

OREGON BULLETIN

Supplements the 2005 *Oregon Administrative Rules Compilation*

Volume 44, No. 11
November 1, 2005

For September 16, 2005–October 14, 2005



Published by
BILL BRADBURY
Secretary of State
Copyright 2005 Oregon Secretary of State

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 "any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency" ORS 183.310(9). 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

2004-2005 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 15, 2004	January 1, 2005
January 14, 2005	February 1, 2005
February 15, 2005	March 1, 2005
March 15, 2005	April 1, 2005
April 15, 2005	May 1, 2005
May 13, 2005	June 1, 2005
June 15, 2005	July 1, 2005
July 15, 2005	August 1, 2005
August 15, 2005	September 1, 2005
September 15, 2005	October 1, 2005
October 14, 2005	November 1, 2005
November 15, 2005	December 1, 2005

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 910-2003, 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 915-2005. 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 910-2003 and ARC 915-2005 are available from the Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310, or are downloadable from the Oregon State Archives Website.

Publication Authority

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

© January 1, 2005 Oregon Secretary of State. All rights reserved. Reproduction in whole or in part without written permission is prohibited.

TABLE OF CONTENTS

	Page
Information and Publication Schedule	2
Table of Contents	3
Executive Orders	4
Other Notices	5-9
Notices of Proposed Rulemaking Hearings/Notices	
The citations and statements required by ORS 183.335(2)(b)(A) - (D) have been filed with and are available from the Secretary of State.	
Board of Examiners for Engineering and Land Survey, Chapter 820.....	10
Board of Medical Examiners, Chapter 847.....	10, 11
Board of Naturopathic Examiners, Chapter 850	11
Board of Parole and Post-Prison Supervision, Chapter 255	11
Board of Pharmacy, Chapter 855	11
Bureau of Labor and Industries, Chapter 839	11, 12
Construction Contractors Board, Chapter 812	12, 13
Department of Agriculture, Oregon Wheat Commission, Chapter 678.....	13
Department of Consumer and Business Services, Building Codes Division, Chapter 918.....	13
Insurance Division, Chapter 836	14
Oregon Occupational Safety and Health Division, Chapter 437.....	14
Department of Corrections, Chapter 291	14
Department of Environmental Quality, Chapter 340	14, 15
Department of Fish and Wildlife, Chapter 635	15
Department of Human Services, Child Welfare Programs, Chapter 413.....	15, 16
Departmental Administration and Medical Assistance Programs, Chapter 410	16, 17
Director's Office, Chapter 407	17
Public Health, Chapter 333	17, 18
Self-Sufficiency Programs, Chapter 461	18-20
Seniors and People with Disabilities, Chapter 411	20
Department of Justice, Chapter 137	20
Department of Revenue, Chapter 150	20, 21
Department of State Lands, Chapter 141	21
Department of Transportation, Chapter 731	21, 22
Department of Transportation, Board of Maritime Pilots, Chapter 856	22
Driver and Motor Vehicle Services Division, Chapter 735.....	22-24
Highway Division, Chapter 734.....	24
Motor Carrier Transportation Division, Chapter 740.....	24, 25
Economic and Community Development Department, Chapter 123.....	25
Employment Department, Chapter 471.....	25, 26
Employment Department, Child Care Division, Chapter 414	26
Health Licensing Office, Chapter 331	26, 27
Health Licensing Office, Board of Cosmetology, Chapter 817	27
Land Conservation and Development Department, Chapter 660.....	27, 28
Landscape Architect Board, Chapter 804.....	28
Landscape Contractors Board, Chapter 808	28, 29
Oregon Criminal Justice Commission, Chapter 213.....	29
Oregon Liquor Control Commission, Chapter 845.....	29
Oregon Public Employees Retirement System, Chapter 459.....	29, 30
Oregon State Lottery, Chapter 177.....	30
Oregon University System, Chapter 580	30, 31
Oregon University System, Oregon State University, Chapter 576.....	31
Portland State University, Chapter 577	31
Oregon Youth Authority, Chapter 416.....	31
Parks and Recreation Department, Chapter 736	31, 32
Physical Therapist Licensing Board, Chapter 848.....	32, 33
Public Utility Commission, Chapter 860	33
Secretary of State, Corporation Division, Chapter 160	33, 34
Elections Division, Chapter 165.....	34, 35
Administrative Rules	
The citations and statements required by ORS 183.335(2)(b)(A) - (D) have been filed with and are available from the Secretary of State.	
Board of Examiners for Engineering and Land Survey, Chapter 820.....	36, 37
Board of Geologist Examiners, Chapter 809	37
Board of Massage Therapists, Chapter 334	37, 38
Board of Medical Examiners, Chapter 847.....	38, 39
Board of Nursing, Chapter 851	40, 41
Bureau of Labor and Industries, Chapter 839.....	41
Department of Agriculture, Chapter 603.....	41, 42
Department of Consumer and Business Services, Building Codes Division, Chapter 918.....	42-58
Insurance Division, Chapter 836	58-60
Department of Corrections, Chapter 291	60-63
Department of Fish and Wildlife, Chapter 635	63-80
Department of Human Services, Child Welfare Programs, Chapter 413.....	80, 81
Departmental Administration and Medical Assistance Programs, Chapter 410	81-98
Public Health, Chapter 333.....	98
Self-Sufficiency Programs, Chapter 461	98-121
Seniors and People with Disabilities, Chapter 411	121, 122
Department of Justice, Chapter 137	122-127
Department of Oregon State Police, Chapter 257.....	127-129
Department of Public Safety Standards and Training, Chapter 259.....	129-137
Department of Transportation, Driver and Motor Vehicle Services Division, Chapter 735.....	137, 138
Highway Division, Chapter 734	138-143
Motor Carrier Transportation Division, Chapter 740.....	143, 144
Employment Department, Chapter 471.....	144, 145
Land Conservation and Development Department, Chapter 660.....	145, 146
Landscape Contractors Board, Chapter 808.....	146
Oregon Criminal Justice Commission, Chapter 213.....	146-148
Oregon Department of Aviation, Chapter 738	148, 149
Oregon Patient Safety Commission, Chapter 325	149
Oregon Public Employees Retirement System, Chapter 459.....	149-160
Oregon State Marine Board, Chapter 250.....	160
Oregon State Treasury, Chapter 170	160, 161
Oregon Student Assistance Commission, Chapter 575.....	161-163
Oregon Student Assistance Commission, Office of Degree Authorization, Chapter 583	163-165
Oregon University System, University of Oregon, Chapter 571	165, 166
Oregon Youth Authority, Chapter 416.....	166-170
Parks and Recreation Department, Chapter 736	170, 171
Secretary of State, Elections Division, Chapter 165.....	171
OAR Revision Cumulative Index	172-229

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 05-10

REPRESENTATION OF CERTIFIED AND REGISTERED FAMILY CHILD CARE PROVIDERS

The availability of quality child care enables Oregon parents to work and contribute directly to Oregon's economy. Further, quality child care is a vital contributor to the healthy development of Oregon's young children. More than one-third of Oregon children are in paid child care during the most critical stage of their development, from birth to age five. Numerous long-term studies have shown that high quality care during these formative years increases the likelihood of a child's success in school and later in life.

The quality of child care depends upon several factors, including the caregiver's training and education and continuity in the relationship between the child and the caregiver. Laws enacted by our State within the past decade require child care providers in all regulated child care settings to complete basic training, including recognizing and reporting child abuse and neglect, food handling, and first aid and infant and child cardiopulmonary resuscitation (CPR). All regulated providers and staff are also required to have criminal background checks and to maintain health and safety standards. All child care facilities are inspected on a regular basis.

To ensure quality standards of care, it is in the public interest for Oregon to maintain a child care delivery system that encourages the recruitment and retention of family child care providers delivering these services. Increased stability in the child care workforce will preserve freedom of choice for parents to select appropriate child care services for their children based on increased availability of a wide range of child care options. Increased recruitment, retention and stability will also benefit children by allowing them continuity with their caregiver.

The state Child Care Division is the executive agency authorized to administer and direct regulated child care services in Oregon and the Department of Human Services administers state-subsidized care for Oregon families. The Child Care Division, Department of Human Services, parents, children and family child care providers will all benefit from a process that allows for collective input from family child care providers on how to improve stability in the workforce and quality of care provided.

AFSCME Council 75 has presented cards to the Employment Relations Board ("ERB") and ERB has certified that the cards represent a request to be represented by AFSCME Council 75 by more than fifty percent of the eligible certified and registered family child care work force.

THEREFORE, IT IS HEREBY ORDERED AND DIRECTED:

1) The Director of the Department of Human Services and the Director of the Employment Department, as appropriate, or their designees, on behalf of the State, shall meet and confer with AFSCME Council 75, on behalf of certified and registered fam-

ily child care providers, regarding issues of mutual concern. Such issues of mutual concern may include, but are not limited to, training and certification requirements, reimbursement rates, payment procedures, health and safety conditions, and any other changes to current practice that would improve recruitment and retention of qualified certified and registered family child care providers, that would improve the quality of the programs they provide, or that would encourage exempt providers to seek to become certified or registered providers.

2) To the extent an agreement on any issue of mutual concern is reached, such agreement shall be memorialized in writing, subject to any agency rulemaking or statutory changes that may be required. Any agreement which requires rulemaking or statutory changes will be contingent upon the successful completion of such rulemaking or legislative process. The parties recognize that such rulemaking or legislative process may require reconsideration of, or modification to, any contingent agreement that is reached. The parties may jointly submit unresolved issues of mutual concern to a mutually-acceptable third-party neutral for the making of non-binding recommendations.

3) This Executive Order is not intended to create any contractual rights or obligations. It is intended solely as executive direction to the State agencies identified herein. Nothing in this Executive Order is intended to give to family child care providers, or imply that family child care providers have, any right to engage in a strike or a collective cessation of the delivery of child care services. Nothing in this Executive Order is intended to provide AFSCME Council 75 or any other entity with third-party beneficiary rights.

4) Family child care providers are not employees or agents of the State. Nothing in this Executive Order is intended to alter the existing relationship between family child care providers and the State or in any way imply an employer-employee or principal-agent relationship.

5) The Director of the Department of Human Services and the Director of the Employment Department shall report to the Office of the Governor regarding their progress under this Executive Order within 120 days.

6) This Executive Order is effective immediately.

Done at Portland, Oregon this 23rd day of September, 2005.

/s/ Theodore R. Kulongoski
Theodore R. Kulongoski
GOVERNOR

ATTEST

/s/ Bill Bradbury
Bill Bradbury
SECRETARY OF STATE

OTHER NOTICES

A CHANCE TO COMMENT ON PROPOSED CONSENT JUDGMENT FOR A PROSPECTIVE PURCHASER AGREEMENT AT THE FORMER SOUTH LARSEN FACILITY IN PORTLAND, OREGON

COMMENTS DUE: December 1, 2005

PROJECT LOCATION: 10145 North Portland Road, Portland, Oregon.

PROPOSAL: The Department of Environmental Quality (DEQ) is proposing to enter into a Consent Judgment for a Prospective Purchaser Agreement (PPA) with North Portland Road, LLC for the property located at 10145 North Portland Road Portland, Oregon (South Larsen Property or Property).

HIGHLIGHTS: The South Larsen Property was formerly owned by Karen and Louis Larsen. Together with the adjacent North Larsen property, also formerly owned by Karen and Louis Larsen, the Property was used as a trucking facility. During operations, hazardous substances were released into the ground and groundwater at the Property; such releases may extend onto and beneath adjacent properties.

The Consent Judgment will require North Portland Road, LLC to implement certain agreed-upon removal and remedial measures to address contamination at the Property. Those measures will include additional soil and groundwater investigation, and remedial measures to address that 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 that facilitates the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a property with existing contamination. DEQ has approved 71 Prospective Purchaser Agreements throughout the State since the program began.

The proposed Consent Judgment will provide North Portland Road, LLC as the new owner with a release from liability for claims by the State of Oregon under ORS 465.255 relating to historical releases of hazardous substances at or from the site. The proposed Consent Judgment will also provide North Portland Road, LLC with protection from potential contribution actions by third parties relating to the releases at or from the Property. DEQ retains all existing rights it may have as to all other parties potentially liable for the releases.

HOW TO COMMENT: Written comments concerning the proposed Consent Judgment should be sent to Charlie Landman at DEQ Headquarters, 811 SW 6th Avenue, Portland, Oregon 97204. Comments must be received by DEQ by 5:00 pm December 2, 2005. Questions may be directed to Mr. Landman at that address or by calling (503) 229-6461. The proposed Consent Judgment and DEQ file on the Property may be reviewed at DEQ's Northwest Region office in Portland by contacting Anna Coates at (503) 229-5213.

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

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

CHANCE TO COMMENT ON... PROPOSED CERTIFICATION OF COMPLETION FOR REMEDIAL ACTIONS AT RHODIA SUTTLE ROAD FACILITY, PORTLAND, OREGON

COMMENTS DUE: December 1, 2005

PROJECT LOCATION: Rhodia Inc., 4429 N Suttle Road, Portland, Oregon. ECSI No. 165

PROPOSAL: Pursuant to Oregon Revised Statutes, ORS 465.320 and 465.325(10)(b), the Department of Environmental Quality (DEQ) requests public comment on its proposal to issue a Certifi-

cation of Completion to Rhodia, Inc. (Rhodia) for satisfactory completion of remedial actions to address contaminated soils, groundwater, and sediments at the Rhodia Suttle Road Site. These remedial actions were required by the Record of Decision issued by DEQ on September 17, 1999, and Record of Decision Explanation of Significant Difference issued by DEQ on December 17, 2002.

HIGHLIGHTS: The 26.8-acre site, located in an industrial area in north Portland, is an operating aluminum sulfate (alum) production facility. Historical uses of the facility also included the formulation of agricultural chemical products. Liquid agricultural chemicals, including pesticides, were applied to inert carriers such as clay and talc at the facility. Historical waste handling and wastewater disposal practices resulted in the presence of pesticide-impacted media at several areas of the site, including sediments in the adjacent Oregon Slough. Chlorinated pesticides including DDT, DDE, and DDD were identified as the principal contaminants of concern.

The Record of Decision (ROD) specified the following cleanup actions for impacted soil and groundwater at the site: (1) removal of up to 300 tons or 200 cubic yards of hot spot soil for off-site treatment and disposal; (2) placement of an asphalt cap over areas of soil contamination exceeding the risk-based cleanup levels; (3) planting of poplar trees between the Oregon Slough and Marine Drive along the northern property boundary to reduce the discharge of shallow groundwater to the Oregon Slough; (4) placement of deed restrictions limiting subsurface excavation or shallow groundwater use at the facility; (5) maintenance of asphalt and existing building foundations to prevent worker contact with contaminated soil; (6) continued monitoring of groundwater, surface water and sediment; and (7) contingencies to evaluate further hot spot removal in the event of redevelopment of the facility. DEQ entered into a Mutual Agreement with Rhodia on May 18, 2000, requiring Rhodia to implement the remedial actions as specified in the ROD. Rhodia completed the hot spot soil removal, placement of the asphalt cap, tree planting and filing of deed restrictions from May 2000 through November 2001 in accordance with the requirements of the ROD, Mutual Agreement, and subsequent work plans approved by DEQ. Groundwater and surface water monitoring requirements have also been completed. Annual inspections and maintenance of the asphalt cap and existing building foundations are on-going and will continue indefinitely as long as residual contamination remains in the underlying soils.

Monitoring of sediment and surface water conditions in the fall of 1999 identified chlorinated pesticides in sediments within the Oregon Slough at levels exceeding the cleanup criteria specified in ROD. Additional investigations were conducted in 2000 and 2001 to develop cleanup alternatives for sediment contamination in accordance with the ROD. DEQ issued an Explanation of Significance Difference (ESD) to the ROD on December 17, 2002, specifying additional cleanup measures to be performed to address contaminated sediments in the Oregon Slough. The ESD required construction of a cap over alum deposits and contaminated sediments to protect aquatic organisms and wildlife that may be exposed to the contamination, and long-term maintenance and monitoring of the cap. The sediment cap was constructed from December 2004 through February 2005 and consisted of the placement of a geotextile layer over the alum deposits and sediments, which was overlain with a 3- to 9-inch thick gravel leveling layer and followed by a 12- to 18-inch riprap (rock) layer. Post-construction monitoring and maintenance of the sediment cap will be performed for a minimum of 10 years.

Rhodia submitted a Closure Report in March 2002 documenting the completion of the remedial actions for the upland soils and groundwater. A second Closure Report was submitted in September 2005 documenting the completion of the sediment cap. Both Closure Reports have been approved by DEQ. An Operation, Maintenance, and Monitoring plan addressing long-term requirements for both the upland areas and the sediment cap is being finalized.

HOW TO COMMENT: To obtain more information about the remedial actions completed at the site, the Closeout Reports, and other project files may be reviewed by appointment at DEQ's North-

OTHER NOTICES

west Region Office, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon. Appointments to review these documents and files can be made by calling 503-229-6729, toll free at 1-800-452-4011, or TTY at 503-229-5471.

Written comments must be received by 5:00 pm on December 1, 2005. Please send written comments by mail or fax to:

Jill Kiernan, P.E.
Senior Project Engineer
Department of Environmental Quality
2020 SW Fourth Avenue, Suite 400
Portland, Oregon 97201
Fax: 503-229-6945

Specific questions regarding the proposed Certification of Completion should be directed to Ms. Kiernan at 503-229-6900 or the toll free or TTY numbers above, or by e-mail at kiernan.jill.a@deq.state.or.us. A public meeting will be held to receive verbal comments if requested by 10 or more persons, or by a group with a membership of 10 or more. A separate public notice announcing the date, time, and location of any public meeting would be published in this publication.

THE NEXT STEP: DEQ will consider all public comments received by the deadline. DEQ intends to issue the final Certification of Completion for the site if no adverse comments are received. **ACCESSIBILITY:** Please notify DEQ of any special physical or other accommodations you may need due to a disability, or if you need copies of written material 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 or 1-800-452-4011.

PUBLIC COMMENT PERIOD PROPOSED FINAL CLEANUP ACTIONS GREENACRES GASOLINE SPILL SITE NEAR GREENACRES, OREGON

COMMENTS DUE: December 1, 2005

PROJECT LOCATION: Greenacres Gasoline Spill Site, Highway 38 at milepost 19 near Greenacres, Oregon

PROPOSAL: Pursuant to ORS 465.320 and Oregon Administrative Rules (OAR) 340-122-465, the Oregon Department of Environmental Quality (DEQ) requests public comment on its recommendation that no further investigation or cleanup action is required for petroleum contamination at the Greenacres Gasoline Spill Site near Greenacres, Oregon.

BACKGROUND: On September 8, 2003, a tanker and tanker trailer owned and operated by Harris Transportation Company was involved in a crash on Oregon Highway 38 near milepost 19 in Douglas County, along the Umpqua River. The tanker trailer overturned on the east (uphill) side of the highway, spilling approximately 6,200 gallons of gasoline to the roadway and adjoining soils. An unknown amount of the gasoline burned on site, and an unknown amount was released into the soil. The spill site is located approximately 125 feet east of the Umpqua River. The Umpqua River is an important spawning and rearing area for salmon and trout. Also, there are several surface water intakes used for domestic irrigation located near the spill site.

In September 2003, approximately 1,500 cubic yards of soil was removed from the spill area and disposed at the Coffin Butte Landfill. Soil samples were collected from the excavation area to determine the nature and extent of residual contamination. Soil sample results were below risk-based screening values.

Groundwater and surface water were monitored for gasoline contamination. Four wells were installed at the spill site and sampled from September 2003 through August 2004. Only one well during the March 2004 sampling event had gasoline constituents detected at concentrations above surface water screening values. Surface water samples were collected from the Umpqua River from several

locations and monitored from September 2003 through August 2004. Surface water sample results were below risk-based screening values for all sampling rounds.

The site was screened for human health and ecological risk from exposure to gasoline-contaminated soil, groundwater, and surface water. Under current and reasonably likely future land and water uses at the site, DEQ has concluded that there are no significant human health or ecological risks associated with the residual gasoline contamination in soil, groundwater, and surface water at the site. Therefore, DEQ has recommended that no further investigation or remediation is needed for environmental impacts from the Greenacres Gasoline Spill.

HOW TO COMMENT: The project files in addition to the site summary report, may be reviewed by appointment at DEQ's Eugene office, 1102 Lincoln Street, and Roseburg office, 725 SE Main. Written comments must be received by December 1, 2005. Comments should be submitted to DEQ's Eugene office, located at 1102 Lincoln St., Suite 210, Eugene, OR 97401 or by e-mail to camarata.mary@deq.state.or.us. Questions may also be directed to Mary Camarata at the Eugene 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 before taking final actions on this matter. A public meeting will be held to receive verbal comments on the proposed cleanup action upon written request by ten or more persons, or by a group with ten or more members.

PUBLIC COMMENT PERIOD PROPOSED FINAL CLEANUP ACTIONS COW CREEK DIESEL SPILL SITE COW CREEK CANYON NEAR RIDDLE, OREGON

COMMENTS DUE: December 1, 2005

PROJECT LOCATION: Cow Creek Diesel Spill Site, Cow Creek Canyon, Near Riddle Oregon

PROPOSAL: Pursuant to ORS 465.320 and Oregon Administrative Rules (OAR) 340-122-465, the Oregon Department of Environmental Quality (DEQ) requests public comment on its recommendation that no further investigation or cleanup action is required for petroleum contamination at the Cow Creek Diesel Spill Site near Riddle, Oregon.

BACKGROUND: In October 2004, approximately 4,300 gallons of diesel fuel spilled from a locomotive derailment on the Central Oregon and Pacific Railroad line near the confluence of Union Creek and Cow Creek. Diesel spilled from ruptured fuel tanks onto the ground and down the steep embankment into Cow Creek. There was a visible sheen on Cow Creek for 16 miles to Riddle, Oregon.

Cow Creek flows into the South Fork of the Umpqua River near Canyonville, Oregon. Cow Creek contains a number of sensitive fish populations and spawning beds for salmon. Cow Creek also is used by the City of Riddle as a drinking water source.

Approximately 100 cubic yards of crushed rock beneath tracks (railroad ballast) was excavated and disposed at Coffin Butte Landfill. Due to the shallow bedrock surface and steep embankment additional soil removal was deemed infeasible. The residual diesel in the hillside was recovered by using a series of flushing events where contamination within the soil was flushed with potable water. Diesel was recovered at the base of embankment using absorbent material. Limited residual diesel contamination likely remains in the soil and rock beneath the railroad.

Water quality was monitored at several locations in Cow Creek, Riddle surface water intake water system, and at the confluence with Umpqua River. Diesel and associated constituents (polycyclic aromatic hydrocarbons [PAHs]) were initially detected in some surface water samples. PAHs were not detected in the subsequent 6 moni-

OTHER NOTICES

toring rounds from November 2005 through June 2005. All surface water sampling results were below risk-based screening values.

The site was screened for human health and ecological risk from exposure to petroleum-contaminated soil and surface water. Under current and reasonably likely future land and water uses at the site, DEQ has concluded that there are no significant human health or ecological risks associated with the petroleum-contamination in soil and surface water at the site. Therefore, DEQ has recommended that no further investigation or remediation is needed for environmental impacts from the Cow Creek Diesel Spill.

HOW TO COMMENT: The project files in addition to the site summary report, may be reviewed by appointment at DEQ's Eugene office, 1102 Lincoln Street, and Roseburg office, 725 SE Main. Written comments must be received by December 1, 2005. Comments should be submitted to DEQ's Eugene office, located at 1102 Lincoln St., Suite 210, Eugene, OR 97401 or by e-mail to camarata.mary@deq.state.or.us. Questions may also be directed to Mary Camarata at the Eugene 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 before taking final actions on this matter. A public meeting will be held to receive verbal comments on the proposed cleanup action upon written request by ten or more persons, or by a group with ten or more members.

DEQ PROPOSES APPROVAL OF CLEANUP AT MILL CITY SITE

COMMENTS DUE: Comments Invited Through November 30, 2005

PROPOSAL: The Oregon Department of Environmental Quality is proposing to approve an environmental cleanup of petroleum-contaminated soil conducted at the site known as Whitten-Addition, at the corner of First and Cedar streets in Mill City.

BACKGROUND: Between the mid-1950's and late 1990s, a commercial log truck parking and washing business operated at the site. The operations included: Oiling gravel roads for dust suppression; Above ground fueling tanks; Untreated log storage; and Truck washing and cleaning. The site encompasses approximately 2.75 acres. The main upper portion of the site, which constitutes 1.1 acres, is where the log truck operations were formerly located. The lower portion of the site is broken into two terraces. The log trucking operations were confined to the upper portion of the site. Installation of roadways and building demolitions are currently underway to prepare the upper portion of the site for commercial use and the lower terrace for residential use.

Environmental studies completed from December 2003 through March 2004 found contamination from previous petroleum product use and spillage on the upper portion of the site. Although logtrucking operations never occurred on the terraces, soil and groundwater on the terrace below the upper portion of the site was assessed to confirm that the petroleum contamination was confined to the soil on the upper portion of the site. Between August and November 2004, 160 tons of petroleum contaminated soil was excavated. One-hundred and twenty tons of the soil was sent off-site for disposal at the Riverbend Landfill in McMinnville. Sixty tons of the soil was stockpiled for potential future use. In August 2005, 45 tons of the stockpiled soil was sent to Riverbend Landfill in McMinnville for disposal. The remaining 15 tons was determined to be clean large rock and resides on a vacant lot near Mill City. Post excavation confirmatory sampling results indicate that residual petroleum contamination is at levels that do not pose a risk to human health or the environment.

HOW TO COMMENT: Comments must be received by 5:00 PM on November 30, 2005. Information about the project is available for public review at DEQ's Salem Office. To schedule an appointment,

please call the Salem Office at (503) 378-8240, toll free at 1-800-349-7677, TTY at 503-378-3684. For questions or comments about the no further action, please call or send written comments by fax or email to: Nancy Gramlich, Project Manager, 503-378-8240 ext. 259 (toll free & TTY above), Fax: 503-373-7944, gramlich.nancy@deq.state.or.us.

DEQ will consider all public comments received by the November 30, 2005 deadline before making a final decision on the no further action.

DEQ PROPOSES ISSUANCE OF A COMPLETION DECISION FOR CLEANUP ACTIONS AT THE FORMER LAURENCE-DAVID, INC. SITE IN EUGENE

COMMENTS DUE: Comments Invited Through November 30, 2005

PROPOSAL: The Oregon Department of Environmental Quality (DEQ) is proposing to issue a no further action (NFA) certification of completion decision for the environmental cleanup at the site known as Laurence-David, Inc. (LDI), where a specialty paint and putty manufacturer once operated at 1400 South Bertelsen Road in Eugene. The cleanup was completed in accordance with the legal agreement entered into by Bertelsen, Inc. and the DEQ in July 2004.

BACKGROUND: Environmental investigation and cleanup activities have been conducted under DEQ oversight intermittently since 1982. In August 2002, a study was performed to assess long term alternatives for addressing contamination at the site. Some soil and groundwater at the site is contaminated with solvents and metals that, if left untreated, could pose a future risk to workers on the property. Groundwater west of the property is contaminated with solvents that could pose a risk to people if the groundwater was used locally for domestic water supplies. Currently city water is available in this area. The July 2004 legal agreement detailed the implementation of the final cleanup requirements for addressing the contamination at the LDI Site. A summary of the completed requirements follows:

- Submittal of a Work Plan on August 8, 2005, which sets forth a plan and schedule for future monitoring and maintenance activities, including periodic reviews, inspections, notifications, and reporting.
- Filing of the Easement and Equitable Servitude on May 18, 2005, which sets forth future restrictions at the site.
- Construction of a soil cap on August 11, 2005.
- Submittal of the Final Closeout Report on October 2, 2005, certifying completion and implementation of the cleanup actions.

Based on the completion of the preceding, DEQ has concluded that Bertelsen, Inc. has satisfied completion of the final cleanup actions as set forth in the legal agreement, and is now proposing the issuance of a NFA certification decision for the former LDI site.

HOW TO COMMENT: Comments must be received by 5:00 PM on November 30, 2005. Information about the project is available for public review at DEQ's Eugene Office. To schedule an appointment, please call the Eugene Office at (541) 686-7848. For questions or comments, please call or send written comments by fax or email to: Nancy Gramlich, Project Manager, 503-378-8240 ext. 259 (toll free at 1-800-349-7677, TTY at 503-378-3684), Fax: 503-373-7944, gramlich.nancy@deq.state.or.us.

DEQ will consider all public comments received by the November 30, 2005 deadline before making a final decision.

OPPORTUNITY FOR PUBLIC COMMENT RECORD OF DECISION HORSE HEAVEN MINE

COMMENT DUE: December 2, 2005

PROJECT LOCATION: Seventeen (17) miles east of Ashwood, Oregon

OTHER NOTICES

PROPOSAL: The Department of Environmental Quality (DEQ) extends an opportunity for the public to comment on the DEQ's Record-of-Decision (ROD) for the Horse Heaven Mine, which is located approximately seventeen miles east of Ashwood, Oregon.

The Horse Heaven Mine ROD describes relevant information related to site investigations and interprets this information for the purpose of selection of the preferred remedial action alternative for the facility. The DEQ's Bend, Oregon office is the repository for the draft ROD and it is also available for review on the DEQ's website at:

<http://www.deq.state.or.us/er/HorseHeaven.htm>

The administrative file for this facility can be reviewed by contacting Mr. Cliff Walkey, DEQ's project manager located in Bend, Oregon at (541) 388-6146 extension 224.

HOW TO COMMENT: A public comment period will extend from November 1 through December 2, 2005. Please address all comments and/or inquiries to Mr. Cliff Walkey at the following address:

Cliff Walkey
Department of Environmental Quality
2146 NE 4th Street, Suite 104
Bend, Oregon 97701
(541) 388-6146, ext. 224
walkey.cliff@deq.state.or.us

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.

CLEANUP ACTION COMPLETED AND DEQ RECOMMENDS NO FURTHER ACTION AT THE UNIVERSITY OF OREGON POWER PLANT BASEMENT, EUGENE OREGON

COMMENTS DUE: November 30, 2005

PROJECT LOCATION: University of Oregon Power Plant Basement, Township 17S, Range 03W, Section 32, Tax Lot 1800, Eugene, Oregon

PROPOSAL: Oregon Department of Environmental Quality (DEQ) invites public comments from November 1, 2005 through November 30, 2005. DEQ will consider all comments before issuing a no further action determination.

HIGHLIGHTS: The staff report will be available for public review at DEQ's Eugene office from November 1, 2005 through November 30, 2005.

The University of Oregon Power Plant is located immediately north of the University of Oregon at the end of Onyx Road in Eugene, Oregon.

Historical use of the Power Plant resulted in a release of heavy oil a ponded area in the crawlspace of the building. Most of the accumulated heavy oil and some contaminated soil were removed from the crawlspace in 1997.

At the conclusion of cleanup activities, some heavy oil and petroleum contaminated soil remained in place. Additional removal of heavy oil was not possible due to the quantity of water in the basement area.

Soil samples collected after the cleanup contained heavy oil in excess of DEQ screening levels for residents and construction workers. Water sample results indicated that no impact to groundwater or surface water resulted from the heavy oil release.

A geotextile membrane and gravel cap was installed over the remaining heavy oil and contaminated soils in 2005, limiting the potential for human contact.

In order to ensure that no unacceptable risk will result from leaving these contaminants in place, DEQ will require University of Oregon to record a deed restriction with the following general requirements: the membrane and gravel cap shall not be disturbed without

first consulting the DEQ, the building shall not be demolished without consulting the DEQ, and soil excavation in the basement, above 64 cubic feet in volume, is prohibited without first consulting DEQ.

With these institutional controls in effect the remaining contaminants pose no unacceptable risk to human health.

The remaining heavy oil and contaminated soils pose no risk to ecological receptors.

HOW TO COMMENT: The staff report, project files, investigation reports, administrative record, etc. are available for public review at DEQ's Eugene office. Please call (800)844-8467 extension 272 to schedule an appointment to view files. Written comments should be sent to Geoff Brown, 1102 Lincoln Street, Suite 210, Eugene, Oregon 97402 by 5:00 p.m. November 30, 2005. A public meeting will be held to receive verbal 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 and the director will make a decision and publish the final decision after consideration of public comments.

PROPOSED NO FURTHER ACTION FORMER GULL INDUSTRIES #50 MULTNOMAH COUNTY, OREGON

COMMENTS DUE: November 30, 2005

PROJECT LOCATION: 2831 Southeast Grand Avenue, Portland, Oregon

PROPOSAL: The Department of Environmental Quality is proposing to issue a "No Further Action" determination based on soil excavation actions performed at the former Gull Industries service station #50 located at 2831 Southeast Grand Avenue in Portland, Oregon.

HIGHLIGHTS: In April 2005, ODOT excavated and transported off-site for disposal about 460 tons of petroleum contaminated soil. The removal action was performed in three distant areas; the former pump island area, the former waste oil underground storage tank area, and the hydraulic hoist removal. Groundwater was not encountered in any of the excavations. Confirmation soil samples collected from the final extent of the excavations were below the generic risk based concentrations for site specific pathways.

HOW TO COMMENT: The project file is available for public review by appointment at DEQ's Northwest Region Office. To schedule an appointment call (503) 229-6729. For additional information, contact DEQ Project Manager, Katie Robertson at (541) 278-4620 or by email at robertson.katie@deq.state.or.us. Interested persons should send comments by 5 p.m. November 30, 2005 to the DEQ project manager 700 SE Emigrant, Suite 330, Pendleton, OR 97801.

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

PROPOSED CLEANUP APPROVAL AND REMOVAL OF THE SITE FROM THE CRL AND INVENTORY UNION OIL SITE, TILLAMOOK, OREGON

COMMENTS DUE: November 30, 2005

PROJECT LOCATION: 540 and 542 North Main Street (Highway 101), Tillamook, Oregon

PROPOSAL: Pursuant to Oregon Revised Statutes ORS 465.230 and ORS 465.320, the Oregon Department of Environmental Quality (DEQ) proposes to approve the site cleanup, issue a No Further Action (NFA) determination, and remove the site from the Confirmed Release List and Inventory of Hazardous Substance sites.

HIGHLIGHTS: The site property is approximately 2.5 acres and occupied by two steel frame buildings constructed from the 1960s through the 1980s, and a cinder block structure constructed in 1956

OTHER NOTICES

as a Union Oil service station. The City of Tillamook intends to acquire the site property to establish open space and mitigate future flood damage in the Highway 101 corridor. The station utilized underground storage tanks (USTs) until the mid-1960s, when three above-ground storage tanks (ASTs) were installed. The fuel USTs were filled with sand and remain in-place. The ASTs have been removed from the site. In 2003, the waste oil tank, hydraulic hoist and associated floor sump, and 8.65 tons of soil were removed.

Soil and groundwater sampling indicated the former waste oil UST area and the former gasoline USTs were sources of localized heavy oil and gasoline, respectively, but significant off-site migration had not occurred. Some contaminant concentrations in these areas were above human health screening criteria under site worker (occupational) exposure scenarios. Based on the localized nature of the residual contamination at the former service station, lack of contamination at other portions of the property, and the change in future site use to open space, DEQ has determined site conditions to be protective of human health and the environment for the reasonably like-

ly future site use. As a condition of the NFA, the City of Tillamook will rezone the site to open space, which will prevent future development or intrusive activities that could expose contaminated soil and/or groundwater.

HOW TO COMMENT: The Staff Report and other files will be available for public review beginning Tuesday, November 1, 2005. To schedule an appointment to review the site files call Dawn Weinberger 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 Wednesday, November 30, 2005. 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.

NOTICES OF PROPOSED RULEMAKING

Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

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

Public comment may be submitted in writing directly to an agency or presented orally or in writing at the rulemaking hearing. Written comment must be submitted to an agency by 5:00 p.m. on the Last Day for Comment listed, unless a different time of day is specified. 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.

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

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

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

Date:	Time:	Location:
12-1-05	1-2 p.m.	Engineering and Land Surveying Board 728 Hawthorne Ave. NE Salem, OR

Hearing Officer: Dan Linscheid

Stat. Auth.: ORS 672.097, 672.099, 672.255 & 670.310

Stats. Implemented: ORS 672.002 - 672.325

Proposed Adoptions: 820-010-0207, 820-010-0427, 820-010-0619

Proposed Amendments: 820-010-0010, 820-010-0205, 820-010-0215, 820-010-0230, 820-010-0255, 820-010-0305, 820-010-0450, 820-010-0465, 820-010-0610, 820-010-0618, 820-010-0625, 820-010-0635

Last Date for Comment: 12-1-05, 2 p.m.

Summary: OAR 820-010-0207 — Implement standards to apply for licensure for photogrammetrist.

OAR 820-010-0427 — Implements standards of examination for Professional Photogrammetrist.

OAR 820-010-0619 — Clarifies the Board's authority to impose civil penalties for violations of ORS 209.250.

OAR 820-010-0010 — Clarifies language and provides necessary provisions with the passage of SB55.

OAR 820-010-0205 — Implement additional standards for qualification for licensure without registration.

OAR 820-010-0215 — House keeping due to the passage of SB55.

OAR 820-010-0230 — House keeping due to the passage of SB55.

OAR 820-010-0255 — House keeping due to the passage of SB55.

OAR 820-010-0305 — Amends fee structure to reflect the change in the exam administration process.

OAR 820-010-0450 — Adds Photogrammetry to branches examined by the Board.

OAR 820-010-0465 — Clarifies language for readmission to examinations administered by the Board.

OAR 820-010-0610 — House keeping due to the passage of SB55.

OAR 820-010-0618 — House keeping due to the passage of SB55.

OAR 820-010-0625 — House keeping due to the passage of SB55.

OAR 820-010-0635 — House keeping due to the passage of SB55.

Rules Coordinator: Mari Lopez

Address: Board of Examiners for Engineering and Land Surveying, 728 Hawthorne Ave. NE, Salem, OR 97301

Telephone: (503) 362-2666

.....
Board of Medical Examiners
Chapter 847

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 409.560, 677.470, 677.535 & 677.545

Proposed Amendments: 847-050-0026, 847-050-0041, 847-050-0065

Last Date for Comment: 11-21-05

Summary: The proposed rules changes make a correction to the rules text regarding the duration the Limited License, Special is valid, add requirements regarding chronic/intractable pain management authority utilizing Schedule II medications, change the term "certification" to "licensure" for consistency in the rules, and add Schedule II controlled substances to the formulary for prescriptive privileges upon which the committee makes recommendations under duties of the committee.

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

.....
Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265

Proposed Amendments: 847-031-0020

Last Date for Comment: 11-21-05

Summary: The proposed rules change makes a minor correction to the rules text by removing unnecessary text.

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

.....
Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265

Proposed Amendments: 847-020-0140, 847-020-0150, 847-020-0170, 847-020-0180

Last Date for Comment: 11-21-05

Summary: The proposed rules changes correct the citation of a rule number in OAR 847-020-0140; add to OAR 847-020-0150 that results of the Self-Query of the National Practitioner Data Bank and the Health Integrity and Protection Data Bank must be submitted to the Board by the applicant; add to OAR 847-020-0170 the procedure for an applicant who fails one or both of the MPA and DEA open-book examinations three times; and correct the name of the Oregon Health and Science University.

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 677.132
Proposed Amendments: 847-010-0052
Last Date for Comment: 11-21-05
Summary: The proposed rules change makes a correction to the citation of another rule. The rule that is cited was previously renumbered and the rule number that had been cited no longer exists.
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

.....
Board of Naturopathic Examiners
Chapter 850

Stat. Auth.: ORS 685.125
Stats. Implemented: ORS 685.145
Proposed Amendments: 850-060-0225, 850-060-0226
Last Date for Comment: 11-25-05, 5 p.m.
Summary: 850-060-0225 updates the Formulary Compendium for pharmacists and naturopathic physicians to include Benazepril, Enalapril, Fosinopril, Moexipril, Perindopril, Quinapril, Ramopril, Ezetimbe, Telithromycin, and Iloprost Inhalation Solution.
850-060-0226 updates entire rule with classification of substances listed in 850-060-0225.

A copy of proposed draft is available by contacting the OBNE office at obne.info@state.or.us
Rules Coordinator: Anne Walsh
Address: 800 NE Oregon St., Suite 407, Portland, OR 97232
Telephone: (971) 673-0193

.....

Stat. Auth.: ORS 685.125
Stats. Implemented: ORS 685.102
Proposed Amendments: 850-040-0210
Last Date for Comment: 11-25-05, 5 p.m.
Summary: The amendments will make the rule more orderly and easier to read.
Rules Coordinator: Anne Walsh
Address: 800 NE Oregon St. Suite 407, Portland, OR 97232
Telephone: (971) 673-0193

.....
Board of Parole and Post-Prison Supervision
Chapter 255

Stat. Auth.: ORS 144.050, 144.140 & 144.343
Stats. Implemented:
Proposed Amendments: 255-075-0035
Last Date for Comment: 11-25-05
Summary: The amendment of this rule is necessary in order that the rule be consistent with Oregon Revised Statutes.
Rules Coordinator: Michael R. Washington
Address: Board of Parole & Post-Prison Supervision, 2575 Center St. NE - Suite 100, Salem, OR 97301
Telephone: (503) 945-8978

.....
Board of Pharmacy
Chapter 855

Date:	Time:	Location:
12-7-05	8:15 a.m.	800 NE Oregon Street Suite 140 Portland, OR

Hearing Officer: Board Members
Stat. Auth.: ORS 689.205
Stats. Implemented: ORS 689.205
Proposed Adoptions: Rules in 855-025
Proposed Amendments: 855-006-0005, 855-006-0010, 855-041-0063, 855-041-0080, 855-080-0105
Last Date for Comment: 12-7-05, Close of Hearing

Summary: 855-006-0005 & 855-006-0010: This rule change will incorporate into the Definition Division (006) changes that will occur due to the adoption of rules in division 025.

855-025: These new rules will establish the permanent rule transition from registration of technicians to licensure and grounds for discipline.

855-041-0080 & 855-080-0105: This rule change enables the Board to review proposals from drug outlets to make exceptions to the rules.

855-041-0063: This rule allows pharmacies dealing in Parenteral Sterile Products to maintain reference materials appropriate to the standard of practice for the pharmacy.

Rules Coordinator: Karen MacLean
Address: 800 NE Oregon Street, Suite 425, Portland, OR 97232
Telephone: (971) 673-0005

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

Stat. Auth.: ORS 652.165; Other Auth.: HB 3319 (2005)
Stats. Implemented: ORS 652.140 & 652.150
Proposed Amendments: 839-001-0420, 839-001-0470
Last Date for Comment: 12-5-05
Summary: The proposed rule amendments implement and conform existing rules to the provisions of HB 3319 (2005), which modifies provisions relating to the payment of wages and employer penalty liability under certain circumstances if an employee quits employment without giving the employer 48 hours' notice.
Rules Coordinator: Marcia Ohlemiller
Address: Bureau of Labor and Industries, 800 NE Oregon St., Ste. 1045, Portland, OR 97232
Telephone: (971) 673-0784

.....

Stat. Auth.: ORS 658.820; Other Auth.: SB 131 (2005)
Stats. Implemented: ORS 658.715 - 658.850
Proposed Amendments: 839-014-0060, 839-014-0100, 839-014-0105, 839-014-0200, 839-014-0380, 839-014-0630
Last Date for Comment: 12-5-05
Summary: The proposed rule amendments implement and conform existing rules to the provisions of SB 131 (2005), which modify and update a farm activity tax return reference in connection with an existing exemption from farmworker camp operator licensing provisions for certain eligible persons. In addition, the address of the bureau's Farm Labor Unit has been changed in other rules in this division, reflecting the current location of the license unit in BOLI's Salem office.
Rules Coordinator: Marcia Ohlemiller
Address: Bureau of Labor and Industries, 800 NE Oregon St., Ste. 1045, Portland, OR 97232
Telephone: (971) 673-0784

.....

Stat. Auth.: ORS 658.407; Other Auth.: SB 135 (2005)
Stats. Implemented: ORS 658.405 - 658.503
Proposed Amendments: 839-015-0155, 839-015-0157, 839-015-0160, 839-015-0165, 839-015-0200, 839-015-0230, 839-015-0260, 839-015-0300, 839-015-0350, 839-015-0500, 839-015-0508, 839-015-0600, 839-015-0610
Last Date for Comment: 12-5-05
Summary: The proposed rule amendments implement and conform existing rules to the provisions of SB 135 (2005), which requires farm labor contractors to provide a certified true copy of all payroll records for work done as a farm labor contractor when the contractor pays employees directly. In addition, the address of the bureau's Farm Labor Unit has been changed in other rules in this division, reflecting the current location of the license unit in BOLI's Salem office.
Rules Coordinator: Marcia Ohlemiller

NOTICES OF PROPOSED RULEMAKING

Address: Bureau of Labor and Industries, 800 NE Oregon St., Ste. 1045, Portland, OR 97232
Telephone: (971) 673-0784

Address: Construction Contractors Board, 700 Summer St. NE, Suite 300, Salem, OR 97310
Telephone: (503) 378-4621, ext. 4077

.....

.....

Stat. Auth.: ORS 279C & 651.060; Other Auth.: SB 136 & 477 (2005)

Date:	Time:	Location:
12-6-05	11 a.m.	West Salem Roth's IGA Santiam Rm. 1130 Wallace Rd. Salem, OR

Stats. Implemented: ORS 279C.800 - 279C.870

Proposed Amendments: 839-025-0003, 839-025-0004, 839-025-0010, 839-025-0020, 839-025-0035, 839-025-0100, 839-025-0220, 839-025-0230, 839-025-0530

Proposed Repeals: 839-025-0240

Last Date for Comment: 12-5-05

Summary: The proposed rule amendments implement and conform existing rules to the provisions of SB 136 and SB 477 (2005) which amend the Prevailing Wage Rate ("PWR") law as follows: Removes an obsolete reference to coverage of workers employed as flaggers under the federal Davis-Bacon Act; requires general contractors to include notice in subcontracts when a project is subject to the PWR law; requires contracting agencies and general contractors to withhold 25% of amounts owed to contractors if certified payrolls are not submitted; increases the PWR law threshold from \$25,000 to \$50,000; excludes the value of donated materials or work performed on a project by individuals volunteering to a public agency as part of the price of a PWR project, but includes the value of work performed by persons paid by a contractor as part of the price of a project; establishes that funds of a public agency do not include building and development fees waived or paid by the public agency, staff resources used for project oversight or coordination, or staff resources used for the design or inspection of the project; requires payment of the higher of state or federal rates on projects subject to both the state PWR law and federal Davis-Bacon Act; requires public agencies to include in project specifications information showing which prevailing rate of wage is higher; requires BOLI to compare state and federal prevailing wage rates, determine which is higher for workers in each trade in each locality, and make this information available twice each year; and require subcontracts subject to the PWR law to contain a provision indicating that workers must be paid no less than the applicable prevailing wage rate. In addition, non-substantive "housekeeping" revisions have been made (primarily statute and rule reference corrections).

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 673-0784

.....
Construction Contractors Board
Chapter 812

Date:	Time:	Location:
12-6-05	10 a.m.	West Salem Roth's IGA Santiam Rm. 1130 Wallace Rd. Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 670.310, 701.235 & Ch. 533, OL 2005; Other Auth.: SB 323, Ch. 533, OL 2005

Stats. Implemented: ORS 670.600, 670.605, 701 & Ch. 533, OL 2005

Proposed Amendments: 812-003-0240

Last Date for Comment: 12-6-05, 10 a.m.

Summary: OAR 812-003-0240 is amended to implement SB 323 (Chapter 533, Oregon Laws 2005), relating to the definition of "independent contractor," clarifies that "primarily" as used in SB 323 refers to the length of time a portion of a residence is used for business purposes, deletes language that is no longer relevant, and will be hard in a joint hearing with Employment Department, Landscape Contractors Board and Department of Revenue who will be proposing similar rules.

Rules Coordinator: Catherine Dixon

Hearing Officer: Cliff Harkins

Stat. Auth.: ORS 36.224, 87.007, 183.310 - 183.500, 183.325, 244.040, 293.445, 670.310, 701, 701.075, 701.135, 701.227, 701.235, 701.280, 701.350, 701.992, Sec. 2, Ch. 432, OL 2005 & Sec. 4, Ch. 432, OL 2005; Other Auth.: Ch. 432, OL 2005 (HB 2200), Ch. 263, OL 2005 (HB 2071) & Ch. 207, OL 2005 (HB 2072)

Stats. Implemented: ORS 36.224, 36.228, 36.230, 36.232, 87, 87.007, 87.057, 87.058, 87.093, 183, 183.325, 183.335, 183.341, 183.415, 183.450, 183.460, 183.464, 183.470, 183.480, 192.430, 192.630, 244.040, 279C.460, 279C.555, 279C.585, 279C.590, 279C.800 - 279C.870, 293.445, 634.116, 646.605, 656.027, 656.605, 670.310, 670.410, 701, 701.005, 701.010, 701.013, 701.055, 701.065, 701.075, 701.080, 701.085, 701.105, 701.115, 701.125, 701.130, 701.135, 701.139, 701.139 - 701.180, 701.140, 701.143, 701.145, 701.146, 701.150, 701.175, 701.180, 701.215, 701.225, 701.227, 701.235, 701.250, 701.252, 701.260, 701.350, 701.355, 701.410, 701.420, 701.430, 701.435, 701.560 - 701.595, 701.585, 701.992, 742.061, Sec. 2, Ch. 432, OL 2005 & Sec. 4, Ch. 432, OL 2005

Proposed Adoptions: 812-002-0350, 812-002-0533, 812-002-0537, 812-006-0015

Proposed Amendments: 812-002-0040, 812-002-0060, 812-002-0100, 812-002-0160, 812-002-0190, 812-002-0260, 812-002-0325, 812-002-0360, 812-002-0420, 812-002-0430, 812-002-0443, 812-002-0520, 812-002-0540, 812-002-0640, 812-002-0670, 812-002-0675, 812-002-0700, 812-002-0720, 812-002-0740, 812-002-0780, 812-002-0800, 812-003-0170, 812-003-0420, 812-004-0180, 812-004-0195, 812-004-0240, 812-004-0250, 812-004-0260, 812-004-0300, 812-004-0320, 812-004-0340, 812-004-0360, 812-004-0420, 812-004-0440, 812-004-0450, 812-004-0460, 812-004-0470, 812-004-0480, 812-004-0500, 812-004-0530, 812-004-0590, 812-006-0012, 812-006-0030, 812-008-0110, 812-009-0160, 812-009-0320, 812-009-0400, 812-009-0420, 812-009-0430, Rules in 812-001, 812-005

Proposed Repeals: 812-002-0340, 812-002-0555, 812-004-0325

Proposed Ren. & Amendments: 812-001-0000 to 812-001-0100, 812-001-0001 to 812-001-0110, 812-001-0003 to 812-001-0120, 812-001-0007 to 812-001-0130, 812-001-0010 to 812-001-0140, 812-001-0015 to 812-001-0160, 812-001-0020 to 812-001-0200, 812-001-0022 to 812-001-0300, 812-001-0023 to 812-001-0305, 812-001-0024 to 812-001-0310, 812-001-0025 to 812-001-0050, 812-001-0040 to 812-001-0500, 812-001-0050 to 812-001-0510, 812-003-0170(3) to 812-005, Rules in 812-005

Last Date for Comment: 12-6-05, 11 a.m.

Summary: • These rules are amended and renumbered, and some have cite reference changes: 812-001-0000 to 812-001-0100; 812-001-0001 to 812-001-0110; 812-001-0003 to 812-001-0120; 812-001-0007 to 812-001-0130; 812-001-0010 to 812-001-0140; 812-001-0015 to 812-001-0160; 812-001-0020 to 812-001-0200; 812-001-0022 to 812-001-0300; 812-001-0023 to 812-001-0305; 812-001-0024 to 812-001-0310; 812-001-0025 to 812-001-0050; 812-001-0040 to 812-001-0500; 812-001-0050 to 812-001-0510; 812-003-0170(3) to division 5.

• 812-002-0040, 812-002-0060, 812-002-0100, 812-002-0160, 812-002-0190, 812-002-0260, 812-002-0325, 812-002-0360, 812-002-0420, 812-002-0430, 812-002-0443, 812-002-0520, 812-002-0540, 812-002-0640, 812-002-0670, 812-002-0675, 812-002-0700, 812-002-0720, 812-002-0740, 812-002-0780, 812-002-0800, 812-003-0420, 812-004-0180, 812-004-0195, 812-004-0240, 812-004-

NOTICES OF PROPOSED RULEMAKING

0250, 812-004-0260, 812-004-0360, 812-004-0420, 812-004-0440, 812-004-0450, 812-004-0460, 812-004-0470, 812-004-0480, 812-004-0500, 812-004-0530, 812-004-0590, 812-009-0160, 812-009-0320, 812-009-0400, 812-009-0420, and 812-009-0430 are amended to correct cite reference due to statute changes to ORS 279 that became effective 3/1/05 or to correct cite references due to changes to ORS 701 by Oregon Laws 2005, effective 1/1/06 or to correct cite references due to renumbering.

- OAR 812-002-0340 is repealed because the phrase is no longer used due to amendments to ORS 701 by section 9, chapter 432, Oregon Laws 2005 (HB 2200).

- OAR 812-002-0350 is adopted to define the term “individual.”
- OAR 812-002-0533 is adopted to clarify the definition of “officer” in ORS 701.005 as amended in chapter 432 Oregon Laws 2005 (HB 2200).

- OAR 812-002-0537 is adopted to clarify the definition of “owner” in ORS 701.005 as amended in chapter 432 Oregon Laws 2005 (HB 2200).

- OAR 812-002-0555 repealed, because the phrase defined is no longer used in ORS 701.102 as amended chapter 432 Oregon Laws 2005 (HB 2200).

- OAR 812-003-0170(3) is amended and renumbered to chapter 812 division 5 for clarity and amended to increase necessary protections for consumers.

- OAR 812-004-0300 is amended to implement chapter 207, Oregon Laws 2005 (HB 2072).

- OAR 812-004-0320 amended to implement chapter 207, Oregon Laws 2005 (HB 2072) and to allow the agency to take a second claim alleging facts similar to an earlier claim if withdrawn due to a bankruptcy.

- OAR 812-004-0325 is repealed because chapter 263, Oregon Laws 2005 (HB 2071) requires a statement of claim form be filed along with a copy of the court complaint for claims involving large commercial structures.

- OAR 812-004-0340 is amended to implement chapter 207, Oregon Laws 2005 (HB 2072) and to improve style.

- Rules in Chapter 812 division 5 are amended and renumbered, new rule language proposed to clarify ORS 701.085(7) & (8), when the agency requires a licensee to obtain a surety bond in an amount up to five times the normal bond required by law, and to correct cite references.

- OAR 812-006-0012 is amended to delete items incorporated into subversion testing rules and correct cite references.

- OAR 812-006-0015 adopts testing subversion rules that identify actions of testing subversion and agency response.

- OAR 812-006-0030 is amended for clarify based on advise from legal counsel and correct cite references.

- OAR 812-008-0110 is amended to remove the \$15 reinstatement fee for home inspectors. Elimination of this fee will improve service and reduce costs to home inspectors.

Rules Coordinator: Catherine Dixon

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

Telephone: (503) 378-4621, ext. 4077

.....

Department of Agriculture, Oregon Wheat Commission Chapter 678

Date:	Time:	Location:
12-6-05	12 p.m.	Bob's Texas T-Bone 101 Main Street Rufus, Oregon

Hearing Officer: Thomas Duyck

Stat. Auth.: ORS 578 & 576

Stats. Implemented: ORS 578 & 576

Proposed Amendments: 678-010-0010, 678-010-0020, 678-010-0030, 678-010-0040, 678-010-0050

Last Date for Comment: 12-6-05, Close of Hearing

Summary: The proposed amendment to 678-010-0010 will update rule to include the correct statute 578.010 removing 578.210 as it was repealed in 2003 legislation.

The proposed amendments to 678-010-0020 repeal the definitions of “producer” and “casual sales.” The revisions also add the definition of “independent third party” and “irregular.”

The proposed amendment to 678-010-0030 allows the assessment rate to be changed through the administrative rule process following an effort to receive grower input.

The proposed amendment to 678-010-0040 allows low volume handlers to report annually should they so choose.

The proposed amendments to 678-010-0050 increases the late reporting penalty to 10 percent in the first month and 1 1/2 percent every month thereafter and allows the commission to waive a penalty for good cause.

Rules Coordinator: Tana Simpson

Address: 1200 NW Naito Parkway, Suite 370, Portland, OR 97209

Telephone: (503) 229-6665

.....

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

Date:	Time:	Location:
11-16-05	9:30 a.m.	1535 Edgewater St. NW Salem, OR 97310

Hearing Officer: Casey T. Hoyer

Stat. Auth.: ORS 446.155 & 446.160; Other Auth.: Ch. 89, OL 2005

Stats. Implemented: ORS 446.155 & 446.160

Proposed Amendments: Rules in 918-525

Last Date for Comment: 11-16-05, 5 p.m.

Summary: This rulemaking implements House Bill 2352, passed during the 2005 Legislative Session, which eliminates the unnecessary state inspection of used recreational vehicles (“RV”). Under these rules, new RV’s remain regulated to ensure compliance with national construction standards. The Division also maintains authority to monitor RV dealers’ sales and inventory.

Rules Coordinator: Nicole M. Jantz

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

Telephone: (503) 373-0226

.....

Date:	Time:	Location:
11-16-05	10 a.m.	1535 Edgewater St. NW Salem, OR 97310

Hearing Officer: Casey T. Hoyer

Stat. Auth.: ORS 446.176, 447.072, 447.076, 447.095, 455.020, 455.030, 455.144(7), 455.154, 455.155, 455.156, 455.210, 455.467, 455.469, 455.627, 455.844, 455.846, 479.540(15), 479.570(2), 479.840, 480.595, 480.600, 480.605, 480.607 & 480.630

Stats. Implemented: ORS 446.176, 447.072, 447.076, 455.150, 455.154, 455.155, 455.156, 455.210, 455.467, 455.469, 455.627, 455.844, 455.846, 479.540(15), 479.570(2), 480.595, 480.600, 480.607 & 480.607

Proposed Amendments: Rules in 918-020, 918-050, 918-100, 918-225, 918-525

Proposed Repeals: 918-050-0200

Last Date for Comment: 11-18-05, 5 p.m.

Summary: This rulemaking is housekeeping in nature. It establishes consistent and uniform terminology by replacing the “Tri-County Service Center” with Tri-County Region. This rulemaking also removes conflicting terminology amongst the different program areas.

Rules Coordinator: Nicole M. Jantz

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

Telephone: (503) 373-0226

NOTICES OF PROPOSED RULEMAKING

Department of Consumer and Business Services, Insurance Division Chapter 836

Date: 11-30-05
Time: 2 p.m.
Location: Conf. Rm. E (Basement)
350 Winter St. NE
Salem, OR

Hearing Officer: Lewis Littlehales
Stat. Auth.: ORS 731.244 & 732.245
Stats. Implemented: ORS 732.245
Proposed Amendments: 836-027-0200
Last Date for Comment: 12-12-05

Summary: This rulemaking proposes to amend the Insurance Division's rule that establishes standards for custodial arrangements used by insurers for holding their securities. The standards are intended to safeguard insurer assets and facilitate examination by the Director. The amendments add standards in order to strengthen protection and oversight of the custodial arrangement.

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

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

Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001 - 654.295
Proposed Amendments: 437-002-0005, 437-002-0100, 437-002-0260, 437-002-0280, 437-002-0300
Last Date for Comment: 11-25-05

Summary: Federal OSHA published in the September 13, 2005 Federal Register a final rule to delete from its standards three references to national consensus standards and two references to industry standards that are outdated. Deleting these references will not reduce employee protections. By eliminating the outdated references OSHA clarifies employer obligations under the applicable OSHA standards and reduces administrative burdens on employers and OSHA.

This final rule updates standards on hazardous materials, flammable and combustible liquids; general environmental controls, temporary labor camps; hand and portable powered tools and other hand held equipment, guarding of portable powered tools; welding, cutting, and brazing, arc welding and cutting; and special industries, sawmills. All in general industries standards.

Oregon OSHA proposes to adopt all these changes to remain at least as effective as Federal OSHA standards, with the exception of amending 1910.142 Temporary Labor Camps, which Oregon did not adopt. OAR 437-002-0142 Labor Camps, applies in Oregon.

Please visit OR-OSHA's web site: www.orosha.org

Rules Coordinator: Sue C. Joye
Address: Department of Consumer and Business Services, Oregon Occupational Safety and Health Division, 350 Winter St. NE., Salem, OR 97301-3882
Telephone: (503) 947-7449

Department of Corrections Chapter 291

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Proposed Amendments: 291-011-0005-291-011-0080
Last Date for Comment: 12-20-05

Summary: These rule amendments are necessary to update procedures for the management and observation of inmates assigned to the disciplinary segregation unit, in particular those inmates who display aggressive or destructive behavior and those inmates placed on dry cell status for safe recovery of internally concealed contraband. Other amendments are needed to make the rule consistent with other

department rules, and reflect operational changes that have occurred within the department.

Rules Coordinator: Janet R. Worley
Address: Department of Corrections, 2575 Center St. NE, Salem, OR 97301-4667
Telephone: (503) 945-0933

Department of Environmental Quality Chapter 340

Date: 11-15-05
Time: 10 a.m.
Location: DEQ Headquarters
Rm. 3A
811 SW 6th Ave.
Portland, OR

Hearing Officer: Angela Parker
Stat. Auth.: ORS 465.315, 465.400 & 468.020
Stats. Implemented: ORS 465.200, 465.455, 465.900, 466.706, 466.835 & 466.895
Proposed Amendments: 340-122-0040, 340-122-0115
Proposed Repeals: 340-122-0045
Last Date for Comment: 11-21-05

Summary: The Oregon Department of Environmental Quality (DEQ) is proposing to revise the state's cleanup rules to delete out-of-date numeric soil cleanup levels and correct a drafting error to make the rule consistent with the existing state cleanup statute and DEQ guidance.

To submit comments or request additional information, please contact Richard De Zeeuw at the Department of Environmental Quality (DEQ), 811 SW 6th Ave., Portland, OR 97204, toll free in Oregon at 800-452-4011 or (503) 229-6240, e-mail at dezeeuw.dick@deq.state.or.us, Fax (503) 229-6954, or visit DEQ's website: <http://www.deq.state.or.us/news/publicnotices>

Rules Coordinator: Larry McAllister
Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204
Telephone: (503) 229-6412

Date:	Time:	Location:
11-29-05	6 p.m.	ODEQ 811 SW 6th Ave., Rm. 3A Portland, OR
11-30-05	6 p.m.	Univ. of Oregon Knight Library 1501 Kincaid St., Rm. 106 Eugene, OR
12-1-05	6 p.m.	North Bend Public Library 1800 Sherman Ave. North Bend, OR
12-2-05	2 p.m.	Central Oregon Board of Realtors 2112 NE 4th St. Bend, OR

Hearing Officer: Debra Sturdevant
Stat. Auth.: ORS 468.020, 468B.010, 468B.015, 468B.030, 468B.035 & 468B.048
Stats. Implemented: ORS 468B.030, 468B.035 & 468B.048
Proposed Amendments: 340-041-0002, 340-041-0004, 340-041-0007, 340-041-0016, 340-041-0021, 340-041-0028, 340-041-0032, 340-041-0046, 340-041-0053, 340-041-0104, 340-041-0121, 340-041-0175, 340-041-0180, 340-041-0201, 340-041-0235, 340-041-0260, 340-041-0271, 340-041-0300, 340-041-0315, 340-041-0320, 340-041-0340
Proposed Ren. & Amendments: 340-041-0036 to 340-041-0038
Last Date for Comment: 12-7-05
Summary: Turbidity Criteria Revisions (renumbered as 340-041-0038):

The turbidity criteria rule is being updated as part of DEQ's periodic review of water quality standards to ensure that they protect designated beneficial uses of the state waters. The criteria describe the

NOTICES OF PROPOSED RULEMAKING

minimum quality of water needed to protect these uses. DEQ will use the turbidity criteria to develop wastewater discharge permits, issue 401 certifications, identify water quality-impaired water bodies, and determine pollution load limits for impaired water bodies.

The proposed rules will establish maximum and monthly average turbidity criteria, allow limited duration exceedances of the criteria, provide explicit limits regarding the allowed exceedances, clarify conditions under which limited duration exceedances may be authorized, and describe how compliance may be determined with clarification on the application of criteria to ponded systems.

Temperature Narrative and Division 41 Errata Revisions and Repeal of Alternate Mixing Zone Requirements

The temperature narrative revisions change the criteria for natural lakes, oceans, and bays, and Borax Lake chub from a limited increase above the "ambient" temperature to a limited increase above the "natural condition." The criterion for cool water species is changed from an allowed 0.3°C increase above ambient condition to prohibit an increase in temperature that would reasonably be expected to harm the cool water species beneficial use.

The repeal of the alternate mixing zone requirements removes the language from the Oregon Administrative Rules. These requirements are currently not being implemented because they were disapproved by EPA Region 10 in October, 2004 under their Clean Water Act authority to disapprove State water quality standards.

The errata changes include a variety of revisions to Division 41 to correct errors or clarify meaning. For example, several of these are cross references that were not updated when changes were made between the proposed and final rule. A couple revisions refer to the basin specific criteria so that readers are aware that some criteria, such as pH and TDS vary by basin. Another corrects Table 33A, which shows toxic pollutant criteria effective as of February 15, 2005 for purposes of State law. All of the proposed changes are listed in the "Draft Memo on Proposed Errata Changes to Division 41," DEQ, June 2005.

The following tables and figures referred to in the above listed rule amendments are also being amended: OAR 340 Division 41 Tables: 21, 33A, 33B, 121A, 180A, 201A, 260A, and 340A; and Figures: 271B, 300A, 320B and 340B

To submit comments or request additional information, please contact Tom Rosetta at the Department of Environmental Quality (DEQ), 811 SW 6th Ave, Portland, OR 97204-1390, toll free in Oregon at 800-452-4011, or (503) 229-5053, rosetta.thomas.n@deq.state.or.us, fax: (503)229-6037, or visit DEQ's website <http://www.deq.state.or.us/news/publications>

Rules Coordinator: Larry McAllister
Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204
Telephone: (503) 229-6412

Department of Fish and Wildlife
Chapter 635

Date:	Time:	Location:
12-2-05	8 a.m.	ODFW Commission Rm. 3406 Cherry Ave. NE Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Proposed Amendments: Rules in 635-043, 635-045, 635-065
Last Date for Comment: 12-2-05
Summary: Rules will be amended in regards to the Permanent Disabilities Permit.
Rules Coordinator: Tina Edwards
Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303
Telephone: (503) 947-6035

Date:	Time:	Location:
12-2-05	8 a.m.	ODFW Commission Rm. 3406 Cherry Ave. NE Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission
Stat. Auth.: ORS 496.138, 496.146, 506.036, 506.109 & 506.119
Stats. Implemented: ORS 496.162 & 506.129
Proposed Adoptions: Rules in 635-004, 635-011, 635-039
Proposed Amendments: Rules in 635-004, 635-011, 635-039
Proposed Repeals: Rules in 635-004, 635-011, 635-039
Last Date for Comment: 12-2-05

Summary: These rules will amend:
 Groundfish regulations for recreational fishers and nearshore commercial fishers and adopt rules consistent with Pacific Fishery Management Council Action.

Halibut regulations for sport fishers consistent with Pacific Fishery Management Council (PFMC) action. At their November 2005 meeting the PFMC adopted changes to the Pacific Halibut Catch Sharing Plan (CSP) for the 2006 sport fishery. The CSP governs allocation, seasons and regulations for Pacific halibut sport fisheries. In January 2006 the International Pacific Halibut Commission will adopt the allowable take for 2006, and then NOAA Fisheries will adopt the final regulations for 2006 through the Federal Register.

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

Rules Coordinator: Tina Edwards
Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303
Telephone: (503) 947-6035

Date:	Time:	Location:
12-2-05	8 a.m.	Dept. of Fish and Wildlife Commission Rm. 3406 Cherry Ave. NE Salem, OR 97303

Hearing Officer: ODFW Commission
Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129 & 506.450 - 506.465
Stats. Implemented: ORS 506.036, 506.109, 506.119, 506.129 & 506.450 - 506.465
Proposed Adoptions: Rules in 635-004, 635-006
Proposed Amendments: Rules in 635-004, 635-006
Proposed Repeals: Rules in 635-004, 635-006
Last Date for Comment: 12-2-05

Summary: Remove sardines from developmental fisheries species list and adopt rules establishing limited entry system for the commercial sardine fishery. Amend rules to allow landings of dressed spot prawns. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Tina Edwards
Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303
Telephone: (503) 947-6035

Department of Human Services,
Child Welfare Programs
Chapter 413

Date:	Time:	Location:
11-22-05	8:30 a.m.	Rm. 257 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005
Proposed Repeals: 413-050-0100, 413-050-0110, 413-050-0120, 413-050-0130, 413-050-0140
Last Date for Comment: 11-22-05

NOTICES OF PROPOSED RULEMAKING

Summary: These Family Resource Worker Services rules are being removed due to the discontinuance of funding as recommended by the Department and approved by the 2005 Legislature.

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Child Welfare Programs, 550 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

.....

Date:	Time:	Location:
11-22-05	1:30 p.m.	Rm. 254 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005, 419.B.005 - 419.B.025 & 418.746 - 418.756; Other Auth.: Federal Child Abuse Protection and Treatment Act (CAPTA)

Stats. Implemented: ORS 418.005, 419.B.005 - 419.B.025 & 418.746 - 418.756

Proposed Adoptions: 413-015-0211, 413-015-0212, 413-015-0213

Proposed Amendments: 413-015-0200, 413-015-0205, 413-015-0210, 413-015-0215, 413-015-0220

Last Date for Comment: 11-22-05

Summary: The Child Protective Services Screening rules are being revised. Revisions include clarification for the screener in accepting calls of child abuse calls and informing the caller of their statutory rights and protections. Clarification has been provided in determining what reports will receive face-to-face assessment and what reports may be closed at screening. The rules provide screeners with additional direction in how to handle information received on open assessments and open child welfare cases. Supervisory consultation requirements are identified and the rules provide direction to field offices in cross county assignment of assessments. These rules are also being changed to reflect new Department terminology and to correct formatting and punctuation.

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Child Welfare Programs, 550 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

.....

Date:	Time:	Location:
11-22-05	9 a.m.	Rm. 257 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Proposed Amendments: 413-015-0505, 413-015-0510, 413-015-0511, 413-015-0512, 413-015-0513, 413-015-0514

Proposed Repeals: 413-015-0505(T), 413-015-0510(T), 413-015-0511(T), 413-015-0512(T), 413-015-0513(T), 413-015-0514(T)

Last Date for Comment: 11-22-05

Summary: Amending these Child Safety Assessment and Safety Planning rules adds that a review of a safety plan will include contact with treatment providers or staff from other agencies who are involved with any family member included in the safety plan. This must include all treatment providers or other agencies' staff who are currently working with these family members or have worked with them in the last 12 months.

Sets time lines for completing the safety plan review at critical junctures, for documenting it and for obtaining supervisory review and approval of the review and of any changes made to the safety plan.

Establishes procedures and time lines for supervisory review and approval of the child safety plan before a child is returned home.

The Initial Safety Assessments and Time Frames (413-015-0505) and Initial Safety Plan (413-015-0510) sections of the rule are being amended to clarify the intent of the existing rule.

These rules may also be changed to reflect new Department terminology and to correct formatting and punctuation.

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Child Welfare Programs, 550 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

.....

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

Date:	Time:	Location:
11-16-05	10:30 a.m.-12 p.m.	Rm. 160 500 Summer St. NE Salem, OR

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.010 & 409.110

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-147-0365

Proposed Repeals: 410-147-0365(T)

Last Date for Comment: 11-16-05, 12 p.m.

Summary: The Federally Qualified Health Center and Rural Health Clinic program rules govern Office of Medical Assistance Programs' (OMAP) payments for products and services provided to clients. Based upon negotiations with the Centers for Medicare and Medicaid Services (CMS) that resulted in substantial changes to the State Plan Amendment, OMAP temporarily amended OAR 410-147-0365 to change the Alternate Payment Methodology (APM) calculation to a cost-based OB delivery encounter rate. This is the Notice to permanently amend the rule effective on or after January 1, 2006.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Departmental Administration and Medical Assistance Programs, 500 Summer St. NE, E35, Salem, OR 97301-0177

Telephone: (503) 945-6927

.....

Date:	Time:	Location:
11-16-05	10:30 a.m.-12 p.m.	Rm. 137 B 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

Proposed Repeals: 410-120-1295(T)

Last Date for Comment: 11-16-05, 12 p.m.

Summary: The General Rules Program administrative rules govern Office of Medical Assistance Programs' (OMAP) payment for services provided to clients. OMAP will permanently amend OAR 410-120-1295 to reference the reimbursement documents: FCHP Non-Contracted DRG Hospital Reimbursement Rates, effective for services rendered October 1, 2005 through December 31, 2005. This document is necessary to apply the formula established by the reimbursement methodology in ORS 414.743 and is referenced in rule to give correct and appropriate information to hospitals and managed care organizations when applying the formula to claims for reimbursement for services rendered to medical assistance clients. The statute is based on the budget period that coordinates with the managed care and OMAP contracts. The effective date of the contracts coincides with the effective date of the reimbursement rate documents, therefore OMAP temporarily amended the rule effective October 1, 2005. This is the Notice to permanently amend the rule.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Departmental Administration and Medical Assistance Programs, 500 Summer St. NE, E35, Salem, OR 97301-0177

Telephone: (503) 945-6927

NOTICES OF PROPOSED RULEMAKING

Date: 11-16-05
Time: 10:30 a.m.–12 p.m.
Location: Rm. 160
500 Summer St. NE
Salem, OR

Hearing Officer: Darlene Nelson
Stat. Auth.: ORS 409.010 & 409.110
Stats. Implemented: ORS 414.065
Proposed Amendments: 410-120-0000, 410-120-1200, 410-120-1210, 410-141-0000
Last Date for Comment: 11-16-05, 12 p.m.

Summary: The General Rules (Division 120) and Oregon Health Plan (OHP-Division 141) programs administrative rules govern the Office of Medical Assistance Programs' payment for services rendered to clients. OMAP is filing a second Notice of Proposed Rulemaking for rules 410-120-0000, 410-120-1200, 410-120-1210 in the General Rules Division and 410-141-0000 in the OHP Division. These proposed amendments further clarify previously proposed amendments related to changes in coverage based upon the Medicare Modernization Act (MMA) Part D Prescription coverage. Rule 410-120-0000 is amended to clarify the definition of fully dual eligible to include those fully duals that are not enrolled in a Medicare part D plan. Rule 410-120-1200 is amended to also include related drug cost sharing as a part of the exclusion of Medicare Part D drugs and classes of drugs to the medical assistance programs' exclusions and limitations. Rule 410-120-1210 is amended to clarify the following: that the Qualified Medicare Beneficiary (QMB) + OHP Plus benefit package and the Basic Medical Dual (BMD) benefit package are limited to those who are fully dual eligible for the purposes of Medicare Part D; that Medicare-Medicaid coordination of benefits excludes cost-sharing related to Medicare Part D; that OMAP's coverage includes drugs excluded from Medicare Part D and that are also covered by medical assistance programs; and that are subject to the same limitations applicable to covered prescription drugs. Rule 410-141-0000 is amended to clarify definitions fully dual eligible and Medicare to be consistent with OAR 410 Division 120.

Rules Coordinator: Darlene Nelson
Address: Department of Human Services, Departmental Administration and Medical Assistance Programs, 500 Summer St. NE, E35, Salem, OR 97301-0177
Telephone: (503) 945-6927

.....

Date: 11-16-05
Time: 10:30 a.m.–12 p.m.
Location: Rm. 160
500 Summer St. NE
Salem, OR

Hearing Officer: Darlene Nelson
Stat. Auth.: ORS 409.010 & 409.110
Stats. Implemented: ORS 414.065
Proposed Amendments: 410-141-0520
Last Date for Comment: 11-16-05, 5 p.m.

Summary: The Oregon Health Plan Services program rules govern Office of Medical Assistance Programs' payment for services provided to certain clients. Rule 410-141-0520 incorporates in rule by reference the Oregon Health Services Commission's Prioritized List of Health Services (Prioritized List). OMAP, having temporarily amended 410-141-0520 to reference the October 1, 2003 Prioritized List that incorporate the April 1, 2005 and October 1, 2005 technical changes, will permanently amend the rule. The April 1, 2005 and October 1, 2005 technical changes are retroactively effective April 1, 2005 and October 1, 2005.

Rules Coordinator: Darlene Nelson
Address: Department of Human Services, Departmental Administration and Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

Date: 11-16-05
Time: 10:30 a.m.–12 p.m.
Location: Rm. 160
500 Summer St. NE
Salem, OR

Hearing Officer: Darlene Nelson
Stat. Auth.: ORS 409.010 & 409.110
Stats. Implemented: ORS 414.065
Proposed Amendments: 410-121-0190, 410-122-0190, 410-136-0420, 410-140-0320, 410-140-0400, 410-146-0100
Proposed Repeals: 410-132-0140
Last Date for Comment: 11-16-05, 12 p.m.

Summary: The AI/AN, Pharmacy, Private Duty Nursing, Medical Transportation and Visual Services Programs administrative rules govern Office of Medical Assistance Programs' (OMAP) payment for services provided to certain clients. OMAP will amend OARS 410-121-0190, 410-122-0190, 410-136-0420, 410-140-0320, 410-140-0400, 410-146-0100, and Repeal 410-132-0140 to delete any references to "Type of Service" (TOS) on claim forms. Under The Health Insurance Portability and Accountability Act (HIPAA) - Administrative Simplification Transactions and Code sets, TOS no longer exists and need to be removed from administrative rules.

Rules Coordinator: Darlene Nelson
Address: Department of Human Services, Departmental Administration and Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

.....

**Department of Human Services,
Director's Office
Chapter 407**

Date: 11-21-05
Time: 1:30 –3:30 p.m.
Location: Rm. 137 B & C
500 Summer St.
Salem

Hearing Officer: Lori R. Nelson
Stat. Auth.: ORS 409.050 & 659A.805; Other Auth.: Section 504 of the Rehabilitation Act of 1973 (504) as amended & the Americans with Disabilities Act of 1990 (ADA)

Stats. Implemented:
Proposed Adoptions: 407-005-0000–407-005-0030
Last Date for Comment: 11-21-05

Summary: Establishing a Department policy prohibiting discrimination in the provision of Department of Human Service programs, services and activities on the basis of disability in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973.

Rules Coordinator: Patricia F. Bougher
Address: Department of Human Services, Director's Office, 500 Summer St. NE, Salem, OR 97301
Telephone: (503) 945-5844

.....

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

Date: 11-30-05
Time: 12 p.m.
Location: Portland State Office Bldg.
Rm. 140
800 NE Oregon St.
Portland, OR

Hearing Officer: Jana Fussell
Stat. Auth.: ORS 192.531 - 192.549; Other Auth.: SB 1025 (LS 2005)

Stats. Implemented: ORS 192.531 - 192.549
Proposed Adoptions: 333-025-0165
Proposed Amendments: 333-025-0100, 333-025-0105, 333-025-0110, 333-025-0115, 333-025-0120, 333-025-0135, 333-025-0140, 333-025-0160

Last Date for Comment: 11-30-05, 5 p.m.

NOTICES OF PROPOSED RULEMAKING

Summary: The Department of Human Services, Office of Family Health is proposing to amend and adopt rules relating to genetic information and privacy.

1. Adding and modifying existing definitions.
2. Revising guidelines for use of biological specimens or clinical individually identifiable health information in anonymous or coded genetic research.
3. Revising guidelines for the use of biological specimens or clinical individually identifiable health information obtained from deceased persons in anonymous or coded genetic research.
4. Establishing requirement for notification and opt-out provision for anonymous research and coded research using biological specimens or clinical individually identifiable health information.
5. Providing model notification language.
6. Amending existing genetic information and privacy rules to conform to new legislation and federal privacy law.

Rules Coordinator: Christina Hartman
Address: Department of Human Services, Public Health, 800 NE Oregon St., Suite 930, Portland, OR 97232
Telephone: (971) 673-1291

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

Date:	Time:	Location:
11-30-05	1 p.m.	Rm 257 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch
Stat. Auth.: ORS 409, 411.010, 411.060, 411.710 & 411.730
Stats. Implemented: ORS 411.010, 411.060, 411.710, 411.730 & 411.740
Proposed Amendments: 461-135-0701, 461-145-0410, 461-155-0210

Last Date for Comment: 11-30-05
Summary: Rules 461-135-0701, 461-145-0410 and 461-155-0210 are being amended to reflect the October 1, 2005 termination of the General Assistance (GA) program that provided cash and medical assistance to individuals with severe physical or mental impairments who were waiting for their Supplemental Security Income (SSI) benefits to be approved by the Social Security Administration (SSA). These rule changes make permanent the temporary rules that provide that General Assistance cash and medical benefits cease after September 30, 2005, that GA cash benefits will not be counted as income for the purposes of determining OHP Standard eligibility and that existing GA clients will receive OHP Plus or OHP Standard medical benefits only to the extent that they are eligible for such benefits under these rules and the OHP eligibility rules.

In addition, the above rules may also be changed to reflect new Department terminology and to correct formatting and punctuation.
Rules Coordinator: Annette Tesch
Address: Department of Human Services, Self-Sufficiency Programs, 500 Summer St. NE, E-48, Salem, OR 97301
Telephone: (503) 945-6067

.....

Date:	Time:	Location:
11-23-05	1:30 p.m.	Rm. 254 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch
Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.700, 411.816, 414.042, 414.342, 416.510 - 416.610 & 418.100; Other Auth.: 45 CFR 261.33
Stats. Implemented: ORS 25.020, 25.080, 409.020, 411.060, 411.070, 411.105, 411.111, 411.620, 411.630, 411.632, 411.635, 411.640, 411.700, 411.816, 414.042, 414.342, 416.510 - 416.610, 418.100 & Ch. 859, OL 1999
Proposed Adoptions: 461-105-0004, 461-190-0195

Proposed Amendments: 461-101-0010, 461-105-0010, 461-110-0110, 461-110-0630, 461-115-0651, 461-120-0110, 461-120-0510, 461-135-0010, 461-135-0095, 461-135-0400, 461-135-0506, 461-135-0750, 461-135-0780, 461-135-0830, 461-140-0220, 461-140-0296, 461-145-0020, 461-145-0070, 461-145-0110, 461-145-0190, 461-145-0330, 461-145-0440, 461-145-0540, 461-145-0580, 461-150-0055, 461-155-0150, 461-155-0225, 461-155-0235, 461-155-0250, 461-155-0270, 461-155-0300, 461-155-0526, 461-155-0630, 461-160-0030, 461-160-0580, 461-160-0610, 461-160-0620, 461-170-0010, 461-170-0020, 461-170-0101, 461-170-0102, 461-170-0103, 461-170-0104, 461-180-0100, 461-180-0130, 461-185-0050, 461-190-0161, 461-190-0211, 461-190-0241, 461-195-0301, 461-195-0303, 461-195-0305, 461-195-0310, 461-195-0315, 461-195-0320, 461-195-0321, 461-195-0325, 461-195-0350

Proposed Repeals: 461-135-0380, 461-155-0520

Last Date for Comment: 11-23-05

Summary: Rule 461-101-0010 is being amended to define the acronym "LIS." This rule is also being amended to remove the definition of the Employment Initiative (EI) program. The EI program did not receive continued funding from the 2005 legislative session effective October 1, 2005.

Rule 461-105-0004 is being adopted to implement temporary special provisions for providing benefits to the Hurricane Katrina evacuees. These provisions define evacuees, set eligibility criteria, relax some existing program eligibility criteria, and identify the programs involved.

Rule 461-105-0010 is being amended to add the "religion," "gender," and "political beliefs" to categories protected against discrimination.

Rule 461-110-0110 is being amended to state that citizen or alien status requirements in Division 461-120 apply to children receiving child care services.

Rule 461-110-0630 is being amended to clarify who is counted in the need group for ERDC.

Rules 461-115-0651 and 461-160-0030 are being amended to eliminate the deduction associated with the Medicare-approved Drug Discount Card.

Rule 461-115-0651 is also being amended for consistency with federal regulations regarding the minimum verification required for food stamps at application, recertification or when a change is reported. In addition, the amendments clarify the verification is needed when changes are reported outside of the application or interim report for cases is using simplified reporting (formerly called Semi-annual reporting).

Rule 461-120-0110 is being amended to state that citizen or alien status requirements in Division 461-120 apply to ERDC.

Rule 461-120-0510 is being amended to clarify child care eligibility requirements in the context of the age requirements.

Rule 461-135-0010, "Assumed Eligibility for Medical Programs," is being amended to clarify that persons receiving or eligible to receive Temporary Assistance to Needy Family (TANF) cash benefits based on a waiver or modification of the requirements of the TANF program because of domestic violence are not assumed eligible for Medical Assistance Assumed (MAA).

Rule 461-135-0095, "Specific Requirements; EXT," is being amended to clarify that persons must have been eligible for and receiving Medical Assistance Assumed (MAA) or Medical Assistance to Families (MAF) in order to be considered for the EXT (Extended Medical) program. Reference to the Assessment Program is removed.

Rule 461-135-0380 is being repealed because the Department's 2005 Legislatively Approved Budget document did not provide funding for the Employment Initiative (EI) program, effective October 1, 2005. This rule was previously filed as a Temporary rule effective September 1, 2005.

Rule 461-135-0400 is being amended to clarify eligibility requirements for ERDC.

NOTICES OF PROPOSED RULEMAKING

Rule 461-135-0506 is being amended to restate when TBA (transitional benefit alternative) benefits may end early and to clarify when a person is ineligible for TBA.

Rule 461-135-0750 is being amended to correct a rule reference that has changed.

Rules 461-135-0780, 461-155-0250, 461-155-0270, 461-155-0300, 461-160-0580 and 461-160-0620 are being amended to reflect the Congressionally-approved cost-of-living increase for recipients of Social Security/SSI.

Rule 461-135-0830 is being amended to clearly state the eligibility requirements for Medicaid if someone is found eligible as a Disabled Adult Child. An Adult Disabled Child receives protected eligibility for Medicaid assistance and is not required to contribute income if the individual resides in various care settings.

Rule 461-140-0220 is being amended to clarify when an annuity will not be considered a disqualifying transfer of resources.

Rule 461-140-0296 is being amended because the Department's treatment of annuities is changing effective January 1, 2006. Therefore, this provision only applies to annuities purchased on or before December 31, 2005.

Rule 461-145-0020 is being amended to specify that for annuities purchased on or after January 1, 2006, the annuity is counted as a resource unless it meets specified criteria.

Rule 461-145-0070 is being amended to remove the term "DHR-certified" from the rule.

Rule 461-145-0110 is being amended to add other volunteers under Title I as stated in the Domestic Volunteer Services Act. The other voluntary groups included under Title I are University Year of Action and Urban Crime Prevention.

Rule 461-145-0190 is being amended to describe more accurately the excluded meal programs and to describe the treatment of benefits from the Tribal food distribution program.

Rule 461-145-0330 is being amended to clarify the difference in treatment between making a loan to another and receiving a loan.

Rule 461-145-0440 is being amended to clarify the treatment of reimbursements.

Rule 461-145-0540 is being amended to clarify when trusts created prior to October 1, 1993 are considered available to the client. It is also being amended to clarify the application of the hardship provision.

Rule 461-145-0580 is being amended to clarify for clients receiving long term care or waived services, the treatment of Veterans aid-and-attendance income in the eligibility determination only.

Rule 461-150-0055, "Eligibility and Budgeting; OHP", is being amended to clarify the budget month used in determining eligibility for OHP.

Rule 461-155-0150 is being amended to add copayment information for a benefit group of one for ERDC.

Rules 461-155-0225 and 461-155-0235 are being amended to reflect the annual increase in the federal poverty levels published in the Federal Register. These rules include income and premium standards based on the federal poverty levels.

Rule 461-155-0520 is being repealed because the subject of the rule has been incorporated into rule 461-155-0630. This rule no longer is applicable as a separate rule defining one living arrangement, adult foster care, when it is now defined with other living arrangements in 461-155-0630.

Rule 461-155-0526 is being amended to clarify when special needs payments do not apply.

Rule 461-155-0630 is being amended to include which individuals in the care settings listed can be subject to being found eligible for Medicaid by use of the special need of community based care. The special need is the amount of the service payment authorized by the Department for the care needs of those who are not found eligible under a home and community based care waiver. The special need is added to the base maintenance standard to create the person's eligibility in the community based setting. This amendment gives the

needed direction to know which setting is affected and how the special need of community based care is applied.

Rules 461-160-0610, 461-160-0620 and 461-185-0050 are being amended to change the payment requirements for long-term care and Title XIX waived services for clients who meet the eligibility requirements for the Pickle Amendment under rule 461-135-0780; disabled widows and widowers under rule 461-135-0811; and widows and widowers under rule 461-135-0820.

Rules 461-170-0010, 461-170-0020, 461-170-0101, 461-170-0102, 461-170-0103 and 461-170-0104 are being amended to change the term semi-annual reporting system to simplified reporting system (SRS). This report system is used in the Food Stamp program only. In addition, 461-170-0103 is being amended to clarify when the Department acts on information reported through computer matches.

Rule 461-180-0100 is being amended to clarify that the determination of an effective date of eligibility following closure of benefits or following the end of a certification period (for all programs except Food Stamps and Temporary Assistance to Needy Families) requires either the timely completion of the application process or a new date of request.

Rule 461-180-0130 is being amended for clarify the period of time that food stamp benefits could be restored when the underpayment is due to an administrative error.

Rule 461-190-0161 is being amended to add the definition of the Degree Completion Initiative (DCI) to the definitions of the components and activities of the JOBS Program.

Rule 461-190-0195 is being adopted in order to create the Degree Completion Initiative (DCI) component. This rule describes DCI; defines key terms; and establishes the number of slots available, the application and selection process, and the eligibility requirements.

Rule 461-190-0211 is being amended to eliminate and remove references to TANF "at-risk" payments. At-risk payments are payments necessary to retain a job made to an individual who is at risk of qualifying for the TANF program because the individual is ineligible for TANF solely due to earned income.

Rule 461-190-0241 is being amended to add a provision that limits JOBS support service payments to a total of \$1,000 for clients who are in the 12-month transition period after closing TANF. These support service payments cover child care, housing, transportation, and other necessary to retain a job. This amendment is a change to JOBS program policy.

Rules 461-195-0301 through 461-195-0350, pertaining to Personal Injury Claims and Liens, are being amended in their entirety to clarify Department processes, update terminology, and delineate rights and responsibilities of the Department, prepaid managed care organizations, and recipients of public assistance. These rules implement state law allowing recovery of public assistance funds when a judgment, settlement or compromise includes amounts of public assistance paid on behalf of a recipient. Definitions of terms are added and revised in Rule 461-195-0301, and these defined terms are used throughout these rules. Rule 461-195-0303 clarifies which clients are required to assign these rights to the Department. Rule 461-195-0305 clarifies when then 180-day limitation in ORS 416.580(1) begins to run if the Department is not notified of a judgment, settlement, or compromise. Rule 461-195-0305 also clarifies the amounts of a judgment, settlement, or compromise to which the lien does not attach. Rule 461-195-0310 is amended to indicate that its notification requirements include any authorized representative of the client. Rule 461-195-0310 is also amended to set out the rights of a prepaid managed health care organization (organization) to a cause of action and a lien. Rule 461-195-0315 is amended to expressly include claims or actions on behalf of a recipient. Rule 461-195-0320 is amended to indicate further criteria under which the Department will consider a request for partial or full lien release. Rule 461-195-0321 is being amended to change the situations under which the Department may assign a lien to an organization, to state the amount of the lien that may be assigned, to clarify that the organization assigned the lien is

NOTICES OF PROPOSED RULEMAKING

a designee of the Department, to describe the form of notice of lien that may be assigned to an organization, to set out the consequences on the Department and an organization if the organization fails to recover under lien, to set out the notification requirements for a person, public body, agency, or commission bound by a settlement, compromise or judgment on a personal injury lien, and to set out requirements on an organization and the Department after receiving such notification. Rule 461-195-0325 is amended to include situations where an organization has failed to perfect an assigned lien, to change the extent to which the Department may release or compromise its lien, and to set out the extent to which the Department and organization may do so. Rule 461-195-0350 is amended to provide exceptions under which a lien may attach to sums needed for rehabilitation and to set out when a hearing and court order is required prior to payment.

In addition, the above rules may also be changed to reflect new Department terminology and to correct formatting and punctuation.

Rules Coordinator: Annette Tesch

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

Telephone: (503) 945-6067

.....
**Department of Human Services,
Seniors and People with Disabilities
Chapter 411**

Date:	Time:	Location:
12-2-05	8:30 a.m.	500 Summer St. NE Room 137D Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 307.808 - 307.815, 443.888 & 410.070

Proposed Amendments: 411-018-0000, 411-018-0010, 411-018-0020

Last Date for Comment: 12-2-05, 5 p.m.

Summary: Lowers the Medicaid residency rate for nursing facilities, assisted living facilities and residential care facilities from 70% to 50%.

Provides for general housekeeping.

Rules Coordinator: Lisa Richards

Address: 500 Summer St. NE, E-10, Salem OR 97301-1018

Telephone: (503) 945-6398

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

Stat. Auth.: ORS 18.005, 25.080, 25.082, 25.243, 25.245, 25.260, 25.378, 25.427, 25.610, 25.625, 25.750, 180.345 & 416.455

Stats. Implemented: ORS 18.225, 18.345, 18.645, 25.011, 25.015, 25.020, 25.080, 25.082, 25.085, 25.125, 25.130, 25.140, 25.164, 25.167, 25.243, 25.245, 25.260, 25.287, 25.372 - 25.427, 25.610, 25.620, 25.625, 25.750 - 25.783, 107.108, 107.135, 127.005, 411.320, 416.415, 416.422, 416.425, 416.429, 646.234, 656.234, 657.780 & 657.855

Proposed Adoptions: 137-055-2045, 137-055-6021

Proposed Amendments: 137-055-1020, 137-055-1040, 137-055-1060, 137-055-1070, 137-055-1090, 137-055-1100, 137-055-1120, 137-055-1140, 137-055-1145, 137-055-1160, 137-055-1180, 137-055-1600, 137-055-2060, 137-055-2140, 137-055-3020, 137-055-3060, 137-055-3140, 137-055-3220, 137-055-3240, 137-055-3280, 137-055-3400, 137-055-3420, 137-055-3430, 137-055-3440, 137-055-3480, 137-055-3490, 137-055-3640, 137-055-3660, 137-055-4060, 137-055-4080, 137-055-4100, 137-055-4110, 137-055-4120, 137-055-4130, 137-055-4160, 137-055-4300, 137-055-4320, 137-055-4420, 137-055-4450, 137-055-4520, 137-055-4540, 137-055-4560, 137-055-5020, 137-055-5025, 137-055-5110, 137-055-5120, 137-055-5240, 137-055-5400, 137-055-5420, 137-055-5510, 137-055-5520, 137-055-6023, 137-055-6025, 137-055-6040, 137-055-

6200, 137-055-6210, 137-055-6220, 137-055-6240, 137-055-6260, 137-055-6280

Proposed Repeals: 137-055-5125

Last Date for Comment: 12-23-05

Summary: Changes to OARs 137-055-1020; 137-055-1040; 137-055-1060; 137-055-1070; 137-055-1090; 137-055-1100; 137-055-1120; 137-055-1140; 137-055-1160; 137-055-1180; 137-055-1600; 137-055-2060; 137-055-2140; 137-055-3220; 137-055-3240; 137-055-3280; 137-055-3400; 137-055-3420; 137-055-3430; 137-055-3440; 137-055-3480; 137-055-3490; 137-055-3640; 137-055-4060; 137-055-4080; 137-055-4100; 137-055-4110; 137-055-4120; 137-055-4130; 137-055-4160; 137-055-4300; 137-055-4320; 137-055-4420; 137-055-4520; 137-055-4540; 137-055-4560; 137-055-5020; 137-055-5025; 137-055-5110; 137-055-5120; 137-055-5240; 137-055-5400; 137-055-5420; 137-055-5510; 137-055-5520; 137-055-6025; 137-055-6040; 137-055-6200; 137-055-6210; 137-055-6220; 137-055-6240; 137-055-6260; 137-055-6280 reflect changes to ORS 107.108 through SB 1050. These changes make the child attending school a party, change the requirements to qualify as a child attending school and remove language which can now be found in the statute. Changes to OAR 137-055-1145 authorize release of obligee information to the state when state is obligee; 137-055-3020 removes conclusive presumption and adds a requirement that the agency file a notice with Vital Statistics; 137-055-3060 and 137-055-3140 removes conclusive presumption; 137-055-3660 limits the applicability of a GCSO/J finding if multiple judgments were entered prior to 1/1/04 and the later judicial judgment was given precedence over the administrative order; 137-055-4450 clarifies lump sum judgment attaches to real property and adds statutory reference for lien reinstatement; 137-055-6023; adoption of 137-055-2045 to reflect changes to spousal only cases resulting from HB2213; Adoption of 137-055-6021 reflects changes due to HB 1050 and the prior changes to 137-055-6020. Repeals 137-055-5125 due to changes to ORS 107.108.

Rules Coordinator: Shawn Brenizer

Address: Department of Justice, Division of Child Support, 494 State St. SE, Suite 300, Salem, OR 97301

Telephone: (503) 986-6240

.....
**Department of Revenue
Chapter 150**

Date:	Time:	Location:
12-6-05	10 a.m.	West Salem Roth's IGA Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100, 670.600 & 670.605

Stats. Implemented: ORS 316.162, 670.600 & 670.605

Proposed Adoptions: Rules in 150-316

Proposed Amendments: 150-316.162(2)(j)

Last Date for Comment: 12-6-05

Summary: The Department of Revenue intends to adopt, amend, or repeal administrative rules relating to the definition of "independent contractor" as used in personal income tax, collections, and business income and excise tax laws. These proposed rules can be found on the Department of Revenue Web site at: <http://egov.oregon.gov/DOR/adminrules.shtml>

Rules Coordinator: Durinda Goodwin

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

Telephone: (503) 947-2099

.....

Date:	Time:	Location:
11-29-05	10 a.m.	955 Center St. NE Fishbowl Conf. Rm. Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100, 305.102 & 321.609

NOTICES OF PROPOSED RULEMAKING

Stats. Implemented: ORS 306.132, 306.135, 308.242, 308.865, 311.507 & 321.706

Proposed Adoptions: 150-306.132, 150-306.135, 150-308.242(3)

Proposed Amendments: 150-308.865, 150-321.706(2)

Proposed Repeals: 150-308.865(4)

Proposed Ren. & Amendments: 150-311.507 to 150-311.507(1)(d)

Last Date for Comment: 11-29-05

Summary: The Department of Revenue intends to adopt, amend, renumber, or repeal administrative rules relating to property taxes. These proposed rules can be found on the Department of Revenue Web site at: <http://egov.oregon.gov/DOR/adminrules.shtml>

Persons wishing to provide testimony at the hearing will need to sign-up prior to the hearing. A sign-up sheet will be available at 9:45 AM on November 29, 2005 in the Fishbowl conference room.

Rules Coordinator: Durinda Goodwin

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

Telephone: (503) 947-2099

.....

Date:	Time:	Location:
11-29-05	10 a.m.	955 Center St. NE Fishbowl Conf. Rm. Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100, 305.145, 305.230, 320.305 & 2005 OL, Ch. 287

Stats. Implemented: ORS 137.300, 137.302, 305.145, 305.230, 305.992, 314.280, 314.385, 314.415, 314.505, 314.515, 314.650, 314.665, 314.752, 315.204, 315.262, 316.099, 316.168, 316.127, 317.018, 317.097, 317.267, 320.305 & 2005 OL, Ch. 387

Proposed Adoptions: 150-305.145(1), 150-305.145(3), 150-305.145(4)(b), 150-316.168(1)-(B), 2005 Oregon Laws Chapter 387

Proposed Amendments: 150-137.300(3), 150-137.302(7), 150-305.145, 150-305.230, 150-305.992, 150-314.280(3), 150-314.280-(N), 150-314.505-(A), 150-314.515, 150-314.650, 150-314.665(2)-(A), 150-314.752, 150-315.204-(A), 150-315.262, 150-316.099, 150-316.127-(A), 150-316.127-(D), 150-317.018, 150-317.097, 150-317.267-(B), 150-320.305

Proposed Repeals: 150-305.145(3)-(B), 150-305.145(3)-(D), 150-305.145(3)-(E), 150-305.145(3)-(F), 150-305.145(3)-(G) 150-305.145(3)-(H), 150-305.230(1), 150-305.230(2), 150-315.234(8)

Proposed Ren. & Amendments: 150-305.145(3)-(A) to 150-305.145(4)(a), 150-305.145(3)-(C) to 150-305.145(4)(c), 150-314.415(6) to 150-314.415(7)

Last Date for Comment: 11-29-05

Summary: The Department of Revenue intends to adopt, amend, renumber, or repeal administrative rules relating to personal income tax, collections, and business income and excise taxes. These proposed rules can be found on the Department of Revenue Web site at <http://egov.oregon.gov/DOR/adminrules.shtml>

Persons wishing to provide testimony at the hearing will need to sign-up prior to the hearing. A sign-up sheet will be available at 9:45 AM on November 29, 2005 in the Fishbowl conference room.

Rules Coordinator: Durinda Goodwin

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

Telephone: (503) 947-2099

.....

Department of State Lands Chapter 141

Date:	Time:	Location:
11-28-05	7-9 p.m.	Wilsonville Public Library Rose Rm. 8200 SW Wilsonville Rd. Wilsonville, OR
11-30-05	3-5 p.m. & 7-9 p.m.	Santo Community Ctr., Rm. 5 701 N Columbus Medford, OR

Hearing Officer: John Lilly or designee

Stat. Auth.: ORS 196.600 - 196.905, 390.835, 273, 273.045 & Sec. 3&4, Ch. 499, OL 2001; Other Auth.: Art. VIII Sec. 5 OR Const.

Stats. Implemented: ORS 196.600 - 196.905, 390.835, Sec. 3&4, Ch. 499, OL 2001 & SB 311 (Ch. 253, 2003 Laws)

Proposed Adoptions: 141-089-0700, 141-089-0705, 141-089-0710, 141-089-0715, 141-089-0720, 141-089-0725, 141-089-0730, 141-089-0735, 141-089-0740, 141-089-0745, 141-089-0750, 141-089-0755, 141-089-0760, 141-089-0765, 141-089-0770

Proposed Amendments: Rules in 141-085, 141-089, 141-100

Proposed Repeals: 141-100-0055

Last Date for Comment: 12-9-05

Summary: Amendments to these rules are proposed to clarify rule language; revise and update General Authorizations (GA's) that are set to expire at the end of this year (OAR 141-089); include new language explaining new procedures to implement a new state-federal consolidated permitting process called a State Programmatic General Permit or SPGP (OAR 141-085); and to repeal provisions that allow recreational placer mining in scenic waterways as per Section 3 and 4, Chapter Law 499, Oregon Laws 2001, found in ORS 390.835.

A new General Authorization is proposed to streamline the permitting for utility construction and repair. Annually about 30 of these projects are permitted as Individual Permits. These projects appear to meet the requirements of ORS 196.850 to qualify for coverage under a General Authorization.

The rules in OAR 141-085 and OAR 141-089 have been in effect for 1 1/2 to 5 years; OAR 141-100 since 1998. Some housekeeping and minor changes to procedures are needed as a result of lessons learned during implementation.

Also, the current water quality standards and conditions in OAR 141-085 and OAR 141-089, especially those concerning turbidity, may need to be revised to be consistent with new DEQ standards.

The draft proposed rules will be available on the Department's website, www.oregonstatelands.us, on or about November 1, 2005.

Rules Coordinator: Nicole Kielsmeier

Address: Department of State Lands, 775 Summer St. NE, Salem, OR 97301-1279

Telephone: (503) 378-3805, ext. 239

.....

Department of Transportation Chapter 731

Date:	Time:	Location:
11-15-05	9 a.m.	Local Government Center 1201 Court St. NE Rm. 113 Salem, OR

Hearing Officer: Julie Rodwell

Stat. Auth.: ORS 184.616, 184.619 & Ch. 816, OL 2005

Stats. Implemented: Ch. 816, OL 2005 (Senate Bill 71)

Proposed Adoptions: 731-035-0010, 731-035-0020, 731-035-0030, 731-035-0040, 731-035-0050, 731-035-0060, 735-035-0070, 731-035-0080

Last Date for Comment: 11-21-05

Summary: SB 71 requires ODOT to adopt rules specifying the process by which a public body or private entity may apply for a loan or grant from the Multimodal Transportation Fund. SB 71 authorizes the State Treasurer to issue lottery bonds to finance grants and loans for air, marine, public transit and rail transportation projects. These proposed rules establish the Multimodal Transportation Fund Program and include eligibility standards, application requirements, criteria for application review and project selection, provisions of agreements with the Department and sanctions. These proposed permanent rules will replace temporary rules that are scheduled to be adopted by the Oregon Transportation Commission on November 16, 2005 and made effective November 21, 2005.

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

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: Brenda Trump
Address: Department of Transportation, 1905 Lana Ave. NE, Salem, OR 97314
Telephone: (503) 945-5278

.....
**Department of Transportation,
Board of Maritime Pilots
Chapter 856**

Stat. Auth.: ORS 776
Stats. Implemented: ORS 776.115
Proposed Amendments: 856-010-0012
Last Date for Comment: 11-21-05
Summary: Amends training rules for the Columbia & Willamette River pilotage ground to increase the vessel length restriction on Class C licenses. The current restriction for piloting vessels less than 550 feet no longer corresponds to the size class of vessels that transit the pilotage ground.
Rules Coordinator: Susan Johnson
Address: Department of Transportation, Board of Maritime Pilots, 800 NE Oregon St., #507, Portland, OR 97232
Telephone: (503) 731-4044

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

Date:	Time:	Location:
11-17-05	9 a.m.	ODOT Bldg. 355 Capitol St. NE Rm. 122 Salem, OR

Hearing Officer: Liz Woods
Stat. Auth.: ORS 184.616, 184.619, 192.440, 802.010, 802.179, 802.183, 803.370 & 807.050
Stats. Implemented: ORS 802.175 - 802.270, 803.220, 803.370, 807.050, 807.420, 807.560 & 821.080
Proposed Adoptions: 735-010-0215, 735-010-0240
Proposed Amendments: 735-010-0008, 735-010-0210
Last Date for Comment: 11-21-05
Summary: Oregon Laws 2005, Chapter 291, Section 1 (HB 3464) amends ORS 802.179(13)(B) to specify that a disseminator may only provide personal information from motor vehicle records to a person authorized by DMV to receive the information. DMV proposes to amend OAR 735-010-0008(10) to add the statutory requirement to the definition of disseminator. HB 3464 also amends ORS 802.181 to require resale or redisclosure of personal information only to a person authorized by DMV to receive it. DMV proposes to adopt a new rule, OAR 735-010-0240, to describe how a person becomes authorized to receive personal information. DMV also proposes to amend OAR 735-010-0210 to clarify what a business must provide to DMV to establish it is a legitimate business for purposes of ORS 802.179. This rule is also being amended to clarify that the information may only be obtained by an owner or employee of the business and only used by the business for the purposes set forth in ORS 802.179(3). Finally, DMV proposes to adopt a new rule to specify the evidence necessary to establish that a person is a disseminator for purposes of ORS 802.179(13).

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

.....

Date:	Time:	Location:
11-17-05	10 a.m.	ODOT Bldg. 355 Capitol St. NE Rm. 122 Salem, OR

Hearing Officer: Liz Woods
Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.500 & 822.525
Stats. Implemented: ORS 822.500, 822.515, 822.525 & 822.530
Proposed Adoptions: 735-160-0003
Last Date for Comment: 11-21-05

Summary: OAR Chapter 735, Division 160 rules outline the requirements and qualifications for commercial driver training school operators and driver training instructors and the business requirements for commercial driver training schools. Certain entities and persons are exempt from the requirements to hold a driver training school certificate or a driver training instructor certificate. Chapter 155, Oregon Laws 2005 (SB 178) amends ORS 822.500 and 822.525 and adds an exemption for persons that provide limited education or training for a specialized purpose. The Department of Transportation is required to determine by rule who qualifies for this exemption. This proposed rule sets forth the purpose of the Chapter 735, Division 160 rules, the persons or entities exempt from the certification requirement, and describes those persons who are exempt because they provide limited education or training for a specialized purpose.

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

.....
Stat. Auth.: ORS 183.415, 184.616, 184.619, 802.010, 809.440 & Sec. 33, Ch. 649, OL 2005 (HB 2107); Other Auth.: 49 CFR Part 1572

Stats. Implemented: ORS 807.170, 807.350, 807.370, 809.301, 49 USC § 5103a & Sec. 33, Ch. 649, OL 2005 (HB 2107)
Proposed Amendments: 735-062-0190, 735-070-0020
Last Date for Comment: 11-21-05

Summary: OAR 735-062-0190 was adopted to comply with federal law, specifically 49 USC 5103a (Section 1012 of the USA Patriot Act of 2003) and the Federal Motor Carrier Safety Administration (FMCSA) and the Transportation Security Administration (TSA) regulations implementing this law. The federal law specifies that a person may not hold a hazardous materials endorsement on a commercial driver license (CDL) unless the driver obtains a security threat assessment from TSA. DMV implemented the requirements of the federal law by administrative rule on January 30, 2005. The 2005 Legislature clarified the state requirements by passage of Section 33, Chapter 649, Oregon Laws 2005 (HB 2107), which required DMV to refuse to issue or renew a hazardous materials endorsement or to cancel a CDL if the driver has not completed and passed a TSA security threat assessment. The new Oregon law specifies that a person is entitled to administrative review under ORS 809.440 when the department does not issue or renew a commercial driver license with a hazardous materials endorsement or cancels a commercial driver license with a hazardous materials endorsement. DMV proposes amendments to OAR 735-062-0190 and 735-070-0020 to align these rules with statute and authorize DMV to provide an administrative review rather than a contested case hearing. This law change became effective July 27, 2005. The rules changes were adopted as temporary rules effective August 18, 2005. These amendments will replace the temporary rules.

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

NOTICES OF PROPOSED RULEMAKING

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.040, 807.050, 807.060, 807.120 & 809.310

Stats. Implemented: ORS 807.040, 807.060, 807.066, 807.220, 807.230, 807.400, 809.310 & 809.320

Proposed Amendments: 735-062-0000, 735-070-0010

Last Date for Comment: 11-21-05

Summary: OAR 735-062-0000 sets forth certain requirements for issuance of a driver license or driver permit. Chapter 143, Oregon Laws 2005 (SB 76) amends ORS 807.060 to clarify that a "legal" guardian may sign an application for driving privileges for a minor and removes the authority of a minor's employer to sign the application. DMV is proposing to amend OAR 735-062-0000 and 735-070-0010 to implement these statutory amendments which are effective January 1, 2006.

Section 1, Chapter 140, Oregon Laws 2005 (SB 70), effective January 1, 2006, amends ORS 807.060 to make the language relating to mental or physical conditions or impairments, consistent with the language in ORS 807.710, the mandatory reporting statute. DMV intends to implement this statutory change by asking three questions related to the person's mental or physical condition or impairments on the application for driving privileges or a replacement license or permit. DMV proposes to amend OAR 735-062-0000 to specify that a person who answers yes to one of these questions is not eligible for driving privileges unless the person establishes eligibility by passing tests or obtaining a Certificate of Eligibility from the State Health Officer as required by DMV.

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

.....

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.200, 807.070, 807.072, 807.080, 807.120, 807.170, 807.230, 807.350, 809.400, 813.100, 813.120 & Sec. 5, Ch. 277, OL 2003

Stats. Implemented: ORS 801.477, 802.540, 807.040, 807.070, 807.072, 807.080, 807.100, 807.170, 807.230, 809.400, 809.413, 813.100, 813.120, 813.130, 813.404 - 813.460 & Ch. 277, OL 2003

Proposed Amendments: 735-060-0000, 735-060-0030, 735-060-0040, 735-060-0050, 735-060-0055, 735-060-0057, 735-060-0060, 735-060-0105, 735-060-0110, 735-060-0120, 735-060-0130, 735-062-0080, 735-062-0320, 735-064-0235, 735-070-0030, 735-070-0037, 735-070-0054

Proposed Repeals: 735-070-0180

Last Date for Comment: 11-21-05

Summary: HB 2107, amends several statutes to bring Oregon into compliance with federal requirements related to the commercial driver licensing program. As such, it requires many administrative rule amendments, some which have nothing to do with commercial driver licenses, but are due to section changes within statutes. The proposed rule amendments are described below.

The following rules in OAR Chapter 735, Division 60, which establish the Commercial Driver License (CDL) Third Party Testing Program, are amended:

735-060-0000 (1)(b) and (d) to add language for an endorsement related to a CDL and 735-060-0000 (1)(i) to correct the reference for the term "disqualification."

735-060-0030 (1) to add subsection (g) to require an applicant for a CDL Third Party Tester Certificate to submit a fee schedule to DMV that lists all testing services that will be offered to customers. This requirement enhances the ability of DMV to detect occurrences of fraudulent testing.

735-060-0055 (1)(a) to add paragraph (E). Establishes the responsibility for Third Party Testers to notify DMV of changes to testing service fees to support the anti-fraud intent of OAR 735-060-0030 (1)(g).

735-060-0057 (1)(b) adds a requirement that the CDL Certificate of Test Completion specifies whether an exam was given in a school bus.

735-060-0060 to correct the rule subject. The rule actually addresses sanctions for both Third Party Testers and Examiners. Sections 6 and 7 to clarify that a hearing request must be received by DMV.

735-060-0105 (1) to add subsections (n) and (o) which prohibits a Third Party Examiner from conducting a test which has not been scheduled and requires submission of the examiner's test schedule to DMV at least 48 hours prior to the administration of a test and requires submission of the examiner's test schedule to DMV at least 48 hours prior to the administration of a test. The proposed amendment also includes conditions that will require submission of updates to this schedule and exempts examiners who test only for the Oregon Department of Education or who test only employees of the Tester. These provisions provide DMV with an enhanced ability to conduct the covert or no-notice audits of examiners and examinations permitted by rule and crucial to effective oversight of the CDL Third Party Testing program.

735-060-0105 (3) to add subsection (i). Imposes a responsibility for Examiners to ensure, before testing, that each applicant has either: (1) a valid CDL Instruction Permit and a valid Oregon Driver License that was issued at least 21 days prior to testing or; (2) a valid Oregon CDL. The intent of this revision is to reduce the number of applicants who fraudulently claim residency in Oregon to quickly obtain a CDL and then return to their actual state of residency. Section (4) exempts examiners who conduct tests only for the Oregon Department of Education (ODE) or who only conduct tests for employees of the Tester. Training for ODE pupil transportation employment and employment with a Tester represents strong evidence that the applicant is actually a resident of Oregon.

735-060-0110 adds the violations set forth in OAR 735-060-0105(1)(n), (o) and (3)(i) to the table of sanctions.

735-060-0120 (1) to update the reference to federal regulations; (3)(a) to make the certification drive test requirements consistent with proposed revised provisions in OAR 735-060-0105 (3)(i) and (4) above; and (4)(b)(B) to include that a test could be for an endorsement.

Proposed amendments to other rules are as follows:

OAR 735-062-0080 establishes when DMV will waive the drive test portion of a driver license examination. DMV proposes to amend section (2) to include that a commercial driver license that contains an endorsement that requires a drive test, i.e. a school bus endorsement will be accepted to waive the drive test portion if conditions are met.

OAR 735-070-0030 establishes when DMV will suspend or revoke driving privileges based on an out-of-state conviction, suspension or revocation. DMV proposes amending section (4) to align the rule with the law as amended by HB 2107.

OAR 735-070-0037 establishes when a violation connected to a fatal accident will be defined as a serious traffic violation. DMV proposes amending the rule to align the rule with the law as amended by HB 2107.

OAR 735-070-0054 establishes what must be included in a police report for an implied consent suspension. DMV proposes adding subparagraphs (vi) and (vii) to paragraph (2)(b)(A) to align the rule with the law as amended by HB 2107.

DMV proposes to repeal OAR 735-070-0180, Suspension for Violations of Out-of-Service Orders, as the rule is simply restating what is clearly established in statute.

Proposed amendments to other rules correct grammar and punctuation errors, make minor editorial changes, or are necessary to clarify existing requirements.

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

Rules Coordinator: Brenda Trump

NOTICES OF PROPOSED RULEMAKING

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 1905 Lana Ave. NE, Salem, OR 97314
Telephone: (503) 945-5278

.....

Stat. Auth.: ORS 184.616, 814.619, 802.010, 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: 11-21-05

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. Amendments to this rule are needed to: update the code used by states to send information on out-of-state convictions; implement an amendment to ORS 815.240 enacted by the 2005 Legislature; and incorporate 2003 Legislative changes, now codified, into Section (2) of the rule.

Convictions received by Oregon drivers in another state or jurisdiction may be sent to DMV using an AAMVAnet Code Dictionary (ACD) code. AAMVA (American Association of Motor Vehicle Administrators) is making changes to the ACD codes effective October 1, 2005. These changes to the ACD codes are part of the implementation of the Motor Carrier Safety Improvement Act of 1999. Four Oregon convictions are added to align with new ACD code A41.

Chapter 572, Oregon Laws 2005 (HB 2811) amends ORS 815.240 and makes it unlawful to use any image display device, not just a television. DMV proposes to include the offense of unlawful use of image display device, but does not intend to remove the offense of unlawful use of vehicle television equipment, as either offense could appear on a person's driving record and could result in a suspension under the driver improvement program or revocation as a habitual offender.

DMV proposes to eliminate the current section (3) and incorporate those offenses created by the 2003 legislature into section (2) of the rule.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/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, 810.050, 810.060, 818.200 & 818.220

Stats. Implemented: ORS 818.030, 818.200 & 818.220

Proposed Amendments: 734-073-0051, 734-073-0130

Last Date for Comment: 11-21-05

Summary: Division 73 implements federal laws related to oversize vehicle operating on the National Network of Highways. On August 10, 2005, The Safe, Accountable, Flexible, Efficiency Transportation Equity Act: A Legacy for Users (TEA-LU) became federal law. Section 4141 of TEA-LU imposes a vehicle length limitation of not less than or more than 97 feet on a driveway saddle-mount with full-mount vehicle transporter combination. Current Oregon rules limit the length to 75 feet. Amendments are needed to adopt federal definitions for clarity and uniformity, and to increase the overall length limit in OAR 734-073-0130 to conform with the provisions of TEA-LU. Other changes reorganize definitions into alphabetical order.

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

Rules Coordinator: Brenda Trump

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

Telephone: (503) 945-5278

.....

Stat. Auth.: ORS 184.616, 184.619 & 818.200

Stats. Implemented: ORS 818.210 & 818.220

Proposed Amendments: 734-079-0005, 734-079-0015

Last Date for Comment: 11-21-05

Summary: Division 79 rules govern conditions under which self-loading log trucks may operate with a variance permit that allows size or weight to exceed statutory maximum limits. The proposed amendments are needed to update a form reference and correct a telephone number. Group Map 1 is available online at http://www.oregon.gov/ODOT/MCT/OD.shtml#Route_Maps.

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

Rules Coordinator: Brenda Trump

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

Telephone: (503) 945-5278

.....

Department of Transportation, Motor Carrier Transportation Division Chapter 740

Stat. Auth.: ORS 823.011, 825.200, 825.202, 825.224, 825.226 & 825.232

Stats. Implemented: ORS 825.200, 825.202, 825.224 & 825.234

Proposed Amendments: 740-050-0610, 740-055-0320

Proposed Repeals: 740-055-0300

Last Date for Comment: 11-21-05

Summary: These rules relate to the process used to determine if a requested general rate increase for motor carrier service is justified. The Department has historically, by order, designated study carriers whose revenue and cost records are analyzed to ensure a requested increase is not detrimental to the public or the motor carrier industry. As described in OAR 740-050-0610, the current process requires study carriers to maintain extensive records, the Petitioner to present an analysis supporting the requested increase based on the study carrier records, and the Department to verify through audit that the records and subsequent analysis are accurate. The process is time consuming and costly to both the industry and the Department. OAR 740-050-0610 provides for deviation from the process when agreed to by the Petitioner and ODOT.

ODOT contracted an independent economist to explore the feasibility of using a cost index comparison in lieu of the revenue and cost study process to determine justification of a recent requested increase. The economist found that past authorized rate increases have closely paralleled the annual increase in the Oregon Consumer Price Index for Urban areas (ORCPI-U), and concluded that it is reasonable to determine justification by comparing requested increases with fluctuations in the ORCPI-U. ODOT and the petitioning rate bureau agreed to use the index approach in lieu of the revenue and cost study, and the Administrative Law Judge at the rate increase hearing concurred with the viability of using the index approach. The streamlined index approach is the methodology preferred by both industry and ODOT to determine if a requested general increase in rates is justified. It is reasonable to amend the rule to adopt the index approach as the standard method to determine justification, rather than as a negotiated exception to the revenue and cost study method. Rules related to study carriers, classification of carriers based on annual revenue and annual reporting of financial information are also proposed to be repealed or simplified.

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

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: Brenda Trump
Address: Department of Transportation, Motor Carrier Transportation Division, 1905 Lana Ave. NE, Salem, OR 97314
Telephone: (503) 945-5278

.....

Stat. Auth.: ORS 823.011 & Sec. 2, Ch. 172, OL 2005 (SB 595)
Stats. Implemented: Sec. 2, Ch. 172, OL 2005 (SB 595)
Proposed Adoptions: 740-010-0020
Last Date for Comment: 11-21-05

Summary: Section 2, chapter 172, Oregon Laws 2005 (SB 595) authorizes the Director of the Department to suspend operation of certain motor carrier statutes for the purpose of facilitating the movement of persons or property when the Director determines that an emergency has occurred or is imminent. The rule is needed to designate a line of succession within the Department to act in the Director's absence. This proposed permanent rule will replace a temporary rule that expires February 13, 2006.

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

Rules Coordinator: Brenda Trump
Address: Department of Transportation, Motor Carrier Transportation Division, 1905 Lana Ave. NE, Salem, OR 97314
Telephone: (503) 945-5278

.....

Economic and Community Development Department Chapter 123

Stat. Auth.: ORS 285A.075(5) & 285A.110
Stats. Implemented: ORS 329.930, 329.925 & 392.945 (Repealed)
Proposed Repeals: 123-071-0000, 123-071-0010, 123-071-0020, 123-071-0030, 123-071-0040, 123-071-0050
Last Date for Comment: 11-22-05

Summary: The funding for the Targeted Training Program was discontinued in 2001. HB 2246 revised statutes relating to this program. If funding is provided, new rules will have to be adopted.

Rules Coordinator: Paulina Bernard
Address: Economic and Community Development Department, 775 Summer St. NE, Suite 200, Salem, OR 97301-1280
Telephone: (503) 986-0036

.....

Stat. Auth.: ORS 285A.075(5)
Stats. Implemented: ORS 285A.075 & 279A.070
Proposed Amendments: 123-125-0000, 123-125-0020, 123-125-0040
Proposed Repeals: 123-125-0060, 123-125-0080, 123-125-0100, 123-125-0120, 123-125-0140
Last Date for Comment: 11-21-05

Summary: The agency's current administrative rules governing the operation of foreign trade offices have become outmoded. General statutes regarding procedures for selection of contractors (ORS 279A & B) have been revised, and although they do not directly govern these rules, the proposed changes bring the agency's rules more in line with the revised statutes and the model rules promulgated by other state agencies. Following more standard contracting processes will still allow the agency to meet its contracting needs for operating foreign trade offices, and will simplify procedures for both contractors and agency staff.

Rules Coordinator: Paulina Bernard
Address: Economic and Community Development Department, 775 Summer St. NE, Suite 200, Salem, OR 97301-1280
Telephone: (503) 986-0036

.....

Stat. Auth.: ORS 285A.075(5)
Stats. Implemented: ORS 285A.075 & 279A.070
Proposed Adoptions: 123-006-0030, 123-006-0035, 123-006-0040

Proposed Amendments: 123-006-0005, 123-006-0020, 123-006-0025

Last Date for Comment: 11-21-05

Summary: The agency's current administrative rules governing the selection of personal services contractors refer to model rules that have been repealed. Statutes regarding procedures for selection of contractors (ORS 279A & B) have been revised, and required adoption of new rules. The proposed rules substantially adopt model rules developed by the Oregon Department of Justice for use by agencies with contracting authority, with some exceptions and some additions. Following standard contracting processes avoids the need for both contractors and agency staff to learn a specialized set of contracting processes.

Rules Coordinator: Paulina Bernard
Address: Economic and Community Development Department, 775 Summer St. NE, Suite 200, Salem, OR 97301-1280
Telephone: (503) 986-0036

.....

Employment Department Chapter 471

Date:	Time:	Location:
12-6-05	10 a.m.	Employment Dept. Auditorium 875 Union NE Salem, OR 97311

Hearing Officer: Lynn M. Nelson
Stat. Auth.: ORS 657.610
Stats. Implemented: ORS 657.610, 657.040 & 670.600
Proposed Repeals: 471-031-0180
Last Date for Comment: 12-6-05, 5 p.m.

Summary: The Employment Department is repealing this rule due to the passage of SB 323, which amends the definition of Independent Contractor. The department may adopt rules in the future relating to the definition of Independent Contractor as used under unemployment insurance laws.

Rules Coordinator: Lynn M. Nelson
Address: Employment Department, 875 Union St. NE, Salem, OR 97311
Telephone: (503) 947-1724

.....

Date:	Time:	Location:
11-18-05	2:30 p.m.	Employment Dept. Auditorium 875 Union NE Salem, OR 97311

Hearing Officer: Lynn M. Nelson
Stat. Auth.: ORS 657.610
Stats. Implemented: ORS 657.610 & 657.734
Proposed Amendments: 471-015-0015
Last Date for Comment: 11-18-05, 5 p.m.
Summary: The opt in/opt out portion of this law is no longer required under the terms of the Privacy Act.
Rules Coordinator: Lynn M. Nelson
Address: Employment Department, 875 Union St. NE, Salem, OR 97311
Telephone: (503) 947-1724

.....

Date:	Time:	Location:
11-18-05	10 a.m.	Employment Dept. Auditorium 875 Union NE Salem, OR 97311

Hearing Officer: Lynn M. Nelson
Stat. Auth.: ORS 657.610
Stats. Implemented: ORS 657.610 & 657
Proposed Amendments: Rules in 471-010, 471-020, 471-030, 471-031, 471-040, 471-042, 471-050
Last Date for Comment: 11-18-05, 5 p.m.
Summary: The Employment Department is amending the above rules to update language for changes made in Employment Department processes.

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: Lynn M. Nelson
Address: Employment Department, 875 Union St. NE, Salem, OR 97311
Telephone: (503) 947-1724

.....

Date:	Time:	Location:
11-18-05	3 p.m.	Employment Dept. Auditorium 875 Union NE Salem, OR 97311

Hearing Officer: Lynn M. Nelson
Stat. Auth.: ORS 657.610; Other Auth.: SB 690
Stats. Implemented: Ch. 174, 2005 OL & and ORS 657
Proposed Amendments: 471-030-0080
Last Date for Comment: 11-18-05, 5 p.m.
Summary: The Employment Department is amending OAR 471-030-0080 to align with HB 690, related to dislocated workers.
Rules Coordinator: Lynn M. Nelson
Address: Employment Department, 875 Union St. NE, Salem, OR 97311
Telephone: (503) 947-1724

.....

Date:	Time:	Location:
11-18-05	10:30 a.m.	Employment Dept. Auditorium 875 Union NE Salem, OR 97311

Hearing Officer: Lynn M. Nelson
Stat. Auth.: ORS 657.610; Other Auth.: HB 2662 & Ch. 78 OL 2005
Stats. Implemented: ORS 657.176 & HB 2662 Enrolled
Proposed Amendments: 471-030-0150
Last Date for Comment: 11-18-05, 5 p.m.
Summary: The Employment Department is amending OAR 471-030-0150 to align with HB 2662 Enrolled (2005 Session) which changes the laws to determine eligibility for Unemployment Insurance benefits for claimants experiencing domestic violence.
Rules Coordinator: Lynn M. Nelson
Address: Employment Department, 875 Union St. NE, Salem, OR 97311
Telephone: (503) 947-1724

.....

Date:	Time:	Location:
11-18-05	2 p.m.	Employment Dept. Auditorium 875 Union NE Salem, OR 97311

Hearing Officer: Lynn M. Nelson
Stat. Auth.: ORS 657.610; Other Auth.: SB 93
Stats. Implemented: ORS 657.072
Proposed Repeals: 471-031-0090
Last Date for Comment: 11-18-05, 5 p.m.
Summary: The Employment Department is repealing this rule because SB 93 repeals sections of ORS 657.072, which have been declared unconstitutional by the Oregon Supreme Court, related to church organizations and church ministers.
Rules Coordinator: Lynn M. Nelson
Address: Employment Department, 875 Union St. NE, Salem, OR 97311
Telephone: (503) 947-1724

.....

Employment Department, Child Care Division Chapter 414

Date:	Time:	Location:
11-18-05	11:30 a.m.	Employment Dept. Auditorium 875 Union NE Salem, OR 97311

Hearing Officer: Lynn M. Nelson
Stat. Auth.: ORS 657A.030 & 657.010
Stats. Implemented: ORS 657A.030
Proposed Amendments: 414-061-0080

Last Date for Comment: 11-18-05, 5 p.m.
Summary: The Employment Department, Child Care Division is revising OAR 414-061-0080 to update the cost charged for a FBI records check; the cost of these record checks has been raised by the Oregon State Police.

Rules Coordinator: Lynn M. Nelson
Address: Employment Department, Child Care Division, 875 Union St. NE, Salem, OR 97311
Telephone: (503) 947-1724

.....

Date:	Time:	Location:
11-18-05	11 a.m.	Employment Dept. Auditorium 875 Union NE Salem, OR 97311

Hearing Officer: Lynn M. Nelson
Stat. Auth.: ORS 657A.706
Stats. Implemented: ORS 657A.700 - 657A.718
Proposed Amendments: 414-700-0060
Last Date for Comment: 11-18-05, 5 p.m.
Summary: The Employment Department Child Care Division is amending OAR 414-700-0060 to specify the percent that will be charged to families under ORS 657A.718(1)(g).
Rules Coordinator: Lynn M. Nelson
Address: Employment Department, Child Care Division, 875 Union St. NE, Salem, OR 97311
Telephone: (503) 947-1724

.....

Health Licensing Office Chapter 331

Date:	Time:	Location:
11-21-05	9 a.m.	700 Summer St. Rhoades Conf. Rm. Salem, OR

Hearing Officer: Bert Krages
Stat. Auth.: ORS 676.615, 680.515, 680.520, 680.525, 680.565, OL 2005, Ch. 415 & ORS 676.605
Stats. Implemented: ORS 676.615, 680.515, 680.520, 680.525, 680.565 & OL 2005, Ch. 415
Proposed Adoptions: 331-405-0045
Proposed Amendments: 331-405-0020, 331-405-0030, 331-410-0000, 331-410-0010, 331-410-0020, 331-410-0030, 331-410-0040
Last Date for Comment: 11-21-05

Summary: Amendments address changes resulting from passage of HB 3219 by the 2005 Legislature, which establishes requirements for reciprocal licensure or "licensure by credential" which will reduce barriers to practice by allowing qualified professionals to move to Oregon and be employed without having to meet redundant "qualifiers." The changes allow the agency to be more responsive to denturists licensed in another state who apply for Oregon licensure by streamlining the application process and providing qualified professionals increased opportunity to work immediately.

Proposed rules add clarifying definitions related to application/examination requirements and delete the definition for "general supervision," which is not valid during the training period. Application requirements have been succinctly identified for the three distinct license qualification pathways; examination requirements have been reconstructed to accept passage of a board approved/recognized examination to minimize time delay and potential loss of wages that may occur while a qualified applicant is waiting to take the Oregon examination (conducted annually); examination protocols and requirements have been modified to synchronize with statutory changes to reduce barriers to practice; and information pertaining to the practical examination content/ format has been added to the rules.

FEE INCREASE: The initial and renewal license fees are being increased from \$495 to \$695, a \$200 or 40.4% increase. Increasing fees was proposed earlier in May 2005, but the proposed rulemaking withdrawn to allow thorough assessment and consideration of additional options. However, a fee increase is still necessary to cor-

NOTICES OF PROPOSED RULEMAKING

rect depleting revenues resulting from licensee attrition and increased costs of providing services and administering the licensing program. The Board has voted unanimously twice to support a fee increase to maintain current service levels and ensure fiscal stability through means of a reasonable recovery plan.

Administrative Rules are available on the agency's website – www.oregon.gov/ohla

Material is available in alternative formats. Please contact Samie Patnode, Executive Assistant/Board Liaison for additional information.

Rules Coordinator: Patricia C. Allbritton
Address: Health Licensing Office, 700 Summer St. NE, Ste. 320, Salem, OR 97302
Telephone: (503) 378-8667, ext. 4322

Health Licensing Office
Board of Cosmetology
Chapter 817

Date:	Time:	Location:
11-21-05	9 a.m.	700 Summer St. Rhoades Conf. Rm. Salem, OR

Hearing Officer: Bert Krages
Stat. Auth.: ORS 676.615, 690.046, 690.048, 690.165, OL 2005, Ch. 117 & ORS 676.605
Stats. Implemented: ORS 676.615, 690.046, 690.048, 690.165 & OL 2005, Ch. 117

Proposed Amendments: 817-005-0005, 817-010-0065, 817-010-0068, 817-010-0101, 817-010-0106, 817-015-0050, 817-015-0065, 817-020-0305, 817-030-0005, 817-030-0015, 817-030-0018, 817-030-0020, 817-030-0040, 817-030-0045, 817-030-0100, 817-035-0010, 817-035-0030, 817-040-0003, 817-080-0005, 817-090-0025, 817-090-0035, 817-090-0045, 817-090-0050, 817-090-0105, 817-100-0005, 817-120-0005

Last Date for Comment: 11-21-05
Summary: Amendments to the administrative rules address changes resulting from passage of HB 2105 by the 2005 Legislature. The legislation revises statutory definitions in ORS 690.005 for the four cosmetology fields of practice, changes "facial technology to "esthetics" to conform with national and international industry standards and reinstates full body skin care by removing the seventh vertebra restriction implemented in 1987, and adds clarification that nail technology services apply to the arm below the elbow and the leg below the knee. Amendments to rule definitions modify some definitions for clarity and delete others that are redundant or unnecessary. Revisions improve rule construction and wording, and correct specific statutory/rule citations throughout OAR 817.

FEE INCREASE: The written examination fee is being increased from \$10 to \$25 (per section) to enable use of a national examination. The fee increase was reviewed and approved by the 2005 Legislature and is included in the agency's 2005-07 Legislatively Adopted Budget, presented as *Policy Package 103 – National Testing*.

Administrative Rules are available on the agency's website – www.oregon.gov/ohla

Material is available in alternative formats. Please contact Samie Patnode, Executive Assistant/Board Liaison for additional information.

Rules Coordinator: Patricia C. Allbritton
Address: Health Licensing Office, Board of Cosmetology, 700 Summer St. NE, Ste. 320, Salem, OR 97301-1287
Telephone: (503) 378-8667, ext. 4322

Land Conservation and Development Department Chapter 660

Date:	Time:	Location:
12-1-05	9 a.m.	County Bldg. First Floor Conf. Rm. 1101 West Main St. Medford, OR 97501
2-2-06	9 a.m.	Agriculture Bldg. Basement Hearing Rm. 635 Capitol St. NE Salem, OR 97301

Hearing Officer: LCDC
Stat. Auth.: ORS 197.040
Stats. Implemented: ORS 195.025, 197.040, 197.712, 197.717 & 197.732

Proposed Adoptions: 660-012-0016
Proposed Amendments: 660-012-0000–660-012-0070, 660-004-0000, 660-004-0022
Last Date for Comment: 2-2-06

Summary: The proposed amendments would revise provisions of the Transportation Planning Rule (TPR) that direct local governments to prepare and adopt transportation system plans. Amendments would clarify the rule in response to evaluations conducted by the Commission in concert with the Oregon Department of Transportation (ODOT) to better express and achieve the Statewide Planning Goals and the rule's objective for coordination of land use and transportation planning. Proposed amendments revise the TPR purpose statement and modify provisions related to metropolitan transportation planning, transportation project development, and other provisions of the rule. Proposed amendments to the TPR and the Interpretation of Goal 2 Exception Process Rule would also consolidate rule requirements for goal exceptions for transportation facilities and improvements on rural lands in the TPR. The proposed rule addresses coordination between metropolitan planning organizations (MPO) requirements under federal law and local government land use decisions under state law.

Rules Coordinator: Shelia Preston
Address: Land Conservation and Development Department, 635 Capitol St. NE - Suite 150, Salem, OR 97301-2540
Telephone: (503) 373-0050, ext. 222

Date:	Time:	Location:
12-1-05	1 p.m.	County Bldg. 1st Floor Conf. Rm. 1101 West Main St. Medford, OR

Hearing Officer: LCDC
Stat. Auth.: ORS 197.040 & HB 2458, Sec. 2(2)
Stats. Implemented: HB 2458 (2005) & Sec. 1, Ch. 688, OL 2003
Proposed Amendments: 660-015-0000, Rules in 660-004, 660-014, 660-022

Last Date for Comment: 12-1-05
Summary: The proposed amendments to Statewide Planning Goal 14 (OAR 660-015-0000(14)) and to related administrative rules under OAR chapter 660, division 022; OAR chapter 660, division 004; OAR 660, division 014; and OAR chapter 660, division 022, are necessary to conform to new state laws enacted by House Bill 2458 (2005), which also references requirements codified in Section 1, chapter 688, Oregon Laws 2003. The proposed goal and rule amendments will either insert appropriate statutory references or include provisions that conform the goal and rules to these laws.

Rules Coordinator: Shelia Preston
Address: Land Conservation and Development Department, 635 Capitol St. NE - Suite 150, Salem, OR 97301-2540
Telephone: (503) 373-0050

NOTICES OF PROPOSED RULEMAKING

Date: 12-1-05
Time: 11 a.m.
Location: Jackson County Bldg.
1101 West Main St.
Medford, OR

Hearing Officer: LCDC staff
Stat. Auth.: ORS 183 & 197
Stats. Implemented: ORS 197.712
Proposed Adoptions: 660-009-0030
Proposed Amendments: 660-009-0000, 660-009-0005, 660-009-0010, 660-009-0015, 660-009-0020, 660-009-0025
Last Date for Comment: 11-15-05 (Written Comments) 12-1-05 (Hearing)
Summary: Proposed amendments will clarify and simplify existing requirements for local governments to conduct economic opportunities analyses and inventory industrial and other employment lands to ensure that land is available for a variety of economic uses.
Rules Coordinator: Shelia Preston
Address: Land Conservation and Development Department, 635 Capitol St. NE - Suite 150, Salem, OR 97301-2540
Telephone: (503) 373-0050, ext. 222

.....
Landscape Architect Board
Chapter 804

Stat. Auth.: ORS 671
Stats. Implemented: ORS 671.335 & 671.316(3)
Proposed Amendments: 804-020-0055
Last Date for Comment: 11-30-05
Summary: The LAIT registration is not a mandatory requirement in statute. This rule change will remove the mandatory requirement to register as an LAIT.
Rules Coordinator: Susanna R. Knight
Address: Landscape Architect Board, 1193 Royvonne Ave SE, Suite 19, Salem, OR 97302
Telephone: (503) 589-0093

.....
Landscape Contractors Board
Chapter 808

Date: 11-30-05
Time: 1 p.m.
Location: West Salem Roth's IGA
Salem, OR

Hearing Officer: Ron Overstreet
Stat. Auth.: ORS 670.310 & 671.670; Other Auth.: 2005 OL, Ch. 671 (HB 2069)
Stats. Implemented: 2005 OL, Ch. 671 (HB 2069)
Proposed Adoptions: 808-002-0150, 808-002-0328, 808-002-0330, 808-002-0338, 808-002-0455, 808-002-0490, 808-002-0495, 808-002-0650, 808-002-0734, 808-002-0810, 808-002-0875, 808-002-0885, 808-003-0225, 808-003-0230, 808-003-0235, 808-003-0240, 808-003-0245, 808-003-0250, 808-003-0255
Proposed Amendments: 808-002-0200, 808-002-0250, 808-002-0340, 808-002-0360, 808-002-0480, 808-002-0500, 808-002-0720, 808-002-0730, 808-003-0010, 808-003-0015, 808-003-0018, 808-003-0035, 808-003-0040, 808-003-0045, 808-003-0060, 808-003-0105, 808-003-0110, 808-003-0130, 808-004-0320, 808-004-0600, 808-005-0020
Proposed Repeals: 808-002-0298, 808-002-0460, 808-002-0600, 808-002-0735, 808-002-0745, 808-003-0050
Last Date for Comment: 11-30-05

Summary: These rules are being adopted, amended or repealed to be in compliance with 2005 Oregon Laws, Chapter 671, HB 2069. This includes:

- Allowing inactive status,
- Placing a licensee or owner of a business on probation if a business has more than 3 claims filed within a 12 month period,
- Change of jurisdiction from "decorative vegetation" to "nursery stock,"
- Increased bonding requirements,

Board may suspend a license without opportunity for a hearing if there are consumer protection issues or refuse to issue a license for certain criminal or fraudulent conduct,

Makes it legal for employees of licensed landscaping businesses to perform landscape contracting work under the direct supervision of a licensed landscape contractor,

Licensees may perform the repair of irrigation and water features, Licensees may repair backflow assemblies if also certified as a backflow tester with the Health Department, and

Licensee may install patios and landscaping edging.
808-002-0150 - Defines of Backflow Assembly
808-002-0200 - Adds to Casualty, Minor or Inconsequential
808-002-0250 - Defines Construct Ornamental Water Features, Drainage System, Irrigation Systems

808-002-0298 - Deletes definition for Decorative Vegetation because this phrase has been deleted from the statute

808-002-0328 - Defines Direct Supervision
808-002-0330 - Defines Dishonest or Fraudulent Conduct
808-002-0338 - Defines Drainage Systems
808-002-0340 - Redefines Employ

808-002-0360 - Redefines Employee
808-002-0455 - Defines Install
808-002-0460 - Deletes definition of Irrigation repair
808-002-0480 - Clarifies/defines Irrigation Systems
808-002-0490 - Defines Landscape Edging

808-002-0495 - Defines Landscape Job
808-002-0500 - Deletes decorative vegetation and replaces with nursery stock in the definition of landscaping work

808-002-0600 - Deletes definition of LIBDI License
808-002-0650 - Defines Minority Shareholder
808-002-0720 - Defines Nursery Stock
808-002-0734 - Defines Owner of a Business

808-002-0730 - Clarifies Ornamental Water Features
808-002-0735 - Deletes Owner or Holder of a Direct or Indirect Interest In a Person because this phrase has been deleted from the statute

808-002-0745 - Deletes Ornamental Water Feature Repair
808-002-0810 - Defines Repair of Ornamental Water Features, Drainage Systems, Irrigation Systems

808-002-0875 - Defines Rough Grading
808-002-0885 - Defines Valid License
808-003-0010 - Clarifies advertising may only be done by a licensee with an active license

808-003-0015 - Adds requirement when applying for a business license to complete a statement of job charges, list all owners and the percent of ownership and submit copies of the original and amended articles of incorporation, organization filing or partnership agreements.

808-003-0018 - Renames section to Employment, change of License Phase, Supervisory Responsibilities and requires the individual contractor whose phase of license is the basis for the business license to submit a verification of employment form.

808-003-0035 - Renames section to License Categories and deletes LIBDI and replaces with Backflow

808-003-0040 - Deletes LIBDI and replaces with Backflow and deletes devices and replaces with backflow assemblies
808-003-0045 - Deletes LIBDI and replaces with Backflow
808-003-0050 - Deletes section and moves to 808-003-0008

808-003-0060 - Deletes LIBDI and replaces with Backflow and deletes devices and replaces with backflow assemblies
808-003-0105 - Deletes references to "Lapsed" licenses and clarifies no person may advertise without an active license.

808-003-0110 - Adds Irrevocable Letters of Credit and Deposits to this section and clarifies who should be listed on bond
808-003-0130 - Adds Irrevocable Letters of Credit and Deposits to this section.

808-003-0225 - Defines Terms of Probation

NOTICES OF PROPOSED RULEMAKING

808-003-0230 - Adds section regarding requirement for renewal of business and individual contractor license

808-003-0235 - Inactive Status Generally

808-003-0240 - Clarifies inactive status requests a renewal

808-003-0245 - Clarifies inactive status requests other than at renewal

808-003-0250 - Clarifies renewal of inactive status

808-003-0255 - Clarifies converting from inactive to active status

808-004-0320 - Clarifies landscaping business license must have been active at time of deliver of materials or performance of work

808-004-0600 - Changes agency to board and clarifies bond or security payment

808-005-0020 - Replaces prevention device with assembly, and LIBDI with Backflow; and adds penalty for failure of a landscaping business to maintain the correct amount of a surety bond or irrevocable letter of credit as \$1,500 and suspension of the license until proper amount obtained.

Rules Coordinator: Kim Gladwill-Rowley

Address: Landscape Contractors Board, 235 Union St. NE, Salem, OR 97301

Telephone: (503) 986-6570

.....

Date:	Time:	Location:
12-6-05	10 a.m.	West Salem Roth's IGA Salem, OR

Hearing Officer: Staff

Stat. Auth.: ORS 670.600; Other Auth.: 2005 OL (SB 323)

Stats. Implemented: ORS 670.600

Proposed Adoptions: 808-003-0260

Last Date for Comment: 12-6-05

Summary: SB 323 (chapter 533, Oregon Laws 2005) amended ORS 670.600 to establish a new definition of "independent contract." The amendments under this bill require the Landscape Contractors Board, Construction Contractors Board, Employment Department and Department of Revenue "to cooperate as necessary in their compliance and enforcement activities to ensure"... "consistent interpretation and application of ORS 670.600." See ORS 670.605. The adoption of this rule is part of that task.

Rules Coordinator: Kim Gladwill-Rowley

Address: Landscape Contractors Board, 235 Union St. NE, Salem, OR 97301

Telephone: (503) 986-6570

.....

Oregon Criminal Justice Commission Chapter 213

Stat. Auth.: ORS 137.667

Stats. Implemented: OL 2005, Ch. 906 & OL, Ch. 908

Proposed Amendments: Rules in 213-003, 213-017, 213-019

Last Date for Comment: 11-21-05, 5 p.m.

Summary: The Oregon Criminal Justice Commission is making these changes to enact the guidelines changes necessary because of passage by the 2005 legislature of the methamphetamine package of legislation, HB 2485 & SB 907.

The rule changes make the following changes to the sentencing guidelines:

Raise the crime category for Child Neglect in the First Degree from 4 to 6,

Set the crime category for the new crime of Distribution of Equipment, a Solvent, a Reagent or Precursor Substance with the Intent to Facilitate the Manufacture of a Controlled Substance at level 8,

Set the crime category for the new crime of Possessing or Disposing of Methamphetamine Manufacturing Waste at level 4,

Set the crime category for Manufacturing Methamphetamine involving a chemical reaction or preparation of precursor substance at level 8, and

Set the crime category for the renamed and renumbered drug crimes in SB 907 to be consistent with current law.

Rules Coordinator: Craig Prins

Address: 635 Capitol Street NE, Suite 350, Salem, OR 97301

Telephone: (503) 986-6495

.....

Oregon Liquor Control Commission Chapter 845

Date:	Time:	Location:
11-30-05	10 a.m.-12 p.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

Hearing Officer: Katie Hilton

Stat. Auth.: ORS 471, 471.030 & 471.730(1)&(5)

Stats. Implemented: ORS 471.730(8)

Proposed Adoptions: 845-004-0105

Last Date for Comment: 12-14-05

Summary: This rule describes how users of high-proof ethyl alcohol may apply for Open Purchase Orders allowing them to purchase this product from Oregon vendors. This process has been a policy of the agency for some time; through this rulemaking we are capturing the process in an administrative rule.

Rules Coordinator: Katie Hilton

Address: Oregon Liquor Control Commission, 9079 SE McLoughlin Blvd., Portland, OR 97222-7355

Telephone: (503) 872-5004

.....

Date:	Time:	Location:
12-20-05	10 a.m.-12 p.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

Hearing Officer: Katie Hilton

Stat. Auth.: ORS 471, 471.030 & 471.730(1)&(5)

Stats. Implemented: ORS 471.750(1)

Proposed Amendments: 845-015-0165

Last Date for Comment: 1-3-06

Summary: This rule describes the sorts of rebates and coupons which are allowed for distilled spirits, and sets out parameters for how rebate coupons are to be redeemed. Current rule language prohibits the use of rebates that give progressively larger discounts for increased amounts of alcohol purchased, for example a rebate that offers \$5 for the purchase of one bottle, but the rebate is \$12 for two bottles purchased. The Commission has been petitioned to remove rule language which prohibits progressive rebates, thus allowing their use.

Rules Coordinator: Katie Hilton

Address: Oregon Liquor Control Commission, 9079 SE McLoughlin Blvd., Portland, OR 97222-7355

Telephone: (503) 872-5004

.....

Oregon Public Employees Retirement System Chapter 459

Date:	Time:	Location:
11-29-05	2 p.m.	Boardroom, PERS Headquarters 11410 SW 68th Pkwy. Tigard, OR

Hearing Officer: David K. Martin

Stat. Auth.: ORS 238A.450

Stats. Implemented: ORS 238A.005, 238A.025, 238A.140, 238A.330 & 238A.335

Proposed Amendments: 459-070-0001

Last Date for Comment: 11-29-05

Summary: Updating the definition of "Qualifying Position" is necessary to articulate the administration and the granting of membership eligibility and creditable service.

Copies of the proposed rules are available to any person upon request. The rules are also available at www.pers.state.or.us. Public comment may be mailed to the above address or sent via email to David.Martin@state.or.us.

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: David K. Martin
Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281-3700
Telephone: (503) 603-7713

.....

Date:	Time:	Location:
11-29-05	2 p.m.	Boardroom, PERS Headquarters 11410 SW 68th Pkwy. Tigard, OR

Hearing Officer: David K. Martin
Stat. Auth.: ORS 238.715(9) & 238.650
Stats. Implemented: ORS 238.715
Proposed Amendments: 459-005-0610
Last Date for Comment: 12-23-05

Summary: These proposed modifications incorporate changes to the statute that were adopted by the 2003 Oregon Legislature and to better reflect the agency's practices in seeking recovery of overpayments. In summary, the major changes are:

- Remove definitions of words that were deleted from the statute or not otherwise needed and incorporating consistent use of the term "payee" as defined in this rule.
- Clarifying the distinction between the notice required by statute to commence recovery and the invoice that details the overpayment.
- More clear explanation of the methods staff uses to calculate and collect overpayments, including reducing the payee's obligation by any lump-sum payment owed to them.
- Incorporating the new statutory standard for collecting interest, fees, and costs in addition to the overpayment amount.

A copy of the proposed rule modification is available to any person upon request. The rules are also available at www.pers.state.or.us. Public comment may be mailed to the above address or sent via email to David.Martin@state.or.us

Rules Coordinator: David K. Martin
Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281-3700
Telephone: (503) 603-7713

.....

Date:	Time:	Location:
11-29-05	2 p.m.	Boardroom, PERS Headquarters 11410 SW 68th Pkwy. Tigard, OR

Hearing Officer: David K. Martin
Stat. Auth.: ORS 238.650 & 238.305(3)(c)
Stats. Implemented: ORS 238, 238.260, 238.300, 238.305 & 238.315, OL 2003 Ch. 67 & Ch. 625 (Enrolled HB 2003 & HB 3020)
Proposed Amendments: 459-007-0001, 459-007-0003, 459-007-0005, 459-007-0090
Proposed Repeals: 459-007-0095, 459-013-0300
Last Date for Comment: 11-29-05

Summary: The Oregon Supreme Court determined two elements of the 2003 PERS Reform Legislation to be invalid. One was the credit limitation on Tier One member regular accounts. The other was using the COLA Freeze method to recover overpayments as determined under the legislation. Previously, the agency had adopted administrative rules that incorporated those elements. After the decision was announced, PERS staff identified the following rule provisions that need to be modified to remove those elements and conform to the current state of the law after Strunk.

In all of the rule modifications, an effective date is specified. These dates correspond to when the prior, now invalid, version of the rules became effective. These modifications will, by operation of these dates, supersede the non-conforming versions.

OR 459-007-0001: The only change in this rule is the verb tense used in reference to the Deficit and Rate Guarantee reserves as they will now be ongoing accounts, not just reflections of prior deficits.

459-007-0003: This rule reflected the limitations on Tier One member regular account earnings crediting that were voided in Strunk. The rule modifications clarify that Tier One member regular accounts will be credited with no less than a pro-rate of the assumed interest rate. The rule also notes that such accounts cannot be credited with more than that rate until the conditions of ORS 238.255 are met. HB 2001 (2003 regular session) adopted limitations that prevent the PERS Board from crediting more than the assumed interest rate to Tier One member regular accounts. Those limitations were not challenged in the Strunk case, so the rule modifications acknowledge them.

459-007-0005: The substantive modifications are to sections (8) and (10) of the rule to reflect the assumed rate guarantee for Tier One member regular accounts. The other modifications correct terminology and references that were not consistent.

459-007-0090: This rule reflected an interim provision that credited lump sum installment retirements with a special rate up until April 1, 2004. That provision was struck down in Strunk, so this rule modification removes reference to the April trigger date.

459-007-0095: This rule was adopted to reflect that interim provision referenced above. The provision required that lump sum retirements from August 2003 to April 1, 2004 that were paid in two or more installments be credited with actual earnings or losses. That restriction was invalidated in Strunk.

459-013-0300: The Strunk court also found that the COLA Freeze method was not a permissible way to recover overpaid amounts as determined under the legislation. This rule was adopted to define and support the COLA Freeze process.

Copies of the proposed rules are available to any person upon request. The rules are also available at www.pers.state.or.us. Public comment may be mailed to the above address or sent via email to David.Martin@state.or.us.

Rules Coordinator: David K. Martin
Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281-3700
Telephone: (503) 603-7713

.....
Oregon State Lottery
Chapter 177

Date:	Time:	Location:
12-2-05	9-10 a.m.	Oregon Lottery 500 Airport Rd. SE Salem, OR

Hearing Officer: Larry Trott
Stat. Auth.: OR Const., Art. XV, §4(4) & ORS 461
Stats. Implemented: ORS 461.210
Proposed Amendments: 177-050-0037
Last Date for Comment: 12-2-05, 10 a.m.

Summary: The proposed amendments clarify that the receipt of a credit under this rule is discretionary with the Lottery; limit the time in which to report a loss; limit the reimbursable dollar amounts for stolen tickets (\$2500 for the term of the retailer contract); preclude reimbursement for employee theft; and require the retailer to meet specific criteria (including having reasonable security measures in place to prevent theft).

Rules Coordinator: Mark W. Hohlt
Address: Oregon State Lottery, 500 Airport Rd. SE, Salem, OR 97301
Telephone: (503) 540-1417

.....
Oregon University System
Chapter 580

Date:	Time:	Location:
12-1-05	10-11 a.m.	3rd Fl. Conf. Rm. 1431 Johnson Ln. (UO Campus) Eugene, OR

NOTICES OF PROPOSED RULEMAKING

12-15-05 10-11 a.m. 3rd Flr. Conf. Rm.
1431 Johnson Ln.
(UO Campus)
Eugene, OR

Hearing Officer: Juli Temperley
Stat. Auth.: ORS 351
Stats. Implemented:
Proposed Amendments: 580-040-0035
Last Date for Comment: 12-21-05
Summary: To establish tuition and fees for the Summer Session 2006, including room and board rates.
Rules Coordinator: Marcia M. Stuart
Address: Oregon University System, PO Box 3175, Eugene, OR 97403-0175
Telephone: (541) 346-5749

.....
**Oregon University System,
Oregon State University
Chapter 576**

Date: 11-30-05 **Time:** 12 p.m. **Location:** 208 Memorial Union
Oregon State University
Corvallis, OR

Hearing Officer: Bonnie Dasenko
Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Proposed Amendments: 576-045-0020
Last Date for Comment: 12-1-05
Summary: Under OSU's current rules, animals are not permitted within university owned or controlled buildings, with limited exceptions. The proposed rule will provide that professional and teaching faculty assigned to live on campus may have a pet in their residence if approved in advance under health and safety criteria adopted by University Housing and Dining Services.
Rules Coordinator: Bonnie Dasenko
Address: Oregon State System of Higher Education, Oregon State University, 600 Kerr Administration Building, Corvallis, OR 97331-2128
Telephone: (541) 737-2474

.....
Date: 11-30-05 **Time:** 12:15 p.m. **Location:** 208 Memorial Union
Oregon State University
Corvallis, OR

Hearing Officer: Bonnie Dasenko
Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Proposed Amendments: 576-050-0025
Last Date for Comment: 12-1-05
Summary: The proposed rule will amend Oregon State University's faculty grievance procedures to allow a faculty member with a complaint of discrimination to waive his or her right to file a formal grievance under the rules and instead file a formal complaint in OSU's Office of Affirmative Action and Equal Opportunity.
Rules Coordinator: Bonnie Dasenko
Address: Oregon State System of Higher Education, Oregon State University, 600 Kerr Administration Building, Corvallis, OR 97331-2128
Telephone: (541) 737-2474

.....
**Oregon University System,
Portland State University
Chapter 577**

Date: 11-23-05 **Time:** 2-4 p.m. **Location:** Cramer Hall
Rm. 307
Portland, OR

Hearing Officer: Deborah Janikowski

Stat. Auth.: ORS 351.088
Stats. Implemented: ORS 351.088
Proposed Amendments: 577-001-0100, 577-001-0105, 577-001-0110, 577-001-0115, 577-001-0120
Last Date for Comment: 12-2-05
Summary: This rule permanently amends the Portland State University Rules of Procedure for Contested Cases to conform to the requirements of the Federal and State Constitutions and statutes, specifically ORS 351.088.
Rules Coordinator: Deborah I. Janikowski
Address: Oregon University System, Portland State University, Portland State University, Office of Business Affairs, PO Box 751, Portland, OR 97207-0751
Telephone: (503) 725-5045

.....
**Oregon Youth Authority
Chapter 416**

Stat. Auth.: ORS 420A.025
Stats. Implemented: ORS 192 & 419A.255
Proposed Amendments: 416-130-0000, 416-130-0010, 416-130-0020, 416-130-0030, 416-130-0040, 416-130-0050, 416-130-0060
Last Date for Comment: 11-24-05
Summary: OAR Chapter 416, Division 130 will be amended to clarify its purpose, update its definitions, and provide language for new legislative directives regarding review of information requests by the Attorney General's office.
Rules Coordinator: Kimberly Walker
Address: Oregon Youth Authority, 530 Center St. NE, Suite 200, Salem, OR 97301-3765
Telephone: (503) 378-3864

.....
Stat. Auth.: ORS 420A.025
Stats. Implemented:
Proposed Repeals: 416-650-0000, 416-650-0010, 416-650-0020, 416-650-0030, 416-650-0040, 416-650-0050
Last Date for Comment: 11-24-05
Summary: Relevant portions of this rule division were moved to more appropriate divisions.
Rules Coordinator: Kimberly Walker
Address: Oregon Youth Authority, 530 Center St. NE, Suite 200, Salem, OR 97301-3765
Telephone: (503) 378-3864

.....
Stat. Auth.: ORS 420A.025
Stats. Implemented: ORS 419C.468 & 420A.125
Proposed Amendments: 416-460-0000, 416-460-0010, 416-460-0020, 416-460-0030
Proposed Repeals: 416-460-0040
Last Date for Comment: 11-30-05
Summary: The OYA will amend this rule to update language and reorganize its rules. The language in OAR 416-460-0040 will be incorporated into other rules within this division.
Rules Coordinator: Kimberly Walker
Address: Oregon Youth Authority, 530 Center St. NE, Suite 200, Salem, OR 97301-3765
Telephone: (503) 378-3864

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

Stat. Auth.: ORS 390.124
Stats. Implemented: ORS 390.111, 390.121 & 390.124
Proposed Amendments: 736-015-0035
Last Date for Comment: 12-1-05
Summary: Permanently amends existing rule, waiving day-use and camping fees, for veterans with a service-connected disability and active duty military personnel on leave year round. This is an expan-

NOTICES OF PROPOSED RULEMAKING

sion of existing State Parks day use parking and camping waivers for veterans with service-connected disabilities and active duty military personnel on leave, allowing them the free use of individual campsites no more than five consecutive days and no more than 10 days total in any calendar month.

The Oregon Parks and Recreation Commission heard the request to offer the expanded benefits to Veterans with service-connected disabilities and active duty military personnel on leave at its September 22, 2005 meeting, and granted approval. A temporary rule amendment was adopted by the Commission, effective on November 11, 2005. At that time the Commission also instructed staff to move forward with permanent rule making.

Rules Coordinator: Jo Bell

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

Telephone: (503) 986-0719

Stat. Auth.: ORS 390.124 & 378.730(1)(d)

Stats. Implemented: ORS 358.730

Proposed Adoptions: 736-053-0135, 736-053-0140

Proposed Amendments: 736-053-0100, 736-053-0105, 736-053-0110, 736-053-0115, 736-053-0120, 736-053-0125, 736-053-0130

Last Date for Comment: 12-1-05

Summary: Makes changes to the Museums Grant-in-Aid program, renaming it the "Oregon Museum Grant Program," and changing it from an entitlement program to one that is competitive, as authorized by the 73rd Assembly through Senate Bill 67.

Rules Coordinator: Jo Bell

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

Telephone: (503) 986-0719

Physical Therapist Licensing Board Chapter 848

Date:	Time:	Location:
12-2-05	8:30 a.m.	800 NE Oregon St. Rm. 445 Portland, OR

Hearing Officer: James D. Heider

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160

Proposed Adoptions: 848-035-0010, 848-035-0020, 848-035-0030, 848-035-0040

Last Date for Comment: 12-2-05

Summary: • Adoption of Division 35 requires completion of mandatory continuing education for the renewal of a physical therapy practice license.

- The certification period will be a 24-month period measured from April 1 through March 31 of each even numbered calendar year.

- The first certification period will actually be January 1, 2006 through March 31, 2008. The subsequent certification period will be from April 1, 2008 through March 31, 2010.

- A PT will have to complete 24 hours of continuing education during any 24-month certification period.

- A PTA will have to complete 12 hours of continuing education during any 24-month certification period.

- The Board will randomly audit PTs and PTAs upon renewal of their practice license in even numbered years.

- If randomly selected for audit, a Licensee will have to provide proof to the Board they have met the CE requirements for the period audited.

- Failure to meet the CE requirements will be a violation, of Board Rule, and is subject to Board discipline.

A full copy of Division 35 proposed rule text can be found on the Board's website at www.PTBoard.state.or.us, or may be requested from the Board's office by calling 971-673-0200.

Rules Coordinator: James Heider

Address: Physical Therapist Licensing Board, 800 NE Oregon St, Suite 407, Portland, OR 97232

Telephone: (971) 673-0203

Date:	Time:	Location:
12-2-05	8:30 a.m.	800 NE Oregon St. Rm. 445 Portland, OR

Hearing Officer: James D. Heider

Stat. Auth.: HB 3260, Ch. 627

Stats. Implemented:

Proposed Repeals: Rules in 848-030

Last Date for Comment: 12-2-05

Summary: • Entire Rule repealed as unnecessary and irrelevant with the passage of HB 3260, Chapter 627.

A full copy of Division 30 proposed rule text changes can be found on the Board's website at www.PTBoard.state.or.us, or may be requested from the Board's office by calling 971-673-0200.

Rules Coordinator: James Heider

Address: Physical Therapist Licensing Board, 800 NE Oregon St, Suite 407, Portland, OR 97232

Telephone: (971) 673-0203

Date:	Time:	Location:
12-2-05	8:30 a.m.	800 NE Oregon St. Rm. 445 Portland, OR

Hearing Officer: James D. Heider

Stat. Auth.: ORS 183 & 688.160

Stats. Implemented: ORS 688.145, 688.160 & 183

Proposed Amendments: 848-001-0000

Last Date for Comment: 12-2-05

Summary: • Add to Interested Persons List for notification of proposed rule making.

A full copy of Division 1 proposed rule text changes can be found on the Board's website at www.PTBoard.state.or.us, or may be requested from the Board's office by calling 971-673-0200.

Rules Coordinator: James Heider

Address: Physical Therapist Licensing Board, 800 NE Oregon St, Suite 407, Portland, OR 97232

Telephone: (971) 673-0203

Date:	Time:	Location:
12-2-05	8:30 a.m.	800 NE Oregon St. Rm. 445 Portland, OR

Hearing Officer: James D. Heider

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160 & 688.010

Proposed Adoptions: 848-040-0117, 848-040-0147

Proposed Amendments: 848-040-0105, 848-040-0110, 848-040-0115, 848-040-0120

Last Date for Comment: 12-2-05

Summary: • Restate under General Standards of Practice the requirement to refer a patient to a medical provider after 30 days of treatment.

- Update Standards for Authorization to Provide Physical Therapy Services to reflect the treatment of patients without a referral.

- Add a new section relevant to the use of PT Students and the Standards for Treatment.

A full copy of Division 40 proposed rules text changes can be found on the Board's website at www.PTBoard.state.or.us, or may be requested from the Board's office by calling 971-673-0200.

Rules Coordinator: James Heider

Address: Physical Therapist Licensing Board, 800 NE Oregon St, Suite 407, Portland, OR 97232

Telephone: (971) 673-0203

NOTICES OF PROPOSED RULEMAKING

Date: 12-2-05
Time: 8 a.m.
Location: 800 NE Oregon St.
Rm. 445
Portland, OR

Hearing Officer: James D. Heider
Stat. Auth.: ORS 688.140 & 688.160
Stats. Implemented: ORS 688.140, 688.145 & 688.160
Proposed Amendments: 848-045-0010, 848-045-0020
Last Date for Comment: 12-2-05

Summary: • Updates the wording for Grounds for Discipline of a Licensee to include new content and terminology from HB 3260.

- Allows the Board to impose a sanction that could assess the reasonable costs of a proceeding under ORS 688.145 as a civil penalty. This would include the costs of the investigation, Board legal fees, and Contested Case Hearing costs.

- Wording added to further clarify the use of the term "DOCTOR" by a physical therapist.

A full copy of Division 45 proposed rule text changes can be found on the Board's website at www.PTBoard.state.or.us, or may be requested from the Board's office by calling (503) 731-4047 Ext. 220.

Rules Coordinator: James Heider
Address: Physical Therapist Licensing Board, 800 NE Oregon St, Suite 407, Portland, OR 97232
Telephone: (971) 673-0203

.....

Date: 12-2-05
Time: 8:30 a.m.
Location: 800 NE Oregon St.
Rm. 445
Portland, OR

Hearing Officer: James D. Heider
Stat. Auth.: ORS 688.160
Stats. Implemented: ORS 688.160
Proposed Amendments: 848-020-0030, 848-020-0060
Last Date for Comment: 12-2-05

Summary: • Update wording in prohibited treatment related tasks regarding an Aides role in assisting with iontophoresis.

- Update wording in prohibited treatment related tasks regarding an Aides role in assisting with phonophoresis.
- Update wording in prohibited treatment related tasks regarding an Aides role in assisting with soft tissue mobilization or massage.

A full copy of Division 20 proposed rule text changes can be found on the Board's website at www.PTBoard.state.or.us, or may be requested from the Board's office by calling 971-673-0200.

Rules Coordinator: James Heider
Address: Physical Therapist Licensing Board, 800 NE Oregon St, Suite 407, Portland, OR 97232
Telephone: (971) 673-0203

.....

Date: 12-2-05
Time: 8:30 a.m.
Location: 800 NE Oregon St.
Rm. 445
Portland, OR

Hearing Officer: James D. Heider
Stat. Auth.: ORS 182.466 & 688.160
Stats. Implemented: ORS 688.160, 182.466, 688.080, 688.100, 688.110 & 688.070
Proposed Amendments: 848-005-0020, 848-005-0030
Last Date for Comment: 12-2-05

Summary: • Proposed increase in PT annual renewal fee.

- Proposed increase in PTA annual renewal fee.
- Repeal of fees associated with the renewal of a practice without referral certification.
- Update rules to include the need for Licensee to submit current electronic mailing address to the Board.

A full copy of Division 5 proposed rule text changes can be found on the Board's website at www.PTBoard.state.or.us, or may be requested from the Board's office by calling 971-673-0200.

Rules Coordinator: James Heider
Address: Physical Therapist Licensing Board, 800 NE Oregon St, Suite 407, Portland, OR 97232
Telephone: (971) 673-0203

.....

Date: 12-2-05
Time: 8:30 a.m.
Location: 800 NE Oregon St.
Rm. 445
Portland, OR

Hearing Officer: James D. Heider
Stat. Auth.: ORS 688.160, 688.100 & 688.110
Stats. Implemented: ORS 688.020, 688.040, 688.050, 688.055, 688.080, 688.090, 688.100 & 688.110

Proposed Amendments: 848-010-0015, 848-010-0020, 848-010-0026, 848-010-0033, 848-010-0035, 848-010-0044
Last Date for Comment: 12-2-05

Summary: • Update rule language to incorporate the new scores for the new Internet Based Test of English as a Foreign Language (ibTOEFL).

- If a foreign trained applicant ever held a license in the country in which they received their education, they must provide primary source verification of that license to the Board.

- Update the yearly renewal section to include the new requirement for completion of continuing education.

- Added a competency statement for renewal of a lapsed license.
- Remove the requirement for an application to be made under oath or affirmation.

A full copy of Division 10 proposed rule text changes can be found on the Board's website at www.PTBoard.state.or.us, or may be requested from the Board's office by calling 971-673-0200.

Rules Coordinator: James Heider
Address: Physical Therapist Licensing Board, 800 NE Oregon St, Suite 407, Portland, OR 97232
Telephone: (971) 673-0203

.....

Public Utility Commission Chapter 860

Stat. Auth.: ORS 183, 293.227 - 233, 293.250, 291.015, 756, 757 & 759

Stats. Implemented: ORS 756.040 & 756.500 - 756.575

Proposed Amendments: 860-011-0080

Last Date for Comment: 11-22-05

Summary: This proposed amendment revises OAR 860-011-0080(15)(d) to raise the late statement fee for water utilities from \$25 to \$40. The increased fee would serve as a better incentive or stronger penalty, and it would encourage more timely filing and payments. The higher amount would also make an additional collection option available to the Commission when a water utility does not make the required payment.

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

.....

Secretary of State, Corporation Division Chapter 160

Stat. Auth.: ORS 56.022

Stats. Implemented: ORS 56.022

Proposed Repeals: 160-010-0300

Last Date for Comment: 11-28-05

Summary: This rule is being deleted because the Corporation Division has discontinued the practice it outlines. The rule was not effective in addressing the problem.

Rules Coordinator: Kristine T. Hume

NOTICES OF PROPOSED RULEMAKING

Address: Secretary of State, Corporation Division, 255 Capitol St. NE, Suite 151, Salem, OR 97310
Telephone: (503) 986-2356

Date: 11-29-05
Time: 11 a.m.–12 p.m.
Location: 900 Court St. NE
Salem, OR 97301
Hearing Rm. C

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

Date: 11-29-05
Time: 9–9:30 a.m.
Location: 900 Court St. NE
Salem, OR 97301
Hearing Rm. C

Hearing Officer: Brenda Bayes
Stat. Auth.: ORS 246.120, 246.150 & 249.009
Stats. Implemented: ORS 246.120, 246.150 & 249.009
Proposed Amendments: 165-010-0005
Last Date for Comment: 11-29-05

Summary: This proposed rule amendment designates the *2006 State Candidate's Manual: Major Political Party*; *2006 State Candidate's Manual: Nonpartisan*; *2006 State Candidate's Manual: Minor Political Party*; *2006 State Candidate's Manual: Assembly of Electors*; *2006 State Candidate's Manual: Individual Electors*; and the *2006 County Candidate's Manual* and associated forms as the procedures and forms used by candidates filing and running for elected office. In addition this rule designates the *2006 State Candidate's Manual: Minor Political Party* to be used for the formation of a Minor Party.

To request a copy of the draft *2006 State Candidate's Manual: Major Political Party*; *2006 State Candidate's Manual: Nonpartisan*; *2006 State Candidate's Manual: Minor Political Party*; *2006 State Candidate's Manual: Assembly of Electors*; *2006 State Candidate's Manual: Individual Electors*; or the *2006 County Candidate's Manual* please contact Summer Davis, Compliance Specialist, phone 503-986-1518; fax 503-373-7414; or e-mail summer.s.davis@state.or.us

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

.....
Date: 11-28-05
Time: 9–9:30 a.m.
Location: 900 Court St.
Rm. 257
Salem, OR 97301

Hearing Officer: Brenda Bayes
Stat. Auth.: ORS 246.150
Stats. Implemented: ORS 260.232 & 260.995
Proposed Amendments: 165-013-0010, 165-013-0020
Last Date for Comment: 11-28-05, 5 p.m.

Summary: 165-013-0010: This rule amendment is proposed to incorporate into the Penalty Matrix for Campaign Finance Civil Penalty Election Law Violations, civil penalties for a political committees failing to establish a dedicated account within three business days, a political committee failing to file with filing officer account information within three business days, and a candidate committee compensating a candidate for professional services. Additionally penalties are increased for a candidate who uses campaign funds for personal use.

165-013-0020: This rule amendment is proposed to remove from the Penalty Matrix for Non-Campaign Finance Civil Penalty Election Law Violations the requirement for a penalty to be paid to a local jurisdiction for violations of ORS 260.432(1), 260.432(2), and 260.432(3). Additionally this amendment would remove the penalty for violating ORS 260.605, 260.625, and 260.655.

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

Hearing Officer: Brenda Bayes
Stat. Auth.: ORS 246.120, 246.150 & 250.015
Stats. Implemented: ORS 246.120, 246.150 & 250.015
Proposed Amendments: 165-014-0005
Last Date for Comment: 11-29-05

Summary: This proposed rule amendment designates the *2006 State Initiative and Referendum Manual*; *2006 Recall Manual*; and the *2006 County Initiative and Referendum Manual* and associated forms as the procedures and forms to be used for the initiative, referendum and recall processes. In addition this proposed rule amendment designates the *2006 County, City and District Referral Manual* to be used for the local referral process.

To request a copy of the draft *2006 State Initiative and Referendum Manual*; *2006 Recall Manual*; *2006 County Initiative and Referendum Manual*, or the *2006 County, City and District Referral Manual* please contact Summer Davis, Compliance Specialist, phone 503-986-1518; fax 503-373-7414; or e-mail summer.s.davis@state.or.us

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

.....
Date: 11-29-05
Time: 10–11 a.m.
Location: 900 Court St. NE
Salem, OR 97301
Hearing Rm. C

Hearing Officer: Fred Neal
Stat. Auth.: ORS 246.120, 246.150, 260.156 & 260.200
Stats. Implemented: ORS 246.120, 246.150, 260.156 & 260.200
Proposed Amendments: 165-012-0005
Last Date for Comment: 11-29-05

Summary: This proposed rule amendment designates the *2006 Campaign Finance Manual* and associated forms as the procedures and guidelines used for compliance with campaign finance regulation.

To request a copy of the draft *2006 Campaign Finance Manual* please contact Summer Davis, Compliance Specialist, phone 503-986-1518; fax 503-373-7414; or e-mail summer.s.davis@state.or.us

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

.....
Date: 11-29-05
Time: 9:30–10 a.m.
Location: 900 Court St. NE
Salem, OR 97301
Hearing Rm. C

Hearing Officer: Brenda Bayes
Stat. Auth.: ORS 246.120 & 246.150
Stats. Implemented: ORS 246.120 & 246.150
Proposed Amendments: 165-020-0005
Last Date for Comment: 11-29-05

Summary: This proposed rule amendment designates the *2006 City Elections Manual* and the *2006 District Elections Manual* and associated forms as the procedures and forms used for in the city and district elections process.

To request a copy of the draft *2006 City Elections Manual* or the *2006 District Elections Manual* please contact Summer Davis, Compliance Specialist, phone 503-986-1518; fax 503-373-7414; or e-mail summer.s.davis@state.or.us

Rules Coordinator: Brenda Bayes

NOTICES OF PROPOSED RULEMAKING

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

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.335 & 183.341

Proposed Amendments: 165-001-0000

Last Date for Comment: 11-28-05, 5 p.m.

Summary: The proposed amendment of this rule updates language to reflect changes that were made to law during the 2005 Legislative session that allow notice of administrative rules to be distributed via electronic mail.

Rules Coordinator: Brenda Bayes

Address: Secretary of State, Elections Division, 141 State Capitol,
Salem, OR 97310-0722

Telephone: (503) 986-1518

ADMINISTRATIVE RULES

Board of Examiners for Engineering and Land Survey Chapter 820

Adm. Order No.: BEELS 4-2005

Filed with Sec. of State: 9-23-2005

Certified to be Effective: 9-23-05

Notice Publication Date: 7-1-05

Rules Adopted: 820-040-0005

Rules Amended: 820-010-0325, 820-040-0030

Subject: OAR 820-010-0325 - Revises the Board's budget for the 05-07 biennium.

OAR 820-040-0005 - Creates definitions relating to the practice of engineering to assist registrants and the general public.

OAR 820-040-0030 - Revises the Rule to include an alternative method of obtaining licensure in the Traffic branch.

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

820-010-0325

Budget

The amount of \$1,820,150 is established for the biennium beginning July 1, 2005, as the intended limit for payment of expenses from fees, monies or other revenue, including Miscellaneous Receipts, collected or received by the Board. The expenditure limitation includes an operating budget of \$1,564,012 and an examination budget of \$250,000.

Stat. Auth.: ORS 670.310, 672.155 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 1-1999, f. 5-27-99, cert. ef. 7-1-99; BEELS 1-2001, f. & cert. ef. 5-22-01; BEELS 2-2002, f. & cert. ef. 5-15-02; BEELS 4-2003, f. 5-14-03, cert. ef. 7-1-03; BEELS 2-2004, f. & cert. ef. 7-14-04; BEELS 2-2005(Temp), f. & cert. ef. 6-9-05 thru 12-5-05; BEELS 4-2005, f. & cert. ef. 9-23-05

820-040-0005

Definitions

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

(1) "Ground Area" is defined as any projected or suspended occupied areas above the ground level in combination with areas in contact with the ground. Measurements in determining the ground area shall be taken from outside wall to outside wall and include the sum of the areas of all additions and the area of the original structure. The ground area of a building, or portion thereof, not provided with surrounding exterior walls is the usable area under the horizontal projection of the roof or floor above.

(2) "Height" is measured from the top surface of the lowest flooring to the highest interior overhead finish of the structure in determining whether a building exceeds the 20-foot height limitation. A basement floor is considered the lowest flooring when useable (i.e., storage, garage, etc.).

Stat. Auth.: ORS 670.310, 672.060, 672.129 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 4-2005, f. & cert. ef. 9-23-05

820-040-0030

Traffic Engineering

(1) "Traffic Engineering" is that branch of engineering which applies technology, science, and human factors to the planning, design, operations, and management of roads, streets, bikeways, highways, their networks, terminals, and abutting lands. Its objective is to provide for the safe, rapid comfortable, economical, convenient, and environmentally compatible movement of people, goods and services. Traffic engineering embraces studies and activities in connection with roads, streets, and highway traffic controls, which include signs, signals, lighting, pavement markings, and the following:

- (a) The planning, use, and design of traffic control devices and systems;
- (b) The use of algorithms for the operation of traffic control system;
- (c) The operational adjustment of traffic control devices and systems;
- (d) The preparation of traffic engineering reports;
- (e) The planning of traffic systems and networks, including environmental impacts, predictions of future needs, and interface with other modes of transportation;
- (f) Traffic related engineering economic feasibility studies;
- (g) The conduct of investigations and the preparation of recommendations relating to safety measures and improvements to be applied to highways including intersections, ramps, and railroad crossings;
- (h) Interrelationships of highways to other travel modes and abutting lands;

(i) The operational and geometric design of roads, streets, bikeways, and highways.

(2) Functional Areas: Four areas have been identified as functional classifications within traffic engineering. Each of the functional areas is further described as follows:

(a) "Traffic operations" is the science of analysis, review, and application of traffic data systems, including accident and surveillance records, and volume and other data gathering techniques necessary for traffic planning. It includes the knowledge of operational characteristics of persons and vehicles to determine the need for installation of traffic control devices, and the treatment of the functional characteristics of the controls such as traffic signal timing. It includes the assessment of vehicular and human factors, their relationship with other traffic characteristics, the determination of safe transportation systems, and the need for inherently safe features and controls;

(b) "Traffic design" consists of the design of traffic control devices and operational design. Traffic control device design includes those activities necessary to determine the appropriate and proper application of signs, pavement markings, signals, and signal systems, as well as to determine their location, and, if necessary, construction methods. It includes the preparation of plans, specifications, and estimates for the installation or modification of the various devices. Operational design concerns the visible features of a roadway. It may be thought of as the tailoring of the highway to the terrain, to the urban landscape, and to the requirements of the roadway user. It deals with such roadway elements as cross section, curvature, sight distance, channelization, and clearances, and thus depends directly on traffic flow characteristics;

(c) "Traffic planning" includes the determination of travel pattern of persons and goods based upon engineering judgments derived from the study and analysis of traffic characteristics involving present, future, and potential land-use plans; and recommendations for transportation systems and networks of roadways. Traffic planning may include origin and destination studies; functional classification plans; travel forecasts; system, land or mode capacity studies; trip generation and distribution; modal split; traffic assignment; terminal and route location; and economic analysis. The prime responsibility of the traffic planner is to determine travel patterns and networks in concert with the several modes of transportation and their terminals;

(d) "Traffic engineering research" includes the investigation of theoretical and applied aspects of all areas of traffic engineering for the purpose of developing new knowledge, new interpretations, and new applications. Traffic research may include hypothetical testing; impact studies; development of traffic hardware; theory formulation; methods of analysis, synthesis, and evaluation of existing phenomena and knowledge; and development of objectivity and thoroughness so that the validity of research findings can be demonstrated.

(3) A "Traffic Engineer" is a registered professional engineer who passes a traffic examination recognized by the Board and meets the other necessary qualifications for registration under ORS 672.002 to 672.325.

Stat. Auth.: ORS 670.310, 672.005 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 2-1986, f. 3-26-86, ef. 3-31-86; BEELS 2-2001, f. & cert. ef. 9-14-01, Renumbered from 820-010-0475; BEELS 4-2005, f. & cert. ef. 9-23-05

Adm. Order No.: BEELS 5-2005(Temp)

Filed with Sec. of State: 9-23-2005

Certified to be Effective: 9-23-05 thru 3-21-06

Notice Publication Date:

Rules Amended: 820-010-0205

Subject: Similar to the provision for professional engineers, this amendment will allow individuals not registered in another jurisdiction an opportunity to apply for licensure by comity in Oregon without registration in another state.

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

820-010-0205

Applications for Registration as Professional Land Surveyors (PLS)

(1) Applications may be made for admission to examination for registration as provided in ORS 672.255. Professional Land Surveyors registered in other states and making application for registration on the basis of comity with such other states in accordance with the provisions of ORS 672.125, must successfully pass an examination which includes a state-specific portion covering Oregon law.

(2) Applicants who are not registered in any state or jurisdiction but who meet all requirements for registration in Oregon may be considered for

ADMINISTRATIVE RULES

registration if the application is submitted within 2 years following completion of the practical examination. This section does not apply to applicants who are not currently registered due to expired, delinquent, or otherwise invalid certificates.

(3) Prior to issuing an initial certificate of registration to practice in Oregon, each applicant must pass a "take-home" examination on the laws and rules that regulate practice.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 1-1992, f. & cert. ef. 2-3-92; BEELS 3-2001, f. & cert. ef. 11-26-01; BEELS 5-2005(Temp), f. & cert. ef. 9-23-05 thru 3-21-06

Board of Geologist Examiners
Chapter 809

Adm. Order No.: BGE 2-2005

Filed with Sec. of State: 9-28-2005

Certified to be Effective: 9-28-05

Notice Publication Date: 9-1-05

Rules Amended: 809-010-0001, 809-040-0002, 809-040-0006, 809-050-0010

Subject: The fee increase for the ASBOG fundamental examination was approved by action at the December 7, 2004, Board Meeting. This increased fee represents the actual ASBOG charge to the Board to provide the examination.

By action at the March 8, 2005 Board meeting, the Oregon Geology examination was removed as a requirement for registration as a geologist in Oregon effective June 1, 2005. The above amended rules will remove all references to the Oregon Geology examination.

Rules Coordinator: Susanna R. Knight—(503) 566-2837

809-010-0001

Fees

Fees, as established by the Board of Geologist Examiners, are:

(1) Fundamental Section of the national examination for Geologist registration — \$150.

(2) Practice Section of the national examination for Geologist certification — \$150.

(3) Examination for Engineering Geologist certification — \$200.00.

(4) Geologist-in-Training initial registration and annual renewal — \$25.00.

(5) Geologist initial registration and annual renewal — \$75.00.

(6) Engineering Geologist initial certification and annual renewal — \$50.00. Engineering Geologist must have a current Geologist Registration.

(7) Duplicate or replacement of lost, destroyed, or mutilated registration card — \$3; duplicate or replacement of lost, destroyed, or mutilated wall certificate — \$25.00.

(8) Restoration fee if postmarked:

(a) One to ninety days after due date: \$10;

(b) Ninety-one to one-hundred seventy-nine days after due date: \$50;

(c) Over one-hundred seventy-nine days after due date: \$100.

(9) Renewal of registration by Geologist, if applicant is 70 years of age or over by renewal date — \$10.

(10) Renewal of certification by Engineering Geologist, if applicant is 70 years of age or over by renewal date — \$10.

(11) Application Fee — \$50.00. This fee is to accompany any application for registration or examination and any reapplication after one year since previous examination.

(12) Temporary Permit Fee — \$50.00. This fee is to accompany any notification per 672.545(3)(b).

Stat. Auth.: ORS 182.466, 670.310 & 672.705

Stats. Implemented: ORS 672.705

Hist.: GE 1(Temp), f. & ef. 11-3-77; GE 2, f. & ef. 12-13-77; GE 2-1979, f. 10-2-79, ef. 10-3-79; GE 1-1981, f. & ef. 8-3-81; GE 1-1982, f. & ef. 5-14-82; GE 2-1983(Temp), f. 10-14-83, ef. 11-1-83; GE 1-1984, f. & ef. 2-1-84; GE 1-1985, f. & ef. 7-1-85; GE 2-1986, f. & ef. 3-5-86; GE 1-1989, f. 12-18-89, cert. ef. 1-1-90; GE 1-1993(Temp), f. 3-1-93, cert. ef. 3-2-93; GE 2-199; GE 2-1996, f. & cert. ef. 8-30-96; BGE 1-1999, f. & cert. ef. 6-17-99; BGE 2-2001, f. & cert. ef. 3-23-01; BGE 1-2002, f. & cert. ef. 2-6-02; BGE 3-2002, f. & cert. ef. 7-9-02; BGE 6-2004, f. & cert. ef. 8-5-04; BGE 2-2005, f. & cert. ef. 9-28-05

809-040-0002

Date of Exams

The State Board of Geologist Examiners will administer the national examination of the Association of State Boards of Geologists twice a year.

Stat. Auth.: ORS 183, 192 & 672

Stats. Implemented:

Hist.: GE 1-1984, f. & ef. 2-1-84; GE 1-1990, f. & cert. ef. 10-2-90; BGE 1-2002, f. & cert. ef. 2-6-02; BGE 2-2005, f. & cert. ef. 9-28-05

809-040-0006

Scope of Geologist Examination

The geologist examination shall consist of:

(1) The fundamental section of the national examination testing knowledge of geology obtained while working toward a Bachelor's Degree in Geology; and

(2) The practice section of the national examination testing knowledge, skills and abilities gained by experience in the field and the ability to solve geologic problems.

Stat. Auth.: ORS 183, 192 & 672

Stats. Implemented:

Hist.: GE 1-1984, f. & ef. 2-1-84; GE 1-1990, f. & cert. ef. 10-2-90; BGE 1-2002, f. & cert. ef. 2-6-02; BGE 2-2005, f. & cert. ef. 9-28-05

809-050-0010

Qualifications for Registration Without Examination (Cooperative)

(1) To qualify for registration as a geologist, the applicant shall:

(a) Hold a current, valid registration, obtained by passing the national examination, from a state, territory or possession of the United States;

(b) Apply for registration on forms provided by the Board; and

(c) Submit the required fee.

(2) The Administrator shall obtain verification of current registration/certification from the approved jurisdiction before issuing an Oregon registration/certification.

(3) Non-registrants wishing to practice under the 60-day window provision must pay appropriate fees.

Stat. Auth.: ORS 183, 192 & 672

Stats. Implemented:

Hist.: GE 1-1984, f. & ef. 2-1-84; GE 2-1986, f. & ef. 3-5-86; GE 3-1986, f. & ef. 7-15-86; GE 1-1990, f. & cert. ef. 10-2-90; BGE 1-2000, f. & cert. ef. 8-3-00; BGE 2-2002, f. & cert. ef. 4-15-02; BGE 2-2005, f. & cert. ef. 9-28-05

Board of Massage Therapists
Chapter 334

Adm. Order No.: BMT 4-2005(Temp)

Filed with Sec. of State: 9-19-2005

Certified to be Effective: 9-19-05 thru 3-12-06

Notice Publication Date:

Rules Amended: 334-010-0010

Subject: To allow applicants to take both the NCETMB and NCETM exam offered by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

Rules Coordinator: Michelle Sherman—(503) 365-8657

334-010-0010

Examination

(1) The L.M.T. examination shall be held at least twice annually.

(2) The applicant shall be notified by mail, postmarked at least two weeks before the scheduled exam, unless otherwise waived by the applicant, of the time and place.

(3) Applicants who request an extension in writing to the Board postmarked 7 days in advance for the practical examination may have their examination fees apply to a subsequent examination so long as the applicant sits for the examination within a year of the date of the extension. Only one extension shall be permitted. Exceptions will be reviewed on a case-by-case basis by the Board. Refund of the examination fee will be granted should the applicant request a refund in writing postmarked at least 7 days prior to the exam.

(4) Applicants are required to take and pass either the NCETMB certifying exam in massage and bodywork or the NCETM exam and the Oregon practical examination, which includes a written test on Oregon statutes and administrative rules.

(5) **Failure to Pass** An applicant must pass the practical examination within 24 months of the initial examination with a maximum of three attempts. If the applicant fails to pass in three attempts, he/she must re-establish eligibility to apply and sit for the massage therapist licensing examinations by undertaking and satisfactorily completing a Board approved program of remedial study from a certified school and/or instructor(s).

(6) Applicants for reciprocity or indorsement who are sitting only for the practical examination shall take the examination during the regularly scheduled examination dates.

ADMINISTRATIVE RULES

(7) The Board may elect to administer examinations at other than regularly scheduled times if such administration:

(a) Does not interfere with the normal workload and work duties of the Board and its staff; and

(b) Additional costs associated with administering an unscheduled examination are paid by the applicant.

(8) **Examinee Conduct** An examinee, whose conduct interferes with the testing process or whose behavior violates ethical practices or jeopardizes the safety of a volunteer subject, may be dismissed and disqualified from examination. Such conduct includes but is not limited to the following behaviors:

(a) Giving or receiving examination data, either directly or indirectly, during the examination process;

(b) Failure to follow written or oral instructions relative to conducting the examination, including termination times and procedures;

(c) Endangering the life or health of a model, other examinees, or examination staff;

(d) Introducing unauthorized materials during any portion of the examination;

(e) Attempting to remove examination materials or notations from the testing site; or

(9) Violating the credentialing process such as falsifying or misrepresenting educational credentials or other information required for admission to the examination, impersonating an examinee, or having an impersonator take the licensing examination on one's behalf.

(10) Test questions, scoring keys, and other examination data used to administer the qualifying examination are exempt from disclosure under ORS 192.410 to 192.505 as amended.

(11) The Board may release statistical information regarding examination pass/fail rates by group, type of examination, school, year, and subject area to any interested party.

(12) All examinations are given in the English language. An applicant is presumed to possess sufficient sensory, visual, hearing and psychomotor skills to independently perform massage and bodywork skills.

(13) **Applicants with Special Needs** An applicant with special needs may apply to the Board for the provision of special conditions to complete the examination.

(a) The Board may require proof, provided by a qualified professional on letterhead, of the nature of the special need and type of special conditions recommended to complete the exam.

(b) A request for special conditions must be made to the Board in writing no later than three weeks prior to the date of the examination.

Stat. Auth.: ORS 183, 687.121 & SB 1127

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121
Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0004; MTB 1-1979, f. & ef. 5-22-79; MTB 2-1982, f. & ef. 7-21-82; MTB 2-1985, f. & ef. 1-23-85; MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98, Renumbered from 334-010-0021 [Hist.: MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92; Sections (6) - (20)(h) Renumbered from 334-030-0020); BMT 1-1999(Temp), f. 6-14-99, cert. ef. 7-4-99 thru 12-31-99; BMT 1-2000, f. & cert. ef. 1-12-00; BMT 2-2000, f. & cert. ef. 8-3-00; BMT 1-2001(Temp), f. & cert. ef. 1-9-02 thru 7-5-02; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 4-2005(Temp), f. & cert. ef. 9-19-05 thru 3-12-06

Board of Medical Examiners Chapter 847

Adm. Order No.: BME 11-2005

Filed with Sec. of State: 10-12-2005

Certified to be Effective: 10-12-05

Notice Publication Date: 9-1-05

Rules Amended: 847-050-0029

Subject: The adopted administrative rules change specifies that an applicant for a locum tenens must have an active or locum tenens registration status with the Board.

Rules Coordinator: Diana M. Dolstra—(503) 229-5873, ext. 223

847-050-0029

Locum Tenens

Locum tenens means a temporary absence by the physician assistant or physician is filled by a substitute physician assistant or physician. The following is required of an applicant for locum tenens:

(1) A minimum of two weeks prior to the intended locum tenens, the supervising physician of the practice which desires the substitute must submit a letter of request to the Board.

(2) The request must include the name of the substitute physician assistant or physician, duration of the locum tenens, a description of how

supervision of the physician assistant will be maintained, and any changes in the approved practice description for the practice during the locum tenens. Approval must be obtained in advance from the Executive Director of the Board of Medical Examiners.

(3) The physician assistant or physician must be currently licensed in Oregon, with active or locum tenens registration status, and be in good standing with the Board.

(4) The physician assistant must be qualified to provide the same type of service as described in the current approved practice description for the locum tenens.

(5) The physician must be as qualified as the physician who is being replaced during the locum tenens.

(6) The Board Executive Director may give temporary approval which is subject to approval by the Board of Medical Examiners.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265, 677.510

Hist.: ME 1-1986, f. & ef. 1-21-86; ME 2-1990, f. & cert. ef. 1-29-90; ME 7-1990, f. & cert. ef. 4-25-90; BME 6-2003, f. & cert. ef. 1-27-03; BME 11-2005, f. & cert. ef. 10-12-05

Adm. Order No.: BME 12-2005

Filed with Sec. of State: 10-12-2005

Certified to be Effective: 10-12-05

Notice Publication Date: 6-1-05

Rules Adopted: 847-070-0019

Rules Amended: 847-070-0016, 847-070-0045

Subject: The adopted administrative rules changes update the language on the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examinations and certification, which have recently changed. A new section is being added that describes the steps the Board may take to ensure that applicants, if they have been out of practice for 12 months or longer, remain competent to practice. This same language is being added to the section of the reactivation of a licensee from an inactive to active status.

Rules Coordinator: Diana M. Dolstra—(503) 229-5873, ext. 223

847-070-0016

Qualifications

(1) Effective November 21, 2001, an applicant for licensure as an acupuncturist in the State of Oregon must have the following qualifications:

(a) Have graduated from an acupuncture program that satisfies the standards of the Accreditation Commission for Acupuncture and Oriental Medicine (A.C.A.O.M.), or its successor organization, or an equivalent accreditation body that are in effect at the time of the applicant's graduation. An acupuncture program may be established as having satisfied those standards by demonstration of one of the following:

(A) Accreditation, or candidacy for accreditation by ACAOM at the time of graduation from the acupuncture program; or

(B) Approval by a foreign government's Ministry of Education, or Ministry of Health, or equivalent foreign government agency at the time of graduation from the acupuncture program. Each applicant must submit their documents to a foreign credential equivalency service, which is approved by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) for the purpose of establishing equivalency to the ACAOM accreditation standard. Acupuncture programs that wish to be considered equivalent to an ACAOM accredited program must also meet the curricular requirements of ACAOM in effect at the time of graduation.

(b) Documentation of certification in acupuncture by the National Certification Commission for Acupuncture and Oriental Medicine (N.C.C.A.O.M.). An applicant shall be deemed certified by the N.C.C.A.O.M. in Acupuncture if the applicant has passed the N.C.C.A.O.M. Acupuncture Certification Examinations, or has been certified through the N.C.C.A.O.M. Credentials Documentation Examination and passed the practical portion (Point Location Module) of the N.C.C.A.O.M. Acupuncture Certification Examinations. An applicant must have passed the N.C.C.A.O.M. practical examination, which is the point location portion of the Acupuncture Certification Examinations on or after April 22, 1991 in order to be eligible for Oregon licensure; or

(c) An applicant who does not meet the criteria in OAR 847-070-0016(1) must have the following qualifications:

(A) Have five years of licensed clinical acupuncture practice in the United States prior to July 1, 1998. This practice must include a minimum of 500 acupuncture patient visits per year. Documentation shall include:

ADMINISTRATIVE RULES

(i) Two affidavits from office partners, clinic supervisors, accountants, or others approved by the Board, who have personal knowledge of the years of practice and number of patient visits per year; and

(ii) Notarized copies of samples of appointment books, patient charts and financial records, or other documentation as required by the Board; and

(B) An applicant must have practiced as a licensed acupuncturist in the U.S. during five of the last seven years prior to application for Oregon licensure. Licensed practice includes clinical practice, clinical supervision, teaching, research, and other work as approved by the Board within the field of acupuncture and oriental medicine. Documentation of this practice will be required and is subject to Board approval; and

(C) Documentation of successful completion of the A.C.A.O.M. western medicine requirements in effect on July 1, 1998; and

(D) Documentation of current certification in acupuncture by the N.C.C.A.O.M. An applicant shall be deemed certified in Acupuncture by the N.C.C.A.O.M. if the applicant has passed the N.C.C.A.O.M. Acupuncture Certification Examinations, or has been certified through the N.C.C.A.O.M. Credentials Documentation Examination; or

(d) An individual whose acupuncture training and diploma were obtained in a foreign country and who cannot document the requirements of subsection (1) of this rule because the required documentation is now unobtainable, may be considered eligible for licensure if it is established to the satisfaction of the Board that the applicant has equivalent skills and training and can document one year of training or supervised practice under a licensed acupuncturist in the United States; and

(e) In addition to meeting the requirements in (1) and (2), or (3), or (4), all applicants for licensure must have the following qualifications:

(A) A letter verifying licensure in good standing from the state or states of all prior and current medically related licensure; and

(B) Have good moral character as those traits would relate to the applicant's ability of properly engaging in the practice of acupuncture; and

(C) Have the ability to communicate in the English language well enough to be understood by patients and physicians. This requirement is met if the applicant passes the N.C.C.A.O.M. written acupuncture examination in English, or if in a foreign language, must also have passed an English language proficiency examination, such as TOEFL (Test of English as a Foreign Language), or TSE (Test of Spoken English). An applicant must obtain a TOEFL score of 500 or more for the written TOEFL exam and 173 or more for the computer based TOEFL exam, or a TSE score of 200 or more prior to July 1995, and a score of 50 or more after July 1995. An applicant who is certified through the N.C.C.A.O.M. Credentials Documentation Examination must also have passed an English proficiency examination.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.757 & 677.780

Hist.: ME 5-1997, f. & cert. ef. 11-3-97; BME 5-1998, f. & cert. ef. 4-22-98; BME 15-1998, f. & cert. ef. 10-26-98; BME 15-1998, f. & cert. ef. 10-26-98; BME 16-1999, f. & cert. ef. 10-28-99; BME 13-2001, f. & cert. ef. 10-30-01; BME 6-2002, f. & cert. ef. 4-23-02; BME 12-2005, f. & cert. ef. 10-12-05

847-070-0019

Interview and Examination

(1) In addition to all other requirements for licensure, an applicant may be required to appear before the Acupuncture Committee for a personal interview regarding information received in the application process. The interview shall be conducted during a regular meeting of the committee.

(2) If there is reasonable cause to question the qualifications of an applicant, or if an applicant has not practiced as an acupuncturist for a period of twelve (12) or more consecutive months prior to application for Oregon licensure, the Board in its discretion may require the applicant to do one or more of the following:

(a) Pass the N.C.C.A.O.M. Acupuncture Certification Examinations.

(b) Pass an evaluation which may be written, oral, practical, or any combination thereof.

(c) Provide documentation of current N.C.C.A.O.M. Acupuncture certification.

(d) Document 15 hours of continuing education acceptable to the Board for every year the applicant has ceased practice prior to application for Oregon licensure. Continuing education that meets N.C.C.A.O.M.'s recertification requirements would qualify as Board approved continuing education.

(e) As a condition of licensure, practice under a Board approved mentor for a specified period of time.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.759

Hist.: BME 12-2005, f. & cert. ef. 10-12-05

847-070-0045

Inactive Registration, and Reactivation from Inactive to Active

(1) Any acupuncturist licensed in this state and registered under ORS 677.770 who changes location to some other state or country shall be listed by the Board as inactive.

(2) If the acupuncturist wishes to resume active status, the acupuncturist shall file an affidavit with the Board describing activities during the period of inactive status.

(3) If, in the judgment of the Board, the conduct of the acupuncturist has been such, during the period of inactive registration, that the acupuncturist would have been denied a license if applying for an initial license, the Board may deny active registration.

(4) If a licensed acupuncturist in this state ceases to practice for a period of 12 or more consecutive months, the Board in its discretion may require the acupuncturist to do one or more of the following:

(a) Pass the N.C.C.A.O.M. Acupuncture Certification Examinations.

(b) Pass an evaluation which may be written, oral, practical, or any combination thereof.

(c) Provide documentation of current N.C.C.A.O.M. Acupuncture certification.

(d) Document 15 hours of continuing education acceptable to the Board for every year the applicant has ceased practice prior to application for Oregon licensure. Continuing education that meets N.C.C.A.O.M.'s recertification requirements would qualify as Board approved continuing education.

(e) As a condition of licensure, practice under a Board approved mentor for a specified period of time.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.759

Hist.: ME 24-1987, f. & ef. 10-29-87; ME 6-1993, f. & cert. ef. 4-22-93; ME 10-1996, f. & cert. ef. 10-29-96; BME 16-1999, f. & cert. ef. 10-28-99; BME 12-2005, f. & cert. ef. 10-12-05

Adm. Order No.: BME 13-2005

Filed with Sec. of State: 10-12-2005

Certified to be Effective: 10-12-05

Notice Publication Date: 6-1-05

Rules Amended: 847-080-0010

Subject: The adopted administrative rules change adds the requirement that a podiatric physician applicant must have graduated from a school or college of podiatric medicine accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

Rules Coordinator: Diana M. Dolstra—(503) 229-5873, ext. 223

847-080-0010

Requirements for Licensure

(1) The applicant for licensure shall be required to:

(a) Have graduated from a school or college of podiatric medicine accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

(b) Successfully pass the National Board of Podiatric Medical Examiners (NBPME) examination Part I and Part II. Effective July 15, 2004, the applicant for licensure must also pass the NBPME examination Part III.

(c) Have satisfactorily completed one year of post-graduate training served in a hospital that is approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association, or

(d) Have received a certificate of completion for one year of post-graduate training in a hospital residency program that was not approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association; and

(e) Have been certified by the American Board of Podiatric Orthopedics and Primary Podiatric Medicine, the American Board of Podiatric Surgery, or the American Board of Podiatric Public Health.

(f) Have satisfactorily met the requirements of ORS 677.825.

(2) No application will be accepted on the basis of reciprocity or written examination, other than the National Board of Podiatric Medical Examiners.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.820

Hist.: ME 4-1982, f. & ef. 4-23-82; ME 7-1982, f. & ef. 10-27-82; Suspended by ME 3-1983(Temp), f. & ef. 10-3-83 to 10-7-83; Suspended by ME 2-1984(Temp), f. & ef. 1-20-84; ME 11-1985, f. & ef. 8-6-85; ME 6-1986, f. & ef. 4-23-86; ME 8-1994, f. & cert. ef. 4-29-94; BME 16-2004, f. & cert. ef. 7-13-04; BME 13-2005, f. & cert. ef. 10-12-05

ADMINISTRATIVE RULES

Board of Nursing Chapter 851

Adm. Order No.: BN 7-2005

Filed with Sec. of State: 10-13-2005

Certified to be Effective: 10-13-05

Notice Publication Date: 8-1-05

Rules Amended: 851-010-0010

Subject: The Board is authorized by ORS 678.150 to elect annually from its number a President and Secretary, each of whom shall serve until a successor is elected and qualified. The Board decided at its June 16, 2005 meeting to remove the limit of two successive terms that an officer may serve.

Rules Coordinator: KC Cotton—(971) 673-0638

851-010-0010

Election

The officers of the Board shall be elected annually as stated in Board policy. Elections shall be held during the regularly scheduled September Board meeting. Terms of office shall run from January 1st to December 31st.

Stat. Auth.: ORS 678.150

Stats. Implemented: ORS 678.150

Hist.: NER 1, f. 11-12-57; NER 40, f. & ef. 11-25-77; NB 1-1997, f. & cert. ef. 1-2-97; BN 12-2001, f. & cert. ef. 10-16-01; BN 7-2005, f. & cert. ef. 10-13-05

Adm. Order No.: BN 8-2005

Filed with Sec. of State: 10-13-2005

Certified to be Effective: 10-13-05

Notice Publication Date: 8-1-05

Rules Amended: 851-050-0131

Subject: The Board is authorized by ORS 678.385 to determine by rule and revise periodically the drugs and medicines to be included in the formulary that may be prescribed by a nurse practitioner acting under ORS 678.375, including controlled substances listed in Schedules II, III, III N, IV and V. The amendments add the June, July and August 2005 updates to Drug Facts and Comparisons to the formulary.

Rules Coordinator: KC Cotton—(971) 673-0638

851-050-0131

Formulary for Nurse Practitioners with Prescriptive Authority

(1) The following definitions apply for the purpose of these rules:

(a) "Appliance or device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including any component part or accessory, which is required under federal or state law to be prescribed by a practitioner and dispensed by a pharmacist.

(b) "Formulary" means a specific list of drugs determined by the Board. The formulary for nurse practitioners with prescriptive authority shall be all the drugs in the Drug Facts and Comparisons dated August 2005 with the exception of certain drugs and drug groups, which are listed below.

(c) "Board" means the Oregon State Board of Nursing.

(2) The Board as authorized by ORS 678.385 (1993), shall determine the drugs which nurse practitioners may prescribe, shall periodically revise the formulary by rulemaking hearing at each regular Board meeting and shall transmit the list of those drugs which are exceptions to the formulary, and which nurse practitioners may not prescribe, to nurse practitioners with prescriptive authority and other interested parties.

(3) The formulary is constructed based on the following premises:

(a) Nurse practitioners may provide care for specialized client populations within each nurse practitioner category/scope of practice;

(b) Nurse practitioner prescribing is limited by the nurse practitioner's scope of practice and knowledge base within that scope of practice;

(c) Nurse practitioners may prescribe the drugs appropriate for patients within their scope of practice as defined by OAR 851-050-0005;

(d) Nurse practitioners may prescribe drugs for conditions the nurse practitioner does not routinely treat within the scope of their practice provided there is ongoing consultation/ collaboration with another health care provider who has the authority and experience to prescribe the drug(s);

(e) Nurse practitioners shall be held strictly accountable for their prescribing decisions;

(f) All drugs on the formulary shall have Food and Drug Administration (FDA) approval.

(4) Nurse practitioners with prescriptive authority are authorized to prescribe:

(a) All over the counter drugs;

(b) Appliances and devices.

(5) Nurse practitioners are authorized to prescribe the following drugs as listed in Drug Facts and Comparisons dated August 2005:

(a) Nutrients and Nutritional Agents – all drugs except Flavocoxid (Limbrel).

(b) Hematological Agents – all drugs except Drotrecogin Alfa (Xigris); and Treprostinil Sodium (Romodulin).

(c) Endocrine and Metabolic Agents – all drugs except:

(A) I 131;

(B) Gallium Nitrate; and

(C) Mifepristone (Mifeprex); and

(D) Abarelix (Plenaxis).

(d) Cardiovasculars – all drugs except:

(A) Cardioplegic Solution;

(B) Fenoldopam Mesylate (Corlopam);

(C) Dofetilide (Tikosyn); and

(D) Bosentan (Tracleer).

(e) Renal and Genitourinary Agents – all drugs;

(f) Respiratory Agents – all drugs;

(g) Central Nervous System Agents:

(A) Class II Controlled Substances – Only the following drugs:

(i) Tincture of opium;

(ii) Codeine;

(iii) Hydromorphone;

(iv) Morphine;

(v) Oxycodone, Oxymorphone;

(vi) Topical Cocaine Extracts and Compounds;

(vii) Fentanyl;

(viii) Meperidine;

(ix) Amphetamines;

(x) Methylphenidates;

(xi) Pentobarbital;

(xii) Secobarbital;

(xiii) Methadone Hydrochloride (in accordance with OAR 851-045-0015(2)(n) and 851-050-0170); and

(xiv) Levorphanol.

(B) General Anesthetic Agents – no drugs which are general anesthetic barbiturates, volatile liquids or gases, with the exception of nitrous oxide; and

(C) Chymopapain is excluded.

(D) Ziconotide (Prialt) is excluded.

(E) Sodium Oxybate (Xyrem) is excluded.

(h) Gastrointestinal Agents – all drugs except: Monooctanoin;

(i) Anti-infectives, Systemic – all drugs;

(j) Biological and Immunologic Agents – all drugs except Basiliximab (Simulect);

(k) Dermatological Agents – all drugs except Psoralens;

(l) Ophthalmic and Otic Agents – all drugs except:

(A) Punctal plugs;

(B) Collagen Implants;

(C) Indocyanine Green;

(D) Hydroxypropal (Methyl) Cellulose;

(E) Polydimethylsiloxane;

(F) Fomivirsen Sodium (Vitravene);

(G) Verteporfin;

(H) Levobetaxolol HCL (Betaxon);

(I) Travoprost (Travatan);

(J) Bimatoprost (Lumigan); and

(K) Unoprostone Isopropyl (Rescula);

(L) Pegaptanib Sodium (Macugen); and

(M) Triptan Blue (VisionBlue).

(m) Antineoplastic Agents - all drugs except:

(A) NCI Investigational Agents;

(B) Samarium Sm53;

(C) Denileukin Diftitox (Ontak);

(D) BCG, Intravesical (Pacis);

(E) Arsenic Trioxide (Trisenox);

(F) Ibritumomab Tiuxetan (Zevalin);

(G) Tositumomab and Iodine 131 I-Tositumomab (Bexxar);

(H) Sclerosol; and

(I) Clofarabine (Clolar).

(n) Diagnostic Aids:

ADMINISTRATIVE RULES

- (A) All drugs except Arbutamine (GenESA);
- (B) Thyrotropin Alfa (Thyrogen);
- (C) Miscellaneous Radiopaque agents – no drugs from this category

except:

- (i) Iopamidol;
- (ii) Iohexol; and
- (iii) Ioxilan (Oxilan).

Stat. Auth.: ORS 678.375 & 678.385
Stats. Implemented: ORS 678.385

Hist.: NB 11-1993(Temp), f. 10-26-93, cert. ef. 11-4-93; NB 2-1994, f. & cert. ef. 4-15-94; NB 7-1994, f. & cert. ef. 9-28-94; NB 3-1995, f. & cert. ef. 4-12-95; NB 6-1995(Temp), f. & cert. ef. 6-15-95; NB 8-1995, f. & cert. ef. 6-29-95; NB 11-1995, f. & cert. ef. 10-9-95; NB 1-1996, f. & cert. ef. 2-29-96; NB 3-1996, f. & cert. ef. 6-11-96; NB 8-1996, f. & cert. ef. 10-30-96; NB 10-1996, f. & cert. ef. 12-2-96; NB 5-1997, f. & cert. ef. 3-6-97; NB 7-1997, f. & cert. ef. 5-13-97; NB 8-1997, f. & cert. ef. 7-1-97; NB 13-1997, f. & cert. ef. 9-29-97; NB 14-1997, f. & cert. ef. 12-11-97; NB 4-1998, f. & cert. ef. 3-13-98; NB 5-1998, f. & cert. ef. 5-11-98; NB 8-1998, f. & cert. ef. 7-16-98; NB 12-1998, f. & cert. ef. 9-22-98; NB 13-1998, f. & cert. ef. 12-1-98; NB 1-1999, f. & cert. ef. 3-4-99; NB 3-1999, f. & cert. ef. 5-4-99; NB 5-1999, f. & cert. ef. 7-1-99; NB 9-1999, f. & cert. ef. 10-20-99; NB 13-1999, f. & cert. ef. 12-1-99; NB 3-2000, f. & cert. ef. 2-25-00; NB 5-2000, f. & cert. ef. 4-24-00; NB 8-2000, f. & cert. ef. 7-3-00; NB 9-2000, f. & cert. ef. 9-18-00; NB 10-2000, f. & cert. ef. 12-15-00; NB 2-2001, f. & cert. ef. 2-21-01; NB 6-2001, f. & cert. ef. 4-24-01; NB 9-2001, f. & cert. ef. 7-9-01; NB 13-2001, f. & cert. ef. 10-16-01; NB 4-2002, f. & cert. ef. 3-5-02; NB 11-2002, f. & cert. ef. 4-25-02; NB 14-2002, f. & cert. ef. 7-17-02; NB 19-2002, f. & cert. ef. 10-18-02; NB 21-2002, f. & cert. ef. 12-17-02; NB 2-2003, f. & cert. ef. 3-6-03; NB 4-2003, f. & cert. ef. 4-23-03; NB 8-2003, f. & cert. ef. 7-7-03; NB 10-2003, f. & cert. ef. 10-2-03; NB 13-2003, f. & cert. ef. 12-9-03; NB 6-2004, f. & cert. ef. 2-26-04; NB 10-2004, f. & cert. ef. 5-4-04; NB 12-2004, f. & cert. ef. 7-13-04; NB 15-2004, f. & cert. ef. 10-26-04; NB 16-2004, f. & cert. ef. 11-30-04; NB 2-2005, f. & cert. ef. 2-17-05; NB 3-2005, f. & cert. ef. 4-26-05; NB 4-2005, f. & cert. ef. 6-30-05; NB 8-2005, f. & cert. ef. 10-13-05

Bureau of Labor and Industries Chapter 839

Adm. Order No.: BLI 18-2005

Filed with Sec. of State: 9-19-2005

Certified to be Effective: 9-20-05

Notice Publication Date:

Rules Amended: 839-025-0700

Subject: The amended rule amends the prevailing rates of wage as determined by the Commissioner of the Bureau of Labor and Industries for the period beginning July 1, 2005.

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

839-025-0700

Prevailing Wage Rate Determination/Amendments to Determination

(1) Pursuant to ORS 279C.815, the Commissioner of the Bureau of Labor and Industries has determined that the wage rates stated in a publication of the Bureau of Labor and Industries entitled *Prevailing Wage Rates on Public Works Contracts in Oregon* dated July 1, 2005 are the prevailing rates of wage for workers upon public works in each trade or occupation in the locality where work is performed for the period beginning July 1, 2005, and the effective date of the applicable special wage determination:

(a) Oregon Determination 2005-02 (effective July 1, 2005).

(b) Marine Rates for Public Works Contracts in Oregon (effective September 20, 2005).

(2) Copies of Prevailing Wage Rates on Public Works Contracts in Oregon dated July 1, 2005, and special wage determination is available from any office of the Wage and Hour Division of the Bureau of Labor and Industries. The offices are located in Eugene, Medford, Portland and Salem and are listed in the blue pages of the phone book. Copies are also available on the bureau's webpage at www.oregon.gov/boli or may be obtained from the Prevailing Wage Rate Coordinator, Prevailing Wage Rate Unit, Wage and Hour Division, Bureau of Labor and Industries, 800 NE Oregon Street #1045, Portland, Oregon 97232; (971) 673-0839.

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

Stat. Auth.: ORS 279C.815

Stats. Implemented: ORS 279C.815

Hist.: BLI 7-1998(Temp), f. & cert. ef. 10-29-98 thru 4-27-99; BLI 1-1999, f. 1-8-99, cert. ef. 1-15-99; BLI 4-1999, f. 6-16-99, cert. ef. 7-1-99; BLI 6-1999, f. & cert. ef. 7-23-99; BLI 9-1999, f. 9-14-99, cert. ef. 10-1-99; BLI 16-1999, f. 12-8-99, cert. ef. 1-1-00; BLI 4-2000, f. & cert. ef. 2-1-00; BLI 9-2000, f. & cert. ef. 3-1-00; BLI 10-2000, f. 3-17-00, cert. ef. 4-1-00; BLI 22-2000, f. 9-25-00, cert. ef. 10-1-00; BLI 26-2000, f. 12-14-00 cert. ef. 1-1-01; BLI 1-2001, f. & cert. ef. 1-5-01; BLI 3-2001, f. & cert. ef. 3-15-01; BLI 4-2001, f. 3-27-01, cert. ef. 4-1-01; BLI 5-2001, f. 6-21-01, cert. ef. 7-1-01; BLI 8-2001, f. & cert. ef. 7-20-01; BLI 14-2001, f. 9-26-01, cert. ef. 10-1-01; BLI 16-2001, f. 12-28-01, cert. ef. 1-1-02; BLI 2-2002, f. 1-16-02, cert. ef. 1-18-02; BLI 8-2002, f. 3-25-02, cert. ef. 4-1-02; BLI 12-2002, f. 6-19-02 cert. ef. 7-1-02; BLI 16-2002, f. 12-24-02 cert. ef. 1-1-03; BLI 1-2003, f. 1-29-03, cert. ef. 2-14-03; BLI 3-2003, f. & cert. ef. 4-1-03; BLI 4-2003, f. 6-26-03, cert. ef. 7-1-03; BLI 5-2003, f. 9-17-03, cert. ef. 10-1-03; BLI 9-2003, f. 12-31-03, cert. ef. 1-5-04; BLI 1-2004, f. 4-9-04, cert. ef. 4-15-04; BLI 6-2004, f. 6-25-04, cert. ef. 7-1-04; BLI 11-2004, f. & cert. ef. 10-1-04; BLI 17-2004, f. 12-10-04 cert. ef. 12-13-04; BLI 18-2004, f. 12-20-04, cert. ef. 1-1-05; Renumbered from 839-016-0700, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 8-2005, f. 3-29-05, cert. ef. 4-1-05; BLI 18-2005, f. 9-19-05, cert. ef. 9-20-05; BLI 19-2005, f. 9-23-05, cert. ef. 10-1-05

Department of Agriculture Chapter 603

Adm. Order No.: DOA 16-2005

Filed with Sec. of State: 10-13-2005

Certified to be Effective: 10-13-05

Notice Publication Date: 9-1-05

Rules Amended: 603-058-0005

Subject: This amendment clarifies that ODA will use the product names and standards for commercial feeds as specified in the 2005 "official publication" of American Feed Control Officials (AFCO). This is a simple housekeeping amendment that aligns ODA's administrative rule with those of other states.

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

603-058-0005

Labeling as to Brands and Product Names

(1) Unless the Department specifically designates otherwise, the product names and standards for commercial feeds shall be those adopted by the American Feed Control Officials as set forth in their publication entitled "**Official Publication**" dated 2005.

(2) The brand or product name of a non-medicated feed shall not be derived from one or more ingredients of a mixture to the exclusion of other

ADMINISTRATIVE RULES

ingredients, nor shall be one representing any component of a mixture unless all components are included in the name.

(3) The word "vitamin", or contraction thereof, or any word suggesting vitamin content, shall only be used in the brand or product name of a feed which is represented to be a vitamin supplement, and which is labeled with the guarantee prescribed in OAR 603-058-0010(3).

(4) The name of any drug or drug additive, or contraction thereof, or any word suggesting a drug or drug additive content shall only be used in the brand or product name of a feed which is represented to be a drug or drug additive supplement, and which is labeled with the guarantee prescribed in OAR 603-058-0010(2).

(5) The term "dehydrated" may precede the product name if such product has been artificially dried.

(6) The purpose statement of a product shall include a statement of enzyme functionality if enzymatic activity is represented in any manner, e.g., "Contains a source of Pytase which can increase the digestibility of phytin-bound phosphorus in swine and poultry diets."

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

Stat. Auth.: ORS 561.190, 633.025 & 633.055

Stats. Implemented: ORS 633.025 & 633.055

Hist.: AD 715, f. 12-5-62, ef. 1-1-63, Renumbered from 603-026-0051; AD 1080(4-76), f. & ef. 2-3-76; DOA 20-1999, f. & cert. ef. 8-31-99; DOA 16-2005, f. & cert. ef. 10-13-05

Adm. Order No.: DOA 17-2005(Temp)

Filed with Sec. of State: 10-14-2005

Certified to be Effective: 1-1-06 thru 6-29-06

Notice Publication Date:

Rules Amended: 603-057-0006

Subject: Changes rule language to be more consistent with language of enabling statute. Increases the annual pesticide product registration fee by \$40 per product, with the additional revenue to be used in implementing a comprehensive pesticide use reporting system.

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

603-057-0006

Pesticide Registration Fees

The annual registration fee for each pesticide product shall be \$ 160, with \$40 of that fee to be used by the department for the implementation of the pesticide use reporting system under, chapter 1059, Oregon Laws 1999.

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; DOA 42-2003, f. & cert. ef. 12-23-04; DOA 17-2005(Temp), f. 10-14-05, cert. ef. 1-1-06 thru 6-29-06

Department of Consumer and Business Services,

Building Codes Division

Chapter 918

Adm. Order No.: BCD 21-2005

Filed with Sec. of State: 9-29-2005

Certified to be Effective: 1-1-06

Notice Publication Date: 8-1-05

Rules Adopted: 918-440-0510

Subject: This rulemaking implements the legislative intent of 2001 House Bill 3007 to reduce mercury entering the environment by prohibiting the installation of mercury thermostats in commercial and residential buildings.

Rules Coordinator: Nicole M. Jantz—(503) 373-7438

918-440-0510

Prohibits Installation of Mercury Thermostats

Effective January 1, 2006 installing a thermostat containing mercury in commercial or residential buildings is not allowed. The installation of thermostats containing mercury on industrial equipment used for safety controls is allowed. For the purpose of this rule, a thermostat is defined in OAR 918-440-0500(1).

Stat. Auth.: ORS 455.355

Stats. Implemented: ORS 455.355

Hist.: BCD 21-2005, f. 9-29-05, cert. ef. 1-1-06

Adm. Order No.: BCD 22-2005

Filed with Sec. of State: 9-29-2005

Certified to be Effective: 10-1-05

Notice Publication Date: 6-1-05, 7-1-05

Rules Amended: 918-460-0015

Subject: This permanent rule amends Chapter 13 of the 2004 Oregon Structural Specialty Code to adjust lighting needs for structures. This permanent rule also replaces chapter 29 in the 2004 OSSC with an amended version of the 1998 OSSC chapter 29.

Rules Coordinator: Nicole M. Jantz—(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.

(2) Effective October 1, 2004, delete Section 2406.1.2 Wired glass.

(3) Effective July 1, 2005, the following sections of the 2004 OSSC are amended to adjust building code provisions which are in conflict with federal standards.

(a) Amend Section 1109.16 bringing code into compliance with the American Disabilities Act.

(b) Amend Section 1110.5.2 bringing code into compliance with the Fair Housing Act.

(c) Amend Section 1110.6.4.1.2 bringing code into compliance with the Fair Housing Act.

(4) Effective July 1, 2005, Add new Section 1313.4.2.1 to adjust lighting power density for retail occupancies.

(5) Effective October 1, 2005, remove Chapter 29 of the 2004 Oregon Structural Specialty Code and replace with Chapter 29 of the 1998 Oregon Structural Specialty Code amended by the division as follows:

(a) Add Exception to Section 2902.3 clarifying unisex bathrooms may be provided in satisfying the total number of required fixtures.

(b) Include M and E Occupancies in Section 2904.2.

(c) Add Assembly Uses to Table 29-A.

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

Stat. Auth.: ORS 447.231, 447.247, 455.030, 455.110 & 455.112

Stats. Implemented: ORS 447.247, 455.110 & 455.112

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; BCD 5-2004, f. & cert. ef. 4-1-04; BCD 16-2004, f. 9-24-04, cert. ef. 10-1-04; BCD 21-2004, f. & cert. ef. 10-1-04; BCD 9-2005(Temp), f. & cert. ef. 4-7-05 thru 9-30-05; BCD 14-2005, f. & cert. ef. 7-5-05; BCD 18-2005(Temp), f. & cert. ef. 7-12-05 thru 9-30-05; BCD 22-2005, f. 9-29-05, cert. ef. 10-1-05

Adm. Order No.: BCD 23-2005

Filed with Sec. of State: 9-29-2005

Certified to be Effective: 10-1-05

Notice Publication Date: 9-1-05

Rules Amended: 918-460-0015

Subject: This rulemaking amends the 2004 Oregon Structural Specialty Code addressing construction requirements for wineries.

Rules Coordinator: Nicole M. Jantz—(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.

(2) Effective October 1, 2004, delete Section 2406.1.2 Wired glass.

(3) Effective July 1, 2005, the following sections of the 2004 OSSC are amended to adjust building code provisions which are in conflict with federal standards.

(a) Amend Section 1109.16 bringing code into compliance with the American Disabilities Act.

ADMINISTRATIVE RULES

(b) Amend Section 1110.5.2 bringing code into compliance with the Fair Housing Act.

(c) Amend Section 1110.6.4.1.2 bringing code into compliance with the Fair Housing Act.

(d) Add new Section 1313.4.2.1 to adjust lighting power density for retail occupancies.

(4) Effective October 1, 2005, remove Chapter 29 of the 2004 Oregon Structural Specialty Code and replace with Chapter 29 of the 1998 Oregon Structural Specialty Code amended by the division as follows:

(a) Add Exception to Section 2902.3 clarifying unisex bathrooms may be provided in satisfying the total number of required fixtures.

(b) Include M and E Occupancies in Section 2904.2.

(c) Add Assembly Uses to Table 29-A.

(5) Effective October 1, 2005, the following sections of the 2004 OSSC are amended to adjust construction standards, materials, practices or provisions regarding wineries.

(a) Amend Chapter 2, add definition of Winery.

(b) Amend Section 306.2, 306.3 and Section 311.3, alcohol content percentage.

(c) Add to Section 306.3, additional materials.

(d) Add to Section 302.3.2, Exception 2.

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

Stat. Auth.: ORS 447.231, 447.247, 455.030, 455.110 & 455.112

Stat. Implemented: ORS 447.247, 455.110 & 455.112

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; BCD 5-2004, f. & cert. ef. 4-1-04; BCD 16-2004, f. 9-24-04, cert. ef. 10-1-04; BCD 21-2004, f. & cert. ef. 10-1-04; BCD 9-2005(Temp), f. & cert. ef. 4-7-05 thru 9-30-05; BCD 14-2005, f. & cert. ef. 7-5-05; BCD 18-2005(Temp), f. & cert. ef. 7-12-05 thru 9-30-05; BCD 22-2005, f. 9-29-05, cert. ef. 10-1-05; BCD 23-2005, f. 9-29-05, cert. ef. 10-1-05

Adm. Order No.: BCD 24-2005

Filed with Sec. of State: 9-30-2005

Certified to be Effective: 10-1-05

Notice Publication Date: 6-1-05

Rules Adopted: 918-098-1000, 918-098-1010, 918-098-1012, 918-098-1025, 918-098-1040, 918-098-1042, 918-098-1450, 918-098-1455, 918-098-1470, 918-098-1480, 918-098-1900

Rules Amended: 918-020-0090, 918-281-0020, 918-695-0400

Rules Repealed: 918-020-0090(T), 918-098-0000, 918-098-0030, 918-098-0040, 918-098-0050, 918-098-0405, 918-098-0422, 918-098-0423, 918-098-0440, 918-098-0450, 918-098-0460, 918-098-1000(T), 918-098-1005(T), 918-098-1010(T), 918-098-1015(T), 918-098-1025(T), 918-098-1030(T), 918-098-1040(T), 918-098-1042(T), 918-098-1045(T), 918-098-1050(T), 918-098-1055(T), 918-098-1060(T), 918-098-1065(T), 918-098-1070(T), 918-098-1075(T), 918-098-1080(T), 918-098-1085(T), 918-098-1200(T), 918-098-1205(T), 918-098-1210(T), 918-098-1215(T), 918-098-1220(T), 918-098-1300(T), 918-098-1305(T), 918-098-1310(T), 918-098-1315(T), 918-098-1320(T), 918-098-1330(T), 918-098-1400(T), 918-098-1410(T), 918-098-1420(T), 918-098-1430(T), 918-098-1440(T), 918-098-1450(T), 918-098-1460(T), 918-098-1470(T), 918-098-1480(T), 918-098-1500(T), 918-098-1600(T), 918-098-1610(T), 918-098-1620(T), 918-098-1630(T), 918-098-1900(T), 918-281-0020(T), 918-281-0030, 918-281-0040, 918-281-0050, 918-281-0060, 918-695-0400(T)

Rules Ren. & Amended: 918-098-0010 to 918-098-1005, 918-098-0020 to 918-098-1045, 918-098-0060 to 918-098-1015, 918-098-0065 to 918-098-1030, 918-098-0070 to 918-098-1050, 918-098-0080 to 918-098-1055, 918-098-0090 to 918-098-1060, 918-098-0100 to 918-098-1065, 918-098-0110 to 918-098-1070, 918-098-0120 to 918-098-1075, 918-098-0130 to 918-098-1085, 918-098-0200 to 918-098-1200, 918-098-0210 to 918-098-1205, 918-098-0220 to 918-098-1210, 918-098-0230 to 918-098-1215, 918-098-0240 to 918-098-1220, 918-098-0300 to 918-098-1300, 918-098-0310 to 918-098-1305, 918-098-0320 to 918-098-1310,

918-098-0330 to 918-098-1315, 918-098-0340 to 918-098-1320, 918-098-0350 to 918-098-1325, 918-098-0360 to 918-098-1330, 918-098-0400 to 918-098-1400, 918-098-0410 to 918-098-1410, 918-098-0420 to 918-098-1420, 918-098-0425 to 918-098-1430, 918-098-0430 to 918-098-1440, 918-098-0470 to 918-098-1460, 918-098-0500 to 918-098-1500, 918-098-0600 to 918-098-1600, 918-098-0610 to 918-098-1610, 918-098-0620 to 918-098-1620, 918-098-0630 to 918-098-1630, 918-098-0900 to 918-098-1080

Subject: These proposed rules align new certifications with the newly adopted model code published by the International Code Council (ICC) as one criteria for being certified in Oregon as either a building official, plans examiner or inspector.

This rulemaking places the responsibility for checking experience and continuing education credits with the municipalities building official before hiring an inspector or plans examiner.

In addition to requirements mentioned above, new applicants must successfully pass an Oregon specific administrative examination, which is identified as the "Oregon Inspection Certification" (OIC). The OIC tests individuals on Oregon laws and ensures that certified individuals are accountable to the division regardless if they have an ICC certification.

These rules do not change the status of certifications currently held by individuals, individuals currently enrolled in training programs or applications that have been submitted prior to the effective date of these rules.

This rulemaking also corrects references to Division 98 rules in other areas of Chapter 918.

Rules Coordinator: Nicole M. Jantz—(503) 373-7438

918-020-0090

Program Standards

The division and every municipality that administers and enforces a building inspection program shall establish and maintain the minimum standards, policies and procedures set forth in this section.

(1) Administrative Standards. A building inspection program shall:

(a) Provide adequate funds, equipment and other resources necessary to administer and enforce the building inspection program in conformance with an approved operating plan;

(b) Document in writing the authority and responsibilities of the building official, plan reviewers and inspectors based on an ordinance or resolution that authorizes the building official on behalf of the municipality to administer and enforce a building inspection program;

(c) Establish a local process to review appeals of technical and scientific determinations made by the building official regarding any provision of the specialty codes the municipality administers and enforces, to include a method to identify the local building official or designee and notify the aggrieved persons of the provisions of ORS 455.475;

(d) Account for all revenues collected and expenditures made relating to administration and enforcement of the building inspection program, and account for the electrical program revenues and expenditures separately when administered by the municipality.

(A) Prepare income and expense projections for each code program it will administer and enforce during the reporting period; and

(B) Describe how general administrative overhead costs and losses or surpluses, if any, will be allocated.

(e) Establish policies and procedures for the retention and retrieval of records relating to the administration and enforcement of the specialty codes it administers and enforces;

(f) Make its operating plan available to the public;

(g) Establish a process to receive public inquiries, comments and complaints;

(h) Adopt a process to receive and respond to customers' questions regarding permitting, plan review and inspections;

(i) Set reasonable time periods between 7 a.m. and 6 p.m. on days its permit office is open, weekends and holidays excluded, when it will receive and respond to customers' questions;

(j) Post its jurisdictional boundary, types of permits sold and hours of operation at each permit office it operates; and

(k) Identify all persons in addition to the building official to whom notices issued pursuant to these rules should be sent.

(2) Permitting Standards. A building inspection program shall:

(a) Provide at least one office within its jurisdictional boundary where permits may be purchased;

ADMINISTRATIVE RULES

(b) Set reasonable time periods between 7 a.m. and 6 p.m. on days its permit office is open, weekends and holidays excluded, when it will make permits available for purchase;

(c) Establish policies and procedures for receiving permit applications, determining whether permit applications are complete and notifying applicants what information, if any, is required to complete an application;

(d) Set reasonable time periods within which the municipality will:

(A) Advise permit applicants whether an application is complete or requires additional information; and

(B) Generally issue a permit after an application has been submitted and approved.

(e) Establish policies and procedure for issuing permits not requiring plan review, emergency permits, temporary permits, master permits and minor labels;

(f) Provide a means to receive permit applications via facsimile; and

(g) Require proof of licensing, registration and certification of any person who proposes to engage in any activity regulated by ORS Chapters 446, 447, 455, 479, 693 and 701 prior to issuing any permit.

(3) Plan Review Standards. A building inspection program shall:

(a) Establish policies and procedures for its plan review process to:

(A) Assure compliance with the specialty codes it is responsible for administering and enforcing, including any current interpretive rulings adopted pursuant to ORS 455.060 or 455.475;

(B) Make available checklists or other materials at each permitting office it operates that reasonably appraises persons of the information required to constitute a complete permit application or set of plans;

(C) Inform applicants within three working days of receiving an application, whether or not the application is complete and if it is for a simple residential plan. For the purposes of this rule and ORS 455.467, a "complete application" shall be defined by the division taking into consideration the Tri-County procedures in OAR chapter 918, division 50. If deemed a simple residential plan, the jurisdiction shall also inform the applicant of the time period in which the plan review will generally be completed;

(D) Establish a process that includes phased permitting and deferred submittals for plan review of commercial projects for all assumed specialty codes, taking into consideration the Tri-County procedures in OAR chapter 918, division 50. The process shall not allow a project to proceed beyond the level of approval authorized by the building official. The process shall:

(i) Require the building official to issue permits in accordance with the state building code as defined in ORS 455.010 provided that adequate information and detailed statements have been submitted and approved with pertinent requirements of the appropriate code. Permits may include, but not be limited to: excavation, shoring, grading and site utilities, construction of foundations, structural frame, shell or any other part of a building or structure.

(ii) Allow deferred submittals to be permitted within each phase with the approval of the building official; and

(iii) Require the applicant to be notified of the estimated timelines for phased plan reviews and that the applicant is proceeding without assurance that a permit for the entire structure will be granted when a phased permit is issued.

(E) Verify that all plans have been stamped by a registered design certified professional and licensed plan reviewer where required;

(F) Verify for those architects and engineers requesting the use of alternative one and two family dwelling plan review program that all plans have been stamped by a registered certified professional who is also a residential one and two family dwelling plans examiner certified by the division or possess an Oregon Inspector Certification and current International Code Council Certification as a Residential Building Inspector or an Oregon Residential Plans Examiner Certification if issued after October 1, 2005. This process shall require the building official to:

(i) Establish policies and procedures in their operating plan for this process;

(ii) Waive building inspection program plan review requirements for conventional light frame construction for detached one and two family dwellings; and

(iii) Establish an appropriate fee for processing plans submitted under this rule.

(b) Employ or contract with a person licensed, registered or certified to provide consultation and advice on plan reviews as deemed necessary by the building official based on the complexity and scope of its customers' needs;

(c) Maintain a list of all persons it employs or contracts with to provide plan review services including licenses, registrations and certifications

held by each plan reviewer and evidence of compliance with all applicable statutory or professional continuing education requirements;

(d) Designate at least three licensed plan reviewers from whom the municipality will accept plan reviews when the time periods in subsection (e) of this section cannot be met; and

(e) Allow an applicant to use a plan reviewer licensed under OAR 918-090-0210 and approved by the building official when the time period for review of "simple one- or two-family dwelling plans" exceeds 10 days where the population served is less than 300,000, or 15 days where the population served is 300,000 or greater.

(4) For the purposes of these rules, "simple one- or two-family dwelling plans" shall:

(a) Comply with the requirements for prescriptive construction under the **One-and Two-Family Dwelling Specialty Code**; or

(b) Comply with the **Oregon Manufactured Dwelling and Park Specialty Code**; and

(c) Be a structure of three stories or less with an enclosed total floor space of 4,500 square feet or less, inclusive of multiple stories and garage(s).

(5) "Simple one- or two-family dwelling plans" may:

(a) Include pre-engineered systems listed and approved by nationally accredited agencies in accordance with the appropriate specialty code, or by state interpretive rulings approved by the appropriate specialty board, that require no additional analysis; and

(b) Be designed by an architect or engineer and be considered a simple one- and two-family dwelling if all other criteria in this rule are met.

(6) The following shall be considered "simple one- or two-family dwelling plans":

(a) Master plans approved by the authority having jurisdiction or under ORS 455.685, which require no additional analysis; and

(b) Plans that include an engineering soil report if the report allows prescriptive building construction and requires no special systems or additional analysis.

(7) A plan that does not meet the definition of "simple" in this rule shall be deemed "complex". In order to provide timely customer service, a building official may accept a plan review performed by a licensed plan reviewer for a complex one- or two-family dwelling.

(8) Inspection Standards. A building inspection program shall:

(a) Set reasonable time periods between 7 a.m. and 6 p.m. on days its permit office is open, weekends and holidays excluded, when it will provide inspection services or alternative inspection schedules agreed to by the municipality and permittee;

(b) Unless otherwise specified by statute or specialty code, establish reasonable time periods when inspection services will be provided following requests for inspections;

(c) Establish policies and procedures for inspection services;

(d) Leave a written copy of the inspection report on site;

(e) Make available any inspection checklists;

(f) Maintain a list of all persons it employs or contracts with to provide inspection services including licenses, registrations and certifications held by persons performing inspection services and evidence of compliance with all applicable statutory or professional continuing education requirements;

(g) Vest the building official with authority to issue stop work orders for failure to comply with the specialty codes the municipality is responsible for administering and enforcing; and

(h) Require inspectors to perform license enforcement inspections as part of routine installation inspections.

(i) Where a municipality investigates and enforces violations under ORS 455.156 or in accordance with the municipality's local compliance program, the municipality's inspectors shall require proof of compliance with the licensing, permitting, registration and certification requirements of persons engaged in any activity regulated by ORS Chapters 446, 447, 455, 479, 693 and 701. Inspectors shall report any violation of a licensing, permitting, registration or certification requirement to the appropriate enforcement agency.

(9) Compliance Programs. A municipality administering a building inspection program may enact local regulations to create its own enforcement program with local procedures and penalties; utilize the division's compliance program by submitting compliance reports to the division; elect to act as an agent of a division board pursuant to ORS 455.156; or develop a program that may include, but not be limited to, a combination thereof. A building inspection program shall establish in its operating plan:

ADMINISTRATIVE RULES

(a) Procedures to respond to public complaints regarding work performed without a license or permit or in violation of the specialty codes the municipality is responsible for administering and enforcing;

(b) Procedures requiring proof of licensure for work being performed under the state building code utilizing the approved citation process and procedures in OAR 918-020-0091.

(c) Policies and procedures to implement their compliance program;

(d) Policies and procedures regarding investigation of complaints, where the municipality chooses to investigate and enforce violations pursuant to ORS 455.156; and

(e) Policies and procedures regarding issuance of notices of proposed assessments of civil penalties, where the municipality chooses to act as an agent of a board pursuant to ORS 455.156. Penalties under such a program are subject to the limitations set in ORS 455.156 and 455.895.

(10) Electrical Programs. Municipalities that administer and enforce an electrical program shall demonstrate compliance with all applicable electrical rules adopted pursuant to ORS 479.855.

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

Stat. Auth.: ORS 455.030, 455.467, 455.469 & 455.156

Stats. Implemented: ORS 455.150, 455.467, 455.469 & 455.156

Hist.: BCD 9-1996, f. 7-1-96, cert. ef. 10-1-96; BCD 14-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 11-2000, f. 6-23-00, cert. ef. 7-1-00; BCD 10-2002(Temp), f. 5-14-02, cert. ef. 5-15-02 thru 11-10-02; BCD 16-2002, f. & cert. ef. 7-1-02; BCD 27-2002, f. & cert. ef. 10-1-02; BCD 6-2004, f. 5-21-04, cert. ef. 7-1-04; BCD 11-2004, f. 8-13-04, cert. ef. 10-1-04; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1000

Purpose and Scope

(1) These rules establish minimum training, experience and certification requirements for building officials and persons who perform specialty code plan review and inspections in this state. The certification requirements for commercial plumbing and electrical inspectors are located in OAR 918-695-0400 through 918-695-0410 and 918-281-0000 through 918-281-0060. The rules also provide a transitional period for persons in an in-training, cross-training or approved educational program allowing them to apply for an Oregon Inspector Certification and an ICC certification or to apply for an Oregon Code Certification.

(2) Nothing in these rules is intended to allow a person to violate statute or rule or change certification and licensing requirements set forth in statute.

(3) Nothing in these rules prevents the administrator from waiving procedural requirements in the rare circumstance where substantial compliance is impracticable.

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 446.250, 455.622 & 455.720

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1005

Definitions

As used in OAR Chapter 918, division 098, unless the context requires otherwise:

(1) "A-level Structures" means structures regulated by the **Oregon Structural Specialty Code** that require a state fire and life safety plan review or are required to be designed by an Oregon licensed architect or engineer pursuant to ORS Chapter 671.

(2) "B-level Structures" means structures regulated by the **Oregon Structural Specialty Code** that do not require a state fire and life safety plan review and are not required to be designed by an Oregon licensed architect or engineer pursuant to ORS Chapter 671.

(3) "Building Inspection Technology" means an approved curriculum meeting the requirements of OAR 918-098-1420.

(4) "Classroom" means an instructional environment the instructor believes is most conducive for the student to learn the material in a specific unit.

(5) "Code-Change Course" means a continuing education course that addresses changes to specialty codes, code standards, interpretations and alternate methods or administrative rules addressing code.

(6) "Commercial Structures" means structures regulated by the **Oregon Structural Specialty Code**.

(7) "Cross-Training Program" means a one-and two-family dwelling or residential plans examiner or inspector on-the-job cross-training program and practical evaluation that meets the minimum training and education requirements established by the division with the advice of the appropriate state advisory board.

(8) "Design" means professional, engineering or technical design of systems or components that requires computations, research or special knowledge.

(9) "Diversified" means varied experience in structural steel, complex wood framing and concrete or masonry construction.

(10) "Division" means the Building Codes Division.

(11) "Education Institution" is an institution accredited through a nationally recognized body and is usually governed by a local board and receives a state recognition.

(12) "Education Program" is a minimum two-year diversified or one-year focused building inspection technology program administered by an education institution.

(13) "International Code Council certification" means a certification issued by the International Code Council demonstrating that an individual has passed a specific International Code Council certification examination.

(14) "In-Training Program" means a division-approved on-the-job training and practical evaluation program designed to train a person to qualify to sit for examination in a particular code.

(15) "Nationally Recognized Certification Body" means a body or organization that provides formal recognition that a person possesses minimum knowledge of a recognized code.

(16) "High Priority Training" means periodic continuing education training identified by the division that addresses new technologies or specific problem areas identified by the division.

(17) "Oregon Code Certification" means a certification issued by the division for:

(a) Building Official;

(b) Fire and Life Safety Plans Examiner;

(c) A-Level Structural Plans Examiner;

(d) B-Level Structural Plans Examiner;

(e) Residential or One-and-Two Family Dwelling Structural Inspector;

(f) A-Level Structural and Mechanical Inspector;

(g) B-Level Structural and Mechanical Inspector;

(h) Residential or One-and-Two Family Dwelling Mechanical Inspector

(i) Electrical Specialty Code Inspector;

(j) Residential or One-and-Two Family Dwelling Electrical Inspector;

(k) Plumbing Specialty Code Inspector;

(l) Residential or One-and-Two Family Dwelling Plumbing Inspector;

(m) Residential or One-and-Two Family Dwelling Plans Examiner;

(n) Manufactured Structure Construction Inspector;

(o) Manufactured Structure Installation Inspector;

(p) Recreational Vehicle Inspector Certification;

(q) Park and Camp Inspector;

(18) "Oregon Inspector Certification" means a certification issued by the division demonstrating that a person has passed a division-approved examination that covers Oregon laws and regulations relating to state building codes including, but not limited to, architectural barrier laws governing accessibility to buildings by disabled persons.

(19) "Practical Experience Evaluation" means a division-approved evaluation to determine if a person meets the practical experience equivalent of 50 percent of the required work experience listed in the appropriate certification categories defined in OAR 918-098-1030.

(20) "Recognized Code" means a regulatory document enforced by one or more state or local governments that prescribes minimum standards for building materials and construction methods of buildings or structures and building service equipment including plumbing, mechanical and electrical systems.

(21) "Residential Structures" means one-and two-family dwellings, townhouses and rowhouses regulated by the **Oregon Residential Specialty Code**, excluding apartment buildings.

(22) "Year of Experience" means 2,000 hours of documented experience.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCA 16-1992, f. & cert. ef. 8-11-92; BCD 23-1996(Temp), f. & cert. ef. 10-21-96; BCD 8-1997, f. & cert. ef. 4-1-97; Renumbered from 918-099-0220; BCD 15-1997, f. 9-30-97, cert. ef. 10-1-97; BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; Renumbered from 918-098-0010, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0010 BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1010

Certification Requirements

(1) Unless otherwise stated in this rule, every person who performs building official duties building code inspections, or plan reviews must possess either:

(a) An Oregon Code Certification issued prior to October 1, 2005; or

(b) An Oregon Inspector Certification; and

ADMINISTRATIVE RULES

(A) The current appropriate International Code Council certification for the work being performed; or

(B) An Oregon Code Certification issued after October 1, 2005; and

(c) The minimum level of experience as follows:

(A) Two years of construction or inspection related experience or its equivalent; or

(B) An approved one year inspection-related education program and one year of construction or inspection-related experience; or

(C) A degree from an approved two year inspection related education program or its equivalent; or

(D) Be a registered Oregon architect, a certified Oregon professional engineer, or have a bachelor or master degree in architecture or civil or structural engineering.

(2) Notwithstanding (1)(b) a person may perform the duties of a building official with only the Oregon Inspector Certification providing the person passes the International Code Council Certified Building Official Legal Management examination within six months of hire.

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

Stat. Auth.: ORS 455.720 & 455.730

Stats. Implemented: ORS 455.720 & 455.730

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1012

Scope of work allowed for persons with an International Code Certification

(1) Persons with valid Oregon Code Certifications issued prior to October 1, 2005 on those persons issued Oregon Code Certifications after October 1, 2005 who also possess a valid Oregon Inspector Certification may perform work based on the type of certification they hold as defined in OAR 918-098-1015.

(2) Unless otherwise stated, persons with a valid Oregon Inspector Certification and a current International Code Council certification may perform work based on the Oregon Code Certification as allowed in OAR 918-098-1015 or based on the type of International Code Council Certification they possess as follows:

(a) Certified Building Official Legal/Management may oversee a jurisdictions administration and enforcement of the state building code for those specialty codes assumed by the jurisdictions pursuant to ORS 455.148 or 455.150. Building officials may not perform plan-reviews or inspections unless they possess the appropriate certification for the plan review or inspection being performed.

(b) Commercial Building Inspector certificate holders may conduct construction inspections for:

(A) All work regulated by the **Oregon Structural Specialty Code**; and

(B) Structural work on townhouse structures, rowhouse structures, and apartment buildings regulated by the **Oregon Residential Specialty Code**.

(c) Commercial Building Plans Examiner certificate holders may review construction plans for:

(A) Compliance with the provisions of the **Oregon Structural Specialty Code and Oregon Fire Code** for all work regulated by the Oregon Structural Specialty Code, except the fire and life safety plan review provisions for structures required to receive a state fire and life safety plan review; and

(B) Fire and life safety construction on townhouse structures, rowhouse structures, and apartment buildings regulated by the **Oregon Residential Specialty Code**.

(d) Commercial Fire Plans Examiner certificate holders who also have the Commercial Building Plans Examiner Certificate may review construction plans for compliance with the fire and life safety plan review provisions of the **Oregon Structural Specialty Code and the Oregon Fire Code**.

(e) A Commercial Mechanical Inspector certificate holder may conduct construction inspections and may review construction plans for:

(A) All work regulated by the **Oregon Mechanical Specialty Code**; and

(B) Mechanical work on townhouse structures, rowhouse structures and apartment buildings regulated by the **Oregon Residential Specialty Code**.

(f) A Residential Building Inspector certificate holder may conduct construction inspections and plan reviews for:

(A) Structural work regulated by the **Oregon Residential Specialty Code**, except apartment buildings; and

(B) Structural work on manufactured dwelling alterations and manufactured structure accessory buildings and structures under the **Oregon Manufactured Dwelling and Park Specialty Code**.

(g) A Residential Mechanical Inspector certificate holder may conduct inspections for:

(A) Mechanical work regulated by the Oregon Residential Specialty Code, except for apartment buildings; and

(B) Mechanical work on manufactured dwelling alterations under the **Oregon Manufactured Dwelling and Park Specialty Code**.

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

Stat. Auth.: ORS 455.720 & 455.730

Stats. Implemented: ORS 455.720 & 455.730

Hist.: BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1015

Scope of Work for Persons Holding Oregon Code Certifications

Persons who possess a current Oregon Code Certification may perform inspections and plan reviews based on the class designated on their certificate. The classes, other than electrical and plumbing inspector classifications found in OAR 918-281-0020 and 918-695-0400, are:

(1) Building Official. Persons certified as a Building Official legal management certification may oversee jurisdictions' administration and enforcement of the state building code for those specialty codes assumed by the jurisdiction(s) pursuant to ORS 455.148 or 455.150. Building officials may not perform plan -reviews or inspections unless they possess the appropriate certification for the plan review or inspection being performed.

(2) Fire and Life Safety. Persons certified as fire and life safety plans examiners review construction plans for compliance with the fire and life safety plan review provisions of the Oregon Structural Specialty Code and the Oregon Fire Code for any structure regulated by the Oregon Structural Specialty Code.

(3) A-Level.

(a) Persons certified as A-level structural plans examiners:

(A) May review construction plans for compliance with the provisions of the **Oregon Structural Specialty Code and Oregon Fire Code** for all work regulated by the **Oregon Structural Specialty Code**, except the fire and life safety plan review provisions for structures required to receive a state fire and life safety plan review; and

(B) May review construction plans for work that falls within the B-level structural plans examiner classification.

(b) Persons certified as A-level structural inspectors:

(A) May conduct construction inspections of all work regulated by the **Oregon Structural Specialty Code**; and

(B) May conduct inspections of work that falls within the B-level structural inspector classification.

(c) Persons certified as A-level mechanical inspectors:

(A) May conduct construction inspections and may review construction plans for all work regulated by the **Mechanical Specialty Code**; and

(B) May conduct inspections and may review construction plans for work that falls within the B-level mechanical inspector classification.

(4) B-Level.

(a) Persons certified as B-level structural plans examiners may review construction plans for compliance with the provisions of the **Oregon Structural Specialty Code and Oregon Fire Code** for work regulated by the **Oregon Structural Specialty Code**, except:

(A) Work in structures required to receive a state fire and life safety plan review; and

(B) Work in structures required to be designed by an Oregon registered architect or certified professional engineer pursuant to ORS Chapter 671.

(b) Persons certified as B-level structural inspectors may conduct construction inspections of work regulated by the **Oregon Structural Specialty Code**, except:

(A) Work in structures required to receive a state fire and life safety plan review; and

(B) Work in structures required to be designed by an Oregon registered architect or certified professional engineer pursuant to ORS Chapter 671.

(c) Persons certified as B-level mechanical inspectors may conduct construction inspections of work regulated by the **Mechanical Specialty Code**, except:

(A) Work in structures required to receive a state fire and life safety plan review; and

(B) Work in structures required to be designed by an Oregon registered architect or certified professional engineer pursuant to ORS Chapter 671.

ADMINISTRATIVE RULES

(d) Persons certified as B-level structural plans examiners, B-level structural inspectors or B-level mechanical inspectors:

(A) May qualify to be certified to review construction plans or conduct inspections of structures regulated by the **Oregon Residential Specialty Code**; and

(B) Shall not be authorized to review construction plans or conduct inspections of structures that are outside the B-level classification without first obtaining the appropriate certification.

(5) One and two family dwelling or residential.

(a) Persons certified as one and two family dwelling or residential.

(A) Structural inspectors may conduct construction inspections of structural work regulated by the **Oregon Residential Specialty Code**, excluding apartment buildings, and manufactured dwelling alterations and manufactured structure accessory buildings and structures under the **Oregon Manufactured Dwelling and Park Specialty Code**.

(B) Mechanical inspectors may conduct inspections of mechanical work regulated by the **Oregon Residential Specialty Code**, excluding apartment buildings, and manufactured dwelling alterations under the **Oregon Manufactured Dwelling and Park Specialty Code**.

(C) Plumbing inspectors may conduct inspections of plumbing work regulated by the **Oregon Residential Specialty Code**, excluding apartment buildings;

(D) Electrical inspectors conduct inspections of electrical work regulated by the **Oregon Residential Specialty Code**, excluding apartment buildings; and

(b) Persons certified as a one-and-two family dwelling plans examiners review construction plans for compliance with provisions of the **Oregon Residential Specialty Code**, excluding apartment buildings, and manufactured dwelling alterations and manufactured structure accessory buildings and structures under the **Oregon Manufactured Dwelling and Park Specialty Code**.

(c) Persons certified as a one and two family dwelling or residential inspectors and plans examiners shall not be authorized to review construction plans or conduct inspections of either A-level or B-level structures without the required commercial A-level or B-level certification.

(d) See OAR 918-098-1325 for additional requirements of one and two family dwelling residential inspectors and plans examiners performing manufactured dwelling alteration inspections or plan reviews.

(e) See OAR 918-098-1330 for additional requirements of one and two family dwelling residential inspectors performing manufactured structure accessory structure or accessory building inspections.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: DC 24-1978, f. & ef. 9-1-78; DC 10-1980, f. & ef. 9-10-80; DC 4-1983, f. & ef. 1-12-83; Renumbered from 814-003-0065; BCA 16-1992, f. & cert. ef. 8-11-92; BCD 8-1997, f. & cert. ef. 4-1-97; Renumbered from 918-099-0065; BCD 15-1997, f. 9-30-97, cert. ef. 10-1-97; Renumbered from 918-098-0060, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0060, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1025

Oregon Inspector Certification Application Process; Testing Procedures

(1) Unless a person is qualified to apply under 918-098-1040 or 918-098-1042 all persons who seek certification to perform the duties of a building official, inspector or plans examiner must apply for the Oregon Inspector Certification as follows:

(a) Submit a division-approved application with a payment of \$22.00; and

(b) Successfully pass the Oregon Inspector Certification examination.

(2) Applicants for an Oregon Inspector Certification or an Oregon Code Certification who fail the examination may request to retake the examination after 30 days for the first attempt, 60 days for the second attempt and 90 days for the third and subsequent attempts, up to a year from the date of application.

(3) If an applicant fails to take the exam within 60 days of being approved to do so, the applicant must re-apply under subsection (1) of this rule.

Stat. Auth.: ORS 455.720 & 455.730

Stats. Implemented: ORS 455.720 & 455.730

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1030

Practical Experience Evaluation Requirements

(1) The following evaluation process is established to determine a practical experience equivalent for the various structural and mechanical Oregon Code Certifications issued under these rules.

(2) Satisfactory completion of an approved evaluation shall be accepted by the division or a building official as compliance with 50 percent of the minimum experience requirements for the specific Oregon Code Certification.

(a) The evaluation may include, but is not limited to, a field evaluation and division-approved written examination.

(3) When a field evaluation is used, the jurisdiction with the intent to hire shall:

(a) Schedule the evaluators from a list provided by the division; and

(b) Coordinate appropriate job site locations for the evaluators and applicants, when applicable.

(4) There shall be two or more division-approved evaluators, that may include a representative of the division, for each field evaluation who shall:

(a) Have at least two years inspection or plan review experience with the same or higher certification in the same discipline for which the person has applied; and

(b) Not be employed by the municipality that is sponsoring the applicant.

(5) The applicant may appeal the evaluation results to the administrator and request a contested case hearing under ORS Chapter 183.

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; Renumbered from 918-098-0065, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0065, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1040

Transitional Application Process

(1) A person who submitted an application for an Oregon Code Certification or who is enrolled in an approved educational program, or an in-training or cross-training program prior to July 1, 2005 and applies after July 1, 2005 may:

(a) Apply for the desired Oregon Code Certification as prescribed by these rules; and

(b) Pass a division-approved examination which shall include questions on Oregon laws governing accessibility to buildings by disabled persons; or

(c) Obtain the Oregon Inspector Certification and obtain the appropriate ICC certification.

(2) Persons who have submitted an application for an Oregon Code Certification prior to July 1, 2005 shall be allowed to test and retest in accordance with OAR 918-098-1025. For those applications dated prior to July 1, 2004, the applicants shall be entitled to attempt the test one more time after July 1, 2005 and if unsuccessful, the applicant shall apply for an Oregon Inspector Certification in accordance to these rules.

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

Stat. Auth.: ORS 455.720 & 455.730

Stats. Implemented: ORS 455.720 & 455.730

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1042

Building Official Transitional Period

Between July 1, 2005 and December 31, 2005, persons who apply for certification to perform the duties of a building official may:

(1) Obtain an Oregon Inspector Certification and obtain the International Code Council Certified Building Official Legal/ Management certification within 6 months of hire; or

(2) Obtain the Oregon Building Official certification under OAR 918-098-1045.

Stat. Auth.: ORS 455.730, 455.735 & 455.720

Stats. Implemented: ORS 455.730, 455.735 & 455.720

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1045

Certification of Building Officials

A person may apply for certification as a building official on a division-approved form. The applicant shall pay the required fee and pass a division-approved building official certification examination covering:

(1) Oregon statutes, administrative rules and practices on the administration and enforcement of building inspection programs; and

(2) The administrative sections of the **Oregon Residential Specialty Code**, **Oregon Structural Specialty Code**, **Mechanical Specialty Code**, **Oregon Plumbing Specialty Code**, **Oregon Electrical Specialty Code** and **Oregon Manufactured Dwelling and Park Specialty Code**. Applicants who fail the approved examination may retake the examination in accordance with OAR 918-098-1025.

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

ADMINISTRATIVE RULES

Stat. Auth.: ORS 455.730
Stats. Implemented: ORS 455.730
Hist.: BCA 16-1992, f. & cert. ef. 8-11-92; BCD 8-1997, f. & cert. ef. 4-1-97; Renumbered from 918-099-0410; BCD 15-1997, f. 9-30-97, cert. ef. 10-1-97; Renumbered from 918-098-0020, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0020, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1050

Fire and Life Safety Plans Examiners Minimum Experience, Education and Training Requirements

(1) Only applicants who qualify to apply for an Oregon Code Certification under OAR 918-098-1040 may apply on a division-approved form for an Oregon fire and life safety plans examiner certification and shall demonstrate compliance with one of the following minimum experience, education or training requirements:

(a) Oregon registration as an architect or certified professional engineer; or

(b) A Bachelor or Master degree in architecture or civil or structural engineering and 2 years of diversified experience designing, constructing or inspecting A-level structures; or

(c) 4 years of diversified experience designing A-level structures; or

(d) 4 years of diversified experience as an inspector or plans examiner in another jurisdiction reviewing A-level structures for compliance with a recognized code for building construction;

(e) Certification as an A-level structural plans examiner; and

(A) 1 year of experience performing structural plan review on A-level structures; or

(B) Completion of a fire and life safety plans examiner in-training program; or

(f) Certification as an A-level inspector; and

(A) 1 year of experience performing structural inspections of A-level structures for compliance with a recognized code for building construction; and

(B) Completion of a fire and life safety plans examiner in-training program.

(g) 4 years of diversified experience conducting fire and life safety plan reviews on A-level structures for the Office of State Fire Marshal or a local fire jurisdiction under the supervision of a certified fire and life safety plans examiner:

(A) Persons certified as a Fire Prevention Officer I or its equivalent shall be granted 1 year of credit toward the required experience.

(B) Persons certified as a Fire Prevention Officer II or its equivalent shall be granted 2 years of credit toward the required experience; or

(h) Any combination of education, training or diversified experience listed in sections (a) through (g) of this rule totaling 4 years.

(2) Persons who possess one or both of the International Conference of Building Officials (ICBO) plans examiner or International Fire Code Institute (IFCI) fire code inspector certification shall be granted 1 year of credit toward the experience requirements listed in section (1) of this rule. This section does not apply to persons who have completed an in-training or cross-training program or a practical experience evaluation per OAR 918-098-1030.

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; BCD 14-1997(Temp), f. 9-30-97, cert. ef. 10-4-97; BCD 2-1998, f. 1-29-98, cert. ef. 4-1-98; BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; Renumbered from 918-098-0070, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0070, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1055

A-level Structural Plans Examiners Minimum Experience, Education and Training Requirements

(1) Only applicants who qualify to apply for an Oregon Code Certification under OAR 918-098-1040 may apply for an Oregon A-level structural plans examiner certification on a division-approved form and shall demonstrate compliance with one of the following minimum experience, education or training requirements:

(a) Oregon registration as an architect or certified professional engineer; or

(b) A Bachelor or Master degree in architecture or civil or structural engineering and 2 years of diversified experience designing, constructing or inspecting A-level structures; or

(c) 4 years of diversified experience designing A-level structures; or

(d) 4 years of diversified experience as a plans examiner in another jurisdiction reviewing A-level structures for compliance with a recognized code for building construction; or

(e) Certification as an A-level structural inspector and:

(A) 1 year of experience reviewing plans for compliance with fire and life safety requirements or performing structural inspections on A-level structures; or

(B) Completion of an A-level structural plans examiner in-training program; or

(f) Certification as a fire and life safety plans examiner or B-level structural plans examiner or B-level structural inspector and:

(A) 1 year of experience reviewing plans for compliance with fire and life safety requirements or performing structural plan reviews or inspections on B-level structures; and

(B) Completion of an A-level structural plans examiner in-training program; or

(g) Certification as a residential plans examiner and:

(A) 2 years of experience performing structural plan reviews on dwellings; and

(B) Completion of an A-level structural plans examiner in-training program; or

(h) Completion of a division-approved education program in building inspection technology covering the **Oregon Structural Specialty Code** or the model code on which it is based and 2 years of diversified experience designing or constructing A-level structures; or

(i) Any combination of education, training or diversified experience listed in subsections (b) through (h) of this section totaling 4 years.

(2) Persons certified by a nationally recognized certification body to perform structural plan reviews on A-level structures according to a recognized code for building construction shall be granted 1 year of credit toward the experience requirements listed in section(1) of this rule. This section does not apply to persons who have completed an in-training or cross-training program or a practical experience evaluation per OAR 918-098-1030.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; BCD 15-1997, f. 9-30-97, cert. ef. 10-1-97; BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; Renumbered from 918-098-0080, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0080, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1060

A-level Structural Inspectors Minimum Experience, Education and Training Requirements

(1) Only applicants who qualify to apply for an Oregon Code Certification under OAR 918-098-1040 may apply for an Oregon A-level structural inspector on a division-approved form and shall demonstrate compliance with one of the following minimum experience, education or training requirements:

(a) Oregon registration as an architect or certified professional engineer; or

(b) A Bachelor or Master degree in architecture or civil or structural engineering and 2 years of diversified experience designing, constructing or inspecting A-level structures; or

(c) 4 years of diversified experience designing A-level structures; or

(d) 4 years of experience as an inspector in another jurisdiction inspecting A-level structures including 2 years of diversified experience inspecting for compliance with a recognized code for building construction; or

(e) 4 years of experience in construction or construction code enforcement of A-level structures with a recognized code, of which 2 years of is in diversified work; or

(f) Completion of a division-approved education and training program in building inspection technology covering the **Oregon Structural Specialty Code** or the model code on which it is based and 2 years of diversified experience designing or constructing A-level structures; or

(g) Certification as an A-level plans examiner or fire and life safety plans examiner; or

(h) Certification as a B-level structural plans examiner or B-level structural inspector and:

(A) 1 year of experience performing structural inspections or plan reviews on B-level structures; and

(B) Completion of an A-level structural inspector in-training program; or

(i) Certification as a residential plans examiner or structural inspector and:

(A) 2 years of experience performing structural inspections or plan reviews on dwellings; and

(B) Completion of an A-level structural inspector in-training program; or

ADMINISTRATIVE RULES

(j) Any combination of education, training or diversified experience listed in subsections (b) through (i) of this section totaling 4 years.

(2) Persons certified by a nationally recognized certification body to perform inspections on A-level structures according to a recognized code for building construction shall be granted 1 year of credit toward the experience requirements listed in section (1) of this rule. This section does not apply to persons who have completed an in-training or cross-training program or a practical experience evaluation per OAR 918-098-1030.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; BCD 15-1997, f. 9-30-97, cert. ef. 10-1-97; BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; Renumbered from 918-098-0090, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0090, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1065

B-level Structural Plans Examiners Minimum Experience, Education and Training Requirements

(1) Only applicants who qualify to apply for an Oregon Code Certification under OAR 918-098-1040 for an Oregon B-level structural plans examiner certification may apply on a division-approved form and shall demonstrate compliance with one of the following minimum experience, education or training requirements:

(a) Oregon registration as an architect or certified professional engineer; or

(b) A Bachelor or Master degree in architecture or civil or structural engineering and 1 year of diversified experience designing, constructing or inspecting A-level or B-level structures; or

(c) 3 years of diversified experience designing A-level or B-level structures; or

(d) 3 years of diversified experience as a plans examiner in another jurisdiction reviewing A-level or B-level structures for compliance with a recognized code for building construction; or

(e) Certification as a B-level structural inspector and:

(A) 1 year of diversified experience performing structural inspections on B-level structures; and

(B) Completion of a B-level structural plans examiner in-training program; or

(f) Certification as a fire and life safety plans examiner and:

(A) 1 year of experience reviewing plans for compliance with fire and life safety requirements; and

(B) Completion of a B-level structural plans examiner in-training program; or

(g) Certification as a residential structural plans examiner or structural inspector and:

(A) 2 years of experience performing structural inspections or plan reviews on dwellings; and

(B) Completion of a B-level structural plans examiner in-training program; or

(h) Completion of a division-approved education program in building inspection technology covering the **Oregon Structural Specialty Code** or the model code on which it is based; or

(i) Any combination of education, training or diversified experience listed in subsections (b) through (h) of this section totaling 3 years.

(2) Persons certified by a nationally recognized certification body to perform structural plan reviews on A-level or B-level structures according to a recognized code for building construction shall be granted 1 year of credit toward the experience requirements listed in section (1) of this rule. This section does not apply to persons who have completed an in-training or cross-training program or a practical experience evaluation per OAR 918-098-1030.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; Renumbered from 918-098-0100, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0100, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1070

B-level Structural Inspectors Minimum Experience, Education and Training Requirements

(1) Only applicants who qualify to apply for an Oregon Code Certification under OAR 918-098-1040 may apply for an Oregon B-level structural inspector certification may apply on a division-approved form and shall demonstrate compliance with one of the following minimum experience, education and training requirements:

(a) Oregon registration as an architect or certified professional engineer; or

(b) A Bachelor or Master degree in architecture or civil or structural engineering and 1 year of diversified experience designing, constructing or inspecting A-level or B-level structures; or

(c) 3 years of diversified experience designing or constructing A-level or B-level structures; or

(d) 3 years of experience as an inspector in another jurisdiction inspecting A-level or B-level structures, including 2 years of diversified experience inspecting structures for compliance with a recognized code for building construction; or

(e) Completion of a division-approved education program in building inspection technology covering the **Oregon Structural Specialty Code** or the model code on which it is based; or

(f) Certification as a fire and life safety plans examiner and:

(A) 1 year of experience reviewing plans for compliance with fire and life safety requirements; and

(B) Completion of a B-level structural inspector in-training program; or

(g) Certification as a residential plans examiner or structural inspector and:

(A) 1 year of experience performing structural inspections or plan reviews on dwellings; and

(B) Completion of a B-level structural inspector in-training program.

(h) Any combination of education, training or diversified experience listed in subsections (b) through (g) of this section totaling 3 years.

(2) Persons certified by a nationally recognized certification body to perform structural inspections or plan review on A-level or B-level structures according to a recognized code for building construction shall be granted 1 year of credit toward the experience requirements listed in section (1) of this rule. This section does not apply to persons who have completed an in-training or cross-training program or a practical experience evaluation per OAR 918-098-1030.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; Renumbered from 918-098-0110; Renumbered from 918-098-0110, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0110, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1075

A-level Mechanical Inspectors Minimum Experience, Education and Training Requirements

(1) Only applicants who qualify to apply for an Oregon Code Certification under OAR 918-098-1040 may apply for an Oregon A-level mechanical inspector certification on a division-approved form and shall demonstrate compliance with one of the following minimum experience, education or training requirements:

(a) Oregon registration as an architect or certified professional engineer; or

(b) A Bachelor or Master degree in engineering and 2 years of experience designing, installing or inspecting heating, ventilation, air conditioning and cooling systems; or

(c) 4 years experience designing or constructing heating, ventilation, air conditioning and cooling systems; or

(d) 4 years experience as an inspector in another jurisdiction inspecting A-level structures, including 2 years of experience inspecting heating, ventilation, air conditioning and cooling systems for compliance with a recognized code for mechanical installations; or

(e) Completion of a division-approved education and training program in building inspection technology covering the Mechanical Specialty Code or the model code on which it is based and 2 years of experience inspecting, designing or installing heating, ventilating or air conditioning systems;

(f) Certification as a B-level mechanical inspector and:

(A) 1 year of experience inspecting mechanical installations in B-level structures; and

(B) Completion of an A-level mechanical inspector in-training program; or

(g) Certification as a one and two family dwelling mechanical inspector and:

(A) 2 years of experience inspecting mechanical installations in dwellings; and

(B) Completion of an A-level mechanical inspector in-training program; or

(h) Any combination of education, training or experience listed in subsections (b) through (g) of this section totaling 4 years; or

ADMINISTRATIVE RULES

(i) Oregon certified as an A-level plumbing inspector who has held an Oregon journeyman plumber certificate of competency for a minimum of three years and completion of a division-approved A-level mechanical training program; or

(j) Oregon certified as an A-level plumbing inspector, who has held an Oregon journeyman plumber certificate of competency for a minimum of three years and completion of a division-approved practical experience evaluation.

(2) Persons certified by a nationally recognized certification body to perform mechanical inspections according to a recognized code for mechanical installations shall be granted 1 year of credit toward the experience requirements listed in section (1) of this rule. This section does not apply to persons who have completed an in-training or cross-training program or a practical experience evaluation per OAR 918-098-1030.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; BCD 7-1998, f. 3-31-98, cert. ef. 4-1-98; BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; Renumbered from 918-098-0120; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0120, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1080

Refrigeration Inspector Certification

(1) All persons engaged in the inspection of brazing or welding related to the installation, alteration or repair of refrigeration piping systems, except as regulated by the Oregon Boiler and Pressure Vessel Program under OAR chapter 918, division 225, shall:

(a) Possess a current and valid commercial or A- or B-level Mechanical Inspector Certification issued under OAR 918-098-1075 or 918-098-1085 issued prior to October 1, 2005 or a valid Oregon Inspector Certification and a current Commercial Mechanical Inspector Certification issued by ICC or a Commercial Mechanical Inspector Certification issued under OAR 918-098-1075 or 918-098-1085 after October 1, 2005; and

(b) Successfully complete a training program in accordance with either Section IX, "Welding and Brazing Qualification" of the **ASME Boiler and Pressure Vessel Code**, or AWS B2.2, "Standard for Brazing Procedure and Performance Qualification" issued by a division-approved organization.

(2) Inspector certification for refrigeration piping in residential structures is not required.

[Publications referenced are available for review at the division.]

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 2-2001, f. 2-2-01, cert. ef. 7-1-01; Renumbered from 918-098-0900, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0900, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1085

B-level Mechanical Inspectors Minimum Experience, Education and Training Requirements

(1) Only applicants who qualify to apply for an Oregon Code Certification under OAR 918-098-1040 for an Oregon B-level mechanical inspector certification on a division-approved form and shall demonstrate compliance with one of the following minimum experience, education or training requirements:

(a) Oregon registration as an architect or certified professional engineer; or

(b) A Bachelor or Master degree in engineering and 1 year of experience in designing, installing or inspecting heating, ventilation, air conditioning and cooling systems; or

(c) 3 years of experience designing or installing heating, ventilation, air conditioning and cooling systems; or

(d) 3 years of experience as an inspector in another jurisdiction inspecting A-level or B-level structures, including 2 years of experience inspecting heating, ventilation, air conditioning and cooling systems for compliance with a recognized code for mechanical installations; or

(e) Completion of a division-approved education program in building inspection technology covering the **Mechanical Specialty Code** or the model code on which it is based; or

(f) Certification as a residential mechanical inspector and:

(A) 1 year of experience inspecting heating, ventilation, air conditioning and cooling systems in dwellings; and

(B) Completion of a B-level mechanical inspector in-training program; or

(g) Any combination of education, training or diversified experience listed in subsections (b) through (f) of this section totaling 3 years.

(2) Persons certified by a nationally recognized certification body to inspect mechanical equipment installed in A-level or B-level structures

according to a recognized code for mechanical installations shall be granted 1 year of credit toward the experience requirements, except as listed in section (3) of this rule and cross-training or in-training programs, listed in subsections (1)(b) through (e) or (g) of this rule.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; Renumbered from 918-098-0130, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0130, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1200

Residential Building Inspectors Experience, Education and Training Requirements

(1) Only applicants who qualify to apply for an Oregon Code Certification under OAR 918-098-1040 may apply for a Oregon residential building inspector certification on a division-approved form and shall demonstrate compliance with at least one of the following minimum experience, education or training requirements:

(a) A current division certification as an A-level or B-level structural plans examiner or inspector; or

(b) 3 years of experience designing or constructing dwellings or A-level or B-level structures; or

(c) 2 years of experience as a structural inspector in another jurisdiction inspecting dwellings or A-level or B-level structures for compliance with a recognized code for building construction; or

(d) 90 quarter hours or 60 semester hours of education and training in engineering or architectural design of structures through college or community college; or

(e) Completion of a division-approved education program in building inspection technology covering the **Oregon Residential Specialty Code** structural provisions or the model code on which it is based; or

(f) Completion of a division-approved in-training program for residential building inspectors; or

(g) Current division certification as a residential building inspector under one or more provisions of the **Oregon Residential Specialty Code** and:

(A) 1 year of experience administering and enforcing another provision of the **Oregon Residential Specialty Code**; and

(B) Confirmation by the building official of the jurisdiction that employs the applicant that the applicant has completed a residential building inspector cross-training program that meets the minimum requirements established by the division; or

(h) Any combination of education, training or experience listed in subsections (b) through (e) of this section designing, constructing or inspecting dwellings or A-level or B-level structures totaling 3 years.

(2) Persons certified by a nationally recognized certification body to perform structural plan reviews or structural inspections on A-level or B-level structures or dwellings according to a recognized code for building construction shall be granted 1 year of credit toward the experience requirements, except as listed in section (3) of this rule and cross-training or in-training programs, listed in subsections (1)(b) through (e) of this rule.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; Renumbered from 918-098-0200, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0200, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1205

Oregon Residential Mechanical Inspectors Experience, Education and Training Requirements

(1) Only applicants who qualify to apply for an Oregon Code Certification under OAR 918-098-1040 may apply for an Oregon residential mechanical inspector certification on a division-approved form and must demonstrate compliance with at least one of the following minimum experience, education or training requirements:

(a) A current division certification as an A-level or B-level mechanical inspector;

(b) 3 years of experience in engineering design or installation of heating, ventilation, air conditioning and cooling systems; or

(c) 2 years of experience as a mechanical inspector in another jurisdiction inspecting dwellings or A-level or B-level structures for compliance with a recognized code for mechanical installations; or

(d) 90 quarter hours or 60 semester hours education and training in engineering design and installing heating, ventilation, air conditioning and cooling systems; or

ADMINISTRATIVE RULES

(e) Completion of a division-approved education program in building inspection technology covering the **Oregon Residential Specialty Code** mechanical provisions or the model code on which it is based; or

(f) Completion of an approved in-training program for residential mechanical inspectors; or

(g) Current division certification as a residential inspector under one or more provisions of the **Oregon Residential Specialty Code** and:

(A) 1 year of experience administering and enforcing another provision of the **Oregon Residential Specialty Code**; and

(B) Confirmation by the building official of the jurisdiction that employs the applicant that the applicant has completed a residential mechanical inspector cross-training program that meets the minimum requirements established by the division; or

(h) Any combination of education, training or experience listed in subsections (b) through (e) of this section in engineering design, installation or inspection of heating, ventilation, air conditioning and cooling systems totaling 3 years.

(2) Persons certified by a nationally recognized certification body to inspect heating, ventilation, air conditioning and cooling systems in A-level or B-level structures or dwellings according to a recognized code in mechanical installations shall be granted 1 year of credit toward the experience requirements, except as listed in section (3) of this rule and cross-training or in-training programs, listed in subsections (1)(b) through (e) of this rule.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; Renumbered from 918-098-0210, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0210, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1210

Residential Plumbing Inspectors

(1) A person possessing a "One and Two Family Dwelling Plumbing Inspector" certification prior to July 1, 2005, shall be considered a "Residential Plumbing Inspector" for the purpose of these rules.

(2) A residential plumbing inspector may conduct inspections for:

(a) Plumbing work regulated by the **Oregon Residential Specialty Code**, except for apartment buildings; and where connection to the building is not a separate plumbing system.

(b) Plumbing work on manufactured dwelling alterations and manufactured structure accessory buildings and structures under the **Oregon Manufactured Dwelling and Park Specialty Code**.

(3) To qualify to perform work as a residential plumbing inspector, individuals must demonstrate compliance with at least one of the following minimum experience, education or training requirements:

(a) A current division certification as an **Oregon Plumbing Specialty Code** inspector; or

(b) Experience designing or installing plumbing systems as a journeyman plumber or its equivalent; or

(c) 2 years of experience as a plumbing inspector in another jurisdiction inspecting plumbing systems in commercial or residential structures for compliance with a recognized code for plumbing installations; or

(d) 90 quarter hours or 60 semester hours education and training in mechanical engineering which includes designing and installing plumbing systems through a college or community college; or

(e) Current division certification as a one and two family dwelling or residential inspector under one or more provisions of the **Oregon Residential Specialty Code** and:

(A) 1 year of experience administering and enforcing another provision of the **Oregon Residential Specialty Code**; and

(B) Confirmation by the building official of the jurisdiction that employs the applicant that the applicant has completed a one and two family dwelling or residential plumbing inspector cross-training program that meets the minimum requirements established by the division; or

(f) Any combination of experience designing, installing or inspecting plumbing systems listed in subsections (a) through (d) of this section totaling 3 years; and

(g) After October 1, 2005, a person must also possess a valid Oregon Inspector Certification issued under OAR 918-098-1025 prior to performing inspections unless the person meets the application requirements in OAR 918-098-1040.

(4) Persons certified by a nationally recognized certification body to inspect plumbing systems in commercial or residential structures according to a recognized code in plumbing installations shall be granted 1 year of credit toward the experience requirements, except cross-training and in-training, listed in subsections (3)(b) and (c) of this rule.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.622

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; Renumbered from 918-098-0220, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0220, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1215

Residential Electrical Inspectors

(1) A person possessing a "One and Two Family Dwelling Electrical Inspector" certification prior to July 1, 2005, shall be considered a "Residential Electrical Inspector" for the purpose of these rules.

(2) Residential electrical inspectors may conduct inspections for:

(a) Electrical work regulated by the **Oregon Residential Specialty Code**, excluding for apartment buildings; and

(b) Electrical work on manufactured dwelling alterations and manufactured structure accessory buildings and structures under the **Oregon Manufactured Dwelling and Park Specialty Code**.

(3) To qualify to perform work as a residential electrical inspector, individuals must demonstrate compliance with at least one of the following minimum experience, education or training requirements:

(a) A current division certification as an Oregon Electrical Specialty Code inspector; or

(b) 2 years of Experience installing electrical systems as a limited residential journeyman electrician or a general journeyman electricians license or their respective equivalents; or

(c) 2 years of experience as an electrical inspector in another jurisdiction inspecting electrical installations in commercial or residential structures for compliance with a recognized code for electrical installations; or

(d) 90 quarter hours or 60 semester hours education and training in electrical engineering which includes designing and installing electrical systems through a college or community college; or

(e) Current division certification as a one and two family dwelling or residential inspector under one or more provisions of the **Oregon Residential Specialty Code** and:

(A) 1 year of experience administering and enforcing another provision of the **Oregon Residential Specialty Code**; and

(B) Confirmation by the building official of the jurisdiction that employs the applicant that the applicant has completed a one and two family dwelling or residential electrical inspector cross-training program that meets the minimum requirements established by the division; or

(f) Any combination of experience or education listed in subsections (a) through (d) of this section designing, installing or inspecting electrical systems totaling 3 years; and

(g) After October 1, 2005, a person must also possess a valid Oregon Inspector Certification issued under OAR 918-098-1025 prior to performing work unless the person meets the application requirements in OAR 918-098-1040.

(4) Persons certified by a nationally recognized certification body to inspect electrical installations in commercial or residential structures according to a recognized code in electrical installations shall be granted 1 year of credit toward the experience requirements, except cross-training and in-training, listed in subsections (1)(b) and (c) of this rule.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.622

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; Renumbered from 918-098-0230, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0230, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1220

Oregon Residential Structural Plans Examiners Minimum Experience, Education and Training Requirements

(1) Only applicants who qualify to apply for an Oregon Code Certification under OAR 918-098-1040 may apply for a Oregon residential structural plans examiner certification on a division-approved form and must demonstrate compliance with at least one of the following minimum experience, education or training requirements:

(a) Oregon registration as an architect or certified professional engineer; or

(b) A current division certification as an A-level or B-level structural plans examiner; or

(c) 3 years of experience designing or constructing structures or dwellings; or

(d) 2 years of experience as a structural plans examiner in another jurisdiction reviewing plans for compliance with a recognized code for building construction; or

ADMINISTRATIVE RULES

(e) 90 quarter hours or 60 semester hours education and training in building design or construction through a college or community college; or

(f) Completion of a division-approved education program in building inspection technology covering the Oregon Residential Specialty Code structural provisions or the model code on which it is based; or

(g) Completion of an approved in-training program for residential structural plans examiners; or

(h) Current division certification as a residential inspector under one or more provisions of the **Oregon Residential Specialty Code**; and

(A) 1 year of experience administering and enforcing another provision of the **Oregon Residential Specialty Code**; and

(B) Confirmation by the building official of the jurisdiction that employs the applicant that the applicant has completed a residential structural plans examiner cross-training program that meets the minimum requirements established by the division; or

(i) Any combination of experience and education listed in subsections (a) through (f) of this section designing, constructing or inspecting structures or dwellings totaling 3 years.

(2) Persons certified by a nationally recognized certification body to perform structural plan reviews or conduct on-site inspections on structures or dwellings according to a recognized code for building construction shall be granted 1 year of credit toward the experience requirements, except as listed in section (3) or this rule and cross-training or in-training programs, listed in subsections (1)(c) and (d) of this rule.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.622

Hist.: BCA 25-1990, f. & cert. ef. 10-17-90; BCA 16-1992, f. & cert. ef. 8-11-92; BCD 23-1996(Temp), f. & cert. ef. 10-21-96; BCD 8-1997, f. & cert. ef. 4-1-97; Renumbered from 918-099-0120; BCD 7-1998, f. 3-31-98, cert. ef. 4-1-98; BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; Renumbered from 918-098-0240, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0240, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1300

Certifications Related to Manufactured Structures and Parks

References and Undertakings.

(1) Scope. The rules in OAR 918-098-1300 to 918-098-1330 relate to certifications for inspectors and plans examiners dealing with manufactured dwellings, recreational vehicles, manufactured dwelling parks, organizational camps, recreation parks and picnic parks.

(2) Hiring Non-Certified Persons. The division or a jurisdiction may employ a person not meeting the minimum requirements of OAR 918-098-1305 through 918-098-1320 while the person is being trained or waiting to qualify to take the division examination. During this period the person may only perform inspections or plan reviews under the direct supervision of the trainer. Training must be provided by an inspector or plans examiner having a minimum of three years experience in the same certification or a person approved by the board. This rule does not waive the requirements of ORS 455.730 or permit the division or jurisdiction to hire or use persons whose certifications have lapsed or been revoked.

(3) Inspectors and plans examiners of prefabricated structures do not require special certifications but shall have the appropriate certifications required for performing inspections or plan reviews under the specific specialty code being used.

(4) The following definitions apply to OAR 918-098-1300 through 918-098-1330 only. Also, see applicable definitions in OAR 918-098-1005:

(a) "Board" means the Manufactured Structures and Parks Advisory Board.

(b) "Building Construction," relating to experience qualifications, means site-built construction, prefabricated construction or manufactured structure construction.

(c) "One Year," relating to experience qualifications, means 2,000 hours of work experience, 45 or more credit hours of schooling in the quarter system or 30 or more credit hours of schooling in the semester system.

Stat. Auth.: ORS 446.250 & 455.720

Stats. Implemented: ORS 446.250 & 455.720

Hist.: BCA 25-1990, f. & cert. ef. 10-17-90; BCD 13-1997, f. 9-18-97, cert. ef. 10-1-97; Renumbered from 918-099-0130; Renumbered from 918-098-0300, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0300, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1305

Manufactured Structure Installation Inspector Certification

(1) Scope of Activities and Authority.

(a) A manufactured structure installation inspector conducts on-site field inspections of manufactured dwelling or park trailer installations including site preparation, setbacks, drainage, stand, foundation support, earthquake bracing systems, tie-downs, under-floor enclosures, access, egress, plumbing utility connections (within 30 lineal feet of the manufac-

ture dwelling), mechanical connections and electrical feeder assembly connections (as defined by Article 550 of the **National Electrical Code**), electrical fixture connections and plumbing, mechanical and electrical crossover connections for manufactured structures under ORS 446.230 and 446.240;

(b) This certification does not include inspections or plan reviews of manufactured dwelling alterations or manufactured structure accessory structures and accessory buildings. See OAR 918-098-1325 and 918-098-1330 for certification requirements.

(c) This certification can be used only in a jurisdiction that:

(A) Meets all of the requirements of this rule, OAR 918-500-0055 and 918-500-0065;

(B) Complies with ORS 446.250 and 446.253(2) relating to the delegation of full responsibility for permit issuance and inspections;

(C) Issues permits according to ORS 446.253; and

(D) Enforces the current edition of the **Oregon Manufactured Dwelling and Park Specialty Code** and all referenced standards contained therein.

(2) Procedure for Qualification. An applicant for certification under this rule shall meet the general qualifications in section (3) of this rule, make application, pay the required fees, attend a division-approved training program and pass a division-approved examination.

(3) Experience, Education and Training Requirements. An applicant must have at least one of the following:

(a) 2 years of experience as a supervisor in the building construction industry; or

(b) 2 years of experience in design work related to building construction; or

(c) Be a division-certified building inspector or plans examiner; or

(d) 2 years of experience as a quality assurance inspector in a manufactured structure manufacturing plant; or

(e) 2 years of experience as an Oregon licensed manufactured dwelling installer; or

(f) An associate degree or equal from a division-approved education program in a construction-related field; or

(g) Any combination of the experience and education listed in subsections (a) through (f) of this section equaling at least 2 years of; or

(h) A one-year certificate of completion in building inspection technology from a division-approved education program and completion of a 180-hour division-approved inspector in-training program under the supervision of a person with a minimum of three years experience as a certified manufactured structure installation inspector or a person approved by the board.

(4) Inspector Training and Examination. An applicant must successfully complete a division-approved manufactured structure installation inspector training program and pass a division-approved examination covering:

(a) The **Oregon Manufactured Dwelling and Park Specialty Code** and those standards referenced therein;

(b) ORS 446.003, 446.155 to 446.253, and 446.395 to 446.420; and

(d) OAR chapter 918, divisions 500, 515, 520, 530.

(5) After October 1, 2005, a Manufactured Structure Installation Inspector must also possess an Oregon Inspector Certification issued under OAR 918-098-1025 prior to performing inspections.

(6) Revocation. The division is authorized to revoke this certification under ORS 446.255. Persons certified under this rule who fail to meet the minimum continuing education requirements shall be subject to revocation. If the minimum continuing education is met within 60 days from the date it was originally due, the division shall discontinue any pending revocation action based on a failure to meet minimum continuing education requirements.

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

Stat. Auth.: ORS 446.250 & 455.720

Stats. Implemented: ORS 446.250 & 455.720

Hist.: BCA 25-1990, f. & cert. ef. 10-17-90; BCD 13-1997, f. 9-18-97, cert. ef. 10-1-97; Renumbered from 918-099-0135; Renumbered from 918-098-0310, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0310, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1310

Recreational Vehicle Inspector Certification

(1) Scope of Activities and Authority. A recreational vehicle inspector conducts field, dealer lot, repair operation, alteration, visual and manufacturing plant inspections, reviews plans and provides other technical services for recreational vehicle manufacturers, dealers and owners in accordance with ORS 446.185 and 446.160(1).

ADMINISTRATIVE RULES

(2) Procedure for Qualification. An applicant for certification under this rule shall meet the general qualifications in section (3) of this rule, make application, pay the required fees and pass a division-approved examination.

(3) Experience, Education and Training Requirements. An applicant for certification as a recreational vehicle inspector must have at least one of the following:

(a) 2 years of experience as a supervisor in the building construction industry; or

(b) 2 years of experience in design work related to building construction; or

(c) 2 years of experience as a certified building inspector or plans examiner; or

(d) 2 years of experience as a quality assurance inspector in a manufactured structure plant; or

(e) 2 years of experience as a division-certified recreational vehicle quality assurance technician; or

(f) 2 years of code-related experience as a recreational vehicle technician; or

(g) An associate degree or equal from a division-approved education program in a construction-related field; or

(h) Any combination of the experience and education listed in subsections (a) through (g) of this section equaling at least 2 years; or

(i) A one-year certificate of completion in building inspection technology from a division-approved education program and completion of an 800-hour division-approved inspector in-training program under the supervision of a person with a minimum of three years experience as a certified recreational vehicle inspector or a person approved by the board.

(4) Inspector Examination. An applicant for certification as a recreational vehicle inspector must pass a division-approved examination covering the following:

(a) **American National Standards Institute (ANSI) A119.2 (1999 Edition);**

(b) **American National Standards Institute (ANSI) A119.5 (1998 Edition);**

(c) **National Electrical Code (NFPA) 70 (1999 Edition);**

(d) ORS 446.003 and 446.155 to 446.253; and

(e) OAR chapter 918, divisions 525, 530, 535 and 540.

(5) After October, 1 2005, a Recreational Vehicle Inspector must also possess an Oregon Inspector Certification issued under OAR 918-098-1025 prior to performing inspections.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCA 25-1990, f. & cert. ef. 10-17-90; BCD 13-1997, f. 9-18-97, cert. ef. 10-1-97; Renumbered from 918-099-0140; Renumbered from 918-098-0320, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0320, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1315

Manufactured Structure Construction Inspector Certification

(1) Scope of Activities and Authority. A manufactured structure construction inspector conducts field, dealer lot, consumer assistance, alteration, visual and manufacturing plant inspections, reviews plans and provides technical services for manufactured dwelling manufacturers, dealers and owners.

(2) Procedure for Qualification. An applicant for this certification shall meet the general qualifications in section (3) of this rule, make application, pay the required fees and pass a division-approved examination.

(3) Experience, Education and Training Requirements. An applicant for certification as a manufactured structure construction inspector must have at least one of the following:

(a) 2 years of experience as a supervisor in the building construction industry; or

(b) 2 years of experience in design work related to building construction; or

(c) 2 years of experience as a certified building inspector or plans examiner; or

(d) 2 years of experience as a quality control inspector in a manufactured structures plant; or

(e) An associate degree or equal from a division-approved education program in a construction-related field; or

(f) Any combination of the experience and education listed in subsections (a) through (e) of this section equaling at least two years; or

(g) A one-year certificate of completion in building inspection technology from a division-approved education program and completion of an 800-hour division-approved inspector in-training program under the supervision of a person with a minimum of three years experience as a certified manufactured structure construction inspector or a person approved by the board.

(4) Inspector Examination. An applicant for certification as a manufactured structure construction inspector or a person approved by the board.

(4) Inspector Examination. An applicant for certification as a manufactured structure construction inspector must pass a division-approved examination covering:

(a) **Oregon Manufactured Dwelling and Park Specialty Code;**

(b) **National Electrical Code (NFPA) 70 (1993 Edition);**

(c) **Manufactured Home Construction and Safety Standards Act;**

(d) Public Law 93-383, Title VI;

(e) ORS 446.003 and 446.155 to 446.253;

(f) OAR chapter 918, divisions 500 and 520; and

(5) After October, 1 2005, a Manufactured Structure Construction Inspector must also possess an Oregon Inspector Certification issued under OAR 918-098-1025 prior to performing inspections.

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

Stat. Auth.: ORS 446.250 & 455.720

Stats. Implemented: ORS 446.250 & 455.720

Hist.: BCA 25-1990, f. & cert. ef. 10-17-90; BCD 13-1997, f. 9-18-97, cert. ef. 10-1-97; Renumbered from 918-099-0145; Renumbered from 918-098-0330, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0330, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1320

Park and Camp Inspector Certification

(1) Scope of Activities and Authority.

(a) A park and camp inspector conducts field inspections, reviews plans and provides other technical services for manufactured dwelling parks, recreational parks, organizational camps and picnic parks under ORS 446.066 and 446.335.

(b) This certification can be used only in a jurisdiction that:

(A) Meets all of the requirements of this rule;

(B) Complies with ORS 446.430, 455.170 and 455.680 relating to the delegation of full responsibility for permit issuance and inspections; and

(C) Issues permits, enforces the current edition of ORS Chapter 446, OAR chapter 918, divisions 600 and 650 and all referenced standards contained therein.

(2) Procedure for Qualification. An applicant for certification under this rule shall meet the general qualifications in section (3) of this rule, make application, pay the required fees and pass a division-approved examination.

(3) Experience, Education and Training Requirements. An applicant for certification as a park and camp inspector must have at least one of the following:

(a) 2 years of experience as a supervisor in the building or road construction industry; or

(b) 2 years of experience in design work related to building or road construction; or

(c) 2 years of experience as a road construction inspector; or

(d) 2 years of experience as a surveyor or landscape architect; or

(e) 2 years of experience as a registered sanitarian; or

(f) 2 years of experience as an Oregon licensed manufactured dwelling installer; or

(g) A division certification as a building inspector or plans examiner; or

(h) An associate degree or equal from a division-approved education program in a construction-related field; or

(i) Any combination of the experience and education listed in subsection (a) through (h) of this section equaling 2 years; or

(j) A one-year certificate of completion in building inspection technology from a division-approved education program and completion of a 180-hour division-approved inspector in-training program under the supervision of a person with a minimum of three years experience as a certified park and camp inspector or a person approved by the board.

(4) Inspector Examination. An applicant for certification under this rule must pass a division-approved park and camp inspector certification examination covering:

(a) ORS 446.003 to 446.140, 446.310 to 446.350, 446.430, 455.170, and 455.680;

(b) OAR chapter 918, divisions 535, 600 and 650; and

(c) **Oregon Manufactured Dwelling and Park Specialty Code, Chapters 1, 2, 9, and 10.**

(5) After October 1, 2005, a Park and Camp Inspector must also possess an Oregon Inspector Certification issued under OAR 918-098-1025 prior to performing inspections.

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

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

ADMINISTRATIVE RULES

Hist.: BCA 25-1990, f. & cert. ef. 10-17-90; BCD 13-1997, f. 9-18-97, cert. ef. 10-1-97; Renumbered from 918-099-0150; Renumbered from 918-098-0340, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0340, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1325

Requirements for Alteration Inspection and Plan Review of Manufactured Dwellings

(1) Scope of Work. Manufactured dwelling alteration inspections and plan reviews include on-site field inspections of alterations including structural, fire and life safety, electrical, plumbing and mechanical alterations made to manufactured dwellings after the initial sale of the home to the first consumer after all the terms of the sales contract have been met. Most alteration inspections made prior to this time are the responsibility of the division and shall be performed by a certified manufactured structure construction inspector. All alteration inspections made to recreational vehicles and park trailers are the responsibility of the division and shall be performed by a certified recreational vehicle inspector.

(2) Certifications. Inspectors of manufactured dwelling alterations are required to be certified by ORS 446.250. The division requires that persons performing inspections or plan reviews on manufactured dwelling alterations have:

(a) The appropriate certifications under OAR 918-098-1200, 918-098-1205 and 918-098-1220 for the **Oregon Residential Specialty Code** for the specific discipline being used issued prior to October 1, 2005; or

(b) An Oregon Inspector Certification and the appropriate ICC Residential Certification as described in OAR 918-098-1010(4)(e) or (f); or

(f) An Oregon Code Certification issued under OAR 918-098-1210 or 918-098-1215 after October 1, 2005.

(3) The requirement in subsection (2) is not applicable to alteration inspections performed on manufactured homes still under the jurisdiction of the U.S. Department of Housing and Urban Development (HUD), recreational vehicles or park trailers.

(4) Authority. Inspectors and plans examiners of manufactured dwelling alterations may only inspect or review plans in a jurisdiction that has been delegated the manufactured dwelling alteration program and that:

(a) Complies with ORS 446.250 and 446.253(2) relating to the delegation of full responsibility for permit issuance and inspections;

(b) Issues permits and enforces the current edition of ORS Chapter 446 and OAR chapter 918, divisions 500 and 520;

(c) Meets the requirements of OAR 918-500-0055 for delegation; and

(d) Enforces the current edition of the **Oregon Manufactured Dwelling and Park Specialty Code** and all referenced standards contained therein.

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

Stat. Auth.: ORS 446.250 & 455.720

Stats. Implemented: ORS 446.250 & 455.720

Hist.: BCD 13-1997, f. 9-18-97, cert. ef. 10-1-97; Renumbered from 918-098-0350, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0350, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1330

Manufactured Structure Accessory Structure or Accessory Building Inspection

(1) Scope of Work. Manufactured structure accessory structure or accessory building inspections and plan reviews include on-site field inspections of installations of manufactured structure accessory structures and accessory buildings (i.e., carports, ramadas, cabanas, garages, storage sheds, awnings, decks, steps and ramps).

(2) Certifications. Inspectors of manufactured structure accessory structures and accessory buildings are required to be certified by ORS 446.250. To satisfy this mandate, the division requires that persons performing inspections or plan reviews on manufactured structure accessory structures or accessory buildings have the appropriate certifications under OAR 918-098-1200 to 918-098-1220 or an OIC and the appropriate ICC Residential Certification as described in OAR 918-098-1010(4)(e) and (f) for the **Oregon Residential Specialty Code** for the specific discipline being used

(3) Authority. Inspectors of manufactured structure accessory structures and accessory buildings may only inspect or review plans in a jurisdiction that has been delegated the manufactured dwelling accessory structure and accessory building program and that:

(a) Complies with ORS 446.250 and 446.253(2) relating to the delegation of full responsibility for permit issuance and inspections;

(b) Complies with the **Oregon Manufactured Dwelling and Park Specialty Code** and all referenced standards contained therein;

(c) Issues permits and enforces the current edition of ORS Chapter 446 and OAR chapter 918, division 500;

(d) Meets the requirements of OAR 918-500-0055 for delegation; and
(e) Enforces of the current edition of the **Oregon Manufactured Dwelling and Park Specialty Code** and all referenced standards contained therein.

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

Stat. Auth.: ORS 446.250 & 455.720

Stats. Implemented: ORS 446.250 & 455.720

Hist.: BCD 13-1997, f. 9-18-97, cert. ef. 10-1-97; Renumbered from 918-098-0360, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0360, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1400

In-Training Programs

(1) Building inspection programs that have a division-approved in-training program may continue the program for trainees who enrolled in the program prior to July 1, 2005.

(2) When in-training programs are modified, copies of changes must be filed with the trainee's records. In-training programs shall be amended to include all applicable code-changes. In-training program amendments shall be submitted to the division for review and approval.

(3) A program shall be a minimum of six months and a maximum of two years unless a longer period is specifically approved by the division.

(4) The in-training program supervisor shall maintain records of all trainees who participate in inspector or plans examiner in-training programs.

(5) The division may monitor inspector and plans examiner in-training programs to verify that classroom and field in-training activities cover the minimum education and training requirements established by the division for inspectors and plans examiners.

(6) Trainees performing inspections as part of an in-training program must be accompanied at all times by an inspector certified to conduct the inspection being performed. Plans reviewed by plans examiners as part of an in-training program must also be reviewed by a similarly certified plans examiner.

(7) Upon completion of an approved inspector in-training program, applicants for certification shall be evaluated by two or more persons with at least two years inspection or plan review experience who hold the same or higher certification in the same discipline for which the person has applied for certification. Evaluators shall not be employed by the municipality that either employs the applicant or has provided any portion of the applicant's training or education. Evaluations shall include all training objectives described in the division-approved in-training programs.

(8) Certification programs described in OAR 918-098-0320 and 918-098-0330 administered only by the division may have in-training evaluations performed by division employees having no apparent conflict of interest.

(9) The results of the trainee evaluation and recommendation shall be reported to the division by the evaluation team.

Stat. Auth.: ORS 455.725

Stats. Implemented: ORS 455.725

Hist.: BCA 16-1992, f. & cert. ef. 8-11-92; BCD 8-1997, f. & cert. ef. 4-1-97; Renumbered from 918-099-0510; BCD 15-1997, f. 9-30-97, cert. ef. 10-1-97; Renumbered from 918-098-0400, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0400, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1410

Cross-Training Programs for Residential Certifications

(1) Every building inspection program that elects to administer, use or participate in a cross-training program for residential plans examiners or inspectors shall submit the following information to the division:

(a) The name and certification of the cross-training program supervisor;

(b) The names and certifications of persons who will provide cross-training;

(c) A description or copy of classroom and field training activities covering the **Oregon Residential Specialty Code** or model code on which it is based for residential plans examiners and inspectors; and

(d) The method of evaluating whether a trainee has satisfactorily completed the cross-training program.

(2) The cross-training program supervisor (a) Possess an A-level or commercial certification or an Oregon Inspector certification with the appropriate ICC certification in the program area the individual is responsible for supervising; and

(b) Shall maintain records of all trainees who participate in the residential plans examiner or inspector cross-training program.

(3) The division may monitor residential cross-training programs.

ADMINISTRATIVE RULES

(4) Trainees performing inspections or plan reviews as part of a cross-training program must be accompanied at all times by an individual certified to conduct the inspection or plan review being performed.

(5) A municipality may enroll its trainees in a program sponsored by another jurisdiction or provided by a private entity or school.

(6) Cross-training programs shall be amended to include all applicable code-changes when these changes become effective, and filed with the trainee records at the local jurisdiction.

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

Stat. Auth.: ORS 455.622

Stats. Implemented: ORS 455.622

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; BCD 15-1997, f. 9-30-97, cert. ef. 10-1-97; BCD 38-2000, f. 12-29-00, cert. ef. 1-1-01; Renumbered from 918-098-0410, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0410, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1420

Education Program Requirements

(1) Educational institutes may submit a written application to the division for approval of their education program.

(2) Programs shall be resubmitted for review and approval every three years following initial approval.

(3) Class room and laboratory instructors shall possess an appropriate inspector certification for the specialty code area being taught.

(4) All class room and laboratory instruction shall be based on the specialty codes adopted by the division or the corresponding nationally recognized model codes.

(5) All classes shall be updated with the most recent adopted code-changes. Program amendments shall be submitted to the division for review and approval.

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; Renumbered from 918-098-0420, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0420, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1430

Timeline for Education Program Approval

(1) To be approved for a school year beginning in September, new education programs shall be submitted to the division by June 1 of the prior year for review.

(2) The division shall request any needed additional information by July 1.

(3) The education institution shall submit requested information by August 1.

(4) The division shall issue program approval or disapproval by October 1 for programs for the following calendar year.

(5) Updated programs based on new code adoptions or code-changes shall be submitted to the division for approval within 30 days of the effective date of the code adoption or code-change.

(6) Education programs submitted for the three-year review and re-approval shall follow the timeline in this rule.

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 15-1997, f. 9-30-97, cert. ef. 10-1-97; Renumbered from 918-098-0425, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0425, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1440

Approval of Inspector In-Training, Continuing Education and Educational Programs

(1) Applications for approval of in-training and continuing education and educational programs must be filed at least 45 days prior to the date of the proposed class or beginning date of training. The 45-day period or any other procedural rule controlling these programs may be waived if the administrator determines there is an emergency.

(2) The application must describe the course objectives, qualifications for entry into the course, course content, materials to be used, length of class, field time if applicable, and instructor names and qualifications.

(3) Where continuing education credits are sought, the application shall show the number of credits sought for the course and provide justification.

(4) Instructors approved by the division to teach code-change courses shall be granted the same number of continuing education credit hours as those attending the course.

(5) Persons or organizations requesting reimbursement from the division training funds for education programs shall have a valid contract with the division or specific written approval from the division at the time of course offering.

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.725

Hist.: BCA 16-1992, f. & cert. ef. 8-11-92; BCD 8-1997, f. & cert. ef. 4-1-97; Renumbered from 918-099-0500; BCD 15-1997, f. 9-30-97, cert. ef. 10-1-97; Renumbered from 918-098-0430, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0430, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1450

Continuing Education Requirements

(1) Person holding an Oregon Code Certification, other than an electrical inspector or plumbing inspector issued pursuant to OAR 918-281-0020 or 918-695-0400, or an Oregon Inspector Certification is required to obtain at least 16 hours of continuing education related to their duties every three years from the date of issuance and every three years thereafter for each certification held. At least one course shall be a division-approved code-change course related to the scope of work allowed under the certification.

(2) Building officials shall be required to obtain six hours continuing education credits each year in classes related to the duties of a building official. In calendar years when the legislature meets in regular session, the classes must also include at least one division-approved class covering new legislation relating to the administration and enforcement of building inspection programs.

(3) A person who takes an approved continuing education course and holds more than one Oregon Certification may apply the course to one or more appropriate certifications.

(4) The division may periodically verify that a person is maintaining and recording their continuing education.

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1455

High Priority Training

In addition to the continuing education requirements in 918-098-1450, the division may require building officials, inspectors, and plans examiners to take high priority training when the division identifies new technologies or specific problem areas.

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1460

Waiver of Continuing Education Requirements Due to Hardship or Illness

The administrator may extend the period to comply with code-change continuing education requirements in case of hardship or illness. Requests for extension shall:

(1) Be in writing;

(2) Describe the nature of the hardship or illness and the reason why the applicant is unable to comply with the continuing education requirements; and

(3) State when the person will be able to complete the continuing education requirements.

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCA 16-1992, f. & cert. ef. 8-11-92; BCA 33-1993, f. & cert. ef. 12-14-93; BCD 8-1997, f. & cert. ef. 4-1-97; Renumbered from 918-099-0630; Renumbered from 918-098-0470, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0470, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1470

Duties and Responsibilities of Certified Building Officials, Inspectors, and Plans Examiners

(1) Persons who hold an Oregon Inspector Certification or an Oregon Code Certification must act in the public interest in performing their duties as a building official, inspector, or plans examiner, including but not limited to:

(a) Obtaining and maintaining any appropriate national or Oregon Code Certification prior to performing their duties;

(b) Completing all required continuing education requirements and maintaining records of completion of continuing education courses required for each national and Oregon certification sufficient to demonstrate compliance with OAR 918-098-1450;

(c) Enforcing all appropriate building code statutes, and rules adopted thereunder, including but not limited to specialty codes, including statewide code interpretations, directives, orders, or other building program requirements and allowing the use of alternate method rulings;

(d) Adhering to all applicable building code statutes and rules adopted thereunder; and

ADMINISTRATIVE RULES

(e) Notifying the division of any changes of name or address in a manner prescribed by the division within 10 business days.

(2) After a code or code edition is adopted by the division, persons who hold an Oregon Inspector Certificate and hold the national certification for that specialty code must re-certify their national certification to the new code or code edition at the next available renewal cycle of the national certification. If an inspector re-certifies a national certification to the newest edition of the national code(s) before that code edition is adopted in Oregon, such re-certification shall be considered as a current national certification for the purposes of these rules.

(3) If an inspector fails to maintain or does not possess a current national certification, the inspector shall not perform inspections or plan review for that particular specialty code.

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1480

Additional Responsibilities for Building Officials

In addition to the above responsibilities, all certified individuals who are performing the duties of the building official shall also:

(1) Ensure a person is properly certified under these rules and meets the minimum experience requirements prior to allowing the individual to perform plan reviews and inspections;

(2) Ensure all inspectors and plans examiners in the municipality take all required continuing education and track the continuing education in a manner prescribed by the division; and

(3) Ensure all applicable building code statutes and rules, including statewide code interpretations, directives and other building program requirements and allowing the use of statewide alternate method rulings are enforced and carried out through their certified individuals in their municipality.

Stat. Auth.: ORS 455.720

Stats. Implemented: ORS 455.720

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1500

Building Official and Inspector Sanctions Process

(1) The division shall establish uniform procedures for the processing and resolution of complaints relating to building officials and inspectors certified pursuant to ORS 455.735. The division may condition, suspend or revoke a certification in the course of resolving a complaint.

(2) Failure to act "in the public interest in the performance of their duties" in accordance with ORS 455.740 shall include, but not be limited to:

(a) Providing or having knowledge of, false education, work experience or documentation being used to meet certification or continuing education requirements, or during the examination, using unauthorized notes, examinations or examination answers at an examination, copying from another, allowing another to copy or otherwise use unauthorized methods to gain an advantage or give another person an advantage during an examination;

(b) Failing to complete continuing education requirements;

(c) Permitting, allowing or performing plan reviews or inspections without proper certification;

(d) Engaging in a pattern that fails to enforce the specialty code, including statewide code interpretations, site-specific interpretations, directives or other building program requirements and failure to allow the use of alternate method rulings;

(e) After notification, engaging in a pattern of requiring construction or installations to exceed the requirements of the specialty codes, unless otherwise specified by the designer(s);

(f) Requiring an individual to approve structures or installations that do not comply with the specialty codes;

(g) Failing to properly perform inspections or plan reviews;

(h) Engages in unprofessional behavior; or

(i) Any other activity prejudicial to the administration and enforcement of the state building code.

(3) Applicants sanctioned under this rule may be required to wait at least one year from the date the application was denied before they may re-apply for any certification.

(4) Upon a finding of a violation of section (2) of this rule, the director may, in accordance with the requirements of ORS chapter 183, place conditions on a certification in lieu of suspension or revocation.

(5) In determining the appropriate sanction any applicable factors shall be taken into account, including, but not limited to:

(a) Prior history of violations;

(b) Extent to which corrective action was taken; and

(c) The element of risk or danger to any person caused by the violation.

(6) Certifications of building officials, plans examiners and inspectors who do not comply with the code-change education or continuing education requirements contained in these rules shall lapse. Persons whose certifications have lapsed for failure to comply with code-change or continuing education requirements shall be required to re-apply for certification and take a division-approved examination in the same manner as a new applicant.

Stat. Auth.: ORS 455.740

Stat. Implemented.: ORS 455.740

Hist.: BCD 13-2001, f. 9-28-01, cert. ef. 10-1-01; BCD 11-2004, f. 8-13-04, cert. ef. 10-1-04; Renumbered from 918-098-0500, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0500, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1600

Purpose and Scope

The provisions of OAR 918-098-0600 to 918-098-0630 establish the background qualifications and the evaluation and testing criteria to be registered as a post-earthquake structural damage inspector.

Stat. Auth.: ORS 455.100 & 455.448

Stats. Implemented: ORS 455.448 & 455.449

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; Renumbered from 918-098-0600, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0600, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1610

Definitions

For the purposes of OAR 918-098-1600 to 918-098-1630, the following definitions apply:

(1) "Building Inspector" as set forth in ORS 455.448 means a person registered pursuant to the provisions of OAR 918-098-1620 as either a general post-earthquake inspector or a limited post-earthquake inspector;

(2) "General Post-Earthquake Damage Inspector" means a person registered under the provisions of OAR 918-098-1620 or appointed by the director pursuant to ORS 455.448 to perform post-earthquake damage and habitability assessments on all structures; and

(3) "Limited Post-Earthquake Damage Inspector" means a person registered under the provisions of OAR 918-098-1620 or appointed by the director pursuant to ORS 455.448 to perform post-earthquake damage and habitability assessments on detached one- and two-family dwellings, row-houses and townhouses less than three stories in height and their accessory structures less than three stories in height.

Stat. Auth.: ORS 455.100 & 455.448

Stats. Implemented: ORS 455.448 & 455.449

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; Renumbered from 918-098-0610, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0610, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1620

Post Earthquake Damage Inspector Registration Requirements

(1) All persons seeking registration as a post-earthquake inspector must have education, training and experience, as follows:

(a) To be registered as a general post-earthquake damage inspector, an applicant must:

(A) Be registered in any state as an architect, or be qualified by training and experience to take the Oregon examination for registration as an architect; or

(B) Be certified in the state of Oregon as an A-level, B-level commercial, or fire and life safety plans examiner or inspector, or be qualified to take the Oregon A-level, B-level commercial or fire and life safety plans examiner or inspector certification examination; or

(C) Be registered in any state as a certified professional engineer in civil or structural engineering, or be qualified by education and experience to take the Oregon certified professional engineer examination in civil or structural engineering, even though the applicant has not taken the Fundamentals of Engineering examination.

(b) To be registered as a limited post-earthquake damage inspector, an applicant must:

(A) Meet any of the qualifications listed in subsection (1)(a) of this rule;

(B) Be certified in the State of Oregon as a residential building inspector, or be qualified to take the Oregon residential building inspector examination or equivalent; or

ADMINISTRATIVE RULES

(C) Be certified in the State of Oregon as a residential plans examiner, or be qualified to take the Oregon plans examiner examination or equivalent.

(2) In addition to the education, training and experience requirements, all persons must:

(a) Complete an application form provided by the division; and

(b) Complete, or have completed within three years of application, an Applied Technology Council (ATC) training course approved by the division; or

(c) If renewing, complete an emergency management drill or event.

Stat. Auth.: ORS 455.100 & 455.448

Stats. Implemented: ORS 455.448 & 455.449

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; Renumbered from 918-098-0620, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0620, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1630

Post Earthquake Damage Inspector Registration Period; Renewal

(1) All persons registered under the provisions of OAR 918-098-1620 shall be registered for a period of up to three years. Registration shall expire on July 31 of the third year of the registration period.

(2) Registration renewal requires meeting all requirements for registration in OAR 918-098-1620.

Stat. Auth.: ORS 455.100 & 455.448

Stats. Implemented: ORS 455.448 & 455.449

Hist.: BCD 8-1997, f. & cert. ef. 4-1-97; Renumbered from 918-098-0630, BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Renumbered from 918-098-0630, BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-098-1900

Citation Requirement Effective January 1, 2006

In addition to any other requirements set forth in statute and rule, beginning January 1, 2006, all inspectors and plans examiners certified under Division 098, OAR 918-225-0540, 918-281-0020 918-695-0400, and ORS 460.055 issuing corrective notices at construction sites or to buildings or related appurtenances during a plan review must adequately cite the applicable specialty code sections, Oregon administrative rules, or statutes whenever a re-inspection is required as a result of the inspection or plan review.

Stat. Auth.: ORS 455.720 & 455.740

Stats. Implemented: ORS 455.720 & 455.740

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-281-0020

Electrical Specialty Code Inspector Certification

(1) An Electrical Specialty Code inspector:

(a) Inspects electrical installations regulated by the **Oregon Electrical Specialty Code**;

(b) Inspects electrical installations regulated by the **Oregon Residential Specialty Code**; and

(c) May do electrical plan reviews as provided in OAR 918-311-0040.

(2) To qualify for the certification, the individual shall have the following training or experience or both:

(a) Four years experience as a licensed general journeyman electrician and a current valid Oregon general supervising electrician license;

(b) A four-year Bachelor of Science degree in electrical engineering, plus three years approved experience in design, inspection or supervision of installations covered by the **National Electrical Code** or **Oregon Electrical Specialty Code**; or

(c) Equivalent experience or qualifications approved by the board; and

(d) After October 1, 2005, a person must also possess a valid Oregon Inspector Certification issued under OAR 918-098-1025 prior to performing inspections.

(3) All applicants shall pass a board-approved examination with a minimum grade of 75 percent covering:

(a) The **Oregon Electrical Specialty Code** and electrical provisions of the **Oregon Residential Specialty Code**; and

(b) Electrical theory, design, installation and materials.

(4) Persons qualifying under subsection (2)(b) or (2)(c) of this rule shall pass the Oregon general supervising electrician license examination with a minimum grade of 75 percent. An Oregon general supervising electrician license shall not be issued to applicants under these subsections.

(5) For purposes of this rule, one year of experience equals 2,000 hours.

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

Stat. Auth.: ORS 455.720 & 479.730

Stats. Implemented: ORS 455.720 & 479.730

Hist.: BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; BCD 23-2000, f. 9-29-00, cert. ef. 10-1-00; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

918-695-0400

Rules Establishing Certification for Plumbing Inspectors

(1) Scope: To promote effective and uniform enforcement of the **Oregon Plumbing Specialty Code** by improving the competence of plumbing inspectors, this rule establishes minimum training and experience qualifications to make inspections for compliance with the Oregon Plumbing Specialty Code.

(2) A Plumbing inspector:

(a) Inspects plumbing installations regulated by the **Oregon Plumbing Specialty Code**;

(b) Inspects plumbing installations regulated by the **Oregon Residential Specialty Code**; and

(c) May do plumbing plan reviews as provided in OAR 918-780-0040.

(3) No person shall be appointed or employed as a plumbing inspector by any municipality without being currently certified under the provisions of this rule.

(4) Limits on Municipalities: Nothing in the rules prohibits a local government from establishing additional requirements in the selection and hiring of plumbing inspectors. Nothing in OAR chapter 918, divisions 750 to 785 is intended to dictate the internal administrative organization of a city or county or to limit or otherwise affect the authority of a municipality to dismiss or suspend an inspector.

(5) Revocation or Suspension: The administrator may, upon notice and hearing, revoke or suspend the certification of any plumbing inspector when the certified person has acted in an incompetent or untrustworthy manner in performing inspections. "Incompetent or untrustworthy" means:

(a) Knowingly or recklessly failing to inspect;

(b) Knowingly filing false inspection reports; or

(c) Failing to exercise due diligence or care in performing inspections.

Certification shall be revoked when the administrator has evidence that the municipality is using inspectors in inspection duties other than authorized by certification or if the municipality or inspector fails to meet the certification criteria in OAR chapter 918, divisions 750 to 785. In any proceeding under this rule, the municipality that employs the plumbing inspector shall be entitled to appear as a party in interest, either for or against the proposed action.

(6) Continuing Education:

(a) To maintain certification, plumbing inspectors shall attend continuing education courses or seminars approved by the division.

(b) The division approves course content, objectives, scope, evaluation method and instructor. A description of the course shall be submitted on a division form:

(A) The content of a general continuing education course shall be relevant to the administration, inspection or plans examination functions of a code enforcement agency;

(B) The content of a code-changes course shall include changes to the model code plus Oregon amendments;

(C) The instructional time allocated shall be appropriate to the scope of the course;

(D) The text of self-study type courses shall be submitted for review;

(E) An evaluation shall be required to ensure that the course objectives have been met;

(F) The instructor of the course shall be recognized in accordance with subsection (c) of this section.

(c) Instructor recognition is limited to specific courses. Requests for recognition shall be submitted on a division form. To be recognized as an instructor for continuing education courses, the instructor shall be:

(A) Recognized by a university, college or community college for classroom teaching of the specific course, or similar courses, at the educational institution; or

(B) Generally recognized by virtue of license, certification, degree, experience or recommendation of a trade or professional association, as having expertise in the subject matter of the specific course.

(d) Continuing education requirements shall be:

(A) Plumbing inspectors excluding limited sewer inspectors shall attend one or more approved continuing education courses or seminars, totaling at least six hours of actual instruction each calendar year. Successful completion of approved self-study courses may be substituted for course attendance. Continuing education requirements shall be waived for the calendar year in which an inspector is initially certified;

ADMINISTRATIVE RULES

(B) Inspectors shall attend an approved code-changes course or seminar within nine months of the effective date of a new **Oregon Plumbing Specialty Code**. The attendance requirement shall be waived if the examination passed to obtain the certification included the most recent code-changes.

(e) Continuing education requirements met or exceeded in one calendar year shall not be carried forward to subsequent years;

(f) Satisfactory completion of approved challenge examinations may substitute for required attendance at code-changes courses or seminars;

(g) The certification of any person who fails to meet the continuing education requirements shall lapse, and reapplication shall be required in accordance with section (6) of this rule.

(7) Application for Certification or Appeals:

(a) A person seeking certification under this rule shall submit a division application form and provide sufficient information to establish qualification for the desired certification. A certification fee shall be submitted with the application as listed in ORS 455.735;

(b) The division shall process the application within 30 days from the date a completed application including verification of training and work is received. The applicant shall be promptly notified in writing of approval or denial of the application. The division shall administer the necessary tests within 60 days of the date of division approval;

(c) An applicant aggrieved by an action of the division related to certification may file an appeal with the administrator under ORS Chapter 183. The administrator will seek the advice of the board before making a decision.

(8) Applicants: The division shall maintain and, upon request of municipalities, furnish information on applicants for appointment or employment as plumbing inspectors.

(9) Qualifications: An applicant will be certified as a plumbing inspector under this rule if the following minimum qualifications are met:

(a) Experience and Training:

(A) 3 years of employment and experience as a Journeyman Plumber, with an Oregon Journeyman Plumber's Certificate of Competency;

(B) A degree in mechanical engineering or certified professional registration with 2 years of work experience in plumbing design, installation or inspection;

(C) 4 years of work experience in the inspection of plumbing installations of which at least 2 years is of commercial, industrial and multi-family structures, or if the 4 years of work experience is in the inspection of one- and two-family dwelling installations, the completion of a division-approved plumbing inspector in-training program;

(D) Board-approved equivalent experience and training of paragraphs (A), (B) and (C) of this subsection; or

(E) Persons certified as Oregon one and two family dwelling plumbing inspectors as of April 1, 1998 and completing five years of plumbing inspection experience shall be considered qualified to sit for examinations as a plumbing inspector.

(b) Examination: Passing a board-approved examination on the **Oregon Plumbing Specialty Code** covering plumbing theory, inspection techniques, communication skills, public relations, design, installation, statutory rules, authority and materials; and

(F) After October 1, 2005, a person must also possess a valid Oregon Inspector Certification issued under OAR 918-098-1025 prior to performing inspections.

(10) Training:

(a) Upon application, the division shall examine and evaluate any program or facility established by a municipality or educational institution for the training of plumbing inspectors;

(b) If the division finds that a training program meets the minimum requirements established pursuant to this rule, the division shall, in writing, certify the training program as qualified for such time and conditions as the division may prescribe. An individual complies with any minimum requirement for plumbing inspector established pursuant to classification and requirements in this rule after satisfactorily completing a training program certified under this rule.

(11) Special Certification:

(a) Limited Certification: The division, with board approval, may issue a limited certification for special types of inspections. Such limited certification will only be issued after the applicant passes an appropriate test of knowledge and ability and complies with section (6) of this rule;

(b) Limited Plumbing Inspector — Building Sewers. Limited certification for plumbing inspection of building sewers from five feet outside the building to the disposal terminal or connection with a main sewer line may

be issued. To be certified, an applicant must have the following qualifications:

(A) A Journeyman Plumber License;

(B) Two years' experience in sewer design, installation, or inspection; or

(C) Experience and training equivalent to paragraph (A) or (B) of this subsection approved by the board;

(D) Passing a board-approved examination on code, materials and installation practices for building sewers and sewers; and

(E) Limited certification shall be revoked if the municipality or inspector fail to continuously meet the criteria contained in paragraph (D) of this subsection or when the administrator has evidence the inspector or municipality is using limited inspectors in inspection duties other than authorized.

(12) For purposes of this rule, one year of experience is equal to 2,000 hours.

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

Stat. Auth.: ORS 447.020 & 455.720

Stats. Implemented: ORS 447.020

Hist.: DC 39, f. 1-6-75, ef. 2-1-75; DC 79, f. 6-16-76, ef. 8-1-76; DC 102, f. & ef. 11-1-77; DC 1-1979, f. & ef. 1-5-79; DC 5-1979(Temp), f. & ef. 3-5-79; DC 9-1979, f. & ef. 6-8-79; DC 1-1983, f. & ef. 1-3-83; DC 6-1985, f. & ef. 2-8-85; Renumbered from 814-021-0109; BCA 14-1992, f. 6-29-92, cert. ef. 7-1-92; BCD 6-1998, f. 3-2-98, cert. ef. 4-1-98, Renumbered from 918-750-0050; BCD 21-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 22-2000, f. 9-19-00, cert. ef. 10-1-00; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05

Department of Consumer and Business Services, Insurance Division Chapter 836

Adm. Order No.: ID 12-2005(Temp)

Filed with Sec. of State: 10-3-2005

Certified to be Effective: 10-3-05 thru 3-20-06

Notice Publication Date:

Rules Amended: 836-052-0676, 836-052-0696

Subject: This temporary rulemaking corrects two problems with the amended rules governing long term care insurance that were adopted earlier this year. The effective date of the rule relating to premium rate schedule increases is delayed and the rule governing review of advertising for long term care insurance is amended to provide for review only upon request of the Insurance Division.

Rules Coordinator: Sue Munson—(503) 947-7272

836-052-0676

Premium Rate Schedule Increases

(1) This rule applies as follows:

(a) Except as provided in subsection (b) of this section, this rule applies to any long-term care insurance policy or certificate issued in this state on or after March 1, 2006.

(b) For certificates issued on or after March 1, 2005 under a group long-term care insurance policy as defined in ORS 743.652(6)(a) that was in force on March 1, 2005, this rule applies on the policy anniversary following March 1, 2006.

(2) An insurer shall obtain approval of a premium rate schedule increase from the Director, including an exceptional increase as defined in section (3) of this rule prior to the notice to the policyholders and shall include the following in the submission to the Director:

(a) Information required by OAR 836-052-0556;

(b) Certification by a qualified actuary that:

(A) If the requested premium rate schedule increase is implemented and the underlying assumptions that reflect moderately adverse conditions are realized, no further premium rate schedule increases are anticipated; and

(B) The premium rate filing is in compliance with this rule.

(c) An actuarial memorandum justifying the rate schedule change request that includes:

(A) Lifetime projections of earned premiums and incurred claims based on the filed premium rate schedule increase; and the method and assumptions used in determining the projected values, including reflection of any assumptions that deviate from those used for pricing other forms currently available for sale, as follows:

(i) Annual values for the five years preceding and the three years following the valuation date shall be provided separately;

ADMINISTRATIVE RULES

(ii) The projections shall include the development of the lifetime loss ratio according to OAR 836-052-0666, unless the rate increase is an exceptional increase;

(iii) The projections shall demonstrate compliance with section (3) of this rule; and

(iv) For exceptional increases:

(I) The projected experience must be limited to the increases in claims expenses attributable to the approved reasons for the exceptional increase; and

(II) In the event the Director determines as provided in OAR 836-052-0505(1)(a) that offsets may exist, the insurer shall use appropriate net projected experience;

(B) Disclosure of how reserves have been incorporated in this rate increase whenever the rate increase will trigger contingent benefit upon lapse;

(C) Disclosure of the analysis performed to determine why a rate adjustment is necessary, which pricing assumptions were not realized and why, and what other actions taken by the insurer have been relied on by the actuary;

(D) A statement that policy design, underwriting and claims adjudication practices have been taken into consideration; and

(E) Composite rates reflecting projections of new certificates, in the event that it is necessary to maintain consistent premium rates for new certificates and certificates receiving a rate increase.

(d) A statement that renewal premium rate schedules are not greater than new business premium rate schedules except for differences attributable to benefits, unless sufficient justification is provided to the Director; and

(e) Sufficient information for review and approval of the premium rate schedule increase by the Director.

(3) As used in this rule, "exceptional increase" means only those increases filed by an insurer as exceptional for which the Director determines the need for the premium rate increase is justified, owing to changes in statutes or rules applicable to long-term care insurance in this state or owing to increased and unexpected utilization that affects the majority of insurers of similar products. An exceptional increase is subject to the following provisions:

(a) Except as provided in this rule, an exceptional increase is subject to the same requirements as other premium rate schedule increases.

(b) The Director may request a review by an independent actuary or a professional actuarial body of the basis for a request that an increase be considered an exceptional increase.

(c) The Director, in determining that the necessary basis for an exceptional increase exists, shall also determine any potential offsets to higher claims costs.

(4) All premium rate schedule increases shall be determined in accordance with the following requirements:

(a) Each exceptional increase shall provide that 70 percent of the present value of projected additional premiums from the exceptional increase will be returned to policyholders in benefits;

(b) Each premium rate schedule increase shall be calculated such that the sum of the accumulated value of incurred claims, without the inclusion of active life reserves, and the present value of future projected incurred claims, without the inclusion of active life reserves, will not be less than the sum of the following:

(A) The accumulated value of the initial earned premium times 58 percent;

(B) 85 percent of the accumulated value of prior premium rate schedule increases on an earned basis;

(C) The present value of future projected initial earned premiums times 58 percent; and

(D) 85 percent of the present value of future projected premiums not in paragraph (C) of this subsection on an earned basis;

(c) In the event that a policy form has both exceptional and other increases, the values in subsection (b)(B) and (D) of this section will also include 70 percent for exceptional rate increase amounts; and

(d) All present and accumulated values used to determine rate increases shall use the maximum valuation interest rate specified in ORS 733.310 for the valuation of life insurance issued on the same date as the long-term care insurance. The actuary shall disclose as part of the actuarial memorandum the use of any appropriate averages.

(5) For each rate increase that is implemented, the insurer shall file for review and approval by the Director updated projections, as defined in section (2)(c)(A) of this rule, annually for the next three years and include a comparison of actual results to projected values. The Director may extend

the period to greater than three years if actual results are not consistent with projections values from prior projections. For group insurance policies that meet the conditions in section (12) of this rule, the projections required by this section shall be provided to the policyholder in lieu of filing with the Director.

(6) If any premium rate in the revised premium rate schedule is greater than 200 percent of the comparable rate in the initial premium schedule, lifetime projections, as defined in section (2)(c)(A) of this rule, shall be filed for review and approval by the Director every five years following the end of the required period in section (5) of this rule. For group insurance policies that meet the conditions in section (12) of this rule, the projections required by this section shall be provided to the policyholder in lieu of filing with the Director.

(7)(a) If the Director has determined that the actual experience following a rate increase does not adequately match the projected experience and that the current projection under moderately adverse conditions demonstrates that incurred claims will not exceed proportions of premiums specified in section (4) of this rule, the Director may require the insurer to implement any of the following:

(A) Premium rate schedule adjustments; or

(B) Other methods to reduce the difference between the projected and actual experience.

(b) In determining whether the actual experience adequately matches the projected experience, consideration shall be given to section (2)(c)(E) of this rule, if applicable.

(8) If the majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse, the insurer shall file:

(a) A plan, subject to Director approval, for improved administration or claims processing designed to eliminate the potential for further deterioration of the policy form requiring further premium rate schedule increase, or both, or to demonstrate that appropriate administration and claims processing have been implemented or are in effect, otherwise the Director may impose the condition in section (9) of this rule; and

(b) The original anticipated lifetime loss ratio and the premium rate schedule increase that would have been calculated according to section (4) of this rule had the greater of the original anticipated lifetime loss ratio or 58 percent been used in the calculations described in section (4)(a)(A) and (C) of this rule.

(9)(a) For a rate increase filing that meets the following criteria, the Director shall review, for all policies included in the filing, the projected lapse rates and past lapse rates during the 12 months following each increase to determine if significant adverse lapsation has occurred or is anticipated:

(A) The rate increase is not the first rate increase requested for the specific policy form or forms;

(B) The rate increase is not an exceptional increase; and

(C) The majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse.

(b) In the event significant adverse lapsation has occurred, is anticipated in the filing or is evidenced in the actual results as presented in the updated projections provided by the insurer following the requested rate increase, the Director may determine that a rate spiral exists. Following the determination that a rate spiral exists:

(A) The Director may require the insurer to offer, without underwriting, to all in force insureds subjected to the rate increase the option to replace existing coverage with one or more reasonably comparable products being offered by the insurer or its affiliates.

(B) An offer under paragraph (A) of this subsection shall:

(i) Be subject to the approval of the Director;

(ii) Be based on actuarially sound principles, but not be based on attained age;

(iii) Provide that maximum benefits under any new policy accepted by an insured shall be reduced by comparable benefits already paid under the existing policy; and

(iv) Shall credit any unearned premium to the new coverage.

(C) The insurer shall maintain the experience of all the replacement insureds separate from the experience of insureds originally issued the policy forms. In the event of a request for a rate increase on the policy form, the rate increase shall be limited to the lesser of:

(i) The maximum rate increase determined based on the combined experience; and

(ii) The maximum rate increase determined based only on the experience of the insureds originally issued the form plus ten percent.

ADMINISTRATIVE RULES

Hist.: ID 20-1990, f. 12-13-90, cert. ef. 1-1-91; Renumbered from 836-052-0620, ID 3-2005, f. & cert. ef. 3-1-05; ID 12-2005(Temp), f. & cert. ef. 10-3-05 thru 3-20-06

Department of Corrections Chapter 291

Adm. Order No.: DOC 13-2005(Temp)
Filed with Sec. of State: 9-27-2005
Certified to be Effective: 9-27-05 thru 3-26-06
Notice Publication Date:

Rules Amended: 291-011-0025

Subject: This rule amendment is necessary to clarify that inmates in disciplinary segregation who are assigned to another unit for treatment or programming purposes will be managed by the operating policies of the newly assigned unit. This change is necessary for the department to remain in compliance with accreditation standards of the National Commission on Correctional Health Care.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-011-0025

Assignment and Removal of Inmates

(1) Inmates will be assigned to disciplinary segregation in accordance with the Department of Corrections rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105). The functional unit manager or designee or the officer-in-charge may order immediate placement of an inmate in disciplinary segregation when it is necessary to protect the inmate or others, or for the safety, security and orderly operation of the facility.

(2) Immediately following any act of self-destruction, a mental health specialist, if readily available or a registered nurse if a mental health specialist is not readily available, will be consulted by the officer-in-charge to determine the proper course of action, in accordance with the rule on Suicide Prevention in Correctional Facilities (OAR 291-076).

(3) Close supervision status cells may temporarily be used to house:

(a) Those whose behavior is deemed so aggressive or destructive that housing for protection of self, others, and/or property is indicated.

(b) Those whose behavior creates a serious disruption.

(c) Those who manifest apparent psychiatric problems and are considered serious suicide risks pending transfer to the Oregon State Hospital or a Special Management Unit.

(4) Inmates assigned to the Disciplinary Segregation Unit may be temporarily assigned to other treatment, program or service units (e.g., infirmary, Administrative Segregation Unit, Special Management Unit) for treatment or programming as deemed necessary and advisable by the department. Once the inmate has been assigned to a unit other than the Disciplinary Segregation Unit, the operating policies of the newly assigned unit will be used to manage the inmate.

(5) Dry Cell Status: Inmates placed on dry cell status will remain isolated from other inmates for a period not to exceed 72 hours, unless authorized by the functional unit manager.

(6) Release from disciplinary segregation, other than for emergency medical treatment or for transfer to another agency, will be authorized only upon order of the functional unit manager or designee.

(7) Inmates assigned to disciplinary segregation will be permitted minimally to leave their cell for visits, exercise, showers, medical, dental, or psychological appointments, Board of Parole and Post-Prison Supervision appointments, interviews with the functional unit manager or designee, Inspections Division investigators, State Police, or hearings officer(s). An employee designated by the officer-in-charge will assign escort supervision as deemed appropriate. Disciplinary-segregated inmates will not be permitted to leave their cells without prior approval from the disciplinary segregation supervisor. Routine staff/inmate interviews shall take place at the inmate's cell.

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

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

Hist.: CD 21-1978, f. & ef. 8-29-78; CD 33-1983, f. & ef. 10-14-83; CD 23-1985, f. & ef. 8-16-85; CD 18-1987(Temp), f. & ef. 3-5-87; CD 33-1987, f. & ef. 8-28-87; CD 19-1991, f. & cert. ef. 8-21-91; DOC 10-2001, f. & cert. ef. 3-21-01; DOC 13-2005(Temp), f. & cert. ef. 9-27-05 thru 3-26-06

Adm. Order No.: DOC 14-2005

Filed with Sec. of State: 10-14-2005

Certified to be Effective: 10-24-05

Notice Publication Date: 1-1-05

Rules Amended: 291-013-0065, 291-013-0100, 291-013-0104

(10) If the Director determines that the insurer has exhibited a persistent practice of filing inadequate initial premium rates for long-term care insurance, the Director may, in addition to the provisions of section (9) of this rule, prohibit the insurer from doing either of the following:

(a) Filing and marketing comparable coverage for a period of up to five years; or

(b) Offering all other similar coverages and limiting marketing of new applications to the products subject to recent premium rate schedule increases.

(11) Sections (1) to (10) of this rule do not apply to policies for which long-term care benefits provided by the policy are incidental if the policy complies with all of the provisions of this section. For the purpose of this section, "Incidental" means that the value of the long-term care benefits provided is less than ten percent of the total value of the benefits provided over the life of the policy. These values shall be measured as of the date of issue. The provisions are as follows:

(a) The interest credited internally to determine cash value accumulations, including long-term care, if any, must be guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy.

(b) The portion of the policy that provides insurance benefits other than long-term care coverage must meet the nonforfeiture requirements for those benefits.

(c) The policy must meet the disclosure requirements under OAR 836-052-0706 for long-term care insurance policies.

(d) The portion of the policy that provides insurance benefits other than long term care coverage must meet the requirements as applicable for life and annuity policies.

(e) An actuarial memorandum that includes the following items must be filed with the Director:

(A) A description of the basis on which the long term care rates were determined.

(B) A description of the basis for the reserves.

(C) A summary of the type of policy, benefits, renewability, general marketing method and limits on ages of issuance.

(D) A description and a table of each actuarial assumption used. For expenses, an insurer must include percent of premium dollars per policy and dollars per unit of benefits, if any.

(E) A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives.

(F) The estimated average annual premium per policy and the average issue age;

(G) A statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs.

(H) A description of the effect of the long term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying insurance policy, both for active lives and those in long term care claim status.

(12) Sections (6) and (8) of this rule do not apply to group insurance policies as defined in ORS 743.652(6)(a) when:

(a) The policies insure 250 or more persons and the policyholder has 5,000 or more eligible employees of a single employer; or

(b) The policyholder and not the certificate holders pays a material portion of the premium, which shall not be less than 20 percent of the total premium for the group in the calendar year prior to the year a rate increase is filed.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 742.005, 743.018, 743.650 & 743.652

Hist.: ID 3-2005, f. & cert. ef. 3-1-05; ID 12-2005(Temp), f. & cert. ef. 10-3-05 thru 3-20-06

836-052-0696

Filing Requirements for Advertising

At the request of the Director, every insurer providing long-term care insurance or benefits in this state shall provide to the Director a copy of any long-term care insurance advertisement intended for use in this state, whether through the written, radio or television medium, for review or approval by the Director as authorized under ORS 742.009 and other state law. Each advertisement shall comply with all applicable laws and rules of this state.

Stat. Auth.: ORS 731.244 & 742.009

Stats. Implemented: ORS 742.009 & 743.655(1)(a)

ADMINISTRATIVE RULES

Subject: The department recently adopted several changes to its rules governing use of physical force by department staff. While training staff on the recently adopted changes, it became apparent language in the rule regarding use of lethal force at co-located facilities was not clearly understood. These rule amendments are necessary to provide clear direction when lethal force may or may not be used to prevent the escape of an inmate from a minimum security facility that is co-located on the grounds of a medium or higher security facility, and to align the rule with a recently adopted policy on critical incident, which include the discharge of a firearm while on duty.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-013-0065

General Provisions-Use of Force

(1) Employees are authorized to apply physical force when and to the degree that it reasonably appears necessary. Use of force will be authorized to maintain legitimate correctional objectives:

(a) For self defense or defend another person against an inmate by using reasonable force;

(b) To prevent the escape of an inmate from secure custody;

(c) To prevent the escape of an inmate during transportation;

(d) To prevent or stop the serious destruction of property;

(e) To quell a disturbance;

(f) To overcome an inmate's physical resistance to a valid order; or

(g) To prevent an inmate from injuring or killing himself/herself or other persons.

(2) Physical force shall be employed when it reasonably appears that other alternatives are not feasible to the situation. When the use of force is justified, only the amount and type of force that reasonably appears necessary to accomplish the authorized objective shall be used. Force shall be de-escalated or terminated as soon as possible consistent with resuming and maintaining control of the situation.

(a) An employee shall consider all types and amounts of force available and begin with the lowest type and amount that is reasonable given the specifics of the situation.

(b) Non-force alternatives, such as talking an inmate into compliance, giving a warning, verbal command or demonstrating a show of force, should be used before actual physical force, if time and circumstances permit.

(c) Immediate use of physical force is authorized in circumstances in which warnings and other non-force alternatives, such as talking an inmate into compliance, are not reasonable or available to the employee.

(d) Employees may use physical force, to include control and compliance holds and hand-to-hand physical techniques, to restrict, immobilize, and attain control of the resisting inmate.

(e) Both the carotid hold and choke hold are prohibited except in self-defense or defense of another where there is no reasonable alternative and where the situation is a clear and immediate threat to life.

(3) Prior to the use of force when time and circumstances permit, the employee will warn the inmate that force will be used if he/she does not immediately comply with staff orders.

(4) An employee will exercise caution before the use of force, if time and circumstances permit, by performing the following:

(a) Evaluate the situation for the elements of risk;

(b) Report the situation to master control or a supervisor; and

(c) Work with a backup employee, preferably with the direct observation of a supervisor.

(5) Use of force and subsequent restraints shall be used only for restraint and not for punishment.

(6) Intentional verbal harassment or public humiliation to provoke an inmate into a position that would justify the use of force is prohibited.

(7) Nothing in these rules is intended, or should be interpreted, as preventing an employee from taking reasonable measures to protect himself/herself, to protect the lives of others, stop disturbances or escapes, or prevent serious destruction of state property.

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

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

Hist.: CD 3-1995, f. & cert. ef. 1-19-95; CD 20-1995, f. 10-26-95, cert. ef. 11-1-95; DOC 14-1998, f. & cert. ef. 6-18-98; DOC 15-2004, f. & cert. ef. 11-2-04; DOC 14-2005, f. 10-14-05, cert. ef. 10-24-05

291-013-0100

Lethal Force

(1) Employees shall consider every reasonable means of control before resorting to the use of lethal force.

(2) Use of Lethal Force in Medium or Higher Security Facilities: Lethal force may be used when and to the extent that an employee reasonably believes it necessary:

(a) To prevent imminent serious bodily injury or death to one's self or another person.

(b) To prevent escape by an inmate from secure custody, whether inside or outside the secure perimeter of a Department of Corrections facility while the inmate is on department grounds.

(c) To prevent or stop a riot or other group disturbance by inmates where there is reason to believe an inmate poses a threat of escape or imminent serious bodily injury or death to another person.

(d) To prevent an unauthorized person(s) or motor vehicle(s) from attempting to breach the secure perimeter of a Department of Corrections facility in order to assist in an escape or insurrection by an inmate(s).

(e) To prevent or stop extensive damage to property if, and only if, its loss or destruction would lead directly to escape or imminent serious bodily injury or death to another person.

(f) To prevent or stop an inmate or other person from setting or spreading fire to or within a building within the secure perimeter of a Department of Corrections facility, where there is reason to believe the fire poses a threat of serious bodily injury or death to another person.

(3) Any inmate moving toward an unauthorized motor vehicle or airborne craft, whether inside or outside the secure perimeter of the facility, shall be considered to be a potential escape attempt. Shots shall not be fired at an airborne craft in a flight over the perimeter, on the ground, or taking off from the facility except in self defense to one's self or another person where the situation is a clear and immediate threat to life.

(4) Use of Lethal Force in Stand Alone Minimum Security Facilities: Lethal force may not be used to prevent the escape of an inmate from a stand alone minimum security facility.

(5) Use of Lethal Force in Co-Located Minimum Security Facilities: Lethal force may not be used to prevent the escape of an inmate from a co-located minimum security facility if the staff member knows the inmate is classified as minimum custody.

(6) Use of lethal force in community situations; e.g., transport of an inmate, supervision of outside work crews, is covered under OAR 291-105-0215.

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

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

Hist.: CD 3-1995, f. & cert. ef. 1-19-95; DOC 14-1998, f. & cert. ef. 6-18-98, Renumbered from 291-013-0155; DOC 3-2004(Temp), f. & cert. ef. 1-27-04 thru 7-25-04; Administrative correction 8-19-04; Renumbered from 291-013-0090; DOC 15-2004, f. & cert. ef. 11-2-04; DOC 14-2005, f. 10-14-05, cert. ef. 10-24-05

291-013-0104

Security Equipment

(1) General Provisions:

(a) The Chief of Security will review all security equipment. The Director or designee shall approve all security equipment before it is issued and used as department authorized security equipment.

(b) Only department authorized and/or issued equipment shall be used to apply physical force to individuals.

(c) Security equipment shall not be issued to or used by an employee who has not been trained in the proper use of such devices.

(d) The above three sections (a - c) apply to all use of force incidents except for situations that require reactive use of force where there is a clear and imminent threat of death or great bodily injury, and where there is no other reasonable alternative.

(e) The storage and use of security equipment will be authorized by the Director through the appropriate functional unit manager.

(2) Security Restraints - General Use of Restraints:

(a) Security restraints are authorized to restrict, immobilize and control the movement of an inmate.

(b) The standard routine use of security restraints for escort or transportation of an inmate is not a use of force within the context of these rules. Situations in which an inmate has refused to be placed in security restraints, or has resisted after being placed in restraints are considered use of force within the context of these rules.

(3) Restricting Movement:

(a) Security restraints may be used to restrain an inmate with the express approval of the officer-in-charge, upon a demonstration that the inmate is out of control and engaged in behavior which, if unrestrained could:

(A) Result in significant destruction of property;

(B) Constitute a serious health or injury hazard to the inmate or others; or

(C) Escalate into a serious disturbance.

ADMINISTRATIVE RULES

(b) Security restraints used to restrain an out-of-control inmate shall be terminated when the inmate has demonstrated behavior which would not result in the above three sections (A-C).

(c) Placing an inmate in security restraints or a restraint chair shall be considered a use of force within the context of these rules, except when placing an inmate in handcuffs/restraints for transportation or escort.

(d) Security restraints will not be placed around the neck or head, nor in any manner that restricts blood circulation or breathing. Security staff shall receive training regarding the known risk factors for positional asphyxia.

(e) The hogtie method will not be used as a security restraint.

(f) Employees in general shall ensure that unnecessary pressure is not placed on the inmate's chest, back or neck while applying restraints. Employees shall maintain close observation of a restrained inmate in order to detect breathing difficulties and/or loss of consciousness.

(g) While using the prone restraint position when the correctional objective is met the inmate should be placed on his/her side or moved into a sitting position as soon as feasible. Employees will assess the inmate's physical condition.

(h) Restrained inmates will never be transported on their stomach.

(i) An employee shall check at least every 30 minutes and verify security restraints are not causing obvious injury or an obvious medical problem when an inmate has been placed in restraints as a result of a use of force situation. Each check of the restraints will be documented. A copy of the documentation shall accompany the unusual incident report.

(j) The officer-in-charge shall evaluate the need to restrain an out-of-control inmate every two hours with written documentation for the reason(s) to continue or discontinue security restraints or restraint chair. The documentation shall accompany the use-of-force review documentation.

(k) The officer-in-charge will notify a health care professional as soon as feasible, but not later than four hours from the application of security restraints or restraint chair. (l) The health care professional, when notified, will perform the following:

(A) Evaluate the inmate's condition to verify the security restraints are not causing injury or an obvious medical problem;

(B) Evaluate the inmate's mental status and notify a qualified mental health professional, if necessary;

(C) Consider treatment or intervention as an alternative, or in conjunction with security restraints;

(D) Document the results of the evaluation; and

(E) Physically re-evaluate sections A-D above every two hours.

(m) Use of security restraints or restraint chair to restrain an out-of-control inmate will be documented and reported by the officer-in-charge to the functional unit manager or designee. The documentation shall accompany the use of force review documentation.

(n) Continued use of security restraints applied for a time period longer than eight hours, and every eight hours thereafter, shall require the written approval of the functional unit manager or designee in addition to the requirements of sections (j), (k), and (l) above.

(o) Continued use of the restraint chair for a time period longer than two hours, and every two hours thereafter, shall require the written or verbal approval of the functional unit manager or designee in addition to the requirements of sections (j), (k), and (l) above.

(p) Continued use of the restraint chair for a time period longer than two hours, and every two hours thereafter, during the transporting of an inmate shall require the verbal approval of the functional unit manager or designee. The officer-in-charge of the transport shall ensure that observation of the inmate is maintained and documented on the Trip Documentation Sheet every 30 minutes. The officer-in-charge shall ensure that the inmate is evaluated by a health care professional once the final destination is reached. Placing an inmate in the restraint chair shall be considered a use of force within the context of these rules, except when the restraint chair is being utilized as additional seating for inmates during transfers.

(q) Therapeutic Restraints: The documentation, application and use of therapeutic restraints will not be considered a use of force situation, but shall be in accordance with the department's rule on Therapeutic Restraints (OAR 291-071). Therapeutic restraints will be:

(A) Applied to an inmate only for medical or mental health treatment to limit the inmate's movement; and

(B) Applied to an inmate only upon the documented verbal or written order of a physician, except in the absence of a physician, a registered nurse may authorize the application of therapeutic restraints for a period not to exceed one hour.

(4) Chemical Agents, Electronic Immobilizing Devices, Batons, Water Force and Specialty Impact Munitions:

(a) The use of chemical agents other than aerosol spray, electronic immobilizing devices, batons, water force and specialty impact munitions shall be authorized only by the functional unit manager or designee. The decision to use chemical agents, electronic immobilizing devices, batons, water force and specialty impact munitions shall be based on the level of force that, in the judgment of the functional unit manager or designee, is most likely to resolve the situation with the least amount of injury to all parties involved.

(b) The use of chemical agents, electronic immobilizing devices, batons, water force and specialty impact munitions may be used to subdue an inmate when the level of physical hands-on force required to subdue the inmate would potentially subject the employee, inmate or others to greater injury than would be incurred through the use of this security equipment.

(5) Use of Chemical Agents (OC, CN, or CS):

(a) The amount and type of chemical agent used and the means of dispersal shall be limited to that necessary to achieve the correctional objective and be used in accordance with the manufacturer's instructions and departmental training.

(b) Pepperball Launching Systems (PLS) is an authorized delivery system and is intended for the dispersal of approved projectiles in situations where the use of aerosol type agents would not be effective. The PLS shall only be deployed by employees trained in their use and effects.

(c) Prior to the use of any chemical agent, and where time and circumstances permit, the inmate against whom it is directed shall be warned chemical agents will be used.

(d) If possible, a chemical agent shall not be used against an inmate known to suffer cardio-vascular, convulsive or respiratory ailments.

(e) An employee recently assaulted by an inmate shall not approve or apply chemical agents to the particular inmate, unless there is no reasonable alternative.

(f) An inmate shall not be restrained or held for the sole purpose of rendering him/her a more stationary target for a chemical agent. If chemical agents are administered to a handcuffed inmate, staff shall document the reason why the removal of the handcuffs was not feasible.

(g) Those affected by a chemical agent shall be permitted to wash their face, eyes and other exposed skin areas, as soon as possible after the chemical agent has been used.

(h) Those affected by a chemical agent in a closed area shall be permitted to move to an uncontaminated area as soon as possible after the chemical agent has been used.

(i) Clothing exposed to a chemical agent shall be removed as soon as feasible, and clean clothing made immediately available.

(j) An employee(s) or inmate(s) affected by a chemical agent shall be examined by a health care professional as soon as feasible after the chemical agent has been used.

(k) An inmate(s) receiving an application of a chemical agent shall be under continuous staff observation for the first ten minutes.

(A) The inmate shall then be observed approximately every ten minutes for the first 30 minutes after receiving the application of a chemical agent.

(B) All observations shall be documented with a date and time reference.

(C) The documentation shall accompany the use of force review documentation.

(6) Use of Electronic Immobilizing Devices:

(a) Electronic immobilizing devices authorized by the department include hand-held devices, electronic shield, and electronic restraint belt.

(b) As soon as feasible following each use of an electronic immobilizing device, the inmate shall be afforded medical examination and treatment.

(c) Electronic immobilizing devices will not be used in conjunction with chemical agents.

(7) Use of Specialty Impact Weapons:

(a) Specialty impact munitions are intended as a less lethal alternative to the use of deadly force. Use of specialty impact munitions shall be authorized by the functional unit manager or designee prior to deployment.

(b) After each use of specialty impact munitions, exposed inmates shall be examined by Health Services personnel.

(8) Firearms:

(a) The functional unit manager or designee will authorize the location and carrying of a department issued firearm on the grounds of a facility.

ADMINISTRATIVE RULES

(b) A Transportation Unit officer or facility correctional officer may carry a firearm in the performance of his/her duties as authorized by the functional unit manager/designee and in accordance with the department policy.

(c) Prior to resorting to the use of firearms against an inmate or other persons, time and circumstances permitting, an employee shall first issue an appropriate warning to the inmate or other person in a readily understandable fashion. An appropriate warning may include, but is not limited to, one or more of the following:

- (A) Shouting;
- (B) Blowing a whistle;
- (C) Hand signals; or
- (D) Firing a warning shot.

(d) The discharge of a firearm will be handled in accordance with the departmental policy. The State Police or local law enforcement officials shall be notified to investigate any discharge of a firearm except for training or accidental discharge where injury or significant property damage has not occurred. The external law enforcement investigation shall be separate from the full review.

(e) Any employee involved in the discharge of a firearm in a situation on duty shall immediately report the incident to the officer-in-charge. The employee shall follow the department's policy on Critical Incident.

(f) A warning shot is the least preferred method of warning. It should be used only in situations where other warning methods are not practical or effective, and when there is a target that is sufficiently large to minimize the risk of harm to others from a missed shot or ricochet.

(g) Time and circumstances permitting, an employee shall attempt to warn an inmate that is observed to be:

- (A) Entering or inside a restricted security perimeter zone;
- (B) Tampering with or cutting security perimeter equipment or fence/wall;
- (C) On or climbing a security fence/wall;
- (D) Moving toward any motor vehicle or airborne craft in an obvious attempt to escape;
- (E) Engaged in any other behavior that is a clear or obvious attempt to escape; or
- (F) Engaged in any behavior that poses serious bodily injury or death to oneself or another person.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.030
Stats. Implemented: ORS 179.040, 423.020 & 423.030
Hist.: DOC 14-1998, f. & cert. ef. 6-18-98; Renumbered from 291-013-0090, DOC 15-2004, f. & cert. ef. 11-2-04; DOC 14-2005, f. 10-14-05, cert. ef. 10-24-05

Department of Fish and Wildlife Chapter 635

Adm. Order No.: DFW 109-2005(Temp)

Filed with Sec. of State: 9-19-2005

Certified to be Effective: 9-19-05 thru 12-31-05

Notice Publication Date:

Rules Amended: 635-041-0075, 635-042-0060, 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180, 635-042-0190

Rules Suspended: 635-041-0075(T), 635-042-0145(T), 635-042-0160(T), 635-042-0170(T), 635-042-0180(T), 635-042-0190(T)

Subject: Amend rules to extend the Treaty Indian fall commercial salmon fishery in Zone 6; adopt a non-Treaty commercial fall season for the Columbia River mainstem and modify sturgeon catch limits in Youngs Bay and other Select Areas. Modifications are consistent with action taken by the Columbia River Compact and by State Action September 16, 2005.

Rules Coordinator: Marci Wightman—(503) 947-6034

635-041-0075

Fall Salmon Season

(1) Chinook salmon, coho salmon, sockeye, steelhead, walleye, carp, and shad may be taken with gill net for commercial purposes from mainstem Columbia River waters in all of Zone 6 from 6:00 a.m. September 19, 2005 to 6:00 p.m. September 23, 2005.

(2) Gear is restricted to gill nets with an 8-inch minimum mesh size. Notwithstanding OAR 635-041-0050, the use of drift nets up to 800 feet in length are permitted during the fishery.

(3) All standard dam and river mouth sanctuaries set forth in OAR 635-041-0045 are in effect, except Small Spring Creek sanctuary within a radius of 150 feet of the Spring Creek Hatchery fishway.

(4) Sturgeon may not be sold. However, sturgeon between 4-5 feet in length in The Dalles and John Day Pools and sturgeon between 45"- 60" in the Bonneville Pool may be kept for subsistence purposes.

(5) Until further notice, sale of platform and hook-and-line caught fish will be allowed. Sales from the Big White Salmon River and Klickitat River will be allowed, only during those days and hours when these tributaries are open under lawfully enacted Yakama Nation Tribal subsistence fisheries.

Stat. Auth.: ORS 496.118 & 506.119
Stats. Implemented: ORS 506.109, 506.129 & 507.030
Hist.: FWC 25-1979, f. & cert. ef. 8-2-79; FWC 36-1979(Temp), f. & cert. ef. 8-22-79; FWC 47-1979(Temp), f. & cert. ef. 9-21-79; FWC 44-1980(Temp), f. & cert. ef. 8-22-80; FWC 46-1980(Temp), f. & cert. ef. 9-13-80; FWC 33-1981(Temp), f. & cert. ef. 9-15-81; FWC 58-1982(Temp), f. & cert. ef. 8-27-82; FWC 62-1982(Temp), f. & cert. ef. 9-7-82; FWC 63-1982(Temp), f. & cert. ef. 9-14-82; FWC 75-1982 (Temp), f. & cert. ef. 10-29-82; FWC 36-1983, f. & cert. ef. 8-18-83; FWC 49-1983(Temp), f. & cert. ef. 9-26-83; FWC 51-1983(Temp), f. & cert. ef. 9-30-83; FWC 55-1983(Temp), f. & cert. ef. 10-4-83; FWC 46-1984, f. & cert. ef. 8-30-84; FWC 55-1984(Temp), f. & cert. ef. 9-10-84; FWC 58-1984(Temp), f. & cert. ef. 9-17-84; FWC 61-1984 (Temp), f. & cert. ef. 9-21-84; FWC 70-1984(Temp), f. & cert. ef. 10-9-84; FWC 47-1985, f. & cert. ef. 8-23-85; FWC 60-1985(Temp), f. & cert. ef. 9-13-85; FWC 63-1985(Temp), f. & cert. ef. 9-24-85; FWC 42-1986, f. & cert. ef. 8-15-86; FWC 53-1986(Temp), f. & cert. ef. 9-4-86; FWC 54-1986(Temp), f. & cert. ef. 9-5-86; FWC 57-1986(Temp), f. & cert. ef. 9-11-86; FWC 60-1986(Temp), f. & cert. ef. 9-26-86; FWC 62-1986(Temp), f. & cert. ef. 10-2-86; FWC 63-1987, f. & cert. ef. 8-7-87; FWC 74-1987(Temp), f. & cert. ef. 9-4-87; FWC 75-1987 (Temp), f. & cert. ef. 9-1-87; FWC 78-1987(Temp), f. & cert. ef. 9-15-87; FWC 80-1987(Temp), f. & cert. ef. 9-18-87; FWC 87-1987(Temp), f. & cert. ef. 10-9-87; FWC 89-1987(Temp), f. & cert. ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988 (Temp), f. & cert. ef. 9-27-88, cert. ef. 9-28-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 97-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989 (Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. & cert. ef. 8-7-90, cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. & cert. ef. 9-7-90, cert. ef. 9-10-90; FWC 98-1990(Temp), f. & cert. ef. 9-14-90, cert. ef. 9-17-90; FWC 85-1991, f. & cert. ef. 8-7-91, cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. & cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. & cert. ef. 9-1-92, cert. ef. 9-2-92; FWC 87-1992(Temp), f. & cert. ef. 9-4-92, cert. ef. 9-7-92; FWC 91-1992(Temp), f. & cert. ef. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. & cert. ef. 9-23-92; FWC 105-1992(Temp), f. & cert. ef. 10-2-92, cert. ef. 10-5-92; FWC 107-1992 (Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. & cert. ef. 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. & cert. ef. 9-17-93, cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. & cert. ef. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. & cert. ef. 9-7-94, cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. & cert. ef. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. & cert. ef. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. & cert. ef. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. & cert. ef. 9-6-96, cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. & cert. ef. 9-2-97, cert. ef. 9-2-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. & cert. ef. 9-16-97, cert. ef. 9-17-97; DFW 68-1998(T), f. & cert. ef. 8-25-98 thru 9-25-98; DFW 76-1998(T), f. & cert. ef. 9-8-98 thru 9-25-98; DFW 77-1998(Temp), f. & cert. ef. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; DFW 79-1998(Temp), f. & cert. ef. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. & cert. ef. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. & cert. ef. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. & cert. ef. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. & cert. ef. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. & cert. ef. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000, f. & cert. ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. & cert. ef. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. & cert. ef. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. & cert. ef. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. & cert. ef. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. & cert. ef. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. & cert. ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. & cert. ef. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. & cert. ef. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. & cert. ef. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. & cert. ef. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. & cert. ef. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. & cert. ef. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. & cert. ef. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. & cert. ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. & cert. ef. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05

635-042-0060

Late Fall Salmon Season

(1) Salmon and sturgeon may be taken by gill nets for commercial purpose from the Columbia River in the following areas and during the open fishing periods as identified.

(2) In Zones 1-3, from the mouth upstream to the Longview Bridge, the open fishing periods are:

- (a) 6:00 a.m. to 6:00 p.m., September 19, 2005;
- (b) 6:00 a.m. to 6:00 p.m., September 20, 2005;
- (c) 6:00 a.m. to 6:00 p.m., September 22, 2005;

(A) The Elokomin-A and Abernathy sanctuaries are in effect.

ADMINISTRATIVE RULES

(B) During the open fishing periods identified in (2)(a) and (2)(b) gear is restricted to unslackened floater gill nets with a 6-inch maximum mesh size. During the fishing period identified in (2)(c) gear is restricted to gill nets with a 9-3/4 maximum mesh size.

(3) In Zones 3-5, from the Longview Bridge upstream to Beacon Rock, the open fishing periods are:

- (a) 8:00 p.m. September 19, 2005 to 1:00 a.m. September 20, 2005;
- (b) 8:00 p.m. September 20, 2005 to 1:00 a.m. September 21, 2005;
- (c) 8:00 p.m. September 22, 2005 to 1:00 a.m. September 23, 2005.

(A) The Cowlitz, Kalama-A, Lewis-A, Sandy and Washougal river sanctuaries are in effect.

(B) During the open fishing periods identified in (3)(a), (3)(b) and (3)(c) gear is restricted to gill nets with an 8-inch minimum mesh size and a 9-3/4 maximum mesh size.

(4) A maximum of ten green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open. During the fishing periods identified above the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 40-1979, f. & ef. 9-10-79; FWC 45-1979(Temp), f. & ef. 9-21-79; FWC 52-1979(Temp), f. & ef. 11-2-79; FWC 48-1980(Temp), f. & ef. 9-19-80; FWC 51-1980(Temp), f. & ef. 9-22-80; FWC 55-1980(Temp), f. & ef. 9-26-80; FWC 56-1980(Temp), f. & ef. 9-29-80; FWC 58-1980(Temp), f. & ef. 10-17-80; FWC 37-1981(Temp), f. & ef. 9-24-81; FWC 38-1981(Temp), f. & ef. 9-29-81; FWC 69-1982(Temp), f. & ef. 9-30-82; FWC 72-1982(Temp), f. & ef. 10-20-82; FWC 56-1983(Temp), f. & ef. 10-5-83; FWC 54-1984(Temp), f. & ef. 9-10-84; FWC 59-1984(Temp), f. & ef. 9-18-84; FWC 66-1984(Temp), f. & ef. 9-26-84; FWC 68-1984(Temp), f. & ef. 10-2-84; FWC 58-1985(Temp), f. & ef. 9-13-85; FWC 62-1985(Temp), f. & ef. 9-24-85; FWC 66-1985(Temp), f. & ef. 10-11-85; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 64-1986(Temp), f. & ef. 10-3-86; FWC 67-1986(Temp), f. & ef. 10-17-86; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-11-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 91-1987(Temp), f. & ef. 10-16-87; FWC 85-1988(Temp), f. & ef. 9-9-88; FWC 93-1988(Temp), f. & ef. 9-16-88; FWC 99-1988(Temp), f. & ef. 9-10-88; FWC 100-1988(Temp), f. & ef. 10-21-88, cert. ef. 10-24-88; FWC 94-1989(Temp), f. 9-15-89, cert. ef. 9-17-89; FWC 97-1989(Temp), f. & ef. 9-21-89; FWC 109-1989(Temp), f. & ef. 10-6-89; FWC 113-1989(Temp), f. & ef. 9-11-89; FWC 100-1990(Temp), f. & ef. 9-18-90; FWC 101-1990(Temp), f. & ef. 9-19-90; FWC 102-1990(Temp), f. & ef. 9-20-90; FWC 114-1990, f. & ef. 10-8-90; FWC 105-1991, f. & ef. 9-20-91; FWC 118-1991, f. & ef. 10-4-91; FWC 122-1991(Temp), f. & ef. 10-18-91; FWC 129-1991(Temp), f. 11-1-91, cert. ef. 11-3-91; FWC 97-1992(Temp), f. & ef. 9-22-92; FWC 100-1992(Temp), f. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & ef. 10-9-92; FWC 109-1992(Temp), f. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp), f. & ef. 10-22-92; FWC 80-1995(Temp), f. 9-27-95, cert. ef. 10-9-95; FWC 46-1996, f. & ef. 8-23-96; FWC 58-1996(Temp), f. 9-27-96, cert. ef. 9-30-96; FWC 60-1996(Temp), f. & ef. 10-7-96; FWC 62(Temp), f. 10-18-96, cert. ef. 10-21-96; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; FWC 62-1997(Temp), f. & ef. 10-6-97; FWC 64-1997(Temp), f. & ef. 10-14-97; FWC 65-1997(Temp), f. & ef. 10-20-97; FWC 68-1997(Temp), f. & ef. 11-3-97; DFW 79-1999(Temp), f. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 83-1999(Temp), f. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; DFW 87-1999(Temp), f. & ef. 11-4-99 thru 11-5-99; Administrative correction 11-17-99; DFW 62-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 68-2000(Temp), f. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp), f. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; DFW 74-2000(Temp), f. 10-27-00, cert. ef. 10-30-00 thru 12-31-00; Administrative correction 6-20-01; DFW 89-2001(Temp), f. 9-14-01 thru 12-31-01; DFW 92-2001(Temp), f. & ef. 9-19-01 thru 12-31-01; DFW 93-2001(Temp), f. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; DFW 98-2001(Temp), f. 10-8-01, cert. ef. 12-31-01; DFW 106-2001(Temp), f. & ef. 10-26-01 thru 12-31-01; DFW 104-2002(Temp), f. & ef. 9-19-02 thru 12-31-02; DFW 106(Temp), f. & ef. 9-24-02 thru 12-31-02; DFW 109-2002(Temp), f. & ef. 9-27-02 thru 12-31-02; DFW 112-2002(Temp), f. 10-10-02, cert. ef. 10-14-02 thru 12-31-02; DFW 122-2002(Temp), f. 10-24-02, cert. ef. 10-28-02 thru 12-31-02; DFW 92-2003(Temp), f. 9-12-03, cert. ef. 9-15-03 thru 12-31-03; DFW 95-2003(Temp), f. & ef. 9-17-03 thru 12-31-03; DFW 98-2003(Temp), f. 9-22-03, cert. ef. 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; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 98-2004(Temp), f. & ef. 9-22-04 thru 12-31-04; DFW 99-2004(Temp), f. & ef. 9-24-04 thru 12-31-04; DFW 101-2004(Temp), f. & ef. 9-29-04 thru 12-31-04; DFW 102-2004(Temp), f. 10-1-04, cert. ef. 10-4-04 thru 12-31-04; DFW 109-2004(Temp), f. & ef. 10-19-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 109-2005(Temp), f. & ef. 9-19-05 thru 12-31-05

635-042-0145

Youngs Bay Salmon Season

(1) Salmon and sturgeon may be taken for commercial purposes in those waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at Battle Creek Slough; except for those waters which are closed southerly of the alternate Highway 101 Bridge (Lewis and Clark River).

(2) Open fishing periods are:

- (a) 6:00 a.m. August 3 to 6:00 p.m. August 4, 2005;
- (b) 6:00 a.m. August 10 to 6:00 p.m. August 11, 2005;
- (c) 6:00 a.m. August 17 to 12:00 Noon August 18, 2005;
- (d) 6:00 a.m. August 24 to 12:00 Noon August 25, 2005;
- (e) 6:00 a.m. August 30 to 6:00 a.m. September 2, 2005;

(f) 12:00 Noon September 6 to 12:00 Noon October 31, 2005;

(3) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight on the leadline may not exceed two pounds per any fathom. Gear is restricted to an 8-inch maximum mesh size from August 3 through August 25, 2005. After which, gear is restricted to a 6-inch maximum mesh size from August 30 through October 31, 2005.

(4) A maximum of ten green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (2), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 32-1979, f. & ef. 8-22-79; FWC 28-1980, f. & ef. 6-23-80; FWC 42-1980(Temp), f. & ef. 8-22-80; FWC 30-1981, f. & ef. 8-14-81; FWC 42-1981(Temp), f. & ef. 11-5-81; FWC 54-1982, f. & ef. 8-17-82; FWC 37-1983, f. & ef. 8-18-83; FWC 61-1983(Temp), f. & ef. 10-19-83; FWC 42-1984, f. & ef. 8-20-84; FWC 39-1985, f. & ef. 8-15-85; FWC 37-1986, f. & ef. 8-11-86; FWC 72-1986(Temp), f. & ef. 10-31-86; FWC 64-1987, f. & ef. 8-7-87; FWC 73-1988, f. & ef. 8-19-88; FWC 55-1989(Temp), f. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. 8-7-91, cert. ef. 8-18-91; FWC 123-1991(Temp), f. & ef. 10-21-91; FWC 30-1992(Temp), f. & ef. 4-27-92; FWC 35-1992(Temp), f. 5-22-92, cert. ef. 5-25-92; FWC 74-1992(Temp), f. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & ef. 4-26-93; FWC 48-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & ef. 9-20-94; FWC 27-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & ef. 6-5-95; FWC 66-1995, f. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & ef. 8-12-96; FWC 45-1996(Temp), f. 8-16-96, cert. ef. 8-19-96; FWC 54-1996(Temp), f. & ef. 9-23-96; FWC 4-1997, f. & ef. 1-30-97; FWC 47-1997, f. & ef. 8-15-97; DFW 8-1998(Temp), f. & ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & ef. 3-3-98; DFW 18-1998(Temp), f. & ef. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; DFW 60-1998(Temp), f. & ef. 8-7-98 thru 8-21-98; DFW 67-1998, f. & ef. 8-24-98; DFW 10-1999, f. & ef. 2-26-99; DFW 52-1999(Temp), f. & ef. 8-2-99 thru 8-6-99; DFW 55-1999, f. & ef. 8-12-99; DFW 9-2000, f. & ef. 2-25-00; DFW 42-2000, f. & ef. 8-3-00; DFW 3-2001, f. & ef. 2-6-01; DFW 66-2001(Temp), f. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; DFW 76-2001(Temp), f. & ef. 8-20-01 thru 10-31-01; DFW 106-2001(Temp), f. & ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & ef. 2-20-02 thru 8-18-02; DFW 82-2002(Temp), f. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; DFW 96-2002(Temp), f. & ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & ef. 2-14-03; DFW 17-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 8-1-03; DFW 32-2003(Temp), f. & ef. 4-23-03 thru 8-1-03; DFW 34-2003(Temp), f. & ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 37-2003(Temp), f. & ef. 5-7-03 thru 10-1-03; DFW 75-2003(Temp), f. & ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-9-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & ef. 2-13-04; DFW 19-2004(Temp), f. & ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04, cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 109-2004(Temp), f. & ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & ef. 2-14-05; DFW 15-2005(Temp), f. & ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & ef. 5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & ef. 9-19-05 thru 12-31-05

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon and sturgeon may be taken for commercial purposes in those waters of Blind Slough and Knappa Slough.

(a) The Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately one-half mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough.

(b) Knappa Slough fishing area includes all waters bounded by a line from the north marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the western end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure encompassing a 100-foot radius at the mouth of Big Creek is defined by markers.

(2) Open fishing periods are nightly 7:00 p.m. to 7:00 a.m.:

- (a) August 30 – September 2, 2005;
 - (b) September 6 – September 9, 2005;
 - (c) September 12 – September 16, 2005;
 - (d) September 19 – September 23, 2005.
- (3) Open fishing periods are nightly 6:00 p.m. to 8:00 a.m.:
- (a) September 26 – September 30, 2005;
 - (b) October 3 – October 7, 2005;
 - (c) October 10 – October 14, 2005;
 - (d) October 17 – October 21, 2005;
 - (e) October 24 – October 28, 2005.

ADMINISTRATIVE RULES

(4) Gill nets may not exceed 100 fathoms in length with no weight limit on the leadline. The attachment of additional weight and anchors directly to the lead line is permitted. Gear is restricted to gill nets with a 6-inch maximum mesh size.

(5) A maximum of ten green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (2) and (3), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 1998, f. & cert. ef. 8-24-98; DFW 86-1998(Temp), f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 48-1999(Temp), f. & cert. ef. 6-24-99 thru 7-2-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 65-2000(Temp), f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 86-2001, f. & cert. ef. 9-4-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 14-2002(Temp), f. 2-13-02, cert. ef. 2-18-02 thru 8-17-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 16-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05

635-042-0170

Tongue Point Basin and South Channel

(1) Tongue Point fishing area includes waters bounded by a line from a yellow marker midway between the red USCG navigation light #2 at the tip of Tongue Point and the downstream (northern most) pier (#8) at the Tongue Point Job Corps facility, to the flashing green USCG navigation light #3 on the rock jetty at the west end of Mott Island, a line from a marker at the southeast end of Mott Island northeasterly to a marker on the northwest tip of Lois Island and a line from a marker on the southwest end of Lois Island due westerly to a marker on the Oregon shore.

(2) South Channel area includes all waters bounded by a line from a marker on John Day Point through the green USCG buoy #7 to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the flashing red USCG marker #10, northwesterly to a marker on Burnside Island defining the terminus of South Channel.

(3) Salmon and sturgeon may be taken for commercial purposes in the waters of Tongue Point and South Channel as defined in section (1) and section (2) of this rule.

(4) Open fishing periods are nightly 7:00 p.m. to 7:00 a.m.:

(a) August 30 – September 2, 2005;

(b) September 6 – September 9, 2005.

(5) Open fishing periods are nightly from 4:00 p.m. to 8:00 a.m.:

(a) September 12 – September 16, 2005;

(b) September 19 – September 23, 2005;

(c) September 26 – September 30, 2005;

(d) October 3 – October 7, 2005;

(e) October 10 – October 14, 2005;

(f) October 17 – October 21, 2005;

(g) October 24 – October 28, 2005.

(6) Gear restrictions are as follows:

(a) In waters described in section (1) as Tongue Point basin, gillnets may not exceed 250 fathoms in length and weight limit on the lead line is not to exceed two pounds on any one fathom. Gear is restricted to gill nets with a 6-inch maximum mesh size. While fishing during the seasons described in this rule, gillnets with lead line in excess of two pounds per fathom may be stored on boats.

(b) In waters described in section (2) as South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. Gear is restricted to gill nets with a 6-inch maximum mesh size. While fishing during the seasons described in this rule, gillnets up to 250 fathoms in length may be stored on boats.

(7) A maximum of ten green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (4) and (5), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 41-1998(Temp), f. 5-28-98, cert. ef. 5-29-98; DFW 42-1998(Temp), f. 5-29-98, cert. ef. 5-31-98 thru 6-6-98; DFW 45-1998(Temp), f. 6-5-98, cert. ef. 6-6-98 thru 6-10-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998, f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative Correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05

635-042-0180

Deep River Select Area Salmon Season

(1) Salmon and sturgeon may be taken for commercial purposes in those waters of Deep River. The Deep River fishing area includes all waters downstream of the town of Deep River to the mouth defined by a line from U.S. Coast Guard navigation marker #16 southwest to a marker on the Washington shore.

(2) Open fishing periods are nightly 7:00 p.m. to 7:00 a.m.:

(a) August 30 – September 2, 2005;

(b) September 6 – September 9, 2005;

(3) Open fishing periods are nightly 4:00 p.m. to 8:00 a.m.:

(a) September 12 – September 16, 2005;

(b) September 19 – September 23, 2005;

(c) September 26 – September 30, 2005;

(d) October 3 – October 7, 2005;

(e) October 10 – October 14, 2005;

(f) October 17 – October 21, 2005;

(g) October 24 – October 28, 2005

(4) Gill nets may not exceed 100 fathoms in length with no weight limit on the leadline. The attachment of additional weight and anchors directly to the lead line is permitted. Gear is restricted to gill nets with a 6-inch maximum mesh size. Nets are not allowed to be tied off to any stationary structures nor are they allowed to fully cross the navigation channel.

(5) A maximum of ten green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (2) and (3), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 19-2003(Temp), f. 3-12-03, cert. ef. 4-17-03 thru 6-13-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05

635-042-0190

Steamboat Slough

(1) Salmon and sturgeon may be taken for commercial purposes in those waters of Steamboat Slough. Steamboat Slough includes all waters bounded by markers on Price Island and the Washington shore at both ends of Steamboat Slough.

(2) Open fishing periods are nightly 7:00 p.m. to 7:00 a.m.:

(a) August 30 – September 2, 2005;

ADMINISTRATIVE RULES

- (b) September 6 – September 9, 2005;
- (c) September 12 – September 16, 2005;
- (d) September 19 – September 23, 2005.
- (3) Open fishing periods are nightly 6:00 p.m. to 8:00 a.m.:
- (a) September 26 – September 30, 2005;
- (b) October 3 – October 7, 2005;
- (c) October 10 – October 14, 2005;
- (d) October 17 – October 21, 2005;
- (e) October 24 – October 28, 2005.

(4) Gill nets may not exceed 100 fathoms in length with no weight limit on the leadline. The attachment of additional weight and anchors directly to the lead line is permitted. Gear is restricted to gill nets with a 6-inch maximum mesh size.

(5) A maximum of ten green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (2) and (3), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. & cert. ef. 9-9-03 thru 12-31-03; Administrative correction 7-30-04; DFW 79-2004(Temp), f. & cert. ef. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. & cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. & cert. ef. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05

Adm. Order No.: DFW 110-2005(Temp)

Filed with Sec. of State: 9-26-2005

Certified to be Effective: 9-26-05 thru 12-31-05

Notice Publication Date:

Rules Amended: 635-042-0060, 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180, 635-042-0190

Rules Suspended: 635-042-0060(T), 635-042-0145(T), 635-042-0160(T), 635-042-0170(T), 635-042-0180(T), 635-042-0190(T)

Subject: Amend rules to extend the non-Treaty commercial fall season for the Columbia River mainstem and modify sturgeon catch limits in Youngs Bay and other Select Areas. Modifications are consistent with action taken by the Columbia River Compact and by State Action September 23, 2005.

Rules Coordinator: Marci Wightman—(503) 947-6034

635-042-0060

Late Fall Salmon Season

(1) Salmon and sturgeon may be taken by gill nets for commercial purpose from the Columbia River in the following areas and during the open fishing periods as identified.

(2) In Zones 1–3, from the mouth upstream to the Longview Bridge, the open fishing periods are:

- (a) 6:00 a.m. to 6:00 p.m., September 19, 2005.
- (b) 6:00 a.m. to 6:00 p.m., September 20, 2005.
- (c) 6:00 a.m. to 6:00 p.m., September 22, 2005.

(A) The Elokomin-A and Abernathy sanctuaries are in effect.

(B) During the open fishing periods identified in (2)(a) and (2)(b) gear is restricted to unslackened floater gill nets with a 6-inch maximum mesh size. During the fishing period identified in (2)(c) gear is restricted to gill nets with a 9-3/4 maximum mesh size.

(3) In Zones 1–3, from the mouth upstream to the Kalama River, the open fishing periods are:

- (a) 6:00 a.m. to 6:00 p.m., September 26, 2005.
- (b) 6:00 a.m. to 6:00 p.m., September 28, 2005.

(A) The Elokomin-A, Abernathy, Cowlitz and Kalama-A sanctuaries are in effect.

(B) During the open fishing periods identified in (3)(a) and (3)(b) gear is restricted to either unslackened floater gill nets with a 6-inch maximum mesh size or to gill nets with a 9-inch minimum to 9-3/4 maximum mesh size.

(4) In Zones 3–5, from the Longview Bridge upstream to Beacon Rock, the open fishing periods are:

- (a) 8:00 p.m. September 19, 2005 to 1:00 a.m. September 20, 2005.
- (b) 8:00 p.m. September 20, 2005 to 1:00 a.m. September 21, 2005.
- (c) 8:00 p.m. September 22, 2005 to 1:00 a.m. September 23, 2005.

(A) The Cowlitz, Kalama-A, Lewis-A, Sandy and Washougal river sanctuaries are in effect.

(B) During the open fishing periods identified in (4)(a) thru (4)(c) gear is restricted to gill nets with an 8-inch minimum mesh size and a 9-3/4 maximum mesh size.

(5) In Zones 3–5, from the Kalama River upstream to Beacon Rock, the open fishing periods are:

- (a) 8:00 p.m. September 26, 2005 to 1:00 a.m. September 27, 2005.
- (b) 8:00 p.m. September 28, 2005 to 1:00 a.m. September 29, 2005.

(A) The Kalama-A, Lewis-A, Sandy and Washougal river sanctuaries are in effect.

(B) During the open fishing periods identified in (5)(a) and (5)(b) gear is restricted to gill nets with an 8-inch minimum mesh size and a 9-3/4 maximum mesh size.

(6) A maximum of fifteen green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open. During the fishing periods identified above the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 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 91-1987(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. 10-9-95; FWC 100-1996, f. & cert. ef. 8-23-96; FWC 58-1996(Temp), f. & cert. ef. 9-27-96, 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. 10-23-00 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. 10-24-02, 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. 9-23-03 thru 12-31-03; DFW 105-2003(Temp), f. & cert. ef. 10-10-03, cert. ef. 10-12-03 thru 12-31-03; DFW 107-2003(Temp), f. & cert. ef. 10-21-03, cert. ef. 10-26-03 thru 12-31-03; DFW 95-2004(Temp), f. & cert. ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 98-2004(Temp), f. & cert. ef. 9-22-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 101-2004(Temp), f. & cert. ef. 9-29-04 thru 12-31-04; DFW 102-2004(Temp), f. & cert. ef. 10-1-04, cert. ef. 10-4-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05

635-042-0145

Youngs Bay Salmon Season

(1) Salmon and sturgeon may be taken for commercial purposes in those waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at Battle Creek Slough; except for those waters which are closed southerly of the alternate Highway 101 Bridge (Lewis and Clark River).

(2) Open fishing periods are:

- (a) 6:00 a.m. August 3 to 6:00 p.m. August 4, 2005;
- (b) 6:00 a.m. August 10 to 6:00 p.m. August 11, 2005;
- (c) 6:00 a.m. August 17 to 12:00 Noon August 18, 2005;
- (d) 6:00 a.m. August 24 to 12:00 Noon August 25, 2005;
- (e) 6:00 a.m. August 30 to 6:00 a.m. September 2, 2005;

ADMINISTRATIVE RULES

(f) 12:00 Noon September 6 to 12:00 Noon October 31, 2005.

(3) Gill nets may not exceed 1, 500 feet (250 fathoms) in length and weight on the leadline may not exceed two pounds per any fathom. Gear is restricted to an 8-inch maximum mesh size from August 3 through August 25, 2005. After which, gear is restricted to a 6-inch maximum mesh size from August 30 through October 31, 2005.

(4) A maximum of fifteen green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (2), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 32-1979, f. & cert. ef. 8-22-79; FWC 28-1980, f. & cert. ef. 6-23-80; FWC 42-1980(Temp), f. & cert. ef. 8-22-80; FWC 30-1981, f. & cert. ef. 8-14-81; FWC 42-1981(Temp), f. & cert. ef. 11-5-81; FWC 54-1982, f. & cert. ef. 8-17-82; FWC 37-1983, f. & cert. ef. 8-18-83; FWC 61-1983(Temp), f. & cert. ef. 10-19-83; FWC 42-1984, f. & cert. ef. 8-20-84; FWC 39-1985, f. & cert. ef. 8-15-85; FWC 37-1986, f. & cert. ef. 8-11-86; FWC 72-1986(Temp), f. & cert. ef. 10-31-86; FWC 64-1987, f. & cert. ef. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. & cert. ef. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. & cert. ef. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. & cert. ef. 8-7-91, cert. ef. 8-18-91; FWC 123-1991(Temp), f. & cert. ef. 10-21-91; FWC 30-1992(Temp), f. & cert. ef. 4-27-92; FWC 35-1992(Temp), f. & cert. ef. 5-22-92, cert. ef. 5-25-92; FWC 74-1992 (Temp), f. & cert. ef. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. & cert. ef. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. & cert. ef. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. & cert. ef. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. & cert. ef. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 27-1995, f. & cert. ef. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. & cert. ef. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. & cert. ef. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. & cert. ef. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. & cert. ef. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. & cert. ef. 8-16-96, cert. ef. 8-19-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 47-1997, f. & cert. ef. 8-15-97; FWC 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; FWC 14-1998, f. & cert. ef. 3-3-98; FWC 18-1998(Temp), f. & cert. ef. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; FWC 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; FWC 67-1998, f. & cert. ef. 8-24-98; FWC 10-1999, f. & cert. ef. 2-26-99; FWC 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; FWC 55-1999, f. & cert. ef. 8-12-99; FWC 9-2000, f. & cert. ef. 2-25-00; FWC 42-2000, f. & cert. ef. 8-3-00; FWC 3-2001, f. & cert. ef. 2-6-01; FWC 66-2001(Temp), f. & cert. ef. 8-6-01 thru 8-14-01; FWC 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; FWC 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; FWC 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; FWC 82-2002(Temp), f. & cert. ef. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; FWC 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; FWC 12-2003, f. & cert. ef. 2-14-03; FWC 17-2003(Temp), f. & cert. ef. 2-27-03, cert. ef. 3-1-03 thru 8-1-03; FWC 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; FWC 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; FWC 36-2003(Temp), f. & cert. ef. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; FWC 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; FWC 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; FWC 89-2003(Temp), f. & cert. ef. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; FWC 11-2004, f. & cert. ef. 2-13-04; FWC 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; FWC 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; FWC 28-2004(Temp), f. & cert. ef. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; FWC 39-2004(Temp), f. & cert. ef. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; FWC 44-2004(Temp), f. & cert. ef. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; FWC 79-2004(Temp), f. & cert. ef. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; FWC 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; FWC 6-2005, f. & cert. ef. 2-14-05; FWC 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; FWC 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; FWC 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; FWC 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; FWC 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; FWC 40-2005(Temp), f. & cert. ef. 5-18-05, cert. ef. 5-18-05 thru 10-16-05; FWC 73-2005(Temp), f. & cert. ef. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; FWC 77-2005(Temp), f. & cert. ef. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; FWC 85-2005(Temp), f. & cert. ef. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; FWC 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; FWC 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon and sturgeon may be taken for commercial purposes in those waters of Blind Slough and Knappa Slough.

(a) The Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately one-half mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough.

(b) Knappa Slough fishing area includes all waters bounded by a line from the north marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the western end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure encompassing a 100-foot radius at the mouth of Big Creek is defined by markers.

(2) Open fishing periods are nightly 7:00 p.m. to 7:00 a.m.:

- August 30–September 2, 2005;
- September 6–September 9, 2005;
- September 12–September 16, 2005;
- September 19–September 23, 2005.

(3) Open fishing periods are nightly 6:00 p.m. to 8:00 a.m.:

- September 26–September 30, 2005;
- October 3–October 7, 2005;
- October 10–October 14, 2005;
- October 17–October 21, 2005;
- October 24–October 28, 2005.

(4) Gill nets may not exceed 100 fathoms in length with no weight limit on the leadline. The attachment of additional weight and anchors directly to the lead line is permitted. Gear is restricted to gill nets with a 6-inch maximum mesh size.

(5) A maximum of fifteen green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (2) and (3), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129, 507.020 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 15-1998, f. & cert. ef. 3-3-98; FWC 67-1998, f. & cert. ef. 8-24-98; FWC 86-1998(Temp), f. & cert. ef. 10-28-98 thru 10-30-98; FWC 10-1999, f. & cert. ef. 2-26-99; FWC 48-1999(Temp), f. & cert. ef. 6-24-99 thru 7-2-99; FWC 55-1999, f. & cert. ef. 8-12-99; FWC 9-2000, f. & cert. ef. 2-25-00; FWC 42-2000, f. & cert. ef. 8-3-00; FWC 65-2000(Temp), f. & cert. ef. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; FWC 3-2001, f. & cert. ef. 2-6-01; FWC 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; FWC 86-2001, f. & cert. ef. 9-4-01 thru 12-31-01; FWC 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; FWC 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; FWC 14-2002(Temp), f. & cert. ef. 2-13-02, cert. ef. 2-18-02 thru 8-17-02; FWC 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; FWC 12-2003, f. & cert. ef. 2-14-03; FWC 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; FWC 36-2003(Temp), f. & cert. ef. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; FWC 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; FWC 89-2003(Temp), f. & cert. ef. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; FWC 11-2004, f. & cert. ef. 2-13-04; FWC 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; FWC 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; FWC 28-2004(Temp), f. & cert. ef. 4-12-04 thru 4-15-04; FWC 39-2004(Temp), f. & cert. ef. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; FWC 44-2004(Temp), f. & cert. ef. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; FWC 79-2004(Temp), f. & cert. ef. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; FWC 95-2004(Temp), f. & cert. ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; FWC 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; FWC 6-2005, f. & cert. ef. 2-14-05; FWC 16-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; FWC 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; FWC 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; FWC 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; FWC 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; FWC 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; FWC 85-2005(Temp), f. & cert. ef. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; FWC 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; FWC 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05

635-042-0170

Tongue Point Basin and South Channel

(1) Tongue Point fishing area includes waters bounded by a line from a yellow marker midway between the red USCG navigation light #2 at the tip of Tongue Point and the downstream (northern most) pier (#8) at the Tongue Point Job Corps facility, to the flashing green USCG navigation light #3 on the rock jetty at the west end of Mott Island, a line from a marker at the southeast end of Mott Island northeasterly to a marker on the northwest tip of Lois Island and a line from a marker on the southwest end of Lois Island due westerly to a marker on the Oregon shore.

(2) South Channel area includes all waters bounded by a line from a marker on John Day Point through the green USCG buoy #7 to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the flashing red USCG marker #10, northwesterly to a marker on Burnside Island defining the terminus of South Channel.

(3) Salmon and sturgeon may be taken for commercial purposes in the waters of Tongue Point and South Channel as defined in section (1) and section (2) of this rule.

(4) Open fishing periods are nightly 7:00 p.m. to 7:00 a.m.:

- August 30–September 2, 2005;
 - September 6–September 9, 2005.
- (5) Open fishing periods are nightly from 4:00 p.m. to 8:00 a.m.:
- September 12–September 16, 2005;
 - September 19–September 23, 2005;
 - September 26–September 30, 2005;
 - October 3–October 7, 2005;
 - October 10–October 14, 2005;
 - October 17–October 21, 2005;
 - October 24–October 28, 2005.

(6) Gear restrictions are as follows:

(a) In waters described in section (1) as Tongue Point basin, gillnets may not exceed 250 fathoms in length and weight limit on the lead line is not to exceed two pounds on any one fathom. Gear is restricted to gill nets with a 6-inch maximum mesh size. While fishing during the seasons described in this rule, gillnets with lead line in excess of two pounds per fathom may be stored on boats.

(b) In waters described in section (2) as South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. Gear is restricted to gill nets with a 6-inch maximum mesh size. While fishing during the seasons described in this rule, gillnets up to 250 fathoms in length may be stored on boats.

ADMINISTRATIVE RULES

(7) A maximum of fifteen green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (4) and (5), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.129, 507.020 & 507.030
Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 41-1998(Temp), f. 5-28-98, cert. ef. 5-29-98; DFW 42-1998(Temp), f. 5-29-98, cert. ef. 5-31-98 thru 6-6-98; DFW 45-1998(Temp), f. 6-5-98, cert. ef. 6-6-98 thru 6-10-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998, f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. & cert. ef. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative Correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05

635-042-0180

Deep River Select Area Salmon Season

(1) Salmon and sturgeon may be taken for commercial purposes in those waters of Deep River. The Deep River fishing area includes all waters downstream of the town of Deep River to the mouth defined by a line from U.S. Coast Guard navigation marker #16 southwest to a marker on the Washington shore.

(2) Open fishing periods are nightly 7:00 p.m. to 7:00 a.m.:

(a) August 30–September 2, 2005;

(b) September 6–September 9, 2005.

(3) Open fishing periods are nightly 4:00 p.m. to 8:00 a.m.:

(a) September 12–September 16, 2005;

(b) September 19–September 23, 2005;

(c) September 26–September 30, 2005;

(d) October 3–October 7, 2005;

(e) October 10–October 14, 2005;

(f) October 17–October 21, 2005;

(g) October 24–October 28, 2005.

(4) Gill nets may not exceed 100 fathoms in length with no weight limit on the leadline. The attachment of additional weight and anchors directly to the lead line is permitted. Gear is restricted to gill nets with a 6-inch maximum mesh size. Nets are not allowed to be tied off to any stationary structures nor are they allowed to fully cross the navigation channel.

(5) A maximum of fifteen green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (2) and (3), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129, 507.020 & 507.030
Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 19-2003(Temp), f. 3-12-03, cert. ef. 4-17-03 thru 6-13-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05

635-042-0190

Steamboat Slough

(1) Salmon and sturgeon may be taken for commercial purposes in those waters of Steamboat Slough. Steamboat Slough includes all waters bounded by markers on Price Island and the Washington shore at both ends of Steamboat Slough.

(2) Open fishing periods are nightly 7:00 p.m. to 7:00 a.m.:

(a) August 30–September 2, 2005;

(b) September 6–September 9, 2005;

(c) September 12–September 16, 2005;

(d) September 19–September 23, 2005.

(3) Open fishing periods are nightly 6:00 p.m. to 8:00 a.m.:

(a) September 26–September 30, 2005;

(b) October 3–October 7, 2005;

(c) October 10–October 14, 2005;

(d) October 17–October 21, 2005;

(e) October 24–October 28, 2005.

(4) Gill nets may not exceed 100 fathoms in length with no weight limit on the leadline. The attachment of additional weight and anchors directly to the lead line is permitted. Gear is restricted to gill nets with a 6-inch maximum mesh size.

(5) A maximum of fifteen green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (2) and (3), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129, 507.020 & 507.030
Hist.: DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05

Adm. Order No.: DFW 111-2005(Temp)

Filed with Sec. of State: 9-23-2005

Certified to be Effective: 9-23-05 thru 10-31-05

Notice Publication Date:

Rules Amended: 635-065-0765

Subject: This temporary rule amends rules to add West Virginia to the list of states from which the importation of certain cervid parts is banned.

Rules Coordinator: Marci Wightman—(503) 947-6034

635-065-0765

Tagging, Possession, Transportation and Evidence of Sex

(1) When the owner of any game mammal tag kills a game mammal for which a tag is issued, the owner shall immediately remove in its entirety only the month and day of kill and attach the tag in plain sight securely to the game mammal. The tag shall be kept attached to such carcass or remain with any parts thereof so long as the same are preserved.

(2) It is unlawful to have in possession any game mammal tag from which all or part of any date has been removed or mutilated except when the tag is legally validated and attached to a game mammal.

(3) It is unlawful to possess the meat or carcass of any pronghorn antelope, bighorn sheep, or Rocky Mountain goat without the animal's scalp while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. The scalp shall include the attached eyes and ears, if the animal is female; or ears, horns, and eyes if the animal is male.

(4) It is unlawful to possess the meat or carcass of any deer or elk without evidence of sex while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. Evidence of sex for deer and elk is:

(a) Evidence of sex for deer and elk which will be taken out of Oregon is:

(A) For Bucks and Bulls: Either the head with antlers naturally attached to at least one quarter of the carcass or testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat. For hunts with antler restrictions, if the head is not attached to the carcass, in addition to leaving the testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat, the head or skull plate with both antlers naturally attached shall accompany the carcass or major portions of meat while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(B) For Does and Cows: Either the head naturally attached to at least one quarter of the carcass or vulva or udder (mammary) naturally attached to one quarter of the carcass or to another major portion of meat.

ADMINISTRATIVE RULES

(C) For Either Sex Hunts: Either the head naturally attached to at least one quarter of the carcass or reproductive organs (testicles, scrotum, penis, vulva, udder, mammary) naturally attached to one quarter of the carcass or to another major portion of meat. For bucks or bulls killed in either sex hunts with antler restrictions, if the head is not attached to the carcass, in addition to leaving the testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat, the head or skull plate with both antlers naturally attached shall accompany the carcass or major portions of meat while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(D) For hunts where only white-tailed deer and for hunts where only mule deer are legal: in addition to evidence of sex, either the head or tail shall remain naturally attached to one quarter of the carcass or to another major portion of meat as evidence of the species taken while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(b) Evidence of sex for deer and elk which will not be taken out of Oregon is either:

(A) The animal's scalp while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. The scalp shall include the attached eyes and ears, if the animal is female; or ears, antlers, and eyes if the animal is male; or

(B) the head naturally attached to at least one quarter of the carcass or reproductive organs naturally attached to one quarter of the carcass or to another major portion of meat as described in (4)(a)(A)–(D) above.

(5) When any game mammal or part thereof is transferred to the possession of another person, a written record describing the game mammal or part being transferred indicating the name and address of the person whose tag was originally attached to the carcass and the number of that tag shall accompany such transfer and shall remain with such game mammal or part so long as the same is preserved or until replaced by a tag or seal of the department.

(6) All game mammals in possession in the field or forest or in transit more than 48 hours after the close of the open season for such mammal must be tagged with a tag or metal seal by the department or by the Oregon State Police.

(7) All game mammals or portions thereof shipped by commercial carrier shall be tagged with a tag or metal seal provided by the department or by the Oregon State Police.

(8) It is unlawful to receive or have in possession any game mammal or part thereof which:

(a) Is not properly tagged;

(b) Was taken in violation of any wildlife laws or regulations; or

(c) Was taken by any person who is or may be exempt from the jurisdiction of such laws or regulations.

(9) No person shall possess any game mammal or part thereof which has been illegally killed, found or killed for humane reasons, except shed antlers, unless he has notified and received permission from the department or personnel of the Oregon State Police prior to transporting.

(10) No person shall possess the horns of bighorn sheep or Rocky Mountain goat that were not taken legally during an authorized season. Any horns of bighorn sheep or Rocky Mountain goat obtained by the department may be made available to scientific and educational institutions and for ceremonial purposes.

(11) Except for the following parts, importation of a cervid carcass or parts of a cervid carcass is prohibited if the cervid was killed in a state or province with a documented case of Chronic Wasting Disease:

(a) Meat that is cut and wrapped commercially or privately;

(b) Meat that has been boned out;

(c) Quarters or other portions of meat with no part of the spinal column or head attached;

(d) Hides and/or capes with no head attached;

(e) Skull plates with antlers attached that have been cleaned of all meat and brain tissue;

(f) Antlers with no tissue attached;

(g) Upper canine teeth (buglers, whistlers, ivories);

(h) Finished taxidermy heads.

(12) For the purposes of the parts and carcass import ban in subsection (11), the states or provinces with a documented case of Chronic Wasting Disease (CWD) are Alberta, Colorado, Illinois, Kansas, Minnesota, Montana, Nebraska, New Mexico, New York, Oklahoma, South Dakota, Wisconsin, Wyoming, Utah, West Virginia, and Saskatchewan. The Department shall add by temporary rule any additional states or provinces when any new cases of CWD arise.

(13) The parts and carcass import ban in subsection (11) does not apply to parts or carcasses shipped to the National Fish and Wildlife Forensics Laboratory (Ashland, Oregon) for the purpose of law enforcement investigations and also does not apply to parts or carcasses of reindeer/caribou.

(14) Cervid carcasses or parts of cervid carcasses found in Oregon in violation of the parts and carcass ban in subsection (11) shall be disposed of in a manner as follows:

(a) Brain tissue, spinal columns, and whole heads or heads minus the cleaned skull plate and attached antlers, shall be disposed of either by incineration at temperatures exceeding 800° F or at lined landfills registered by Oregon Department of Environmental Quality capable of accepting animal carcasses without environmental contamination; rendering is not an allowed means of disposal.

(b) The person(s) who imported parts in violation of the parts and carcass ban in subsection (11) shall pay for appropriate disposal of cervid carcasses or parts of cervid carcasses.

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 2-7-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1988, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 41-1987, f. & ef. 7-6-87; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 90-2002(Temp), f. & cert. ef. 8-16-02 thru 2-11-03; DFW 114-2002(Temp), f. & cert. ef. 10-18-02 thru 2-11-03; DFW 126-2002, f. & cert. ef. 11-12-02; DFW 127-2002(Temp), f. & cert. ef. 11-14-02 thru 2-11-03; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 61-2003, f. & cert. ef. 7-16-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 111-2005(Temp), f. & cert. ef. 9-23-05 thru 10-31-05

Adm. Order No.: DFW 112-2005(Temp)

Filed with Sec. of State: 9-28-2005

Certified to be Effective: 9-30-05 thru 12-31-05

Notice Publication Date:

Rules Amended: 635-023-0130

Rules Suspended: 635-023-0130(T)

Subject: Amend rule to close the mainstem Columbia River to the retention of chinook salmon from Buoy 10 upstream to McNary Dam. Revision consistent with action taken at the September 27, 2005 Joint State Hearing.

Rules Coordinator: Marci Wightman—(503) 947-6034

635-023-0130

Fall Sport Fishery

(1) Notwithstanding, all other specifications and restrictions as outlined in the current 2005 Oregon Sport Fishing Regulations, the following conditions apply:

(2) The mainstem Columbia River from a north-south line through Buoy 10 upstream to the Oregon-Washington border above McNary Dam is closed to the retention of chinook salmon effective 11:59 p.m., September 30, 2005.

(3) Eagle Creek upstream to the mainline railroad bridge is open for adipose fin-clipped coho salmon effective August 1 through December 31, 2005. All non-adipose fin-clipped coho salmon must be released immediately unharmed.

(4) Herman Creek upstream to the main line railroad bridge is open for adipose fin-clipped coho effective August 1 through August 15, 2005, and again from December 1 through December 31, 2005. The area west of the peninsula up to the Lower Herman Creek Pond structure is open for adipose fin-clipped coho August 1 through December 31, 2005. All non-adipose fin-clipped coho salmon must be released immediately unharmed.

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

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 92-2004(Temp), f. 9-2-04 cert. ef. 9-6-04 thru 12-31-04; DFW 96-2004(Temp), f. 9-20-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 108-2005(Temp), f. 9-15-05, cert. ef. 9-17-05 thru 12-31-05; DFW 112-2005(Temp), f. 9-28-05, cert. ef. 9-30-05 thru 12-31-05

Adm. Order No.: DFW 113-2005(Temp)

Filed with Sec. of State: 9-28-2005

Certified to be Effective: 9-28-05 thru 12-31-05

Notice Publication Date:

ADMINISTRATIVE RULES

Rules Amended: 635-041-0075, 635-042-0060

Rules Suspended: 635-041-0075(T), 635-042-0060(T)

Subject: Amend rules to extend the fall commercial gill net fishery and platform and hook-and-line, Zone 6, allow for sale of catch from Drano Lake for Treaty Indian fishers and also extend the non-Treaty commercial fall season, Zones 3-5, in the Columbia River mainstem. Implementation consistent with action taken September 27, 2005, by the Columbia River Compact.

Rules Coordinator: Marci Wightman—(503) 947-6034

635-041-0075

Fall Salmon Season

(1) Chinook salmon, coho salmon, sockeye, steelhead, walleye, carp, and shad may be taken with gill net for commercial purposes from mainstem Columbia River waters in all of Zone 6 from 6:00 a.m. September 28, 2005 to 6:00 p.m. September 30, 2005.

(2) Gear is restricted to gill nets with an 8-inch minimum mesh size. Notwithstanding OAR 635-041-0050, the use of drift nets up to 800 feet in length are permitted during the fishery.

(3) All standard dam and river mouth sanctuaries set forth in OAR 635-041-0045 are in effect, except Small Spring Creek sanctuary within a radius of 150 feet of the Spring Creek Hatchery fishway.

(4) Sturgeon may not be sold. However, sturgeon between 4–5 feet in length in The Dalles and John Day Pools and sturgeon between 45”–60” in the Bonneville Pool may be kept for subsistence purposes.

(5) Until further notice, sale of platform and hook-and-line caught fish will be allowed. Sales from Drano Lake, the Big White Salmon River and Klickitat River will be allowed, only during those days and hours when these tributaries are open under lawfully enacted Yakama Nation Tribal subsistence fisheries.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982(Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984(Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & ef. 8-15-88; FWC 72-1988(Temp), f. & ef. 8-19-88; FWC 77-1988(Temp), f. & ef. 9-2-88; FWC 91-1988(Temp), f. & ef. 9-16-88; FWC 95-1988(Temp), f. & ef. 9-27-88, cert. ef. 9-28-88; FWC 54-1989(Temp), f. & ef. 8-7-89; FWC 87-1989(Temp), f. & ef. 9-1-89; FWC 95-1989(Temp), f. & ef. 9-19-89; FWC 96-1989(Temp), f. & ef. 9-21-89; FWC 99-1989(Temp), f. & ef. 9-27-89; FWC 100-1989(Temp), f. & ef. 9-28-89; FWC 80-1990(Temp), f. & ef. 8-7-90, cert. ef. 8-8-90; FWC 90-1990, f. & ef. 8-31-90; FWC 96-1990(Temp), f. & ef. 9-7-90, cert. ef. 9-10-90; FWC 98-1990(Temp), f. & ef. 9-14-90, cert. ef. 9-17-90; FWC 85-1991, f. & ef. 8-7-91, cert. ef. 8-12-91; FWC 96-1991, f. & ef. 9-9-91; FWC 101-1991(Temp), f. & ef. 9-10-91; FWC 103-1991(Temp), f. & ef. 9-17-91, cert. ef. 9-18-91; FWC 110-1991(Temp), f. & ef. 9-27-91; FWC 73-1992(Temp), f. & ef. 9-1-92; FWC 86-1992(Temp), f. & ef. 9-1-92, cert. ef. 9-2-92; FWC 87-1992(Temp), f. & ef. 9-4-92, cert. ef. 9-7-92; FWC 91-1992(Temp), f. & ef. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. & ef. 9-22-92, cert. ef. 9-23-92; FWC 105-1992(Temp), f. & ef. 10-2-92, cert. ef. 10-5-92; FWC 107-1992(Temp), f. & ef. 10-9-92; FWC 47-1993, f. & ef. 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & ef. 8-30-93; FWC 57-1993(Temp), f. & ef. 9-13-93; FWC 59-1993(Temp), f. & ef. 9-17-93, cert. ef. 9-20-93; FWC 61-1993(Temp), f. & ef. 9-24-93; FWC 55-1994(Temp), f. & ef. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. & ef. 9-7-94, cert. ef. 9-8-94; FWC 74-1994(Temp), f. & ef. 10-12-94; FWC 68-1995(Temp), f. & ef. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & ef. 9-1-95; FWC 75-1995(Temp), f. & ef. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & ef. 8-23-96; FWC 48-1996(Temp), f. & ef. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. & ef. 9-6-96, cert. ef. 9-9-96; FWC 53-1996(Temp), f. & ef. 9-26-96; FWC 54-1996(Temp), f. & ef. 9-23-96; FWC 48-1997, f. & ef. 8-25-97; FWC 52-1997(Temp), f. & ef. 8-29-97, cert. ef. 9-2-97; FWC 57(Temp), f. & ef. 9-9-97; FWC 60-1997(Temp), f. & ef. 9-16-97, cert. ef. 9-17-97; FWC 68-1998(T), f. & ef. 8-25-98 thru 9-25-98; FWC 76-1998(T), f. & ef. 9-8-98 thru 9-25-98; FWC 77-1998(Temp), f. & ef. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; FWC 79-1998(Temp), f. & ef. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; FWC 80-1998(Temp), f. & ef. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; FWC 59-1999(Temp), f. & ef. 8-23-99 thru 9-11-99; FWC 62-1999(Temp), f. & ef. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; FWC 65-1999(Temp), f. & ef. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; FWC 69-1999(Temp), f. & ef. 9-17-99 thru 9-18-99; FWC 72-1999(Temp), f. & ef. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; FWC 74-1999(Temp), f. & ef. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; FWC 50-2000, f. & ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; FWC 60-2000(Temp), f. & ef. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; FWC 61-2000(Temp), f. & ef. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; FWC 75-2001(Temp), f. & ef. 8-20-01 thru 9-8-01; FWC 87-2001(Temp), f. & ef. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; FWC 91-2001(Temp), f. & ef. 9-19-01 thru 12-31-01; FWC 94-2001(Temp), f. & ef. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; FWC 100-2001(Temp), f. & ef. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; FWC 89-2002(Temp), f. & ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; FWC 98-2002(Temp), f. & ef. 8-30-02 thru 12-31-02; FWC 102-2002(Temp), f. & ef. 9-13-02 thru 12-31-02; FWC 104-2002(Temp), f. & ef. 9-19-02 thru 12-31-02; FWC 113-2002(Temp), f. & ef. 10-14-02,

cert. ef. 10-15-02 thru 12-31-02; FWC 77-2003(Temp), f. & ef. 8-13-03 thru 12-31-03; FWC 81-2003(Temp), f. & ef. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; FWC 91-2003(Temp), f. & ef. 9-12-03 cert. ef. 9-16-03 thru 12-31-03; FWC 97-2003(Temp), f. & ef. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; FWC 101-2003(Temp), f. & ef. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; FWC 103-2003(Temp), f. & ef. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; FWC 104-2003(Temp), f. & ef. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; FWC 88-2004(Temp), f. & ef. 8-23-04 thru 12-31-03; FWC 95-2004(Temp), f. & ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; FWC 99-2004(Temp), f. & ef. 9-24-04 thru 12-31-04; FWC 104-2004(Temp), f. & ef. 10-12-04 cert. ef. 10-13-04 thru 12-31-04; FWC 110-2004(Temp), f. & ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; FWC 96-2005(Temp), f. & ef. 8-22-05 thru 12-31-05; FWC 104-2005(Temp), f. & ef. 9-12-05 thru 12-31-05; FWC 109-2005(Temp), f. & ef. 9-19-05 thru 12-31-05; FWC 113-2005(Temp), f. & ef. 9-28-05 thru 12-31-05

635-042-0060

Late Fall Salmon Season

(1) Salmon and sturgeon may be taken by gill nets for commercial purpose from the Columbia River in the following areas and during the open fishing periods as identified.

(2) In Zones 1–3, from the mouth upstream to the Longview Bridge, the open fishing periods are:

(a) 6:00 a.m. to 6:00 p.m., September 19, 2005.

(b) 6:00 a.m. to 6:00 p.m., September 20, 2005.

(c) 6:00 a.m. to 6:00 p.m., September 22, 2005.

(A) The Elokomina-A and Abernathy sanctuaries are in effect.

(B) During the open fishing periods identified in (2)(a) and (2)(b) gear is restricted to unslackened floater gill nets with a 6-inch maximum mesh size. During the fishing period identified in (2)(c) gear is restricted to gill nets with a 9-3/4 maximum mesh size.

(3) In Zones 1–3, from the mouth upstream to the Kalama River, the open fishing periods are:

(a) 6:00 a.m. to 6:00 p.m., September 26, 2005.

(b) 6:00 a.m. to 6:00 p.m., September 28, 2005.

(A) The Elokomina-A, Abernathy, Cowlitz and Kalama-A sanctuaries are in effect.

(B) During the open fishing periods identified in (3)(a) and (3)(b) gear is restricted to either unslackened floater gill nets with a 6-inch maximum mesh size or to gill nets with a 9-inch minimum to 9-3/4 maximum mesh size.

(4) In Zones 3–5, from the Longview Bridge upstream to Beacon Rock, the open fishing periods are:

(a) 8:00 p.m. September 19, 2005 to 1:00 a.m. September 20, 2005.

(b) 8:00 p.m. September 20, 2005 to 1:00 a.m. September 21, 2005.

(c) 8:00 p.m. September 22, 2005 to 1:00 a.m. September 23, 2005.

(A) The Cowlitz, Kalama-A, Lewis-A, Sandy and Washougal river sanctuaries are in effect.

(B) During the open fishing periods identified in (4)(a) thru (4)(c) gear is restricted to gill nets with an 8-inch minimum mesh size and a 9-3/4 maximum mesh size.

(5) In Zones 3–5, from the Kalama River upstream to Beacon Rock, the open fishing periods are:

(a) 8:00 p.m. September 26, 2005 to 1:00 a.m. September 27, 2005.

(b) 8:00 p.m. September 28, 2005 to 6:00 a.m. September 29, 2005.

(A) The Kalama-A, Lewis-A, Sandy and Washougal river sanctuaries are in effect.

(B) During the open fishing periods identified in (5)(a) and (5)(b) gear is restricted to gill nets with an 8-inch minimum mesh size and a 9-3/4 maximum mesh size.

(6) A maximum of fifteen green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open. During the fishing periods identified above the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 40-1979, f. & ef. 9-10-79; FWC 45-1979(Temp), f. & ef. 9-21-79; FWC 52-1979(Temp), f. & ef. 11-2-79; FWC 48-1980(Temp), f. & ef. 9-19-80; FWC 51-1980(Temp), f. & ef. 9-22-80; FWC 55-1980(Temp), f. & ef. 9-26-80; FWC 56-1980(Temp), f. & ef. 9-29-80; FWC 58-1980(Temp), f. & ef. 10-17-80; FWC 37-1981(Temp), f. & ef. 9-24-81; FWC 38-1981(Temp), f. & ef. 9-29-81; FWC 69-1982(Temp), f. & ef. 9-30-82; FWC 72-1982(Temp), f. & ef. 10-20-82; FWC 56-1983(Temp), f. & ef. 10-5-83; FWC 54-1984(Temp), f. & ef. 9-10-84; FWC 59-1984(Temp), f. & ef. 9-18-84; FWC 66-1984(Temp), f. & ef. 9-26-84; FWC 68-1984(Temp), f. & ef. 10-2-84; FWC 58-1985(Temp), f. & ef. 9-13-85; FWC 62-1985(Temp), f. & ef. 9-24-85; FWC 66-1985(Temp), f. & ef. 10-11-85; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 64-1986(Temp), f. & ef. 10-3-86; FWC 67-1986(Temp), f. & ef. 10-17-86; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-11-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 91-1987(Temp), f. & ef. 10-16-87; FWC 85-1988(Temp), f. & ef. 9-9-88; FWC 93-1988(Temp), f. & ef. 9-16-88; FWC 99-1988(Temp), f. & ef. 10-11-88; FWC 100-1988(Temp), f. & ef. 10-21-88, cert. ef. 10-24-88; FWC 94-1989(Temp), f. & ef. 9-15-89, cert. ef. 9-17-89; FWC 97-1989(Temp), f. & ef. 9-21-89; FWC 109-1989(Temp), f. & ef. 9-17-89; FWC 113-1989(Temp), f. & ef. 11-9-89; FWC 100-1990(Temp), f. & ef. 9-18-90; FWC 101-1990(Temp), f. & ef. 9-19-90; FWC 102-1990(Temp), f. & ef. 10-14-90,

ADMINISTRATIVE RULES

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. 11-1-91, cert. ef. 11-3-91; FWC 97-1992(Temp), f. & cert. ef. 9-22-92; FWC 100-1992(Temp), f. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 109-1992(Temp), f. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp), f. & cert. ef. 10-22-92; FWC 80-1995(Temp), f. 9-27-95, cert. ef. 10-9-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 58-1996(Temp), f. 9-27-96, cert. ef. 9-30-96; FWC 60-1996(Temp), f. & cert. ef. 10-7-96; FWC 62(Temp), f. 10-18-96, cert. ef. 10-21-96; FWC 61-1997(Temp), f. 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. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 83-1999(Temp), f. 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. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 68-2000(Temp), f. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp), f. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; DFW 74-2000(Temp), f. 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. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; DFW 98-2001(Temp), f. 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. 10-10-02, cert. ef. 10-14-02 thru 12-31-02; DFW 122-2002(Temp), f. 10-24-02, cert. ef. 10-28-02 thru 12-31-02; DFW 92-2003(Temp), f. 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. 9-22-03, cert. ef. 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; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 98-2004(Temp), f. & cert. ef. 9-22-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 101-2004(Temp), f. & cert. ef. 9-29-04 thru 12-31-04; DFW 102-2004(Temp), f. 10-1-04, cert. ef. 10-4-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05

Adm. Order No.: DFW 114-2005(Temp)
Filed with Sec. of State: 9-30-2005
Certified to be Effective: 10-1-05 thru 12-31-05
Notice Publication Date:
Rules Amended: 635-004-0019
Rules Suspended: 635-004-0019(T)
Subject: Amend rule to adopt inseason actions that have implemented by the federal government for commercial fisheries for groundfish.
Rules Coordinator: Marci Wightman—(503) 947-6034

635-004-0019

Inclusions and Modifications

(1) OAR chapter 635, division 004, modifies or is in addition to provisions contained in **Code of Federal Regulations, Title 50, Part 660, Subpart G, West Coast Groundfish Fisheries.**

(2) The **Code of Federal Regulations (CFR), Title 50, Part 660, Subpart G,** provides requirements for commercial groundfish fishing in the Pacific Ocean off the Oregon coast. However, additional regulations may be promulgated subsequently, and these supersede, to the extent of any inconsistency, the **Code of Federal Regulations.**

(3) Notwithstanding the regulations identified in OAR 635-004-0018, the National Marine Fisheries Service (NMFS), by means of NMFS-SEA-05-01, announced inseason management changes, effective April 1, 2005, to commercial fisheries including limited entry fixed-gear sablefish tier limits, minor corrections to Rockfish Conservation Area (RCA) coordinates, and clarification of requirements when multiple gear types are on board limited entry trawl vessels.

(4) Notwithstanding the regulations identified in OAR 635-004-0018, the National Marine Fisheries Service (NMFS), by means of NMFS-SEA-05-02, announced inseason management changes, effective May 1, 2005, to commercial fisheries including limited entry trawl trip limits and trawl gear definitions.

(5) Notwithstanding the regulations identified in OAR 635-004-0018, the National Marine Fisheries Service (NMFS), by means of NMFS-SEA-05-03, announced inseason management changes, effective May 3, 2005, to set bycatch limits on directed open access commercial fisheries for groundfish.

(6) Notwithstanding the regulations identified in OAR 635-004-0018, the National Marine Fisheries Service (NMFS), by means of NMFS-SEA-05-04, announced inseason management changes, effective July 1, 2005, to commercial fisheries including trip limits for limited entry trawl, limited entry fixed gear, and open access fisheries, increased bycatch limits for open access fisheries, and clarifications to trip limits for Pacific whiting.

(7) Notwithstanding the regulations identified in OAR 635-004-0018, the National Marine Fisheries Service (NMFS), by means of NMFS-SEA-05-07, announced inseason management changes, effective October 1,

2005, to commercial fisheries including trip limits and Rockfish Conservation Area adjustments for the limited entry trawl fishery, trip limit adjustments for sablefish in the open access fishery, and an increase in the allowable harvest of widow rockfish in the whiting fishery.

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

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 76-1999(Temp), f. 9-30-99, cert. ef. 10-1-99 thru 12-31-99; DFW 81-1999(Temp), f. & cert. ef. 10-12-99 thru 12-31-99; DFW 98-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 23-2005(Temp), F. & cert. ef. 4-8-05 thru 10-4-05; DFW 30-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 43-2005(Temp), f. & cert. ef. 5-13-05 thru 10-17-05; DFW 68-2005(Temp), 6-30-05, cert. ef. 7-1-05 thru 12-27-05; DFW 114-2005(Temp), f. 9-30-05, cert. ef. 10-1-05 thru 12-31-05

Adm. Order No.: DFW 115-2005(Temp)

Filed with Sec. of State: 9-30-2005

Certified to be Effective: 9-30-05 thru 10-23-05

Notice Publication Date:

Rules Amended: 635-069-0010

Subject: Amend rules to expand the hunt area for hunt 647A - John Day Valley.

Rules Coordinator: Marci Wightman—(503) 947-6034

635-069-0010

Controlled Antlerless Deer Hunts

Hunt 647A — Hunt Name: John Day Valley.

(1) Bag Limit: one antlerless elk;

(2) Open Season: October 15 through October 23, 2005;

(3) Hunt Area: 5% public lands. Within 1 mi either side of Hwy 26 from Picture Gorge east to the intersection of Dog Cr Rd and Hwy 26, and within 1 mi on either side of Hwy 395 north of Hwy 26 to Little Beech Cr. Additionally, 0% Public lands - Private lands only within the Murderers Creek unit (Unit 46), Northside unit (Unit 47) and that part of the Ochoco unit (Unit 37) from the intersection of the North Fork of the John Day River and the exterior boundary of Ochoco NF, south and west along the exterior boundary of Ochoco NF to East Birch Creek, north and downstream along East Birch Creek to Birch Creek, north and downstream along Birch Creek to unit boundary at Hwy 26, easterly and southerly along unit boundary to point of beginning.

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 37-1982, f. & ef. 6-25-82; FWC 28-1983, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 43-1987, f. & ef. 7-6-87; FWC 40-1988, f. & cert. ef. 6-13-88; FWC 67-1989, f. & cert. ef. 8-15-89; FWC 59-1990, f. & cert. ef. 6-21-90; FWC 62-1991, f. & cert. ef. 6-24-91; FWC 114-1991, f. & cert. ef. 9-30-91; FWC 47-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 32-1999(Temp), f. & cert. ef. 5-4-99 thru 10-31-99; DFW 34-1999(Temp), f. & cert. ef. 5-12-99 thru 10-31-99; DFW 20-2000(Temp), f. 4-12-00, cert. ef. 4-12-00 thru 6-30-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 115-2005(Temp), f. & cert. ef. 9-30-05 thru 10-23-05

Adm. Order No.: DFW 116-2005(Temp)

Filed with Sec. of State: 10-4-2005

Certified to be Effective: 10-5-05 thru 12-31-05

Notice Publication Date:

Rules Amended: 635-042-0060, 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180, 635-042-0190

Rules Suspended: 635-042-0060(T), 635-042-0145(T), 635-042-0160(T), 635-042-0170(T), 635-042-0180(T), 635-042-0190(T)

Subject: Amend rules to extend the non-Treaty commercial fall season for the Columbia River mainstem and modify sturgeon catch limits in Youngs Bay and other Select Areas. Modifications are consistent with action taken by the Columbia River Compact and by State action October 3, 2005.

Rules Coordinator: Marci Wightman—(503) 947-6034

635-042-0060

Late Fall Salmon Season

(1) Salmon and sturgeon may be taken by gill nets for commercial purpose from the Columbia River in the following areas and during the open fishing periods as identified.

(2) In Zones 1–3, from the mouth upstream to the Longview Bridge, the open fishing periods are:

(a) 6:00 a.m. to 6:00 p.m., September 19, 2005.

ADMINISTRATIVE RULES

04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon and sturgeon may be taken for commercial purposes in those waters of Blind Slough and Knappa Slough.

(a) The Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately one-half mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough.

(b) Knappa Slough fishing area includes all waters bounded by a line from the north marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the western end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure encompassing a 100-foot radius at the mouth of Big Creek is defined by markers.

(2) Open fishing periods are nightly 7:00 p.m. to 7:00 a.m.:

(a) August 30–September 2, 2005;

(b) September 6–September 9, 2005;

(c) September 12–September 16, 2005;

(d) September 19–September 23, 2005.

(3) Open fishing periods are nightly 6:00 p.m. to 8:00 a.m.:

(a) September 26–September 30, 2005;

(b) October 3–October 7, 2005;

(c) October 10–October 14, 2005;

(d) October 17–October 21, 2005;

(e) October 24–October 28, 2005.

(4) Gill nets may not exceed 100 fathoms in length with no weight limit on the leadline. The attachment of additional weight and anchors directly to the lead line is permitted. Gear is restricted to gill nets with a 6-inch maximum mesh size.

(5) A maximum of three green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (2) and (3), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129, 507.020 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998(Temp), f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 48-1999(Temp), f. & cert. ef. 6-24-99 thru 7-2-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 65-2000(Temp), f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 86-2001, f. & cert. ef. 9-4-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 14-2002(Temp), f. 2-13-02, cert. ef. 2-18-02 thru 8-17-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04, cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 16-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05

635-042-0170

Tongue Point Basin and South Channel

(1) Tongue Point fishing area includes waters bounded by a line from a yellow marker midway between the red USCG navigation light #2 at the tip of Tongue Point and the downstream (northern most) pier (#8) at the Tongue Point Job Corps facility, to the flashing green USCG navigation light #3 on the rock jetty at the west end of Mott Island, a line from a mark-

er at the southeast end of Mott Island northeasterly to a marker on the north-west tip of Lois Island and a line from a marker on the southwest end of Lois Island due westerly to a marker on the Oregon shore.

(2) South Channel area includes all waters bounded by a line from a marker on John Day Point through the green USCG buoy #7 to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the flashing red USCG marker #10, northwesterly to a marker on Burnside Island defining the terminus of South Channel.

(3) Salmon and sturgeon may be taken for commercial purposes in the waters of Tongue Point and South Channel as defined in section (1) and section (2) of this rule.

(4) Open fishing periods are nightly 7:00 p.m. to 7:00 a.m.:

(a) August 30–September 2, 2005;

(b) September 6–September 9, 2005.

(5) Open fishing periods are nightly from 4:00 p.m. to 8:00 a.m.:

(a) September 12–September 16, 2005;

(b) September 19–September 23, 2005;

(c) September 26–September 30, 2005;

(d) October 3–October 7, 2005;

(e) October 10–October 14, 2005;

(f) October 17–October 21, 2005;

(g) October 24–October 28, 2005.

(6) Gear restrictions are as follows:

(a) In waters described in section (1) as Tongue Point basin, gillnets may not exceed 250 fathoms in length and weight limit on the lead line is not to exceed two pounds on any one fathom. Gear is restricted to gill nets with a 6-inch maximum mesh size. While fishing during the seasons described in this rule, gillnets with lead line in excess of two pounds per fathom may be stored on boats.

(b) In waters described in section (2) as South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. Gear is restricted to gill nets with a 6-inch maximum mesh size. While fishing during the seasons described in this rule, gillnets up to 250 fathoms in length may be stored on boats.

(7) A maximum of three green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (4) and (5), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129, 507.020 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 41-1998(Temp), f. 5-28-98, cert. ef. 5-29-98; DFW 42-1998(Temp), f. 5-29-98, cert. ef. 5-31-98 thru 6-6-98; DFW 45-1998(Temp), f. 6-5-98, cert. ef. 6-6-98 thru 6-10-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998, f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative Correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05

635-042-0180

Deep River Select Area Salmon Season

(1) Salmon and sturgeon may be taken for commercial purposes in those waters of Deep River. The Deep River fishing area includes all waters downstream of the town of Deep River to the mouth defined by a line from U.S. Coast Guard navigation marker #16 southwest to a marker on the Washington shore.

(2) Open fishing periods are nightly 7:00 p.m. to 7:00 a.m.:

(a) August 30–September 2, 2005;

(b) September 6–September 9, 2005.

(3) Open fishing periods are nightly 4:00 p.m. to 8:00 a.m.:

(a) September 12–September 16, 2005;

(b) September 19–September 23, 2005;

(c) September 26–September 30, 2005;

(d) October 3–October 7, 2005;

(e) October 10–October 14, 2005;

ADMINISTRATIVE RULES

- (f) October 17–October 21, 2005;
- (g) October 24–October 28, 2005.

(4) Gill nets may not exceed 100 fathoms in length with no weight limit on the leadline. The attachment of additional weight and anchors directly to the lead line is permitted. Gear is restricted to gill nets with a 6-inch maximum mesh size. Nets are not allowed to be tied off to any stationary structures nor are they allowed to fully cross the navigation channel.

(5) A maximum of three green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (2) and (3), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129, 507.020 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 19-2003(Temp), f. 3-12-03, cert. ef. 4-17-03 thru 6-13-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05

635-042-0190

Steamboat Slough

(1) Salmon and sturgeon may be taken for commercial purposes in those waters of Steamboat Slough. Steamboat Slough includes all waters bounded by markers on Price Island and the Washington shore at both ends of Steamboat Slough.

(2) Open fishing periods are nightly 7:00 p.m. to 7:00 a.m.:

- (a) August 30–September 2, 2005;
- (b) September 6–September 9, 2005;
- (c) September 12–September 16, 2005;
- (d) September 19–September 23, 2005.

(3) Open fishing periods are nightly 6:00 p.m. to 8:00 a.m.:

- (a) September 26–September 30, 2005;
- (b) October 3–October 7, 2005;
- (c) October 10–October 14, 2005;
- (d) October 17–October 21, 2005;
- (e) October 24–October 28, 2005.

(4) Gill nets may not exceed 100 fathoms in length with no weight limit on the leadline. The attachment of additional weight and anchors directly to the lead line is permitted. Gear is restricted to gill nets with a 6-inch maximum mesh size.

(5) A maximum of three green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (2) and (3), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129, 507.020 & 507.030

Hist.: DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05

Adm. Order No.: DFW 117-2005

Filed with Sec. of State: 10-7-2005

Certified to be Effective: 12-1-05

Notice Publication Date: 9-1-05

Rules Adopted: 635-005-0042

Rules Amended: 635-005-0047

Subject: Adopt a new regulation and amend an existing regulation to implement State jurisdiction out to 200 miles in the commercial Dungeness crab fishery and allow crab legally taken in the Pacific Ocean and Columbia River to be landed in Oregon with a valid Oregon permit.

Rules Coordinator: Tina Edwards—(503) 947-6035

635-005-0042

Areas

Oregon Dungeness crab permits are valid only in Oregon state waters and the Pacific Ocean in federal waters south of an east-west line extending 200 nautical miles westward at 46° 15' 00" N. Lat. (Oregon/Washington border).

Stat. Auth.: ORS 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.129

Hist.: DFW 117-2005, f. 10-7-05, cert. ef. 12-1-05

635-005-0047

Possession and Landing Limits

(1) It is *unlawful*, from the second Monday in June through August 14, for any permitted ocean Dungeness crab vessel to take, land or possess more than 1200 pounds of Dungeness crab per week from the Pacific Ocean and Columbia River.

(2) Landing Dungeness crab legally taken from the Pacific Ocean and Columbia River is allowed in Oregon with a valid Oregon Dungeness crab permit.

(3) Commercial fishers must retain copies of fish landing receipts for a minimum of 90 days on board vessels landing Dungeness crab under the cumulative catch limit described in section (1) of this rule. The receipts must be available for inspection by authorized enforcement officials and by employees of Oregon Department of Fish and Wildlife (ODFW). Legal landing receipts are defined in section (4).

(4) For purposes of this rule, the following definitions apply:

(a) "Landing" and "Land" means to begin transfer of Dungeness crab from a fishing vessel. Once transfer begins, all Dungeness crab aboard the vessel are counted as part of the landing;

(b) "Landing receipt" means either an ODFW-issued Fish Receiving Ticket or a fish dealer dock ticket identified with a fish dealer's logo or letterhead and that must include the following:

(A) Fish dealer's name and dealer license number;

(B) Date of receipt of the Dungeness crab;

(C) Name of fisher from whom the Dungeness crab were purchased;

(D) Vessel name, vessel license number, and the federal document or State Marine Board number of the vessel from which catch was made;

(E) Port name of landing;

(F) Fishing gear used by the fisher;

(G) Gross pounds of Dungeness crab received and price paid per pound; and

(H) Signature of both the fisher making the landing and the individual preparing the dock ticket.

(c) "Week" means the period beginning 12:01 a.m. local time Monday through 12 midnight Sunday.

Stat. Auth.: ORS 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.129

Hist.: DFW 40-1999, f. & cert. ef. 5-26-99; DFW 117-2005, f. 10-7-05, cert. ef. 12-1-05

Adm. Order No.: DFW 118-2005(Temp)

Filed with Sec. of State: 10-10-2005

Certified to be Effective: 10-10-05 thru 12-31-05

Notice Publication Date:

Rules Amended: 635-006-0215

Subject: Amend rule to include the Spot Prawn weight conversion factor.

Rules Coordinator: Tina Edwards—(503) 947-6035

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.

ADMINISTRATIVE RULES

- (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

(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

(J) Spot prawn, tails — 2.24

(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 Oregon Department of Fish and Wildlife 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 & 508.550

Stats. Implemented: ORS 506.129, 508.535 & 508.550

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FC 274(74-6), f. 3-20-74, ef. 4-11-74; FWC 28, f. 11-28-75, ef. 1-1-76, Renumbered from 625-040-0140; FWC 48-1978, f. & ef. 9-27-78, Renumbered from 635-036-0585; FWC 17-1981(Temp), f. & ef. 5-22-81; FWC 25-1981(Temp), f. 7-8-81, ef. 7-15-81; FWC 27-1981, f. & ef. 8-14-81; FWC 1-1986, f. & ef. 1-10-86; FWC 4-1987, f. & ef. 2-6-87; FWC 99-1987, f. & ef. 11-17-87; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 22-1992(Temp), f. 4-10-92, cert. ef. 4-13-92, FWC 53-1992, f. 7-17-92, cert. ef. 7-20-92; FWC 5-1993, f. 1-22-93, cert. ef. 1-25-93; DFW 38-1999, f. & cert. ef. 5-24-99; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 118-2005(Temp), f. & cert. ef. 10-10-05 thru 12-31-05

.....

Adm. Order No.: DFW 119-2005(Temp)

Filed with Sec. of State: 10-10-2005

Certified to be Effective: 10-11-05 thru 12-31-05

Notice Publication Date:

Rules Amended: 635-004-0033

Rules Suspended: 635-004-0033(T)

Subject: Amend rule to increase the commercial two-month cumulative catch limit for nearshore rockfish other than black rockfish or blue rockfish from 325 lbs to 400 lbs.

Rules Coordinator: Tina Edwards—(503) 947-6035

635-004-0033

Groundfish Restrictions

(1) The season for most species of ocean food fish is open year-round, until catch quotas are met (where applicable). Regulations for the following species or species groups of ocean food fish change throughout the season and the Oregon Administrative Rules and federal regulations should be consulted before fishing:

(a) Minor Nearshore Rockfish;

(b) Minor Shelf Rockfish (excluding tiger rockfish and vermilion rockfish);

(c) Minor Slope Rockfish;

(d) Black Rockfish;

(e) Blue Rockfish;

(f) Cabezon;

(g) Canary Rockfish;

(h) Greenling;

(i) Tiger Rockfish;

(j) Vermilion Rockfish;

(k) Widow Rockfish;

(l) Yelloweye Rockfish;

(m) Yellowtail Rockfish;

(n) Darkblotched Rockfish;

(o) Pacific Ocean Perch;

(p) Longspine Thornyhead;

(q) Shortspine Thornyhead;

(r) Arrowtooth Flounder;

(s) Dover Sole;

(t) Petrale Sole;

(u) Rex Sole;

(v) Other Flatfish;

(w) Lingcod;

(x) Sablefish;

(y) Pacific Whiting.

(2) For the purpose of this rule a "harvest cap" is defined as the total catch for a given species, or species group, that may be taken in a single calendar year. For 2005, the commercial harvest caps are:

(a) Black rockfish and blue rockfish combined of 108.7 metric tons, of which no more than 104.8 metric tons may be black rockfish.

(b) Other nearshore rockfish, 12.0 metric tons.

(c) Cabezon, 31.3 metric tons.

(d) Greenling, 23.4 metric tons.

(3) For Oregon the following commercial limits apply for 2005:

(a) No vessel may land more than 2,000 pounds of cabezon or 175 pounds of greenling during any cumulative catch period described in subsection 635-004-0033(4);

(b) No vessel may land more than 400 pounds of nearshore rockfish species other than black rockfish or blue rockfish during any cumulative catch period described in subsection 635-004-0033(4);

(c) No vessel may land more than 1,000 pounds of nearshore rockfish for commercial purposes during cumulative catch periods January 1–February 28 or March 1–April 30;

(d) No vessel may land more than 1,500 pounds of nearshore rockfish for commercial purposes during the cumulative catch period May 1–June 30;

(e) No vessel may land more than 700 pounds, in the aggregate, of black or blue rockfish for commercial purposes during the cumulative catch period July 1–August 31;

(f) No vessel may land more than 700 pounds of nearshore rockfish for commercial purposes during cumulative catch period September 1–October 31; and

(g) No vessel may land more than 500 pounds of nearshore rockfish for commercial purposes during cumulative catch period November 1–December 31.

(4) The cumulative catch periods are: January 1–February 28 (29); March 1–April 30; May 1–June 30; July 1–August 31; September 1–October 31; and November 1–December 31.

Stat. Auth.: ORS 506.109 & 506.119

Stats. Implemented: ORS 506.129

Hist.: FWC 73-1982(Temp), f. & ef. 10-27-82; FWC 1-1983 (Temp), f. & ef. 1-6-83; FWC 10-1983, f. & ef. 3-1-83; FWC 23-1983(Temp), f. & ef. 6-14-83; FWC 41-1983(Temp), f. & ef. 9-6-83; FWC 3-1984 f. & ef. 1-26-84; FWC 18-1984 (Temp), f. 5-4-84, ef. 5-6-84; FWC 36-1984(Temp), f. 7-31-84, ef. 8-1-84; FWC 1-1985(Temp), f. & ef. 1-4-85; FWC 5-1985, f.

ADMINISTRATIVE RULES

99, cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000, f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05

635-042-0060

Late Fall Salmon Season

(1) Salmon and sturgeon may be taken by gill nets for commercial purpose from the Columbia River in the following areas and during the open fishing periods as identified.

(2) In Zones 1-3, from the mouth upstream to the Longview Bridge, the open fishing periods are:

- (a) 6:00 a.m. to 6:00 p.m., September 19, 2005.
- (b) 6:00 a.m. to 6:00 p.m., September 20, 2005.
- (c) 6:00 a.m. to 6:00 p.m., September 22, 2005.

(A) The Elokomin-A and Abernathy sanctuaries are in effect.

(B) During the open fishing periods identified in (2)(a) and (2)(b) gear is restricted to unslackened floater gill nets with a 6-inch maximum mesh size. During the fishing period identified in (2)(c) gear is restricted to gill nets with a 9-3/4 maximum mesh size.

(3) In Zones 1-3, from the mouth upstream to the Kalama River, the open fishing periods are:

- (a) 6:00 a.m. to 6:00 p.m., September 26, 2005.
- (b) 6:00 a.m. to 6:00 p.m., September 28, 2005

(A) The Elokomin-A, Abernathy, Cowlitz and Kalama-A sanctuaries are in effect.

(B) During the open fishing periods identified in (3)(a) and (3)(b) gear is restricted to either unslackened floater gill nets with a 6-inch maximum mesh size or to gill nets with a 9-inch minimum to 9-3/4 maximum mesh size.

(4) In Zones 3-5, from the Longview Bridge upstream to Beacon Rock, the open fishing periods are:

- (a) 8:00 p.m. September 19, 2005 to 1:00 a.m. September 20, 2005.
- (b) 8:00 p.m. September 20, 2005 to 1:00 a.m. September 21, 2005.
- (c) 8:00 p.m. September 22, 2005 to 1:00 a.m. September 23, 2005.

(A) The Cowlitz, Kalama-A, Lewis-A, Sandy and Washougal river sanctuaries are in effect.

(B) During the open fishing periods identified in (4)(a) thru (4)(c) gear is restricted to gill nets with an 8-inch minimum mesh size and a 9-3/4 maximum mesh size.

(5) In Zones 3-5, from the Kalama River upstream to Beacon Rock, the open fishing periods are:

- (a) 8:00 p.m. September 26, 2005 to 1:00 a.m. September 27, 2005.
- (b) 8:00 p.m. September 28, 2005 to 6:00 a.m. September 29, 2005.

(A) The Kalama-A, Lewis-A, Sandy and Washougal river sanctuaries are in effect.

(B) During the open fishing periods identified in (5)(a) and (5)(b) gear is restricted to gill nets with an 8-inch minimum mesh size and a 9-3/4 maximum mesh size.

(6) In Zones 1-5 from the mouth upstream to Beacon Rock, the open fishing periods are:

- (a) 2:00 p.m. October 5, 2005 to 6:00 a.m. October 6, 2005.
- (b) 7:00 p.m. October 6, 2005 to 5:00 a.m. October 7, 2005.
- (c) 7:00 a.m. October 11, 2005 to 7:00 a.m. October 12, 2005
- (d) 7:00 a.m. October 13, 2005 to 7:00 a.m. October 14, 2005.

(A) The Elokomin-A, Abernathy, Cowlitz, Kalama-A, Lewis-A, Sandy and Washougal river sanctuaries are in effect.

(B) During the open fishing period identified in (6)(a) gear is restricted to gill nets with a 9-3/4-inch maximum mesh size. There is no minimum mesh size.

(C) During the open fishing period identified in (6)(b) gear is restricted to gill nets with an 8-inch minimum mesh size and a 9-3/4 maximum mesh size.

(D) During the open fishing periods identified in (6)(c) and (6)(d) gear is restricted to gill nets with a 9-inch minimum mesh size.

(7) A maximum of ten green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open. During the fishing periods identified above the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 40-1979, f. & ef. 9-10-79; FWC 45-1979(Temp), f. & ef. 9-21-79; FWC 52-1979(Temp), f. & ef. 11-2-79; FWC 48-1980(Temp), f. & ef. 9-19-80; FWC 51-1980(Temp), f. & ef. 9-22-80; FWC 55-1980(Temp), f. & ef. 9-26-80; FWC 56-1980(Temp), f. & ef. 9-29-80; FWC 58-1980(Temp), f. & ef. 10-17-80; FWC 37-1981(Temp), f. & ef. 9-24-81; FWC 38-1981(Temp), f. & ef. 9-29-81; FWC 69-1982(Temp), f. & ef. 9-30-82; FWC 72-1982(Temp), f. & ef. 10-20-82; FWC 56-1983(Temp), f. & ef. 10-5-83; FWC 54-1984(Temp), f. & ef. 9-10-84; FWC 59-1984(Temp), f. & ef. 9-18-84; FWC 66-1984(Temp), f. & ef. 9-26-84; FWC 68-1984(Temp), f. & ef. 10-2-84; FWC 58-1985(Temp), f. & ef. 9-13-85; FWC 62-1985 (Temp), f. & ef. 9-24-85; FWC 66-1985(Temp), f. & ef. 10-11-85; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 64-1986 (Temp), f. & ef. 10-3-86; FWC 67-1986(Temp), f. & ef. 10-17-86; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987 (Temp), f. & ef. 9-11-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 91-1987(Temp), f. & 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. 10-21-88, cert. ef. 10-24-88; FWC 94-1989(Temp), f. 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. 11-1-91, cert. ef. 11-3-91; FWC 97-1992(Temp), f. & cert. ef. 9-22-92; FWC 100-1992(Temp), f. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 109-1992(Temp), f. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp), f. & cert. ef. 10-22-92; FWC 80-1995(Temp), f. 9-27-95, cert. ef. 10-9-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 58-1996(Temp), f. 9-27-96, cert. ef. 9-30-96; FWC 60-1996(Temp), f. & cert. ef. 10-7-96; FWC 62(Temp), f. 10-18-96, cert. ef. 10-21-96; FWC 61-1997(Temp), f. 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. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 83-1999(Temp), f. 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. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 68-2000(Temp), f. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp), f. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; DFW 74-2000(Temp), f. 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. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; DFW 98-2001(Temp), f. 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. 10-10-02, cert. ef. 10-14-02 thru 12-31-02; DFW 122-2002(Temp), f. 10-24-02, cert. ef. 10-28-02 thru 12-31-02; DFW 92-2003(Temp), f. 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. 9-22-03, cert. ef. 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; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 98-2004(Temp), f. & cert. ef. 9-22-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 101-2004(Temp), f. & cert. ef. 9-29-04 thru 12-31-04; DFW 102-2004(Temp), f. 10-1-04, cert. ef. 10-4-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05

635-042-0145

Youngs Bay Salmon Season

(1) Salmon and sturgeon may be taken for commercial purposes in those waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at Battle Creek Slough; except for those waters which are closed southerly of the alternate Highway 101 Bridge (Lewis and Clark River).

(2) Open fishing periods are:

- (a) 6:00 a.m. August 3 to 6:00 p.m. August 4, 2005;
- (b) 6:00 a.m. August 10 to 6:00 p.m. August 11, 2005;
- (c) 6:00 a.m. August 17 to 12:00 Noon August 18, 2005;
- (d) 6:00 a.m. August 24 to 12:00 Noon August 25, 2005;
- (e) 6:00 a.m. August 30 to 6:00 a.m. September 2, 2005;
- (f) 12:00 Noon September 6 to 12:00 Noon October 31, 2005;

(3) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight on the leadline may not exceed two pounds per any fathom. Gear is restricted to an 8-inch maximum mesh size from August 3 through August 25, 2005. After which, gear is restricted to a 6-inch maximum mesh size from August 30 through October 31, 2005.

(4) A maximum of ten green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday

ADMINISTRATIVE RULES

through Saturday) that the fishery is open. During the fishing periods identified in (2), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 32-1979, f. & cert. 8-22-79; FWC 28-1980, f. & cert. 6-23-80; FWC 42-1980(Temp), f. & cert. 8-22-80; FWC 30-1981, f. & cert. 8-14-81; FWC 42-1981(Temp), f. & cert. 11-5-81; FWC 54-1982, f. & cert. 8-17-82; FWC 37-1983, f. & cert. 8-18-83; FWC 61-1983(Temp), f. & cert. 10-19-83; FWC 42-1984, f. & cert. 8-20-84; FWC 39-1985, f. & cert. 8-15-85; FWC 37-1986, f. & cert. 8-11-86; FWC 72-1986(Temp), f. & cert. 10-31-86; FWC 64-1987, f. & cert. 8-7-87; FWC 73-1988, f. & cert. 8-19-88; FWC 55-1989(Temp), f. 8-7-89, cert. 8-20-89; FWC 82-1990(Temp), f. 8-14-90, cert. 8-19-90; FWC 86-1991, f. 8-7-91, cert. 8-18-91; FWC 123-1991(Temp), f. & cert. 10-21-91; FWC 30-1992(Temp), f. & cert. 4-27-92; FWC 35-1992(Temp), f. 5-22-92, cert. 5-25-92; FWC 74-1992 (Temp), f. 8-10-92, cert. 8-16-92; FWC 28-1993(Temp), f. & cert. 4-26-93; FWC 48-1993, f. 8-6-93, cert. 8-9-93; FWC 21-1994(Temp), f. 4-22-94, cert. 4-25-94; FWC 51-1994, f. 8-19-94, cert. 8-22-94; FWC 64-1994(Temp), f. 9-14-94, cert. 9-15-94; FWC 66-1994(Temp), f. & cert. 9-20-94; FWC 27-1995, f. 3-29-95, cert. 4-1-95; FWC 48-1995(Temp), f. & cert. 6-5-95; FWC 66-1995, f. 8-22-95, cert. 8-27-95; FWC 69-1995, f. 8-25-95, cert. 8-27-95; FWC 8-1995, f. 2-28-96, cert. 3-1-96; FWC 37-1996(Temp), f. 6-11-96, cert. 6-12-96; FWC 41-1996, f. & cert. 8-12-96; FWC 45-1996(Temp), f. 8-16-96, cert. 8-19-96; FWC 54-1996(Temp), f. & cert. 9-23-96; FWC 4-1997, f. & cert. 1-30-97; FWC 47-1997, f. & cert. 8-15-97; FWC 8-1998(Temp), f. & cert. 2-5-98 thru 2-28-98; FWC 14-1998, f. & cert. 3-3-98; FWC 18-1998(Temp), f. 3-9-98, cert. 3-11-98 thru 3-31-98; FWC 60-1998(Temp), f. & cert. 8-7-98 thru 8-21-98; FWC 67-1998, f. & cert. 8-24-98; FWC 10-1999, f. & cert. 2-26-99; FWC 52-1999(Temp), f. & cert. 8-2-99 thru 8-6-99; FWC 55-1999, f. & cert. 8-12-99; FWC 9-2000, f. & cert. 2-25-00; FWC 42-2000, f. & cert. 8-3-00; FWC 3-2001, f. & cert. 2-6-01; FWC 66-2001(Temp), f. 8-2-01, cert. 8-6-01 thru 8-14-01; FWC 76-2001(Temp), f. & cert. 8-20-01 thru 10-31-01; FWC 106-2001(Temp), f. & cert. 10-26-01 thru 12-31-01; FWC 15-2002(Temp), f. & cert. 2-20-02 thru 8-18-02; FWC 82-2002(Temp), f. 8-5-02, cert. 8-7-02 thru 9-1-02; FWC 96-2002(Temp), f. & cert. 8-26-02 thru 12-31-02; FWC 12-2003, f. & cert. 2-14-03; FWC 17-2003(Temp), f. 2-27-03, cert. 3-1-03 thru 8-1-03; FWC 32-2003(Temp), f. & cert. 4-23-03 thru 8-1-03; FWC 34-2003(Temp), f. & cert. 4-24-03 thru 10-1-03; FWC 36-2003(Temp), f. 4-30-03, cert. 5-1-03 thru 10-1-03; FWC 37-2003(Temp), f. & cert. 5-7-03 thru 10-1-03; FWC 75-2003(Temp), f. & cert. 8-1-03 thru 12-31-03; FWC 89-2003(Temp), f. 9-8-03, cert. 9-9-03 thru 12-31-03; FWC 11-2004, f. & cert. 2-13-04; FWC 19-2004(Temp), f. & cert. 9-9-03 thru 3-31-04; FWC 22-2004(Temp), f. & cert. 3-18-04 thru 3-31-04; FWC 28-2004(Temp), f. 4-8-04 cert. 4-12-04 thru 4-15-04; FWC 39-2004(Temp), f. 5-5-04, cert. 5-6-04 thru 7-31-04; FWC 44-2004(Temp), f. 5-17-04, cert. 5-20-04 thru 7-31-04; FWC 79-2004(Temp), f. 4-8-04 cert. 4-12-04 thru 12-31-04; FWC 109-2004(Temp), f. & cert. 10-19-04 thru 12-31-04; FWC 6-2005, f. & cert. 4-20-05; FWC 15-2005(Temp), f. & cert. 3-10-05 thru 7-31-05; FWC 18-2005(Temp), f. & cert. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; FWC 27-2005(Temp), f. & cert. 4-20-05 thru 6-15-05; FWC 28-2005(Temp), f. & cert. 4-28-05 thru 6-16-05; FWC 37-2005(Temp), f. & cert. 5-5-05 thru 10-16-05; FWC 40-2005(Temp), f. & cert. 5-10-05 thru 10-16-05; FWC 46-2005(Temp), f. 5-17-05, cert. 5-18-05 thru 10-16-05; FWC 73-2005(Temp), f. 7-8-05, cert. 7-11-05 thru 7-31-05; FWC 77-2005(Temp), f. 7-14-05, cert. 7-18-05 thru 7-31-05; FWC 85-2005(Temp), f. 8-1-05, cert. 8-3-05 thru 12-31-05; FWC 109-2005(Temp), f. & cert. 9-19-05 thru 12-31-05; FWC 110-2005(Temp), f. & cert. 9-26-05 thru 12-31-05; FWC 116-2005(Temp), f. 10-4-05, cert. 10-5-05 thru 12-31-05; FWC 120-2005(Temp), f. & cert. 10-11-05 thru 12-31-05

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon and sturgeon may be taken for commercial purposes in those waters of Blind Slough and Knappa Slough.

(a) The Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately one-half mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough.

(b) Knappa Slough fishing area includes all waters bounded by a line from the north marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the western end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure encompassing a 100-foot radius at the mouth of Big Creek is defined by markers.

(2) Open fishing periods are nightly 7:00 p.m. to 7:00 a.m.:

(a) August 30 – September 2, 2005;

(b) September 6 – September 9, 2005;

(c) September 12 – September 16, 2005;

(d) September 19 – September 23, 2005.

(3) Open fishing periods are nightly 6:00 p.m. to 8:00 a.m.:

(a) September 26 – September 30, 2005;

(b) October 3 – October 7, 2005;

(c) October 10 – October 14, 2005;

(d) October 17 – October 21, 2005;

(e) October 24 – October 28, 2005.

(4) Gill nets may not exceed 100 fathoms in length with no weight limit on the leadline. The attachment of additional weight and anchors directly to the lead line is permitted. Gear is restricted to gill nets with a 6-inch maximum mesh size.

(5) A maximum of ten green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods iden-

tified in (2) and (3), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129, 507.020 & 507.030

Hist.: FWC 46-1996, f. & cert. 8-23-96; FWC 48-1997, f. & cert. 8-25-97; FWC 15-1998, f. & cert. 3-3-98; FWC 67-1998, f. & cert. 8-24-98; FWC 86-1998(Temp), f. & cert. 10-28-98 thru 10-30-98; FWC 10-1999, f. & cert. 2-26-99; FWC 48-1999(Temp), f. & cert. 6-24-99 thru 7-2-99; FWC 55-1999, f. & cert. 8-12-99; FWC 9-2000, f. & cert. 2-25-00; FWC 42-2000, f. & cert. 8-3-00; FWC 65-2000(Temp), f. 9-22-00, cert. 9-25-00 thru 12-31-00; FWC 3-2001, f. & cert. 2-6-01; FWC 84-2001(Temp), f. & cert. 8-29-01 thru 12-31-01; FWC 86-2001, f. & cert. 9-4-01 thru 12-31-01; FWC 89-2001(Temp), f. & cert. 9-14-01 thru 12-31-01; FWC 106-2001(Temp), f. & cert. 10-26-01 thru 12-31-01; FWC 14-2002(Temp), f. 2-13-02, cert. 2-18-02 thru 8-17-02; FWC 96-2002(Temp), f. & cert. 8-26-02 thru 12-31-02; FWC 12-2003, f. & cert. 2-14-03; FWC 34-2003(Temp), f. & cert. 4-24-03 thru 10-1-03; FWC 36-2003(Temp), f. 4-30-03, cert. 5-1-03 thru 10-1-03; FWC 75-2003(Temp), f. & cert. 8-1-03 thru 12-31-03; FWC 89-2003(Temp), f. 9-8-03, cert. 9-9-03 thru 12-31-03; FWC 11-2004, f. & cert. 2-13-04; FWC 19-2004(Temp), f. & cert. 3-12-04 thru 3-31-04; FWC 22-2004(Temp), f. & cert. 3-18-04 thru 3-31-04; FWC 28-2004(Temp), f. 4-8-04 cert. 4-12-04 thru 4-15-04; FWC 39-2004(Temp), f. 5-5-04, cert. 5-6-04 thru 7-31-04; FWC 44-2004(Temp), f. 5-17-04, cert. 5-20-04 thru 7-31-04; FWC 79-2004(Temp), f. 4-8-04 cert. 4-12-04 thru 12-31-04; FWC 95-2004(Temp), f. 9-17-04, cert. 9-19-04 thru 12-31-04; FWC 109-2004(Temp), f. & cert. 10-19-04 thru 12-31-04; FWC 6-2005, f. & cert. 2-14-05; FWC 16-2005(Temp), f. & cert. 3-10-05 thru 7-31-05; FWC 18-2005(Temp), f. & cert. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; FWC 27-2005(Temp), f. & cert. 4-20-05 thru 6-15-05; FWC 27-2005(Temp), f. & cert. 4-20-05 thru 6-15-05; FWC 28-2005(Temp), f. & cert. 4-28-05 thru 6-16-05; FWC 37-2005(Temp), f. & cert. 5-5-05 thru 10-16-05; FWC 40-2005(Temp), f. & cert. 5-10-05 thru 10-16-05; FWC 85-2005(Temp), f. 8-1-05, cert. 8-3-05 thru 12-31-05; FWC 109-2005(Temp), f. & cert. 9-19-05 thru 12-31-05; FWC 110-2005(Temp), f. & cert. 9-26-05 thru 12-31-05; FWC 116-2005(Temp), f. 10-4-05, cert. 10-5-05 thru 12-31-05; FWC 120-2005(Temp), f. & cert. 10-11-05 thru 12-31-05

635-042-0170

Tongue Point Basin and South Channel

(1) Tongue Point fishing area includes waters bounded by a line from a yellow marker midway between the red USCG navigation light #2 at the tip of Tongue Point and the downstream (northern most) pier (#8) at the Tongue Point Job Corps facility, to the flashing green USCG navigation light #3 on the rock jetty at the west end of Mott Island, a line from a marker at the southeast end of Mott Island northeasterly to a marker on the north-west tip of Lois Island and a line from a marker on the southwest end of Lois Island due westerly to a marker on the Oregon shore.

(2) South Channel area includes all waters bounded by a line from a marker on John Day Point through the green USCG buoy #7 to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the flashing red USCG marker #10, northwesterly to a marker on Burnside Island defining the terminus of South Channel.

(3) Salmon and sturgeon may be taken for commercial purposes in the waters of Tongue Point and South Channel as defined in section (1) and section (2) of this rule.

(4) Open fishing periods are nightly 7:00 p.m. to 7:00 a.m.:

(a) August 30 – September 2, 2005;

(b) September 6 – September 9, 2005.

(5) Open fishing periods are nightly from 4:00 p.m. to 8:00 a.m.:

(a) September 12 – September 16, 2005;

(b) September 19 – September 23, 2005;

(c) September 26 – September 30, 2005;

(d) October 3 – October 7, 2005;

(e) October 10 – October 14, 2005;

(f) October 17 – October 21, 2005;

(g) October 24 – October 28, 2005.

(6) Gear restrictions are as follows:

(a) In waters described in section (1) as Tongue Point basin, gillnets may not exceed 250 fathoms in length and weight limit on the lead line is not to exceed two pounds on any one fathom. Gear is restricted to gill nets with a 6-inch maximum mesh size. While fishing during the seasons described in this rule, gillnets with lead line in excess of two pounds per fathom may be stored on boats.

(b) In waters described in section (2) as South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. Gear is restricted to gill nets with a 6-inch maximum mesh size. While fishing during the seasons described in this rule, gillnets up to 250 fathoms in length may be stored on boats.

(7) A maximum of ten green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (4) and (5), the weekly aggregate sturgeon limit applies to posses-

ADMINISTRATIVE RULES

sion and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.129, 507.020 & 507.030
Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 41-1998(Temp), f. 5-28-98, cert. ef. 5-29-98; DFW 42-1998(Temp), f. 5-29-98, cert. ef. 5-31-98 thru 6-6-98; DFW 45-1998(Temp), f. 6-5-98, cert. ef. 6-6-98 thru 6-10-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998, f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative Correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05

635-042-0180

Deep River Select Area Salmon Season

(1) Salmon and sturgeon may be taken for commercial purposes in those waters of Deep River. The Deep River fishing area includes all waters downstream of the town of Deep River to the mouth defined by a line from U.S. Coast Guard navigation marker #16 southwest to a marker on the Washington shore.

(2) Open fishing periods are nightly 7:00 p.m. to 7:00 a.m.:

(a) August 30 – September 2, 2005;

(b) September 6 – September 9, 2005;

(3) Open fishing periods are nightly 4:00 p.m. to 8:00 a.m.:

(a) September 12 – September 16, 2005;

(b) September 19 – September 23, 2005;

(c) September 26 – September 30, 2005;

(d) October 3 – October 7, 2005;

(e) October 10 – October 14, 2005;

(f) October 17 – October 21, 2005;

(g) October 24 – October 28, 2005

(4) Gill nets may not exceed 100 fathoms in length with no weight limit on the headline. The attachment of additional weight and anchors directly to the lead line is permitted. Gear is restricted to gill nets with a 6-inch maximum mesh size. Nets are not allowed to be tied off to any stationary structures nor are they allowed to fully cross the navigation channel.

(5) A maximum of ten green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (2) and (3), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129, 507.020 & 507.030
Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 19-2003(Temp), f. 3-12-03, cert. ef. 4-17-03 thru 6-13-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05

635-042-0190

Steamboat Slough

(1) Salmon and sturgeon may be taken for commercial purposes in those waters of Steamboat Slough. Steamboat Slough includes all waters bounded by markers on Price Island and the Washington shore at both ends of Steamboat Slough.

(2) Open fishing periods are nightly 7:00 p.m. to 7:00 a.m.:

(a) August 30 – September 2, 2005;

(b) September 6 – September 9, 2005;

(c) September 12 – September 16, 2005;

(d) September 19 – September 23, 2005.

(3) Open fishing periods are nightly 6:00 p.m. to 8:00 a.m.:

(a) September 26 – September 30, 2005;

(b) October 3 – October 7, 2005;

(c) October 10 – October 14, 2005;

(d) October 17 – October 21, 2005;

(e) October 24 – October 28, 2005.

(4) Gill nets may not exceed 100 fathoms in length with no weight limit on the headline. The attachment of additional weight and anchors directly to the lead line is permitted. Gear is restricted to gill nets with a 6-inch maximum mesh size.

(5) A maximum of ten green or white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (2) and (3), the weekly aggregate sturgeon limit applies to possession and sales in the Columbia River mainstem fishery, the Youngs Bay fishery and other open Select Area fisheries.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129, 507.020 & 507.030
Hist.: DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05

Adm. Order No.: DFW 121-2005(Temp)

Filed with Sec. of State: 10-12-2005

Certified to be Effective: 10-18-05 thru 12-31-05

Notice Publication Date:

Rules Amended: 635-039-0085, 635-039-0090

Rules Suspended: 635-039-0085(T), 635-039-0090(T)

Subject: Amend rules to prohibit retention of black rockfish in all depths, and prohibit retention of all groundfish and Pacific halibut in the sport ocean boat fishery inside 40 fathoms, including estuaries.

Rules Coordinator: Tina Edwards—(503) 947-6035

635-039-0085

Halibut Seasons

(1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR chapter 635, division 039 incorporates into Oregon Administrative Rules, by reference, modifications or additions to provisions determined by the Commission and to the extent they are consistent with Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996); Volume 70, Number 37, dated February 25, 2005; Federal Regulations, Vol. 70, No. 74, dated April 19, 2005 and the annual Pacific Halibut Fishery Regulations to determine regulations applicable to this fishery.

(2) Effective September 15, 2005, the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) is open seven days per week to the retention of Pacific halibut.

(3) The sport fishery between Cape Falcon and Humbug Mountain is open weekends, Friday through Sunday, effective August 12, 2005, to the retention of Pacific halibut.

(4) Effective October 18, 2005, retention of Pacific halibut is prohibited in the ocean and estuary boat fisheries shoreward of the 40-fathom depth contour, as shown in the 2005 Oregon Ocean Regulations for Salmon, Halibut and Other Marine Fish Species.

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

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119, 506.129

Stats. Implemented: ORS 496.162, 506.129

Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 107-2005(Temp), f. 9-14-05, cert. ef. 9-15-05 thru 10-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05

635-039-0090

Inclusions and Modifications

(1) The 2005 Oregon Sport Fishing Regulations provide requirements for sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as

ADMINISTRATIVE RULES

the Marine Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2005 Oregon Sport Fishing Regulations**.

(2) For the purposes of this rule, a "harvest target" is defined as the Oregon share of the regional recreational harvest guideline for yelloweye rockfish, canary rockfish or lingcod that may be harvested by the Oregon sport fishery in a single calendar year.

(a) The regional recreational harvest guidelines for these species in 2005 are specified in the Pacific Council News, and to the extent they are consistent with these rules, in **Title 50 of the Code of Federal Regulations, Part 300, Subpart E** (61FR35550, July 5, 1996, as amended to incorporate the standards in the Pacific Council News).

(b) Harvest targets for yelloweye rockfish, canary rockfish and lingcod effective at the start of the Oregon sport fishery in 2005 are:

- (A) Yelloweye rockfish, 3.2 metric tons.
- (B) Canary rockfish, 6.8 metric tons.
- (C) Lingcod, 151 metric tons.

(c) Harvest targets for yelloweye rockfish, canary rockfish and lingcod may be revised inseason following consultation with Washington Department of Fish and Wildlife provided that:

(A) Regional recreational harvest guidelines for these species are not projected to be exceeded as a result of any inseason revisions to a harvest target or targets; and

(B) Inseason revisions to the harvest target or targets benefit the Oregon sport fishery.

(3) For the purposes of this rule, the Oregon recreational harvest guideline for widow rockfish is 2.4 metric tons.

(4) For the purposes of this rule a "harvest cap" is defined as the total catch for a given species, or species group, that may be taken in a single calendar year by the ocean boat fishery. For 2005 the sport harvest caps are:

(a) Black rockfish and blue rockfish combined of 372.5 metric tons, of which no more than 332 metric tons may be black rockfish.

- (b) Other nearshore rockfish, 11.4 metric tons.
- (c) Cabezon, 15.8 metric tons.
- (d) Greenling, 5.2 metric tons.
- (5) Effective August 11, 2005, retention of cabezon, as identified in

(4)(c) is prohibited in the ocean and estuary boat fisheries. Angling for and retention of shore-based cabezon is permitted.

(6) Effective October 18, 2005, retention of Marine Fish species as identified in (7)(a) and (7)(b), and retention of sablefish are prohibited in the ocean and estuary boat fisheries shoreward of the 40-fathom depth contour, as shown in the **2005 Oregon Ocean Regulations** for Salmon, Halibut and Other Marine Fish Species. Retention of black rockfish in all depths is prohibited in the ocean and estuary boat fisheries.

(7) In addition to the regulations for Marine Fish in the **2005 Oregon Sport Fishing Regulations**, the following apply for the sport fishery in the Marine Zone in 2005:

(a) Lingcod (including green colored lingcod): 2 fish daily catch limit.

(b) Rockfish ("sea bass", "snapper"), greenling ("sea trout"), flounder (excluding Pacific halibut), sole, cabezon and other marine fish species not listed in the **2005 Sport Fishing Regulations** in the Marine Zone, located under the category of Species Name, Marine Fish: 5 fish daily catch limit in aggregate (total sum or number). Retention of yelloweye rockfish and canary rockfish is prohibited.

(c) When allowed by federal groundfish regulations, retention of all marine fish, except sablefish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species, is prohibited when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut in the central coast fishery between Cape Falcon and Humberg Mountain. Persons must also consult the **Pacific Council Decisions; Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996)**; and the annual **Pacific Halibut Fishery Regulations** as published by IPHC to determine all rules applicable to the taking of halibut.

(d) When allowed by federal groundfish regulations, landing of all marine fish, except sablefish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species, is prohibited when Pacific halibut is retained on the vessel during open days for the Columbia River sport fishery for Pacific halibut north of Cape Falcon. Persons must also consult the **Pacific Council Decisions; Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996)**; and the annual **Pacific Halibut Fishery Regulations** as published by IPHC to determine all rules applicable to the taking of halibut.

(e) Harvest methods and other specifications for marine fish in subsections (7)(a) and (b) including the following:

- (A) Minimum length for lingcod, 24 inches.
- (B) Minimum length for cabezon, 16 inches.
- (C) Minimum length for greenling, 10 inches.
- (D) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.

(E) Mutilating the fish so the size or species cannot be determined prior to landing or transporting mutilated fish across state waters is prohibited.

(e) Sport fisheries for species in subsections (7)(a) and (b) are open January 1 through December 31, 24 hours per day, except that ocean waters are closed for these species during June 1 through September 30, outside of the 40-fathom curve (defined by latitude and longitude) as shown on **Title 50 Code of Federal Regulations Part 660 Section 391 subsection (h)**.

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

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

Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 22-1994, f. 4-29-94, cert. ef. 5-2-94; FWC 29-1994(Temp), f. 5-20-94, cert. ef. 5-21-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 43-1994(Temp), f. & cert. ef. 7-19-94; FWC 83-1994(Temp), f. 10-28-94, cert. ef. 11-1-94; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 25-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 26-1995, 3-29-95, cert. ef. 4-2-95; FWC 36-1995, f. 5-3-95, cert. ef. 5-5-95; FWC 43-1995(Temp), f. 5-26-95, cert. ef. 5-28-95; FWC 46-1995(Temp), f. & cert. ef. 6-2-95; FWC 58-1995(Temp), f. 7-3-95, cert. ef. 7-5-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 28-1996(Temp), f. 5-24-96, cert. ef. 5-26-96; FWC 30-1996(Temp), f. 5-31-96, cert. ef. 6-2-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 68-1999(Temp), f. & cert. ef. 9-17-99 thru 9-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 114-2003(Temp), f. 11-18-03, cert. ef. 11-21-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04; DFW 83-2004(Temp), f. 8-17-04, cert. ef. 8-18-04 thru 12-31-04; DFW 91-2004(Temp), f. 8-31-04, cert. ef. 9-2-04 thru 12-31-04; DFW 97-2004(Temp), f. 9-22-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 34-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 75-2005(Temp), f. 7-13-05, cert. ef. 7-16-05 thru 12-31-05; DFW 87-2005(Temp), f. 8-8-05, cert. ef. 8-11-05 thru 12-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05

Department of Human Services, Child Welfare Programs Chapter 413

Adm. Order No.: CWP 14-2005(Temp)

Filed with Sec. of State: 9-30-2005

Certified to be Effective: 9-30-05 thru 3-1-06

Notice Publication Date:

Rules Amended: 413-015-0505

Rules Suspended: 413-015-0505(T)

Subject: This Child Safety Assessment and Safety Planning rule is being amended to correct a spelling error and delete text to clarify the original intent of the Temporary rule that was filed effective September 15, 2005.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-015-0505

Initial Safety Assessments and Time Frames

(1) To complete a safety assessment, the CPS worker must:

(a) Make efforts to contact the child at home, school, day care, or any other place the worker believes the child may be found. If the worker is unsuccessful, the worker must document in the assessment activities section of the GAP all attempts made to contact the child and the dates of those attempted contacts.

(b) Have face-to-face contact with the child who is the subject of the referral.

(c) Have face-to-face contact with the primary parent or caregiver. If it is not possible to make contact, document why contact was not made.

(d) Determine if other children in the home are safe.

(e) Utilize the GAP and interviewing guidelines set out in OAR 413-015-0700 to 413-015-0740 to:

(A) Identify safety threats;

(B) Assess risk influences; and

(C) Assess parents' or caregivers' protective capacity.

(2) Except as provided in section (3) of this rule, the CPS worker must complete a safety assessment within the following time lines:

(a) **Immediate Response:** The CPS worker must complete a safety assessment within 24 hours of the time the report alleging child abuse is received by the Department.

(b) **Response Required:** The CPS worker must make a face-to-face contact with the child within five days of the day the report alleging child

ADMINISTRATIVE RULES

abuse is received by the Department and must complete the safety assessment without undue delay after that face-to-face contact.

(3) Exceptions:

(a) Any exception to the time lines given in section (2) of this rule requires CPS supervisor approval, written justification, and an explanation of how the child's safety needs have been considered.

(b) If the screener was granted an extension to complete the screening process, the CPS supervisor may adjust the safety assessment time lines as follows:

(A) **Immediate Response:** The CPS worker must complete a safety assessment within 24 hours of the end date of the last screening extension or the date the CPS assessment was assigned, whichever is earlier.

(B) **Response Required:** The CPS worker must complete a safety assessment within five days of the end date of the last screening extension or the date the CPS assessment was assigned, whichever is earlier.

(4) Documentation requirements. The CPS worker must document, using the GAP:

(a) The initial safety assessment within five working days following face-to-face contact with a child; and

(b) The initial safety plan within the CPS assessment time frames (see OAR 413-015-0400(5)).

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 14-2004, f. 7-30-04, cert. ef. 8-1-04; CWP 17-2004, f. & cert. ef. 11-1-04; CWP 4-2005, f. & cert. ef. 2-1-05; CWP 13-2005(Temp), f. & cert. ef. 9-15-05 thru 3-1-06; CWP 14-2005(Temp), f. & cert. ef. 9-30-05 thru 3-1-06

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

Adm. Order No.: OMAP 50-2005

Filed with Sec. of State: 9-30-2005

Certified to be Effective: 10-1-05

Notice Publication Date: 9-1-05

Rules Amended: 410-125-0080, 410-130-0200, 410-130-0680

Subject: The Hospital Services and Medical-Surgical Services program rules govern payment for the Office of Medical Assistance Programs' (OMAP) payments for services provided to certain clients. OMAP permanently amended the following OARs: 410-125-0080 to update the prior authorization codes and to add Prior Notification (PN) requirements; 410-130-0200 to change the title to Prior Authorization/Prior Notification, state that MRIs, MRAs, CTs, CTAs and SPECT scans require PN before these tests are performed and to add a table of the codes requiring PN; 410-130-0680 to list the test requiring PN and reference the PN table in 410-130-0200.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-125-0080

Prior Authorization/Prior Notification

(1) Elective (Not Urgent or Emergent) Admission:

(a) Fully Capitated Health Plan (FCHP) and Mental Health Organization (MHO) Clients — contact the client's MHO or FCHP (phone number is on the client's Medical Care Identification). The health plan may have different prior authorization requirements than the Office of Medical Assistance Programs (OMAP);

(b) Medicare Clients — OMAP does not require prior authorization for inpatient services provided to clients with Medicare Part A or B coverage;

(c) For OMAP clients covered by the Oregon Health Plan (OHP) Plus Benefit Package:

(A) Hospital admissions for any of the medical and surgical procedures shown in Table 125-0080-1 require prior authorization, unless they are urgent or emergent;

(B) For prior authorization contact the OMAP contracted Quality Improvement Organization (QIO) unless otherwise indicated in Table 125-0080-1.

(d) OMAP clients covered by the OHP Standard Benefit Package have a limited hospital benefit package. Specific coverage and prior authorization requirements are listed in OMAP's Hospital Services Supplemental Information or at OMAP website <http://www.dhs.state.or.us/healthplan/guides/hospital> (referenced in OAR 410-125-0047).

(2) Transplant services:

(a) Complete rules for transplant services are in OMAP's Transplant Services rules (OAR 410 division 124);

(b) Clients are eligible for transplants covered by the Health Services Commission's Prioritized List of Health Services. See the Transplant Services rules for criteria. For clients enrolled in a FCHP, contact the plan for authorization. Clients not enrolled in an FCHP, contact the OMAP Medical Director's office.

(3) Out-of-State non-contiguous hospitals:

(a) All non-emergent/non-urgent services provided by hospitals more than 75 miles from the Oregon border require prior authorization;

(b) Contact the OMAP Medical Director's office for authorization for clients not enrolled in a Prepaid Health Plan (PHP). For clients enrolled in a PHP, contact the plan.

(4) Out-of-state contiguous hospitals: services provided by contiguous-area hospitals, less than 75 miles from the Oregon border, are prior authorized following the same rules and procedures as in-state providers.

(5) Transfers to another hospital:

(a) Transfers for the purpose of providing a service listed in Table 125-0080-1, e.g., inpatient physical rehabilitation care, require prior authorization — contact OMAP contracted QIO;

(b) Transfers to a skilled nursing facility, intermediate care facility or swing bed — contact Seniors and People with Disabilities (SPD). SPD reimburses nursing facilities and swing beds through contracts with the facilities. For FCHP clients — transfers require authorization and payment (for first 20 days) from the FCHP;

(c) Transfers to the same or lesser level of inpatient care — OMAP will cover transfers, including back transfers, which are primarily for the purpose of locating the patient closer to home and family, when the transfer is expected to result in significant social/psychological benefit to the patient. The assessment of significant benefit shall be based on the amount of continued care the patient is expected to need (at least seven days) and the extent to which the transfer locates the patient closer to familial support. Transfers not meeting these guidelines may be denied on the basis of post-payment review;

(d) Exceptions:

(A) Emergency transfers do not require prior authorization;

(B) In state or contiguous non-emergency transfers for the purpose of providing care which is unavailable in the transferring hospital do not require prior authorization unless, the planned service is listed in Table 125-0080-1 of this rule;

(C) All non-urgent transfers to out-of-state non-contiguous hospitals require prior authorization.

(6) Dental procedures provided in a hospital setting:

(a) OMAP will reimburse for hospital services when covered dental services are provided in a hospital setting for clients not enrolled in a FCHP, when a hospital setting is medically appropriate. For prior authorization, contact the OMAP Dental Services Program coordinator;

(b) For clients enrolled in a FCHP, contact the client's FCHP;

(c) Emergency dental services do not require prior authorization.

(7) Prior notification is required for the following radiology tests: MRI, MRA, CT, CTA, and SPECT scans:

(a) Providers ordering these procedures must submit a prior notification form to OMAP prior to the performance of the tests;

(b) Refer to OAR 410-130-0200, Table 130-0200-2 for radiology test codes requiring prior notification;

(c) Refer to the Medical-Surgical Supplemental Information guide for instructions and forms.

(8) Prior notification is not required when these tests are performed during an emergency department visit or an inpatient stay.

Table 125-0080-1

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

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

Hist.: AFS 14-1980, f. 3-27-80, ef. 4-1-80; AFS 30-1982, f. 4-26-82 & AFS 51-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the AFS branch offices located in North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 11-1983, f. 3-8-83, & ef. 4-1-83; AFS 37-1983(Temp), f. & ef. 7-15-83; AFS 1-1984, f. & ef. 1-9-84; AFS 6-1984(Temp), f. 2-28-84, ef. 3-1-84; AFS 36-1984, f. & ef. 8-20-84; AFS 22-1985, f. 4-23-85, ef. 6-1-85; AFS 38-1986, f. 4-29-86, ef. 6-1-86; AFS 46-1987, f. & ef. 10-1-87; AFS 7-1989(Temp), f. 2-17-89, cert. ef. 3-1-89; AFS 36-1989(Temp), f. & cert. ef. 6-30-89; AFS 45-1989, f. & cert. ef. 8-21-89; HR 9-1990(Temp), f. 3-30-90, cert. ef. 4-1-90; HR 21-1990, f. & cert. ef. 7-9-90; Renumbered from 461-015-0190; HR 31-1990(Temp), f. & cert. ef. 9-11-90; HR 2-1991, f. & cert. ef. 1-4-91; HR 15-1991(Temp), f. & cert. ef. 4-8-91; HR 42-1991, f. & cert. ef. 10-1-91; HR 39-1992, f. 12-31-92, cert. ef. 1-1-93; HR 36-1993, f. & cert. ef. 12-1-93; HR 5-1994, f. & cert. ef. 2-1-94; HR 4-1995, f. & cert. ef. 3-1-95; OMAP 34-1999, f. & cert. ef. 10-1-99; OMAP 7-2000, f. 3-31-00, cert. ef. 4-1-00; OMAP 28-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 35-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 9-2002, f. & cert. ef. 4-1-02; OMAP 22-2003, f. 3-26-03, cert. ef. 4-1-03; OMAP 11-2004, f. 3-11-04, cert. ef.

ADMINISTRATIVE RULES

4-1-04; OMAP 49-2004, f. 7-28-04 cert. ef. 8-1-04; OMAP 50-2005, f. 9-30-05, cert. ef. 10-1-05

410-130-0200

Prior Authorization/Prior Notification

(1) Prior Authorization:

(a) Prior authorization (PA) for services provided to clients enrolled in a prepaid health plan (PHP) must be obtained from the appropriate PHP. Contact the PHP for their PA requirements and billing instructions.

(b) PA is not required for services covered by Medicare to clients who have both Medicare and Medical Assistance Program coverage. However, PA is required for most transplants, even if they are covered by Medicare.

(c) PA is not required for kidney and cornea transplants unless they are performed out-of-state.

(d) PA must be obtained from the Office of Medical Assistance Program's (OMAP) Transplant Coordinator for transplants and non-emergent, non-urgent out-of-state services. Refer to the OMAP Transplant Services rules (chapter 410, division 124) for further information on transplants and refer to the OMAP General Rules (chapter 410, division 120) for further information concerning out-of-state services.

(e) PA must be obtained from the Department of Human Services (DHS) Medically Fragile Children's Unit (MFCU) for services provided to MFCU clients.

(f) PA for services provided to clients enrolled in the fee-for-service (FFS) High Risk Medical Case Managed program must be obtained from the Case Management Contractor shown on the client's Medical Care ID. See the Medical-Surgical Services Supplemental Information guide for details.

(g) PA is required for all procedure codes listed in Table 130-0200-1 in this rule. PA for these procedures must be obtained from the Oregon Medical Professional Review Organization (OMPRO) regardless of the setting they are performed in. A second opinion may be requested by OMAP or OMPRO before PA is given for a surgery;

(h) PA is not required for hospital admissions unless the procedure requires PA;

(i) PA is not required for emergent or urgent procedures or services;

(j) PA must be obtained by the treating and performing practitioners;

(k) Refer to Table 130-0200-1 for all services/procedures requiring prior authorization.

(2) Prior Notification:

(a) Prior notification is required before performing the following radiology tests:

(A) MRIs;

(B) MRAs;

(C) CTs;

(D) CTAs; and

(E) SPECT scans.

(b) Prior notification is not required when these tests are performed during an emergency department visit or an inpatient stay;

(c) Providers ordering these tests must submit a prior notification form to OMAP prior to the performance of the tests;

(d) Refer to the Medical-Surgical Supplemental Information guide for instructions and forms;

(e) Refer to Table 130-0200-2 for radiology codes requiring prior notification.

Table 130-0200-1

Table 130-0200-2

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

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

Hist.: AFS 868, f. 12-30-77, ef. 2-1-78; AFS 65-1980, f. 9-23-80, ef. 10-1-80; AFS 27-1982, f. 4-22-82 & AFS 51-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the AFS branch offices located in North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 23-1986, f. 3-19-86, ef. 5-1-86; AFS 38-1986, f. 4-29-86, ef. 6-1-86; AFS 50-1986, f. 6-30-86, ef. 8-1-86; AFS 5-1989(Temp), f. 2-9-89, cert. ef. 3-1-89; AFS 48-1989, f. & cert. ef. 8-24-89; Renumbered from 461-014-0045; AFS 10-1990, f. 3-30-90, cert. ef. 4-1-90; Renumbered from 461-014-0630; HR 25-1990(Temp), f. 8-31-90, cert. ef. 9-1-90; HR 44-1990, f. & cert. ef. 11-30-90; HR 17-1991(Temp), f. 4-12-91, cert. ef. 5-1-91; HR 24-1991, f. & cert. ef. 6-18-91; HR 40-1992, f. 12-31-92, cert. ef. 2-1-93; HR 6-1994, f. & cert. ef. 2-1-94; HR 42-1994, f. 12-30-94, cert. ef. 1-1-95; HR 4-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 3-1998, f. 1-30-98, cert. ef. 2-1-98; OMAP 17-1999, f. & cert. ef. 4-1-99; OMAP 31-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 23-2003, f. 3-26-03 cert. ef. 4-1-03; OMAP 69-2003 f. 9-12-03, cert. ef. 10-1-03; OMAP 13-2004, f. 3-11-04, cert. ef. 4-1-04; OMAP 58-2004, f. 9-10-04, cert. ef. 10-1-04; OMAP 8-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 50-2005, f. 9-30-05, cert. ef. 10-1-05

410-130-0680

Laboratory and Radiology

(1) The following tables list the medical and surgical services that:

(a) Require prior authorization (PA) — OAR 410-130-0200 Table 130-0200-1 (PET scans require PA and are included in the table); and

(b) Require prior notification (PN) — OAR 140-130-0200 Table 130-0200-2 (MRIs, MRAs, CTs, CTAs, and SPECT scans require PN and are included in the table); and

(c) Are not covered/bundled — OAR 410-130-0220 Table 130-0220-1.

(2) Newborn screening (NBS) kits and collection and handling for newborn screening (NBS) tests performed by the Oregon State Public Health Laboratory (OSPHL) are considered bundled into the delivery fee and therefore must not be billed separately. Replacement of lost NBS kits may be billed with code S3620 with modifier –TC. The loss must be documented in the client's medical record. NBS confirmation tests performed by reference laboratories at the request of the OSPHL shall be reimbursed only to the OSPHL.

(3) Transplant lab codes are covered only if the transplant is covered and if the transplant has been authorized. See the Office of Medical Assistance Programs (OMAP) Transplant Services administrative rules (Chapter 410, Division 124).

(4) All lab tests must be specifically ordered by, or at the direction of a licensed medical practitioner within the scope of their license.

(5) If a lab sends a specimen to a reference lab for additional testing, the reference lab may not bill for the same tests performed by the referring lab.

(6) When billing for lab tests, use the date that the specimen was collected as the date of service (DOS even if the tests were not performed on that date.

(7) Reimbursement for drawing/collecting or handling samples:

(a) OMAP will reimburse providers once per day regardless of the frequency performed for drawing/collecting the following samples:

(A) Blood — by venipuncture or capillary puncture, and;

(B) Urine — only by catheterization.

(b) OMAP will not reimburse for the collection and/or handling of other specimens, such as PAP or other smears, voided urine samples, or stool specimens. Reimbursement is bundled in the reimbursement for the exam and/or lab procedures and is not payable in addition to the laboratory test.

(8) Pass-along charges from the performing laboratory to another laboratory, medical practitioner, or specialized clinic are not covered for payment and are not to be billed to OMAP.

(9) Only the provider who performs the test(s) may bill OMAP.

(10) Clinical Laboratory Improvement Amendments (CLIA) Certification:

(a) Laboratory services are reimbursable only to providers who are CLIA certified by the Centers for Medicare and Medicaid Services (CMS);

(b) CLIA requires all entities that perform even one test, including waived tests on... "materials derived from the human body for the purpose of providing information for the diagnosis, prevention or treatment of any disease or impairment of, or the assessment of the health of, human beings" to meet certain Federal requirements. If an entity performs tests for these purposes, it is considered under CLIA to be a laboratory;

(c) Providers must notify OMAP of the assigned ten-digit CLIA number;

(d) Payment is limited to the level of testing authorized by the CLIA certificate at the time the test is performed.

(11) Organ Panels:

(a) OMAP will only reimburse panels as defined by the CPT codes for the year the laboratory service was provided. Tests within a panel may not be billed individually even when ordered separately. The same panel may be billed only once per day per client;

(b) Payment will be made at the panel maximum allowable rate if two or more tests within the panel are billed separately and the total reimbursement rate of the combined codes exceeds the panel rate even if all the tests listed in the panel are not ordered or performed.

(12) Radiology:

(a) Provision of diagnostic and therapeutic radionuclide(s), HCPCS A9500-A9699, are payable only when given in conjunction with radiation oncology and nuclear medicine codes 77401-79999;

(b) HCPCS codes R0070 through R0076 are covered.

(13) Reimbursement of contrast and diagnostic-imaging agents is bundled in the radiology procedure except for low osmolar contrast materials (LOCM).

(14) Supply of LOCM (A4644-A4646 and Q9945-Q9951) may be billed in addition to the radiology procedure only when the following criteria are met:

ADMINISTRATIVE RULES

- (a) Prior adverse reaction to contrast material, with the exception of a sensation of heat, flushing or a single episode of nausea or vomiting;
- (b) History of asthma or significant allergies;
- (c) Significant cardiac dysfunction including recent or imminent cardiac decompensation, severe arrhythmia, unstable angina pectoris, recent myocardial infarction or pulmonary hypertension;
- (d) Decrease in renal function;
- (e) Diabetes;
- (f) Dysproteinemia;
- (g) Severe dehydration;
- (h) Altered blood brain barrier (i.e., brain tumor, subarachnoid hemorrhage);
- (i) Sickle cell disease, or;
- (j) Generalized severe debilitation.

(15) X-ray and EKG interpretations in the emergency room:

(a) OMAP pays for only one interpretation of an emergency room patient's x-ray or EKG. The interpretation and report must have directly contributed to the diagnosis and treatment of the patient;

(b) A second interpretation of an x-ray or EKG is considered to be for quality control purposes only and is not reimbursable;

(c) Payment may be made for a second interpretation only under unusual circumstances, such as a questionable finding for which the physician performing the initial interpretation believes another physician's expertise is needed.

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

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

Hist.: AFS 57-1983, f. 11-29-83, ef. 1-1-84; AFS 48-1984(Temp), f. 11-30-84, ef. 12-1-84; AFS 29-1985, f. 5-22-85, ef. 5-29-85; AFS 50-1986, f. 6-30-86, ef. 8-1-86; AFS 56-1987, f. 10-29-87, ef. 11-1-87; Renumbered from 461-014-0056; AFS 5-1989(Temp), f. 2-9-89, cert. ef. 3-1-89; AFS 48-1989, f. & cert. ef. 8-24-89; AFS 10-1990, f. 3-30-90, cert. ef. 4-1-90; Renumbered from 461-014-0980; HR 19-1991, f. 4-12-91, cert. ef. 5-1-91; HR 43-1991, f. & cert. ef. 10-1-91; HR 8-1992, f. 2-28-92, cert. ef. 3-1-92; HR 27-1992(Temp), f. & cert. ef. 9-1-92; HR 33-1992, f. 10-30-92, cert. ef. 11-1-92; HR 40-1992, f. 12-31-92, cert. ef. 2-1-93; HR 6-1994, f. & cert. ef. 2-1-94; HR 42-1994, f. 12-30-94, cert. ef. 1-1-95; HR 10-1996, f. 5-31-96, cert. ef. 6-1-96; HR 4-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 3-1998, f. 1-30-98, cert. ef. 2-1-98; OMAP 15-1998, f. & cert. ef. 5-1-98; OMAP 17-1999, f. & cert. ef. 4-1-99; OMAP 31-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 40-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 51-2002, f. & cert. ef. 10-1-02; OMAP 23-2003, f. 3-26-03 cert. ef. 4-1-03; OMAP 69-2003 f. 9-12-03, cert. ef. 10-1-03; OMAP 13-2004, f. 3-11-04, cert. ef. 4-1-04; OMAP 8-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 50-2005, f. 9-30-05, cert. ef. 10-1-05

.....

Adm. Order No.: OMAP 51-2005(Temp)

Filed with Sec. of State: 9-30-2005

Certified to be Effective: 10-1-05 thru 3-15-06

Notice Publication Date:

Rules Adopted: 410-141-0010

Subject: The Oregon Health Plan Administrative rules govern payment for the Office of Medical Assistance Programs' payments for services provided to clients. OMAP temporarily adopted 410-141-0010 to provide screening and selection procedures for the procurement and solicitation of managed care services.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-141-0010

Screening and Selection Procedures for Managed Care Services by Prepaid Health Plans

(1) Basis and scope:

(a) This rule establishes the screening and selection procedures that DHS will use to procure Managed Care Services pursuant to ORS 414.725 from a qualified Managed Care Organization that may be awarded a Contract as a prepaid managed health care services organization (Prepaid Health Plan or PHP) for purposes of administering the Oregon Health Plan;

(b) The Oregon Health Plan is funded with federal Medicaid funds. These rules will be interpreted and applied to satisfy federal procurement and contracting requirements in addition to state requirements applicable to contracts with PHPs. DHS will seek prior federal approval of PHP contracts;

(c) For purposes of source selection and screening in the procurement of Managed Care Services, DHS may use:

(A) The Request for Application (RFA) process described in subsections (3) to (6) of this rule; or

(B) Any method for source selection and procurement process described in the DOJ Model Rules incorporated by Subsection (7) of this rule, except for bidding.

(2) Definitions for screening and selection rules: In addition to the terms defined in OAR 410-141-0000, the following terms have the following meanings:

(a) Addendum or Addenda means an addition or deletion to, a material change in, or general interest explanation of a RFA;

(b) Application means the documents submitted by a Managed Care Organization that seeks qualification to be Awarded a Contract. Applicant means the Managed Care Organization submitting the Application;

(c) Award means, as the context requires, the act or occurrence of DHS' identification of a qualified Managed Care Organization with which DHS will enter into a Contract;

(d) Closing means the date and time announced in a RFA as the deadline for submitting Applications;

(e) Managed Care Organization means a corporation, governmental agency, public corporation or other legal entity that operates as a managed health, dental, chemical dependency, physician care, or mental health organization;

(f) Managed Care Services means Capitated Services provided by a Prepaid Health Plan pursuant to ORS 414.725;

(g) Offer means a response to an RFA, including all required responses and assurances, and the Certification of Application;

(h) Request for Applications (RFA) means all documents used by DHS for soliciting Applications for qualification in a specific Request for Applications issued by DHS, for one or more categories of Contracts, one or more Service Areas or such other objective as DHS may determine is appropriate for solicitation of Managed Care Services.

(3) RFA Process:

(a) The RFA process begins with a public notice of the RFA, which will be communicated with the electronic notification system used by DHS to notify the public of procurement opportunities. A public notice of a RFA shall identify the qualification requirements for the category of contract (e.g., FCHP, DCO, etc.), the designated Service Area(s) where Managed Care Services are requested or other objective that DHS determines appropriate for solicitation of Managed Care Services, and a sample Contract;

(b) In order to enter into a Contract with DHS as a PHP, a Managed Care Organization must be determined by DHS to be qualified and comply with the terms and conditions in the Contract, consistent with subsection (4) of this rule:

(A) In order to receive a determination concerning whether a Managed Care Organization is qualified, an individual authorized to act for the Managed Care Organization (the Applicant) must complete all elements of the Application requirements contained in the RFA;

(B) If a Managed Care Organization currently has a PHP contract with DHS, it must still complete a new Application; however, to avoid duplication and burden, a current contractor may generally be permitted to submit an abbreviated Application that focuses only on additional or different requirements specific to the new Contract or the new Service Area or capacity or other DHS objective that is the subject of the RFA.

(c) DHS enters into or renews a Contract only if it determines that action would be within the scope of the RFA and consistent with the effective administration of the medical assistance program, including but not limited to:

(A) The capacity of any existing PHP(s) in the Service Area compared to the capacity of an additional PHP for the number of potential enrollees in the Service Area;

(B) The number of potential enrollees in the Service Area compared to the capacity of any existing PHP(s) by a wide enough margin to form an enrollment base for an additional PHP in the Service Area; and

(C) The potential opportunity for recipients to have a choice of more than one PHP.

(d) Notice of RFA:

(A) DHS will provide public notice of every RFA by posting notice of the RFA on the electronic system for notifying the public of DHS procurement opportunities, or at the option of the requestor, mailing notice of the availability of the RFA to persons that have expressed interest in DHS procurement of Managed Care Services;

(B) DHS will provide notice of any Addenda to an RFA in a manner intended to foster competition and to make prospective Applicants aware of the Addenda. The RFA will specify how DHS will provide notice of Addenda.

(c) If the RFA so specifies, potential Applicants must submit a letter of intent to DHS within the time period specified in the RFA. While a letter of intent does not commit any potential Applicant to apply, DHS will not consider Applications from Applicants who do not submit a timely letter of intent;

(f) Application. The Application must be submitted in conformity with the requirements of the RFA. All questions must be answered and all

ADMINISTRATIVE RULES

information, including attachments, must be submitted in one complete packet by the Application due date:

(A) The RFA will describe the manner in which Applications may be submitted, electronically or otherwise. DHS is not responsible for any failure attributable to the transmission or receipt of electronic or facsimile Applications, including but not limited to receipt of garbled or incomplete documents, delay in transmission or receipt of documents, or security and confidentiality of data. DHS will not consider electronic or facsimile Applications unless authorized by the RFA and made in conformance with the RFA;

(B) To ensure proper identification and handling, Applications shall be submitted in a sealed envelope appropriately marked. If DHS permits electronic or facsimile Applications in the Solicitation Document, the Applicant may submit and identify electronic or facsimile Applications in accordance with the instructions set forth in the RFA;

(C) The Applicant is responsible for ensuring DHS receives its Application at the required delivery point prior to the Closing, regardless of the method used to submit or transmit the Application;

(D) The Closing date for the Application will be announced in the RFA. DHS will not accept late Applications.

(g) Disclosure of Application Contents and Release of Information:

(A) Application information, including the letter of intent, shall not be disclosed to any Applicant (or other person) until the completion of the RFA process. The RFA process shall be considered complete when a Contract has been Awarded. No information will be given to any Applicant (or other person) relative to their standing with other Applicants during the RFA process;

(B) Application information shall be subject to disclosure upon the Award date, with the exception of information that has been clearly identified and labeled "Confidential" under ORS 192.501–192.502, insofar as DHS determines it meets the requirements for an exemption from disclosure;

(C) Any requestor shall be able to obtain copies of non-exempt information after the RFA process has been completed. The requestor shall be responsible for the time and material expense associated with the request. This fee includes the copying of the document(s) and the staff time (and agency attorney time, if requested by DHS) associated with performing the task, in accordance with ORS 192.440(3). DHS may require prepayment of estimated charges before acting on a request.

(h) Any Applicant may submit a written protest or request for change of a particular RFA provision, specifications or contract terms and conditions to DHS no later than the solicitation protest date specified in the RFA. The protest shall state the reasons for the protest or request and any proposed changes to the RFA provisions, specifications or contract terms and conditions that the prospective Applicant believes will remedy the conditions upon which the protest is based. Protests and judicial review of the RFA shall be handled using the process set forth in OAR 137-047-0730;

(i) DHS is not obligated to enter into a Contract with any Applicant, and further, has no financial obligation to any Applicant.

(4) Application for qualification:

(a) A Managed Care Organization seeking qualification as a PHP must meet the requirements and provide the assurances specified in the RFA. DHS determines whether the Managed Care Organization qualifies based on the Application and any additional information and investigation that DHS may require;

(b) DHS determines that a Managed Care Organization is qualified if DHS finds that the Managed Care Organization meets the requirements of the RFA, including written assurances, satisfactory to DHS, that it:

(A) Provides or will provide the services described in the Contract;

(B) Provides or will provide these services in the matter described in the Contract;

(C) Is organized and operated, and will continue to be organized and operated, in the manner required by the Contract and described in the Application;

(D) Under arrangements that safeguard the confidentiality of patient information and records, will provide to DHS, CMS, the Office of Inspector General, the Oregon Secretary of State, and the Oregon Medicaid Fraud Unit of the Department of Justice, or any of their duly authorized representatives, for the purpose of audit, examination or evaluation to any books, documents, papers, and records of the Managed Care Organization relating to its operation as a PHP and to any facilities that it operates; and

(E) Will continue to comply with any other assurances it has given DHS.

(c) DHS may determine that a Managed Care Organization is potentially qualified if within a specified period of time the Managed Care

Organization is reasonably susceptible of being made qualified. DHS is not obligated to determine whether an Applicant is potentially qualified if, in its discretion, DHS determines that sufficient qualified Applicants are available to obtain DHS' objectives under the RFA. DHS determines that a Managed Care Organization is potentially qualified if:

(A) DHS finds that the Managed Care Organization is reasonably susceptible of meeting the operational and solvency requirements of the Application within a specified period of time; and

(B) The Managed Care Organization enters into discussions with DHS about areas of qualification that must be met before the Managed Care Organization is operationally and financially qualified, and a time period for providing documentation that is acceptable to DHS and provides written assurances, satisfactory to DHS, that it meets the requirements of a qualified Managed Care Organization in accordance with subsection (a) of this section;

(C) If DHS determines that a potentially qualified Applicant cannot become a qualified Managed Care Organization within the time announced in the RFA for Contract Award, DHS may:

(i) Offer the Contract at a future date when the Applicant demonstrates, to DHS' satisfaction, that Applicant is a qualified Managed Care Organization within the scope of the advertised RFA; or

(ii) Inform the Applicant that it is not qualified for Contract Award.

(5) Evaluation and determination procedures:

(a) DHS evaluates an Application for qualification on the basis of information contained in the RFA, the Application itself and any additional information that DHS obtains. Evaluation of the Application will be based on the criteria in the RFA;

(b) DHS will notify each Managed Care Organization that applies for qualification of its qualification status;

(c) Review of DHS' qualification decisions shall be as set forth in ORS 279B.425;

(d) DHS may enter into negotiation with qualified or potentially qualified Applicants concerning potential capacity and potential enrollment in relation to other available, or potentially available, capacity and the number of potential enrollees within the Service Area. DHS may determine that it will limit Contract Award(s) to fewer than the number of qualified or potentially qualified Applicants, to achieve the objectives in the RFA.

(6) Contract award conditions:

(a) The Applicant's submission of the Application with the executed Certification of Application is the Managed Care Organization's Offer to enter into a Contract. The Offer is a "Firm Offer," i.e., the Offer shall be held open by the Applicant for DHS' acceptance for the period specified in the RFA. DHS' Award of the Contract constitutes acceptance of the Offer and binds the Applicant to the Contract;

(b) No Contingent Offers. Except to the extent the Applicant is authorized to propose certain terms and conditions pursuant to the RFA, a Managed Care Organization shall not make its Offer contingent upon DHS's acceptance of any terms or conditions other than those contained in the Solicitation Document;

(c) By timely signing and submitting the Application and Certification of Application, the Applicant acknowledges that it has read and understands the terms and conditions contained in the RFA and that it accepts and agrees to be bound by the terms and conditions of the RFA;

(d) DHS may Award multiple Contracts in accordance with the criteria set forth in the RFA. DHS may make a single Award or limited number of Awards rather than multiple Awards to all qualified or potentially qualified Applicants, in order to meet DHS' needs including but not limited to adequate capacity for the potential enrollees in the Service Area;

(e) An Applicant who claims to have been adversely affected or aggrieved by DHS Contract Award or intent to Award a Contract must file a written protest with the DHS issuing office within seven (7) calendar days after receiving notice of Award. Protests and judicial review of Contract Award shall be handled using the procedures set forth in OAR 137-047-9740.

(7) Applicability of DOJ Model Rules: Except where inconsistent with the preceding subsections of this rule, DHS adopts the DOJ Model Rules to govern solicitations for Managed Care Services:

(a) OAR 137-046 — General Provisions Related to Public Contracting: OAR 137-046-0100, 137-046-0110 and 137-046-0400 through 137-046-0480;

(b) OAR 137-047 — Public Procurements for Goods or Services: OAR 137-047-0100, 137-047-0260 through 137-047-0330, 137-047-0400 through 137-047-0800.

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

Hist.: OMAP 51-2005(Temp), f. 9-30-05, cert. ef. 10-1-05 thru 3-15-06

ADMINISTRATIVE RULES

Adm. Order No.: OMAP 52-2005
Filed with Sec. of State: 9-30-2005
Certified to be Effective: 10-1-05
Notice Publication Date: 9-1-05
Rules Amended: 410-125-0145

Subject: The Hospital Services Program administrative rules govern Office of Medical Assistance Programs' (OMAP) payment for services provided to clients. OMAP permanently amended OAR 410-125-0145 to reflect reimbursement for inpatient and outpatient Proportionate Share for Public Academic Teaching Hospitals with 200 or more interns or residents.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-125-0145

Proportionate Share (Pro-Share) Payments for Public Academic Teaching Hospitals

(1) Proportionate Share (Pro-Share) payments will be made to public academic teaching hospitals in the State of Oregon with 200 or more interns or residents. Inpatient and outpatient Pro-Share payments are subject to the federal Medicare upper payment limit for inpatient hospital payments. The Medicare upper payment limit analysis will be performed prior to making the payments.

(2) Eligible academic hospitals will be classified as either a:

- (a) State owned or operated hospital; or
- (b) Non-state government owned or operated hospital.

(3) The Inpatient Pro-Share payment will be specific to each classification and determined as follows:

(a) The federal upper payment limit determined in accordance with the specific requirements for each hospital classification for all eligible hospitals during the State Fiscal Year 2001;

(b) The Inpatient Pro-Share payment is calculated by the determination of Medicare upper payment limit of the Medicaid Fee-For-Service Inpatient charges converted to what Medicare would pay, less Medicaid payments and third party liability payments;

(c) The State of Oregon Medicaid Management Information System (MMIS) is the source of the charge and payment data.

(4) Inpatient Proportionate Share payments will be made quarterly during each federal fiscal year. Payments made during federal fiscal year will not exceed the Medicare upper limit calculated from January 1, 2001 through September 30, 2001 and quarterly for each federal fiscal year thereafter.

(5) The Outpatient Pro-Share payment will be specific to each classification and determined as follows:

(a) The federal upper payment limit determined in accordance with the specific requirements for each hospital classification for all eligible hospitals during the State Fiscal Year 2001;

(b) The Outpatient Pro-Share payment is calculated by the determination of the Medicare upper payment limit of Medicaid Fee-For-Service Outpatient charges converted to what Medicare would pay, less Medicaid payments, third party liability payments, and the net Outpatient cost settlement payment determined in the Medicaid Cost Settlement (Form 42);

(c) The State of Oregon Medicaid Management Information System (MMIS) and the provider's Medicare Cost Report are the source of the charge and payment data.

(6) Outpatient Pro-Share payment will be made annually following the finalization of the Medicaid Cost Settlement. The Outpatient Pro-Share payment will not exceed the Medicare upper payment limit calculated from January 1, 2001 through September 30, 2001 and annually for each federal fiscal year thereafter.

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

Hist.: OMAP 35-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 52-2005, f. 9-30-05, cert. ef. 10-1-05

Adm. Order No.: OMAP 53-2005
Filed with Sec. of State: 9-30-2005
Certified to be Effective: 10-1-05
Notice Publication Date: 4-1-05
Rules Adopted: 410-133-0245

Rules Amended: 410-133-0000, 410-133-0040, 410-133-0060, 410-133-0080, 410-133-0090, 410-133-0100, 410-133-0120, 410-133-0140, 410-133-0160, 410-133-0180, 410-133-0200, 410-133-0220, 410-133-0280, 410-133-0300, 410-133-0320, 410-133-0340

Subject: Rules relate to the requirements and operations for conducting school-based health services.

Rules Coordinator: Pat Bougher—(503) 945-5844

410-133-0000

Purpose

(1) School-Based Health Services (SBHS) rules describe the Medicaid covered services available to Medicaid-eligible students receiving Health Services on a fee-for-service basis when "Necessary and Appropriate" and within the limitations established by the Medical Assistance Program and these rules, consistent with the requirements of the Individuals with Disabilities Education Act (IDEA). These rules are to be used in conjunction with the General Rules governing the Office of Medical Assistance Programs (OMAP) (OAR 410 division 120) and the Oregon Health Plan (OHP) rules (OAR 410 division 141). The School-Based Health Services rules are also a user's manual designed to assist the Educational Agency (EA) in matching State and Federal Funds for Oregon's Medicaid-eligible students with disabilities.

(2) The Oregon Administrative Rules (OARs) in chapter 581, division 15 for the Oregon Department of Education (ODE) outline Oregon's program to meet the federal provisions of the IDEA. These SBHS rules define Oregon's fee-for-service program to reimburse publicly funded education agencies for the Health Services provided under the IDEA to Oregon's Medicaid-eligible children.

(3) The Department of Human Services (DHS) and ODE recognize the unique intent of Health Services provided for Medicaid-eligible students with disabilities in the special education setting. The School-Based Health Services rules address the health aspects of special education services that are covered by Medicaid or the Children's Health Insurance Program.

(4) DHS endeavors to furnish School Medical Providers with up-to-date billing, procedural information, and guidelines to keep pace with program changes and governmental requirements. DHS does so by providing information on its website.

(5) Enrolled School-Based Health Services Providers are responsible to maintain current publications provided by DHS and OMAP, and to comply with the OARs in effect on the date of service the Health Service is provided.

(6) In order for DHS to reimburse for Health Services provided in the school, the Health Services must be included as a covered service under the Oregon Health Plan. There is no benefit category in the Medicaid statute titled "school health services" or "early intervention services." These rules do not create a new category of health benefits for this fee for service program.

(7) These rules describe Health Services that are covered services for Medicaid-eligible students, which are authorized and provided consistent with these rules.

(8) Medicaid-eligible students retain the ability to obtain services from any qualified Medicaid provider that undertakes to provide services to them. These rules do not require a Medicaid-eligible student to receive their Health Services solely from School Medical Providers.

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

Hist.: HR 39-1991, f. & cert. ef. 9-16-91; OMAP 38-1999, f. & cert. ef. 10-1-99; OMAP 15-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 31-2003, f. & cert. ef. 4-1-03; OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

410-133-0040

Definitions

(1) Adapted Vehicle — Vehicle specifically designed or modified to transport passengers with disabilities.

(2) Adequate Recordkeeping — In addition to General Rules OAR 410-120-0000, Definitions and 410-120-1360, Requirements for financial, clinical, and other records, documentation in the student's Educational Record and on the Individualized Education Plan or Individualized Family Service Plan (IEP/IFSP) showing the Necessary and Appropriate Health Services provided to the student detailed in DHS SBHS rules (See Definitions 26, 38, 39, 74, & 89 and OAR 410-133-0320).

(3) Assessment — A process of obtaining information to determine if a student qualifies for or continues to qualify for OMAP covered School-Based Health Services.

(4) Assistive Technology Service — Services provided by Medically Qualified Staff within the scope of practice under State law with training and expertise in the use of assistive technology (see 410-133-0080 Coverage and 410-133-0200 Not Covered Services in these rules).

(5) Audiologist — A person licensed to practice audiology by the State Board of Examiners for Speech Pathology and Audiology or holds a

ADMINISTRATIVE RULES

Certificate of Clinical Competency (CCC) from the American Speech and Hearing Association (ASHA) and meet the requirements in 42 CFR 440.110.

(6) **Audiology** — Assessment of children with hearing loss; determination of the range, nature and degree of hearing loss, including the referral for medical or other professional attention for restoration or rehabilitation due to hearing disorders; provision of rehabilitative activities, such as language restoration or rehabilitation, auditory training, hearing evaluation and speech conversation, and determination of the child's need for individual amplification; obtaining and interpreting information; and coordinating care and integrating services relative to the student receiving services.

(7) **Automated Information System (AIS)** — A computer system that provides information on Medicaid client current eligibility status under the Medical Assistance Program. (See General Rules OAR 410-120-0000 Definitions).

(8) **Benefit Package** — The "package" of covered health care services for which the Medicaid-eligible student is eligible. (See General Rules OAR 410-120-0000 Definitions and 410-120-1210 Medical Assistance Benefit Packages and Delivery System and OHP rules OAR 410-141-0480 and 410-141-0520). The benefit package is identified on the Medical ID card issued by DHS.

(9) **Billing Provider (BP)** — A person, agent, business, corporation, clinic, group, institution, or other entity that submits claims to and/or receives payment from the Medical Assistance Program on behalf of a performing provider and has been delegated the authority to obligate or act on behalf of the performing provider. (See General Rules OAR 410-120-1260 and SBHS Rules 410-133-0140.)

(10) **Billing Time Limit** — Refers to the rules concerning the period of time allowed to bill services to OMAP under "Timely Submission of Claims" (See OAR 410-120-1300). In general, those rules require initial submission within 12 months of the date of service or 18 months for resubmission.

(11) **Centers for Medicare and Medicaid Services (CMS)** — The federal regulatory agency for Medicaid programs.

(12) **CMS-1500** — The standard federal billing form used to bill medical services.

(13) **Certification** — See "licensure."

(14) **Children's Health Insurance Program (CHIP)** — A Federal and State funded portion of the Medical Assistance Program established by Title XXI of the Social Security Act and administered in Oregon by the Department of Human Services Office of Medical Assistance Programs (see Medical Assistance Program).

(15) **COTA** — Certified Occupational Therapy Assistant — A person who is licensed as an occupational therapy assistant assisting in the practice of occupational therapy under the supervision of a licensed occupational therapist.

(16) **Clinical Social Work Associate (CSWA)** — A person working toward LCSW licensure under the supervision of a LCSW for two years of post masters clinical experience and is licensed by the State Board of Clinical Social Workers to practice in Oregon.

(17) **Coordinated care** — Services directly related to SBHS covered Health Services specified in the IEP or IFSP, performed by Medically Qualified Staff, and allowed under 410-133-0080, Coverage to manage integration of those Health Services in an education setting. Coordinated Care includes the following activities:

(a) **Conference** — The portion of a conference in a scheduled meeting, between Medically Qualified Staff and interested parties, to develop, review, or revise components of School-Based Health Services provided to a Medicaid-eligible student for the purpose to establish, re-establish or terminate a Medicaid covered Health Service on a Medicaid-eligible student's IEP or IFSP; or to develop, review, or revise components of a covered Health Service currently provided to a Medicaid-eligible student to determine whether or not those covered Health Services will continue to be specified on an IEP or IFSP.

(b) **Consultation** — performed by Medically Qualified Staff within the scope of practice providing technical assistance to or conferring with, special education providers, physicians, and families to assist them in providing a covered Health Service for Medicaid-eligible students related to a specific Health Service in support of goals and objectives in the IEP or IFSP.

(c) **Physician coordinated care** — Meeting or communication with a physician in reference to oversight of care and treatment provided for a Health Service specified on a Medicaid-eligible student's IEP or IFSP.

(18) **Cost Determination** — The process of establishing an annual discipline fee (rate), based on the prior-year actual audited costs, used by an

EA for the purpose of billing for covered school-based health services (see 410-133-0245 in these rules).

(19) **Current Procedural Terminology (CPT)** — The American Medical Association's Current Procedural Terminology is a listing of descriptive terms and identifying codes for reporting medical services and procedures performed by physicians and other health care providers. See General Rules (OAR 410-120-0000 Definitions).

(20) **Delegated Health Care Aide** — A non-licensed person trained and supervised by a licensed Registered Nurse (RN) or Nurse Practitioner (NP) to perform selected tasks of nursing care specific to the Medicaid-eligible student identified in the Nursing Plan of Care pursuant to the IEP/IFSP.

(21) **Delegation of Nursing Task** — A selected nursing task that is performed by an unlicensed person, trained and monitored by a licensed Registered Nurse (RN). Delegation and supervision of selected nursing tasks must comply with Oregon Administrative Rules, Board of Nursing, Chapter 851 Division 45 and 47. A School Medical Provider must maintain documentation of the actual delegation, training, supervision and provision of the nursing service billed to Medicaid.

(22) **Direct Services** — Face-to-face delivery of Health Services between the Medically Qualified Staff who is the service provider and a Medicaid-eligible student.

(23) **Early Intervention/Early Childhood Special Education (EI/ECSE)** — A program designed to address the unique needs of a child age 0-3 years (EI) and preschool children ages 3-5 years (ECSE) with a disability.

(24) **EDI Submitter** — is a person or entity authorized to conduct an Electronic Transaction between a Provider that is a Trading partner and DHS, as those terms are used in the DHS EDI rules. OAR 410-001-0100 to 410-001-0200.

(25) **Educational Agency (EA)** — For purposes of these rules, any public school, school district, Education Service District (ESD), state institution, or youth care center providing educational services to students, birth to age 21 through grade 12, that receives federal or state funds either directly or by contract or subcontract with the ODE.

(26) **Education Records** — Those records, files, documents and other materials which contain information directly related to a student and maintained by an EA or by a person acting for such EA as set forth in OAR 581-021-0220. (A SBHS provider is required to keep and maintain supporting documentation for Medicaid reimbursed Health Services for a period of seven (7) years; this documentation is part of the student's education record but may be filed and kept separately by school health professionals.) See 410-133-0320 Documentation and Recordkeeping Requirements in these rules.

(27) **Education Service District (ESD)** — An education agency established to offer a resource pool of cost-effective, education-related, physical or mental health-related, state-mandated services to multiple local school districts within a geographic area described in ORS 334.

(28) **Eligibility for Special Education Services** — A determination by a designated EA, through a team, that a child meets the eligibility criteria for early intervention, early childhood special education or special education as defined in ORS 343 and OAR Chapter 581, Division 15.

(29) **Evaluation** — Evaluations are procedures performed by Medically Qualified Staff to determine whether a Medicaid-eligible student is disabled and the nature and extent of the Health Services the student needs under IDEA and in accordance with OAR 581-015-0071 and 0072. DHS can only reimburse evaluations that establish, re-establish or terminate a SBHS covered Health Service on a Medicaid-eligible student's IEP or IFSP under IDEA.

(30) **Federal Medical Assistance Percentage (FMAP)** — The percentage of Federal matching dollars for qualified State Medical Assistance Program expenditures.

(31) **Healthcare Common Procedure Coding System (HCPCS)** — A method for reporting health care professional services, procedures, and supplies. See General Rules (OAR 410-120-0000 Definitions).

(32) **Health Assessment Plan (nursing)** — Systematic collection of data for the purpose of assessing a Medicaid-eligible student's health or illness status and actual or potential health care needs in the educational setting. Includes taking a nursing history, and an appraisal of the student's health status through interview, information from the family and information from the student's past health or medical record. A SBHS provider is required to keep and maintain the Health Assessment Plan and supporting documentation for Medicaid reimbursed health services described in a Medicaid-eligible student's IEP or IFSP for a period of seven (7) years, as part of the student's Education Record, which may be filed and kept sepa-

ADMINISTRATIVE RULES

rately by school health professionals. (See 410-133-0320 Documentation and Recordkeeping Requirements.)

(33) Health Care Practitioner — A person licensed pursuant to state law to engage in the provision of health care services within the scope of the health care practitioner's license and/or certification standards established by their health licensing agency. Medical Provider and Health Care Practitioner are interchangeable terms. See Definition 48 Medical Provider.

(34) Health Services — Medical evaluation services provided by a physician for diagnostic and evaluation purposes for a Medicaid-eligible student that is found eligible under IDEA and leads to an established IEP or IFSP, physical or mental health evaluations, and assessment or treatment performed by Medically Qualified staff to achieve the goals set forth in a Medicaid-eligible student's IEP or IFSP. A SBHS covered Health Service is one that is covered by the Medical Assistance program and is provided to enable the Medicaid-eligible student to benefit from a special education program (age 3-21) or to achieve developmental milestones in an early intervention program (age 0-3I). "Health Services" are synonymous with "medical services" in these rules. To determine whether a Health Service specified on an IEP or IFSP is a covered SBHS (See 410-133-0080 Coverage and 410-133-0200 Not Covered Services).

(35) Health Services Commission (HSC) — An eleven member commission that is charged with reporting to the Governor the ranking of health benefits from most to least important, and representing the comparable benefits of each service to the entire population to be serviced.

(36) ID Number — A number issued by DHS used to identify Medicaid-eligible students. This number may also be referred to as Recipient Identification Number; Prime Number; Client Medical ID Number or Medical Assistance Program ID Number.

(37) Individuals with Disabilities Education Act (IDEA) — The federal law ensuring the rights of children with disabilities to a "free and appropriate education" (FAPE).

(38) Individualized Education Plan (IEP) — A written statement of an educational program for a child with a disability which is developed, reviewed, or revised in a meeting in accordance with OAR Chapter 581, division 15. When an IEP is used as a prescription for Medicaid reimbursement for SBHS covered services, it must include: type of Health Service, amount, duration and frequency for the service provided. In order to bill Medicaid for covered Health Services they must be delivered by or under the supervision of Medically Qualified Staff and must be recommended by a physician or appropriate health care practitioner acting within the scope of practice. See definition (51) Medically Qualified Staff.

(39) Individualized Family Service Plan (IFSP) — A written plan of early childhood special education services, early intervention services, and other services developed in accordance with criteria established by ODE for each child (age's birth to 5 years) eligible for IFSP services. The plan is developed to meet the needs of a child with disabilities in accordance with requirements and definitions in OAR Chapter 581, division 15. When an IFSP is used as a prescription for Medicaid reimbursement for SBHS covered services, it must include: type of health service, amount, duration and frequency for the service provided. In order to bill Medicaid for covered Health Services they must be delivered by or under the supervision of Medically Qualified Staff and must be recommended by a physician or appropriate health care practitioner acting within the scope of practice. See definition (51) Medically Qualified Staff.

(40) Individualized Education Plan/Individualized Family Service Plan (IEP/IFSP) Team — A group of teachers, specialists, and parents responsible for determining eligibility, developing, reviewing, and revising an IEP or IFSP in compliance with OAR chapter 581, Division 15.

(41) Licensed Clinical Social Worker (LCSW) — A person licensed to practice clinical social work pursuant to State law.

(42) Licensed Physical Therapist Assistant (LPTA) — A person licensed to assist in the administration of physical therapy, solely under the supervision and direction of a physical therapist.

(43) Licensed Practical Nurse (LPN) — A person licensed to practice under the direction of a licensed professional within the scope of practice as defined by State law.

(44) Licensure — Documentation from state agencies demonstrating that licensed or certified individuals are qualified to perform specific duties and a scope of services within a legal standard recognized by the licensing agency. In the context of Health Services, licensure refers to the standards applicable to Health Service providers by health licensing authorities. For Health Services provided in the State of Oregon, licensure refers to the standards established by the appropriate State of Oregon licensing agency.

(45) Medicaid-eligible student — The child or student who has been determined to be eligible for Medicaid Health Services by the Department

of Human Services. For purposes of this rule, Medicaid-eligible student is synonymous with "Recipient" or "Oregon Health Plan Client". For convenience, the term student used in these rules applies to both students covered by an IEP and children covered by an IFSP. Also for purposes of this rule, students or children whose eligibility is based on the Children's Health Insurance Program (CHIP) shall be referred to as Medicaid-eligible students.

(46) Medical Assistance Program — A program for payment of Health Services provided to eligible Oregonians. Oregon's Medical Assistance Program includes Medicaid services including the OHP Medicaid Demonstration, and the Children's Health Insurance Program (CHIP). The Medical Assistance Program is administered by the Office of Medical Assistance Programs (OMAP), of the Department of Human Services.

(47) Medical Management Information System (MMIS) — A data collection system for processing paper and electronic claims for payment of Health Services provided to Medicaid-eligible recipients.

(48) Medical Provider — An individual licensed by the State to provide health services within their governing body's definitions and respective scope of practice. Medical provider and health care practitioner are interchangeable terms.

(49) Medical Services — The care and treatment provided by a licensed health care practitioner to prevent, diagnose, treat, correct or address a medical problem; whether physical, mental or emotional. For the purposes of these rules, this term shall be synonymous with Health Services or health-related services listed on an IEP or IFSP, as defined in OAR chapter 581, division 15. Not all health-related services listed on an IEP or IFSP are covered as SBHS. See 410-133-0080 Coverage and 410-133-0200 Not Covered Services.

(50) Medical Transportation — Specialized transportation in a vehicle adapted to meet the needs of passengers with disabilities transported to and from a SBHS covered service.

(51) Medically Qualified Staff:

(a) Staff employed by and/or through contract with an EA; and

(b) licensed by the State to provide Health Services in compliance with State law defining and governing the scope of practice, described further in OAR 410-133-0120.

(52) Medication Management — A task performed only by Medically Qualified Staff, pursuant to a student's IEP/IFSP, which involves administering medications, observing for side effects, and monitoring signs and symptoms for medication administration.

(53) "Necessary and Appropriate Health Services"—Those Health Services described in a Medicaid-eligible student's IEP or IFSP that are:

(a) Consistent with the symptoms of a health condition or treatment of a health condition;

(b) Appropriate with regard to standards of good health practice and generally recognized by the relevant scientific community and professional standards of care as effective;

(c) Not solely for the convenience of the Medicaid-eligible student or provider of the service; and

(d) The most cost-effective of the alternative levels of Health Services, which can safely be provided to a Medicaid-eligible student.

(54) Nursing Diagnosis and Management Plan — A written plan that describes a Medicaid-eligible student's actual and anticipated health conditions that are amenable to resolution by nursing intervention.

(55) Nursing Plan of Care — Written guidelines made a part of and attached to the IEP or IFSP that identify specific health conditions of the Medicaid-eligible student, and the nursing regimen that is "Necessary and Appropriate" for the student. Development and maintenance of this plan includes establishing student and nursing goals, and identifying nursing interventions (including location, frequency, duration and delegation of care) to meet the medical care objective identified in their IEP or IFSP. See Oregon State Board of Nursing Practice Act, Division 47. The SBHS Provider is responsible for developing the Nursing Plan of Care and is required to keep and maintain a copy of the Nursing Plan of Care as supporting documentation for Medicaid reimbursed health services. (See definition #26 Education records.)

(56) Nurse Practitioner — A person licensed as a registered nurse and certified by the Board of Nursing to practice as a nurse practitioner pursuant to State law.

(57) Nursing Services — Services provided by a nurse practitioner (NP), registered professional nurse (RN), a licensed practical nurse (LPN) or Delegated Health Care Aide, within the scope of practice as defined by State law. Nursing services include preparation and maintenance of the Health Assessment Plan, Nursing Diagnosis and Management Plan,

ADMINISTRATIVE RULES

Nursing Plan of Care, consultation, and coordination and integration of Health Service activities, as well as direct patient care and supervision.

(58) Observation — Surveillance or visual monitoring performed by Medically Qualified Staff as part of an evaluation, assessment, direct service, or care coordination for a Necessary and Appropriate Medicaid covered Health Service specified on a Medicaid-eligible student's IEP or IFSP to better understand the child's medical needs and progress in their natural environment. An observation by itself is not billable.

(59) Occupational Therapist (OT) — A person licensed by the State Board of Examiners for Occupational Therapy.

(60) Occupational Therapy — Assessing, improving, developing, or restoring functions impaired or lost through illness, injury or deprivation. To improve the ability to perform tasks for independent functioning when functions are lost or impaired, preventing through early intervention, initial or further impairment or loss of function. Obtaining and interpreting information, coordinating care, and integrating Necessary and Appropriate occupational therapy services relative to the Medicaid-eligible student.

(61) Office of Medical Assistance Programs (OMAP) — An office of the Oregon Department of Human Services. OMAP is responsible for coordinating the Medical Assistance Program within the State of Oregon.

(62) Oregon Department of Education (ODE) — The state agency that provides oversight to public Educational Agencies for ensuring compliance with Federal and State laws relating to the provision of services required by the IDEA.

(63) Orientation and Mobility Training — Services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community. These services are not covered under the SBHS program.

(64) Performing Provider — A person, agent, business, corporation, clinic, group, institution, or other entity that is the provider of a service or item with the authority to delegate fiduciary responsibilities to a Billing Provider to obligate or act on the behalf of the Performing Provider regarding claim submissions, receivables, and payments relative to the Medical Assistance Program. For the purposes of these SBHS rules, the School Medical Provider is the Performing Provider.

(65) Physical Therapist — A person licensed by the relevant State licensing authority to practice physical therapy (See OAR chapter 848 division10).

(66) Physical Therapy — Assessing, preventing or alleviating movement dysfunction and related functional problems. Obtaining and interpreting information, coordinating care, and integrating Necessary and Appropriate physical therapy services relative to the student receiving treatments.

(67) Prime Number — See definition of ID Number.

(68) Prioritized List of Health Services — The listing of condition and treatment pairs developed by the Health Services (HSC) for the purpose of implementing the Oregon Health Plan Demonstration Project (See OAR 410-141-0520 Prioritized List of Health Services, for the listing of condition and treatment pairs).

(69) Procedure Code — See definition of HCPC Healthcare Common Procedure Code.

(70) Provider — An individual, facility, institution, corporate entity, or other organization which supplies health care services or items or bills on behalf of a provider of services. The term "provider" refers to both Performing Providers and Billing Providers unless otherwise specified. Payment can only be made to OMAP-enrolled providers who have by signature on the provider enrollment form, agreed to provide services and to bill in accordance with the General Rules 410-120-1260 and the SBHS program rules 410-133-0140. If a Provider submits claims electronically, the Provider must become a Trading Partner with the Department of Human Services and comply with the requirements of the EDI rules pursuant to OAR 410-001-0100 et seq.

(71) Psychiatrist — A person licensed to practice medicine and surgery in the State of Oregon and possesses a valid license from the Oregon Licensing Board for the Healing Arts.

(72) Psychologist — A person with a doctoral degree in psychology and licensed by the State Board of Psychologist Examiners See 858-010-0015.

(73) Psychologist Associate — A person who does not possess a doctoral degree that is licensed by the Board of Psychologists Examiners, to perform certain functions within the practice of psychology under the supervision of a Psychologist. See 858-050-0100 through 858-050-0145. An exception would be Psychologist Associate with the authority to function without immediate supervision, see OAR 858-050-0150.

(74) Recordkeeping Requirements — A SBHS provider is required to keep and maintain the supporting documentation for Medicaid reimbursed Health Services described in a Medicaid-eligible student's IEP or IFSP for a period of seven (7) years, as part of the student's Education Record, which may be filed and kept separately by school health professionals (See 410-133-0320).

(75) Re-evaluation — Procedure used to measure a Medicaid-eligible student's health status compared to an initial or previous evaluation, or to determine whether the student continues to be eligible for Medicaid covered Health Services under the IDEA.

(76) Regional Program — Regional Program Services are provided on a multi-county basis, under contract from the Department of Education to eligible children (birth to 21) visually impaired, hearing impaired, deaf-blind, autistic, and/or severely orthopedically impaired. A Regional program may be reimbursed for covered Health Services it provides to Medicaid-eligible students through the School Medical Provider (e.g., school district or ESD) that administers the program.

(77) Registered Nurse (RN) — A person licensed and certified by the Board of Nursing to practice as a registered nurse pursuant to State law.

(78) Rehabilitative Services — For purposes of the SBHS program, any Health Service that is covered by the Medical Assistance Program and that is a medical, psychological or remedial Health Service recommended by a physician or other licensed health care practitioner within the scope of practice under State law, and provided to a Medicaid-eligible student pursuant to an IEP/IFSP under IDEA, for reduction, correction, stabilization or functioning improvement of physical or mental disability of a Medicaid-eligible student (See 410-133-0060).

(79) Related Services — For purposes of this rule, Related Services as listed on an IEP or IFSP may include: transportation and such developmental, corrective and other supportive services (e.g., speech language, audiology services, psychological services, physical therapy, occupational therapy, social work services in schools, and nursing services) as are required to assist a child or student with a disability to benefit from special education; and includes early identification and assessment of disabling conditions in children. NOTE: Not all "Related Services" are covered for payment by Medicaid. To determine whether a particular Related Service is a covered Health Service for a Medicaid-eligible student (see OAR 410-133-0080, Coverage and OAR 410-133-0200, Not Covered Services).

(80) School-Based Health Services (SBHS) — Health Services provided in the educational setting, meeting the requirements of these rules, and applicable federal and state laws and rules.

(81) School Medical Provider — An enrolled provider type established by OMAP to designate the provider of School-Based Health Services eligible to receive reimbursement from OMAP. See OAR 410-133-0140 (School Medical Provider Enrollment Provisions).

(82) Screening — A limited examination to determine a Medicaid-eligible student's need for a diagnostic medical evaluation. See OAR 410-133-0200 (Not Covered Services).

(83) Special education services — Specially designed instruction to meet the unique needs of a child with a disability, including regular classroom instruction, instruction in physical education, home instruction, and instruction in hospitals, institutions, special schools, and other settings.

(84) Speech Language Pathology Assistant (SLPA) — A person who is licensed by the Oregon State Board of Examiners for Speech Pathology and Audiology and provides speech-language pathology services under the direction and supervision of a speech-language pathologist licensed under ORS 681.250.

(85) Speech-Language Pathologist — A person licensed by the Oregon Board of Examiners for Speech Pathology and Audiology or holds a Certificate of Clinical Competency (CCC) from the American Speech and Hearing Association (ASHA).

(86) Speech-Language Pathology Services — Assessment of children with speech/language disorders, diagnosis and appraisal of specific speech/language disorders, referral for medical and other professional attention necessary for the rehabilitation of speech/language disorders and provision of speech/language services for the prevention of communicative disorders. Obtaining and interpreting information, coordinating care, and integrating Necessary and Appropriate speech-language pathology services relative to the student receiving services.

(87) State Education Agency (SEA) — See "Oregon Department of Education (ODE)".

(88) State-Operated Schools — The Oregon School for the Blind or the Oregon School for the Deaf. See "Educational Agency."

(89) Student Health/Medical/Nursing Records — Education Records that document, for Medical Assistance Program purposes, the Medicaid-eli-

ADMINISTRATIVE RULES

gible student's diagnosis or the results of tests, screens or treatments, treatment plan, the IEP or IFSP, and the record of treatments or Health Services provided to the child or student.

(90) Teachers' Standards and Practices Commission (TSPC) — The Commission that governs licensing of teachers, personnel service specialists, and administrators as set forth in OAR Chapter 584. In order for schools or school providers to participate in the Medicaid program and receive Medicaid reimbursement, they must meet the Medicaid provider qualifications. It is not sufficient for a state to use Department of Education provider qualifications for reimbursement of Medicaid-covered Health Services provided in an education setting.

(91) Testing — See "Assessment".

(92) Testing Technician — A person/technician adequately trained to administer and score specific tests, as delegated under the direction and supervision of a licensee, and maintains standards for the testing environment and testing administration as set forth in the American Psychological Association Standards for Educational and Psychological Tests (1999) and Ethical Principles for Psychologists (2002). See ORS 675.010(4), OAR 858-010-0001, and 858-010-0002.

(93) Third Party Billing — The process of sending a bill to a public or private insurance company for a medical or health service given to someone who is insured.

(94) Transportation Aide — An individual trained for health and safety issues to accompany a Medicaid-eligible student transported to and from a SBHS covered Health Service as specified in the IEP/IFSP. The School Medical Provider must maintain documentation of the training, supervision and provision of the services billed to Medicaid. For the purposes of these rules, individual transportation aides are included in the cost calculation for transportation costs and will not be billed separately. This computation will not include delegated health care aides for whom costs are direct costs.

(95) Transportation as a Related Service — Specialized Transportation adapted to serve the needs of a Medicaid-eligible student to and from a covered Health Service that is necessary and appropriate, and described in the IEP/IFSP as outlined in OAR 410-133-0080 (Coverage).

(96) Transportation Vehicle Trip Log — A record or log kept specifically for tracking each transportation trip a Medicaid-eligible student receives transportation to or from a covered Health Service. See OAR 410-136-0280 (Medical Transportation rules — Required Documentation and SBHS Rules Cost Determination and Payment 410-133-0245).

(97) Treatment Plan — A written plan of care services, including treatment with proposed location, frequency and duration of treatment as required by the health care practitioner's health licensing agency.

(98) Unit — A service measurement of time for billing and reimbursement efficiency. One (1) unit equals 15 minutes unless otherwise stated.

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

Hist.: HR 39-1991, f. & cert. ef. 9-16-91; HR 29-1993, f. & cert. ef. 10-1-93; HR 21-1995, f. & cert. ef. 12-1-95; OMAP 31-1998, f. & cert. ef. 9-1-98; OMAP 38-1999, f. & cert. ef. 10-1-99; OMAP 15-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 31-2003, f. & cert. ef. 4-1-03; OMAP 53-2003, f. 8-13-03 cert. ef. 9-1-03; OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

410-133-0060

Health Services

(1) School-based Health Service is a Health Service for a Medicaid-eligible student that meets the coverage requirements in OAR 410-133-0080 and that:

(a) Addresses physical or mental disabilities of the child or student; and

(b) Is identified in a student's Individual Education Program/Plan (IEP), or the Individualized Family Service Plan (IFSP); and

(c) Is recommended by a physician or other licensed health care practitioner within the scope of practice under State law.

(2) School-based Health Services that meet the requirements of subsection (1) of this rule may include:

(a) Physical Therapy Evaluations and Treatments which include assessing, preventing or alleviating movement dysfunction and related functional problems, obtaining and interpreting information, and coordinating care and integrating services relative to the student receiving treatments such as:

(A) Neuromotor or neurodevelopmental assessment;

(B) Assessing and treating problems related to musculo-skeletal status;

(C) Gait, balance, and coordination skills;

(D) Oral motor assessment;

(E) Adaptive equipment assessment;

(F) Gross and fine motor development;

(G) Observation of orthotic devices; and

(H) Prosthetic training.

(b) Occupational Therapy Evaluations and Treatments which include assessing, improving, developing, or restoring functions impaired or lost through illness, injury or deprivation, improving ability to perform tasks for independent functioning when functions are lost or impaired, preventing through early intervention, initial or further impairment or loss of function, obtaining and interpreting information, coordinating care, and integrating services relative to the student receiving services such as:

(A) Neuromuscular and musculo-skeletal status (muscle strength and tone, reflex, joint range of motion, postural control, endurance);

(B) Gross and fine motor development;

(C) Feeding or oral motor function;

(D) Adaptive equipment assessment;

(E) Prosthetic or orthotic training;

(F) Neuromotor or neurodevelopmental assessment;

(G) Gait, balance, and coordination skills.

(c) Speech Evaluation and Therapy Treatments, which include assessment of children with speech and/or language disorders, diagnosis and appraisal of specific speech or language disorders, referral for medical and other professional attention, necessary for the rehabilitation of speech/language disorders, provision of speech/language services for the prevention of communicative disorders, obtaining and interpreting information, coordinating care and integrating services relative to the student receiving services such as:

(A) Expressive language;

(B) Receptive language;

(C) Auditory processing, discrimination, perception and memory;

(D) Vocal quality;

(E) Resonance patterns;

(F) Phonological;

(G) Pragmatic language;

(H) Rhythm or fluency; and

(I) Feeding and swallowing assessment.

(d) Audiological Evaluation and Services which include assessment of children with hearing loss, determination of the range, nature and degree of hearing loss, including the referral for medical or other professional attention for restoration or rehabilitation due to hearing disorders, provision of rehabilitative activities, such as language restoration or rehabilitation, auditory training, hearing evaluation and speech conversation, and determination of the child's need for individual amplification, obtaining and interpreting information, coordinating care and integrating services relative to the student receiving services such as:

(A) Auditory acuity (including pure tone air and bone conduction), speech detection, and speech reception threshold;

(B) Auditory discrimination in quiet and noise;

(C) Impedance audiometry, including tympanometry and acoustic reflex;

(D) Central auditory function;

(E) Testing to determine the child's need for individual amplification;

(F) Auditory training; and

(G) Training for the use of augmentative communication devices.

(e) Nurse Evaluation and Treatment Services which include assessments, treatment services, and supervision of delegated health care services provided to prevent disease, disability, other health conditions or their progression, prolong life, and promote physical and mental health and efficiency. This includes any medical or remedial services recommended by a physician or other licensed health care practitioner, within the scope of practice under state law for maximum reduction of physical or mental disability and restoration of a recipient to his or her best possible functional level. The RN is responsible for periodic supervision for services provided to coordinating care and integrating nursing tasks and services that can be performed in the educational setting such as:

(A) Monitoring patient's seizure activity for breathing patterns, onset/duration of seizure, triggers/auras, level of consciousness, support after seizure, administering medication as ordered;

(B) Monitoring/providing treatment for high and low blood sugar, checking urine ketones, blood glucose testing, carbohydrate calculations, assisting with insulin administration;

(C) Ventilator Care, suctioning, and equipment management;

(D) Tracheotomy Care, changing dressings, emergency trach replacement, suctioning, changing "nose", and providing humidification as necessary;

ADMINISTRATIVE RULES

(E) Catheterization, assisting with or performing procedure for catheterization, monitor urinary tract infections, and performing skin integrity checks;

(F) Gastrostomy Tube feeding, administering tube feedings per physician order, monitoring skin status around the tube, and emergency treatment for button dislodgement;

(G) Medication pumps, e.g., insulin pump, calculate carbohydrate amounts in food/snacks, provide insulin bolus per physician order, emergency disconnect procedure and monitoring blood sugar; and

(H) Medication management, e.g., monitoring signs and symptoms for medication administration, administering medications, observing for side effects.

(f) Mental Health Evaluation and Treatment Services — Assessment and treatment services provided by or under the supervision and direction of a Psychiatrist, Psychologist, a Mental Health Nurse Practitioner, or by a Social Worker qualified and licensed to deliver the service, and who may provide care coordination and integration for services relative to the student for out patient mental health services received in the educational setting to prevent disease, disability, other health conditions or their progression, to prolong life and promote physical and mental health and efficiency. This includes any medical or remedial services recommended by a physician or other licensed health care practitioner, within the scope of practice under state law, for maximum reduction of physical or mental disability and restoration of a recipient to his or her best possible functional level, such as:

(A) Mental health assessment;

(B) Psychological testing (non-educational cognitive and adaptive testing);

(C) Assessment of motor language, social, adaptive, and/or cognitive functioning by standardized developmental instruments;

(D) Behavioral health counseling and therapy; and

(E) Psychotherapy (group/individual).

(3) Services for physical, occupational, and speech therapy, hearing, nursing, and mental health services must be recommended as set out, and provided by medically qualified individuals as defined in OAR 410-133-0120.

(4) Medicaid covered services and treatments are provided in accordance with the Oregon Medicaid program's Prioritized List of Health Services to recipients receiving services pursuant to an IEP/IFSP eligible under IDEA in the educational setting. The above-listed therapy services and treatments are examples of services that may be provided to eligible recipients in an educational setting under the Oregon Medicaid program. The current Prioritized List of services can be found on the Health Services Commission web site.

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

Hist.: HR 39-1991, f. & cert. ef. 9-16-91; HR 22-1995, f. & cert. ef. 12-1-95; OMAP 38-1999, f. & cert. ef. 10-1-99; OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

410-133-0080

Coverage

The Department of Human Services may reimburse School Medical Providers for the SBHS covered Health Services that meet all of the following criteria:

(1) The Health Service(s) must be "Necessary and Appropriate" and covered under the Oregon Health Plan as a service that is above the funding line of the Prioritized List of Health Services and the Health Services must not be excluded under OAR 410-133-0200 (Not Covered Services).

(2) The Health Service(s) must be required by a Medicaid-eligible student's physical or mental condition(s) as specified on the IEP or IFSP and further described in the treatment plan and the evaluation of the student.

(a) The Health Service, individual or group, may include corrective Health Services treatments and Medicaid-covered Related Services as described in a student's IEP or IFSP.

(A) The payment rate for Health Services includes case management and necessary supplies for these services. Additional reimbursement for such services are not paid separately from the Health Service.

(B) These services must be provided by Medically Qualified Staff who meet the standards of licensing or certification for the Health Service being provided as described in OAR 410-133-0120 and comply with the respective medical provider's governing definitions, scope of practice, documentation requirements, and licensure or certification.

(3) Evaluation and Assessment for SBHS are reimbursed for the part of the Evaluation or Assessment regarding a Medicaid-eligible student's "Necessary and Appropriate" SBHS needs for the purpose of establishing,

re-establishing, or terminating a Medicaid covered SBHS on a Medicaid-eligible student's IEP or IFSP; or to develop, review, or revise components of a covered Health Service currently provided to a Medicaid-eligible student for continuation of those covered services pursuant to an IEP or IFSP under IDEA.

(a) Evaluation services are procedures used to determine a covered SBHS health-related need, diagnosis, or eligibility under IDEA.

(b) Re-evaluation services are procedures used to determine whether or not a Medicaid-eligible student will continue to receive a covered SBHS pursuant to the IEP or IFSP under IDEA.

(4) Assistive Technology Services directly assist a Medicaid-eligible student with a disability, eligible under IDEA, to receive assistive technology covered SBHS as specified on the IEP or IFSP, in the selection, acquisition, or use of an assistive technology device, including:

(a) The Assistive technology assessment with one-to-one student contact time by Medically Qualified Staff within the scope of practice performing the assessment of the need, suitability, and benefits of the use of an assistive technology device or adaptive equipment that will help restore, augment, or compensate for existing functional ability in the Medicaid-eligible student or that will optimize functional tasks and/or maximize the Medicaid-eligible students environmental accessibility. This requires and includes the preparation of a written report;

(b) Care Coordination with the Medicaid-eligible student's physician, parent/guardian, and the Office of Medical Assistance Programs for the parent/guardian's acquisition of a personal assistive technology device for their Medicaid-eligible student through the student's Medicaid plan for the benefit of the Medicaid-eligible student to maximize his/her functional ability and environmental accessibility; and

(c) Training or technical assistance provided to or demonstrated with the Medicaid-eligible student by Medically Qualified staff, instructing the use of an assistive technology device or adaptive equipment in the educational setting with professionals (including individuals providing education and rehabilitation services) or where appropriate the family members, guardians, advocates, or authorized representative of the Medicaid-eligible student. In order to bill Medicaid for this service, the student must be present.

(5) DHS may reimburse Physical Therapy Services provided by:

(a) A physical therapist authorized to administer physical therapy to an individual, when the individual is a Medicaid-eligible student eligible for special education, as defined by state or federal law, and is being seen pursuant to the Medicaid-eligible student's individual education plan or individual family service plan (see Division 30 Practice Without Referral through OAR 848-030-0000, 848-030-0100 Scope of Practice);

(b) A physical therapist assistant providing treatment under the supervision of a physical therapist who is available and readily accessible for consultation with the assistant, at all times, either in person or by means of telecommunications (see scope of practice and supervision requirements for physical therapy assistant OAR 848-015-0010 through 848-015-0030). Physical therapy services must be provided by Medically Qualified Staff who meet the standards of licensing or certification for the Health Service being provided as described in OAR 410-133-0120.

(c) Reimbursement time may include:

(A) Preparation of the written initial evaluation or initial assessment report to establish Necessary and Appropriate physical therapy services on a Medicaid-eligible student's IEP or IFSP.

(B) Obtaining and interpreting medical information for the part of an evaluation or assessment performed by the Physical Therapist to establish Necessary and Appropriate physical therapy services on a Medicaid-eligible student's IEP or IFSP; or to determine whether or not Necessary and Appropriate physical therapy services will continue to be specified on the Medicaid-Eligible student's IEP or IFSP under IDEA (cannot be delegated).

(C) Care coordination and integrating services, within the scope of practice, for providing Necessary and Appropriate physical therapy services relative to the Medicaid-eligible student pursuant to an IEP or IFSP.

(D) Direct treatment and supervision of services provided to a Medicaid-eligible student by the Physical Therapist and defined in the individual plan; when

(E) Documentation by the supervising Physical Therapist supporting the appropriate supervision of the assistant is maintained and kept by the School Medical Provider for a period of seven years (See OAR 848-020-030 Supervision; Delegation of Supervision; Professional Responsibility of Supervisors and Supervisees).

(F) Individual or group physical therapy services provided to a Medicaid-eligible student by or under the supervision and direction of a Licensed Physical Therapist pursuant to the Medicaid-eligible student's

ADMINISTRATIVE RULES

IEP or IFSP; when the documentation describing physical therapy services provided are signed by the Therapist providing the service in accordance with their Board licensing requirements and documentation for supervision of services performed by or under the supervision and direction of the Supervising Physical Therapist supporting the services provided is maintained and kept by the School Medical Provider for seven (7) years (See Minimum Standards for Physical Therapy Practice and Records OAR 848-040-100 through 848-040-0170).

(G) Other covered physical therapy services within the scope of practice and subsections (1) and (2) of this rule.

(6) DHS may reimburse Occupational Therapy Services provided by:

(a) A Licensed Occupational Therapist authorized to administer occupational therapy to an individual, when the individual is a Medicaid-eligible student eligible for special education, as defined by state or federal law, and is being seen pursuant to the Medicaid-eligible student's individual education plan or individual family service plan; and

(b) A licensed occupational therapy assistant assisting in the practice of occupational therapy under the general supervision of a licensed Occupational Therapist. (General supervision requires the supervisor to have at least monthly direct contact in person with the supervisee at the work site with supervision available as needed by other methods); and

(c) Before an occupational therapy assistant assists in the practice of occupational therapy, he/she must file with the Board a signed, current statement of supervision of the licensed occupational therapist that will supervise the occupational therapy assistant. The signature of the supervising Occupational Therapist must be notarized (See OAR 339-010-0035 Statement of Supervision for Occupational Therapy Assistants). Occupational therapy services must be provided by Medically Qualified Staff who meet the standards of licensing or certification for the Health Service being provided as described in OAR 410-133-0120.

(d) Reimbursement time may include:

(A) Preparation of the written initial evaluation or initial assessment reports that establish Necessary and Appropriate occupational therapy services on a Medicaid eligible students IEP or IFSP.

(B) Obtaining and interpreting medical information for the part of the evaluation or assessment performed by the Occupational Therapist (OT) to establish Necessary and Appropriate occupational therapy services on a Medicaid-eligible student's IEP or IFSP; or to determine whether or not Necessary and Appropriate occupational therapy services will continue to be specified on the Medicaid Eligible student's IEP or IFSP under IDEA (cannot be delegated).

(C) Development of the initial occupational therapy treatment plan by the OT (cannot be delegated).

(D) Coordinating care and integrating services, within the scope of practice, relative to the Medicaid-eligible student receiving Necessary and Appropriate occupational therapy services as specified on the IEP or IFSP.

(E) Individual or group occupational therapy services provided to a Medicaid-eligible student by or under the supervision and direction of a Licensed Occupational Therapist as specified on Medicaid-eligible student's IEP or IFSP,

(F) Direct treatment and supervision of services provided to a Medicaid-eligible student by the Occupational Therapist and defined in the individual plan; when documentation supporting the appropriate supervision of the assistant is kept and maintained by the School Medical Provider for a period of seven years;

(G) The occupational therapy services provided are consistent with OAR 339-010-0050 Occupational Therapy Services in an Educational Setting for Children with Handicap; and

(H) Documentation describing treatment provided are signed and initialed by the Occupational Therapy Assistant for review and co-signature by the supervising Occupational Therapist.

(I) Other covered occupational therapy services within the scope of practice and subsections (1) and (2) of this rule.

(7) DHS May Reimburse Speech Therapy Services Provided By:

(a) A Licensed Speech Pathologist licensed by the Oregon Board of Examiners for Speech Pathology and Audiology or holds a Certificate of Clinical Competency (CCC) from the American Speech and Hearing Association (ASHA), authorized to administer speech therapy to an individual, when the individual is a Medicaid-eligible student eligible for special education, as defined by state or federal law, receiving speech therapy services pursuant to an individual education plan or individual family service plan; or

(b) A graduate speech pathologist in their Clinical Fellowship Year (CFY) practicing under the supervision of an ASHA licensed speech pathologist with CCC who meet the standards of licensing or certification

for the Health Service provided as described in OAR 410-133-0120 Medically Qualified Staff; and when

(A) A standardized system for reviewing the clinical work of the clinical fellow is performed at regularly scheduled intervals, using the Skills Inventory Rating (CFSI) form addressing the fellow's attainment of skills for independent practice;

(B) The clinical fellow supervisor maintains and documents the supervision of the clinical fellow to be kept by the School Medical Provider for a period of seven years.

(C) Documentation describing the treatment provided are signed and initialed by the Clinical Fellow for review and co-signature by the supervising Clinical Fellow.

(c) Speech-language pathology assistants (SLPA), licensed by the Oregon State Board of Examiners for Speech Pathology and Audiology, under the supervision of a supervising speech-language pathologist and who meet the standards of licensing or certification for the Health Service provided as described in OAR 410-133-0120 Medically Qualified Staff, when the following conditions are met:

(A) The supervising speech-language pathologist must have at least two years of full-time professional speech-language pathology experience (see OAR 335-095-0050 Supervision Guidelines for the Speech-Language Pathology Assistant);

(B) The supervising speech therapist does not supervise more than two full-time or three part-time speech-language pathology assistants;

(C) The supervising speech-language pathologist maintains documentation supporting the appropriate supervision of the assistant(s) to be kept by the School Medical Provider for a period of seven (7) years;

(D) The caseload of the supervising clinician allows for administration, including assistant supervision, evaluation of students and meeting times. (All students assigned to an assistant are considered part of the caseload of the supervising clinician);

(E) The supervising speech-language pathologist must be able to be reached at all times (A temporary supervisor may be designated as necessary);

(F) The services provided by the assistants are consistent with the Scope of Duties for the Speech-Language Pathology Assistant (SLPA) pursuant to OAR 335-095-0060;

(G) Documentation describing the treatment provided are signed and initialed by the SLPA for review and co-signature by the supervising speech-language pathologist to be kept by the School Medical Provider for a period of seven (7) years.

(d) Reimbursement time may include:

(A) Preparation of the written initial evaluation or initial assessment report, including obtaining and interpreting medical information for the part of the evaluation or assessment performed by the Speech Pathologist to establish Necessary and Appropriate speech therapy services on a Medicaid-eligible student's IEP or IFSP; or determine whether or not Necessary and Appropriate speech therapy services will continue to be specified on the Medicaid-Eligible student's IEP or IFSP under IDEA (cannot be delegated);

(B) Development of the initial speech therapy treatment plan by the Speech Pathologist (cannot be delegated);

(C) Care coordination and integrating services, within the scope of practice, relative to the Medicaid-eligible student receiving Necessary and Appropriate speech therapy services specified on the IEP or IFSP;

(D) Direct individual or group speech therapy services provided to a Medicaid-eligible student for speech services specified on the IEP or IFSP delivered by or under the supervision and direction of a Speech Pathologist who is medically qualified to deliver the service see 410-133-0120 Medically Qualified Staff;

(E) Direct training and supervision of services provided to a Medicaid-eligible student by the Medically Qualified Supervising Speech Pathologist to be kept by the School Medical Provider for a period of seven (7) years; and

(F) Other covered speech therapy services within the scope of practice and subsections (1) and (2) of this rule.

(8) DHS May Reimburse Audiology Services Provided By:

(a) A Licensed Audiologist within the scope of practice as defined by state or federal law who meet the standards of licensing or certification for the Health Service provided as described in OAR 410-133-0120 Medically Qualified Staff.

(b) Reimbursement time may include:

(A) Preparation of the written initial evaluation or initial assessment report, including obtaining and interpreting medical information for the part of the evaluation or assessment performed by the Audiologist within

ADMINISTRATIVE RULES

the scope of practice, to establish Necessary and Appropriate hearing services on a Medicaid-eligible student's IEP or IFSP; or determine whether or not Necessary and Appropriate hearing impairment services will continue to be specified on the Medicaid-Eligible student's IEP or IFSP under IDEA.

(B) Periodic hearing evaluations and assessments of a Medicaid-eligible student with hearing loss found eligible under IDEA pursuant to services as specified on the IEP or IFSP, for determination of the range, nature and degree of hearing loss.

(C) Care coordination and integration of services for medical or other professional attention relative to Medicaid-eligible student receiving services for restoration or rehabilitation due to hearing and communication disorders as specified on the IEP or IFSP.

(D) Provision of rehabilitative activities, such as language restoration or rehabilitation, auditory training, hearing evaluation and speech conversation, and determination of the Medicaid-eligible student's need for individual amplification in accordance with the student's IEP or IFSP.

(9) DHS May Reimburse Nurse Services Provided By:

(a) A Nurse Practitioner (NP), Registered Nurse (RN), Licensed Practical Nurse (LPN) or Delegated Health Care Aid under the supervision of an RN or NP who meet the standards of licensing or certification for the Health Service provided as described in OAR 410-133-0120 Medically Qualified Staff.

(b) Nursing services under this program are not intended to reimburse nursing activities of a Private Duty RN or LPN that is otherwise billing Medicaid directly for those services.

(c) Reimbursement time may include:

(A) Preparation of the written initial evaluation or initial assessment report to establish nursing services including obtaining and interpreting medical information for the part of the evaluation or assessment performed to establish Necessary and Appropriate nursing services on the Medicaid-Eligible student's IEP or IFSP; or determine whether or not Necessary and Appropriate nursing services will continue to be specified on the Medicaid-eligible students IEP or IFSP under IDEA.

(B) Coordinated care for other specified care management for a chronic medical condition that is not addressed on the current IEP or IFSP that will result in amending nursing services specified in the IEP or IFSP and requires an updated nursing plan of care. This may result in an increase in supervision, monitoring and training of DHC staff to provide new nursing tasks related to the change in condition. For example: a child with seizure disorder that develops diabetes.

(C) Care coordination and integration of Necessary and Appropriate nursing services relative to the Medicaid-eligible student's covered Health Service specified on the IEP or IFSP.

(D) Nurse to student interactive services that are covered Health Services provided to a Medicaid-eligible student with a chronic medical condition receiving nursing services pursuant to an IEP or IFSP.

(E) Oversight of delegated health care aides performing delegated nursing services directly with the student as specified on the IEP or IFSP.

(F) Student observation by Medically Qualified Staff for medical reasons of a Medicaid-eligible student with a chronic medical condition as part of an evaluation/assessment or care coordination. An observation by itself is not a billable activity.

(G) Other covered nursing care services within the scope of practice and subsections (1) and (2) of this rule.

(10) DHS May Reimburse Mental Health Services Provided By:

(a) A Psychiatrist who meets the standards of licensing or certification for the Health Service being provided as described in OAR 410-133-0120(2)(f)(A), or a Psychologist who meets the standards of licensing or certification for the Health Service being provided as described in OAR 410-133-0120(2)(f)(B), or a Mental Health Nurse Practitioner who meets the standards of licensing or certification for the Health Service being provided as described in OAR 410-133-0120(2)(e)(A); or

(b) A Psychologist Associate with authority to function without immediate supervision, performing functions that may include but are not restricted to administering tests of mental abilities, conducting personality assessments and counseling (see OAR 858-050-0150 Application for Functioning Without Immediate Supervision). These services must be provided by Medically Qualified Staff who meet the standards of licensing or certification for the Health Service being provided as described in OAR 410-133-0120(2)(f)(C); or

(c) A Psychologist Associate under the supervision of a Psychologist as specified by the Board of Psychologists Examiners, chapter 858 division 50, Psychologist Associates OAR 858-050-0100 through 858-050-0145. These services must be provided by Medically Qualified Staff who meet

the standards of licensing or certification for the Health Service being provided as described in OAR 410-133-0120(2)(f)(D); or

(d) A testing technician under the supervision of a Psychologist as specified by the Board of Psychologists Examiners, chapter 858, division 10, OAR 858-010-0002 Guidelines for Supervising Technicians and who meet the standards of licensing or certification for the Health Service being provided as described in OAR 410-133-0120 (f)(E); or

(e) A Licensed (LCSW) qualified and licensed to deliver the service, or a Clinical Social Work Associate (CSWA) under the supervision of an LCSW specified by the Board of Clinical Social Workers, chapter 877 division 20, OAR 877-020-000 through 877-020-0050 and who meet the standards of licensing or certification for the Health Service being provided as described in OAR 410-133-0120(f)(F).

(f) Reimbursable time may include:

(A) Preparation of the written initial evaluation or initial assessment report for a suspected disability per the referral process for determining IDEA eligibility, including obtaining and interpreting medical information for the part of the evaluation or assessment performed by the mental health care practitioner within the scope of practice, to establish Necessary and Appropriate mental health services on the Medicaid-Eligible student's IEP or IFSP; or to determine whether or not Necessary and Appropriate mental health services will continue to be specified on the Medicaid-eligible student's IEP or IFSP under IDEA.

(B) Care coordination and integrating services, within the scope of practice, relative to the Medicaid-eligible student receiving mental health services as specified on the IEP or IFSP;

(C) Direct individual therapy services provided within the scope of practice under state law and covered under subsections (1) and (2) of this rule to a Medicaid-eligible student by or under the supervision and direction of a Psychologist, a Psychiatrist, or Mental Health Nurse Practitioner, or a Licensed Clinical Social Worker qualified and licensed to deliver the service pursuant to the Medicaid-eligible student's IEP or IFSP.

(11) Medicaid Reimbursed Transportation:

(a) Transportation to a covered Health Service as documented in the child's IEP/IFSP and defined in these rules (see 410-133-0245 Cost Determination and Payment).

(b) Ongoing transportation specified, as a related service, on the Medicaid-eligible student's IEP or IFSP may be claimed as a Medicaid service on the days a Medicaid-eligible student receives a covered Health Service that is also specified on the IEP or IFSP.

(c) DHS may only reimburse for transportation as a related service to and from a Medicaid-covered service for a Medicaid-eligible student when the student receives a Medicaid covered Health Service other than transportation on that day when either of the following situations exist:

(A) The Medicaid-eligible student requires specialized transportation adapted to serve the needs of the disabled student, there is documentation to support specialized transportation is "Necessary and Appropriate", and transportation is listed as a related service on the student's IEP or IFSP; or

(B) The Medicaid-eligible student has a medical need for transportation that is documented in the IEP or IFSP, and resides in an area that does not have regular school bus transportation such as those areas in close proximity to a school.

(d) If a Medicaid-eligible student is able to ride on a regular school bus, but requires the assistance of a delegated health care aide, trained by an RN to provide a delegated nursing task specific to the student, who cannot be transported safely without the delegated health care aide, the service provided by the delegated healthcare aide is reimbursed under the delegated healthcare code. See the standards for delegation of a Nursing Care Task as outlined in the Nurse Practice Act, Division 47, OAR 851-047-000

(e) If a Medicaid-eligible student requires the assistance of a delegated health care aide and transportation adapted to serve the needs of the disabled student, both the necessary and appropriate transportation and the service provided by the delegated healthcare aide may be reimbursed when both are specified on the Medicaid-eligible student's current IEP or IFSP.

(f) If an education agency provides special transportation to a Medicaid-eligible student to a covered service outside the district or the Medicaid-eligible student's resident school and the student cannot be transported safely without a transportation aide as specified on the IEP or IFSP, the transportation is billable. However, a transportation aide who is not a delegated healthcare aide trained by an RN cannot be billed as a separate cost because the cost of the transportation aide is included in the cost of the transportation.

(g) Transportation is not reimbursable by OMAP when provided by the parent or relative of the child.

(h) Transportation to an Evaluation service is covered as long as:

ADMINISTRATIVE RULES

(A) Medically necessary transportation is listed and included in the Medicaid-eligible student's current IEP or IFSP and the evaluation is to establish, re-establish, or terminate a SBHS covered service under IDEA;

(B) The Evaluation is a SBHS covered Health Service;

(C) The medical provider conducting the Evaluation, if not employed or contracted by the School Medical Provider, is an enrolled provider with OMAP and meets applicable medical licensing standards necessary to conduct the evaluation.

(12) Medicaid may reimburse for Contracted Consultation Health Services for furnishing consultations regarding a Medicaid-eligible student's covered Health Service(s) specified on the IEP or IFSP for an evaluation or assessment to establish, re-establish, or terminate a covered SBHS on an IEP or IFSP. Contracted consultation services must be provided by a licensed medical professional other than School Medical Provider staff.

(a) This service may be on a contracted basis for a number of students;

(b) Allowable services must be furnished through a personal service contract between the School Medical Provider and the licensed health care practitioner;

(c) This service would only be a SBHS covered Health Service by the School Medical Provider when the licensed health care practitioner did not bill Medicaid directly under other programs for the same services.

(13) Reimbursed Coordinated care, performed by Medically Qualified Staff as described in OAR 410-133-0120 directly related to Health Services required by a Medicaid-eligible student's physical or mental condition as described in the IEP or IFSP; and must be one of the following:

(a) Managing integration of those Medicaid covered Health Services for treatment provided in the education setting;

(b) The portion of a Conference, between interested parties and Medically Qualified Staff for developing, reviewing, or revising a Medicaid covered Health Service, or therapy treatment plan, for services provided pursuant to a Medicaid-eligible student's IEP or IFSP, or to establish, re-establish, or terminate a covered Health Service under IDEA for eligibility purposes;

(c) Consultation from Medically Qualified Staff providing technical assistance to or conferring with special education providers, physician, or families to assist them in providing covered Health Services to Medicaid-eligible students for treatment provided in the educational setting related to specific Health Services in support of the goals and objectives in the student's IEP or IFSP. Consultation services must be completed by a licensed health care practitioner within the scope of practice under their licensure.

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

Hist.: HR 39-1991, f. & cert. ef. 9-16-91; HR 21-1995, f. & cert. ef. 12-1-95; OMAP 31-1998, f. & cert. ef. 9-1-98; OMAP 31-2003, f. & cert. ef. 4-1-03; OMAP 53-2003, f. 8-13-03 cert. ef. 9-1-03; OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

410-133-0090

School Medical Provider Payment

(1) Payment will be made to the enrolled Educational Agency as the School Medical Provider for those covered Health Services provided by the employed Medically Qualified Staff working within the scope of their practice. While the Educational Agency shall hold primary responsibility for providing these services with its own qualified staff, it may also contract, on a supplemental basis only, for covered Health Services with individuals or organizations that meet qualifications for Medically Qualified Staff as outlined in OAR 410-133-0120.

(2) Signing the School Medical Provider Enrollment Agreement sets forth the relationship between the State of Oregon, DHS, and the School Medical Provider and constitutes agreement by the School Medical Provider to comply with all applicable rules of DHS, the Medical Assistance Program, federal and state laws or regulations.

(3) The public School Medical Provider will bill for Health Services provided to Medicaid-eligible students according to these SBHS rules. Payments will be made through the Medical Management Information System (MMIS).

(4) SBHS for public School Medical Providers is a cost-sharing (Federal Financial Participation) program. In addition to the requirements set forth in subsections (1) – (3) of this rule, and pursuant to 42 CFR 433.10, DHS may monthly, but will no less than quarterly, invoice the public School Medical Provider for their non-federal matching share based on the current Federal Medical Assistance Percentage (FMAP) rate. The public School Medical Provider shall pay the amount stated in the invoice within 30 days of the date of the invoice.

(a) The public School Medical Provider's share means the public funds share of the Medicaid payment amount. Pursuant to 42 CFR 433.51, public funds may be considered as the State's share in claiming federal financial participation if the public funds meet the following conditions: The public funds are transferred to DHS from public agencies and are not federal funds or are federal funds authorized by federal law to be used to match other federal funds.

(b) The public School Medical Provider's non-federal matching share shall be based on the current Federal Medical Assistance Percentage (FMAP) rate for Oregon provided annually by the Centers for Medicare and Medicaid Services. This percentage can vary each federal fiscal year. The DHS invoice shall be based on the FMAP in effect at the time of the State's expenditure to the public School Medical Provider.

(c) The public School Medical Provider shall submit to DHS an original signed document certifying that the public funds transferred to DHS (for the non-federal matching share) by the public School Medical Provider under this rule are not federal funds, or are federal funds authorized by federal law to be used to match other federal funds.

(5) Failure to remit the non-federal share described in subsection (4) of this rule within the time stated on the DHS invoice will constitute an overpayment, and will make the School Medical Provider subject to overpayment recoupment or other remedy pursuant to OMAP General Rules, OAR 410-120-1400 through 410-120-1685.

(6) DHS shall not be financially responsible for payment of any claim that CMS disallows under the Medicaid program. If DHS has previously paid the School Medical Provider for any claim which CMS disallows, the School Medical Provider shall reimburse DHS the amount of the claim that DHS has paid to the School Medical Provider, less any amount previously paid by the School Medical Provider to DHS for purposes of reimbursing DHS for the non-federal match portion of that claim.

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

Hist.: HR 39-1991, f. & cert. ef. 9-16-91; HR 41-1992, f. 12-31-92, cert. ef. 1-1-93; OMAP 31-1998, f. & cert. ef. 9-1-98; OMAP 88-2003(Temp), f. & cert. ef. 12-15-03 thru 5-15-04; OMAP 4-2004, f. 1-23-04, cert. ef. 2-1-04; OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

410-133-0100

School Medical Provider Requirements

The School Medical Provider is responsible to:

(1) Enroll with OMAP to provide Health Services, and comply with all the requirements in OAR 410-120-1260 (Provider Enrollment) applicable to enrollment as a provider (see 410-133-0140 in these rules).

(2) Provide Health Services pursuant to the Medicaid-eligible student's IEP or IFSP for special education under OAR chapter 581, Division 15;

(3) Provide Health Services using Medically Qualified Staff;

(4) Provide appropriate medical supervision by licensed Medically Qualified Staff consistent with their licensing board requirements;

(5) Document Health Services in writing as required in OAR 410-133-0320;

(6) Maintain adequate medical and financial records as part of the Medicaid-eligible student's Education Record;

(7) Make the records required by these rules and specifically OAR 410-133-0320 available for a period of seven years;

(8) Document costs and establish a schedule of rates per discipline in accordance with OAR 410-133-0245;

(9) Provide access for on-site review of Medicaid-eligible students' medical records that are part of the Education Record;

(10) Document any changes in the IEP/IFSP related to SBHS covered Health Services;

(11) Assure that services billed reflect covered Health Services and do not reimburse for non-covered education services or administrative activities;

(12) Utilize procedures to confirm that all individuals providing Health Services to Medicaid-eligible students, whether as employees or under contract with the School Medical Provider, are eligible to provide Medicaid services and are not excluded from providing Medicaid services (see 410-133-0120 Medically Qualified Staff (1) and 410-133-0200 Not Covered Services (6)(m); and

(13) Comply with all applicable provisions of the OMAP General Rules, including rules related to the use of billing providers and if the School Medical Provider seeks to submit claims to DHS electronically, comply with the applicable provisions of the DHS Electronic Data Interchange rules, OAR 410-001-0000 et seq. (See 410-133-0090).

Stat. Auth.: ORS 184

Stats. Implemented: ORS 414.065

ADMINISTRATIVE RULES

Hist.: HR 39-1991, f. & cert. ef. 9-16-91; OMAP 31-1998, f. & cert. ef. 9-1-98; OMAP 53-2003, f. 8-13-03 cert. ef. 9-1-03; OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

410-133-0120

Medically Qualified Staff

(1) The School Medical Provider shall furnish covered Health Services through the medically qualified staff who provide Health Services within the scope of their licensure. The School Medical Provider shall document the credentials and qualifications, updated periodically, of all Medically Qualified Staff. The School Medical Provider credential file shall document the manner in which the provider checked, and periodically re-checked, the Medicaid provider exclusion list to confirm that the Medically Qualified Staff are eligible to provide Health Services to Medicaid-eligible students. Special education teachers are not recognized as medically qualified staff for these services. See <http://oig.hhs.gov/fraud/exclusions.html>

(2) School-based services, are delivered by providers who meet the federal requirements listed below and who operate within the scope of their health care practitioner's license or certification pursuant to state law as follows:

(a) Evaluation and physical therapy treatments shall be provided by licensed physical therapists, that meet the federal requirements of 42 CFR 440.110, and are licensed by the State Physical Therapist Licensing Board. Licensed physical therapists assistants who's function is to assist the physical therapist in patient-related activities and to perform delegated procedures that are commensurate with the licensed therapist assistant's education and training may provide therapy treatments under the supervision and direction of a State licensed physical therapist within the scope of the health care practitioner's license and accreditation pursuant to State law.

(b) Occupational therapy evaluation and treatments shall be provided by licensed occupational therapists, that meet the federal requirements of 42 CFR 440.110, and are licensed by the State Occupational Therapist Licensing Board. Licensed occupational therapist assistants who's function is to assist the occupational therapist in patient-related activities and to perform delegated procedures that are commensurate with the licensed therapist assistant's education and training may provide therapy treatments under the supervision and direction of a State licensed occupational therapist within the scope of the health care practitioner's license and accreditation pursuant to State law.

(c) Speech therapy evaluation and treatments shall be provided by Speech Pathologists that meet the federal requirements at 42 CFR 440.110, and are licensed by the State Board of Examiners for Speech Pathology and Audiology or hold a Certificate of Clinical Competency from the American Speech and Hearing Association.

(A) Speech therapy services may be provided by a graduate speech pathologist being supervised in the Clinical Fellowship Year (CFY) under the supervision of an ASHA licensed speech-language pathologist; or

(B) A Certified Speech-language Pathology Assistant (SLPA) performing within the scope of practice may provide therapy under the supervision of a State licensed speech-language pathologist within the scope of the health care practitioner's license and accreditation pursuant to State law.

(d) Audiology evaluation and services shall be provided by Audiologists that meet the federal requirements at 42 CFR 440.110.

(e) Nurse evaluation and treatments shall be provided by Registered Nurses (RN) and Licensed Practical Nurses (LPN) licensed to practice in Oregon by the Oregon State Board of Nursing. A Licensed Practical Nurse (LPN) may participate in the implementation of the plan of care for providing care to clients under the supervision of a licensed Registered Nurse, Nurse Practitioner, or Physician pursuant to the Oregon State Board of Nursing Practice Act Divisions 45 and 47. Treatment may also be provided by a delegated health care aide that is a non-licensed person trained and supervised by a licensed Registered Nurse (RN) or Nurse Practitioner (NP) to perform selected tasks of nursing care pursuant to The Oregon State Board of Nursing Division 47 of the Nurse Practice Act.

(A) Nurse Practitioners that meet the federal requirements at 42 CFR 440.166, and are licensed by the Oregon State Board of Nursing to practice in Oregon as a Nurse Practitioner (See Oregon State Board of Nursing Nurse Practice Act, Division 50, Nurse Practitioners OAR 851-050-000 through 851-050-0170).

(f) Psychological/mental health evaluations, testing, psychological services and treatments shall be provided by individuals who meet the relevant requirements of their respective professional state licensure as follows:

(A) Psychiatrists must be licensed to practice medicine and surgery in the State of Oregon; and possess a valid license from the Oregon Licensing Board for the Healing Arts.

(B) Psychologists must have one of the following: a doctoral degree in psychology obtained from an approved doctoral program in psychology accredited by the American Psychological Association (APA) or a doctoral program in psychology accredited individually or as part of an institutional accreditation by another private or governmental accrediting agency, when the association's or agency's standards and procedures have been approved by the State Board of Psychologist Examiners by rule; and have two years of supervised employment under the direction of a psychologist licensed in Oregon or under the direction of a person considered by the board to have equivalent supervisory competence.

(C) Psychologists Associates meeting the requirements to function without immediate supervision pursuant to Oregon Board of Psychologist Examiners Division 50, OAR 858-050-0150 may apply to the Board for authority to function without immediate and direct supervision. Until the psychologist associate successfully completes the oral examination for independent practice, the associate must not practice without immediate supervision, but must at all times be under the direct supervision of a licensed psychologist who shall continue to be responsible for the practice of the associate.

(D) Psychologists Associates who do not possess a doctoral degree, and are deemed competent to perform certain functions within the practice of psychology under the periodic direct supervision of a psychologist licensed by the board:

(i) Has complied with all the applicable provisions of ORS 675.010 to 675.150;

(ii) Has received a master's degree in psychology from a psychology program approved by the board by rule;

(iii) Has completed an internship in an approved educational institution or one year of other training experience acceptable to the board, such as supervised professional experience under the direction of a psychologist licensed in Oregon, or under the direction of a person considered by the board to have equivalent supervisory competence; and

(iv) Furnishes proof acceptable to the board of at least 36 months, exclusive of internship, of full-time experience satisfactory to the board under the direct supervision of a licensed psychologist in Oregon, or under the direct supervision of a person considered by the board to have equivalent supervisory competence. [1973 c.777 §5; 1987 c.158 §137; 1991 c.490 §3; 1993 c.585 §5; 1999 c.443 §2]

(E) Testing Technicians under the supervision of Psychologist. A licensee may delegate administration and scoring of tests to technicians as provided in ORS 675.010(4) and OAR 858-010-0001, if the licensee ensures the technicians are adequately trained to administer and score the specific test being used; and ensures that the technicians maintain standards for the testing environment and testing administration as set forth in the American Psychological Association Standards for Educational and Psychological Tests (1999) and Ethical Principles for Psychologists (2002). See OAR 858-010-0002 Guidelines for Supervising Technicians.

(F) Services provided by Clinical Social Work Associate (CSWA) or Licensed Clinical Social Worker (LCSW); must possess a master's degree from an accredited college or university accredited by the Council on Social Work Education and have completed the equivalent of two years of full-time experience in the field of clinical social work in accordance with rules of the Oregon State Board of Clinical Social Workers for a LCSW or whose plan of practice and supervision has been approved by the board, for a CSWA working toward LCSW licensure under the supervision of a LCSW for two years of post masters clinical experience and is licensed by the State Board of Clinical Social Workers to practice in Oregon. See Board of Clinical Social Workers, chapter 877 division 20, OAR 877-020-000 through 877-020-0050.

Stat. Auth.: ORS 409
Stats. Implemented: ORS 414.065

Hist.: HR 39-1991, f. & cert. ef. 9-16-91; HR 49-1991(Temp), f. & cert. ef. 10-24-91; HR 3-1992, f. & cert. ef. 1-2-92; HR 29-1993, f. & cert. ef. 10-1-93; HR 19-1994, f. & cert. ef. 4-1-94; HR 21-1995, f. & cert. ef. 12-1-95; OMAP 38-1999, f. & cert. ef. 10-1-99; OMAP 31-2003, f. & cert. ef. 4-1-03 ; OMAP 53-2003, f. 8-13-03 cert. ef. 9-1-03; OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

410-133-0140

School Medical Provider Enrollment Provisions

(1) This rule applies only to providers seeking reimbursement from OMAP, except as otherwise provided in OAR 410-120-1295.

(2) Providers of SBHS will be enrolled with OMAP as School Medical Providers and registered with the Oregon Department of Education as qualified public educational entities.

ADMINISTRATIVE RULES

(3) The provider enrollment process will consist of:

(a) Documentation of registration with ODE as a qualified special education provider (see OAR 581-015-0035 Criteria for Approving School District Special Education Programs); and

(b) Completion of the School Medical Provider enrollment application with the Office of Medical Assistance Programs.

(4) An approved enrollment application is a contractual agreement that binds the provider to comply with OMAP General Rules and DHS SBHS rules.

(5) Signing the provider application constitutes agreement by performing, and billing providers to comply with all applicable rules of the Medical Assistance Program and federal and state laws and regulations.

(6) A Performing Provider or Billing Provider may utilize an EDI Submitter for the purpose of submitting the Performing Provider's claims to DHS electronically. A School Medical Provider that intends to use an EDI Submitter shall register with DHS as a Trading Partner and shall comply with the Trading Partner requirements of identifying the authority of the EDI Submitter to submit claims on its behalf. The EDI Submitter must sign the EDI Certification and meet other DHS EDI submission requirements pursuant to the EDI rules, before DHS may accept an electronic submission from the EDI Submitter on behalf of the Performing Provider. Information about the EDI transaction requirements is available on the DHS web site.

(7) An individual or organization must meet applicable licensing and regulatory requirements set forth by Federal and State statutes, regulations, and rules to be enrolled and to bill as a provider. In addition, all providers of services within the State of Oregon must have a valid Oregon business license if such a license is a requirement of the state, federal, county or city government to operate a business or to provide services.

(8) An individual or organization that is currently subject to sanction(s) by the Medical Assistance Program or Federal government is not eligible for enrollment (see Provider Sanctions).

(9) A performing provider number will be issued to an individual or organization providing covered health care services or items upon:

(a) Completion of the application and submission of the required documents;

(b) The signing of the provider application by the provider or a person authorized by the provider to bind the organization or individual to compliance with these rules;

(c) Verification of licensing or certification. Loss of the appropriate licensure or certification will result in immediate dis-enrollment of the provider and recovery of payments made subsequent to the loss of licensure or certification;

(d) Approval of the application by OMAP or the Division responsible for enrolling the provider.

(10) Performing providers may be enrolled retroactive to the date services were provided to a Medical Assistance client if:

(a) The provider was appropriately licensed, certified and/or otherwise met all Medical Assistance Program requirements for providers at the time services were provided; and

(b) Services were provided less than 12 months prior to the date of application for Medical Assistance provider status.

(11) Issuance of a provider number establishes enrollment of an individual or organization as a provider for limited category(ies) of services for the Medical Assistance Program.

(12) If a provider changes address, business affiliation, licensure, ownership, certification, billing agents or Federal Tax Identification Number (TIN), the Office of Medical Assistance Programs must be notified in writing within 30 days of the change. Failure to notify OMAP of a change of Federal Tax Identification Number may result in the imposing of a \$50 fine. Changes in business affiliation, ownership, and Federal Tax Identification Number may require the submission of a new application. Payments made to providers who have not furnished such notification may be recovered.

(13) Enrollment of Billing Providers:

(a) A person or business entity who submits claims to the Medical Assistance Program and/or receives payments from the Medical Assistance Program on behalf of a professional provider (e.g., physician, physical therapist, and speech therapist). The person or business entity must be enrolled with OMAP and meet all applicable federal regulations;

(b) A billing provider number will be issued only to billing providers billing on behalf of providers who have signed the provider enrollment form, who have met the licensure or other standards for enrollment as a provider and who have been delegated the authority to act on behalf of the performing provider and to bill on behalf of the provider of service;

(c) A billing provider must maintain, and make available to the Medical Assistance Program, upon request, records indicating the billing provider's relationship with the provider of service;

(d) The Billing Provider must obtain signed confirmation from the performing provider that the Billing Provider has been authorized by the Performing Provider to submit claims. This authorization must be maintained in the Billing Provider's files for at least five years, following the submission of claims to OMAP;

(e) The billing provider fee must not be based on a percentage of the amount collected or whether or not they collect the subject's payment (42 CFR 447 subpart A).

(14) Provider termination:

(a) The provider may terminate enrollment at any time. The request must be in writing, via certified mail, return receipt requested. The notice shall specify the provider number to be terminated and the effective date of termination. Termination of the provider enrollment does not terminate any obligations of the provider for dates of services during which the enrollment was in effect;

(b) OMAP provider terminations or suspensions may be for, but are not limited to the following:

(A) Breaches of provider agreement;

(B) Failure to comply with the statutes, regulations and policies of the Department of Human Services, Federal and State regulations that are applicable to the provider.

(C) When no claims have been submitted in an 18-month period. The provider must reapply for enrollment.

(15) When one or more of the requirements governing a provider's participation in the Medical Assistance program are no longer met, the provider's Medical Assistance Program provider number may be immediately suspended. The provider is entitled to a contested case hearing as outlined in 410-120-1600 through 410-120-1840 to determine whether the provider's Medical Assistance Program number will be revoked.

Stat. Auth.: ORS 184

Stats. Implemented: ORS 414.065

Hist.: HR 39-1991, f. & cert. ef. 9-16-91; OMAP 31-1998, f. & cert. ef. 9-1-98; OMAP 53-2003, f. 8-13-03 cert. ef. 9-1-03; OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

410-133-0160

Licensed Practitioner Recommendation

Requests for payment of Health Services required by a Medicaid-eligible student's IEP or IFSP must be supported by written recommendation from a physician or a licensed health care practitioner acting within the scope of their practice for the treatment provided. The recommendation must be current for the treatment provided as specified on the IEP or IFSP.

Stat. Auth.: ORS 409.010

Stats. Implemented: ORS 414.065

Hist.: HR 39-1991, f. & cert. ef. 9-16-91; HR 22-1995, f. & cert. ef. 12-1-95; OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

410-133-0180

Duplication of Service

(1) The School Medical Provider that utilizes a contractor to provide Health Services may only bill DHS or OMAP for Health Services when the School Medical provider and the contracted provider have previously agreed that the contractor will not also bill for the same service.

(2) Duplicate billings are not allowed and payments will be recovered. Billings for Health Services to Medicaid-eligible students will be considered as duplicate if the same services are billed by more than one Educational Agency to address the same need. For example: an Education Service District and a local school district cannot both bill the same services provided to the student.

(3) A unit of service can only be billed once; under one procedure code, under one provider number.

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

Hist.: HR 39-1991, f. & cert. ef. 9-16-91; OMAP 38-1999, f. & cert. ef. 10-1-99; OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

410-133-0200

Not Covered Services

(1) Education-based costs normally incurred to operate a school and provide an education are not covered for payment by DHS;

(2) Health Services and treatment not documented on the Medicaid-eligible student's IEP or IFSP is not covered for payment by DHS under the School-Based Health Services rules;

(3) Reviewing records (exception: reviewing records as part of an evaluation to establish, re-establish, or terminate a SBHS covered Health Service on a Medicaid-eligible student's IEP or IFSP);

ADMINISTRATIVE RULES

- (4) Meeting preparation;
- (5) Health Services preparation including materials preparation;
- (6) Report writing (exception: report writing as part of preparation of initial evaluation and initial treatment plan to establish a covered Health Service on a Medicaid-eligible student's IEP or IFSP);
- (7) Correspondence;
- (8) Treatment and care coordination for an acute medical condition;
- (9) Medication management not specific to mental health related services listed in the IEP/IFSP;
- (10) Purchase of an Assistive Technology device is not covered through SBHS;
- (11) Activities related to researching student names, determining Medical Assistance Program eligibility status, administrative activities such as data entry of billing claim forms, and travel time by service providers;
- (12) Family therapy where the focus of treatment is the family;
- (13) Routine health nursing services provided to all students by school nurses; nursing intervention for acute medical issues in the school setting, e.g. students who become ill or are injured;
- (14) Educational workshops, training classes, and parent training workshops;
- (15) Regular transportation services to and from school;
- (16) Vocational services;
- (17) Screening services;
- (18) Evaluation services that are not performed by Medically Qualified Staff within the scope of practice to establish, re-establish or terminate a covered SBHS under IDEA;
- (19) Service provided to non-Medicaid students in a group, class, or school free of charge. If only Medicaid-eligible students are charged for the service, the care is free and Medicaid will not reimburse for the service. The free care limitation does not apply to Health Services provided as a result of an Educational Agency's obligation to provide FAPE services and the Health Service is identified on the Medicaid-eligible student's IEP/IFSP. This means that School Medical Providers may bill for covered Health Services provided to Medicaid-eligible students under IDEA even though they may be provided to non-Medicaid-eligible students for free as a part of FAPE;
- (20) Any non-medical unit of time spent on Evaluations;
- (21) Recreational services;
- (22) Early and Periodic Screening, Diagnostic and Treatment (EPSDT) comprehensive examinations described in OAR 410-130-0245 are not authorized to be provided by School Medical Providers;
- (23) Services provided by an entity that employs an excluded provider. It is the obligation of the education agency to utilize the excluded provider web site to check for providers who have been excluded from receiving any monies affiliated with Medicaid and Medicare service reimbursements;
- (24) Covered Health Service(s) listed on an IEP or IFSP for those dates of service when the IEP/IFSP has lapsed;
- (25) Covered Health Service(s) that do not have a current recommendation by Medically Qualified Staff within the scope of practice for the treatment provided as specified on the IEP or IFSP.

Stat. Auth.: ORS 409

Stats. Implemented: ORS 414.065

Hist.: HR 39-1991, f. & cert. ef. 9-16-91; HR 21-1995, f. & cert. ef. 12-1-95; OMAP 38-1999, f. & cert. ef. 10-1-99; OMAP 15-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 31-2003, f. & cert. ef. 4-1-03; OMAP 53-2003, f. 8-13-03 cert. ef. 9-1-03; OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

410-133-0220

Billing and Payment

- (1) The School Medical Provider must bill DHS at a rate no greater than the education agency's rate for the applicable discipline approved by DHS based on the cost determination process described in OAR 410-133-0245.
- (2) Services must be billed on a CMS-1500 or by electronic media claims (EMC) submission using only those procedure codes specified for the School-Based Health Services program. If the School Medical Provider submits their claims electronically, the provider must become a Trading Partner with the Department of Human Services and comply with the requirements for Electronic Data Interchange pursuant to OAR 410-001-0000 et seq.
- (3) DHS will accept a claim up to 12 months from the date of service. See General Rules OAR 410-120-1300, Timely Submission of Claims.
- (4) Third party liability. In general, the Medicaid program is the payor of last resort and a provider is required to bill other resources before submitting the claim to Medicaid. This requirement means that other payment sources, including other federal or state funding sources, must be used first

before DHS can be billed for covered Health Services. However, the following exceptions apply to the requirement to pursue third party resources:

(a) For Health Services provided under the IDEA, Medicaid pays before ODE or the Educational Agency, to the extent the Health Service is a covered service provided to a Medicaid-eligible student documented as required under these rules, and subject to the applicable reimbursement rate;

(b) If School-Based Health Services are provided under Title V of the Social Security Act (Maternal and Child Health Services Block Grant), Medicaid-covered Health Services provided by a Title V grantee are paid by Medicaid before the Title V funds;

(c) Oregon has obtained an exemption from CMS that does not require School Based Providers to pursue possible third party resources from private insurance companies.

Stat. Auth.: ORS 184.750 & 184.770

Stats. Implemented: ORS 414.065

Hist.: HR 39-1991, f. & cert. ef. 9-16-91; OMAP 31-2003, f. & cert. ef. 4-1-03; OMAP 31-2003, f. & cert. ef. 4-1-03; OMAP 53-2003, f. 8-13-03 cert. ef. 9-1-03; OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

410-133-0245

Cost Determination and Payment

(1) DHS will make rate determinations for the purposes of payment under OAR 410-133-0220 based on annual cost determinations submitted by local education agencies (EA's).

(a) Cost determinations will:

(A) Be based on the EA's prior year's annual audited costs;

(B) Establish an hourly and 15-minute increment rate for the current school year;

(C) Use the current year ODE-approved indirect rate for the EA;

(D) An EA shall not bill for more than its prior year's annual audited cost incurred during the previous year. There will be no required annual cost settlement for each EA, although DHS may conduct reviews or audits of cost reports.

(c) Data for cost determinations shall be submitted in a format prescribed by DHS and in accordance with Oregon's State Plan approved by the Centers for Medicare and Medicaid Services (CMS).

(d) Cost determinations shall be completed for each service discipline eligible for Medicaid billing. If an EA does not receive a confirmation from DHS indicating costs have been received and accepted, the EA may not submit payment requests for those services. Costs for services include: Nursing, Occupational Therapy, Physical Therapy, Speech Language Pathology, Audiology, Psychological, Delegated Health Care, and Clinical Social Work. DHS' acceptance of the cost calculations submitted by the SBHS provider for rates per discipline based upon the SBHS provider's previous year's audited costs and, if applicable, the current years indirect rates does not imply or validate the accuracy of the data submitted.

(e) Transportation costs for Medicaid-eligible children will be reimbursed when the IEP or IFSP for the Medicaid eligible child documents the need for Necessary and Appropriate transportation. Transportation cost reimbursement rates are based on the EA's prior year's audited costs for special education transportation and will be submitted in a format prescribed by DHS and in accordance to Oregon's State Plan approved by the Centers for Medicare and Medicaid Services (CMS).

Stat. Auth.: ORS 184.750 & 184.770

Stats. Implemented: ORS 414.065

Hist.: OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

410-133-0280

Rebilling

In order to correct a claim provided to a Medicaid-eligible student, the School Medical Provider must request an adjustment. The paid claim must be corrected on the Individual Adjustment Request Form (OMAP 1036) to allow revision of the original claim. Rebilling additional units of service on a CMS-1500 for the same timeframe would be denied as duplicate services.

Stat. Auth.: ORS 184.750 & 184.770

Stats. Implemented: ORS 414.065

Hist.: HR 39-1991, f. & cert. ef. 9-16-91; OMAP 53-2003, f. 8-13-03 cert. ef. 9-1-03; OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

410-133-0300

Procedure Codes

(1) The provider must use the procedure code from the School-Based Health Services table that best describes the specific service provided and a modifier that describes the discipline providing the service. Refer to 410-133-0080 Coverage for service requirements and limitations.

ADMINISTRATIVE RULES

(2) Unit values equal 15 minutes of service unless otherwise stated. These time units must be documented in the Medicaid-eligible student's records under the services billed and accounted for under one code only.

Stat. Auth.: ORS 409
Stats. Implemented: ORS 414.065
Hist.: HR 39-1991, f. & cert. ef. 9-16-91; HR 29-1993, f. & cert. ef. 10-1-93; HR 21-1995, f. & cert. ef. 12-1-95; OMAP 1-1998, f. 1-30-98, cert. ef. 2-1-98; OMAP 38-1999, f. & cert. ef. 10-1-99; OMAP 15-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 31-2003, f. & cert. ef. 4-1-03; OMAP 53-2003, f. 8-13-03 cert. ef. 9-1-03; OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

410-133-0320

Documentation and Record Keeping Requirements

(1) Record keeping must conform and adhere to Federal, state, and local laws and regulations.

(2) Records must record — history taken, procedures performed, tests administered, results obtained, and conclusions and recommendations made. Documentation may be in the form of a “SOAP” (subjective Objective Assessment Plan) note, or equivalent.

(3) Providers will retain information necessary to support claims submitted to DHS including: documentation and supervision of the specific Health Services provided, the extent of the Health Service provided, the dates and the name of Medically Qualified Staff who provided the service to the Medicaid-eligible student for seven (7) years. This documentation must meet the requirements of and must be made available pursuant to the requirements in the General Rules, OAR 410-120-1360 (Requirements of Financial, Clinical and Other Records). These requirements may be met if the information is included in the IEP or IFSP and the School Medical Provider maintains adequate supporting documentation at the time the service is rendered, consistent with the requirements of OAR 410-120-1360.

(a) Supporting documentation should:

(A) Be accurate, complete and legible;

(B) Be typed or recorded using ink;

(C) Be signed by the individual performing the service including their credentials or position;

(D) Be signed and/or initialed in accordance with Licensing Board requirements for each clinical entry by the individual performing the service;

(E) Be reviewed and authenticated by the supervising therapist in compliance with their Licensing Board requirements.

(F) Be for covered Health Services provided as specified for the service period indicated on the Medicaid-eligible student's current IEP or IFSP.

(b) Corrections to entries must be recorded by:

(A) Striking out the entry with a single line which does not obliterate the original entry, or amend the electronic record preserving the original entry; and

(B) Dating and initialing the correction.

(c) Late entries or additions to entries shall be documented when the omission is discovered with the following written at the beginning of the entry: “late entry for (date)” or “addendum for (date)”.

(2) Supporting documentation for Medicaid reimbursed Health Services described in a Medicaid-eligible student's IEP or IFSP must be kept for a period of seven (7) years, as part of the student's Education Record, which may be filed and kept separately by school health professionals and must include:

(a) A copy of the Medicaid-eligible student's IEP or IFSP as well as any addendum to the plan that correlates with the covered Health Service(s) provided and reimbursed by Medicaid;

(b) A notation of the diagnosis or condition being treated or evaluated, using specific medical or mental health diagnostic codes;

(c) Results of analysis of any mental health or medical analysis, testing, evaluations, or assessments for which reimbursement is requested;

(d) Documentation of the location, duration, and extent of each Health Service provided, by the date of service, signed and/or initialed by Medically Qualified Staff in accordance with their Licensing Board requirements (electronic records can be printed);

(e) The record of who performed the service and their credentials or position;

(f) The medical recommendation to support the service;

(g) Periodic evaluation of therapeutic value and progress of the Medicaid-eligible student to whom a Health Service is being provided;

(h) Record of medical need for Necessary and Appropriate transportation to a covered Health Service, specific date transported, consistent with the record-keeping requirements in the Transportation rules, OAR 410-136-0280 (Required Documentation); and

(i) Date specific attendance records for Medicaid-eligible students for all dates of service billed.

(j) In supervisory situations, the licensed health care practitioner who supervises and monitors the assessment, care, or treatment rendered by licensed or certified therapy assistants, shall meet the minimum standards required by their Licensing Board (documentation may not be delegated except in emergency situations).

Stat. Auth.: ORS 409.010
Stats. Implemented: ORS 414.065

Hist.: HR 39-1991, f. & cert. ef. 9-16-91; HR 22-1995, f. & cert. ef. 12-1-95; OMAP 31-2003, f. & cert. ef. 4-1-03; OMAP 53-2003, f. 8-13-03 cert. ef. 9-1-03; OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

410-133-0340

Client Rights and Record Confidentiality

(1) School Medical Providers are required to provide DHS, the Office of Medical Assistance Programs (OMAP), the Department of Justice Medicaid Fraud Unit, Oregon Secretary of State, or the Department of Health and Human Services, or their authorized representatives, access to Medicaid-eligible student medical records when requested as a condition of accepting Medicaid reimbursement from DHS.

(2) Medicaid client rights of confidentiality must be respected in accordance with the provisions of 42 CFR Part 431, Subpart F and ORS 411.320.

(3) School Medical Providers are also subject to the confidentiality laws applicable to student records, including student medical records maintained as part of the Education Record.

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

Stat. Auth.: ORS 184.750 & 184.770

Stats. Implemented: ORS 411.320

Hist.: HR 39-1991, f. & cert. ef. 9-16-91; OMAP 15-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 24-2005(Temp), f. & cert. ef. 4-5-05 thru 10-1-05; OMAP 53-2005, f. 9-30-05, cert. ef. 10-1-05

.....

Adm. Order No.: OMAP 54-2005(Temp)

Filed with Sec. of State: 10-14-2005

Certified to be Effective: 10-14-05 thru 4-1-06

Notice Publication Date:

Rules Amended: 410-141-0520

Subject: The Oregon Health Plan (OHP-Division 141) Administrative rules govern payment for the Office of Medical Assistance Programs' payments for services provided to clients. OMAP temporarily amended 410-141-0520 to reflect Centers for Medicare and Medicaid Services (CMS) approval of technical changes made, effective April 1, 2005 and October 1, 2005, to the October 1, 2003 Prioritized List of Health Services. Due to these CMS approved technical revisions, 410-141-0520 is retroactively effective April 1, 2005 and October 1, 2005.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-141-0520

Prioritized List of Health Services

Effective retroactively, for dates-of-services rendered on or after April 1, 2005 and October 1, 2005 through December 31, 2005.

(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 and the HSC's practice guidelines, as presented to the Oregon Legislative Assembly. The Prioritized List is generated and maintained by HSC. The HSC maintains the most current list on the HSC website (http://www.ohpr.state.or.us/hsc/index_hsc.htm) or, for a hardcopy, contact the Office of Health Policy and Research. This rule incorporates by reference the October 1, 2003 Prioritized List with technical revisions effective April 1, 2004, October 1, 2004, April 1, 2005 and October 1, 2005, including expanded definitions and practice guidelines, and 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) or Physician Care Organization (PCO). 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, PCO, 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.

ADMINISTRATIVE RULES

(4) The October 1, 2003 Prioritized List with technical revisions effective April 1, 2004, October 1, 2004, April 1, 2005 and October 1, 2005, is in effect and condition/treatment pairs through line 546 are funded.

[ED. NOTE: Lists 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. 4-27-00, cert. ef. 4-27-00 thru 9-26-00; OMAP 13-2000, f. & cert. ef. 9-12-00; OMAP 14-2000(Temp), f. 9-15-00, cert. ef. 10-1-00 thru 3-30-01; OMAP 40-2000, f. 11-17-00, cert. ef. 11-20-00; OMAP 22-2001(Temp), f. 3-30-01, cert. ef. 4-1-01 thru 9-1-01; OMAP 28-2001, f. & cert. ef. 8-10-01; OMAP 53-2001, f. & cert. ef. 10-1-01; OMAP 18-2002, f. 4-15-02, cert. ef. 5-1-02; OMAP 64-2002, f. & cert. ef. f. & cert. ef. 10-2-02; OMAP 65-2002(Temp), f. & cert. ef. 10-2-02 thru 3-15-0; OMAP 88-2002, f. 12-24-02, cert. ef. 1-1-03; OMAP 14-2003, f. 2-28-03, cert. ef. 3-1-03; OMAP 30-2003, f. 3-31-03 cert. ef. 4-1-03; OMAP 79-2003(Temp), f. & cert. ef. 10-2-03 thru 3-15-04; OMAP 81-2003(Temp), f. & cert. ef. 10-23-03 thru 3-15-04; OMAP 94-2003, f. 12-31-03 cert. ef. 1-1-04; OMAP 17-2004(Temp), f. 3-15-04 cert. ef. 4-1-04 thru 9-15-04; OMAP 28-2004, f. 4-22-04 cert. ef. 5-1-04; OMAP 48-2004, f. 7-28-04 cert. ef. 8-1-04; OMAP 51-2004, f. 9-9-04, cert. ef. 10-1-04; OMAP 68-2004(Temp), f. 9-14-04, cert. ef. 10-1-04 thru 3-15-05; OMAP 83-2004, f. 10-29-04 cert. ef. 11-1-04; OMAP 27-2005, f. 4-20-05, cert. ef. 5-1-05; OMAP 54-2005(Temp), f. & cert. ef. 10-14-05 thru 4-1-06

.....

Department of Human Services, Public Health Chapter 333

Adm. Order No.: PH 15-2005(Temp)

Filed with Sec. of State: 9-22-2005

Certified to be Effective: 9-22-05 thru 1-13-06

Notice Publication Date:

Rules Amended: 333-039-0015

Subject: Effective immediately, the Department of Human Services, Health Services is amending 333-039-0015 relating to the on-site water supply at mass gatherings. The amendment is necessary to allow flexibility in the amount of water required to be on the event site, in situations where reserve water is evaluated to be easily available and in good supply or not easily available and not in good supply. The amendment does not affect the availability of water to participants, but could reduce or increase the amount of water on site at any one time. As written, the current rule allows little flexibility to work with alternatives.

The changes in this temporary rulemaking are to replace existing language that was inadvertently left out of the previous temporary rule, and subsequently dropped upon adoption of the previous temporary rule.

Rules Coordinator: Christina Hartman—(503) 731-4405

333-039-0015

Water Supply

(1) Required Amounts:

(a) A minimum of 12 gallons per person per day shall be available for the anticipated assembly;

(b) Storage facilities equal to one day's total water usage shall be provided, unless a greater or lesser amount is determined by the Department as sufficient or necessary, based on the availability and quantity of the reserve water supply and the required water demands for toilets, food vendors, camping areas and other facilities.

(c) An amount of water equal to one day's total usage shall be kept in reserve at all times.

(2) Bacterial and Chemical Requirements:

(a) All water provided shall give a negative result for the presence of coliform bacteria when subjected to standard laboratory testing procedures for detecting the presence of coliform bacteria and shall be from sources and in containers approved by the Division.

(b) Water provided shall not contain the following substances in excess of the amounts listed. The organizer shall provide a laboratory analysis report as evidence of this. Substance Concentration in mg/l:

- (A) Arsenic — 0.1;
- (B) Cadmium — 1.0;
- (C) Chloride — 250.0;
- (D) Copper — 1.0;
- (E) Cyanide — 0.01;
- (F) Fluoride — 1.7;
- (G) Iron — 0.3;
- (H) Lead — 0.05;
- (I) Selenium — 0.01;

(J) Nitrate (NO₃) — 45.0;

(K) Total Dissolved Solids — 500.0;

(L) Zinc — 5.0.

(3) Construction, Maintenance, and Design:

(a) All parts of the water supply system shall be constructed of non-toxic materials.

(b) All water distribution lines and fittings shall be constructed of galvanized wrought iron, galvanized steel, copper, or NSF approved plastic pipe. All plastic pipe and fittings must bear the NSF seal.

(c) Pressure tanks and storage tanks shall be constructed of non-toxic materials. Tanks which have previously been used to contain toxic substances shall not be used.

(d) Prior to placing the water supply system into use, all portions of the system including storage tanks and distribution system shall be disinfected by adding a chlorine solution of not less than 50 mg/l and retaining the mixture within all portions of the system for a least 24 hours. Following disinfection, the system is to be thoroughly flushed of the chlorine solution.

(e) Hydrants equipped with self-closing faucets shall be provided at a ratio of not less than one for every 250 persons or fraction thereof anticipated.

(f) Each faucet shall be mounted on a minimum 36 inch riser. The riser is to be securely fastened to a supporting structure equal in strength to a four inch by four inch timber which is securely anchored in the ground.

(g) Each faucet and riser shall be accompanied by a seepage pit located directly beneath the faucet which shall have a minimum inside diameter of 12 inches and a minimum depth of 3 feet and shall be backfilled with clean course rock.

(h) All water distribution lines shall be installed at a minimum depth of 12 inches in the soil and shall be covered.

(i) If camping and activity areas are separately designated, 60 percent of the total required faucets shall be located within the area designated for camping, and 40 percent of the total required faucets shall be located in the area designated for activities.

(j) A minimum of one faucet shall be located not more than 25 lineal feet from each food service facility and a minimum of one faucet shall be located not more than 25 lineal feet from any emergency medical facility.

(k) Garden hoses, flexible hoses, pipes, or similar devices shall not be connected to any faucet or any other portion of the water supply system for personal convenience or any other reason.

(l) A minimum pressure of 20 pounds per square inch shall be maintained at all times and at all points within the water distribution system.

Stat. Auth.: ORS 433

Stats. Implemented: ORS 433

Hist.: HD 2, f. 9-15-71, ef. 10-1-71; PH 12-2005(Temp), f. & cert. ef. 7-21-05 thru 1-13-06; PH 15-2005(Temp), f. & cert. ef. 9-22-05 thru 1-13-06

.....

Department of Human Services, Self-Sufficiency Programs Chapter 461

Adm. Order No.: SSP 12-2005(Temp)

Filed with Sec. of State: 9-20-2005

Certified to be Effective: 9-20-05 thru 2-25-06

Notice Publication Date:

Rules Amended: 461-135-0701

Rules Suspended: 461-135-0701(T)

Subject: Rule 461-135-0701 is being amended to correct an inadvertent omission of a word in a temporary rule change that was filed on August 29, 2005. The August 29, 2005 temporary rule filing was filed to reflect the termination of the General Assistance (GA) program effective October 1, 2005. This program provided cash and medical assistance to individuals with severe physical or mental impairments who were 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 met the disability and financial requirements for GA were reimbursed to the State when the client became eligible for SSI. This rule change explains that General Assistance cash benefits will cease after September 30, 2005, that clients will receive OHP Plus medical benefits or OHP Standard benefits as directed by OARs 461-125-0370 and 410-120-1210, and that the GA Payment Standard will be reduced to \$0 effective October 1, 2005.

Rules Coordinator: Annette Tesch—(503) 945-6067

ADMINISTRATIVE RULES

461-135-0701

Terminate GA and GAM Programs October 1, 2005

(1) Effective October 1, 2005, the General Assistance (GA) and General Assistance Medical (GAM) programs are not funded. Notwithstanding any other rule of the Department, these programs are closed effective October 1, 2005.

(2) Effective September 30, 2005, all persons eligible for or receiving benefits of the GA or GAM programs become ineligible for these programs. Except as provided in section (4) of this rule, the Department will not authorize or provide any benefit under the GA or GAM programs after September 30, 2005.

(3) Effective October 1, 2005, all GA recipients who receive medical assistance through the OSIPM program will continue to receive OHP Plus benefits through the OSIPM program.

(4) Effective October 1, 2005, all recipients of medical assistance through the GAM program who became ineligible for GAM on September 30 because of the closure of the GAM program may receive OHP benefits as follows:

(a) Clients who have been determined to meet the eligibility requirements of the OSIPM program (*see* OAR 461-125-0370 and the OSIPM eligibility requirements in OAR 461 division 135) will receive the OHP Plus benefits package (*see* OAR 410-120-1210(2)(a)).

(b) Clients may also receive the OHP Plus benefits package for the period that:

(A) The Department has not previously made a determination about whether the client meets the disability requirements for OSIPM under OAR 461-125-0370 and the OSIPM eligibility requirements in OAR 461 division 135; and

(B) A determination is still pending about whether the client meets the disability requirements for OSIPM under OAR 461-125-0370 and the OSIPM eligibility requirements in OAR 461 division 135.

(c) Clients who do not qualify for the OHP Plus benefits may be eligible for the OHP-OPU program under the eligibility requirements set out in OAR 461 division 135, and if eligible, will receive the OHP Standard benefits package (*see* OAR 410-120-1210(2)(b)).

(5) Notwithstanding OAR 461-145-0410, GA payments are excluded from income for purposes of determining OHP eligibility.

Stat. Auth.: ORS 409.050 & 411.060
Stats. Implemented: ORS 411.010, 411.060, 411.710, 411.730 & 411.740
Hist.: AFS 21-2002(Temp), f. & cert. ef. 12-30-02 thru 6-27-03; SSP 12-2003, f. 5-29-03, f. & cert. ef. 6-1-03; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04; SSP 6-2004, f. & cert. ef. 4-1-04; SSP 10-2005(Temp), f. & cert. ef. 8-29-05 thru 2-25-06; SSP 12-2005(Temp), f. & cert. ef. 9-20-05 thru 2-25-06

Adm. Order No.: SSP 13-2005(Temp)

Filed with Sec. of State: 9-28-2005

Certified to be Effective: 9-28-05 thru 2-20-06

Notice Publication Date:

Rules Adopted: 461-105-0004

Subject: Rule 461-105-0004 is being adopted to implement temporary special provisions for providing benefits to the Hurricane Katrina evacuees. These provisions define evacuees, set eligibility criteria, relax some existing program eligibility criteria, and identify the programs involved.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-105-0004

Hurricane Evacuees

Notwithstanding any other rule in chapter 461:

(1) For purposes of this rule, an *evacuee* refers to a person living in Oregon on the filing date or date of request who *qualifies as a resident* (under section (2) or (3) of this rule) of one of the following Hurricane Katrina disaster areas:

(a) Alabama counties: Baldwin, Clarke, Choctaw, Mobile, Sumter, and Washington.

(b) Louisiana parishes: Acadia, Ascension, Assumption, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Pointe Coupee, Plaquemines, St. Bernard, St. Charles, Sr. Helena, St. James, St. John, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge, and West Feliciana.

(c) Mississippi Counties: Amite, Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Marion, Pearl River, Perry, Pike, Stone, Walthall, and Wilkinson.

(2) In the FS program, a person *qualifies as a resident* based on their residency as of August 29, 2005, including a person who was living in this designated disaster area and fled either before the storm or after the storm, and is unable to return to that residence on the filing date.

(3) For all programs except FS, a person *qualifies as a resident* if the person was a resident of the designated disaster area on August 24, 2005.

(4) In the FS program, an *evacuee* with a filing date in September or October of 2005 may receive the following benefits:

(a) Enhanced benefits during the month of filing, upon verification that there is an adult in the filing group, without consideration of the financial or nonfinancial eligibility criteria in the chapter 461 rules.

(A) An *evacuee* receives a maximum allotment (as if there were no income) for the household size for the full month without the proration otherwise required in OAR 461-115-0040 and 461-160-0070.

(B) An *evacuee* is eligible for one month of enhanced benefits. An *evacuee* is not eligible for enhanced benefits if one month of enhanced benefits were received from another state.

(b) Expanded disaster *evacuee* benefits begin the month following receipt of enhanced benefits as described in subsection (4)(a) of this rule:

(A) Benefits are certified through December 31, 2005 and processed using *expedited service* criteria under OAR 461-115-0210 and 461-115-0690, including postponed verification through December 2005.

(B) An *evacuee* group is considered homeless, even if temporarily sharing a residence with others, and is certified as a separate filing group, notwithstanding OAR 461-110-0370.

(C) An *evacuee* aged 18 through 59 is exempt from the requirements of OAR 461-130-0320.

(5) In the BCCM, EXT, GA, GAM, MAA, MAF, OHP, OSIP, OSIPM, QMB, and SAC programs:

(a) An *evacuee* applicant must meet all financial and nonfinancial eligibility criteria identified in chapter 461 rules, except verification and residency requirements are waived.

(b) Regardless of the date of request or when the *evacuee* arrived in Oregon:

(A) In the QMB program, medical coverage for an eligible *evacuee* has an effective date of September 1, 2005.

(B) In the BCCM, EXT, GA, GAM, MAA, MAF, OHP, OSIP, OSIPM, and SAC programs, medical coverage for an eligible *evacuee* has an effective date of August 24, 2005.

(c) The closure rule, OAR 461-135-0701, for the GA and GAM programs remains in effect.

(6) In the TANF program, verification of eligibility for an *evacuee* is based on whatever information is available.

(7) In the ERDC program, an *evacuee* with a date of request in September or October 2005 who is employed and has dependent children receives benefits during the month of request without consideration of the other financial or nonfinancial eligibility criteria in chapter 461 rules. Verification of eligibility is based on whatever information is available.

(8) This temporary rule has a retroactive effective date of August 24, 2005.

Stat. Auth.: ORS 411.060, 411.816 & 418.100
Stats. Implemented: ORS 411.060, 411.816 & 418.100
Hist.: SSP 13-2005(Temp), f. & cert. ef. 9-28-05 thru 2-20-06

Adm. Order No.: SSP 14-2005

Filed with Sec. of State: 9-30-2005

Certified to be Effective: 10-1-05

Notice Publication Date: 8-1-05, 9-1-05

Rules Adopted: 461-135-1185, 461-135-1186, 461-135-1187

Rules Amended: 461-001-0000, 461-001-0010, 461-105-0010, 461-105-0060, 461-110-0110, 461-110-0115, 461-110-0370, 461-115-0071, 461-120-0120, 461-120-0125, 461-125-0370, 461-130-0310, 461-135-0010, 461-135-0475, 461-135-0725, 461-135-1100, 461-135-1200, 461-135-1205, 461-145-0080, 461-145-0330, 461-145-0340, 461-145-0930, 461-155-0150, 461-155-0190, 461-160-0040, 461-160-0070, 461-160-0420, 461-160-0430, 461-160-0610, 461-160-0620, 461-165-0180, 461-165-0410, 461-170-0020, 461-170-0030, 461-170-0103, 461-185-0050, 461-190-0161, 461-190-0360, 461-193-1200, 461-195-0501, 461-195-0541, 461-195-0611, 461-195-0621

Rules Repealed: 461-135-1185(T), 461-135-1186(T), 461-135-1187(T), 461-160-0610(T), 461-160-0620(T), 461-185-0050(T)

ADMINISTRATIVE RULES

Subject: Rule 461-001-0000 is being amended to clarify references to Divisions and agencies.

Rule 461-001-0010 is being amended to clarify that technical rule changes covered by ORS 183.335(7) and (12) are not subject to the notice rule and that rule notices must be sent to legislators in compliance with ORS 183.335(12). It is also being amended to update references to the former Adult and Family Services Division and update incorporation of Model Rules to adopted 2004 rules and delete incorporation of model rules on rulemaking format, limitation of economic effect on business, and periodic rule review. It is also being amended to permit sending notices by e-mail starting January 1, 2006 consistent with HB 2204.

Rule 461-105-0010 is being amended to clarify the relationship between this rule and related rules about confidentiality and service requirements.

Rule 461-105-0060 is being amended to provide a clearer basis in rule for the Department to not share information about one member of a benefit group with another member of a benefit group where the information is not relevant to the benefit level of the member seeking the information. This rule is also being amended to remove the appearance of a mandate for the Department to charge a fee for clients to obtain their own records and to set out limited circumstances under which a fee would be permissible.

Rule 461-110-0110 is being amended to clarify the definition of disabled for the Food Stamp program.

Rule 461-110-0115 is being amended to incorporate new definitions used in determining eligibility for the OSIP-EPD and OSIPM-EPD programs.

Rules 461-110-0370, 461-155-0190, and 461-160-0430 are being amended to reflect the annual increase in the standards for the Food Stamp program as published by the Food and Nutrition Service. In addition, rule 461-110-0370 is being amended to maintain consistency with amendments being made to rule 461-145-0340, Lodger Income.

Rule 461-115-0071 is being amended to clarify existing policy regarding who must sign the application in the Medical Assistance Assumed (MAA), Medical Assistance to Families (MAF), Refugee (REF), Refugee Medical (REFM), and Temporary Assistance to Needy Families (TANF) programs. The rule is amended to reflect that all parental caretaker relatives must sign the application.

Rules 461-120-0120 and 461-120-0125 are being amended to remove the references to the specific types of visas certain family members of victims of trafficking will be issued.

Rule 461-125-0370 is being amended to clarify the process used to determine if an individual is disabled when determining eligibility for the OSIP-EPD and OSIPM-EPD programs.

Rule 461-130-0310 is being amended to clarify that parents who receive TANF for their children, and are in the TANF filing group but not in the TANF benefit group, are mandatory for JOBS participation unless they are otherwise exempt from JOBS disqualification. This rule is also being amended to remove inaccurate wording regarding non-citizens.

Rule 461-135-0010 is being amended to indicate that OSIP-EPD and OSIPM-EPD clients are not assumed eligible.

Rule 461-135-0475 is being amended to remove an obsolete reference to "pay after performance" in section (2) of the rule.

Rule 461-135-0725 is being amended to indicate that OSIP-EPD and OSIPM-EPD clients are not assumed eligible.

Rule 461-135-1100 is being amended to clarify the uninsurance requirements of the Oregon Health Plan (OHP). The rule is amended to clarify that the Kaiser Child Health program is not considered private major medical health insurance for the purposes of this rule.

Rule 461-135-1185 is being adopted to provide a definition for the Low-Income Subsidy (LIS) program.

Rule 461-135-1186 is being adopted to set out the requirements for a completed Low-Income Subsidy (LIS) application.

Rule 461-135-1187 is being adopted to incorporate the federal regulations that apply to Low-Income Subsidy (LIS) applications, eli-

gibility determinations, and redeterminations. It sets a time frame for providing a decision notice to an applicant. It sets out the appeal process for adverse decision notices.

Rule 461-135-1200 is being amended to clarify residency requirement for victims of domestic violence as outlined in TANF rule 461-120-0010 and to clarify that for victims of domestic violence there is no "intent to remain in Oregon". Other changes to rule 461-135-1200 are reordering and formatting changes that do not change current policy or intent.

Rule 461-135-1205 is being amended to include the "case plan" in the intent statement for the TA-DVS program.

Rule 461-145-0080 is being amended to cross-reference policy on food stamp treatment of child support payments made to a third party.

Rule 461-145-0330 is being amended to change the requirements for loan documentation in the Oregon Health Plan (OHP) program. The rule is amended to reflect that in the OHP program loan agreements can be either written or oral.

Rule 461-145-0340 is being amended to clearly define what a lodger is and how the Food Stamp program treats lodger income. The amendment is also reflected by the change in OAR 461-110-0370(1)(c)(A).

Rule 461-145-0930 is being amended to clarify existing policy regarding self-employment exclusions in the Oregon Health Plan (OHP) program. The rule is amended to reflect that the total exclusion for self-employment costs cannot exceed the gross self-employment income for the month that the exclusion is taken.

Rules 461-155-0150, 461-160-0040, 461-160-0430 and 461-190-0360 are being amended to reflect the cessation of the payment of child care necessary for Food Stamp mandatory clients to participate in the Oregon Food Stamp Employment and Transition Program (OFSET).

Rule 461-155-0150 is also being amended to remove invalid zip codes and add new valid zip codes to the payment rate tables for provider payments.

Rule 461-160-0040 is also being amended because there is a reference in section (4) to an OAR that has been repealed.

Rule 461-160-0070 is being amended to specify the rounding process for Food Stamps and TANF if the proration for partial month benefits is not a whole dollar amount.

Rule 461-160-0420 is being amended to reflect the annual change in the Standard Utility Allowances. Each year Oregon surveys utility companies and the general public about increases in utility costs. The utility allowances are derived from these surveys and approved by the Food and Nutrition Service in the Food Stamp Program State Plan. There are three utility allowances. The full utility allowance (FUA) is for those households that have heating and cooling costs. The limited utility allowance (LUA) is for those households with more than one non-heating/cooling utility cost. The Single utility allowance (TUA) is for those households with only one utility non-heating/cooling cost. This is most commonly a telephone.

Rule 461-160-0430 is also being amended to remove a reference to JOBS Plus wages and to correct policy on which food stamp cases receive an unlimited shelter deduction. This rule is also being amended to make the annual federal increase in the maximum shelter deduction for food stamp households from its current level of \$388.

Rules 461-160-0610, 461-160-0620 and 461-185-0050 are being amended to exempt the following protected Medicaid groups from applying their income toward the cost of home and community based and institutional care: 1) Individuals who became ineligible for cash assistance as a result of a Social Security cost of living increase after April, 1977 (42 CFR 435.135); 2) Disabled widows and widowers who would be eligible for Supplemental Security Income except for the increase in disability benefits (42 CFR 425.137); 3) Disabled widow and widowers aged 60 through age 64 who would be eligible for Supplemental Security Income except for the receipt of early retirement Social Security Income (42 CFR 435.138). These rules are also amended to state that disabled individuals who are at least age 18 and were receiving Supplemental Security Income based on blind-

ADMINISTRATIVE RULES

ness or disability determined before age 22 and began receiving children's Social Security benefits under Section 202 (d) of the Social Security Act (Section 6 of P.L. 99-643) are exempt from applying their income toward the cost of home and community based.

Rule 461-165-0180 is being amended to clarify the relationship between the Department Criminal History Check rules (OAR 410-007-0280 and 461-165-0420) and the requirements to be eligible for payment as a child care provider.

Rule 461-165-0410 is being amended to clarify the approach to preliminary and final fitness determinations for child care providers in the context of OAR 410-007-0280 and 461-165-0420.

Rule 461-170-0020 is being amended to remove the requirement that clients receiving FS, MAA, MAF and TANF report a change in rate of pay or a change in the number of hours greater than five and to add the requirement to report a change in earned income of more than \$100. In addition, the rule is being amended to reflect that MAA, MAF and TANF clients must report a change in household group and a change in who pays the shelter costs. The rule is also being amended to remove the requirement that MAA, MAF and TANF clients report a change in filing group members, a change in the obligation to pay child support and noncompliance with the OFSET program. In addition SAC is being added to the reporting requirements of this rule.

Rule 461-170-0030 is being amended to exclude Extended Medical (EXT) and Substitute Adoptive Care (SAC) from the reporting requirements of the rule.

Rule 461-170-0103 is being amended to correct policy on acting on client changes for food stamp cases in the Semi-Annual Reporting System.

Rule 461-190-0161 is being amended because changes in other programs over the last several years have necessitated changes to the work supplementation activity of the JOBS program.

Rule 461-193-1200 is being amended to remove the requirement of a refugee to submit a copy of their Social Security Number to their case manager.

Rules 461-195-0501 and 461-195-0541 are being amended to expand the list of who is liable for repayment of a food stamp overpayment and conform to federal regulations. This amendment adds the authorized representative and non citizen sponsor to the list of individuals who are liable. In addition, trafficking is introduced per federal law.

Rule 461-195-0611 is being amended to add the child care program to the list of programs which can have an intentional program violation as established by a state or federal court, by an administrative agency in a contested case, or by a person signing the designated form for acknowledging the violation.

Rule 461-195-0621 is being amended to change the disqualification for an intentional program violation in the child care program from a permanent disqualification to a six-month disqualification for the first offense.

In addition, some of the above rules have also be amended to reflect new Department terminology and to correct formatting and punctuation.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-001-0000

Definitions

(1) In divisions 005, 006, 007, 012, 025, 115, 120, 125, 130, 135, 140, 145, 150, 155, 160, 165, 170, 175, 180, 185, 190, 193, and 195 of this chapter of rules, unless the context indicates otherwise, a reference to Division, Adult and Family Services Division (or AFS), Senior and Disabled Services Division (or SDSD), or any other agency formerly part of the Department of Human Services shall be taken to mean the Department of Human Services (DHS), except that the rule in which reference occurs only regulates programs covered by chapter 461 of the Oregon Administrative Rules.

(2) In the divisions of rules listed in section (1) of this rule:

(a) A reference to an Administrator of an agency mentioned in section

(1) shall be taken to mean the Director of DHS.

(b) "Department" refers to the Department of Human Services (DHS).

Stat. Auth.: ORS 411.060, 411.816 & 418.100

Stats. Implemented: ORS 411.060, 411.816 & 418.100

Hist.: AFS 28-1978, f. & ef. 7-13-78; AFS 54-1984, f. 12-28-84, ef. 1-1-85; AFS 21-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-001-0010

Notice Rule and Adoption of Model Rules for Rulemaking

(1) Except for permanent rule changes allowed under ORS 183.335(7) (technical changes) or 183.335(12) (amended filings), prior to adoption, amendment, or repeal of any permanent rule in Chapter 461 of the Oregon Administrative Rules, the Department of Human Services will give notice of the intended action:

(a) In the Oregon Bulletin published by the Secretary of State (referred to in ORS 183.360) at least 21 days prior to the effective date of the rule.

(b) By mailing a copy of the notice to persons on the mailing list for Chapter 461 established pursuant to ORS 183.335(8) at least 28 days prior to the effective date of the rule.

(c) By mailing a copy of the notice to the following organizations and publications at least 28 days prior to the effective date of the rule:

(A) The Associated Press.

(B) Legal Aid Services of Oregon, Family Services Review Commission, Oregon Human Rights Coalition, and other associations requesting to receive copies of notices of the rulemaking actions for Chapter 461.

(C) The Capitol Press Room.

(d) By mailing a copy of the notice to legislators mandated to receive notice by ORS 183.335(15) at least 49 days prior to the effective date of the rule.

(2) Starting on January 1, 2006, the Department may send by e-mail any notice that this rule requires to be mailed, except that the Department will honor a request by any recipient that notices be sent by mail instead of e-mail.

(3) The Department of Human Services adopts as the rules of procedure for rulemaking for Chapter 461 the following rules from the 2004 Uniform and Model Rules of Procedure as promulgated by the Attorney General of the State of Oregon:

(a) From OAR chapter 137, division 1, Rulemaking:

(A) OAR 137-001-0040, Rulemaking Record

(B) OAR 137-001-0050, Agency Rulemaking Action

(C) OAR 137-001-0060, Secretary of State Rule Filing

(D) OAR 137-001-0080, Temporary Rulemaking Requirements

(b) From OAR chapter 137, division 4, Miscellaneous, Orders in Other Than Contested Cases: OAR 137-004-0010, Unacceptable Conduct.

Stat. Auth.: ORS 183.341, 411.060 & 418.100

Stats. Implemented: ORS 183.341, 411.060 & 418.100

Hist.: AFS 37-1995, f. 11-28-95, cert. ef. 12-1-95; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-105-0010

Rights of Clients

Clients of the Department in programs regulated by chapter 461 of these rules have the following rights and the right to be informed of them:

(1) The right to information about the programs administered by the Department.

(2) The right to confidentiality for individually identifiable information to the extent provided under federal and state law and the administrative rules of the Department.

(3) The right to refuse social services unless--

(a) The service is court-ordered;

(b) The service is related to a case plan as defined in OAR 461-190-0161 or 461-190-0310; or

(c) Treatment is required under OAR 461-135-0085.

(4) The right, upon expressing dissatisfaction with an action of the Department, to obtain the Department's standard form for requesting a hearing.

(5) The right to request a hearing within 45 days (90 days for FS) of the date of notice informing clients that their benefits are:

(a) Authorized.

(b) Reduced, ended, or denied.

(c) Changed to vendor, protective, or two-party payments.

(6) The right to apply for any program administered by the Department.

(7) The right to have a decision on eligibility made by the Department:

(a) In the Food Stamp program, within 30 days from the filing date.

ADMINISTRATIVE RULES

(b) In the OSIPM program, within 90 days from the date of request if a disability decision must be made, and in all other cases within 45 days.

(c) In all other programs, within 45 days from the date of request.

(8) The right to apply for and receive benefits and services from the Department and its contractors, grantees, agents and providers of services who receive payments from the Department which are funded in whole or in part with federal funds without discrimination on the basis of race, color, national origin or disability.

(9) The right to courteous, fair and dignified treatment by Department personnel.

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 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-105-0060

Release of Information to the Client

(1) The Department must make the information in a case record of a client available to the following people within the limits described in this rule and in OAR 461-105-0140:

(a) Anyone in the filing group.

(b) Anyone authorized by the primary person or by a person in the filing group.

(2) The primary person and benefit group members may have access only to client information that is related to the time during which they had that position in the case. The person can appoint an authorized representative whose access to client information covers only that same period.

(3) The "minimum necessary" standard as described in OAR 410-014-0040 is extended to limit the sharing of individually identifying information by the Department about one member of a filing group with either another member of the filing group or anyone authorized by another member of the filing group.

(4) The branch office may destroy all information in the case record not needed for eligibility purposes.

(5) Notwithstanding OAR 461-105-0160:

(a) A client, an *authorized representative* (as defined at OAR 461-115-0090, 461-115-0140, and 461-115-0145), or a *personal representative* (as defined at OAR 410-014-0000(32)), including an attorney who represents the client on a matter before the Department) may request a copy of information from the client file at no cost once every 12 months. If the client, *authorized representative*, or *personal representative* requests another copy of the same information already provided more frequently than once every 12 months, the branch office may impose a reasonable, cost-based fee.

(b) If an authorized third party who is not an *authorized representative* or *personal representative* requests client records, fees may be assessed for accessing stored records, extracting filed matter, duplication of records, or other costs necessary to releasing requested information.

(c) A branch office may establish additional, reasonable fees to cover extraordinary costs of duplicating records, making extensive searches, or preparing written summaries of records.

(d) At the option of the branch office, fee assessment may be waived.

(6) An individual designated by the manager must be present while the client or the authorized third party has access to the case record. No one except a Department employee is allowed to remove any material from the case record. Subject to payment of any cost-based fee assessed by a branch office, the branch office will provide the person examining the case record with a copy of any portion of the case record that they are entitled to examine.

(7) Case record information may be requested by the client and released to the client by telephone. The client must satisfy the branch as to their identity.

Stat. Auth.: ORS 411, 412, 413, 414 & 418

Stats. Implemented: ORS 411.320 & 418.130

Hist.: AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-110-0110

Terms Used in Determining Eligibility

The following terms are used in the eligibility determination process:

(1) *Child* includes natural, step, and adoptive children. The term *child* does not include an unborn.

(a) For EXT, MAA, MAF, REFM, and TANF, the term *dependent child* means the following:

(A) A person who is not a caretaker relative of a child in the household, is unmarried or married but separated, and is under the age of 18, or

18 years of age and a full time student in secondary school or the equivalent level of vocational or technical training; or

(B) A minor parent whose parents have chosen to apply for benefits for the minor parent. This does not apply to a minor parent who is married and living with his or her spouse.

(b) For ERDC, a *child* need not have a biological or legal relationship to the caretaker but must be in the care and custody of the caretaker and must be:

(A) Under the age of 18; or

(B) Under the age of 19 and in secondary school or vocational training at least half time.

(c) For FS, a *child* is an adult and minor children living with their parent(s).

(d) For GA, GAM and OSIP, a *child* is a person under the age of 18.

(e) For OHP, *child* means a person, including a minor parent, under the age of 19.

(f) For OSIPM and QMB, *child* means an unmarried person living with a parent who is:

(A) Under the age of 18; or

(B) Under the age of 21 and attending full time secondary, post-secondary or vocational-technical training designed to prepare the person for employment.

(2) *Community-based care* is any of the following:

(a) Adult foster care — Room and board and 24-hour care and services for the elderly or for disabled people 18 years of age or older. The care is contracted to be provided in a home for five or fewer clients.

(b) Assisted living facility — A program approach, within a physical structure, which provides or coordinates a range of services, available on a 24-hour basis, for support of resident independence in a residential setting.

(c) In-home Services — People living in their home receiving services determined necessary by the Department.

(d) Residential care facility — A facility that provides residential care in one or more buildings on contiguous property for six or more physically handicapped or socially dependent people.

(e) Specialized living facility — Identifiable services designed to meet the needs of persons in specific target groups which exist as the result of a problem, condition or dysfunction resulting from a physical disability or a behavioral disorder and require more than basic services of other established programs.

(f) Independent choices — In-home Services recipients in demonstration sites who receive a cash benefit to coordinate in-home services under a section 1115 (42 U.S.C. 1315) demonstration waiver.

(3) *Custodial parents* means parents who have physical custody of their child(ren). Custodial parents may be receiving benefits as dependent children or as caretaker relatives for their own children.

(4) In the FS program, a *disabled* person or a person with a *disability* means a person who meets any of the following requirements:

(a) Receives SSI benefits under title XVI of the Social Security Act.

(b) Receives SSB benefits based on blindness or disability criteria under titles I, II, X, XIV, or XVI of the Social Security Act.

(c) Receives OSIP or other state or federal supplement under section 1616(a) of the Social Security Act based on disability or blindness criteria.

(d) Receives state general assistance benefits based upon disability or blindness criteria under title XVI of the Social Security Act.

(e) Receives disability-related medical assistance under title XIX of the Social Security Act.

(f) Receives a state or federally administered supplemental benefit under section 212(a) of Public Law 93-66.

(g) Receives an annuity payment under Section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible for Medicare by the Railroad Retirement Board.

(h) Receives an annuity payment under Section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and meets the disability criteria used under title XVI of the Social Security Act.

(i) Receives VA benefits for non-service or service-connected disability rated or paid as total under title 38 of the United States Code.

(j) Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act.

(k) Has a disability considered permanent under 221(i) of the Social Security Act section and is the surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a non-service connected death under title 38 of the United States Code.

ADMINISTRATIVE RULES

(l) Is a veteran or surviving spouse of a veteran considered by the VA to be in need of Aid and Attendance benefits or permanently housebound under title 38 of the United States Code.

(m) Is a surviving child of a veteran and considered permanently incapable of self-support under title 38 of the United States Code.

(5) *Disqualified* means an individual cannot receive program benefits because they have not cooperated in fulfilling some eligibility requirement. Actions that can disqualify an individual include not cooperating with JOBS, JOBS Plus or OFSET, failing to provide an SSN or failure to pursue assets. In some cases, a disqualified individual can make their filing group ineligible for benefits.

(6) *Domestic violence shelters* are public or private nonprofit residential facilities providing services to victims of domestic violence. If the facility serves other people, a portion must be used solely for victims of domestic violence.

(7) For FS, *elderly* means a person 60 years of age or older.

(8) In the FS program, a person is *homeless* if the person does not have a fixed or regular nighttime residence or has a primary residence that is one of the following:

(a) A supervised shelter that provides temporary accommodations.

(b) A halfway house or residence for people who may become institutionalized.

(c) A temporary accommodation in another person's or family's residence for 90 days or less.

(d) A place not designed to be or ordinarily used as a place for people to sleep, such as a hallway, bus station, or similar place.

(9) *Ineligible* means a person cannot receive program benefits because they do not meet some eligibility requirement that is beyond their control; not because they refuse to fulfill the requirement. A person may be ineligible for benefits because of age, alien status, student status (for FS) or because a disqualified member of the filing group makes them ineligible.

(10) *Long-term care* is the system through which the Department provides required financial benefits, specialized living arrangements, and a broad range of social and health services to eligible aged, blind or disabled adults for extended periods of time. This includes nursing homes and state hospitals (Eastern Oregon and Oregon State Hospitals).

(11) *Marriage* means legal marriage uniting two people. Legal marriage is:

(a) One recognized as legal by state statute of the state where the marriage occurred, including common-law marriage if recognized as legal in a state where the couple previously resided.

(b) A *cultural marriage* if it occurred in a country that recognizes it as legal.

(12) For FS, a *migrant farmworker* is an individual who regularly travels away from their permanent residence overnight, usually with a group of laborers, to seek employment in an agriculturally related activity. If any member of an FS household fits the definition of migrant farmworker at any time during the redetermination period, budget the household according to the policy on migrant farmworkers.

(13) *Nonstandard living arrangements* are those in which a person does not live in their own home or requires special services to remain in their home.

(14) *Parent* means the biological or legal (step or adoptive) mother or father of a person or unborn child.

(a) If the mother lives with a male and either she or the male claims that he is the father of the child or unborn, and no one else claims to be the father, he is treated as the father even if paternity has not been legally established.

(b) A stepparent relationship exists if:

(A) The person is legally married to the child's biological or adoptive parent; and

(B) The marriage has not been terminated by legal separation, divorce or death.

(c) A legal adoption erases all prior legal and blood relationships and establishes the adoptive parent as the legal parent. However, the biological parent is also considered a parent if both of the following are true:

(A) The child lives with the biological parent; and

(B) The legal parent (the adoptive parent) has given up care, control and supervision of the child.

(15) For all programs except FS, *primary person* means the filing group member who is responsible for providing information necessary to determine eligibility and calculate benefits. The primary person for individual programs is as follows:

(a) For EXT, MAA, MAF and TANF, the parent or caretaker relative.

(b) For ERDC, the caretaker.

(c) For GA, GAM, OSIP, OSIPM and QMB, the client or their spouse.

(d) For OHP, REF and REFM, the applicant, caretaker, caretaker relative or parent.

(16) For FS, primary person means:

(a) An adult in the filing group who is designated by the group to serve as the primary person.

(A) A child of any age cannot be the primary person when more than one generation lives together, and an adult who is the parent or fulfilling the role of parent is employed, work-registered for FS or receiving TANF or UC.

(B) Where there is no adult, the group can designate another responsible person in the filing group.

(b) Once the primary person has been designated, the filing group cannot choose a different person to be the primary person during the same certification period or during an OFSET or job quit disqualification period, unless there is a change in the composition of the household group.

(17) *Safe homes* are private homes that provide a few nights lodging to victims of domestic violence. The homes must be recognized as such by the local domestic violence agency, such as crisis hot lines and shelters.

(18) For FS, *seasonal farmworkers* are people employed in agricultural employment of a seasonal or temporary nature. If any member of an FS household fits the definition of seasonal farmworker at any time during the redetermination period, budget the household according to policy on seasonal farmworkers. Seasonal farmworkers are not required to be absent overnight from their permanent residence when:

(a) Employed on a farm or ranch performing field work related to planting, cultivation, or harvesting operations; or

(b) Employed in a canning, packing, ginning, seed conditioning, or related research or processing operation, and transported to or from the place of employment by means of a day-haul operation.

(19) *Sibling* means the brother or sister of a person. "Blood-related" means they share at least one biological or adoptive parent. "Step" means they are not related by blood, but are related by the marriage of their parents.

(20) *Spouse* means a person who is legally married to another person. In the ERDC and FS programs, spouse includes a person who is not legally married to another, but is presenting themselves to the community as the husband or wife by:

(a) Representing themselves as husband and wife to relatives, friends, neighbors or tradespeople; and

(b) Sharing living expenses or household duties.

(21) *Standard living arrangement* means people living in what is normally considered a single family dwelling (such as a house, apartment, motel room or trailer) without needing special services to remain in their home.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 13-1992, f. & cert. ef. 5-1-92; AFS 30-1992 (Temp), f. & cert. ef. 10-14-92; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 6-1994, f. & cert. ef. 4-1-94; 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 15-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 32-1996(Temp), f. & cert. ef. 9-23-96; 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 11-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-110-0115

Terms Used in Determining Eligibility; OSIP-EPD and OSIPM-EPD

(1) *Approved account* refers to a segregated account in a financial institution, the purpose of which is to save to use for future disability-related expenses that would increase the individual's independence and employment potential. Also included in this definition are accounts regulated by the Internal Revenue Code and used for retirement planning, such as IRAs, 401(k)s, TSAs, and KEOGHs.

(2) *Attached to the workforce* refers to a person who is employed and has, in each countable quarter, earnings sufficient to receive credit from the Social Security Administration (SSA) for a quarter of coverage for purposes of obtaining Social Security benefits (see 42 U.S.C. § 413).

(3) *Blind work expenses* (BWEs) refers to those costs defined by SSA that can be used as reductions to earned income as defined in 20 CFR 416.1112(c)(8).

(4) *Client contribution* refers to the amount that must be paid monthly as a condition of eligibility for the EPD program. This contribution is the combination of the Cost Share and the Premium.

(5) *Cost share* refers to the amount of unearned income in excess of the OSIP income and payment standard that is given to the state.

ADMINISTRATIVE RULES

(6) *Disabled or has a disability* refers to having a physical or mental impairment, or a combination of these impairments, that meets the definition of disability used by SSA when determining eligibility for Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) as defined in 20 CFR Part 404.

(7) *Disability determination* refers to the process used to establish whether the individual's disability meets the definitions used by SSA in determining eligibility for SSI and SSDI.

(8) *Employment* refers to an ongoing work activity for which income is received and a potential tax liability is incurred.

(9) *Employment and independence expense (EIE)* refers to the cost of any expense that can be reasonably expected to enhance the independence and employment potential of the individual.

(10) *Impairment related work expenses (IRWEs)* refers to those costs defined by SSA that can be used as reductions to earned income. To be allowed, the item or service must be related to the impairment and necessary to enable the person to perform their job as defined in 20 CFR 416.976.

(11) *Past relevant work (PRW)* refers to work done within the past 15 years, that was substantial gainful activity, and that lasted long enough for the worker to learn to how do it.

(12) *Premium* refers to the payment given to the state that is based on a graduated percentage of the total income of the individual.

(13) *Substantial gainful activity (SGA)* refers to the term used by SSA to describe a level of work activity and earnings. In the EPD program, a person is engaging in SGA if their earnings are at or above the EPD income standard.

Stat. Auth.: ORS 411.060, 411.070 & 414.042

Stats. Implemented: ORS 411.060, 411.070 & 414.042

Hist.: 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 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 10-2003(Temp) f. & cert. ef. 5-1-03 thru 9-30-03; SSP 17-2003, f. & cert. ef. 7-1-03; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-110-0370

Filing Group; FS

For the Food Stamp program, the filing group is composed as follows:

(1) From the household group (see OAR 461-110-0210), the following people are excluded:

(a) Residents of commercial boarding houses.

(b) Ineligible students, as defined in OAR 461-135-0570.

(c) The following people who are paying to have meals provided, if they apply for benefits for themselves alone, or if the meal provider chooses not to apply for benefits for them:

(A) A member of the household group who pays the filing group for room and board (lodger).

(B) Persons in foster care.

(d) Members of the household group who, during the month the group applied for food stamps, received food-stamp benefits (or SSI benefits through the state of California that included food-stamp benefits) in a different filing group. This exclusion does not apply to a person who was the head of household in the prior household. This exclusion applies only in the initial month and, if necessary to meet notice requirements, in the month following the initial month.

(2) A member of the household group in foster care is excludable from the filing group — at the option of the foster caregiver — even if provided otherwise in this rule.

(3) A parent whose child is in the same household may be in a different filing group only if the child has reached the age of 22 years.

(4) A child under the age of 18 years must be in the same filing group with an adult in the child's household who exercises parental control over the child. For the purposes of this provision, parental control means the adult is responsible for the care, control, and supervision of the child or the child is financially dependent on the adult.

(5) Siblings in the same household group without their parent may be in separate filing groups if they purchase and prepare their food separately. If an adult sibling has parental control over a minor sibling, they must be in the same filing group.

(6) Spouses who are in the same household group must be in the same filing group.

(7) Members of a household group who pay other members of the household group for meals, but are not paying a reasonable amount for those meals, are in the same filing group with the other people in the household group. A reasonable amount is:

(a) An amount that equals or exceeds the Thrifty Food Plan for the person and anyone in that person's filing group, if more than two meals a day are provided; or

(b) An amount that equals or exceeds two-thirds of the Thrifty Food Plan for the person and anyone in that person's filing group, if two or fewer meals a day are provided.

(8) Members of a household group who purchase and prepare food together must be in the same filing group, except in the following situations:

(a) A paid live-in attendant and the attendant's minor children may choose not to be in the filing group with the people for whom they are providing services, even if they purchase and prepare food with those people, unless they are required by sections (3) to (6) of this rule to be in the same filing group.

(b) An elderly person and the person's spouse may be considered a separate filing group from the others with whom they purchase and prepare meals, if:

(A) The elderly person is unable to purchase and prepare food because of a disability considered severe and permanent; and

(B) The combined income of the other members of the household group does not exceed the following limit: [Table not included. See ED. NOTE.]

(9) For residents of an alcohol or drug treatment and rehabilitation program certified by the Department:

(a) A parent living with his or her children, under the age of 22 years, comprise one filing group.

(b) For all other residents, each applicant is a separate filing group.

(10) For residents of a residential care facility for which an employee of the facility is the authorized representative, each applicant is a separate filing group. If an employee of the facility is not the authorized representative, sections (3) to (6) of this rule apply.

(11) For residents of a homeless or domestic violence shelter, a filing group consists of:

(a) Residents who choose to apply together; or

(b) Residents who form filing groups according to the criteria in sections (3) to (6) of this rule.

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

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816

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 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 20-1991, f. & cert. ef. 10-1-91; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 19-1994, f. & cert. ef. 9-1-94; 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 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 32-1996(Temp), f. & cert. ef. 9-23-96; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 15-1998(Temp), f. 9-15-98, cert. ef. 10-1-98 thru 10-31-98; AFS 22-1998, f. 10-30-98, cert. ef. 11-1-98; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 12-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 22-2001, F, & cert. ef. 10-1-01; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-115-0071

Who Must Sign the Application and Complete the Application Process

(1) In the ERDC, MAA, MAF, REF, REFM, and TANF programs, the following people must sign the application and complete the application process:

(a) In the MAA, MAF, REF, REFM, and TANF programs:

(A) Each parental caretaker relative must sign the application.

(B) A non-parental caretaker relative must sign the application, subject to the following specific requirements:

(i) If the non-parental caretaker relative applies for benefits with the dependent child and lives with a spouse, both the non-parental caretaker relative and the spouse must sign the application.

(ii) A non-parental caretaker relative who applies only for children must sign the application, but the non-parental caretaker relative's spouse is not required to sign the application.

(iii) If the non-parental caretaker relative changes, the new non-parental caretaker relative must sign a current application.

(b) In the ERDC program, a caretaker must sign.

(2) In the EA program:

(a) A caretaker relative must sign the application and complete the application process for a dependent child under age 18. If the child is not living with a caretaker relative, another adult may act on behalf of the child.

(b) If the caretaker relative lives with a spouse, both must sign the application.

(c) A dependent child age 18 who applies must sign the application and complete the application process.

(3) In the Food Stamp program, the primary person, the spouse of the primary person, or another adult member of the filing group must sign the application and complete the application process.

ADMINISTRATIVE RULES

(4) In the GA, GAM, and QMB programs, an adult requesting assistance and the adult's spouse, if they live together, must complete the application process and sign the application.

(5) In the OHP program, the primary person, the spouse of the primary person, and other adult members of the filing group must sign the application and complete the application process.

(6) In the OSIP and OSIPM programs, an adult requesting assistance and the adult's spouse, if they live together, must sign the application and complete the application process. If the applicant dies prior to the determination of eligibility for OSIPM, the application may be processed if the Department receives the required verification.

(7) A person required to sign the application but unable to sign may sign with a mark, witnessed by an employee of the field office.

Stat. Auth.: ORS 411.060 & 411.816

Stats. Implemented: ORS 411.060 & 411.816

Hist.: SSP 4-2005, f. & cert. ef. 4-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-120-0120

Alien Status; REF, REFM

The following persons admitted lawfully under any of the following provisions of law meet the alien status requirements of the REF and REFM programs:

(1) A person paroled as a refugee or asylee under section 212(d)(5) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(d)(5)).

(2) A person admitted as a refugee under section 207 of the INA (8 U.S.C. 1157).

(3) A person granted asylum under section 208 of the INA (8 U.S.C. 1158).

(4) Cuban and Haitian entrants, in accordance with requirements in 45 CFR part 401.

(5) Certain Amerasians from Vietnam who are admitted to the U.S. as immigrants pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Pub. L. No. 100-202 and amended by the 9th proviso under Migration and Refugee Assistance in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Pub. L. No. 100-461 as amended)).

(6) A "victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000), as amended.

(7) A family member of a victim of a severe form of trafficking in persons who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. 108-193, 117 Stat. 2875 (2003).

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

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 17-1992, f. & cert. ef. 7-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 11-2002(Temp), f. & cert. ef. 10-1-02 thru 12-31-02; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

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) A person meets the alien status requirements if he or she is one of the following:

(a) An American Indian born in Canada to whom the provisions of section 289 of the INA (8 U.S.C. 1359) apply.

(b) A member 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, a person meets the alien status requirements if he or she is one of the following:

(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) A "victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000), as amended.

(d) A family member of a victim of a severe form of trafficking in persons who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. 108-193, 117 Stat. 2875 (2003).

(4) In the BCCM, MAA, MAF, OHP, OSIPM, and SAC programs, a qualified non-citizen meets the alien status requirements if he or she satisfies one of the following situations:

(a) Was a qualified non-citizen before August 22, 1996.

(b) Physically entered the United States before August 22, 1996, and was continuously present in the United States between August 22, 1996, and the date qualified-noncitizen status was obtained. A person is not continuously present in the United States if he or she is absent from the United States for more than 30 consecutive days or for a total of more than 90 days.

(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) A "victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000), as amended.

(G) A family member of a victim of a severe form of trafficking in persons who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. 108-193, 117 Stat. 2875 (2003).

(d) Meets the alien status requirements in section (2), (7), or (8) of this rule.

(e) In the OSIPM program only, is receiving SSI benefits.

(5) In the GA and GAM programs, a person meets the alien status requirement if he or she is one of the following:

(a) An individual who is blind or has a disability, was lawfully residing in the United States on August 22, 1996, and is now a qualified non-citizen.

(b) An individual granted one of the following statuses, but only for seven years following the date the status is granted:

(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) A person granted immigration status under section 584(a) of the Foreign Operations, Export Financing and Related Program Appropriations Act of 1988.

(E) Cubans and Haitians who are either public interest or humanitarian parolees.

(F) A "victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000), as amended.

(G) A family member of a victim of a severe form of trafficking in persons who holds a visa for family members authorized by the Trafficking

ADMINISTRATIVE RULES

Victims Protection Reauthorization Act of 2003, Pub. L. 108-193, 117 Stat. 2875 (2003).

(c) A person who meets one of the alien status requirements in section (2) or (7) of this rule.

(6) In the OSIP program, a person meets the alien status requirement if he or she is one of the following:

(a) An individual who is blind or has a disability, was lawfully residing in the United States on August 22, 1996, and is now a qualified non-citizen.

(b) A qualified noncitizen who physically entered the United States on or after August 22, 1996, has had the qualified noncitizen status for at least five years, and has forty qualifying quarters of coverage as defined in section (10) of this rule.

(c) An individual granted one of the following statuses, but only for seven years following the date the status is granted:

(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) A person granted immigration status under section 584(a) of the Foreign Operations, Export Financing and Related Program Appropriations Act of 1988.

(E) Cubans and Haitians who are either public interest or humanitarian parolees.

(F) A “victim of a severe form of trafficking in persons” certified under the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000), as amended.

(G) A family member of a victim of a severe form of trafficking in persons who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. 108-193, 117 Stat. 2875 (2003).

(d) A person receiving SSI benefits.

(e) A person who meets one of the alien status requirements in section (2) or (7) of this rule.

(7) 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 program, a qualified non-citizen who meets the requirement in section (10) of this rule.

(8) Except as provided in sections (2), (4), (5), and (7) of this rule, a non-citizen who entered the United States or was given qualified non-citizen status on or after August 22, 1996:

(a) Is ineligible for the BCCM, MAA, MAF, OHP, OSIPM, and SAC programs for five years beginning on the date the non-citizen received his or her qualified non-citizen status.

(b) Meets the alien status requirement following the five-year period.

(9) In the FS program, a person meets the alien status requirement if he or she is one of the following:

(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 in persons” certified under the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000), as amended.

(G) A family member of a victim of a severe form of trafficking in persons who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. 108-193, 117 Stat. 2875 (2003).

(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 (d) of this section.

(f) A qualified non-citizen who is disabled, as defined in OAR 461-110-0110(4).

(10) 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 program, 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.

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

Stat. Auth.: ORS 411.060, 411.816 & 418.100

Stats. Implemented: ORS 411.060, 411.816 & 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; SSP 36-2003(Temp), f. 12-31-03 cert. ef. 1-1-04 thru 3-31-04; SSP 6-2004, f. & cert. ef. 4-1-04; SSP 10-2004(Temp), f. & cert. ef. 4-9-04 thru 6-30-04; SSP 14-2004(Temp), f. & cert. ef. 5-11-04 thru 6-30-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-125-0370

Disability as the Basis of Need; OSIP and OSIPM

(1) In the OSIP and OSIPM programs (except OSIP-EPD and OSIPM-EPD), a client meets the eligibility requirement to have a disability if:

(a) The client is receiving Social Security Disability Income (SSDI) or Supplemental Security Income (SSI) based on disability. Eligibility continues as long as the client remains eligible for SSDI or SSI.

(b) The client was eligible for and received Aid to the Disabled benefits in Oregon in December 1973. These grandfathered cases continue to be eligible as long as they are continuously disabled as defined by Oregon requirements that were in effect in 1973.

(c) The Department has determined the client meets the listing of impairments found in 20 C.F.R. Part 404, Subpart P, Appendix 1; meets the medical vocational guidelines found in 20 C.F.R. Part 404, Subpart P, Appendix 2 for SSI; or meets the definition of disability in 20 C.F.R. § 416.905.

(d) The Social Security Administration (SSA) has determined the client meets the listing of impairments found in 20 C.F.R. Part 404, Subpart P, Appendix 1; meets the medical vocational guidelines found in 20 C.F.R. Part 404, Subpart P, Appendix 2 for SSI; or meets the definition of disability in 20 C.F.R. § 416.905.

(2) If the Department finds the client eligible for OSIPM within 90 days following the date of request, the client remains eligible, provided that the client continues to meet the disability criteria for eligibility for OSIPM, until SSA denies the disability claim in a final administrative decision.

ADMINISTRATIVE RULES

(3) For OSIP and OSIPM, a disability determination made by SSA is binding on the Department except in each of the following situations (see 42 C.F.R. § 435.541(c)(4)):

(a) The client alleges at any time after SSA has denied disability, a disabling condition entirely different from the allegations upon which SSA based its decision, or an additional impairment(s) upon which SSA has not made a determination.

(b) More than 12 months has elapsed since the last SSA determination denying disability and the client either:

(A) Alleges that his or her impairment is more severe than at the time of the original determination, or

(B) Alleges an entirely new disability, and has not made application to SSA based on these allegations.

(c) Paragraphs (A) and (B) of this subsection both apply:

(A) The client alleges less than 12 months after the last SSA determination either that:

(i) The disability which SSA evaluated has changed or deteriorated; or

(ii) The client has a new disability upon which SSA has not made a determination.

(B) One or both of the following apply:

(i) The client has requested reconsideration or reopening of the last SSA determination denying disability and SSA has declined to consider the allegations concerning disability.

(ii) It is clear that the client no longer meets SSI eligibility requirements unrelated to disability status but may satisfy comparable Medicaid eligibility requirements.

(4) In the OSIP-EPD and OSIPM-EPD programs, a person is disabled or has a *disability* if the person has a physical or mental impairment, or a combination of these impairments, that meets the definition of *disability* used by SSA when determining eligibility for SSI or SSDI under 20 C.F.R. Part 404. The determination is made as follows:

(a) A determination by SSA that the individual is disabled or has a disability is accepted by the Department.

(b) If the client was determined to have a *disability* by SSA and lost their SSDI eligibility due to their own income, the SSA determination remains effective for one year from the date that the client loses eligibility for SSDI.

(c) If there is no currently effective SSA determination finding the individual has a disability, the case is referred to the Department's central office for a disability determination using the standards of 20 C.F.R. Parts 404 and 416 and considering all relevant medical and vocational information.

(d) For OSIPM-EPD, a person is engaging in substantial gainful activity (SGA) if their earnings are at or above the EPD Income Standard.

(e) For OSIPM-EPD, any work activity engaged in during the OSIPM-EPD application process or certification period is not evaluated as past relevant work (PRW).

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

Stat. Auth.: ORS 411.060, 411.070 & 414.042

Stats. Implemented: ORS 411.060, 411.070 & 414.042

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1991, f. & cert. ef. 10-1-91; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; SSP 9-2003(Temp), f. & cert. ef. 4-11-03 thru 6-30-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-130-0310

Participation Classifications: Exempt, Mandatory, and Volunteer

To administer the employment programs of the Food Stamp, Refugee and TANF programs, the Department assigns clients to one or more participation classifications — *exempt*, *mandatory*, and *volunteer*.

(1) In the REF and TANF programs, clients are exempt when they are exempt from disqualification in the employment programs covered by chapter 461 of the administrative rules. The following REF and TANF clients are exempt from disqualification in the employment programs covered by chapter 461:

(a) Clients 20 years of age and older who are in their ninth month of pregnancy or experiencing medical complications due to pregnancy that prevent participation in employment or self-sufficiency *components* (see OAR 461-190-0110) of an employment program.

(b) Clients during the first 90 days after giving birth.

(c) VISTA volunteers.

(d) Clients who, in order to participate in an employment program, must travel an unreasonable distance from their home or remain away from their home overnight.

(e) REF clients 65 years of age and older and TANF clients 60 years of age and older.

(f) Non-citizens who are not authorized to work in the United States.

(g) Recipients of supplemental security income (SSI) from the Social Security Administration.

(h) Non-needy caretaker relatives.

(2) In the Food Stamp Program, the following clients are *exempt*:

(a) A client with weekly *countable income* (see OAR 461-160-0020) from employment or self-employment at least equal to the federal minimum wage multiplied by 30 hours. This includes migrant and seasonal farm workers who are under contract or similar agreement with an employer or crew chief to begin employment within 30 days

(b) A client with a physical or mental condition that prevents performance of any work.

(c) A client who is responsible for the care of a dependent child under 6 years of age or an incapacitated person.

(d) A client enrolled at least half-time, as defined by the school, in any high school or equivalent program recognized by a school district or enrolled at least half-time in any school, training program, or institution of higher education. Clients remain exempt during normal periods of class attendance, vacation and recess but no longer qualify for the student exemption when a break in enrollment occurs due to graduation, suspension or expulsion or when the student drops out of school or does not intend to register for the next normal school term (excluding summer term).

(e) Clients receiving REF or TANF benefits, while *mandatory* participants in the JOBS program.

(f) Clients who are in receipt of unemployment insurance benefits or have completed an application for unemployment insurance benefits and are waiting for an initial decision on their claim, if they were required to register for work at an office of the Oregon Employment Department.

(g) Participants in a drug or alcohol treatment and rehabilitation program.

(h) Pregnant clients.

(i) Clients living in areas where the OFSET program is available to clients but who:

(A) Lack adequate dependent care;

(B) Do not have adequate transportation available to them; or

(C) Experience a barrier to employment, such as being homeless or having a short-term physical or mental limitation or a serious family problem.

(3) In the REF and TANF programs, all clients are *mandatory*. A parent of a child who receives TANF is mandatory if the parent is in the same filing group with the child (even if the parent is not in the TANF benefit group), unless the parent is otherwise *exempt* under section (1) of this rule.

(4) In the Food Stamp Program, a mandatory client is a person in the need group; who is 16 or 17 years of age and a primary person (see OAR 461-110-0110), or 18 years of age and older but not yet 60; and who is not exempt under section (2) of this rule.

(5) A client cannot be disqualified for conduct that occurred while a volunteer. In the REF and TANF programs, a volunteer is a client who is exempt from disqualification (see OAR 461-130-0310(2)) who chooses to participate in an employment program. In the Food Stamp Program, a volunteer is a client who is not a mandatory client who chooses to participate in an employment program.

Stat. Auth.: ORS 411.060, 411.816 & 418.100

Stats. Implemented: ORS 411.060, 411.816 & 418.100

Hist.: AFS 17-1998, f. & cert. ef. 10-1-98; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 12-2000(Temp), f. 5-1-00, cert. ef. 5-1-00 thru 9-30-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-135-0010

Assumed Eligibility for Medical Programs

This rule sets out when clients are *assumed eligible* for certain medical programs because the clients receive or are deemed to receive benefits of another program.

(1) Except for a client disqualified for failure to pursue cost-effective, employer-sponsored health insurance as required by OAR 461-120-0345 and a client who does not meet the citizenship or alien status requirements set forth in OAR 461-120-0125, the following people are *assumed eligible* for MAA:

(a) People receiving or eligible to receive TANF cash benefits.

(b) People whose TANF cash benefits are being paid as wages through the JOBS Plus program.

(c) People who receive no TANF cash benefits because of their failure to comply with the requirements for recipients of the JOBS program, or a requirement for evaluation or treatment of substance abuse or mental health (OAR 461-135-0085).

ADMINISTRATIVE RULES

(d) People in the Assessment Program (see OAR 461-135-0475).

(e) Children in a benefit group whose grant is affected by a failure to comply with the requirements of OAR 461-120-0340 regarding paternity or child support.

(2) Pregnant women who are eligible for and receiving benefits the day the pregnancy ends are *assumed eligible* for EXT, MAA, MAF, OHP (except OHP-CHP), OSIPM or SAC until the last day of the calendar month in which the 60th day after the last day of the pregnancy falls.

(3) Pregnant women who were eligible for and receiving benefits of the EXT, GAM, MAA, MAF, OHP-OPP, OSIPM, or SAC program but become ineligible during the pregnancy are *assumed eligible* for Medicaid.

(4) A child born to a mother eligible for and receiving EXT, MAA, MAF, OHP (except OHP-CHP), OSIPM or SAC benefits is *assumed eligible* for medical benefits. A child who is continuously a member of the household group of his or her mother is eligible under this section until the end of the month the child turns one year of age.

(5) The following children are *assumed eligible* for SAC:

(a) A child who is the subject of an adoption assistance agreement with another state.

(b) A child in a state-subsidized, adoptive placement, if an adoption assistance agreement is in effect between a public agency of the state of Oregon and the adoptive parents that indicates the child is eligible for Medicaid.

(6) The following groups of people are *assumed eligible* for OSIPM (except OSIP-EPD and OSIPM-EPD):

(a) Recipients of SSI benefits.

(b) People deemed eligible for SSI under Sections 1619(a) or (b) of the Social Security Act (42 U.S.C. 1382h(a) or (b)), which cover individuals with disabilities whose impairments have not changed but who have become gainfully employed and have continuing need for OSIPM.

(7) Clients who receive both benefits under Part A of Medicare and SSI benefits are *assumed eligible* for the QMB-BAS program.

(8) Clients are *assumed eligible* for REFM if:

(a) The clients are receiving cash assistance through the REF program; or

(b) The clients are ineligible for cash assistance through the REF program only because of income or resources.

Stat. Auth.: ORS 411.060 & 418.100

Stats. Implemented: Ch. 859, OL 1999

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 28-1992, f. & cert. ef. 10-1-92; AFS 1-1993, f. & cert. ef. 2-1-93; 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 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 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 12-1999(Temp), f. & cert. ef. 10-1-99 thru 1-31-00; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-135-0475

Specific Requirements; Assessment Program

(1) This rule explains the Assessment program. The eligibility criteria of the Assessment program are the same as the TANF program. The purposes of the Assessment program are:

(a) To help individuals find employment or other alternatives before they become dependent on public assistance;

(b) To assess the employment potential of clients in the labor market;

(c) To determine the services clients need to enhance their employability and their likelihood of becoming self sufficient; and

(d) To provide basic living expenses immediately to families in need.

(2) Applicants for TANF whose unverified application indicates the client meets the TANF eligibility requirements are placed in the Assessment program. Their applications for the TANF program are also considered applications for the Assessment program. The Assessment program is open for not longer than 45 days following the date of request. Clients in the Assessment program are subject to the requirements of the JOBS program, described in divisions 130 and 190 of this chapter of rules, and they are subject to the requirements of OAR 461-135-0085 pertaining to substance abuse and mental health, except that the penalty for a client in the Assessment program who fails to comply with the requirements of those rules is closure of the Assessment program (see section (5) of this rule).

(3) Once a client is found eligible for the Assessment program, the client and the Department prepare a case plan (see OAR 461-190-0161) that specifies the basic living expenses and support service payments the client will receive through the Assessment program and lists the activities of the client (see OAR 461-190-0110). The *case plan* may be adjusted while the client is in the Assessment program to reflect changing needs.

(4) Clients in the Assessment program receive assistance, listed in the *case plan*, for basic living expenses, and the Department makes support service payments listed in the *case plan*, as follows:

(a) The Department will provide the client with basic living expenses necessary to stabilize the household so the client can accomplish the activities in the *case plan*. Basic living expenses covered by this section are limited to the current need of the client for shelter, utilities, household supplies (other than food), and personal incidentals that the client cannot meet with other, immediately available resources. Payments under this subsection are limited to 200 percent of the payment standard for the benefit group (see OAR 461-155-0030(2)). Payment for "past expenses" is made only when the need of the client cannot be adequately met by a less expensive alternative.

(b) Support service payments are available through the JOBS program (see OAR 461-190-0211 and 0221) in the same manner they are available to a TANF client.

(5) The Assessment program is closed in any of the following circumstances:

(a) The client is unlikely to become employed within 45 days following the date of request, whether due to the employability of the client, the unstable housing situation of the family, or other causes.

(b) The client fails to comply with a requirement of an employment program or the case plan or fails to comply with the requirements of OAR 461-135-0085.

(c) In any circumstance that would make a client ineligible for TANF.

(d) Upon the placement of the client in a JOBS Plus assignment.

Stat. Auth.: ORS 411.060 & 418.100

Stats. Implemented: ORS 411.060 & 418.100

Hist.: AFS 9-1997, f. & cert. ef. 7-1-97; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 9-1999, f. & cert. ef. 7-1-99; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-135-0725

Specific Requirements; OSIP-EPD, OSIPM-EPD

(1) To be eligible for OSIP-EPD and OSIPM-EPD, a person must:

(a) Have a disability, as defined in OAR 461-125-0370(2);

(b) Have adjusted income below the limit provided in OAR 461-155-0250(6);

(c) Be attached to the workforce as defined in OAR 461-110-0115. Once found eligible, a client remains attached to the workforce while not working if the employer treats the client as an employee, such as when the client is absent from the job under the provisions of the Family Medical Leave Act; and

(d) Not be assumed eligible for OSIPM, as defined in OAR 461-135-0010(6).

(2) If an OSIP-EPD or OSIPM-EPD client becomes unemployed and meets all financial and nonfinancial eligibility requirements for the other OSIP or OSIPM sub-programs except for resources, the client can retain eligibility for OSIP-EPD or OSIPM-EPD for 12 months in order to spend down to the OSIP or OSIPM resource limit. The 12-month period begins the first of the month following the loss of employment.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: 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 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; SSP 10-2003(Temp) f. & cert. ef. 5-1-03 thru 9-30-03; SSP 17-2003, f. & cert. ef. 7-1-03; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-135-1100

Specific Requirements; OHP

This rule explains who is eligible for the OHP program.

(1) For purposes of this rule, the term *private major medical health insurance* refers to health insurance coverage that provides medical care for physician and hospital services, including major illnesses, with a limit of not less than \$10,000 for each covered individual. This term does not include coverage under the Kaiser Child Health Program.

(2) To be eligible for OHP, a person cannot:

(a) Be receiving, or deemed to be receiving, SSI benefits;

(b) Be eligible for Medicare, except that this requirement does not apply to OHP-OPP;

(c) Be receiving Medicaid through another program; or

(d) Be enrolled in a health insurance plan subsidized by the Family Health Insurance Assistance program (FHIAP, see ORS 735.720 to 735.740).

(3) To be eligible for the OHP-OPU program, a person must be 19 years of age or older and must not be pregnant. A person eligible for OHP-OPU is referred to as a health plan new/noncategorical (HPN) client. In addition to all other OHP eligibility requirements, an HPN client:

ADMINISTRATIVE RULES

(a) Must not be covered by private major medical health insurance and must not have been covered by private major medical health insurance during the six months preceding the effective date for starting medical benefits. The six-month waiting period is waived if:

(A) The person has a condition that, without treatment, would be life-threatening or would cause permanent loss of function or disability;

(B) The person's private health insurance premium was reimbursed under the provisions of OAR 461-135-0990;

(C) The person's private health insurance premium was subsidized through FHIAP and the client did not voluntarily end the insurance coverage; or

(D) A member of the person's filing group was a victim of domestic violence.

(b) Must meet the following eligibility requirements:

(A) The resource limit provided in OAR 461-160-0015.

(B) The higher education student requirements provided in OAR 461-135-1110.

(C) Payment of premiums determined in accordance with OAR 461-155-0235.

(D) Selection of a medical, dental and mental health managed health care plan (MHCP) or primary care case manager (PCCM) if available, unless the HPN client is exempted by OAR 410-141-0060.

(E) The requirements in OAR 461-120-0345 related to obtaining medical coverage for members of the benefit group through the Family Health Insurance Assistance Program (FHIAP), if applicable.

(4) To be eligible for the OHP-OPC program, a person must be less than 19 years of age.

(5) To be eligible for the OHP-OP6 program, a child must be less than six years of age and not eligible for OHP-OPC.

(6) To be eligible for the OHP-OPP program, a person must be pregnant or must be a newborn assumed eligible under OAR 461-135-0010(4).

(7) To be eligible for the OHP-CHP program, a person must be under 19 years of age and must:

(a) Not be eligible for OHP-OPC, OHP-OPP or OHP-OP6;

(b) Meet the resource limit provided in OAR 461-160-0015;

(c) Meet budgeting requirements of OAR 461-160-0700;

(d) Select a medical, dental and mental health managed health care plan (MHCP) or primary care case manager (PCCM) if available, unless the client is exempted by OAR 410-141-0060; and

(e) Not be covered by private major medical health insurance or by any private major medical health insurance during the preceding six months. The six-month waiting period is waived if:

(A) The person has a condition that, without treatment, would be life-threatening or cause permanent loss of function or disability;

(B) The person's private health insurance premium was reimbursed under OAR 461-135-0990;

(C) The person's private health insurance premium was subsidized by FHIAP; or

(D) A member of the person's filing group was a victim of domestic violence.

(8) A child who becomes ineligible for OHP because of age while receiving in-patient medical services remains eligible until the end of the month in which he or she no longer receives those services if he or she is receiving in-patient medical services on the last day of the month in which the age requirement is no longer met.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 41-1995, f. 12-26-95, cert. ef. 1-1-96; 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 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-135-1185

Low-Income Subsidy Program (LIS)

(1) The Low-Income Subsidy program (LIS) is a federal assistance program for Medicare clients who need extra help meeting their Medicare Part D prescription drug costs. LIS helps Medicare clients pay their monthly premium, deductible, and co-insurance costs under Part D. LIS is a means-tested program. All clients must qualify on the basis of household income, resources, and size as defined by the Social Security Administration.

(2) LIS is not a part of the Senior Prescription Drug Assistance Program (OAR 461-135-1180, OAR division 410-149, and ORS 414.340 to 414.348).

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: SSP 8-2005(Temp), f. & cert. ef. 7-1-05 thru 10-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-135-1186

LIS Applications

An LIS application is complete if all of the following requirements are satisfied:

(1) The applicant satisfies the provisions of OAR 461-115-0050 and completes the Department's forms.

(2) The applicant must submit:

(a) A certification by the applicant or personal representative, under penalty of perjury or sanction for false statement, as to the accuracy of information provided on the application form (see 42 CFR 423.904(d)(2));

(b) All required statements from financial institutions (see 42 CFR 423.904(d)(3)); and

(c) All information for verification (see 42 CFR 423.904(d)(3)) required under OAR 461-115-0610.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: SSP 8-2005(Temp), f. & cert. ef. 7-1-05 thru 10-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-135-1187

Eligibility Determinations and Due Process for LIS

(1) The regulations set out at 42 CFR 423.771 to 423.774 are expressly adopted and incorporated by reference for LIS. These regulations apply to the application process, eligibility determinations, and redeterminations.

(2) The Department will send to LIS applicants a decision notice consistent with the provisions of OAR 461-175-0200 not later than the 45th day after the date of request.

(3) An applicant may appeal an adverse decision notice under the provisions of Division 461-025 of the Oregon Administrative Rules.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: SSP 8-2005(Temp), f. & cert. ef. 7-1-05 thru 10-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-135-1200

Domestic Violence

(1) The Department is authorized by ORS 411.117 to waive or modify requirements of the TANF program that make it more difficult for clients to escape domestic violence or put them at risk of further or future *domestic violence*.

(2) The Department waives the TANF requirement in OAR 461-135-0070(1)(e) for a pregnant woman to have reached late pregnancy if a client is at risk of further or future *domestic violence*.

(3) Except as provided in section (4) of this rule, a client is not required to meet a requirement of the TANF program contained in this chapter of rules if and while compliance by the client would make it more difficult for the client to escape domestic violence or place the client at risk of further or future *domestic violence*.

(4) The following TANF requirements remain in effect as described even if a client is a victim of domestic violence or at risk of victimization by domestic violence:

(a) The TANF requirements in OAR 461-135-0070 to be a dependent child, a caretaker relative, or parent.

(b) The TANF requirement in OAR 461-135-0630 that a dependent child live with a caretaker relative, except the latter requirement may be waived during a reasonable period while the caretaker relative escapes from further or future domestic violence.

(c) The requirement of residency for TANF in OAR 461-120-0010 except that a person may access TA-DVS if the person meets all other eligibility requirements and is currently in Oregon while fleeing to another state for safety reasons arising from domestic violence.

(d) Income or resource limits except as specifically provided in OAR 461-140-0020 and 461-140-0040.

Stat. Auth.: ORS 411.117

Stats. Implemented: ORS 411.117

Hist.: AFS 19-1997, f. & cert. ef. 10-1-97; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; Administrative correction 2-23-99; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-135-1205

Temporary Assistance for Domestic Violence Survivors Program

The Temporary Assistance for Domestic Violence Survivors program (the program or TA-DVS) is established. The program develops a case plan and addresses temporary needs of applicants for and recipients of the TANF program and others who are victims of domestic violence, have been vic-

ADMINISTRATIVE RULES

tims of domestic violence or are at risk of victimization by domestic violence. The rules for the program are contained in OAR 461-135-1205 to 461-135-1235. The purposes of the program are:

- (1) To help families affected by domestic violence identify their emergent and safety needs;
- (2) To help families identify actions that may increase their safety;
- (3) To identify community resources that may meet families' needs;
- (4) To provide temporary financial assistance and supportive services to eligible families when needed resources are not immediately available; and
- (5) To provide financial assistance and services to help the domestic violence survivor and the children remain free from abuse.

Stat. Auth.: ORS 411.060 & 418.100

Stats. Implemented: ORS 411.060, 418.100 & 411.117

Hist.: AFS 9-1999, f. & cert. ef. 7-1-999; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-145-0080

Child Support

(1) Child support paid by a non-custodial parent for a dependent child or minor parent in the financial group is considered income of the dependent child or minor parent, whether the support is paid voluntarily or in accordance with an order to pay child support.

(2) In the MAA, MAF, REFM, and TANF programs:

(a) In determining eligibility, except for clients working under a JOBS Plus agreement, all child support received by the Division of Child Support is considered countable unearned income, if continued receipt of the child support is reasonably anticipated. These payments are excluded when determining the benefit amount.

(b) For clients working under a JOBS Plus agreement:

(A) Child support is excluded in determining countable income.

(B) Child support is excluded when calculating the TANF portion of the benefit equivalency standards.

(C) All child support paid directly to the client is considered countable unearned income in the calculation of the wage supplement.

(c) All other child support payments paid directly to the financial group or to a third party on behalf of a financial group member is considered countable unearned income.

(3) For ERDC, child support is considered countable unearned income if it is received by the financial group or is countable under OAR 461-145-0280. Otherwise it is excluded.

(4) For the FS program, child support is treated as follows:

(a) Child support payments the group receives that must be assigned to the Department to maintain TANF eligibility are excluded, even if the group fails to turn the payments over to the Department.

(b) Child support payments received by filing groups with at least one member working under a JOBS Plus agreement are excluded, except it is considered countable unearned income in the calculation of the wage supplement.

(c) All other child support is considered countable unearned income.

(d) Payments made by a non-custodial parent to a third party for the benefit of the financial group are treated in accordance with OAR 461-145-0280.

(5) In the OHP programs, child support paid directly to the financial group or paid to a third party for the benefit of the financial group is considered countable unearned income.

(6) In the OSIP, OSIPM, and QMB programs, all child support paid to the financial group is considered countable unearned income. Child support paid by the financial group is not deductible from income.

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 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; 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 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 9-1997, f. & cert. ef. 7-1-97; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-145-0330

Loans and Interest on Loans

(1) This rule covers proceeds of loans, loan repayments, and interest earned by a lender. If the proceeds of a loan are used to purchase an asset, the asset is evaluated under the other rules in this division of rules.

(2) Educational loans are treated according to OAR 461-145-0150.

(3) Except in the GA, GAM, OHP, OSIP, OSIPM, and QMB programs, this rule applies only if there is a written loan agreement that stipulates when the loan is due and is signed and dated before the borrower receives the proceeds of the loan.

(4) In the GA, GAM, OHP, OSIP, OSIPM, and QMB programs, this rule applies whether the loan agreement is written or oral.

(5) Interest received on a loan is unearned income.

(6) For all programs except FS, the following are excluded:

(a) Loans obtained by the financial group, except as provided in sections (2) and (8) of this rule for clients in the GA, GAM, OSIP, OSIPM, and QMB programs.

(b) Payments made to the financial group on the principal portion of a loan the group has made to someone else.

(7) In the FS program, cash on-hand from a loan is a resource.

(8) In the FS, GA, GAM, OSIP, OSIPM, and QMB programs, the proceeds of a home equity loan or reverse annuity mortgage are excluded if received in regular, monthly payments. The proceeds not excluded under this rule are treated as *lump sum* income under OAR 461-140-0120.

Stat. Auth.: ORS 411.060, 411.816 & 418.100

Stats. Implemented: ORS 411.700 & 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 28-1992, f. & cert. ef. 10-1-92; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-145-0340

Lodger Income

(1) In the Food Stamp program:

(a) A lodger is a member of the household who pays the filing group for room and board and who is not a member of the filing group.

(b) Lodger income is the amount a lodger pays the filing group for room (rent) and board (meals).

(2) For all programs except Food Stamps:

(a) A lodger is a person living in the residence with but not a member of the household group.

(b) Lodger income is the flat monthly payment a person makes either directly or indirectly to the financial group to live with the financial group.

(3) Lodger income is treated as follows:

(a) For all programs except GA, GAM, OSIP, OSIPM, and QMB, it is self-employment income.

(b) For GA, GAM, OSIP, OSIPM, and QMB, it is excluded.

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 16-1990, f. 6-29-90, cert. ef. 7-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 9-2001, f. & cert. ef. 6-1-01; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-145-0930

Exclusions Allowed from Self-Employment Income

This rule explains how exclusions are taken from self-employment gross income in the different programs. Gross income less exclusions leaves countable income. Costs of producing self-employment income, determined in accordance with OAR 461-145-0920, are excludable according to the following rules:

(1) In the REF program, no costs are excludable.

(2) In the MAA and TANF programs:

(a) For a client participating in the microenterprise component of the JOBS program, costs are excluded according to general accounting principals, as applied by a certified public accountant, bookkeeping firm, or other entity approved by the Department, and OAR 461-145-0920.

(b) For all other clients, no costs are excludable.

(3) In the GA, MAF, OSIP, OSIPM, and QMB programs, all costs are excludable.

(4) In the Food Stamp program, if there are any excludable costs, the exclusion is 50 percent of gross self-employment income.

(5) In the ERDC program, if the client claims an excludable cost, the minimum exclusion is 50 percent of gross self-employment income and the maximum exclusion is the total excludable cost.

(6) In the OHP program, the minimum exclusion is 50 percent of gross self-employment income and the maximum exclusion is the total excludable cost. The total excluded costs cannot exceed the gross self-employment income for the month that the exclusion is taken.

Stat. Auth.: ORS 411.060, 418.040 & 411.816

Stats. Implemented: ORS 411.060 & 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 9-1997, f. & cert. ef. 7-1-97; 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 24-1998(Temp), f. 11-30-98, cert. ef. 12-1-98 thru 3-31-99; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

ADMINISTRATIVE RULES

461-155-0150

Child Care Eligibility Standard, Payment Rates, and Copayments

The following provisions apply to child care in the ERDC, JOBS, JOBS Plus, and TANF programs:

(1) The following definitions apply to the rules governing child care rates:

- (a) Infant: A child aged birth through 12 months.
- (b) Toddler: A child aged 1 year through 30 months.
- (c) Preschool Child: A child aged 31 months through 5 years.
- (d) School Child: A child aged 6 years or older.

(e) Special needs child: A child who meets the age requirement of the program (ERDC or TANF) and who requires a level of care over and above the norm for his or her age due to a physical, behavioral or mental disability. The need for a higher level of care must be determined by the provider and the disability must be verified by one of the following:

(A) A physician, nurse practitioner, licensed or certified psychologist or clinical social worker.

(B) Eligibility for Early Intervention and Early Childhood Special Education Programs, or school-age Special Education Programs.

(C) Eligibility for SSI.

(2) The following definitions apply to the types of care specified in the child care rate charts:

(a) The Standard Family Rate applies to child care provided in the provider's own home or in the home of the child when the provider does not qualify for the enhanced rate allowed by subsection (b) of this section.

(b) The Enhanced Family Rate applies to child care provided in the provider's own home or in the home of the child when the provider meets:

(A) The training requirements of the Professional Development Registry (PDR) entry level, established by the Oregon Center for Career Development in Childhood Care and Education; or

(B) The training requirements established by the Child Care Division for registered family providers who apply to become registered after October 1, 1999.

(c) The Enhanced Group Rate applies to child care provided in a residential dwelling that is certified by the Child Care Division as a Group Child Day Care Home. To earn this designation, the facility must be inspected, and both provider and facility are required to meet certain standards not required of a registered family provider.

(d) The Standard Center Rate applies to child care provided in a facility that is not located in a residential dwelling and is exempt from Child Care Division Certification rules (see OAR 414-300-0000).

(e) The Enhanced Center Rate applies to child care provided in a center that is certified by the Child Care Division or in an exempt center whose staff meet the training requirements of the PDR entry level established by the Oregon Center for Career Development in Childhood Care and Education. Eligibility to receive the enhanced center rate for care provided in an exempt center is subject to the following requirements:

(A) A minimum of one staff member for every 20 children in care must meet the PDR entry level training requirements noted in section (2)(b)(A) of this rule.

(B) New staff must meet the PDR entry level training requirements within 90 days of hire, if necessary to maintain the trained staff-to-children ratio described in paragraph (A) of this subsection.

(C) There must be at least one person present where care is provided who has a current certificate in infant and child CPR and a current American Red Cross First Aid card or an equivalent.

(f) An exempt center is eligible to receive the enhanced rate for a maximum of six months while in the process of meeting the requirements of section (2)(e) of this rule if it files a statement of intent to meet the requirements on a form prescribed by the Department.

(g) An enhanced rate will become effective not later than the second month following the month in which the Department receives verification that the provider has met the requirements of section (2)(b), (c), (e) or (f) of this rule.

(3) Subject to the provisions in section (6) of this rule, the monthly limit for each child's child care payments is the lesser of the amount charged by the provider or providers and the following amounts:

(a) The monthly rate provided in section (6) of this rule.

(b) The product of the hours of care, limited by section (4) of this rule, multiplied by the hourly rate provided in section (6) of this rule.

(4) The number of payable billable hours for a child is limited as follows:

(a) For the ERDC-BAS and TANF programs, the total in a month may not exceed:

(A) The number of hours of care necessary for the client to maintain his or her job including, for clients in the JOBS Plus program, the time the client searches for unsubsidized employment and for which the employer pays the client, or to participate in activities included in a case plan (see OAR 461-190-0161 and 461-190-0310); or

(B) 125 percent of the time the client is at work or participating in an approved activity of the JOBS program.

(b) For the ERDC-SBG program, the total may not exceed the number of hours of care necessary for the client to maintain his or her education, training or employment. The total may not exceed 125 percent of the sum of 200 percent of class hours and the time the client is at work.

(c) In the ERDC-BAS and TANF programs, for a client who earns less than state minimum wage, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage. The limitation of this subsection is waived for the first three months of the client's employment.

(5) The following provisions apply to all programs:

(a) Providers not eligible for the enhanced rate will be paid at an hourly rate for children in care less than 158 hours per month subject to the maximum full-time monthly rate.

(b) Providers eligible for the enhanced rate will be paid at an hourly rate for children in care less than 136 hours a month unless the provider customarily bills all families at a part-time monthly rate subject to the maximum full-time monthly rate.

(c) At their request, providers eligible for the enhanced rate may be paid at the part-time monthly rate if they provide 63 or more hours of care in the month and customarily bill all families at a part-time monthly rate.

(d) Unless required by the client's or child's circumstances, the Department will not pay for care at a monthly rate to more than one provider for the same child for the same month.

(e) The Department will pay at the hourly rate for less than 63 hours of care in the month subject to the maximum full-time monthly rate.

(f) The Department will pay for up to five days each month the child is absent if:

(A) The child was scheduled to be in care and the provider bills for the amount of time the child was scheduled to be in care;

(B) The absent child's place is not filled by another child; and

(C) It is the provider's policy to bill all families for absent days.

(g) The Department will not pay for more than five consecutive days of scheduled care for which the child is absent.

(6) The limit in any month for child care payments on behalf of a child whose caretaker has special circumstances, defined in section (7) of this rule, is the lesser of the following:

(a) The amount billed by the provider or providers; and

(b) The monthly rate established in section (8) of this rule multiplied by a factor, limited to 1.5, determined by dividing the number of hours billed by 215.

(7) The limit allowed by section (6) of this rule is authorized once the Department has determined the client has special circumstances. For the purposes of this rule, a client has special circumstances when it is necessary, in order for the client to perform the requirements of his or her employment or training, to obtain child care for a child in excess of 215 hours in a month.

(8) The payment available for care of a child who meets the special needs criteria described in section (1)(e) of this rule is increased in accordance with OAR 461-155-0151 if:

(a) The child requires significantly more direct supervision by the child care provider than normal for a child of the same age; and

(b) The child is enrolled in a local school district Early Intervention or Early Childhood Special Education program or school-age Special Education Program. The enrollment required by this subsection is waived if determined inappropriate by a physician, nurse practitioner, licensed or certified psychologist, clinical social worker, or school district official.

(9) The following are the child care rates. The rates are based on the type of provider, the location of the provider (shown by zip code), the age of the child, and the type of billing used (that is, hourly or monthly). [Table not included. See ED. NOTE.]

(10) This section establishes the ERDC eligibility standard and the client's copayment (copay).

(a) The ERDC eligibility standard is 1.50 times the amount given in OAR 461-155-0225(2)(a), rounded down to the next whole number. The ERDC copay is \$25 or the amount determined by the formula in subsection (b) of this section, whichever is greater.

(b) The maximum copay equals the constant determined by the table in subsection (c) of this section, added to the product of a constant deter-

ADMINISTRATIVE RULES

mined by the table in subsection (d) of this section times the constant determined by the table in subsection (e) of this section raised to a power equal to the family's gross income, expressed in dollars. The formula is as follows: $y = k + (b \times m^x)$

(c) The constant k is determined by the number of people in the need group, as follows:

- (A) 2 persons: k = -30
- (B) 3 persons: k = -55
- (C) 4 persons: k = -50
- (D) 5 persons: k = -51
- (E) 6 persons: k = -80
- (F) 7 persons: k = -92
- (G) 8 or more persons: k = -103

(d) The constant b is determined by the number of people in the need group, as follows:

- (A) 2 persons: b = 18.0
- (B) 3 persons: b = 23.0
- (C) 4 persons: b = 20.9
- (D) 5 persons: b = 20.6
- (E) 6 persons: b = 33.2
- (F) 7 persons: b = 33.2
- (G) 8 or more persons: b = 40.4

(e) The constant m is determined by the number of people in the need group, as follows:

- (A) 2 persons: m = 1.001885
- (B) 3 persons: m = 1.001550
- (C) 4 persons: m = 1.001380
- (D) 5 persons: m = 1.001250
- (E) 6 persons: m = 1.000990
- (F) 7 persons: m = 1.000910
- (G) 8 or more persons: m = 1.000795

(11) Effective October 1, 2003, a client's copay is limited to \$25 during the first month the client is eligible for ERDC. This limitation cannot be used in more than one month in any 12 consecutive months.

(12) The limit in any month for child care payments on behalf of a child whose caretaker is away from the child's home for more than 30 days because the caretaker is a member of a reserve or National Guard unit that is called up for active duty is the lesser of the following:

- (a) The amount billed by the provider or providers.
- (b) The monthly rate established in this rule for 215 hours of care.

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

Stat. Auth.: ORS 411.060

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 16-1990, f. 6-29-90, cert. ef. 7-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 19-1991(Temp), f. & cert. ef. 10-1-91; AFS 4-1992, f. 2-28-92, cert. ef. 3-1-92; AFS 14-1992, f. & cert. ef. 6-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 10-1993, f. & cert. ef. 6-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 9-1994, f. 4-29-94, cert. ef. 5-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 19-1994, f. & cert. ef. 9-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 23-1995, f. 4-20-95, cert. ef. 10-1-95; AFS 41-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 14-1999, f. & cert. ef. 11-1-99; AFS 16-1999, f. 12-29-99, cert. ef. 1-1-00; AFS 4-2000(Temp), f. 2-29-00, cert. ef. 3-1-00 thru 8-25-00; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; AFS 10-2002, f. & cert. ef. 7-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; AFS 23-2002(Temp), f. 12-31-02, cert. ef. 1-1-03 thru 6-30-03; SSP 2-2003(Temp), f. & cert. ef. 2-7-03 thru 6-30-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 24-2003(Temp), f. & cert. ef. 10-1-03 thru 12-31-03; SSP 35-2003(Temp), f. 12-31-03 cert. ef. 1-1-04 thru 3-31-04; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 35-2003(Temp), f. 12-31-03 cert. ef. 1-1-04 thru 3-31-04; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-155-0190

Income and Payment Standards; FS

(1) The FS Countable and Adjusted Income Limits are as follows: [Table not included. See ED. NOTE.]

(2) The FS Payment Standard (Thrifty Food Plan) is: [Table not included. See ED. NOTE.]

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

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816

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 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 20-1991, f. & cert. ef. 10-1-91; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 15-1998(Temp), f. 9-15-98, cert. ef. 10-1-98 thru 10-31-98; AFS 22-1998, f. 10-30-98, cert. ef. 11-1-98; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-160-0040

Dependent Care Costs; When They are Deductible and When They are Covered

(1) In the ERDC, JOBS, JOBS Plus, MAF, REFM, and TANF programs, the cost of dependent care can be deducted from the income of a client, or may be paid for (is covered) by the Department, only if all the following are true:

(a) The dependent:

(A) In the JOBS, JOBS Plus, MAF, REFM, and TANF programs, lives with the filing group.

(B) In the ERDC program, is a member of the filing group and is in the care, control, and custody of a person in the group.

(b) The dependent care provider:

(A) Is not in the filing group; and

(B) Is not the parent of the dependent.

(2) In the FS program, dependent care is deductible (see OAR 461-160-0430) when all of the following are true:

(a) The dependent is a member of the filing group and is in the care, control, and custody of a person in the group.

(b) The dependent care provider:

(A) Is not in the filing group; and

(B) Is not the parent of the dependent.

(c) The dependent care is necessary because the client is working, commuting, on a meal break, in training, participating in pre-employment education, or participating in an OFSET case plan.

(3) In the following programs, the cost of dependent care may be paid for by the Department (is covered) or may be deducted from income subject to the limitations provided in this section.

(a) The cost of child care is covered or is deductible only when free care is not available, such as while the child is in school.

(b) In the ERDC-BAS, REFM, and TANF programs, dependent care is covered when care is necessary for the working client to maintain employment, including time required to work, commute, or take a meal break. For a client working under a JOBS Plus agreement, child care is covered during the time the client is engaged in work or in job search if the employer pays the client during that time.

(c) In the ERDC-SBG program, dependent care is covered when the care is necessary for a client to continue his or her education, training, or employment and the client is attending class, studying, working, commuting, or is on a meal break.

(4) Child care is not covered in the ERDC-BAS or TANF program if the nature of the work of the caretaker does not make it necessary for a person other than the caretaker to provide the care. It is generally unnecessary during a period of time when:

(a) The caretaker works at home, or is self-employed, and the nature of the work allows the caretaker to provide the care without significantly affecting the work;

(b) The caretaker provides child care in a residence; or

(c) The caretaker works for a provider of child care in a residence that is not certified under OAR 414-350-0000 and following.

(5) In the JOBS program, the cost of child care may be covered while the care is necessary to enable the client to participate in a case plan (see OAR 461-190-0211).

(6) Coverage of the cost of dependent care is subject to the requirements of OAR 461-120-0510(4) and 461-155-0150.

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 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 17-1992, f. & cert. ef. 7-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 1-1993, f. & cert. ef. 2-1-93; 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 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 14-1999, f. & cert. ef. 11-1-99; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-160-0070

Benefits for Less Than a Full Month

In the FS, GA, OSIP, REF and TANF programs, if in a month a benefit group is eligible for less than a full month's benefits (such as the initial and closing months), benefits for that month are determined as follows:

(1) The benefit amount for a full month is determined.

(2) The full benefit amount is divided by the number of days in the payment month to determine the daily benefit.

(3) The daily benefit is multiplied by the number of days in the month the group is eligible. The result is the benefit amount for the partial month (prorated benefit), except as adjusted by section (4) of this rule.

ADMINISTRATIVE RULES

(4) Rounding is used in the calculation of the prorated benefit as follows:

(a) In the FS, REF, and TANF programs, if the prorated benefit is not a whole dollar amount, the prorated benefit is rounded to the next lower whole dollar.

(b) In the GA and OSIP programs, the prorated benefit is not rounded.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-160-0420 Shelter Cost; FS

(1) This rule explains how to calculate the client's shelter cost. The shelter cost is used to determine the shelter deduction (see OAR 461-160-0430). The shelter cost is the sum of the client's cost of housing plus an allowance for utilities, if the client incurs a utility cost. The shelter deduction is based on the shelter cost but is subject to a limitation described in OAR 461-160-0430.

(2) Cost of housing:

(a) The following comprise the cost of housing if they are incurred with respect to the client's current residence or the home described in section (5) of this rule:

(A) Regular, periodic charges for the financial group's shelter, such as rent, mortgage payments, and condominium or association fees. Late fees charged because a mortgage or rent payment was made late are not deductible.

(B) Property taxes, state and local assessments, and property insurance on the structure.

(C) Costs for repairing a home damaged or destroyed by a natural disaster (such as a fire or flood), if such costs are not reimbursed.

(D) If the need group is homeless and living in a vehicle — vehicle payments and collision and comprehensive insurance premiums for the vehicle.

(b) If housing costs are billed on a weekly or biweekly basis, the monthly cost is the weekly cost multiplied by 4.3 or the biweekly cost multiplied by 2.15.

(c) The financial group has the following choices about housing costs:

(A) The group may choose to apply the cost in the month it is billed or becomes due.

(B) The group may choose to have periodic costs averaged.

(C) For expenses that are billed less often than monthly, the group may choose to have them averaged over the period they are intended to cover.

(3) Shared housing: If the filing group shares housing costs with a person in the dwelling who is not in the filing group, only the housing costs incurred by the filing group are included in the calculation. If the portion paid by a person outside the filing group cannot be ascertained, the cost is apportioned among the people contributing to the cost. The pro rata share of those not in the filing group is deducted from the total, and the balance is considered a housing cost of the filing group.

(4) Cost for utilities:

(a) A filing group has a cost for utilities if it incurs a cost for heating or cooling; cooking fuel; electricity; water and sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; service for a telephone, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes; or initial installation fees charged by a utility provider.

(b) If the group incurs no cost for utilities in either its current home or in the home described in section (5) of this rule, then the shelter cost is calculated without an allowance for utilities.

(c) If a homeless need group uses a vehicle for shelter, the cost of fuel for the vehicle is considered a utility cost.

(d) If a filing group incurs a cost for utilities, then the utility allowance is one of the following:

(A) Allowance with heating or cooling: A full standard utility allowance of \$292 is used if the household group is billed for heating or cooling costs for its dwelling. Charges for any fuel and for electricity are considered heating costs if they are used for heating. A financial group who receives an energy assistance payment for the dwelling provided through the Low-Income Energy Assistance Act of 1981 is eligible for the utility allowance established by this paragraph (A).

(B) Allowance without heating or cooling:

(i) A limited standard utility allowance of \$215 is used if the household group is not billed for heating or cooling costs but is billed for at least two other costs enumerated in section (4)(a) of this rule.

(ii) A single standard utility allowance of \$36 is used if the household is not billed for heating or cooling costs but is billed for only one of the costs enumerated in section (4)(a) of this rule.

(5) Housing costs for a home not occupied by the household: Housing and utility costs with respect to a home not currently occupied by the household may be considered in calculating the shelter cost if:

(a) The home is temporarily unoccupied because of employment or training away from home, illness, or abandonment caused by casualty or natural disaster;

(b) The financial group intends to return to the home;

(c) No other, current occupant is claiming a deduction for shelter costs in the FS program; and

(d) The home is not leased during the household's absence.

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 1-1991(Temp), f. & cert. ef. 1-2-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 21-1998(Temp), f. 10-15-98 & cert. ef. 11-1-98 thru 12-31-98; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 9-2001, f. & cert. ef. 6-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-160-0430

Income Deductions; FS

(1) Deductions from income are subtracted from *countable income* in the following order to determine *adjusted income* for the Food Stamp program:

(a) An earned income deduction of 20 percent of *countable* earned income. The 20 percent deduction is not taken from the wages funded by grant diversions such as Work Supplementation wages.

(b) A standard deduction of \$134 per month for benefit groups of one, two, three, or four persons. A standard deduction of \$157 for a benefit group of five persons. A standard deduction of \$179 for benefit groups of six or more persons.

(c) A dependent care deduction not to exceed \$175 each month for each dependent, or \$200 each month for each child under age 2, for dependent care costs billed to a member of the financial group and not paid for through any other program of the Department. For the cost to be deductible under this section, the care must be necessary to enable a member of the need group to—

(A) Accept or continue employment;

(B) Meet the requirements of a *case plan* (see OAR 461-190-0310 for a definition of case plan); or

(C) Attend vocational or educational training. A student receiving educational income is entitled to a deduction only for costs not excluded from educational income by OAR 461-145-0150.

(d) The medical deduction for the *elderly* and *disabled clients* in the need group. The deduction is calculated by determining the total of their deductible medical costs (see OAR 461-160-0415) and subtracting \$35. The remainder is the medical deduction.

(e) A deduction for child support payments a member of the household makes under a legal obligation to a child not a member of the household group, including payments for the current month and for payments on arrearages. Child support is not deductible if collected by setoff through the Oregon Department of Revenue or by interception of a federal tax refund.

(f) A shelter deduction, calculated as follows:

(A) For FS clients required to pay room and board in nonstandard living arrangements (see OAR 461-110-0110(13)), the shelter deduction is:

(i) The cost of room and board, minus the payment standard for the benefit group; or

(ii) The actual room cost, if the client can prove that the room cost exceeds the cost described in subparagraph (i) of this paragraph.

(B) For all other clients, the shelter deduction is calculated as follows:

(i) The standard deduction and the deductions of earned income, dependent care, court-ordered child support, and medical expenses are subtracted from countable income. Fifty percent of the remainder is subtracted from the shelter cost calculated in accordance with OAR 461-160-0420.

(ii) The rounded balance is the deduction, except the deduction is limited if the filing group has no disabled or elderly member. The limit is \$400.

(2) If the client cannot verify a medical or court-ordered child-support expense or cannot verify any other expense when asked to do so, the unverified expense is not used to calculate the deduction. If the client provides

ADMINISTRATIVE RULES

verification, the deduction is applied when calculating the next month's benefits. If verification is provided within the period authorized for processing applications (see OAR 461-115-0210), the benefits for the initial month are recalculated using the deduction.

Stat. Auth.: ORS 411.816

Stat. Implemented: ORS 411.816 & 411.825

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 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 20-1991, f. & cert. ef. 10-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; 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 19-1994, f. & cert. ef. 9-1-94; 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 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 27-1995(Temp), f. 10-30-95, cert. ef. 11-1-95; AFS 41-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 31-1996, f. & cert. ef. 9-23-96; AFS 41-1996(Temp), f. & cert. ef. 12-31-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; 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 15-1998(Temp), f. 9-15-98, cert. ef. 10-1-98 thru 10-31-98; AFS 22-1998, f. 10-30-98, cert. ef. 11-1-98; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 23-2000(Temp), f. 9-29-00, cert. ef. 10-1-00 thru 12-31-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 23-2000(Temp) Suspended by AFS 28-2000(Temp), f. 10-31-0, cert. ef. 11-1-00 thru 12-31-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 3-2001, f. 2-27-01, cert. ef. 3-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-160-0610

Client Liability for Clients in Long-term Care or Receiving Waivered Services; OSIP (except OSIP-EPD), OSIPM (except OSIPM-EPD)

Clients in the OSIP (except OSIP-EPD) and OSIPM (except OSIPM-EPD) programs who live in or enter a long-term care setting or who receive Title XIX waived services must, in order to remain eligible, make the payment required by this rule as follows:

(1) Clients who do not receive SSI, but who meet the income requirements, may be eligible for OSIP and OSIPM. These clients must apply their adjusted income to the cost of their care or service. This is their client liability. If their adjusted income exceeds their cost of care or service, they must pay the full cost of care but have no additional liability.

(2) Clients who receive SSI, or are deemed to receive SSI under section 1619(b) of the Social Security Act (42 U.S.C. § 1382h(b)), are eligible for OSIP and OSIPM without having to make a payment.

(3) An adult disabled child as described at OAR 461-135-0830 is eligible for OSIP and OSIPM. An adult disabled child is subject to or exempt from payments as follows:

(a) An adult disabled child living in a nursing facility, state institution, an Intermediate Care Facility for the Mentally Retarded, or a non-waivered mental health facility makes the payments required by this rule.

(b) An adult disabled child in a waived living arrangement is exempt from payments under this rule.

Stat. Auth.: ORS 411.060, 411.070 & 414.042

Stats. Implemented: ORS 411.060, 411.070 & 414.042

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 8-2005(Temp), f. & cert. ef. 7-1-05 thru 10-1-05; SSP 9-2005(Temp), f. & cert. ef. 7-6-05 thru 10-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-160-0620

Income Deductions and Client Liability; Long-Term Care or Waivered Services

(1) Deductions from income in the OSIP and OSIPM programs are made for clients specified in subsection (a) of this section as explained in subsections (a) through (i) of this section. The liability of the client is determined according to subsection (j).

(a) Deductions are made in the order below for clients who do not receive SSI and who:

(A) Reside in or are entering a long-term care facility; or

(B) Receive Title XIX waived services.

(b) One standard earned income deduction of \$65 is made from the earned income in the OSIP-AD, OSIP-OAA, OSIPM-AD, and OSIPM-OAA programs. The deduction is \$85 in the OSIP-AB and OSIPM-AB programs.

(c) In the OSIP and OSIPM programs, the deductions under the plan for self-support is made as allowed by OAR 461-140-0420.

(d) One of the following need standards is deducted:

(A) A \$30 personal needs allowance for clients in long-term care.

(B) A \$90 personal needs allowance for clients in long-term care who are eligible for VA benefits based on unusual medical expenses. The \$90 allowance is allowed only when the VA benefit has been reduced to \$90.

(C) The OSIP maintenance standard for clients who receive waived services.

(e) A community spouse monthly income allowance is deducted from the income of the institutionalized spouse if the income is made available

to (or for the benefit of) the community spouse. If neither spouse is eligible for SSI and both receive waived services through the home- and community-based care program in the same residence or facility, and if the countable income of either spouse is less than the one-person OSIPM payment standard, an allowance is calculated separately using calculation methods 1 and 2 below. The result that is better for the couple is the allowance. For all other couples, the amount calculated using method 2 is the allowance.

(A) Calculation method 1: The allowance is the difference between the one-person payment standard of the OSIPM program (see OAR 461-155-0250) and the countable income of the spouse with the lesser countable income.

(B) Calculation method 2:

(i) Step 1 — Determine the maintenance needs allowance. \$1,604 is added to the amount over \$481 that is needed to pay monthly shelter expenses for the principal residence of the couple. This sum or \$2,377.50, whichever is less, is the maintenance needs allowance. For the purpose of this calculation, shelter expenses are the rent or home mortgage payment (principal and interest), taxes, insurance, required maintenance charges for a condominium or cooperative, and the full standard utility allowance for the Food Stamp program (see OAR 461-160-0420).

(ii) Step 2 — Compare maintenance needs allowance with community spouse's gross income. The gross income of the community spouse is subtracted from the maintenance needs allowance determined in step 1. The difference is the income allowance unless the allowance described in step 3 is greater.

(iii) Step 3 — If a spousal support order or exceptional circumstances resulting in significant financial distress require a greater income allowance than that calculated in step 2, the greater amount is the allowance.

(f) A dependent income allowance is deducted for each eligible dependent as follows:

(A) For a case with a community spouse, a deduction is permitted only if the monthly income of the eligible dependent is below \$1,604. To determine the income allowance of the eligible dependent:

(i) The monthly income of the eligible dependent is deducted from \$1,604.

(ii) One-third of the amount remaining after the subtraction in paragraph (A) of this subsection is the income allowance of the eligible dependent.

(B) For a case with no community spouse:

(i) The allowance is the TANF adjusted income standard for the client and eligible dependents.

(ii) The TANF standard is not reduced by the income of the dependent.

(g) Costs for maintaining a home are deducted if the client meets the criteria in OAR 461-160-0630.

(h) In the OSIPM program, medical deductions allowed by OAR 461-160-0055 are made for costs not covered under the state plan. This includes the public and private health insurance premiums of the community spouse and the client's dependent.

(i) After taking all the deductions allowed by this rule, the remaining balance is the adjusted income.

(j) The client liability is determined as follows:

(A) For a client receiving waived services (except a client in OSIPM-IC or if a client meets the eligibility requirements for adult disabled children as described at OAR 461-135-0830), the liability is the waived service cost or the adjusted income of the client, whichever is less. This amount must be paid to the Department each month as a condition of receiving waived services. In OSIPM-IC, the liability is subtracted from the gross monthly benefit.

(B) For a client who resides in a nursing facility, acute hospital, state hospital, an Intermediate Care Facility for the Mentally Retarded, or a non-waivered mental health facility, there is a liability as described at OAR 461-160-0610.

(2) The deduction used to determine adjusted income for GA and GAM clients in long-term care or waived services is as follows:

(a) One standard earned income deduction of \$65 is made from the earned income for clients who are not blind; or

(b) One standard earned income deduction of \$85 is made from the earned income for clients who are blind.

Stat. Auth.: ORS 411.060 & 411.070

Stats. Implemented: ORS 411.060 & 411.070

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 16-1990, f. 6-29-90, cert. ef. 7-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 17-1992, f. & cert. ef. 7-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 5-1993, f. & cert. ef. 4-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 15-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 5-1997, f. 4-30-97, cert. ef. 5-1-97; AFS 6-1998(Temp), f. 3-30-98, cert. ef. 4-1-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-

ADMINISTRATIVE RULES

1-98; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 3-1999, f. 3-31-99, cert. ef. 4-1-99; AFS 6-1999, f. & cert. ef. 4-22-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 11-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 10-2002, f. & cert. ef. 7-1-02; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 8-2005(Temp), f. & cert. ef. 7-1-05 thru 10-1-05; SSP 9-2005(Temp), f. & cert. ef. 7-6-05 thru 10-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-165-0180

Eligibility of Child Care Providers

To be eligible for child care payment from the Department, a provider must meet all of the requirements in sections (1), (2), (3), (4), and (5) of this rule.

(1) The provider must submit a completed Department listing form to the Department. The provider and all persons identified under OAR 461-165-0180(4) are considered "subject individuals" under OAR 410-007-0210(27)(a)(H) and must complete and sign the authorization for a records check and, if necessary, an authorization to release information and fingerprint cards, as necessary for the Department to complete a current records check. The provider must fully disclose all requested information as part of the records check. If information available to the Department provides no basis for denial, the Department will approve the provider to receive payment for child care from the Department unless:

(a) The provider was previously found ineligible for payment and was not subsequently determined to be eligible; or

(b) The Department determines, following a preliminary or final fitness determination (as provided in OAR 410-007-0320) and Child Protective Service (CPS) records checks, that the provider, or other subject person, is not eligible for payment.

(2) The provider must:

(a) Allow the Department to inspect the site of care while child care is provided.

(b) Keep daily attendance records that show the arrival and departure times each day for each child in care and billing records for each child receiving child care benefits from the Department. The provider must keep the records for 12 months and provide them to Department staff on request.

(c) Be the person who actually provides the child care. The provider must notify the Department before using someone else to supervise children on a temporary basis.

(d) Not be in the same filing group as the child cared for and must not be the parent of the child.

(e) Provide evidence of compliance with the Department's administrative rules, upon request of Department staff.

(f) Not bill a Department client for an amount collected by the Department to recover an overpayment or an amount paid by the Department to a creditor of the provider because of a lien, garnishment, or other legal process.

(3) The provider must not have a history of behavior that indicates a substantial risk to the health or safety of children in the care of the provider. A single incident may be sufficient history for ineligibility. This determination is based on a review of Criminal History (CH) and CPS records, an investigation of complaints, if any, and information provided by another agency:

(a) The Department may conduct a national criminal history check through the Oregon State Police and the Federal Bureau of Investigation as specified in OAR 410-007-0290 and may withhold authorization for payment to a provider until the check is complete.

(b) If the Department obtains information of a disqualifying crime, condition, or child protective services history with respect to the persons identified in sub-section (a) of this section, as described in OAR 410-007-0280, 410-007-0290, 461-165-0410, or 461-165-0420, the Department will conduct a weighing test as described in OAR 410-007-0200 to 410-007-0380.

(4) Each provider must meet the requirements of either subsection (a) or (b) of this section:

(a) A provider subject to OAR 414-205-0000 to 414-205-0170, 414-300-0000 to 414-300-0440, or 414-350-0000 to 414-350-0250 must be currently certified or registered with the Child Care Division (CCD) of the Employment Department and be in compliance with the applicable rules.

(b) A provider exempt from the rules specified in subsection (a) of this section must:

(A) Submit names of the following persons together with their authorizations for a record check through the CH record system maintained by the Oregon State Police and the CPS record system maintained by the Department:

(i) The provider and each person the provider uses to supervise children in his or her absence.

(ii) In the case of a provider who provides care for children in the provider's home:

(I) Each person 16 years of age or older who lives in the provider's home; and

(II) Each person who frequently visits the home of the provider during the hours care is provided and may have unsupervised access to a child there.

(iii) The site director of a child care facility exempt from the requirement to be certified by CCD, and each employee of the facility who may have unsupervised access to children in the facility.

(B) Meet the following requirements:

(i) Be in such physical and mental health as will not adversely affect his or her ability to care for a child in care and either:

(I) Be 18 years of age or older; or

(II) Be 16 or 17 years of age and listed with the Department in active status before May 1, 2004. When a provider under the age of 18 applies to be listed, a responsible adult must also sign the application and must jointly assume all the responsibilities of the minor provider, including the obligation to repay an overpayment. An adult whose child is cared for by the minor provider may not serve as the responsible adult if the Department makes a payment for that care.

(ii) Report to the Department, with respect to any person covered by paragraph (3)(b)(A) of this rule, any arrest and any involvement with CPS or any other agency that provides child protective services.

(iii) Report to the Department any change to his or her name or address and the addition of any person to the household within 10 days of occurrence.

(iv) Report suspected child abuse of any child in his or her care to CPS or a law enforcement agency.

(v) Supervise each child in care at all times.

(vi) Prevent persons who have demonstrated behavior that may have a detrimental effect on a child from having access to the children in his or her care.

(vii) Allow custodial parents of children in his or her care to have immediate access to their children at all times.

(viii) Inform parents of the need to obtain immunizations for their children.

(ix) Take reasonable steps to protect children in his or her care from the spread of infectious diseases.

(x) Provide information, in a manner specified by the Department, required to conduct CH and CPS records checks or determine whether the provider meets health and safety requirements.

(C) Ensure that the facility where care is provided meets the following standards, unless the care is provided in the home of the child. A provider who provides care where the child lives must meet only the requirements of subparagraph (iii) of this paragraph.

(i) The facility has safe drinking water.

(ii) The facility has a working smoke detector on each floor level and in any area where children nap.

(iii) All floor levels used by children have two usable exits to the outdoors (a sliding door or window that can be used to evacuate children is considered a usable exit), or, if a second floor is used for child care, the provider has a written plan for evacuating children in an emergency.

(iv) Fireplaces, space heaters, electrical outlets, wood stoves, stairways and other hazards have barriers to protect children.

(v) Firearms, ammunition, and other dangerous items such as medicine, drugs, cleaning supplies, paints, plastic bags, and poisonous and toxic materials are kept in a secure place out of children's reach.

(vi) The building, grounds, toys, equipment, and furniture are maintained in a clean, sanitary, and hazard-free condition.

(vii) The facility has a telephone in operating condition.

(5) A provider is not eligible to receive a child care payment if the Department has referred an overpayment against the provider to a collection agency and the claim is unsatisfied.

Stat. Auth.: ORS 181.537 & 411.060

Stats. Implemented: ORS 181.537, 411.060 & 411.122

Hist.: AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 17-1994(Temp), f. & cert. ef. 8-15-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 2-1997, f. 2-27-97, cert. ef. 3-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 12-1997, f. & cert. ef. 8-25-97; AFS 14-1999, f. & cert. ef. 11-1-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 12-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 13-2004, f. 4-29-04, cert. ef. 5-1-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 6-2005(Temp), f. & cert. ef. 4-25-05 thru 9-30-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

ADMINISTRATIVE RULES

461-165-0410

Provider Listing; Disqualifying Criminal History

(1) This rule explains the grounds upon which the Department denies a request of a child care provider to receive child care payments from self-sufficiency programs of the Department based on the records of subject individuals. For the purposes of this rule, "subject individual" is defined in OAR 410-007-0210(27)(a)(H).

(2) The Department may find a child care provider ineligible for payment when the criminal history of a subject individual indicates behavior that may jeopardize the safety of a child or have a detrimental effect on a child while in the care of the provider, in the following circumstances:

(a) The subject individual has been charged with or arrested for a crime listed in OAR 410-007-0280. The subject individual must provide sufficient documentation of the disposition of the charges before the criminal history check and fitness determination can be completed. A provider covered by this subsection is ineligible for payment until the criminal history check and final fitness determination can be completed.

(b) The subject individual has been convicted of two or more crimes listed in OAR 410-007-0280 at any time.

(c) The subject individual has been convicted of violation of probation and a crime listed in OAR 410-007-0280, at any time, that relates to the person's qualification or duties as a child care provider.

(d) The subject individual has been charged with two or more crimes listed in OAR 410-007-0280 within the past five years or has three or more arrests at any time for a crime listed in OAR 410-007-0280.

(3) The Department may pay for the services of a child care provider even if a subject individual has a potentially disqualifying criminal history, defined by OAR 410-007-0280, only if the Department has determined, based on consideration of the information listed in OAR 410-007-0280, that repeated criminal behavior is unlikely and that the provider does not present a danger to a child in the provider's care.

Stat. Auth.: ORS 411.060 & 411.122

Stats. Implemented: ORS 411.060 & 411.122

Hist.: AFS 12-1997, f. & cert. ef. 8-25-97; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 25-1998, f. 12-18-98, cert. ef. 1-1-99; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-170-0020

Changes That Must be Reported; FS, MAA, MAF, TANF

(1) Clients in the FS, MAA, MAF, SAC, and TANF programs are required to report all applicable changes described in this rule.

(2) Clients must report each of the following changes within 10 days of occurrence, unless the client is required to report the change by section (7) or (8) of this rule or is exempted from the reporting requirement by section (9) of this rule:

(a) A change in employment, including getting, changing, quitting, or losing a job.

(b) A change in source of income.

(c) A change in earned income of more than \$100 a month, except a change due to an annual adjustment in the Oregon minimum wage.

(d) A change in unearned income of more than \$50, except a change in a public assistance grant.

(3) Clients must report each of the following changes within 10 days of occurrence, unless the client is required to report the change by section (8) of this rule or is exempted from the reporting requirement by section (9) of this rule:

(a) The acquisition or change in ownership of non-excluded vehicles.

(b) The sale or receipt of resources that cause total resources to exceed program resource limits.

(4) In the MAA, MAF, SAC, and TANF programs, clients must report a member of the filing group becoming pregnant. The report must be received by the Department not later than the 10th day after the client becomes aware of the pregnancy.

(5) In the MAA, MAF, SAC, and TANF programs, clients must report each of the following changes within 10 days of occurrence:

(a) A change in the members of the household group and any resulting change in income.

(b) A change in residence.

(c) A change in who pays the shelter costs if the costs were or will be paid by a non-custodial parent.

(6) In the FS program, clients must report each of the following changes within 10 days of occurrence, unless the client is required to report the change by section (8) of this rule or is exempted from the reporting requirement by section (9) of this rule:

(a) A change in residence and the shelter costs in the new residence.

(b) A change in members of the filing group and any resulting change in income.

(c) A change in the legal obligation to pay child support.

(7) Clients in the monthly reporting system (MRS) must report changes in income as required by the rules applicable to the Monthly Change Report.

(8) In the FS program, clients in the semiannual reporting system (SRS) must report--

(a) By the 10th day of the month following the month of occurrence, when:

(A) Monthly income exceeds the countable income limit in the FS program; or

(B) Their mailing address changes.

(b) On the interim change report, all other changes not covered by subsection (8)(a) of this rule.

(9) In the FS program, clients participating in the transitional benefit alternative (TBA) are not required to report changes.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.105

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1992, f. & cert. ef. 5-1-92; AFS 17-1992, f. & cert. ef. 7-1-92; 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 19-1994, f. & cert. ef. 9-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 13-1997, f. 8-28-97, cert. ef. 9-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 25-1998, f. 12-18-98, cert. ef. 1-1-99; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 24-2002(Temp), f. 12-31-02, cert. ef. 1-1-03 thru 6-30-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 13-2003, f. 6-12-03, cert. ef. 6-16-03; SSP 20-2003, f. & cert. ef. 8-15-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-170-0030

Changes That Must be Reported; Not ERDC, FS, MAA, MAF, OHP, TANF

(1) In all programs except ERDC, EXT, FS, MAA, MAF, OHP, OSIP-EPD, OSIPM-EPD, SAC, and TANF, clients are required to report within 10 days all changes in income, resources, and circumstances that may affect their eligibility for benefits or the amount of benefits they receive.

(2) In the OSIP-EPD and OSIPM-EPD programs, clients must report the following changes within 10 days:

(a) A change in employment, including obtaining, quitting or losing a job.

(b) A change in source of income.

(c) A change in earned income based on hourly wages when the change is due to:

(A) A change in rate of pay; or

(B) A change greater than five in the number of hours worked each week when the change is expected to last one month or longer.

(d) A change in earned income not based on hourly wages of more than \$100 a month.

(e) A change in unearned income, except a change in a public assistance grant, of more than \$25.

(f) A change in residence.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.105

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 15-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 24-2002(Temp), f. 12-31-02, cert. ef. 1-1-03 thru 6-30-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-170-0103

Actions Resulting From Changes in Household Circumstances; Semiannual Reporting System (SRS); FS

Benefits may be changed for a client using SRS — based on information obtained other than through the interim change report — only as follows:

(1) The benefit level will be increased if the information demonstrates the client is eligible for greater benefits.

(2) The benefits will be closed or reduced only if one of the following applies:

(a) The household requests a closure of benefits.

(b) The action is based on information that is verified upon receipt. Information is considered *verified upon receipt if*:

(A) It is not questionable and the person making the report has first-hand knowledge of the information reported; or

(B) Verification is provided with the reported change.

(c) The client reports information that results in loss of eligibility for the FS program.

(3) The Department acts on information reported through computer matches when the interim change report is processed, when the client is recertified, and when the monthly match with the Employment Department generates an Unemployment Compensation (UC) hold.

Stat. Auth.: ORS 411.816

ADMINISTRATIVE RULES

Stats. Implemented: ORS 411.816

Hist.: SSP 20-2003, f. & cert. ef. 8-15-03; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-185-0050

Client Pay-In System

(1) Except as provided in section (3) of this rule, a client who receives waived in-home services and has countable income above the payment standard for the benefit group must pay to the Department the lesser of the following amounts as a condition of receiving waived in-home services:

(a) The difference between their adjusted income and the payment standard for the number in the benefit group.

(b) The actual cost of the waived service.

(2) The Department will administer the pay-in system as follows:

(a) Each month, the Department will send the client an invoice requesting payment based on the calculation in section (1) of this rule.

(b) If the Department does not receive the payment by the 15th of the current month, the following notices will be automatically generated:

(A) A notice advising the client that services will end at the end of the month and providing information on other Medicaid programs; AND

(B) A notice to the service provider that the Department will not reimburse the provider for services provided past the end of the current month.

(3) The following clients are exempt from the payment required by this rule:

(a) Clients in the OSIP-IC or OSIPM-IC program.

(b) Adult disabled children as described at OAR 461-135-0830.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 11-2001, f. 6-29-01, cert. ef. 7-1-01; SSP 8-2005(Temp), f. & cert. ef. 7-1-05 thru 10-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-190-0161

JOBS Components and Activities

This rule contains definitions of the components and activities of the JOBS program. When used in this division of rules as defined in this rule, the terms appear in italics.

(1) *Assessment*: An activity of the program entry component that involves gathering information to identify the strengths, interests, family circumstances, status in the JOBS Program, and vocational aptitudes and preferences of the client and to mutually determine an employment goal, the level of participation of the client in the JOBS Program, and which support services are needed.

(2) *Basic education*: A component intended to ensure functional literacy for all JOBS clients. Basic education activities are high school attendance, English as a second language (ESL) instruction, adult basic education (ABE) instruction, and services that result in obtaining a general equivalency diploma (GED). The component is discussed in OAR 461-190-0171 and 461-190-0181.

(3) *BASIS testing*: An activity in the program entry component. The BASIS test establishes the functional literacy level of the client.

(4) *Case plan (formerly also known as an employment development plan (EDP) — and also known as a personal plan or personal development plan)*: A written outline, developed by the client and case manager, with input from partners as appropriate, listing activities and goals for the client. The activities and goals are identified during the assessment and are intended to reduce the effect of barriers to the self sufficiency, employment, job retention, and wage enhancement of the client. The case plan also identifies the support service payments the Department will make to help the client complete the plan. Completing a case plan is an activity of the program entry component.

(5) *English as a second language (ESL)*: An activity in the basic education component. ESL classes are designed to give clients with limited English proficiency better working skills in the language.

(6) *Job readiness*: A component designed to prepare clients to compete in the local labor market. The sole activity is life skills.

(7) *Job search*: A component that focuses on clients looking for and obtaining employment. It is designed to improve skills in locating and competing for employment in the local labor market and may include writing resumes, receiving instruction in interviewing skills, and participating in group and individual job search. The component is discussed in OAR 461-190-0201.

(8) *Job skills training*: A component designed to provide classroom training in vocational and technical skills or equivalent knowledge and abilities in a specific job area. The component and activity are both called job skills training.

(9) *JOBS Plus program (JOBS Plus)*: A component that provides TANF clients with on-the-job training and pays their benefits as wages. See the rules at OAR 461-190-0401 and following.

(10) *Life skills*: The activity of the job readiness component. The activity develops employment-preparation skills and skills and attitudes that are commonly found in the workplace.

(11) *Microenterprise*: A component in which the client is self-employed in a sole proprietorship, partnership, or family business that has fewer than five employees and has capital needs no greater than \$35,000.

(12) *On-the-job training (OJT)*: A component and activity in which a client works for an employer for a contracted period. The employer trains the client and is reimbursed by the Department, usually at 50 percent of the wages of the participant, for those training costs.

(13) *Program entry*: The component that includes all the activities that prepare a client to actively participate in the JOBS program. Program entry activities are assessment, BASIS testing and writing the initial case plan.

(14) *Sheltered work or supported work*: A component that gives clients intensive staff support, skill training, intervention and counseling that will enable them to function independently at work.

(15) *UN work program*: A component in which TANF clients work in unsubsidized employment and may also participate in another JOBS work site training activity.

(16) *Vocational Training*: A component of the JOBS Program that provides JOBS participants with access to specific vocational training that will lead to a career with an appropriate wage level and opportunity for employment.

(17) *Work experience*: A component in which the client works without pay at a job site to develop good work habits and basic vocational skills that enhance the likelihood the client will become employed. Work experience is available through private for-profit businesses, nonprofit organizations or public agencies.

(18) *Work supplementation*: Up to six months of work-site training provided by an employer. The component and activity are both called work supplementation. In work supplementation, the Department subsidizes the wages of the participant by providing up to \$200 per month to the employer.

Stat. Auth.: ORS 411.060 & 418.100

Stats. Implemented: ORS 411.060 & 418.100

Hist.: AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 17-1992, f. & cert. ef. 7-1-92; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 5-1993, f. & cert. ef. 4-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 27-1993(Temp), f. & cert. ef. 11-1-93; AFS 29-1993, f. 12-30-93, cert. ef. 1-1-94; AFS 6-1994, f. & cert. ef. 4-1-94; 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 19-1997, f. & cert. ef. 10-1-97; AFS 18-1998, f. & cert. ef. 10-2-98; AFS 19-2001, f. 8-31-01, cert. ef. 9-1-01; SSP 21-2003(Temp), f. 8-29-03, cert. ef. 9-1-03 thru 9-30-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 25-2003(Temp), f. & cert. ef. 10-1-03 thru 12-31-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-190-0360

OFSET Payments

The Department may authorize payment of not more than \$40 a month for transportation and other costs identified on the case plan of an OFSET client. If public transportation is available, the Department may issue to the client bus passes or tickets (whichever is less costly) sufficient to enable the client to participate in the OFSET activities identified on the case plan.

Stat. Auth.: ORS 411.060 & 411.816

Stats. Implemented: ORS 411.060 & 411.816

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 19-1994, f. & cert. ef. 9-1-94; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 18-1998, f. & cert. ef. 10-2-98; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 24-2003(Temp), f. & cert. ef. 10-1-03 thru 12-31-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-193-1200

Refugee Project Cooperation Requirements

Unless good cause can be determined, all project participants are required to do all the following:

(1) For Refugee Case Service Project:

(a) Cooperate with case activities and assignments as specified on the Case Service Family Self-Sufficiency Plan.

(b) Attend and participate in the employment intake.

(c) Cooperate and participate in formal review.

(d) Apply for a social security number and Oregon photo identification; and

(A) REF clients must provide a copy of the Oregon photo identification to the case manager.

(B) TANF recipients must provide the Social Security Number and a copy of the Oregon photo identification to the case manager.

ADMINISTRATIVE RULES

(e) Work toward removal of barriers that prevent full participation in the Case Service Family Self-Sufficiency Plan.

(f) Attend monthly meetings as prescribed by the case manager.

(g) Report changes in case size, address or telephone number within 2 working days.

(h) Provide information on medical problems and conditions which may prevent full participation in employment services.

(2) For all refugee employment projects:

(a) Complete the assessment process and provide enough information so that the project worker can determine whether to select the participant for employment project participation.

(b) Be legally able to accept work in the United States.

(c) Cooperate with case activities and assignments as specified on the Employment Plan.

(d) Ensure that child care and transportation needs do not prevent full participation in employment or employment-related activities.

(e) Work toward removal of barriers that prevent full participation as prescribed in the employment plan.

(f) Attend training as prescribed by each individual training course.

(g) Attend employment-related appointments and interviews.

(h) Notify the job worker of the reason for not keeping employment-related appointments and interviews, not attending scheduled activities, or not completing case activities. Notification must be made within 1 working day from the date of the missed appointments, interview, class, or activity.

(i) Complete action on job referrals.

(j) Submit valid employment applications.

(k) Accept a bona fide offer of employment, whether it is temporary, permanent, full-time, part-time, or seasonal.

(l) Maintain employment. Notify the job worker of any job problems before taking any action on the job, such as quitting.

(m) Cooperate with the employment service provider and employer to resolve work-related problems.

(n) Cooperate with the employment service provider on all follow-up activities to job placement.

Stat. Auth.: ORS 411.060, 411.116 & 411.135(1)

Stats. Implemented: ORS 411.070, 414.025(2), 418.040 & 418.100

Hist.: AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 5-1997, f. 4-30-97, cert. ef. 5-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 13-2001, f. 6-29-01, cert. ef. 7-1-01; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-195-0501

Definitions

The definitions in this rule apply to programs covered by chapter 461 of the Oregon Administrative Rules other than child care programs.

(1) An overpayment is a cash, medical or food stamp benefit received by or on behalf of a client, or a vendor payment made by the Department on behalf of a client, that exceeds the amount the client is eligible for; a cash benefit received by a client in the GA program for a month for which the client receives a retroactive SSI lump-sum payment; or a JOBS program support payment (see OAR 461-190-0211) used by a client for other than the intended purpose or issued when a client was not eligible for TANF as a result of fraud. It is not an overpayment when:

(a) Specifically so provided by rule;

(b) The benefit is paid pending a contested case hearing in a disqualification case unless the client was ineligible for the benefit for a reason other than the disputed disqualification; or

(c) A client is found eligible as a result of an error in judgment by the Department when judgement is permitted and the eligibility decision was based on the best information available to the client and the Department.

(2) Overpayments are categorized as follows:

(a) Except as otherwise provided in subsection (c) of this section, an *administrative error* overpayment is an overpayment caused by any of the following circumstances:

(A) The Department failed to reduce, suspend, or end benefits after timely receipt of information that required such action;

(B) The Department failed to use the correct benefit standard;

(C) The Department failed to compute or process a payment correctly;

(D) The Department failed to require a general assistance client to complete an interim assistance agreement; or

(E) The Department committed a procedural error that was no fault of the filing group or authorized representative.

(b) An administrative technical overpayment is an overpayment in a program other than the Food Stamp program caused by a client's failure to register for the JOBS program, to have a social security account number, or to make a declaration of citizenship or alien status.

(c) A *client error* overpayment is an overpayment caused by misunderstanding or error on the part of a client, a client's receipt of unreduced benefits pending a hearing decision, a client's failure to return a benefit known by the client to exceed the correct amount, or a client's use of a JOBS program support payment (see OAR 461-190-0211) used for other than the intended purpose.

(d) In the Food Stamp program, a *provider error* overpayment is an overpayment made to a drug or alcohol treatment center or residential care facility that acted as a client's authorized representative.

(3) In the Food Stamp program, trafficking is the buying or selling of food stamp benefits for cash or consideration other than eligible food; or the exchange for coupons of firearms, ammunition, explosives, or controlled substances (as defined at 21 U.S.C. 802).

Stat. Auth.: ORS 411.060, 411.816 & 418.100

Stats. Implemented: ORS 411.060, 411.816 & 418.100

Hist.: AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 7-2001(Temp), f. & cert. ef. 4-4-01 thru 6-30-01; AFS 12-2001, f. 6-29-01, cert. ef. 7-1-01; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-195-0541

Liability for Overpayments and Trafficking

(1) For all programs except BCCM, EXT, FS, GAM, MAA, MAF, OHP, OSIPM, QMB, REFM, and SAC, the following people are liable for repayment of an overpayment:

(a) Each person included in the benefit group when the overpayment was incurred, except for people who did not reside with, and did not know they were included in, the benefit group.

(b) A caretaker relative and his or her spouse who were not part of, but resided with, the filing group when the overpayment was incurred.

(c) If a person currently in a benefit group is liable for an overpayment, the entire benefit group is liable for the overpayment. In this case, the Department will not collect from the benefit group until it has unsuccessfully attempted to collect the overpayment from all other liable persons.

(2) In the Food Stamp program, the following people are liable for repayment of an overpayment or a claim that results from *trafficking* (as defined at OAR 461-195-0501(3)):

(a) The primary person (see OAR 461-110-0110) of any age, an ineligible student in the household, and all adults who were members of the filing group when excess benefits were issued, except no member of a financial group is liable for an overpayment caused by a change the group was not required to report.

(b) A sponsor of a non-citizen household member if the sponsor is at fault.

(c) A drug or alcohol treatment center or residential care facility that acted as the authorized representative of the client if this authorized representative gave incorrect or incomplete information or withheld information resulting in the overpayment.

(3) In the BCCM, EXT, GAM, MAA, MAF, OHP, OSIPM, QMB, REFM, and SAC programs, the following people are liable for repayment of an overpayment:

(a) The primary person, if that person is an adult, and all other adults in the filing group except the following:

(A) An adult not in the benefit group, except a parent of a child in the benefit group.

(B) An adult who was in the benefit group when the overpayment occurred but who did not live with the benefit group and was unknowingly in the benefit group.

(b) If a person currently in a benefit group is liable for an overpayment, the entire benefit group is liable for the overpayment. In this case, the Department will not collect from the benefit group until it has unsuccessfully attempted to collect the overpayment from all other liable persons.

(4) In all programs, both the non-citizen and the sponsor of a non-citizen are liable for an overpayment incurred if the overpayment results from the failure of the sponsor to provide correct information (see OAR 461-145-0820 to 461-145-0840). If the sponsor had good cause for withholding the information, the non-citizen alone is liable for the overpayment.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.630 & 411.635

Hist.: AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-195-0611

Intentional Program Violations; Establishment and Appeal

(1) In the Child Care, Food Stamp, and TANF programs, an IPV is established by a state or federal court, by an administrative agency in a contested case, or by a person signing the designated form for acknowledging the IPV and waiving the right to an administrative hearing.

ADMINISTRATIVE RULES

(2) There is no administrative appeal after a person waives the right to an IPV hearing, and the penalty cannot be changed by subsequent administrative action. However, the person is entitled to seek relief in court or to request a hearing on the sole issue of whether the waiver was signed under duress (see OAR 461-025-0310).

(3) The Department issues notice of disqualification in accordance with OAR 461-175-0220. The period of disqualification begins the first of the month following the month in which the notice period ends.

Stat. Auth.: ORS 411.060, 411.660 & 411.816

Stats. Implemented: ORS 411.630, 411.635 & 411.660

Hist.: AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

461-195-0621

Intentional Program Violations; Penalties and Liability for Overpayments

(1) Disqualification penalties resulting from intentional program violations and other violations of law are listed in this rule. A person may be subject to disqualification for an IPV only if the person was advised of the disqualification penalties prior to committing the IPV. A disqualification established in another state continues in effect in Oregon.

(2) In the ERDC program, if an IPV is established against a person through a contested case hearing, a waiver of the right to hearing, or by a state or federal court, that person is liable for repayment to the Department of the full amount of overpayment the Department has established. The amount of restitution to the Department ordered by a court as part of a criminal proceeding does not lower the amount owed to the Department. Payments of restitution to the Department are credited against the amount owed.

(3) A child care provider found to have committed an intentional program violation (IPV) in the child care program is ineligible for payment for child care as follows:

(a) A child care provider with an IPV established between April 1, 2001 and September 30, 2005 is permanently disqualified to receive payment.

(b) A child care provider who has incurred an overpayment established as an IPV claim after September 30, 2005 is ineligible for payment:

(A) For six months and until the full amount of the overpayment is paid; or

(B) Permanently, if the Child Care Program Manager finds that such ineligibility is in the public interest. The following is a non-exclusive list of reasons that support a determination of permanent ineligibility: safety concerns; or, the likelihood of future violations; or, the degree of egregiousness of any of the established IPV's; or, the degree of primary involvement in the violation by the provider.

(4) In the Food Stamp and TANF programs, when an IPV is established against a person through a contested case hearing, a waiver of the right to hearing, or by a state or federal court:

(a) That person is liable for repayment to the Department of the full amount of overpayment the Department has established, regardless of any restitution ordered by a court.

(b) The client is disqualified from receiving benefits in the program in which the IPV was committed for a period of 12 calendar months for the first IPV, 24 calendar months for the second IPV and permanently for the third IPV.

(c) If the TANF grant is affected by the IPV penalty imposed under this rule, eligibility for and the level of food stamp benefits are determined in accordance with OAR 461-145-0105.

(5) In the TA-DVS program, if an IPV is established against a person through a contested case hearing or a waiver of the right to hearing:

(a) That person is liable for repayment to the Department of the full amount of overpayment the Department has established, regardless of any restitution ordered by a court. The Department will seek repayment from the client only if seeking repayment would not place the client at greater risk of domestic violence.

(b) Subsequent applications for TA-DVS that meet the eligibility criteria set forth in OAR 461-135-1215 and 461-135-1225 must be staffed with the Department's central office.

(6) A person found by a federal, state, or local court to have traded a controlled substance for food stamp coupons ("coupon" is defined in 7 U.S.C. 2012 (1999)) is disqualified from participation in the Food Stamp program as follows:

(a) For a period of two years upon the first occasion.

(b) Permanently upon the second occasion.

(7) A person found by a federal, state, or local court to have traded firearms, ammunition, or explosives for coupons (as defined in 7 U.S.C.

2012 (1999)) is permanently disqualified from participation in the Food Stamp program.

(8) A person convicted of an act prohibited by 7 U.S.C. 2024(b) or (c) (1999) involving an item covered by those subsections and having a value of \$500 or more is permanently disqualified from participation in the Food Stamp program.

(9)(a) Except for ERDC, a person is disqualified for a 10-year period from receiving benefits in the program in which the person committed fraud if the person:

(A) Is convicted in state or federal court of having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states under programs that are funded under Title IV or XIX of the Social Security Act;

(B) Is convicted in state or federal court of having made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive benefits simultaneously from two or more states under programs that are funded under the Food Stamp Act of 1977;

(C) Is convicted in state or federal court of having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive benefits in two or more states under the supplemental security income program under Title XVI of the Social Security Act;

(D) Is found in an IPV hearing or admits, in a written waiver of the right to an IPV hearing, having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states under programs that are funded under Title IV or XIX of the Social Security Act or to receive benefits in two or more states under the supplemental security income program under Title XVI of the Social Security Act; or

(E) Is found in an IPV hearing or admits, in a written waiver of the right to an IPV hearing, to having made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive benefits simultaneously from two or more states under programs that are funded under the Food Stamp Act of 1977.

(b) For ERDC, a client is not subject to an IPV disqualification but is still required to repay overpayment amounts.

(10) The disqualification provided for in this rule begins on the date the individual is convicted, the date of the final order in an IPV hearing, or the date the person waives the IPV hearing as applicable.

(11) Once a disqualification period begins, it continues uninterrupted until completed, regardless of the eligibility of the filing group of the disqualified person.

Stat. Auth.: ORS 411.060, 411.816 & 418.100

Stats. Implemented: ORS 411.060, 411.816 & 418.100

Hist.: AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05

Adm. Order No.: SSP 15-2005(Temp)

Filed with Sec. of State: 9-30-2005

Certified to be Effective: 10-1-05 thru 12-31-05

Notice Publication Date:

Rules Adopted: 461-190-0195

Rules Amended: 461-190-0161

Subject: Rule 461-190-0161 is being amended to add the definition of the Degree Completion Initiative (DCI) to the definitions of the components and activities of the JOBS Program.

Rule 461-190-0195 is being adopted in order to create the Degree Completion Initiative (DCI) component. This rule describes DCI; defines key terms; and establishes the number of slots available, the application and selection process, and the eligibility requirements.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-190-0161

JOBS Components and Activities

This rule contains definitions of the components and activities of the JOBS program. When used in this division of rules as defined in this rule, the terms appear in italics.

(1) *Assessment:* An activity of the program entry component that involves gathering information to identify the strengths, interests, family circumstances, status in the JOBS Program, and vocational aptitudes and preferences of the client and to mutually determine an employment goal,

ADMINISTRATIVE RULES

the level of participation of the client in the JOBS Program, and which support services are needed.

(2) *Basic education*: A component intended to ensure functional literacy for all JOBS clients. Basic education activities are high school attendance, English as a second language (ESL) instruction, adult basic education (ABE) instruction, and services that result in obtaining a general equivalency diploma (GED). The component is discussed in OAR 461-190-0171 and 461-190-0181.

(3) *BASIS testing*: An activity in the program entry component. The BASIS test establishes the functional literacy level of the client.

(4) *Case plan (formerly also known as an employment development plan (EDP) – and also known as a personal plan or personal development plan)*: A written outline, developed by the client and case manager, with input from partners as appropriate, listing activities and goals for the client. The activities and goals are identified during the assessment and are intended to reduce the effect of barriers to the self sufficiency, employment, job retention, and wage enhancement of the client. The case plan also identifies the support service payments the Department will make to help the client complete the plan. Completing a case plan is an activity of the program entry component.

(5) *Degree Completion Initiative (DCI)*: A component in which a limited number of TANF recipients may participate for up to 12 months to complete an educational degree at a two- or four-year educational institution as defined at OAR 461-190-0195(2)(b). This component is discussed at OAR 461-190-0195.

(6) *English as a second language (ESL)*: An activity in the basic education component. ESL classes are designed to give clients with limited English proficiency better working skills in the language.

(7) *Job readiness*: A component designed to prepare clients to compete in the local labor market. The sole activity is life skills.

(8) *Job search*: A component that focuses on clients looking for and obtaining employment. It is designed to improve skills in locating and competing for employment in the local labor market and may include writing resumes, receiving instruction in interviewing skills, and participating in group and individual job search. The component is discussed in OAR 461-190-0201.

(9) *Job skills training*: A component designed to provide classroom training in vocational and technical skills or equivalent knowledge and abilities in a specific job area. The component and activity are both called job skills training.

(10) *JOBS Plus program (JOBS Plus)*: A component that provides TANF clients with on-the-job training and pays their benefits as wages. See the rules at OAR 461-190-0401 and following.

(11) *Life skills*: The activity of the job readiness component. The activity develops employment-preparation skills and skills and attitudes that are commonly found in the workplace.

(12) *Microenterprise*: A component in which the client is self-employed in a sole proprietorship, partnership, or family business that has fewer than five employees and has capital needs no greater than \$35,000.

(13) *On-the-job training (OJT)*: A component and activity in which a client works for an employer for a contracted period. The employer trains the client and is reimbursed by the Department, usually at 50 percent of the wages of the participant, for those training costs.

(14) *Program entry*: The component that includes all the activities that prepare a client to actively participate in the JOBS program. Program entry activities are assessment, BASIS testing and writing the initial case plan.

(15) *Sheltered work or supported work*: A component that gives clients intensive staff support, skill training, intervention and counseling that will enable them to function independently at work.

(16) *UN work program*: A component in which TANF clients work in unsubsidized employment and may also participate in another JOBS work site training activity.

(17) *Vocational Training*: A component of the JOBS Program that provides JOBS participants with access to specific vocational training that will lead to a career with an appropriate wage level and opportunity for employment.

(18) *Work experience*: A component in which the client works without pay at a job site to develop good work habits and basic vocational skills that enhance the likelihood the client will become employed. Work experience is available through private for-profit businesses, nonprofit organizations or public agencies.

(19) *Work supplementation*: Up to six months of work-site training provided by an employer. The component and activity are both called work supplementation. In work supplementation, the Department subsidizes the

wages of the participant by providing up to \$200 per month to the employer.

Stat. Auth.: ORS 411.060 & 418.100
Stats. Implemented: ORS 411.060 & 418.100
Hist.: AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 17-1992, f. & cert. ef. 7-1-92; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 5-1993, f. & cert. ef. 4-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 27-1993(Temp), f. & cert. ef. 11-1-93; AFS 29-1993, f. 12-30-93, cert. ef. 1-1-94; AFS 6-1994, f. & cert. ef. 4-1-94; 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 19-1997, f. & cert. ef. 10-1-97; AFS 18-1998, f. & cert. ef. 10-2-98; AFS 19-2001, f. 8-31-01, cert. ef. 9-1-01; SSP 21-2003(Temp), f. 8-29-03, cert. ef. 9-1-03 thru 9-30-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 25-2003(Temp), f. & cert. ef. 10-1-03 thru 12-31-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 15-2005(Temp), f. 9-30-05, cert. ef. 10-1-05 thru 12-31-05

461-190-0195

Degree Completion Initiative Component

(1) The Degree Completion Initiative (DCI) assists TANF parents who are undergraduates to complete their education at a two or four-year educational institution. DCI is a work-attached component of the JOBS program for certain TANF clients. A participant in the DCI component (participant) receives TANF cash assistance as well as support services provided through the JOBS program. JOBS support services does not pay for the cost of tuition, fees, books, or supplies associated with enrollment by a participant at an educational institution.

(2) The following definitions apply to DCI:

(a) "DCI" refers to Degree Completion Initiative.

(b) "Educational institution" refers to any post-secondary educational institution approved or accredited by the Northwest Association of Schools and Colleges, by its regional equivalent, or by the appropriate official, department, or agency of the state or nation in which the institution is located and which is:

(A) A two- or four-year college or university;

(B) A community college; or

(C) A technical, professional or career school.

(c) "Participant" refers to a participant in the DCI component of the JOBS program.

(3) The number of participants at any time may not exceed one hundred households receiving TANF.

(4) Applying for the Program; Waiting List

(a) A parent who is applying for or receiving TANF may apply for DCI by completing and signing the DCI application and submitting it to the Department. The application and other documentation required by this rule must be submitted to Department of Human Services JOBS Unit (DCI), 2nd Floor, 500 Summer Street NE, Salem, Oregon 97301.

(b) The Department will follow the following procedure for DCI applications received by the Department:

(A) For applications received prior to November 1, 2005, the Department will select participants in a random selection process of applicants, subject to the priority established in paragraph (E) of this subsection. The number of participants selected may not exceed the cap established in section (3) of this rule. The Department will notify all selected applicants who qualify that they have been selected to participate.

(B) For applications received prior to November 1, 2005, the Department will create a waiting list of applicants from the applicants who are not selected for participation in the random selection held pursuant to paragraph (A) of this subsection. The waiting list will be created through a random selection process in which the first application selected will be first on the waiting list. The Department will notify applicants that they have been placed on the DCI waiting list.

(C) For applications received on or after November 1, 2005, the Department will add applicants to the waiting list created pursuant to paragraph (B) of this subsection in the order of the date and time the completed application is received by the Department. The Department will notify applicants that they have been placed on the waiting list.

(D) When an opening in DCI becomes available, the Department will notify the next applicant on the waiting list.

(E) The priority population for the first 100 DCI slots will be applicants who are undergraduates and who require 12 months or less to complete a degree at an educational institution.

(F) If the department does not have 100 DCI slots filled, applications will be open to applicants who are undergraduates and who require between 13 and 24 months to complete a degree at an educational institution. Prior to November 1, 2005, a random selection process will be used if there are too many applicants in this category for the remaining slots available.

(c) The Department will inform each applicant for DCI who does not qualify or no longer qualifies for placement on the waiting list.

(5) Selection Requirements

ADMINISTRATIVE RULES

(a) A DCI applicant must meet the financial and nonfinancial eligibility requirements for TANF.

(b) Subject to the priority established by paragraph (4)(b)(E) of this rule, a DCI applicant must demonstrate that they are an undergraduate who requires 24 months or less to complete a degree at an *educational institution*.

(c) A DCI applicant who is not applying for or receiving TANF at the time of selection may not participate in DCI or remain on the waiting list.

(d) A DCI applicant notified by the Department of his or her selection to participate in DCI must provide to the Department within 60 days of the date the notification is sent documentation that he or she has been accepted for full-time attendance into or is enrolled full-time at an *educational institution*. An applicant who does not provide this documentation within 60 days is not eligible to participate in the DCI component. This deadline may be extended beyond 60 days in special circumstances beyond the control of the client.

(6) Requirements of Participants; Limitations

(a) A participant must provide documentation to the Department quarterly, or following completion of each academic term at the *educational institution*, that the participant is making satisfactory academic progress, as defined by the educational institution, toward a degree.

(b) A participant who does not provide the documentation required by subsection (6)(a) of this rule, or who is not making satisfactory academic progress as defined by the *educational institution*, is not eligible to continue to participate.

(c) A participant must attend classes full-time as defined by the educational institution, unless there is good cause (see OAR 461-130-0327) to limit attendance to less than full-time.

(d) Unless there is good cause (see OAR 461-130-0327) for not attending year round, a participant must either:

(A) Attend classes year round, including during the summer if classes are offered by the *educational institution*; or

(B) If not attending classes year round, participate in work experience related to the field of study of the participant when not attending classes.

(e) A participant must complete attendance logs and submit these logs to the Department after the last week of each month.

(f) Eligibility for DCI is limited to 12 months and may not be extended.

(g) Upon completing the last semester or term of the educational program of the participant, the participant must engage in work preparation activities, which may include resume preparation, employment research, interviews, work experience, and other activities related to job placement.

(h) The following requirements apply to a participant who is required to participate in the JOBS program:

(A) A mandatory participant who does not attend classes year round may be required to participate in other activities of the JOBS program.

(B) A mandatory participant found to be ineligible to participate in DCI must meet the participation requirements of the JOBS program.

(i) A participant may not simultaneously receive services from both the ERDC-SBG program and from the TANF or JOBS program.

(j) Except as provided in subsection (6)(k) of this rule, a participant must remain eligible for TANF: if the participant becomes ineligible for TANF, the participant is ineligible for DCI.

(k) If a participant becomes temporarily ineligible for TANF during a period of four or fewer months due to income from a paid work experience, the applicant may retain their DCI slot when school resumes if the participant meets all of the following requirements:

(A) The time of the participant in DCI will be no longer than 12 months.

(B) The participant regains TANF eligibility.

(C) DCI is still an appropriate activity for the participant.

Stat. Auth.: ORS 411.060, 418.100

Stats. Implemented: ORS 411.060, 418.100

Hist.: SSP 15-2005(Temp), f. 9-30-05, cert. ef. 10-1-05 thru 12-31-05

.....

Department of Human Services, Seniors and People with Disabilities Chapter 411

Adm. Order No.: SPD 12-2005

Filed with Sec. of State: 9-26-2005

Certified to be Effective: 9-26-05

Notice Publication Date: 9-1-05

Rules Amended: 411-200-0010, 411-200-0020, 411-200-0030, 411-200-0040

Subject: (1) The Department's Disability Determination Services section is amending 411-200-0010, General Policy rule under Rates of Payment-Medical rules to reflect the current Oregon Medical Fee and Relative Value Schedule in OAR 436, Division 009, updated effective April 1, 2005.

(2) Provides for general housekeeping.

Rules Coordinator: Lisa Richards—(503) 945-6398

411-200-0010

General Policy

(1) The Department of Human Services, herein called the Department, does not have the authority to reimburse vendors for the cost of goods and services if the Department has not authorized payment before the provision of goods and services. The Department must reject all charges without such prior authorization.

(2) Except as provided in subsection (3) of this rule and OAR 411-200-0030, the amount that the Department must pay vendors for previously authorized medical or psychological services must be the lesser of the following:

(a) The lowest fee that the vendor charges the general public or other state agencies for the service; or

(b) The maximum fee prescribed by the Oregon Medical Fee and Relative Value Schedule, Oregon Administrative Rules chapter 436, division 009, effective April 1, 2005 and the Federal Register Volume 69, Number 219, effective November 2004.

(3) With prior written approval by the appropriate Disability Determination Services manager, the Department may exceed the fee prescribed by subsection (2) of this rule when financial or human considerations outweigh the difference in cost.

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690

Hist.: SDSL 4-2002, f. & cert. ef. 6-12-02; SPD 13-2003, f. & cert. ef. 7-1-03;

SPD 7-2004, f. 3-23-04 cert. ef. 3-24-04; SPD 19-2004, f. & cert. ef. 6-23-04;

SPD 12-2005, f. & cert. ef. 9-26-05

411-200-0020

Definitions

(1) "Brief narrative" means a document from a treating vendor that summarizes client treatment to date and current status; responds briefly to 3-5 specific questions posed by the Department, if any; and is usually one or two pages.

(2) "Complete narrative" means a document from a treating vendor that describes an extended client history, addresses six or more specific topics, and is usually three or more pages.

(3) "Contractor" means a vendor that has signed a contract with the Department to provide medical records and perform additional related services.

(4) "Department" means the Social Security Administration Disability Determination program operating under the Oregon Department of Human Services.

(5) "Vendor" means an entity that provides goods or services at the Department's request.

Stat. Auth.: ORS 344.530(2)

Stats. Implemented: ORS 344.511 - 344.690

Hist.: SDSL 4-2002, f. & cert. ef. 6-12-02; SPD 12-2005, f. & cert. ef. 9-26-05

411-200-0030

Medical Evidence of Record (MER) and Narrative Charges

(1) OAR 411-200-0010(2) and (3) do not govern payment for Medical Evidence of Record and Narratives.

(2) Department payment for existing medical records must not exceed the lesser of the following:

(a) The lowest fee that the vendor charges the general public or other state agencies for the service; or

(b) When the invoice itemizes the number of pages copied and provided:

(A) \$18.00 for ten or fewer pages;

(B) \$0.25 per page for pages 11 to 20;

(C) \$0.10 per page for pages greater than 21; and

(D) A total maximum payment of \$22.50.

(c) When the invoice does not itemize the number of pages copied and provided, a total maximum payment of \$18.00.

(3) Additional payment will not be made for second or subsequent requests when the information to be provided was available to the vendor when the original request was processed.

(4) Integrated records will be paid as a single record request.

ADMINISTRATIVE RULES

(5) When the Department receives copies of existing medical records within 15 days from the date recorded on the Department's record request, the Department must pay the vendor an additional \$5.00. Time must be measured from the date of the Department's written request to the date that the Department electronically receipts the copies.

(6) When the Department and a vendor enter a public contract for the contractor to obtain existing medical records on behalf of the Department and perform additional related services:

(a) The contract governs payment to the contractor;

(b) The fee schedule prescribed by paragraph (2) of this rule governs the contractor's payment to those from whom the contractor obtains the medical records; and

(c) No bonus, as prescribed by paragraph (5) of this rule may be paid by the Department or by the contractor.

(7) When purchasing a brief narrative, the Department must pay the amount billed up to a maximum payment of \$35.00.

(8) When purchasing a complete narrative, the Department must pay the amount billed up to a maximum payment of \$75.00.

Stat. Auth.: ORS 344.530(2)

Stats. Implemented: ORS 344.511 - 344.690

Hist.: SDSL 4-2002, f. & cert. ef. 6-12-02; SPD 12-2005, f. & cert. ef. 9-26-05

411-200-0040

Limitations of Payments

(1) A price agreement or contract with one part of the Department requires the contractor to provide the contracted services, at the contracted rate, to additional part(s) of, or all of the Department if additional part(s) or all of the Department so requests.

(2) The vendor must accept the fees prescribed by chapter 411, division 200 as payment in full. If a vendor's usual and customary fee for a service exceeds the fee prescribed by chapter 411, division 200, the client or his or her family may not be liable to the vendor for any portion of a vendor's usual and customary fee unless the client or his or her family agrees in writing to assume the additional charges. Without such explicit agreement, the vendor must accept the Department's payment, including any client copayment, as payment in full.

Stat. Auth.: ORS 344.530(2)

Stats. Implemented: ORS 344.511 - 344.690

Hist.: SDSL 4-2002, f. & cert. ef. 6-12-02; SPD 12-2005, f. & cert. ef. 9-26-05

Department of Justice Chapter 137

Adm. Order No.: DOJ 9-2005

Filed with Sec. of State: 10-3-2005

Certified to be Effective: 10-3-05

Notice Publication Date: 8-1-05

Rules Adopted: 137-055-6022, 137-055-6023, 137-055-6024

Rules Amended: 137-055-1100, 137-055-3410, 137-055-3480, 137-055-4560, 137-055-5060, 137-055-5220, 137-055-6020, 137-055-6120, 137-055-6210, 137-055-6220

Subject: OAR's 137-055-6022, 6023 and 6024 are being adopted and OAR 137-055-6020 is being amended in order to separate the different sections of distribution for ease in reading, clarify in rule the policy that we will distribute money as instructed by the state(s), and in arrears only cases, we will not issue checks for under \$5. The amendments to: OAR 137-055-1100 is a cite change; OAR 137-055-3410 exempts the situation of adding a subsequent child of the same parties to an existing order from this rule; OAR 137-055-3480 adds that an order may be modified to zero when a subsequent child is added to another existing order; OAR 137-055-4560 amends the rule so that required information will be sent to consumer reporting agencies in the currently required format; OAR 137-055-5060 states that billing will not occur when the total amount due is less than five dollars; OAR 137-055-5220 amends the rule to reflect current law mandating notarized signatures on "satisfactions of support awards"; OAR 137-055-6120 is a cite change; OAR 137-055-6210 clarifies that a tax offset refund which has been reclaimed by the IRS or DOR but already distributed to the obligee will be considered an advance payment when arrears exist on the case; OAR 137-055-6220 clarifies that a tax offset refund which has been reclaimed by the IRS or DOR but already distributed to the obligee will be considered an overpayment when it does not qualify as an advance payment.

Rules Coordinator: Shawn Brenizer—(503) 986-6240

137-055-1100

Continuation of Services

(1) When a family's assistance grant is closed, support enforcement services will automatically be continued. The Division of Child Support (DCS) will notify the support obligee, in writing, of the services to be provided. DCS will notify the obligee that subject to the obligor's right to request services:

(a) An obligee may at any time request that support enforcement services no longer be provided. If the obligee so requests and case closure procedures pursuant to OAR 137-055-1120 have been completed, all support enforcement services on behalf of the obligee will be discontinued. However, except as provided in section (2) of this rule, if an order has already been established, DCS will continue efforts to collect arrears assigned to the state. DCS will apply any collections received against the assigned arrears until this amount has been collected.

(b) An obligee may also request under section (2) of this rule that support enforcement services no longer be provided for either the obligee or the state.

(2) If an obligee believes that physical or emotional harm to the family may result if support enforcement services are provided, the obligee may request that the administrator discontinue all activity against the obligor. Upon such a request by an obligee, the administrator will immediately suspend all activity on the case, add good cause case coding and send a Client Safety Packet on Good Cause to the obligee requesting a response within 30 days.

(a) If the obligee returns the completed and signed Good Cause portion of the Client Safety Packet on Good Cause, the administrator will proceed with case closure pursuant to OAR 137-055-1120(1)(i), and DCS will satisfy any and all permanently assigned arrears as defined in OAR 137-055-6020(7)(a) and (b).

(b) If the obligee returns the completed and signed Claim of Risk portion of the Client Safety Packet on Good Cause, the administrator will remove the good cause case coding and make a finding and order for nondisclosure of information pursuant to ORS 25.020 and OAR 137-055-1160.

(c) If the obligee returns the completed and signed Address of Record portion of the Client Safety Packet on Good Cause, the administrator will remove the good cause case coding and update the child support case record appropriately.

(d) If the obligee does not send a reply to the Client Safety Packet on Good Cause within 30 days, the administrator will proceed with case closure pursuant to OAR 137-055-1120(1)(j), and DCS will satisfy any and all permanently assigned arrears as defined in OAR 137-055-6020(7)(a) and (b).

(3) If a case has been closed pursuant to this rule, an obligee may at any time request the child support case be reopened by completing a new application for services. If an application for services is received, arrears may be reestablished pursuant to OAR 137-055-3240, except for permanently assigned arrears which have been satisfied or which accrued to the state prior to the reapplication for services.

Stat. Auth.: ORS 25.080 & 180.345

Stats. Implemented: ORS 18.400, 25.020 & 25.080

Hist.: AFS 34-1986(Temp), f. & ef. 4-14-86; AFS 65-1986, f. & ef. 9-19-86; AFS 28-1988, f. & cert. ef. 4-5-88; AFS 66-1989, f. 11-28-89, cert. ef. 12-1-89, Renumbered from 461-035-0054; AFS 23-1997, f. 12-29-97, cert. ef. 1-1-98; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0055; AFS 28-2001, f. 12-28-01, cert. ef. 1-1-02; AFS 15-2002, f. 10-30-02, ef. 11-1-02; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-1100; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-1100; DOJ 4-2005, f. & cert. ef. 4-1-05; DOJ 9-2005, f. & cert. ef. 10-3-05

137-055-3410

Modification or Notice and Finding of Financial Responsibility

(1) When the administrator is providing services pursuant to ORS 25.080, the provisions of this rule apply in any case involving the same parties where an existing order:

(a) Is silent regarding support;

(b) Finds that the support obligation is zero;

(c) Finds that support should be determined at a later date;

(d) Finds that support should not be ordered;

(e) Orders medical only, or establishes paternity only; or

(f) Terminates support.

(2) If the provisions of subsection (1)(a) apply, the administrator will issue a notice and finding of financial responsibility which includes past support.

(3) Except as provided in section (4), if the provisions of subsections (1)(b), (c), (d) or (e) apply, the administrator will issue a modification pursuant to ORS 107.135 or 416.425.

(4) If the provisions of subsections 1(b), (c), or (d) apply, and the child(ren) is in the care and custody of the Department of Human Services, or is a youth offender or other offender in the legal or physical custody of

ADMINISTRATIVE RULES

the Oregon Youth Authority, the administrator may issue a notice and finding of financial responsibility which is contingent upon the child(ren), youth offender or other offender residing in a state financed or supported residence, shelter or other facility or institution.

(a) If the child(ren) is over age 18, the provisions of OAR 137-055-3485 will apply.

(b) If the child(ren) goes out of state care before the order is finalized, the provisions of OAR 137-055-3290 will apply.

(5) If the provisions of subsection (1)(f) apply, the administrator will issue a notice and finding of financial responsibility which may include past support. The administrator may consider the circumstances underlying the termination of support in setting the amount of past support.

(6) This rule does not apply when adding a subsequent child of the same parties to an existing order.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.080, 107.135, 416.415, 416.417, 416.422 & 416.425

Hist.: DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 12-2004, f. & cert. ef. 10-1-04; DOJ 9-2005, f. & cert. ef. 10-3-05

137-055-3480

Modification of a Support Order to Zero

(1) The administrator may, upon its own initiative, or upon the request of a party, initiate the necessary action to modify a child support obligation to zero when one of the conditions listed in subsections (a), (b), (c), and (d) of this section apply:

(a) The child or children for whose benefit the support was ordered no longer are in the physical custody of the obligee.

(b) The family is reconciled (that is, the obligor, obligee and child or children live together as an intact family).

(c) The obligee or beneficiary of the obligee is not receiving TANF cash assistance, foster care or Oregon Youth Authority services and has requested that the administrator modify the support obligation to zero.

(d) The child for whom support is ordered will be added to an existing order for a different child of the same parties.

(2) No order modifying a support obligation to zero shall be taken ex parte.

(3) Nothing in this rule prohibits the suspension of support accrual under any order for the reason that the obligor receives certain cash assistance as provided in ORS 25.245.

Stat. Auth.: ORS 180.345 & 416.455

Stats. Implemented: ORS 25.287 & 416.425

Hist.: AFS 7-1998, f. 3-30-98, cert. ef. 4-1-98; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-1070; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-3480; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-3480; DOJ 7-2004, f. 3-30-04, cert. ef. 4-1-04; DOJ 9-2005, f. & cert. ef. 10-3-05

137-055-4560

Consumer Credit Reporting Agencies

(1) The Division of Child Support (DCS) may enter into agreements with consumer reporting agencies to disclose information under section (2) of this rule only to an entity that has furnished evidence satisfactory for DCS to determine that the entity is a consumer reporting agency as defined in ORS 25.650. Under these agreements, DCS will provide such agencies with the names of obligors who owe past due support and will indicate the specific amount each obligor owes. Under these agreements, DCS will provide such information:

(a) Whether or not the agency has requested information on any specific obligor; and

(b) On a recurring or periodic basis.

(2) Before issuing a periodic report to a consumer reporting agency with information on any obligor, the DCS must provide the obligor and obligee with advance notice of the intent to report the obligor's support balance to the consumer reporting agencies. The notice will be sent to the obligor's and obligee's last known address. The notice must:

(a) Indicate the balance to be reported to the consumer reporting agencies;

(b) Advise that the current balance will be reported to the consumer reporting agencies on a recurring basis without sending further notice to the obligor and obligee;

(c) Advise of the obligor's right to contest the action within 30 calendar days of the date of the notice.

(d) Explain the process for contesting and advise that objections must be in writing on the form provided with the notice;

(e) Advise that the only issues that may be contested are:

(A) Whether the obligor is the person who owes the support balance indicated by the case record;

(B) Whether the support balance indicated in the notice is correct.

(3) If the obligor does not contest the action within the allowed 30-day period, DCS will release the information to the consumer reporting agencies.

(4) If the obligor contests the balance indicated in the notice the administrator will conduct an administrative review on the case and mail the results of the review to the obligor and obligee.

(5) Once the administrative review is complete, DCS will release the information to the consumer reporting agencies except as specified in section (12) of this rule.

(6) The obligor or obligee may contest the administrator's review and determination as provided in ORS 183.484.

(7) If the obligee contests the balance in the notice, the obligee may initiate an arrears establishment request pursuant to OAR 137-055-3240.

(8) If a court or agency of appropriate jurisdiction determines the balance owing is other than previously reported, DCS will update the consumer reporting agencies with the court's or agency's findings within 10 days after receiving a copy of the final order.

(9) If at any time an obligor contacts DCS in writing to state that the information that has been reported to the consumer reporting agency is incorrect, the administrator must, within 30 days of receiving notification of the dispute:

(a) Provide notice to the consumer reporting agency and the obligee that the information is being disputed;

(b) Conduct an administrative review of the case; and

(c) Provide the results of the review to the obligor, obligee, and the consumer reporting agency.

(10) Notwithstanding section (9), the administrator will not conduct an administrative review of the reported information more than once in any calendar year, unless an obligor presents new supporting documentation, to the administrator, that information reported to the consumer reporting agency is incorrect.

(11) When consumer reporting agencies ask DCS for information regarding the balance an obligor owes on a support case, DCS may provide available information after complying with the requirements of sections (1) through (8) of this rule. DCS will not charge the requesting agency a fee for this information.

(12) DCS may refer to the consumer reporting agencies, the name and support balance of all obligors who meet the criteria of sections (1) or (11) of this rule unless:

(a) The obligor pays the support balance in full;

(b) The obligor is found to not be the person who owes the child support balance indicated by the case record; or

(c) The administrator determines that the obligor is not delinquent in the payment of support.

(13) When DCS has made a report to a consumer reporting agency under section (1) of this rule, DCS will promptly notify the consumer reporting agency when the case record shows that the obligor no longer owes past due support.

(14) If paternity has been established and a consumer report is needed for the purpose of establishing or modifying a child support order, the administrator may request that a consumer reporting agency provide a report. At least 10 days prior to making a request for such report, the administrator must notify, by certified mail, the obligor or obligee whose report is requested that the report will be requested.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.650

Hist.: AFS 79-1985(Temp), f. & ef. 12-26-85; AFS 22-1986, f. & ef. 3-4-86; AFS 12-1989, f. 3-27-89, cert. ef. 4-1-89, Renumbered from 461-035-0051; AFS 66-1989, f. 11-28-89, cert. ef. 12-1-89, Renumbered from 461-035-0670; AFS 11-1990, f. 3-27-90, cert. ef. 4-1-90; AFS 25-1990, f. 11-21-90, cert. ef. 12-1-90; AFS 7-1996, f. 2-22-96, cert. ef. 4-1-96; AFS 23-1997, f. 12-29-97, cert. ef. 1-1-98; AFS 18-2000, f. & cert. ef. 7-12-00; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0230; AFS 15-2002, f. 10-30-02, ef. 11-1-02; SSP 15-2003, f. 6-25-03, cert. ef. 6-30-03; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-4560; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-4560; DOJ 12-2004, f. & cert. ef. 10-1-04; DOJ 9-2005, f. & cert. ef. 10-3-05

137-055-5060

Billings for Support Payments

(1) Except as provided in subsection (2)(a) and (b) of this rule, when the administrator determines that a support payment is due, a billing will be sent to the obligor.

(2)(a) When support is paid by income withholding pursuant to ORS 25.378 for a period of six months, or by electronic payment withdrawal pursuant to OAR 137-055-5020 for a period of six months, the Division of Child Support (DCS) may discontinue monthly billings unless:

(A) The obligor requests otherwise; or

ADMINISTRATIVE RULES

(B) The administrator determines that monthly billings should continue.

(b) When the total amount due is less than five dollars, DCS will discontinue monthly billings.

Stat. Auth.: ORS 180.345
Stats. Implemented: ORS 25.020

Hist.: AFS 21-1978, f. & ef. 5-30-78; AFS 88-1980, f. & ef. 12-10-80; AFS 66-1989, f. 11-28-89, cert. ef. 12-1-89, Renumbered from 461-035-0001; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0105; SSP 4-2003, f. 2-25-03, cert. ef. 3-1-03; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-5060; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-5060; DOJ 9-2005, f. & cert. ef. 10-3-05

137-055-5220

Satisfaction of Support Awards

The purpose of this rule is to define how the Division of Child Support (DCS) will credit "satisfactions of support award" in certain circumstances. This rule must not be construed as limiting the authority of DCS to approve or credit a satisfaction of support award in other lawful circumstances not specified in this rule.

(1) When support payment records are kept by the Division of Child Support (DCS) of the Department of Justice (DOJ), an obligee may satisfy amounts indicated on the case records as past due by filing a properly-completed "satisfaction of support award" form with the administrator, subject to approval by DCS under the provisions of this rule; or in accordance with OAR 137-055-5240.

(2) When current support or arrears are assigned to the State of Oregon or to another state, and the obligor is seeking credit for support payments not made through DCS:

(a) DCS and its attorneys have authority to approve and sign satisfactions.

(b) This authority may be exercised only when the obligee has signed a satisfaction of support award form which acknowledges that the support payment was received.

(3) DCS and its attorneys have authority to sign and approve satisfactions of support award for money paid through DCS as payment of assigned support.

(4) DCS will record, on the case record, all properly-completed satisfactions of support award not assigned, and all satisfactions ordered by a court or a hearing order, and all satisfactions for assigned support that are approved in accordance with this rule. DCS will also promptly forward the satisfaction form to the appropriate court administrator, together with a certificate stating the amount of support satisfaction entered on the case record.

(5) Except when satisfied and approved by DCS and its attorneys or by a court or hearing order, DCS will not enter a satisfaction on a case record for support that has been assigned to the State of Oregon or another state.

(6) When DCS rejects a satisfaction in part or in full as provided in (5) above, DCS will send written notice to the obligor and obligee, by regular mail to the most recent address of record. Such notice will indicate the reason for the rejection.

(7) All satisfactions must contain the following:

(a) The full names of both the obligor and the obligee;

(b) The name of the Oregon county where the support award was entered;

(c) The Oregon CSP support case number, or the circuit court case number;

(d) Either:

(A) The total dollar amount to be satisfied; or

(B) The period of time for which past due support is satisfied;

(e) A statement that the satisfaction is only for child support or spousal support;

(f) The signature of the obligee, except for those satisfactions approved under sections (2) and (3) of this rule, where the obligee's signature is not required; and

(g) The date the form is signed.

(8) All signatures on "satisfactions of support award" must be notarized, except on court orders.

(9) Notwithstanding any other provision of this rule, DCS has the authority to file and execute a satisfaction, without the need to notarize such satisfaction, when all of the following are true:

(a) The obligor provides a sworn affidavit that the support award has been paid in full; and

(b) DCS certifies that it has a complete payment record for the support award and that the payment records shows no arrears. DCS will be considered to have a complete pay record if DCS has kept the pay record

for the support judgment from the date of the first support payment required under the award, or if the obligee or the administrator established arrears for the time period when DCS did not keep the pay record on the case.

(10) When DCS receives a sworn affidavit under the provisions of subsection (9)(a) of this rule, DCS will examine its support records and determine if it has the authority under section (9) of this rule to execute and file a satisfaction of support award. DCS will promptly notify the obligor if DCS determines that it does not have authority to execute and file a satisfaction of support award. DCS will also determine if any amounts due for support were not assigned to the state. If DCS determines that any amounts were not assigned to the state, DCS will give notice to the obligee in the manner provided by ORS 25.085. The notice must inform the obligee that DCS will execute and file the satisfaction of support award unless DCS receives an objection and request for hearing within 30 days after the date of mailing the notice.

(11) If the obligee requests a hearing under section (10) of this rule, a contested case hearing will be conducted under ORS 183.310 to 183.502 before an administrative law judge.

Stat. Auth.: ORS 18.225 & 180.345

Stats. Implemented: ORS 18.225 - 238 & 25.020

Hist.: AFS 21-1978, f. & ef. 5-30-78; AFS 26-1979(Temp), f. & ef. 8-16-79; AFS 22-1980, f. & ef. 4-3-80; AFS 66-1989, f. 11-28-89, cert. ef. 12-1-89, Renumbered from 461-035-0005; AFS 17-1991, f. & cert. ef. 8-29-91; AFS 9-1992, f. & cert. ef. 4-1-92; AFS 19-1995, f. 8-30-95, cert. ef. 9-9-95; AFS 14-1996, f. 4-24-96, cert. ef. 5-1-96; AFS 28-1996, f. & cert. ef. 7-1-96; AFS 23-1997, f. 12-29-97, cert. ef. 1-1-98; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0155; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-5220; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-5220; DOJ 2-2004, f. 1-2-04 cert. ef. 1-5-04; DOJ 12-2004, f. & cert. ef. 10-1-04; DOJ 9-2005, f. & cert. ef. 10-3-05

137-055-6020

Definitions for Distribution

For purposes of OAR 137-055-6021 through 137-055-6024, the following definitions apply:

(1) "Assistance" means cash assistance under Temporary Assistance for Needy Families (TANF) program, or foster care maintenance payments provided by the Department of Human Services (DHS), or cost of care provided by the Oregon Youth Authority (OYA).

(2) "Current support" is the monthly support amount ordered by a court or administrative process for the benefit of a child and/or a former spouse.

(3) "Family's conditionally-assigned arrears" is past-due support that accrues during non-assistance periods, and was not permanently assigned under pre-October 1997 assignments, which revert back to the family on either October 1, 2000, if the family terminates assistance prior to October 1, 2000, or on the date the family leaves the assistance program if on or after October 1, 2000. Family's conditionally-assigned arrears revert to state's temporarily-assigned arrears during periods that the family receives assistance.

(4) "Family's unassigned arrears" is past-due support which accrues after the family's most recent period of assistance, or at any time in the case where a family has never received assistance.

(5) "Family's unassigned arrears during assistance period" is past-due support which accumulates while a family receives assistance and exceeds the total amount of unreimbursed assistance paid to the family.

(6) "Future support" is an amount received which represents payment on current support for future months.

(7) "State's permanently-assigned arrears" is:

(a) Past-due support which accrues during the period the family receives assistance and past-due support which accrued before the family applied for assistance in pre-October 1997 assignments only; or

(b) Advance payments owed to the State of Oregon under OAR 137-055-6210.

(8) "State's temporarily-assigned arrears" is past-due support assigned to the state during assistance periods, but which accrued during non-assistance periods, and were not permanently assigned under pre-October 1997 assignments. As of October 1, 2000, state's temporarily-assigned arrears revert to family's conditionally-assigned arrears during periods that the family is not receiving assistance.

(9) "Unreimbursed assistance" means the cumulative amount of assistance paid to a family or on behalf of a child(ren) for all months which has not been recovered by assigned support collections. The total amount of unreimbursed assistance that may be recovered is limited by the total amount of the assigned support obligation.

(10) Table 1 is included in this rule as an aid in understanding the arrears types defined in this rule.

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

Stat. Auth.: ORS 25.020 & 180.345

Stats. Implemented: ORS 25.020, 418.032 & 418.042

ADMINISTRATIVE RULES

Hist.: PWC 851(Temp), f. & ef. 8-11-77; Renumbered from 461-004-0518 to 461-035-0003 by AFS 3-1978, f. & ef. 1-6-78; AFS 88-1980, f. & ef. 12-10-80; AFS 23-1987(Temp), f. 6-19-87, ef. 7-1-87; AFS 60-1987, f. & ef. 11-4-87; AFS 31-1989, f. 6-6-89, cert. ef. 6-9-89, Renumbered from 461-035-0003; AFS 66-1989, f. 11-28-89, cert. ef. 12-1-89, Renumbered from 461-035-0410; AFS 6-2000, f. 2-19-00, cert. ef. 3-1-00; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0248; AFS 23-2001, f. 10-2-01, cert. ef. 10-6-01; AFS 28-2001, f. 12-28-01, cert. ef. 1-1-02; AFS 15-2002, f. 10-30-02, ef. 11-1-02; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-6020; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-6020; DOJ 2-2004, f. 1-2-04 cert. ef. 1-5-04; DOJ 10-2004, f. & cert. ef. 7-1-04; DOJ 12-2004, f. & cert. ef. 10-1-04; DOJ 5-2005, f. & cert. ef. 7-15-05; DOJ 9-2005, f. & cert. ef. 10-3-05

137-055-6022

Distribution When Support Assigned

The terms used in this rule have the meanings set out in OAR 137-055-6020. Except as provided in OAR 137-055-6023 and 137-055-6024:

(1) Department of Justice (DOJ) will distribute support payments received on behalf of a family receiving assistance in the following sequence:

(a) Current support to the state, not to exceed the amount of unreimbursed assistance unless the state is making foster care maintenance payments on behalf of the child(ren);

(b) State's permanently-assigned arrears, not to exceed the amount of unreimbursed assistance unless the state is making foster care maintenance payments on behalf of the child(ren);

(c) State's temporarily-assigned arrears, not to exceed the amount of unreimbursed assistance unless the state is making foster care maintenance payments on behalf of the child(ren);

(d) Family's unassigned arrears during assistance period unless the state is making foster care maintenance payments on behalf of the child(ren);

(e) If the state is making foster care maintenance payments on behalf of the child(ren), support payments in excess of unreimbursed assistance, up to the total support obligation owed, will be reported as excess and be paid to Department of Human Services (DHS) to be used in the manner it determines will serve the best interests of the child(ren).

(2) DOJ will distribute support payments received on behalf of a family who formerly received assistance in the following sequence:

(a) Current support to the family;

(b) Family's unassigned arrears;

(c) Family's conditionally-assigned arrears;

(d) State's permanently-assigned arrears, not to exceed the amount of unreimbursed assistance;

(e) Family's unassigned arrears during assistance period.

(3) Notwithstanding any other provisions of this rule, DOJ will distribute support payments received from federal tax refund intercepts or federal administrative offsets in the following sequence:

(a) Fee charged by the Secretary. Despite the fee, DOJ must credit the obligor's case for the full amount of collection. If any portion of the federal tax refund intercept payment or federal administrative offset payment will be applied to subsection (b), (c), or (d) of this section, the fee will be paid by DOJ;

(b) State's permanently-assigned arrears not to exceed the amount of unreimbursed assistance;

(c) State's permanently-assigned arrears;

(d) State's temporarily-assigned arrears, not to exceed the amount of unreimbursed assistance;

(e) Family's conditionally-assigned arrears. However, federal tax refund intercepts or federal administrative offset payments applied to family's conditionally-assigned arrears must be retained by the state, not to exceed the amount of unreimbursed assistance;

(f) Family's unassigned arrears.

(4) Notwithstanding any other provisions of this rule, DOJ will distribute support payments received from state tax refund intercepts in the following sequence:

(a) Fee charged by the DOR. Despite the fee, DOJ must credit the obligor's case for the full amount of collection. If any portion of the state tax refund intercept payment will be applied to assigned current support or subsections (e), (f) or (g) of this section, the fee will be paid by DOJ;

(b) Current support;

(c) Family's unassigned arrears;

(d) Family's conditionally assigned arrears;

(e) State's permanently assigned arrears, not to exceed the amount of unreimbursed assistance;

(f) State's temporarily assigned arrears, not to exceed the amount of unreimbursed assistance;

(g) Parentage testing fee.

(5) Whenever support payments are assigned to the state, the state share of the payments will be either:

(a) Distributed to DHS if funds were expended to provide foster care assistance to the family;

(b) Distributed to Oregon Youth Authority (OYA) if funds were expended by OYA to provide care to a member of the family; or

(c) Retained by the Department of Justice (DOJ) if funds were expended to provide Temporary Assistance for Needy Families (TANF) cash assistance to the family.

(6) Whenever support payments are assigned to a Tribe, the Tribe's share of the payments will be distributed to the Tribe as provided in 42 USC 657.

Stat. Auth.: ORS 25.020 & 180.345

Stats. Implemented: ORS 25.020 & 25.150

Hist.: DOJ 9-2005, f. & cert. ef. 10-3-05

137-055-6023

Exceptions to Distribution

(1) Notwithstanding the provisions of OAR 137-055-6021 to 137-055-6024, support payments received on behalf of an obligor with an open bankruptcy case will be allocated and distributed as directed by the bankruptcy trustee, the obligor's bankruptcy plan and in accordance with federal bankruptcy law.

(2) Notwithstanding OAR 137-055-6024, DOJ may allocate support payments to multiple cases as directed when the obligor or a responding jurisdiction designates in writing the amounts to be allocated to each case, if the designation is made at the time of payment.

(3) Notwithstanding OAR 137-055-6024, DOJ will allocate support payments to one case, rather than proportionately, when:

(a) The support payment resulted from a garnishment, issued pursuant to ORS Chapter 18, on a particular case; or

(b) The support payment resulted from the sale or disposition of a specific piece of property against which a court awarded a specific obligee a judgment lien for child support; or

(c) The support payment resulted from a contempt order in a particular case; or

(d) Any other judicial order that requires distribution to a particular case.

Stat. Auth.: ORS 25.020 & 180.345

Stats. Implemented: ORS 25.020

Hist.: DOJ 9-2005, f. & cert. ef. 10-3-05

137-055-6024

Distribution on Multiple Cases

The terms used in this rule have the meanings set out in OAR 137-055-6020. When an obligor has multiple support cases, the distribution sequence for each case will be as provided in OAR 137-055-6022, but Department of Justice (DOJ) will allocate support payments to each of the multiple cases as follows:

(1) When an income withholder remits a single payment that is a combined payment intended to comply with more than one income withholding order against the obligor, and the obligor's income is sufficient for the withholder to fully comply with each order to withhold income issued pursuant to ORS Chapter 25, DOJ will ensure that the amount distributed to each case is consistent with the withholding order's limitations. However, when the obligor is paid on a weekly basis, for those months in which there is an extra pay period due to the manner in which weeks fall during the year, the weekly amount may be distributed to each case when it is received, even if the monthly withholding limitation has already been reached.

(2) When an income withholder remits a single payment that is a combined payment intended to comply with more than one income withholding order against the obligor, but the obligor's income is not sufficient for the withholder to fully comply with each order to withhold income issued pursuant to ORS Chapter 25, DOJ will allocate the amount received as follows:

(a) If the amount is not sufficient to pay the current support due on all of the obligor's support cases for which an order to withhold is in effect, each withholding case will receive a proportionate share of the total amount withheld. For each case, DOJ will determine this amount by dividing the amount ordered as current monthly support on the case by the total combined amount ordered as current support on all of the obligor's support cases for which an order to withhold is in effect, and then multiplying the resulting percentage by the total amount withheld.

(b) If the amount withheld from the obligor's income is sufficient to pay the current support due on all cases, but is not enough to fully comply with the order to withhold on all cases where arrears are owed, the amount received will be allocated as follows:

(A) Current support to each withholding case;

ADMINISTRATIVE RULES

(B) Equally to each withholding case where arrearages are owed. However, no case may receive more than the maximum allowable withholding amount for that case pursuant to ORS 25.414 or, as appropriate, under an expanded income withholding pursuant to ORS 25.387. Any remaining funds will be equally distributed to the obligor's other cases. No case may receive more than the total amount of current support and arrearages owed on that case at the time this distribution is made.

(3) When support payments received from federal tax refund intercepts or federal administrative offsets are not sufficient to pay the full arrearages amount on each case certified for federal offset, DOJ will allocate the amount received as follows:

(a) If the total amount received is not sufficient to pay the state's permanently-assigned arrearages on all of the obligor's certified cases, each certified case will receive an equal share. However, no case may receive more than the state's permanently-assigned arrearages on that case.

(b) If the total amount is sufficient to pay the state's permanently-assigned arrearages on all certified cases, but is not enough to pay in full all the state's temporarily-assigned arrearages on all of the obligor's certified cases, the amount received will be allocated as follows:

(A) State's permanently-assigned arrearages to each certified case;

(B) An equal share of the remaining funds for each certified case. However, no case may receive more than the state's temporarily-assigned arrearages on that case.

(c) If the total amount is sufficient to pay the state's permanently-assigned arrearages and the state's temporarily-assigned arrearages on all certified cases, but is not enough to pay in full the family's arrearages on all of the obligor's certified cases, the amount received will be allocated as follows:

(A) State's permanently-assigned arrearages to each certified case;

(B) State's temporarily-assigned arrearages to each certified case;

(C) An equal share of the remaining funds for each certified case.

However, no case may receive more than the total amount of arrearages owed on that case at the time this distribution is made.

(4) When support payments received from state tax refund intercepts are not sufficient to pay the current support and full arrearages amount on each case certified for state tax offset, DOJ will allocate the amount received as follows:

(a) If the total amount received is not sufficient to pay the current support due on all of the obligor's certified cases, each certified case will receive a proportionate share of the total amount received. For each case, DOJ will determine this amount by dividing the amount ordered as current monthly support on the case by the total combined amount ordered as current support on all of the obligor's support cases certified for state tax offset, and then multiplying the resulting percentage by the total amount received.

(b) If the total amount received is sufficient to pay the current support due on all cases but is not sufficient to pay in full the family's arrearages (both conditionally and unassigned arrearages) on all of the obligor's certified cases, each certified case will be allocated an equal share. However, no case may receive more than the arrearages amount due the family on that case at the time this distribution is made.

(c) If the total amount is sufficient to pay the family's arrearages (both conditionally and unassigned arrearages) on all certified cases, but is not enough to pay in full all the state's permanently-assigned arrearages on all of the obligor's certified cases, the amount received will be allocated as follows:

(A) Family's arrearages (both conditionally and unassigned arrearages) on all certified cases;

(B) An equal share of the remaining funds for each certified case toward state's permanently-assigned arrearages. However, no case may receive more than the state's permanently-assigned arrearages on that case.

(d) If the total amount received is sufficient to pay both the family's arrearages and the state's permanently-assigned arrearages, but not sufficient to pay the state's temporarily-assigned arrearages on all of the obligor's certified cases, the amount received will be allocated as follows:

(A) Family's arrearages (both conditionally and unassigned arrearages) on all certified cases;

(B) State's permanently-assigned arrearages on all certified cases;

(C) An equal share of the remaining funds toward state's temporarily-assigned arrearages. However, no case may receive more than the state's temporarily-assigned arrearages on that case.

(e) Any remaining funds may be applied toward parentage testing fee.

(5) When a single writ of garnishment is issued for two or more cases as provided in ORS 18.645, DOJ will allocate support payments only among the cases listed in the writ of garnishment and in the manner provided in section (6) of this rule.

(6) Except as provided in OAR 137-055-6023, DOJ will allocate all other support payments received as follows:

(a) If the total amount is not sufficient to pay the current support due on all of the obligor's support cases, each case will receive a proportionate share of the total amount received. For each case, DOJ will determine this amount by dividing the amount ordered as current monthly support on the case by the total combined amount ordered as current support on all of the obligor's support cases, and then multiplying the resulting percentage by the total amount received.

(b) If the amount received is sufficient to pay the current support due on all cases, but is not enough to pay in full all cases where arrearages are owed, the amount received will be allocated as follows:

(A) Current support to each case;

(B) Equally to each case where arrearages are owed. However, no case may receive more than the total amount of current support and arrearages owed on that case at the time this distribution is made. Any remaining funds will be equally distributed to the obligor's other cases.

Stat. Auth.: ORS 25.020 & 180.345

Stats. Implemented: ORS 18.645, 25.020, 25.387, 25.414 & 25.610

Hist.: DOJ 9-2005, f. & cert. ef. 10-3-05

137-055-6120

Satisfaction of Arrearages for Less Than Full Payment

The Division of Child Support (DCS) may satisfy all or any portion of child support arrearages that are assigned to the State of Oregon or to any other state, subject to the following requirements:

(1) DCS may satisfy all or any portion of assigned arrearages only if one or more of the following circumstances apply:

(a) The arrearages are a substantial hardship to the paying parent or that parent's household; or

(b) A compromise of amounts owing will result in greater collection on the case, considering the maximum amount that DCS could reasonably expect to collect from the obligor if no compromise was made and the probable costs of collecting that maximum amount; or

(c) The obligor has entered into an agreement with DCS to take steps to:

(A) Enhance the obligor's ability to pay child support; or

(B) Enhance the obligor's relationship with the child or children for whom the obligor owes the arrearages.

(d) An error or legal defect has occurred that indicates a reduction may be appropriate.

(2) If all or any portion of the assigned arrearages are the "state's temporarily-assigned arrearages" as defined in OAR 137-055-6020, DCS may satisfy the amount only if the obligee consents and willingly signs the appropriate "satisfaction of support judgment" form.

(3) If all or any portion of the assigned arrearages are assigned to another state, DCS may satisfy that assigned amount only with the approval of that other state.

(4) DCS will not sign any satisfaction for less than full payment of arrearages until:

(a) The obligor has paid the full amount agreed to as appropriate consideration, and the obligor's payment instrument has cleared the appropriate financial institutions; or

(b) DCS has determined that the obligor has satisfactorily met, or is complying with, any agreement made with DCS pursuant to this rule.

(5) DCS will record a summary of each agreement to satisfy arrearages for less than full payment on the appropriate microimaging or computer file on the case.

(6) Any satisfaction executed under this rule will be made pursuant to, and in full compliance with, ORS 18.228.

(7) The provisions of this rule notwithstanding, the obligee may satisfy all or any portion of unassigned arrearages due the obligee, pursuant to OAR 137-055-5220.

(8) Nothing in this rule precludes the administrator from negotiating a satisfaction of arrearages due or potentially due the obligee for less than full payment by the obligor, but such satisfaction will take effect only when the obligee consents and willingly signs a "satisfaction of support judgment" pursuant to OAR 137-055-5220.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 18.400, 25.020 & 25.080

Hist.: AFS 77-1982, f. 8-5-82, ef. 9-1-82; AFS 93-1982, f. & ef. 10-18-82; AFS 66-1989, f. 11-28-89, cert. ef. 12-1-89, Renumbered from 461-035-0025; AFS 11-2000, f. 4-28-00, cert. ef. 5-1-00; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0150; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-6120; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-6120; DOJ 9-2005, f. & cert. ef. 10-3-05

ADMINISTRATIVE RULES

137-055-6210

Advance Payments of Child Support

(1) "Advance payment" means:

(a) The Department of Justice (DOJ) has transmitted money to an obligee or to a person or entity authorized to receive support payments;

(b) The amount does not exceed the total arrears available for assignment to the state;

(c)(A) DOJ has applied the money incorrectly through no fault or error of the obligee; or

(B) The amount transmitted by DOJ is attributable in whole or in part to a tax refund offset collection, all or part of which has been reclaimed by the Internal Revenue Service or the Oregon Department of Revenue; and

(d) The payment is not the result of a dishonored check.

(2) The person who receives an advance payment owes the amount of the advance payment to DOJ.

(3) Instead of directly collecting the amount of the advance payment from the person who received it, the amount will be removed from the arrears owed to the obligee and will be assigned to the state as permanently-assigned arrears under OAR 137-055-6020. DOJ will notify the obligee in writing of the:

(a) Amount to be collected as permanently-assigned arrears;

(b) Right to object and request an administrative review.

(4) When an objection is received, DOJ will conduct an administrative review and notify the obligee in writing of the:

(a) Determination resulting from the review; and

(b) Right to challenge the determination by judicial review under ORS 183.484.

(5) Notwithstanding the provisions of section (3) of this rule, designation of permanently-assigned arrears to recover advance payments does not affect whether a case is assigned to DOJ as provided in OAR 137-055-2020 or a district attorney office as provided in OAR 137-055-2040.

(6) For the purposes of this rule, a "dishonored check" is not one which has been paid or made negotiable.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.020

Hist.: DOJ 10-2004, f. & cert. ef. 7-1-04; DOJ 16-2004, f. 12-30-04, cert. ef. 1-3-05; DOJ 9-2005, f. & cert. ef. 10-3-05

137-055-6220

Recovery of Overpayments on Support Accounts

(1) A child support overpayment in favor of the State of Oregon is created when:

(a) The Department of Justice (DOJ) has transmitted money to an obligee, to a person or entity authorized to receive support payments or to an obligor, and that amount:

(A) Was transmitted in error or is attributable in whole or in part to a tax refund offset collection, all or part of which has been reclaimed by the Internal Revenue Service or the Oregon Department of Revenue; and

(B) Does not qualify as an advance payment under OAR 137-055-6210 or as payment for future support under OAR 137-055-6021(10); or

(b) DOJ receives a check from an obligor, other payor on behalf of the obligor, or withholder, transmits the appropriate amount from that check to the obligee, and that check is dishonored.

(2) For overpayments described in subsection (1)(a), sections (3) through (8) of this rule apply. For overpayments described in subsection (1)(b), sections (9) through (12) of this rule apply.

(3) DOJ will determine a threshold amount for which attempts to recover the overpayment will occur. In determining the threshold, DOJ will consider the cost of:

(a) Staff time in processing the overpayment collection request; and

(b) An administrative hearing and the average number of cases requesting a hearing.

(4) When a notice is issued under ORS 25.125 to a person or entity described in subsection (1)(a), DOJ will include a statement that the person or entity:

(a) Must respond within 14 days from the date of the notice to object and request an administrative review; and

(b) If appropriate, may voluntarily assign any future support to repay the overpayment.

(5) If the person or entity described in subsection (1)(a) requests an administrative review, DOJ will conduct the administrative review within 30 days after receiving the request and notify the person or entity of the results of the review.

(6) Notice of the results of the administrative review will include a statement that the person or entity described in subsection (1)(a) must

respond within 14 days from the date of the notice to object and request an administrative hearing.

(7) If the person or entity described in subsection (1)(a) files a written objection or request for hearing within 14 days, an administrative law judge shall then hear the objection.

(a) An order by an administrative law judge is final.

(b) The person or entity described in subsection (1)(a) may appeal the decision of an administrative law judge to the circuit court for a hearing de novo. The appeal shall be by a petition for review, filed within 60 days after the date that the final hearing order has been mailed.

(8) If a person or entity described in subsection (1)(a) fails to file a written request for administrative review, objection or request for hearing, fails to voluntarily assign future support, or if an order setting the overpayment amount is received from an administrative law judge, DOJ will refer the overpayment for collection as provided in ORS 293.231.

(9) When a notice is issued to an obligor or withholder under ORS 25.125(5), DOJ will include a statement that the obligor or withholder must respond within 14 days of the date of the notice and request an administrative review.

(10) If the obligor or withholder requests an administrative review, DOJ will conduct the administrative review within 30 days after receiving the request and notify the obligor or withholder of the results of the review.

(11) The obligor or withholder may appeal the result of the administrative review as provided in ORS 183.484.

(12) If the obligor or withholder fails to request an administrative review or if the result of an administrative review is that an overpayment occurred, DOJ will refer the overpayment for collection from the obligor or withholder as provided in ORS 293.231.

Stat. Auth.: ORS 25.125, 180.345 & 293

Stats. Implemented: ORS 25.020 & 25.125

Hist.: AFS 23-1983(Temp), f. & ef. 5-18-83; AFS 53-1983, f. 10-28-83, ef. 11-1-83; AFS 66-1989, f. 11-28-89, cert. ef. 12-1-89, Renumbered from 461-035-0045; AFS 3-1992, f. 1-31-92, cert. ef. 2-1-92; AFS 16-1997, f. 9-2-97, cert. ef. 10-1-97; AFS 13-1999, f. 10-29-99, cert. ef. 11-1-99; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0265; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-6220; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-6220; DOJ 10-2004, f. & cert. ef. 7-1-04; DOJ 16-2004, f. 12-30-04, cert. ef. 1-3-05; DOJ 9-2005, f. & cert. ef. 10-3-05

.....

Department of Oregon State Police Chapter 257

Adm. Order No.: OSP 4-2005

Filed with Sec. of State: 9-20-2005

Certified to be Effective: 9-22-05

Notice Publication Date: 9-1-05

Rules Adopted: 257-090-0010

Subject: Adopt OAR 257-090-0010 establishing confidentiality in mediation when Department of State Police is involved in ADR and other mediation situations.

Rules Coordinator: David C. Yandell—(503) 378-3055, ext. 55000

257-090-0010

Confidentiality and Inadmissibility of Mediation Communications

(1) The words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234.

(2) Nothing in this rule affects any confidentiality created by other law. Nothing in this rule relieves a public body from complying with the Public Meetings Law, ORS 192.610 to 192.690. Whether or not they are confidential under this or other rules of the agency, mediation communications are exempt from disclosure under the Public Records Law to the extent provided in ORS 192.410 to 192.505.

(3) This rule applies only to mediations in which the agency is a party or is mediating a dispute as to which the agency has regulatory authority. This rule does not apply when the agency is acting as the "mediator" in a matter in which the agency also is a party as defined in ORS 36.234.

(4) To the extent mediation communications would otherwise be compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in ORS 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

(5) **Mediations Excluded.** Sections (6)–(10) of this rule do not apply to:

(a) Mediation of workplace interpersonal disputes involving the interpersonal relationships between this agency's employees, officials or employees and officials, unless a formal grievance under a labor contract, a tort claim notice or a lawsuit has been filed; or

ADMINISTRATIVE RULES

(b) Mediation in which the person acting as the mediator will also act as the hearings officer in a contested case involving some or all of the same matters;

(c) Mediation in which the only parties are public bodies;

(d) Mediation involving two or more public bodies and a private party if the laws, rule or policies governing mediation confidentiality for at least one of the public bodies provide that mediation communications in the mediation are not confidential;

(e) Mediation involving 15 or more parties if the agency has designated that another mediation confidentiality rule adopted by the agency may apply to that mediation; or

(6) **Disclosures by Mediator.** A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless:

(a) All the parties to the mediation and the mediator agree in writing to the disclosure; or

(b) The mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c)–(d), (j)–(l) or (o)–(p) of section (9) of this rule; or

(c) the mediator shall disclose and testify to any information obtained during the mediation which poses a life, health, safety concern or the information disclosed would tend to indicate the likelihood of a violation of criminal law or statute.

(7) **Confidentiality and Inadmissibility of Mediation Communications.** Except as provided in sections (8)–(9) of this rule, mediation communications are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced as evidence by the parties or the mediator in any subsequent proceeding.

(8) **Written Agreement.** Section (7) of this rule does not apply to a mediation unless the parties to the mediation agree in writing, as provided in this section, that the mediation communications in the mediation will be confidential and/or nondiscoverable and inadmissible. If the mediator is the employee of and acting on behalf of a state agency, the mediator or an authorized agency representative must also sign the agreement. The parties' agreement to participate in a confidential mediation must be in substantial form. This form may be used separately or incorporated into an "agreement to mediate."

Agreement to Participate in a Confidential Mediation

The agency and the parties to the mediation agree to participate in a mediation in which the mediation communications are confidential and/or nondiscoverable and inadmissible to the extent authorized by OAR 257-090-0010 and this agreement. This agreement relates to the following mediation:

a) _____
(Identify the mediation to which this agreement applies)

b) To the extent authorized by OAR 257-090-0010, mediation communications in this mediation are: (check one or more)

___ confidential and may not be disclosed to any other person

___ not admissible in any subsequent administrative proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent administrative proceeding, or introduced as evidence by the parties or the mediator in any subsequent administrative proceeding

___ not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent administrative, judicial or arbitration proceeding, or introduced as evidence by the parties or the mediator in any subsequent administrative, judicial or arbitration proceeding

c) _____
Name of Agency

Signature of Agency's authorized representative Date
(when agency is a party) or Agency employee acting as the mediator (when Agency is mediating the dispute)

d) _____
Name of party to the mediation

Signature of party's authorized representative Date

e) _____
Name of party to the mediation

Signature of party's authorized representative Date

(9) **Exceptions to confidentiality and inadmissibility.**

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any mediation communications that are public records, as defined in ORS 192.410(4), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law.

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) Any mediation communication related to the conduct of a licensed professional that is made to or in the presence of a person who, as a condition of his or her professional license, is obligated to report such communication by law or court rule is not confidential and may be disclosed to the extent necessary to make such a report.

(e) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

(f) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

(g) An employee of the agency may disclose confidential mediation communications to another agency employee so long as the disclosure is necessary to conduct authorized activities of the agency. An employee receiving a confidential mediation communication under this subsection is bound by the same confidentiality requirements as apply to the parties to the mediation.

(h) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure.

(i) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement.

(j) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.

(k) When a mediation is conducted as part of the negotiation of a collective bargaining agreement, the following mediation communications are not confidential and such communications may be introduced into evidence in a subsequent administrative, judicial or arbitration proceeding:

(A) A request for mediation; or

(B) A communication from the Employment Relations Board Conciliation Service establishing the time and place of mediation; or

(C) A final offer submitted by the parties to the mediator pursuant to ORS 243.712; or

(D) A strike notice submitted to the Employment Relations Board.

(l) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.410 to 192.505, that portion of the communication may be disclosed as required by statute.

ADMINISTRATIVE RULES

(m) Written mediation communications prepared by or for the agency or its attorney are not confidential and may be disclosed and may be introduced as evidence in any subsequent administrative, judicial or arbitration proceeding to the extent the communication does not contain confidential information from the mediator or another party, except for those written mediation communications that are:

(A) Attorney-client privileged communications so long as they have been disclosed to no one other than the mediator in the course of the mediation or to persons as to whom disclosure of the communication would not waive the privilege; or

(B) Attorney work product prepared in anticipation of litigation or for trial; or

(C) Prepared exclusively for the mediator or in a caucus session and not given to another party in the mediation other than a state agency; or

(D) Prepared in response to the written request of the mediator for specific documents or information and given to another party in the mediation; or

(E) Settlement concepts or proposals, shared with the mediator or other parties.

(n) A mediation communication made to the agency may be disclosed and may be admitted into evidence to the extent the Superintendent of the Oregon State Police or their designee determines that disclosure of the communication is necessary to prevent or mitigate a serious danger to the public's health or safety, and the communication is not otherwise confidential or privileged under state or federal law.

(o) The terms of any mediation agreement are not confidential and may be introduced as evidence in a subsequent proceeding, except to the extent the terms of the agreement are exempt from disclosure under ORS 192.410 to 192.505, a court has ordered the terms to be confidential under ORS 30.402 or state or federal law requires the terms to be confidential.

(p) The mediator may report the disposition of a mediation to the agency at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232(4).

(10) When a mediation is subject to section (7) of this rule, the agency will provide to all parties to the mediation and the mediator a copy of this rule or a citation to the rule and an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

Stat. Auth.: ORS 36.224

Stats. Implemented: ORS 36.224, 36.228, 36.230 & 36.232

Hist.: OSP 4-2005, f. 9-20-05, cert. ef. 9-22-05

Department of Public Safety Standards and Training

Chapter 259

Adm. Order No.: DPSST 8-2005

Filed with Sec. of State: 9-28-2005

Certified to be Effective: 9-28-05

Notice Publication Date: 9-1-05

Rules Amended: 259-008-0068

Rules Repealed: 259-008-0068(T)

Subject: Housekeeping change only.

Amends current rule to provide that fingerprint processing fee for Certified Retired Police Officers is to be based on current charges by Oregon State Police and Federal Bureau of Investigation. OSP adopted a fee increase by temporary rule, effective 3-1-05.

Rules Coordinator: Bonnie Salle—(503) 378-2431

259-008-0068

Retired Police Officer Certification and Maintenance Standards

(1) Definitions. "Honorably retired" means reaching the state of Oregon's recognized retirement age and retiring in good standing from active service as a police officer with a minimum of five years of full-time law enforcement experience in Oregon.

(a) "Retired Police Officer" means an honorably retired police officer who may carry a DPSST Retirement card.

(b) "Certified Retired Police Officer" means an honorably retired police officer who obtains and maintains her or his certification.

(2) Certified Retired Police Officer Status.

(a) The certification of an honorably retired police officer that meets and maintains the minimum standards established in section (5) of this rule will not lapse. To have police officer authority, a certified honorably retired

police officer must be affiliated with and under the direction of a law enforcement agency.

(b) A certified honorably retired police officer that resumes full-time, permanent employment with a law enforcement agency, in a certified discipline, must meet active police certification requirements as required by OAR 259-008-0060. The law enforcement agency must submit the form F-4 and F-7 to the Department when a certified honorably retired police officer is hired on a permanent, full-time basis.

(3) The process for obtaining a police officer Retirement Card shall be as stated in OAR 259-008-0100.

(4) Process for obtaining Retired Police Officer certification.

(a) To avoid a lapse of certification, upon retirement or within 90 days after retirement, an honorably retired police officer must submit a form F-7R with the required fees and two fingerprint cards.

(b) After a lapse of certification (90 days) but before 2 1/2 years, the honorably retired police officer must submit the application for Retired Police Officer certification with the required fees and two fingerprint cards.

(c) After a lapse of 2 1/2 years but less than 5 years, the honorably retired police officer must submit the application for Retired Police Officer certification, complete the DPSST Police Career Office Development (COD) training course; see OAR 259-008-0025(1)(f), submit the required fees and two fingerprint cards.

(d) After a lapse of more than 5 years, the honorably retired police officer is no longer eligible to obtain a Retired Police Officer certification.

(e) For the honorably retired police officer whose certification has lapsed between October 29, 1999, and January 16, 2004, and who is not covered by (a) or (b) of this section, Certified Retired Police Officer status may be achieved by submitting a form F-7R, the required fees and two fingerprint cards, within 180 days from January 16, 2004, and provides evidence that:

(A) The police officer honorably retired between October 29, 1999, and January 16, 2004, see Definitions (1) for criteria; and

(B) The honorably retired police officer has had no disqualifying behavior since retirement as established by a CCH and/or other satisfactory evidence to refute an allegation(s) of disqualifying behavior if such is received by the Department from any source.

(5) Process for maintaining Certified Retired Police Officer certification.

(a) A new application must be submitted to DPSST every three years with:

(A) Two fingerprint cards; and

(B) The required fees.

(b) Evidence must be provided on a form supplied by the Department that the maintenance training, as required by OAR 259-008-0065, has been met during the previous three-year period.

(A) Failure to notify the Department of the required training will result in a warning notification letter being sent to the certified honorably retired officer.

(B) A six (6) month extension will be automatically authorized.

(C) The honorably retired police officer must request recertification, along with an explanation of why the training was not completed; and

(D) Provide verification that the missed training was completed by submitting a form F-15.

(E) Failure to complete the training and/or submit the completed Form F-15, after the warning notification letter and before the six (6) month extension has expired will result in non-renewal of the Certified Retired Police Officer certification.

(c) It is the certified honorably retired police officer's responsibility to fund and coordinate training needs to meet the mandatory training requirements.

(d) The certified honorably retired police officer who maintains the retired certification will be excluded from the "lapsed" status and will not be required to retake any basic police training in order to re-certify as an active police officer.

(e) The renewal application, fingerprints, and fees will not be required if the honorably retired officer is employed in a full-time capacity.

(6) Denial or revocation of a Retired Police Officer Certification shall be handled in the same manner as active police officer certification pursuant to OAR 259-008-0070.

(7) Fees. Payments to the Department are non-refundable, and must be paid by personal check, money order or cashier's check. No credit cards or cash will be accepted. The Department, in carrying out the provisions of OAR 259-008-0068, shall charge the following fees.

(a) A fee of \$40 shall be submitted with each application for a Certified Retired Police Officer certification.

ADMINISTRATIVE RULES

(b) Appropriate fees shall be submitted with each application for a fingerprint criminal history check. These fees are to recover the costs of the fingerprint check through the Oregon State Police and Federal Bureau of Investigation. An additional fee will be charged for the third submittal of fingerprint cards when rejected for filing by the FBI. Current fee schedules for processing fingerprints may be obtained from the Department.

Stat. Auth.: ORS 181.667

Stats. Implemented: ORS 181.667

Hist.: DPSST 2-2004, f. & cert. ef. 1-16-04; DPSST 2-2005(Temp), f. 3-29-05, cert. ef. 4-1-05 thru 9-28-05; DPSST 8-2005, f. & cert. ef. 9-28-05

Adm. Order No.: DPSST 9-2005

Filed with Sec. of State: 10-14-2005

Certified to be Effective: 10-14-05

Notice Publication Date: 5-1-05

Rules Amended: 259-060-0020, 259-060-0120

Rules Repealed: 259-060-0120(T)

Subject: Housekeeping issues. Increases the 14-day response period to 21 days; requires completion of Form PS-21. Additionally corrects an administrative oversight that inadvertently omitted previously approved rules from the Secretary of State's Administrative Rules.

Rules Coordinator: Bonnie Salle—(503) 378-2431

259-060-0020

Minimum Standards for Certification or Licensure

(1) Age.

(a) An applicant for certification as a private security officer, private security officer-alarm monitor or private security instructor shall be:

(A) At least 18 years of age to receive certification as an unarmed security officer, private security officer-alarm monitor, or unarmed private security instructor; and

(B) At least 21 years of age to receive certification as an armed security officer or armed private security instructor.

(b) All applicants for licensing as a proprietary security manager or security contractor shall be at least 18 years of age.

(2) Training. An applicant for certification or licensing shall satisfactorily complete the applicable training requirements as specified in the Private Security Service Providers Act and these rules.

(3) Moral Fitness (Moral Character). All private security providers must be of good moral fitness as determined by a criminal background check or department investigation.

(a) For purposes of this standard, lack of good moral fitness means conduct not restricted to those acts that reflect moral turpitude but rather extending to acts and conduct which would cause a reasonable person to have substantial doubts about the individual's honesty, fairness, respect for the rights of others, or for the laws of the state and/or the nation.

(b) The following are indicators of a lack of good moral fitness:

(A) Illegal conduct involving moral turpitude;

(B) Conduct involving dishonesty, fraud, deceit, or misrepresentation;

(C) Intentional deception or fraud or attempted deception or fraud in any application, examination, or other document for securing certification or eligibility for certification;

(D) Conduct that is prejudicial to the administration of justice;

(E) Conduct that adversely reflects on his or her fitness to perform as a private security provider. Examples include but are not limited to: Intoxication while on duty, untruthfulness, unauthorized absences from duty not involving extenuating circumstances, or a history of personal habits off the job which would affect the private security provider's performance on the job which makes the private security provider both inefficient and otherwise unfit to render effective service because of a loss of confidence in the private security provider's ability to perform competently.

(c) If reliable evidence is received by the Board or Department that a private security provider lacks good moral fitness, a rebuttable presumption will be raised that the private security provider does not possess the requisite moral fitness to be a private security provider. The burden shall be upon the private security provider to prove good moral fitness.

(4) Criminal History. An applicant for certification or licensure must not:

(a) Have been convicted of a person felony, as defined in the rules of the Oregon Criminal Justice Commission: ORS 162.165 (Escape I), 162.185 (Supplying Contraband as defined in Crime Categories 6 and 7 (Appendix 3)), 163.095 (Aggravated Murder), 163.115 (Murder), 163.118 (Manslaughter I), 163.125 (Manslaughter II), 163.145 (Negligent Homicide), 163.160(3) (Assault IV Felony), 163.165 (Assault III), 163.175

(Assault II), 163.185 (Assault I), 163.205 (Criminal Mistreatment I), 163.213 (Use of Stun Gun/Tear Gas/Mace I), 163.225 (Kidnapping II), 163.235 (Kidnapping I), 163.275 (Coercion as defined in Crime Category 7 (Appendix 3)), 163.355 (Rape III), 163.365 (Rape II), 163.375 (Rape I), 163.385 (Sodomy III), 163.395 (Sodomy II), 163.405 (Sodomy I), 163.408 (Sexual Penetration II), 163.411 (Sexual Penetration I), 163.425 (Sexual Abuse II), 163.427 (Sexual Abuse I), 163.525 (Incest), 163.535 (Abandon Child), 163.537 (Buying or Selling a Person Under 18 Years of Age), 163.670 (Using Child in Display of Sexually Explicit Conduct), 163.684 (Encouraging Child Sex Abuse I), 163.686 (Encouraging Child Sex Abuse II), 163.688 and 163.689 (Possession of Materials Depicting Sexually Explicit Conduct of a Child I and II), 163.732 (Stalking), 163.747 (Violation of Officer's Stalking Order), 163.750 (Violation of Court's Stalking Order), 164.075 (Theft by Extortion as defined in Crime Category 7 (Appendix 3)), 164.225 (Burglary I as defined in crime Categories 8 and 9, Appendix 3), 164.325 (Arson I), 164.395 (Robbery III), 164.405 (Robbery II), 164.415 (Robbery I), 164.877(3) (Tree Spiking (Injury)), 166.087 (Abuse of Corpse I), 166.165 (Intimidation I), 166.220 (Unlawful Use of a Weapon), 166.275 (Inmate in Possession of Weapon), 166.385(3) (Felony Possession of a Hoax Destructive Device), 167.012 (Promoting Prostitution), 167.017 (Compelling Prostitution), 468.951 (Environmental Endangerment), 811.705 (Hit and Run Vehicle (Injury)), 830.475 (Hit and Run (Boat)) and attempts or solicitations to commit any Class A or Class B person felonies as defined herein, or an equivalent crime with similar elements in another jurisdiction. Only Class B and Class C felony convictions may be considered by the policy committee and the Board for waiver of suspension, denial or revocation, under the process outlined in OAR 259-060-0300(2). There will be no waivers granted for Class A felony convictions.

(b) Within the 10-year period prior to applying for, or during, certification or licensure, must not:

(A) Have been incarcerated, placed on probation or paroled as the result of conviction of any felony, other than those described in subsection (a) of this section in this, or any other, jurisdiction. Class B and Class C felony convictions may be considered on a limited basis by the policy committee and the Board for waiver of suspension, denial or revocation, under the process outlined in OAR 259-060-0300(2).

(B) Have been convicted of violating ORS 163.435 (Contributing to the Sexual Delinquency of a Minor), 163.672 (1993 Edition) (Possession of Depiction of Sexual Conduct of a Child), 163.673 (1993 Edition) (Dealing in the Depiction of Sexual Conduct of a Child), 167.007 (Prostitution), 167.062 (Sadomasochistic Abuse or Sexual Conduct in a Live Show), 167.065 (Furnishing Obscene Material), 167.070 (Sending Obscene Material to Minors), 167.075 (Exhibiting An Obscene Performance to a Minor), 167.080 (Displaying Obscene Material to Minors), 167.087 (Disseminating Obscene Material) or an equivalent crime with similar elements in another jurisdiction. There will be no waivers granted for these listed convictions.

(C) Have been convicted of a person misdemeanor, as defined in the rules of the Oregon Criminal Justice Commission: ORS 161.405(2)(d) Attempt or 161.435(2)(d) Solicitation to Commit any Class C person felony as defined by the Oregon Criminal Justice Commission, 162.315 (Resisting Arrest), 163.160 (Assault IV), 163.190 (Menacing), 163.195 (Recklessly Endangering Another Person), 163.200 (Criminal Mistreatment II), 163.208 (Assaulting a Public Safety Officer), 163.212 (Unlawful Use of an Electrical Stun Gun, Tear Gas or Mace II), 163.545 (Child Neglect II), 163.575 (Endangering the Welfare of a Minor), 163.605 (Criminal Defamation), 163.732(1) (Stalking), 163.750(1) (Violating Court's Stalking Protective Order), 166.065(4) [Harassment (Offensive Sexual Contact)], 166.155 (Intimidation II), 166.385 (Possession of Hoax Destructive Device) or an equivalent crime with similar elements in another jurisdiction;

(D) Have been convicted of the following misdemeanors: ORS 162.075 (False Swearing), 162.085 (Unsworn Falsification), 162.145 (Escape III), 162.247 (Interfering with a Peace Officer), 162.295 (Tampering with Physical Evidence), 162.335 (Compounding a Felony), 162.365 (Criminal Impersonation), 162.369 (Possession of False Law Enforcement Identification Card), 162.385 (Giving False Information to Police Officer), 163.465 (Public Indecency), 163.709 (Unlawful Directing of Light from a Laser Pointer), 164.045 (Theft II), 164.125(5)(b) (Theft of Services), 164.140 (Criminal Possession of Rented or Leased Personal Property), 164.235 (Possession of Burglar's Tools), 164.255 (Criminal Trespass I), 164.265 (Criminal Trespass while in Possession of a Firearm), 164.335 (Reckless Burning), 164.354 (Criminal Mischief II), 164.369 (Interfering With Police Animal), 164.377(4) (Computer Crime), 165.007 (Forgery II), 165.055(4)(a) (Fraudulent Use of a Credit Card), 165.065 (Negotiating a Bad Check), 166.115 (Interfering With Public

ADMINISTRATIVE RULES

Transportation), 166.250 (Unlawful Possession of Firearms), 166.350 (Unlawful Possession of Armor Piercing Ammunition), 166.425 (Unlawful Purchase of Firearm), 167.262 (Adult Using Minor in Commission of Controlled Substance Offense), 471.410 (Providing Liquor to Person under 21 or Intoxicated Person), or an equivalent crime with similar elements in another jurisdiction. Convictions for any of the listed misdemeanors may be considered on a limited basis by the policy committee and the Board for waiver of suspension, denial or revocation, under the process outlined in OAR 259-060-0300(2);

(c) Have been convicted, within the 10-year period prior to applying for, or during, certification or licensure, of a "misdemeanor crime of domestic violence," in this or any jurisdiction. A "misdemeanor crime of domestic violence" means a misdemeanor under the law of any jurisdiction involving the use or attempted use of physical force, or threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is co-habiting with or has co-habited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or a guardian of the victim. Convictions for any of the listed misdemeanors may be considered on a limited basis by the policy committee and the Board for waiver of suspension, denial or revocation, under the process outlined in OAR 259-060-0300(2);

(d) Have been convicted of a misdemeanor or felony involving the unlawful use, possession, delivery or manufacturing of a controlled substance, or a misdemeanor or felony of similar elements, in this or any jurisdiction: 475.525 (Sale of Drug Paraphernalia), 475.991 (Unlawful Delivery of Imitation Controlled Substance), 475.992 (Prohibited Acts, Manufacturing or Delivering of a Controlled Substance within 1,000 feet of School), or an equivalent crime with similar elements in another jurisdiction.

(e) Have been convicted, within the seven-year period prior to applying for, or during, certification or licensure, of the following misdemeanors, or a misdemeanor of similar elements, in this or any jurisdiction; 164.043 (Theft III), 164.125(5)(a) (Theft of Services), 162.375 (Initiating a False Report), 166.240 (Carrying of Concealed Weapons), or an equivalent crime with similar elements in another jurisdiction. Convictions for any of the listed misdemeanors may be considered on a limited basis by the policy committee and the Board for waiver of suspension, denial or revocation, under the process outlined in OAR 259-060-0300(2);

(f) Have been required to register or be registered as a sex offender under ORS 181.595, 181.596 or 181.597. There will be no waivers granted for any persons in this category.

(5) Firearms Restrictions. An applicant for armed private security officer or instructor certification shall not be eligible for certification if the applicant:

(a) Has been committed to the Mental Health and Development Disability Services Division under ORS 426.130, or similar order in another jurisdiction;

(b) Has been found to be mentally ill and subject to an order under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

(c) Is prohibited under US Code Title 18, Section 922(g)(8) (relating to civil restraining orders including stalking or harassment) from possessing a firearm in interstate commerce; or

(d) Is prohibited under any law of this state or any federal law from purchasing, owning or possessing a firearm.

(6) Failure to Meet Firearms Criteria. In the event a certified armed private security officer, or an applicant for such certification, should at any time fail to meet the requirements of subsections (4)(a) through (d) herein, the certificant/applicant and the manager, employer or supervisor of the certificant/applicant, shall:

(a) Notify the Department or its designee within 48 hours, in writing, of the circumstance making the certificant/applicant ineligible to purchase, own or possess a firearm. The notification shall list all facts known, including any written documentation, and shall identify a person whom the Department may contact to obtain additional information;

(b) Transfer the employee to an unarmed position until a determination has been made by the Department regarding the status of the certificant/applicant; and

(c) Retrieve any issued weapons and ammunition.

(7) ADA Compliance. Individual employers or entities shall be expected to conform to federal ADA guidelines as they relate to physical fitness standards.

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

Stat. Auth.: ORS 181.875, 181.878 & 181.883

Stats. Implemented: ORS 181.875 & 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST

3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 10-2003(Temp), f. & cert. ef. 6-16-03 thru 12-1-03; DPSST 12-2003, f. & cert. ef. 7-24-03; DPSST 6-2004, f. & cert. ef. 4-23-04; DPSST 9-2005, f. & cert. ef. 10-14-05

259-060-0120

Private Security Officer or Private Security Officer-Alarm Monitor Certification

(1) Under ORS 181.873(1)(a), it is unlawful for a person to engage in the business of, or perform any service as, a private security officer or private security officer-alarm monitor, or to offer services in such capacity, unless the person has obtained certification as an armed or unarmed private security officer or private security officer-alarm monitor, in accordance with these rules.

(a) A Department-licensed executive manager may temporarily assign a person who is not certified as required by these rules to perform security services within this state for a period of time not to exceed 90 days if:

(A) The person is employed in another state;

(B) The person holds a private security officer-alarm monitor or private security officer's certification or licensure from another state; and

(C) The certification or licensing standards of the other state meet or exceed the standards of this state.

(D) The intent of this provision is to allow a company to transfer its employees to this state for the purpose of temporary assignment.

(E) A Department-licensed executive manager shall provide to DPSST a copy of the authorizing state's statutory requirements for private security officers, demonstrating that the officer has undergone a criminal history fingerprint background check. Additionally, the executive manager shall complete Form PS-9 (Private Security Waiver for Reciprocity), a triplicate form; the original shall be mailed to the Department or its designated staff, one copy shall be retained by the employer, and one copy shall be retained by the employee. The employee copy of this form shall be carried on the employee's person at all times while performing security services in this state or while on duty. It shall be presented to any law enforcement officer upon demand and shall be displayed to any other person upon reasonable request.

(F) The reciprocity packet shall bear a postmark on or before the first day the applicant performs security services in this state.

(b) A Department-licensed executive manager may temporarily assign a person, whose application for certification as a private security officer or private security officer-alarm monitor is being processed, to perform security services within this state for a period of time not to exceed 120 days under the following conditions:

(A) The applicant has completed all the requirements under this section (OAR 259-060-0120), including training;

(B) A Department-licensed manager has completed and signed the applicable portions of Form PS-20 (Private Security Temporary Work Permit), affirming the above requirements have been met;

(C) The Department-licensed executive manager or supervisory manager has attached the original of Form PS-20 to Form PS-1 (Application for Licensure or Certification of Private Security Services Provider); and

(D) The Department-licensed manager has mailed to the Department each of the items in this section, [Form PS-1 (Application for Licensure or Certification), Form PS-4 (Affidavit of Person Rolling Prints) and fingerprint cards, Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) and applicable fees] as a complete packet. Form PS-4 is a sworn statement and must be sealed in a tamper-proof bag, along with the fingerprint cards, by the person rolling the prints; Form PS-6 is a sworn statement, and must be sealed in a tamper-proof bag by the issuing instructor. The application packet shall bear a postmark on or before the first day the applicant performs security services. Form PS-27 (Private Security Code of Ethics) is for the use of the applicant.

(E) If an applicant has not completed each step of the application process, including training, the applicant shall not perform unsupervised security services. Such persons may only provide security services under the direct supervision of a certified private security officer, licensed proprietary security manager or security contractor. The person being monitored shall not make decisions regarding any course of action independent of the person providing the direct supervision. The duration for direct supervision for an applicant is no more than 21 calendar days, during which time the applicant must be under the uninterrupted presence of a certified private security officer or certified private security officer-alarm monitor.

(F) The intent of the Form PS-20 provision is to allow a company to employ and deploy a private security officer, private security officer-alarm

ADMINISTRATIVE RULES

monitor or manager, while the application for certification or licensure is being processed. No temporary work permit shall be issued for armed security applicants.

(G) The Form PS-20 will last no longer than 120 days and, in any event, shall end upon written notice from the Department to the applicant that the permit has been administratively terminated under subsection (1)(b)(H) of this rule.

(H) Upon written notice from the Department to the applicant and the manager who signed the Form PS-20, the permit and authority to provide private security services may be administratively terminated for the following reasons:

(i) The Department has reason to believe that a person with the applicant's name and birth date has been convicted of a disqualifying crime listed in OAR 259-060-0020.

(ii) The application is incomplete or the Department has been unable to verify application information to its satisfaction due to non-response or non-compliance of the applicant.

(iii) Applicant has violated any private security administrative rule or condition imposed by Form PS-20. Applicants who provide false information in their application, contrary to their sworn oath, shall be disqualified from reapplying for a period of 10 years.

(iv) The fingerprint cards of applicant have been rejected under subsection 5(b) of this rule.

(I) Upon notification from the Department that the Form PS-20 has been administratively terminated because of a deficiency in application, the manager who signed the permit shall notify the applicant that he or she may not perform security services. A new application with corrected deficiencies must be filed, along with a new certification fee, prior to the applicant resuming duties. This provision does not apply to terminations based upon criminal conviction disqualification.

(J) The termination of the Form PS-20 due to a criminal conviction disqualification is subject to the contested case hearing procedures set forth in OAR 259-060-0300.

(c) The Department or its designated staff may administratively terminate the application process if the Department is unable to complete the certification process due to non-response or non-compliance of the applicant after exhausting the following efforts:

(A) A letter shall be mailed by the Department to the applicant, and the last known employer of the applicant, identifying the deficiencies in the Form PS-1, or the rejection of the fingerprint cards of applicant.

(B) The applicant and any manager supervising the applicant shall have 21 calendar days from the date of mailing to bring the applicant into compliance and to notify the Department that the deficiencies are corrected. The Department may, in its discretion, elect to extend the time for compliance upon good cause shown by the applicant or its manager.

(C) If the Department is unable to determine a current address for the applicant, or if the applicant or manager does not respond and correct the deficiencies within 21 calendar days, or such additional time authorized by the Department, the Department shall list the applicant's status as "administratively terminated." The Department shall notify the applicant at his or her last known address, and notify the last known employer of the applicant, that the Department has administratively terminated the application process.

(D) Once the application process has been administratively terminated, the applicant will be required to submit a new Form PS-1, with another certification fee. An applicant whose application process has been administratively terminated shall not be eligible to perform security services until a new, complete application and fees are submitted to the Department, along with a Form PS-6 providing proof of new basic training.

(2) The requirements for certification as an unarmed private security officer or alarm monitor are as follows:

(a) Compliance with the minimum standards for certification under OAR 259-060-0020;

(b) Successful completion of the mandatory eight-hour basic classroom instruction required under OAR 259-060-0060, including successful completion of the written examination;

(c) Successful completion of the mandatory four-hour assessment module required under OAR 259-060-0075; and

(d) Submission to the Department of the completed application packet as required under Sub (5) of this rule, together with the appropriate fees.

(3) The requirements for certification as an armed private security officer are as follows:

(a) Compliance with the minimum standards for certification under OAR 259-060-0020;

(b) Successful completion of the mandatory eight-hour basic classroom instruction required under OAR 259-060-0060, including successful completion of the written examination;

(c) Successful completion of the mandatory four-hour assessment module required under OAR 259-060-0075;

(d) Successful completion of the mandatory 15-hour firearms course and marksmanship qualification required under OAR 259-060-0070, including successful completion of the written examination and satisfaction of marksmanship requirements; and

(e) Submission to the Department of the completed application packet as required under (5) of this rule, together with the appropriate fees.

(4) A certified private security officer or private security officer-alarm monitor or applicant shall carry the certificate or Form PS-20 on his or her person at all times while performing security services or while on duty. The certificate or Form PS-20 shall be presented to any law enforcement officer upon demand, and shall be displayed to any other person upon reasonable request.

(5) The application packet for certification as a private security officer or private security officer-alarm monitor shall include:

(a) A completed Form PS-1, including a sworn affidavit attesting to the truth and correctness of the information provided by the applicant, and acknowledging the Department's right to terminate a temporary work permit. Falsification of this application can result in a denial of certification for up to ten years, as well as pursuit of criminal charges.

(b) A completed fingerprint packet. The Department shall accept fingerprint cards correctly rolled and completed by private security or public safety personnel trained to roll fingerprints, or a person who is employed and trained by a private business that provides fingerprinting services. These fingerprint cards must be submitted on the pre-printed FBI fingerprint cards supplied by the Department, and shall be sealed in a tamper-proof bag by the person rolling the prints. There shall be a fee charged for the third submittal of fingerprint cards if rejected twice by the Federal Bureau of Investigation;

(A) A fingerprint packet shall include two fingerprint cards, and a Form PS-4. The person rolling the fingerprints shall complete Form PS-4, enclose the two completed fingerprint cards and the Form PS-4 in the tamper-proof bag, seal it, and return it to the applicant.

(B) When the fees, application and completed fingerprint packet are received, the Department will assign a Private Security Identification number to the applicant, record that number on the fingerprint cards and forward the fingerprint cards to Oregon State Police. The Oregon State Police shall process one set of the prints and send the other set of prints to the Federal Bureau of Investigation (FBI) for processing;

(C) The applicant's fingerprints will be retained and kept on file by the Oregon State Police Identification Services Section;

(D) The Oregon State Police Identification Services Section will notify the Department or its designated staff of any criminal record disclosed through processing the applicant's fingerprint cards; and

(E) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section, the Department shall comply with the most current requirements.

(c) The original Form PS-6 sealed by the instructor in the approved tamper-proof bag;

(d) A completed Form PS-7 (Private Security Instructor Evaluation) (optional);

(e) The original of completed Form PS-20 (if employed).

(6) The applicant shall submit the nonrefundable certification fee (including the fingerprint processing fee) to the Department or its designated staff, along with the application packet. The application will be rejected unless the certification fee is paid by business check, money order or cashier's check. No personal checks, credit cards or cash will be accepted.

(7) The completed application packet shall be mailed to the Department or its designated staff prior to the applicant performing any security services.

(8) Renewal of certification shall occur every two years subject to the following conditions:

(a) The certificate holder shall, within the 90-day period prior to certificate expiration, obtain refresher training as provided for in OAR 259-060-0080, submit the Form PS-6, required fees and a completed Form PS-21 (Renewal of Private Security Licensure or Certification). A copy of the Form PS-21 must be carried on the provider's person, while performing private security duties, until a new certificate is received.

(b) The provider shall submit the nonrefundable renewal fee to the Department or its designated staff. The renewal application will be reject-

ADMINISTRATIVE RULES

ed unless the renewal fee is paid by business check, money order or cashier's check. No personal checks, credit cards or cash will be accepted.

(c) The renewal documents shall be received by the Department not more than 90 days prior to the anniversary date of the certification or licensure to allow for processing of the forms and criminal history check. The background check may determine convictions or other conditions under OAR 259-060-0020 that would disqualify the provider.

(d) Failure to comply with renewal requirements shall result in the expiration of certificate or license.

(A) Persons reapplying within 90 days of expiration shall complete the Form PS-21, and shall submit the certification fee.

(B) Persons reapplying after 90 days of expiration shall complete the Form PS-21 (Application for Licensure or Certification), and shall submit the certification fees, plus a \$25.00 late submission penalty fee.

(C) Persons continuing to provide private security services, after the certification has expired shall be subject to penalties as provided for in ORS 181.991.

(9) Any certified private security officer who is arrested or charged criminally shall notify the officer's employer, or the Department if the officer is not employed, of that fact not later than 48 hours after the arrest or charge is filed. Any employer who knows that an employee has been arrested or charged with a crime shall notify the Department of that fact not later than 48 hours after the employer acquired knowledge. The initial notification may be by telephone, but must be immediately followed by written notification. The notification shall include the specific charges, the county and state where any charges are pending, the investigating agency, and the date of the arrest. Failure to notify the Department may result in suspension of the arrested person's certification or licensure.

(10) The applicant or private security provider shall notify the Department or its designated staff within 14 calendar days of any change of address by using Form PS-23 (Private Security Services Provider Change of Information). Executive managers may use the form to advise the Department of the termination of employment, or provide their own list. Under ORS 305.385, a summary of all private security providers and applicants is provided annually to the Oregon Department of Revenue, including name, address and Social Security number.

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

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

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

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 3-2005(Temp), f. 4-25-05, cert. ef. 5-1-05 thru 10-28-05; DPSST 9-2005, f. & cert. ef. 10-14-05

Adm. Order No.: DPSST 10-2005

Filed with Sec. of State: 10-14-2005

Certified to be Effective: 10-14-05

Notice Publication Date: 9-1-05

Rules Amended: 259-060-0300

Rules Repealed: 259-060-0300(T)

Subject: Housekeeping issue needed to correct statutory references allowing the Department to issue a Notice of Intent to Revoke on currently pending contested cases and clarify procedures for issuing an Emergency Suspension Order.

Rules Coordinator: Bonnie Salle—(503) 378-2431

259-060-0300

Denial/Suspension/Revocation

(1) Grounds for Denying, Suspending or Revoking the Certificate of a Private Security Officer (armed or unarmed), Private Security Officer-Alarm Monitor, Instructor or the License of an Executive or Supervisory Manager; Process for Requesting Board Waiver:

(a) The Department may suspend, revoke or deny a license or certificate after written notice, and a hearing, if requested, based upon a finding that:

(A) The applicant or holder of the certificate or license falsified any information submitted on the application for certification or licensing or on any documents submitted to the Department or falsified any documents pertaining to Private Security certification or licensing;

(B) The license holder or applicant for licensure has violated the temporary assignment provisions of OAR 259-060-0120(1);

(C) The applicant or holder of the certificate or license has failed to timely submit properly completed forms, documentation or fees required under these rules;

(D) The applicant or holder of the certificate or license has violated the provisions of the Private Security Service Providers Act or these administrative rules or has failed to perform any acts required by these rules.

(b) The Department shall revoke or deny a license or certificate after written notice and a hearing, if requested, based upon a finding that:

(A) The applicant or holder of the license or certificate at any time fails to meet the criminal history requirements of OAR 259-060-0020(4);

(B) The holder of an armed security officer or firearms instructor certificate, or an applicant for such a certificate, fails to meet the minimum qualifications and requirements set forth in OAR 259-060-0020(5);

(C) The holder of an armed security officer or firearms instructor certificate, or an applicant for such, a certificate, suffers any disqualification, condition or circumstance which, under federal law or the law of this state, would disqualify the person from owning, possessing or purchasing a firearm; or

(c) Pursuant to OAR 259-060-0300(2)(f), the Department may suspend a license or certificate based upon a finding that:

(A) The holder of the certificate or license has been arrested for or charged with any crime listed in OAR 259-060-0020(4);

(B) The holder of the certificate or license has failed to successfully complete or timely report the annual or biennial refresher training and examination(s) required in OAR 259-060-0080; or

(C) The holder of the armed private security officer certification has failed to successfully complete or timely report the annual firearms marksmanship requalification required under OAR 259-060-0085.

(2) Denial, Suspension and Revocation Procedure:

(a) Employer Request: When the employer of the private security officer, private security officer-alarm monitor, private security manager or private security instructor requests that the person's certification or licensure be denied, suspended or revoked, the request shall be submitted in writing to the Department or its designated staff, stating the reason for the requested suspension, revocation or denial and all factual information supporting the request.

(b) Department Initiated Request: Upon receipt of factual information from any source, and pursuant to ORS 181.878, the Department or its designated staff may request that the person's certification or licensure be suspended, revoked or denied.

(c) Department Staff Review: The Department or its designated staff shall review the request and the supporting factual information to determine if the request for suspension, revocation or denial meets statutory and administrative rule requirements. If the reason for the request does not meet the statutory and administrative rule requirements for suspension, revocation or denial, the Department's designated staff shall so notify the requestor. If the reason for the suspension, revocation or denial meets statutory and administrative rule requirements, but is not supported by adequate factual information, the Department or its designated staff shall request further information or conduct its own investigation of the matter.

(d) Initiation of Proceedings: The Department's designated staff shall determine if the reason for suspension, revocation or denial and supporting factual data meet the statutory and administrative rule requirements and so advise the Department or its designated committee.

(e) Contested Case Notice: The Department or its designated staff shall prepare a "Contested Case Notice" in accordance with OAR 137-003-0001 of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015. The Department or its designated staff must serve a copy of the "Notice" on the person whose certification or licensure is being affected.

(f) Emergency Suspension Order: Notwithstanding subsection (e), the Department may immediately suspend a person upon a report that a person has been arrested for, or charged with, any crime listed in OAR 259-060-0020(4). The report may be received in any form and from any source.

(g) An Emergency Suspension Order must be in writing. The order may be issued without prior notice to the individual and without a prior opportunity for a contested case hearing. An Emergency Suspension Order must:

(A) Generally describe the acts of the person and any circumstances that would be grounds for an Emergency Suspension Order under this rule; and

(B) Identify the person at the Department whom the individual may contact and who is authorized to make recommendations regarding issuance of the order.

ADMINISTRATIVE RULES

(h) When the Department issues an Emergency Suspension Order, it shall be served on the individual either personally or by registered or certified mail and must contain the following information:

(A) The effective date of the Emergency Suspension Order;

(B) A statement of findings detailing the specific acts or omissions of the person that violate applicable laws or rules and which serve as the grounds for revocation or suspension;

(C) A reference to the sections of the statutes and rules involved;

(D) A statement indicating the individual has the right to request a hearing to contest the Emergency Suspension Order;

(E) A statement indicating the individual will have waived their right to a hearing regarding the Emergency Suspension Order if the request for a hearing is not received by the Department within 20 calendar days of the date of notice of the Emergency Suspension Order; and

(F) A statement indicating a hearing will be held as soon as is prudent and practicable if a timely request for a hearing is received.

(i) If the individual submits a timely request for a hearing, the Department will hold a hearing on the Emergency Suspension Order as soon as is prudent and practicable.

(A) The Department may combine the hearing on the Emergency Suspension Order with any underlying proceeding affecting the license or certificate.

(B) The sole purpose of the hearing will be to determine whether the individual was charged with or arrested for a crime listed in OAR 259-060-0020(4). Upon a showing that an individual was not charged with or arrested for a crime in OAR 259-060-0020(4), the suspension of the individual's certificate or license will be immediately lifted; otherwise, the suspension will remain in effect until final disposition of the charges or arrest.

(j) Response Time:

(A) Revocation or Denial: If the Department is seeking revocation or denial of a license or certificate, a party who has been served with the "Contested Case Notice" must submit a written request for a hearing to the Department within 60 calendar days from the date of mailing or personal service of the notice.

(B) Suspension: If the Department is seeking suspension of a license or certificate, a party who has been served with an Emergency Suspension Order must submit a written request for a hearing to the Department within 20 calendar days from the date of mailing or personal service of the notice. The Department may extend the time allowed for submission of the written request for a hearing for up to 30 calendar days upon request.

(k) Default Order: If a timely request for a hearing is not received by the Department, the Contested Case Notice or Emergency Suspension Order will become a final order revoking, suspending or denying certification pursuant to OAR 137-003-0075(5).

(l) When the Department revokes a certification or denies an applicant's license or certificate, an individual is ineligible to reapply for future certification or licensure for a period of four (4) years from the date of final Department action or order. Any applicant reapplying for certification or licensure must reapply in accordance with the provisions of the Private Security Service Act.

(m) Hearing Request: When a request for a hearing is received in a timely manner, the Department will refer the matter to the Hearings Officer Panel in accordance with OAR 137-003-0075(5).

(n) Waiver Request: It is the responsibility of the Board to set the standards, and of the Department to uphold them in such a manner so as to ensure the highest levels of professionalism and discipline. Those standards must be upheld at all times, unless there is a specific finding of substantial and compelling reason that demonstrates that neither the safety of the public nor the respect of the profession will be compromised by a waiver. Certain criminal convictions will not qualify for waiver request, as identified in OAR 259-060-0020(4). In the event that a waiver of denial, suspension or revocation is granted, the Board's decision must be in writing. The waiver request will suspend timelines for a contested case hearing until an order granting or denying the waiver has been issued. The waiver process applies only to the petitioners who have been certified and licensed under the Private Security Service Providers Act of 1995 on or before October 23, 1999.

(A) The policy committee may consider limited waivers to the Department's notice of intent to deny, suspend or revoke certification or licensure, and forward a recommendation to the Board, based upon:

(i) The petitioner having been licensed or certified under the Private Security Service Providers Act of 1995 on or before October 23, 1999;

(ii) The length of time that has elapsed between petitioner's disqualifying conviction and application to the Department is substantial and in the case of a lifetime disqualifier, the length of time exceeds 20 years;

(iii) Letters of reference attesting to good moral and ethical fitness;

(iv) The petitioner's age at the time of the conviction;

(v) Absence of other criminal convictions; and

(vi) A written explanation of any substantial or compelling reasons, including but not limited to mitigating circumstances of the arrest.

(B) It is the responsibility of the petitioner to request a waiver within 20 calendar days of the Department's notice of denial or revocation.

(C) It is the responsibility of the petitioner to present to the policy committee all information relative to the request for waiver, in writing, not less than 15 days prior to the next regularly scheduled policy committee meeting. The policy committee will make its recommendation to the Board, following review of those documents.

Stat. Auth.: ORS 181.878, 181.882 & 181.885

Stats. Implemented: ORS 181.878 & 181.885

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 10-2003(Temp), f. & cert. ef. 6-16-03 thru 12-1-03; DPSST 12-2003, f. & cert. ef. 7-24-03; DPSST 6-2004, f. & cert. ef. 4-23-04; DPSST 5-2005(Temp), f. & cert. ef. 8-3-05 thru 1-1-06; DPSST 10-2005, f. & cert. ef. 10-14-05

Adm. Order No.: DPSST 11-2005

Filed with Sec. of State: 10-14-2005

Certified to be Effective: 10-14-05

Notice Publication Date: 9-1-05

Rules Amended: 259-060-0010, 259-060-0015, 259-060-0135, 259-060-0500

Rules Repealed: 259-060-0500(T)

Subject: Housekeeping issues needed to define proprietary security services; correctly cross-reference rules; include the Washington Justice Training Commission firearm certification; and rollback fees.

Rules Coordinator: Bonnie Salle—(503) 378-2431

259-060-0010

Definitions

(1) "Advisory Committee" means the Private Security Advisory Committee created by ORS 181.889.

(2) "Armed Private Security Officer" means a private security officer who is at any time in possession of a firearm while performing duties as a private security officer.

(3) "Assessment module" means a four-hour curriculum given to armed and unarmed private security officers that includes but is not limited to the demonstration of task-related skills learned in the eight-hour basic classroom instruction as applied to hypothetical situations.

(4) "Board" means the Board on Public Safety Standards and Training.

(5) "Certification" means recognition by the Department that a private security officer, private security officer-alarm monitor or instructor, meets all the qualifications listed in ORS 181.875 and the rules set forth in this Division.

(6) "Certified Private Security Instructor" as used in ORS 181.883, and "instructor" as used in ORS 181.878, means recognition by the Department that a person meets the minimum qualifications as specified in OAR 259-060-0135.

(7) "Certified Private Security Firearms Instructor" means recognition by the Department that a person meets the minimum qualifications of a private security firearms instructor as specified in OAR 259-060-0135.

(8) "Conviction" or "Convicted" means a finding of guilt in a court of competent jurisdiction by a plea, a jury verdict or a determination by a judge sitting as a trier of fact at a trial. Conviction shall not require a final judgment or sentence. A person shall not be considered to have been convicted of an offense for purposes of these rules if the conviction is an offense for which the person has been pardoned. A person shall also not be considered to have been convicted of an offense for purposes of these rules if the conviction has been expunged or set aside pursuant to the laws of any jurisdiction other than Oregon, provided, however, that the same offense, if committed in Oregon, would have been expunged or set aside pursuant to ORS 137.225. A person shall not be considered convicted of an offense committed in Oregon if the conviction has been set aside and the records of arrest and conviction have been ordered sealed pursuant to ORS 137.225.

(9) "Contract security services" means the performance of at least one of the following:

(a) The observation and reporting of any unlawful activity.

ADMINISTRATIVE RULES

(b) The prevention of theft or misappropriation of any goods, money or other items of value.

(c) The protection of individuals or property, including, but not limited to, proprietary information, from harm or misappropriation.

(d) The control of access to premises being protected.

(e) The secure movement of prisoners.

(f) The taking of enforcement action by detaining persons or placing persons under arrest under ORS 133.225.

(g) Providing canine services for guarding premises or for the detection of unlawful devices or substances.

(10) "Denial" or "Deny" is that action taken by the Department in refusing to issue a license or certificate to an applicant who has not satisfied all requirements for issuance of a license or certificate.

(11) "Department" means the Department of Public Safety Standards and Training.

(12) "Director" means the Director of the Department of Public Safety Standards and Training.

(13) "Direct supervision of new hire" means actively monitoring the work of a new hire by the ongoing and uninterrupted presence of a certified private security officer, certified private security officer-alarm monitor, or a licensed proprietary security manager or security contractor. The person being monitored shall not make decisions regarding any course of action independent of the person providing the direct supervision.

(14) "Employee" means an individual who renders personal services wholly or partly in this state to an employer who pays or agrees to pay the individual at a fixed rate. "Employee" includes an applicant for employment to perform security services.

(15) "Employer" means a proprietary security manager or security contractor.

(16) "Executive Manager" means a proprietary security manager or security contractor who has the authority to act on behalf of the company or business in matters of licensure and certification, and whose primary responsibility is the management of certified private security providers, including any supervisory managers. An executive manager has authority to issue Temporary Work Permits and shall have ultimate responsibility for compliance with ORS 181.870-181.991.

(17) "Instructor" means any person who has been certified by the department as meeting the requirements to provide instruction to private security providers or applicants.

(18) "License" means recognition by the Department that an employer, contractor, executive manager or supervisory manager meets the requirements adopted by the Board on Public Safety Standards and Training as necessary to provide security services.

(19) "Primary responsibility" means an activity that is fundamental to, and required or expected in, the regular course of employment and is not merely incidental to employment.

(20) "Private security officer-alarm monitor" means a private security officer whose duties are limited to monitoring alarm systems designed to detect unauthorized intrusion. This definition shall apply to all persons who monitor commercial or residential sites in Oregon, regardless of whether the monitoring center is located in this state.

(21) "Private security officer" means an individual who performs, as the individual's primary responsibility:

(a) Contract security services for consideration as an independent contractor or as an employee of an independent contractor, whether armed or unarmed, full-time or part-time, in uniform or plain clothes; or

(b) Proprietary security services for consideration.

(c) "Private security officer" does not include those persons exempt from regulation under these administrative rules as set forth in OAR 259-060-0015(2).

(22) "Private security provider" means any person who performs contract security services or proprietary security services, or who performs the functions of a manager, supervisory manager or instructor.

(23) "Proprietary security manager" means an individual employed by a person or entity, other than a security contractor, whose responsibilities include implementing proprietary security services provided by a private security officer or a private security officer-alarm monitor.

(24) "Proprietary security services" means the performance of at least one of the activities listed in subsection (9) of this section if the person performing the activity:

(a) Wears a uniform readily identifiable by a member of the public as that worn by a private security officer or a law enforcement officer;

(b) Wears clothing that bears words, such as "security", or emblems that would cause a member of the public to reasonably believe that the person is a private security officer; or

(c) Carries a dangerous or deadly weapon, as those terms are defined in ORS 161.015, or a stun gun, pepper mace or night stick; or

(d) Is authorized by the person's employer, as part of the person's employment, to take enforcement action by detaining persons or placing persons under arrest under ORS 133.325.

(25) "Revocation" or "Revoke" is that action taken by the Department after the licensee or certificate holder has had an opportunity for a hearing and the evidence supports allegations that the licensee or certificate holder has violated provisions of these administrative rules resulting in a Department order concluding that the licensee or certificate holder should not be allowed to continue to provide or implement security services.

(26) "Security contractor" means any person who provides the services of one or more private security officers or private security officer-alarm monitors for consideration.

(27) "Supervisory Manager" means an employee of a proprietary security manager or security contractor who has as a primary responsibility the supervision of certified private security officers but who does not have authority to hire and terminate personnel. A supervisory manager has authority to issue Temporary Work Permits.

(28) "Suspension" or "Suspend" is that action taken by the Department in temporarily depriving the holder of a license or certificate that authorizes provision or implementation of security services.

(29) "Temporary work permit" or Form PS-20 means a form issued by the employer to allow a company to employ and deploy a private security unarmed officer, private security officer-alarm monitor or manager while the application for certification or licensure is being processed. No temporary work permit shall be issued for armed security applicants.

Stat. Auth.: ORS 181.870 & 181.878

Stats. Implemented: ORS 181.870 & 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. & cert. ef. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 11-2005, f. & cert. ef. 10-14-05

259-060-0015

Prohibited Acts

(1) It is unlawful:

(a) For a person to engage in the business of, or perform any service as, a private security officer or private security officer-alarm monitor, or to offer services in such capacity unless the person has obtained a certificate under the Private Security Service Providers Act and these rules.

(b) For a person to engage in the business of, or perform any service as, a proprietary security manager, supervisory manager or security contractor, or to offer services in such capacities unless the person has obtained a license under ORS 181.878.

(c) For a person to perform supervisory duties over persons performing crowd management or guest services, as described in ORS 181.871, unless the person has obtained a license or certificate under ORS 181.878.

(d) Except as otherwise provided in ORS 181.873(2) and OAR 259-060-0120(1)(b)(c) (relating to temporary assignments), for a proprietary security manager or security contractor to assign a person to perform security services unless the person is certified as a private security officer, or private security officer-alarm monitor under ORS 181.878 and these rules.

(e) For purposes of these administrative rules, these prohibitions apply to any business, employer, or entity which provides within this state, contract security services, proprietary security services, or the monitoring of alarm systems designed to detect unauthorized intrusion, regardless of whether the business, employer or entity is located in this state.

(2) Exemptions: The following persons are exempt from regulation as private security providers:

(a) Persons holding a current Department certification as a police officer or parole and probation officer.

(b) A law enforcement officer of the United States.

(c) A person while on active duty as a member of the United States armed forces.

(d) An officer or employee of this state, Oregon Health Sciences University established by ORS 353.020 or the United States.

(e) A person appointed or commissioned by the Governor to perform law enforcement or security services.

(f) An attorney admitted to practice law in this state.

(g) An insurance adjuster licensed in this state and performing duties authorized by the license.

(h) A person who monitors fire alarm systems and other alarm systems that are not designed to detect unauthorized intrusions.

ADMINISTRATIVE RULES

- (i) A person while protecting the person's property.
- (j) A person who repairs and installs intrusion alarms.
- (k) A person acting as an investigator or operative as defined in ORS 703.401.

(l) A person performing crowd management or guest services, including, but not limited to, a person described as a ticket-taker, an usher, parking attendant or event staff, who is not armed, does not wear a uniform or clothing described in ORS 181.870(13)(a) or (b) and is not hired with the primary responsibility of taking enforcement action as described in ORS 181.870(3)(f).

(m) A person who performs security services at a facility regulated by the United States Nuclear Regulatory Commission and the facility is operated by the person's employer.

(3) The exemption provided by subsection (2)(L) of this section applies only:

(a) If there is at least one person on-site who is certified or licensed under ORS 181.878 for every 10 or fewer uncertified persons performing the services described in subsection (2)(L) of this section;

(b) If any enforcement action, as described in ORS 181.870 (4)(f), other than incidental or temporary action, is taken by or under the supervision of a person certified or licensed under ORS 181.878; and

(c) During the time when a crowd has assembled for the purpose of attending or taking part in an organized event, including pre-event assembly, event operation hours and post-event departure activities.

Stat. Auth.: ORS 181.873, 181.871 & 181.878

Stats. Implemented: ORS 181.873, 181.871 & 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 11-2005, f. & cert. ef. 10-14-05

259-060-0135

Certification of Private Security Instructors

(1) The Department or its designated staff shall certify instructors deemed qualified to teach in any required private security training courses.

(2) Certified Private Security Instructor-Unarmed or Private Security Officer-Alarm Monitor

(a) The minimum requirements for certification as an unarmed private security or private security-alarm monitor instructor are as follows:

(A) Compliance with the minimum standards for certification under OAR 259-060-0020;

(B) Successful completion of training and examination required under OAR 259-060-0060, 0065 and 0075;

(C) High school diploma or GED;

(D) Minimum of three years work experience in the private security, alarm monitor, military, or law enforcement fields; and

(E) Compliance with the age requirements under the Private Security Service Providers Act;

(b) A certified unarmed private security or private security-alarm monitor instructor is authorized to:

(A) Provide the eight-hour "basic" instruction based on the approved course content and materials provided by the Department or its designated staff as specified in OAR 259-060-0060;

(B) Provide the four-hour assessment module based on the approved private security course content, materials and assessment criteria provided by the Department or its designated staff as specified in OAR 259-060-0075;

(C) Provide the four-hour biennial refresher training and testing based on the approved private security course content and materials provided by the Department or its designated staff as specified in OAR 259-060-0080; and

(D) Administer the applicable written examination(s) as specified in OAR 259-060-0065.

(c) The certified unarmed private security or private security-alarm monitor instructor shall conduct all instruction, training and testing required by the Department in accordance with these rules. The instructor shall provide to the applicant the fully-completed original Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results), sealed in a tamper-proof bag, if the applicant successfully completes all requirements. Additionally, the instructor shall provide the applicant with a Form PS-6 colored carbon copy, and the instructor shall retain the other carbon copy in the instructor's files for the life of the training (two years).

(3) Certified Private Security Firearms Instructor

(a) The minimum requirements for certification as a private security firearms instructor are as follows:

(A) Compliance with the minimum standards for certification under OAR 259-060-0020;

(B) Successful completion of training required under OAR 259-060-0060 and 259-060-0075, including the successful completion of the written examination and orientation required under OAR 259-060-0065;

(C) Compliance with the firearms restriction requirements of OAR 259-060-0020(4); and

(D) Hold one or more of the following:

(i) A current certification through the National Rifle Association Law Enforcement Firearms Instructor Development School;

(ii) A current certification as a firearms instructor through the Federal Law Enforcement Training Center;

(iii) A current certification from a Department-certified law enforcement or criminal justice firearms instructor course;

(iv) A current certification as a firearms instructor through the Federal Bureau of Investigation; or

(v) A current certification as a private security firearms instructor through the Washington Criminal Justice Training Center.

(b) A certified private security firearms instructor is authorized to:

(A) Provide firearms instruction based on the approved course content and materials and administer firearms marksmanship qualifications as provided by the Department, or its designated staff, as specified in OAR 259-060-0070 and;

(B) Provide the annual firearms classroom instruction and firearms requalification as specified in OAR 259-060-0085 and;

(C) Administer required armed written examination as specified in OAR 259-060-0065; and

(D) Terminate the firearms instruction or firearms marksmanship qualification if, in the instructor's opinion, the applicant is unfit to proceed, taking into consideration the applicant's poor judgment, unsafe practices, abnormal behavior, or other relevant factors. The instructor shall immediately notify the applicant of the reason for termination of training and shall also notify the Department or its designated staff within 48 hours in writing, using Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results).

(e) A certified private security firearms instructor shall conduct all instruction, training, qualification and testing required by the Department in accordance with these rules. Only the certified instructor who conducts the training will sign the Form PS-6. The instructor shall provide to the applicant the fully-completed original Form PS-6, sealed in a tamper-proof bag, if the applicant successfully completed all requirements. Additionally, the instructor shall provide the applicant with a Form PS-6 colored carbon copy, and the instructor shall retain the other carbon copy in the instructor's files for the life of the training (two years).

(4) Applications for instructor certification shall be submitted on Form PS-21 (Application for Licensure or Certification of Private Security Services Provider), and shall be accompanied by fees, a detailed resume of the applicant's qualifications, including a copy of a firearms instructor certificate (if applicable), and a fingerprint packet completed and sealed in compliance with OAR 259-060-0120(5)(b).

(5) If instructor certification is denied, the requesting applicant shall be notified in writing and advised of the reasons for denial.

(6) Review of instructor certification may be initiated upon the request of a private security provider, the Department or its designee, or other reliable source.

(7)(a) Instructor certification shall be valid for two years. The certification will be renewed upon payment of a nonrefundable renewal fee and proof of at least four hours of refresher course-work relating to any of the specific subjects being taught or generally improving instructor skills. An instructor may elect to provide proof of private security classes taught within the past year by submitting a Form PS-8 (Private Security Instructor Proof of Skills Improvement).

(b) Failure to comply with renewal requirements shall result in the expiration of certification. Reapplication after expiration can be conducted as provided for in OAR 259-060-0120(8)(d).

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

Stat. Auth.: ORS 181.878 & 181.883

Stats. Implemented: ORS 181.878

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 11-2005, f. & cert. ef. 10-14-05

ADMINISTRATIVE RULES

259-060-0500

License Fees

Payments to the Department are non-refundable, and must be paid by business check, money order or cashier's check. No personal checks, credit cards or cash will be accepted. The following fees shall be charged by the Department in carrying out the provisions of the Act:

(1) The fee of \$50 or the issuance of each two-year certification as a private security officer or private security officer—alarm monitor.

(2) Appropriate fees shall be submitted with each application for a fingerprint criminal history check. These fees are to recover the costs administering the fingerprint check through the Oregon State Police and Federal Bureau of Investigation. An additional fee will be charged for the third submittal of fingerprint cards when rejected for filing by FBI. Current fee schedules for processing fingerprints may be obtained from the Department.

(3) The fee of \$50 for the issuance of a two-year license as a private security supervisory manager.

(4) The fee of \$250 for the issuance of a two-year license as a private security executive manager.

(5) The fee of \$80 for the issuance of a two-year certification as a private security instructor.

(6) The fee of \$20 for the issuance of each upgrade, duplicate or replacement card issued.

(7) The late submission penalty fee of \$25 may be added to the fees for recertification if the provider fails to complete certification by the expiration date of the license or certificate. If an applicant provides documented proof, such as payroll data, that he or she has not been employed to provide private security services since the prior certification or licensure expired, the late penalty may be waived by the Department's designated staff.

(8) In the event a non-sufficient check is received for payment, an additional \$25 administrative fee will be assessed.

Stat. Auth.: ORS 181.878

Stats. Implemented: ORS 181.878

Hist.: PS 1-1997(Temp), f. 2-21-97, cert. ef. 2-24-97; PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 12-2003, f. & cert. ef. 7-24-03; DPSST 3-2005(Temp), f. 4-25-05, cert. ef. 5-1-05 thru 10-28-05; DPSST 11-2005, f. & cert. ef. 10-14-05

.....

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

Adm. Order No.: DMV 19-2005

Filed with Sec. of State: 9-19-2005

Certified to be Effective: 10-17-05

Notice Publication Date: 8-1-05

Rules Amended: 735-020-0015

Subject: The amendment of this rule is necessitated by legislation passed during the 2005 Legislative Assembly to coincide with amendments to Federal bankruptcy law. Effective October 17, 2005, Chapter 261, Oregon Laws 2005 (HB 2017) amends ORS 803.100 and 803.136. The amendments extend the period for submission of the paperwork necessary to perfect a security interest on a newly purchased vehicle from 20 days to 30 days. Under current law, an application for a security interest including evidence of ownership, or a transitional ownership document, as described in ORS 803.130, must be submitted within 20 days of the date the vehicle is sold or the security interest is created in order to protect the security interest in a bankruptcy action. Effective October 17, 2005, the federal Bankruptcy Abuse Prevention & Consumer Protection Act of 2005, Public Law 109-8, extends this period from 20 days to 30 days. HB 2017 amends ORS 803.100 and 803.136 to make Oregon law consistent with federal law. The amendment to the rule simply changes "20 days" to "30 days" in section 2.

Rules Coordinator: Brenda Trump—(503) 945-5278

735-020-0015

Transitional Ownership Document — Limited Ownership Document

(1) "Transitional ownership document" (TOD) as used in OAR 735-020-0010 through 735-020-0040, is a document that:

(a) Is only valid when in the possession of the Driver and Motor Vehicle Services Division (DMV) of the Department of Transportation, and so long as it has not been returned, rejected or invalidated by DMV;

(b) Is evidence of ownership and is an application for notation of a security interest, as used in ORS 803.097, and subsequently may be invalidated as such;

(c) Is not negotiable; and

(d) Shall not by itself be evidence of a person's ownership or right to title.

(2) As used in this rule and ORS 803.136, 30 days or 90 days means calendar days excluding the actual date of sale or date the security agreement or contract was signed. If the last day of the 30 or 90-day period falls on a Saturday or legal holiday, including Sunday, the TOD will be accepted if received by DMV on the first business day following the Saturday or legal holiday.

(3) The date DMV receives a TOD shall be considered the date requirements for perfection of a security interest were met, unless DMV rejects, returns, or invalidates the TOD.

(4) A TOD must be submitted either on an original DMV Transitional Ownership Document form or on an exact copy of the DMV form that is legible and can be photocopied, microfilmed, electronically scanned or otherwise reproduced by DMV.

(5) A photocopy or facsimile of a TOD may be submitted if it is legible and can be photocopied, microfilmed, electronically scanned or otherwise reproduced by DMV equipment.

(6) The vehicle identification number (VIN) required to be on a TOD must be the same VIN listed on the primary ownership document, unless it has been determined by DMV that the vehicle will be titled using a different VIN.

(7) On the TOD form, any change to the information regarding date of sale/date security agreement or contract signed, the name of each owner of the vehicle, the name and address of each security interest holder and their priority of interest if not holding jointly, the VIN and the name of the person submitting the form for the security interest holder, must be either initialed by the person submitting the form; or explained in a letter signed by the person submitting the form. This is not a requirement for correction of a misspelled name or misspelled address, or correction of a non-sequential portion of the VIN.

(8) No additions, deletions or corrections to the TOD will be accepted after DMV has marked the TOD as received.

(9) If the security interest holder, or person who originally submitted the TOD, wants to change the information on a TOD after DMV has marked the TOD as received, that person may submit a new TOD reflecting the change. If they do this:

(a) The previously submitted TOD shall be invalidated;

(b) The date the subsequent TOD is received, unless that document is also subsequently invalidated, shall be used for determining when requirements for perfection have been met; and

(c) The security interest holder or person who submitted the original TOD must submit a notice withdrawing the TOD, as provided in OAR 735-020-0030.

(10) If a TOD is invalidated, that same form may not be used as a TOD to make a subsequent application for perfection of a security interest.

(11) If DMV is in possession of the primary ownership document the requirement that the primary ownership document be submitted within 90 days from the date of sale, or if no sale, within 90 days of the date the security agreement or contract is signed, shall not be considered to have been met unless:

(a) DMV is provided with information sufficient to locate the primary ownership document; and

(b) DMV is able to connect the TOD and primary ownership document before DMV issues title for the vehicle.

(12) An invalidated TOD shall not be acceptable as either evidence of ownership or application for notation of a security interest.

Stat. Auth.: ORS 184.616, 184.619, 801.402, 802.010, 803.097, Ch. 261, OL 2005

Stats. Implemented: ORS 801.402 & 803.097

Hist.: MV 18-1988, f. & cert. ef. 6-1-88; MV 20-1989, f. & cert. ef. 10-3-89; MV 9-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 11-1996, f. & cert. ef. 12-20-96; DMV 5-2000, f. & cert. ef. 8-10-00; DMV 19-2005, f. 9-19-05, cert. ef. 10-17-05

.....

Adm. Order No.: DMV 20-2005

Filed with Sec. of State: 9-19-2005

Certified to be Effective: 9-19-05

Notice Publication Date: 8-1-05

Rules Adopted: 735-062-0003

ADMINISTRATIVE RULES

Subject: In compliance with the requirements of 49 CFR 383.3(c), ORS 807.020 exempts certain military drivers from the requirement to have an Oregon driver license or permit when the driver operates an official motor vehicle in the course of the person's duties in the Armed Forces. A recent audit of Oregon's commercial driver license program by the Federal Motor Carrier Safety Administration (FMCSA) expressed concern that the term "official motor vehicle" could be misinterpreted if not further defined by administrative rule. This rule defines that term.

Rules Coordinator: Brenda Trump—(503) 945-5278

735-062-0003

Military Exemption from Requirement to Have an Oregon License or Permit

ORS 807.020 exempts certain military drivers from the requirement to have an Oregon driver license or permit when the driver operates an official motor vehicle in the course of the person's duties in the Armed Forces and has an out-of-state or military license or permit. As used in ORS 807.020(2), an "official motor vehicle" includes any motor vehicle operated for military purposes.

Stat. Auth.: ORS 184.616, 184.619, 802.010 Other Auth: 49 CFR § 383.3
Stat. Imp.: ORS 807.020
Hist.: DMV 20-2005, f. & cert. ef. 9-19-05

Adm. Order No.: DMV 21-2005(Temp)

Filed with Sec. of State: 9-19-2005

Certified to be Effective: 10-1-05 thru 3-29-06

Notice Publication Date:

Rules Amended: 735-064-0220

Subject: 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. Convictions received by Oregon drivers in another state or jurisdiction may be sent to DMV using an AAMVAnet Code Dictionary (ACD) code. AAMVA (American Association of Motor Vehicle Administrators) is making changes to the ACD codes effective October 1, 2005. These changes to the ACD codes are part of the implementation of the Motor Carrier Safety Improvement Act of 1999. Seven new ACD codes are added, along with three Oregon convictions to align with new ACD code A41.

Rules Coordinator: Brenda Trump—(503) 945-5278

735-064-0220

Traffic Offenses Used in Habitual Offender, Driver Improvement, CMV Serious Violations and Hardship/Probationary Driver Permit Programs

- (1) A conviction for an offense listed in this rule counts toward:
 - (a) The Habitual Offender Program pursuant to ORS 809.600(2);
 - (b) The Provisional and Adult Driver Improvement Programs outlined in Oregon Administrative Rule chapter 735, division 72;
 - (c) Motor vehicle traffic control violations connected to a fatal accident as defined in ORS 801.477(9) that can lead to a suspension of commercial motor vehicle driving privileges;
 - (d) Revocation of a probationary driver permit pursuant to ORS 807.270(7); and
 - (e) Revocation of a hardship permit pursuant to OAR 735-064-0100 and 735-064-0110.
- (2) This section lists the offenses and the statutory citations for Oregon offenses used in the programs identified in section (1) of this rule: [Table not included. See ED. NOTE.]
- (3) The following offenses are a result of laws passed by the 2003 Legislature and become effective January 1, 2004: [Table not included. See ED. NOTE.]
- (4) Offenses from other states may be posted to driver records using an AAMVAnet Code Dictionary (ACD) code. This section identifies the code that appears on the driver record, a description of the offense and the

ORS reference covering an equivalent offense(s) for Oregon: [Table not included. See ED. NOTE.]

[ED. NOTE: Tables referenced are available from the agency.]
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
Hist.: MV 17-1986, f. & ef. 10-1-86; MV 33-1987, f. & ef. 11-2-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0180; MV 32-1989, f. & cert. ef. 10-3-89; MV 7-1990, f. & cert. ef. 5-16-90; MV 18-1991, f. 9-18-91, cert. ef. 9-29-91; MV 26-1991, f. & cert. ef. 11-18-91; DMV 8-1995, f. & cert. ef. 6-19-95; DMV 5-1997, f. & cert. ef. 2-20-97; DMV 8-1998, f. & cert. ef. 6-19-98; DMV 27-2001(Temp), f. 12-14-01, cert. ef. 1-1-02 thru 6-29-02; DMV 11-2002, f. 6-24-02, cert. ef. 6-30-02; DMV 33-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 4-2004, f. & cert. ef. 2-23-04; DMV 21-2005(Temp), f. 9-19-05, cert. ef. 10-1-05 thru 3-29-06

Department of Transportation, Highway Division Chapter 734

Adm. Order No.: HWD 7-2005

Filed with Sec. of State: 9-16-2005

Certified to be Effective: 9-16-05

Notice Publication Date: 8-1-05

Rules Amended: 734-017-0005, 734-017-0010, 734-017-0012, 734-017-0020

Subject: These rules establish the requirements for use of chains and traction tires. The amendments clarify the chain requirement for RVs and other medium duty vehicles (vehicles with a gross vehicle weight rating of more than 10,000 pounds but less than 26,000 pounds); correct inconsistencies between the rule and the referenced Exhibit 1, "Minimum Chains Required"; exempt certain utility company vehicles when providing emergency response to restore service; and clarify the effect of Division 17 rules on motorcycles.

Rules Coordinator: Brenda Trump—(503) 945-5278

734-017-0005

Definitions

- (1) As used in OAR 734-017-0005 through 734-017-0025, the following definitions apply:
 - (a) "Traction Tire":
 - (A) Tires with studs allowed under ORS 815.165;
 - (B) Tires marked as mud and snow or all-season radial tires when used on vehicles exempt under ORS 815.145(4); and
 - (C) Tires identified by the Rubber Manufacturers Association as meeting tests indicating the tire provides greater traction than mud and snow tires under winter driving conditions.
 - (b) "Chains" — Link chains, cable chains or another device that attaches to the wheel, vehicle or outside of the tire that is specifically designed to augment the traction of a vehicle under ice or snow conditions.
- (2) As used in ORS 815.165(10), "motor vehicles used for regularly scheduled medical transport services" means a vehicle used for regularly scheduled, point-to-point transportation for medical purposes and is not a vehicle described by either of the following:
 - (a) A vehicle regulated by a political subdivision under ORS 221.485.
 - (b) A vehicle, commonly known as a private passenger car or private passenger van, that is used by the owner of the vehicle or a relative of the owner of the vehicle for personal transportation for medical purposes.
Stat. Auth.: ORS 184.616, 184.619 & 815.045
Stats. Implemented: ORS 815.045, 815.140 & 815.165
Hist: 2 HD 15-1981, f. & ef. 11-20-81; HWY 4-1995, f. & cert. ef. 10-17-95; HWY 10-1997(Temp), f. 10-21-97, cert. ef. 11-1-97; TO 8-1998, f. & cert. ef. 9-14-98; HWD 1-2004, f. & cert. ef. 1-20-04; HWD 7-2005, f. & cert. ef. 9-16-05

734-017-0010

Minimum Chains Required

When signs are posted in accordance with Division 17 rules requiring chains on all or certain classes of vehicles, chains shall be placed as described in this rule. **Exhibit 1**, Minimum Chains Required, is illustrative of chain placement.

- (1) Light duty vehicles — vehicles with a gross vehicle weight rating of 10,000 pounds or less, such as a passenger car or light truck, shall have chains on one tire on each side of the primary drive axle. Chains shall also be placed on a vehicle or trailer being towed as described in section (3) of this rule. Traction tires may be used in place of chains when the vehicle is not towing or being towed.
- (2) Medium duty vehicles — vehicles with a gross vehicle weight rating of more than 10,000 pounds but less than 26,001 pounds such as buses, recreational vehicles, and cargo vehicles:

ADMINISTRATIVE RULES

(a) A single-drive axle medium duty vehicle shall have chains on one tire on each side of the drive axle;

(b) A tandem-drive axle medium duty vehicle shall have chains on:

(A) Two tires on each side of the primary drive axle; or

(B) If both axles are powered by the drive line, one tire on each side of each drive axle; and

(c) A tandem-drive axle medium duty vehicle configured with one single-wheel axle and one dual-wheel axle shall have chains on one tire on each side of the dual-wheel axle. Chains shall also be placed on a vehicle or trailer being towed as described in section (3) of this rule.

(3) A vehicle or trailer towed by a light or medium duty vehicle described in sections (1) or (2) of this rule shall have chains on one tire on each side of one axle if the tow item is equipped with a brake.

(4) Solo commercial vehicles — vehicles with a gross vehicle weight rating of 26,001 pounds or more that are not towing:

(a) A single-drive axle solo commercial vehicle shall have chains on one tire on each side of the drive axle; and

(b) A tandem-drive axle solo commercial vehicle shall have chains on:

(A) Two tires on each side of the primary drive axle; or

(B) If both axles are powered by the drive line, on one tire on each side of each drive axle.

(5) Commercial vehicles with trailers — vehicles with a gross vehicle weight rating of 26,001 pounds or more that are towing one or more trailers:

(a) A single-drive axle commercial vehicle towing a trailer shall have chains on two tires on each side of the drive axle and one tire on the front axle and one tire on one of the rear axles of the trailer;

(b) A single-drive axle commercial vehicle towing a semitrailer shall have chains on two tires on each side of the drive axle and two tires, one on each side, of any axle of the semitrailer;

(c) A single-drive axle commercial vehicle towing both a semitrailer and a trailer shall have chains on two tires on each side of the drive axle, two tires, one on each side, of any axle of the semitrailer, and one tire on the front axle and one tire on one of the rear axles of the trailer;

(d) A tandem-drive axle commercial vehicle towing a trailer shall have chains on two tires on each side of the primary drive axle, or if both axles of the vehicle are powered by the drive line, one tire on each side of each drive axle. Chains shall also be placed on one tire of the front axle and one tire on one of the rear axles of the trailer;

(e) A tandem-drive axle commercial vehicle towing a semitrailer shall have chains on two tires on each side of the primary drive axle; or if both axles of the vehicle are powered by the drive line, one tire on each side of each drive axle. Chains shall also be placed on two tires, one on each side, of any axle of the semitrailer;

(f) A tandem-drive axle commercial vehicle towing both a semitrailer and a trailer shall have chains on two tires on each side of the primary drive axle or if both axles of the vehicle are powered by the drive line, one tire on each side of each drive axle. Chains shall also be placed on two tires, one on each side of any axle on the semitrailer and one tire on the front axle and one tire on one of the rear axles of the trailer; and

(g) A tandem-drive axle commercial vehicle towing a semitrailer and a semitrailer that are connected by kingpin-to-fifth wheel assemblies, commonly referred to as a “B-Train,” or connected by kingpin-to-fifth wheel “C-dolly” assemblies, commonly referred to as a “C-Train”, shall have chains on two tires on each side of the primary drive axle; or if both axles of the vehicle are powered by the drive line, one tire on each side of each drive axle. Chains shall also be placed on two tires, one on each side, of any axle of the semitrailer at the B-train or C-train connection, and on two tires, one on each side, of any axle of the rear semitrailer.

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

Stat. Auth.: ORS 184.616, 184.619 & 815.045

Stats. Implemented: ORS 815.045 & 815.140

Hist.: 2 HD 15-1981, f. & ef. 11-20-81; HWY 4-1995, f. & cert. ef. 10-17-95; HWY 1-1996(Temp), f. & cert. ef. 2-14-96; HWY 5-1996, f. & cert. ef. 10-10-96; HWY 1-1997, f. & cert. ef. 2-24-97; HWY 10-1997(Temp), f. 10-21-97, cert. ef. 11-1-97; TO 8-1998, f. & cert. ef. 9-14-98; HWD 7-2005, f. & cert. ef. 9-16-05

734-017-0012

Requirement to Carry Chains or Traction Tires

When chains or traction tires are required to be carried and the appropriate signs are posted, chains or traction tires of sufficient size and number to comply with Division 17 rules must be in or on the vehicle.

Stat. Auth.: ORS 184.616, 184.619 & 815.045

Stats. Implemented: ORS 815.045 & 815.140

Hist.: TO 8-1998, f. & cert. ef. 9-14-98; HWD 7-2005, f. & cert. ef. 9-16-05

734-017-0020

Vehicles Exempt

In addition to the vehicles described in ORS 815.145, the following vehicles are completely or partially exempt from the provisions of ORS 815.140 and Division 17 rules:

(1) Vehicles operated by the Department of Transportation and used in the maintenance of State Highways are exempt from the provisions of ORS 815.140 and Division 17 rules.

(2) Vehicles operated by a utility company, such as water, power, or heat, when providing emergency response services are exempt from the provisions of ORS 815.140 and Division 17 rules.

(3) Buses that are not towing or being towed, are exempt from the requirement to use chains when chains are required on vehicles over 10,000 GVW if modifications to make the bus fully accessible to passengers with disabilities is the sole reason for the vehicle being rated over 10,000 GVW.

(4) Motorcycles are exempt from the requirement to carry chains or traction tires and may not travel when signs are posted in accordance with Division 17 rules requiring chains or traction tires on all or certain classes of vehicles.

Stat. Auth.: ORS 184.616, 184.619 & 815.045

Stats. Implemented: ORS 815.045 & 815.145

Hist.: 2 HD 15-1981, f. & ef. 11-20-81; HWY 4-1995, f. & cert. ef. 10-17-95; HWY 10-1997(Temp), f. 10-21-97, cert. ef. 11-1-97; TO 8-1998, f. & cert. ef. 9-14-98; HWD 7-2005, f. & cert. ef. 9-16-05

Adm. Order No.: HWD 8-2005

Filed with Sec. of State: 9-16-2005

Certified to be Effective: 9-16-05

Notice Publication Date: 8-1-05

Rules Amended: 734-051-0040, 734-051-0115, 734-051-0500, 734-051-0510, 734-051-0520, 734-051-0530, 734-051-0540, 734-051-0560

Subject: OAR 734-051-0115: The amendments change the spacing standards in Tables 2, 3 and 4 adopted by reference in OAR 734-051-0115(2). This change combines two categories, Urban/Other and Urban/UBA (Urban Business Area), into one category called Urban. The access spacing standards specified for the new Urban category are the same as those currently listed under the Urban/Other category, except for speeds less than 35 mph. For these lower speeds, the new Urban category uses the spacing standards currently listed under the Urban/UBA category. This change implements amendments to the 1999 Oregon Highway Plan, which were adopted by the Oregon Transportation Commission at its August meeting. Amendments also move a part of the existing definition of “Urban” in 734-051-0040(66) to 734-051-0115(2). This change does not establish new authority for the Regional Access Management Engineers, but simply relocates the language defining existing authority to a more appropriate section of the rule.

The definitions in OAR 734-051-0040(4) of *Access Management Plan* and OAR 734-051-0040(34) of *Interchange Area Management Plan* are amended to clarify that these are planning documents and are not highway projects. The definitions of OAR 734-051-0040(66) ‘Urban,’ OAR 734-051-0040(31) ‘Infill’ and OAR 734-051-0040(52) ‘Redevelopment’ are also amended to clarify the process for permitting approaches in rural areas that have certain urban characteristics.

OAR 734-051-0500 through 0540 and 0560: The amendments to these rules are made to correct a clerical error. OAR 734-051-0400 was renumbered to 734-051-0355 in a previous rule change adopted March 1, 2004. The amendments correct the references.

Rules Coordinator: Brenda Trump—(503) 945-5278

734-051-0040

Definitions

The following definitions apply to division 51 rules:

(1) “1999 Oregon Highway Plan” means the 1999 Oregon Highway Plan and all amendments approved by the Commission as of the adoption of this rule.

(2) “Access Control” means no right of access exists between a property abutting the highway and the highway. The right of access may have been acquired by the Department or eliminated by law.

ADMINISTRATIVE RULES

(3) "Access Management Strategy" means a project delivery strategy that identifies the location and type of approaches and other necessary improvements to the highway and that is intended to improve current conditions of the section of highway by moving in the direction of the access management spacing standards.

(4) "Access Management Plan" means a plan for a designated section of highway that identifies the location and type of approaches and necessary improvements to the state highway or local roads and that is intended to improve current conditions of the section of highway by moving in the direction of the access management spacing standards. An Access Management Plan for an Interchange means an access management plan developed to manage the influence area of an interchange. Both the Department and the appropriate local jurisdiction must adopt the Access Management Plan, and the plan should be included in a Transportation System Plan. A plan document may be developed independent of or in conjunction with a specific roadway project. A plan document is not a roadway project in and of itself.

(5) "Access Mitigation Proposal" means a proposal offered by an applicant that identifies the location and type of approaches and necessary improvements to the highway and that is intended to improve current conditions of the section of highway by moving in the direction of the access management spacing standards by combining or removing approaches resulting in a net reduction of approaches to that section of highway. An Access Mitigation Proposal must be approved by the Department, agreed to by all affected property owners, and real property interests must be recorded.

(6) "Alternate Access" means the physical existence of other means to access a property than the proposed approach, such as an existing public right of way, another location on the subject state highway, an easement across adjoining property, a different highway, a service road, or an alley, including singularly or as a joint approach, but without a conclusive determination that the alternate access is "reasonable" as defined in section (51) of this rule.

(7) "Appealable decision" means a decision by the Department that may be appealed through a Region Review as set forth in OAR 734-051-0345 or a Contested Case Hearing as set forth in OAR 734-051-0355. An appealable decision includes a decision to deny an application or to deny a deviation or approval of an application with mitigation measures.

(8) "Applicant" means a person, firm or corporation, or other legal entity that applies for an approach or deviation including an owner or lessee, or an option holder of a property abutting the highway, or their designated agent.

(9) "Application" means a completed form Application for State Highway Approach including any required documentation and attachments necessary for the Department to determine if the application can be deemed complete.

(10) "Approach" means a legally constructed, approach road or private road crossing, recognized by the Department as grandfathered or existing under a valid Permit to Operate.

(11) "Approach road" means a legally constructed, public or private connection, providing vehicular access to and/or from a highway and an adjoining property.

(12) "Classification of highways" means the Department's state highway classifications defined in the 1999 Oregon Highway Plan.

(13) "Commission" means the Oregon Transportation Commission.

(14) "Construction Permit" means a Permit to Construct a State Highway Approach including all attachments, required signatures, and conditions and terms.

(15) "Crash history" means at least the three most recent years of crash data recorded by the Department's Crash Analysis and Reporting Unit.

(16) "Day" means calendar day, unless specifically stated otherwise.

(17) "Deemed complete" means an application and all required supplemental documentation necessary for the Department to review and assess the application and determine if a Construction Permit or a Permit to Operate may be issued.

(18) "Department" or "ODOT" means the Oregon Department of Transportation.

(19) "Deviation" means a departure from the access management spacing standards.

(20) "Division 51" means Oregon Administrative Rules (OAR) 734-051-0010 through 734-051-0560 and Tables 1, 2, 3, 4, 5, 6, 7 and 8 adopted and made a part of division 51 rules and Figures 1, 2, 3 and 4 adopted and made a part of division 51 rules.

(21) "Double-Frontage Property" means a property with a right of access to more than one state highway.

(22) "Executive Deputy Director" means the Executive Deputy Director for Highway Division of the Oregon Department of Transportation.

(23) "Expressway" means a segment of highway defined in the 1999 Oregon Highway Plan and classified by the Oregon Transportation Commission.

(24) "Fair Market Value" means the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would be sold by a knowledgeable owner willing but not obligated to sell to a knowledgeable purchaser who desired but is not obligated to buy.

(25) "Freeway or Expressway ramp" means all types, arrangements, and sizes of turning roadways for right or left turning vehicles that connect two or more legs at an interchange and the components of a ramp area terminal at each leg and a connection road, usually with some curvature and on a grade.

(26) "Grandfathered approach" means a legally constructed approach existing prior to 1949. A property owner has the burden to prove an approach is grandfathered based upon existence prior to 1949. For purposes of this Division, grandfathered approaches also include approaches presumed in compliance as set forth in OAR 734-051-0285(1), and approaches intended to remain open that were improved in conjunction with a Department project prior to the effective date of this Division, April 1, 2000, as set forth in OAR 734-051-0285(9).

(27) "Grant of Access" means the conveyance or evidence of the conveyance from the Department of a specific right of access at a location where an abutting property currently does not have that specific right of access.

(28) "Highway mobility standards" mean the established standards for maintaining mobility as defined in the 1999 Oregon Highway Plan.

(29) "Highway segment designations" mean the four categories of designations, Special Transportation Area, Commercial Centers, Urban Business Areas, and Urban, defined in the 1999 Oregon Highway Plan.

(30) "Indenture of Access" means a deeded conveyance that changes the location, width, or use restrictions of an existing reservation of access.

(31) "Infill" means development of vacant or remnant land passed over by previous development and that is consistent with zoning. Infill occurs in urban areas. It may also occur in rural areas on commercial or industrial zoned land where the land has been developed into an urban block pattern including a local street network, and the posted highway speed is at or below 45 miles per hour.

(32) "Influence area of an interchange" means the area 1320 feet from an interchange ramp terminal measured on the crossroad away from the mainline.

(33) "Interchange" means a system of interconnecting roadways in conjunction with one or more grade separations that provides for the movement of traffic between two or more roadways or highways on different levels.

(34) "Interchange Area Management Plan" means a plan similar to an Access Management Plan or an Access Management Plan for an Interchange developed to plan for and manage grade-separated interchange areas to ensure safe and efficient operation between connecting roadways and to protect the functional integrity, operations, and safety of the influence area of an interchange. Interchange Area Management Plans typically include analysis of the relationships between existing local land uses, zoning and long range plans and the state and local roadway network within a designated study area around an existing or planned interchange, and identify necessary improvements to approach roads and the local street network to support the long-term safety and efficiency of the interchange. An Interchange Area Management Plan is a document that may be developed independent of or in conjunction with a specific roadway interchange project. A plan document is not a roadway project in and of itself.

(35) "Intersection" means an area where two or more highways or an approach and a highway join or cross at grade.

(36) "Land Use Action" means an action by a local government or special district concerning the adoption, amendment or application of the statewide planning goals, a comprehensive plan provision, or a land use regulation including zoning or subdivision ordinance.

(37) "Median" means the portion of the roadway separating opposing traffic streams.

(38) "Mitigation Measures" mean conditions, improvements, modifications, and restrictions set forth in OAR 734-051-0145 and required by the Department or initiated by an applicant for approval of a deviation or an application.

ADMINISTRATIVE RULES

(39) "Move in the direction of" means that changes in the approach(es) to a property abutting the highway would bring a site closer to conformance with existing highway standards including where existing approaches to the highway or expressway are combined or eliminated resulting in a net reduction in the number of approaches to the highway or expressway, improvements in spacing of private approaches or public approaches, or improvements to intersection sight distance.

(40) "Peak hour" means the highest one-hour volume observed on an urban roadway during a typical or average week or the 30th highest hourly traffic volume on a rural roadway typically observed during a year.

(41) "Permit to Construct" means a Permit to Construct a State Highway Approach including all attachments, required signatures, conditions and terms, and performance bonds or insurance.

(42) "Permit to Operate" means a Permit to Operate, Maintain and Use a State Highway Approach including all required signatures and attachments, and conditions and terms.

(43) "Permitee" means a person, firm or corporation, or other entity holding a valid Permit to Operate including the owner or lessee of the property abutting the highway or their designated agent.

(44) "Permitted approach" means a legally constructed approach existing under a valid Permit to Operate.

(45) "Planned" means not currently existing but anticipated for the future when referring to items such as a roadway or utility connection shown in a Corridor Plan, or Comprehensive Plan, or Transportation System Plan.

(46) "Private approach" means an approach serving one or more properties and is not a public approach as defined in section (50) of this rule.

(47) "Private road crossing" means a legally constructed, privately owned road designed for use by trucks which are prohibited by law from using state highways, county roads, or other public highways.

(48) "Professional Engineer" means a person registered and holding a valid certificate to practice engineering in the State of Oregon, as provided in ORS 672.002 through 672.325, with expertise in traffic engineering, as provided in OAR 820-040-0030.

(49) "Project Delivery" means the allocation of resources to plan and construct new highways or modify and improve existing highways.

(50) "Public approach" means an approach serving multiple properties, owned and operated by a public entity, and providing connectivity to the local road system.

(51) "Reasonable Access" means the ability to access a property in a manner that meets the criteria under ORS 374.310(3).

(52) "Redevelopment" means the act or process of changing existing development including replacement, remodeling, or reuse of existing structures to accommodate new development that is consistent with current zoning. Redevelopment occurs in urban areas. It may also occur in rural areas on commercial or industrial zoned land where the land has been developed into an urban block pattern including a local street network, and the posted highway speed is at or below 45 miles per hour.

(53) "Region Access Management Engineer" means a professional engineer employed by the Department who by training and experience has comprehensive knowledge of the Department's access management rules, policies, and procedures, or as specified in an Intergovernmental Agreement delegating permitting authority as set forth in OAR 734-051-0035(3).

(54) "Region Manager" means the person in charge of one of the Department's Transportation Regions or designated representative.

(55) "Reservation of Access" means a limitation of a common law right of access to a specific location where the Department has acquired access control subject to restrictions that are designated in a deed. A reservation of access may include a use restriction limiting the right of access to a specified use or restriction against a specified use. A use restriction included in a reservation of access does not restrict turning movements nor does the absence of a use restriction allow unrestricted turning movements. A reservation of access affords the right to apply for an approach but does not guarantee approval of an Application for State Highway Approach or the location of an approach.

(56) "Restricted Use Approach" means an approach that is intended to provide vehicular access for a specific use and for a limited volume of traffic. Such uses are determined by the Department and may include emergency services, government, and utility uses. A mitigation required as a part of approach permit approval or a condition on a construction permit does not by itself create a "restricted use approach."

(57) "Right of access" means the right of ingress and egress to the roadway and includes a common law right of access, reservation of access, or grant of access.

(58) "Right of way" means real property or an interest in real property owned by the Department as defined in the 1999 Oregon Highway Plan.

(59) "Rural" means the area outside the urban growth boundary, the area outside a Special Transportation Area in an unincorporated community, or the area outside an Urban Unincorporated Community defined in OAR 660-022-0010(9).

(60) "Safety factors" include the factors identified in OAR 734-051-0080(9).

(61) "Signature" means the signature of the specific individual or an authorized officer of the corporation or partnership and must include the name of the corporation or partnership licensed as set forth in ORS 60.111, and which maintains a registered agent and registered office in this state.

(62) "Spacing Standards" mean Access Management Spacing Standards as set forth in OAR 734-051-0115 and specified in Tables 2, 3, and 4, adopted and made a part of division 51 rules and Access Management Spacing Standards for Approaches in an Interchange Area as set forth in OAR 734-051-0125 and specified in Tables 5, 6, 7, and 8 and Figures 1, 2, 3, and 4, adopted and made a part of division 51 rules.

(63) "Temporary approach" means an approach that is constructed, maintained, and operated for a specified period of time not exceeding two years, and removed at the end of that period of time.

(64) "Traffic Impact Study" means a report prepared by a professional engineer that analyzes existing and future roadway conditions resulting from the applicant's development.

(65) "Trip" means a one-way vehicular movement. A vehicle entering a property and later exiting that property has made two trips.

(66) "Urban" means the area within the urban growth boundary, within a Special Transportation Area of an unincorporated community, or within an Urban Unincorporated Community defined in OAR 660-022-0010(9).

(67) "Vehicle trips per day" means the total of all one-direction vehicle movements with either the origin or destination inside the study site that includes existing, primary, pass by, and diverted linked trips and is calculated in accordance with the procedures contained in the Institute of Traffic Engineers' Trip Generation Report. Adjustments to the standard Institute of Traffic Engineers' rates for mode split may be allowed if calculated in accordance with Transportation Planning Rule and the Institute of Traffic Engineers' Trip Generation Report procedures. Adjustments to the standard Institute of Traffic Engineer's rates for multi-use internal site trips may be allowed if calculated in accordance with the Institute of Traffic Engineers' procedures and if the internal trips do not add vehicle movements to the approaches to the highway.

(68) "Vehicular Access" means access by motorized vehicles to a property from a street, roadway, highway, easement, service road, or alley including singular or joint access.

(69) "Work Day" means Monday through Friday and excludes holidays.

Stat. Auth.: ORS 184.616, 184.619, 374.310, 374.312 & 374.345, 374.313

Stats. Implemented: ORS 374.305 - 374.345 & 374.990

Hist.: 1 OTC 43, f. 11-26-74, ef. 12-1-74; 1 OTC 20-1980, f. & ef. 10-22-80; TO 4-2000, f. 2-14-00, cert. ef. 4-1-00; Renumbered from 734-050-0010; HWD 2-2004, f. 2-18-04, cert. ef. 3-1-04; HWD 8-2005, f. & cert. ef. 9-16-05

734-051-0115

Access Management Spacing Standards for Approaches

(1) Access management spacing standards for approaches to state highways:

(a) Are based on the classification of the highway and highway segment designation, type of area, and posted speed;

(b) Apply to properties abutting state highways, highway or interchange construction and modernization projects, and planning processes involving state highways or other projects determined by the Region Manager; and

(c) Do not apply to approaches in existence prior to April 1, 2000 except where any of the following occur:

(A) These standards will apply to private approaches at the time of a change of use.

(B) If infill development or redevelopment occurs, spacing and safety factors will improve by moving in the direction of the access management spacing standards, with the goal of meeting or improving compliance with the access management spacing standards.

(C) For a highway or interchange construction or modernization project or other roadway or interchange project determined by the Region Manager, the project will improve spacing and safety factors by moving in the direction of the access management spacing standards, with the goal of

ADMINISTRATIVE RULES

meeting or improving compliance with the access management spacing standards.

(2) Spacing standards in Tables 2, 3, and 4, adopted and made a part of this rule, identify the spacing standards. The Region Access Management Engineer may apply the 'urban' standards to infill or redevelopment projects in a rural area on commercial or industrial zoned land where the land has been developed into an urban block pattern including a local street network, and the posted highway speed is at or below 45 miles per hour.

(3) An applicant may provide evidence to support a determination that an approach is located in a commercially zoned area that has the characteristics established in the Oregon Highway Plan for a Special Transportation Area (STA) or for an Urban Business Area (UBA), in which case the spacing standards for such segment designation may be applied to the application. A decision by local government or by the Oregon Transportation Commission to either designate or not designate an STA and/or UBA makes this provision unavailable. This provision may not be applied where a management plan would be required for an STA or a UBA under the provisions of the Oregon Highway Plan

(4) Deviations must meet the criteria in OAR 734-051-0135.

(5) Location of traffic signals on state highways must meet the criteria of OAR 734-020-0400 through 734-020-0500.

Stat. Auth.: ORS 184.616, 184.619, 374.310, 374.312 & 374.345, 374.313

Stats. Implemented: ORS 374.305 - 374.345 & 374.990

Hist.: TO 4-2000, f. 2-14-00, cert. ef. 4-1-00; HWD 2-2004, f. 2-18-04 cert. ef. 3-1-04, Renumbered from 734-051-0190; HWD 8-2005, f. & cert. ef. 9-16-05

734-051-0500

Authority and Purpose of OAR 734-051-0500 through 734-051-0560

(1) Pursuant to ORS 374.313, a person holding an interest in real property, which is or would be served by an approach may appeal the closure or denial of the approach under OAR 734-051-0355 by filing a claim for relief when:

(a) The Department closes an approach for which a permit was issued under ORS 374.310 or denies an application for an approach at the location of a grant or reservation of access; and

(b) Such closure or denial is not the result of conditions contained in a contract, condemnation judgment, recorded deed or permit.

(2) The Department may offer remedies upon such closure or denial.

(3) OARS 734-051-0500 through 734-051-0560:

(a) Establish administrative remedies to address issues related to real property, value, utility and use; and

(b) Provide a simplified procedure for resolving the claim.

Stat. Auth.: ORS 184.616, 184.619, 374.313 & 374.345

Stats. Implemented: ORS 374.310, 374.313 & 374.345

Hist.: TO 7-2000, f. & cert. ef. 7-14-00; HWD 8-2005, f. & cert. ef. 9-16-05

734-051-0510

Definitions

The following definitions apply to OAR 734-051-0500 through 734-051-0560:

(1) "Claim for relief," means an appeal of the denial of an approach application or the closure of an existing permitted approach under OAR 734-051-0355.

(2) "Person holding an interest in real property," means the owner of the title to real property or the contract purchaser of such real property, or record as shown on the last available complete tax assessment roll.

(3) "Administrative remedy," "appropriate remedy" or "remedy" mean the monetary or non-monetary benefits to a property that would address issues related to real property value, utility or uses, which include the equivalent value of:

(a) Actual physical reconnection of an approach to the highway or some other public facility;

(b) Construction of public roads or other public facilities, including frontage or utility roads, city streets, alleys or county roads;

(c) Improvements or modifications to the real property served or intended to be served by the approach, including paving of parking, restriping of lanes or parking, relocation of other traffic barriers and other items that directly address the impact to the property of the closure or denial; and

(d) Improvements or modifications to highways or other public facilities, including medians or other traffic channelization, signing or signal installation.

(4) Remedies will include any benefits derived by the property by virtue of highway improvements and highway modifications, whether or not related to the specific closure.

(5) Remedies will be limited to those necessary to serve existing uses or other uses reasonably allowed given the existing zoning of the property and other factors, including physical or geographic constraints.

(6) Remedies do not include:

(a) Reimbursement for attorney fees;

(b) Relocation expenses;

(c) Lost profits;

(d) Lost opportunities; or

(e) Costs not specifically related to value, utility or use of the property itself.

(7) Offers of remedies are totally discretionary on the part of the Department and are not subject to a contested case appeal.

Stat. Auth.: ORS 184.616, 184.619, 374.313 & 374.345

Stats. Implemented: ORS 374.310, 374.313 & 374.345

Hist.: TO 7-2000, f. & cert. ef. 7-14-00; HWD 8-2005, f. & cert. ef. 9-16-05

734-051-0520

Offer of Remedies

(1) The Department shall make a determination of whether closure of the approach or denial of an application would create issues related to real property value, utility and use, and what remedies would address those issues.

(2) The Department will provide a written statement of such remedies, if any, within 30 days of the denial of the application or notice of intent to close a permitted approach.

(3) If such remedies are acceptable to the property owner, and there is written acceptance:

(a) The property owner shall not be entitled to any other remedies for such closure or denial; and

(b) Any appeal under OAR 734-051-0355 shall be dismissed and any request for a Region Review or Collaborative Discussion pursuant to OAR 734-051-0345 shall be withdrawn.

Stat. Auth.: ORS 184.616, 184.619, 374.313 & 374.345

Stats. Implemented: ORS 374.310, 374.313 & 374.345

Hist.: TO 7-2000, f. & cert. ef. 7-14-00; HWD 8-2005, f. & cert. ef. 9-16-05

734-051-0530

Procedure for Resolving Claims

(1) Parties may agree to participate in mediation consistent with the applicable provisions of ORS 36.180 to 36.210 at any time during the process of determining the appropriate remedies, but prior to the final order in any contested case under OAR 734-051-0355.

(2) During mediation the parties may discuss any appropriate remedies in reaching agreement. Such mediation may also occur during the collaborative discussion phase of the review procedure for the denial or closure. (See OAR 734-051-0390).

(3) The property owner and the Department also may enter into an agreement to collaborate if the Department determines that the difference between the remedies offered and remedies claimed by the property owner is less than \$30,000.

(a) The agreement to collaborate may provide for a mutually chosen mediator as defined in ORS 36.185 to 36.210 to review the information made available to each party as of that time and other information mutually agreed to by the parties.

(b) The value of the remedies offered and claimed will include a dollar value assigned by the Department to any non-monetary remedies. Such review will result in a recommendation of remedies, subject to the condition that such remedies are neither less than the lower nor more than the greater of the offer and claim, in terms of assigned monetary value.

(c) The remedies recommended by the third party will be presented to the Director or the Director's designee. The Director or designee shall take this recommendation into consideration in making subsequent offers of remedies.

Stat. Auth.: ORS 184.616, 184.619, 374.313 & 374.345

Stats. Implemented: ORS 374.310, 374.313 & 374.345

Hist.: TO 7-2000, f. & cert. ef. 7-14-00; HWD 8-2005, f. & cert. ef. 9-16-05

734-051-0540

Appraisals

(1) Either the Department or the property owner, at their own cost, may at any time before or during the appeal of the closure or denial under OAR 734-051-0355 have an appraisal performed to assist in determining the remedies that would address the real property value, utility or use:

(a) Each party shall notify the other party of such appraisal in a timely manner; and

(b) There shall be full disclosure and sharing between the parties of any appraisal and appraisal information without the necessity of formal requests or discovery.

ADMINISTRATIVE RULES

(2) A qualified review appraiser must review all appraisals to ensure conformance with federal and state eminent domain and access laws:

(a) The reviewer may be selected by the Department or selected jointly by way of mutual agreement of both the Department and the property owner; and

(b) The same review appraiser must review all appraisals for one effected property to ensure consistency.

(3) The Department and property owner may agree to mutually select one appraiser, share the appraisal costs and submit agreed to instructions to the appraiser:

(a) An appraisal from an appraiser selected under this section, after review as set forth in section (2) of this rule, will be presented to the Director or the Director's designee; and

(b) The Director or designee shall take the information in the appraisal into consideration in making subsequent offers of remedies.

Stat. Auth.: ORS 184.616, 184.619, 374.313 & 374.345

Stats. Implemented: ORS 374.310, ORS 374.313 & 374.345

Hist.: TO 7-2000, f. & cert. ef. 7-14-00; HWD 8-2005, f. & cert. ef. 9-16-05

734-051-0560

Delegation

(1) For OAR 734-051-0500 through 734-051-0560, the Director delegates authority to the Right of Way Manager or the Manager's designee to:

(a) Determine the Department's offer of remedies, and

(b) Agree to any settlement which includes providing administrative remedies.

(2) The actions in section (1) of this rule must occur prior to the final order in a contested case conducted under OAR 734-051-0355.

Stat. Auth.: ORS 184.616, 184.619, 374.313 & 374.345

Stats. Implemented: ORS 374.310, 374.313 & 374.345

Hist.: TO 7-2000, f. & cert. ef. 7-14-00; HWD 8-2005, f. & cert. ef. 9-16-05

Adm. Order No.: HWD 9-2005

Filed with Sec. of State: 9-16-2005

Certified to be Effective: 9-16-05

Notice Publication Date: 8-1-05

Rules Amended: 734-082-0030

Rules Repealed: 734-082-0030(T)

Subject: OAR 734-082-0030 addresses allowable rear overhang for loads on combinations of vehicles in operation without a variance permit. The amendment allows the Administrator of the Motor Carrier Transportation Division to determine when a load with rear overhang that exceeds the current limits in OAR 734-082-0030 may be approved to operate over Oregon highways. Approval will be granted if the Administrator determines the movement is in the public interest and can be done safely. This permanent amendment replaces a temporary amendment that has been effective since June 1, 2005.

Rules Coordinator: Brenda Trump—(503) 945-5278

734-082-0030

Overhang

(1) Permits are required for excessive front and/or rear overhang as follows:

(a) Front overhang: When any load, including crane booms, log grapples, conveyors, cement chutes, loading buckets, etc., extends more than four feet beyond the front bumper or foremost part of the vehicle or combination of vehicles;

(b) Rear overhang — Solo vehicle: Single trip or continuous trip If the rear overhang exceeds 3/4 of the wheelbase of the vehicle. A permit may be issued allowing a maximum rear overhang equal to the wheelbase of the vehicle provided front overhang does not exceed four feet;

(c) Rear overhang — Combination of vehicles. If rear overhang exceeds 1/3 of the wheelbase of the combination of vehicles, a single trip permit may be issued for a rear overhang not to exceed 1/2 of the wheelbase of the combination of vehicles, except that:

(A) Continuous trip permits for truck-tractor with semitrailer combinations may be issued for rear overhang not to exceed 1/2 of the wheelbase of the combination of vehicles for designated routes when a permit is issued for load length not in excess of 70 feet and overall length is not in excess of 80 feet, and when movement is on routes approved for these permits by the Chief Engineer; or

(B) Continuous trip permits may be issued for rear overhang that exceeds the limits imposed in this subsection if the Administrator of MCTD determines that the public interest requires the impending movement, and the movement can be performed safely.

(2) Wheelbase measurement will be from the center of the first axle to the center of the last axle of the vehicle or combination of vehicles.

(3) Rear overhang will be measured from the center of the last axle of the vehicle or combination of vehicles to the end of the load.

Stat. Auth.: ORS 184.616, 184.619, 810.050 & 810.060

Stats. Implemented: ORS 818.100, 818.200 & 818.220

Hist.: HWY 1-1990(Temp), f. & cert. ef. 1-5-90; HWY 17-1990, f. & cert. ef. 12-28-90;

HWY 2-1992, f. & cert. ef. 2-18-92; HWY 5-1997, f. & cert. ef. 5-9-97; TO 7-1998, f. & cert. ef. 8-20-98; TO 3-2000, f. & cert. ef. 2-11-00; TO 8-2002, f. & cert. ef. 10-14-02; HWD 4-

2005(Temp), f. 5-20-05, cert. ef. 6-1-05 thru 11-27-05; HWD 9-2005, f. & cert. ef. 9-16-05

Department of Transportation, Motor Carrier Transportation Division Chapter 740

Adm. Order No.: MCTD 5-2005(Temp)

Filed with Sec. of State: 9-16-2005

Certified to be Effective: 10-1-05 thru 3-29-06

Notice Publication Date:

Rules Amended: 740-100-0010

Subject: This rule covers the adoption of federal motor carrier safety regulations. New federal driver's hours-of-service rules become effective October 1, 2005. This temporary amendment is necessary to ensure Oregon's motor carrier safety requirements are current with national and international standards.

Rules Coordinator: Brenda Trump—(503) 945-5278

740-100-0010

Adoption of Federal Safety Regulations

(1) Except as provided in section (3) of this rule, the rules and regulations adopted by the United States Department of Transportation contained in Title 49, Code of Federal Regulations (CFR), Parts 380 (Special Training Requirements), 382 (Controlled Substances and Alcohol Use and Testing), 383 (Commercial Driver's License Standards Requirements and Penalties), 385 (Safety Fitness Procedures), 387 (Minimum Levels of Financial Responsibility for Motor Carriers), 390 (Federal Motor Carrier Safety Regulations: General), 391 (Qualification of Drivers), 392 (Driving of Motor Vehicles), 393 (Parts and Accessories Necessary for Safe Operation), 395 (Hours of Service of Drivers), 396 (Inspection, Repair, and Maintenance), 398 (Transportation of Migrant Workers), 399 (Employee Safety and Health Standards), and all amendments thereto in effect October 1, 2005, are adopted and prescribed by the Department of Transportation (ODOT) to be observed by carriers conducting operations in interstate commerce, subject to ORS Chapter 825.

(2) The provisions of section (1) of this rule as adopted are prescribed by the Department to be observed by carriers conducting operations in intrastate commerce, subject to ORS Chapter 825, except:

(a) The provisions of Part 387 shall apply to intrastate motor carriers only when transporting hazardous materials, hazardous substances or hazardous wastes;

(b) With reference to Part 390.21, external identification requirements do not apply to vehicles with a gross combination weight rating of 26,000 pounds or less and operated exclusively in intrastate private carriage, except those vehicles transporting hazardous materials of a type or quantity requiring placarding or passenger vehicles with a seating capacity of more than 15 passengers including the driver;

(c) The rules in Part 391 (except Part 391.15, Disqualification of Drivers) do not apply to a driver who is employed by a private carrier and does not transport hazardous materials of a type or quantity requiring the vehicle to be marked or placarded in accordance with Title 49, CFR, Part 177.823, and drives a motor vehicle with a gross vehicle or gross combination weight rating of 26,000 pounds or less;

(d) Notwithstanding Title 49, CFR, Parts 391.41 to 391.49 (Subpart E — Physical Qualifications and Examinations) the Department may, upon receipt of a favorable recommendation from the State Health Division or a licensed health care professional under contract to ODOT, issue a waiver of physical disqualification to a commercial vehicle driver who has met the conditions established by the Department and who is in compliance with motor carrier safety regulations applicable to drivers;

(e) With reference to Title 49, CFR, Part 395.5, motor carriers conducting intrastate transportation of passengers may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following eight consecutive hours off-duty;

ADMINISTRATIVE RULES

(B) Drive for any period after being on-duty for 16 hours following eight consecutive hours off-duty;

(C) Drive for any period following 70 hours on-duty in any seven consecutive days; or

(D) Drive for any period following 80 hours on-duty in any eight consecutive days;

(f) With reference to Title 49, CFR, Part 395.3, motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following eight consecutive hours off-duty;

(B) Drive for any period beyond the 16th hour after coming on-duty following eight consecutive hours off-duty;

(C) Drive for any period following 70 hours on-duty in any seven consecutive days, except any period of seven consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours; or

(D) Drive for any period following 80 hours on-duty in any eight consecutive days, except any period of eight consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours;

(g) Notwithstanding the provisions of Title 49, CFR, Part 395.1(e) relating to 100-airmile radius drivers, such drivers need not maintain a daily driver's record-of-duty status, as described in Title 49, CFR, Part 395.8, if:

(A) The driver operates within a 100-airmile radius of the normal work reporting location;

(B) The driver returns to the work reporting location and is released from work within 16 consecutive hours;

(C) The driver has at least eight consecutive hours off duty between each 16 hours on duty;

(D) The driver does not exceed 12 hours maximum driving time following eight consecutive hours off duty; and

(E) The motor carrier maintains and retains for a period of six months accurate and true driver time records showing:

- (i) The time the driver reports for duty each day;
- (ii) The total number of hours the driver is on duty each day;
- (iii) The time the driver is released from duty each day; and
- (iv) The total time for the preceding seven days in accordance with

Title 49, CFR, Part 395.8(j)(2), for such drivers used for the first time or intermittently;

(h) The provisions of subsections (f) and (g) of this section are not applicable to the transportation of hazardous materials of a type or quantity requiring placarding. Motor carriers transporting hazardous materials of a type or quantity requiring placarding must comply with Title 49, CFR, Part 395;

(i) All public utilities as defined in ORS 757.005, telecommunications utilities as defined in ORS 759.005, and electric, gas, water, and telecommunications utilities that are a people's utility district organized under ORS Chapter 261, a municipal utility operating under ORS Chapter 225, or a cooperative organized under ORS Chapter 62, are relieved from the drivers' hours-of-service requirements and restrictions prescribed in Title 49, CFR, Part 395, when such utility is engaged in the provision or restoration of essential utility services and such restoration is unplanned, unscheduled and the direct result of circumstances beyond the control of the utility; and

(j) The provisions of Title 49, CFR, Parts 396.17 through 396.23 (Periodic Inspection Requirements), are not applicable to operations conducted wholly in intrastate commerce.

(3) The provisions of Title 49, CFR, Part 386.83(a)(1) and Part 386.84(a)(1), related to sanctions for failure to pay civil monetary penalties are adopted for operations conducted in intrastate commerce, and are subject to penalties and sanctions found in ORS Chapter 825, pursuant to the provisions of ORS Chapter 183.

(4) The intracity operation exemption adopted by the US Department of Transportation found in Part 391.62 is not adopted and prescribed.

(5) Wherever reference is made in Title 49 of the CFR as adopted by this rule to a federal entity, including but not limited to "Federal Highway Administrator," "Regional Director," "Special Agent of the Federal Highway Administration" or the "Federal Motor Carrier Safety Administration," it shall be construed to mean the Oregon Department of Transportation or a person authorized by the Oregon Department of Transportation to act on its behalf.

(6) Copies of the federal regulations referred to in this rule are available from ODOT Motor Carrier Transportation Division or may be accessed on the Federal Motor Carrier Safety Administration website www.fmcsa.dot.gov.

Stat. Auth.: ORS 823.011, 825.137, 825.210, 825.232 & 825.252

Stats. Implemented: ORS 825.210, 825.250 & 825.252

Hist.: PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); PUC 4-1979, f. & ef. 9-21-79 (Order No. 79-641); PUC 5-1979, f. & ef. 9-21-79 (Order No. 79-635); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Part 2, f. & ef. 6-30-80 (Order No. 80-475); PUC 7-1980, f. & ef. 11-6-80 (Order No. 80-845); Renumbered from 860-035-0010; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 12-1982(Temp), f. 12-20-82, ef. 1-1-83 (Order No. 82-872); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 2-1983, f. & ef. 3-1-83 (Order No. 83-117); PUC 13-1984, f. & ef. 7-26-84 (Order No. 84-546); PUC 19-1984, f. & ef. 9-10-84 (Order No. 84-713); PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 17-1986 (Temp), f. & ef. 12-3-86; (Order No. 86-1239); PUC 2-1987 (Temp), f. & ef. 2-25-87 (Order No. 87-248); PUC 4-1987, f. & ef. 6-9-87 (Order No. 87-509); PUC 16-1987(Temp), f. & ef. 12-11-87 (Order No. 87-1244); PUC 4-1988(Temp), f. & cert. ef. 2-12-88 (Order No. 88-161); PUC 6-1988(Temp), f. & cert. ef. 3-9-88 (Order No. 88-818); PUC 14-1988, f. & cert. ef. 7-22-88 (Order No. 88-245); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (and corrected 1-31-91) (Order No. 91-20); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 13-1992(Temp), f. & cert. ef. 9-4-92 (Order No. 92-1303); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0010; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 5-1996, f. & cert. ef. 9-17-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCT 2-1997, f. & cert. ef. 5-9-97; MCT 6-1997, f. & cert. ef. 8-26-97; MCT 10-1997, f. & cert. ef. 12-22-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 2-1998, f. & cert. ef. 8-20-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 5-2005(Temp), f. 9-16-05, cert. ef. 10-1-05 thru 3-29-06

Employment Department Chapter 471

Adm. Order No.: ED 6-2005(Temp)

Filed with Sec. of State: 9-16-2005

Certified to be Effective: 9-18-05 thru 2-14-06

Notice Publication Date:

Rules Amended: 471-010-0040, 471-040-0005

Subject: The Employment Department is amending:

OAR 471-010-0040 & 471-040-0005 to update the process for filing timely notices & requests for hearing.

Rules Coordinator: Richard L. Luthe—(503) 947-1724

471-010-0040

Filing Timely Notices

(1) Except as specifically provided or prohibited in OAR 471-040-0005 and in this rule, when an individual or employing unit is required by ORS Chapter 657, or the rules adopted pursuant thereto, to file a notice, request, appeal, application, payment, report, tax election, claim, or any other document within a specified time, such individual or employing unit may file such document by personal delivery or by mail to any office of the Employment Department in Oregon or similar employment office in any other state. Except for payments and tax reports, all notices, requests, appeals, applications, tax elections, or any other document may be filed by fax.

(2) When the document is filed by mail, the date of filing shall be the postmarked date affixed by the U.S. Postal Service, or in the absence of a postmarked date, the most probable date of mailing as determined by the Director, unless otherwise provided in ORS Chapter 657 or OAR chapter 471.

(3) When the document is filed by fax, the date of filing shall be the encoded date on the fax document unless such date is absent, illegible, improbable or challenged, in which case the fax receipt date, if available, shall be the date of filing. If a filing date cannot otherwise be determined, the most probable date of faxing as determined by the Employment Department, shall be the date of filing.

(4) When the document is filed by any other means, the date of filing shall be the date of delivery, as evidenced by the receipt date stamped or written by the employee of the Employment Department, Office of Administrative Hearings or Employment Appeals Board who receives the document.

(5) When an individual or employing unit is entitled to notice of an action or decision by the director or authorized representative, the notice may be delivered in person or by first class mail. Unless otherwise provided in ORS Chapter 657 or OAR chapter 471, if the notice is mailed, the notice is considered served on the date it is deposited with the U.S. Postal Service, addressed to such individual or employing unit at the last address known to the Director.

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657

Hist.: IDE 2-1978, f. & ef. 7-21-78; ED 1-1991, f. & cert. ef. 4-1-91; ED 2-1996(Temp), f. & cert. ef. 6-26-96; ED 7-1996, f. 11-20-96, cert. ef. 12-2-96; ED 1-2003, f. 2-7-03 cert. ef. 2-9-03; ED 6-2005(Temp), f. 9-16-05, cert. ef. 9-18-05 thru 2-14-06

ADMINISTRATIVE RULES

471-040-0005

Request for Hearing

(1) A Request for hearing may be filed on forms provided by the Employment Department or similar offices in other states. Use of the form is not required provided the party specifically requests a hearing or otherwise expresses a present intent to appeal.

(2) A request for hearing on an administrative decision related to the payment or amount of unemployment insurance benefits may be filed:

(a) By mail, by fax or by telephone with any Employment Department UI Center or UI Section in Oregon; or

(b) In person at any publicly accessible Employment Department office in Oregon; or

(c) By mail or fax with the Office of Administrative Hearings in Oregon.

(3) A request for hearing on an administrative decision related to unemployment insurance taxes pursuant to ORS 657.683, 657.663, 657.485, and 657.457, must be in writing and may be filed:

(a) By mail or by fax with any Employment Department UI Center, UI Section or the Office of Administrative Hearings in Oregon; or

(b) In person at any publicly accessible Employment Department office in Oregon.

(4) The filing date for any request for hearing shall be determined as follows:

(a) When delivered in person to any Employment Department office in the state of Oregon, the date of delivery, as evidenced by the receipt date stamped or written by the agency employee who receives the document, shall be the date of filing.

(b) When filed by mail, the date of filing shall be the postmarked date affixed by the United States Postal Service or, in the absence of a post-marked date, the most probable date of mailing.

(c) When filed by fax, the date of filing shall be the encoded date on the fax document unless such date is absent, illegible, or improbable, in which case the fax receipt date stamped or written by the agency employee, if available, shall be the date of filing. If a filing date cannot otherwise be determined, the most probable date of faxing shall be the date of filing.

(d) When filed by telephone, the date of filing shall be the date marked or stamped by the agency employee accepting the request for hearing.

(e) When filed by any other means, the date of filing shall be the date of delivery, as evidenced by the receipt date stamped or written by the employee of the Employment Department, Office of Administrative Hearings or Employment Appeals Board who receives the document.

(5) A request for hearing with respect to a claim for benefits shall not stay the payment of any benefits not placed in issue by the request for hearing, nor shall it stay an order previously entered allowing benefits.

(6) This rule is effective for all hearing requests filed after the effective date of this rule.

Stat. Auth.: ORS 183.335, 657.260, 657.265 - 657.270, 657.335, 657.610 & OL 1993, Ch. 729

Stats. Implemented: ORS 657.280, 657.610 & 657

Hist.: IDE 150, f. & ef. 2-9-76; IDE 5-1979, f. & ef. 8-27-79; ED 4-1994, f. & cert. ef. 9-2-94; ED 3-1999, f. 6-29-99, cert. ef. 7-4-99; ED 7-2003, f. 4-25-03, cert. ef. 4-27-03; ED 4-2004, f. 7-30-04, cert. ef. 8-1-04; ED 2-2005, f. 4-29-05, cert. ef. 5-1-05; ED 6-2005(Temp), f. 9-16-05, cert. ef. 9-18-05 thru 2-14-06

Land Conservation and Development Department Chapter 660

Adm. Order No.: LCDD 6-2005

Filed with Sec. of State: 10-3-2005

Certified to be Effective: 10-3-05

Notice Publication Date: 11-1-04, 12-1-04

Rules Amended: 660-026-0000, 660-026-0010, 660-026-0020, 660-026-0030, 660-026-0040

Subject: The amendments re-adopt the division and make conforming amendments to the rules in the division to be consistent with the amended OAR 660-015-0000(14) (Goal 14, filed June 28, 2005).

Rules Coordinator: Shelia Preston—(503) 373-0050, ext. 222

660-026-0000

Purpose

This division describes how ORS 197.295 to 197.302, 197.732, Goal 14, and OAR chapter 660, division 004, apply to the administration of a regional urban growth boundary (UGB). This division is not intended to apply to the provisions of ORS 197.298(3)(a) regarding "specific types of identified land need."

Stat. Auth.: ORS 195 & 197

Stats. Implemented: ORS 197.295 - 197.302, 197.626 & 268

Hist.: LCDD 1-2003, f. & cert. ef. 1-17-03; LCDD 6-2005, f. & cert. ef. 10-3-05

660-026-0010

Definitions

For the purposes of this division, the definitions in ORS Chapter 197 and 268 and the definitions in the statewide planning goals apply unless the context requires otherwise:

(1) "Central City" means an area identified as such in the regional framework plan of a district.

(2) "District" means a metropolitan service district organized under ORS Chapter 268 that administers a regional UGB (e.g., Metro).

(3) "Need" means the 20-year urban population growth, housing need, employment opportunities, and livability needs, as specified under Goal 14, other applicable statewide planning goal requirements and ORS 197.296.

(4) "Regional center" means an area identified as such in the regional framework plan of a district.

(5) "Regional urban growth boundary" or "regional UGB" means an urban growth boundary adopted by a metropolitan service district organized under ORS Chapter 268.

(6) "Subregion" means a distinct geographic area within the regional UGB that has been established by the district consistent with the requirements of OAR 660-026-0030.

(7) "Subregional need" means that portion of the total amount of need for the entire region that a district allocates to a particular subregion based on the application of OAR 660-026-0020 through 660-026-0040.

Stat. Auth.: ORS 195 & 197

Stats. Implemented: ORS 197.295 - 197.302, 197.626 & 268

Hist.: LCDD 1-2003, f. & cert. ef. 1-17-03; LCDD 6-2005, f. & cert. ef. 10-3-05

660-026-0020

Determining Need for the Region

A district reviewing the regional UGB as required under ORS 197.296(2) shall determine the total amount of need for the entire region based on the land need requirements of Goal 14, other applicable statewide planning goal requirements, and ORS 197.296. If the district chooses to proceed under the provisions of OAR 660-026-0030 through 660-026-0040, below, need for the entire region shall be determined prior to the determination of subregional need.

Stat. Auth.: ORS 195 & 197

Stats. Implemented: ORS 197.295 - 197.302, 197.626 & 268

Hist.: LCDD 1-2003, f. & cert. ef. 1-17-03; LCDD 6-2005, f. & cert. ef. 10-3-05

660-026-0030

Allocation of Regional Need to Subregions

A district may allocate regional needs determined under OAR 660-026-0020 to subregions of the region provided:

(1) The sum of the needs allocated to the subregions shall be equal to the total amount of need for the entire region determined under OAR 660-026-0020.

(2) The subregional allocation of need shall be based on provisions of the district's regional framework plan that:

(A) Are adopted by the district, and acknowledged by the Commission, through periodic review pursuant to ORS 197.628 to 197.650; and

(B) Expressly authorize an allocation of need through a subregional approach that:

(A) Clearly indicates the location of the subregions, including maps and other pertinent descriptions of fixed, non-overlapping boundaries for each subregion;

(B) Limits the number of subregions to no more than five, each containing one or more regional centers and/or the central city, and a current population that is at least 15 percent of the population of the regional UGB; and

(C) Sets forth the objectives to be achieved by allocation of regional need to subregions.

(3) If a district allocates regional need to subregions of the regional UGB, findings to support the allocation shall:

(a) Explain how the allocation achieves the objectives of the district's regional framework plan;

(b) Demonstrate that, as a result of the large size of the regional UGB, the allocation of regional need to subregions will achieve a greater efficiency of land uses within and on the fringe of the regional urban area than would be achieved without subregional allocation;

(c) Explain how the subregional need of each subregion fits within the regional context; and

ADMINISTRATIVE RULES

(d) For each subregion, explain why the area is identified as a subregion; and explain why the needs of the subregion should be viewed in isolation.

(4) The findings specified in section (3) of this rule, and any associated amendments to the regional UGB, shall be reviewed and acknowledged by the Commission through periodic review.

(5) A district may allocate regional needs to more than one set of subregions in order to achieve different provisions of the district's regional framework plan so long as each set of subregions and each allocation of regional needs to those subregions complies with sections (1) through (3) of this rule.

(6) As part of the periodic review for the regional UGB, the Commission may require the district to evaluate and, if necessary, amend the provisions of the regional framework plan required by section (2) of this rule.

Stat. Auth.: ORS 195 & 197
Stats. Implemented: ORS 197.295 - 197.302, 197.626 & 268
Hist.: LCDD 1-2003, f. & cert. ef. 1-17-03; LCDD 6-2005, f. & cert. ef. 10-3-05

660-026-0040

Determining How to Meet Need

(1) If a district allocates the regional need to subregions, as provided in OAR 660-026-0030, the district shall first determine what portion (if any) of the need can be reasonably accommodated on lands currently within the existing regional UGB that are within or near each subregion, in the manner provided by ORS 197.296(6)(b) and Goal 14.

(2) For that portion of the subregional need that cannot be reasonably accommodated through application of section (1) of this rule, the district shall:

(a) First, examine alternative lands outside the existing regional UGB that are near the subregion, and that are within the first priority under ORS 197.298(1);

(b) Second, to the extent that the lands examined under Subsection (2)(a) of this rule are inadequate to accommodate the subregional need remaining after application of Section (1), examine alternative lands outside the existing regional UGB that are near the subregion, and that are within the second priority under ORS 197.298(1);

(c) Third, to the extent that the lands examined under subsections (2)(a) and (2)(b) of this rule are inadequate to accommodate the subregional need remaining after application of section (1), examine alternative lands outside the existing regional UGB that are near the subregion, and that are within the third priority under ORS 197.298(1); and

(d) Fourth, to the extent that the lands examined under subsections (2)(a)–(c) of this rule are inadequate to accommodate the subregional need remaining after application of section (1), examine the alternative lands outside the existing regional UGB that are near the subregion, and that are within the fourth priority under ORS 197.298(1).

(3) If lands are identified for addition to the regional UGB under subsection (2)(d) of this rule, they shall be prioritized for inclusion based on ORS 197.298(2).

(4) To determine whether lands of higher priority may be excluded from inclusion in the regional UGB under section (2) of this rule, a district shall apply the reasons in ORS 197.298(3)(b) or determine that the lands cannot reasonably accommodate the subregional need.

(5) If the amount of land near a subregion under a particular priority of ORS 197.298(1) is more than the amount of need allocated to that subregion, then the land shall be prioritized for inclusion in the regional UGB based on Goal 14, Boundary Location Factors 1–4.

(6) A district shall ensure that land added to the regional UGB under this division will be planned and zoned consistent with the identified subregional need and with the limitations required for reasons exceptions by OAR 660-004-0018(4).

Stat. Auth.: ORS 195 & 197
Stats. Implemented: ORS 197.295 - 197.302, 197.626 & 268
Hist.: LCDD 1-2003, f. & cert. ef. 1-17-03; LCDD 6-2005, f. & cert. ef. 10-3-05

Landscape Contractors Board Chapter 808

Adm. Order No.: LCB 4-2005

Filed with Sec. of State: 10-5-2005

Certified to be Effective: 10-5-05

Notice Publication Date: 9-1-05

Rules Amended: 808-003-0015, 808-003-0200

Subject: 808-003-0015 - Requires physical address of all licensees
808-003-0200 - Deletes exemption that is covered in statute
Rules Coordinator: Kim Gladwill-Rowley—(503) 986-6570

808-003-0015

Application for License

(1) Application for a landscaping business license shall be on forms provided by the agency and shall be accompanied by:

(a) Required application fee;

(b) Surety bond or deposit as required under ORS 671.690;

(c) Certificate of Liability Insurance as required under ORS 671.565 for an amount not less than \$100,000 listing the Landscape Contractors Board as the certificate holder;

(d) List of licensed landscape contractors, with accompanying license numbers, employed by the business as required under ORS 671.565;

(e) List all assumed business names under which the landscaping business is conducted. All assumed business names listed must be on record with the Corporation Division; and

(f) The current physical and mailing addresses, if different, of the main office of the business.

(2) Application for a landscape contractor's license shall be on forms provided by the agency and shall be accompanied by:

(a) Required application and examination fees;

(b) Verification of experience and/or transcripts or copies of completion certificates from courses of study;

(c) If applicable, name of employing licensed landscaping business or businesses; and

(d) The current physical and mailing residence address.

Stat. Auth.: ORS 670.310 & 671.670
Stats. Implemented: ORS 671.560 & 671.565

Hist.: LC 3, f. & ef. 2-7-77; LC 3-1980, f. & ef. 2-5-80; LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0015; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 3-1999, f. & cert. ef. 11-17-99; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 4-2005, f. & cert. ef. 10-5-05

808-003-0200

Bidding Exceptions

A Landscaping business may bid on a job or perform a contract that includes the phase of landscape contracting for which it is not licensed if it employs a landscape contractor or subcontractors with another licensed landscaping business licensed for that phase.

Stat. Auth.: ORS 670.310 & 671.670
Stats. Implemented: ORS 671.560 & 671.565

Hist.: LC 1-1981, f. & ef. 10-8-81; LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0039; LCB 1-1991, f. & cert. ef. 7-22-91; LCB 1-1993, f. & cert. ef. 1-19-93; LSCB 2-1994, f. 11-8-94, cert. ef. 11-15-94; LCB 4-2005, f. & cert. ef. 10-5-05

Oregon Criminal Justice Commission Chapter 213

Adm. Order No.: CJC 1-2005(Temp)

Filed with Sec. of State: 10-14-2005

Certified to be Effective: 10-14-05 thru 4-12-06

Notice Publication Date:

Rules Amended: 213-017-0006, 213-017-0008, 213-019-0008, 213-019-0010, 213-019-0012, 213-019-0015

Subject: The Oregon Criminal Justice Commission is making these changes to enact the guidelines changes necessary because of passage by the 2005 legislature of the methamphetamine package of legislation, HB 2485 and SB 907. These were emergency legislation which were enacted immediately upon signing.

The rule changes make the following changes to the sentencing guidelines:

Raise the crime seriousness category for Child Neglect in the First Degree from 4 to 6.

Set the crime category for the new crime of Distribution of equipment, a solvent, a Reagent or Precursor substance with the Intent to Facilitate the Manufacture of a Controlled Substance at a level 8.

Set the crime category for the new crime of Possessing or Disposing of Methamphetamine Manufacturing Waste at level 4.

Set the crime category for Manufacturing Methamphetamine involving a chemical reaction of precursor substance at level 8, and

Set the crime category for the renamed and renumbered drug crimes in SB 907 to be consistent with current law.

Rules Coordinator: Craig Prins—(503) 986-6495

ADMINISTRATIVE RULES

213-017-0006

Crime Category 6

The following offenses are classified at crime category 6 on the Crime Seriousness Scale:

- (1) Chapter 59 — BLUE SKY LAWS & SECURITIES LAWS* — (C).
- (2) MAJOR DRUG OFFENSES (See division 19.)
- (3) ORS 162.015 — BRIBERY — (B).
- (4) ORS 162.025 — BRIBE RECEIVING — (B).
- (5) ORS 162.065 — PERJURY — (C).
- (6) ORS 162.117 — PUBLIC INVESTMENT FRAUD — (B).
- (7) ORS 162.155 — ESCAPE II — (C).
- (8) ORS 162.185 — SUPPLYING CONTRABAND — (C).
(The contraband involves a dangerous weapon not a firearm CC 7; Otherwise CC 4 or 5.)
- (9) ORS 162.265 — BRIBING A WITNESS — (C).
- (10) ORS 162.275 — BRIBE RECEIVING BY WITNESS — (C).
- (11) ORS 162.285 — TAMPERING W/ WITNESS — (C).
- (12) ORS 162.325 — HINDERING PROSECUTION — (C).
- (13) ORS 163.160(3) — FELONY DOMESTIC ASSAULT — (C).
- (14) ORS 163.165 — ASSAULT III — (C).
- (15) ORS 163.208 — ASSAULT OF A PUBLIC SAFETY OFFICER — (C).
- (16) ORS 163.213 — USE OF A STUN GUN, TEAR GAS, MACE I — (C).
- (17) ORS 163.257 — CUSTODIAL INTERFERENCE I — (C).
- (18) ORS 163.275 — COERCION — (C).
(No threat of physical injury; otherwise CC 7.)
- (19) ORS 163.355 — RAPE III — (C).
- (20) ORS 163.385 — SODOMY III — (C).
- (21) ORS 163.465 — FELONY PUBLIC INDECENCY — (C).
- (22) ORS 163.525 — INCEST — (C).
(If one of the participants is under the age of 18; otherwise CC 1.)
- (23) ORS 163.547 — CHILD NEGLECT IN THE FIRST DEGREE — (B).
- (24) ORS 163.688 — POSSESSION OF MATERIAL DEPICTING SEX. EXPLICIT CONDUCT OF A CHILD I — (B).
- (25) ORS 164.055 — THEFT I* — (C).
- (26) ORS 164.057 — AGGRAVATED THEFT — (B).
(Economic loss was greater than \$50,000; otherwise CC 5.)
- (27) ORS 164.065 — THEFT OF LOST/MISLAID PROPERTY* — (C).
- (28) ORS 164.075 — THEFT BY EXTORTION* — (B).
- (29) ORS 164.085 — THEFT BY DECEPTION* — (C).
- (30) ORS 164.125 — THEFT OF SERVICES* — (C).
- (31) ORS 164.135 — UNAUTHORIZED USE OF VEHICLE* — (C).
- (32) ORS 164.140(4) — POSSESSION OF RENTED PROPERTY* — (C).
- (33) ORS 164.215 — BURGLARY II* — (C).
- (34) ORS 164.315 — ARSON II* — (C).
- (35) ORS 164.365 — CRIMINAL MISCHIEF I* — (C).
- (36) ORS 164.377 — COMPUTER FRAUD (LOTTERY)* — (C).
- (37) ORS 164.377(3) — COMPUTER CRIME* — (C).
- (38) ORS 164.868 — UNLAWFUL LABEL SOUND RECORDING* — (C).
- (39) ORS 164.869 — UNLAWFUL RECORD LIVE PERFORMANCE* — (C).
- (40) ORS 164.872 — UNLAWFUL LABEL VIDEOTAPE* — (C).
- (41) ORS 164.877(1) — TREE—SPIKING — (C).
- (42) INTERFERE W/ AGRICULTURAL RESEARCH* — (C).
- (43) ORS 165.013 — FORGERY I* — (C).
- (44) ORS 165.022 — CRIMINAL POSSESSION OF FORGED INSTRUMENT I* — (C).
- (45) ORS 165.055(3)(A) — CREDIT CARD FRAUD* — (C).
- (46) ORS 165.065 — NEGOTIATING BAD CHECKS* — (C).
- (47) ORS 165.074 — UNLAWFUL FACTORING PAYMENT CARD* — (C).
- (48) ORS 165.692 — FILING A FALSE CLAIM FOR HEALTH CARE PAYMENT — (C).
- (49) ORS 165.800 — IDENTITY THEFT* — (C).
- (50) ORS 166.015 — RIOT — (C).
- (51) ORS 166.165 — INTIMIDATION I — (C).
- (52) ORS 166.220 — UNLAWFUL USE OF WEAPON — (C).
- (53) ORS 166.270 — EX—CON IN POSSESSION OF FIREARM — (C).

- (54) ORS 166.272 — UNLAWFUL POSSESSION OF FIREARM — (B).

(55) ORS 166.370(1) — INTENT POSS. FIREARM OR DANG. WEAP. IN and (5)(a) — PUBLIC BUILDING; DISCHARGE FIREARM IN SCHOOL — (C).

(56) ORS 166.382 — POSSESSION OF DESTRUCTIVE DEVICE — (C).

(57) ORS 166.384 — UNLAWFUL MANUFACTURE OF DESTRUCTIVE DEVICE — (C).

(58) ORS 166.410 — ILLEGAL MANUFACTURE, IMPORTATION OR TRANSFER OF FIREARMS — (B).

(59) ORS 166.643 — UNLAWFUL POSSESS SOFT BODY ARMOR — (B).

(If offender committed or was attempting to commit a person felony or misdemeanor involving violence, otherwise CC 4.)

(60) ORS 167.388 — INTERFERE LIVESTOCK PRODUCTION* — (C).

(61) ORS 647.145 — TRADEMARK COUNTERFEITING II* — (C).

(62) ORS 647.150 — TRADEMARK COUNTERFEITING I* — (B).

(63) ORS 811.182 — DRIVING WHILE SUSPENDED/ REVOKED — (C).

(64) ORS 811.705 — HIT & RUN VEHICLE (INJURY) — (C).

(65) ORS 813.010 — FELONY DRIVING UNDER THE INFLUENCE — (C).

(66) ORS 819.300 — POSSESSION OF STOLEN VEHICLE* — (C).

(67) ORS 819.310 — TRAFFICKING IN STOLEN VEHICLES — (C).

(If part of an organized operation or if value of property taken from one or more victims was greater than \$50,000; otherwise CC 5.)

(68) ORS 830.475 — HIT AND RUN BOAT — (C).

(69) 2003 Oregon Laws Ch 543 — ASSAULT OF A LAW ENFORCEMENT ANIMAL — (C).

* Property offenses marked with an asterisk shall be ranked at Crime Category 6 if the value of the property stolen or destroyed was \$50,000 or more, excluding the theft of a motor vehicle used primarily for personal rather than commercial transportation. Stat. Auth.: ORS 137.667 & 2003 OL Ch. 453

Stats. Implemented: ORS 137.667 - 137.669, 2001 OL Ch. 147, 635 & 828 2003 2001 OL Ch. 383, 453, 543, 2005 OL Ch. 708

Hist.: CJC 1-1999, f. & cert. ef. 11-1-99; CJC 2-2001, f. 12-26-01, cert. ef. 1-1-02; CJC 2-2003, f. 12-31-03, cert. ef. 1-1-04; CJC 1-2005(Temp), f. & cert. ef. 10-14-05 thru 4-12-05

213-017-0008

Crime Category 4

The following offenses are classified at crime category 4 on the Crime Seriousness Scale:

- (1) Chapter 59 — BLUE SKY LAWS & SECURITIES LAWS* — (C).
- (2) DRUG OFFENSES (See division 19.)
- (3) ORS 162.185 — SUPPLYING CONTRABAND — (C).
(If offense cannot be ranked at CC 5, 6 or 7.)
- (4) ORS 162.205 — FAILURE TO APPEAR I — (C).
- (5) ORS 163.245 — CUSTODIAL INTERFERENCE II — (C).
- (6) ORS 163.689 — POSSESSION OF MATERIAL DEPICTING SEX. EXPLICIT CONDUCT OF CHILD II — (C).
- (7) ORS 164.055 — THEFT I* — (C).
- (8) ORS 164.065 — THEFT OF LOST/MISLAID PROPERTY* — (C).
- (9) ORS 164.075 — THEFT BY EXTORTION* — (B).
- (10) ORS 164.085 — THEFT BY DECEPTION* — (C).
- (11) ORS 164.125 — THEFT OF SERVICES* — (C).
- (12) ORS 164.135 — UNAUTHORIZED USE OF VEHICLE* — (C).
- (13) ORS 164.140(4) — POSSESSION OF RENTED PROPERTY* — (C).
- (14) ORS 164.215 — BURGLARY II* — (C).
- (15) ORS 164.315 — ARSON II* — (C).
- (16) ORS 164.365 — CRIMINAL MISCHIEF I* — (C).
(Except ORS 164.365(1)(e).)
- (17) ORS 164.377(5) — COMPUTER FRAUD (LOTTERY)* — (C).
- (18) ORS 164.377(5) — COMPUTER CRIME* — (C).
- (19) ORS 164.868 — UNLAWFUL LABEL SOUND RECORDING* — (C).
- (20) ORS 164.869 — UNLAWFUL RECORD LIVE PERFORMANCE* — (C).

ADMINISTRATIVE RULES

- (21) ORS 164.872 — UNLAWFUL LABEL VIDEOTAPE* — (C).
(22) ORS 165.013 — FORGERY I* — (C).
(23) ORS 165.022 — CRIMINAL POSSESSION OF FORGED INSTRUMENT I* — (C).
(24) ORS 165.032 — CRIMINAL POSSESSION OF FORGERY DEVICE — (C).
(25) ORS 165.055(3)(A) — CREDIT CARD FRAUD* — (C).
(26) ORS 165.065 — NEGOTIATING BAD CHECKS* — (C).
(27) ORS 165.074 — UNLAWFUL FACTORING PAYMENT CARD* — (C).
(28) ORS 165.581 — CELLULAR COUNTERFEITING I — (B).
(29) ORS 165.800 — IDENTITY THEFT* — (C).
(30) ORS 166.643 — UNLAWFUL POSSESS SOFT BODY ARMOR — (B)
(If not categorized at CC 6)
(31) ORS 167.262 — USING A MINOR IN CONTROLLED SUBSTANCE OFFENSE — (A).
(CC 8 if minor 3 or more yrs. Younger than offender.)
(32) ORS 167.388 — INTERFERE LIVESTOCK PRODUCTION* — (C).
(33) ORS 181.599 — FAIL/REPORT SEX OFFENDER — (C).
(34) ORS 647.145 — TRADEMARK COUNTERFEITING II* — (C).
(35) ORS 647.150 — TRADEMARK COUNTERFEITING I* — (B).
(36) ORS 819.300 — POSSESSION OF STOLEN VEHICLE* — (C).
(37) 2003 Oregon Laws Ch 632 — UNLAWFUL POSSESSION PERSONAL ID DEVICE — (C)

* Property offenses marked with an asterisk shall be ranked at Crime Category 4 if either of the following factors was included in the commission of the offense:

- (a) The value of the property stolen or destroyed was \$5,000 or more but less than \$10,000; or
(b) The property stolen was a vehicle valued at \$10,000 or more and used primarily for personal rather than commercial transportation.
Stat. Auth.: ORS 137.667 & 2003 OL Ch. 453
Stats. Implemented: ORS 137.667 - 137.669, 164.889, 166.643; 2003 OL Ch. 383, 453, 543, 632, 2005 OL Ch. 708
Hist.: CJC 1-1999, f. & cert. ef. 11-1-99; CJC 2-2001, f. 12-26-01, cert. ef. 1-1-02; CJC 2-2003, f. 12-31-03, cert. ef. 1-1-04; CJC 1-2005(Temp), f. & cert. ef. 10-14-05 thru 4-12-05

213-019-0008

Crime Category 8 — Aggravated Drug Offenses

(1) ORS 475.999, 2005 Oregon Laws, Chapter 708 §§15, 17, 20, 22, 25, 27, 30, 32, 35, and 37 MANUFACTURE OR DELIVERY OF A CONTROLLED SUBSTANCE WITHIN 1,000 FEET OF SCHOOL.

(2) ORS 475.995 DISTRIBUTION TO MINORS: Distribution to Minors shall be classified in Crime Category 8 if the offender is more than three years older than the person receiving the drugs. If the offender is less than three years older than the person receiving the drugs, the Distribution to Minors shall be ranked according to the sub-categories identified for ORS 475.992.

(3) ORS 167.262 USING A MINOR IN A CONTROLLED SUBSTANCE OFFENSE: Using a minor in a drug offense shall be ranked in Crime Category 8 unless the minor is less than three (3) years younger than the offender, in which case the offense will be ranked in Crime Category 4.

(4) ORS 475.992 and 2005 Oregon Laws, Chapter 708 §§14-38 MANUFACTURE AND DELIVERY OF A CONTROLLED SUBSTANCE – SUBSTANTIAL QUALITIES: Manufacture and Delivery of Controlled Substances shall be ranked at Crime Category 8 if the violation involves substantial quantities as set forth at ORS 475.996(1)(a).

(5) ORS 475.992 and 2005 Oregon Laws, Chapter 708 §§14-38 MANUFACTURE/DELIVERY/POSSESSION: Commercial Drug Offense Manufacture, Delivery or Possession of Controlled Substances shall be ranked at Crime Category 8 if the violation is a commercial drug offense as set forth at ORS 475.996(1)(b).

(6) ORS 475.984(1) CAUSING ANOTHER TO INGEST A CONTROLLED SUBSTANCE: Causing Another to Ingest a Controlled Substance shall be ranked at Crime Category 8 if it cannot be ranked at Crime Category 9.

(7) ORS 475.986(1)(b) UNLAWFUL ADMINISTRATION OF A CONTROLLED SUBSTANCE: Unlawful Administration of a Controlled Substance shall be ranked at Crime Category 8 when the substance is a Schedule III controlled substance.

(8) 2005 Oregon Laws, Chapter 708 §7 MANUFACTURE: Manufacture of Methamphetamine shall be ranked at Crime Category 8 if the violation involves a chemical reaction or preparation of precursors as set forth at 2005 Oregon Laws, Chapter 708 §7(d).

(9) 2005 Oregon Laws, Chapter 706 §8, DISTRIBUTION OF EQUIPMENT, SOLVENT, REAGENT, OR PRECURSOR SUBSTANCE WITH THE INTENT TO FACILITATE THE MANUFACTURE OF A CONTROLLED SUBSTANCE.

Stat. Auth.: ORS 137.667, 475.986, 475.998 & 2003 OL Ch. 453
Stats. Implemented: ORS 137.667 - 137.669, 475.986, 475.998, 2003 OL Ch. 453, 2005 OL Ch. 706 (HB 2485), 2005 OL Ch. 708 (SB 907).
Hist.: CJC 1-1999, f. & cert. ef. 11-1-99; CJC 2-2001, f. 12-26-01, cert. ef. 1-1-02, Renumbered from 213-019-0001; CJC 2-2003, f. 12-31-03, cert. ef. 1-1-04; CJC 1-2005(Temp), f. & cert. ef. 10-14-05 thru 4-12-05

213-019-0010

Crime Category 6 — Major Drug Offenses

(1) ORS 475.993 and 2005 Oregon Laws, Chapter 708 §§16, 21, 26, 36 DELIVERY: Delivery of heroin, cocaine, methamphetamine or ecstasy for consideration shall be ranked at Crime Category 6.

(2) ORS 475.992 and 2005 Oregon Laws, Chapter 708 §§14-38 POSSESSION: Possession of a Controlled Substance shall be ranked at Crime Category 6 if the violation involves substantial quantities as set forth at ORS 475.996(2)(b).

(3) ORS 475.967 POSSESSION OF A [PRECURSOR WITH THE INTENT TO MANUFACTURE: Possession of a Precursor Substance with the Intent to Manufacture a Controlled Substance shall be ranked at Crime Category 6.

Stat. Auth.: ORS 137.667, 475.986, 475.998, 2003 OL Ch. 453, 2005 OL Ch. 708 (SB 907).
Stats. Implemented: ORS 137.667 - 137.669, 475.967, 475.996 & 2003 OL Ch. 453
Hist.: CJC 1-1999, f. & cert. ef. 11-1-99; CJC 2-2001, f. 12-26-01, cert. ef. 1-1-02, Renumbered from 213-019-0002; CJC 2-2003, f. 12-31-03, cert. ef. 1-1-04; CJC 1-2005(Temp), f. & cert. ef. 10-14-05 thru 4-12-05

213-019-0012

Crime Category 4 — Drug Offenses

(1) 475.992 and 2005 Oregon Laws, Chapter 708, §§16, 21, 26, 31, 36 DELIVERY: All other Delivery of a Controlled Substance shall be ranked at Crime Category 4 if it cannot be ranked at Crime Category 8 or 6.

(2) 475.992 and 2005 Oregon Laws, Chapter 708, §§14, 19, 24, 29,34 MANUFACTURE: Manufacture of a Controlled Substance shall be ranked at Crime Category 4 if it cannot be ranked at Crime Category 8.

(3) ORS 167.262 USING A MINOR IN A DRUG OFFENSE: Using a minor in a drug offense shall be ranked at Crime Category 4 if the minor is less than three (3) years younger than the offender. In all other cases this offense shall be ranked in Crime Category 8.

(4) 2005 Oregon Laws, Chapter 706 §6, POSSESSION OR DISPOSAL OF METHAMPHETAMINE MANUFACTURING WASTE: Possession or disposal of methamphetamine manufacturing waste shall be ranked at Crime Category 4.

Stat. Auth.: ORS 137.667, 475.996
Stats. Implemented: ORS 137.667 - 137.669, 475.967, 475.996; 2005 OL Ch. 706, 2005 OL Ch. 708.
Hist.: CJC 1-1999, f. & cert. ef. 11-1-99; CJC 2-2001, f. 12-26-01, cert. ef. 1-1-02, Renumbered from 213-019-0003; CJC 1-2005(Temp), f. & cert. ef. 10-14-05 thru 4-12-05

213-019-0015

Crime Category 1 — Drug Offenses

475.992 (3) and 2005 Oregon Laws, Chapter 708, §§18, 23, 28, 33, 38 POSSESSION: Possession of a Controlled Substance shall be ranked at Crime Category 1 if it cannot be ranked at Crime Category 6 or 8.

Stat. Auth.: ORS 137.667, 2005 OL Ch. 708 (SB 907)
Stats. Implemented: ORS 137.667 - 137.669.
Hist.: CJC 1-1999, f. & cert. ef. 11-1-99 CJC 2-2001, f. 12-26-01, cert. ef. 1-1-02, Renumbered from 213-019-0004; CJC 1-2005(Temp), f. & cert. ef. 10-14-05 thru 4-12-05

Oregon Department of Aviation Chapter 738

Adm. Order No.: AVIA 2-2005

Filed with Sec. of State: 9-23-2005

Certified to be Effective: 9-23-05

Notice Publication Date: 9-1-05

Rules Amended: 738-001-0035

Subject: The Oregon Department of Aviation proposes to amend its Public Records Access and Fees rule (OAR 738-001-0035). Currently the Oregon Department of Aviation provides copies of its board meeting packets (agenda and related materials) to interested persons at no charge. The amendment would establish a subscription fee for members of the public to receive these packets. This fee would cover the agency's cost (photocopies, envelopes and mailing costs) for twelve mailings. As an alternative to the subscription fee,

ADMINISTRATIVE RULES

members of the public could obtain these materials by email for no charge.

Rules Coordinator: John Wilson—(503) 378-2521

738-001-0035

Public Records Access and Fees

All information in the custody of the Director of the Oregon Department of Aviation shall be disclosed or protected from disclosure in accordance with Chapter 192 of the Oregon Revised Statutes.

(1) Requests for records may be verbal; however, the Oregon Department of Aviation may require the request to:

- (a) Be in writing;
- (b) Be dated;
- (c) Be signed;
- (d) Adequately describe the records being requested; and
- (e) Indicate the date the records are needed.

(2) A reasonable period of time, as determined by the department, shall be allowed for the records custodian to locate and assemble the requested records.

(3) Unless otherwise provided by statute or other administrative rule, the fees shall be calculated as follows:

- (a) \$0.20 per page for photocopies;
- (b) Actual cost for use of material and equipment for producing copies of non-standard records. "Non-standard" records include, but are not limited to:

- (A) Audio tapes;
- (B) Video tapes;
- (C) Oversize maps; and
- (D) Machine readable formats such as computer hard drives, diskettes and magnetic tape.

(c) Costs for labor, which includes locating, compiling, editing or otherwise processing information and records. There shall be no charge for the first 30 minutes of staff time. The labor rate assessed thereafter shall be \$15 per hour;

(d) The actual cost for delivery of records such as postage, FAX costs and courier fees; and

- (e) \$5 for each true copy certification.
- (4) Estimated payment or deposit may be requested in advance.

(5) An individual or entity may subscribe to receive copies of State Aviation Board and Board Committee agendas and meeting materials. A fee will be charged to obtain advance paper copies of the meeting materials, to cover the agency's cost for copying and mailing the materials. If the individual or entity receives the meeting materials electronically, there is no charge.

(a) To obtain the paper copies of meeting materials, the individual or entity shall provide a name, contact person (if different), mailing address and daytime telephone number. The subscriber shall pay \$120 for twelve mailings (Agendas, meeting materials and any related committee meeting materials). The subscriber will receive the complete board meeting packet and board committee materials. No refund is available after the first mailing has been sent.

(b) An individual or entity that chooses to receive meeting agendas and materials electronically may subscribe by sending an email request to aviation_mail@state.or.us. The email shall include a contact name, the email address of the individual or organization and a daytime telephone number for the contact person. An email subscription continues until cancelled by the subscriber. There is no charge to subscribe electronically.

Stat. Auth.: ORS 835.112, 192.430 & 192.440
Stats. Implemented: ORS 192.410 - 192.505
Hist.: AVIA 1-2000, f. & cert. ef. 12-26-00; AVIA 4-2002, f. 11-27-02, cert. ef. 12-1-02; AVIA 2-2005, f. & cert. ef. 9-23-05

Oregon Patient Safety Commission Chapter 325

Adm. Order No.: PSC 3-2005

Filed with Sec. of State: 9-26-2005

Certified to be Effective: 9-26-05

Notice Publication Date: 8-1-05

Rules Adopted: 325-001-0001

Subject: This rule establishes the procedures to give interested persons a reasonable opportunity to be notified of the Patient Safety Commission's intention to adopt, amend or repeal a rule.

Rules Coordinator: James C. Dameron—(503) 731-4017

325-001-0001

Notice Rule

Before adopting, amending, or repealing any permanent rule, the Patient Safety Commission will give notice of its 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 rule;

(2) By providing a copy of the notice to persons on the Patient Safety Commission's distribution list established pursuant to ORS 183.335(8) at least 28 days before the effective date of the rule;

(3) By providing a copy of the notice to legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule; and

(4) By providing a copy of the notice to:

(a) The Oregon Association of Hospitals and Health Systems;

(b) The Oregon Health Care Association;

(c) Oregon State Pharmacy Association;

(d) Oregon Health Care Purchasers Coalition;

(e) Oregon Medical Association;

(f) The Oregon Board of Pharmacy;

(g) Oregon Nurses Association;

(h) Affected health care facilities and pharmacies;

(i) Capitol Press Room.

Stat. Auth.: ORS 442.820 & Sec. 9 Ch. 686 OL 2003

Stats. Implemented: ORS 183.341(4)

Hist.: PSC 3-2005, f. & cert. ef. 9-26-05

Oregon Public Employees Retirement System Chapter 459

Adm. Order No.: PERS 15-2005

Filed with Sec. of State: 10-3-2005

Certified to be Effective: 10-3-05

Notice Publication Date: 7-1-05

Rules Adopted: 459-015-0000, 459-015-0001

Rules Amended: 459-015-0005, 459-015-0010, 459-015-0020, 459-015-0025, 459-015-0045, 459-015-0050, 459-015-0055, 459-015-0060

Rules Repealed: 459-015-0015

Subject: The statutory framework for PERS Chapter 238 plan members applying for a disability retirement allowance does not adequately set out major administrative and policy issues. While the program has generally been administered in a respected and efficient manner, some gray areas regarding the program have arisen over time. These rule changes would articulate the standards by which the disability program is administered, so members have consistent information.

Rules Coordinator: David K. Martin—(503) 603-7713

459-015-0000

Purpose

(1) The Legislative Assembly has established within the Public Employees Retirement System (PERS) a program for early retirement by reason of disability. The disability retirement program is solely intended to provide benefits to those members who are unable to work because they are disabled and cannot perform any work for which they are qualified.

(2) Disability retirement is an expedited retirement allowance resulting from a disability and is intended solely to provide benefits to PERS members who are unable to work because they are disabled. A disability retirement allowance is not in addition to a service retirement allowance.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.320 - 238.345

Hist.: PERS 15-2005, f. & cert. ef. 10-3-05

459-015-0001

Definitions

The words and phrases used in this Division have the same meaning given them in ORS Chapter 238 and OAR 459-005-0001. Additional terms are defined as follows unless the context requires otherwise.

(1) Any work for which qualified: A job, not necessarily the last or usual job, which the applicant for a disability retirement allowance:

(a) Is physically and psychologically capable of performing; and

(b) Has, or may obtain with reasonable training the knowledge, skills and abilities, to perform the job.

(2) Certified vocational consultant: A person who satisfies the criteria set forth under either of the following:

ADMINISTRATIVE RULES

(a) A Master's Degree in vocational rehabilitation, and one year of experience in performing vocation evaluations or developing individualized return-to-work plans; or a Bachelor's Degree and two years of such experience. All degrees must have been earned at an accredited institution; or

(b) Accredited as a "Certified Rehabilitation Counselor (CRC)" by the Commission on Rehabilitation Counselor Certification; as a "Certified Insurance Rehabilitation Specialist (CIRS)" by the Certified Insurance Rehabilitation Specialist Commission; or a "Certified Vocational Evaluation Specialist (CVE)" or a "Certified Work Adjustment Specialist (CWA)" by the Commission on Certification of Work Adjustment and Vocation Evaluation specialist.

(3) Confidential information: Information of a personal nature such that disclosure would constitute an unreasonable invasion of privacy as defined by state law.

(4) Date of disability: The later of:

(a) The day an active member ceased to work because of injury or disease;

(b) The date an inactive member separated from employment if the inactive member applies for a disability retirement allowance within five years from date of separation and the disability has been continuous from the date of separation; or

(c) The date an inactive member was disabled if such disability occurred within six months from date of separation.

(5) Date of termination: The date a member terminates from employment such that an employee/employer relationship no longer exists; the last day worked (physically on the job), the last day of paid leave, or the last day of an official leave of absence, whichever is the later.

(6) Extended duration: A period of not less than 90 consecutive calendar days, unless the disability is expected to result in the death of the disabled member in less than 90 days.

(7) Independent medical exam: An exam or exams conducted by a physician chosen by PERS for purposes other than treatment which results in the issuance of a report or reports based on those exams, giving an opinion regarding the claimed injury or disease.

(8) Material contributing cause: The efficient, dominant, and proximate cause of the disability, without which the member would not be disabled.

(9) Monthly salary: "Salary" as defined in ORS 238.005(20)(a) that is earned in the last full calendar month of employment, and includes employer payments under ORS 238.205.

(a) Retroactive payments or payments made due to clerical errors, paid in accordance with ORS 238.005(20)(b)(C), are allocated to the period the salary was earned or should have been earned.

(b) Payments of salary paid within 31 days of separation are allocated to the period the salary was earned and should be considered as paid on the last date of employment.

(10) Monthly salary received: The salary paid, as defined in section (9) of this rule, for the last full calendar month of employment prior to date of disability.

(11) Normal retirement age: The age at which a member can retire without a reduced benefit as set forth under ORS 238.005 and 238.280.

(12) Other income: Includes, but is not limited to:

(a) Salary or wages received as an employee;

(b) Self-employment income from:

(A) Services industry;

(B) Sales;

(C) Assembly or manufacturing;

(D) Consulting;

(E) Property management;

(F) Hobby income; or

(G) Book advances.

(c) "Other income" does not include:

(A) Investment income;

(B) Rent; and

(C) Royalties.

(13) Physician: A medical doctor, a doctor of osteopathy, a doctor of oral surgery, a chiropractic doctor, a naturopathic doctor, or a doctor of psychology practicing only within the purview of their license issued by the designated authority of a state.

(14) Periodic review: A review of a member receiving a disability retirement allowance to determine whether or not a continued allowance is warranted.

(15) Performance of duty: Mental or physical incapacitation arising out of and in the course of duty and is not intentionally self-inflicted. The

injury or disease must be initially caused, aggravated or accelerated to cause incapacitation by the performance of the member's duties in the employment of a participating public employer. The job must be the material contributing cause of the injury or disease. Performance of duty includes whatever an employee may be directed, required or reasonably expected to do in connection with his or her employment, and not solely the duties peculiar to his or her position.

(16) Pre-existing condition: A condition that was not sustained in actual performance of duty with the current employer.

(17) Protected health information: Health information created or received by a health care provider, health plan, or health care clearinghouse, where an individual has a reasonable belief that the information can identify the individual, which relates to:

(a) The past, present, or future physical or mental health of an individual;

(b) The provision of health care to an individual; or

(c) The past, present, or future payment for the provision of health care to an individual.

(18) Qualifying position: One or more concurrent positions with a participating employer, in a participating class, which requires 600 or more hours in a calendar year.

(19) Separation from all service entitling the member to membership in the system: means the last day worked (physically on the job), the last day of paid leave, or the last day of an official leave of absence, whichever is the later.

(20) Similar in compensation: Salary or income, excluding overtime, equaling at least 80% of the monthly salary, as defined in section (9) of this rule.

(21) Similar location: A position in the same general area of the applicant's residence or last employment location.

(22) Training or vocational rehabilitation program: A comprehensive, coordinated program, usually state or federally funded, to train and assist individuals with disabilities in securing gainful employment commensurate with their abilities and capabilities.

(23) Vocational evaluation: An evaluation conducted by a certified vocational consultant, to determine the ability of an applicant to perform any work for which they are qualified.

(24) Work related stress: conditions or disabilities resulting from, but not limited to:

(a) Change of employment duties;

(b) Conflicts with supervisors;

(c) Actual or perceived threat of loss of a job, demotion, or disciplinary action;

(d) Relationships with supervisors, coworkers, or the public;

(e) Specific or general job dissatisfaction;

(f) Work load pressures;

(g) Subjective perceptions of employment conditions or environment;

(h) Loss of job or demotion for whatever reason;

(i) Fear of exposure to chemicals, radiation biohazards, or other perceived hazards;

(j) Objective or subjective stresses of employment; or

(k) Personnel decisions.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.320 - 238.345 & 238.435(5)

Hist.: PERS 15-2005, f. & cert. ef. 10-3-05

459-015-0005

Eligibility for Disability Retirement Allowances

(1) The Legislative Assembly has adopted rigorous criteria for eligibility to draw disability retirement allowance. Total, not partial disability, for an extended duration is required and eligibility for a disability retirement allowance requires that:

(a) A member be disabled to such an extent that the member is unable to perform any work for which qualified as defined in OAR 459-015-0001(1); and

(b) Is unable to generate any income that is similar in compensation as defined in OAR 459-015-0001(20) as of date of disability.

(2) In determining a member's eligibility for a disability retirement allowance, the burden of proof is upon the applicant. The Board is not required to prove whether the applicant is or is not eligible for a disability retirement allowance.

(3) Eligibility requirements for duty disabilities.

(a) Applicants with less than ten years of PERS employment must establish that they are members of PERS and were disabled while in the actual performance of duty, as defined in OAR 459-015-0001(15).

ADMINISTRATIVE RULES

(b) A member who has a pre-existing condition (as defined in OAR 459-015-0001(16)) must prove that the material contributing cause (as defined in OAR 459-015-0001(8)) of the disability was sustained while in actual performance of duty.

(c) Work related stress, as defined in OAR 459-015-0001(24), will not be considered as the material contributing cause, as defined in OAR 459-015-0001(8), of a duty disability unless the applicant establishes all of the following:

(A) The employment conditions producing the work related stress exist in a real and objective sense;

(B) The employment conditions producing the work related stress are conditions other than conditions generally inherent in every working situation or reasonable disciplinary, corrective or job performance evaluation actions by the employer, or cessation of employment or employment decisions attendant upon ordinary business or financial cycles;

(C) There is a diagnosis of a mental or emotional disorder which is generally recognized in the medical or psychological community; and

(D) There is evidence that the work related stress arose out of and in the course of employment.

(4) Eligibility requirements for non-duty disabilities. Eligible applicants must have a minimum of ten years of employment as calculated pursuant to ORS 238.320(6).

(5) If a member meets the eligibility criteria, the member's disability retirement allowance shall be based on creditable service time as though the member had continuously worked for a PERS participating employer to:

(a) Age 55 if retiring due to disability when the applicant's last PERS covered position was as a police officer or a firefighter.

(b) Age 58 if retiring due to disability when the applicant's last PERS covered position was as other than a police officer or firefighter.

(c) Actual service if member is over age 55 or 58 as used in (a) and (b) above.

(6) Termination of membership. Disability retirement allowances are available only to PERS members. PERS membership is terminated by either loss of membership or withdrawal of the member account balance as provided in ORS 238.095. Therefore, former PERS members who have terminated their membership through loss of membership or withdrawal are not eligible to receive PERS disability retirement allowances.

Stat. Auth.: ORS 238.650 & 238.095

Stats. Implemented: ORS 238.320 - 238.345

Hist.: PERS 2-1992, f. & cert. ef. 1-14-92; PERS 15-2005, f. & cert. ef. 10-3-05

459-015-0010

Criteria for Granting and Denying Disability Retirement Allowances

(1) Medical documentation is required by PERS. Each disability retirement applicant shall supply any treating or consulting physician's examination report or other medical information requested by PERS. PERS may base its determination on either a treating or consulting physician's medical examination report or have the applicant examined by one or more physicians selected by PERS, or both.

(2) All claims of a disability must be supported by at least one physician's report, resulting from a physical examination, documenting how the injury or disease incapacitates the member.

(3) In addition, a disability retirement applicant shall be required to furnish the following:

(a) For claims of mental or emotional disorder, at least one report of examination by a psychiatrist or at least one report of evaluation by a psychologist when accompanied by a report of physical examination by a treating or consulting physician;

(b) For claims of orthopedic injury or disease, at least one report of a treating or consulting orthopedic specialist;

(c) For claims of neurological or neurosurgical injury or disease, at least one report of treating or consulting neurologist or neurosurgeon;

(d) For claims of fibromyalgia, at least one report of a treating or consulting rheumatologist; and

(e) Any other specialized physician's report that PERS deems necessary.

(4) To demonstrate that he or she is unable to perform any work for which qualified, as defined in OAR 459-015-0001(1), the applicant shall document how the injury or disease incapacitates the applicant. The standard is subjective (that is, whether the applicant is actually incapacitated) not objective (that is, whether a "normal" member would have been incapacitated by the same events).

(a) In determining what work for which a member is qualified, the following factors shall be considered:

(A) Previous employment experience;

(B) Formal education;

(C) Formal training;

(D) Transferable skills;

(E) Age; and

(F) Physical or mental impairment.

(b) In determining what work for which a member is qualified, PERS may request, at PERS expense, a vocational evaluation be done by a vocational consultant who is fully certified as set forth in OAR 459-015-0001(2)(a) or (b).

(c) The inability of the applicant to perform the duties of his or her last job, in itself does not satisfy the criterion.

(5) When there is a dispute among medical experts, more weight will be given to those medical opinions that are both well reasoned and based on complete information.

(6) The Board may deny any application or discontinue any disability retirement allowance if an applicant refuses to submit to an independent medical or vocational examination.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.320 & 238.335

Hist.: PERS 2-1992, f. & cert. ef. 1-14-92; PERS 4-1992, f. & cert. ef. 5-4-92; PERS 15-2005, f. & cert. ef. 10-3-05

459-015-0020

Application Required

(1) No disability retirement allowance will be paid unless the member files a timely and complete application.

(2) Applications must be made on forms prescribed by PERS. PERS may require the member to provide any information that PERS considers necessary to determine the applicant's eligibility for a disability retirement allowance.

(3) Application may be made by a member or the member's authorized representative. A representative must submit to PERS written proof of the representative's authority; such as, a power of attorney, guardianship or conservatorship appointment.

(4) Upon the filing of an application for a disability retirement allowance, PERS will notify the applicant's current or most recent employer of the filing. Additionally, PERS may request of an employer information pertaining to current or previous employment.

(5) When an employee member is disabled due to injury or disease, the member may make application immediately after the last day worked even though the member may be on a paid leave or on an official leave of absence without pay. No application will be accepted that predates the last day the member was actually on the job.

(6) An application will be considered filed in a timely manner when received by PERS as follows:

(a) For a member who is disabled due to injury or disease and has terminated employment from all PERS covered service, the member must file an application for a disability retirement allowance within five calendar years of the date of termination. The disabling condition must be continuous from the date of termination to the date the application is filed;

(b) For a member who is disabled due to injury or disease after terminating employment from all PERS covered service and has not withdrawn the amount credited to the account of the member in the system, the member must file an application for a disability retirement allowance within six months after the date of termination.

(A) The injury or disease must be continuous from the date of onset to the date of application;

(B) The separation must be continuous from the date of termination to the date the application is filed.

(C) The member must have a minimum of ten years of employment as calculated pursuant to ORS 238.320(6).

(7) In determining the effective date of a disability retirement allowance, PERS may allow up to 60 months of benefits retroactive from the date the application is filed with PERS, but in no case earlier than the first day of the month following the date of termination.

(8) When making application for a PERS disability retirement allowance, PERS will request the applicant authorize any physician, health practitioner, hospital, clinic, pharmacy, employer, employment agency, or government agency to release and disclose to PERS, or independent physicians and vocational consultants retained by PERS, any information within their records or knowledge, including that information otherwise protected under federal or state law, regarding the applicant's health and employment which PERS determines relates to the applicant's claim of disability and inability to perform any work for which qualified.

(9) When filing an application for disability retirement allowance, if the applicant wishes to authorize release and disclosure of protected health information, as defined in OAR 459-015-0001(17), the applicant must

ADMINISTRATIVE RULES

complete and sign a consent form which specifically authorizes the release and disclosure of such information.

(a) This authorization is voluntary. Because PERS is not a covered entity as defined in 45 C.F.R., Parts 160 and 164, the protected health information is not subject to federal and state health information privacy laws, but is protected under Oregon State Public Record disclosure laws.

(b) This authorization may be revoked in writing at any time, except to the extent the entities named on the authorization form(s) have taken action in reliance of the authorization.

(c) If the applicant refuses to give or revokes authorization to disclose to PERS medical information that PERS determines it needs to evaluate the application, eligibility for a disability retirement allowance may be affected.

Stat. Auth.: ORS 183.310 - 183.550, 237.171, 237.191, 237.263 & 45 CFR Parts 160 & 164
Stats. Implemented:
Hist.: PERS 2-1992, f. & cert. ef. 1-14-92; PERS 15-2005, f. & cert. ef. 10-3-05

459-015-0025

Application Processing — Independent Examinations and Appeals

(1) Following the timely filing of a completed application, PERS may, at its discretion, request an independent medical exam or a vocational evaluation. If PERS requests one or more of these exams or evaluations, PERS will pay the reasonable associated expenses.

(a) For independent medical exams, PERS shall inform the applicant in writing and postmarked not less than ten days prior to a scheduled examination of the identity of the physician(s) selected to examine the applicant, together with location, date and time.

(b) For vocational evaluations, the vocational consultant or locator service shall inform the applicant of the location, date and time of the scheduled examination.

(c) If the applicant fails to meet the scheduled appointment or fails to reschedule the examination within five days of notification, PERS will not reschedule an examination at PERS' expense unless the applicant can demonstrate good cause for having failed to meet the scheduled appointment or reschedule the appointment as required.

(d) Good cause includes, but is not limited to:

(A) Physical or mental incapacitation preventing the member from meeting or rescheduling the examination;

(B) Failure of PERS or the vocational consultant or locator service to send the member notice as described above; or

(C) A death in the member's immediate family.

(e) Good cause does not include:

(A) A member's refusal to attend the scheduled appointment;

(B) A member's failure to meet the appointment with no reason provided; or

(C) A member's failure to make appropriate transportation arrangements.

(2) When PERS requires an applicant to travel to be examined by a physician, vocational consultant, or other professional, PERS will reimburse the applicant's reasonable transportation costs based on the least costly alternative and on availability. Travel by private vehicle shall be compensated at the rate applicable to travel by unrepresented state employees on state business. Transportation by taxi, bus, rail, or other public carrier shall be paid only upon presentation of receipts from the providers. Lodging and subsistence shall be allowed only when an overnight stay is necessary and shall be paid at the rate applicable to unrepresented state employees traveling on state business. Reimbursements will be reduced by the amount of any penalty assessed by PERS because of a member's failure to meet a scheduled appointment.

(3) In the event a member fails to meet a scheduled appointment in accordance with section (1) of this rule, and PERS is assessed a penalty by the service provider for the failure to meet the scheduled appointment, the disability applicant shall bear the cost of the penalty as follows:

(a) If the disability application is not approved, by making direct payment to the service provider who assessed the penalty; or

(b) If the disability application is approved:

(A) By making direct payment to the service provider who assessed the penalty; or

(B) By having the amount of the penalty deducted from the monthly disability retirement allowance, as provided for under ORS 238.715, payable to the member until the invoice is satisfied.

(4) The Director, or the Director's designee, is hereby authorized to approve or deny a disability retirement application. Upon receipt and review of all necessary documentation, staff shall present applicant's claim to the Director, or the Director's designee, with a recommendation to approve or to deny a disability retirement allowance. The Director, or the

Director's designee, may accept or reject the staff's recommendation, or refer the application back to staff for further documentation and review.

(a) If the Director, or the Director's designee, approves a disability claim, the staff will notify the applicant and the applicant's employer of such approval.

(b) If the disability claim is denied, the staff shall issue an Intent to Deny letter by regular and certified mail, return receipt requested. The denial letter shall advise the applicant that additional information to substantiate the claim, or a request for an extension of 30 days to present additional information, may be submitted to the staff in writing within 30 days of the date of the Intent to Deny letter.

(c) An applicant who is otherwise eligible for a service retirement allowance shall have 30 days from the date of the Intent to Deny letter to apply for a service retirement allowance and be entitled to establish an effective date of service retirement for the first of the month that the application for disability retirement allowance was received by PERS.

(d) The application for a service retirement allowance as provided for in subsection (c) of this section shall not preclude a disability applicant from requesting a contested case hearing under OAR 459-015-0030.

(5) Following the issuance of an Intent to Deny letter, staff will review any additional information which is submitted within 30 days from the issuance of the Intent to Deny letter.

(a) If the additional information results in a recommendation to approve the application, staff shall resubmit the application to the Director, or the Director's designee, with the recommendation.

(b) If the additional information does not result in a recommendation to approve the application, PERS will issue a final denial letter by regular and certified mail, return receipt requested.

(c) If no additional information is received, PERS will issue a final denial letter by regular and certified mail, return receipt requested.

(6) The final denial letter will provide the applicant with notification of the right to request a contested case hearing as provided for in OAR 459-015-0030 and 459-001-0035.

(7) PERS will notify the most recent employer of the approval or the denial of an application for a disability retirement allowance, a request for review of the Director's determination, and the Director's final action. Such notification will not contain any confidential information as defined in OAR 459-015-0001(3).

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.320 & 238.335

Hist.: PERS 2-1992, f. & cert. ef. 1-14-92; PERS 5-1992, f. & cert. ef. 5-4-92; PERS 15-2005, f. & cert. ef. 10-3-05

459-015-0045

Return to Work

(1) The Public Employees Retirement Board allows a member who is receiving a disability allowance to return to work as follows:

(a) Returning to work in a PERS qualifying position. A member who has not been medically released for any work for which qualified, may return to work in a PERS qualifying position, as defined by OAR 459-010-0003, for a 90-day trial period without losing disability retirement status. While the member is working during this trial period:

(A) Disability benefits will be suspended.

(B) Any wages earned during the trial period are excluded from the definition of salary for purposes of computing PERS contributions or determining PERS retirement benefits unless the member continues the employment beyond 90 days. If the member continues beyond the 90 days, the period will be considered qualifying as of the first day the member returned to work and retroactive contributions, without interest, are required.

(b) Returning to work in a PERS non-qualifying position. A member who has not been medically released for any work for which qualified, may return to work with a PERS participating employer in a position not qualifying for PERS active membership. Unless the member has reached normal retirement age, the monthly disability retirement will be adjusted by any earned income which, when added to the disability retirement allowance, exceeds the gross monthly salary earned at the time of retirement for disability;

(c) Returning to work in a non-PERS position. A member who has not been medically released for any work for which qualified, may be employed by other than a PERS participating employer. Unless the member has reached normal retirement age, the monthly disability retirement allowance shall be adjusted by any wages which, when added to the disability retirement allowance, exceeds the gross monthly salary earned at the time of retirement for disability.

(2) A member's disability retirement allowance will be terminated if the member has been medically released for any work for which qualified,

ADMINISTRATIVE RULES

whether the member returns to work or not, and PERS will invoice the member for, or recover under ORS 238.715, any overpayment of benefits.

(3) If a member returns to work as provided in sections (1) or (2) of this rule, the member must:

(a) Notify PERS in writing of the reemployment within 30 days of such reemployment; and

(b) Report monthly to PERS the amount of any earned income.

(4) PERS may contact other public or private agencies, such as the Oregon Employment Department, the Oregon Department of Revenue, or the U.S. Internal Revenue Service to obtain employment information.

(5) Upon request by PERS, a member must provide PERS with a copy of the member's federal income tax returns, together with copies of IRS forms W-2.

(6) The Board may require medical examination reports or vocational evaluations for any member receiving a disability retirement allowance who is reemployed.

(7) If the member is reemployed under section (1) of this rule and is unable to continue employment due to the disabling injury or disease as confirmed by medical documentation, the member or employer must notify PERS. If medical documentation substantiates that the disability prevents the completion of the trial period, the disability retirement allowance will be reinstated at the end of the 90 day period, or as of the date the member leaves the trial employment, whichever is sooner.

(8) A disability retirement allowance shall not be discontinued solely by reason of the retired member entering a training or vocational rehabilitation program as defined in OAR 459-015-0001(22).

(9) Restoration of member account after return to work. If a member returns to PERS covered employment after the 90-day trial period, or is medically released at any time for any work for which they are qualified, the disability claim will be closed and the member's regular and variable PERS account(s) will be restored to the dollar amount of the account as of the effective date of disability.

(10) Creditable service. A member does not receive creditable service while drawing disability benefits. If, however, the member returns to PERS covered employment, their disability claim is closed, and they subsequently retire under a service retirement, service time for the period of disability will be restored as follows:

(a) For duty disabilities, creditable service will be granted to the member at no cost to the member.

(b) For non-duty disabilities, creditable service may be purchased by the member under the provisions of ORS 238.175.

Stat. Auth.: ORS 238.320, 238.335, 238.330, 238.650 & 238.715

Stats. Implemented: ORS 238.175 & 238.330

Hist.: PERS 2-1992, f. & cert. ef. 1-14-92; PERS 15-2005, f. & cert. ef. 10-3-05

459-015-0050

Periodic Reviews

(1) Members receiving disability retirement allowance are subject to periodic reviews of their disabled status until the member reaches normal retirement age or staff determines that periodic reviews are no longer warranted.

(2) Periodic reviews will be used to determine that continued disability retirement allowances are warranted. In recommending the continuance or discontinuance of a disability retirement allowance, for the original approved disability or a new medical condition, PERS will follow the criteria established under OAR 459-015-0010.

(3) For duty disability, the periodic review will not revisit the original determination that the injury or disease was duty caused, unless there is evidence of misrepresentation or fraud.

(4) PERS will establish review dates for each member subject to a periodic review depending on type of disability, extent of disability, and medical reports unique to each individual case.

(a) The reviews may be medical or vocational in nature, or both.

(b) Upon review, PERS may accept or require:

(A) New treating or consulting physician or specialist reports;

(B) Updated physician or specialist reports;

(C) Independent medical or vocational examinations; or

(D) Employment and wage information, including but not limited to, tax returns or information from the State Employment Department.

(c) PERS may immediately discontinue the disability retirement allowance of any person who refuses to provide current medical evidence or refuses to submit to an examination.

(A) If the disability claim is discontinued, the staff shall issue an Intent to Discontinue letter by regular and certified mail, return receipt requested. The discontinuation letter shall advise the applicant that additional information to substantiate the claim, or a request for an extension of

thirty (30) days to present additional information, may be submitted to the staff in writing within thirty (30) days of the date of the Intent to Discontinue letter.

(B) Following the issuance of an Intent to Discontinue letter, staff will review any additional information which is submitted within thirty (30) days.

(i) If the additional information results in a recommendation to approve the application, staff shall resubmit the application to the Director, or the Director's designee, with the recommendation.

(ii) If the additional information does not result in a recommendation to approve the application, PERS will issue a final discontinuation letter by regular and certified mail, return receipt requested.

(C) If no additional information is received within thirty (30) days, PERS will issue a final discontinuation letter by regular and certified mail, return receipt requested.

(D) The final discontinuation letter will provide the applicant with notification of the right to request a contested case hearing as provided for in OAR 459-015-0030 and 459-001-0035.

(5) The member has the burden to prove continuing eligibility for a disability retirement allowance.

(6) The Director, or the Director's designee, is authorized to approve or deny the continuance of a disability retirement allowance.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.320 & 238.335

Hist.: PERS 2-1992, f. & cert. ef. 1-14-92; PERS 5-1992, f. & cert. ef. 5-4-92; PERS 15-2005, f. & cert. ef. 10-3-05

459-015-0055

Selection of Benefit Option and Commencement of Allowance

(1) Upon filing an application for a disability retirement allowance, the member may make a preliminary designation of beneficiary and a preliminary selection of benefit option.

(a) A member may choose from retirement Options 1, 2, 2A, 3, 3A, 15 year certain or refund annuity as set forth in ORS 238.300 and 238.305, or an optional disability retirement allowance under ORS 238.325.

(b) A member may not choose a lump-sum option.

(2) Within 90 days following the Director's, or the Director's designee's, approval of the application for disability retirement allowance, the member must complete a final designation of beneficiary and selection of benefit option on forms provided by PERS. Receipt of the final forms will supercede any preliminary beneficiary designation or benefit option.

(a) The final option selected applies only to the corresponding time period the member is receiving a disability retirement allowance.

(b) The beneficiary designation or benefit option may be changed up to 60 days after the date of the first benefit payment as provided in ORS 238.325(2).

(c) If a member's disability retirement allowance is canceled, the option selected for the purposes of that disability retirement allowance is canceled and a new option may be selected upon a subsequent disability or a service retirement.

(3) If the member does not complete a final selection of benefit option within 90 days following the Director's, or the Director's designee's, approval of the application for disability retirement allowance:

(a) The benefit will be the benefit as set forth under ORS 238.320(1); and

(b) The latest beneficiary designation on file for the PERS Chapter 238 Program will be used to determine the default beneficiary. If no designation exists, the beneficiary will be as provided for under ORS 238.390(2).

(4) Purchases. If a member is eligible to purchase additional creditable service or retirement credit under ORS chapter 238, the payment for the purchase(s) shall accompany the final selection of benefit option form.

(5) The payment of a disability retirement allowance shall commence within ten days following receipt by PERS of all of the following items, or the date the first payment is due, as set forth in Section (6) of this rule, whichever is later:

(a) From the member:

(A) Final designation of beneficiary and selection of benefit option form;

(B) Proof of member's age;

(C) Proof of age for the designated beneficiary if a joint survivor option is elected; and

(D) Spousal consent form.

(b) From the employer:

(A) Financial; and

(B) Demographic information indicating the member has separated from PERS-covered employment.

ADMINISTRATIVE RULES

- (6) A disability payment is first due on the later of:
- (a) The first of the calendar month in which the member files a complete application for disability benefits with PERS; or
 - (b) The first of the month following the first full calendar month after final payment by the employer of any wages or paid leave benefits to the member, excluding any cash payoff of accrued vacation or compensatory time;
 - (c) The first of the calendar month following the date that the disability application is approved by the Director.
- (d) Notwithstanding subsections (a), (b) and (c) of this section, no payment shall be made prior to the end of the period of 90 consecutive days beginning with the date of disability as defined in OAR 459-015-0001(4); and

(e) A disability retirement allowance shall be retroactive to the effective date of disability.

(7) If PERS cannot calculate the actual disability benefit payment, an estimated payment will be made until PERS receives all the necessary information needed to calculate the actual benefit payment. The payment will be made retroactive to the effective date of disability if the benefits become due before the 90 consecutive day period of incapacitation has elapsed.

(a) If the estimated payment results in an underpayment of \$10 or more a month, the member will receive interest based on the provisions set forth in OAR 459-007-0015.

(b) If the estimated payment results in an overpayment of any amount, the overpayments may be recovered by decreasing the monthly benefit amount until the difference between the amount the member received and the amount the member should have received is recovered.

(8) Within the 60 day period following the issue date of the first actual (not estimated) benefit payment, the member may change their benefit option. The Option change will be retroactive to the effective disability retirement date.

(9) Minimum disability benefit. A disability benefit will not be less than \$100 per month under the non-refund Option 1 benefit or the amount the member would have received for service retirement, if eligible, whichever is higher.

(10) In the event a member applying for a disability retirement allowance dies prior to the Director's approval of the application, and:

(a) the member has made a preliminary designation of beneficiary or selected a benefit option, the preliminary election(s) shall be effective upon the Director's approval of that application.

(A) If the beneficiary is the surviving spouse, the surviving spouse may, within 90 days from the date the disability application is approved, elect to have either Option 2 or 3 disability benefits or pre-retirement death benefits, as provided in ORS 238.390 or 238.395, if eligible.

(B) If the surviving spouse elects either Option 2 or 3, the surviving spouse cannot name a beneficiary and all benefits will cease upon the spouse's death.

(b) the member has not made a preliminary designation of beneficiary or selected a benefit option, the member will be considered as having died before retirement.

Stat. Auth.: ORS 238.650
Stats. Implemented: ORS 238.320, 238.325 & 238.335
Hist.: PERS 2-1992, f. & cert. ef. 1-14-92; PERS 15-2005, f. & cert. ef. 10-3-05

459-015-0060

Reduction Due to Workers' Compensation Payment

(1) PERS disability payments are reduced by payments a Tier Two member receives from Workers' Compensation. There is no reduction for a Tier One member. Other disability-related income, such as Social Security and/or private disability insurance plan payments will not affect the amount of a PERS disability retirement allowance.

(2) A Tier Two member's disability retirement allowance will be offset by any gross monthly workers' compensation payment paid in a calendar month on account of temporary total disability or permanent total disability under the provisions of ORS Chapter 656; regardless of whether the condition on which the workers' compensation claim is based is related to the condition on which the PERS disability retirement claim is based.

(a) A monthly workers' compensation payment includes:

- (A) Weekly gross payments;
- (B) Semi-monthly gross payments;
- (C) Monthly gross payments; and
- (D) That portion of a lump sum payment of a workers' compensation disability claim that is expressly designated as compensation for temporary total disability or permanent total disability.

(b) A monthly workers' compensation payment does not include:

- (A) Payments for medical services;
- (B) Payments for vocational training;
- (C) Reemployment assistance payments; and
- (D) Any payment based on an employee's waiver of all rights to, and includes no payment for, a temporary total disability or a permanent total disability claim.

(c) The workers' compensation payment will be considered paid on the date that payment is issued, and will not be allocated to any period other than the month payment is issued.

(3) In the event a Tier Two member is eligible to receive a PERS disability retirement allowance, PERS will request of the Workers' Compensation Division, or any other public or private workers' compensation insurance carrier, documentation of the portion of a lump sum settlement that is made on account of a temporary total disability or a permanent total disability.

(4) The disability allowance of a Tier Two member will be reduced by the amount by which the combined monthly benefits payable from both PERS and any monthly workers' compensation payment on account of temporary total disability or permanent total disability exceed the monthly salary of the member at time of disability.

(5) A Tier Two member who is eligible to receive a disability retirement allowance must report immediately to PERS the receipt or the award of any monthly workers' compensation payment as described in section (2)(a) of this rule.

(6) In the event a Tier Two member receives one or more monthly workers' compensation payment(s) while also receiving a disability retirement allowance, but PERS is not notified of the workers' compensation payment until after making one or more disability retirement allowance payments:

(a) PERS will recalculate the disability retirement allowance, taking the monthly workers' compensation payments into account; and

(b) PERS will invoice the member for, or recover under ORS 238.715, any overpayment of PERS benefits.

(7) A Tier Two member's PERS disability retirement allowance:

(a) Will first be calculated in accordance with ORS 238.435 and this rule prior to determining any reduction to the PERS disability retirement allowance under ORS 238.330(3).

(b) Any reduction under ORS 238.330(3) will be made to the adjusted PERS disability retirement allowance established under ORS 238.435 and this rule.

Stat. Auth.: ORS 238.650
Stats. Implemented: ORS 238.435 & 238.330(3)
Hist.: PERS 3-1998, f. & cert. ef. 3-16-98; PERS 15-2005, f. & cert. ef. 10-3-05

Adm. Order No.: PERS 16-2005
Filed with Sec. of State: 10-3-2005
Certified to be Effective: 10-3-05
Notice Publication Date: 7-1-05

Rules Adopted: 459-076-0000, 459-076-0001, 459-076-0005, 459-076-0010, 459-076-0020, 459-076-0025, 459-076-0045, 459-076-0050, 459-076-0055, 459-076-0060

Subject: 2003 House Bill 2020, the legislation that established the Oregon Public Service Retirement Plan (OPSRP), requires new administrative rules to clarify and implement its provisions; in this case related to disability benefits under ORS 238A.235.

Rules Coordinator: David K. Martin—(503) 603-7713

459-076-0000

Purpose

(1) The Legislative Assembly has established within the Oregon Public Service Retirement Plan (OPSRP) Pension Program a program for a disability benefit. The disability benefit program is solely intended to provide benefits to those members who have not reached normal retirement age as defined in OAR 459-076-0001(11) and who are unable to work because they are disabled and cannot perform any work for which they are qualified. A disability benefit is not in addition to a service retirement allowance and is payable until the member:

- (a) Is no longer disabled; or
- (b) Reaches normal retirement age as defined in OAR 459-076-0001(14); or
- (c) Dies.

(2) A member who is no longer receiving a disability benefit due to conditions set forth under section (1)(a) or (b) and has not applied for a

ADMINISTRATIVE RULES

service retirement benefit after reaching normal retirement age will be considered an inactive member as defined in ORS 238A.005(8).

Stat. Auth.: ORS 238A.450
Stats. Implemented: ORS 238A.235
Hist.: PERS 16-2005, f. & cert. ef. 10-3-05

459-076-0001 Definitions

The words and phrases used in this Division have the same meaning given them in ORS Chapter 238A and OAR 459-070-0001. Additional terms are defined as follows unless the context requires otherwise.

(1) Any work for which qualified: A job, not necessarily the last or usual job, which the applicant for disability benefits:

- (a) Is physically and psychologically capable of performing; and
- (b) Has, or may obtain with reasonable training, the knowledge, skills and abilities, to perform the job.

(2) Certified vocational consultant: a person who satisfies the criteria set forth under either of the following:

(a) A Master's Degree in vocational rehabilitation, and one year of experience in performing vocation evaluations or developing individualized return-to-work plans; or a Bachelor's Degree and two years of such experience. All degrees must have been earned at an accredited institution; or

(b) Accredited as a "Certified Rehabilitation Counselor (CRC)" by the Commission on Rehabilitation Counselor Certification; as a "Certified Insurance Rehabilitation Specialist (CIRS)" by the Certified Insurance Rehabilitation Specialist Commission; or a "Certified Vocational Evaluation Specialist (CVE)" or a "Certified Work Adjustment Specialist (CWA)" by the Commission on Certification of Work Adjustment and Vocation Evaluation specialist.

(3) Confidential information: Information of a personal nature such that disclosure would constitute an unreasonable invasion of privacy as defined by state law.

(4) Date of disability: The day an active member ceased to work because of injury or disease;

(5) Effective date of disability benefit: The first of the month following the later of:

- (a) The last day the member worked for a participating employer;
- (b) The last day the member was on paid leave; or
- (c) The last day the member received any salary or paid leave benefits from a participating employer, exclusive of the cash pay-off for accrued vacation or compensatory time, as long as that payment is made within the 31 days after the member separates from PERS covered employment.

(6) Extended duration: A period of not less than 90 consecutive calendar days unless the disability is expected to result in the death of the disabled member in less than 90 days.

(7) Independent medical exam: An exam or exams conducted by a physician chosen by PERS for purposes other than for treatment which results in the issuance of a report or reports based on those exams, giving an opinion regarding the claimed injury or disease.

(8) Material contributing cause: The efficient, dominant, and proximate cause of the disability, without which the member would not be disabled.

(9) Monthly salary: Salary as defined in ORS 238A.005(16) that is earned in the last full calendar month of employment.

(a) Retroactive payments or payments made due to clerical errors, paid in accordance with ORS 238A.005(16)(b)(E), are allocated to the period the salary was earned or should have been earned.

(b) Payments of salary paid within 31 days of separation are allocated to the period the salary was earned and should be considered as paid on the last date of employment.

(10) Monthly salary received: The salary paid, as defined in section (9) of this rule, for the last full calendar month of employment prior to date of disability.

(11) Normal retirement age: The age at which a member can retire without a reduced benefit as set forth under ORS 238A.160.

(12) Other income: includes, but is not limited to:

- (a) Salary or wages received as an employee;
- (b) Self-employment income from:
 - (A) Services industry;
 - (B) Sales;
 - (C) Assembly or manufacturing;
 - (D) Consulting;
 - (E) Property management;
 - (F) Hobby income; or
 - (G) Book advances.

(c) "Other income" does not include:

- (A) Investment income;
- (B) Rent; and
- (C) Royalties.

(13) Physician: A medical doctor, a doctor of osteopathy, a doctor of oral surgery, a chiropractic doctor, a naturopathic doctor, or a doctor of psychology practicing only within the purview of their license issued by the designated authority of a state.

(14) Periodic review: A review of a member receiving a disability retirement allowance to determine whether or not a continued allowance is warranted.

(15) Performance of duty: Mental or physical incapacitation arising out of and in the course of duty and is not intentionally self-inflicted. The injury or disease must be initially caused, aggravated or accelerated to cause incapacitation by the performance of the member's duties in the employment of a participating public employer. The job must be the material contributing cause of the injury or disease. Performance of duty includes whatever an employee may be directed, required or reasonably expected to do in connection with his or her employment, and not solely the duties peculiar to his or her position;

(16) Pre-existing condition: A condition that was not sustained in actual performance of duty with the current employer.

(17) Protected health information: Health information created or received by a health care provider, health plan, or health care clearinghouse, where an individual has a reasonable belief that the information can identify the individual, which relates to:

- (a) The past, present, or future physical or mental health of an individual;
- (b) The provision of health care to an individual; or
- (c) The past, present, or future payment for the provision of health care to an individual.

(18) Qualifying position: One or more positions with a participating employer, in a participating class, which requires performance of 600 or more hours in a calendar year.

(19) Separation from all service: The date a member terminates from employment such that an employee/employer relationship no longer exists; the last day worked (physically on the job), the last day of paid leave, or the last day of an official leave of absence, whichever is the later.

(20) Similar in compensation: Salary or income, excluding overtime, equaling at least 80 percent of the monthly salary, as defined in section (9) of this rule.

(21) Similar location: A position in the same general area of the applicant's residence or last employment location.

(22) Vocational evaluation: An evaluation conducted by a certified vocational consultant, to determine the ability of an applicant to perform any work for which they are qualified.

(23) Work related stress: conditions or disabilities resulting from, but not limited to:

- (a) Change of employment duties;
- (b) Conflicts with supervisors;
- (c) Actual or perceived threat of loss of a job, demotion, or disciplinary action;
- (d) Relationships with supervisors, coworkers, or the public;
- (e) Specific or general job dissatisfaction;
- (f) Work load pressures;
- (g) Subjective perceptions of employment conditions or environment;
- (h) Loss of job or demotion for whatever reason;
- (i) Fear of exposure to chemicals, radiation biohazards, or other perceived hazards;
- (j) Objective or subjective stresses of employment; or
- (k) Personnel decisions.

Stat. Auth.: ORS 238A.450
Stats. Implemented: ORS 238A.235
Hist.: PERS 16-2005, f. & cert. ef. 10-3-05

459-076-0005 Eligibility for Disability Benefits

(1) Only disabilities arising while the member is an active member of the OPSRP Pension Program and are expected to last for an extended duration qualify for the disability benefit under ORS Chapter 238A. Members with disabilities arising after a member has terminated employment from a qualifying position(s) are not eligible for a disability benefit.

(2) A member fails to meet the eligibility criteria for an OPSRP disability benefit:

- (a) If the member is able to perform any work for which qualified; and

ADMINISTRATIVE RULES

(b) Is able to generate other income that is similar in compensation, as defined in OAR 459-076-0001(20), as of date of disability.

(3) In determining a member's eligibility for disability benefits, the burden of proof is upon the applicant. The Board is not required to prove whether the applicant is or is not eligible for disability benefits.

(4) Eligibility for duty disabilities.

(a) Applicants with less than ten years of OPSRP retirement credit must establish that they are active members of OPSRP and were disabled while in the actual performance of duty, as defined in OAR 459-076-0001(15).

(b) A member who has a pre-existing condition (as defined in OAR 459-076-0001(16)) must prove that the material contributing cause (as defined in OAR 459-076-0001(8)) of the disability was sustained while in actual performance of duty.

(c) Work related stress, as defined in OAR 459-076-0001(23), will not be considered as the material contributing cause, as defined in OAR 459-076-0001(8), of a duty disability unless the applicant establishes all of the following:

(A) The employment conditions producing the work related stress exist in a real and objective sense;

(B) The employment conditions producing the work related stress are conditions other than conditions generally inherent in every working situation or reasonable disciplinary, corrective or job performance evaluation actions by the employer, or cessation of employment or employment decisions attendant upon ordinary business or financial cycles;

(C) There is a diagnosis of a mental or emotional disorder which is generally recognized in the medical or psychological community; and

(D) There is evidence that the work related stress arose out of and in the course of employment.

(5) Eligibility for non-duty disabilities.

(a) Members, other than members who are school employees as defined by ORS 238A.140, must have a minimum of ten years of OPSRP retirement credit as calculated pursuant to ORS 238A.140, and the disability must arise while the applicant is an active member of the OPSRP Pension Program.

(b) Members, who are school employees as defined by ORS 238A.140, must have been active members in ten or more calendar years and the disability must arise while the applicant is an active member of the OPSRP Pension Program.

(6) Termination of OPSRP membership. Disability benefits are available only to OPSRP members. OPSRP membership is terminated by withdrawal under ORS 238A.120 or forfeiture of retirement credit under ORS 238A.145. Therefore, former OPSRP members who have withdrawn or forfeited are not eligible to receive OPSRP disability benefit.

(7) Return to work. If a member who is receiving a disability benefit becomes employed, the member's disability benefit will be terminated, effective the first of the month following employment. PERS will invoice the member for, or recover under ORS 238.715, any overpayment of benefits.

(8) PERS may contact other public or private agencies, such as the Oregon Employment Department, the Oregon Department of Revenue, or the U.S. Internal Revenue Service to obtain employment information.

(9) Upon request by PERS, a member must provide PERS with a copy of the member's federal income tax returns, together with copies of IRS forms W-2.

Stat. Auth.: ORS 238A.120 & 238A.450
Stats. Implemented: ORS 238A.140 & 238A.235
Hist.: PERS 16-2005, f. & cert. ef. 10-3-05

459-076-0010

Criteria for Granting and Denying Disability Benefits

(1) Medical documentation is required by PERS. Each disability benefit applicant shall supply any treating or consulting physician's examination report or other medical information requested by PERS. PERS may base its determination on either a treating or consulting physician's medical examination report or have the applicant examined by one or more physicians selected by PERS, or both.

(2) The Board may deny any application or discontinue any disability benefit in the case of any person who refuses to submit to any medical examination or supply a completed application or review form.

(3) All claims of a disability must be supported by at least one physician's report resulting from a physical examination documenting how the injury or disease incapacitates the member.

(4) In addition, a disability benefit applicant shall be required to furnish the following:

(a) For claims of mental or emotional disorder, at least one report of examination by a psychiatrist or at least one report of evaluation by psychologist when accompanied by a report of physical examination by a treating or consulting physician;

(b) For claims of orthopedic injury or disease, at least one report of a treating or consulting orthopedic specialist or neurosurgeon;

(c) For claims of neurological or neurosurgical injury or disease, at least one report of treating or consulting neurologist or neurosurgeon;

(d) For claims of fibromyalgia, at least one report of a treating or consulting rheumatologist; and

(e) Any other specialized physician's report PERS deems necessary.

(5) To demonstrate that he or she is unable to perform any work for which qualified, as defined in OAR 459-076-0001(1), the applicant shall document how the injury or disease incapacitates the applicant. The standard is subjective (that is, whether the applicant is actually incapacitated) not objective (that is, whether a "normal" member would have been incapacitated by the same events).

(a) In determining what work for which a member is qualified, the following factors shall be considered:

(A) Previous employment experience;

(B) Formal education;

(C) Formal training;

(D) Transferable skills;

(E) Age; and

(F) Physical or mental impairment.

(b) In determining what work for which a member is qualified, PERS may request, at PERS expense, a vocational evaluation be done by a vocational consultant who is fully certified as set forth in OAR 459-076-0001(2).

(c) The inability of the applicant to perform the duties of his or her last job, in itself, does not satisfy the criterion.

(6) When there is a dispute among medical experts, more weight will be given to those medical opinions that are both well reasoned and based on complete information.

(7) The Board may deny any application or discontinue any disability benefit if an applicant refuses to submit to an independent medical or vocational examination.

Stat. Auth.: ORS 238A.450
Stats. Implemented: ORS 238A.235
Hist.: PERS 16-2005, f. & cert. ef. 10-3-05

459-076-0020

Application Required

(1) No disability benefit will be paid unless the member files a timely and complete application with PERS.

(a) An inactive member who was disabled due to injury or disease while the applicant was an active member and is not separated from membership, must file an application for a disability retirement allowance within five calendar years of the last day worked; even though the member may continue on a paid leave or on an official leave of absence without pay. The disabling condition must have arisen while the applicant was an active member and be continuous from the date the member last worked to the date the application is filed.

(b) Members who become disabled due to injury or disease after the date of separation from all service entitling the member to active membership in the system, are not eligible for a disability benefit under ORS Chapter 238A.

(2) Applications will be made on forms prescribed by PERS. PERS may require the member to provide any information that PERS considers necessary to determine the applicant's eligibility for a disability benefit.

(3) Application must be made by a member or the member's authorized representative. A representative must submit to PERS written proof of the representative's authority; such as, a power of attorney, guardianship or conservatorship appointment.

(4) A member may make application immediately after the last day worked even though the member is on a paid leave or on an official leave of absence without pay. No application will be accepted that predates the last day the member was actually on the job.

(5) In determining the effective date of a disability benefit PERS may allow up to 60 months of benefits retroactive from the date the application is filed with PERS, but in no case earlier than the first day of the month following the date of termination.

(6) Upon the filing of an application for a disability retirement benefit, PERS will notify the applicant's current or most recent employer of the filing. Additionally, PERS may request of an employer information pertaining to current or previous employment.

ADMINISTRATIVE RULES

(7) When making application for a PERS disability benefit, PERS will request the applicant authorize any physician, health practitioner, hospital, clinic, pharmacy, employer, employment agency, or government agency to release and disclose to PERS, or independent physicians and vocational consultants retained by PERS, any information within their records or knowledge, including that information otherwise protected under federal or state law, regarding the applicant's health and employment which PERS determines relates to the applicant's claim of disability and inability to perform any work for which qualified.

(8) When filing an application for disability benefit, if the applicant wishes to authorize release and disclosure of protected health information, as defined in OAR 459-015-0001(17), the applicant must complete and sign a consent form which specifically authorizes the release and disclosure of such information.

(a) This authorization is voluntary. Because PERS is not a covered entity as defined in 45 C.F.R. Parts 160 and 164, the protected health information is not subject to federal and state health information privacy laws, but is protected under Oregon State Public Record disclosure laws.

(b) This authorization may be revoked in writing at any time, except to the extent the entities named on the authorization form(s) have taken action in reliance of the authorization.

(c) If the applicant refuses to give or revokes authorization to disclose to PERS medical information that PERS determines it needs to evaluate the application, eligibility for a disability retirement allowance may be affected.

Stat. Auth.: ORS 238A.450 & 45 CFR Parts 160 & 164
Stats. Implemented: ORS 238A.235
Hist.: PERS 16-2005, f. & cert. ef. 10-3-05

459-076-0025

Application Processing — Independent Examinations and Appeals

(1) Following the timely filing of a completed application, PERS may, at its discretion, request an independent medical exam or a vocational evaluation. If PERS requests one or more of these exams or evaluations, PERS will pay the reasonable associated expenses.

(a) For independent medical exams, PERS will inform the applicant in writing and postmarked not less than ten days prior to a scheduled examination, of the identity of the physician(s) selected to examine applicant, together with location, date and time.

(b) For vocational evaluations, the vocational consultant or locator service shall inform the applicant of the location, date and time of the scheduled examination.

(c) If the applicant fails to meet the scheduled appointment or fails to reschedule the examination within five days of notification, PERS will not reschedule an examination at PERS' expense unless the applicant can demonstrate good cause for having failed to meet the scheduled appointment or reschedule the appointment as required.

(d) Good cause includes, but is not limited to:

(A) Physical or mental incapacitation preventing the member from meeting or rescheduling the examination;

(B) Failure of PERS or the vocational consultant or locator service to send the member notice as described above; or

(C) A death in the member's immediate family.

(e) Good cause does not include:

(A) A member's refusal to attend the scheduled appointment;

(B) A member's failure to meet the appointment with no reason provided; or

(C) A member's failure to make appropriate transportation arrangements.

(2) When PERS requires an applicant to travel to be examined by a physician, vocational consultant, or other professional, PERS will reimburse the applicant's reasonable transportation costs based on the least costly alternative and on availability. Travel by private vehicle will be compensated at the rate applicable to travel by unrepresented state employees on state business. Transportation by taxi, bus, rail, or other public carrier will be paid only upon presentation of receipts from the providers. Lodging and subsistence will be allowed only when a stop-over is necessary and will be paid at the rate applicable to unrepresented state employees traveling on state business. Reimbursements will be reduced by the amount of any penalty assessed PERS because of a member's failure to meet a scheduled appointment.

(3) In the event a member fails to meet a scheduled examination in accordance with section (1) of this rule, and PERS is assessed a penalty by the service provider for the failure to meet the scheduled appointment, the disability applicant will bear the cost of the penalty as follows:

(a) If the disability application is not approved, by making direct payment to the service provider who assessed the penalty; or

(b) If the disability application is approved:

(A) By making direct payment to the service provider who assessed the penalty; or

(B) By having the amount of the penalty deducted from the monthly disability benefit, as provided for under ORS 238.715, payable to the member until the invoice is satisfied.

(4) The Director, or the Director's designee, is hereby authorized to approve or deny a disability benefit application. Upon receipt and review of all necessary documentation, staff will present applicant's claim to the Director, or the Director's designee, with a recommendation to approve or to deny a disability benefit. The Director, or the Director's designee, may accept or reject the staff's recommendation, or refer the application back to staff for further documentation and review.

(a) If the disability claim is approved, the staff will notify the applicant and the applicant's employer of such approval.

(b) If the disability claim is denied, the staff will issue an Intent to Deny letter by regular and certified mail, return receipt requested. The Intent to Deny letter will advise the applicant that additional information to substantiate the claim, or a request for an extension of 30 days to present additional information, may be submitted to the staff in writing within 30 days of the date of the Intent to Deny letter.

(5) Following the issuance of an Intent to Deny letter, staff will review any additional information submitted within 30 days from the issuance of the Intent to Deny letter.

(a) If the additional information results in a recommendation to approve the application, staff will resubmit the application to the Director with the recommendation.

(b) If the additional information does not result in a recommendation to approve the application, PERS will issue a final denial letter by regular and certified mail, return receipt requested.

(c) If no additional information is received, PERS will issue a final denial letter by regular and certified mail, return receipt requested.

(6) The final denial letter will provide the applicant with notification of the right to request a contested case hearing as provided for in OAR 459-015-0030 and 459-001-0035.

(7) PERS will notify the most recent employer of the approval or the denial of an application for a disability benefit, a request for review of the Director's determination, and the Director's final action. Such notification will not contain any confidential information as defined in OAR 459-076-0001(3).

Stat. Auth.: ORS 183.310 - 183.550 & 238A.450
Stats. Implemented: ORS 238A.235
Hist.: PERS 16-2005, f. & cert. ef. 10-3-05

459-076-0045

Cessation of Disability Benefits Upon Reaching Normal Retirement Age

(1) If a member who is receiving an OPSRP disability benefit reaches normal retirement age, as defined in OAR 459-076-0001(11), disability benefits will cease as of the first of the following month.

(2) The disability benefit will not automatically convert to a retirement benefit upon the member reaching normal retirement age. The member must apply for service retirement benefits before receiving them. In order to receive a service retirement benefit beginning in the month in which a disability benefit ceases under section (1) above, the member must:

(a) Complete the applicable Service Retirement application(s); and

(b) Submit the application(s) to PERS at least 92 days before the first of the month in which the disability benefit ceases under section (1). In no case will a service retirement benefit become payable during a month in which a member receives a disability benefit or earlier than the first of the month in which an application was submitted.

(3) The OPSRP retirement pension benefit will be based on:

(a) The adjusted salary as set forth in section (4) of this rule; and

(b) The total retirement credit accrued, set forth in section (5) of this rule.

(4) The salary the member was receiving immediately prior to leaving active employment as a result of disability will be adjusted for the cost-of-living for each year after the member left employment and before the member's effective date of service retirement.

(a) Cost-of-living adjustments will be based on the Portland-Salem, OR-WA CPI and may not exceed a two percent increase or decrease for any year.

ADMINISTRATIVE RULES

(b) Cost-of-living adjustments will be made only for calendar years in which the member received an OPSRP disability benefit for at least six months during a calendar year.

(5) Retirement credit. A member receiving OPSRP disability benefits will accrued retirement credit, as well as hours of service credit toward vesting, for the entire period of disability until:

- (a) The member is no longer disabled; or
- (b) The member reaches normal retirement age.

(6) The retirement credit will accrue under the same employment classification in which the member was immediately employed prior to becoming disabled.

(7) A member who is receiving disability benefits who reaches normal retirement age and has not applied for a service retirement will become an inactive member on the first of the month following the month in which they reach normal retirement age.

Stat. Auth.: ORS 238A.450
Stats. Implemented: ORS 238A.155 & 238A.235
Hist.: PERS 16-2005, f. & cert. ef. 10-3-05

459-076-0050

Periodic Reviews

(1) Members receiving a disability benefit are subject to periodic reviews of their disabled status until the member reaches normal retirement age or staff determines that periodic reviews are no longer warranted.

(2) Periodic reviews will be used to determine that continued disability retirement allowances are warranted. In recommending the continuance or discontinuance of a disability retirement allowance, for the original approved disability or a new medical condition, PERS will follow the criteria established under OAR 459-076-0010.

(3) For a duty disability, the periodic review will not revisit the original determination that the injury or disease was duty caused, unless there is evidence of misrepresentation or fraud.

(4) PERS will establish review dates for each member subject to a periodic review depending on type of disability, extent of disability, and medical reports unique to each individual case.

- (a) The reviews may be medical or vocational in nature, or both.
- (b) Upon review, PERS may accept or require:
 - (A) New treating or consulting physician or specialist reports;
 - (B) Updated physician or specialist reports;
 - (C) Independent medical or vocational examinations; or
 - (D) Employment and wage information, including but not limited to, tax returns or information from the State Employment Department.

(c) PERS may immediately discontinue the disability benefit of any person who refuses to provide current medical evidence or refuses to submit to an examination.

(A) If the disability claim is discontinued, the staff shall issue an Intent to Discontinue letter by regular and certified mail, return receipt requested. The discontinuation letter shall advise the applicant that additional information to substantiate the claim, or a request for an extension of 30 days to present additional information, may be submitted to the staff in writing within 30 days of the date of the Intent to Discontinue letter.

(B) Following the issuance of an Intent to Discontinue letter, staff will review any additional information which is submitted within 30 days.

(i) If the additional information results in a recommendation to approve the application, staff shall resubmit the application to the Director, or the Director's designee, with the recommendation.

(ii) If the additional information does not result in a recommendation to approve the application, PERS will issue a final discontinuation letter by regular and certified mail, return receipt requested.

(C) If no additional information is received within 30 days, PERS will issue a final discontinuation letter by regular and certified mail, return receipt requested.

(D) The final discontinuation letter will provide the applicant with notification of the right to request a contested case hearing as provided for in OAR 459-015-0030 and 459-001-0035.

(5) The member has the burden to prove continuing eligibility for a disability benefit.

(6) In recommending the continuance or discontinuance of a disability benefit, PERS shall follow the criteria established under OAR 459-076-0010.

(7) The Director, or Director's designee, is hereby authorized to approve or deny the continuance of a disability benefit.

Stat. Auth.: ORS 238A.450
Stats. Implemented: ORS 238A.235
Hist.: PERS 16-2005, f. & cert. ef. 10-3-05

459-076-0055

Payment of Disability Benefit

(1) The payment of a disability benefit will commence on the later of:

(a) The first of the calendar month in which the member files a complete application for disability benefits with PERS; or

(b) The first of the month following the first full calendar month after final payment by the employer of any wages or paid leave benefits to the member, excluding any cash payoff of accrued vacation or compensatory time;

(c) Notwithstanding subsections (a) and (b) of this section, no payment shall be made prior to the end of the period of 90 consecutive days beginning with the date of disability as defined in OAR 459-015-0001(4); and

(d) A disability benefit will be retroactive to the effective date of disability benefit, as defined in OAR 459-076-0001(5).

(2) If PERS cannot calculate the actual disability benefit payment, an estimated payment will be made until PERS receives all the necessary information needed to calculate the actual benefit payment. The payment will be made retroactive to the effective date of disability if the benefits become due before the ninety consecutive day period of incapacitation has elapsed.

(a) If the estimated payment results in an underpayment of \$10 or more a month, the member will receive interest under the provisions of OAR 459-007-0015.

(b) If the estimated payment results in an overpayment of any amount, the overpayments may be recovered by decreasing the monthly benefit amount until the difference between the amount the member received and the amount the member should have received is recovered.

(3) In the event a member applying for a disability benefit dies prior to the Director's approval of the application:

(a) The application will be considered cancelled effective on the date of the member's death.

(b) The member will be considered as dying prior to retirement.

(c) If the member was vested and married at the time of death, the spouse of the deceased member will be eligible for an OPSRP death benefit as set forth in ORS 238A.230.

(d) The amounts in the member's Individual Account Program (IAP) account(s), to the extent the member is vested in those accounts, will also be paid in a lump sum to the beneficiary or beneficiaries designated by the member for the purposes of the IAP.

(4) In the event a member applying for a disability benefit dies after the Director's approval of the application, the member will be considered as dying prior to retirement. If a married member is vested, the member's spouse will be eligible for an OPSRP death benefit as set forth in ORS 238A.230.

(5) For the period during which a member is receiving a disability benefit, retirement credit, as well as hours of service toward vesting, will be credited to the member if:

(a) The member accrued 10 years or more of retirement credit under the OPSRP pension Program prior to becoming disabled; or

(b) The member became disabled by reason of injury or disease sustained while in the performance of duty.

Stat. Auth.: ORS 238.450
Stats. Implemented: ORS 238A.230 & 238A.235
Hist.: PERS 16-2005, f. & cert. ef. 10-3-05

459-076-0060

Reduction Due to Workers' Compensation Payment

(1) The total payments received by an OPSRP member receiving both OPSRP disability benefits and payments from Workers' Compensation may not exceed 75 percent of the member's monthly salary as of the date the member becomes disabled. Other disability-related income, such as Social Security and/or private disability insurance plan payments will not affect the amount of OPSRP disability benefits.

(2) A member's disability benefit will be offset by any gross monthly workers' compensation payment paid in a calendar month on account of temporary total disability or permanent total disability under the provisions of ORS Chapter 656; regardless of whether the condition on which the workers' compensation claim is based is related to the condition on which the OPSRP disability benefit claim is based.

(a) A monthly workers' compensation payment includes:

- (A) Weekly gross payments;
- (B) Semi-monthly gross payments;
- (C) Monthly gross payments; and

ADMINISTRATIVE RULES

(D) That portion of a lump sum payment of a workers' compensation disability claim that is expressly designated as compensation for temporary total disability or permanent total disability.

(b) A monthly workers' compensation payment does not include:

- (A) Payments for medical services;
- (B) Payments for vocational training;
- (C) Reemployment assistance payments; and

(D) Any payment based on an employee's waiver of all rights to, and includes no payment for, a temporary total disability or a permanent total disability claim.

(c) The workers' compensation payment will be considered paid on the date that payment is issued, and will not be allocated to any period other than the month payment is issued.

(3) In the event a member is eligible to receive an OPSRP disability benefit, PERS will request of the Workers' Compensation Division, or any other public or private workers' compensation insurance company, documentation of the portion of a lump sum settlement that is made on account of a temporary total disability or a permanent total disability.

(4) The disability allowance of a member will be reduced by the amount by which the combined monthly benefits payable from both PERS and any monthly workers' compensation payment on account of temporary total disability or permanent total disability exceed 75 percent of the monthly salary of the member on the date of disability.

(5) In determining whether the combined monthly benefits exceed 75 percent of the monthly salary of the member on the date of disability, cost-of-living adjustments will not be considered.

(6) A member who is eligible to receive a disability benefit must report immediately to PERS the receipt or the award of any monthly workers' compensation payment as described in section (2)(a) of this rule.

(7) In the event a member receives one or more monthly workers' compensation payment(s) while also receiving a disability benefit as described in OAR 459-076-0015, but PERS is not notified of the workers' compensation payment until after making one or more disability benefit payments:

(a) PERS will recalculate the disability benefit, taking the monthly workers' compensation payments into account; and

(b) PERS will invoice the member for, or recover under ORS 238.715, any overpayment of OPSRP disability benefits.

Stat. Auth.: ORS 238.715 & 238A.450

Stats. Implemented: ORS 238A.235

Hist.: PERS 16-2005, f. & cert. ef. 10-3-05

Adm. Order No.: PERS 17-2005

Filed with Sec. of State: 10-3-2005

Certified to be Effective: 10-3-05

Notice Publication Date: 7-1-05

Rules Amended: 459-035-0001

Subject: In 2002, the PERS Board adopted amendments to OAR 459-035-0001 that defined a "Dependent Domestic Partner of a PERS Retiree." Persons that fit within that definition are eligible to participate in the PERS-sponsored health insurance plan. The definition, in part, requires that a PERS retiree claims the dependent on the PERS retiree's most recent federal tax return.

However, recent amendments to the Internal Revenue Code ("IRC") through the 2004 Working Families Tax Relief Act ("Act"), P.L. 108-311, impacted who is eligible to be claimed as a dependent on a federal tax return. The key change was the to limit on gross income that a person can earn and still be claimed as a dependent: the dependent must have gross income less than the exemption amount under section 151(d) (for 2004, that was \$3,100).

As a result of the new law, a taxpayer cannot claim a domestic partner as a dependent on a federal tax return if the domestic partner's income exceeds \$3,100. Because the PERS definition of "Dependent Domestic Partners of PERS Retirees" relies on the dependent to be claimed on the retiree's federal tax return but does not set an income threshold, the change in federal law limits the number of people eligible for PERS-sponsored health care.

A separate section of the Act preserved the definition of "dependent" for the purposes of employer-provided medical care reimbursements in conforming amendments to section 105 of the IRC. If the domestic partner's income is the only reason why the domestic partner cannot be claimed as a dependent on the taxpay-

er's return, the domestic partner continues to be considered "dependent" for purposes of section 105(b).

The rule modifications would allow all persons who qualified as "Dependent Domestic Partners of PERS Retirees" under OAR 459-035-0001 before Congress passed the Act to continue to qualify by shifting to the definition of "dependent," defined in IRC section 105(b). Staff recommends this broader approach, but encourages public comment on whether a different definition should be adopted so the PERS Board can consider the merits of all approaches.

Rules Coordinator: David K. Martin—(503) 603-7713

459-035-0001

Definitions

The words and phrases used in this Division have the same meaning given them in ORS Chapter 238. Additional terms are defined as follows unless the context requires otherwise.

(1) "Board" means the Public Employees Retirement Board as established in ORS 238.630.

(2) "Carrier" shall have the same meaning as provided in ORS 238.410(1)(a).

(3) "Competitive Negotiations" means the procurement method whereby proposals are requested from a number of sources and the Request for Proposals is publicized.

(4) "Creditable Service" shall have the same meaning as provided in ORS 238.005(5).

(5) "Dependent" means a PERS member's or retiree's dependent child who has never married. For the purpose of this rule a "child" is defined as follows:

(a) A natural child.

(b) A legally adopted child, or a child placed in the home pending adoption.

(c) A step-child who resides in the household of the stepparent who is an eligible retired member.

(d) A grandchild, provided that at the time of birth, at least one of the grandchild's parents was covered under a PERS-sponsored health insurance plan as a dependent child of the PERS member or retiree and resides in the household of the member or retiree.

(6) "Dependent Domestic Partner of a PERS Retiree" means a person who has a relationship with a PERS retiree that has the characteristics described below. To qualify as a "dependent domestic partner of a PERS retiree," the person and the PERS retiree must:

(a) Share a close personal relationship and be responsible for each other's common welfare, including but not limited to having joint financial responsibilities;

(b) Be each other's sole domestic partner;

(c) Not be married to anyone, nor have had another domestic partner within the previous 12 months;

(d) Not be related by blood so closely as to bar marriage in the State of Oregon;

(e) Have jointly shared the same regular and permanent residence for at least 12 months immediately preceding the effective date of coverage with the intent to continue doing so indefinitely; and

(f) Have the PERS retiree providing over one-half of the financial support for the person and qualify as a dependent of the PERS retiree as determined under section 105(b) of the Internal Revenue Code, 26 USC 105(b), as amended by the Working Families Tax Relief Act of 2004, P.L. 108-311.

(7) "Eligible Person" means a person who is eligible for coverage under a PERS-sponsored health insurance plan. The conditions for such eligibility are set forth in OAR 459-035-0020.

(8) "Eligible Retired Member" means an eligible person who is eligible for payments toward the cost of the Medicare Companion Plan from RHIA. The conditions for such eligibility are set forth in OAR 459-035-0030.

(9) "Eligible Retired State Employee" means an eligible person who is eligible for non-Medicare insurance premium payments from the RHIPA. Conditions for such eligibility are set forth in OAR 459-035-0040.

(10) "Fund" shall have the same meaning as the Public Employees Retirement Fund in ORS 238.660.

(11) "Health Insurance" means insurance for health care, as that term is defined in ORS 238.410(1)(c).

(12) "Medicare" means the federal health care insurance plan established under Title XVIII of the Social Security Act as amended.

ADMINISTRATIVE RULES

(13) "Medicare Companion Plan" means a PERS-sponsored health insurance plan for eligible persons who are eligible for and enrolled in Medicare.

(14) "Non-Competitive Negotiation" means procurement through solicitation of a proposal from only one source.

(15) "PEBB" means the Public Employees' Benefit Board established under ORS 243.061.

(16) "PERS" shall have the same meaning as the Public Employees Retirement System in ORS 238.600.

(17) "PERS Member" shall have the same meaning as "member" provided in ORS 238.005(12).

(18) "Plan Year" means a 12-month period beginning January 1 and ending December 31.

(19) "Qualifying Service" means creditable service, as defined in ORS 238.005(5), plus any periods of employment with an employer participating in PERS that are required of the employee before becoming a PERS member.

(20) "Retiree" means a PERS member who is receiving a service or disability retirement allowance or benefit under PERS or who received an optional lump sum payment under ORS 238.315, or a person who is receiving retirement pay or pension calculated under ORS 1.314 to 1.380 (1989 Edition).

(21) "RHIA" means the Retirement Health Insurance Account established under ORS 238.420 to help defray the cost of the Medicare Companion Plan.

(22) "RHIPA" means the Retiree Health Insurance Premium Account established under ORS 238.415 to help defray the cost of PERS-sponsored health plans other than the Medicare Companion Plan.

(23) "Small Purchase Procedures" (informal bidding) means the relatively simple and informal procurement methods whereby price and rate quotations are obtained from at least three sources and selection is made on the basis of cost and other applicable criteria.

(24) "SRHIA" means the Standard Retiree Health Insurance account established within the Public Employees Retirement Fund separate from the General Funds to administer employee and the employer contributions to the PERS sponsored health insurance program.

(25) "Staff" means the employees of the Public Employees Retirement System.

(26) "Third Party Administrator" means the individual or organization that the Board contracts with to provide administrative services as specified in the contract.

(27) The provisions of this rule are effective on January 1, 2005.

Stat. Auth.: ORS 238.410 & 238.650

Stats. Implemented: ORS 238.410, 238.415 & 238.420

Hist.: PERS 4-1996, f. & cert. ef. 6-11-96; PERS 15-1998, f. & cert. ef. 12-17-98; PERS 5-1999, f. & cert. ef. 11-15-99; PERS 14-2002, f. & cert. ef. 11-18-02; PERS 17-2005, f. & cert. ef. 10-3-05

Oregon State Marine Board Chapter 250

Adm. Order No.: OSMB 5-2005(Temp)

Filed with Sec. of State: 10-13-2005

Certified to be Effective: 10-15-05 thru 12-31-05

Notice Publication Date:

Rules Adopted: 250-025-0021

Subject: Portland General Electric plans to perform some rock scaling work above the right abutment of Round Butte Dam. The work involves dislodging large masses of rimrock from approximately 400' above the dam crest in an effort to reduce the falling rock hazard above the dam access roadway in the future. PGE requested the Marine Board to temporarily close off the Round Butte Dam forebay to the boating public with the use of an exclusion boom to protect the public safety and obviate any threat of injury or death to an individual or individuals in a boat. The maintenance work is expected to be complete by December 31, 2005.

Rules Coordinator: Jill E. Andrick—(503) 378-2617

250-025-0021

Lake Billy Chinook

(1) Except for federal, state, local and tribal government agencies and Portland General Electric employees or their agents on official business, it is illegal for anyone to operate a boat in the forebay (area immediately upstream) of Round Butte Dam in the vicinity of rock scaling work above the right abutment of Round Butte Dam.

(2) The area in question is delineated by an exclusion boom consisting of a series of floating, round orange marking buoys and cylindrical, self-righting regulatory buoys. Beacon lights are also placed on top of the regulatory buoys.

(3) In addition PGE and the contractor will install safety and warning signs to notify boaters of the closure and the hazard.

Stat. Auth.: ORS 183.325, 183.335, 830.110 & 830.175

Stats. Implemented:

Hist.: OSMB 5-2005(Temp), f. 10-13-05 cert. ef. 10-15-05 thru 12-31-05

Oregon State Treasury Chapter 170

Adm. Order No.: OST 2-2005(Temp)

Filed with Sec. of State: 10-5-2005

Certified to be Effective: 10-6-05 thru 4-4-06

Notice Publication Date:

Rules Amended: 170-060-1010

Subject: Clarifies terms, conditions and reporting requirements for local government issuers of bonds when entering into agreements for exchange of interest rates.

Rules Coordinator: Sally Furze—(503) 378-4990

170-060-1010

Terms, Conditions, and Reporting Requirements for an Agreement for Exchange of Interest Rates

(1) Definitions:

(a) "Issuer" means a public body as defined in ORS 288.605, (excluding the State of Oregon and its Agencies) and the Oregon Health and Science University.

(b) "Counterparty" shall mean the party to an agreement for the exchange of interest rates other than the Issuer and any guarantor of that party's obligations.

(c) "Swap Policy" means the written policy regarding the use of agreements for the exchange of interest rates adopted by the Issuer.

(d) "MDAC" or "Commission" means the Oregon Municipal Debt Advisory Commission.

(e) Terms not otherwise defined herein shall have the meanings ascribed to them in ORS 287.025, as amended by Chapter 443, Oregon Laws 2005 or as the same may be amended in the future.

(2) Issuers shall only enter into agreements for the exchange of interest rates as authorized by, and in compliance with, ORS 287.025, as amended by Chapter 443, Oregon Laws 2005 or as the same may be amended in the future.

(3) The notional amount of an agreement that relates to outstanding borrowing may not exceed the outstanding principal amount of the borrowing when the agreement is entered to. The notional amount of an agreement that relates to a borrowing that the Issuer expects to issue in the future may not exceed the principal amount of the borrowing reasonably anticipated to be outstanding when payments are required to commence under the agreement (as evidenced by a copy of the resolution, minutes of the board or other authorizing directive of the director or board as required by section 4 of this rule).

(4) With respect to an obligation or obligations that an Issuer has issued or will issue (as evidenced by a copy of the resolution, minutes of the board or other authorizing directive of the director or board), subject to ORS 287.025(7), as amended by Chapter 443 Oregon Laws 2005 or as the same may be amended in the future, the Issuer may designate the particular obligation to which an agreement relates after execution of the agreement. Such a designation after execution of the agreement shall be considered an agreement modification, and the Issuer shall notify the MDAC of such modification in accordance with this rule.

(5) The Issuer shall have adopted a Swap Policy as part of its ongoing responsibility to manage its debt obligations. In adopting a Swap Policy, the Issuer should review and consider the current edition of the Government Finance Officers Association Recommended Practice: "Use of Debt-Related Derivatives Products and the Development of a Derivatives Policy" and the "MDAC Sample Interest Rate Swap Policy." Included in the Swap Policy, the Issuer shall provide a general description of risks related to agreements for exchange of interest rates and the means by which the Issuer will address those risks. The Swap Policy shall also provide that an analysis of the risks and benefits of each agreement shall be presented to the governing body prior to executing such agreement.

(6) The Issuer shall notify the Commission of the execution of an agreement for the exchange of interest rates by delivering to the Debt

ADMINISTRATIVE RULES

Management Division of the Oregon State Treasury, 350 Winter Street NE, Suite 100, Salem, Oregon 97301 within 30-days of its execution, the following:

- (a) An MDAC Form 3.
- (b) An executed copy of the resolution, minutes of the board or other authorizing directive of the director or board, specifically authorizing the Issuer to engage and participate in an agreement for the exchange of interest rates. The authorization shall state the reason that the Issuer is authorizing the agreement, shall include a finding that the agreement is being executed for permitted purposes and complies with the authorizing act and this administrative rule.
- (c) The Issuer's Swap Policy.
- (d) The legal opinion, if any, addressing the validity of the Issuer's obligations under the agreement for the exchange of interest rates that is delivered in connection with the agreement.
- (7) An agreement shall contain terms and conditions consistent with the Swap Policy adopted by the Issuer including, but not limited to:
 - (a) The notional amount of the agreement;
 - (b) Payment terms;
 - (c) The term of the agreement;
 - (d) Insurance, collateral or other assurances of payment provided in compliance with ORS 287.025 as amended by Chapter 443, Oregon Laws 2005 or as the same may be amended in the future;
 - (e) Provisions for termination in advance of the scheduled term;
 - (f) Events of default and related remedies;
 - (g) Assurances that the counterparty will maintain a minimum rating with respect to its termination payment obligations in one of the top three rating categories without gradation by at least two nationally recognized rating agencies or that the counterparty's obligations will be collateralized;
 - (h) Modifications to standard ISDA swap documentation, as specified in the Schedule as may be required by the Issuer's policy or governing law;
 - (i) Limitations on allowable collateral and frequency of the valuation of such collateral; and
 - (j) Agreement valuation methodology.
- (8) The Issuer shall notify, in writing, the MDAC of any material change in the Issuer's obligations or benefits under the agreement for the exchange of interest rates that results from a reduction in the ratings of the Issuer, a Counterparty or guarantor.
- (9) Agreement Modification or Termination. If after executing an agreement for the exchange of interest rates, the agreement is modified or terminated for any reason prior to its stated end date, the Issuer shall notify the MDAC, in writing, within 30-days after completion of the modification and identify the reasons for such termination or modification and the anticipated change in obligation to the Issuer resulting from the termination or modification.

Stat. Auth.: ORS 287.014 - 287.029 & Ch. 195, OL 2003.
Stats. Implemented: ORS 287.014 - 287.029 & Ch. 195, OL 2003
Hist.: OST 6-2004(Temp), f. 7-12-04, cert. ef. 7-13-04 thru 12-30-04; OST 7-2004, f. & cert. ef. 11-18-04; OST 2-2005(Temp), f. 10-5-05, cert. ef. 10-6-05 thru 4-4-06

Oregon Student Assistance Commission
Chapter 575

Adm. Order No.: OSAC 2-2005
Filed with Sec. of State: 9-27-2005
Certified to be Effective: 10-1-05
Notice Publication Date: 8-1-05
Rules Amended: 575-001-0015, 575-031-0010

Subject: The amendment(s) to OAR 575-001-0015 removes language from the temporary rule that provided for a new appeal process for applicants who are denied an Oregon Opportunity Grant due to their ineligibility for a Federal Pell Grant and restores language that previously appeared in OAR 575-001-0015. The amendments also extend the temporary appeal process through December 31, 2005.

The amendment(s) to OAR 575-031-0010 amends current rules that define "financial need," for purposes of determining an applicant's eligibility for an Oregon Opportunity Grant. The amendment extends language in section (2) that provides for an appeal process through December 31, 2005. The amendment also adds a new section (3), effective January 1, 2006, which adds eligibility for a Federal Pell Grant to the existing eligibility criteria for an Oregon Opportunity Grant.

Rules Coordinator: Margie Lowe—(541) 687-7377

575-001-0015
Right of Appeal

(1) A student who is denied participation in any student assistance program administered by the Oregon Student Assistance Commission except for those appeals addressed in 575-001-0015(2) may appeal the denial to the Commission. The appeal shall be submitted in writing a minimum of ten days before the meeting at which the appeal is to be considered. The exception provided for in this rule applies only to the 2005-06 academic year and expires December 31, 2005.

(2) A student who is denied an Oregon Opportunity Grant due solely to the student's ineligibility for a Federal Pell Grant may appeal the denial to the Commission by submitting a completed Request for Reconsideration of Award form. The form must be certified by a Financial Aid Officer at the postsecondary institution the student attends or plans to attend and may be submitted to the Commission by the student or by the Financial Aid Officer on the student's behalf. The Commission shall review the request and determine if an award is appropriate. A committee composed of the OSAC Opportunity Grant Coordinator, one member of the Advisory Group for the Oregon Opportunity Grant, and one Commissioner shall review the request within 30 days of receipt. Only students who have federally calculated estimated family contributions of \$5000 or less and who show remaining need after known grants, scholarships, and other benefits are taken into consideration are eligible for reconsideration of an award under the Oregon Opportunity Grant program. A student whose request for reconsideration under this section is denied retains the right to submit an appeal to the Commission under 575-001-0015(1). This rule applies only to the 2005-06 academic year and expires December 31, 2005.

Stat. Auth.: ORS 348
Stats. Implemented: HB 2249 and the Higher Education Act of 1965 as amended
Hist.: SSC 17, f. & ef. 8-1-77; SSC 2-1986, f. & ef. 2-25-86; OSAC 1-1999, f. & cert. ef. 12-8-99; OSAC 1-2005(Temp), f. & cert. ef. 4-4-05 thru 10-1-05; OSAC 2-2005, f. 9-27-05, cert. ef. 10-1-05

575-031-0010
Financial Need

(1) A student must have financial need as determined by the Commission as set forth in OAR 575-030-0005(4).

(2) A student shall meet eligibility criteria for a Federal Pell Grant prior to being deemed eligible for an Oregon Opportunity Grant. A student who is not eligible for a Federal Pell Grant may appeal the denial by submitting to the Commission a Request for Reconsideration of Award, as described in section 575-001-0015(2) above. Only students who have federally calculated estimated family contributions of \$5000 or less and who show remaining need after known grants, scholarships, and other benefits are taken into consideration are eligible for reconsideration of an award under the Oregon Opportunity Grant. This rule applies only to the 2005-06 academic year and expires December 31, 2005. It shall be replaced by section (3) effective January 1, 2006.

(3) A student shall meet eligibility criteria for a Federal Pell Grant prior to being deemed eligible for an Oregon Opportunity Grant.

Stat. Auth.: ORS 348
Stats. Implemented: ORS 348
Hist.: SSC 12, f. & ef. 12-15-76; SSC 18, f. & ef. 10-19-77; SSC 1-1978(Temp), f. & ef. 1-4-78; SSC 3-1978, f. & ef. 2-16-78; OSAC 6-2002, f. & cert. ef. 3-12-02; OSAC 1-2005(Temp), f. & cert. ef. 4-4-05 thru 10-1-05; OSAC 2-2005, f. 9-27-05, cert. ef. 10-1-05

Adm. Order No.: OSAC 3-2005
Filed with Sec. of State: 9-27-2005
Certified to be Effective: 10-1-05
Notice Publication Date: 8-1-05
Rules Amended: 575-030-0005

Subject: The Oregon Administrative Rule extends the definition of "resident of Oregon" to include students who are enrolled members of federally recognized tribes of Oregon or who are enrolled members of a Native American tribe which had traditional and customary tribal boundaries that included parts of the state of Oregon or which had ceded or reserved lands within the state of Oregon, regardless of the state of residency, and specify appropriate documentation of a student's tribal membership.

Rules Coordinator: Margie Lowe—(541) 687-7377

575-030-0005
Definitions

(1) "Resident of Oregon". Residency is established by virtue of the student (in the case of independent students) or the student's parent (in the case of dependent students) having been in continuous residency in this

ADMINISTRATIVE RULES

state for the 12 months preceding enrollment. Residency is immediate in the case of a dependent student whose parents have moved to this state for a reason other than the student's enrollment. The residency period may be reduced to the preceding six months in the case of an independent student who moved to this state for a purpose other than education:

(a) A dependent resident student whose Oregon domiciled parent(s) move out-of-state shall retain resident classification as long as the student is continuously enrolled at an Oregon high school or Oregon postsecondary institution. Continuous enrollment is defined as completion of an academic year within any 12-month period;

(b) An independent resident student shall retain resident classification as long as the student is continuously enrolled at an Oregon postsecondary institution. Continuous enrollment is defined as completion of an academic year within any 12-month period;

(c) A dependent student whose parent(s) are serving on active duty in the U. S. Armed Forces outside the State of Oregon shall have residency status determined by the parents' declared "home of record". An independent student who is serving on active duty in the U. S. Armed Forces outside the State of Oregon shall have residency status determined by the student's declared "home of record";

(d) A student from a state other than Oregon, or from the Federated States of Micronesia, who is receiving or is eligible to receive financial assistance through the government of that state or the Federated States, shall not be considered a resident of Oregon;

(e) Eligibility to borrow through a federal loan program guaranteed by the Commission does not necessarily qualify a student as an Oregon resident for the purposes of the grant programs administered by the Commission.

(f) Residence Classification of Members of Oregon Tribes

(A) Students who are enrolled members of federally recognized tribes of Oregon or who are enrolled members of a federally recognized Native American tribe which had traditional and customary tribal boundaries that included parts of the state of Oregon or which had ceded or reserved lands within the state of Oregon shall be deemed eligible for programs administered by the Oregon Student Assistance Commission that are limited to Oregon residents, regardless of their state of residence.

(B) For purposes of this rule, the federally recognized tribes of Oregon are those recommended by the Oregon University System in OAR 580-010-0037 for purposes of assessing resident tuition:

- (i) Burns Paiute Tribe;
- (ii) Confederated Tribes of Coos, Lower Umpqua and Siuslaw;
- (iii) Confederated Tribes of Grand Ronde Community of Oregon;
- (iv) Confederated Tribes of Siletz Indians of Oregon;
- (v) Confederated Tribes of the Umatilla Indian Reservation;
- (vi) Confederated Tribes of the Warm Springs Indian Reservation;
- (vii) Coquille Indian Tribe;
- (viii) Cow Creek Band of Umpqua Indians;
- (ix) Klamath Tribes.

(C) For purposes of this rule, the federally recognized Native American tribes which had traditional and customary tribal boundaries that included parts of the state of Oregon or which had ceded or reserved lands within the state of Oregon are:

- (i) CALIFORNIA:
 - (I) Benton Paiute Tribe;
 - (II) Big Bend Rancheria;
 - (III) Big Lagoon Rancheria;
 - (IV) Blue Lake Rancheria;
 - (V) Bridgeport Indian Colony;
 - (VI) Cedarville Rancheria;
 - (VII) Fort Bidwell Indian Tribe;
 - (VIII) Hoopa Valley Tribe;
 - (IX) Karuk Tribe of California;
 - (X) Likely Rancheria;
 - (XI) Lookout Rancheria;
 - (XII) Lytton Rancheria;
 - (XIII) Melochundum Band of Tolowa Indians;
 - (XIV) Montgomery Creek Rancheria;
 - (XV) Pit River Tribe;
 - (XVI) Quartz Valley Indian Community;
 - (XVII) Redding Rancheria;
 - (XVIII) Roaring Creek Rancheria;
 - (XIX) Smith River Rancheria;
 - (XX) Susanville Rancheria;
 - (XXI) Tolowa-Tututni Tribe;
 - (XXII) Winnemucca Colony;

(XXIII) XL Ranch;

(XXIV) Yurok Tribe.

(ii) IDAHO:

(I) Nez Perce Tribe of Idaho;

(II) Shoshoni-Bannock Tribes.

(iii) NEVADA:

(I) Duck Valley Shoshone-Paiute Tribes;

(II) Fallon Paiute-Shoshone Tribe;

(III) Fort McDermitt Paiute-Shoshone Tribe;

(IV) Lovelock Paiute Tribe;

(V) Pyramid Lake Paiute Tribe;

(VI) Reno-Sparks Indian Colony;

(VII) Summit Lake Paiute Tribe;

(VIII) Walker River Paiute Tribe;

(IX) Winnemucca Indian Colony;

(X) Yerington Paiute Tribe.

(iv) OKLAHOMA: Modoc Tribe of Oklahoma.

(v) WASHINGTON:

(I) Chehalis Community Council;

(II) Colville Confederated Tribes;

(III) Quinault Indian Nation;

(IV) Shoalwater Bay Tribe;

(V) Yakama Indian Nation.

(D) A student seeking to be deemed eligible under the provisions of this rule shall submit, following procedures prescribed by the Oregon Student Assistance Commission, a photocopy of a tribal enrollment card or other acceptable documentation from a tribe which documents tribal membership.

(2) "Undergraduate Student" is a regularly enrolled student who:

(a) Has not obtained a baccalaureate or higher degree from any accredited institution; or

(b) Has not been classified as a "graduate student" by the institution disbursing funds.

(3) "Dependent/Independent Student". The definition of independent/dependent student shall be the definition used for the student aid programs under Title IV of the Higher Education Act of 1965 as amended.

(4) "Financial Need". The difference between the family contribution, derived from a system of need analysis annually approved by the Commission, and the cost of education.

(5) "Cost of Education". The sum of tuition, fees, room and board (where applicable), books, supplies, personal expenses, transportation, and other allowable costs identified by the U.S. Department of Education.

(6) "Full-Time Enrollment". Registration and payment of required fees as a full-time student, at an eligible institution or combination of eligible institutions, as defined by the institution disbursing funds. Students attending more than one eligible institution must meet the definition of concurrently enrolled as defined in OAR 575-030-0005(8) to be considered full-time.

(7) "Concurrently Enrolled". A student who attends more than one eligible institution under a written consortium agreement or concurrent enrollment program.

(8) "Oregon-based". Having an educational institution that is both located and headquartered in Oregon.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348.230 - 348.260

Hist: SSC 12, f. & ef. 12-15-76; SSC 18, f. & ef. 10-19-77; SSC 1-1978(Temp), f. & ef. 1-4-78; SSC 3-1978, f. & ef. 2-16-78; SSC 1-1979, f. & ef. 1-17-79; SSC 2-1980, f. 1-31-80, ef. 4-1-80; SSC 4-1980, f. & ef. 10-22-80; SSC 1-1981, f. & ef. 9-3-81; SSC 2-1986, f. & ef. 2-25-86; SSC 5-1987, f. & ef. 10-23-87; SSC 1-1998, f. & cert. ef. 3-18-98; OSAC 5-2002, f. & cert. ef. 3-12-02; OSAC 1-2004, f. & cert. ef. 2-12-04; OSAC 3-2005, f. 9-27-05, cert. ef. 10-1-05

.....

Adm. Order No.: OSAC 4-2005

Filed with Sec. of State: 9-27-2005

Certified to be Effective: 10-1-05

Notice Publication Date: 8-1-05

Rules Amended: 575-031-0025

Subject: The Oregon Administrative Rule adds a new section to (2) that specifies the Opportunity Grant award amount for student enrolled for 6 to 11 credit-hours per term. This rule becomes effective starting with the 2006-07 academic year.

Rules Coordinator: Margie Lowe—(541) 687-7377

ADMINISTRATIVE RULES

575-031-0025

Opportunity Grant Amount

(1) An Opportunity Grant may vary in amount from \$100 to an amount that shall not exceed 50 percent of the student's financial need, as determined by the Commission.

(2) Within the funds available, an Opportunity Grant for a student who is taking between 6 and 11 credit hours in a term or semester shall be 50 percent of the award made to a full-time student enrolled at the same institution. This section is effective starting with the 2006-07 academic year.

(3) For concurrently enrolled students, the amount of the Opportunity Grant will be based on the school disbursing funds, unless otherwise approved by the Commission.

Stat. Auth.: ORS 348

Stats. Implemented: ORS 348

Hist.: SSC 12, f. & ef. 12-15-76; SSC 18, f. & ef. 10-19-77; SSC 1-1978(Temp), f. & ef. 1-4-78; SSC 3-1978, f. & ef. 2-16-78; SSC 2-1979, f. 7-24-79, ef. 8-1-79; SSC 2-1985, f. & ef. 4-17-85; SSC 5-1987, f. & ef. 10-23-87; SSC 1-1993(Temp), f. & cert. ef. 9-20-93; SSC 3-1994, f. & cert. ef. 1-25-94; SSC 2-1995, f. & cert. ef. 12-6-95; SSC 1-1998, f. & cert. ef. 3-18-98; OSAC 6-2002, f. & cert. ef. 3-12-02; OSAC 4-2005, f. 9-27-05, cert. ef. 10-1-05

Oregon Student Assistance Commission, Office of Degree Authorization Chapter 583

Adm. Order No.: ODA 3-2005

Filed with Sec. of State: 9-27-2005

Certified to be Effective: 9-30-05

Notice Publication Date: 8-1-05

Rules Amended: 583-050-0006, 583-050-0011, 583-050-0026, 583-050-0027, 583-050-0028, 583-050-0031

Subject: Revises regulations related to the validity and use of college degrees as credentials.

Rules Coordinator: Margie Lowe—(503) 687-7377

583-050-0006

Purpose and Scope

(1) This rule implements Oregon Revised Statutes (ORS) 348.594 to 348.615 and 348.992 insofar as each section therein relates to ORS 348.609, intended to protect postsecondary institutions, businesses and other employers, professional licensing boards, patients and clients of degree holders, and all citizens from any person claiming to possess a valid academic degree that in fact was issued by a fraudulent or nonexistent school, by a non-educational entity posing as a school, by a nonstandard school without the use of a disclaimer, or by any entity in violation of statute or Commission rules.

(2) In order to be valid in Oregon as a public credential usable for general academic or professional purposes, under ORS 348.609 a claimed degree must have been awarded by a school that:

(a) Has accreditation recognized by the U.S. Department of Education or has the foreign equivalent of such accreditation; or

(b) Has been approved through the 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; or

(d) Is an Oregon school that has achieved exemption from state oversight on religious grounds; or

(e) If unaccredited, has the legal authority from a U.S. state or foreign country to issue degrees usable as educational credentials in the jurisdiction of issue.

(3) This rule applies to any claim to possess an academic degree made by any person acting within the state, acting outside the state while domiciled within the state, or acting outside the state on behalf of an organization that is located within the state.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603 & 348.609

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05

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" includes a person, organization, school or institution of learning that confers or offers to confer an academic degree upon a person or to provide academic credit applicable to a degree. The activities attributable to a school include instruction, measurement of achievement or proficiency, or recognition of educational attainment or comparable public distinction.

(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 adequate academic standards. 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 American Association of Collegiate Registrars and Admissions Officers (AACRAO); or

(c) Evaluation of the transferability of courses and degrees earned in the foreign country to accredited Oregon institutions at similar degree levels.

(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 meets the requirements of ORS 348.609(1) for degree use without a disclaimer.

(10) "Nonstandard School" means a degree provider that has legal authority to issue degrees valid in its authorizing jurisdiction, but which does not meet the requirements to be a standard school.

(11) "Diploma mill" or "degree mill" means an entity that meets any one of the following conditions.

(a) As determined by government action, has engaged in dishonest, fraudulent or deceptive practices related to the award of degrees, academic standards or student learning requirements.

(b) Is a U.S. entity without governmental approval to issue degrees.

(c) Is a non-U.S. entity that does not have the legal authority to issue degrees usable as credentials in the nation that authorizes issuance of the degrees.

(12) Valid degree means a degree issued by a standard school or by a nonstandard school if the disclaimer required by ORS 348.609(2) is used.

(13) "College level work" required for a degree means academic or technical work at a level demonstrably higher than that required in the final year of high school and demonstrably higher than work required for degrees at a lower level than the degree in question. From lowest to highest, degree levels are associate, bachelor's, master's and doctoral. Professional degree levels may vary. College level work is characterized by analysis, synthesis and application in which students demonstrate an integration of knowledge, skills and critical thinking. Award of credit for

ADMINISTRATIVE RULES

achieving appropriate scores on ODA-approved nationally normed college-level examinations such as those from College Level Examination Program, American Council on Education, Advanced Placement or New York Regents meets this standard.

(14) "Disclaimer" when appended to a published reference to a degree means the following statement from statute: "(Name of school) does not have accreditation recognized by the United States Department of Education and has not been approved by the Office of Degree Authorization."

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

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603 & 348.609

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 3-2000, f. & cert. ef. 8-8-00; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 2-2005, f. & cert. ef. 3-3-05; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05

583-050-0026

Invalidation of a Degree, Warning, Enforcement

(1) A person who may not have known that his or her claimed degree is invalid or nonstandard is given the benefit of the doubt as to intent, so as to reflect consideration for the possibility that the person was misled by the purported school or unaware of Oregon degree requirements.

(2) Failure to provide when requested a transcript or other information needed for validation of a degree is prima facie evidence under statute that the claim to such degree is invalid.

(3) Failure or inability to produce conclusive evidence of a valid degree results in a warning from the Office that the claimant must thereafter cease and desist from making the invalidated claim.

(4) Subsequent to such warning and in violation thereof, any renewed claim of an invalid degree exposes the violator to penalties as set forth in statute and under OAR 583-050-0026(5).

(5) Any violation of ORS 348.603 or 348.609 may result in any or all of the following sanctions.

(a) Prosecution for a Class B misdemeanor under ORS 348.992.

(b) Injunction against further use of the claimed degree.

(c) Civil suit for violation of the Unlawful Trade Practices Act, if applicable.

(d) A civil penalty not to exceed \$1,000 per violation.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603, 348.609 & 348.992

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 2-2002, f. & cert. ef. 10-10-02; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05

583-050-0027

Disciplinary Action; Civil Penalty Considerations

(1) A violation of any provision of OAR 583, division 050 is cause for levy of a civil penalty by the Commission under ORS 348.609.

(2) In establishing the amount of the penalty for each violation, the Commission shall consider, but not be limited to the following factors:

(a) The gravity and magnitude of the violation;

(b) The person's previous record of compliance with the provisions of ORS 348.594 to 348.615 or with the rules adopted thereunder;

(c) The person's history in taking all feasible steps or in following all procedures necessary or appropriate to correct the violation; and

(d) Such other considerations as the Commission may consider appropriate.

(3) An "incident" for purposes of the penalty schedule means a single use of the invalid degree, or each use of an unaccredited degree without a disclaimer, in a specific venue in a specific time period.

(a) Examples of specific venues include but are not limited to publications, job applications, web sites, spoken presentations, mailings, e-mails, flyers, posters, advertisements and handouts.

(b) Examples of specific time periods include one-time uses and serial uses, e.g., monthly advertisements, annual publications such as college catalogs and the like. In the case of continued usage during a period of employment, each regular pay period (e.g. one month) in which the degree is used is considered a specific time period and therefore a separate incident.

(4) The Commission may impose a civil penalty, provided that it first gives the person an opportunity for a hearing as outlined in ORS Chapter 183.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.609

Hist.: ODA 2-2002, f. & cert. ef. 10-10-02; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05

583-050-0028

Schedule of Civil Penalties for Violations of Laws and Rules

In assessing civil penalties, the Commission desires to be both consistent and equitable and to consider and evaluate each case on an individ-

ual basis. The actual civil penalty which the Commission imposes shall be based on the Commission's consideration of the factors in OAR 583-050-0027. The Commission shall impose a penalty per incident based on only one of the degree use activities listed below, i.e. a single incident cannot result in a penalty from more than one category. Civil penalties shall be imposed according to the following schedule for use after warning by ODA of a violation:

(1) When such use is related to a position in any employment sector, paid or unpaid, involving public health or safety for which a degree of the type found invalid is required for employment or licensure: \$1000 per incident.

(2) When such use is intended to induce or encourage payment of money by students, clients, customers or others for whom the degree may serve as an attractant or legitimizer related to a service provided in the business or not-for-profit sector: \$1000 per incident.

(3) When such use is in public employment not related to public health or safety for which a valid degree of the type claimed is required or is necessary based on the conditions of employment: \$500 per incident.

(4) By a teacher at any level, including K-12 and postsecondary education: \$500 per incident.

(5) When such use is likely to deceive the public as to the user's qualifications but no money is sought or received by the user as a consequence in whole or in part of the use: \$300 per incident.

(6) When in violation of any other provision of OAR 583, division 050: \$300 per incident.

(7) Repeated violations of any kind may result in a penalty of \$1,000 for each repetition occurring after a penalty is imposed by the Commission or an injunction against the usage is issued by a court.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.609

Hist.: ODA 2-2002, f. & cert. ef. 10-10-02; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05

583-050-0031

Unaccredited Degree Claims

(1) Users of unaccredited degrees may use the degrees in the following ways.

(a) Unaccredited degrees that have achieved ODA approval under ORS 348.609(d) can be used without a disclaimer.

(b) Unaccredited degrees that have not achieved ODA approval under ORS 348.609(d) can only be used with a disclaimer.

(c) Degrees issued by degree mills are invalid for use, with or without a disclaimer.

(2) Process for approval under ORS 348.609(d). A claimant of an unaccredited U.S. degree may submit to the Office information indicating that the school conferring the degree has the legal authority to issue degrees in another state and could reasonably be considered for approval in Oregon under OAR 583-030.

(a) A reasonable possibility of approval can be demonstrated by submitting to ODA the appropriate review fee and 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.

(b) 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.

(c) 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.

(3) A claimant of a non-U.S. degree issued by a degree supplier not accredited by a U.S. accreditor may submit to the Office information proving that the supplier issuing the degree has the following characteristics.

(a) The supplier is operating legally as a degree-granting institution in its host country.

(b) The host country has a postsecondary approval system equivalent to U.S. accreditation in that it applies qualitative measures by a neutral external party recognized in that role by the government.

(c) The supplier has been approved through the demonstrable application of appropriate standards by the host country's accreditor equivalent.

(d) All degrees issued by the supplier are legally valid for use and professional licensure within the host country.

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

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603, 348.609 & 348.992

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; ODA 4-2004, f. & cert. ef. 5-14-04; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05

Hist: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 7(Temp), f. & cert. ef. 2-26-74; UOO 9, f. & cert. ef. 7-15-74; UO 1-2005, f. & cert. ef. 9-21-05

**Oregon University System,
University of Oregon
Chapter 571**

Adm. Order No.: UO 1-2005

Filed with Sec. of State: 9-21-2005

Certified to be Effective: 9-21-05

Notice Publication Date: 3-1-05

Rules Adopted: 571-023-0000, 571-023-0100, 571-023-0105, 571-023-0110, 571-023-0115, 571-023-0120

Rules Amended: 571-023-0005, 571-023-0025

Rules Repealed: 571-023-0010, 571-023-0015, 571-023-0020, 571-023-0030, 571-023-0035, 571-023-0040

Subject: Revise and update student medical leave policy because it is outdated and does not represent best practices for responding to students' need for medical leave to deal with serious health conditions.

Rules Coordinator: Connie Tapp—(541) 346-3082

571-023-0000

Definitions

For purposes of OAR 571-023-0000 et seq.

(1) "Dean's Consultation" occurs when the Vice President convenes a group of professionals to recommend actions and strategies to respond to a student's failure to meet the University's Standards of Responsibility and Self Care.

(2) "Medical Leave" means leave during an academic term, resulting from a student's medical or mental health condition that requires the student to interrupt their enrollment.

(3) "Professional Assessment" means an assessment of a student's mental capacity, emotional functioning and psychological well-being across all major bio-psycho-social domains performed by one or more mental health professionals trained to perform such an assessment. The objective of a "Professional Assessment" will be to determine a student's current level of dangerousness to self or others by understanding the student's ability to think, reason, care adequately for self and current suicidality. It is limited to gaining information and will not involve treatment interventions such as use of medication or psychotherapy. "Professional Assessment" may also mean gathering information to recommend steps to restore the health and safety of the student or to protect the university community.

(4) "Suicidal" means potentially self-injurious to oneself with the intent to imminently end one's life. "Suicidal" could include suicidal gesturing (mild to moderate attempts to commit suicide) or active suicidal attempts (any deliberate action with potentially life-threatening consequences).

(5) "Suicide Assessment Team" means a group of professional staff members who have expertise in the area of suicide assessment and referral selected under the sole discretion of the Vice President. Suicide Assessment Team members will include the Director of the University Counseling and Testing Center, the Director of the University Health Center, the Director of Student Life, and, if when appropriate, the Director of Residence Life, or the designees or successors.

(6) "Vice President" means Vice President for Student Affairs or successor or designee.

Stat. Auth.: ORS 352.004, 351.010, 351.060
Stats. Implemented: ORS 352.004
Hist: UO 1-2005, f. & cert. ef. 9-21-05

571-023-0005

Voluntary Leave

A student who wishes to be placed on medical leave from the University shall present a recommendation to that effect from a physician or psychologist to the Vice President for Student Affairs. The Vice President will request the Director of the University Health Center (if the request for leave is based on a medical condition) or Director of the University Counseling Center (if the request for leave is based on a mental health condition) or both (if the Vice President believes information from both Directors would be useful) evaluate the information provided. Upon the affirmative written recommendation of the Director conducting the evaluation, the Vice President shall immediately grant the student's request.

Stat. Auth.: ORS 352.004, 351.010, 351.060
Stats. Implemented: ORS 352.004

571-023-0025

University Duties of Refund and Notification

If a student is placed on leave from the University pursuant to the provisions of OAR 571-023-0005 or 571-023-0115, the Vice President shall instruct the Registrar to withdraw the student immediately and to initiate the appropriate tuition and fee refund. If the leave occurs late in the term and incompletes are more appropriate for the student's work, the Vice President, in the Vice President's sole discretion, may seek that action rather than withdrawals from all courses.

Stat. Auth.: ORS 352.004, 351.010, 351.060
Stats. Implemented: ORS 352.004

Hist: UOO 4, f. 8-13-73, ef. 9-1-73; UOO 7(Temp), f. & cert. ef. 2-26-74; UOO 9, f. & cert. ef. 7-15-74; UO 1-2005, f. & cert. ef. 9-21-05

571-023-0100

Standards of Responsibility and Self Care

(1) Standards of Responsibility and Self Care. A student in the university community who is experiencing a serious medical or mental health condition or emergency that substantially threatens the welfare of self or others, significantly disrupts the functioning of university operations or significantly interferes with a student's ability to complete their educational goals does not meet University standards of responsibility and self care and may be mandated for a professional assessment.

(2) Procedures. The following procedures shall be followed when the Vice President has reason to believe that a student may not meet University standards of responsibility and self care:

(a) The Vice President will consult with the Director of the Health Center (for behavior based on medical conditions or emergencies) or the Director of the Counseling Center (for behavior based on mental health conditions or emergencies) or both (if the Vice President believes information from both Directors would be useful).

(b) Request for a Dean's Consultation. If a student is not meeting the University's standards of responsibility and self care but is not suicidal, the Vice President may convene a dean's consultation to recommend appropriate actions.

(c) Request for evaluation in cases of suicidal ideation or behavior. When a student's behavior suggests it is warranted, the Suicide Assessment Team may conduct a review. Based on its review, the Suicide Assessment Team will recommend appropriate actions, which may include a mandatory professional assessment.

Stat. Auth.: ORS 352.004, 351.010, 351.060
Stats. Implemented: ORS 352.004
Hist: UO 1-2005, f. & cert. ef. 9-21-05

571-023-0105

Mandatory Professional Assessment Appointment

(1) Mandatory professional assessment. If based on the Suicide Assessment Team's recommendation, the Vice President determines that the student should be required to attend a mandatory professional assessment appointment completed by an individual or individuals identified by the Suicide Assessment Team, the Suicide Assessment Team will attempt to reach the student by phone and will send a letter to the student requiring the student to attend the appointment within 3 days of the date of the letter. A student who is required to attend a mandatory professional assessment appointment may choose, consistent with the provisions of the rule, to have the mandatory assessment completed by an individual or individuals identified by the Suicide Assessment Team or, instead, by a psychologist, psychiatrist or other qualified, credentialed mental health professional, approved by the Suicide Assessment Team.

(a) A student who chooses to have a mandatory professional assessment performed by a mental health professional other than the individual or individuals selected by the Suicide Assessment Team as provided in this rule, must sign a release to allow information to be shared between the person performing the assessment and the Suicide Assessment Team. The information provided must be adequate to allow the Suicide Assessment Team to report to the Vice President the nature of any substantial threat to the welfare of the individual, other members of the University community, or the educational processes of the University.

(b) The Suicide Assessment Team will report to the Vice President regarding the student's ability to maintain their own safety and well-being, any threat to other members of the University community or the educational processes of the University. The report shall also contain recommendations concerning the necessity for medical leave for the student.

(2) Weekly Professional Assessment Appointments. Any student who is required to attend a mandatory professional assessment appointment

ADMINISTRATIVE RULES

must, if recommended as an outcome of the initial assessment, subsequently attend three professional assessment appointments after their initial appointment. Any student who fails to attend a professional assessment appointment, either the initial appointment or a subsequent one, will have failed to meet the University's standards of responsibility and self care.

Stat. Auth.: ORS 352.004, 351.010, 351.060
Stats. Implemented: ORS 352.004
Hist: UO 1-2005, f. & cert. ef. 9-21-05

571-023-0110

Emergency Interventions

(1) **Transfer to Institutional Care.** If a physician or psychologist on the staff of the University Health Center or University Counseling and Testing Center, after conferring with the Vice President, determines that a student's medical or mental health condition poses an immediate emergency warranting institutional care, such physician or psychologist shall act as the representative of the University in emergency cases requiring immediate action to transfer a student pursuant to Oregon Laws, to an appropriate community or state health agency. Upon transfer to institutional care, the student shall be placed on medical leave from the University. If, within seven days of taking action to initiate such a transfer, the emergency has abated and the Director of the University Health Center or University Counseling and Testing Center so recommends to the Vice President, the Vice President may cancel the medical leave, require a mandatory medical assessment or, if the student elects and the Vice President concurs, place the student on voluntary medical leave for the remainder of the current term.

(2) **Refusal to Participate.** If, after requested by the Suicide Assessment Team, a student fails to attend any mandatory professional assessment appointment, the student will not meet the University's standards of responsibility and self care and will be subject to emergency procedures.

(3) **Involvement of Family Members.** The Vice President may seek the cooperation and involvement of family members of students who are experiencing medical or mental health emergencies. Involvement may include requesting family members to assist in persuading the student to seek appropriate professional assistance, such as an evaluation from a psychologist or other appropriate mental health professional. The decision to notify a student's family members in the case of a medical or mental health emergency will be weighed carefully against the student's privacy rights.

(4) **Mandatory Leave.** If the Vice President believes the medical or mental health condition of a student substantially threatens the welfare of self or others, significantly disrupts the functioning of university operations or significantly interferes with a student's ability to complete their educational goals or if a student fails to attend a mandatory professional assessment, the Vice President may place a student on mandatory leave after following the procedures identified in OAR 571-023-0115.

Stat. Auth.: ORS 352.004, 351.010, 351.060
Stats. Implemented: ORS 352.004
Hist: UO 1-2005, f. & cert. ef. 9-21-05

571-023-0115

Mandatory Leave Procedure

(1) If the Director of the University Health Center or the Director of the University Counseling and Testing Center believes a student's medical or mental health condition meets the standard for mandatory leave, the Director will recommend to the Vice President that the Vice President initiate mandatory leave. The Director may confer with any individuals the Director believes can assist in making a recommendation.

(2) Prior to placing a student on mandatory leave, the Vice President will request the Director prepare a report containing a summary of the steps already taken to respond to the student's medical or mental health condition, a list of individuals who have relevant information regarding the student's medical or mental condition, and the basis for recommending mandatory leave.

(3) The Director will set a date and time for a meeting with the student prior to making a final recommendation regarding mandatory leave and provide the student written notice. The notice shall include:

(a) The date, time and place of the meeting;

(b) That the purpose of the meeting is to consider if the student should be placed on mandatory leave;

(c) That the standards for making the final decision are whether the student's medical or mental health condition substantially threatens the welfare of self or others, significantly disrupts the functioning of university operations or significantly interferes with a student's ability to complete their educational goals.

(d) That the student has the opportunity to attend, to participate in the meeting, and to be accompanied by a personally-selected representative.

(4) The Director shall conduct the meeting in an informal manner that provides the Director with an opportunity to gather information relevant to the final decision and provides the student with an opportunity, if the student wishes, to provide information the Director believes will be useful in making a final recommendation. The student's opportunity to participate in the meeting shall include the opportunity to provide information from others who may have knowledge regarding whether the student's medical or mental health condition substantially threatens the welfare of self or others, significantly disrupts the functioning of university operations or significantly interferes with a student's ability to complete their educational goals.

(5) If, following the meeting with the student, the Director concludes that the student's medical or mental health condition does not substantially threaten the welfare of self or others, significantly disrupt the functioning of university operations or significantly interfere with the student's ability to complete their educational goals, the Director will so inform the student and the Vice President in writing, and no further action will be taken.

(e) If, following the meeting with the student, the Director concludes that the student's medical or mental health condition substantially threatens the welfare of self or others, significantly disrupts the functioning of university operations or significantly interferes with the student's ability to complete their educational goals, the Director will so inform the student and advise the Vice President in writing, and may recommend the student be placed on mandatory leave.

(f) The Vice President will review the Director's recommendation and will notify the University General Counsel or designee or successor, prior to placing the student on mandatory leave. The Vice President shall notify the student of the Vice President's decision and of the requirements for resumption of student status contained in this rule. The Vice President's decision is final.

Stat. Auth.: ORS 352.004, 351.010, 351.060
Stats. Implemented: ORS 352.004
Hist: UO 1-2005, f. & cert. ef. 9-21-05

571-023-0120

Resumption of Student Status

(1) Prior to returning to the University or enrolling at the University, a student who has been placed on leave as a result of emergency procedures must produce a plan in writing that delineates how the student will resume their status at the University.

(2) The plan must respond to the condition that gave rise to the need for the student's leave (i.e., need for ongoing psychological or medical care; ability to maintain a standard of responsibility and self care; ability to assume class participation.) If the student will reside in the residence halls, the plan must also state how the student will transition back into this community.

(3) The Suicide Assessment Team will review the student's plan. After the Suicide Assessment Team has reviewed the student's plan, the Director of the Health Center (for behavior based on medical conditions or emergencies) or the Director of the Counseling and Testing Center (for behavior based on mental health conditions or emergencies) or both (if the Vice President believes information from both Directors would be useful) will make a recommendation to the Vice President who will decide if the student's request to re-enroll at that time shall be granted or denied. The Vice President's decision is final.

Stat. Auth.: ORS 352.004, 351.010, 351.060
Stats. Implemented: ORS 352.004
Hist: UO 1-2005, f. & cert. ef. 9-21-05

.....
Oregon Youth Authority
Chapter 416

Adm. Order No.: OYA 19-2005

Filed with Sec. of State: 9-19-2005

Certified to be Effective: 9-19-05

Notice Publication Date: 8-1-05

Rules Repealed: 416-120-0000, 416-120-0010, 416-120-0020

Subject: OAR Chapter 416, Division 120 is repealed in its entirety. Language is covered by statute. Further clarification of statute language will be accomplished in agency policy.

Rules Coordinator: Kimberly Walker—(503) 378-6834
.....

Adm. Order No.: OYA 20-2005

Filed with Sec. of State: 9-19-2005

Certified to be Effective: 9-19-05

Notice Publication Date: 8-1-05

ADMINISTRATIVE RULES

Rules Amended: 416-410-0000, 416-410-0010, 416-410-0020, 416-410-0030, 416-410-0050, 416-410-0060

Rules Repealed: 416-410-0070

Subject: OAR Chapter 416, Division 410 is renamed to “Close Custody Population” and the amendments of OAR 416-410-0000, OAR 416-410-0010, OAR 416-410-0020, OAR 416-410-0030, OAR 416-410-0050, and OAR 416-410-0060 incorporate language from other rules within this Chapter that more closely belong under close custody population. These amendments clarify admission criteria for offenders to close custody, including the designation of Public Safety Reserve (PSR) beds and county bed allocations. OAR 416-410-0070 is repealed in its entirety.

Rules Coordinator: Kimberly Walker—(503) 378-6834

416-410-0000

Purpose

The Oregon Youth Authority (OYA) establishes the following criteria for admission to close custody facilities, including the designation of Public Safety Reserve (PSR) beds and county bed allocations.

Stat. Auth.: OL Ch. 422, 1995

Stats. Implemented: OL Ch. 422, 1995

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 20-2005, f. & cert. ef. 9-19-05

416-410-0010

Definitions:

(1) Administrative Review Board (ARB): The facility committee that reviews and is responsible for all major decisions concerning offenders who currently reside in facilities. The ARB recommends initial placement of offenders, length of stay, and transfers to other levels of custody, and initiates placements to parole, foster care, or to the community.

(2) Agency Case Review Committee: Conducts the executive level review of all specified offenders and their identified movements and releases within the OYA facilities/camps including the return of offenders to the Department of Corrections. Upon review, an approval or denial will be documented in the Findings and Order. The Agency Case Review Committee will have a minimum of three representatives from OYA’s executive team (Assistant Directors, Deputy Director, and Director).

(3) Director’s Group: An administrative group that provides oversight to agency operations. Membership includes the Director, Deputy Director, and Assistant Directors, and other persons as requested by the group. This group makes recommendations to the OYA Director.

(4) Discretionary Bed Allocation (DBA): A category of beds in youth correctional facilities reserved for offenders not in the PSR or in the legal custody of DOC. Each county will be allocated a percentage of the total number of DBA beds based on a formula agreed to jointly by the OYA and the Oregon Juvenile Department Directors’ Association (OJDDA).

(5) Public Safety Reserve (PSR): A category of beds in youth correctional facilities that are reserved for the most serious offenders.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420.014 & 420.011

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 14-2002, f. & cert. ef. 10-11-02; OYA 20-2005, f. & cert. ef. 9-19-05

416-410-0020

Allocation of Close Custody Beds

(1) The Director’s Group will determine the number of beds to be set aside for “Public Safety Reserve” (PSR) to ensure that close custody beds can be accessed for the most serious offenders.

(a) All offenders entering a youth correctional facility who have been committed to the custody of the OYA for the following offenses are eligible for a PSR bed:

- (A) Murder, as defined by ORS 163.115;
- (B) Attempt to commit murder, as defined by ORS 163.405;
- (C) Aggravated murder, as defined by ORS 163.095;
- (D) Manslaughter in the first degree, as defined by ORS 163.118;
- (E) Rape in the first degree, as defined by ORS 163.375;
- (F) Sodomy in the first degree, as defined by ORS 163.405;
- (G) Unlawful sexual penetration in the first degree, as defined by ORS 163.411;

OR

- (H) Assault in the first degree, as defined by ORS 163.185;
- (I) Robbery in the first degree, as defined by ORS 164.415;
- (J) Arson in the first degree, as defined by ORS 164.325; or
- (K) Kidnapping in the first degree, as defined by ORS 163.235.

(b) Upon conditional release from close custody, offenders will be removed from PSR eligibility, except those offenders who were committed for the following offenses.

- (A) Rape in the first degree, as defined by ORS 163.375;
- (B) Sodomy in the first degree, as defined by ORS 163.405; or
- (C) Unlawful sexual penetration in the first degree, as defined by ORS 163.411.

(c) If an offender returns to close custody, the offender will occupy a county-allocated bed unless:

- (A) The offender is returned to close custody for a new PSR offense; or
- (B) The offender was originally committed for the following offenses:

- (i) Rape in the first degree, as defined by ORS 163.375;
- (ii) Sodomy in the first degree, as defined by ORS 163.405;
- (iii) Unlawful sexual penetration in the first degree, as defined by ORS 163.411.

(2) The Director’s Group and a representative from the OJDDA will monitor the use of the PSR and alter the eligibility of PSR, as necessary.

(3) The remaining close custody beds will be utilized for offenders who do not qualify for PSR beds.

(a) These beds are considered “discretionary” and counties are expected to limit their use to beds apportioned to their county.

(b) Each county will be allocated a percentage of the beds through the use of the agreed upon formula between the counties and approved by the OYA.

(c) Counties may join in regional plans to combine their close custody population limits and funding.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420.014, 420.011

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 20-2005, f. & cert. ef. 9-19-05

416-410-0030

Public Safety Reserve

(1) When the legislature appropriates funds to the OYA expressly for distribution to counties in support of programs to divert youth from close custody facilities, such funds will be allocated based on each county’s percentage of the state population, 0-17 years of age.

(a) A county or region of counties that chooses to accept funds to divert youth from close custody facilities will agree in intergovernmental agreements with the OYA not to exceed its allocated funding.

(b) The intergovernmental agreement will be based on the county’s or region’s plan developed in accordance with statute and approved by the OYA. The plan will contain:

(A) The method for providing evaluation, including education, diagnostic, and placement services;

(B) A process for handling the disposition of parole violations;

(C) A plan for providing backup to community programs;

(D) The type of programs the county or region will use in order not to exceed its close custody allocation limit.

(2) The OYA will develop a plan so that the population limit will not be exceeded in those counties that choose not to accept diversion funds.

The OYA plan will contain:

(a) The method for providing evaluation, including education, diagnostic, and placement services;

(b) A process for handling the disposition of parole violations;

(c) A plan for providing backup to community programs;

(d) The type of programs the county or region will use in order not to exceed its close custody allocation limit.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420.017, 420.019

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 1-1999(Temp), f. & cert. ef. 3-15-99 thru 9-1-99; OYA 2-1999, f. & cert. ef. 9-1-99; OYA 20-2005, f. & cert. ef. 9-19-05

416-410-0050

Discretionary Beds

(1) New offenders will be oriented at the facility. During the first 30 days each offender will receive medical, dental, and psychological evaluations as needed, and educational testing and evaluation. All OYA offenders will be assessed for criminogenic areas of risk, protective factors, and resource need.

(2) After gathering information from the sending community, together with the reports and assessments generated within the facility, the ARB will assign offenders to a living unit, an OYA camp, or a placement in the community.

(3) The offender will be informed of his/her right to appeal the decision of the ARB.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420.011, 420A.010, 420A.125

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 20-2005, f. & cert. ef. 9-19-05

ADMINISTRATIVE RULES

416-410-0060

Standards of Care and Treatment

(1) The OYA Director will determine maximum population levels for each close custody facility. The maximum population allowable will not exceed the design capacity for the facility.

(2) Within budget limitations, the OYA ascribes to the Performance-Based Standards (PbS) for Youth Correction and Detention Facilities.

(3) The OYA will identify the collective service needs of the offender population at least annually. Special programs will be provided to meet the needs of offenders with specific types of problems.

(4) Close-custody placement is limited to offenders who require secure custody, are found to be within the jurisdiction of the court, and are at least 12 years of age.

(5) There is a limit to the number of offenders who can be placed in the OYA close custody system on a given day. Subject to these limitations, the OYA establishes the following criteria for admission to close custody facilities.

- (a) Display serious and persistent criminal behavior.
- (b) Display a lack of responsiveness to the expectations of the court.
- (c) Cannot be safely served by available community resources and in need of a close-custody placement.

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

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 419.509, 419.476, 420.11

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 20-2005, f. & cert. ef. 9-19-05

Adm. Order No.: OYA 21-2005

Filed with Sec. of State: 9-19-2005

Certified to be Effective: 9-19-05

Notice Publication Date: 8-1-05

Rules Amended: 416-430-0000, 416-430-0010, 416-430-0020, 416-430-0025, 416-430-0030, 416-430-0050

Subject: These rules are amended to change the title to "Sensitive Case Descriptors" and to amend OAR 416-430-0000, OAR 416-430-0010, OAR 416-430-0020, OAR 416-430-0025, OAR 416-430-0030, and OAR 416-430-0050. These rules will include information from other divisions which are pertinent to this topic. These rules will define the process by which sensitive case descriptors will be attached and removed from an offender's case file.

Rules Coordinator: Kimberly Walker—(503) 378-6834

416-430-0000

Purpose

(1) Certain types of offender behavior exhibited prior to or following placement in OYA custody are identified as sensitive and cause a sensitive case descriptor to be attached to a case file. This rule defines the process by which such descriptor will be attached and removed from a case file.

(2) These rules apply to all offenders who are committed to the legal or physical custody of OYA, and placed in OYA facilities or under OYA supervision on parole/probation status in the community.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420.011, 420A.010, 420A.125

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96, OYA 15-2002, f. & cert. ef. 10-11-02; OYA 21-2005, f. & cert. ef. 9-19-05

416-430-0010

Reason for Descriptors

(1) The purpose of the descriptor is to alert staff to unique situations that can affect the following areas of case management and program planning:

(a) Safety, security, and order of facilities and communities. Awareness of unique situations ensure that staff fully consider placement options (both in the facility living unit and in the community), ensuring that safety, security, and order of facilities and communities are maintained;

(b) Offender treatment opportunities. Collection of accurate and consistent information will prompt appropriate assessment to identify unique treatment needs where they exist. Such information notifies staff to link offenders with available programming and spurs the development of new programs to meet offender needs;

(c) Transition planning for offenders: The case descriptor will cue staff to consider specific community services available to support the unique needs of the offender;

(d) Effective networking with stakeholders: The case descriptor will ensure that pertinent and accurate information is passed along to stake-

holders when offenders transition in and out of the OYA system, and in response to requests for information from stakeholders;

(e) Agency planning. Accurate definition of populations served by the OYA is necessary to present statistical reports in support of current and future programming.

(2) In its policy, the OYA will identify and define each case descriptor that staff may use for this purpose.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420.011, 420A.010, 420A.125

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 15-2002, f. & cert. ef. 10-11-02; OYA 21-2005, f. & cert. ef. 9-19-05

416-430-0020

Application of Descriptors

(1) Staff will recommend the application of a descriptor in a written report designed for that purpose, and include information that meets the descriptor criteria, as detailed in OYA policy. This information may be derived from a variety of sources, including but not limited to: the offender case file, offender self-reports, or information provided by other agencies.

(2) A recommendation cannot be approved unless there is clear and convincing evidence that the descriptor should be applied.

(3) Staff will notify the offender when a descriptor is attached to the case file. The date and manner by which the notification was provided will be noted in the offender case file.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420.011, 420A.010, 420A.125

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 15-2002, f. & cert. ef. 10-11-02; OYA 21-2005, f. & cert. ef. 9-19-05

416-430-0025

Review of Descriptors

(1) The descriptor will be reviewed whenever an offender transfers to a different placement setting or when new information is received that causes the OYA to consider applying or removing it.

(2) Discussion of the descriptor will be included in the usual case planning or review process.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420.011, 420A.010, 420A.125

Hist.: OYA 15-2002, f. & cert. ef. 10-11-02; OYA 21-2005, f. & cert. ef. 9-19-05

416-430-0030

Removal of Descriptors

(1) In the event a descriptor is improperly applied or when information is received that indicates the descriptor is not needed, a written request will be made to remove it. This request will state the reason the descriptor does not apply to the case.

(2) The OYA will notify the offender when a descriptor is removed.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420.011, 420A.010 & 420A.125

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 15-2002, f. & cert. ef. 10-11-02; OYA 21-2005, f. & cert. ef. 9-19-05

416-430-0050

Grievance

Offenders will be notified in writing of their right to appeal decisions of the OYA, including application of a sensitive case descriptor. Such notification will include a description of the grievance process and applicable time lines.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420.011, 420A.010 & 420A.125

Hist.: OYA 15-2002, f. & cert. ef. 10-11-02; OYA 1-2003, f. & cert. ef. 1-16-03; OYA 21-2005, f. & cert. ef. 9-19-05

Adm. Order No.: OYA 22-2005

Filed with Sec. of State: 9-19-2005

Certified to be Effective: 9-19-05

Notice Publication Date: 7-1-05

Rules Amended: 416-420-0000, 416-420-0010, 416-420-0020, 416-420-0030

Rules Repealed: 416-420-0040, 416-420-0050

Subject: The OYA has amended this rule to change the title and update language and reorganize its rule divisions. Relevant text moved to new Division 410.

Rules Coordinator: Kimberly Walker—(503) 378-6834

ADMINISTRATIVE RULES

416-420-0000

Purpose

(1) These rules define the process by which persons may gain entrance to Oregon Youth Authority (OYA) facilities for the purpose of increasing individual knowledge about OYA services or interacting with an offender placed there.

(2) These rules apply to all offenders who are committed to the legal or physical custody of the OYA, and placed in OYA facilities.

(3) All offenders, except as specifically provided in these rules, are eligible for visits while confined in an OYA facility.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 162.135, 162.185, 419C.478, 420A.120

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 22-2005, f. & cert. ef. 9-19-05

416-420-0010

Facility Entrance

(1) The OYA acknowledges the importance of partnerships with community members, knowing that the effectiveness of those partnerships is increased when community members understand the services offered by the OYA. As well, the OYA recognizes the importance of interaction between offenders in its custody with family and members of the community. Such access allows offenders to maintain contact with their families and community, and contributes to effective planning for an offender's treatment needs.

(2) The OYA will control access into and out of facilities that physically house offenders, in order to maintain the security, sound order, and discipline within the facility.

(a) Approval to enter secure facilities is granted by the facility Superintendent/Camp Director. This approval may be delegated according to local procedure.

(b) Requests to enter a secure facility require advance notice, according to OYA policy and local procedure.

(c) All persons who enter OYA facilities will be supervised by staff. Individual contact with offenders is prohibited, unless specifically authorized by the facility Superintendent/Camp Director.

(d) Persons must conform to all security and control procedures enforced at the facility. Failure to do so is grounds for refusal of entry or removal if entry has already been gained.

(A) Facility staff will notify persons of all rules, policies, and procedures prior to entry into the facility.

(B) Persons may be asked to submit to a search of their person (may include use of visual inspection, metal detectors, or other electronic devices) or personal property.

(C) The facility will place limitations on the type of property that is allowed within the secure perimeter of the facility. Visitors will not possess or carry onto the grounds of any OYA facility explosive devices, firearms, ammunition, pocket knives, alcoholic beverages, narcotics, dangerous drugs, aerosol spray cans, or objects or material of any kind that might be used to compromise the safety and security of the facility. No cameras or tape recorders are allowed without specific written authorization of the facility Superintendent/Camp Director.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 162.135, 162.185, 419C.478, 420A.120

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 22-2005, f. & cert. ef. 9-19-05

416-420-0020

Tours

(1) Approval by the OYA is required for all facility tours in compliance with these rules and OYA policy and procedure. Typically, tours are granted to persons interested or involved in juvenile corrections, such as:

(a) Oregon state officials;

(b) Juvenile justice professionals from other agencies;

(c) Students older than age 18, as part of an educational program (exceptions for underage students may be approved by the facility Superintendent/Camp Director).

(2) All tours will be supervised by staff. Some parts of the facility may be off-limits, and individual contact with offenders is prohibited unless specifically authorized.

(3) As part of the approval process, the OYA requires that the names of persons who plan to participate in the tour be provided in advance. Persons must check-in at the designated reception area and present photo identification.

(a) Persons not prior authorized to participate in the tour will be denied access into the facility.

(b) Persons who are on parole/probation status in the community, former OYA offenders, or family members of offenders currently under OYA

custody must be individually approved in writing by the facility Superintendent/Camp Director to participate in a facility tour.

(c) Persons who attempt to bring any contraband into a facility will be denied access into the facility.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 162.135, 162.185, 419C.478, 420A.120

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 22-2005, f. & cert. ef. 9-19-05

416-420-0030

Visits with Offenders

(1) Prior authorization by OYA is required for all persons who request to visit an offender, in compliance with these rules and OYA policy and procedure.

(2) Staff will consider all requests from individuals who request to visit an offender and allow or deny the visit on the basis of the interests of the security and order of the facility and what would best benefit the offender.

(a) When making a determination about whether to allow visitation, staff will consider:

(A) Facility security and order;

(B) The relationship that exists between the offender and the visitor;

(C) The offender's case plan;

(D) The goals for the visit;

(E) The offender's wishes;

(F) Orders of the court;

(G) The decision of the Department of Corrections (DOC) (for adult offenders in the physical custody of the OYA).

(3) Visitation with offenders is limited to those persons who are integral to the offender's case plan. Those persons typically include:

(a) Family members, including but not limited to: parents, siblings, children of offenders, legal guardians, members of step families, surrogate parents, or grandparents;

(b) Attorney for the offender (subject to OAR chapter 416, division 150);

(c) Persons involved in treatment planning, including but not limited to mentors, transition resources, or placement options; and

(d) Other persons, as approved on a case-by-case basis.

(4) Any person may be denied visitation with an offender for the following reasons.

(a) The person does not have prior authorization to visit an offender.

(b) The person appears to be intoxicated or otherwise behaving in an unlawful or inappropriate manner.

(c) The person has abused or may abuse an offender.

(d) The person has encouraged the offender to violate the law or disobey OYA rules, policies, or procedures.

(e) There is reasonable cause to believe the person intends to aid an offender in escaping.

(f) The person has violated OYA rules, policies, or procedures.

(g) The person has interfered with the good order, security, or operations of the facility and there is reasonable cause to believe he/she will do so again.

(h) The time of the person's visit interferes with daily programming.

(i) The visit interferes with the offender's overall reformation.

(j) The committing court, DOC, or Community Corrections has ordered that the person not visit.

(k) The offender or his/her parent or legal guardian has requested that the person not visit.

(l) The person is a former OYA staff, volunteer, or contractor who engaged in an inappropriate relationship with an offender.

(5) If a request for visitation is denied, the OYA will provide the requestor and the affected offender with a written statement of the determination. An offender may appeal the decision using the grievance process outlined in OAR chapter 416, division 20 and facility procedure.

(6) Persons who visit offenders are subject to the following standards.

(a) Visitors must present photo identification.

(b) Visitors must arrange with facility staff prior to the scheduled visitation if they wish to bring personal items or gifts to the offender.

(c) Visitors less than the age of 18 must be accompanied by his/her parent or guardian.

(d) Visitors must comply with the visitation schedule for each facility, including the day, time, and length of visit allowed, and check-in at the designated reception area.

(e) The number of visitors will be limited if space, supervision, or security require it.

(f) Visitors will wear conventional clothing in a manner which is not unduly suggestive, in accordance with facility procedure, and which does

ADMINISTRATIVE RULES

not pose a threat to the safety, security, health, treatment, or good order of the facility. Clothing that is revealing, such as shorts higher than mid-thigh, low cut blouses, shoulder straps less than one inch wide or clothing that exposes the stomach, back, or other areas is not permitted. Clothing that displays or suggests the use of alcohol, drugs, or profanity will not be allowed. Clothing, hairstyles, insignias, or other paraphernalia associated with street gangs will not be permitted. Footwear must be worn.

(g) Visitors will not exchange any object or article with an offender.

(h) Visitors will control children and remove them from the visiting area if necessary to avoid disturbing other visitors.

(i) Minor children or animals will not be left unattended in cars or on institution property.

(j) Neither a visitor nor an offender will be permitted to visit with a person who is not specifically authorized for the current visit.

(7) Requests from media representatives to visit an offender are subject to the provisions of OAR chapter 416, division 150.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420.011, 420A.010, 420A.125

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 22-2005, f. & cert. ef. 9-19-05

Adm. Order No.: OYA 23-2005

Filed with Sec. of State: 10-12-2005

Certified to be Effective: 10-12-05

Notice Publication Date: 9-1-05

Rules Amended: 416-140-0000, 416-140-0010, 416-140-0020, 416-140-0030, 416-140-0040

Subject: These rules are amended to correct some grammatical issues and to add provision in OAR 416-140-0040 for notification to the court of any identifiable numbers pertaining to a commitment record.

Rules Coordinator: Kimberly Walker—(503) 378-6834

416-140-0000

Purpose

These rules describe the Oregon Youth Authority's (OYA) process for sealing or expunging youth offender records, both manual and electronic, subsequent to a court order.

Stat. Auth.: ORS 420A.025

Stat. Implemented: ORS 419A.262 & 420A.260

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 3-2001 f. & cert. ef. 4-20-01; OYA 23-2005, f. & cert. ef. 10-12-05

416-140-0010

Release of Information

(1)(a) The OYA complies with expunction orders by sealing or marking "expunged" on the records, not by destroying them. The intent of the expunction is not to erase all traces of the OYA's relationship to the individual, but rather to prevent subsequent dissemination of expunged information to third parties.

(b) ORS 419A.260 defines "records" and exceptions from expunction.

(2)(a) Anyone who inquires about a person whose record has been expunged will be told "No record of contacts exists" except when ordered by a court of competent jurisdiction to release the information.

(b) If an expunged record is released, a copy of the court order will be placed in the record, and the following notation placed on the outside of the record: "Expunged records of (youth offender's name) accessed on (date) in compliance with (court order)."

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 419A.260 & 419A.262

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 3-2001 f. & cert. ef. 4-20-01; OYA 1-2002, f. & cert. ef. 1-18-02; OYA 23-2005, f. & cert. ef. 10-12-05

416-140-0020

Responsibilities

(1) The Director of the OYA has authorized the Deputy Director or designee to sign and return to the court the Expunction Order Statement.

(2) The OYA will appoint a Central Expunction Coordinator who will coordinate the OYA response to the expunction order, including working with Local Expunction Coordinators, contracts personnel and the trust accountant to ensure that the expunction is carried out within required timelines.

(3) The Superintendent/Camp Director, or designee, of each OYA facility who has responsibility for complying with expunction orders will appoint a Local Expunction Coordinator to ensure that an expunction is carried out within required timelines.

Stat. Auth.: ORS 420A.025

Stat. Implemented: ORS 419A.262 & 420A.260

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 3-2001 f. & cert. ef. 4-20-01; OYA 23-2005, f. & cert. ef. 10-12-05

416-140-0030

Timelines

Within 21 calendar days of the OYA's receipt of an order, the court issuing an expunction order is to receive an OYA Expunction Order Statement certifying the expunction has been completed.

Stat. Auth.: ORS 420A.025

Stat. Implemented: ORS 419A.262 & 420A.260

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 3-2001 f. & cert. ef. 4-20-01; OYA 23-2005, f. & cert. ef. 10-12-05

416-140-0040

Procedures

The Central Expunction Coordinator will log incoming expunction orders and distribute notification forms, when necessary, to the appropriate OYA facility and other staff, and ensure that the expunction process is complete, including but not limited to:

(1) Contracts office records. Contract files related to the subject of the expunction order are sealed;

(2) Electronic records. The Central Expunction Coordinator will ensure information within the Juvenile Justice Information System (JJIS) is sealed.

(3) The Central Expunction Coordinator will notify the court of the case number of any juvenile commitment record with the Department of Human Services (DHS) and request that a court expunction order be sent to DHS as well.

(4) Record storage. The OYA will maintain its expunged records in a locked, secure area as designated by the agency. These records are not maintained by the Oregon State Archivist.

Stat. Auth.: ORS 420A.025

Stat. Implemented: ORS 419A.262 & 420A.260

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 3-2001 f. & cert. ef. 4-20-01; OYA 23-2005, f. & cert. ef. 10-12-05

Parks and Recreation Department Chapter 736

Adm. Order No.: PRD 5-2005(Temp)

Filed with Sec. of State: 10-14-2005

Certified to be Effective: 11-11-05 thru 4-30-06

Notice Publication Date:

Rules Amended: 736-015-0035

Subject: Temporarily amends existing rule, waiving day-use and camping fees, for veterans with a service-connected disability and active duty military personnel on leave. This is an expansion of existing State Parks day use parking and camping waivers for veterans with service-connected disabilities and active duty military personnel on leave, allowing them the free use of individual campsites no more than five consecutive days and no more than 10 days total in any calendar month. The current rule only waives these fees on Memorial Day, Independence Day and Veterans Day.

The Oregon Parks and Recreation Commission heard the request to offer the expanded benefits to Veterans with service-connected disabilities and active duty military personnel on leave at its September 22, 2005 meeting, and granted approval. This temporary rule, and the new benefits, become effective on Veterans Day, November 11, 2005. The department will also begin the process to adopt a permanent rule to continue the waiver established in this temporary rule.

Rules Coordinator: Jo Bell—(503) 986-0719

736-015-0035

Fee Waivers and Refunds

(1) The director, at the direction of the commission, may waive, reduce or exempt fees established in this division under the following conditions:

(a) A person or group provides in-kind services or materials equal to or greater than the value of the applicable rate, as determined by criteria approved by the director;

(b) Marketing or promotional considerations, including but not limited to special events and commercial filming, that promote the use of park areas and Oregon tourism;

(c) Traditional tribal activities in accordance with policy adopted by the Commission;

ADMINISTRATIVE RULES

(d) Reduced service levels at a park, campsite or other facility as determined by the Park Manager.

(2) Reservation Facility Deposit Fee Waivers for individual primitive, tent, electric or full hook-up campsites only:

(a) The facility deposit fee is waived for all persons with reservations commencing on State Parks Day (first Saturday of June). All other fees apply.

(b) The facility deposit fee is waived for foster families as defined in OAR 736-015-0005. The fee waiver is limited to the first two campsites and an adult care provider must be present with the foster children. All other fees apply.

(c) The facility deposit fee is waived for veterans with a service-connected disability or active duty military personnel on leave as provided in ORS 390.124. All other fees apply.

(d) The person making the reservation must pay the \$6 non-refundable transaction fee at the time the reservation is made. This fee is not included in the fee waiver.

(e) Reservations made on the Internet are not eligible for fee waivers.

(3) Overnight Rental Fee Waivers for individual primitive, tent, electric or full hook-up campsites only:

(a) The overnight rental fee is waived for all persons on the night of State Parks Day (first Saturday of June). All other fees apply.

(b) The overnight rental fee is waived for foster families as defined in OAR 736-015-0005. The fee waiver is limited to the first two campsites and an adult care provider must be present. All other fees apply.

(c) The overnight rental fee is waived for veterans with a service-connected disability or active duty military personnel on leave as provided in ORS 390.124. The waiver of individual campsite fees shall be limited to no more than five consecutive days per stay and no more than ten days total in a calendar month. All other fees apply.

(d) The director may waive the overnight rental fee for volunteer hosts traveling to an assignment at a park area.

(4) Day Use Parking Fee Waivers:

(a) The day use parking fee is waived for all persons on State Parks Day (first Saturday of June).

(b) The day use parking fee is waived for veterans with a service-connected disability or active duty military personnel on leave as provided in ORS 390.124.

(c) Only department staff may issue a free 12-month day use parking permit to a foster family, as defined in OAR 736-015-0005, if the foster care provider has a valid Certificate of Approval to Provide Foster Care in Oregon issued by the Oregon Department of Human Services. The permit shall be valid for 12 months or until the

(d) expiration date of the Certificate of Approval to Provide Foster Care, whichever date is sooner.

(e) All other fees apply.

(5) A person may request a refund under the following circumstances.

(a) Reservations Northwest may refund a reservation fee when the department has made a reservation error.

(b) Reservations Northwest may refund a facility deposit and may waive the cancellation/change rules when requested by the person due to the following emergency situations:

(A) Emergency vehicle repair created a late arrival or complete reservation cancellation;

(B) A medical emergency created a late arrival or complete reservation cancellation; or

(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 Reservations Northwest via email, fax or surface mail to be considered for a refund.

(e) The department will issue refunds for specific site or park area closures and no written request is required.

(f) The park manager may only issue a refund at the park due to the person leaving earlier than expected, and while the person is present and has signed for the refund. Once the person has left the park, refund requests must be sent to Reservations Northwest for processing.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121, 390.124

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 56(Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 82, f. 5-11-77, ef. 5-14-77; 1 OTC 5-1979, f. & ef. 2-9-79; 1 OTC 22-1979 (Temp), f. & ef. 9-24-79; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 11-1986, f. & ef. 7-9-86; PR 1-1988, f. & cert. ef. 3-25-88; PR 1-1990, f. & cert. ef. 5-14-90; PR 4-1991, f. 4-30-91, cert. ef. 5-13-91; PR 3-1996, f. & cert. ef. 5-13-96; PRD 7-2002, f. & cert. ef. 7-1-02; PRD 6-2003, f. 10-3-03 cert. ef. 11-1-03; PRD 8-2004, f. & cert. ef. 6-3-04; Renumbered from 736-010-0120, PRD 4-2005, f. & cert. ef. 5-5-05; PRD 5-2005(Temp), f. 10-14-05, cert. ef. 11-11-05 thru 4-30-06

Secretary of State, Elections Division Chapter 165

Adm. Order No.: ELECT 6-2005(Temp)

Filed with Sec. of State: 10-14-2005

Certified to be Effective: 10-14-05 thru 4-12-06

Notice Publication Date:

Rules Adopted: 165-012-1010

Subject: House Bill 3458, chapter 809 2005 Oregon Laws requires all state and local political committees to establish an exclusive campaign account in a financial institution located in Oregon by January 1, 2006. This proposed temporary rule prescribes the form committees will use to file account information with the Elections Division.

Rules Coordinator: Brenda Bayes—(503) 986-1518

165-012-1010

Campaign Accounts

(1)(a) Subject to subsection (2) of this section, a political committee must have an account in an Oregon financial institution that is dedicated to the committee's funds and purposes. The account must be held in the name of the committee and the name may not use or contain acronyms.

(b) All moneys received by a committee must either be deposited into the campaign account or returned to the contributor within seven calendar days of receipt. No funds of any individual or other entity shall be deposited in the campaign account.

(c) All moneys expended by a committee must be spent through the campaign account. All expenditures must be by written instrument signed by the candidate or the treasurer or by use of a credit card or other form of electronic transaction. A person may make an expenditure on behalf of a committee by cash or other means and be subsequently reimbursed by the committee from this account.

(d) Moneys in the account may be transferred into money market funds, savings accounts, certificates of deposits, or other means of investment, provided that such investments, when subsequently converted, are re-deposited in the campaign account. The investments do not need to be sited in the state of Oregon.

(2)(a) A candidate who acts as the candidate's own treasurer and neither receives more than \$300 in total contributions nor makes total expenditures in excess of \$300 in an election does not need to establish an account under this rule.

(b) Existing committees shall establish an account under this section no later than December 31, 2005.

(c) A political committee attempting to form after December 31, 2005, shall have 3 business days after first receiving a contribution or making an expenditure, whichever is sooner, to establish an account as required under this section.

(3) The form SEL 223, "Campaign Account Information", is designated the form used by a committee to file the required account information with the appropriate filing officer.

(4) Committees in existence as of December 31, 2005, shall file a completed SEL 223 with the appropriate filing officer no later than January 3, 2006.

(5) After December 31, 2005, a new committee must file a completed SEL 223 with its Statement of Organization for Candidate Committee (SEL 220) or Statement of Organization for Political Action Committee (SEL 221) in order to have filed a completed statement of organization and be a political committee.

(6) The information contained in a SEL 223 is exempt from public disclosure and shall be kept confidential by the filing officer. The filing officer shall retain account information in a SEL 223 separately from the information in the remainder of the committee's statement of organization (SEL 220 or SEL 221), and shall limit access to that information by personnel of the filing officer to the extent practicable. The account information may only be disclosed to other governmental agencies in enforcing the provisions of ORS chapters 246 to 260 and, if so disclosed, shall remain otherwise confidential.

(7) Penalties for violation of ORS 260.XXX or 260.XXY, as provided in this rule, are set forth in OAR 165-013-0010, Penalty Matrix for Other Campaign Finance Violations.

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

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 260.200, HB 3458, ch 809 OL 2005

Hist.: ELECT 6-2005(Temp), f. & cert. ef. 10-14-05 thru 4-12-06

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
101-002-0015	9-1-05	Amend	10-1-05	123-011-0040	5-5-05	Amend	6-1-05
101-005-0010	7-29-05	Amend	9-1-05	123-011-0045	5-5-05	Amend	6-1-05
101-005-0020	7-29-05	Amend	9-1-05	123-011-0050	5-5-05	Amend	6-1-05
101-005-0030	7-29-05	Amend	9-1-05	123-017-0007	5-11-05	Amend	6-1-05
101-005-0040	7-29-05	Amend	9-1-05	123-017-0020	5-11-05	Amend	6-1-05
101-005-0050	7-29-05	Amend	9-1-05	123-017-0025	5-11-05	Amend	6-1-05
101-005-0060	7-29-05	Amend	9-1-05	123-017-0030	5-11-05	Amend	6-1-05
101-005-0070	7-29-05	Amend	9-1-05	123-017-0035	5-11-05	Amend	6-1-05
101-005-0075	7-29-05	Adopt	9-1-05	123-017-0037	5-11-05	Amend	6-1-05
101-005-0080	7-29-05	Amend	9-1-05	123-018-0055	4-21-05	Amend(T)	6-1-05
101-005-0090	7-29-05	Amend	9-1-05	123-021-0090	8-5-05	Amend(T)	9-1-05
101-005-0100	7-29-05	Amend	9-1-05	123-024-0031	4-21-05	Amend(T)	6-1-05
101-005-0105	7-29-05	Adopt	9-1-05	123-065-0000	2-25-05	Amend	4-1-05
101-005-0110	7-29-05	Amend	9-1-05	123-065-0005	2-25-05	Adopt	4-1-05
101-005-0120	7-29-05	Amend	9-1-05	123-065-0010	2-25-05	Amend	4-1-05
101-005-0130	7-29-05	Amend	9-1-05	123-065-0048	2-25-05	Am. & Ren.	4-1-05
101-005-0140	7-29-05	Amend	9-1-05	123-065-0080	2-25-05	Amend	4-1-05
101-006-0010	7-29-05	Amend	9-1-05	123-065-0090	2-25-05	Amend	4-1-05
101-006-0020	7-29-05	Amend	9-1-05	123-065-0095	2-25-05	Adopt	4-1-05
101-010-0005	9-1-05	Amend	10-1-05	123-065-0100	2-25-05	Amend	4-1-05
101-015-0005	9-1-05	Amend	10-1-05	123-065-0140	2-25-05	Amend	4-1-05
101-020-0005	9-1-05	Amend	10-1-05	123-065-0150	2-25-05	Amend	4-1-05
101-020-0010	9-1-05	Amend	10-1-05	123-065-0200	2-25-05	Amend	4-1-05
101-020-0020	4-14-05	Amend	5-1-05	123-065-0210	2-25-05	Amend	4-1-05
101-020-0040	9-1-05	Amend	10-1-05	123-065-0220	2-25-05	Amend	4-1-05
101-020-0045	9-1-05	Amend	10-1-05	123-065-0230	2-25-05	Amend	4-1-05
101-030-0022	9-1-05	Amend	10-1-05	123-065-0240	2-25-05	Amend	4-1-05
101-030-0040	9-1-05	Amend	10-1-05	123-065-0255	2-25-05	Adopt	4-1-05
101-040-0005	9-1-05	Amend	10-1-05	123-065-0300	2-25-05	Amend	4-1-05
101-040-0010	9-1-05	Amend	10-1-05	123-065-0310	2-25-05	Amend	4-1-05
101-040-0020	9-1-05	Amend	10-1-05	123-065-0320	2-25-05	Amend	4-1-05
101-040-0030	9-1-05	Amend	10-1-05	123-065-0330	2-25-05	Amend	4-1-05
101-040-0035	9-1-05	Amend	10-1-05	123-065-0350	2-25-05	Amend	4-1-05
101-040-0040	9-1-05	Amend	10-1-05	123-065-0360	2-25-05	Repeal	4-1-05
101-040-0045	9-1-05	Amend	10-1-05	123-065-0365	2-25-05	Adopt	4-1-05
101-040-0050	9-1-05	Amend	10-1-05	123-065-0400	2-25-05	Am. & Ren.	4-1-05
101-040-0055	9-1-05	Amend	10-1-05	123-065-0410	2-25-05	Am. & Ren.	4-1-05
101-040-0080	4-14-05	Amend	5-1-05	123-065-0420	2-25-05	Am. & Ren.	4-1-05
101-040-0080	9-1-05	Amend	10-1-05	123-065-0430	2-25-05	Am. & Ren.	4-1-05
101-050-0005	9-1-05	Amend	10-1-05	123-065-0440	2-25-05	Am. & Ren.	4-1-05
101-050-0015	4-14-05	Amend	5-1-05	123-065-1000	2-25-05	Adopt	4-1-05
101-050-0025	9-1-05	Amend	10-1-05	123-065-1050	2-25-05	Adopt	4-1-05
115-045-0005	1-24-05	Amend	3-1-05	123-065-1500	2-25-05	Amend	4-1-05
115-045-0010	1-24-05	Amend	3-1-05	123-065-1510	2-25-05	Amend	4-1-05
115-045-0020	1-24-05	Amend	3-1-05	123-065-1520	2-25-05	Amend	4-1-05
115-045-0021	1-24-05	Amend	3-1-05	123-065-1530	2-25-05	Amend	4-1-05
115-045-0023	1-24-05	Amend	3-1-05	123-065-1540	2-25-05	Amend	4-1-05
115-045-0025	1-24-05	Amend	3-1-05	123-065-1550	2-25-05	Amend	4-1-05
122-001-0026	6-17-05	Adopt(T)	8-1-05	123-065-1553	2-25-05	Adopt	4-1-05
122-001-0027	8-1-05	Adopt(T)	9-1-05	123-065-1557	2-25-05	Adopt	4-1-05
123-011-0020	5-5-05	Amend	6-1-05	123-065-1560	2-25-05	Amend	4-1-05
123-011-0021	5-5-05	Amend	6-1-05	123-065-1570	2-25-05	Amend	4-1-05
123-011-0025	5-5-05	Amend	6-1-05	123-065-1580	2-25-05	Amend	4-1-05
123-011-0027	5-5-05	Amend	6-1-05	123-065-1590	2-25-05	Amend	4-1-05
123-011-0030	5-5-05	Amend	6-1-05	123-065-1600	2-25-05	Amend	4-1-05
123-011-0035	5-5-05	Amend	6-1-05	123-065-1610	2-25-05	Amend	4-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
123-065-1620	2-25-05	Amend	4-1-05	123-065-4220	2-25-05	Amend	4-1-05
123-065-1650	2-25-05	Amend	4-1-05	123-065-4230	2-25-05	Amend	4-1-05
123-065-1670	2-25-05	Adopt	4-1-05	123-065-4240	2-25-05	Amend	4-1-05
123-065-1700	2-25-05	Amend	4-1-05	123-065-4250	2-25-05	Amend	4-1-05
123-065-1710	2-25-05	Amend	4-1-05	123-065-4260	2-25-05	Amend	4-1-05
123-065-1720	2-25-05	Amend	4-1-05	123-065-4270	2-25-05	Amend	4-1-05
123-065-1730	2-25-05	Amend	4-1-05	123-065-4280	2-25-05	Amend	4-1-05
123-065-1740	2-25-05	Amend	4-1-05	123-065-4300	2-25-05	Amend	4-1-05
123-065-1750	2-25-05	Amend	4-1-05	123-065-4310	2-25-05	Amend	4-1-05
123-065-1920	2-25-05	Adopt	4-1-05	123-065-4313	2-25-05	Adopt	4-1-05
123-065-2000	2-25-05	Repeal	4-1-05	123-065-4315	2-25-05	Amend	4-1-05
123-065-2500	2-25-05	Amend	4-1-05	123-065-4318	2-25-05	Adopt	4-1-05
123-065-2510	2-25-05	Amend	4-1-05	123-065-4320	2-25-05	Amend	4-1-05
123-065-2520	2-25-05	Amend	4-1-05	123-065-4323	2-25-05	Adopt	4-1-05
123-065-2530	2-25-05	Amend	4-1-05	123-065-4325	2-25-05	Adopt	4-1-05
123-065-2540	2-25-05	Amend	4-1-05	123-065-4328	2-25-05	Adopt	4-1-05
123-065-2550	2-25-05	Amend	4-1-05	123-065-4330	2-25-05	Amend	4-1-05
123-065-2700	2-25-05	Amend	4-1-05	123-065-4340	2-25-05	Amend	4-1-05
123-065-3000	2-25-05	Amend	4-1-05	123-065-4343	2-25-05	Repeal	4-1-05
123-065-3030	2-25-05	Amend	4-1-05	123-065-4345	2-25-05	Adopt	4-1-05
123-065-3110	2-25-05	Amend	4-1-05	123-065-4355	2-25-05	Adopt	4-1-05
123-065-3130	2-25-05	Amend	4-1-05	123-065-4360	2-25-05	Repeal	4-1-05
123-065-3140	2-25-05	Amend	4-1-05	123-065-4365	2-25-05	Adopt	4-1-05
123-065-3170	2-25-05	Amend	4-1-05	123-065-4370	2-25-05	Repeal	4-1-05
123-065-3200	2-25-05	Amend	4-1-05	123-065-4375	2-25-05	Adopt	4-1-05
123-065-3230	2-25-05	Amend	4-1-05	123-065-4380	2-25-05	Amend	4-1-05
123-065-3300	2-25-05	Amend	4-1-05	123-065-4390	2-25-05	Am. & Ren.	4-1-05
123-065-3330	2-25-05	Amend	4-1-05	123-065-4400	2-25-05	Amend	4-1-05
123-065-3360	2-25-05	Amend	4-1-05	123-065-4410	2-25-05	Amend	4-1-05
123-065-3400	2-25-05	Amend	4-1-05	123-065-4420	2-25-05	Amend	4-1-05
123-065-3430	2-25-05	Amend	4-1-05	123-065-4430	2-25-05	Amend	4-1-05
123-065-3445	2-25-05	Adopt	4-1-05	123-065-4440	2-25-05	Amend	4-1-05
123-065-3460	2-25-05	Amend	4-1-05	123-065-4450	2-25-05	Amend	4-1-05
123-065-3480	2-25-05	Amend	4-1-05	123-065-4460	2-25-05	Amend	4-1-05
123-065-3500	2-25-05	Amend	4-1-05	123-065-4470	2-25-05	Amend	4-1-05
123-065-3530	2-25-05	Amend	4-1-05	123-065-4480	2-25-05	Amend	4-1-05
123-065-3545	2-25-05	Adopt	4-1-05	123-065-4500	2-25-05	Amend	4-1-05
123-065-3560	2-25-05	Amend	4-1-05	123-065-4510	2-25-05	Amend	4-1-05
123-065-3600	2-25-05	Amend	4-1-05	123-065-4520	2-25-05	Amend	4-1-05
123-065-3800	2-25-05	Amend	4-1-05	123-065-4530	2-25-05	Amend	4-1-05
123-065-3830	2-25-05	Amend	4-1-05	123-065-4540	2-25-05	Amend	4-1-05
123-065-3850	2-25-05	Amend	4-1-05	123-065-4550	2-25-05	Amend	4-1-05
123-065-4000	2-25-05	Amend	4-1-05	123-065-4560	2-25-05	Amend	4-1-05
123-065-4010	2-25-05	Amend	4-1-05	123-065-4570	2-25-05	Amend	4-1-05
123-065-4020	2-25-05	Amend	4-1-05	123-065-4580	2-25-05	Amend	4-1-05
123-065-4050	2-25-05	Amend	4-1-05	123-065-4590	2-25-05	Amend	4-1-05
123-065-4060	2-25-05	Amend	4-1-05	123-065-4600	2-25-05	Adopt	4-1-05
123-065-4070	2-25-05	Amend	4-1-05	123-065-4690	2-25-05	Am. & Ren.	4-1-05
123-065-4100	2-25-05	Amend	4-1-05	123-065-4700	2-25-05	Amend	4-1-05
123-065-4110	2-25-05	Amend	4-1-05	123-065-4710	2-25-05	Amend	4-1-05
123-065-4120	2-25-05	Amend	4-1-05	123-065-4720	2-25-05	Amend	4-1-05
123-065-4130	2-25-05	Amend	4-1-05	123-065-4730	2-25-05	Amend	4-1-05
123-065-4140	2-25-05	Amend	4-1-05	123-065-4740	2-25-05	Amend	4-1-05
123-065-4150	2-25-05	Repeal	4-1-05	123-065-4750	2-25-05	Amend	4-1-05
123-065-4160	2-25-05	Repeal	4-1-05	123-065-4760	2-25-05	Amend	4-1-05
123-065-4200	2-25-05	Amend	4-1-05	123-065-4800	2-25-05	Adopt	4-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
123-065-4950	2-25-05	Amend	4-1-05	125-020-0520	3-1-05	Repeal	3-1-05
123-065-4960	2-25-05	Amend	4-1-05	125-020-0530	3-1-05	Repeal	3-1-05
123-065-4970	2-25-05	Amend	4-1-05	125-020-0540	3-1-05	Repeal	3-1-05
123-065-4980	2-25-05	Amend	4-1-05	125-020-0550	3-1-05	Repeal	3-1-05
123-065-4990	2-25-05	Amend	4-1-05	125-020-0600	3-1-05	Repeal	3-1-05
123-065-7000	2-25-05	Amend	4-1-05	125-020-0610	3-1-05	Repeal	3-1-05
123-065-7100	2-25-05	Amend	4-1-05	125-020-0620	3-1-05	Repeal	3-1-05
123-065-7200	2-25-05	Amend	4-1-05	125-020-0700	3-1-05	Repeal	3-1-05
123-065-7300	2-25-05	Amend	4-1-05	125-025-0000	3-1-05	Repeal	3-1-05
123-065-7400	2-25-05	Amend	4-1-05	125-025-0010	3-1-05	Repeal	3-1-05
123-065-7500	2-25-05	Amend	4-1-05	125-025-0030	3-1-05	Repeal	3-1-05
123-065-7600	2-25-05	Amend	4-1-05	125-025-0040	3-1-05	Repeal	3-1-05
123-065-7700	2-25-05	Amend	4-1-05	125-025-0050	3-1-05	Repeal	3-1-05
123-065-8000	2-25-05	Adopt	4-1-05	125-025-0060	3-1-05	Repeal	3-1-05
123-065-8100	2-25-05	Adopt	4-1-05	125-025-0070	3-1-05	Repeal	3-1-05
123-065-8200	2-25-05	Adopt	4-1-05	125-025-0080	3-1-05	Repeal	3-1-05
123-065-8300	2-25-05	Adopt	4-1-05	125-025-0082	3-1-05	Repeal	3-1-05
123-065-8400	2-25-05	Adopt	4-1-05	125-025-0085	3-1-05	Repeal	3-1-05
123-070-1000	2-25-05	Amend	4-1-05	125-025-0087	3-1-05	Repeal	3-1-05
123-070-1100	2-25-05	Amend	4-1-05	125-025-0090	3-1-05	Repeal	3-1-05
123-070-1150	2-25-05	Amend	4-1-05	125-025-0100	3-1-05	Repeal	3-1-05
123-070-1200	2-25-05	Amend	4-1-05	125-025-0110	3-1-05	Repeal	3-1-05
123-070-1300	2-25-05	Amend	4-1-05	125-030-0000	3-1-05	Repeal	3-1-05
123-070-1500	2-25-05	Amend	4-1-05	125-030-0001	3-1-05	Repeal	3-1-05
123-070-1600	2-25-05	Amend	4-1-05	125-030-0002	3-1-05	Repeal	3-1-05
123-070-1700	2-25-05	Amend	4-1-05	125-030-0003	3-1-05	Repeal	3-1-05
123-070-1800	2-25-05	Amend	4-1-05	125-030-0004	3-1-05	Repeal	3-1-05
123-070-1900	2-25-05	Amend	4-1-05	125-030-0005	3-1-05	Repeal	3-1-05
123-070-2000	2-25-05	Amend	4-1-05	125-030-0007	3-1-05	Repeal	3-1-05
123-070-2100	2-25-05	Amend	4-1-05	125-030-0009	3-1-05	Repeal	3-1-05
123-070-2200	2-25-05	Amend	4-1-05	125-030-0014	3-1-05	Repeal	3-1-05
123-070-2300	2-25-05	Amend	4-1-05	125-030-0028	3-1-05	Repeal	3-1-05
123-070-2400	2-25-05	Amend	4-1-05	125-030-0029	3-1-05	Repeal	3-1-05
125-020-0100	3-1-05	Repeal	3-1-05	125-030-0030	3-1-05	Repeal	3-1-05
125-020-0110	3-1-05	Repeal	3-1-05	125-030-0033	3-1-05	Repeal	3-1-05
125-020-0120	3-1-05	Repeal	3-1-05	125-030-0060	3-1-05	Repeal	3-1-05
125-020-0130	3-1-05	Repeal	3-1-05	125-030-0070	3-1-05	Repeal	3-1-05
125-020-0140	3-1-05	Repeal	3-1-05	125-030-0080	3-1-05	Repeal	3-1-05
125-020-0200	3-1-05	Repeal	3-1-05	125-030-0081	3-1-05	Repeal	3-1-05
125-020-0210	3-1-05	Repeal	3-1-05	125-030-0082	3-1-05	Repeal	3-1-05
125-020-0220	3-1-05	Repeal	3-1-05	125-030-0100	3-1-05	Repeal	3-1-05
125-020-0225	3-1-05	Repeal	3-1-05	125-031-0000	3-1-05	Repeal	3-1-05
125-020-0300	3-1-05	Repeal	3-1-05	125-031-0005	3-1-05	Repeal	3-1-05
125-020-0310	3-1-05	Repeal	3-1-05	125-031-0006	3-1-05	Repeal	3-1-05
125-020-0320	3-1-05	Repeal	3-1-05	125-031-0010	3-1-05	Repeal	3-1-05
125-020-0330	3-1-05	Repeal	3-1-05	125-050-0000	3-1-05	Repeal	3-1-05
125-020-0335	3-1-05	Repeal	3-1-05	125-050-0020	3-1-05	Repeal	3-1-05
125-020-0340	3-1-05	Repeal	3-1-05	125-050-0040	3-1-05	Repeal	3-1-05
125-020-0350	3-1-05	Repeal	3-1-05	125-050-0060	3-1-05	Repeal	3-1-05
125-020-0360	3-1-05	Repeal	3-1-05	125-055-0005	12-28-04	Amend(T)	2-1-05
125-020-0400	3-1-05	Repeal	3-1-05	125-055-0005	6-21-05	Amend	8-1-05
125-020-0410	3-1-05	Repeal	3-1-05	125-055-0005(T)	6-21-05	Repeal	8-1-05
125-020-0430	3-1-05	Repeal	3-1-05	125-055-0010	12-28-04	Amend(T)	2-1-05
125-020-0440	3-1-05	Repeal	3-1-05	125-055-0010	6-21-05	Amend	8-1-05
125-020-0500	3-1-05	Repeal	3-1-05	125-055-0010(T)	6-21-05	Repeal	8-1-05
125-020-0510	3-1-05	Repeal	3-1-05	125-055-0015	12-28-04	Amend(T)	2-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
125-055-0015	6-21-05	Amend	8-1-05	125-145-0060	5-27-05	Adopt	7-1-05
125-055-0015(T)	6-21-05	Repeal	8-1-05	125-145-0060(T)	2-24-05	Suspend	4-1-05
125-055-0020	12-28-04	Amend(T)	2-1-05	125-145-0060(T)	5-27-05	Repeal	7-1-05
125-055-0020	6-21-05	Amend	8-1-05	125-145-0080	12-1-04	Adopt(T)	1-1-05
125-055-0020(T)	6-21-05	Repeal	8-1-05	125-145-0080	2-24-05	Amend(T)	4-1-05
125-055-0025	12-28-04	Amend(T)	2-1-05	125-145-0080	5-27-05	Adopt	7-1-05
125-055-0025	6-21-05	Amend	8-1-05	125-145-0080(T)	2-24-05	Suspend	4-1-05
125-055-0025(T)	6-21-05	Repeal	8-1-05	125-145-0080(T)	5-27-05	Repeal	7-1-05
125-055-0030	12-28-04	Amend(T)	2-1-05	125-145-0090	12-1-04	Adopt(T)	1-1-05
125-055-0030	6-21-05	Amend	8-1-05	125-145-0090	2-24-05	Amend(T)	4-1-05
125-055-0030(T)	6-21-05	Repeal	8-1-05	125-145-0090	5-27-05	Adopt	7-1-05
125-055-0035	12-28-04	Amend(T)	2-1-05	125-145-0090(T)	2-24-05	Suspend	4-1-05
125-055-0035	6-21-05	Amend	8-1-05	125-145-0090(T)	5-27-05	Repeal	7-1-05
125-055-0035(T)	6-21-05	Repeal	8-1-05	125-145-0100	12-1-04	Adopt(T)	1-1-05
125-055-0040	12-28-04	Amend(T)	2-1-05	125-145-0100	2-24-05	Amend(T)	4-1-05
125-055-0040	6-21-05	Amend	8-1-05	125-145-0100	5-27-05	Adopt	7-1-05
125-055-0040(T)	6-21-05	Repeal	8-1-05	125-145-0100(T)	2-24-05	Suspend	4-1-05
125-055-0045	12-28-04	Amend(T)	2-1-05	125-145-0100(T)	5-27-05	Repeal	7-1-05
125-055-0045	6-21-05	Amend	8-1-05	125-145-0105	12-1-04	Adopt(T)	1-1-05
125-055-0045(T)	6-21-05	Repeal	8-1-05	125-145-0105	2-24-05	Amend(T)	4-1-05
125-055-0100	4-20-05	Amend(T)	6-1-05	125-145-0105	5-27-05	Adopt	7-1-05
125-055-0105	4-20-05	Amend(T)	6-1-05	125-145-0105(T)	2-24-05	Suspend	4-1-05
125-055-0110	4-20-05	Suspend	6-1-05	125-145-0105(T)	5-27-05	Repeal	7-1-05
125-055-0115	4-20-05	Amend(T)	6-1-05	125-145-0110	12-1-04	Adopt(T)	1-1-05
125-055-0120	4-20-05	Amend(T)	6-1-05	125-145-0110	2-24-05	Suspend	4-1-05
125-055-0125	4-20-05	Amend(T)	6-1-05	125-145-0120	12-1-04	Adopt(T)	1-1-05
125-055-0130	4-20-05	Amend(T)	6-1-05	125-145-0120	2-24-05	Suspend	4-1-05
125-145-0010	12-1-04	Adopt(T)	1-1-05	125-145-0130	2-24-05	Adopt(T)	4-1-05
125-145-0010	2-24-05	Amend(T)	4-1-05	125-145-0130(T)	5-27-05	Repeal	7-1-05
125-145-0010	5-27-05	Adopt	7-1-05	125-246-0100	3-1-05	Adopt	1-1-05
125-145-0010(T)	2-24-05	Suspend	4-1-05	125-246-0100	6-6-05	Amend	5-1-05
125-145-0010(T)	5-27-05	Repeal	7-1-05	125-246-0100	6-6-05	Amend	7-1-05
125-145-0020	12-1-04	Adopt(T)	1-1-05	125-246-0100	8-3-05	Amend	9-1-05
125-145-0020	2-24-05	Amend(T)	4-1-05	125-246-0110	3-1-05	Adopt	1-1-05
125-145-0020	5-27-05	Adopt	7-1-05	125-246-0110	8-3-05	Amend	9-1-05
125-145-0020(T)	2-24-05	Suspend	4-1-05	125-246-0120	3-1-05	Adopt	1-1-05
125-145-0020(T)	5-27-05	Repeal	7-1-05	125-246-0120	8-3-05	Amend	9-1-05
125-145-0030	12-1-04	Adopt(T)	1-1-05	125-246-0130	3-1-05	Adopt	1-1-05
125-145-0030	2-24-05	Amend(T)	4-1-05	125-246-0140	3-1-05	Adopt	1-1-05
125-145-0030	5-27-05	Adopt	7-1-05	125-246-0150	3-1-05	Adopt	1-1-05
125-145-0030(T)	2-24-05	Suspend	4-1-05	125-246-0170	3-1-05	Adopt	1-1-05
125-145-0030(T)	5-27-05	Repeal	7-1-05	125-246-0170	8-3-05	Amend	9-1-05
125-145-0040	12-1-04	Adopt(T)	1-1-05	125-246-0200	3-1-05	Adopt	1-1-05
125-145-0040	2-24-05	Amend(T)	4-1-05	125-246-0210	3-1-05	Adopt	1-1-05
125-145-0040	5-27-05	Adopt	7-1-05	125-246-0220	3-1-05	Adopt	1-1-05
125-145-0040(T)	2-24-05	Suspend	4-1-05	125-246-0300	3-1-05	Adopt	1-1-05
125-145-0040(T)	5-27-05	Repeal	7-1-05	125-246-0310	3-1-05	Adopt	1-1-05
125-145-0045	12-1-04	Adopt(T)	1-1-05	125-246-0320	3-1-05	Adopt	1-1-05
125-145-0045	2-24-05	Amend(T)	4-1-05	125-246-0321	3-1-05	Adopt	1-1-05
125-145-0045	5-27-05	Adopt	7-1-05	125-246-0322	3-1-05	Adopt	1-1-05
125-145-0045(T)	2-24-05	Suspend	4-1-05	125-246-0323	3-1-05	Adopt	1-1-05
125-145-0045(T)	5-27-05	Repeal	7-1-05	125-246-0324	3-1-05	Adopt	1-1-05
125-145-0050	12-1-04	Adopt(T)	1-1-05	125-246-0330	3-1-05	Adopt	1-1-05
125-145-0050	2-24-05	Suspend	4-1-05	125-246-0335	3-1-05	Adopt	1-1-05
125-145-0060	12-1-04	Adopt(T)	1-1-05	125-246-0345	3-1-05	Adopt	1-1-05
125-145-0060	2-24-05	Amend(T)	4-1-05	125-246-0350	3-1-05	Adopt	1-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
125-246-0351	3-1-05	Adopt	1-1-05	125-247-0286	3-1-05	Adopt	1-1-05
125-246-0352	3-1-05	Adopt	1-1-05	125-247-0287	3-1-05	Adopt	1-1-05
125-246-0353	3-1-05	Adopt	1-1-05	125-247-0287	8-3-05	Amend	9-1-05
125-246-0355	3-1-05	Adopt	1-1-05	125-247-0288	3-1-05	Adopt	1-1-05
125-246-0360	3-1-05	Adopt	1-1-05	125-247-0296	3-1-05	Adopt	1-1-05
125-246-0400	3-1-05	Adopt	1-1-05	125-247-0300	3-1-05	Adopt	1-1-05
125-246-0410	3-1-05	Adopt	1-1-05	125-247-0305	3-1-05	Adopt	1-1-05
125-246-0420	3-1-05	Adopt	1-1-05	125-247-0310	3-1-05	Adopt	1-1-05
125-246-0430	3-1-05	Adopt	1-1-05	125-247-0320	3-1-05	Adopt	1-1-05
125-246-0440	3-1-05	Adopt	1-1-05	125-247-0330	3-1-05	Adopt	1-1-05
125-246-0450	3-1-05	Adopt	1-1-05	125-247-0400	3-1-05	Adopt	1-1-05
125-246-0460	3-1-05	Adopt	1-1-05	125-247-0410	3-1-05	Adopt	1-1-05
125-246-0470	3-1-05	Adopt	1-1-05	125-247-0420	3-1-05	Adopt	1-1-05
125-246-0500	3-1-05	Adopt	1-1-05	125-247-0430	3-1-05	Adopt	1-1-05
125-246-0550	3-1-05	Adopt	1-1-05	125-247-0440	3-1-05	Adopt	1-1-05
125-246-0555	3-1-05	Adopt	1-1-05	125-247-0450	3-1-05	Adopt	1-1-05
125-246-0560	3-1-05	Adopt	1-1-05	125-247-0460	3-1-05	Adopt	1-1-05
125-246-0560	6-6-05	Amend	5-1-05	125-247-0470	3-1-05	Adopt	1-1-05
125-246-0560	6-6-05	Amend	7-1-05	125-247-0480	3-1-05	Adopt	1-1-05
125-246-0560	8-3-05	Amend	9-1-05	125-247-0490	3-1-05	Adopt	1-1-05
125-246-0570	3-1-05	Adopt	1-1-05	125-247-0500	3-1-05	Adopt	1-1-05
125-246-0575	3-1-05	Adopt	1-1-05	125-247-0525	3-1-05	Adopt	1-1-05
125-246-0575	8-3-05	Amend	9-1-05	125-247-0550	3-1-05	Adopt	1-1-05
125-246-0580	3-1-05	Adopt	1-1-05	125-247-0575	3-1-05	Adopt	1-1-05
125-246-0600	3-1-05	Adopt	1-1-05	125-247-0600	3-1-05	Adopt	1-1-05
125-246-0605	3-1-05	Adopt	1-1-05	125-247-0610	3-1-05	Adopt	1-1-05
125-246-0610	3-1-05	Adopt	1-1-05	125-247-0620	3-1-05	Adopt	1-1-05
125-246-0615	3-1-05	Adopt	1-1-05	125-247-0630	3-1-05	Adopt	1-1-05
125-246-0620	3-1-05	Adopt	1-1-05	125-247-0640	3-1-05	Adopt	1-1-05
125-246-0625	3-1-05	Adopt	1-1-05	125-247-0650	3-1-05	Adopt	1-1-05
125-246-0630	3-1-05	Adopt	1-1-05	125-247-0660	3-1-05	Adopt	1-1-05
125-246-0635	3-1-05	Adopt	1-1-05	125-247-0670	3-1-05	Adopt	1-1-05
125-246-0700	3-1-05	Adopt	1-1-05	125-247-0700	3-1-05	Adopt	1-1-05
125-246-0710	3-1-05	Adopt	1-1-05	125-247-0710	3-1-05	Adopt	1-1-05
125-246-0720	3-1-05	Adopt	1-1-05	125-247-0720	3-1-05	Adopt	1-1-05
125-246-0730	3-1-05	Adopt	1-1-05	125-247-0730	3-1-05	Adopt	1-1-05
125-246-0800	3-1-05	Adopt	1-1-05	125-247-0740	3-1-05	Adopt	1-1-05
125-246-0900	3-1-05	Adopt	1-1-05	125-247-0750	3-1-05	Adopt	1-1-05
125-247-0005	3-1-05	Adopt	1-1-05	125-247-0760	3-1-05	Adopt	1-1-05
125-247-0010	3-1-05	Adopt	1-1-05	125-247-0770	3-1-05	Adopt	1-1-05
125-247-0010	8-3-05	Amend	9-1-05	125-247-0800	3-1-05	Adopt	1-1-05
125-247-0100	3-1-05	Adopt	1-1-05	125-248-0100	3-1-05	Adopt	1-1-05
125-247-0165	3-1-05	Adopt	1-1-05	125-248-0110	3-1-05	Adopt	1-1-05
125-247-0170	3-1-05	Adopt	1-1-05	125-248-0120	3-1-05	Adopt	1-1-05
125-247-0200	3-1-05	Adopt	1-1-05	125-248-0130	3-1-05	Adopt	1-1-05
125-247-0255	3-1-05	Adopt	1-1-05	125-248-0200	3-1-05	Adopt	1-1-05
125-247-0256	3-1-05	Adopt	1-1-05	125-248-0210	3-1-05	Adopt	1-1-05
125-247-0260	3-1-05	Adopt	1-1-05	125-248-0220	3-1-05	Adopt	1-1-05
125-247-0261	3-1-05	Adopt	1-1-05	125-248-0230	3-1-05	Adopt	1-1-05
125-247-0261	8-3-05	Amend	9-1-05	125-248-0240	3-1-05	Adopt	1-1-05
125-247-0265	3-1-05	Adopt	1-1-05	125-248-0250	3-1-05	Adopt	1-1-05
125-247-0270	3-1-05	Adopt	1-1-05	125-248-0260	3-1-05	Adopt	1-1-05
125-247-0270	8-3-05	Amend	9-1-05	125-248-0300	3-1-05	Adopt	1-1-05
125-247-0275	3-1-05	Adopt	1-1-05	125-248-0310	3-1-05	Adopt	1-1-05
125-247-0280	3-1-05	Adopt	1-1-05	125-248-0330	3-1-05	Adopt	1-1-05
125-247-0285	3-1-05	Adopt	1-1-05	125-248-0340	3-1-05	Adopt	1-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
125-249-0100	3-1-05	Adopt	1-1-05	125-249-0880	3-1-05	Adopt	1-1-05
125-249-0110	3-1-05	Adopt	1-1-05	125-249-0890	3-1-05	Adopt	1-1-05
125-249-0120	3-1-05	Adopt	1-1-05	125-249-0900	3-1-05	Adopt	1-1-05
125-249-0130	3-1-05	Adopt	1-1-05	125-249-0910	3-1-05	Adopt	1-1-05
125-249-0140	3-1-05	Adopt	1-1-05	125-249-0910	8-3-05	Amend	9-1-05
125-249-0150	3-1-05	Adopt	1-1-05	125-300-0000	3-1-05	Repeal	3-1-05
125-249-0160	3-1-05	Adopt	1-1-05	125-300-0010	3-1-05	Repeal	3-1-05
125-249-0160	8-3-05	Amend	9-1-05	125-300-0050	3-1-05	Repeal	3-1-05
125-249-0200	3-1-05	Adopt	1-1-05	125-300-0100	3-1-05	Repeal	3-1-05
125-249-0210	3-1-05	Adopt	1-1-05	125-310-0005	3-1-05	Repeal	3-1-05
125-249-0220	3-1-05	Adopt	1-1-05	125-310-0010	3-1-05	Repeal	3-1-05
125-249-0230	3-1-05	Adopt	1-1-05	125-310-0012	3-1-05	Repeal	3-1-05
125-249-0240	3-1-05	Adopt	1-1-05	125-310-0030	3-1-05	Repeal	3-1-05
125-249-0250	3-1-05	Adopt	1-1-05	125-310-0035	3-1-05	Repeal	3-1-05
125-249-0260	3-1-05	Adopt	1-1-05	125-310-0040	3-1-05	Repeal	3-1-05
125-249-0270	3-1-05	Adopt	1-1-05	125-310-0044	3-1-05	Repeal	3-1-05
125-249-0280	3-1-05	Adopt	1-1-05	125-310-0060	3-1-05	Repeal	3-1-05
125-249-0290	3-1-05	Adopt	1-1-05	125-310-0090	3-1-05	Repeal	3-1-05
125-249-0300	3-1-05	Adopt	1-1-05	125-310-0135	3-1-05	Repeal	3-1-05
125-249-0310	3-1-05	Adopt	1-1-05	125-310-0180	3-1-05	Repeal	3-1-05
125-249-0310	8-3-05	Amend	9-1-05	125-310-0200	3-1-05	Repeal	3-1-05
125-249-0320	3-1-05	Adopt	1-1-05	125-310-0220	3-1-05	Repeal	3-1-05
125-249-0330	3-1-05	Adopt	1-1-05	125-310-0300	3-1-05	Repeal	3-1-05
125-249-0340	3-1-05	Adopt	1-1-05	125-310-0400	3-1-05	Repeal	3-1-05
125-249-0350	3-1-05	Adopt	1-1-05	125-310-0500	3-1-05	Repeal	3-1-05
125-249-0360	3-1-05	Adopt	1-1-05	125-320-0010	3-1-05	Repeal	3-1-05
125-249-0370	3-1-05	Adopt	1-1-05	125-320-0020	3-1-05	Repeal	3-1-05
125-249-0380	3-1-05	Adopt	1-1-05	125-320-0025	3-1-05	Repeal	3-1-05
125-249-0390	3-1-05	Adopt	1-1-05	125-330-0030	3-1-05	Repeal	3-1-05
125-249-0400	3-1-05	Adopt	1-1-05	125-330-0140	3-1-05	Repeal	3-1-05
125-249-0410	3-1-05	Adopt	1-1-05	125-330-0200	3-1-05	Repeal	3-1-05
125-249-0420	3-1-05	Adopt	1-1-05	125-330-0260	3-1-05	Repeal	3-1-05
125-249-0430	3-1-05	Adopt	1-1-05	125-330-0330	3-1-05	Repeal	3-1-05
125-249-0440	3-1-05	Adopt	1-1-05	125-330-0340	3-1-05	Repeal	3-1-05
125-249-0450	3-1-05	Adopt	1-1-05	125-330-0450	3-1-05	Repeal	3-1-05
125-249-0460	3-1-05	Adopt	1-1-05	125-330-0500	3-1-05	Repeal	3-1-05
125-249-0470	3-1-05	Adopt	1-1-05	125-330-0600	3-1-05	Repeal	3-1-05
125-249-0490	3-1-05	Adopt	1-1-05	125-330-0700	3-1-05	Repeal	3-1-05
125-249-0600	3-1-05	Adopt	1-1-05	125-360-0010	3-1-05	Repeal	3-1-05
125-249-0610	3-1-05	Adopt	1-1-05	125-360-0020	3-1-05	Repeal	3-1-05
125-249-0620	3-1-05	Adopt	1-1-05	125-360-0030	3-1-05	Repeal	3-1-05
125-249-0630	3-1-05	Adopt	1-1-05	125-600-0000	3-25-05	Adopt(T)	5-1-05
125-249-0640	3-1-05	Adopt	1-1-05	125-600-0005	9-21-05	Adopt(T)	10-1-05
125-249-0650	3-1-05	Adopt	1-1-05	137-008-0010	1-13-05	Amend	2-1-05
125-249-0660	3-1-05	Adopt	1-1-05	137-008-0010	2-1-05	Amend	3-1-05
125-249-0670	3-1-05	Adopt	1-1-05	137-008-0120	8-5-05	Adopt(T)	9-1-05
125-249-0680	3-1-05	Adopt	1-1-05	137-009-0000	3-18-05	Suspend	5-1-05
125-249-0690	3-1-05	Adopt	1-1-05	137-009-0000	9-2-05	Repeal	10-1-05
125-249-0800	3-1-05	Adopt	1-1-05	137-009-0005	3-18-05	Suspend	5-1-05
125-249-0810	3-1-05	Adopt	1-1-05	137-009-0005	9-2-05	Repeal	10-1-05
125-249-0820	3-1-05	Adopt	1-1-05	137-009-0010	3-18-05	Suspend	5-1-05
125-249-0830	3-1-05	Adopt	1-1-05	137-009-0010	9-2-05	Repeal	10-1-05
125-249-0840	3-1-05	Adopt	1-1-05	137-009-0045	3-18-05	Suspend	5-1-05
125-249-0850	3-1-05	Adopt	1-1-05	137-009-0045	9-2-05	Repeal	10-1-05
125-249-0860	3-1-05	Adopt	1-1-05	137-009-0060	3-18-05	Suspend	5-1-05
125-249-0870	3-1-05	Adopt	1-1-05	137-009-0060	9-2-05	Repeal	10-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
137-009-0065	3-18-05	Suspend	5-1-05	137-055-4540	9-1-05	Amend(T)	10-1-05
137-009-0065	9-2-05	Repeal	10-1-05	137-055-4560	10-3-05	Amend	11-1-05
137-009-0100	3-18-05	Suspend	5-1-05	137-055-5020	1-3-05	Amend	2-1-05
137-009-0100	9-2-05	Repeal	10-1-05	137-055-5020	9-1-05	Amend(T)	10-1-05
137-009-0120	3-18-05	Suspend	5-1-05	137-055-5060	10-3-05	Amend	11-1-05
137-009-0120	9-2-05	Repeal	10-1-05	137-055-5110	7-15-05	Amend	8-1-05
137-009-0125	3-18-05	Adopt(T)	5-1-05	137-055-5110	9-1-05	Amend(T)	10-1-05
137-009-0125	9-2-05	Adopt	10-1-05	137-055-5120	4-1-05	Amend	5-1-05
137-009-0130	3-18-05	Adopt(T)	5-1-05	137-055-5120	7-15-05	Amend	8-1-05
137-009-0130	9-2-05	Adopt	10-1-05	137-055-5120	9-1-05	Amend(T)	10-1-05
137-009-0135	3-18-05	Adopt(T)	5-1-05	137-055-5125	9-1-05	Suspend	10-1-05
137-009-0135	9-2-05	Adopt	10-1-05	137-055-5220	10-3-05	Amend	11-1-05
137-009-0140	3-18-05	Adopt(T)	5-1-05	137-055-5240	9-1-05	Amend(T)	10-1-05
137-009-0140	9-2-05	Adopt	10-1-05	137-055-5400	7-15-05	Amend	8-1-05
137-009-0145	3-18-05	Adopt(T)	5-1-05	137-055-5400	9-1-05	Amend(T)	10-1-05
137-009-0145	9-2-05	Adopt	10-1-05	137-055-5510	9-1-05	Amend(T)	10-1-05
137-009-0150	3-18-05	Adopt(T)	5-1-05	137-055-5520	9-1-05	Amend(T)	10-1-05
137-009-0150	9-2-05	Adopt	10-1-05	137-055-6020	7-15-05	Amend	8-1-05
137-009-0155	3-18-05	Adopt(T)	5-1-05	137-055-6020	10-3-05	Amend	11-1-05
137-009-0155	9-2-05	Adopt	10-1-05	137-055-6021	9-1-05	Adopt(T)	10-1-05
137-009-0160	3-18-05	Adopt(T)	5-1-05	137-055-6022	10-3-05	Adopt	11-1-05
137-009-0160	9-2-05	Adopt	10-1-05	137-055-6023	10-3-05	Adopt	11-1-05
137-009-0165	3-18-05	Adopt(T)	5-1-05	137-055-6024	10-3-05	Adopt	11-1-05
137-009-0165	9-2-05	Adopt	10-1-05	137-055-6120	10-3-05	Amend	11-1-05
137-055-1070	9-1-05	Amend(T)	10-1-05	137-055-6200	9-1-05	Amend(T)	10-1-05
137-055-1090	4-1-05	Adopt	5-1-05	137-055-6210	1-3-05	Amend	2-1-05
137-055-1100	4-1-05	Amend	5-1-05	137-055-6210	10-3-05	Amend	11-1-05
137-055-1100	10-3-05	Amend	11-1-05	137-055-6220	1-3-05	Amend	2-1-05
137-055-1120	4-1-05	Amend	5-1-05	137-055-6220	10-3-05	Amend	11-1-05
137-055-1120	9-1-05	Amend(T)	10-1-05	137-055-6240	1-3-05	Amend	2-1-05
137-055-1140	9-1-05	Amend(T)	10-1-05	137-076-0010	11-22-04	Amend	1-1-05
137-055-1160	9-1-05	Amend(T)	10-1-05	137-076-0016	11-22-04	Adopt	1-1-05
137-055-1180	7-15-05	Amend	8-1-05	137-076-0018	11-22-04	Adopt	1-1-05
137-055-1180	9-1-05	Amend(T)	10-1-05	137-076-0020	11-22-04	Amend	1-1-05
137-055-1320	1-3-05	Amend	2-1-05	137-076-0025	11-22-04	Amend	1-1-05
137-055-1700	7-15-05	Adopt	8-1-05	137-084-0001	11-22-04	Amend	1-1-05
137-055-2140	1-3-05	Amend	2-1-05	137-086-0000	11-22-04	Adopt	1-1-05
137-055-2140	7-15-05	Amend	8-1-05	137-086-0010	11-22-04	Adopt	1-1-05
137-055-2165	1-3-05	Adopt	2-1-05	137-086-0020	11-22-04	Adopt	1-1-05
137-055-3240	9-1-05	Amend(T)	10-1-05	137-086-0030	11-22-04	Adopt	1-1-05
137-055-3400	7-15-05	Amend	8-1-05	137-086-0040	11-22-04	Adopt	1-1-05
137-055-3410	10-3-05	Amend	11-1-05	137-086-0050	11-22-04	Adopt	1-1-05
137-055-3420	4-1-05	Amend	5-1-05	141-001-0000	5-19-05	Amend(T)	7-1-05
137-055-3420	9-1-05	Amend(T)	10-1-05	141-001-0005	5-19-05	Amend(T)	7-1-05
137-055-3430	1-3-05	Amend	2-1-05	141-001-0020	5-19-05	Adopt(T)	7-1-05
137-055-3430	4-1-05	Amend	5-1-05	141-073-0100	2-28-05	Amend	3-1-05
137-055-3430	9-1-05	Amend(T)	10-1-05	141-073-0105	2-28-05	Amend	3-1-05
137-055-3440	9-1-05	Amend(T)	10-1-05	141-073-0110	2-28-05	Amend	3-1-05
137-055-3480	10-3-05	Amend	11-1-05	141-073-0115	2-28-05	Amend	3-1-05
137-055-3490	9-1-05	Amend(T)	10-1-05	141-073-0118	2-28-05	Adopt	3-1-05
137-055-3500	9-1-05	Amend(T)	10-1-05	141-073-0119	2-28-05	Adopt	3-1-05
137-055-4120	9-1-05	Amend(T)	10-1-05	141-073-0120	2-28-05	Repeal	3-1-05
137-055-4130	1-3-05	Amend	2-1-05	141-073-0125	2-28-05	Amend	3-1-05
137-055-4130	7-15-05	Amend	8-1-05	141-073-0130	2-28-05	Repeal	3-1-05
137-055-4340	4-1-05	Amend	5-1-05	141-073-0150	2-28-05	Repeal	3-1-05
137-055-4455	7-15-05	Am. & Ren.	8-1-05	141-073-0155	2-28-05	Repeal	3-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
141-073-0160	2-28-05	Repeal	3-1-05	150-309.100(5)	12-31-04	Adopt	2-1-05
141-073-0165	2-28-05	Repeal	3-1-05	150-309.110(1)	12-31-04	Amend	2-1-05
141-073-0170	2-28-05	Repeal	3-1-05	150-309.110(1)-(A)	12-31-04	Amend	2-1-05
141-073-0175	2-28-05	Repeal	3-1-05	150-311.668(1)(a)-(A)	6-30-05	Amend	8-1-05
141-073-0180	2-28-05	Repeal	3-1-05	150-311.688	12-31-04	Adopt	2-1-05
141-073-0185	2-28-05	Repeal	3-1-05	150-311.690(4)	12-31-04	Amend	2-1-05
141-073-0190	2-28-05	Repeal	3-1-05	150-311.723	12-31-04	Repeal	2-1-05
141-073-0195	2-28-05	Repeal	3-1-05	150-311.806-(A)	12-31-04	Amend	2-1-05
141-073-0205	2-28-05	Repeal	3-1-05	150-314.363-(A)	12-31-04	Repeal	2-1-05
141-073-0210	2-28-05	Repeal	3-1-05	150-314.363-(B)	12-31-04	Repeal	2-1-05
141-073-0215	2-28-05	Amend	3-1-05	150-314.363-(C)	12-31-04	Repeal	2-1-05
141-073-0220	2-28-05	Repeal	3-1-05	150-314.385(1)-(C)	6-30-05	Repeal	8-1-05
141-073-0225	2-28-05	Am. & Ren.	3-1-05	150-314.385(1)-(D)	6-30-05	Amend	8-1-05
141-073-0230	2-28-05	Am. & Ren.	3-1-05	150-314.397	6-30-05	Repeal	8-1-05
141-073-0235	2-28-05	Repeal	3-1-05	150-314.415(6)	12-31-04	Amend	2-1-05
141-073-0240	2-28-05	Am. & Ren.	3-1-05	150-314.650	12-31-04	Amend	2-1-05
141-073-0245	2-28-05	Repeal	3-1-05	150-314.665(2)-(A)	12-31-04	Amend	2-1-05
141-073-0250	2-28-05	Am. & Ren.	3-1-05	150-314.670-(A)	12-31-04	Adopt	2-1-05
141-073-0255	2-28-05	Repeal	3-1-05	150-314.748(2)	12-31-04	Repeal	2-1-05
141-073-0260	2-28-05	Repeal	3-1-05	150-315.262	12-31-04	Amend	2-1-05
141-073-0265	2-28-05	Repeal	3-1-05	150-315.304(2)	12-31-04	Amend	2-1-05
141-073-0270	2-28-05	Repeal	3-1-05	150-316.014	12-31-04	Amend	2-1-05
141-073-0275	2-28-05	Repeal	3-1-05	150-316.162(3)	6-30-05	Am. & Ren.	8-1-05
141-073-0280	2-28-05	Repeal	3-1-05	150-316.207	6-30-05	Amend	8-1-05
141-130-0010	4-15-05	Adopt	5-1-05	150-316.587(1)	12-31-04	Amend	2-1-05
141-130-0020	4-15-05	Adopt	5-1-05	150-316.587(5)(b)	12-31-04	Amend	2-1-05
141-130-0030	4-15-05	Adopt	5-1-05	150-316.587(5)(c)	12-31-04	Amend	2-1-05
141-130-0040	4-15-05	Adopt	5-1-05	150-317.715(3)(b)	12-31-04	Amend	2-1-05
150-23.186	12-31-04	Am. & Ren.	2-1-05	150-321.005(12)	6-30-05	Am. & Ren.	8-1-05
150-23.186-(A)	12-31-04	Am. & Ren.	2-1-05	150-321.207(1)	12-31-04	Amend	2-1-05
150-285B.713	12-31-04	Am. & Ren.	2-1-05	150-321.307(4)	12-31-04	Amend	2-1-05
150-285B.719(8)	12-31-04	Am. & Ren.	2-1-05	150-321.348(2)	12-31-04	Adopt	2-1-05
150-285B.722	12-31-04	Repeal	2-1-05	150-321.358(2)	12-31-04	Am. & Ren.	2-1-05
150-285B.728	12-31-04	Repeal	2-1-05	150-321.485(3)	12-31-04	Am. & Ren.	2-1-05
150-285C.170	12-31-04	Adopt	2-1-05	150-321.609(1)-(A)	6-30-05	Adopt	8-1-05
150-29.375(2)(c)	12-31-04	Am. & Ren.	2-1-05	150-321.700(13)	6-30-05	Amend	8-1-05
150-293.525(1)(b)	12-31-04	Adopt	2-1-05	150-321.741(2)	12-31-04	Adopt	2-1-05
150-305.220(1)	12-31-04	Amend	2-1-05	150-321.751(3)	12-31-04	Adopt	2-1-05
150-305.220(2)	12-31-04	Amend	2-1-05	150-321.754(3)	12-31-04	Adopt	2-1-05
150-305.810	6-30-05	Adopt	8-1-05	150-321.805	12-31-04	Am. & Ren.	2-1-05
150-307.262(2)	12-31-04	Adopt	2-1-05	150-321.805(4)	12-31-04	Adopt	2-1-05
150-308.010-(A)	12-31-04	Am. & Ren.	2-1-05	150-457.450(1)	6-30-05	Adopt	8-1-05
150-308.010-(B)	12-31-04	Repeal	2-1-05	150-OL 1997, Ch. 835, Sec. 38	12-31-04	Am. & Ren.	2-1-05
150-308.010-(C)	12-31-04	Repeal	2-1-05	150-OL 1997, Ch. 835, Sec. 39	12-31-04	Am. & Ren.	2-1-05
150-308.030	6-30-05	Adopt	8-1-05	160-010-0500	3-1-05	Adopt	4-1-05
150-308.030(4)	6-30-05	Repeal	8-1-05	160-040-0103	2-1-05	Amend	3-1-05
150-308.146	6-30-05	Adopt	8-1-05	161-002-0000	1-12-05	Amend	2-1-05
150-308.205-(A)	12-31-04	Amend	2-1-05	161-006-0025	7-1-05	Amend(T)	8-1-05
150-308.205-(D)	12-31-04	Amend	2-1-05	161-006-0160	7-22-05	Amend	9-1-05
150-308.205(3)	6-30-05	Repeal	8-1-05	161-010-0010	7-22-05	Amend	9-1-05
150-308.215(1)-(A)	6-30-05	Amend	8-1-05	161-010-0035	7-22-05	Amend	9-1-05
150-308A.718	12-31-04	Amend	2-1-05	161-010-0045	7-22-05	Amend	9-1-05
150-309.024	12-31-04	Amend	2-1-05	161-010-0055	7-22-05	Amend	9-1-05
150-309.026(2)-(B)	6-30-05	Adopt	8-1-05	161-010-0080	7-22-05	Amend	9-1-05
150-309.100(2)-(B)	12-31-04	Amend	2-1-05				
150-309.100(3)-(B)	12-31-04	Amend	2-1-05				

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
161-020-0110	7-22-05	Amend	9-1-05	177-040-0026	7-31-05	Amend(T)	9-1-05
161-020-0150	7-22-05	Amend	9-1-05	177-040-0027	7-31-05	Adopt	5-1-05
161-025-0060	1-12-05	Amend	2-1-05	177-040-0028	7-31-05	Adopt	5-1-05
165-001-0005	3-22-05	Amend	5-1-05	177-040-0029	7-31-05	Adopt	5-1-05
165-012-0230	8-1-05	Amend	9-1-05	177-050-0027	11-29-04	Amend(T)	1-1-05
165-012-1010	10-14-05	Adopt(T)	11-1-05	177-050-0027	4-28-05	Amend	6-1-05
165-014-0030	3-22-05	Amend	5-1-05	177-085-0005	8-28-05	Amend(T)	9-1-05
165-014-0110	3-22-05	Amend	5-1-05	177-085-0015	8-28-05	Amend(T)	9-1-05
165-014-0270	4-8-05	Adopt	5-1-05	177-085-0020	8-28-05	Amend(T)	9-1-05
165-020-4040	3-15-05	Adopt(T)	4-1-05	177-085-0025	8-28-05	Amend(T)	9-1-05
166-150-0005	5-10-05	Amend	6-1-05	177-085-0030	8-28-05	Amend(T)	9-1-05
166-150-0110	5-10-05	Amend	6-1-05	177-085-0035	8-28-05	Amend(T)	9-1-05
166-200-0010	5-10-05	Amend	6-1-05	177-085-0065	8-28-05	Amend(T)	9-1-05
166-200-0050	5-10-05	Amend	6-1-05	177-100-0010	5-20-05	Amend(T)	7-1-05
166-300-0015	2-28-05	Amend	4-1-05	177-100-0010	9-1-05	Amend	10-1-05
166-300-0025	2-28-05	Amend	4-1-05	177-100-0180	5-20-05	Amend(T)	7-1-05
167-001-0005	3-1-05	Amend(T)	4-1-05	177-100-0180	9-1-05	Amend	10-1-05
167-001-0005	6-15-05	Amend	7-1-05	177-200-0000	5-1-05	Repeal	5-1-05
167-001-0007	3-1-05	Adopt(T)	4-1-05	177-200-0065	5-1-05	Amend	5-1-05
167-001-0007	6-15-05	Adopt	7-1-05	177-200-0075	5-1-05	Adopt	5-1-05
167-001-0010	3-1-05	Amend(T)	4-1-05	213-017-0006	10-14-05	Amend(T)	11-1-05
167-001-0010	6-15-05	Amend	7-1-05	213-017-0008	10-14-05	Amend(T)	11-1-05
167-001-0020	3-1-05	Amend(T)	4-1-05	213-019-0008	10-14-05	Amend(T)	11-1-05
167-001-0020	6-15-05	Amend	7-1-05	213-019-0010	10-14-05	Amend(T)	11-1-05
167-001-0030	3-1-05	Amend(T)	4-1-05	213-019-0012	10-14-05	Amend(T)	11-1-05
167-001-0030	6-15-05	Amend	7-1-05	213-019-0015	10-14-05	Amend(T)	11-1-05
167-001-0065	3-1-05	Adopt(T)	4-1-05	250-010-0057	1-20-05	Amend	3-1-05
167-001-0065	6-15-05	Adopt	7-1-05	250-015-0010	1-24-05	Amend	3-1-05
167-001-0070	3-1-05	Amend(T)	4-1-05	250-015-0011	1-24-05	Adopt	3-1-05
167-001-0070	6-15-05	Amend	7-1-05	250-015-0016	1-24-05	Amend	3-1-05
167-001-0081	3-1-05	Adopt(T)	4-1-05	250-015-0019	1-24-05	Amend	3-1-05
167-001-0081	6-15-05	Adopt	7-1-05	250-015-0024	1-24-05	Amend	3-1-05
167-001-0085	3-1-05	Adopt(T)	4-1-05	250-015-0025	1-24-05	Adopt	3-1-05
167-001-0085	6-15-05	Adopt	7-1-05	250-015-0026	1-24-05	Adopt	3-1-05
167-001-0300	3-1-05	Adopt(T)	4-1-05	250-015-0027	1-24-05	Adopt	3-1-05
167-001-0300	6-15-05	Adopt	7-1-05	250-015-0028	1-24-05	Adopt	3-1-05
167-001-0360	3-1-05	Adopt(T)	4-1-05	250-015-0029	1-24-05	Adopt	3-1-05
167-001-0360	6-15-05	Adopt	7-1-05	250-015-0030	1-24-05	Repeal	3-1-05
167-001-0600	3-1-05	Adopt(T)	4-1-05	250-015-0031	1-24-05	Adopt	3-1-05
167-001-0600	6-15-05	Adopt	7-1-05	250-015-0032	1-24-05	Adopt	3-1-05
167-001-0605	3-1-05	Adopt(T)	4-1-05	250-015-0033	1-24-05	Adopt	3-1-05
167-001-0605	6-15-05	Adopt	7-1-05	250-020-0204	8-4-05	Amend	9-1-05
167-001-0620	3-1-05	Adopt(T)	4-1-05	250-020-0280	1-20-05	Amend	3-1-05
167-001-0620	6-15-05	Adopt	7-1-05	250-025-0020	12-7-04	Amend(T)	1-1-05
167-001-0625	3-1-05	Adopt(T)	4-1-05	250-025-0020(T)	12-7-04	Suspend	1-1-05
167-001-0625	6-15-05	Adopt	7-1-05	250-025-0021	10-15-05	Adopt(T)	11-1-05
167-001-0630	3-1-05	Adopt(T)	4-1-05	255-005-0005	4-25-05	Amend	6-1-05
167-001-0630	6-15-05	Adopt	7-1-05	255-094-0000	4-25-05	Amend	6-1-05
167-001-0635	3-1-05	Adopt(T)	4-1-05	255-094-0010	4-25-05	Amend	6-1-05
167-001-0635	6-15-05	Adopt	7-1-05	257-010-0025	3-1-05	Amend(T)	4-1-05
170-060-1010	11-18-04	Amend	1-1-05	257-010-0025	9-12-05	Amend	10-1-05
170-060-1010	10-6-05	Amend(T)	11-1-05	257-010-0035	3-1-05	Amend(T)	4-1-05
170-061-0015	4-22-05	Amend	6-1-05	257-010-0035	9-12-05	Amend	10-1-05
177-040-0017	9-7-05	Amend(T)	10-1-05	257-070-0005	8-21-05	Amend	8-1-05
177-040-0026	5-10-05	Amend(T)	6-1-05	257-070-0010	8-21-05	Amend	8-1-05
177-040-0026	7-31-05	Amend	5-1-05	257-070-0015	8-21-05	Amend	8-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
257-070-0025	8-21-05	Amend	8-1-05	291-022-0115	5-24-05	Adopt	7-1-05
257-070-0040	8-21-05	Amend	8-1-05	291-022-0125	5-24-05	Adopt	7-1-05
257-090-0010	9-22-05	Adopt	11-1-05	291-022-0130	5-24-05	Adopt	7-1-05
259-008-0040	8-5-05	Amend	9-1-05	291-022-0140	5-24-05	Adopt	7-1-05
259-008-0068	4-1-05	Amend(T)	5-1-05	291-022-0150	5-24-05	Adopt	7-1-05
259-008-0068	9-28-05	Amend	11-1-05	291-022-0160	5-24-05	Adopt	7-1-05
259-008-0068(T)	9-28-05	Repeal	11-1-05	291-022-0170	5-24-05	Adopt	7-1-05
259-009-0060	1-28-05	Adopt(T)	3-1-05	291-022-0180	5-24-05	Adopt	7-1-05
259-009-0061	8-4-05	Adopt(T)	9-1-05	291-022-0190	5-24-05	Adopt	7-1-05
259-009-0080	5-24-05	Amend	7-1-05	291-022-0200	5-24-05	Adopt	7-1-05
259-009-0085	5-24-05	Amend	7-1-05	291-022-0210	5-24-05	Adopt	7-1-05
259-060-0010	10-14-05	Amend	11-1-05	291-047-0005	7-7-05	Amend(T)	8-1-05
259-060-0015	10-14-05	Amend	11-1-05	291-047-0010	7-7-05	Amend(T)	8-1-05
259-060-0020	10-14-05	Amend	11-1-05	291-047-0020	7-7-05	Suspend	8-1-05
259-060-0120	5-1-05	Amend(T)	6-1-05	291-047-0021	7-7-05	Adopt(T)	8-1-05
259-060-0120	10-14-05	Amend	11-1-05	291-047-0025	7-7-05	Suspend	8-1-05
259-060-0120(T)	10-14-05	Repeal	11-1-05	291-062-0110	8-22-05	Amend	10-1-05
259-060-0135	10-14-05	Amend	11-1-05	291-062-0120	8-22-05	Amend	10-1-05
259-060-0300	8-3-05	Amend(T)	9-1-05	291-062-0130	8-22-05	Amend	10-1-05
259-060-0300	10-14-05	Amend	11-1-05	291-062-0140	8-22-05	Amend	10-1-05
259-060-0300(T)	10-14-05	Repeal	11-1-05	291-062-0150	8-22-05	Amend	10-1-05
259-060-0500	5-1-05	Amend(T)	6-1-05	291-062-0160	8-22-05	Amend	10-1-05
259-060-0500	10-14-05	Amend	11-1-05	291-082-0010	1-7-05	Amend(T)	2-1-05
259-060-0500(T)	10-14-05	Repeal	11-1-05	291-082-0010	8-1-05	Amend	9-1-05
274-005-0040	4-22-05	Amend	6-1-05	291-082-0020	1-7-05	Amend(T)	2-1-05
274-020-0200	4-22-05	Amend	6-1-05	291-082-0020	8-1-05	Amend	9-1-05
274-020-0341	4-8-05	Amend(T)	5-1-05	291-082-0021	8-1-05	Am. & Ren.	9-1-05
274-020-0341	4-22-05	Amend	6-1-05	291-082-0025	8-1-05	Adopt	9-1-05
274-020-0341(T)	4-22-05	Repeal	6-1-05	291-082-0026	8-1-05	Adopt	9-1-05
274-020-0345	6-3-05	Amend(T)	7-1-05	291-082-0027	8-1-05	Adopt	9-1-05
274-020-0345	7-22-05	Amend	9-1-05	291-082-0030	1-7-05	Amend(T)	2-1-05
274-020-0345(T)	7-22-05	Repeal	9-1-05	291-082-0031	1-7-05	Adopt(T)	2-1-05
274-020-0387	4-22-05	Amend	6-1-05	291-082-0032	1-7-05	Adopt(T)	2-1-05
274-020-0388	4-22-05	Amend	6-1-05	291-082-0033	1-7-05	Adopt(T)	2-1-05
274-020-0411	4-22-05	Amend	6-1-05	291-086-0010	3-21-05	Amend	5-1-05
274-020-0440	4-22-05	Amend	6-1-05	291-086-0020	3-21-05	Amend	5-1-05
274-021-0005	4-22-05	Amend	6-1-05	291-086-0030	3-21-05	Amend	5-1-05
274-028-0005	4-22-05	Amend	6-1-05	291-086-0040	3-21-05	Amend	5-1-05
274-028-0010	4-22-05	Amend	6-1-05	291-086-0045	3-21-05	Amend	5-1-05
274-028-0035	4-22-05	Amend	6-1-05	291-086-0046	3-21-05	Adopt	5-1-05
274-040-0025	4-22-05	Amend	6-1-05	291-086-0047	3-21-05	Adopt	5-1-05
274-045-0001	4-22-05	Amend	6-1-05	291-086-0050	3-21-05	Amend	5-1-05
274-045-0070	4-22-05	Amend	6-1-05	291-086-0060	3-21-05	Adopt	5-1-05
274-045-0080	6-3-05	Amend(T)	7-1-05	291-100-0005	4-13-05	Amend	5-1-05
274-045-0080	7-22-05	Amend	9-1-05	291-100-0008	4-13-05	Amend	5-1-05
274-045-0080(T)	7-22-05	Repeal	9-1-05	291-100-0013	4-13-05	Amend	5-1-05
274-045-0150	4-22-05	Amend	6-1-05	291-100-0070	4-13-05	Amend	5-1-05
274-045-0190	4-22-05	Amend	6-1-05	291-100-0080	4-13-05	Amend	5-1-05
274-045-0220	4-22-05	Amend	6-1-05	291-100-0085	4-13-05	Adopt	5-1-05
274-045-0411	4-22-05	Amend	6-1-05	291-100-0090	4-13-05	Amend	5-1-05
274-045-0471	4-22-05	Amend	6-1-05	291-100-0100	4-13-05	Amend	5-1-05
291-011-0025	9-27-05	Amend(T)	11-1-05	291-100-0105	4-13-05	Adopt	5-1-05
291-013-0065	10-24-05	Amend	11-1-05	291-100-0110	4-13-05	Amend	5-1-05
291-013-0100	10-24-05	Amend	11-1-05	291-100-0115	4-13-05	Adopt	5-1-05
291-013-0104	10-24-05	Amend	11-1-05	291-100-0120	4-13-05	Amend	5-1-05
291-022-0105	5-24-05	Adopt	7-1-05	291-100-0130	4-13-05	Amend	5-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
291-100-0140	4-13-05	Amend	5-1-05	291-180-0145	2-24-05	Adopt	4-1-05
291-100-0150	4-13-05	Amend	5-1-05	291-180-0155	2-24-05	Adopt	4-1-05
291-100-0160	4-13-05	Adopt	5-1-05	291-180-0165	2-24-05	Adopt	4-1-05
291-104-0010	9-7-05	Amend(T)	10-1-05	291-180-0175	2-24-05	Adopt	4-1-05
291-104-0015	9-7-05	Amend(T)	10-1-05	291-180-0185	2-24-05	Adopt	4-1-05
291-104-0030	9-7-05	Amend(T)	10-1-05	291-180-0195	2-24-05	Adopt	4-1-05
291-104-0035	9-7-05	Amend(T)	10-1-05	291-180-0205	2-24-05	Adopt	4-1-05
291-105-0005	7-24-05	Amend	9-1-05	291-180-0215	2-24-05	Adopt	4-1-05
291-105-0010	7-24-05	Amend	9-1-05	291-180-0225	2-24-05	Adopt	4-1-05
291-105-0015	7-24-05	Amend	9-1-05	291-180-0235	2-24-05	Adopt	4-1-05
291-105-0021	7-24-05	Amend	9-1-05	291-180-0245	2-24-05	Adopt	4-1-05
291-105-0026	7-24-05	Amend	9-1-05	291-180-0255	2-24-05	Adopt	4-1-05
291-105-0028	7-24-05	Amend	9-1-05	291-180-0265	2-24-05	Adopt	4-1-05
291-105-0031	7-24-05	Amend	9-1-05	291-180-0275	2-24-05	Adopt	4-1-05
291-105-0036	7-24-05	Amend	9-1-05	291-180-0285	2-24-05	Adopt	4-1-05
291-105-0041	7-24-05	Amend	9-1-05	291-180-0295	2-24-05	Adopt	4-1-05
291-105-0046	7-24-05	Amend	9-1-05	291-180-0305	2-24-05	Adopt	4-1-05
291-105-0058	7-24-05	Amend	9-1-05	291-180-0315	2-24-05	Adopt	4-1-05
291-105-0066	7-24-05	Amend	9-1-05	291-180-0325	2-24-05	Adopt	4-1-05
291-105-0069	7-24-05	Amend	9-1-05	291-180-0335	2-24-05	Adopt	4-1-05
291-105-0072	7-24-05	Amend	9-1-05	291-180-0345	2-24-05	Adopt	4-1-05
291-105-0081	7-24-05	Adopt	9-1-05	291-180-0355	2-24-05	Adopt	4-1-05
291-105-0085	7-24-05	Am. & Ren.	9-1-05	291-180-0365	2-24-05	Adopt	4-1-05
291-105-0100	7-24-05	Amend	9-1-05	291-180-0375	2-24-05	Adopt	4-1-05
291-127-0200	3-14-05	Amend	4-1-05	291-180-0385	2-24-05	Adopt	4-1-05
291-127-0210	3-14-05	Amend	4-1-05	291-180-0395	2-24-05	Adopt	4-1-05
291-127-0220	3-14-05	Amend	4-1-05	291-180-0405	2-24-05	Adopt	4-1-05
291-127-0230	3-14-05	Amend	4-1-05	291-180-0415	2-24-05	Adopt	4-1-05
291-127-0240	3-14-05	Amend	4-1-05	291-180-0425	2-24-05	Adopt	4-1-05
291-127-0250	3-14-05	Amend	4-1-05	291-180-0435	2-24-05	Adopt	4-1-05
291-127-0260	3-14-05	Amend	4-1-05	291-180-0445	2-24-05	Adopt	4-1-05
291-127-0270	3-14-05	Repeal	4-1-05	291-180-0455	2-24-05	Adopt	4-1-05
291-127-0280	3-14-05	Amend	4-1-05	291-180-0465	2-24-05	Adopt	4-1-05
291-127-0285	3-14-05	Adopt	4-1-05	291-180-0475	2-24-05	Adopt	4-1-05
291-127-0290	3-14-05	Amend	4-1-05	291-180-0485	2-24-05	Adopt	4-1-05
291-127-0300	3-14-05	Amend	4-1-05	291-180-0495	2-24-05	Adopt	4-1-05
291-127-0310	3-14-05	Amend	4-1-05	291-180-0505	2-24-05	Adopt	4-1-05
291-127-0320	3-14-05	Amend	4-1-05	291-180-0515	2-24-05	Adopt	4-1-05
291-127-0330	3-14-05	Amend	4-1-05	291-180-0525	2-24-05	Adopt	4-1-05
291-131-0015	12-28-04	Amend(T)	2-1-05	291-180-0535	2-24-05	Adopt	4-1-05
291-131-0015	7-1-05	Amend	8-1-05	291-180-0545	2-24-05	Adopt	4-1-05
291-180-0060	2-24-05	Repeal	4-1-05	291-180-0555	2-24-05	Adopt	4-1-05
291-180-0065	2-24-05	Repeal	4-1-05	291-180-0565	2-24-05	Adopt	4-1-05
291-180-0070	2-24-05	Repeal	4-1-05	291-180-0575	2-24-05	Adopt	4-1-05
291-180-0071	2-24-05	Repeal	4-1-05	291-180-0585	2-24-05	Adopt	4-1-05
291-180-0072	2-24-05	Repeal	4-1-05	291-180-0595	2-24-05	Adopt	4-1-05
291-180-0073	2-24-05	Repeal	4-1-05	291-180-0605	2-24-05	Adopt	4-1-05
291-180-0075	2-24-05	Repeal	4-1-05	291-180-0615	2-24-05	Adopt	4-1-05
291-180-0080	2-24-05	Repeal	4-1-05	291-180-0625	2-24-05	Adopt	4-1-05
291-180-0085	2-24-05	Repeal	4-1-05	291-180-0635	2-24-05	Adopt	4-1-05
291-180-0090	2-24-05	Repeal	4-1-05	291-180-0645	2-24-05	Adopt	4-1-05
291-180-0095	2-24-05	Repeal	4-1-05	291-180-0655	2-24-05	Adopt	4-1-05
291-180-0106	2-24-05	Adopt	4-1-05	291-180-0665	2-24-05	Adopt	4-1-05
291-180-0115	2-24-05	Adopt	4-1-05	309-018-0000	3-29-05	Repeal	5-1-05
291-180-0125	2-24-05	Adopt	4-1-05	309-018-0010	3-29-05	Repeal	5-1-05
291-180-0135	2-24-05	Adopt	4-1-05	309-018-0020	3-29-05	Repeal	5-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
309-018-0030	3-29-05	Repeal	5-1-05	309-035-0270	4-1-05	Amend	5-1-05
309-018-0040	3-29-05	Repeal	5-1-05	309-035-0280	4-1-05	Amend	5-1-05
309-018-0050	3-29-05	Repeal	5-1-05	309-035-0290	4-1-05	Amend	5-1-05
309-018-0060	3-29-05	Repeal	5-1-05	309-035-0300	4-1-05	Amend	5-1-05
309-032-1240	1-3-05	Adopt(T)	2-1-05	309-035-0310	4-1-05	Amend	5-1-05
309-032-1240	7-1-05	Adopt	8-1-05	309-035-0320	4-1-05	Amend	5-1-05
309-032-1245	1-3-05	Adopt(T)	2-1-05	309-035-0330	4-1-05	Amend	5-1-05
309-032-1245	7-1-05	Adopt	8-1-05	309-035-0340	4-1-05	Amend	5-1-05
309-032-1250	1-3-05	Adopt(T)	2-1-05	309-035-0350	4-1-05	Amend	5-1-05
309-032-1250	7-1-05	Adopt	8-1-05	309-035-0360	4-1-05	Amend	5-1-05
309-032-1255	1-3-05	Adopt(T)	2-1-05	309-035-0370	4-1-05	Amend	5-1-05
309-032-1255	7-1-05	Adopt	8-1-05	309-035-0380	4-1-05	Amend	5-1-05
309-032-1260	1-3-05	Adopt(T)	2-1-05	309-035-0390	4-1-05	Amend	5-1-05
309-032-1260	7-1-05	Adopt	8-1-05	309-035-0400	4-1-05	Amend	5-1-05
309-032-1265	1-3-05	Adopt(T)	2-1-05	309-035-0410	4-1-05	Amend	5-1-05
309-032-1265	7-1-05	Adopt	8-1-05	309-035-0420	4-1-05	Amend	5-1-05
309-032-1270	1-3-05	Adopt(T)	2-1-05	309-035-0430	4-1-05	Amend	5-1-05
309-032-1270	7-1-05	Adopt	8-1-05	309-035-0440	4-1-05	Amend	5-1-05
309-032-1275	1-3-05	Adopt(T)	2-1-05	309-035-0450	4-1-05	Amend	5-1-05
309-032-1275	7-1-05	Adopt	8-1-05	309-035-0460	4-1-05	Amend	5-1-05
309-032-1280	1-3-05	Adopt(T)	2-1-05	309-040-0000	4-1-05	Am. & Ren.	5-1-05
309-032-1280	7-1-05	Adopt	8-1-05	309-040-0005	4-1-05	Am. & Ren.	5-1-05
309-032-1285	1-3-05	Adopt(T)	2-1-05	309-040-0010	4-1-05	Am. & Ren.	5-1-05
309-032-1285	7-1-05	Adopt	8-1-05	309-040-0011	4-1-05	Am. & Ren.	5-1-05
309-032-1290	1-3-05	Adopt(T)	2-1-05	309-040-0012	4-1-05	Am. & Ren.	5-1-05
309-032-1290	7-1-05	Adopt	8-1-05	309-040-0015	4-1-05	Am. & Ren.	5-1-05
309-032-1295	1-3-05	Adopt(T)	2-1-05	309-040-0020	4-1-05	Am. & Ren.	5-1-05
309-032-1295	7-1-05	Adopt	8-1-05	309-040-0025	4-1-05	Am. & Ren.	5-1-05
309-032-1300	1-3-05	Adopt(T)	2-1-05	309-040-0030	4-1-05	Am. & Ren.	5-1-05
309-032-1300	7-1-05	Adopt	8-1-05	309-040-0035	4-1-05	Am. & Ren.	5-1-05
309-032-1305	1-3-05	Adopt(T)	2-1-05	309-040-0040	4-1-05	Am. & Ren.	5-1-05
309-032-1305	7-1-05	Adopt	8-1-05	309-040-0045	4-1-05	Am. & Ren.	5-1-05
309-035-0100	4-1-05	Amend	5-1-05	309-040-0050	4-1-05	Am. & Ren.	5-1-05
309-035-0105	4-1-05	Amend	5-1-05	309-040-0052	4-1-05	Am. & Ren.	5-1-05
309-035-0110	4-1-05	Amend	5-1-05	309-040-0055	4-1-05	Am. & Ren.	5-1-05
309-035-0113	4-1-05	Amend	5-1-05	309-040-0057	4-1-05	Am. & Ren.	5-1-05
309-035-0115	4-1-05	Amend	5-1-05	309-040-0060	4-1-05	Am. & Ren.	5-1-05
309-035-0117	4-1-05	Amend	5-1-05	309-040-0065	4-1-05	Am. & Ren.	5-1-05
309-035-0120	4-1-05	Amend	5-1-05	309-040-0070	4-1-05	Am. & Ren.	5-1-05
309-035-0125	4-1-05	Amend	5-1-05	309-040-0075	4-1-05	Am. & Ren.	5-1-05
309-035-0130	4-1-05	Amend	5-1-05	309-040-0090	4-1-05	Am. & Ren.	5-1-05
309-035-0135	4-1-05	Amend	5-1-05	309-040-0092	4-1-05	Am. & Ren.	5-1-05
309-035-0140	4-1-05	Amend	5-1-05	309-040-0093	4-1-05	Am. & Ren.	5-1-05
309-035-0145	4-1-05	Amend	5-1-05	309-040-0095	4-1-05	Am. & Ren.	5-1-05
309-035-0150	4-1-05	Amend	5-1-05	309-040-0097	4-1-05	Am. & Ren.	5-1-05
309-035-0155	4-1-05	Amend	5-1-05	309-040-0098	4-1-05	Am. & Ren.	5-1-05
309-035-0157	4-1-05	Amend	5-1-05	309-040-0099	4-1-05	Am. & Ren.	5-1-05
309-035-0159	4-1-05	Amend	5-1-05	309-040-0100	4-1-05	Am. & Ren.	5-1-05
309-035-0165	4-1-05	Amend	5-1-05	309-040-0370	4-1-05	Adopt	5-1-05
309-035-0167	4-1-05	Amend	5-1-05	309-040-0375	4-1-05	Adopt	5-1-05
309-035-0170	4-1-05	Amend	5-1-05	309-040-0380	4-1-05	Adopt	5-1-05
309-035-0175	4-1-05	Amend	5-1-05	309-040-0385	4-1-05	Adopt	5-1-05
309-035-0185	4-1-05	Amend	5-1-05	309-046-0100	1-1-05	Am. & Ren.	1-1-05
309-035-0190	4-1-05	Amend	5-1-05	309-046-0110	1-1-05	Am. & Ren.	1-1-05
309-035-0250	4-1-05	Amend	5-1-05	309-046-0120	1-1-05	Am. & Ren.	1-1-05
309-035-0260	4-1-05	Amend	5-1-05	309-046-0130	1-1-05	Am. & Ren.	1-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
309-046-0140	1-1-05	Am. & Ren.	1-1-05	333-004-0050	2-18-05	Adopt	4-1-05
309-046-0150	1-1-05	Am. & Ren.	1-1-05	333-004-0060	2-18-05	Adopt	4-1-05
309-046-0160	1-1-05	Am. & Ren.	1-1-05	333-004-0070	2-18-05	Adopt	4-1-05
309-046-0170	1-1-05	Am. & Ren.	1-1-05	333-004-0080	2-18-05	Adopt	4-1-05
309-046-0180	1-1-05	Am. & Ren.	1-1-05	333-004-0090	2-18-05	Adopt	4-1-05
309-046-0190	1-1-05	Am. & Ren.	1-1-05	333-004-0100	2-18-05	Adopt	4-1-05
309-046-0200	1-1-05	Am. & Ren.	1-1-05	333-004-0110	2-18-05	Adopt	4-1-05
309-046-0210	1-1-05	Am. & Ren.	1-1-05	333-004-0120	2-18-05	Adopt	4-1-05
309-046-0220	1-1-05	Am. & Ren.	1-1-05	333-004-0130	2-18-05	Adopt	4-1-05
309-046-0230	1-1-05	Repeal	1-1-05	333-004-0140	2-18-05	Adopt	4-1-05
309-046-0240	1-1-05	Am. & Ren.	1-1-05	333-004-0150	2-18-05	Adopt	4-1-05
309-120-0000	7-7-05	Amend(T)	8-1-05	333-004-0160	2-18-05	Adopt	4-1-05
309-120-0005	7-7-05	Amend(T)	8-1-05	333-004-0170	2-18-05	Adopt	4-1-05
309-120-0015	7-7-05	Suspend	8-1-05	333-004-0180	2-18-05	Adopt	4-1-05
309-120-0020	7-7-05	Suspend	8-1-05	333-004-0190	2-18-05	Adopt	4-1-05
309-120-0021	7-7-05	Adopt(T)	8-1-05	333-008-0020	1-1-05	Amend	2-1-05
309-120-0070	7-15-05	Adopt(T)	8-1-05	333-012-0250	6-21-05	Amend	7-1-05
309-120-0075	7-15-05	Adopt(T)	8-1-05	333-017-0000	7-5-05	Amend	8-1-05
309-120-0080	7-15-05	Adopt(T)	8-1-05	333-018-0005	7-5-05	Amend	8-1-05
325-001-0001	9-26-05	Adopt	11-1-05	333-018-0010	7-5-05	Amend	8-1-05
325-001-0005	6-8-05	Adopt	7-1-05	333-018-0015	7-5-05	Amend	8-1-05
325-005-0010	7-1-05	Adopt(T)	7-1-05	333-018-0018	7-5-05	Amend	8-1-05
330-100-0000	12-20-04	Amend	2-1-05	333-019-0002	7-5-05	Amend	8-1-05
330-100-0005	12-20-04	Amend	2-1-05	333-019-0005	7-5-05	Amend	8-1-05
330-105-0005	12-20-04	Amend	2-1-05	333-019-0010	7-5-05	Amend	8-1-05
330-105-0007	12-20-04	Amend	2-1-05	333-019-0015	7-5-05	Repeal	8-1-05
330-105-0008	12-20-04	Amend	2-1-05	333-019-0017	7-5-05	Amend	8-1-05
330-105-0015	12-20-04	Amend	2-1-05	333-019-0041	6-21-05	Amend	7-1-05
330-105-0020	12-20-04	Amend	2-1-05	333-024-0210	12-7-04	Amend	1-1-05
330-105-0025	12-20-04	Amend	2-1-05	333-024-0210(T)	12-7-04	Repeal	1-1-05
330-105-0030	12-20-04	Amend	2-1-05	333-024-0215	12-7-04	Amend	1-1-05
330-105-0035	12-20-04	Amend	2-1-05	333-024-0215(T)	12-7-04	Repeal	1-1-05
330-105-0040	12-20-04	Amend	2-1-05	333-024-0220	12-7-04	Amend	1-1-05
330-105-0045	12-20-04	Amend	2-1-05	333-024-0220(T)	12-7-04	Repeal	1-1-05
330-110-0005	12-20-04	Amend	2-1-05	333-024-0225	12-7-04	Amend	1-1-05
330-110-0010	12-20-04	Amend	2-1-05	333-024-0225(T)	12-7-04	Repeal	1-1-05
330-110-0015	12-20-04	Amend	2-1-05	333-024-0230	12-7-04	Amend	1-1-05
330-110-0016	12-20-04	Amend	2-1-05	333-024-0230(T)	12-7-04	Repeal	1-1-05
330-110-0020	12-20-04	Amend	2-1-05	333-024-0231	12-7-04	Amend	1-1-05
330-110-0025	12-20-04	Amend	2-1-05	333-024-0231(T)	12-7-04	Repeal	1-1-05
330-110-0030	12-20-04	Amend	2-1-05	333-024-0232	12-7-04	Amend	1-1-05
330-110-0035	12-20-04	Amend	2-1-05	333-024-0232(T)	12-7-04	Repeal	1-1-05
330-110-0036	12-20-04	Amend	2-1-05	333-024-0235	12-7-04	Amend	1-1-05
330-110-0040	12-20-04	Amend	2-1-05	333-024-0235(T)	12-7-04	Repeal	1-1-05
330-110-0042	12-20-04	Amend	2-1-05	333-024-0240	12-7-04	Amend	1-1-05
330-110-0045	12-20-04	Amend	2-1-05	333-024-0240(T)	12-7-04	Repeal	1-1-05
330-110-0050	12-20-04	Amend	2-1-05	333-024-0241	12-7-04	Adopt	1-1-05
330-110-0055	12-20-04	Amend	2-1-05	333-024-0241(T)	12-7-04	Repeal	1-1-05
331-710-0010	3-1-05	Amend	4-1-05	333-029-0015	1-14-05	Amend	2-1-05
331-715-0010	3-1-05	Amend	4-1-05	333-029-0050	1-14-05	Amend	2-1-05
331-720-0010	3-1-05	Amend	4-1-05	333-029-0075	1-14-05	Amend	2-1-05
333-004-0000	2-18-05	Adopt	4-1-05	333-030-0015	1-14-05	Amend	2-1-05
333-004-0010	2-18-05	Adopt	4-1-05	333-030-0040	1-14-05	Amend	2-1-05
333-004-0020	2-18-05	Adopt	4-1-05	333-030-0045	1-14-05	Amend	2-1-05
333-004-0030	2-18-05	Adopt	4-1-05	333-030-0050	1-14-05	Amend	2-1-05
333-004-0040	2-18-05	Adopt	4-1-05	333-030-0080	1-14-05	Amend	2-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-030-0085	1-14-05	Amend	2-1-05	333-100-0080	12-1-04	Adopt	1-1-05
333-030-0120	1-14-05	Amend	2-1-05	333-100-0080(T)	12-1-04	Repeal	1-1-05
333-031-0002	1-14-05	Amend	2-1-05	333-101-0001	12-1-04	Amend	1-1-05
333-031-0004	1-14-05	Amend	2-1-05	333-101-0001(T)	12-1-04	Repeal	1-1-05
333-031-0006	1-14-05	Amend	2-1-05	333-101-0003	12-1-04	Adopt	1-1-05
333-031-0010	1-14-05	Amend	2-1-05	333-101-0003(T)	12-1-04	Repeal	1-1-05
333-031-0012	1-14-05	Amend	2-1-05	333-101-0010	12-1-04	Amend	1-1-05
333-031-0018	1-14-05	Amend	2-1-05	333-101-0010(T)	12-1-04	Repeal	1-1-05
333-031-0066	1-14-05	Amend	2-1-05	333-101-0020	4-11-05	Amend	5-1-05
333-039-0015	7-21-05	Amend(T)	9-1-05	333-102-0001	12-1-04	Amend	1-1-05
333-039-0015	9-22-05	Amend(T)	11-1-05	333-102-0001(T)	12-1-04	Repeal	1-1-05
333-049-0065	4-13-05	Adopt	5-1-05	333-102-0005	12-1-04	Amend	1-1-05
333-050-0010	2-3-05	Amend	3-1-05	333-102-0005(T)	12-1-04	Repeal	1-1-05
333-050-0010(T)	2-3-05	Repeal	3-1-05	333-102-0010	12-1-04	Amend	1-1-05
333-050-0020	2-3-05	Amend	3-1-05	333-102-0010(T)	12-1-04	Repeal	1-1-05
333-050-0020(T)	2-3-05	Repeal	3-1-05	333-102-0015	12-1-04	Amend	1-1-05
333-050-0030	2-3-05	Amend	3-1-05	333-102-0015(T)	12-1-04	Repeal	1-1-05
333-050-0030(T)	2-3-05	Repeal	3-1-05	333-102-0020	12-1-04	Amend	1-1-05
333-050-0040	2-3-05	Amend	3-1-05	333-102-0020(T)	12-1-04	Repeal	1-1-05
333-050-0040(T)	2-3-05	Repeal	3-1-05	333-102-0025	12-1-04	Amend	1-1-05
333-050-0050	2-3-05	Amend	3-1-05	333-102-0025(T)	12-1-04	Repeal	1-1-05
333-050-0050(T)	2-3-05	Repeal	3-1-05	333-102-0030	12-1-04	Amend	1-1-05
333-050-0060	2-3-05	Amend	3-1-05	333-102-0030(T)	12-1-04	Repeal	1-1-05
333-050-0060(T)	2-3-05	Repeal	3-1-05	333-102-0035	12-1-04	Amend	1-1-05
333-050-0080	2-3-05	Amend	3-1-05	333-102-0035(T)	12-1-04	Repeal	1-1-05
333-050-0080(T)	2-3-05	Repeal	3-1-05	333-102-0040	12-1-04	Adopt	1-1-05
333-050-0090	2-3-05	Amend	3-1-05	333-102-0040(T)	12-1-04	Repeal	1-1-05
333-050-0090(T)	2-3-05	Repeal	3-1-05	333-102-0075	12-1-04	Amend	1-1-05
333-050-0100	2-3-05	Amend	3-1-05	333-102-0075(T)	12-1-04	Repeal	1-1-05
333-050-0100(T)	2-3-05	Repeal	3-1-05	333-102-0101	12-1-04	Amend	1-1-05
333-050-0130	2-3-05	Amend	3-1-05	333-102-0101(T)	12-1-04	Repeal	1-1-05
333-050-0130(T)	2-3-05	Repeal	3-1-05	333-102-0103	12-1-04	Amend	1-1-05
333-050-0140	2-3-05	Amend	3-1-05	333-102-0103(T)	12-1-04	Repeal	1-1-05
333-050-0140(T)	2-3-05	Repeal	3-1-05	333-102-0105	12-1-04	Amend	1-1-05
333-050-0141(T)	2-3-05	Repeal	3-1-05	333-102-0105(T)	12-1-04	Repeal	1-1-05
333-054-0010	5-2-05	Amend(T)	6-1-05	333-102-0110	12-1-04	Amend	1-1-05
333-054-0020	5-2-05	Amend(T)	6-1-05	333-102-0110(T)	12-1-04	Repeal	1-1-05
333-054-0030	5-2-05	Amend(T)	6-1-05	333-102-0120	12-1-04	Amend	1-1-05
333-054-0050	5-2-05	Amend(T)	6-1-05	333-102-0120(T)	12-1-04	Repeal	1-1-05
333-054-0060	5-2-05	Amend(T)	6-1-05	333-102-0125	12-1-04	Amend	1-1-05
333-054-0100	5-2-05	Amend(T)	6-1-05	333-102-0125(T)	12-1-04	Repeal	1-1-05
333-064-0025	7-1-05	Amend	7-1-05	333-102-0130	12-1-04	Amend	1-1-05
333-064-0035	7-1-05	Amend	7-1-05	333-102-0130(T)	12-1-04	Repeal	1-1-05
333-064-0070	7-1-05	Amend	7-1-05	333-102-0135	12-1-04	Amend	1-1-05
333-100-0001	12-1-04	Amend	1-1-05	333-102-0135(T)	12-1-04	Repeal	1-1-05
333-100-0001(T)	12-1-04	Repeal	1-1-05	333-102-0190	12-1-04	Adopt	1-1-05
333-100-0005	12-1-04	Amend	1-1-05	333-102-0190(T)	12-1-04	Repeal	1-1-05
333-100-0005(T)	12-1-04	Repeal	1-1-05	333-102-0200	12-1-04	Amend	1-1-05
333-100-0057	12-1-04	Adopt	1-1-05	333-102-0200(T)	12-1-04	Repeal	1-1-05
333-100-0057(T)	12-1-04	Repeal	1-1-05	333-102-0203	12-1-04	Amend	1-1-05
333-100-0060	12-1-04	Amend	1-1-05	333-102-0203(T)	12-1-04	Repeal	1-1-05
333-100-0060(T)	12-1-04	Repeal	1-1-05	333-102-0225	12-1-04	Repeal	1-1-05
333-100-0065	12-1-04	Amend	1-1-05	333-102-0235	12-1-04	Amend	1-1-05
333-100-0065(T)	12-1-04	Repeal	1-1-05	333-102-0235(T)	12-1-04	Repeal	1-1-05
333-100-0070	12-1-04	Amend	1-1-05	333-102-0240	12-1-04	Repeal	1-1-05
333-100-0070(T)	12-1-04	Repeal	1-1-05	333-102-0245	12-1-04	Amend	1-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-102-0245(T)	12-1-04	Repeal	1-1-05	333-105-0050(T)	12-1-04	Repeal	1-1-05
333-102-0247	12-1-04	Adopt	1-1-05	333-105-0075	12-1-04	Adopt	1-1-05
333-102-0247(T)	12-1-04	Repeal	1-1-05	333-105-0075(T)	12-1-04	Repeal	1-1-05
333-102-0250	12-1-04	Amend	1-1-05	333-105-0101	12-1-04	Repeal	1-1-05
333-102-0250(T)	12-1-04	Repeal	1-1-05	333-105-0105	12-1-04	Repeal	1-1-05
333-102-0255	12-1-04	Amend	1-1-05	333-105-0110	12-1-04	Repeal	1-1-05
333-102-0255(T)	12-1-04	Repeal	1-1-05	333-105-0115	12-1-04	Repeal	1-1-05
333-102-0260	12-1-04	Amend	1-1-05	333-105-0120	12-1-04	Repeal	1-1-05
333-102-0260(T)	12-1-04	Repeal	1-1-05	333-105-0125	12-1-04	Repeal	1-1-05
333-102-0265	12-1-04	Amend	1-1-05	333-105-0130	12-1-04	Repeal	1-1-05
333-102-0265(T)	12-1-04	Repeal	1-1-05	333-105-0135	12-1-04	Repeal	1-1-05
333-102-0270	12-1-04	Amend	1-1-05	333-105-0140	12-1-04	Repeal	1-1-05
333-102-0270(T)	12-1-04	Repeal	1-1-05	333-105-0201	12-1-04	Repeal	1-1-05
333-102-0275	12-1-04	Amend	1-1-05	333-105-0202	12-1-04	Repeal	1-1-05
333-102-0275(T)	12-1-04	Repeal	1-1-05	333-105-0205	12-1-04	Repeal	1-1-05
333-102-0285	12-1-04	Amend	1-1-05	333-105-0210	12-1-04	Repeal	1-1-05
333-102-0285(T)	12-1-04	Repeal	1-1-05	333-105-0301	12-1-04	Repeal	1-1-05
333-102-0287	12-1-04	Repeal	1-1-05	333-105-0305	12-1-04	Repeal	1-1-05
333-102-0290	12-1-04	Amend	1-1-05	333-105-0310	12-1-04	Repeal	1-1-05
333-102-0290(T)	12-1-04	Repeal	1-1-05	333-105-0315	12-1-04	Repeal	1-1-05
333-102-0293	12-1-04	Amend	1-1-05	333-105-0320	12-1-04	Repeal	1-1-05
333-102-0293(T)	12-1-04	Repeal	1-1-05	333-105-0325	12-1-04	Repeal	1-1-05
333-102-0295	12-1-04	Repeal	1-1-05	333-105-0330	12-1-04	Repeal	1-1-05
333-102-0300	12-1-04	Amend	1-1-05	333-105-0335	12-1-04	Repeal	1-1-05
333-102-0300(T)	12-1-04	Repeal	1-1-05	333-105-0420	12-1-04	Adopt	1-1-05
333-102-0305	12-1-04	Amend	1-1-05	333-105-0420(T)	12-1-04	Repeal	1-1-05
333-102-0305(T)	12-1-04	Repeal	1-1-05	333-105-0430	12-1-04	Adopt	1-1-05
333-102-0310	12-1-04	Amend	1-1-05	333-105-0430(T)	12-1-04	Repeal	1-1-05
333-102-0310(T)	12-1-04	Repeal	1-1-05	333-105-0440	12-1-04	Adopt	1-1-05
333-102-0315	12-1-04	Amend	1-1-05	333-105-0440(T)	12-1-04	Repeal	1-1-05
333-102-0315(T)	12-1-04	Repeal	1-1-05	333-105-0450	12-1-04	Adopt	1-1-05
333-102-0327	12-1-04	Amend	1-1-05	333-105-0450(T)	12-1-04	Repeal	1-1-05
333-102-0327(T)	12-1-04	Repeal	1-1-05	333-105-0460	12-1-04	Adopt	1-1-05
333-102-0330	12-1-04	Amend	1-1-05	333-105-0460(T)	12-1-04	Repeal	1-1-05
333-102-0330(T)	12-1-04	Repeal	1-1-05	333-105-0470	12-1-04	Adopt	1-1-05
333-102-0335	12-1-04	Amend	1-1-05	333-105-0470(T)	12-1-04	Repeal	1-1-05
333-102-0335(T)	12-1-04	Repeal	1-1-05	333-105-0480	12-1-04	Adopt	1-1-05
333-102-0340	12-1-04	Amend	1-1-05	333-105-0480(T)	12-1-04	Repeal	1-1-05
333-102-0340(T)	12-1-04	Repeal	1-1-05	333-105-0490	12-1-04	Adopt	1-1-05
333-102-0350	12-1-04	Adopt	1-1-05	333-105-0490(T)	12-1-04	Repeal	1-1-05
333-102-0350(T)	12-1-04	Repeal	1-1-05	333-105-0500	12-1-04	Adopt	1-1-05
333-102-0355	12-1-04	Adopt	1-1-05	333-105-0500(T)	12-1-04	Repeal	1-1-05
333-102-0355(T)	12-1-04	Repeal	1-1-05	333-105-0510	12-1-04	Adopt	1-1-05
333-102-0360	12-1-04	Adopt	1-1-05	333-105-0510(T)	12-1-04	Repeal	1-1-05
333-102-0360(T)	12-1-04	Repeal	1-1-05	333-105-0520	12-1-04	Adopt	1-1-05
333-102-0365	12-1-04	Adopt	1-1-05	333-105-0520(T)	12-1-04	Repeal	1-1-05
333-102-0365(T)	12-1-04	Repeal	1-1-05	333-105-0530	12-1-04	Adopt	1-1-05
333-103-0015	12-1-04	Amend	1-1-05	333-105-0530(T)	12-1-04	Repeal	1-1-05
333-103-0015(T)	12-1-04	Repeal	1-1-05	333-105-0540	12-1-04	Adopt	1-1-05
333-105-0001	12-1-04	Amend	1-1-05	333-105-0540(T)	12-1-04	Repeal	1-1-05
333-105-0001(T)	12-1-04	Repeal	1-1-05	333-105-0550	12-1-04	Adopt	1-1-05
333-105-0003	12-1-04	Adopt	1-1-05	333-105-0550(T)	12-1-04	Repeal	1-1-05
333-105-0003(T)	12-1-04	Repeal	1-1-05	333-105-0560	12-1-04	Adopt	1-1-05
333-105-0005	12-1-04	Amend	1-1-05	333-105-0560(T)	12-1-04	Repeal	1-1-05
333-105-0005(T)	12-1-04	Repeal	1-1-05	333-105-0570	12-1-04	Adopt	1-1-05
333-105-0050	12-1-04	Adopt	1-1-05	333-105-0570(T)	12-1-04	Repeal	1-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-105-0580	12-1-04	Adopt	1-1-05	333-106-0220	12-1-04	Amend	1-1-05
333-105-0580(T)	12-1-04	Repeal	1-1-05	333-106-0220(T)	12-1-04	Repeal	1-1-05
333-105-0590	12-1-04	Adopt	1-1-05	333-106-0325	12-1-04	Amend	1-1-05
333-105-0590(T)	12-1-04	Repeal	1-1-05	333-106-0325(T)	12-1-04	Repeal	1-1-05
333-105-0600	12-1-04	Adopt	1-1-05	333-106-0370	4-11-05	Amend	5-1-05
333-105-0600(T)	12-1-04	Repeal	1-1-05	333-106-0512	4-11-05	Amend	5-1-05
333-105-0610	12-1-04	Adopt	1-1-05	333-106-0575	12-1-04	Amend	1-1-05
333-105-0610(T)	12-1-04	Repeal	1-1-05	333-106-0575(T)	12-1-04	Repeal	1-1-05
333-105-0620	12-1-04	Adopt	1-1-05	333-106-0700	12-1-04	Amend	1-1-05
333-105-0620(T)	12-1-04	Repeal	1-1-05	333-106-0700(T)	12-1-04	Repeal	1-1-05
333-105-0630	12-1-04	Adopt	1-1-05	333-106-0710	12-1-04	Amend	1-1-05
333-105-0630(T)	12-1-04	Repeal	1-1-05	333-106-0710	4-11-05	Amend	5-1-05
333-105-0640	12-1-04	Adopt	1-1-05	333-106-0710(T)	12-1-04	Repeal	1-1-05
333-105-0640(T)	12-1-04	Repeal	1-1-05	333-106-0720	12-1-04	Amend	1-1-05
333-105-0650	12-1-04	Adopt	1-1-05	333-106-0720	4-11-05	Amend	5-1-05
333-105-0650(T)	12-1-04	Repeal	1-1-05	333-106-0720(T)	12-1-04	Repeal	1-1-05
333-105-0660	12-1-04	Adopt	1-1-05	333-106-0730	12-1-04	Amend	1-1-05
333-105-0660(T)	12-1-04	Repeal	1-1-05	333-106-0730	4-11-05	Amend	5-1-05
333-105-0670	12-1-04	Adopt	1-1-05	333-106-0730(T)	12-1-04	Repeal	1-1-05
333-105-0670(T)	12-1-04	Repeal	1-1-05	333-106-0750	12-1-04	Adopt	1-1-05
333-105-0680	12-1-04	Adopt	1-1-05	333-106-0750(T)	12-1-04	Repeal	1-1-05
333-105-0680(T)	12-1-04	Repeal	1-1-05	333-111-0010	12-1-04	Amend	1-1-05
333-105-0690	12-1-04	Adopt	1-1-05	333-111-0010(T)	12-1-04	Repeal	1-1-05
333-105-0690(T)	12-1-04	Repeal	1-1-05	333-116-0010	12-1-04	Amend	1-1-05
333-105-0700	12-1-04	Adopt	1-1-05	333-116-0010(T)	12-1-04	Repeal	1-1-05
333-105-0700(T)	12-1-04	Repeal	1-1-05	333-116-0020	12-1-04	Amend	1-1-05
333-105-0710	12-1-04	Adopt	1-1-05	333-116-0020(T)	12-1-04	Repeal	1-1-05
333-105-0710(T)	12-1-04	Repeal	1-1-05	333-116-0025	12-1-04	Adopt	1-1-05
333-105-0720	12-1-04	Adopt	1-1-05	333-116-0025(T)	12-1-04	Repeal	1-1-05
333-105-0720(T)	12-1-04	Repeal	1-1-05	333-116-0035	12-1-04	Adopt	1-1-05
333-105-0730	12-1-04	Adopt	1-1-05	333-116-0035(T)	12-1-04	Repeal	1-1-05
333-105-0730(T)	12-1-04	Repeal	1-1-05	333-116-0040	12-1-04	Amend	1-1-05
333-105-0740	12-1-04	Adopt	1-1-05	333-116-0040(T)	12-1-04	Repeal	1-1-05
333-105-0740(T)	12-1-04	Repeal	1-1-05	333-116-0050	12-1-04	Amend	1-1-05
333-105-0750	12-1-04	Adopt	1-1-05	333-116-0050(T)	12-1-04	Repeal	1-1-05
333-105-0750(T)	12-1-04	Repeal	1-1-05	333-116-0055	12-1-04	Adopt	1-1-05
333-105-0760	12-1-04	Adopt	1-1-05	333-116-0055(T)	12-1-04	Repeal	1-1-05
333-105-0760(T)	12-1-04	Repeal	1-1-05	333-116-0057	12-1-04	Adopt	1-1-05
333-106-0005	12-1-04	Amend	1-1-05	333-116-0057(T)	12-1-04	Repeal	1-1-05
333-106-0005	4-11-05	Amend	5-1-05	333-116-0059	12-1-04	Adopt	1-1-05
333-106-0005(T)	12-1-04	Repeal	1-1-05	333-116-0059(T)	12-1-04	Repeal	1-1-05
333-106-0035	12-1-04	Amend	1-1-05	333-116-0070	12-1-04	Amend	1-1-05
333-106-0035(T)	12-1-04	Repeal	1-1-05	333-116-0070(T)	12-1-04	Repeal	1-1-05
333-106-0045	12-1-04	Amend	1-1-05	333-116-0080	12-1-04	Amend	1-1-05
333-106-0045	4-11-05	Amend	5-1-05	333-116-0080(T)	12-1-04	Repeal	1-1-05
333-106-0045(T)	12-1-04	Repeal	1-1-05	333-116-0090	12-1-04	Amend	1-1-05
333-106-0055	12-1-04	Amend	1-1-05	333-116-0090(T)	12-1-04	Repeal	1-1-05
333-106-0055	4-11-05	Amend	5-1-05	333-116-0100	12-1-04	Amend	1-1-05
333-106-0055(T)	12-1-04	Repeal	1-1-05	333-116-0100(T)	12-1-04	Repeal	1-1-05
333-106-0101	12-1-04	Amend	1-1-05	333-116-0105	12-1-04	Adopt	1-1-05
333-106-0101	4-11-05	Amend	5-1-05	333-116-0105(T)	12-1-04	Repeal	1-1-05
333-106-0101(T)	12-1-04	Repeal	1-1-05	333-116-0107	12-1-04	Adopt	1-1-05
333-106-0105	12-1-04	Amend	1-1-05	333-116-0107(T)	12-1-04	Repeal	1-1-05
333-106-0105(T)	12-1-04	Repeal	1-1-05	333-116-0120	12-1-04	Amend	1-1-05
333-106-0210	12-1-04	Amend	1-1-05	333-116-0120(T)	12-1-04	Repeal	1-1-05
333-106-0210(T)	12-1-04	Repeal	1-1-05	333-116-0125	12-1-04	Amend	1-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-116-0125(T)	12-1-04	Repeal	1-1-05	333-116-0460(T)	12-1-04	Repeal	1-1-05
333-116-0140	12-1-04	Amend	1-1-05	333-116-0470	12-1-04	Amend	1-1-05
333-116-0140(T)	12-1-04	Repeal	1-1-05	333-116-0470(T)	12-1-04	Repeal	1-1-05
333-116-0150	12-1-04	Amend	1-1-05	333-116-0480	12-1-04	Amend	1-1-05
333-116-0150(T)	12-1-04	Repeal	1-1-05	333-116-0480(T)	12-1-04	Repeal	1-1-05
333-116-0160	12-1-04	Amend	1-1-05	333-116-0490	12-1-04	Amend	1-1-05
333-116-0160(T)	12-1-04	Repeal	1-1-05	333-116-0490	4-11-05	Amend	5-1-05
333-116-0165	12-1-04	Adopt	1-1-05	333-116-0490(T)	12-1-04	Repeal	1-1-05
333-116-0165(T)	12-1-04	Repeal	1-1-05	333-116-0495	12-1-04	Adopt	1-1-05
333-116-0170	12-1-04	Amend	1-1-05	333-116-0495(T)	12-1-04	Repeal	1-1-05
333-116-0170(T)	12-1-04	Repeal	1-1-05	333-116-0510	12-1-04	Repeal	1-1-05
333-116-0180	12-1-04	Amend	1-1-05	333-116-0515	12-1-04	Adopt	1-1-05
333-116-0180(T)	12-1-04	Repeal	1-1-05	333-116-0515(T)	12-1-04	Repeal	1-1-05
333-116-0190	12-1-04	Amend	1-1-05	333-116-0525	12-1-04	Adopt	1-1-05
333-116-0190(T)	12-1-04	Repeal	1-1-05	333-116-0525(T)	12-1-04	Repeal	1-1-05
333-116-0200	12-1-04	Amend	1-1-05	333-116-0530	12-1-04	Amend	1-1-05
333-116-0200(T)	12-1-04	Repeal	1-1-05	333-116-0530(T)	12-1-04	Repeal	1-1-05
333-116-0250	12-1-04	Amend	1-1-05	333-116-0540	12-1-04	Amend	1-1-05
333-116-0250(T)	12-1-04	Repeal	1-1-05	333-116-0540	4-11-05	Amend	5-1-05
333-116-0260	12-1-04	Amend	1-1-05	333-116-0540(T)	12-1-04	Repeal	1-1-05
333-116-0260(T)	12-1-04	Repeal	1-1-05	333-116-0560	12-1-04	Amend	1-1-05
333-116-0265	12-1-04	Adopt	1-1-05	333-116-0560(T)	12-1-04	Repeal	1-1-05
333-116-0265(T)	12-1-04	Repeal	1-1-05	333-116-0570	12-1-04	Amend	1-1-05
333-116-0290	12-1-04	Amend	1-1-05	333-116-0570(T)	12-1-04	Repeal	1-1-05
333-116-0290(T)	12-1-04	Repeal	1-1-05	333-116-0573	12-1-04	Adopt	1-1-05
333-116-0300	12-1-04	Amend	1-1-05	333-116-0573(T)	12-1-04	Repeal	1-1-05
333-116-0300(T)	12-1-04	Repeal	1-1-05	333-116-0577	12-1-04	Adopt	1-1-05
333-116-0310	12-1-04	Amend	1-1-05	333-116-0577(T)	12-1-04	Repeal	1-1-05
333-116-0310(T)	12-1-04	Repeal	1-1-05	333-116-0580	12-1-04	Amend	1-1-05
333-116-0320	12-1-04	Amend	1-1-05	333-116-0580(T)	12-1-04	Repeal	1-1-05
333-116-0320(T)	12-1-04	Repeal	1-1-05	333-116-0583	12-1-04	Adopt	1-1-05
333-116-0330	12-1-04	Amend	1-1-05	333-116-0583(T)	12-1-04	Repeal	1-1-05
333-116-0330(T)	12-1-04	Repeal	1-1-05	333-116-0585	12-1-04	Adopt	1-1-05
333-116-0340	12-1-04	Amend	1-1-05	333-116-0585(T)	12-1-04	Repeal	1-1-05
333-116-0340(T)	12-1-04	Repeal	1-1-05	333-116-0587	12-1-04	Adopt	1-1-05
333-116-0350	12-1-04	Amend	1-1-05	333-116-0587(T)	12-1-04	Repeal	1-1-05
333-116-0350(T)	12-1-04	Repeal	1-1-05	333-116-0590	12-1-04	Amend	1-1-05
333-116-0360	12-1-04	Amend	1-1-05	333-116-0590(T)	12-1-04	Repeal	1-1-05
333-116-0360(T)	12-1-04	Repeal	1-1-05	333-116-0600	12-1-04	Amend	1-1-05
333-116-0370	12-1-04	Amend	1-1-05	333-116-0600(T)	12-1-04	Repeal	1-1-05
333-116-0370(T)	12-1-04	Repeal	1-1-05	333-116-0605	12-1-04	Adopt	1-1-05
333-116-0380	12-1-04	Amend	1-1-05	333-116-0605(T)	12-1-04	Repeal	1-1-05
333-116-0380(T)	12-1-04	Repeal	1-1-05	333-116-0610	12-1-04	Amend	1-1-05
333-116-0390	12-1-04	Amend	1-1-05	333-116-0610(T)	12-1-04	Repeal	1-1-05
333-116-0390(T)	12-1-04	Repeal	1-1-05	333-116-0640	12-1-04	Amend	1-1-05
333-116-0410	12-1-04	Amend	1-1-05	333-116-0640(T)	12-1-04	Repeal	1-1-05
333-116-0410(T)	12-1-04	Repeal	1-1-05	333-116-0660	12-1-04	Amend	1-1-05
333-116-0420	12-1-04	Amend	1-1-05	333-116-0660	4-11-05	Amend	5-1-05
333-116-0420(T)	12-1-04	Repeal	1-1-05	333-116-0660(T)	12-1-04	Repeal	1-1-05
333-116-0430	12-1-04	Amend	1-1-05	333-116-0670	12-1-04	Amend	1-1-05
333-116-0430(T)	12-1-04	Repeal	1-1-05	333-116-0670(T)	12-1-04	Repeal	1-1-05
333-116-0440	12-1-04	Amend	1-1-05	333-116-0680	12-1-04	Amend	1-1-05
333-116-0440(T)	12-1-04	Repeal	1-1-05	333-116-0680	4-11-05	Amend	5-1-05
333-116-0450	12-1-04	Amend	1-1-05	333-116-0680(T)	12-1-04	Repeal	1-1-05
333-116-0450(T)	12-1-04	Repeal	1-1-05	333-116-0720	12-1-04	Amend	1-1-05
333-116-0460	12-1-04	Amend	1-1-05	333-116-0720(T)	12-1-04	Repeal	1-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-116-0730	12-1-04	Amend	1-1-05	333-119-0090	12-1-04	Amend	1-1-05
333-116-0730(T)	12-1-04	Repeal	1-1-05	333-119-0090(T)	12-1-04	Repeal	1-1-05
333-116-0830	12-1-04	Amend	1-1-05	333-119-0100	12-1-04	Amend	1-1-05
333-116-0830(T)	12-1-04	Repeal	1-1-05	333-119-0100(T)	12-1-04	Repeal	1-1-05
333-116-0860	4-11-05	Amend	5-1-05	333-119-0120	12-1-04	Amend	1-1-05
333-116-0880	4-11-05	Amend	5-1-05	333-119-0120(T)	12-1-04	Repeal	1-1-05
333-116-0905	12-1-04	Adopt	1-1-05	333-120-0015	12-1-04	Adopt	1-1-05
333-116-0905(T)	12-1-04	Repeal	1-1-05	333-120-0015(T)	12-1-04	Repeal	1-1-05
333-116-0910	12-1-04	Adopt	1-1-05	333-120-0017	12-1-04	Adopt	1-1-05
333-116-0910(T)	12-1-04	Repeal	1-1-05	333-120-0017(T)	12-1-04	Repeal	1-1-05
333-116-0915	12-1-04	Adopt	1-1-05	333-120-0100	12-1-04	Amend	1-1-05
333-116-0915(T)	12-1-04	Repeal	1-1-05	333-120-0100(T)	12-1-04	Repeal	1-1-05
333-118-0020	12-1-04	Amend	1-1-05	333-120-0110	12-1-04	Amend	1-1-05
333-118-0020(T)	12-1-04	Repeal	1-1-05	333-120-0110(T)	12-1-04	Repeal	1-1-05
333-118-0040	12-1-04	Amend	1-1-05	333-120-0130	12-1-04	Amend	1-1-05
333-118-0040(T)	12-1-04	Repeal	1-1-05	333-120-0130(T)	12-1-04	Repeal	1-1-05
333-118-0050	12-1-04	Amend	1-1-05	333-120-0170	12-1-04	Amend	1-1-05
333-118-0050(T)	12-1-04	Repeal	1-1-05	333-120-0170(T)	12-1-04	Repeal	1-1-05
333-118-0060	12-1-04	Amend	1-1-05	333-120-0180	12-1-04	Amend	1-1-05
333-118-0060(T)	12-1-04	Repeal	1-1-05	333-120-0180(T)	12-1-04	Repeal	1-1-05
333-118-0070	12-1-04	Amend	1-1-05	333-120-0190	12-1-04	Amend	1-1-05
333-118-0070(T)	12-1-04	Repeal	1-1-05	333-120-0190(T)	12-1-04	Repeal	1-1-05
333-118-0080	12-1-04	Amend	1-1-05	333-120-0200	12-1-04	Amend	1-1-05
333-118-0080(T)	12-1-04	Repeal	1-1-05	333-120-0200(T)	12-1-04	Repeal	1-1-05
333-118-0090	12-1-04	Amend	1-1-05	333-120-0210	12-1-04	Amend	1-1-05
333-118-0090(T)	12-1-04	Repeal	1-1-05	333-120-0210(T)	12-1-04	Repeal	1-1-05
333-118-0100	12-1-04	Amend	1-1-05	333-120-0215	12-1-04	Adopt	1-1-05
333-118-0100(T)	12-1-04	Repeal	1-1-05	333-120-0215(T)	12-1-04	Repeal	1-1-05
333-118-0110	12-1-04	Amend	1-1-05	333-120-0220	12-1-04	Amend	1-1-05
333-118-0110(T)	12-1-04	Repeal	1-1-05	333-120-0220(T)	12-1-04	Repeal	1-1-05
333-118-0120	12-1-04	Amend	1-1-05	333-120-0230	12-1-04	Amend	1-1-05
333-118-0120(T)	12-1-04	Repeal	1-1-05	333-120-0230(T)	12-1-04	Repeal	1-1-05
333-118-0130	12-1-04	Amend	1-1-05	333-120-0240	12-1-04	Amend	1-1-05
333-118-0130(T)	12-1-04	Repeal	1-1-05	333-120-0240(T)	12-1-04	Repeal	1-1-05
333-118-0140	12-1-04	Amend	1-1-05	333-120-0250	12-1-04	Amend	1-1-05
333-118-0140(T)	12-1-04	Repeal	1-1-05	333-120-0250(T)	12-1-04	Repeal	1-1-05
333-118-0150	12-1-04	Amend	1-1-05	333-120-0320	12-1-04	Amend	1-1-05
333-118-0150(T)	12-1-04	Repeal	1-1-05	333-120-0320(T)	12-1-04	Repeal	1-1-05
333-118-0160	12-1-04	Amend	1-1-05	333-120-0400	12-1-04	Amend	1-1-05
333-118-0160(T)	12-1-04	Repeal	1-1-05	333-120-0400(T)	12-1-04	Repeal	1-1-05
333-118-0170	12-1-04	Amend	1-1-05	333-120-0420	12-1-04	Amend	1-1-05
333-118-0170(T)	12-1-04	Repeal	1-1-05	333-120-0420(T)	12-1-04	Repeal	1-1-05
333-118-0180	12-1-04	Amend	1-1-05	333-120-0430	12-1-04	Amend	1-1-05
333-118-0180(T)	12-1-04	Repeal	1-1-05	333-120-0430(T)	12-1-04	Repeal	1-1-05
333-118-0190	12-1-04	Amend	1-1-05	333-120-0450	12-1-04	Amend	1-1-05
333-118-0190(T)	12-1-04	Repeal	1-1-05	333-120-0450(T)	12-1-04	Repeal	1-1-05
333-118-0200	12-1-04	Amend	1-1-05	333-120-0460	12-1-04	Amend	1-1-05
333-118-0200(T)	12-1-04	Repeal	1-1-05	333-120-0460(T)	12-1-04	Repeal	1-1-05
333-118-0800	12-1-04	Adopt	1-1-05	333-120-0520	12-1-04	Amend	1-1-05
333-118-0800(T)	12-1-04	Repeal	1-1-05	333-120-0520(T)	12-1-04	Repeal	1-1-05
333-119-0030	12-1-04	Amend	1-1-05	333-120-0540	12-1-04	Amend	1-1-05
333-119-0030(T)	12-1-04	Repeal	1-1-05	333-120-0540(T)	12-1-04	Repeal	1-1-05
333-119-0040	12-1-04	Amend	1-1-05	333-120-0550	12-1-04	Amend	1-1-05
333-119-0040(T)	12-1-04	Repeal	1-1-05	333-120-0550(T)	12-1-04	Repeal	1-1-05
333-119-0080	12-1-04	Amend	1-1-05	333-120-0560	12-1-04	Amend	1-1-05
333-119-0080(T)	12-1-04	Repeal	1-1-05	333-120-0560(T)	12-1-04	Repeal	1-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-120-0600	12-1-04	Amend	1-1-05	333-535-0090	8-15-05	Amend	9-1-05
333-120-0600(T)	12-1-04	Repeal	1-1-05	333-535-0100	8-15-05	Amend	9-1-05
333-120-0610	12-1-04	Amend	1-1-05	333-535-0110	8-15-05	Amend	9-1-05
333-120-0610(T)	12-1-04	Repeal	1-1-05	333-535-0115	8-15-05	Amend	9-1-05
333-120-0640	12-1-04	Amend	1-1-05	333-535-0120	8-15-05	Amend	9-1-05
333-120-0640(T)	12-1-04	Repeal	1-1-05	333-535-0260	8-15-05	Amend	9-1-05
333-120-0650	12-1-04	Amend	1-1-05	333-535-0270	8-15-05	Amend	9-1-05
333-120-0650(T)	12-1-04	Repeal	1-1-05	333-535-0300	8-15-05	Amend	9-1-05
333-120-0660	12-1-04	Amend	1-1-05	333-535-0310	8-15-05	Amend	9-1-05
333-120-0660(T)	12-1-04	Repeal	1-1-05	333-700-0130	8-15-05	Amend	9-1-05
333-120-0670	12-1-04	Amend	1-1-05	334-001-0012	6-24-05	Amend(T)	8-1-05
333-120-0670(T)	12-1-04	Repeal	1-1-05	334-001-0012	7-1-05	Amend	8-1-05
333-120-0680	12-1-04	Amend	1-1-05	334-001-0045	7-1-05	Amend	8-1-05
333-120-0680(T)	12-1-04	Repeal	1-1-05	334-010-0010	9-19-05	Amend(T)	11-1-05
333-120-0700	12-1-04	Amend	1-1-05	334-010-0050	2-23-05	Amend	4-1-05
333-120-0700(T)	12-1-04	Repeal	1-1-05	335-005-0025	9-13-05	Amend	10-1-05
333-120-0710	12-1-04	Amend	1-1-05	335-060-0010	9-13-05	Amend	10-1-05
333-120-0710(T)	12-1-04	Repeal	1-1-05	335-060-0060	9-13-05	Amend	10-1-05
333-120-0720	12-1-04	Amend	1-1-05	335-070-0040	9-13-05	Amend	10-1-05
333-120-0720(T)	12-1-04	Repeal	1-1-05	335-070-0060	9-13-05	Amend	10-1-05
333-121-0001	4-11-05	Adopt	5-1-05	335-070-0080	9-13-05	Amend	10-1-05
333-121-0010	4-11-05	Adopt	5-1-05	335-070-0085	9-13-05	Amend	10-1-05
333-121-0020	4-11-05	Adopt	5-1-05	335-095-0020	9-13-05	Repeal	10-1-05
333-121-0030	4-11-05	Adopt	5-1-05	335-095-0055	9-13-05	Adopt	10-1-05
333-121-0040	4-11-05	Adopt	5-1-05	339-010-0005	8-11-05	Amend	9-1-05
333-121-0050	4-11-05	Adopt	5-1-05	339-010-0016	8-11-05	Adopt	9-1-05
333-121-0060	4-11-05	Adopt	5-1-05	339-010-0050	8-11-05	Amend	9-1-05
333-121-0100	4-11-05	Adopt	5-1-05	339-020-0010	8-11-05	Amend	9-1-05
333-121-0110	4-11-05	Adopt	5-1-05	339-020-0020	8-11-05	Amend	9-1-05
333-121-0120	4-11-05	Adopt	5-1-05	339-020-0030	8-11-05	Repeal	9-1-05
333-121-0130	4-11-05	Adopt	5-1-05	339-020-0040	8-11-05	Repeal	9-1-05
333-121-0140	4-11-05	Adopt	5-1-05	339-020-0050	8-11-05	Repeal	9-1-05
333-121-0150	4-11-05	Adopt	5-1-05	339-020-0060	8-11-05	Repeal	9-1-05
333-121-0160	4-11-05	Adopt	5-1-05	339-020-0070	8-11-05	Repeal	9-1-05
333-121-0170	4-11-05	Adopt	5-1-05	339-020-0100	8-11-05	Amend	9-1-05
333-121-0180	4-11-05	Adopt	5-1-05	340-012-0026	6-1-05	Amend	6-1-05
333-121-0190	4-11-05	Adopt	5-1-05	340-012-0027	6-1-05	Adopt	6-1-05
333-121-0200	4-11-05	Adopt	5-1-05	340-012-0028	6-1-05	Amend	6-1-05
333-121-0300	4-11-05	Adopt	5-1-05	340-012-0030	6-1-05	Amend	6-1-05
333-121-0310	4-11-05	Adopt	5-1-05	340-012-0040	6-1-05	Am. & Ren.	6-1-05
333-121-0320	4-11-05	Adopt	5-1-05	340-012-0041	6-1-05	Amend	6-1-05
333-121-0330	4-11-05	Adopt	5-1-05	340-012-0042	6-1-05	Am. & Ren.	6-1-05
333-121-0340	4-11-05	Adopt	5-1-05	340-012-0045	6-1-05	Amend	6-1-05
333-121-0350	4-11-05	Adopt	5-1-05	340-012-0046	6-1-05	Repeal	6-1-05
333-121-0360	4-11-05	Adopt	5-1-05	340-012-0047	6-1-05	Am. & Ren.	6-1-05
333-121-0370	4-11-05	Adopt	5-1-05	340-012-0048	6-1-05	Am. & Ren.	6-1-05
333-121-0380	4-11-05	Adopt	5-1-05	340-012-0049	6-1-05	Am. & Ren.	6-1-05
333-121-0390	4-11-05	Adopt	5-1-05	340-012-0050	6-1-05	Am. & Ren.	6-1-05
333-121-0500	4-11-05	Adopt	5-1-05	340-012-0052	6-1-05	Repeal	6-1-05
333-121-0510	4-11-05	Adopt	5-1-05	340-012-0053	6-1-05	Adopt	6-1-05
333-150-0000	1-14-05	Amend	2-1-05	340-012-0055	6-1-05	Amend	6-1-05
333-505-0007	2-4-05	Amend	3-1-05	340-012-0060	3-1-05	Amend	3-1-05
333-535-0025	8-15-05	Amend	9-1-05	340-012-0065	6-1-05	Amend	6-1-05
333-535-0061	8-15-05	Amend	9-1-05	340-012-0066	6-1-05	Amend	6-1-05
333-535-0080	8-15-05	Amend	9-1-05	340-012-0067	6-1-05	Amend	6-1-05
333-535-0085	8-15-05	Amend	9-1-05	340-012-0068	6-1-05	Amend	6-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
340-012-0071	6-1-05	Amend	6-1-05	340-071-0330	3-1-05	Amend	2-1-05
340-012-0072	6-1-05	Amend	6-1-05	340-071-0335	3-1-05	Amend	2-1-05
340-012-0073	6-1-05	Amend	6-1-05	340-071-0340	3-1-05	Amend	2-1-05
340-012-0074	6-1-05	Adopt	6-1-05	340-071-0345	3-1-05	Amend	2-1-05
340-012-0079	6-1-05	Adopt	6-1-05	340-071-0360	3-1-05	Amend	2-1-05
340-012-0081	6-1-05	Amend	6-1-05	340-071-0400	3-1-05	Amend	2-1-05
340-012-0082	6-1-05	Amend	6-1-05	340-071-0401	3-1-05	Repeal	2-1-05
340-012-0083	6-1-05	Amend	6-1-05	340-071-0410	3-1-05	Amend	2-1-05
340-012-0090	6-1-05	Am. & Ren.	6-1-05	340-071-0415	3-1-05	Amend	2-1-05
340-012-0097	6-1-05	Adopt	6-1-05	340-071-0420	3-1-05	Amend	2-1-05
340-012-0130	6-1-05	Adopt	6-1-05	340-071-0425	3-1-05	Amend	2-1-05
340-012-0145	6-1-05	Adopt	6-1-05	340-071-0430	3-1-05	Amend	2-1-05
340-012-0150	6-1-05	Adopt	6-1-05	340-071-0435	3-1-05	Amend	2-1-05
340-012-0160	6-1-05	Adopt	6-1-05	340-071-0440	3-1-05	Amend	2-1-05
340-012-0162	6-1-05	Adopt	6-1-05	340-071-0445	3-1-05	Amend	2-1-05
340-016-0055	11-19-04	Amend	1-1-05	340-071-0450	3-1-05	Repeal	2-1-05
340-045-0033	7-1-05	Amend	8-1-05	340-071-0460	3-1-05	Amend	2-1-05
340-045-0070	7-1-05	Amend	8-1-05	340-071-0500	3-1-05	Amend	2-1-05
340-045-0075	7-1-05	Amend	8-1-05	340-071-0520	3-1-05	Amend	2-1-05
340-071-0100	3-1-05	Amend	2-1-05	340-071-0600	3-1-05	Amend	2-1-05
340-071-0110	3-1-05	Amend	2-1-05	340-071-0650	3-1-05	Adopt	2-1-05
340-071-0115	3-1-05	Amend	2-1-05	340-073-0025	3-1-05	Amend	2-1-05
340-071-0116	3-1-05	Am. & Ren.	2-1-05	340-073-0026	3-1-05	Amend	2-1-05
340-071-0117	3-1-05	Am. & Ren.	2-1-05	340-073-0030	3-1-05	Amend	2-1-05
340-071-0120	3-1-05	Amend	2-1-05	340-073-0035	3-1-05	Amend	2-1-05
340-071-0130	3-1-05	Amend	2-1-05	340-073-0040	3-1-05	Amend	2-1-05
340-071-0131	3-1-05	Adopt	2-1-05	340-073-0041	3-1-05	Amend	2-1-05
340-071-0140	3-1-05	Amend	2-1-05	340-073-0045	3-1-05	Amend	2-1-05
340-071-0150	3-1-05	Amend	2-1-05	340-073-0050	3-1-05	Amend	2-1-05
340-071-0155	3-1-05	Amend	2-1-05	340-073-0055	3-1-05	Amend	2-1-05
340-071-0160	3-1-05	Amend	2-1-05	340-073-0056	3-1-05	Amend	2-1-05
340-071-0162	3-1-05	Amend	2-1-05	340-073-0060	3-1-05	Amend	2-1-05
340-071-0165	3-1-05	Amend	2-1-05	340-073-0065	3-1-05	Amend	2-1-05
340-071-0170	3-1-05	Amend	2-1-05	340-073-0070	3-1-05	Amend	2-1-05
340-071-0175	3-1-05	Amend	2-1-05	340-073-0075	3-1-05	Amend	2-1-05
340-071-0185	3-1-05	Amend	2-1-05	340-073-0080	3-1-05	Amend	2-1-05
340-071-0195	3-1-05	Repeal	2-1-05	340-073-0085	3-1-05	Amend	2-1-05
340-071-0200	3-1-05	Amend	2-1-05	340-090-0040	7-14-05	Amend	8-1-05
340-071-0205	3-1-05	Amend	2-1-05	340-090-0045	7-14-05	Amend	8-1-05
340-071-0210	3-1-05	Amend	2-1-05	340-090-0050	7-14-05	Amend	8-1-05
340-071-0215	3-1-05	Amend	2-1-05	340-090-0060	7-14-05	Amend	8-1-05
340-071-0220	3-1-05	Amend	2-1-05	340-100-0002	7-14-05	Amend	8-1-05
340-071-0260	3-1-05	Amend	2-1-05	340-102-0065	7-14-05	Amend	8-1-05
340-071-0265	3-1-05	Amend	2-1-05	340-141-0005	7-14-05	Amend	8-1-05
340-071-0270	3-1-05	Amend	2-1-05	340-141-0010	7-14-05	Amend	8-1-05
340-071-0275	3-1-05	Amend	2-1-05	340-141-0140	7-14-05	Amend	8-1-05
340-071-0280	3-1-05	Amend	2-1-05	340-142-0005	7-14-05	Amend	8-1-05
340-071-0285	3-1-05	Amend	2-1-05	340-142-0130	7-14-05	Amend	8-1-05
340-071-0295	3-1-05	Amend	2-1-05	340-150-0250	12-27-04	Amend	2-1-05
340-071-0300	3-1-05	Repeal	2-1-05	340-162-0150	7-14-05	Amend	8-1-05
340-071-0302	3-1-05	Amend	2-1-05	340-177-0095	7-14-05	Amend	8-1-05
340-071-0305	3-1-05	Am. & Ren.	2-1-05	340-200-0020	2-10-05	Amend	3-1-05
340-071-0310	3-1-05	Amend	2-1-05	340-200-0040	12-15-04	Amend	1-1-05
340-071-0315	3-1-05	Amend	2-1-05	340-200-0040	1-4-05	Amend	2-1-05
340-071-0320	3-1-05	Amend	2-1-05	340-200-0040	2-10-05	Amend	3-1-05
340-071-0325	3-1-05	Amend	2-1-05	340-200-0040	6-1-05	Amend	6-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
340-200-0040	7-12-05	Amend	8-1-05	345-026-0320	5-23-05	Repeal	7-1-05
340-200-0040	9-9-05	Amend	10-1-05	345-026-0330	5-23-05	Amend	7-1-05
340-204-0010	1-4-05	Amend	2-1-05	345-026-0340	5-23-05	Amend	7-1-05
340-204-0030	1-4-05	Amend	2-1-05	345-026-0350	5-23-05	Amend	7-1-05
340-204-0030	9-9-05	Amend	10-1-05	345-026-0360	5-23-05	Repeal	7-1-05
340-204-0040	1-4-05	Amend	2-1-05	345-026-0370	5-23-05	Amend	7-1-05
340-204-0040	9-9-05	Amend	10-1-05	345-026-0380	5-23-05	Repeal	7-1-05
340-204-0090	12-15-04	Amend	1-1-05	345-026-0390	5-23-05	Amend	7-1-05
340-218-0080	2-10-05	Amend	3-1-05	350-081-0010	7-1-05	Adopt	7-1-05
340-220-0030	7-11-05	Amend	8-1-05	350-081-0012	7-1-05	Adopt	7-1-05
340-220-0040	7-11-05	Amend	8-1-05	350-081-0014	7-1-05	Adopt	7-1-05
340-220-0050	7-11-05	Amend	8-1-05	350-081-0016	7-1-05	Adopt	7-1-05
340-224-0060	1-4-05	Amend	2-1-05	350-081-0018	7-1-05	Adopt	7-1-05
340-224-0060	9-9-05	Amend	10-1-05	350-081-0020	7-1-05	Adopt	7-1-05
340-224-0070	1-4-05	Amend	2-1-05	350-081-0030	7-1-05	Adopt	7-1-05
340-225-0020	1-4-05	Amend	2-1-05	350-081-0032	7-1-05	Adopt	7-1-05
340-225-0020	9-9-05	Amend	10-1-05	350-081-0034	7-1-05	Adopt	7-1-05
340-225-0045	1-4-05	Amend	2-1-05	350-081-0036	7-1-05	Adopt	7-1-05
340-225-0090	1-4-05	Amend	2-1-05	350-081-0038	7-1-05	Adopt	7-1-05
340-230-0030	2-10-05	Amend	3-1-05	350-081-0040	7-1-05	Adopt	7-1-05
340-230-0410	2-10-05	Amend	3-1-05	350-081-0042	7-1-05	Adopt	7-1-05
340-238-0040	2-10-05	Amend	3-1-05	350-081-0044	7-1-05	Adopt	7-1-05
340-238-0060	2-10-05	Amend	3-1-05	350-081-0046	7-1-05	Adopt	7-1-05
340-240-0030	1-4-05	Amend	2-1-05	350-081-0050	7-1-05	Adopt	7-1-05
340-240-0100	1-4-05	Amend	2-1-05	350-081-0052	7-1-05	Adopt	7-1-05
340-240-0110	1-4-05	Amend	2-1-05	350-081-0054	7-1-05	Adopt	7-1-05
340-240-0120	1-4-05	Amend	2-1-05	350-081-0060	7-1-05	Adopt	7-1-05
340-240-0130	1-4-05	Amend	2-1-05	350-081-0070	7-1-05	Adopt	7-1-05
340-240-0140	1-4-05	Amend	2-1-05	350-081-0072	7-1-05	Adopt	7-1-05
340-240-0150	1-4-05	Amend	2-1-05	350-081-0074	7-1-05	Adopt	7-1-05
340-240-0180	1-4-05	Amend	2-1-05	350-081-0076	7-1-05	Adopt	7-1-05
340-240-0190	1-4-05	Amend	2-1-05	350-081-0078	7-1-05	Adopt	7-1-05
340-240-0200	1-4-05	Repeal	2-1-05	350-081-0080	7-1-05	Adopt	7-1-05
340-240-0210	1-4-05	Amend	2-1-05	350-081-0082	7-1-05	Adopt	7-1-05
340-240-0220	1-4-05	Amend	2-1-05	350-081-0084	7-1-05	Adopt	7-1-05
340-240-0230	1-4-05	Amend	2-1-05	350-081-0086	7-1-05	Adopt	7-1-05
340-240-0240	1-4-05	Repeal	2-1-05	350-081-0090	7-1-05	Adopt	7-1-05
340-240-0270	1-4-05	Repeal	2-1-05	350-081-0092	7-1-05	Adopt	7-1-05
340-242-0440	12-15-04	Amend	1-1-05	350-081-0094	7-1-05	Adopt	7-1-05
340-244-0030	2-10-05	Amend	3-1-05	350-081-0096	7-1-05	Adopt	7-1-05
340-244-0040	2-10-05	Amend	3-1-05	350-081-0098	7-1-05	Adopt	7-1-05
340-244-0120	2-10-05	Amend	3-1-05	350-081-0100	7-1-05	Adopt	7-1-05
340-244-0210	2-10-05	Amend	3-1-05	350-081-0102	7-1-05	Adopt	7-1-05
340-244-0220	2-10-05	Amend	3-1-05	350-081-0104	7-1-05	Adopt	7-1-05
340-244-0230	2-10-05	Amend	3-1-05	350-081-0106	7-1-05	Adopt	7-1-05
340-256-0010	7-12-05	Amend	8-1-05	350-081-0108	7-1-05	Adopt	7-1-05
340-256-0100	7-12-05	Amend	8-1-05	350-081-0110	7-1-05	Adopt	7-1-05
340-256-0130	7-12-05	Amend	8-1-05	350-081-0112	7-1-05	Adopt	7-1-05
340-256-0300	7-12-05	Amend	8-1-05	350-081-0120	7-1-05	Adopt	7-1-05
340-256-0310	7-12-05	Amend	8-1-05	350-081-0124	7-1-05	Adopt	7-1-05
340-256-0340	7-12-05	Amend	8-1-05	350-081-0126	7-1-05	Adopt	7-1-05
340-256-0350	7-12-05	Amend	8-1-05	350-081-0170	7-1-05	Adopt	7-1-05
340-256-0380	7-12-05	Amend	8-1-05	350-081-0180	7-1-05	Adopt	7-1-05
340-256-0390	7-12-05	Amend	8-1-05	350-081-0182	7-1-05	Adopt	7-1-05
345-026-0170	5-23-05	Amend	7-1-05	350-081-0190	7-1-05	Adopt	7-1-05
345-026-0310	5-23-05	Repeal	7-1-05	350-081-0200	7-1-05	Adopt	7-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
350-081-0210	7-1-05	Adopt	7-1-05	410-003-0003	8-27-05	Repeal	10-1-05
350-081-0220	7-1-05	Adopt	7-1-05	410-003-0010	3-1-05	Adopt(T)	4-1-05
350-081-0230	7-1-05	Adopt	7-1-05	410-003-0020	3-1-05	Adopt(T)	4-1-05
350-081-0232	7-1-05	Adopt	7-1-05	410-007-0210	3-29-05	Amend	5-1-05
350-081-0234	7-1-05	Adopt	7-1-05	410-007-0220	3-29-05	Amend	5-1-05
350-081-0236	7-1-05	Adopt	7-1-05	410-007-0230	3-29-05	Amend	5-1-05
350-081-0240	7-1-05	Adopt	7-1-05	410-007-0240	3-29-05	Amend	5-1-05
350-081-0250	7-1-05	Adopt	7-1-05	410-007-0250	3-29-05	Amend	5-1-05
350-081-0260	7-1-05	Adopt	7-1-05	410-007-0260	3-29-05	Amend	5-1-05
350-081-0262	7-1-05	Adopt	7-1-05	410-007-0270	3-29-05	Amend	5-1-05
350-081-0270	7-1-05	Adopt	7-1-05	410-007-0280	3-29-05	Amend	5-1-05
350-081-0280	7-1-05	Adopt	7-1-05	410-007-0290	3-29-05	Amend	5-1-05
350-081-0290	7-1-05	Adopt	7-1-05	410-007-0300	3-29-05	Amend	5-1-05
350-081-0300	7-1-05	Adopt	7-1-05	410-007-0310	3-29-05	Amend	5-1-05
350-081-0310	7-1-05	Adopt	7-1-05	410-007-0320	3-29-05	Amend	5-1-05
350-081-0320	7-1-05	Adopt	7-1-05	410-007-0330	3-29-05	Amend	5-1-05
350-081-0330	7-1-05	Adopt	7-1-05	410-007-0340	3-29-05	Amend	5-1-05
350-081-0335	7-1-05	Adopt	7-1-05	410-007-0370	3-29-05	Amend	5-1-05
350-081-0338	7-1-05	Adopt	7-1-05	410-007-0380	3-29-05	Amend	5-1-05
350-081-0340	7-1-05	Adopt	7-1-05	410-050-0401	2-1-05	Adopt	3-1-05
350-081-0350	7-1-05	Adopt	7-1-05	410-050-0411	2-1-05	Adopt	3-1-05
350-081-0360	7-1-05	Adopt	7-1-05	410-050-0421	2-1-05	Adopt	3-1-05
350-081-0365	7-1-05	Adopt	7-1-05	410-050-0431	2-1-05	Adopt	3-1-05
350-081-0370	7-1-05	Adopt	7-1-05	410-050-0441	2-1-05	Adopt	3-1-05
350-081-0380	7-1-05	Adopt	7-1-05	410-050-0451	2-1-05	Adopt	3-1-05
350-081-0390	7-1-05	Adopt	7-1-05	410-050-0461	2-1-05	Adopt	3-1-05
350-081-0400	7-1-05	Adopt	7-1-05	410-050-0471	2-1-05	Adopt	3-1-05
350-081-0410	7-1-05	Adopt	7-1-05	410-050-0481	2-1-05	Adopt	3-1-05
350-081-0415	7-1-05	Adopt	7-1-05	410-050-0491	2-1-05	Adopt	3-1-05
350-081-0420	7-1-05	Adopt	7-1-05	410-050-0501	2-1-05	Adopt	3-1-05
350-081-0430	7-1-05	Adopt	7-1-05	410-050-0511	2-1-05	Adopt	3-1-05
350-081-0440	7-1-05	Adopt	7-1-05	410-050-0521	2-1-05	Adopt	3-1-05
350-081-0445	7-1-05	Adopt	7-1-05	410-050-0531	2-1-05	Adopt	3-1-05
350-081-0450	7-1-05	Adopt	7-1-05	410-050-0541	2-1-05	Adopt	3-1-05
350-081-0460	7-1-05	Adopt	7-1-05	410-050-0551	2-1-05	Adopt	3-1-05
350-081-0470	7-1-05	Adopt	7-1-05	410-050-0561	2-1-05	Adopt	3-1-05
350-081-0480	7-1-05	Adopt	7-1-05	410-050-0571	2-1-05	Adopt	3-1-05
350-081-0485	7-1-05	Adopt	7-1-05	410-050-0581	2-1-05	Adopt	3-1-05
350-081-0490	7-1-05	Adopt	7-1-05	410-050-0591	2-1-05	Adopt	3-1-05
350-081-0500	7-1-05	Adopt	7-1-05	410-050-0700	5-7-05	Adopt	5-1-05
350-081-0510	7-1-05	Adopt	7-1-05	410-050-0710	5-7-05	Adopt	5-1-05
350-081-0520	7-1-05	Adopt	7-1-05	410-050-0720	5-7-05	Adopt	5-1-05
350-081-0530	7-1-05	Adopt	7-1-05	410-050-0730	5-7-05	Adopt	5-1-05
350-081-0540	7-1-05	Adopt	7-1-05	410-050-0740	5-7-05	Adopt	5-1-05
350-081-0550	7-1-05	Adopt	7-1-05	410-050-0750	5-7-05	Adopt	5-1-05
350-081-0560	7-1-05	Adopt	7-1-05	410-050-0760	5-7-05	Adopt	5-1-05
350-081-0570	7-1-05	Adopt	7-1-05	410-050-0770	5-7-05	Adopt	5-1-05
350-081-0580	7-1-05	Adopt	7-1-05	410-050-0780	5-7-05	Adopt	5-1-05
350-081-0590	7-1-05	Adopt	7-1-05	410-050-0790	5-7-05	Adopt	5-1-05
350-081-0600	7-1-05	Adopt	7-1-05	410-050-0800	5-7-05	Adopt	5-1-05
350-081-0610	7-1-05	Adopt	7-1-05	410-050-0810	5-7-05	Adopt	5-1-05
350-081-0620	7-1-05	Adopt	7-1-05	410-050-0820	5-7-05	Adopt	5-1-05
350-081-0630	7-1-05	Adopt	7-1-05	410-050-0830	5-7-05	Adopt	5-1-05
410-003-0000	8-27-05	Repeal	10-1-05	410-050-0840	5-7-05	Adopt	5-1-05
410-003-0001	8-27-05	Repeal	10-1-05	410-050-0850	5-7-05	Adopt	5-1-05
410-003-0002	8-27-05	Repeal	10-1-05	410-050-0860	12-3-04	Amend(T)	1-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-050-0860	5-7-05	Adopt	5-1-05	410-120-1600	10-1-05	Amend	10-1-05
410-050-0860	5-10-05	Amend(T)	6-1-05	410-120-1640	10-1-05	Repeal	10-1-05
410-050-0860	7-11-05	Amend	8-1-05	410-120-1660	10-1-05	Repeal	10-1-05
410-050-0860(T)	7-11-05	Repeal	8-1-05	410-120-1680	10-1-05	Amend	10-1-05
410-050-0861	5-10-05	Adopt(T)	6-1-05	410-120-1685	10-1-05	Repeal	10-1-05
410-050-0861	7-11-05	Adopt	8-1-05	410-120-1700	10-1-05	Amend	10-1-05
410-050-0861(T)	7-11-05	Repeal	8-1-05	410-120-1720	10-1-05	Repeal	10-1-05
410-050-0870	5-7-05	Adopt	5-1-05	410-120-1820	10-1-05	Repeal	10-1-05
410-120-0000	4-1-05	Amend	4-1-05	410-120-1855	10-1-05	Adopt	10-1-05
410-120-0000	10-1-05	Amend	10-1-05	410-120-1860	10-1-05	Amend	10-1-05
410-120-0025	10-1-05	Adopt	10-1-05	410-120-1865	10-1-05	Amend	10-1-05
410-120-0250	10-1-05	Amend	10-1-05	410-120-1870	10-1-05	Amend	10-1-05
410-120-1140	10-1-05	Amend	10-1-05	410-120-1875	10-1-05	Amend	10-1-05
410-120-1160	10-1-05	Amend	10-1-05	410-120-1880	10-1-05	Amend	10-1-05
410-120-1180	10-1-05	Amend	10-1-05	410-120-1920	10-1-05	Amend	10-1-05
410-120-1195	10-1-05	Amend	10-1-05	410-120-1940	10-1-05	Amend	10-1-05
410-120-1200	4-1-05	Amend	4-1-05	410-120-1960	10-1-05	Amend	10-1-05
410-120-1200	10-1-05	Amend	10-1-05	410-120-1980	10-1-05	Amend	10-1-05
410-120-1210	10-1-05	Amend	10-1-05	410-121-0021	4-1-05	Amend	4-1-05
410-120-1230	10-1-05	Amend	10-1-05	410-121-0030	12-1-04	Amend	1-1-05
410-120-1260	4-1-05	Amend	4-1-05	410-121-0030	4-1-05	Amend	5-1-05
410-120-1260	10-1-05	Amend	10-1-05	410-121-0030	7-1-05	Amend	8-1-05
410-120-1280	4-1-05	Amend	4-1-05	410-121-0032	1-1-05	Adopt	2-1-05
410-120-1280	10-1-05	Amend	10-1-05	410-121-0040	12-1-04	Amend	1-1-05
410-120-1290	10-1-05	Repeal	10-1-05	410-121-0135	4-1-05	Amend	4-1-05
410-120-1295	2-9-05	Amend(T)	3-1-05	410-121-0150	4-1-05	Amend	4-1-05
410-120-1295	7-1-05	Amend	8-1-05	410-121-0155	4-1-05	Amend	5-1-05
410-120-1295	7-22-05	Amend	9-1-05	410-121-0157	1-14-05	Amend(T)	2-1-05
410-120-1295	10-1-05	Amend(T)	10-1-05	410-121-0157	3-31-05	Amend	4-1-05
410-120-1295(T)	2-9-05	Suspend	3-1-05	410-121-0157	4-1-05	Amend(T)	4-1-05
410-120-1295(T)	7-1-05	Repeal	8-1-05	410-121-0157	6-6-05	Amend	7-1-05
410-120-1300	10-1-05	Amend	10-1-05	410-121-0157(T)	3-31-05	Repeal	4-1-05
410-120-1320	4-1-05	Amend	4-1-05	410-121-0157(T)	6-6-05	Repeal	7-1-05
410-120-1320	10-1-05	Amend	10-1-05	410-121-0160	4-1-05	Amend	5-1-05
410-120-1340	10-1-05	Amend	10-1-05	410-121-0185	4-1-05	Amend	4-1-05
410-120-1350	10-1-05	Amend	10-1-05	410-121-0190	4-1-05	Amend	4-1-05
410-120-1360	10-1-05	Amend	10-1-05	410-121-0300	12-10-04	Amend(T)	1-1-05
410-120-1380	10-1-05	Amend	10-1-05	410-121-0300	2-1-05	Amend	3-1-05
410-120-1385	10-1-05	Amend	10-1-05	410-121-0300	4-1-05	Amend(T)	5-1-05
410-120-1390	10-1-05	Amend	10-1-05	410-121-0300	6-6-05	Amend	7-1-05
410-120-1395	10-1-05	Adopt	10-1-05	410-121-0300(T)	6-6-05	Repeal	7-1-05
410-120-1397	10-1-05	Adopt	10-1-05	410-121-0320	1-1-05	Amend	2-1-05
410-120-1400	10-1-05	Amend	10-1-05	410-122-0010	4-1-05	Amend	4-1-05
410-120-1420	10-1-05	Repeal	10-1-05	410-122-0020	4-1-05	Amend	4-1-05
410-120-1440	10-1-05	Repeal	10-1-05	410-122-0020	10-1-05	Amend	10-1-05
410-120-1460	10-1-05	Amend	10-1-05	410-122-0040	4-1-05	Amend	4-1-05
410-120-1480	10-1-05	Repeal	10-1-05	410-122-0055	4-1-05	Amend	4-1-05
410-120-1500	10-1-05	Repeal	10-1-05	410-122-0080	10-1-05	Amend	10-1-05
410-120-1505	10-1-05	Adopt	10-1-05	410-122-0184	10-1-05	Amend	10-1-05
410-120-1510	10-1-05	Adopt	10-1-05	410-122-0186	10-1-05	Amend	10-1-05
410-120-1520	10-1-05	Repeal	10-1-05	410-122-0190	1-1-05	Amend	2-1-05
410-120-1540	10-1-05	Repeal	10-1-05	410-122-0190	10-1-05	Amend	10-1-05
410-120-1560	10-1-05	Amend	10-1-05	410-122-0200	4-1-05	Amend	4-1-05
410-120-1565	10-1-05	Repeal	10-1-05	410-122-0202	1-1-05	Amend	2-1-05
410-120-1570	10-1-05	Amend	10-1-05	410-122-0202	4-1-05	Amend	4-1-05
410-120-1580	10-1-05	Amend	10-1-05	410-122-0202	10-1-05	Amend	10-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-122-0203	4-1-05	Amend	4-1-05	410-130-0160	4-1-05	Amend	4-1-05
410-122-0204	1-1-05	Amend	2-1-05	410-130-0180	4-1-05	Amend	4-1-05
410-122-0204	4-1-05	Amend	4-1-05	410-130-0200	4-1-05	Amend	4-1-05
410-122-0205	10-1-05	Amend	10-1-05	410-130-0200	10-1-05	Amend	11-1-05
410-122-0207	1-1-05	Amend	2-1-05	410-130-0220	4-1-05	Amend	4-1-05
410-122-0208	1-1-05	Amend	2-1-05	410-130-0220	10-1-05	Amend	10-1-05
410-122-0208	4-1-05	Amend	4-1-05	410-130-0240	12-1-04	Amend	1-1-05
410-122-0209	4-1-05	Amend	4-1-05	410-130-0240	4-1-05	Amend	4-1-05
410-122-0210	4-1-05	Amend	4-1-05	410-130-0255	10-1-05	Amend	10-1-05
410-122-0320	10-1-05	Amend	10-1-05	410-130-0368	4-1-05	Adopt	4-1-05
410-122-0325	10-1-05	Amend	10-1-05	410-130-0585	10-1-05	Amend	10-1-05
410-122-0340	1-1-05	Amend	2-1-05	410-130-0587	4-1-05	Amend	4-1-05
410-122-0340	10-1-05	Amend	10-1-05	410-130-0587	10-1-05	Amend	10-1-05
410-122-0365	1-1-05	Amend	2-1-05	410-130-0610	4-1-05	Adopt	4-1-05
410-122-0375	4-1-05	Amend	4-1-05	410-130-0680	4-1-05	Amend	4-1-05
410-122-0400	1-1-05	Amend	2-1-05	410-130-0680	10-1-05	Amend	11-1-05
410-122-0420	4-1-05	Amend	4-1-05	410-130-0700	4-1-05	Amend	4-1-05
410-122-0475	1-1-05	Amend	2-1-05	410-131-0000	10-1-05	Repeal	10-1-05
410-122-0500	10-1-05	Amend	10-1-05	410-131-0120	4-1-05	Amend	4-1-05
410-122-0560	1-1-05	Amend	2-1-05	410-131-0280	4-1-05	Amend	4-1-05
410-122-0560	10-1-05	Amend	10-1-05	410-132-0000	10-1-05	Amend	10-1-05
410-122-0580	1-1-05	Amend	2-1-05	410-133-0000	4-5-05	Amend(T)	5-1-05
410-122-0590	4-1-05	Amend	4-1-05	410-133-0000	10-1-05	Amend	11-1-05
410-122-0590	10-1-05	Amend	10-1-05	410-133-0040	4-5-05	Amend(T)	5-1-05
410-122-0625	4-1-05	Amend	4-1-05	410-133-0040	10-1-05	Amend	11-1-05
410-122-0630	1-1-05	Amend	2-1-05	410-133-0060	4-5-05	Amend(T)	5-1-05
410-122-0630	10-1-05	Amend	10-1-05	410-133-0060	10-1-05	Amend	11-1-05
410-122-0660	4-1-05	Amend	4-1-05	410-133-0080	4-5-05	Amend(T)	5-1-05
410-122-0720	1-1-05	Amend	2-1-05	410-133-0080	10-1-05	Amend	11-1-05
410-122-0720	10-1-05	Amend	10-1-05	410-133-0090	4-5-05	Amend(T)	5-1-05
410-123-1040	8-1-05	Amend	9-1-05	410-133-0090	10-1-05	Amend	11-1-05
410-123-1085	4-1-05	Amend	4-1-05	410-133-0100	4-5-05	Amend(T)	5-1-05
410-123-1240	8-1-05	Amend	9-1-05	410-133-0100	10-1-05	Amend	11-1-05
410-123-1260	4-1-05	Amend	4-1-05	410-133-0120	4-5-05	Amend(T)	5-1-05
410-123-1670	4-1-05	Amend	4-1-05	410-133-0120	10-1-05	Amend	11-1-05
410-124-0000	12-10-04	Amend(T)	1-1-05	410-133-0140	4-5-05	Amend(T)	5-1-05
410-124-0000	12-30-04	Amend(T)	2-1-05	410-133-0140	10-1-05	Amend	11-1-05
410-124-0000(T)	12-10-04	Suspend	1-1-05	410-133-0160	4-5-05	Amend(T)	5-1-05
410-124-0000(T)	12-30-04	Suspend	2-1-05	410-133-0160	10-1-05	Amend	11-1-05
410-124-0105	4-1-05	Adopt	5-1-05	410-133-0180	4-5-05	Amend(T)	5-1-05
410-125-0080	10-1-05	Amend	11-1-05	410-133-0180	10-1-05	Amend	11-1-05
410-125-0141	4-1-05	Amend	5-1-05	410-133-0200	4-5-05	Amend(T)	5-1-05
410-125-0141	8-15-05	Amend(T)	9-1-05	410-133-0200	10-1-05	Amend	11-1-05
410-125-0145	10-1-05	Amend	11-1-05	410-133-0220	4-5-05	Amend(T)	5-1-05
410-125-0195	4-1-05	Amend	5-1-05	410-133-0220	10-1-05	Amend	11-1-05
410-125-0220	4-1-05	Amend	4-1-05	410-133-0245	4-5-05	Adopt(T)	5-1-05
410-125-0410	4-1-05	Amend	4-1-05	410-133-0245	10-1-05	Adopt	11-1-05
410-125-1070	7-1-05	Amend	8-1-05	410-133-0280	4-5-05	Amend(T)	5-1-05
410-127-0000	10-1-05	Amend	10-1-05	410-133-0280	10-1-05	Amend	11-1-05
410-129-0000	10-1-05	Repeal	10-1-05	410-133-0300	4-5-05	Amend(T)	5-1-05
410-129-0070	4-1-05	Amend	4-1-05	410-133-0300	10-1-05	Amend	11-1-05
410-129-0200	4-1-05	Amend	4-1-05	410-133-0320	4-5-05	Amend(T)	5-1-05
410-129-0240	4-1-05	Amend	4-1-05	410-133-0320	10-1-05	Amend	11-1-05
410-130-0010	4-1-05	Repeal	4-1-05	410-133-0340	4-5-05	Amend(T)	5-1-05
410-130-0020	4-1-05	Repeal	4-1-05	410-133-0340	10-1-05	Amend	11-1-05
410-130-0040	4-1-05	Repeal	4-1-05	410-136-0200	10-1-05	Amend	10-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-140-0000	10-1-05	Repeal	10-1-05	411-020-0040	7-1-05	Amend	6-1-05
410-141-0000	5-1-05	Amend	6-1-05	411-020-0050	7-1-05	Am. & Ren.	6-1-05
410-141-0000	10-1-05	Amend	10-1-05	411-020-0060	7-1-05	Adopt	6-1-05
410-141-0010	10-1-05	Adopt(T)	11-1-05	411-020-0070	7-1-05	Adopt	6-1-05
410-141-0020	10-1-05	Amend	10-1-05	411-020-0080	7-1-05	Adopt	6-1-05
410-141-0060	5-1-05	Amend	6-1-05	411-020-0090	7-1-05	Adopt	6-1-05
410-141-0060	10-1-05	Amend	10-1-05	411-020-0100	7-1-05	Adopt	6-1-05
410-141-0065	4-1-05	Repeal	4-1-05	411-020-0110	7-1-05	Adopt	6-1-05
410-141-0070	5-1-05	Amend	6-1-05	411-020-0130	7-1-05	Adopt	6-1-05
410-141-0080	5-1-05	Amend	6-1-05	411-027-0000	1-5-05	Amend	2-1-05
410-141-0080	10-1-05	Amend	10-1-05	411-031-0020	1-1-05	Amend(T)	2-1-05
410-141-0110	5-1-05	Amend	6-1-05	411-031-0020	7-1-05	Amend	8-1-05
410-141-0120	5-1-05	Amend	6-1-05	411-031-0040	1-1-05	Amend(T)	2-1-05
410-141-0140	5-1-05	Amend	6-1-05	411-031-0040	7-1-05	Amend	8-1-05
410-141-0160	5-1-05	Amend	6-1-05	411-031-0050	1-1-05	Amend(T)	2-1-05
410-141-0180	5-1-05	Amend	6-1-05	411-034-0000	12-1-04	Amend	1-1-05
410-141-0180	10-1-05	Amend	10-1-05	411-034-0010	12-1-04	Amend	1-1-05
410-141-0200	5-1-05	Amend	6-1-05	411-034-0020	12-1-04	Amend	1-1-05
410-141-0220	5-1-05	Amend	6-1-05	411-034-0020	7-1-05	Amend	8-1-05
410-141-0220	10-1-05	Amend	10-1-05	411-034-0030	12-1-04	Amend	1-1-05
410-141-0263	10-1-05	Amend	10-1-05	411-034-0030	7-1-05	Amend	8-1-05
410-141-0280	5-1-05	Amend	6-1-05	411-034-0035	12-1-04	Adopt	1-1-05
410-141-0300	5-1-05	Amend	6-1-05	411-034-0040	12-1-04	Adopt	1-1-05
410-141-0300	10-1-05	Amend	10-1-05	411-034-0050	12-1-04	Amend	1-1-05
410-141-0320	5-1-05	Amend	6-1-05	411-034-0055	12-1-04	Adopt	1-1-05
410-141-0340	5-1-05	Amend	6-1-05	411-034-0055	7-1-05	Amend	8-1-05
410-141-0400	5-1-05	Amend	6-1-05	411-034-0070	12-1-04	Amend	1-1-05
410-141-0405	5-1-05	Amend	6-1-05	411-034-0070	7-1-05	Amend	8-1-05
410-141-0420	5-1-05	Amend	6-1-05	411-034-0090	12-1-04	Amend	1-1-05
410-141-0420	10-1-05	Amend	10-1-05	411-045-0000	1-4-05	Amend	2-1-05
410-141-0440	5-1-05	Amend	6-1-05	411-045-0010	1-4-05	Amend	2-1-05
410-141-0480	5-1-05	Amend	6-1-05	411-045-0020	1-4-05	Amend	2-1-05
410-141-0520	5-1-05	Amend	6-1-05	411-045-0030	1-4-05	Amend	2-1-05
410-141-0520	10-14-05	Amend(T)	11-1-05	411-045-0040	1-4-05	Amend	2-1-05
410-142-0000	10-1-05	Amend	10-1-05	411-045-0050	1-4-05	Amend	2-1-05
410-142-0040	10-1-05	Amend	10-1-05	411-045-0060	1-4-05	Amend	2-1-05
410-142-0300	12-16-04	Amend	1-1-05	411-045-0070	1-4-05	Amend	2-1-05
410-142-0300	10-1-05	Amend	10-1-05	411-045-0080	1-4-05	Amend	2-1-05
410-142-0320	10-1-05	Repeal	10-1-05	411-045-0090	1-4-05	Amend	2-1-05
410-142-0380	10-1-05	Amend	10-1-05	411-045-0100	1-4-05	Amend	2-1-05
410-146-0080	4-1-05	Amend	4-1-05	411-045-0110	1-4-05	Amend	2-1-05
410-147-0000	10-1-05	Amend	10-1-05	411-045-0120	1-4-05	Amend	2-1-05
410-147-0365	3-18-05	Adopt(T)	4-1-05	411-045-0130	1-4-05	Amend	2-1-05
410-147-0365	6-1-05	Adopt	6-1-05	411-045-0140	1-4-05	Amend	2-1-05
410-147-0365	9-15-05	Amend(T)	10-1-05	411-048-0000	8-1-05	Amend	9-1-05
410-148-0090	4-1-05	Amend	4-1-05	411-048-0130	8-1-05	Amend	9-1-05
411-002-0155	6-6-05	Adopt	7-1-05	411-070-0033	4-19-05	Adopt	6-1-05
411-002-0175	12-30-04	Adopt	2-1-05	411-070-0359	12-28-04	Amend	2-1-05
411-015-0015	1-4-05	Amend	2-1-05	411-070-0428	12-28-04	Amend	2-1-05
411-015-0100	1-4-05	Amend	2-1-05	411-070-0440	12-28-04	Repeal	2-1-05
411-020-0000	7-1-05	Amend	6-1-05	411-070-0442	12-28-04	Adopt	2-1-05
411-020-0002	7-1-05	Amend	6-1-05	411-070-0446	12-28-04	Repeal	2-1-05
411-020-0010	7-1-05	Amend	6-1-05	411-070-0465	12-28-04	Amend	2-1-05
411-020-0015	7-1-05	Amend	6-1-05	411-200-0010	9-26-05	Amend	11-1-05
411-020-0020	7-1-05	Amend	6-1-05	411-200-0020	9-26-05	Amend	11-1-05
411-020-0030	7-1-05	Amend	6-1-05	411-200-0030	9-26-05	Amend	11-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
411-200-0040	9-26-05	Amend	11-1-05	411-340-0170	6-23-05	Amend	8-1-05
411-335-0010	1-1-05	Adopt	1-1-05	411-346-0165	1-1-05	Adopt	1-1-05
411-335-0020	1-1-05	Adopt	1-1-05	411-360-0010	2-1-05	Adopt	2-1-05
411-335-0030	1-1-05	Adopt	1-1-05	411-360-0020	2-1-05	Adopt	2-1-05
411-335-0040	1-1-05	Adopt	1-1-05	411-360-0030	2-1-05	Adopt	2-1-05
411-335-0050	1-1-05	Adopt	1-1-05	411-360-0040	2-1-05	Adopt	2-1-05
411-335-0060	1-1-05	Adopt	1-1-05	411-360-0050	2-1-05	Adopt	2-1-05
411-335-0070	1-1-05	Adopt	1-1-05	411-360-0060	2-1-05	Adopt	2-1-05
411-335-0080	1-1-05	Adopt	1-1-05	411-360-0070	2-1-05	Adopt	2-1-05
411-335-0090	1-1-05	Adopt	1-1-05	411-360-0080	2-1-05	Adopt	2-1-05
411-335-0100	1-1-05	Adopt	1-1-05	411-360-0090	2-1-05	Adopt	2-1-05
411-335-0110	1-1-05	Adopt	1-1-05	411-360-0100	2-1-05	Adopt	2-1-05
411-335-0120	1-1-05	Adopt	1-1-05	411-360-0110	2-1-05	Adopt	2-1-05
411-335-0130	1-1-05	Adopt	1-1-05	411-360-0120	2-1-05	Adopt	2-1-05
411-335-0140	1-1-05	Adopt	1-1-05	411-360-0130	2-1-05	Adopt	2-1-05
411-335-0150	1-1-05	Adopt	1-1-05	411-360-0140	2-1-05	Adopt	2-1-05
411-335-0160	1-1-05	Adopt	1-1-05	411-360-0150	2-1-05	Adopt	2-1-05
411-335-0170	1-1-05	Adopt	1-1-05	411-360-0160	2-1-05	Adopt	2-1-05
411-335-0180	1-1-05	Adopt	1-1-05	411-360-0170	2-1-05	Adopt	2-1-05
411-335-0190	1-1-05	Adopt	1-1-05	411-360-0180	2-1-05	Adopt	2-1-05
411-335-0200	1-1-05	Adopt	1-1-05	411-360-0190	2-1-05	Adopt	2-1-05
411-335-0210	1-1-05	Adopt	1-1-05	411-360-0200	2-1-05	Adopt	2-1-05
411-335-0220	1-1-05	Adopt	1-1-05	411-360-0210	2-1-05	Adopt	2-1-05
411-335-0230	1-1-05	Adopt	1-1-05	411-360-0220	2-1-05	Adopt	2-1-05
411-335-0240	1-1-05	Adopt	1-1-05	411-360-0230	2-1-05	Adopt	2-1-05
411-335-0250	1-1-05	Adopt	1-1-05	411-360-0240	2-1-05	Adopt	2-1-05
411-335-0260	1-1-05	Adopt	1-1-05	411-360-0250	2-1-05	Adopt	2-1-05
411-335-0270	1-1-05	Adopt	1-1-05	411-360-0260	2-1-05	Adopt	2-1-05
411-335-0280	1-1-05	Adopt	1-1-05	411-360-0270	2-1-05	Adopt	2-1-05
411-335-0290	1-1-05	Adopt	1-1-05	411-360-0275	2-1-05	Adopt	2-1-05
411-335-0300	1-1-05	Adopt	1-1-05	411-360-0280	2-1-05	Adopt	2-1-05
411-335-0310	1-1-05	Adopt	1-1-05	411-360-0290	2-1-05	Adopt	2-1-05
411-335-0320	1-1-05	Adopt	1-1-05	411-360-0300	2-1-05	Adopt	2-1-05
411-335-0330	1-1-05	Adopt	1-1-05	411-360-0310	2-1-05	Adopt	2-1-05
411-335-0340	1-1-05	Adopt	1-1-05	411-999-0025	6-1-05	Adopt(T)	6-1-05
411-335-0350	1-1-05	Adopt	1-1-05	413-010-0705	2-1-05	Amend	3-1-05
411-335-0360	1-1-05	Adopt	1-1-05	413-010-0710	2-1-05	Adopt	3-1-05
411-335-0370	1-1-05	Adopt	1-1-05	413-010-0712	2-1-05	Amend	3-1-05
411-335-0380	1-1-05	Adopt	1-1-05	413-010-0714	2-1-05	Amend	3-1-05
411-335-0390	1-1-05	Adopt	1-1-05	413-010-0715	2-1-05	Amend	3-1-05
411-340-0010	6-23-05	Amend	8-1-05	413-010-0716	2-1-05	Amend	3-1-05
411-340-0020	1-1-05	Amend(T)	2-1-05	413-010-0717	2-1-05	Amend	3-1-05
411-340-0020	6-23-05	Amend	8-1-05	413-010-0718	2-1-05	Amend	3-1-05
411-340-0030	6-23-05	Amend	8-1-05	413-010-0720	2-1-05	Amend	3-1-05
411-340-0040	6-23-05	Amend	8-1-05	413-010-0721	2-1-05	Amend	3-1-05
411-340-0050	6-23-05	Amend	8-1-05	413-010-0722	2-1-05	Amend	3-1-05
411-340-0060	6-23-05	Amend	8-1-05	413-010-0723	2-1-05	Amend	3-1-05
411-340-0080	6-23-05	Amend	8-1-05	413-010-0732	2-1-05	Amend	3-1-05
411-340-0090	6-23-05	Amend	8-1-05	413-010-0735	2-1-05	Amend	3-1-05
411-340-0110	6-23-05	Amend	8-1-05	413-010-0738	2-1-05	Amend	3-1-05
411-340-0120	6-23-05	Amend	8-1-05	413-010-0740	2-1-05	Amend	3-1-05
411-340-0130	1-1-05	Amend(T)	2-1-05	413-010-0743	2-1-05	Amend	3-1-05
411-340-0130	6-23-05	Amend	8-1-05	413-010-0745	2-1-05	Amend	3-1-05
411-340-0140	6-23-05	Amend	8-1-05	413-010-0746	2-1-05	Amend	3-1-05
411-340-0150	6-23-05	Amend	8-1-05	413-010-0748	2-1-05	Amend	3-1-05
411-340-0160	6-23-05	Amend	8-1-05	413-010-0750	2-1-05	Amend	3-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
413-015-0115	2-1-05	Amend	3-1-05	413-055-0100	1-1-05	Amend	2-1-05
413-015-0205	2-1-05	Amend	3-1-05	413-055-0105	1-1-05	Amend	2-1-05
413-015-0210	2-1-05	Amend	3-1-05	413-055-0105	8-1-05	Amend	9-1-05
413-015-0215	2-1-05	Amend	3-1-05	413-055-0110	1-1-05	Amend	2-1-05
413-015-0305	2-1-05	Amend	3-1-05	413-055-0115	1-1-05	Repeal	2-1-05
413-015-0505	2-1-05	Amend	3-1-05	413-055-0120	1-1-05	Amend	2-1-05
413-015-0505	9-15-05	Amend(T)	10-1-05	413-055-0125	1-1-05	Repeal	2-1-05
413-015-0505	9-30-05	Amend(T)	11-1-05	413-055-0130	1-1-05	Repeal	2-1-05
413-015-0505(T)	9-30-05	Suspend	11-1-05	413-055-0135	1-1-05	Repeal	2-1-05
413-015-0510	9-15-05	Amend(T)	10-1-05	413-055-0140	1-1-05	Amend	2-1-05
413-015-0511	2-1-05	Amend	3-1-05	413-055-0145	1-1-05	Amend	2-1-05
413-015-0511	9-15-05	Amend(T)	10-1-05	413-055-0150	1-1-05	Amend	2-1-05
413-015-0512	9-15-05	Amend(T)	10-1-05	413-055-0155	1-1-05	Repeal	2-1-05
413-015-0513	9-15-05	Amend(T)	10-1-05	413-055-0160	1-1-05	Amend	2-1-05
413-015-0514	9-15-05	Amend(T)	10-1-05	413-055-0165	1-1-05	Amend	2-1-05
413-015-0725	2-1-05	Amend	3-1-05	413-080-0100	9-1-05	Suspend	10-1-05
413-015-1000	4-1-05	Amend	5-1-05	413-080-0110	9-1-05	Suspend	10-1-05
413-015-1100	1-28-05	Adopt(T)	3-1-05	413-080-0120	9-1-05	Suspend	10-1-05
413-015-1100	7-28-05	Adopt	9-1-05	413-080-0130	9-1-05	Suspend	10-1-05
413-015-1105	1-28-05	Adopt(T)	3-1-05	413-080-0140	9-1-05	Suspend	10-1-05
413-015-1105	7-28-05	Adopt	9-1-05	413-080-0150	9-1-05	Suspend	10-1-05
413-015-1110	1-28-05	Adopt(T)	3-1-05	413-120-0440	1-28-05	Amend(T)	3-1-05
413-015-1110	7-28-05	Adopt	9-1-05	413-120-0440	7-28-05	Amend	9-1-05
413-015-1115	1-28-05	Adopt(T)	3-1-05	413-330-0070	3-1-05	Suspend	4-1-05
413-015-1115	7-28-05	Adopt	9-1-05	413-330-0070	8-27-05	Repeal	10-1-05
413-015-1120	1-28-05	Adopt(T)	3-1-05	414-061-0080	12-17-04	Amend	2-1-05
413-015-1120	7-28-05	Adopt	9-1-05	414-061-0080	8-16-05	Amend(T)	10-1-05
413-015-1125	1-28-05	Adopt(T)	3-1-05	414-061-0100	11-16-04	Amend	1-1-05
413-015-1125	7-28-05	Adopt	9-1-05	414-061-0110	11-16-04	Amend	1-1-05
413-030-0140	6-1-05	Repeal	7-1-05	414-205-0170	11-16-04	Amend	1-1-05
413-030-0145	6-1-05	Repeal	7-1-05	414-205-0170	4-29-05	Amend	6-1-05
413-030-0150	6-1-05	Repeal	7-1-05	414-700-0060	6-16-05	Amend(T)	8-1-05
413-030-0155	6-1-05	Repeal	7-1-05	416-120-0000	9-19-05	Repeal	11-1-05
413-030-0160	6-1-05	Repeal	7-1-05	416-120-0010	9-19-05	Repeal	11-1-05
413-030-0165	6-1-05	Repeal	7-1-05	416-120-0020	9-19-05	Repeal	11-1-05
413-050-0100	9-12-05	Suspend	10-1-05	416-140-0000	10-12-05	Amend	11-1-05
413-050-0110	9-12-05	Suspend	10-1-05	416-140-0010	10-12-05	Amend	11-1-05
413-050-0120	9-12-05	Suspend	10-1-05	416-140-0020	10-12-05	Amend	11-1-05
413-050-0130	9-12-05	Suspend	10-1-05	416-140-0030	10-12-05	Amend	11-1-05
413-050-0140	9-12-05	Suspend	10-1-05	416-140-0040	10-12-05	Amend	11-1-05
413-050-0500	1-1-05	Amend	2-1-05	416-170-0000	1-11-05	Amend	2-1-05
413-050-0510	1-1-05	Amend	2-1-05	416-170-0010	1-11-05	Amend	2-1-05
413-050-0515	1-1-05	Amend	2-1-05	416-170-0020	1-11-05	Amend	2-1-05
413-050-0525	1-1-05	Repeal	2-1-05	416-170-0030	1-11-05	Amend	2-1-05
413-050-0530	1-1-05	Amend	2-1-05	416-170-0050	1-11-05	Adopt	2-1-05
413-050-0535	1-1-05	Amend	2-1-05	416-170-0050	1-13-05	Renumber	2-1-05
413-050-0540	1-1-05	Repeal	2-1-05	416-250-0000	1-11-05	Amend	2-1-05
413-050-0545	1-1-05	Repeal	2-1-05	416-250-0010	1-11-05	Amend	2-1-05
413-050-0550	1-1-05	Repeal	2-1-05	416-250-0020	1-11-05	Amend	2-1-05
413-050-0555	1-1-05	Amend	2-1-05	416-250-0030	1-11-05	Amend	2-1-05
413-050-0560	1-1-05	Amend	2-1-05	416-250-0040	1-11-05	Amend	2-1-05
413-050-0565	1-1-05	Amend	2-1-05	416-250-0050	1-11-05	Amend	2-1-05
413-050-0570	1-1-05	Amend	2-1-05	416-250-0060	1-11-05	Amend	2-1-05
413-050-0575	1-1-05	Amend	2-1-05	416-250-0070	1-11-05	Amend	2-1-05
413-050-0580	1-1-05	Repeal	2-1-05	416-250-0080	1-11-05	Amend	2-1-05
413-050-0585	1-1-05	Amend	2-1-05	416-250-0090	1-11-05	Amend	2-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
416-315-0000	6-13-05	Adopt	7-1-05	416-490-0000	4-20-05	Amend	6-1-05
416-315-0010	6-13-05	Adopt	7-1-05	416-490-0010	4-20-05	Amend	6-1-05
416-315-0020	6-13-05	Adopt	7-1-05	416-490-0020	4-20-05	Adopt	6-1-05
416-315-0030	6-13-05	Adopt	7-1-05	416-490-0030	4-20-05	Adopt	6-1-05
416-340-0000	3-25-05	Amend	5-1-05	416-490-0040	4-20-05	Adopt	6-1-05
416-340-0010	3-25-05	Amend	5-1-05	416-490-0050	4-20-05	Adopt	6-1-05
416-340-0020	3-25-05	Amend	5-1-05	416-530-0010	3-9-05	Amend	4-1-05
416-340-0030	3-25-05	Amend	5-1-05	416-530-0010	6-13-05	Amend	7-1-05
416-340-0040	3-25-05	Amend	5-1-05	416-550-0000	3-25-05	Amend	5-1-05
416-340-0050	3-25-05	Amend	5-1-05	416-550-0010	3-25-05	Amend	5-1-05
416-340-0060	3-25-05	Amend	5-1-05	416-550-0020	3-25-05	Amend	5-1-05
416-340-0070	3-25-05	Amend	5-1-05	416-550-0030	3-25-05	Amend	5-1-05
416-340-0080	3-25-05	Repeal	5-1-05	416-550-0040	3-25-05	Amend	5-1-05
416-340-0090	3-25-05	Repeal	5-1-05	416-550-0050	3-25-05	Amend	5-1-05
416-340-0100	3-25-05	Repeal	5-1-05	416-550-0060	3-25-05	Amend	5-1-05
416-340-0110	3-25-05	Repeal	5-1-05	416-550-0070	3-25-05	Amend	5-1-05
416-350-0000	6-13-05	Repeal	7-1-05	416-550-0080	3-25-05	Amend	5-1-05
416-350-0010	6-13-05	Repeal	7-1-05	416-630-0000	3-25-05	Repeal	5-1-05
416-350-0020	6-13-05	Repeal	7-1-05	416-630-0010	3-25-05	Repeal	5-1-05
416-350-0030	6-13-05	Repeal	7-1-05	416-630-0020	3-25-05	Repeal	5-1-05
416-380-0000	8-12-05	Repeal	9-1-05	416-630-0030	3-25-05	Repeal	5-1-05
416-380-0010	8-12-05	Repeal	9-1-05	416-630-0040	3-25-05	Repeal	5-1-05
416-380-0020	8-12-05	Repeal	9-1-05	416-630-0050	3-25-05	Repeal	5-1-05
416-380-0030	8-12-05	Repeal	9-1-05	416-800-0000	4-20-05	Amend	6-1-05
416-380-0040	8-12-05	Repeal	9-1-05	416-800-0010	4-20-05	Amend	6-1-05
416-380-0050	8-12-05	Repeal	9-1-05	416-800-0010	6-30-05	Amend	8-1-05
416-380-0060	8-12-05	Repeal	9-1-05	416-800-0050	4-20-05	Amend	6-1-05
416-380-0070	8-12-05	Repeal	9-1-05	416-800-0050	6-30-05	Amend	8-1-05
416-400-0000	1-11-05	Repeal	2-1-05	436-001-0005	1-14-05	Amend	2-1-05
416-410-0000	9-19-05	Amend	11-1-05	436-001-0265	7-1-05	Amend	7-1-05
416-410-0010	9-19-05	Amend	11-1-05	436-009-0004	4-1-05	Amend	5-1-05
416-410-0020	9-19-05	Amend	11-1-05	436-009-0008	4-1-05	Amend	5-1-05
416-410-0030	9-19-05	Amend	11-1-05	436-009-0010	4-1-05	Amend	5-1-05
416-410-0050	9-19-05	Amend	11-1-05	436-009-0015	4-1-05	Amend	5-1-05
416-410-0060	9-19-05	Amend	11-1-05	436-009-0020	4-1-05	Amend	5-1-05
416-410-0070	9-19-05	Repeal	11-1-05	436-009-0030	4-1-05	Amend	5-1-05
416-420-0000	9-19-05	Amend	11-1-05	436-009-0040	4-1-05	Amend	5-1-05
416-420-0010	9-19-05	Amend	11-1-05	436-009-0070	4-1-05	Amend	5-1-05
416-420-0020	9-19-05	Amend	11-1-05	436-009-0080	4-1-05	Amend	5-1-05
416-420-0030	9-19-05	Amend	11-1-05	436-009-0090	4-1-05	Amend	5-1-05
416-420-0040	9-19-05	Repeal	11-1-05	436-010-0005	4-1-05	Amend	5-1-05
416-420-0050	9-19-05	Repeal	11-1-05	436-010-0008	4-1-05	Amend	5-1-05
416-425-0000	7-14-05	Adopt(T)	8-1-05	436-010-0200	4-1-05	Amend	5-1-05
416-425-0010	7-14-05	Adopt(T)	8-1-05	436-010-0210	4-1-05	Amend	5-1-05
416-425-0020	7-14-05	Adopt(T)	8-1-05	436-010-0220	4-1-05	Amend	5-1-05
416-430-0000	9-19-05	Amend	11-1-05	436-010-0230	4-1-05	Amend	5-1-05
416-430-0010	9-19-05	Amend	11-1-05	436-010-0240	4-1-05	Amend	5-1-05
416-430-0020	9-19-05	Amend	11-1-05	436-010-0250	4-1-05	Amend	5-1-05
416-430-0025	9-19-05	Amend	11-1-05	436-010-0260	4-1-05	Amend	5-1-05
416-430-0030	9-19-05	Amend	11-1-05	436-010-0265	4-1-05	Amend	5-1-05
416-430-0040	3-25-05	Repeal	5-1-05	436-010-0270	4-1-05	Amend	5-1-05
416-430-0050	9-19-05	Amend	11-1-05	436-010-0275	4-1-05	Amend	5-1-05
416-440-0005	7-29-05	Adopt	9-1-05	436-010-0280	4-1-05	Amend	5-1-05
416-440-0015	7-29-05	Adopt	9-1-05	436-010-0290	4-1-05	Amend	5-1-05
416-440-0020	7-29-05	Amend	9-1-05	436-010-0300	4-1-05	Amend	5-1-05
416-440-0035	7-29-05	Adopt	9-1-05	436-010-0330	4-1-05	Amend	5-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
436-010-0340	4-1-05	Amend	5-1-05	436-120-0005	7-1-05	Amend	7-1-05
436-035-0500	5-13-05	Amend(T)	6-1-05	436-120-0007	7-1-05	Amend	7-1-05
436-050-0003	6-1-05	Amend	7-1-05	436-120-0008	7-1-05	Amend	7-1-05
436-050-0440	6-1-05	Amend	7-1-05	436-120-0320	7-1-05	Amend	7-1-05
436-050-0460	6-1-05	Amend	7-1-05	436-120-0340	7-1-05	Amend	7-1-05
436-050-0480	6-1-05	Amend	7-1-05	436-120-0350	7-1-05	Amend	7-1-05
436-070-0001	4-1-05	Amend	5-1-05	436-120-0360	7-1-05	Amend	7-1-05
436-070-0002	4-1-05	Amend	5-1-05	436-120-0400	7-1-05	Amend	7-1-05
436-070-0003	4-1-05	Amend	5-1-05	436-120-0410	7-1-05	Amend	7-1-05
436-070-0005	4-1-05	Amend	5-1-05	436-120-0430	7-1-05	Amend	7-1-05
436-070-0008	4-1-05	Amend	5-1-05	436-120-0440	7-1-05	Amend	7-1-05
436-070-0010	4-1-05	Amend	5-1-05	436-120-0500	7-1-05	Amend	7-1-05
436-070-0020	4-1-05	Amend	5-1-05	436-120-0510	7-1-05	Amend	7-1-05
436-070-0040	4-1-05	Amend	5-1-05	436-120-0720	7-1-05	Amend	7-1-05
436-070-0050	4-1-05	Amend	5-1-05	436-120-0810	7-1-05	Amend	7-1-05
436-070-0060	4-1-05	Repeal	5-1-05	437-001-0001	12-30-04	Amend	2-1-05
436-085-0001	4-1-05	Amend	5-1-05	437-002-0120	11-19-04	Amend	1-1-05
436-085-0002	4-1-05	Amend	5-1-05	437-002-0161	4-12-05	Amend	5-1-05
436-085-0003	4-1-05	Amend	5-1-05	437-002-0182	6-10-05	Amend	7-1-05
436-085-0005	4-1-05	Amend	5-1-05	437-002-0360	4-12-05	Amend	5-1-05
436-085-0006	4-1-05	Repeal	5-1-05	437-002-0361	4-12-05	Repeal	5-1-05
436-085-0008	4-1-05	Amend	5-1-05	437-002-0368	4-12-05	Amend	5-1-05
436-085-0020	4-1-05	Repeal	5-1-05	437-003-0001	4-12-05	Amend	5-1-05
436-085-0025	4-1-05	Amend	5-1-05	437-004-6000	12-30-04	Amend	2-1-05
436-085-0030	4-1-05	Amend	5-1-05	437-005-0001	12-30-04	Amend	2-1-05
436-085-0035	4-1-05	Amend	5-1-05	437-005-0001	4-12-05	Amend	5-1-05
436-085-0060	4-1-05	Amend	5-1-05	437-007-0004	6-1-05	Amend	7-1-05
436-085-0065	4-1-05	Repeal	5-1-05	437-007-0025	6-1-05	Amend	7-1-05
436-085-0070	4-1-05	Repeal	5-1-05	437-007-0130	6-1-05	Amend	7-1-05
436-105-0003	7-1-05	Amend	7-1-05	437-007-0215	6-1-05	Amend	7-1-05
436-105-0005	7-1-05	Amend	7-1-05	437-007-0230	6-1-05	Amend	7-1-05
436-105-0500	7-1-05	Amend	7-1-05	437-007-0235	6-1-05	Amend	7-1-05
436-105-0510	7-1-05	Amend	7-1-05	437-007-0640	6-1-05	Amend	7-1-05
436-105-0520	7-1-05	Amend	7-1-05	437-007-0650	6-1-05	Amend	7-1-05
436-110-0002	7-1-05	Amend	7-1-05	437-007-0660	6-1-05	Amend	7-1-05
436-110-0005	7-1-05	Amend	7-1-05	437-007-0665	6-1-05	Amend	7-1-05
436-110-0240	7-1-05	Amend	7-1-05	437-007-0685	6-1-05	Amend	7-1-05
436-110-0290	7-1-05	Adopt	7-1-05	437-007-0905	6-1-05	Amend	7-1-05
436-110-0310	7-1-05	Amend	7-1-05	437-007-0935	6-1-05	Amend	7-1-05
436-110-0320	7-1-05	Amend	7-1-05	437-007-1115	6-1-05	Amend	7-1-05
436-110-0325	7-1-05	Amend	7-1-05	437-007-1300	6-1-05	Adopt	7-1-05
436-110-0326	7-1-05	Adopt	7-1-05	437-007-1303	6-1-05	Adopt	7-1-05
436-110-0327	7-1-05	Adopt	7-1-05	437-007-1305	6-1-05	Adopt	7-1-05
436-110-0330	7-1-05	Amend	7-1-05	437-007-1310	6-1-05	Adopt	7-1-05
436-110-0335	7-1-05	Amend	7-1-05	437-007-1315	6-1-05	Adopt	7-1-05
436-110-0336	7-1-05	Adopt	7-1-05	437-007-1320	6-1-05	Adopt	7-1-05
436-110-0337	7-1-05	Adopt	7-1-05	437-007-1325	6-1-05	Adopt	7-1-05
436-110-0345	7-1-05	Amend	7-1-05	437-007-1330	6-1-05	Adopt	7-1-05
436-110-0346	7-1-05	Adopt	7-1-05	437-007-1335	6-1-05	Adopt	7-1-05
436-110-0347	7-1-05	Adopt	7-1-05	437-007-1340	6-1-05	Adopt	7-1-05
436-110-0350	7-1-05	Amend	7-1-05	437-007-1345	6-1-05	Adopt	7-1-05
436-110-0351	7-1-05	Adopt	7-1-05	437-007-1391	6-1-05	Repeal	7-1-05
436-110-0352	7-1-05	Adopt	7-1-05	437-007-1392	6-1-05	Repeal	7-1-05
436-110-0380	7-1-05	Amend	7-1-05	437-007-1393	6-1-05	Repeal	7-1-05
436-110-0900	7-1-05	Amend	7-1-05	437-007-1394	6-1-05	Repeal	7-1-05
436-120-0004	7-1-05	Amend	7-1-05	437-007-1395	6-1-05	Repeal	7-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
437-007-1396	6-1-05	Repeal	7-1-05	441-930-0270	1-1-05	Amend	1-1-05
437-007-1397	6-1-05	Repeal	7-1-05	441-930-0270	9-6-05	Amend	10-1-05
437-007-1398	6-1-05	Repeal	7-1-05	442-002-0005	3-1-05	Repeal	4-1-05
437-007-1399	6-1-05	Repeal	7-1-05	442-002-0010	3-1-05	Repeal	4-1-05
438-007-0020	9-1-05	Amend	8-1-05	442-002-0015	3-1-05	Repeal	4-1-05
441-710-0000	8-25-05	Amend	10-1-05	442-002-0020	3-1-05	Repeal	4-1-05
441-710-0010	3-4-05	Amend(T)	4-1-05	442-002-0025	3-1-05	Repeal	4-1-05
441-710-0020	8-25-05	Amend	10-1-05	442-002-0030	3-1-05	Repeal	4-1-05
441-710-0030	8-25-05	Repeal	10-1-05	442-002-0035	3-1-05	Repeal	4-1-05
441-710-0036	8-25-05	Repeal	10-1-05	442-002-0040	3-1-05	Repeal	4-1-05
441-710-0045	11-30-04	Adopt	1-1-05	442-002-0045	3-1-05	Repeal	4-1-05
441-710-0045	8-25-05	Renumber	10-1-05	442-002-0050	3-1-05	Repeal	4-1-05
441-710-0070	8-25-05	Amend	10-1-05	442-002-0055	3-1-05	Repeal	4-1-05
441-710-0075	8-25-05	Amend	10-1-05	442-004-0010	7-7-05	Amend(T)	8-1-05
441-710-0090	8-25-05	Renumber	10-1-05	442-004-0040	7-7-05	Amend(T)	8-1-05
441-710-0120	8-25-05	Renumber	10-1-05	442-004-0050	7-7-05	Amend(T)	8-1-05
441-710-0130	8-25-05	Repeal	10-1-05	442-004-0070	7-7-05	Amend(T)	8-1-05
441-710-0160	8-25-05	Renumber	10-1-05	442-004-0080	7-7-05	Amend(T)	8-1-05
441-710-0170	8-25-05	Repeal	10-1-05	442-004-0117	7-7-05	Amend(T)	8-1-05
441-710-0210	8-25-05	Repeal	10-1-05	442-004-0120	7-7-05	Amend(T)	8-1-05
441-710-0230	8-25-05	Repeal	10-1-05	442-004-0170	7-7-05	Amend(T)	8-1-05
441-710-0240	8-25-05	Amend	10-1-05	442-006-0000	3-1-05	Adopt	4-1-05
441-710-0250	8-25-05	Repeal	10-1-05	442-006-0010	3-1-05	Adopt	4-1-05
441-710-0260	8-25-05	Amend	10-1-05	442-006-0020	3-1-05	Adopt	4-1-05
441-710-0270	8-25-05	Amend	10-1-05	442-006-0030	3-1-05	Adopt	4-1-05
441-710-0300	8-25-05	Repeal	10-1-05	442-006-0040	3-1-05	Adopt	4-1-05
441-710-0310	8-25-05	Repeal	10-1-05	443-001-0000	1-1-05	Amend	2-1-05
441-710-0320	8-25-05	Repeal	10-1-05	443-001-0005	1-1-05	Amend	2-1-05
441-710-0325	8-25-05	Amend	10-1-05	443-002-0010	1-1-05	Adopt	2-1-05
441-710-0330	8-25-05	Repeal	10-1-05	443-002-0020	1-1-05	Adopt	2-1-05
441-710-0400	8-25-05	Amend	10-1-05	443-002-0030	1-1-05	Adopt	2-1-05
441-710-0450	8-25-05	Am. & Ren.	10-1-05	443-002-0040	1-1-05	Adopt	2-1-05
441-710-0500	8-25-05	Am. & Ren.	10-1-05	443-002-0050	1-1-05	Adopt	2-1-05
441-710-0505	8-25-05	Am. & Ren.	10-1-05	443-002-0060	1-1-05	Adopt	2-1-05
441-710-0510	8-25-05	Am. & Ren.	10-1-05	443-002-0060	8-26-05	Amend(T)	10-1-05
441-710-0520	8-25-05	Am. & Ren.	10-1-05	443-002-0070	1-1-05	Adopt	2-1-05
441-710-0525	8-25-05	Am. & Ren.	10-1-05	443-002-0080	1-1-05	Adopt	2-1-05
441-710-0535	8-25-05	Am. & Ren.	10-1-05	443-002-0080	8-26-05	Amend(T)	10-1-05
441-720-0000	8-25-05	Repeal	10-1-05	443-002-0090	1-1-05	Adopt	2-1-05
441-720-0010	8-25-05	Repeal	10-1-05	443-002-0100	1-1-05	Adopt	2-1-05
441-720-0090	8-25-05	Repeal	10-1-05	443-002-0110	1-1-05	Adopt	2-1-05
441-720-0210	8-25-05	Adopt	10-1-05	443-002-0120	1-1-05	Adopt	2-1-05
441-720-0215	8-25-05	Am. & Ren.	10-1-05	443-002-0130	1-1-05	Adopt	2-1-05
441-720-0220	8-25-05	Am. & Ren.	10-1-05	443-002-0140	1-1-05	Adopt	2-1-05
441-720-0225	8-25-05	Am. & Ren.	10-1-05	443-002-0150	1-1-05	Adopt	2-1-05
441-720-0230	8-25-05	Am. & Ren.	10-1-05	443-002-0160	1-1-05	Adopt	2-1-05
441-730-0030	9-6-05	Amend	10-1-05	443-002-0170	1-1-05	Adopt	2-1-05
441-740-0010	9-6-05	Amend	10-1-05	443-002-0180	1-1-05	Adopt	2-1-05
441-745-0310	9-6-05	Amend	10-1-05	443-002-0190	1-1-05	Adopt	2-1-05
441-810-0150	9-6-05	Amend	10-1-05	443-005-0000	1-1-05	Repeal	2-1-05
441-830-0040	9-6-05	Amend	10-1-05	443-005-0010	1-1-05	Repeal	2-1-05
441-860-0020	1-1-05	Amend	1-1-05	443-005-0020	1-1-05	Repeal	2-1-05
441-860-0020	9-6-05	Amend	10-1-05	443-005-0040	1-1-05	Repeal	2-1-05
441-860-0050	1-1-05	Amend	1-1-05	443-005-0050	1-1-05	Repeal	2-1-05
441-930-0030	1-1-05	Amend	1-1-05	443-005-0060	1-1-05	Repeal	2-1-05
441-930-0210	1-1-05	Amend	1-1-05	443-005-0070	1-1-05	Repeal	2-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
443-010-0010	1-1-05	Repeal	2-1-05	459-030-0001	2-22-05	Repeal	4-1-05
443-015-0010	1-1-05	Repeal	2-1-05	459-030-0011	2-22-05	Amend	4-1-05
459-001-0005	12-1-04	Amend	1-1-05	459-030-0025	2-22-05	Amend	4-1-05
459-005-0225	7-5-05	Adopt	8-1-05	459-030-0030	2-22-05	Amend	4-1-05
459-005-0310	1-31-05	Amend	3-1-05	459-035-0001	10-3-05	Amend	11-1-05
459-005-0350	1-31-05	Amend	3-1-05	459-045-0030	8-18-05	Amend	10-1-05
459-005-0370	1-31-05	Amend	3-1-05	459-050-0040	11-23-04	Amend	1-1-05
459-005-0506	12-15-04	Amend(T)	1-1-05	459-050-0070	11-23-04	Amend	1-1-05
459-005-0506	2-22-05	Amend	4-1-05	459-050-0072	11-23-04	Adopt	1-1-05
459-005-0506(T)	2-22-05	Repeal	4-1-05	459-050-0080	11-23-04	Amend	1-1-05
459-005-0525	12-15-04	Amend(T)	1-1-05	459-050-0150	11-23-04	Amend	1-1-05
459-005-0525	2-22-05	Amend	4-1-05	459-070-0001	2-22-05	Amend(T)	4-1-05
459-005-0525(T)	2-22-05	Repeal	4-1-05	459-070-0001	6-16-05	Amend	8-1-05
459-005-0535	12-15-04	Amend(T)	1-1-05	459-070-0001(T)	6-16-05	Repeal	8-1-05
459-005-0535	2-22-05	Amend	4-1-05	459-070-0050	1-31-05	Adopt	3-1-05
459-005-0535(T)	2-22-05	Repeal	4-1-05	459-070-0100	11-23-04	Amend	1-1-05
459-005-0545	12-15-04	Amend(T)	1-1-05	459-070-0100	7-5-05	Amend	8-1-05
459-005-0545	2-22-05	Amend	4-1-05	459-070-0110	11-23-04	Amend	1-1-05
459-005-0545(T)	2-22-05	Repeal	4-1-05	459-070-0110	7-5-05	Amend	8-1-05
459-005-0560	12-15-04	Amend(T)	1-1-05	459-076-0000	10-3-05	Adopt	11-1-05
459-005-0560	2-22-05	Amend	4-1-05	459-076-0001	10-3-05	Adopt	11-1-05
459-005-0560(T)	2-22-05	Repeal	4-1-05	459-076-0005	10-3-05	Adopt	11-1-05
459-005-0590	12-15-04	Amend(T)	1-1-05	459-076-0010	10-3-05	Adopt	11-1-05
459-005-0590	2-22-05	Amend	4-1-05	459-076-0020	10-3-05	Adopt	11-1-05
459-005-0590(T)	2-22-05	Repeal	4-1-05	459-076-0025	10-3-05	Adopt	11-1-05
459-005-0591	12-15-04	Amend(T)	1-1-05	459-076-0045	10-3-05	Adopt	11-1-05
459-005-0591	1-31-05	Amend	3-1-05	459-076-0050	10-3-05	Adopt	11-1-05
459-005-0591	2-22-05	Amend	4-1-05	459-076-0055	10-3-05	Adopt	11-1-05
459-005-0591(T)	2-22-05	Repeal	4-1-05	459-076-0060	10-3-05	Adopt	11-1-05
459-005-0595	12-15-04	Amend(T)	1-1-05	459-080-0050	1-31-05	Adopt	3-1-05
459-005-0595	2-22-05	Amend	4-1-05	459-080-0250	11-23-04	Adopt	1-1-05
459-005-0595(T)	2-22-05	Repeal	4-1-05	459-080-0250(T)	11-23-04	Repeal	1-1-05
459-007-0220	3-15-05	Amend	1-1-05	461-001-0000	10-1-05	Amend	11-1-05
459-007-0230	3-15-05	Amend	1-1-05	461-001-0010	10-1-05	Amend	11-1-05
459-007-0240	3-15-05	Amend	1-1-05	461-101-0010	7-1-05	Amend	8-1-05
459-007-0250	3-15-05	Amend	1-1-05	461-105-0004	9-28-05	Adopt(T)	11-1-05
459-007-0260	3-15-05	Amend	1-1-05	461-105-0010	7-1-05	Amend	8-1-05
459-007-0270	3-15-05	Amend	1-1-05	461-105-0010	10-1-05	Amend	11-1-05
459-007-0280	3-15-05	Repeal	1-1-05	461-105-0060	10-1-05	Amend	11-1-05
459-007-0290	3-15-05	Amend	1-1-05	461-110-0110	1-1-05	Amend	2-1-05
459-007-0530	11-23-04	Amend	1-1-05	461-110-0110	10-1-05	Amend	11-1-05
459-010-0003	2-22-05	Adopt	4-1-05	461-110-0115	10-1-05	Amend	11-1-05
459-010-0014	2-22-05	Adopt	4-1-05	461-110-0370	7-1-05	Amend	8-1-05
459-010-0035	3-31-05	Amend	5-1-05	461-110-0370	10-1-05	Amend	11-1-05
459-015-0000	10-3-05	Adopt	11-1-05	461-110-0750	1-1-05	Amend	2-1-05
459-015-0001	10-3-05	Adopt	11-1-05	461-115-0050	4-1-05	Amend	5-1-05
459-015-0005	10-3-05	Amend	11-1-05	461-115-0071	4-1-05	Adopt	5-1-05
459-015-0010	10-3-05	Amend	11-1-05	461-115-0071	10-1-05	Amend	11-1-05
459-015-0015	10-3-05	Repeal	11-1-05	461-115-0140	1-1-05	Amend	2-1-05
459-015-0020	10-3-05	Amend	11-1-05	461-115-0190	1-1-05	Amend	2-1-05
459-015-0025	10-3-05	Amend	11-1-05	461-115-0530	1-1-05	Amend	2-1-05
459-015-0045	10-3-05	Amend	11-1-05	461-115-0651	1-1-05	Amend	2-1-05
459-015-0050	10-3-05	Amend	11-1-05	461-120-0120	7-1-05	Amend	8-1-05
459-015-0055	10-3-05	Amend	11-1-05	461-120-0120	10-1-05	Amend	11-1-05
459-015-0060	10-3-05	Amend	11-1-05	461-120-0125	4-1-05	Amend	5-1-05
459-030-0000	2-22-05	Repeal	4-1-05	461-120-0125	7-1-05	Amend	8-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-120-0125	10-1-05	Amend	11-1-05	461-145-0020	4-1-05	Amend	5-1-05
461-125-0330	7-1-05	Amend	8-1-05	461-145-0080	10-1-05	Amend	11-1-05
461-125-0370	10-1-05	Amend	11-1-05	461-145-0130	1-1-05	Amend	2-1-05
461-130-0310	10-1-05	Amend	11-1-05	461-145-0240	1-1-05	Amend	2-1-05
461-130-0330	7-1-05	Amend	8-1-05	461-145-0320	1-1-05	Amend	2-1-05
461-135-0010	10-1-05	Amend	11-1-05	461-145-0330	1-1-05	Amend	2-1-05
461-135-0095	4-1-05	Amend	5-1-05	461-145-0330	4-1-05	Amend	5-1-05
461-135-0380	9-1-05	Amend(T)	10-1-05	461-145-0330	10-1-05	Amend	11-1-05
461-135-0400	1-1-05	Amend	2-1-05	461-145-0340	10-1-05	Amend	11-1-05
461-135-0400	4-1-05	Amend	5-1-05	461-145-0345	4-1-05	Adopt	5-1-05
461-135-0400	7-1-05	Amend	8-1-05	461-145-0365	7-1-05	Amend	8-1-05
461-135-0405	1-1-05	Amend	2-1-05	461-145-0380	4-1-05	Amend	5-1-05
461-135-0475	10-1-05	Amend	11-1-05	461-145-0390	4-1-05	Amend	5-1-05
461-135-0505	4-1-05	Amend	5-1-05	461-145-0410	4-1-05	Amend	5-1-05
461-135-0506	4-1-05	Amend	5-1-05	461-145-0520	4-1-05	Amend	5-1-05
461-135-0510	1-1-05	Amend	2-1-05	461-145-0570	4-1-05	Amend	5-1-05
461-135-0570	4-1-05	Amend	5-1-05	461-145-0580	4-1-05	Amend	5-1-05
461-135-0570	7-1-05	Amend	8-1-05	461-145-0910	2-1-05	Amend(T)	3-1-05
461-135-0701	8-29-05	Amend(T)	10-1-05	461-145-0910	4-1-05	Amend	5-1-05
461-135-0701	9-20-05	Amend(T)	11-1-05	461-145-0910	4-1-05	Amend(T)	5-1-05
461-135-0701(T)	9-20-05	Suspend	11-1-05	461-145-0910	7-1-05	Amend	8-1-05
461-135-0710	4-1-05	Amend	5-1-05	461-145-0920	2-1-05	Amend(T)	3-1-05
461-135-0725	10-1-05	Amend	11-1-05	461-145-0920	7-1-05	Amend	8-1-05
461-135-0780	1-1-05	Amend	2-1-05	461-145-0930	10-1-05	Amend	11-1-05
461-135-0780	4-1-05	Amend	5-1-05	461-150-0050	1-1-05	Amend	2-1-05
461-135-0832	1-1-05	Amend	2-1-05	461-150-0055	4-1-05	Amend	5-1-05
461-135-1100	4-1-05	Amend	5-1-05	461-150-0055	7-1-05	Amend	8-1-05
461-135-1100	10-1-05	Amend	11-1-05	461-150-0090	4-1-05	Amend	5-1-05
461-135-1102	4-1-05	Amend	5-1-05	461-150-0090	7-1-05	Amend	8-1-05
461-135-1110	4-1-05	Amend	5-1-05	461-155-0010	4-1-05	Amend	5-1-05
461-135-1110	7-1-05	Amend	8-1-05	461-155-0020	1-1-05	Amend	2-1-05
461-135-1120	4-1-05	Amend	5-1-05	461-155-0150	10-1-05	Amend	11-1-05
461-135-1185	7-1-05	Adopt(T)	8-1-05	461-155-0190	10-1-05	Amend	11-1-05
461-135-1185	10-1-05	Adopt	11-1-05	461-155-0210	8-29-05	Amend(T)	10-1-05
461-135-1185(T)	10-1-05	Repeal	11-1-05	461-155-0225	2-18-05	Amend	4-1-05
461-135-1186	7-1-05	Adopt(T)	8-1-05	461-155-0235	2-18-05	Amend	4-1-05
461-135-1186	10-1-05	Adopt	11-1-05	461-155-0250	1-1-05	Amend	2-1-05
461-135-1186(T)	10-1-05	Repeal	11-1-05	461-155-0250	4-1-05	Amend	5-1-05
461-135-1187	7-1-05	Adopt(T)	8-1-05	461-155-0270	1-1-05	Amend	2-1-05
461-135-1187	10-1-05	Adopt	11-1-05	461-155-0290	4-1-05	Amend	5-1-05
461-135-1187(T)	10-1-05	Repeal	11-1-05	461-155-0291	4-1-05	Amend	5-1-05
461-135-1200	10-1-05	Amend	11-1-05	461-155-0295	4-1-05	Amend	5-1-05
461-135-1205	10-1-05	Amend	11-1-05	461-155-0300	1-1-05	Amend	2-1-05
461-140-0040	2-1-05	Amend(T)	3-1-05	461-155-0530	4-1-05	Amend	5-1-05
461-140-0040	4-1-05	Amend	5-1-05	461-160-0030	1-1-05	Amend	2-1-05
461-140-0040	4-1-05	Amend(T)	5-1-05	461-160-0040	4-1-05	Amend	5-1-05
461-140-0040	7-1-05	Amend	8-1-05	461-160-0040	10-1-05	Amend	11-1-05
461-140-0110	1-1-05	Amend	2-1-05	461-160-0055	1-1-05	Amend	2-1-05
461-140-0120	1-1-05	Amend	2-1-05	461-160-0055	7-1-05	Amend	8-1-05
461-140-0120	4-1-05	Amend	5-1-05	461-160-0070	10-1-05	Amend	11-1-05
461-140-0123	4-1-05	Amend	5-1-05	461-160-0420	10-1-05	Amend	11-1-05
461-140-0125	4-1-05	Repeal	5-1-05	461-160-0430	10-1-05	Amend	11-1-05
461-140-0130	4-1-05	Repeal	5-1-05	461-160-0540	4-1-05	Amend	5-1-05
461-140-0140	4-1-05	Repeal	5-1-05	461-160-0550	1-1-05	Amend	2-1-05
461-140-0150	4-1-05	Repeal	5-1-05	461-160-0560	4-1-05	Amend	5-1-05
461-140-0242	4-1-05	Amend	5-1-05	461-160-0580	1-1-05	Amend	2-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-160-0610	7-1-05	Amend(T)	8-1-05	461-193-1200	10-1-05	Amend	11-1-05
461-160-0610	7-6-05	Amend(T)	8-1-05	461-195-0501	10-1-05	Amend	11-1-05
461-160-0610	10-1-05	Amend	11-1-05	461-195-0521	4-1-05	Amend	5-1-05
461-160-0610(T)	7-6-05	Suspend	8-1-05	461-195-0531	1-1-05	Amend	2-1-05
461-160-0610(T)	10-1-05	Repeal	11-1-05	461-195-0541	4-1-05	Amend	5-1-05
461-160-0620	1-1-05	Amend	2-1-05	461-195-0541	10-1-05	Amend	11-1-05
461-160-0620	7-1-05	Amend	8-1-05	461-195-0611	10-1-05	Amend	11-1-05
461-160-0620	7-1-05	Amend(T)	8-1-05	461-195-0621	10-1-05	Amend	11-1-05
461-160-0620	7-6-05	Amend	8-1-05	462-220-0040	7-1-05	Amend	7-1-05
461-160-0620	10-1-05	Amend	11-1-05	471-010-0040	9-18-05	Amend(T)	11-1-05
461-160-0620(T)	7-6-05	Suspend	8-1-05	471-010-0050	5-1-05	Amend	6-1-05
461-160-0620(T)	10-1-05	Repeal	11-1-05	471-010-0054	5-1-05	Amend	6-1-05
461-165-0082	1-1-05	Adopt	2-1-05	471-015-0020	1-20-05	Amend	3-1-05
461-165-0100	1-1-05	Amend	2-1-05	471-020-0025	7-17-05	Adopt	8-1-05
461-165-0180	4-25-05	Amend(T)	6-1-05	471-030-0017	12-19-04	Adopt	2-1-05
461-165-0180	10-1-05	Amend	11-1-05	471-030-0036	12-19-04	Amend	2-1-05
461-165-0410	4-1-05	Amend	5-1-05	471-030-0038	12-19-04	Amend	2-1-05
461-165-0410	10-1-05	Amend	11-1-05	471-030-0048	5-1-05	Amend	6-1-05
461-165-0420	4-1-05	Amend	5-1-05	471-030-0078	12-19-04	Adopt	2-1-05
461-165-0430	4-1-05	Amend	5-1-05	471-030-0095	5-1-05	Amend	6-1-05
461-170-0010	1-1-05	Amend	2-1-05	471-030-0120	5-1-05	Amend	6-1-05
461-170-0020	10-1-05	Amend	11-1-05	471-030-0150	6-24-05	Amend(T)	8-1-05
461-170-0025	7-1-05	Adopt	8-1-05	471-030-0150	7-5-05	Amend(T)	8-1-05
461-170-0030	10-1-05	Amend	11-1-05	471-030-0150(T)	7-5-05	Suspend	8-1-05
461-170-0100	1-1-05	Amend	2-1-05	471-031-0070	12-19-04	Amend	2-1-05
461-170-0101	1-1-05	Amend	2-1-05	471-031-0175	5-1-05	Amend	6-1-05
461-170-0103	10-1-05	Amend	11-1-05	471-040-0005	5-1-05	Amend	6-1-05
461-170-0130	1-1-05	Adopt	2-1-05	471-040-0005	9-18-05	Amend(T)	11-1-05
461-175-0200	4-1-05	Amend	5-1-05	571-023-0000	9-21-05	Adopt	11-1-05
461-175-0210	1-1-05	Amend	2-1-05	571-023-0005	9-21-05	Amend	11-1-05
461-175-0300	3-2-05	Amend(T)	4-1-05	571-023-0010	9-21-05	Repeal	11-1-05
461-175-0300	7-1-05	Amend	8-1-05	571-023-0015	9-21-05	Repeal	11-1-05
461-175-0310	4-1-05	Amend	5-1-05	571-023-0020	9-21-05	Repeal	11-1-05
461-175-0340	1-1-05	Amend	2-1-05	571-023-0025	9-21-05	Amend	11-1-05
461-180-0020	1-1-05	Amend	2-1-05	571-023-0030	9-21-05	Repeal	11-1-05
461-180-0040	1-1-05	Amend	2-1-05	571-023-0035	9-21-05	Repeal	11-1-05
461-180-0040	4-1-05	Amend	5-1-05	571-023-0040	9-21-05	Repeal	11-1-05
461-180-0050	1-1-05	Amend	2-1-05	571-023-0100	9-21-05	Adopt	11-1-05
461-180-0085	1-1-05	Adopt	2-1-05	571-023-0105	9-21-05	Adopt	11-1-05
461-180-0090	1-1-05	Amend	2-1-05	571-023-0110	9-21-05	Adopt	11-1-05
461-180-0090	7-1-05	Amend	8-1-05	571-023-0115	9-21-05	Adopt	11-1-05
461-180-0095	4-1-05	Repeal	5-1-05	571-023-0120	9-21-05	Adopt	11-1-05
461-180-0100	4-1-05	Amend	5-1-05	573-035-0020	4-11-05	Amend	5-1-05
461-180-0125	1-1-05	Adopt	2-1-05	573-040-0005	4-11-05	Amend	5-1-05
461-180-0130	7-1-05	Amend	8-1-05	573-050-0045	4-11-05	Amend	5-1-05
461-185-0050	7-1-05	Amend(T)	8-1-05	573-075-0000	4-11-05	Amend	5-1-05
461-185-0050	10-1-05	Amend	11-1-05	573-075-0270	4-11-05	Repeal	5-1-05
461-185-0050(T)	10-1-05	Repeal	11-1-05	573-095-0000	4-11-05	Adopt	5-1-05
461-190-0161	10-1-05	Amend	11-1-05	573-095-0005	4-11-05	Adopt	5-1-05
461-190-0161	10-1-05	Amend(T)	11-1-05	573-095-0010	4-11-05	Adopt	5-1-05
461-190-0195	10-1-05	Adopt(T)	11-1-05	574-031-0000	8-4-05	Amend	9-1-05
461-190-0197	7-1-05	Amend	8-1-05	574-031-0010	8-4-05	Amend	9-1-05
461-190-0211	9-1-05	Amend(T)	10-1-05	574-031-0020	8-4-05	Amend	9-1-05
461-190-0241	9-1-05	Amend(T)	10-1-05	574-031-0030	8-4-05	Amend	9-1-05
461-190-0360	10-1-05	Amend	11-1-05	574-031-0040	8-4-05	Amend	9-1-05
461-190-0406	7-1-05	Amend	8-1-05	574-032-0000	8-4-05	Amend	9-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
574-032-0010	8-4-05	Amend	9-1-05	579-070-0015	9-2-05	Amend	10-1-05
574-032-0020	8-4-05	Amend	9-1-05	579-070-0030	9-2-05	Amend	10-1-05
574-032-0030	8-4-05	Amend	9-1-05	579-070-0035	9-2-05	Amend	10-1-05
574-032-0040	8-4-05	Amend	9-1-05	579-070-0041	9-2-05	Amend	10-1-05
574-032-0050	8-4-05	Amend	9-1-05	579-070-0042	9-2-05	Amend	10-1-05
574-032-0060	8-4-05	Amend	9-1-05	579-070-0043	9-2-05	Amend	10-1-05
574-032-0070	8-4-05	Amend	9-1-05	579-070-0045	9-2-05	Amend	10-1-05
574-032-0080	8-4-05	Amend	9-1-05	579-075-0000	7-7-05	Amend	8-1-05
574-032-0090	8-4-05	Amend	9-1-05	580-021-0029	3-14-05	Adopt(T)	4-1-05
574-032-0100	8-4-05	Amend	9-1-05	580-021-0029	8-24-05	Adopt	10-1-05
574-032-0110	8-4-05	Amend	9-1-05	580-040-0035	2-15-05	Amend	3-1-05
574-032-0120	8-4-05	Amend	9-1-05	580-043-0100	12-15-04	Adopt(T)	1-1-05
574-032-0130	8-4-05	Amend	9-1-05	580-043-0105	12-15-04	Adopt(T)	1-1-05
574-032-0150	8-4-05	Amend	9-1-05	580-043-0110	12-15-04	Adopt(T)	1-1-05
574-032-0160	8-4-05	Amend	9-1-05	580-050-0000	2-10-05	Amend(T)	3-1-05
574-050-0005	3-8-05	Amend	4-1-05	580-050-0002	8-25-05	Adopt(T)	10-1-05
574-050-0005	8-4-05	Amend	9-1-05	580-050-0020	2-10-05	Amend(T)	3-1-05
574-050-0005	8-12-05	Amend	9-1-05	580-050-0020	8-24-05	Amend	10-1-05
575-001-0015	4-4-05	Amend(T)	5-1-05	580-050-0032	2-10-05	Amend(T)	3-1-05
575-001-0015	10-1-05	Amend	11-1-05	580-050-0032	8-24-05	Amend	10-1-05
575-030-0005	10-1-05	Amend	11-1-05	580-050-0350	2-10-05	Adopt(T)	3-1-05
575-031-0010	4-4-05	Amend(T)	5-1-05	580-050-0355	8-25-05	Adopt(T)	10-1-05
575-031-0010	10-1-05	Amend	11-1-05	580-050-0360	2-10-05	Adopt(T)	3-1-05
575-031-0025	10-1-05	Amend	11-1-05	580-050-0365	8-25-05	Adopt(T)	10-1-05
576-010-0000	7-1-05	Amend	7-1-05	581-011-0072	12-16-04	Amend	2-1-05
576-020-0010	1-1-05	Amend	1-1-05	581-011-0118	2-14-05	Amend	3-1-05
577-001-0100	7-7-05	Amend(T)	8-1-05	581-021-0037	3-23-05	Amend	5-1-05
577-001-0105	7-7-05	Amend(T)	8-1-05	581-021-0041	2-14-05	Amend	3-1-05
577-001-0110	7-7-05	Amend(T)	8-1-05	581-022-1110	3-15-05	Amend(T)	4-1-05
577-001-0115	7-7-05	Amend(T)	8-1-05	581-022-1111	2-14-05	Amend	3-1-05
577-001-0120	7-7-05	Amend(T)	8-1-05	581-022-1120	3-15-05	Amend(T)	4-1-05
577-060-0020	7-15-05	Amend(T)	8-1-05	581-022-1210	3-15-05	Amend(T)	4-1-05
578-041-0030	6-10-05	Amend	7-1-05	581-024-0215	2-14-05	Amend(T)	3-1-05
578-072-0030	6-10-05	Amend	7-1-05	582-001-0010	7-1-05	Amend	6-1-05
579-012-0000	7-7-05	Amend	8-1-05	582-050-0050	1-11-05	Amend	2-1-05
579-012-0010	7-7-05	Amend	8-1-05	582-050-0060	1-11-05	Amend	2-1-05
579-020-0006	5-16-05	Amend	7-1-05	582-070-0040	1-11-05	Amend	2-1-05
579-040-0005	7-7-05	Amend	8-1-05	582-100-0040	7-1-05	Amend	6-1-05
579-040-0007	7-7-05	Adopt	8-1-05	583-030-0025	3-3-05	Amend	4-1-05
579-040-0010	7-7-05	Amend	8-1-05	583-050-0006	9-30-05	Amend	11-1-05
579-040-0013	7-7-05	Adopt	8-1-05	583-050-0011	3-3-05	Amend	4-1-05
579-040-0015	7-7-05	Amend	8-1-05	583-050-0011	9-30-05	Amend	11-1-05
579-040-0020	7-7-05	Amend	8-1-05	583-050-0026	9-30-05	Amend	11-1-05
579-040-0025	7-7-05	Repeal	8-1-05	583-050-0027	9-30-05	Amend	11-1-05
579-040-0030	7-7-05	Amend	8-1-05	583-050-0028	9-30-05	Amend	11-1-05
579-040-0035	7-7-05	Amend	8-1-05	583-050-0031	9-30-05	Amend	11-1-05
579-040-0040	7-7-05	Repeal	8-1-05	584-001-0005	8-24-05	Amend	10-1-05
579-040-0045	7-7-05	Amend	8-1-05	584-005-0005	1-21-05	Amend	3-1-05
579-060-0140	7-7-05	Amend	8-1-05	584-010-0010	4-15-05	Amend	5-1-05
579-060-0150	7-7-05	Amend	8-1-05	584-010-0010	8-24-05	Amend	10-1-05
579-060-0160	7-7-05	Amend	8-1-05	584-017-0110	8-16-05	Suspend	10-1-05
579-060-0170	7-7-05	Amend	8-1-05	584-017-0115	1-21-05	Adopt	3-1-05
579-060-0180	7-7-05	Amend	8-1-05	584-017-0130	5-6-05	Amend(T)	6-1-05
579-060-0190	7-7-05	Amend	8-1-05	584-017-0130	8-24-05	Amend	10-1-05
579-070-0005	9-2-05	Amend	10-1-05	584-017-0140	5-6-05	Amend(T)	6-1-05
579-070-0010	9-2-05	Amend	10-1-05	584-017-0140	8-24-05	Amend	10-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
584-017-0170	8-24-05	Amend	10-1-05	585-010-0310	2-11-05	Amend	3-1-05
584-017-0175	4-15-05	Amend	5-1-05	585-020-0010	2-11-05	Amend	3-1-05
584-017-0250	1-21-05	Amend	3-1-05	585-020-0020	2-11-05	Amend	3-1-05
584-017-0251	1-21-05	Adopt	3-1-05	585-020-0035	2-11-05	Amend	3-1-05
584-017-0260	1-21-05	Amend	3-1-05	585-020-0060	2-11-05	Amend	3-1-05
584-017-0261	1-21-05	Adopt	3-1-05	589-002-0100	7-13-05	Amend	8-1-05
584-019-0045	8-24-05	Repeal	10-1-05	589-020-0225	11-30-04	Adopt	1-1-05
584-020-0045	4-15-05	Amend	5-1-05	603-001-0125	6-30-05	Amend	8-1-05
584-036-0015	5-6-05	Amend(T)	6-1-05	603-001-0130	6-30-05	Amend	8-1-05
584-036-0015	8-24-05	Amend	10-1-05	603-001-0135	6-30-05	Amend	8-1-05
584-036-0055	8-16-05	Amend(T)	10-1-05	603-001-0140	6-30-05	Amend	8-1-05
584-038-0004	8-16-05	Amend(T)	10-1-05	603-001-0145	6-30-05	Amend	8-1-05
584-040-0005	8-16-05	Amend(T)	10-1-05	603-001-0150	6-30-05	Amend	8-1-05
584-060-0011	1-21-05	Amend	3-1-05	603-001-0155	6-30-05	Amend	8-1-05
584-060-0011	7-1-05	Suspend	8-1-05	603-001-0160	6-30-05	Adopt	8-1-05
584-060-0012	1-21-05	Adopt	3-1-05	603-001-0170	6-30-05	Adopt	8-1-05
584-060-0012	7-1-05	Amend(T)	8-1-05	603-011-0265	5-31-05	Amend	7-1-05
584-060-0012	8-24-05	Amend	10-1-05	603-011-0610	2-17-05	Amend	4-1-05
584-060-0013	1-21-05	Adopt	3-1-05	603-011-0620	2-17-05	Amend	4-1-05
584-060-0013	7-1-05	Amend(T)	8-1-05	603-011-0630	2-17-05	Amend	4-1-05
584-060-0013	8-24-05	Amend	10-1-05	603-040-0010	11-30-04	Repeal	1-1-05
584-060-0021	7-1-05	Suspend	8-1-05	603-040-0020	11-30-04	Repeal	1-1-05
584-060-0022	1-21-05	Adopt	3-1-05	603-040-0030	11-30-04	Repeal	1-1-05
584-060-0051	4-15-05	Amend	5-1-05	603-040-0040	11-30-04	Repeal	1-1-05
584-060-0051	5-6-05	Amend(T)	6-1-05	603-040-0050	11-30-04	Repeal	1-1-05
584-060-0051	8-24-05	Amend	10-1-05	603-040-0065	11-30-04	Repeal	1-1-05
584-060-0052	4-15-05	Adopt	5-1-05	603-041-0015	11-30-04	Repeal	1-1-05
584-060-0052	8-24-05	Adopt	10-1-05	603-041-0030	11-30-04	Repeal	1-1-05
584-060-0061	8-24-05	Repeal	10-1-05	603-041-0035	11-30-04	Repeal	1-1-05
584-060-0062	4-15-05	Adopt	5-1-05	603-041-0040	11-30-04	Repeal	1-1-05
584-060-0062	8-24-05	Adopt	10-1-05	603-041-0050	11-30-04	Repeal	1-1-05
584-060-0071	8-24-05	Amend	10-1-05	603-041-0060	11-30-04	Repeal	1-1-05
584-060-0161	4-15-05	Amend	5-1-05	603-041-0065	11-30-04	Repeal	1-1-05
584-060-0171	1-21-05	Amend	3-1-05	603-041-0075	11-30-04	Repeal	1-1-05
584-060-0210	1-21-05	Amend	3-1-05	603-042-0015	11-30-04	Adopt	1-1-05
584-065-0060	4-15-05	Adopt	5-1-05	603-051-1050	3-11-05	Adopt	4-1-05
584-065-0070	4-15-05	Adopt	5-1-05	603-051-1051	3-11-05	Adopt	4-1-05
584-065-0080	4-15-05	Adopt	5-1-05	603-051-1052	3-11-05	Adopt	4-1-05
584-065-0090	4-15-05	Adopt	5-1-05	603-051-1053	3-11-05	Adopt	4-1-05
584-070-0111	1-21-05	Amend	3-1-05	603-051-1054	3-11-05	Adopt	4-1-05
584-070-0132	8-24-05	Adopt	10-1-05	603-052-0051	2-14-05	Amend	3-1-05
584-080-0171	1-21-05	Adopt	3-1-05	603-052-0114	2-14-05	Amend	3-1-05
584-100-0046	7-1-05	Amend(T)	8-1-05	603-052-0116	2-15-05	Amend	3-1-05
584-100-0046	8-16-05	Amend(T)	10-1-05	603-052-0118	2-15-05	Amend	3-1-05
584-100-0071	1-21-05	Amend	3-1-05	603-052-0121	2-15-05	Amend	3-1-05
585-001-0000	2-11-05	Amend	3-1-05	603-052-0150	2-14-05	Amend	3-1-05
585-010-0115	2-11-05	Amend	3-1-05	603-052-0348	3-11-05	Repeal	4-1-05
585-010-0120	2-11-05	Amend	3-1-05	603-052-0385	2-15-05	Amend	3-1-05
585-010-0125	2-11-05	Amend	3-1-05	603-052-0450	2-15-05	Amend	3-1-05
585-010-0130	2-11-05	Amend	3-1-05	603-052-1200	12-28-04	Amend	2-1-05
585-010-0150	2-11-05	Amend	3-1-05	603-052-1230	1-24-05	Amend	3-1-05
585-010-0210	2-11-05	Amend	3-1-05	603-052-1250	3-25-05	Adopt	5-1-05
585-010-0215	2-11-05	Amend	3-1-05	603-054-0040	2-15-05	Amend	3-1-05
585-010-0220	2-11-05	Amend	3-1-05	603-054-0045	2-15-05	Amend	3-1-05
585-010-0230	2-11-05	Amend	3-1-05	603-054-0050	2-15-05	Amend	3-1-05
585-010-0300	2-11-05	Renumber	3-1-05	603-054-0055	2-15-05	Amend	3-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
603-054-0060	2-15-05	Amend	3-1-05	629-660-0040	8-2-05	Amend(T)	9-1-05
603-054-0065	2-15-05	Amend	3-1-05	629-660-0050	8-2-05	Amend(T)	9-1-05
603-054-0070	2-15-05	Amend	3-1-05	629-665-0020	8-2-05	Amend(T)	9-1-05
603-054-0075	2-15-05	Amend	3-1-05	629-665-0110	8-2-05	Amend(T)	9-1-05
603-057-0006	1-1-06	Amend(T)	11-1-05	629-665-0120	8-2-05	Amend(T)	9-1-05
603-058-0005	10-13-05	Amend	11-1-05	629-665-0210	8-2-05	Amend(T)	9-1-05
606-040-0010	4-25-05	Adopt	6-1-05	629-665-0220	8-2-05	Amend(T)	9-1-05
607-010-0015	8-1-05	Amend	8-1-05	629-665-0230	8-2-05	Amend(T)	9-1-05
607-010-0020	8-1-05	Amend	8-1-05	629-665-0240	8-2-05	Amend(T)	9-1-05
611-010-0020	1-13-05	Amend	2-1-05	629-670-0010	8-2-05	Amend(T)	9-1-05
629-001-0010	8-2-05	Amend(T)	9-1-05	629-670-0015	8-2-05	Amend(T)	9-1-05
629-001-0025	8-2-05	Amend(T)	9-1-05	629-670-0100	8-2-05	Amend(T)	9-1-05
629-001-0056	7-1-05	Adopt(T)	8-1-05	629-670-0115	8-2-05	Amend(T)	9-1-05
629-025-0040	3-1-05	Amend	4-1-05	629-670-0125	8-2-05	Amend(T)	9-1-05
629-025-0070	3-1-05	Amend	4-1-05	629-670-0210	8-2-05	Amend(T)	9-1-05
629-025-0080	3-1-05	Adopt	4-1-05	629-672-0100	8-2-05	Amend(T)	9-1-05
629-041-0200	1-7-05	Amend	2-1-05	629-672-0200	8-2-05	Amend(T)	9-1-05
629-041-0515	1-7-05	Amend	2-1-05	629-672-0210	8-2-05	Amend(T)	9-1-05
629-041-0570	1-7-05	Amend	2-1-05	629-672-0220	8-2-05	Suspend	9-1-05
629-600-0100	8-2-05	Amend(T)	9-1-05	629-672-0310	8-2-05	Amend(T)	9-1-05
629-605-0100	8-2-05	Amend(T)	9-1-05	629-674-0100	8-2-05	Amend(T)	9-1-05
629-605-0150	8-2-05	Amend(T)	9-1-05	632-007-0000	12-10-04	Amend	1-1-05
629-605-0170	8-2-05	Amend(T)	9-1-05	632-007-0010	12-10-04	Amend	1-1-05
629-605-0173	8-2-05	Adopt(T)	9-1-05	632-007-0020	12-10-04	Amend	1-1-05
629-605-0175	8-2-05	Amend(T)	9-1-05	632-007-0030	12-10-04	Amend	1-1-05
629-605-0180	8-2-05	Amend(T)	9-1-05	632-030-0022	8-3-05	Amend(T)	9-1-05
629-605-0190	8-2-05	Amend(T)	9-1-05	635-003-0003	4-15-05	Amend	5-1-05
629-605-0500	8-2-05	Amend(T)	9-1-05	635-003-0004	3-15-05	Amend(T)	4-1-05
629-610-0020	8-2-05	Amend(T)	9-1-05	635-003-0004	3-15-05	Amend(T)	4-1-05
629-610-0030	8-2-05	Amend(T)	9-1-05	635-003-0004	4-15-05	Amend	5-1-05
629-610-0040	8-2-05	Amend(T)	9-1-05	635-003-0004(T)	3-15-05	Suspend	4-1-05
629-610-0050	8-2-05	Amend(T)	9-1-05	635-003-0076	2-14-05	Repeal	3-1-05
629-610-0060	8-2-05	Amend(T)	9-1-05	635-003-0077	2-14-05	Adopt	3-1-05
629-610-0070	8-2-05	Amend(T)	9-1-05	635-003-0077	5-4-05	Amend(T)	6-1-05
629-610-0090	8-2-05	Amend(T)	9-1-05	635-003-0077	5-24-05	Amend(T)	7-1-05
629-615-0300	8-2-05	Amend(T)	9-1-05	635-003-0077	6-3-05	Amend(T)	7-1-05
629-623-0450	8-2-05	Amend(T)	9-1-05	635-003-0077	6-26-05	Amend(T)	8-1-05
629-623-0550	8-2-05	Amend(T)	9-1-05	635-003-0077	8-23-05	Amend(T)	10-1-05
629-623-0700	8-2-05	Amend(T)	9-1-05	635-003-0077(T)	5-24-05	Suspend	7-1-05
629-625-0100	8-2-05	Amend(T)	9-1-05	635-003-0077(T)	6-3-05	Suspend	7-1-05
629-625-0320	8-2-05	Amend(T)	9-1-05	635-003-0077(T)	6-26-05	Suspend	8-1-05
629-625-0430	8-2-05	Amend(T)	9-1-05	635-003-0077(T)	8-23-05	Suspend	10-1-05
629-630-0200	8-2-05	Amend(T)	9-1-05	635-003-0078	2-14-05	Adopt	3-1-05
629-630-0600	8-2-05	Amend(T)	9-1-05	635-004-0003	5-1-05	Adopt	5-1-05
629-630-0700	8-2-05	Amend(T)	9-1-05	635-004-0005	1-1-05	Amend	1-1-05
629-630-0800	8-2-05	Amend(T)	9-1-05	635-004-0005	5-1-05	Amend(T)	6-1-05
629-635-0130	8-2-05	Amend(T)	9-1-05	635-004-0005	7-1-05	Amend	8-1-05
629-640-0100	8-2-05	Amend(T)	9-1-05	635-004-0005(T)	7-7-05	Suspend	8-1-05
629-640-0110	8-2-05	Amend(T)	9-1-05	635-004-0009	7-1-05	Adopt	8-1-05
629-640-0200	8-2-05	Amend(T)	9-1-05	635-004-0018	1-1-05	Amend	1-1-05
629-640-0400	8-2-05	Amend(T)	9-1-05	635-004-0019	4-8-05	Amend(T)	5-1-05
629-645-0000	8-2-05	Amend(T)	9-1-05	635-004-0019	5-1-05	Amend(T)	6-1-05
629-645-0020	8-2-05	Amend(T)	9-1-05	635-004-0019	5-13-05	Amend(T)	6-1-05
629-645-0030	8-2-05	Amend(T)	9-1-05	635-004-0019	7-1-05	Amend(T)	8-1-05
629-645-0050	8-2-05	Amend(T)	9-1-05	635-004-0019	10-1-05	Amend(T)	11-1-05
629-650-0040	8-2-05	Amend(T)	9-1-05	635-004-0019(T)	5-1-05	Suspend	6-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-004-0019(T)	5-13-05	Suspend	6-1-05	635-013-0004(T)	9-17-05	Suspend	10-1-05
635-004-0019(T)	7-1-05	Suspend	8-1-05	635-013-0009	4-15-05	Amend	5-1-05
635-004-0019(T)	10-1-05	Suspend	11-1-05	635-014-0080	1-1-05	Amend	1-1-05
635-004-0020	1-1-05	Amend	1-1-05	635-014-0090	11-20-04	Amend(T)	1-1-05
635-004-0020	5-1-05	Amend(T)	6-1-05	635-014-0090	1-1-05	Amend	1-1-05
635-004-0020	7-8-05	Amend	8-1-05	635-014-0090	7-1-05	Amend(T)	8-1-05
635-004-0020(T)	7-8-05	Repeal	8-1-05	635-014-0090	10-1-05	Amend(T)	10-1-05
635-004-0027	1-1-05	Amend(T)	1-1-05	635-014-0090(T)	11-20-04	Suspend	1-1-05
635-004-0029	1-1-05	Amend	1-1-05	635-016-0080	1-1-05	Amend	1-1-05
635-004-0033	1-1-05	Amend	1-1-05	635-016-0090	1-1-05	Amend	1-1-05
635-004-0033	1-1-05	Amend	1-1-05	635-016-0090	1-1-05	Amend	2-1-05
635-004-0033	5-1-05	Amend(T)	6-1-05	635-017-0080	1-1-05	Amend	1-1-05
635-004-0033	8-1-05	Amend(T)	9-1-05	635-017-0090	1-1-05	Amend	1-1-05
635-004-0033	8-3-05	Amend(T)	9-1-05	635-017-0090	5-1-05	Amend	5-1-05
635-004-0033	10-11-05	Amend(T)	11-1-05	635-017-0090	7-21-05	Amend(T)	9-1-05
635-004-0033(T)	8-1-05	Suspend	9-1-05	635-017-0095	1-21-05	Adopt(T)	3-1-05
635-004-0033(T)	8-3-05	Suspend	9-1-05	635-017-0095	6-17-05	Adopt	8-1-05
635-004-0033(T)	10-11-05	Suspend	11-1-05	635-017-0095(T)	6-17-05	Repeal	8-1-05
635-004-0040	5-1-05	Amend(T)	6-1-05	635-018-0080	1-1-05	Amend	1-1-05
635-004-0040	7-8-05	Amend	8-1-05	635-018-0090	1-1-05	Amend	1-1-05
635-004-0040(T)	7-8-05	Repeal	8-1-05	635-018-0090	4-15-05	Amend(T)	5-1-05
635-004-0050	1-1-05	Amend	1-1-05	635-018-0090	5-15-05	Amend(T)	6-1-05
635-005-0042	12-1-05	Adopt	11-1-05	635-018-0090	8-1-05	Amend(T)	9-1-05
635-005-0045	12-1-04	Amend(T)	1-1-05	635-018-0090	8-1-05	Amend(T)	9-1-05
635-005-0045	12-8-04	Amend(T)	1-1-05	635-018-0090(T)	5-15-05	Suspend	6-1-05
635-005-0045	12-21-04	Amend(T)	2-1-05	635-018-0090(T)	8-1-05	Suspend	9-1-05
635-005-0045	12-30-04	Amend(T)	2-1-05	635-018-0090(T)	8-1-05	Suspend	9-1-05
635-005-0045(T)	12-8-04	Suspend	1-1-05	635-019-0080	1-1-05	Amend	1-1-05
635-005-0045(T)	12-21-04	Suspend	2-1-05	635-019-0090	1-1-05	Amend	1-1-05
635-005-0045(T)	12-30-04	Suspend	2-1-05	635-019-0090	5-13-05	Amend(T)	6-1-05
635-005-0047	12-1-05	Amend	11-1-05	635-019-0090	6-25-05	Amend(T)	8-1-05
635-006-0215	10-10-05	Amend(T)	11-1-05	635-019-0090	8-26-05	Amend(T)	10-1-05
635-006-0232	1-7-05	Amend	2-1-05	635-019-0090(T)	6-25-05	Suspend	8-1-05
635-006-0850	12-15-04	Amend	1-1-05	635-021-0080	1-1-05	Amend	1-1-05
635-006-0850	7-6-05	Amend(T)	8-1-05	635-021-0090	1-1-05	Amend	1-1-05
635-006-0910	12-15-04	Amend	1-1-05	635-021-0090	9-2-05	Amend(T)	10-1-05
635-006-0930	12-15-04	Amend	1-1-05	635-023-0080	1-1-05	Amend	1-1-05
635-008-0070	8-19-05	Amend	10-1-05	635-023-0090	1-1-05	Amend	1-1-05
635-008-0105	8-19-05	Amend	10-1-05	635-023-0090	1-1-05	Amend(T)	1-1-05
635-008-0130	8-19-05	Amend	10-1-05	635-023-0090	1-1-05	Amend(T)	2-1-05
635-008-0140	8-19-05	Amend	10-1-05	635-023-0090(T)	1-1-05	Suspend	2-1-05
635-008-0185	8-19-05	Amend	10-1-05	635-023-0095	1-1-05	Adopt(T)	2-1-05
635-008-0190	8-19-05	Amend	10-1-05	635-023-0095	2-14-05	Adopt	3-1-05
635-010-0020	4-1-05	Amend	3-1-05	635-023-0095	4-30-05	Amend(T)	5-1-05
635-011-0050	1-1-05	Amend	1-1-05	635-023-0095	6-11-05	Amend(T)	7-1-05
635-011-0066	1-1-05	Amend	1-1-05	635-023-0095	6-24-05	Amend(T)	8-1-05
635-011-0072	5-1-05	Adopt	5-1-05	635-023-0095	7-10-05	Amend(T)	8-1-05
635-011-0100	1-1-05	Amend	1-1-05	635-023-0095	7-18-05	Amend(T)	8-1-05
635-011-0101	1-1-05	Repeal	1-1-05	635-023-0095(T)	2-14-05	Repeal	3-1-05
635-013-0003	1-1-05	Amend	1-1-05	635-023-0095(T)	6-11-05	Suspend	7-1-05
635-013-0003	4-15-05	Amend	5-1-05	635-023-0095(T)	6-24-05	Suspend	8-1-05
635-013-0004	1-1-05	Amend	1-1-05	635-023-0095(T)	7-10-05	Suspend	8-1-05
635-013-0004	7-29-05	Amend(T)	9-1-05	635-023-0095(T)	7-18-05	Suspend	8-1-05
635-013-0004	9-9-05	Amend(T)	10-1-05	635-023-0125	1-1-05	Amend	1-1-05
635-013-0004	9-17-05	Amend(T)	10-1-05	635-023-0125	2-14-05	Amend	3-1-05
635-013-0004(T)	9-9-05	Suspend	10-1-05	635-023-0125	4-20-05	Amend(T)	6-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-023-0125	5-5-05	Amend(T)	6-1-05	635-041-0065(T)	1-31-05	Suspend	3-1-05
635-023-0125	5-10-05	Amend(T)	6-1-05	635-041-0065(T)	3-15-05	Suspend	4-1-05
635-023-0125	5-22-05	Amend(T)	7-1-05	635-041-0074	7-4-05	Adopt(T)	8-1-05
635-023-0125	6-4-05	Amend(T)	7-1-05	635-041-0074	7-8-05	Amend(T)	8-1-05
635-023-0125(T)	5-5-05	Suspend	6-1-05	635-041-0074	7-25-05	Amend(T)	9-1-05
635-023-0125(T)	5-10-05	Suspend	6-1-05	635-041-0074(T)	7-8-05	Suspend	8-1-05
635-023-0125(T)	5-22-05	Suspend	7-1-05	635-041-0074(T)	7-25-05	Suspend	9-1-05
635-023-0125(T)	6-4-05	Suspend	7-1-05	635-041-0075	8-22-05	Amend(T)	10-1-05
635-023-0128	1-1-05	Adopt	1-1-05	635-041-0075	9-12-05	Amend(T)	10-1-05
635-023-0128	6-16-05	Amend(T)	7-1-05	635-041-0075	9-19-05	Amend(T)	11-1-05
635-023-0128	7-1-05	Amend(T)	8-1-05	635-041-0075	9-28-05	Amend(T)	11-1-05
635-023-0128(T)	7-1-05	Suspend	8-1-05	635-041-0075	10-11-05	Amend(T)	11-1-05
635-023-0130	1-1-05	Amend	1-1-05	635-041-0075(T)	9-12-05	Suspend	10-1-05
635-023-0130	4-15-05	Amend	5-1-05	635-041-0075(T)	9-19-05	Suspend	11-1-05
635-023-0130	8-1-05	Amend(T)	9-1-05	635-041-0075(T)	9-28-05	Suspend	11-1-05
635-023-0130	9-17-05	Amend(T)	10-1-05	635-041-0075(T)	10-11-05	Suspend	11-1-05
635-023-0130	9-30-05	Amend(T)	11-1-05	635-042-0005	2-14-05	Amend	3-1-05
635-023-0130(T)	9-17-05	Suspend	10-1-05	635-042-0022	2-14-05	Amend	3-1-05
635-023-0130(T)	9-30-05	Suspend	11-1-05	635-042-0022	3-1-05	Amend(T)	4-1-05
635-023-0134	1-1-05	Adopt	1-1-05	635-042-0022	3-3-05	Amend(T)	4-1-05
635-023-0134	5-21-05	Amend(T)	7-1-05	635-042-0022	3-7-05	Amend(T)	4-1-05
635-039-0080	1-1-05	Amend	1-1-05	635-042-0022	3-10-05	Amend(T)	4-1-05
635-039-0080	1-1-05	Amend	1-1-05	635-042-0022	3-15-05	Amend(T)	4-1-05
635-039-0080	5-1-05	Amend(T)	6-1-05	635-042-0022	3-29-05	Amend(T)	5-1-05
635-039-0080	6-12-05	Amend(T)	7-1-05	635-042-0022	3-31-05	Amend(T)	5-1-05
635-039-0080	7-1-05	Amend	8-1-05	635-042-0022(T)	3-3-05	Suspend	4-1-05
635-039-0080	7-7-05	Amend(T)	8-1-05	635-042-0022(T)	3-7-05	Suspend	4-1-05
635-039-0080	8-12-05	Amend(T)	9-1-05	635-042-0022(T)	3-10-05	Suspend	4-1-05
635-039-0080(T)	6-12-05	Suspend	7-1-05	635-042-0022(T)	3-15-05	Suspend	4-1-05
635-039-0080(T)	7-7-05	Suspend	8-1-05	635-042-0022(T)	3-29-05	Suspend	5-1-05
635-039-0080(T)	8-12-05	Suspend	9-1-05	635-042-0022(T)	3-31-05	Suspend	5-1-05
635-039-0085	7-1-05	Adopt	8-1-05	635-042-0023	6-23-05	Adopt(T)	8-1-05
635-039-0085	8-12-05	Amend(T)	9-1-05	635-042-0023	7-11-05	Amend(T)	8-1-05
635-039-0085	9-15-05	Amend(T)	10-1-05	635-042-0023	7-18-05	Amend(T)	8-1-05
635-039-0085	10-18-05	Amend(T)	11-1-05	635-042-0023	7-25-05	Amend(T)	9-1-05
635-039-0085(T)	9-15-05	Suspend	10-1-05	635-042-0023(T)	7-11-05	Suspend	8-1-05
635-039-0085(T)	10-18-05	Suspend	11-1-05	635-042-0023(T)	7-18-05	Suspend	8-1-05
635-039-0090	1-1-05	Amend	1-1-05	635-042-0023(T)	7-25-05	Suspend	9-1-05
635-039-0090	1-1-05	Amend	1-1-05	635-042-0031	8-3-05	Amend(T)	9-1-05
635-039-0090	5-1-05	Amend(T)	6-1-05	635-042-0031	8-14-05	Amend(T)	9-1-05
635-039-0090	7-16-05	Amend(T)	8-1-05	635-042-0031	8-17-05	Amend(T)	10-1-05
635-039-0090	8-11-05	Amend(T)	9-1-05	635-042-0031	8-22-05	Amend(T)	10-1-05
635-039-0090	10-18-05	Amend(T)	11-1-05	635-042-0031	8-25-05	Amend(T)	10-1-05
635-039-0090(T)	7-16-05	Suspend	8-1-05	635-042-0031(T)	8-14-05	Suspend	9-1-05
635-039-0090(T)	8-11-05	Suspend	9-1-05	635-042-0031(T)	8-17-05	Suspend	10-1-05
635-039-0090(T)	10-18-05	Suspend	11-1-05	635-042-0031(T)	8-22-05	Suspend	10-1-05
635-041-0030	1-20-05	Amend(T)	3-1-05	635-042-0031(T)	8-25-05	Suspend	10-1-05
635-041-0030	2-14-05	Amend	3-1-05	635-042-0060	9-19-05	Amend(T)	11-1-05
635-041-0030(T)	2-14-05	Repeal	3-1-05	635-042-0060	9-26-05	Amend(T)	11-1-05
635-041-0061	1-1-05	Amend(T)	2-1-05	635-042-0060	9-28-05	Amend(T)	11-1-05
635-041-0061	2-14-05	Amend	3-1-05	635-042-0060	10-5-05	Amend(T)	11-1-05
635-041-0061(T)	2-14-05	Repeal	3-1-05	635-042-0060	10-11-05	Amend(T)	11-1-05
635-041-0063	10-11-05	Amend(T)	11-1-05	635-042-0060(T)	9-26-05	Suspend	11-1-05
635-041-0065	1-1-05	Amend(T)	2-1-05	635-042-0060(T)	9-28-05	Suspend	11-1-05
635-041-0065	1-31-05	Amend(T)	3-1-05	635-042-0060(T)	10-5-05	Suspend	11-1-05
635-041-0065	3-15-05	Amend(T)	4-1-05	635-042-0060(T)	10-11-05	Suspend	11-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-042-0110	2-14-05	Amend	3-1-05	635-042-0160(T)	8-3-05	Suspend	9-1-05
635-042-0110	5-10-05	Amend(T)	6-1-05	635-042-0160(T)	9-19-05	Suspend	11-1-05
635-042-0110	5-23-05	Amend(T)	7-1-05	635-042-0160(T)	9-26-05	Suspend	11-1-05
635-042-0110	6-29-05	Amend(T)	8-1-05	635-042-0160(T)	10-5-05	Suspend	11-1-05
635-042-0110(T)	5-23-05	Suspend	7-1-05	635-042-0160(T)	10-11-05	Suspend	11-1-05
635-042-0110(T)	6-29-05	Suspend	8-1-05	635-042-0170	2-14-05	Amend	3-1-05
635-042-0115	2-14-05	Amend	3-1-05	635-042-0170	8-3-05	Amend(T)	9-1-05
635-042-0130	1-1-05	Amend(T)	2-1-05	635-042-0170	9-19-05	Amend(T)	11-1-05
635-042-0130	2-24-05	Amend(T)	4-1-05	635-042-0170	9-26-05	Amend(T)	11-1-05
635-042-0130(T)	2-24-05	Suspend	4-1-05	635-042-0170	10-5-05	Amend(T)	11-1-05
635-042-0135	1-1-05	Amend(T)	2-1-05	635-042-0170	10-11-05	Amend(T)	11-1-05
635-042-0135	2-22-05	Amend(T)	4-1-05	635-042-0170(T)	9-19-05	Suspend	11-1-05
635-042-0135(T)	2-22-05	Suspend	4-1-05	635-042-0170(T)	9-26-05	Suspend	11-1-05
635-042-0145	2-14-05	Amend	3-1-05	635-042-0170(T)	10-5-05	Suspend	11-1-05
635-042-0145	3-10-05	Amend(T)	4-1-05	635-042-0170(T)	10-11-05	Suspend	11-1-05
635-042-0145	3-15-05	Amend(T)	4-1-05	635-042-0180	2-14-05	Amend	3-1-05
635-042-0145	4-20-05	Amend(T)	6-1-05	635-042-0180	4-20-05	Amend(T)	6-1-05
635-042-0145	4-28-05	Amend(T)	6-1-05	635-042-0180	4-28-05	Amend(T)	6-1-05
635-042-0145	5-5-05	Amend(T)	6-1-05	635-042-0180	5-5-05	Amend(T)	6-1-05
635-042-0145	5-10-05	Amend(T)	6-1-05	635-042-0180	5-10-05	Amend(T)	6-1-05
635-042-0145	5-18-05	Amend(T)	7-1-05	635-042-0180	8-3-05	Amend(T)	9-1-05
635-042-0145	7-11-05	Amend(T)	8-1-05	635-042-0180	9-19-05	Amend(T)	11-1-05
635-042-0145	7-18-05	Amend(T)	8-1-05	635-042-0180	9-26-05	Amend(T)	11-1-05
635-042-0145	8-3-05	Amend(T)	9-1-05	635-042-0180	10-5-05	Amend(T)	11-1-05
635-042-0145	9-19-05	Amend(T)	11-1-05	635-042-0180	10-11-05	Amend(T)	11-1-05
635-042-0145	9-26-05	Amend(T)	11-1-05	635-042-0180(T)	4-28-05	Suspend	6-1-05
635-042-0145	10-5-05	Amend(T)	11-1-05	635-042-0180(T)	5-5-05	Suspend	6-1-05
635-042-0145	10-11-05	Amend(T)	11-1-05	635-042-0180(T)	5-10-05	Suspend	6-1-05
635-042-0145(T)	3-15-05	Suspend	4-1-05	635-042-0180(T)	8-3-05	Suspend	9-1-05
635-042-0145(T)	4-28-05	Suspend	6-1-05	635-042-0180(T)	9-19-05	Suspend	11-1-05
635-042-0145(T)	5-5-05	Suspend	6-1-05	635-042-0180(T)	9-26-05	Suspend	11-1-05
635-042-0145(T)	5-10-05	Suspend	6-1-05	635-042-0180(T)	10-5-05	Suspend	11-1-05
635-042-0145(T)	5-18-05	Suspend	7-1-05	635-042-0180(T)	10-11-05	Suspend	11-1-05
635-042-0145(T)	7-11-05	Suspend	8-1-05	635-042-0190	2-14-05	Amend	3-1-05
635-042-0145(T)	7-18-05	Suspend	8-1-05	635-042-0190	8-3-05	Amend(T)	9-1-05
635-042-0145(T)	8-3-05	Suspend	9-1-05	635-042-0190	9-19-05	Amend(T)	11-1-05
635-042-0145(T)	9-19-05	Suspend	11-1-05	635-042-0190	9-26-05	Amend(T)	11-1-05
635-042-0145(T)	9-26-05	Suspend	11-1-05	635-042-0190	10-5-05	Amend(T)	11-1-05
635-042-0145(T)	10-5-05	Suspend	11-1-05	635-042-0190	10-11-05	Amend(T)	11-1-05
635-042-0145(T)	10-11-05	Suspend	11-1-05	635-042-0190(T)	9-19-05	Suspend	11-1-05
635-042-0160	2-14-05	Amend	3-1-05	635-042-0190(T)	9-26-05	Suspend	11-1-05
635-042-0160	3-10-05	Amend(T)	4-1-05	635-042-0190(T)	10-5-05	Suspend	11-1-05
635-042-0160	3-15-05	Amend(T)	4-1-05	635-042-0190(T)	10-11-05	Suspend	11-1-05
635-042-0160	4-20-05	Amend(T)	6-1-05	635-043-0085	1-1-05	Amend	2-1-05
635-042-0160	4-28-05	Amend(T)	6-1-05	635-043-0096	3-9-05	Amend	4-1-05
635-042-0160	5-5-05	Amend(T)	6-1-05	635-044-0130	1-1-05	Amend	2-1-05
635-042-0160	5-10-05	Amend(T)	6-1-05	635-045-0000	8-19-05	Amend	10-1-05
635-042-0160	8-3-05	Amend(T)	9-1-05	635-051-0000	8-19-05	Amend	10-1-05
635-042-0160	9-19-05	Amend(T)	11-1-05	635-052-0000	8-19-05	Amend	10-1-05
635-042-0160	9-26-05	Amend(T)	11-1-05	635-053-0000	8-19-05	Amend	10-1-05
635-042-0160	10-5-05	Amend(T)	11-1-05	635-054-0000	8-19-05	Amend	10-1-05
635-042-0160	10-11-05	Amend(T)	11-1-05	635-060-0000	1-1-05	Amend	2-1-05
635-042-0160(T)	3-15-05	Suspend	4-1-05	635-060-0000	8-19-05	Amend	10-1-05
635-042-0160(T)	4-28-05	Suspend	6-1-05	635-060-0005	1-1-05	Amend	2-1-05
635-042-0160(T)	5-5-05	Suspend	6-1-05	635-060-0023	1-1-05	Amend	2-1-05
635-042-0160(T)	5-10-05	Suspend	6-1-05	635-060-0046	1-1-05	Amend	2-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-060-0046	4-20-05	Amend	6-1-05	635-080-0065	1-1-05	Amend	2-1-05
635-060-0055	4-1-05	Amend	2-1-05	635-090-0170	8-19-05	Repeal	10-1-05
635-065-0001	1-1-05	Amend	2-1-05	635-090-0180	8-19-05	Repeal	10-1-05
635-065-0006	1-1-05	Amend	2-1-05	635-090-0195	8-30-05	Adopt(T)	10-1-05
635-065-0015	1-1-05	Amend	2-1-05	635-100-0125	7-1-05	Amend(T)	8-1-05
635-065-0090	1-1-05	Amend	2-1-05	635-100-0125	8-19-05	Amend	10-1-05
635-065-0090	6-14-05	Amend	7-1-05	635-110-0000	3-9-05	Adopt	4-1-05
635-065-0401	1-1-05	Amend	2-1-05	635-110-0010	3-9-05	Adopt	4-1-05
635-065-0625	1-1-05	Amend	2-1-05	635-110-0020	3-9-05	Adopt	4-1-05
635-065-0635	1-1-05	Amend	2-1-05	635-110-0030	3-9-05	Adopt	4-1-05
635-065-0720	1-1-05	Amend	2-1-05	635-110-0040	3-9-05	Adopt	4-1-05
635-065-0735	1-1-05	Amend	2-1-05	635-140-0000	8-19-05	Adopt	10-1-05
635-065-0740	1-1-05	Amend	2-1-05	635-140-0005	8-19-05	Adopt	10-1-05
635-065-0745	1-1-05	Amend	2-1-05	635-140-0010	8-19-05	Adopt	10-1-05
635-065-0760	6-1-05	Amend	2-1-05	635-140-0025	8-19-05	Adopt	10-1-05
635-065-0765	6-14-05	Amend	7-1-05	635-160-0000	8-19-05	Amend	10-1-05
635-065-0765	9-23-05	Amend(T)	11-1-05	635-190-0000	8-19-05	Amend	10-1-05
635-065-0771	9-1-05	Adopt(T)	10-1-05	635-412-0030	11-17-04	Amend	1-1-05
635-066-0000	1-1-05	Amend	2-1-05	635-430-0000	11-26-04	Amend	1-1-05
635-067-0000	1-1-05	Amend	2-1-05	635-430-0010	11-26-04	Amend	1-1-05
635-067-0000	6-14-05	Amend	7-1-05	635-430-0020	11-26-04	Amend	1-1-05
635-067-0004	6-14-05	Amend	7-1-05	635-430-0025	11-26-04	Adopt	1-1-05
635-067-0015	1-1-05	Amend	2-1-05	635-430-0030	11-26-04	Amend	1-1-05
635-067-0028	1-1-05	Amend	2-1-05	635-430-0040	11-26-04	Amend	1-1-05
635-067-0029	1-1-05	Amend	2-1-05	635-430-0050	11-26-04	Amend	1-1-05
635-067-0034	1-1-05	Amend	2-1-05	635-430-0060	11-26-04	Amend	1-1-05
635-067-0041	1-1-05	Amend	2-1-05	635-430-0070	11-26-04	Amend	1-1-05
635-068-0000	3-1-05	Amend	2-1-05	635-430-0080	11-26-04	Amend	1-1-05
635-068-0000	6-14-05	Amend	7-1-05	635-430-0090	11-26-04	Amend	1-1-05
635-068-0022	3-1-05	Amend	2-1-05	635-430-0100	11-26-04	Amend	1-1-05
635-069-0000	2-1-05	Amend	2-1-05	635-430-0310	11-26-04	Amend	1-1-05
635-069-0000	6-14-05	Amend	7-1-05	635-430-0320	11-26-04	Amend	1-1-05
635-069-0010	9-30-05	Amend(T)	11-1-05	635-430-0330	11-26-04	Amend	1-1-05
635-069-0030	2-1-05	Amend	2-1-05	635-430-0350	11-26-04	Amend	1-1-05
635-070-0000	4-1-05	Amend	2-1-05	635-430-0360	11-26-04	Amend	1-1-05
635-070-0000	6-14-05	Amend	7-1-05	635-430-0375	11-26-04	Adopt	1-1-05
635-071-0000	4-1-05	Amend	2-1-05	635-500-3885	7-1-05	Adopt	8-1-05
635-071-0000	6-14-05	Amend	7-1-05	647-010-0010	6-1-05	Amend	6-1-05
635-072-0000	1-1-05	Amend	2-1-05	660-002-0005	3-18-05	Amend(T)	5-1-05
635-073-0000	2-1-05	Amend	2-1-05	660-002-0005	8-12-05	Amend	9-1-05
635-073-0000	6-14-05	Amend	7-1-05	660-002-0010	3-18-05	Amend(T)	5-1-05
635-073-0001	6-14-05	Amend	7-1-05	660-002-0010	8-12-05	Amend	9-1-05
635-073-0065	6-14-05	Amend	7-1-05	660-002-0015	3-18-05	Amend(T)	5-1-05
635-073-0070	6-14-05	Amend	7-1-05	660-002-0015	8-12-05	Amend	9-1-05
635-073-0080	1-1-05	Amend	2-1-05	660-002-0020	3-18-05	Amend(T)	5-1-05
635-075-0005	1-1-05	Amend	2-1-05	660-002-0020	8-12-05	Amend	9-1-05
635-075-0005	6-14-05	Amend	7-1-05	660-004-0010	6-28-05	Amend	8-1-05
635-075-0010	1-1-05	Amend	2-1-05	660-011-0060	2-14-05	Amend	3-1-05
635-075-0015	1-1-05	Amend	2-1-05	660-012-0005	4-11-05	Amend	5-1-05
635-075-0026	11-23-04	Amend(T)	1-1-05	660-012-0060	4-11-05	Amend	5-1-05
635-075-0029	1-1-05	Amend	2-1-05	660-015-0000	2-14-05	Amend	3-1-05
635-078-0001	4-1-05	Amend	2-1-05	660-015-0000	6-28-05	Amend	8-1-05
635-078-0005	4-1-05	Amend	2-1-05	660-026-0000	10-3-05	Amend	11-1-05
635-078-0008	4-1-05	Amend	2-1-05	660-026-0010	10-3-05	Amend	11-1-05
635-078-0011	4-1-05	Adopt	2-1-05	660-026-0020	10-3-05	Amend	11-1-05
635-078-0011	6-14-05	Amend	7-1-05	660-026-0030	10-3-05	Amend	11-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
660-026-0040	10-3-05	Amend	11-1-05	695-035-0010	6-8-05	Amend	7-1-05
668-010-0020	1-13-05	Amend	2-1-05	695-035-0015	6-8-05	Adopt	7-1-05
669-010-0020	3-4-05	Amend	4-1-05	695-035-0020	6-8-05	Amend	7-1-05
669-010-0025	8-26-05	Amend	10-1-05	695-035-0030	6-8-05	Amend	7-1-05
669-010-0030	8-26-05	Amend	10-1-05	695-035-0040	6-8-05	Amend	7-1-05
690-021-0000	11-16-04	Am. & Ren.	1-1-05	695-035-0050	6-8-05	Amend	7-1-05
690-021-0010	11-16-04	Am. & Ren.	1-1-05	695-035-0060	6-8-05	Amend	7-1-05
690-021-0020	11-16-04	Am. & Ren.	1-1-05	695-035-0070	6-8-05	Amend	7-1-05
690-021-0030	11-16-04	Am. & Ren.	1-1-05	695-045-0010	2-1-05	Adopt	3-1-05
690-021-0040	11-16-04	Am. & Ren.	1-1-05	695-045-0020	2-1-05	Adopt	3-1-05
690-021-0050	11-16-04	Am. & Ren.	1-1-05	695-045-0025	2-1-05	Adopt	3-1-05
690-021-0060	11-16-04	Am. & Ren.	1-1-05	695-045-0030	2-1-05	Adopt	3-1-05
690-021-0070	11-16-04	Repeal	1-1-05	695-045-0035	2-1-05	Adopt	3-1-05
690-021-0080	11-16-04	Repeal	1-1-05	695-045-0040	2-1-05	Adopt	3-1-05
690-021-0090	11-16-04	Am. & Ren.	1-1-05	695-045-0045	2-1-05	Adopt	3-1-05
690-021-0100	11-16-04	Repeal	1-1-05	695-045-0050	2-1-05	Adopt	3-1-05
690-021-0110	11-16-04	Am. & Ren.	1-1-05	695-045-0055	2-1-05	Adopt	3-1-05
690-021-0120	11-16-04	Repeal	1-1-05	695-045-0060	2-1-05	Adopt	3-1-05
690-021-0130	11-16-04	Repeal	1-1-05	695-045-0065	2-1-05	Adopt	3-1-05
690-021-0140	11-16-04	Am. & Ren.	1-1-05	695-045-0070	2-1-05	Adopt	3-1-05
690-021-0160	11-16-04	Am. & Ren.	1-1-05	695-045-0080	2-1-05	Adopt	3-1-05
690-021-0170	11-16-04	Am. & Ren.	1-1-05	695-045-0090	2-1-05	Adopt	3-1-05
690-021-0200	11-16-04	Am. & Ren.	1-1-05	695-045-0100	2-1-05	Adopt	3-1-05
690-021-0250	11-16-04	Am. & Ren.	1-1-05	695-045-0110	2-1-05	Adopt	3-1-05
690-021-0300	11-16-04	Am. & Ren.	1-1-05	695-045-0120	2-1-05	Adopt	3-1-05
690-021-0350	11-16-04	Am. & Ren.	1-1-05	695-045-0130	2-1-05	Adopt	3-1-05
690-021-0400	11-16-04	Repeal	1-1-05	695-045-0140	2-1-05	Adopt	3-1-05
690-021-0500	11-16-04	Repeal	1-1-05	695-045-0150	2-1-05	Adopt	3-1-05
690-021-0600	11-16-04	Am. & Ren.	1-1-05	695-046-0010	2-1-05	Adopt	3-1-05
690-021-0700	11-16-04	Am. & Ren.	1-1-05	695-046-0020	2-1-05	Adopt	3-1-05
690-385-2000	11-16-04	Adopt	1-1-05	695-046-0025	2-1-05	Adopt	3-1-05
690-385-2200	11-16-04	Adopt	1-1-05	695-046-0030	2-1-05	Adopt	3-1-05
690-385-3110	11-16-04	Adopt	1-1-05	695-046-0040	2-1-05	Adopt	3-1-05
690-385-3120	11-16-04	Adopt	1-1-05	695-046-0050	2-1-05	Adopt	3-1-05
690-385-3130	11-16-04	Adopt	1-1-05	695-046-0060	2-1-05	Adopt	3-1-05
690-385-3140	11-16-04	Adopt	1-1-05	695-046-0070	2-1-05	Adopt	3-1-05
690-385-3150	11-16-04	Adopt	1-1-05	695-046-0080	2-1-05	Adopt	3-1-05
690-385-3500	11-16-04	Adopt	1-1-05	695-046-0090	2-1-05	Adopt	3-1-05
690-385-3520	11-16-04	Adopt	1-1-05	695-046-0100	2-1-05	Adopt	3-1-05
690-385-3600	11-16-04	Adopt	1-1-05	695-046-0110	2-1-05	Adopt	3-1-05
690-385-4000	11-16-04	Adopt	1-1-05	695-046-0120	2-1-05	Adopt	3-1-05
690-385-4100	11-16-04	Adopt	1-1-05	695-046-0130	2-1-05	Adopt	3-1-05
690-385-4200	11-16-04	Adopt	1-1-05	695-046-0140	2-1-05	Adopt	3-1-05
690-385-4300	11-16-04	Adopt	1-1-05	695-046-0150	2-1-05	Adopt	3-1-05
690-385-4400	11-16-04	Adopt	1-1-05	695-046-0160	2-1-05	Adopt	3-1-05
690-385-4500	11-16-04	Adopt	1-1-05	695-046-0170	2-1-05	Adopt	3-1-05
690-385-4580	11-16-04	Adopt	1-1-05	731-005-0001	3-1-05	Repeal	4-1-05
690-385-4600	11-16-04	Adopt	1-1-05	731-005-0005	3-1-05	Repeal	4-1-05
690-385-4700	11-16-04	Adopt	1-1-05	731-005-0015	3-1-05	Repeal	4-1-05
690-385-5600	11-16-04	Adopt	1-1-05	731-005-0025	3-1-05	Repeal	4-1-05
690-385-5680	11-16-04	Adopt	1-1-05	731-005-0035	3-1-05	Repeal	4-1-05
690-385-5700	11-16-04	Adopt	1-1-05	731-005-0045	3-1-05	Repeal	4-1-05
690-385-5800	11-16-04	Adopt	1-1-05	731-005-0055	3-1-05	Repeal	4-1-05
690-385-6000	11-16-04	Adopt	1-1-05	731-005-0065	3-1-05	Repeal	4-1-05
690-385-7000	11-16-04	Adopt	1-1-05	731-005-0075	3-1-05	Repeal	4-1-05
690-385-7100	11-16-04	Adopt	1-1-05	731-005-0085	3-1-05	Repeal	4-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
731-005-0095	3-1-05	Repeal	4-1-05	731-005-0680	3-1-05	Adopt	4-1-05
731-005-0105	3-1-05	Repeal	4-1-05	731-005-0690	3-1-05	Adopt	4-1-05
731-005-0115	3-1-05	Repeal	4-1-05	731-005-0700	3-1-05	Adopt	4-1-05
731-005-0125	3-1-05	Repeal	4-1-05	731-005-0710	3-1-05	Adopt	4-1-05
731-005-0135	3-1-05	Repeal	4-1-05	731-005-0720	3-1-05	Adopt	4-1-05
731-005-0145	3-1-05	Repeal	4-1-05	731-005-0730	3-1-05	Adopt	4-1-05
731-005-0155	3-1-05	Repeal	4-1-05	731-005-0740	3-1-05	Adopt	4-1-05
731-005-0165	3-1-05	Repeal	4-1-05	731-005-0750	3-1-05	Adopt	4-1-05
731-005-0175	3-1-05	Repeal	4-1-05	731-005-0760	3-1-05	Adopt	4-1-05
731-005-0185	3-1-05	Repeal	4-1-05	731-005-0770	3-1-05	Adopt	4-1-05
731-005-0195	3-1-05	Repeal	4-1-05	731-005-0780	3-1-05	Adopt	4-1-05
731-005-0205	3-1-05	Repeal	4-1-05	731-005-0790	3-1-05	Adopt	4-1-05
731-005-0215	3-1-05	Repeal	4-1-05	731-007-0010	3-1-05	Repeal	4-1-05
731-005-0225	3-1-05	Repeal	4-1-05	731-007-0020	3-1-05	Repeal	4-1-05
731-005-0235	3-1-05	Repeal	4-1-05	731-007-0030	3-1-05	Repeal	4-1-05
731-005-0245	3-1-05	Repeal	4-1-05	731-007-0040	3-1-05	Repeal	4-1-05
731-005-0255	3-1-05	Repeal	4-1-05	731-007-0050	3-1-05	Repeal	4-1-05
731-005-0265	3-1-05	Repeal	4-1-05	731-007-0060	3-1-05	Repeal	4-1-05
731-005-0275	3-1-05	Repeal	4-1-05	731-007-0070	3-1-05	Repeal	4-1-05
731-005-0285	3-1-05	Repeal	4-1-05	731-007-0080	3-1-05	Repeal	4-1-05
731-005-0295	3-1-05	Repeal	4-1-05	731-007-0090	3-1-05	Repeal	4-1-05
731-005-0305	3-1-05	Repeal	4-1-05	731-007-0100	3-1-05	Repeal	4-1-05
731-005-0315	3-1-05	Repeal	4-1-05	731-007-0110	3-1-05	Repeal	4-1-05
731-005-0325	3-1-05	Repeal	4-1-05	731-007-0120	3-1-05	Repeal	4-1-05
731-005-0335	3-1-05	Repeal	4-1-05	731-007-0130	3-1-05	Repeal	4-1-05
731-005-0345	3-1-05	Repeal	4-1-05	731-007-0140	3-1-05	Repeal	4-1-05
731-005-0355	3-1-05	Repeal	4-1-05	731-007-0150	3-1-05	Repeal	4-1-05
731-005-0365	3-1-05	Repeal	4-1-05	731-007-0160	3-1-05	Repeal	4-1-05
731-005-0400	3-1-05	Adopt	4-1-05	731-007-0170	3-1-05	Repeal	4-1-05
731-005-0410	3-1-05	Adopt	4-1-05	731-007-0180	3-1-05	Repeal	4-1-05
731-005-0420	3-1-05	Adopt	4-1-05	731-007-0190	3-1-05	Repeal	4-1-05
731-005-0430	3-1-05	Adopt	4-1-05	731-007-0200	3-1-05	Adopt	4-1-05
731-005-0440	3-1-05	Adopt	4-1-05	731-007-0210	3-1-05	Adopt	4-1-05
731-005-0450	3-1-05	Adopt	4-1-05	731-007-0220	3-1-05	Adopt	4-1-05
731-005-0460	3-1-05	Adopt	4-1-05	731-007-0230	3-1-05	Adopt	4-1-05
731-005-0470	3-1-05	Adopt	4-1-05	731-007-0240	3-1-05	Adopt	4-1-05
731-005-0480	3-1-05	Adopt	4-1-05	731-007-0250	3-1-05	Adopt	4-1-05
731-005-0490	3-1-05	Adopt	4-1-05	731-007-0260	3-1-05	Adopt	4-1-05
731-005-0500	3-1-05	Adopt	4-1-05	731-007-0270	3-1-05	Adopt	4-1-05
731-005-0510	3-1-05	Adopt	4-1-05	731-007-0280	3-1-05	Adopt	4-1-05
731-005-0520	3-1-05	Adopt	4-1-05	731-007-0290	3-1-05	Adopt	4-1-05
731-005-0530	3-1-05	Adopt	4-1-05	731-007-0300	3-1-05	Adopt	4-1-05
731-005-0540	3-1-05	Adopt	4-1-05	731-007-0310	3-1-05	Adopt	4-1-05
731-005-0550	3-1-05	Adopt	4-1-05	731-007-0320	3-1-05	Adopt	4-1-05
731-005-0560	3-1-05	Adopt	4-1-05	731-007-0330	3-1-05	Adopt	4-1-05
731-005-0570	3-1-05	Adopt	4-1-05	731-007-0340	3-1-05	Adopt	4-1-05
731-005-0580	3-1-05	Adopt	4-1-05	731-007-0350	3-1-05	Adopt	4-1-05
731-005-0590	3-1-05	Adopt	4-1-05	731-007-0360	3-1-05	Adopt	4-1-05
731-005-0600	3-1-05	Adopt	4-1-05	731-007-0370	3-1-05	Adopt	4-1-05
731-005-0610	3-1-05	Adopt	4-1-05	731-007-0380	3-1-05	Adopt	4-1-05
731-005-0620	3-1-05	Adopt	4-1-05	731-007-0390	3-1-05	Adopt	4-1-05
731-005-0630	3-1-05	Adopt	4-1-05	731-007-0400	3-1-05	Adopt	4-1-05
731-005-0640	3-1-05	Adopt	4-1-05	731-010-0030	3-1-05	Suspend	4-1-05
731-005-0650	3-1-05	Adopt	4-1-05	731-010-0030	8-23-05	Repeal	10-1-05
731-005-0660	3-1-05	Adopt	4-1-05	731-030-0010	11-17-04	Amend	1-1-05
731-005-0670	3-1-05	Adopt	4-1-05	731-030-0020	11-17-04	Amend	1-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
731-030-0030	11-17-04	Amend	1-1-05	731-146-0090(T)	8-23-05	Repeal	10-1-05
731-030-0040	11-17-04	Amend	1-1-05	731-146-0100	3-1-05	Adopt(T)	4-1-05
731-030-0050	11-17-04	Amend	1-1-05	731-146-0100	8-23-05	Adopt	10-1-05
731-030-0060	11-17-04	Repeal	1-1-05	731-146-0100(T)	8-23-05	Repeal	10-1-05
731-030-0070	11-17-04	Repeal	1-1-05	731-146-0110	3-1-05	Adopt(T)	4-1-05
731-030-0080	11-17-04	Amend	1-1-05	731-146-0110	8-23-05	Adopt	10-1-05
731-030-0090	11-17-04	Amend	1-1-05	731-146-0110(T)	8-23-05	Repeal	10-1-05
731-030-0100	11-17-04	Amend	1-1-05	731-146-0120	3-1-05	Adopt(T)	4-1-05
731-030-0110	11-17-04	Amend	1-1-05	731-146-0120	8-23-05	Adopt	10-1-05
731-030-0120	11-17-04	Amend	1-1-05	731-146-0120(T)	8-23-05	Repeal	10-1-05
731-030-0130	11-17-04	Amend	1-1-05	731-146-0130	3-1-05	Adopt(T)	4-1-05
731-030-0140	11-17-04	Repeal	1-1-05	731-146-0130	8-23-05	Adopt	10-1-05
731-030-0150	11-17-04	Amend	1-1-05	731-146-0130(T)	8-23-05	Repeal	10-1-05
731-030-0160	11-17-04	Amend	1-1-05	731-146-0140	3-1-05	Adopt(T)	4-1-05
731-070-0055	1-20-05	Adopt	3-1-05	731-146-0140	8-23-05	Adopt	10-1-05
731-070-0055(T)	1-20-05	Repeal	3-1-05	731-146-0140(T)	8-23-05	Repeal	10-1-05
731-080-0010	3-18-05	Adopt	5-1-05	731-147-0010	3-1-05	Adopt(T)	4-1-05
731-080-0020	3-18-05	Adopt	5-1-05	731-147-0010	8-23-05	Adopt	10-1-05
731-080-0030	3-18-05	Adopt	5-1-05	731-147-0010(T)	8-23-05	Repeal	10-1-05
731-080-0040	3-18-05	Adopt	5-1-05	731-147-0020	3-1-05	Adopt(T)	4-1-05
731-080-0050	3-18-05	Adopt	5-1-05	731-147-0020	8-23-05	Adopt	10-1-05
731-080-0060	3-18-05	Adopt	5-1-05	731-147-0020(T)	8-23-05	Repeal	10-1-05
731-080-0070	3-18-05	Adopt	5-1-05	731-147-0030	3-1-05	Adopt(T)	4-1-05
731-146-0010	3-1-05	Adopt(T)	4-1-05	731-147-0030	8-23-05	Adopt	10-1-05
731-146-0010	8-23-05	Adopt	10-1-05	731-147-0030(T)	8-23-05	Repeal	10-1-05
731-146-0010(T)	8-23-05	Repeal	10-1-05	731-147-0035	3-1-05	Adopt(T)	4-1-05
731-146-0012	8-23-05	Adopt	10-1-05	731-147-0035	8-23-05	Adopt	10-1-05
731-146-0015	3-1-05	Adopt(T)	4-1-05	731-147-0035(T)	8-23-05	Repeal	10-1-05
731-146-0015	8-23-05	Adopt	10-1-05	731-147-0040	3-1-05	Adopt(T)	4-1-05
731-146-0015(T)	8-23-05	Repeal	10-1-05	731-147-0040	8-23-05	Adopt	10-1-05
731-146-0020	3-1-05	Adopt(T)	4-1-05	731-147-0040(T)	8-23-05	Repeal	10-1-05
731-146-0020	8-23-05	Adopt	10-1-05	731-147-0050	3-1-05	Adopt(T)	4-1-05
731-146-0020(T)	8-23-05	Repeal	10-1-05	731-147-0050	8-23-05	Adopt	10-1-05
731-146-0025	3-1-05	Adopt(T)	4-1-05	731-147-0050(T)	8-23-05	Repeal	10-1-05
731-146-0025	8-23-05	Adopt	10-1-05	731-147-0055	8-23-05	Adopt	10-1-05
731-146-0025(T)	8-23-05	Repeal	10-1-05	731-147-0060	3-1-05	Adopt(T)	4-1-05
731-146-0030	3-1-05	Adopt(T)	4-1-05	731-147-0060	8-23-05	Adopt	10-1-05
731-146-0030	8-23-05	Adopt	10-1-05	731-147-0060(T)	8-23-05	Repeal	10-1-05
731-146-0030(T)	8-23-05	Repeal	10-1-05	731-148-0010	3-1-05	Adopt(T)	4-1-05
731-146-0040	3-1-05	Adopt(T)	4-1-05	731-148-0010	8-23-05	Adopt	10-1-05
731-146-0040	8-23-05	Adopt	10-1-05	731-148-0010(T)	8-23-05	Repeal	10-1-05
731-146-0040(T)	8-23-05	Repeal	10-1-05	731-148-0020	3-1-05	Adopt(T)	4-1-05
731-146-0050	3-1-05	Adopt(T)	4-1-05	731-148-0020	8-23-05	Adopt	10-1-05
731-146-0050	8-23-05	Adopt	10-1-05	731-148-0020(T)	8-23-05	Repeal	10-1-05
731-146-0050(T)	8-23-05	Repeal	10-1-05	731-149-0010	3-1-05	Adopt(T)	4-1-05
731-146-0060	3-1-05	Adopt(T)	4-1-05	731-149-0010	8-23-05	Adopt	10-1-05
731-146-0060	8-23-05	Adopt	10-1-05	731-149-0010(T)	8-23-05	Repeal	10-1-05
731-146-0060(T)	8-23-05	Repeal	10-1-05	732-005-0000	1-1-05	Amend	2-1-05
731-146-0070	3-1-05	Adopt(T)	4-1-05	732-005-0005	1-1-05	Amend	2-1-05
731-146-0070	8-23-05	Adopt	10-1-05	732-005-0005(T)	1-1-05	Repeal	2-1-05
731-146-0070(T)	8-23-05	Repeal	10-1-05	732-005-0010	1-1-05	Amend	2-1-05
731-146-0080	3-1-05	Adopt(T)	4-1-05	732-005-0010(T)	1-1-05	Repeal	2-1-05
731-146-0080	8-23-05	Adopt	10-1-05	732-005-0016	1-1-05	Amend	2-1-05
731-146-0080(T)	8-23-05	Repeal	10-1-05	732-005-0021	1-1-05	Amend	2-1-05
731-146-0090	3-1-05	Adopt(T)	4-1-05	732-005-0027	1-1-05	Amend	2-1-05
731-146-0090	8-23-05	Adopt	10-1-05	732-005-0027(T)	1-1-05	Repeal	2-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
732-005-0031	1-1-05	Amend	2-1-05	734-010-0240	3-1-05	Adopt	4-1-05
732-005-0031(T)	1-1-05	Repeal	2-1-05	734-010-0250	3-1-05	Adopt	4-1-05
732-005-0036	1-1-05	Amend	2-1-05	734-010-0260	3-1-05	Adopt	4-1-05
732-005-0041	1-1-05	Amend	2-1-05	734-010-0270	3-1-05	Adopt	4-1-05
732-005-0046	1-1-05	Amend	2-1-05	734-010-0280	3-1-05	Adopt	4-1-05
732-005-0051	1-1-05	Amend	2-1-05	734-010-0290	3-1-05	Adopt	4-1-05
732-005-0051(T)	1-1-05	Repeal	2-1-05	734-010-0300	3-1-05	Adopt	4-1-05
732-005-0056	1-1-05	Amend	2-1-05	734-010-0310	3-1-05	Adopt	4-1-05
732-005-0061	1-1-05	Adopt	2-1-05	734-010-0320	3-1-05	Adopt	4-1-05
732-005-0066	1-1-05	Adopt	2-1-05	734-010-0330	3-1-05	Adopt	4-1-05
732-005-0071	1-1-05	Adopt	2-1-05	734-010-0340	3-1-05	Adopt	4-1-05
732-005-0076	1-1-05	Adopt	2-1-05	734-010-0350	3-1-05	Adopt	4-1-05
732-005-0081	1-1-05	Adopt	2-1-05	734-010-0360	3-1-05	Adopt	4-1-05
732-010-0005	1-1-05	Amend	2-1-05	734-010-0370	3-1-05	Adopt	4-1-05
732-010-0010	1-1-05	Amend	2-1-05	734-010-0380	3-1-05	Adopt	4-1-05
732-010-0010(T)	1-1-05	Repeal	2-1-05	734-017-0005	9-16-05	Amend	11-1-05
732-010-0015	1-1-05	Amend	2-1-05	734-017-0010	9-16-05	Amend	11-1-05
732-010-0020	1-1-05	Amend	2-1-05	734-017-0012	9-16-05	Amend	11-1-05
732-010-0025	1-1-05	Amend	2-1-05	734-017-0020	9-16-05	Amend	11-1-05
732-010-0030	1-1-05	Amend	2-1-05	734-020-0005	7-22-05	Amend	9-1-05
732-010-0035	1-1-05	Amend	2-1-05	734-020-0220	6-16-05	Amend	8-1-05
732-010-0035(T)	1-1-05	Repeal	2-1-05	734-020-0430	7-22-05	Amend	9-1-05
732-010-0040	1-1-05	Repeal	2-1-05	734-020-0460	7-22-05	Amend	9-1-05
732-010-0045	1-1-05	Amend	2-1-05	734-035-0110	4-26-05	Amend	6-1-05
732-020-0005	1-1-05	Amend	2-1-05	734-051-0040	9-16-05	Amend	11-1-05
732-020-0010	1-1-05	Repeal	2-1-05	734-051-0115	9-16-05	Amend	11-1-05
732-020-0015	1-1-05	Repeal	2-1-05	734-051-0500	9-16-05	Amend	11-1-05
732-020-0020	1-1-05	Amend	2-1-05	734-051-0510	9-16-05	Amend	11-1-05
732-020-0025	1-1-05	Amend	2-1-05	734-051-0520	9-16-05	Amend	11-1-05
732-020-0030	1-1-05	Amend	2-1-05	734-051-0530	9-16-05	Amend	11-1-05
732-020-0035	1-1-05	Amend	2-1-05	734-051-0540	9-16-05	Amend	11-1-05
732-020-0040	1-1-05	Amend	2-1-05	734-051-0560	9-16-05	Amend	11-1-05
732-020-0045	1-1-05	Amend	2-1-05	734-071-0005	1-1-05	Amend	2-1-05
733-030-0045	3-14-05	Amend(T)	4-1-05	734-071-0010	1-1-05	Amend	2-1-05
733-030-0045	6-16-05	Amend	8-1-05	734-071-0030	1-1-05	Amend	2-1-05
734-010-0010	3-1-05	Repeal	4-1-05	734-071-0060	1-1-05	Adopt	2-1-05
734-010-0020	3-1-05	Repeal	4-1-05	734-073-0051	3-18-05	Amend	5-1-05
734-010-0030	3-1-05	Repeal	4-1-05	734-073-0056	3-18-05	Amend	5-1-05
734-010-0040	3-1-05	Repeal	4-1-05	734-073-0060	3-18-05	Amend	5-1-05
734-010-0050	3-1-05	Repeal	4-1-05	734-073-0065	3-18-05	Amend	5-1-05
734-010-0060	3-1-05	Repeal	4-1-05	734-073-0100	3-18-05	Amend	5-1-05
734-010-0070	3-1-05	Repeal	4-1-05	734-073-0110	3-18-05	Amend	5-1-05
734-010-0080	3-1-05	Repeal	4-1-05	734-073-0120	3-18-05	Amend	5-1-05
734-010-0090	3-1-05	Repeal	4-1-05	734-073-0130	3-18-05	Amend	5-1-05
734-010-0100	3-1-05	Repeal	4-1-05	734-073-0140	3-18-05	Amend	5-1-05
734-010-0110	3-1-05	Repeal	4-1-05	734-074-0008	3-18-05	Amend	5-1-05
734-010-0120	3-1-05	Repeal	4-1-05	734-074-0010	3-18-05	Amend	5-1-05
734-010-0130	3-1-05	Repeal	4-1-05	734-074-0020	3-18-05	Amend	5-1-05
734-010-0140	3-1-05	Repeal	4-1-05	734-074-0045	3-18-05	Amend	5-1-05
734-010-0150	3-1-05	Repeal	4-1-05	734-074-0051	3-18-05	Amend	5-1-05
734-010-0160	3-1-05	Repeal	4-1-05	734-082-0005	3-18-05	Amend	5-1-05
734-010-0170	3-1-05	Repeal	4-1-05	734-082-0030	6-1-05	Amend(T)	7-1-05
734-010-0200	3-1-05	Adopt	4-1-05	734-082-0030	9-16-05	Amend	11-1-05
734-010-0210	3-1-05	Adopt	4-1-05	734-082-0030(T)	9-16-05	Repeal	11-1-05
734-010-0220	3-1-05	Adopt	4-1-05	734-082-0040	3-18-05	Amend	5-1-05
734-010-0230	3-1-05	Adopt	4-1-05	735-001-0020	11-17-04	Amend	1-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
735-001-0050	11-17-04	Amend	1-1-05	735-074-0045	1-20-05	Repeal	3-1-05
735-010-0008	5-1-05	Amend	6-1-05	735-074-0080	5-19-05	Amend	7-1-05
735-010-0030	2-16-05	Amend	4-1-05	735-074-0140	1-20-05	Amend	3-1-05
735-010-0045	5-1-05	Amend	6-1-05	735-074-0150	1-20-05	Amend	3-1-05
735-010-0230	5-1-05	Amend	6-1-05	735-074-0160	5-19-05	Amend	7-1-05
735-020-0010	5-1-05	Amend	6-1-05	735-074-0170	1-20-05	Amend	3-1-05
735-020-0015	10-17-05	Amend	11-1-05	735-074-0170	5-19-05	Amend	7-1-05
735-022-0040	5-1-05	Amend	6-1-05	735-074-0180	1-20-05	Amend	3-1-05
735-022-0050	5-1-05	Amend	6-1-05	735-074-0180	5-19-05	Amend	7-1-05
735-022-0060	5-1-05	Amend	6-1-05	735-074-0220	11-17-04	Amend	1-1-05
735-022-0120	2-16-05	Adopt	4-1-05	735-074-0260	1-31-05	Amend	3-1-05
735-024-0025	3-18-05	Amend	5-1-05	735-090-0000	11-17-04	Amend	1-1-05
735-024-0030	5-1-05	Amend	6-1-05	735-090-0020	11-17-04	Amend	1-1-05
735-024-0070	5-1-05	Amend	6-1-05	735-090-0040	11-17-04	Amend	1-1-05
735-024-0075	6-1-05	Adopt	7-1-05	735-090-0051	11-17-04	Adopt	1-1-05
735-024-0110	6-1-05	Amend	7-1-05	735-090-0101	11-17-04	Adopt	1-1-05
735-024-0130	5-1-05	Amend	6-1-05	735-090-0130	11-17-04	Adopt	1-1-05
735-032-0000	5-1-05	Amend	6-1-05	735-090-0130(T)	11-17-04	Repeal	1-1-05
735-034-0010	2-16-05	Amend	4-1-05	735-118-0000	2-16-05	Amend	4-1-05
735-062-0000	1-31-05	Amend	3-1-05	735-118-0010	2-16-05	Amend	4-1-05
735-062-0003	9-19-05	Adopt	11-1-05	735-118-0030	2-16-05	Amend	4-1-05
735-062-0020	2-16-05	Amend	4-1-05	735-140-0000	5-1-05	Repeal	6-1-05
735-062-0020(T)	2-16-05	Repeal	4-1-05	735-140-0010	5-1-05	Repeal	6-1-05
735-062-0030	2-16-05	Amend	4-1-05	735-140-0015	5-1-05	Repeal	6-1-05
735-062-0030	6-17-05	Amend(T)	8-1-05	735-140-0020	5-1-05	Repeal	6-1-05
735-062-0030(T)	2-16-05	Repeal	4-1-05	735-140-0025	5-1-05	Repeal	6-1-05
735-062-0073	5-19-05	Amend	7-1-05	735-140-0030	5-1-05	Repeal	6-1-05
735-062-0085	1-31-05	Amend	3-1-05	735-140-0040	5-1-05	Repeal	6-1-05
735-062-0090	1-31-05	Amend	3-1-05	735-140-0060	5-1-05	Repeal	6-1-05
735-062-0090(T)	1-31-05	Repeal	3-1-05	735-140-0070	5-1-05	Repeal	6-1-05
735-062-0105	6-17-05	Amend(T)	8-1-05	735-140-0080	5-1-05	Repeal	6-1-05
735-062-0110	1-31-05	Amend	3-1-05	735-140-0090	5-1-05	Repeal	6-1-05
735-062-0110	6-17-05	Amend(T)	8-1-05	735-140-0100	5-1-05	Repeal	6-1-05
735-062-0115	6-17-05	Amend(T)	8-1-05	735-140-0110	5-1-05	Repeal	6-1-05
735-062-0120	6-17-05	Amend(T)	8-1-05	735-140-0120	5-1-05	Repeal	6-1-05
735-062-0135	6-17-05	Amend(T)	8-1-05	735-140-0130	5-1-05	Repeal	6-1-05
735-062-0150	1-31-05	Amend	3-1-05	735-140-0135	5-1-05	Repeal	6-1-05
735-062-0160	1-31-05	Amend	3-1-05	735-140-0140	5-1-05	Repeal	6-1-05
735-062-0190	1-31-05	Adopt	3-1-05	735-150-0010	5-1-05	Amend	6-1-05
735-062-0190	5-31-05	Amend	7-1-05	735-150-0020	5-1-05	Amend	6-1-05
735-062-0190	8-18-05	Amend(T)	10-1-05	735-150-0030	5-1-05	Amend	6-1-05
735-062-0200	1-31-05	Amend	3-1-05	735-150-0040	5-1-05	Amend	6-1-05
735-064-0040	5-19-05	Amend	7-1-05	735-150-0080	2-16-05	Amend	4-1-05
735-064-0220	10-1-05	Amend(T)	11-1-05	735-150-0090	5-1-05	Repeal	6-1-05
735-070-0010	6-17-05	Amend(T)	8-1-05	735-150-0110	5-1-05	Amend	6-1-05
735-070-0020	1-31-05	Amend	3-1-05	735-150-0140	5-1-05	Amend	6-1-05
735-070-0020	8-18-05	Amend(T)	10-1-05	735-150-0180	5-1-05	Repeal	6-1-05
735-070-0030	1-1-05	Amend	1-1-05	735-152-0020	11-17-04	Amend	1-1-05
735-070-0054	11-17-04	Amend	1-1-05	735-152-0050	11-17-04	Amend	1-1-05
735-070-0060	11-17-04	Amend	1-1-05	735-160-0000	5-19-05	Repeal	7-1-05
735-070-0110	11-17-04	Amend	1-1-05	735-160-0005	5-19-05	Amend	7-1-05
735-070-0185	2-17-05	Amend(T)	4-1-05	735-160-0010	5-19-05	Amend	7-1-05
735-070-0185	7-22-05	Amend	9-1-05	735-160-0011	5-19-05	Adopt	7-1-05
735-070-0185(T)	7-22-05	Repeal	9-1-05	735-160-0012	5-19-05	Adopt	7-1-05
735-070-0190	11-17-04	Amend	1-1-05	735-160-0013	5-19-05	Adopt	7-1-05
735-074-0005	1-20-05	Repeal	3-1-05	735-160-0015	5-19-05	Amend	7-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
735-160-0020	5-19-05	Amend	7-1-05	736-015-0060	5-5-05	Repeal	6-1-05
735-160-0030	5-19-05	Amend	7-1-05	736-015-0063	5-5-05	Am. & Ren.	6-1-05
735-160-0035	5-19-05	Amend	7-1-05	736-015-0065	5-5-05	Am. & Ren.	6-1-05
735-160-0040	5-19-05	Amend	7-1-05	736-015-0067	5-5-05	Am. & Ren.	6-1-05
735-160-0050	5-19-05	Amend	7-1-05	736-015-0070	5-5-05	Am. & Ren.	6-1-05
735-160-0055	5-19-05	Repeal	7-1-05	736-015-0072	5-5-05	Am. & Ren.	6-1-05
735-160-0075	5-19-05	Adopt	7-1-05	736-015-0075	5-5-05	Repeal	6-1-05
735-160-0080	5-19-05	Amend	7-1-05	736-015-0080	5-5-05	Am. & Ren.	6-1-05
735-160-0085	5-19-05	Amend	7-1-05	736-015-0085	5-5-05	Repeal	6-1-05
735-160-0090	5-19-05	Repeal	7-1-05	736-015-0090	5-5-05	Am. & Ren.	6-1-05
735-160-0093	5-19-05	Adopt	7-1-05	736-015-0093	5-5-05	Repeal	6-1-05
735-160-0095	5-19-05	Amend	7-1-05	736-015-0095	5-5-05	Am. & Ren.	6-1-05
735-160-0100	5-19-05	Amend	7-1-05	736-015-0097	5-5-05	Am. & Ren.	6-1-05
735-160-0110	5-19-05	Amend	7-1-05	736-015-0100	5-5-05	Am. & Ren.	6-1-05
735-160-0115	5-19-05	Adopt	7-1-05	736-015-0102	5-5-05	Repeal	6-1-05
735-160-0120	5-19-05	Repeal	7-1-05	736-015-0105	5-5-05	Repeal	6-1-05
735-160-0125	5-19-05	Adopt	7-1-05	736-015-0110	5-5-05	Am. & Ren.	6-1-05
735-160-0130	5-19-05	Amend	7-1-05	736-015-0115	5-5-05	Repeal	6-1-05
735-168-0070	2-16-05	Repeal	4-1-05	736-015-0120	5-5-05	Repeal	6-1-05
736-010-0005	5-5-05	Amend	6-1-05	736-015-0125	5-5-05	Repeal	6-1-05
736-010-0010	5-5-05	Amend	6-1-05	736-015-0130	5-5-05	Am. & Ren.	6-1-05
736-010-0015	5-5-05	Amend	6-1-05	736-015-0135	5-5-05	Am. & Ren.	6-1-05
736-010-0020	5-5-05	Amend	6-1-05	736-015-0140	5-5-05	Repeal	6-1-05
736-010-0022	5-5-05	Amend	6-1-05	736-015-0144	5-5-05	Am. & Ren.	6-1-05
736-010-0025	5-5-05	Amend	6-1-05	736-015-0146	5-5-05	Am. & Ren.	6-1-05
736-010-0026	5-5-05	Amend	6-1-05	736-015-0148	5-5-05	Am. & Ren.	6-1-05
736-010-0027	5-5-05	Amend	6-1-05	736-015-0150	5-5-05	Am. & Ren.	6-1-05
736-010-0030	5-5-05	Amend	6-1-05	736-015-0155	5-5-05	Repeal	6-1-05
736-010-0035	5-5-05	Amend	6-1-05	736-015-0160	5-5-05	Am. & Ren.	6-1-05
736-010-0040	5-5-05	Amend	6-1-05	736-018-0045	2-4-05	Amend	3-1-05
736-010-0045	5-5-05	Am. & Ren.	6-1-05	736-018-0045	5-4-05	Amend	6-1-05
736-010-0050	5-5-05	Amend	6-1-05	736-054-0000	3-23-05	Adopt	5-1-05
736-010-0055	5-5-05	Amend	6-1-05	736-054-0005	3-23-05	Adopt	5-1-05
736-010-0060	5-5-05	Amend	6-1-05	736-054-0010	3-23-05	Adopt	5-1-05
736-010-0065	5-5-05	Amend	6-1-05	736-054-0015	3-23-05	Adopt	5-1-05
736-010-0070	5-5-05	Am. & Ren.	6-1-05	736-054-0020	3-23-05	Adopt	5-1-05
736-010-0075	5-5-05	Repeal	6-1-05	736-054-0025	3-23-05	Adopt	5-1-05
736-010-0080	5-5-05	Repeal	6-1-05	736-054-0030	3-23-05	Adopt	5-1-05
736-010-0085	5-5-05	Repeal	6-1-05	738-001-0035	9-23-05	Amend	11-1-05
736-010-0098	5-5-05	Am. & Ren.	6-1-05	738-020-0025	5-23-05	Amend	7-1-05
736-010-0099	5-5-05	Am. & Ren.	6-1-05	740-010-0020	8-18-05	Adopt(T)	10-1-05
736-010-0100	5-5-05	Am. & Ren.	6-1-05	740-035-0200	7-22-05	Amend	9-1-05
736-010-0115	5-5-05	Am. & Ren.	6-1-05	740-045-0010	4-1-05	Amend	5-1-05
736-010-0120	5-5-05	Am. & Ren.	6-1-05	740-100-0010	4-1-05	Amend	5-1-05
736-010-0125	5-5-05	Am. & Ren.	6-1-05	740-100-0010	10-1-05	Amend(T)	11-1-05
736-015-0006	5-5-05	Adopt	6-1-05	740-100-0015	4-1-05	Amend	5-1-05
736-015-0010	5-5-05	Amend	6-1-05	740-100-0020	4-1-05	Amend	5-1-05
736-015-0015	5-5-05	Amend	6-1-05	740-100-0070	4-1-05	Amend	5-1-05
736-015-0020	5-5-05	Amend	6-1-05	740-100-0080	4-1-05	Amend	5-1-05
736-015-0030	5-5-05	Amend	6-1-05	740-100-0090	4-1-05	Amend	5-1-05
736-015-0035	5-5-05	Amend	6-1-05	740-100-0100	4-1-05	Amend	5-1-05
736-015-0035	11-11-05	Amend(T)	11-1-05	740-110-0010	4-1-05	Amend	5-1-05
736-015-0045	5-5-05	Am. & Ren.	6-1-05	740-200-0010	1-1-05	Amend	2-1-05
736-015-0050	5-5-05	Am. & Ren.	6-1-05	740-200-0020	1-1-05	Amend	2-1-05
736-015-0055	5-5-05	Repeal	6-1-05	740-200-0040	1-1-05	Amend	2-1-05
736-015-0058	5-5-05	Am. & Ren.	6-1-05	800-001-0005	9-1-05	Amend	10-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
800-010-0015	9-1-05	Amend	10-1-05	804-025-0010	2-14-05	Adopt	3-1-05
800-010-0025	9-1-05	Amend	10-1-05	804-025-0020	2-14-05	Adopt	3-1-05
800-015-0005	9-1-05	Amend	10-1-05	804-030-0011	2-14-05	Amend	3-1-05
800-015-0010	9-1-05	Amend	10-1-05	804-030-0015	2-14-05	Amend	3-1-05
800-020-0015	1-5-05	Amend	2-1-05	804-030-0020	2-14-05	Amend	3-1-05
800-020-0015	9-1-05	Amend	10-1-05	804-030-0060	2-14-05	Repeal	3-1-05
800-020-0020	8-1-05	Amend	9-1-05	804-040-0000	2-14-05	Amend	3-1-05
800-020-0020	9-1-05	Amend	10-1-05	804-040-0000	5-18-05	Amend	7-1-05
800-020-0022	9-1-05	Adopt	10-1-05	806-001-0003	7-1-05	Amend	4-1-05
800-020-0025	9-1-05	Amend	10-1-05	806-010-0020	5-12-05	Amend	6-1-05
800-020-0030	9-1-05	Amend	10-1-05	806-010-0050	5-12-05	Amend	6-1-05
800-025-0010	9-1-05	Amend	10-1-05	806-010-0075	8-30-05	Amend	10-1-05
800-025-0020	9-1-05	Amend	10-1-05	806-010-0078	8-30-05	Amend	10-1-05
800-025-0025	9-1-05	Amend	10-1-05	806-010-0080	8-30-05	Amend	10-1-05
800-025-0027	9-1-05	Amend	10-1-05	806-010-0110	8-30-05	Amend	10-1-05
800-025-0030	9-1-05	Amend	10-1-05	808-001-0005	2-15-05	Amend	3-1-05
800-025-0040	9-1-05	Amend	10-1-05	808-001-0008	6-1-05	Amend	7-1-05
800-025-0060	9-1-05	Amend	10-1-05	808-001-0030	2-15-05	Amend	3-1-05
800-030-0025	9-1-05	Amend	10-1-05	808-002-0260	2-15-05	Amend	3-1-05
800-030-0035	9-1-05	Amend	10-1-05	808-002-0325	2-15-05	Adopt	3-1-05
801-001-0000	1-1-05	Amend	2-1-05	808-002-0540	12-15-04	Amend(T)	1-1-05
801-001-0020	3-1-05	Amend	4-1-05	808-002-0540	2-15-05	Amend	3-1-05
801-001-0035	3-1-05	Amend	4-1-05	808-002-0540(T)	2-15-05	Repeal	3-1-05
801-005-0010	3-1-05	Amend	4-1-05	808-002-0725	2-15-05	Amend	3-1-05
801-010-0010	1-1-05	Amend	2-1-05	808-003-0015	10-5-05	Amend	11-1-05
801-010-0050	1-1-05	Amend	2-1-05	808-003-0025	4-5-05	Amend	5-1-05
801-010-0060	1-1-05	Amend	2-1-05	808-003-0200	10-5-05	Amend	11-1-05
801-010-0065	1-1-05	Amend	2-1-05	808-004-0195	2-15-05	Adopt	3-1-05
801-010-0085	1-1-05	Amend	2-1-05	808-004-0210	1-1-04	Adopt(T)	3-1-05
801-020-0620	1-1-05	Amend	2-1-05	808-004-0211	12-15-04	Adopt(T)	1-1-05
801-020-0690	1-1-05	Amend	2-1-05	808-004-0211	2-15-05	Adopt	3-1-05
801-020-0700	1-1-05	Amend	2-1-05	808-004-0211(T)	2-15-05	Repeal	3-1-05
801-020-0710	1-1-05	Amend	2-1-05	808-004-0250	2-15-05	Amend	3-1-05
801-020-0720	1-1-05	Amend	2-1-05	808-004-0300	2-15-05	Amend	3-1-05
801-030-0015	2-1-05	Amend	3-1-05	808-004-0440	2-15-05	Amend	3-1-05
801-030-0020	8-12-05	Amend	9-1-05	808-004-0510	2-15-05	Amend	3-1-05
801-040-0010	1-1-05	Amend	2-1-05	808-004-0520	2-15-05	Amend	3-1-05
801-040-0020	1-1-05	Amend	2-1-05	808-005-0020	4-5-05	Amend	5-1-05
801-040-0030	1-1-05	Amend	2-1-05	808-008-0020	12-15-04	Amend(T)	1-1-05
801-040-0040	1-1-05	Amend	2-1-05	808-008-0020	2-15-05	Amend	3-1-05
801-040-0050	1-1-05	Amend	2-1-05	808-008-0020(T)	2-15-05	Repeal	3-1-05
801-040-0060	1-1-05	Repeal	2-1-05	808-008-0030	12-15-04	Amend(T)	1-1-05
801-040-0070	1-1-05	Amend	2-1-05	808-008-0030	2-15-05	Amend	3-1-05
801-040-0090	1-1-05	Amend	2-1-05	808-008-0030(T)	2-15-05	Repeal	3-1-05
801-040-0100	1-1-05	Amend	2-1-05	808-008-0050	1-1-04	Adopt(T)	3-1-05
801-040-0150	1-1-05	Amend	2-1-05	808-008-0051	12-15-04	Adopt(T)	1-1-05
801-040-0160	1-1-05	Amend	2-1-05	808-008-0051	2-15-05	Adopt	3-1-05
804-001-0002	2-14-05	Amend	3-1-05	808-008-0051(T)	2-15-05	Repeal	3-1-05
804-001-0002	5-18-05	Amend	7-1-05	808-008-0060	12-15-04	Amend(T)	1-1-05
804-001-0014	2-14-05	Amend	3-1-05	808-008-0060	2-15-05	Amend	3-1-05
804-001-0015	2-14-05	Amend	3-1-05	808-008-0060(T)	2-15-05	Repeal	3-1-05
804-003-0000	2-14-05	Amend	3-1-05	808-008-0085	12-15-04	Amend(T)	1-1-05
804-010-0000	2-14-05	Amend	3-1-05	808-008-0085	2-15-05	Amend	3-1-05
804-010-0010	2-14-05	Amend	3-1-05	808-008-0085(T)	2-15-05	Repeal	3-1-05
804-020-0055	2-14-05	Amend	3-1-05	808-008-0140	12-15-04	Amend(T)	1-1-05
804-025-0000	2-14-05	Adopt	3-1-05	808-008-0140	2-15-05	Amend	3-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
808-008-0140(T)	2-15-05	Repeal	3-1-05	812-002-0760	7-1-05	Amend	8-1-05
808-008-0180	2-15-05	Amend	3-1-05	812-002-0800	12-10-04	Amend	1-1-05
808-008-0240	12-15-04	Suspend	1-1-05	812-003-0000	12-10-04	Repeal	1-1-05
808-008-0240	2-15-05	Repeal	3-1-05	812-003-0002	12-10-04	Am. & Ren.	1-1-05
808-008-0280	12-15-04	Amend(T)	1-1-05	812-003-0005	12-10-04	Am. & Ren.	1-1-05
808-008-0280	2-15-05	Amend	3-1-05	812-003-0012	12-10-04	Repeal	1-1-05
808-008-0280(T)	2-15-05	Repeal	3-1-05	812-003-0015	12-10-04	Repeal	1-1-05
808-008-0291	12-15-04	Adopt(T)	1-1-05	812-003-0020	12-10-04	Repeal	1-1-05
808-008-0291	2-15-05	Adopt	3-1-05	812-003-0025	12-10-04	Repeal	1-1-05
808-008-0291(T)	2-15-05	Repeal	3-1-05	812-003-0030	12-10-04	Am. & Ren.	1-1-05
808-008-0400	12-15-04	Amend(T)	1-1-05	812-003-0040	12-10-04	Am. & Ren.	1-1-05
808-008-0400	2-15-05	Amend	3-1-05	812-003-0050	12-10-04	Repeal	1-1-05
808-008-0400(T)	2-15-05	Repeal	3-1-05	812-003-0100	12-10-04	Adopt	1-1-05
808-008-0420	12-15-04	Amend(T)	1-1-05	812-003-0100	8-24-05	Amend	10-1-05
808-008-0420	2-15-05	Amend	3-1-05	812-003-0110	12-10-04	Adopt	1-1-05
808-008-0420(T)	2-15-05	Repeal	3-1-05	812-003-0120	12-10-04	Adopt	1-1-05
808-008-0425	12-15-04	Amend(T)	1-1-05	812-003-0130	12-10-04	Adopt	1-1-05
808-008-0425	2-15-05	Amend	3-1-05	812-003-0140	12-10-04	Adopt	1-1-05
808-008-0425(T)	2-15-05	Repeal	3-1-05	812-003-0140	10-1-05	Amend	10-1-05
808-008-0430	12-15-04	Amend(T)	1-1-05	812-003-0150	12-10-04	Adopt	1-1-05
808-008-0430	2-15-05	Amend	3-1-05	812-003-0160	12-10-04	Adopt	1-1-05
808-008-0430(T)	2-15-05	Repeal	3-1-05	812-003-0170	12-10-04	Adopt	1-1-05
808-008-0440	12-15-04	Amend(T)	1-1-05	812-003-0170	7-1-05	Amend	8-1-05
808-008-0440	2-15-05	Amend	3-1-05	812-003-0180	12-10-04	Adopt	1-1-05
808-008-0440(T)	2-15-05	Repeal	3-1-05	812-003-0190	12-10-04	Adopt	1-1-05
808-008-0460	12-15-04	Amend(T)	1-1-05	812-003-0200	12-10-04	Adopt	1-1-05
808-008-0460	2-15-05	Amend	3-1-05	812-003-0210	12-10-04	Adopt	1-1-05
808-008-0460(T)	2-15-05	Repeal	3-1-05	812-003-0220	12-10-04	Adopt	1-1-05
808-008-0500	12-15-04	Amend(T)	1-1-05	812-003-0230	12-10-04	Adopt	1-1-05
808-008-0500	2-15-05	Amend	3-1-05	812-003-0240	12-10-04	Adopt	1-1-05
808-008-0500(T)	2-15-05	Repeal	3-1-05	812-003-0250	8-24-05	Amend	10-1-05
808-008-0511	12-15-04	Adopt(T)	1-1-05	812-003-0260	12-10-04	Adopt	1-1-05
808-008-0511	2-15-05	Adopt	3-1-05	812-003-0260	8-24-05	Amend	10-1-05
808-008-0511(T)	2-15-05	Repeal	3-1-05	812-003-0270	12-10-04	Adopt	1-1-05
808-008-0521	12-15-04	Adopt(T)	1-1-05	812-003-0280	12-10-04	Adopt	1-1-05
808-008-0521	2-15-05	Adopt	3-1-05	812-003-0290	12-10-04	Adopt	1-1-05
808-008-0521(T)	2-15-05	Repeal	3-1-05	812-003-0300	12-10-04	Adopt	1-1-05
808-009-0100	2-15-05	Amend	3-1-05	812-003-0310	12-10-04	Adopt	1-1-05
809-010-0001	9-28-05	Amend	11-1-05	812-003-0330	12-10-04	Adopt	1-1-05
809-010-0025	8-15-05	Amend	9-1-05	812-003-0340	12-10-04	Adopt	1-1-05
809-040-0002	9-28-05	Amend	11-1-05	812-003-0350	12-10-04	Adopt	1-1-05
809-040-0006	9-28-05	Amend	11-1-05	812-003-0350	7-1-05	Amend	8-1-05
809-050-0010	9-28-05	Amend	11-1-05	812-003-0360	12-10-04	Adopt	1-1-05
811-015-0010	2-1-05	Amend	3-1-05	812-003-0370	12-10-04	Adopt	1-1-05
811-030-0030	12-10-04	Amend	1-1-05	812-003-0380	12-10-04	Adopt	1-1-05
812-001-0015	12-10-04	Amend	1-1-05	812-003-0380	7-1-05	Amend	8-1-05
812-001-0015	8-24-05	Amend	10-1-05	812-003-0410	12-10-04	Adopt	1-1-05
812-001-0040	12-10-04	Amend	1-1-05	812-003-0420	12-10-04	Adopt	1-1-05
812-002-0001	8-24-05	Adopt	10-1-05	812-003-0430	12-10-04	Adopt	1-1-05
812-002-0220	7-1-05	Amend	8-1-05	812-004-0001	12-10-04	Amend	1-1-05
812-002-0260	12-10-04	Amend	1-1-05	812-004-0120	8-24-05	Amend	10-1-05
812-002-0275	8-24-05	Adopt	10-1-05	812-004-0240	12-10-04	Amend	1-1-05
812-002-0450	8-24-05	Amend	10-1-05	812-004-0250	8-24-05	Amend	10-1-05
812-002-0555	12-10-04	Amend	1-1-05	812-004-0260	12-10-04	Amend	1-1-05
812-002-0580	8-24-05	Amend	10-1-05	812-004-0320	12-10-04	Amend	1-1-05
812-002-0620	8-24-05	Amend	10-1-05	812-004-0470	12-10-04	Amend	1-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
812-004-0520	8-24-05	Amend	10-1-05	813-001-0005	8-4-05	Suspend	9-1-05
812-004-0530	12-10-04	Amend	1-1-05	813-001-0007	8-4-05	Adopt(T)	9-1-05
812-004-0535	8-24-05	Amend	10-1-05	813-001-0008	8-4-05	Suspend	9-1-05
812-004-0540	12-10-04	Amend	1-1-05	813-001-0011	8-4-05	Adopt(T)	9-1-05
812-004-0540	8-24-05	Amend	10-1-05	813-001-0066	8-4-05	Suspend	9-1-05
812-004-0560	12-10-04	Amend	1-1-05	813-001-0068	8-4-05	Suspend	9-1-05
812-004-0590	12-10-04	Amend	1-1-05	813-001-0069	8-4-05	Suspend	9-1-05
812-004-0590	8-24-05	Amend	10-1-05	813-001-0080	8-4-05	Suspend	9-1-05
812-004-0600	12-10-04	Amend	1-1-05	813-001-0090	8-4-05	Suspend	9-1-05
812-004-0600	7-1-05	Amend	8-1-05	813-003-0001	11-23-04	Adopt	1-1-05
812-005-0005	12-10-04	Amend	1-1-05	813-003-0006	11-23-04	Adopt	1-1-05
812-005-0005	1-1-06	Amend	10-1-05	813-003-0011	11-23-04	Adopt	1-1-05
812-006-0011	8-24-05	Amend	10-1-05	813-003-0015	11-23-04	Adopt	1-1-05
812-006-0020	12-10-04	Amend	1-1-05	813-003-0021	11-23-04	Adopt	1-1-05
812-006-0030	1-5-05	Amend(T)	2-1-05	813-003-0025	11-23-04	Adopt	1-1-05
812-006-0030	7-1-05	Amend	8-1-05	813-003-0031	11-23-04	Adopt	1-1-05
812-006-0030	8-24-05	Amend	10-1-05	813-003-0035	11-23-04	Adopt	1-1-05
812-008-0020	12-10-04	Amend	1-1-05	813-005-0001	8-4-05	Adopt(T)	9-1-05
812-008-0070	12-10-04	Amend	1-1-05	813-005-0005	8-4-05	Amend(T)	9-1-05
812-008-0110	12-10-04	Amend	1-1-05	813-005-0010	8-4-05	Suspend	9-1-05
812-008-0200	1-1-06	Am. & Ren.	10-1-05	813-005-0015	8-4-05	Suspend	9-1-05
812-008-0201	1-1-06	Am. & Ren.	10-1-05	813-005-0016	8-4-05	Adopt(T)	9-1-05
812-008-0202	1-1-06	Am. & Ren.	10-1-05	813-005-0020	8-4-05	Suspend	9-1-05
812-008-0203	1-1-06	Am. & Ren.	10-1-05	813-005-0025	8-4-05	Suspend	9-1-05
812-008-0204	1-1-06	Am. & Ren.	10-1-05	813-005-0030	8-4-05	Suspend	9-1-05
812-008-0205	1-1-06	Am. & Ren.	10-1-05	813-230-0000	12-17-04	Am. & Ren.(T)	2-1-05
812-008-0206	1-1-06	Am. & Ren.	10-1-05	813-230-0001	12-17-04	Adopt(T)	2-1-05
812-008-0207	1-1-06	Am. & Ren.	10-1-05	813-230-0005	12-17-04	Am. & Ren.(T)	2-1-05
812-008-0208	1-1-06	Am. & Ren.	10-1-05	813-230-0010	12-17-04	Amend(T)	2-1-05
812-008-0209	1-1-06	Am. & Ren.	10-1-05	813-230-0015	12-17-04	Amend(T)	2-1-05
812-008-0210	1-1-06	Am. & Ren.	10-1-05	813-230-0020	12-17-04	Amend(T)	2-1-05
812-008-0211	1-1-06	Am. & Ren.	10-1-05	817-005-0005	7-1-05	Amend	8-1-05
812-008-0212	1-1-06	Am. & Ren.	10-1-05	817-030-0018	7-1-05	Amend	8-1-05
812-008-0213	1-1-06	Am. & Ren.	10-1-05	817-035-0010	7-1-05	Amend	8-1-05
812-008-0214	1-1-06	Am. & Ren.	10-1-05	817-035-0030	7-1-05	Amend	8-1-05
812-009-0400	12-10-04	Amend	1-1-05	817-040-0003	7-1-05	Amend	8-1-05
812-010-0040	12-10-04	Amend	1-1-05	818-001-0002	2-1-05	Amend	3-1-05
812-010-0050	12-10-04	Amend	1-1-05	818-001-0005	2-1-05	Amend	3-1-05
812-010-0080	7-1-05	Amend	8-1-05	818-001-0087	2-1-05	Amend	3-1-05
812-010-0200	12-10-04	Amend	1-1-05	818-021-0011	12-1-04	Amend	1-1-05
812-010-0220	12-10-04	Amend	1-1-05	818-021-0025	12-1-04	Amend	1-1-05
812-010-0260	12-10-04	Amend	1-1-05	818-021-0088	2-1-05	Adopt	3-1-05
812-010-0300	12-10-04	Amend	1-1-05	818-026-0000	2-1-05	Amend	3-1-05
812-010-0320	12-10-04	Amend	1-1-05	818-026-0010	2-1-05	Amend	3-1-05
812-010-0340	12-10-04	Amend	1-1-05	818-026-0020	2-1-05	Amend	3-1-05
812-010-0360	12-10-04	Amend	1-1-05	818-026-0030	2-1-05	Amend	3-1-05
812-010-0380	12-10-04	Amend	1-1-05	818-026-0030	2-1-05	Amend	3-1-05
812-010-0420	12-10-04	Amend	1-1-05	818-026-0035	2-1-05	Amend	3-1-05
812-010-0420	7-1-05	Amend	8-1-05	818-026-0040	2-1-05	Amend	3-1-05
812-010-0425	7-1-05	Amend	8-1-05	818-026-0050	2-1-05	Amend	3-1-05
812-010-0460	7-1-05	Amend	8-1-05	818-026-0050	2-1-05	Amend	3-1-05
812-010-0470	7-1-05	Am. & Ren.	8-1-05	818-026-0055	2-1-05	Adopt	3-1-05
812-010-0480	12-10-04	Amend	1-1-05	818-026-0060	2-1-05	Amend	3-1-05
813-001-0000	8-4-05	Suspend	9-1-05	818-026-0060	2-1-05	Amend	3-1-05
813-001-0002	8-4-05	Adopt(T)	9-1-05	818-026-0070	2-1-05	Amend	3-1-05
813-001-0003	8-4-05	Am. & Ren.(T)	9-1-05	818-026-0080	2-1-05	Amend	3-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
818-026-0100	2-1-05	Amend	3-1-05	836-052-0133	7-26-05	Amend	9-1-05
818-026-0110	2-1-05	Amend	3-1-05	836-052-0134	7-26-05	Amend	9-1-05
818-026-0120	2-1-05	Amend	3-1-05	836-052-0136	7-26-05	Amend	9-1-05
818-026-0130	2-1-05	Amend	3-1-05	836-052-0138	7-26-05	Amend	9-1-05
818-035-0025	2-1-05	Amend	3-1-05	836-052-0139	7-26-05	Amend	9-1-05
818-035-0030	2-1-05	Amend	3-1-05	836-052-0142	7-26-05	Amend	9-1-05
818-042-0050	12-1-04	Amend	1-1-05	836-052-0145	7-26-05	Amend	9-1-05
818-042-0060	12-1-04	Amend	1-1-05	836-052-0151	7-26-05	Amend	9-1-05
818-042-0116	2-1-05	Amend	3-1-05	836-052-0156	8-1-05	Amend	7-1-05
818-042-0120	12-1-04	Amend	1-1-05	836-052-0160	7-26-05	Amend	9-1-05
818-042-0130	12-1-04	Amend	1-1-05	836-052-0165	7-26-05	Amend	9-1-05
820-010-0010	3-16-05	Amend	5-1-05	836-052-0165	8-1-05	Amend	7-1-05
820-010-0200	3-16-05	Amend	5-1-05	836-052-0175	8-1-05	Amend	7-1-05
820-010-0203	6-9-05	Adopt(T)	7-1-05	836-052-0180	7-26-05	Amend	9-1-05
820-010-0205	9-23-05	Amend(T)	11-1-05	836-052-0180	8-1-05	Amend	7-1-05
820-010-0325	6-9-05	Amend(T)	7-1-05	836-052-0500	3-1-05	Amend	4-1-05
820-010-0325	9-23-05	Amend	11-1-05	836-052-0510	3-1-05	Repeal	4-1-05
820-010-0600	3-16-05	Amend	5-1-05	836-052-0515	3-1-05	Repeal	4-1-05
820-010-0622	3-16-05	Adopt	5-1-05	836-052-0516	3-1-05	Adopt	4-1-05
820-020-0040	3-16-05	Adopt	5-1-05	836-052-0520	3-1-05	Repeal	4-1-05
820-020-0045	3-16-05	Adopt	5-1-05	836-052-0525	3-1-05	Repeal	4-1-05
820-040-0005	9-23-05	Adopt	11-1-05	836-052-0526	3-1-05	Adopt	4-1-05
820-040-0030	9-23-05	Amend	11-1-05	836-052-0530	3-1-05	Am. & Ren.	4-1-05
820-040-0040	3-16-05	Amend	5-1-05	836-052-0535	3-1-05	Am. & Ren.	4-1-05
834-010-0010	7-22-05	Amend	7-1-05	836-052-0536	3-1-05	Adopt	4-1-05
834-010-0015	7-22-05	Amend	7-1-05	836-052-0540	3-1-05	Repeal	4-1-05
834-010-0019	7-22-05	Adopt	7-1-05	836-052-0545	3-1-05	Am. & Ren.	4-1-05
834-010-0025	7-22-05	Amend	7-1-05	836-052-0546	3-1-05	Adopt	4-1-05
834-010-0030	7-22-05	Amend	7-1-05	836-052-0550	3-1-05	Am. & Ren.	4-1-05
836-009-0007	8-1-05	Amend	7-1-05	836-052-0556	3-1-05	Adopt	4-1-05
836-014-0400	3-21-05	Adopt	4-1-05	836-052-0565	3-1-05	Repeal	4-1-05
836-020-0210	8-1-05	Amend	7-1-05	836-052-0566	3-1-05	Adopt	4-1-05
836-020-0305	8-1-05	Amend	7-1-05	836-052-0570	3-1-05	Repeal	4-1-05
836-028-0020	8-1-05	Amend	7-1-05	836-052-0575	3-1-05	Am. & Ren.	4-1-05
836-031-0410	4-21-05	Amend	6-1-05	836-052-0580	3-1-05	Am. & Ren.	4-1-05
836-042-0045	4-7-05	Amend	5-1-05	836-052-0583	3-1-05	Am. & Ren.	4-1-05
836-042-0085	4-7-05	Amend	5-1-05	836-052-0588	3-1-05	Am. & Ren.	4-1-05
836-042-0310	8-1-05	Amend	7-1-05	836-052-0600	3-1-05	Am. & Ren.	4-1-05
836-042-0316	8-1-05	Amend	7-1-05	836-052-0605	3-1-05	Am. & Ren.	4-1-05
836-042-0322	8-1-05	Amend	7-1-05	836-052-0607	3-1-05	Repeal	4-1-05
836-043-0009	8-1-05	Amend	7-1-05	836-052-0610	3-1-05	Am. & Ren.	4-1-05
836-043-0017	8-1-05	Amend	7-1-05	836-052-0615	3-1-05	Am. & Ren.	4-1-05
836-043-0086	8-1-05	Amend	7-1-05	836-052-0616	3-1-05	Adopt	4-1-05
836-050-0010	8-1-05	Amend	7-1-05	836-052-0620	3-1-05	Am. & Ren.	4-1-05
836-050-0230	8-1-05	Amend	7-1-05	836-052-0636	3-1-05	Adopt	4-1-05
836-050-0240	8-1-05	Amend	7-1-05	836-052-0640	3-1-05	Am. & Ren.	4-1-05
836-051-0010	8-1-05	Amend	7-1-05	836-052-0645	3-1-05	Am. & Ren.	4-1-05
836-051-0020	8-1-05	Amend	7-1-05	836-052-0676	3-1-05	Adopt	4-1-05
836-051-0540	8-1-05	Amend	7-1-05	836-052-0676	10-3-05	Amend(T)	11-1-05
836-051-0550	8-1-05	Amend	7-1-05	836-052-0696	10-3-05	Amend(T)	11-1-05
836-051-0570	8-1-05	Amend	7-1-05	836-052-0700	3-1-05	Amend	4-1-05
836-051-0590	8-1-05	Amend	7-1-05	836-052-0726	3-1-05	Adopt	4-1-05
836-052-0114	7-26-05	Amend	9-1-05	836-052-0746	3-1-05	Adopt	4-1-05
836-052-0119	7-26-05	Amend	9-1-05	836-052-0756	3-1-05	Adopt	4-1-05
836-052-0124	7-26-05	Amend	9-1-05	836-052-0766	3-1-05	Adopt	4-1-05
836-052-0129	7-26-05	Amend	9-1-05	836-053-0030	8-1-05	Amend	7-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
836-053-0050	8-1-05	Amend	7-1-05	836-075-0000	8-1-05	Amend	7-1-05
836-053-0510	11-19-04	Amend	1-1-05	836-075-0070	8-1-05	Amend	7-1-05
836-053-1060	8-1-05	Amend	7-1-05	836-080-0001	8-1-05	Amend	7-1-05
836-054-0000	8-1-05	Amend	7-1-05	836-080-0005	8-1-05	Amend	7-1-05
836-062-0005	8-1-05	Amend	7-1-05	836-080-0014	8-1-05	Amend	7-1-05
836-071-0108	8-1-05	Adopt	7-1-05	836-080-0022	8-1-05	Amend	7-1-05
836-071-0112	8-1-05	Amend	7-1-05	836-080-0029	8-1-05	Amend	7-1-05
836-071-0127	8-1-05	Amend	7-1-05	836-080-0039	8-1-05	Amend	7-1-05
836-071-0148	8-1-05	Amend	7-1-05	836-080-0043	8-1-05	Amend	7-1-05
836-071-0150	8-1-05	Amend	7-1-05	836-080-0430	8-1-05	Amend	7-1-05
836-071-0160	8-1-05	Amend	7-1-05	836-080-0430	9-15-05	Amend(T)	10-1-05
836-071-0180	8-1-05	Amend	7-1-05	836-080-0438	9-15-05	Amend(T)	10-1-05
836-071-0190	8-1-05	Amend	7-1-05	836-080-0511	8-1-05	Amend	7-1-05
836-071-0195	8-1-05	Amend	7-1-05	836-080-0600	4-1-05	Adopt	5-1-05
836-071-0210	8-1-05	Amend	7-1-05	836-080-0610	4-1-05	Adopt	5-1-05
836-071-0215	8-1-05	Amend	7-1-05	836-080-0615	4-1-05	Adopt	5-1-05
836-071-0220	8-1-05	Amend	7-1-05	836-080-0620	4-1-05	Adopt	5-1-05
836-071-0225	8-1-05	Amend	7-1-05	836-080-0625	4-1-05	Adopt	5-1-05
836-071-0230	8-1-05	Amend	7-1-05	836-080-0630	4-1-05	Adopt	5-1-05
836-071-0235	8-1-05	Amend	7-1-05	836-080-0635	4-1-05	Adopt	5-1-05
836-071-0242	8-1-05	Amend	7-1-05	836-080-0640	4-1-05	Adopt	5-1-05
836-071-0250	8-1-05	Amend	7-1-05	836-080-0645	4-1-05	Adopt	5-1-05
836-071-0260	8-1-05	Adopt	7-1-05	836-080-0650	4-1-05	Adopt	5-1-05
836-071-0263	8-1-05	Adopt(T)	7-1-05	836-080-0655	4-1-05	Adopt	5-1-05
836-071-0267	8-1-05	Adopt	7-1-05	836-080-0660	4-1-05	Adopt	5-1-05
836-071-0269	8-1-05	Am. & Ren.	7-1-05	836-080-0665	4-1-05	Adopt	5-1-05
836-071-0272	8-1-05	Am. & Ren.	7-1-05	836-080-0670	4-1-05	Adopt	5-1-05
836-071-0274	8-1-05	Am. & Ren.	7-1-05	836-080-0675	4-1-05	Adopt	5-1-05
836-071-0277	8-1-05	Am. & Ren.	7-1-05	836-080-0680	4-1-05	Adopt	5-1-05
836-071-0277	8-1-05	Amend(T)	7-1-05	836-080-0685	4-1-05	Adopt	5-1-05
836-071-0280	8-1-05	Amend	7-1-05	836-080-0690	4-1-05	Adopt	5-1-05
836-071-0285	8-1-05	Amend	7-1-05	836-080-0695	4-1-05	Adopt	5-1-05
836-071-0287	8-1-05	Amend	7-1-05	836-080-0700	4-1-05	Adopt	5-1-05
836-071-0291	8-1-05	Am. & Ren.	7-1-05	836-081-0101	8-1-05	Amend	7-1-05
836-071-0295	8-1-05	Amend	7-1-05	836-085-0001	8-1-05	Amend	7-1-05
836-071-0297	8-1-05	Amend	7-1-05	836-085-0010	8-1-05	Amend	7-1-05
836-071-0310	8-1-05	Amend	7-1-05	836-085-0025	8-1-05	Amend	7-1-05
836-071-0321	8-1-05	Adopt	7-1-05	836-085-0035	8-1-05	Amend	7-1-05
836-071-0323	8-1-05	Amend	7-1-05	836-085-0045	8-1-05	Amend	7-1-05
836-071-0326	8-1-05	Amend	7-1-05	836-085-0201	4-7-05	Amend	5-1-05
836-071-0328	8-1-05	Adopt	7-1-05	836-085-0220	4-7-05	Repeal	5-1-05
836-071-0331	8-1-05	Amend	7-1-05	836-085-0225	4-7-05	Amend	5-1-05
836-071-0336	8-1-05	Amend	7-1-05	837-012-0310	6-7-05	Amend	7-1-05
836-071-0346	8-1-05	Amend	7-1-05	837-012-0315	6-7-05	Amend	7-1-05
836-074-0005	8-1-05	Amend	7-1-05	837-012-0320	6-7-05	Amend	7-1-05
836-074-0010	8-1-05	Amend	7-1-05	837-012-0330	6-7-05	Amend	7-1-05
836-074-0017	8-1-05	Amend	7-1-05	837-012-0510	12-13-04	Amend(T)	1-1-05
836-074-0020	8-1-05	Amend	7-1-05	837-012-0510	6-7-05	Amend	7-1-05
836-074-0025	8-1-05	Amend	7-1-05	837-012-0515	11-17-04	Amend(T)	1-1-05
836-074-0030	8-1-05	Amend	7-1-05	837-012-0515	6-7-05	Amend	7-1-05
836-074-0035	8-1-05	Amend	7-1-05	837-012-0520	12-13-04	Amend(T)	1-1-05
836-074-0040	8-1-05	Amend	7-1-05	837-012-0520	6-7-05	Amend	7-1-05
836-074-0045	8-1-05	Amend	7-1-05	837-012-0525	12-13-04	Amend(T)	1-1-05
836-074-0047	8-1-05	Amend	7-1-05	837-012-0525	6-7-05	Amend	7-1-05
836-074-0048	8-1-05	Amend	7-1-05	837-012-0530	11-17-04	Amend(T)	1-1-05
836-074-0050	8-1-05	Amend	7-1-05	837-012-0530	6-7-05	Amend	7-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
837-012-0540	12-13-04	Amend(T)	1-1-05	837-085-0180	4-1-05	Amend	5-1-05
837-012-0540	6-7-05	Amend	7-1-05	837-085-0210	4-1-05	Amend	5-1-05
837-012-0545	12-13-04	Amend(T)	1-1-05	837-085-0250	4-1-05	Amend	5-1-05
837-012-0545	6-7-05	Amend	7-1-05	837-085-0260	4-1-05	Amend	5-1-05
837-012-0555	1-13-05	Amend(T)	2-1-05	837-085-0270	4-1-05	Amend	5-1-05
837-012-0555	6-7-05	Amend	7-1-05	837-085-0280	4-1-05	Amend	5-1-05
837-012-0610	2-15-05	Amend	3-1-05	837-085-0290	4-1-05	Amend	5-1-05
837-012-0610	6-7-05	Amend	7-1-05	837-085-0300	4-1-05	Amend	5-1-05
837-012-0615	2-15-05	Amend	3-1-05	837-085-0305	4-1-05	Adopt	5-1-05
837-012-0620	2-15-05	Amend	3-1-05	837-085-0310	4-1-05	Amend	5-1-05
837-012-0620	6-7-05	Amend	7-1-05	837-085-0320	4-1-05	Amend	5-1-05
837-012-0625	2-15-05	Amend	3-1-05	837-085-0350	4-1-05	Amend	5-1-05
837-012-0625	8-16-05	Amend(T)	10-1-05	837-090-1145	8-15-05	Amend	9-1-05
837-012-0635	6-7-05	Amend	7-1-05	839-003-0040	1-7-05	Amend	2-1-05
837-012-0640	6-7-05	Amend	7-1-05	839-004-0021	1-19-05	Amend	2-1-05
837-012-0645	2-15-05	Amend	3-1-05	839-009-0240	1-7-05	Amend	2-1-05
837-012-0650	2-15-05	Amend	3-1-05	839-009-0260	1-7-05	Amend	2-1-05
837-012-0650	6-7-05	Amend	7-1-05	839-010-0200	1-7-05	Adopt	2-1-05
837-012-0655	6-7-05	Amend	7-1-05	839-010-0205	1-7-05	Adopt	2-1-05
837-012-0670	2-15-05	Amend	3-1-05	839-010-0210	1-7-05	Adopt	2-1-05
837-012-0670	6-7-05	Amend	7-1-05	839-011-0084	8-23-05	Amend(T)	10-1-05
837-012-0750	2-15-05	Amend	3-1-05	839-016-0000	3-1-05	Am. & Ren.	4-1-05
837-012-0750	8-16-05	Amend(T)	10-1-05	839-016-0002	3-1-05	Am. & Ren.	4-1-05
837-012-1210	6-7-05	Amend	7-1-05	839-016-0003	3-1-05	Am. & Ren.	4-1-05
837-012-1220	6-7-05	Amend	7-1-05	839-016-0004	3-1-05	Am. & Ren.	4-1-05
837-012-1230	2-17-05	Amend	4-1-05	839-016-0006	3-1-05	Am. & Ren.	4-1-05
837-012-1230	8-16-05	Amend(T)	10-1-05	839-016-0007	3-1-05	Am. & Ren.	4-1-05
837-012-1240	6-7-05	Amend	7-1-05	839-016-0008	3-1-05	Am. & Ren.	4-1-05
837-012-1260	6-7-05	Amend	7-1-05	839-016-0010	3-1-05	Am. & Ren.	4-1-05
837-012-1290	6-7-05	Amend	7-1-05	839-016-0013	3-1-05	Am. & Ren.	4-1-05
837-012-1300	6-7-05	Amend	7-1-05	839-016-0020	3-1-05	Am. & Ren.	4-1-05
837-012-1310	6-7-05	Amend	7-1-05	839-016-0025	3-1-05	Am. & Ren.	4-1-05
837-012-1320	6-7-05	Amend	7-1-05	839-016-0030	3-1-05	Am. & Ren.	4-1-05
837-012-1390	6-7-05	Amend	7-1-05	839-016-0033	3-1-05	Am. & Ren.	4-1-05
837-012-1420	6-7-05	Amend	7-1-05	839-016-0034	3-1-05	Am. & Ren.	4-1-05
837-020-0035	5-26-05	Amend	7-1-05	839-016-0035	3-1-05	Am. & Ren.	4-1-05
837-020-0040	5-26-05	Amend	7-1-05	839-016-0040	3-1-05	Am. & Ren.	4-1-05
837-020-0050	5-26-05	Amend	7-1-05	839-016-0043	3-1-05	Am. & Ren.	4-1-05
837-020-0055	5-26-05	Amend	7-1-05	839-016-0045	3-1-05	Am. & Ren.	4-1-05
837-020-0060	5-26-05	Amend	7-1-05	839-016-0050	3-1-05	Am. & Ren.	4-1-05
837-020-0065	5-26-05	Amend	7-1-05	839-016-0054	3-1-05	Am. & Ren.	4-1-05
837-020-0070	5-26-05	Amend	7-1-05	839-016-0060	3-1-05	Am. & Ren.	4-1-05
837-020-0085	5-26-05	Amend	7-1-05	839-016-0065	3-1-05	Am. & Ren.	4-1-05
837-020-0105	5-26-05	Amend	7-1-05	839-016-0080	3-1-05	Am. & Ren.	4-1-05
837-020-0115	5-26-05	Amend	7-1-05	839-016-0085	3-1-05	Am. & Ren.	4-1-05
837-020-0120	5-26-05	Adopt	7-1-05	839-016-0090	3-1-05	Am. & Ren.	4-1-05
837-020-0125	5-26-05	Amend	7-1-05	839-016-0095	3-1-05	Am. & Ren.	4-1-05
837-040-0010	1-3-05	Amend(T)	2-1-05	839-016-0100	3-1-05	Am. & Ren.	4-1-05
837-040-0010	6-27-05	Amend	8-1-05	839-016-0150	3-1-05	Am. & Ren.	4-1-05
837-085-0020	4-1-05	Amend	5-1-05	839-016-0155	3-1-05	Am. & Ren.	4-1-05
837-085-0030	4-1-05	Amend	5-1-05	839-016-0200	3-1-05	Am. & Ren.	4-1-05
837-085-0040	4-1-05	Amend	5-1-05	839-016-0210	3-1-05	Am. & Ren.	4-1-05
837-085-0070	4-1-05	Amend	5-1-05	839-016-0220	3-1-05	Am. & Ren.	4-1-05
837-085-0080	4-1-05	Amend	5-1-05	839-016-0230	3-1-05	Am. & Ren.	4-1-05
837-085-0090	4-1-05	Amend	5-1-05	839-016-0240	3-1-05	Am. & Ren.	4-1-05
837-085-0110	4-1-05	Amend	5-1-05	839-016-0300	3-1-05	Am. & Ren.	4-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
839-016-0310	3-1-05	Am. & Ren.	4-1-05	847-050-0029	10-12-05	Amend	11-1-05
839-016-0320	3-1-05	Am. & Ren.	4-1-05	847-050-0037	4-21-05	Amend	6-1-05
839-016-0330	3-1-05	Am. & Ren.	4-1-05	847-050-0041	1-27-05	Amend	3-1-05
839-016-0340	3-1-05	Am. & Ren.	4-1-05	847-070-0016	10-12-05	Amend	11-1-05
839-016-0500	3-1-05	Am. & Ren.	4-1-05	847-070-0019	10-12-05	Adopt	11-1-05
839-016-0510	3-1-05	Am. & Ren.	4-1-05	847-070-0045	10-12-05	Amend	11-1-05
839-016-0520	3-1-05	Am. & Ren.	4-1-05	847-080-0010	10-12-05	Amend	11-1-05
839-016-0530	3-1-05	Am. & Ren.	4-1-05	847-080-0018	7-20-05	Amend	9-1-05
839-016-0540	3-1-05	Am. & Ren.	4-1-05	848-001-0000	12-29-04	Amend	2-1-05
839-016-0700	12-13-04	Amend	1-1-05	848-001-0005	12-29-04	Amend	2-1-05
839-016-0700	1-1-05	Amend	2-1-05	848-005-0010	4-8-05	Amend	5-1-05
839-016-0700	3-1-05	Am. & Ren.	4-1-05	848-005-0030	12-29-04	Adopt	2-1-05
839-016-0750	3-1-05	Am. & Ren.	4-1-05	848-010-0010	12-29-04	Amend	2-1-05
839-021-0106	1-3-05	Adopt	2-1-05	848-010-0015	12-29-04	Amend	2-1-05
839-021-0355	1-3-05	Amend	2-1-05	848-010-0020	12-29-04	Amend	2-1-05
839-025-0700	4-1-05	Amend	5-1-05	848-010-0026	12-29-04	Amend	2-1-05
839-025-0700	9-20-05	Amend	11-1-05	848-010-0033	12-29-04	Adopt	2-1-05
839-025-0700	10-1-05	Amend	11-1-05	848-010-0035	12-29-04	Amend	2-1-05
839-025-0750	4-18-05	Amend	5-1-05	848-010-0044	12-29-04	Adopt	2-1-05
839-025-0750	5-2-05	Amend	6-1-05	848-010-0045	12-29-04	Repeal	2-1-05
839-025-0750	6-1-05	Amend	7-1-05	848-010-0050	12-29-04	Repeal	2-1-05
839-025-0750	6-21-05	Amend	8-1-05	848-010-0060	12-29-04	Repeal	2-1-05
839-025-0750	7-1-05	Amend	8-1-05	848-010-0070	12-29-04	Repeal	2-1-05
839-025-0750	7-22-05	Amend	9-1-05	848-010-0080	12-29-04	Repeal	2-1-05
839-025-0750	8-10-05	Amend	9-1-05	848-010-0090	12-29-04	Repeal	2-1-05
839-025-0750	8-29-05	Amend	10-1-05	848-010-0105	12-29-04	Renumber	2-1-05
839-050-0050	2-11-05	Amend	3-1-05	848-010-0110	12-29-04	Am. & Ren.	2-1-05
839-050-0220	2-11-05	Amend	3-1-05	848-010-0115	12-29-04	Renumber	2-1-05
839-050-0360	2-11-05	Amend	3-1-05	848-010-0120	12-29-04	Am. & Ren.	2-1-05
845-001-0008	5-1-05	Amend	6-1-05	848-010-0125	12-29-04	Repeal	2-1-05
845-003-0670	5-1-05	Amend	6-1-05	848-015-0010	12-29-04	Adopt	2-1-05
845-004-0020	5-1-05	Amend	6-1-05	848-015-0020	12-29-04	Adopt	2-1-05
845-004-0101	1-1-05	Amend	1-1-05	848-015-0030	12-29-04	Adopt	2-1-05
845-005-0303	5-1-05	Amend	6-1-05	848-020-0000	12-29-04	Amend	2-1-05
845-005-0312	1-1-05	Amend	2-1-05	848-020-0010	12-29-04	Amend	2-1-05
845-005-0314	5-1-05	Amend	6-1-05	848-020-0020	12-29-04	Repeal	2-1-05
845-006-0434	5-1-05	Amend	6-1-05	848-020-0030	12-29-04	Amend	2-1-05
845-006-0475	5-1-05	Amend	6-1-05	848-020-0040	12-29-04	Amend	2-1-05
845-009-0010	7-1-05	Amend	7-1-05	848-020-0050	12-29-04	Amend	2-1-05
845-009-0015	7-1-05	Amend	7-1-05	848-020-0060	12-29-04	Amend	2-1-05
845-009-0135	5-1-05	Amend	6-1-05	848-030-0000	12-29-04	Amend	2-1-05
845-009-0200	1-1-05	Amend	2-1-05	848-030-0010	12-29-04	Amend	2-1-05
845-010-0905	12-1-04	Amend	1-1-05	848-040-0000	12-29-04	Repeal	2-1-05
845-010-0915	12-1-04	Amend	1-1-05	848-040-0010	12-29-04	Repeal	2-1-05
845-015-0143	6-1-05	Amend	7-1-05	848-040-0020	12-29-04	Repeal	2-1-05
845-015-0170	9-1-05	Amend	10-1-05	848-040-0030	12-29-04	Repeal	2-1-05
845-015-0175	1-1-05	Amend	2-1-05	848-040-0040	12-29-04	Repeal	2-1-05
847-005-0005	7-20-05	Amend	9-1-05	848-040-0050	12-29-04	Repeal	2-1-05
847-010-0100	7-20-05	Adopt	9-1-05	848-040-0100	12-29-04	Adopt	2-1-05
847-015-0025	1-27-05	Amend	3-1-05	848-040-0105	12-29-04	Adopt	2-1-05
847-020-0130	7-20-05	Amend	9-1-05	848-040-0110	12-29-04	Adopt	2-1-05
847-020-0160	7-20-05	Amend	9-1-05	848-040-0115	12-29-04	Adopt	2-1-05
847-020-0170	7-20-05	Amend	9-1-05	848-040-0120	12-29-04	Adopt	2-1-05
847-035-0030	1-27-05	Amend	3-1-05	848-040-0125	12-29-04	Adopt	2-1-05
847-035-0030	4-21-05	Amend	6-1-05	848-040-0130	12-29-04	Adopt	2-1-05
847-035-0030	7-20-05	Amend	9-1-05	848-040-0135	12-29-04	Adopt	2-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
848-040-0140	12-29-04	Adopt	2-1-05	855-041-0610	3-1-05	Adopt	3-1-05
848-040-0145	12-29-04	Adopt	2-1-05	855-041-0620	3-1-05	Adopt	3-1-05
848-040-0150	12-29-04	Adopt	2-1-05	855-050-0037	5-14-05	Adopt	5-1-05
848-040-0155	12-29-04	Adopt	2-1-05	855-050-0038	5-14-05	Adopt	5-1-05
848-040-0160	12-29-04	Adopt	2-1-05	855-050-0039	5-14-05	Adopt	5-1-05
848-040-0165	12-29-04	Adopt	2-1-05	855-050-0041	5-14-05	Adopt	5-1-05
848-040-0170	12-29-04	Adopt	2-1-05	855-050-0042	5-14-05	Adopt	5-1-05
848-045-0010	12-29-04	Adopt	2-1-05	855-050-0043	5-14-05	Adopt	5-1-05
848-045-0020	12-29-04	Adopt	2-1-05	855-110-0007	3-1-05	Amend	3-1-05
848-050-0000	12-29-04	Repeal	2-1-05	855-110-0010	3-1-05	Amend	3-1-05
848-050-0010	12-29-04	Repeal	2-1-05	860-011-0001	12-30-04	Amend	2-1-05
848-050-0020	12-29-04	Repeal	2-1-05	860-011-0010	12-30-04	Amend	2-1-05
848-050-0030	12-29-04	Repeal	2-1-05	860-011-0011	12-30-04	Adopt	2-1-05
848-050-0100	12-29-04	Adopt	2-1-05	860-011-0012	12-30-04	Adopt	2-1-05
848-050-0110	12-29-04	Adopt	2-1-05	860-011-0015	12-30-04	Amend	2-1-05
848-050-0120	12-29-04	Adopt	2-1-05	860-011-0020	12-30-04	Repeal	2-1-05
850-010-0190	4-13-05	Amend	5-1-05	860-011-0022	12-30-04	Am. & Ren.	2-1-05
850-010-0212	8-15-05	Amend	9-1-05	860-011-0023	12-30-04	Repeal	2-1-05
850-010-0220	2-4-05	Amend	3-1-05	860-011-0024	12-30-04	Repeal	2-1-05
850-010-0225	2-4-05	Amend	3-1-05	860-011-0025	12-30-04	Repeal	2-1-05
850-010-0225	6-10-05	Amend	7-1-05	860-011-0030	12-30-04	Repeal	2-1-05
850-020-0000	2-4-05	Amend	3-1-05	860-011-0035	12-30-04	Amend	2-1-05
850-020-0005	2-4-05	Amend	3-1-05	860-011-0080	12-30-04	Amend	2-1-05
850-020-0010	2-4-05	Repeal	3-1-05	860-012-0007	12-1-04	Amend	1-1-05
850-020-0015	2-4-05	Repeal	3-1-05	860-012-0015	12-28-04	Amend	2-1-05
850-020-0020	2-4-05	Amend	3-1-05	860-013-0021	12-30-04	Am. & Ren.	2-1-05
850-020-0025	2-4-05	Amend	3-1-05	860-013-0036	12-30-04	Adopt	2-1-05
850-020-0030	2-4-05	Amend	3-1-05	860-013-0037	12-30-04	Adopt	2-1-05
851-010-0010	10-13-05	Amend	11-1-05	860-013-0040	12-30-04	Repeal	2-1-05
851-050-0002	2-17-05	Amend	4-1-05	860-013-0060	12-30-04	Amend	2-1-05
851-050-0131	11-30-04	Amend	1-1-05	860-013-0065	12-30-04	Amend	2-1-05
851-050-0131	2-17-05	Amend	4-1-05	860-013-0070	12-30-04	Amend	2-1-05
851-050-0131	4-26-05	Amend	6-1-05	860-013-0071	12-30-04	Amend	2-1-05
851-050-0131	6-30-05	Amend	8-1-05	860-013-0075	12-30-04	Amend	2-1-05
851-050-0131	10-13-05	Amend	11-1-05	860-014-0005	12-30-04	Amend	2-1-05
851-052-0030	6-30-05	Amend	8-1-05	860-014-0010	12-30-04	Amend	2-1-05
851-062-0055	6-30-05	Amend	8-1-05	860-014-0023	12-30-04	Amend	2-1-05
852-005-0005	7-1-05	Amend	8-1-05	860-014-0060	12-30-04	Amend	2-1-05
852-005-0010	2-23-05	Amend	4-1-05	860-014-0065	12-30-04	Amend	2-1-05
852-010-0015	2-23-05	Amend	4-1-05	860-014-0070	12-30-04	Amend	2-1-05
852-010-0020	2-23-05	Amend	4-1-05	860-014-0090	12-30-04	Amend	2-1-05
852-010-0023	2-23-05	Amend	4-1-05	860-014-0092	12-30-04	Amend	2-1-05
852-010-0027	2-23-05	Amend	4-1-05	860-016-0020	2-11-05	Amend	3-1-05
852-010-0080	7-1-05	Amend	8-1-05	860-016-0021	2-11-05	Adopt	3-1-05
852-020-0035	4-8-05	Adopt	5-1-05	860-016-0050	2-2-05	Amend	3-1-05
852-050-0006	7-1-05	Amend	8-1-05	860-021-0009	12-1-04	Amend	1-1-05
852-050-0018	2-23-05	Amend	4-1-05	860-021-0021	12-1-04	Amend	1-1-05
852-050-0021	4-8-05	Adopt	5-1-05	860-021-0034	12-1-04	Amend	1-1-05
852-070-0030	2-23-05	Amend	4-1-05	860-021-0034	12-30-04	Amend	2-1-05
852-080-0040	4-8-05	Amend	5-1-05	860-021-0036	12-1-04	Amend	1-1-05
855-001-0000	2-7-05	Amend	3-1-05	860-021-0036	12-30-04	Amend	2-1-05
855-019-0055	6-28-05	Amend(T)	8-1-05	860-021-0037	12-1-04	Amend	1-1-05
855-041-0040	4-14-05	Amend	5-1-05	860-021-0037	12-30-04	Amend	2-1-05
855-041-0060	4-14-05	Amend	5-1-05	860-021-0125	12-1-04	Amend	1-1-05
855-041-0208	6-28-05	Adopt(T)	8-1-05	860-021-0130	12-1-04	Amend	1-1-05
855-041-0600	3-1-05	Adopt	3-1-05	860-021-0200	12-1-04	Amend	1-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
860-021-0205	12-1-04	Amend	1-1-05	860-036-0115	12-1-04	Amend	1-1-05
860-021-0206	12-1-04	Amend	1-1-05	860-036-0125	12-1-04	Amend	1-1-05
860-021-0210	12-1-04	Amend	1-1-05	860-036-0605	12-30-04	Amend	2-1-05
860-021-0420	12-1-04	Amend	1-1-05	860-036-0615	12-30-04	Amend	2-1-05
860-021-0550	9-1-05	Adopt(T)	10-1-05	860-036-0625	12-30-04	Amend	2-1-05
860-022-0005	12-30-04	Amend	2-1-05	860-036-0645	12-30-04	Amend	2-1-05
860-022-0015	12-30-04	Amend	2-1-05	860-037-0030	12-1-04	Amend	1-1-05
860-022-0020	12-30-04	Amend	2-1-05	860-037-0035	12-1-04	Amend	1-1-05
860-022-0038	12-30-04	Amend	2-1-05	860-037-0045	12-1-04	Amend	1-1-05
860-022-0039	9-15-05	Adopt(T)	10-1-05	860-037-0070	12-1-04	Amend	1-1-05
860-024-0020	6-3-05	Amend	7-1-05	860-037-0095	12-1-04	Amend	1-1-05
860-024-0021	6-3-05	Amend	7-1-05	860-037-0095	12-30-04	Amend	2-1-05
860-032-0095	12-1-04	Amend	1-1-05	860-037-0097	12-1-04	Amend	1-1-05
860-032-0095	12-30-04	Amend	2-1-05	860-037-0097	12-30-04	Amend	2-1-05
860-032-0097	12-1-04	Amend	1-1-05	860-037-0110	12-1-04	Amend	1-1-05
860-032-0097	12-30-04	Amend	2-1-05	860-037-0410	12-30-04	Amend	2-1-05
860-032-0610	12-30-04	Amend	2-1-05	860-037-0420	12-30-04	Amend	2-1-05
860-033-0005	12-1-04	Amend	1-1-05	860-037-0430	12-30-04	Amend	2-1-05
860-033-0006	12-1-04	Adopt	1-1-05	860-037-0450	12-30-04	Amend	2-1-05
860-033-0006	12-30-04	Amend	2-1-05	863-010-0610	5-6-05	Amend	6-1-05
860-033-0007	12-1-04	Adopt	1-1-05	863-010-0640	5-6-05	Amend	6-1-05
860-033-0008	12-1-04	Adopt	1-1-05	863-010-0640	7-1-05	Amend(T)	7-1-05
860-033-0009	12-1-04	Adopt	1-1-05	863-010-0640(T)	7-22-05	Suspend	9-1-05
860-033-0010	12-1-04	Amend	1-1-05	863-015-0015	5-6-05	Amend	6-1-05
860-033-0030	12-1-04	Amend	1-1-05	863-015-0020	5-6-05	Amend	6-1-05
860-033-0045	12-1-04	Amend	1-1-05	863-015-0020	7-1-05	Amend(T)	7-1-05
860-033-0050	12-1-04	Amend	1-1-05	863-015-0030	5-6-05	Amend	6-1-05
860-033-0505	12-1-04	Amend	1-1-05	863-015-0035	5-6-05	Amend	6-1-05
860-033-0530	12-1-04	Amend	1-1-05	863-015-0040	7-1-05	Amend(T)	7-1-05
860-033-0535	12-1-04	Amend	1-1-05	863-015-0045	5-6-05	Amend	6-1-05
860-033-0536	12-1-04	Amend	1-1-05	863-015-0045	7-1-05	Amend(T)	7-1-05
860-033-0537	12-1-04	Amend	1-1-05	863-015-0050	5-6-05	Amend	6-1-05
860-033-0540	12-1-04	Amend	1-1-05	863-015-0060	5-6-05	Amend	6-1-05
860-033-0545	12-1-04	Amend	1-1-05	863-015-0060	7-1-05	Amend(T)	7-1-05
860-034-0030	12-1-04	Amend	1-1-05	863-015-0060(T)	7-22-05	Suspend	9-1-05
860-034-0090	12-1-04	Amend	1-1-05	863-015-0061	5-6-05	Adopt	6-1-05
860-034-0095	12-1-04	Amend	1-1-05	863-015-0062	5-6-05	Adopt	6-1-05
860-034-0095	12-30-04	Amend	2-1-05	863-015-0065	5-6-05	Amend	6-1-05
860-034-0097	12-1-04	Amend	1-1-05	863-015-0075	5-6-05	Amend	6-1-05
860-034-0097	12-30-04	Amend	2-1-05	863-015-0076	5-6-05	Adopt	6-1-05
860-034-0110	12-1-04	Amend	1-1-05	863-015-0080	5-6-05	Amend	6-1-05
860-034-0140	12-1-04	Amend	1-1-05	863-015-0125	5-6-05	Amend	6-1-05
860-034-0160	12-1-04	Amend	1-1-05	863-015-0175	5-6-05	Amend	6-1-05
860-034-0275	9-1-05	Adopt(T)	10-1-05	863-015-0195	5-6-05	Amend	6-1-05
860-034-0300	12-30-04	Amend	2-1-05	863-015-0215	5-6-05	Amend	6-1-05
860-034-0320	12-30-04	Amend	2-1-05	863-015-0260	5-6-05	Amend	6-1-05
860-034-0440	12-30-04	Amend	2-1-05	863-025-0015	5-6-05	Amend	6-1-05
860-034-0600	12-30-04	Amend	2-1-05	863-025-0020	5-6-05	Amend	6-1-05
860-036-0035	12-1-04	Amend	1-1-05	863-025-0025	5-6-05	Amend	6-1-05
860-036-0040	12-1-04	Amend	1-1-05	863-025-0030	5-6-05	Amend	6-1-05
860-036-0050	12-1-04	Amend	1-1-05	863-025-0035	5-6-05	Amend	6-1-05
860-036-0075	12-1-04	Amend	1-1-05	863-025-0040	5-6-05	Amend	6-1-05
860-036-0095	12-1-04	Amend	1-1-05	863-025-0045	5-6-05	Amend	6-1-05
860-036-0095	12-30-04	Amend	2-1-05	863-025-0050	5-6-05	Amend	6-1-05
860-036-0097	12-1-04	Amend	1-1-05	863-025-0055	5-6-05	Amend	6-1-05
860-036-0097	12-30-04	Amend	2-1-05	863-025-0070	5-6-05	Amend	6-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
877-020-0020	10-1-05	Amend(T)	10-1-05	918-098-1010	10-1-05	Adopt	11-1-05
877-020-0030	10-1-05	Amend(T)	10-1-05	918-098-1010(T)	10-1-05	Repeal	11-1-05
877-020-0046	10-1-05	Amend(T)	10-1-05	918-098-1012	10-1-05	Adopt	11-1-05
877-025-0005	10-1-05	Amend(T)	10-1-05	918-098-1015	7-7-05	Am. & Ren.(T)	8-1-05
877-035-0015	10-1-05	Amend(T)	10-1-05	918-098-1015	10-1-05	Am. & Ren.	11-1-05
918-001-0006	4-1-05	Adopt	5-1-05	918-098-1015(T)	10-1-05	Repeal	11-1-05
918-001-0036	5-1-05	Amend	6-1-05	918-098-1025	7-7-05	Adopt(T)	8-1-05
918-008-0030	4-1-05	Amend	5-1-05	918-098-1025	10-1-05	Adopt	11-1-05
918-008-0075	7-7-05	Adopt(T)	8-1-05	918-098-1025(T)	10-1-05	Repeal	11-1-05
918-008-0080	7-7-05	Adopt(T)	8-1-05	918-098-1030	7-7-05	Am. & Ren.(T)	8-1-05
918-008-0085	7-7-05	Adopt(T)	8-1-05	918-098-1030	10-1-05	Am. & Ren.	11-1-05
918-008-0090	7-7-05	Adopt(T)	8-1-05	918-098-1030(T)	10-1-05	Repeal	11-1-05
918-008-0095	7-7-05	Adopt(T)	8-1-05	918-098-1040	7-7-05	Adopt(T)	8-1-05
918-008-0105	7-7-05	Adopt(T)	8-1-05	918-098-1040	10-1-05	Adopt	11-1-05
918-008-0110	7-7-05	Adopt(T)	8-1-05	918-098-1040(T)	10-1-05	Repeal	11-1-05
918-008-0115	7-7-05	Adopt(T)	8-1-05	918-098-1042	7-7-05	Adopt(T)	8-1-05
918-008-0120	7-7-05	Adopt(T)	8-1-05	918-098-1042	10-1-05	Adopt	11-1-05
918-020-0090	7-7-05	Amend(T)	8-1-05	918-098-1042(T)	10-1-05	Repeal	11-1-05
918-020-0090	10-1-05	Amend	11-1-05	918-098-1045	7-7-05	Am. & Ren.(T)	8-1-05
918-020-0090(T)	10-1-05	Repeal	11-1-05	918-098-1045	10-1-05	Am. & Ren.	11-1-05
918-030-0030	5-1-05	Amend	6-1-05	918-098-1045(T)	10-1-05	Repeal	11-1-05
918-030-0400	5-1-05	Adopt	6-1-05	918-098-1050	7-7-05	Am. & Ren.(T)	8-1-05
918-030-0420	5-1-05	Adopt	6-1-05	918-098-1050	10-1-05	Am. & Ren.	11-1-05
918-030-0430	5-1-05	Adopt	6-1-05	918-098-1050(T)	10-1-05	Repeal	11-1-05
918-030-0490	5-1-05	Adopt	6-1-05	918-098-1055	7-7-05	Am. & Ren.(T)	8-1-05
918-090-0000	7-7-05	Amend(T)	8-1-05	918-098-1055	10-1-05	Am. & Ren.	11-1-05
918-090-0010	7-7-05	Amend(T)	8-1-05	918-098-1055(T)	10-1-05	Repeal	11-1-05
918-090-0200	7-7-05	Amend(T)	8-1-05	918-098-1060	7-7-05	Am. & Ren.(T)	8-1-05
918-090-0210	7-7-05	Amend(T)	8-1-05	918-098-1060	10-1-05	Am. & Ren.	11-1-05
918-098-0000	7-7-05	Suspend	8-1-05	918-098-1060(T)	10-1-05	Repeal	11-1-05
918-098-0000	10-1-05	Repeal	11-1-05	918-098-1065	7-7-05	Am. & Ren.(T)	8-1-05
918-098-0030	7-7-05	Suspend	8-1-05	918-098-1065	10-1-05	Am. & Ren.	11-1-05
918-098-0030	10-1-05	Repeal	11-1-05	918-098-1065(T)	10-1-05	Repeal	11-1-05
918-098-0040	7-7-05	Suspend	8-1-05	918-098-1070	7-7-05	Am. & Ren.(T)	8-1-05
918-098-0040	10-1-05	Repeal	11-1-05	918-098-1070	10-1-05	Am. & Ren.	11-1-05
918-098-0050	7-7-05	Suspend	8-1-05	918-098-1070(T)	10-1-05	Repeal	11-1-05
918-098-0050	10-1-05	Repeal	11-1-05	918-098-1075	7-7-05	Am. & Ren.(T)	8-1-05
918-098-0405	7-7-05	Suspend	8-1-05	918-098-1075	10-1-05	Am. & Ren.	11-1-05
918-098-0405	10-1-05	Repeal	11-1-05	918-098-1075(T)	10-1-05	Repeal	11-1-05
918-098-0422	7-7-05	Suspend	8-1-05	918-098-1080	7-7-05	Am. & Ren.(T)	8-1-05
918-098-0422	10-1-05	Repeal	11-1-05	918-098-1080	10-1-05	Am. & Ren.	11-1-05
918-098-0423	7-7-05	Suspend	8-1-05	918-098-1080(T)	10-1-05	Repeal	11-1-05
918-098-0423	10-1-05	Repeal	11-1-05	918-098-1085	7-7-05	Am. & Ren.(T)	8-1-05
918-098-0440	7-7-05	Suspend	8-1-05	918-098-1085	10-1-05	Am. & Ren.	11-1-05
918-098-0440	10-1-05	Repeal	11-1-05	918-098-1085(T)	10-1-05	Repeal	11-1-05
918-098-0450	7-7-05	Suspend	8-1-05	918-098-1200	7-7-05	Am. & Ren.(T)	8-1-05
918-098-0450	10-1-05	Repeal	11-1-05	918-098-1200	10-1-05	Am. & Ren.	11-1-05
918-098-0460	7-7-05	Suspend	8-1-05	918-098-1200(T)	10-1-05	Repeal	11-1-05
918-098-0460	10-1-05	Repeal	11-1-05	918-098-1205	7-7-05	Am. & Ren.(T)	8-1-05
918-098-1000	7-7-05	Adopt(T)	8-1-05	918-098-1205	10-1-05	Am. & Ren.	11-1-05
918-098-1000	10-1-05	Adopt	11-1-05	918-098-1205(T)	10-1-05	Repeal	11-1-05
918-098-1000(T)	10-1-05	Repeal	11-1-05	918-098-1210	7-7-05	Am. & Ren.(T)	8-1-05
918-098-1005	7-7-05	Am. & Ren.(T)	8-1-05	918-098-1210	10-1-05	Am. & Ren.	11-1-05
918-098-1005	10-1-05	Am. & Ren.	11-1-05	918-098-1210(T)	10-1-05	Repeal	11-1-05
918-098-1005(T)	10-1-05	Repeal	11-1-05	918-098-1215	7-7-05	Am. & Ren.(T)	8-1-05
918-098-1010	7-7-05	Adopt(T)	8-1-05	918-098-1215	10-1-05	Am. & Ren.	11-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
918-098-1215(T)	10-1-05	Repeal	11-1-05	918-098-1600	10-1-05	Am. & Ren.	11-1-05
918-098-1220	7-7-05	Am. & Ren.(T)	8-1-05	918-098-1600(T)	10-1-05	Repeal	11-1-05
918-098-1220	10-1-05	Am. & Ren.	11-1-05	918-098-1610	7-7-05	Am. & Ren.(T)	8-1-05
918-098-1220(T)	10-1-05	Repeal	11-1-05	918-098-1610	10-1-05	Am. & Ren.	11-1-05
918-098-1300	7-7-05	Am. & Ren.(T)	8-1-05	918-098-1610(T)	10-1-05	Repeal	11-1-05
918-098-1300	10-1-05	Am. & Ren.	11-1-05	918-098-1620	7-7-05	Am. & Ren.(T)	8-1-05
918-098-1300(T)	10-1-05	Repeal	11-1-05	918-098-1620	10-1-05	Am. & Ren.	11-1-05
918-098-1305	7-7-05	Am. & Ren.(T)	8-1-05	918-098-1620(T)	10-1-05	Repeal	11-1-05
918-098-1305	10-1-05	Am. & Ren.	11-1-05	918-098-1630	7-7-05	Am. & Ren.(T)	8-1-05
918-098-1305(T)	10-1-05	Repeal	11-1-05	918-098-1630	10-1-05	Am. & Ren.	11-1-05
918-098-1310	7-7-05	Am. & Ren.(T)	8-1-05	918-098-1630(T)	10-1-05	Repeal	11-1-05
918-098-1310	10-1-05	Am. & Ren.	11-1-05	918-098-1900	7-7-05	Adopt(T)	8-1-05
918-098-1310(T)	10-1-05	Repeal	11-1-05	918-098-1900	10-1-05	Adopt	11-1-05
918-098-1315	7-7-05	Am. & Ren.(T)	8-1-05	918-098-1900(T)	10-1-05	Repeal	11-1-05
918-098-1315	10-1-05	Am. & Ren.	11-1-05	918-225-0240	7-12-05	Amend(T)	8-1-05
918-098-1315(T)	10-1-05	Repeal	11-1-05	918-225-0240	10-1-05	Amend	10-1-05
918-098-1320	7-7-05	Am. & Ren.(T)	8-1-05	918-225-0430	7-12-05	Amend(T)	8-1-05
918-098-1320	10-1-05	Am. & Ren.	11-1-05	918-225-0430	10-1-05	Amend	10-1-05
918-098-1320(T)	10-1-05	Repeal	11-1-05	918-225-0560	7-12-05	Amend(T)	8-1-05
918-098-1325	7-7-05	Am. & Ren.(T)	8-1-05	918-225-0560	10-1-05	Amend	10-1-05
918-098-1325	10-1-05	Am. & Ren.	11-1-05	918-225-0660	7-12-05	Amend(T)	8-1-05
918-098-1330	7-7-05	Am. & Ren.(T)	8-1-05	918-225-0660	10-1-05	Amend	10-1-05
918-098-1330	10-1-05	Am. & Ren.	11-1-05	918-251-0030	7-7-05	Suspend	8-1-05
918-098-1330(T)	10-1-05	Repeal	11-1-05	918-251-0040	7-7-05	Suspend	8-1-05
918-098-1400	7-7-05	Am. & Ren.(T)	8-1-05	918-261-0031	7-1-05	Adopt	8-1-05
918-098-1400	10-1-05	Am. & Ren.	11-1-05	918-281-0000	7-7-05	Amend(T)	8-1-05
918-098-1400(T)	10-1-05	Repeal	11-1-05	918-281-0010	7-7-05	Amend(T)	8-1-05
918-098-1410	7-7-05	Am. & Ren.(T)	8-1-05	918-281-0020	7-7-05	Amend(T)	8-1-05
918-098-1410	10-1-05	Am. & Ren.	11-1-05	918-281-0020	10-1-05	Amend	11-1-05
918-098-1410(T)	10-1-05	Repeal	11-1-05	918-281-0020(T)	10-1-05	Repeal	11-1-05
918-098-1420	7-7-05	Am. & Ren.(T)	8-1-05	918-281-0030	7-7-05	Suspend	8-1-05
918-098-1420	10-1-05	Am. & Ren.	11-1-05	918-281-0030	10-1-05	Repeal	11-1-05
918-098-1420(T)	10-1-05	Repeal	11-1-05	918-281-0040	7-7-05	Suspend	8-1-05
918-098-1430	7-7-05	Am. & Ren.(T)	8-1-05	918-281-0040	10-1-05	Repeal	11-1-05
918-098-1430	10-1-05	Am. & Ren.	11-1-05	918-281-0050	7-7-05	Suspend	8-1-05
918-098-1430(T)	10-1-05	Repeal	11-1-05	918-281-0050	10-1-05	Repeal	11-1-05
918-098-1440	7-7-05	Am. & Ren.(T)	8-1-05	918-281-0060	7-7-05	Suspend	8-1-05
918-098-1440	10-1-05	Am. & Ren.	11-1-05	918-281-0060	10-1-05	Repeal	11-1-05
918-098-1440(T)	10-1-05	Repeal	11-1-05	918-281-0070	7-7-05	Amend(T)	8-1-05
918-098-1450	7-7-05	Adopt(T)	8-1-05	918-282-0110	4-1-05	Amend	5-1-05
918-098-1450	10-1-05	Adopt	11-1-05	918-282-0230	7-1-05	Amend	7-1-05
918-098-1450(T)	10-1-05	Repeal	11-1-05	918-282-0365	6-10-05	Amend(T)	7-1-05
918-098-1455	10-1-05	Adopt	11-1-05	918-283-0005	8-15-05	Adopt(T)	9-1-05
918-098-1460	7-7-05	Am. & Ren.(T)	8-1-05	918-283-0010	8-15-05	Amend(T)	9-1-05
918-098-1460	10-1-05	Am. & Ren.	11-1-05	918-305-0005	4-1-05	Amend	1-1-05
918-098-1460(T)	10-1-05	Repeal	11-1-05	918-305-0010	4-1-05	Amend	1-1-05
918-098-1470	7-7-05	Adopt(T)	8-1-05	918-305-0030	4-1-05	Amend	1-1-05
918-098-1470	10-1-05	Adopt	11-1-05	918-305-0100	4-1-05	Amend	1-1-05
918-098-1470(T)	10-1-05	Repeal	11-1-05	918-305-0105	4-1-05	Adopt	1-1-05
918-098-1480	7-7-05	Adopt(T)	8-1-05	918-305-0110	4-1-05	Amend	1-1-05
918-098-1480	10-1-05	Adopt	11-1-05	918-305-0120	4-1-05	Amend	1-1-05
918-098-1480(T)	10-1-05	Repeal	11-1-05	918-305-0130	4-1-05	Amend	1-1-05
918-098-1500	7-7-05	Am. & Ren.(T)	8-1-05	918-305-0150	4-1-05	Amend	1-1-05
918-098-1500	10-1-05	Am. & Ren.	11-1-05	918-305-0160	4-1-05	Amend	1-1-05
918-098-1500(T)	10-1-05	Repeal	11-1-05	918-305-0165	4-1-05	Amend	1-1-05
918-098-1600	7-7-05	Am. & Ren.(T)	8-1-05	918-305-0180	4-1-05	Amend	1-1-05

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
918-305-0250	4-1-05	Amend	1-1-05	918-525-0080	3-1-05	Amend	4-1-05
918-305-0270	4-1-05	Amend	1-1-05	918-525-0230	3-1-05	Repeal	4-1-05
918-305-0280	4-1-05	Adopt	1-1-05	918-525-0250	3-1-05	Amend	4-1-05
918-305-0290	4-1-05	Adopt	1-1-05	918-525-0450	3-1-05	Amend	4-1-05
918-305-0300	4-1-05	Adopt	1-1-05	918-525-0510	3-1-05	Amend	4-1-05
918-305-0310	4-1-05	Adopt	1-1-05	918-550-0000	5-1-05	Adopt	6-1-05
918-305-0320	4-1-05	Adopt	1-1-05	918-550-0010	5-1-05	Adopt	6-1-05
918-306-0005	4-1-05	Amend	1-1-05	918-550-0100	5-1-05	Adopt	6-1-05
918-308-0110	7-7-05	Suspend	8-1-05	918-550-0120	5-1-05	Adopt	6-1-05
918-400-0230	7-7-05	Suspend	8-1-05	918-550-0140	5-1-05	Adopt	6-1-05
918-400-0270	4-1-05	Amend	5-1-05	918-550-0160	5-1-05	Adopt	6-1-05
918-400-0380	4-1-05	Amend	5-1-05	918-550-0180	5-1-05	Adopt	6-1-05
918-400-0455	4-1-05	Amend	5-1-05	918-550-0200	5-1-05	Adopt	6-1-05
918-400-0465	4-1-05	Amend	5-1-05	918-550-0600	5-1-05	Adopt	6-1-05
918-400-0525	4-1-05	Amend	5-1-05	918-674-0095	4-1-05	Amend	5-1-05
918-400-0630	4-1-05	Amend	5-1-05	918-690-0340	7-7-05	Suspend	8-1-05
918-400-0740	4-1-05	Amend	5-1-05	918-690-0350	7-7-05	Suspend	8-1-05
918-440-0510	1-1-06	Adopt	11-1-05	918-690-0420	4-1-05	Amend	1-1-05
918-460-0015	4-7-05	Amend(T)	5-1-05	918-695-0010	4-1-05	Amend	5-1-05
918-460-0015	7-5-05	Amend	8-1-05	918-695-0038	4-1-05	Amend	5-1-05
918-460-0015	7-12-05	Amend(T)	8-1-05	918-695-0400	7-7-05	Amend(T)	8-1-05
918-460-0015	10-1-05	Amend	11-1-05	918-695-0400	10-1-05	Amend	11-1-05
918-460-0015	10-1-05	Amend	11-1-05	918-695-0400(T)	10-1-05	Repeal	11-1-05
918-480-0003	3-28-05	Adopt(T)	5-1-05	918-695-0410	7-7-05	Amend(T)	8-1-05
918-480-0005	3-28-05	Amend	5-1-05	918-750-0110	4-1-05	Amend	1-1-05
918-480-0010	3-28-05	Amend	5-1-05	951-002-0000	11-26-04	Adopt	1-1-05
918-500-0010	5-1-05	Amend	6-1-05	951-002-0001	11-26-04	Adopt	1-1-05
918-500-0021	4-1-05	Adopt	5-1-05	951-002-0005	11-26-04	Adopt	1-1-05
918-500-0100	7-5-05	Amend	8-1-05	951-002-0010	11-26-04	Adopt	1-1-05
918-515-0020	4-1-05	Amend	5-1-05	951-002-0020	11-26-04	Adopt	1-1-05
918-515-0110	4-1-05	Amend	5-1-05	951-003-0000	11-26-04	Adopt	1-1-05
918-515-0415	4-1-05	Amend	5-1-05	951-003-0001	11-26-04	Adopt	1-1-05
918-525-0065	3-1-05	Amend	4-1-05	951-003-0005	11-26-04	Adopt	1-1-05
918-525-0070	3-1-05	Amend	4-1-05				