provide educational services, unless these services are prohibited by the Commissioner or state statute;

(b) "General fund revenue account" is defined as that account which includes all revenues related to the college's basic educational objectives. All revenues not included in some other specific fund accounts are included in the general fund revenue account. All revenues associated with the generation of reimbursable full-time equivalent students are included in the general fund revenue account;

(c) "Special revenue account" is defined as a fund used to account for the proceeds of specific revenue sources (other than special assessments, expendable trusts, or for major capital projects) that are legally restricted to expenditure for specific purposes, including revenues from specific projects, grants, contracted out-of-district programs, restricted federal projects, and other contracts for designated purposes;

(d) "General education purposes" is defined as those purposes directly associated with the college's basic educational objectives.

(2) When community colleges provide educational services through contracts with agencies, organizations, or industries for their clients and employees, the colleges are entitled to compensation for reimbursable costs as defined by the Department and these rules. The community colleges are responsible for maintaining records that justify their requests for reimbursement from the Department.

(3) Full-time equivalent (FTE) attributable to contracts which are accounted for in a college's general fund revenue account can be added to a college's reimbursable full-time equivalent (RFTE) base and are subject

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to the reimbursement formula in OAR 589-002-0100. Any funds received under the contract from the contracting agency, business, or industry are to be placed into the college's general fund revenue account, or into the college's special revenue account with the Commissioner's approval and must be used for general education purposes.

Stat. Auth.: ORS 326.051 & ORS 341.626

Stats. Implemented: ORS 341.626

Hist.: IEB 11-1981, f. 5-6-81, ef. 5-7-81; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0255; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0220; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-002-0600

### Access by Unserved Areas to Community College Services; and Procedures for Contracted Out-of-District Areas

(1) For the purposes of this rule:

(a) "Nondistrict area" is defined as any geographic area of the state not within a community college district or community college service district;

(b) "Nondistrict student tuition" means tuition paid by residents of the nondistrict area;

(c) "Other nondistrict resources" means gifts, contributions, or grants from individuals, groups, organizations, businesses or industries. It may include financial support from school districts, education service districts, municipalities, counties or another public agency or private organization.

(2) Nothing in this rule is intended to refer to programs provided through contracts between community colleges and state correctional facilities. Those contracts are addressed in OAR 589-002-0700.

(3) Nothing in this rule is intended to refer to programs provided specifically for apprentices, including apprenticeship services as authorized in ORS 660.157(3). Those programs are addressed in division 11, chapter 589, of the Oregon Administrative Rules.

(4) The Department shall determine that sufficient interest exists in a nondistrict area for the formation of a local advisory committee to analyze and advocate community college services when it receives a petition signed by a minimum of 100 persons, or by five percent of the electors registered in each county or part of a county within the designated service area, whichever is less. The Department may ask the county clerk to verify valid petition signatures:

(a) The Department shall furnish the petition form and provide advice to the chief petitioner;

(b) In the event that more than one person seeks chief petitioner status, the Department shall select the party that, in its judgment, can best represent the diverse interests within the nondistrict area.

(5) Upon receipt of the petition, the Department and the chief petitioner shall jointly apply to the county governing body for the appointment of a local advisory committee. The application shall include the names of at least ten nominees agreed to by the Department and the chief petitioner along with brief statements as to the reasons they seek appointment.

(6) Upon application, the governing body of the county shall appoint a local advisory committee and shall insure that the committee is broadly representative of the nondistrict area.

(7) The advisory committee shall:

(a) Examine the educational needs of the residents;

(b) Identify financial and human resources necessary to meet the educational needs;

(c) Identify entities willing to contract with the community college provider;

(d) Promote the community college services desired;

(e) Periodically advise and consult with the designated staff of the contracting community college and the Department regarding services requested and provided; and

(f) Submit biennial evaluation reports to the county governing board, the Department, and the contracting community college. The Department may, at its discretion, require more frequent evaluation reports.

(8) Community college districts and community college service districts may submit proposals to the Department, to become service providers to a nondistrict area:

(a) The proposal shall address information sent by the Department to the colleges describing the boundaries of the nondistrict, the population base, and the services requested;

(b) The college district shall define the elements of its proposed contract including orientation, inservice, materials, recommended tuition and fees, registration and reporting procedures, transcription, advising, timelines, supervision, and budget;

(c) The Department shall select that college that, in its judgment, can best deliver the services requested:

(A) The Department shall make its judgment after considering geographic factors, prior service history, and local advisory committee preference;

(B) The community college district or community college service district selected to be the contractor shall enter into an agreement with the contracting entity;

(C) The agreement is subject to the approval of the State Board or its designee.

(9) The contract between the community college and the local contracting entity must include an annual budget setting forth both revenue and expenditures for services provided to the nondistrict area. The budget shall be based on the following conditions:

(a) The budget must be wholly supported by state funds, nondistrict student tuition, and other nondistrict resources;

(b) While the budget may contain some in-kind contribution from the nondistrict area, a cash contribution, exclusive of tuition, is required.

(10) State reimbursement of costs incurred in providing services subject to the contract will be made based on the formula described in OAR 589-002-0100. Contracts shall not imply any requirement on the part of the state for reimbursement beyond the amounts appropriated for such purposes or beyond the biennial period covered by any such appropriation.

(11) Nondistrict areas operating under contract to a community college district will be eligible for federal Adult Basic Education funds based on the distribution method described in the State Plan for Adult Education and adopted by the State Board.

(12) The cost of education (tuition and fees) to residents of the nondistrict shall be sufficiently low to enable students of low and middle income to attend.

(13) The local nondistrict financial effort shall be in cash:

(a) The contracting entities may exercise the option of increasing local effort in order to reduce tuition costs to students;

(b) The minimum cash contribution that will be required in the budget shall be determined in the following manner:

(A) For the initial contract year, not less than ten percent of the budgeted expenditures must be supported by a cash contribution;

(B) For the second contract year not less than 15 percent of the budgeted expenditures must be supported by a cash contribution;

(C) For the third contract year, and all subsequent years, not less than 20 percent of the budgeted expenditures must be supported by a cash contribution.

(c) Upon request from the college providing the contracted services, the Commissioner may recommend to the State Board a waiver or renegotiation of all or a portion of the matching requirement;

(d) A nondistrict area that contracts for not more than 12 FTE annually shall be subject to a separate cash contribution standard:

(A) Such areas may enter into contracts that provide for no cash contribution for the first three years of service;

(B) For the fourth, and all subsequent years, the cash contribution shall be ten percent of the budgeted expenditures.

(e) Cash may be from any source except that which is prohibited by rule or regulation.

(14) Contracts are subject to the review and approval of the Department:

(a) Contracts may be for one or two years and are renewable. Two-year contracts are subject to annual budget review and possible adjustment by the Department. The Department can choose to entertain bids from other potential contractors in the course of this review;

(b) Contracts will be submitted to the Department by July 1 of the contract year. The Department will determine that the contracting entity has met the cash requirement, that state-approved courses are offered, and that the district providing services provides adequate supervision of the contract;

(c) The Department will evaluate contracted out-of-district services biennially and submit a report to the State Board by May of even-numbered years. The evaluation will include number of individuals served, types of instructional services offered, extent to which the interest and needs of each area have been met, financial effort of each area, and projected service in the next biennium.

(15) The community college districts are responsible for developing the form of the contractual agreements and the method for recording them.

Stat. Auth.: ORS 326.051 & ORS 341.024

Stats. Implemented: ORS 341.019, ORS 341.021, ORS 341.022 & ORS 341.024

Hist.: IEB 178, f. 10-18-74, ef. 11-11-74; IEB 205, f. 8-20-75, ef. 9-11-75; IEB 15-1985, f. 7-3-85, ef. 7-5-85; IEB 178, f. 10-18-74, ef. 11-11-74; EB 21-1987(Temp), f. & ef. 10-7-87; EB 16-1988, f. & cert. ef. 3-15-88; EB 17-1988, f. & cert. ef. 3-15-88; EB 13-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0240 & 581-043-0250; EB 14-1992, f. & cert. ef. 5-

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13-92; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-042-0400; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-002-0700

### Community College Services for Inmates of State Penitentiary and Correctional Institutions

(1) Community colleges and the Department may contract with the Department of Corrections for instructional services to inmates of any Department-operated correctional facilities.

(2) Any contract between the Department and the Department of Corrections (State Contract) may include agreements relating to all statewide staff training and development, program transferability between correctional institutions, curriculum planning, instructional support, evaluation and assessment, instruction of the persons with disabilities, employee relations, and the range of administrative allowances.

(3) Contracts between a provider community college and an individual correctional institution (Local Contracts) shall include agreements relating to specific administrative allowances, financial aid administration, program mix, staffing and budget:

(a) Each Local Contract shall indicate as its primary objective a functional literacy program; and as its secondary objective professional and technical education that provides entry-level, marketable skills;

(b) State reimbursement of costs incurred in providing services subject to the Local Contracts will be made based on the formula described in OAR 589-002-0100. Contracts shall not imply any requirement on the part of the state for reimbursement beyond the amounts appropriated for such purposes or beyond the biennial period covered by any such appropriation;

(c) Local Contracts will be eligible for federal Adult Basic Education funds based on the distribution method described in the State Plan for Adult Education and adopted by the State Board of Education.

(4) All local contracts are subject to prior approval by the Department and must be submitted prior to August 1 of each year, unless the contract is for a biennial period in which the contract must be submitted prior to August 1 of the biennial year.

(5) The Department will advise the Department of Corrections and colleges annually of adjustments in the allocation of funds appropriated for services in correctional institutions.

(6) The State Board of Education shall review services to correctional institutions at least once biennially. To facilitate this review and approval, Department shall evaluate the contracts with the Department of Corrections biennially and submit a report to the State Board of Education by May 1 of even-numbered years. The evaluation shall include the number of individuals served, types of instructional services offered, extent to which the interest and needs of inmates have been met, financial effort, and projected service in the next biennium.

Stat. Auth.: ORS 326.051 & ORS 341.626

Stats. Implemented: ORS 341.317

Hist.: EB 27-1987, f. & ef. 11-17-87; EB 13-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0251; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-042-0500; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-002-0800

### Audit Procedures, Adjustments and Appeals

(1) Notwithstanding the required financial audit required under the Single Audit Act of 1984, P.L. 98-502, the Department and the State Board of Education have a statutory duty to manage public funds in a prudent manner. This duty includes the responsibility to take reasonable action to correct errors and to prevent the unauthorized use of public funds through the use of periodic audits.

(2) The Department may perform periodic on-site financial, performance and/or statistical audits of community colleges, community college service districts, other grantees, and contractors. The audits shall be conducted to determine compliance with applicable statutes and administrative rules, instructions, and grant and contract terms.

(3) Requests for audits may come from the State Board of Education, the Department, community colleges, contractors, or private citizens. Requests from anyone outside the Department must be routed through the Assistant Commissioner, be recommended by the Commissioner, and approved by the State Board of Education.

(4) The audit is to be performed by a person or persons with adequate technical training and proficiency as an auditor.

(5) The Auditor shall prepare a draft report of the audit and forward it to the audited agency with a letter of explanation. The letter will explain alternatives available to the agency in responding to the draft report. The audited agency's responses shall be forwarded within 60 days to the Auditor for evaluation in preparing the final audit report unless an alternative timeline is mutually agreed upon.

(6) After considering the responses, if any, from the agency on the draft audit report, the Auditor will prepare a final audit report. The Commissioner shall forward by letter the final audit report to the audited agency.

(7) Any exceptions involving overclaims (overpayments) or underclaims (underpayments) may be processed as follows unless the Commissioner agrees to an alternative method of adjustment:

(a) Overclaims: The agency will have the option of remitting the excess claim or reducing accordingly the subsequent year's entitlement;

(b) Underclaims: The subsequent year's claim may be adjusted by the amount underclaimed.

(8) The Auditor shall forward audit reports involving overpayment or underpayment to the Commissioner and to the audited agency.

(9) If the audited agency disputes the Department's determination of an audit exception, the audited agency may appeal to the State Board of Education in the manner provided for a contested case under ORS 183.413 to 183.470. During an appeal, no action will be taken by the Department to effect reimbursement until a decision on the audit under appeal has been reached.

Stat. Auth.: ORS 326.051, ORS 341.015 & ORS 341.626

Stats. Implemented: ORS 291.200, ORS 341.015 & ORS 341.626;

Hist.: EB 12-1991, f. & cert. ef. 7-19-91; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0240; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-003-0100

### Community College Capital Construction and Acquisition

(1) For the purposes of this rule, the following definitions apply:

(a) "Capital construction and acquisition" is defined as new construction, the purchase of existing buildings, remodeling, maintenance, equipment and Americans with Disabilities Act (ADA) projects;

(b) "New construction" is defined as the building of a new facility within the community college district or some significant addition to an existing facility;

(c) "Remodeling" is defined as the renovation, restoration, or repair of an existing college district facility, the result of which places the facility in a position to provide increased access for persons who are disabled, to accommodate new uses, or house expanded activities;

(d) "Maintenance" is defined as the renovation, restoration, repair, or replacement of any college district facilities system, or component part of such a system. Maintenance is distinguished from remodeling by the fact that it does not add to the value of the property or prolong the life of the property, but merely keeps the property in an operating condition over the useful life for which the property was acquired. Facilities systems include, but are not limited to, water systems, sewer and drainage systems, HVAC systems, light systems, road systems, electrical systems, carpets, floors, roofs, walkways, and parking lots;

(e) "Equipment" is defined as tangible personal property of a non-consumable nature, with a useful life of more than one year and a cost exceeding a dollar amount to be specified by the Department;

(f) ADA projects is defined as new construction, remodeling, maintenance or equipment needed to meet the requirements of the American with Disabilities Act as defined in Public Law 101-336;

(g) "Eligible Projects" is defined as any construction, remodeling, maintenance, ADA project, or equipment request not prohibited by state statute or administrative rule. ORS 341.933(1) prohibits the use of state funds for the construction of student or faculty housing, facilities for spectators at athletic events, recreational facilities, student health facilities, and noninstructional portions of student centers; and

(h) "Instructional Purpose" is defined as those activities that directly support classroom, shop, or laboratory teaching, basic skills teaching, customized training, tutoring, student testing and assessment, student advising or counseling, and library services.

(2) Colleges shall prepare five-year capital plans documenting their new construction, remodeling, maintenance, equipment and ADA project needs, and the projected costs of meeting these needs. These plans shall be updated every two years. After consulting with college officials, the Commissioner or the Commissioner's designee shall prescribe forms and timelines for this planning process.

(3) The State Board of Education shall rely upon the submitted capital plans for the development of capital construction requests made to the Department of Administrative Services and Legislature. The State Board of Education shall approve all capital construction requests prior to submission to the Department of Administrative Services or Legislature.

(4) Unless directed otherwise by the Department of Administrative Services or the Legislature, the State Board of Education's new construction requests, remodeling requests, maintenance and equipment requests,

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and ADA projects that are new construction or remodeling projects as a package of prioritized eligible projects. Colleges shall have a right of appeal to the State Board before the new priorities are finally established.

(5) In its final budget request for new construction, remodeling, maintenance, equipment, and ADA projects, provided that the district has submitted an appropriate capital plan. Further, the State Board of Education shall list these projects in priority order and assign higher relative rank to those projects that:

(a) Clearly serve an instructional purpose (first priority);

(b) Clearly meet an important demonstrated service need of the college (second priority);

(c) Clearly meet a facilities need that cannot be adequately addressed through alternative, interim, or existing facilities (third priority);

(d) Clearly serve to complete a comprehensive community college facility (fourth priority);

(e) Clearly meet an important and articulated objective of the college (fifth priority); and

(f) Clearly reflect evidence of local planning and needs assessment (sixth priority).

(6) Pursuant to ORS 341.937, and notwithstanding section (5) of this rule, the State Board of Education shall include amounts for capital improvements in its budget request for each biennium that will be applied to the substantial reduction and eventual elimination of barriers to access by disabled persons. These capital improvements may include, but are not limited to, ADA projects. The State Board of Education shall identify the projects as separate items on the list of capital construction projects that it submits to the Executive Branch or Legislature. The inclusion of the budget requests for these projects shall be made after consultation with the community colleges and their representatives of the disabled community at the colleges. The State Board of Education may also include these projects on the prioritized list of projects referenced in section (5) of this rule.

(7) New construction, remodeling, and ADA projects that include new construction, maintenance, or remodeling shall be subject to the following special considerations:

(a) The cost of necessary initial equipment for a new or remodeled facility shall be an allowable expense within a new construction, remodeling or ADA project request;

(b) The acquisition of an existing facility shall be deemed a capital construction project within the meaning of this rule;

(c) The costs of acquiring land shall not be an allowable expense within a capital construction request in those cases where the capital construction project involves the acquisition of an existing facility. In those cases, the attendant land must represent the smallest practical parcel of land that will serve the acquired facility;

(d) Property subject to a leasehold interest by the college shall be eligible for remodeling funds provided the leasehold extends for at least five years beyond the date of any stated funded improvements;

(e) The value of district employee labor may be included as part of the district match requirement set out in section (9) of this rule provided:

(A) Accurate records are maintained to document the value of the contributed labor;

(B) Prevailing wage, licensing, and other applicable laws are observed;

(C) The contributed labor directly, and exclusively, serves the subject project for the claimed period; and

(D) The contributed labor involves work that is traditionally associated with the building trades.

(f) New construction projects must affect facilities within the boundaries of the requesting district. Remodeling projects in areas served under an existing contracted-out-of-district agreement shall be eligible projects provided such projects otherwise qualify under this rule.

(8) In addition to requests for new construction, remodeling and ADA project funds, the State Board of Education may make requests to the Department of Administrative Services and the Legislature for equipment purchases. The State Board shall rely upon the submitted five-year capital plans for the development of such requests. The State Board shall consult with college officials prior to developing any proposed distribution methods for equipment funds. The State Board shall not request state funds for equipment purchases that would support programs associated with those ineligible facilities listed in ORS 341.933(1).

(9) State Board of Education requests for state funds for capital construction projects shall not be less than 65 percent of the total cost for each project or purchase, unless a lesser percentage is established by the Commissioner after consulting with the requesting college. The remaining amount of the total cost must come from tuition, local property tax ven-

ues, bond issues, gifts, grants, or other sources. A community college district must provide an accounting of all funds expended for any project or purchase subject to this rule. The Commissioner shall prescribe an appropriate accounting method.

(10) The board of a community college district applying for state funds appropriated for new construction, remodeling, maintenance, or ADA new construction or remodeling project purposes shall submit plans of the proposed project to the Commissioner prior to receiving any appropriation for such project. These plans shall include pertinent construction or remodeling documents and cost estimates. Upon approval of the project plans by the Commissioner, and any legislatively designated body, the district may proceed to obtain bids and award construction or remodeling contracts.

(11) Notwithstanding section (12) of this rule, the Commissioner may waive the requirement that such plans be submitted if in the Commissioner's judgment the cost of developing such plans represents an unreasonable overextension of the college's resources. In such cases, the college will submit reasonable estimates.

(12) Upon award of the new construction, remodeling or ADA project funding, the Commissioner shall set aside those state funds appropriated for the project. The Department shall distribute project funds to the district in periodic payments related to the progress of construction or remodeling as determined by the Commissioner. The amount paid to the district may not exceed:

(a) The state share of the capital construction and acquisition costs; or

(b) The amount appropriated for capital construction and acquisition costs, whichever is less.

(13) If, prior to completion of the capital construction and acquisition project, it is found necessary or desirable to substantially modify the contract or specifications covering construction or remodeling, the district must submit such modifications to the Commissioner for approval.

(14) The community college district shall submit such records and reports during the construction or remodeling period and after completion thereof as the Commissioner may require.

(15) The board of a community college district applying for state funds appropriated for equipment purchases shall prepare detailed descriptions of the purchases or projects. These descriptions shall be submitted to the Commissioner along with pertinent specifications and cost estimates. Upon approval of the descriptions by the Commissioner, and any legislatively designated body, the district may proceed to obtain bids and award contracts.

(16) Upon award of the grant to the college, the Commissioner shall set aside those state funds appropriated for the equipment purchases. The Department shall distribute the equipment funds to the district on a schedule to be determined by the Commissioner after consulting with the affected district. The amount paid to the district may not exceed:

(a) The state share of the equipment costs; or

(b) The amount appropriated for the equipment costs, whichever is less.

(17) If, at any time, it is found necessary or desirable to modify substantially a planned equipment purchase, the district must submit such modifications to the Commissioner for approval.

(18) The community college district shall submit such records and reports during and after the equipment purchase as the Commissioner may require.

(19) Title to any real and/or personal property items acquired under this rule is vested with the individual college receiving state funding at the time the college acquires the real and personal property.

Stat. Auth.: ORS 294.356, ORS 326.051 & ORS 341.933

Stats. Implemented: ORS 341.933 & ORS 341.937

Hist.: 1 EB 25-1986, f. & ef. 7-17-86; EB 13-1987(Temp), f. & ef. 7-30-87; EB 4-1988, f. & cert. ef. 1-14-88; EB 21-1989, f. & cert. ef. 5-17-89; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-041-0040; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0230; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-005-0100

### Formation of a Community College District

(1) The petition submitted to the Oregon State Board of Education pursuant to ORS 341.025 for approval of the formation of a community college district shall include the following:

(a) Total population within the proposed community college district;

(b) True cash and assessed valuation of the proposed community college district and property tax rates in effect in the proposed college district;

(c) High school enrollment within the proposed community college district;

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(d) Maps showing the location of high schools within the proposed community college district;

(e) Employment trends in the proposed community college district.

(f) The minimum number of required signatures of 500, or 10 percent, of the electors registered in each county or parts of counties within the designated territory, whichever is the lesser. The number of required signatures for each county or parts of counties shall be proportionate to the qualified voters of the entire proposed community college district.

(g) The boundaries of the territory to be included in the proposed community college district which may include all or part of the territory lying within the boundaries of a school district and may be located in more than one county;

(h) The method of nomination and election of the board of education of the proposed community college district from among the methods described in ORS 341.327.

(2) In addition to the criteria set forth under ORS 341.045, and in keeping with its responsibilities outlined under ORS 341.055 and 341.065, the State Board shall determine whether the formation of a community college district is warranted.

(3) In considering whether residents of an area will materially benefit from inclusion in a community college district, as described in ORS 341.055, the State Board shall consider:

(a) The number of potential students living within 50 miles of the location of the proposed community college district's main campus;

(b) Other indications that a community of interest exists that connects the area to the proposed community college district.

Stat. Auth.: ORS 326.051 & ORS 341.025

Stats. Implemented: ORS 341.025 - ORS 341.185

Hist.: 1 EB 131, f. 5-19-72, ef. 6-1-72; EB 13-1991, f. & cert. ef. 7-19-91; Renumbered from 581-041-0005, 581-41-010 & 581-041-0015; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-042-0150; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-005-0200

### Formation and Definition of a Community College Service District

(1) For the purposes of this rule, "community college service district" is defined as a district that is governed by the laws applicable to community college districts but which:

(a) May not incur bonded indebtedness for any purpose; and

(b) Must undergo an annual review by its board to determine which district services can most effectively and economically be delivered directly and which services can best be delivered through contracting arrangements.

(2) A petition for the formation of a community college service district shall contain the same information required for formation of a community college district set forth in OAR 589-005-0100.

(3) A petition affecting a territory that, in the judgment of the Commissioner, will not generate an annual enrollment in excess of 1,000 full-time equivalent students after three years of operation shall be considered to be a petition for the formation of a community college service district.

(4) In addition to the criteria set forth under ORS 341.045, and in keeping with its responsibilities outlined under ORS 341.055 and 341.065, the State Board shall use the following criteria in determining whether the formation of a community college service district is warranted:

(a) The community college-type education services needed for the petitioning area can best be served by a community college service district which contracts for instructional services;

(b) A community college service district can more effectively provide the needed educational services than other existing districts.

Stat. Auth.: ORS 326.051 & ORS 341.025

Stats. Implemented: ORS 341.039

Hist.: 1 EB 178, f. 10-18-74, ef. 11-11-74; EB 22-1989(Temp), f. & cert. ef. 6-12-89; EB 13-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0220 & 581-043-0230; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-042-0200; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-005-0300

### Boundary Changes

(1) The State Board of Education shall constitute the boundary board for community college districts. The State Board on its own motion or on petition from a petitioning territory may propose changes in the boundaries of the community college district. The State Board must find that the proposed change will have no substantially adverse effect upon the ability of the affected districts to provide and continue their program and is not made solely for tax advantages to property owners in the district or area affected by the proposed change.

(2) Petitions for community college boundary changes shall contain the following information:

(a) A statement describing and map of the boundary change requested;

(b) A full and complete description of the area proposed to be included within or excluded from the community college district. The area description may be by counties, cities, school districts, metes and bounds, or by any combination of these methods;

(c) A statement whether or not an area proposed to be included is within the boundaries of another community college district;

(d) A maximum of three persons as chief petitioners setting forth their names and mailing addresses;

(e) Verification on the face of each sheet of the petition by the affidavit of the person who circulated the sheet, stating that every person who signed the sheet did so in his or her presence and that he or she believes that each signer stated his or her correct residence address and is a registered elector.;

(f) The minimum number of signatures required under section (6) of this rule.

(3) The State Board may, at its discretion, reject the petitions if any of the conditions in subsections (2)(a) through (e) of this rule are not met.

(4) The State Board may, at its discretion, request the county clerk to verify all or a sampling of the names appearing on the petition. The State Board shall pay to the county clerk any appropriate charges for such verification. The State Board may at its discretion reject the petitions if a sufficient sampling of the names is not verifiable by the county clerk because the names on the petitions cannot be read or if a sampling indicates that sufficient signers are not registered electors.

(5) Petitions for community college boundary changes shall be substantially in the form provided by the State Board of Education.

(6) The minimum number of signatures required on a petition to change the boundary of a community college district shall be at least 10 percent of the qualified electors of the area seeking to be changed, or at least 500 signatures of qualified electors of the area seeking to be changed, whichever is less.

(7) Where all or part of two or more counties is in the area to be changed, the number of signatures from each of such counties shall be proportionate to the relative populations of the counties or parts thereof within the area proposed to be changed.

(8) Petitions must be delivered to the Department of Community Colleges and Workforce Development in the original. Faxed copies shall not be accepted.

(9) Following submission of a petition and its acceptance by the State Board, the State Board shall hold a public hearing in accordance with ORS Chapter 183, the Administrative Procedures Act, and issue an order as described in ORS 341.565.

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

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 341.565

Hist.: 1 EB 131, f. 5-19-72, ef. 6-1-72; 1 EB 139, f. 10-5-72, ef. 10-15-72; 1 EB 140, f. 10-5-72, ef. 10-15-72; EB 13-1991, f. & cert. ef. 7-19-91; Renumbered from 581-041-0025 & 581-041-0030; EB 30-1995, f. & cert. ef. 12-21-95; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-042-0300; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-005-0400

### Remonstrance Petitions

(1) A petition submitted in remonstrance to the annexation of territory to a community college district pursuant to ORS 341.569 shall be submitted no later than 20 days from the date and hour of adjournment of the last public hearing held on the question of annexation pursuant to ORS 341.565(3).

(2) Remonstrance petitions shall meet the following requirements:

(a) A maximum of three persons as chief petitioners shall provide their names and mailing addresses on the face of the petition;

(b) Each petition shall be verified on the face of each sheet by the affidavit of the person who circulated the sheet, stating that every person who signed the sheet did so in his or her presence and that he or she believes that each signer stated his or her correct residence address and is a registered elector.

(3) The State Board may, at its discretion, reject the petitions if any of the conditions in subsections (2)(a) and (b) of this rule are not met.

(4) The State Board may, at its discretion, request the county clerk to verify all or a sampling of the names appearing on the petition. The State Board shall pay to the county clerk any appropriate charges for such verification. The State Board may at its discretion reject the petitions if a sufficient sampling of the names is not verifiable by the county clerk because



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the names on the petitions cannot be read or if a sampling indicates that sufficient signers are not registered electors.

(5) Petitions in remonstrance to a community college boundary changes shall be substantially in the form provided by the State Board of Education.

(6) The minimum number of signatures required on a petition in remonstrance to a change in the boundary of a community college district shall be at least five percent of the qualified electors of the area seeking to be changed, or at least 500 signatures of qualified electors of the area seeking to be changed, whichever is less.

(7) Where all or part of two or more counties is in the area to be changed, the number of signatures from each of such counties shall be proportionate to the relative populations of the counties or parts thereof within the area proposed to be changed.

(8) Petitions must be delivered to the Department of Community Colleges and Workforce Development in the original by the deadline described in section (1) of this rule. Faxed copies shall not be accepted.

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

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 341.569

Hist.: EB 31-1995, f. & cert. ef. 12-21-95; EB 9-1996, f. & cert. ef. 5-24-96; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-042-0310; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-005-0500

### Elections on the Question of Annexation

(1) Pursuant to ORS 341.569, the State Board of Education shall submit the question of a proposed boundary change to a vote only if:

(a) The state board enters the order to revise the boundaries of a community college district;

(b) A remonstrance signed by at least five percent or at least 500, whichever is less, of the electors either in an area to be included in the district or excluded from the district by the proposed boundary change or in the community college district is filed with the state board within 20 days after the date on which the hearing pursuant to ORS 341.565 is adjourned finally; and

(c) The area to be included in the district is not surrounded by the territory of a single community college district.

(2) If an election on the question of annexation is required, the State Board of Education, as designated boundary board, shall file the ballot title with the appropriate elections official.

(3) The ballot title is to be filed with the elections official in the county in which the host community college resides. That county official shall certify the election in the appropriate county or counties, whether or not an election is required in the host districts county.

(4) The State Board of Education, as designated boundary board, is responsible for filing the documentation described in ORS 308.225 with the county assessor and with the Department of Revenue and for meeting the necessary timelines.

(5) Unless otherwise directed by statute, the annexing community college district is responsible for the costs of any election on the question of annexation.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 341.569

Hist.: EB 32-1995, f. & cert. ef. 12-21-95; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-042-0320; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-006-0050

### Definitions for Division 006, Chapter 589

For the purposes of division 006 of chapter 589, the following definitions apply:

(1) "Academic standard of achievement" is defined as demonstrated achievement, proficiency, or measured learning acknowledged as meeting a predetermined academic standard. Normally noted through a record transcribed and maintained by the college.

(2) "Adverse intersegmental impact" is defined as the detriment of duplication that would fall on a school or its students in a segment other than that of the school proposing the new program or location, except that a publicly funded program or location proposed by a private school or other organization has adverse intersegmental impact if it is detrimental to a school in any of the five segments.

(3) "Associate degree" is defined as 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.

(4) "Associate of Applied Science" is defined as 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.

(5) "Associate of Applied Science degree option" is defined as a transcribed specialization within a state-approved associate degree that is intended to prepare graduates for direct entry into the workforce.

(6) "Associate of Arts — Oregon Transfer degree" is defined as a state approved associate degree that is intended to prepare students to transfer into upper division courses for a baccalaureate degree.

(7) "Associate of General Studies" is defined as a state-approved associate degree that is intended to meet the individual student need using a variety of collegiate level courses to meet degree requirements.

(8) "Associate of Science" is defined as a state-approved associate degree that is intended to prepare student 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.

(9) "Business and Industry Based program" is defined as an Associate of Applied Science degree and/or certificate of completion designed for employers to meet specific occupational and educational needs of their current employees.

(10) "Certificate of Completion" is defined as 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 of Education's standards and criteria.

(11) "Clock/contact hours" is defined as one clock (or contact) hour is 60 minutes long. No more than 10 minutes of each hour can be used for a regularly-scheduled break or passing period.

(12) "Collegiate level work" is defined as 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/university transfer courses. It also includes professional 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.

(13) "Complementary courses in general education" are defined as courses that are designed to serve as supportive parts of the professional technical programs. They are designed to aid the 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.

(14) "Continuing Education Units (CEUs)" is defined as 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.

(15) "Credit" is defined as 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.

(16) "Credit course" is defined as courses offered by the college as part of a lower-division transfer degree or approved professional technical program.

(17) "Degree" is defined as 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 there of 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.

(18) "Deleted program" is defined as the permanent elimination of a program previously approved by the local and State Boards of Education.

(19) "Detrimental Duplication" is defined as 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-finan-

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cial factors such as interest, qualifications needed for admission, internship openings for students, and job openings for graduates.

(20) "Direct control" is defined as the community college maintains direct and sole responsibility for the academic quality of all aspects of all programs and courses through the management and supervision by faculty and institutional administrators.

(21) "Educational programs" are defined as state-approved certificate of completion and associate degree programs.

(22) "General education" is defined as the introduction to the content and methodology of the major areas of knowledge — the humanities and fine arts, the natural sciences, mathematics, and the social sciences and help students to develop the mental skills that will make them more effective learners and citizens in a democratic society.

(23) "Hobby course" is defined as any directed activity engaged in by individuals as an avocation resulting in a collection of objects or in the production of works.

(24) "Intersegmental" is defined as across segments of education. See "Segments of Education."

(25) "Laboratory (Lab)" is defined as an instructional setting in which students work independently with the instructor available and in the instructional area for assistance and supervision.

(26) "Lecture" is defined as an instructional setting in which the instructor delivers information.

(27) "Lecture/laboratory (Lecture/Lab)" is defined as an instructional setting in which the instructor gives short presentations and supervises student application of content. Instructional methods are integrated; lecture and lab are dependent upon each other for the student's educational success.

(28) "Local community college program approval" is defined as 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.

(29) "Lower Division Collegiate" (LDC) is defined as 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.

(30) "New location of an approved program" is defined as 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."

(31) "New program" is defined as any program not previously approved by the State Board of Education, Office of Degree Authorization of the Oregon Student Assistance Commission or by their predecessor review authorities, regardless of whether it comprises new instructional components or the reassembled components of existing programs.

(32) "Non-credit course" is defined as 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.

(33) "Occupational preparatory program" is defined as a state-approved professional technical program which is designed to prepare persons for employment in a specified occupation or cluster of closely related occupations.

(34) "Occupational supplementary program" is defined as a state-approved program designed for individuals who have already entered an occupation but seek to improve their occupational skills and knowledge in order to achieve employment stability or advancement.

(35) "Other Education Courses" are defined as general self-improvement courses intended primarily for adults and independent of professional technical 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 professional technical degree and certificate programs. Other Education Courses include areas of instruction not otherwise included in the professional technical education and lower-division collegiate categories. Other Education course areas include but are not limited to adult basic education (ABE), general education development (GED), adult high school completion (AHS), English as a second language (ESL), and self-improvement courses not fitting into previously listed categories.

(36) "Professional technical courses" are defined as 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 occu-

pations. Professional technical courses include both occupational preparatory and occupational supplementary courses.

(37) "Professional technical program" is defined as 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. Professional technical programs result in the achievement of a state-approved certificate of completion, associate of applied science degree or associate of applied science degree option.

(38) "Program" is defined as 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" is defined as a change in 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" is defined as 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 Student Assistance Commission.

(41) "Publicly funded" is defined as 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 Sciences 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" is defined as 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" is defined as 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" is defined as 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:

(a) Communication;

(b) Computation; and

(c) 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" is defined as 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 Sciences University, any hereafter created public corporations for higher education, and any organizational units of such public corporations, together with every postsecondary program or location under their ultimate sponsorship;

(d) Private Oregon degree-granting institutions and organizations and all non-Oregon entities offering residential instruction in Oregon for credit toward full degrees approved by the Office of Degree Authorization, together with every postsecondary program or location they sponsor; and

(e) Private nondegree career schools offering instruction in Oregon and licensed under ORS 345, together with every postsecondary program or location they sponsor.

(46) "Stand alone occupational prep courses" are defined as 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 Course.

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(47) "Statewide or regional consortium program" is defined as an associate of applied science and/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.

(48) "State approved program" is defined as 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 of Education and has received authorization by the Office of Degree Authorization of the Student Assistance Commission.

(49) "Suspended program" is defined as 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 659.850

Stats. Implemented: ORS 659.850, ORS 855.860

Hist.: DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-006-0100

### General Community College Program Approval Requirements

(1) The State Board of Education has responsibility for approval of community college educational programs and locations.

(2) The State Board of Education shall provide community college district boards of education with the standards, criteria and procedures the State Board of Education 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 of Education shall assure that new community college educational programs have been authorized by the Office of Degree Authorization of the Oregon Student Assistance 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 local community college district board of education to the State Board of Education prior to the 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 certificate 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 of Education, associate degree and associate degree option programs must include:

(a) At least 90 total credits; and

(b) No more than 108 credits; and

(c) A recognizable core of general education and/or related instruction courses; and

(d) An established standard of academic achievement; and

(e) Meeting or exceeding the local community college board of education program approval standards; and

(f) Meeting or exceeding the State Board of Education program approval standards and criteria.

(8) To meet the approval standards by the State Board of Education, certificate of completion programs must include:

(a) At least 12 credits; and

(b) No more than 108 credits; and

(c) A recognizable core of general education and/or related instruction courses for programs one-year or more in length; and

(d) An established standard of academic achievement; and

(e) Demonstration of occupational content leading to employment; and

(f) Meeting or exceeding the local community college board of education program approval standards; and

(g) Meeting or exceeding the State Board of Education 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 of Education.

(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, ORS 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

## 589-006-0150

### Local Community College Responsibilities for Program Approval

(1) Local community college district boards will have local processes in place to assure that local and state program approval standards and criteria are implemented and maintained.

(2) Local community college district 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 local 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) New certificate of completion and associate degree programs shall follow the Adverse *Intersegmental Impact Detrimental Duplication Procedures* as identified by the Department and the Office of Degree Authorization as a component of the State Board of Education program approval process.

(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 of Education and authorized by the Office of Degree Authorization.

(6) Local community college district board 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 of Education.

(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 of Education, the Board authorizes the community college district boards 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 colleges.

(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 local community college district board, the State Board of Education and the Office of Degree Authorization of the Student Assistance 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: Publications referenced are available from the agency.]

Stat. Auth.: ORS 659.850

Stats. Implemented: ORS 659.850, ORS 855.860

Hist.: DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

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## 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 Association of Schools and of 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 Association of Schools and of 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

## 589-006-0300

### Approval of Professional Technical 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 professional technical courses.

(2) Professional technical courses consist of either occupational preparatory courses or occupational supplementary courses.

(3) The Department will use the *Professional Technical Course Approval Procedure* and *Certificate of Completion and Associate Degree Approval Procedure* to approve professional technical courses and programs.

(4) Professional technical courses are approved by the State Board of Education 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 *Professional Technical Course Approval Procedure*.

(5) The State Board of Education standards for approval of occupational preparatory courses will be included in the *Professional Technical Course Approval Procedures* and will include but 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) The State Board of Education standards for approval of occupational supplementary courses will be included in the *Professional Technical Course Approval Procedures* and will include but 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 the 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 of Education or their designate.

(8) Occupational supplementary courses may be offered by the local community college prior to final approval by the Department as identified within the *Professional Technical 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) Professional technical courses will be numbered using course numbering conventions as approved by the Department.

(10) Professional technical programs will be approved by the State Board of Education 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) The State Board of Education standards and criteria for approval of professional technical programs will be included in the *Certificate of Completion and Associate Degree Approval Procedures* and will include but 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 professional technical 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) Professional technical programs will include the sequence of courses for the program including general education and related instruction, professional technical 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 Consortium 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 & Industry Based programs that are designed for employers to meet specific occupational and educational needs of their current employees.

(15) New Professional technical programs will be submitted for approval following the processes within the *Certificate of Completion and Associate Degree Approval Procedures* identified by the Department. The procedures will include but not be limited to the following components:

(a) Local community college submission of a Notice of Intent to Apply for a New Program/Location to the Department at least three months prior to the planned implementation date of the proposed new program; and

(b) Department dissemination of the Notice of Intent to Apply for a New Program/Location to public and private institutions to identify potential adverse intersegmental impact or detrimental duplication; and

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(c) Local community college completion of adverse intersegmental impact or detrimental duplication procedures as identified in the Adverse Intersegmental Impact and Detrimental Duplication Procedure by the Department; and through the administrative rules of the Office of Degree Authorization; and

(d) Local community college submission of the Planning Guide and Application for the new professional technical education program at least 60 days prior to the date approval is to be requested from the State Board of Education.

[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

## 589-006-0350

### Maintaining Approval of Certificate of Completion and Associate of Applied Science degree Programs

(1) The approval of community college professional technical programs by the State Board of Education will continue to be in effect until the program is amended, suspended or deleted from the college's program offerings. The State Board of Education or their designee may disqualify an approved professional technical program if it no longer meets State Board of Education program approval standards and criteria.

(2) Once a program has been approved by the State Board of Education, course additions, deletions, or changes within these programs must be approved by the State Board of Education 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 college shall be considered to be active as long as the *Annual Program Review Procedure* has been followed for the program and the college has not provided notification to the Department of program suspension or program deletion.

(4) Community colleges may request that a program be suspended for a period of three years. The program suspension period will begin on the date the college notifies the Department of its intent to suspend a program. The Department will notify colleges prior to the deletion of suspended programs. After three years suspended programs will require re-approval utilizing the *Certificate of Completion and Associate Degree Approval Procedure* identified by the Department.

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

Stat. Auth.: ORS 659.850

Stats. Implemented: ORS 659.850, ORS 855.860

Hist.: DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 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 & ORS 341.626

Stats. Implemented: ORS 341.425 & ORS 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

## 589-007-0100

### Apprenticeship Definitions

For purposes of this rule:

(1) "Academic credit" means the indication or certification by a community college that a student has completed a unit of study or demonstrated achievement or proficiency, so as to have satisfied a portion of the requirements for a degree or other academic recognition offered by the community college.

(2) "Academic credit course" means collegiate-level courses offered by the college as part of a lower-division transfer degree or approved professional technical program. Also known as "credit course."

(3) "Adverse intersegmental impact" or "adverse impact" means the detriment of duplication which would fall on a school or its students in a segment other than that of the school proposing the new program or location, except that a publicly funded program or location proposed by a private school or other organization has adverse intersegmental impact if it is detrimental to a school in any of the five segments: 1) Oregon University System, 2) Oregon Health and Sciences University, 3) private Oregon degree granting institutions, 4) private nondegree career schools and 5) community colleges.

(4) "Apprenticeable occupation" means a skilled trade that:

(a) Is customarily learned in a practical way through a structured, systematic program of on-the-job supervised training;

(b) Is clearly identified and commonly recognized throughout an industry;

(c) Involves manual, mechanical or technical skills and knowledge which require a minimum of 2,000 hours of on-the-job supervised training; and

(d) Requires related instruction to supplement the on-the-job training.

(5) "Apprenticeship credit" means the indication or certification by a local joint committee that an apprentice has demonstrated achievement or proficiency so as to satisfy a portion of the apprenticeship requirements as identified by the State Apprenticeship and Training Council.

(6) "Apprenticeship degree" means a state-approved Associate of Applied Science degree program that is approved for registered apprentices and journey persons and meets the standards and criteria for Associate of Applied Science degrees.

(7) "Apprenticeship program" means the total system of apprenticeship as operated by a particular local joint committee, including the committee's registered standards and all other terms and conditions for the qualification, recruitment, selection, employment and training of apprentices in that apprenticeable occupation.

(8) "Apprenticeship standards" means a written agreement submitted by a local joint committee and approved by the State Apprenticeship and Training Council, that sets forth a plan containing all terms and conditions for the qualification, employment and training of apprentices or trainees as set forth in ORS 660.126 and 660.137.

(9) "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.

(10) "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.

(11) "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.

(12) "Bureau of Labor and Industries (BOLI)" means the Oregon state agency responsible for apprenticeship and training in Oregon.

(13) "Certificate of completion" means a form of recognition awarded by a community college for meeting minimum occupational course or curriculum requirements. Certificates of completion must be state-approved, have a defined job entry point, represent college-level work, and meet State Board of Education's criteria. Commonly referred to as less than one-year, one-year and two-year certificates of completion.

(14) "Clock/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.

(15) "Collegiate level work" means course and program content that provides skills and information beyond what is normally gained before or during the secondary level. It is characterized by analysis, synthesis, and

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application in which students demonstrate an integration of skills and critical thinking. It is a term that denotes more than college/university transfer courses. It also includes professional 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, Associate of Applied Science degree option or certificate of completion program.

(16) "Cooperative work experience (CWE)" means the placement of students by the college in a structured work-based learning experience that is directly related to their classroom studies and under the control of the college. The college instructor or supervisor visits the field work site regularly. Supervision toward achievement of college identified and approved student learning outcomes and measurable learning objectives is also provided by the employer or other individual contracted to provide field experience. Each student should have theoretical knowledge and/or practical experience in a relevant major field of study prior to being placed in a cooperative work experience.

(17) "Core apprenticeship services" means those services offered by Oregon community colleges to apprentices and local joint committees when college tuition is paid and state reimbursable fulltime equivalency (FTE) is generated through the apprenticeship related training.

(18) "Course challenge examination" means the award of academic credit by a community college when a student demonstrates through comprehensive examination of one or more related training classes that they have achieved the competencies and proficiencies of a course at or above the standard of academic achievement for the course. Local policies govern whether this is an acceptable alternative for students and the nature of the examination (oral, written, demonstration, etc.) Credit can only be granted for courses that are part of that college's approved curriculum.

(19) "Council" means the State Apprenticeship and Training Council as defined in ORS 660.010.

(20) "Course of study for apprentices and trainees" means the instructional objectives and outline of course content for related training and manipulative instruction as developed from a trade analysis for the trade, craft or industrial occupation as established in accordance with ORS 660.157.

(21) "Credit for prior certification" means the awarding of credit by a community college toward an associate degree or certificate of completion to acknowledge achievement of a publicly certified credential such as a journey persons card.

(22) "Credit for prior experiential learning" means the awarding of academic credit by a community college for prior learning acquired from work or life experience, mass media and independent reading and study.

(23) "Department" means the Oregon Department of Community Colleges and Workforce Development.

(24) "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 nonfinancial factors such as interest, qualifications needed for admission, internship openings for students, and job openings for graduates

(25) "Direct control" means the community college maintains direct and sole responsibility for the academic quality of all aspects of all programs and courses through the management and supervision by faculty and institutional administrators.

(26) "Employer" means any person employing the services of a registered apprentice, regardless of whether such person is a party to an apprenticeship agreement with that apprentice.

(27) "Fulltime equivalency (FTE)" means a student or a combination of several students who carries or carry among them, within a single academic year, a minimum number of clock hours of instruction, in any program, to be specified by rule by the State Board of Education.

(28) "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 help students to develop the mental skills that will make them more effective learners.

(29) "Laboratory (lab)" means an instructional setting in which students work independently with the instructor available and in the instructional area for assistance and supervision.

(30) "Lecture" means an instructional setting in which the instructor delivers information with limited student discussion.

(31) "Lecture/laboratory (Lecture/lab)" means an instructional setting in which the instructor gives short presentations and supervises student application of content. Instructional methods are integrated; lecture and lab are dependent upon each other for the student's educational success.

(32) "Local joint committee" means local joint apprenticeship committees, local joint training committees and trade committees.

(33) "Minimum guideline standards" means industry/trade benchmarks developed and proposed by the appropriate state joint committee and approved by the Council representing the fundamental requirements necessary for entry into, and completion of specific Council approved occupational/trade programs.

(34) "Non-credit course" means a course that does not offer college academic credit for completion. Non-credit courses are not required to use an established standard of academic achievement and therefore generally are not used as part of a credit-based degree or certificate of completion program.

(35) "Occupational preparatory course" means collegiate level courses designed to prepare persons for employment in a specified occupation or cluster of closely related occupations.

(36) "Occupational supplementary course" means collegiate level courses designed for individuals who have already entered an occupation but seek to improve their occupational skills and knowledge in order to achieve employment stability or advancement.

(37) "On-the-job training (OJT)" means training provided to an employee under the direct auspices of the employer or their representative.

(38) "Professional technical courses" are defined as the occupational preparatory or occupational supplementary collegiate level courses that are designed to prepare persons for entrance into and employment stability and advancement in specific occupations or clusters of closely related occupations.

(39) "Professional technical 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. Successful completion of professional technical programs results in the achievement of a state-approved certificate of completion, Associate of Applied Science degree or Associate of Applied Science degree option.

(40) "Registered apprentice" means a worker at least 16 years of age, except where a higher minimum age is otherwise required by law, who is employed to learn an apprenticeable occupation under standards of apprenticeship approved by the State Apprenticeship and Training Council or by the federal Office of Apprenticeship Training and Employer Labor Services. Also known as "apprentice."

(41) "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 of completion are granted, must contain a recognizable body of instruction in program-related areas of 1) communication, 2) computation, and 3) human relations. Additional topics that should be covered as appropriate include safety, industrial safety, and environmental awareness.

(42) "Related training attendance records" means the documentation required by the local joint committee to verify that a registered apprentice was present during the times required for an apprenticeship program.

(43) "Related training or apprenticeship related training" means an organized and systematic form of classroom/lab instruction designed to provide knowledge of the theory and technical aspects of an apprenticeable trade.

(44) "Standard of academic achievement" means demonstrated achievement, proficiency, or measured learning acknowledged as meeting a predetermined academic standard. Normally noted through a record transcribed and maintained by the college.

(45) "State Apprenticeship and Training Council" means the state apprenticeship and training entity as identified in ORS 660.010. Also known as "Council."

(46) "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 and have been approved by the State Board of Education.

(47) "Statewide program" means an Associate of Applied Science and/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 and between participating colleges.

(48) "Supplemental apprenticeship services" means those services that may be available at some community colleges on a fee for service basis

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to support the local joint committee. These services and others need to be included as part of an agreement between the community college and the local joint committees specifying the service to be performed, fees for services, length of service to be provided, etc.

(49) "Transcribed" means coursework entered into the official and formal records of a college including the level and achievement of a student.

Stat. Auth.: ORS 326.051  
Stats. Implemented: ORS 341.425, ORS 341.665, ORS 660.157, ORS 660.160, ORS 660.167 & ORS 660.190  
Hist.: 1EB 151, f. 7-20-73, ef. 8-1-73; 1EB 166, f. 2-20-74, ef. 3-11-74; 1EB 197, f. 5-23-75, ef. 6-25-75; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-042-0090, 581-042-0095, 581-042-0100, 581-042-0105, 581-042-0110, 581-042-0115, 581-042-0120, 581-042-0125, 581-042-0130, 581-042-0135, 581-042-0140 & 581-042-0145; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0400; DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-007-0110

### Apprenticeship Related Training Courses, Work-Based Learning and Academic Credit

(1) Community colleges will cooperate with the State Apprenticeship and Training Council, the Department, and the local joint committees in providing the necessary related training courses to meet the objectives of courses of study as identified in ORS 660.157(1) for registered apprentices and trainees. The coordination of related training offered in these courses with job instruction, and the carrying out of the other details will be the responsibility of the community college. (ORS 660.160)

(2) For each occupation and industry, the State Apprenticeship and Training Council shall review and approve courses of study for apprentices, based on current occupational analyses, that meet the training needs of each local joint committee and that shall be available to all registered apprentices.

(3) Local joint committees, in cooperation with the community college, shall have the responsibility for determining the training needs of the apprentices indentured by the committees subject to the training objectives adopted for the particular occupation or industry.

(4) Community college apprenticeship related training will be based on the course of study for apprentices and trainees approved by the State Apprenticeship and Training Council.

(5) Community colleges will collaborate with the local joint committee to develop and implement apprenticeship related training courses to satisfy the related training requirements of apprentices within the limits of the available resources and facilities of the community college.

(6) Community colleges will collaborate with local joint committees to identify the apprentice training requirements that can be met by existing community college courses.

(7) Community colleges identified on the Annual List of Community College Related Training Providers will provide apprenticeship related training courses to registered apprentices when regional accreditation and State Board of Education standards and requirements have been met. These standards and requirements include direct control by the community college relating to the approval of the curriculum and instruction, evaluation of the curricula, hiring or direct approval of instructors, evaluation of instructors and approval of the instructional setting.

(8) Community colleges will have sole responsibility for determining and providing academic credit for apprenticeship related training offered by the community college.

(9) The local joint committees will have responsibility for granting apprenticeship credit for training and education received in community college apprenticeship related training and other course work.

(10) Apprenticeship related training courses offered by community colleges will meet the same instructional standards and procedures as for other occupational supplementary and/or occupational preparatory courses offered by the community college.

(11) Apprenticeship related training courses offered by community colleges will follow the same contact hour to academic credit ratio as other academic credit courses offered by the community college. The ratio will include a consistent differentiation for instructional delivery provided through lecture, laboratory and lecture/laboratory as defined by state and local community college guidelines.

(12) Contact hours of apprenticeship related training offered by community colleges will be consistent with the hours of related training as approved by the State Apprenticeship and Training Council for the specific apprenticeship.

(13) Apprenticeship related training offered by the community colleges for apprentices may be offered as credit or non-credit courses at the discretion of the community college.

(14) Community colleges will transcript the credit for all apprenticeship related training courses completed by apprentices for academic credit. Non-credit apprenticeship related training course transcription is at the discretion of the college.

(15) Effective July 1, 2003, and thereafter, apprenticeship on-the-job (OJT) training paid in whole or in part by any person or entity employing the services of a registered apprentice shall not be considered by the community college or the Department as cooperative work experience or related training for the registered apprentice.

(16) Effective July 1, 2003, and thereafter, state FTE reimbursement will not be provided for on-the-job training for registered apprentices that are paid in whole or in part by any person or entity employing the services of a registered apprentice.

(17) Skill and knowledge gained by registered apprentices and journey persons through on-the-job training may be considered as nonreimbursable credit for prior learning and/or credit for prior certification, according to the policies and procedures of a community college.

(18) Effective July 1, 2003, and thereafter, cooperative work experience (CWE) and similar work-based learning courses may continue to be included in certificate of completion and/or associate degree programs for registered apprentices and journey persons, however credits transcribed by the college shall be only for credit for prior learning or credit for prior certification.

Stat. Auth.: ORS 326.051  
Stats. Implemented: ORS 341.425, 341.665, 660.157, 660.160, 660.167 & 660.190  
Hist.: DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-007-0120

### Apprenticeship Related Training Instruction

(1) Community colleges will enroll apprentices in apprenticeship related training courses utilizing the college registration procedures used for other students and student groups.

(2) Apprentices enrolled for community college apprenticeship related training courses will be community college students and will have access to the same college services and facilities as other similarly enrolled students.

(3) Community colleges will assure that apprenticeship related training courses are provided with classroom and laboratory space. Within the campus allocation and procurement procedures, community colleges will collaborate with the local joint committee to assure space for related training courses.

(4) Community college tuition and applicable fees for apprenticeship related training courses will be set by the local community college in the same manner as tuition is set for other college offerings.

(5) Community colleges will obtain necessary authorization from registered apprentices to provide class lists, grades, and progress and related training attendance records to the local joint committee on request.

(6) To assist the local joint committee, community colleges will maintain and provide class lists, academic progress records, and related training attendance records for all registered apprentices enrolled in apprenticeship related training courses, when appropriate authorization has been obtained from the registered apprentice.

(7) Registered apprentices that are enrolled in credit course work toward the achievement of community college certificate of completion or associate degree programs may be eligible for financial aid if they meet the college's financial aid guidelines.

(8) The awarding of community college academic credit for apprenticeship related training toward associate degrees and certificates of completion will be determined by the local community college based on the local, Department, and State Board of Education policies and procedures. Local policies and procedures will assure that an established standard of academic achievement has been met for all apprenticeship related training courses accepted toward college awards.

(9) Community colleges will utilize the Professional Technical Course Approval Procedures as identified by the Department for the approval of apprenticeship related training courses.

(10) Apprenticeship related training courses may be offered by the community college prior to final approval as identified by the Department in the Professional Technical Course Approval Procedures.

Stat. Auth.: ORS 326.051  
Stats. Implemented: ORS 341.425, 341.665, 660.157, 660.160, 660.167 & 660.190  
Hist.: DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

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## 589-007-0130

### Apprenticeship Instructors

(1) The community college conducting the apprenticeship related training courses will have direct control of the selection, supervision, and evaluation of the apprenticeship related training instructors.

(2) Community colleges may contract with local joint committees to provide educational services including instruction to registered apprentices as identified in OAR 589-007-0180.

(3) Community college apprenticeship related training instructors will be able to demonstrate the occupational competency necessary for the courses to be taught and will have the necessary knowledge and skills required of a practicing journey person.

(4) Community college apprenticeship related training instructors will meet the same education, experience and other requirements in effect for other similar faculty, adjunct faculty or instructors as identified in local college policies, procedures and bargaining agreements.

(5) Community colleges will ensure that apprenticeship related training courses are taught by instructors that have the teaching competencies and qualifications expected of other college instructors and as required by the occupations and industries.

(6) Apprenticeship related training instructors' performance will be evaluated for quality, attendance and effectiveness according to the college's personnel policies or collective bargaining agreement, whichever applies to the community college. The community college may seek input for the evaluation of instructors from the local joint committee responsible for the administration of the training program.

(7) The community college will collaborate with the local joint committee in determining the instructor occupational competency needed for the instruction of an apprenticeship related training course.

(8) Community colleges will consult with the local joint committee for assistance in identifying qualified instructors for apprenticeship related training courses.

(9) Community college apprenticeship related training instructors will be provided with the same opportunities for pre-service and in-service training as other community college instructors and faculty as identified in local college policies, procedures and bargaining agreements.

(10) The community college will collaborate with the local joint committee to identify the needed competencies for apprenticeship related training instructors and to develop and implement appropriate community college pre-service and in-service training and experiences.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 341.425, 341.665, 660.157, 660.160, 660.167 & 660.190

Hist.: DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-007-0140

### Certificates of Completion and Associate Degrees for Apprentices and Journey Persons

(1) Community college associate degree and certificate of completion programs offered for registered apprentices and journey persons will follow the same local and State Board of Education standards, criteria and requirements as other certificate of completion and associate degree programs. Programs will follow the Certificate of Completion and Associate Degree Approval Procedures identified by the Department.

(2) Community college associate degree and certificate of completion programs developed for registered apprentices and journey persons will follow the general education, related instruction and other college requirements for certificate of completion and associate degree programs as identified by each community college.

(3) Community colleges will provide opportunities for apprentices and journey persons to achieve an associate degree using knowledge and skills from current and prior education and experience. The associate degree opportunity may include, but not be limited to, an Associate of Applied Science degree in an apprenticeable trade, or an Associate of Applied Science degree in an area such as Industrial Technology, or an Associate of General Studies.

(4) Community colleges with Associate of Applied Science degree (AAS) programs for registered apprentices and journey persons (apprenticeable trade AAS degree programs or in an area such as Industrial Technology degree programs) will align with BOLI minimum guideline standards by apprenticeable trade within two years of the establishment of the minimum guideline standards for the apprenticeable trade. New and existing AAS degree programs for registered apprentices and journey persons will follow the Minimum Guideline Standards Certificate of Completion and Associate of Applied Science Degree Procedures identified by the Department in consultation with stakeholders.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 341.425, 341.665, 660.157, 660.160, 660.167 & 660.190

Hist.: DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-007-0150

### Granting Academic Credit for Certificates of Completion and Associate Degrees for Apprentices and Journey Persons

(1) Registered apprentices and journey persons will be provided with the same opportunities for being awarded academic credit for prior learning or prior certification toward certificates of completion and associate degrees as is available for other community college students. These opportunities will include but may not be limited to: Credit for Prior Experiential Learning, Course Challenge Examination and Credit for Prior Certification.

(2) Community colleges will follow the regional accreditation standards allowing no more than 25 percent of certificate of completion and associate degree programs to be met through credit for prior experiential learning.

(3) Community colleges will utilize the same standards of achievement (proficiencies, grades, etc.) for granting academic credit for related training and previous experience for associate degrees and certificates of completion for apprentices and journey persons as for other community college students.

(4) Apprenticeship related training courses completed for academic credit and transcribed at one Oregon community college will be evaluated toward meeting the requirements for college certificates of completion and associate degrees at another Oregon community college.

(5) Journey persons with proof of Oregon journey person status or some other form of recognized state, regional or national standards certification may be awarded academic credit toward an associate degree based on local community college procedures.

(6) Evaluation procedures to establish apprenticeship credit for community college work toward apprenticeship requirements will follow policies adopted by the State Apprenticeship and Training Council in cooperation with the Department. Apprenticeship credit is acknowledged and accepted by the local joint committee. The community college does not grant apprenticeship credit toward BOLI apprenticeship program requirements.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 341.425, 341.665, 660.157, 660.160, 660.167 & 660.190

Hist.: DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-007-0160

### Menu of Core Apprenticeship Services and Supplemental Apprenticeship Services

(1) Core apprenticeship services will include the services provided by Oregon community colleges to registered apprentices and local joint committees when the registered apprentice is enrolled for one or more related training courses at the community college and the related training courses meet the community college's content, minimum class size, and other requirements for such courses.

(2) The menu of core apprenticeship services will include the core apprenticeship services and the definition of each service as have been identified by the community colleges in collaboration with the Department. Core apprenticeship services will include:

(a) Registration services for registered apprentices;

(b) Academic credit for apprenticeship related training instruction under the direct control of the college utilizing the same academic credit and instructional guidelines used for other similar college courses;

(c) Opportunities for registered apprentices to complete requirements to achieve an associate degree;

(d) Registered apprentices with access to the same college services and facilities (financial aid eligibility, counseling, advising, library access, etc.) as other similarly enrolled students;

(e) Inservice and professional development opportunities for apprenticeship related training instructors that are consistent with opportunities provided for other similarly hired college instructors;

(f) Classroom and laboratory facilities for apprenticeship relating training courses either at the college facility or at another facility as agreed upon by the college and the local joint committee; and

(g) When appropriate authorization has been provided by the registered apprentice, apprenticeship related training class lists and related training attendance records for registered apprentices will be provided to local joint committees.

(3) Community colleges identified on the Annual List of Community College Related Training Providers may also provide a listing of supplemental apprenticeship services available to local joint committees from their individual community college. Supplemental apprenticeship services include services that may be available at an individual community college on a fee for service basis to support the local joint committee in its effort to provide effective services to registered apprentices.



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(4) Supplemental apprenticeship services to be provided by a community college to a local joint committee will be provided through a contract between the parties. Such contracts will include but not be limited to the identification of supplemental apprenticeship and other services to be provided, fees for services provided and length of services to be provided.

(5) Supplemental apprenticeship services that may be provided by a community college on a fee for services basis through a contract between the community college and the local joint committee may include but are not limited to:

- (a) Administrative support to the local joint committee;
- (b) Posting meetings;
- (c) Maintenance of equal opportunity records;
- (d) Maintenance of records required by state and federal apprenticeship regulations;
- (e) Computer technical support;
- (f) Taking and distributing minutes for or on behalf of the local joint committee;
- (g) Marketing/promotion;
- (h) Grant proposal preparation and administration of grants;
- (i) Assessing transferability of related training coursework;
- (j) Completion of applicant rating forms; and
- (k) End of the term recommendations.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 341.425, 341.665, 660.157, 660.160, 660.167 & 660.190

Hist.: DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-007-0170

### Community College Apprenticeship Related Training Providers and Notification

(1) Community colleges, within the limits of the available resources and facilities of the community college, will provide core apprenticeship services for the registered apprentices. Community colleges may contract with other community colleges to assist in providing core apprenticeship services to registered apprentices.

(2) By March 1, 2003, and by February 1 of each year thereafter, each community college will submit to the Department their intention to offer apprenticeship related training and core apprenticeship services to registered apprentices for the following school year beginning July 1.

(3) By April 1, 2003, and by March 1 of each year thereafter, the Department will publish the Annual List of Community College Related Training Providers identifying the community colleges that have indicated their interest in offering apprenticeship related training courses and core apprenticeship services for the following school year. The Department will provide the Annual List and menu of core apprenticeship services to the Bureau of Labor and Industries — Apprenticeship and Training Division, the local joint committees and the community colleges.

(4) Local joint committees will utilize the Annual List of Community College Related Training Providers to enter into contractual agreements with one or more community colleges within the local joint committee boundaries to provide apprenticeship related training and core apprenticeship services to registered apprentices indentured to the local joint committee.

(5) If a community college and the local joint committee are unable to obtain agreement regarding apprenticeship related training and core apprenticeship services to be provided, the community college or local joint committee may contact the Department for a referral to the Oregon Public Policy Dispute Resolution Program for dispute resolution services. Dispute resolution services provided shall include fair and equitable membership as approved jointly by the community college(s) and the local joint committee.

(6) If no contractual agreement can be reached between a local joint committee and one or more community college(s) within the geographic jurisdiction of the local joint committee, the local joint committee may contract with any community college on the Annual List of Community College Related Training Providers willing to provide apprenticeship related training and core apprenticeship services.

(7) If the local joint committee determines that they wish to contract with another community college, the local joint committees will provide notice within 90 calendar days of the completion of the existing agreement to the contracting community college of its intention to contract with another community college.

(8) Contracts between community colleges and local joint committees will not imply any requirement on the part of the state for reimbursement.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 341.425, 341.665, 660.157, 660.160, 660.167 & 660.190

Hist.: DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-007-0180

### Contracts for Educational Services Between Community Colleges and Local Joint Committees

(1) Local joint committees, as private organizations, may contract with a community college to provide services of an educational nature that are subject to the approval of the State Board of Education as identified in ORS 341.315.

(2) A community college may enter into contracts with local joint committees to obtain educational services for students enrolled in the community college as identified in ORS 341.440.

(3) Educational services provided under contract between the community college and the local joint committee must meet or exceed the accreditation requirements for Contractual Relationships with Organizations Not Regionally Accredited of the Commission on Colleges and Universities of the Northwest Association of Schools and of Colleges and Universities or their successor to ensure full accreditation for the community college.

(4) The applicable requirements for contracted education services include but are not limited to:

- (a) The primary purpose of offering the course is educational.
- (b) Any course offered must be consistent with the institution's educational mission and goals.
- (c) Courses to be offered and the value and level of their credit must be determined in accordance with established institutional and State Board of Education policies and procedures.

(d) Courses offered must remain under the sole and direct control of the community college, which exercises ultimate and continuing responsibility for the performance of these functions as it relates to:

- (A) Recruitment and advertising;
- (B) Advising and counseling students;
- (C) Appointment and validation of credentials of faculty and instructors teaching the course;
- (D) Admission of students to courses and/or to the community college;
- (E) Instruction in the courses;
- (F) Evaluation of student progress;
- (G) Record keeping;
- (I) Tuition and/or fees charged, receipt and disbursement of funds, and refund policy;
- (J) Nature and location of courses;
- (K) Library and information resources;
- (L) Additional data including course outlines, syllabi, copies of exams, records of students and evidence of equivalencies with established programs.

(5) Educational services provided by the local joint committee under contract with the community college must meet the standards for educational services provided by the college as identified in ORS 341.440.

(6) Community colleges may not enter into a contract where the community college is required to share any portion of FTE reimbursement provided by the state.

(7) Contracts between the community college and the local joint committee will be based upon reasonable costs associated with the educational services provided under the contract.

(8) As set forth in ORS 341.440, the contract for educational services between the community college and the local joint committee will not exceed the costs that would otherwise be incurred by the college to provide students with the same or similar services.

(9) Contracts for educational services between the community college and the local joint committee may include those core apprenticeship services as identified in OAR 589-007-0160. Services provided must remain under the direct and sole control of the community college and meet the standards of regular community college courses, programs and services and are services that are best provided through the contractual arrangement. The educational services that may be provided by the local joint committee are limited to:

- (a) Facilities for apprenticeship related training courses;
- (b) Assistance in recommending instructional staff that meet the college requirements for college faculty and instructors;
- (c) Related training instructors to serve as instructors for college related training courses that meet the college requirements for college faculty and instructors;
- (d) Equipment, services and supplies to be utilized for apprenticeship related training courses; and
- (e) Assistance in the development of curriculum and assessments for related training courses.

# ADMINISTRATIVE RULES

(10) Contracts for educational services between the community college and the local joint committee will be consistent with OAR 589-002-0500 and will clearly establish the requirements and responsibilities of the community college and the local joint committee following regional accreditation and other requirements. Contracts will be executed by designated officers of the community college and the local joint committee and will include the following elements:

(a) Identification of the work to be performed, period of the agreement, and conditions under which renewal or renegotiation of the contract would take place;

(b) Identification of the community college as having ultimate responsibility for the performance of necessary control functions for the educational offerings and offering academic credit;

(c) Establishment of the responsibilities of the community college and the local joint committee regarding:

- (A) Indirect costs
- (B) Approval of salaries
- (C) Equipment
- (D) Subcontracts and travel
- (E) Property ownership and accountability
- (F) Inventions and patents
- (G) Publications and copyrights
- (H) Accounting records and audits
- (I) Security
- (J) Termination costs
- (K) Tuition refund
- (L) Student records
- (M) Faculty facilities
- (N) Safety regulations
- (O) Insurance coverage

(d) Demonstration that the regional accreditation requirements have been met regarding:

(A) Enrollment agreements

(B) Tuition policies including rates, refunds and cancellations and collection practices

(C) Student recruitment including advertising and promotional literature and field agents.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 341.425, 341.665, 660.157, 660.160, 660.167 & 660.190

Hist.: DCCWD 2-2003, f. & cert. ef. 3-10-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-007-0200

### Two Plus Two and Dual Credit Programs

(1) For purposes of this rule, the following definitions apply:

(a) "Two Plus Two" is defined as planned professional technical programs articulated between high schools and community colleges.

(b) "Dual Credit" is defined as awarding secondary and postsecondary credit for a course offered in a high school during regular school hours, as determined by local school board and community college board policy.

(2) Before developing programs with high schools, each college shall file with the Department a policy for governing Two Plus Two and Dual Credit programs. Policies must include the following:

(a) Requirements for instructors equivalent to that of other college instructors in the discipline, including:

(A) Masters degree for instructors of Lower Division Collegiate courses; and

(B) An appropriate combination of education and experience for instructors of professional technical courses.

(b) Methods for selecting student participants, including limiting classes to seniors and qualified juniors, and in exceptional cases other qualified students. Qualifications must be defined;

(c) Assurances that classes will be transcribed by the college;

(d) Assurances that materials and subject matter are college level.

(3) On or before October 1 of each year, colleges shall submit an annual evaluation of the previous school year's Two Plus Two and Dual Credit programs, including but not limited to description of:

(a) Programs and courses offered;

(b) Student outcomes;

(c) Instructors' qualifications; and

(d) Program costs.

(4) Participating school districts and post-secondary institutions shall develop written agreements based on the policies described in this rule regarding Two Plus Two and Dual Credit programs, which include:

(a) Criteria regarding approval of courses, selection and approval of instructors, admissions, procedures, counseling, monitoring, and evaluation; and

(b) The provision that all agreements and policies shall be available to all staff members involved in the programs and to parents and students.

(5) Participating school districts and post-secondary institutions shall, in consultation with appropriate staff members, determine that course content and instructional quality are consistent with that offered by the community colleges.

(6) The Commissioner shall require an accounting of FTE consistent with these rules.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 329.475, ORS 329.855, ORS 341.42, ORS 341.450, ORS 341.525(3) & ORS 341.535

Hist.: 1EB 10-1981, f. 5-6-81, ef. 5-7-81; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-042-0088; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0510; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-007-0300

### Veterans Programs

Each community college requesting approval for the training of veterans and other eligible persons will contact the State Approving Agency (SAA) for veterans' administration.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 341.425

Hist.: 1EB 223, f. 3-22-76, ef. 4-1-76; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-046-0001; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0530; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-008-0100

### Guidelines for Formation of Community College Personnel Policies

(1) Each community college Board of Education shall establish a personnel policy statement, including a policy on instructor selection and development that must include, but need not be limited to, the following:

(a) Definitions of the main terms used in the policy;

(b) Institutional standards for instructor qualifications (standards for teachers of lower division collegiate courses must include a masters degree in a subject area closely related to that in which the instructor will be teaching; however in subject areas in which individuals have demonstrated their competencies and served in professional fields and in cases in which documentation to support the individual's proficiency and high level of competency can be assembled, the master's degree requirement may be waived at the discretion of the college president);

(c) Position descriptions;

(d) Procedures for instructor approval, including period of instructor approval;

(e) Procedures for providing individual, written notice of reasonable assurance of continued employment to all employees who are to perform services in the same or a similar capacity during a subsequent academic year or term or in the period immediately following a recess period. Such notice shall be given by May 30 of each year for employees employed as of that date and as of the date of hire for employees employed subsequent to May 30. Pursuant to ORS 341.547, faculty members on annual or indefinite tenure, classified staff members on regular status and management service employees are considered to have been given notice for the purposes of this section;

(f) A statement regarding academic freedom and responsibility;

(g) Procedures for staff development for full-time and part-time instructors;

(h) Procedures for staff evaluation;

(i) Grievance and appeals procedures;

(j) Affirmative action and nondiscrimination practices;

(k) College organization; and

(l) Methods of policy development and review.

(2) Personnel policies adopted by community college boards shall be filed with the Commissioner within one year following establishment of the community college district. Thereafter, each college shall file annually, between December 1 and January 1, either any policy revisions made or a statement that policies currently on file are being continued. In the event the governing board of the community college fails to enact the personnel policies as required by subsection (1) of this rule, the Commissioner may withhold the next scheduled Community College Support Fund payment until such personnel policies are enacted and submitted to the Department.

(3) Each community college board shall develop a policy outlining the procedure for faculty selection. The policy shall include procedures by which the college will maintain records documenting the faculty member's credentials, professional development activities and other information supporting the faculty member's instructional assignment. In no case shall the

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standards for faculty selection fall below those set forth in the most recent *Accreditation Handbook* published by the Commission on Colleges and Universities of the Northwest Association of Schools and Colleges.

(4) Each community college board shall develop policies for professional development for full and part-time instructors consistent with the standards as required by the most recent *Accreditation Handbook* published by the Commission on Colleges and Universities of the Northwest Association of Schools and Colleges.

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

Stat. Auth.: ORS 326.051 & ORS 341.015

Stats. Implemented: ORS 341.015 & ORS 341.547

Hist.: 1EB 131, f. 5-19-72, ef. 6-1-72; 1EB 135, f. 7-11-72, ef. 8-1-72; 1EB 153, f. 7-20-73, ef. 8-1-73; 1EB 167, f. 2-20-74, ef. 3-11-74; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0005, 581-043-0010, 581-043-0015, 581-043-0020, 581-043-0025, 581-043-0030, 581-043-0035, 581-043-0100, 581-043-0105 & 581-043-0110; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0700; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-008-0200

### Use of Community College Instructors in High Schools

(1) A school district may contract with a community college accredited by the Northwest Association of Schools and Colleges or a community college contracting for delivery of instructional and curriculum services with an accredited community college for instruction at a high school site by a faculty member who does not hold a current Teacher Standards and Practices Commission license if the following conditions are met:

(a) The faculty member is employed by a community college accredited by the Northwest Association of Schools and Colleges or the faculty member is employed by a community college under contract with an accredited community college for delivery of instructional and curriculum services.

(b) The faculty member's teaching qualifications are verified by formal preparation and/or work experience, including:

(A) Evidence of academic and/or professional technical training sufficient to demonstrate competency in the subject-matter area;

(B) Successful postsecondary teaching experience in the discipline and/or program area; or

(C) Resume of work experience sufficient to demonstrate competency in the discipline and/or program.

(c) The faculty member meets current board-adopted personnel policies of both the school district and community college.

(d) The faculty member presents evidence of good moral character, mental and physical health, and such other evidence as the school district board may deem necessary to establish the applicant's fitness to serve as a teacher;

(e) The person has not been convicted of any crime listed in ORS 342.143;

(f) The school district does not have appropriately licensed personnel available for the specific teaching assignment without misassignment and was not able to identify and attain such staff after conducting a reasonably diligent search; and

(g) The assignment includes no more than two high school units of credit or equivalent per year.

(2) A school district shall not contract for unlicensed staff under ORS 342.173(1) during school closures, strikes and summer sessions.

(3) Governing boards of the school district and community college shall annually review each contract to ensure that the requisites of this rule have been met:

(a) Contracts approved by both boards shall be forwarded to the State Board of Education for annual review and approval. Such contracts may be submitted to the State Board for approval after a teacher has been assigned to teach. However, the State Board reserves the right to find any contract in violation of current statutes or administrative rules notwithstanding the teacher's starting date;

(b) The State Board shall report to the Teacher Standards and Practices Commission violations of these rules that could result in forfeiture of State School Funds as stated in ORS 342.173 and OARs 584-050-0060, 584-050-0065 and 584-050-0067.

Stat. Auth.: ORS 326.051; ORS 341.015; ORS 342.173

Stats. Implemented: ORS 341.535; ORS 342.173

Hist.: EB 25-1987(Temp), f. & ef. 10-20-87; EB 28-1988, f. & cert. ef. 6-9-88; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0256; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0750; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-009-0100

### Immunizations Requirements for Certain Community College Students

(1) Pursuant to ORS 433.283(2) and Health Division OAR 333-019-0090, the following definitions are set forth:

(a) "Clinical Experiences" means a student is required to complete practical work experience with patients in a public or private health facility.

(b) "Practicum Experiences in Education and Child Care Programs" means a student is required to complete practical work experience in a public or private child care or education setting.

(c) "Membership on an Intercollegiate Sports Team" means a college-sponsored team that engages in competition with other intercollegiate teams.

(2) Community college students born on or after January 1, 1957, must have two doses of measles vaccine prior to any participation in clinical experiences in allied health programs; or practicum experiences in education and child care programs; or membership on intercollegiate sports teams.

(3) Each community college shall develop procedures to implement and maintain this requirement.

(4) Each community college shall include a medical exemption and religious exemption.

(5) Acceptable records to document proof of two doses of measles vaccines are contained in OAR 333-050-0140.

(6) The Oregon Health Division may conduct validation surveys to insure compliance with the vaccination requirements.

Stat. Auth.: ORS 326.051 & ORS 433.283

Stats. Implemented: ORS 433.283

Hist.: EB 25-1992(Temp), f. & cert. ef. 7-27-92; EB 32-1992, f. & cert. ef. 10-14-92; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0800; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03

## 589-010-0100

### Nondiscrimination in Education Programs

(1) For the purposes of this rule:

(a) "Discrimination" or "discriminate" is defined as any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on race, color, national origin, religion, sex, age, disability, veterans' status, sexual orientation, or marital status.

(b) "Community College" is defined as any program or service operated by a community college or community college district.

(c) "Commissioner" means the Commissioner of the Department of Community Colleges and Workforce Development, or a person designated to act in his or her capacity.

(d) "Department" means the Department of Community Colleges and Workforce Development.

(2) No person in Oregon shall be subjected to discrimination in any Community College activity.

(3) Subject to exemptions granted by state or federal law, no person in Oregon shall be subject to discrimination in any terms or conditions of employment at any Community College. Every Community College shall develop and implement a nondiscrimination plan. Such plan shall be submitted to the Department at the time personnel policies are filed under OAR 589-008-0100.

(4) In providing education programs, services, or activities to students, a Community College shall not discriminate by:

(a) Treating one student differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

(b) Providing different aid, benefits, or services; or providing such aids, benefits, or services in a different manner;

(c) Denying any student such aid, benefit, or service;

(d) Subjecting any student to separate or different rules or behaviors, sanctions, or other treatment;

(e) Aiding or perpetuating discrimination by joining or remaining a member of any agency or organization which discriminates in providing any aid, benefit, or service to students or employees;

(f) Otherwise limiting any student in the enjoyment of a right, privilege, advantage, or opportunity.

(5) A Community College shall not discriminate when providing any course or otherwise carrying out any of its educational programs or activities, or requiring or refusing participation therein by any of its students:

(a) This section does not prohibit grouping of students in any educational program or activity by ability as assessed by objective standards of individual performance.

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(b) This section does not prohibit separating students by sex within physical education courses or activities, or during participation in sports in which the purpose or major activity involves bodily contact.

(6) Community Colleges shall not discriminate in offering housing facilities to students, except that:

(a) Separate housing may be provided for men and women; and

(b) Available housing of comparable quality may be divided between men and women on the basis of the number of applications for housing of each sex.

(7) Community Colleges shall not discriminate in providing financial assistance to applicants or students. However, Community Colleges are free to determine the total amount or types of assistance that will be granted and may place reasonable limitations on eligibility for assistance coming from any particular source. Community Colleges may not assist any person, organization or group in the administration of financial aid on a prohibited basis. Community Colleges shall comply with the implementing regulations of Title IX of the Education Amendments of 1972, with respect to administration of sex-restricted scholarships. Community Colleges that award athletic scholarships must ensure that reasonable opportunities exist for members of each sex to participate on athletic teams.

(8) A Community College that actively assists any agency, organization, or person in making employment available to any of its students shall not assist prospective employers known by the Community College to discriminate in their recruitment, hiring, or employment practices.

(9) A Community College or any of its agents, including student groups, may not discriminate in offering to students a medical, hospital, or accident policy, plan, benefit, or service. However, Community Colleges may offer a benefit or service even though it is not used by the same proportion of students of one group as of another. When full coverage health services are provided, basic gynecological care shall be provided.

(10) The Commissioner may issue written interpretations concerning rules for nondiscrimination upon the written request of parties to a complaint at the Community College level.

(11) Community Colleges shall adopt written procedures for the prompt resolution of complaints of discrimination. A grievant may, after exhausting grievance procedures at the Community College level, or 90 days if no final decision has been made by the Community College, appeal in writing to the Commissioner. On receiving a written appeal the Commissioner shall send a copy of the complaint to the President of the Community College to which the complaint applies. The Commissioner shall request the Community College to provide within ten days:

(a) A copy of the Community College's grievance procedures for hearing complaints of discrimination;

(b) A copy of all documents concerning the complaint and the Community College's record of the grievance proceeding;

(c) A copy of the Community College's written decision;

(d) The Community College's position concerning any issues raised by the appeal; and

(e) Any other information the Community College considers relevant.

(12) After receiving the Community College's response, if the Commissioner determines that the person filing the appeal has not exhausted all Community College grievance procedures or that 90 days have not elapsed since the Community College received the complaint, the Commissioner shall notify the complaining party and the Community College that the Commissioner will take no action at this time. If the Commissioner determines that the person filing the complaint has exhausted Community College grievance procedures or that the Community College has not issued a final decision and more than 90 days have elapsed since the Community College's receipt of the complaint, the Commissioner shall make a determination as provided under section (15) of this rule.

(13) The Commissioner shall review the hearing record to determine the following:

(a) Whether the Community College followed its grievance procedures appropriately;

(b) Whether the Community College's findings are supported by facts and information in the record;

(c) Whether the Community College engaged in any action that constitutes discrimination.

(14) The Commissioner shall consult the Department of Justice for advice if the appeal raises legal issues.

(15) Following review of the record, the Commissioner shall:

(a) Issue an order of dismissal of the appeal upon a finding that the Community College properly followed its procedures and that no substantial evidence exists to support the charge of discrimination;

(b) Recommend mediation if both parties are willing to participate in mediation;

(c) Remand the complaint to the Community College for prompt resolution if the Commissioner finds that the Community College has not followed its grievance procedures appropriately or that there are remaining factual issues that could be best resolved by the Community College;

(d) Issue an order with findings that the Community College has engaged in discrimination; or

(e) If the review indicates problems with the Community College's grievance procedure or its application of that procedure, require the Community College to submit a corrective action plan that addresses the deficiencies identified by the Commissioner within 30 days of the issuance of the Commissioner's order.

(16) The Commissioner shall enter an order in writing within 30 days of the filing of the appeal unless both parties agree to extend the time or the Commissioner finds there is good cause for an extension of time. Should the Commissioner find that an extension of time is warranted, notice of the allowed extension of time shall be delivered to all the parties within 30 days after the appeal was filed.

(17) If the Commissioner finds that the Community College has engaged in discrimination, the Commissioner shall require the Community College to submit a corrective action plan within 30 days of the issuance of the Commissioner's order. The corrective action plan should be designed to assure that the Community College corrects any discrimination that has occurred and that the Community College has taken reasonable steps to assure that the discrimination will not reoccur.

(18) If a Community College fails to submit a corrective action plan or fails to carry out the terms of its corrective action plan, the Commissioner shall consider the following sanctions:

(a) Withholding of state funding or

(b) Other remedies within the Commissioner's discretion.

(19) The Commissioner shall review the corrective action plan to ensure that it meets the requirements of the Commissioner's order, and under appropriate circumstances, the Commissioner may request additional information, conduct an on-site inspection, or take other appropriate action to ensure that the Community College has fully complied with the Commissioner's order and the corrective action plan.

(20) The Commissioner shall keep the State Board of Education informed of any pending discrimination appeals and shall report to the State Board of Education any final orders issued by the Commissioner at the next regular meeting following issuance of the Commissioner's order.

Stat. Auth.: ORS 659.850

Stats. Implemented: ORS 659.850, ORS 659.855 & ORS 659.860

Hist.: 1EB 260, f. 3-3-77, ef. 3-5-77; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0115, 581-043-0116, 581-043-0118 & 581-043-0119; EB 24-1995, f. & cert. ef. 9-18-95; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0900; DCCWD 5-2002, f. & cert. ef. 11-13-02; DCCWD 5-2003, f. & cert. ef. 10-20-03

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**Adm. Order No.:** DCCWD 6-2003

**Filed with Sec. of State:** 10-20-2003

**Certified to be Effective:** 10-20-03

**Notice Publication Date:** 6-1-03

**Rules Adopted:** 589-020-0110, 589-020-0210, 589-020-0260

**Subject:** This notice and order have been prepared on recommendation from the Attorney General in order to correct an oversight in the filing process when the rules were originally adopted, amended or repealed. The step in the process of filing a copy of the rule with the Legislative Counsel within 10 days of filing the Certificate and Order of Filing with the Secretary of State's was mistakenly skipped. No substance was changed with this filing, only a correction in the processing oversight.

**Rules Coordinator:** Laura J. Roberts—(503) 378-8648

**589-020-0110**

**Workforce Investment Act Methods of Administration**

(1) The Department of Community Colleges and Workforce Development will comply with the equal opportunity and nondiscrimination provisions of Section 188 of the federal Workforce Investment Act of 1998 (P.L. 105-220) and 29 CFR part 37 with respect to all programs and activities conducted as part of the Oregon One-Stop delivery system. This includes staff and employment practices of the staff responsible for implementing and administering the Act's programs and activities.

(2) Definitions: As used in OAR 589-020-0100, unless the context requires otherwise:

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(a) "One-Stop delivery site" means a Workforce Investment Act center designated by a local board, and other certified centers recognized in the Memoranda of Understanding;

(b) "Workforce Investment Act" means the federal Act as codified in Public Law 105-220.

(3) In conducting both programs and activities that are part of the Oregon One-Stop delivery system, the Department will follow the Methods of Administration promulgated by the Governor in accordance with 29 CFR § 37.4. In particular, the Department shall:

(a) Appoint an agency Equal Opportunity Officer to carry out the duties specified in the Methods of Administration and ensure that, if employed less than full-time as the agency Equal Opportunity Officer, any other duties, responsibilities or activities do not create a conflict of interest or the appearance of a conflict of interest with the duties of the agency Equal Opportunity Officer;

(b) Collect data on participants as required by 29 CFR § 37.37 to 37.41 and the Methods of Administration and provide aggregate data to the state Equal Opportunity Officer and the Department of Labor, as required;

(c) Permit the designated state Equal Opportunity Officer to monitor the Department's compliance with the Workforce Investment Act, 29 CFR part 37, and the Methods of Administration by providing the state Equal Opportunity Officer access to:

(A) One-Stop delivery sites, including affiliate sites, from which the Department operates its programs and activities;

(B) Equal Opportunity Notices created by the Department and provided to participants; and

(C) Any contracts, grants, interagency agreements, or other arrangements between the Department and other providers pertaining to programs and activities provided in the One-Stop system; and

(D) Data required to be collected pursuant to paragraph (b).

(d) Develop procedures and adopt administrative rules, as necessary, to comply with and monitor compliance with the Workforce Investment Act, 29 CFR part 37, and the Methods of Administration by:

(A) The Department and its employees;

(B) Recipients of financial assistance from the agency under Title I of the Workforce Investment Act and their employees; and

(C) Entities operating programs or activities, or providing services, conducted as part of the Oregon One-Stop delivery system on behalf of the Department, and employees thereof, including training providers; and

(e) Ensure that the agency's Equal Opportunity Officer and other appropriate staff attend scheduled periodic training about the Methods of Administration and associated duties; and

(f) Comply with any corrective actions imposed by the Governor for violations of the nondiscrimination and equal opportunity provisions of the Workforce Investment Act, 29 CFR part 37, and the Methods of Administration and cooperate with any investigative activities or monitoring requirements of the state Equal Opportunity Officer.

(4) Notwithstanding periodic monitoring by the state Equal Opportunity Officer, the Department is responsible for all violations of the nondiscrimination and equal opportunity provisions of the Workforce Investment Act, 29 CFR part 37, and the Methods of Administration committed by:

(a) The Department and its employees;

(b) Recipients of financial assistance from the Department under Title I of the Workforce Investment Act and their employees; and

(c) Entities operating programs or activities, or providing services, conducted as part of the Oregon One-Stop delivery system on behalf of the Department, and employees thereof, including training providers.

Stat. Auth.: ORS 326.370

Stats. Implemented:

Hist.: DCCWD 4-2002, f. & cert. ef. 9-23-02; DCCWD 6-2003, f. & cert. ef. 10-20-03

## 589-020-0210

### Distribution of WIA Title IB Incentive Grant Awards

(1) Purpose: The purpose of this rule is to establish the requirements and methodology for distributing and using incentive award funds pursuant to the federal Workforce Investment Act (WIA), PL 105-220, its amendments and regulations thereto:

(2) Definitions:

(a) Cumulative Program Area Score: The aggregate amount by which a Local Workforce Investment Area (LWIA) exceeds or falls below the negotiated performance levels in a particular program area.

(b) Exemplary Performance: Having achieved a cumulative program area score greater than 100% and at least 80% of the negotiated performance level on each performance indicator within a program area.

(c) Incentive Grant Funds: A portion of the fifteen percent Statewide Employment and Training Activities funds under WIA Title IB section 134(a)(2)(B)(iii) that is required to be used to award exemplary performance by local areas on the local performance measures.

(d) Negotiated Performance Level: The numeric performance target agreed to by the State and the LWIA for each of the 17 core performance indicators.

(e) Performance Measures: the 17 performance indicators required by the Workforce Investment Act of 1998, section 136; Final Rules, 20 CFR part 666, published at 65 federal Register 49419 (August 11, 2000).

(f) Program Area: A cluster of measures used in the evaluation of performance for incentive purposes. There are four program areas: Adults, Dislocated Workers, Youth (both older and younger youth), and customer satisfaction (even though it is not technically a "program").

(g) Program Year (PY): The period July 1 through June 30 of each year.

(3) Available WIA funds shall be reserved for incentive awards for exemplary performance, and awarded in accordance with the following criteria:

(a) To be eligible for an incentive award for a program area, the LWIA must achieve a cumulative average score greater than 100% for the performance measures in a given program area (adult, dislocated worker, youth, or customer satisfaction); and

(b) The LWIA must achieve at least 80% of the negotiated performance level on each performance measure within a given program area.

(4) Incentive funds shall be awarded annually after the end of each Program Year (PY), when data to compute actual performance becomes available.

(5) Funds available to each LWIA, which may be earned in accordance with (3)(a) and (b) shall be determined:

(a) By calculating the percent each of the adult, youth and dislocated worker program's PY allocation is of the total PY allocation;

(b) By multiplying the total funds available for incentive awards by the percentages identified in (5)(a) of this OAR to arrive at the available funds for each program (adult, dislocated worker, and youth); and finally

(c) By multiplying the amounts identified in (5)(b) of this OAR for each program by the PY allocation percentages of each LWIA for the respective program; these products are then added to arrive at the total funds that each LWIA might earn.

(6) Funds available to be earned for each program area (adult, dislocated worker, youth and customer satisfaction) shall be calculated in the following manner:

(a) Each program area bears equal weight (25% for each of the four program areas).

(b) The total funds that each LWIA might earn ((5)(c) of this OAR) are multiplied by 25% to arrive at the amount that might be earned for each program area (adult, dislocated worker, youth, and customer satisfaction).

(7) Incentive awards will be made from funds available for that purpose out of current year funding, e.g., PY '01 incentive funds are used to reward PY '00 performance.

(8) Awarded incentive funds may be used for any activities allowed under WIA Title 1B.

(9) Definitions used for performance measures shall conform to those provided by the Department of Labor in Training and Employment Guidance Letter (TEGL) 7-99.

(10) Unawarded incentive funds are funds remaining after all incentive awards have been made. These funds may be used pursuant to Oregon Administrative Rule (OAR) Distribution of Unawarded Incentive Grant Funds.

(11) Incentive awards shall only be applied to performance in Title IB programs.

Stat. Auth.: ORS 326.370

Stats. Implemented:

Hist.: DCCWD 4-2002, f. & cert. ef. 9-23-02; DCCWD 6-2003, f. & cert. ef. 10-20-03

## 589-020-0260

### Distribution of WIA Title IB Unawarded Incentive Grant Funds

(1) Purpose: The purpose of this rule is to establish the requirements and procedures for distribution and use of WIA Title IB Unawarded Incentive Grant Funds.

(2) Definitions:

(a) Failure to Meet: Actual performance for any of the 17 core performance indicators that fall below 80% of the negotiated level of performance. Technical assistance is required to be provided under WIA Section 134(a)(2)(B)(iv) to Local Workforce Investment Areas (LWIAs) that fail to meet local performance measures.

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(b) Incentive Grant Funds: A portion of the fifteen percent Statewide Employment and Training Activities funds under WIA Title IB section 134(a)(2)(B)(iii) that is required to be used to award exemplary performance by local areas on the local performance measures.

(c) Local Performance Measure: A performance measure established under section 136(c) of WIA. Local performance measures consist of the 17 core performance indicators established under section 136(b)(2)(A) of WIA and fall into four program areas — adult, dislocated worker, youth, and customer satisfaction.

(d) Local Workforce Investment Area(s): The area(s) in the state designated by the Governor under section 116 of WIA to which WIA Title IB funds are allocated to carry out WIA Title IB programs.

(e) Negotiated Levels of Performance: Numeric performance targets agreed to by the LWIA and State WIA Title IB administering agency on behalf of the Governor.

(f) Unawarded Incentive Grant Funds: Those funds remaining after all incentive awards have been made.

## (3) Unawarded Incentive Grant Fund Use:

(a) Funds shall be made available for technical assistance/program improvement to those LWIAs whose performance for any of the 17 core performance indicators falls below 80% of the negotiated performance level.

(b) Funds may be used for any allowable WIA Title IB activities in support of a program improvement plan to correct identified deficiencies that led to failure to meet agreed upon levels of performance.

(c) Funds not used for "failure to meet" technical assistance/program improvement for any of the 17 core performance indicators that fall below 80% of the negotiated level of performance will revert to the State administering agency's budget for 15% Statewide Employment and Training Activities funds under WIA Title IB.

## (4) Unawarded Incentive Grant Funds Distribution:

(a) LWIAs seeking funds to support technical assistance/program improvement for "failure to meet" negotiated performance levels as defined under (2)(a) of this OAR, may submit a technical assistance/program improvement plan (TA/PIP) in writing to the State WIA Title IB administering agency. The TA/PIP shall be submitted timely, identify the problem/issue to be remedied, and provide a budget supporting the work to be accomplished.

(b) The State Title IB WIA administering agency may initiate a T/A-PIP plan for a LWIA failing to meet the negotiated performance levels for a performance measure or measures.

(c) Funds remaining after all technical assistance has been provided as required under (2)(a) and (3)(a) of this OAR will revert to the State administering agency's budget for 15% Statewide Employment Training and Activities funds under WIA Title IB. These funds may be redesignated for allowable uses under WIA Title IB.

Stat. Auth.: ORS 326.370

Stats. Implemented:

Hist.: DCCWD 4-2002, f. & cert. ef. 9-23-02; DCCWD 6-2003, f. & cert. ef. 10-20-03

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

**Adm. Order No.:** BCD 17-2003(Temp)

**Filed with Sec. of State:** 10-29-2003

**Certified to be Effective:** 10-29-03 thru 4-25-04

**Notice Publication Date:**

**Rules Amended:** 918-283-0010

**Subject:** Amends rule to extend period to meet continuing education requirements for license renewal.

**Rules Coordinator:** Louann P. Rahmig—(503) 373-7438

### 918-283-0010

#### Continuing Education Required; Exemptions

(1) During each three-year license period, all licensees, except those categories listed in sections (2) and (3) of this rule shall complete a minimum of 24 class or correspondence course hours of approved continuing education. At least eight of the 24 hours shall be code-change. During electrical code change years, the code change credits shall be obtained prior to or no later than December 31 of the year following the effective date of the applicable code. At least eight code-change hours shall be obtained within 12 months of obtaining an Oregon reciprocal license.

(2) The following licensees shall have at least four, but not more than eight, hours code-change continuing education obtained prior to or no later

than six months after the **Electrical Specialty Code** effective date, or of obtaining an Oregon reciprocal license, every three-year code cycle:

- (a) Limited Journeyman Sign;
- (b) Limited Journeyman Stage;
- (c) Limited Building Maintenance;
- (d) Limited Pump Installation Specialty Contractor;
- (e) Limited Maintenance Specialty Contractor HVAC/R;
- (f) Limited Energy Contractor;
- (g) Restricted Energy Contractor;
- (h) Limited Sign Contractor;
- (i) Limited Maintenance Specialty Contractor;
- (j) Limited Renewable Energy Contractor; and
- (k) Limited Renewable Energy Technician.

(3) Exemptions. General electrical contractors, apprentices in approved programs and Class II oil module electricians are exempt from continuing education.

(4) Continuing education requirements may be prorated for those who obtain licenses during any three-year renewal cycle. The continuing education requirement for the licensing period is waived for those who obtain licenses within 90 days or less of a three-year renewal date.

(5) Continuing education instructors shall receive credit for type of courses taught.

(6) Upon receipt of documentation acceptable to the division, individuals ordered to active military duty for other than training, for a period exceeding 60 consecutive days, shall not be required to comply with the provisions of this rule during the period of active duty. Following release from active duty, individuals shall complete continuing education requirements acceptable to the division. Other licensing requirements shall not be waived under this exemption.

(7) The board may waive, on a case by case basis, the provisions of this rule in the event of catastrophic illness or circumstance.

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

Stat. Auth.: ORS 479.650 & ORS 479.680

Stats. Implemented: ORS 479.650 & ORS 479.680

Hist.: DC 16-1986, f. & ef. 10-14-86; Renumbered from 814-022-0450; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-280-0020; BCD 19-1997(Temp), f. & cert. ef. 10-3-97 thru 5-31-98; BCD 13-1998(Temp), f. & cert. ef. 7-31-98 thru 1-26-99; BCD 17-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 23-2000, f. 9-29-00, cert. ef. 10-1-00; BCD 23-2001(Temp), f. 12-28-01, cert. ef. 1-1-02 thru 6-29-02; BCD 9-2002, f. 3-29-02, cert. ef. 4-1-02; BCD 23-2002, f. 9-13-02 cert. ef. 10-1-02; BCD 25-2002, f. & cert. ef. 10-1-02; BCD 17-2003(Temp), f. & cert. ef. 10-29-03 thru 4-25-04

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**Adm. Order No.:** BCD 18-2003(Temp)

**Filed with Sec. of State:** 11-14-2003

**Certified to be Effective:** 11-14-03 thru 5-11-04

**Notice Publication Date:**

**Rules Amended:** 918-460-0015

**Subject:** Repeals and readopts Section (13) of the rule that adopted Oregon Structural Specialty Code amendments effective October 1, 2003, to correct a technical deficiency in the initial notice of proposed rulemaking. The amendment continues to apply specialty code amendments effective October 1, 2003.

**Rules Coordinator:** Louann P. Rahmig—(503) 373-7438

### 918-460-0015

#### Amendments to the Structural Specialty Code

(1) The Structural Specialty Code is generally readopted every three years coinciding with the national adoption of a nationally recognized Building Code and other referenced supporting nationally recognized codes pursuant to chapter 918, division 8. Amendments adopted are placed in this rule, showing the division reference, the date the board took formal action, a descriptive caption and a short description of the amendment. When the code is readopted, these amendments will be physically integrated into the new code and removed from rule.

(2) On March 3, 1999, the Building Codes Structures Board recommended amending the following **Structural Specialty Code** sections effective April 1, 1999, to adopt revised formulas to correct errors published in **Volume 2 of the 1997 Uniform Building Code**:

(a) Amend **Section 1612.2.1** by changing equation numbers 12-5 and 12-6;

- (b) Amend **Section 1921.0** to correct formula;
- (c) Amend **Section 1921.2.1.7** to correct formula;
- (d) Amend **Section 1921.6.6.5** to correct formulas; and
- (e) Delete **Section 1928**.

(3) The amendments to **Sections 1612, 1921, and 1928** are adopted by reference effective April 1, 1999.

# ADMINISTRATIVE RULES

(4) On March 3, 1999, the Building Codes Structures Board recommended amending the following **Structural Specialty Code** sections effective October 1, 1999:

(a) **Section 904.2.9** adding references to the fire code and **Appendix Chapter 9, Division III**;

- (b) **Section 1003.3.3.10** adding Exception 4;
- (c) **Section 1005.3.3.1** adding Exception 4;
- (d) **Section 1006.3.2.3** adding Exception 3;
- (e) **Section 1006.3.3.3** adding Exception 4;
- (f) **Section 1101.2** clarifying dimensional specifications;
- (g) **Section 1104.3** clarifying accessible parking requirements;
- (h) **Section 1106.1.10.3** adding an exception;
- (i) **Section 1106.1.10.4** adding requirements for accessible doors;
- (j) **Section 1108.4.4** adding reference;
- (k) **Section 1109.14.2** clarifying where visual alarm signal appliances are required;

(l) **Section 1109.18.2** bringing code into compliance with ADA;

(m) **Section 1109.23.1.3** clarifying where benches are required;

(n) **Sections 1312.1.3.1** and **1312.1.3.2** updating to current window rating standards;

(o) **Section 2318.3.1** making Oregon amendment compatible with model code;

(p) **Section 2320.11.4** clarifying footing and foundation reinforcement requirements;

- (q) **Section 3004** clarifying energy conservation requirements;
- (r) **Appendix Chapter 3**, adding new **Section 324.7** on guardrail openings;

(s) **Appendix Chapter 9, Division I, Section 907.2.8** adding references; and

(t) **Appendix Chapter 9**, new **Division III** on fire sprinklers.

(5) The amendments to **Sections 904, 1003, 1005, 1006, 1101, 1104, 1106, 1108, 1109, 1312, 2318, 2320, 3004, Appendix Chapter 3**, and **Appendix Chapter 9** are adopted by reference effective October 1, 1999.

(6) On January 5, 2000, the Building Codes Structures Board recommended amending the following **Structural Specialty Code** sections effective April 1, 2000:

(a) **Section 308.1** deleting Division 4;

(b) **Section 308.2.2.2** referring to Appendix Chapter 3, Division I and deleting the exception;

(c) **Section 308.2.2.3** deleting all language;

(d) **Table 3-A** deleting Group I, Division 4 Occupancy;

(e) **Section 312A.1.1, Exception 2** deleting reference to Group I, Division 4 and amending Exception 2;

(f) **Table 3-B** adding footnote 7;

(g) **Section 505.3** adding an exception;

(h) **Table 5-A** adding a row for Group I, Division 3;

(i) **Table 5-B** amending types of construction allowed and deleting footnote 7;

(j) **Section 1007.5.8 Exception 2** by adding language;

(k) **Section 1106.1.8** deleting reference to Group I, Division 4 and amending item 5;

(l) **Section 1108.3.1.1** deleting reference to Group I, Division 4 and amending items 3 and 3.1; and

(m) **Section 1109.8.2** deleting reference to Group I, Division 4; and

(n) **Appendix Chapter 3, Division I** replacing language with Sections 313-323.

(7) The amendments to **Sections 308, 312A, 505, 1007, 1106, 1108 and 1109, Tables 3-A, 3-B, 5-A and 5-B** and **Appendix Chapter 3, Division I** are adopted by reference effective April 1, 2000.

(8) On April 5, 2000, the Building Codes Structures Board recommended amending the following **Structural Specialty Code** sections effective October 1, 2000:

(a) **Section 106.3.2** to include registration requirements to perform engineering services on significant structures;

(b) **Section 304.1** clarifying outpatient clinic and medical offices definition;

(c) **Section 308** clarifying terminology within health care facilities;

(d) **Section 308.2.2.1** adding an occupancy classification;

(e) **Section 312A** adding definitions and clarifying requirements;

(f) **Tables 3-I-1, 3-I-2 and 3-I-3** clarifying requirements;

(g) **Section 1003.3.3.3** to provide consistency with the dwelling code;

(h) **Section 1101.1** clarifying accessibility requirements;

(i) **Section 1101.2** identifying references for accessible design standards;

(j) **Section 1102** amending definitions;

(k) **Section 1103.2.1** adding references;

(l) **Section 1104** clarifying accessible parking requirements;

(m) **Section 1105.2.1** adding a reference;

(n) **Section 1106.1.1** adding references;

(o) **Section 1106.1.12** adding an exception for storage facilities;

(p) **Section 1106.1.13** clarifying intent of the code;

(q) **Section 1107.1** adding a reference and an exception;

(r) **Sections 1108.1, 1108.1.1.1, 1108.1.1.2, 1108.1.1.3, 1108.1.1.4 and 1108.4.17** by relocating requirements previously in **Section 1106**;

(s) **Section 1108.3.3** adding requirements for accessibility to judicial facilities;

(t) **Section 1108.4.8** deleting a requirement and placing it in new **Section 1110.3.4**;

(u) **Section 1108.4.10** providing consistency with ADA guidelines;

(v) **Section 1108.4.12.1** adding requirements for directional signs;

(w) **Section 1108.5** adding new requirements for judicial, legislative and regulatory facilities;

(x) **Section 1108.6** adding new requirements for detention and correctional facilities;

(y) **Section 1109.1** clarifying language;

(z) **Section 1109.3.1** adding new general requirements for controls and hardware;

(aa) **Section 1109.4.1** adding general requirements and references;

(bb) **Section 1109.10.6** clarifying clear floor space;

(cc) **Section 1109.12.3** clarifying spout locations;

(dd) **Section 1109.15.1.2** clarifying text telephone requirements;

(ee) **Section 1109.16** clarifying detectable warning requirements;

(ff) **Section 1110.2.1** adding an exception;

(gg) **Sections 1110.6.4.1.1 and 1110.6.4.2.1** clarifying the exceptions;

(hh) **Section 1113.1.1** clarifying requirements for alterations;

(ii) **Section 1203.2.6** adding occupancies;

(jj) **Sections 1302, 1307, 1308, 1312, 1313, 1315, 1316, 1321 and 1323** making editorial changes;

(kk) **Section 1307.1.3** deleting redundant exception;

(ll) **Section 1312.1.3.3** clarifying window labeling and revising the exception;

(mm) **Section 1312.2.1** correcting prescriptive path approach;

(nn) **Section 1320.1** updating code references;

(oo) **Tables 13-D, 13-E, 13-G, 13-H, 13-I, 13-J and 13-K** making editorial changes to footnotes and amending tables to specify efficiency requirements;

(pp) **Section 1605.1** clarifying that requirements apply to all portions of structures;

(qq) **Section 1703** removing radiography option and deleting a redundant exception;

(rr) **Section 2106.2.14.1** deleting unnecessary requirement;

(ss) **Section 2213.8.6** correcting typographical error; and

(tt) **Chapter 29** adding plumbing requirements for Group A occupancies.

(9) The amendments to the sections specified in Section (8)(a) through (tt) are adopted by reference effective October 1, 2000.

(10) On April 4, 2001, the Building Codes Structures Board recommended amending the following **Structural Specialty Code** sections effective October 1, 2001:

(a) **Section 904.2.4.1** to clarify intent of code application;

(b) **Section 1003.3.4.4** to eliminate conflict with other code sections;

(c) **Section 1103.2.2.3** to change the reference to Figure 12b;

(d) **Section 1103.2.2.6** to add reference to Figure 15;

(e) **Section 1105** to delete "drop-off zones" to be consistent with ADAAG;

(f) **Section 1107.1** to delete requirement for an emergency evacuation plan;

(g) **Section 1108.2.2** to reword for clarity;

(h) **Section 1108.4.9.1** to conform to ADA requirements;

(i) **Section 1109.10.1** to create an exception to language that prohibits floor drains;

(j) **Section 1110.6.3** to add a reference;

(k) **Section 1204.1** to add a reference to the **One- and Two-Family Dwelling Specialty Code** for light and ventilation requirements;

(l) **Sections 1301.1.1 and 1301.1.3** to make editorial table reference changes;

(m) **Section 1302** to add a definition for vaulted ceiling;

(n) **Sections 1307.1 and 1307.1.3** to make editorial table reference changes;

(o) **Section 1308.1** to add section number;

# ADMINISTRATIVE RULES

(p) **Section 1308.1.4** to add language on economizer cooling;  
(q) **Section 1312.1** to add provisions for condition spaces;  
(r) **Section 1316.1** and **Table 13-P** to clarify lighting requirements for dwelling units;

(s) **Section 1321.1** to make editorial table reference change;  
(t) **Table 13-A** to align the insulation requirement for basement walls to those specified in the **One- and Two-Family Dwelling Specialty Code**, reorganize the footnotes and add a prescriptive Path 10;

(u) **Table 13-B** to renumber and add a new **Table 13-B-2**; and  
(v) **Tables 13-D** and **13-E** to delete footnote exempting vertical glazing for merchandise displays

(11) The amendments to the sections specified in Section (10)(a) through (v) are adopted by reference effective October 1, 2001.

(12) On November 7, 2001, the Building Codes Structures Board recommended amending the following **Structural Specialty Code** sections effective January 1, 2002:

(a) **Section 902, Volume 1**, adopting the **1999 editions of NFPA 13 and NFPA 13R**; and

(b) **Sections 9.101 and 9.301, Volume 3**, correcting language to agree with the **1999 editions of NFPA 13 and 13R**.

(13) On July 31, 2003, the administrator approved amending the following **Structural Specialty Code** sections to be effective October 1, 2003:

(a) **Section 101.3**, deleting Appendix Chapter 29;  
(b) **Section 106.1**, adding an exception 2 for emergency repairs;  
(c) **Section 106.2**, adding language on membrane structures;  
(d) **Section 312A.3.3.5.2**, changing "smoke detection" to "fire alarm" systems;

(e) **Section 312A.3.3.5.3**, deleting language and placing in a footnote to **Table 3-I-1**;

(f) **Section 312A.3.3.5.4**, adding requirement that fire alarm and detection systems be "automatic";

(g) **Tables 3-I-1, 3-I-2 and 3-I-3**, relocating footnotes for clarity;

(h) **Section 1201**, updating the edition of **ASHRAE Standard 62** to 2001;

(i) **Section 1203.2.4**, clarifying ventilation requirements and adding an exception;

(j) **Section 1203.2.11**, adding paragraph on ventilation requirements;

(k) **Section 1203.2.12**, adding section on ventilation controls for high occupancy areas;

(l) **Chapter 13**, Energy Conservation, amending, reformatting and renumbering entire chapter;

(m) **Section 2406.3**, clarifying when wired glass may be used;

(n) **Sections 2408.1, 2408.2, 2408.2.1 and 2408.3**, prescribing the use of safety glazing in athletic facilities;

(o) **Section 2903.1**, adding an exception on drinking fountains;

(p) **Appendix Chapter 3, Division II, Section 326.2**, revising definition of "farm"; and

(q) **Appendix Chapter 31, Division II, Section 3111.2**, adding a reference to **Article 32 of the Oregon Fire Code**.

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

Stat. Auth.: ORS 447.231, ORS 447.247, ORS 455.030 & ORS 455.110

Stats. Implemented: ORS 447.247 & ORS 455.110

Hist.: BCA 18-1993, f. 8-24-93, cert. ef. 8-29-93; BCA 28-1993, f. 10-22-93, cert. ef. 1-1-94; BCD 6-1994, f. 2-25-94, cert. ef. 5-1-94; BCD 22-1994, f. 9-28-94, cert. ef. 1-1-95; BCD 31-1994(Temp), f. & cert. ef. 12-23-94; BCD 32-1994, f. & cert. ef. 12-30-94; BCD 2-1995, f. & cert. ef. 2-9-95; BCD 5-1995, f. & cert. ef. 3-15-95; BCD 2-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 6-1996, f. 3-29-96, cert. ef. 4-1-96; BCD 12-1997, f. 9-10-97, cert. ef. 10-1-97; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 24-1998(Temp), f. & cert. ef. 12-1-98 thru 5-29-99; Temporary Rule repealed by BCD 3-1999, f. 3-12-99, cert. ef. 4-1-99; BCD 5-1999, f. 6-17-99, cert. ef. 10-1-99; BCD 12-1999(Temp), f. 9-23-99, cert. ef. 11-1-99 thru 4-28-00; BCD 2-2000, f. 1-14-00, cert. ef. 4-1-00; BCD 20-2000, f. 9-15-00, cert. ef. 10-1-00; BCD 8-2001, f. 7-17-01, cert. ef. 10-1-01; BCD 18-2001, f. 12-21-01, cert. ef. 1-1-02; BCD 14-2003, f. 8-13-03, cert. ef. 10-1-03; BCD 18-2003(Temp), f. & cert. ef. 11-14-03 thru 5-11-04

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

**Adm. Order No.:** DO 3-2003

**Filed with Sec. of State:** 10-22-2003

**Certified to be Effective:** 1-1-04

**Notice Publication Date:** 9-1-03

**Rules Amended:** 440-045-0020, 440-045-0025

**Subject:** OAR Chapter 440-045-0020, 440-045-0025: Pursuant to ORS 656.612, the Director shall adopt by rule the assessment to be imposed and collected from insurers, self-insured employers and self-insured employer groups, based on workers' compensation direct

earned premium, in an amount sufficient to meet the expenses of the department in carrying out its duties under ORS Chapter 656, ORS Chapter 654 and the Insurance Code. The assessment rate is established annually. These rules establish the assessment rate for calendar year 2004.

**Rules Coordinator:** Myrna Curzon—(503) 947-7866

### 440-045-0020

#### Assessment Rate

The assessment to be levied against insurers, self-insured employers and self-insured employer groups for Calendar Year 2004 shall be 7.0 percent of direct earned premium and the direct earned premium self-insured employers and self-insured employer groups would have paid had they been insured employers.

Stat. Auth.: ORS 705.135 & ORS 656.612

Stats. Implemented: ORS 656.612 & ORS 656.614

Hist.: DO 2-1999, f. 10-1-99, cert. ef. 1-1-00; DO 1-2000, f. 10-11-00; DO 3-2001, f. 10-22-01, cert. ef. 1-1-02; DO 4-2002, f. 10-17-02 cert. ef. 1-1-03; DO 3-2003, f. 10-22-03, cert. ef. 1-1-04

### 440-045-0025

#### Adjustment Reserve Rate

In addition to the assessments established in OAR 440-045-0020, self-insured employer groups for the Calendar Year 2004 shall be assessed an additional 0.2 percent to fund the Self-Insured Employer Group Adjustment Reserve.

Stat. Auth.: ORS 705.135 & ORS 656.612

Stats. Implemented: ORS 656.612 & ORS 656.614

Hist.: DO 2-1999, f. 10-1-99, cert. ef. 1-1-00; DO 1-2000, f. 10-11-00, cert. ef. 1-1-01; DO 3-2001, f. 10-22-01, cert. ef. 1-1-02; DO 4-2002, f. 10-17-02 cert. ef. 1-1-03; DO 3-2003, f. 10-22-03, cert. ef. 1-1-04

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## Department of Environmental Quality Chapter 340

**Adm. Order No.:** DEQ 13-2003

**Filed with Sec. of State:** 10-24-2003

**Certified to be Effective:** 10-24-03

**Notice Publication Date:** 5-1-03

**Rules Amended:** 340-100-0002, 340-100-0004, 340-100-0010, 340-101-0001, 340-101-0004, 340-101-0040, 340-101-0050, 340-102-0011, 340-103-0031, 340-104-0001, 340-104-0340, 340-105-0003, 340-105-0010, 340-106-0002, 340-109-0001, 340-109-0010, 340-110-0061, 340-111-0020, 340-111-0050, 340-113-0010, 340-113-0020, 340-113-0030

**Subject:** Adopts, by reference, federal regulatory changes to the Resource Conservation and Recovery Act from July 2000 through July 2002. Corrects errors in existing Oregon Administrative Rules.  
**Rules Coordinator:** Rachel Sakata—(503) 229-5659

### 340-100-0002

#### Adoption of United States Environmental Protection Agency Hazardous Waste and Used Oil Management Regulations

(1) Except as otherwise modified or specified by OAR chapter 340, divisions 100 to 106, 109, 111, 113, 120, 124 and 142 the rules and regulations governing the management of hazardous waste, including its generation, transportation, treatment, storage, recycling and disposal, prescribed by the United States Environmental Protection Agency in **Title 40 Code of Federal Regulations, Parts 260 to 266, 268, 270, 273 and Subpart A and Subpart B of Part 124** promulgated through July 1, 2002, and including the rule promulgated July 24, 2002 at 67 Federal Register 48393, except the amendments to **40 CFR Parts 264, 265 and 270** as promulgated at 65 Federal Register 56710-56735, October 22, 1998, and **65 Federal Register 30886-30913, May 15, 2000**, are adopted by reference and prescribed by the Commission to be observed by all persons subject to ORS 466.005 to 466.080 and 466.090 to 466.215.

(2) Except as otherwise modified or specified by OAR chapter 340, division 111, the rules and regulations governing the standards for the management of used oil, prescribed by the United States Environmental Protection Agency in **Title 40 Code of Federal Regulations, Part 279** promulgated through July 24, 2002, are adopted by reference into Oregon Administrative Rules and prescribed by the Commission to be observed by all persons subject to ORS 466.005 to 466.080 and 466.090 to 466.215.

**COMMENT:** The Department uses the federal preamble accompanying the federal regulations and federal guidance as a basis for regulatory decision-making.

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



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Stat. Auth.: ORS 465.009, ORS 466.020 & ORS 465.505  
Stat. Implemented: ORS 465.003, 465.009, 466.005, 466.075, 466.105, 465.505  
Hist.: DEQ 8-1985, f. & ef. 7-25-85; DEQ 10-1987, f. & ef. 6-11-87; DEQ 23-1987, f. & ef. 12-16-87; DEQ 19-1988, f. & cert. ef. 7-13-88; DEQ 12-1989, f. & cert. ef. 6-12-89; DEQ 4-1991, f. & cert. ef. 3-15-91 (and corrected 6-20-91); DEQ 24-1992, f. 10-23-92, cert. ef. 11-1-92; DEQ 11-1993, f. & cert. ef. 7-29-93; DEQ 6-1994, f. & cert. ef. 3-22-94; DEQ 31-1994(Temp), f. 12-6-94, cert. ef. 12-19-94; DEQ 11-1995, f. & cert. ef. 5-19-95; DEQ 12-1996, f. & cert. ef. 7-31-96; DEQ 14-1997, f. & cert. ef. 7-23-97; DEQ 11-1998, f. & cert. ef. 6-26-98; DEQ 26-1998(Temp), f. & cert. ef. 11-3-98 thru 3-19-99; DEQ 4-1999, f. & cert. ef. 3-19-99; DEQ 10-2000, f. & cert. ef. 7-21-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 13-2002, f. & cert. ef. 10-9-02; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-100-0004

### Table of Contents, Divisions 100 to 120

The following Divisions including the incorporation of regulations in **40 CFR, Parts 260 to 266, 268, 270 and 124**, comprise the Oregon hazardous waste management program:

#### DIVISION — SUBJECT

100 — Hazardous Waste Management System: General  
101 — Identification and Listing of Hazardous Waste  
102 — Standards Applicable to Generators of Hazardous Waste  
103 — Standards Applicable to Transporters of Hazardous Waste  
104 — Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities  
105 — Management Facility Permits  
106 — Permitting Procedures  
109 — Management of Pesticide Wastes  
110 — Polychlorinated Biphenyls (PCBs)  
120 — Additional Siting and Permitting Requirements for Hazardous Waste and PCB Treatment and Disposal Facilities  
124 — Standards Applicable to Dry Cleaning Facilities and Dry Stores  
142 — Oil and Hazardous Materials Emergency Response Requirements  
[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 183, 459, 466.020, 466.075, 466.105, 466.195 & ORS 468  
Stats. Implemented: ORS 466.020, ORS 466.075, ORS 466.105 & 466.195  
Hist.: DEQ 8-1985, f. & ef. 7-25-85; DEQ 4-1991, f. & cert. ef. 3-15-91 (and corrected 6-20-91); DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 13-2002, f. & cert. ef. 10-9-02; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-100-0010

### Definitions

(1) The definitions of terms contained in this rule modify, or are in addition to, the definitions contained in **40 CFR 260.10**.

(2) When used in divisions 100 to 110 and 120 of this chapter, the following terms have the meanings given below:

(a) “Administrator” means:

(A) The “Department”, except as specified in paragraph (2)(a)(B) or (C) of this rule;

(B) The “Commission,” when used in **40 CFR 261.10** and **261.11**; or

(C) The Administrator of the U.S. Environmental Protection Agency, when used in **40 CFR 262.50**.

(b) “Aquatic LC50 (median aquatic lethal concentration)” means that concentration of a substance which is expected in a specific time to kill 50 percent of an indigenous aquatic test population (i.e., fish, insects or other aquatic organisms). Aquatic LC50 is expressed in milligrams of the substance per liter of water;

(c) “Beneficiation of Ores and Minerals” means the upgrading of ores and minerals by purely physical processes (e.g., crushing, screening, settling, flotation, dewatering and drying) with the addition of other chemical products only to the extent that they are a non-hazardous aid to the physical process (such as flocculants and deflocculants added to a froth-flotation process);

(d) “Collection”. See “Storage”;

(e) “Commission” means the Environmental Quality Commission;

(f) “Demilitarization” means all processes and activities at the Umatilla Chemical Depot (OR 6213820917) and Umatilla Chemical Agent Disposal Facility (ORQ 00009431) from February 12, 1997, through Department approval of the closure of all permitted treatment, storage and disposal units and facility-wide corrective action;

(g) “Demilitarization Residue” means any solid waste generated by demilitarization processes and activities as defined in 340-100-0010(2)(f), except for (A) waste streams generated from processes or activities prior to the introduction of nerve or blister agent into the treatment unit; and (B) waste streams generated from maintenance or operation of non-agent contaminated process utility systems;

(h) “Department” means the Department of Environmental Quality except it means the Commission when the context relates to a matter solely within the authority of the Commission such as: The adoption of rules and issuance of orders thereon pursuant to ORS 466.020, 466.075, and 466.510; the making of findings to support declassification of hazardous wastes pur-

suant to ORS 466.015(3); the issuance of exemptions pursuant to ORS 466.095(2); the issuance of disposal site permits pursuant to ORS 466.140(2); and the holding of hearings pursuant to ORS 466.130, 466.140(2), 466.170, 466.185, and 466.190;

(i) “Director” means:

(A) The “Department”, except as specified in paragraph (2)(g)(B) of this rule; or

(B) The “permitting body”, as defined in section (2) of this rule, when used in **40 CFR 124.5, 124.6, 124.8, 124.10, 124.12, 124.14, 124.15 and 124.17**.

(j) “Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste or hazardous substance into or on any land or water so that the hazardous waste or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters of the state as defined in ORS 468.700;

(k) “Dry Cleaning Facility” means any facility as defined by **40 CFR 260.10** and adopted pursuant to OAR 340-100-0002, located in this state that is or was engaged in dry cleaning apparel and household fabrics for the general public, and dry stores, other than:

(a) A facility located on a United States military base;

(b) A uniform service or linen supply facility;

(c) A prison or other penal institution; or

(d) A facility engaged in dry cleaning operations only as a dry store and selling less than \$50,000 per year of dry cleaning services.

(l) “Dry Cleaning Operator” means a person who has, or had, a business license to operate a dry cleaning facility or a business operation that a dry cleaning facility is a part of or any person that owns the dry cleaning business, leases the operation of the dry cleaning business from the owner, or makes any other kind of agreement or arrangement where by they operated the dry cleaning business.

(m) “Dry Cleaning Wastewater” means water from the solvent/water separation process of the dry cleaning machine.

(n) “EPA” or “Environmental Protection Agency” means the Department of Environmental Quality,

(o) “EPA Form 8700-12” means EPA Form 8700-12 as modified by the Department;

(p) “Existing Hazardous Waste Management (HWM) Facility” or “Existing Facility” means a facility which was in operation or for which construction commenced on or before November 19, 1980, or is in existence on the effective date of statutory or regulatory changes under Oregon law that render the facility subject to the requirement to have a permit. A facility has commenced construction if:

(A) The owner or operator has obtained the federal, state, and local approvals or permits necessary to begin physical construction; and either

(B)(i) A continuous on-site, physical construction program has begun; or

(ii) The owner or operator has entered into contractual obligations — which cannot be canceled or modified without substantial loss — for physical construction of the facility to be completed within a reasonable time.

(q) “Extraction of Ores and Minerals” means the process of mining and removing ores and minerals from the earth;

(r) “Generator” means the person who, by virtue of ownership, management or control, is responsible for causing or allowing to be caused the creation of a hazardous waste;

(s) “Hazardous Substance” means any substance intended for use which may also be identified as hazardous pursuant to division 101;

(t) “Hazardous Waste” means a hazardous waste as defined in **40 CFR 261.3**, OAR 340-101-0033 and 340-102-0011;

(u) “Identification Number” means the number assigned by DEQ to each generator, transporter, and treatment, storage and disposal facility;

(v) “License.” See “Permit”;

(w) “Management Facility” means a hazardous waste treatment, storage or disposal facility;

(x) “Off-site” means any site which is not on-site;

(y) “Oxidizer” means any substance such as a chlorate, permanganate, peroxide, or nitrate, that yields oxygen readily or otherwise acts to stimulate the combustion of organic matter (see **40 CFR 173.151**);

(z) “Permitting Body” means:

(A) The Department of Environmental Quality, when the activity or action pertains to hazardous waste storage or treatment facility permits; or

(B) The Environmental Quality Commission, when the activity or action pertains to hazardous waste disposal facility permits.

(aa) “Permit” or “License” means the control document that contains the requirements of ORS Chapter 466 and OAR chapter 340, divisions 104

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to 106 and 120. Permit includes permit-by-rule and emergency permit. Permit does not include any permit which has not yet been the subject of final Department action, such as a draft permit or a proposed permit;

(bb) "RCRA" or "Resource Conservation and Recovery Act", when used to refer to a federal law, means Oregon law;

(cc) "RCRA Permit" means Oregon hazardous waste management facility permit;

(dd) "Regional Administrator" means:

(A) The "Department", except as specified in paragraph (2)(y)(B) or (C) of this rule;

(B) The "permitting body", as defined in section (2) of this rule when used in **40 CFR 124.5, 124.6, 124.8, 124.10, 124.12, 124.14, 124.15 and 124.17**;

(C) The "Commission", when used in **40 CFR 260.30 through 260.41**.

(ee) "Residue" means solid waste as defined in **40 CFR 261.2**;

(ff) "Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity;

(gg) "Spill" means unauthorized disposal;

(hh) "Storage" or "Collection" means the containment of hazardous waste either on a temporary basis or for a period of years, in a manner that does not constitute disposal of the hazardous waste;

(ii) "Waste Management Unit" means a contiguous area of land on or in which waste is placed. A waste management unit is the largest area in which there is a significant likelihood of mixing of waste constituents in the same area. Usually this is due to the fact that each waste management unit is subject to a uniform set of management practices (e.g., one liner and leachate collection and removal system). The provisions in the OAR chapter 340, division 104 regulations (principally the technical standards in Subparts K-N of **40 CFR Part 264**) establish requirements that are to be implemented on a unit-by-unit basis.

(3) When used in divisions 100 to 106, 109, 113 and 142 of this chapter, the following terms have the meanings given below:

(a) "Aeration" means a specific treatment for decontaminating an empty volatile substance container consisting of removing the closure and placing the container in an inverted position for at least 24 hours.

(b) "Beneficial Use" means the return of unused pesticide product (e.g., pesticide equipment rinsings, excess spray mixture) or empty pesticide container(s) without processing to the economic mainstream, as a substitute for raw materials in an industrial process or as a commercial product (e.g., melting a container for scrap metal).

(c) "Department" means the Department of Environmental Quality.

(d) "Empty Container" means a container from which:

(A) All the contents have been removed that can be removed using the practices commonly employed to remove materials from that type of container; and

(B)(i) No more than one inch of residue remains on the bottom of the container; or

(ii) No more than three percent of the total capacity of the container remains in the container if the container is less than or equal to 110 gallons in size; or

(iii) No more than 0.3% of the total capacity of the container remains in the container or inner liner if the container is greater than 110 gallons in size; or

(iv) If the material is a compressed gas, the pressure in the container is atmospheric.

(e) "Household Use" means use by the home or dwelling owner in or around households (including single and multiple residences, hotels and motels).

(f) "Jet Rinsing" means a specific treatment for an empty container using the following procedure:

(A) A nozzle is inserted into the container, or the empty container is inverted over a nozzle such that all interior surfaces of the container can be rinsed; and

(B) The container is thoroughly rinsed using an appropriate solvent.

(g) "Multiple Rinsing" means a specific treatment for an empty container repeating the following procedure a minimum of three times:

(A) An appropriate solvent is placed in the container in an amount equal to at least 10% of the container volume; and

(B) The container is agitated to rinse all interior surfaces; and

(C) The container is opened and drained, allowing at least 30 seconds after drips start.

(h) "Pesticide" means any substance or combination of substances intended for the purpose of defoliating plants or for the preventing, destroying, repelling, or mitigating of insects, fungi, weeds, rodents, or predatory

animals; including but not limited to defoliants, desiccants, fungicides, herbicides, insecticides, and nematocides as defined by ORS 634.006.

(i) "Pesticide Equipment" means any equipment, machinery or device used in pesticide manufacture, repackaging, formulation, bulking and mixing, use, cleaning up spills, or preparation for use or application of pesticides, including but not limited to aircraft, ground spraying equipment, hoppers, tanks, booms and hoses.

(j) "Pesticide Residue" is a waste that is generated from pesticide operations and pesticide management, such as, from pesticide use (except household use), manufacturing, repackaging, formulation, bulking and mixing, and spills. Pesticide residue includes, but is not limited to, unused commercial pesticides, tank or container bottoms or sludges, pesticide spray mixture, container rinsings and pesticide equipment washings, and substances generated from pesticide treatment, recycling, disposal, and rinsing spray and pesticide equipment. Pesticide residue does not include pesticide-containing materials that are used according to label instructions, and substances such as, but not limited to treated soil, treated wood, foodstuff, water, vegetation, and treated seeds where pesticides were applied according to label instructions. Pesticide residue does not include wastes that are listed in **40 CFR Part 261 Subpart D** or exhibit one or more of the characteristics identified in **40 CFR Part 261 Subpart C**.

(k) "Public-Use Airport" means an airport open to the flying public which may or may not be attended or have service available.

(l) "Reuse" means the return of a commodity to the economic mainstream for use in the same kind of application as before without change in its identity (e.g., a container used to repack a pesticide formulation).

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

Stat. Auth.: ORS 465.009 & ORS 466.020

Stat. Implemented: ORS 465.003, 465.009, 466.005, 466.075 & 466.105

Hist.: DEQ 7-1984, f. & cert. ef. 4-26-84; DEQ 8-1985, f. & cert. ef. 7-25-85; DEQ 4-1991, f. & cert. ef. 3-15-91 (and corrected 6-20-91); DEQ 12-1996, f. & cert. ef. 7-31-96; Renumbered from 340-109-0002; DEQ 10-2000, f. & cert. ef. 7-21-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 13-2002, f. & cert. ef. 10-9-02; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-101-0001

### Purpose and Scope

(1) The purpose of this division is to identify those residues which are subject to regulation as hazardous wastes under divisions 100 to 106, 109, 111, 113, 124 and 142 of this chapter.

(2) Persons must also consult **40 CFR Parts 124, 260 to 266, 268, 270, 273, and 279**, which are incorporated by reference in OAR 340-100-0002, to determine all applicable hazardous waste management requirements.

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

Stat. Auth.: ORS 183.325 - ORS 183.337, ORS 459, 465.009, 466.020 & 468.020

Stats. Implemented: ORS 465.009, ORS 466.075 & ORS 466.105

Hist.: DEQ 7-1984, f. & cert. ef. 4-26-84; Superseded by DEQ 8-1985, f. & cert. ef. 7-25-85; DEQ 8-1985, f. & cert. ef. 7-25-85; DEQ 12-1996, f. & cert. ef. 7-31-96; DEQ 13-2002, f. & cert. ef. 10-9-02; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-101-0004

### Exclusions

(1) Residue described in **40 CFR 261.4(b)(9)** is exempted from divisions 100-106 and 109.

(2) Dry cleaning wastewater subject to the requirements in OAR 340 division 124 is not excluded pursuant to **40 CFR 261.4(a)(1)(i)** and **(ii)**.

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

Stat. Auth.: ORS 466.020 & 466.180

Stats. Implemented: ORS 466.015 & ORS 466.195

Hist.: DEQ 7-1984, f. & cert. ef. 4-26-84; Superseded by DEQ 8-1985; DEQ 8-1985, f. & cert. ef. 7-25-85; DEQ 6-1994, f. & cert. ef. 3-22-94; DEQ 4-1999, f. & cert. ef. 3-19-99; DEQ 10-2000, f. & cert. ef. 7-21-00; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-101-0040

### Wastes Requiring Special Management

(1) Abrasive Blast Waste Containing Pesticides. Abrasive blast waste which contains pesticides that do not meet the criteria specified in **40 CFR Part 261, Subpart C**, is not a federal hazardous waste for any other reason, and fails the "Department of Environmental Quality Aquatic Toxicity Test," whereby a representative sample of a pesticide residue exhibits a 96-hour aquatic toxicity LC50 equal to or less than 250 mg/l, are not subject to OAR chapter 340, divisions 100 to 106, 109 and 142 provided:

(a) The waste is prevented from entering the environment; and:

[NOTE: The practices described in Appendix 1, "Best Pollution Prevention Practices for Abrasive Blast Media Waste from Shipyard Repair Facilities," provide guidance. The guidance in Appendix 1 or equivalent Best Pollution Prevention Practices should be used.]

(b) The waste is not stored for more than six months unless the generator demonstrates that a longer storage time is necessary to meet the management standards in OAR 340-101-0040(1)(c); and,

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(c) The waste is recycled, disposed of according to OAR 340-093-0190(1)(f), or disposed of at a hazardous waste facility or other facility authorized to receive such waste.

(2) Pesticide Treated Wood. Spent treated wood that is used or reused for a purpose for which the material would be treated is exempt from OAR 340-101-0040(2). Waste resulting from the use of newly pesticide-treated wood (including scrap lumber, shavings and sawdust; waste resulting from shaping pesticide-treated wood, such as sawdust, shavings and chips; and treated wood removed from service) that does not meet the criteria specified in **40 CFR Part 261, Subpart C**; and is not a federal hazardous waste for any other reason; and is not otherwise excluded by **40 CFR 261.4(b)(9)**, and is not pesticide residue as defined in OAR 340-100-0010(3)(j) is not subject to Divisions 100 to 106, 109 and 142 provided:

(a) The waste is not stored for more than six months unless the generator demonstrates that a longer storage time is necessary to meet the management standards in OAR 340-101-0040(2)(b); and

(b) The waste is recycled or disposed of according to OAR 340-093-0190(1)(g) or is managed at a facility authorized to receive such waste.

[ED. NOTE: Appendices referenced in this rule are available from the agency.]

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

Stat. Auth.: ORS 183.325 to ORS 183.337, ORS 465.009, ORS 466.020, ORS 466.090 & ORS 468.020

Stats. Implemented: ORS 466.020, ORS 466.025, ORS 466.075 & ORS 466.100

Hist.: DEQ 6-1994, f. & cert. ef. 3-22-94; DEQ 11-1995, f. & cert. ef. 5-19-95; DEQ 12-1996, f. & cert. ef. 7-31-96; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-101-0050

### Standards for Materials Being Recycled

#### Reserved

Stat. Auth.: ORS 183.337, ORS 465.009, ORS 466.020, ORS 468.020

Stats. Implemented: ORS 466.015, ORS 466.075, ORS 466.086

Hist.: DEQ 4-1999, f. & cert. ef. 3-19-99; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-102-0011

### Hazardous Waste Determination

(1) The provisions of this rule replace the requirements of **40 CFR 262.11**.

(2) A person who generates a residue as defined in OAR 340-100-0010 must determine if that residue is a hazardous waste using the following method:

(a) Persons should first determine if the waste is excluded from regulation under **40 CFR 261.4** or OAR 340-101-0004;

(b) Persons must then determine if the waste is listed as a hazardous waste in **Subpart D of 40 CFR Part 261**;

(c) Persons must then determine if the waste is listed under the following listings:

(A) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates identified in 340-102-0011(2)(c)(A)(i) and (ii) are added to and made a part of the list in **40 CFR 261.33(e)**.

(i) P998...Blister agents (such as Mustard agent)

(ii) P999...Nerve agents (such as GB (Sarin) and VX); or

(B) Hazardous waste identified in 340-102-0011(2)(c)(B)(i) and (ii) are added to and made a part of the list in **40 CFR 261.31**.

(i) F998...Residues from demilitarization, treatment, and testing of blister agents (such as Mustard agent).

(ii) F999...Residues from demilitarization, treatment, and testing of nerve agents (such as GB (Sarin) and VX).

**NOTE:** Even if the waste is listed, the generator still has an opportunity under OAR 340-100-0022 to demonstrate to the Commission that the waste from his/her particular facility or operation is not a hazardous waste.

(d) Regardless of whether a hazardous waste is listed through application of subsections 2(b) or 2(c) of this rule, persons must also determine whether the waste is hazardous under **Subpart C of 40 CFR Part 261** by either:

(A) Testing the waste according to the methods set forth in **Subpart C of 40 CFR 261**, or according to an equivalent method approved by the Department under OAR 340-100-0021.

**NOTE:** In most instances, the Department will not consider approving a test method until it has been approved by EPA.

(B) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

(e) If the waste is determined to be hazardous, the generator must refer to Divisions 100-106 and **40 CFR Parts 264, 265, 268** and **273** for possible exclusions or restrictions pertaining to management of his/her specific waste.

**NOTE:** 40 CFR 268.3 prohibits dilution of a hazardous waste to meet Land Disposal Restriction treatment standards. Diluting waste without a permit to meet any hazardous waste standard is prohibited.

(f) If the waste is not identified as hazardous by application of subsection (2)(b) or (2)(c), and/or (2)(d) of this rule, persons must determine if the waste is listed under OAR 340-101-0033.

(3) A person who generates a residue, as defined in OAR 340-100-0010(2)(ee), must keep a copy of the documentation used to determine whether the residue is a hazardous waste, under section (2) of this rule, for a minimum of three years after the waste stream is no longer generated, or as prescribed in **40 CFR 262.40(c)**. If no documentation is created in making the wastestream determination, then no new documentation need be created.

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

Stat. Auth.: ORS 466.020 & ORS 466.180

Stats. Implemented: ORS 466.015 & ORS 466.195

Hist.: DEQ 8-1985, f. & ef. 7-25-85; DEQ 4-1991, f. & cert. ef. 3-15-91 (and corrected 6-20-91); DEQ 24-1992, f. 10-23-92, cert. ef. 11-1-92; DEQ 6-1994, f. & cert. ef. 3-22-94; DEQ 10-2000, f. & cert. ef. 7-21-00; DEQ 13-2002, f. & cert. ef. 10-9-02; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-103-0031

### Discharge Clean Up

A transporter must clean up any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by federal, state, or local officials so that the hazardous waste discharge no longer presents a hazard to human health or the environment. See division 142 for further requirements.

Stat. Auth.: ORS 183, ORS 466 & ORS 469

Stats. Implemented: ORS 466.020 & ORS 466.645

Hist.: DEQ 8-1985, f. & ef. 7-25-85; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-104-0001

### Purpose, Scope and Applicability

(1) The purpose of this Division is to establish minimum State standards which define the acceptable management of hazardous waste.

(2) Persons must also consult **40 CFR Parts 260 - 266, 268, 270** and **124**, which are incorporated by reference in OAR 340-100-0002, to determine all applicable hazardous waste management requirements.

(3)(a) The provisions of subsection (3)(b) of this rule replace the requirements of **40 CFR 264.1(d)**;

(b) The requirements of this Division apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued under an Underground Injection Control (UIC) program approved or promulgated under the Safe Drinking Water Act only to the following extent: **40 CFR 264.11** (identification number), **40 CFR 264.16** (personnel training), **40 CFR 264.71** (manifest system), **40 CFR 264.72** (manifest discrepancies), **40 CFR 264.73(a), (B)(1)** and **(B)(2)** (operating record), **40 CFR 264.75** (periodic report), and **40 CFR 264.76** (unmanifested waste report). When abandonment is completed, the owner or operator must submit to the Department certification by the owner or operator and by an independent registered professional engineer that the facility has been closed in a manner that will ensure that plugging and abandonment of the well will not allow the movement of fluids either into an underground source of drinking water or from one underground source of drinking water to another.

(4) The provisions of **40 CFR 264.1(f)** are deleted.

(5) In addition to the requirements of **40 CFR 264.1(g)(8)(iii)**, any person covered by **40 CFR 264.1(g)(8)(iii)** shall comply with the applicable requirements of OAR chapter 340, divisions 100 to 106 and 142.

(6) Persons receiving from off-site solid waste which becomes hazardous waste by virtue of federal or state statute or regulation and who treat or dispose of such waste shall comply with the applicable requirements of OAR chapter 340, divisions 100 to 106, 120, and **40 CFR Parts 264** and **265** and must receive a final permit before managing the waste.

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

Stat. Auth.: ORS 183, ORS 459, ORS 466.020, ORS 466.075, ORS 466.105, ORS 466.195 & ORS 468

Stats. Implemented: ORS 466.020 & ORS 466.095

Hist.: DEQ 8-1985, f. & ef. 7-25-85; DEQ 4-1991, f. & cert. ef. 3-15-91 (and corrected 6-20-91); DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-104-0340

### Applicability to Incinerators

The provisions of **40 CFR 264.340(e)** are deleted.

**NOTE:** The Department may require the owner or operator to obtain an Air Contaminant Discharge Permit and such permit may establish standards more stringent than required under **Subpart 0 of 40 CFR Part 264**.

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

Stat. Auth.: ORS 183, ORS 459 & ORS 468

Stats. Implemented: ORS 466.020 & ORS 466.030

Hist.: DEQ 8-1985, f. & ef. 7-25-85; DEQ 13-2003, f. & cert. ef. 10-24-03

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## 340-105-0003

### Considerations Under Federal Law

The provisions of **40 CFR 270.3**, and the Remedial Action Plan provisions under **40 CFR 270.2, 270.11(d), 270.42, 270.68, 270.73(a)** and **270.79 - 270.230** are deleted.

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

Stat. Auth.: ORS 465.009 & ORS 466.020

Stats. Implemented: ORS 465.003, ORS 465.009, ORS 466.075 & ORS 466.105

Hist.: DEQ 8-1985, f. & ef. 7-25-85; DEQ 10-2000, f. & cert. ef. 7-21-00; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-105-0010

### General Application Requirements and Requirements Applicable to Existing Management Facilities

(1) The requirements of sections (2), (3), (4), and (5) of this rule replace the provisions of **40 CFR 270.10(e)** to **270.10(i)** regarding application requirements.

(2) Existing management facilities:

(a) Owners and operators of existing hazardous waste management facilities that do not have a permit must submit a Part A permit application to the Department within 30 days after the effective date of statutory or regulatory changes under Oregon law that render the facility subject to the requirement to have a permit. In addition, persons receiving from off-site solid waste which by virtue of federal or state statute or regulation becomes hazardous waste and who treat or dispose of such waste shall comply with the applicable requirements in OAR chapter 340, divisions 100-106, 120, and **40 CFR Parts 264** and **265**, and must receive a final permit before managing the waste;

(b) The Department may at any time require the owner or operator of an existing management facility to submit Part B of their permit application. The owner or operator shall be allowed at least six months from the date of request to submit Part B of the application. Any owner or operator of an existing management facility may voluntarily submit Part B of the application at any time;

(c) An owner or operator that has not submitted an acceptable Part A permit application, or an acceptable Part B permit application when required to do so, or does not operate in compliance with the regulations of **40 CFR Part 265**, or OAR chapter 340, division 120, as required by this rule, shall be subject to Department enforcement action including termination of the facility's operation;

(d) If an owner or operator of an existing management facility has filed a Part A permit application but has not yet filed a Part B permit application, the owner or operator shall file an amended Part A application:

(A) No later than 15 days after the effective date of the adoption of rules listing or designating wastes as hazardous if the facility is treating, storing or disposing of any of those newly listed or designated wastes; or

(B) Prior to any of the following actions at the facility:

(i) Treatment, storage or disposal of a new hazardous waste not previously identified in Part A of the permit application;

(ii) Increases in the design capacity of processes used at a facility. The owner or operator must submit a justification explaining the need for the increase based on the lack of available treatment, storage or disposal capacity at other hazardous waste management facilities, and receive Department approval before making such increase;

(iii) Changes in the processes for the treatment, storage or disposal of hazardous waste. The owner or operator must submit a justification explaining that the change is needed because:

(I) It is necessary to prevent a threat to human health or the environment because of an emergency situation; or

(II) It is necessary to comply with the requirements of OAR chapter 340, divisions 100 to 106 and 142. The owner or operator must receive Department approval before making such change.

(iv) Changes in the ownership or operational control of a facility. The new owner or operator must submit a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of **Subpart H of 40 CFR Part 265** (financial requirements), until the Department has released him in writing. The Department shall not release the old owner or operator until the new owner or operator has demonstrated to the Department that he is complying with that Subpart. All other duties required by these rules are transferred effective immediately upon the date of the change of ownership or operational control of the facility.

(e) In no event shall changes which amount to reconstruction of the facility be made to an existing hazardous waste management facility which has not been issued an effective RCRA permit. Reconstruction occurs when

the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable, entirely new hazardous waste management facility.

(3) New management facilities:

(a) No person shall begin physical construction of a new management facility without having submitted Part A and B of the permit application, complied with OAR chapter 340, division 120, and having received a finally effective hazardous waste permit;

(b) An application for a permit for a new management facility (including both Part A and B) may be filed with the Department any time after promulgation of those standards in OAR chapter 340, division 104 applicable to such facility. All applications must be submitted at least 180 days before physical construction is expected to commence.

(4) Reapplication. Any management facility with an effective permit shall submit a new application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the Department. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

(5) Recordkeeping. Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under **40 CFR 270.10(d), 270.13, 270.14** through **270.21** for a period of at least 3 years from the date the application is signed.

(6) The requirements of this section are applicable to existing management facilities:

(a) An owner or operator of an existing management facility that has not been issued a management facility permit shall comply with the regulations of **40 CFR, Part 265** until final administrative disposition of a permit is made;

(b) After September 1, 1985, and until final administrative disposition of a permit under these rules is made, an owner or operator of a management facility that has received a state-issued non-RCRA permit shall comply with the regulations of **40 CFR, Part 265** in those instances where a regulation exists and with the conditions of the permit in those instances where a regulation does not exist.

(7) After final administrative disposition of a permit is made, a management facility shall not treat, store or dispose of hazardous waste without a permit issued in accordance with OAR chapter 340, divisions 100 to 106.

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

Stat. Auth.: ORS 183, ORS 459, ORS 466.020, ORS 466.075, ORS 466.105, ORS 466.195 & ORS 468

Stats. Implemented: ORS 466.020, ORS 466.095 & ORS 466.105

Hist.: DEQ 8-1985, f. & ef. 7-25-85; DEQ 4-1991, f. & cert. ef. 3-15-91 (and corrected 6-20-91); DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-106-0002

### Requirements Not Applicable

The provisions of **40 CFR 124.1, 124.4, 124.9, 124.10(e), 124.13, 124.14(c), 124.15(b), 124.16, 124.17(b), 124.18, 124.19, 124.20** and **124.21** are deleted and not part of Division 106.

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

Stat. Auth.: ORS 183, ORS 459 & ORS 468

Stats. Implemented: ORS 466.020

Hist.: DEQ 8-1985, f. & ef. 7-25-85; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-109-0001

### Purpose and Applicability

(1) The purpose of this Division is to specify procedures for managing pesticide residues and empty pesticide containers. This Division does not apply to any federally regulated pesticide waste, including waste regulated under **40 CFR Part 273**.

NOTE: Although the permit applicant or permittee will interface primarily with the Department as is indicated by these rules, hazardous waste disposal facility permits are issued by the Environmental Quality Commission while hazardous waste storage and treatment facility permits are issued by the Department.

(2) Persons must also consult **40 CFR Parts 260 - 266, 268, 270, and 124**, which are incorporated by reference in OAR 340-100-0002, to determine all applicable hazardous waste management requirements.

NOTE: **40 CFR Part 124** includes requirements applicable to several programs, including UIC, NPDES, 404, etc. Only the provisions of **40 CFR Part 124 Subparts A and B** which are applicable to hazardous waste or "RCRA" permits are incorporated by reference in OAR 340-100-0002, as modified by Division 106.

Stat. Auth.: ORS 183.325 - ORS 183.335, ORS 466.02 &, ORS 468.020

Stats Implemented: ORS 466.005 & ORS 466.075,

Hist.: DEQ 7-1984, f. & ef. 4-26-84; DEQ 17-1984, f. & ef. 8-22-84; DEQ 12-1996, f. & cert. ef. 7-31-96; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-109-0010

### Pesticide Residue Waste Management

(1) A person producing pesticide-containing material from any pesticide operation or pesticide management shall make every effort to benefi-

# ADMINISTRATIVE RULES

cially use or reuse such material to the extent permissible under federal and state law. Persons accumulating pesticide-containing material for use or reuse, shall contain these materials according to industry standards for containing commercial pesticides for use or reuse, and the container shall be labeled as to its contents and marked with the EPA Registration Number(s) for the pesticide(s).

(2) A person producing pesticide residue at a public-use airport, pesticide dealership or other permanent base of operation, and who does not beneficially use or reuse such residue, must manage the pesticide residue:

(a) According to the universal waste management standards in **40 CFR Part 273** and OAR 340 Division 113, and standards in this Division, whereby such residues are designated "waste pesticide." A waste pesticide designation occurs only when the owner or manager of the residue:

- (A) Contains the wastes; and
- (B) Labels the container with the words "waste pesticide," and
- (C) Marks the container(s) with the date the wastes are created, and
- (D) Manages the contained wastes according to the universal waste management standards in **40 CFR Part 273** and OAR 340 Division 113; or

(b) Under a Water Pollution Control Facility (WPCF) permit issued pursuant to OAR 340 Division 14; or

(c) As otherwise authorized by the Department. Such management shall be in conformance with the following performance standards:

(A) Containment by any one or combination of: physical means (e.g., natural or man-made liners), chemical means (e.g., adsorption-absorption layers), or other equivalent means;

(B) Detoxification by any one or combination of: physical means (e.g., solar radiation), chemical means (e.g., hydrolysis), biological means (e.g., microbial degradation), or other equivalent means;

(C) Volume reduction by any one or combination of: evaporation, evapo-transpiration, use for new product makeup, or other equivalent means; and

(D) Protection of groundwater and surface waters by any one or combination of: system design, construction materials, or a groundwater monitoring program.

(3) Pesticide residue managed other than as specified in this Division, or by the Department remains a hazardous waste and is subject to OAR 340, Divisions 100 to 106 and 142.

(4) Waste pesticide may be managed in:

(a) A RCRA Subtitle C hazardous waste facility meeting the requirements of Division 100 to 106 and 142; or

(b) A permitted RCRA Subtitle D facility meeting the requirements of OAR 340 Division 94 provided either the applicable land disposal concentration-based standards in **40 CFR 268.40** are met for waste pesticide containing any pesticide active ingredient(s) listed in **40 CFR 261.33(e)** and **(f)**, or if standards do not exist, the wastes do not fail the "Department of Environmental Quality Aquatic Toxicity Test," whereby a representative sample of a pesticide residue exhibits a 96-hour aquatic toxicity LC 50 equal to or less than 250 mg/l; or

(c) A facility having a Water Pollution Control Facility (WPCF) permit issued pursuant to OAR 340, Division 14; or

(d) As otherwise authorized by the Department. Such management shall be in conformance with the following performance standards:

(A) Containment by any one or combination of: physical means (e.g., natural or man-made liners), chemical means (e.g., adsorption-absorption layers), or other equivalent means, and

(B) Detoxification by any one or combination of: physical means (e.g., solar radiation), chemical means (e.g., hydrolysis), biological means (e.g., microbial degradation), or other equivalent means, and

(C) Volume reduction by any one or combination of: evaporation, evapo-transpiration, use for new product makeup, or other equivalent means, and

(D) Protection of groundwater and surface waters by any one or combination of: system design, construction materials, or a groundwater monitoring program.

(5) A person producing pesticide residue at a temporary base of operation, and who does not beneficially use or reuse such residue, must manage such residue either:

(a) At a permitted facility or site participating in a pesticide collection program; or

(b) By spraying on the ground, provided:

(A) The residue is sprayed under pressure through a nozzle which is moving at a sufficient rate of speed so as not to saturate the ground with waste;

(B) The person doing the spraying owns or controls the management of the ground, or receives permission from the manager, owner, or controller of the ground;

(C) The spray site location will not endanger surface water or groundwater, or pose a hazard to humans, wildlife (game and non-game animals) or domestic animals; and

(D) If applied to agriculture land, the pesticide residue will not result in excessive or prohibited residuals in current or subsequent crops.

(6) A person who spills pesticide residue shall:

(a) Report and clean up such spill in accordance with OAR 340, Division 142.

Stat. Auth.: ORS 183.325 - ORS 183.335, ORS 466.020, ORS 468.020 & ORS 468

Stat Implemented: ORS 466.025 & ORS 466.075

Hist.: DEQ 7-1984, f. & ef. 4-26-84; DEQ 17-1984, f. & ef. 8-22-84; DEQ 12-1996, f. & cert. ef. 7-31-96; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-110-0061

### Additional Disposal Requirements

(1) The provisions of **40 CFR 761.60(d)(1)** are replaced by section (2) of this rule.

(2) Spills, leaks and other uncontrolled discharges of PCB constitute disposal of PCB and shall be reported and managed in accordance with Division 142.

(3) Section (4) of this rule is added to the provisions of **40 CFR 761.60(e)**.

(4) The permit shall be issued in accordance with Divisions 106 and 120 and may contain conditions and provisions as the Department deems appropriate.

(5) Section (6) of this rule is added to **40 CFR 761.60**.

(6) Waste Oil. The use of waste oil that contains any detectable concentration of PCB as a sealant coating or dust control agent is prohibited. Prohibited uses include, but are not limited to, road oiling, general dust control, use as a pesticide carrier and use as a rust preventative on pipes.

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

Stat. Auth.: ORS 466 & ORS 468

Stats. Implemented: ORS 459A.595 & ORS 466.635

Hist.: DEQ 6-1987, f. & ef. 3-5-87; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-111-0020

### Definitions

(1) The definitions of terms contained in this rule modify, or are in addition to, the definitions contained in **40 CFR 279.1**, OAR 340-100-0010 and 340-142-0005.

(2) When used in Division 111 of this Chapter, the following terms have the meanings given below:

(a) "Hot Draining" means draining of used oil filters at or near the engine operating temperature and above room temperature (i.e., 60° F.);

(b) "Terne Plating" means a coating of lead and tin applied to certain oil filters;

(c) "Used Oil" means any oil that has been refined from crude oil, or any synthetic oil that has been used as a lubricant, coolant (non-contact heat transfer fluids), hydraulic fluid or for similar uses and as a result of such use is contaminated by physical or chemical impurities. Used oil includes, but is not limited to, used motor oil, gear oil, greases, machine cutting and coolant oils, hydraulic fluids, brake fluids, electrical insulation oils, heat transfer oils and refrigeration oils. Used oil does not include used oil mixed with hazardous waste except as allowed in **40 CFR 279.10(b)**, oil (crude or synthetic) based products used as solvents, antifreeze, wastewaters from which the oil has been recovered, and oil contaminated media or debris;

(d) "Used Oil Mixture" means any mixture of used oil as generated and another waste.

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

Stat. Auth.: ORS 192, 465.009, 466.015, 466.020, 466.075, 466.090, 468.020 & 646

Stats. Implemented: ORS 466.020 & ORS 466.075

Hist.: DEQ 33-1990, f. & cert. ef. 8-15-90; DEQ 6-1994, f. & cert. ef. 3-22-94; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-111-0050

### Used Oil Discharges and Releases

In addition to the provisions in **40 CFR 279.43(c)**, **40 CFR 279.45(h)**, **40 CFR 279.54(g)** and **40 CFR 279.64(g)**, the provisions of OAR chapter 340, division 142 are applicable.

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

Stat. Auth.: ORS 192, 465.009, 466.015, 466.020, 466.075, 466.090, 468.020 & 646

Stats. Implemented: ORS 466.635

Hist.: DEQ 6-1994, f. & cert. ef. 3-22-94; DEQ 13-2003, f. & cert. ef. 10-24-03

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## 340-113-0010

### Applicability

(1) In addition to provisions under **40 CFR 273.1**, the following wastes are subject to universal waste management standards but are not "Universal Wastes" as defined in OAR 340-113-0020(4):

(a) Waste pesticides as defined in OAR 340-109-0010(2)(a), and pesticide residues as defined in OAR 340-100-0010, that are collected and managed as part of any pesticide collection program that has notified the Department.

Stat. Auth.: ORS 183.325 - ORS 183.335, ORS 465.009, ORS 466.020 & ORS 468.020

Stats. Implemented: ORS 466.015, ORS 466.020 & ORS 466.075

Hist.: DEQ 12-1996, f. & cert. ef. 7-31-96; DEQ 10-2000, f. & cert. ef. 7-21-00; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-113-0020

### Definitions

The definitions of terms contained in this rule modify, or are in addition to, the definitions contained in **40 CFR 273.9**, **40 CFR 260.10**, and OAR 340-100-0010. When used in Divisions 109 and 113 of this chapter, the following terms have the meanings below:

(1) "Destination Facility" means a facility that treats, disposes of, or recycles universal waste. Facilities treating universal waste as allowed under **40 CFR 273.13** and **273.33** are not considered to be destination facilities for purposes of this rule. A facility at which universal waste is only accumulated, is not a destination facility for purposes of managing universal waste.

(2) "Off-site Collection Site" means a site that receives and accumulates universal waste from off-site.

(3) "Pesticide Collection Program" means a pesticide collection program that has notified the Department of activity as required in OAR 340-113-0070 and has received acknowledgment from the Department of Environmental Quality that such notification information is complete.

(4) "Universal Waste" means any waste that is a universal waste listed in **40 CFR 273.1** and subject to the universal waste requirements of **40 CFR Part 273** and OAR 340 Division 113.

Stat. Auth.: ORS 465.009 & ORS 466.020

Stats. Implemented: ORS 465.003, 465.009, 466.075 & 466.105

Hist.: DEQ 12-1996, f. & cert. ef. 7-31-96; DEQ 10-2000, f. & cert. ef. 7-21-00; DEQ 13-2003, f. & cert. ef. 10-24-03

## 340-113-0030

### Standards for Small and Large Quantity Handlers of Universal Waste

(1) The standards in this rule apply to small quantity handlers of universal waste as defined in **40 CFR 273.9**. The standards in this rule modify or are in addition to provisions in **40 CFR Part 273 Subpart B**.

(2) The standards in this rule apply to large quantity handlers of universal waste as defined in **40 CFR 273.9**. The standards in this rule modify or are in addition to provisions in **40 CFR Part 273, Subpart C**.

(3) Treatment Prohibition:

(a) In addition to the provisions in **40 CFR 273.11** and **40 CFR 273.31**, handlers of universal waste shall not treat universal waste, except as allowed the applicable portions of in **40 CFR 273.13**, **40 CFR 273.33**.

Stat. Auth.: ORS 4465.009 & ORS 466.020

Stats. Implemented: ORS 465.003, 465.009, 466.075 & 466.105

Hist.: DEQ 12-1996, f. & cert. ef. 7-31-96; DEQ 10-2000, f. & cert. ef. 7-21-00; DEQ 13-2003, f. & cert. ef. 10-24-03

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**Adm. Order No.:** DEQ 14-2003

**Filed with Sec. of State:** 10-24-2003

**Certified to be Effective:** 10-24-03

**Notice Publication Date:** 5-1-03

**Rules Adopted:** 340-256-0357, 340-256-0358

**Rules Amended:** 340-200-0040, 340-256-0010, 340-256-0300, 340-256-0320

**Subject:** The adopted/amended rules establish two new testing methods for the vehicle inspection program. One method is On-Road Clean Screening where vehicles found to have low emissions on the road will not required to be tested at the DEQ's centralized test station. The second method is Self-Service testing where vehicle owners will be allowed to test their own vehicles 24 hours a day, seven days a week. In addition to the two new testing processed, this proposal also provides for a change in the number of years new vehicles are from the DEQ emissions test, extending it from a two to a four year period.

**Rules Coordinator:** Rachel Sakata—(503) 229-5659

## 340-200-0040

### State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by the Department of Environmental Quality and is adopted as the state implementation plan (SIP) of the State of Oregon pursuant to the federal Clean Air Act, 42 U.S.C.A §§ 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made pursuant to the Commission's rulemaking procedures in division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the United States Environmental Protection Agency for approval.

(3) Notwithstanding any other requirement contained in the SIP, the Department may:

(a) Submit to the Environmental Protection Agency any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after the Department has complied with the public hearings provisions of **40 CFR 51.102** (July 1, 2002).

(b) Approve the standards submitted by a regional authority if the regional authority adopts verbatim any standard that the Commission has adopted, and submit the standards to EPA for approval as a SIP revision.

**NOTE:** Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the United States Environmental Protection Agency. If any provision of the federally approved Implementation Plan conflicts with any provision adopted by the Commission, the Department shall enforce the more stringent provision.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.035

Hist.: DEQ 35, f. 2-3-72, ef. 2-15-72; DEQ 54, f. 6-21-73, ef. 7-1-73; DEQ 19-1979, f. & ef. 6-25-79; DEQ 21-1979, f. & ef. 7-2-79; DEQ 22-1980, f. & ef. 9-26-80; DEQ 11-1981, f. & ef. 3-26-81; DEQ 14-1982, f. & ef. 7-21-82; DEQ 21-1982, f. & ef. 10-27-82; DEQ 1-1983, f. & ef. 1-21-83; DEQ 6-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 25-1984, f. & ef. 11-27-84; DEQ 3-1985, f. & ef. 2-1-85; DEQ 12-1985, f. & ef. 9-30-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 10-1986, f. & ef. 5-9-86; DEQ 20-1986, f. & ef. 11-7-86; DEQ 21-1986, f. & ef. 11-7-86; DEQ 4-1987, f. & ef. 3-2-87; DEQ 5-1987, f. & ef. 3-2-87; DEQ 8-1987, f. & ef. 4-23-87; DEQ 21-1987, f. & ef. 12-16-87; DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88; DEQ 2-1991, f. & cert. ef. 2-14-91; DEQ 19-1991, f. & cert. ef. 11-13-91; DEQ 20-1991, f. & cert. ef. 11-13-91; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 25-1991, f. & cert. ef. 11-13-91; DEQ 1-1992, f. & cert. ef. 2-4-92; DEQ 3-1992, f. & cert. ef. 2-4-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 19-1992, f. & cert. ef. 8-11-92; DEQ 20-1992, f. & cert. ef. 8-11-92; DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92; DEQ 26-1992, f. & cert. ef. 11-2-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 15-1993, f. & cert. ef. 11-4-93; DEQ 16-1993, f. & cert. ef. 11-4-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 1-1994, f. & cert. ef. 1-3-94; DEQ 5-1994, f. & cert. ef. 3-21-94; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1994, f. & cert. ef. 11-2-94; DEQ 9-1995, f. & cert. ef. 5-1-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 19-1995, f. & cert. ef. 9-1-95; DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95; DEQ 8-1996(Temp), f. & cert. ef. 6-3-96; DEQ 15-1996, f. & cert. ef. 8-14-96; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 23-1996, f. & cert. ef. 11-4-96; DEQ 24-1996, f. & cert. ef. 11-26-96; DEQ 10-1998, f. & cert. ef. 6-22-98; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 17-1998, f. & cert. ef. 9-23-98; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 21-1998, f. & cert. ef. 10-12-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 5-1999, f. & cert. ef. 3-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 2-2000, f. 2-17-00, cert. ef. 6-11-01; DEQ 6-2000, f. & cert. ef. 5-22-00; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 13-2000, f. & cert. ef. 7-28-00; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 17-2000, f. & cert. ef. 10-25-00; DEQ 20-2000 f. & cert. ef. 12-15-00; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 2-2001, f. & cert. ef. 2-5-01; DEQ 4-2001, f. & cert. ef. 3-27-01; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 16-2001, f. & cert. ef. 12-26-01; DEQ 17-2001, f. & cert. ef. 12-28-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2002, f. & cert. ef. 5-3-02; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 5-2003, f. & cert. ef. 2-6-03; DEQ 14-2003, f. & cert. ef. 10-24-03

## 340-256-0010

### Definitions

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.

(1) "Basic test" means an inspection and maintenance program designed to measure exhaust emission levels during an unloaded idle or an unloaded raised idle mode as described in OAR 340-256-0340.

(2) "Carbon dioxide" means a compound consisting of the chemical formula (CO<sub>2</sub>).

(3) "Carbon monoxide" means a compound consisting of the chemical formula (CO).

(4) "Certificate of Compliance" means a certification issued by a Private Business Fleet, a Public Agency Fleet Vehicle Emission Inspector, a Vehicle Emissions Inspector employed by the Department of Environmental Quality, or an Independent Contractor that the vehicle identified on the certificate is equipped with the required functioning motor vehicle pollution control systems and otherwise complies with the Commission's emission control criteria, standards, and rules

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(5) "Certified Repair Facility" means an automotive repair facility, possessing a current and valid certificate issued by the Department, that employs automotive technicians certified by the Department's Automotive Technician Emission Training Program (ATETP).

(6) "Clean-Screening" means a procedure by which the Department determines that a vehicle has acceptable emissions and then allows the vehicle owner to bypass the traditional centralized emissions inspection station test. The Department's decision may be the result of remotely sensing the emissions, the status of emissions equipment, or another means determined by the Department.

(7) "Commission" means the Environmental Quality Commission.

(8) "Crankcase emissions" means substances emitted directly to the atmosphere from any opening leading to the crankcase of a motor vehicle engine.

(9) "Dealer" means any person who is engaged wholly or in part in the business of buying, selling, or exchanging, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise, motor vehicles.

(10) "Dealership" means a business involved in the sale of vehicles that is franchised with an automobile manufacturer as defined in ORS 650.120(1).

(11) "Department" means the Department of Environmental Quality.

(12) "Diesel motor vehicle" means a motor vehicle powered by a compression-ignition internal combustion engine.

(13) "Director" means the director of the Department.

(14) "DMV" means the Driver and Motor Vehicle Division of the Oregon Department of Transportation.

(15) "Electric vehicle" means a motor vehicle that uses a propulsive unit powered exclusively by electricity.

(16) "Emissions Inspection Station" means an inspection facility, operated by the Department of Environmental Quality or an Independent Contractor, for the purpose of conducting emissions inspections of all vehicles required to be inspected pursuant to this Division.

(17) "Enhanced test" means an inspection and maintenance program designed to measure exhaust and fuel evaporative system emissions levels using a loaded transient driving cycle and other measurement techniques as described in OAR 340-256-0350.

(18) "Exhaust emissions" means substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

(19) "Factory-installed motor vehicle pollution control system" means a motor vehicle pollution control system installed by the vehicle or engine manufacturer to comply with United States motor vehicle emission control laws and regulations.

(20) "Gas analytical system" means a device that measures the amount of contaminants in the exhaust emissions of a motor vehicle, and that has been issued a license by the Department pursuant to OAR 340-256-0450 and ORS 468A.380.

(21) "Gaseous fuel" means, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms.

(22) "Gasoline motor vehicle" means a motor vehicle powered by a spark-ignition internal combustion engine.

(23) "GPM" means Grams Per Mile.

(24) "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

(25) "Heavy duty motor vehicle" means any motor vehicle rated at more than 8500 pounds GVWR or that has an actual vehicle curb weight as delivered to the ultimate purchaser of 6000 pounds or over.

(26) "Hydrocarbon gases" means a class of chemical compounds consisting of hydrogen and carbon.

(27) "Idle speed" means the unloaded engine speed when accelerator pedal is fully released.

(28) "Independent Contractor" means any person with whom the Department enters into an agreement providing for the construction, equipment, maintenance, personnel, management or operation of emissions inspection stations or activities pursuant to ORS 468A.370.

(29) "Inspection and Maintenance Program (I/M)" means a program of conducting regular inspections of motor vehicles, including measurement of air contaminants in the vehicle exhaust and an inspection of emission control systems, to identify vehicles that do not meet the standards of this Division or that have malfunctioning, maladjusted or missing emission control systems, and, when necessary, of requiring the repair or adjustment of vehicles to make the emission control systems function as intended and to reduce tailpipe emissions of air contaminants.

(30) "In-use motor vehicle" means any motor vehicle which is not a new motor vehicle.

(31) "Light-duty motor vehicle" means any motor vehicle rated at 8500 pounds GVWR or less and has an actual vehicle curb weight as delivered to the ultimate purchaser of under 6000 pounds.

(32) "Medford-Ashland Air Quality Maintenance Area (AQMA)" has the meaning given in OAR 340-204-0010.

(33) "Model year" means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends. If the manufacturer does not designate a production period, the model year with respect to such vehicles or engines means the 12-month period beginning January of the year in which production thereof begins.

(34) "Motorcycle" means any motor vehicle, including mopeds, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground and having a mass of 680 kilograms (1500 pounds) or less with manufacturer recommended fluids and nominal fuel capacity included.

(35) "Motor vehicle" means any self-propelled vehicle used for transporting persons or commodities on public roads.

(36) "Motor vehicle pollution control system" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine adjustment or modification that causes a reduction of pollutants emitted from the vehicle, or a system or device that inhibits the introduction of fuels that can adversely affect the overall motor vehicle pollution control system.

(37) "Motor Vehicle Fleet Operation" means ownership, control, or management or any combination thereof by any person of five or more motor vehicles.

(38) "New motor vehicle" means a motor vehicle whose equitable or legal title has never been transferred to a person who in good faith purchases the motor vehicle for purposes other than resale.

(39) "Noise level" means the sound pressure level measured by use of metering equipment with an "A" frequency weighting network and reported as dBA.

(40) "OBD" means the On Board Diagnostic system in a vehicle that tracks the effectiveness of the vehicle's emissions control systems. These OBDII (or higher systems) have typically been placed on 1996 and newer motor vehicles.

(41) "OBD Test" means an emissions related test in which the vehicle's On Board Diagnostic computer is downloaded, supplying diagnostic information to evaluate the effectiveness of the vehicle emissions control systems.

(42) "On-Site Vehicle Test" means an emissions related test that is conducted at the vehicle owner's location. Such test will be performed by DEQ using DEQ test equipment and is only available as a service for automobile dealerships.

(43) "Owner" means the person having all the incidents of ownership in a vehicle. Where the incidents of ownership are in different persons, it means the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement or a lease for a term of ten or more successive days.

(44) "Opacity" means the degree to which transmitted light is obscured, expressed in percent.

(45) "Oxides of Nitrogen" or NOx means oxides of nitrogen except nitrous oxides.

(46) "Person" means any individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever that is recognized by law as the subject of rights and duties.

(47) "Portland Vehicle Inspection Area" has the meaning given in OAR 340-204-0010.

(48) "PPM" means parts per million by volume.

(49) "Private Business Fleet" means ownership by any person of 100 or more Oregon-registered, in-use, motor vehicles, excluding those vehicles held primarily for the purpose of resale.

(50) "Private Business Fleet Vehicle Emissions Inspector" means any person employed on a full-time basis by a Private Business Fleet that possesses a current and valid license issued by the Department pursuant to OAR 340-256-0440 and ORS 468A.380.

(51) "Propulsion exhaust noise" means that noise created in the propulsion system of a motor vehicle that is emitted into the atmosphere from any opening downstream from the exhaust ports. This definition does

# ADMINISTRATIVE RULES

not include exhaust noise from vehicle auxiliary equipment such as refrigeration units powered by a secondary motor.

(52) "Public Agency Fleet" means ownership of 50 or more government-owned vehicles registered pursuant to ORS 805.040.

(53) "Public Agency Fleet Vehicle Emissions Inspector" means any person employed on a full-time basis by a Public Agency Fleet that possesses a current and valid license issued by the Department pursuant to OAR 340-256-0440 and ORS 468A.380.

(54) "Public roads" means any street, alley, road, highway, freeway, thoroughfare, or section thereof used by the public or dedicated or appropriated to public use.

(55) "Regional Authority" means a regional air quality control authority established under the provisions of ORS 468A.005 to 468A.035, 468A.075, 468A.100 to 468A.130, and 468A.140 to 468A.175.

(56) "Remote Sensing" means a technique for determining the level of a vehicle's emissions without connecting equipment directly to the vehicle. The vehicle's emissions can be determined by either optically measuring the pollutants in the vehicle's exhaust plume, by remotely receiving a vehicle's emissions diagnostic information, or by other means determined by the Department.

(57) "Ringlemann Smoke Chart" means the Ringlemann Smoke Chart with instructions for use as published in May, 1967, by the U.S. Department of Interior, Bureau of Mines.

(58) "RPM" means engine crankshaft revolutions per minute.

(59) "Self-Service Test Lane" means a technique for vehicle testing offered by the Department where the vehicle owner or representative can perform an emissions test on the vehicle at a facility provided by the Department using remote sensing, plug-in OBD emissions testing, or other means designated by the Department.

(60) "Two-stroke cycle engine" means an engine in which combustion occurs, within any given cylinder, once each crankshaft revolution.

(61) "Vehicle Emission Inspector" means any person employed by the Department or an Independent Contractor that possesses a current and valid license issued by the Department pursuant to OAR 340-256-0440 and ORS 468A.380.

(62) "Visible Emissions" means those gases or particulates, excluding uncombined water, that separately or in combination are visible upon release to the outdoor atmosphere.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 467.030 & ORS 468A.360

Stats. Implemented: ORS 467.030 & ORS 468A.350 - ORS 468A.400

Hist.: [DEQ 8, f. 4-7-70, ef. 5-11-70; DEQ 4-1993, f. & cert. ef. 3-10-93]; [DEQ 89, f. 4-22-75, ef. 5-25-75; DEQ 139, f. 6-30-77, ef. 7-1-77; DEQ 9-1978, f. & ef. 7-7-78; DEQ 22-1979, f. & ef. 7-5-79; DEQ 18-1980, f. & ef. 6-25-80; DEQ 12-1982, f. & ef. 7-21-82; DEQ 23-1984, f. 11-19-84, ef. 4-1-85; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1996, f. & cert. ef. 11-26-96]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0005 & 340-024-0305; DEQ 17-2000, f. & cert. ef. 10-25-00; DEQ 11-2001, f. & cert. ef. 10-4-01; DEQ 14-2003, f. & cert. ef. 10-24-03

## 340-256-0300

### Scope

Pursuant to ORS 467.030, 468A.350 to 468A.400, 803.350, and 815.295 to 815.325, OAR 340-256-0300 through 340-256-0465 establish the criteria, methods, and standards for inspecting motor vehicles to determine eligibility for obtaining a Certificate of Compliance or inspection. Any person subject to these rules must obtain a Certificate of Compliance as required under ORS 803.350. Any person seeking an exemption from the inspection requirements of this rule must prepare and submit to the Department or DMV a statement describing the grounds for the exemption on forms as provided by the Department or DMV.

(1) Except as provided in sections (3) and (4) of this rule, any person owning or leasing 1975 and newer model year vehicles in the Portland Vehicle Inspection Area must ensure the vehicles meet the requirements of one of the following emission tests:

(a) A light duty vehicle that is a 1975 through 1980 model year must meet the basic test requirements of OAR 340-256-0340, 340-256-0380, 340-256-0400 and 340-256-0430.

(b) A light duty vehicle that is a 1981 through 1995 model year must meet the enhanced test requirements of OAR 340-256-0350 and 340-256-0410. These vehicles found to be safe but unable to be dynamometer tested due to drive line configuration and these vehicles equipped with All Wheel Drive (AWD) will meet the basic test requirements of OAR 340-256-0340, 340-256-0380, 340-256-0400 and 340-256-0430.

(c) A light duty vehicle that is a 1996 and newer model year must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to manufacturer defects in the vehicle (where

EPA has not issued an associated recall), vehicle incompatibility with the OBD test system, or other similar manufacturing problems, the vehicle must meet either the enhanced test requirements of OAR 340-256-0350 and 340-256-0410, the basic test requirements of OAR 340-256-0340, 340-356-0380, 340-256-0400, or other test criteria as determined by the Department.

(d) A heavy duty vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-0390 and 340-256-0420, except gasoline powered heavy duty vehicles equipped with OBDII or higher systems must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to manufacturer defects in the vehicle (where EPA has not issued an associated recall), vehicle incompatibility with the OBD test system, or other similar manufacturing problems, the vehicle must meet either the enhanced test requirements of OAR 340-256-0350 and 340-256-0410, the basic test requirements of OAR 340-256-0340, 340-356-0380, 340-256-0400, or other test criteria as determined by the Department.

(2) Except as provided in section (3) of this rule, any person owning or leasing vehicles that are up to 20 model years in age in the Medford-Ashland Air Quality Maintenance Area must ensure the vehicles meet the requirements of one of the following emission tests:

(a) A light duty vehicle that is a 1996 and newer model year must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to manufacturer defects in the vehicle (where EPA has not issued an associated recall), vehicle incompatibility with the OBD test equipment, or other similar manufacturing problems, the vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-0380, 340-256-0400 and 340-256-0430 or other test criteria as determined by the Department.

(b) A light-duty vehicle that is 20 model years in age through 1995 model year must meet the basic test requirements of OAR 340-256-0340, 340-256-0380, 340-256-0390, 340-256-0400 and 340-256-0420.

(c) A heavy duty vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-0390 and 340-256-0420. All gasoline powered heavy duty vehicles equipped with OBDII or higher systems must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to manufacturer defects in the vehicle (where EPA has not issued an associated recall), vehicle incompatibility with the OBD test equipment, or other similar manufacturing problems, the vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-0380, 340-256-0400 and 340-256-0430 or other test criteria as determined by the Department.

(3) The Department may test any gasoline powered heavy duty or light duty vehicle using one of the following procedures as an alternative to the test procedure otherwise required by this rule:

(a) Clean-Screen Testing following the procedures of OAR 340-256-0357 or

(b) Self-Service Testing following the procedures of OAR 340-256-0358.

(4) Vehicle owners may apply for a waiver from the enhanced test requirements in section (1)(b) of this rule and OAR 340-256-0350. Vehicle owners are eligible in the year 2000 if their net household income is less than or equal to that established by multiplying the year 2000 Federal Poverty Guideline amounts by 1.3. For each year after the year 2000, the calculated year 2000 numbers are adjusted using the Oregon Consumer Price Index for the Portland Metro Regional Area. Proof of eligibility and vehicle ownership may be required by the Department. Providing false information may result in revocation of the low income waiver. If the Department approves the waiver, the owner must pass the basic motor vehicle emissions test requirements in OAR 340-256-0300(1)(a) and 340-256-0340 and pay the required fees in order to receive a certificate of compliance.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

[ED. NOTE: The chart referenced in this rule is available from the agency.]

Stat. Auth.: ORS 467.030 & ORS 468A.350 - ORS 468A.400

Stats. Implemented: ORS 468A.350-400, ORS 803.350 & ORS 815.295

Hist.: [DEQ 89, f. 4-22-75, ef. 5-25-75; DEQ 139, f. 6-30-77, ef. 7-1-77; DEQ 23-1984, f. 11-19-84, ef. 4-1-85; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 25-1996, f. & cert. ef. 11-26-96; DEQ 2-1998, f. & cert. ef. 3-5-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0300; DEQ 4-2000(Temp), f. & cert. ef. 2-17-00 thru 8-9-00; DEQ 13-2000, f. & cert. ef. 7-28-00; DEQ 17-2000, f. & cert. ef. 10-25-00; DEQ 14-2003, f. & cert. ef. 10-24-03

## 340-256-0320

### Motor Vehicle Inspection Program Fee Schedule

This rule sets out the fee schedule for Certificates of Compliance and licenses issued by the Department's Vehicle Inspection Program:



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(1) The cost of each Certificate of Compliance issued by the Department, including those issued at emissions test stations and those issued through the Clean-Screen and Self-Service Testing procedures, is:

- (a) In the Portland Vehicle Inspection Area a maximum of \$21; or
- (b) In the Medford-Ashland Air Quality Maintenance Area a maximum of \$10.

(2) The cost of each Certificate of Compliance issued by a Private Business Fleet or Public Agency Fleet is:

- (a) In the Portland Vehicle Inspection Area is a maximum of \$10; and
- (b) In the Medford-Ashland Air Quality Maintenance Area is a maximum of \$5.

(3) The cost of each License issued to a Private Business Fleet or Public Agency Fleet is:

- (a) Initial \$5;
- (b) Annual renewal \$1.

(4) The cost of each License issued to a Private Business Fleet or Public Agency Fleet Vehicle Emission Inspector is:

- (a) Initial \$5;
- (b) Annual renewal \$1.

(5) The cost of each License issued for a Gas Analytical System is:

- (a) Initial \$5;
- (b) Annual renewal \$1.

(6) The cost of each Certificate of Compliance issued on-site to an automobile dealership is a maximum of \$26.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468A.400

Stats. Implemented: ORS 468A.400

Hist.: DEQ 20-1981, f. 7-28-81, ef. 8-1-81; DEQ 3-1992, f. & cert. ef. 2-4-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 25-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0307; DEQ 11-2001, f. & cert. ef. 10-4-01; DEQ 14-2003, f. & cert. ef. 10-24-03

## 340-256-0357

### Emissions Control Test Method for Clean-Screen Testing Program

(1) The Department may evaluate emissions of vehicles on the road-way using an optical attenuation method of observing actual pollutant emissions, remotely received electronic broadcasts of the vehicles' emissions diagnostic data, or other means approved under section (5) of this rule.

(2) A vehicle that meets the Department's emissions standards for on-road testing within a time period not to exceed one year from its required registration date will be issued a certificate of compliance without being required to pass the emissions inspection station test otherwise required.

(3) Before implementing Clean-Screen Testing under this rule, the Department must establish specific testing processes in the Department's policies and procedures documents, including:

- (a) The test technique to be used for On-Road Clean-Screen Testing;
- (b) The valid test period of On-Road Clean-Screen Testing;
- (c) Procedures for identifying an on-road vehicle;
- (d) Procedures for protecting the test process from vandalism and cheating; and
- (e) Testing standards for Clean-Screen testing.

(4) If the Department uses the optical attenuation method for Clean-Screen Testing, 1975 and newer model year vehicles are eligible for Clean-Screen testing. If the Department uses broadcast data from vehicles' emissions diagnostic systems for Clean-Screen Testing, 1996 and newer model year vehicles are eligible for Clean-Screen Testing.

(5) The Department may develop and implement additional test methods for use in the Clean-Screen Testing program. Before implementing such test methods, the Department must develop documentation that such method will provide equal or greater accuracy in identifying vehicles that would pass or fail the otherwise required emission test.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 467.030 & ORS 468A.380(1)(c)

Stats. Implemented: ORS 468A.350 - ORS 468A.420

Hist.: DEQ 14-2003, f. & cert. ef. 10-24-03

## 340-256-0358

### Emissions Control Test Method for Self-Service Testing Program

(1) The Department may provide a testing method whereby the vehicle owner or his or her representative will perform the emissions test. The test performed will be either a remote sensing optical quantification of the tailpipe pollutants, a remote or computer connected OBD test, or other means approved under section (4) of this rule.

(2) Before implementing Self-Service Testing under this rule, the Department must establish specific Self-Service Testing processes in the Department's policies and procedures documents, including:

- (a) The test techniques to be used for Self-Service Testing;
- (b) Procedures for identifying the Self-Service Test vehicle;
- (c) Procedures for protecting the test process from vandalism and cheating; and
- (d) Testing standards for the Self-Service technique that will be used.

(3) If the Department uses the optical attenuation method for Self-Service Testing, 1975 and newer model year vehicles are eligible for Self-Service Testing. If the Department uses broadcast data or hardware cable connection from vehicles' emissions diagnostic systems for Self-Service Testing, 1996 and newer model year vehicles are eligible for Self-Service Testing.

(4) The Department may develop and implement additional test methods for use in the Self-Service Testing program. Before implementing such test methods, the Department must develop documentation that such method will provide equal or greater accuracy in identifying vehicles that would pass or fail the otherwise required emission test.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 467.030 & ORS 468A.380(1)(c)

Stats. Implemented: ORS 468A.350 - ORS 468A.420

Hist.: DEQ 14-2003, f. & cert. ef. 10-24-03

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**Rules Adopted:** 340-246-0010, 340-246-0030, 340-246-0050, 340-246-0070, 340-246-0090, 340-246-0110, 340-246-0130, 340-246-0150, 340-246-0170, 340-246-0190, 340-246-0210, 340-246-0230

**Subject:** The Oregon Air Toxics rules establish a state Air Toxics Program to reduce releases of harmful air pollutants not addressed by other regulations. Central to the program is an innovative approach to reduce Oregonians' exposure to toxic air pollutants through community-based planning. The proposed rules establish a framework the Department will follow to determine concentrations for air toxics of concern, to identify geographic areas with the highest risk of harmful health effects from these air toxics, and to develop and implement plans to reduce the release of these toxic chemicals. This approach and the goals contained in these proposed rules are consistent with federal Urban Air Toxics Strategy. The proposed rules also provide criteria for developing strategies to reduce emissions from a source or groups of similar air pollutant sources. Further, the proposed rules address the rare cases of individual industrial sources of toxic air emissions that are not otherwise addressed by the program but have the potential to cause harm to the public.

**Rules Coordinator:** Rachel Sakata—(503) 229-5659

## 340-246-0010

### Policy and Purpose

The purpose of Oregon's state air toxics program is to address threats to public health and the environment from toxic air pollutants that remain after implementing the state delegated technology-based strategies of the federal air toxics program. Oregon's program meets the goals of the federal Urban Air Toxics Strategy by using a community-based effort that focuses on geographic areas of concern. It also addresses cases of elevated health risks from unregulated air toxics emissions at stationary sources and source categories of air toxics emissions.

Stat. Auth.: ORS 468.035, ORS 468A.010(1), ORS 468A.015

Stats. Implemented:

Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

## 340-246-0030

### Definitions

The definitions in OAR 340-200-0020, 340-218-0030, 340-244-0030 and this rule apply to this division. If the same term is defined in this division and elsewhere, the definition in this division applies.

(1) "Air toxics" means those pollutants known or suspected to cause cancer or other serious health effects, including but not limited to "hazardous air pollutants" or "HAPs" listed by the EPA pursuant to section 112(b) of the Federal Clean Air Act.

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(2) "Ambient benchmark" means the concentration of an air toxic in outdoor air that would result in an excess lifetime cancer risk level of one in a million (1 x 10<sup>-6</sup>) or a non-cancer hazard quotient of one.

(3) "Bio-accumulation" means the net accumulation of a substance by an organism as a result of uptake from all routes of exposure (e.g., ingestion of food, intake of drinking water, direct contact, or inhalation).

(4) "Geographic area" means an area identified by the Department where air toxics concentrations are estimated or measured at levels that exceed ambient benchmark concentrations.

(5) "Hazard quotient" means the ratio of the potential exposure to a single air toxic to the reference concentration for that pollutant. If the hazard quotient is calculated to be less than or equal to 1, then no adverse health effects are expected as a result of exposure. If the hazard quotient is greater than 1, then adverse health effects are possible.

(6) "High priority geographic area" means an area identified by the Department where air toxics concentrations are estimated or measured at levels that exceed ambient benchmark concentrations and pose excess cancer risk above ten in a million, or non-cancer risk above a hazard quotient of one with the potential for serious adverse health effects.

(7) "Public receptor" means any outdoor area where members of the public have unrestricted access, including but not limited to residences, institutions (e.g. schools, hospitals), industrial, commercial, or office buildings, parks, recreational areas, public lands, streets or sidewalks.

(8) "Reference concentration" means an estimate of a continuous exposure or a daily exposure to the human population (including sensitive populations) that is likely to be without an appreciable risk of adverse non-cancer effects during a lifetime. The reference concentration can be derived from various types of human or animal data, with uncertainty factors generally applied to reflect limitations of the data used.

(9) "Sensitive human populations" means humans with increased susceptibility to the adverse effects of air toxics, including humans in prenatal or postnatal periods of development.

(10) "Source" means:

(a) An activity conducted by a person at a point, area, on-road mobile, or off-road mobile operation that emits air toxics; or

(b) Any building, structure, facility, installation or combination thereof that emits or is capable of emitting air contaminants to the atmosphere, is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. The term includes all pollutant emitting activities that belong to a single major industrial group (i.e., that have the same two-digit code) as described in the **Standard Industrial Classification Manual**, (U.S. Office of Management and Budget, 1987) or that support the major industrial group.

(11) "Source Category" means:

(a) A source or group of sources that emit air toxics due to the use of the same or similar processes, including commercial, residential, public or private processes, which as a group can reduce air toxics emissions by employing similar control or prevention strategies or;

(b) All the pollutant emitting activities that belong to the same industrial grouping (i.e., that have the same two-digit code) as described in the **Standard Industrial Classification Manual**, (U.S. Office of Management and Budget, 1987).

(12) "Toxics Best Available Retrofit Technology", or "TBART" means an air toxics emissions limitation based on the maximum degree of reduction of air toxics, determined on a case-by-case basis, that is feasible taking into consideration:

(a) What has been achieved in practice for that source category, or for similar processes or emissions;

(b) Energy and non-air quality health or environmental impacts; and

(c) Economic impacts, including the costs of changing existing processes or equipment or adding equipment or controls to existing processes and equipment. Such limitation may be based on a design, equipment, work practice or other operational standard, or combination thereof.

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

Stat. Auth.: ORS 468.035, ORS 468A.010(1), ORS 468A.015

Stats. Implemented:

Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

## 340-246-0050

### Pollution Prevention

The Environmental Quality Commission encourages the use of pollution prevention for all sources of air toxics statewide. The Commission encourages use of the following hierarchy to reduce air toxics:

(1) Modify the process, raw materials, or product to reduce the quantity and toxicity of air contaminants generated;

(2) Capture and reuse air contaminants;

(3) Treat to reduce the quantity and toxicity of air contaminants released; or

(4) Otherwise control air toxics emissions.

Stat. Auth.: ORS 468.035, ORS 468A.010(1), ORS 468A.015

Stats. Implemented:

Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

## 340-246-0070

### Air Toxics Science Advisory Committee

(1) Purpose. The Commission recognizes the many scientific uncertainties associated with the effects of air toxics, and the continuing development of new information in this field. An Air Toxics Science Advisory Committee (ATSAC), will advise the Department, and in its jurisdiction, the Lane Regional Air Pollution Authority, on technical issues and evaluation of the state air toxics program. The ATSAC will provide advice on the technical aspects of risk assessment. It will not provide risk management or policy recommendations. The ATSAC will perform the following functions:

(a) Review ambient benchmarks for the state air toxics program;

(b) Advise the Department on developing a risk assessment methodology to be used in the Safety Net Program in OAR 340-246-0190 (5) and (6);

(c) Advise the Department on selecting sources for the Safety Net program. The ATSAC will evaluate potential Safety Net sources identified by the Department to determine whether they qualify for the Safety Net Program, as specified in OAR 340-246-0190 through 0230;

(d) Evaluate overall progress in reducing emissions of and exposure to air toxics by considering trends in emissions and ambient concentrations of air toxics. The ATSAC will periodically advise the Department on air toxics program effectiveness and make technical recommendations for program development concerning the possible adverse environmental effects of air toxics and risk from exposure to multiple air toxics; and

(e) Provide advisory opinions on questions requiring scientific expertise, as requested by the Department.

(2) Membership. The ATSAC will be composed of highly qualified members with experience relevant to air toxics. There will be at least five but no more than seven members. The following disciplines will be represented on the ATSAC:

(a) Toxicology;

(b) Environmental Science or Environmental Engineering;

(c) Risk Assessment;

(d) Epidemiology/Biostatistics;

(e) Medicine (Physician) with training or experience in Public Health;

and

(f) Air Pollution Modeling, Monitoring, Meteorology or Engineering.

(3) Appointment. The Department's Air Quality Division Administrator will nominate potential members to the Director. Before making these nominations, the Administrator will develop a list of candidates by consulting with government, public, and private organizations involved in work relevant to air toxics. The Director will appoint ATSAC members with concurrence by the Commission.

(4) Term. Air Toxics Science Advisory Committee members will serve a three-year term. Initial terms will be staggered for continuity and transfer of work so that members of the first ATSAC may serve more or less than three years.

(5) Operation.

(a) No member may have an actual or potential conflict of interest, as those terms are defined by ORS 244.020.

(b) The ATSAC will meet as necessary.

(6) Procedures, Bylaws, and Decision-making Process. At a minimum, the ATSAC will observe the procedures specified below. The ATSAC will develop other necessary procedures and bylaws in consultation with the Department.

(a) Final decisions must be made by a quorum of members, based on consensus when possible. If consensus is not possible, decisions will be made by majority vote with a quorum present.

(b) If necessary, the Department may obtain a facilitator to assist the ATSAC.

(c) The bylaws will include provisions for removing a member for cause, with concurrence by the Commission.

Stat. Auth.: ORS 468.035, ORS 468A.010(1), ORS 468A.015

Stats. Implemented:

Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

## 340-246-0090

### Ambient Benchmarks for Air Toxics

(1) Purpose. Ambient benchmarks are concentrations of air toxics that serve as goals in the Oregon Air Toxics Program. They are based on human health risk and hazard levels considering sensitive populations. Ambient

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benchmarks are not regulatory standards, but reference values by which air toxics problems can be identified, addressed and evaluated. The Department will use ambient benchmarks as indicated in these rules, to implement the Geographic, Source Category, and Safety Net Programs. Ambient benchmarks set by the procedures described in this rule apply throughout Oregon, including that area within the jurisdiction of the Lane Regional Air Pollution Authority. Ambient benchmarks are subject to public notice and comment before adoption by the Commission as administrative rules.

## (2) Establishing Ambient Benchmarks:

(a) The Department will consult with the ATSAC to prioritize air toxics for ambient benchmark development. Highest priority air toxics are those that pose the greatest risk to public health.

(b) To prioritize air toxics, the Department will apply the criteria described in OAR 340-246-0090(2)(c) to modeling, monitoring, and emissions inventory data.

(c) Ambient benchmark prioritization criteria will include at least the following:

- (A) Toxicity or potency of a pollutant;
- (B) Exposure and number of people at risk;
- (C) Impact on sensitive human populations;
- (D) The number and degree of predicted ambient benchmark exceedances; and

(E) Potential to cause harm through persistence and bio-accumulation.

(d) The Department will develop ambient benchmarks for proposal to the ATSAC based upon a protocol that uses reasonable estimates of plausible upper-bound exposures that neither grossly underestimate nor grossly overestimate risks.

(e) Within three months of the first meeting of the ATSAC, the Department will propose ambient benchmark concentrations for the highest priority air toxics for review by the ATSAC. The Department will propose additional and revised air toxics ambient benchmarks for review by the ATSAC based on the prioritization criteria in OAR 340-246-0090(2)(c). Once the ATSAC has completed review of each set of proposed ambient benchmarks, the Department will, within 60 days, begin the process to propose ambient benchmarks as administrative rules for adoption by the Environmental Quality Commission.

(f) If the Department is unable to propose ambient benchmarks to the ATSAC by the deadlines specified in OAR 340-246-0090(2)(e), the ATSAC will review the most current EPA ambient benchmarks. If EPA ambient benchmarks are not available, the ATSAC will review the best available information from other states and local air authorities.

(g) The ATSAC will consider proposed ambient benchmarks and evaluate their adequacy for meeting risk and hazard levels, considering human health, including sensitive human populations, scientific uncertainties, persistence, bio-accumulation, and, to the extent possible, multiple exposure pathways. The ATSAC will conduct this review consistent with the criteria in OAR 340-246-0090(2)(c) and (d). The ATSAC will report these findings to the Department. If the ATSAC unanimously disagrees with the Department's recommendation, the Department will re-consider and re-submit its recommendation at a later date.

(h) The ATSAC will complete review of and report findings on each set of ambient benchmarks as expeditiously as possible, but no later than 12 months after the Department has proposed them. If the ATSAC is unable to complete review of ambient benchmarks within 12 months after the Department's proposal, the Department will initiate rulemaking to propose ambient benchmarks.

(i) The Department will review all ambient benchmarks at least every five years and, if necessary, propose revised or additional ambient benchmarks to the ATSAC. At its discretion, the Department may review and propose a benchmark for review by the ATSAC at any time when new information is available.

Stat. Auth.: ORS 468.035, ORS 468A.010(1), ORS 468A.015

Stats. Implemented:

Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

## 340-246-0110

### Source Category Rules and Strategies

(1) The Department may identify the need for source category rules and strategies through the following methods:

(a) The emissions inventory, modeling or monitoring, shows air toxics emissions from point, area, or mobile sources associated with public health risk at public receptors;

(b) Development of a local air toxics reduction plan provides source category controls that could be effectively applied to sources existing in other parts of the state; or

(c) When implementing the Safety Net Program, the Department establishes air toxics emissions reductions for a source and determines that there are other similar sources in the state to which the reductions should apply.

(2) Subject to the requirements in this rule, the Lane Regional Air Pollution Authority is designated by the Commission as the agency responsible for implementing Source Category Rules and Strategies within its area of jurisdiction. The requirements and procedures contained in this rule must be used by the Regional Authority to implement Source Category Rules and Strategies unless the Regional Authority adopts superseding rules that are at least as restrictive as the rules adopted by the Commission.

(3) The Department will consider the following criteria in determining whether to propose source category strategies under this division:

(a) Whether air toxics emissions from the source category are not, or will not, be addressed by other regulations or strategies, including emissions reduction requirements under the Geographic Program (OAR 340-246-0130 through 340-246-0170), or the Safety Net Program (OAR 340-246-0190 through 340-246-0230);

(b) Whether air toxic emissions from the source category can be effectively reduced through regulations or voluntary strategies; and

(c) Whether the source category contributes to ambient benchmark exceedances at public receptors statewide, in multiple geographic areas, or in multiple counties

Stat. Auth.: ORS 468.035, ORS 468A.010(1), ORS 468A.015

Stats. Implemented:

Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

## 340-246-0130

### Geographic Program (0130 through 0170)

(1) Purpose. The Geographic Program addresses emissions from multiple sources of air toxics. It requires prioritizing and selecting geographic areas of concern, forming a local advisory committee, developing a specific local plan to control air toxics, a public participation and comment process, EQC adoption or approval, implementing reduction strategies, and periodically evaluating the effectiveness by the Department.

(2) Subject to the requirements in OAR 340-246-0130 through 0170, the Lane Regional Air Pollution Authority is designated by the Commission as the agency to implement the Geographic Program within its area of jurisdiction. The requirements and procedures contained in this rule shall be used by the Regional Authority to implement the Geographic Program unless the Regional Authority adopts superseding rules which are at least as restrictive as state rules. The Regional Authority will address geographic areas as resources allow, considering the prioritization criteria in OAR 340-246-0150.

Stat. Auth.: ORS 468.035, ORS 468A.010(1), ORS 468A.015

Stats. Implemented:

Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

## 340-246-0150

### Prioritizing and Selecting Geographic Areas

(1) The Department will prioritize geographic areas by considering the total cancer and non-cancer risk from air toxics to the population in the area, as indicated by:

(a) The number and degree of ambient benchmark exceedances;

(b) The toxicity or potency of air toxics exceeding ambient benchmarks;

(c) The level of exposure and number of people at risk in areas of concern;

(d) The presence of sensitive populations;

(e) The effectiveness of local control strategies; and

(f) To the extent known, the risk posed by multiple pollutants and pollutant mixtures.

(2) Not later than 18 months after the first set of benchmarks is adopted, the Department will select the first geographic area for air toxics reduction planning. The Department will base selection on representative monitoring compared to the ambient benchmark concentrations at public receptors. To the extent possible, geographic areas will be identified using monitoring data generated following EPA monitoring guidelines. Subsequent geographic areas will be selected after completion of monitoring. A geographic area is formally selected upon publication of a notice in the Oregon Secretary of State's Bulletin. Once an area is selected for air toxics reduction planning, it will retain the status of a selected geographic area until the Department determines through an evaluation of data that a reduction plan is no longer necessary for the area to meet all air toxics ambient benchmarks.

(3) The Department will first select for emissions reduction planning the high priority geographic areas, where concentrations of air toxics are

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more than ten times above the ambient benchmarks or above a hazard quotient of one with the potential for serious adverse health effects. The Department will select all other geographic areas, where air toxics concentrations are above benchmarks, after air toxics emissions reduction plans have been approved for the high priority geographic areas.

(4) Geographic Area Boundaries. The Department will establish general geographic area boundaries on a neighborhood or urban area scale. The Department will consider feasibility of administration when setting the boundaries of a geographic area. In setting geographic area boundaries, the Department will consider criteria including but not limited to the following:

- (a) Areas of impact (where people are exposed);
- (b) Population density;
- (c) Areas of influence (where sources are located);
- (d) Meteorology;
- (e) Geography and topography;
- (f) Including all air toxics exceeding ambient benchmarks; and
- (g) Coordination with criteria pollutant boundaries for attainment of the National Ambient Air Quality Standards (NAAQS).

Stat. Auth.: ORS 468.035, 468A.010(1), 468A.015  
Stats. Implemented:  
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

## 340-246-0170

### Local Air Toxics Emissions Reduction Planning

(1) The Department will develop air toxics reduction plans for select geographic areas with the advice of local advisory committees. The main role of a local advisory committee is to consider air toxics reduction options and to recommend a specific air toxics reduction plan for their geographic area. The Director will appoint a local air toxics advisory committee.

(a) Local advisory committees will generally be composed of a balanced representation of members from affected local government, local health departments, the public, small businesses (50 or fewer employees), larger businesses (if present in the area), and interest groups represented in the area.

(2) Local Advisory Committee Tasks.

(a) Within 18 months of their first meeting, the committee will evaluate options for reducing emissions of air toxics that exceed ambient benchmarks, and recommend a local air toxics reduction plan to the Department.

(b) The Department may grant an extension of time to the local committee if requested by the committee, if the Department believes the extension is technically justified and the committee is making reasonable progress in developing a local air toxics reduction plan.

(c) If the committee is unable to recommend a local air toxics reduction plan to the Department within 18 months, or the date of an extension, the Department will formulate a plan for the area within six months.

(d) The Department and the local advisory committee will seek local government support for the proposed local air toxics emissions reduction plan.

(e) The local advisory committee will evaluate the plan's effectiveness as it is implemented and recommend changes to the Department.

(f) At the Department's request, the local advisory committee will reconvene to implement contingency planning and recommend contingency measures as specified by OAR 340-246-0170(4)(l).

(g) If the committee is unable to recommend contingency measures within 18 months, the Department will formulate contingency measures for the area within 6 months.

(3) Public Notice, Comment, Approval and Adoption by the Environmental Quality Commission. The Department will provide an opportunity for public notice and comment on proposed local emissions reduction plans. After the public notice and comment process is complete, the Department will present local air toxics reduction plans to the Commission for approval, including adoption of appropriate administrative rules. The Environmental Quality Commission may delegate the approval of plans that do not contain administrative rules to the Director of the Department.

(4) Elements of an Air Toxics Reduction Plan:

(a) Local air toxics reduction plans must focus on the air toxic or air toxics measured or modeled above the ambient benchmarks.

(b) Local air toxics reduction plans must be based on sound data analysis. This includes developing enhanced emissions inventory information for the local area using source-specific information to the extent possible. This may also include enhanced modeling and monitoring to better characterize ambient concentrations. Plans also must rely on sound analysis of the effectiveness and cost of air toxics emissions reduction options. Where needed to fill specific information gaps, the Department may require air toxics emis-

sions reporting for specific sources or source categories within the geographic area on a case-by-case basis.

(c) The emissions reduction goals for individual air toxics are ambient benchmarks in local air toxics reduction plans.

(d) Local air toxics reduction plans must be designed to reduce air toxics emissions in a timely manner.

(A) When feasible, local air toxics reduction plans will be designed to reach levels that are equal to or below ambient benchmark concentrations. Plans will be designed to achieve emissions reductions within ten years, beginning at the date the Commission approves the plan. Local plans must provide for the timeliest reductions possible for each air toxic exceeding ambient benchmarks.

(B) Local air toxics reduction plans must include specific three-year milestones that the Department and the local advisory committee will evaluate every three years, in coordination with the Department's air toxics emissions inventory update.

(e) Every three years, the Department will assess the effectiveness of local plans and make recommendations for plan revision based on progress meeting milestones or new information. If the Department finds lack of progress at year three, it will work with the local advisory committee to provide corrective measures. If the Department finds lack of progress at year six and projects that ten-year goals in OAR 340-246-0170(4)(d)(A) will not be met, it will implement the contingency plan in OAR 340-246-0170(4)(l). If at year nine the Department projects that ten year goals in OAR 340-246-0170(4)(d)(A) will not be met, it will work with the local advisory committee to propose and seek adoption of measures necessary to reach these goals.

(f) Local air toxics reduction plans must evaluate air toxics emissions from all types of sources, including point, area, and mobile sources. Plans must require emissions reductions from the most significant sources of air toxics. Mandatory emissions reduction strategies will be commensurate with source contributions, considering relative emissions, toxicity, technical feasibility, cost-effectiveness and equity.

(g) Local air toxics reduction plans must include strategies to reduce high concentrations of air toxics that are limited to smaller portions of a geographic area as well as pollutants causing public health risk throughout the area.

(h) Local air toxics reduction plans may include a variety of mandatory and voluntary approaches to reducing emissions of air toxics. Depending on the type of source, local air toxics reduction plans may include public education, pollution prevention alternatives, economic incentives and disincentives, technical assistance and regulatory requirements.

(i) The Department will ensure the opportunity for public involvement during the plan development process. This includes involving those affected by the air toxics emissions and those affected by the proposals to reduce air toxics emissions. Proposed local air toxics reduction plans must be available for public hearing and comment.

(j) Local air toxics reduction plans must be coordinated with other local, state, and federal requirements to the extent possible. This includes considerations of any ozone or particulate control requirements for the area, any federal standard applicable to sources in the area, any strategies that are federally pre-empted, and any impacts on water or land, such as water pollution or hazardous waste.

(k) Local air toxics reduction plans will include specific recommendations for developing ongoing emissions inventory or ambient air monitoring to track local trends in air toxics.

(l) Local air toxics reduction plans must include a contingency plan that will be implemented if evaluation at year six shows that an area is not meeting milestones and will not achieve the ten year goals established under OAR 340-246-0170(4)(d)(A). The contingency plan, like the original plan, must require emissions reductions from the most significant sources of air toxics. Mandatory emissions reduction strategies will be commensurate with source contributions, considering relative emissions, toxicity, technical feasibility cost-effectiveness and equity. Contingency plans must include but are not limited to:

(i) Re-evaluation of planning assumptions, such as emissions factors, motor vehicle data and background pollutants;

(ii) Evaluation of existing conditions and effectiveness of emissions reduction strategies, including reasons for success or failure; and

(iii) New or progressively more mandatory strategies that will be considered.

Stat. Auth.: ORS 468.035, ORS 468A.010(1), ORS 468A.015  
Stats. Implemented:  
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

# ADMINISTRATIVE RULES

## 340-246-0190

### Air Toxics Safety Net Program (0190 through 0230)

(1) The purpose of the Air Toxics Safety Net Program is to address human exposures at public receptors to air toxics emissions from stationary sources that are not addressed by other regulatory programs or the Geographic Program. It is the Commission's expectation that the Safety Net Program in OAR 340-246-0190 through 340-246-0230 will apply only rarely.

(2) Subject to the requirements contained in OAR 340-246-0190 through 340-246-0230, the Lane Regional Air Pollution Authority is designated by the Commission as the agency responsible for implementing the Air Toxics Safety Net Program within its area of jurisdiction. The requirements and procedures contained in this rule must be used by the Regional Authority to implement the Air Toxics Safety Net Program unless the Regional Authority adopts superseding rules, which are at least as restrictive as the rules adopted by the Commission.

(3) Selection of Sources. The Department will select a source for the Air Toxics Safety Net Program if all of the following criteria are met:

(a) The Department has ambient monitoring information, gathered using appropriate EPA or other published international, national, or state standard methods that concentrations of air toxics have caused an exceedance of at least one ambient benchmark at a site representing expected human exposure to air toxics from the source at a public receptor in a location outside of the source's ownership or control.

(b) The Department has information that the source's air toxics emissions alone have caused an exceedance of at least one ambient benchmark at a site representing expected human exposure to air toxics from the source at a public receptor, in a location outside of the source's ownership or control. This could be based on emissions inventory, modeling or other information.

(c) The source is not subject to or scheduled for a federal residual risk assessment under the federal Clean Air Act section 112(f)(2) through (6).

(d) The source is not subject to an emissions limit or control requirement imposed as the result of modeling or a risk assessment performed or required by the Department prior to November 1, 2003 for the air toxics that exceed the ambient benchmarks.

(e) The source is located outside of a selected geographic area, as designated in OAR 340-246-0130 through 0170.

(4) Air Toxics Science Advisory Committee Review. Before requiring a source to conduct a source-specific risk assessment, the Department will present its analysis to the ATSAC. Within 120 days, the ATSAC will review the analysis and make a finding. If the ATSAC concurs with the Department or takes no action, the Department may proceed pursuant to this rule. If the ATSAC objects, the Department will not proceed until it receives concurrence from the Commission.

(5) Source-Specific Exposure Modeling and Risk Assessment. Upon written notification by the Department, a source must conduct a risk assessment including exposure modeling for the air toxics measured at levels above ambient benchmarks. The source must use a risk assessment methodology provided by the Department. This risk assessment will provide the basis for establishing air toxics emissions reductions or demonstrating that at public receptors in areas outside of a source's ownership or control, people are not being exposed to air toxics at levels that exceed the ambient benchmarks.

(6) Risk Assessment Methodology The Department will provide guidance on the methods to be used. The risk assessment methodology will be developed in consultation with the ATSAC and will result in a protocol that:

(a) Uses reasonable estimates of plausible upper-bound exposures that neither grossly underestimate nor grossly overestimate risks;

(b) Considers the range of probabilities of risks actually occurring, the range of size of the populations likely to be exposed to the risk, and current and reasonably likely future land uses;

(c) Defines the use of high-end and central-tendency exposure cases and assumptions;

(d) Develops values associated with chronic exposure for carcinogens; and

(e) Addresses both carcinogenic and non-carcinogenic air toxics and allows for detailed exposure assessments to the extent possible.

(7) Review and Acceptance by the Department The Department will evaluate the risk assessment for adequacy and completeness before accepting the results. If the results demonstrate that the source is not causing human exposures to air toxics at levels that exceed the ambient benchmarks at public receptors, in areas outside the source's ownership or control, and the Department has received concurrence from the ATSAC, the Department will notify the source that air toxics emissions reductions will not be required pursuant to this rule.

Stat. Auth.: ORS 468.035, ORS 468A.010(1), ORS 468A.015

Stats. Implemented:

Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

## 340-246-0210

### Safety Net Source Air Toxics Emissions Reductions

(1) Air Toxics Emissions Reduction Analysis:

(a) If source-specific exposure modeling and risk assessment show that the source is causing exceedances of ambient benchmarks at public receptors in areas outside the source's ownership or control, the source must perform an analysis showing how air toxics could be reduced to meet ambient benchmarks. The Department and the safety net source will develop proposed air toxics emissions reduction measures based on modeling and, when available, monitoring information.

(b) As part of the air toxics emissions reduction analysis, the source will analyze pollution prevention options, and is encouraged to use the hierarchy stated in OAR 340-246-0050.

(2) Air Toxics Emissions Reduction Requirements:

(a) A safety net source emitting air toxics causing exposure resulting in excess lifetime cancer risk greater than one in a million ( $1 \times 10^{-6}$ ) or a hazard quotient of one for non-carcinogens must, as soon as practicable but no later than three years after the effective date of the permit imposing such conditions, meet toxics best available retrofit technology (TBART) for each air toxic that exceeds an ambient benchmark.

(b) A safety net source may use a means of air toxics reduction, other than TBART, if it can demonstrate to the Department that it will achieve a risk level at or below one in a million, or a hazard quotient at or below one, within three years of using the other means of air toxics emissions reductions.

(c) A safety net source emitting a carcinogenic air toxic causing excess lifetime cancer risk at or above one hundred in a million ( $1 \times 10^{-4}$ ) must reduce its air toxic emissions to achieve a risk level below one hundred in a million as soon practicable but no later than one year after the effective date of the permit imposing such conditions.

(d) A safety net source emitting a non-carcinogenic air toxic at a level above a hazard quotient of one that the Department finds to have a potential for causing very serious or irreversible adverse health effects must reduce its air toxic emissions below this level as soon practicable, but no later than one year after the effective date of the permit imposing such conditions.

(3) If a safety net source cannot reach a risk level at or below excess lifetime cancer risk of one in a million, or a hazard quotient at or below one in three years, even though it meets TBART, the TBART determination for the source will be subject to periodic review under this section until the source achieves a risk level at or below one in a million or a hazard quotient at or below one. Upon each renewal of the source's permit, TBART for the source must be reviewed, taking into consideration retrofit costs and the remaining useful life of controls installed or other measures taken to meet a prior TBART determination. Upon renewal of the source's permit, the Department must include conditions requiring the source to meet TBART as determined for that permit renewal.

Stat. Auth.: ORS 468.035, ORS 468A.010(1), ORS 468A.015

Stats. Implemented:

Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

## 340-246-0230

### Safety Net Source Air Toxics Emissions Reduction Measures in Permit

(1) Public Participation. The Department will hold public informational meetings to discuss proposed air toxics emissions reduction measures. After the informational meetings, the Department will provide at least 40-days notice before holding a public hearing to collect official comments on the proposed air toxics emissions reduction measures.

(2) Permit or Permit Modification After considering public comments, the Department will propose air toxics emissions reduction measures to be placed in the source's permit, according to the reopening process for Oregon Title V permits in OAR 340-218-0200 or Oregon Title V Permit issuance in OAR 340-218-0120 or Department Initiated Permit Modifications in OAR 340-216-0084 or Air Contaminant Discharge Permit issuance in OAR 340-216-0020, Table I, Part B, line 74.

Stat. Auth.: ORS 468.035, ORS 468A.010(1), ORS 468A.015

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# ADMINISTRATIVE RULES

**Subject:** The proposed amendments to the regulations for underground storage tanks (USTs) would:

- Amend the definition of an UST and related terms to clarify when tanks and related equipment are subject to regulation as “USTs”;
- Add a definition for “earthen materials” to clarify the definition of an “UST” and related equipment subject to regulation; and
- Replace temporary rules with permanent rules.

Note that these proposed rules amendments only apply to regulated USTs; they do not apply to heating oil tanks.

**Rules Coordinator:** Rachel Sakata—(503) 229-5659

## 340-150-0010

### Definitions

For the purpose of this division and as applicable for OAR chapter 340, divisions 151 and 160, the following definitions apply:

(1) “Ancillary equipment” means any devices including, but not limited to, connected piping, fittings, flanges, valves and pumps used to distribute, meter or control the flow of regulated substances to and from an UST.

(2) “As built drawing” or “as built” means a line drawing to-scale that accurately illustrates the location of USTs, underground piping and all related equipment in relation to buildings or other structures at an UST facility and provides thorough construction documentation. Other terms used in lieu of “as built” are “record drawing” or “measured drawing”, which indicate that the drawing is for an existing structure or UST system.

(3) “Cathodic protection” means a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, an UST system can be cathodically protected through the application of either galvanic anodes or impressed current.

(4) “Cathodic protection tester” means a person who demonstrates an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged underground metal piping and tank equipment.

(5) “CERCLA” means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended.

(6) “Change-in-service” means to transfer an UST system containing a regulated substance from regulated status (i.e., subject to the requirements of this division) to nonregulated status while the UST remains in its original location.

(7) “Closure” means to permanently decommission an UST (by removal, filling in-place with an inert material or change-in-service) or to temporarily remove an UST from operation.

(8) “Commission” means the Oregon Environmental Quality Commission.

(9) “Compatible” means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the UST system under conditions likely to be encountered in the UST.

(10) “Confirmed release” means:

(a) For petroleum. Contamination observed in soil or groundwater as a sheen, stain or petroleum odor or petroleum contamination detected in soil by the Northwest Total Petroleum Hydrocarbon Identification Analytical Method (NWTPH-HCID, DEQ, December 1996) or detected in groundwater by any appropriate analytical method specified in OAR 340-122-0218; or

(b) For hazardous substances other than petroleum. Contamination observed in soil or groundwater as a sheen, stain or identifiable odor or as detected in soil, surface water or groundwater by any appropriate analytical method specified in “Test Methods for Evaluating Solid Waste,” SW-846, 3rd Edition, Revised May 1997 (U.S. Environmental Protection Agency EPA)

(11) “Connected piping” means all piping located beneath the ground surface or otherwise covered by earthen materials, including valves, elbows, joints, flanges and flexible connectors attached to an UST system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two UST systems should be allocated equally between them.

(12) “Corrective action” means remedial action taken to protect the present or future public health, safety, welfare or the environment from a release of a regulated substance. “Corrective action” includes but is not limited to:

(a) The prevention, elimination, removal, abatement, control, investigation, assessment, evaluation or monitoring of a hazard or potential hazard or threat, including migration of a regulated substance; or

(b) Transportation, storage, treatment or disposal of a regulated substance or contaminated material from a site.

(13) “Corrosion expert” means a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged underground metal piping systems and metal tanks. Corrosion experts must be accredited or certified by NACE (National Association of Corrosion Engineers) and licensed by the department under OAR chapter 340, division 160.

(14) “Decommission” means temporary or permanent closure, including temporary or permanent removal from operation, filling in-place, removal from the ground or change-in-service to a nonregulated status.

(15) “Deferred” means an UST system that may be subject to state or federal regulation at some point in the future.

(16) “De minimis” means an insignificant amount of regulated substance (e.g., meets the definition of “empty”) or is less than a reportable quantity as defined under CERCLA.

(17) “Department” means the Oregon Department of Environmental Quality.

(18) “Dielectric material” means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate an UST system from the surrounding soils. Dielectric bushings are used to electrically isolate portions of an UST system (e.g., the tank from underground piping).

(19) “Dispenser” means a device that is used for the delivery of a regulated substance from an UST (e.g., fuel from an UST to a motor vehicle). The term includes associated metering, delivery mechanisms and other equipment contained inside a housing unit for the dispenser.

(20) “Distributor” means a person who is engaged in the business of selling regulated substances to an owner or permittee of an UST.

(21) “Earthen Materials” means materials originating from the earth (including, but not limited to, dirt, sand, gravel and rocks) or any other materials (including, but not limited to, wood) that have the potential to cause corrosion when placed in contact with a tank.

(22) “Electrical equipment” means equipment that is located beneath the ground surface or otherwise covered by earthen materials and contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

(23) “Emergency generator” means an engine that uses fuel (regulated substance) to produce auxiliary electrical or mechanical energy for use in emergencies.

(24) “Empty” means that all materials have been removed using commonly employed practices so that no more than one inch (2.5 centimeters) of residue or 0.3 percent by weight of the total capacity of the tank remain in the UST system.

(25) “Excavation zone” means an area containing an UST system and backfill material bounded by the ground surface, walls and floor of the pit and trenches into which the UST system is placed at the time of installation.

(26) “Farm tank” means a tank located on a tract of land devoted to the production of crops or raising animals, including fish and associated residences and improvements. A farm tank must be located on the farm property. “Farm” includes fish hatcheries, rangeland and nurseries with growing operations.

(27) “Fee” means a fixed charge or service charge.

(28) “Field constructed tank” means an UST that is constructed at the location it will be installed rather than factory-built.

(29) “Field penalty” means a civil penalty amount assessed in a field citation.

(30) “Flow-through process tank” means a tank that forms an integral part of a production process through which there is a steady, variable, recurring or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials before their introduction into the production process or for the storage of finished products or by-products from the production process.

(31) “Free product” means a regulated substance that is present as a nonaqueous phase liquid (e.g., liquid not dissolved in water).

(32) “Gathering lines” means any pipeline, equipment, facility or building used in the transportation of oil or gas during oil or gas production or gathering operations.

(33) “General permit” means a permit issued for a category of UST activities (e.g., installing, decommissioning or operating an UST) in lieu of individual permits developed for each UST facility.

(34) “Hazardous substance UST system” means an UST system that contains a hazardous substance defined in section 101(14) of CERCLA or

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any mixture of such substances and petroleum and which is not a petroleum UST system (but not including any substance regulated as a hazardous waste under Subtitle C of the SWDA).

(35) "Heating oil" means petroleum that is No. 1, No. 2, No. 4--light, No. 4--heavy, No. 5--light, No. 5--heavy and No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers or furnaces.

(36) "Heating oil tank" means a tank used for storing heating oil for consumptive use on the premises where stored (i.e., the tank is located on the same property where the stored heating oil is used).

(37) "Hydraulic lift tank" means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators and other similar devices.

(38) "Install" or "installation" means the physical construction of an UST system, including, but not limited to, activities such as excavating, backfilling, testing, placement of the tank, underground piping, release detection devices, corrosion protection systems, spill and overflow devices and any associated administrative activities such as notifications, record keeping and record submissions.

(39) "Interstitial" means the space between the primary and secondary containment systems (i.e., the space between the inner and outer walls of a tank or pipe).

(40) "Investigation" means monitoring, surveying, testing, sampling, analyzing or other information gathering techniques.

(41) "Leak" has the same meaning as "release" as defined by OAR 340-150-0010(63).

(42) "Liquid traps" means sumps, well cellars and other traps used in association with oil and gas production, gathering and extraction operations (including gas production plants), for the purpose of collecting oil, water and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream or may collect and separate liquids from a gas stream.

(43) "Maintenance" means the normal operational upkeep to prevent an UST system from releasing a regulated substance or to ensure that a release is detected.

(44) "Modification" means to change an UST system currently in use by the installation of new UST system components. This includes, but is not limited to, the addition of corrosion protection to a previously lined tank, installation of new underground piping or replacement of existing underground piping, changing the primary release detection method to one of the methods listed in OAR 340-150-0450 through 340-150-0470 or adding secondary containment. "Modification" does not include those activities defined as "repair" or "replacement".

(45) "Motor fuel" means petroleum or a petroleum based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel or any grade of gasohol and is typically used in the operation of a motor engine.

(46) "Multichamber" or "multicompartment" means an UST that contains two or more chambers or compartments created by the presence of an interior wall so that two or more regulated substances can be stored at the same time within a single tank shell. Even if the same regulated substance is stored in all chambers or compartments, the UST is a multichambered or multicompartmented UST for the purpose of these rules.

(47) "Native soil" means the soil outside of the immediate boundaries of the pit that was originally excavated for the purpose of installing an UST.

(48) "OAR" means Oregon Administrative Rule.

(49) "Operate" or "operation" means depositing a regulated substance into an UST, storing a regulated substance in or dispensing a regulated substance from an UST and such other activities, including, but not limited to, performing release detection, maintaining corrosion protection, preventing spills and overfills, investigating and confirming suspected releases, conducting maintenance, additions, modifications, replacements and repairs of equipment, maintaining a financial responsibility mechanism and keeping and submitting records on the UST and underground pipings' performance.

(50) "Operational life" means the period beginning when installation of the UST system has commenced until the time the UST system is permanently closed.

(51) "ORS" means Oregon Revised Statute.

(52) "Owner" means a person who currently owns an UST or owned an UST during the tank's operational life, including:

(a) In the case of an UST system in use on November 8, 1984, or brought into use after that date, any person who owns an UST system used for storage, use or dispensing of regulated substances; and

(b) In the case of an UST system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the discontinuation of its use.

(53) "Permittee" means the owner or person designated by the owner, who is in control of or has responsibility for daily UST system operation and maintenance, financial responsibility and UST operator training requirements under a general permit pursuant to OAR 340-150-0160 through 340-150-0168.

(54) "Person" means an individual, trust, firm, joint stock company, corporation, partnership, joint venture, consortium, association, state, municipality, commission, political subdivision of a state or any interstate body, any commercial entity or the federal government or any agency of the federal government.

(55) "Petroleum" or "oil" means gasoline, crude oil, fuel oil, diesel oil, lubricating oil, oil sludge, oil refuse and crude oil fractions and refined petroleum fractions, including gasoline, kerosene, heating oils, diesel fuels and any other petroleum-related product or waste or fraction thereof that is liquid at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute. "Petroleum" does not include any substance identified as a hazardous waste under 40 CFR Part 261.

(56) "Petroleum UST system" means an UST system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils.

(57) "Pipe" or "piping" means a hollow cylinder or tubular conduit that is constructed of nonearthen materials.

(58) "Pipeline facilities" (including gathering lines) means new and existing pipe rights-of-way and any associated equipment, facilities or buildings.

(59) "Probability of detection" means the likelihood, expressed as a percentage, that a test method will correctly identify a release from an UST system.

(60) "Probability of false alarm" means the likelihood, expressed as a percentage, that a test method will incorrectly identify an UST system as leaking when a release is not occurring.

(61) "Property owner" means the legal owner of the real property on which an UST is located.

(62) "Registration certificate" means a document issued by the department that authorizes a person to install, operate or decommission an UST system under a general permit pursuant to OAR 340-150-0160 through 340-150-0168.

(63) "Regulated substance" includes, but is not limited to:

(a) Any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under Subtitle C of the SWDA);

(b) Petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute); and

(c) Petroleum based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils.

(64) "Release" means the discharge, deposit, injection, dumping, spilling, emitting, leaking or placing of a regulated substance from an UST into the air or into or on land or the waters of the state, other than as authorized by a permit issued under state or federal law.

(65) "Release detection" or "leak detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment, into the interstitial space between the UST system and its secondary barrier or into a secondary containment unit or sump around the UST.

(66) "Repair" means to restore any portion of an UST system that has failed, but does not include the activities defined by "modification" or "replacement".

(67) "Replacement" means to effect a change in any part of an UST system by exchanging one unit for a like or similar unit, but does not include activities defined as "repair" or "modification".

(68) "Residential tank" means a tank located on property used primarily for single family dwelling purposes.

(69) "Septic tank" means a watertight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settled solids and scum

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from the tank are pumped out periodically and hauled to a treatment facility.

(70) "Service provider" means a person licensed by the department to offer to perform or perform UST services on USTs regulated under OAR chapter 340, division 150.

(71) "Storm water" or "wastewater collection system" means piping, pumps, conduits and any other equipment necessary to collect and transport the flow of surface water run off resulting from precipitation or domestic, commercial or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment except where incidental to conveyance.

(72) "Supervisor" means an individual licensed by the department to direct and oversee specific UST services.

(73) "Surface impoundment" means a natural topographic depression, human-made excavation or diked area formed primarily of earthen materials (although it may be lined with human-made materials) that is not an injection well.

(74) "Suspected release" has the same meaning as described in OAR 340-150-0500.

(75) "Tank" means a stationary device designed to contain an accumulation of regulated substances and is constructed of nonearthen materials (e.g., concrete, steel, plastic) that provide structural support.

(76) "Tank tightness testing" means a method used to determine if an UST is leaking and is used to supplement another release detection method (such as inventory control or manual tank gauging) and to verify a suspected release when another method indicates a failure.

(77) "Temporary closure" means a halt in operation activities of an UST system for a limited time where the UST system will be brought back into operation or permanently decommissioned at some future date. For example, an UST may be temporarily closed due to corrective action activities on site, abandonment by the owner and permittee, bankruptcy proceedings, failure to maintain a financial responsibility mechanism, sale in progress or for any other reason that a permittee may choose to stop operating the UST. The term applies to an UST system that meets the definition of "temporary closure" whether or not the department has issued a registration certificate for this activity to the owner and permittee.

(78) "Testing" means applying a method to determine the integrity or operational status of any part of an UST system.

(79) "Third party evaluation" means an evaluation of a method or system including, but not limited to, a release detection system or tank integrity assessment method that is conducted by an independent organization. The evaluation includes certification that the method evaluated will operate as designed and includes information about any limitations of the method. As used in this definition, "independent" means that the organization that conducted the evaluation may not be owned, controlled by or associated with any client, industry organization or any other institution with a financial interest in the method or system evaluated.

(80) "Underground area" means an underground room, such as a basement, cellar, shaft or vault that provides enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

(81) "Underground piping" means connected piping that is located beneath the ground surface or otherwise covered by earthen materials.

(82) "Underground storage tank" or "UST" means any one or combination of tanks (including connected underground pipes) that contains or used to contain a regulated substance and the volume of which (including the volume of connected underground pipes) is 10 percent or more beneath the ground surface or otherwise covered by earthen materials.

(83) "UST facility" means the real property on which an UST is installed or will be installed. An UST facility encompasses all contiguous real property owned by the same property owner that is associated with the operation of the UST system.

(84) "UST services" includes without limitation, installation, decommissioning, modification, testing (e.g., cathodic protection and tank tightness) and inspection of UST systems.

(85) "UST system" means an underground storage tank, underground piping, underground ancillary equipment and containment system, if any.

(86) "UST system operator" means the individual designated by the owner and permittee as having control of or responsibility for the operation of an UST system, including the on-site operation and maintenance of the system in a manner to ensure that the UST system is in compliance with applicable state and federal regulations and industry standards.

(87) "Wastewater treatment tank" means a tank that is designed to receive and treat influent wastewater through physical, chemical or biological methods.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 466.706 - ORS 466.835, 466.994 & 466.995

Stats. Implemented: ORS 466.706, 466.746

Hist.: DEQ 2-1988, f. 1-27-88, cert. ef. 2-1-88; DEQ 3-1989, f. & cert. ef. 3-10-89; DEQ 2-1989(Temp), f. & cert. ef. 9-18-89; DEQ 10-1990, f. & cert. ef. 3-13-90; DEQ 20-1990, f. & cert. ef. 6-7-90; DEQ 24-1998, f. & cert. ef. 11-2-98; DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 8-2003(Temp), f. & cert. ef. 5-21-03 thru 11-14-03; DEQ -16-2003, f. 11-10-03 cert. ef. 11-15-03

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## Department of Fish and Wildlife Chapter 635

**Adm. Order No.:** DFW 106-2003

**Filed with Sec. of State:** 10-16-2003

**Certified to be Effective:** 10-16-03

**Notice Publication Date:** 8-1-03

**Rules Amended:** 635-090-0140

**Subject:** Amend rules defining the procedures for drawing and issuing Access and Habitat raffle hunt tags.

**Rules Coordinator:** Mike Lueck—(503) 947-6033

### 635-090-0140

#### Deer and Elk Tag Auction and Raffle

(1) Notwithstanding ORS 496.146(10), upon the recommendation of the Access and Habitat Board, the commission may issue each year up to ten elk and ten deer tags to hunt deer or elk. Recommendations from the board shall include:

(a) The land on which each tag shall be used;

(b) The percentage of funds (not to exceed 50 percent) received from the tags that may revert to the landowner if the tag is limited to private land; and

(c) A written agreement with the commission which provides public access and habitat improvements.

(2) The board may contract with a sportsman's group or other organization to conduct a raffle or an auction to issue the access and habitat deer and elk tags.

(3) The access and habitat raffle and/or auction deer and elk tags are in addition to all other tags and permits approved by the commission.

(a) In addition to the number of deer and elk tags legally available to an individual, an individual is allowed one additional elk and one additional deer tag annually, provided these tags are Access and Habitat auction or raffle tags.

(b) Hunting hours, open season, and open area will be determined by the board specific to the tag.

(c) Bag limit: one deer or one elk.

(4) Access and habitat deer/elk tag raffle requirements:

(a) There is no limit on the number of tickets a person may purchase.

Raffle tickets shall be available for purchase in the following denominations with the addition of a \$1.50 license agent fee:

(A) Deer Tags

(i) One ticket at a cost of \$2.50.

(ii) Six tickets at a cost of \$9.50.

(iii) Fifteen tickets at a cost of \$19.50.

(iv) Forty tickets at a cost of \$49.50.

(v) One hundred tickets at a cost of \$99.50.

(B) Elk tags

(i) One ticket at a cost of \$4.50.

(ii) Six tickets at a cost of \$19.50.

(iii) Fifteen tickets at a cost of \$39.50.

(iv) Forty tickets at a cost of \$99.50.

(C) Combination Elk and Deer Tags

(i) One ticket at a cost of \$9.50.

(ii) Six tickets at a cost of \$29.50.

(iii) Fifteen tickets at a cost of \$59.50.

(iv) Forty tickets at a cost of \$149.50.

(b) Raffle tickets in denominations of 1, 6, and 15 will be available to the public through authorized POS license vendors or through the department's Salem headquarters office. Tickets in denominations of forty and one hundred will be available only through the department's Salem headquarters office. Tickets also may be sold by department representatives at various public events or meetings of sportsmen and landowners.

(c) Residents and nonresidents shall be eligible to purchase tickets.

(d) There shall be no refunds for any raffle ticket purchases.



# ADMINISTRATIVE RULES

(e) Tickets purchased through license agents and submitted for the drawing by mail must be received at the department's Salem headquarters office by the date specified in the current Big Game Regulations. Additional tickets may be purchased at the raffle site prior to the drawing.

(f) One winner and a minimum of two alternate winners shall be drawn at a public drawing; time and location to be determined by the board and department.

(g) If a person is drawn as the winner of more than one hunt for the same species, the Department will issue the first Access and Habitat raffle deer/elk tag drawn by the person who meets all criteria specified herein.

(h) The order in which the winner and alternate winners for the deer/elk raffle hunts shall be drawn at the public drawing is as follows:

- (i) Statewide Combination Elk and Deer — #AH002.
- (ii) Statewide Deer Hunt — #AH001.
- (iii) Southeast Oregon Deer Hunt — #AH004.
- (iv) Central Oregon Deer Hunt — #AH005.
- (v) Northeast Oregon Deer Hunt — #AH003.
- (vi) Statewide Elk Hunt — #AH009.
- (vii) Northeast Oregon Elk — #AH006.
- (viii) High Desert Elk Hunt — #AH007.
- (ix) Western Oregon Elk Hunt — #AH008.

(i) The department will notify the winner and two alternates by mail. The winner must claim the tag during regular business hours within 30 days of the drawing or he/she shall be disqualified and the department will offer the tag to the first alternate. The first alternate must claim the tag within 10 business days of notification or he/she shall be disqualified and the department will notify the second alternate. The second alternate will be contacted in the same manner and with the same deadlines as the first alternate if the winner or first alternate have not claimed the tag as required. The tag will not be issued if not claimed during regular business hours within 90 days following the drawing.

(j) The access and habitat raffle deer/elk tag winners must have a valid hunting license.

(k) The department will issue an access and habitat raffle deer/elk tag to the person whose name appears on the winning ticket and who meets all criteria specified herein. The tag is not transferable.

(5) Access and habitat deer/elk tag auction requirements:

(a) Residents and nonresidents shall be eligible to bid.

(b) The minimum acceptable bid for an access and habitat auction tag shall be \$2,000.00 for deer and \$5,000.00 for elk. The bid price includes the tag fee.

(c) Individuals, agents, corporations, or others that submit the highest bid shall provide the name, address, phone number, and affiliation of the individual to whom the access and habitat auction deer/elk tag shall be issued to a department representative or a representative of the organization authorized to conduct the auction immediately upon the conclusion of the auction of such tag.

(d) Submittal of the winning bid shall be made to the department by cashiers check or certified check within 20 working days of the date of the auction (whether conducted by the department or by a sportsman's group or organization authorized to do so).

(e) If the full amount of the bid is not paid as required by OAR 635-090-140(5)(d), the department may, at its discretion, reject the bid and offer the access and habitat auction deer/elk tag to the next highest bidder. Such next highest bidder must make payment to the department by cashiers check or certified check within five working days of notification.

(f) The access and habitat auction deer/elk tag winner must have a valid hunting license.

(g) The department will issue an access and habitat auction deer/elk tag to the winner who meets all criteria specified herein. The tag is not transferable.

(h) The department reserves the right to accept or reject any or all access and habitat auction deer/elk tag bids.

Stat. Auth.: ORS 496.012, ORS 496.138, ORS 496.146, ORS 496.232 & ORS 496.242

Stats. Implemented: ORS 496.012, ORS 496.138 & ORS 496.146

Hist.: FWC 17-1994, f. & cert. ef. 3-10-94; FWC 87-1994, f. & cert. ef. 11-22-94, FWC 52-1995, f. & cert. ef. 6-16-95; FWC 36-1996, f. & cert. ef. 6-7-96; DFW 48-1998, f. & cert. ef. 6-22-98; DFW 46-1999, f. & cert. ef. 6-15-99; DFW 1-2000(Temp), f. & cert. ef. 1-3-00 thru 6-30-00; DFW 40-2000, f. & cert. ef. 7-25-00; DFW 62-2001, f. & cert. ef. 7-25-01; DFW 106-2003, f. & cert. ef. 10-16-03

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**Adm. Order No.:** DFW 107-2003(Temp)

**Filed with Sec. of State:** 10-21-2003

**Certified to be Effective:** 10-26-03 thru 12-31-03

**Notice Publication Date:**

**Rules Amended:** 635-042-0060

**Subject:** Amend rule to establish non-Indian fishing seasons in the mainstem Columbia River consistent with Columbia River Compact action of October 20, 2003.

**Rules Coordinator:** Mike Lueck—(503) 947-6033

## 635-042-0060

### Late Fall Salmon Season

Salmon and sturgeon may be taken for commercial purposes in the Columbia River in all of Zones 1-5 (described in OAR 635-042-0001). The Elokomin-A, Abernathy Creek, Cowlitz River, Kalama-A, Lewis-A, Washougal River and Sandy River sanctuaries are in effect. The open fishing periods are 7:00 p.m., Wednesday, September 17 to 7:00 p.m., Friday, September 19, 2003, 6:00 p.m., Sunday, September 21 to 6:00 p.m., Monday, September 22, 2003, 6:00 p.m., Tuesday, September 23 to 6:00 p.m., Thursday, September 25, 2003, 6:00 p.m., Sunday, September 28 to 6:00 p.m., Monday, September 29, 2003, 6:00 p.m., Tuesday, September 30 to 6:00 p.m., Thursday, October 2, 2003, 6:00 p.m., Sunday, October 5 to 6:00 p.m., Monday, October 6, 2003, and 6:00 p.m., Tuesday, October 7 to 6:00 p.m., Thursday, October 9, 2003. The season has been extended to include the following fishing periods: 6:00 p.m., Sunday, October 12, 2003 to 6:00 p.m., Monday, October 13, 2003; 6:00 a.m., Wednesday, October 15, 2003 to 6:00 a.m., Friday, October 17, 2003; 6:00 p.m., Sunday, October 19, 2003 to 6:00 p.m., Monday, October 20, 2003; 6:00 a.m., Wednesday, October 22, 2003 to 6:00 a.m., Friday, October 24, 2003; 6:00 p.m., Sunday, October 26, 2003 to 6:00 a.m., Friday, October 31, 2003.

(1) From October 12, 2003 until 6:00 a.m., October 29, 2003, salmon and sturgeon may be taken for commercial purposes in the area of the Columbia River upstream to Beacon Rock (Zones 1-5). Gear is restricted to gill nets with no minimum mesh size and 9-3/4-inch maximum mesh size.

(2) Beginning 6:00 a.m., October 29 through October 31, 2003, salmon and sturgeon may be taken for commercial purpose in the area between Harrington Point on the Washington shore to Settler Point on the Oregon shore upstream to Beacon Rock (Zones 2-5). Gear is restricted to gill nets with no minimum mesh size and 9-3/4-inch maximum mesh size.

(3) A maximum of nine white and green sturgeon in the aggregate may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. The weekly sturgeon limit applies to the Columbia River mainstem fisheries in the aggregate.

Stat. Auth.: ORS 496.118 & ORS 506.119

Stats. Implemented: ORS 506.109, ORS 506.129 & ORS 507.030

Hist.: FWC 40-1979, f. & cert. ef. 9-10-79; FWC 45-1979(Temp), f. & cert. ef. 9-21-79; FWC 52-1979(Temp), f. & cert. ef. 11-2-79; FWC 48-1980(Temp), f. & cert. ef. 9-19-80; FWC 51-1980(Temp), f. & cert. ef. 9-22-80; FWC 55-1980(Temp), f. & cert. ef. 9-26-80; FWC 56-1980(Temp), f. & cert. ef. 9-29-80; FWC 58-1980(Temp), f. & cert. ef. 10-17-80; FWC 37-1981(Temp), f. & cert. ef. 9-24-81; FWC 38-1981(Temp), f. & cert. ef. 9-29-81; FWC 69-1982(Temp), f. & cert. ef. 9-30-82; FWC 72-1982(Temp), f. & cert. ef. 10-20-82; FWC 56-1983(Temp), f. & cert. ef. 10-5-83; FWC 54-1984(Temp), f. & cert. ef. 9-10-84; FWC 59-1984(Temp), f. & cert. ef. 9-18-84; FWC 66-1984(Temp), f. & cert. ef. 9-26-84; FWC 68-1984(Temp), f. & cert. ef. 10-2-84; FWC 58-1985(Temp), f. & cert. ef. 9-13-85; FWC 62-1985(Temp), f. & cert. ef. 9-24-85; FWC 66-1985(Temp), f. & cert. ef. 10-11-85; FWC 54-1986(Temp), f. & cert. ef. 9-5-86; FWC 64-1986(Temp), f. & cert. ef. 10-3-86; FWC 67-1986(Temp), f. & cert. ef. 10-17-86; FWC 74-1987(Temp), f. & cert. ef. 9-4-87; FWC 75-1987(Temp), f. & cert. ef. 9-11-87; FWC 80-1987(Temp), f. & cert. ef. 9-18-87; FWC 87-1987(Temp), f. & cert. ef. 10-9-87; FWC 91-198(Temp), f. & cert. ef. 10-16-87; FWC 85-1988(Temp), f. & cert. ef. 9-9-88; FWC 93-1988(Temp), f. & cert. ef. 9-16-88; FWC 99-1988(Temp), f. & cert. ef. 10-7-88; FWC 100-1988(Temp), f. & cert. ef. 10-21-88, cert. ef. 10-24-88; FWC 94-1989(Temp), f. & cert. ef. 9-15-89, cert. ef. 9-17-89; FWC 97-1989(Temp), f. & cert. ef. 9-21-89; FWC 109-1989(Temp), f. & cert. ef. 10-6-89; FWC 113-1989(Temp), f. & cert. ef. 11-9-89; FWC 100-1990(Temp), f. & cert. ef. 9-18-90; FWC 101-1990(Temp), f. & cert. ef. 9-19-90; FWC 102-1990(Temp), f. & cert. ef. 9-20-90; FWC 114-1990, f. & cert. ef. 10-8-90; FWC 105-1991, f. & cert. ef. 9-20-91; FWC 118-1991, f. & cert. ef. 10-4-91; FWC 122-1991(Temp), f. & cert. ef. 10-18-91; FWC 129-1991(Temp), f. & cert. ef. 11-1-91, cert. ef. 11-3-91; FWC 97-1992(Temp), f. & cert. ef. 9-22-92; FWC 100-1992(Temp), f. & cert. ef. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 109-1992(Temp), f. & cert. ef. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp), f. & cert. ef. 10-22-92; FWC 80-1995(Temp), f. & cert. ef. 9-27-95, cert. ef. 10-9-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 58-1996(Temp), f. & cert. ef. 9-30-96; FWC 60-1996(Temp), f. & cert. ef. 10-7-96; FWC 62(Temp), f. & cert. ef. 10-18-96, cert. ef. 10-21-96; FWC 61-1997(Temp), f. & cert. ef. 9-23-97, cert. ef. 9-24-97; FWC 62-1997(Temp), f. & cert. ef. 10-6-97; FWC 64-1997(Temp), f. & cert. ef. 10-14-97; FWC 65-1997(Temp), f. & cert. ef. 10-20-97; FWC 68-1997(Temp), f. & cert. ef. 11-3-97; DFW 79-1999(Temp), f. & cert. ef. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 83-1999(Temp), f. & cert. ef. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; DFW 87-1999(Temp), f. & cert. ef. 11-4-99 thru 11-5-99; Administrative correction 11-17-99; DFW 62-2000(Temp), f. & cert. ef. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 68-2000(Temp), f. & cert. ef. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp), f. & cert. ef. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; DFW 74-2000(Temp), f. & cert. ef. 10-27-00, cert. ef. 10-30-00 thru 12-31-00; Administrative correction 6-20-01; DFW 89-2001(Temp), 9-14-01 thru 12-31-01; DFW 92-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 93-2001(Temp), f. & cert. ef. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; DFW 98-2001(Temp), f. & cert. ef. 10-8-01, cert. ef. 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 106(Temp), f. & cert. ef. 9-24-02 thru 12-31-02; DFW 109-2002(Temp), f. & cert. ef. 9-27-02 thru 12-31-02; DFW 112-2002(Temp), f. & cert. ef. 10-10-02, cert. ef. 10-14-02 thru 12-31-02; DFW 122-2002(Temp), f. & cert. ef. 10-28-02 thru 12-31-02; DFW 92-2003(Temp), f. & cert. ef. 9-12-03, cert. ef. 9-15-03 thru 12-31-03; DFW 95-2003(Temp), f. & cert. ef. 9-17-03 thru 12-31-03; DFW 98-2003(Temp), f. & cert. ef. 9-22-03, cert. ef.

# ADMINISTRATIVE RULES

9-23-03 thru 12-31-03; DFW 105-2003(Temp), f. 10-10-03, cert. ef. 10-12-03 thru 12-31-03;  
DFW 107-2003(Temp), f. 10-21-03, cert. ef. 10-26-03 thru 12-31-03

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**Adm. Order No.:** DFW 108-2003(Temp)

**Filed with Sec. of State:** 10-28-2003

**Certified to be Effective:** 12-1-03 thru 3-31-04

**Notice Publication Date:**

**Rules Amended:** 635-014-0090

**Subject:** Amend rules relating to steelhead angling on the North Fork Alsea River in the Northwest zone.

**Rules Coordinator:** Mike Lueck—(503) 947-6033

## 635-014-0090

### Inclusions and Modifications

(1) The 2003 Oregon Sport Fishing Regulations as posted on the Department's web page [www.dfw.state.or.us](http://www.dfw.state.or.us) provide requirements for the Northwest Zone. However, additional regulations may be adopted from time to time, and, to the extent of any inconsistency, they supersede the 2003 Oregon Sport Fishing Regulations.

(2) Big Creek downstream from the suspended cable is open for chinook salmon and adipose fin-clipped steelhead January 1, 2003 through March 31, 2003, May 10, 2003 through August 31, 2003, and October 1, 2003 through December 31, 2003.

(3) Gnat Creek upstream from Aldrich Pt. Road Bridge to Barrier Falls which is located 1/4 mile upstream from Hwy. 30 is open for chinook salmon and adipose fin-clipped steelhead January 1, 2003 through March 31, 2003, May 10, 2003 through August 31, 2003, and October 1, 2003 through December 31, 2003.

(4) The Klaskanine River including tidewater, North Fork upstream to hatchery, and South Fork is open to chinook salmon and adipose fin-clipped steelhead January 1, 2003 through March 31, 2003, and May 10, 2003 through December 31, 2003.

(5) The Lewis and Clark River upstream to fish ladder located 200 feet downstream from Warrenton Reservoir Dam is open for adipose fin-clipped steelhead and chinook salmon January 1, 2003 through March 31, 2003, and May 10, 2003 through December 31, 2003.

(6) Youngs River including tidewater is open for adipose fin-clipped steelhead and chinook salmon January 1, 2003 through March 31, 2003, and May 10, 2003 through December 31, 2003.

(7) Effective May 24, 2003, the angling deadline on Three Rivers is approximately 65 feet below the ladder entrance at the Cedar Creek Hatchery weir structure; the deadline is marked with a signed cable crossing the river.

(8) Three Rivers is open for fin-clipped spring chinook salmon May 24, 2003 through June 30, 2003, and closed to all angling from the mouth upstream to the hatchery weir July 1, 2003 through September 30, 2003.

(9) During the seasons and times for angling for adipose fin-clipped coho in the following tributaries of the Columbia River: Youngs Bay, Klaskanine River, Lewis and Clark River, Youngs River, Bear Creek, Gnat Creek, and Big Creek, as described in the 2003 Oregon Sport Fishing Regulations pamphlet, notwithstanding the daily bag limit for adult salmon and steelhead, anglers may retain one additional adult adipose fin-clipped coho per day effective September 13, 2003.

(10) During the seasons and times for angling for adipose fin-clipped coho in the following waters draining directly to the Pacific Ocean: Nehalem Bay, North Fork Nehalem River, Tillamook Bay, Trask River and Salmon River, as described in the 2003 Oregon Sport Fishing Regulations pamphlet, notwithstanding the daily bag limit for adult salmon and steelhead, anglers may retain one additional adult adipose fin-clipped coho per day effective September 13, 2003.

(11) The North Fork Alsea River is open to angling for adipose fin-clipped steelhead from December 1, 2003 through March 31, 2004, from the mouth upstream to 100 feet below the Alsea Hatchery fishway, and from 100 feet above the Alsea Hatchery fishway upstream 600 feet to an angling deadline marker.

Stat. Auth.: ORS 496.138, ORS 496.146 & ORS 506.119  
Stats. Implemented: ORS 496.162 & ORS 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 28-1995(Temp), f. 3-31-95, cert. ef. 5-1-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 39-1995, f. 5-10-95, cert. ef. 5-12-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 19-1996, f. & cert. ef. 5-16-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 29-1996, f. & cert. ef. 5-31-96; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 55-1996(Temp), f. 9-25-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 58-1997, f. 9-8-97, cert. ef. 10-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 12-1998(Temp), f. & cert. ef. 2-24-98 thru 4-24-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 69-1998, f. 8-28-98, cert. ef. 9-1-98;

DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 81-2001, f. & cert. ef. 8-29-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp) f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 91-2002(Temp) f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 118-2002(Temp), f. 10-22-02, cert. ef. 12-1-02 thru 3-31-03; DFW 120-2002(Temp), f. 10-24-02, cert. ef. 10-26-02 thru 3-31-03; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 18-2003(Temp) f. 2-28-03, cert. ef. 3-1-03 thru 4-30-03; DFW 38-2003(Temp), f. 5-7-03, cert. ef. 5-10-03 thru 10-31-03; DFW 51-2003(Temp), f. & cert. ef. 6-13-03 thru 10-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 108-2003(Temp), f. 10-28-03, cert. ef. 12-1-03 thru 3-31-04

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**Adm. Order No.:** DFW 109-2003

**Filed with Sec. of State:** 11-13-2003

**Certified to be Effective:** 11-13-03

**Notice Publication Date:** 10-1-03

**Rules Amended:** 635-047-0010

**Subject:** Rules were amended in regards to private hunting preserves. These rules were needed to implement SB 291 adopted by the 2003 Legislature.

**Rules Coordinator:** Mike Lueck—(503) 947-6033

## 635-047-0010

### Requirements for Licenses

(1) Each hunting preserve shall contain not more than the following acreages in one continuous tract of land, owned or leased by the permittee:

(a) 640 acres if the preserve is located in the area west of the summit of the Cascade Mountains; or

(b) 1,280 acres if the preserve is located in the area east of the summit of the Cascade Mountains.

(2) An applicant for a hunting preserve license shall submit a statement from the appropriate local planning authorities concerning the preserve's compliance with the local comprehensive land use plan and other applicable land use laws.

(3) A person who owns a private hunting preserve that was licensed under ORS 497.248 on or before July 30, 2003 and that has not been submitted to the appropriate local governing body or its designee for land use approval may continue to operate the hunting preserve without local land use approval. The hunting preserve may include one sport clay station that existed on July 30, 2003, is used during the hunting season only for shooting practice in conjunction with hunting and is subordinate to the use of the land as a hunting preserve.

(4) The exterior boundaries of each hunting preserve shall be clearly defined and posted with signs erected around the extremity at intervals of 1,320 feet, or less. Signs shall be as prescribed by the department.

(a) The boundaries of a licensed hunting preserve shall be posted with legible signs that meet the following minimum specifications. All signs marking the perimeter of the hunting preserve boundary shall be maintained in legible condition and visible at all times.

(b) Size — Not less than 10" x 10".

(c) Lettering — "Private Hunting Preserve" in not less than 1-1/2" block letters at the top half of the sign, and including the following descriptive information in not less than 3/8" block letters:

"This sign marks the boundary of a \_\_\_\_\_ acre property that has been licensed by the Oregon Department of Fish and Wildlife under the provisions of ORS 497 to permit the hunting of privately owned game birds."

(5) There shall be at least one-half mile distance between licensed hunting preserves.

(6) No license will be granted for any hunting preserve, any portion of which is less than one-half mile distant from any state or federal park, wilderness area, refuge, or wildlife area operated by the state or federal government.

(7) Licensee shall not attempt to prevent public hunting on lands adjacent to a hunting preserve.

(8) The applicant shall have the facilities to propagate or hold not less than 500 of each of the game bird species to be released for shooting on the area.

(9) The department shall issue licenses only to hunting preserves available for use by the general public.

(a) Application for a hunting preserve license shall be made upon a form provided by the department. Each application shall include proof of

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ownership or lease and a map of the preserve and shall state the township, range and section(s) on which the preserve is located.

(b) Fees charged for shooting and other services rendered shall be stated by the applicant provided that the fees shall be the same for all persons.

(10) The license shall authorize the licensee to shoot, or permit to be shot, only certain legally propagated upland game birds that the department has determined may be hunted upon the property for which the license is issued. Other species of wildlife upon such property and marked birds outside its boundaries shall be subject to all protection provided by State wildlife laws and regulations.

(11) In the event that a permittee chooses to cease hunting preserve activities during the term of a hunting preserve license, the permittee shall so notify the department in writing.

Stat. Auth.: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & 497.248  
Stats. Implemented: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & .248  
Hist.: GC 101, f. 7-9-59, Renumbered from 630-023-0010, Renumbered from 635-007-0010; FWC 115-1992, f. & cert. ef. 10-28-92; DFW 86-1999, f. & cert. ef. 11-1-99; DFW 7-2002, f. & cert. ef. 1-17-02; DFW 73-2003(Temp), f. & cert. ef. 7-30-03 thru 1-26-04; DFW 109-2003, f. & cert. ef. 11-13-03

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**Adm. Order No.:** DFW 110-2003

**Filed with Sec. of State:** 11-13-2003

**Certified to be Effective:** 11-13-03

**Notice Publication Date:** 10-1-03

**Rules Adopted:** 635-075-0011

**Subject:** Adopted rules to implement HB 2521 that directs the Department to implement a Southwest Oregon Landowner Preference Pilot Program

**Rules Coordinator:** Mike Lueck—(503) 947-6033

## 635-075-0011

### Southwest Oregon Landowner Preference Pilot Program

(1) This rule implements HB 2521, through which the 2003 Legislative Assembly directed the Department to implement a Southern Oregon Landowner Preference Pilot Program to operate from July 1, 2004 until June 30, 2008. As directed by statute, the pilot program addresses damage caused by elk on private lands in Jackson, Josephine, Coos, Curry and Douglas Counties by granting extra landowner preference tags to qualifying landowners.

(2) A “qualifying landowner” is:

(a) An individual, partnership, corporation, unincorporated association or other nongovernmental entity which;

(b) Owns, leases or rents land in Jackson, Josephine, Coos, Curry or Douglas County; and

(c) Whose land:

(A) Is (at the time of application) suffering damage from elk; or

(B) Has within the past five years suffered damage from elk and the Department has taken action to alleviate that damage; or

(C) Is in an area designated as an “elk de-emphasis zone” by the Department.

(3) “Damage” has the same definition as that in the “damage statute” (ORS 498.012): harm to land, livestock or agricultural or forest crops.

(4) This pilot program operates in the same manner as the landowner preference tag program in OAR 635-075-0000 through -0030, except that:

(a) Pilot program tags are limited to antlerless elk;

(b) Pilot program tags may be used to take elk only on property owned, leased or rented by the landowner or by a business entity that includes the landowner as a principal partner or shareholder;

(c) Qualifying landowners may exchange unused general season elk tags or controlled hunt tags for pilot program tags;

(d) No more than five pilot program tags may be valid at any one time on a particular property;

(e) Qualifying landowners may receive tags regardless of the size of their property. There is no minimum acreage requirement;

(f) Qualifying landowners may register for pilot program tags at any time.

(g) The validity period (the time during which pilot program tags may be used on a particular property) shall be negotiated between the Department’s district biologist and the qualifying landowner;

(h) Each qualifying landowner receiving pilot program tags must (within 10 days of a designated hunt period) report to the local Department district biologist the number of elk taken by the landowner with pilot program tags;

(i) Pilot program tags may be obtained from, and exchanged through, Department district biologists (rather than point of sale vendors).

(5) The Department shall establish an advisory committee that includes but is not limited to hunters, landowners, elected officials, Department staff and Oregon State Police to meet at least once annually to review the pilot program and recommend any necessary changes.

Stat. Auth.: ORS 496.012, 496.138, 497.112  
Stats Implemented: 496.012, 496.138, 497.112  
Hist.: DFW 110-2003, f. & cert. ef. 11-13-03

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**Adm. Order No.:** DFW 111-2003

**Filed with Sec. of State:** 11-14-2003

**Certified to be Effective:** 11-14-03

**Notice Publication Date:** 10-1-03

**Rules Repealed:** 635-007-0524, 635-007-0550, 635-007-0555, 635-007-0560, 635-007-0565, 635-007-0570, 635-007-0575, 635-007-0580, 635-007-0585, 635-007-0590

**Subject:** These rules are being repealed as they are no longer relevant to the Native Fish Conservation and Fish Health Management Policies previously adopted by the Fish and Wildlife Commission on September 12, 2003.

**Rules Coordinator:** Mike Lueck—(503) 947-6033

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**Adm. Order No.:** DFW 112-2003

**Filed with Sec. of State:** 11-14-2003

**Certified to be Effective:** 11-14-03

**Notice Publication Date:** 10-1-03

**Rules Adopted:** 635-004-0160, 635-004-0165, 635-004-0170

**Rules Amended:** 635-004-0018, 635-004-0027, 635-004-0055, 635-006-0215, 635-006-0850, 635-006-0910, 635-006-1010, 635-006-1015, 635-006-1025, 635-006-1035, 635-006-1065, 635-006-1075, 635-006-1085, 635-006-1095, 635-006-1110

**Subject:** Amends rules related to the Yaquina Bay herring roe and inland water baitfish commercial fisheries, including (1) how the annual Yaquina sac roe fishery quota is determined, (2) seasons dates, (3) the number of limited entry permit holders, (4) description of the “whole fish” to herring “egg on kelp” conversion factor, (5) fishery gear description, (6) limited entry permits requirements, and (7) provisions for an incidental catch of juvenile Shad in the Inland Waters commercial herring seine bait fishery.

Amends rules in the harvest program for some developmental fisheries species and for developmental fisheries permits based on recommendations by the Developmental Fisheries Board. Adopts regulations implementing House Bill 3108 by removing the nearshore fishery from the developmental fisheries program and establishing a black rockfish/blue rockfish/nearshore fishery restricted vessel system.

**Rules Coordinator:** Mike Lueck—(503) 947-6033

## 635-004-0018

### Scope of Rules

Division 004 incorporates into Oregon Administrative Rules, by reference, the annual groundfish specifications and management measures for 2003 included in the **Pacific Council News, volume 26, number 3, October 2002**, and in addition to the extent they are consistent with these rules, **Code of Federal Regulations, Title 50 Part 660, Subpart G (61FR34572, July 2, 1996, as amended** to incorporate the standards in the **Pacific Council News**). Therefore, persons must consult the **Pacific Council News** and **Federal Regulations** in addition to Division 004 to determine all applicable groundfish fishing requirements. Where regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone. A copy of the **Pacific Council News** and the **Federal Regulations** may be obtained by contacting Pacific Council News at [www.pcouncil.org](http://www.pcouncil.org) or at 7700 NE Ambassador Place, Suite 200, Portland, OR 97220-1384.

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

Stat. Auth.: ORS 496.138 & ORS 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 141-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 71-1996, f. 12-26-96, cert. ef. 1-1-97; DFW 1-1998, f. & cert. ef. 1-9-98; DFW 91-1998, f. & cert. ef. 11-25-98; DFW 98-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 81-2000, f.

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12-22-00, cert. ef. 1-1-01; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 135-2002, f. 12-23-02, cert. ef. 1-1-03; DFW 112-2003, f. & cert. ef. 11-14-03

## 635-004-0027

### Inland Waters Herring Season

There is no closed season for the commercial taking of herring in inland waters except:

(1) In all inland waters except Yaquina Bay, herring taken during the period January 1 through April 15 may only be sold for use as bait.

(2) In Yaquina Bay:

(a) The open season for the taking of herring is January 1 through December 31;

(b) The yearly harvest quota for the Yaquina Bay commercial roe herring fishery during the period of January 1 through April 15 shall not exceed 20% of the available spawning biomass as established in the Yaquina River Basin Fish Management Operating Principles and Objectives 635-500-0665(2). The available spawning biomass shall be determined by the ODFW Fish Division's Marine Resources Program. Only fishers with a limited entry permit issued pursuant to ORS 508.765 may participate in this fishery.

(c) The factor used to convert an equivalent amount of "whole fish" resource in the Yaquina Bay commercial roe herring fishery during the period of January 1 through April 15 to the equivalent amount of herring eggs on kelp fishery is 0.2237;

(d) During the period January 1 through April 15 it is unlawful to:

(A) Fish commercially from midnight Friday through midnight Sunday with nets;

(B) Use any fishing gear or method of harvest for the taking of herring other than: a purse seine with a maximum length of 50 fathoms (300 feet), defined as the maximum distance from the first to last pursing rings on the purse line; lampara net; hook and line "jigging"; or eggs-on-kelp method.

Stat. Auth.: ORS 506.109, ORS 506.119, ORS 506.129, & ORS 508.765

Stats. Implemented:

Hist.: FWC 50-1979, f. & ef. 11-1-79; FWC 67-1980, f. & ef. 12-3-80; FWC 4-1983, f. 1-28-83, ef. 2-1-83; FWC 8-1983(Temp), f. & ef. 2-15-83; FWC 8-1984(Temp), f. & ef. 3-5-84, FWC 29-1984, f. & ef. 7-3-84; FWC 9-1985(Temp), f. & ef. 2-20-85; FWC 5-1986(Temp), f. & ef. 2-11-86; FWC 6-1989(Temp), f. 2-15-89, cert. ef. 2-16-89; FWC 18-1990(Temp), f. 2-23-90, cert. ef. 2-24-90; FWC 13-1991(Temp), f. & cert. ef. 2-22-91; FWC 21-1995(Temp), f. 3-7-95, cert. ef. 3-8-95; FWC 10-1996(Temp), f. & cert. ef. 3-5-96; FWC 14-1997(Temp), f. & cert. ef. 3-10-97; DFW 11-2003, f. & cert. ef. 2-10-03; DFW 112-2003, f. & cert. ef. 11-14-03

## 635-004-0055

### Closed Season

(1) It is *unlawful* to take shad for commercial purposes from the inland waters of this state other than the Columbia River except: Coquille, Siuslaw, Umpqua, and Smith River, a tributary of the Umpqua River, from 6 a.m. May 10 to 6 a.m. July 1 of each year in the area not otherwise closed by ORS 511.506.

(2) Shad eight (8) inches or less in length may be taken for commercial purposes incidentally in the Inland Waters herring baitfish fishery when legally seining for herring as defined in OAR-004-0027.

Stat. Auth.: ORS 506

Stats. Implemented:

Hist.: FC 241, f. 4-5-72, ef. 4-15-72; FC 272(74-4), f. 3-20-74, ef. 4-11-74; FC 275(74-8)(Temp), f. & cert. ef. 4-19-74, Renumbered from 625-010-0615, Renumbered from 635-036-0300; FC 275(74-8), f. 4-19-74, cert. ef. 5-11-74, Renumbered from 625-010-0615, Renumbered from 635-036-0300; FWC 77-1984, f. 11-28-84, ef. 12-1-84; DFW 112-2003, f. & cert. ef. 11-14-03

## 635-004-0160

### Definition

"Black rockfish / blue rockfish / nearshore fishery" shall mean the commercial fishery for black rockfish, blue rockfish and nearshore fish as defined in ORS 506.011.

Stat. Auth.: ORS 506.109, ORS 506.119

Stats. Implemented: ORS 506.129, ORS 506.450 - ORS 506.465

Hist.: DFW 112-2003, f. & cert. ef. 11-14-03

## 635-004-0165

### Fishing Gear

It is unlawful to take black rockfish/blue rockfish/nearshore fishery species by any means other than:

(1) Hook-and-line gear (including pole-and-line, troll, longline, and stick gear).

(2) Pot gear may be used if a Developmental Fisheries permit (OAR 635-006-0900) for nearshore species using pot gear was issued in 2003. Pot gear shall be limited to a maximum of 35 pots.

Stat. Auth.: ORS 506.109, ORS 506.119

Stats. Implemented: ORS 506.129, ORS 506.450 - ORS 506.465

Hist.: DFW 112-2003, f. & cert. ef. 11-14-03

## 635-004-0170

### Incidental Catch in Other Fisheries

A person may operate a vessel in the black rockfish/blue rockfish/nearshore fishery without a permit required by OAR 635-006-1015(1)(j) if the person:

(1) For only one landing per day, lands no more than 15 pounds of black rockfish, blue rockfish, nearshore fish or a combination of black rockfish, blue rockfish or nearshore fish and if the black rockfish, blue rockfish and nearshore fish:

(a) Make up 25 percent or less of the total poundage of the landing; and

(b) Are landed with fishing gear that is legal to use in the fishery in which the black rockfish, blue rockfish or nearshore fish are landed;

(2) Operates a vessel in the ocean troll salmon fishery pursuant to ORS 508.801 to 508.825 and the person lands black rockfish, blue rockfish or a combination of black rockfish and blue rockfish in the same landing in which the person lands a salmon under the permit required by ORS 508.801 to 508.825. The black rockfish or blue rockfish landed under this paragraph must be landed dead. A person who lands black rockfish and blue rockfish under this paragraph may land up to the greater of:

(a) 30 black rockfish or 30 blue rockfish per landing or a combination of 30 black rockfish and blue rockfish per landing; or

(b) 100 pounds of black rockfish, blue rockfish or a combination of black rockfish and blue rockfish per landing;

(3) Operates a vessel in the west coast groundfish trawl fishery pursuant to federal regulations and lands no more than 1,000 pounds of black rockfish, blue rockfish or a combination of black rockfish and blue rockfish per calendar year and if the black rockfish and blue rockfish:

(a) Make up 25 percent or less of the total poundage of each landing; and

(b) Are landed dead; or

(4) Is a nonprofit aquarium or has contracted with a nonprofit aquarium to land black rockfish, blue rockfish or nearshore fish for the purpose of displaying or conducting research on the black rockfish, blue rockfish or nearshore fish.

Stat. Auth.: ORS 506.109, ORS 506.119

Stats. Implemented: ORS 506.129, ORS 506.450 - ORS 506.465

Hist.: DFW 112-2003, f. & cert. ef. 11-14-03

## 635-006-0215

### Monthly Remittance Report

(1) A monthly report is required of all licensed:

(a) Wholesale fish dealers, wholesale fish bait dealers, food fish canners, or shellfish canners receiving food fish or shellfish from licensed commercial fishermen or bait fishermen;

(b) Limited fish sellers selling food fish or shellfish.

(2) Except as provided in OAR 635-006-0220, the report is required even though no food fish or shellfish are received or sold during the calendar month covered by the report.

(3) The following information shall be included on the report:

(a) Fish dealer's name, license number, and address;

(b) Calendar month of the report;

(c) Serial numbers of all fish receiving tickets issued during the month;

(d) Total pounds of all salmon and steelhead received or sold during the calendar month on which poundage fees are due. Salmon and steelhead may be reported as round weight, dressed head on or dressed head off;

(e) Total value of salmon and steelhead received or sold during the calendar month including fish eggs and parts;

(f) Total value of all other food fish and shellfish including eggs and parts;

(g) Total pounds in the round of all other species of food fish or shellfish received or sold during the calendar month on which taxes are due. The following listed species may be converted to round weight for the purposes of completing monthly reports, by multiplying the below-listed factor by the dressed weight of that species:

(A) Troll salmon:

(i) Gilled and gutted — 1.15

(ii) Gilled, gutted, and headed — 1.30

(B) Halibut:

(i) Gilled and gutted — 1.15

(ii) Gilled, gutted, and headed — 1.35

(C) Sablefish, gutted and headed — 1.60

(D) Pacific whiting:

(i) Fillet — 2.86

(ii) Headed and gutted — 1.56

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(iii) Surimi — 6.25

(E) Razor Clams, shelled and cleaned. — 2.0

(F) Scallops, shelled and cleaned — 12.2

(G) Thresher shark — 2.0

(H) Skates — 2.6

(I) Lingcod:

(i) Gilled and gutted — 1.1

(ii) Gilled, gutted and headed — 1.5

(h) Total value of food fish landed in another state but not taxed by that state;

(i) Total pounds in the round of all food fish landed in another state but not taxed by that state;

(j) Total fees due - in accordance with ORS 508.505 the fees are the value of the food fish at the point of landing multiplied by the following rates:

(A) All salmon and steelhead, 3.15 percent;

(B) Effective January 1, 2005, all black rockfish, blue rockfish and nearshore fish (as defined by ORS 506.111), 5 percent.

(C) All other food fish and shellfish, 1.09 percent until the first Emergency Board hearing of 1993 and 1.25 percent, thereafter.

(k) Signature of the individual completing the report.

(4) The monthly report and all landing fees due shall be sent to the Department of Fish and Wildlife, Post Office Box 59, Portland, Oregon 97207, on or before the 20th of each month for the preceding calendar month. Landing fees are delinquent if not received or postmarked within 20 days after the end of the calendar month. A penalty charge of \$5 or five percent of the landing fees due, whichever is larger, shall be assessed along with a one percent per month interest charge on any delinquent landing fee payments.

Stat. Auth.: ORS 506.119 & ORS 508.530

Stats. Implemented: ORS 506.129, ORS 508.535 & ORS 508.550

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FC 274(74-6), f. 3-20-74, ef. 4-11-74; FWC 28, f. 11-28-75, ef. 1-1-76, Renumbered from 625-040-0140; FWC 48-1978, f. & ef. 9-27-78, Renumbered from 635-036-0585; FWC 17-1981(Temp), f. & ef. 5-22-81; FWC 25-1981(Temp), f. 7-8-81, ef. 7-15-81; FWC 27-1981, f. & ef. 8-14-81; FWC 1-1986, f. & ef. 1-10-86; FWC 4-1987, f. & ef. 2-6-87; FWC 99-1987, f. & ef. 11-17-87; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 22-1992(Temp), f. 4-10-92, cert. ef. 4-13-92, FWC 53-1992, f. 7-17-92, cert. ef. 7-20-92; FWC 5-1993, f. 1-22-93, cert. ef. 1-25-93; DFW 38-1999, f. & cert. ef. 5-24-99; DFW 112-2003, f. & cert. ef. 11-14-03

## 635-006-0850

### Developmental Fisheries Species List

(1) The Developmental Fisheries species, permit and gear restrictions, and landing requirements for renewal of Category A permits are as follows:

(a) FISH:

(A) Pacific hagfish (*Eptatretus stouti*) fishery has a qualifying requirement of five landings. Annual renewal requirements are five landings of at least 1,000 pounds each or a total of 25,000 pounds. In addition, landings must be made in at least three different months. There are 25 permits for harvest of which there are no trawl permits;

(B) Blue shark (*Prionace glauca*) fishery has a qualifying and annual renewal requirement of either five landings consisting of at least 500 pounds each landing or one landing consisting of at least 5000 pounds. There are 10 permits for harvest of which there are no high seas drift net permits and no large mesh gill net permits. No permit is needed for hand lines or hand harvest. Experimental gear permits may be required;

(C) Swordfish (*Xiphias gladius*) fishery has a qualifying and annual renewal requirement of either five landings consisting of at least 500 pounds each landing or one landing consisting of at least 5000 pounds. Permits are valid for and renewal requirements are calculated from February 1 through January 31 of the following year. There are 20 permits for harvest by floating longline and 10 permits for harvest by other gear. Specially adapted drift/gill net may be permitted. Experimental gear permits may be required. Five single-delivery permits will be issued to those who applied by annual filing date, but did not receive a Developmental Fishery Permit. Gill net gear must conform to California gear restrictions;

(D) Northern anchovy (*Engraulis mordax*) and Pacific herring (*Clupea pallasii*) fishery has a qualifying and annual renewal requirement of either five landings consisting of at least 500 pounds each landing or one landing consisting of at least 5000 pounds. There are 15 permits for ocean harvest. Specially adapted small mesh drift/gill net may be permitted. No permit is needed for hand lines or hand harvest. Experimental gear permits may be required;

(E) Pacific sardine (*Sardinops sagax*) fishery has a qualifying requirement of either five landings consisting of at least 500 pounds each landing or one landing consisting of at least 5000 pounds. Annual renewal requirements are five landings totaling at least 80,000 pounds or landings totaling at least \$25,000, based on ex-vessel price. There are 20 permits for ocean

harvest. Specially adapted small mesh drift/gill net may be permitted. Experimental gear permits may be required. This rule incorporates, by reference, the sardine management measures for 2003 included in the Pacific Council List of Decisions for the November 2002 PFMC meeting, and in addition to the extent they are consistent with these rules, **Code of Federal Regulations, Title 50 Part 660**, as amended to incorporate the standards recommendations of the Pacific Council. Therefore, persons must consult the Federal Regulations in addition to this rule to determine all applicable sardine fishing requirements. Where regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone. A copy of the Pacific Council decisions and the Federal Regulations may be obtained by contacting the Fish Division at 503-872-5252;

(b) INVERTEBRATES:

(A) Box crab (*Lopholithodes foraminatus*) fishery has a qualifying and annual renewal requirement of five landings consisting of at least 100 pounds each landing. There are 25 permits for harvest with pots only;

(B) Grooved tanner crab (*Chionoecetes tanneri*), Oregon hair crab (*Paralomis multispina*) and scarlet king crab (*Lithodes couesi*) fishery has a qualifying and annual renewal requirement of five landings consisting of at least 100 pounds each landing. There are 10 permits for harvest with pots only;

(C) Spot prawn (*Pandalus platyceros*) fishery has a qualifying and annual renewal requirement of five landings consisting of at least 100 pounds (round weight) each landing or one landing consisting of at least 1000 pounds. After 2002, new permits for trawl gear will not be issued and trawl permits may be renewed as pot permits. After 2003, permits will be issued for pot gear only; no new permits will be issued until the number of permits issued is below 10, after which there may continue to be 10 permits. Permits are area specific. Experimental gear permits may be required. Permits are issued geographically, split at Heceta Head with 50 percent issued north and 50 percent issued south of Heceta Head, until after the date of the lottery;

(D) Coonstripe shrimp (*Pandalus danae*) and sidestripe shrimp (*Pandalopsis diisr*) fishery has a qualifying and annual renewal requirement of five landings consisting of at least 100 pounds (round weight) each landing. There are 10 permits for harvest by pot gear;

(E) Bay clams including cockle clams (*Clinocardium nuttallii*), butter clams (*Saxidomus giganteus*), gaper clams (*Tresus capax, nuttallii*), native littleneck clams (*Protothaca staminea*), and softshell clams (*Mya arenaria*) fishery has no qualifying and annual renewal requirements for intertidal hand harvest, an unlimited number of permits, and a \$25 permit fee. There are 11 permits (individual or vessel) for subtidal dive harvest, effective March 18, 1997-December 31, 1997, and 10 permits thereafter for statewide harvest and five permits for harvest south of Heceta Head. Qualifying requirements are either five landings consisting of at least 200 pounds each landing or an annual total of 2500 pounds for one calendar year during the qualifying period of January 1, 1990 through October 16, 1995. Annual renewal requirements are either five landings consisting of at least 100 pounds each landing or an annual total of 2500 pounds. An incidental catch of one gaper clam per eight butter clams, or 25 pounds of gaper clams per 100 pounds of butter clams, whichever allows the greater gaper clam incidental catch, is allowed during the closed season notwithstanding OAR 635-005-0020;

(F) Giant octopus (*Octopus dofleini*) fishery has a qualifying and annual renewal requirement of five landings consisting of at least 100 pounds each landing. There are 10 permits for harvest using octopus pots only;

(G) Marine snails (various species) fishery has a qualifying and annual renewal requirement of five landings consisting of at least 100 pounds each landing. There are 10 permits for subtidal harvest only;

(H) Flat abalone (*Haliotis walallensis*) fishery has a single permit authorized, a 3,000 pound annual quota limit, an annual renewal requirement of 10 landings of at least 20 pounds each landing, a 4-1/2 inch minimum size, year-round season, taken from nonintertidal areas with an abalone iron, and such additional permit conditions as the Director deems appropriate as required by OAR 635-006-870 and 635-006-0880.

(2) The Developmental Fisheries Species List, Category "B," is as follows:

(a) FISH:

(A) Salmon shark (*Lamna ditropis*);

(B) Carp (*Cyprinus carpio*);

(C) Black hagfish (*Eptatretus deani*);

(D) Yellow perch (*Perca flavescens*);

(E) Eelpouts (family *Zoarcidae*);

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- (F) Brown bullhead (*Ameiurus nebulosus*);
  - (G) Skilfish (*Erilepis zonifer*);
  - (H) Northern squawfish (*Ptychocheilus oregonensis*);
  - (I) Pacific saury (*Cololabis saira*);
  - (J) Pacific sandfish (*Trichodon trichodon*);
  - (K) Eulachon (*Thaleichthys pacificus*), whitebait smelt (*Allosmerus elongatus*), night smelt (*Spirinchus starksi*), longfin smelt (*Spirinchus thaleichthys*) and surf smelt (*Hypomesus pretiosus*);
  - (L) Pacific pomfret (*Brama japonica*);
  - (M) Slender sole (*Eopsetta exilis*).
- (b) INVERTEBRATES:
- (A) Pacific sand crab (*Emerita analoga*);
  - (B) Freshwater mussels (families *Margaritifera*, *Anodonta*, *Gonidea*, and *Corbicula*);
  - (C) Ocean cockle clams (*Clinocardium nuttallii*);
  - (D) California market squid (*Loligo opalescens*) and other squid (several species);
  - (E) Fragile urchin (*Allocentrotus fragilis*);
  - (F) Sea cucumber (*Parastichopus spp.*).

(3) The Developmental Fisheries Species List, Category "C," is as follows:

- (a) FISH:
- (A) Spiny dogfish (*Squalus acanthias*);
  - (B) Soupfin shark (*Galeorhinus zyopterus*);
  - (C) Skate (family *Rajidae*);
  - (D) American shad (*Alosa sapidissima*);
  - (E) Pacific cod (*Gadus macrocephalus*);
  - (F) Pacific flatnose (*Antimora microlepis*);
  - (G) Pacific grenadier (*Coryphaenoides acrolepis*);
  - (H) Jack mackerel (*Trachurus symmetricus*);
  - (I) Chub (Pacific) mackerel (*Scomber japonicus*);
  - (J) Greenstriped rockfish (*Sebastes elongatus*);
  - (K) Redstripe rockfish (*Sebastes proriger*);
  - (L) Shortbelly rockfish (*Sebastes jordani*);
  - (M) Sharpchin rockfish (*Sebastes zacentrus*);
  - (N) Splitnose rockfish (*Sebastes diploproa*);
  - (O) Pacific sanddab (*Citharichthys sordidus*);
  - (P) Butter sole (*Pleuronectes isolepis*);
  - (Q) English sole (*Pleuronectes vetulus*);
  - (R) Rex sole (*Errex zechirus*);
  - (S) Rock sole (*Pleuronectes bilineatus*);
  - (T) Sand sole (*Psetichthys melanostictus*);
  - (U) Curlfin (lemon) sole (*Pleuronichthys decurrens*);
  - (V) Spotted ratfish (*Hydrolagus coliei*);
  - (W) Wolf-eel (*Anarrhichthys ocellatus*);
  - (X) Walleye pollock (*Theragra chalcogramma*).
- (L) Chub (Pacific) mackerel (*Scomber japonicus*);

(b) INVERTEBRATES:

- (A) Red rock crab (*Cancer productus*);
- (B) Purple sea urchins (*Strongylocentrotus purpuratus*);
- (C) Crayfish (*Pacifastacus leniusculus*).

Stat. Auth.: ORS 506.109 & ORS 506.119

Stats. Implemented: ORS 506.129, 506.450, 506.455, 506.460 & 506.465

Hist.: FWC 85-1994, f. 10-31-94, cert. ef. 11-1-94; FWC 87-1995, f. 11-17-95, cert. ef. 11-20-95; FWC 1-1997, f. & cert. ef. 1-16-97; FWC 18-1997(Temp), f. & cert. ef. 3-18-97; FWC 34-1997, f. 6-11-97, cert. ef. 6-15-97; DFW 3-1998, f. & cert. ef. 1-12-98; DFW 17-1998(Temp), f. & cert. ef. 3-6-98 thru 7-31-98; DFW 93-1998, f. & cert. ef. 11-25-98; DFW 85-1999, f. & cert. ef. 11-1-99; DFW 89-1999, f. & cert. ef. 11-15-99; DFW 76-2000, f. 11-21-00, cert. ef. 1-1-01; DFW 30-2001, f. & cert. ef. 5-4-01; DFW 119-2001, f. & cert. ef. 12-24-01; DFW 116-2002, f. & cert. ef. 10-21-02; DFW 117-2002, f. & cert. ef. 10-21-02; DFW 135-2002, f. 12-23-02, cert. ef. 1-1-03; DFW 25-2003, f. & cert. ef. 3-26-03; DFW 41-2003(Temp), f. & cert. ef. 5-12-03 thru 6-21-03; DFW 112-2003, f. & cert. ef. 11-14-03

## 635-006-0910

### Procedures for Issuance, Transfer and Renewal of Developmental Fisheries Species Permits

(1) Applications:

(a) An applicant for a permit must submit a complete application in writing accompanied by an annual fee of up to \$75. The application shall include the species of fish to be taken, the method and gear proposed to be used, and the area from which the Developmental Fisheries Species are to be taken, and other information as the Department may require;

(b) Complete applications must be received postmarked or date-stamped by January 1 of the year of issue for new species added to the developmental fishery list in OAR 635-006-0850, and thereafter by the annual filing date of February 1 of the year of issue, except applications for box crab permits must be postmarked or date-stamped by January 1 of the year of issue;

(c) An application shall be considered complete if it is legible, has all information requested on the form, and is accompanied by the required fee in full. Any application which is not complete shall be returned and, unless it is thereafter resubmitted and deemed complete by the filing date, the individual shall not be considered to have applied in a timely manner;

(d) Before applying for a permit, an applicant must first have obtained the appropriate vessel license (or individual license if permit is issued to individual) for the year the permit will be issued.

(2) Number of permits allowed:

(a) An individual shall not submit more than one application, per permittee, for each developmental fishery species gear category;

(b) No permittee who holds a valid developmental fisheries permit may apply for any additional permits for the same species gear category unless the Department proposes to deny that permit;

(c) If a permittee, who holds a permit at issue either before the Commission or a court of law, is awarded another permit for the same species gear category through the lottery and thereafter prevails before the Commission or in court, the permittee shall immediately surrender one of the permits to any Department office, so that only one valid permit per species gear category is held.

(3) Issuance of permits:

(a) If the number of applications received by the filing date is less than the number of permits available, all applicants who have submitted complete applications shall be issued a permit within 14 days of the filing date.

(A) Any remaining permits shall be issued on a first-come, first-served basis, within 14 days of receipt of each completed application, until the maximum number of permits is issued. Priority shall be based on post-mark or date-stamped date;

(B) The names of applicants who did not receive a permit shall be placed on an alternates list, in the order they are received, until the next annual filing date. Applicants whose names are placed on the alternates list shall be refunded their permit fee minus a \$10 application fee. Permits which become available before the end of the year shall be made available to the alternates list, in the order listed. The applicant shall be notified of an available permit and shall resubmit a complete application and permit fee within 30 days of the date the notification is mailed. The permit shall be issued within 14 days of receipt of the resubmitted application and fee. If an alternate fails to apply, he shall forfeit the permit and the permit shall then be made available to the next name on the alternates list.

(b) If the number of applications received by the filing date is greater than the number of permits available, the Department shall determine first how many applications there are with preference points as accrued under OAR 635-006-0915, except for new species that have qualification restrictions set forth in OAR 635-006-0850. Evidence of landings must be supplied by the applicant and submitted with the application.

(A) If the number of these applicants does not exceed the number of permits, they shall be given all available permits and any remaining applicants shall be placed in a lottery;

(B) If the number of applicants who have preference points exceeds the number of permits, then these applicants only shall be placed in a lottery, and grouped by the number of preference points they have accrued for each species gear category. Applicants with the highest number of preference points for each species gear category will be drawn first. Applicants having the highest number of preference points per species gear category will be drawn next. This permit issuance process will continue through descending numbers of preference points until all the available permits have been issued, unless all qualified applicants with preference points have been issued permits prior to that point. Permits shall be issued within 14 days of the lottery;

(C) In addition, remaining applicants (who do not have preference points) shall be placed in a lottery and their names shall be drawn;

(D) The Department then shall prepare an alternates list, in which applicants who have preference points are listed first (in the order drawn), and thereafter remaining applicants are listed, in the order in which they were drawn. All applicants whose names are placed on the alternates list shall be refunded their permit fee minus a \$10 application fee. Any permits available before the end of the year shall be made available to the first name on the alternates list. The applicant shall be notified of an available permit and shall resubmit a complete application and permit fee within 30 days of the date the notification is mailed. The permit shall be issued within 14 days of receipt of the resubmitted application and fee. If an alternate fails to apply for the lottery permit within 30 days, he shall forfeit such permit and the permit shall then be made available to the next name on the alternates list.

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(c) Permits may be made available before the end of the year by a permittee voluntarily turning in a permit.

(4) Persons to whom permits are issued: Permits shall be issued to either a vessel or an individual person when hand harvest methods are used. The permit holder is the owner or controller of the vessel or the individual person when hand harvest methods are used.

(5) Transfer of permits: Permits for Developmental Fisheries Species are not transferable to another person or entity; provided however that permits may be transferred to another vessel owned or controlled by the permit holder up to two times annually.

(a) In the event of the death of a permit holder, the permit of the deceased may be issued to an immediate family member as defined by OAR 635-006-0810. Permit transfer shall require a copy of the death certificate and the original permit, and must be requested by the family member to the deceased which shall be presumed by possession of the permit and death certificate.

(b) To transfer a permit, a permittee shall first apply on a form provided by the Department and shall include a \$25 transfer fee;

(c) No transfer shall be considered effective until the permittee has received approval from the Department and an updated permit.

(6) Renewal of permits:

(a) Permits may be renewed by submission, to the Department, of the appropriate fee and a complete application date-stamped or postmarked before January 1 of the year for which renewal is sought, except renewal applications for box crab permits must be postmarked or date-stamped before December 1 of the year prior to which renewal is sought;

(b) An application for renewal shall be considered complete if it is legible and has all information requested on the form and is accompanied by the required fee in full. Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete before the deadline listed in (6)(a) above, the individual shall not be considered to have applied for renewal in a timely manner;

(c) It is the responsibility of the permit holder to ensure an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application shall not be grounds for treating the application as having been filed in a timely and complete manner;

(d) In addition to timely and complete filing to renew a permit, a permittee must annually lawfully land the required pounds and/or landings listed in OAR 635-006-0850. However, if a permittee obtained a permit later than July 1 of the prior year, the permittee shall not be required to make the annual landing requirement by the following January. Instead, at the next renewal thereafter, the permittee shall be required to demonstrate the annual landing requirement was fulfilled during the first full year in which the permit was held.

(e) Landings made by one vessel can not be used for qualification to renew more than one permit per permit category in any given year.

(f) In addition to the above landing requirements, logbooks required under OAR 635-006-0890 must be turned into an ODFW office by the application deadline for renewal of a permit.

(7) Authority of Director: Consistent with OAR 635-006-0810 through 635-006-0950, the Director is authorized to issue Developmental Fisheries Permits under the authority of ORS 506.460.

Stat. Auth.: ORS 506.109 & ORS 506.119

Stats. Implemented: ORS 506.129 & ORS 506.450

Hist.: FWC 85-1994, f. 10-31-94, cert. ef. 11-1-94; FWC 2-1996, f. & cert. ef. 1-23-96; FWC 1-1997, f. & cert. ef. 1-16-97; DFW 3-1998, f. & cert. ef. 1-12-98; DFW 93-1998, f. & cert. ef. 11-25-98; DFW 30-2001, f. & cert. ef. 5-4-01; DFW 102-2001, f. & cert. ef. 10-23-01; DFW 119-2001, f. & cert. ef. 12-24-01; DFW 48-2002(Temp), f. & cert. ef. 5-13-02 thru 11-8-02; DFW 116-2002, f. & cert. ef. 10-21-02; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 112-2003, f. & cert. ef. 11-14-03

## 635-006-1010

### Definitions

For the purpose of OAR 635-006-1015 through 635-006-1210:

(1) "Black rockfish/blue rockfish/nearshore fishery" shall mean the commercial fishery for black rockfish, blue rockfish and nearshore fish.

(2) "Brine shrimp fishery" shall mean the commercial fishery for adult Artemia spp. from Lake Abert (Lake County).

(3) "Completion" of a vessel for the purposes of initial eligibility for an Oregon ocean Dungeness crab permit pursuant to ORS 508.931 is defined as:

(a) A date identified in a contract document as the proposed or actual date of completion; or

(b) The date an insurance policy was in effect covering the vessel for loss or liability; or

(c) The date of inspection for certification by the U.S. Coast Guard; or

(d) Other written document acceptable to the Department that establishes the actual date the vessel was completed for the purposes of entering the Oregon ocean Dungeness crab fishery.

(4) "Crab fishing season" is the period from December 1 of one year through August 14 of the next year.

(5) "Length" or "Overall Length" of a vessel means the manufacturer's specification of overall length, United States Coast Guard or Marine Board registered length documentation stating overall length or overall length as surveyed by a certified marine surveyor. In determining overall length, marine surveyors shall measure in a straight line parallel to the keel from the foremost part of the vessel to the aftermost part, excluding sheer and excluding bow sprits, boomkins, rudders aft of the transom, outboard motor brackets, or transom extensions as in a dive step or platform. For the purpose of initial ocean Dungeness crab permit issuance, length of the vessel is overall length of the vessel on September 9, 1995.

(6) "Ocean Dungeness crab fishery" for the purposes of ORS 508.926, means all fishing for Dungeness crab in Oregon waters of the Columbia River and all other ocean water seaward of Oregon's coastline and river mouths.

(7) "Owner" is any ownership interest in a vessel, including interests arising from partnerships, corporations, limited liability corporations, or limited liability partnerships. Owner does not include a leasehold interest.

(8) "Replacement vessel" is a vessel purchased to replace a permitted vessel which has been lost due to fire, capsizing, sinking or other event. For the ocean Dungeness crab fishery, a replacement vessel shall be no more than 10 feet greater than the vessel which it replaces.

(9) "Sea urchin fishery" shall mean the commercial fishing for *Strongylocentrotus franciscanus*, *S. purpuratus*, and *S. droebachiensis*.

(10) "Under construction" for the purposes of initial eligibility for an Oregon ocean Dungeness crab permit pursuant to ORS 508.931, means that between December 1, 1988, and August 14, 1991, a contract was signed and earnest money paid equaling at least 10% of the value of the contract, or invoices have been paid for 10% or more of the total construction cost, to produce a newly constructed vessel, including, but not limited to, the laying of the new vessel's keel.

(11) "Yaquina Bay Roe-herring fishery" shall mean the commercial net fishery for Pacific herring (*Clupea harengus pallasii*) which occurs annually between January 1 and April 15 in Yaquina Bay pursuant to OAR 635-004-0027.

(12) "Initial eligibility for vessels to participate" for the purposes of application for an Ocean Dungeness crab permit pursuant to ORS 508.931 means eligibility of a vessel on which to make permit application is confined to vessels which have never obtained an initial permit.

Stat. Auth.: ORS 506.109, ORS 506.119, ORS 506.129 & ORS 508.765

Stats. Implemented: ORS 506.109, 506.119, 506.129, & 508.765

Hist.: FWC 76-1995, f. 9-13-95, cert. ef. 9-19-95; FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 11-15-96; DFW 92-1998, f. & cert. ef. 11-25-98; DFW 11-2003(Temp), f. & cert. ef. 2-10-03 thru 6-30-03; DFW 112-2003, f. & cert. ef. 11-14-03

## 635-006-1015

### Requirement for Permit

(1) The following provide general requirements for permits:

(a) Gillnet salmon — see ORS 508.775;

(b) Troll salmon — see ORS 508.801 and 508.828;

(c) Shrimp — see ORS 508.880 and 508.883;

(d) Scallop — see ORS 508.840 and 508.843;

(e) Roe-herring:

(A) It is *unlawful* for an individual to operate a vessel in the Yaquina Bay roe-herring fishery without first obtaining a vessel permit issued pursuant to OAR 635-006-1035 through 635-006-1095;

(B) It is *unlawful* for a wholesaler, canner or buyer to buy or receive roe-herring taken in the Yaquina Bay roe-herring fishery from a vessel for which the permit required by section (1)(e) of this rule has not been issued.

(f) Sea Urchin:

(A) It is *unlawful* for an individual to take or attempt to take sea urchins for commercial purposes without first obtaining a permit issued pursuant to OAR 635-006-1035 through 635-006-1095;

(B) It is *unlawful* for a wholesaler, canner, or buyer to buy or receive sea urchins taken in the sea urchin fishery from a person for which the permit required by section (1)(f) of this rule has not been issued.

(g) Ocean Dungeness crab:

(A) Except as provided under the reciprocity provisions of ORS 508.941(3), it is *unlawful* for an individual to operate a vessel in the ocean Dungeness crab fishery without first obtaining a vessel permit issued pursuant to ORS 508.931 or 508.941. A Dungeness crab vessel permit is not

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required for vessels that are engaged solely in setting gear for a permitted vessel and which do not retrieve, retain or possess Dungeness crab.

(B) If the Commission establishes a vessel crab pot limitation or allocation system beyond the 2002-03 ocean crab season, August 14, 2001 is the control date for eligibility criteria related to past participation in the ocean fishery.

(C) In addition to certifying that the vessel is free of crab on November 30 each year, as required by OAR 635-005-0045(1), each vessel operator must declare and certify on the Oregon hold inspection certification form the maximum number of pots that will be used in that season's fishery before fishing.

(D) A single delivery license may not be substituted for an ocean Dungeness crab permit. Once a vessel has obtained an ocean Dungeness crab permit, Dungeness crab may be landed by the vessel using a combination of an ocean Dungeness crab permit and a single delivery permit in lieu of a commercial fishing and boat license. However, crab may not be landed more than twice in any one crab season using single delivery permits.

(h) Developmental Fisheries: See ORS 506.450 through 506.465 and OAR 635-006-0800 through 635-006-0950.

(i) July 1, 2001 is the control date to establish eligibility criteria for the purpose of future limited entry programs for the commercial groundfish fishery.

(j) Black rockfish/blue rockfish/nearshore fishery — see ORS 508.XXX.

(k) Brine Shrimp:

(A) It is *unlawful* to take or attempt to take brine shrimp for commercial purposes without first obtaining a brine shrimp fishery permit issued pursuant to OAR 635-006-1035 through 635-006-1095;

(B) It is *unlawful* for a wholesaler, canner, or buyer to buy or receive brine shrimp taken in the brine shrimp fishery from a person for which the permit required by this rule has not been issued.

(C) The Department may issue no more than three permits required by section (1)(k) of this rule.

(2) The permits required by section (1) of this rule are in addition to and not in lieu of the commercial fishing and boat license required by ORS 508.235 and 508.260.

(3) No vessel may hold more than one vessel permit for a given fishery at any one time.

(4) Unless otherwise provided, vessel permits must be purchased by December 31 of the license year.

(5) No vessel permit may be transferred away from a vessel without the lien holder's written permission.

(6) Applications for permits shall be in such form and contain such information as the Department may prescribe. Proof of length of a vessel may be required at the time of application.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109, 506.129 & 508.921 - 508.941

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 11-15-96; DFW 92-1998, f. & cert. ef. 11-25-98; DFW 103-2001, f. & cert. ef. 10-23-01; DFW 95-2002, f. & cert. ef. 8-27-02; DFW 112-2003, f. & cert. ef. 11-14-03

## 635-006-1025

### Permit Fee

The annual fee to participate in limited entry fisheries is as follows:

(1) Gillnet salmon — \$75. See ORS 508.790 and Section 6, Chapter 512, Oregon Laws 1989.

(2) Troll salmon — \$75. See ORS 508.816 and Section 6, Chapter 512, Oregon Laws 1989.

(3) Shrimp — \$75. See ORS 508.901.

(4) Scallop — \$75. See ORS 508.858.

(5) Roe-herring — \$75. See ORS 508.765.

(6) Sea Urchin — \$75. See ORS 508.760.

(7) Ocean Dungeness crab — \$75. See ORS 508.941(4).

(8) Black rockfish/blue rockfish/nearshore fishery — \$75.

(9) Brine Shrimp — \$75.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 11-15-96; DFW 112-2003, f. & cert. ef. 11-14-03

## 635-006-1035

### Eligibility Requirements for a Permit

Eligibility for a limited entry permit is as follows:

(1) Gillnet salmon — see ORS 508.784.

(2) Troll salmon — see ORS 508.810.

(3) Shrimp — see ORS 508.886 and 508.895.

(4) Scallop — see ORS 508.852.

(5) Roe-herring — The ODFW shall issue a permit as per ORS 508.765:

(a) By renewal of previous year's permit;

(b) Through the lottery if a lottery is held in accordance with OAR 635-006-1085.

(6) Sea Urchin — An individual licensed as a commercial fisherman under ORS 508.235 is eligible to obtain the permit required by OAR 635-006-1015:

(a) By renewal of previous year's permit; or

(b) Through the lottery if a lottery is held in accordance with OAR 635-006-1085; or

(c) Through a duly authorized medical transfer of an existing permit in accordance with 635-006-1095;

(d) By combining three currently renewed permits into one new permit as provided in OAR 635-006-1095.

(7) Ocean Dungeness crab:

(a) See ORS 508.931;

(b) For the purposes of eligibility for the ocean Dungeness crab fishery permit, a boat which received a license waiver issued pursuant to ORS 508.808 shall be considered as having possessed a boat license for that year;

(c) ORS 508.931 and 508.941 require that the vessel be previously licensed in accordance with ORS 508.260 for the purposes of initial eligibility for an ocean Dungeness crab fishery permit. A single delivery license may not be substituted for a boat license for this purpose.

(8) Black rockfish/blue rockfish/nearshore fishery — see ORS 508.XXX.

(9) Brine Shrimp — A commercial fisherman licensed under ORS 508.235 is eligible to obtain the permit required by OAR 635-006-1015:

(a) By renewal of previous year's permit; or

(b) If issued a brine shrimp permit under the Developmental Fisheries Program prior to 2004.

Stat. Auth.: ORS 506.109, ORS 506.119, ORS 506.12, & ORS 508.765

Stats. Implemented: ORS 506.109, 506.119, 506.129 & 508.765

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 11-15-96; DFW 11-2003(Temp), f. & cert. ef. 2-10-03 thru 6-30-03; DFW 112-2003, f. & cert. ef. 11-14-03

## 635-006-1065

### Review of Denials

(1) An individual whose application for issuance or renewal of a limited entry permit is denied by the Department may request review of the Department's decision by doing so in writing to the Commercial Fishery Permit Board. The procedure for requesting review and the applicable standard of review shall be as follows:

(a) Gillnet salmon — see ORS 508.796;

(b) Troll salmon — see ORS 508.825;

(c) Shrimp — see ORS 508.910;

(d) Scallop — see ORS 508.867;

(e) Roe-herring — see ORS 508.765. For the roe-herring fishery, the Board may waive requirements for permits if the Board finds that:

(A) The individual for personal or economic reasons chose to actively commercially fish the permit vessel in some other ocean fishery during the roe-herring season; or

(B) The Board finds that the individual failed to meet the requirements as the result of illness, accident or other circumstances beyond the individual's control.

(f) Sea Urchin - see ORS 508.760. For the sea urchin fishery, the Board may waive requirements for permits if the Board finds that failure to meet the requirements was due to illness, injury or circumstances beyond the control of the permittee;

(g) Ocean Dungeness crab — see ORS 508.941.

(h) Black rockfish/blue rockfish/nearshore fishery — see ORS 508.XXX.

(2) The Board may delegate to the Department its authority to waive requirements for renewal of permits in all fisheries in such specific instances as the Board sets forth in a letter of delegation to the Department.

(3) For those fisheries requiring a \$75 application fee for Board review, the fee is nonrefundable. However, if the Board grants the applicant's request, the nonrefundable fee shall apply toward the permit fee.

(4) Orders issued by the Board are not subject to review by the Commission, but may be appealed as provided in ORS 183.480 to 183.550.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 11-15-96; DFW 112-2003, f. & cert. ef. 11-14-03



# ADMINISTRATIVE RULES

## 635-006-1075

### Renewal of Permit

(1) An individual who obtained a limited entry vessel permit may renew the permit as follows:

(a) Gillnet salmon — see ORS 508.781;

(b) Troll salmon — see ORS 508.807;

(c) Shrimp — see ORS 508.892;

(d) Scallop — see ORS 508.849;

(e) Roe-herring permit — Permits may be renewed by submission to the Department of a \$75 fee and a complete application;

(f) Sea Urchin permit:

(A) Permits may be renewed by submission to the Department of a \$75 fee and a complete application date-stamped or postmarked by January 31 of the year for which renewal is sought; and

(B) The permittee shall have annually lawfully landed 5,000 pounds of sea urchins in Oregon. If a permittee obtained a permit later than January of the prior year (because the permit was obtained through the lottery, or as a result of Permit Board actions or surrender of a permit by a permit holder), the permittee shall not be required to make the 5,000 pound landing by the following January. Instead, at the next renewal thereafter, the permittee shall be required to demonstrate that the 5,000 pound landing requirement was fulfilled during the first full year (twelve-month period) in which the permit was held.

(g) Ocean Dungeness crab permit — see ORS 508.941. A permit which is not renewed by December 31 lapses, and may not be renewed for subsequent years.

(h) Black rockfish/blue rockfish/nearshore fishery — see ORS 508.XXX.

(i) Brine Shrimp permit:

(A) Permits may be renewed by submission to the Department of a \$75 fee and a complete application date-stamped or postmarked by January 31 of the year for which renewal is sought; and

(B) The permittee shall have lawfully landed 5,000 pounds of brine shrimp in Oregon in the prior year.

(2) An application for renewal in any limited entry fishery shall be considered complete if it is legible, has all information requested in the form, and is accompanied by the required fee in full. Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by January 31, the individual shall not be considered to have applied for renewal in a timely manner.

(3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application shall not be grounds for treating the application as having been filed in a timely and complete manner.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109, 506.129 & 508.921 - ORS 08.941

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 11-15-96; DFW 92-1998, f. & cert. ef. 11-25-98; DFW 112-2003, f. & cert. ef. 11-14-03

## 635-006-1085

### Lottery for Certain Limited Entry Fisheries

(1) A lottery process is provided in all limited entry fisheries except ocean Dungeness crab.

(2) A lottery for issuance of permits shall be conducted as follows:

(a) Gillnet salmon — see ORS 508.792;

(b) Troll salmon — see ORS 508.819;

(c) Shrimp — see ORS 508.904;

(d) Scallop — see ORS 508.861. If the number of permits issued in accordance with ORS 508.849 falls below 25, the Department in the next succeeding calendar year may issue permits by a lottery system. However, the total number of permits issued shall not exceed 25;

(e) Roe-herring — If the number of permits issued in accordance with OAR 635-006-1035 falls below six, the Department in the next succeeding calendar year may issue permits by a lottery system. However, as a result of any such lottery, the total number of permits issued shall not exceed six;

(f) Sea Urchin:

(A) If the total number of permits which have been renewed, and/or for which an appeal is pending, with the Commercial Fishery Permit Board and/or awarded through a prior lottery, is less than 30, a lottery shall be held on the 4th Friday in April;

(B) An individual must be 18 years of age or older and furnish proof of age to be eligible for the lottery;

(C) An individual may not already hold a valid urchin permit, however, an individual whose permit is at issue in a pending Sea Urchin Permit Board proceeding or before a court of law may participate in the lottery;

(D) If a permittee whose permit is at issue either before the Sea Urchin Permit Board or a court of law is awarded another permit through the lottery and thereafter prevails before the Board or in court, the permittee shall immediately surrender one of the permits to any Department office, so that only one valid permit is held;

(E) An individual who qualifies to participate in the lottery shall send a complete lottery application to the Department, date-stamped or post-marked no later than April 15 of the year for which the permit is to be issued. An individual shall not submit more than one application to participate in the lottery. For successful applicants, the application fee shall apply toward the permit fee of \$75;

(F) The names of lottery applicants shall be drawn to obtain the available permits. All other names of lottery applicants shall be drawn and placed on an alternate list in the order in which they were drawn, and shall be issued permits during the next 24 months as they may become available through Permit Board actions or surrender of permits by a permit holder;

(G) An individual whose name is drawn in the lottery shall thereafter apply on the prescribed form, to the Department to obtain a permit. Such application must be received by the Department within 30 days of the date the notification was mailed to the successful applicant following the lottery;

(H) Any individual who fails to apply for the lottery permit within 30 days shall forfeit such permit. The permit shall then be made available to the first name on the alternate list, and shall be applied for in accordance with section (G) of this rule;

(I) If all permits are not issued by renewal or through the lottery, permits thereafter may be issued on a first come first served basis up to the total number of permits allowed. All applications shall be mailed to the Department and priority shall be based on postmark or date-stamped date;

(J) The Commission may suspend the lottery for up to two years based upon its assessment of the condition of the resource and recommendations of the Sea Urchin Permit Review Board.

(g) Black rockfish/blue rockfish/nearshore fishery — see ORS 508.XXX. If the number of permits issued in accordance with ORS 508.XXX falls below 80 for black rockfish and blue rockfish permits or 50 for black rockfish and blue rockfish permits with a nearshore endorsement, the Department in the next succeeding calendar year may issue permits by a lottery system. However, the total number of permits issued shall not exceed 80 for black rockfish and blue rockfish permits or 50 for black rockfish and blue rockfish permits with a nearshore endorsement.

(3) Each applicant for a permit lottery shall complete the application form prescribed by the Department.

(4) Application for vessel permits shall only be accepted for vessels, which in the judgment of the Department, are capable of operating the gear necessary to legally participate in the fishery. Vessels of a size or design incapable of harvesting the permitted species are not eligible for the lottery.

(5) Only one application per vessel may be submitted for each permit fishery lottery.

(6) Any application which is not legible, has incomplete information, or is postmarked after the deadline will not be entered in the lottery. Applications for all vessel permits will be accepted at the Headquarters Office of the Department of Fish and Wildlife, and shall be postmarked or date stamped no later than June 30 of the year for which the permit is issued.

Stat. Auth.: ORS 506.109, ORS 506.119, ORS 506.129 & ORS 508.765

Stats. Implemented: ORS 506.109, 506.119, 506.129 & 508.765

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; DFW 11-2003(Temp), f. & cert. ef. 2-10-03 thru 6-30-03; DFW 112-2003, f. & cert. ef. 11-14-03

## 635-006-1095

### Transferability of Permits

Any transfer of a permit away from a vessel without the written consent of each person holding a security interest in such vessel is void. The following rules apply to transfer of limited entry fishery permits:

(1) Gillnet salmon — see ORS 508.793.

(2) Troll salmon — see ORS 508.822.

(3) Shrimp — see ORS 508.907.

(4) Scallop — see ORS 508.864.

(5) Roe-herring:

(a) A permit is transferable to:

(A) A replacement vessel of the permit holder; or, upon request of a permit holder, the Department may authorize transfer of a permit to a replacement vessel owned by an individual other than the permit holder. However, any transfer of a permit away from a vessel without the written consent of each person holding a security interest in such vessel is void;

(B) The purchaser of the vessel when the vessel is sold.

(6) Sea Urchin:

# ADMINISTRATIVE RULES

(a) Medical Transfers: If the number of permits is at 31 or more, the Department may authorize a permit to be transferred to a specified individual for up to 90 days upon petition by a permittee on the form provided by the Department. The Department's decision to allow a transfer shall be based on a finding that the current permit holder is unable to participate in the fishery due to injury or illness which prevents diving, based on medical evidence submitted by the permit holder and such other evidence the Department considers reliable. At the end of the transfer period, the transfer may be renewed by the Department to the original transferee or to a new transferee, provided that the permittee again submits medical evidence documenting that the injury or illness continues to prevent the permittee's return to diving. There is a two-year limit on the eligibility of each individual permit for medical transfer status, beginning with the start date of the first medical transfer of that permit on or after January 1, 1996, and ending two years from that date. When the total number of permits reaches 30 or less the Department shall not allow any permit transfers for any medical reason;

(b) If the Department, or the Board, after review of a denial by the Department, allows a transfer, the original permit holder shall give written notice to the Department of the name, address and telephone number of the transferee. The original permit holder may, at any time during the transfer period specified in subsection (6)(a), request the Department to transfer the permit back to the original permit holder. Such transfer requires 30 days' written notice to the Department. In any event, upon expiration of the transfer period specified in (6)(a), or upon cancellation of a transfer due to lack of medical evidence of continuing inability to dive, the permit shall revert automatically to the original permit holder, unless the transfer is renewed, as provided in subsection (6)(a) of this rule;

(c) The total landings of sea urchins by all transferees of a permit shall not exceed the greater of either of the following amounts:

(A) Up to 5,000 pounds per 90-day period, not to exceed 5,000 pounds annually; or

(B) Twenty-five percent of the amount landed by the original permit holder in the previous season's catch, for each 90-day period.

(d) Combination Permit Transfers: If the number of permits is at 31 or more, the Department may transfer permits from one person to another as follows:

(A) The individual receiving the transferred permit (the purchaser) obtains no more than three total permits, each of which is valid for the current year in which the permit is purchased, from existing permit holders;

(B) The Department combines the three permits into a single new permit issued to the purchaser; and

(C) No transferred permit is valid for harvesting sea urchins until conditions (d)(A) and (d)(B) are met. Individual permits which are transferred may not be used individually and are not renewable. Once a permit has been transferred in accordance with (d)(A) the individual to whom the permit has been transferred has up to 24 months from the date of transfer to combine it with two others to create a valid new permit.

(e) When the total number of permits reaches 30 or less, the Department shall approve the transfer of any permit to any purchaser of the permit, provided that not more than one sale or transfer of the permit occurs within that calendar year;

(f) Lottery-issued permit transfers: No permit issued to an individual through the lottery after 1998 may be transferred to another individual until a cumulative total of 20,000 pounds of sea urchins have been landed on commercial fish receiving tickets by the individual issued the permit through the lottery.

(7) Ocean Dungeness crab — see ORS 508.936 and:

(a) The vessel permit is transferable provided the vessel holding the permit has landed at least 500 pounds of ocean Dungeness crab in each of two crab fishing seasons in the last five crab seasons which includes landings made during any season open at the time of application. Crab fishing season means ocean Dungeness crab season. However, the Board may waive the landing requirement as well as the 60-month waiting period provided by ORS 508.936 if the Board finds that strict adherence to these requirements would create undue hardship to the individual seeking to transfer a permit. The board also may delegate to the Department its authority to waive these requirements in such specific instances as the Board sets forth in a letter of delegation to the Department;

(b) The vessel permit is transferable:

(A) To another vessel; or

(B) To the purchaser of the vessel when the vessel is sold.

(c) The vessel to which a permit is transferred, with the exception of vessels covered by (d), shall not be:

(A) More than 10 feet longer than the vessel from which the permit is transferred; and

(B) More than 99 feet in length.

(d) Permits obtained as a result of qualifying under section (1)(e) of ORS 508.931 may only be transferred to vessels of a length of 26 feet or less;

(e) The length of a vessel for purposes of transferring permits is the length of that vessel on September 9, 1995, unless subsequently modified to increase its length;

(f) Except for vessels described in section (d), transfer of permits is limited to vessels no more than 10 feet longer than the permitted vessel, regardless of length of vessels previously holding the permit;

(g) In the event a vessel is destroyed due to fire, capsizing, sinking or other event, the vessel owner has up to two years to transfer the ocean Dungeness crab fishery permit to a replacement vessel.

(8) Black rockfish/blue rockfish/nearshore fishery — see ORS 508.XXX.

(9) Brine shrimp fishery: Permits are transferable.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109, 506.129, 508.760 & 508.762

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 11-15-96; DFW 94-1998, f. & cert. ef. 11-25-98; DFW 112-2003, f. & cert. ef. 11-14-03

## 635-006-1110

### Logbook Required

(1) Sea urchin fishery: The Department shall provide a logbook to each individual permitted to harvest sea urchins. Each individual is responsible for maintaining the logbook in accordance with the instructions contained therein and shall, upon request of an authorized representative of the Department, permit examination and transcription of information from such logbook. Information so received by the Department shall be considered as confidential.

(2) Black rockfish/blue rockfish/nearshore fishery — see ORS 508.XXX.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; DFW 112-2003, f. & cert. ef. 11-14-03

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

**Adm. Order No.:** CWP 34-2003(Temp)

**Filed with Sec. of State:** 10-31-2003

**Certified to be Effective:** 11-1-03 thru 4-28-04

**Notice Publication Date:**

**Rules Amended:** 413-090-0010

**Subject:** This Maintenance and Payment Treatment rule regarding foster care rates is being changed to Update the rate structure and implementation date due to 2003 legislative actions.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

## 413-090-0010

### Payments — General Guidelines

(1) Family Foster Care:

(a) Payment by the Department to foster parents for a child's room, food, clothing, incidentals and cash allowance (known as the regular foster care rate) will be made on a monthly basis, or prorated for portions of a month, after the period during which care has been provided. It will include the day the child enters the home, but exclude the day the child leaves the home. Costs of special care or service in accordance with a written Department service plan may also be provided if essential for the child's well being and if specifically authorized by the Department. See the OAR 413-090-0100 through 0210 Special Rate Policy (CAF Policy I-E.5.1.2);

(b) Regular foster care rates are based upon the age of the child and the type of program services they are receiving; Family Foster Care, Family Shelter Care, Family Group Home. The rate structure is established by the Department subject to the availability of funds and are uniformly applied throughout the state. The current monthly reimbursed rates effective February 1, 2003;

(A) **Monthly Family Foster Care Rates:**

(i) Child's Age — 0-5 — 6-12 — 13-18

(ii) Room/Board/Other — \$ 325 — \$ 322 — \$383

(iii) Clothing Replacement — \$ 45 — \$ 51 — \$73

(iv) Personal Allowance — \$ 8 — \$ 20 — \$29

(v) **Total — \$ 378 — \$393 — \$485**

# ADMINISTRATIVE RULES

(B) **Family Shelter Care** — \$20.23

(C) **Foster Family Group Home** — \$1,189.

(c) Payments to foster parents certified by the agency shall be inalienable by any assignment or transfer and exempt from execution, levy, attachment, garnishment and other legal process under the laws of this state.

(2) **Residential Treatment.** Payment by the Department to purchase of care providers will be made as stipulated in signed contracts.

(3) **Payments Prohibited:**

(a) Payment will not be made for two simultaneous 24 hour out-of-home care services, such as foster care, relative care, family group homes, or residential treatment at the same time;

(b) Neither payment nor utilization credit will be given for duplicate simultaneous contracted treatment services, such as day treatment and residential treatment;

(c) Payment by the Department will not be authorized for the care of children in a home or facility supported by public funds and maintained only as a secure facility under the jurisdiction of a juvenile court;

(d) Any exceptions to these rules must be approved in writing by the director, or if for a Target Planning Child, by the CAF Target Planning and Consultation Committee. Exceptions will be considered only when federal funds will not be claimed.

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

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.470

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 2-1999, f. & cert. ef. 3-5-99; SOSCF 20-1999, f. 9-15-99, cert. ef. 9-20-99; CWP 9-2003, f. & cert. ef. 1-7-03; CWP 20-2003(Temp), f. 1-31-03 thru 7-30-03; CWP 27-2003, f. & cert. ef. 7-31-03; CWP 34-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 4-28-04

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**Adm. Order No.:** CWP 35-2003(Temp)

**Filed with Sec. of State:** 10-31-2003

**Certified to be Effective:** 11-1-03 thru 4-28-04

**Notice Publication Date:**

**Rules Amended:** 413-090-0160

**Subject:** This Special Rate/Personal Care Payment rule is being changed to update the rate structure and implementation date due to 2003 legislative actions.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

**413-090-0160**

**Costs Reimbursable by DHS**

(1) The agency will reimburse costs by the foster parent(s) for extraordinary services and supplies that are required on a daily, weekly, monthly or other continuing basis. The costs are separated into three areas: Costs which are reimbursable to the state under **Title IV-E eligible federal guidelines**, (CF 172A, Part A); costs paid with state general funds and TANF (CF 172A, Part B); Title XIX eligible federal guidelines, (CF 172A, Part C).

(2) Supervision costs above standard maintenance costs may be paid according to a combination of Title IV-E and TANF or Title XIX allowable costs.

(3) Supervision costs above standard maintenance costs include one or more of the following:

(a) Supervision Eligible for Title IV-E Funding (Part A - 172NPC). Supervision eligible for Title IV-E funding is only for behaviors or direct care needs that are beyond the normal requirements for a child of a similar age and the child does not have a documented diagnosis;

(b) Supervision Eligible for Title XIX (Part C - 172A). Supervision eligible for Title XIX is for behaviors or direct care needs that are beyond the normal requirements for a child of a similar age and the child has a documented diagnosis and an RN assessment and Care Plan has been completed;

(c) Relief Care is only for a child whose documented behavioral supervision needs exceed the normal requirements for a child of a similar age and additional supervision is necessary to the maintenance of the child in the home.

(4) The narrative for any supervision costs must:

(a) Document the behaviors and direct care and supervision needs the child has that are beyond the normal requirements for a child of a similar age;

(b) Describe the necessary interventions and services the foster parent(s) must provide for each special need, including expected outcome which, if not achieved, would require that the child would need placement in a higher level of care program;

(c) Describe the foster parents' skill and experience which enable them to provide appropriate care for the child's special needs and behaviors.

(5) Reimbursement rate structure effective November 1, 2003; A rate structure was established to provide rate parity for similar type activities and equitable rates for similar types of special needs of children. An exception to policy may be granted through documentation and approval (OAR 413-090-0200).

(a) Hourly Rate for Supervision \$4.50

(b) Transportation Cost — Per Mile \$ .36

(c) Laundry — Per Additional Load \$1.00

(d) Relief Care — Hourly Rate \$4.50

(e) Program Educational Expenses Direct Cost Incurred — (Prior Approved)

(f) Diet Cost Direct Cost Incurred — (Prior Approved).

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

Stat. Auth.: ORS 418.005

Stats. Implemented: Title IV-E, Title XIX

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 19-1999, f. 9-15-99, cert. ef. 9-20-99; SOSCF 6-2002, f. 3-28-02, cert. ef. 4-1-02; CWP 20-2003(Temp), f. 1-31-03 thru 7-30-03; CWP 28-2003, f. & cert. ef. 7-31-03; CWP 35-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 4-28-04

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**Adm. Order No.:** CWP 36-2003(Temp)

**Filed with Sec. of State:** 10-31-2003

**Certified to be Effective:** 11-1-03 thru 4-28-04

**Notice Publication Date:**

**Rules Amended:** 413-070-0981

**Subject:** This Guardianship Assistance rule is being changed because Guardianship Payment reductions of 7.5 percent are restored for payments from November 1, 2003.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

**413-070-0981**

**Rate Changes**

(1) Effective February 1, 2003, the monthly payments payable under all Guardianship Assistance agreements in effect on January 31, 2003, are reduced as follows:

(a) A 7.5% reduction to the base rate of Guardianship Assistance payments is applied uniformly to all recipients of Guardianship Assistance. Oregon's new monthly basic rates are:

(A) Child's Age — 0-5 — 6-12 — 13-18;

(B) Base rate — \$350 — \$364 — \$449.

(b) The Personal Care Rate portion of Guardianship Assistance, which provides payment for additional support and supervision of the child, is reduced by 10% to \$4.15 per hour.

(2) Effective November 1, 2003, the monthly payments payable under all Guardianship Assistance agreements in effect on October 31, 2003, are changed as follows:

(a) An 8.108% increase to the base rate of Guardianship Assistance payments is applied uniformly to all recipients of Guardianship Assistance. Oregon's new monthly basic rates are:

(A) For children under six years of age — \$378.

(B) For children who have reached six years of age but are under the age of 13 — \$393.

(C) For children who have reached 13 years of age but are under the age of 19 — \$485.

(b) The Personal Care Rate portion of Guardianship Assistance, which provides payment for additional support and supervision of the child, is increased to \$4.61 per hour.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 20-2003(Temp), f. 1-31-03, cert. ef. 2-1-03 thru 7-30-03; CWP 26-2003, f. & cert. ef. 7-31-03; CWP 36-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 4-28-04

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**Adm. Order No.:** CWP 37-2003(Temp)

**Filed with Sec. of State:** 10-31-2003

**Certified to be Effective:** 11-1-03 thru 4-28-04

**Notice Publication Date:**

**Rules Adopted:** 413-130-0127

**Subject:** This Adoption Assistance rule is being adopted because HB 5030A authorized the Department to restore or partially restore reductions to Adoption Assistance (as well as other benefit programs that were made by HB 5100 (2002) in February 2003.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

# ADMINISTRATIVE RULES

413-130-0127

## Adjustments to Adoption Assistance Benefits

Effective November 1, 2003, adoption assistance benefits payable under an adoption assistance agreement in effect on October 31, 2003 are changed as follows:

- (1) Monthly payments are increased by 8.108 percent.
- (2) Except as provided in section (3) of this rule, nonrecurring payments and special payments are not changed.
- (3) A special payment is increased by 8.108 percent if it was payable under an adoption assistance agreement that was in effect on January 31, 2003; was reduced on February 1, 2003; and remained in effect continuously through October 31, 2003.

Stat. Auth.: ORS 418.005, ORS 418.340  
Stats. Implemented: ORS 418.330 - ORS 418.340  
Hist.: CWP 37-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 4-28-04

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**Department of Human Services,  
Departmental Administration and  
Medical Assistance Programs  
Chapter 410**

**Adm. Order No.:** OMAP 81-2003(Temp)

**Filed with Sec. of State:** 10-23-2003

**Certified to be Effective:** 10-23-03 thru 3-15-04

**Notice Publication Date:**

**Rules Amended:** 410-141-0480, 410-141-0500, 410-141-0520

**Rules Suspended:** 410-141-0480(T), 410-141-0500(T), 410-141-0520(T)

**Subject:** The Oregon Health Plan (OHP) Services program rules govern Office of Medical Assistance Programs payment for services provided to clients. Rule 410-141-0520 incorporates in rule by reference the Oregon Health Services Commission's Prioritized List of Health Services (Prioritized List). Rule 410-141-0520 is temporarily revised to incorporate the most current updates to the Prioritized List, effective October 1, 2003. Rules 410-141-0480 and 410-141-0500 are revised to reflect this information.

An OAR citation was inadvertently omitted from the previous temporary rules (October 2, 2003) and the associated Table 141-0520-1 has been amended to include two more procedure code ranges needed on the Prioritized List.

**Rules Coordinator:** Darlene Nelson—(503) 945-6873

410-141-0480

## Oregon Health Plan Benefit Package of Covered Services (Effective for Services Rendered On or After October 1, 2003)

(1) OMAP Members are eligible to receive, subject to Section (12) of this rule, those treatments for the condition/treatment pairs funded on the Oregon Health Services Commission's Prioritized List of Health Services adopted under OAR 410-141-0520 when such treatments are Medically or Dentally appropriate, except that services must also meet the prudent layperson standard defined in OAR 410-141-0140. Refer to 410-141-0520 section (4) for funded line coverage information.

(2) Diagnostic Services that are necessary and reasonable to diagnose the presenting condition of the OMAP Member are covered services, regardless of the placement of the condition on the Prioritized List of Health Services.

(3) Comfort care is a covered service for an OMAP Member with a Terminal Illness.

(4) Preventive Services promoting health and/or reducing the risk of disease or illness are covered services for OMAP Members. Such services include, but are not limited to, periodic medical and dental exams based on age, sex and other risk factors; screening tests; immunizations; and counseling regarding behavioral risk factors. (See Prioritized List of Health Services, adopted in OAR 410-141-0520).

(5) Ancillary Services are covered, subject to the service limitations of the Medical Assistance Program rules and Provider guides, when the services are Medically or Dentally Appropriate for the treatment of a covered condition-treatment pair, or the provision of ancillary services will enable the OMAP Member to retain or attain the capability for independence or self-care. A list of Ancillary Services is included in the Prioritized List of Health Services, adopted in OAR 410-141-0520.

(6) The provision of Chemical Dependency Services must be in compliance with the Office of Mental Health and Addiction Services (OMHAS) Administrative Rules, OAR 415-020-0000 to 0090 and 415-051-0000 to

0130 and the Chemical Dependency Prepaid Health Plan Standards in the Fully Capitated Health Plan Contract.

(7) In addition to the coverage available under section (1) of this rule, an OMAP Member may be eligible to receive, subject to section (12) services for treatments which are below the funded line or not otherwise excluded from coverage:

(a) Services can be provided if it can be shown that:

(A) The OHP Client has a funded condition for which documented clinical evidence shows that the funded treatments are not working or are contraindicated; and

(B) Concurrently has a medically related unfunded condition that is causing or exacerbating the funded condition; and

(C) Treating the unfunded medically related condition would significantly improve the outcome of treating the funded condition;

(D) Ancillary Services that are excluded and other services that are excluded are not subject to consideration under this rule;

(E) Any unfunded or funded co-morbid conditions or disabilities must be represented by an ICD-9-CM diagnosis code or when the condition is a mental disorder, represented by DSM-IV diagnosis coding to the highest level of axis specificity; and

(F) In order for the treatment to be covered, there must be a medical determination and finding by OMAP for fee-for-service OHP Clients or a finding by the Prepaid Health Plan (PHP) for OMAP Members that the terms of section (a)(A)-(C) of this rule have been met based upon the applicable:

- (i) Treating physician opinion;
- (ii) Medical research;
- (iii) Community standards; and
- (iv) Current peer review.

(b) Before denying treatment for an unfunded condition for any OMAP Member, especially an OMAP Member with a disability or with a comorbid condition, Providers must determine whether the OMAP Member has a funded condition and paired treatment that would entitle the OMAP Member to treatment under the program and both the funded and unfunded conditions must be represented by an ICD-9-CM diagnosis code; or, when the condition is a mental disorder, represented by DSM-IV diagnosis coding to the highest level of axis specificity.

(8) OMAP shall maintain a telephone information line for the purpose of providing assistance to Practitioners in determining coverage under the Oregon Health Plan Benefit Package of covered services. The telephone information line shall be staffed by registered nurses who shall be available during regular business hours. If an emergency need arises outside of regular business hours, OMAP shall make a retrospective determination under this subsection, provided OMAP is notified of the emergency situation during the next business day. If OMAP denies a requested service, OMAP shall provide written notification and a notice of the right to an Administrative Hearing to both the OHP Client and the treating physician within five working days of making the decision.

(9) PHPs shall provide written notification of PHP determinations related to sections (1)-(7)(a) and (b) of this rule when such determinations result in a denial of requested services or denial of payment for services which have been obtained: If, as the result of a complaint or request for Administrative Hearing, OMAP determines a service is covered and the Oregon Health Plan Client is enrolled in a PHP that is required to provide the service as a Capitated Service, OMAP shall, within five working days of making a decision, provide written notification to the PHP.

(10) Oregon Health Plan Clients or Practitioners, on behalf of Oregon Health Plan Clients, may request an Administrative Hearing to appeal OMAP decisions made related to section (7) of this rule:

(a) Requests for Administrative Hearings may be made orally to the OMAP Medical Director or his or her designee when an OMAP Member's condition warrants an expedited decision, OMAP shall respond in a timely manner determined by the nature of the circumstance and in no event greater than ten (10) working days after receiving notice of the oral request for expedited decision;

(b) Requests for Administrative Hearing, appealing OMAP decisions, other than those subject to section (10)(a), must be written. Written Appeals may be made through the client Administrative Hearings process or the Provider Appeals process and shall be responded to within the timelines of those processes in accordance with OAR 410-120-1560 through 410-120-1840.

(11) If a condition/treatment pair is not on the Health Services Commission's list of prioritized services and OMAP determines the condition/treatment pair has not been identified by the Commission for inclusion

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on the list. OMAP shall make a coverage decision in consultation with the Health Services Commission.

(12) Coverage of services available through the Oregon Health Plan Benefit Package of Covered Services is limited by OAR 410-141-0500, Excluded Services and Limitations for Oregon Health Plan Clients.

(13) General anesthesia for dental procedures which are Medically and/or Dentally Appropriate to be performed in a hospital or ambulatory surgical setting, is to be used only for those OMAP Members with concurrent needs: age, physical, medical or mental status, or degree of difficulty of the procedure as outlined below:

(a) Children under three years old with dental needs determined by the dentist or oral surgeon as requiring general anesthesia;

(b) Children over three years old requiring substantial dental care determined by the dentist or oral surgeon as requiring general anesthesia that may protect the child from unnecessary trauma;

(c) OMAP Members with physical, mental or medically compromised conditions;

(d) OMAP Members with dental needs for who local anesthesia is ineffective because of acute infection, anatomic variations, or allergy;

(e) Acute situational anxiety, fearfulness, extremely uncooperative or uncommunicative client with dental needs, determined by the dentist or oral surgeon, sufficiently important that dental care cannot be deferred;

(f) OMAP Members who have sustained extensive orofacial and dental trauma; or

(g) OMAP Members with dental needs who otherwise would not obtain necessary dental care when, in the decision of the dentist or oral surgeon, the need for dental treatment outweighs the risks of general anesthesia. The OMAP Member's dental record must clearly document the justification for the level of anesthesia and why, in the estimation of the dentist or oral surgeon, the treatment in an office setting is not possible.

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

Hist.: HR 31-1993, f. 10-14-93, cert. ef. 2-1-94; HR 7-1994, f. & cert. ef. 2-1-94; HR 39-1994, f. 12-30-94, cert. ef. 1-1-95; HR 26-1995, f. 12-29-95, cert. ef. 1-1-96; HR 19-1996, f. & cert. ef. 10-1-96; HR 1-1997(Temp), f. 1-31-97, cert. ef. 2-1-97; HR 12-1997, f. 5-30-97, cert. ef. 6-1-97; HR 15-1997, f. & cert. ef. 7-1-97; HR 26-1997, f. & cert. ef. 10-1-97; OMAP 17-1998(Temp), f. & cert. ef. 5-1-98 thru 9-1-98; OMAP 32-1998, f. & cert. ef. 9-1-98; OMAP 39-1998, f. & cert. ef. 10-1-98; OMAP 39-1999, f. & cert. ef. 10-1-99; OMAP 26-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 53-2001, f. & cert. ef. 10-1-01; OMAP 88-2002, f. 12-24-02, cert. ef. 1-1-03; OMAP 61-2003, 9-5-03, cert. ef. 10-1-03; OMAP 79-2003(Temp), f. & cert. ef. 10-2-03 thru 3-15-04; OMAP 81-2003(Temp), f. & cert. ef. 10-23-03 thru 3-15-04

## 410-141-0500

### Excluded Services and Limitations for Oregon Health Plan Clients and/or OMAP Members (Effective for services rendered on or after October 1, 2003)

(1) The following services are excluded:

(a) Any service or item identified in OAR 410-120-1200, 410-120-0020, and 410-120-1210, Excluded Services and Limitations. Services that are excluded under the Oregon Medical Assistance program shall be excluded under the Oregon Health Plan;

(b) Any service or item identified in the appropriate provider guides as a non-covered service, unless the service is identified as specifically covered under the Oregon Health Plan Administrative Rules;

(c) Any treatment, service, or item for a condition that is not included on the funded lines of the Prioritized List of Health Services except as specified in OAR 410-141-0480, OHP Benefit Package of Covered Services, subsection (7). Refer to 410-141-0520 section (4) for funding line coverage information;

(d) Services that are currently funded on the Prioritized List of Health Services that are not included in the OHP Client's and/or OMAP Member's OHP benefit package, are excluded.

(e) Any treatment, service, or item for a condition which is listed as a Condition/Treatment Pair in both currently funded and non-funded lines where the qualifying description of the diagnosis appears only on the non-funded lines of the Prioritized list of Health Services, except as specified in OAR 410-141-0480, OHP Benefit Package of Covered Services, subsection (7);

(f) Diagnostic services not reasonably necessary to establish a diagnosis for a covered or non-covered condition/ treatment pair;

(g) Services requested by Oregon Health Plan (OHP) Clients and/or OMAP Member's in an emergency care setting which after a screening examination are determined not to meet the definition of Emergency Services and the provisions of 410-141-0140;

(h) Services provided to an Oregon Health Plan Client and/or OMAP Member outside the territorial limits of the United States, except in those

instances in which the country operates a Medical Assistance (Title XIX) program;

(i) Services or items, other than inpatient care, provided to an Oregon Health Plan Client and/or OMAP Member who is in the custody of a law enforcement agency or an inmate of a non-medical public institution, including juveniles in detention facilities, per OAR 410-141-0080(2)(b)(G);

(j) Services received while the OMAP Member is outside the Contractor's Service Area that were either:

(A) Not authorized by the OMAP Member's Primary Care Provider; or

(B) Not urgent or Emergency Services, subject to the OMAP Member's Appeal rights, that the OMAP Member was outside Contractor's Service Area because of circumstances beyond the OMAP Member's control. Factors to be considered include but are not limited to death of a family member outside of Contractor's Service Area.

(2) The following services are limited or restricted:

(a) Any service which exceeds those that are Medically Appropriate to provide reasonable diagnosis and treatment or to enable the Oregon Health Plan Client to attain or retain the capability for independence or self-care. Included would be those services which upon medical review, provide only minimal benefit in treatment or information to aid in a diagnosis;

(b) Diagnostic Services not reasonably required to diagnose a presenting problem, whether or not the resulting diagnosis and indicated treatment are on the currently funded lines under the Oregon Health Plan Prioritized List of Health Services;

(c) Services that are limited under the Oregon Medical Assistance Program as identified in OAR 410-120-1200, 410-120-0020 and 410-120-1210, Excluded Services and Limitations. Services that are limited under the Oregon Medical Assistance program shall be limited under the Oregon Health Plan.

(3) In the case of non-covered condition/treatment pairs, Providers shall ensure that Oregon Health Plan Clients are informed of:

(a) Clinically appropriate treatment that may exist, whether covered or not;

(b) Community resources that may be willing to provide non-covered services;

(c) Future health indicators that would warrant a repeat diagnostic visit.

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

Hist.: HR 31-1993, f. 10-14-93, cert. ef. 2-1-94; HR 17-1995, f. 9-28-95, cert. ef. 10-1-95; HR 26-1995, f. 12-29-95, cert. ef. 1-1-96; HR 19-1996, f. & cert. ef. 10-1-96; HR 1-1997(Temp), f. 1-31-97, cert. ef. 2-1-97; HR 12-1997, f. 5-30-97, cert. ef. 6-1-97; HR 18-1997, f. 7-11-97, cert. ef. 7-12-97; OMAP 17-1998(Temp), f. & cert. ef. 5-1-98 thru 9-1-98; OMAP 32-1998, f. & cert. ef. 9-1-98; OMAP 39-1999, f. & cert. ef. 10-1-99; OMAP 26-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 29-2001, f. 8-13-01, cert. ef. 10-1-01; OMAP 53-2001, f. & cert. ef. 10-1-01; OMAP 88-2002, f. 12-24-02, cert. ef. 1-1-03; OMAP 4-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 33-2003, f. & cert. ef. 4-15-03; OMAP 61-2003, 9-5-03, cert. ef. 10-1-03; OMAP 79-2003(Temp), f. & cert. ef. 10-2-03 thru 3-15-04; OMAP 81-2003(Temp), f. & cert. ef. 10-23-03 thru 3-15-04

## 410-141-0520

### Prioritized List of Health Services (Effective for services rendered on or after October 1, 2003)

(1) The Prioritized List of Health Services (Prioritized List) is the Oregon Health Services Commission's (HSC) listing of physical health services with "expanded definitions" of Ancillary Services and Preventive Services, as presented to the Oregon Legislative Assembly. The Prioritized List is generated and maintained by HSC. The most current list, dated October 1, 2003, is available on the HSC website or, for a hardcopy, contact the Office of Health Policy and Research. This rule incorporates by reference the 03-05 Prioritized List, effective October 1, 2003 available on the HSC website.

(2) Certain Mental Health services are only covered for payment when provided by a Mental Health Organization (MHO), Community Mental Health Program (CMHP) or authorized Fully Capitated Health Plan (FCHP). These codes are identified on their own Mental Health (MH) section of the appropriate lines on the Prioritized List of Health Services.

(3) Chemical dependency (CD) services are covered for eligible OHP clients when provided by an FCHP or by a provider who has a letter of approval from the Office of Mental Health and Addiction Services and approval to bill Medicaid for CD services.

(4) The Prioritized List effective October 1, 2003 is in effect and condition/treatment pairs through line 549 are funded.

(5) Pending full CMS approval of the October 1, 2003 Prioritized List, the Prioritized List effective April 1, 2003 through September 30, 2003 remains in effect for the limited purpose of insuring that

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condition/treatment pairs on lines 1 - 558 that are not on the October 1, 2003 Prioritized List continue to be funded until CMS approval is obtained. Refer to Table 141-520-1 for specific information. The Prioritized List is generated and maintained by HSC. The Prioritized List effective April 1, 2003 through September 30, 2003, incorporated into this rule by reference, is available on the HSC website or, for a hardcopy, contact the Office of Health Policy and Research. Table 141-0520-1 [Table not included. See ED. NOTE.]

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

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

Hist.: HR 7-1994, f. & cert. ef. 2-1-94; OMAP 33-1998, f. & cert. ef. 9-1-98; OMAP 40-1998(Temp), f. & cert. ef. 10-1-98 thru 3-1-99; OMAP 48-1998(Temp), f. & cert. ef. 12-1-98 thru 5-1-99; OMAP 21-1999, f. & cert. ef. 4-1-99; OMAP 39-1999, f. & cert. ef. 10-1-99; OMAP 9-2000(Temp), f. & cert. ef. 4-27-00 thru 9-26-00; OMAP 13-2000, f. & cert. ef. 9-12-00; OMAP 14-2000(Temp), f. & cert. ef. 9-15-00, cert. ef. 10-1-00 thru 3-30-01; OMAP 40-2000, f. & cert. ef. 11-17-00, cert. ef. 11-20-00; OMAP 22-2001(Temp), f. & cert. ef. 4-1-01 thru 9-1-01; OMAP 28-2001, f. & cert. ef. 8-10-01; OMAP 53-2001, f. & cert. ef. 10-1-01; OMAP 18-2002, f. & cert. ef. 4-15-02, cert. ef. 5-1-02; OMAP 64-2002, f. & cert. ef. f. & cert. ef. 10-2-02; OMAP 65-2002(Temp), f. & cert. ef. 10-2-02 thru 3-15-0; OMAP 88-2002, f. & cert. ef. 12-24-02, cert. ef. 1-1-03; OMAP 14-2003, f. & cert. ef. 2-28-03, cert. ef. 3-1-03; OMAP 30-2003, f. & cert. ef. 3-31-03 cert. ef. 4-1-03; OMAP 79-2003(Temp), f. & cert. ef. 10-2-03 thru 3-15-04; OMAP 81-2003(Temp), f. & cert. ef. 10-23-03 thru 3-15-04

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**Adm. Order No.:** OMAP 82-2003

**Filed with Sec. of State:** 10-31-2003

**Certified to be Effective:** 10-31-03

**Notice Publication Date:** 10-1-03

**Rules Amended:** 410-121-0030

**Subject:** The Pharmaceutical Services program rules govern Office of Medical Assistance Programs (OMAP) payments for pharmaceutical products and services provided to clients. Effective October 1, 2003, OMAP temporarily amended 410-121-0030 to remove the requirement for physicians to obtain an exception prior to getting a non-Practitioner-Managed Prescription Drug Plan (PMPDP) listed drug, as directed by the Legislature. This is the filing for the permanently amended rule 410-121-0030, effective November 1, 2003.  
**Rules Coordinator:** Darlene Nelson—(503) 945-6927

## 410-121-0030

### Practitioner-Managed Prescription Drug Plan (PMPDP)

(1) Practitioner-Managed Prescription Drug Plan (PMPDP):

(a) PMPDP is a plan that ensures that fee for service clients of the Oregon Health Plan will have access to the most effective prescription drugs appropriate for their clinical conditions at the best possible price;

(b) Decisions concerning the clinical effectiveness of the prescription drugs are made by licensed health practitioners, informed by the latest peer-reviewed research. Decisions also consider the health condition of a client or characteristics of a client, including the client's gender, race or ethnicity.

(2) PMPDP Plan Drug List (PDL):

(a) The PDL is the primary tool that the Department of Human Services (DHS) has developed to inform licensed health care practitioners about the results of the latest peer-reviewed research and cost effectiveness of prescription drugs;

(b) The PDL consists of prescription drugs in selected classes that DHS, in consultation with the Health Resources Commission (HRC), has determined represent effective drug(s) available at the best possible price;

(c) For each selected drug class, the PDL will identify a drug(s) as the benchmark drug that has been determined to be the most effective drug(s) available for the best possible price. The PDL will include other drugs in the class that are Medicaid reimbursable and which the FDA has determined to be safe and effective if the relative cost is less than the benchmark drug(s). If pharmaceutical manufacturers enter into supplemental discount agreements with DHS that reduce the cost of their drug below that of the benchmark drug for the class, their drug will also be included in the PDL. A copy of the PDL is available on the web at [www.dhs.state.or.us/policy/healthplan/guides/pharmacy/](http://www.dhs.state.or.us/policy/healthplan/guides/pharmacy/)

(3) PMPDP PDL Selection Process:

(a) DHS will utilize the recommendations made by the HRC, which result from an evidence-based evaluation process, as the basis for identifying the most effective drug(s) within a selected drug class;

(b) DHS will determine the drug(s) identified in (3)(a) that is available for the best possible price; and consider any input from the HRC, other FDA approved drug(s) in the same class that are available for a lesser relative price. Relative price will be determined using the methodology described in subsection (4);

(c) Drug classes and selected drug(s) for the drug classes will be reviewed annually or more frequently if in the discretion of DHS, new safety information or the release of new drugs in a class or other information makes this advisable. New drugs will not be added to the PDL until they have been reviewed by the HRC. All changes or revisions to the PDL will be made publicly, using the rulemaking process, and will be published in OMAP's Pharmaceutical Services provider rules.

(4) Relative Cost and Best Possible Price Determination:

(a) DHS will determine the relative cost of all drugs in each selected class that are Medicaid reimbursable and that the FDA has determined to be safe and effective;

(b) DHS may also consider dosing issues, patterns of use and compliance issues. These factors will be weighed with any advice provided by the Health Resources Commission in reaching a final decision.

(c) DHS will determine the benchmark drug based on (4)(b) and on the Estimated Acquisition Cost (EAC) on the first of the month (OAR 410-121-0180), in which DHS reviews that specific drug class;

(d) Once the cost of the benchmark drug is determined, the cost of the other FDA approved drugs in the class will be recalculated using EAC for retail pharmacies in effect on the first of the month in which DHS reviews that specific drug class (OAR 410-121-0180), less average available rebate. Drugs with prices under the benchmark drug cost will be included on the PDL.

(5) Regardless of the PDL, prescriptions shall be dispensed in the generic form unless practitioner requests otherwise subject to the regulations outlined in OAR 410-121-0155.

Table 121-0030-1, PMPDP PDL (updated effective 11/1/2003) [ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

Hist.: OMAP 25-2002, f. & cert. ef. 7-1-02; OMAP 31-2002, f. & cert. ef. 8-1-02; OMAP 36-2002, f. & cert. ef. 8-30-02, cert. ef. 9-1-02; OMAP 29-2003, f. & cert. ef. 4-1-03; OMAP 35-2003, f. & cert. ef. 5-1-03; OMAP 47-2003, f. & cert. ef. 7-1-03; OMAP 57-2003, f. & cert. ef. 9-5-03, cert. ef. 10-1-03; OMAP 70-2003(Temp), f. & cert. ef. 9-15-03, cert. ef. 10-1-03 thru 3-15-04; OMAP 82-2003, f. & cert. ef. 10-31-03, cert. ef. 11-1-03

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## Department of Human Services, Public Health Chapter 333

**Adm. Order No.:** PH 15-2003(Temp)

**Filed with Sec. of State:** 10-27-2003

**Certified to be Effective:** 10-27-03 thru 4-16-04

**Notice Publication Date:**

**Rules Amended:** 333-040-0135

**Subject:** Amends the requirements for qualification and training of personnel conducting sampling at illegal drug manufacturing sites. It allows those who have been collecting samples at drug lab sites consistently since prior to January 1, 2000, an exemption from the current rule requirements. Some minor housekeeping changes are also included.

**Rules Coordinator:** Jana Fussell—(503) 731-4000, ext. 822

## 333-040-0135

### Qualifications and Training of Sampling Personnel

Persons collecting site samples shall have the following minimum qualifications:

(1) Have completed hazardous materials training, as set forth in OAR 333-040-0110(5); and

(2) Be a certified Industrial Hygienist (CIH); or

(3) Have a Bachelor of Science Degree in Health and Safety, Industrial Hygiene, Environmental Sciences, or Basic Sciences, and six months experience working with or for a professional environmental or industrial hygiene firm, Occupational Safety and Health Administration (OSHA), Environmental Protection Agency (EPA), Department of Environmental Quality (DEQ), or for an environmental laboratory certified under a state, federal, or professional program; or

(4) Have an Associate Degree in Hazardous Materials Management or Environmental Evaluations/Chemistry, and one year experience working under the direct supervision of personnel identified in section (2) or (3) of this rule. Persons who have been collecting samples at drug lab sites consistently since prior to January 1, 2000, are exempt from the requirements in sections (2), (3), and (4) of this rule.

Stat. Auth.: ORS 453.864

Stats. Implemented: ORS 453.855 - ORS 453.912 & OL 1999, Ch. 861

Hist.: OHD 2-1998, f. & cert. ef. 2-13-98; OHD 1-2000, f. & cert. ef. 1-24-00; PH 15-2003(Temp), f. & cert. ef. 10-27-03 thru 4-16-04

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**Adm. Order No.:** PH 16-2003(Temp)

**Filed with Sec. of State:** 10-27-2003

**Certified to be Effective:** 10-27-03 thru 4-16-04

**Notice Publication Date:**

**Rules Adopted:** 333-025-0100, 333-025-0105, 333-025-0110, 333-025-0115, 333-025-0120, 333-025-0125, 333-025-0130

**Rules Suspended:** 333-024-0560

**Rules Renumbered:** 333-024-0520 to 333-025-0145, 333-024-0530 to 333-025-0150

**Rules Amended & Ren.:** 333-024-0500 to 333-025-0135, 333-024-0510 to 333-025-0140, 333-024-0540 to 333-025-0155, 333-024-0550 to 333-025-0160

**Subject:** Adds to and modifies existing definitions. Establishes Institutional Review Board registry and guidelines for review of research proposals involving genetic materials and information. Establishes requirements for informed consent related to genetic research. Establishes requirement for notification and opt-out provision for anonymous research using genetic material. Provides guidelines for research subject contact. Replaces disclosure form. Renumbers and amends existing rules to conform to new legislation and federal privacy law.

**Rules Coordinator:** Jana Fussell—(503) 731-4000, ext. 822

## 333-025-0100

### Definitions

As used in these rules:

(1) "Anonymous research" means scientific or medical genetic research conducted in such a manner that any DNA sample or genetic information used in the research is unidentified. "Anonymous research" does not include research conducted in such a manner that the identity of such an individual, or the identity of the individual's blood relatives, can be determined by use of a code, encryption key or other means of linking the information to a specific individual.

(2) "Blanket informed consent" means that the individual has consented to the use of that individual's DNA sample or health information for any future research, but has not been provided with a description of or consented to the use of the sample in genetic research or any specific genetic research project.

(3) "Blood relative" means a person who is:

(a) Related by blood to an individual; and

(b) A parent, sibling, son, daughter, grandparent, grandchild, aunt, uncle, first cousin, niece or nephew of the individual.

(4) "Clinical" means relating to or obtained through the actual observation, diagnosis, or treatment of patients and not through research.

(5) "Coded" means identifiable only through the use of a system of encryption that links a DNA sample or genetic information to an individual or the individual's blood relative. A coded DNA sample or genetic information is supplied by a repository to an investigator with a system of encryption.

(6) "Deidentified" means lacking, or having had removed, the identifiers or system of encryption that would make it possible for a person to link a DNA sample or genetic information to an individual or the individual's blood relative, and neither the investigator nor the repository can reconstruct the identity of the individual from whom the sample or information was obtained. Deidentified DNA samples and genetic information must meet the standards provided in 45 CFR 164.502(d) and 164.514(a) to (c).

(7) "Disclose" means to release, publish, or otherwise make known to a third party a DNA sample or genetic information.

(8) "DNA" means deoxyribonucleic acid.

(9) "DNA sample" means any human biological specimen that is obtained or retained for the purpose of extracting and analyzing the individual's DNA to perform a genetic test. "DNA sample" includes DNA extracted from the specimen.

(10) "Federal Common Rule" means the Federal Policy for the Protection of Human Subjects, as adopted by the following federal agencies and as revised through 11/13/2001: 7 CFR Part 1c, Department of Agriculture; 10 CFR Part 745, Department of Energy; 14 CFR Part 1230, National Aeronautics and Space Administration; 15 CFR Part 27, Department of Commerce; 16 CFR Part 1028, Consumer Product Safety Commission; 21 CFR Parts 50 and 56, Food and Drug Administration; 22 CFR Part 225, International Development Cooperation Agency, Agency for International Development; 24 CFR Part 60, Department of Housing and

Urban Development; 28 CFR Part 46, Department of Justice; 32 CFR Part 219, Department of Defense; 34 CFR Part 97, Department of Education; 38 CFR Part 16, Department of Veterans Affairs; 40 CFR Part 26, Environmental Protection Agency; 45 CFR Part 690, National Science Foundation; 45 CFR Part 46, Department of Health and Human Services; 49 CFR Part 11, Department of Transportation. In the case of research not subject to federal regulation under one of these provisions, "Federal Common Rule" means 45 CFR Part 46.

(11) "Genetic characteristic" includes a gene, chromosome or alteration thereof that may be tested to determine the existence or risk of a disease, disorder, trait, propensity or syndrome or to identify an individual or a blood relative. "Genetic characteristic" does not include family history or a genetically transmitted characteristic whose existence or identity is determined other than through a genetic test.

(12) "Genetic information" means information about an individual or the individual's blood relatives obtained from a genetic test.

(13) "Genetic research" means research using human DNA samples, genetic testing or genetic information.

(14) "Genetic test" means a test for determining the presence or absence of genetic characteristics in a human individual or the individual's blood relatives, including tests of nucleic acids such as DNA, RNA, and mitochondrial DNA, chromosomes or proteins in order to diagnose or determine a genetic characteristic.

(15) "Identifiable" means capable of being linked to the individual or a blood relative of the individual from whom the DNA sample or genetic information was obtained.

(16) "Identified" means having an identifier that links, or that could readily allow the recipient to link, a DNA sample or genetic information directly to the individual or a blood relative of the individual from whom the sample or information was obtained.

(17) "Identifier" means data elements that directly link a DNA sample or genetic information to the individual or a blood relative of the individual from whom the sample or information was obtained. Identifiers include, but are not limited to, names, telephone numbers, electronic mail addresses, Social Security numbers, driver license numbers and fingerprints.

(18) "Institutional Review Board" or "IRB" means an Institutional Review Board established in accord with and for the purposes expressed in the Federal Common Rule.

(19) "IRB approval" means the determination of the IRB that the research has been reviewed and may be conducted within the constraints set forth by the IRB and by other institutional and Federal and State requirements.

(20) "Obtain genetic information" means performing or getting the results of a genetic test.

(21) "Person" includes but is not limited to any health care provider, health care facility, clinical laboratory, blood or sperm bank, insurer, insurance agent, insurance-support organization, as defined in ORS 746.600, government agency, employer, research organization or agent of any of them.

(22) "Recontact" means disclosure of genetic research findings to a research subject or the subject's physician through use of personal identifiers.

(23) "Research" means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalized knowledge.

(24) "Retain a DNA sample" means the act of storing the DNA sample.

(25) "Retain genetic information" means making a record of the genetic information.

(26) "Specific informed consent for genetic research" means the individual or the individual's representative has consented to the use of that individual's DNA sample or genetic information for genetic research or for a specified genetic research project.

(27) "Unidentified" means deidentified or not identifiable.

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

Stat. Auth.: ORS 192.531

Stats. Implemented: ORS 192.531

Hist.: OHD 14-2002, f. & cert. ef. 9-27-02; PH 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-16-04

## 333-025-0105

### Scope

(1) OAR 333-025-0105 to 0130 apply to all genetic research subject to the law of the State of Oregon.

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(2) All genetic research must comply with the applicable standards set forth in the Federal Common Rule. Additional protections for subjects of research are authorized by ORS 192.531 et seq. and these rules.

Stat. Auth.: ORS 192.531 et seq.

Stats. Implemented: ORS 192.531 et seq.

Hist.: OHD 14-2002, f. & cert. ef. 9-27-02; PH 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-16-04

## 333-025-0110

### Institutional Review Boards (IRBs) and Approval for Research

(1) An IRB must conform to the organizational and operational standards contained in the Federal Common Rule.

(2) All proposed genetic research, including anonymous research, or research otherwise exempt from IRB approval, must first be submitted to an IRB for explicit prior approval or an explicit determination that the research is anonymous or otherwise exempt.

(3) A researcher must disclose to the IRB the intended use of human DNA samples, genetic tests or other genetic information for every proposed research project, including anonymous or otherwise exempt research.

(4) A researcher must follow the informed consent requirements of OAR 333-025-0115 and provide assurances to the IRB that these requirements have been met.

Stat. Auth.: ORS 192.547

Stats. Implemented: ORS 192.533 & ORS 192.547

Hist.: OHD 14-2002, f. & cert. ef. 9-27-02; PH 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-16-04

## 333-025-0115

### Informed Consent for Non-Exempt Genetic Research

(1) A researcher may use an identified human biological sample or genetic information obtained on or after June 25, 2001, for genetic research only with specific informed consent for genetic research.

(2) A researcher may use an identified human biological sample or genetic information obtained prior to June 25, 2001, for genetic research with blanket informed consent or specific informed consent for genetic research.

(3) A researcher may use coded human biological samples or genetic information obtained on or after June 12, 2003, for genetic research only with specific informed consent for genetic research.

(4) In situations where genetic research is to be conducted on coded human biological samples or genetic information, an Institutional Review Board may waive the requirement for consent for research if the sample or genetic information was obtained prior to June 12, 2003, and the research meets the criteria set forth in ORS 192.547 for coded genetic research.

Stat. Auth.: ORS 192.535 & ORS 192.547

Stats. Implemented: ORS 192.535 & ORS 192.547

Hist.: OHD 14-2002, f. & cert. ef. 9-27-02; PH 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-16-04

## 333-025-0120

### Anonymous or Exempt Genetic Research

(1) Any person proposing to conduct genetic research that is thought to be anonymous shall obtain from an IRB, prior to conducting such research, a determination that the research is anonymous. The person shall furnish the IRB with assurances that the criteria in (3) below are met.

(2) Any person proposing to conduct research that is thought to be exempt from review shall obtain an IRB determination that the research is exempt from review under 45 CFR 46.101(b) or other applicable exemption from the Federal Common Rule.

(3) A human biological sample or genetic information obtained on or after June 12, 2003, may be used in anonymous genetic research only if prior to the time the research is conducted, the subject:

(a) Has granted informed consent for the specific anonymous research project;

(b) Has granted consent for genetic research generally; or

(c) Was notified that anonymous research may take place in the future, and at the time notification took place the subject did not request that the sample or information be withheld from anonymous research.

(4) For purposes of paragraph (3) of this rule, "notification" means the providing of a written statement in plain language and in the subject's own language to a subject from whom one or more biological samples or genetic information has been obtained, or from whom such samples or information are expected to be obtained, that biological samples or genetic information obtained from the subject may be used for anonymous research. Notification must be provided at least once prior to the time the person conducts research using the subject's samples or information. Notification may be provided more often as necessary to ensure effective

notification to the subject or effective implementation of the subject's intent. The statement must include, but need not be limited to:

(a) A general description of the type of biological samples or genetic information that the person providing the notification intends to use in anonymous research;

(b) A general explanation of the meaning of anonymous research; and

(c) An opportunity for the subject to request that the subject's sample or genetic information be withheld from anonymous research.

Stat. Auth.: ORS 192.537 & ORS 192.547

Stats. Implemented: ORS 192.535, ORS 192.537 & ORS 192.547

Hist.: OHD 14-2002, f. & cert. ef. 9-27-02; PH 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-16-04

## 333-025-0125

### IRB Registry

(1) The Department of Human Services/Health Services shall establish and maintain a registry of IRBs that review research conducted in Oregon or that involves research subjects living in Oregon.

(2) By October 1, 2002, each existing IRB must register with the Department of Human Services/Health Services on registration forms provided by the Department.

(3) The Department will update its registry annually. Each IRB will be required to renew its registration each year, or sooner if there exists material changes in the terms of registration.

Stat. Auth.: ORS 192.547

Stats. Implemented: ORS 192.547

Hist.: OHD 14-2002, f. & cert. ef. 9-27-02; PH 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-16-04

## 333-025-0130

### Recontact

(1) Recontact of a research subject should not occur unless the subject was informed during the initial consent process that recontact may occur under specified circumstances and with this understanding, the research subject consented to participate in the study.

(2) If recontact of subjects is contemplated, the researcher must provide research protocols to the IRB describing the circumstances that might lead to recontact, as well as a plan for managing the process. If a subject declines the possibility of recontact, the researcher may not recontact the subject.

(3) Notwithstanding (1) above, in order to consider recontact in a situation where recontact was not contemplated and therefore not addressed in research protocols a researcher must seek approval from the IRB for recontact and must assure the following conditions exist:

(a) The findings are scientifically valid and confirmed;

(b) The findings have significant implications for the subject's or the public's health; and

(c) A course of action to ameliorate or treat the subject's or the public's health concerns is readily available.

(4) Under conditions described in (3), the researcher shall determine and adhere to the expressed wishes and desires of the research subject in relation to disclosure of genetic information to that individual.

(5) When research results are disclosed to a subject, appropriate medical advice and referral must be provided.

(6) In all cases, a decision to recontact research subjects must have prior approval of the IRB.

Stat. Auth.: ORS 192.547

Stats. Implemented: ORS 192.547

Hist.: OHD 14-2002, f. & cert. ef. 9-27-02; PH 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-16-04

## 333-025-0135

### Information Concerning Deceased Individuals

(1)(a) Anyone permitted by Oregon law to dispose of the body of a deceased individual or who is authorized by ORS 146.113-117 to submit the DNA sample of an unidentified deceased individual to a DNA diagnostic laboratory may obtain or retain genetic information only for the purpose of identification of the deceased. After identification, relevant information concerning the death shall be submitted into the permanent medical record of the deceased.

(b) A DNA sample of or genetic information about a deceased individual may be used for medical diagnosis of blood relatives of the individual and for no other purpose except as otherwise authorized by law. A request to use a sample or information for such purpose may be made by (A) a representative designated by the decedent to act on the individual's behalf after death; (B) the closest surviving blood relative of the decedent; or (C) if there is more than one surviving blood relative of the same degree



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of relationship to the decedent, by the majority of the surviving closest blood relatives of the decedent.

(2) A DNA sample sent to a diagnostic laboratory for testing under (1)(a) or (b) above must be accompanied by an affidavit stating that the specific purpose for obtaining the DNA sample is to identify the deceased individual or is for medical diagnosis of blood relatives of the decedent, and for no other purpose.

Stat. Auth.: ORS 192.535, ORS 192.537 & ORS 192.539  
Stats. Implemented: ORS 192.535, ORS 192.537 & ORS 192.539  
Hist.: HD 1-1997, f. & cert. ef. 1-10-97; Renumbered from 333-024-0500 by OHD 14-2002, f. & cert. ef. 9-27-02; Renumbered from 333-024-0500 by PH 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-16-04

## 333-025-0140

### Informed Consent Procedures

(1) Unless exempted by ORS 192.535(1)(a)-(f), all persons collecting genetic information must conform to standards of informed consent as follows:

(a) Physicians licensed under ORS chapter 677, and any other licensed health care providers or facilities, shall obtain informed consent according to ORS 677.097.

(b) A person conducting research shall obtain informed consent according to the procedure given in OAR 333-025-0115.

(c) If genetic information is collected in connection with an insurance transaction governed by ORS 746.135, informed consent will be conducted in the manner described by the Department of Consumer and Business Services under authority of ORS 746.135(1).

(2) For persons not described in (1) above, informed consent must be obtained using the form and process contained in Appendix 1 of these rules or a form which is substantively similar.

(3) Elements to be contained in a consent form for obtaining genetic information include:

(a) The name of the individual whose DNA sample is to be tested.

(b) The name of the individual, company, or organization requesting the genetic test for the purpose of obtaining genetic information.

(c) A statement signed by the individual whose DNA sample is to be tested indicating that he/she authorizes the genetic test.

(d) A statement that specifies the purpose of the test and the genetic characteristic for which the DNA sample will be tested.

(4) Process for obtaining informed consent using the form contained in **Appendix 1** or a form that is substantively similar:

(a) Explain that the genetic test is voluntary; inform the individual that he/she may choose not to have his/her DNA sample tested; and inform the individual that he/she has the option of withdrawing consent at any time.

(b) Explain the risks and benefits of having the genetic test, including a description of the provisions of Oregon law pertaining to individual rights with regard to genetic information and the confidential nature of the genetic information; a statement of potential consequences with regard to insurability, employability, and social discrimination if the genetic test results or genetic information become known to others; the implications of both positive and negative test results; and the availability of support services, including genetic counseling.

(c) Inform the individual that it may be in his/her best interest to retain his/her DNA sample for future diagnostic testing, but that he/she has the right to have his/her DNA sample promptly destroyed after completion of the specific genetic test which was authorized.

(d) Inform the individual about the implications, including potential insurability, of authorizing disclosure to a third party payer that the genetic test was performed, and that he/she has the option of paying the cost of the genetic test out of pocket rather than filing an insurance claim.

(e) Ask the individual whether he/she has any further questions, and if so, provide the individual with the opportunity to ask questions and receive answers from either a genetic counselor or another person who is sufficiently knowledgeable to give accurate, understandable and complete answers to his/her questions.

(f) Request that the individual read, complete, sign and date the consent form.

(g) Provide the individual with a copy of the completed form for his/her personal records.

[Forms and appendices referenced are available from the agency.]

Stat. Auth.: ORS 192.535  
Stats. Implemented: ORS 192.535  
Hist.: HD 1-1997, f. & cert. ef. 1-10-97; Renumbered from 333-024-0510 by OHD 14-2002, f. & cert. ef. 9-27-02; Renumbered from 333-024-0510 by PH 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-16-04

## 333-025-0145

### Retention for the Purpose of Identification of Deceased Individuals

(1) Any person who is permitted by Oregon law to dispose of the body of a deceased individual, or anyone who is authorized by ORS 146.113-117 may retain the genetic information obtained from an unidentified deceased individual's DNA sample without specific authorization for the purpose of identification of the deceased individual.

(2) Upon identification of the deceased individual, persons so authorized in Section (1) shall convey the deceased individual's genetic information to his/her permanent medical record.

Stat. Auth.: ORS 192.537 & ORS 192.539  
Stats. Implemented: ORS 192.537 & ORS 192.539  
Hist.: HD 1-1997, f. & cert. ef. 1-10-97; Renumbered from 333-024-0520 by OHD 14-2002, f. & cert. ef. 9-27-02; Renumbered from 333-024-0520 by PH 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-16-04

## 333-025-0150

### Retention for the Purpose of Testing to Benefit Blood Relatives of Deceased Individuals

Any person may retain the genetic information of a deceased individual indefinitely for the sole purpose of benefiting blood relatives of the deceased individual without specific authorization.

Stat. Auth.: ORS 192.535 & ORS 192.537  
Stats. Implemented: ORS 192.535 & ORS 192.537  
Hist.: HD 1-1997, f. & cert. ef. 1-10-97; Renumbered from 333-024-0530 by OHD 14-2002, f. & cert. ef. 9-27-02; Renumbered from 333-024-0530 by PH 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-16-04

## 333-025-0155

### Retention for the Purpose of Newborn Screening Procedures

The Department of Human Services may retain the blood samples of newborns collected for the control of metabolic diseases, as provided in ORS 433.285, for up to one year.

Stat. Auth.: ORS 433.285, ORS 433.285, ORS 192.535 & ORS 192.537  
Stats. Implemented: : ORS 192.535, ORS 192.537  
Hist.: HD 1-1997, f. & cert. ef. 1-10-97; Renumbered from 333-024-0540 by OHD 14-2002, f. & cert. ef. 9-27-02; Renumbered from 333-024-0540 by PH 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-16-04

## 333-025-0160

### Procedure for Authorization of Disclosure by the Tested Individual or the Tested Individual's Representative

Any person, other than those excepted in ORS 192.539, shall be required to obtain specific authorization from the individual on whose sample a genetic test was conducted, or an individual's representative, to disclose genetic information, by completing the consent form specified in 2003 Oregon Laws Chapter 86, Section 5, or a form that is substantively similar and by using the following procedure:

(1) Request that the tested individual, or his/her representative, read, sign and date the prescribed consent form; and

(2) Read, sign, and date the prescribed consent form on behalf of the individual or organization requesting the release of genetic information; and

(3) Provide the tested individual, or his/her representative, with a copy of the completed consent form for his/her personal records.

[ED. NOTE: Forms and appendices referenced are available from the agency.]

Stat. Auth.: ORS 192.539  
Stats. Implemented: ORS 192.539  
Hist.: HD 1-1997, f. & cert. ef. 1-10-97; Renumbered from 333-024-0550 by OHD 14-2002, f. & cert. ef. 9-27-02; Renumbered from 333-024-0550 by PH 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-16-04

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**Adm. Order No.:** PH 17-2003

**Filed with Sec. of State:** 10-31-2003

**Certified to be Effective:** 12-1-03

**Notice Publication Date:** 10-1-03

**Rules Amended:** 333-011-0106

**Subject:** The amendment of OAR 333-011-0106 increases current vital records fees and establishes new fees. Fees received from the purchase of vital records are the primary source of revenue for the Center for Health Statistics. The Center for Health statistics is proposing to increase the current vital records fees and implement some new fees to accrue the necessary funds to maintain and improve services.

**Rules Coordinator:** Jana Fussell—(503) 731-4000, ext. 822

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## 333-011-0106

### Fees

(1) The fee for a full certified copy of a vital statistics record or for an abbreviated birth or death certificate shall be \$20. Additional copies of each record ordered at the same time shall have a fee of \$15 per certificate.

(2) The fee for any search of the files and records shall be \$20. The fee shall include the issuing, when requested, of one certified copy or abbreviated certificate.

(3) The \$20 fee shall cover the cost of a five year search for death, marriage and divorce records. If more than a five year search is requested, an additional fee of \$1 per year shall be charged.

(4) The fee for a certified copy of a recorded court order registering an unrecorded birth under ORS 432.142, to be furnished by the Clerk of the circuit court or the State Registrar shall be \$20.

(5) Overpayment of a required fee received in the office of the State Registrar shall be refunded if in excess of \$6 and any overpayment less than \$6 shall be refunded upon written request of the applicant within one year.

(6) A fee of \$50 shall be paid to the State Registrar for the preparation of a new or supplemental birth certificate under the provisions of ORS 432.140, 432.142, 432.230 432.290 and 432.414 due to amendment, correction, adding the father's name to the birth record or filing of adoption orders and delayed and court registered birth records. The fee shall include the charge for one certified copy of the new or supplementary birth certificate. If a certified copy is not requested at the time of amendment or creation of the supplementary record, the amendment fee shall be \$30.

(a) The \$30 amendment fee may be waived to correct an error or omission by a reporting source if a birth record is corrected within the first year from the date of the event.

(b) The \$30 amendment fee may be waived at any future time to correct an error on a birth certificate by a reporting source for date of birth, time of birth or gender of registrant.

(7) A fee of \$50 shall be paid to the State Registrar for the preparation of an amended death certificate, if amendments are filed more than one year after the date of death. However, no fee shall be paid for amendments to the cause of death filed by the physician or medical examiner that signed the death certificate.

(8) A fee of \$5.50 shall be paid to expedite the search and filling of an order for a certificate when the order is placed by telephone, fax or the internet, billed to a credit card and processed the same or the next working day. This fee is in addition to the fee charged by a subcontractor providing computer, prepayment, billing and collection services for orders processed using the subcontractor's services.

(9) A fee of \$45 shall be paid for heirloom birth certificates.

(10) A fee of \$5 per year shall be charged for duplicate copies of microfiche cards containing index information for death, marriage and divorce records.

(11) A fee of \$8.50 per reel shall be charged for duplicate copies of microfilm containing index information of death, marriage and divorce records.

(12) Persons requesting special services or specific data sets shall be charged actual time and material costs of producing the data.

(13) The fee for certificates to be used in research approved by the State Registrar shall be \$20 for quantities less than one hundred certificates. If the quantity is one hundred or more the following scale shall apply:

(a) If a listing is supplied which provides year and certificate number, or name, date, and place of event, the fee shall be \$10 per copy;

(b) If a listing is supplied which provides name and year of event, the fee shall be \$15 per copy;

(c) Listings supplying less information shall be at the regular fee.

(14) A fee of \$20 shall be paid for making certified copies of documents from sealed files.

(a) A fee of \$20 shall be paid for making certified copies of affidavits and supplemental reports.

(b) A fee of \$2 per page shall be charged for uncertified copies of affidavits and supplemental reports that can be issued without opening sealed files.

(15) A fee of \$25 may be charged for each check returned for non-payment.

(16) A flat fee of \$20 shall be paid for the replacement of certified copies when the original documents are returned within a year of issuance with an acceptable correction document and appropriate amendment fee. This fee may be waived when fewer than four certified copies are being replaced.

(17) A fee of \$8 shall be paid for each verification of a vital event for each government agency or subdivision of a government agency requesting over ten verifications per month.

Stat. Auth.: ORS 432

Stats. Implemented: ORS 432.146

Hist.: HB 169, f. & ef. 10-16-63; HD 13-1979(Temp), f. & ef. 10-1-79; HD 18-1979, f. & ef. 12-12-79; HD 2-1985, f. & ef. 2-19-85; HD 1-1987, f. 1-20-87, ef. 2-2-87; HD 10-1990, f. 5-3-90, cert. ef. 7-1-90; HD 4-1992(Temp), f. & cert. ef. 4-28-92; HD 8-1992, f. & cert. ef. 6-22-92; HD 19-1993(Temp), f. & cert. ef. 10-27-93; HD 21-1994, f. & cert. ef. 8-15-94; PH 17-2003, f. 10-31-03, cert. ef. 12-1-03

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**Adm. Order No.:** PH 18-2003(Temp)

**Filed with Sec. of State:** 10-31-2003

**Certified to be Effective:** 10-31-03 thru 4-26-04

**Notice Publication Date:**

**Rules Adopted:** 333-535-0061

**Rules Suspended:** 333-535-0060

**Subject:** Retroactively suspends OAR 333-535-0060 and adopts OAR 333-535-0061. The adopted rule contains updates and revisions to comply with recommended national guidelines. Included are new requirements for a written "Patient and Staff Safety Assessment" which will address security and safety needs and solutions. A new rule section for safety features and security and safety devices is also included. Many revisions from the suspended rule are adopted including specific provisions affecting special psychiatric population groups such as children and adolescents, forensics, and patients with dementia.

**Rules Coordinator:** Jana Fussell—(503) 731-4000 ext. 822

### 333-535-0061

#### Psychiatric Patient Care Units and Rooms

(1) The design of inpatient psychiatric patient care units shall be supportive of the types of psychiatric therapies provided for patients and their psychiatric care needs. Interior finishes, lighting and furnishings shall, to the extent practicable, reflect a residential rather than an institutional setting with an emphasis on natural light and exterior views while not compromising patient privacy and safety design. Inpatient psychiatric patient care units shall include patient rooms meeting the requirements of section (4) of this rule and service areas meeting the requirements of section (5) of this rule.

(2) Patient and Staff Safety Assessment. The hospital psychiatric care staff and the hospital administration, in consultation with the project architects, shall develop a Patient and Staff Safety Assessment which addresses security and safety design features and devices. A copy of this Assessment shall accompany construction documents submitted to the Licensing Plans Review Program. The Patient and Staff Safety Assessment shall include at least the following elements:

(a) A statement explaining the psychiatric population groups served;

(b) A discussion of the capability for staff visual supervision of patient ancillary areas and corridors;

(c) A discussion of the risks to patients, including self injury, and the project solutions employed to minimize such risks;

(d) A discussion of building features and equipment, including items which may be used as weapons, which are intended to minimize risks to patients, staff and visitors;

(e) A statement explaining how potentially infectious patients will be managed; and

(f) A discussion of outdoor areas used by patients.

(3) Except as permitted under OAR 333-515-0060, every general and psychiatric hospital shall have at least one psychiatric holding room which meets the requirements of section (7) of this rule and OAR 309-033-720(3)(e).

(4) Psychiatric patient care rooms shall comply with the requirements of OAR 333-535-0025, except as follows:

(a) A nurse call system is not required. If included, provisions shall be made for the easy removal or securing of call button outlets;

(b) Patient toilets shall not have bedpan flushing devices;

(c) Handwashing stations are not required in patient rooms;

(d) Visual privacy in multi-bed rooms (e.g., cubicle curtains) is not required;

(e) Each patient room shall be provided a private toilet room and handwashing station. Grab bars are only required in rooms required to be accessible to the disabled; and

(f) Patient rooms shall comply with the requirements of section (6) of this rule.

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(5) Psychiatric patient care unit service areas shall comply with the requirements of OAR 333-535-0025, except as follows:

(a) A secured storage area shall be provided for patients' belongings that are determined to be potentially harmful;

(b) A secured storage station will be provided for storing law enforcement weapons prior to officers entering the patient care unit;

(c) The medication station shall include provision against unauthorized access;

(d) Between meal nourishment(s) facilities within the unit shall be one, or a combination of the following:

(A) A nourishment station;

(B) A kitchenette, designed for patient use, with a sink and a keyed switch or other acceptable method for staff control of any heating and cooking devices;

(C) A kitchen service within the unit that includes a handwashing station, storage space, refrigerator and facilities for full meal preparation. A keyed switch or other acceptable method for staff control of any heating and cooking devices is required.

(e) All storage spaces within the psychiatric patient care unit shall be secured from patient access;

(f) A bathtub or shower shall be provided for every six beds not otherwise served by bathing facilities within the patient rooms. Bathing facilities shall be designed and located for patient safety, convenience, privacy and shall comply with section (6) of this rule;

(g) A separate charting area shall be provided with provisions for visual and acoustical privacy. Viewing windows to permit observation of patient areas by the charting nurse or physician may be used if the arrangement is such that patient files cannot be read from outside the charting area. Viewing windows shall meet the requirements of section (6)(g) of this rule;

(h) At least two separate social spaces, one appropriate for noisy activities and one for quiet activities shall be provided. The combined area shall be at least 40 square feet per patient with each space being at least 120 square feet in size. These spaces may be shared by dining activities;

(i) Space for group therapy shall be provided. This space may be combined with the quiet space required by subsection (5)(h) of this rule when the unit accommodates 12 or fewer patients and when at least 225 square feet of closed private space is available for group therapy activities;

(j) Securable patient laundry facilities with an automatic washer and dryer and secured space for chemicals shall be provided;

(k) Each psychiatric patient care unit shall include, or have close access to, a soiled utility room that meets the requirements of OAR 333-535-0260(5) or a soiled holding room. A soiled holding room shall meet all the requirements of a soiled utility room except that a clinical sink may be omitted; and

(l) The following elements shall also be provided, but may be located either within the psychiatric patient care unit or conveniently accessible to the unit:

(A) Room(s) for examination and treatment of at least 80 square feet in size. Examination and treatment room(s) for medical-surgical patients may be shared by psychiatric unit patients. The shared room(s) may be on a different floor than the psychiatric patient care unit if it is conveniently accessible to the unit;

(B) Separate consultation room(s), lockable from the outside. Each consultation room shall have a minimum floor space of 100 square feet and shall be provided at a room-to-bed ratio of one consultation room for every 12 psychiatric beds. The room(s) shall be designed for acoustical and visual privacy and be constructed to achieve a noise reduction of at least 45 decibels;

(C) Separate space for patient therapy/multipurpose use. The greater of at least 300 square feet or at least 15 square feet per patient shall be provided. The space shall include a handwashing station, work counter(s), storage and space for displays and may serve more than one psychiatric patient care unit. However, when a psychiatric patient care unit contains less than 12 beds, the therapy and other functions may be performed within the noisy activities area required by subsection 5(h) of this rule if at least an additional 10 square feet per patient is provided; and

(D) A conference and treatment planning room, with 45 decibels sound reduction acoustic separation, for use by psychiatric patient care unit staff.

(6) Patient and staff safety features, security and safety devices shall not, to the extent practicable, be presented in a manner to attract or invite tampering by patients. Design, finishes and furnishings shall be designed and installed to minimize the opportunity for patients to cause injury to themselves or others. Special design considerations for prevention of self injury and injury to staff and others shall include:

(a) Visual control of nursing unit corridors, passive activity areas and outdoor areas shall be provided;

(b) Hidden alcoves are prohibited;

(c) Non-patient areas, including staff support rooms, mechanical and electrical spaces shall be secured from patients;

(d) Door closers and door and cabinet hardware, including hinges in patient areas, shall be designed to prevent attachment of other articles and to limit possible patient or staff injury;

(e) Doors to patient toilet and shower rooms shall not swing into the room. These doors shall either not be lockable from within the room or shall be provided with privacy locks which can be opened by staff with a key or tool. Hardware shall be designed to preclude patients from tying the door closed;

(f) Furnishings, movable equipment and accessories shall be addressed by the Patient and Staff Safety Assessment required by section (2) of this rule;

(g) Windows, including interior and exterior glazing, shall be non-operable and shall be of break-resistant material (i.e., will not shatter). Window sills and curtains and blinds shall be constructed to prevent attachment of other articles;

(h) Curtains and blinds shall be constructed to break-away with a vertical load of greater than 40 pounds;

(i) Ceilings in patient bedrooms, toilet and shower rooms shall be of continuous bonded construction. T-bar ceilings with lay-in tiles are not allowed;

(j) The ceiling and air distribution devices, lighting fixtures, sprinkler heads, smoke detectors, and other appurtenances shall be designed and installed to be tamper resistant, non-breakable, prevent the attachment of other articles and to limit possible patient or staff injury in patient rooms, toilet and shower rooms;

(k) Flooring base in patient rooms, toilet and shower rooms shall be installed to preclude removal by patients;

(l) Shower, bath, toilet and sink plumbing fixture hardware and accessories, including grab bars and toilet paper holders, shall prevent attachment of other articles and removal by patients. Shut-offs under patient sinks shall be covered and secured to prevent patient access;

(m) Grab bars, if provided, shall be contiguous to the wall so that nothing can pass between the edge of the rail and the wall;

(n) Toilet flush valves shall be recessed or of the push button type;

(o) Handwashing station faucet hardware shall be recessed or of the push button type to preclude patient or staff injury;

(p) Shower curtains, if provided, shall have a breakaway maximum of 40 pounds and be supported on curtain tracks attached or flush to the ceiling;

(q) Shower heads shall be sloped or otherwise designed to prevent attachment of other articles;

(r) Fire extinguisher cabinets and fire alarm pull stations shall be located or installed to prevent inappropriate use;

(s) Electrical outlets in patient areas shall be of a ground fault interrupter type ("GFI") or shall be protected by GFI breakers at electrical panels;

(t) Patient mirrors shall be non-breakable and shatterproof;

(u) Medical gas outlets, if provided, shall be located or installed to prevent patient access;

(v) All devices attached to walls, ceilings and floors and all door and window hardware shall be tamper resistant and be securely fastened with tamper proof screws;

(w) All exit door hardware shall have concealed rods, if any are used, and they shall not be removable by patients. Door closure and panic bars, if provided, shall not allow attachment of other articles;

(x) Time delay closers shall not be used on locked doors; and

(y) Outdoor areas shall be secured in accordance with the Patient and Staff Safety Assessment required by section (2) of this rule.

(7) Psychiatric Holding Rooms. Psychiatric holding rooms shall comply with the following requirements:

(a) As required by section (3) of this rule, and except as permitted by OAR 333-515-0060, each general or psychiatric hospital shall have at least one psychiatric holding room. A minimum of one psychiatric holding room is required for every 24 psychiatric beds or fraction thereof. The rooms shall be in close proximity to a nurses' station. Each room shall be for only one patient and shall be at least 80 square feet in size. The design of the room shall prevent patient hiding and minimize the potential for escape and self injury;

(b) Psychiatric holding rooms shall meet the requirements of section (6) of this rule;

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(c) Outside room corners, door hardware protrusions and other projections shall be avoided to minimize points for possible patient injury;

(d) No items shall be attached to the walls and there shall be no exposed curtains, drapes, rods or furniture, except a portable bed which can be removed if necessary. Beds which are securely fastened to the floor are allowable but must have no sharp protrusions, such as bed posts or corners;

(e) Wall and other room finish materials shall be securely constructed to resist attempts at intentional damage;

(f) Exposed pipes or electrical wiring is prohibited. Electrical outlets, if provided, shall be permanently capped or covered with a metal shield which opens with a key and shall be circuited and controllable from outside the room. Ceiling lights shall be unbreakable and shall be either recessed or surface mounted;

(g) Room construction shall contain no readily combustible materials (i.e., wood or vinyl surfaces and flooring). If the room interior is padded with combustible materials, such materials shall meet the requirements of the NFPA 101 Code as enforced by the State Fire Marshall having jurisdiction;

(h) Sprinkler heads shall be of a recessed pop-down type and shall have a breakaway strength of under 80 pounds;

(i) A toilet and handwashing station which meets the requirements of section (6) of this rule shall be available for patient use but shall not be located within the room;

(j) The door to the room shall open outward and shall include a viewing window of shatterproof glass or plastic through which the entire room may be viewed from the outside before entering; and

(k) The door to the room shall be lockable from the outside and shall include tamper-proof hardware. The lock must release with initiation of the fire alarm, sprinkler flow or power failure as required by the Oregon Structural Speciality Code and NFPA 101 Code as enforced by the appropriate building codes agency and fire marshal.

(8) Child and Adolescent Psychiatric Units. The requirements of sections (1) through (6) of this rule and of section (7) of this rule, if a psychiatric holding room is provided, shall apply to child and adolescent psychiatric units, except as follows:

(a) The environment of the unit shall reflect the age, social and developmental needs of children and adolescents, including space to accommodate family and other care givers;

(b) At least one single occupancy timeout room shall be provided;

(c) An outdoor activity area shall be provided with a minimum of 50 square feet per patient but not less than 400 total square feet; and

(d) Child and adolescent care units shall be physically and visually separate from one another and from adult care units.

(9) Geriatric, Alzheimer and Other Dementia Units. The requirements of sections (1) through (6) and of section (7) of this rule, if a psychiatric holding room is provided, shall apply to geriatric, Alzheimer and other dementia units, except as follows:

(a) Single patient rooms shall be at least 120 square feet in size. Multiple patient rooms shall provide at least 100 square feet per patient.

(b) A nurse call system meeting the requirements of section (6) of this rule shall be provided. Provisions shall be made for the removal or covering of call button outlets;

(c) Handrails shall be provided on both sides of corridors used by patients. These handrails shall be contiguous with the wall so that nothing may pass between the rail and wall;

(d) Doors to patient rooms and patient ancillary use areas shall be a minimum of 3 feet 8 inches in clear width;

(e) Slip resistant flooring surfaces shall be provided in all bathing rooms; and

(f) Secure storage for wheelchairs shall be provided in a location readily accessible to the unit.

(10) Forensic Psychiatric Units. The requirements of sections (1) through (6) of this rule shall apply to forensic psychiatric units, except as follows:

(a) Security vestibules or sally ports are required at the unit entrance;

(b) Additional treatment areas, police and courtroom space, and special security considerations shall be provided in accordance with the Patient and Staff Safety Assessment; and

(c) Children and adolescents shall be separated from one another as defined by the functional program. Children and adolescents shall also be physically and visually separate from adult care units.

Stat. Auth.: ORS 441 & ORS 442

Stats. Implemented: ORS 441 & ORS 442

Hist.: OHD 13-2002, f. & cert. ef. 9-27-02; PH 18-2003(Temp), f. & cert. ef. 10-31-03 thru 4-26-04

**Adm. Order No.:** PH 19-2003(Temp)

**Filed with Sec. of State:** 11-14-2003

**Certified to be Effective:** 11-14-03 thru 5-12-04

**Notice Publication Date:**

**Rules Adopted:** 333-054-0100

**Rules Amended:** 333-054-0000, 333-054-0010, 333-054-0020, 333-054-0030, 333-054-0040, 333-054-0050, 333-054-0060, 333-054-0070

**Rules Suspended:** 333-054-0090

**Subject:** Retroactively adopts rules that were previously submitted to the Secretary of State's office on December 24, 2002. The previously submitted rule changes included recommendations by USDA to delete some Type 2 state violations that are covered under Type 3 federally mandated violations. Rule changes outlined acceptable parameters on the use of state and federally protected acronyms and logos and retention of WIC shopper information. Under those rules, Oregon WIC vendors must be authorized with the Food Stamp Program, conduct all WIC transactions at the store location, and carry a minimum stock requirement at all times.

Excepting one new rule regarding the effective date, these rules are identical to the rules previously filed with the Secretary of State on December 24, 2002.

**Rules Coordinator:** Jana Fussell—(503) 731-4000, ext. 822

## 333-054-0000

### Description of WIC Program

(1) The WIC Program is a federally funded program established in 1972 by an amendment to the Child Nutrition Act of 1966. The purpose of the WIC Program is to serve as an adjunct to health care by providing: nutrition education and counseling; nutritious supplemental foods; and health screening and referral services to pregnant and breast-feeding women, infants, and children in certain high risk categories.

(2) Federal regulations governing the WIC Program, 7 CFR § Part 246, require adoption and implementation of standards and procedures to guide the state's administration of the WIC Program. These regulations also define the rights and responsibilities of vendors.

(3) The WIC Program in the State of Oregon is administered by the Department of Human Services (DHS).

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

Stat. Auth.: ORS 291.003, ORS 431.110, ORS 431.250 & ORS 409.600

Stats. Implemented: ORS 409.600

Hist.: HD 7-1993, f. & cert. ef. 6-11-93; OHD 17-2001, f. 8-02-01, cert. ef. 8-15-01; OHD 22-2002, f. & cert. ef. 12-24-02; PH 19-2003(Temp), f. & cert. ef. 11-14-03 thru 5-12-04

## 333-054-0010

### Definitions

(1) "Adequate Participant Access" means a determination based on the availability of other vendors within a five-mile radius, geographic barriers to using other vendors, local agency recommendations based upon identified participants' needs, and the availability of public transportation and roads.

(2) "Applicant" means any person, or person with an interest in the business, making a written request for authorization to participate in the WIC Program, including vendors that reapply for authorization.

(3) "Authorization" means the process by which DHS assesses, selects, and enters into agreements with stores that apply or subsequently reapply to be vendors.

(4) "Authorized food" means any supplemental foods listed on the WIC Authorized Food List or the food instrument.

(5) "Authorized shopper" means the participant or any person designated by a participant who has been documented as such at the local agency to act on the participant's behalf and, in the case of an infant or child, the caretaker or the caretaker's designee.

(6) "CFR" means Code of Federal Regulations.

(7) "CMP" means civil money penalty.

(8) "Compliance buy" means a single covert, on-site visit in which a DHS representative poses as an authorized shopper and attempts to transact, or transacts, one or more food instruments.

(9) "DHS" means Oregon Department of Human Services.

(10) "Disqualification" means the act of ending the WIC Program participation of a vendor, whether as a punitive sanction or for administrative reasons.

(11) "FNS" means the Food and Nutrition Service of the U. S. Department of Agriculture.

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(12) "FSP" means the Food Stamp Program, of the Food and Nutrition Service of the U.S. Department of Agriculture.

(13) "Food instrument" means a WIC Program voucher, check, electronic benefits transfer (EBT) card, coupon or other WIC approved document, which is used to obtain authorized foods.

(14) "Inventory audit" means an examination of food invoices or other proofs of vendor purchases to determine whether a vendor has purchased sufficient quantities of authorized foods to support the vendor's claim for reimbursement for such foods from DHS during a specific period of time.

(15) "Investigation" means a period of review, not to exceed 24 months, of a vendor's compliance with program rules and procedures.

(16) "Local agency" means

(a) A public or private non-profit health or human services agency that provides health services, either directly or through contract, in accordance with 7 CFR § 246.5;

(b) An Indian Health Service unit;

(c) An Indian tribe, band or group recognized by the Department of the Interior which operates a health clinic or is provided health services by an Indian Health Service unit; or

(d) An intertribal council or group that is an authorized representative of Indian tribes, bands or groups recognized by the Department of the Interior, which operates a health clinic or is provided health services by an Indian Health Service unit.

(17) "Participant" means any pregnant woman, breastfeeding woman, post-partum woman, infant or child who receives authorized foods or food instruments under the WIC Program, and the breastfed infant of any participating breastfeeding woman.

(18) "Pattern" means three or more of the same rule violation that occurs within a single investigation.

(19) "Peer group" means a group of vendors categorized by DHS based on store type and store size.

(20) "Person" means a human being, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

(21) "Person with an interest in the business" means an officer, director, partner, or manager of the business or a shareholder with 25% interest or more in the business.

(22) "Price adjustment" means an adjustment made by DHS, in accordance with the vendor agreement, to the purchase price on a food instrument, which matches the vendor's actual shelf price, for the total of the individual items, but exceeds the maximum amount allowable by DHS for the vendor's peer group for that food instrument.

(23) "Routine monitoring" means an overt, on-site visit in which DHS authorized representatives or federal officials identify themselves to vendor personnel.

(24) "Trafficking" means buying or selling food instruments for cash.

(25) "U.S.C." means United States Code.

(26) "Vendor" means the current owner(s) or any person with an interest in the business, of any retail store location that is currently authorized by DHS to participate in the WIC Program.

(27) "Vendor agreement" means a standard written legal contract between the vendor and DHS that sets forth responsibilities of the parties.

(28) "Vendor overcharge" means intentionally or unintentionally charging DHS more for authorized foods than the actual shelf price or the price they charge other shoppers.

(29) "Vendor Price List" means a list of current authorized foods and minimum stock requirements, with current shelf prices completed by the vendor.

(30) "Violation" means an activity that is prohibited by OAR 333-054-0000 through 333-054-0070 and is classified in OAR 333-054-0050.

(31) "WIC Authorized Food List" means the list of supplemental foods approved by the State of Oregon.

(32) "WIC Program" means the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) authorized by Section 17 of the Federal Child Nutrition Act of 1966, as amended, 42 U.S.C. §1786.

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

Stat. Auth.: ORS 291.003, ORS 409.600, ORS 431.110, & ORS 431.250

Stats. Implemented: ORS 409.600

Hist.: HD 7-1993, f. & cert. ef. 6-11-93; HD 31-1994, f. & cert. ef. 12-22-94; OHD 17-2001, f. 8-02-01, cert. ef. 8-15-01; OHD 22-2002, f. & cert. ef. 12-24-02; PH 19-2003(Temp), f. & cert. ef. 11-14-03 thru 5-12-04

## 333-054-0020

### Vendor Participation

(1) Only authorized vendors may accept food instruments in exchange for authorized foods.

(2) Application:

(a) An applicant shall submit a completed application to DHS, which includes: an application form; a Vendor Price List; a sample of the applicant's current bank endorsement stamp or other method of endorsement approved by DHS, listing the specific store name and store number; a current Food Stamp Authorization number and any other documents or information required by DHS.

(b) DHS may limit the periods during which applications for vendor authorization will be accepted and processed. DHS will process applications, outside of the limited application period, when it determines the applicant's store is necessary to ensure adequate participant access in a specific geographic location.

(3) Selection Criteria: In order for DHS to consider authorizing an applicant, the applicant shall:

(a) Demonstrate and maintain competitive pricing as determined by DHS based on the average redemption prices of individual authorized foods within the peer group appropriate to the applicant's characteristics, plus a DHS-determined percentage;

(b) Possess a current bank account number;

(c) Ensure the store has adequate refrigeration facilities;

(d) Not have, within the previous six years, a criminal conviction or civil judgment involving fraud or any other offense related to the applicant's business integrity or honesty;

(e) Possess a current FSP authorization number. Pharmacies shall be exempt from this selection requirement due to the nature of the services they provide for the WIC Program;

(f) Not have a history of serious violations with either the WIC Program or Food Stamp Program;

(g) Not be currently disqualified from participation in another state's WIC Program. DHS shall not authorize an applicant that has been assessed a CMP in lieu of disqualification by another state WIC Program until the period of the disqualification that would otherwise have been imposed has expired;

(h) Not be currently disqualified from participation in the Food Stamp Program. DHS shall not authorize an applicant that has been assessed a FSP civil money penalty in lieu of disqualification until the period of the disqualification that would otherwise have been imposed has expired; and

(i) Have a fixed location for each store.

(j) Stock representative items from all food categories specified on the Vendor Price List. Minimum quantities specified on the Vendor Price List shall be stocked or on order before authorization of an applicant:

(A) DHS may grant a written exception if the applicant is able to provide documentation that appropriate stock was on order at the time of the initial on-site review and will be in the store within 7 days;

(B) DHS may grant a written exception to this requirement for cases where there is no participant need in the applicant's area for a specific authorized food item, such as infant formula. DHS shall determine participant need based on the local agency's input regarding a vendor request for exception, vendor redemption data relative to the vendor's request, and the number of infants using formula in the vendor's store's zip code. If a local agency notifies the vendor of a specific need for that authorized food item, the vendor will ensure that the authorized food item is available within 7 days of the request;

(C) Pharmacies are exempt from this requirement, however, they shall obtain infant formula, including formula which requires a prescription, within 72 hours of a DHS or participant request.

(k) An applicant's store which is necessary to ensure adequate participant access may be exempt from OAR 333-054-0020(3)(a) and (j).

(4) Authorization Requirements:

(a) DHS or the local agency shall conduct a documented on-site visit prior to, or at the time of, authorization of an applicant, including evaluating the inventory and condition of authorized foods and providing the applicant with the WIC Program information prior to or at the time of authorization;

(b) DHS shall conduct a live interactive training prior to or at the time of authorization. DHS shall designate the date, time, and location of the training, except that DHS shall provide the vendor with at least one alternate date on which to attend such training; and

(c) Once authorized, the vendor shall remain in compliance with the current selection criteria set forth in OAR 333-054-0020(3) for the duration of the vendor agreement. DHS shall disqualify the vendor at any time the vendor does not meet the current selection criteria.

(5) Application Denials:

(a) DHS shall give the applicant written notification of denial, in conformance with ORS Chapter 183, as otherwise provided in these rules,

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DHS may deny an applicant authorization for reasons including, but not limited to, the following:

- (A) The applicant's failure to meet the selection criteria;
- (B) The applicant's failure to meet all of the WIC rules initially or for the duration of the vendor agreement;
- (C) The applicant's store or business has been sold by its previous owner in an attempt to circumvent a WIC Program sanction. In making this determination, DHS may consider such factors as whether the applicant's store or business was sold to a relative by blood or marriage of the previous owner(s) or sold to any person for less than its fair market value;
- (D) The applicant's history of redemption of food instruments;
- (E) The applicant's refusal to accept training from the WIC Program;

or

- (F) The applicant's misrepresentation of information on the application.

Stat. Auth.: ORS 291.003, ORS 431.110, ORS 431.250 & ORS 409.600  
Stats. Implemented: ORS 409.600  
Hist.: HD 7-1993, f. & cert. ef. 6-11-93; OHD 17-2001, f. 8-02-01, cert. ef. 8-15-01; OHD 22-2002, f. & cert. ef. 12-24-02; PH 19-2003(Temp), f. & cert. ef. 11-14-03 thru 5-12-04

## 333-054-0030

### Vendor Agreements

(1) Each applicant who has been approved for authorization shall sign a vendor agreement. The term of a vendor agreement shall not exceed three years. The vendor agreement shall be signed by a representative of DHS and a representative of the vendor who has the legal authority to sign the vendor agreement and obligate the applicant to the terms of the vendor agreement.

(2) A vendor shall apply for authorization prior to the expiration of each vendor agreement and shall meet the selection criteria in effect at the time of each application. DHS or local agency shall provide a vendor with not less than 15 days advance written notice of the expiration of its vendor agreement.

(3) In the event of any change in store facilities which adversely impacts participants' ability to transact food instruments, (including, but not limited to: store remodel, building damage, and equipment failure) DHS shall disqualify the vendor.

(4) DHS shall immediately terminate the vendor agreement if it determines that the vendor has provided false information in connection with its application for authorization.

(5) Either DHS or the vendor may terminate the vendor agreement for cause after providing at least 15 days advance written notice to the other party.

(6) DHS shall terminate a vendor agreement when DHS determines that there is an inappropriate relationship, real or apparent, which jeopardizes the fair and objective administration of the program between a vendor and DHS or any of its local agencies.

(7) When a vendor has more than one store location, the vendor agreement shall include a list of each store's name and location. Individual store locations may be added or deleted, by amendment to the vendor agreement or disqualification of an individual store location, without affecting the remaining store locations. Each store location included in the vendor agreement shall meet all applicable laws and rules.

(8) Neither DHS nor the vendor is obligated to renew the vendor agreement.

(9) The vendor agreement does not constitute a license or property interest.

(10) DHS may terminate the vendor agreement if a vendor has not been selected for regular use by at least five (5) authorized shoppers during the six-month period prior to the agency's review.

(11) Vendor Responsibility. A vendor shall:

(a) Comply with all applicable federal and state laws, rules and regulations, in addition to the terms of the vendor agreement;

(b) Be accountable for any intentional or unintentional action of its owners, officers, managers or employees, with or without the knowledge of management, who violate the vendor agreement or federal or state statutes, regulations, policies or procedures governing the Program. The vendor is also accountable for the actions of anyone who works as a checker, whether they are paid or not;

(c) Designate one person, at each authorized vendor location, to serve as the designated trainer. The designated trainer shall train all checkers and other staff involved with WIC transactions regarding the handling of food instruments. The vendor or its designated trainer shall promptly inform employees of changes in the WIC Program, including changes to the WIC Authorized Food List;

(d) Ensure that the designated trainer and store manager or other management employee participate in training prior to, or at the time of, the vendor's first authorization and annually thereafter. During the period in which a vendor agreement is in effect, DHS shall conduct at least one live interactive training for that vendor. DHS shall designate the date, time, and location of the training, except that DHS shall provide the vendor with at least one alternate date on which to attend such training;

(e) At all reasonable times, provide DHS' authorized representative or federal government official access to the vendor's facilities, books, records and documents at all reasonable times. The vendor shall provide the above entities and individuals access to food instruments negotiated on the day of review, shelf price records, financial records and other documents that DHS or federal officials determine are pertinent to determining a vendor's compliance. The vendor shall also, upon request, furnish to DHS, within two days, verification of total vendor purchases of specific items in order to justify amounts claimed as WIC Program purchases;

(f) For a period of three years, maintain purchase and receiving records, including, but not limited to, inventory records showing all wholesale and retail purchases, state and federal tax returns, and other pertinent records that substantiate the volume and prices charged for redeemed food instruments. In the case of retail purchases, the vendor shall provide receipts specifying the authorized food item purchased, quantity, unit price and date of purchase;

(g) Notify DHS in writing of any change in ownership, store name, store location or permanent store closure at least 30 days prior to the effective date of the change:

(A) In the event of a cessation of operations or any change in ownership, the legal authority obligating the vendor, or store location, the vendor agreement shall be terminated;

(B) In the event of a name change for any store the vendor shall, within 60 days of the change, ensure that the store's outside sign bears the same name as that listed on the vendor agreement; and

(C) If the vendor closes any store listed in the vendor agreement which contains more than one store location, the vendor shall notify DHS in writing of the closed store's name, address, and telephone number. This written notification shall be considered an amendment of the vendor agreement unless disapproved in writing by DHS within 15 days of DHS' receipt of the vendor's notification.

(h) Notify DHS in the event of any change in store facilities which adversely impacts participants' ability to transact food instruments, (including, but not limited to: store remodel, building damage, or equipment failure), by no later than 5 p.m. the next business day.

(i) Not sell expired authorized food or infant formula to authorized shoppers;

(j) Mark all authorized foods with the price charged for these products to the general public or prominently display the price of the foods near the location of the foods in clear view of customers and in a manner that clearly identifies the price with the specific food item;

(k) Upon DHS' request, complete and return a Vendor Price List by the deadline set by DHS;

(l) Maintain the premises in a sanitary condition;

(m) Not retain WIC identification or any information that identifies a shopper as a WIC participant or disclose information regarding a client of the WIC Program to any person other than DHS, its representatives or a federal official;

(n) Not engage in any conduct that would discriminate against any authorized shopper or participant based on the individual's race, color, national origin, gender, age, and disability. Complaints of discrimination will be forwarded to the USDA for follow-up in accordance with 7 CFR § 246.8(b).

(o) Use the "WIC" acronym or logo only as follows:

(A) To identify the vendor as an authorized WIC vendor;

(B) To identify authorized food items by attaching shelf-talkers stating "WIC-approved" or "WIC-eligible" to store shelves.

(p) Not use the "WIC" acronym and/or logo in any way that might give the impression to WIC shoppers that the store location is:

(A) Owned by the Oregon WIC Program;

(B) Operated by the Oregon WIC Program;

(C) Officially endorsed by the Oregon WIC Program; or

(D) Preferred by the Oregon WIC Program.

(q) Comply with investigations by federal or state officials; and

(r) Implement corrective action as directed by DHS within 30 days from the issuance of a "Notice of Non-Compliance."

(12) Redemption of food instruments. A vendor shall:

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(a) Require each authorized shopper to produce that individual's WIC identification card prior to the transaction. The vendor shall not require the authorized shopper to provide any other identification or information in addition to the WIC identification card in order to use the food instrument;

(b) Not allow any employee, owner, or person with an interest in the business, who is also an authorized shopper, to redeem a food instrument for which he or she is an authorized shopper;

(c) Complete all food instrument transactions at the authorized store location. The vendor shall not deliver food purchased with food instruments to WIC participants.

(d) Refuse to accept food instruments that appear to be altered;

(e) Accept only valid food instruments made payable to "Any Authorized Oregon WIC Vendor;"

(f) Accept only food instruments within the time period indicated in the "First Day To Use" and "Last Day To Use" boxes. The vendor shall refer the authorized shopper back to the local clinic if either of these dates is missing or if the "Last Day To Use" is handwritten;

(g) Ensure authorized shoppers receive the same treatment as provided to other customers such as honoring manufacturer's coupons, in-store specials or store promotions and not requiring separate lines for WIC authorized shoppers;

(h) Not accept any food instrument in exchange for alcohol, alcoholic beverages, tobacco products, cash, firearms, ammunition, explosives, or controlled substances, as defined in 21 U.S.C. § 802;

(i) Not accept any food instrument in exchange for credit or non-food items other than those listed in (h);

(j) Not accept any food instrument in exchange for food items or quantities other than those specifically identified on the food instrument, including charging the WIC Program for supplemental food in excess of those listed on the food instrument;

(k) Ensure that only those brand names and food types listed on the WIC Authorized Food List are purchased;

(l) Not influence the authorized shopper's choice of authorized foods;

(m) Not charge authorized shoppers for authorized foods obtained with food instruments;

(n) Not charge DHS more than the vendor's current shelf price or the advertised sale price, whichever is lower, for authorized food purchases;

(o) Not include sales tax or container deposits as part of the purchase price of the authorized foods listed on the food instrument;

(p) Write the actual purchase price in the designated box on the food instrument before the authorized shopper signs the food instrument. The purchase price shall include only the authorized food items actually provided to the authorized shopper at the time of the transaction;

(q) Duly witness the authorized shopper's signature at the time of the transaction, in the designated box, on the front of any food instrument accepted for payment and compare that signature with the signature on the WIC Program identification card, ensuring that these signatures match;

(r) Provide the authorized shopper with a receipt for foods purchased with a food instrument; and

(s) After each transaction, return the WIC Program identification card to the authorized shopper.

(13) Post-redemption of food instruments. A vendor shall:

(a) Not provide a refund or exchange for an authorized food item obtained with a food instrument, except for an exchange of an identical authorized food item when the original authorized food item is defective, spoiled, or has exceeded its "sell by," "best if used by," or other date limiting the sale or use of the food item. An identical authorized food item means the exact brand and size as the original authorized food item obtained and returned by the authorized shopper;

(b) Not alter any food instrument, including by use of correction fluid;

(c) Prior to deposit of a food instrument, stamp each food instrument with the vendor's unique DHS-approved 4-digit number in the designated area on the front of the food instrument;

(d) Prior to deposit of the food instrument, endorse the back of each redeemed food instrument with the store's bank endorsement stamp or other method of endorsement approved by DHS;

(e) Deposit each redeemed food instrument into the vendor's bank within the time period designated on the front of the food instrument; and

(f) Not deposit a food instrument for reimbursement for foods or formula not received by an authorized shopper.

(14) Improperly redeemed food instruments:

(a) DHS may make price adjustments in order to comply with price limitations in accordance with the vendor agreement. The maximum amount DHS will reimburse a vendor for a food instrument is the average peer group price of the food instrument plus a DHS-determined percentage;

(b) DHS may deny reimbursement to the vendor for improperly redeemed food instruments or may demand refunds for reimbursements already made on improperly redeemed food instruments. In addition to denying payment or assessing a claim, DHS may sanction the vendor for overcharges or other errors in accordance with OAR 333-054-0060;

(c) The vendor shall reimburse DHS, within 30 days of DHS' written request, for amounts paid by DHS to the vendor on improperly redeemed food instruments and for unsubstantiated volumes of authorized foods;

(d) When DHS denies reimbursement for a food instrument or requests payment for an improperly redeemed food instrument, the vendor shall have an opportunity to provide DHS with written justification for the error. A vendor shall submit the written justification, along with the returned food instrument, within the timeframe on the front of the food instrument; and

(e) The vendor shall not seek restitution from an authorized shopper or participant for a food instrument not reimbursed or partially reimbursed by DHS, or for which DHS has requested payment from the vendor.

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

Stat. Auth.: ORS 291.003, ORS 431.110, ORS 431.250 & ORS 409.600

Stats. Implemented: ORS 409.600

Hist.: HD 7-1993, f. & cert. ef. 6-11-93; OHD 17-2001, f. 8-2-01, cert. ef. 8-15-01; OHD 22-2002, f. & cert. ef. 12-24-02; PH 19-2003(Temp), f. & cert. ef. 11-14-03 thru 5-12-04

## 333-054-0040

### Vendor Monitoring

(1) DHS shall monitor vendors for compliance with applicable laws and rules, including on-site investigation of randomly selected vendors.

(2) DHS or its authorized representative may conduct compliance buys to collect evidence of improper vendor practices.

Stat. Auth.: ORS 291.003, ORS 431.110, ORS 431.250 & ORS 409.600

Stats. Implemented: ORS 409.600

Hist.: HD 7-1993, f. & cert. ef. 6-11-93; OHD 17-2001, f. 8-2-01, cert. ef. 8-15-01; OHD 22-2002, f. & cert. ef. 12-24-02; PH 19-2003(Temp), f. & cert. ef. 11-14-03 thru 5-12-04

## 333-054-0050

### Violations

Violations shall be classified as either Type 1, 2, or 3 violations based on the severity of the violation. Each violation is listed by type below:

(1) Type 1 Violations:

(a) Accepting a food instrument that does not bear a "First Day To Use" and "Last Day To Use" date or is not made payable to "Any Authorized Oregon WIC Vendor";

(b) Accepting a food instrument before the "First Day To Use" or after the "Last Day To Use";

(c) One incident of failing to maintain an adequate stock of authorized foods or formula to fill food instruments consistent with vendor agreement requirements. DHS may grant an exception if the vendor is able to provide documentation that the appropriate stock was on order at the time of the violation and received by the vendor within 7 days of the violation;

(d) Failing to notify DHS of any change in ownership, store name, store location or permanent store closure at least 30 days prior to the effective date of the change;

(e) Failing to notify DHS by no later than 5 p.m. the next business day following any change in store facilities which adversely impact participants' ability to transact food instruments;

(f) Failing to prominently display shelf prices for authorized foods;

(g) Failing to complete and return the Vendor Price List by the deadline set by DHS;

(h) Failing to correctly endorse food instruments;

(i) Failing to enter the actual purchase price in the designated box before the authorized shopper signs the food instrument;

(j) Failing to provide the authorized shopper with a receipt for foods purchased with a food instrument; and

(k) Failing to ensure that within 60 days of a name change the outside sign bears the same name as that listed on the vendor agreement.

(2) Type 2 violations:

(a) Influencing an authorized shopper's selection of authorized foods;

(b) Accepting any food instrument when a valid WIC Program identification card is not presented prior to the transaction;

(c) Requesting or requiring any identification or information from the authorized shopper other than the WIC Program identification card;

(d) Failing to witness the authorized shopper's signature at the time of the transaction, in the designated box, on the front of the food instrument accepted for payment or failing to compare that signature with the signature on the WIC Program identification card;

(e) Treating authorized shoppers differently than other customers, such as a separate line for authorized shoppers or discourteous treatment;

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(f) Selling expired authorized foods or infant formula to authorized shoppers;

(g) Failing to ensure that the designated trainer is able to demonstrate the correct procedure for processing a food instrument;

(h) Allowing a purchase of authorized infant formula in a quantity not prescribed on the food instrument;

(i) Failing to reimburse DHS, within 30 days of written request, for amounts paid by DHS to the vendor on improperly redeemed food instruments;

(j) Retaining WIC identification or any information that identifies a shopper as a WIC participant or disclosing information regarding a client of the WIC Program to any person other than DHS, its representatives or a federal official;

(k) Failing to maintain sanitary conditions;

(l) Including sales tax or container deposits as part of the actual cost of the authorized foods listed on the food instrument;

(m) Failing to:

(A) Respond to a request issued by DHS;

(B) Accept training when required by DHS;

(C) Implement corrective action imposed by DHS;

(D) Comply with terms in a final order issued by DHS; or

(E) Comply with an investigation by federal or state officials;

(n) Charging authorized shoppers for authorized foods obtained with food instruments; and

(o) Using the "WIC" acronym or logos in an unauthorized manner.

(3) Type 3 violations:

(a) One year disqualification:

(A) A pattern of providing unauthorized food items, in exchange for food instruments, including charging for authorized food provided in excess of those listed on the food instrument;

(B) A pattern of allowing the purchase of brand names or food types other than those listed on the WIC Authorized Food List;

(C) Failing to provide purchasing/receiving records to substantiate the volume and prices charged to DHS, within two business days of DHS' request for such documentation;

(D) Refusing DHS or a federal official access to food instruments negotiated on the day of review;

(E) A pattern of failing to stock appropriate quantities of authorized foods and infant formula;

(F) Seeking restitution from WIC Program participants or authorized shoppers for a food instrument not paid by DHS or for which reimbursement has been requested by DHS;

(G) Providing change when redeeming a food instrument;

(H) Violating the nondiscrimination clause listed in the vendor agreement or OAR 333-054-0030(11)(n);

(I) A pattern of allowing a refund or any other item of value in exchange for authorized foods or providing exchanges for authorized food items obtained with food instruments, except for exchanges of an identical authorized food item when the original authorized food item is defective, spoiled, or has exceeded its "sell by," "best if used by," or other date limiting the sale or use of the food item. An identical authorized food item means the exact brand and size as the original authorized food item obtained and returned by the authorized shopper; and

(J) Providing false information or omitting pertinent information on the vendor application.

(b) Three year disqualification:

(A) One incident of the sale of alcohol, an alcoholic beverage, or a tobacco product in exchange for a food instrument;

(B) A pattern of claiming reimbursement for the sale of an amount of a specific authorized food item which exceeds the store's documented inventory of that authorized food item for a specific period of time;

(C) A pattern of vendor overcharges;

(D) A pattern of receiving, transacting and/or redeeming food instruments outside of authorized channels or locations. This includes, but is not limited to: use of an unauthorized vendor/and or unauthorized person, and/or redemption of food instruments outside of an authorized store location.

(E) A pattern of charging for authorized foods not received by the authorized shopper; and

(F) A pattern of providing credit or non-food items in exchange for food instruments, other than those items listed in OAR 333-054-0050(3)(b)(A), (3)(c)(A) and (3)(c)(B).

(c) Six year disqualification:

(A) One incident of buying or selling a food instrument for cash (trafficking);

(B) One incident of selling a firearm, ammunition, explosive, or controlled substance, as defined in 21 U.S.C. § 802, in exchange for a food instrument;

(d) Permanent Disqualification: Conviction of trafficking in food instruments or selling firearms, ammunition, explosives, or controlled substances as defined in 21 U.S.C. § 802 in exchange for a food instrument..

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

Stat. Auth.: ORS 291.003, ORS 431.110, ORS 431.250, ORS 409.600

Stats. Implemented: ORS 409.600

Hist.: HD 7-1993, f. & cert. ef. 6-11-93; OHD 17-2001, f. 8-2-01, cert. ef. 8-15-01; OHD 22-2002, f. & cert. ef. 12-24-02; PH 19-2003(Temp), f. & cert. ef. 11-14-03 thru 5-12-04

## 333-054-0060

### Vendor Sanctions

(1) DHS does not have to provide the vendor with prior warning that violations were occurring before imposing any sanction.

(2) Type 1 violations:

(a) For the first Type 1 violation, DHS may issue the vendor a "Notice of Non-Compliance", regardless of how many Type 1 violations occur during a single compliance buy.

(b) For the second Type 1 violation committed within twelve months of the first Type 1 violation, regardless of how many Type 1 violations occur during a single compliance buy, DHS may issue the vendor a "Notice of Non-Compliance" requiring the vendor to submit a written corrective action plan to DHS within 14 days of the date of DHS' notice. If the vendor does not submit an acceptable written corrective action plan within the time period specified, DHS may disqualify the vendor from the WIC Program for six months. DHS may disqualify the vendor for six months if the approved corrective action is not implemented within 30 days of the "Notice of Non-Compliance."

(c) For the third Type 1 violation committed within twelve months of the first Type 1 violation, regardless of how many Type 1 violations occur during a single compliance buy, DHS may disqualify the vendor from the WIC Program for six months.

(3) Type 2 violations:

(a) For the first Type 2 Violation, regardless of how many Type 2 violations occur during a single compliance buy, DHS may issue the vendor a "Notice of Non-Compliance" requiring the vendor to submit a written corrective action plan within 14 days of DHS' notice. If the vendor does not submit an acceptable written corrective action plan within the time period specified, DHS may disqualify the vendor from the WIC Program for six months. DHS may disqualify the vendor for six months if the approved corrective action is not implemented within 30 days of the "Notice of Non-Compliance."

(b) For the second Type 2 violation committed within 24 months of the first Type 2 violation, regardless of how many Type 2 violations occur during a single compliance buy, DHS may disqualify the vendor from the WIC Program for one year.

(c) For a Type 2 violation followed by a Type 1 violation within 24 months of the first violation, DHS may disqualify a vendor from the WIC Program for six months.

(d) DHS may disqualify a vendor from the WIC Program for one year for a combination of three Type 1 and 2 violations, such as a Type 2 violation, followed by a Type 1, followed by a Type 2, within 24 months of the first violation.

(4) Type 3 violations:

(a) For the first Type 3 violation listed in OAR 333-054-0050(3)(a)(A), DHS shall disqualify the vendor for one year. For the first Type 3 violation listed in OAR 333-054-0050(3)(a)(B) to (J), DHS may disqualify the vendor for one year.

(b) For a Type 3 violation listed in OAR 333-054-0050(3)(b)(A) to (F), DHS shall disqualify the vendor for three years.

(c) For a Type 3 violation listed in OAR 333-054-0050(3)(c)(A) and (B), DHS shall disqualify the vendor for six years.

(d) For a Type 3 violation listed in OAR 333-054-0050(3)(d), DHS shall permanently disqualify the vendor. A vendor is not entitled to receive any compensation for revenues lost as a result of such violation.

(e) For a second Type 3 violation referred to in OAR 333-054-0060(4)(a), (b) and (c) of this section, DHS shall double the second sanction. Civil money penalties may only be doubled up to the limits allowed under OAR 333-054-0060(5)(j)(C).

(f) For a third Type 3 violation referred to in OAR 333-054-0050(4)(a), (b) and (c) of this section, DHS shall double the third sanction and all subsequent sanctions that were previously imposed. DHS shall disqualify vendor and may not impose CMPs in lieu of disqualification for third or subsequent sanctions for violations referred to in OAR 333-054-0060(4)(a), (b) and (c).



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## (5) Disqualification:

(a) A vendor may not apply for authorization during a period of disqualification or termination from the WIC Program.

(b) DHS shall not accept a vendor's voluntary withdrawal from the WIC Program as an alternative to disqualification. In addition, DHS may not use non-renewal as an alternative to disqualification.

(c) DHS shall disqualify a vendor that does not pay, partially pays or fails to timely pay, a CMP assessed in lieu of disqualification, for the length of the disqualification corresponding to the violation for which the CMP was assessed. If this vendor was assessed more than one CMP in lieu of disqualification as the result of a single investigation, DHS shall disqualify the vendor for the period corresponding to the most serious violation.

(d) The total period of disqualification imposed for DHS violations, resulting from a single investigation, listed in OAR 333-054-0050(1), 333-054-0050(2) and 333-054-0050(3)(a)(B) through (J) may not exceed one year.

(e) After a vendor is disqualified, in order to participate in the WIC Program, they must apply for authorization.

(f) Prior to disqualifying a vendor, DHS shall determine if disqualification of the vendor would result in inadequate participant access. If DHS determines that disqualification of the vendor would result in inadequate participant access, DHS shall not disqualify the vendor and shall impose a CMP in lieu of disqualification. DHS shall include documentation of its participant access determination and any supporting documentation in each vendor's file. DHS shall not impose a CMP in lieu of disqualification for third or subsequent sanctions, even if the disqualification results in inadequate participant access. DHS shall not impose a CMP in lieu of disqualification for trafficking or an illegal sales conviction, even if the disqualification results in inadequate participant access.

(g) DHS shall disqualify a vendor who has been disqualified from the FSP. The disqualification shall be for the same length of time as the FSP disqualification, although it may begin at a later date than the FSP disqualification. Such disqualification by the WIC Program shall not be subject to administrative or judicial review under the WIC Program.

(A) DHS may disqualify a vendor who has been assessed a CMP in lieu of disqualification in the FSP, as provided in 7 CFR § 278.6. The length of such disqualification shall correspond to the period for which the vendor would otherwise have been disqualified in the Food Stamp Program. DHS shall determine if the disqualification of a vendor would result in inadequate participant access prior to disqualifying a vendor for FSP disqualification pursuant to paragraph (9) of this section or for any of the violations listed in this section. If DHS determines that disqualification of the vendor would result in inadequate participant access, DHS shall not disqualify or impose a CMP in lieu of disqualification. DHS shall include participant access documentation in vendor files.

(B) DHS shall provide the appropriate FNS office with a copy of the notice of adverse action and information on vendors it has disqualified for any of the violations listed in paragraphs OAR 333-054-0060(4)(a), (4)(b) and (4)(c) of this section. This information shall include the vendor's name, address, identification number, the type of violation(s), length of the disqualification, or the length of the disqualification corresponding to the violation for which a FSP CMP was assessed.

(h) Disqualification from the WIC Program may result in disqualification as a retailer in the FSP. Such disqualification may not be subject to administrative or judicial review under the FSP.

(i) DHS may disqualify a vendor that has been disqualified or assessed a CMP in lieu of disqualification by another WIC state agency for a mandatory sanction.

(A) The length of the disqualification shall be for the same length of time as the disqualification by the other WIC state agency or, in the case of a CMP in lieu of disqualification assessed by the other WIC state agency, for the same length of time for which the vendor would otherwise have been disqualified. The disqualification may begin at a later date than the sanction imposed by the other WIC state agency.

(B) If DHS determines that disqualification of a vendor would result in inadequate participant access, DHS shall not impose a CMP in lieu of disqualification.

(j) DHS shall use the following formula to calculate a CMP imposed in lieu of disqualification pursuant to these rules:

(A) Determine the vendor's average monthly redemptions for at least the 6-month period ending with the month immediately preceding the month during which the notice of administrative action is dated;

(B) Multiply the average monthly redemptions figure by 10 percent (.10);

(C) Multiply the product from paragraph (5)(j)(B) of this section by the number of months for which the store would have been disqualified. This is the amount of the CMP, provided that the CMP shall not exceed \$10,000 for each violation. For a violation that warrants permanent disqualification, the amount of the CMP shall be \$10,000. DHS shall impose a CMP for each violation when during the course of a single investigation DHS determines a vendor has committed multiple violations. The total amount of CMPs imposed for violations cited as part of a single investigation shall not exceed \$40,000.

(k) DHS shall disqualify a vendor for a period corresponding to the most serious sanction when during the course of a single investigation DHS determines a vendor has committed multiple violations. DHS shall include all violations in the notice of administrative action. If a sanction for a specific violation is not upheld after a hearing or appeal, DHS may impose a sanction for any remaining violations.

(l) If the basis for disqualification of a vendor is for violation of OAR 333-054-0050(3)(d), the effective date of the disqualification is the date the vendor received notice, either actual or constructive, of the disqualification.

(6) DHS shall, where appropriate, refer vendors who abuse the WIC Program to appropriate federal, state or local authorities for prosecution under applicable statutes.

(7) A vendor who commits fraud or abuse of the Program is subject to prosecution under applicable federal, state or local laws. A vendor who has embezzled, willfully misapplied, stolen or fraudulently obtained program funds, assets, or property shall be subject to a fine of not more than \$25,000 or imprisonment for not more than five years or both, if the value of the funds is \$100 or more. If the value is less than \$100, the penalties are a fine of not more than \$1,000 or imprisonment for not more than one year or both.

(8) A vendor may be subject to actions in addition to the sanctions in this section, such as claims by DHS of reimbursement for improperly redeemed food instruments and penalties outlined in 7 CFR § 246.12(1)(2)(i).

(9) DHS shall use the following criteria to determine inadequate participant access:

(a) The availability of other authorized vendors within a five-mile radius;

(b) Geographic barriers to using other authorized vendors;

(c) Local agency recommendations based upon identified participants' needs; and

(d) Availability of public transportation and roads;

(10) Any time DHS uses criteria in (9), DHS shall include participant access documentation in vendor file.

(11) DHS shall not reimburse for food instruments submitted by a vendor for payment during a period of disqualification.

(12) A vendor is not entitled to receive any compensation for revenues lost as a result of a disqualification.

Stat. Auth.: ORS 291.003, ORS 431.110, ORS 431.250 & ORS 409.600

Stats. Implemented: ORS 409.600

Hist.: HD 7-1993, f. & cert. ef. 6-11-93; OHD 17-2001, f. 8-2-01, cert. ef. 8-15-01; OHD 22-2002, f. & cert. ef. 12-24-02; PH 19-2003(Temp), f. & cert. ef. 11-14-03 thru 5-12-04

## 333-054-0070

### Administrative Review

(1) Except as otherwise provided in these rules, DHS shall provide a vendor with an administrative review in accordance with the provisions of ORS Chapter 183.

(2) The vendor shall not be entitled to an administrative review for the following actions:

(a) The validity or appropriateness of DHS' limiting or selection criteria;

(b) The validity or appropriateness of DHS' participant access criteria and DHS' participant access determinations;

(c) DHS' determination regarding whether a vendor had an effective policy and program in effect to prevent trafficking regardless of the vendor's awareness, approval, and/or involvement in the violation activity;

(d) Denial of authorization if DHS vendor authorization is subject to the procurement procedures applicable to DHS;

(e) The expiration of the vendor's agreement;

(f) Disputes regarding food instrument payments and vendor claims; and

(g) Disqualification of a vendor as a result of disqualification from FSP.

(3) If the vendor agreement expires during the appeal period, DHS will accept application for renewal and delay determination until the appeal process is over.

Stat. Auth.: ORS 291.003, ORS 431.110, ORS 431.250 & ORS 409.600

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Stats. Implemented: ORS 409.600  
Hist.: HD 7-1993, f. & cert. ef. 6-11-93; OHD 17-2001, f. 8-2-01, cert. ef. 8-15-01; OHD 22-2002, f. & cert. ef. 12-24-02; PH 19-2003(Temp), f. & cert. ef. 11-14-03 thru 5-12-04

## 333-054-0100

### Effective Date

The effective date for rules 333-054-0000, 333-054-0010, 333-054-0020, 333-054-0030, 333-054-0040, 333-054-0050, 333-054-0060, 333-054-0070 and 333-054-0100 shall be December 24, 2002.

Stat. Auth.: ORS 291.003, ORS 431.110, ORS 431.250 & ORS 409.600  
Stats. Implemented: ORS 409.600  
Hist.: PH 19-2003(Temp), f. & cert. ef. 11-14-03 thru 5-12-04

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## Department of Human Services, Self-Sufficiency Programs Chapter 461

**Adm. Order No.:** SSP 28-2003(Temp)

**Filed with Sec. of State:** 10-31-2003

**Certified to be Effective:** 11-1-03 thru 12-31-03

**Notice Publication Date:**

**Rules Amended:** 461-025-0311, 461-120-0340, 461-170-0010, 461-180-0070

**Rules Suspended:** 461-135-0180

**Subject:** Rules 461-025-0311, 461-120-0340 and 461-180-0070 are being amended and rule 461-135-00180 is being repealed to because the Department has determined that Pay-After-Performance (PAP) is not effective in accomplishing the goal of increasing the TANF two-parent participation rate.

Rule 461-170-0010 is being amended to correct an omission made with the October 1, 2003 filing of this rule.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

## 461-025-0311

### Continuation of Benefits

(1) This rule explains who may receive continuing benefits while a contested case pends.

(2) A client who is entitled to a *continuing benefits decision* notice under a rule in division 175 of this chapter of rules may, at the option of the client, receive continuing benefits, in the same manner and same amount, until a final order resolves the contested case. To be entitled to continuing benefits, the client must complete a hearing request not later than the later of:

- (a) The tenth day following the date of the notice; and
- (b) The effective date of the action proposed in the notice.

(3) The continuing benefits are subject to modification based on additional changes affecting the client's eligibility or level of benefits.

(4) In determining timeliness under section (2) of this rule, delay caused by circumstances beyond the control of the claimant is not counted.

Stat. Auth.: ORS 411.060, ORS 411.816, ORS 418.100  
Stats. Implemented: ORS 411.060, ORS 411.816 & ORS 418.100  
Hist.: AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; SSP 28-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 12-31-03

## 461-120-0340

### Client Required To Help Department Obtain Support From Noncustodial Parent; TANF

(1) To be eligible for TANF, a caretaker relative must make a *good faith effort* to help the Department establish paternity of each needy child and locate, and obtain support payments from, the noncustodial parent of each needy child. A client is excused from the requirements of this section for good cause defined in OAR 461-120-0350.

(2) A *good faith effort* includes taking such actions as:

(a) Supplying *sufficient information* for the Division of Child Support (DCS) to proceed with appropriate actions to establish paternity of a dependent child, to locate noncustodial parents, or to establish a support order with respect to the child. *Sufficient information* includes, but is not limited to, the time and place of each child's conception (if paternity is not established) and the following information, if known to the caretaker relative, regarding any noncustodial parent of a needy child:

- (A) Full legal name and nicknames.
- (B) Social Security Account Number.
- (C) Current or last known address.
- (D) Current or last known employer, including name and address.
- (E) If a student, current or last known school.
- (F) Criminal record, including where and when incarcerated.

(G) Date of birth, or age.

(H) Race.

(I) Any known group or organizational affiliations.

(J) Names and addresses of close friends or relatives.

(K) Any other information the Department or DCS requests to help locate or identify an absent parent of any children in the benefit group.

(b) Supplying documentation or an explanation of the client's efforts to obtain information requested by the Department or DCS (if unable to provide any necessary information listed in subsection (a) of this section).

(c) Keeping appointments with the Department and DCS related to establishing paternity.

(d) Returning telephone calls and responding to correspondence when requested to do so by the Department or DCS.

(3) If the client has the opportunity but is unable to show he or she has good cause under OAR 461-120-0350, the Department will apply penalties for failure to comply with requirements of section (1) of this rule in the following manner until the client meets the requirements of this rule:

(a) For benefit groups not currently receiving TANF, if the failure to comply occurs while an application for TANF is pending the filing group is ineligible.

(b) For benefit groups receiving TANF benefits, if a failure to comply occurs, the net monthly TANF benefit, after reductions for the client's failure to comply with requirements of the JOBS program are made, is reduced by:

(A) 25% for the first month following the month in which failure to comply is determined.

(B) 50% for the second month following the month in which failure to comply is determined.

(C) 75% for the third month following the month in which failure to comply is determined.

(D) 100% (total ineligibility for the benefit group) for the fourth and subsequent months following the month in which failure to comply is determined.

(c) Once a penalized client complies with the requirements and benefits are no longer reduced under this rule, a subsequent penalty is imposed without regard to any prior penalty.

(d) If the TANF payment is affected by the penalty imposed under this rule, eligibility for and the level of food stamp benefits are determined as if the client were receiving cash benefits without reduction due to the penalty.

(4) The penalty provided by this rule ends when the client meets the requirements of section (1) of this rule.

Stat. Auth.: ORS 411.060  
Stats. Implemented: ORS 418.100  
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 8-1992, f. & cert. ef. 4-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 31-1996, f. & cert. ef. 9-23-96; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 5-1998(Temp), f. & cert. ef. 3-11-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 28-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 12-31-03

## 461-135-0180

### Specific Requirements; TANF Pay-After-Performance

This rule contains special requirements for *mandatory* clients (*see* division 130 of this chapter of rules) in the TANF program whose eligibility is based on unemployment or underemployment (*see* OAR 461-125-0170 and 0190). This rule does not apply to clients not normally likely to benefit from participation in an initial job search, for instance a minor parent who has not completed high school or received a GED, a teen parent, a participant in the JOBS Plus program, a client who is participating in a drug or alcohol rehabilitation program, or a homeless client.

(1) Immediately following application, and in order to be eligible for TANF, the client must comply with the *initial job search* requirements (*see* OAR 461-190-0201) for two consecutive weeks as provided in subsections (a) through (c) of this section:

(a) If there is only one *mandatory* parent, that parent must participate in *initial job search* for 40 hours each week unless the parent's circumstances prevent him or her from doing so, in which case the parent must participate in *initial job search* for the maximum number of hours that his or her circumstances permit.

(b) If both parents are *mandatory* parents, one parent must participate in *initial job search* for 40 hours per week, unless both parents' circumstances prevent them from participating for 40 hours per week.

(c) If either *mandatory* parent fails to comply with the requirements of this section, the filing group is ineligible.

(2) Following completion of *initial job search*, each eligible, *mandatory* parent must comply on an ongoing basis with the requirements of his

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or her case plan to the extent described in this section. The minimum participation, unless the parent is limited by his or her condition or circumstances, is:

(a) If there is only one *mandatory* parent, that parent must participate in JOBS activities for 40 hours per week.

(b) If there are two *mandatory* parents, one parent must participate for 40 hours per week and the second parent must participate for not less than 20 and not more than 40 hours per week.

(3) Eligible clients are entitled to TANF benefits dependent upon the completion by *mandatory* parents of their JOBS activity assignments during the *participation period*. The *participation period* runs from the 16th of one month through the 15th of the next. For each *participation period*, a participation ratio is calculated by adding the number of hours each client participated in JOBS program assignments to the number of hours each client was excused from participation and dividing the sum by the total number of hours of required activity. The resulting ratio is applied as follows:

(a) If the ratio is 1.0 or greater, the client is entitled to full benefits.

(b) For the first four participation periods in which the ratio is less than 1.0, the client's benefit for the benefit month is equal to the full benefit multiplied by the ratio.

(c) For the fifth and subsequent benefit months in which the ratio is less than 1.0, the filing group is ineligible for TANF benefits.

(4) If the TANF grant is affected by the penalty imposed under this rule, eligibility for and the level of food stamp benefits are determined as if the client were receiving cash benefits without reduction due to the penalty.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 26-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; Suspended by SSP 28-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 12-31-03

## 461-170-0010

### Reporting Changes; When Changes Must be Reported

(1) When a client is required by this division of rules to report a change in circumstances, the report may be made by telephone, office visit, report form, or other written notice. The report must be made as follows:

(a) Changes reported outside the MRS or SRS must be reported within 10 days of occurring. A change of income is considered to occur as follows:

(A) For earned income, the change occurs upon the client's receipt of the first paycheck from a new job, on the client's receipt of the first paycheck reflecting a change in the rate of pay, or on the last day of employment in the case of a job separation.

(B) For unearned income, the change occurs the day the client receives the new or changed payment.

(b) Changes required to be reported through the MRS must be reported on the Monthly Report Change form designated by the Department and according to MRS requirements. Non-income changes must be reported according to OAR 461-170-0015.

(c) Clients using APR must report changes according to OAR 461-170-0015 and 461-170-0020. For clients using APR who report changes in amount of income outside the Periodic Review form, act on the change as soon as notice requirements allow.

(d) Clients using the semiannual reporting system (SRS) must report changes according to OAR 461-170-0020.

(2) For all programs except the Food Stamp program, changes are considered reported effective the date the information is received by a DHS office. In the Food Stamp program, changes are considered reported effective the date the information is received by an office that administers the Food Stamp program.

(3) Changes reported for one program are considered reported for all programs in which the client participates.

Stat. Auth.: ORS 411.060, 411.816, 418.100

Stats. Implemented: ORS 411.060, 411.816, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1992(Temp), f. & cert. ef. 5-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 19-194, f. & cert. ef. 9-1-94; AFS 4-1998, f. 2-25-98, cert. ef. 3-1-98; AFS 5-1998(Temp), f. & cert. ef. 3-11-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; SSP 20-2003, f. & cert. ef. 8-15-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 28-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 12-31-03

## 461-180-0070

### Effective Dates; Initial Month Cash Benefits

(1) In the REF and TANF programs, the effective date for the initial month of cash benefits is as follows:

(a) For a client required to participate in the Assessment program, it is the later of the following:

(A) The day the Assessment program ends; and

(B) The 30th day following the date the client requests benefits, if the Department does not receive required verification until after the 30th day.

(b) For a client not required to participate in the Assessment program (see OAR 461-135-0475) and not subject to OAR 461-135-0180 (Specific Requirements; TANF Pay-After-Performance), it is the day the client meets and verifies all eligibility requirements.

(c) In the TANF program, if the only eligible child is an unborn, it cannot be earlier than the first day of the calendar month preceding the month in which the due date falls.

(d) For a provider-direct child care payment (see OAR 461-165-0190), it is the first of the month in which TANF benefits begin.

(2) For GA clients who do not need services to maintain themselves in the community, the effective date for the initial month of cash benefits is whichever of the following occurs first:

(a) The day all eligibility requirements are met and verified.

(b) The 45th day from the date the client requests benefits, if all eligibility requirements were met, but the Department did not receive documentation until after the 45th day.

(3) For OSIP clients who do not need services to maintain themselves in the community, the effective date for the initial month of cash benefits is whichever of the following occurs first:

(a) The date the client requests benefits, if he or she was eligible as of that date;

(b) The date all eligibility requirements are met.

(4) For GA and OSIP applicants who require services to maintain themselves in the community, the effective date for starting cash benefits is whichever of the following occurs last:

(a) The date the service plan is implemented;

(b) The date the client requests benefits.

(5) In the EA program, the effective date for opening the case is the day benefits are issued to the benefit group. For benefit groups whose only eligible child is an unborn, the effective date cannot be earlier than the first day of the calendar month preceding the month in which the due date falls.

(6) In the ERDC-BAS and ERDC-SBG programs, the effective date for starting benefits is one of the following:

(a) The first day of the month in which the request for benefits is made, as long as:

(A) All eligibility requirements are met in that month; and

(B) Verification is provided within the application processing timeframes.

(b) If all eligibility requirements are not met in the month of request, the effective date is the first day of the month in which they are met, if verification is provided within the application processing timeframes.

(c) For benefit groups that received TANF within the 30 days before applying for ERDC, the effective date is the first of the month following closure of their TANF benefits.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 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 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 19-2001, f. 8-31-01, cert. ef. 9-1-01; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 28-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 12-31-03

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**Rules Suspended:** 461-125-0600, 461-125-0610, 461-125-0650, 461-125-0660, 461-125-0690, 461-125-0890, 461-125-0910, 461-125-0930, 461-160-0510, 461-160-0520

# ADMINISTRATIVE RULES

**Subject:** Rules governing the General Assistance program are being amended or suspended because the State of Oregon's legislature approved funding to restore a limited version of the former General Assistance program. This program provides cash assistance to individuals with severe physical or mental impairments who are waiting for their Supplemental Security Income (SSI) benefits to be approved by the Social Security Administration (SSA). The General Funds expenditures used to provide a monthly cash payment for indigent individuals with disabling conditions who meet the disability and financial requirements for GA are reimbursed to the State when the client becomes eligible for SSI.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

## 461-101-0010

### Program Acronyms and Overview

(1) Acronyms are used when referring to each program (except Assessment and Repatriate). There is an acronym for each umbrella program (for instance, ERDC) and acronyms for each subprogram (for instance, ERDC-SBG).

(2) When no program acronym appears in a rule, that means it applies to all programs listed in this rule. If a rule does not apply to all programs, it uses program acronyms to identify which program(s) it applies to.

(3) Wherever an umbrella acronym appears, that means the rule covers all the subprograms under that code (for instance, OSIP means OSIP-AB, OSIP-AD and OSIP-OAA).

(4) ADC; Aid to Dependent Children. Financial aid to low-income families when children are deprived of parental support because of continued absence, death, incapacity or unemployment. When used alone, ADC refers to all ADC programs. Use of the acronym, ADC, which stands for Aid to Dependent Children, and use of the phrase, Aid to Dependent Children, refer to the state's Temporary Assistance for Needy Families Program, and its acronym, TANF. The following codes are used for ADC subprograms:

(a) ADC-BAS; Aid to Dependent Children — Basic (includes eligibility based on continued absence, death, incapacity and unemployment). ADC with deprivation based on unemployment is also denoted by ADC-BAS/UN.

(b) EA; Aid to Dependent Children — Emergency Assistance. Emergency cash to families without the resources to meet emergent needs.

(5) ADCM; Aid to Dependent Children Medical. Medical aid to low-income families when children are deprived of parental support, as for ADC. Use of the acronym ADCM, which stands for Aid to Dependent Children Medical, and use of the phrase Aid to Dependent Children Medical refer to EXT, MAA, MAF, and SAC programs. When used alone, ADCM refers to all ADC-related medical programs. The following codes are used for ADCM subprograms:

(a) ADCM-BAS; Aid to Dependent Children Medical — Basic.

(b) ADCM-EA; Aid to Dependent Children Medical — Emergency Assistance. ADCM-EA offers emergency medical assistance to families without the resources to meet emergent needs.

(c) ADCM-EXT; Aid to Dependent Children Medical — Extended. ADCM-EXT provides extended medical benefits to families after their ADC benefits end.

(d) ADCM-SAC; Aid to Dependent Children Medical — Substitute or Adoptive Care. ADCM-SAC gives medical coverage to children in substitute or adoptive care.

(6) The Assessment Program is an up-front assessment and resource-search program for TANF applicant families. The intent of the program is to convey the message that TANF is primarily a self-sufficiency development program and to help individuals find employment or other alternatives before they become dependent on public assistance.

(7) BCCM; Breast and Cervical Cancer Medical program.

(8) CAWEM; Citizen/Alien-Waived Emergent Medical. Medicaid coverage of emergent medical needs for clients who are not eligible for other medical programs solely because they do not meet citizenship and status requirements.

(9) EI; Employment Initiative. Program established to provide assistance to clients who have a disability and who want to work.

(10) ERDC; Employment- or Education-Related Day Care. Helps low-income families pay the cost of child care. When used alone, ERDC refers to all ERDC programs. The following codes are used for ERDC subprograms:

(a) ERDC-BAS; ERDC — Basic. Child care for working families.

(b) ERDC-SBG; ERDC — Student Block Grant. Child care for students.

(11) EXT; Extended Medical Assistance. The Extended Medical Assistance program provides medical assistance for a period of time after a family loses its eligibility for the Assessment Program, MAA or MAF due to an increase in their child support or earned income.

(12) FS; Food Stamps. Helps low-income households maintain proper nutrition by giving them the means to purchase food.

(13) GA; General Assistance. Cash assistance to low-income individuals with disabilities who do not have dependent children.

(14) GAM; General Assistance Medical. Medical assistance to clients who are eligible for the GA program but have not been found eligible for OSIPM benefits.

(15) HSP; Housing Stabilization Program. A program that helps low-income families obtain stable housing. The program is operated through the Housing and Community Services Department through community-based, service-provider agencies. The Department's rules for the program (OAR 461-135-1305 to 1335) were repealed July 1, 2001.

(16) JOBS; Job Opportunities and Basic Skills. An employment program for REF, REFM and TANF clients. JOBS helps these clients attain self-sufficiency through training and employment. The program is part of Welfare Reform.

(17) JOBS Plus. Provides subsidized jobs rather than FS or TANF benefits. For TANF clients, JOBS Plus is a component of the JOBS Program; for FS clients and noncustodial parents of children receiving TANF, it is a separate employment program. Eligibility for TANF clients, FS clients and noncustodial parents of children receiving TANF is determined by AFS. Eligibility for UI recipients is determined by the Oregon State Employment Department. When used alone, JOBS Plus includes only clients whose JOBS Plus program participation is through the Department of Human Services. JOBS Plus administered through the Oregon State Employment Department is known in chapter 461 of the Oregon Administrative Rules as Oregon Employment Department UI JOBS Plus. The following acronyms are used for specific categories:

(a) ADC-PLS; Clients eligible for JOBS Plus based on TANF.

(b) FS-PLS; Clients eligible for JOBS Plus based on FS.

(c) NCP-PLS; Noncustodial parents of children receiving TANF.

(18) MAA; Medical Assistance Assumed. The Medical Assistance Assumed program provides medical assistance to people who are eligible for the Assessment Program or ongoing TANF benefits.

(19) MAF; Medical Assistance to Families. The Medical Assistance to Families program provides medical assistance to people who are ineligible for MAA but are eligible for Medicaid using ADC program standards and methodologies that were in effect as of July 16, 1996.

(20) OFSET. The Oregon Food Stamp Employment Transition Program, which helps FS recipients find employment. This program is mandatory for some FS recipients.

(21) OHP; Oregon Health Plan. The Oregon Health Plan Program provides medical assistance to many low-income individuals and families. The program includes five categories of people who may qualify for benefits. The acronyms for these categories are:

(a) OHP-OPU; Adults. OHP coverage for adults who qualify under the 100 percent income standard. A person eligible under OHP-OPU is referred to as a health plan new/noncategorical (HPN) client.

(b) OHP-OPC; Children. OHP coverage for children who qualify under the 100 percent income standard.

(c) OHP-OP6; Children Under 6. OHP coverage for children under age 6 who qualify under the 133 percent income standard.

(d) OHP-OPP; Pregnant Females and their newborn children. OHP coverage for pregnant females who qualify under the 185 percent income standard and their newborn children.

(e) OHP-CHP; Persons Under 19. OHP coverage for persons under age 19 who qualify under the 185 percent income standard for medical assistance authorized by the Children's Health Insurance Program (CHIP) provision of the 1997 Balanced Budget Act.

(22) OSIP; Oregon Supplemental Income Program. Cash supplements to elderly and disabled individuals. When used alone, OSIP refers to all OSIP programs. The following acronyms are used for OSIP subprograms:

(a) OSIP-AB; Oregon Supplemental Income Program — Aid to the Blind.

(b) OSIP-AD; Oregon Supplemental Income Program — Aid to the Disabled.

(c) OSIP-EPD; Oregon Supplemental Income Program — Employed Persons with Disabilities program. This program provides Medicaid cover-

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age for employed persons with disabilities with adjusted income less than 250 percent of the Federal Poverty Level.

(d) OSIP-OAA; Oregon Supplemental Income Program — Old Age Assistance.

(23) OSIPM; Oregon Supplemental Income Program Medical. Medical coverage for elderly and disabled individuals. When used alone, OSIPM refers to all OSIP-related medical programs. The following codes are used for OSIPM subprograms:

(a) OSIPM-AB; Oregon Supplemental Income Program Medical — Aid to the Blind.

(b) OSIPM-AD; Oregon Supplemental Income Program Medical — Aid to the Disabled.

(c) OSIPM-EPD; Oregon Supplemental Income Program Medical — Employed Persons with Disabilities program. This program provides Medicaid coverage for employed persons with disabilities with adjusted income less than 250 percent of the Federal Poverty Level.

(d) OSIPM-MN; Oregon Supplemental Income Program Medical — Medically Needy. Medical coverage for individuals who have too many assets to qualify for other OSIPM programs.

(e) OSIPM-OAA; Oregon Supplemental Income Program Medical — Old Age Assistance.

(f) OSIPM-IC; Oregon Supplemental Income Program Medical — Independent Choices

(24) QMB; Qualified Medicare Beneficiaries. Additional medical coverage for Medicare recipients. When used alone, QMB refers to all QMB programs. The following codes are used for QMB subprograms:

(a) QMB-BAS; Qualified Medicare Beneficiaries — Basic. The basic QMB program.

(b) QMB-DW; Qualified Medicare Beneficiaries — Disabled Worker. Payment of the Medicare Part A premium for people under age 65 who have lost eligibility for Social Security disability benefits because they have become substantially gainfully employed.

(c) QMB-SMB; Qualified Medicare Beneficiaries — Special Medicare Beneficiary. Payment of all or a portion of the Medicare Part B premium only. There are no medical benefits available through QMB-SMB.

(25) REF; Refugee Assistance. Cash assistance to low-income refugee singles or married couples without children.

(26) REFM or REFM-BAS; Refugee Assistance Medical — Basic. Medical coverage for low-income refugees.

(27) The Repatriate Program helps Americans resettle in the United States if they have left a foreign land because of an emergency situation.

(28) SAC; Medical Coverage for Children in Substitute or Adoptive Care.

(29) Senior Prescription Drug Assistance Program; provides that people 65 years of age or older can purchase prescription drugs at the Medicaid price.

(30) TA-DVS; Temporary Assistance for Domestic Violence Survivors. Addresses the needs of clients threatened by domestic violence.

(31) TANF; Temporary Assistance for Needy Families. Cash assistance for families when children in those families are deprived of parental support because of continued absence, death, incapacity or unemployment. Cash assistance used to be known as ADC.

Stat. Auth.: ORS 411.060 & ORS 411.816, ORS 414.342

Stats. Implemented: ORS 411.060 & ORS 411.816, ORS 414.342

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 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 35-1992, f. 12-31-92, cert. ef. 1-1-93; AFS 16-1993, f. & cert. ef. 9-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 17-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 4-1998, f. 2-25-98, cert. ef. 3-1-98; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 25-1998, f. 12-18-98, cert. ef. 1-1-99; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 11-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 17-2001(Temp), f. 8-31-01, cert. ef. 9-1-01 thru 9-30-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-110-0390

### Filing Group; GA, GAM

For GA and GAM, the filing group consists of the applicant and the applicant's spouse.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 19-1993, f. & cert. ef. 10-1-93; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-110-0630

### Need Group

(1) In the MAA and TANF programs, the need group is formed as follows:

(a) Except as provided in section (1)(b) of this rule, the need group consists of the financial group members who meet all nonfinancial eligibility requirements other than the citizenship and alien status requirements of OAR 461-120-0110.

(b) The need group cannot include:

(A) Parents who are in foster care and for whom foster care payments are being made.

(B) People who cannot be in the need group because of a disqualification penalty.

(C) Unborn children.

(2) In the MAF program, the need group consists of the financial group members who meet all nonfinancial eligibility requirements, except for the following people:

(a) Parents who are in foster care and for whom foster care payments are being made.

(b) The father of an unborn child who has no eligible dependent children.

(3) In the ADCM-EA, EA, REF and REFM programs, the need group consists of the financial group members who meet all nonfinancial eligibility requirements, except that members disqualified for an intentional program violation are not in the need group.

(4) In the EXT program, the need group consists of financial group members who:

(a) Meet all nonfinancial eligibility requirements; and

(b) Were eligible to be in the MAA or MAF benefit group when those benefits ended.

(5) In the SAC program, the need group consists of the person in the financial group.

(6) In the ERDC program, the need group consists of all the people in the financial group.

(7) In the FS program, the need group consists of the financial group members who meet all nonfinancial eligibility requirements, except the following people are not in the need group:

(a) Members disqualified for an intentional program violation.

(b) A client fleeing to avoid prosecution, or custody or confinement after conviction, under the law of the place from which the client is fleeing, for a crime that is a felony under the law of the place from which the client is fleeing or that, in the case of New Jersey, is a high misdemeanor under the law of New Jersey.

(c) Persons violating a condition of parole or probation imposed under a state or federal law.

(8) In the GA and GAM programs, the need group consists of the people in the financial group except that the following people are not in the need group:

(a) A client fleeing to avoid prosecution, or custody or confinement after conviction, or fleeing after trying to commit a crime, under the law of the place from which the client is fleeing, for a crime that is a felony under the law of the place from which the client is fleeing or that, in the case of New Jersey, is a high misdemeanor under the law of New Jersey.

(b) Persons violating a condition of parole or probation imposed under a state or federal law.

(9) In the OHP program, the need group consists of all the people in the financial group. An unborn child of a pregnant female is included in the need group.

(10) In the OSIP and OSIPM programs:

(a) Except in the OSIPM-MN program, the need group consists of the people in the financial group.

(b) An unborn child of a pregnant female in the need group is also in the need group.

(11) In the QMB program, the need group consists of all the people in the financial group, except for the following:

(a) People who do not meet the citizenship or alien status requirements.

(b) People disqualified for noncooperation in the JOBS program.

(c) People disqualified for failure to meet the requirements of OAR 461-120-0345(2) or for not providing an SSN.

Stat. Auth.: ORS 411.060, ORS 411.816, ORS 418.100

Stats. Implemented: ORS 411.060, ORS 411.816, ORS 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 6-1991(Temp), f. & cert. ef. 2-8-91; AFS 13-1991, f. & cert. ef. 7-1-91; 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 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-

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1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-110-0750

### Benefit Group

(1) For people not assumed eligible, except as provided in section (2) of this rule, the benefit group consists of the people from the need group who:

- (a) Meet all nonfinancial eligibility requirements.
- (b) Have resources below the resource limit.
- (c) Have income below the Income Limits/Payment Standards.

(2) In the GA and GAM programs, a person receiving SSI benefits is not in the benefit group.

(3) For people assumed eligible (see OAR 461-135-0010), the benefit group consists of the people who are in the benefit group of the program used to assume eligibility.

(4) In the OHP-OPU program, a person can choose to be or not to be a member of the benefit group, subject to the following conditions:

(a) If a person chooses not to be in the benefit group at the time of application, the person will not receive benefits and will not be subject to the OHP premium requirements. If the person wishes to join the benefit group after the group is certified, the group must reapply (see OAR 461-115-0530).

(b) If a person chooses to be in the benefit group at the time of application, the person will receive benefits with the benefit group and will be subject to the OHP premium requirements.

(c) Once a benefit group has been found eligible, a person in the group may be excluded from it, upon request of the person, if premium payments for months after January 2003 are current. Premium payments are current if the premiums billed for the months prior to the month of request have been paid; and

(A) If the request is made prior to the 21st of a month, the premium for that month has been paid.

(B) If the request is made after the 20th of a month, the premium for that month and the following month have been paid.

Stat. Auth.: ORS 411.060, ORS 411.816, ORS 418.100  
Stats. Implemented: ORS 411.060, ORS 411.816, ORS 418.100  
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-120-0125

### Alien Status; Not REF or REFM

(1) For purposes of this chapter of rules, a person is a "qualified non-citizen" if he or she is any of the following:

(a) A non-citizen who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA)(8 U.S.C. 1101 et seq).

(b) A refugee who is admitted to the United States as a refugee under section 207 of the INA (8 U.S.C. 1157).

(c) A non-citizen who is granted asylum under section 208 of the INA (8 U.S.C. 1158).

(d) A non-citizen whose deportation is being withheld under section 243(h) of the INA (8 U.S.C. 1253(h)) (as in effect immediately before April 1, 1997) or section 241(b)(3) of the INA (8 U.S.C. 251(b)(3)) (as amended by section 305(a) of division C of the Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208, 110 Stat. 3009-597 (1996)).

(e) A non-citizen who is paroled into the United States under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) for a period of at least one year.

(f) A non-citizen who is granted conditional entry pursuant to section 203(a)(7) of the INA (8 U.S.C. 1153(a)(7)) as in effect prior to April 1, 1980.

(g) A non-citizen who is a "Cuban and Haitian entrant" (as defined in section 501(3) of the Refugee Education Assistance Act of 1980).

(h) In all programs except the Food Stamp program — a battered spouse or dependent child who meets the requirements of 8 U.S.C. 1641(c) and is in the United States on a conditional resident status, as determined by the United States Immigration and Naturalization Service.

(i) In the Food Stamp program — a non-citizen who has been battered or subjected to extreme cruelty in the United States by a spouse or parent or by a member of the spouse or parent's family residing in the same household as the non-citizen at the time of the abuse; a non-citizen whose child has been battered or subjected to battery or cruelty; or a non-citizen child whose parent has been battered.

(2) The following people meet the alien status requirements:

(a) American Indians born in Canada to whom the provisions of section 289 of the INA (8 U.S.C. 1359) apply.

(b) Members of an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Act (25 U.S.C. 450b(e)).

(3) In the TANF program, the following people meet the alien status requirements:

(a) A person who is a qualified non-citizen.

(b) A non-citizen who is currently a victim of domestic violence or who is at risk of becoming a victim of domestic violence.

(c) Victims of a severe form of trafficking under the Trafficking Victims Protection Act of 2000.

(4) In the BCCM, MAA, MAF, OHP, and SAC programs, a qualified non-citizen meets the alien status requirements if he or she:

(a) Was a qualified non-citizen on or before August 22, 1996;

(b) Was a resident of the United States before August 22, 1996; became a qualified non-citizen after August 22, 1996; resided in the United States continuously for five years immediately prior to the date he or she became a qualified non-citizen; and did not leave the United States between August 22, 1996 and the date he or she became a qualified non-citizen; or

(c) Is a person granted any of the following alien statuses:

(A) Refugee — under section 207 of the INA.

(B) Asylum — under section 208 of the INA.

(C) Deportation being withheld under section 243(h) of the INA.

(D) Cubans and Haitians who are either public interest or humanitarian parolees.

(E) A person granted immigration status under section 584(a) of the Foreign Operations, Export Financing and Related Program Appropriations Act of 1988.

(F) Victims of a severe form of trafficking under the Trafficking Victims Protection Act of 2000.

(5) In the GA, GAM, OSIP, and OSIPM programs, a qualified non-citizen meets the alien status requirement by meeting any of the following criteria:

(a) By being a qualified non-citizen of a status not listed in section (4)(c) of this rule and meeting the disability-related eligibility criteria for SSI.

(b) By meeting eligibility criteria for SSI and by applying for SSI within seven years following the date he or she was granted an alien status listed in section (4)(c) of this rule.

(c) If it has been more than seven years since the client was granted an alien status listed in section (4)(c) of this rule, by meeting:

(A) The disability-related eligibility criteria for SSI; or

(B) One of the alien status requirements listed in section (6) of this rule.

(d) By having been a recipient of SSI benefits on August 22, 1996 or by receiving SSI benefits based on an application filed before January 1, 1979.

(6) In all programs except TANF, a qualified non-citizen meets the alien status requirement if he or she is:

(a) A veteran of the United States Armed Forces who was honorably discharged for reasons other than alien status and who fulfilled the minimum active-duty service requirements described in 38 U.S.C. § 5303A(d).

(b) A member of the United States Armed Forces on active duty (other than active duty for training).

(c) The spouse or a dependent child of a person described in subsection (a) or (b) of this section.

(d) In the FS, OSIP or OSIPM program, a qualified non-citizen who meets the requirement in section (9) of this rule.

(7) Except as provided in sections (2), (4), (5), and (6) of this rule, non-citizens who entered the United States or were given qualified non-citizen status on or after August 22, 1996, are ineligible for the BCCM, GA, MAA, MAF, OHP, and SAC programs for five years beginning on the date the non-citizen received his or her qualified non-citizen status. They meet the alien status requirement following the five-year period.

(8) In the FS program, the following non-citizens meet the alien status requirement:

(a) A person granted any of the following alien statuses:

(A) Refugee — under section 207 of the INA.

(B) Asylum — under section 208 of the INA.

(C) Deportation being withheld under section 243(h) of the INA.

(D) Cubans and Haitians who are either public interest or humanitarian parolees.

(E) A person granted immigration status under section 584(a) of the Foreign Operations, Export Financing and Related Program Appropriations Act of 1988.

(F) A victim of a severe form of trafficking under the Trafficking Victims Protection Act of 2000.

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(b) A qualified non-citizen under 18 years of age.

(c) A non-citizen who has been residing in the United States for at least five years while a qualified non-citizen.

(d) A non-citizen who is lawfully residing in the United States and who was a member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era (as defined in 38 U.S.C. 101).

(e) The spouse, the un-remarried surviving spouse, or an unmarried dependent child, of an individual described in subsection (c) of this section.

(f) A qualified non-citizen who is disabled, as defined in OAR 461-110-0110(4).

(9) A client who is lawfully admitted to the United States for permanent residence under the INA and has worked 40 qualifying quarters of coverage as defined under title II of the Social Security Act, or can be credited with such qualifying quarters as provided under 8 U.S.C. 1645, meets the alien status requirements for the FS, OSIP, and OSIPM programs, subject to the following provisions:

(a) No quarter beginning after December 31, 1996, is a qualifying quarter if the client received any federal, means-tested benefit during the quarter. Federal means-tested benefits include FS, TANF, and Medicaid (except emergency medical).

(b) For the purpose of determining the number of qualifying quarters of coverage, a client is credited with all of the quarters of coverage worked by a parent of the client while the client was under the age of 18 and all of the qualifying quarters worked by a spouse of the client during their marriage, during the time the client remains married to such spouse or such spouse is deceased.

(c) A lawful permanent resident who would meet the alien status requirement, except for a determination by the Social Security Administration (SSA) that he or she has fewer than 40 quarters of coverage, may be provisionally certified for food stamp benefits while SSA investigates the number of quarters creditable to the client. A client provisionally certified under this section who is found by SSA, in its final administrative decision after investigation, not to have 40 qualifying quarters is not eligible for food stamp benefits received while provisionally certified. The provisional certification is effective according to the rule on effective dates for opening benefits, OAR 461-180-0080. The provisional certification cannot run more than six months from the date of original determination by SSA that the client does not have sufficient quarters.

Stat. Auth.: ORS 411.060, ORS 411.816, ORS 418.100

Stats. Implemented: ORS 411.060, ORS 411.816, ORS 418.100

Hist.: AFS 17-1992, f. & cert. ef. 7-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 32-1996(Temp), f. & cert. ef. 9-23-96; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 13-1997, f. 8-28-97, cert. ef. 9-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 22-1998, f. 10-30-98, cert. ef. 11-1-98; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 17-2001(Temp), f. 8-31-01, cert. ef. 9-1-01 thru 9-30-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 10-2002, f. & cert. ef. 7-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-120-0345

### Clients Required to Obtain Medical Coverage

This rule explains the obligation of clients to obtain medical coverage for members of the benefit group. A client is excused from the requirements of section (1)(a) of this rule for good cause defined in OAR 461-120-0350.

(1) To be eligible for any program except ERDC or FS, each adult client must:

(a) Assist the Department and the Division of Child Support of the Department of Justice in establishing paternity for each of his or her children and obtaining an order directing the non-custodial parent of a child in the benefit group to provide health care for that child.

(b) Make a good faith effort to obtain available coverage under Medicare.

(2) To be eligible for the EXT, GAM, MAA, MAF, OHP (except OHP-CHP and OHP-OPU), OSIPM, REFM, and SAC programs, once informed of the requirement, a person who is able to must apply for, accept, and maintain cost-effective, employer-sponsored health insurance (see OAR 461-155-0360). For GAM and OSIPM, the client is not required to incur a cost for the health insurance.

(3) In the OHP-OPU program, except for American Indians and Alaska Natives and for persons eligible under the CAWEM program, a person who has health insurance available through his or her employer must cooperate in determining eligibility for the Family Health Insurance Assistance Program (FHIAP). If eligible for FHIAP, the person must apply

for and accept the employer-sponsored health insurance. Rules for FHIAP are at OAR 442-004-0000 and following.

(4) A person who fails to meet the requirements of section (1), (2) or (3) of this rule is removed from the need group except that in the OHP program the person is removed from the benefit group.

(5) In the case of a person failing to meet the requirements of section (1)(a) of this rule, the Department applies the penalty after providing the client with notice and opportunity to show the provisions of OAR 461-120-0350 apply.

(6) The penalty provided by this rule ends when the client meets the requirements of this rule.

(7) If the TANF grant is affected by the penalty imposed under this rule, eligibility for and the level of food stamp benefits are determined as if the client were receiving cash benefits without the reduction due to the penalty.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 28-1992, f. & cert. ef. 10-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 30-1996, f. & cert. ef. 9-23-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 19-2001, f. 8-31-01, cert. ef. 9-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-120-0510

### Age Requirements for Clients to Receive Benefits

(1) If the year of a person's birth is known but the month is unknown, the month of birth is presumed to be July. If the date of birth is unknown, the date of birth is presumed to be the first of the month.

(2) To be eligible for the ADCM-EA, EXT, MAA, MAF, OFSET, or TANF program:

(a) A child must be:

(A) Under 18 years of age; or

(B) Under 19 years of age and regularly attending school full time, as determined by the school.

(b) A caretaker relative may be any age.

(3) To be eligible for the SAC program, the child must be under 21 years of age.

(4) To be eligible for payment of child care costs for the ERDC, OFSET, or TANF program, a child must be:

(a) Under 12 years of age for the ERDC program and under 13 years of age for the OFSET and TANF programs; or

(b) Under 18 years of age and:

(A) Physically or mentally incapable of selfcare;

(B) Under court supervision;

(C) Receiving foster care;

(D) Eligible for the special need rate for child care in OAR 461-155-0150; or

(E) Subject to circumstances that significantly compromise the child's safety or the caretaker's ability to work or participate in an assigned activity if child care is not available.

(5) To be eligible for the FS, OSIP-AB, OSIPM-AB, OSIPM-MN, QMB-BAS, QMB-SMB or REFM programs, a client may be any age.

(6) To be eligible for the REF program, a client must be 18 years of age or older or must be emancipated.

(7) To be eligible for the OSIP-AD (except OSIP-EPD) program, a client must be 18 years of age or older and under 65 years of age.

(8) To be eligible for the OHP program, a client must meet the age requirements in OAR 461-135-1100.

(9) To be eligible for OSIPM-AD (except OSIPM-EPD), a client must be:

(a) Eighteen years of age or older and under 65 years of age; or

(b) Receiving SSI, without regard to age.

(10) To be eligible for the OSIP-OAA or OSIPM-OAA programs, a client must be 65 years of age or older.

(11) To be eligible for the QMB-DW program, a client must be under 65 years of age.

(12) To be eligible for OSIP-EPD and OSIPM-EPD, the client must be 18 years of age or older or be legally emancipated.

(13) To be eligible for the BCCM program, a woman must be under 65 years of age.

(14) To be eligible for the GA and GAM programs, a client must be:

(a) Eighteen years of age or older and less than 65 years of age; or

(b) Sixty-five years of age or older and must be a non-citizen who meets the requirements of OAR 461-120-0125.

Stat. Auth.: ORS 411.060

# ADMINISTRATIVE RULES

Stats. Implemented: ORS 411.060

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 13-1991, f. & cert. ef. 7-1-91; AFS 20-1991, f. & cert. ef. 10-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 35-1992, f. 12-31-92, cert. ef. 1-1-93; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 4-1998, f. 2-25-98, cert. ef. 3-1-98; AFS 5-1998(Temp), f. & cert. ef. 3-11-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 18-2001(Temp), f. 8-31-01, cert. ef. 9-1-01 thru 12-31-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-125-0510

### Impairment Criteria; GA, GAM

(1) To be eligible for GA and GAM, an individual must meet one of the following criteria:

(a) Have a physical or mental impairment that meets the listing of impairments found in 20 CFR 404, Subpart P, Appendix 1, in effect November 1, 2003, and can be expected to:

(A) Last for a continuous period of not less than 12 months from the date of request; or

(B) Result in death within 12 months from the date of request.

(b) Be 55 years of age or older and:

(A) Have a severe physical impairment that does not meet the listing of impairments referred to in subsection (a) of this section but will:

(i) Prevent the individual from returning to any past relevant work for a period of not less than 12 months from the date of request; or

(ii) Result in death within 12 months from the date of request; and

(B) Be limited to sedentary residual functioning capacity as defined in 20 CFR 404, subpart P, appendix 2, in effect November 1, 2003.

(c) Be 55 years of age or older and have all of the following:

(A) A severe physical impairment that does not meet the listing of impairments referred to in subsection (a) of this section but will:

(i) Last for a period of not less than 12 months from the date of request; or

(ii) Result in death within 12 months from the date of request.

(B) Less than a 12th grade education, as evidenced by the lack of a high school diploma or GED.

(C) A history of no past relevant work as defined in section (2) of this rule in the last 15 years.

(2) As used in this rule:

(a) "Severe physical impairment" means an impairment that significantly limits the individual's physical ability to do basic work activity.

(b) "Past relevant work" means work that the individual has performed in the last 15 years and that constitutes substantial gainful activity as defined in 20 CFR 404.1574 and 404.1575, in effect November 1, 2003. Also, the past relevant work must have lasted long enough for the individual to learn the techniques, acquire the necessary information, and develop the facilities needed for average performance of the job situation.

(3) An applicant is not eligible for GA or GAM if drug addiction or alcoholism is material to his or her disability.

(4) If the client is unable to do so, the Department will obtain medical evidence that documents a claim of physical or mental impairment.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 411.060 & ORS 411.710

Stats. Implemented: ORS 411.710

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 40-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 21-1996, f. 5-30-96, cert. ef. 6-1-96; AFS 24-1996(Temp), f. & cert. ef. 6-11-96; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 23-2000(Temp), f. 9-29-00, cert. ef. 10-1-00 thru 12-31-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 35-2000(Temp), f. 12-29-00, cert. ef. 1-1-01 thru 3-31-01; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 12-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 4-2002(Temp), f. & cert. ef. 4-1-02 thru 6-30-02; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-125-0600

### GA Impairment; Presumptive GA Medical Condition

A client with a severe physical, mental, or special senses and speech impairment expected to last at least 12 continuous months from the date of request for assistance is presumed to meet GA impairment criteria with documentation of any of the following conditions:

(1) Renal disorder with chronic hemodialysis or peritoneal dialysis required or kidney transplant performed within 12 months.

(2) Permanent visual impairment with visual acuity correctable to no better than 20/200 in best eye.

(3) Current diagnosis of acute leukemia.

(4) An organic mental disorder, schizophrenic, paranoid or other psychotic disorder or an affective disorder with a medically documented history of a chronic organic mental disorder; chronic schizophrenic, paranoid, or other psychotic disorder; or chronic affective disorder of at least two years duration that has caused more than a minimal limitation of ability to do basic work activities, with signs and symptoms currently attenuated by medication or psychological support; and one of the following:

(a) Repeated episodes of decompensation, each of extended duration;

(b) A residual disease process that has resulted in such marginal adjustment that even a minimal increase in mental demands or change in the environment would be predicted to cause the individual to decompensate; or

(c) Current history of one or more years of inability to function outside a highly supportive living arrangement, with an indication of continued need for such an arrangement.

(5) Mental retardation. Mental retardation refers to a significantly subaverage general intellectual functioning with deficits in adaptive functioning initially manifested during the development period — that is, the evidence demonstrates onset of the impairment before the age of 22. The required level of severity for this disorder is met when the requirements of subsection (a), (b), or (c) are satisfied:

(a) Mental incapacity evidenced by dependence upon others for personal needs and the inability to follow directions, such that the use of standardized measures of intellectual functioning is precluded;

(b) A score of 59 or less on a WAIS-III IQ test;

(c) A score of 70 or less on a WAIS-III IQ test and a physical or other mental impairment imposing additional and significant work-related limitation of function.

(6) Current diagnosis of breast cancer with distant metastases.

(7) Any current diagnosis of cancer with metastasis to brain or spinal cord.

(8) Current diagnosis of small cell (oat cell) carcinoma of lung.

(9) Current diagnosis of primary or metastatic cancer of the liver, gallbladder or bile ducts.

(10) Severe cardiac impairment assessed as Class III or higher by the New York Heart Association classification system within the last 30 days.

(11) Severe chronic heart failure (CHF); and

(a) Ejection fraction of 30% or less measured within the last 30 days;

or

(b) Cardiac enlargement (cardiomegaly) documented within the last 30 days.

(12) Aortic aneurysm, repaired or unrepaired, diagnosed within the last 90 days.

(13) Chronic cor pulmonale (not acute and reversible).

(14) Malnutrition resulting from any gastrointestinal disorder and persisting despite treatment.

(15) Chronic anemia with hematocrits 30% or less due to any diagnosis and persisting despite treatment.

(16) Chronic thrombocytopenia with platelet counts below 40,000/cubic millimeter due to any diagnosis and persisting despite treatment.

(17) Current diagnosis of multiple myeloma.

(18) Current diagnosis of aplastic anemia.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 1-1998, f. 1-28-98, cert. ef. 2-1-98; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; Suspended by SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-125-0610

### Employment for a Determination of Impairment; GA, GAM

For the purpose of establishing GA and GAM eligibility under GA impairment criteria, *work activity* means performing any kind of work activity that averages at least eight hours a day, for which income is received, regardless of the adequacy to meet need, and includes the following factors:

(1) Do not consider the presence of available employment in the area and place of residence in determining GA impairment criteria; and

(2) A person working against medical advice, or engaged in work activities with an activity center or sheltered workshop, is considered eligible if they meet the GA impairment criteria.

Stat. Auth.: ORS 411.060 & ORS 411.710

Stats. Implemented: ORS 411.060 & ORS 411.710

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 19-1997, f. & cert. ef. 10-1-97; Suspended by SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04



# ADMINISTRATIVE RULES

## 461-125-0650

### Referral to SSI; GA, GAM

(1) To be eligible for GA and GAM, a client must:

(a) Apply for SSI, cooperate with the Department in applying to the Social Security Administration for SSI, and take all available administrative appeals of any denial of SSI, and attend all appointments designated by the Department and relating to obtaining SSI.

(b) Sign an interim assistance agreement authorizing the Department to recover interim GA benefits paid to the client (or paid to providers on the client's behalf) from the initial SSI payment or initial post-eligibility payment. The following provisions are considered part of the interim assistance agreement:

(A) Interim GA benefits include only those GA cash benefits paid during the period of time that the SSI benefit covers.

(B) For any month in which SSI is prorated, the Department can recover only a prorated amount of the interim GA cash benefit.

(C) If the Department can not stop delivery of a GA benefit issued after the SSI payment is made, the GA payment will be included in the interim assistance to be reimbursed to the Department.

(2) A person receiving GA or GAM benefits who fails to pursue SSI or cooperate with the Department in obtaining SSI benefits, without good cause, is not eligible for benefits, and the Department will suspend the benefits until the client meets the requirements of section (1) of this rule. If the benefits remain suspended for 60 days, the case is closed.

(3) Good cause for not meeting the requirements of section (1) of this rule include:

(a) A verified physical or mental impairment or illness that impedes the person's ability to pursue SSI.

(b) Other verified adverse circumstances that impair the client's ability to comply.

(c) The client's failure to meet the alien status requirements for SSI or SSDI.

Stat. Auth.: ORS 411.060 & ORS 411.710

Stats. Implemented: ORS 411.060 & ORS 411.710

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 1-1991(Temp), f. & cert. ef. 1-2-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 5-1993, f. & cert. ef. 4-1-93; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 40-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 19-2001, f. 8-31-01, cert. ef. 9-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; Suspended by SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-125-0660

### Requirement to Obtain Appropriate Medical Treatment

(1) A recipient of GA or GAM found by the Department to meet the GA impairment criteria in OAR 461-125-0510(1)(a) or (b), in order to remain eligible for GA or GAM, must fully participate in any rehabilitation plan or medical-treatment plan deemed appropriate by a treating or examining physician, psychologist, or mental health professional working under the supervision of a licensed physician or psychologist. In evaluating the need for a rehabilitation plan or medical treatment plan, the treating physician's opinion has greater weight than the examining physician with regard to the client's need to participate in a rehabilitation or medical treatment plan. The rehabilitation or medical treatment must be available at no cost to the client, other than the cost of copayments mandated by the rules for the Oregon Health Plan.

(2) A medical-treatment plan for alcohol or drug abuse may be deemed appropriate only if it is provided by a state-certified drug and alcohol treatment provider.

(3) Only a certified drug and alcohol treatment provider can determine whether a client has met the participation requirements of section (1) of this rule.

Stat. Auth.: ORS 411.060 & ORS 411.710

Stats. Implemented: ORS 411.060 & ORS 411.710

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 40-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 1-1998, f. 1-28-98, cert. ef. 2-1-98; AFS 19-2001, f. 8-31-01, cert. ef. 9-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; Suspended by SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-125-0690

### Penalty if SSA Terminates SSI Benefits or Client Fails to Meet Requirements of OAR 461-125-0660; GA and GAM

(1) Termination of SSI benefits: A person receiving SSI benefits may be identified by the Social Security Administration as a person for whom drug addiction or alcoholism is a contributing factor material to the determination of disability and may be terminated from SSI cash benefits due to noncompliance with treatment requirements. A person whose SSI benefits are terminated in this manner is not eligible for GA cash benefits unless he

or she is disabled independent of drug addiction or alcoholism and has reapplied for SSI.

(2) Failure to comply with requirements of OAR 461-125-0660: A client receiving benefits of the GA program who fails to meet the requirements of OAR 461-125-0660:

(a) Is ineligible for cash benefits for three months for the first failure.

(b) Is ineligible for cash benefits for six months upon the second failure.

(c) Is ineligible for both GA and GAM at the conclusion of the six-month period provided for in section (2)(b) of this rule.

(3) A period of ineligibility imposed under section (2) of this rule ends if the client complies fully for 30 consecutive days with a plan required by OAR 461-125-0660.

Stat. Auth.: ORS 411.060 & ORS 411.710

Stats. Implemented: ORS 411.060 & ORS 411.710

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 40-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 1-1998, f. 1-28-98, cert. ef. 2-1-98; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 19-2001, f. 8-31-01, cert. ef. 9-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; AFS 10-2002, f. & cert. ef. 7-1-02; Suspended by SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-125-0890

### Requirement to Cooperate with Referrals to VRD; GA

(1) To be eligible for benefits, GA clients must cooperate with referrals to VRD unless the client meets one of the following:

(a) Is terminally ill.

(b) Has a short-term medical condition not expected to last over 90 days.

(c) Has good cause for not cooperating.

(d) Has not been released by their doctor as being in stable condition.

(2) To demonstrate cooperation with VRD, clients must do all the following:

(a) Keep appointments.

(b) Cooperate in developing a reasonable restoration plan.

(c) Follow through with the requirements of the plan.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060 & ORS 418.040

Stats. Implemented: ORS 411.060

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 11-1999, f. & cert. ef. 10-1-99; Suspended by SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-125-0910

### Good Cause for Noncooperation with VRD Referral; GA and GAM-BAS

For GA and GAM-BAS, good cause for noncooperation with VRD exists when any of the following is true:

(1) The restoration/treatment plan would endanger the client's life or cause further mental or physical problems.

(2) The client experiences severe emotional stress because of a fear of undergoing the recommended treatment in the plan.

(3) The restoration/treatment plan requires that clients receive medical treatment that is against their religious beliefs. The religious beliefs must be verified with the religious group with which clients are associated.

(4) The treatment is not medically advisable or generally acceptable.

(5) The client misses a scheduled VRD appointment due to circumstances beyond their control, such as:

(a) An illness or impairment. The branch may require verification.

(b) A verified court appearance.

(c) A verified break down in transportation, with no readily available alternative.

(d) Verified adverse circumstances that affected the client's ability to attend the appointment, as determined by the Division.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 11-1999, f. & cert. ef. 10-1-99; Suspended by SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-125-0930

### Penalty for Failure to Cooperate with Referral to VRD; GA

The penalty for failure of a GA client to cooperate with a VRD referral or medical treatment is ineligibility for:

(1) One month for the first failure to cooperate.

(2) Two months for the second failure to cooperate.

(3) Three months for the third or subsequent failure to cooperate.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 1-1993, f. & cert. ef. 2-1-90; AFS 11-1999, f. & cert. ef. 10-1-99; Suspended by SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

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## 461-135-0700

### Specific Requirements; GA, GAM

To be eligible for GA and GAM, a client must meet the requirements of this rule.

(1) The client must be:

(a) An individual, childless or not living with his or her child, who is unmarried or married and not living with his or her spouse; or

(b) Married, living with his or her spouse, and childless or not living with his or her child, if:

(A) Both meet the GA impairment criteria found in OAR 461-125-0510;

(B) One meets the impairment criteria of the GA program and the spouse is receiving disability benefits provided for in title II or title XVI of the Social Security Act; or

(C) One meets the impairment criteria of the GA program and the spouse is deemed to be receiving disability benefits provided for in title II or title XVI of the Social Security Act.

(2) The client must not be eligible for OSIP, OSIPM, except for clients found eligible under OAR 461-125-0370(1)(c), REF or TANF.

(3) The client must not have a work history that would meet the eligibility requirements for disability insurance benefits provided for in title II of the Social Security Act.

(4) The client must:

(a) Complete the application process for SSI, cooperate with the Department in applying to the Social Security Administration for SSI, and appeal any denial of SSI made below the Administrative Law Judge level, and attend all appointments designated by the Department and relating to obtaining SSI.

(b) Sign an interim assistance agreement authorizing the Department to recover interim GA benefits paid to the client (or paid to providers on the client's behalf) from the initial SSI payment or initial post-eligibility payment. The following provisions are considered part of the interim assistance agreement:

(A) Interim GA benefits include only those GA cash benefits paid during the period of time that the SSI benefit covers.

(B) For any month in which SSI is prorated, the Department can recover only a prorated amount of the interim GA cash benefit.

(C) If the Department can not stop delivery of a GA benefit issued after the SSI payment is made, the GA payment will be included in the interim assistance to be reimbursed to the Department.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.710

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 20-1991, f. & cert. ef. 10-1-91; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 4-1997(Temp), f. 4-30-97, cert. ef. 5-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 15-1999, f. & cert. ef. 7-1-02, 11-30-99, cert. ef. 12-1-99; AFS 5-2000, f. 2-29-00, cert. ef. 3-1-00; AFS 10-2002, f. & cert. ef. 7-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-135-0701

### Terminate GA and GAM Programs February 1, 2003; Opening GA and GAM Programs November 1, 2003

(1) Effective February 1, 2003, the General Assistance (GA) and General Assistance Medical (GAM) programs are not funded. Notwithstanding other rules of the Department, the programs are closed effective that date.

(2) Effective January 31, 2003, all persons eligible for or receiving benefits of the GA or GAM program become ineligible for the program. Except as provided in section (3) of this rule, the Department will not authorize or provide any benefit under the programs after January 31, 2003.

(3) Effective November 1, 2003, the General Assistance (GA) and General Assistance Medical (GAM) programs are funded and are open.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 21-2002(Temp), f. & cert. ef. 12-30-02 thru 6-27-03; SSP 12-2003, f. 5-29-03, cert. ef. 6-1-03; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-135-0705

### Specific Requirements; GA, GAM Ineligible

(1) A resident of a public institution or private psychiatric hospital, or a person held for a proceeding in connection with his or her commitment to such an institution, is ineligible for GA and GAM.

(2) A GA client found by the Social Security Administration (SSA) not to meet SSI disability criteria may continue receiving GA while appealing the SSA finding until a decision is rendered by an Administrative Law Judge (ALJ) for the Social Security Administration's Office of Hearings and Appeals. A client who unsuccessfully appeals to the ALJ is no longer eligible for GA.

(3) A client whose impairment no longer meets the criteria in OAR 461-125-0510 is ineligible for benefits.

(4) The decision by the ALJ is binding on the Department unless the client has a new or significantly worsened impairment.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060, ORS 411.710

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 40-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 19-2001, f. 8-31-01, cert. ef. 9-1-01; AFS 19-2001, f. 8-31-01, cert. ef. 9-1-01; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-140-0120

### Lump-Sum Income

*Lump sum* income is treated in accordance with this rule if it is received by a recipient or received by an applicant who has signed an application for program benefits.

(1) In the EA, ADCM-EA, MAA, MAF, REF, REFM, SAC, and TANF programs, lump-sum income is a resource.

(2) In the EXT and ERDC programs, lump-sum income is excluded.

(3) In the OHP program:

(a) If the lump-sum income is \$30 or less in a quarter, it is excluded for:

(A) Each financial group member who receives the lump-sum income; and

(B) Each financial group member the lump-sum income is intended for.

(b) If the lump-sum income exceeds \$30 in a quarter, it is counted as unearned income in the month received.

(4) In the Food Stamp program:

(a) Lump-sum income not exceeding \$30 a quarter is excluded income.

(b) If lump-sum income exceeds \$30 in a quarter, the entire amount is a resource.

(c) For Food Stamp clients in a filing group that includes at least one member who is working under a JOBS Plus agreement, lump-sum income is excluded.

(5)(a) In the GA and GAM programs, the lump-sum income described in subsection (b) of this section is excluded. After all exclusions are taken, the remaining lump-sum income is counted as unearned income. If the lump-sum income puts the client over the payment standard, the client is ineligible for the period of time provided for in OAR 461-140-0130.

(b) The following lump-sum income is excluded:

(A) The first \$50 received in a month.

(B) The income the client turns over to the Department as reimbursement for previous assistance.

(C) The income the client uses to pay for special need items approved by the Department. Special needs are explained at OAR 461-155-0500 and following.

(6) For OSIP (except OSIP-EPD), OSIPM (except OSIPM-EPD), and QMB, lump-sum income is treated as follows:

(a) *Lump sum* income not excluded is unearned income in the month of receipt, and any amount remaining in future months is a resource.

(b) The following lump sum income is excluded:

(A) The first \$20 received in a month;

(B) The income the client turns over to the Department as reimbursement for previous assistance; and

(C) The income the client uses to pay for special need items approved by the Department. Special needs are explained at OAR 461-155-0500 and following.

(c) For OSIP-EPD and OSIPM-EPD, lump-sum income is a resource.

Stat. Auth.: ORS 411.060, ORS 411.816 & ORS 418.100

Stats. Implemented: ORS 411.060, ORS 411.816 & ORS 418.100

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 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 1-1991(Temp), f. & cert. ef. 1-2-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 5-1993, f. & cert. ef. 4-1-93; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-140-0130

### Calculating the Lump-Sum Ineligibility Period; GA and GAM

In the GA and GAM programs, the following method is used to determine the financial group's ineligibility period due to receipt of lump-sum income:

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(1) The *available*, countable lump-sum income (see OAR 461-140-0123 and 461-140-0120) is added to the other countable income received by the financial group in the budget month, minus allowable deductions.

(2) The sum is divided by the appropriate Payment Standard for the need group in the month the lump-sum income is received. The whole number of the quotient is the number of months the financial group is ineligible for benefits.

(3) The balance of the quotient is *countable* income for the first month after the client's ineligibility ends. For example, if the quotient is 4 with a remainder of \$82, the client is ineligible for four months, and \$82 is deducted from the GA grant for the fifth month.

Stat. Auth.: ORS 411.060 & ORS 411.710

Stats. Implemented: ORS 411.060 & ORS 411.710

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-145-0040

### Burial Arrangement

(1) Burial arrangements may include funeral agreements, burial insurance, and trust funds that make allowance for burial costs. Burial arrangements do not include a burial space. A funeral agreement is a prepaid arrangement made with a licensed funeral director.

(2) For ERDC, MAA, MAF, OHP, REF, REFM, SAC and TANF exclude the equity value of all prepaid burial arrangements.

(3) For FS, exclude the value of one bona fide funeral agreement per household member, provided that the agreement does not exceed \$1,500 in equity value. If the agreement exceeds \$1,500 in value, the value above \$1,500 is counted as a resource. Exclude the value of irrevocable burial arrangements.

(4) For grandfathered OSIP and OSIPM clients, exclude up to \$1,000 combined equity value of burial arrangements with a licensed funeral director (plus accrued interest) and life insurance policies. Count the amount of combined cash and equity value of all life insurance and burial arrangements that is over \$1,000 as a resource.

(5) For GA, GAM, OSIP, OSIPM, and QMB:

(a) A burial fund includes revocable burial contracts, burial trusts (or other burial arrangements) and any other identifiable funds set aside for a client's burial costs. A burial fund:

(A) Cannot be excluded if it is commingled with nonburial-related assets. The amount set aside for burial must be in a separate account to be considered excluded from resource consideration.

(B) May be established only from financial means such as cash, burial contracts, bank accounts, stocks, bonds or life insurance policies. No overpayment or ineligibility results if the client or their representative agrees to establish the burial fund.

(C) May be established if the countable resources of the client exceeds allowable limits.

(D) Exclusion applies only if the burial fund makes the client ineligible due to excess resources.

(b) Exclude up to \$1,500 of a burial fund for each of the following:

(A) The client.

(B) The client's spouse.

(c) Subtract both the following from the amount each client may set aside for a burial fund:

(A) The face value of life insurance policies owned by the client that have already been excluded from resources.

(B) The amount in an irrevocable burial trust or any other irrevocable arrangement to cover burial costs.

(d) Exclude all interest earned on excluded burial funds or increases in the value of excluded burial arrangements if left in the fund.

(e) There is no penalty if a client uses excluded burial funds for any purpose other than burial costs. No overpayment is determined and future OSIP/Title XIX benefits will not be reduced.

Stat. Auth.: ORS 411.060, ORS 411.816

Stats. Implemented: ORS 411.060, ORS 411.816

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1991(Temp), f. & cert. ef. 7-1-91; AFS 16-1991, f. 8-27-91, cert. ef. 9-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 21-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-145-0050

### Burial Space and Merchandise

(1) Burial spaces include conventional grave sites, crypts, mausoleums, urns, and other repositories that are traditionally used for the

remains of deceased persons. They also include headstones and the opening and closing of the grave.

(2) Burial merchandise includes, but is not limited to, caskets, liners, burial vaults, markers, and foundations.

(3) In the ADCM, ERDC, FS, OHP, REF and TANF programs, one burial space is excluded for each financial group member. Burial merchandise is excluded if owned by the client and designated for themselves, their spouse, minor and adult children, siblings, parents and the spouse of any of these people.

(4) In the GA, GAM, OSIP, OSIPM, and QMB programs, a burial space and burial merchandise are excluded if owned by the client and designated for themselves, their spouse, minor and adult children, siblings, parents and the spouse of any of these people.

Stat. Auth.: ORS 411.060, ORS 411.816

Stats. Implemented: ORS 411.060, ORS 411.816

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 21-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-145-0150

### Educational Income

(1) Educational income is income designated specifically for educational expenses. To be considered educational income, the income must be received by one of the following:

(a) A student at a recognized institution of post-secondary education. Post-secondary education is education offered primarily to individuals 18 years of age or older. Admission may — but does not necessarily — require a high school diploma or equivalent.

(b) A student at a school for the disabled.

(c) A student in a vocational education program.

(d) A student in a program that provides for completion of requirements for a secondary school diploma or the equivalent.

(2) To determine the amount of educational income to exclude, education expenses listed in the financial aid award letter are used unless one of the following is true:

(a) The student provides verification of amounts different from those listed in the award letter, in which case the verified amounts from the student are used.

(b) The student receives child care benefits — that is, ERDC or other child care subsidies. In that situation, the amount the student actually pays for child care (including the ERDC copay) is excluded from the educational income instead of the amount shown in the award letter.

(c) The student states actual transportation costs exceed the amount allowed for the expense in the award letter. In that situation, the number of miles to and from school is multiplied by \$0.20. The product or the amount from the award letter, whichever is greater, is excluded.

(3) In the GA, GAM, MAA, MAF, OHP, OSIP, OSIPM, REF, REFM, SAC and TANF programs:

(a) Educational income authorized by the Carl D. Perkins Vocational and Applied Technology Education Act or Title IV of the Higher Education Act or made available by the Bureau of Indian Affairs (BIA) is excluded.

(b) All income from loans is excluded.

(c) An amount used (or anticipated to be used) for tuition, mandatory fees, books and supplies, transportation, child care, and miscellaneous personal expenses (except room and board) is excluded.

(4) In the ERDC and FS programs, educational income from the BIA and Title IV of the Higher Education Act is excluded.

(5) The cost of the following items from remaining educational funds (including non-Title IV work study and educational loans) is excluded:

(a) In the ERDC and FS programs — tuition, mandatory fees, books and supplies, transportation, required rental or purchase of equipment or materials charged to students enrolled in a specific curriculum, other miscellaneous personal expenses (except room and board), and loan originator fees and insurance premiums required to obtain an educational loan.

(b) In the FS program — dependent care.

(6) In the GA and GAM programs, educational income (including work study) used to pay tuition and mandatory fees is excluded.

(7) In all programs, after allowing exclusions, the remaining income is treated as follows:

(a) Income received through work study (including work study provided through a VA program or other educational program), fellowships and teaching-assistant positions not excluded by section (3), (4), or (5) of this rule is earned income.

(b) Educational income not covered by section (6)(a) of this rule is treated as follows:

(A) In all programs except OHP, educational income is prorated over the period it is intended to cover. If the client has already received the

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income, the prorated amount is counted monthly beginning with the first month of the period. If the client has not received the income at the time the determination is made, the prorated income is counted starting in the month the client expects to receive it.

(B) In the OHP program, educational income is counted in the month received.

Stat. Auth.: ORS 411.060, ORS 411.816  
Stats. Implemented: ORS 411.060, ORS 411.816  
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 16-1993, f. & cert. ef. 9-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 10-2002, f. & cert. ef. 7-1-02; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-145-0320 Life Insurance

(1) Benefits paid on a life insurance policy are counted as unearned income. A deduction is allowed, not to exceed \$1,500, for the cost of the deceased person's last illness and burial if these costs were not otherwise insured.

(2) The equity value of a life insurance policy is treated as follows:

(a) In all programs except GA, GAM, OSIP, OSIPM and QMB, the equity value of the life insurance policy is excluded.

(b) Clients eligible for OSIPM under OAR 461-135-0771 are allowed an exclusion up to \$1,000 from the total equity value of burial arrangements with a licensed funeral director (plus accrued interest) and life insurance policies. The value in excess of \$1,000 is counted as a resource.

(c) In the GA, GAM, OSIP, OSIPM, and QMB programs, the total equity value of life insurance policies owned by the client or the client's spouse is excluded if the total face value of all policies is less than or equal to \$1,500. If the total face value of all policies is more than \$1,500, the entire equity value is counted as a resource.

(d) All term insurance is excluded.

Stat. Auth.: ORS 411.060, ORS 411.816, ORS 418.100  
Stats. Implemented: ORS 411.060, ORS 411.816, ORS 418.100  
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1991(Temp), f. & cert. ef. 7-1-91; AFS 16-1991, f. 8-27-91, cert. ef. 9-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 21-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 5-2002, f. & cert. ef. 4-1-02; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-145-0360 Motor Vehicle; Not FS

(1) In the MAA, MAF, REF, SAC, and TANF programs, up to \$10,000 equity value of one licensed motor vehicle selected by the financial group is excluded.

(2) In the ADCM-EA, EA, ERDC, and OHP programs, all motor vehicles are excluded.

(3) In the GA and GAM programs, up to \$4,500 equity value of one licensed motor vehicle selected by the financial group is excluded. Any remaining equity in that vehicle and the total equity value of all other vehicles is counted as a resource.

(4) For grandfathered financial groups in the OSIP and OSIPM programs, one motor vehicle in operating condition is excluded, and the equity value of any other motor vehicles is counted as a resource.

(5) In the OSIP, OSIPM, and QMB programs:

(a) The total value of a vehicle selected by the financial group is excluded if it is used for employment or necessary and continuing medical treatment. If it is not, the first \$4,500 of the fair market value is excluded.

(b) The amount above \$4,500 is counted as a resource.

(c) The total equity value of all other vehicles is counted as a resource.

(6) In the OSIP-EPD and OSIPM-EPD programs, if a vehicle was purchased as an *employment and independence expense or with moneys from an approved account*, the total value of the vehicle is excluded.

Stat. Auth.: ORS 411.060 & ORS 418.100  
Stats. Implemented: ORS 411.060, ORS 418.100 & ORS 411.117  
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; AFS 9-1999, f. & cert. ef. 7-1-99; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-145-0530 Tax Refund

For all programs, the following types of tax refunds are counted as a resource:

- (1) Federal and state income tax refunds.
- (2) Property tax refunds, including Elderly Rental Assistance (ERA).

Stat. Auth.: ORS 411.060 & ORS 418.100  
Stats. Implemented: ORS 411.060 & ORS 418.100  
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 8-1992, f. & cert. ef. 4-1-92; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-155-0010 Use of Payment Standards to Establish Need

(1) *Need* is the amount at the Department's payment standards that represents the client's need for items covered by the benefit.

(2) *Special needs* are costs in addition to standard allowances. If required, for all programs except GA and GAM they must be used to determine:

(a) Initial eligibility; and

(b) Ongoing eligibility for non-waivered OSIP and OSIPM clients in SDDS or AAA facilities and clients in MHDDSD facilities.

(3) In the GA and GAM programs, special needs are used to determine initial and ongoing eligibility as specified in OAR 461-160-0500.

Stat. Auth.: ORS 411.060, ORS 411.816  
Stats. Implemented: ORS 411.060, ORS 411.816  
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-155-0210 Payment Standard; GA, GAM

(1) The payment standard is \$314 for a one-person need group and \$628 for a two-person need group unless a different rate is specified in section (2) or (3) of this rule.

(2) The payment standard for a GA or GAM client living in a community-based care setting is \$297 for room and board, plus \$40 personal allowance for clothing and personal incidentals.

(3) For a client in a nursing facility, intermediate care facility for the mentally retarded, psychiatric training center, or an acute hospital for greater than 30 days, the payment standard is \$30 for clothing and personal incidentals.

Stat. Auth.: ORS 411.060  
Stats. Implemented: ORS 411.710  
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 16-1990, f. 6-29-90, cert. ef. 7-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 17-1993(Temp), f. & cert. ef. 9-1-93; AFS 29-1993, f. 12-30-93, cert. ef. 1-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 16-1995(Temp), f. 7-24-95, cert. ef. 8-1-95; AFS 21-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 1-1996(Temp), f. 1-30-96, cert. ef. 2-1-96; AFS 10-1996, f. 3-27-96, cert. ef. 4-1-96; AFS 11-1997(Temp), f. & cert. ef. 8-1-97; AFS 13-1997, f. 8-28-97, cert. ef. 9-1-97; AFS 4-1998, f. 2-25-98, cert. ef. 3-1-98; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 10-1999, f. 7-29-99, cert. ef. 8-1-99; AFS 19-2000, f. 7-31-00, cert. ef. 8-1-00; AFS 16-2001(Temp), f. & cert. ef. 8-1-01 thru 9-30-01; AFS 22-2001, f. & cert. ef. 10-1-01; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-155-0520 Special Need; Community Transition Services; OSIP and OSIPM

(1) In the OSIP and OSIPM programs, the Department will authorize one-time payments for allowable expenses necessary to return the following clients to the community if they meet the criteria for one of the service priority levels served by the Department according to OAR 411-015-0015(1):

(a) Clients leaving a nursing facility.

(b) Clients leaving an acute care hospital.

(2) Examples of allowable expenses are expenses for moving; housing security deposits; essential furnishings; eating utensils; food preparation items; deposits for utility hook-ups for heat, electricity and telephone; and health and safety measures such as pest eradication or allergen control. Allowable expenses do not include rent for housing or recreational items such as a television or cable television access.

(3) Payment will be authorized only for the minimum amount necessary to establish the client's basic living arrangement.

Stat. Auth.: ORS 411.060  
Stats. Implemented: ORS 411.060  
Hist.: AFS 16-2002(Temp), f. & cert. ef. 11-1-02 thru 4-30-03; SSP 11-2003, f. & cert. ef. 5-1-03; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-155-0551 Special Need; Home Adaptations to Accommodate a Client's Physical Condition

(1) In the OSIP and OSIPM programs, the Department will authorize consistent with the restrictions in this rule a one-time special needs payment for a home adaptation required by the client's care plan, if the adaptation is needed to accommodate the client's physical condition and prevent the client's placement in a nursing facility.

(2) For a home adaptation:

(a) The client must be the owner or buyer of the house.

(b) The adaptation must cost less than moving to another home.

# ADMINISTRATIVE RULES

(c) Payment is limited to the lowest possible cost that will provide adequate facilities. The client must provide three competitive bids for the repairs, unless there are not three providers of the service in the local area.

(d) Providers of the adaptations must ensure that the work being completed meets current building codes.

(e) Adaptations authorized by this rule include only changes to the structure of the building, such as installation of ramps, grab-bars, and railings; widening of doorways; modification of bathroom facilities; and installation of electric and plumbing systems necessary to accommodate the client's medical equipment or supplies.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 16-2002(Temp), f. & cert. ef. 11-1-02 thru 4-30-03; SSP 11-2003, f. & cert. ef. 5-1-03; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-160-0015

### Resource Limits

(1) In the MAA, MAF, REF, SAC and TANF programs, the resource limit is:

(a) \$10,000 for need groups with at least one JOBS participant who is progressing in a case plan.

(b) \$10,000 for need groups with at least one member who is working under a JOBS Plus agreement.

(c) \$2,500 for all other need groups, including all TANF applicants.

(2) In the ADCM-EA and EA programs, all countable resources must be used to meet the emergent need.

(3) In the ERDC, EXT, and REFM programs, there is no resource limit.

(4) In the FS program, the resource limit is:

(a) \$3,000 for need groups with at least one member who is elderly or disabled.

(b) \$10,000 for need groups with at least one member who is working under a JOBS Plus agreement.

(c) \$2,000 for all other need groups.

(5) In the OHP program:

(a) There is no resource limit for a person whose eligibility is determined under the OHP-OPC, OHP-OP6 or OHP-OPP programs.

(b) The resource limit for a person whose eligibility is determined under the OHP-OPU program is \$2,000.

(c) The resource limit for children whose eligibility is determined under the OHP-CHP program is \$5,000.

(6) In the GA, GAM, OSIP and OSIPM programs, the resource limit is as follows:

(a) \$2,000 for a one-person need group and \$3,000 for a two-person need group.

(b) \$1,000 for an OSIP need group eligible under OAR 461-135-0771. The total cash resources may not exceed \$500 for a one-person need group or \$1,000 for a two-person need group.

(c) \$5,000 is the limit for the OSIP-EPD and OSIPM-EPD programs (see OAR 461-145-0025 for funds that may be excluded as approved accounts).

(7) In the QMB program, the resource limit is \$4,000 for a one-person need group and \$6,000 for a need group containing two or more people.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 414.042

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 13-1991, f. & cert. ef. 7-1-91; AFS 20-1991, f. & cert. ef. 10-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; 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 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; AFS 16-1999, f. 12-29-99, cert. ef. 1-1-00; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 17-2003, f. & cert. ef. 7-1-03; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-160-0060

### Use of Rounding in Calculating Benefit Amount

(1) In the REF and TANF programs, a benefit amount not a whole number of dollars is rounded down to the next lower whole dollar.

(2) In the ERDC program, total countable income is rounded down to the next lower whole dollar. The benefit figures are not rounded.

(3) In the GA, GAM, OHP, OSIP, OSIPM and QMB programs, rounding is not used.

(4) In the FS program, when income and deductions are calculated, a figure ending with less than 50 cents is rounded to the next lower dollar and

a figure ending with 50 cents or more is rounded to the next higher dollar. Rounding is done as follows:

(a) All income from the same source is added and the sum is rounded.

(b) Weekly income is rounded before the weekly conversion factor is used to convert it to monthly income. The converted amount is rounded before the earned income deduction is applied.

(c) The costs of dependent care for each financial group member is rounded before it is compared to the limit for dependent care.

(d) The medical costs for each person who is eligible for a medical deduction are added and the sum is rounded before the deduction is calculated.

(e) The costs for shelter are added and the sum is rounded before the shelter deduction is calculated.

(f) After multiplying the adjusted income by 30 percent, any amount from 1 to 99 cents is rounded up to the next higher dollar.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-160-0500

### Use of Income To Determine Eligibility and Benefits; GA, GAM

In the GA and GAM programs, a financial group's *countable* and *adjusted income* (see OAR 461-140-0010 and 461-160-0020) are used to determine eligibility and benefit as follows:

(1) If the financial group's countable income equals or exceeds the payment standard for the need group, the need group is ineligible for GA and GAM. If the countable income is less than the standard, the need group meets the income standard for GA and GAM.

(2) The benefit amount is determined by subtracting the financial group's adjusted income from the sum of the payment standard for the need group and its ongoing special needs.

(3) The benefit cannot exceed the sum of the payment standard for the benefit group plus the ongoing special needs.

Stat. Auth.: ORS 411.060 & ORS 411.710

Stats. Implemented: ORS 411.060 & ORS 411.710

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 17-1995, f. 7-31-94, cert. ef. 8-1-95; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-160-0510

### Use of Income; Chronically Mentally Ill Clients Who Are Over Income; GAM

(1) This rule explains how to account for income of GAM clients who:

(a) Are diagnosed as chronically mentally ill (see section (2) of this rule);

(b) Are employed as part of a treatment or rehabilitation program that is approved by the Department; and

(c) Have income over the payment standard in OAR 461-155-0210.

(2) A person is "chronically mentally ill" if the person is over the age of 18 and has a condition that includes both the following:

(a) Severe mental disorder diagnosed as schizophrenic, major affective, paranoid, or other mental disorder with a documented history of persistent psychotic symptoms other than those caused by substance abuse. The disorder must be identified by a psychiatrist, a licensed clinical psychologist or a nonmedical examiner certified by the Department.

(b) Impaired role functioning, consisting of at least two of the following:

(A) With respect to the client's social role, an inability to function independently in the role of worker, student or homemaker.

(B) With respect to the client's skills of daily living, an inability to engage independently in personal care (such as grooming or personal hygiene) or community-living activities (such as handling personal finances, using community resources or performing household chores).

(C) With respect to the client's social acceptability, an inability to exhibit appropriate social behavior, which results in demand for intervention by a mental health professional or law enforcement official.

(3) The client's income is accounted for as follows:

(a) The basic standard is subtracted from the client's *adjusted income*. The balance may be used, if authorized in advance by the Department, to pay for one-time special needs and health insurance premiums.

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(b) The remainder is the benefit group's pay-in (patient liability) and must be deposited in a trust-and-agency account in accordance with OAR 461-185-0010 and following.

Stat. Auth.: ORS 411.060 & ORS 411.710  
Stats. Implemented: ORS 411.060 & ORS 411.710  
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 10-2002, f. & cert. ef. 7-1-02; Suspended by SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-160-0520

### Earned Income Deductions; GA

(1) To determine *adjusted income* for GA and GAM, the following deductions are made from a client's countable earned income:

- (a) A deduction of 14 percent of countable earned income.
- (b) For a person with a diagnosis of chronic mental illness who is employed as part of an approved treatment or rehabilitation program, there are additional deductions of \$30 and one-half the difference between countable earned income and \$30, not to exceed \$70.

(2) The deductions described in section (1)(b) of this rule are not allowed if the client was able but failed to return the monthly change report in time to be received by the branch by the tenth day of the month or the first working day after the tenth if it falls on a weekend or holiday.

Stat. Auth.: ORS 411.060  
Stats. Implemented: ORS 411.060  
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 10-2002, f. & cert. ef. 7-1-02; Suspended by SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

## 461-160-0550

### Income Deductions; GA, GAM, QMB and Non-SSI OSIP (except OSIP-EPD), OSIPM (except OSIPM-EPD) in the Community

(1) This rule is used to determine adjusted income for all GA, GAM, and QMB clients and for clients in the OSIP (except OSIP-EPD) and OSIPM (except OSIPM-EPD) programs who:

- (a) Live in the community;
- (b) Do not receive SSI; and
- (c) Do not receive Title XIX waived services.

(2) To determine adjusted income, deductions from income are made in the following order:

- (a) One standard deduction of \$20.
- (b) One standard earned income deduction of:
  - (A) \$65 for GA, GAM, OSIP-AD, OSIP-OAA, OSIPM-AD, OSIPM-OAA, and QMB clients who are not blind; or
  - (B) \$85 for GA, GAM, OSIP-AB, OSIPM-AB, and QMB clients who are blind.
- (c) An income deduction for documented impairment-related work costs for:
  - (A) OSIP-AB, OSIP-AD, OSIPM-AB and OSIPM-AD clients; and
  - (B) QMB clients under age 65.
- (d) One half of the remaining earned income.
- (e) Deductions under a plan for self-support for clients in the OSIP-AB, OSIP-AD, OSIPM-AB, and OSIPM-AD programs, and QMB clients less than the age of 65.

Stat. Auth.: ORS 411.060, ORS 411.070 & ORS 414.042  
Stats. Implemented: ORS 411.060, ORS 411.070 & ORS 414.042  
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04

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## Department of Human Services, Seniors and People with Disabilities Chapter 411

**Adm. Order No.:** SPD 16-2003(Temp)

**Filed with Sec. of State:** 10-27-2003

**Certified to be Effective:** 10-27-03 thru 4-23-04

**Notice Publication Date:**

**Rules Amended:** 411-015-0005, 411-015-0010, 411-015-0015

**Subject:** The Services Priority/Clients Served rules, effective June 4, 2003, are being proposed for temporary amendment October 27, 2003 to clarify the current policy and further define terms and time frames. These proposed temporary rules are intended to: (a) provide more specific language for Assistance and Full Assistance in each Activities of Daily Living (ADL) category to assure current policy is applied correctly; (b) designate a 60-day time frame of reference when assessing an individual's ADL functions; (c) list precise fre-

quencies, replacing terms such as "regular", "occasional" or "frequently"; and (d) define "Assistive Devices."

**Rules Coordinator:** Sonya Plummer—(503) 945-6398

## 411-015-0005

### Definitions

(1) "Activities of Daily Living (ADL)" means those personal functional activities required by an individual for continued well-being which are essential for health and safety. This includes, but is not limited to eating, dressing/grooming, bathing/personal hygiene, mobility, bowel and bladder management, and cognition.

(2) "Alternative Service Resources" means other possible resources for the provision of services to meet the person's needs. This includes, but is not limited to, natural physical/social support systems, Risk Intervention services, Older Americans Act programs, or other community resources.

(3) "Assessment" for service eligibility means the process of evaluating the functional impairment levels including the individual's requirements for assistance or independence in performing activities of daily living, and determining nursing facility care. The Department requires use of the Client Assessment and Planning System (CA/PS) as the tool used to determine service eligibility and planning. When assessing an individual, the time frame reference for evaluation is how the person functioned during the thirty days prior to the assessment date, with consideration of how the person is likely to function in the thirty days following the assessment date.

(4) Assistance Types needed for activities of daily living include, but are not limited to the following terms:

(a) "Cueing" means giving verbal or visual clues during the activity to help the individual complete activities without hand-on assistance.

(b) "Hands-on" means a provider physically performs all or parts of an activity because the individual is unable to do so.

(c) "Monitoring" means a provider must observe the individual to determine if intervention is needed.

(d) "Reassurance" means to offer encouragement and support.

(e) "Redirection" means to divert the individual to another more appropriate activity.

(f) "Set-up" means getting personal effects, supplies, or equipment ready so that an individual can perform an activity.

(g) "Stand-by" means a person must be at the side of an individual ready to step in and take over the task should the individual be unable to complete the task independently.

(h) "Support" means to enhance the environment to enable the individual to be as independent as possible.

(5) "Assistance/Full Assistance" are defined for each activity of daily living as follows:

(a) Bathing/Personal Hygiene: This is comprised of two components. To be considered Assist, the individual must require Assistance in Bathing or Full Assistance in Hygiene. To be considered Full Assist, the individual must require Full Assistance in Bathing.

(A) Bathing means the activities of bathing and washing hair and if needed, using assistive devices. Bathing includes the act of getting in and out of the bathtub or shower.

(i) Assist: The individual requires assistance from another person with bathing, even with assistive devices. This may include hands-on assistance for part of the task, cueing during the activity or stand-by presence for the duration of activity.

(ii) Full Assist: The individual requires at least one other person to provide bathing, even with assistive devices. This means hands-on assistance in all phases of the task.

(B) Personal Hygiene means the activities of shaving and caring for the mouth.

(i) Assist: The individual requires assistance from another person with personal hygiene, even with assistive devices. This may include hands-on assistance for part of the task, cueing during the activity or stand-by presence for the duration of the activity.

(ii) Full Assist: The individual cannot do personal hygiene, even with assistive devices, without the regular assistance of another person. This means hands-on assistance for all phases of the task.

(b) Cognition/Behavior means functions of the brain, which assist in orientation to person, place and/or time, decision-making, learning, memory, and behaviors, which may affect living arrangements and/or jeopardize safety of self or others. Evaluation of functional limitation without support is based on eight components. To be considered Assist, the individual must require Assistance in at least three of the eight components. To be consid-

## ADMINISTRATIVE RULES

ered Full Assist, the individual must require Full Assistance in at least three of the components.

(A) Adaptation means response to major changes in relationship to the individual's environment, such as the possibility of a change in living situation, death of significant other, etc.

(i) Assist: The individual requires reassurance with change. These are multiple occurrences, less than daily.

(ii) Full Assist: The individual requires constant support and reassurance or is unable to adapt to change. These occurrences are ongoing and daily.

(B) Awareness means accurate understanding of needs relating to health, safety, and welfare of the individual.

(i) Assist: The individual has difficulty understanding those needs, which must be met, requiring the assistance of another person.

(ii) Full Assist: The individual does not have the capacity to understand those needs.

(C) Danger to Self or Others means behaviors, other than wandering, which may be a danger to the individual (including self injury), or to those around the individual.

(i) Assist: The individual is disruptive or aggressive in a non-physical way, agitated, or sexually inappropriate and this occurs at least monthly. These behaviors are challenging and the individual can be verbally redirected.

(ii) Full Assist: The individual is disruptive or aggressive in a non-physical way, is agitated, or is dangerous, physically abusive, or sexually aggressive. These behaviors are extreme, may be unpredictable, and necessitate intervention beyond verbal redirection.

(D) Demands on Others means behaviors, other than wandering, which negatively impact and affect living arrangements, providers and/or other residents.

(i) Assist: The individual's habits and emotional states limit the types of living arrangements and companions, but can be modified with individualized routines, changes to the environment e.g. roommates and/or non client specific training for the caregiver.

(ii) Full Assist: The individual's habits and emotional states can be modified only with a 24-hour specialized care setting and/or a client specific behavioral care plan that all staff are trained to deliver.

(E) Judgement means the ability to make informed decisions and conduct activities that affect the ability to function independently. This includes understanding the consequences of decisions that jeopardize the health, safety, and welfare of the individual.

(i) Assist: At least weekly, the individual needs protection, monitoring and guidance to make decisions.

(ii) Full Assist: The individual's decisions require daily intervention by another person.

(F) Memory means the ability to remember and appropriately use current information, which impacts the health, safety and welfare of the individual.

(i) Assist: The individual has difficulty remembering and using current information and requires reminding.

(ii) Full Assist: The individual cannot remember or use information and requires directions beyond reminding.

(G) Orientation means accurate understanding of person, place, and time as it relates to the ability of the individual to function independently.

(i) Assist: The individual is disoriented to person, place or time. These occurrences are episodic during the week; less than daily.

(ii) Full Assist: The individual is disoriented to person, place or time and such occurrences are daily.

(H) Wandering: Moving about aimlessly, or elopement, without relationship to needs or safety.

(i) Assist: The individual wanders within the home or facility, but does not jeopardize safety.

(ii) Full Assist: The individual wanders inside or out and jeopardizes safety.

(c) Dressing/Grooming: This is comprised of two elements. To be considered Assist, the individual must require Assistance in Dressing or Full Assistance in Grooming. To be considered Full Assist the individual must require Full Assistance in Dressing.

(A) Dressing means the activities of dressing and undressing.

(i) Assist: The individual requires assistance from another person to do parts of dressing or undressing, even with assistive devices. This may include hands-on assistance for part of the task, cueing during the activity, or stand-by presence for the duration of the activity.

(ii) Full Assist: The individual must be dressed or undressed by another person, even with assistive devices. Hands-on assistance is required for every phase of dressing activity.

(B) Grooming means nail care and the activities of brushing and combing hair.

(i) Assist: The individual requires help to do part of the task, even with assistive devices.

(ii) Full Assist: The individual cannot do any part of the task, even with assistive devices.

(d) Eating means the activity of feeding and eating and may include using assistive devices.

(A) Assist: When eating, the individual requires another person to be immediately available and within sight. This requires hands-on feeding, hands-on assistance with special utensils, cueing during the act of eating, or monitoring to prevent choking or aspiration. This is a daily need or can vary if an individual's medical condition fluctuates significantly during a one-month period.

(B) Full Assist: When eating, the individual always requires one-on-one assistance for direct feeding, constant cueing, or to prevent choking or aspiration. This includes nutritional IV or feeding tube set-up by another person.

(e) Elimination: This is comprised of three components. To be considered Assist, the individual must require Assistance in at least one of the three components. To be considered Full Assist the individual must require Full Assist in any of the three components.

(A) Bladder means managing bladder care.

(i) Assist: The individual requires assistance from another person, for parts of the activity, even with assistive devices or supplies, to manage dribbling, incontinence, catheter, or sheath changes. This occurs at least monthly.

(ii) Full Assist: The individual always requires another person for all phases of bladder care or catheter care.

(B) Bowel means managing bowel care.

(i) Assist: The individual requires assistance from another person to manage incontinence, ostomy care or suppository insertion, even with assistive devices or supplies. This occurs at least monthly.

(ii) Full Assist: The individual always requires another person to provide all phases of bowel care.

(C) Toileting means the activity of getting to and from the toilet (including bedpan, commode and urinal), cleansing after elimination or adjusting clothing, cleaning and maintaining assistive devices, or cleaning the toileting area after elimination because of unsanitary conditions that would pose a health risk. This does not include routine bathroom cleaning.

(i) Assist: At least monthly, the individual requires assistance from another person to perform any part of the task, even with assistive devices and supplies.

(ii) Full Assist: The individual always requires another person to manage all care.

(f) Mobility: This is comprised of two components, Ambulation and Transfer. In the Mobility cluster only, assistance is categorized into three levels. To be considered Minimal Assist, the individual must require Minimal Assistance in Ambulation. To be considered Substantial Assist, the individual must require Substantial Assistance with Ambulation or an Assist with Transfer. To be considered Full Assist, the individual must require Full Assistance with Ambulation or Transfer. Mobility does not apply to the activities of getting in and out of a motor vehicle or a bathtub/shower or to and from the toilet. When assessing an individual's mobility, consider how the person ambulates and transfers within their home or care setting.

(A) Ambulation means the activity of moving around both inside and outside, using assistive devices, if needed. Ambulation does not include exercise or physical therapy.

(i) Minimal Assist: The individual can get around inside with assistive devices, if needed, without the assistance of another person, but requires assistance from another person when outside or in an unfamiliar environment.

(ii) Substantial Assist: The individual requires the occasional assistance of another person both outside and in a familiar environment, such as the home, even with assistive devices.

(iii) Full Assist: The individual cannot get around, even with assistive devices, without ongoing assistance from another person.

(B) Transfer means the activity of moving to or from a chair, bed or wheelchair using assistive devices, if needed.

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(i) Assist: The individual can transfer, with assistive devices if needed, only if assisted by another person. This includes hands-on help for weight-bearing individuals or stand-by presence for safety in transfer.

(ii) Full Assist: The individual cannot transfer even with assistive devices, and is dependent on one or more other persons to perform the transfer. This includes hands-on transfer for non-weight bearing individuals

(6) "Assistive Devices" means any category of durable medical equipment, mechanical apparatus, electrical appliance, or instrument of technology used to assist and enhance an individual's independence in performing any activity of daily living (ADL). This definition includes the use of service animals, general household items or furniture to assist the individual in performing an ADL.

(7) "Client Assessment and Planning System (CA/PS) is a single entry data system used for completing a comprehensive and holistic client assessment, comprised of critical elements of the individual's physical, mental, and social functioning, including identification of risk factors and outcome measurements. The CA/PS calculates the individual's service priority status, level of care and service payment rates, and accommodates client participation in care planning.

(8) "Department" means the Department of Human Services/Seniors and People with Disabilities.

(9) "Functional Impairment" means a person's pattern of mental and physical limitations which, even in the best of environments, permanently or temporarily restrict his or her capability of functioning independently.

(10) "Home and Community Based Care Waiver Services" means services approved for Oregon by the Centers for Medicare and Medicaid Services for aged and physically disabled persons in accordance with Sections 1915 (c) and 1115 of Title XIX of the Social Security Act.

(11) "Independent" means the individual does not meet the definition of "Assist" or "Full Assist".

(12) "Service Priority" means the order in which Department clients are found eligible for nursing home, HCB waivers, spousal pay program, and Oregon Project Independence.

Stat. Auth.: ORS 410

Stats. Implemented: ORS 410.070

Hist.: SSD 3-1985, f. & ef. 4-1-85; SSD 5-1986, f. & ef. 4-14-86; SSD 9-1986, f. & ef. 7-1-86; SSD 12-1987, f. 12-31-87, cert. ef. 1-1-88; SSD 12-1991(Temp), f. 6-28-91, cert. ef. 7-1-91; SSD 21-1991, f. 12-31-91, cert. ef. 1-1-92; Renumbered from former 411-015-0000(2)(a) - (l); SDSD 11-2002(Temp), f. 12-5-02, cert. ef. 12-6-02 thru 6-3-03; SPD 12-2003, f. 5-30-03, cert. ef. 6-4-03; SPD 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-23-04

## 411-015-0010

### Priority of Paid Services

To meet service priority, an individual must be found eligible, using CA/PS as the assessment tool, as meeting at least the requirements for Assist or Full Assist in activities of daily living, in the following order and as designated in OAR 411-015-0015.

(1) Requires Full Assistance in Mobility, Eating, Elimination, and Cognition.

(2) Requires Full Assistance in Mobility, Eating, and Cognition.

(3) Requires Full Assistance in Mobility, or Cognition, or Eating.

(4) Requires Full Assistance in Elimination.

(5) Requires Substantial Assistance with Mobility, Assistance with Elimination and Assistance with Eating.

(6) Requires Substantial Assistance with Mobility and Assistance with Eating.

(7) Requires Substantial Assistance with Mobility and Assistance with Elimination.

(8) Requires Minimal Assistance with Mobility and Assistance with Eating and Elimination.

(9) Requires Assistance with Eating and Elimination.

(10) Requires Substantial Assistance with Mobility.

(11) Requires Minimal Assistance with Mobility and Assistance with Elimination.

(12) Requires Minimal Assistance with Mobility and Assistance with Eating.

(13) Requires Assistance with Elimination.

(14) Requires Assistance with Eating.

(15) Requires Minimal Assistance with Mobility.

(16) Requires Full Assistance in Bathing or Dressing.

(17) Requires Assistance in Bathing or Dressing.

(18) Independent in the above levels but requires structured living for supervision for complex medical problems or a complex medication regimen.

Stat. Auth.: ORS 410

Stats. Implemented: ORS 410.070

Hist.: SSD 3-1985, f. & ef. 4-1-85; SSD 5-1986, f. & ef. 4-14-86; SSD 9-1986, f. & ef. 7-1-86; SSD 12-1987, f. 12-31-87, cert. ef. 1-1-88; SSD 12-1991(Temp), f. 6-28-91, cert. ef. 7-1-91; SSD 21-1991, f. 12-31-91, cert. ef. 1-1-92; Renumbered from former 411-015-0000(3); SDSD 11-2002(Temp), f. 12-5-02, cert. ef. 12-6-02 thru 6-3-03; SPD 12-2003, f. 5-30-03, cert. ef. 6-4-03; SPD 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-23-04

## 411-015-0015

### Current Limitations

The Department has the authority to establish by Administrative Rule the priority level within which to manage its limited resources. The Department is currently able to serve:

(1) Persons determined eligible for OSIPM, TANF or GA if they are assessed on CA/PS in conjunction with the priority levels of OAR 411-015-0010: and

(a) Who are assessed as meeting at least one of the priority levels (1) through (14) will be served through March 31, 2003; and

(b) Who are assessed as meeting at least one of the priority levels (1) through (11) will be served from April 1, 2003 thereafter, or unless otherwise stated by future amendments to this rule.

(2) Persons eligible for Oregon Project Independence funded services if they meet at least one of the priority levels (1) through (18) of OAR 411-015-0010.

(3) Persons needing Risk Intervention Services in areas designated to provide such services. Persons with the greatest priority under OAR 411-015-0010 will be served first.

(4)(a) Persons sixty-five years of age or older determined eligible for Developmental Disability services or having a primary diagnosis of mental illness are eligible for nursing facility and community based care services if they meet Sections (1), (2), or (3) of this rule and are not in need of specialized mental health treatment services or other specialized Department residential program intervention as identified through the PASARR or mental health assessment process.

(b) Persons under sixty-five years of age determined eligible for developmental disability services or having a primary diagnosis of mental illness are not eligible for Department nursing facility services unless determined appropriate through the PASARR process.

(c) Persons under sixty-five years of age whose primary diagnosis and primary need for service is due to mental illness are not eligible for Title XIX Home and Community Based Care Waivered Services paid for under the Department's 1915(c) Waiver for seniors and people with physical disabilities. Persons under sixty-five years of age whose primary diagnosis is based on a developmental disability are not eligible for Title XIX 1915 (c) Waiver services for seniors and people with physical disabilities.

Stat. Auth.: ORS 410.060, ORS 410.070 & ORS 411

Stats. Implemented: ORS 410.070

Hist.: SSD 3-1985, f. & ef. 4-1-85; SSD 5-1986, f. & ef. 4-14-86; SSD 9-1986, f. & ef. 7-1-86; SSD 12-1987, f. 12-31-87, cert. ef. 1-1-88; SSD 12-1991(Temp), f. 6-28-91, cert. ef. 7-1-91; SSD 21-1991, f. 12-31-91, cert. ef. 1-1-92; Renumbered from former 411-015-0000(4); SSD 1-1993, f. 3-19-93, cert. ef. 4-1-93; SDSD 11-2002(Temp), f. 12-5-02, cert. ef. 12-6-02 thru 6-3-03; SPD 1-2003(Temp), f. 1-7-03, cert. ef. 2-1-03 thru 6-3-03; SDP 3-2003(Temp), f. 2-14-03, cert. ef. 2-18-03 thru 6-3-03; SPD 5-2003(Temp), f. & cert. ef. 3-12-03 thru 6-3-03; SPD 6-2003(Temp), f. & cert. ef. 3-20-03 thru 6-3-03; SPD 12-2003, f. 5-30-03, cert. ef. 6-4-03; SPD 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-23-04

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**Adm. Order No.:** SPD 17-2003(Temp)

**Filed with Sec. of State:** 10-31-2003

**Certified to be Effective:** 11-1-03 thru 4-28-04

**Notice Publication Date:**

**Rules Amended:** 411-015-0100

**Subject:** Chapter 411, Division 015, rule 411-015-0100, Eligibility for Nursing Facility and Community-Based Care Services, is being revised to include General Assistance (GA) clients who meet current limitations as defined in 411-015-0015. GA clients were not eligible under 411-015-0100 from 2/1/03 through 10/31/03 because the GA program was terminated during this time period.

The State of Oregon's 2003 Legislature approved funding to restore a limited version of the former General Assistance program. The GA program provides cash assistance to individuals with severe physical or mental impairments who are waiting for their Supplemental Security Income (SSI) benefits to be approved by Social Security Administration (SSA).

**Rules Coordinator:** Sonya Plummer—(503) 945-6398

## 411-015-0100

### Eligibility for Nursing Facility or Community-Based Care Services

(1) To be eligible for nursing facility services, Community-based care waiver services for aged and physically disabled, Independent Choices,



# ADMINISTRATIVE RULES

Spousal Pay, of, or the Program of All-inclusive Care for the Elderly (PACE), a person must:

- (a) Be age 18 or older; and
- (b) Be eligible for OSIPM, TANF or GA; and
- (c) Meet the functional impairment level within the service priority levels currently served by Seniors and People with Disabilities as outlined in OAR 411-015-0000 and the requirements in OAR 411-015-0015; or
- (d) To be eligible to have services paid through the State Spousal Pay Program, the person must meet requirements as listed above in (a), (b), (c), and in addition, the requirements in OAR 411-030-0080.

(2) Persons who are age 17 or younger and reside in a nursing facility are eligible for nursing facility services only. They are not eligible to receive community-based care waiver services, including Spousal Pay or Independent Choices program services.

Stat. Auth.: ORS 410 & ORS 414.065

Stats. Implemented: ORS 410.070

Hist.: SSD 7-1991(Temp), f. & cert. ef. 4-1-91; SSD 13-1991, f. 6-28-91, cert. ef. 7-1-91; SDSD 11-2002(Temp), f. 12-5-02, cert. ef. 12-6-02 thru 6-3-03; SPD 1-2003(Temp), f. 1-7-03, cert. ef. 2-1-03 thru 6-3-03; SPD 12-2003, f. 5-30-03, cert. ef. 6-4-03; SPD 17-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 4-28-04

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

**Adm. Order No.:** OSFM 5-2003(Temp)

**Filed with Sec. of State:** 11-4-2003

**Certified to be Effective:** 11-4-03 thru 12-31-03

**Notice Publication Date:**

**Rules Amended:** 837-030-0220, 837-030-0230, 837-030-0240, 837-030-0250, 837-030-0280

**Subject:** The 2003 Legislative session passed HB 2248 which has a fiscal impact on the liquefied petroleum gas industry in Oregon. HB 2248 increased certain liquefied petroleum gas fees and reduced one fee. These fees, effective January 1, 2004, are in conflict with the administrative rules. This temporary rule deletes the fees currently referenced in administrative rule and relies on the statute to state the fees.

The State Fire Marshal is in the process of adopting administrative rules permanently to address this issue.

This revised fee structure was developed and passed with a partnership between the liquefied petroleum gas industry, hearth products industry, and the Office of the State Fire Marshal.

**Rules Coordinator:** Glen Andreassen—(503) 373-1540, ext. 209

### 837-030-0220

#### License Renewal

(1) All licenses shall be renewed on or before a date specified by the State Fire Marshal. Such date shall be 30 days after service of written notice by the State Fire Marshal and shall be specified on the renewal application.

(2) License renewal shall be made on a form provided by the Office of State Fire Marshal and shall be accompanied by the appropriate fees.

(3) Company license renewals shall be valid for a period of one year. Fitter and/or truck equipment operator licenses renewals shall be valid for a period of two years.

(4) Licenses not renewed by the specified date are subject to a late fee. The fees for the liquefied petroleum gas program are located in Oregon Revised Statute as follows: ORS 480.436 License fees; term of licenses; delinquency penalty.

(5) Licenses not renewed by their expiration date are invalid and the licensee shall cease working until such time as licensing is brought current.

Stat. Auth.: ORS 476 & ORS 480

Stats. Implemented: ORS 480.436

Hist.: FM 3-1995, f. & cert. ef. 11-14-95; OSFM 3-1999(Temp), f. & cert. ef. 7-23-99 thru 1-18-00; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert. ef. 4-12-00; OSFM 5-2003(Temp), f. & cert. ef. 11-4-03 thru 12-31-03

### 837-030-0230

#### Motor Fuel Installations (Conversions)/Plan Approval

(1) Any company converting or manufacturing any vehicle or machinery to use liquefied petroleum gas for motor fuel shall obtain the company and fitter licenses as required in OAR 837-030-0140.

(2) Any manufacture of vehicle or machinery, or any conversion of existing vehicle or machinery to use liquefied petroleum gas as motor fuel, shall be in compliance with all applicable liquefied petroleum gas laws, rules and regulations.

(3) All equipment shall be installed in accordance with these regulations and the applicable safety standards as adopted, unless written approval is otherwise granted by the State Fire Marshal.

(4) The State Fire Marshal or his assistant may make on-site inspections of manufacturing plants where liquefied petroleum gas motor fuel systems are being installed to ensure compliance with applicable safety standards.

(5) Any company manufacturing or converting vehicles or machinery to use liquefied petroleum gas as motor fuel may make application for plan approval of a model or prototype to the State Fire Marshal. The application and plans shall include two complete sets of plans which shall show in detail:

(a) The location of all liquefied petroleum gas equipment including containers, fuel lines, carburetion system, vaporizers, and all pertinent equipment; and

(b) The name of the equipment manufacturer and model numbers when available;

(c) Sufficient information to permit the State Fire Marshal to determine compliance or noncompliance with fire and life safety regulations relating to the use of liquefied petroleum gas as motor fuel.

(6) Upon approval, one copy of the plans shall be returned to the applicant with the written approval and a permit number shall be assigned. One copy of the plans shall be retained by the State Fire Marshal;

(7) If the plans are disapproved, the applicant will be notified in writing the reason the plans were disapproved and provided information on how to meet the applicable fire and life safety regulations so the plans may be approved.

(8) All vehicles or machinery manufactured or converted to use liquefied petroleum gas as motor fuel and installing liquefied petroleum gas motor fuel tanks shall be reported to the State Fire Marshal:

(9) The State Fire Marshal shall be notified by the last day of each month by the installation company of all new liquefied petroleum motor fuel installations made during the preceding month.

(10) United States Post Office postmark date shall be used to determine the reporting date.

(11) Notification shall be made on a form (Notice of Installation of Liquefied Petroleum Gas Tank for Motor Fuel) and shall include the following information:

(a) Customer name for whom the conversion was made,

(b) Address where the vehicle or machinery may be inspected,

(c) Date conversion was completed,

(d) Water capacity of tank,

(e) Signature of fitter who installed tank and their fitter license number,

(f) Tank serial number,

(g) Name of company installing tank and their company license number,

(h) Any other information that may be helpful in locating the tank,

(12) The company representative shall sign the notice verifying the information is correct, and

(13) The appropriate tank installation fee for the liquefied petroleum gas program is located in Oregon Revised Statute as follows: ORS 480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required.

**EXCEPTION:** This section shall not apply to liquefied petroleum gas installations made in manufactured dwellings or recreational vehicles performed during the construction of the manufactured dwelling or recreational vehicle, or the alteration or repair of the liquefied petroleum gas installation in a manufactured dwelling or recreational vehicle when they are made pursuant to the manufacturer's warranty. All repairs or alterations performed outside of the initial construction or the manufacturer's warranty shall be completed by a licensed company and a licensed fitter.

(14) Any vehicle or machinery manufactured or converted to use liquefied petroleum gas as motor fuel that is found to be in violation of the applicable fire and life safety standards, may be ordered by the State Fire Marshal to be taken out of service. Once out of service, it shall not be placed back in service, sold or offered for sale until all necessary corrections have been made, the State Fire Marshal notified and the vehicle or machinery put back in service by the State Fire Marshal.

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

Stat. Auth.: ORS 476 & ORS 480

Stats. Implemented: ORS 480.450

Hist.: FM 52, f. 4-29-71, ef. 5-25-71; FM 81, f. & ef. 3-3-76; FM 6-1985, f. & ef. 9-20-85; FM 6-1987, f. & ef. 10-20-87; FM 3-1995, f. & cert. ef. 11-14-95, Renumbered from 837-030-0035; OSFM 3-1999(Temp), f. & cert. ef. 7-23-99 thru 1-18-00; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert. ef. 4-12-00; OSFM 5-2003(Temp), f. & cert. ef. 11-4-03 thru 12-31-03

# ADMINISTRATIVE RULES

## 837-030-0240

### Reporting Tank Installations

(1) The State Fire Marshal shall be notified by the last day of each month by the installing company of all new liquefied petroleum gas tank installations made during the preceding month.

(2) United States Post Office postmark date shall be used to determine the reporting date.

(3) Notification shall be made on a form (Notice of Installation of Liquefied Petroleum Gas Tank) provided by the Office of State Fire Marshal and include the following information:

(a) Customer name and contact phone number for whom the tank was installed,

(b) Address where tank was installed,

(c) County of installation,

(d) Date tank was installed,

(e) Water capacity of tank,

(f) Tank serial number,

(g) Signature of fitter who installed tank and their fitter license number,

(h) Name of company installing tank and their company license number,

(i) Any other information that may be helpful in locating the tank including a map providing directions to the tank location.

(4) Tank installation notices shall be accompanied by a summary sheet that details the number and size of tanks installed during the preceding month.

(5) The company representative shall sign the summary sheet verifying the information is correct.

(6) The appropriate tank installation fees shall accompany the tank installation notices and summary sheet. The fee for the liquefied petroleum gas program is located in Oregon Revised Statute as follows: ORS 480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required.

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

Stat. Auth.: ORS 476 & ORS 480

Stats. Implemented: ORS 480.450

Hist.: FM 3-1995, f. & cert. ef. 11-14-95; OSFM 3-1999(Temp), f. & cert. ef. 7-23-99 thru

1-18-00; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert.

ef. 4-12-00; OSFM 5-2003(Temp), f. & cert. ef. 11-4-03 thru 12-31-03

## 837-030-0250

### Inspection of Tank Installations

(1) State Fire Marshal Deputies or State Fire Marshal assistants shall inspect a certain number of reported tank installations.

(2) Inspection records shall be maintained at the Office of State Fire Marshal.

(3) Tank installation companies shall be notified in writing by an inspection notice when a tank installation is not in compliance with State Fire Marshal requirements.

(4) The State Fire Marshal shall notify the company of:

(a) Necessary corrections to bring the installation into compliance

(b) The number of days (shall not exceed 60 days) the company has to bring the installation into compliance.

(5) The installing company shall notify the State Fire Marshal that the corrections have been made to bring the installation into compliance, as follows:

(a) The date the corrections were made shall be in writing, and

(b) Shall be mailed to the Office of State Fire Marshal.

(6) Corrections not made and/or not reported within the number of days allowed to bring the installation into compliance, are subject to fees for the liquefied petroleum gas program located in Oregon Revised Statute as follows: ORS 480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required.

Stat. Auth.: ORS 476 & ORS 480

Stats. Implemented: ORS 480.450

Hist.: FM 3-1995, f. & cert. ef. 11-14-95; OSFM 3-1999(Temp), f. & cert. ef. 7-23-99 thru

1-18-00; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert.

ef. 4-12-00; OSFM 5-2003(Temp), f. & cert. ef. 11-4-03 thru 12-31-03

## 837-030-0280

### Fees/Penalties

(1) Fees for the liquefied petroleum gas program are located in Oregon Revised Statute as follows:

(a) Company License — ORS 480.436 License fees; term of licenses; delinquency penalty.

(b) Fitter — ORS 480.436 License fees; term of licenses; delinquency penalty.

(c) Truck Equipment Operator License — ORS 480.436 License fees; term of licenses; delinquency penalty.

(d) Bulk Plant Inspection Fee — ORS 480.440 Inspection of certain storage tanks. (Excludes initial inspection during plant construction)

(e) Delivery Unit Inspection Fee — ORS 480.440 Inspection of certain storage tanks

(2) Tank Installation Fees are:

(a) All tanks ORS 480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required

(b) Multiple tanks at the site have a total combined capacity of 200 gallons or less — ORS 480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required

(3) Reinspection Fees — ORS 480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required

(4) Motor Fuel Tank Installation Fees for each motor fuel tank installed — ORS 480.440 Inspection of certain storage tanks.

(5) 10 year tank inspection fee — ORS 480.440 Inspection of certain storage tanks.

(6) Penalty Fees as follows: ORS 480.436 License fees; term of licenses; delinquency penalty

Stat. Auth.: ORS 476 & ORS 480

Stats. Implemented: ORS 480.436, 480.440, 480.450, & 480.460

Hist.: FM 3-1995, f. & cert. ef. 11-14-95; OSFM 3-1999(Temp), f. & cert. ef. 7-23-99 thru

1-18-00; OSFM 1-2000(Temp), f. & cert. ef. 1-18-00 thru 4-15-00; OSFM 4-2000, f. & cert.

ef. 4-12-00; OSFM 5-2003(Temp), f. & cert. ef. 11-4-03 thru 12-31-03

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## Department of Public Safety Standards and Training Chapter 259

**Adm. Order No.:** DPSST 13-2003(Temp)

**Filed with Sec. of State:** 10-27-2003

**Certified to be Effective:** 10-27-03 thru 3-31-04

**Notice Publication Date:**

**Rules Amended:** 259-009-0062

**Subject:** Establishes a historical recognition period expiring March 31, 2004 for fire service professionals to obtain Maritime Fire Service Operator certification without having to complete task book.

**Rules Coordinator:** Mary Gaines—(503) 378-2100, ext. 2367

### 259-009-0062

#### Fire Service Personnel Certification

(1) A fire service professional affiliated with an Oregon fire department may be certified by satisfactorily completing the requirements specified in section (2) of this rule: through participation in a fire department training program accredited by the Department; or through a course certified by the Department; or by evaluation of experience as specified in OAR 259-009-0063. The Department may certify a fire service professional who has satisfactorily completed the requirements for certification as prescribed in section (2) of this rule, including the Task Performance evaluations if applicable.

(2) The following standards for fire service personnel are hereby adopted by reference:

(a) The provisions of the NFPA Standard No. 1001, Edition of 1997, entitled "Fire Fighter Professional Qualifications", including Tentative Interim Amendment 97-1 are adopted subject to the following definitions and modifications:

(A) "Authority having jurisdiction" shall mean the Department of Public Safety Standards and Training.

(B) Delete section 1-3 (Note: this references NFPA 1500).

(C) Delete section 2-1(c) (Note: this references NFPA 1582).

(D) Delete section 2-2 (Note: These are physical requirements for Fire Fighter)

(E) Entry Level Fire Fighter shall mean an individual trained to the requirements of Section 2-1 Student Prerequisites, NFPA Standard No. 1403, Edition of 1997, entitled "Live Fire Training Evolutions" and the applicable safety requirements adopted by OR-OSHA. An individual trained to this level and certified so by the agency head is qualified to perform live-fire training exercises and to perform on the emergency scene under close supervision. An Entry Level Fire Fighter should be encouraged to complete Fire Fighter I training within one year.

(F) All applicants for certification as a Fire Fighter I shall complete either the Task Performance Evaluation or a Department of Public Safety Standards and Training approved Task Book.

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(b) The provisions of the NFPA Standard No. 1002, Edition of 1998, entitled "Fire Department Vehicle Driver/Operator Professional Qualifications," are adopted subject to the following definitions and modifications hereinafter stated:

(A) Delete Section 1-3.2.

(B) 3-1 General. The requirements of Fire Fighter I, as specified by the Board on Public Safety Standards and Training and the job performance requirements defined in Sections 3-1 through 3-2, shall be met prior to certification as a fire department driver/operator-pumper.

(C) 4-1 General. The requirements of Fire Fighter I, as specified by the Board on Public Safety Standards and Training and the job performance requirements defined in Sections 4-1 through 4-2, shall be met prior to certification as a fire department driver/operator-aerial.

(D) 5-1 General. The requirements of Fire Fighter I, as specified by the Board on Public Safety Standards and Training and the job performance requirements defined in Chapter 4 and Section 5-2, shall be met prior to certification as a fire department driver/operator-tiller.

(E) 6-1 General. The requirements of Fire Fighter I, as specified by the Board on Public Safety Standards and Training and the job performance requirements defined in Sections 6-1 through 6-2, shall be met prior to certification as a fire department driver/operator-wildland fire apparatus.

(F) 7-1 General. The requirements of Fire Fighter I, as specified by the Board on Public Safety Standards and Training and the job performance requirements defined in Sections 7-1 through 7-2, shall be met prior to certification as a fire department driver/operator-aircraft rescue and fire-fighting apparatus (ARFF).

(G) 8-1 General. The requirements of Fire Fighter I, as specified by the Board on Public Safety Standards and Training and the job performance requirements defined in Sections 8-1 through 8-2, shall be met prior to certification as a fire department driver/operator-mobile water supply apparatus.

(H) Delete "the requirements of NFPA 1500, Standard on Fire Department Occupational Safety and Health Program, Section 4-2" from Sections 2-3.1, 3-1.3, 4-1.3, 5-2.2, 6-1.3, 6-1.4-1.3, and 8-1.3.

(I) Either a Task Performance Evaluation must be completed or a Task Book for Driver, Pumper Operator, Aerial Operator, Tiller Operator, Wildland Fire Apparatus Operator, Aircraft Rescue and Firefighting Apparatus Operator or Mobile Water Supply Apparatus Operator must be completed and signed off by the Agency head or Training Officer before an applicant can qualify for certification as a Pumper Operator, Aerial Operator, Tiller Operator, Wildland Fire Apparatus Operator, Aircraft Rescue and Firefighting Apparatus Operator or Mobile Water Supply Apparatus Operator.

(K) An individual who completes the requirements of Chapter 2 and meets the requirements of Entry Level Fire Fighter, may be certified as a Fire Driver.

(c) The provisions of the NFPA Standards No. 1003, Edition 1994, entitled Standard for Airport Fire Fighter Professional Qualifications, are adopted subject to the following definitions and modifications:

(A) Complete an approved Task Book.

(B) Amend section 1-3.1 by deleting "Airport fire fighters who drive aircraft rescue and fire fighting (ARFF) vehicles shall meet the requirements of Chapter 7 of NFPA 1002, Standard for Fire Department Vehicle Driver/Operator Professional Qualifications."

(d) The provisions of the NFPA Standard No. 1031, Edition of 1998, entitled "Professional Qualifications for Fire Inspector and Plan Examiner" are adopted subject to the following definitions and modifications:

(A) Transition Phase:

(i) November 1, 2000, all new certifications will be based on NFPA 1031.

(ii) November 1, 2000, through July 31, 2003, any certified Fire Prevention/Investigation Officer I may become certified at NFPA Fire Inspector I.

(iii) November 1, 2000, anyone certified as an Oregon Fire Prevention Officer II will be certified as an NFPA Fire Inspector II.

(iv) November 1, 2000, anyone certified as an Oregon Fire Prevention Officer III will be certified as an NFPA Fire Inspector III.

(v) An individual who has been working toward certification using Fire Prevention/Investigation Officer (SFM-P-7 10/88) may complete certification based on that standard until July 31, 2003.

(B) All applicants for certification as a Fire Inspector shall successfully complete a Department of Public Safety Standards and Training approved Task Book.

(C) All applicants for certification as a Fire Inspector shall pass a written certification exam administered by the Department of Public Safety

Standards and Training. The applicant shall have completed all required training before taking this exam.

(D) All applicants for certification as a Plan Examiner shall successfully complete a Department of Public Safety Standards and Training approved Task Book.

(E) All applicants for certification as a Plan Examiner shall successfully complete a written certification exam administered by the Department of Public Safety Standards and Training. The applicant shall have completed all required training before taking this exam.

(F) Tentative interim amendment 98-1(NFPA 1031).

(G) Task books shall be monitored by a Field Training Officer approved by the Department of Public Safety Standards and Training. The Field Training Officer should be certified at or above the level being monitored and have at least 5 years inspection experience. Exception: Any Deputy State Fire Marshal (not Entry) with 5 years experience as a deputy in inspections will be approved as a Field Training Officer for Fire Inspector I until July 31, 2003. The Department of Public Safety Standards and Training may approve other Field Training Officers with equivalent training, education and experience as determined by designated Department of Public Safety Standards and Training Staff.

(e) The provisions of the NFPA Standard No. 1033, Edition of 1998, entitled "Professional Qualifications for Fire Investigator" are adopted subject to the following definitions and modifications:

(A) Transition Phase:

(i) Beginning November 1, 2000, all new certifications will be based on NFPA 1033

(ii) November 1, 2000, through July 31, 2003, any certified Fire Prevention/Investigation Officer I may become certified at NFPA Fire Investigator.

(iii) November 1, 2000, anyone certified as an Oregon Fire Investigator II will be certified as an NFPA Fire Investigator and will continue to be recognized as an Oregon Fire Investigator II. No new Oregon Fire Investigator II certificates will be issued after July 31, 2003.

(iv) November 1, 2000, anyone certified as an Oregon Fire Investigator III will be certified as an NFPA Fire Investigator and will continue to be recognized as an Oregon Fire Investigator III. No new Oregon Fire Investigator III certificates will be issued after July 31, 2003.

(v) An individual who has been working toward certification using Fire Prevention/Investigation Officer (SFM-P-7 10/88) may complete certification based on that standard until July 31, 2003.

(B) All applicants for certification as a Fire Investigator shall successfully complete a Department of Public Safety Standards and Training approved Task Book.

(C) All applicants for certification as a Fire Investigator shall pass a written certification exam administered by the Department of Public Safety Standards and Training. The applicant shall have completed all required training before taking this exam. Exception: Anyone holding a valid IAAI Fire Investigator Certification may take the written certification exam and become certified after passing the written exam.

(D) Task books shall be monitored by a Field Training Officer approved by the Department of Public Safety Standards and Training. The Field Training Officer should be certified at or above the level being monitored and have at least 5 years fire investigation experience. Exception: Any Deputy State Fire Marshal (not Entry) with 5 years experience as a deputy in fire investigation will be approved as a Field Training Officer for Fire Investigator until July 31, 2003. The Department of Public Safety Standards and Training may approve other Field Training Officers with equivalent training, education and experience as determined by designated Department of Public Safety Standards and Training Staff.

(f) The provisions of the NFPA Standard No. 1035, Edition of 2000, entitled "Professional Qualifications for Public Fire and Life Safety Educator" are adopted subject to the following definitions and modifications:

(A) Chapter 6 (Six) "Juvenile Firesetter Intervention Specialist I" and Chapter 7 (Seven) "Juvenile Firesetter Intervention Specialist II", Oregon-amended, shall be adopted with the following changes:

(i) Change the following definitions:

(I) 1-4.4 Change the definition of "Assessment" to read: "A structured process by which relevant information is gathered for the purpose of determining specific child or family intervention needs conducted by a mental health professional."

(II) 1-4.11 Change the title and definition of "Fire Screener" to "Fire Screening" to read "The process by which we conduct an interview with a firesetter and his or her family using state approved forms and guidelines. Based on recommended practice, the process may determine the need for

# ADMINISTRATIVE RULES

referral for counseling and/or implementation of educational intervention strategies to mitigate effects of firesetting behavior.”

(III) 1-4.14 Include “insurance” in list of agencies.

(IV) 1-4.15 Change the definition to read: “...that may include screening, education and referral for assessment for counseling, medical services...”

(V) 1-4.16 Change “person” to “youth” and change age from 21 to 18.

(VI) 1-4.17 Add “...using state-approved prepared forms and guidelines...”

(VII) 1-4.22 Add “...or by authority having jurisdiction.”

(VIII) 1-4.24 Add “...or as defined by the authority having jurisdiction”

(ii) Under 6-1 General Requirements, delete the statement, “In addition, the person shall meet the requirements for Public Fire and Life Safety Educator I prior to being certified as a Juvenile Firesetter Intervention Specialist I.”

(iii) Bridging will be available for 12 months after adoption of the standard. To bridge to Juvenile Firesetter Intervention Specialist I, a person will be eligible to take an 8-hour update class if s/he documents all of the following:

(I) Involvement in three fire investigations;

(II) Use of the 10-J and Oregon Screen Tool forms three times;

(III) Five years experience in fire service or a related field;

(IV) Attendance in the current Juvenile Firesetter Intervention class or show participation in the Juvenile Firesetter Network by having the application signed off by the local network.

(B) A task book shall be completed prior to certification as a Public Fire and Life Safety Educator I, II or III.

(C) A task book shall be completed prior to certification as a Public Information Officer.

(D) A task book shall be completed prior to certification as a Juvenile Firesetter Intervention Specialist I and II.

(g) The provisions of the NFPA Standard No. 1041, Edition of 1996, entitled Standard for Fire Service Instructor Professional Qualifications, are adopted subject to the following definitions and modifications:

(A) “Fundamentals of Instruction” shall mean a 16-hour instructor training course for those instructors used for in-house training. This course includes a task book. This course does not lead to certification.

(B) Successfully complete an approved task book for each level of Fire Service Instructor certification.

(i) This requirement is effective for any application for certification after January 4, 2002.

(h) The provisions of the NFPA Standard No. 1021, Edition of 1997, entitled “Standards for Fire Officer Professional Qualifications,” are adopted subject to the following definitions and modifications:

(A) 2-1 General. For certification at the Fire Officer Level I, the candidate shall be certified at Fire Fighter II, as defined by the Department of Public Safety Standards and Training, and meet the job performance requirements defined in Sections 2-2 through 2-7 of this standard.

(i) 2-1.1 General Co-requisite Knowledge: the organizational structure of the department, departmental operating procedures for administration, emergency operations, and safety; departmental budget process; information management and record keeping; the fire prevention and building safety codes and ordinances applicable to the jurisdiction; incident management system; socioeconomic and political factors that impact the fire service; cultural diversity; methods used by supervisors to obtain cooperation within a group of subordinates; the rights of management and members; agreements in force between the organization and members; policies and procedures regarding the operation of the department as they involve supervisors and members.

(ii) 2-1.2 General Prerequisite Skills: the ability to communicate verbally and in writing, to write reports, and to operate in the incident management system. These skills may be documented through the following course work: Advanced Writing (such as WR121 or equivalent); Advanced Speech (such as SP111 or equivalent); Technical Writing (such as WR227 or equivalent); Math (such as MTH 052 or equivalent); Physical Science (such as PH201 or equivalent). The following are recognized courses for portions of the training requirements 2-2 through 2-7: Fire Fighter Law; Managing Fire Personnel currently #39-13; Increasing Personal Effectiveness & Increasing Team Effectiveness or 3 or more credit college level course in principles of supervision or NFA Leadership I, II, and III; Fire Fighter Safety and Survival for Company Officers currently #61-01; MCTO-P, D & T; Instructor I or equivalent.

(iii) Successfully complete an approved task book for Fire Officer 1.

(B) 3-1 General. For certification as Fire Officer Level II, the candidate shall be certified as Fire Officer I and Fire Instructor I, as defined by the Department of Public Safety Standards and Training, and meet the job performance requirements defined in Section 3-2 through 3-7 of this standard.

(i) 3-2.3 Existing Curricula: Public Education, Relations, and Information; College Fire Codes and Ordinances; or National Fire Academy Fire Inspection Principles; or International Fire Codes Institute Uniform Fire Code Certificate; Fire Detection Systems & Alarms; College or State Major Emergency Strategy and Tactics; or National Fire Academy Command and Control of Fire Department Operations at Multi-Alarm Incidents; or National Fire Academy Command and Control of Fire Department Operations at Target Hazards; or National Fire Academy Hazardous Materials Incident Management; Incident Safety Officer; Department of Public Safety Standards and Training Fire Instructor II; or Department of Public Safety Standards and Training Instructor Development Course; National Fire Academy Initial Fire Investigation; or National Fire Academy Arson Detection for Fire Responders; or College Fire Investigation Course; or National Fire Academy Fire Cause Determination for Company Officers; or Fire Investigation #35-10; Washington Oregon Interface/National Wildfire Coordinating Group (WOL-NWCG) — S-205 (Wildland); College Strategy and Tactics; or National Fire Academy Managing Company Tactical Operations — Tactics and Decision Making; or National Fire Academy Incident Command System; or National Fire Academy Fire Command Operations.

(ii) Successfully complete an approved task book for Fire Officer II.

(C) 4-1 General. For certification at the Fire Officer III/Administrator Level, the candidate shall be certified as Fire Officer II as defined by the Department of Public Safety Standards and Training, and meet the job performance requirements defined in Sections 4-2 through 4-7 of this standard; or, for certification at the Fire Protection Administrator Level, the candidate shall be certified as either Fire Officer II, Fire Prevention Officer III, Public Education Officer III, Instructor IV, or Fire Investigator III as defined by the Department of Public Safety Standards and Training, and meet the job performance requirements defined in Sections 4-2 through 4-7 of this standard.

(i) 4-1.3 Existing Curricula — Basic Institute Classes which would meet Fire Protection Administrator Course Requirements: Inspection and investigation (new); Emergency Service Delivery (new); Principles of Fire Protection Management; Personnel Management; Organization for Fire Protection; Legal Aspects; Fiscal Management;

(D) 5-1 General. For certification at the Fire Officer IV/Executive Level, the candidate shall be certified as Fire Officer III as defined by the Department of Public Safety Standards and Training, and meet the job performance requirements defined in Sections 5-2 through 5-7 of this standard, or, for certification at the Fire Protection Executive Level, the candidate shall be certified as either Fire Officer III Fire Protection Administrator as defined by the Department of Public Safety Standards and Training, and meet the job performance requirements defined in Sections 5-2 through 5-7 of this standard.

(i) 5-1.2 General Co-requisite Skill: the ability to effectively apply prerequisite knowledge.

(ii) 5-1.3 Existing Curricula — Advanced Institute Classes which would meet Fire Protection Executive Course Requirements: Master Planning; Advanced Legal Aspects; Advanced Fiscal Management; Local Government and Community Politics; Organizational Psychology; Management Information Systems; Labor Management Relations.

(i) Hazardous Materials Responder (DPSST-P-12 1/96).

(j) Fire Ground Leader, (DPSST, 2001).

(A) This is a standard that is Oregon-specific.

(B) An applicant applying for Fire Ground Leader shall first be certified as an NFPA Fire Fighter II.

(C) An applicant would need to document training in nine areas:

(i) Fire Resistive Building Construction;

(ii) Ordinary Building Construction;

(iii) Incident Safety Officer or Fire Fighter Safety;

(iv) Water Supplies;

(v) Strategy and Tactics I, II, and III;

(vi) Incident Command System;

(vii) Fire Investigation.

(D) A task book shall be completed before certification is awarded.

The task book has been made a part of the Fire Officer 1 Task Book.

(k) Wildland Interface Fire Fighter, Wildland Interface Engine Boss/Company Officer, Wildland Strike Team leader, Wildland Division/Group Supervisor (DPSST-P-20 2/99).

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(l) Maritime Fire Service Operator Standards Professional Qualifications (October, 1999) and completion of an approved task book.

(A) Historical Recognition:

(i) The application shall be submitted with the Fire Chief or designee's signature attesting to the skill level and training of the applicant.

(ii) The application must be submitted to the Department no later than March 31, 2004, to receive certification for Maritime Fire Service Operator without having to complete the task book.

(iii) All applications received after March 31, 2004, will need to show completion of the approved task book.

(m) Certification guide for Wildland Fire Investigator (August, 1999).

(n) The provisions of the NFPA Standard No. 1006, Edition of 2000, entitled, "Professional Qualifications for Rescue Technician" are adopted subject to the following modifications:

(A) The Authority Having Jurisdiction shall mean the local or regional fire department.

(B) Historical Recognition:

(i) The application shall be submitted with the Fire Chief or designee's signature attesting to the skill level and training of the applicant.

(ii) The application must be submitted to the Department no later than August 1, 2004.

(iii) Historical recognition will be valid for training completed prior to August 1, 2003.

(C) Instructors

(i) Curriculum must be certified by DPSST to meet NFPA 1006.

(ii) An instructor delivering training under a department's accreditation agreement must be a certified technician in that specialty rescue area.

(D) Task Books

(i) Completion of a task book will be required for certification beginning August 1, 2003.

(ii) A task book must be completed for each of the six specialty rescue areas applied for.

(iii) Only a certified technician in that specialty rescue area can sign off the Task Book.

(iv) The requirements in Chapters 2 and 3 need to be met only one time for all six specialty rescue areas.

(3) Task performance evaluations, where prescribed, shall be required prior to certification. Such examinations shall be conducted in the following manner:

(a) Task performance competency shall be evaluated by three people nominated by the employing fire department's Chief Officer for approval by the Department or its designated representative.

(b) The employing department's equipment and operational procedures shall be used in accomplishing the task performance to be tested.

(c) Specific minimum testing procedures, as provided by the Department, shall be used for administration of the evaluation.

(d) The training officer for an accredited fire department training program must notify the Department or its designated representative prior to performing a Task Performance Evaluation.

(e) At the request of the fire chief, a representative of the Department will be designated to monitor the task performance evaluation for personnel from a fire department whose training program is not accredited.

(4) The following are recommendations for skills maintenance training:

(a) Certified fire personnel should annually complete the following prescribed hours of accredited education and/or training in the area in which they are certified and performing as a primary duty:

(A) Fire Fighter I and Driver — 30 hours/year;

(B) Fire Fighter II, Airport Fire Fighter, Pumper Operator, Aerial Operator, Tiller Operator, Aircraft Rescue and Firefighting Apparatus Operator, Wildland Fire Apparatus Operator and Mobile Water Supply Apparatus Operator — 60 hours/year;

(C) Instructor personnel — 4 hours of accredited training per year or eight hours per year of successful teaching;

(D) All other levels (including Hazardous Materials Operations Level) — 12 hours/year.

(b) An individual certified and performing duties in more than one area need only have training hours equal to the single highest requirement.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 11-2003 f. & cert. ef. 7-24-03; DPSST 13-2003(Temp), f. & cert. ef. 10-27-03 thru 3-31-04

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

**Adm. Order No.:** DMV 14-2003

**Filed with Sec. of State:** 10-24-2003

**Certified to be Effective:** 1-1-04

**Notice Publication Date:** 8-1-03

**Rules Amended:** 735-050-0120

**Rules Repealed:** 735-050-0110, 735-050-0115

**Subject:** Chapter 175, Oregon Laws 2003 (SB 247) repeals the statutes or parts of statutes that allow a person to file a bond or cash deposit in lieu of insurance to meet the state's financial responsibility requirements associated with the ownership or operation of a motor vehicle. OAR 735-050-0110 established the use of bond in lieu of insurance. OAR 735-050-0115 established the use of deposit in lieu of insurance. Both of these rules are being repealed, effective January 1, 2004, as the statutory authority of the department to accept either a bond or deposit to comply with the financial responsibility is repealed. OAR 735-050-0120 is amended to remove the references to bond and deposit as proof of compliance with financial responsibility.

**Rules Coordinator:** Brenda Trump—(503) 945-5278

### 735-050-0120

#### Proof of Compliance With Financial Responsibility Requirements in Lieu of an Unexpired Insurance Card

The following list establishes what constitutes "other current proof of compliance with financial or future responsibility requirements" under ORS 806.011, and "proof of compliance with financial responsibility requirements" under ORS 806.012:

(1) An unexpired motor vehicle liability insurance policy for the particular vehicle which meets the standards set forth in ORS 806.080;

(2) An unexpired motor vehicle liability insurance binder issued by the insurance company or its authorized agent for the particular vehicle which meets the standards set forth in ORS 806.080;

(3) A letter signed by an authorized agent or company official, on agent or insurance company letterhead that verifies current insurance coverage;

(4) A certificate of self insurance issued by DMV under ORS 806.130 naming the owner of the particular vehicle; or

(5) A displayed Oregon dealer plate unless the dealership does not sell motorized vehicles and has completed a "Certificate of Exemption from Vehicle Liability Insurance for Vehicle Dealer," DMV Form 735-7024.

Stat. Auth.: ORS 184.616, ORS 184.619, ORS 806.011, ORS 806.012

Stats. Implemented: ORS 806.011 & ORS 806.012

Hist.: DMV 3-1994, f. & cert. ef. 7-21-94; DMV 22-2002, f. 11-18-02, cert. ef. 1-1-03; DMV 14-2003, f. 10-24-03, cert. ef. 1-1-04

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**Adm. Order No.:** DMV 15-2003

**Filed with Sec. of State:** 10-24-2003

**Certified to be Effective:** 10-24-03

**Notice Publication Date:** 8-1-03

**Rules Amended:** 735-140-0000, 735-140-0010, 735-140-0015, 735-140-0020, 735-140-0025, 735-140-0030, 735-140-0040, 735-140-0060, 735-140-0070, 735-140-0080, 735-140-0090, 735-140-0100, 735-140-0110, 735-140-0120, 735-140-0130, 735-140-0140

**Rules Repealed:** 735-140-0000(T), 735-140-0010(T), 735-140-0015(T), 735-140-0025(T), 735-140-0060(T), 735-140-0080(T), 735-140-0090(T)

**Subject:** The need to amend these rules is necessitated by SB 328, passed by the 2003 Legislative Assembly, which amended ORS 820.510. The amendment authorizes the owner of a manufactured structure who holds a recorded leasehold estate of 20 years or more to obtain an exemption from title and registration requirements under ORS 820.510 and OAR 735-140-0010, if the lease specifically permits the structure owner to do so. The revisions to its manufactured structure rules conforms them to amended ORS 820.510. The temporary amendments filed in July 2003 are repealed. The amendments also add or modify terms, requirements, qualifications and conditions

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associated with the law change. Additional non-substantive changes are made to Division 140 rules to simplify the rule language.

**Rules Coordinator:** Brenda Trump—(503) 945-5278

## 735-140-0000

### Purpose and Definitions

(1) OAR 735-140-0000 through 735-140-0130 establish the procedures necessary to exempt a manufactured structure from title and registration requirements or to title a manufactured structure that has been previously exempted pursuant to ORS 820.510. OAR 735-140-0140 describes the requirements for issuing a manufactured structure trip permit.

(2) The following definitions apply to OAR 735-140-0000 through 735-140-0140:

(a) “Beneficiary of a trust deed” means the person designated in a trust deed as the person for whose benefit a trust deed is given. A trust deed conveys an interest in real property to a trustee in trust, to secure performance of an obligation owed to the beneficiary.

(b) “DMV” means the Driver and Motor Vehicle Services Division of the Department of Transportation.

(c) “Entity” means a person, agency, or business and includes a federal, state, county or municipal agency.

(d) “Legal description of the land” means the description of the real estate upon which the manufactured structure is located, found in the public record of the county where the land is located and shall include a description of any mortgage, trust deed, lien or other security interest on the land. A “legal description of the land” may be found on the land deed, a property tax statement or in the county clerk’s record.

(e) “Legal description of the manufactured structure” means the model year, make, width, length and vehicle identification number (VIN).

(f) “Land leaseholder” means the holder of a recorded leasehold estate of 20 years or more if the lease specifically permits the owner of the manufactured structure to obtain an exemption under ORS 820.510(1)(b).

(g) “Lessor” means a person who transfers the right to possession and use of property under a lease as shown in the record of the county in which it is recordable by law.

(h) “Lien holder of record” means a person who holds a claim, encumbrance or charge on property for payment of a debt or obligation as shown in the record of the county in which it is recordable by law.

(i) “Lot book report” means a report or memo from a title insurance company showing the record owner(s), any other party with a vested interest and a legal description of the land upon which a manufactured structure is located.

(j) “Manufactured structure trip permit agent” means any entity designated by DMV to issue manufactured structure trip permits on behalf of DMV.

(k) “Mortgage” means a security interest in real property.

(l) “Mortgagee” means a person who takes, holds or receives a mortgage (such as a bank or lending institution, etc.).

(m) “Owner” when referring to the owner of a manufactured structure is as defined in ORS 801.375, but does not include a security interest holder or lessee, unless the owner of the manufactured structure is a land leaseholder as provided by ORS 822.510(1)(b) and as described in subsection (f) of this section.

(n) “Personal property” means movable property or all property other than real estate.

(o) “Real property” means land and generally whatever is erected or affixed to the land or immovable property.

(p) “Record owner” means the person having title to real estate that is evidenced in the public land records of the county in which the real estate is located.

(q) “Record title” means an ownership interest in real estate that is evidenced in the public land records of the county in which the real estate is located.

(r) “Security interest holder” means a person who holds an interest in property that secures payment or performance of an obligation pursuant to a security agreement.

(s) “Tax lot number” means a number assigned to the manufactured structure or the real estate by the county assessor’s office.

(t) “Title of a manufactured structure” is as defined in ORS 801.526.

(u) “Title report” or “supplemental title report” means a report or memo from a title insurance company showing the record owner(s), any other party with a vested interest and a legal description of the land upon which a manufactured structure is located.

(v) “Vehicle identification number (VIN)” has the same meaning given in ORS 801.600.

(w) “Vested interest” means a right or title in real property that can be conveyed to another.

Stat. Auth.: ORS 184.616, ORS 814.619, ORS 820.510 & Ch. 189, OL 2003

Stats. Implemented: ORS 820.500, ORS 820.510 & Ch. 189, OL 2003

Hist.: MV 12-1985, f. 9-19-85, ef. 9-30-85; Administrative Renumbering 3-1988, Renumbered from 735-075-0010; MV 15-1989, f. & cert. ef. 8-16-89; DMV 16-2002, f. 9-20-02 cert. ef. 11-1-02; DMV 11-2003(Temp), f. & cert. ef. 7-17-03 thru 1-12-04; DMV 15-2003, f. & cert. ef. 10-24-03

## 735-140-0010

### Documents Required; Exemption of Manufactured Structure; Applicant Owns Manufactured Structure and Land, or is a Land Leaseholder

Except as authorized under ORS 820.510(2) and OAR 735-140-0015, an applicant for an exemption from registration and title requirements must submit the following documents to DMV:

(1) If the applicant owns the manufactured structure and the land and structure are titled and registered in Oregon, an “Application to Exempt a Manufactured Structure From Registration and Titling” (DMV Form 6722). If the applicant owns the manufactured structure and is a land leaseholder, a Manufactured Structure Leaseholder Certification (DMV Form 7248). Unless stated otherwise, either form must contain the following:

(a) The legal description of the manufactured structure and the land upon which it is located;

(b) The tax lot number for the manufactured structure and the land upon which the manufactured structure is located. The same tax lot number may be assigned by the county assessor for both the manufactured structure and the land;

(c) The name and address of each owner of the manufactured structure and each record owner of the land upon which the manufactured structure is located. The owner(s) of the manufactured structure and the record owner(s) or land leaseholder(s) of the land must be the same. For example, if John Q. Public and Sara Public are shown as the owners of the manufactured structure, John Q. Public and Sara Public must be either record owners or land leaseholder(s) of the land. The owner name(s) as shown on the vehicle title (or if there has been a release of interest on the application for exemption), must be identical to the name(s) of the record owner(s) or land leaseholder(s) of the land, unless the owner(s) or land leaseholder(s) submit a signed statement explaining any discrepancy and that he or she is in fact the same person(s);

(d) The name and address of each lessor, mortgagee, trust deed beneficiary or lien holder of record who holds an interest in the land and the name and address of each security interest holder or lien holder of record who holds an interest in the manufactured structure;

(e) A certification from the applicant(s) that each lessor, mortgagee, trust deed beneficiary, lien holder of record and security interest holder listed on the title or lot book report have been listed on the application or that the land and manufactured structure are free and clear of all mortgages, deeds of trust, security interests and liens, if there are none listed;

(f) Signed approval of each security interest holder and lien holder in the manufactured structure to submit the application or proof that each security interest holder and lien holder has been notified of the intent to submit the application. Such proof shall consist of a copy of the notice provided to each security interest holder and lien holder along with proof that such notice was received, including but not limited to a return receipt from the post office or an affidavit of personal service; and

(g) The signature of each owner of the manufactured structure.

(2) If ownership of the manufactured structure is being transferred:

(a) Proof that all property taxes, all special assessments and all delinquent property taxes are paid as required by ORS 820.500 and OAR 735-140-0070; and

(b) A release of interest from each person listed on the title who is transferring an ownership interest.

(3) A title report, lot book report or equivalent report from a title company specific to the land upon which the manufactured structure is located. The report must be dated no more than seven (7) days before the date the application is received by DMV so that the identity of each record owner, mortgagee, trust deed beneficiary, lien holder of record, and security interest holder in the land at the time of the application can be verified.

Stat. Auth.: ORS 184.616, ORS 184.619, ORS 820.510 & Ch. 189, OL 2003

Stats. Implemented: ORS 308.865, ORS 308.875, ORS 820.510 & Ch. 189, OL 2003

Hist.: MV 12-1985, f. 9-19-85, ef. 9-30-85; Administrative Renumbering 3-1988, Renumbered from 735-075-0020; MV 15-1989, f. & cert. ef. 8-16-89; DMV 16-2002, f. 9-20-02 cert. ef. 11-1-02; DMV 11-2003(Temp), f. & cert. ef. 7-17-03 thru 1-12-04; DMV 15-2003, f. & cert. ef. 10-24-03

# ADMINISTRATIVE RULES

## 735-140-0015

### Documents Required for Exemption for New Manufactured Structure or Manufactured Structure Never Titled or Registered in Oregon

An applicant meeting the requirements under ORS 820.510(2) for an exemption from registration and title for a new manufactured structure or a manufactured structure that has never been titled or registered in Oregon must submit to DMV:

(1) A Certification Exempting a Manufactured Structure from Title and Registration (DMV Form 735-6723). The completed certification must be signed before a notary by:

- (a) All owners of the manufactured structure; or
- (b) An attorney acting on behalf of the owner(s).

(2) The Manufacturer's Certificate of Origin (MCO), if the manufactured structure has not been previously titled, or the Certificate of Title, if the manufactured structure is titled in another jurisdiction. The MCO or Certificate of Title must be endorsed if an ownership interest in the manufactured structure is being transferred.

(3) This rule does not apply to an exemption from title and registration requirements under ORS 820.510(1)(b). A land leaseholder must follow the procedures set forth in OAR 735-140-0010.

Stat. Auth.: ORS 184.616, ORS 184.619, ORS 820.510 & Ch. 189, OL 2003  
Stats. Implemented: ORS 820.500, ORS 820.510 & Ch. 189, OL 2003  
Hist.: DMV 16-2002, f. 9-20-02 cert. ef. 11-1-02; DMV 11-2003(Temp), f. & cert. ef. 7-17-03 thru 1-12-04; DMV 15-2003, f. & cert. ef. 10-24-03

## 735-140-0020

### Documents Required to Title and Register an Exempt Manufactured Structure

An applicant for title and registration of a manufactured structure exempted from registration and titling requirements of ORS Chapter 820 pursuant to ORS 820.510, must submit the following to DMV:

(1) An Application to Remove Manufactured Structure From Exempt Status, (DMV Form 6721) that contains the following:

(a) A legal description of the manufactured structure and the land upon which it is located;

(b) The tax lot number(s) assigned to the land and manufactured structure by the county in which the land is located;

(c) The name and address of each owner of the manufactured structure;

(d) The name and address of each lessor, mortgagee, trust deed beneficiary or lien holder of record who holds an interest in the land and the name and address of each security interest holder or lien holder of record who holds an interest in the manufactured structure;

(e) A certification from the applicant(s) that each lessor, mortgagee, trust deed beneficiary, lien holder of record and security interest holder has been listed on the application or that the land and manufactured structure are free and clear of all leaseholds, mortgages, deeds of trust, security interests and liens, if there are none listed;

(f) Signed approval of each lessor, security interest holder, mortgagee, trust deed beneficiary and lien holder of record who hold an interest in the land or manufactured structure, to submit the application or proof that each lessor, security interest holder, mortgagee, trust deed beneficiary and lien holder of record has been notified of the intent to submit the application at least two (2) weeks before its submission to DMV. Such proof shall consist of a copy of the notice provided, along with proof that such notice was received, including but not limited to a return receipt from the post office or an affidavit of personal service; and

(g) The signature of each owner of the manufactured structure and record owner of the land.

(2) A completed and signed Application for Title and Registration. The application must list each owner and be signed by at least one owner of the manufactured structure.

(3) A release of interest from each person listed as owner on the title report, lot book or equivalent report specific to the land upon which the manufactured structure is located, but not listed on the Application for Title and Registration for a Manufactured Structure, Travel Trailer or Special Use Trailer, (DMV Form 222). If ownership of the manufactured structure is being transferred, proof that all property taxes and special assessments for the current tax year and all delinquent property taxes and special assessments have been paid as required by ORS 820.500 and OAR 735-140-0070.

(4) Title and registration fees required by law.

(5) A title report, lot book report or equivalent report from a title company specific to the land upon which the manufactured structure is located. The report must be dated no more than seven (7) days before the date the application is received by DMV so that the identity of each record owner,

mortgagee, trust deed beneficiary, lien holder of record, and security interest holder in the land at the time the application is made can be verified.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 820.510 & Ch. 189, OL 2003  
Stats. Implemented: ORS 820.500 & ORS 820.510 & Ch. 189, OL 2003  
Hist.: MV 12-1985, f. 9-19-85, ef. 9-30-85; Administrative Renumbering 3-1988, Renumbered from 735-075-0030; MV 15-1989, f. & cert. ef. 8-16-89; DMV 16-2002, f. 9-20-02 cert. ef. 11-1-02; DMV 15-2003, f. & cert. ef. 10-24-03

## 735-140-0025

### Application for Manufactured Structure Title Provided by an Escrow Agent

The application for a manufactured structure title submitted by an escrow agent as specified under ORS 820.585 to 820.593, shall consist of a completed and signed Escrow Agent Certification (DMV Form 735-7216) and the appropriate application for title form. As used in ORS 820.585 to 820.593, and this rule, "appropriate application for title form" means:

(1) A completed and signed Application for Title and Registration (DMV Form 735-222 or DMV Form 735-226) to obtain or transfer a certificate of title on a manufactured structure, or to add or delete a security interest or otherwise amend a manufactured structure title;

(2) A completed and signed Application to Exempt a Manufactured Structure From Registration and Titling (DMV Form 735-6722) to obtain an exemption from registration and title requirements for a manufactured structure that is titled and registered in Oregon;

(3) A completed and signed Certification Exempting a Manufactured Structure From Title and Registration (DMV Form 735-6723) to obtain an exemption from registration and title requirements for a new manufactured structure or a manufactured structure that has never been titled or registered in Oregon; or

(4) A completed and signed Manufactured Structure Leaseholder Certification (DMV Form 735-7248) to obtain an exemption from registration and title requirements for a manufactured structure owned by a land leaseholder.

Stat. Auth.: ORS 184.616, ORS 184.619, ORS 820.510 & Ch. 189, OL 2003  
Stats. Implemented: ORS 820.500, ORS 820.510 & Ch. 189, OL 2003  
Hist.: DMV 25-2001, f. 12-14-01, cert. ef. 1-1-02; DMV 11-2003(Temp), f. & cert. ef. 7-17-03 thru 1-12-04; DMV 15-2003, f. & cert. ef. 10-24-03

## 735-140-0030

### Roles/Responsibilities

(1) The application for exemption from title and registration of a manufactured structure, Leaseholder Certification, Certification Exempting a Manufactured Structure From Title and Registration, and the application for title and registration of a manufactured structure exempted pursuant to ORS 820.510 must be submitted to DMV.

(2) DMV will not approve an application for exemption, a certification for exemption or an application for title and registration of an exempt manufactured structure, unless all requirements for application or certification have been met.

(3) It is the responsibility of the applicant(s) and each security interest holder, mortgagee, trust deed beneficiary and lien holder of record to take any action they deem necessary to protect their interest in a manufactured structure exempt from title and registration or that is titled and registered after being exempted pursuant to ORS 820.510.

Stat. Auth.: ORS 184.616, ORS 184.619, ORS 820.510 and Ch. 189, OL 2003  
Stats. Implemented: ORS 820.500, ORS 820.510 & Ch. 189, OL 2003  
Hist.: MV 12-1985, f. 9-19-85, ef. 9-30-85; Administrative Renumbering 3-1988, Renumbered from 735-075-0040; DMV 16-2002, f. 9-20-02 cert. ef. 11-1-02; DMV 15-2003, f. & cert. ef. 10-24-03

## 735-140-0040

### DMV Records on Manufactured Structures

(1) DMV will maintain a record of each manufactured structure exempted from title and registration requirements that include all records maintained before the exemption, including record of the exemption. DMV will not maintain additional records during the period that a manufactured structure is exempt, until an application for title and registration is submitted for the exempt manufactured structure.

(2) When an application for Oregon title and registration is submitted for an exempt manufactured structure, the application and all subsequent title and registration records will be maintained in DMV's record of the manufactured structure.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 820.510  
Stats. Implemented: ORS 308.865 & ORS 820.510  
Hist.: MV 12-1985, f. 9-19-85, ef. 9-30-85; Administrative Renumbering 3-1988, Renumbered from 735-075-0030; DMV 16-2002, f. 9-20-02 cert. ef. 11-1-02; DMV 15-2003, f. & cert. ef. 10-24-03

# ADMINISTRATIVE RULES

## 735-140-0060

### Applicants Qualifications

(1) Each owner of the manufactured structure must sign the application for exemption or Leasehold Certification submitted to DMV pursuant to OAR 735-140-0010(1).

(2) The Certification Exempting A Manufactured Structure From Title and Registration submitted to DMV pursuant to OAR 735-140-0015 must be signed by each owner of the manufactured structure or signed by an attorney acting on the owners' behalf and must be notarized.

(3) To qualify for exemption pursuant to OAR 735-140-0010 and 735-140-0015, each owner of the manufactured structure must be:

(a) The same as each record owner, or each land leaseholder of the land upon which the manufactured structure is located for an exemption under OAR 735-140-0010; or

(b) The same as each record owner of the land upon which the manufactured structure is located for an exemption under OAR 735-140-0015.

(c) For example, if John Q. Public and Sara Public are owners of the manufactured structure, John Q. Public and Sara Public must both show as record owners or, if applicable, land leaseholders of the land upon which the manufactured structure is located. If John Q. Public and Sara Public are owners of the manufactured structure, but only John Q. Public shows as record owner or land leaseholder of the land, the manufactured structure does not qualify for exemption.

(4) A lessee of a manufactured structure is not eligible to apply for an exemption or to apply for a title and registration for an exempt manufactured structure. The lessee of the land upon which the manufactured structure is located, is not eligible to apply for an exemption or to apply for a title and registration for an exempt manufactured structure, unless the lessee is the holder of a leasehold estate of 20 years or more as described in ORS 820.510(1)(b) and OAR 735-140-0000(2)(f).

Stat. Auth.: ORS 184.616, ORS 184.619, 820.510 & Ch. 189, OL 2003  
Stats. Implemented: ORS 820.500, ORS 820.510 & Ch. 189, OL 2003  
Hist.: MV 12-1985, f. 9-19-85, ef. 9-30-85; Administrative Renumbering 3-1988, Renumbered from 735-075-0070; DMV 16-2002, f. 9-20-02 cert. ef. 11-1-02; DMV 11-2003(Temp), f. & cert. ef. 7-17-03 thru 1-12-04; DMV 15-2003, f. & cert. ef. 10-24-03

## 735-140-0070

### Proof of Taxes Paid — Requirements and Exceptions

(1) Proof of payment of property taxes and special assessments required by ORS 308.865, 820.500 and 820.560 applies to the following, except as provided in sections (4) and (5) of this rule:

(a) A manufactured structure that is exempt from title and registration requirements and will be titled and registered pursuant to ORS 820.510, if ownership has been or will be transferred;

(b) A manufactured structure when a request to transfer title has been submitted to DMV pursuant to ORS 803.092. This section does not apply to a transfer of ownership that includes the addition or deletion of a co-owner or security interest holder; and

(c) A trip permit has been requested to move the manufactured structure from the land upon which it is located.

(2) The taxes covered in section (1) of this rule include:

(a) Property taxes and special assessments that are due or that will become a lien on the manufactured structure during the tax year in which the application is submitted; and

(b) Deferred property taxes and special assessments on the manufactured structure.

(3) Proof of payment of property taxes and special assessments, required pursuant to ORS 308.865, 820.500 and this rule, may be one of the following:

(a) A Certificate of Taxes Paid (Department of Revenue Form 113) signed by the county tax collector;

(b) A computer-generated Certificate of Taxes Paid (Department of Revenue Form 113) that contains a raised county seal in lieu of a signature of the tax collector; or

(c) A letter from the county tax collector's office stating all property taxes and special assessments due have been paid including those for the current year. The letter must be signed by the county tax collector and must identify the manufactured structure and its location.

(4) Proof of payment of taxes for a manufactured structure trip permit is not required in these situations:

(a) A manufactured structure is being moved from a location outside of Oregon through this state or to a location in this state;

(b) A new manufactured structure that is moved from the place of manufacture to a location outside of Oregon;

(c) A new manufactured structure that is moved from the place of manufacture to the business location of a licensed Oregon dealer; or

(d) For a manufactured structure described in section (5) of this rule.

(5) Proof of payment of taxes required by ORS 308.865 and 820.500, is not required for a manufactured structure where ownership has been transferred by foreclosure pursuant to ORS 90.425 and 90.505. Under this section, DMV will accept written proof from the county in which the manufactured structure was located at the time of the foreclosure, that all taxes are current or that the county authorizes the sale to take place. This section applies to the following:

(a) Manufactured dwellings as defined in ORS 801.332; and

(b) Recreational vehicles as defined in ORS 801.407.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 820.510

Stats. Implemented: ORS 308.865, ORS 820.500, ORS 820.510 & ORS 820.560

Hist.: MV 12-1985, f. 9-19-85, ef. 9-30-85; Administrative Renumbering 3-1988, Renumbered from 735-075-0080; DMV 16-2002, f. 9-20-02 cert. ef. 11-1-02; DMV 15-2003, f. & cert. ef. 10-24-03

## 735-140-0080

### Recording of Exemption or Title

(1) When approved by DMV, the original application or Manufactured Structure Leaseholder Certification (DMV Form 735-7248) to exempt a manufactured structure from title or registration under OAR 735-140-0010, or the original application to remove a manufactured structure from exempt status under OAR 735-140-0020 must be recorded with the county clerk. The following procedures apply:

(a) Upon determination that an application or Leaseholder Certification is complete, DMV will return the original to the applicant and retain a copy;

(b) Within 15 days of the date DMV mails or personally gives the approved application or Lease Holder Certification to the applicant, the applicant must have the application, or a Manufactured Structure Leaseholder Certification recorded with the county clerk of the county in which the land upon which the manufactured structure sits is located;

(c) DMV must receive a copy of the recorded application or Leaseholder Certification from the applicant within 30 days of the date of recording. The copy of the recorded application must show the date, time and place of recording.

(2) A duplicate original of the Certification Exempting a Manufactured Structure From Title and Registration must be recorded with the county clerk and a copy must be mailed or delivered to the tax collector of the county in which the land upon which the manufactured structure is located.

(3) When the Application to Exempt a Manufactured Structure From Title and Registration is recorded, the applicant must surrender the endorsed certificate of title and registration plate to the county assessor at the time of recording. When a Manufactured Structure Leaseholder Certification is recorded, the applicant must surrender the certificate of title and registration plate or, if applicable, the manufacturer's certificate of origin. The county assessor must send the surrendered certificate of title and registration plate or manufacturer's certificate of origin to DMV. If the applicant does not surrender the endorsed certificate of title and registration plate, or manufacturer's certificate of origin to the county assessor, they must be submitted to DMV along with a copy of the recorded application, or Leaseholder Certification within 30 days of the date the application, or Leaseholder Certification was recorded. DMV will not accept a copy of the recorded application, or Leaseholder Certification until the endorsed certificate of title and the registration plate, or manufacturer's certificate of origin have been surrendered, unless the applicant certifies that the title and/or registration plate has been lost or destroyed.

(4) Failure of the applicant to record the application or Leaseholder Certification within 15 days of the date DMV mails or personally gives the application to the applicant will automatically void the application. The county clerk may not record a void application. DMV will not recognize an exemption from title and registration requirements under OAR 735-140-0010 or issue a certificate of title and registration if the application, or Leaseholder Certification is void.

Stat. Auth.: ORS 184.616, ORS 184.619, ORS 820.510 & Ch. 189, OL 2003

Stats. Implemented: ORS 820.510 & Ch. 189, OL 2003

Hist.: MV 12-1985, f. 9-19-85, ef. 9-30-85; Administrative Renumbering 3-1988, Renumbered from 735-075-0090; MV 15-1989, f. & cert. ef. 8-16-89; DMV 16-2002, f. 9-20-02 cert. ef. 11-1-02; DMV 11-2003(Temp), f. & cert. ef. 7-17-03 thru 1-12-04; DMV 15-2003, f. & cert. ef. 10-24-03

## 735-140-0090

### Notice of Exemption or Title

(1) DMV will notify the following persons when the copy of a properly recorded Application to Exempt a Manufactured Structure From Title and Registration, or Manufactured Structure Leaseholder Certification has been received by DMV and exemption has been obtained:



# ADMINISTRATIVE RULES

- (a) Each security interest holder listed on the application and in the records of the Department;
- (b) Each lien holder of record listed on the application;
- (c) If applicable, each lessor listed on the application;
- (d) The county assessor of the county in which the land upon which the manufactured structure is located; and
- (e) The applicant(s).

(2) DMV will notify the following persons when the copy of a properly recorded Application to Remove the Manufactured Structure From Exempt Status has been received by DMV and title and registration issued:

- (a) Each mortgagee listed on the application and the lot book or title report;
- (b) Each trust deed beneficiary listed on the application and the lot book or title report;
- (c) Each lien holder of record listed on the application and the lot book or title report;
- (d) Each security interest holder listed on the application;
- (e) If applicable, each lessor listed on the application;
- (f) The county assessor of the county in which the land upon which the manufactured structure is located; and
- (g) The applicant(s).

(3) An Application to Exempt a Manufactured Structure From Title and Registration, Manufactured Structure Leaseholder Certification or an Application to Remove Manufactured Structure From Exempt Status becomes void if not recorded or not recorded with the county clerk within the required 15-day period.

(4) When an application becomes void, DMV shall notify each:

- (a) Applicant;
- (b) Mortgagee listed on the application;
- (c) Trust deed beneficiary listed on the application;
- (d) Lien holder of record listed on the application;
- (e) If applicable, each lessor listed on the application;
- (f) Security interest holders listed on the application; and
- (g) The county assessor of the county in which the land upon which the manufactured structure is located.

(5) DMV will notify the county assessor of the county in which the land upon which the manufactured structure is located when DMV approves a Certification Exempting a Manufactured Structure From Title and Registration.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 820.510  
Stats. Implemented: ORS 820.510

Hist.: MV 12-1985, f. 9-19-85, ef. 9-30-85; Administrative Renumbering 3-1988, Renumbered from 735-075-0100; MV 15-1989, f. & cert. ef. 8-16-89; DMV 16-2002, f. 9-20-02 cert. ef. 11-1-02; DMV 11-2003(Temp), f. & cert. ef. 7-17-03 thru 1-12-04; DMV 15-2003, f. & cert. ef. 10-24-03

## 735-140-0100 Effective Dates

(1) The date an approved Application to Exempt a Manufactured Structure From Title and Registration or an approved Manufactured Structure Leaseholder Certification is recorded in the county in which the land upon which the manufactured structure sits is located will determine the date the manufactured structure is exempt from registration and title requirements.

(2) The date DMV approves a Certification Exempting a Manufactured Structure From Title and Registration will determine the date the manufactured structure is exempt from registration and title requirements.

(3) The date an approved Application to Remove Manufactured Structure From Exempt Status is recorded in the county in which the land upon which the manufactured structure is located will determine the date a manufactured structure becomes subject to title and registration requirements.

(4) The date DMV receives an application for title on a manufactured structure that has been exempted will determine the date of perfection for a security interest shown on the application. The security interest will not be considered perfected if:

- (a) DMV determines the application is not in proper form; or
- (b) The Application to Remove Manufactured Structure From Exempt Status is void because the applicant failed to record the approved application within the 15-day period pursuant to OAR 735-140-0080.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 820.510  
Stats. Implemented: ORS 820.510

Hist.: MV 12-1985, f. 9-19-85, ef. 9-30-85; Administrative Renumbering 3-1988, Renumbered from 735-075-0110; DMV 16-2002, f. 9-20-02 cert. ef. 11-1-02; DMV 15-2003, f. & cert. ef. 10-24-03

## 735-140-0110

### Sale or Movement of Exempt Manufactured Structure Prohibited

(1) A manufactured structure exempted from title and registration requirements may not be moved or sold separately from the land upon which it is located. The manufactured structure must be titled and registered pursuant to ORS Chapters 803 and 820 before it can be moved or sold separately from the land.

(2) A trip permit may not be issued to anyone to move a manufactured structure that is exempt from title and registration requirements pursuant to ORS 820.510(2)(b).

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 820.510

Stats. Implemented: ORS 820.510

Hist.: MV 12-1985, f. 9-19-85, ef. 9-30-85; Administrative Renumbering 3-1988, Renumbered from 735-075-0120; DMV 16-2002, f. 9-20-02 cert. ef. 11-1-02; DMV 15-2003, f. & cert. ef. 10-24-03

## 735-140-0120

### The Uniform Commercial Code Applicable Under Certain Condition

The rights and liabilities of parties governed by ORS 79.3070 are not altered by these rules.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 820.510

Stats. Implemented: ORS 820.510

Hist.: MV 12-1985, f. 9-19-85, ef. 9-30-85; Administrative Renumbering 3-1988, Renumbered from 735-075-0130; DMV 15-2003, f. & cert. ef. 10-24-03

## 735-140-0130

### Exemption is Voidable if Applicant or Manufactured Structure Do Not Meet Eligibility Requirements

(1) Subject to section (2) of this rule, an exemption given a manufactured structure becomes void if it is determined after the exemption has been granted that an applicant(s) or the manufactured structure does not meet the legal requirements for an exemption.

(2) DMV will send a notice to each owner of the manufactured structure, and each record owner of the land, security interest holder, lien holder of record, mortgagee, trust deed beneficiary and lessor listed in DMV records, and the County Assessor of the county in which the land upon which the manufactured structure is located that:

(a) The manufactured structure does not meet the legal requirements for an exemption from title and registration; and

(b) The manufactured structure must be titled and registered or the owner must reapply and obtain an exemption from DMV within 90 days from the date such notice is mailed. An exemption will be granted if all legal deficiencies in the exemption requirements are corrected within this 90-day period.

(3) An exemption becomes void after 90 days if any deficiency in meeting legal requirements for an exemption has not been corrected. If an exemption is voided, the manufactured structure must be titled and registered pursuant to OAR 735-140-0020.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 820.510

Stats. Implemented: ORS 820.510

Hist.: MV 12-1985, f. 9-19-85, ef. 9-30-85; Administrative Renumbering 3-1988, Renumbered from 735-075-0140; MV 15-1989, f. & cert. ef. 8-16-89; DMV 16-2002, f. 9-20-02 cert. ef. 11-1-02; DMV 15-2003, f. & cert. ef. 10-24-03

## 735-140-0140

### Manufactured Structure Trip Permits

(1) A trip permit is required to move a manufactured structure over highways of this state. This section does not apply to the movement or a manufactured structure by a certified transporter from the place of manufacture to the place of business of a certified manufactured structure dealer pursuant to ORS 822.310(1)(c), or a transporter delivering a manufactured structure from an out of state manufacturer to a certified Oregon dealer, whose registration plate is issued by a jurisdiction with which Oregon has a reciprocity agreement.

(2) In the case of a multiple-unit manufactured structure, a trip permit is required for each unit. The manufactured structure trip permit fee, as provided in ORS 803.645(7), is required for each permit issued.

(3) Anyone may apply for and be issued a manufactured structure trip permit. Individual manufactured structure trip permits may be purchased at any DMV field office or from any designated manufactured structure trip permit agent;

(4) Certified manufactured structure dealers and certified transporters who choose to issue trip permits must purchase them in advance as provided in OAR 735-150-0090.

(5) Before issuing a manufactured structure trip permit, DMV must have proof that all property taxes and special assessments for the current tax year and all delinquent property taxes and special assessments have been paid as required by ORS 308.865, 820.560 and OAR 735-140-0070.

# ADMINISTRATIVE RULES

(6) A manufactured structure trip permit may only be issued for the minimum number of days to reasonably allow the movement of a manufactured structure to its intended destination.

(7) A manufactured structure trip permit authorizes a single move from one situs to another situs as shown on the permit.

(8) A manufactured structure trip permit must include the following:

(a) A complete description of the manufactured structure including year model, make vehicle identification number and the current Oregon title number, if issued;

(b) The registration plate number (bearing an "X" prefix) if one has been issued;

(c) The previous owner's name;

(d) The current owner's name;

(e) The location from which the manufactured structure will be moved, including the city and county;

(f) The street address or map and tax lot number, and city and county of the new location to which the manufactured structure is to be moved;

(g) The permit number of the applicable building or land use permits obtained from the local government having jurisdiction over the destination of the manufactured structure. The information required by this subsection may be furnished by either the owner of the manufactured structure or the person who is transporting the manufactured structure; and

(h) The date the permit is issued and the date the permit expires.

(9) The requirements of subsection (8)(g) of this rule do not apply if:

(a) The person moving the manufactured structure is transporting the manufactured structure from the place of manufacture, from a dealer or from private property to the place of business of a manufactured structure dealer holding a certificate pursuant to ORS 822.020;

(b) The manufactured structure is being moved out of the state; or

(c) The manufactured structure is being moved to a wrecker to be dismantled or destroyed.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 803.600

Stats. Implemented: ORS 308.865, ORS 820.510 & ORS 820.560

Hist.: MV 19-1986, f. & ef. 12-1-86; Administrative Renumbering 3-1988, Renumbered from 735-075-0150; MV 46-1989, f. & cert. ef. 10-16-89; DMV 4-2001(Temp), f. & cert. ef. 2-16-01 thru 8-14-01; DMV 12-2001, f. & cert. ef. 7-18-01; DMV 16-2002, f. 9-20-02 cert. ef. 11-1-02; DMV 15-2003, f. & cert. ef. 10-24-03

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## Department of Transportation, Highway Division Chapter 734

**Adm. Order No.:** HWD 2-2003

**Filed with Sec. of State:** 10-24-2003

**Certified to be Effective:** 10-24-03

**Notice Publication Date:** 7-1-03

**Rules Adopted:** 734-057-0020

**Subject:** Interest has been expressed in placing banners and decorations on state highway right of way specifically to enhance the aesthetic value of the highway. This rule was created to provide for a consistent practice in allowing this activity. Cities, counties and Native American Indian Tribes may be permitted to place banners or decorations on state highway right of way within the territorial or zoning jurisdiction of the agency for the enhancement of the aesthetic value of the state highway.

**Rules Coordinator:** Brenda Trump—(503) 945-5278

### 734-057-0020

#### Beautification of Highway Right of Way

(1) The purpose of this rule is to allow for the placement of decorations or banners within the state highway right-of-way, except Interstate highways, to enhance the aesthetic value of the highway. The banner or decoration must be approved by the agency with jurisdiction in the area.

(2) For use in this rule the following definitions will apply:

(a) "Agency" means an incorporated city, county or Native American Indian Tribe.

(b) "Banner(s)" includes flags and pennants made of plastic, cloth, or similar material along with the corresponding support system.

(c) "Decoration(s)" includes hanging plants and other similar ornamentation along with the corresponding support system.

(3) The request for a permit for placement of a banner or decoration:

(a) Must be in writing, on official letterhead of the agency with jurisdiction in the area. The agency may submit the request on their own or in cooperation with a sponsoring group or organization;

(b) Must be accompanied by a Department of Transportation permit application, Form 734-2576. Such form is available from the District Manager of the Department of Transportation;

(c) Must include the proposed location and a description, with a picture or drawing, of the banner(s) or decoration(s);

(d) Must be submitted to the appropriate District Manager of the Department of Transportation at least 30 days prior to the desired installation date. In order to facilitate the review, the District Manager may require markings to be placed at the location of the proposed banner or decoration installation; and

(e) Must include confirmation that the agency is self-insured. In the event the agency is not self-insured, a certificate of insurance in the amount determined by the District Manager must be provided before work may begin.

(4) The banner or decoration must conform to the following guidelines:

(a) The banner or decoration must:

(A) Be placed within the territorial or zoning jurisdiction of the agency;

(B) Be located so that it is not a roadside safety hazard nor restricts sight distance and must conform to all applicable highway clear zone requirements;

(C) Have a vertical clearance of at least 18 feet above the roadway or eight feet above a pedestrian walk way, or comply with local ordinance, whichever is greater; and

(D) Be made from a durable material, constructed to comply with local building codes or withstand wind pressure of 20 pounds per square foot of exposed surface, whichever is greater.

(b) The banner or decoration may contain the official name, logo, and/or slogan of the agency but may not portray a political, religious, commercial or promotional message and may not recognize a person, organization or event.

(c) The banner or decoration must not:

(A) Interfere with, imitate, or resemble any official traffic control device or attempt or appear to attempt to direct the movement of traffic;

(B) Prevent the driver of a motor vehicle from having a clear and unobstructed view of official traffic control devices and approaching or merging traffic;

(C) Have any lighting, unless such lighting is shielded to prevent light from being directed at the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle;

(D) Be attached to any official sign, post, signal pole or any other traffic control device or support;

(E) Be suspended over or otherwise span the roadway; or

(F) Otherwise be a traffic hazard.

(5) The number and type of banner or decoration allowed will be at the direct discretion of the District Manager.

(6) Upon approval of the request, the District Manager will issue a permit to the agency for placement of a banner or decoration within the state highway right-of-way. The permit may include special provisions for installation or removal of the banner or decoration. No work on highway right of way may begin until the agency has received a valid permit.

(7) The following shall be the responsibility of the agency:

(a) The manufacture, installation, maintenance, repair or removal of the banner or decoration including placement of supports or permission to use existing utility poles;

(b) Relocation or removal of the banner or decoration as a result of highway improvement projects;

(c) The provision of traffic control in accordance with the standards adopted under ORS 810.200 by the Oregon Transportation Commission. Should Department of Transportation staff be required to review the traffic control plan, the cost of that review may be billed to the agency; and

(d) 48-hour notification to the District representative identified in the permit prior to any work on the state highway right-of-way.

(8) A sponsoring group or organization may perform the duties described in section (7) of this rule on behalf of the agency; however, the responsibility for compliance with the terms of the permit and this rule remains with the agency.

(9) The permit issued by the District Manager may be cancelled if the agency fails to comply with the provisions of the permit or this rule. The permit may also be cancelled if it is determined that the banner or decoration violates federal or state law.

# ADMINISTRATIVE RULES

(10) Banners or decorations may be removed by the Department of Transportation, at the expense of the agency, if the banner or decoration is neglected or becomes unsightly or otherwise defeats the purpose of the rule.

(11) The following are not eligible for a permit issued pursuant to this rule:

(a) Banners or decorations that denote a specific activity or event must meet the requirements of the ODOT Sign Policy 5-8.

(b) Permits for the installation or maintenance of landscape areas will be issued as part of the Adopt-A-Landscape program.

Stat. Auth.: ORS 184.616, ORS 184.619, ORS 366.205, ORS 374.310 & ORS 810.030  
Stats. Implemented: ORS 374.305 & ORS 374.310  
Hist.: HWD 2-2003, f. & cert. ef. 10-24-03

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## Department of Transportation, Motor Carrier Transportation Division Chapter 740

**Adm. Order No.:** MCTD 5-2003

**Filed with Sec. of State:** 10-24-2003

**Certified to be Effective:** 10-24-03

**Notice Publication Date:** 8-1-03

**Rules Adopted:** 740-015-0010, 740-015-0020, 740-015-0030, 740-015-0040, 740-015-0050, 740-015-0060, 740-015-0070, 740-015-0080, 740-015-0090, 740-015-0100, 740-015-0110

**Subject:** The rules specify the procedures and requirements under which a motor carrier may, by electronic means, conduct business transactions with the Motor Carrier Transportation Division (MCTD). The rules provide a means for acceptance of information or statements given mechanically by electronic data entry, and the use of mechanically produced equivalents in lieu of handwritten signatures. In addition, the rules describe guidelines under which MCTD's Trucking Online transactions are conducted, such as issuance and use of personal identification numbers (PIN's), unique identifiers, payment of taxes or fees, acceptable forms of payment, electronic records, etc.

**Rules Coordinator:** Brenda Trump—(503) 945-5278

### 740-015-0010

#### Purpose

Chapter 740, division 15 rules are adopted by MCTD in order to:

(1) Specify the procedures and requirements under which a motor carrier may, by electronic means, conduct business with MCTD that is normally conducted in person, by phone or by mail; and

(2) Promote the development and use of electronic transactions between MCTD and its customers while providing service that is efficient, secure, convenient and responsive.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 802.012  
Stats. Implemented: ORS 802.012  
Hist.: MCTD 5-2003, f. & cert. ef. 10-24-03

### 740-015-0020

#### Definitions

For purposes of OAR chapter 740, division 15, the following definitions apply:

(1) "Agent" means a person or organization appointed or assigned by a Power of Attorney to conduct all business on behalf of a motor carrier.

(2) "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means through the use of computers.

(3) "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person or organization with the intent to sign the record.

(4) "Electronic transaction" means the use of computers to exchange an electronic record and, in those transactions where an ink on paper signature would also be required under Oregon law, an electronic signature, between a motor carrier and MCTD for the purposes of:

- Facilitating access to public records or public information;
- Purchasing or selling goods or services;
- Transferring funds;
- Facilitating the submission of an electronic record or electronic signature required or accepted by MCTD; or

(e) Creating records upon which MCTD or another person or organization will reasonably rely upon and may use for audit purposes, including but not limited to formal communications, notices, certifications and any other record that is issued under a signature.

(5) "Hardcopy" means a document printed on paper.

(6) "MCTD" means the Motor Carrier Transportation Division of the Oregon Department of Transportation.

(7) "Motor carrier" means a for-hire or private carrier, as defined in ORS 825.005, and includes any agent or person authorized by the motor carrier to conduct business on behalf of the motor carrier.

(8) "PIN" means a Personal Identification Number assigned by MCTD to a person or organization to establish a secure means of authenticating the identity of a motor carrier when conducting certain specified electronic transactions with MCTD.

(9) "PIN transaction" means an electronic transaction that requires the use of a PIN assigned by MCTD. A PIN transaction includes but is not limited to the submission of a document or information that is required by law or administrative rule to be "signed" or submitted to MCTD "in writing."

(10) "Record" means a document or information that is customarily printed on paper, which contains information relating to and evidencing the transaction of business between a motor carrier and MCTD.

(11) "Trucking Online" means the MCTD Internet-based electronic transaction program found at: <http://www.odot.state.or.us/trucking/online/>.

(12) "Unique identifier" means a number, name, symbol or other identifier used singly or in combination by MCTD to uniquely identify a motor carrier, agent or vehicle to MCTD. For example, a driver license number, customer identification number, date of birth, place of birth, mother's maiden name, vehicle license plate number, vehicle identification number, file number, etc.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 802.012  
Stat. Implemented: ORS 802.012  
Hist.: MCTD 5-2003, f. & cert. ef. 10-24-03

### 740-015-0030

#### General Provisions

An electronic transaction conducted between MCTD and a motor carrier, including but not limited to the submission of documents or information to MCTD:

(1) Is voluntary and is made at the sole discretion of the motor carrier submitting the information;

(2) Must be conducted through the MCTD Trucking Online secure Web site at: <http://www.odot.state.or.us/trucking/online/>;

(3) Must be conducted in accordance with:

- The provisions of chapter 740, division 15 rules;
- All applicable laws and administrative rules; and
- Any instructions contained on MCTD's Web site; and

(4) Has the same level of legal protection and effect that is given to a hardcopy transaction and may not be denied legal effect, validity or enforceability solely because it is conducted electronically.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 802.012  
Stats. Implemented: ORS 802.012  
Hist.: MCTD 5-2003, f. & cert. ef. 10-24-03

### 740-015-0040

#### Personal Identification Number (PIN); Unique Identifiers

(1) MCTD may require the use of a PIN or other unique identifier for certain electronic transactions.

(2) When a PIN is required, a motor carrier may request a PIN by submitting a completed PIN Request Form (downloaded at <http://www.odot.state.or.us/trucking/online/>) to MCTD. A PIN Request Form must be signed by an owner, partner, corporate officer, manager (if LLC) or Agent and submitted to MCTD by U.S. Mail or facsimile.

(3) Upon receipt of a PIN Request Form, MCTD will assign and e-mail the PIN to the e-mail address provided on the PIN Request Form. MCTD will send, by U.S. mail, an activation notice to the motor carrier's address of record.

(4) MCTD reserves the right to terminate a PIN issued under this rule if:

(a) The PIN is not activated, or used at MCTD's Web site, within a 12-month period;

(b) The Department determines that a transaction was conducted fraudulently; or

(c) The Department determines the PIN holder has not complied with the provisions of division 15 rules, Oregon Revised Statute (ORS) Chapter 825 or ORS 826, or any other Oregon law regarding electronic transactions.

(5) The motor carrier to whom a PIN is assigned is responsible for the security of the PIN and transactions conducted using the PIN.

Stat. Auth.: ORS 184.616, ORS 184.619, ORS 802.012 & ORS 825.212  
Stats. Implemented: ORS 802.012 & ORS 825.212  
Hist.: MCTD 5-2003, f. & cert. ef. 10-24-03

# ADMINISTRATIVE RULES

## 740-015-0050

### Certifications

Pursuant to ORS 802.012(2), an electronic transaction conducted at MCTD's Web site that includes the electronic submission of any information to MCTD necessary to comply with any requirement of the Oregon Vehicle Code, statute, or administrative rule shall:

(1) Constitute a certification, including but not limited to a certification as to the truth and accuracy of the document or information submitted in the electronic record; and

(2) Be considered received whether or not the information submitted is signed by the person or organization that submits the information.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 802.012

Stats. Implemented: ORS 802.012

Hist.: MCTD 5-2003, f. & cert. ef. 10-24-03

## 740-015-0060

### Date and Time Information is Considered Submitted; Received

(1) An electronic record submitted at MCTD's Web site shall be deemed received by MCTD on the date and at the time that the record is received by MCTD's Web server.

(2) An electronic record must be received by MCTD not later than midnight Pacific Time on the deadline for submitting the record, if applicable, to be considered received or submitted timely.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 802.012

Stats. Implemented: ORS 802.012, ORS 825.472 & ORS 825.490

Hist.: MCTD 5-2003, f. & cert. ef. 10-24-03

## 740-015-0070

### Signature

For any transaction that is required under Oregon law to be in writing and have a signature, an electronic signature shall have the same legal force and effect as if the person or organization had submitted the transaction in hardcopy with a handwritten signature in ink on paper.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 802.012

Stats. Implemented: ORS 802.012

Hist.: MCTD 5-2003, f. & cert. ef. 10-24-03

## 740-015-0080

### Payment of Fees; Use of Credit Cards; Debit Cards

(1) If an electronic transaction requires the payment of taxes or fees to MCTD, payment of those taxes or fees within the electronic transaction shall be:

(a) Payment by credit card or debit card approved by MCTD as designated on MCTD's web site;

(b) Payment through an Automated Clearing House; or

(c) Charged to a motor carrier's account upon prior approval by MCTD.

(2) All payments shall be made in US funds.

(3) To pay required fees to MCTD by credit card or debit card within an electronic transaction, a motor carrier may be required to submit the following information to MCTD:

(a) Credit cardholder or debit cardholder name and billing address, including city, state, and zip code;

(b) Credit cardholder or debit cardholder phone number and e-mail address;

(c) Credit card or debit card number;

(d) Expiration date of the credit card or debit card;

(e) Motor carrier name and address, including city, state (or province), and zip code; and

(f) Motor carrier phone number and e-mail address.

Stat. Auth.: ORS 184.616, ORS 184.619, ORS 802.012 & ORS 825.502

Stats. Implemented: ORS 825.490 & ORS 825.502

Hist.: MCTD 5-2003, f. & cert. ef. 10-24-03

## 740-015-0090

### Electronic Records

MCTD records pertaining to electronic transactions conducted at MCTD's Web site are subject to all of the requirements for processing and records maintenance as described in OAR chapter 740, division 55.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 802.012

Stats. Implemented: ORS 802.012 and 825.515

Hist.: MCTD 5-2003, f. & cert. ef. 10-24-03

## 740-015-0100

### Transactions Available

MCTD will maintain a list of electronic transactions available and instructions on the MCTD Trucking Online Web site: <http://www.odot.state.or.us/trucking/online/>.

Stat. Auth.: ORS 184.616, ORS 84.619 & ORS 802.012

Stats. Implemented: ORS 802.012

Hist.: MCTD 5-2003, f. & cert. ef. 10-24-03

## 740-015-0110

### Rental Agencies

Rental agencies that conduct electronic transactions with MCTD pursuant to a written agreement, must comply with the provisions of division 15 rules.

Stat. Auth.: ORS 184.616, ORS 184.619 & ORS 802.012

Stats. Implemented: ORS 802.012

Hist.: MCTD 5-2003, f. & cert. ef. 10-24-03

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## Department of Veterans' Affairs

### Chapter 274

**Adm. Order No.:** DVA 14-2003(Temp)

**Filed with Sec. of State:** 11-14-2003

**Certified to be Effective:** 11-14-03 thru 2-17-04

**Notice Publication Date:**

**Rules Amended:** 274-040-0015, 274-040-0030

**Rules Suspended:** 274-040-0030(T)

**Subject:** 274-040-0015(3) is being amended to further clarify the guidelines regarding admission to the Oregon Veterans' Home (OVH). The admission priority process which is currently based solely on the date of completed application is being amended to include the level of care requirements that the OVH Contractor's staff can legally meet at the time of admission.

The Oregon Veterans' Home (OVH) has been approved for Medicaid certification and is eligible to participate in the Medicaid program. OAR 274-040-0030 is being amended and supersedes OAR 274-040-0030, filed on October 1, 2003 as a Temporary Rule. This rule is being amended to include Medicare and Medicaid as additional sources of revenue/income when determining to whom the Covered Care Program account is available.

**Rules Coordinator:** Charles E. Gehley—(503) 373-2142

## 274-040-0015

### Eligibility for Admission to the Oregon Veterans' Home

(1) To be eligible for admission to the Oregon Veterans' Home (Home), an applicant must be:

(a) A resident of Oregon on the date of application;

(b) Able to pay all costs of care not paid by the United States Department of Veterans Affairs;

(c) A veteran as defined by United States Code, Title 38, section 101 (This publication is on file with the Oregon Department of Veterans' Affairs, 700 Summer Street NE, Salem, Oregon, and is available for public review Monday through Friday between the hours of 8 a.m. and 5 p.m.); and

(d) In need of nursing home care.

(2) An applicant must have a medical examination by a physician within 90 days prior to the date of admission. The results of the examination must state that the applicant:

(a) Does not require medical care for which the home is not equipped or staffed to provide; and

(b) Does not have violent traits which may prove dangerous to the applicant, residents of the home, staff or others, provided however, that nothing in this section shall be interpreted to prevent the admission of residents diagnosed with Alzheimer's Disease or other dementia for whom the facility is equipped and prepared to provide care for common behavior problems and recommended behavior management, and that no one shall be denied admission on the basis of being a potential danger to self or others unless that condition is documented by the attending physician.

(3) Eligible veterans shall be admitted to the home in priority order based on the date of completed applications and level of care requirements, except that recipients of the Medal of Honor shall have first priority.

Stat. Auth.: ORS 406.030, 406.050, 408.510, 408.520 & 408.530

Stats. Implemented: ORS 406.030, ORS 406.040 & ORS 406.050

Hist.: DVA 3-1998, f. & cert. ef. 3-13-98; DVA 14-2003(Temp), f. & cert. ef. 11-14-03 thru 2-14-04

## 274-040-0030

### Covered Care

(1) It is the expressed policy of the Director of Veterans' Affairs (Director) to make the Oregon Veterans' Home (OVH) financially available to current or potential OVH resident by means of the Director's Covered Care Program described more fully below.

(2) Within the fund established by the Director pursuant to ORS 406.050, an account is designated for donations to be used by the Director

# ADMINISTRATIVE RULES

consistent with this Covered Care Program. Funds held within this account will be used by the Director exclusively for the purpose of assisting OVH residents whose income, Medicare benefits, Medicaid benefits, and any other assets, as determined by the Director, are insufficient to meet the financial requirements necessary for the cost of OVH care.

(3) When determining to whom Covered Care Program assistance will be made available, the Director may take into consideration various factors, including but not limited to:

(a) The amount of funds in the Covered Care Program account available for this purpose;

(b) The anticipated future deposits into the Covered Care Program account;

(c) The amount of any present commitments from the Covered Care Program account;

(d) All available sources of revenue or income to a particular resident, including but not limited to:

(A) US Department of Veterans Affairs (USDVA) payments;

(B) Social Security benefits;

(C) Other pensions;

(D) Millennium Bill benefits;

(E) Medicare benefits;

(F) Medicaid benefits;

(G) Annuities;

(H) Savings; and

(I) Investments.

(e) The amount of funds available to a particular or potential resident from members of his/her family, or others who are willing to provide financial assistance and agree to be legally obligated to meet such financial obligations of the resident;

(f) Whether or not the available Covered Care Program assistance will satisfy the entire gap in necessary funding for OVH care on behalf of the resident or potential resident;

(g) Whether or not the intended beneficiary of the Covered Care Program assistance is a current OVH resident.

(4) The maximum monthly amount of assistance payable from the Covered Care Program account for the care received by any OVH resident shall be \$1,150.

(5) The payment of Covered Care Program assistance on behalf of any OVH resident is subject to the sole discretion of the Director. The Director may refuse, terminate, or suspend Covered Care Program assistance to any OVH resident at any time without notice. The Director shall be under no obligation to provide Covered Care Program assistance to any OVH resident or to solicit funds to meet the financial needs of the OVH resident, his/her family, or others.

(6) When determining to terminate or suspend Covered Care Program assistance to any current recipient, the Director may take into consideration various factors, including by not limited to:

(a) Any reported change in the financial status of the recipient or other OVH care payment provider;

(b) Any misrepresentation or omission of material facts in the application for the Covered Care Program assistance or otherwise;

(c) The behavior of the recipient while in the OVH;

(d) The feasibility of appropriate care for the recipient at the OVH;

(e) The availability of funds in the Covered Care Program account.

(7) If all of the funding of an OVH resident, or potential resident, cannot be met with allowable assistance from the Covered Care Program, no amounts will be committed by the Director or paid from the Covered Care Program account.

(8) Applications for assistance from the Covered Care Program account shall be made in such manner and detail, and on such forms, as the Director, in his sole discretion, shall determine.

(9) Applications generally will be prioritized for consideration based on the date of completed receipt by the Director. The Director may, however, consider applications in such other order and at such other times as by him is deemed reasonable.

Stat. Auth.: ORS 406.050, ORS 408.360, ORS 408.365 & ORS 408.368

Stats. Implemented: ORS 408.365 & ORS 408.368

Hist.: DVA 4-2002(Temp), f. & cert. ef. 4-5-02 thru 10-2-02; DVA 7-2002, f. & cert. ef. 9-24-02; DVA 10-2002(Temp), f. 12-27-02, cert. ef. 1-1-03 thru 6-27-03; DVA 9-2003(Temp), f. & cert. ef. 8-21-03 thru 2-17-03; DVA 12-2003(Temp), f. & cert. ef. 10-1-03 thru 2-17-04; DVA 14-2003(Temp), f. & cert. ef. 11-14-03 thru 2-14-04

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## Oregon Liquor Control Commission Chapter 845

**Adm. Order No.:** OLCC 17-2003

**Filed with Sec. of State:** 10-27-2003

**Certified to be Effective:** 12-1-03

**Notice Publication Date:** 7-1-03

**Rules Amended:** 845-004-0005

**Subject:** This rule describes and limits the gifts and gratuities which may and may not be given to or accepted from various parties involved with work at the Commission.

This rule has not been updated in several years. We made modifications to clarify the intent of the rule remove outdated standards.

**Rules Coordinator:** Katie Hilton—(503) 872-5004

### 845-004-0005

#### Gifts, Gratuities

(1) Purpose: The Commission expects employees and retail sales agents to do their jobs fairly and impartially and to avoid conduct that compromises or appears to compromise that fairness and impartiality. It is not the intent of this rule to prohibit Commissioners, retail sales agents or Commission employees from interacting with licensees and distillery representatives on the same basis as a customer or the general public.

(2) No Commissioner, employee or retail sales agent will accept any gift, gratuity or thing of value from any alcoholic beverage licensee, or any person representing a distillery which the licensee/representative does not also offer on an equal basis to his/her customers or the general public.

(3) No alcoholic beverage licensee or person representing a distillery will offer or give any gift, gratuity or thing of value to a Commissioner, employee or retail sales agent which the licensee/representative does not also offer on an equal basis to his/her customers or the general public.

(4) Despite sections (2) and (3) of this rule a Commissioner, employee or retail sales agent may accept:

(a) Food and beverages provided for immediate consumption at a convention or a business conference or business meeting that are offered to all participants irrespective of any connection to the Commission;

(b) A non-alcoholic beverage for immediate consumption that a licensee offers at a business meeting;

(c) Items offered to all participants at a convention irrespective of any connection to the Commission.

(5) Despite sections (2) and (3) of this rule, a Commissioner may accept:

(a) Food, beverages, lodging and travel when the Commissioner is participating in an event related to his/her official duties and when appearing in an official capacity, subject to the reporting requirements of ORS 244.060(6);

(b) Food or beverage that the Commissioner consumes in the presence of the purchaser or provider.

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

Stats. Implemented: ORS 471.710(5)

Hist.: LCC 26, f. 5-12-60; LCC 27, f. 9-15-60; LCC 28, f. 12-19-60; LCC 29, f. 5-21-64; LCC 34, f. 1-23-70, ef. 2-26-70; LCC 17-1979, f. 9-24-79, ef. 10-1-79; LCC 13-1980(Temp), f. & ef. 4-25-80; LCC 24-1980, f. 9-30-80, ef. 10-1-80; Renumbered from 845-010-0155(9); LCC 3-1981, f. & ef. 9-18-81; LCC 6-1982, f. 7-30-82, ef. 8-1-82; OLCC 7-1989, f. 7-28-89, cert. ef. 8-1-89; OLCC 1-2003, f. 1-27-03, cert. ef. 2-1-03; OLCC 17-2003, f. 10-27-03, cert. ef. 12-1-03

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## Oregon Public Employees Retirement System Chapter 459

**Adm. Order No.:** PERS 12-2003

**Filed with Sec. of State:** 11-14-2003

**Certified to be Effective:** 11-14-03

**Notice Publication Date:** 7-1-03

**Rules Amended:** 459-005-0001, 459-010-0078

**Subject:** These rule modifications clarify the definition and application of volunteer service.

**Rules Coordinator:** Yvette S. Elledge—(503) 603-7713

### 459-005-0001

#### Definitions, Generally

The words and phrases used in chapter 459, Oregon Administrative Rules, have the same meaning given them in ORS 238.005 to 238.750. Specific and additional terms used in chapter 459 generally are defined as follows unless context of a particular division or rule within this chapter requires otherwise:

(1) "Board" shall have the same meaning as the Public Employees Retirement Board in ORS 238.630.

(2) "PERS" and "system" shall have the same meaning as the Public Employees Retirement System in ORS 238.600.

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(3) "Fund" shall have the same meaning as the Public Employees Retirement Fund in ORS 238.660.

(4) "Staff" means the employees of the Public Employees Retirement System as provided for in ORS 238.645.

(5) "Public employer" shall have the same meaning as provided in ORS 238.005(9).

(6) "Participating employer" means a public employer who has one or more employees who are active members of PERS.

(7) "Member" shall have the same meaning as provided in ORS 238.005(7).

(8) "Judge member" shall have the same meaning as provided in 238.500(3). For purposes of this chapter, active, inactive, and retired membership of a judge member shall have the same meaning as ORS 238.005(7)(b), (c), and (d), respectively.

(9) "Police Officer" shall have the same meaning as provided in ORS 238.005(14).

(10) "Firefighter" shall have the same meaning as provided in ORS 238.005(16).

(11) "Legislator" means a person elected or appointed to the Oregon Legislative Assembly who has elected to participate in PERS pursuant to ORS 238.015(6) as a member of the Oregon Legislative Assembly as provided in ORS 238.068.

(12) "General service member" means membership in PERS as other than a judge member, a police officer, a firefighter, or a legislator.

(13) "Elected official" means a person who is a public official holding an elective office or an appointive office with a fixed term for the state or for a political subdivision of the state who has elected to participate in PERS pursuant to ORS 238.015(6).

(14) "Tier One member" means a member who established in the system before January 1, 1996, as defined in ORS 238.430(2).

(15) "Tier Two member" means a member who established in the system on or after January 1, 1996, in accordance with ORS 238.430.

(16) "Employment" is compensated service to a participating employer as an employee whose:

(a) Period or periods of employment shall mean the actual hours of compensated service with a participating employer as an employee, and

(b) Compensated service shall include, but is not limited to, paid vacation, paid sick leave, or other paid leave.

(17) "Employee" shall have the same meaning as provided in ORS 238.005(5) and shall be determined in accordance with OAR 459-010-0030.

(a) For the purposes of ORS 238.005 to 238.750 the term "employee" includes public officers whether elected or appointed for a fixed term.

(b) The term "employee" does not include:

(A) A member of the governing board of a political subdivision unless the individual qualifies for membership under ORS 238.015.

(B) An individual who performs services for a public employer as a contractor in an independently established business or as an employee of that contractor in accordance with OAR 459-010-0030.

(C) A person providing volunteer service to a public employer without compensation for hours of service as a volunteer, except for volunteer firefighters who establish membership in accordance with ORS 238.015(7).

(18)(a) "Volunteer" means an individual who performs a service for a public employer, and who receives no compensation for the service performed.

(b) The term "volunteer" does not include an individual whose compensation received from the same public employer for similar service within the same calendar year exceeds the reasonable market value for such service.

(19) "Casual employee" means a person whose employment is at irregular, unscheduled interval.

(20) "Seasonal employee" means a person whose employment is characterized as recurring for defined periods that are natural divisions of the employer's business cycle or services.

(21) "Emergency employee" means a person employed on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency.

(22) "Independent Contractor" means an individual or business entity that is not subject to the direction and control of the employing entity as determined in accordance with OAR 459-010-0032.

(23) "Calendar month" means the Julian Calendar beginning with the first calendar day of a month through the last calendar day of that month.

(24) "Year" means any twelve consecutive calendar months.

(25) "Calendar year" has the same meaning as ORS 238.005(2).

(26) "School year" has the same meaning as ORS 238.005(13).

(27) "Salary", "remuneration" and "compensation" shall have the same meaning as provided in ORS 238.005(11).

(a) For a Tier One member, the lump sum payment for accrued vacation pay shall be considered salary:

(A) In determining employee and employer contributions.

(B) In determining final average salary for the purpose of calculating PERS benefits.

(b) For a Tier Two member, the lump sum payment for accrued vacation payment:

(A) Shall be considered salary in determining employee and employer contributions.

(B) Shall not be considered salary in determining final average salary for the purpose of calculating PERS benefits.

(28) "Vacation pay" means a lump sum payment for accrued leave in a Vacation Leave Program provided by a public employer which grants a period of exemption from work for rest and relaxation with pay, and does not include:

(a) Sick leave programs;

(b) Programs allowing the accumulation of compensatory time, holiday pay or other special leaves unless the public employer's governing body indicates by resolution, ordinance, or other legislative process, that such leave is intended to serve as additional vacation leave; and

(c) Other programs, such as a Personal Time Off (PTO) plan, which are a combination of vacation, sick, bereavement, personal and other leaves of pay as defined and described by a public employer unless the employer has a written policy that clearly indicates the percentage of the plan that represents vacation leave. If the employer's PTO has a cash option, the employer shall report to PERS the amount of any lump sum pay-off for the percentage that represents vacation leave.

(29) "FAS" and "final average salary" shall have the same meaning as provided in:

(a) ORS 238.005(15) for all PERS Tier One members;

(b) ORS 238.435(2) for all PERS Tier Two members; or

(c) ORS 238.535(2) for judge members of PERS for service as a judge.

(30) "Creditable service" shall have the same meaning as provided in ORS 238.005(4).

(31) "Retirement credit" shall have the same meaning as provided in ORS 238.005(10).

(32) "Regular account" shall have the same meaning as individual account as provided in ORS 238.250.

(33) "Annuity" shall have the same meaning as provided in ORS 238.005(1).

(34) "Variable annuity" shall have the same meaning as provided in ORS 238.260.

(35) "Before-tax" contributions means member contributions made pursuant to ORS 238.200 or 238.515 which a participating employer has elected to "pick up," assume or pay in accordance with ORS 238.205 and 238.515(b). "Before-tax" contributions are not included in the member's taxable income for purposes of state or federal income taxation at the time paid to PERS. "Before-tax" contributions are included in computing FAS and in computing the employer's contributions paid to PERS.

(36) "After-tax" means:

(a) Member contributions made pursuant to ORS 238.200 or 238.515 which a participating employer has not elected to "pick up," assume or pay in accordance with ORS 238.205 and 238.515(b). "After-tax" contributions are included in the member's taxable income for purposes of state or federal income taxation at the time paid to PERS. "After-tax" contributions are included in computing FAS and in computing the employer's contributions paid to PERS.

(b) Payments made by a member to PERS for the purchase of additional benefits.

(37) "Member cost" means the after-tax member contributions and payments made to PERS.

(38) "Estimate" means a projection of benefits prepared by staff of a service or disability retirement allowance, a death or a refund payment. An estimate is not a guarantee or promise of actual benefits that eventually may become due and payable, and PERS is not bound by any estimates it provides. (ORS 238.455(6))

(39) "Ad hoc" means one-time for a specific purpose, case, or situation without consideration of a broader application.

(40) "Vested" means a PERS member's absolute right to a service retirement allowance, as described in ORS 238.300 to 238.315, when the member becomes eligible to receive a service retirement allowance under ORS 238.280. A member shall be "vested" in a PERS service retirement

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allowance when the member has made contributions to the member's PERS account in each of five calendar years.

- (a) The member does not need to contribute:
- (A) In five (5) consecutive calendar years, and/or
- (B) In each calendar month of a calendar year.
- (b) As an example: A member may become vested in three years and two months of membership in PERS as follows:

(A) The member is hired June 1 and establishes membership in PERS the succeeding December 1 and makes a contribution to PERS from the member's December 31 paycheck. The member has made a contribution in part of one calendar year.

(B) The member makes a contribution(s) to PERS in each of the three succeeding calendar years, whether as a 12-month, a 10-month, or a 9-month employee; and

(C) The member terminates employment with all participating employers at the end of January of the fourth succeeding year and makes a contribution from the January paycheck.

(D) The member has now made contributions in parts of five (5) calendar years.

(c) An inactive member who is not vested shall lose membership in PERS in accordance with ORS 239.095.

(41) "Good cause" means a cause beyond the reasonable control of the person. "Good cause" exists when it is established by satisfactory evidence that factors or circumstances are beyond the reasonable control of a rational and prudent person of normal sensitivity, exercising ordinary common sense.

Stat. Auth.: ORS 238.650  
Stats. Implemented: ORS 238.005 - 238.715  
Hist.: PERS 2-1998, f. & cert. ef. 3-16-98; PERS 3-2003(Temp), f. 6-13-03, cert. ef. 7-1-03 thru 12-26-03; PERS 12-2003, f. & cert. ef. 11-14-03

## 459-010-0078

### Volunteer Service

(1) "Volunteer Service" means service as a volunteer as defined in OAR 459-005-0001.

- (2) Volunteer service shall not be considered:
  - (a) For determining eligibility for membership in PERS.
  - (b) For determining active membership in PERS.
  - (c) For determining limitations on reemployment of retired members of PERS by a participating employer.

Stat. Auth.: ORS 238.650  
Stats. Implemented: ORS 238.005 - ORS 238.715  
Hist.: PERS 12-1998, f. & cert. ef. 12-17-98; PERS 12-2003, f. & cert. ef. 11-14-03

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**Adm. Order No.:** PERS 13-2003

**Filed with Sec. of State:** 11-14-2003

**Certified to be Effective:** 11-14-03

**Notice Publication Date:** 7-1-03

**Rules Amended:** 459-007-0025, 459-007-0110, 459-007-0530, 459-007-0900

**Rules Repealed:** 459-007-0025(T), 459-007-0110(T), 459-007-0530(T), 459-007-0900(T)

**Subject:** These rule modifications conform existing rules with the provisions of Enrolled HB 2001, as amended by HB 2003, effective July 1, 2003, and state that no earnings may be credited to Tier One regular accounts in any year in which there is a deficit, and no earnings may be credited that would result in a deficit. This provision becomes effective with the crediting of earnings in calendar year 2003, but that does not affect members who retire before April 1, 2004.

**Rules Coordinator:** Yvette S. Elledge—(503) 603-7713

## 459-007-0025

### Crediting Earnings To Member Lump Sum Payments

- (1) Definition.
  - (a) "Member lump sum payment" means any payment that:
    - (A) Is not regularly scheduled;
    - (B) Is not paid as a statutorily fixed percentage of salary; and
    - (C) The contributor has control over whether to make the payment.
  - (b) Member lump sum payments include, but are not limited to:
    - (A) Retirement credit purchases.
    - (B) Voluntary redeposit, as provided under ORS 238.105.
    - (C) P & F Unit purchases, as provided under ORS 238.440(2).
    - (D) A member's account balance that is transferred through an integration under ORS 238.680.

(2) No earnings shall be credited to member lump sum payments that are made within 90 days before or after the effective retirement date.

(3) Earnings from the date of payment to December 31 of the calendar year of the date of payment, or the member's effective retirement date, whichever occurs first, shall be credited to the member's lump sum payment based on the rate derived from the formula:

$(Y - X)(R/T) + (Z - Y)$ , where:  
R = The number of days from the date of payment through the last day of the month the payment is received;  
T = The total number of days in the month the payment is received;  
X = The latest year-to-date calculation ("factor") applicable to the member's regular account as of the first of the month of the date of payment;  
Y = The factor as of the first of the month following the date of payment; and  
Z = The factor as of the effective retirement date if such date occurs during the year the payment is received, or, in all other cases, the annual rate applicable to the member's regular account as of December 31 of the year the payment is received.

(4) If the formula described in section (3) of this rule results in a rate less than zero for a Tier One member, the rate shall be zero.

[Example: A member lump sum payment is received by PERS on May 12, 2002, from a Tier One member whose effective retirement date is August 1, 2003. The Tier One factor as of May 1, 2002, is 1.0263, the Tier One factor as of June 1, 2002, is 1.0330, and the Tier One annual rate for 2002 is 1.0800. Therefore, R = 20, T = 31, X = 1.0263, Y = 1.0330, Z = 1.0800 and the earnings crediting rate is:

$$\begin{aligned} & (1.0330 - 1.0263)(20/31) + (1.0800 - 1.0263) \\ & = (0.0067)(0.6452) + (0.0537) \\ & = 0.0043 + 0.0537 \\ & = 0.0580 \end{aligned}$$

(5) If the effective retirement date does not occur in the same year as the date of payment, the member lump sum payment shall be made a part of the member's regular account as of January 1 of the year following the date of payment.

Stat. Auth.: ORS 238.650  
Stats. Implemented: ORS 238  
Hist.: PERS 9-2000, f. 12-15-00 cert. ef. 1-1-01; PERS 4-2003(Temp), f. 6-13-03, cert. ef. 7-1-03 thru 12-26-03; PERS 13-2003, f. & cert. ef. 11-14-03

## 459-007-0110

### Crediting Earnings at Tier One Loss of Membership

When a Tier One member's membership terminates under ORS 238.095(2), earnings from the effective date of the last annual rate to the first of the month following the month of loss of membership shall be credited to the member account in the manner specified in this rule.

(1) Earnings on the former member's regular account shall be credited as follows:

(a) If earnings for the calendar year prior to the date of loss of membership have not yet been credited, earnings shall be credited for that year based on the latest year-to-date calculation available for that year.

(b) Earnings for the calendar year of loss of membership shall be credited based on the latest year-to-date calculation as of the first of the month following the date of loss of membership.

(2) If the former member is participating in the Variable Annuity Account, earnings or losses of the Variable Annuity Account shall be credited to the former member's variable account as follows:

(a) If earnings or losses for the calendar year prior to the date of loss of membership have not yet been credited, earnings or losses for that year shall be credited based on the latest year-to-date calculation available for that year.

(b) Earnings or losses for the calendar year of loss of membership shall be credited as of the end of the calendar month of loss of membership based on the latest year-to-date calculation as of the first of the month following the date of loss of membership

(3) No earnings or losses shall be credited for any period following the calendar month of loss of membership.

Stat. Auth.: ORS 238.650  
Stats. Implemented: ORS 238.095 & ORS 238.435  
Hist.: PERS 9-1998, f. 5-22-98, cert. ef. 1-1-2000; PERS 4-2003(Temp), f. 6-13-03, cert. ef. 7-1-03 thru 12-26-03; PERS 13-2003, f. & cert. ef. 11-14-03

## 459-007-0530

### Crediting Earnings To Employer Lump Sum Payments

(1) Definition. "Employer lump sum payment" means any employer payment that:

- (a) Is not regularly scheduled;
  - (b) Is not paid as a statutorily fixed percentage of salary; and
  - (c) The contributor has control over whether to make the payment.
- (2) Earnings on an employer lump sum payment shall be credited based on the rate derived from the formula:

$(Y - X)(R/T) + (Z - Y)$ , where:  
R = The number of days from the date of payment through the last day of the month the payment is received;  
T = The total number of days in the month the payment is received;  
X = The latest year-to-date calculation ("factor") for Tier Two regular accounts as of the first of the month the payment is received;

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Y = The factor as of the first of the month following the date of payment; and  
Z = The Tier Two annual rate for the year the payment is received.  
[Example: An employer lump sum payment is received by PERS on May 12, 2002.  
The Tier Two factor as of May 1, 2002, is 1.0077, the Tier Two factor as of June 1,  
2002, is 0.9995, and the Tier Two annual rate for 2002 is 0.0893. Therefore, R = 20,  
T = 31, X = 1.0077, Y = 0.9995, Z = 0.0893 and the earnings crediting rate is:  
$$(0.9995 - 1.0077)(20/31) + (0.0893 - 0.9995)$$
$$= (-0.0082)(0.6452) + (-0.9102)$$
$$= 0.0053 - 0.9102$$
$$= -0.9049]$$

(3) In subsequent calendar years, earnings shall be credited to the employer lump sum payment on an annual basis in accordance with OAR 459-007-0005(13).

Stat. Auth.: ORS 238.650  
Stats. Implemented: ORS 238  
Hist.: PERS 9-2000, f. 12-15-00 cert. ef. 1-1-01; PERS 4-2003(Temp), f. 6-13-03, cert. ef. 7-1-03 thru 12-26-03; PERS 13-2003, f. & cert. ef. 11-14-03

## 459-007-0900

### Crediting Earnings To Integration Lump Sum Payments

(1) Definition. "Integration lump sum payment" means any funds received from an employer as the transfer of any prior plan assets under ORS 238.680, excluding any member account balances.

(2) For the purposes of this rule, if the integrating employer's members have no prior plan assets to transfer, the integration contract will state what portion of the integration lump sum payment is attributable to member regular accounts.

(3) Earnings on an integration lump sum payment shall be credited based on the rate derived from the formula:

$(Y - X)(R/T) + (Z - Y)$ , where:  
R = The number of days from the date of payment through the last day of the month the payment is received;  
T = The total number of days in the month the payment is received;  
X = The latest year-to-date calculation ("factor") for Tier Two regular accounts as of the first of the month the payment is received;  
Y = The factor as of the first of the month following the date of payment; and  
Z = The Tier Two annual rate for the year the payment is received.  
[Example: An integration lump sum payment is received by PERS on May 12, 2002.  
The Tier Two factor as of May 1, 2002, is 1.0077, the Tier Two factor as of June 1,  
2002, is 0.9995, and the Tier Two annual rate for 2002 is 0.0893. Therefore, X =  
1.0077, Y = 0.9995, Z = 0.0893, R = 20, T = 31 and the earnings crediting rate is:  
$$(0.9995 - 1.0077)(20/31) + (0.0893 - 0.9995)$$
$$= (-0.0082)(0.6452) + (-0.9102)$$
$$= -0.0053 - 0.9102$$
$$= -0.9155]$$

Stat. Auth.: ORS 238.650  
Stats. Implemented: ORS 238  
Hist.: PERS 9-2000, f. 12-15-00 cert. ef. 1-1-01; PERS 4-2003(Temp), f. 6-13-03, cert. ef. 7-1-03 thru 12-26-03; PERS 13-2003, f. & cert. ef. 11-14-03

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## Oregon Student Assistance Commission, Office of Degree Authorization Chapter 583

**Adm. Order No.:** ODA 2-2003

**Filed with Sec. of State:** 10-29-2003

**Certified to be Effective:** 11-1-03

**Notice Publication Date:** 10-1-03

**Rules Amended:** 583-040-0005, 583-040-0010, 583-040-0025

**Subject:** Revisions to Adverse Impact degree program approval process required by passage of SB 437 (2003). Includes change to timing of process, 180-day decision limit, new standard for approval of programs, and assignment of cost to participants schools.

**Rules Coordinator:** Susan Taylor—(541) 687-7443

## 583-040-0005

### Purpose and Scope

(1) This rule implements Oregon Revised Statutes (ORS) 348.603, which assigns to the Office of Degree Authorization under purview of the Student Assistance Commission responsibility to prevent new publicly funded postsecondary programs or locations from causing detrimental duplication or significantly adverse intersegmental impact. The rule further implements ORS 348.594, 348.596, and 348.992 insofar as those sections relate to ORS 348.603.

(2) Before a proposed new publicly funded postsecondary program or location may be implemented, ORS 348.603 requires that the Office of Degree Authorization shall have reviewed the proposal and taken action if either detrimental duplication or adverse intersegmental impact seems likely. If the Office cannot resolve all issues through recommendations to proposing and responding schools or their ultimate governing boards, or through mediation between representatives of involved boards, the Oregon

Student Assistance Commission has final authority for approval or disapproval of the program or location that is proposed.

(3) ORS Chapters 326 and 351 provide for the cooperation of the State Board of Education and the State Board of Higher Education and require compliance with decisions of the Oregon Student Assistance Commission in exercising its final authority for approval or disapproval of a proposed new program or location.

(4) When the Commission determines by a preponderance of the evidence subsequent to an institutional complaint that both (a) a proposed new program or location would cause detrimental duplication or significant adverse impact on one or more segments and (b) that there is no proven unmet workforce need for the program, and if mediation and negotiation efforts are unsuccessful, the Commission must find in favor of an institution demonstrating that detrimental duplication or significant adverse impact would occur.

Stat. Auth.: ORS 348.603  
Stats. Implemented: ORS 348.603  
Hist.: ECC 24, f. & ef. 1-19-76; SSC 2-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 2-2000, f. 7-7-00, cert. ef. 7-20-00; ODA 4-2000, f. & cert. ef. 11-13-00; ODA 2-2003, f. 10-29-03, cert. ef. 11-1-03

## 583-040-0010

### Definitions

(1) "Commission" means the Oregon Student Assistance Commission.

(2) "Office" means the Office of Degree Authorization, a statutory unit of the Commission, through which all new postsecondary program and location proposals are reviewed.

(3) "Program" means any organized teaching and learning activity with open enrollment of which successful completion qualifies a student for a degree, a certificate of substantial academic or vocational learning short of a degree, a certificate of preparation related to new or modified occupational licensure, or another academic or vocational certificate that represents a shorter period of activity but has value as a public credential. An activity is not a "program" if it leads to no document other than proof of attendance, which accordingly does not signify or imply measured or measurable academic or vocational learning and does not signify or imply measured or measurable preparation for new job duties, provided that the activity is advertised solely for intrinsic intellectual or recreational value or is advertised explicitly as continuing education for previously qualified workers seeking review or additional knowledge related to their current occupations.

(4) "New program" means any program not previously approved by the Office or the Commission, or by their predecessor review authorities, regardless of whether it comprises new instructional components or the reassembled components of existing programs. "New program" does not mean addition of a minor area of optional specialization within an existing program when there is no substantial change in the credential awarded. Reorganization or renaming does not in itself constitute a new program.

(5) "New location" of an approved program means a facility where students collectively may receive instruction in the program face-to-face or through telecommunications in a community not previously so served, including a non-Oregon location within 50 miles of where a comparable program is located in Oregon. "New location" does not mean a medium of statewide or universal transmission through which students separately and privately receive instruction for distance learning.

(6) "Segment" of education refers to one of the following:

(a) Oregon community colleges, community college districts, or service districts, together with every other postsecondary program or location ultimately sponsored by the State Board of Education;

(b) Oregon state-owned institutions of higher education and related organizational units, together with every other postsecondary program or location ultimately sponsored by the State Board of Higher Education;

(c) The Oregon Health and Science University, any hereafter created public corporations for higher education, and any organizational units of such public corporations, together with every postsecondary program or location under their ultimate sponsorship;

(d) Private Oregon degree-granting institutions and organizations and all non-Oregon entities offering residential instruction in Oregon for credit toward full degrees approved by the Office of Degree Authorization, together with every postsecondary program or location they sponsor; and

(e) Private nondegree career schools offering instruction in Oregon and licensed under ORS 345, together with every postsecondary program or location they sponsor.

(7) "Publicly funded" means controlled by an agency of government or by a public corporation as occurs in categories (6)(a) through (6)(c) above, regardless of specific sources and applications of funds, or con-



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trolled by a private entity as occurs in categories (6)(d) and (6)(e) above but subsidized with appropriated public funds received directly for program operation rather than indirectly in the form of student financial aid.

(8) "Detrimental duplication" occurs when a proposed new publicly funded program or location is likely to divert enough students from existing similar programs to imperil the viability of existing programs when the number of potential students is limited by factors such as interest, qualifications needed for admission, internship openings for students, and job openings for graduates. Detrimental duplication cannot be shown if the Commission finds that the proposed program or location meets an unmet workforce need in the state.

(9) "Adverse intersegmental impact" means that the detriment of duplication would fall on a school or its students in a segment other than that of the school proposing the new program or location, except that a publicly funded program or location proposed by a private school or other organization has adverse intersegmental impact if it is detrimental to a school in any of the five segments.

(10) "Community not previously so served" means a location in addition to or outside of the geographic regions or specific sites for which the program is approved. Programs operating prior to August 12, 1998 are considered approved for any geographic regions or specific sites included in their original public notice.

(11) "Offered" means at least half of the credit or clock hours necessary to complete the specified program are provided at the location in a two-year period. The credit or clock hour percentage does not include courses that meet general education requirements of pre-existing approved programs at the location.

Stat. Auth.: ORS 348.603

Stats. Implemented: ORS 348.603

Hist.: ECC 24, f. & ef. 1-19-76; ECC 25, f. & ef. 6-8-77; ECC 1-1983, f. & ef. 9-19-83; SSC 2-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 2-2000, f. 7-7-00, cert. ef. 7-20-00; ODA 4-2000, f. & cert. ef. 11-13-00; ODA 2-2003, f. 10-29-03, cert. ef. 11-1-03

## 583-040-0025

### Review Procedure

The ultimate governing board of a school or system that may propose or oppose new publicly funded postsecondary programs and locations must ensure conformity to the following procedure:

(1) A proposing board, or its school by delegation, shall notify other potentially affected segments and the Office of its intent to propose a new postsecondary program or location. Each sector of Oregon postsecondary education must designate at least two recipients for this notice. Notice served upon these recipients by letter or e-mail shall meet the notice requirements of these rules for all potentially affected schools in each sector. Notice shall be given at least 16 days before the proposing board intends to ratify the proposal and in a manner approved by the Office. If an objection is filed, then board ratification shall be postponed until the adverse impact claim has been resolved. Multiple sites, geographic regions or statewide service for a program may be listed in a single notice at the proposing institution's option. Only sites or regions included in this notice shall be considered proposed locations.

(2) In order to exercise rights under this rule, a school or segment concerned that apparent duplication might be detrimental must respond to the proposer and give a response copy to the Office within 15 days of receiving the notice of intent to propose a new program or location.

(3) The proposing school shall contact within 7 days of receiving an objection any responding school that says it may be affected. Within 15 days of being contacted every responder must join the proposer for informal discussion among school officers constituting an effort to resolve all concerns. The parties may jointly invite the Office or any advisory panel to enter the discussion as a resource and mediator. Lacking agreement, the proposer if it so chooses may postpone board ratification up to the time limit set by step 8 below. The proposer must notify ODA and the objector of its intentions.

(4) If agreement is not reached informally, a school that anticipates damage because of the proposer's latest declaration of intent may within 15 days of the meeting required in section 3 submit to the Office and the proposing school a written demur to explain why it anticipates damage and to question where applicable the proposer's projections for enrollment, internships, or job placement of graduates. The Office may advise withdrawal of the responder's demur if it is not found persuasive.

(5) Within 15 days after receiving a demur that is not subsequently withdrawn, the proposing school if it so chooses may respond in writing so as to restate or offer modification of its proposal. A copy of any such communication must be provided to ODA.

(6) If unsatisfied with a proposer's response, the demurring school or schools may within 15 days of receipt continue demurr by replying in writing to argue for withdrawal or specific modification of the proposal.

(7) If no agreement emerges from the exchange of written ideas, the Office will within 15 days convene the disagreeing schools for a discussion of quality of evidence on all sides and formal negotiations. Staff members of the ultimate governing boards may attend. At any stage of negotiations, the Office may recommend acceptance of the proposal in its latest form or upon request by all parties may assemble a review panel of academic experts having no conflict of interest to assist and advise the parties.

(8) If negotiation at the institutional level fails to produce complete agreement, the proposing school shall either withdraw the proposal or within 60 days of the meeting required in section 7 obtain a decision from its ultimate governing board as to whether the board wishes to go forward with the proposal in some form after acquiring full knowledge of objections by responders. The ultimate governing board shall report its decision immediately to the Office.

(9) If the decision of the proposer's ultimate governing board does not satisfy the ultimate governing board of every demurring school, the Office shall recommend a resolution to the boards. If the boards do not all accept the recommendation, the Commission shall appoint a mediator to mediate between their representatives to seek a negotiated resolution at the board level.

(10) If negotiation between board representatives does not produce agreement within 90 days of the date that the issue was referred to the boards for mediation under Section 9, the Office shall refer the question with accompanying record for decision by the Commission, which may at its discretion arrange to have one or more commissioners hear arguments in review but shall not receive any evidence not already in the record as distributed by the Office to all parties before mediation. The Commission must act within 180 days of the date that the issue is referred to ODA for a recommendation as set forth in section (7) above. The Commission must approve the proposed program if the proposing school proves that it meets an unmet workforce need in the state.

(11) A final program review decision made by the Commission and issued through the Office is an agency order other than contested case, which may therefore be appealed by any engaged board, through petition for review without jury to the Circuit Court for Marion County or to the circuit court in the county where petitioner resides.

(12) Nothing in these rules precludes OSAC through ODA from encouraging and accepting agreements among all potentially affected sectors regarding new programs and locations in situations in which such agreements are a more effective and efficient way to establish and improve post-secondary service to Oregonians than program-by-program notice and response.

Stat. Auth.: ORS 348.603

Stats. Implemented: ORS 348.603

Hist.: ECC 24, f. & ef. 1-19-76; SSC 2-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 4-2000, f. & cert. ef. 11-13-00; ODA 2-2003, f. 10-29-03, cert. ef. 11-1-03

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**Rules Adopted:** 583-050-0040

**Rules Amended:** 583-050-0006, 583-050-0011, 583-050-0016, 583-050-0031

**Rules Repealed:** 583-050-0021

**Subject:** Revisions to definitions of school types to classify degree-issuing entities as standard, substandard, or diploma mill. Establishment of fee schedule for degree validations and school information pursuant to SB 437 (2003) and actions on ODA budget by legislature. Includes other minor technical changes.

**Rules Coordinator:** Susan Taylor—(541) 687-7443

## 583-050-0006

### Purpose and Scope

(1) This rule implements Oregon Revised Statutes (ORS) 348.594 to 348.615 and 348.992 insofar as each section therein relates to ORS 348.609, intended to protect postsecondary institutions, businesses and other employers, professional licensing boards, patients and clients of degree holders, and all citizens from any person claiming to possess a valid academic degree that in fact was issued by a fraudulent or substandard school or by some entity posing as a school.

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(2) In order to be valid in Oregon as a public credential usable for general academic or professional purposes, under ORS 348.609 a claimed degree must have been awarded by a school that:

(a) Has accreditation recognized by the U.S. Department of Education or has the foreign equivalent of such accreditation; or

(b) Has been approved through the Office of Degree Authorization (ODA) to offer and confer degrees in Oregon; or

(c) Is located in the United States and has been found by the commission acting through the Office of Degree Authorization to meet standards of academic quality comparable to those of an institution located in the United States that has accreditation, recognized by the U.S. Department of Education, to offer degrees of the type and level claimed by the person.

(3) This rule applies to any claim to possess an academic degree made by any person acting within the state, acting outside the state while domiciled within the state, or acting outside the state on behalf of an organization that is located within the state.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603 & ORS 348.609

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03

## 583-050-0011

### Definitions of Terms

(1) "Office" means Office of Degree Authorization, as represented by the administrator or designated agent.

(2)(a) "Degree" means any academic or honorary title, rank, or status designated by a symbol or by a series of letters or words — such as, but not limited to, associate, bachelor, master, doctor, and forms or abbreviations thereof, that signifies, purports, or may generally be taken to signify:

(A) Completion of a course of instruction at the college or university level; or

(B) Demonstration of achievement or proficiency comparable to such completion; or

(C) Recognition for non-academic learning, public service, or other reason of distinction comparable to such completion.

(b) "Degree" does not refer to a certificate or diploma signified by a series of letters or words unlikely to be confused with a degree, clearly intended not to be mistaken for a degree, and represented to the public so as to prevent such confusion or error.

(3) "Confer a degree" means give, grant, award, bestow, or present orally or in writing any symbol or series of letters or words that would lead the recipient to believe it was a degree that had been received.

(4) "Claim a degree" means to present orally, or in writing or in electronic form any symbol or series of letters or words that would lead the listener or reader to believe a degree had been received and is possessed by the person speaking or writing, for purposes related to employment, application for employment, professional advancement, qualification for public office, teaching, offering professional services or any other use as a public credential, whether or not such use results in monetary gain.

(5) "School" means any person or persons, whether incorporated or not, engaging or appearing to engage in the activities of a school, college, university, institute, academy, seminary, conservatory, or any other such educational entity, or of any organized group of such entities. The activities attributable to a school include instruction, measurement of achievement or proficiency, or recognition of educational attainment or comparable public distinction.

(6) "Accredited" means accredited and approved to offer degrees at the specified level by an agency or association recognized as an accreditor by the U.S. Secretary of Education, under the 1965 Higher Education Act as amended at the time of recognition, or having candidacy status with such an accrediting agency or association whose pre-accreditation is also recognized specifically for HEA purposes by the Secretary of Education.

(7) "Foreign equivalent of such accreditation" means authorization by a non-U.S. government found by ODA to have standards at least as stringent as those required by U.S. approved accrediting agencies at the same degree level. This determination may be made through one or more of the following methods at ODA's discretion:

(a) Direct investigation of foreign standards;

(b) Reliance on an evaluation and determination made by the National Association of Collegiate Registrars and Admissions Officers; or

(c) Evaluation of the transferability of courses and degrees earned in the foreign country to accredited Oregon institutions at similar degree levels.

(8) "Academic Standards" means those standards in 583-030-0035 or the equivalent standards of an accrediting body that relate to admission

requirements, length of program, content of curriculum, award of credit and faculty qualifications.

(9) "Standard School" means a school that is accredited by a federally recognized U.S.-based accreditor, has ODA approval to issue degrees in Oregon, has ODA approval as a non-Oregon U.S. based school under ORS 348.609(d) or has ODA approval as a foreign school under ORS 348.609(a).

(10) "Substandard School" means an unaccredited entity that offers credentials purported to be degrees without requiring the type and level of academic work typically needed to earn a degree. An unaccredited entity is a substandard school if it has any one of the following characteristics:

(a) issues degrees without requiring any substantial student academic work.

(b) Issues degrees based solely on the student's life experience or portfolio without requiring any college-level work submitted to and evaluated by faculty with appropriate academic degrees from accredited institutions.

(c) Issues degrees without requiring that at least 80 percent of student work for which credit is given be college level work appropriate for the degree.

(d) Issues degrees using more than 20 percent of required credits based on the student's life experience.

(e) Issues degrees using more than 20 percent of credits transferred from an unaccredited school, unless the transferring school is approved by ODA.

(f) Issues degrees without at least 80 percent of student work for credit being evaluated by faculty with accredited degrees or degrees from an ODA-approved school one level above the level of degree issued to the student, or holding an appropriate professional degree or doctorate.

(g) Issues degrees without requiring at least 30 hours of student work (combined cumulative in and out of class, including labs and practica) per quarter credit hour (45 hours per semester credit hour) awarded. Award of credit for achieving appropriate scores on ODA-approved nationally normed college-level examinations such as CLEP, Advanced Placement or New York Regents meets this standard.

(11) "Diploma mill" or "degree mill" means an unaccredited school that meets any one of the following conditions.

(a) Issues degrees without requiring any student academic work.

(b) Issues degrees based solely on the student's life experience or portfolio without requiring any college-level work submitted to and evaluated by faculty with appropriate academic degrees from standard institutions.

(c) Issues degrees using more than 50 percent of required credits based on the student's life experience or portfolio.

(12) "College level work" required for a degree means academic or technical work at a level demonstrably higher than that required in the final year of high school and demonstrably higher than work required for degrees at a lower level than the degree in question. From lowest to highest, degree levels are associate, bachelor's, master's and doctoral. Professional degree levels may vary. College level work is characterized by analysis, synthesis and application in which students demonstrate an integration of knowledge, skills and critical thinking.

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

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603 & ORS 348.609

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 3-2000, f. & cert. ef. 8-8-00; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03

## 583-050-0016

### Validation of a Secular Degree

(1) Any person claiming in Oregon to possess an academic degree shall, upon request from the Office of Degree Authorization, have an official transcript of the degree sent directly to the Office from the registrar or other appropriate official of the conferring school.

(2) Where validation of a degree by telephone or electronic means seems readily obtainable from a school, the Office at its discretion may postpone with option of waiver the requirement for a transcript upon receiving from the degree claimant the name, address, and telephone number of the conferring school. Requirement of one or more transcripts may be reinstated at any time if other methods of validation are not sufficient for a conclusive determination.

(3) Upon receipt of evidence of a valid degree, the Office shall inform the degree claimant that a validation has been entered into the record, which shall specify any title and abbreviation that may be used to claim the degree.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603 & ORS 348.609

# ADMINISTRATIVE RULES

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03

## 583-050-0031

### Unaccredited Degree Claims

(1) A claimant of an unaccredited degree may submit to the Office information indicating that the school conferring the degree is operating legally in another state and could reasonably be considered for approval in Oregon under OAR 583-030 or for approval by a federally recognized accreditor.

(2) A reasonable possibility of approval can be demonstrated in any of the following ways:

(a) Submit to ODA a written statement from a U.S. Department of Education approved U.S. accreditor stating that if the unaccredited school were to go through the usual accreditation process, it could be accredited based on how it currently operates or how it operated at the time the degree was issued. The accreditor must be one that accredits in the appropriate field and at the appropriate degree level.

(b) Submit to ODA the approval standards of a U.S. Department of Education approved U.S. accreditor and show how the unaccredited institution would meet each of the academic standards. The accreditor must be one that accredits in the appropriate field and at the appropriate degree level.

(c) Submit to ODA sufficient evidence that the unaccredited institution could meet ODA academic standards under OAR 583-030 for authorization to operate in Oregon if it chose to make such an application. This option is not available for doctoral degrees.

(d) ODA may, upon its own motion, evaluate an unaccredited institution and determine whether it has a reasonable chance to meet Oregon authorization standards without a degree user making such a request. In such cases ODA will use the standards set forth under 583-050-0031(2)(c) above.

(3) If a request for evaluation under this section is not made to ODA within 30 days of notification that an unaccredited degree is being used contrary to Oregon law, the degree user's right to such a review is waived and ODA may pursue appropriate enforcement action. Degree users may, within the first 30 days, request up to 30 additional days for the purpose of gathering material necessary to apply for an evaluation.

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

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603, ORS 348.609 & ORS 348.992

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03

## 583-050-0040

### Fees for Validation Services

(1) ODA charges a fee for some services provided under OAR 583-050. The fee schedule is as follows: [Table not included. See ED. NOTE.]

(a) Agencies or organizations that have contracted for basic degree validation services with ODA do not pay a per-request fee. Contract rates are as follows: [Table not included. See ED. NOTE.]

(b) Fees for all inquiries, including contracted rates, must be paid in advance by bank check, money order or interagency fund transfer to: State of Oregon — ODA Oregon Student Assistance Commission, 1500 Valley River Dr. Suite 100, Eugene OR 97401.

(2) ODA may require reimbursement of costs for other requests at the discretion of the agency, depending on the nature of the request and available staff resources. Such fees may not exceed the actual cost to the agency to provide the service, based on staff rates and related costs.

(3) ODA may waive validation and evaluation fees:

(a) If the request for information is for purposes of criminal investigation; or

(b) If the consumer protection benefits of ODA action warrant a waiver, provided that sufficient staff time is available.

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

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603 & ORS 348.609

Hist.: ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03

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**Rules Amended:** 583-030-0010, 583-030-0020, 583-030-0035, 583-030-0041, 583-030-0042, 583-030-0046

**Subject:** Revises process for religious exempt approvals pursuant to opinion of Attorney General. Raises fees charged by ODA for program reviews and evaluations. Makes technical corrections.

**Rules Coordinator:** Susan Taylor—(541) 687-7443

## 583-030-0010

### Exemptions

The standards and procedures in this rule shall not apply to a school determined by the Office of Degree Authorization under ORS 348.594 to be exempt in either of the following ways, except that no one is exempt when assisting a school that is not exempt.

(1) A school in the public postsecondary educational system of the State of Oregon is exempt when offering degrees and credits exclusively in its own name and under its own control as the Oregon University System or constituent unit thereof, an Oregon community college, or the Oregon Health and Science University.

(2) A school is exempt from state oversight of religious aspects of its structure and programs when offering only degrees in theology and religious occupations with exclusively religious titles explicitly approved for the school by the Office of Degree Authorization.

Stat. Auth.: ORS 348.594

Stats. Implemented: ORS 348.594

Hist.: ECC 22, f. & ef. 12-22-75; ECC 2-1980, f. & ef. 4-14-80; ECC 3-1981, f. & ef. 12-16-81; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; SSC 1-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03

## 583-030-0020

### Exercise of Office Authority

(1) A school that offers to anyone from within Oregon or offers to Oregon residents from outside the state any form of instruction, lecture, training, tutoring, seminar, workshop, examination, evaluation, or other service represented as contributing credit or otherwise leading toward a specified or unspecified degree or certificate that will or might be conferred anywhere shall notify the Office in advance and then promptly supply all information the Office requests. Failure to notify the Office in advance or to provide preliminary information as directed may result in permanent denial of approval for the school to offer any services in or from Oregon. Schools that offer no degrees in Oregon but want to offer a certificate are under the jurisdiction of the Private Career Schools office of the Oregon Department of Education and should contact that office for approval.

(2) On the basis of preliminary information, the Office will determine whether the school:

(a) Shall apply for state authorization to offer instruction or related services leading to one or more degrees under the standards in OAR 583-030-0035, verbatim or as modified under OAR 583-030-0036; or

(b) Shall apply for deferment of the authorization requirement conditional on continuing to offer, under contract satisfactory to the Office, services leading only to academic credit issued by and in the name of an authorized or exempt school; or

(c) Shall apply for deferment of the authorization requirement conditional on continuing to offer services that do not, alone or in combination with services from any other school, lead substantially toward a degree to be conferred anywhere.

(3) A school that applies for degree authorization or exemption or requests a deferment shall use forms and follow procedures determined by the Office. Failure to comply constitutes good reason to reject an application or a deferment request. Such school shall be open to inspection and may be inspected at any time to verify its statements and to examine facilities. Inspection of a school and evaluation of its application or deferment request will be performed by state officials or consultants as the Office considers necessary, and findings will be utilized as the Office considers appropriate. Information from other examiners, such as accreditors or professional licensing agencies, may accompany materials submitted by the school and may be used by the Office at its discretion.

(4) Deferment of the requirement to apply for degree authorization is based on specified services from specified locations. A school receiving such deferment shall notify the Office immediately of any subsequent change in its offer of credit. Such school shall continue to supply information pertinent to its degree and credit status upon request and shall be open to inspection by the Office at any time. A deferment based on an inter-school contract or the offer of essentially non-degree credit is a temporary waiver entirely at the discretion of the Office, which may end it at any time, and it shall not be construed as an approval with right of appeal.

(5) Authorization to offer instruction or related services leading to a degree applies to specific curricula and services, offered at or from specific locations. The Office, on the basis of judgment about the relationship

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between a curriculum and a degree title, may require revision of title. Authorization is given for a specific degree for a fixed period of not less than two nor more than four calendar years. During any such period, the Office at its discretion may include a new location or closely related curriculum within the scope of the authorization through an abbreviated application procedure, with reduction or waiver of fee. Such abbreviated procedures generally apply to proposed changes that do not require a new faculty. At regular application junctures, several curricula leading to the same degree may be submitted as part of a single application. The Office may vary the length of approval periods by up to one year subject to the four-year limit in order to consolidate applications or renewals for the convenience of the school or the Office.

(6) Authorization to offer instruction or related services leading to a degree expires at the end of the period for which it is given, without right or presumption of renewal, except that an authorized school having submitted a complete and timely application for renewal continues to be authorized until such time as a review or revocation procedure may determine otherwise. After discontinuing its offer of an authorized degree before the end of the period of authorization, a school shall not reinstate the degree without permission from the Office. A program shall be deemed discontinued if a period of two academic years passes without any students being enrolled in the program.

(7) Authorization to offer instruction or related services leading to a degree is subject at all times to revocation for proper cause according to procedures described in OAR 583-030-0045 below.

(8) Schools that held religious exemption under these rules as of September 1, 2003 may continue to operate under the rules in effect as of that date until June 30, 2004. As of July 1, 2004, all schools claiming religious exemption must meet the new standards in effect as of that date. Entities that have not been approved under the new religious-exempt standards as of July 1, 2004 are not authorized to issue degrees. Any degrees issued after June 30, 2004 by an entity that lacks ODA approval are invalid for use as credentials under ORS 348.609.

Stat. Auth.: ORS 348.594 & ORS 348.606

Stats. Implemented: ORS 348.594, ORS 348.603 & ORS 348.606

Hist.: ECC 22, f. & ef. 12-22-75; ECC 2-1980, f. & ef. 4-14-80; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1993, f. & cert. ef. 6-28-93; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03

## 583-030-0035

### Standards for Schools Offering Degree Programs In or From Oregon

In order to receive and hold authorization to offer in or from Oregon instruction or related services leading to one or more academic degrees, a school must remain open to inspection at all times and continuously satisfy each of the following standard requirements as written, except where the Office approves modification under OAR 583-030-0036 or substitution under OAR 583-030-0037. Standards Applicable to All Programs:

(1) Name. The school shall use for doing business publicly a name that is consistent with its purpose and educational programs.

(2) Purpose. The school shall serve a reasonably distinct general purpose useful to Oregon society.

(3) Control.

(a) All persons responsible for top management policy must be individually qualified by education, experience, and record of conduct to assure effective management, ethical practice, and the quality of degrees and services offered. Boards must collectively demonstrate financial, academic, managerial and any necessary specialized knowledge, but individual members need not have all of these characteristics. Any controlling organization or owner is subject to this standard. All board members, administrators as defined in 583-030-0035(6) below, or owners of five percent or more of shares of an applicant school or parent corporation must disclose the following:

(A) Any prior felony convictions.

(B) Any known violations of federal financial aid rules by a school of which the person was a board member or employee.

(C) Any known violations of the policies of an accreditor by a school of which the person was a board member or employee.

(D) Any previous or current ownership or administration of a school that closed or filed for bankruptcy.

(E) Such indicators of incapacity to oversee a postsecondary institution by key people may disqualify a school or administrator from approval.

(b) Persons who control a nonprofit school shall not ordinarily be operating officers or employees of the school, and their authority and role shall not be attenuated by commitment to other than the school's best interest as a public trust. The Office may at its discretion permit persons employed by the school to hold up to 20 percent of the seats on a school's

board if the school can demonstrate that circumstances warrant such representation, but in no case shall a majority of board members receive a direct or indirect financial benefit from the school, its employees or its students, nor may any person obtaining such benefits be present when such benefits are discussed or determined. Standard reimbursement for costs related to board service is permitted.

(c) The board of directors of a religious-exempt school may be a church, mosque, synagogue or similar board, provided that the applicant school demonstrates that the board has adequate experience in organizational oversight. Such a board may include an unlimited number of members who are employed by a church of which the school is an educational unit or affiliate, provided that compensation and benefits of such employees is established through a process that provides adequate protection against conflicts of interest.

(4) Interest.

(a) A school operated for profit shall disclose fully to students and faculty, as well as to the Office, the specific financial interest of any organization or person, except that a large group of shareholders may be described generally. Any person or entity holding at least 5 percent of voting or common shares in a for-profit school must be named and the percentage of holdings disclosed. All business activities of interested organizations or persons are subject to disclosure.

(b)(A) A nonprofit school shall have a published policy that is followed in practice against conflicts of interest at all organizational levels.

(B) No governing board member, officer, or other person in a position to influence the management of a nonprofit school shall have any direct or indirect means of personal gain from the policy or activities of the school except as provided under "Control" above. However, such persons may loan money to the school at a moderate rate of return if a needed loan is not available from commercial lenders. This section does not prohibit a person who owns or is employed by an entity with which a nonprofit school does business from serving on the school's board, provided that the school can demonstrate that no personal financial gain has occurred or could occur as a result of such board service. If a board member owns or is employed by a business that is the sole practical provider within 25 miles of goods or services needed by the school, or if the school pays less than \$1,000 annually for such goods or services, the school may request an exemption in that case.

(5) Organization. The school and any parent organization shall be organized so as to distribute responsibility clearly among positions in a logical structure that is consistent with services offered and qualifications needed to fulfill the duties of the positions. An individual may occupy more than one position.

(a) There shall be located in Oregon an administrator generally responsible for school operations within the state and transaction of business with the Office, except that alternative arrangements may be permitted at the discretion of the Office where a non-Oregon school conducts a small or highly specialized operation within the state. Unless an exception is approved by the Office because of unusual compensatory qualification, that administrator shall possess a degree at least as high as any offered by the school in connection with operations in Oregon, together with appropriate administrative experience.

(b) There shall be a chief executive officer for the entire school responsible to its governing board or other corporate owner for overall management of operations in Oregon and elsewhere. Unless an exception is approved by the Office because of unusual compensatory qualification, that officer shall possess a doctor's degree or otherwise a degree higher than any offered by the school anywhere, together with postsecondary managerial experience appropriate to the level, size, and complexity of the school.

(c) There shall be an academic officer for the entire school responsible for faculty and academic programs offered in or from Oregon. Unless an exception is approved by the Office because of unusual compensatory qualification, that officer shall possess at least a master's degree and shall possess a doctor's degree if the school offers any graduate or non-baccalaureate professional degree. That officer shall have experience in teaching and academic administration, both experiences appropriate to the level, size, and complexity of the school.

(d) There shall be a business officer for the entire school responsible for accounting and managerial services. Unless an exception is approved by the Office because of unusual compensatory qualification, that officer shall possess at least a bachelor's degree in a business-related field, together with appropriate administrative experience.

(6) Administrators.

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(a) The school shall satisfy the Office that all top executive officers and other administrators are individually qualified by education, experience, and record of conduct to assure competent management, ethical practices, and effective educational service. Unless an exception is approved by the Office because of unusual compensatory qualification, administrators above the entry level shall have experience related to their present duties, and all administrators shall possess appropriate academic degrees earned from schools that are regionally accredited or otherwise determined by the Office to be acceptable. At a minimum, the following functions, irrespective of formal titles, are always considered among the administrators covered by this section: president, chief academic officer, chief business officer, chief student services officer, library director, admissions director, financial aid director and director of human resources.

(b) The school shall employ, compensate, supervise, and evaluate its administrators systematically and fairly, not arbitrarily.

(c) Administrators shall be paid by fixed salary and not by commission. Any portion of payment that is based on enrollment of students recruited by the administrator or the administrator's staff is considered payment by commission.

(d) Full-time administrators should generally be retained for at least one academic year absent cause for dismissal. The school must provide ODA with data regarding turnover of full-time administrators. In the event that over half of full-time administrators are not retained for at least one academic year, ODA may require a school to implement a mandatory minimum one-year contract if necessary to ensure program stability. Part-time administrators designated upon hiring as temporary or adjunct positions and so informed by the school have no expectation of continuing employment. ODA may limit use of part-time administrators upon finding that such use results in substandard services to students.

(e) The school shall fully inform its administrators as to whether and how they are indemnified against professional liability.

(f) The school shall demonstrate an effort when hiring administrators to avoid dependence on its own most recent graduates. If more than 20 percent of all applicant school administrators hold their highest degree from the applicant school, this standard cannot be met unless fewer than 10 schools in the United States offer the highest degree available in the field. Schools offering solely religious degrees are exempt from this requirement.

### (7) Teachers.

(a) The school must keep official transcripts for all teaching faculty.

(b) The school shall satisfy the Office that all teachers are individually qualified by education and experience to give expert instruction or evaluation in their specialties. Unless an exception is approved by the Office because of unusual compensatory qualification, teachers shall be qualified for the various levels of instruction or evaluation as described below, with degrees earned from schools that are accredited by a federally recognized accreditor or otherwise determined by the Office to be acceptable.

(c) Teachers shall be numerous enough and so distributed as to give effective instructional and advisory attention to students in all programs offered by the school.

(d) A school having an undergraduate FTE student-faculty ratio of greater than 30-1 or a graduate FTE student-faculty ratio of greater than 20-1 for students taught in or from Oregon must demonstrate that students and faculty have adequate opportunities for one-to-one interaction.

(e) A school that does not have at least one full-time teacher resident in Oregon or directly teaching Oregon students in each specialty must demonstrate with specific examples the adequacy of faculty contribution to organizational integrity and continuity, to academic planning, and to resident student development.

(f) The school shall employ, compensate, supervise, and evaluate its teachers systematically and fairly, not arbitrarily, and shall have a faculty development policy that continuously improves their knowledge and performance. Teachers shall be paid by fixed salary and not by commission. Any portion of payment that is based on enrollment of students recruited by the teacher is considered payment by commission.

(g)(A) In order to ensure program stability and quality of instruction, full-time teachers should generally be retained for at least one academic year absent cause for dismissal. The school must provide ODA with data regarding turnover of full-time teachers. In the event that at least half of full-time teachers are not retained for at least one academic year, ODA may require a school to implement a mandatory minimum one-year contract if necessary to ensure program stability and quality of instruction. Part-time teachers designated upon hiring as temporary or adjunct positions and so informed by the school have no expectation of continuing employment beyond the term for which they are hired. ODA may limit use of part-time

teachers upon finding that such use results in substandard education of students.

(B) A full-time teacher evaluated as better than adequate and not removed for cause can expect continually renewed appointment unless the position is eliminated for documented financial or curricular reasons.

(h) The Office does not require that teachers be indemnified for activities carried out as a requirement of their positions. However, the school shall fully inform its teachers in writing upon hire as to whether and how they are indemnified against professional liability.

(i) The school shall demonstrate an effort when hiring teachers to avoid dependence on its own most recent graduates. No more than 20 percent of all applicant school teachers can hold their highest degree from the applicant school unless fewer than 10 schools in the United States offer the highest degree available in the field. Schools offering solely religious degrees are exempt from this requirement.

(j) A teacher of an academic or scientific discipline within an occupational or professional degree program (e.g., economics within a business program, psychology within education, anatomy within nursing) ordinarily shall possess the appropriate degree in the discipline rather than a non-disciplinary occupational or professional degree. Lower-division undergraduate courses may be taught by those with non-disciplinary degrees who have demonstrable and extensive acquaintance with the discipline.

(k) Standards applicable to specific degree levels.

(A) Standards applicable to associate degrees: A teacher on a faculty offering associate's degrees ordinarily shall possess a bachelor's degree appropriate to the subject taught or evaluated, except that compensatory nonacademic qualifications will be more readily accepted by the Office in programs leading to occupational degrees. Where the degree emphasizes transfer courses in the arts and sciences, the teacher ordinarily shall possess an appropriate master's degree.

(B) Standards applicable to bachelor's degree programs: A teacher on a faculty offering bachelor's degrees ordinarily shall possess an appropriate master's degree.

(C) Standards applicable to master's degree programs: A teacher on a faculty offering master's degrees ordinarily shall possess an appropriate doctor's degree and some teaching experience, except that up to half of the teachers in an occupational or professional degree program may substitute for the doctorate a master's degree together with occupational or professional licensure or equivalent certification and related work experience. More substitutions may be permitted where the terminal degree for teachers in an occupational or professional field is not generally considered to be a doctorate.

(D) Standards applicable to doctoral programs: A teacher on a faculty offering doctor's degrees ordinarily shall possess an appropriate doctor's degree and substantial graduate or first-professional teaching experience, including experience overseeing advanced independent study or student practice, except that the doctor's degree alone may suffice for teaching courses at the master's level generally or at any level in the teacher's particular subspecialty.

(8) Curriculum. The school shall justify a degree offer by assuring the quality of all attendant teaching, learning, and faculty-student interaction. The curriculum shall have a structure that reflects faculty responsibility for what is to be learned overall, as well as in each course, and thus for the logical sequence and increasing difficulty of subjects and instructional levels. The curriculum shall reflect the distinction between the liberal disciplines and the occupations and professions, the nature of specialization in study and work, the contribution of liberal arts and sciences, and the relationship between teaching and faculty creativity. A graduate curriculum shall reflect a concept of the graduate school as a group of scholars, the faculty members of which have had extensive collegiate teaching experience and are engaged in the advancement of knowledge. Periods of study and other fundamental requirements for the four levels of academic degree are as follows.

(a) An associate's degree shall require at least two academic years in FTE postsecondary study, including general requirements as found in current guideline.

(b) A bachelor's degree, or baccalaureate, shall require at least four academic years in FTE postsecondary study, including general requirements. At least 40 semester credit hours shall be in upper-division courses, and no more than two academic years of instruction shall be from schools that do not offer baccalaureate degrees. The degree shall require distinct specialization, i.e., a "major," which should entail approximately one academic year of work in the main subject plus one year in related subjects, or two academic years in closely related subjects within a liberal arts interdisciplinary program.

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(c) A master's degree shall require at least one full academic year in FTE post-baccalaureate study, except that a first-professional master's degree may be authorized for study beyond fulfillment of undergraduate requirements approved by the Office if the total period of study is at least five academic years. The curriculum shall specialize in a single discipline or single occupational or professional area and culminate in a demonstration of mastery such as a research thesis, a work of art, or the solution of a practical professional problem.

(d) A doctor's degree shall require at least three academic years in specialized post-baccalaureate FTE study, except that a first-professional doctor's degree may be authorized for four academic years of study beyond fulfillment of undergraduate requirements approved by the Office. Study for a closely related master's degree may be counted toward doctoral requirements. The doctor's degree shall represent a student's ability to perform independently basic or applied research at the level of the professional scholar or to perform independently the work of a profession that involves the highest levels of knowledge and expertise. Requirements for the degree shall include demonstration of mastery of a significant body of knowledge through comprehensive examination, unless a graduate must pass a similar examination in order to be admitted to professional practice in Oregon. The curricular program of a research degree shall be appropriately broad and shall manifest full understanding of the level and range of doctoral scholarship, the function of a dissertation and its defense, the nature of comprehensive examination, and the distinction between matriculation and degree candidacy.

(e) Schools offering solely religious degrees are exempt from the required course mix at all degree levels. The state will not review sectarian content of curriculum for degrees with a religious title or significant religious content; the state's only concern will be to ensure that the curriculum as a whole has a reasonable structure related to credits awarded.

(f) Undergraduate Degree Components. These are the basic requirements for different kinds of degrees available in Oregon.

(A) Credit hours. This section states credit hours as semester credit hours (SCH). Colleges using the quarter system should multiply these credits by 1.5 to obtain the correct requirement in quarter credit hours (QCH) under quarter systems.

(B) Liberal Education. Fields of study within the liberal arts and sciences, or simply 'liberal arts,' are called 'disciplines' and are conventionally divided into three areas of knowledge: humanities, social studies, and natural science. A common classification of the liberal disciplines follows.

(i) Humanities: Language, literature, philosophy, religious thought; fine arts (not emphasizing performance skills).

(ii) Social studies or sciences: Anthropology, cultural geography, general history, religious history and culture, economics, political science, general psychology, sociology.

(iii) Natural sciences: Biology, biological psychology, chemistry, physics, geology and physical geography, mathematics.

(iv) The liberal disciplines do not include professional and vocational courses, such as agriculture and forestry (or wildlife management), architecture and design, business and public administration, broadcasting or journalism, computer technology, education, engineering and related technologies, health professions, home economics, law, library science, military science, parks and leisure studies, physical education and recreation, protective services, or religious services. The liberal disciplines also do not include artistic performance or physical activity courses, practical and general information courses such as personal health, career planning, human relations, public speaking, elementary writing, elementary mathematics, and computer fundamentals.

(C) General Education. General education is a term that includes not only liberal education but other courses outside a student's major field, especially in mathematics, computer science, writing, and speaking. A bachelor's degree requires one academic year of general education. Two-year degrees require less. Degrees with arts or science titles have more liberal arts requirements than do professional degrees, in which much of the general education may be non-liberal. All associate and bachelor's degrees require one year (at least 6 semester or 9 quarter credit hours or equivalent alternate term credit hours) of English composition or equivalent ODA-approved writing courses. Students may meet this requirement by achieving a score on a nationally normed test that would permit a waiver of English composition requirements or the award of academic credit in English composition at an accredited college or university.

(D) Major Field. A bachelor's degree requires study in a major field for one academic year. Thus, the major must include 30 SCH or more, with 20 SCH in the upper division and 15 SCH (22 or 23 QCH) of upper-division

hours taught by the resident faculty. A dual major simply doubles these numbers.

(E) An interdisciplinary major is permitted. It requires 60 SCH (39-40 upper division, 30 of those in residence) in either three or four disciplines, with at least 15 hours in each discipline and at least 9 upper-division hours in each, of which 6 must be in residence. A school may offer a major or an interdisciplinary option in any field in which it has more than one fully qualified teacher if at least one teaches full time. ODA may approve minor variations in order to allow programs to operate efficiently.

(F) Degrees. The following undergraduate degree names, levels and types are available in Oregon.

(i) Bachelor of Arts. An arts degree, the B.A. requires competency in a foreign language and one academic year in the humanities, i.e., 30 SCH, of which 12 can be in foreign languages. The language competency requirement is equivalent to the 12 hours, the second-year level, and ESL students can satisfy it with 12 hours of English language and literature. As general education outside the major, the B.A. requires 24 SCH in the liberal arts and sciences, with at least 6 hours in each of the three areas: humanities, social studies and natural sciences.

(ii) Bachelor of Science. A science degree, the B.S. requires one academic year in the social or natural sciences, i.e., 30 SCH, of which 12 can be in mathematics and state-approved computer courses. As general education outside the major, the B.S. requires 24 SCH in the liberal arts and sciences, with at least 6 hours in each of the three liberal arts and sciences areas.

(iii) Bachelor, Professional. As general education outside the major, the professional bachelor's degree requires 24 SCH hours in the liberal arts and sciences, with at least 6 hours in each of the three liberal arts and sciences areas.

(iv) Bachelor, Technical. As general education outside the major, the technical bachelor's degree requires 24 SCH in the liberal arts and sciences, or in non-vocational courses closely related to them, with at least 3 hours in each of the three areas and a total of at least 9 in the two areas most unrelated to the major.

(v) Associate of Arts. A full-transfer degree, the A.A. requires two academic years applicable to B.A. or B.S. study and fulfilling baccalaureate liberal arts requirements. A major is optional. Thus, the A.A. requires 24 SCH in the liberal arts and sciences, with at least 6 hours in each of the three liberal arts and sciences areas.

(vi) Associate of Science. A limited-transfer degree, the A.S. requires a major and two academic years applicable to professional or technical baccalaureate study. The A.S. degree requires 24 SCH in the liberal arts and sciences, or in non-vocational courses closely related to them, with at least 6 hours in each of the three areas.

(vii) Associate, Professional or Technical. A terminal degree, the professional or technical associate's degree requires a major (Degree title examples: Associate of Applied Arts, Associate of Applied Science, Associate of Technology, Associate of Occupational Studies, Associate of Business, Associate of Religion).

(9) Credit. The school shall award credit toward degrees proportionate to work done by students and consequent upon the judgment of qualified teachers and examiners. No more than one year of an academic program can be completed using any combination of the noninstructional methods set forth in (e), (f) and (g) below.

(a) A credit hour earned through nontraditional learning schedules shall have proportionate value to credit hours based on customary term lengths.

(b) Credit awarded by the school shall be based solely upon the judgment of teachers who have had extensive direct contact with the students who receive it, with the exception of methods listed in these rules if approved in advance by ODA.

(c) At least one academic year of credit toward any degree, most of it near the end, shall represent teaching or direct evaluation by faculty members employed by the school, except that the Office may approve a lesser amount for an associate's degree.

(d) Transfer credit integral to the school's approved degree curriculum may be awarded at the corresponding degree level for academic work documented by other schools that are regionally accredited, authorized to confer degrees in or from Oregon, or otherwise individually or categorically approved by the Office. Such credit must be converted as needed from semester, quarter or nontraditional calendar systems.

(e) Advanced Placement credit integral to the approved degree curriculum may be awarded in the lower-division up to a limit of one academic year for passing examinations constructed by testing organizations satisfactory to the Office.

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(f) Challenge examination credit as an actual component of the approved degree curriculum may be awarded only at the undergraduate level for successful performance on a final course examination, or on a similar test covering all course content, given by the school in lieu of requiring class attendance. No more than 25 percent of an undergraduate degree program may be earned through challenge examinations.

(g) Noncollegiate learning integral to the approved degree curriculum may be awarded credit only at the undergraduate level for learning validated by a student "portfolio," a credit evaluation guide issued by the American Council on Education, or a similar criterion. Such learning must be formulated through sufficient contact between teacher and student, communicated competently in terms of ideas (e.g., concept, generalization, analysis, synthesis, proof) rather than mere description, and judged by faculty members or contracted experts demonstrably qualified to evaluate it. Upper-division credit of this type may be awarded only in academic fields in which the school employs its own faculty. No more than 25 percent of an undergraduate degree program may be earned through award of credit for noncollegiate work.

(h) Credit may be awarded for distance learning if the school demonstrates that it has adequate methods in place to ensure that student work is sufficient both in quality and quantity to meet ODA requirements, courses are developed and taught by qualified faculty and there will be sufficient interaction between students and faculty and, if possible, among students. The Office may limit or disallow credit awarded for any type of distance learning if the school cannot demonstrate adequate oversight and quality control measures.

(10) Admission. The school shall offer admission only on receipt of evidence that the applying student can reasonably expect to complete a degree and to benefit from the education obtained. Any student permitted to take courses within a degree curriculum has been admitted thereby unconditionally to the degree program unless individually informed otherwise in writing. Students offered unconditional admission shall have the following qualifications, unless the Office approves specific testing or other alternative method of determining applicant admissibility.

(a) A student admitted to undergraduate degree study for the first time shall have either a high school diploma or an equivalent credential. Home-schooled students without a traditional credential may be admitted provided that they can demonstrate the ability to perform college-level academic work.

(b) A student admitted to undergraduate degree study with undergraduate experience shall have a record of successful performance therein or else a record of responsibility and achievement following unsuccessful collegiate performance.

(c) A student admitted to graduate degree study shall have a baccalaureate degree from a school that is accredited, authorized to confer degrees in Oregon, or otherwise approved by the Office either individually or by category.

(d) A student admitted to first-professional degree study shall have at least three academic years of accredited or ODA-approved undergraduate credit, graded average or better, including pre-professional courses specified by the school and approved by the Office.

(11) Guidance. The school shall help students to understand the curriculum and to make the best use of it.

(a) There shall be a program of general orientation for new students.

(b) Each student shall be assigned a qualified academic advisor to assist individually in planning, course selection, learning methods, and general adjustment.

(c) The school shall provide career guidance to the extent that curriculum is related to a specific prospective occupation or profession.

(12) Learning. The school shall require each student to complete academic assignments and demonstrate learning appropriate to the curriculum undertaken.

(a) Teachers or evaluators shall inform students clearly using a syllabus or similar instrument of what should be learned in each course and how it will be measured.

(b)(A) Expectations of student performance shall be increased with each ascending step in degree level. Higher degrees must represent an increase in the difficulty of work and expectations of students, not simply a cumulation or increase in quantity of student work.

(B) Evidence of expectation (e.g., syllabi and sample exams) and performance (e.g., student grades) shall be retained for all academic courses for at least one year.

(c) The school shall require students to make continuous progress toward a degree while they are enrolled and liable for tuition and shall suspend or dismiss those who do not make such progress, except that a period

of probation with guidance may be instituted in order to obviate separation of a student who can be expected to improve immediately. Continuous progress for students receiving Title IV aid shall be defined according to federal Title IV standards. Students not receiving Title IV aid shall meet the school's own published standards for satisfactory progress.

(d) Grading and appeal procedures shall be fair and administered equitably, and criteria of student progress shall be validated by research if not obviously valid.

(13) Student Affairs. Through both services and supervision the school shall demonstrate commitment to the success of individual students and to maintenance of an atmosphere conducive to learning.

(a) Rules of student conduct shall be reasonable, sufficiently specific, fully communicated, systematically and equitably enforced, and accompanied by policy and practice of disciplinary due process, including notice and hearing and related rights.

(b) Security services and fire protection shall be adequate to ensure student safety on school premises.

(c) Counseling or advising services, if provided, shall be accurately described. There shall be no suggestion of professional psychological counseling, therapy, or testing, unless provided by persons who possess directly related graduate degrees and any required licensure.

(d) Health services where provided shall be under supervision of a registered nurse or licensed physician. There shall be an arrangement for quick and effective referral in medical or psychiatric emergencies beyond school capability. The school shall provide adequate first-aid supplies on its premises.

(e) Housing where provided or endorsed by the school shall be conducive to study and adequately supervised.

(f) Financial aid services shall be provided by qualified administrators.

(g) Placement services where provided shall be described clearly to students, and the school shall take precautions to avoid unrealistic expectations of placement.

(h) Organizations and activities where sponsored or endorsed by the school, whether using school facilities or not, are the responsibility of the school and shall be supervised if and insofar as necessary to ensure student safety and good conduct.

(i) Recreation or rest areas shall be provided on school premises and equipped appropriately in relation to student use and need.

(j) Records documenting relationships between the school and a student shall be open to that student, who may request changes or enter dissenting comments, and the content of records shall be objective and fair. The private notes of a counselor are not to be considered records and shall not be transmitted as such, either inside or outside the school. All medical records are confidential and shall not be released without permission of the patient.

(k) There shall be available to undergraduate students and responsible for student affairs an official who possesses knowledge, skill, and managerial experience particularly appropriate to the function, unless the Office waives this requirement. In general, waivers are granted only for small startup schools in their first approval cycle and for schools that mainly teach people who are of nontraditional age (23 or older) or already in the workforce.

(l) Every school shall distribute a student handbook or similar publication describing services and regulations, unless such descriptions are complete in the school's main catalog.

(14) Information. School publications, advertisements, and statements shall be wholly accurate and in no way misleading. Reference to state approval shall be limited to that described in OAR 583-030-0041. Reference to accreditation shall be limited to that defined in OAR 583-030-0015(2). A prospective student shall receive a complete description of the school and its policies, including an estimate of annual or program costs, before being enrolled. This estimate is not binding on the institution but must give prospective students a reasonable idea of their financial commitment. Where a degree implies preparation for a specific occupation, the school shall explain clearly the true relationship between its curriculum and subsequent student qualification for occupational practice, including graduates' success rates in passing licensure examinations if applicable.

(a) The school shall publish at least every two years a catalog or general bulletin. The catalog shall contain a table of contents and adequate information concerning period covered, school name and address, telephone numbers, state approval, purpose, relationship to occupational qualification, controlling structure, board membership, financially interested parties, internal organization, faculty and administrators (listing position or teaching specialization together with all earned degrees and their sources,

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omitting unearned degrees and not confusing professional licenses with degrees), degree requirements and curricula, academic calendar, credit policy in accordance with OAR 583-030-0035(9), transferability of credit to other schools, admission requirements and procedures, academic advising and career planning, academic policies and grading, rules of conduct and disciplinary procedure, student services (counseling, health, placement, housing, food, bookstore, activities, organizations), student records, library, facilities, fees and refunds, estimated total expenses, financial aid, and job opportunities for current students. Electronic publication meets this standard provided that a paper version of the catalog is provided to ODA, is available to students upon request and is maintained as the "official" version in order to avoid confusion if electronic versions are changed.

(b)(A) The school shall publish in its catalog or general bulletin a description of the line of authority from Oregon operations to all sources of control, including any parent or intermediary organizations.

(B) The catalog shall include membership of the school governing board and at least the officers of the governing board of any other organization that exerts direct or indirect control.

(C) A school operated for profit shall publish in its catalog a clear description of the financial interest of any organization, and it shall publish the names of persons having an interest in a closely held school corporation or parent corporation of a subsidiary school.

(c) The school shall be scrupulously ethical in all communication with the public and with prospective students.

(A) A claim made to attract students shall be documented by evidence available to any person on request. The school shall make no attempt to attract anyone who does not appear likely to benefit from enrollment, and no attempt to attract students on any basis other than instruction and campus life appropriate to an educational institution.

(B) Outside the regular student financial aid process, there shall be no discounting of tuition as an incentive to enroll.

(d) A school without regional accreditation shall print in a separate section of its catalog titled "transfer of credit to other schools" a statement warning students verbatim that "transfer of credit is always at the discretion of the receiving school, generally depends on comparability of curricula, and may depend on comparability of accreditation." Other comments may follow concerning the school's documented experience in credit transferability, but it must be clear that a student should make no assumptions about credit transfer.

(e) Research involving human subjects shall be done only with their informed consent.

(15) Credentials. The school shall provide accurate and appropriate credit transcripts for students who enroll and diplomas for students who graduate.

(a) The school shall maintain for every past and present student, and shall issue at the request of any student who is not delinquent in fee payment, a current transcript of credits and degrees earned. The transcript shall identify the school fully and explain the academic calendar, length of term, credit structure, and grading system. It shall identify the student and show all prior degrees earned, details of any credit transferred or otherwise awarded at entry, and periods of enrollment. It shall include for each period of enrollment every completed course or module with an understandable title, number of credits earned, and grade received. The transcript shall note with or without explanation if the student is not immediately eligible to continue enrollment, e.g., for reasons of academic probation or suspension.

(b) Upon satisfaction of degree requirements and payment of all fees owed, the school shall provide the graduating student with a diploma in a form approved by the Office, appropriately documenting conferral of the degree.

(16) Records. The school shall keep accurate and safe all records affecting students. There shall be at all times complete duplicate transcript information kept in a location away from the original transcripts, such that duplicates and originals are not exposed to risk of simultaneous damage. In addition to transcripts, which may never be destroyed, the school shall maintain detailed records documenting the significant parts of its formal relationship with each student: financial transactions and accounts, admission qualifications, validation of advanced standing, instructor course records as posted to transcripts, and status changes due to unsatisfactory performance or conduct. Such supporting records shall be kept safe for a period of at least three years after a student has discontinued enrollment. Instructor course records other than those posted to transcripts shall be kept for at least one year.

(17) Library. The school shall provide or arrange for its faculty and students direct or electronic access to verbal and sensory materials suffi-

cient in all subjects of the curriculum to support instruction and to stimulate research or independent study.

(a) The school may arrange for comprehensive privileges from libraries of other organizations, provided it can prove convenient access and extensive use, but the school shall retain full responsibility for adequacy of resources available to students.

(b) Library services shall be under the direction of a person educated professionally in library and information studies, except that the Office may waive this requirement where the range of academic fields represented is narrow.

(c) Library resources shall be current, well distributed among fields in which the institution offers instruction, cataloged, logically organized, and readily located.

(d) The school shall maintain a continuous plan for library resource development and support, including objectives and selection of materials, and shall maintain accurate information on resource collections, access, student use, faculty use, staffing, and finance.

(e) The school should conform to the following guidelines for library services unless it can justify a deviation on the basis of unusual educational requirements.

(A) With the exception of those in specialized associate's degree programs, students should receive direct, contracted or electronic access to a minimal basic collection equivalent to that held by accredited schools offering similar programs. The applicant school must demonstrate this comparability.

(B) Staff should include a professional librarian for each 1,000 students, with clerical support adequate to relieve librarians of all non-professional duties.

(C) Students should have full access to all resources for at least 40 hours per week, and all services should be available for 20 hours per week. The facility, whether provided by the college directly or by contract, should seat no less than 10 percent of the students enrolled unless the program is primarily intended to train practitioners in technical or fine arts fields, in which case a lower percentage may be requested. If the school meets the library standard largely by electronic means, electronic services must be available to a comparable portion of the student body for a comparable period.

(18) Facilities. The school shall have buildings and equipment sufficient for the achievement of all educational objectives and shall maintain a plan for facilities use and development, ordinarily including data showing utilization. A school that offers a residential or semi-residential degree shall conform to the standard criteria listed below unless the Office approves an exception based on unusual conditions. A school that does not own facilities meeting the standard shall provide them by lease or other arrangement that guarantees operational stability and continuity.

(a) Buildings in general, including student or faculty housing units, shall be uncrowded, safe, clean, well furnished, and in good repair; and they shall be well lighted, heated, ventilated, and protected from noise. School grounds where provided shall be appropriately used and adequately maintained.

(b) Instructional facilities shall be adequate and conducive to learning. There shall be no less than 15 square feet per student station in classrooms, with at least one station for every two FTE students enrolled. Total classroom and study area, including library space for reading, shall be no less than 10 square feet per FTE student.

(c) Laboratory space and instructional equipment shall be inventoried, its use explained on the resulting report, and its adequacy defended on criteria obtained from experts and documented by the school. A laboratory ordinarily shall have no less than 30 square feet per student station.

(d) Clinical facilities and other public service areas shall be appropriate for instruction of students as well as for service to patients or clients.

(e) Faculty offices shall be sufficient to prevent crowding and to allow private conversations with students.

(19) Finance. The school shall have financial resources sufficient to ensure successful continuing operation and to guarantee full refund of any unearned tuition. There shall be competent financial planning using complete and accurate records. The school shall demonstrate satisfaction of this standard upon application, and thereafter annually, by submitting independently audited financial statements with opinion by a certified public accountant. In some cases, the Office at its discretion may accept an audited balance sheet with opinion, together with annual operating statements that have been reviewed by the auditor. A school that is a subsidiary shall submit financial statements of the parent corporation on request. In unusual circumstances, the Office may require a special investigative audit and report.



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(a) Financial reports shall be prepared in a format acceptable to the Office, clearly delineating assets and liabilities and informatively classifying revenues by source and expenditures by function.

(A) Operating expenditures shall be classified so as to show separately what has been spent for direct instruction, with the inclusion of strictly academic administration optional.

(B) Separate expenditures shall be shown also for library services, non-library academic support, student services, organized research, public services, and auxiliary services.

(C) Facility operating expenditures ordinarily should be shown separately. The other administrative and institutional support expenditures may be itemized or combined.

(D) Student aid must be shown separately as either an expenditure or a reduction of income.

(E) Hospitals and clinics must be accounted for as separate enterprises, with all costs allocated and fully charged back as reductions of general institutional expenditures.

(b) Current assets shall be entirely tangible and such that the school is not dependent for solvency on substantial increases in receivables collection rate, gifts, tuition rates, or enrollment. Prospective tuition for which a student is not legally liable is not an asset and shall not be shown as a receivable or other balance sheet asset. Tuition collected but still subject to refund shall be shown as a "prepaid" or "unearned" tuition liability.

(c) A school unable to demonstrate financial strength may be permitted at the discretion of the Office to submit a surety bond in amount equal to the largest amount of prepaid tuition held at any time. The bond would be subject to claims for tuition refund only.

(d) The school shall carry casualty and general liability insurance sufficient to guarantee continuity in case of accident or negligence, and it shall provide or else require by policy professional liability insurance for all of its officers and employees.

(20) Fees and Refunds. The school shall maintain fee and refund policies that are fair, uniformly administered, and clearly explained in the school catalog as well as in any contract made with students. A student shall not be enrolled without having received the explanatory material. The school shall not change its fee policy during an academic year and shall not at any time make extreme changes affecting students already enrolled without permission from the Office.

(a) Tuition shall be charged by the credit hour or by fixed rate, for instruction during an academic semester, quarter, or shorter term. No student is obligated for tuition charged for a term that had not commenced when the student withdrew or a term that was truncated by cessation of school services.

(b) A non-refundable application fee charged by the school ordinarily shall not exceed \$100. A total of \$200, including such fee, may be kept by the school from a student who withdraws voluntarily after accepting admission but before attending classes. Any additional fees preceding admission, such as those for qualification, aptitude, or placement tests given by the school or an external testing organization, must be specifically approved by the Office.

(c) After classes begin for a term, a student who withdraws from a course is eligible for a partial refund through the middle week of the term. Refunds shall be based on unused instructional time and shall be prorated on a weekly basis for schools using a semester, quarter or nontraditional calendar. Without specific Office approval, refund rates shall not be differentiated on the criteria of a student's source of income or loan repayment obligations except as otherwise required by law. In particular, the school shall treat federally aided and unaided students alike.

(d) Fees for credit transferred, for credit attempted or earned by examination or portfolio, or for any period when a student is not attending classes (e.g., during a field experience or a period of thesis research) shall be justified to the satisfaction of the Office, and they shall be explained fully to prospective students. Any such fee must be based on the cost of service actually provided, ordinarily less than the cost of regular instruction, and the mere award of credit does not justify a fee.

(e) Academic policies shall not artificially prolong the enrollment of a failing student with the effect of increasing financial obligation.

(f) Separation from the school for reason of discipline or other administrative action shall not cause forfeiture of ordinary refund amounts.

(g) Charges for food, housing, academic supplies, books, and activities shall ordinarily be based on time of service or exact measure of materials and services provided. Refunds for unused portions of such non-tuition items, whether payment for them was separate or included in tuition, shall be prorated on that basis upon withdrawal, except that the Office may give permission for reduced housing refund to a student whose withdrawal

is essentially voluntary and creates a vacancy that cannot be filled. Commitments to purchase school services up to a full academic year may be enforced so long as the student remains in attendance.

(21) Creative Rights. Students shall retain rights to their creative academic work. The school and faculty shall give full attributive credit for any student work used in publications, classes, performances, exhibits, or elsewhere. Major portions of student creative work shall not be used without permission, except that general display may be part of a course or degree requirement. Nonliterary work shall be purchased from the student if it is not returned after a reasonable display period.

(22) Evaluation. The school shall evaluate its own educational effectiveness continually in relation to purpose and planning, including in all aspects the opinions of students. There shall be evaluation of present curriculum and instruction, of attrition and reasons for student withdrawal, and of performance by students after their graduation. In addition to the comments of graduates, employer opinions and licensing examination records should be used in the post-graduation study.

(23) Fair Practice. Notwithstanding the absence of a specific standard or prohibition in this rule, no school authorized to offer academic degrees or seeking to qualify for such authorization shall engage in any practice that the Office, accepting the burden of proof in due process, finds to be in contravention of statutory intent by reason of being fraudulent, dishonest, unethical, unsafe, exploitive, irresponsible, deceptive, or inequitable and thus harmful or unfair to persons with whom it deals.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & ORS 348.606

Hist.: ECC 22, f. & ef. 12-22-75; ECC 2-1980, f. & ef. 4-14-80; ECC 3-1981, f. & ef. 12-16-81; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 1-2002, f. & cert. ef. 2-19-02; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03

## 583-030-0041

### Authorization Statement in School Catalog

(1) Upon receipt of authorization to offer instruction or related services leading to one or more degrees, and until such time as that authorization has expired or been revoked, an Oregon school shall print the following statement prominently on the inside front cover or facing page of its catalog and any general bulletin, shall include the statement with any internet web site announcement, and may publish the statement in other school announcements. Choose one descriptive term from each parenthetical pair.

This school (is) (is a unit of) a (business) (nonprofit) corporation authorized by the State of Oregon to offer and confer the academic (degree) (degrees) described herein, following a determination that state academic standards will be satisfied under OAR 583-030. Inquiries concerning the standards or school compliance may be directed to the Office of Degree Authorization, 1500 Valley River Drive, Suite 100, Eugene, Oregon 97401.

(2) A non-Oregon school shall print or affix the above statement on the inside front or back cover (preferred) or on an appropriate page approved by ODA of every catalog distributed in Oregon.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & ORS 348.606

Hist.: EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; SSC 1-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 2-2000, f. 7-7-00, cert. ef. 7-20-00; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03

## 583-030-0042

### Reporting Requirements

(1) A school authorized to offer instruction or related services leading to one or more academic degrees under the standards in OAR 583-030-0035 shall submit to the Office annually, with a form provided in the fall, a brief report of activities and planning in the academic or fiscal year just ended. In its report, the school shall describe any important changes in academic or administrative policies, facilities or locations of instruction, and organization or personnel. The school shall also supply data requested on state and federal forms provided by the Office, including forms for the Integrated Postsecondary Education Data System (IPEDS), together with current catalogs and the latest independent financial audit not previously submitted. Between annual reports, the school shall send to the Office promptly the resumes of new owners, governing board members, officers, or administrators or teachers serving Oregon students, and shall send immediately the details of any possible or anticipated change of ownership or governance or any other matter having extensive effect on the school.

(2) A school authorized to offer instruction or related services leading to one or more academic degrees under the substitute standards provided by OAR 583-030-0037 shall report as described in the preceding paragraph, except that immediate reporting of new governing board members, officers, administrators, or teachers is not required. The reporting of any possible or anticipated change of ownership or governance or other major change should be immediate.

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(3) A non-Oregon school authorized to offer instruction or related services leading to one or more academic degrees but without resident instruction in Oregon, under OAR 583-030-0036, shall submit to the Office annually, with a form provided in the fall, a brief report of activities and planning in the academic or fiscal year just ended, insofar as Oregon students would be affected. In its report, the school shall describe as they might affect Oregon residents any important changes in academic or administrative policies, facilities or locations of instruction, and organization or personnel. The school shall also supply Oregon enrollment and degrees-granted data on a state form provided by the Office, together with current catalogs and the latest independent financial audit not previously submitted. IPEDS reports will not be made through Oregon. Between annual reports, the school shall send to the Office immediately details of any possible or anticipated change of ownership, governance, curriculum, Oregon site coordinator, or other matter having potential importance to Oregon students.

(4) A school approved to offer exempt religious degrees under OAR 583-030-0010(2) will use the same forms as standard schools.

(5) An authorized or exempted degree-granting school shall continue during the period of its authorization or approved exemption to respond promptly to Office requests for general or particular information and shall supply the information as directed.

(6) A school that ceases to offer any authorized or exempted degree or the instruction related thereto, other than during regular academic recesses, shall notify the Office immediately and not reinstate the degree program without permission.

Stat. Auth.: ORS 348.594 & ORS 348.606  
Stats. Implemented: ORS 348.594, ORS 348.603 & ORS 348.606  
Hist.: EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03

## 583-030-0046

### Fees and Expenses

(1) Each application from a school seeking new or renewed authorization to confer or offer to confer a degree, or through instruction or related services to provide academic credit applicable to a degree, shall be accompanied by payment of a fee to the "State of Oregon ODA." There is no entitlement to refund of a paid fee under any circumstances. The fee is intended to recover the expenses of carrying out a review and providing services to a school during its period of authorization.

(2) The fees reflect proportionately, though not in sum, the usual demands of adequate review plus subsequent service.

Basic fee schedule for ODA reviews  
Doctoral degrees — \$5,500  
Masters degrees — \$4,150  
Bachelors degrees — \$4,150  
Associate degrees — \$2,750  
External degrees — \$250 minimum, \$1000 maximum

(a) External degrees. The base fee for an external degree or free-standing certificate is \$250, with a higher fee not to exceed a total of \$1000 possible if the application appears likely to pose complex questions requiring additional staff time or professional consultation.

(b) Certificates. No fee is charged when an institution with an approved degree wants to add a certificate in the same field.

(c) Fee discounts.

(A) In reviewing simultaneous application for two or more degrees, the Office at its discretion may reduce the fee for review of a degree that is closely related in type and content to one for which the full fee is paid. Such a reduction ordinarily depends on the provision of instruction by a single faculty for both degrees.

(B) The Office at its discretion may also reduce the fee when institution size, low faculty and administrative turnover, stability of ownership or board membership or other factors substantially reduce staff time required for evaluation and subsequent oversight and service. Such reductions are limited to 20 percent below the basic fee.

(C) The fee for religious-exempt schools shall be 15 percent less than the standard fee, independent of any other discounts, because staff time spent on the reviews will be somewhat less than for a standard school.

(3) Application from a school for authorization to offer instruction or related services providing academic credit applicable to a degree offered only by another school or schools shall be accompanied by fees proportionate to those established in the paragraph immediately above. However, such fees may be discounted at the discretion of the Office to reflect a program of reduced dimension if and only when the necessary review analysis is concomitantly reduced.

(4) When the Office finds it necessary to pay an expert outside consultant for assistance in reviewing an application, or when it incurs other

unusual expenses in the course of review, all costs thus incurred may be charged to the applicant school in addition to the basic fee.

Stat. Auth.: ORS 183 & ORS 348  
Stats. Implemented: ORS 348  
Hist.: ECC 1-1982(Temp), f. & ef. 3-12-82; ECC 2-1982, f. & ef. 9-8-82; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1993, f. & cert. ef. 6-28-93; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; SSC 1-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2000, f. & cert. ef. 2-29-00; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03

## Oregon University System, Western Oregon University Chapter 574

**Adm. Order No.:** WOU 3-2003

**Filed with Sec. of State:** 10-28-2003

**Certified to be Effective:** 10-28-03

**Notice Publication Date:** 9-1-03

**Rules Amended:** 574-001-0000, 574-020-0001, 574-020-0010, 574-020-0015, 574-020-0020, 574-035-0005, 574-040-0001, 574-040-0010, 574-040-0015, 574-040-0020, 574-040-0025, 574-060-0005, 574-060-0010, 574-070-0010, 574-080-0010, 574-080-0020, 574-085-0010, 574-085-0020, 574-085-0030, 574-085-0040, 574-085-0050, 574-085-0070, 574-085-0090, 574-085-0100, 574-085-0110, 574-085-0120, 574-085-0130, 574-090-0000, 574-090-0010, 574-090-0020, 574-090-0030, 574-090-0050, 574-090-0060, 574-095-0010

**Subject:** These changes reflect a periodic review of all rules that have been issued by Western Oregon University, including updates to its name and policies.

**Rules Coordinator:** Debra L. Charlton—(503) 838-8175

### 574-001-0000

#### Notice of Proposed Rule

Prior to the adoption, amendment or repeal of any rule, the agency shall give notice of its intended action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date;

(2) By mailing a copy of the notice to persons on the Western Oregon University mailing list established pursuant to ORS 183.355(8) at least 28 days before the effective date; and

(3) By mailing a copy of the notice to the following persons, organizations, or publications:

- (a) Chancellor of the Board of Higher Education;
- (b) Western Oregon University's Faculty Senate President;
- (c) Western Oregon University's Student Body President;
- (d) Western Oregon Journal student publication;
- (e) Associated Press;
- (f) Statesman Journal — Salem;
- (g) Itemizer Observer — Dallas;
- (h) WOU This Week.

Stat. Auth.: ORS 183  
Stats. Implemented: ORS 183  
Hist.: OCE 2, f. & ef. 8-2-77; WOU 3-2003, f. & cert. ef. 10-28-03

### 574-020-0001

#### Faculty Records Policy

Western Oregon University is required to set up a faculty records policy that is consistent with the laws of Oregon and the administrative rules of the Board of Higher Education.

Stat. Auth.: ORS 351.070 & ORS 351.072  
Stats. Implemented: ORS 351.065, ORS 351.070 & OAR 580-022  
Hist.: OCE 3, f. & ef. 8-9-77; WOSC 5-1991, f. & cert. ef. 5-22-91; WOU 3-2003, f. & cert. ef. 10-28-03

### 574-020-0010

#### Confidential Information Not to Be Sought or Accepted

The university will not accept letters, documents, or other materials, given orally or in written form, from individuals or groups who wish their identity kept anonymous or the information kept confidential.

Stat. Auth.: ORS 351  
Stats. Implemented: ORS 351.070  
Hist.: OCE 3, f. & ef. 8-9-77; WOU 3-2003, f. & cert. ef. 10-28-03

### 574-020-0015

#### Information Not Required of Faculty Members

No faculty member will be required to give, but may voluntarily provide, information as to age, disability, marital status, national origin, race,

# ADMINISTRATIVE RULES

religion, sex, sexual orientation or veteran status, except as the giving of such information may be required by state statute, federal law, or valid federal rules, regulations, or orders.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.065, ORS 351.070 & OAR 580-022

Hist.: OCE 3, f. & ef. 8-9-77; WOSC 5-1991, f. & cert. ef. 5-22-91; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-020-0020

### Locations and Custody of Faculty Records

(1) The university will maintain faculty records only in the offices of:

- The Provost;
- School Dean;
- The Division Chair of the faculty member (only these areas may have evaluation information).

(2) The Human Resources Office will maintain records only necessary for payroll information.

(3) The required custody of the files will be accomplished by assigning designated personnel the maintaining of confidentiality and security of the records:

- Provost's Office — Secretary to the Provost;
- School Dean's — Secretary to the Dean;
- Division Office — Secretary to the Division Head;
- Human Resources Office — Human Resources Personnel.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.065, ORS 351.070 & OAR 580-022

Hist.: OCE 3, f. & ef. 8-9-77; WOSC 5-1991, f. & cert. ef. 5-22-91; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-035-0005

### Health Requirements for International Students and Scholars

(1) For international students good health is an essential condition for achieving educational objectives and assuring the quality of the educational and cultural experience. For purposes of this policy, international students shall be defined as individuals who are not U.S. citizens or permanent immigrants. Permanent residents are excluded.

(2) It is the responsibility of the institution to ensure that health care, which is culturally appropriate, accessible, and affordable, is available to international students. To meet this responsibility, Western Oregon University requires that each international student, within the first term of attendance, comply with the following:

(a) Complete the University's Health History Form and return it to the Student Health Center;

(b) Have a tuberculin skin test at either the Western Oregon University Student Health Center or Polk County Health Center; or have a chest x-ray as directed by the health care provider;

(c) Purchase the University's Basic Limited group plan for health and accident insurance, meeting university minimum guidelines (F-1 students) or federal (J-1 students) minimum guidelines. All non-immigrant students must meet these guidelines; OR provide proof of major medical coverage by submission of an Insurance Waiver Form available at the International Admissions and Advising Office or Student Health Center.

(3) Western Oregon University will implement this policy according to the following processes:

(a) The Director of International Admissions and Advising will make students aware that major medical health and accident insurance is available for spouses and children and encourage them to purchase such insurance. This will be accomplished by mailing an information sheet along with the student's official admissions letter and adding the insurance fee to the school expense list on the Certificate of Eligibility (Form I-20). Subsequent notification may be sent from the International Admissions and Advising Office.

(b) The Student Health Center will evaluate each student's Health History Form for completeness and immunize students, as necessary.

(c) The Student Health Center will require a current tuberculin skin test or chest x-ray for each international student.

(d) The Student Health Center will issue each international student a valid health card, temporary or permanent, once the student's Health History Form and screening for tuberculosis are completed.

(e) All international students, full or part-time, will be automatically charged for the Western Oregon University student insurance plan and student health fee. An adequate insurance policy must be in effect every term that a student is in student status, including summer term, until the first day of fall term. Students who are not graduating or otherwise withdrawing spring term will have both spring and summer insurance charges posted to their account during fee payment of spring term.

(f) Students may purchase comparable insurance of their choice and have the WOU Group Plan charge removed from their account during the first 30 days of each term by submitting a waiver form and having it approved by the Director of International Admissions and Advising. A copy of the student's other insurance policy in ENGLISH will be required. Insurance waivers for other coverage must follow the exact dates covered by the WOU group insurance policy and must be in effect every term that a student is in student status, including summer term, until the first day of fall term.

(g) Dependents of international students will be required to show proof of insurance meeting the minimum university (F-1) or federal (J-1) guidelines.

(h) The Student Health Center will put a hold on registration for all international students until they have completed the requirements of this policy. After verifying that a valid health card has been issued and that appropriate health and accident insurance has been purchased, the Student Health Center will lift the hold on registration and allow the student to register.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 4-1989, f. & cert. ef. 9-7-89; WOU 1-1999, f. & cert. ef. 2-15-99; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-040-0001

### Student Records Policy

The State Board of Higher Education delegates the responsibility of enforcing the regulations required to maintain student records. The process provided by the university includes the collection of student information, its maintenance, use, and disposition. Such processes are consistent with the laws of Oregon and the Administrative Rules of the Board of Higher Education.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: OCE 3, f. & ef. 8-9-77; WOSC 5-1991, f. & cert. ef. 5-22-91; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-040-0010

### Purpose of Student Records

Only such records as are demonstrably and substantially relevant to the educational and related purposes of the institution, division, or department shall be generated or maintained. It will be the responsibility of university officials, that where applicable and required, confidentiality will be the primary effort in the proper custodianship of student records.

Stat. Auth.: ORS 351

Stats. Implemented: ORS 351.070

Hist.: OCE 3, f. & ef. 8-9-77; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-040-0015

### Certain Information Not Required of Students — General Information

No student will be required to give, although he may voluntarily provide, information as to his age, disability, marital status, national origin, race, religion, sex, sexual orientation or veteran status, except as required by state statute, federal law, or valid federal rules, regulations, or orders.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: OCE 3, f. & ef. 8-9-77; WOSC 5-1991, f. & cert. ef. 5-22-91; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-040-0020

### Location and Custody of Student Records

(1) The Registrar's Office is the location of so-called "official records" of the student: admissions information, transcripts, grade information, degrees conferred, etc.

(2) The Vice President for Student Affairs' Office is responsible for the custodianship of "personal records" and confidential information resulting from normal contacts of those offices.

(3) The Student Health and Counseling Center is responsible for the records of students in this area and is concerned primarily with information resulting from student contacts with this service.

(4) The Academic Departments maintain instructional records which pertain primarily to the records maintained by the instructional staff: grades, references.

(5) Career Services files consist of an accumulation of transcripts, references, etc., for the individual student using this service for the purpose of making contracts with prospective employers.

Stat. Auth.: ORS 351.070 & ORS 351.072

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: OCE 3, f. & ef. 8-9-77; WOSC 5-1991, f. & cert. ef. 5-22-91; WOU 3-2003, f. & cert. ef. 10-28-03

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## 574-040-0025

### Release and Access to Student Records

(1) Appropriate information about the student may be released without the student's consent. Such unrestricted access shall be limited to the following information:

- (a) Student's full name;
- (b) Home town;
- (c) The fact that the student is or has been enrolled in the university;
- (d) Parent(s) — Guardian(s) name;
- (e) Participation in officially recognized activities and sports;
- (f) Class level;
- (g) Program of study; and
- (h) Degrees and awards received.

(2) All other information in the student records, apart from directory information as defined in section (1) of this rule shall be considered personal and confidential and subject to the restrictions hereinafter set forth.

Stat. Auth.: ORS 351  
Stats. Implemented: ORS 351.070  
Hist.: OCE 3, f. & ef. 8-9-77; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-060-0005

### Rates

Western Oregon University administration sets ticket rates for athletic events at Western Oregon University. The general guidelines are listed below for the Committee:

(1) The charge is not to apply to any student enrolled at Western Oregon University at the time of the game, provided they can produce a valid student identification card.

(2) The range of the assessment may be from zero to \$10.

(3) The gross receipts, less collection expenses, are to be deposited in a separate account and to be used solely for the purpose of financing national travel for the various Western Oregon University athletic teams.

Stat. Auth.: ORS 351.070 & ORS 351.072  
Stats. Implemented: ORS 351.070 & ORS 351.072  
Hist.: OCE 2-1978, f. & ef. 10-27-78; WOSC 6-1991, f. & cert. ef. 6-18-91; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-060-0010

### Coverage for Health Insurance

(1) Western Oregon University is to coordinate the coverage for health insurance the athlete's family has with that of the University's secondary medical insurance program, which is financed from Incidental Fees provided for athletic programs and administrative expenses.

(2) Participants in the Western Oregon University athletic programs must place their family individual insurance program information on file with the Western Oregon University Athletic Office:

(a) Before receiving clearance to participate in any organized or athletic sponsored practice or drill; and

(b) Before any athlete is allowed to participate in any games or scrimmages.

(3) The essence of this co-insurance program is:

(a) The injured student will first utilize the primary family insurance;

(b) The portion not paid by the primary family insurance will be paid by Western Oregon University athletic insurance financed by Incidental Fees;

(c) The University's athletic insurance coverage will pay the remainder, up to the maximum coverage of \$100,000.

Stat. Auth.: ORS 351.070 & ORS 351.072  
Stats. Implemented: ORS 351.070  
Hist.: OCE 3-1978, f. & ef. 10-27-78; WOSC 6-1991, f. & cert. ef. 6-18-91; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-070-0010

### Student Activities Travel

(1) The Vice President for Student Affairs and his designee must approve, in advance, travel for student activities. Approval for travel will be based upon a review of how it is to be financed, program content, legal and policy compliance, and insurance coverage. If problems or unanswered questions exist following the review, the request for travel will be promptly returned to the planning organization for revision:

(a) A faculty or staff advisor must approve student travel activities in writing;

(b) The use of state vehicles is encouraged for institution-approved student travel to activities. It is understood, however, that on occasion, private vehicles will need to be used. Approval for the use of private vehicles must come from the Vice President for Student Affairs. Approval for use of private or leased vehicles will not be given unless sufficient insurance, including liability coverage (FASOM 7.7), is provided;

(c) The university is not responsible for student injuries or ailments occurring off campus at a time when the student is not participating in a university activity.

(2) Emergency Procedure. Should an accident occur, the travelers should telephone 503-838-9000 and inform the Office of Public Safety of the time, location, an estimate of number of people involved, and severity of injury and damage sustained. Public Safety will then immediately contact the Vice President for Business and Finance and the department chairman. The department chairman, in conjunction with the Vice President for Student Affairs, will be responsible for assessing family contacts to be made in case of any injured students.

(3) Special Equipment for and Responsibility of Travelers. State of Oregon Motor Pool vehicles (in Salem) will be equipped with safety belts for each passenger and first aid kits. Service station credit cards are part of the information packet in each vehicle. Traction devices are also included in motor pool vehicles.

(4) Hazardous Driving Conditions. In the event of severe weather and/or perilous driving conditions, the President or his designee (i.e., department chairman), is responsible for determining when a class or an event should be cancelled. When a traveler who is away from campus on university business encounters weather conditions too hazardous to risk driving, she/he has the responsibility to postpone travel until conditions once again become safe. This is especially true if a van with passengers is involved. On occasion the State Motor Pool in Salem closes and issues no further automobiles because of hazardous driving conditions.

Stat. Auth.: ORS 351  
Stats. Implemented: ORS 351.070  
Hist.: WOSC 1-1988, f. & cert. ef. 8-26-88; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-080-0010

### Persons in Charge

Western Oregon University recognizes its role under **20 U.S.C. 1092**, Higher Education Act of 1965 and the Crime Awareness and Campus Security Act of 1990. In the interest of preserving a safe and secure campus environment, orderly operations of the university and crime prevention activity, the Public Safety Office through the director and uniformed officers are authorized to direct unwanted persons from the campus and related state facilities and deliver related correspondence to persons prohibiting their entry and/or ordering them off the campus premises. Public Safety and its officers have the status of "person(s) in charge" of institution property and buildings while on duty for purposes of satisfying ORS 164.205(5) and the National Crime Awareness and Campus Security Act.

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 351.070 & ORS 351.072  
Stats. Implemented: ORS 351.070 & ORS 351.072  
Hist.: WOSC 3-1991, f. & cert. ef. 5-22-91; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-080-0020

### Arrest and/or Criminal Activities

Public Safety shall act as liaison and coordination between the University and local law enforcement for crimes and incidents that violate Oregon Revised Statutes. For purposes of this OAR, campus officers are not designated as peace officers and shall therefore coordinate with the Monmouth Police Department for matters relating to arrest or criminal activities within the geographical boundaries of Western Oregon University.

Stat. Auth.: ORS 351.070 & ORS 351.072  
Stats. Implemented: ORS 351.070 & ORS 351.072  
Hist.: WOSC 3-1991, f. & cert. ef. 5-22-91; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-085-0010

### Application of Motor Vehicle Laws of the State of Oregon and the City of Monmouth

(1) In order to facilitate the operation of campus traffic flow and parking lots of the University, the following rules and regulations are hereby established and are enforceable under authority provided by ORS 352.360.

(2) All motor vehicle laws of the State of Oregon including specifically, but not limited by, ORS chapters 801 through 822, together with amendments hereafter adopted, are applicable to the campus of Western Oregon University to the same extent as if this campus and its streets were public highways, and all provisions of said motor vehicle laws are applicable and enforceable. State motor vehicle laws shall apply should any of these parking rules and regulations be found inconsistent and incompatible.

(3) Western Oregon University, through the President and other administrative officers designated by her/him, is hereby authorized to place these rules and regulations into effect and to provide for the enforcement thereof through the appointment of peace officers, public safety officers and parking attendants, pursuant to ORS 352.360(5).

# ADMINISTRATIVE RULES

(4) The parking lots are for the use of faculty, staff, students, and guests of the Oregon University System. All persons -- faculty, staff, students, visitors and commercial representatives -- who park in University-owned permit parking lots must obtain and display a permanent or temporary permit or service permit. Vehicles cited for failure to display such permits are subject to penalty as assessed by the University. Western Foundation-owned property may be enforced upon request by the Western Foundation staff for those vehicles found in violation as defined in ORS 98.810-812.

Stat. Auth.: ORS 351.070 & ORS 352.072  
Stats. Implemented: ORS 351.070, ORS 351.072 & ORS 352.360  
Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-085-0020

### Definitions

(1) For the purpose of these regulations, the word "parked" means any vehicle which is stopped and/or waiting, regardless of the period of time the vehicle is stopped or whether a driver is present, except for vehicles immobilized by traffic control, congestion, or accident.

(2) The word "vehicle" or "motor vehicle" means any type of motor powered conveyance including, but not limited to, automobiles, trucks, motorcycles, mopeds and all methods of transportation on wheels where license registration is required by motor vehicle laws of Oregon.

(3) A "decal" is the permanent permit affixed to a vehicle as recognized by Parking Services.

(4) A "permit" is a valid decal, dangler or paper permit as recognized by Parking Services.

Stat. Auth.: ORS 351.070 & ORS 352.072  
Stats. Implemented: ORS 351.070, ORS 351.072 & ORS 352.360  
Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-085-0030

### Driver Responsibility

(1) All persons operating vehicles on the Western campus are responsible for knowing and adhering to the regulations stated herein. The regulations are enforced 24 hours a day, seven days a week, unless otherwise authorized and posted by Parking Services.

(2) The responsibility for locating a legal parking space rests with the operator of the motor vehicle. Lack of space is not a valid excuse for violating any Western parking regulation.

(3) Persons whose motor vehicles have broken down on campus property must immediately notify Public Safety. Major mechanical repairs to vehicles on campus property are prohibited. Abandoned or inoperable motor vehicles remaining on campus property for more than 72 hours may be removed at the owner's expense. Unlicensed vehicles parked on campus will be considered abandoned and subject to removal.

(4) Western assumes no liability for personal injuries, injuries to others, or for the care and/or protection of any vehicle or its contents while the vehicle is operated or parked on campus.

(5) The vehicle registrants or users are responsible for traffic violations on campus involving their vehicles. Failure to pay fines will result in fines being placed on accounts receivable, loss of parking privileges, vehicle immobilized or booted, and/or notification of the Oregon Department of Motor Vehicles when applicable.

Stat. Auth.: ORS 351 & ORS 352  
Stats. Implemented: ORS 351.070 & ORS 351.072  
Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-085-0040

### Vehicle Permits and Parking Areas

(1) All vehicles parked on the Western campus are required to display a recognized parking permit. Permits are not required at parking meters. Valid parking permits are required 24 hours per day, 6:00 a.m. Monday through 6:00 p.m. Friday. Permits are not required on Saturdays, Sundays and State recognized holidays except when classes are in session. Full year permits are valid from October 1 through September 30.

(2) All permits may be purchased at the Cashiers Office in the Administration Building. Guest permits are available at no charge in all department offices on campus.

(3) All permit prices are established in accordance with the Administrative Rule of the State Board of Higher Education, 580-040-0025. The cost of the permits is established to provide adequate funds to cover all operating and maintenance costs and meet bond debt service and reserve requirements. Parking Services is an auxiliary self-supporting enti-

ty and receives no financial support except through established parking fees. Permit fees may increase yearly based on the actual costs of operation, maintenance and debt service.

(4) Faculty and staff may pay for their primary and secondary permits by payroll deduction if arrangements are made between September 1 and October 1.

(5) Western recognizes a variety of parking permits, including but not limited to:

(a) "Day Permits" may be purchased for as many days as needed.

(b) "Weekly Permits" are valid for five (5) working days (Monday through Friday).

(c) "Monthly Permits" are valid through the same day of the following month.

(d) "Term Permits" are valid through the last day of the term for which purchased.

(e) "Full Year Faculty/Staff Decals" are valid in all parking lots except J and the section of lot N on Knox Street.

(f) "Full Year Student Commuter Decals" are valid in all parking lots except J and the section of lot N on Knox Street.

(g) "Full Year Student Residence Halls Decals" are valid in lots G and J only. Family Housing residents on Knox Street are required to have a FH decal displayed to park in the section of lot N on Knox Street. Family Housing decal permitted vehicles may park in lot M 24 hours a day as an overflow to lot N.

(h) "Motorcycle/Moped decals" are valid in marked motorcycle stalls only. If a motorcycle owner wishes to park in a regular stall they may obtain a staff, commuter or residence hall permit decal at the automobile rate.

(i) "Car Pool Dangler" is provided for two or more persons who share rides. It is valid only in the vehicle where it is displayed and only for the vehicles registered to the car pool.

(j) "Department of Public Safety Standards and Training Dangers" (DPSST) are issued to DPSST students, instructors and trainers and are valid in lot G only unless otherwise indicated on the permit.

(k) "Contractor Dangler" may be issued to contractors and/or businesses involved with construction, equipment repair, etc., on campus.

(l) "Emeritus/Volunteer Decals" are issued to emeritus faculty/staff and/or volunteers working on campus when approved and on file in Parking Services located within the Cashiers Office. The permit is a staff/faculty permit that is valid October 1 through September 30 annually. Volunteer permits are valid only when doing volunteer work for the University. Staff, faculty and students are not allowed to use volunteer permits to park on campus.

(m) "Conference, Workshop and Special Event" permits and parking rentals are available upon request from departments or sponsors for distribution to conference, workshop and special event guests. Such events include: workshops, theater events, sporting events, conferences, etc., where adjacent parking lot enforcement is temporarily terminated or permits issued to support the event. (The lot is rented for a predetermined rate.) Permit rates are calculated according to the number of participants and duration of the conference/event, dates, times and the type of user.

(n) "Temporary Disabled" permits for persons with mobility type injuries/illnesses will be issued for up to a week of time without a doctor's note. A doctor's note will be required for extended periods of time over one week. A valid permit is required on their vehicle. "Temporary Disabled" permit holders may use disabled parking stalls and parking meters without paying them on Western property.

(o) "Guest Permits" are valid for 24 hours from the time of issue and are available in all department offices. Fifteen (15) working days must elapse prior to issuing another guest permit for the same vehicle/person. Faculty, staff and students, and persons doing business on campus are not considered guests. Departments are responsible for providing a parking permit to their guests within 30 minutes of their arrival. Citations issued to guests for "no permit" after 30 minutes have elapsed will have the citation dismissed and the department will be responsible for the administrative fee for the actual cost of processing and dismissing the citation.

(p) "Secondary" decals may be purchased for an additional vehicle if a primary permit has been purchased by the same registered owner. Only one vehicle at a time is valid on Western lots. Loaner vehicle permits may not be used in the place of Secondary permits. Both vehicles must be registered through DMV to the permit holder or their parents.

(q) "Loaner Vehicle" permits may be obtained if a vehicle other than the permitted one is on campus. They are valid up to 15 days per year and may be obtained at the Cashiers Office. If 15 days are used on a loaner vehicle the permit holder may purchase a secondary permit. Loaner vehicle permits are only available after a primary permit has been purchased. If

# ADMINISTRATIVE RULES

additional days past the original 15 are used, the day permit charge will be placed on the requester's accounts receivable for each additional day that is requested.

(r) "Department Permits" may be purchased by departments in blocks of 20 permits, to be given away or sold at cost, and are valid for one day only.

(s) "OUS Permit" — Persons issued permits from the Oregon University System Board's Office may park in all parking lots except meters and reserved parking stalls.

(t) "Historical/Show Car Danglers" are available to historical or show car vehicles. The driver is required to produce a dash plaque from a car show as proof of historical or show car status. The dangler is valid only in the registered vehicle.

(u) "Car Dealer Dangler" is available to individuals who have a car dealer license and a copy of the license must be provided for validation. This dangler is valid on any vehicle. The dangler permit applicant will be responsible for any citations received on any vehicle displaying this dangler.

(6) Western reserves the right to develop or change permits to meet parking needs.

(7) "Government Vehicles" — Vehicles belonging to cities, municipalities, counties, states or federal government are not required to purchase a permit and may park in any recognized parking space, excluding reserved, meter, service vehicle or a parking stall for persons with disabilities.

(8) The Oregon Military Academy (OMA) parking lot designated as "Lot O" may be used by Western as campus parking under the same rules and regulations governing campus, with the following additions: No Western permitted vehicle may park in Lot O from 5:00 p.m. Friday through 8:00 a.m. Monday; no overnight residence hall parking. Citations issued to OMA guests will be handled administratively by the Oregon Military Academy.

(9) "Permit Refunds" are issued on a prorated basis for full year permits only (secondary, replacement and dangler permits are not refundable), and under the following conditions:

(a) If unused, unopened, and in the original package and returned within 10 days of the beginning of the term;

(b) Prorated for whole terms to include fall and winter terms;

(c) If returned prior to the first 10 days of spring term;

(d) All current permits must be returned in order to receive a refund;

(e) No refund if permit purchased through payroll deduction, pre-tax.

(10) "Parking Meters" are located in all major parking lots. Holders of valid permits may park at meters if the meter has valid time.

(11) The following are instructions for properly displaying a permit:

(a) "Decal Permits" are to be located on the left rear bumper or outside on the left rear window where visible, using the adhesive on the back of the decal.

(b) "Paper Permits" are to be located on the driver's side dash and fully visible to the outside.

(c) "Danglers" are to be displayed on the rear view mirror or driver's side dash and visible to the outside of front windshield.

Stat. Auth.: ORS 351.070 & ORS 352.072

Stats. Implemented: ORS 351.070, ORS 351.072 & ORS 352.360

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOSC 3-1996, f. & cert. ef. 12-11-96; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-085-0050

### Lost and Stolen Permits

(1) Permits which are lost or stolen must be reported immediately to Parking Services. They will be replaced for a replacement fee only if the person to whom the permit was originally issued signs an affidavit of loss. A Stolen Permit Report must be filed with the Public Safety Office if the permit has been stolen.

(2) Any vehicle appearing on campus with a permit listed in the Public Safety Office as lost or stolen will be booted or towed immediately upon discovery, and will be subject to a fine, towing and storage costs. Possession of a lost or stolen permit may be grounds for criminal charges and/or University disciplinary action, including revocation of parking privileges indefinitely.

(3) Vehicles bearing forged or altered permits are subject to a fine, criminal proceedings and/or discipline by the University. The car will be booted, impounded and/or towed immediately on discovery and all associated costs are the responsibility of the owner.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-085-0070

### Driving and Parking Regulations on Campus

(1) Persons driving or parking on campus are responsible to read, know, and adhere to Western driving and parking regulations.

(2) "Valid Permits" — All persons parked on campus lots must display a current recognized parking permit. Permits are required 24 hours per day Monday through Friday, excluding State holidays except when classes are in session. Vehicles with permits obscured or not clearly visible or displayed may be cited for "no permit."

(3) "Parking Availability" — Lack of or overabundance of parking spaces are not valid reasons for violating parking regulations.

(4) "Parking Stalls" — Vehicles must park within indicated parking spaces only. Parking in any area not designated as a parking stall is prohibited.

(5) "Secondary Permits" — Persons who have primary and secondary permitted vehicles may only have one vehicle on campus at a time.

(6) "Parking Enforcement" — All parking regulations are enforced 24 hours per day, seven days a week. No Permit, Expired Meter, and Wrong Lot are not enforced on Saturdays and Sundays.

(7) "Speed Limit" — Parking lot speed limit in all lots is 10 MPH unless otherwise posted.

(8) "Signage" — Persons driving or parking a vehicle are required to comply with all signs and pavement markings on campus parking lots and access roads and must drive in a safe and prudent manner. This includes fire lanes, crosswalks, lawns, loading zones, bike lanes, stop signs, and all other traffic control devices. (Enforcement officers will issue citations for these violations on University property.)

(9) "Fire Lanes and Driveways" — Vehicles parked in fire zones indicated by either a yellow curb or signage are in violation and may be subject to a citation or impoundment at the owner's expense.

(10) "Loading Zones/15/30 Minute Zones" are available throughout campus for the convenience of persons loading or unloading their vehicle. Maximum time allowed is 15 minutes. Thirty (30) minute zones are available in front of Heritage Hall. Maximum time allowed is 30 minutes. Permits are not required in 15/30 minute zones.

(11) Parking spaces for persons with disabilities — All parking lots meet or exceed the State requirements of ORS 447.233 for disabled parking availability. Violation of these statutes will result in a fine as specified in ORS 811.625. Persons with disabled placards, permits or license plates are required to purchase or have on their vehicles a valid Western parking permit.

(12) "Vehicle Impoundment" — Western reserves the right to boot and/or impound vehicles that: have three (3) or more unpaid citations or \$100 or more owed in unpaid parking citations; are parked in fire lanes, loading zones, entry ways or driveways that prevent the safe continual flow of pedestrian or vehicle traffic; cause imminent danger; have been abandoned in excess of 72 hours; have stolen or misused permits; and are being driven or are owned by persons in violation of criminal trespass and other Oregon Revised Statutes and authorized by a Western Administration level official who deems it in the best interest of the University. Release of a booted, towed or impounded vehicle will be made upon cash payment of all outstanding fines with Parking Services located within the Cashiers Office.

(13) "Recreational Vehicle" — R.V.'s and trailers are not authorized to park on campus overnight with the intent to reside in the vehicle, based on Monmouth City Ordinance 62.330.

Stat. Auth.: ORS 351.070 & ORS 352.072

Stats. Implemented: ORS 351.070, ORS 351.072 & ORS 352.360

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-085-0090

### Parking Review Committee

(1) The Parking Review Committee (PRC) shall act in an advisory capacity and is coordinated by the Telecommunications Coordinator or designee. The purpose of the committee is as follows:

(a) Provide recommendations to create or modify traffic policies and procedures on campus.

(b) Act as a quasi-judicial hearing body to arbitrate matters concerning enforcement, parking citations and traffic violations issued by Western officers.

# ADMINISTRATIVE RULES

(c) Provide recommendations to Parking Services that will enhance the ability of the office to meet campus needs and plan annual goals and objectives.

(d) Help facilitate system changes among the constituents on campus. Assist in making recommendations and changes in campus rules as they apply to parking lots, safety and system improvements.

(2) Parking Services policies related to personnel, organization, structure and fiscal decisions are not subject to Parking Committee Review and are the responsibility of the Vice President for Business and Finance and/or the President.

(3) During the academic school year, meetings shall be scheduled monthly and include written meeting minutes of all committee review recommendations and decisions. Generally an employee of the Business Office shall be present to act as staff to the committee.

(4) The Parking Review Committee will include members from the faculty, student body and full time classified staff. All members will be subject to final confirmation by the President or the President's designee.

(5) Each member of the Parking Review Committee will be appointed for a period of two years. Terms of office will be staggered to provide continuity.

(6) The Telecommunications Coordinator or designee, being responsible for the enforcement of these regulations, will be an ex-officio (non-voting) member of the PRC, serving as an advisor concerning parking problems on the campus.

Stat. Auth.: ORS 351.070 & ORS 352.072

Stats. Implemented: ORS 351.070, ORS 351.072 & ORS 352.360

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-085-0100

### Penalties for Offenses

(1) All fines are subject to annual change based on enforcement expenses. (Refer to OAR 574-050-0005 for amounts.)

(a) "No permit" — No valid permit visible in or on vehicle (7 a.m. - 5 p.m.)

(b) "No permit" — No valid permit visible in or on vehicle (5 p.m. - 7 a.m.)

(c) "Loading & 15/30 minute zones"

(d) "Fire Lanes and Driveways" — parked in marked or posted area

(e) "Misuse or altered permit" — altered, counterfeited, defaced, transferred to different vehicle, false vehicle information provided, misused

(f) "Expired Meter"

(g) "Parking on grass/sidewalks"

(h) "Failure to comply with signs" including traffic signs on institution property

(i) "Not a designated stall"

(j) "Wrong lot" — parked in other than designated lot

(k) "Permit not properly displayed/affixed to vehicle"

(l) "Vehicle Impoundment"

(m) "Parking in a space designated for persons with disabilities" (ORS 811.615(5))

(n) "Other" — including but not limited to parking in reserved spaces, or taking two spaces

(2) Failure to pay fines within 10 working days will result in a service charge.

(3) Vehicles receiving five or more citations may have their parking privileges revoked.

(4) Improper driving including, but not limited to, such offenses as: reckless driving, driving while intoxicated, speeding, driving the wrong way on a one way street, failing to stop at stop signs, driving on grass or landscaped areas, excessive noise, other offenses not specified herein which are violations of the motor vehicle laws and ordinances of the State of Oregon or the City of Monmouth. Violators are subject to prosecution in the appropriate state or municipal court or through the Student Conduct Court or Student Judicial Board.

(5) Persons with vehicles receiving a citation in a metered zone are subject to additional citations being issued when it is documented that the vehicle has not been moved in more than two hours.

(6) Persons with vehicles that have received a citation, and have not taken steps to correct the violation, are subject to additional citations.

(7) Vehicles that are in violation and have received a citation may not be issued an additional citation unless the driver of the vehicle is made aware of said violation.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-085-0110

### Enforcement and Appeals

(1) All penalties prescribed in 574-085-0050, other than violations referred to appropriate courts of law as provided in paragraph (4) will be administratively enforced by Western. A traffic citation of notice of offense, together with the scheduled fine, will be given to the violator or placed on the violator's vehicle.

(2) All appeals must be submitted within 10 working days from the date of the citation. Appeals submitted after 10 working days will not be considered for review/appeal unless the person can prove they are indigent, at which time the appeal date may be extended.

(3) The following types of reasons are not acceptable grounds for appeal:

(a) Lack of knowledge of the regulations, for example, "new to campus" or "did not read regulations;"

(b) Other vehicles were also parked improperly;

(c) Late to class or appointment;

(d) Disagreement with or inability to pay the amount of the fine(s);

(e) Lack of space;

(f) Unread or misunderstood signs.

(4) Fines for cited violations shall be paid to the Western Business Office, unless otherwise indicated on the citation, in the amount of the fine posted, and a "Petition for Parking Citation Appeal" filed within 10 working days after the citation is issued.

(5) Any person wishing to appeal a citation must prepare a "Petition for Parking Citation Appeal" for a hearing, indicating why the citation should not be enforced. Petition forms are available at Parking Services located within the Cashiers Office in the Administration Building. The citation must be paid and the form filed within 10 working days of citation issuance. Staff, faculty, and students may have the citation charge placed on their account in lieu of paying by cash or check. Payment of the citation(s) must accompany the appeal before it will be reviewed for persons other than staff, faculty, and students. Those appeals received in writing that do not indicate a desire to appear before the Parking Review Committee (PRC) will be handled administratively by Telecommunications Coordinator or designee.

(6) A person appealing the citation must appear before the PRC to present his/her case. In the event a person is unable to appear before the PRC, the appeal will be reviewed in his/her absence.

(7) In considering appeals, the PRC will have full authority to:

(a) Dismiss the violation (excluding handicap violations);

(b) Find the individual not guilty of the violation on the citation;

(c) Find the individual guilty of the violation and either impose the fine stipulated in these regulations or impose a lesser fine;

(d) Enter a finding of guilty and, without imposing a fine, issue a reprimand or warning, or impose a fine but suspend its payment during a fixed probationary period.

(e) Find the individual guilty of the violation and reduce the fine to an administrative fee for dismissing the citation.

(8) A student who fails to pay for a violation on or before 10 working days after citation issuance will have a service charge added to their accounts receivable and forfeit the right of appeal unless extenuating circumstances arise where a person can prove they had no knowledge of the issued citation.

(9) The student's registration packet and enrollment may also be withheld if any penalties under these regulations remain unpaid at the time of registration.

(10) A faculty or staff member who fails to pay for any citation within 10 working days will have a service charge placed on accounts receivable and will forfeit their right to appeal. Staff at the Department of Public Safety Standards and Training (DPSST) who fail to pay fines will forfeit their parking privileges and/or have the issue deferred to the director of DPSST.

(11) If a guest receives a citation for "no permit," it may be waived if Parking Services is notified immediately and there are extenuating circumstances where the guest was not aware of the permit requirements. The person must demonstrate proof of being a guest and had no knowledge of parking regulations.

(12) A person receiving a citation for "no permit" may have it dismissed if a full year primary permit is purchased within 10 working days of citation issuance. Only one citation may be dismissed per person per year.

# ADMINISTRATIVE RULES

(13) Departments which have guests, visitors, speakers, etc., are required to have parking permits for their guests upon arrival. In the event a citation is issued to a department guest, the Cashiers Office will defer the citation to the department.

Stat. Auth.: ORS 351.070 & ORS 352.072

Stats. Implemented: ORS 351.070, ORS 351.072 & ORS 352.360

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOSC 3-1996, f. & cert. ef. 12-11-96; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-085-0120

### Permit Types

(1) Permit prices may be adjusted annually to meet bond indebtedness, staffing needs, maintenance, capital improvements and forecasted revenue adjustments. The following permits have associated permit costs. Refer to OAR 574-050-0005 for amounts. Faculty/Staff, Student Commuter, Residence Hall, Motorcycle, Moped and Scooter decal:

- (a) Full year permit
- (b) Three term permit (Winter-Summer)
- (c) Two term permit (Spring-Summer)
- (d) Summer term permit
- (2) Replacement permits
- (3) Second vehicle permit
- (4) Daily permit (dangler per day)
- (5) Weekly permit
- (6) Monthly permit
- (7) Term permit

**NOTE:** The second permit is for the convenience of those persons who may periodically be driving a different vehicle. Only one vehicle is valid on Western parking lots at a time. Violation of this rule will result in both vehicles being cited for misuse of a permit. Both vehicles must be registered through DMV to the permit holder or their parents.

(8) Conference parking arrangements can be made by the conference planner through Parking Services.

(9) Certificate of Dismissal — Every vehicle receiving a citation for “no permit” or “expired meter” will receive a certificate of dismissal that entitles the vehicle driver to purchase a full year primary permit in lieu of paying the fine. The certificate also allows guests receiving a citation for “no permit” to have the citation dismissed if information can be provided indicating they were not aware of the parking regulations. Certificates of dismissal are not valid for secondary or replacement permits. Only one dismissal per person per year will be issued.

Stat. Auth.: ORS 351.070 & ORS 352.072

Stats. Implemented: ORS 351.070, ORS 351.072 & ORS 352.360

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-085-0130

### Nonpayment of Fines

(1) A student who fails to tender payment in full to the University for any parking violations received, or fails to appeal as specified on or before the date specified in the traffic citation, will have the fine deducted from any credits/refunds and may be subject to vehicle boot or tow.

(2) Students may have their transcripts withheld or may have their registrations canceled or may be denied graduation if any fines or fees under these regulations are unpaid.

(3) A faculty or staff member who receives a parking citation will have the fine posted to the accounts receivable system at the Business Office.

(4) Drivers of vehicles bearing forged, altered or stolen permits, may be denied parking privileges for a period of one year. Six or more violations resulting in non-payment of citations in a fiscal year may cause for forfeiture of a parking permit. Failure to forfeit a parking permit or to comply with the instructions against driving a vehicle within the boundaries of the University campus may result in the violator’s vehicle being towed or booted.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070 & ORS 351.072

Hist.: WOSC 1-1992, f. & cert. ef. 4-16-92; WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-090-0000

### Purpose Statement

Western Oregon University has established this rule to inform the general public of the University’s policies and procedures involving access to student housing.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-090-0010

### Family Housing Definitions

(1) “Family Housing” refers to all apartments operated by Western Oregon University which are rented specifically and only to students who qualify under these rules to rent such apartments, including all grounds and buildings used by said tenants and/or University Residences staff in the operation and administration of the Family Housing program.

(2) “Family” is a couple recognized as legally married under Oregon law, whether or not with dependent child/children, or an unmarried person with legal custody of dependent child/children; the components of the family unit must reside together.

(3) “Dependent” is anyone meeting the dependent definitions as outlined in the Internal Revenue Code.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-090-0020

### Family Housing Access Qualifications

A student is eligible to apply for and maintain residence in family housing if the student:

(1) Is admitted to Western Oregon University with full time status and in good standing;

(2) Is a member of a “family as defined in OAR 574-090-0010 and who agrees to supply to the University custody papers, birth certificates, marriage license, letters of admission, and other relevant documents as required;

(3) Has executed the housing contract.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-090-0030

### Family Housing Space Assignment

Family housing space is assigned:

(1) On a first-come, first-served basis to any student meeting the Family Housing Access Qualifications outlined in OAR 574-090-0020;

(2) As vacancies become available.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-090-0050

### Residence Hall Eligibility

(1) During the regular academic year, room assignments are contingent upon the applicant being accepted for admission to the University.

(2) The applicant must be registered as a full time student in good academic standing to remain eligible to live in the residence halls.

(3) Priority for room assignments will be as follows:

(a) First priority is given to first-year-out-of-high school freshman applicants based upon the date the application and required fee are received by the WOU University Residences Office;

(b) Second priority is given to currently housed residents returning for an additional year who have signed up for a room during the advertised period; and

(c) Third priority is given to other new resident applicants based upon the date the application and required fee are received by the WOU University Residences Office.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-090-0060

### Residence Hall Housing Contract

(1) Each applicant for residence hall accommodations shall be required to sign a Housing Contract before occupying a room.

(2) Upon petition, a resident may be released from their Housing Contract without a penalty, at the discretion of the University. The criteria used in the exercise of such discretion includes:

(a) Health reasons, verified by a licensed physician and/or Western’s Student Health Services;

(b) Marriage; upon receipt of a copy of the marriage certificate;

(c) Student teaching, practicums and other University academic programs requiring the student to live in another community;

(d) A qualifying replacement is found to take over the contract, i.e., a student who meets the eligibility requirement and who has not previously contacted the WOU University Residences Office to make arrangements to live in the residence halls.

Stat. Auth.: ORS 351 & ORS 352



# ADMINISTRATIVE RULES

Stats. Implemented: ORS 351.070  
Hist: WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 3-2003, f. & cert. ef. 10-28-03

## 574-095-0010

### Revolving Charge Account Plan

(1) Purpose Statement: Western Oregon University has established this rule to inform the general public of the University's policies governing its use of revolving charge accounts for all receivables due the university as permitted by OAR 580-040-0041.

(2) Eligibility: The following are eligible to participate in the Revolving Charge Account Plan:

(a) Current and past students, faculty and staff;

(b) Any other person or entity who incurs charges, fines, or penalties at Western Oregon University, including but not limited to library fines, parking fines, facility rental charges, program user charges, and lease agreements.

(3) Terms and Conditions: The terms and conditions of the Plan are set out in the document entitled, **Western Oregon University Revolving Charge Account Plan**, dated June 1994, which is hereby incorporated by reference into this permanent rule.

(4) Plan Participation: Participants in the Plan shall sign an agreement to abide by the terms and conditions of the Plan, including repayment as required thereby, provided that participants incurring debts arising from fines, penalties, and the like are not required to sign an agreement. A participant's acceptance of credit or a decision not to pay cash contemporaneously with a transaction shall obligate the participant to all of the terms and conditions of the Plan, even if the participant fails to sign an agreement.

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

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist: WOSC 1-1994, f. & cert. ef. 8-12-94; WOU 3-2003, f. & cert. ef. 10-28-03

## Parks and Recreation Department Chapter 736

**Adm. Order No.:** PRD 10-2003

**Filed with Sec. of State:** 10-17-2003

**Certified to be Effective:** 10-17-03

**Notice Publication Date:** 9-1-03

**Rules Amended:** 736-010-0099

**Subject:** Establishes authority of the Director of the Oregon Parks and Recreation Department to waive or grant exceptions to fee and deposits related to use of state park facilities. Provides for the collection of transaction fees for reservation services. Establishes rules for taking customer reservations of state park facilities.

**Rules Coordinator:** Angie Springer—(503) 378-5516

## 736-010-0099

### Reservations

(1) Purpose: Based on the Oregon Parks and Recreation Department's goal to promote outdoor recreation in Oregon a reservation program was established to increase visitor use of state parks and facilities. The Director may designate that reservations be accepted for specific park facilities to enhance visitor access and promote department financial self-sufficiency by maximizing the use of park areas and facilities. The reservation service is offered through a centralized call center service and through the Internet. The reservation function is managed through the department's reservation program known as Reservations Northwest.

(2) General Regulations:

(a) Reservations will be accepted for specific facilities as defined in the department's operating procedures. All reservations will be processed through the reservation service unless otherwise exempted in the department's operating procedures.

(b) Reservations can be made a minimum of two days and a maximum of nine months prior to the requested arrival date.

(c) Customers must be 18 years of age or older.

(d) Reservations for Americans with Disabilities Act (ADA) accessible campsites will be made for persons who qualify.

(e) Reservations made for multiple parks for the same date range under one customer name is prohibited.

(f) Boat slip reservations (where available) must be accompanied by another facility reservation.

(g) Split reservations will be allowed to accommodate customers. A split reservation is defined as a stay at a park made for one customer for one continuous date range that requires a mid-stay move from one site to another. One split reservation shall be allowed per reservation.

(h) Customer requests to change or cancel an existing reservation, or access to information associated with a reservation can only be made by the person whose name appears on the original reservation request or their designee (as documented in the original reservation).

(i) Specific customer information regarding confirmed reservations will not be released to the public in general as defined in ORS 192.501 and 192.502.

(j) Customer information will be made available upon written request in compliance with ORS 192 and department policy.

(3) Transaction Fees and Deposits:

(a) A \$6.00 non-refundable transaction fee will be charged for each reservation made through the reservation call center or the Internet reservation service.

(b) A deposit fee is defined as the rate charged for one night/day use of a facility. All reservations require a deposit fee in addition to the non-refundable transaction fee. All fees are due at the time the reservation is made.

(c) Express Check-In (where available) allows those customers making a reservation and paying in full for the duration of their stay for individual tent, electrical or full hook-up campsites to expedite the check-in process upon arrival at the park.

(d) Customers may use a valid credit card (VISA or MasterCard) or bank debit card with a VISA or MasterCard logo to secure a reservation. Customers may also pay by personal check, money order, certified check, or travelers check (in U.S. funds). Payment must be received within five calendar days of making the reservation. If payment is not received within this time frame, the reservation will be cancelled. The customer remains responsible for the \$6.00 transaction fee for each reservation request.

(e) If a check is returned to the agency from the banking institution for any reason or if a bankcard is declined, an attempt will be made to contact the customer. Inability to resolve the payment dispute will result in a reservation cancellation. The customer will remain responsible for the \$6.00 transaction fee.

(f) Government agencies and non-profit agencies may request to be invoiced for services. Non-profit agencies must have a 5012 exempt status filed with the US Department of Internal Revenue Service. Reservations must be made 30 days prior to arrival and payment must be received within 25 days of the date the reservation is made. If payment is not received the reservations will be cancelled and the agency will be billed for the \$6.00 transaction fee for each reservation request.

(g) Outstanding account balances must be paid prior to making future reservations.

(4) Reservation Cancellations:

(a) General: A reservation cancellation is defined as when the customer with a reservation calls to request that the reservation be canceled and ends the call with no reservation. Customers canceling reservations three calendar days or more prior to their arrival date may cancel by calling Reservations Northwest. An automated reservation cancellation voice mail system will be available seven days a week, twenty-four hours a day. Customers may also cancel a reservation through Email by accessing the department's web site and following the posted cancellation procedures. The web site will normally be available seven days a week twenty-four hours a day. The customer must contact the specific park to cancel reservations with an arrival date that is two calendar days or less from the current date.

(b) Reservation cancellations for individual campsites, rustic cabins and yurts, tepees, camper wagons, and boat moorages must be cancelled three or more calendar days prior to arrival in order to receive a refund of the facility deposit. If the cancellation is not received three or more days in advance of the arrival date, the deposit fee will be forfeited.

(c) Reservation cancellations for deluxe cabins and yurts, group camps, day use areas, meeting halls, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, Shore Acres Garden House, Pavilions, RV Group Areas and other special facilities as defined in department operating procedures must be cancelled at least one month prior to arrival in order to receive a refund of the facility deposit. If the cancellation is not received one month or more in advance of the arrival date, the deposit fee will be forfeited.

(5) Reservation Changes:

(a) General: A \$6.00 non-refundable transaction fee will be charged for each reservation change. A reservation change is defined as a modification to an existing reservation to change the arrival or departure dates, a complete change to reservation dates, or to change the type of site from the original request. Requests to change a confirmed reservation may be made by contacting Reservations Northwest during normal business hours

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Monday through Friday. Customers may also request to change a reservation through Email by accessing the agency web site and following the posted reservation change procedures. The web site will normally be available seven days a week twenty-four hours a day.

(b) Changes cannot be made to reservations with an arrival date greater than eight months. The specific park may only cancel reservations with an arrival date that is two days or less from the current date.

(c) Reservation change requests for campsites, rustic cabins and yurts, tepees, camper wagons, horse camps, and boat moorages must be made more than three days from the current date. Reservation change requests with an arrival date of three days or less of the current date will be treated as a cancellation and cancellation rules will apply. Customers may request a new reservation once the existing reservation has been cancelled.

(d) Requested reservation changes for deluxe cabins and yurts, group camps, day use areas, meeting halls, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, Shore Acres Garden House, Pavilions, RV Group Areas, and other special facilities as defined in department operating procedures must be changed at least one month prior to arrival date. Reservation change requests with an arrival date of less than one month from the current date will be treated as a cancellation and cancellation rules will apply. Customers may request a new reservation once the existing reservation has been cancelled.

(6) Fee Waivers:

(a) General: For promotional purposes, special recognition or to ensure access to state parks the Director of the Oregon Parks and Recreation Department, at the direction of the Parks and Recreation Commission, may grant exceptions to fees and facility deposits.

(b) Specific Fee Waivers for individual tent, electric or full hook-up campsites only:

(A) The facility deposit fee is waived for reservations commencing on State Parks Day (first Saturday of June). All other fees will be enforced.

(B) The facility deposit fee will be waived for persons certified to maintain a Foster Home, a Relative Home for Children or a Foster Home for Children With Developmental Disabilities as provided in OAR 736-010-098 and ORS 183.310 to 183.550. The fee waiver is limited to the first two campsites. All other fees apply.

(C) The facility deposit fee will be waived for disabled veterans or active duty military personnel on leave as provided in ORS 390.124 for reservations commencing on Memorial Day, Fourth of July or Veterans Day. All other fees apply.

(D) The \$6.00 non-refundable transaction fee is not included in the fee waiver and must be paid at the time the reservation is made.

(E) Reservations made on the Internet are not eligible for fee waivers.

(7) Customers may make refund requests under the following circumstances.

(a) The reservation fee may be refunded when a reservation error has been made by OPRD.

(b) The advance payments may be refunded and the cancellation/change rules waived when requested by the customer due to the following emergency situations:

(A) Emergency vehicle repair creating a late arrival or complete reservation cancellation; or

(B) A medical emergency creating a late arrival or complete reservation cancellation.

(C) Acts of Nature that create dangerous travel conditions.

(c) The Director or his/her designee may approve a refund under other special circumstances.

(d) All requests for refunds listed above must be sent in writing to the department via email, fax or by surface mail to be considered for a refund.

(e) Refunds for specific site or park closures will result in an automatic refund, no written request is required.

(8) Reservations to Accommodate Organized Groups:

(a) General: To promote the use of facilities by groups and to bring efficiencies to the group reservation process, the Director may offer group camping to customers reserving multiple tent, electrical or full hook-up campsites.

(b) To assist groups with multiple site reservations, only one transaction fee will be charged for the group when the sites are reserved together. A deposit fee equal to the first night's site fee for each campsite will be required at the time the reservation is made.

(c) Customers must reserve a minimum of five individual campsites during Discovery Season (October 1 - April 30) or ten individual campsites during the Prime Season (May 1 - September 30) to qualify for group camping benefits.

(d) A transaction fee of \$6.00 will be charged for each site cancellation or change made to the group reservation.

(e) All remaining campsite fees must be paid 30 calendar days before the reservation arrival date. Reservations made less than 30 calendar days prior to the arrival date must be paid in full at the time the reservation is made.

(f) Reservations made on the Internet are not eligible.

(g) The group may reserve a meeting hall (where available) for one day's free use when the minimum number of sites are reserved and used. The meeting hall may be reserved for additional days at the normal rental rate.

(h) Special facilities such as deluxe cabins and yurts, rustic cabins and yurts, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, and other special facilities as defined in department operating procedures are not included in the group camping program.

(i) Groups must make reservations at least 10 days prior to arrival date to qualify for group camping benefits.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, ORS 390.121 & ORS 390.124

Hist.: PR 3-1996, f. & cert. ef. 5-13-96; PRD 10-2003, f. & cert. ef. 10-17-03

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**Adm. Order No.:** PRD 11-2003

**Filed with Sec. of State:** 11-7-2003

**Certified to be Effective:** 11-7-03

**Notice Publication Date:** 9-1-03

**Rules Amended:** 736-018-0045

**Subject:** ORS 390.180(1)(c) requires the Director of the Oregon Parks and Recreation Department (Oregon Parks and Recreation Department) to adopt administrative rules that establish a master plan for each state park. Accordingly, Oregon Parks and Recreation Department is adopting a new master plan for Detroit Lake State Park. The master plan responds to the most current information on the park's resource conditions and public recreation needs as they pertain to the parks. Master plans for state parks are adopted as state rules under OAR 736-018-0045 The purpose of amending OAR 736-018-0045 is to adopt as state rule the master plan for Detroit Lake State Park.

**Rules Coordinator:** Angie Springer—(503) 986-0719

## 736-018-0045

### Adopted State Park Master Plan Documents

(1) The following state park master plan documents have been adopted and incorporated by reference into this division:

(a) Fort Stevens State Park Master Plan, as amended in 2001;

(b) Cape Lookout State Park;

(c) Cape Kiwanda State Park, renamed as Cape Kiwanda State Natural Area;

(d) Nestucca Spit State Park, renamed as Robert Straub State Park;

(e) Jessie M. Honeyman State Park;

(f) Columbia Gorge Management Unit Master Plan, including: Rocky Butte State Scenic Corridor, Lewis and Clark State Recreation Site, Dabney State Recreation Area, Portland Womens' Forum State Scenic Viewpoint, Crown Point State Scenic Corridor, Guy W. Talbot State Park, George W. Joseph State Natural Area, Rooster Rock State Park, Shepperd's Dell State Natural Area, Bridal Veil Falls State Scenic Viewpoint, Dalton Point State Recreation Site, Benson State Recreation Area, Ainsworth State Park, McLoughlin State Natural Area, John B. Yeon State Scenic Corridor, Bonneville State Scenic Corridor, Sheridan State Scenic Corridor, Lang Forest State Scenic Corridor, Lindsey Creek State Scenic Corridor, Starvation Creek State Park, Viento State Park, Wygant State Natural Area, Vinzenz Lausman Memorial State Natural Area, Seneca Fouts Memorial State Natural Area, Koberg Beach State Recreation Site, Memaloose State Park, and Mayer State Park;

(g) Molalla River State Park;

(h) Champoeg State Park;

(i) Willamette Mission State Park;

(j) Cascadia State Park;

(k) Elijah Bristow State Park;

(l) Cove Palisades State Park Master Plan, as amended in 2002;

(m) Silver Falls State Park Master Plan, as amended in 1999;

(n) Curry County State Parks Master Plan, including: Floras Lake State Park, renamed as Floras Lake State Natural Area; Cape Blanco State Park; Paradise Point Ocean Wayside, renamed as Paradise Point State Recreation Site; Port Orford Heads Wayside, renamed as Port Orford Heads

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State Park; Humbug Mountain State Park; Otter Point Wayside, renamed as Otter Point State Recreation Site; Cape Sebastian State Park, renamed as Cape Sebastian State Scenic Corridor; Otter Point Wayside; Port Orford Cedar Forest Wayside, renamed as Port Orford Cedar Forest State Scenic Corridor; and Buena Vista Ocean Wayside; Pistol River State Scenic Viewpoint; Samuel H. Boardman State Scenic Corridor; Harris Beach State Recreation Area; McVay State Recreation Site; Winchuck State Recreation Site; Crissey Field State Recreation Site; Alfred A. Loeb State Park;

(o) Hat Rock State Park Master Plan, renamed as Hat Rock State Recreation Area;

(p) Deschutes County State Parks, including: La Pine and Tumalo State Parks; Cline Falls, renamed as Cline Falls State Scenic Viewpoint; and Pilot Butte, renamed as Pilot Butte State Scenic Viewpoint;

(q) Sunset Bay District Parks, including: Umpqua Lighthouse State Park; William M. Tugman State Park; Yoakam Point State Park, renamed as Yoakum Point State Natural Site; Sunset Bay State Park; Shore Acres State Park; and Cape Arago State Park;

(r) Bullards Beach District Parks, including: Seven Devils State Wayside, renamed as Seven Devils State Recreation Site; Bullards Beach State Park; Bandon Ocean Wayside, renamed as Face Rock State Scenic Viewpoint; and Bandon State Park, renamed as Bandon State Natural Area;

(s) Tillamook County Coastal State Parks, including: Oswald West State Park; Nehalem Bay State Park; Cape Meares State Park, renamed as Cape Meares State Scenic Viewpoint; Neahkanie-Manzanita State Wayside, renamed as Neahkanie-Manzanita State Recreation Site; Manhattan Beach State Wayside, renamed as Manhattan Beach State Recreation Site; Rockaway Beach State Wayside, renamed as Rockaway Beach State Recreation Site; Twin Rocks State Wayside, renamed as Twin Rocks State Natural Site; Oceanside Beach State Wayside, renamed as Oceanside Beach State Recreation Site; and Neskowin Beach State Wayside, renamed as Neskowin Beach State Recreation Site;

(t) Beverly Beach District Parks South, including: Boiler Bay State Park, renamed as Boiler Bay State Scenic Viewpoint; Rocky Creek State Wayside, renamed as Rocky Creek State Scenic Viewpoint; Otter Crest State Wayside, renamed as Otter Crest State Scenic Viewpoint; Devil's Punchbowl State Park, renamed as Devil's Punchbowl State Natural Area; Beverly Beach State Park; Agate Beach State Wayside, renamed as Agate Beach State Recreation Site; and Ellmaker State Park, renamed as Ellmaker State Wayside;

(u) Smith Rock State Park;

(v) Collier District Parks, including: Booth State Wayside, renamed as Booth State Scenic Corridor; Chandler State Wayside; Collier Memorial State Park; Goose Lake State Recreation Area; Jackson F. Kimball State Park, renamed as Jackson F. Kimball State Recreation Site; and Klamath Falls-Lakeview Forest Wayside, renamed as Klamath Falls-Lakeview Forest State Scenic Corridor;

(w) Banks-Vernonia State Park, renamed as Banks-Vernonia State Trail;

(x) Sumpter Valley Dredge State Park, renamed as Sumpter Valley Dredge State Heritage Area; and

(y) Illinois River Forks State Park.

(z) Wallowa County State Parks Master Plan, 2000.

(aa) Master Plan for a Proposed New State Park in Washington County, currently unnamed, 2001.

(bb) Master Plan for Clay Myers State Natural Area at Whalen Island, 2003.

(cc) South Beach State Park Master Plan, 2003.

(dd) Prineville Reservoir Resource Management Plan/Master Plan, 2003.

(ee) Detroit Lake State Park Master Plan, 2002.

(2) The master plan documents which have been incorporated by reference into this division are available from the State Parks and Recreation Department, 1115 Commercial Street NE Suite 1, Salem OR 97301-1002.

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

Stat. Auth.: ORS 390.180(1)(c) & ORS 390.124

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

Hist.: PRD 9-1998, f. 7-29-98, cert. ef. 7-31-98; PRD 4-1999, f. & cert. ef. 5-14-99; PRD 9-2000, f. 6-14-00, cert. ef. 7-1-00; PRD 1-2001, f. & cert. ef. 2-1-01; PRD 5-2001, f. & cert. ef. 6-29-01; PRD 6-2001, f. & cert. ef. 9-6-01; PRD 3-2002, f. & cert. ef. 3-22-02; PRD 2-2003, f. & cert. ef. 2-27-03; PRD 3-2003, f. & cert. ef. 2-27-03; PRD 5-2003, f. & cert. ef. 7-8-03; PRD 9-2003, f. & cert. ef. 10-13-03; PRD 11-2003, f. & cert. ef. 11-7-03

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## Public Utility Commission Chapter 860

Adm. Order No.: PUC 19-2003

Filed with Sec. of State: 11-14-2003

**Certified to be Effective:** 11-14-03

**Notice Publication Date:** 9-1-03

**Rules Adopted:** 860-033-0006, 860-033-0007, 860-033-0008, 860-033-0009

**Rules Amended:** 860-033-0005, 860-033-0010, 860-033-0030, 860-033-0045, 860-033-0050, 860-033-0505, 860-033-0530, 860-033-0535, 860-033-0536, 860-033-0537, 860-033-0545

**Subject:** This rulemaking updates RSPF terminology, clarifies the billing and report periods for providers to submit RSPF revenue and reports, and adopts language similar to the Oregon Universal Service Fund rules on penalties for failing to submit billing and reports for the RSPF surcharge remittance. Clarifications are made for OTAP and Link Up America services, including when information can be released to the provider, Department of Human Services and legal guardians and requires Link Up America applications to go through the PUC. It stipulates the length of time TDAP recipients may receive equipment for trial purposes, clarifies when a TDAP recipient may be liable for damages to their equipment, clarifies procedures for determining Oregon residency.

**Rules Coordinator:** Lauri Salisbury—(503) 378-4372

### 860-033-0005

#### Residential Service Protection Fund Definitions

For the purpose of this division:

(1) "Basic Service" means "basic telephone service" as defined in OAR 860-032-0190(2). For qualifying low-income recipients, basic service also includes access to toll-limitation services.

(2) "Eligible Telecommunications Provider" means a provider of telecommunications service, designated as such by the Commission to receive universal service support throughout the service area for which the designation is received, who meets the following criteria:

(a) The telecommunications provider must offer the services supported by the federal universal service fund under 47 CFR Section 54.101 as adopted by the FCC on May 8, 1997, in CC Docket 96-45, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications provider throughout the service area;

(b) The telecommunications provider must advertise the availability of such services and the charges thereof using a medium of general distribution

(c) A cellular, wireless, or other radio common carrier is eligible for designation as an "eligible telecommunications provider" for purposes of the Residential Service Protection Fund program.

(3) "Local Exchange Service" means a "local exchange telecommunications service" as defined in ORS 759.005(1)(c).

(4) "Monthly Billing" means the billing period between the first day and last day of a calendar month.

(5) "Oregon Telephone Assistance Program (OTAP)" means a program established by the Commission that offers reduced local exchange rates to eligible low-income residential customers.

(6) "Outstanding Accounts" means amounts owing to the Commission including, but not limited to, current accounts receivable and accounts, which the Commission has written off through appropriate legal procedures. The term does not include amounts owing to the Commission, which have been lawfully discharged through bankruptcy proceedings or amounts that are the subject of a proceeding pending before the Commission.

(7) "Quarterly Billing" means the billing periods for the four quarters in each calendar year, which are January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.

(8) "Residential Service Protection Fund (RSPF)" means a legislatively approved fund in the Oregon State Treasury.

(9) "RSPF Surcharge" means a specified amount up to 35 cents per month against each paying retail subscriber who has telecommunications service with access to the telecommunications relay service:

(a) The RSPF surcharge shall be applied on a telecommunications circuit designated for a particular subscriber. One subscriber line shall be counted for each circuit that is capable of generating usage on the line side of the switched network regardless of the quantity of customer premises equipment connected to each circuit. For providers of central office based services, the surcharge shall be applied to each line that has unrestricted connection to the telecommunications relay service. These central office

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based service lines that have restricted access to the Oregon Telecommunications Relay Service (OTRS) shall be charged based on software design. For cellular, wireless, or other radio common carriers, the surcharge shall be applied on a per-instrument basis.

(b) The RSPF surcharge does not apply to interconnection between telecommunications utilities, telecommunications cooperatives, competitive telecommunications providers certified pursuant to ORS 759.020, radio common carriers, and interexchange carriers or other services exempt by the Constitution or laws of the United States or the State of Oregon.

(c) The Commission annually shall review the surcharge rate and the balance in the Residential Service Protection Fund and may adjust the amount of the surcharge to ensure the fund has adequate resources but does not exceed six months of projected expenses. The annual review by the Commission shall take place every January.

(10) "Remittance Report" means the RSPF remittance report completed on a form provided by the Commission.

(11) "Toll Limitation Service" means a service provided by eligible telecommunications providers that allows OTAP recipients to elect not to allow the completion of outgoing toll calls from their telecommunications circuits (toll blocking) or to specify a certain toll usage that may be incurred under their telecommunications circuits per month or per billing cycle (toll control).

(12) In computing any period of time prescribed or allowed by these rules, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the time period shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event the time period runs until the end of the next day which is not a Saturday or a legal holiday. Legal holidays are those identified in ORS 187.010 and 187.020.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 7-1995(Temp), f. & cert. ef. 8-17-95 (Order No. 95-860); PUC 14-1995, f. & cert. ef. 12-20-95 (Order No. 95-1328); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 18-2000, f. & cert. ef. 10-24-00; PUC 4-2001, f. & cert. ef. 1-24-01; PUC 19-2003, f. & cert. ef. 11-14-03

## 860-033-0006

### Monthly and Quarterly RSPF Surcharge Remittance Reports and Fees

(1) Each telecommunications provider shall submit the RSPF remittance report and surcharge fees each billing period. The remittance report and surcharge fees are due on the 21st calendar day after the close of each monthly or quarterly billing period. The telecommunications provider shall send the remittance report and surcharge fees to the RSPF manager at the Commission.

(a) Each telecommunications provider who has 1,000 or more customers shall collect and submit the RSPF surcharge fee and remittance report monthly.

(b) Each telecommunications provider who has fewer than 1,000 customers shall collect the RSPF surcharge fee and submit the remittance report either monthly or quarterly at the telecommunication provider's discretion.

(2) Each telecommunications provider shall submit the remittance report and surcharge fee with no exceptions. If the surcharge collected is \$0.00, the telecommunications provider shall still submit a monthly or quarterly remittance report, at the telecommunication provider's discretion.

(3) To cover administrative costs, for each billing period that a telecommunications provider fails to submit the surcharge fees in full on or before the day it is due as required by these rules, the Commission shall impose a late payment fee equal to 9 percent of the unpaid amount of the unpaid fee, up to a maximum of \$500. The Commission shall not impose a late payment fee until the surcharge fees are five business days past due.

(4) If a telecommunications provider fails to file a remittance report as required by these rules, the Commission shall impose a late report fee of \$100. The Commission shall not impose a late report fee until the remittance report is five business days past due.

(5) If the telecommunications provider fails to submit the surcharge fee in full on or before it is due, the Commission shall add interest on the unpaid amount at the rate of 9 percent per annum from the day payment was due until paid.

(6) If the amount shown due on a remittance report is not paid by the due date, the Commission may issue a proposed order to set the sum due. The Commission may waive late payment fees and interest if the evidence shows that the telecommunications provider submitted the surcharge fees late due to circumstances beyond its control.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987

Hist.: PUC 19-2003, f. & cert. ef. 11-14-03

## 860-033-0007

### Estimated Report

(1) For any time period for which a telecommunications provider fails to file a remittance report as required by these rules, the Commission may make a proposed surcharge assessment based upon any information available to the Commission.

(2) The proposed assessment shall include a late payment fee equal to 9 percent of the proposed assessment amount, up to a maximum of \$500 for that reporting period.

(3) Each proposed assessment shall bear interest on the amount proposed at the rate of 9 percent per annum from the day the surcharge fee was originally due.

(4) The Commission's proposed assessment for a non-filed RSPF remittance report must be made no later than 3 years after the remittance report's due date.

(5) Notwithstanding section (4) of this rule, if the telecommunications provider did not hold a certificate of authority, if one were required by law, the Commission shall have an unlimited time to propose an assessment for the time period represented by the non-filed remittance report. The proposed assessment shall include all late payment fees as specified in this rule.

(6) Prior to the expiration of the period allowed for filing a petition for a hearing, the telecommunications provider may file its remittance report. The Commission shall accept the report and calculate late report fees, late payment fees, and interest in accordance with the original due date for the time period specified in these rules for the report and payment, if any, accompanying the report.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987

Hist.: PUC 19-2003, f. & cert. ef. 11-14-03

## 860-033-0008

### Commission Audit and Proposed Assessment

(1) For any time period for which a telecommunications provider's remittance report was due, the Commission may audit the telecommunications provider as the Commission deems necessary and appropriate.

(2) The Commission's audit must begin no later than three years after the remittance report's due date. After completion of the audit, the Commission may propose to assess an additional surcharge amount due from the telecommunications provider.

(3) If a telecommunications provider failed to file a remittance report the time period specified in these rules, the Commission shall add to the proposed assessment a late payment fee equal to 9 percent of the amount of the proposed assessment, up to a maximum of \$500.

(4) Each proposed assessment shall bear interest on the additional amount proposed at the rate of 9 percent per annum from the day the original surcharge amount was due.

(5) Notwithstanding section (2) of this rule, if the telecommunications provider did not hold a certificate of authority, if one were required by law, the Commission shall have an unlimited time to audit the telecommunications provider for the surcharge fees.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987

Hist.: PUC 19-2003, f. & cert. ef. 11-14-03

## 860-033-0009

### Notice and Hearing on Proposed Orders

(1) The Commission shall provide written notice of a proposed order or proposed assessment upon the telecommunications provider, as well as a proposal to revoke or suspend the telecommunications provider's certificate of authority. The Commission will allow the telecommunications provider an opportunity to request a hearing before the Commission on the notice of proposed action.

(2) Within 30 days after the service of the notice of a proposed order, a telecommunications provider may petition the Commission in writing for a hearing. If a petition is not filed within the 30-day period, the Commission shall enter a final order or assessment based upon information in the Commission's files. If a petition is filed within the 30-day period, the Commission shall grant the telecommunications provider a hearing and give the telecommunications provider at least 10 days' notice of the time and place of a hearing.

(3) The telecommunications provider must specify in its petition all reasons it disputes the notice of proposed action. The Commission shall conduct a hearing on the telecommunications provider's petition under its rules governing hearings and proceedings.

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(4) A Commission decision regarding the outcome of the petition shall become final after service of the Commission's order upon the petitioning telecommunications provider.

(5) A proposed assessment made by the Commission under these rules is due and payable on the 10th day after the Commission's order becomes final.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987  
Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987  
Hist.: PUC 19-2003, f. & cert. ef. 11-14-03

## 860-033-0010

### OTAP Applicability

The Oregon Telephone Assistance Program (OTAP) is designed to provide reduced rates for an eligible telecommunications provider's basic service for low-income customers who meet eligibility requirements. Reduced rates apply to the single line, or service that is functionally equivalent to a single line, serving the eligible household's principal residence. The surcharge is levied on each local access line. All telecommunications utilities, public utilities, competitive providers, cooperative corporations, and unincorporated associations providing telecommunications service are required to follow these provisions.

Stat. Auth.: ORS 183, 756, 759 & Ch. 290, OL 1987  
Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987  
Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 19-2003, f. & cert. ef. 11-14-03

## 860-033-0030

### OTAP Eligibility

(1) Eligibility for OTAP can be demonstrated by one of the following methods:

(a) Application to the Commission by an individual currently receiving benefits from the federal food stamp program or receiving benefits from another low-income public assistance program for which eligibility requirements do not exceed 135 percent of the poverty level;

(b) Certification by an agency contracting with the Commission to qualify an individual as meeting eligibility criteria; or

(c) Certification of eligibility in a public assistance program which the Commission has determined to meet eligibility criteria.

(2) An applicant or recipient is required to furnish his/her social security number before his/her OTAP eligibility can be determined. Failure to do so will result in denial of benefits.

(3) An applicant must sign a written authorization (OTAP application) permitting the Commission to release necessary information to an eligible telecommunications provider and, as necessary, to the following: Department of Human Services, the applicant's personal representative or a legal guardian.

(4) The Commission must be able to verify an individual's continuing participation in a qualifying program. Continuing OTAP eligibility will be based on periodic recertification by the Commission.

(5) Eligible telecommunications providers and OTAP shall treat OTAP data as confidential information, to the extent allowed by law, to be used for OTAP program purposes only.

(6) An applicant or recipient is required to be the named subscriber to the local telecommunication service in order for that household to qualify for OTAP benefits. The Commission may waive this requirement if it determines that good cause exists.

(7) An applicant who did not receive his or her benefits from a telecommunications provider after being approved by the Commission may be reimbursed up to a maximum of one year of OTAP benefits credited to their telephone line. Applicants must submit their request to the Commission in writing in order to receive the OTAP credit.

Stat. Auth.: ORS 183, ORS 756, ORS 759 & Ch. 290, OL 1987  
Stats. Implemented: ORS 756.040, ORS 759.030 & Ch. 290, OL 1987  
Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 11-1995, f. & cert. ef. 11-27-95 (Order No. 95-1217); PUC 6-1997, f. & cert. ef. 1-10-97 (Order No. 97-005); PUC 6-1997, f. & cert. ef. 1-10-97; PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03

## 860-033-0045

### OTAP Compensable Expenses

(1) Each eligible telecommunications provider shall be compensated from the Residential Service Protection Fund for specific costs incurred as a consequence of participating in OTAP. Eligible telecommunications providers shall request compensation by submitting invoices no later than 21 calendar days after the end of the billing period. A telecommunication provider with 1,000 or more OTAP customers must submit the invoice monthly. A telecommunication provider with less than 1,000 monthly cus-

tomers shall submit an invoice either monthly or quarterly. Funds will be disbursed to a provider no more than 20 calendar days after the Commission receives a properly filed invoice:

(a) Each eligible telecommunications provider will be compensated for benefit costs. Compensation will equal the revenue the provider forgoes by providing local service to qualified low-income customers at a reduced rate. The telecommunications provider's invoices shall indicate the number of qualified customers who received the OTAP benefit during a specified period and the amount of revenue foregone during the same period;

(b) Each eligible telecommunications provider shall receive compensation for each customer it enrolls for the OTAP benefit at the Commission's request. The telecommunications provider's invoices shall indicate the number of customers who were enrolled during a specified period;

(c) Each eligible telecommunications provider shall be compensated for the cost of preparing special administrative reports for OTAP. The telecommunications provider's invoices shall include the number and type of administrative reports prepared for the Commission during a specified period; and

(d) An eligible telecommunications provider may not authorize OTAP benefits for customers without Commission approval. A telecommunication provider who grants OTAP benefits to ineligible customers will have the total amount of the OTAP benefits that were given to those customers deducted from the monthly or quarterly OTAP reimbursement invoices that the telecommunications provider submits to the Commission.

(e) An eligible telecommunications provider shall be compensated for the cost of preparing and distributing educational materials about OTAP at the Commission's request. The telecommunication provider's invoices shall indicate the number of customers receiving the materials and include an itemized accounting of the cost of preparing the materials. The Commission must approve all expenses before the materials are distributed to customers.

(2) The Commission will determine the compensation amount based on the costs an eligible telecommunications provider would reasonably incur to accomplish each task referred to in section (1) of this rule.

(3) Each eligible telecommunications provider providing low-income telephone assistance under approved alternative plans shall be compensated for benefit and administrative costs. However, compensation from the Residential Service Protection Fund shall be no greater than the compensation provider would have received had it participated in OTAP.

(4) Governmental agencies contracting with the Commission to certify the eligibility requirements of individuals or to perform other administrative functions authorized by these rules shall be compensated based on the terms of the contract.

Stat. Auth.: ORS 183, ORS 756, ORS 759 & Ch. 290, OL 1987  
Stats. Implemented: ORS 756.040, ORS 759.030 & Ch. 290, OL 1987  
Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 19-2003, f. & cert. ef. 11-14-03

## 860-033-0050

### Link-Up America Eligibility

(1) The Commission adopts the Federal Communications Commission (FCC) eligibility criteria for Link-Up America.

(2) Each applicant and recipient must:

(a) Be certified by an organization approved by the Commission as meeting the requirements of an established income test for a low-income assistance program offered through the Department of Human Resources or qualify for the Low Income Energy Assistance Program (LIEAP). LIEAP recipients must provide the Commission a document demonstrating their participation in the program.

(b) Submit their Link-Up America applications to the Commission. The Commission will forward their application to the applicant's telecommunication provider.

(c) Furnish his/her social security number before his/her eligibility in Link-Up America can be determined. Failure to do so will result in denial of benefits.

(2) Security deposit requirements will be waived for residential applicants who are eligible for Link-Up America and who satisfy the credit requirements of OAR 860, division 021, or if the qualifying low-income consumer voluntarily elects toll blocking from the provider, where available.

(3) If an applicant does not meet the credit requirements of OAR 860, division 021, or has an outstanding bill with the eligible telecommunications provider, the deposit will not be waived and the applicant will be subject to the conditions and payment arrangements contained in OAR 860, Division 021.

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(4) An eligible telecommunications provider shall offer a 50 percent reduction in its tariffed line connection charge, up to a maximum reduction of \$30, to eligible Link-Up America applicants. This assistance does not cover special features, services, or deposits. Eligible residents living on federally recognized tribal lands shall receive an additional reduction of up to \$70 to cover 100% of the charges between \$60 and \$130 for a total maximum support amount of \$100 per qualifying low-income subscriber on tribal lands with initial connection or line extension costs of \$130 or more as prescribed in FCC Order No. 00-208, Paragraph 59. Tribal Lifeline recipients must contact their telecommunications providers directly to submit Link-Up America Applications.

(5) An eligible telecommunications provider shall offer a deferred schedule for payment of the charges assessed for commencing service, for which the consumer does not pay interest. The interest charges not assessed to the consumer shall be for connection charges of up to \$200 that are deferred for a period not to exceed one year. Charges assessed for commencing service include any charges that the provider customarily assesses to connect subscribers to the network. These charges do not include any permissible security deposit requirements.

(6) An eligible telecommunications provider's Link-Up America program shall allow a customer to receive the benefit of the Link-Up America program for a second or subsequent time only for a principal place of residence with an address different from the address at which the Link-Up America assistance was previously provided.

(7) An eligible telecommunications provider shall seek reimbursement from the National Exchange Carrier's Association (NECA), an authorized agent of the FCC.

(8) Failure by a customer to make payments as agreed upon with the eligible telecommunications provider will result in disconnection of service pursuant to OAR 860, division 021.

(9) Upon FCC approval of a Commission OTAP and Link-Up America plan, an eligible telecommunications provider subject to Oregon Law 1987, Chapter 290, shall file appropriate tariffs or price lists with the Commission.

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 183, ORS 756, ORS 759 & Ch. 290 OL 1987  
Stats. Implemented: ORS 756.040, ORS 759.030 & Ch. 290 OL 1987  
Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 8-1989, f. & cert. ef. 6-8-89 (Order No. 89-724); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 2-1996, f. & cert. ef. 4-18-96 (Order 96-102); PUC 6-1997, f. & cert. ef. 1-10-97; PUC 18-1997, f. & cert. ef. 12-17-97; PUC 2-2002, f. & cert. ef. 2-5-02; PUC 19-2003, f. & cert. ef. 11-14-03

## 860-033-0505

### TDAP Definitions

(1) "Adaptive Equipment" means special telecommunications equipment that permits a person with a disability, other than a hearing- or speech impairment, to communicate effectively on the telephone.

(2) "Applicant" means a person who applies for an assistive telecommunication device, adaptive equipment, and/or signal device.

(3) "Assistive Telecommunication Device" means a device that uses a keyboard, acoustic coupler, display screen, Braille display, speakerphone, or amplifier to enable people who are deaf, deaf-blind, severely hearing impaired, severely speech impaired or have a disability that prevents them from using a standard phone to communicate effectively on the telephone.

(4) "Assistive Telecommunication Device or Adaptive Equipment Maintenance Service" means a facility authorized by the Commission to repair any reasonably damaged assistive telecommunication device or adaptive equipment.

(5) "Authorized Distributor" means a facility authorized by the Commission to distribute assistive telecommunication devices and adaptive equipment.

(6) "Disabled" means a physical condition other than hearing or speech impairment that requires use of adaptive equipment before a person can use the telephone.

(7) "Distribution Center" means a facility authorized by the Commission to distribute adaptive equipment.

(8) "Household" means all occupants living in one dwelling.

(9) "Local Exchange Carrier" means a "telecommunications utility" as defined in ORS 759.005(1)(c) or cooperative association that switches and transports communications between customers linked inside an exchange.

(10) "Recipient" means a person whose application for assistive telecommunication devices or adaptive equipment has been approved by the Commission and who receives assistive telecommunication devices or adaptive equipment.

(11) "TDAP Manager" means a person employed by the Commission to implement the Telecommunication Devices Access Program (TDAP).

(12) "TeleBraille" means a two-unit system designed for face-to-face and telephone communication through the use of a modified assistive telecommunication device equipped with a typewriter keyboard, visual display, and acoustical coupler, linked to a Braille display with a 20-cell dynamic Braille display.

(13) "Telecommunication Devices Access Program or TDAP" means a program established by the Commission which with the Telecommunication Devices Access Program Advisory Committee's advice provides assistive telecommunication devices or adaptive equipment and dual party relay services at no additional cost beyond telephone service for customers who are deaf, severely hearing-impaired, severely speech-impaired, or deaf-blind.

(14) "Telephone Relay Center" means a facility authorized by the Commission to provide telephone relay service.

(15) "TTY" is a telecommunication device for the deaf that uses a keyboard and a one-inch screen to transmit messages back and forth through a telephone line.

Stat. Auth.: ORS 183, ORS 756, ORS 759 & Ch. 290, OL 1987  
Stats. Implemented: ORS 756.040, 759.030 & Ch. 290, OL 1987  
Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03

## 860-033-0530

### TDAP Eligibility

(1) An applicant is eligible to receive assistive telecommunication devices or adaptive equipment from the TDAP if the applicant:

(a) Shows evidence of regular access to a specific telephone number in Oregon; and

(b) Shows he or she is an Oregon resident; and

(c) Submits to the Commission a written form:

(A) Provided by the TDAP, and

(B) Signed by a licensed physician, audiologist, speech pathologist, vocational rehabilitation counselor from the Oregon State Vocational Rehabilitation Division, or a person certified by the program as qualified to determine whether a person meets the eligibility requirements of TDAP, and

(C) A statement that the applicant is deaf, severely hearing-impaired, severely speech-impaired, deaf-blind, or has a disability that prevents him or her from using a standard phone.

(d) For an applicant under 18 years of age, or an adult applicant who is determined to require a legal guardian, a parent or a guardian must apply on the applicant's behalf and assume full responsibility for the assistive telecommunication device or adaptive equipment and services. Emancipated minors are considered adults. Applicants under the age of 18 years of age must sign a new Conditions of Acceptance form within 30 calendar days after they become 18 years of age. Failure to do so will result in the Commission billing the parent or guardian for the device.

(2) The TDAP shall only approve applications for persons who cannot use the telephone for expressive or receptive communication. The TDAP shall provide equipment suitable to access the telecommunications system.

(3) The TDAP shall provide one assistive telecommunication device or adaptive device per household. However, two assistive telecommunication devices or adaptive devices may be provided to a household if more than one eligible person permanently resides in the household.

(4) If the Commission purchases new devices that may benefit a current TDAP recipient more than the Commission-provided equipment the recipient is currently using, the Commission will allow the recipient to use both the current and new device for a two-week trial period. The recipient must return the equipment that is less beneficial to the Commission within five business days after the end of the trial period. If the recipient fails to return the equipment, the recipient is responsible for the cost of the more expensive equipment.

Stat. Auth.: ORS 183, ORS 756, ORS 759 & Ch. 290, OL 1987  
Stats. Implemented: ORS 756.040, ORS 759.030, & Ch. 290, OL 1987  
Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 18-1989, f. & cert. ef. 12-14-89 (Order No. 89-1602); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03

## 860-033-0535

### Ownership and Identification of Assistive Telecommunication Devices or Adaptive Equipment

The following are ownership and identification procedures:

(1) All assistive telecommunication devices or adaptive equipment purchased under the TDAP will remain the property of the State of Oregon. The distributors and distribution centers shall record the serial number of

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each assistive telecommunication device or adaptive equipment. A distribution center's failure to comply may terminate the center's contract with the State of Oregon.

(2) Any assistive telecommunication device or adaptive equipment distributed to eligible applicants under this program shall not be sold, loaned, or otherwise transferred from the possession of the original recipient. Unauthorized transfers will subject the recipient to repossession of the assistive telecommunication device or adaptive equipment, prosecution, or liability for the full purchase price of the equipment.

(3) Any recipient who moves to a different address within Oregon must report the new address to the Commission within 30 calendar days of the move. A recipient who moves out of Oregon, or who is no longer receiving telephone services, shall return all assistive telecommunication devices or adaptive equipment received through the TDAP to a distribution center or the Commission within 30 calendar days after termination of local exchange service or before leaving Oregon, whichever is sooner. However, a recipient may take assistive telecommunication devices or adaptive equipment on travel outside Oregon. The recipient must obtain written permission from the TDAP Manager if the travel will be for more than 90 calendar days.

(4) Recipients must sign the Conditions of Acceptance Agreement before they receive an assistive telecommunication device or adaptive equipment.

(5) Stolen Equipment or Equipment Damaged by Acts of Nature or Disasters:

(a) If the equipment is stolen, a recipient must notify the local law enforcement agency within 24 hours of the time the recipient discovers the theft. A recipient shall forward a copy of the police report to the TDAP Manager or a distribution center within five Commission business days of the date the theft was reported. If the local law enforcement agency does not respond to the recipient's theft report, the recipient must notify the Commission's TDAP Manager within two Commission business days after the theft was reported. The recipient shall forward his/her written report to the TDAP Manager that describes the theft and includes any witnesses' names, addresses, and telephone numbers.

(b) If the equipment is stolen outside the United States, the recipient must submit a copy of the police report to the TDAP Manager within five Commission business days of the date the theft was reported. If the local law enforcement agency does not respond to the recipient's theft report, the recipient must notify the TDAP Manager within two Commission business days after returning to Oregon. The recipient shall forward his/her written report to the TDAP Manager that includes the purpose of the recipient's travel; includes any witnesses' names, addresses, and telephone numbers; and describes the theft.

(c) If the equipment is damaged due to acts of nature or disasters that include floods, storms, fire, or other acts of nature, the recipient must submit an insurance, fire department, police report, or other equivalent documentation about the event within five business days after the date the event occurred.

Stat. Auth.: ORS 183, ORS 756, ORS 759 & Ch. 290, OL 1987  
Stats. Implemented: ORS 756.040, ORS 759.030 & Ch. 290, OL 1987  
Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97 860-033-0535(5) Renumbered to 860-033-0536; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03

## 860-033-0536

### TDAP Recipients' Liability

The recipient will be held financially responsible for any damage to the equipment that is not caused by normal wear and tear or acts of nature or disasters. To avoid financial responsibility for damaged equipment, the recipient must prove to the Commission that the damage was caused by normal wear and tear or acts of nature or disasters. The Commission will also hold the recipient financially responsible for the full replacement cost of the equipment if the recipient moves out of Oregon without returning the equipment.

Stat. Auth.: ORS 183, ORS 756, ORS 759 & Ch. 290, OL 1987  
Stats. Implemented: ORS 756.040, ORS 759.030 & Ch. 290, OL 1987  
Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97 Renumbered from 860-033-0535(5); PUC 19-2003, f. & cert. ef. 11-14-03

## 860-033-0537

### Billing Recipients for Assistive Telecommunication Devices or Adaptive Equipment

(1) Invoices:

(a) The Commission shall mail two invoice notices, at least 30 calendar days apart, indicating the amount of and the reason for such invoice to

the responsible recipient at the last known address. The recipient shall have 30 calendar days to respond to each notice.

(b) The invoiced recipient may call or meet with the TDAP Manager to discuss and attempt to resolve the invoices. At the TDAP Manager's discretion, further investigation may be initiated. If the investigation finds that the invoice was issued in error (for example, there is no verifiable reason for the invoice having been sent), the invoice may be canceled.

(c) If the Commission does not receive payment, the TDAP Manager shall begin the complaint process pursuant to ORS 756.500.

(2) Incorrect address: When an invoice is returned with an incorrect address and the invoiced recipient has not notified the TDAP Manager of an address change as required by TDAP rules, the amount billed to the recipient shall become a liquidated debt.

(3) Recipients and applicants who request equipment must have paid all outstanding accounts with the Commission.

(4) Billing procedures for a household with more than two assistive telecommunication devices or adaptive equipment:

(a) The Commission shall mail a letter to the recipient who most recently applied for the equipment, asking the recipient to return the equipment within 30 calendar days, and

(b) If the Commission does not receive a response, the Commission shall send an invoice to the recipient. If the recipient does not pay the amount billed, the Commission may bill one or all the recipients in the household to either regain possession of the State of Oregon's equipment or receive the full replacement value of such equipment.

(c) When the Commission receives notice that a recipient is deceased, the Commission shall request that the estate return the equipment. The Commission may bill the estate for the cost of replacing the equipment if it has not been returned, or is returned in damaged condition.

Stat. Auth.: ORS 183, ORS 756, ORS 759 & Ch. 290, OL 1987  
Stats. Implemented: ORS 756.040, ORS 759.030 & Ch. 290, OL 1987  
Hist.: PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03

## 860-033-0545

### TDAP Compensable Expense

(1) The authorized assistive telecommunication devices or adaptive equipment distributors, distribution centers, maintenance centers, and eligible telecommunications providers shall be compensated from the Residential Services Protection Fund for specific costs incurred as a result of participating in the TDAP. These contracted programs and services shall request compensation by submitting an invoice to the Commission at least quarterly. Funds will be disbursed to these contracted programs or services no more than 30 calendar days after a properly filed invoice is received by the Commission:

(a) The eligible telecommunications providers shall be compensated for the costs associated with the verification of service status and notification to the TDAP of service termination under OAR 860-033-0535(7).

(b) The authorized assistive telecommunication devices or adaptive equipment distributors will be compensated for coordinating and storing the assistive telecommunication devices or adaptive equipment. Invoices shall indicate all services performed by distributors and the number of the assistive telecommunication devices or adaptive equipment provided to recipients. Compensable services shall include the cost of assistive telecommunication devices or adaptive equipment with an identification number, shipping costs, storage costs, delivery costs, and other related costs.

(c) The distribution centers will be compensated for the cost of preparing and distributing the assistive telecommunication devices or adaptive equipment and maintenance services requested by the customers. Invoices shall indicate the number of the assistive telecommunication devices or adaptive equipment unit including the engraved identification on either distributing assistive telecommunication devices or adaptive equipment to the recipient or receiving assistive telecommunication devices or adaptive equipment repair orders from the recipient. The specific tasks of preparation and services in distributing the assistive telecommunication devices or adaptive equipment shall be subject to written agreement between the Commission and the contracted assistive telecommunication devices or adaptive equipment personnel.

(d) The assistive telecommunication devices or adaptive equipment maintenance centers shall be compensated for repairing the damaged assistive telecommunication devices or adaptive equipment, the storage of extra assistive telecommunication devices or adaptive equipment replacements, and the required insurance for storage. Invoices shall indicate the labor and parts of the damaged assistive telecommunication devices or adaptive equipment, the storage cost, and the insurance premium cost, including

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assistive telecommunication devices or adaptive equipment identification inventory.

(e) The Commission will determine the rate of compensation based on the cost the distribution center should reasonably incur to accomplish each task.

(2) Based upon accounting procedures established by the Commission, the assistive telecommunication devices or adaptive equipment distributors, distribution centers, and maintenance centers shall maintain accounting records in such a manner that costs associated with TDAP can be separately identified. Their records will be audited by the Commission.

Stat. Auth.: ORS 183, ORS 756, ORS 759 & Ch. 290, OL 1987  
Stats. Implemented: ORS 756.040, ORS 759.030 & Ch. 290, OL 1987  
Hist.: PUC 7-1988, f. & cert. ef. 4-6-88 (Order No. 88-339); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03

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**Subject:** This rulemaking revises the PUC's rules to include penalties when public utilities and telecommunications providers file completed annual fee statements.

**Rules Coordinator:** Lauri Salisbury—(503) 378-4372

## 860-021-0034

### Annual Fees Payable to the Commission by an Energy Utility

(1) On statement forms prescribed by the Commission, each energy utility shall provide the requested information for the subject year.

(2) Each electric utility shall pay an annual fee in compliance with OARs 860-011-0020 and 860-011-0022.

(3) Each gas utility and steam heat utility shall pay an annual fee in compliance with OARs 860-011-0020 and 860-011-0024.

(4) The annual fee payment must be received by the Commission no later than 5 p.m. on the due date.

(5) Each electric, gas, and steam heat utility shall pay:

(a) A minimum annual fee of \$10.

(b) A late statement fee of \$100, if the Commission has not received the utility's statement form, completed in compliance with section (1) of this rule, on or before 5 p.m. on the fifth business day following the due date.

(c) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350.

(d) A service fee of \$25 for each payment returned for non-sufficient funds.

(e) All costs incurred by the Commission to collect a past-due annual fee from the utility.

(6) For any year in which an energy utility's statement form was due, the Commission may audit the utility as the Commission deems necessary and practicable:

(a) The Commission's audit must begin no later than three (3) years after the statement form's due date.

(b) If the Commission determines that the utility has underreported its subject revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.

(c) If the Commission determines that the utility has overpaid its annual fee, the Commission shall, at its discretion, recompense the utility with a refund or a credit against annual fees subsequently due.

Stat. Auth.: ORS 183, ORS 756 & ORS 757  
Stats. Implemented: ORS 756.310, ORS 756.320 & 756.350  
Hist.: PUC 11-1999, f. & cert. ef. 11-18-99; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 15-2003, f. & cert. ef. 7-24-03; PUC 20-2003, f. & cert. ef. 11-14-03

## 860-021-0036

### Annual Fees Payable to the Commission by a Large Telecommunications Utility

(1) On statement forms prescribed by the Commission, each large telecommunications utility shall provide the requested information for the subject year.

(2) Each large telecommunications utility shall pay:

(a) An annual fee in compliance with OARs 860-011-0020 and 860-011-0023. The annual fee shall be no less than \$100. The payment must be received by the Commission no later than 5 p.m. on the due date.

(b) A late statement fee of \$100, if the Commission has not received the utility's statement form, completed in compliance with section (1) of this rule, on or before 5 p.m. on the fifth business day following the due date.

(c) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350 and OAR 860-032-0008(1).

(d) A service fee of \$25 for each payment returned for non-sufficient funds.

(e) All costs incurred by the Commission to collect a past-due annual fee from the utility.

(3) For retail intrastate service rendered on or after January 1, 2000, each large telecommunications utility must:

(a) Collect the annual fee by charging an equitable amount to each retail customer, using apportionment methods that are consistently applied by the utility throughout Oregon, and

(b) Describe the amount of the apportioned charge upon each retail customer's bill.

(4) If the annual fee charge is embedded in the large telecommunications utility's Commission-approved retail rates, and the utility does not separately charge the customer an additional amount for the apportioned annual fee, then the utility may comply with section (3) of this rule by merely describing the apportioned amount of the charge on the retail customer's bill.

(5) For any year in which a large telecommunications utility's statement form was due, the Commission may audit the utility as the Commission deems necessary and practicable:

(a) The Commission's audit must begin no later than three (3) years after the statement form's due date.

(b) If the Commission determines that the utility has underreported its subject revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.

(c) If the Commission determines that the utility has overpaid its annual fee, the Commission shall, at its discretion, recompense the utility with a refund or a credit against annual fees subsequently due.

(6) If the annual fee charge is embedded in the large telecommunications utility's Commission-approved retail rates, and the utility separately charges the customer an additional amount for the apportioned annual fee, then the utility must comply with ORS 756.310(6)(c).

(7) Each large telecommunications utility shall:

(a) Maintain its records in sufficient detail to readily provide gross retail intrastate revenue from Oregon telecommunications services, as defined in OAR 860-032-0080;

(b) Follow the revenue allocation procedures in OAR 860-032-0090; and

(c) Make its revenue accounting records available to the Commission upon the Commission's request.

(8) If the Commission receives a public record request for the confidential information required by this rule, the Commission shall assert that, subject to the limitations of the Public Records Law, the materials are trade secrets and, therefore, exempt from disclosure. The material shall be marked "EXEMPT FROM PUBLIC DISCLOSURE AS TRADE SECRETS."

Stat. Auth.: ORS 183, ORS 192, ORS 756 & ORS 759  
Stats. Implemented: ORS 756.310, ORS 756.320 & ORS 756.350  
Hist.: PUC 13-1999, f. & cert. ef. 12-7-99; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 8-2003, f. & cert. ef. 4-28-03; PUC 20-2003, f. & cert. ef. 11-14-03

## 860-021-0037

### Estimated Annual Fees Payable to the Commission

(1) For any year in which an energy or large telecommunications utility fails to file a completed statement form, the Commission may determine a proposed annual fee based upon any information available to the Commission. The proposed annual fee shall:

(a) Include a penalty fee for failure to pay as required by ORS 756.350;

(b) Include a late statement fee of \$100; and

(c) Be made no later than three (3) years after the statement form's due date.

(2) The Commission shall provide written notice of the proposed annual fee to the energy or large telecommunications utility.

(3) Within 30 days after service of the notice of proposed annual fee, the energy or large telecommunications utility may file a petition with the Commission for a hearing. In its petition, the utility must specify its reasons



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for disputing the proposed annual fee. The Commission may conduct a hearing on the petition under its rules governing hearings and proceedings.

(4) If the energy or large telecommunications utility has not filed a petition by the end of the 30-day period, the Commission shall enter an order based upon information in its files. The Commission's order is final upon service, and the ordered assessment is due and payable on the tenth day after the order becomes final.

(5) During the 30-day period allowed for filing a petition, the energy or large telecommunications utility may file its completed statement form and pay the annual fee, penalties, and late statement fee. The Commission shall accept the statement form, fees, and penalties in accordance with the original due date for that year's statement form and payment.

Stat. Auth.: ORS 183, 192, ORS 756 & ORS 759  
Stats. Implemented: ORS 756.040, ORS 756.310, ORS 756.320 & 756.350  
Hist.: PUC 8-2003, f. & cert. ef. 4-28-03; PUC 15-2003, f. & cert. ef. 7-24-03; PUC 20-2003, f. & cert. ef. 11-14-03

## 860-032-0095

### Annual Fees Payable to the Commission by a Competitive Provider

(1) On statement forms prescribed by the Commission, each competitive provider shall provide the requested information for the subject year.

(2) Each competitive provider shall pay:

(a) An annual fee in compliance with OARs 860-011-0020 and 860-011-0023. The annual fee shall be no less than \$100. The payment must be received in the Commission's offices no later than 5 p.m. on the due date.

(b) A late statement fee of \$100, if the Commission has not received the competitive provider's statement form, completed in compliance with section (1) of this rule, on or before 5 p.m. on the fifth business day following the due date.

(c) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350 and OAR 860-032-0008(1).

(d) A service fee of \$25 for each payment returned for non-sufficient funds.

(e) All costs incurred by the Commission to collect a past-due annual fee from the competitive provider.

(3) For retail intrastate service rendered on or after January 1, 2000, each competitive provider must:

(a) Collect the annual fee by charging an equitable amount to each retail customer, using apportionment methods that are consistently applied by the competitive provider through Oregon, and

(b) Describe the amount of the apportioned charge upon each retail customer's bill.

(4) Each competitive provider shall:

(a) Maintain its records in sufficient detail to readily provide gross retail intrastate revenue from Oregon telecommunications services, as defined in OAR 860-032-0080;

(b) Follow the revenue allocation procedures in OAR 860-032-0090; and

(c) Make its revenue accounting records available to the Commission upon the Commission's request. A competitive provider must keep all records supporting each statement form for three (3) years, or until a Commission review or audit is complete, whichever is later.

(5) For any year in which a competitive provider's statement form was due, the Commission may audit the competitive provider as the Commission deems necessary and practicable:

(a) The Commission's audit must begin no later than three years after the statement form's due date. However, if the competitive provider failed to obtain a certificate of authority, an audit may occur at any time.

(b) If the Commission determines that the competitive provider has underreported its subject revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.

(c) If the Commission determines that the competitive provider has overpaid its annual fee, the Commission shall, at its discretion, recompense the competitive provider with a refund or a credit against annual fees subsequently due.

(6) If the Commission receives a public record request for the confidential information required by this rule, the Commission shall assert that, subject to the limitations of the Public Records Law, the materials are trade secrets and, therefore, exempt from disclosure. The material shall be marked "EXEMPT FROM PUBLIC DISCLOSURE AS TRADE SECRETS."

(7) A cooperative that is a competitive provider shall pay an annual fee only on the gross retail intrastate revenue from telecommunications services that are provided under the cooperative's ORS 759.020 certificate of authority. A cooperative shall not pay an annual fee on revenue from

telecommunications services that are provided under the cooperative's ORS 759.025 certificate of authority.

Stat. Auth.: ORS 183, ORS 192, ORS 756 & ORS 759  
Stats. Implemented: ORS 756.310, ORS 756.320 & ORS 756.350  
Hist.: PUC 13-1999, f. & cert. ef. 12-7-99; PUC 8-2003, f. & cert. ef. 4-28-03; PUC 20-2003, f. & cert. ef. 11-14-03

## 860-032-0097

### Estimated Annual Fees Payable to the Commission

(1) For any year in which a competitive provider fails to file a completed statement form, the Commission may determine a proposed annual fee based upon any information available to the Commission. The proposed annual fee shall:

(a) Include a penalty fee for failure to pay as required by ORS 756.350;

(b) Include a late statement fee of \$100;

(c) Be made no later than three (3) years after the statement form's due date. However, if the competitive provider failed to obtain a certificate of authority, an audit may occur at any time; and

(2) The Commission shall provide written notice of the proposed annual fee to the competitive provider.

(3) Within 30 days after service of the notice of proposed annual fee, the competitive provider may file a petition with the Commission for a hearing. In its petition, the competitive provider must specify its reasons for disputing the proposed annual fee. The Commission may conduct a hearing on the petition under its rules governing hearings and proceedings.

(4) If the competitive provider has not filed a petition by the end of the 30-day period, the proposed annual fee is due and payable.

(5) During the 30-day period allowed for filing a petition, the competitive provider may file its completed statement form and pay the annual fee, penalties, and late statement fee. The Commission shall accept the statement form, fees, and penalties in accordance with the original due date for that year's statement form and payment.

Stat. Auth.: ORS 183, ORS 192, ORS 756 & ORS 759  
Stats. Implemented: ORS 756.040, ORS 756.310, ORS 756.320 & ORS 756.350  
Hist.: PUC 8-2003, f. & cert. ef. 4-28-03; PUC 20-2003, f. & cert. ef. 11-14-03

## 860-034-0095

### Annual Fees Payable to the Commission by a Small Telecommunications Utility

(1) On statement forms prescribed by the Commission, each small telecommunications utility shall provide the requested information for the subject year.

(2) Each small telecommunications utility shall pay:

(a) An annual fee in compliance with OARs 860-011-0020 and 860-011-0023. The annual fee shall be no less than \$100. The payment must be received in the Commission's offices no later than 5 p.m. on the due date.

(b) A late statement fee of \$100, if the Commission has not received the utility's statement form on, completed in compliance with section (1) of this rule, or before 5 p.m. on the fifth business day following the due date.

(c) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350 and OAR 860-032-0008(1).

(d) A service fee of \$25 for each payment returned for non-sufficient funds.

(e) All costs incurred by the Commission to collect a past-due annual fee from the utility.

(3) For retail intrastate service rendered on or after January 1, 2000, each small telecommunications utility must:

(a) Collect the annual fee by charging an equitable amount to each retail customer, using apportionment methods that are consistently applied by the utility throughout Oregon; and

(b) Describe the amount of the apportioned charge upon each retail customer's bill.

(4) Each small telecommunications utility shall:

(a) Maintain its records in sufficient detail to readily provide gross retail intrastate revenue from Oregon telecommunications services, as defined in OAR 860-032-0080;

(b) Follow the revenue allocation procedures in OAR 860-032-0090; and

(c) Make its revenue accounting records available to the Commission upon the Commission's request.

(5) For any year in which a small telecommunications utility's statement form was due, the Commission may audit the utility as the Commission deems necessary and practicable:

(a) The Commission's audit must begin no later than three years after the statement form's due date.

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(b) If the Commission determines that the utility has underreported its subject revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.

(c) If the Commission determines that the utility has overpaid its annual fee, the Commission shall, at its discretion, recompense the utility with a refund or a credit against annual fees subsequently due.

(6) If the Commission receives a public record request for the confidential information required by this rule, the Commission shall assert that, subject to the limitations of the Public Records Law, the materials are trade secrets and, therefore, exempt from disclosure. The material shall be marked "EXEMPT FROM PUBLIC DISCLOSURE AS TRADE SECRETS."

Stat. Auth.: ORS 183, ORS 192, ORS 756 & ORS 759

Stats. Implemented: ORS 756.310, ORS 756.320 & ORS 756.350

Hist.: PUC 13-1999, f. & cert. ef. 12-7-99; PUC 15-2001, f. & cert. ef. 6-21-01; PUC 8-2003, f. & cert. ef. 4-28-03; PUC 20-2003, f. & cert. ef. 11-14-03

## 860-034-0097

### Estimated Annual Fees Payable to the Commission

(1) For any year in which a small telecommunications utility fails to file a completed statement form, the Commission may determine a proposed annual fee based upon any information available to the Commission. The proposed annual fee shall:

(a) Include a penalty fee for failure to pay as required by ORS 756.350;

(b) Include a late statement fee of \$100; and

(c) Be made no later than three (3) years after the statement form's due date.

(2) The Commission shall provide written notice of the proposed annual fee to the small telecommunications utility.

(3) Within 30 days after service of the notice of proposed annual fee, the small telecommunications utility may file a petition with the Commission for a hearing. In its petition, the utility must specify its reasons for disputing the proposed annual fee. The Commission may conduct a hearing on the petition under its rules governing hearings and proceedings.

(4) If the small telecommunications utility does not file a petition within the 30-day period, the proposed annual fee is and payable.

(5) During the 30-day period allowed for filing a petition, the small telecommunications utility may file its completed statement form and pay the annual fee, penalties, and late statement fee. The Commission shall accept the statement form, fees, and penalties in accordance with the original due date for that year's statement form and payment.

Stat. Auth.: ORS 183, ORS 192, ORS 756 & ORS 759

Stats. Implemented: ORS 756.040, 756.310, 756.320 & 756.350

Hist.: PUC 8-2003, f. & cert. ef. 4-28-03; PUC 20-2003, f. & cert. ef. 11-14-03

## 860-036-0095

### Annual Fees Payable to the Commission by a Water Utility

(1) On statement forms prescribed by the Commission, each water utility shall provide the requested information for the subject year.

(2) The annual fee payment must be received by the Commission no later than 5 p.m. on the due date.

(3) Each water utility shall pay:

(a) An annual fee in compliance with OARs 860-011-0020 and 860-011-0024.

(b) A minimum annual fee of \$10.

(c) A late statement fee of \$100, if the Commission has not received the utility's statement form, completed in compliance with section (1) of this rule, on or before 5 p.m. on the fifth business day following the due date.

(d) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350.

(e) A service fee of \$25 for each payment returned for non-sufficient funds.

(f) All costs incurred by the Commission to collect a past-due annual fee from the utility.

(4) For any year in which a water utility's statement form was due, the Commission may audit the utility as the Commission deems necessary and practicable:

(a) The Commission's audit must begin no later than three (3) years after the statement form's due date.

(b) If the Commission determines that the utility has underreported its subject revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.

(c) If the Commission determines that the utility has overpaid its annual fee, the Commission shall, at its discretion, recompense the utility with a refund or a credit against annual fees subsequently due.

Stat. Auth.: ORS 183 & ORS 756

Stats. Implemented: ORS 756.310, ORS 756.320 & 756.350

Hist.: PUC 11-1999, f. & cert. ef. 11-18-99; PUC 15-2003, f. & cert. ef. 7-24-03; PUC 20-2003, f. & cert. ef. 11-14-03

## 860-036-0097

### Estimated Annual Fees Payable to the Commission by a Water Utility

(1) For any year in which a water utility fails to file a completed statement form, the Commission may determine a proposed annual fee based upon any information available to the Commission. The proposed annual fee shall:

(a) Include a penalty fee for failure to pay as required by ORS 756.350;

(b) Include a late statement fee of \$100; and

(c) Be made no later than three (3) years after the statement form's due date.

(2) The Commission shall provide written notice of the proposed annual fee to the water utility.

(3) Within 30 days after service of the notice of proposed annual fee, the water utility may file a petition with the Commission for a hearing. In its petition, the utility must specify its reasons for disputing the proposed annual fee. The Commission may conduct a hearing on the petition under its rules governing hearings and proceedings.

(4) If the water utility has not filed a petition by the end of the 30-day period, the Commission shall enter an order based upon information in its files. The Commission's order is final upon service, and the ordered assessment is due and payable on the tenth day after the order becomes final.

(5) During the 30-day period allowed for filing a petition, the water utility may file its completed statement form and pay the annual fee, penalties, and late statement fee. The Commission shall accept the statement form, fees, and penalties in accordance with the original due date for that year's statement form and payment.

Stat. Auth.: ORS 183, 192, 756 & 757

Stats. Implemented: ORS 756.040, 756.310, 756.320 & 756.350

Hist.: PUC 15-2003, f. & cert. ef. 7-24-03; PUC 20-2003, f. & cert. ef. 11-14-03

## 860-037-0095

### Annual Fees Payable to the Commission by a Wastewater Utility

(1) On statement forms prescribed by the Commission, each wastewater utility shall provide the requested information for the subject year.

(2) The annual fee payment must be received by the Commission no later than 5 p.m. on the due date.

(3) Each wastewater utility shall pay:

(a) An annual fee in compliance with OARs 860-011-0020 and 860-011-0024.

(b) A minimum annual fee of \$10. The payment must be received by the Commission no later than 5 p.m. on the due date.

(c) A late statement fee of \$100, if the Commission has not received the utility's statement form, completed in compliance with section (1) of this rule, on or before 5 p.m. on the fifth business day following the due date.

(d) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350.

(e) A service fee of \$25 for each payment returned for non-sufficient funds.

(f) All costs incurred by the Commission to collect a past-due annual fee from the utility.

(4) For any year in which a wastewater utility's statement form was due, the Commission may audit the utility as the Commission deems necessary and practicable:

(a) The Commission's audit must begin no later than three (3) years after the statement form's due date.

(b) If the Commission determines that the utility has underreported its subject revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.

(c) If the Commission determines that the utility has overpaid its annual fee, the Commission shall, at its discretion, recompense the utility with a refund or a credit against annual fees subsequently due.

Stat. Auth.: ORS 183 & ORS 756

Stats. Implemented: ORS 756.310, 756.320 & 756.350

Hist.: PUC 14-2000, f. & cert. ef. 8-23-00; PUC 15-2003, f. & cert. ef. 7-24-03; PUC 20-2003, f. & cert. ef. 11-14-03

## 860-037-0097

### Estimated Annual Fees Payable to the Commission by a Wastewater Utility

(1) For any year in which a wastewater utility fails to file a completed statement form, the Commission may determine a proposed annual fee

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based upon any information available to the Commission. The proposed annual fee shall:

(a) Include a penalty fee for failure to pay as required by ORS 756.350;

(b) Include a late statement fee of \$100; and

(c) Be made no later than three (3) years after the statement form's due date.

(2) The Commission shall provide written notice of the proposed annual fee to the wastewater utility.

(3) Within 30 days after service of the notice of proposed annual fee, the wastewater utility may file a petition with the Commission for a hearing. In its petition, the utility must specify its reasons for disputing the proposed annual fee. The Commission may conduct a hearing on the petition under its rules governing hearings and proceedings.

(4) If the wastewater utility has not filed a petition by the end of the 30-day period, the Commission shall enter an order based upon information in its files. The Commission's order is final upon service, and the ordered assessment is due and payable on the tenth day after the order becomes final.

(5) During the 30-day period allowed for filing a petition, the wastewater utility may file its completed statement form and pay the annual fee, penalties, and late statement fee. The Commission shall accept the statement form, fees, and penalties in accordance with the original due date for that year's statement form and payment.

Stat. Auth.: ORS 183, 192, 756 & 757

Stats. Implemented: ORS 756.040, 756.310, 756.320 & 756.350

Hist.: PUC 15-2003, f. & cert. ef. 7-24-03; PUC 20-2003, f. & cert. ef. 11-14-03

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**Adm. Order No.:** PUC 21-2003(Temp)

**Filed with Sec. of State:** 11-14-2003

**Certified to be Effective:** 11-14-03 thru 5-12-04

**Notice Publication Date:**

**Rules Amended:** 860-036-0080

**Subject:** The Commission's rules only allow a water utility to refuse service to a customer when (1) the utility does not have adequate resources or (2) serving the new customer would adversely affect other customers. OAR 860-036-0080 is being amended to allow a water utility to refuse service to a customer if another jurisdiction prohibits it by law.

**Rules Coordinator:** Lauri Salsbury—(503) 378-4372

## 860-036-0080

### Refusal of Service

(1) A water utility may refuse to provide service to a customer or applicant until it receives full payment of any overdue amount of an Oregon tariffed or price-listed charge and any other like obligation related to a prior account except as provided below:

(a) Except for residential customers or applicants who were disconnected for theft of service, a water utility shall provide service to a residential applicant upon receipt of payment equal to at least one-half of any overdue amount. The balance of the amount owed to the utility shall be paid within 30 days of the date service is initiated. Except for the last payment, installments shall be the greater of \$30 or one-half the overdue amount. Upon failure to pay, the water utility may disconnect service after providing a written five-day notice. The notice shall contain the information and be served in the manner prescribed as provided in OAR 860-036-0245. When a customer whose service was terminated applies for service within 20 days of the termination, the provisions of this rule apply.

(2) If water service is disconnected for failure to comply with the payment terms set forth in section (1)(a) of this rule, the water utility may refuse to restore service until it receives full payment of any overdue obligation of an Oregon tariffed or price-listed charge and any other like obligation related to a prior account, including any reconnection fee, late payment fee, and past due bill.

(3) A water utility may refuse to provide service until payment is received when the following circumstances exist:

(a) A residential customer has incurred an overdue balance at a service address;

(b) A residential applicant for service resided at the service address described in subsection (1)(a) of this rule during the time the overdue balance was incurred; and

(c) The residential customer described in subsection (1)(a) of this rule will reside at the location to be served under the new application.

(4) Any water utility shall refuse to provide service if a customer or applicant has not complied with state and municipal codes and regulations governing service and with the rules and regulations of the water utility.

(5) A water utility shall refuse to serve a customer or applicant, if, in the best judgment of the water utility, the facilities of the customer or applicant are of such a character that safe and satisfactory service cannot be given.

(6) If service is refused, the water utility shall provide written notification within 10 working days to the customer or applicant of the reasons for refusal and of the Commission's complaint process. A copy of the notice shall also be sent to the Commission unless service was refused for non-payment.

(7)(a) A water utility shall not accept an application for service or materially change service to a customer if it does not have adequate facilities or water resources to render the service applied for, if the desired service is of a character that is likely to unfavorably affect service to other customers, or if it is prohibited by law from providing the service.

(b) If a water utility refuses service on the grounds of inadequate facilities or water resources, the water utility shall: Provide the customer or applicant with a written letter of refusal, a copy of which shall be sent to the Commission, stating:

(a) Provide the reason for the refusal;

(b) Inform the customer or applicant that he/she may request the details upon which the water utility's decision was based, including but not limited to current capacity and load measured in gallons or cubic feet per minute and pounds per square inch (psi);

(c) When capacity does not exist, provide the costs to provide capacity for the customer or applicant; and

(d) Inform the customer or applicant that he/she may challenge the water utility's refusal of service through the Commission's dispute resolution process pursuant to OAR 860-036-0025.

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

Stats. Implemented: ORS 756.040, ORS 757.035 & ORS 757.225

Hist.: PUC 13-1997, f. & cert. ef. 11-12-97; PUC 15-1998, f. & cert. ef. 8-27-98; PUC 22-2002, f. & cert. ef. 9-9-02; PUC 18-2003, f. & cert. ef. 10-6-03; PUC 21-2003(Temp), f. & cert. ef. 11-14-03 thru 5-12-04

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## Teacher Standards and Practices Commission Chapter 584

**Adm. Order No.:** TSPC 6-2003(Temp)

**Filed with Sec. of State:** 11-13-2003

**Certified to be Effective:** 11-13-03 thru 5-9-04

**Notice Publication Date:**

**Rules Amended:** 584-060-0171

**Subject:** Removes requirement of passing the Basic Skills Test for renewal of the Limited Teaching License.

**Rules Coordinator:** Robyn MacKillop—(503) 373-1060

## 584-060-0171

### Limited Teaching License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant shall be granted a Limited Teaching License.

(2) This license, issued for three years and renewable, is valid at any level and designated for one or more highly specialized subjects of instruction for which the commission does not issue a specific endorsement.

(3) This license is valid for substitute teaching at any level but only in subjects listed on the license.

(4) To be eligible for a Limited Teaching License the applicant must have:

(a) An accredited associate's degree or its approved equivalent in objectively evaluated post-secondary education related to the intended subject of instruction,

(b) Demonstrate knowledge of applicable civil rights laws,

(c) Furnish fingerprints in the manner prescribed by the commission; and

(d) Obtain an approved first aid card within 90 days of receiving the license.

(5) The Limited Teaching License is restricted to use within a district that has applied for it jointly with the teacher, whose qualifications and job description are subject to commission approval.

(6) Upon application, the co-applicant district must describe its particular need in relation to the co-applicant teacher's qualifications summarized on a submitted resume, agree to provide a mentor during the first year of the assignment, and attest that circumstances prevent hiring a suitable

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teacher holding any other full-time license appropriate for the role to be filled.

(7) To be eligible for renewal of the Limited Teaching License, an applicant must:

(a) Obtain a passing score on a test of knowledge of U.S. and Oregon civil rights laws at the conclusion of a course or workshop approved by the commission; and

(b) Submit a letter from the district attesting that the students taught by the teacher continue to make satisfactory academic progress.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.123, 342.125, 342.126, 342.127 & 342.165

Hist.: TSPC 3-1999, f. & cert. ef. 7-15-99; TPSC 6-2003(Temp), f. & cert ef 11-13-03 thru 5-9-04

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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104-080-0010	1-15-03	Amend	2-1-03	122-040-0050	11-10-03	Adopt(T)	12-1-03
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123-012-0165	3-26-03	Repeal	5-1-03	123-064-0020	3-26-03	Repeal	5-1-03
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123-085-0020	3-26-03	Repeal	5-1-03	125-045-0105	12-27-02	Amend	2-1-03
123-085-0030	3-26-03	Repeal	5-1-03	125-045-0110	12-27-02	Amend	2-1-03
123-085-0040	3-26-03	Repeal	5-1-03	125-045-0120	12-27-02	Amend	2-1-03
123-085-0050	3-26-03	Repeal	5-1-03	125-045-0130	12-27-02	Amend	2-1-03
123-085-0060	3-26-03	Repeal	5-1-03	125-045-0140	12-27-02	Amend	2-1-03
123-085-0070	3-26-03	Repeal	5-1-03	125-045-0150	12-27-02	Amend	2-1-03
123-085-0080	3-26-03	Repeal	5-1-03	125-045-0160	12-27-02	Amend	2-1-03
123-086-0000	3-26-03	Repeal	5-1-03	125-045-0160	4-7-03	Amend	5-1-03
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123-086-0020	3-26-03	Repeal	5-1-03	125-055-0010	9-8-03	Adopt	10-1-03
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123-086-0040	3-26-03	Repeal	5-1-03	125-055-0020	9-8-03	Adopt	10-1-03
123-086-0050	3-26-03	Repeal	5-1-03	125-055-0025	9-8-03	Adopt	10-1-03
123-086-0060	3-26-03	Repeal	5-1-03	125-055-0030	9-8-03	Adopt	10-1-03
123-086-0070	3-26-03	Repeal	5-1-03	125-055-0035	9-8-03	Adopt	10-1-03
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123-087-0040	3-26-03	Amend	5-1-03	125-055-0105	6-27-03	Adopt	8-1-03
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137-003-0655	7-21-03	Amend	8-1-03	137-050-0410	10-6-03	Amend	11-1-03
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137-009-0005	6-11-03	Amend	7-1-03	137-050-0455	5-12-03	Adopt	5-1-03
137-009-0010	12-12-02	Amend(T)	1-1-03	137-050-0455	10-1-03	Amend	11-1-03
137-009-0010	6-11-03	Amend	7-1-03	137-050-0460	5-12-03	Repeal	5-1-03
137-009-0015	12-12-02	Suspend	1-1-03	137-050-0465	5-12-03	Adopt	5-1-03
137-009-0015	6-11-03	Repeal	7-1-03	137-050-0470	5-12-03	Repeal	5-1-03
137-009-0020	12-12-02	Suspend	1-1-03	137-050-0475	5-12-03	Amend	5-1-03
137-009-0020	6-11-03	Repeal	7-1-03	137-050-0475	10-1-03	Amend	11-1-03
137-009-0025	12-12-02	Suspend	1-1-03	137-050-0490	5-12-03	Amend	5-1-03
137-009-0025	6-11-03	Repeal	7-1-03	137-050-0605	10-1-03	Am. & Ren.	11-1-03
137-009-0030	12-12-02	Suspend	1-1-03	137-055-0595	10-1-03	Repeal	11-1-03
137-009-0030	6-11-03	Repeal	7-1-03	137-055-1020(T)	10-1-03	Repeal	11-1-03
137-009-0035	12-12-02	Suspend	1-1-03	137-055-1040(T)	10-1-03	Repeal	11-1-03
137-009-0035	6-11-03	Repeal	7-1-03	137-055-1060(T)	10-1-03	Repeal	11-1-03
137-009-0040	12-12-02	Suspend	1-1-03	137-055-1070(T)	10-1-03	Repeal	11-1-03
137-009-0040	6-11-03	Repeal	7-1-03	137-055-1080(T)	10-1-03	Repeal	11-1-03
137-009-0045	12-12-02	Amend(T)	1-1-03	137-055-1100(T)	10-1-03	Repeal	11-1-03
137-009-0045	6-11-03	Amend	7-1-03	137-055-1120(T)	10-1-03	Repeal	11-1-03
137-009-0055	12-12-02	Suspend	1-1-03	137-055-1140(T)	10-1-03	Repeal	11-1-03
137-009-0055	6-11-03	Repeal	7-1-03	137-055-1160(T)	10-1-03	Repeal	11-1-03
137-009-0060	12-12-02	Adopt(T)	1-1-03	137-055-1180(T)	10-1-03	Repeal	11-1-03
137-009-0060	6-11-03	Adopt	7-1-03	137-055-1200(T)	10-1-03	Repeal	11-1-03
137-009-0065	12-12-02	Adopt(T)	1-1-03	137-055-1320(T)	10-1-03	Repeal	11-1-03
137-009-0065	6-11-03	Adopt	7-1-03	137-055-1340(T)	10-1-03	Repeal	11-1-03
137-009-0100	12-12-02	Adopt(T)	1-1-03	137-055-1360(T)	10-1-03	Repeal	11-1-03
137-009-0100	6-11-03	Adopt	7-1-03	137-055-1500(T)	10-1-03	Repeal	11-1-03
137-009-0120	12-12-02	Adopt(T)	1-1-03	137-055-1600(T)	10-1-03	Repeal	11-1-03
137-009-0120	6-11-03	Adopt	7-1-03	137-055-2020(T)	10-1-03	Repeal	11-1-03
137-040-0017	8-1-03	Amend(T)	9-1-03	137-055-2040(T)	10-1-03	Repeal	11-1-03
137-050-0300	10-1-03	Am. & Ren.	11-1-03	137-055-2060(T)	10-1-03	Repeal	11-1-03
137-050-0320	5-12-03	Amend	5-1-03	137-055-2080(T)	10-1-03	Repeal	11-1-03
137-050-0320	10-1-03	Amend	11-1-03	137-055-2120(T)	10-1-03	Repeal	11-1-03
137-050-0330	5-12-03	Amend	5-1-03	137-055-2140(T)	10-1-03	Repeal	11-1-03
137-050-0330	10-1-03	Amend	11-1-03	137-055-2160(T)	10-1-03	Repeal	11-1-03
137-050-0333	5-12-03	Adopt	5-1-03	137-055-2180(T)	10-1-03	Repeal	11-1-03
137-050-0335	5-12-03	Amend	5-1-03	137-055-2320(T)	10-1-03	Repeal	11-1-03
137-050-0335	6-5-03	Amend(T)	7-1-03	137-055-2340(T)	10-1-03	Repeal	11-1-03
137-050-0335	10-1-03	Amend	11-1-03	137-055-2360(T)	10-1-03	Repeal	11-1-03
137-050-0335(T)	10-1-03	Repeal	11-1-03	137-055-2380(T)	10-1-03	Repeal	11-1-03
137-050-0340	5-12-03	Amend	5-1-03	137-055-3020(T)	10-1-03	Repeal	11-1-03
137-050-0340	10-1-03	Amend	11-1-03	137-055-3040(T)	10-1-03	Repeal	11-1-03
137-050-0350	5-12-03	Amend	5-1-03	137-055-3060(T)	10-1-03	Repeal	11-1-03
137-050-0350	10-1-03	Amend	11-1-03	137-055-3080(T)	10-1-03	Repeal	11-1-03
137-050-0360	5-12-03	Amend	5-1-03	137-055-3100(T)	10-1-03	Repeal	11-1-03
137-050-0360	10-1-03	Amend	11-1-03	137-055-3120(T)	10-1-03	Repeal	11-1-03
137-050-0365	5-12-03	Repeal	5-1-03	137-055-3140(T)	10-1-03	Repeal	11-1-03
137-050-0390	5-12-03	Amend	5-1-03	137-055-3220(T)	10-1-03	Repeal	11-1-03
137-050-0400	5-12-03	Amend	5-1-03	137-055-3240(T)	10-1-03	Repeal	11-1-03
137-050-0405	5-12-03	Amend	5-1-03	137-055-3260(T)	10-1-03	Repeal	11-1-03
137-050-0405	10-1-03	Amend	11-1-03	137-055-3280(T)	10-1-03	Repeal	11-1-03



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137-055-3300(T)	10-1-03	Repeal	11-1-03	137-055-6110(T)	10-1-03	Repeal	11-1-03
137-055-3340(T)	10-1-03	Repeal	11-1-03	137-055-6120(T)	10-1-03	Repeal	11-1-03
137-055-3360(T)	10-1-03	Repeal	11-1-03	137-055-6200	10-1-03	Adopt	11-1-03
137-055-3400(T)	10-1-03	Repeal	11-1-03	137-055-6220(T)	10-1-03	Repeal	11-1-03
137-055-3410	10-1-03	Adopt	11-1-03	137-055-6240(T)	10-1-03	Repeal	11-1-03
137-055-3420(T)	10-1-03	Repeal	11-1-03	137-055-6260(T)	10-1-03	Repeal	11-1-03
137-055-3440(T)	10-1-03	Repeal	11-1-03	137-055-6280(T)	10-1-03	Repeal	11-1-03
137-055-3460(T)	10-1-03	Repeal	11-1-03	137-055-7020(T)	10-1-03	Repeal	11-1-03
137-055-3480(T)	10-1-03	Repeal	11-1-03	137-055-7040(T)	10-1-03	Repeal	11-1-03
137-055-3490(T)	10-1-03	Repeal	11-1-03	137-055-7060(T)	10-1-03	Repeal	11-1-03
137-055-3500(T)	10-1-03	Repeal	11-1-03	137-055-7080(T)	10-1-03	Repeal	11-1-03
137-055-3620(T)	10-1-03	Repeal	11-1-03	137-055-7100(T)	10-1-03	Repeal	11-1-03
137-055-3640(T)	10-1-03	Repeal	11-1-03	137-055-7120(T)	10-1-03	Repeal	11-1-03
137-055-4040(T)	10-1-03	Repeal	11-1-03	137-055-7140(T)	10-1-03	Repeal	11-1-03
137-055-4060(T)	10-1-03	Repeal	11-1-03	137-055-7160(T)	10-1-03	Repeal	11-1-03
137-055-4080(T)	10-1-03	Repeal	11-1-03	137-055-7180(T)	10-1-03	Repeal	11-1-03
137-055-4100(T)	10-1-03	Repeal	11-1-03	137-083-0000	3-1-03	Adopt	4-1-03
137-055-4120(T)	10-1-03	Repeal	11-1-03	137-083-0010	3-1-03	Adopt	4-1-03
137-055-4130(T)	10-1-03	Repeal	11-1-03	137-083-0020	3-1-03	Adopt	4-1-03
137-055-4140(T)	10-1-03	Repeal	11-1-03	137-083-0030	3-1-03	Adopt	4-1-03
137-055-4160(T)	10-1-03	Repeal	11-1-03	137-083-0040	3-1-03	Adopt	4-1-03
137-055-4180(T)	10-1-03	Repeal	11-1-03	137-083-0050	3-1-03	Adopt	4-1-03
137-055-4200(T)	10-1-03	Repeal	11-1-03	141-030-0010	1-1-03	Amend	2-1-03
137-055-4220(T)	10-1-03	Repeal	11-1-03	141-030-0015	1-1-03	Amend	2-1-03
137-055-4240(T)	10-1-03	Repeal	11-1-03	141-030-0025	1-1-03	Amend	2-1-03
137-055-4260(T)	10-1-03	Repeal	11-1-03	141-030-0034	1-1-03	Amend	2-1-03
137-055-4280(T)	10-1-03	Repeal	11-1-03	141-030-0035	1-1-03	Amend	2-1-03
137-055-4300(T)	10-1-03	Repeal	11-1-03	141-030-0036	1-1-03	Amend	2-1-03
137-055-4320(T)	10-1-03	Repeal	11-1-03	141-030-0037	1-1-03	Amend	2-1-03
137-055-4340(T)	10-1-03	Repeal	11-1-03	141-030-0038	1-1-03	Amend	2-1-03
137-055-4360(T)	10-1-03	Repeal	11-1-03	141-030-0039	1-1-03	Amend	2-1-03
137-055-4420(T)	10-1-03	Repeal	11-1-03	141-030-0040	1-1-03	Adopt	2-1-03
137-055-4440(T)	10-1-03	Repeal	11-1-03	141-035-0005	1-1-03	Amend	2-1-03
137-055-4460(T)	10-1-03	Repeal	11-1-03	141-035-0010	1-1-03	Amend	2-1-03
137-055-4500(T)	10-1-03	Repeal	11-1-03	141-035-0013	1-1-03	Adopt	2-1-03
137-055-4520(T)	10-1-03	Repeal	11-1-03	141-035-0015	1-1-03	Amend	2-1-03
137-055-4540(T)	10-1-03	Repeal	11-1-03	141-035-0020	1-1-03	Amend	2-1-03
137-055-4560(T)	10-1-03	Repeal	11-1-03	141-035-0025	1-1-03	Amend	2-1-03
137-055-4620(T)	10-1-03	Repeal	11-1-03	141-035-0030	1-1-03	Amend	2-1-03
137-055-4640(T)	10-1-03	Repeal	11-1-03	141-035-0035	1-1-03	Amend	2-1-03
137-055-5020(T)	10-1-03	Repeal	11-1-03	141-035-0040	1-1-03	Amend	2-1-03
137-055-5040(T)	10-1-03	Repeal	11-1-03	141-035-0045	1-1-03	Amend	2-1-03
137-055-5060(T)	10-1-03	Repeal	11-1-03	141-035-0046	1-1-03	Repeal	2-1-03
137-055-5080(T)	10-1-03	Repeal	11-1-03	141-035-0047	1-1-03	Amend	2-1-03
137-055-5110(T)	10-1-03	Repeal	11-1-03	141-035-0048	1-1-03	Adopt	2-1-03
137-055-5120(T)	10-1-03	Repeal	11-1-03	141-035-0050	1-1-03	Amend	2-1-03
137-055-5125(T)	10-1-03	Repeal	11-1-03	141-035-0055	1-1-03	Amend	2-1-03
137-055-5220(T)	10-1-03	Repeal	11-1-03	141-035-0060	1-1-03	Amend	2-1-03
137-055-5240(T)	10-1-03	Repeal	11-1-03	141-035-0065	1-1-03	Amend	2-1-03
137-055-5400(T)	10-1-03	Repeal	11-1-03	141-035-0070	1-1-03	Amend	2-1-03
137-055-5420(T)	10-1-03	Repeal	11-1-03	141-040-0005	1-1-03	Amend	2-1-03
137-055-5520(T)	10-1-03	Repeal	11-1-03	141-040-0010	1-1-03	Amend	2-1-03
137-055-6020(T)	10-1-03	Repeal	11-1-03	141-040-0020	1-1-03	Amend	2-1-03
137-055-6025(T)	10-1-03	Repeal	11-1-03	141-040-0030	1-1-03	Amend	2-1-03
137-055-6040(T)	10-1-03	Repeal	11-1-03	141-040-0035	1-1-03	Amend	2-1-03

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141-040-0200	1-1-03	Amend	2-1-03	141-085-0034	1-15-03	Adopt	1-1-03
141-040-0210	1-1-03	Repeal	2-1-03	141-085-0035	1-15-03	Repeal	1-1-03
141-040-0211	1-1-03	Amend	2-1-03	141-085-0036	1-15-03	Adopt	1-1-03
141-040-0212	1-1-03	Amend	2-1-03	141-085-0036	7-10-03	Amend	8-1-03
141-040-0214	1-1-03	Amend	2-1-03	141-085-0040	1-15-03	Repeal	1-1-03
141-040-0220	1-1-03	Amend	2-1-03	141-085-0050	1-15-03	Repeal	1-1-03
141-045-0005	1-1-03	Amend	2-1-03	141-085-0055	1-15-03	Repeal	1-1-03
141-045-0010	1-1-03	Amend	2-1-03	141-085-0060	1-15-03	Repeal	1-1-03
141-045-0015	1-1-03	Adopt	2-1-03	141-085-0064	1-15-03	Adopt	1-1-03
141-045-0020	1-1-03	Repeal	2-1-03	141-085-0064	7-10-03	Amend	8-1-03
141-045-0021	1-1-03	Adopt	2-1-03	141-085-0065	1-15-03	Repeal	1-1-03
141-045-0024	1-1-03	Repeal	2-1-03	141-085-0066	1-15-03	Adopt	1-1-03
141-045-0031	1-1-03	Amend	2-1-03	141-085-0070	1-15-03	Amend	1-1-03
141-045-0041	1-1-03	Amend	2-1-03	141-085-0070	7-10-03	Amend	8-1-03
141-045-0061	1-1-03	Amend	2-1-03	141-085-0075	1-15-03	Amend	1-1-03
141-045-0100	1-1-03	Amend	2-1-03	141-085-0075	7-10-03	Amend	8-1-03
141-045-0105	1-1-03	Amend	2-1-03	141-085-0079	1-15-03	Adopt	1-1-03
141-045-0115	1-1-03	Amend	2-1-03	141-085-0080	1-15-03	Amend	1-1-03
141-045-0120	1-1-03	Amend	2-1-03	141-085-0085	1-15-03	Amend	1-1-03
141-045-0121	1-1-03	Adopt	2-1-03	141-085-0085	7-10-03	Amend	8-1-03
141-045-0122	1-1-03	Adopt	2-1-03	141-085-0090	1-15-03	Amend	1-1-03
141-045-0123	1-1-03	Adopt	2-1-03	141-085-0090	7-10-03	Amend	8-1-03
141-045-0124	1-1-03	Adopt	2-1-03	141-085-0095	1-15-03	Adopt	1-1-03
141-045-0125	1-1-03	Amend	2-1-03	141-085-0096	1-15-03	Adopt	1-1-03
141-045-0126	1-1-03	Adopt	2-1-03	141-085-0101	1-15-03	Repeal	1-1-03
141-045-0130	1-1-03	Amend	2-1-03	141-085-0110	1-15-03	Repeal	1-1-03
141-045-0150	1-1-03	Amend	2-1-03	141-085-0115	1-15-03	Amend	1-1-03
141-045-0155	1-1-03	Amend	2-1-03	141-085-0115	7-10-03	Amend	8-1-03
141-045-0160	1-1-03	Amend	2-1-03	141-085-0120	1-15-03	Repeal	1-1-03
141-045-0170	1-1-03	Amend	2-1-03	141-085-0121	1-15-03	Adopt	1-1-03
141-045-0180	1-1-03	Amend	2-1-03	141-085-0121	7-10-03	Amend	8-1-03
141-045-0185	1-1-03	Adopt	2-1-03	141-085-0125	1-15-03	Repeal	1-1-03
141-085-0005	1-15-03	Amend	1-1-03	141-085-0126	1-15-03	Adopt	1-1-03
141-085-0006	1-15-03	Adopt	1-1-03	141-085-0126	7-10-03	Amend	8-1-03
141-085-0006	7-10-03	Amend	8-1-03	141-085-0130	1-15-03	Repeal	1-1-03
141-085-0010	1-15-03	Amend	1-1-03	141-085-0131	1-15-03	Adopt	1-1-03
141-085-0010	7-10-03	Amend	8-1-03	141-085-0135	1-15-03	Repeal	1-1-03
141-085-0015	1-15-03	Amend	1-1-03	141-085-0136	1-15-03	Adopt	1-1-03
141-085-0015	7-10-03	Amend	8-1-03	141-085-0136	7-10-03	Amend	8-1-03
141-085-0018	1-15-03	Adopt	1-1-03	141-085-0140	1-15-03	Repeal	1-1-03
141-085-0020	1-15-03	Amend	1-1-03	141-085-0141	1-15-03	Adopt	1-1-03
141-085-0020	7-10-03	Amend	8-1-03	141-085-0141	7-10-03	Amend	8-1-03
141-085-0022	1-15-03	Adopt	1-1-03	141-085-0145	1-15-03	Repeal	1-1-03
141-085-0022	7-10-03	Amend	8-1-03	141-085-0146	1-15-03	Adopt	1-1-03
141-085-0024	1-15-03	Adopt	1-1-03	141-085-0150	1-15-03	Repeal	1-1-03
141-085-0025	1-15-03	Amend	1-1-03	141-085-0151	1-15-03	Adopt	1-1-03
141-085-0025	7-10-03	Amend	8-1-03	141-085-0155	1-15-03	Repeal	1-1-03
141-085-0027	1-15-03	Adopt	1-1-03	141-085-0156	1-15-03	Adopt	1-1-03
141-085-0028	1-15-03	Adopt	1-1-03	141-085-0160	1-15-03	Repeal	1-1-03
141-085-0028	7-10-03	Amend	8-1-03	141-085-0161	1-15-03	Adopt	1-1-03
141-085-0029	1-15-03	Adopt	1-1-03	141-085-0165	1-15-03	Repeal	1-1-03
141-085-0029	7-10-03	Amend	8-1-03	141-085-0166	1-15-03	Adopt	1-1-03
141-085-0030	1-15-03	Repeal	1-1-03	141-085-0166	7-10-03	Amend	8-1-03
141-085-0031	1-15-03	Adopt	1-1-03	141-085-0170	1-15-03	Repeal	1-1-03
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141-085-0176	1-15-03	Adopt	1-1-03	141-089-0040	1-15-03	Repeal	1-1-03
141-085-0176	7-10-03	Amend	8-1-03	141-089-0050	1-15-03	Repeal	1-1-03
141-085-0180	1-15-03	Repeal	1-1-03	141-089-0060	1-15-03	Repeal	1-1-03
141-085-0240	1-15-03	Amend	1-1-03	141-089-0065	1-15-03	Repeal	1-1-03
141-085-0242	1-15-03	Repeal	1-1-03	141-089-0070	1-15-03	Repeal	1-1-03
141-085-0244	1-15-03	Amend	1-1-03	141-089-0075	1-15-03	Repeal	1-1-03
141-085-0244	7-10-03	Amend	8-1-03	141-089-0081	1-15-03	Repeal	1-1-03
141-085-0246	1-15-03	Amend	1-1-03	141-089-0086	1-15-03	Repeal	1-1-03
141-085-0248	1-15-03	Amend	1-1-03	141-089-0091	1-15-03	Repeal	1-1-03
141-085-0250	1-15-03	Amend	1-1-03	141-089-0100	1-15-03	Adopt	1-1-03
141-085-0252	1-15-03	Amend	1-1-03	141-089-0100	7-10-03	Amend	8-1-03
141-085-0254	1-15-03	Amend	1-1-03	141-089-0105	1-15-03	Adopt	1-1-03
141-085-0256	1-15-03	Amend	1-1-03	141-089-0105	7-10-03	Amend	8-1-03
141-085-0257	1-15-03	Adopt	1-1-03	141-089-0110	1-15-03	Adopt	1-1-03
141-085-0258	1-15-03	Repeal	1-1-03	141-089-0110	7-10-03	Amend	8-1-03
141-085-0260	1-15-03	Repeal	1-1-03	141-089-0115	1-15-03	Adopt	1-1-03
141-085-0262	1-15-03	Amend	1-1-03	141-089-0115	7-10-03	Amend	8-1-03
141-085-0263	1-15-03	Adopt	1-1-03	141-089-0120	1-15-03	Adopt	1-1-03
141-085-0264	1-15-03	Amend	1-1-03	141-089-0125	1-15-03	Adopt	1-1-03
141-085-0266	1-15-03	Amend	1-1-03	141-089-0130	1-15-03	Adopt	1-1-03
141-085-0300	1-15-03	Repeal	1-1-03	141-089-0130	7-10-03	Amend	8-1-03
141-085-0306	1-15-03	Repeal	1-1-03	141-089-0135	1-15-03	Adopt	1-1-03
141-085-0310	1-15-03	Repeal	1-1-03	141-089-0140	1-15-03	Adopt	1-1-03
141-085-0315	1-15-03	Repeal	1-1-03	141-089-0145	1-15-03	Adopt	1-1-03
141-085-0320	1-15-03	Repeal	1-1-03	141-089-0150	1-15-03	Adopt	1-1-03
141-085-0325	1-15-03	Repeal	1-1-03	141-089-0150	7-10-03	Amend	8-1-03
141-085-0330	1-15-03	Repeal	1-1-03	141-089-0155	1-15-03	Adopt	1-1-03
141-085-0335	1-15-03	Repeal	1-1-03	141-089-0160	1-15-03	Adopt	1-1-03
141-085-0340	1-15-03	Repeal	1-1-03	141-089-0165	1-15-03	Adopt	1-1-03
141-085-0345	1-15-03	Repeal	1-1-03	141-089-0165	7-10-03	Amend	8-1-03
141-085-0350	1-15-03	Repeal	1-1-03	141-089-0170	1-15-03	Adopt	1-1-03
141-085-0355	1-15-03	Repeal	1-1-03	141-089-0175	1-15-03	Adopt	1-1-03
141-085-0360	1-15-03	Repeal	1-1-03	141-089-0175	7-10-03	Amend	8-1-03
141-085-0365	1-15-03	Repeal	1-1-03	141-089-0180	1-15-03	Adopt	1-1-03
141-085-0400	1-15-03	Amend	1-1-03	141-089-0185	1-15-03	Adopt	1-1-03
141-085-0400	7-10-03	Amend	8-1-03	141-089-0185	7-10-03	Amend	8-1-03
141-085-0406	1-15-03	Amend	1-1-03	141-089-0190	1-15-03	Adopt	1-1-03
141-085-0410	1-15-03	Amend	1-1-03	141-089-0195	1-15-03	Adopt	1-1-03
141-085-0415	1-15-03	Repeal	1-1-03	141-089-0200	1-15-03	Adopt	1-1-03
141-085-0421	1-15-03	Amend	1-1-03	141-089-0200	7-10-03	Amend	8-1-03
141-085-0425	1-15-03	Amend	1-1-03	141-089-0205	1-15-03	Adopt	1-1-03
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141-085-0436	1-15-03	Amend	1-1-03	141-089-0210	1-15-03	Adopt	1-1-03
141-085-0440	1-15-03	Amend	1-1-03	141-089-0210	7-10-03	Amend	8-1-03
141-085-0445	1-15-03	Amend	1-1-03	141-089-0215	1-15-03	Adopt	1-1-03
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141-085-0660	1-15-03	Amend	1-1-03	141-089-0235	1-15-03	Adopt	1-1-03
141-089-0005	1-15-03	Repeal	1-1-03	141-089-0240	1-15-03	Adopt	1-1-03
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141-089-0270	1-15-03	Adopt	1-1-03	150-306.115(G)	7-31-03	Repeal	9-1-03
141-089-0275	1-15-03	Adopt	1-1-03	150-306.115(H)	7-31-03	Repeal	9-1-03
141-089-0275	7-10-03	Amend	8-1-03	150-306.115(I)	7-31-03	Repeal	9-1-03
141-089-0280	1-15-03	Adopt	1-1-03	150-306.115(J)	12-31-02	Repeal	2-1-03
141-089-0285	1-15-03	Adopt	1-1-03	150-306.115(K)	7-31-03	Repeal	9-1-03
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141-089-0295	1-15-03	Adopt	1-1-03	150-306.265	12-31-02	Adopt	2-1-03
141-089-0295	7-10-03	Amend	8-1-03	150-307.175	12-31-02	Amend	2-1-03
141-089-0300	1-15-03	Adopt	1-1-03	150-307.220-(B)	12-31-02	Amend	2-1-03
141-089-0305	1-15-03	Adopt	1-1-03	150-307.230-(B)	12-31-02	Amend	2-1-03
141-089-0310	1-15-03	Adopt	1-1-03	150-307.240-(B)	12-31-02	Amend	2-1-03
141-089-0310	7-10-03	Amend	8-1-03	150-307.804	7-31-03	Adopt	9-1-03
141-089-0400	7-10-03	Adopt	8-1-03	150-308.156	7-31-03	Amend	9-1-03
141-089-0405	7-10-03	Adopt	8-1-03	150-308.290(4)(b)	12-31-02	Amend	2-1-03
141-089-0410	7-10-03	Adopt	8-1-03	150-308.290(7)-(B)	12-31-02	Amend	2-1-03
141-089-0415	7-10-03	Adopt	8-1-03	150-308.560	12-31-02	Adopt	2-1-03
141-089-0420	7-10-03	Adopt	8-1-03	150-308.704	12-31-02	Amend	2-1-03
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141-089-0430	7-10-03	Adopt	8-1-03	150-308.709	12-31-02	Amend	2-1-03
141-089-0500	7-10-03	Adopt	8-1-03	150-308.712	12-31-02	Amend	2-1-03
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141-089-0530	7-10-03	Adopt	8-1-03	150-309.100(1)-(A)	12-31-02	Am. & Ren.	2-1-03
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141-122-0020	1-1-03	Amend	2-1-03	150-309.100-(A)	12-31-02	Am. & Ren.	2-1-03
141-122-0030	1-1-03	Amend	2-1-03	150-309.100(B)	7-31-03	Repeal	9-1-03
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177-010-0000	11-25-02	Amend	1-1-03	177-046-0020	11-25-02	Adopt	1-1-03
177-010-0003	11-25-02	Adopt	1-1-03	177-046-0030	11-25-02	Adopt	1-1-03
177-010-0005	11-25-02	Repeal	1-1-03	177-046-0040	11-25-02	Adopt	1-1-03
177-010-0007	11-25-02	Amend	1-1-03	177-046-0050	11-25-02	Adopt	1-1-03
177-010-0009	11-25-02	Amend	1-1-03	177-046-0060	11-25-02	Adopt	1-1-03
177-010-0020	11-25-02	Repeal	1-1-03	177-046-0070	11-25-02	Adopt	1-1-03
177-010-0025	11-25-02	Amend	1-1-03	177-046-0080	11-25-02	Adopt	1-1-03
177-010-0040	11-25-02	Repeal	1-1-03	177-046-0090	11-25-02	Adopt	1-1-03
177-010-0045	11-25-02	Amend	1-1-03	177-046-0100	11-25-02	Adopt	1-1-03
177-010-0050	11-25-02	Amend	1-1-03	177-046-0110	11-25-02	Adopt	1-1-03
177-010-0055	11-25-02	Repeal	1-1-03	177-046-0120	11-25-02	Adopt	1-1-03
177-010-0060	11-25-02	Repeal	1-1-03	177-046-0130	11-25-02	Adopt	1-1-03
177-010-0065	11-25-02	Repeal	1-1-03	177-046-0140	11-25-02	Adopt	1-1-03
177-010-0070	11-25-02	Repeal	1-1-03	177-046-0150	11-25-02	Adopt	1-1-03
177-010-0080	11-25-02	Amend	1-1-03	177-046-0160	11-25-02	Adopt	1-1-03
177-010-0085	11-25-02	Amend	1-1-03	177-046-0170	11-25-02	Adopt	1-1-03
177-010-0096	11-25-02	Repeal	1-1-03	177-050-0000	11-25-02	Repeal	1-1-03
177-010-0100	11-25-02	Amend	1-1-03	177-050-0002	11-25-02	Amend	1-1-03
177-010-0110	11-25-02	Amend	1-1-03	177-050-0010	11-25-02	Repeal	1-1-03
177-010-0120	11-25-02	Amend	1-1-03	177-050-0020	11-25-02	Amend	1-1-03
177-010-0300	11-25-02	Repeal	1-1-03	177-050-0021	11-25-02	Repeal	1-1-03
177-040-0000	11-25-02	Amend	1-1-03	177-050-0023	11-25-02	Repeal	1-1-03
177-040-0001	11-25-02	Amend	1-1-03	177-050-0025	11-25-02	Amend	1-1-03
177-040-0003	11-25-02	Amend	1-1-03	177-050-0027	11-25-02	Amend	1-1-03
177-040-0005	11-25-02	Amend	1-1-03	177-050-0037	11-25-02	Amend	1-1-03
177-040-0010	11-25-02	Amend	1-1-03	177-050-0045	11-25-02	Repeal	1-1-03
177-040-0012	11-25-02	Repeal	1-1-03	177-050-0051	11-25-02	Repeal	1-1-03
177-040-0025	11-25-02	Amend	1-1-03	177-050-0055	11-25-02	Repeal	1-1-03
177-040-0030	3-14-03	Amend	4-1-03	177-050-0065	11-25-02	Repeal	1-1-03
177-040-0030	6-30-03	Amend	8-1-03	177-050-0075	11-25-02	Repeal	1-1-03
177-040-0040	11-25-02	Amend	1-1-03	177-051-0000	5-28-03	Adopt(T)	7-1-03
177-040-0050	11-25-02	Amend	1-1-03	177-051-0000	9-29-03	Adopt	11-1-03
177-040-0051	11-25-02	Adopt	1-1-03	177-051-0010	5-28-03	Adopt(T)	7-1-03
177-040-0051	3-14-03	Amend	4-1-03	177-051-0010	9-29-03	Adopt	11-1-03
177-040-0051	6-30-03	Amend	8-1-03	177-051-0020	5-28-03	Adopt(T)	7-1-03
177-040-0052	11-25-02	Adopt	1-1-03	177-051-0020	9-29-03	Adopt	11-1-03
177-040-0055	11-25-02	Amend	1-1-03	177-051-0030	5-28-03	Adopt(T)	7-1-03
177-040-0070	6-30-03	Amend	8-1-03	177-051-0030	9-29-03	Adopt	11-1-03
177-040-0105	11-25-02	Amend	1-1-03	177-051-0040	5-28-03	Adopt(T)	7-1-03
177-040-0110	3-14-03	Amend	4-1-03	177-051-0040	9-29-03	Adopt	11-1-03
177-040-0110	6-30-03	Amend	8-1-03	177-051-0050	5-28-03	Adopt(T)	7-1-03
177-040-0115	3-14-03	Amend	4-1-03	177-051-0050	9-29-03	Adopt	11-1-03
177-040-0115	6-30-03	Amend	8-1-03	177-051-0060	5-28-03	Adopt(T)	7-1-03
177-040-0120	3-14-03	Amend	4-1-03	177-051-0060	9-29-03	Adopt	11-1-03
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177-051-0080	5-28-03	Adopt(T)	7-1-03	177-081-0080	11-25-02	Amend	1-1-03
177-051-0080	9-29-03	Adopt	11-1-03	177-081-0090	11-25-02	Repeal	1-1-03
177-051-0090	5-28-03	Adopt(T)	7-1-03	177-082-0100	9-2-03	Suspend	10-1-03
177-051-0090	9-29-03	Adopt	11-1-03	177-085-0005	2-3-03	Amend	3-1-03
177-051-0100	5-28-03	Adopt(T)	7-1-03	177-085-0005	4-15-03	Amend(T)	5-1-03
177-051-0100	9-29-03	Adopt	11-1-03	177-085-0005	6-30-03	Amend	8-1-03
177-051-0110	5-28-03	Adopt(T)	7-1-03	177-085-0010	2-3-03	Amend	3-1-03
177-051-0110	9-29-03	Adopt	11-1-03	177-085-0015	2-3-03	Amend	3-1-03
177-051-0120	5-28-03	Adopt(T)	7-1-03	177-085-0020	2-3-03	Amend	3-1-03
177-051-0120	9-29-03	Adopt	11-1-03	177-085-0025	2-3-03	Amend	3-1-03
177-051-0130	5-28-03	Adopt(T)	7-1-03	177-085-0030	2-3-03	Amend	3-1-03
177-051-0130	9-29-03	Adopt	11-1-03	177-085-0035	2-3-03	Amend	3-1-03
177-065-0000	11-25-02	Repeal	1-1-03	177-085-0035	4-15-03	Amend(T)	5-1-03
177-065-0005	11-25-02	Amend	1-1-03	177-085-0035	6-30-03	Amend	8-1-03
177-065-0015	11-25-02	Amend	1-1-03	177-085-0040	2-3-03	Amend	3-1-03
177-065-0020	11-25-02	Amend	1-1-03	177-085-0045	2-3-03	Amend	3-1-03
177-065-0025	11-25-02	Amend	1-1-03	177-085-0050	2-3-03	Amend	3-1-03
177-065-0030	11-25-02	Amend	1-1-03	177-085-0055	2-3-03	Repeal	3-1-03
177-065-0035	11-25-02	Amend	1-1-03	177-085-0065	2-3-03	Amend	3-1-03
177-065-0040	11-25-02	Amend	1-1-03	177-091-0000	9-2-03	Adopt(T)	10-1-03
177-065-0045	11-25-02	Amend	1-1-03	177-091-0010	9-2-03	Adopt(T)	10-1-03
177-065-0055	11-25-02	Amend	1-1-03	177-091-0020	9-2-03	Adopt(T)	10-1-03
177-065-0065	11-25-02	Amend	1-1-03	177-091-0030	9-2-03	Adopt(T)	10-1-03
177-065-0075	11-25-02	Amend	1-1-03	177-091-0040	9-2-03	Adopt(T)	10-1-03
177-065-0080	11-25-02	Amend	1-1-03	177-091-0050	9-2-03	Adopt(T)	10-1-03
177-065-0100	11-25-02	Repeal	1-1-03	177-091-0060	9-2-03	Adopt(T)	10-1-03
177-070-0000	11-25-02	Repeal	1-1-03	177-091-0070	9-2-03	Adopt(T)	10-1-03
177-070-0005	11-25-02	Amend	1-1-03	177-091-0080	9-2-03	Adopt(T)	10-1-03
177-070-0010	11-25-02	Repeal	1-1-03	177-091-0090	9-2-03	Adopt(T)	10-1-03
177-070-0015	11-25-02	Repeal	1-1-03	177-091-0100	9-2-03	Adopt(T)	10-1-03
177-070-0025	11-25-02	Amend	1-1-03	177-091-0110	9-2-03	Adopt(T)	10-1-03
177-070-0035	11-25-02	Amend	1-1-03	177-094-0000	11-25-02	Amend	1-1-03
177-070-0055	11-25-02	Repeal	1-1-03	177-094-0010	11-25-02	Amend	1-1-03
177-070-0060	11-25-02	Repeal	1-1-03	177-094-0020	11-25-02	Amend	1-1-03
177-070-0065	11-25-02	Repeal	1-1-03	177-094-0030	11-25-02	Amend	1-1-03
177-070-0070	11-25-02	Repeal	1-1-03	177-094-0035	11-25-02	Repeal	1-1-03
177-070-0075	11-25-02	Repeal	1-1-03	177-094-0040	11-25-02	Amend	1-1-03
177-070-0080	11-25-02	Amend	1-1-03	177-094-0050	11-25-02	Amend	1-1-03
177-075-0000	11-25-02	Amend	1-1-03	177-094-0060	11-25-02	Amend	1-1-03
177-075-0005	11-25-02	Amend	1-1-03	177-094-0085	11-25-02	Amend	1-1-03
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177-075-0020	11-25-02	Amend	1-1-03	177-099-0000	11-25-02	Amend	1-1-03
177-075-0027	11-25-02	Amend	1-1-03	177-099-0000	4-7-03	Amend(T)	5-1-03
177-075-0030	11-25-02	Amend	1-1-03	177-099-0000	6-30-03	Amend	8-1-03
177-075-0035	11-25-02	Amend	1-1-03	177-099-0010	11-25-02	Amend	1-1-03
177-075-0045	11-25-02	Repeal	1-1-03	177-099-0020	11-25-02	Amend	1-1-03
177-075-0050	11-25-02	Repeal	1-1-03	177-099-0020	4-7-03	Amend(T)	5-1-03
177-081-0000	11-25-02	Amend	1-1-03	177-099-0020	6-30-03	Amend	8-1-03
177-081-0010	11-25-02	Amend	1-1-03	177-099-0030	11-25-02	Amend	1-1-03
177-081-0020	11-25-02	Amend	1-1-03	177-099-0030	4-7-03	Amend(T)	5-1-03
177-081-0030	11-25-02	Amend	1-1-03	177-099-0030	6-30-03	Amend	8-1-03
177-081-0035	11-25-02	Repeal	1-1-03	177-099-0035	11-25-02	Repeal	1-1-03
177-081-0040	11-25-02	Amend	1-1-03	177-099-0040	11-25-02	Amend	1-1-03
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177-099-0050	11-25-02	Amend	1-1-03	177-200-0040	6-5-03	Suspend	7-1-03
177-099-0050	4-7-03	Amend(T)	5-1-03	177-200-0040	9-29-03	Repeal	11-1-03
177-099-0050	6-30-03	Amend	8-1-03	177-200-0050	6-5-03	Amend(T)	7-1-03
177-099-0060	11-25-02	Amend	1-1-03	177-200-0050	9-29-03	Amend	11-1-03
177-099-0080	11-25-02	Amend	1-1-03	177-200-0055	6-5-03	Adopt(T)	7-1-03
177-099-0080	4-7-03	Amend(T)	5-1-03	177-200-0055	9-29-03	Adopt	11-1-03
177-099-0080	6-30-03	Amend	8-1-03	177-200-0060	6-5-03	Amend(T)	7-1-03
177-099-0090	11-25-02	Amend	1-1-03	177-200-0060	9-29-03	Amend	11-1-03
177-099-0090	4-7-03	Amend(T)	5-1-03	177-200-0065	6-5-03	Adopt(T)	7-1-03
177-099-0090	6-30-03	Amend	8-1-03	177-200-0065	9-29-03	Adopt	11-1-03
177-099-0095	4-7-03	Adopt(T)	5-1-03	177-200-0070	6-5-03	Amend(T)	7-1-03
177-099-0095	6-30-03	Adopt	8-1-03	177-200-0070	9-29-03	Amend	11-1-03
177-099-0100	11-25-02	Amend	1-1-03	177-200-0080	6-5-03	Adopt(T)	7-1-03
177-099-0100	4-7-03	Amend(T)	5-1-03	177-200-0080	9-29-03	Adopt	11-1-03
177-099-0100	6-30-03	Amend	8-1-03	177-200-0090	6-5-03	Adopt(T)	7-1-03
177-099-0110	11-25-02	Repeal	1-1-03	177-200-0090	9-29-03	Adopt	11-1-03
177-100-0000	6-5-03	Amend(T)	7-1-03	191-010-0000	8-1-03	Amend	8-1-03
177-100-0000	9-29-03	Amend	11-1-03	213-050-0045	7-1-03	Adopt	8-1-03
177-100-0010	6-5-03	Amend(T)	7-1-03	213-050-0050	7-1-03	Adopt	8-1-03
177-100-0010	9-29-03	Amend	11-1-03	213-050-0055	7-1-03	Adopt	8-1-03
177-100-0070	6-5-03	Suspend	7-1-03	213-050-0060	7-1-03	Adopt	8-1-03
177-100-0070	9-29-03	Repeal	11-1-03	213-050-0065	7-1-03	Adopt	8-1-03
177-100-0080	6-5-03	Amend(T)	7-1-03	213-050-0070	7-1-03	Adopt	8-1-03
177-100-0080	9-29-03	Amend	11-1-03	213-050-0075	7-1-03	Adopt	8-1-03
177-100-0090	6-5-03	Amend(T)	7-1-03	213-050-0080	7-1-03	Adopt	8-1-03
177-100-0090	9-29-03	Amend	11-1-03	220-005-0005	7-1-03	Amend	7-1-03
177-100-0095	6-5-03	Amend(T)	7-1-03	220-005-0010	1-1-03	Amend	1-1-03
177-100-0095	9-29-03	Amend	11-1-03	220-005-0010	7-1-03	Amend	7-1-03
177-100-0130	6-5-03	Amend(T)	7-1-03	220-005-0015	7-1-03	Amend	7-1-03
177-100-0130	9-29-03	Amend	11-1-03	220-005-0110	7-1-03	Amend	7-1-03
177-100-0160	6-5-03	Amend(T)	7-1-03	220-005-0115	7-1-03	Amend	7-1-03
177-100-0160	9-29-03	Amend	11-1-03	220-005-0120	7-1-03	Amend	7-1-03
177-100-0170	6-5-03	Suspend	7-1-03	220-005-0130	7-1-03	Amend	7-1-03
177-100-0170	9-29-03	Repeal	11-1-03	220-005-0135	7-1-03	Amend	7-1-03
177-100-0180	6-5-03	Amend(T)	7-1-03	220-005-0140	7-1-03	Amend	7-1-03
177-100-0180	9-29-03	Amend	11-1-03	220-005-0150	7-1-03	Amend	7-1-03
177-100-0185	6-5-03	Amend(T)	7-1-03	220-005-0160	7-1-03	Amend	7-1-03
177-100-0185	9-29-03	Amend	11-1-03	220-005-0170	7-1-03	Amend	7-1-03
177-200-0000	6-5-03	Amend(T)	7-1-03	220-005-0180	7-1-03	Amend	7-1-03
177-200-0000	9-29-03	Amend	11-1-03	220-005-0210	7-1-03	Amend	7-1-03
177-200-0005	6-5-03	Adopt(T)	7-1-03	220-005-0220	7-1-03	Amend	7-1-03
177-200-0005	9-29-03	Adopt	11-1-03	220-005-0230	7-1-03	Amend	7-1-03
177-200-0010	6-5-03	Amend(T)	7-1-03	220-005-0240	7-1-03	Amend	7-1-03
177-200-0010	9-29-03	Amend	11-1-03	220-005-0250	7-1-03	Amend	7-1-03
177-200-0011	6-5-03	Adopt(T)	7-1-03	220-010-0010	7-1-03	Repeal	7-1-03
177-200-0011	9-29-03	Adopt	11-1-03	220-010-0020	7-1-03	Amend	7-1-03
177-200-0012	6-5-03	Adopt(T)	7-1-03	220-010-0030	7-1-03	Amend	7-1-03
177-200-0012	9-29-03	Adopt	11-1-03	220-010-0050	7-1-03	Amend	7-1-03
177-200-0015	6-5-03	Amend(T)	7-1-03	220-010-0060	7-1-03	Amend	7-1-03
177-200-0015	9-29-03	Amend	11-1-03	220-010-0200	7-1-03	Amend	7-1-03
177-200-0020	6-5-03	Amend(T)	7-1-03	220-010-0210	7-1-03	Repeal	7-1-03
177-200-0020	9-29-03	Amend	11-1-03	220-010-0300	7-1-03	Adopt	7-1-03
177-200-0030	6-5-03	Suspend	7-1-03	220-020-0010	7-1-03	Repeal	7-1-03
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220-040-0015	7-1-03	Amend	7-1-03	259-009-0025	11-18-02	Adopt	1-1-03
220-040-0025	7-1-03	Amend	7-1-03	259-009-0030	11-18-02	Adopt	1-1-03
220-040-0035	7-1-03	Amend	7-1-03	259-009-0035	11-18-02	Adopt	1-1-03
220-040-0045	7-1-03	Amend	7-1-03	259-009-0062	11-18-02	Adopt	1-1-03
220-040-0050	7-1-03	Amend	7-1-03	259-009-0062	7-24-03	Amend	9-1-03
220-050-0100	7-1-03	Repeal	7-1-03	259-009-0062	10-27-03	Amend(T)	12-1-03
220-050-0105	7-1-03	Adopt	7-1-03	259-009-0063	11-18-02	Adopt	1-1-03
220-050-0110	7-1-03	Amend	7-1-03	259-009-0067	11-18-02	Adopt	1-1-03
220-050-0120	7-1-03	Repeal	7-1-03	259-009-0070	11-18-02	Adopt	1-1-03
220-050-0140	7-1-03	Amend	7-1-03	259-009-0072	11-18-02	Adopt	1-1-03
220-050-0150	7-1-03	Amend	7-1-03	259-009-0080	11-18-02	Adopt	1-1-03
220-050-0200	7-1-03	Repeal	7-1-03	259-009-0085	11-18-02	Adopt	1-1-03
220-050-0300	7-1-03	Adopt	7-1-03	259-009-0087	11-18-02	Adopt	1-1-03
250-001-0020	1-14-03	Amend	2-1-03	259-009-0090	11-18-02	Adopt	1-1-03
250-018-0010	3-31-03	Amend	5-1-03	259-009-0100	11-18-02	Adopt	1-1-03
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250-018-0080	3-31-03	Amend	5-1-03	259-020-0010	1-21-03	Amend	3-1-03
250-020-0082	7-1-03	Amend(T)	7-1-03	259-020-0015	1-21-03	Amend	3-1-03
250-020-0171	7-7-03	Amend	8-1-03	259-020-0025	1-21-03	Amend	3-1-03
250-020-0204	6-12-03	Amend	7-1-03	259-025-0000	11-21-02	Amend	1-1-03
250-020-0380	1-14-03	Repeal	2-1-03	259-060-0010	1-22-03	Amend	3-1-03
255-032-0005	5-13-03	Amend	6-1-03	259-060-0015	1-22-03	Amend	3-1-03
255-032-0010	5-13-03	Amend	6-1-03	259-060-0020	6-16-03	Amend(T)	8-1-03
255-032-0015	5-13-03	Amend	6-1-03	259-060-0020	7-24-03	Amend	9-1-03
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255-060-0009	10-10-03	Amend	11-1-03	259-060-0120	1-22-03	Amend	3-1-03
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255-075-0056	10-10-03	Amend	11-1-03	259-060-0300	7-24-03	Amend	9-1-03
255-075-0067	5-13-03	Amend	6-1-03	259-060-0450	1-22-03	Amend	3-1-03
255-075-0079	5-13-03	Amend	6-1-03	259-060-0500	7-24-03	Amend	9-1-03
259-006-0000	4-11-03	Amend	5-1-03	274-020-0340	4-7-03	Amend(T)	5-1-03
259-008-0000	11-18-02	Amend	1-1-03	274-020-0340	9-23-03	Amend	11-1-03
259-008-0005	11-18-02	Amend	1-1-03	274-020-0340(T)	9-23-03	Repeal	11-1-03
259-008-0010	11-21-02	Amend	1-1-03	274-020-0341	1-21-03	Amend(T)	3-1-03
259-008-0010	1-22-03	Amend	3-1-03	274-020-0341	3-24-03	Amend	5-1-03
259-008-0010	4-11-03	Amend	5-1-03	274-020-0341	4-21-03	Amend(T)	6-1-03
259-008-0010	4-18-03	Amend	6-1-03	274-020-0341	7-25-03	Amend(T)	9-1-03
259-008-0020	11-18-02	Amend	1-1-03	274-020-0341	8-1-03	Amend(T)	9-1-03
259-008-0035	11-18-02	Amend	1-1-03	274-020-0341	8-15-03	Amend(T)	9-1-03
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259-008-0062	11-18-02	Repeal	1-1-03	274-020-0341	10-8-03	Amend(T)	11-1-03
259-008-0063	11-18-02	Repeal	1-1-03	274-020-0341(T)	1-21-03	Suspend	3-1-03
259-008-0065	11-18-02	Amend	1-1-03	274-020-0341(T)	3-24-03	Repeal	5-1-03
259-008-0065	4-22-03	Amend	6-1-03	274-020-0341(T)	7-25-03	Suspend	9-1-03
259-008-0067	4-22-03	Adopt	6-1-03	274-020-0341(T)	8-1-03	Suspend	9-1-03
259-008-0070	11-18-02	Amend	1-1-03	274-020-0341(T)	8-15-03	Suspend	9-1-03
259-008-0070	4-11-03	Amend	5-1-03	274-020-0341(T)	9-23-03	Repeal	11-1-03
259-008-0080	11-18-02	Amend	1-1-03	274-020-0445	4-7-03	Amend(T)	5-1-03
259-008-0085	11-18-02	Amend	1-1-03	274-020-0445	9-23-03	Amend	11-1-03
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259-009-0000	11-18-02	Adopt	1-1-03	274-021-0005	4-23-03	Amend	6-1-03
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274-045-0060	4-7-03	Amend(T)	5-1-03	291-063-0034	4-17-03	Adopt(T)	6-1-03
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274-045-0060(T)	9-23-03	Repeal	11-1-03	291-063-0035	10-4-03	Repeal	11-1-03
274-045-0441	4-7-03	Amend(T)	5-1-03	291-063-0036	4-17-03	Adopt(T)	6-1-03
274-045-0441	9-23-03	Amend	11-1-03	291-063-0036	10-4-03	Adopt	11-1-03
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291-024-0016	2-5-03	Amend	3-1-03	291-077-0010	10-1-03	Amend	11-1-03
291-024-0017	2-5-03	Repeal	3-1-03	291-077-0020	10-1-03	Amend	11-1-03
291-024-0020	2-5-03	Amend	3-1-03	291-077-0030	2-28-03	Amend(T)	4-1-03
291-024-0025	2-5-03	Amend	3-1-03	291-077-0030	8-22-03	Amend	10-1-03
291-024-0055	2-5-03	Amend	3-1-03	291-077-0030	10-1-03	Amend	11-1-03
291-024-0060	2-5-03	Amend	3-1-03	291-077-0033	10-1-03	Amend	11-1-03
291-024-0070	2-5-03	Am. & Ren.	3-1-03	291-077-0035	10-1-03	Amend	11-1-03
291-024-0080	2-5-03	Amend	3-1-03	291-077-0040	10-1-03	Amend	11-1-03
291-025-0065	2-5-03	Am. & Ren.	3-1-03	291-109-0005	3-1-03	Repeal	3-1-03
291-031-0085	2-21-03	Adopt(T)	4-1-03	291-109-0015	3-1-03	Repeal	3-1-03
291-031-0085	8-20-03	Adopt	10-1-03	291-109-0020	3-1-03	Repeal	3-1-03
291-031-0095	2-21-03	Adopt(T)	4-1-03	291-109-0030	3-1-03	Repeal	3-1-03
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291-031-0100	2-21-03	Adopt(T)	4-1-03	291-109-0050	3-1-03	Repeal	3-1-03
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291-031-0120	2-21-03	Adopt(T)	4-1-03	291-109-0130	3-1-03	Adopt	3-1-03
291-031-0120	8-20-03	Adopt	10-1-03	291-109-0140	3-1-03	Adopt	3-1-03
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309-018-0120	3-10-03	Amend(T)	3-1-03	309-041-2150	7-1-03	Adopt	8-1-03
309-018-0130	3-10-03	Amend(T)	3-1-03	309-041-2150	7-1-03	Amend(T)	8-1-03
309-018-0180	3-10-03	Amend(T)	3-1-03	309-041-2160	7-1-03	Adopt	8-1-03
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309-041-1115	7-1-03	Amend(T)	8-1-03	330-060-0015	10-1-03	Amend	11-1-03
309-041-1120	7-1-03	Amend(T)	8-1-03	330-060-0020	10-1-03	Amend	11-1-03
309-041-1125	7-1-03	Amend(T)	8-1-03	330-060-0022	10-1-03	Repeal	11-1-03
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309-041-1135	7-1-03	Amend(T)	8-1-03	330-060-0026	10-1-03	Repeal	11-1-03
309-041-1138	7-1-03	Adopt(T)	8-1-03	330-060-0030	10-1-03	Repeal	11-1-03
309-041-1140	7-1-03	Amend(T)	8-1-03	330-060-0035	10-1-03	Repeal	11-1-03
309-041-1142	7-1-03	Amend(T)	8-1-03	330-060-0040	10-1-03	Amend	11-1-03
309-041-1145	7-1-03	Amend(T)	8-1-03	330-060-0060	10-1-03	Amend	11-1-03
309-041-1150	7-1-03	Amend(T)	8-1-03	330-060-0065	10-1-03	Amend	11-1-03
309-041-1165	7-1-03	Amend(T)	8-1-03	330-060-0070	10-1-03	Amend	11-1-03
309-041-1170	7-1-03	Amend(T)	8-1-03	330-060-0075	10-1-03	Amend	11-1-03
309-041-1750	7-1-03	Amend(T)	8-1-03	330-060-0080	10-1-03	Repeal	11-1-03
309-041-1760	7-1-03	Amend(T)	8-1-03	330-060-0085	10-1-03	Repeal	11-1-03
309-041-1780	7-1-03	Amend(T)	8-1-03	330-060-0090	10-1-03	Amend	11-1-03
309-041-1800	7-1-03	Amend(T)	8-1-03	330-060-0095	10-1-03	Amend	11-1-03
309-041-1850	7-1-03	Amend(T)	8-1-03	330-061-0005	10-1-03	Amend	11-1-03
309-041-1860	7-1-03	Amend(T)	8-1-03	330-061-0010	10-1-03	Amend	11-1-03
309-041-1870	7-1-03	Amend(T)	8-1-03	330-061-0015	10-1-03	Amend	11-1-03
309-041-1880	7-1-03	Amend(T)	8-1-03	330-061-0020	10-1-03	Amend	11-1-03
309-041-1890	7-1-03	Amend(T)	8-1-03	330-061-0025	10-1-03	Amend	11-1-03
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309-041-2000	7-1-03	Adopt	8-1-03	330-061-0035	10-1-03	Amend	11-1-03
309-041-2010	7-1-03	Adopt	8-1-03	330-061-0040	10-1-03	Amend	11-1-03
309-041-2010	7-1-03	Amend(T)	8-1-03	330-061-0045	10-1-03	Amend	11-1-03
309-041-2020	7-1-03	Adopt	8-1-03	330-061-0050	10-1-03	Amend	11-1-03
309-041-2030	7-1-03	Adopt	8-1-03	330-130-0030	1-10-03	Amend	2-1-03
309-041-2030	7-1-03	Amend(T)	8-1-03	330-130-0040	1-10-03	Amend	2-1-03
309-041-2040	7-1-03	Adopt	8-1-03	330-130-0050	1-10-03	Amend	2-1-03
309-041-2040	7-1-03	Amend(T)	8-1-03	330-130-0060	1-10-03	Amend	2-1-03
309-041-2050	7-1-03	Adopt	8-1-03	330-130-0080	1-10-03	Amend	2-1-03
309-041-2060	7-1-03	Adopt	8-1-03	331-205-0030	5-15-03	Amend	6-1-03
309-041-2070	7-1-03	Adopt	8-1-03	331-400-0010	2-1-03	Amend	3-1-03
309-041-2070	7-1-03	Amend(T)	8-1-03	331-405-0020	2-1-03	Amend	3-1-03
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309-041-2090	7-1-03	Adopt	8-1-03	331-420-0000	2-1-03	Amend	3-1-03
309-041-2090	7-1-03	Amend(T)	8-1-03	331-420-0010	2-1-03	Amend	3-1-03
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333-005-0040	10-1-03	Adopt(T)	11-1-03	333-061-0030	8-15-03	Amend	9-1-03
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333-005-0060	10-1-03	Adopt(T)	11-1-03	333-061-0036	8-15-03	Amend	9-1-03
333-008-0010	7-1-03	Amend	8-1-03	333-061-0040	8-15-03	Amend	9-1-03
333-008-0020	7-1-03	Amend	8-1-03	333-061-0042	8-15-03	Amend	9-1-03
333-008-0040	7-1-03	Amend	8-1-03	333-061-0043	8-15-03	Amend	9-1-03
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333-024-0510	10-27-03	Am. & Ren.(T)	12-1-03	333-061-0097	8-15-03	Amend	9-1-03
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333-024-0540	10-27-03	Am. & Ren.(T)	12-1-03	333-064-0005	9-22-03	Amend(T)	11-1-03
333-024-0550	10-27-03	Am. & Ren.(T)	12-1-03	333-064-0010	9-22-03	Amend(T)	11-1-03
333-024-0560	10-27-03	Suspend	12-1-03	333-064-0015	9-22-03	Amend(T)	11-1-03
333-025-0100	10-27-03	Adopt(T)	12-1-03	333-064-0025	7-1-03	Amend	6-1-03
333-025-0105	10-27-03	Adopt(T)	12-1-03	333-064-0025	9-22-03	Amend(T)	11-1-03
333-025-0110	10-27-03	Adopt(T)	12-1-03	333-064-0030	9-22-03	Amend(T)	11-1-03
333-025-0115	10-27-03	Adopt(T)	12-1-03	333-064-0035	9-22-03	Amend(T)	11-1-03
333-025-0120	10-27-03	Adopt(T)	12-1-03	333-064-0040	9-22-03	Amend(T)	11-1-03
333-025-0125	10-27-03	Adopt(T)	12-1-03	333-064-0060	9-22-03	Amend(T)	11-1-03
333-025-0130	10-27-03	Adopt(T)	12-1-03	333-064-0065	9-22-03	Amend(T)	11-1-03
333-040-0135	10-27-03	Amend(T)	12-1-03	333-064-0070	9-22-03	Adopt(T)	11-1-03
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333-050-0020	12-13-02	Amend	1-1-03	333-069-0015	6-20-03	Amend	8-1-03
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333-050-0040	12-13-02	Amend	1-1-03	333-069-0030	6-20-03	Amend	8-1-03
333-050-0050	12-13-02	Amend	1-1-03	333-069-0040	6-20-03	Amend	8-1-03
333-050-0060	12-13-02	Amend	1-1-03	333-069-0050	6-20-03	Amend	8-1-03
333-050-0080	12-13-02	Amend	1-1-03	333-069-0060	6-20-03	Amend	8-1-03
333-050-0090	12-13-02	Amend	1-1-03	333-069-0070	6-20-03	Amend	8-1-03
333-050-0100	12-13-02	Amend	1-1-03	333-069-0075	6-20-03	Adopt	8-1-03
333-050-0130	12-13-02	Amend	1-1-03	333-069-0080	6-20-03	Amend	8-1-03
333-050-0140	12-13-02	Amend	1-1-03	333-069-0085	6-20-03	Adopt	8-1-03
333-054-0000	12-24-02	Amend	2-1-03	333-069-0090	6-20-03	Amend	8-1-03
333-054-0000	11-14-03	Amend(T)	12-1-03	333-100-0001	3-27-03	Amend	5-1-03
333-054-0010	12-24-02	Amend	2-1-03	333-100-0005	3-27-03	Amend	5-1-03
333-054-0010	11-14-03	Amend(T)	12-1-03	333-100-0057	3-27-03	Adopt	5-1-03
333-054-0020	12-24-02	Amend	2-1-03	333-100-0060	3-27-03	Amend	5-1-03
333-054-0020	11-14-03	Amend(T)	12-1-03	333-100-0065	3-27-03	Amend	5-1-03
333-054-0030	12-24-02	Amend	2-1-03	333-100-0070	3-27-03	Amend	5-1-03
333-054-0030	11-14-03	Amend(T)	12-1-03	333-100-0080	3-27-03	Adopt	5-1-03
333-054-0040	12-24-02	Amend	2-1-03	333-101-0001	3-27-03	Amend	5-1-03
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333-054-0050	11-14-03	Amend(T)	12-1-03	333-102-0001	3-27-03	Amend	5-1-03
333-054-0060	12-24-02	Amend	2-1-03	333-102-0005	3-27-03	Amend	5-1-03
333-054-0060	11-14-03	Amend(T)	12-1-03	333-102-0010	3-27-03	Amend	5-1-03
333-054-0070	12-24-02	Amend	2-1-03	333-102-0015	3-27-03	Amend	5-1-03
333-054-0070	11-14-03	Amend(T)	12-1-03	333-102-0020	3-27-03	Amend	5-1-03
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333-102-0035	3-27-03	Amend	5-1-03	333-105-0140	3-27-03	Repeal	5-1-03
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333-102-0075	3-27-03	Amend	5-1-03	333-105-0202	3-27-03	Repeal	5-1-03
333-102-0101	3-27-03	Amend	5-1-03	333-105-0205	3-27-03	Repeal	5-1-03
333-102-0103	3-27-03	Amend	5-1-03	333-105-0210	3-27-03	Repeal	5-1-03
333-102-0105	3-27-03	Amend	5-1-03	333-105-0301	3-27-03	Repeal	5-1-03
333-102-0110	3-27-03	Amend	5-1-03	333-105-0305	3-27-03	Repeal	5-1-03
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333-102-0125	3-27-03	Amend	5-1-03	333-105-0315	3-27-03	Repeal	5-1-03
333-102-0130	3-27-03	Amend	5-1-03	333-105-0320	3-27-03	Repeal	5-1-03
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333-102-0200	3-27-03	Amend	5-1-03	333-105-0335	3-27-03	Repeal	5-1-03
333-102-0203	3-27-03	Amend	5-1-03	333-105-0420	3-27-03	Adopt	5-1-03
333-102-0225	3-27-03	Repeal	5-1-03	333-105-0430	3-27-03	Adopt	5-1-03
333-102-0235	3-27-03	Amend	5-1-03	333-105-0440	3-27-03	Adopt	5-1-03
333-102-0240	3-27-03	Repeal	5-1-03	333-105-0450	3-27-03	Adopt	5-1-03
333-102-0245	3-27-03	Amend	5-1-03	333-105-0460	3-27-03	Adopt	5-1-03
333-102-0247	3-27-03	Adopt	5-1-03	333-105-0470	3-27-03	Adopt	5-1-03
333-102-0250	3-27-03	Amend	5-1-03	333-105-0480	3-27-03	Adopt	5-1-03
333-102-0255	3-27-03	Amend	5-1-03	333-105-0490	3-27-03	Adopt	5-1-03
333-102-0260	3-27-03	Amend	5-1-03	333-105-0500	3-27-03	Adopt	5-1-03
333-102-0265	3-27-03	Amend	5-1-03	333-105-0510	3-27-03	Adopt	5-1-03
333-102-0270	3-27-03	Amend	5-1-03	333-105-0520	3-27-03	Adopt	5-1-03
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333-102-0305	3-27-03	Amend	5-1-03	333-105-0600	3-27-03	Adopt	5-1-03
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333-105-0115	3-27-03	Repeal	5-1-03	333-106-0055	3-27-03	Amend	5-1-03
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333-106-0575	3-27-03	Amend	5-1-03	333-116-0510	3-27-03	Repeal	5-1-03
333-106-0700	3-27-03	Amend	5-1-03	333-116-0515	3-27-03	Adopt	5-1-03
333-106-0710	3-27-03	Amend	5-1-03	333-116-0525	3-27-03	Adopt	5-1-03
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333-111-0010	3-27-03	Amend	5-1-03	333-116-0570	3-27-03	Amend	5-1-03
333-116-0010	3-27-03	Amend	5-1-03	333-116-0573	3-27-03	Adopt	5-1-03
333-116-0020	3-27-03	Amend	5-1-03	333-116-0577	3-27-03	Adopt	5-1-03
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333-116-0035	3-27-03	Adopt	5-1-03	333-116-0583	3-27-03	Adopt	5-1-03
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333-116-0050	3-27-03	Amend	5-1-03	333-116-0587	3-27-03	Adopt	5-1-03
333-116-0055	3-27-03	Adopt	5-1-03	333-116-0590	3-27-03	Amend	5-1-03
333-116-0057	3-27-03	Adopt	5-1-03	333-116-0600	3-27-03	Amend	5-1-03
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333-116-0080	3-27-03	Amend	5-1-03	333-116-0640	3-27-03	Amend	5-1-03
333-116-0090	3-27-03	Amend	5-1-03	333-116-0660	3-27-03	Amend	5-1-03
333-116-0100	3-27-03	Amend	5-1-03	333-116-0670	3-27-03	Amend	5-1-03
333-116-0105	3-27-03	Adopt	5-1-03	333-116-0680	3-27-03	Amend	5-1-03
333-116-0107	3-27-03	Adopt	5-1-03	333-116-0720	3-27-03	Amend	5-1-03
333-116-0120	3-27-03	Amend	5-1-03	333-116-0730	3-27-03	Amend	5-1-03
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333-116-0140	3-27-03	Amend	5-1-03	333-116-0905	3-27-03	Adopt	5-1-03
333-116-0150	3-27-03	Amend	5-1-03	333-116-0910	3-27-03	Adopt	5-1-03
333-116-0160	3-27-03	Amend	5-1-03	333-116-0915	3-27-03	Adopt	5-1-03
333-116-0165	3-27-03	Adopt	5-1-03	333-118-0020	3-27-03	Amend	5-1-03
333-116-0170	3-27-03	Amend	5-1-03	333-118-0040	3-27-03	Amend	5-1-03
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333-120-0130	3-27-03	Amend	5-1-03	333-536-0060	2-1-03	Adopt	1-1-03
333-120-0170	3-27-03	Amend	5-1-03	333-536-0065	2-1-03	Adopt	1-1-03
333-120-0180	3-27-03	Amend	5-1-03	333-536-0070	2-1-03	Adopt	1-1-03
333-120-0190	3-27-03	Amend	5-1-03	333-536-0075	2-1-03	Adopt	1-1-03
333-120-0200	3-27-03	Amend	5-1-03	333-536-0080	2-1-03	Adopt	1-1-03
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333-120-0220	3-27-03	Amend	5-1-03	333-536-0095	2-1-03	Adopt	1-1-03
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333-120-0600	3-27-03	Amend	5-1-03	333-700-0040	6-6-03	Adopt	7-1-03
333-120-0610	3-27-03	Amend	5-1-03	333-700-0045	6-6-03	Adopt	7-1-03
333-120-0640	3-27-03	Amend	5-1-03	333-700-0050	6-6-03	Adopt	7-1-03
333-120-0650	3-27-03	Amend	5-1-03	333-700-0055	6-6-03	Adopt	7-1-03
333-120-0660	3-27-03	Amend	5-1-03	333-700-0060	6-6-03	Adopt	7-1-03
333-120-0670	3-27-03	Amend	5-1-03	333-700-0065	6-6-03	Adopt	7-1-03
333-120-0680	3-27-03	Amend	5-1-03	333-700-0070	6-6-03	Adopt	7-1-03
333-120-0700	3-27-03	Amend	5-1-03	333-700-0075	6-6-03	Adopt	7-1-03
333-120-0710	3-27-03	Amend	5-1-03	333-700-0080	6-6-03	Adopt	7-1-03
333-120-0720	3-27-03	Amend	5-1-03	333-700-0085	6-6-03	Adopt	7-1-03
333-157-0045	1-1-03	Amend	1-1-03	333-700-0090	6-6-03	Adopt	7-1-03
333-162-1005	1-1-03	Adopt	1-1-03	333-700-0095	6-6-03	Adopt	7-1-03
333-500-0010	12-10-02	Amend	1-1-03	333-700-0100	6-6-03	Adopt	7-1-03
333-500-0050	12-10-02	Amend	1-1-03	333-700-0105	6-6-03	Adopt	7-1-03
333-500-0056	12-10-02	Adopt	1-1-03	333-700-0110	6-6-03	Adopt	7-1-03
333-500-0057	12-10-02	Adopt	1-1-03	333-700-0115	6-6-03	Adopt	7-1-03
333-505-0005	12-10-02	Amend	1-1-03	333-700-0120	6-6-03	Adopt	7-1-03
333-510-0045	12-10-02	Amend	1-1-03	333-700-0125	6-6-03	Adopt	7-1-03
333-515-0060	12-10-02	Amend	1-1-03	333-700-0130	6-6-03	Adopt	7-1-03
333-535-0040	2-20-03	Repeal	4-1-03	334-001-0012	6-17-03	Amend	8-1-03
333-535-0041	2-20-03	Adopt	4-1-03	334-001-0060	1-24-03	Amend	3-1-03
333-535-0060	10-31-03	Suspend	12-1-03	334-010-0005	1-24-03	Amend	3-1-03
333-535-0061	10-31-03	Adopt(T)	12-1-03	334-010-0010	1-24-03	Amend	3-1-03
333-536-0000	2-1-03	Adopt	1-1-03	334-010-0015	1-24-03	Amend	3-1-03
333-536-0005	2-1-03	Adopt	1-1-03	334-010-0016	1-24-03	Amend	3-1-03
333-536-0010	2-1-03	Adopt	1-1-03	334-010-0017	1-24-03	Amend	3-1-03
333-536-0015	2-1-03	Adopt	1-1-03	334-010-0025	1-24-03	Amend	3-1-03
333-536-0020	2-1-03	Adopt	1-1-03	334-010-0033	1-24-03	Amend	3-1-03
333-536-0025	2-1-03	Adopt	1-1-03	334-010-0050	1-24-03	Amend	3-1-03
333-536-0030	2-1-03	Adopt	1-1-03	335-060-0005	5-7-03	Amend	6-1-03
333-536-0035	2-1-03	Adopt	1-1-03	335-060-0010	5-7-03	Amend	6-1-03
333-536-0040	2-1-03	Adopt	1-1-03	335-060-0030	5-7-03	Amend	6-1-03
333-536-0045	2-1-03	Adopt	1-1-03	335-070-0010	5-7-03	Amend	6-1-03

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335-070-0060	5-7-03	Amend	6-1-03	340-042-0080	12-20-02	Adopt	2-1-03
335-070-0065	5-7-03	Amend	6-1-03	340-045-0015	9-2-03	Amend	10-1-03
335-070-0075	5-7-03	Adopt	6-1-03	340-045-0033	9-2-03	Amend	10-1-03
335-095-0010	5-7-03	Adopt	6-1-03	340-047-0005	1-31-03	Repeal	3-1-03
335-095-0020	5-7-03	Adopt	6-1-03	340-047-0010	1-31-03	Repeal	3-1-03
335-095-0030	5-7-03	Adopt	6-1-03	340-047-0015	1-31-03	Repeal	3-1-03
335-095-0040	5-7-03	Adopt	6-1-03	340-047-0020	1-31-03	Repeal	3-1-03
335-095-0050	5-7-03	Adopt	6-1-03	340-047-0025	1-31-03	Repeal	3-1-03
335-095-0060	5-7-03	Adopt	6-1-03	340-047-0035	1-31-03	Repeal	3-1-03
335-095-0065	5-7-03	Adopt	6-1-03	340-047-0040	1-31-03	Repeal	3-1-03
337-001-0025	8-15-03	Adopt	9-1-03	340-047-0100	1-31-03	Repeal	3-1-03
337-010-0006	8-15-03	Amend	9-1-03	340-047-0110	1-31-03	Repeal	3-1-03
337-010-0025	8-15-03	Amend	9-1-03	340-047-0120	1-31-03	Repeal	3-1-03
337-010-0030	11-18-02	Amend	1-1-03	340-047-0130	1-31-03	Repeal	3-1-03
337-010-0060	11-18-02	Amend	1-1-03	340-047-0140	1-31-03	Repeal	3-1-03
337-020-0000	8-15-03	Repeal	9-1-03	340-047-0150	1-31-03	Repeal	3-1-03
337-020-0015	8-15-03	Adopt	9-1-03	340-047-0160	1-31-03	Repeal	3-1-03
337-020-0020	8-15-03	Repeal	9-1-03	340-047-0170	1-31-03	Repeal	3-1-03
337-021-0040	11-18-02	Amend	1-1-03	340-047-0180	1-31-03	Repeal	3-1-03
337-021-0070	11-18-02	Adopt	1-1-03	340-047-0190	1-31-03	Repeal	3-1-03
337-021-0080	11-18-02	Adopt	1-1-03	340-047-0200	1-31-03	Repeal	3-1-03
338-010-0030	4-25-03	Amend(T)	6-1-03	340-047-0210	1-31-03	Repeal	3-1-03
338-010-0030	10-1-03	Amend	11-1-03	340-047-0220	1-31-03	Repeal	3-1-03
339-010-0005	9-11-03	Amend	10-1-03	340-047-0230	1-31-03	Repeal	3-1-03
339-020-0020	3-4-03	Amend	4-1-03	340-047-0240	1-31-03	Repeal	3-1-03
339-020-0020	9-11-03	Amend	10-1-03	340-051-0005	9-2-03	Amend	10-1-03
339-020-0030	9-11-03	Amend	10-1-03	340-051-0007	9-2-03	Adopt	10-1-03
339-020-0040	9-11-03	Amend	10-1-03	340-051-0010	9-2-03	Amend	10-1-03
339-020-0050	9-11-03	Amend	10-1-03	340-051-0015	9-2-03	Amend	10-1-03
339-020-0060	9-11-03	Amend	10-1-03	340-051-0020	9-2-03	Amend	10-1-03
339-020-0070	9-11-03	Amend	10-1-03	340-051-0025	9-2-03	Amend	10-1-03
339-020-0100	9-11-03	Amend	10-1-03	340-051-0030	9-2-03	Amend	10-1-03
340-012-0045	1-31-03	Amend	3-1-03	340-051-0050	9-2-03	Amend	10-1-03
340-012-0049	1-31-03	Amend	3-1-03	340-051-0055	9-2-03	Amend	10-1-03
340-012-0067	2-14-03	Amend	3-1-03	340-051-0060	9-2-03	Amend	10-1-03
340-012-0069	1-31-03	Repeal	3-1-03	340-051-0065	9-2-03	Amend	10-1-03
340-012-0081	1-31-03	Adopt	3-1-03	340-051-0070	9-2-03	Amend	10-1-03
340-012-0081	4-21-03	Amend	6-1-03	340-051-0075	9-2-03	Amend	10-1-03
340-012-0082	1-31-03	Adopt	3-1-03	340-051-0080	9-2-03	Amend	10-1-03
340-012-0083	1-31-03	Adopt	3-1-03	340-053-0005	5-27-03	Repeal	7-1-03
340-012-0090	1-31-03	Amend	3-1-03	340-053-0010	5-27-03	Repeal	7-1-03
340-015-0005	5-27-03	Repeal	7-1-03	340-053-0015	5-27-03	Repeal	7-1-03
340-015-0010	5-27-03	Repeal	7-1-03	340-053-0020	5-27-03	Repeal	7-1-03
340-015-0015	5-27-03	Repeal	7-1-03	340-053-0025	5-27-03	Repeal	7-1-03
340-015-0020	5-27-03	Repeal	7-1-03	340-053-0027	5-27-03	Repeal	7-1-03
340-015-0025	5-27-03	Repeal	7-1-03	340-053-0030	5-27-03	Repeal	7-1-03
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340-015-0035	5-27-03	Repeal	7-1-03	340-054-0005	5-27-03	Amend	7-1-03
340-018-0020	5-27-03	Amend	7-1-03	340-054-0010	5-27-03	Amend	7-1-03
340-018-0030	5-27-03	Amend	7-1-03	340-054-0015	5-27-03	Amend	7-1-03
340-042-0025	12-20-02	Adopt	2-1-03	340-054-0020	5-27-03	Amend	7-1-03
340-042-0030	12-20-02	Adopt	2-1-03	340-054-0021	5-27-03	Adopt	7-1-03
340-042-0040	12-20-02	Adopt	2-1-03	340-054-0022	5-27-03	Adopt	7-1-03
340-042-0050	12-20-02	Adopt	2-1-03	340-054-0023	5-27-03	Adopt	7-1-03
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340-054-0035	5-27-03	Amend	7-1-03	340-141-0220	1-31-03	Adopt	3-1-03
340-054-0055	5-27-03	Amend	7-1-03	340-141-0230	1-31-03	Adopt	3-1-03
340-054-0060	5-27-03	Amend	7-1-03	340-141-0240	1-31-03	Adopt	3-1-03
340-054-0065	5-27-03	Amend	7-1-03	340-142-0001	1-31-03	Adopt	3-1-03
340-054-0080	5-27-03	Repeal	7-1-03	340-142-0005	1-31-03	Adopt	3-1-03
340-054-0085	5-27-03	Amend	7-1-03	340-142-0030	1-31-03	Adopt	3-1-03
340-054-0087	5-27-03	Amend	7-1-03	340-142-0040	1-31-03	Adopt	3-1-03
340-054-0090	5-27-03	Amend	7-1-03	340-142-0050	1-31-03	Adopt	3-1-03
340-054-0093	5-27-03	Amend	7-1-03	340-142-0060	1-31-03	Adopt	3-1-03
340-054-0095	5-27-03	Amend	7-1-03	340-142-0070	1-31-03	Adopt	3-1-03
340-054-0097	5-27-03	Amend	7-1-03	340-142-0080	1-31-03	Adopt	3-1-03
340-100-0002	10-24-03	Amend	12-1-03	340-142-0090	1-31-03	Adopt	3-1-03
340-100-0004	10-24-03	Amend	12-1-03	340-142-0100	1-31-03	Adopt	3-1-03
340-100-0010	10-24-03	Amend	12-1-03	340-142-0120	1-31-03	Adopt	3-1-03
340-101-0001	10-24-03	Amend	12-1-03	340-142-0130	1-31-03	Adopt	3-1-03
340-101-0004	10-24-03	Amend	12-1-03	340-150-0001	2-14-03	Amend	3-1-03
340-101-0040	10-24-03	Amend	12-1-03	340-150-0002	2-14-03	Repeal	3-1-03
340-101-0050	10-24-03	Amend	12-1-03	340-150-0003	2-14-03	Repeal	3-1-03
340-102-0011	10-24-03	Amend	12-1-03	340-150-0006	2-14-03	Adopt	3-1-03
340-103-0031	10-24-03	Amend	12-1-03	340-150-0008	2-14-03	Adopt	3-1-03
340-104-0001	10-24-03	Amend	12-1-03	340-150-0010	2-14-03	Amend	3-1-03
340-104-0340	10-24-03	Amend	12-1-03	340-150-0010	5-21-03	Amend(T)	7-1-03
340-105-0003	10-24-03	Amend	12-1-03	340-150-0010	11-15-03	Amend	12-1-03
340-105-0010	10-24-03	Amend	12-1-03	340-150-0015	2-14-03	Repeal	3-1-03
340-106-0002	10-24-03	Amend	12-1-03	340-150-0016	2-14-03	Repeal	3-1-03
340-108-0001	1-31-03	Repeal	3-1-03	340-150-0019	2-14-03	Repeal	3-1-03
340-108-0002	1-31-03	Repeal	3-1-03	340-150-0020	2-14-03	Amend	3-1-03
340-108-0010	1-31-03	Repeal	3-1-03	340-150-0021	2-14-03	Amend	3-1-03
340-108-0020	1-31-03	Repeal	3-1-03	340-150-0030	2-14-03	Repeal	3-1-03
340-108-0030	1-31-03	Repeal	3-1-03	340-150-0040	2-14-03	Repeal	3-1-03
340-108-0040	1-31-03	Repeal	3-1-03	340-150-0050	2-14-03	Repeal	3-1-03
340-108-0050	1-31-03	Repeal	3-1-03	340-150-0052	2-14-03	Adopt	3-1-03
340-108-0070	1-31-03	Repeal	3-1-03	340-150-0060	2-14-03	Repeal	3-1-03
340-108-0080	1-31-03	Repeal	3-1-03	340-150-0070	2-14-03	Repeal	3-1-03
340-109-0001	10-24-03	Amend	12-1-03	340-150-0080	2-14-03	Amend	3-1-03
340-109-0010	10-24-03	Amend	12-1-03	340-150-0090	2-14-03	Repeal	3-1-03
340-110-0061	10-24-03	Amend	12-1-03	340-150-0100	2-14-03	Repeal	3-1-03
340-111-0020	10-24-03	Amend	12-1-03	340-150-0102	2-14-03	Adopt	3-1-03
340-111-0050	10-24-03	Amend	12-1-03	340-150-0110	2-14-03	Amend	3-1-03
340-113-0010	10-24-03	Amend	12-1-03	340-150-0112	2-14-03	Repeal	3-1-03
340-113-0020	10-24-03	Amend	12-1-03	340-150-0115	2-14-03	Am. & Ren.	3-1-03
340-113-0030	10-24-03	Amend	12-1-03	340-150-0125	2-14-03	Am. & Ren.	3-1-03
340-122-0210	2-14-03	Amend	3-1-03	340-150-0130	2-14-03	Repeal	3-1-03
340-141-0001	1-31-03	Adopt	3-1-03	340-150-0135	2-14-03	Adopt	3-1-03
340-141-0005	1-31-03	Adopt	3-1-03	340-150-0140	2-14-03	Amend	3-1-03
340-141-0010	1-31-03	Adopt	3-1-03	340-150-0150	2-14-03	Amend	3-1-03
340-141-0100	1-31-03	Adopt	3-1-03	340-150-0152	2-14-03	Adopt	3-1-03
340-141-0130	1-31-03	Adopt	3-1-03	340-150-0156	2-14-03	Adopt	3-1-03
340-141-0140	1-31-03	Adopt	3-1-03	340-150-0160	2-14-03	Amend	3-1-03
340-141-0150	1-31-03	Adopt	3-1-03	340-150-0163	2-14-03	Amend	3-1-03
340-141-0160	1-31-03	Adopt	3-1-03	340-150-0166	2-14-03	Amend	3-1-03
340-141-0170	1-31-03	Adopt	3-1-03	340-150-0167	2-14-03	Adopt	3-1-03
340-141-0180	1-31-03	Adopt	3-1-03	340-150-0168	2-14-03	Adopt	3-1-03
340-141-0190	1-31-03	Adopt	3-1-03	340-150-0180	2-14-03	Adopt	3-1-03
340-141-0200	1-31-03	Adopt	3-1-03	340-150-0200	2-14-03	Adopt	3-1-03

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340-150-0300	2-14-03	Adopt	3-1-03	340-230-0350	2-6-03	Amend	3-1-03
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340-150-0445	2-14-03	Adopt	3-1-03	340-238-0060	2-6-03	Amend	3-1-03
340-150-0450	2-14-03	Adopt	3-1-03	340-244-0200	2-6-03	Amend	3-1-03
340-150-0455	2-14-03	Adopt	3-1-03	340-244-0210	2-6-03	Amend	3-1-03
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340-150-0470	2-14-03	Adopt	3-1-03	340-246-0010	11-3-03	Adopt	12-1-03
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340-150-0555	2-14-03	Adopt	3-1-03	340-246-0130	11-3-03	Adopt	12-1-03
340-150-0560	2-14-03	Adopt	3-1-03	340-246-0150	11-3-03	Adopt	12-1-03
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340-160-0010	2-14-03	Amend	3-1-03	340-248-0100	12-23-02	Amend	2-1-03
340-160-0020	2-14-03	Amend	3-1-03	340-248-0100	6-21-03	Amend	7-1-03
340-160-0025	2-14-03	Amend	3-1-03	340-248-0120	12-23-02	Amend	2-1-03
340-160-0030	2-14-03	Amend	3-1-03	340-248-0120	6-21-03	Amend	7-1-03
340-160-0035	2-14-03	Amend	3-1-03	340-248-0130	12-23-02	Amend	2-1-03
340-160-0040	2-14-03	Amend	3-1-03	340-248-0130	6-21-03	Amend	7-1-03
340-160-0054	2-14-03	Amend	3-1-03	340-248-0140	12-23-02	Amend	2-1-03
340-160-0150	2-14-03	Amend	3-1-03	340-248-0140	6-21-03	Amend	7-1-03
340-200-0040	2-6-03	Amend	3-1-03	340-248-0150	12-23-02	Amend	2-1-03
340-200-0040	10-24-03	Amend	12-1-03	340-248-0150	6-21-03	Amend	7-1-03
340-220-0030	7-23-03	Amend	9-1-03	340-248-0160	6-21-03	Amend	7-1-03
340-220-0040	7-23-03	Amend	9-1-03	340-248-0180	12-23-02	Amend	2-1-03
340-220-0050	7-23-03	Amend	9-1-03	340-248-0180	6-21-03	Amend	7-1-03
340-230-0010	2-6-03	Amend	3-1-03	340-248-0205	12-23-02	Amend	2-1-03
340-230-0020	2-6-03	Amend	3-1-03	340-248-0205	6-21-03	Amend	7-1-03
340-230-0030	2-6-03	Amend	3-1-03	340-248-0210	12-23-02	Amend	2-1-03
340-230-0120	2-6-03	Amend	3-1-03	340-248-0210	6-21-03	Amend	7-1-03
340-230-0300	2-6-03	Amend	3-1-03	340-248-0220	12-23-02	Amend	2-1-03
340-230-0310	2-6-03	Amend	3-1-03	340-248-0220	6-21-03	Amend	7-1-03
340-230-0320	2-6-03	Amend	3-1-03	340-248-0240	12-23-02	Amend	2-1-03
340-230-0330	2-6-03	Amend	3-1-03	340-248-0240	6-21-03	Amend	7-1-03

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OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
340-248-0250	12-23-02	Amend	2-1-03	350-060-0070	8-1-03	Amend	8-1-03
340-248-0250	6-21-03	Amend	7-1-03	350-060-0075	8-1-03	Adopt	8-1-03
340-248-0260	12-23-02	Amend	2-1-03	350-060-0080	8-1-03	Amend	8-1-03
340-248-0260	6-21-03	Amend	7-1-03	350-060-0090	8-1-03	Amend	8-1-03
340-248-0270	12-23-02	Amend	2-1-03	350-060-0100	8-1-03	Amend	8-1-03
340-248-0270	6-21-03	Amend	7-1-03	350-060-0120	8-1-03	Amend	8-1-03
340-248-0275	12-23-02	Amend	2-1-03	350-060-0130	8-1-03	Amend	8-1-03
340-248-0275	6-21-03	Amend	7-1-03	350-060-0140	8-1-03	Repeal	8-1-03
340-248-0280	12-23-02	Amend	2-1-03	350-060-0150	8-1-03	Amend	8-1-03
340-248-0280	6-21-03	Amend	7-1-03	350-060-0160	8-1-03	Amend	8-1-03
340-248-0290	12-23-02	Amend	2-1-03	350-060-0170	8-1-03	Amend	8-1-03
340-248-0290	6-21-03	Amend	7-1-03	350-060-0180	8-1-03	Amend	8-1-03
340-256-0010	10-24-03	Amend	12-1-03	350-060-0190	8-1-03	Amend	8-1-03
340-256-0300	10-24-03	Amend	12-1-03	350-060-0200	8-1-03	Amend	8-1-03
340-256-0320	10-24-03	Amend	12-1-03	350-060-0205	8-1-03	Adopt	8-1-03
340-256-0357	10-24-03	Adopt	12-1-03	350-060-0210	8-1-03	Amend	8-1-03
340-256-0358	10-24-03	Adopt	12-1-03	350-060-0220	8-1-03	Amend	8-1-03
345-001-0010	9-3-03	Amend	10-1-03	350-060-0240	8-1-03	Adopt	8-1-03
345-001-0090	9-3-03	Amend	10-1-03	350-070-0000	8-1-03	Amend	8-1-03
345-015-0085	9-3-03	Amend	10-1-03	350-070-0020	8-1-03	Amend	8-1-03
345-015-0110	9-3-03	Amend	10-1-03	350-070-0040	8-1-03	Amend	8-1-03
345-015-0190	9-3-03	Amend	10-1-03	350-070-0042	8-1-03	Adopt	8-1-03
345-015-0310	9-3-03	Amend	10-1-03	350-070-0045	8-1-03	Adopt	8-1-03
345-015-0320	9-3-03	Amend	10-1-03	350-070-0047	8-1-03	Adopt	8-1-03
345-015-0350	9-3-03	Amend	10-1-03	350-070-0050	8-1-03	Amend	8-1-03
345-015-0360	9-3-03	Amend	10-1-03	350-070-0060	8-1-03	Amend	8-1-03
345-020-0011	9-3-03	Amend	10-1-03	350-070-0070	8-1-03	Amend	8-1-03
345-021-0000	9-3-03	Amend	10-1-03	350-070-0080	8-1-03	Amend	8-1-03
345-021-0010	9-3-03	Amend	10-1-03	350-070-0085	8-1-03	Adopt	8-1-03
345-021-0090	9-3-03	Amend	10-1-03	350-070-0090	8-1-03	Amend	8-1-03
345-022-0000	9-3-03	Amend	10-1-03	350-070-0100	8-1-03	Repeal	8-1-03
345-022-0022	9-3-03	Amend	10-1-03	350-070-0110	8-1-03	Amend	8-1-03
345-022-0030	9-3-03	Amend	10-1-03	350-070-0120	8-1-03	Amend	8-1-03
345-022-0040	9-3-03	Amend	10-1-03	350-070-0130	8-1-03	Amend	8-1-03
345-022-0080	9-3-03	Amend	10-1-03	350-070-0140	8-1-03	Amend	8-1-03
345-024-0550	9-3-03	Amend	10-1-03	350-070-0150	8-1-03	Amend	8-1-03
345-024-0560	9-3-03	Amend	10-1-03	350-070-0160	8-1-03	Amend	8-1-03
345-024-0590	9-3-03	Amend	10-1-03	350-070-0170	8-1-03	Amend	8-1-03
345-024-0600	9-3-03	Amend	10-1-03	350-070-0180	8-1-03	Repeal	8-1-03
345-024-0620	9-3-03	Amend	10-1-03	350-070-0190	8-1-03	Amend	8-1-03
345-024-0630	9-3-03	Amend	10-1-03	350-070-0200	8-1-03	Amend	8-1-03
345-024-0680	9-3-03	Adopt	10-1-03	350-070-0210	8-1-03	Amend	8-1-03
345-026-0080	9-3-03	Amend	10-1-03	350-070-0220	8-1-03	Amend	8-1-03
345-026-0390	12-3-02	Amend	1-1-03	350-070-0225	8-1-03	Adopt	8-1-03
345-026-0390	9-3-03	Amend	10-1-03	350-070-0230	8-1-03	Amend	8-1-03
345-027-0023	9-3-03	Amend	10-1-03	350-070-0240	8-1-03	Adopt	8-1-03
345-027-0060	9-3-03	Amend	10-1-03	410-001-0030	11-22-02	Adopt	1-1-03
345-027-0070	9-3-03	Amend	10-1-03	410-001-0100	3-21-03	Adopt(T)	5-1-03
345-027-0110	9-3-03	Amend	10-1-03	410-001-0100	8-22-03	Adopt	10-1-03
350-060-0020	8-1-03	Amend	8-1-03	410-001-0110	3-21-03	Adopt(T)	5-1-03
350-060-0040	8-1-03	Amend	8-1-03	410-001-0110	8-22-03	Adopt	10-1-03
350-060-0042	8-1-03	Adopt	8-1-03	410-001-0120	3-21-03	Adopt(T)	5-1-03
350-060-0045	8-1-03	Adopt	8-1-03	410-001-0120	8-22-03	Adopt	10-1-03
350-060-0050	8-1-03	Amend	8-1-03	410-001-0130	3-21-03	Adopt(T)	5-1-03
350-060-0055	8-1-03	Adopt	8-1-03	410-001-0130	8-22-03	Adopt	10-1-03
350-060-0060	8-1-03	Amend	8-1-03	410-001-0140	3-21-03	Adopt(T)	5-1-03

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410-001-0150	3-21-03	Adopt(T)	5-1-03	410-120-1600	10-1-03	Amend	11-1-03
410-001-0150	8-22-03	Adopt	10-1-03	410-120-1620	4-1-03	ReNUMBER	5-1-03
410-001-0160	3-21-03	Adopt(T)	5-1-03	410-120-1640	4-1-03	Amend	5-1-03
410-001-0160	8-22-03	Adopt	10-1-03	410-120-1660	4-1-03	Amend	5-1-03
410-001-0170	3-21-03	Adopt(T)	5-1-03	410-120-1680	4-1-03	Amend	5-1-03
410-001-0170	8-22-03	Adopt	10-1-03	410-120-1685	4-1-03	Adopt	5-1-03
410-001-0180	3-21-03	Adopt(T)	5-1-03	410-120-1870	10-1-03	Amend	10-1-03
410-001-0180	8-22-03	Adopt	10-1-03	410-120-1875	5-1-03	Amend	6-1-03
410-001-0190	3-21-03	Adopt(T)	5-1-03	410-120-1875	10-1-03	Amend	10-1-03
410-001-0190	8-22-03	Adopt	10-1-03	410-120-1920	10-1-03	Amend	10-1-03
410-001-0200	3-21-03	Adopt(T)	5-1-03	410-121-0000	2-1-03	Amend	3-1-03
410-001-0200	8-22-03	Adopt	10-1-03	410-121-0030	4-1-03	Amend	5-1-03
410-014-0000	4-1-03	Adopt	5-1-03	410-121-0030	5-1-03	Amend	6-1-03
410-014-0010	4-1-03	Adopt	5-1-03	410-121-0030	7-1-03	Adopt	8-1-03
410-014-0020	4-1-03	Adopt	5-1-03	410-121-0030	10-1-03	Amend	10-1-03
410-014-0030	4-1-03	Adopt	5-1-03	410-121-0030	10-1-03	Amend(T)	10-1-03
410-014-0040	4-1-03	Adopt	5-1-03	410-121-0030	10-31-03	Amend	12-1-03
410-014-0050	4-1-03	Adopt	5-1-03	410-121-0040	4-1-03	Amend	5-1-03
410-014-0060	4-1-03	Adopt	5-1-03	410-121-0040	6-1-03	Amend	7-1-03
410-014-0070	4-1-03	Adopt	5-1-03	410-121-0040	7-1-03	Amend(T)	7-1-03
410-120-0000	2-1-03	Amend	3-1-03	410-121-0040	8-1-03	Amend	9-1-03
410-120-0000	10-1-03	Amend	10-1-03	410-121-0060	4-1-03	Amend	5-1-03
410-120-0250	10-1-03	Adopt	10-1-03	410-121-0061	6-1-03	Amend	7-1-03
410-120-1160	10-1-03	Amend	10-1-03	410-121-0140	3-1-03	Amend	4-1-03
410-120-1190	2-1-03	Adopt	3-1-03	410-121-0140	4-1-03	Amend(T)	4-1-03
410-120-1195	4-1-03	Adopt(T)	5-1-03	410-121-0140	4-15-03	Amend(T)	5-1-03
410-120-1195	6-30-03	Adopt	8-1-03	410-121-0140	6-1-03	Amend(T)	7-1-03
410-120-1195	7-1-03	Amend(T)	8-1-03	410-121-0140	8-1-03	Amend	9-1-03
410-120-1195	9-1-03	Amend	10-1-03	410-121-0140	10-1-03	Amend	10-1-03
410-120-1200	2-1-03	Amend	3-1-03	410-121-0140	11-1-03	Amend(T)	11-1-03
410-120-1200	3-1-03	Amend	4-1-03	410-121-0140(T)	4-1-03	Suspend	5-1-03
410-120-1200	3-14-03	Amend(T)	4-1-03	410-121-0140(T)	4-15-03	Suspend	5-1-03
410-120-1200	7-1-03	Amend(T)	8-1-03	410-121-0140(T)	6-1-03	Suspend	7-1-03
410-120-1200	9-1-03	Amend	10-1-03	410-121-0146	1-1-03	Amend	2-1-03
410-120-1200(T)	7-1-03	Suspend	8-1-03	410-121-0150	6-1-03	Amend	7-1-03
410-120-1210	7-1-03	Adopt	8-1-03	410-121-0150	7-1-03	Amend(T)	7-1-03
410-120-1210	9-1-03	Adopt	10-1-03	410-121-0150	8-1-03	Amend	9-1-03
410-120-1230	1-1-03	Adopt	2-1-03	410-121-0153	2-1-03	Adopt	3-1-03
410-120-1230	10-1-03	Amend	11-1-03	410-121-0153	3-1-03	Repeal	4-1-03
410-120-1235	2-1-03	Adopt	3-1-03	410-121-0154	1-1-03	Adopt	2-1-03
410-120-1235	10-1-03	Repeal	11-1-03	410-121-0155	6-1-03	Amend	7-1-03
410-120-1260	10-1-03	Amend	10-1-03	410-121-0155	10-1-03	Amend	10-1-03
410-120-1280	1-1-03	Amend	2-1-03	410-121-0157	2-14-03	Amend(T)	3-1-03
410-120-1280	2-1-03	Amend	3-1-03	410-121-0157	5-9-03	Amend	6-1-03
410-120-1280	10-1-03	Amend	10-1-03	410-121-0157	5-15-03	Amend(T)	6-1-03
410-120-1320	10-1-03	Amend	10-1-03	410-121-0157	7-7-03	Amend	8-1-03
410-120-1340	2-1-03	Amend	3-1-03	410-121-0157	10-1-03	Amend	11-1-03
410-120-1340	10-1-03	Amend	10-1-03	410-121-0157(T)	2-14-03	Suspend	3-1-03
410-120-1360	4-1-03	Amend	5-1-03	410-121-0160	4-15-03	Amend(T)	5-1-03
410-120-1520	4-1-03	Amend	5-1-03	410-121-0160	10-1-03	Amend	10-1-03
410-120-1540	4-1-03	Amend	5-1-03	410-121-0190	4-1-03	Amend	5-1-03
410-120-1560	4-1-03	Amend	5-1-03	410-121-0190	6-1-03	Amend	7-1-03
410-120-1570	4-1-03	Adopt	5-1-03	410-121-0190	10-1-03	Amend	10-1-03
410-120-1580	4-1-03	Amend	5-1-03	410-121-0200	4-1-03	Amend	5-1-03
410-120-1580	10-1-03	Amend	11-1-03	410-121-0200	6-1-03	Amend	7-1-03

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410-121-0300	12-1-02	Amend(T)	1-1-03	410-122-0701	2-1-03	Adopt	3-1-03
410-121-0300	2-28-03	Amend	4-1-03	410-122-0701	3-1-03	Repeal	4-1-03
410-121-0300	3-1-03	Amend(T)	4-1-03	410-122-0720	4-1-03	Adopt	5-1-03
410-121-0300	5-29-03	Amend	7-1-03	410-123-1000	10-1-03	Amend	10-1-03
410-121-0300	8-5-03	Amend	9-1-03	410-123-1040	10-1-03	Amend	10-1-03
410-121-0300	8-15-03	Amend(T)	9-1-03	410-123-1085	1-1-03	Adopt	2-1-03
410-121-0300	10-1-03	Amend	11-1-03	410-123-1085	2-1-03	Amend	3-1-03
410-121-0300(T)	12-1-02	Suspend	1-1-03	410-123-1085	10-1-03	Amend	10-1-03
410-121-0300(T)	2-28-03	Repeal	4-1-03	410-123-1220	2-1-03	Amend	3-1-03
410-121-0320	2-14-03	Amend(T)	3-1-03	410-123-1220	10-1-03	Amend	10-1-03
410-121-0320	8-5-03	Amend	9-1-03	410-123-1235	10-1-03	Repeal	10-1-03
410-121-0320(T)	2-14-03	Suspend	3-1-03	410-123-1240	1-1-03	Amend	2-1-03
410-122-0020	12-24-02	Amend(T)	2-1-03	410-123-1240	10-1-03	Amend	10-1-03
410-122-0020	5-1-03	Amend	6-1-03	410-123-1260	2-1-03	Amend	3-1-03
410-122-0030	5-1-03	Amend	6-1-03	410-123-1260	10-1-03	Amend	10-1-03
410-122-0030	10-1-03	Amend	11-1-03	410-123-1280	2-1-03	Repeal	3-1-03
410-122-0180	4-1-03	Amend	5-1-03	410-123-1290	2-1-03	Repeal	3-1-03
410-122-0190	4-1-03	Amend	5-1-03	410-123-1300	2-1-03	Repeal	3-1-03
410-122-0200	4-1-03	Amend	5-1-03	410-123-1310	2-1-03	Repeal	3-1-03
410-122-0202	4-1-03	Amend	5-1-03	410-123-1320	2-1-03	Repeal	3-1-03
410-122-0203	4-1-03	Amend	5-1-03	410-123-1330	2-1-03	Repeal	3-1-03
410-122-0203	10-1-03	Amend	11-1-03	410-123-1340	2-1-03	Repeal	3-1-03
410-122-0205	4-1-03	Amend	5-1-03	410-123-1360	2-1-03	Repeal	3-1-03
410-122-0207	4-1-03	Amend	5-1-03	410-123-1380	2-1-03	Repeal	3-1-03
410-122-0208	4-1-03	Amend	5-1-03	410-123-1400	2-1-03	Repeal	3-1-03
410-122-0208	10-1-03	Amend	11-1-03	410-123-1420	2-1-03	Repeal	3-1-03
410-122-0209	4-1-03	Amend	5-1-03	410-123-1440	2-1-03	Repeal	3-1-03
410-122-0210	4-1-03	Amend	5-1-03	410-123-1460	2-1-03	Repeal	3-1-03
410-122-0240	4-1-03	Amend	5-1-03	410-123-1480	2-1-03	Repeal	3-1-03
410-122-0300	4-1-03	Amend	5-1-03	410-123-1500	2-1-03	Repeal	3-1-03
410-122-0320	4-1-03	Amend	5-1-03	410-123-1620	10-1-03	Amend	10-1-03
410-122-0340	4-1-03	Amend	5-1-03	410-123-1640	10-1-03	Amend	10-1-03
410-122-0360	4-1-03	Amend	5-1-03	410-124-0000	2-1-03	Amend	3-1-03
410-122-0365	4-1-03	Amend	5-1-03	410-124-0020	2-1-03	Amend	3-1-03
410-122-0370	4-1-03	Repeal	5-1-03	410-124-0040	2-1-03	Amend	3-1-03
410-122-0375	4-1-03	Amend	5-1-03	410-124-0140	2-1-03	Amend	3-1-03
410-122-0420	4-1-03	Amend	5-1-03	410-124-0160	2-1-03	Amend	3-1-03
410-122-0460	4-1-03	Repeal	5-1-03	410-125-0050	1-1-03	Adopt	2-1-03
410-122-0470	4-1-03	Amend	5-1-03	410-125-0055	2-1-03	Adopt	3-1-03
410-122-0500	4-1-03	Amend	5-1-03	410-125-0080	4-1-03	Amend	5-1-03
410-122-0510	4-1-03	Amend	5-1-03	410-125-0115	10-1-03	Amend	10-1-03
410-122-0525	4-1-03	Amend	5-1-03	410-125-0121	10-1-03	Amend	10-1-03
410-122-0540	4-1-03	Amend	5-1-03	410-125-0141	3-1-03	Amend	4-1-03
410-122-0560	4-1-03	Amend	5-1-03	410-125-0141	3-10-03	Amend(T)	4-1-03
410-122-0580	4-1-03	Amend	5-1-03	410-125-0141	5-1-03	Amend	6-1-03
410-122-0600	4-1-03	Amend	5-1-03	410-125-0181	3-1-03	Amend	4-1-03
410-122-0620	4-1-03	Amend	5-1-03	410-125-0181	10-1-03	Amend	10-1-03
410-122-0625	4-1-03	Amend	5-1-03	410-125-0195	3-1-03	Amend	4-1-03
410-122-0630	4-1-03	Amend	5-1-03	410-125-0195	3-10-03	Amend(T)	4-1-03
410-122-0630	10-1-03	Amend	11-1-03	410-125-0195	5-1-03	Amend	6-1-03
410-122-0660	4-1-03	Amend	5-1-03	410-125-0680	1-1-03	Amend	2-1-03
410-122-0665	4-1-03	Repeal	5-1-03	410-125-0700	1-1-03	Amend	2-1-03
410-122-0670	4-1-03	Repeal	5-1-03	410-127-0000	2-1-03	Amend	3-1-03
410-122-0675	4-1-03	Repeal	5-1-03	410-127-0020	2-1-03	Amend	3-1-03
410-122-0678	4-1-03	Amend	5-1-03	410-127-0050	1-1-03	Adopt	2-1-03

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OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-127-0055	2-1-03	Adopt	3-1-03	410-130-0660	10-1-03	Repeal	10-1-03
410-127-0060	10-1-03	Amend	11-1-03	410-130-0680	4-1-03	Amend	5-1-03
410-127-0080	2-1-03	Amend	3-1-03	410-130-0680	10-1-03	Amend	10-1-03
410-127-0120	1-1-03	Amend	2-1-03	410-130-0700	4-1-03	Amend	5-1-03
410-129-0065	10-1-03	Amend	10-1-03	410-130-0700	10-1-03	Amend	10-1-03
410-129-0120	1-1-03	Amend	2-1-03	410-130-0760	4-1-03	Amend	5-1-03
410-129-0140	1-1-03	Amend	2-1-03	410-130-0760	10-1-03	Repeal	10-1-03
410-129-0190	1-1-03	Adopt	2-1-03	410-130-0780	4-1-03	Amend	5-1-03
410-129-0195	2-1-03	Adopt	3-1-03	410-130-0780	10-1-03	Repeal	10-1-03
410-129-0200	4-1-03	Amend	5-1-03	410-130-0800	4-1-03	Amend	5-1-03
410-129-0220	10-1-03	Amend	10-1-03	410-130-0800	10-1-03	Am. & Ren.	10-1-03
410-129-0240	4-1-03	Amend	5-1-03	410-130-0900	10-1-03	Repeal	10-1-03
410-129-0260	2-1-03	Amend	3-1-03	410-130-0920	10-1-03	Repeal	10-1-03
410-129-0260	4-1-03	Amend	5-1-03	410-130-0940	4-1-03	Amend	5-1-03
410-130-0010	1-1-03	Amend	2-1-03	410-130-0940	10-1-03	Repeal	10-1-03
410-130-0040	1-1-03	Amend	2-1-03	410-130-0960	1-1-03	Adopt	2-1-03
410-130-0080	10-1-03	Am. & Ren.	10-1-03	410-130-0960	10-1-03	Am. & Ren.	10-1-03
410-130-0100	4-1-03	Amend	5-1-03	410-130-0965	2-1-03	Adopt	3-1-03
410-130-0100	10-1-03	Am. & Ren.	10-1-03	410-130-0965	10-1-03	Repeal	10-1-03
410-130-0145	10-1-03	Repeal	10-1-03	410-131-0120	10-1-03	Amend	10-1-03
410-130-0150	10-1-03	Repeal	10-1-03	410-131-0220	1-1-03	Amend	2-1-03
410-130-0160	4-1-03	Amend	5-1-03	410-131-0240	1-1-03	Amend	2-1-03
410-130-0160	10-1-03	Amend	10-1-03	410-131-0270	1-1-03	Adopt	2-1-03
410-130-0180	4-1-03	Amend	5-1-03	410-131-0275	2-1-03	Adopt	3-1-03
410-130-0180	10-1-03	Amend	10-1-03	410-131-0280	10-1-03	Amend	10-1-03
410-130-0190	10-1-03	Amend	10-1-03	410-132-0050	1-1-03	Adopt	2-1-03
410-130-0200	4-1-03	Amend	5-1-03	410-132-0055	2-1-03	Adopt	3-1-03
410-130-0200	10-1-03	Amend	10-1-03	410-132-0140	1-1-03	Amend	2-1-03
410-130-0220	10-1-03	Amend	10-1-03	410-132-0180	4-1-03	Amend	5-1-03
410-130-0240	4-1-03	Amend	5-1-03	410-133-0000	4-1-03	Amend	5-1-03
410-130-0240	10-1-03	Amend	10-1-03	410-133-0020	4-1-03	Repeal	5-1-03
410-130-0250	4-1-03	Amend	5-1-03	410-133-0040	4-1-03	Amend	5-1-03
410-130-0250	10-1-03	Repeal	10-1-03	410-133-0040	9-1-03	Amend	9-1-03
410-130-0260	10-1-03	Repeal	10-1-03	410-133-0080	4-1-03	Amend	5-1-03
410-130-0280	10-1-03	Repeal	10-1-03	410-133-0080	9-1-03	Amend	9-1-03
410-130-0300	10-1-03	Repeal	10-1-03	410-133-0100	9-1-03	Amend	9-1-03
410-130-0370	10-1-03	Repeal	10-1-03	410-133-0120	4-1-03	Amend	5-1-03
410-130-0400	4-1-03	Amend	5-1-03	410-133-0120	9-1-03	Amend	9-1-03
410-130-0400	10-1-03	Repeal	10-1-03	410-133-0140	9-1-03	Amend	9-1-03
410-130-0420	10-1-03	Repeal	10-1-03	410-133-0200	4-1-03	Amend	5-1-03
410-130-0440	10-1-03	Repeal	10-1-03	410-133-0200	9-1-03	Amend	9-1-03
410-130-0460	10-1-03	Repeal	10-1-03	410-133-0220	4-1-03	Amend	5-1-03
410-130-0480	10-1-03	Repeal	10-1-03	410-133-0220	9-1-03	Amend	9-1-03
410-130-0500	10-1-03	Repeal	10-1-03	410-133-0240	4-1-03	Repeal	5-1-03
410-130-0530	10-1-03	Repeal	10-1-03	410-133-0280	9-1-03	Amend	9-1-03
410-130-0540	4-1-03	Amend	5-1-03	410-133-0300	4-1-03	Amend	5-1-03
410-130-0540	10-1-03	Repeal	10-1-03	410-133-0300	9-1-03	Amend	9-1-03
410-130-0562	4-1-03	Amend	5-1-03	410-133-0320	4-1-03	Amend	5-1-03
410-130-0562	10-1-03	Amend	10-1-03	410-133-0320	9-1-03	Amend	9-1-03
410-130-0580	4-1-03	Amend	5-1-03	410-136-0045	2-1-03	Adopt	3-1-03
410-130-0580	10-1-03	Amend	10-1-03	410-136-0300	4-1-03	Amend	5-1-03
410-130-0585	4-1-03	Amend	5-1-03	410-136-0340	10-1-03	Amend	10-1-03
410-130-0585	10-1-03	Amend	10-1-03	410-136-0360	10-1-03	Amend	10-1-03
410-130-0587	10-1-03	Adopt	11-1-03	410-136-0380	10-1-03	Repeal	10-1-03
410-130-0590	10-1-03	Repeal	10-1-03	410-140-0060	1-1-03	Amend	2-1-03
410-130-0660	4-1-03	Amend	5-1-03	410-140-0110	1-1-03	Adopt	2-1-03

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410-140-0200	10-1-03	Amend	10-1-03	410-141-0520(T)	1-1-03	Repeal	2-1-03
410-141-0000	2-1-03	Amend	3-1-03	410-141-0520(T)	10-23-03	Suspend	12-1-03
410-141-0000	3-1-03	Amend	4-1-03	410-141-0660	10-1-03	Amend	10-1-03
410-141-0000	8-1-03	Amend	9-1-03	410-141-0680	10-1-03	Amend	10-1-03
410-141-0020	10-1-03	Amend	10-1-03	410-141-0700	10-1-03	Amend	10-1-03
410-141-0060	10-1-03	Amend	10-1-03	410-141-0720	10-1-03	Amend	10-1-03
410-141-0065	10-1-03	Amend	10-1-03	410-141-0740	10-1-03	Repeal	10-1-03
410-141-0070	10-1-03	Adopt	10-1-03	410-141-0760	10-1-03	Amend	10-1-03
410-141-0080	2-1-03	Amend	3-1-03	410-141-0780	10-1-03	Amend	10-1-03
410-141-0080	4-1-03	Amend	5-1-03	410-141-0800	10-1-03	Amend	10-1-03
410-141-0080	10-1-03	Amend	10-1-03	410-141-0820	10-1-03	Amend	10-1-03
410-141-0085	10-1-03	Amend	10-1-03	410-141-0840	10-1-03	Amend	10-1-03
410-141-0110	10-1-03	Amend	10-1-03	410-141-0860	10-1-03	Amend	10-1-03
410-141-0115	10-1-03	Amend	10-1-03	410-142-0080	2-1-03	Amend	3-1-03
410-141-0120	8-1-03	Amend	9-1-03	410-142-0100	2-1-03	Amend	3-1-03
410-141-0140	10-1-03	Amend	10-1-03	410-142-0200	2-1-03	Amend	3-1-03
410-141-0160	8-1-03	Amend	9-1-03	410-142-0240	2-1-03	Amend	3-1-03
410-141-0180	10-1-03	Amend	10-1-03	410-142-0300	2-28-03	Amend	4-1-03
410-141-0200	8-1-03	Amend	9-1-03	410-142-0300	10-10-03	Amend(T)	11-1-03
410-141-0220	10-1-03	Amend	10-1-03	410-142-0320	2-1-03	Amend	3-1-03
410-141-0260	4-1-03	Amend	5-1-03	410-146-0022	10-1-03	Adopt	10-1-03
410-141-0260	8-1-03	Amend	9-1-03	410-146-0040	10-1-03	Amend	10-1-03
410-141-0261	4-1-03	Amend	5-1-03	410-146-0060	10-1-03	Amend	10-1-03
410-141-0261	8-1-03	Amend	9-1-03	410-146-0075	1-1-03	Adopt	2-1-03
410-141-0262	8-1-03	Amend	9-1-03	410-146-0075	2-1-03	Amend	3-1-03
410-141-0263	8-1-03	Amend	9-1-03	410-146-0075	10-1-03	Amend	10-1-03
410-141-0264	4-1-03	Amend	5-1-03	410-146-0080	2-1-03	Amend	3-1-03
410-141-0264	8-1-03	Amend	9-1-03	410-146-0080	10-1-03	Amend	10-1-03
410-141-0265	8-1-03	Amend	9-1-03	410-146-0120	10-1-03	Amend	10-1-03
410-141-0270	10-1-03	Amend	10-1-03	410-146-0130	10-1-03	Amend	10-1-03
410-141-0280	10-1-03	Amend	10-1-03	410-146-0260	10-1-03	Repeal	10-1-03
410-141-0300	8-1-03	Amend	9-1-03	410-146-0320	1-1-03	Amend	2-1-03
410-141-0320	10-1-03	Amend	10-1-03	410-146-0320	10-1-03	Repeal	10-1-03
410-141-0340	10-1-03	Amend	10-1-03	410-147-0020	10-1-03	Amend	10-1-03
410-141-0405	10-1-03	Amend	10-1-03	410-147-0040	10-1-03	Amend	10-1-03
410-141-0407	10-1-03	Amend	10-1-03	410-147-0060	10-1-03	Amend	10-1-03
410-141-0410	10-1-03	Amend	10-1-03	410-147-0080	10-1-03	Amend	10-1-03
410-141-0420	2-1-03	Amend	3-1-03	410-147-0085	1-1-03	Adopt	2-1-03
410-141-0420	10-1-03	Amend	10-1-03	410-147-0085	2-1-03	Amend	3-1-03
410-141-0480	1-1-03	Amend	2-1-03	410-147-0085	10-1-03	Amend	10-1-03
410-141-0480	10-1-03	Amend	10-1-03	410-147-0120	2-1-03	Amend	3-1-03
410-141-0480	10-2-03	Amend(T)	11-1-03	410-147-0120	10-1-03	Amend	10-1-03
410-141-0480	10-23-03	Amend(T)	12-1-03	410-147-0160	10-1-03	Amend	10-1-03
410-141-0480(T)	10-23-03	Suspend	12-1-03	410-147-0200	10-1-03	Amend	10-1-03
410-141-0500	1-1-03	Amend	2-1-03	410-147-0280	10-1-03	Amend	10-1-03
410-141-0500	2-1-03	Amend	3-1-03	410-147-0300	10-1-03	Repeal	10-1-03
410-141-0500	4-15-03	Amend	5-1-03	410-147-0320	10-1-03	Amend	10-1-03
410-141-0500	10-1-03	Amend	10-1-03	410-147-0340	10-1-03	Amend	10-1-03
410-141-0500	10-2-03	Amend(T)	11-1-03	410-147-0360	10-1-03	Amend	10-1-03
410-141-0500	10-23-03	Amend(T)	12-1-03	410-147-0380	10-1-03	Amend	10-1-03
410-141-0500(T)	10-23-03	Suspend	12-1-03	410-147-0400	10-1-03	Amend	10-1-03
410-141-0520	1-1-03	Amend	2-1-03	410-147-0420	10-1-03	Amend	10-1-03
410-141-0520	3-1-03	Amend	4-1-03	410-147-0460	10-1-03	Amend	10-1-03
410-141-0520	4-1-03	Amend	5-1-03	410-147-0480	10-1-03	Amend	10-1-03
410-141-0520	10-2-03	Amend(T)	11-1-03	410-147-0500	10-1-03	Amend	10-1-03

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410-147-0600	1-1-03	Amend	2-1-03	411-015-0010	12-6-02	Amend(T)	1-1-03
410-147-0600	10-1-03	Repeal	10-1-03	411-015-0010	6-4-03	Amend	7-1-03
410-147-0610	10-1-03	Adopt	10-1-03	411-015-0010	10-27-03	Amend(T)	12-1-03
410-148-0000	10-1-03	Amend	10-1-03	411-015-0015	12-6-02	Amend(T)	1-1-03
410-148-0020	4-1-03	Amend	5-1-03	411-015-0015	2-1-03	Amend	2-1-03
410-148-0020	10-1-03	Amend	10-1-03	411-015-0015	2-18-03	Amend(T)	3-1-03
410-148-0040	4-1-03	Amend	5-1-03	411-015-0015	3-12-03	Amend(T)	4-1-03
410-148-0060	4-1-03	Amend	5-1-03	411-015-0015	3-20-03	Amend(T)	5-1-03
410-148-0060	10-1-03	Amend	10-1-03	411-015-0015	6-4-03	Amend	7-1-03
410-148-0090	2-1-03	Adopt	3-1-03	411-015-0015	10-27-03	Amend(T)	12-1-03
410-148-0095	1-1-03	Adopt	2-1-03	411-015-0015(T)	2-18-03	Suspend	3-1-03
410-148-0100	2-1-03	Amend	3-1-03	411-015-0015(T)	3-12-03	Suspend	4-1-03
410-148-0100	4-1-03	Amend	5-1-03	411-015-0015(T)	3-20-03	Suspend	5-1-03
410-148-0120	10-1-03	Amend	10-1-03	411-015-0100	12-6-02	Amend(T)	1-1-03
410-148-0140	10-1-03	Amend	10-1-03	411-015-0100	2-1-03	Amend	2-1-03
410-148-0160	10-1-03	Amend	10-1-03	411-015-0100	6-4-03	Amend	7-1-03
410-148-0180	1-1-03	Amend	2-1-03	411-015-0100	11-1-03	Amend(T)	12-1-03
410-148-0180	10-1-03	Repeal	10-1-03	411-030-0020	7-31-03	Amend	9-1-03
410-148-0200	1-1-03	Amend	2-1-03	411-030-0020	9-30-03	Amend	11-1-03
410-148-0200	10-1-03	Repeal	10-1-03	411-030-0033	7-31-03	Amend	9-1-03
410-148-0220	10-1-03	Repeal	10-1-03	411-030-0033	9-30-03	Amend	11-1-03
410-148-0260	4-1-03	Amend	5-1-03	411-030-0040	2-1-03	Amend(T)	3-1-03
410-148-0260	10-1-03	Amend	10-1-03	411-030-0040	7-31-03	Amend	9-1-03
410-148-0280	4-1-03	Amend	5-1-03	411-030-0040	9-30-03	Amend	11-1-03
410-148-0300	4-1-03	Amend	5-1-03	411-030-0050	7-31-03	Amend	9-1-03
410-148-0300	10-1-03	Amend	10-1-03	411-030-0050	9-30-03	Amend	11-1-03
410-149-0000	2-1-03	Adopt	3-1-03	411-030-0060	7-31-03	Amend	9-1-03
410-149-0020	2-1-03	Adopt	3-1-03	411-030-0060	9-30-03	Amend	11-1-03
410-149-0040	2-1-03	Adopt	3-1-03	411-030-0065	9-30-03	Adopt	11-1-03
410-149-0060	2-1-03	Adopt	3-1-03	411-030-0070	7-31-03	Amend	9-1-03
410-149-0080	2-1-03	Adopt	3-1-03	411-030-0070	9-30-03	Amend	11-1-03
410-150-0000	10-1-03	Amend	10-1-03	411-030-0080	2-1-03	Amend(T)	3-1-03
410-150-0040	4-1-03	Amend	5-1-03	411-030-0080	7-31-03	Amend	9-1-03
410-150-0080	4-1-03	Amend	5-1-03	411-030-0080	9-30-03	Amend	11-1-03
410-150-0080	10-1-03	Amend	10-1-03	411-030-0090	7-31-03	Amend	9-1-03
410-150-0100	4-1-03	Amend	5-1-03	411-032-0000	5-2-03	Amend	6-1-03
410-150-0100	10-1-03	Repeal	10-1-03	411-032-0001	5-2-03	Amend	6-1-03
410-150-0120	4-1-03	Amend	5-1-03	411-032-0005	5-2-03	Amend	6-1-03
410-150-0120	10-1-03	Amend	10-1-03	411-032-0010	5-2-03	Amend	6-1-03
410-150-0140	10-1-03	Repeal	10-1-03	411-032-0015	5-2-03	Amend	6-1-03
410-150-0160	4-1-03	Amend	5-1-03	411-032-0020	5-2-03	Amend	6-1-03
410-150-0180	10-1-03	Repeal	10-1-03	411-032-0044	5-2-03	Amend	6-1-03
410-150-0200	4-1-03	Amend	5-1-03	411-200-0010	7-1-03	Amend	8-1-03
410-150-0200	10-1-03	Amend	10-1-03	411-300-0100	12-28-02	Adopt	2-1-03
410-150-0220	4-1-03	Amend	5-1-03	411-300-0110	12-28-02	Adopt	2-1-03
410-150-0220	10-1-03	Repeal	10-1-03	411-300-0120	12-28-02	Adopt	2-1-03
410-150-0260	4-1-03	Amend	5-1-03	411-300-0130	12-28-02	Adopt	2-1-03
410-150-0260	10-1-03	Repeal	10-1-03	411-300-0140	12-28-02	Adopt	2-1-03
410-150-0280	4-1-03	Amend	5-1-03	411-300-0150	12-28-02	Adopt	2-1-03
410-150-0280	10-1-03	Repeal	10-1-03	411-300-0160	12-28-02	Adopt	2-1-03
410-150-0300	10-1-03	Amend	10-1-03	411-300-0170	12-28-02	Adopt	2-1-03
411-015-0000	12-6-02	Amend(T)	1-1-03	411-300-0180	12-28-02	Adopt	2-1-03
411-015-0000	6-4-03	Amend	7-1-03	411-300-0190	12-28-02	Adopt	2-1-03
411-015-0005	12-6-02	Amend(T)	1-1-03	411-300-0200	12-28-02	Adopt	2-1-03
411-015-0005	6-4-03	Amend	7-1-03	411-300-0210	12-28-02	Adopt	2-1-03



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411-300-0220	12-28-02	Adopt	2-1-03	413-015-0100	7-1-03	Adopt	8-1-03
411-310-0010	4-1-03	Adopt	5-1-03	413-015-0105	7-1-03	Adopt	8-1-03
411-310-0020	4-1-03	Adopt	5-1-03	413-015-0110	7-1-03	Adopt	8-1-03
411-310-0030	4-1-03	Adopt	5-1-03	413-015-0115	7-1-03	Adopt	8-1-03
411-310-0040	4-1-03	Adopt	5-1-03	413-015-0120	7-1-03	Adopt	8-1-03
411-310-0050	4-1-03	Adopt	5-1-03	413-015-0125	7-1-03	Adopt	8-1-03
411-310-0060	4-1-03	Adopt	5-1-03	413-015-0200	7-1-03	Adopt	8-1-03
411-310-0070	4-1-03	Adopt	5-1-03	413-015-0205	7-1-03	Adopt	8-1-03
411-315-0010	4-1-03	Adopt	5-1-03	413-015-0210	7-1-03	Adopt	8-1-03
411-315-0020	4-1-03	Adopt	5-1-03	413-015-0215	7-1-03	Adopt	8-1-03
411-315-0030	4-1-03	Adopt	5-1-03	413-015-0220	7-1-03	Adopt	8-1-03
411-315-0040	4-1-03	Adopt	5-1-03	413-015-0225	7-1-03	Adopt	8-1-03
411-315-0050	4-1-03	Adopt	5-1-03	413-015-0300	7-1-03	Adopt	8-1-03
411-315-0060	4-1-03	Adopt	5-1-03	413-015-0305	7-1-03	Adopt	8-1-03
411-315-0070	4-1-03	Adopt	5-1-03	413-015-0310	7-1-03	Adopt	8-1-03
411-315-0080	4-1-03	Adopt	5-1-03	413-015-0400	7-1-03	Adopt	8-1-03
411-315-0090	4-1-03	Adopt	5-1-03	413-015-0405	7-1-03	Adopt	8-1-03
411-315-0100	4-1-03	Adopt	5-1-03	413-015-0410	7-1-03	Adopt	8-1-03
411-999-0010	3-11-03	Adopt(T)	4-1-03	413-015-0500	7-1-03	Adopt	8-1-03
411-999-0010	4-25-03	Amend(T)	6-1-03	413-015-0505	7-1-03	Adopt	8-1-03
411-999-0010(T)	4-25-03	Suspend	6-1-03	413-015-0510	7-1-03	Adopt	8-1-03
411-999-0011	3-11-03	Adopt(T)	4-1-03	413-015-0600	7-1-03	Adopt	8-1-03
411-999-0011	4-25-03	Amend(T)	6-1-03	413-015-0605	7-1-03	Adopt	8-1-03
411-999-0011(T)	4-25-03	Suspend	6-1-03	413-015-0610	7-1-03	Adopt	8-1-03
411-999-0012	3-11-03	Adopt(T)	4-1-03	413-015-0615	7-1-03	Adopt	8-1-03
411-999-0013	3-11-03	Adopt(T)	4-1-03	413-015-0700	7-1-03	Adopt	8-1-03
411-999-0013	4-25-03	Amend(T)	6-1-03	413-015-0705	7-1-03	Adopt	8-1-03
411-999-0013(T)	4-25-03	Suspend	6-1-03	413-015-0710	7-1-03	Adopt	8-1-03
411-999-0014	3-11-03	Adopt(T)	4-1-03	413-015-0715	7-1-03	Adopt	8-1-03
411-999-0014	4-25-03	Amend(T)	6-1-03	413-015-0720	7-1-03	Adopt	8-1-03
411-999-0014(T)	4-25-03	Suspend	6-1-03	413-015-0725	7-1-03	Adopt	8-1-03
411-999-0015	3-11-03	Adopt(T)	4-1-03	413-015-0730	7-1-03	Adopt	8-1-03
411-999-0015	4-25-03	Amend(T)	6-1-03	413-015-0735	7-1-03	Adopt	8-1-03
411-999-0015(T)	4-25-03	Suspend	6-1-03	413-015-0740	7-1-03	Adopt	8-1-03
411-999-0020	5-15-03	Adopt(T)	5-1-03	413-015-0800	7-1-03	Adopt	8-1-03
413-010-0700	1-7-03	Amend	2-1-03	413-015-0900	7-1-03	Adopt	8-1-03
413-010-0705	1-7-03	Amend	2-1-03	413-015-0905	7-1-03	Adopt	8-1-03
413-010-0712	1-7-03	Amend	2-1-03	413-015-1000	7-1-03	Adopt	8-1-03
413-010-0714	1-7-03	Amend	2-1-03	413-020-0000	1-7-03	Amend	2-1-03
413-010-0715	1-7-03	Amend	2-1-03	413-020-0005	1-7-03	Amend	2-1-03
413-010-0716	1-7-03	Amend	2-1-03	413-020-0010	1-7-03	Amend	2-1-03
413-010-0717	1-7-03	Amend	2-1-03	413-020-0020	1-7-03	Amend	2-1-03
413-010-0718	1-7-03	Amend	2-1-03	413-020-0040	1-7-03	Amend	2-1-03
413-010-0719	1-7-03	Amend	2-1-03	413-020-0050	1-7-03	Amend	2-1-03
413-010-0720	1-7-03	Amend	2-1-03	413-020-0100	1-9-03	Amend	2-1-03
413-010-0721	1-7-03	Amend	2-1-03	413-020-0110	1-9-03	Amend	2-1-03
413-010-0722	1-7-03	Amend	2-1-03	413-020-0120	1-9-03	Amend	2-1-03
413-010-0723	1-7-03	Amend	2-1-03	413-020-0130	1-9-03	Amend	2-1-03
413-010-0732	1-7-03	Amend	2-1-03	413-020-0140	1-9-03	Amend	2-1-03
413-010-0735	1-7-03	Amend	2-1-03	413-020-0150	1-9-03	Amend	2-1-03
413-010-0738	1-7-03	Amend	2-1-03	413-020-0160	1-9-03	Amend	2-1-03
413-010-0740	1-7-03	Amend	2-1-03	413-020-0170	1-9-03	Amend	2-1-03
413-010-0743	1-7-03	Amend	2-1-03	413-020-0200	1-7-03	Amend	2-1-03
413-010-0745	1-7-03	Amend	2-1-03	413-020-0210	1-7-03	Amend	2-1-03
413-010-0746	1-7-03	Amend	2-1-03	413-020-0220	1-7-03	Amend	2-1-03
413-010-0750	1-7-03	Amend	2-1-03	413-020-0230	1-7-03	Amend	2-1-03

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413-020-0250	1-7-03	Amend	2-1-03	413-040-0130	5-22-03	Amend	7-1-03
413-020-0260	1-7-03	Amend	2-1-03	413-040-0135	5-22-03	Adopt	7-1-03
413-020-0270	1-7-03	Amend	2-1-03	413-040-0140	5-22-03	Amend	7-1-03
413-020-0275	1-23-03	Adopt(T)	3-1-03	413-040-0145	5-22-03	Amend	7-1-03
413-020-0275	3-19-03	Adopt	5-1-03	413-040-0150	5-22-03	Amend	7-1-03
413-020-0275	7-1-03	Repeal	8-1-03	413-040-0155	5-22-03	Adopt	7-1-03
413-020-0280	1-23-03	Adopt(T)	3-1-03	413-040-0157	5-22-03	Adopt	7-1-03
413-020-0285	1-23-03	Adopt(T)	3-1-03	413-040-0159	5-22-03	Adopt	7-1-03
413-020-0285	3-19-03	Adopt	5-1-03	413-040-0160	5-22-03	Repeal	7-1-03
413-020-0285	7-1-03	Repeal	8-1-03	413-040-0170	5-22-03	Amend	7-1-03
413-020-0300	7-1-03	Repeal	8-1-03	413-040-0400	1-7-03	Amend	2-1-03
413-020-0310	7-1-03	Repeal	8-1-03	413-040-0410	1-7-03	Amend	2-1-03
413-020-0320	7-1-03	Repeal	8-1-03	413-040-0420	1-7-03	Amend	2-1-03
413-020-0330	7-1-03	Repeal	8-1-03	413-040-0430	1-7-03	Amend	2-1-03
413-020-0335	1-23-03	Amend(T)	3-1-03	413-040-0440	1-7-03	Amend	2-1-03
413-020-0335	7-1-03	Repeal	8-1-03	413-040-0450	1-7-03	Amend	2-1-03
413-020-0335(T)	1-23-03	Suspend	3-1-03	413-050-0000	1-7-03	Amend	2-1-03
413-020-0340	7-1-03	Repeal	8-1-03	413-050-0005	1-7-03	Adopt	2-1-03
413-020-0345	1-23-03	Adopt(T)	3-1-03	413-050-0010	1-7-03	Amend	2-1-03
413-020-0350	7-1-03	Repeal	8-1-03	413-050-0020	1-7-03	Amend	2-1-03
413-020-0360	7-1-03	Repeal	8-1-03	413-050-0030	1-7-03	Amend	2-1-03
413-020-0380	7-1-03	Repeal	8-1-03	413-050-0040	1-7-03	Amend	2-1-03
413-020-0390	7-1-03	Repeal	8-1-03	413-050-0050	1-7-03	Amend	2-1-03
413-020-0395	1-23-03	Amend(T)	3-1-03	413-050-0200	12-19-02	Amend(T)	2-1-03
413-020-0395(T)	1-23-03	Suspend	3-1-03	413-050-0200	6-18-03	Amend(T)	8-1-03
413-020-0400	7-1-03	Repeal	8-1-03	413-050-0210	12-19-02	Amend(T)	2-1-03
413-020-0405	7-1-03	Repeal	8-1-03	413-050-0210	6-18-03	Amend(T)	8-1-03
413-020-0410	7-1-03	Repeal	8-1-03	413-050-0220	12-19-02	Amend(T)	2-1-03
413-020-0420	7-1-03	Repeal	8-1-03	413-050-0220	6-18-03	Amend(T)	8-1-03
413-020-0430	7-1-03	Repeal	8-1-03	413-050-0230	12-19-02	Amend(T)	2-1-03
413-030-0100	7-1-03	Repeal	8-1-03	413-050-0230	6-18-03	Amend(T)	8-1-03
413-030-0110	7-1-03	Repeal	8-1-03	413-050-0240	12-19-02	Amend(T)	2-1-03
413-030-0120	7-1-03	Repeal	8-1-03	413-050-0240	6-18-03	Amend(T)	8-1-03
413-030-0130	7-1-03	Repeal	8-1-03	413-050-0250	12-19-02	Amend(T)	2-1-03
413-030-0200	1-7-03	Amend	2-1-03	413-050-0250	6-18-03	Amend(T)	8-1-03
413-030-0205	1-7-03	Adopt	2-1-03	413-050-0260	12-19-02	Amend(T)	2-1-03
413-030-0210	1-7-03	Amend	2-1-03	413-050-0260	6-18-03	Amend(T)	8-1-03
413-030-0220	1-7-03	Amend	2-1-03	413-050-0261	12-19-02	Adopt(T)	2-1-03
413-040-0000	10-1-03	Amend	11-1-03	413-050-0270	12-19-02	Amend(T)	2-1-03
413-040-0005	10-1-03	Amend	11-1-03	413-050-0270	6-18-03	Amend(T)	8-1-03
413-040-0010	10-1-03	Amend	11-1-03	413-050-0280	12-19-02	Amend(T)	2-1-03
413-040-0015	10-1-03	Renumber	11-1-03	413-050-0280	6-18-03	Amend(T)	8-1-03
413-040-0017	10-1-03	Adopt	11-1-03	413-050-0290	12-19-02	Amend(T)	2-1-03
413-040-0025	10-1-03	Renumber	11-1-03	413-050-0290	6-18-03	Amend(T)	8-1-03
413-040-0027	10-1-03	Adopt	11-1-03	413-050-0300	12-19-02	Amend(T)	2-1-03
413-040-0031	10-1-03	Adopt	11-1-03	413-050-0300	6-18-03	Amend(T)	8-1-03
413-040-0035	10-1-03	Renumber	11-1-03	413-050-0301	12-19-02	Adopt(T)	2-1-03
413-040-0040	10-1-03	Renumber	11-1-03	413-050-0430	1-9-03	Amend	2-1-03
413-040-0042	10-1-03	Adopt	11-1-03	413-050-0440	1-9-03	Amend	2-1-03
413-040-0045	10-1-03	Renumber	11-1-03	413-050-0500	1-7-03	Amend	2-1-03
413-040-0047	10-1-03	Adopt	11-1-03	413-050-0510	1-7-03	Amend	2-1-03
413-040-0052	10-1-03	Adopt	11-1-03	413-050-0515	1-7-03	Amend	2-1-03
413-040-0071	10-1-03	Adopt	11-1-03	413-050-0530	1-7-03	Amend	2-1-03
413-040-0100	5-22-03	Amend	7-1-03	413-050-0535	1-7-03	Amend	2-1-03
413-040-0110	5-22-03	Amend	7-1-03	413-050-0540	1-7-03	Amend	2-1-03

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413-050-0550	1-7-03	Amend	2-1-03	413-090-0050	1-7-03	Amend	2-1-03
413-050-0560	1-7-03	Amend	2-1-03	413-090-0160	2-1-03	Amend(T)	3-1-03
413-050-0565	1-7-03	Amend	2-1-03	413-090-0160	7-31-03	Amend	9-1-03
413-050-0575	1-7-03	Amend	2-1-03	413-090-0160	11-1-03	Amend(T)	12-1-03
413-050-0580	1-7-03	Amend	2-1-03	413-090-0300	1-7-03	Amend	2-1-03
413-050-0585	1-7-03	Amend	2-1-03	413-090-0310	1-7-03	Amend	2-1-03
413-070-0900	7-31-03	Amend	9-1-03	413-090-0320	1-7-03	Amend	2-1-03
413-070-0905	1-9-03	Amend	2-1-03	413-090-0330	1-7-03	Amend	2-1-03
413-070-0905	7-31-03	Amend	9-1-03	413-090-0340	1-7-03	Amend	2-1-03
413-070-0910	7-31-03	Amend	9-1-03	413-090-0355	1-7-03	Amend	2-1-03
413-070-0915	1-9-03	Amend	2-1-03	413-090-0365	1-7-03	Amend	2-1-03
413-070-0915	7-31-03	Amend	9-1-03	413-090-0370	1-7-03	Amend	2-1-03
413-070-0917	7-31-03	Amend	9-1-03	413-090-0380	1-7-03	Amend	2-1-03
413-070-0920	1-9-03	Amend	2-1-03	413-090-0400	1-7-03	Amend	2-1-03
413-070-0920	7-31-03	Amend	9-1-03	413-090-0405	1-7-03	Adopt	2-1-03
413-070-0925	7-31-03	Amend	9-1-03	413-090-0410	1-7-03	Amend	2-1-03
413-070-0930	1-9-03	Amend	2-1-03	413-090-0420	1-7-03	Amend	2-1-03
413-070-0930	7-31-03	Amend	9-1-03	413-090-0430	1-7-03	Amend	2-1-03
413-070-0935	7-31-03	Amend	9-1-03	413-100-0030	9-2-03	Amend(T)	10-1-03
413-070-0937	7-31-03	Amend	9-1-03	413-100-0040	9-2-03	Amend(T)	10-1-03
413-070-0940	1-9-03	Amend	2-1-03	413-100-0050	9-2-03	Amend(T)	10-1-03
413-070-0940	7-31-03	Amend	9-1-03	413-100-0070	9-2-03	Amend(T)	10-1-03
413-070-0945	1-9-03	Amend	2-1-03	413-100-0080	9-2-03	Amend(T)	10-1-03
413-070-0945	1-23-03	Amend(T)	3-1-03	413-100-0110	9-2-03	Amend(T)	10-1-03
413-070-0945	7-31-03	Amend	9-1-03	413-100-0130	9-2-03	Amend(T)	10-1-03
413-070-0950	1-9-03	Amend	2-1-03	413-100-0135	9-2-03	Amend(T)	10-1-03
413-070-0950	7-31-03	Amend	9-1-03	413-100-0150	9-2-03	Amend(T)	10-1-03
413-070-0955	7-31-03	Amend	9-1-03	413-100-0160	9-2-03	Amend(T)	10-1-03
413-070-0960	7-31-03	Amend	9-1-03	413-100-0240	9-2-03	Amend(T)	10-1-03
413-070-0965	7-31-03	Amend	9-1-03	413-100-0276	9-2-03	Amend(T)	10-1-03
413-070-0970	7-31-03	Amend	9-1-03	413-100-0290	9-2-03	Amend(T)	10-1-03
413-070-0975	7-31-03	Repeal	9-1-03	413-120-0400	3-13-03	Amend	4-1-03
413-070-0980	1-23-03	Adopt(T)	3-1-03	413-120-0410	3-13-03	Amend	4-1-03
413-070-0980	7-31-03	Adopt	9-1-03	413-120-0420	3-13-03	Amend	4-1-03
413-070-0981	2-1-03	Adopt(T)	3-1-03	413-120-0430	3-13-03	Amend	4-1-03
413-070-0981	7-31-03	Adopt	9-1-03	413-120-0440	3-13-03	Amend	4-1-03
413-070-0981	11-1-03	Amend(T)	12-1-03	413-120-0450	3-13-03	Amend	4-1-03
413-080-0000	1-7-03	Amend	2-1-03	413-120-0455	3-13-03	Adopt	4-1-03
413-080-0010	1-7-03	Amend	2-1-03	413-120-0460	3-13-03	Amend	4-1-03
413-080-0020	1-7-03	Amend	2-1-03	413-120-0470	3-13-03	Amend	4-1-03
413-080-0030	1-7-03	Amend	2-1-03	413-120-0600	10-3-03	Amend	11-1-03
413-080-0200	1-9-03	Amend	2-1-03	413-120-0610	10-3-03	Amend	11-1-03
413-080-0205	1-9-03	Adopt	2-1-03	413-120-0620	10-3-03	Amend	11-1-03
413-080-0210	1-9-03	Amend	2-1-03	413-120-0625	10-3-03	Adopt	11-1-03
413-080-0240	1-9-03	Amend	2-1-03	413-120-0628	10-3-03	Adopt	11-1-03
413-080-0250	1-9-03	Amend	2-1-03	413-120-0630	10-3-03	Amend	11-1-03
413-080-0260	1-9-03	Amend	2-1-03	413-120-0635	10-3-03	Adopt	11-1-03
413-080-0270	1-9-03	Amend	2-1-03	413-120-0640	10-3-03	Repeal	11-1-03
413-090-0000	1-7-03	Amend	2-1-03	413-120-0650	10-3-03	Repeal	11-1-03
413-090-0005	1-7-03	Amend	2-1-03	413-120-0660	10-3-03	Repeal	11-1-03
413-090-0010	1-7-03	Amend	2-1-03	413-120-0670	10-3-03	Repeal	11-1-03
413-090-0010	2-1-03	Amend(T)	3-1-03	413-120-0810	10-1-03	Amend	11-1-03
413-090-0010	7-31-03	Amend	9-1-03	413-120-0820	10-1-03	Amend	11-1-03
413-090-0010	11-1-03	Amend(T)	12-1-03	413-120-0830	10-1-03	Amend	11-1-03
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413-130-0126	2-1-03	Adopt(T)	3-1-03	416-050-0020	8-20-03	Repeal	10-1-03
413-130-0127	11-1-03	Adopt(T)	12-1-03	416-050-0030	8-20-03	Repeal	10-1-03
413-200-0371	12-19-02	Amend(T)	2-1-03	416-160-0000	8-20-03	Repeal	10-1-03
413-200-0371	8-1-03	Amend	9-1-03	416-160-0010	8-20-03	Repeal	10-1-03
414-001-0000	4-27-03	Repeal	6-1-03	416-160-0020	8-20-03	Repeal	10-1-03
414-600-0000	11-24-02	Adopt	1-1-03	416-160-0030	8-20-03	Repeal	10-1-03
414-600-0010	11-24-02	Adopt	1-1-03	416-160-0040	8-20-03	Repeal	10-1-03
414-600-0020	11-24-02	Adopt	1-1-03	416-160-0050	8-20-03	Repeal	10-1-03
414-600-0030	11-24-02	Adopt	1-1-03	416-160-0060	8-20-03	Repeal	10-1-03
414-600-0040	11-24-02	Adopt	1-1-03	416-160-0070	8-20-03	Repeal	10-1-03
414-600-0050	11-24-02	Adopt	1-1-03	416-320-0000	9-23-03	Amend	11-1-03
414-600-0060	11-24-02	Adopt	1-1-03	416-320-0010	9-23-03	Amend	11-1-03
414-600-0070	11-24-02	Adopt	1-1-03	416-320-0020	9-23-03	Amend	11-1-03
414-600-0080	11-24-02	Adopt	1-1-03	416-320-0030	9-23-03	Amend	11-1-03
414-600-0090	11-24-02	Adopt	1-1-03	416-370-0000	8-20-03	Repeal	10-1-03
414-600-0100	11-24-02	Adopt	1-1-03	416-370-0010	8-20-03	Repeal	10-1-03
415-020-0000	7-1-03	Amend	7-1-03	416-370-0020	8-20-03	Repeal	10-1-03
415-020-0005	7-1-03	Amend	7-1-03	416-370-0030	8-20-03	Repeal	10-1-03
415-020-0010	7-1-03	Amend	7-1-03	416-370-0040	8-20-03	Repeal	10-1-03
415-020-0015	7-1-03	Amend	7-1-03	416-370-0050	8-20-03	Repeal	10-1-03
415-020-0020	7-1-03	Amend	7-1-03	416-370-0060	8-20-03	Repeal	10-1-03
415-020-0025	7-1-03	Amend	7-1-03	416-370-0070	8-20-03	Repeal	10-1-03
415-020-0030	7-1-03	Amend	7-1-03	416-370-0080	8-20-03	Repeal	10-1-03
415-020-0035	7-1-03	Amend	7-1-03	416-390-0000	9-23-03	Repeal	11-1-03
415-020-0040	7-1-03	Amend	7-1-03	416-390-0010	9-23-03	Repeal	11-1-03
415-020-0045	7-1-03	Repeal	7-1-03	416-390-0020	9-23-03	Repeal	11-1-03
415-020-0045	9-1-03	Repeal	8-1-03	416-390-0030	9-23-03	Repeal	11-1-03
415-020-0050	7-1-03	Amend	7-1-03	416-390-0040	9-23-03	Repeal	11-1-03
415-020-0053	7-1-03	Adopt	7-1-03	416-390-0050	9-23-03	Repeal	11-1-03
415-020-0054	7-1-03	Adopt	7-1-03	416-390-0060	9-23-03	Repeal	11-1-03
415-020-0055	7-1-03	Repeal	7-1-03	416-390-0070	9-23-03	Repeal	11-1-03
415-020-0055	9-1-03	Repeal	8-1-03	416-390-0080	9-23-03	Repeal	11-1-03
415-020-0060	7-1-03	Amend	7-1-03	416-390-0090	9-23-03	Repeal	11-1-03
415-020-0065	7-1-03	Amend	7-1-03	416-390-0100	9-23-03	Repeal	11-1-03
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415-020-0075	7-1-03	Amend	7-1-03	416-390-0120	9-23-03	Repeal	11-1-03
415-020-0080	7-1-03	Amend	7-1-03	416-390-0130	9-23-03	Repeal	11-1-03
415-020-0085	7-1-03	Amend	7-1-03	416-390-0140	9-23-03	Repeal	11-1-03
415-051-0015	9-1-03	Amend	8-1-03	416-390-0150	9-23-03	Repeal	11-1-03
415-051-0055	9-1-03	Amend	8-1-03	416-390-0160	9-23-03	Repeal	11-1-03
415-051-0057	9-1-03	Amend	8-1-03	416-390-0170	9-23-03	Repeal	11-1-03
415-051-0060	9-1-03	Amend	8-1-03	416-390-0180	9-23-03	Repeal	11-1-03
416-001-0000	8-20-03	Amend	10-1-03	416-390-0190	9-23-03	Repeal	11-1-03
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416-020-0000	8-20-03	Amend	10-1-03	416-390-0210	9-23-03	Repeal	11-1-03
416-020-0010	8-20-03	Amend	10-1-03	416-390-0220	9-23-03	Repeal	11-1-03
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416-020-0030	8-20-03	Amend	10-1-03	416-390-0240	9-23-03	Repeal	11-1-03
416-020-0040	8-20-03	Amend	10-1-03	416-390-0250	9-23-03	Repeal	11-1-03
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416-020-0060	8-20-03	Repeal	10-1-03	416-390-0270	9-23-03	Repeal	11-1-03
416-020-0070	8-20-03	Repeal	10-1-03	416-390-0290	9-23-03	Repeal	11-1-03
416-020-0080	8-20-03	Repeal	10-1-03	416-390-0300	9-23-03	Repeal	11-1-03
416-020-0090	8-20-03	Repeal	10-1-03	416-390-0310	9-23-03	Repeal	11-1-03
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416-390-0340	9-23-03	Repeal	11-1-03	436-035-0430	2-1-03	Amend	2-1-03
416-390-0360	9-23-03	Repeal	11-1-03	436-035-0440	2-1-03	Amend	2-1-03
416-430-0050	1-16-03	Amend	3-1-03	436-035-0500	1-15-03	Amend(T)	2-1-03
416-800-0000	9-23-03	Amend	11-1-03	436-035-0500	2-1-03	Amend	2-1-03
416-800-0010	9-23-03	Amend	11-1-03	436-035-0500	4-15-03	Amend(T)	5-1-03
416-800-0020	9-23-03	Amend	11-1-03	436-035-0500	7-15-03	Amend(T)	8-1-03
416-800-0050	9-23-03	Amend	11-1-03	436-050-0003	9-15-03	Amend	10-1-03
416-800-0060	9-23-03	Amend	11-1-03	436-050-0060	4-1-03	Amend	5-1-03
436-009-0004	7-1-03	Amend	7-1-03	436-050-0150	7-18-03	Amend(T)	9-1-03
436-009-0005	7-1-03	Amend	7-1-03	436-050-0160	7-18-03	Amend(T)	9-1-03
436-009-0008	7-1-03	Amend	7-1-03	436-050-0165	7-18-03	Adopt(T)	9-1-03
436-009-0010	7-1-03	Amend	7-1-03	436-050-0410	9-15-03	Amend	10-1-03
436-009-0015	7-1-03	Amend	7-1-03	436-050-0420	9-15-03	Amend	10-1-03
436-009-0020	7-1-03	Amend	7-1-03	436-050-0430	9-15-03	Repeal	10-1-03
436-009-0022	7-1-03	Amend	7-1-03	436-050-0440	9-15-03	Amend	10-1-03
436-009-0030	7-1-03	Amend	7-1-03	436-050-0450	9-15-03	Amend	10-1-03
436-009-0040	7-1-03	Amend	7-1-03	436-050-0460	9-15-03	Amend	10-1-03
436-009-0050	7-1-03	Amend	7-1-03	436-050-0470	9-15-03	Amend	10-1-03
436-009-0060	7-1-03	Amend	7-1-03	436-060-0010	9-2-03	Amend(T)	10-1-03
436-009-0070	7-1-03	Amend	7-1-03	436-060-0010	9-22-03	Amend(T)	11-1-03
436-009-0090	7-1-03	Amend	7-1-03	436-060-0010(T)	9-22-03	Suspend	11-1-03
436-035-0001	2-1-03	Amend	2-1-03	436-060-0019	9-2-03	Amend(T)	10-1-03
436-035-0003	2-1-03	Amend	2-1-03	436-060-0019	9-22-03	Amend(T)	11-1-03
436-035-0005	2-1-03	Amend	2-1-03	436-060-0019(T)	9-22-03	Suspend	11-1-03
436-035-0007	2-1-03	Amend	2-1-03	436-060-0035	9-2-03	Amend(T)	10-1-03
436-035-0010	2-1-03	Amend	2-1-03	436-060-0035	9-22-03	Amend(T)	11-1-03
436-035-0030	2-1-03	Amend	2-1-03	436-060-0035(T)	9-22-03	Suspend	11-1-03
436-035-0040	2-1-03	Amend	2-1-03	436-060-0500	9-2-03	Amend(T)	10-1-03
436-035-0050	2-1-03	Amend	2-1-03	436-060-0500	9-22-03	Amend(T)	11-1-03
436-035-0060	2-1-03	Amend	2-1-03	436-060-0500(T)	9-22-03	Suspend	11-1-03
436-035-0070	2-1-03	Amend	2-1-03	436-105-0003	12-11-02	Amend(T)	1-1-03
436-035-0075	2-1-03	Amend	2-1-03	436-105-0003	6-8-03	Amend	7-1-03
436-035-0080	2-1-03	Amend	2-1-03	436-105-0008	6-8-03	Amend	7-1-03
436-035-0100	2-1-03	Amend	2-1-03	436-105-0500	12-11-02	Amend(T)	1-1-03
436-035-0110	2-1-03	Amend	2-1-03	436-105-0500	6-8-03	Amend	7-1-03
436-035-0150	2-1-03	Amend	2-1-03	436-105-0510	12-11-02	Amend(T)	1-1-03
436-035-0160	2-1-03	Amend	2-1-03	436-105-0510	6-8-03	Amend	7-1-03
436-035-0170	2-1-03	Amend	2-1-03	436-105-0520	6-8-03	Amend	7-1-03
436-035-0190	2-1-03	Amend	2-1-03	436-105-0530	6-8-03	Amend	7-1-03
436-035-0200	2-1-03	Amend	2-1-03	436-160-0001	4-1-03	Adopt	5-1-03
436-035-0220	2-1-03	Amend	2-1-03	436-160-0002	4-1-03	Adopt	5-1-03
436-035-0230	2-1-03	Amend	2-1-03	436-160-0003	4-1-03	Adopt	5-1-03
436-035-0250	2-1-03	Amend	2-1-03	436-160-0004	4-1-03	Adopt	5-1-03
436-035-0260	2-1-03	Amend	2-1-03	436-160-0005	4-1-03	Adopt	5-1-03
436-035-0270	2-1-03	Amend	2-1-03	436-160-0006	4-1-03	Adopt	5-1-03
436-035-0280	2-1-03	Amend	2-1-03	436-160-0010	4-1-03	Adopt	5-1-03
436-035-0300	2-1-03	Amend	2-1-03	436-160-0020	4-1-03	Adopt	5-1-03
436-035-0310	2-1-03	Amend	2-1-03	436-160-0030	4-1-03	Adopt	5-1-03
436-035-0320	2-1-03	Amend	2-1-03	436-160-0040	4-1-03	Adopt	5-1-03
436-035-0330	2-1-03	Amend	2-1-03	436-160-0050	4-1-03	Adopt	5-1-03
436-035-0340	2-1-03	Amend	2-1-03	436-160-0060	4-1-03	Adopt	5-1-03
436-035-0360	2-1-03	Amend	2-1-03	436-160-0070	4-1-03	Adopt	5-1-03
436-035-0370	2-1-03	Amend	2-1-03	436-160-0080	4-1-03	Adopt	5-1-03
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436-160-0320	4-1-03	Adopt	5-1-03	437-006-0165	12-1-03	Repeal	7-1-03
436-160-0330	4-1-03	Adopt	5-1-03	437-006-0170	12-1-03	Repeal	7-1-03
436-160-0340	4-1-03	Adopt	5-1-03	437-006-0175	12-1-03	Repeal	7-1-03
436-160-0350	4-1-03	Adopt	5-1-03	437-006-0205	12-1-03	Repeal	7-1-03
436-160-0360	4-1-03	Adopt	5-1-03	437-006-0210	12-1-03	Repeal	7-1-03
437-002-0080	4-21-03	Amend	6-1-03	437-006-0215	12-1-03	Repeal	7-1-03
437-002-0100	4-21-03	Amend	6-1-03	437-006-0220	12-1-03	Repeal	7-1-03
437-002-0107	4-21-03	Amend	6-1-03	437-006-0225	12-1-03	Repeal	7-1-03
437-002-0223	1-30-03	Amend	3-1-03	437-006-0230	12-1-03	Repeal	7-1-03
437-003-0001	1-30-03	Amend	3-1-03	437-006-0235	12-1-03	Repeal	7-1-03
437-003-0001	4-30-03	Amend	3-1-03	437-006-0240	12-1-03	Repeal	7-1-03
437-003-0017	4-30-03	Adopt	3-1-03	437-006-0245	12-1-03	Repeal	7-1-03
437-003-0420	1-30-03	Amend	3-1-03	437-006-0260	12-1-03	Repeal	7-1-03
437-003-0706	4-30-03	Adopt	3-1-03	437-006-0265	12-1-03	Repeal	7-1-03
437-005-0001	5-6-03	Amend	6-1-03	437-006-0270	12-1-03	Repeal	7-1-03
437-006-0001	12-1-03	Repeal	7-1-03	437-006-0275	12-1-03	Repeal	7-1-03
437-006-0003	12-1-03	Repeal	7-1-03	437-006-0280	12-1-03	Repeal	7-1-03
437-006-0004	12-1-03	Repeal	7-1-03	437-006-0285	12-1-03	Repeal	7-1-03
437-006-0005	12-1-03	Repeal	7-1-03	437-006-0290	12-1-03	Repeal	7-1-03
437-006-0007	12-1-03	Repeal	7-1-03	437-006-0295	12-1-03	Repeal	7-1-03
437-006-0008	12-1-03	Repeal	7-1-03	437-006-0300	12-1-03	Repeal	7-1-03
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437-006-0028	12-1-03	Repeal	7-1-03	437-006-0365	12-1-03	Repeal	7-1-03
437-006-0030	12-1-03	Repeal	7-1-03	437-006-0370	12-1-03	Repeal	7-1-03
437-006-0035	12-1-03	Repeal	7-1-03	437-006-0375	12-1-03	Repeal	7-1-03
437-006-0040	12-1-03	Repeal	7-1-03	437-006-0380	12-1-03	Repeal	7-1-03
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437-006-0055	12-1-03	Repeal	7-1-03	437-006-0410	12-1-03	Repeal	7-1-03
437-006-0060	12-1-03	Repeal	7-1-03	437-006-0415	12-1-03	Repeal	7-1-03
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437-006-0082	12-1-03	Repeal	7-1-03	437-006-0430	12-1-03	Repeal	7-1-03
437-006-0084	12-1-03	Repeal	7-1-03	437-006-0435	12-1-03	Repeal	7-1-03
437-006-0086	12-1-03	Repeal	7-1-03	437-006-0440	12-1-03	Repeal	7-1-03
437-006-0088	12-1-03	Repeal	7-1-03	437-006-0460	12-1-03	Repeal	7-1-03
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437-006-0095	12-1-03	Repeal	7-1-03	437-006-0475	12-1-03	Repeal	7-1-03
437-006-0100	12-1-03	Repeal	7-1-03	437-006-0480	12-1-03	Repeal	7-1-03
437-006-0105	12-1-03	Repeal	7-1-03	437-006-0485	12-1-03	Repeal	7-1-03
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437-006-0140	12-1-03	Repeal	7-1-03	437-006-0515	12-1-03	Repeal	7-1-03
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437-006-0150	12-1-03	Repeal	7-1-03	437-006-0535	12-1-03	Repeal	7-1-03
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437-006-0555	12-1-03	Repeal	7-1-03	437-007-0550	12-1-03	Adopt	7-1-03
437-006-0565	12-1-03	Repeal	7-1-03	437-007-0555	12-1-03	Adopt	7-1-03
437-006-0570	12-1-03	Repeal	7-1-03	437-007-0560	12-1-03	Adopt	7-1-03
437-006-0575	12-1-03	Repeal	7-1-03	437-007-0565	12-1-03	Adopt	7-1-03
437-006-0580	12-1-03	Repeal	7-1-03	437-007-0570	12-1-03	Adopt	7-1-03
437-006-0585	12-1-03	Repeal	7-1-03	437-007-0575	12-1-03	Adopt	7-1-03
437-006-0590	12-1-03	Repeal	7-1-03	437-007-0580	12-1-03	Adopt	7-1-03
437-007-0001	12-1-03	Adopt	7-1-03	437-007-0600	12-1-03	Adopt	7-1-03
437-007-0002	12-1-03	Adopt	7-1-03	437-007-0605	12-1-03	Adopt	7-1-03
437-007-0003	12-1-03	Adopt	7-1-03	437-007-0610	12-1-03	Adopt	7-1-03
437-007-0004	12-1-03	Adopt	7-1-03	437-007-0615	12-1-03	Adopt	7-1-03
437-007-0010	12-1-03	Adopt	7-1-03	437-007-0620	12-1-03	Adopt	7-1-03
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437-007-0100	12-1-03	Adopt	7-1-03	437-007-0630	12-1-03	Adopt	7-1-03
437-007-0105	12-1-03	Adopt	7-1-03	437-007-0635	12-1-03	Adopt	7-1-03
437-007-0110	12-1-03	Adopt	7-1-03	437-007-0640	12-1-03	Adopt	7-1-03
437-007-0125	12-1-03	Adopt	7-1-03	437-007-0645	12-1-03	Adopt	7-1-03
437-007-0130	12-1-03	Adopt	7-1-03	437-007-0650	12-1-03	Adopt	7-1-03
437-007-0135	12-1-03	Adopt	7-1-03	437-007-0655	12-1-03	Adopt	7-1-03
437-007-0140	12-1-03	Adopt	7-1-03	437-007-0660	12-1-03	Adopt	7-1-03
437-007-0145	12-1-03	Adopt	7-1-03	437-007-0665	12-1-03	Adopt	7-1-03
437-007-0200	12-1-03	Adopt	7-1-03	437-007-0670	12-1-03	Adopt	7-1-03
437-007-0205	12-1-03	Adopt	7-1-03	437-007-0675	12-1-03	Adopt	7-1-03
437-007-0210	12-1-03	Adopt	7-1-03	437-007-0680	12-1-03	Adopt	7-1-03
437-007-0215	12-1-03	Adopt	7-1-03	437-007-0685	12-1-03	Adopt	7-1-03
437-007-0220	12-1-03	Adopt	7-1-03	437-007-0690	12-1-03	Adopt	7-1-03
437-007-0225	12-1-03	Adopt	7-1-03	437-007-0700	12-1-03	Adopt	7-1-03
437-007-0230	12-1-03	Adopt	7-1-03	437-007-0705	12-1-03	Adopt	7-1-03
437-007-0235	12-1-03	Adopt	7-1-03	437-007-0710	12-1-03	Adopt	7-1-03
437-007-0240	12-1-03	Adopt	7-1-03	437-007-0715	12-1-03	Adopt	7-1-03
437-007-0245	12-1-03	Adopt	7-1-03	437-007-0720	12-1-03	Adopt	7-1-03
437-007-0300	12-1-03	Adopt	7-1-03	437-007-0725	12-1-03	Adopt	7-1-03
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437-007-0315	12-1-03	Adopt	7-1-03	437-007-0740	12-1-03	Adopt	7-1-03
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437-007-0335	12-1-03	Adopt	7-1-03	437-007-0760	12-1-03	Adopt	7-1-03
437-007-0340	12-1-03	Adopt	7-1-03	437-007-0765	12-1-03	Adopt	7-1-03
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437-007-0405	12-1-03	Adopt	7-1-03	437-007-0800	12-1-03	Adopt	7-1-03
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437-007-0415	12-1-03	Adopt	7-1-03	437-007-0810	12-1-03	Adopt	7-1-03
437-007-0500	12-1-03	Adopt	7-1-03	437-007-0815	12-1-03	Adopt	7-1-03
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437-007-0930	12-1-03	Adopt	7-1-03	438-007-0015	5-1-03	Amend	4-1-03
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437-007-0945	12-1-03	Adopt	7-1-03	438-007-0024	5-1-03	Adopt	4-1-03
437-007-0950	12-1-03	Adopt	7-1-03	438-007-0027	5-1-03	Adopt	4-1-03
437-007-1000	12-1-03	Adopt	7-1-03	438-012-0001	9-1-03	Amend	8-1-03
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437-007-1015	12-1-03	Adopt	7-1-03	438-012-0024	9-1-03	Adopt	8-1-03
437-007-1020	12-1-03	Adopt	7-1-03	438-012-0030	9-1-03	Amend	8-1-03
437-007-1025	12-1-03	Adopt	7-1-03	438-012-0035	9-1-03	Amend	8-1-03
437-007-1030	12-1-03	Adopt	7-1-03	438-012-0050	9-1-03	Amend	8-1-03
437-007-1035	12-1-03	Adopt	7-1-03	438-012-0060	9-1-03	Amend	8-1-03
437-007-1040	12-1-03	Adopt	7-1-03	438-012-0061	9-1-03	Amend	8-1-03
437-007-1045	12-1-03	Adopt	7-1-03	438-012-0062	9-1-03	Amend	8-1-03
437-007-1050	12-1-03	Adopt	7-1-03	438-012-0070	9-1-03	Adopt	8-1-03
437-007-1055	12-1-03	Adopt	7-1-03	438-012-0075	9-1-03	Adopt	8-1-03
437-007-1060	12-1-03	Adopt	7-1-03	438-012-0080	9-1-03	Adopt	8-1-03
437-007-1100	12-1-03	Adopt	7-1-03	438-012-0085	9-1-03	Adopt	8-1-03
437-007-1105	12-1-03	Adopt	7-1-03	438-012-0090	9-1-03	Adopt	8-1-03
437-007-1110	12-1-03	Adopt	7-1-03	438-012-0095	9-1-03	Adopt	8-1-03
437-007-1115	12-1-03	Adopt	7-1-03	438-012-0100	9-1-03	Adopt	8-1-03
437-007-1120	12-1-03	Adopt	7-1-03	438-015-0080	9-1-03	Amend	8-1-03
437-007-1125	12-1-03	Adopt	7-1-03	438-022-0005	5-1-03	Adopt	4-1-03
437-007-1130	12-1-03	Adopt	7-1-03	438-022-0010	5-1-03	Adopt	4-1-03
437-007-1135	12-1-03	Adopt	7-1-03	440-001-0000	1-1-04	Amend	9-1-03
437-007-1140	12-1-03	Adopt	7-1-03	440-005-0030	1-1-04	Amend	9-1-03
437-007-1145	12-1-03	Adopt	7-1-03	440-035-0070	5-27-03	Amend	7-1-03
437-007-1150	12-1-03	Adopt	7-1-03	440-045-0020	1-1-04	Amend	12-1-03
437-007-1155	12-1-03	Adopt	7-1-03	440-045-0025	1-1-04	Amend	12-1-03
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437-007-1393	12-1-03	Adopt	7-1-03	459-005-0060	6-13-03	Adopt	7-1-03
437-007-1394	12-1-03	Adopt	7-1-03	459-005-0180	7-2-03	Adopt	8-1-03
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437-007-1397	12-1-03	Adopt	7-1-03	459-007-0025	7-1-03	Amend(T)	7-1-03
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459-013-0300	7-1-03	Suspend	8-1-03	461-120-0510	11-1-03	Amend(T)	12-1-03
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459-035-0020	11-18-02	Amend	1-1-03	461-125-0510	11-1-03	Amend(T)	12-1-03
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459-035-0050	11-18-02	Amend	1-1-03	461-125-0610	11-1-03	Suspend	12-1-03
459-035-0070	11-18-02	Amend	1-1-03	461-125-0650	11-1-03	Suspend	12-1-03
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459-035-0200	11-18-02	Amend	1-1-03	461-125-0890	11-1-03	Suspend	12-1-03
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461-025-0310	7-1-03	Amend	8-1-03	461-135-0180	11-1-03	Suspend	12-1-03
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461-025-0315	1-1-03	Amend(T)	2-1-03	461-135-0400	4-1-03	Amend	5-1-03
461-025-0315	7-1-03	Amend	8-1-03	461-135-0401	1-1-03	Adopt	2-1-03
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461-135-1120	10-1-03	Amend	11-1-03	461-155-0235	3-1-03	Amend(T)	4-1-03
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461-140-0130	11-1-03	Amend(T)	12-1-03	461-155-0250	5-1-03	Amend(T)	6-1-03
461-140-0296	10-1-03	Amend	11-1-03	461-155-0250	10-1-03	Amend	11-1-03
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462-220-0040	7-1-03	Amend	7-1-03	571-020-0110	9-15-03	Adopt	10-1-03
462-220-0040	7-1-03	Amend	8-1-03	571-020-0120	9-15-03	Adopt	10-1-03
471-010-0040	2-9-03	Amend	3-1-03	571-020-0130	9-15-03	Adopt	10-1-03
471-010-0050	3-29-03	Amend(T)	5-1-03	571-020-0140	9-15-03	Adopt	10-1-03
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471-030-0036	4-13-03	Amend	5-1-03	571-020-0250	9-15-03	Adopt	10-1-03
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574-080-0020	10-28-03	Amend	12-1-03	581-015-0053	4-30-03	Amend	6-1-03
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574-085-0030	10-28-03	Amend	12-1-03	581-015-0059	3-10-03	Amend	4-1-03
574-085-0040	10-28-03	Amend	12-1-03	581-015-0061	3-10-03	Amend	4-1-03
574-085-0050	10-28-03	Amend	12-1-03	581-015-0062	3-10-03	Amend	4-1-03
574-085-0070	10-28-03	Amend	12-1-03	581-015-0063	3-10-03	Amend	4-1-03
574-085-0090	10-28-03	Amend	12-1-03	581-015-0066	3-10-03	Amend	4-1-03
574-085-0100	10-28-03	Amend	12-1-03	581-015-0067	3-10-03	Amend	4-1-03
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574-085-0120	10-28-03	Amend	12-1-03	581-015-0074	4-30-03	Amend	6-1-03
574-085-0130	10-28-03	Amend	12-1-03	581-015-0075	3-10-03	Amend	4-1-03
574-090-0000	10-28-03	Amend	12-1-03	581-015-0079	3-10-03	Amend	4-1-03
574-090-0010	10-28-03	Amend	12-1-03	581-015-0080	3-10-03	Amend	4-1-03
574-090-0020	10-28-03	Amend	12-1-03	581-015-0081	3-10-03	Amend	4-1-03
574-090-0030	10-28-03	Amend	12-1-03	581-015-0085	3-10-03	Amend	4-1-03
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574-090-0060	10-28-03	Amend	12-1-03	581-015-0088	3-10-03	Amend	4-1-03
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577-033-0050	9-1-03	Adopt	10-1-03	581-015-0141	4-30-03	Amend	6-1-03
577-033-0060	9-1-03	Adopt	10-1-03	581-015-0291	4-30-03	Amend	6-1-03
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577-070-0005	7-1-03	Amend	8-1-03	581-015-0294	4-30-03	Amend	6-1-03
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577-070-0035	7-1-03	Amend	8-1-03	581-015-0553	3-10-03	Amend	4-1-03
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577-070-0045	7-1-03	Amend	8-1-03	581-015-0556	3-10-03	Amend	4-1-03
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589-002-0300	1-9-03	Amend	2-1-03	589-007-0200	1-9-03	Amend	2-1-03
589-002-0300	10-20-03	Amend	12-1-03	589-007-0200	10-20-03	Amend	12-1-03
589-002-0400	1-9-03	Repeal	2-1-03	589-007-0300	1-9-03	Amend	2-1-03
589-002-0400	10-20-03	Repeal	12-1-03	589-007-0300	10-20-03	Amend	12-1-03
589-002-0500	1-9-03	Amend	2-1-03	589-008-0100	1-9-03	Amend	2-1-03
589-002-0500	10-20-03	Amend	12-1-03	589-008-0100	10-20-03	Amend	12-1-03
589-002-0600	1-9-03	Amend	2-1-03	589-008-0200	1-9-03	Amend	2-1-03
589-002-0600	10-20-03	Amend	12-1-03	589-008-0200	10-20-03	Amend	12-1-03
589-002-0700	1-9-03	Amend	2-1-03	589-009-0100	1-9-03	Amend	2-1-03
589-002-0700	10-20-03	Amend	12-1-03	589-009-0100	10-20-03	Amend	12-1-03
589-002-0800	1-9-03	Amend	2-1-03	589-010-0100	10-20-03	Amend	12-1-03
589-002-0800	10-20-03	Amend	12-1-03	589-020-0110	10-20-03	Adopt	12-1-03
589-003-0100	1-9-03	Amend	2-1-03	589-020-0210	10-20-03	Adopt	12-1-03
589-003-0100	10-20-03	Amend	12-1-03	589-020-0260	10-20-03	Adopt	12-1-03
589-005-0100	1-9-03	Amend	2-1-03	589-020-0270	12-4-02	Adopt(T)	1-1-03
589-005-0100	10-20-03	Amend	12-1-03	589-020-0270	5-14-03	Adopt	6-1-03
589-005-0200	1-9-03	Amend	2-1-03	603-001-0005	1-7-03	Amend	2-1-03
589-005-0200	10-20-03	Amend	12-1-03	603-011-0265	3-17-03	Amend(T)	5-1-03
589-005-0300	1-9-03	Amend	2-1-03	603-011-0265	9-18-03	Amend	11-1-03
589-005-0300	10-20-03	Amend	12-1-03	603-011-0376	1-17-03	Adopt(T)	3-1-03
589-005-0400	1-9-03	Amend	2-1-03	603-011-0376	3-27-03	Amend(T)	5-1-03
589-005-0400	10-20-03	Amend	12-1-03	603-011-0376	6-20-03	Adopt	8-1-03
589-005-0500	1-9-03	Amend	2-1-03	603-011-0376(T)	3-27-03	Suspend	5-1-03
589-005-0500	10-20-03	Amend	12-1-03	603-012-0230	9-12-03	Amend	10-1-03
589-006-0050	1-9-03	Adopt	2-1-03	603-014-0045	8-4-03	Amend(T)	9-1-03
589-006-0050	10-20-03	Adopt	12-1-03	603-014-0045	9-12-03	Amend	10-1-03
589-006-0100	1-9-03	Amend	2-1-03	603-014-0046	8-4-03	Adopt(T)	9-1-03
589-006-0100	10-20-03	Amend	12-1-03	603-014-0046	9-12-03	Adopt	10-1-03
589-006-0150	1-9-03	Adopt	2-1-03	603-014-0047	8-4-03	Adopt(T)	9-1-03
589-006-0150	10-20-03	Adopt	12-1-03	603-014-0047	9-12-03	Adopt	10-1-03
589-006-0200	1-9-03	Amend	2-1-03	603-014-0048	8-4-03	Adopt(T)	9-1-03
589-006-0200	10-20-03	Amend	12-1-03	603-014-0048	9-12-03	Adopt	10-1-03
589-006-0300	1-9-03	Amend	2-1-03	603-014-0095	1-15-03	Amend	2-1-03
589-006-0300	10-20-03	Amend	12-1-03	603-025-0010	1-1-03	Amend	2-1-03
589-006-0350	1-9-03	Adopt	2-1-03	603-025-0020	1-1-03	Amend	2-1-03
589-006-0350	10-20-03	Adopt	12-1-03	603-025-0030	1-1-03	Amend	2-1-03
589-006-0400	1-9-03	Amend	2-1-03	603-025-0180	1-1-03	Amend	2-1-03
589-006-0400	10-20-03	Amend	12-1-03	603-025-0190	1-1-03	Amend	2-1-03
589-007-0100	3-10-03	Amend	4-1-03	603-025-0220	1-1-03	Repeal	2-1-03
589-007-0100	10-20-03	Amend	12-1-03	603-052-1025	4-18-03	Amend	6-1-03
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589-007-0110	10-20-03	Adopt	12-1-03	603-052-1200	12-10-02	Amend	1-1-03
589-007-0120	3-10-03	Adopt	4-1-03	603-053-0200	12-23-02	Amend	2-1-03
589-007-0120	10-20-03	Adopt	12-1-03	603-054-0016	1-7-03	Amend	2-1-03
589-007-0130	3-10-03	Adopt	4-1-03	603-054-0017	1-7-03	Amend	2-1-03
589-007-0130	10-20-03	Adopt	12-1-03	603-054-0018	1-7-03	Amend	2-1-03
589-007-0140	3-10-03	Adopt	4-1-03	603-054-0020	1-7-03	Adopt	2-1-03
589-007-0140	10-20-03	Adopt	12-1-03	603-054-0024	1-7-03	Adopt	2-1-03
589-007-0150	3-10-03	Adopt	4-1-03	603-054-0026	8-17-03	Adopt(T)	9-1-03
589-007-0150	10-20-03	Adopt	12-1-03	603-054-0030	1-7-03	Amend	2-1-03
589-007-0160	3-10-03	Adopt	4-1-03	603-054-0080	1-7-03	Adopt	2-1-03
589-007-0160	10-20-03	Adopt	12-1-03	603-056-0165	1-14-03	Amend	2-1-03
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603-057-0378	3-28-03	Adopt(T)	5-1-03	603-095-2020	1-7-03	Adopt	2-1-03
603-057-0378	7-15-03	Adopt	8-1-03	603-095-2040	1-7-03	Adopt	2-1-03
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603-057-0410	10-15-03	Amend	11-1-03	603-095-2340	1-7-03	Adopt	2-1-03
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603-059-0070	1-1-03	Adopt	1-1-03	603-095-2420	1-7-03	Adopt	2-1-03
603-059-0080	1-1-03	Adopt	1-1-03	603-095-2440	1-7-03	Adopt	2-1-03
603-059-0100	1-1-03	Adopt	1-1-03	603-095-2460	1-7-03	Adopt	2-1-03
603-073-0070	6-11-03	Amend	7-1-03	603-095-2500	7-8-03	Adopt	8-1-03
603-074-0005	10-1-03	Amend	10-1-03	603-095-2520	7-8-03	Adopt	8-1-03
603-074-0010	10-1-03	Amend	10-1-03	603-095-2540	7-8-03	Adopt	8-1-03
603-074-0012	10-1-03	Adopt	10-1-03	603-095-2560	7-8-03	Adopt	8-1-03
603-074-0014	10-1-03	Adopt	10-1-03	603-095-2600	7-8-03	Adopt	8-1-03
603-074-0018	10-1-03	Adopt	10-1-03	603-095-2620	7-8-03	Adopt	8-1-03
603-074-0020	10-1-03	Amend	10-1-03	603-095-2640	7-8-03	Adopt	8-1-03
603-074-0040	10-1-03	Amend	10-1-03	603-095-2660	7-8-03	Adopt	8-1-03
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603-074-0070	10-1-03	Amend	10-1-03	603-095-2720	7-8-03	Adopt	8-1-03
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603-077-0101	5-15-03	Amend	6-1-03	603-095-2760	7-8-03	Adopt	8-1-03
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603-077-0110	5-15-03	Amend	6-1-03	603-095-2820	9-24-03	Adopt	11-1-03
603-077-0112	5-15-03	Amend	6-1-03	603-095-2840	9-24-03	Adopt	11-1-03
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603-077-0125	5-15-03	Amend	6-1-03	603-095-3000	7-8-03	Adopt	8-1-03
603-077-0131	5-15-03	Amend	6-1-03	603-095-3020	7-8-03	Adopt	8-1-03
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603-077-0175	5-15-03	Amend	6-1-03	603-095-3140	7-8-03	Adopt	8-1-03
603-077-0180	5-15-03	Amend	6-1-03	603-095-3160	7-8-03	Adopt	8-1-03
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622-020-0140	1-16-03	Amend	2-1-03	629-625-0200	1-1-03	Amend	1-1-03
622-020-0141	1-16-03	Amend	2-1-03	629-625-0310	1-1-03	Amend	1-1-03
622-020-0142	1-16-03	Amend	2-1-03	629-625-0330	1-1-03	Amend	1-1-03
622-020-0144	1-16-03	Amend	2-1-03	629-625-0600	1-1-03	Amend	1-1-03
622-020-0145	1-16-03	Amend	2-1-03	629-625-0700	1-1-03	Adopt	1-1-03
622-020-0147	1-16-03	Amend	2-1-03	629-630-0100	1-1-03	Amend	1-1-03
622-020-0149	1-16-03	Amend	2-1-03	629-630-0150	1-1-03	Adopt	1-1-03
622-020-0151	1-16-03	Repeal	2-1-03	629-630-0500	1-1-03	Amend	1-1-03
622-020-0153	1-16-03	Amend	2-1-03	629-630-0500	1-29-03	Amend(T)	3-1-03
622-030-0005	1-16-03	Amend	2-1-03	629-630-0500	7-1-03	Amend	8-1-03
622-030-0010	1-16-03	Amend	2-1-03	632-007-0000	1-1-03	Adopt	2-1-03
622-045-0000	1-16-03	Amend	2-1-03	632-007-0000	1-1-03	Suspend	2-1-03
622-045-0005	1-16-03	Amend	2-1-03	632-007-0000	6-29-03	Amend	8-1-03
622-045-0010	1-16-03	Amend	2-1-03	632-007-0010	1-1-03	Adopt	2-1-03
622-045-0015	1-16-03	Amend	2-1-03	632-007-0010	1-1-03	Suspend	2-1-03
622-045-0019	1-16-03	Amend	2-1-03	632-007-0010	6-29-03	Amend	8-1-03
622-050-0000	1-16-03	Repeal	2-1-03	632-007-0020	1-1-03	Adopt	2-1-03
622-050-0010	1-16-03	Repeal	2-1-03	632-007-0020	1-1-03	Suspend	2-1-03
622-050-0020	1-16-03	Repeal	2-1-03	632-007-0020	6-29-03	Amend	8-1-03
622-050-0030	1-16-03	Repeal	2-1-03	632-007-0030	1-1-03	Adopt	2-1-03
622-050-0040	1-16-03	Repeal	2-1-03	632-007-0030	1-1-03	Suspend	2-1-03
622-050-0050	1-16-03	Repeal	2-1-03	632-007-0030	6-29-03	Amend	8-1-03
622-050-0060	1-16-03	Repeal	2-1-03	632-030-0017	8-22-03	Amend	10-1-03
622-055-0003	1-16-03	Adopt	2-1-03	632-030-0022	8-22-03	Amend	10-1-03
622-055-0005	1-16-03	Amend	2-1-03	632-030-0022	9-1-03	Amend	10-1-03
622-055-0010	1-16-03	Adopt	2-1-03	635-001-0005	8-28-03	Amend	10-1-03
622-055-0015	1-16-03	Adopt	2-1-03	635-003-0003	5-1-03	Amend	6-1-03
622-055-0020	1-16-03	Adopt	2-1-03	635-003-0004	3-1-03	Amend(T)	4-1-03
622-055-0025	1-16-03	Adopt	2-1-03	635-003-0004	5-1-03	Amend	6-1-03
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622-065-0003	1-16-03	Amend	2-1-03	635-003-0085	5-1-03	Amend	6-1-03
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629-623-0100	1-1-03	Adopt	1-1-03	635-004-0033	10-1-03	Amend(T)	11-1-03
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629-623-0400	1-1-03	Adopt	1-1-03	635-004-0170	11-14-03	Adopt	12-1-03
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635-006-0133	7-17-03	Adopt	9-1-03	635-007-0548	7-17-03	Adopt	9-1-03
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635-006-0211	7-17-03	Amend	9-1-03	635-007-0550	11-14-03	Repeal	12-1-03
635-006-0212	7-17-03	Amend	9-1-03	635-007-0555	9-12-03	Suspend	10-1-03
635-006-0213	7-17-03	Amend	9-1-03	635-007-0555	11-14-03	Repeal	12-1-03
635-006-0215	11-14-03	Amend	12-1-03	635-007-0560	9-12-03	Suspend	10-1-03
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635-006-0850	1-1-03	Amend	2-1-03	635-007-0565	9-12-03	Suspend	10-1-03
635-006-0850	3-26-03	Amend	5-1-03	635-007-0565	11-14-03	Repeal	12-1-03
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635-006-0850	11-14-03	Amend	12-1-03	635-007-0570	11-14-03	Repeal	12-1-03
635-006-0910	11-14-03	Amend	12-1-03	635-007-0575	9-12-03	Suspend	10-1-03
635-006-1010	2-10-03	Amend(T)	3-1-03	635-007-0575	11-14-03	Repeal	12-1-03
635-006-1010	11-14-03	Amend	12-1-03	635-007-0580	9-12-03	Suspend	10-1-03
635-006-1015	11-14-03	Amend	12-1-03	635-007-0580	11-14-03	Repeal	12-1-03
635-006-1025	11-14-03	Amend	12-1-03	635-007-0585	9-12-03	Suspend	10-1-03
635-006-1035	2-10-03	Amend(T)	3-1-03	635-007-0585	11-14-03	Repeal	12-1-03
635-006-1035	11-14-03	Amend	12-1-03	635-007-0590	9-12-03	Suspend	10-1-03
635-006-1065	11-14-03	Amend	12-1-03	635-007-0590	11-14-03	Repeal	12-1-03
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635-006-1085	11-14-03	Amend	12-1-03	635-007-0810	9-19-03	Repeal	11-1-03
635-006-1095	11-14-03	Amend	12-1-03	635-007-0815	9-19-03	Repeal	11-1-03
635-006-1110	11-14-03	Amend	12-1-03	635-007-0817	9-19-03	Repeal	11-1-03
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635-007-0501	9-19-03	Amend	11-1-03	635-007-0965	9-19-03	Adopt	11-1-03
635-007-0502	11-22-02	Adopt	1-1-03	635-007-0970	9-19-03	Adopt	11-1-03
635-007-0503	11-22-02	Adopt	1-1-03	635-007-0975	9-19-03	Adopt	11-1-03
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635-017-0090	7-8-03	Amend(T)	8-1-03	635-042-0021	3-21-03	Adopt(T)	5-1-03
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635-018-0080	1-1-03	Amend	1-1-03	635-042-0032	9-15-03	Amend(T)	10-1-03
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635-023-0090	6-30-03	Amend(T)	8-1-03	635-042-0160	8-1-03	Amend(T)	9-1-03
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690-015-0080	5-1-03	Am. & Ren.	6-1-03	690-240-0139	3-14-03	Renumber	4-1-03
690-015-0085	5-1-03	Am. & Ren.	6-1-03	690-240-0145	3-14-03	Renumber	4-1-03
690-015-0087	5-1-03	Am. & Ren.	6-1-03	690-240-0150	3-14-03	Renumber	4-1-03
690-015-0090	5-1-03	Am. & Ren.	6-1-03	690-240-0155	3-14-03	Am. & Ren.	4-1-03
690-015-0100	5-1-03	Am. & Ren.	6-1-03	690-240-0160	3-14-03	Renumber	4-1-03
690-015-0110	5-1-03	Am. & Ren.	6-1-03	690-240-0165	3-14-03	Renumber	4-1-03
690-015-0120	5-1-03	Renumber	6-1-03	690-240-0170	3-14-03	Renumber	4-1-03
690-015-0125	5-1-03	Am. & Ren.	6-1-03	690-240-0175	3-14-03	Am. & Ren.	4-1-03
690-015-0130	5-1-03	Am. & Ren.	6-1-03	690-240-0180	3-14-03	Am. & Ren.	4-1-03
690-015-0140	5-1-03	Am. & Ren.	6-1-03	690-240-0200	3-14-03	Adopt	4-1-03
690-015-0150	5-1-03	Am. & Ren.	6-1-03	690-240-0210	3-14-03	Adopt	4-1-03
690-015-0210	5-1-03	Am. & Ren.	6-1-03	690-240-0220	3-14-03	Adopt	4-1-03
690-015-0240	5-1-03	Am. & Ren.	6-1-03	690-240-0240	3-14-03	Adopt	4-1-03
690-015-0300	5-1-03	Am. & Ren.	6-1-03	690-240-0250	3-14-03	Adopt	4-1-03
690-015-0310	5-1-03	Renumber	6-1-03	690-240-0260	3-14-03	Adopt	4-1-03
690-015-0320	5-1-03	Am. & Ren.	6-1-03	690-240-0270	3-14-03	Adopt	4-1-03
690-015-0400	5-1-03	Renumber	6-1-03	690-240-0280	3-14-03	Adopt	4-1-03
690-200-0050	3-14-03	Amend	4-1-03	690-380-0090	5-1-03	Adopt	6-1-03
690-205-0005	3-14-03	Amend	4-1-03	690-380-2000	5-1-03	Adopt	6-1-03
690-205-0020	3-14-03	Amend	4-1-03	690-380-2200	5-1-03	Adopt	6-1-03
690-205-0030	3-14-03	Renumber	4-1-03	690-380-2260	5-1-03	Adopt	6-1-03
690-205-0035	3-14-03	Adopt	4-1-03	690-380-2300	5-1-03	Adopt	6-1-03
690-205-0040	3-14-03	Renumber	4-1-03	690-380-2330	5-1-03	Adopt	6-1-03
690-205-0045	3-14-03	Adopt	4-1-03	690-380-2340	5-1-03	Adopt	6-1-03
690-205-0050	3-14-03	Renumber	4-1-03	690-380-3050	5-1-03	Adopt	6-1-03
690-205-0055	3-14-03	Adopt	4-1-03	690-380-3400	5-1-03	Adopt	6-1-03
690-205-0060	3-14-03	Renumber	4-1-03	690-380-3410	5-1-03	Adopt	6-1-03
690-205-0070	3-14-03	Am. & Ren.	4-1-03	690-380-4000	5-1-03	Adopt	6-1-03
690-205-0075	3-14-03	Adopt	4-1-03	690-380-4010	5-1-03	Adopt	6-1-03
690-205-0080	3-14-03	Renumber	4-1-03	690-380-4200	5-1-03	Adopt	6-1-03
690-205-0085	3-14-03	Adopt	4-1-03	690-380-5030	5-1-03	Adopt	6-1-03
690-205-0095	3-14-03	Adopt	4-1-03	690-380-5040	5-1-03	Adopt	6-1-03
690-205-0110	3-14-03	Adopt	4-1-03	690-380-5050	5-1-03	Adopt	6-1-03
690-205-0120	3-14-03	Adopt	4-1-03	690-380-6050	5-1-03	Adopt	6-1-03
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690-240-0020	3-14-03	Amend	4-1-03	695-020-0041	4-12-03	Adopt(T)	5-1-03
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690-240-0055	3-14-03	Amend	4-1-03	718-005-0005	4-1-03	Repeal	5-1-03
690-240-0065	3-14-03	Amend	4-1-03	718-005-0010	4-1-03	Repeal	5-1-03
690-240-0075	3-14-03	Renumber	4-1-03	718-005-0015	4-1-03	Amend	5-1-03
690-240-0080	3-14-03	Renumber	4-1-03	718-010-0000	4-1-03	Amend	5-1-03
690-240-0082	3-14-03	Renumber	4-1-03	718-010-0005	4-1-03	Amend	5-1-03
690-240-0085	3-14-03	Renumber	4-1-03	718-010-0025	4-1-03	Repeal	5-1-03
690-240-0090	3-14-03	Am. & Ren.	4-1-03	718-010-0030	4-1-03	Repeal	5-1-03
690-240-0095	3-14-03	Am. & Ren.	4-1-03	718-010-0035	4-1-03	Amend	5-1-03

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718-010-0050	4-1-03	Repeal	5-1-03	735-050-0090	7-17-03	Amend	9-1-03
718-010-0055	4-1-03	Repeal	5-1-03	735-050-0110	1-1-03	Amend	1-1-03
718-010-0060	4-1-03	Repeal	5-1-03	735-050-0110	1-1-04	Repeal	12-1-03
718-010-0070	4-1-03	Repeal	5-1-03	735-050-0115	1-1-03	Adopt	1-1-03
718-010-0080	4-1-03	Repeal	5-1-03	735-050-0115	1-1-04	Repeal	12-1-03
718-010-0085	4-1-03	Amend	5-1-03	735-050-0120	1-1-03	Amend	1-1-03
718-010-0090	4-1-03	Amend	5-1-03	735-050-0120	1-1-04	Amend	12-1-03
718-020-0000	4-1-03	Amend	5-1-03	735-062-0000	4-21-03	Amend	6-1-03
718-020-0010	4-1-03	Amend	5-1-03	735-062-0060	3-20-03	Amend(T)	5-1-03
718-020-0020	4-1-03	Amend	5-1-03	735-062-0060	6-1-03	Amend	6-1-03
718-020-0050	4-1-03	Amend	5-1-03	735-062-0060(T)	6-1-03	Repeal	6-1-03
718-020-0080	4-1-03	Amend	5-1-03	735-062-0095	10-1-03	Amend(T)	11-1-03
718-020-0110	4-1-03	Amend	5-1-03	735-062-0135	2-13-03	Adopt	3-1-03
718-020-0120	4-1-03	Amend	5-1-03	735-072-0023	5-15-03	Amend(T)	6-1-03
718-020-0130	4-1-03	Amend	5-1-03	735-072-0023	9-22-03	Amend	11-1-03
718-020-0140	4-1-03	Amend	5-1-03	735-072-0023(T)	9-22-03	Repeal	11-1-03
718-020-0150	4-1-03	Amend	5-1-03	735-074-0000	6-1-03	Repeal	6-1-03
718-040-0030	4-1-03	Amend	5-1-03	735-074-0005	1-1-03	Adopt	1-1-03
718-040-0110	4-1-03	Amend	5-1-03	735-074-0010	1-1-03	Amend	1-1-03
731-007-0050	8-1-03	Amend(T)	9-1-03	735-074-0010	6-1-03	Am. & Ren.	6-1-03
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731-010-0030	3-24-03	Amend	5-1-03	735-074-0020	6-1-03	Am. & Ren.	6-1-03
731-010-0030(T)	3-24-03	Repeal	5-1-03	735-074-0030	6-1-03	Repeal	6-1-03
733-020-0005	9-11-03	Repeal	10-1-03	735-074-0040	6-1-03	Repeal	6-1-03
733-020-0010	9-11-03	Repeal	10-1-03	735-074-0045	6-1-03	Adopt	6-1-03
733-020-0015	9-11-03	Repeal	10-1-03	735-074-0050	6-1-03	Adopt	6-1-03
733-020-0020	9-11-03	Repeal	10-1-03	735-074-0060	6-1-03	Adopt	6-1-03
733-020-0025	9-11-03	Repeal	10-1-03	735-074-0070	6-1-03	Adopt	6-1-03
733-020-0030	9-11-03	Repeal	10-1-03	735-074-0080	6-1-03	Adopt	6-1-03
733-020-0035	9-11-03	Repeal	10-1-03	735-074-0090	6-1-03	Adopt	6-1-03
733-020-0040	9-11-03	Repeal	10-1-03	735-074-0100	6-1-03	Adopt	6-1-03
733-020-0045	9-11-03	Repeal	10-1-03	735-074-0110	6-1-03	Adopt	6-1-03
733-020-0050	9-11-03	Repeal	10-1-03	735-074-0120	6-1-03	Adopt	6-1-03
733-030-0350	9-11-03	Amend	10-1-03	735-074-0130	6-1-03	Adopt	6-1-03
734-057-0020	10-24-03	Adopt	12-1-03	735-074-0140	6-1-03	Adopt	6-1-03
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734-071-0005	8-21-03	Amend	10-1-03	735-074-0190	6-1-03	Adopt	6-1-03
734-071-0010	12-13-02	Amend	1-1-03	735-074-0200	6-1-03	Adopt	6-1-03
734-071-0010	8-21-03	Amend	10-1-03	735-074-0210	6-1-03	Adopt	6-1-03
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735-018-0060	5-14-03	Adopt	6-1-03	735-076-0060	6-1-03	Amend	6-1-03
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735-018-0080	5-14-03	Adopt	6-1-03	735-090-0010	11-18-02	Repeal	1-1-03
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735-090-0060	11-18-02	Repeal	1-1-03	736-100-0020	2-1-03	Adopt	3-1-03
735-090-0070	11-18-02	Repeal	1-1-03	736-100-0030	2-1-03	Adopt	3-1-03
735-090-0080	11-18-02	Repeal	1-1-03	736-100-0040	2-1-03	Adopt	3-1-03
735-090-0090	11-18-02	Repeal	1-1-03	736-100-0050	2-1-03	Adopt	3-1-03
735-090-0100	11-18-02	Repeal	1-1-03	736-100-0060	2-1-03	Adopt	3-1-03
735-090-0110	11-18-02	Amend	1-1-03	736-100-0070	2-1-03	Adopt	3-1-03
735-116-0000	7-17-03	Amend(T)	9-1-03	736-100-0080	2-1-03	Adopt	3-1-03
735-140-0000	7-17-03	Amend(T)	9-1-03	738-001-0035	12-1-02	Amend	1-1-03
735-140-0000	10-24-03	Amend	12-1-03	738-010-0025	12-1-02	Amend	1-1-03
735-140-0000(T)	10-24-03	Repeal	12-1-03	738-010-0025	4-3-03	Amend	5-1-03
735-140-0010	7-17-03	Amend(T)	9-1-03	738-020-0020	12-1-02	Amend	1-1-03
735-140-0010	10-24-03	Amend	12-1-03	738-020-0025	12-1-02	Amend	1-1-03
735-140-0010(T)	10-24-03	Repeal	12-1-03	738-020-0030	12-1-02	Amend	1-1-03
735-140-0015	7-17-03	Amend(T)	9-1-03	738-020-0040	12-1-02	Amend	1-1-03
735-140-0015	10-24-03	Amend	12-1-03	738-020-0045	12-1-02	Amend	1-1-03
735-140-0015(T)	10-24-03	Repeal	12-1-03	738-030-0015	12-1-02	Amend	1-1-03
735-140-0020	10-24-03	Amend	12-1-03	738-030-0020	12-1-02	Amend	1-1-03
735-140-0025	7-17-03	Amend(T)	9-1-03	738-030-0025	12-1-02	Amend	1-1-03
735-140-0025	10-24-03	Amend	12-1-03	738-035-0005	3-1-03	Adopt	4-1-03
735-140-0025(T)	10-24-03	Repeal	12-1-03	738-035-0010	3-1-03	Adopt	4-1-03
735-140-0030	10-24-03	Amend	12-1-03	738-035-0015	3-1-03	Adopt	4-1-03
735-140-0040	10-24-03	Amend	12-1-03	738-035-0020	3-1-03	Adopt	4-1-03
735-140-0060	7-17-03	Amend(T)	9-1-03	738-035-0025	3-1-03	Adopt	4-1-03
735-140-0060	10-24-03	Amend	12-1-03	738-035-0030	3-1-03	Adopt	4-1-03
735-140-0060(T)	10-24-03	Repeal	12-1-03	738-035-0035	3-1-03	Adopt	4-1-03
735-140-0070	10-24-03	Amend	12-1-03	738-035-0040	3-1-03	Adopt	4-1-03
735-140-0080	7-17-03	Amend(T)	9-1-03	738-035-0045	3-1-03	Adopt	4-1-03
735-140-0080	10-24-03	Amend	12-1-03	738-035-0050	3-1-03	Adopt	4-1-03
735-140-0080(T)	10-24-03	Repeal	12-1-03	738-035-0055	3-1-03	Adopt	4-1-03
735-140-0090	7-17-03	Amend(T)	9-1-03	738-035-0060	3-1-03	Adopt	4-1-03
735-140-0090	10-24-03	Amend	12-1-03	738-035-0065	3-1-03	Adopt	4-1-03
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736-010-0099	10-17-03	Amend	12-1-03	738-050-0070	12-1-02	Amend	1-1-03
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740-020-0020	7-17-03	Adopt	9-1-03	741-120-0050	10-1-03	Amend	11-1-03
740-035-0200	11-18-02	Amend	1-1-03	741-125-0010	10-1-03	Amend	11-1-03
740-035-0210	11-18-02	Repeal	1-1-03	741-125-0030	10-1-03	Adopt	11-1-03
740-035-0220	11-18-02	Repeal	1-1-03	741-200-0020	10-1-03	Amend	11-1-03
740-035-0230	11-18-02	Repeal	1-1-03	741-200-0030	10-1-03	Amend	11-1-03
740-035-0240	11-18-02	Repeal	1-1-03	741-200-0040	10-1-03	Amend	11-1-03
740-035-0250	11-18-02	Amend	1-1-03	741-200-0050	10-1-03	Amend	11-1-03
740-035-0260	11-18-02	Amend	1-1-03	741-200-0060	10-1-03	Amend	11-1-03
740-045-0160	8-21-03	Repeal	10-1-03	741-200-0070	10-1-03	Repeal	11-1-03
740-055-0120	2-13-03	Amend	3-1-03	741-200-0090	10-1-03	Amend	11-1-03
740-100-0010	4-21-03	Amend	6-1-03	741-500-0010	3-24-03	Repeal	5-1-03
740-100-0070	4-21-03	Amend	6-1-03	741-500-0020	3-24-03	Repeal	5-1-03
740-100-0080	4-21-03	Amend	6-1-03	741-500-0030	3-24-03	Repeal	5-1-03
740-100-0090	4-21-03	Amend	6-1-03	741-500-0040	3-24-03	Repeal	5-1-03
740-110-0010	4-21-03	Amend	6-1-03	741-500-0050	3-24-03	Repeal	5-1-03
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740-200-0020	11-18-02	Amend	1-1-03	800-001-0017	9-23-03	Amend	11-1-03
740-200-0040	11-18-02	Adopt	1-1-03	800-010-0025	9-23-03	Amend	11-1-03
741-060-0010	7-17-03	Amend	9-1-03	800-015-0005	9-23-03	Amend	11-1-03
741-060-0020	7-17-03	Amend	9-1-03	800-015-0010	9-23-03	Amend	11-1-03
741-060-0030	7-17-03	Amend	9-1-03	800-015-0020	9-23-03	Amend	11-1-03
741-060-0040	7-17-03	Amend	9-1-03	800-015-0030	9-23-03	Amend	11-1-03
741-060-0050	7-17-03	Amend	9-1-03	800-020-0015	9-23-03	Amend	11-1-03
741-060-0060	7-17-03	Amend	9-1-03	800-020-0020	9-23-03	Amend	11-1-03
741-060-0070	7-17-03	Amend	9-1-03	800-020-0025	9-23-03	Amend	11-1-03
741-060-0080	7-17-03	Amend	9-1-03	800-020-0026	9-23-03	Amend	11-1-03
741-060-0090	7-17-03	Amend	9-1-03	800-030-0025	9-23-03	Amend	11-1-03
741-060-0100	7-17-03	Adopt	9-1-03	800-030-0050	9-23-03	Amend	11-1-03
741-060-0110	7-17-03	Adopt	9-1-03	801-001-0000	1-1-03	Amend	2-1-03
741-100-0010	10-1-03	Amend	11-1-03	801-001-0005	1-1-03	Amend	2-1-03
741-100-0020	10-1-03	Amend	11-1-03	801-001-0010	1-1-03	Amend	2-1-03
741-100-0030	10-1-03	Adopt	11-1-03	801-001-0020	1-1-03	Amend	2-1-03
741-105-0010	10-1-03	Amend	11-1-03	801-001-0030	1-1-03	Adopt	2-1-03
741-105-0020	10-1-03	Amend	11-1-03	801-001-0050	10-15-03	Adopt(T)	11-1-03
741-105-0030	10-1-03	Amend	11-1-03	801-005-0010	1-1-03	Amend	2-1-03
741-110-0010	10-1-03	Amend	11-1-03	801-010-0010	1-1-03	Amend	2-1-03
741-110-0020	10-1-03	Amend	11-1-03	801-010-0045	1-1-03	Amend	2-1-03
741-110-0030	10-1-03	Amend	11-1-03	801-010-0050	1-1-03	Amend	2-1-03
741-110-0040	10-1-03	Amend	11-1-03	801-010-0060	1-1-03	Amend	2-1-03
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801-010-0078	1-1-03	Amend	2-1-03	808-003-0075	12-4-02	Amend	1-1-03
801-010-0079	1-1-03	Amend	2-1-03	808-003-0081	12-4-02	Adopt	1-1-03
801-010-0080	1-1-03	Amend	2-1-03	808-003-0085	12-4-02	Adopt	1-1-03
801-010-0085	1-1-03	Amend	2-1-03	808-003-0090	8-1-03	Amend	9-1-03
801-010-0100	1-1-03	Amend	2-1-03	808-003-0095	2-1-03	Amend	3-1-03
801-010-0110	1-1-03	Amend	2-1-03	808-003-0100	12-4-02	Amend	1-1-03
801-010-0115	1-1-03	Amend	2-1-03	808-003-0100	8-1-03	Amend	9-1-03
801-010-0340	1-1-03	Amend	2-1-03	808-003-0105	2-1-03	Amend	3-1-03
801-020-0620	1-1-03	Amend	2-1-03	808-003-0130	2-1-03	Amend	3-1-03
801-020-0690	1-1-03	Amend	2-1-03	808-003-0130	10-1-03	Amend	11-1-03
801-020-0710	1-1-03	Amend	2-1-03	808-003-0210	8-1-03	Adopt	9-1-03
801-020-0720	1-1-03	Amend	2-1-03	808-004-0120	12-4-02	Adopt	1-1-03
801-030-0020	1-1-03	Amend	2-1-03	808-004-0180	12-4-02	Amend	1-1-03
801-040-0010	1-1-03	Amend	2-1-03	808-004-0200	12-4-02	Am. & Ren.	1-1-03
801-040-0030	1-1-03	Amend	2-1-03	808-004-0250	12-4-02	Amend	1-1-03
801-040-0050	1-1-03	Amend	2-1-03	808-004-0260	12-4-02	Adopt	1-1-03
806-001-0003	7-1-03	Amend	5-1-03	808-004-0260	10-1-03	Amend	11-1-03
806-010-0020	8-14-03	Amend	9-1-03	808-004-0300	8-1-03	Amend	9-1-03
806-010-0035	8-14-03	Amend	9-1-03	808-004-0320	12-4-02	Amend	1-1-03
806-010-0080	4-11-03	Amend	5-1-03	808-004-0340	12-4-02	Amend	1-1-03
806-010-0090	1-15-03	Amend	2-1-03	808-004-0340	8-1-03	Amend	9-1-03
806-010-0095	12-12-02	Amend	1-1-03	808-004-0350	8-1-03	Adopt	9-1-03
806-010-0105	1-15-03	Amend	2-1-03	808-004-0400	8-1-03	Amend	9-1-03
806-010-0110	4-11-03	Amend	5-1-03	808-004-0420	8-1-03	Adopt	9-1-03
806-010-0145	1-15-03	Amend	2-1-03	808-004-0440	12-4-02	Amend	1-1-03
808-001-0000	2-1-03	Amend	3-1-03	808-004-0440	2-1-03	Amend	3-1-03
808-001-0005	2-1-03	Amend	3-1-03	808-004-0450	12-4-02	Adopt	1-1-03
808-001-0008	6-1-03	Adopt	7-1-03	808-004-0460	12-4-02	Amend	1-1-03
808-001-0020	12-4-02	Amend	1-1-03	808-004-0480	12-4-02	Amend	1-1-03
808-001-0020	2-1-03	Amend	3-1-03	808-004-0500	12-4-02	Amend	1-1-03
808-001-0030	12-4-02	Amend	1-1-03	808-004-0520	12-4-02	Amend	1-1-03
808-001-0040	2-1-03	Repeal	3-1-03	808-004-0520	10-1-03	Amend	11-1-03
808-002-0130	10-1-03	Adopt	11-1-03	808-004-0540	12-4-02	Amend	1-1-03
808-002-0220	12-4-02	Amend	1-1-03	808-004-0540	10-1-03	Amend	11-1-03
808-002-0290	12-4-02	Adopt	1-1-03	808-004-0550	12-4-02	Amend	1-1-03
808-002-0450	10-1-03	Repeal	11-1-03	808-004-0550	8-1-03	Amend	9-1-03
808-002-0620	6-1-03	Amend	7-1-03	808-004-0550	10-1-03	Amend	11-1-03
808-002-0670	12-4-02	Amend	1-1-03	808-004-0560	12-4-02	Amend	1-1-03
808-002-0670	12-4-02	Renumber	1-1-03	808-004-0560	2-1-03	Amend	3-1-03
808-002-0680	12-4-02	Amend	1-1-03	808-004-0560	8-1-03	Amend	9-1-03
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808-003-0015	2-1-03	Amend	3-1-03	808-004-0590	2-1-03	Adopt	3-1-03
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808-003-0025	12-4-02	Amend	1-1-03	808-004-0600	12-4-02	Amend	1-1-03
808-003-0025	6-1-03	Amend	7-1-03	808-004-0600	8-1-03	Amend	9-1-03
808-003-0035	2-1-03	Amend	3-1-03	808-005-0020	12-4-02	Amend	1-1-03
808-003-0040	2-1-03	Amend	3-1-03	808-005-0020	6-1-03	Amend	7-1-03
808-003-0045	2-1-03	Amend	3-1-03	808-005-0030	12-4-02	Amend	1-1-03
808-003-0045	6-1-03	Amend	7-1-03	808-008-0020	2-1-03	Amend	3-1-03
808-003-0050	6-1-03	Amend	7-1-03	808-008-0020	10-1-03	Amend	11-1-03
808-003-0055	12-4-02	Amend	1-1-03	808-008-0030	2-1-03	Adopt	3-1-03
808-003-0060	2-1-03	Amend	3-1-03	808-008-0030	10-1-03	Amend	11-1-03
808-003-0065	2-1-03	Amend	3-1-03	808-008-0040	2-1-03	Amend	3-1-03
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808-008-0080	10-1-03	Amend	11-1-03	811-010-0093	9-17-03	Amend	11-1-03
808-008-0085	2-1-03	Adopt	3-1-03	812-001-0020	12-23-02	Amend	2-1-03
808-008-0085	10-1-03	Amend	11-1-03	812-001-0020	3-11-03	Amend(T)	4-1-03
808-008-0090	2-1-03	Adopt	3-1-03	812-001-0020	6-3-03	Amend	7-1-03
808-008-0090	10-1-03	Amend	11-1-03	812-001-0020(T)	6-3-03	Repeal	7-1-03
808-008-0100	2-1-03	Amend	3-1-03	812-002-0011	8-8-03	Adopt	9-1-03
808-008-0100	8-1-03	Amend	9-1-03	812-002-0100	6-3-03	Amend	7-1-03
808-008-0110	2-1-03	Amend	3-1-03	812-002-0240	10-1-03	Suspend	11-1-03
808-008-0120	2-1-03	Amend	3-1-03	812-002-0260	6-3-03	Amend	7-1-03
808-008-0120	10-1-03	Amend	11-1-03	812-002-0280	6-3-03	Amend	7-1-03
808-008-0140	2-1-03	Amend	3-1-03	812-002-0330	8-8-03	Repeal	9-1-03
808-008-0160	2-1-03	Amend	3-1-03	812-002-0335	8-8-03	Repeal	9-1-03
808-008-0160	10-1-03	Amend	11-1-03	812-002-0340	6-3-03	Amend	7-1-03
808-008-0180	2-1-03	Amend	3-1-03	812-002-0420	6-3-03	Amend	7-1-03
808-008-0220	2-1-03	Amend	3-1-03	812-002-0420	7-9-03	Amend(T)	8-1-03
808-008-0300	2-1-03	Amend	3-1-03	812-002-0480	3-4-03	Amend	4-1-03
808-008-0400	2-1-03	Amend	3-1-03	812-002-0530	8-8-03	Adopt	9-1-03
808-008-0400	10-1-03	Amend	11-1-03	812-002-0540	10-1-03	Amend(T)	11-1-03
808-008-0420	2-1-03	Amend	3-1-03	812-002-0640	6-3-03	Amend	7-1-03
808-008-0425	2-1-03	Adopt	3-1-03	812-003-0000	6-3-03	Amend	7-1-03
808-008-0425	10-1-03	Amend	11-1-03	812-003-0000	10-1-03	Amend	7-1-03
808-008-0430	2-1-03	Adopt	3-1-03	812-003-0000	10-1-03	Amend(T)	11-1-03
808-008-0440	2-1-03	Amend	3-1-03	812-003-0000	1-1-04	Amend	9-1-03
808-008-0460	2-1-03	Amend	3-1-03	812-003-0000	1-1-04	Amend	11-1-03
808-008-0480	2-1-03	Amend	3-1-03	812-003-0002	6-3-03	Amend	7-1-03
808-009-0020	12-4-02	Amend	1-1-03	812-003-0020	6-3-03	Amend	7-1-03
808-009-0020	2-1-03	Amend	3-1-03	812-003-0020	10-1-03	Amend(T)	11-1-03
808-009-0020	10-1-03	Amend	11-1-03	812-003-0025	6-3-03	Amend	7-1-03
808-009-0050	10-1-03	Amend	11-1-03	812-003-0025	10-1-03	Amend(T)	11-1-03
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808-009-0070	10-1-03	Amend	11-1-03	812-004-0001	3-4-03	Amend	4-1-03
808-009-0100	12-4-02	Amend	1-1-03	812-004-0250	8-8-03	Amend	9-1-03
808-009-0100	10-1-03	Amend	11-1-03	812-004-0260	8-8-03	Amend	9-1-03
808-009-0120	12-4-02	Amend	1-1-03	812-004-0300	3-4-03	Amend	4-1-03
808-009-0120	10-1-03	Amend	11-1-03	812-004-0320	3-4-03	Amend	4-1-03
808-009-0140	12-18-02	Amend	2-1-03	812-004-0320	8-8-03	Amend	9-1-03
808-009-0140	10-1-03	Amend	11-1-03	812-004-0325	3-4-03	Adopt	4-1-03
808-009-0160	12-4-02	Amend	1-1-03	812-004-0340	3-4-03	Amend	4-1-03
808-009-0160	2-1-03	Amend	3-1-03	812-004-0350	3-4-03	Adopt	4-1-03
808-009-0160	8-1-03	Amend	9-1-03	812-004-0360	11-20-02	Amend	1-1-03
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808-009-0200	2-1-03	Adopt	3-1-03	812-004-0520	3-4-03	Amend	4-1-03
808-009-0200	10-1-03	Amend	11-1-03	812-004-0520	8-8-03	Amend	9-1-03
808-009-0220	12-4-02	Amend	1-1-03	812-004-0535	3-4-03	Adopt	4-1-03
808-009-0220	10-1-03	Amend	11-1-03	812-004-0535	8-8-03	Amend	9-1-03
808-009-0400	12-4-02	Amend	1-1-03	812-004-0540	11-20-02	Amend	1-1-03
808-009-0400	2-1-03	Amend	3-1-03	812-004-0540	3-4-03	Amend	4-1-03
808-009-0400	10-1-03	Amend	11-1-03	812-004-0540	8-8-03	Amend	9-1-03
808-009-0420	12-4-02	Amend	1-1-03	812-004-0550	3-4-03	Amend	4-1-03
808-009-0420	2-1-03	Amend	3-1-03	812-004-0550	8-8-03	Amend	9-1-03
808-009-0430	12-4-02	Adopt	1-1-03	812-004-0560	11-20-02	Amend	1-1-03
808-009-0430	10-1-03	Amend	11-1-03	812-004-0560	3-4-03	Amend	4-1-03
808-009-0440	12-4-02	Amend	1-1-03	812-004-0560	8-8-03	Amend	9-1-03
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812-006-0012	8-8-03	Amend	9-1-03	813-008-0005	12-5-02	Amend	1-1-03
812-006-0030	6-3-03	Amend	7-1-03	813-008-0010	12-5-02	Amend	1-1-03
812-006-0050	3-4-03	Amend	4-1-03	813-008-0015	12-5-02	Amend	1-1-03
812-008-0050	6-3-03	Amend	7-1-03	813-008-0020	12-5-02	Amend	1-1-03
812-008-0060	6-3-03	Amend	7-1-03	813-008-0025	12-5-02	Amend	1-1-03
812-008-0070	3-4-03	Amend	4-1-03	813-008-0030	12-5-02	Amend	1-1-03
812-008-0072	11-20-02	Amend	1-1-03	813-008-0040	12-5-02	Adopt	1-1-03
812-008-0072	6-3-03	Amend	7-1-03	813-047-0001	11-20-02	Amend(T)	1-1-03
812-008-0074	6-3-03	Amend	7-1-03	813-047-0001	5-16-03	Amend	7-1-03
812-008-0110	1-14-03	Amend(T)	2-1-03	813-047-0001(T)	5-16-03	Repeal	7-1-03
812-008-0110	6-3-03	Amend	7-1-03	813-047-0005	11-20-02	Amend(T)	1-1-03
812-008-0110(T)	6-3-03	Repeal	7-1-03	813-047-0005	5-16-03	Amend	7-1-03
812-009-0020	11-20-02	Amend	1-1-03	813-047-0005(T)	5-16-03	Repeal	7-1-03
812-009-0020	8-8-03	Amend	9-1-03	813-047-0006	11-20-02	Adopt(T)	1-1-03
812-009-0050	8-8-03	Amend	9-1-03	813-047-0006	5-16-03	Adopt	7-1-03
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812-009-0070	8-8-03	Amend	9-1-03	813-047-0010	11-20-02	Amend(T)	1-1-03
812-009-0090	8-8-03	Amend	9-1-03	813-047-0010	5-16-03	Amend	7-1-03
812-009-0100	3-4-03	Amend	4-1-03	813-047-0010(T)	5-16-03	Repeal	7-1-03
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812-009-0140	8-8-03	Amend	9-1-03	813-047-0020	11-20-02	Amend(T)	1-1-03
812-009-0160	11-20-02	Amend	1-1-03	813-047-0020	5-16-03	Amend	7-1-03
812-009-0160	8-8-03	Amend	9-1-03	813-047-0020(T)	5-16-03	Repeal	7-1-03
812-009-0200	8-8-03	Amend	9-1-03	813-047-0025	11-20-02	Amend(T)	1-1-03
812-009-0220	8-8-03	Amend	9-1-03	813-047-0025	5-16-03	Amend	7-1-03
812-009-0300	8-8-03	Amend	9-1-03	813-047-0025(T)	5-16-03	Repeal	7-1-03
812-009-0320	8-8-03	Amend	9-1-03	813-140-0000	11-25-02	Adopt	1-1-03
812-009-0400	3-4-03	Amend	4-1-03	813-140-0000(T)	11-25-02	Repeal	1-1-03
812-009-0400	8-8-03	Amend	9-1-03	813-140-0010	11-25-02	Adopt	1-1-03
812-009-0430	8-8-03	Amend	9-1-03	813-140-0010(T)	11-25-02	Repeal	1-1-03
812-009-0440	3-4-03	Amend	4-1-03	813-140-0020	11-25-02	Adopt	1-1-03
812-009-0440	8-8-03	Amend	9-1-03	813-140-0020(T)	11-25-02	Repeal	1-1-03
812-010-0020	8-8-03	Amend	9-1-03	813-140-0030	11-25-02	Adopt	1-1-03
812-010-0030	8-8-03	Amend	9-1-03	813-140-0030(T)	11-25-02	Repeal	1-1-03
812-010-0060	8-8-03	Amend	9-1-03	813-140-0040	11-25-02	Adopt	1-1-03
812-010-0080	8-8-03	Amend	9-1-03	813-140-0040(T)	11-25-02	Repeal	1-1-03
812-010-0085	8-8-03	Amend	9-1-03	813-140-0050	11-25-02	Adopt	1-1-03
812-010-0090	8-8-03	Amend	9-1-03	813-140-0050(T)	11-25-02	Repeal	1-1-03
812-010-0100	11-20-02	Amend	1-1-03	813-140-0060	11-25-02	Adopt	1-1-03
812-010-0100	8-8-03	Amend	9-1-03	813-140-0060(T)	11-25-02	Repeal	1-1-03
812-010-0100(T)	11-20-02	Repeal	1-1-03	813-140-0070	11-25-02	Adopt	1-1-03
812-010-0110	11-20-02	Amend	1-1-03	813-140-0070(T)	11-25-02	Repeal	1-1-03
812-010-0110(T)	11-20-02	Repeal	1-1-03	813-140-0080	11-25-02	Adopt	1-1-03
812-010-0120	11-20-02	Amend	1-1-03	813-140-0080(T)	11-25-02	Repeal	1-1-03
812-010-0120	8-8-03	Amend	9-1-03	813-140-0090	11-25-02	Adopt	1-1-03
812-010-0120(T)	11-20-02	Repeal	1-1-03	813-140-0090(T)	11-25-02	Repeal	1-1-03
812-010-0160	8-8-03	Amend	9-1-03	813-140-0100	11-25-02	Adopt	1-1-03
812-010-0220	11-20-02	Amend	1-1-03	813-140-0100(T)	11-25-02	Repeal	1-1-03
812-010-0400	8-8-03	Amend	9-1-03	813-140-0110	11-25-02	Adopt	1-1-03
812-010-0420	11-20-02	Amend	1-1-03	813-140-0110(T)	11-25-02	Repeal	1-1-03
812-010-0420	8-8-03	Amend	9-1-03	813-200-0000	11-20-02	Am. & Ren.(T)	1-1-03
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813-200-0001	5-15-03	Adopt	6-1-03	813-220-0040	5-12-03	Repeal	6-1-03
813-200-0001	5-15-03	Repeal	6-1-03	813-220-0050	5-12-03	Amend	6-1-03
813-200-0005	5-15-03	Repeal	6-1-03	813-220-0060	5-12-03	Amend	6-1-03
813-200-0010	11-20-02	Amend(T)	1-1-03	813-220-0070	5-12-03	Adopt	6-1-03
813-200-0010	5-15-03	Amend	6-1-03	813-250-0000	5-12-03	Amend	6-1-03
813-200-0010	5-15-03	Repeal	6-1-03	813-250-0010	5-12-03	Amend	6-1-03
813-200-0020	11-20-02	Amend(T)	1-1-03	813-250-0020	5-12-03	Amend	6-1-03
813-200-0020	5-15-03	Amend	6-1-03	813-250-0030	5-12-03	Amend	6-1-03
813-200-0020	5-15-03	Repeal	6-1-03	813-250-0040	5-12-03	Amend	6-1-03
813-200-0030	11-20-02	Amend(T)	1-1-03	813-250-0050	5-12-03	Adopt	6-1-03
813-200-0030	5-15-03	Amend	6-1-03	813-280-0000	12-13-02	Adopt	1-1-03
813-200-0030	5-15-03	Repeal	6-1-03	813-280-0000(T)	12-13-02	Repeal	1-1-03
813-200-0040	11-20-02	Amend(T)	1-1-03	813-280-0010	12-13-02	Adopt	1-1-03
813-200-0040	5-15-03	Amend	6-1-03	813-280-0010(T)	12-13-02	Repeal	1-1-03
813-200-0040	5-15-03	Repeal	6-1-03	813-280-0020	12-13-02	Adopt	1-1-03
813-200-0050	11-20-02	Amend(T)	1-1-03	813-280-0020(T)	12-13-02	Repeal	1-1-03
813-200-0050	5-15-03	Amend	6-1-03	813-280-0030	12-13-02	Adopt	1-1-03
813-200-0050	5-15-03	Repeal	6-1-03	813-280-0030(T)	12-13-02	Repeal	1-1-03
813-200-0060	11-20-02	Amend(T)	1-1-03	813-280-0040	12-13-02	Adopt	1-1-03
813-200-0060	5-15-03	Amend	6-1-03	813-280-0040(T)	12-13-02	Repeal	1-1-03
813-200-0060	5-15-03	Repeal	6-1-03	813-280-0050	12-13-02	Adopt	1-1-03
813-202-0005	5-15-03	Adopt	6-1-03	813-280-0050(T)	12-13-02	Repeal	1-1-03
813-202-0010	5-15-03	Adopt	6-1-03	813-280-0060	12-13-02	Adopt	1-1-03
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813-202-0060	5-15-03	Adopt	6-1-03	813-300-0010	4-4-03	Adopt	5-1-03
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813-300-0150	4-4-03	Adopt	5-1-03	833-020-0090	4-28-03	Amend	6-1-03
813-300-0150(T)	4-4-03	Repeal	5-1-03	833-020-0090(T)	4-28-03	Repeal	6-1-03
813-300-0160	4-4-03	Adopt	5-1-03	833-020-0111	12-16-02	Amend(T)	1-1-03
813-300-0160(T)	4-4-03	Repeal	5-1-03	833-020-0111	4-28-03	Amend	6-1-03
813-300-0170	4-4-03	Adopt	5-1-03	833-020-0111(T)	4-28-03	Repeal	6-1-03
813-300-0170(T)	4-4-03	Repeal	5-1-03	833-020-0130	12-16-02	Suspend	1-1-03
813-300-0180	4-4-03	Adopt	5-1-03	833-020-0130	4-28-03	Repeal	6-1-03
813-300-0180(T)	4-4-03	Repeal	5-1-03	833-025-0001	12-16-02	Amend(T)	1-1-03
813-350-0005	5-1-03	Adopt	6-1-03	833-025-0001	4-28-03	Amend	6-1-03
813-350-0010	5-1-03	Adopt	6-1-03	833-025-0001(T)	4-28-03	Repeal	6-1-03
813-350-0020	5-1-03	Adopt	6-1-03	833-025-0005	12-16-02	Amend(T)	1-1-03
813-350-0030	5-1-03	Adopt	6-1-03	833-025-0005	4-28-03	Amend	6-1-03
813-350-0030	10-13-03	Amend(T)	11-1-03	833-025-0005(T)	4-28-03	Repeal	6-1-03
813-350-0040	5-1-03	Adopt	6-1-03	833-025-0006	12-16-02	Amend(T)	1-1-03
813-350-0050	5-1-03	Adopt	6-1-03	833-025-0006	4-28-03	Amend	6-1-03
813-350-0060	5-1-03	Adopt	6-1-03	833-025-0006(T)	4-28-03	Repeal	6-1-03
813-350-0070	5-1-03	Adopt	6-1-03	833-040-0001	12-16-02	Amend(T)	1-1-03
818-021-0011	4-18-03	Amend	6-1-03	833-040-0001	4-28-03	Amend	6-1-03
818-021-0025	4-18-03	Amend	6-1-03	833-040-0001(T)	4-28-03	Repeal	6-1-03
818-026-0000	10-1-03	Amend	10-1-03	833-040-0010	12-16-02	Amend(T)	1-1-03
818-026-0010	10-1-03	Amend	10-1-03	833-040-0010	4-28-03	Amend	6-1-03
818-026-0020	10-1-03	Amend	10-1-03	833-040-0010(T)	4-28-03	Repeal	6-1-03
818-026-0030	10-1-03	Amend	10-1-03	836-009-0007	7-1-03	Amend(T)	8-1-03
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818-026-0040	10-1-03	Amend	10-1-03	836-011-0110	11-27-02	Amend	1-1-03
818-026-0050	10-1-03	Amend	10-1-03	836-011-0120	11-27-02	Amend	1-1-03
818-026-0055	10-1-03	Adopt	10-1-03	836-011-0130	11-27-02	Amend	1-1-03
818-026-0060	10-1-03	Amend	10-1-03	836-011-0140	11-27-02	Amend	1-1-03
818-026-0070	10-1-03	Amend	10-1-03	836-011-0150	11-27-02	Amend	1-1-03
818-026-0080	10-1-03	Amend	10-1-03	836-011-0160	11-27-02	Amend	1-1-03
818-026-0100	10-1-03	Amend	10-1-03	836-011-0170	11-27-02	Amend	1-1-03
818-026-0110	10-1-03	Amend	10-1-03	836-011-0180	11-27-02	Amend	1-1-03
818-026-0120	10-1-03	Amend	10-1-03	836-011-0190	11-27-02	Amend	1-1-03
818-026-0130	10-1-03	Amend	10-1-03	836-011-0200	11-27-02	Amend	1-1-03
818-042-0050	7-18-03	Amend	8-1-03	836-011-0210	11-27-02	Amend	1-1-03
818-042-0060	7-18-03	Amend	8-1-03	836-011-0220	11-27-02	Amend	1-1-03
818-042-0120	7-18-03	Amend	8-1-03	836-011-0230	11-27-02	Amend	1-1-03
818-042-0130	7-18-03	Amend	8-1-03	836-011-0500	11-27-02	Adopt	1-1-03
820-010-0200	1-28-03	Amend	3-1-03	836-011-0505	11-27-02	Adopt	1-1-03
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820-010-0500	5-15-03	Amend	6-1-03	836-011-0525	11-27-02	Adopt	1-1-03
820-010-0500	11-12-03	Amend(T)	12-1-03	836-011-0530	11-27-02	Adopt	1-1-03
820-010-0635	1-28-03	Amend	3-1-03	836-011-0535	11-27-02	Adopt	1-1-03
820-040-0040	1-28-03	Adopt	3-1-03	836-011-0540	11-27-02	Adopt	1-1-03
833-020-0015	12-16-02	Amend(T)	1-1-03	836-011-0545	11-27-02	Adopt	1-1-03
833-020-0015	4-28-03	Amend	6-1-03	836-011-0550	11-27-02	Adopt	1-1-03
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833-020-0040	4-28-03	Amend	6-1-03	836-012-0021	11-27-02	Amend	1-1-03
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833-020-0060	12-16-02	Amend(T)	1-1-03	836-012-0041	11-27-02	Amend	1-1-03
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836-012-0080	11-27-02	Amend	1-1-03	837-110-0075	2-1-03	Adopt	2-1-03
836-012-0090	11-27-02	Amend	1-1-03	837-110-0140	2-1-03	Amend	2-1-03
836-012-0100	11-27-02	Amend	1-1-03	837-110-0150	2-1-03	Amend	2-1-03
836-020-0900	11-27-02	Am. & Ren.	1-1-03	837-110-0155	2-1-03	Adopt	2-1-03
836-043-0024	1-17-03	Amend	3-1-03	839-016-0700	1-1-03	Amend	2-1-03
836-043-0044	1-17-03	Amend	3-1-03	839-016-0700	2-14-03	Amend	3-1-03
836-052-0142	12-13-02	Amend	1-1-03	839-016-0700	4-1-03	Amend(T)	5-1-03
836-053-0005	7-1-03	Adopt	5-1-03	839-016-0700	7-1-03	Amend	8-1-03
836-053-0021	11-27-02	Amend	1-1-03	839-016-0700	10-1-03	Amend	11-1-03
836-053-0430	11-27-02	Amend	1-1-03	839-016-0750	3-28-03	Amend(T)	5-1-03
836-053-0440	11-27-02	Amend	1-1-03	845-003-0270	7-1-03	Amend	8-1-03
836-054-0300	11-27-02	Amend	1-1-03	845-003-0590	8-15-03	Amend(T)	9-1-03
836-071-0180	7-1-03	Amend(T)	8-1-03	845-003-0670	7-1-03	Amend	8-1-03
836-080-0425	6-1-03	Adopt	2-1-03	845-004-0005	2-1-03	Amend	3-1-03
836-080-0430	6-1-03	Adopt	2-1-03	845-004-0005	12-1-03	Amend	12-1-03
836-080-0432	6-1-03	Adopt	2-1-03	845-004-0100	5-1-03	Amend	6-1-03
836-080-0435	6-1-03	Adopt	2-1-03	845-005-0327	4-1-03	Adopt	5-1-03
836-080-0440	6-1-03	Adopt	2-1-03	845-005-0415	5-20-03	Amend(T)	7-1-03
836-081-0101	3-17-03	Adopt	5-1-03	845-005-0415	11-1-03	Amend	11-1-03
836-081-0106	3-17-03	Adopt	5-1-03	845-005-0422	5-20-03	Amend(T)	7-1-03
836-081-0111	3-17-03	Adopt	5-1-03	845-005-0422	11-1-03	Amend	11-1-03
836-081-0116	3-17-03	Adopt	5-1-03	845-005-0423	5-20-03	Amend(T)	7-1-03
836-081-0121	3-17-03	Adopt	5-1-03	845-005-0423	11-1-03	Amend	11-1-03
836-081-0126	3-17-03	Adopt	5-1-03	845-005-0427	5-20-03	Amend(T)	7-1-03
837-012-0021	2-10-03	Repeal	3-1-03	845-005-0427	11-1-03	Amend	11-1-03
837-012-0610	2-10-03	Amend	3-1-03	845-006-0335	9-23-03	Amend(T)	11-1-03
837-012-0615	2-10-03	Amend	3-1-03	845-006-0340	11-1-03	Amend	11-1-03
837-012-0630	2-10-03	Amend	3-1-03	845-006-0345	4-1-03	Amend	5-1-03
837-012-0635	2-10-03	Amend	3-1-03	845-006-0390	5-20-03	Amend(T)	7-1-03
837-012-0645	2-10-03	Amend	3-1-03	845-006-0390	11-1-03	Amend	11-1-03
837-012-0720	2-10-03	Amend	3-1-03	845-006-0395	5-20-03	Amend(T)	7-1-03
837-012-0740	2-10-03	Amend	3-1-03	845-006-0395	11-1-03	Amend	11-1-03
837-012-0760	2-10-03	Amend	3-1-03	845-006-0396	5-20-03	Amend(T)	7-1-03
837-012-0780	2-10-03	Amend	3-1-03	845-006-0396	11-1-03	Amend	11-1-03
837-012-0790	2-10-03	Amend	3-1-03	845-006-0398	5-20-03	Amend(T)	7-1-03
837-012-0810	2-10-03	Amend	3-1-03	845-006-0398	11-1-03	Amend	11-1-03
837-012-0820	2-10-03	Amend	3-1-03	845-006-0430	5-20-03	Amend(T)	7-1-03
837-012-0830	2-10-03	Amend	3-1-03	845-006-0430	11-1-03	Amend	11-1-03
837-012-0835	2-10-03	Amend	3-1-03	845-006-0433	5-20-03	Amend(T)	7-1-03
837-012-0860	2-10-03	Amend	3-1-03	845-006-0433	11-1-03	Amend	11-1-03
837-012-0865	2-10-03	Amend	3-1-03	845-006-0434	5-20-03	Amend(T)	7-1-03
837-012-0940	2-10-03	Amend	3-1-03	845-006-0434	11-1-03	Amend	11-1-03
837-020-0040	12-6-02	Amend	1-1-03	845-006-0450	1-1-03	Amend	2-1-03
837-020-0050	12-6-02	Amend	1-1-03	845-006-0450	5-20-03	Amend(T)	7-1-03
837-020-0060	12-6-02	Amend	1-1-03	845-006-0450	11-1-03	Amend	11-1-03
837-020-0080	12-6-02	Amend	1-1-03	845-007-0015	7-1-03	Amend	8-1-03
837-020-0125	12-6-02	Amend	1-1-03	845-007-0020	7-1-03	Amend	8-1-03
837-030-0220	11-4-03	Amend(T)	12-1-03	845-007-0035	9-1-03	Amend	9-1-03
837-030-0230	11-4-03	Amend(T)	12-1-03	845-009-0005	7-1-03	Amend	8-1-03
837-030-0240	11-4-03	Amend(T)	12-1-03	845-009-0010	7-1-03	Amend	8-1-03
837-030-0250	11-4-03	Amend(T)	12-1-03	845-009-0015	7-1-03	Amend	8-1-03
837-030-0280	11-4-03	Amend(T)	12-1-03	845-009-0020	11-1-03	Amend	11-1-03
837-061-0015	7-3-03	Amend	8-1-03	845-009-0085	7-1-03	Amend	8-1-03
837-110-0007	2-1-03	Adopt	2-1-03	845-009-0105	7-1-03	Amend	8-1-03
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845-010-0210	5-1-03	Amend	6-1-03	847-035-0030	7-15-03	Amend	8-1-03
845-010-0915	6-1-03	Amend	7-1-03	847-050-0005	7-15-03	Amend	8-1-03
845-013-0030	5-1-03	Amend	6-1-03	847-050-0010	7-15-03	Amend	8-1-03
845-013-0070	7-1-03	Amend	8-1-03	847-050-0020	1-27-03	Amend	3-1-03
845-013-0075	7-1-03	Amend	8-1-03	847-050-0023	7-15-03	Amend	8-1-03
845-015-0007	2-1-03	Am. & Ren.	3-1-03	847-050-0025	7-15-03	Amend	8-1-03
845-015-0010	2-1-03	Am. & Ren.	3-1-03	847-050-0027	7-15-03	Amend	8-1-03
845-015-0012	2-1-03	Am. & Ren.	3-1-03	847-050-0029	1-27-03	Amend	3-1-03
845-015-0020	2-1-03	Am. & Ren.	3-1-03	847-050-0042	1-27-03	Amend	3-1-03
845-015-0022	2-1-03	Am. & Ren.	3-1-03	847-070-0038	10-23-03	Amend	12-1-03
845-015-0025	2-1-03	Am. & Ren.	3-1-03	847-080-0022	1-27-03	Amend	3-1-03
845-015-0027	2-1-03	Am. & Ren.	3-1-03	848-010-0010	8-22-03	Amend	10-1-03
845-015-0028	2-1-03	Am. & Ren.	3-1-03	848-010-0015	8-22-03	Amend	10-1-03
845-015-0030	2-1-03	Am. & Ren.	3-1-03	848-010-0105	7-1-03	Amend	8-1-03
845-015-0032	2-1-03	Am. & Ren.	3-1-03	848-030-0000	2-6-03	Amend	3-1-03
845-015-0035	2-1-03	Renumber	3-1-03	848-030-0000	8-22-03	Amend	10-1-03
845-015-0045	2-1-03	Renumber	3-1-03	848-040-0040	8-22-03	Amend	10-1-03
845-015-0050	2-1-03	Renumber	3-1-03	848-040-0050	8-22-03	Amend	10-1-03
845-015-0055	2-1-03	Am. & Ren.	3-1-03	850-010-0035	10-9-03	Amend	11-1-03
845-015-0060	2-1-03	Renumber	3-1-03	850-010-0055	12-6-02	Adopt(T)	1-1-03
845-015-0065	2-1-03	Am. & Ren.	3-1-03	850-010-0055	4-11-03	Adopt	5-1-03
845-015-0070	2-1-03	Am. & Ren.	3-1-03	850-010-0195	2-14-03	Adopt	3-1-03
845-015-0075	2-1-03	Am. & Ren.	3-1-03	850-010-0210	12-10-02	Amend	1-1-03
845-015-0078	2-1-03	Am. & Ren.	3-1-03	850-010-0225	6-9-03	Amend	7-1-03
845-015-0080	2-1-03	Am. & Ren.	3-1-03	850-010-0226	6-9-03	Amend	7-1-03
845-015-0085	2-1-03	Repeal	3-1-03	851-001-0020	12-17-02	Adopt	2-1-03
845-015-0086	2-1-03	Am. & Ren.	3-1-03	851-002-0010	7-7-03	Amend	8-1-03
845-015-0090	2-1-03	Renumber	3-1-03	851-002-0040	7-7-03	Amend	8-1-03
845-015-0091	2-1-03	Am. & Ren.	3-1-03	851-021-0010	7-7-03	Amend	8-1-03
845-015-0092	2-1-03	Am. & Ren.	3-1-03	851-021-0040	7-7-03	Amend	8-1-03
845-015-0093	2-1-03	Renumber	3-1-03	851-021-0120	4-23-03	Amend	6-1-03
845-015-0095	2-1-03	Renumber	3-1-03	851-031-0005	3-6-03	Amend	4-1-03
845-015-0096	2-1-03	Renumber	3-1-03	851-031-0005	10-2-03	Amend	11-1-03
845-015-0100	2-1-03	Renumber	3-1-03	851-031-0006	3-6-03	Amend	4-1-03
845-015-0130	9-1-03	Amend	9-1-03	851-031-0006	10-2-03	Amend	11-1-03
845-015-0140	9-23-03	Amend(T)	11-1-03	851-031-0010	3-6-03	Amend	4-1-03
845-015-0165	9-1-03	Amend	9-1-03	851-031-0010	10-2-03	Amend	11-1-03
845-015-0175	9-1-03	Amend	9-1-03	851-031-0025	3-6-03	Repeal	4-1-03
845-015-0177	9-1-03	Amend	9-1-03	851-031-0030	3-6-03	Amend	4-1-03
845-015-0178	9-1-03	Repeal	9-1-03	851-031-0040	3-6-03	Amend	4-1-03
845-016-0020	5-1-03	Amend	6-1-03	851-031-0045	3-6-03	Amend	4-1-03
847-001-0010	1-27-03	Amend	3-1-03	851-031-0060	3-6-03	Amend	4-1-03
847-005-0005	4-24-03	Amend	6-1-03	851-031-0060	10-2-03	Amend	11-1-03
847-005-0005	10-23-03	Amend	12-1-03	851-031-0070	3-6-03	Amend	4-1-03
847-008-0005	1-27-03	Amend	3-1-03	851-031-0070	10-2-03	Amend	11-1-03
847-010-0051	1-27-03	Amend	3-1-03	851-031-0080	3-6-03	Amend	4-1-03
847-010-0052	1-27-03	Amend	3-1-03	851-031-0085	3-6-03	Adopt	4-1-03
847-010-0056	1-27-03	Amend	3-1-03	851-031-0086	3-6-03	Amend	4-1-03
847-010-0070	5-2-03	Amend	6-1-03	851-031-0090	3-6-03	Amend	4-1-03
847-020-0170	1-27-03	Amend	3-1-03	851-050-0000	10-2-03	Amend	11-1-03
847-020-0170	5-2-03	Amend	6-1-03	851-050-0001	10-2-03	Amend	11-1-03
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847-020-0180	5-2-03	Amend	6-1-03	851-050-0003	10-2-03	Repeal	11-1-03
847-020-0190	7-15-03	Amend	8-1-03	851-050-0004	10-2-03	Adopt	11-1-03
847-030-0041	7-15-03	Amend	8-1-03	851-050-0005	10-2-03	Amend	11-1-03

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851-050-0010	10-2-03	Amend	11-1-03	860-012-0035	3-11-03	Amend	4-1-03
851-050-0120	10-2-03	Amend	11-1-03	860-012-0040	4-28-03	Adopt	6-1-03
851-050-0121	10-2-03	Repeal	11-1-03	860-014-0023	12-6-02	Adopt(T)	1-1-03
851-050-0125	10-2-03	Amend	11-1-03	860-014-0023	3-11-03	Adopt	4-1-03
851-050-0130	10-2-03	Amend	11-1-03	860-016-0015	6-10-03	Adopt	7-1-03
851-050-0131	12-17-02	Amend	2-1-03	860-016-0050	12-9-02	Amend	1-1-03
851-050-0131	3-6-03	Amend	4-1-03	860-017-0050	7-9-03	Adopt(T)	8-1-03
851-050-0131	4-23-03	Amend	6-1-03	860-017-0100	7-9-03	Adopt(T)	8-1-03
851-050-0131	7-7-03	Amend	8-1-03	860-021-0009	10-1-03	Amend	11-1-03
851-050-0131	10-2-03	Amend	11-1-03	860-021-0015	7-3-03	Amend	8-1-03
851-050-0133	10-2-03	Amend	11-1-03	860-021-0021	10-1-03	Amend	11-1-03
851-050-0134	10-2-03	Amend	11-1-03	860-021-0034	7-24-03	Amend	9-1-03
851-050-0138	10-2-03	Amend	11-1-03	860-021-0034	11-14-03	Amend	12-1-03
851-050-0139	10-2-03	Repeal	11-1-03	860-021-0036	4-28-03	Amend	6-1-03
851-050-0140	10-2-03	Amend	11-1-03	860-021-0036	11-14-03	Amend	12-1-03
851-050-0141	10-2-03	Repeal	11-1-03	860-021-0037	4-28-03	Adopt	6-1-03
851-050-0145	10-2-03	Amend	11-1-03	860-021-0037	7-24-03	Amend	9-1-03
851-050-0150	10-2-03	Amend	11-1-03	860-021-0037	11-14-03	Amend	12-1-03
851-050-0155	10-2-03	Amend	11-1-03	860-021-0125	10-1-03	Amend	11-1-03
851-050-0170	10-2-03	Amend	11-1-03	860-021-0130	10-1-03	Amend	11-1-03
851-063-0060	4-23-03	Amend	6-1-03	860-021-0200	10-1-03	Amend	11-1-03
852-005-0005	7-1-03	Amend	7-1-03	860-021-0205	10-1-03	Amend	11-1-03
852-010-0025	7-1-03	Amend	7-1-03	860-021-0206	10-1-03	Amend	11-1-03
852-010-0027	12-18-02	Amend	2-1-03	860-021-0210	10-1-03	Amend	11-1-03
852-010-0051	12-18-02	Amend	2-1-03	860-021-0335	12-9-02	Amend	1-1-03
852-010-0080	7-1-03	Amend	7-1-03	860-021-0420	10-1-03	Amend	11-1-03
852-050-0005	12-18-02	Amend	2-1-03	860-022-0040	7-24-03	Amend	9-1-03
852-050-0005	7-1-03	Amend	7-1-03	860-022-0042	7-24-03	Amend	9-1-03
852-050-0006	7-1-03	Amend	7-1-03	860-022-0070	4-14-03	Amend	5-1-03
852-050-0012	7-1-03	Amend	7-1-03	860-027-0052	12-20-02	Amend	2-1-03
852-050-0014	7-1-03	Amend	7-1-03	860-032-0001	2-12-03	Amend	3-1-03
852-050-0018	12-18-02	Adopt	2-1-03	860-032-0002	3-11-03	Amend	4-1-03
852-070-0010	1-1-04	Amend	10-1-03	860-032-0005	3-11-03	Amend	4-1-03
852-070-0040	7-1-03	Amend	7-1-03	860-032-0020	2-12-03	Amend	3-1-03
852-070-0060	1-1-04	Amend	10-1-03	860-032-0095	4-28-03	Amend	6-1-03
852-080-0040	10-1-03	Amend	10-1-03	860-032-0095	11-14-03	Amend	12-1-03
853-010-0010	11-12-03	Amend	12-1-03	860-032-0097	4-28-03	Adopt	6-1-03
853-010-0065	11-12-03	Amend	12-1-03	860-032-0097	11-14-03	Amend	12-1-03
853-010-0074	11-12-03	Adopt	12-1-03	860-032-0610	12-9-02	Adopt	1-1-03
855-041-0065	1-14-03	Amend	2-1-03	860-032-0620	12-9-02	Adopt	1-1-03
855-041-0205	3-1-03	Amend	2-1-03	860-032-0630	12-9-02	Adopt	1-1-03
855-080-0021	1-14-03	Amend	2-1-03	860-032-0640	12-9-02	Adopt	1-1-03
855-110-0005	1-14-03	Amend	2-1-03	860-032-0650	12-9-02	Adopt	1-1-03
856-010-0010	2-26-03	Amend	4-1-03	860-032-0660	12-9-02	Adopt	1-1-03
856-010-0028	3-21-03	Adopt	5-1-03	860-032-0670	4-28-03	Adopt	6-1-03
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860-033-0536	11-14-03	Amend	12-1-03	860-037-0045	10-1-03	Amend	11-1-03
860-033-0537	11-14-03	Amend	12-1-03	860-037-0070	10-1-03	Amend	11-1-03
860-033-0545	11-14-03	Amend	12-1-03	860-037-0075	12-9-02	Amend	1-1-03
860-034-0030	10-1-03	Amend	11-1-03	860-037-0095	7-24-03	Amend	9-1-03
860-034-0060	7-3-03	Amend	8-1-03	860-037-0095	11-14-03	Amend	12-1-03
860-034-0090	10-1-03	Amend	11-1-03	860-037-0097	7-24-03	Adopt	9-1-03
860-034-0095	4-28-03	Amend	6-1-03	860-037-0097	11-14-03	Amend	12-1-03
860-034-0095	11-14-03	Amend	12-1-03	860-037-0110	10-1-03	Amend	11-1-03
860-034-0097	4-28-03	Adopt	6-1-03	860-038-0270	10-1-03	Adopt(T)	11-1-03
860-034-0097	11-14-03	Amend	12-1-03	860-038-0420	7-3-03	Amend	8-1-03
860-034-0110	10-1-03	Amend	11-1-03	860-038-0445	7-3-03	Amend	8-1-03
860-034-0140	10-1-03	Amend	11-1-03	860-038-0540	7-24-03	Amend(T)	9-1-03
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860-036-0075	10-1-03	Amend	11-1-03	863-015-0055	8-1-03	Amend	9-1-03
860-036-0080	12-9-02	Amend	1-1-03	863-015-0065	2-28-03	Amend(T)	4-1-03
860-036-0080	10-6-03	Amend	11-1-03	863-015-0065	8-1-03	Amend	9-1-03
860-036-0080	11-14-03	Amend(T)	12-1-03	863-015-0080	2-28-03	Amend(T)	4-1-03
860-036-0095	7-24-03	Amend	9-1-03	863-015-0080	8-1-03	Amend	9-1-03
860-036-0095	11-14-03	Amend	12-1-03	863-015-0085	2-28-03	Amend(T)	4-1-03
860-036-0097	7-24-03	Adopt	9-1-03	863-015-0085	8-1-03	Amend	9-1-03
860-036-0097	11-14-03	Amend	12-1-03	863-015-0090	2-28-03	Amend(T)	4-1-03
860-036-0105	10-6-03	Amend	11-1-03	863-015-0090	8-1-03	Repeal	9-1-03
860-036-0115	10-1-03	Amend	11-1-03	863-015-0095	2-28-03	Amend(T)	4-1-03
860-036-0125	10-1-03	Amend	11-1-03	863-015-0095	8-1-03	Amend	9-1-03
860-036-0210	10-6-03	Amend	11-1-03	863-015-0100	2-28-03	Amend(T)	4-1-03
860-036-0240	10-6-03	Amend	11-1-03	863-015-0100	8-1-03	Amend	9-1-03
860-036-0245	10-6-03	Amend	11-1-03	863-015-0120	2-28-03	Amend(T)	4-1-03
860-036-0250	5-15-03	Adopt	6-1-03	863-015-0120	8-1-03	Amend	9-1-03
860-036-0305	10-6-03	Amend	11-1-03	863-015-0125	2-28-03	Amend(T)	4-1-03
860-036-0365	5-15-03	Adopt	6-1-03	863-015-0125	8-1-03	Amend	9-1-03
860-036-0405	10-6-03	Amend	11-1-03	863-015-0135	2-28-03	Amend(T)	4-1-03
860-036-0407	10-6-03	Adopt	11-1-03	863-015-0135	8-1-03	Amend	9-1-03
860-036-0410	10-6-03	Amend	11-1-03	863-015-0140	2-28-03	Amend(T)	4-1-03
860-036-0620	10-6-03	Amend	11-1-03	863-015-0140	8-1-03	Amend	9-1-03
860-036-0710	10-6-03	Amend	11-1-03	863-015-0145	2-28-03	Amend(T)	4-1-03
860-036-0716	5-15-03	Adopt	6-1-03	863-015-0145	8-1-03	Amend	9-1-03
860-036-0745	7-24-03	Amend	9-1-03	863-015-0175	2-28-03	Amend(T)	4-1-03
860-036-0756	5-15-03	Adopt	6-1-03	863-015-0175	8-1-03	Amend	9-1-03
860-036-0900	10-6-03	Amend	11-1-03	863-015-0185	2-28-03	Amend(T)	4-1-03
860-036-0905	10-6-03	Amend	11-1-03	863-015-0185	8-1-03	Amend	9-1-03

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863-015-0255	2-28-03	Amend(T)	4-1-03	918-251-0090(T)	1-1-03	Repeal	2-1-03
863-015-0255	8-1-03	Amend	9-1-03	918-261-0020	6-24-03	Amend(T)	8-1-03
863-015-0260	2-28-03	Amend(T)	4-1-03	918-261-0020	10-1-03	Amend	11-1-03
863-015-0260	8-1-03	Amend	9-1-03	918-282-0017	1-1-03	Adopt	2-1-03
863-025-0010	2-28-03	Amend(T)	4-1-03	918-282-0017(T)	1-1-03	Repeal	2-1-03
863-025-0010	8-1-03	Amend	9-1-03	918-282-0185	1-1-03	Adopt	2-1-03
863-025-0020	2-28-03	Amend(T)	4-1-03	918-282-0185(T)	1-1-03	Repeal	2-1-03
863-025-0020	8-1-03	Amend	9-1-03	918-282-0290	1-1-03	Amend	2-1-03
863-025-0025	2-28-03	Amend(T)	4-1-03	918-282-0290(T)	1-1-03	Repeal	2-1-03
863-025-0025	8-1-03	Amend	9-1-03	918-283-0010	10-29-03	Amend(T)	12-1-03
863-025-0030	2-28-03	Amend(T)	4-1-03	918-306-0000	6-24-03	Suspend	8-1-03
863-025-0030	8-1-03	Amend	9-1-03	918-306-0000	10-1-03	Amend	11-1-03
863-025-0035	2-28-03	Amend(T)	4-1-03	918-306-0010	6-24-03	Suspend	8-1-03
863-025-0035	8-1-03	Amend	9-1-03	918-306-0010	10-1-03	Amend	11-1-03
863-025-0050	2-28-03	Amend(T)	4-1-03	918-306-0100	6-24-03	Suspend	8-1-03
863-025-0050	8-1-03	Amend	9-1-03	918-306-0100	10-1-03	Repeal	11-1-03
863-025-0065	2-28-03	Amend(T)	4-1-03	918-306-0110	6-24-03	Suspend	8-1-03
863-025-0065	8-1-03	Amend	9-1-03	918-306-0110	10-1-03	Repeal	11-1-03
863-030-0060	7-1-03	Amend	8-1-03	918-306-0120	6-24-03	Suspend	8-1-03
863-030-0065	7-1-03	Amend	8-1-03	918-306-0120	10-1-03	Repeal	11-1-03
863-030-0075	7-1-03	Amend	8-1-03	918-306-0130	6-24-03	Suspend	8-1-03
863-030-0080	7-1-03	Amend	8-1-03	918-306-0130	10-1-03	Repeal	11-1-03
863-040-0010	7-1-03	Amend	8-1-03	918-306-0140	6-24-03	Suspend	8-1-03
863-040-0040	7-1-03	Amend	8-1-03	918-306-0140	10-1-03	Repeal	11-1-03
877-020-0020	7-1-03	Amend(T)	6-1-03	918-306-0150	6-24-03	Suspend	8-1-03
918-001-0010	1-1-03	Amend	2-1-03	918-306-0150	10-1-03	Repeal	11-1-03
918-001-0036	1-1-03	Adopt	2-1-03	918-306-0160	6-24-03	Suspend	8-1-03
918-008-0100	1-1-03	Repeal	2-1-03	918-306-0160	10-1-03	Repeal	11-1-03
918-090-0900	1-1-03	Repeal	2-1-03	918-306-0170	6-24-03	Suspend	8-1-03
918-225-0240	3-14-03	Amend	4-1-03	918-306-0170	10-1-03	Repeal	11-1-03
918-225-0315	3-14-03	Adopt	4-1-03	918-306-0200	6-24-03	Suspend	8-1-03
918-225-0560	3-14-03	Amend	4-1-03	918-306-0200	10-1-03	Repeal	11-1-03
918-225-0562	7-1-03	Adopt	4-1-03	918-306-0210	6-24-03	Suspend	8-1-03
918-225-0610	1-1-03	Amend	2-1-03	918-306-0210	10-1-03	Repeal	11-1-03
918-225-0610(T)	1-1-03	Repeal	2-1-03	918-306-0220	6-24-03	Suspend	8-1-03
918-225-0660	3-14-03	Amend	4-1-03	918-306-0220	10-1-03	Repeal	11-1-03
918-225-0665	3-14-03	Adopt	4-1-03	918-306-0230	6-24-03	Suspend	8-1-03
918-225-0670	2-3-03	Amend	3-1-03	918-306-0230	10-1-03	Repeal	11-1-03
918-225-0690	7-1-03	Repeal	4-1-03	918-306-0300	6-24-03	Suspend	8-1-03
918-225-0691	7-1-03	Adopt	4-1-03	918-306-0300	10-1-03	Repeal	11-1-03
918-225-0691	7-1-03	Amend	8-1-03	918-306-0310	6-24-03	Suspend	8-1-03
918-225-0700	7-1-03	Amend	4-1-03	918-306-0310	10-1-03	Repeal	11-1-03
918-225-0720	7-1-03	Amend	4-1-03	918-306-0320	6-24-03	Suspend	8-1-03
918-225-0740	7-1-03	Amend	4-1-03	918-306-0320	10-1-03	Repeal	11-1-03
918-225-0760	1-1-03	Repeal	2-1-03	918-306-0330	6-24-03	Suspend	8-1-03
918-225-0900	2-3-03	Adopt	3-1-03	918-306-0330	10-1-03	Repeal	11-1-03
918-225-0910	2-3-03	Adopt	3-1-03	918-306-0500	6-24-03	Suspend	8-1-03
918-225-0920	2-3-03	Adopt	3-1-03	918-306-0500	10-1-03	Repeal	11-1-03
918-225-0930	2-3-03	Adopt	3-1-03	918-306-0510	6-24-03	Amend(T)	8-1-03
918-225-0940	2-3-03	Adopt	3-1-03	918-306-0510	10-1-03	Amend	11-1-03
918-225-0950	2-3-03	Adopt	3-1-03	918-306-0600	6-24-03	Suspend	8-1-03
918-225-0960	2-3-03	Adopt	3-1-03	918-306-0600	10-1-03	Repeal	11-1-03
918-225-0970	2-3-03	Adopt	3-1-03	918-306-0610	6-24-03	Suspend	8-1-03
918-251-0090	1-1-03	Amend	2-1-03	918-306-0610	10-1-03	Repeal	11-1-03
918-251-0090	6-24-03	Amend(T)	8-1-03	918-306-0700	5-5-03	Amend(T)	6-1-03
918-251-0090	10-1-03	Amend	11-1-03	918-306-0700	6-24-03	Suspend	8-1-03

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918-306-0700	10-1-03	Repeal	11-1-03	918-308-0060	1-1-03	Amend	2-1-03
918-306-0700(T)	6-24-03	Suspend	8-1-03	918-308-0060(T)	1-1-03	Repeal	2-1-03
918-306-0700(T)	10-1-03	Repeal	11-1-03	918-308-0200	1-1-03	Amend	2-1-03
918-306-0705	5-5-03	Amend(T)	6-1-03	918-308-0200(T)	1-1-03	Repeal	2-1-03
918-306-0705	6-24-03	Suspend	8-1-03	918-308-0210	1-1-03	Amend	2-1-03
918-306-0705	10-1-03	Repeal	11-1-03	918-308-0210(T)	1-1-03	Repeal	2-1-03
918-306-0705(T)	6-24-03	Suspend	8-1-03	918-309-0000	4-1-03	Amend	4-1-03
918-306-0705(T)	10-1-03	Repeal	11-1-03	918-309-0025	7-1-03	Adopt	7-1-03
918-306-0710	5-5-03	Amend(T)	6-1-03	918-309-0030	7-1-03	Amend(T)	8-1-03
918-306-0710	6-24-03	Suspend	8-1-03	918-309-0030	10-1-03	Amend	11-1-03
918-306-0710	10-1-03	Repeal	11-1-03	918-309-0030(T)	10-1-03	Repeal	11-1-03
918-306-0710(T)	6-24-03	Suspend	8-1-03	918-311-0020	7-1-03	Amend	7-1-03
918-306-0710(T)	10-1-03	Repeal	11-1-03	918-400-0280	1-1-03	Amend	2-1-03
918-306-0715	5-5-03	Amend(T)	6-1-03	918-400-0280	3-1-03	Amend	4-1-03
918-306-0715	6-24-03	Suspend	8-1-03	918-400-0280(T)	1-1-03	Repeal	2-1-03
918-306-0715	10-1-03	Repeal	11-1-03	918-400-0333	1-1-03	Adopt	2-1-03
918-306-0715(T)	6-24-03	Suspend	8-1-03	918-400-0333(T)	1-1-03	Repeal	2-1-03
918-306-0715(T)	10-1-03	Repeal	11-1-03	918-400-0335	1-1-03	Repeal	2-1-03
918-306-0720	5-5-03	Amend(T)	6-1-03	918-400-0340	1-1-03	Amend	2-1-03
918-306-0720	6-24-03	Suspend	8-1-03	918-400-0340(T)	1-1-03	Repeal	2-1-03
918-306-0720	10-1-03	Repeal	11-1-03	918-400-0345	1-1-03	Repeal	2-1-03
918-306-0720(T)	6-24-03	Suspend	8-1-03	918-400-0350	1-1-03	Repeal	2-1-03
918-306-0720(T)	10-1-03	Repeal	11-1-03	918-400-0355	1-1-03	Repeal	2-1-03
918-306-0730	5-5-03	Amend(T)	6-1-03	918-400-0360	1-1-03	Repeal	2-1-03
918-306-0730	6-24-03	Suspend	8-1-03	918-400-0365	1-1-03	Repeal	2-1-03
918-306-0730	10-1-03	Repeal	11-1-03	918-400-0370	1-1-03	Repeal	2-1-03
918-306-0730(T)	6-24-03	Suspend	8-1-03	918-400-0375	1-1-03	Repeal	2-1-03
918-306-0730(T)	10-1-03	Repeal	11-1-03	918-400-0380	1-1-03	Adopt	2-1-03
918-306-0740	5-5-03	Amend(T)	6-1-03	918-400-0380(T)	1-1-03	Repeal	2-1-03
918-306-0740	6-24-03	Suspend	8-1-03	918-400-0385	1-1-03	Adopt	2-1-03
918-306-0740	10-1-03	Repeal	11-1-03	918-400-0385(T)	1-1-03	Repeal	2-1-03
918-306-0740(T)	6-24-03	Suspend	8-1-03	918-400-0390	1-1-03	Adopt	2-1-03
918-306-0740(T)	10-1-03	Repeal	11-1-03	918-400-0390(T)	1-1-03	Repeal	2-1-03
918-306-0750	5-5-03	Suspend	6-1-03	918-400-0395	1-1-03	Adopt	2-1-03
918-306-0750	10-1-03	Repeal	11-1-03	918-400-0395(T)	1-1-03	Repeal	2-1-03
918-306-0750(T)	10-1-03	Repeal	11-1-03	918-400-0455	3-1-03	Amend	4-1-03
918-306-0760	5-5-03	Amend(T)	6-1-03	918-400-0465	3-1-03	Amend	4-1-03
918-306-0760	6-24-03	Suspend	8-1-03	918-400-0525	3-1-03	Amend	4-1-03
918-306-0760	10-1-03	Repeal	11-1-03	918-400-0630	3-1-03	Amend	4-1-03
918-306-0760(T)	6-24-03	Suspend	8-1-03	918-400-0740	3-1-03	Amend	4-1-03
918-306-0760(T)	10-1-03	Repeal	11-1-03	918-400-0780	1-1-03	Repeal	2-1-03
918-306-0770	5-5-03	Amend(T)	6-1-03	918-400-0800	1-1-03	Amend	2-1-03
918-306-0770	6-24-03	Suspend	8-1-03	918-400-0800(T)	1-1-03	Repeal	2-1-03
918-306-0770	10-1-03	Repeal	11-1-03	918-460-0015	10-1-03	Amend	9-1-03
918-306-0770(T)	6-24-03	Suspend	8-1-03	918-460-0015	11-14-03	Amend(T)	12-1-03
918-306-0770(T)	10-1-03	Repeal	11-1-03	918-480-0005	4-1-03	Amend	2-1-03
918-306-0780	5-5-03	Amend(T)	6-1-03	918-480-0010	1-1-03	Amend	1-1-03
918-306-0780	6-24-03	Suspend	8-1-03	918-480-0010	1-10-03	Amend(T)	2-1-03
918-306-0780	10-1-03	Repeal	11-1-03	918-480-0010	4-1-03	Amend	2-1-03
918-306-0780(T)	6-24-03	Suspend	8-1-03	918-480-0010(T)	1-1-03	Repeal	1-1-03
918-306-0780(T)	10-1-03	Repeal	11-1-03	918-480-0020	4-1-03	Amend	2-1-03
918-307-0000	1-1-03	Repeal	2-1-03	918-650-0085	1-1-03	Repeal	2-1-03
918-308-0020	1-1-03	Amend	2-1-03	918-785-0030	1-1-03	Repeal	2-1-03
918-308-0020(T)	1-1-03	Repeal	2-1-03				