

OREGON BULLETIN

Supplements the 2007 *Oregon Administrative Rules Compilation*

Volume 46, No. 11
November 1, 2007

For September 17, 2007–October 15, 2007



Published by
BILL BRADBURY
Secretary of State
Copyright 2007 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, Opinions of the Attorney General, and orders issued by the Director of the Department of Revenue.

Background on Oregon Administrative Rules

ORS 183.310(9) defines “rule” as “any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency.” Agencies may adopt, amend, repeal or renumber rules, permanently or temporarily (up to 180 days), using the procedures outlined in the *Oregon Attorney General’s Administrative Law Manual*. The Administrative Rules Unit, 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 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” 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 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, Julie.A.Yamaka@state.or.us

2006–2007 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 97301. To expedite the rulemaking process agencies are encouraged file a Notice of Proposed Rulemaking Hearing specifying hearing date, time and location, and submit their filings early in the submission period to meet the following publication deadlines.

Submission Deadline — Publishing Date

December 15, 2006	January 1, 2007
January 12, 2007	February 1, 2007
February 15, 2007	March 1, 2007
March 15, 2007	April 1, 2007
April 13, 2007	May 1, 2007
May 15, 2007	June 1, 2007
June 15, 2007	July 1, 2007
July 13, 2007	August 1, 2007
August 15, 2007	September 1, 2007
September 14, 2007	October 1, 2007
October 15, 2007	November 1, 2007
November 15, 2007	December 1, 2007

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 97301, 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, 97301; (503) 373-0701. The Archives Division charges for such copies.

© January 1, 2007 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, 5
Other Notices	6–8
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 Accountancy, Chapter 801	9
Board of Chiropractic Examiners, Chapter 811	10
Board of Optometry, Chapter 852	10
Board of Parole and Post-Prison Supervision, Chapter 255	10
Bureau of Labor and Industries, Chapter 839	10, 11
Construction Contractors Board, Chapter 812	11, 12
Department of Agriculture, Chapter 603	12, 13
Department of Agriculture,	
Oregon Fine Fescue Commission, Chapter 604	13, 14
Oregon Hazelnut Commission, Chapter 623	14
Oregon Tall Fescue Commission, Chapter 607	14
Department of Consumer and Business Services,	
Building Codes Division, Chapter 918	14
Division of Finance and Corporate Securities,	
Chapter 441	14, 15
Oregon Occupational Safety and Health Division,	
Chapter 437	15
Workers' Compensation Board, Chapter 438	15, 16
Department of Corrections, Chapter 291	16
Department of Energy, Chapter 330	16–18
Department of Environmental Quality, Chapter 340	18, 19
Department of Fish and Wildlife, Chapter 635	19, 20
Department of Human Services,	
Addictions and Mental Health Division:	
Addiction Services, Chapter 415	20
Administrative Services Division and	
Director's Office, Chapter 407	20
Adults and Families Division:	
Self-Sufficiency Programs, Chapter 461	20–22
Division of Medical Assistance Programs,	
Chapter 410	22–25
Public Health Division, Chapter 333	26
Department of Justice, Chapter 137	26, 27
Department of Revenue, Chapter 150	27, 28
Department of State Lands,	
South Slough National Estuarine Reserve, Chapter 142	28
Department of Transportation, Chapter 731	28
Department of Transportation,	
Driver and Motor Vehicle Services Division,	
Chapter 735	28–30
Highway Division, Chapter 734	30, 31
Employment Department, Chapter 471	31
Employment Relations Board, Chapter 115	31
Land Conservation and Development Department,	
Chapter 660	31
Landscape Architect Board, Chapter 804	32
Landscape Contractors Board, Chapter 808	32, 33
Oregon Criminal Justice Commission, Chapter 213	33
Oregon Department of Education, Chapter 581	34
Oregon Housing and Community Services, Chapter 813	34, 35
Oregon Liquor Control Commission, Chapter 845	35
Oregon State Marine Board, Chapter 250	35
Parks and Recreation Department, Chapter 736	35, 36
Public Utility Commission, Chapter 860	36
Racing Commission, Chapter 462	36
Secretary of State,	
Archives Division, Chapter 166	36, 37
Elections Division, Chapter 165	37
Veterinary Medical Examining Board, Chapter 875	37, 38
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 Surveying,	
Chapter 820	39–44
Board of Nursing, Chapter 851	44–46
Bureau of Labor and Industries, Chapter 839	46–50
Department of Administrative Services,	
Budget and Management Division, Chapter 122	50
Oregon Educators' Benefit Board, Chapter 111	51, 52
Public Employees' Benefit Board, Chapter 101	52–60
Department of Agriculture, Chapter 603	60–62
Department of Agriculture,	
Oregon Sweet Cherry Commission, Chapter 669	62
Oregon Trawl Commission, Chapter 656	62, 63
Department of Community Colleges and Workforce	
Development, Chapter 589	63–65
Department of Consumer and Business Services,	
Building Codes Division, Chapter 918	65
Director's Office, Chapter 440	66
Division of Finance and Corporate Securities,	
Chapter 441	66–70
Oregon Occupational Safety and Health Division,	
Chapter 437	70–80
Department of Corrections, Chapter 291	80, 81
Department of Fish and Wildlife, Chapter 635	81–96
Department of Human Services,	
Administrative Services Division and	
Director's Office, Chapter 407	97–99
Children, Adults and Families Division:	
Self-Sufficiency Programs, Chapter 461	99–156
Division of Medical Assistance Programs,	
Chapter 410	156
Public Health Division, Chapter 333	156–163
Seniors and People with Disabilities Division,	
Chapter 411	163–167
Department of Justice, Chapter 137	167–196
Department of Public Safety Standards and Training,	
Chapter 259	196–204
Department of Revenue, Chapter 150	204, 205
Department of State Lands, Chapter 141	205–211
Department of Transportation,	
Driver and Motor Vehicle Services Division,	
Chapter 735	211, 212
Department of Veterans' Affairs, Chapter 274	212–219
Economic and Community Development Department,	
Chapter 123	219, 220
Employment Department, Chapter 471	220
Oregon Criminal Justice Commission, Chapter 213	220, 221
Oregon Housing and Community Services,	
Chapter 813	221–224
Oregon Liquor Control Commission, Chapter 845	224–227
Oregon State Lottery, Chapter 177	227, 228
Oregon State Marine Board, Chapter 250	228, 229
Oregon Student Assistance Commission,	
Chapter 575	229–233
Parks and Recreation Department, Chapter 736	233
Public Utility Commission, Chapter 860	233–236
Real Estate Agency, Chapter 863	236–238
Secretary of State,	
Archives Division, Chapter 166	238, 239
OAR Revision Cumulative Index	240–292

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 07 - 15

AUTHORIZATION FOR ACCESS TO LAW ENFORCEMENT DATA SYSTEM

ORS 181.010(6) and OAR 257-010-0025(1)(b) authorize the Governor to allow Law Enforcement Data System access to designated state and local agencies which require such information "for agency employment purposes, licensing purposes or other demonstrated needs when designated by order of the Governor." Executive Order No. 90-05 grants such access to a number of state agencies and establishes the conditions under which such access is authorized. Subsequent Executive Orders have authorized access for additional state and local agencies for various purposes.

THEREFORE, IT IS ORDERED AND DIRECTED:

1. Pursuant to ORS 181.010(6) and OAR 257-010-0025(1)(b), I hereby authorize the Oregon State Police to provide the Oregon Criminal Justice Commission with access to the Oregon State Police criminal offender information system for purposes of analyzing state and local criminal justice systems and sentencing practices.

2. Executive Order No. 90-05 continues to govern the compilation, maintenance, and dissemination of criminal offender information as defined in ORS 181.010(3), and that Order governs the access to the Oregon State Police criminal offender information system authorized by this Order.

Done at Salem, Oregon, this 9th day of October, 2007.

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

ATTEST

/s/ Bill Bradbury
Bill Bradbury
SECRETARY OF STATE

EXECUTIVE ORDER NO. 07 - 16

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

Pursuant to ORS 401.055, I find that ongoing drought and low water conditions and weather patterns have the potential to cause local adverse natural and economic disaster conditions in Lake County. Projected weather patterns are not expected to significantly alleviate these conditions, and drought conditions are continuing. These conditions are expected to have significant economic impact on Lake County's agricultural, livestock and natural resources.

Current conditions are being addressed by state agencies including the Department of Agriculture, the Department of Water Resources and Oregon Emergency Management.

A timely response to this situation is vital to the well being and economic security of the citizens and businesses of Lake County; therefore I am declaring a "state of drought emergency" in Lake County and directing the following activities;

IT IS HEREBY ORDERED AND DIRECTED:

1. The Oregon Department of Agriculture is directed to coordinate and provide assistance in seeking federal resources available to

mitigate conditions and affect agricultural recovery in Lake County.

2. The Department of Water Resources is directed to coordinate and provide assistance and regulation for Lake County as it determines is necessary in accordance with ORS 536.700 to 536.780.

3. The Office of Emergency Management is directed to coordinate and assist as needed with assessment and mitigation activities to address current and projected conditions in Lake County.

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

5. This Executive Order expires on December 31, 2007.

Done at Salem, Oregon this 9th day of October, 2007.

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

ATTEST

/s/ Bill Bradbury
Bill Bradbury
SECRETARY OF STATE

EXECUTIVE ORDER NO. EO 07 - 17

DOMESTIC VIOLENCE IN THE WORKPLACE

Domestic violence, sexual assault and stalking are among the most complex and tragic challenges in our society today.

The effects of domestic violence, sexual assault and stalking can be profound and immeasurable and often include personal injury or even death, homelessness, lost work time and productivity, alcohol and other drug abuse, increased health care costs, adverse impacts on children and denial of victims' basic human dignity.

Oregon has long recognized that coordination among many elements of the community is necessary in order to effectively respond to domestic violence, sexual assault and stalking. Employers, both public and private, play a critical role in any coordinated community response.

Employers have a basic economic interest in helping employees address victimization. But the role of employers does not rest solely on economic considerations. Employers should share a basic concern for their employees' well-being, recognizing that the employment relationship gives employers unique opportunities to provide victim support and assistance.

Employers can enhance employee security against victimization while at work. Employers can be an information and referral point to help victimized employees connect with professional counseling and service organizations. Through their administration of leave policies, employers can assist employees who need to be off work for counseling or court appearances or for other reasons related to their victimization. These are just a few examples of ways that employers can advance the well-being of their employees.

State agencies must lead by example and adopt policies related to the workplace effects of domestic violence, sexual assault and stalking. Such leadership should influence other governments and private employers to support their own employees who may find themselves victimized by such offenses.

EXECUTIVE ORDERS

THEREFORE, IT IS HEREBY ORDERED AND DIRECTED:

1. By February 1, 2008, the Department of Administrative Services (DAS) shall adopt a statewide written policy regarding issues of domestic violence, sexual assault or stalking involving agency employees. Such a policy shall be in addition to other DAS policies related to workplace violence or harassment.

2. The DAS policy shall include at least the following elements, to the extent permitted by applicable law and collective bargaining agreements:

a. Guidance for employees and management in addressing incidents of domestic violence, sexual assault and stalking and their effects in the workplace.

b. Guidance for employees and management regarding available support and assistance, including confidential means for seeking assistance and resource and referral information.

c. A pledge to respect the confidentiality and autonomy of adult victims to the fullest extent permitted by law.

d. A requirement that the agency maintain, publish and post in locations of high visibility such as bulletin boards, break rooms and online sources, a statewide list with contact information for counseling, advocacy and referral resources for victims of domestic violence, sexual assault and stalking, as well as counseling resources for perpetrators.

e. An expectation that agency employees who witness threats or incidents of domestic violence, sexual assault or stalking in the

workplace report the event immediately to their manager or supervisor, human resources office or site security personnel.

f. A clear prohibition of the threat or commission of domestic violence, sexual assault or stalking by any agency employee on agency premises, during working hours or at an agency-sponsored event, whether directed at another agency employee or other person.

g. A clear prohibition of discrimination against employees on the basis of their victimization.

3. Upon adoption of this DAS policy, each agency shall distribute the policy to its employees and thereafter provide the policy to new employees at the start of employment by the agency.

4. Each agency shall ensure that appropriate guidance and training is provided for agency managers, human resources staff and agency employees regarding domestic violence, sexual assault and stalking issues and the policy required by this Order.

Done at Salem, Oregon, this 10th day of October, 2007.

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

ATTEST

/s/ Bill Bradbury
Bill Bradbury
SECRETARY OF STATE

OTHER NOTICES

CHANCE TO COMMENT ON... PROPOSED CONDITIONAL NO FURTHER ACTION DECISION FOR THE THOMASON FORD SITE, PORTLAND, OREGON

COMMENTS DUE: November 30, 2007

PROJECT LOCATION: 19405 SE McLoughlin Blvd, Gladstone, Oregon

PROPOSAL: Pursuant to Oregon Revised Statute, ORS 465.320, and Oregon Administrative Rule, OAR 340-122-100, the Department of Environmental Quality (DEQ) invites public comment on its proposal for a "No Further Action" (NFA) determination proposed for the Thomason Ford site in Gladstone, Oregon. This proposed NFA determination is based on approval of the investigation and remedial measures conducted to date.

HIGHLIGHTS: The subject site is currently being used for new and used automobile sales and service. The property has been used for automotive commercial purposes since the 1950's or 1960's and is expected to continue to be used for the same commercial purposes in the future. Environmental investigations of the property have shown petroleum contamination in soil and groundwater associated with in-ground hydraulic lifts for working on automobiles and surface spills of automotive products stored on site. However, DEQ has concluded that residual contamination at the site does not exceed applicable Risk Based Concentrations (RBCs) or adversely impact areas expected to be the current and reasonably likely future beneficial uses of shallow groundwater.

HOW TO COMMENT: You may review the administrative record for the proposed NFA at DEQ's Northwest Region Gresham Office located at 1550 NW Eastman Parkway, Suite 290, Gresham, Oregon, 97030. For an appointment to review these files call 503-667-8414 x55012; toll free at (800)452-4011; or TTY at 503-229-5471. Please send written comments to Janelle Waggy, Project Manager, at the address listed above or via email at WAGGY.Janelle@deq.state.or.us. DEQ must receive written comments by 5 p.m. on November 30, 2007. Upon written request by ten or more persons or by a group with a membership of 10 or more, DEQ will hold a public meeting to receive verbal comments.

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ's Office of Communications and Outreach at 503-229-5696, or toll free in Oregon at (800)452-4011. People with hearing impairments may call DEQ's TTY number 503-229-5471.

THE NEXT STEP: DEQ will consider all public comments received by the November 30, 2007 deadline. In the absence of comments, DEQ will issue the No Further Action determination.

CHANCE TO COMMENT ON... PROPOSED CONDITIONAL NO FURTHER ACTION DECISION FOR THE THOMASON HONDA SITE, PORTLAND, OREGON

COMMENTS DUE: November 30, 2007

PROJECT LOCATION: 19400 SE McLoughlin Blvd, Gladstone, Oregon

PROPOSAL: Pursuant to Oregon Revised Statute, ORS 465.320, and Oregon Administrative Rule, OAR 340-122-100, the Department of Environmental Quality (DEQ) invites public comment on its proposal for a "No Further Action" (NFA) determination proposed for the Thomason Honda site in Gladstone, Oregon. This proposed NFA determination is based on approval of the investigation and remedial measures conducted to date.

HIGHLIGHTS: The subject site is currently being utilized as an automobile dealership that provides sales and service on new and used automobiles. The southern portion of the property was initially developed with a gasoline service station in 1965. The subject site was redeveloped as an automotive dealership in 1970, and is expected to continue to be used for the same commercial purposes in the future. Environmental investigations of the property had identified

impacts to the groundwater beneath the site near several active on-site oil/water separators. However, additional assessment work completed in October 2005 did not detect any contamination at the site above applicable Risk Based Concentrations (RBCs) action levels. How to Comment: You may review the administrative record for the proposed NFA at DEQ's Northwest Region Gresham Office located at 1550 NW Eastman Parkway, Suite 290, Gresham, Oregon, 97030. For an appointment to review these files call 503-667-8414 x55012; toll free at (800)452-4011; or TTY at 503-229-5471. Please send written comments to Janelle Waggy, Project Manager, at the address listed above or via email at WAGGY.Janelle@deq.state.or.us. DEQ must receive written comments by 5 p.m. on November 30, 2007. Upon written request by ten or more persons or by a group with a membership of 10 or more, DEQ will hold a public meeting to receive verbal comments.

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ's Office of Communications and Outreach at 503-229-5696, or toll free in Oregon at (800)452-4011. People with hearing impairments may call DEQ's TTY number 503-229-5471.

THE NEXT STEP: DEQ will consider all public comments received by the November 30, 2007 deadline. In the absence of comments, DEQ will issue the No Further Action determination.

A CHANCE TO COMMENT ON PROPOSED PARTIAL AND CONDITIONAL NO FURTHER ACTION DETERMINATION AT THE FORMER FARMCRAFT SITE AND RAIL ROAD RIGHT OF WAY

COMMENTS DUE: November 30, 2007

PROJECT LOCATION: 8900 SW Commercial Street and the Adjacent Rail Road Right of Way in Tigard, Oregon

PROPOSAL: Pursuant to ORS 465.320 the Department of Environmental Quality (DEQ) invites public comment on the partial and conditional no further action recommendation (NFA) for the former Farmcraft site and the adjacent rail road right of way at 8900 SW Commercial Street in Tigard, Oregon. The right of way includes portions of the area currently under construction for the TriMet Commuter Rail Station.

HIGHLIGHTS: The former Farmcraft facility formulated, packaged, and distributed a variety of agricultural products, including pesticides, from 1953 to 1983. These historical activities resulted in pesticide contamination to the 0.55 acre parcel where the Farmcraft building is located, a 0.1 acre parcel immediately to the southwest where the rail road loading docks and a portion of the Farmcraft building were located, and into the larger Union Pacific Rail Road right of way to the southwest. These areas were assessed and more than 1900 tons of contaminated surface soil and debris were removed from the site. Contaminated soils remain in place beneath portions of the building, pavements, and clean surface fill materials. The ownership of these parcels has been transferred to the Tri-County Metropolitan Service District and Ballroom LLC who are managing the contaminated areas under Prospective Purchaser Agreements that include Easements and Equitable Servitudes with institutional controls and a soil management plan to maintain safe conditions at these parcels. The assessment of the extent of contamination and implementation of any necessary remedial measures have not been completed for the T. Scandia Motors parcel immediately southeast of the Farmcraft facility and along the storm drainage pathway from the rail road right of way to the wetland ditch and pond near Burnham Street. These two areas are not included in this NFA proposal. DEQ is therefore proposing a partial and conditional no further action determination for the former Farmcraft facility, the 0.1 acre parcel, and the adjacent rail road right of way.

HOW TO COMMENT: The project file is available for public review (ECIS File Numbers 1223 and 1597). To schedule an appointment, contact Dawn Weinberger at 503-229-6729. The DEQ contact

OTHER NOTICES

for this project is Loren Garner, 503-229-6900. Written comments should be sent to Loren Garner, DEQ Northwest Region, 2020 SW Fourth Avenue, Suite 400, Portland, OR 97201 by November 30, 2007. 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. Please notify DEQ if you need copies of written materials in an alternative format (e.g., Braille, large print, etc.). To make these arrangements, contact the DEQ Office of Communication and Outreach at 503-229-5317. Additional information is also available at: <http://www.deq.state.or.us/news/publicnotices/pn.asp>

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

NOTICE OF PROPOSED CONDITIONAL NO FURTHER ACTION, CHILOQUIN FOREST PRODUCTS (FORMER), CHILOQUIN, OREGON

COMMENTS DUE: November 30, 2007

PROJECT LOCATION: west end of Blocklinger St, Chiloquin, Klamath County

Based on the remedial actions performed to date, the Oregon Department of Environmental Quality (DEQ) is proposing to issue a Conditional No Further Action determination for the former Chiloquin Forest Products site located at the west end of Blocklinger Street in Chiloquin, Oregon.

Remedial actions performed to date consist of the abatement of asbestos containing material from the boiler house prior to the removal of the building, excavation and off-site disposal of approximately 360 tons of petroleum contaminated soil, 530 tons of pentachlorophenol contaminated soil, and 30 tons of dioxin contaminated soil (located off-site), and the placement of a one foot thick rock cap over a majority of the site. An institutional control in the form of an Equitable Easement and Servitude will be recorded with the County. The site will remain listed on the DEQ's Confirmed Release List and Inventory of Hazardous Substances. DEQ will consider all public comments received before making a final decision on the proposed Conditional No Further Action determination.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Eastern Regional Office at 700 SE Emigrant, Suite #330, Pendleton, OR 97801. To schedule an appointment to review the file or to ask questions, please contact the Project Manager, Katie Robertson at (541) 278-4620 or by email at robertson.katie@deq.state.or.us. Written comments must be submitted to Katie Robertson at the address listed above and received by 5:00 p.m. on November 30, 2007.

A copy of significant portions of the project file is also located at the Chiloquin Library in a file entitled the "Chiloquin Mill Site Restoration Project".

PROPOSED NO FURTHER ACTION HILLSBORO BLOCK SITE — CIVIC CENTER RESIDENTIAL BLOCK, PORTLAND, OREGON

COMMENTS DUE: November 30, 2007

PROJECT LOCATION: 110 SE Washington in Hillsboro, Oregon.

PROPOSAL: Pursuant to Oregon Revised Statute, ORS 465.320, and Oregon Administrative Rules, OAR 340-122-0100, the Department of Environmental Quality (DEQ) invites public comment on a proposed No Further Action determination for a property located in downtown Hillsboro. The No Further Action determination would not apply to the Civic Center lot located next to the subject site, at 156 E Main Street. Environmental investigations are ongoing for that property to determine whether additional cleanup is necessary.

HIGHLIGHTS: The entire Hillsboro Block site consists of two adjoining blocks; the northern block is the location of the new Hillsboro Civic Center and to the south, at 110 SE Washington (Tax Lot #198), is a new urban residential structure. In 2002, the City of Hills-

boro requested DEQ oversight of environmental investigation and cleanup of these blocks during redevelopment of the properties. During construction of the structure in 2004, four areas of petroleum-contaminated soil were discovered. Contaminated soils from three of these areas were largely removed except for one area near the northwest corner of the Fordham Building. This contamination was associated with gasoline and diesel tanks used at the historic police station that were removed in 1988. Fifteen tons of petroleum-contaminated soil was removed but not all the soil could be removed without structurally compromising the Fordham Building. The soil contamination remaining next to the Fordham Building is now covered with a transformer pad. Gasoline contaminant concentrations in soil meet DEQ risk-based concentrations (RBCs). Groundwater contamination is limited to the southerly portion of the parking area behind the residential structure, also meets DEQ RBCs, and is not predicted to move off-site at levels that might pose unacceptable risk.

DEQ concludes, therefore, that environmental conditions on Tax Lot #198 do not pose an unacceptable risk to human health and the environment, and therefore, meets the requirements of the Oregon Environmental Cleanup Laws.

HOW TO COMMENT: DEQ's Staff Report memo for the Civic Center Residential Block and other project file information is available for public review (by appointment) at DEQ's Northwest Region Office, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon, 97201. To schedule a file review appointment, call Dawn Weinberger at 503-229-6729; toll free at 1-800-452-4011; or TTY at 503-229-5471. Please send written comments to Robert Williams, Project Manager, at the address listed above or via email at Williams.robert.k@deq.state.or.us. DEQ must receive written comments by 5 pm on November 30, 2007. Upon written request by ten or more persons or by a group with a membership of 10 or more, DEQ will hold a public meeting to receive verbal comments.

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

THE NEXT STEP: DEQ will consider all public comments received by the November 30, 2007 deadline. In the absence of comments, DEQ will issue the No Further Action determination for Tax Lot #198.

DEQ DETERMINES NO FURTHER ACTION REQUIRED, CE MILLER AUTO BODY SITE, SALEM, OREGON

PROJECT LOCATION: CE Miller Auto Body, 1365 Broadway St. NE, Salem.

HIGHLIGHTS: Soil contamination was discovered during sewer repairs in the alley behind the CE Miller Auto Body Shop in the spring of 2005. The contamination is believed to be caused by past dumping of waste paint and/or solvents behind the shop. A subsequent investigation found contaminants including several volatile organic compounds in soil and groundwater at the site. Concentrations of Benzene, sec-Butylbenzene, and Xylenes in soil were above DEQ cleanup standards.

On July 26, 2005, approximately 4.6 tons of soil was removed from the site. Subsequent sampling showed that remaining soil and groundwater contaminant concentrations are below any applicable DEQ cleanup standards. As there is no unacceptable risk based on contaminants at this site, DEQ has issued a No Further Action (NFA) determination.

A file containing detailed information for the site is available for review in DEQ's Eugene office located at 1102 Lincoln St., Suite 210, Eugene, Oregon 97401. Questions concerning this site should be directed to Seth Sadofsky at DEQ's Eugene office or by calling him at 541-687-7329 or toll-free in Oregon at 1-800-844-8467, extension 7329.

OTHER NOTICES

PROPOSED NO FURTHER ACTION FOR SISTERS-CAMP SHERMAN FIRE DISTRICT STATION #701 SITE, SISTERS, OREGON

COMMENTS DUE: December 1, 2007

PROJECT LOCATION: 301 South Elm Street, Sisters, Oregon
PROPOSAL: The Department of Environmental Quality (DEQ) is proposing to issue a decision regarding cleanup activities at the above referenced site based on approval of investigation and removal actions conducted to date. Public notification is required by ORS 465.320.

HIGHLIGHTS: The Sisters fire station #701 is undergoing renovation and expansion. As part of this renovation underground injection control (UIC) devices (drywells) were cleaned out and decommissioned. Sediment and soil sampling from five UICs confirmed the presence of heavy oils, diesel, gasoline, barium, cadmium, volatile organic compounds (VOCs), and polynuclear aromatic hydrocarbons (PAHs). Approximately 149 tons of soil and rock was excavated and hauled to Crook County landfill for disposal. Five hundred and fifty gallons of oily water and sediment were also disposed of at Crook

County landfill. Confirmation soil samples collected after the removal action did not contain detectable constituents. A soil sample collected underneath the temporary soil stockpile contained 109 mg/kg heavy oil-range hydrocarbons. This residual contaminated soil is significantly below risk-based concentrations for even the most restrictive residential scenario.

Based on the findings to date, DEQ is proposing a No Further Action determination at the site and believes that this determination is protective as defined in OAR-340-011-0040.

COMMENT: The staff report recommending the proposed action may be reviewed by appointment at DEQ's Office in Bend, 300 SE Reed Market Road, Bend OR 97702. To schedule an appointment, contact Marcy Kirk at (541) 388-6146, ext. 222. Written comments should be sent by December 1, 2007 to Ms. Kirk at the address listed above. Questions may also be directed to Ms. Kirk by calling her directly.

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

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

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

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

.....
Board of Accountancy
Chapter 801

Rule Caption: Effective date of professional standards adopted by the Board.

Date:	Time:	Location:
12-3-07	1-3 p.m.	3218 Pringle Rd SE Salem, OR 97302

Hearing Officer: Ray Johnson, CPA

Stat. Auth.: ORS 183.332 & 673.410

Stats. Implemented: ORS 183.337 & 673.410

Proposed Amendments: 801-001-0035

Last Date for Comment: 12-3-07, 5 p.m.

Summary: The rule is amended to update the effective date of professional standards to January 1, 2008.

Rules Coordinator: Kimberly Bennett

Address: Board of Accountancy, 3218 Pringle Rd. SE, Suite 110, Salem, OR 97302

Telephone: (503) 378-4181

.....
Rule Caption: Modified to include professional services provided by licensees in government, education and industry.

Date:	Time:	Location:
12-3-07	1-3 p.m.	3218 Pringle Rd SE Salem, OR 97302

Hearing Officer: Ray Johnson, CPA

Stat. Auth.: ORS 670.310, 673.410

Stats. Implemented: ORS 673.445

Proposed Amendments: 801-005-0010

Last Date for Comment: 12-3-07, 5 p.m.

Summary: The rule is modified to include professional services provided by licensees in industry, government and education to the definition of practice of public accountancy and professional services.

Rules Coordinator: Kimberly Bennett

Address: Board of Accountancy, 3218 Pringle Rd. SE, Suite 110, Salem, OR 97302

Telephone: (503) 378-4181

Rule Caption: Firm name extension requests.

Date:	Time:	Location:
12-3-07	1-3 p.m.	3218 Pringle Rd SE Salem, OR 97302

Hearing Officer: Ray Johnson, CPA

Stat. Auth.: ORS 670.310, 673.410, 673.160

Stats. Implemented: ORS 673.160

Proposed Amendments: 801-010-0340

Last Date for Comment: 12-3-07

Summary: New provision allows extension of time in the event of death or other unforeseen circumstance for public accounting firms to meet firm ownership requirements.

Rules Coordinator: Kimberly Bennett

Address: Board of Accountancy, 3218 Pringle Rd. SE, Suite 110, Salem, OR 97302

Telephone: (503) 378-4181

.....

Rule Caption: Change retention period for work papers, firm name clarification and rules regarding non disclosure agreements.

Date:	Time:	Location:
12-3-07	1-3 p.m.	3218 Pringle Rd SE Salem, OR 97302

Hearing Officer: Ray Johnson, CPA

Stat. Auth.: ORS 670.310, 673.410, 673.445

Stats. Implemented: ORS 673.445, 673.160, 673.410

Proposed Amendments: 801-030-0010, 801-030-0015, 801-030-0020

Last Date for Comment: 12-3-07

Summary: Revisions make the following non-substantive changes:

- 1) Replace obsolete term "management advisory services" with current term "consulting services".
- 2) Reduce record retention period for audit working papers from seven years to five years, thus conforming with retention period in professional standards.
- 3) Provide clarification with regard to firm name requirements.
- 4) Provide clarification for the disclosure of confidential client information.

New Section in 801-030-0020 prohibits licensees from entering into non-disclosure agreements that would inhibit any party to the agreement from reporting alleged violations to the Board of Accountancy or that inhibit cooperation with any Board, State or Federal investigation.

Rules Coordinator: Kimberly Bennett

Address: Board of Accountancy, 3218 Pringle Rd. SE, Suite 110, Salem, OR 97302

Telephone: (503) 378-4181

.....

Rule Caption: Distance learning CPE does not require QAS review and approval.

Date:	Time:	Location:
12-3-07	1-3 p.m.	3218 Pringle Rd SE Salem, OR 97302

Hearing Officer: Ray Johnson, CPA

Stat. Auth.: ORS 670.310, 673.040, 673.050 & 673.410

Stats. Implemented: ORS 673.165

Proposed Amendments: 801-040-0030

Last Date for Comment: 12-3-07

Summary: Rule clarifies that CPE taken through a distance learning program provided by an accredited university or college, as described in ORS 673.050, are not required to be QAS approved.

Rules Coordinator: Kimberly Bennett

Address: Board of Accountancy, 3218 Pringle Rd. SE, Suite 110, Salem, OR 97302

Telephone: (503) 378-4181

NOTICES OF PROPOSED RULEMAKING

Board of Chiropractic Examiners Chapter 811

Rule Caption: Repeals and/or amends various agency rules and updates various references.

Date: 11-15-07
Time: 1:30 p.m.
Location: Western States Chiropractic College
2900 NE 132nd Ave.
Portland, OR 97230

Hearing Officer: Dave McTeague, Exec. Director

Stat. Auth.: ORS 684, 183

Stats. Implemented: ORS 684.010, 684.025, 684.050, 684.052, 684.155, 183.341

Proposed Amendments: 811-015-0010, 811-010-0090, 811-015-0025, 811-010-0093, 811-010-0086, 811-001-0005, 811-021-0005, 811-010-0085

Last Date for Comment: 11-15-07

Summary: Repeals sunset on January 2005 amendments to clinical justification rule, creates training requirements for use of medical oxygen in emergencies, eliminates CE course evaluation form, changes "limited active" to "senior active" licenses, and updates various references.

Rules Coordinator: Dave McTeague

Address: Board of Chiropractic Examiners, 3218 Pringle Rd. SE - Suite 150, Salem, OR 97302-6311

Telephone: (503) 378-5816

.....
**Board of Optometry
Chapter 852**

Rule Caption: Establishes legislative changes to glaucoma treatment protocol and establishes process for reinstatement of CPR certification.

Date: 11-30-07
Time: 9 a.m.
Location: 1900 Hines St. SE
Mezzanine level
Salem, OR 97302

Hearing Officer: David Plunkett, Exec. Director

Stat. Auth.: ORS 182, 683

Stats. Implemented: ORS 182.466, 683.070, 683.100, 683.120, 683.240, 683.270

Proposed Amendments: Rules in 852-050, 852-080

Last Date for Comment: 11-30-07

Summary: 852-050 — Establishes a failure fee for licensees who allow their CPR certification to lapse. 852-080 — Establishes in administrative rule the provisions of SB 656 for the treatment of glaucoma.

Rules Coordinator: David W. Plunkett

Address: Board of Optometry, PO Box 13967, Salem, OR 97309

Telephone: (503) 399-0662, ext. 23

.....

Rule Caption: Changes Board's address, revises definitions, and notice of proposed rules procedures.

Stat. Auth.: ORS 182, 683

Stats. Implemented: ORS 182.466, 683.010, 683.335

Proposed Amendments: Rules in 852-001

Last Date for Comment: 11-21-07

Summary: Corrects the Board's address in rule, revises the definition of "Board Administrator," and of the procedure for making notice of proposed rulemaking.

Rules Coordinator: David W. Plunkett

Address: Board of Optometry, PO Box 13967, Salem, OR 97309

Telephone: (503) 399-0662, ext. 23

.....

Board of Parole and Post-Prison Supervision Chapter 255

Rule Caption: Procedures for Predatory Sex Offender Designation for Inmates.

Stat. Auth.: Ch. 163 OL 1999, ORS 144.050, 144.140, 181.585, 181.594

Stats. Implemented:

Proposed Amendments: 255-060-0011

Last Date for Comment: 12-3-07

Summary: Amend rule to conform language to ORS 181.585

Rules Coordinator: Peggy Barber

Address: Board of Parole & Post-Prison Supervision, 2575 Center St. NE, Suite 100, Salem, OR 97301-4621

Telephone: (503) 945-0914

.....

Bureau of Labor and Industries Chapter 839

Rule Caption: Proposal to adopt rules implementing new legislative authority to enforce subpoenas and requirements for procedures.

Stat. Auth.: Ch. 277, OL 2007

Other Auth.: HB 2253, Oregon Leg. 2007

Stats. Implemented: Ch. 277, OL 2007

Proposed Adoptions: 839-002-0015, 839-002-0020, 839-002-0025, 839-002-0030, 839-002-0035, 839-002-0040, 839-002-0045, 839-002-0050, 839-002-0055, 839-002-0060

Last Date for Comment: 12-16-07

Summary: The rules proposed to be adopted would implement new legislation authorizing the bureau to enforce its investigative subpoenas in state circuit court. The rules proposed would provide procedures and accountability as required by the new legislation.

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 637-0784

.....

Rule Caption: Proposed rule adoption to implement newly enacted legislative protections for employees making wage complaints.

Stat. Auth.: ORS 659A.805, 652, 653

Other Auth.: HB 2225, 2007 Oregon Legislature

Stats. Implemented: ch. 278, OL 2007

Proposed Adoptions: 839-010-0215, 839-010-0220, 839-010-0225, 839-010-0230, 839-010-0235

Last Date for Comment: 11-23-07

Summary: The rules proposed to be adopted would implement HB 2255, which makes discrimination or retaliation against employees who complain about to inquire about wages an unlawful employment practice under ORS chapter 659A. Because this is a new civil rights protection, rules are necessary to ensure employers and employees are aware of and understand the details of the new law.

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 673-0784

.....

Rule Caption: Amends rules regulating wage claim enforcement and civil penalties.

Stat. Auth.: ORS 651.060(4), 652.165, 652.900

Other Auth.: HB 2254, 2256, 2674 (2007 Legislature)

Stats. Implemented: ORS 652.010 – 652.900

Proposed Adoptions: 839-001-0495, 839-001-0496

Proposed Amendments: 839-001-0150, 839-001-0153, 839-001-0157, 839-001-0160, 839-001-0450, 839-001-0740, 839-001-0760

Last Date for Comment: 11-26-07

Summary: The proposed rule amendments and new rules implement new civil penalty provisions enacted in House Bills 2254, 2256 and 2674 (2007 Legislature) effective January 1, 2008. These bills provide new civil penalty authority in ORS 652.900 for an employer's failure to timely provide an employee access to the employee's personnel records as required; failure to comply with established requirements for methods of paying wages pursuant to ORS 652.100;

NOTICES OF PROPOSED RULEMAKING

and failure to timely pay amounts deducted from an employee's wages to the appropriate recipient as required.

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 673-0784

.....

Rule Caption: Amends rules regulating the payment of prevailing wage rates on public works projects.

Stat. Auth.: ORS 651.060(4), 279C

Other Auth.: HB 2021 & 2140 (2007 Legislature)

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

Proposed Adoptions: 839-025-0005

Proposed Amendments: 839-025-0004 – 839-025-0540

Last Date for Comment: 11-26-07

Summary: The proposed rule amendments replace temporary rules currently in place implementing the provisions of House Bill 2140 (2007 Legislature) which became effective July 1, 2007. HB 2140 amended the definition of "public work" in the Prevailing Wage Rate (PWR) law to include certain "public/private" projects, and exempts certain private residential construction projects providing affordable housing from the law. The legislation also requires the Commissioner of the Bureau of Labor and Industries (BOLI) to issue coverage determinations. Adoption of a new rule, OAR 839-025-0005, has been proposed to implement this process. The proposed rule amendments additionally implement and conform existing rules to the provisions of HB 2021, effective January 1, 2008. This bill requires BOLI to apply federal Davis-Bacon law guidelines to projects subject to both state and federal prevailing wage rate laws, and shifts responsibility for payment of a fee to BOLI by contractors on public works projects to public agencies.

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 673-0784

.....

Rule Caption: Conforming rules with statutory change authorizing nurse practitioners to determine injured worker release to work.

Stat. Auth.: ORS 659A.805

Other Auth.: HB 2247, 2007 Oregon Legislature

Stats. Implemented: Ch. 365, Sections 10, 11 & 12, OL 2007

Proposed Amendments: 839-006-0130, 839-006-0131, 839-006-0135, 839-006-0136, 839-006-0150

Last Date for Comment: 12-7-07

Summary: The proposed amendments would conform injured worker rules with statutory changes allowing nurse practitioners authorized to provide compensable medical services under ORS 656.245 to determine whether injured worker is released to work.

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (503) 673-0784

.....

Rule Caption: Proposed rule adoption implementing statutory amendments conforming state housing discrimination law with federal law.

Stat. Auth.: ORS 659A.805

Other Auth.: SB 725, Oregon Legislature 2007

Stats. Implemented: ch. 903, OL 2007

Proposed Adoptions: 839-003-0195, 839-003-0200, 839-003-0205, 839-003-0210, 839-003-0215, 839-005-0195, 839-005-0200, 839-005-0205, 839-005-0210, 839-005-0215

Proposed Amendments: Rules in 839-003 & 005

Last Date for Comment: 12-7-07

Summary: The rules proposed to be adopted and the proposed amendment of rules would implement statutory changes conforming state housing discrimination law with federal law so that the bureau

may contract with the federal Housing and Urban Development agency to enforce both state and federal law.

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 673-0784

.....

Construction Contractors Board Chapter 812

Rule Caption: Implement 2007 Legislative Changes and Clarify Language and Adopt or Amend Definitions.

Date:

Time:

Location:

12-4-07

11 a.m.

West Salem Roth's IGA

Santiam Rm.

1130 Wallace Rd.

Salem, OR

Hearing Officer: Tom Skaar

Stat. Auth.: ORS 87.093, 183.310 – 183.500, 293.445, 670.310, 701.055, 701.085, 701.150, 701.235, 701.350, 701.530, 701.992 & 1999 OL, ch. 948, sec. 8

Other Auth.: Ch. 113, OL 2007 (HB 2111), Ch. 114, OL 2007 (HB 2109), Ch. 203, OL 2007 (HB 2309), Ch. 222, OL 2007 (SB 95), Ch. 288, OL 2007 (HB 2423), Ch. 511, OL 2007 (SB 605), Ch. 541, OL 2007 (HB 2117), Ch. 648, OL 2007 (HB 2654) & Ch. 793, OL 2007 (SB 94)

Stats. Implemented: ORS 25.270, 25.785, 25.900, 36.690, 36.700, 36.705, 36.710, 87.005, 87.058, 87.093, 183.415, 183.450, 183.460, 183.464, 183.470, 183.480, 293.445, 445.080, 448.279, 448, 115, 656.029, 670.410, 670.600, 670.605, 671.510-671.710, 701, 701.005, 701.035, 701.055, 701.065, 701.072, 701.075, 701.077, 701.078, 701.085, 701.102, 701.105, 701.115, 701.125, 701.130, 701.135, 701.139-701.180, 701.140, 701.143, 701.145, 701.146, 701.147, 701.148, 701.150, 701.225, 701.235, 701.350, 701.355, 701.530, sec. 2 ch. 203 OL 2007 (HB 2309), sec. 5, 14 & 17 OL 2007 (HB 2654)

Proposed Adoptions: 812-002-0265, 812-002-0170, 812-002-0630, 812-002-0635, 812-003-0155, 812-005-0270, 812-005-0280, 812-012-0110, 812-012-0130

Proposed Amendments: 812-001-0200, 812-002-0140, 812-002-0143, 812-002-0420, 812-002-0580, 812-002-0640, 812-002-0760, 812-003-0150, 812-003-0160, 812-003-0170, 812-003-0175, 812-003-0180, 812-003-0190, 812-003-0200, 812-003-0240, 812-003-0250, 812-003-0260, 812-003-0280, 812-003-0290, 812-003-0300, 812-003-0310, 812-003-0380, 812-003-0400, 812-004-0240, 812-004-0250, 812-004-0260, 812-004-0560, 812-004-0600, 812-005-0200, 812-005-0210, 812-005-0250, 812-008-0040, 812-008-0060, 812-008-0070, 812-008-0110, 812-009-0140, 812-010-0420, 812-010-0470

Proposed Repeals: 812-002-0840

Last Date for Comment: 12-4-07, 11 a.m.

Summary: • 812-001-0200 is amended to implement HB 2654: (1) is amended the Information Notice to include information about section 5, chapter 648, Oregon Laws 2007 (HB 2654) which prohibits a lien if a written contract is required and is not used. (2) and (4) are amended to adopt the notices in section 14, chapter 648, Oregon Laws 2007 (HB 2654). (3) Is amended to adopt the revised form with cite reference corrections made in section 17, chapter 648, Oregon Laws 2007 (HB 2654), and (6) is amended to revise the cite references.

• 812-002-0140 is amended to implement Chapter 793, Oregon Laws 2007 (SB 94) that revised the language in ORS 701.139-701.180 to refer to "complaints" rather than "claims." This amendment adjusts CCB rules to reflect this change.

• 812-002-0143 is amended to implement Chapter 793, Oregon Laws 2007 (SB 94) that revised the language in ORS 701.139-701.180 to refer to "complaints" rather than "claims." This amendment adjusts CCB rules to reflect this change.

NOTICES OF PROPOSED RULEMAKING

• 812-002-0170 is adopted to define “contractor” as the term is used in new division 12. This term includes both licensed and non-licensed persons or entities.

• 812-002-0265 is adopted to implement sections 23 & 23a, chapter 648, Oregon Laws 2007 (HB 2654) that amends ORS 701.005 to define what “exercises management or supervisory authority over the construction activities of the business means regarding the RMI.

• 812-002-0420 is amended to clarify when the agency will backdate a license.

• 812-002-0580 is amended to include an individual who files an employee complaint under ORS 701.140(4), which provides for a complaint “by a person furnishing labor to a contractor to the definition of “person”.

• 812-002-0630 is adopted to define what “reinstate” a license means.

• 812-002-0635 is adopted to define what “reissue” a license means.

• 812-002-0640 is amended to clarify when the agency will backdate a license and to implement chapter 203, Oregon Laws 2007 (HB 2309) that allows for bond alternatives for nonprofits rehabilitating drug houses (Meth).

• 812-002-0760 is amended to implement chapter 511, Oregon Laws 2007 (SB 605) that amends the definition of “contractor” to include cleaning or servicing of chimneys and to implement chapter 541, Oregon Laws 2007 (HB 2117A) that changes “landscape contractor” to “landscape contracting business.”

• 812-002-0840 is repealed. Section 7, chapter 648, Oregon Laws 2007 (HB 2654) requires the agency to adopt rules defining standard terms of written contracts. This amendment repeals OAR 812-002-0840 so that elements of this definition can be incorporated into new rule OAR 812-012-0100.

• 812-003-0150, 812-003-0155, 812-003-0160, 812-003-0175, 812-003-0180, 812-003-0190, 812-003-0260, 812-003-0280, 812-003-0290, 812-003-0310, 812-003-0380, 812-003-0400, 812-004-0240, 812-004-0250, 812-004-0260, 812-004-0600, 812-005-0200, 812-005-0210, 812-005-0250, 812-010-0420 and 812-010-0470 are amended to implement chapter 203, Oregon Laws 2007 (HB 2309) that allows for bond alternatives for nonprofit organizations rehabilitating drug houses (Meth). Establishes rules for letters of credit or cash deposits.

• 812-003-0170 is amended to amended to implement chapter 203, Oregon Laws 2007 (HB 2309) that allows for bond alternatives for nonprofit organizations rehabilitating drug houses (Meth) and to implement chapter 648, Oregon Laws 2007 (HB 2654) that increases the bond amounts by \$5,000 for initial licenses issued on or after January 1, 2008.

• 812-003-0200 is amended to implement section 19, chapter 648, Oregon Laws 2007 (HB 2654) requiring liability insurance to have completed operations coverage.

• 812-003-0240 is amended to implement chapter 541, Oregon Laws 2007 (HB 2117A) that changes “landscape contractor” to “landscape contracting business”.

• 812-003-0250 is amended to eliminate a conflict between CCB statute and workers’ compensation statute. The amendment exempts persons who perform services on a volunteer basis for nonprofit, religious, charitable or relief organizations from workers’ compensation insurance requirements.

• 812-003-0300 is amended to clarify consequences when a license is lapsed and to clarify backdating, reissue and reinstatement.

• 812-004-0560 is amended to comply with section 4(4), chapter 288, Oregon Laws 2007 (HB 2423), that requires that if an order is issued upon default, the order must be based on a record that consists of all materials submitted by the party the order is adverse to.

• 812-005-0270 is adopted to implement sections 23 & 23a, chapter 648, Oregon Laws 2007 (HB 2654) that amends ORS 701.005 requiring applicants or licensees to submit evidence that the RMI performs management or supervisory authority over the construction activities of the business.

• 812-005-0280 is adopted to implement section 27, chapter 648, Oregon Laws 2007 (HB 2654) (effective 1/1/2007) and section 28b, chapter 648, Oregon Laws 2007 (HB 2654) (effective 1/1/2008 to 6/30/2010). These provisions allow the board to develop rules that allow the board to sanction a contractor if the contractor is “unfit” or “not fit” for licensure and to define the meaning of these terms.

• 812-008-0040 is amended to delete certification as a member of a professional home inspector association certified by the agency because the agency does not certify membership criteria.

• 812-008-0060, 812-008-0070 and 812-008-0110 are amended to implement Chapter 222, Oregon Laws 2007 (SB 95) that amended ORS 701.350 to set a fee for issuance of an initial two-year certificate for home inspector certification.

• 812-009-0140 is amend to comply with section 4(4), chapter 288, Oregon Laws 2007 (HB 2423), which requires that if an order is issued upon default, the order must be based on a record that consists of all materials submitted by the party the order is adverse to.

• Division 12 (Contractor Duties) is adopted to implement chapter 648, Oregon Laws 2007 (HB 2654).

• 812-012-0110 is adopted to implement section 7, chapter 648, Oregon Laws 2007 (HB 2654) that require the agency to adopt rules defining standard terms of written contracts effective 1/1/08. This rule defines those terms. Section 14, chapter 648, Or Laws 2007 (HB 2654) authorizes the board to adopt rules specifying the time and manner of delivery of the Consumer Notice Form and Notice of Procedure and requiring a contractor to maintain evidence of delivery of these notices. Requiring the contractor to maintain a copy of the contract is part of the evidence of delivery of these notices

• 812-012-0130 is adopted to implement section 7, chapter 648, Oregon Laws 2007 (HB 2654) regarding delivery and proof of delivery of consumer notice.

Rules Coordinator: Catherine Dixon

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

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

.....

Rule Caption: Allow agency to restrict hearing to a contested case without arbitration option.

Date:	Time:	Location:
12-4-07	11 a.m.	West Salem Roth’s IGA Santiam Rm. 1130 Wallace Rd. NW Salem, OR

Hearing Officer: Tom Skaar

Stat. Auth.: ORS 670.310, 701.235

Stats. Implemented: ORS 701.145, 701.147

Proposed Amendments: 812-004-0590

Last Date for Comment: 12-4-07, 11 a.m.

Summary: 812-004-0590 is amended to allow the agency to refer a complaint to the Office of Administrative Hearings for a contested case without an option for an arbitration where the agency finds that would provide a better resolution to the complaint.

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 Chapter 603

Rule Caption: Updates *Phytophthora ramorum* quarantines: Adds newly detected sites in Curry County, new hosts, and protocols.

Date:	Time:	Location:
11-19-07	8:30 a.m.	OR Dept. of Agriculture Conference Rm. D 635 Capitol St. NE Salem, OR 97301-2532
11-20-07	8:30 a.m.	Best Western Brookings Inn Conference Center 1143 Chetco Ave Brookings, OR 97415

NOTICES OF PROPOSED RULEMAKING

Hearing Officer: Kathleen Wickman
Stat. Auth.: ORS 561.190, 561.560
Stats. Implemented: ORS 561.560
Proposed Amendments: 603-052-1230, 603-052-1250
Last Date for Comment: 11-26-07

Summary: The proposed amendments would harmonize the state's *Phytophthora ramorum* rules with current federal regulations and protocols. The area under quarantine for *P. ramorum* in Curry County would increase to 166 square miles to include five newly detected sites outside of the existing quarantine area (603-052-1230). References to USDA APHIS's official host list, interim rule, and confirmed nursery protocol in the *P. ramorum* quarantine (603-052-1230) and *P. ramorum* regulated area for nursery stock (602-052-1250) would be updated to the latest versions. References to federal phytosanitary requirements for nurseries and other businesses located within the quarantine area would be added. Language describing special permits would be clarified (603-052-1230) and references to the rule sunset would be removed (603-052-1250).

Rules Coordinator: Sue Gooch
Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301
Telephone: (503) 986-4583

.....

Rule Caption: Maintains general production area and protected districts for rapeseed/canola.

Date:	Time:	Location:
11-27-07	10 a.m.	Oregon Dept of Ag. 635 Capitol St. NE Salem, OR 97301
11-28-07	10 a.m.	Madras Senior Center 860 SW Madison St. Madras, OR 97741
11-29-07	10 a.m.	Ag. Service Center 10507 N McAlister Rd. LaGrande, OR 97850

Hearing Officer: Ron Pence
Stat. Auth.: ORS 561.190, 570.450
Other Auth.: ORS 570.405
Stats. Implemented: ORS 570.450
Proposed Amendments: 603-052-0880
Last Date for Comment: 12-7-07

Summary: The proposed amendment would maintain the current system of protected districts where growing canola for oil is prohibited. Section (6) requiring a review of the rule by December 31, 2007 would be deleted.

Rules Coordinator: Sue Gooch
Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301
Telephone: (503) 986-4583

.....

Rule Caption: Require annual testing of all bulls from a *Tritrichomonas fetus* infected herd.

Date:	Time:	Location:
11-15-07	1:30 p.m.	Burns, Oregon

Hearing Officer: Dustin Johnson
Stat. Auth.: ORS 596
Stats. Implemented:
Proposed Amendments: 603-011-0610, 603-011-0620
Last Date for Comment: 11-19-07

Summary: Our own trichomoniasis case studies have revealed that ongoing herd infections are responsible for maintaining the disease from year to year in certain geographical areas. Experience reveals that many test positive herds remain infected in ensuing years often because of an incomplete application of suggested control measures. These rules amend the procedures for treatment of infected herds. It requires them to re-test their bulls each year until all bulls have a negative test result during the same test period. Existing rule requires test-positive bulls to be removed from the herd and sold to slaughter.

Rules Coordinator: Sue Gooch
Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301
Telephone: (503) 986-4583

.....

Rule Caption: Amending Malheur white rot control area to clarify language on acceptable sources of propagative materials.

Stat. Auth.: ORS 561, 570
Stats. Implemented: ORS 561, 570
Proposed Amendments: 603-052-0347
Last Date for Comment: 12-21-07

Summary: The proposed amendment is to the onion white rot control area order for Malheur County. The amendment clarifies the type and sources of propagative materials that may be used for commercial onion production in Malheur County.

Rules Coordinator: Sue Gooch
Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301
Telephone: (503) 986-4583

.....

Rule Caption: Maintains the control area for genetically modified bentgrass in central Oregon.

Stat. Auth.: ORS 561.190, 570.405
Stats. Implemented: ORS 570.405
Proposed Amendments: 603-052-1240
Last Date for Comment: 11-30-07

Summary: The proposed amendment would delete section (6) requiring review of the rule in 2007. The effect would be to leave the Jefferson County control area as is, thus maintaining separation of production of conventionally bred varieties from genetically modified varieties.

Rules Coordinator: Sue Gooch
Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301
Telephone: (503) 986-4583

.....

Rule Caption: Eliminates minimum assessment for nursery emergency fund and raises price of phytosanitary certificates.

Stat. Auth.: ORS 561.571
Stats. Implemented: ORS 571.057
Proposed Amendments: 603-054-0016, 603-054-0017, 603-054-0018, 603-054-0024
Last Date for Comment: 11-30-07

Summary: The proposed amendments would eliminate the \$10 minimum Emergency Response Fund assessment, authorize the department to collect a new \$16 pass through administrative charge required by USDA, and raise the state charge for a phytosanitary certificate from \$10 to \$15 to pay for the additional costs of collecting, processing, and remitting the USDA pass through administrative fee.

Rules Coordinator: Sue Gooch
Address: Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301
Telephone: (503) 986-4583

.....

Department of Agriculture, Oregon Fine Fescue Commission Chapter 604

Rule Caption: Sets per diem and reimbursement for a substitute rates for commissioners that correspond with ORS 292.495.

Date:	Time:	Location:
12-11-07	6 p.m.	Alessandro's 120 Restaurant 120 Commercial St. NE Salem, OR

Hearing Officer: Zach Taylor, Chair
Stat. Auth.: ORS 576.304
Stats. Implemented: ORS 292.495, 576.206(7), 576.265
Proposed Adoptions: 604-040-0010, 604-040-0020, 604-040-0030

NOTICES OF PROPOSED RULEMAKING

Last Date for Comment: 12-11-07, 5 p.m.

Summary: Sets per diem stipend, reimbursement for hiring a substitute and allowable travel reimbursements for commissioners. Per diem and reimbursement for hiring a substitute correspond with limit set in ORS 292.495.

Rules Coordinator: David S. Nelson

Address: Department of Agriculture, Oregon Fine Fescue Commission, 1193 Royvonne Ave. SE, Salem, OR 97302

Telephone: (503) 585-1157

.....
**Department of Agriculture,
Oregon Hazelnut Commission
Chapter 623**

Rule Caption: Sets per diem and reimbursement for a substitute rates for commissioners that correspond with ORS 292.495.

Date:	Time:	Location:
11-27-07	8 a.m.	33447 Peoria Rd. Corvallis, OR 97233

Hearing Officer: Polly Owen

Stat. Auth.: ORS 292.495, 576.206, 576.416

Stats. Implemented: ORS 292.495, 576.206(7), 576.265

Proposed Adoptions: 623-040-0005, 623-040-0010, 623-040-0015

Last Date for Comment: 11-27-07, 5 p.m.

Summary: Sets per diem stipend, reimbursement for hiring a substitute and allowable travel reimbursements for commissioners. Per diem and reimbursement for hiring a substitute correspond with limit set in ORS 292.495.

Rules Coordinator: Polly Owen

Address: Department of Agriculture, Oregon Hazelnut Commission, 21595-A Dolores Way NE, Aurora, OR 97002

Telephone: (503) 678-6823

.....
**Department of Agriculture,
Oregon Tall Fescue Commission
Chapter 607**

Rule Caption: Sets per diem and reimbursement for a substitute rates for commissioners that correspond with ORS 292.495.

Date:	Time:	Location:
12-14-07	7:30 a.m.	Yaquina Bay Restaurant 325 Airport Rd. Albany, OR

Hearing Officer: Kent Doerfler, Chair

Stat. Auth.: ORS 576.304

Stats. Implemented: ORS 292.495, 576.206(7), 576.265

Proposed Adoptions: 607-040-0010, 607-040-0020, 607-040-0030

Last Date for Comment: 12-13-07, 5 p.m.

Summary: Sets per diem stipend, reimbursement for hiring a substitute and allowable travel reimbursements for commissioners. Per diem and reimbursement for hiring a substitute correspond with limit set in ORS 292.495.

Rules Coordinator: David S. Nelson

Address: Department of Agriculture, Oregon Tall Fescue Commission, 1193 Royvonne SE, Salem, OR 97302

Telephone: (503) 585-1157

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

Rule Caption: Electrical licensing changes, including deletions, clarifications and reductions in terms of apprenticeship.

Date:	Time:	Location:
11-19-07	1:30 p.m.	1535 Edgewater St. NW Salem, OR

Hearing Officer: Chris Huntington

Stat. Auth.: ORS 183.335, 479.730

Stats. Implemented: ORS 183.335, 479.730, 479.905, 479.910, 479.915

Proposed Amendments: Rules in 918-282

Proposed Repeals: 918-282-0210, 918-282-0300, 918-282-0310

Last Date for Comment: 11-23-07, 5 p.m.

Summary: These proposed rules implement electrical licensing changes made by the legislature that eliminate obsolete license types, reduce the terms of apprenticeship for certain licenses, and clarify the scope of work and the requirements to qualify for other licenses.

Rules Coordinator: Nicole Jantz

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

Telephone: (503) 378-4130

.....
Rule Caption: Creates Reciprocating Conveyor Mechanic license and Restricted Reciprocating Conveyor Mechanic license.

Date:	Time:	Location:
11-19-07	2 p.m.	1535 Edgewater St. NW Salem, OR

Hearing Officer: Celina Patterson

Stat. Auth.: ORS 460.047, 460.057, 460.059, 460.085 & ch. 642 (2007 OL)

Stats. Implemented: ORS 460.085, 460.165, 479.630 & ch. 642 (2007 OL)

Proposed Amendments: Rules in 918-400

Last Date for Comment: 11-23-07, 5 p.m.

Summary: These rules create the Reciprocating Conveyor Mechanic and Restricted Reciprocating Conveyor Mechanic licenses by establishing the type of qualifying work experience, training, supervision, oversight and other related licensing requirements.

Rules Coordinator: Nicole Jantz

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

Telephone: (503) 378-4130

.....
Rule Caption: Adopts the mechanical and structural provisions of the 2008 Oregon Low-Rise Residential Dwelling Code.

Date:	Time:	Location:
11-20-07	9:30 a.m.	1535 Edgewater St. NW Salem, OR

Hearing Officer: Mike Ewert

Stat. Auth.: ORS 455.020, 455.030, 455.110, 455.380 & 455.525

Stats. Implemented: ORS 455.610

Proposed Amendments: 918-480

Last Date for Comment: 11-23-07, 5 p.m.

Summary: Adopts the mechanical and structural provisions of the 2008 Oregon Low-Rise Residential Dwelling Code.

Rules Coordinator: Nicole Jantz

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

Telephone: (503) 378-4130

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

Rule Caption: Make permanent the temporary rules in consumer finance adopted effective 7/1/07 and 8/10/07.

Stat. Auth.: ORS 725.505

Other Auth.: SB 1105, 2006 Special Session; HB 2203, HB 2204 & HB 2871, 2007 Session

Stats. Implemented: ORS 725.110, 725.140, 725.330, 725.340, 725.600, 725.605, 725.615, 725.622

Proposed Amendments: 441-730-0000, 441-730-0010, 441-730-0015, 441-730-0270, 441-730-0275, 441-730-0310

Last Date for Comment: 11-23-07, 5 p.m.

Summary: The temporary rules adopted effective 7/1/07 implemented new laws effective 7/1/07 by changing now-incorrect

NOTICES OF PROPOSED RULEMAKING

references to number of rollovers, waiting period for new loans, and refunding. New examples were provided as guidance. References to sections repealed or phrases deleted in the laws effective 7/1/07 were corrected.

The temporary rules adopted effective 8/10/07 eliminated restrictions on use of postdated checks and debit authorizations to ease an unintended consequence not foreseen when the rule was adopted in December 2006.

The purpose of this rulemaking is to make these temporary changes permanent no later than the 12/27/07 expiration date of the temporary rules.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Rules Coordinator: Shelley Greiner

Address: 350 Winter St. NE, Room 410, Salem, OR 97301

Telephone: 503-947-7484

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

Rule Caption: Propose changes to Silica and corrections to air contaminants in General Industry and Construction.

Date:	Time:	Location:
11-28-07	9 a.m.	Labor & Industries Bldg. 350 Winter Street NE Basement - Conference Rm. E Salem OR 97301

Hearing Officer: Sue Joye

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

Stats. Implemented: ORS 654.001 – 654.295

Proposed Amendments: 437-002-0382, 437-003-1000

Last Date for Comment: 12-3-07

Summary: Oregon OSHA proposes to change the permissible limit for airborne concentrations of respirable silica to a fixed limit of 0.05 milligrams per cubic meter (mg/m³). The formula and footnote (e) for Silica in Table Z-3 in the Air Contaminants standards in general industry and construction will also be amended. Both of these changes reflect better scientific processes for determining airborne respirable exposures, and the calculation used to determine exposures continues to cause confusion.

Crystalline silica, also known as quartz, is a natural constituent of the earth's crust and is a basic component of sand and granite. However, airborne exposures to silica can lead to silicosis. Silicosis is a disease of the lungs that can cause fibrosis or scar tissue formations in the lungs that reduce the lung's ability to work to extract oxygen from the air.

Data was evaluated from silica samples collected by Oregon OSHA consultants and compliance officers, as well as data provided by SAIF and AGC. This represented 17 years of data and 1355 individual samples. 40 of these samples, approximately 3 percent, that were below the current PEL would be over the new PEL. However, at least 16 of those were at establishments that had operations that exceeded the current PEL for silica by other samples.

Changes will also be made in the Z-1 table in air contaminants for accuracy, correction, and uniformity.

Oregon OSHA proposes to adopt these changes into general industry and construction.

Please visit our web site www.orsha.org

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

Rules Coordinator: Sue C. Joye

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

Telephone: (503) 947-7449

Rule Caption: Propose changes to Division 1, General Administrative Rules, with House Bill 2022.

Date:	Time:	Location:
11-27-07	9 a.m.	Labor & Industries Bldg. 350 Winter St. NE Basement - Conference Rm. F Salem OR 97301

Hearing Officer: Sue Joye

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

Stats. Implemented: ORS 654.001 – 654.295

Proposed Adoptions: 437-001-0706

Proposed Amendments: 437-001-0700, 437-001-0740

Last Date for Comment: 12-3-07

Summary: This new rule, OAR 437-001-0706, Record keeping for Health Care Assaults, implements the record keeping requirements of HB 2022 (ORS 654.001 to 654.295) specific to assaults against employees working for health care employers, and additional record keeping requirements for capturing assault-like incidents at health care employers worksites.

Health care employers are defined as hospitals and ambulatory surgical centers, and includes home health care services provided by them. The details for recording each incident are specified, as well as a mandatory reporting form, and category codes used to complete the form.

Reports must be submitted to the Department of Consumer and Business Services by January 31, 2009 - specific means for reporting are specified in the rule.

OAR 437-001-0700 Record keeping and Reporting, is amended to include a cross-reference to this new rule in the section titled Forms.

OAR 437-001-0740 Falsification or Failure to Keep and Post Records or Make Reports, is amended to include penalties for failure to keep these records.

Please visit our web site www.orsha.org

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

Rules Coordinator: Sue C. Joye

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

Telephone: (503) 947-7449

Department of Consumer and Business Services, Workers' Compensation Board Chapter 438

Rule Caption: CAD/ALJ-Mediator Approval; Cost Bills/Attorney Fee Liens; Hearing Notice; Own Motion (Attorney Fees and TTD Suspension).

Date:	Time:	Location:
11-30-07	9:30 a.m.	2601 25th St. SE, Ste. 150 Salem, OR 97302-1280

Hearing Officer: Debra L. Young

Stat. Auth.: ORS 183.310 – 183.410, 656.278, 656.283, 656.295, 656.307, 656.388, 656.593, 656.726(5)

Stats. Implemented: SB 253, SB 404, 9.320, 656.236, 656.262(4), (6), (15), 656.267(3), 656.268, 656.283, 656.289, 656.295, 656.313(4), 656.325, 656.386, 656.388, 656.726(5)

Proposed Adoptions: 438-015-0019, 438-015-0022

Proposed Amendments: 438-005-0046, 438-005-0050, 438-005-0055, 438-006-0020, 438-006-0100, 438-009-0005, 438-009-0010, 438-009-0020, 438-009-0022, 438-009-0025, 438-009-0028, 438-009-0030, 438-009-0035, 438-011-0020, 438-012-0035; 438-015-0005, 438-015-0080, 438-019-0030

Last Date for Comment: 11-30-07

Summary: After considering written reports from separate Advisory Committees, the Board proposes to amend its rules to implement SB 253 (ALJ-mediator approval of Claim Disposition Agreements (CDAs)) and SB 404 (cost bills and attorney fee liens) and to amend

NOTICES OF PROPOSED RULEMAKING

its briefing extension rule (OAR 438-011-0020(3)). In addition, the Board proposes to: (1) amend OAR 438-006-0020 to provide not less than 60 days notice of a hearing in compliance with ORS 656.283(5)(a); (2) amend OAR 438-006-0100(3)(a) to reflect renumbering and title changes in the Supreme Court rules; (3) amend OAR 438-009-0022(3)(f) to delete requirement for the worker's social security number in a CDA in accordance with SB 583; (4) delete the Own Motion suspension rule (OAR 438-012-0035(6)) in compliance with *Jordan v. SAIF*, 343 Or 208 (August 30, 2007); (5) change the out-of-compensation attorney fee rules for Own Motion cases (OAR 438-015-0080(1), (2)); (6) delete the Own Motion attorney fee rules regarding "post-aggravation rights" new or omitted medical condition claims; and (7) update telephone numbers and addresses.

Pending the hearing, written comments regarding these rules may be submitted for admission into the record by directing such comments by mail, FAX, or by means of hand-delivery to any permanently staffed Board office. The comments may be addressed to the attention of Debra L. Young, Rulemaking Hearing Officer, Workers' Compensation Board, 2601 25th St. SE, Ste. 150, Salem, OR 97302-1280

Rules Coordinator: Vicky Scott

Address: Department of Consumer and Business Services, Workers' Compensation Board, 2601 25th St. SE, Suite 150, Salem, OR 97302-1280

Telephone: (503) 378-3308

.....

Rule Caption: Amend OAR 438-015-0050(1) & OAR 438-015-0052(1) to Increase Attorney Fee Approvable from a DCS and a CDA.

Date:	Time:	Location:
11-30-07	9:30 a.m.	2601 25th St. SE, Ste. 150 Salem, OR 97302-1280

Hearing Officer: Debra L. Young

Stat. Auth.: ORS 183.310 – ORS 183.410, 656.388, 656.726(5)

Stats. Implemented: ORS 656.236, 656.289(4), 656.388

Proposed Amendments: 438-015-0050, 438-015-0052

Last Date for Comment: 11-30-07

Summary: After considering a September 24, 2007 petition for rulemaking, the Board proposes amending OAR 438-015-0050 and OAR 438-015-0052 to provide for the approval of a 25 percent attorney fee payable from the proceeds from a Disputed Claim Settlement (DCS) and a Claim Disposition Agreement (CDA), respectively.

Pending the hearing, written comments regarding these rules may be submitted for admission into the record by directing such comments by mail, FAX, or by means of hand-delivery to any permanently staffed Board office. The comments may be addressed to the attention of Debra L. Young, Rulemaking Hearing Officer, Workers' Compensation Board, 2601 25th St. SE, Ste. 150, Salem, OR 97302-1280.

Rules Coordinator: Vicky Scott

Address: Department of Consumer and Business Services, Workers' Compensation Board, 2601 25th St. SE, Suite 150, Salem, OR 97302-1280

Telephone: (503) 378-3308

.....

Department of Corrections Chapter 291

Rule Caption: Placement of Inmates in Administrative Housing for Purposes of Protective Custody, Involuntary Protective Custody and Administrative Segregation.

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

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

Proposed Adoptions: 291-046-0026, 291-046-0100

Proposed Amendments: 291-046-0005 – 291-046-0025, 291-046-0030 – 291-046-0090

Last Date for Comment: 12-14-07

Summary: Modifications of these rules are necessary to clarify and update requirements for placing an inmate in administrative housing

for purposes of protective custody, involuntary protective custody and administrative segregation, and to establish an administrative review process for such placements. Inmates will not be assigned to administrative housing for these purposes without review and approval of the Special Population Management Committee.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

.....

Department of Energy Chapter 330

Rule Caption: Establish Renewable Energy Certificate Tracking and Reporting System for Oregon Renewable Portfolio Standard.

Date:	Time:	Location:
12-5-07	10 a.m.	Oregon Dept. of Energy 625 Marion St. NE Salem, OR

Hearing Officer: Kip Pheil

Stat. Auth.: SB 838 sec. 14, OL Ch. 301 (2007); ORS 469.040(d)

Stats. Implemented: SB 838 sec. 14–18, OL Ch. 301 (2007)

Proposed Adoptions: 330-150-0005, 330-150-0010, 330-150-0015, 330-150-0020, 330-150-0025, 330-150-0030

Last Date for Comment: 12-11-07, 5 p.m.

Summary: Provide implementation details for the Oregon renewable portfolio standard (RPS) as follows:

(1) Designate the Western Renewable Energy Generation Information System (WREGIS) as the renewable energy certificate tracking and reporting mechanism for the Oregon RPS (details on WREGIS available at <http://www.wregis.org>).

(2) Relate definitions for renewable energy certificates in the Oregon RPS to specific system elements in WREGIS.

(3) Designate the date of establishment for the Oregon renewable energy certificate system.

Rules Coordinator: Kathy Stuttaford

Address: 625 Marion Street NE, Salem, OR 97301-3737

Telephone: (503) 378-4128

.....

Rule Caption: Amend Business Energy Tax Credit (BETC) program rules.

Date:	Time:	Location:
11-15-07	9:30 a.m.	Oregon Dept. of Energy 625 Marion St., NE Salem OR

Hearing Officer: John Kaufmann

Stat. Auth.: ORS 469.040 (1)(d), 469.185 – 469.225

Stats. Implemented: ORS 469.185 – 469.225

Proposed Adoptions: Rules in 330-090

Proposed Amendments: 330-090-0105, 330-090-0110, 330-090-0120, 330-090-0130, 330-090-0135, 330-090-0140, 330-090-0150

Last Date for Comment: 11-15-07

Summary: This rulemaking was initially noticed in the October 1, 2007 Secretary of State's Bulletin. However, we are renouncing the rulemaking and extending the comment date because of an error in the Statement of Need and Fiscal Impact. There are no changes to the initial rule summary, which is repeated below.

The proposed rules implement provisions of HB3201, sections 14-27, which expand the BETC program. The proposed rules would:

- Set the Pass-Through rate for renewable energy resource systems and renewable energy manufacturing facilities at 33.5%. The rate for renewable energy resource systems costing \$20,000 or less shall be 43.5%.

- Reduce the cost of reviews from 0.0075 multiplied by the eligible project cost to 0.0060 multiplied by the eligible project cost, and set the maximum cost of review at \$25,000. The new fees would be applied to projects costing \$1 million and more retroactively to January 1, 2007. For all other projects, this rate and cap will be effective January 1, 2008.

NOTICES OF PROPOSED RULEMAKING

- Establish a minimum refund of \$10 on project fees submitted in excess of the final cost of review.
- Eliminate the requirement to subtract federal tax credits from project cost when determining eligible cost. Only grants and gifts shall be subtracted.
- Renewable energy resource projects and renewable energy manufacturing facilities completed after January 1, 2007 are eligible for a tax credit equal to 10% of the certified cost in each of the five succeeding tax years, not to exceed \$20 million.
- Define renewable energy resource system or renewable energy manufacturing facility for purposes of the \$20 million eligible cost limit.
 - Define renewable energy manufacturing facility to include a structure or equipment that exclusively manufactures components or subcomponents to be used in a renewable energy resource system.
 - For renewable energy resource manufacturing facilities, define site as a single contiguous area of land containing buildings or other structures that are separated by not more than 1,000 feet. Land shall be considered contiguous even if there is an intervening public or railroad right of way.
 - For renewable energy resource systems, adopt a definition of site consistent with the definition adopted by the Oregon Public Utility Commission in Docket No. UM 1129.
 - Clarify that an RD&D project that uses or produces a renewable energy resource or is a renewable energy manufacturing facility is eligible for a tax credit of 10% in each of five succeeding tax years.
 - Define the eligibility criteria for a homebuilder-installed renewable energy system. Such a system is eligible for a tax credit not to exceed \$9,000 per home. To qualify, a home must provide more than 1 kilowatt hour per year per square foot of conditioned space and meet minimum technical requirements. To qualify, a home must include one of the following:
 - solar electric (photovoltaic) system;
 - solar domestic hot water system;
 - passive solar design equivalent;
 - active solar space heating system;
 - wind electric system greater;
 - ground source heat pump with a coefficient of performance (COP) of 3.5 or greater; or
 - fuel cell system.
 - Solar pool heating systems are not eligible.
 - Define the eligibility criteria for a homebuilder-installed renewable energy system that also constitutes a high-performance home, which is eligible for a tax credit not to exceed \$12,000. To qualify, the home must:
 - include a homebuilder installed renewable energy system (above);
 - be built to the minimum prescriptive requirements of the state building code;
 - include R-49 attic insulation, R-38 floor insulation, R-24 wall insulation, U=0.32 windows;
 - be certified by the Energy Star Homes Northwest program;
 - include ducts within the heated space, or have no ducts;
 - include a high efficiency heating system (90% gas furnace, 8.5 HSPF air source heat pump, 3.0-3.49 COP ground source heat pump, or a ductless mini-split heat pump with inverter, no integrated electric resistance backup heat, low ambient performance of 70% of rated capacity at 15°F, and system sized and installed per manufacturer specifications by a manufacturer trained installer).
 - be certified by a sustainable building program approved by the Department (e.g., Earth Advantage, LEED), or the building meets Energy Star Homes Northwest indoor air quality and ventilation specifications, including a heat recovery ventilator or an energy recovery ventilator.
 - Require a Tax Credit Certified Technician to verify that the system meets Oregon Dept. of Energy technical standards. After January 1, 2009, to become a Tax Credit Certified Technician, solar technicians must be tested and certified by the North American Board of

Certified Energy Practitioners (NABCEP). Tax Credit Certified Solar Technicians certified by the Oregon Department of Energy before that date will have until January 1, 2010 to obtain NABCEP certification.

- Require system diagrams, operational and maintenance materials, and a commissioning report for each for solar thermal and electric systems.
 - Define high-efficiency combined heat and power facility by setting fuel chargeable to heat rate which exceeds the minimum Energy Facility Siting Standards by no less than 10 percent.
 - Require that projects that recover material and energy from a waste stream shall provide significant recovery of energy or marketable materials and lower net greenhouse gas emissions and other environmental impacts compared to standard disposal practices, and use the best available pollution control technology, and are based upon the highest and best use of the waste stream. Material recovery is considered a higher and better use of a waste stream than energy recovery, and significant recovery means that 50% of the materials introduced into the waste stream by dry weight for sale or use as other than a fuel or lubricant, and that the value of the materials and energy resources recovered minus the value of the energy resources consumed is greater than the magnitude of the disposal costs or revenues of the waste stream. Atmospheric burning projects and intentionally adding moisture or wet organics to landfills are not eligible. Except for landfill gas recovery projects, only projects that use 100% non-toxic biomass feedstock will be eligible as a renewable energy resource system.
 - Establish standards for efficiency and emission for eligible biomass combustion devices. Adopt other national or regional standards established for devices such as outdoor wood boilers and wood-fired furnaces.
 - Define biomass as derived 100% from organic materials.
 - Require liquid biofuels, as a subset of alternative fuels, to be derived from 100% organic sources.
 - Increase the size of hydroelectric facilities eligible for BETC from 1 megawatt to 10 megawatts, provided they meet all statutory requirements for protection of fish and wildlife.
 - Consider a streamlined method to determine eligible costs for state agency and university buildings approved under the State Energy Efficient Design program (SEED), ORS 276.900 to ORS 276.915, as being 20% more efficient than a comparable building built to meet the minimum requirements of the state building code.
 - Provide transportation service BETC to mass transit districts serving communities with than 50,000 residents for providing service to K-12 students.
 - Change the minimum requirement for using transportation options from “days” to “working days,” and from “calendar year” to “project year.”
 - Amend the definition of carpool and vanpool to mean “employer-sponsored program” or “organization-sponsored program.”
 - Make editorial and housekeeping changes to OAR 330-090-0105 to OAR 330-090-0150, as needed.
- Rules Coordinator:** Kathy Stuttaford
Address: Department of Energy, 625 Marion St. NE, Salem, OR 97301
Telephone: (503) 378-4128
-
- Rule Caption:** Criminal background check to determine if individual is fit to provide services to the Department.
- | Date: | Time: | Location: |
|--------------|--------------|---|
| 11-28-07 | 9–10 a.m. | Dept. of Energy
625 Marion St. NE
Salem, OR |
- Hearing Officer:** Leigh Salmon
Stat. Auth.: ORS 181.534, 469.005
Stats. Implemented: ORS 181.534
Proposed Adoptions: 330-007-0200, 330-007-0210, 330-007-0220, 330-007-0230, 330-007-0240, 330-007-0250, 330-007-0260,

NOTICES OF PROPOSED RULEMAKING

330-007-0270, 330-007-0280, 330-007-0290, 330-007-0300, 330-007-0310, 330-007-0320, 330-007-0330

Last Date for Comment: 11-28-07, Close of Hearing

Summary: Rules to control the Department's acquisition of information about an individual's criminal history and its use to determine whether an individual is fit to provide services to the Department as an employee, contractor or volunteer.

Rules Coordinator: Kathy Stuttaford

Address: 625 Marion Street NE, Salem, OR 97301-3737

Telephone: (503) 378-4128

.....

Rule Caption: Biofuels consumer income tax credit procedures.

Date:	Time:	Location:
11-16-07	10 a.m.	Dept. of Energy 625 Marion St. NE Salem, OR 97301-3737

Hearing Officer: Mark Kendall

Stat. Auth.: ORS 469.185 – 469.225

Other Auth.: HB 3201 (2007)

Stats. Implemented: ORS 469.185 – 469.222, 315.014 – 315.675

Proposed Adoptions: 330-090-0160, 330-090-0161, 330-090-0162, 330-090-0163

Last Date for Comment: 11-27-07, 5 p.m.

Summary: • Add definitions from statute into administrative rule of alternative fuel vehicle, biodiesel, biomass, bone dry ton and fuel blend.

- Establish the conditions under which biofuel consumer income tax credits may be documented and claimed.

- Establish how to claim a biofuel consumer income tax credit for costs paid or incurred to purchase diesel blended fuel equal to \$0.50 per gallon and in any one tax year, not to exceed \$200 per Oregon registered motor vehicle that is owned or leased by the taxpayer under a lease of greater than 30 days duration and that is capable of using a fuel blend.

- Establish how to claim a biofuel consumer income tax credit for costs paid or incurred to purchase gasoline blended fuel equal to \$0.50 per gallon and in any one tax year, not to exceed \$200 per Oregon registered motor vehicle that is owned or leased by the taxpayer under a lease of greater than 30 days duration and that is capable of using a fuel blend.

- Establish how to claim a biofuel consumer income tax credit for costs paid or incurred to purchase forest, rangeland or agriculture waste or residue densified and dried prepared solid biofuel equal to \$10 per bone dry ton of solid biofuel and in any one tax year, not to exceed \$200 per taxpayer.

- Establish how to claim a biofuel consumer income tax credit for costs paid or incurred to purchase fuel for primary home space heating that is at least 20 percent biodiesel not to exceed the lesser of five cents per gallon or \$200 in any one tax year, not to exceed \$200 per taxpayer.

- Establish how biofuel consumer income tax credit in any one tax year may not exceed the tax liability of the taxpayer and may not be carried forward to a subsequent tax year.

- Establish how the biofuel consumer claiming an income tax credit shall maintain records sufficient to determine the taxpayer's purchase of qualifying biofuel blends or biomass for at least five years.

Rules Coordinator: Kathy Stuttaford

Address: 625 Marion St. NE, Salem OR 97301-3737

Telephone: (503) 378-4128

.....

Rule Caption: Adopt rules requiring 1.5% of public construction contracts to be dedicated to solar energy.

Date:	Time:	Location:
12-4-07	9:30 a.m.	Oregon Dept. of Energy 625 Marion St., NE Salem OR 97301

Hearing Officer: John Kaufmann

Stat. Auth.: 2007 OL Ch. 310 (HB 2620)

Stats. Implemented: 2007 OL Ch. 310 (HB 2620)

Proposed Adoptions: 330-135-0010 – 330-135-0100

Last Date for Comment: 12-5-07

Summary: The purpose of these rules is to implement House Bill 2620, which requires that a public body spend an amount equal to 1.5 percent of a public improvement contract for the construction or major renovation of a public building for the inclusion of appropriate solar energy technology in the building. The proposed rules would:

- Establish rules for determining the dollar amount that is equivalent to 1.5% of the public improvement contract that must be spent on solar energy technology in the public building.

- Establish technical criteria for appropriate solar energy technology.

- Define equipment and other costs eligible to be included in determining whether 1.5% of the public improvement contract has been spent on solar energy technology

- Establish rules for deferral of unspent funds to future building projects.

- Establish rules for alternative financing of solar energy systems, such as a lease-purchase agreement, power purchase agreement or energy savings performance contract, to ensure that an amount equal to at least 1.5% of the public improvement contract has been spent on solar energy technology.

- Establish rules for agencies to determine whether inclusion of solar energy technology in an eligible public building project is inappropriate.

- Establish procedures for agencies to report compliance with the provisions of the bill and these administrative rules.

Rules Coordinator: Kathy Stuttaford

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

Telephone: (503) 378-4128

.....

Department of Environmental Quality Chapter 340

Rule Caption: Align Tank Rules with federal regulations and improve existing rules.

Date:	Time:	Location:
11-16-07	2 p.m.	Oregon DEQ 811 SW Sixth Ave. Rm. EQC A Portland, OR
11-19-07	7 p.m.	Oregon DEQ 300 SE Reed Market Rd. Conference Rm. Bend, OR
11-20-07	7 p.m.	Oregon DEQ 1102 Lincoln St., Suite 210 Conference Rm. Eugene, OR

Hearing Officer: Mitch Scheel, DEQ

Stat. Auth.: ORS 465.200 – 465.455, 466.706 – 466.995

Stats. Implemented: ORS 465.200 – 465.455, 466.706 – 466.835

Proposed Adoptions: 340-150-0210

Proposed Amendments: 340-122-0210, 340-122-0330, 340-150-0006, 340-150-0008, 340-150-0010, 340-150-0020, 340-150-0021, 340-150-0052, 340-150-0102, 340-150-0110, 340-150-0135, 340-150-0150, 340-150-0152, 340-150-0160, 340-150-0163, 340-150-0166, 340-150-0167, 340-150-0168, 340-150-0180, 340-150-0200, 340-150-0250, 340-150-0300, 340-150-0310, 340-150-0350, 340-150-0352, 340-150-0354, 340-150-0360, 340-150-0410, 340-150-0430, 340-150-0450, 340-150-0455, 340-150-0460, 340-150-0465, 340-150-0470, 340-150-0510, 340-150-0555, 340-150-0560, 340-160-0030, 340-160-0150, 340-162-0005, 340-162-0010, 340-162-0020, 340-162-0040, 340-162-0150

Proposed Repeals: 340-162-0054

Last Date for Comment: 11-23-07, 5 p.m.

NOTICES OF PROPOSED RULEMAKING

Summary: This rulemaking aligns Tank Rules with federal regulations in addition to improving existing rules.

A) The federal Energy Policy Act of 2005 contains underground storage tank (UST) provisions that requires the Department to adopt rules to:

- Revise the current UST operator training requirements;
- Implement fuel delivery prohibition requirements;
- Require secondary containment and monitoring for new or replaced tanks or piping.

B) Amendments by the 2007 Oregon Legislature to laws governing USTs require the Department to:

- Increased the annual tank fee (from \$85/year to \$135/year); and
- Establish a permanent expedited enforcement program and increase penalty amounts (from a maximum of \$100 to \$500 per violation and an increased aggregate of \$1,500 from \$300).

This rulemaking proposal also improves existing UST regulations by:

- Changing the operating registration certificate to a certificate that is renewed annually;
- Clarifying rule language and resolving existing technical issues;
- Aligning the definition of an UST in Division 122 to that in Division 150; and
- Revising the UST service provider licenses.

To submit comments or request additional information, please contact Mitch Scheel at the Department of Environmental Quality (DEQ), 811 SW Sixth Avenue, Portland, Oregon 97204, toll free in Oregon at 800-452-4011 or direct at 503.299.6704, Fax: 503.229.6954, E-mail: scheel.mitch@deq.state.or.us, or visit DEQ's website [//www.deq.state.or.us/news/public_notices/PN.asp](http://www.deq.state.or.us/news/public_notices/PN.asp)

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

Rule Caption: Amend Rules for the Commercial Harvest of Groundfish in 2008.

Date:	Time:	Location:
12-7-07	8 a.m.	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, 506.129

Stats. Implemented: ORS 506.036, 506.109, 506.119, 506.129

Proposed Adoptions: Rules in 635-004

Proposed Amendments: Rules in 635-004

Proposed Repeals: Rules in 635-004

Last Date for Comment: 12-7-07

Summary: Amend rules to implement the annual changes to management measures within the commercial groundfish regulations for 2008. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Casaria Tuttle

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

Telephone: (503) 947-6033

.....

Rule Caption: Change to Angling Deadline on the Sandy River.

Date:	Time:	Location:
12-7-07	8 a.m.	3406 Cherry Ave. NE Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.138, 496.146, 497.121, 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162, 506.129

Proposed Adoptions: Rules in 635-017

Proposed Amendments: Rules in 635-017

Proposed Repeals: Rules in 635-017

Last Date for Comment: 12-7-07

Summary: Adopt and amend rules as determined necessary to extend the angling deadline upstream approximately seven miles for hatchery coho, spring Chinook and summer steelhead species. The previous deadline was 200 feet below the Marmot Dam site. With the removal of Marmot Dam, a new deadline will extend up to the mouth of the Salmon River. This area, above the previous dam site, will remain a sanctuary for wild salmon and steelhead.

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

Rules Coordinator: Casaria Tuttle

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

Telephone: (503) 947-6033

.....

Rule Caption: Extend time period licenses can be suspended for convicted wildlife violations in Wildlife Violator Compact states.

Date:	Time:	Location:
12-7-07	8 a.m.	3406 Cherry Ave. NE Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.750

Stats. Implemented: HB 2970 (Ch. 257 OL 2007)

Proposed Amendments: Rules in 635-001

Last Date for Comment: 12-7-07

Summary: These rules will extend the period of time in which the Oregon Fish and Wildlife Commission can suspend the hunting and angling licenses of individuals convicted of wildlife violations in any of the Wildlife Violator Compact member states.

Rules Coordinator: Casaria Tuttle

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

Telephone: (503) 947-6033

.....

Rule Caption: Amendment of Rules for the Issuance and Management of Developmental Fishery Permits.

Date:	Time:	Location:
12-7-07	8 a.m.	3406 Cherry Ave. NE Salem, OR 97303

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.146, 506.036, 506.109, 506.119

Stats. Implemented: ORS 506.036, 506.109, 506.119, 506.129, 506.450 - 506.465

Proposed Adoptions: Rules in 635-005, 635-006

Proposed Amendments: Rules in 635-005, 635-006

Proposed Repeals: Rules in 635-005, 635-006

Last Date for Comment: 12-7-07

Summary: Adopt and amend rules as determined necessary to establish the developmental fishery species list; make changes to reflect Senate Bill 241 amendments; and for developmental crab fisheries. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Casaria Tuttle

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

Telephone: (503) 947-6033

.....

Rule Caption: Reporting requirements for instructor collected fees and housekeeping.

Date:	Time:	Location:
12-7-07	8 a.m.	3406 Cherry Ave. NE Salem, OR

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496 & 497

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.360

Proposed Amendments: Rules in 635-048

Last Date for Comment: 12-7-07

NOTICES OF PROPOSED RULEMAKING

Summary: To establish a fee for an individual student to attend a basic hunter education or bowhunter education class and the process for collection and usage of these course fees.

To continue the consistent minimum time period for certified courses.

To make consistent the issuance of duplicate certificates of course completions.

Rules Coordinator: Casaria Tuttle

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

Telephone: (503) 947-6033

**Department of Human Services,
Addictions and Mental Health Division: Addiction Services
Chapter 415**

Rule Caption: Correct an error in OAR 415-051-0045 referring to “outpatient” treatment.

Stat. Auth.: ORS 409.410, 409.420

Stats. Implemented: ORS 430.240 – 430.590

Proposed Amendments: 415-051-0045

Last Date for Comment: 11-23-07

Summary: OAR 415-051-0045 “Clinical Supervision and Staffing Pattern” rules are being amended to correct an error referring to “outpatient” treatment. Specifically, to remove the term “outpatient” from the rule, making the rule applicable to all alcohol and other drug abuse treatment programs, rather than the “outpatient” only.

Rules Coordinator: Richard Luthe

Address: Department of Human Services, Addictions and Mental Health Division: Addiction Services, 500 Summer St. NE, E-86, Salem, OR 97301

Telephone: (503) 947-1186

**Department of Human Services,
Administrative Services Division and Director’s Office
Chapter 407**

Rule Caption: Amendment to the customer service complaint rule.

Date:	Time:	Location:
11-26-07	10–11 a.m.	Human Services Bldg. Rm. 137A 500 Summer St. NE Salem, OR 97301

Hearing Officer: Jennifer Bittel

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 411.977

Proposed Amendments: 407-005-0110

Last Date for Comment: 11-29-07, 5 p.m.

Summary: Amends the customer service complaint rule by adding a provision requiring the Department to inform individuals about the written customer service complaint process when the individual has expressed verbal dissatisfaction with customer service.

Proposed rules are available on the DHS Website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>.

For hardcopy requests, call: (503) 947-5250.

Rules Coordinator: Jennifer Bittel

Address: Department of Human Services, Administrative Services Division and Director’s Office, 500 Summer St., NE, E-03, Salem, OR 97301

Telephone: (503) 947-5250

**Department of Human Services,
Children, Adults and Families Division:
Self-Sufficiency Programs
Chapter 461**

Rule Caption: Changing OARs affecting public assistance, medical assistance or food stamp clients.

Date:	Time:	Location:
11-21-07	11 a.m.	Rm. 254 500 Summer St. NE Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 410.070, 411.060, 411.070, 411.660, 411.816, 414.042, 418.100, 2007 OL ch. 861

Other Auth.: Federal Deficit Reduction Act of 2005, Section 6021; Balanced Budget Act of 1997, Ticket to Work and Work Incentives Improvement Act of 1997; Balanced Budget Act of 1997, Ticket to Work Act of 1999; 20 USC 1112; 20 USC 1142; 20 USC 1163; 20 USC 1165; 38 USC 1805; 38 USC 1815; 7 CFR 273.9(d)(3)(vii); 7 CFR 273.11(a)(1); 7 CFR 273.11(c)(3)(iii); 20 CFR 416.1160 to 416.1169; 42 CFR 435.916; 42 CFR 435.930; 45 CFR Parts 98 & 99

Stats. Implemented: ORS 18.854, 18.900, 409.010, 410.070, 411.060, 411.070, 411.122, 411.620, 411.630, 411.635, 411.640, 411.660, 411.690, 411.700, 411.703, 411.708, 411.816, 414.025, 414.042, 418.100, 2007 OL ch. 861

Proposed Adoptions: 461-160-0855

Proposed Amendments: 461-001-0000, 461-001-0035, 461-115-0700, 461-135-0725, 461-135-0780, 461-135-0835, 461-140-0220, 461-145-0030, 461-145-0108, 461-145-0220, 461-145-0580, 461-150-0047, 461-155-0250, 461-155-0270, 461-155-0300, 461-160-0040, 461-160-0055, 461-160-0410, 461-160-0415, 461-160-0550, 461-160-0580, 461-160-0620, 461-160-0800, 461-170-0130, 461-175-0270, 461-180-0085, 461-190-0195, 461-195-0501, 461-195-0511, 461-195-0521, 461-195-0551

Proposed Repeals: 461-145-0180, 461-160-0810, 461-160-0820, 461-160-0850

Last Date for Comment: 11-27-07

Summary: OAR 461-001-0000, 461-135-0835, and 461-140-0220 are being amended and OAR 461-160-0855 is being adopted to implement a Long Term Care Partnership Program in Oregon. Under this program, a client in the Oregon Supplemental Income Program Medical (OSIPM - providing services to the aged and people with disabilities) who has purchased a qualified long term care insurance partnership policy and has received payments under that policy will receive two additional benefits when he or she applies for Medicaid. First, the client will receive a resource exclusion in the amount of the long term care payments that he or she has received. Second, the client will have an amount equal to the long term payments that he or she had received at Medicaid application protected from estate administration collection when he or she passes away. OAR 461-001-0000 is being amended to add a definition for “Qualified Partnership Policy.” OAR 461-135-0835 is being amended to prohibit collection on a deceased client’s estate in the amount of total payments received from a Qualified Partnership Policy at the time of Medicaid application. OAR 461-140-0220 is being amended to specify that the amount of resources excluded due to payments received from a Qualified Partnership Policy can be transferred by the client without causing a Medicaid disqualification. OAR 461-160-0855 is being adopted to require exclusion of an amount of resources equal to the total amount of payments received by the client from a Qualified Partnership Policy at Medicaid application, and to cross-reference to the prohibition on estate collection in OAR 461-135-0835.

OAR 461-001-0035, 461-135-0725, and 461-160-0800 are being amended and OAR 461-160-0810, 461-160-0820, and 461-160-0850 are being repealed to implement changes to the OSIP/OSIPM Employed Persons with Disabilities (EPD) program. The “employment” eligibility requirement will only cover a person who pays Federal Insurance Contribution Act (FICA) taxes, Self-Employment Contributions Act (SECA) taxes, or shows clear and convincing evidence of self-employment. The current rule included anyone receiving credit for employment toward Social Security benefits. These changes eliminate the definitions of “attached to the workforce”, “client contribution”, “cost share”, and “premium”; add a definition of “participant liability”. These amendments also change the participant liability requirement to a flat fee, \$100 per month per participant payment instead of the current approach which is based on unearned income and special needs. The rules covering the OSIP-EPD and OSIPM-EPD clients for room and board costs in addition to their participant liability payments are being reorganized to make the easier to follow.

NOTICES OF PROPOSED RULEMAKING

OAR 461-115-0700 about required verification in the General Assistance (GA), General Assistance Medical (GAM), Oregon Supplemental Income Program (OSIP), Oregon Supplemental Income Program Medical (OSIPM) and Qualified Medicare Beneficiary (QMB) Programs is being amended to change the policy regarding the requirement to verify countable liquid resources. The rule is being amended to state that if total countable liquid resources for the financial group do not exceed \$1,250, verification of the value of the resource is generally not required. Currently, countable liquid resources are verified regardless of the amount.

OAR 461-135-0780 (eligibility for Pickle Amendment clients in the OSIPM program), 461-155-0250 (income and payment standard for OSIP and OSIPM), 461-155-0270 (payment standard for OSIP and OSIPM clients in nonstandard living arrangements), 461-155-0300 (shelter-in-kind standard for OSIP, OSIPM, QMB), 461-160-0580 (excluded resource - community spouse provision in the OSIP and OSIPM programs except OSIP-EPD and OSIPM-EPD), and 461-160-0620 (income deductions and client liability for Long Term Care Services and Waivered Services) are being amended to adjust these standard to reflect the annual federal cost of living adjustments that happen every January. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes in the cost of living. OAR 461-155-0250 is also being amended to indicate that the allowances for clothing and personal incidentals apply to individual in a nursing facility, not individuals in long-term care. This rule is being further amended to remove the earnings standard for the OSIP/OSIPM EPD program as part of other rule changes designed to comply with federal requirements that apply to this program.

OAR 461-145-0030 about bank accounts is being amended to change the treatment of interest and dividends earned on funds in bank accounts in the Oregon Supplemental Income Program (OSIP), Oregon Supplemental Income Program Medical (OSIPM) and Qualified Medicare Beneficiary (QMB) Programs. The rule is being amended to state that interest and dividends earned on funds in a bank account are excluded as income. Under the current rule, in most circumstances, this income was counted as unearned income.

OAR 461-145-0108 about dividends, interest, and royalties is being amended to change the treatment of interest and dividends earned on funds in bank accounts in the Oregon Supplemental Income Program (OSIP), Oregon Supplemental Income Program Medical (OSIPM), and Qualified Medicare Beneficiary (QMB) programs. This rule is being amended to state that interest and dividends earned on funds in a bank account are excluded as income. Previously, in most circumstances, this income was counted as unearned income.

OAR 461-145-0180 about the treatment of family support payments is being repealed because family support payments no longer exist as a distinct category. Many of the payments that might have been considered "family support payments" are covered in OAR 461-145-0410 about the treatment of program benefits.

OAR 461-145-0220 is being amended to change the treatment of the value of a home in the General Assistance (GA), General Assistance Medical (GAM), Oregon Supplemental Income Program (OSIP), Oregon Supplemental Income Program Medical (OSIPM) and Qualified Medicare Beneficiary (QMB) programs during temporary periods of absence. This rule is being amended to expand an exclusion of the value of a home to cover temporary periods of absence if the absent client has provided evidence that he or she will return to the home. Currently, this exclusion only applies to single adults.

OAR 461-145-0580 about the treatment of veterans' benefits in the eligibility process is being amended to state that OSIP (Oregon Supplemental Income Program, OSIPM (OSIP Medical), and Title XIX waived service clients who receive a payment covering a previous period of eligibility and fail to turn over the payment to the Department are liable for an overpayment. This rule is also being amended to state that the recovery of other reimbursements to clients in

other programs is the recovery of an overpayment. This rule is being further amended to reorganize and clarify the rule, update citations to excluded Vietnam veterans payments, and make the excluded Vietnam Veterans benefits consistent with the Family Services Manual and current practice.

OAR 461-150-0047 about budgeting income for cases in the Simplified Reporting System (SRS) is being amended to clarify that self employment income that has been annualized is not automatically recalculated at the time an Interim Change Report form is processed.

OAR 461-160-0040 is being amended to list specific situations in which child care is not covered in the ERDC-BAS (child care for working families), REF (Refugee), and TANF programs. These situations concern clients who work from home, are self-employed, provide child care in a residence, or work for a non-certified child care provider in the provider's residence. This rule is also being amended to correct a mistaken reference to the REFM (Refugee Medical) program when the rule should state the REF program.

OAR 461-160-0055 is being amended to clarify the programs to which the rule applies and to clarify that in order to allow costs of an animal as a medical deduction in the Food Stamp program, the animal must have received professional training to provide a service to the client. The term companion animal is also being removed because most companion animals are pets with no professional training and will not be eligible for this deduction. This amendment was previously included in the July 2007 Notice of Public Rulemaking but later withdrawn.

OAR 461-160-0410 is being amended to correct policy about the proration of deductions for filing groups in the Food Stamp program that contain unqualified, ineligible noncitizens. Currently, this rule requires proration when utility costs are billed to the noncitizen. This rule will be amended to indicate that costs are not prorated when billed to a noncitizen if the income of a filing group member who meets the citizenship or alien status requirement is used to pay the cost. The filing group consists of the household members whose circumstances are considered in the Food Stamp eligibility process. This rule is also being amended to add cross-references and follow standard formatting.

OAR 461-160-0415 about medical deductions in the Food Stamp program is being amended to state that medical costs paid via credit card are treated the same way as medical costs paid in full and that the resulting ongoing credit card payments are not allowable as ongoing medical costs. This rule is also being amended to state that medical costs that have been paid in a previous eligibility certification period are not allowable medical deductions. This rule is also being amended to add cross-references.

OAR 461-160-0550 about determining adjusted income for clients in the GA (General Assistance, currently closed), GAM (General Assistance Medical, currently closed), QMB (Qualified Medicare Beneficiaries) programs and for clients in the Oregon Supplemental Income Program (except OSIP EPD) and Oregon Supplemental Income Program Medical Program (except OSIPM EPD) who live in the community, do not receive SSI, and do not receive Title XIX waived services is being amended to add the allocation and deeming mechanisms of the federal regulations. Under this amendment, when an adult individual applies for Oregon Supplemental Income Medical (OSIPM) or Qualified Medicare Beneficiary (QMB) programs and has an ineligible spouse and ineligible children in the household, some of the income is allocated and deemed from the ineligible spouse to those children before it is considered in the eligibility determination for the applying adult. Under this amendment, if a child is applying, some of the income from the ineligible parents must be deemed to the children in the house who are not applying before it is considered as potential income to the child applicant.

OAR 461-170-0130 about acting on reported changes in several medical programs and OAR 461-180-0085 about the effective date for a redetermination of eligibility in several medical programs are being amended to more clearly identify the other medical programs

NOTICES OF PROPOSED RULEMAKING

for which eligibility is reviewed prior to a reduction or closure of medical benefits.

OAR 461-175-0270 about the types of notices sent to clients who start or change specific reporting systems is being amended to state more clearly that the continuing benefit decision notice is sent when the Department changes a client's reporting system. A client who receives a continuing benefit hearing notice may request continuing benefits while a hearing request is pending.

OAR 461-190-0195 is being amended to make permanent a temporary rule change adopted on September 1, 2007. This rule is about the Degree Completion Initiative which assists TANF parents who are undergraduates to complete their education. This amendment limits the eligible educational institutions to four-year colleges or universities and community colleges approved or accredited by the Northwest Commission on Colleges and Universities (NWCCU) for those schools located in the accrediting region of the NWCCU or by the regional equivalent of the NWCCU for any school that is outside the accrediting region of the NWCCU. Two-year vocational training programs outside of community colleges will not be considered part of the Degree Completion Initiative.

OAR 461-195-0501 is being amended to expand the scope of what is considered an overpayment, pursuant to ORS 411.640 as amended by HB 2191. The expanded definition covers misspent and misappropriated payments and failure to reimburse the Department when required by law. This rule is also being amended to define a fraud overpayment.

OAR 461-195-0511 about child care overpayments is being amended to expand the scope of what is considered a child care overpayment pursuant to ORS 411.640 as amended by HB 2191. The expanded definition covers misspent and misappropriated payments.

OAR 461-195-0521 about special rules for the calculation of overpayments is being amended as part of the implementation of HB 2191 which amended ORS 411.640. This rule is being amended to cover overpayments incurred when a client receives assistance payments from the Department and is also compensated from another source for the same services. This amendment clarifies the calculation of these types of overpayments. This amendment also clarifies how cash medical child support is treated.

OAR 461-195-0551 is being amended (as part of the implementation of HB2191) to address the authority of the Department to issue a notice of garnishment upon issuance of a warrant for the recovery of overpayments.

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, Children, Adults and Families Division: Self-Sufficiency Programs, 500 Summer St. NE, E-48, Salem, OR 97301

Telephone: (503) 945-6067

.....
**Department of Human Services,
Division of Medical Assistance Programs
Chapter 410**

Rule Caption: Clarify policies, including enrollment, covered services and encounter rate determination.

Date:	Time:	Location:
11-16-07	10:30 a.m.	HSB Bldg. Rm. 137A 500 Summer St. NE Salem, Oregon

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.050, 404.110 & 414.065

Other Auth.: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, OAR 410 division 120, 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93-638. sec. 1603 of Title 25

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-146-0000, 410-146-0020, 410-146-0021, 410-146-0040, 410-146-0060, 410-146-0075, 410-146-0080,

410-146-0100, 410-146-0120, 410-146-0130, 410-146-0140, 410-146-0160, 410-146-0200, 410-146-0220, 410-146-0240, 410-146-0340, 410-146-0380, 410-146-0440, 410-146-0460

Proposed Repeals: 410-146-0025, 410-146-0180, 410-146-0400, 410-146-0420

Proposed Renumberings: 410-146-0080 to 410-146-0085 & 410-146-0086

Last Date for Comment: 11-23-07

Summary: The **American Indian/Alaska Native (AI/AN) Services** Program administrative rules govern DMAP payments for services to certain clients. DMAP will revise, repeal and renumber the rules listed above for the following: to ensure current policies and procedures for AI/AN providers are clear and that Oregon Administrative Rules (OARs) are not open to interpretation by the provider or outside parties; to ensure providers are aware of and can be compliant with DMAP policy direction and program requirements; to allow DMAP to enforce program requirements if a provider is out of compliance; to facilitate providers' compliance with enrollment, payment methodology, service coverage and limitations, clinic reporting and billing requirements; and to remove and reference information found in other DMAP rules. Other OAR references are included to aide the provider in locating information. Text will be revised to improve readability and take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301

Telephone: (503) 945-6927

.....

Rule Caption: January 2008 revisions to clarify text.

Date:	Time:	Location:
11-16-07	10:30 a.m.	HRB Rm. 137A 500 Summer St. NE Salem, Oregon

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.050, 414.065

Stats. Implemented: 414.065

Proposed Amendments: 410-123-1000, 410-123-1060, 410-123-1100, 410-123-1160, 410-123-1200, 410-123-1220, 410-123-1240, 410-123-1260, 410-123-1490, 410-123-1620, 410-123-1670

Proposed Repeals: 410-123-1040

Last Date for Comment: 11-23-07

Summary: The **Dental Services Program** administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to certain clients. DMAP will amend rules and repeal one rule to clarify current policies and procedures to ensure these rules are not open to interpretation by the provider or outside parties and to help eliminate confusion possibly resulting in non-compliance.

DMAP will clarify current OARs to help facilitate provider compliance with payment methodology, service coverage and limitations, prior authorizations, and billing requirements. Text will be revised to improve readability and take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301

Telephone: (503) 945-6927

.....

Rule Caption: 1/01/08 Pharmacy Policy Updates.

Date:	Time:	Location:
11-16-07	10:30 a.m.	HSB Bldg. Rm. 137A 500 Summer St. NE Salem, Oregon

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.050, 404.110 & 414.065

Other Auth.: Title 19 of the Social Security Act, Title 42 Public Health of the Code of Federal Regulations, OAR 410 division 120,

NOTICES OF PROPOSED RULEMAKING

and 42USC1396a(bb) and 1396d (United States Code 42, Chapter 7, Subchapter 19). Public Law 93 -638. sec. 1603 of Title 25

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-121-0040, 410-121-0135, 410-12-0140, 410-121-0146, 410-121-0148, 410-121-0150, 410-121-0155, 410-121-0160, and 410-121-0300

Last Date for Comment: 11-23-07

Summary: DMAP will amend the rules regarding dispensing medication for Long Term Care, Community Based facilities, and Intermediate Care facilities to update and be consistent with the Board of Pharmacy, across DHS divisions and follow current prescribing practices for those institutions. DMAP will amend rules as follows: LTC dispensing policy, rule 410-121-0148: to cover the changes in dispensing and rule 410-121-0160 to change reimbursement. Rule 410-121-0140: to provide updated definitions for community based care living facility, long term care facility, intermediate care facility, and Average Manufacturers Price (AMP). Rule 410-121-0155: to reflect the change from modified unit dosing. Rule 410-121-0135: so all clients will not be required to use a designated pharmacy. Clients with patterns of overutilization pursuant to 42 CFR 431.54 that meet certain criteria may be required to use a single pharmacy; 410-121-0150: to correct a billing address; 410-121-0300: for updates due to federal changes regarding the definition of AMP and how FUL is calculated.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

.....

Rule Caption: Expand OB APM to RHCs that serve communities from areas of unmet health care need.

Date:	Time:	Location:
11-16-07	10:30 a.m.	HRB Rm. 137A 500 Summer St. NE Salem, Oregon

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409-050, 414.065

Stats. Implemented: 414.065

Proposed Amendments: 410-147-0365

Last Date for Comment: 11-23-07

Summary: The **Federally Qualified Health Centers (FQHC) and Rural Health Clinics (RHC) Program** administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to certain clients. DMAP will revise 410-147-0365 to ensure client access to OB services, including labor and delivery services, in frontier and rural areas. Text will be revised to improve readability and to take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

.....

Rule Caption: January 2008 revisions.

Date:	Time:	Location:
11-16-07	10:30 a.m.	HRB Rm. 137A 500 Summer St. NE Salem, Oregon

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.010, 409.050, 409.110 & 414.065

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-129-0070, 410-129-0200

Last Date for Comment: 11-23-07

Summary: The **Speech-language pathology, Audiology/Hearing Aid Program** administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to certain clients. DMAP needs to amend OAR 410-129-0070 Limitations, to clarify that up to four speech therapy re-evaluations in a 12-month period are allowed; and 410-129-0200 Procedure Codes, to add pro-

cedure code S9152 Speech therapy, re-evaluation that allows providers to bill for a speech re-evaluation with the correct procedure code. Text will be revised to improve readability and take care of necessary "housekeeping" changes.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

.....

Rule Caption: January 1, 2008 revision for prior authorization codes.

Date:	Time:	Location:
11-16-07	10:30 a.m.	HRB Rm. 137A 500 Summer St. NE Salem, Oregon

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409-010, 409-050, 410-110 & 414.065

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-125-0080

Last Date for Comment: 11-23-07

Summary: The **Hospital Services Program** administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to certain clients. DMAP will revise OAR 410-125-0080 to allow for consistency between prior authorization codes the Med-Surg and Hospital Services programs.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

.....

Rule Caption: January 2008 revisions.

Date:	Time:	Location:
11-16-07	10:30 a.m.	HRB Rm. 137A 500 Summer St. NE Salem, Oregon

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409-010, 409.050, 409.110 & 414.065

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-127-0060

Last Date for Comment: 11-23-07

Summary: The **Home Health Services Program** administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to certain clients. DMAP will amend 410-127-0060 Reimbursement and Limitations, to remove the fee schedule from rule. The fee schedule is already in the Home Health Supplemental Information Guide and is not needed in rule. Text will be revised to improve readability and take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301
Telephone: (503) 945-6927

.....

Rule Caption: January 2008 revisions.

Date:	Time:	Location:
11-16-07	10:30 a.m.	HRB Rm. 137 500 Summer St. NE Salem, Oregon

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409.010, 409.050, 409.110 & 414.065

Stats. Implemented: ORS 414.065

Proposed Adoptions: 410-122-xxxx

Proposed Amendments: 410-122-0202, 410-122-0203, 410-122-0320, 410-122-0325, 410-122-0330, 410-122-0380, 410-122-0678, 410-122-0720

Last Date for Comment: 11-23-07

Summary: The **Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Program** administrative rules govern Division of Medical Assistance Programs' (DMAP) pay-

NOTICES OF PROPOSED RULEMAKING

ments for services provided to certain clients. DMAP will adopt: 410-122-xxxx Ankle-Foot-Orthoses and Knee-Ankle-Foot-Orthoses: Establishes conditions of coverage. DMAP will amend as follows:

410-122-0202 Continuous Positive Airway Pressure Devices: Corrects limitations for some CPAP accessories.

410-122-0203 Oxygen and Oxygen Equipment: Recodifies the rule for clarification purposes.

410-122-0320 Manual Wheelchair Base, 410-122-0325 Motorized/Power Wheelchair Base, 410-122-0330 Power-Operated Vehicle and 410-122-0720 Pediatric Wheelchair: Removes the word "entirely" from the following sentence: "The client has a mobility limitation that significantly impairs their ability to accomplish mobility-related activities of daily living (MRADL) entirely."

410-122-0320 Manual Wheelchair Base and 410-122-0720 Pediatric Wheelchair:

* For a tilt-in-space wheelchair request: requires documentation that a standard base with a reclining back option will not meet the client's needs.

* Adds coverage for the following: One month's rental for a manual adult tilt-in-space wheelchair (E1161) may be covered for a client residing in a nursing facility when all of the following conditions are met:

(A) The anticipated nursing facility length of stay is 30 days or less;

(B) The conditions of coverage for a manual tilt-in-space wheelchair are met;

(C) The client is expected to have an ongoing need for this same wheelchair after discharge to the home setting;

(D) Coverage is limited to one month's rental.

410-122-0325 Motorized/Power Wheelchair Base: Replaces this sentence: "The client is unable to stand and pivot to transfer due to a neurological condition or myopathy." with this sentence: "The client's mobility limitation is due to a neurological condition, myopathy or congenital skeletal deformity."

410-122-0325 Motorized/Power Wheelchair Base and 410-122-0330 Power-Operated Vehicle: Adds that a nurse practitioner may conduct a face-to-face exam of a client.

410-122-0380 Hospital Beds: Rewrites rule to clarify conditions of coverage.

410-122-0678 Dynamic Adjustable Extension/Flexion Devices: Rewrites rule to add conditions of coverage

Text will be revised to improve readability and take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301

Telephone: (503) 945-6927

.....

Rule Caption: Reimbursement method for non-contracted Hospitals; definitions, RVU weights, copayments and recoupment from providers.

Date:	Time:	Location:
11-16-07	10:30 a.m.	HRB Rm. 137A 500 Summer St. NE Salem Oregon

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 414.050, 409.010, 409.110 & 414.065

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-120-0000, 410-120-1200, 410-120-1230, 410-120-1295, 410-120-1320, 410-120-1340, 410-120-1395, 410-120-1397, 410-120-1560, 410-120-1570

Last Date for Comment: 11-23-07

Summary: The **General Rules Program** administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to certain clients. Rules will be amended as follows: 410-120-0000 and 410-120-1200: to add definition to clarify items in other General rules; 410-120-1295: to comply with a new ORS specifying reimbursement for non-contracted Hospitals; 410-

120-1340: to update the RVU weights and to clarify DMAP's obligation, under Medicaid law, for reimbursement when a client has Medicare/Medicaid coverage; 410-120-1395: to strengthen program integrity rules in order to comply with CMS guidance; 410-120-1397, 410-120-1560 & 410-120-1570: to allow a DHS contractor to perform claim audits and request recoupments from providers; and, 410-120-1230: to change co-payments for generic drugs as an incentive for clients to use more generics than Brand drugs. Text will be revised to improve readability and take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301

Telephone: (503) 945-6927

.....

Rule Caption: Comply with DMAP Dental program rules and permanently amend a Temporary rule.

Date:	Time:	Location:
11-16-07	10:30 a.m.	HRB Rm. 137A 500 Summer St. NE, Salem Oregon

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 414.050, 409.010, 409.110 & 414.065

Stats. Implemented: ORS 414.065

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

Last Date for Comment: 11-23-07

Summary: The **Oregon Health Plan (OHP) Program** administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to clients. DMAP will amend 410-141-0480 to clarify current policies and procedures to ensure these rules are not open to interpretation by the provider or outside parties and to help eliminate confusion, possibly resulting in non-compliance. Revisions made to coincide with proposed changes to OAR 410-123-1490 in the DMAP Dental program. This revision will help facilitate provider compliance with payment methodology, service coverage and limitations, prior authorizations and billing requirements. DMAP needs to make permanent the Temporary filing for 410-141-0520 to reference the 2005 (-07) Oregon Health Services Commission's Prioritized List of Health Services with technical changes effective October 1, 2007. Text will be revised to improve readability and take care of necessary "housekeeping" corrections

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301

Telephone: (503) 945-6927

.....

Rule Caption: January 2008 Revisions.

Date:	Time:	Location:
11-16-07	10:30 a.m.	HRB Rm. 137A 500 Summer St. NE Salem, Oregon

Hearing Officer: Darlene Nelson

Stat. Auth.: ORS 409-010, 409.050, 409.110 & 414.065

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-142-0020

Last Date for Comment: 11-26-07

Summary: The **Hospice Services Program** administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to certain clients. DMAP will amend 410-127-0020, Definitions, in order to be in compliance with federal regulations for state Medicaid hospice services. Text will be revised to improve readability and make necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301

Telephone: (503) 945-6927

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Amending Medicaid Managed Care Provider Tax rules to clarify tax rate, definitions, penalties, and sunset.

Date: 11-26-07
Time: 1:30–2:30 p.m.
Location: Human Services Bldg.
Rm. 137A
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Jennifer Bittel

Stat. Auth.: ORS 409.050, 410.070, 411.060

Other Auth.: Public Law 109-432, Section 403 (2006)

Stats. Implemented: OL 2003, ch. 736, sec. 45 & 50 (uncodified, see note following ORS 409.750)

Proposed Adoptions: 410-050-0185

Proposed Amendments: 410-050-0100, 410-050-0110, 410-050-0120, 410-050-0130, 410-050-0140, 410-050-0150, 410-050-0160, 410-050-0170, 410-050-0180, 410-050-0190, 410-050-0200, 410-050-0210, 410-050-0220, 410-050-0230, 410-050-0240, 410-050-0250

Last Date for Comment: 11-29-07, 5 p.m.

Summary: The proposed Medicaid Managed Care Provider Tax rule modifications provide additional definitions and greater clarification of the application of penalties for late reporting and payment. The rules reduce the tax rate to 5.5% to comply with federal law and extend the sunset date of the provider tax program to October 1, 2009.

Proposed rules are available on the DHS Website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>

For hardcopy requests, call: (503) 947-5250.

Rules Coordinator: Jennifer Bittel

Address: Department of Human Services, 500 Summer St., NE, E-03, Salem, OR 97301

Telephone: (503) 947-5250

Rule Caption: Amending Hospital Provider Tax rules to clarify definitions, use of funds, penalties, and sunset.

Date: 11-26-07
Time: 1:30–2:30 p.m.
Location: Human Services Bldg.
Rm. 137A
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Jennifer Bittel

Stat. Auth.: ORS 409.050

Stats. Implemented: OL 2003, ch. 736, sec. 9 (uncodified, see note following ORS 409.750)

Proposed Adoptions: 410-050-0805

Proposed Amendments: 410-050-0700, 410-050-0710, 410-050-0720, 410-050-0730, 410-050-0740, 410-050-0750, 410-050-0760, 410-050-0770, 410-050-0780, 410-050-0790, 410-050-0800, 410-050-0810, 410-050-0820, 410-050-0830, 410-050-0840, 410-050-0850, 410-050-0860, 410-050-0861, 410-050-0870

Last Date for Comment: 11-29-07, 5 p.m.

Summary: The hospital provider tax proposed rules provide additional definition and greater clarification of the application of penalties for late reporting and payment. The rules restrict the use of Hospital Provider Tax revenues for hospital services and extend the sunset date of the provider tax program to October 1, 2009.

Proposed rules are available on the DHS Website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>

For hardcopy requests, call: (503) 947-5250.

Rules Coordinator: Jennifer Bittel

Address: Department of Human Services, 500 Summer St., NE, E-03, Salem, OR 97301

Telephone: (503) 947-5250

Rule Caption: Amending Long Term Care Provider Tax rules to clarify definitions, penalties, reports and sunset.

Date: 11-26-07
Time: 1:30–2:30pm
Location: Human Services Bldg.
Rm. 137A
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Jennifer Bittel

Stat. Auth.: ORS 409.050, 410.070, 411.060

Stats. Implemented: OL 2003, ch. 736 (uncodified, see note following ORS 409.750); OL 2007, ch. 780

Proposed Adoptions: 410-050-0496, 410-050-0601

Proposed Amendments: 410-050-0401, 410-050-0411, 410-050-0421, 410-050-0431, 410-050-0451, 410-050-0461, 410-050-0471, 410-050-0481, 410-050-0491, 410-050-0501, 410-050-0511, 410-050-0521, 410-050-0531, 410-050-0541, 410-050-0551, 410-050-0561, 410-050-0591

Proposed Repeals: 410-050-0441, 410-050-0571, 410-050-0581

Last Date for Comment: 11-29-07 5 p.m.

Summary: The proposed Long Term Care Provider Tax rule modifications are pursuant to passage of HB3057. The proposed rules provide additional definitions and greater clarification of existing definitions. The proposed rules clarify the application of penalties for late reporting and late payment of provider tax. The rules modify required annual revenue reports from all Long Term Care Facilities and specify penalties for non reporting or late reporting. The rules clarify the Department Director's annual determination of Waivered Long Term Care Facilities from provider taxation. The rules extend the sunset date of the provider tax program to July 1, 2014.

Proposed rules are available on the DHS Website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>

For hardcopy requests, call: (503) 947-5250.

Rules Coordinator: Jennifer Bittel

Address: Department of Human Services, 500 Summer St., NE, E-03, Salem, OR 97301

Telephone: (503) 947-5250

Rule Caption: Disclosure or Exchange of Specific Protected Health Information for Treatment Purposes.

Date: 11-16-07
Time: 10:30 a.m.
Location: HRB Rm 137A
500 Summer St NE
Salem, OR

Hearing Officer: Darlene Nelson

Stat. Auth.: SB 163 (2007), OL 2007, ch. 798. ORS 409.010, 409.050

Stats. Implemented: ORS 414.065, 414.727, 414.050, 414.010, 192.518 – 192.526

Proposed Amendments: 410-141-0180

Last Date for Comment: 12-3-07

Summary: The Oregon Health Plan (OHP) Program administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to clients. DMAP will amend OAR 410-141-0180, because Section 2 of SB 163 requires that DHS adopt rule language that defines the protected health information that may be disclosed without individual authorization between DHS and managed care organizations involved in treatment activities of the individual. DMAP will amend this rule to provide this information so the disclosure of information may occur in the manner authorized by statute. Text will be revised to improve readability and take care of necessary "housekeeping" corrections.

Rules Coordinator: Darlene Nelson

Address: Department of Human Services, Division of Medical Assistance Programs, 500 Summer St. NE, E-35, Salem, OR 97301

Telephone: (503) 945-6927

NOTICES OF PROPOSED RULEMAKING

Department of Human Services, Public Health Division Chapter 333

Rule Caption: Medical Marijuana.

Date:	Time:	Location:
11-21-07	9 a.m.	Portland State Office Bldg. Conference Rm. 1B 800 NE Oregon St. Portland, OR 97232

Hearing Officer: Staff

Stat. Auth.: ORS 475.338

Other Auth.: SB 161 (ch. 573, 2007 Laws)

Stats. Implemented: ORS 475.300 – 475.346

Proposed Amendments: Rules in 333-008

Last Date for Comment: 11-26-07, 5 p.m.

Summary: The Oregon Department of Human Services, Public Health Division is proposing to make changes in Oregon Administrative Rules, OAR 333, Division 008, to implement Senate Bill 161 which will become effective on January 1, 2008, make housekeeping amendments, and make changes to the application fee schedule.

Rules Coordinator: Judy Murdza

Address: Department of Human Services, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232

Telephone: (971) 673-0561

.....

Rule Caption: In-Home Care Agencies.

Date:	Time:	Location:
12-3-07	1 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1-B Portland, OR 97232

Hearing Officer: Staff

Stat. Auth.: ORS 443.340

Other Auth.: OL 2007, Ch. 897

Stats. Implemented: ORS 443.305 – 443.350

Proposed Adoptions: 333-536-0105

Proposed Amendments: 333-536-0005 – 333-536-0010, 333-536-0020, 333-536-0030, 333-536-0040, 333-536-0050, 333-536-0070 – 333-536-0100

Proposed Repeals: 333-536-0100

Last Date for Comment: 12-5-07, 5 p.m.

Summary: The Oregon Department of Human Services, Public Health Division is proposing to make changes in Oregon Administrative Rules implementing Senate Bill 958 concerning in-home care agencies, clarifying requirements for in-home care agencies, and making housekeeping amendments. The amendments include fee changes and civil penalty authority.

Rules Coordinator: Judy Murdza

Address: Department of Human Services, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232

Telephone: (971) 673-0561

.....

Rule Caption: Emergency Medical Technicians.

Date:	Time:	Location:
11-26-07	1 p.m.	LaGrande Fire Dept. 1806 Cove Ave. LaGrande, OR 97850
11-29-07	1 p.m.	Lane Community College 4000 E 30, Bldg.17, Rm. 309 Eugene, OR
12-7-07	9 a.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1-B Portland, OR 97232

Hearing Officer: Robert E. Leopold, Jana Fussell

Stat. Auth.: ORS 682.025, 682.135, 682.145, 682.155, 682.157, 682.175, 682.185, 682.215, 682.255, 682.265

Stats. Implemented: ORS 682.025, 682.145, 682.155, 682.157, 682.175, 682.185, 682.215, 682.255, 682.265

Proposed Adoptions: 333-265-0012, 333-265-0014, 333-265-0016, 333-265-0018, 333-265-0022, 333-265-0023, 333-265-0180, 333-265-0190

Proposed Amendments: 333-265-0000, 333-265-0010, 333-265-0020, 333-265-0025, 333-265-0030, 333-265-0040, 333-265-0050, 333-265-0060, 333-265-0070, 333-265-0080, 333-265-0090, 333-265-0100, 333-265-0110, 333-265-0140, 333-265-0150, 333-265-0160, 333-265-0170

Proposed Repeals: 333-265-0120, 333-265-0130

Last Date for Comment: 12-11-07, 5 p.m.

Summary: The Oregon Department of Human Services, Public Health Division is proposing to make changes in Oregon Administrative Rules, OAR 333, Division 265, to streamline and clarify rules, address requirements for training and certification of certified first responders and EMTs, and propose changes in fees effective on January 1, 2008.

Rules Coordinator: Judy Murdza

Address: Department of Human Services, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232

Telephone: (971) 673-0561

.....

Department of Justice Chapter 137

Rule Caption: Modify OAR to be in compliance with HB 2154. Expand the medical examiner to include physicians and physician assistants.

Date:	Time:	Location:
11-19-07	2 p.m.	4035 12th St. SE Salem, OR 97302

Hearing Officer: Karen Heywood

Stat. Auth.: ORS 147, sec. 1–3 and 11, Ch. 789, OL 2003

Stats. Implemented: ORS 147, sec. 1–3 and 11, Ch. 789, OL 2003

Proposed Amendments: 137-084-0005, 137-084-0010, 137-084-0020, 137-084-0500

Last Date for Comment: 11-19-07

Summary: The proposed rule revisions brings the above rule in compliance with the passage of HB 2154 to allow for medical assessments including the collection of forensic evidence to be provided to victims of sexual assault without requiring that they report to law enforcement.

Rules Coordinator: Carol Riches

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

Telephone: (503) 947-4700

.....

Rule Caption: Child support administrative requirements for medical child support.

Stat. Auth.: ORS 25.321, 25.325, 180.345

Stats. Implemented: ORS 25.325

Proposed Amendments: 137-055-4620

Last Date for Comment: 12-21-07, 5 p.m.

Summary: OAR 137-055-4620 is being amended to delete the requirement that the administrator make a determination of appropriateness before issuing a National Medical Support Notice.

Rules Coordinator: Vicki Tungate

Address: Department of Justice, 494 State Street, Suite 300 Salem, OR 97301

Telephone: (503) 986-6086

.....

Rule Caption: Amends Notice of Garnishment Model Forms to Respond to Legislative Changes.

Stat. Auth.: ORS 18.854(8)

Stats. Implemented: ORS 18.600 – 18.857, SB 84 (2007), SB 303 (2007)

Proposed Amendments: 137-060-0100, 137-060-0110, 137-060-0130, 137-060-0140, 137-060-0150, 137-060-0160, 137-060-0200, 137-060-0210, 137-060-0230, 137-060-0240, 137-060-0250, 137-060-0260, 137-060-0300, 137-060-0310, 137-060-0330, 137-060-

NOTICES OF PROPOSED RULEMAKING

0340, 137-060-0350, 137-060-0360, 137-060-0400, 137-060-0410, 137-060-0430, 137-060-0440, 137-060-0450

Last Date for Comment: 11-26-07

Summary: Amends existing model garnishment forms for notices of garnishment issued by state agencies and county tax collectors.

Rules Coordinator: Carol Riches

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

Telephone: (503) 378-6313

.....
Department of Revenue
Chapter 150

Rule Caption: Property tax and senior and disabled citizen property tax deferral program.

Date:	Time:	Location:
11-27-07	10 a.m. Sign-in at 9:45	Dept. of Revenue Fishbowl Conference Rm. 955 Center St NE Salem OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 311.666, 311.676, 311.684, 311.689, 311.806, 309.115, 307.262

Proposed Amendments: 150-311.676, 150-311.684, 150-311.689, 150-311.806-(A)

Proposed Repeals: 150-309.115(1)-(A), 150-311.676-(B), 150-321.282(6)(a)-(A), 150-321.282(6)(a)-(D), 150-321.307(4), 150-321.485(4), 150-307.262(2)

Last Date for Comment: 11-27-07

Summary: 150-311.676 explains payments made by DOR on deferral accounts may not be charged interest, and are allowed a 3% discount regardless of timing of payment;

150-311.684 explains timing and requirements for repayment when property is disqualified or canceled out of the deferral program;

150-311.689 explains annual income test that must be met to continue tax deferral in subsequent years after initial approval into program;

150-311.806-A clarifies priority for refunds of overpaid property tax on an account in the deferral program.

Rules Coordinator: Debra L. Buchanan

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

Telephone: (503) 945-8653

.....
Rule Caption: Corporation income apportionment; unitary business; economic nexus; providing books and records; inheritance tax.

Date:	Time:	Location:
11-27-07	10 a.m. Sign-in at 9:45	Dept. of Revenue Fishbowl Conference Rm. 955 Center St NE Salem OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100, ch. 568, OL 2007, ch. 00004 OL, 314.280

Stats. Implemented: Ch. 568, OL 2007, ch. 00004 OL 2007, ORS 305.270, 314.280, 314.425, 314.400, 314.466, 314.615, 315.354, 317.010, 317.705

Proposed Adoptions: 150-Chapter 568, OL 2007, 150-Chapter 00004, OL 2007, 150-317.010, 150-314.425-(B)

Proposed Amendments: 150-293.250(2), 150-305.270(4)-(A), 150-305.270(10), 150-314.280-(E), 150-314.280-(G), 150-314.280-(H), 150-314.280-(I), 150-314.280-(J), 150-314.280-(K), 150-314.280-(L), 150-314.400(1), 150-314.615-(D), 150-314.615-(E), 150-317.705(3)(a), 150-317.705(3)(b), 150-315.354(5)

Proposed Repeals: 150-118.005, 150-314.466-(B)

Last Date for Comment: 11-27-07

Summary: 150-Chapter 568, Oregon Laws 2007 is adopted to describe the reporting requirements for taxpayers participating in listed transactions as defined by 2007 SB 39.

150-Chapter 00004, Oregon Laws 2007 is adopted to define "Oregon sales" of corporations that do not apportion business income under ORS 314.650 to 314.665 for purposes of the 67 percent corporation tax credit provided in 2007 HB 2031.

150-317.010 is adopted to clarify that a corporation may have substantial nexus in Oregon, even if it doesn't have physical presence in the State. The language is based on various court decisions on the issue of economic nexus.

150-314.425-(B) is adopted to provide that, in an audit, taxpayers must provide copies of books or records or make the documents available for copying by department staff. Department requests must be reasonable and relevant to the audit. If the requirement to provide copies creates a hardship for taxpayers, alternative solutions will be found.

150-293.250(2) is amended to better describe what accounts may be assigned for collection by the Other Agency Accounts Unit under ORS 293.250.

150-305.270(4)-(A) and 150-305.270(10) are amended to remove references to the Small Claims Division of the Oregon Tax Court, which was eliminated with legislation adopted in 2005.

150-314.280-(E), 150-314.280-(G), 150-314.280-(H), 150-314.280-(I), 150-314.280-(J), 150-314.280-(K) and 150-314.280-(L) are updated to reflect the requirement to use single sales factor apportionment formula for tax years starting on or after July 1, 2005. A definition of "sales" for purposes of the sales factor is added to 150-314.280-(E). References to "revenue factor," "revenues" or "receipts" in the rules are replaced with "sales factor" or "sales" to be consistent with policy established in OAR 150-317.710(5)(b) that all taxpayers, other than insurance companies, use the same apportionment factors.

150-314.400(1) is amended to reflect 2007 legislative changes that allow the department to demand filing of a return one month after the due date if the return is required to be filed more often than annually.

150-314.615-(D), 150-314.615-(E), 150-317.705(3)(a) and 150-317.705(3)(b) are amended to reflect changes made by 2007 SB 178. The bill replaced the term 'single trade or business' with 'unitary business' and revised the language related to the criteria used to determine the existence of a unitary business or group of corporations.

150-315.354(5) is amended to reflect renumbering of ORS 315.354 and to clarify wording.

150-118.005 and 150-314.466-(B) are obsolete and are repealed.

Rules Coordinator: Debra L. Buchanan

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

Telephone: (503) 945-8653

.....
Rule Caption: Interest, penalty waivers; apportioning refunds; tax credits; nonresident tax exemptions; real estate transaction withholding.

Date:	Time:	Location:
11-27-07	10 a.m. Sign-in at 9:45	Dept. of Revenue Fishbowl Conference Rm. 955 Center St NE Salem OR

Hearing Officer: Staff

Stat. Auth.: ORS 305.100, 305.145, 305.220, 315.262, ch. 864, OL 2007

Stats. Implemented: ORS 18.385, 305.145, 305.220, 305.992, 314.415, 315.262, 315.521, 316.127, ch. 864, OL 2007

Proposed Adoptions: 150-315.521, 150-316.127(10), 150-Chapter 864, OL 2007

NOTICES OF PROPOSED RULEMAKING

Proposed Amendments: 150-18.385-(A), 150-305.145(3), 150-305.220(2), 150-305.992, 150-314.415(7), 150-315.262, 150-316.127-(E)

Last Date for Comment: 11-27-07

Summary: 150-315.521 is adopted to explain the calculation of the tax credit allowed under ORS 315.521 for donations made to a university venture development fund. The rule clarifies the amount of federal deduction that must be added to taxable income when the deduction serves as the basis for the tax credit.

150-316.127(10) is adopted to illustrate when nonresidents working on the waterways of two states qualify for income exemption under the provisions of ORS 316.127 and to clarify that they are not exempt under the existing rules of the Amtrak Act (P.L. 101-322).

150-Chapter 864, Oregon Laws 2007 is adopted to explain the calculation of withholding on certain real property conveyances entered into by nonresidents or C corporations not doing business in Oregon. The rule provides definitions and examples.

150-18.385-(A) is amended to reflect statutory changes made by Chapter 496, 2007 Laws relating to exemptions from garnishment.

150-305.145(3) is amended to clarify interest waiver provisions and to explain that the waiver for electronically filed returns applies only one time.

150-305.220(2) is amended to clarify the interest starting date in the examples.

150-305.992 is amended to add an example that further illustrates when a return has previously been assessed a lower penalty, the penalty will not be increased to the 100 percent penalty.

150-314.415(7) is amended to clarify how refunds are apportioned for nonresident spouses.

150-315.262 is amended to reflect changes made by 2007 legislation (HB 2752), which allows taxpayers with a disabled spouse to claim the Working Family Childcare tax credit if the disability prevents the spouse from caring for the child. The rule defines "physical or cognitive condition" and "activities of daily living" for purposes of the credit.

150-316.127-(E) is amended to clarify that taxpayers who claim exemption from Oregon taxation based on the federal Amtrak Act (P.L. 101-322) must maintain records adequate to establish that the duties they performed meet the criteria of the federal act.

Rules Coordinator: Debra L. Buchanan

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

Telephone: (503) 945-8653

Department of State Lands, South Slough National Estuarine Reserve Chapter 142

Rule Caption: Regarding fees charged for certain programs and services at the South Slough National Estuarine Research Reserve.

Date:	Time:	Location:
12-4-07	4-5:30 p.m.	North Bend Public Library Conference Rm. 1800 Sherman Ave. North Bend, OR 97420

Hearing Officer: Liz Bott

Stat. Auth.: ORS 273.554

Stats. Implemented: ORS 273.554(2)

Proposed Amendments: 142-010-0005 – 142-010-0060

Last Date for Comment: 1-11-08

Summary: These rules outline the procedures that will be used by the Management Commission of the South Slough National Estuarine Research Reserve to assess and collect fees for certain services and programs offered by the South Slough National Estuarine Research Reserve. The Reserve is a 5,000-acre coastal protected site located near Charleston, on the southern Oregon Coast. The reserve provides educational programs for schools, professionals, and the public, conducts research and land management activities in the Reserve and provides certain research, education and land manage-

ment services related to estuaries. These rules will establish the process and policies that will be used to establish or revise the fees.

Rules Coordinator: Elizabeth Bott

Address: Department of State Lands, South Slough National Estuarine Reserve, 775 Summer St. NE, Suite 100, Salem, OR 97301-1279

Telephone: (503) 986-5239

Department of Transportation Chapter 731

Rule Caption: Removes the fee for email transmission of documents in response to a records request.

Stat. Auth.: ORS 184.616, 184.619, 192.430, 192.440, 2007 OL Ch. 756

Stats. Implemented: ORS 192.410 – 192.505

Proposed Amendments: 731-001-0025

Last Date for Comment: 11-21-07

Summary: In 2006, ODOT added new fees and increased existing fees for public records requests, subject to legislative approval. HB 5048 (2007) approved the fee changes except for the \$5 fee to transmit records by email. As a result, the department stopped charging the email transmission fee as of July 12, 2007, the effective date of the legislation, and is proposing to amend its rule to remove the fee.

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

Rules Coordinator: Lauri Salsbury

Address: Department of Transportation, 355 Capitol St. NE, Rm. 29, Salem, OR 97301

Telephone: (503) 986-3171

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

Rule Caption: Disabled Person Parking Permits.

Date:	Time:	Location:
11-19-07	10 a.m.	Transportation Bldg. Rm. 122 Salem, OR

Hearing Officer: Liz Woods

Stat. Auth.: ORS 184.616, 184.619, 802.010, 811.602, 811.607, 811.609 & ch. 70 OL 2007

Stats. Implemented: ORS 811.602, 811.604, 811.605, 811.606, 811.607, 811.609 & 811.611

Proposed Amendments: 735-080-0020, 735-080-0040, 735-080-0080

Proposed Repeals: 735-080-0010, 735-080-0030

Last Date for Comment: 11-21-07

Summary: Chapter 411, Oregon Laws 2005 (HB 3047) directed Legislative Counsel to prepare legislation for 2007 to change the term "disabled person" to the term "persons with disabilities" in Oregon law in order to emphasize the individual rather than the disability. Chapter 70, Oregon Laws 2007 (SB 83) implements this legislative mandate. DMV is amending the above referenced rules to comply with these statutory changes. The term "disabled person parking permit" is still used in statute so DMV will continue to use that term when describing that actual permit, placard or decal.

Chapter 468 Oregon Laws 2007 (SB 716) requires the Department to issue a wheelchair user disabled person parking placard or decal. Amendments to OAR 735-080-0020 and 735-080-0040 implement this statute and set forth the requirements for issuance and renewal, respectively, of the wheelchair user placard or decal.

OAR 735-080-0020 is rewritten in its entirety to make the rule more readable and the requirements more understandable. The application requirements of OAR 735-080-0030 are being placed in OAR 735-080-0020. DMV is repealing OAR 735-080-0010 because the definitions are unnecessary and confusing.

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: Lauri Salsbury
Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301
Telephone: (503) 986-3171

.....

Rule Caption: Medical Programs including Commercial Driver License Medical Qualifications.

Date:	Time:	Location:
11-19-07	11 a.m.	Transportation Bldg. Room 122 Salem, OR

Hearing Officer: Liz Woods

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.012, 807.040, 807.050, 807.070, 807.080, 807.340, 807.350, 807.710 & 809.419
Stats. Implemented: ORS 802.012, 802.540, 807.040 – 807.060, 807.070, 807.100, 807.150, 807.340, 807.350, 807.400, 807.710 & 809.419

Proposed Amendments: 735-060-0120, 735-062-0000, 735-062-0073, 735-062-0090, 735-062-0200, 735-064-0040, 735-074-0080, 735-074-0140, 735-074-0180, 735-076-0002, 735-076-0007, 735-076-0018, 735-076-0020, 735-076-0035

Proposed Ren. & Amends: 735-074-0260 to 735-063-0050, 735-074-0270 to 735-063-0055, 735-074-0280 to 735-063-0060 & 735-074-0290 to 735-063-0065

Last Date for Comment: 11-21-07

Summary: Chapter 195, Oregon Laws 2007 (HB 2176) amends ORS 807.090 switching responsibility for determining if a person is medically eligible for driving privileges from the Department of Human Services in the guise of State Health Office to DMV through a designated Medical Determination Officer. ORS 809.070 is also amended so that a person must receive a determination of eligibility from the Medical Determination Officer rather than obtain a certificate of eligibility from the State Health Officer. Many of the above listed rules are being amended to change references from the State Health Office or State Health Officer to Medical Determination Officer and that the person is receiving a medical determination rather than obtaining a certificate of eligibility. OAR 735-064-0040 is being amended because Section 4 Chapter 195 Oregon Laws 2007 amends ORS 807.270 to change language around who must be satisfied that an applicant for a probationary permit is physically and mentally competent to safely operate a motor vehicle. DMV, rather than the State Health Officer now must be satisfied based on a medical report.

Chapter 434, Oregon Laws 2007 (SB 620) amends ORS 807.090 and 807.710 to include a Doctor of Naturopathic Medicine in the definition of physician. OAR 735-074-0080 and 735-076-0002, both of which list definitions for DMV medical programs, are being amended to include a Doctor of Naturopathic Medicine in the definition of “physician” instead of in the definition of “health care provider.”

The rules that are being moved, renumbered and amended are specific to Commercial Driver License (CDL) qualifications and are out of place in OAR Chapter 735 Division 74 which addresses mandatory reporting of cognitive and functional impairments that make a person unable to safely operate a motor vehicle. These rules are being amended to clarify: 1) what qualifies as a medical certificate needed to operate a commercial motor vehicle; 2) where a person can get the various certificates; 3) that DMV will suspend commercial driving privileges if notified that a person no longer qualifies for commercial driving privileges; and 4) other needed clarification.

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

Rules Coordinator: Lauri Salsbury
Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301
Telephone: (503) 986-3171

.....

Rule Caption: Vision Standards and Driving Privileges for Persons with a Limited Vision Condition.

Date:	Time:	Location:
11-19-07	9 a.m.	Transportation Bldg. Rm. 122 Salem, OR

Hearing Officer: Liz Woods

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.070, 807.350, ch. 277, OL 2003, ch. 588, OL 2007

Stats. Implemented: ORS 807.070, ch. 277, OL 2003 & ch. 588, OL 2007

Proposed Adoptions: 735-062-0390

Proposed Amendments: 735-062-0050, 735-062-0320, 735-062-0330 & 735-062-0380

Last Date for Comment: 11-21-07

Summary: Chapter 588, Oregon Laws 2007 (SB 728) makes changes to the program allowing limited driving privileges to a person with a low vision condition who uses a bioptic telescopic lens while driving. OAR 735-062-0320 and 735-062-0380 must be amended to remove the restriction of only driving on roads with a designated or posted speed of 45 mph or less. Chapter 588, Oregon Laws 2007 added a new provision allowing nighttime driving under certain circumstances for those with a limited vision condition using a bioptic telescopic lens. DMV proposes to amend OAR 735-062-0330 to add the requirements for a nighttime driving training program and to adopt OAR 735-062-0390 to establish procedures for DMV to issue driving privileges without a daylight driving only restriction to a person who qualifies and meets the training requirements for night time driving established by this rule.

DMV is also proposing amendments to OAR 735-062-0050 regarding vision standards to clarify that a person may be granted driving privileges without meeting vision standards if they qualify under the limited vision condition program. Other changes are made to this rule for clarity.

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

Rules Coordinator: Lauri Salsbury
Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301
Telephone: (503) 986-3171

.....

Rule Caption: Proof of Compliance with Oregon Low-Emission Vehicle Program Standards; Exempt Vehicles.

Date:	Time:	Location:
11-16-07	10 a.m.	Transportation Bldg. Rm. 122 Salem, OR

Hearing Officer: Liz Woods

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.350 & ch. 366, OL 2007

Stats. Implemented: ORS 803.350 & ch. 366, OL 2007

Proposed Adoptions: 735-030-0300 – 735-030-0330

Last Date for Comment: 11-21-07

Summary: Background: In June 2006, the Oregon Department of Environment Quality (DEQ) adopted rules requiring 2009 and newer vehicles to meet California vehicle emission standards. The DEQ rules are codified at OAR chapter 340, division 257, as the “Oregon Low Emission Vehicle Program” (LEV standards).

Chapter 366, Oregon Laws 2007, amended ORS 803.350 to require DMV to deny registration of “new motor vehicles” that do not meet LEV standards. “New motor vehicle” means a motor vehicle—model year 2009 or newer—with 7,500 miles or less on the odometer when the vehicle is initially registered under ORS 803.420(1), 805.100 or 805.120. The legislative amendment also requires DMV to determine by rule what constitutes proof of compliance with LEV standards and which motor vehicles are exempt from LEV standards.

Proposed Rule Change: DMV proposes to adopt OAR 735-030-0300 to 735-030-0340 to: (1) establish proof of compliance with LEV standards for purposes of initial registration under ORS

NOTICES OF PROPOSED RULEMAKING

803.350; (2) identify motor vehicles that are exempt from LEV standards, and (3) define terms contained in the rules.

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

Rules Coordinator: Lauri Salisbury

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301

Telephone: (503) 986-3171

Rule Caption: DMV Hearings.

Stat. Auth.: ORS 183.341, 184.616, 184.619, 192.440, 802.179, 802.010, 802.183, 802.220, 802.230, 813.410, 813.440, 822.515, 822.530 & 825.412

Stats. Implemented: ORS 802.177, 802.179, 802.200, 802.220, 802.230, 813.410, 813.440, 822.515, 825.410 & 825.412

Proposed Amendments: 735-010-0045, 735-070-0190, 735-090-0000, 735-090-0020, 735-090-0051, 735-090-0120, 735-090-0130, 735-160-115

Last Date for Comment: 11-21-07

Summary: Chapter 849, Oregon Laws 1999 (HB 2525) created the Hearing Officer Panel in a pilot program. Oregon Chapter 75, Oregon Laws 2003 (HB 2526) made the creation permanent and renamed it the Office of Administrative Hearings (OAH). Before the creation of the Hearing Officer Panel, DMV used its own hearing officers to conduct implied consent and APA Hearings in DMV cases. After its creation, OAH has maintained staff at DMV Headquarters and some of the responsibilities for different tasks related to DMV hearings have become blurred. The OAH intends to consolidate its staff and move all of its staff from the DMV Headquarters building in December 2007. In preparing for this move, DMV has reviewed its rules regarding DMV hearings and believe the amendments proposed in OAR Chapter 735 Division 90 and OAR 735-160-0115 will clarify who has responsibility for different tasking in conducting DMV administrative hearings, i.e. whether the task is the sole responsibility of DMV as an agency, the sole responsibility of OAH as an agency, or the responsibility of DMV, with OAH acting as DMV's agent by providing services for DMV under DMV administrative rules.

Other needed amendments include:

- In OAR 735-010-0045 deleting references to tape recordings because the recording is now done digitally
- In OAR 735-070-0190 changing the term hearing officer to administrative law judge.

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

Rules Coordinator: Lauri Salisbury

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301

Telephone: (503) 986-3171

Rule Caption: Removes Reference to "Fee Increase," adds term "Fee Change."

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.420 & ch. 664, OL 2007

Stats. Implemented: ORS 803.420 & ch. 664, OL 2007

Proposed Amendments: 735-032-0050

Last Date for Comment: 11-21-07

Summary: Under ORS 803.420, registration fee amounts for motor homes (as defined under ORS 801.350) are based on vehicle length. The greater the length, the higher the registration fee.

Chapter 664, Oregon Laws 2007, amended ORS 803.420, in part to decrease to \$54 the registration fee amount for motor homes 14 feet and under in length. The law change prompted DMV to review OAR 735-032-0050, the rule that sets timelines for registration fee changes. Finding: While the rule does address registration fee increases [emphasis added], it says nothing about fee decreases. It should address both—increase and decrease. To fix that, the term

"fee increase" is deleted and replaced with "fee change." Other, non-substantive changes are made to improve readability.

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

Rules Coordinator: Lauri Salisbury

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301

Telephone: (503) 986-3171

Rule Caption: Traffic Offenses used in Driver Improvement, Habitual Offender and other DMV Programs.

Stat. Auth.: ORS 184.616, 184.619, 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, 735-072-0035

Last Date for Comment: 11-21-07

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. OAR 735-072-0035 is used only in the Driver Improvement Programs and contains a list of traffic offenses where it takes five offenses listed to equal one driver improvement violation. During the 2007 legislative session, several bills were enacted creating new traffic offenses or amending current traffic offense statutes where changes are required in OAR 735-064-0220 and 735-072-0035. DMV proposes to amend OAR 735-04-0220 and 735-072-0035 to implement these laws.

DMV also proposes to move the offense of operating a Class 1 ATV without driving privileges from OAR 735-064-0220 to OAR 735-072-0035 which is appropriate.

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

Rules Coordinator: Lauri Salisbury

Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301

Telephone: (503) 986-3171

Department of Transportation, Highway Division Chapter 734

Rule Caption: Outdoor advertising sign rules for Protected Areas; definitions.

Date:	Time:	Location:
11-16-07	11 a.m.	Transportation Bldg. Rm. 122 Salem, OR

Hearing Officer: Liz Woods

Stat. Auth.: ORS 377.710

Other Auth.: HB 2273 (effective 5/31/07)

Stats. Implemented: ORS 377.710

Proposed Adoptions: 734-059-0020, 734-059-0025, 734-059-0030, 734-059-0050

Last Date for Comment: 11-21-07

Summary: The legislation changed what types of signs require permits from the state. Some signs that formerly did not need a permit will need one now, and some that did have permits will not need them under the new system. Also, the state did not have an inventory and information on all signs under its jurisdiction - only on those that had a permit under the old system. Therefore it is impossible to know how many of the signs will have their status changed by the statute. The administrative rules simply flesh out the broad terms given by the legislature.

NOTICES OF PROPOSED RULEMAKING

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

Rules Coordinator: Lauri Salsbury
Address: Department of Transportation, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, Rm. 29, Salem, OR 97301
Telephone: (503) 986-3171

.....
Employment Department
Chapter 471

Rule Caption: Requires unemployment insurance benefits to be paid primarily by electronic funds transfer or stored value card.

Stat. Auth.: ORS 293.525

Stats. Implemented: ORS 657.225

Proposed Amendments: 471-030-0050

Last Date for Comment: 11-15-07

Summary: Proposed amendment is to change primary payment of unemployment insurance benefits to electronic funds transfer or stored value card.

Rules Coordinator: Janet Orton

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

Telephone: (503) 947-1724

.....
Employment Relations Board
Chapter 115

Rule Caption: Establishes fees to apply for and remain on the Employment Relations Board Panel of Arbitrators.

Date:	Time:	Location:
11-21-07	10:45 a.m.	Employment Relations Board Rm. 340 528 Cottage St. NE Salem, OR 97301

Hearing Officer: Paul B. Gamson, Board Chair

Stat. Auth.: ORS 243.667(7)

Other Auth.: SB 58, OR Legislature 2007

Stats. Implemented: ORS 662.445

Proposed Amendments: 115-040-0030

Last Date for Comment: 11-26-07

Summary: These rules implement the fee schedule established in Senate Bill 58, which was passed by the 2007 Legislative Assembly and signed into law by the Governor.

Rules Coordinator: Leann G. Wilcox

Address: Employment Relations Board, 528 Cottage St. NE, Suite 400, Salem, OR 97301-3807

Telephone: (503) 378-8610

.....
Rule Caption: Amends rules which establish fees the Employment Relations Board charges for services.

Date:	Time:	Location:
11-21-07	10:45 a.m.	Employment Relations Board Rm. 340 528 Cottage St. NE Salem, OR 97301

Hearing Officer: Paul B. Gamson, Board Chair

Stat. Auth.: ORS 243.667(7)

Other Auth.: HB 2070, OR Legislature 2007

Stats. Implemented: ORS 240.610, 243.672, 663.180, 683.185

Proposed Amendments: 115-010-0032, 115-010-0115, 115-035-0035, 115-040-0005, 115-070-0000, 115-070-0035

Last Date for Comment: 11-26-07

Summary: These rules make permanent the temporary rules to implement House Bill 2070, which increases the fees to file an answer to a public sector unfair labor practice complaint and establishes filing fees and answer fees for private sector unfair labor practice charges. These rules also amend fees that have been in place since at least 2000 and no longer cover the cost of providing services, and update rules to account for new technology used in the current business environment.

Rules Coordinator: Leann G. Wilcox
Address: Employment Relations Board, 528 Cottage St. NE, Suite 400, Salem, OR 97301-3807
Telephone: (503) 378-8610

.....
Rule Caption: Establishes rules for public employees to designate a collective bargaining representative without an election.

Date:	Time:	Location:
11-21-07	10:45 a.m.	Employment Relations Board Rm. 340 528 Cottage St. NE Salem, OR 97301

Hearing Officer: Paul B. Gamson, Board Chair

Stat. Auth.: ORS 243.776(7), 243.682(2)(b)

Other Auth.: HB 2891, OR Legislature 2007

Stats. Implemented: ORS 243.682, 243.692

Proposed Amendments: 115-025-0000, 115-025-0010, 115-025-0015, 115-025-0020, 115-025-0023, 115-025-0025, 115-025-0030, 115-025-0035, 115-025-0065, 115-025-0070, 115-025-0075

Last Date for Comment: 11-26-07

Summary: These rules make permanent the temporary rules which established procedures for the Employment Relations Board to certify a labor organization as a public employee collective bargaining representative without an eleven ("card check"). House Bill 2891, passed by the 2007 Legislative Assembly and signed into law by the Governor, requires the agency to adopt such rules.

Rules Coordinator: Leann G. Wilcox

Address: Employment Relations Board, 528 Cottage St. NE, Suite 400, Salem, OR 97301-3807

Telephone: (503) 378-8610

.....
Land Conservation and Development Department
Chapter 660

Rule Caption: Urban and Rural Reserves in the Portland Metro Area.

Date:	Time:	Location:
11-29-07	8:30 a.m.	Siuslaw Forest Office 4077 SW Research Way Corvallis, OR
1-24-08	8:30 a.m.	Beaverton Community Ctr. Community Rm. 12350 SW 5th Street Beaverton, OR

Hearing Officer: LCDC

Stat. Auth.: ORS 197.040; sec. 6(6) and sec. 11 of 2007 SB 1011 (ch. 723 OL 2007)

Other Auth.: Statewide planning goals (OAR 660, div 15), especially Goals 3, 4, 11 & 14

Stats. Implemented: ORS 195.145; ch. 723 OL 2007 & 2007 legislative amendments to ORS 195.145

Proposed Adoptions: Rules in 660-027

Last Date for Comment: 1-24-08

Summary: The proposed new rules, to be codified under a proposed new division 27 of OAR 660, will specify a process and criteria for the designation of urban and rural reserves in the Portland Metropolitan area. These rules are required in order to conform to new state laws enacted by SB 1011 (2007), which is codified as Chapter 723, Oregon Laws 2007. Under Section 11 of SB 1011 (2007), the Land Conservation and Development Commission (LCDC) is required to adopt, by goal or by rule, a process and criteria for designating rural reserves pursuant to section 3 of that 2007 Act, and a process and criteria for designating urban reserves pursuant to amendments to ORS 195.145 enacted by section 6 of that 2007 Act. LCDC must adopt these new rules no later than January 31, 2008.

Rules Coordinator: Sarah Watson

Address: Land Conservation and Development Department, 635 Capitol St. NE, Suite 150, Salem, OR 97301

Telephone: (503) 373-0050, ext. 271

NOTICES OF PROPOSED RULEMAKING

Landscape Architect Board Chapter 804

Rule Caption: The Code of Conduct for landscape architects is being revised and reorganized.

Date:	Time:	Location:
11-16-07	8:30 a.m.	Sunset Center South Conference Rm. Salem, OR

Hearing Officer: Timothy VanWormer

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.393

Proposed Ren. & Amends: 804-050-0001 to 804-050-0005, 804-050-0001 to 804-050-0010, 804-050-0001 to 804-050-0015

Last Date for Comment: 11-16-07, Close of Hearing

Summary: The Code of Professional Conduct will now have three distinct sections, each section dealing with a responsibility of a Landscape Architect. The sections are as follows: 1) Responsibility to the Board; 2) Responsibility to the Profession; and 3) Responsibility to the Employer. Both revisions to the current rule and additions to the current rule have occurred in the new rule.

Rules Coordinator: Susanna Knight

Address: Sunset Center South, 1193 Royvonne Ave SE, Suite 19, Salem, OR 97302

Telephone: (503) 589-0093

Landscape Contractors Board Chapter 808

Rule Caption: Clarifies House Bill 2538 re: continuing education for landscape contractors.

Date:	Time:	Location:
11-15-07	8 a.m.	Roth's IGA Oregon Rm. 1130 Wallace Rd. Salem, OR
11-19-07	11 a.m.	City Council Chambers 710 NW Wall St. Bend, OR
11-28-07	9 a.m.	OLCA 147 SE 102nd Ave. Portland, OR
11-30-07	11 a.m.	City Council Chambers 411 W 8th St. Medford, OR

Hearing Officer: Staff

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: HB 2538 (OL 2007, ch. 550)

Proposed Adoptions: 808-040-0010, 808-040-0020, 808-040-0025, 808-040-0030, 808-040-0040, 808-040-0050, 808-040-0060, 808-040-0070, 808-040-0080

Last Date for Comment: 11-30-07, 5 p.m.

Summary: 808-040-0010 — Clarifies when continuing education applies

808-040-0020 — Clarifies continuing education requirement

808-040-0025 — Clarifies eligible programs and activities

808-040-0030 — Clarifies how continuing education hours are measured

808-040-0040 — Clarifies acceptable subject matter for continuing education

808-040-0050 — Clarifies program approval process

808-040-0060 — Clarifies continuing education audit

808-040-0070 — Clarifies waiver of continuing education requirement

808-040-0080 — Clarifies continuing education requirement for reinstatement of license

Rules Coordinator: Kim Gladwill-Rowley

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

Telephone: (503) 378-5909

Rule Caption: Clarifies SB 62 regarding filing claims for construction liens.

Date:	Time:	Location:
11-15-07	8 a.m.	Roth's IGA Oregon Rm. 1130 Wallace Rd. Salem, OR
11-19-07	11 a.m.	City Council Chambers 710 NW Wall St. Bend, OR
11-28-07	9 a.m.	OLCA 147 SE 102nd Ave. Portland, OR
11-30-07	11 a.m.	City Council Chambers 411 W 8th St. Medford, OR

Hearing Officer: Staff

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: SB 62 (OL 2007, ch. 149)

Proposed Adoptions: 808-002-0590, 808-004-0530

Proposed Amendments: 808-002-0220, 808-002-0325, 808-004-0250, 808-004-0340

Last Date for Comment: 11-30-07, 5 p.m.

Summary: 808-002-0590 — Defines "Lienor"

808-004-0530 — Adds section regarding what is required to show a valid lien claim and what may be awarded.

808-002-0220 — Adds "Lien Claim" to definition of claims.

808-002-0325 — Clarifies direct contractual relationship with a construction lien claim

808-004-0250 — Clarifies an order in a lien claim may include attorney fees, court costs, interest and service charges.

808-004-0340 — Lists what is required to be submitted to show a construction lien claim.

Rules Coordinator: Kim Gladwill-Rowley

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

Telephone: (503) 378-5909

Rule Caption: Clarifies what is required at time of application and renewal for license for any unpaid court judgments, arbitration awards or administrative agency final orders.

Date:	Time:	Location:
11-15-07	8 a.m.	Roth's IGA Oregon Rm. 1130 Wallace Rd. Salem, OR
11-19-07	11 a.m.	City Council Chambers 710 NW Wall St. Bend, OR
11-28-07	9 a.m.	OLCA 147 SE 102nd Ave. Portland, OR
11-30-07	11 a.m.	City Council Chambers 411 W 8th St. Medford, OR

Hearing Officer: Staff

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: SB 63 (OL 2007, ch. 151)

Proposed Amendments: 808-003-0015, 808-003-0230

Last Date for Comment: 11-30-07, 5 p.m.

Summary: 808-003-0015 — Clarifies what is required at the time of application for a license for any unpaid court judgments, arbitration awards or administrative agency final orders.

808-003-0230 — Clarifies what is required at the time of renewal of a license for any unpaid court judgments, arbitration awards or administrative agency final orders.

Rules Coordinator: Kim Gladwill-Rowley

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

Telephone: (503) 378-5909

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Clarifies what is required for owner or managing employee.

Date:	Time:	Location:
11-15-07	8 a.m.	Roth's IGA Oregon Rm. 1130 Wallace Rd. Salem, OR
11-19-07	11 a.m.	City Council Chambers 710 NW Wall St. Bend, OR
11-28-07	9 a.m.	OLCA 147 SE 102nd Ave. Portland, OR
11-30-07	11 a.m.	City Council Chambers 411 W 8th St. Medford, OR

Hearing Officer: Staff

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: HB 2074 (OL 2007, ch. 249)

Proposed Adoptions: 808-002-0630, 808-002-0625, 808-030-0010, 808-030-0020, 808-030-0030, 808-030-0040, 808-030-0050, 808-030-0060, 808-030-0070

Proposed Amendments: 808-002-0734, 808-003-0060

Last Date for Comment: 11-30-07, 5 p.m.

Summary: 808-002-0625 — Defines Manages or shares in the management

808-002-0734 — Deletes definition of manages or shares in the management

808-003-0060 — Clarifies applicant for probationary license must pass all parts of the examination within 12 months

808-030-0010 — Clarifies owner/managing employee

808-030-0020 — Clarifies course requirements

808-003-0030 — Clarifies requirements for course providers

808-030-0040 — Clarifies course material and subjects to be covered

808-030-0050 — Clarifies testing requirements

808-030-0060 — Clarifies testing subversion

808-030-0070 — Clarifies course expiration

Rules Coordinator: Kim Gladwill-Rowley

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

Telephone: (503) 378-5909

.....

Rule Caption: Clarifies requirement for probationary license.

Date:	Time:	Location:
11-15-07	8 a.m.	Roth's IGA Oregon Rm. 1130 Wallace Rd. Salem, OR
11-19-07	11 a.m.	City Council Chambers 710 NW Wall St. Bend, OR
11-28-07	9 a.m.	OLCA 147 SE 102nd Ave. Portland, OR
11-30-07	11 a.m.	City Council Chambers 411 W 8th St. Medford, OR

Hearing Officer: Staff

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: HB 2076 (OL 2007, Chapter 111) & HB 2075 (OL 2007, ch. 399)

Proposed Amendments: 808-003-0015, 808-003-0018, 808-003-0035, 808-003-0040, 808-003-0045, 808-003-0060

Last Date for Comment: 11-30-07, 5 p.m.

Summary: 808-003-0015 — Clarifies requirement for application for a license for probationary license

808-003-0018 — Clarifies the owner may be the licensed landscape contractor for the landscaping business

808-003-0035 — Adds Probationary as a license category

808-003-0040 — Clarifies limitations for probationary license

808-003-0045 — Clarifies how to have probationary status removed.

808-003-0060 — Clarifies the examination sections and timelines for a probationary license

Rules Coordinator: Kim Gladwill-Rowley

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

Telephone: (503) 378-5909

.....

Rule Caption: Changes title of Landscape Contractor and Landscaping Business per HB 2117 (Oregon Laws 2007).

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: HB 2117 (OL 2007, ch. 541)

Proposed Amendments: 808-001-0020, 808-002-0020, 808-002-0210, 808-002-0220, 808-002-0280, 808-002-0328, 808-002-0330, 808-002-0500, 808-002-0540, 808-002-0665, 808-002-0870, 808-002-0900, 808-002-0920, 808-003-0010, 808-003-0015, 808-003-0018, 808-003-0020, 808-003-0030, 808-003-0035, 808-003-0040, 808-003-0045, 808-003-0090, 808-003-0095, 808-003-0100, 808-003-0105, 808-003-0110, 808-003-0112, 808-003-0125, 808-003-0130, 808-003-0135, 808-003-0200, 808-003-0220, 808-003-0225, 808-003-0230, 808-003-0235, 808-003-0255, 808-003-0440, 808-004-0120, 808-004-0320, 808-004-0340, 808-004-0400, 808-004-0450, 808-004-0540, 808-004-0600, 808-005-0020

Last Date for Comment: 11-21-07, 5 p.m.

Summary: Changes title of Landscape Contractor to Landscape Construction Professional and title of Landscaping Business to Landscape Contracting Business

Rules Coordinator: Kim Gladwill-Rowley

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

Telephone: 378-5909

.....

Oregon Criminal Justice Commission Chapter 213

Rule Caption: Adopts rule governing process for awarding grants for drug court programs.

Stat. Auth.: ORS 137.656

Stats. Implemented: ORS 3.450, 137.656

Proposed Adoptions: 213-001-0010

Last Date for Comment: 11-22-07, 5 p.m.

Summary: The legislature has appropriated funding to the Oregon Criminal Justice Commission (CJC) for the purpose of awarding it for use in starting or expanding drug court programs. The Oregon legislature has directed CJC to adopt rules governing the drug court grant process. This rule is necessary to comply with that legislative directive.

The rule provides as follows: CJC must issue a written request for grant applications for all grants that exceed \$10,000.00. CJC may award smaller grants using an alternate procedure. CJC must award grant funds based on the criteria set forth in the solicitation. CJC may negotiate with a grant applicant to clarify an application or to effect modifications making the application more advantageous to CJC. In evaluating the grant applicants, CJC may consider the merits of each proposal, the geographic distribution of the grant awards, and other criteria deemed relevant by CJC. CJC shall determine the number of grants to be awarded. CJC may waive solicitation requirements or cancel the solicitation in whole or in part if such action the Commission determines that it is in its best interest to do so. CJC may amend a grant awarded under the rule. The rule is retroactive to January 1, 2006

Rules Coordinator: Craig Prins

Address: Oregon Criminal Justice Commission, 885 Summer St. NE, Salem, OR 97301

Telephone: (503) 378-4830

NOTICES OF PROPOSED RULEMAKING

Oregon Department of Education Chapter 581

Rule Caption: Specifies process for renewal of charters.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 338.065

Proposed Adoptions: 581-020-0360, 581-020-0361

Last Date for Comment: 11-28-07, 5 p.m.

Summary: Provides process for renewal of charters by charter school boards and sponsors. Also provides process for appeal to State Board of Education of decision of sponsor to not renew a charter.

Rules Coordinator: Paula Merritt

Address: 255 Capital St NE, Salem 97310

Telephone: (503) 947-5746

Oregon Housing and Community Services Chapter 813

Rule Caption: Updates eligibility criteria; clarifies uses for program funds and monitoring requirements; incorporates updates per changes to law.

Date:	Time:	Location:
11-15-07	10 a.m.	Rm. 124B

725 Summer St. NE, Suite B
Salem Oregon 97301

Hearing Officer: Heather Pate

Stat. Auth.: ORS 456.620

Stats. Implemented: ORS 456.559(1)(f)

Proposed Amendments: 813-120-0001, 813-120-0010, 813-120-0020, 813-120-0040, 813-120-0050, 813-120-0060, 813-120-0070, 813-120-0080, 813-120-0090, 813-120-0110, 813-120-0120, 813-120-0130, 813-120-0140

Proposed Ren. & Amends: 813-120-0030 to 813-120-0105, 813-120-0100 to 813-120-0035

Last Date for Comment: 12-3-07, 5 p.m.

Summary: 813-120-0001 This rule is being amended to it bring into compliance with current laws and add clarification.

813-120-0010 This rule is being amended to add the definition of "First-time Homebuyer" and "Housing" to the list of definitions. Clarifies the common definitions and terms located within the rules.

813-120-0020 Incorporates clarification language on eligible applicants for HOME funds. Amendments bring it into compliance with current law.

813-120-0035 This rule is being renumbered from 813-120-0100. Amendments describe the forms of assistance that HOME dollars shall be used for.

813-120-0040 This rule is being amended to better describe the types of eligible costs for HOME Funds.

813-120-0050 This rule is being amended to add clarifying language and update to current law.

813-120-0060 This rule is being amended for clarification on what the Department is requiring in the form of Program information.

813-120-0070 This rule is being amended to add when expenditures for Home eligible projects can begin.

813-120-0080 This rule is being amended to clarify the application process and its requirements.

813-120-0090 This rule is being amended for clarification on the application review process.

813-120-0105 This rule is being renumbered from 813-120-0030. Amendments explain the types of activities are eligible to receive HOME funds

813-120-0110 This rule is amended to clarify the general administrative and monitoring requirements for the HOME program. Additional references to applicable laws have been added.

813-120-0120 This rule is being amended for readability and clarification of noncompliance issues.

813-120-0130 This rule is being amended to add State Recipient and Subrecipient to who may be responsible for sanctions when non-compliance is identified.

813-120-0140 This rule is being amended clarify the process for requesting reconsideration of the Department's decision regarding funding.

Rules Coordinator: Sandy McDonnell

Address: 725 Summer Street NE, Suite B, Salem, Oregon 97301-1266

Telephone: (503) 986-2012

Rule Caption: Updates program name; clarifies eligible activities; requires annual report of program activities; sets records retention requirements.

Date:	Time:	Location:
11-20-07	9 a.m.	North Mall Office Bldg. Rm. 124B 725 Summer St. NE Salem, OR

Hearing Officer: Cecilia Lyons

Stat. Auth.: ORS 456.505 – 458.545

Stats. Implemented: ORS 456.505 – 458.545

Proposed Amendments: 813-250-0000, 813-250-0010, 813-250-0020, 813-250-0030, 813-250-0040

Last Date for Comment: 12-3-07, 5 p.m.

Summary: 813-250-0000 Updates the program name to General Fund Food Program and clarifies the intent of the program.

813-250-0010 Clarifies the common definitions and terms found within the rules.

813-250-0020 Identifies the Oregon Food Bank (OFB) as the organization that will carry out the activities of the program. Designates the Regional Food Banks to carry out the activities at the local level.

813-250-0030 Clarifies the eligible activities for use of the program funds.

813-250-0040 Requires the Oregon Food Bank to provide an annual report to the department. Requires the Regional Food Banks to provide a quarterly report to the Oregon Food Bank in a specified format. Specifies the records retention requirements for records pertaining to program activities and fiscal transactions.

Rules Coordinator: Sandy McDonnell

Address: North Mall Office Building, 725 Summer Street NE, Suite B, Salem, Oregon 97301-1266

Telephone: (503) 986-2012

Rule Caption: Clarifies intent of program; clarifies the eligibility criteria; requires annual review; establishes records retention requirements.

Date:	Time:	Location:
11-20-07	9 a.m.	North Mall Office Bldg. Rm. 124B 725 Summer St. NE Salem

Hearing Officer: Cecilia Lyons

Stat. Auth.: ORS 458.505 – 458.545

Stats. Implemented: ORS 458.525 – 458.530

Proposed Amendments: 813-220-0000, 813-220-0005, 813-220-0010, 813-220-0015, 813-220-0020, 813-220-0030, 813-220-0050, 813-220-0060

Last Date for Comment: 12-3-07, 5 p.m.

Summary: 813-220-0001 Clarifies the intent of the program. Designates the Oregon Food Bank as the agency responsible for administering the Emergency Food Assistance Program in Oregon.

813-220-0005 Clarifies and updates the common definitions and terms found within the rules.

813-220-0010 Designates the Oregon Food Bank as the agency responsible for administering the Emergency Food Assistance Program in Oregon. Removes language regarding the receipt of shipments containing damage or spoiled Title II commodities and changes the language to require the Oregon Food Bank and their recipient agencies to comply with all applicable state and federal rules and regulations.

NOTICES OF PROPOSED RULEMAKING

813-220-0015 Designates the Oregon Food Bank and their recipient agencies for the distribution of food commodities and allocation of funds. Stipulates the agreement terms and conditions for the Oregon Food Bank and their recipients agencies. Establishes the retention period and accessibility for records generated in the performance of the program. Sets out the responsibilities of the Oregon Food Bank and their recipients in the event of a loss of USDA commodities. Disallows the ability of the Oregon Food Bank and their recipients from charging program recipients, in money materials or services, to participate in the program.

813-220-0020 Clarifies the eligibility criteria for clients participating in the program.

813-220-0030 Incorporates clarification language on the allowable services. Allows the Oregon Food Bank and recipient agencies to conduct outreach to under-served areas.

813-220-0050 More clearly outlines how the funds may be used by the Oregon Food Bank and their recipients. Stipulates that the Oregon Food Bank will provide the Department with an annual audit of the Program within a specified period to time. Requires that records of program activities be maintained by the Oregon Food Bank and their recipient agencies for a period of three years and be made available to specified organizations. Identifies the allowable administrative costs that may be paid from program funds.

813-220-0060 Requires on-site evaluations be conducted by the Department once per fiscal year for the Oregon Food Bank and their recipients. Sets out the extent of the review process and action to be taken in the event the Oregon Food Bank or their recipient agencies are not in compliance with applicable state or federal regulations.

Rules Coordinator: Sandy McDonnell

Address: North Mall Office Building, 725 Summer Street NE, Suite B, Salem, Oregon 97301-1266

Telephone: (503) 986-2012

.....
Oregon Liquor Control Commission
Chapter 845

Rule Caption: Amend rule to create small dealers vs. large with different maximum numbers for container acceptance.

Date:	Time:	Location:
11-27-07	10 a.m.-12 p.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

Hearing Officer: Jennifer Huntsman

Stat. Auth.: ORS 459A, 459.992, 471.030 & 471.730

Stats. Implemented: ORS 459A.715

Proposed Amendments: 845-020-0035

Last Date for Comment: 12-11-07

Summary: This rule needs amendment in order to comply with statutory changes regarding container acceptance for dealers. The amendment will add language creating small dealers, under 5,000 square feet, who must accept 50 beverage containers per person per day and large dealers, greater than or equal to 5,000 square feet, who must accept 144 beverage containers per person per day. The change needs to be made to comply with the 2007 legislature's SB 707. We also need to amend the Statutory Authority section of this rule in order to accurately and completely cite all Oregon Revised Statutes.

Rules Coordinator: Jennifer Huntsman

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

Telephone: (503) 872-5004

.....
Rule Caption: Amend rule to delegate authority to the Administrator in connection with stays/contested case appeals.

Stat. Auth.: ORS 183.341(2), 471.730(5) & (6)

Stats. Implemented: ORS 183.341(2)

Proposed Amendments: 845-003-0670

Last Date for Comment: 12-3-07

Summary: This rule describes the specific authorities that the Commissioners delegate to others, such as the agency Administrator, in

connection with contested cases and states that the Commissioners retain all authority not specifically delegated. We need to amend this rule in order to delegate to the Administrator the specific authority to prepare and issue orders granting or denying requests to stay the enforcement of Final Orders on appeal. We also need to amend the Statutory Authority and Statutes Implemented sections of this rule in order to accurately and completely cite all Oregon Revised Statutes.

Rules Coordinator: Jennifer Huntsman

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

Telephone: (503) 872-5004

.....
Oregon State Marine Board
Chapter 250

Rule Caption: Establish a "slow no wake" zone on Siltcoos lake near Camp Baker.

Stat. Auth.: ORS 830.110, 830.175

Stats. Implemented: ORS 830.175

Proposed Amendments: 250-020-0221

Last Date for Comment: 11-30-07

Summary: This rule will establish a "Slow No Wake" zone on Siltcoos Lake near Camp Baker.

Rules Coordinator: June LeTarte

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

Telephone: (503) 378-2617

.....
Parks and Recreation Department
Chapter 736

Rule Caption: Local Government Grant Program Rule Changes Affecting Grant Match Requirements.

Date:	Time:	Location:
11-27-07	6 p.m.	Mt. Bachelor Village Conference Center 19717 Mount Bachelor Dr. Bend, OR
11-28-07	6 p.m.	Oregon Parks & Rec. Dept. 725 Summer St. NE Rm. 124 A Salem, OR
12-5-07	6 p.m.	Windmill Inn 1450 N.W. Mulholland Dr. Roseburg, OR

Hearing Officer: Michele Scalise

Stat. Auth.: ORS 390.180(1)(b)

Stats. Implemented: ORS 390.180(1)(b)

Proposed Amendments: 736-006-0100, 736-006-0115, 736-006-0125, 736-006-0140, 736-006-0145, 736-006-0150

Last Date for Comment: 12-7-07

Summary: • A number of local governments (grant recipients) have suggested administrative rule changes that will allow the LGGP to provide grants of up to \$1,000,000 towards real property acquisition projects for local government sponsored recreational projects. Current rules provide for grant awards of up to \$500,000 of the project costs. With property values continuing to increase, a lack of funding from local governments has deterred potential applicants, unable to generate large amounts of cash and in-kind contributions. As a result, opportunities to acquire new recreational areas have been lost.

• Small local governments tend to be able to generate good volunteer time for match but have difficulty in providing cash towards the project. It has been suggested that more projects could take place in smaller communities if the percentage of the grant was increased as compared to the required match.

• Current rules do not allow for local governments to receive funding assistance for planning or feasibility studies. The proposed rule modification would allow planning or feasibility studies to be eligible for grant assistance funding.

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: Colleen Rogers
Address: Parks and Recreation Department, 725 Summer St. NE, Salem, OR 97310
Telephone: (503) 986-0730

Rule Caption: Amend/ repeal existing, adopt new rules re: criminal records checks in accordance with HB 2157, 2005 Legislative Session.

Stat. Auth.: ORS 181.534, 390.124, 390.131, 390.140

Other Auth.: Engrossed HB 2157, 2005 Legislative Session

Stats. Implemented: ORS 181.534

Proposed Adoptions: 736-002-0032, 736-002-0038, 736-002-0042, 736-002-0050, 736-002-0052, 736-002-0058, 736-002-0082, 736-002-0092, 736-002-0102, 736-002-0150

Proposed Amendments: 736-002-0010, 736-002-0020, 736-002-0030, 736-002-0070

Proposed Repeals: 736-002-0040, 736-002-0060, 736-002-0080, 736-002-0090, 736-002-0100

Last Date for Comment: 11-30-07

Summary: Amend, repeal existing rules and adopt new rules in accordance with provisions of HB 2157, 2005 Legislative Session, to incorporate additional provisions for doing criminal records checks on subject individuals applying for employment or to volunteer with the agency.

Rules Coordinator: Colleen Rogers

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

Telephone: (503) 986-0730

Public Utility Commission Chapter 860

Rule Caption: In the Matter of a Rulemaking to Implement SB 838 Relating to Renewable Portfolio Standard.

Date:	Time:	Location:
11-27-07	9:30 a.m.	Public Utility Commission Main Hearing Rm., 1st Flr. 550 Capitol St. NE Salem, OR

Hearing Officer: Allan J. Arlow

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040, 757.600 - 757.667

Proposed Amendments: 860-038-0005, 860-038-0480

Last Date for Comment: 11-27-07, 5 p.m.

Summary: The proposed rule amendments address the effects of the Senate Bill 838, Section 27, amendments to ORS 757.612(2)(a) and (3)(b)(B) which go into effect on January 1, 2008. Section 27 of SB 838 provides that the new renewable energy portion of the public purpose charge must be spent exclusively on projects 20 megawatts or less in size and provides for the extension of the sunset date to January 1, 2026. The proposed rule amendments further clarify that funds spent under this portion of the public purpose statutes must be spent on specific renewable energy projects.

Rules Coordinator: Diane Davis

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

Telephone: (503) 378-4372

Racing Commission Chapter 462

Rule Caption: Amends rule to include new method of apportioning Pick (n) wager.

Date:	Time:	Location:
11-15-07	10:30 a.m.	Rm. 1A, 800 NE Oregon St. Portland, OR

Hearing Officer: Kerry Johnson, Chair

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270(3)

Proposed Amendments: 462-200-0520

Last Date for Comment: 11-15-07, Close of Hearing

Summary: The proposed amendment creates an additional method of apportioning the Pick (n) pool by allowing a 100% carryover.

Rules Coordinator: Carol N. Morgan

Address: 800 NE Oregon Street, Suite 310, Portland, OR 97232

Telephone: (971) 673-0208

Rule Caption: Horse medications and prohibited substances.

Date:	Time:	Location:
11-15-07	10:30 a.m.	Rm. 1A 800 NE Oregon St. Portland, OR

Hearing Officer: Kerry Johnson, Chair

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270 & 462.415

Proposed Amendments: 462-160-0130

Last Date for Comment: 11-15-07, Close of Hearing

Summary: Amends the rule to include the use of one of four approved anabolic steroids for use in racing animals.

Rules Coordinator: Carol N. Morgan

Address: 800 NE Oregon Street, Suite 310, Portland, OR 97232

Telephone: (971) 673-0208

Rule Caption: Repeal of OAR 462-200-0630, which allows Electronic 1-2-3 with Pick N wagering (Instant Racing).

Date:	Time:	Location:
11-15-07	10:30 a.m.	Rm. 1A 800 NE Oregon St. Portland, OR

Hearing Officer: Kerry Johnson, Chair

Stat. Auth.: ORS 462.270

Other Auth.: Oregon Constitution Article XV, §4(12), OAR 462-110-0010, 462-130-0010, 462-200-0150, 462-200-0290 - 0330

Stats. Implemented: ORS 462.010, 462.140, 462.700 - ORS 462.740, 167.117, 167.147, 167.164

Proposed Repeals: 462-200-0630

Last Date for Comment: 11-15-07, 12 p.m.

Summary: OAR 462-200-0630 sets out the parameters for a particular type of off-race course wagering - Electronic 1-2-3 with Pick N (sometimes referred to as "Instant Racing"), that may be offered by race meet licensees. This type of wagering requires the bettor to select the first three finishers for a single horse racing contest selected from a historical library of previously run horse races that are replayed for the bettor. The repeal of this rule would eliminate this type of wagering option.

Rules Coordinator: Carol N. Morgan

Address: 800 NE Oregon Street, Suite 310, Portland, OR 97232

Telephone: (971) 673-0208

Secretary of State, Archives Division Chapter 166

Rule Caption: Pertaining to OAR publications subscription prices.

Date:	Time:	Location:
11-27-07	9 a.m.	Archives Bldg. Conference Rm. 800 Summer St NE Salem, OR

Hearing Officer: Julie Yamaka

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 177.130, 183.370, 192 & 357.885

Proposed Amendments: 166-500-0015

Last Date for Comment: 11-27-07, Close of Hearing

Summary: The Secretary of State, Archives Division is raising its publication rates for the Oregon Bulletin and the Oregon Administrative Rules Compilation due to price increases passed on to the Division by the Department of Administrative Services Publishing and Distribution Division. The Archives Division last raised its sub-

NOTICES OF PROPOSED RULEMAKING

scription prices in 2002, and in addition to this price increase has adjusted internal procedures in order to minimize the price increases passed on to the Archives Division's subscribers.

Rules Coordinator: Julie Yamaka

Address: 800 Summer Street NE., Salem, OR 97310

Telephone: (503) 378-5199

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

Rule Caption: Update the adoption by reference to voting system certification.

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 246.520, 246.530, 246.540, 246.550, 246.560, 246.565, 246.570, 246.580, 246.590, 246.600

Proposed Amendments: 165-007-0250

Last Date for Comment: 11-30-07

Summary: This rule amendment adopts by reference the U.S. Election Assistance Commission's publication 2005 Voluntary Voting System Guidelines Volume I and Volume II. This adoption by reference replaces the Federal Election Commission publication Performance and Test Standards for Punchard, Marksense, and Direct Recording Electronic Voting Systems, revised April 2002.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

.....

Rule Caption: Adopting circulator training and registration.

Stat. Auth.: ORS 246.150

Other Auth.: Section 2 Ch. 848 OL 2007 (HB 2082)

Stats. Implemented: Section 2 Ch. 848 OL 2007 (HB 2082)

Proposed Adoptions: 165-014-0280

Last Date for Comment: 11-30-07

Summary: This proposed rule designates the web based 2007 Circulator Training and associated forms as the curriculum and forms to be used by any person who will be paid to gather signatures on a state initiative, referendum or recall petition to satisfy the training component of the Secretary of State's circulator registration process. Additionally this rule designates the SEL 308 Circulator Registration, the SEL 306 Circulator Training Certificate, and the SEL 309 Chief Petitioner Acknowledgment as the forms used to successfully register as a paid circulator for state initiative, referendum or recall petition.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

.....

**Veterinary Medical Examining Board
Chapter 875**

Rule Caption: Adds late fees and lapse period to Certified Veterinary Technician renewals.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.410, 686.420

Proposed Amendments: 875-030-0030

Last Date for Comment: 12-15-07

Summary: 875-030-0030(5)(a) Adds \$10 late fee for renewals received by January 31st.

875-030-0030(5)(b) Adds \$20 late fee for renewals received by February 28th or 29th.

875-030-0030(5)(c) Adds \$25 late fee for renewals received by April 30th.

875-030-0030(5)(d) Provides 21-month grace period after license lapses; provides criteria for renewing after grace period.

Rules Coordinator: Lori V. Makinen

Address: Veterinary Medical Examining Board, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0224

.....

Rule Caption: Allows CVTs to implant microchips under direct supervision of veterinarian; prohibits same of non-certified persons.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.410, 686.420

Proposed Amendments: 875-030-0040, 875-030-0050

Last Date for Comment: 12-15-07

Summary: 875-030-0040 Adds injection of permanent identification device, under direct supervision of a veterinarian, to duties permitted of a Certified veterinary Technician.

875-030-0050 Adds injection of permanent identification device to duties NOT allowed of a non-certified person.

Rules Coordinator: Lori V. Makinen

Address: Veterinary Medical Examining Board, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0224

.....

Rule Caption: Waives CE reporting for veterinarians and veterinary technicians with less than one year of practice experience.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.410, 686.420

Proposed Amendments: 875-010-0090

Last Date for Comment: 12-15-07

Summary: 875-010-0090 Adds exemption for reporting Continuing Education for veterinarians and veterinary technicians with less than one year of practice experience.

Rules Coordinator: Lori V. Makinen

Address: Veterinary Medical Examining Board, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0224

.....

Rule Caption: Adds requirement to document post-dated patient record entries.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.410, 686.420

Proposed Amendments: 875-015-0030

Last Date for Comment: 12-15-07

Summary: 875-015-0030 Requires date of entry of patient information that is made subsequent to treatment of the patient.

Rules Coordinator: Lori V. Makinen

Address: Veterinary Medical Examining Board, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0224

.....

Rule Caption: Adds requirements for veterinarians who agree to supervise veterinary interns.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.085

Proposed Amendments: 875-010-0050

Last Date for Comment: 12-15-07

Summary: 875-010-0050(8) Clarifies veterinarians' obligations for supervising veterinary interns.

875-010-0050(b) Adds requirement that supervising veterinarian document and if requested make available to Board decision to allow intern to work independently.

875-010-0050(3) Adds requirement that supervising veterinarian notify Board if no longer supervising intern.

Rules Coordinator: Lori V. Makinen

Address: Veterinary Medical Examining Board, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0224

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Expands licensure eligibility; require notification from veterinary intern of change of supervision.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.095, 686.255

Proposed Amendments: 875-010-0026

Last Date for Comment: 12-15-07

Summary: 875-010-0026(2) Clarifies initial license eligibility to include experience in Canada.

875-010-0026(3) Requires veterinary intern to notify Board of change in supervision.

Rules Coordinator: Lori V. Makinen

Address: Veterinary Medical Examining Board, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0224

Rule Caption: Adds conduct for which Board may discipline.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.130

Proposed Amendments: 875-011-0010

Last Date for Comment: 12-15-07

Summary: 875-011-0010(19) Adds duty to comply to existing rule.

875-011-0010(21) Adds misrepresentation or omission on license renewal to discipline criteria.

875-011-0010(22) Adds violations of veterinary laws in other states to discipline criteria.

875-011-0010(23) Adds violations of other laws relating to veterinary medicine, including Oregon Racing Commission, to discipline criteria

Rules Coordinator: Lori V. Makinen

Address: Veterinary Medical Examining Board, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0224

Rule Caption: Clarifies definitions relating to animal cruelty convictions and microchips.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 475.190, 609.405

Proposed Amendments: 875-005-0005

Last Date for Comment: 12-15-07

Summary: 875-005-0005(6) Clarifies terminology related to ORS 686.130, 'conviction of cruelty to animals,' for purposes of mandatory reporting by veterinarians.

875-005-0005(12) Clarifies language relating to permanent devices (microchips).

Rules Coordinator: Lori V. Makinen

Address: Veterinary Medical Examining Board, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0224

Rule Caption: Prohibits Certified Veterinary Technicians from signing animal health certificates.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.410, 686.420

Proposed Amendments: 875-030-0040

Last Date for Comment: 12-15-07

Summary: 875-030-0040 Clarifies that, in addition to not being allowed to sign rabies vaccine certificates, Certified Veterinary Technicians may not sign any animal health certificate.

Rules Coordinator: Lori V. Makinen

Address: Veterinary Medical Examining Board, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0224

ADMINISTRATIVE RULES

Board of Examiners for Engineering and Land Surveying Chapter 820

Rule Caption: Adopt or amend for clarity the engineering/land surveying/photogrammetry rules pertaining to licensure.

Adm. Order No.: BEELS 5-2007

Filed with Sec. of State: 9-20-2007

Certified to be Effective: 9-20-07

Notice Publication Date: 9-1-07

Rules Adopted: 820-010-0417, 820-010-0463, 820-010-0510, 820-010-0520

Rules Amended: 820-010-0010, 820-010-0200, 820-010-0215, 820-010-0227, 820-010-0228, 820-010-0230, 820-010-0231, 820-010-0305, 820-010-0415, 820-010-0425, 820-010-0427, 820-010-0440, 820-010-0470, 820-010-0635

Subject: OAR 820-010-0417 — Clarifies additional requirements to obtain the structural discipline.

OAR 820-010-0463 — Establishes cut scores for Oregon Specific exams.

OAR 820-010-0510 — Clarifies that only active registrants are authorized to engage in professional practice.

OAR 820-010-0520 — Prescribes standards and guidelines for retired and inactive status of registrants, including provisions to allow for the return to active status.

OAR 820-010-0010 — Deletes definitions of license statuses now prescribed in proposed rule for adoption (OAR 820-010-0520). Adds an alternative organization accepted by the board to complete required evaluations.

OAR 820-010-0200 — Clarifies time frame in which supporting documentation is considered.

OAR 820-010-0215 — Clarifies that all supporting documentation related to an application must be submitted at the time of applying.

OAR 820-010-0227 — Adds an alternative organization accepted by the board to complete required evaluations. (Housekeeping)

OAR 820-010-0228 — Adds an alternative organization accepted by the board to complete required evaluations. (Housekeeping)

OAR 820-010-0230 — Includes additional provisions for those who applied for the fundamentals of engineering exam based combined education and experience. (Housekeeping)

OAR 820-010-0231 — Includes additional provisions for those who applied for the fundamentals of land surveying exam based combined education and experience. (Housekeeping)

OAR 820-010-0305 — Includes fee for additional services provided and those in the proposed rule for adoption (OAR 820-010-0520).

OAR 820-010-0415 — Clarifies the nature of the professional engineering exam since the change of exam administration.

OAR 820-010-0425 — Clarifies the nature of the professional land surveyor exam.

OAR 820-010-0427 — Clarifies the nature of the registered professional photogrammetrist exam.

OAR 820-010-0440 — Revises the deadline to apply for exam administrations.

OAR 820-010-0470 — Deletes cut scores established in proposed rule OAR 820-010-0463 and clarifies the process in which an examinee may review a failed examination.

OAR 820-010-0635 — Deletes exemptions that conflict with statute and clarifies continuing professional development required to attain active status.

Rules Coordinator: Mari Lopez—(503) 362-2666, ext. 26

820-010-0010

Definitions

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

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

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

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

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

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

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

(b) Establishing quality controls for the services rendered;

(c) Communicating with clients;

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

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

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

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

(6) “Supervision and control,” as used in ORS 672.002(10), means establishing the nature of, directing and guiding the preparation of, and approving the work product and accepting responsibility for the work product, as evidenced by performing the following:

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

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

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

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

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

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

(8) “Land surveying work” is work performed after a person is 18 years old and involves work of a higher grade and responsibility than that defined as “technician work”. Engineering work, not related to the practice of land surveying, is not land surveying work. Credit for land surveying work will only be given for time worked such that persons performing work

ADMINISTRATIVE RULES

for more than one entity during a given period of time will not receive multiple credit for dates worked. Work performed in conjunction with a course of study provided by a community college, college, university, or any other educational program, for which tuition or similar payment is made, credit is earned, or as a requirement of the program, will not be considered "land surveying work."

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

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

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

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

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

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

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

(16) Nonresident engineer means a nonresident engineer as used in ORS 672.050 shall mean an engineer who does not meet the residence requirements of OAR 820-010-0616(1).

(17) Acronyms:

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

(b) ACCE — American Council for Construction Education;

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

(d) AACRAO — American Association of Collegiate Registrars and Admissions Officers;

(e) CPEES — Center for Professional Engineering Education Services;

(f) EAC — Engineering Accreditation Commission of ABET;

(g) ECE — Education Credential Evaluators, Inc.;

(h) EI — Engineering Intern;

(i) ELSEES — Engineering Land Surveying Examination Services;

(j) FE — Fundamentals of Engineering;

(k) FLS — Fundamentals of Land Surveying;

(l) LSI — Land Surveying Intern;

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

(n) TAC — Technology Accreditation Commission of ABET.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

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

820-010-0200

Application for Registration as Professional Engineers (PE) Based on Licensure by Another Jurisdiction

(1) Professional engineers registered in other jurisdictions may file applications for registration on the basis of comity as provided in ORS 672.148. NCEES verified records, current within the two years prior to application, may be accepted to document registration. The Board will verify all other records, which must be current within the two years prior to application.

(2) The other jurisdiction that issued the certificate of registration must have had substantially equivalent requirements for registration as Oregon had at the time the other jurisdiction issued the certificate of registration.

(3) The Board may require the applicant to provide documentation of the requirements for registration by such other jurisdiction in effect at the time the applicant obtained a certificate of registration.

(4) Before receiving a certificate of registration to practice professional engineering in Oregon, each applicant must pass a take-home examination on the laws and rules in Oregon.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1993, f. 1-28-93, cert. ef. 2-1-93; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-2000, f. & cert. ef. 1-14-00; BEELS 3-2001, f. & cert. ef. 11-26-01; BEELS 1-2003, f. & cert. ef. 1-28-03; BEELS 1-2004, f. & cert. ef. 1-26-04; BEELS 1-2005, f. & cert. ef. 3-16-05; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07

820-010-0215

Form of Applications

Applications for registration as professional engineers, professional land surveyors, professional photogrammetrists and for enrollment as an EI, an LSI, or a water right examiner shall be made on printed forms issued by the Board. All applications must be accompanied by the licensing or examination fee required by law. Applications containing all required documents and forms, including reference forms, must be transmitted to the Board in a single package and received by the Board by the application deadline.

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 1-1983, f. 2-28-83, ef. 3-1-83; EE 2-1986, f. 3-26-86, ef. 3-31-86; EE 4-1987, f. & ef. 12-1-87; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; Renumbered from 820-010-0220; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 5-2007, f. & cert. ef. 9-20-07

820-010-0227

Educational and Experience Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern (EI) and Application Based on Non-Accredited Degrees

(1) An applicant that does not qualify pursuant to OAR 820-010-0225 may apply for admission to the FE examination based on a combination of education and experience in the practice of engineering. Applicants will be allowed to submit as qualifying work experience that work experience obtained based on employment up to the date of the FE examination.

(2) Degrees from educational institutions not identified in OAR 820-010-0225 may be considered as qualifying if they are evaluated by ECE, AACRAO, or CPEES, and the Board determines that the degree or course work is substantially equivalent to the educational degrees or courses required for degrees for those institutions listed in OAR 820-010-0225. The cost for such evaluation will be borne by the applicant.

(3) Course work from institutions that are identified in OAR 820-010-0225 may be considered as qualifying if the coursework involves engineering principles or was obtained by the applicant while enrolled in an engineering program.

(4) Where an applicant applies for admission to the FE examination on the basis of sections (1) through (3) of this rule, the applicant must also demonstrate that the applicant's years of education when combined with the applicant's years of engineering work total at least 8 years. Work experience in excess of that needed to satisfy this requirement may be included by applicant in a subsequent application to apply for admission to the PE examination.

(5) The Board may give credit for qualifying course work in proportion to the amount of course work completed relative to the degree towards which the course work would apply. For example, completion of one year of a two-year Engineering Technology program may be considered equivalent to one year of education, requiring 7 years of engineering work experience, in accordance with section (4). Qualifying course work includes classes in engineering ethics, fundamentals and design.

(6) An applicant may qualify for admission to the FE examination on the basis of 8 years of engineering work without any qualifying degree or course work.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07

ADMINISTRATIVE RULES

820-010-0228

Combined Educational and Experience Qualifications to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveying Intern (LSI) and Application Based on Non-accredited Degrees

(1) An applicant that does not qualify pursuant to OAR 820-010-0226 may apply for admission to the FLS examination based on a combination of education and experience in the practice of land surveying. Applicants will be allowed to submit as qualifying work experience that work experience obtained based on employment up to the date of the FLS examination.

(2) Degrees from educational institutions not identified in OAR 820-010-0226 may be considered as qualifying if they are evaluated by ECE, AACRAO, or CPEES, and the Board determines that the degree or course work is substantially equivalent to the educational degrees or courses required for degrees for those institutions listed in OAR 820-010-0226. The cost for such evaluation will be borne by the applicant.

(3) Course work from institutions that are identified in OAR 820-010-0226 may be considered as qualifying if the coursework involves land surveying principles or was obtained by the applicant while enrolled in a land surveying program.

(4) Where an applicant applies for admission to the FLS examination on the basis of sections (1) through (3) of this rule, the applicant must also demonstrate that the applicant's years of education when combined with the applicant's years of land surveying work total at least 8 years. Work experience in excess of that needed to satisfy this requirement may be included by applicant in a subsequent application to apply for admission to the PLS examination.

(5) The Board may give credit for qualifying course work in proportion to the amount of course work completed relative to the degree towards which the course work would apply. For example, completion of one year of a two-year Surveying Technology program may be considered equivalent to one year of education, requiring 7 years of surveying work experience, in accordance with section (4). Qualifying course work includes classes in land surveying ethics, fundamentals and application.

(6) An applicant may qualify for admission to the FLS examination on the basis of 8 years of land surveying work without any qualifying degree or course work.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07

820-010-0230

Information to be Furnished by Professional Engineer Applicants

(1) Applicants for admission to examination for registration as professional engineers will be required to submit evidence to show qualification of eligibility consisting of current enrollment as an EI meeting the requirements of the State of Oregon at the time of enrollment and the following practice experience:

(a) Applicants qualified under OAR 820-010-0225(3)(a), (3)(d), (3)(f), or 820-010-0227 shall complete four or more years of active practice in engineering work in addition to the requirements for admission to examination for enrollment as an EI. Applicants will be allowed to submit as qualifying work experience that work experience obtained based on employment up to the date of the PE examination.

(b) Applicants qualified under OAR 820-010-0225(3)(b), (3)(c) or (3)(e) shall complete six or more years of active practice in engineering work in addition to the requirements for admission to examination for enrollment as an EI. The six years of active practice year requirement may be reduced to four years provided that the applicant completes at least 21 semester/32 quarter hours in a curriculum including: Differential Equations, Physics, Statistics, Statics, Dynamics, Thermodynamics, Fluid Mechanics, Electrical Fundamentals and Strength of Materials.

(2) Active practice in engineering work shall be practice in the applicant's area of competence, in responsible charge performed under the direction and supervision of a licensed engineer.

(3) Graduation from a post-baccalaureate degree program in engineering at a college or university that has an EAC of ABET accredited undergraduate degree program in the same field as the post-baccalaureate degree program may be substituted for one year of the four years of active practice required by this rule so long as the degree was not the basis for admission to the fundamental examination under OAR 820-010-0225(3)(d).

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 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-2001, f. & cert. ef. 5-22-01; BEELS 1-2002, f. & cert. ef. 3-13-02; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 2-

2006, f. & cert. ef. 11-21-06; BEELS 2-2007, f. & cert. ef. 4-5-07; BEELS 5-2007, f. & cert. ef. 9-20-07

820-010-0231

Information to be Furnished by Professional Land Surveyor Applicants

(1) Applicants for admission to examination for registration as professional land surveyors will be required to submit evidence to show qualification of eligibility consisting of current enrollment as an LSI, meeting the requirements of the State of Oregon at the time of enrollment and the following practice experience:

(a) Applicants qualified under OAR 820-010-0226(3)(a), (3)(b), (3)(c), (3)(d), (3)(e), (3)(f), (3)(g), (3)(i), or 820-010-0228 shall complete four or more years of active practice in land surveying work in addition to the requirements for admission to examination for enrollment as an LSI. Applicants will be allowed to submit as qualifying work experience that work experience obtained based on employment up to the date of the PLS examination.

(b) Applicants qualified under OAR 820-010-0226(3)(h) shall complete six or more years of active practice in land surveying work in addition to the requirements for admission to examination for enrollment as an LSI.

(2) Active practice in land surveying work shall be under the responsible charge performed under the direction and supervision of a licensed land surveyor.

(3) Graduation from a post-baccalaureate degree program in engineering or surveying at a college or university which has an ABET accredited undergraduate degree program in the same field as the post-baccalaureate degree program may be substituted for one year of the four years of active practice required by this rule so long as the degree was not the basis for admission to the fundamental examination under OAR 820-010-0226(3)(g).

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2007, f. & cert. ef. 4-5-07; BEELS 5-2007, f. & cert. ef. 9-20-07

820-010-0305

Fees

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

(a) Fee for application.

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

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

(2) Fees for examination application:

(a) Initial fundamentals of engineering examination application — \$35.

(b) Initial fundamentals of land surveying examination application — \$35.

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

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

(e) Initial professional structural engineering examination application — \$575.

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

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

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

(i) Fundamentals of engineering examination re-application — \$25.

(j) Fundamentals of land surveying examination re-application — \$25.

(k) Professional engineering (PE) examination re-application — \$90.

(l) Professional geotechnical examination re-application — \$365.

ADMINISTRATIVE RULES

(m) Professional structural engineering examination re-application — \$565.

(n) National portion of professional structural engineering examination re-application — \$85.

(o) Oregon requirement of professional structural engineering examination re-application — \$480.

(p) Professional land surveying (PLS) examination re-application — \$130.

(q) Oregon law portion of PLS examination re-application — \$55.

(r) National portion of PLS examination re-application — \$75.

(s) Professional photogrammetric examination re-application — \$110.

(t) Certified Water Rights Examiner test re-application — \$40.

(u) Proctor Request — \$100.

(3) Fees for certification, registration, and renewal:

(a) First registered professional engineer certificate — \$10.

(b) First registered professional land surveyor certificate — \$10.

(c) First registered professional photogrammetrist certificate — \$10.

(d) First certified water right examiner certificate — \$10.

(e) Application for registration as a professional engineer — \$110.

(f) Application for registration as a professional land surveyor — \$140.

(g) Application for registration as a registered professional photogrammetrist — \$120.

(h) Temporary permit issued under ORS 672.135 and Enrolled SB 55, section 5a — \$50.

(i) Re-issuance of lost or mutilated certificate — \$25.

(j) Re-issuance of lost or mutilated pocket card — \$10.

(k) Issuance of certificate without examination based on experience as provided under ORS 672.255 and Enrolled SB 55, section 4 — \$225.

(l) Re-score of an Oregon specific examination — \$50.

(m) Annual renewal of a professional engineering certificate — \$40.

(n) Annual renewal of a professional land surveyor certificate — \$40.

(o) Annual renewal of a registered professional photogrammetrist certificate — \$40.

(p) Annual renewal of inactive registration — \$20.

(q) Delinquency renewal fee — \$80 for any part of each two-year renewal period during delinquency.

(r) Fee for reinstatement and two-year license for inactive registrant — \$100.

(s) Fee for reinstatement and two-year license for retired registrant — \$100.

(t) Annual renewal of water right examiner certificate — \$20.

(u) Verification of exam/licensure — \$15.

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

Stats. Implemented: ORS 672.002 - 672.325

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

820-010-0415

Nature of the Examination for Professional Engineer (PE)

(1) An applicant to qualify for registration must obtain a passing grade for:

(a) A written examination in engineering fundamentals for qualification as an EI as covered in OAR 820-010-0420, unless exempted from this examination under OAR 820-010-0455. Such examination may be taken at any scheduled examination period but must be passed in order to be admitted to the branch examination as covered in subsection (1)(b) of this rule; and

(b) A written examination in a professional branch of engineering, other than structural engineering, covering practical engineering problems in branches listed in OAR 820-010-0450.

(2) The uniform, national examinations are written and scored by the NCEES and administered by ELSEs. Acoustical examinations are written, scored and administered by the Board. Forest examinations are written and scored by the Washington State Board of Registration for Professional Engineers and Land Surveyors (Washington Board) and the Oregon Board pursuant to a Memorandum of Understanding entered into between the

Washington Board and the Oregon Board. The Oregon Board administers the forest examination in Oregon.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 2, f. 12-4-85, ef. 12-16-85; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 5-2007, f. & cert. ef. 9-20-07

820-010-0417

Nature of Examination for Structural Engineer (SE)

(1) An applicant to qualify for registration must:

(a) Obtain a passing grade for a written examination in engineering fundamentals for qualification as an EI as covered in OAR 820-010-0420, unless exempted from this examination under OAR 820-010-0455. Such examination may be taken at any scheduled examination period but must be passed in order to be admitted to the branch examination as covered in (1)(b) of this rule; and

(b) Obtain a passing grade for a written examination in a professional branch of engineering covering practical engineering problems in branches listed in OAR 820-010-0450;

(c) After receiving a license as an Oregon registered professional engineer, obtain a passing grade for the Structural II Examination (buildings portion), administered by NCEES; and

(d) After receiving a license as an Oregon registered professional engineer, obtain a passing grade for the Structural III Examination (building portion).

(2) The Structural III Examination is written and scored by the Washington State Board of Registration for Professional Engineers and Land Surveyors (Washington Board) pursuant to a Memorandum of Understanding entered into between the Oregon Board and the Washington Board. The Oregon Board administers the examination in Oregon.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 5-2007, f. & cert. ef. 9-20-07

820-010-0425

Nature of Examination for Professional Land Surveyor (PLS)

(1) An applicant to qualify for registration must obtain a passing grade for:

(a) A written examination in land surveying fundamentals as covered in OAR 820-010-0430 unless exempted for this examination under OAR 820-010-0455. Such examination may be taken at any scheduled period but must be passed in order to be admitted to the examination in subsection (1)(b) of this rule;

(b) A written examination in practical land surveying problems; and

(c) A four-hour Oregon specific examination covering the U. S. Public Land Survey system, Oregon laws relating to land surveying, and other matters.

(2) The uniform, national examinations referenced in sections (1)(a) and (1)(b) are written and scored by the NCEES and administered by ELSEs. The four-hour Oregon specific examination is written, scored and administered by the Board.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 2, f. 12-4-85, ef. 12-16-85; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 5-2007, f. & cert. ef. 9-20-07

820-010-0427

Nature of Examination for Registered Professional Photogrammetrist (RPP)

(1) An applicant to qualify for registration must obtain a passing grade for:

(a) A written examination in land surveying fundamentals as covered in OAR 820-010-0430. Such examination may be taken at any scheduled period but must be passed in order to be admitted to the examination as covered in subsection (1)(b) of this rule;

(b) A written examination in practical photogrammetric mapping problems.

(2) The land surveying fundamentals examination is written and scored by NCEES and administered by ELSEs. The practical photogrammetric mapping problems examination is written, scored and administered by the Board.

(3) At the discretion of the Board, any applicant may be requested to appear for an oral interview before the Board or any member thereof. Such interview is to be for the purpose of reviewing the applicant's educational background, experience record, or examination, or to review examples of the applicant's work, or to assist the Board in determining that the applicant fully meets the required qualifications.

ADMINISTRATIVE RULES

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 5-2007, f. & cert. ef. 9-20-07

820-010-0440

Times for Examinations

Examinations will be held at times and locations determined by the Board. A spring examination is usually scheduled in April and a fall examination is usually scheduled in October. December 1 is the last day for postmark of initial applications for the April examination and June 1 is the last day for postmark of initial applications for the October examination. Applicants seeking to retake examination shall be provided sufficient time following notification of test results to submit a reapplication for after the initial deadline. Each applicant accepted for examination will be notified of the time and location of the scheduled test.

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; EE 2-1993(Temp), f. & cert. ef. 2-22-93; EE 3-1993, f. & cert. ef. 6-3-93; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 3-1994(Temp), f. & cert. ef. 11-21-94; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 5-2000, f. & cert. ef. 10-19-00; BEELS 3-2001, f. & cert. ef. 11-26-01; BEELS 5-2007, f. & cert. ef. 9-20-07

820-010-0463

Cutoff Scores for Examinations

(1) The cutoff scores for the FE, FLS, PE, PLS, and Structural II examinations are established by NCEES.

(2) The cutoff score for the Structural III examination is established by the Washington Board as provided in the Memorandum of Understanding between the Washington Board and the Oregon Board.

(3) The cutoff score for the forest examination is established by the Washington Board and the Oregon Board as provided in the Memorandum of Understanding between the Washington Board and the Oregon Board. The cutoff score for the forest examination is 70 points out of 100 points.

(4) The cutoff scores for the acoustical and four-hour Oregon specific land surveying examinations are 70 points out of 100 points.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2007, f. & cert. ef. 9-20-07

820-010-0470

Review of Examinations

(1) With respect to the acoustical, forest, and four-hour Oregon Specific land surveying examinations administered by the board, an applicant may submit a written request to review the applicant's own examination results. The board will allow an examination review where the applicant failed the examination and the applicant achieved a score within five points of the cutoff score. With respect to such reviews,

(a) An applicant may examine the test booklet, solution pamphlet and answer key.

(b) An acoustical, forest, or Oregon Land Survey 4-hour Law applicant may review the examination on only one occasion. The board will prescribe a time and place for the review. Applicants must notify the board at least five days before the scheduled date that they review their examinations. Applicants who fail to review their examination at the prescribed time and place will not be allowed to reschedule a review of the examination.

(c) All examination reviews will be conducted in the presence of a person designated by the board.

(d) Except as allowed by the board for persons requiring disability assistance, no person may accompany the applicant during the examination review.

(e) The applicant will not take any materials into nor remove any materials from the location where the examination review is conducted.

(f) The applicant may prepare and submit a written request for rescoring the applicant's examination, provided that the applicant's score otherwise satisfies the requirements of this section, while at the location where the examination review is conducted.

(2) The board may rescore an essay response for a qualified applicant if the applicant demonstrates, in writing, sufficient technical justification that their solution deserves reconsideration. The board's rescore determination is final and not subject to further review. An applicant requesting the board to rescore an examination must submit, with the written request, the fee provided for in OAR 820-010-0305(3)(k).

(3) Applicants who fail the Structural III examination by two points or less may submit a written request that the examination be rescored by the Washington Board, pursuant to the terms of the MOU entered into between the Oregon Board and the Washington Board. Applicants requesting rescore of their Structural III examination will submit the written request to the Oregon Board and pay the Oregon Board a fee of \$50/per item to be

rescored, which request and fee the Oregon Board will remit to the Washington Board. The Washington Board may rescore any appealed questions. The Washington Board's rescore results are final.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: EE 3-1986, f. & ef. 7-21-86; EE 1-1989, f. & cert. ef. 1-3-89; EE 1-1992, f. & cert. ef. 2-3-92; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 3-2002, f. & cert. ef. 11-13-02; BEELS 5-2007, f. & cert. ef. 9-20-07

820-010-0510

Registrants Qualified to Practice

Active registrants authorized to engage in the professional practice of engineering, land surveying or photogrammetric mapping and who are current with regards to payment of application and renewal fees and continuing Professional Development Hour (PDH) requirements may practice in their respective professions. These registrants maintain an "active status."

Stat. Auth.: ORS 672.255(1)(g)
Stats. Implemented: ORS 672.020(1), 672.025(1), 672.028(1), 672.045(1)
Hist.: BEELS 5-2007, f. & cert. ef. 9-20-07

820-010-0520

Registrants Not Qualified to Practice

Registrants who are delinquent, retired, inactive, suspended or revoked by the Board, are not authorized to engage in the professional practice of engineering, land surveying or photogrammetric mapping. Except as provided in section (2), registrants who are delinquent, retired or inactive may not hold out as professional engineers, professional land surveyors, or professional photogrammetrists.

(1) Delinquent registrants. Registrants become delinquent because they fail, within a period of five years from the renewal date, to renew their certificate of registration or to pay their renewal fees or satisfy the required PDH units. A delinquent registrant may return to active status only upon application to the Board, by paying the delinquent renewal fee required by OAR 820-010-0305(3)(r) and by satisfying all delinquent PDH units, at a rate of 15 PDH units per year delinquent.

(2) Retired registrants. Registrants may retire once they attain the age of 65, they notify the Board that they are not providing engineering, land surveying, or photogrammetric mapping services to the public and they request retired status. Registrants who are retired may not use their seal. However, retired registrants may sign documents, listing after their name the designation "PE (Retired)," "SE (Retired)," "PLS (Retired)," or "Photogrammetrist (Retired)," as appropriate. A retired registrant may, within a period of 5 years from retirement, return to active status only upon application to the Board, by paying a reinstatement fee required by OAR 820-010-0305(3)(t) and by completing 15 PDH units per year for each year (or part of a year) retired, to a maximum of 30 PDH units.

(3) Inactive registrants. Registrants may place their license on inactive status for one of the following reasons:

(a) A registrant is serving on active duty in the armed forces of the United States for a period of time exceeding one-hundred and twenty (120) consecutive days in a calendar year.

(b) A registrant has suffered a debilitating mental or physical illness, injury or disease that prevents the registrant from engaging in the professional practice.

(c) Registrants must request to be placed on inactive status. Registrants making such requests must provide the following documentation:

(A) With respect to requests made under subsection (a), a registrant must provide copies of military orders or other documentation (for example, a letter on military letterhead) that provides proof of military active duty status in excess of 120 days.

(B) With respect to requests made under subsection (b), a registrant must provide documentation prepared by a licensed physician that the registrant suffers from a specific, named debilitating mental or physical illness, injury or disease that prevents the registrant from engaging in the professional practice, and an estimate of the period of time during when the illness, injury or disease will last or whether it is of an unlimited duration.

(d) An inactive registrant may return to active status only upon application to the Board, by paying a reinstatement fee required by OAR 820-010-0305(3)(p) and by completing 15 PDH units per year for each year (or part of a year) inactive, to a maximum of 30 PDH units.

Statutes Auth: ORS 672.255(1)(g)
Statutes Implement: ORS 672.170(4), 672.180, 672.255(1)(g)
Hist.: BEELS 5-2007, f. & cert. ef. 9-20-07

ADMINISTRATIVE RULES

820-010-0635

Continuing Professional Development

The purpose of professional development requirements is to demonstrate a continuing level of competency of professional land surveyors, engineers and photogrammetrists. Every registrant shall meet the professional development requirements as a condition of registration renewal.

(1) Requirements. Every registrant is required to obtain 30 PDH units during each biennial renewal period. Registrants who are licensed for a part of a renewal period shall obtain a prorated amount of PDH. If a registrant exceeds the annual requirement in any renewal period, a maximum of 15 PDH units in courses/activities may be carried forward into the next renewal period.

(2) PDH units may be earned as follows:

(a) Successful completion of college courses;

(b) Successful completion of short courses, tutorials, correspondence, web based courses, televised and videotaped courses;

(c) Active participation in seminars, in-house courses, workshops, and professional conventions;

(d) Teaching or instructing in (a) through (c) above;

(e) Authoring or co-authoring published papers, articles or books;

(f) Active participation in professional or technical societies;

(g) Self study;

(h) Mentoring of engineering, land surveying, or photogrammetry topics;

(i) Non-technical educational activities related to the registrants employment;

(j) Passing a board prepared take home test.

(3) PDH units for each renewal period may be obtained as follows:

(a) 1 College Semester hour equals 45 PDH;

(b) 1 College Quarter hour equals 30 PDH;

(c) 1 Continuing Education unit equals 10 PDH;

(d) 1 hour of professional education in course work, seminars, professional conventions, workshops equals 1 PDH;

(e) For teaching, apply multiple of 2 (teaching credit is valid for teaching a given course or seminar one time only and does not apply to full time faculty teaching college courses);

(f) For authoring or co-authoring a paper, article or book, appearing in a recognized professional or technical publication, up to a maximum of 10 PDH;

(g) 2 PDH for active participation in a professional or technical society. Up to a maximum of 6 PDH per renewal period;

(h) Self study of relevant materials such that the registrant's knowledge of the subject significantly improves the registrant's ability to work in the subject area. Up to a maximum of 6 PDH;

(i) Mentoring of nonlicensed individuals not under your supervision in the field of engineering, land surveying, or photogrammetry. Each 10 hours spent mentoring will provide 1 PDH with a maximum of 2 PDH per year;

(j) 1 PDH per hour for developing, writing, or scoring an Oregon Specific examinations. Up to a maximum of 8 PDH per renewal period.

(4) Determination of Credit. The Board has final authority with respect to approval of courses, credit, PDH values for courses and other methods of earning credit. The Board may maintain a list of courses and activities which it has approved. The Board will approve without listing courses which are sponsored by nationally recognized technical societies and those technical societies listed in 820-001-0000(2)(b)(A) through (E) and (2)(c)(A) through (G). Criteria for determination of credit shall follow these guidelines:

(a) Credit for college or community college approved courses will be based upon course credit established by the college;

(b) Credit for qualifying seminars and workshops will be based on one PDH unit for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDH units for the actual time of each program;

(c) Credit determination for activities (3)(f) and (3)(h) is the responsibility of the registrant and is subject to review by the Board.

(5) Record keeping. Each registrant is charged with the responsibility of maintaining records of his/her own professional education activities. Every registrant shall report their professional education activities on a form approved by the Board only when requested by the Board to do so. The duty of maintaining records to support credits claimed is the responsibility of the registrant. Records required include, but are not limited to:

(a) A record showing the activity claimed, sponsoring organization, date, location, duration, instructor's or speaker's name, and PDH units earned; and

(b) Attendance verification records in the form of completion certificates, paid receipts, or other documents supporting evidence of attendance. These records must be retained for three (3) years. Copies may be requested by the Board for audit verification purposes.

(6) Delinquent, retired or inactive registrants must complete PDH requirements as outlined in OAR 820-010-0520 in order to attain active status.

(7) In the event a registrant holds a license in another state that has a lesser PDH requirement than Oregon or no PDH requirement, the registrant will need to satisfy Oregon's 30 PDH requirement to renew the Oregon license. In the event a registrant holds a license in another state that has a higher PDH requirement than Oregon, the registrant will be able to renew registration in Oregon upon fulfilling the other jurisdiction's higher requirement.

(8) Multiple Registrants. The number of PDH units required shall remain a total of 30 PDH per renewal period for persons who hold registration as an engineer, land surveyor, or photogrammetrist or more than one discipline of engineering. At least one third (1/3) of the PDH units required in courses/activities shall be related to each registration.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.375

Hist.: BEELS 2-2000, f. & cert. ef. 2-17-00; BEELS 5-2000, f. & cert. ef. 10-19-00; BEELS 3-2002, f. & cert. ef. 11-13-02; BEELS 1-2003, f. & cert. ef. 1-28-03; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2007, f. & cert. ef. 4-5-07; BEELS 5-2007, f. & cert. ef. 9-20-07

Board of Nursing

Chapter 851

Rule Caption: Advanced Practice Formulary Updated.

Adm. Order No.: BN 9-2007

Filed with Sec. of State: 10-1-2007

Certified to be Effective: 10-1-07

Notice Publication Date: 8-1-07

Rules Amended: 851-056-0012

Subject: The Board is authorized by ORS 678.385 and 678.390 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 or clinical nurse specialist under ORS 678.375, including controlled substances listed in Schedules II, III, III N, IV and V. This amendment adds the July, August and September 2007 updates to Drug Facts and Comparisons to the formulary, with specific drugs proposed for inclusion or deletion.

Rules Coordinator: KC Cotton—(971) 673-0638

851-056-0012

Formulary for Clinical Nurse Specialists and 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 nurses with prescriptive authority shall be all the drugs in the Drug Facts and Comparisons dated September 2007, 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 shall determine the drugs which clinical nurse specialists and nurse practitioners with prescriptive authority 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 may not be prescribed to nurses 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) Clinical nurse specialists may provide care for individuals and populations within their specialty scope of practice;

(c) Prescribing is limited by the individual's scope of practice and knowledge base within that scope of practice;

ADMINISTRATIVE RULES

(d) Clinical nurse specialists and nurse practitioners may prescribe the drugs appropriate for patients within their scope of practice as defined by OAR 851-050-0005; or 851-054-0020 and 0021;

(e) Clinical nurse specialists and 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) Clinical nurse specialists and nurse practitioners with prescriptive authority are authorized to prescribe:

- (a) All over-the-counter drugs;
- (b) Appliances and devices.

(5) Clinical nurse specialists and nurse practitioners are authorized to prescribe the following drugs as listed in Drug Facts and Comparisons dated September 2007:

(a) Nutrients and Nutritional Agents — all drugs except Flavocoxid (Limbrel);

(b) Hematological Agents — all drugs except Drotrecogin Alfa (Xigris); and Trepstinil 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 (Corlopan); and
- (C) Dofetilide (Tikosyn).

(e) Renal and Genitourinary Agents — all drugs;

(f) Respiratory Agents — all drugs;

(g) Central Nervous System Agents — all drugs with the following provisions:

(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 (except Lisdexamfetamine dimesylate (Vyvanse));

- (x) Methylphenidates;
- (xi) Pentobarbital;
- (xii) Secobarbital;

(xiii) Methadone Hydrochloride (in accordance with OAR 851-045-0015(2)(n) and 851-056-0026; and

(xiv) Levorphanol.

(B) General Anesthetic Agents — no drugs which are general anesthetic barbiturates, volatile liquids or gases, with the exception of nitrous oxide.

(C) Chymopapain is excluded.

(D) Ziconotide (Prialt) is excluded.

(h) Gastrointestinal Agents — all drugs except: Monoctanooin;

(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) Fomivirsin Sodium (Vitravene);
- (G) Verteporfin;
- (H) Levobetaxolol HCL (Betaxon);
- (I) Travoprost (Travatan);
- (J) Bimatoprost (Lumigan);
- (K) Unoprostone Isopropyl (Rescula);
- (L) Pegaptanib Sodium (Macugen);
- (M) Triptan Blue (VisionBlue);
- (N) Retisert; and
- (O) Ranibizumab (Lucentis).

(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:

(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).

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

Stat. Auth.: ORS 678.385

Stats. Implemented: ORS 678.385, 678.390

Hist.: BN 10-2006, f. & cert. ef. 10-5-06; BN 2-2007, f. & cert. ef. 3-13-07; BN 4-2007, f. & cert. ef. 5-2-07; BN 6-2007, f. & cert. ef. 6-26-07; BN 9-2007, f. & cert. ef. 10-1-07

Rule Caption: Additional Tasks Built into Three New CNA 2 Categories.

Adm. Order No.: BN 10-2007

Filed with Sec. of State: 10-1-2007

Certified to be Effective: 10-1-07

Notice Publication Date: 8-1-07

Rules Adopted: 851-063-0035

Subject: These rules cover standards and authorized duties for Certified Nursing Assistants and Certified Medication Aides. This new language related to the authorized duties and standards for the CNA 2 categories of care reflect the work of the Board's three task forces that contributed to the development of the individual curriculums, and the Board's approved curriculum policies for the CNA 2 categories.

Rules Coordinator: KC Cotton—(971) 673-0638

851-063-0035

Authorized Duties and Standards for CNA 2 Categories of Care

(1) Under the supervision of a licensed nurse, the CNA 2— Restorative Care may only provide care and assist clients with the following:

(a) Tasks associated with performing and reinforcing functional steps of activities of daily living:

(A) Use adaptive, assistive and therapeutic equipment;

(B) Clean, change appliances/devices and dressings for established, non-acute ostomies;

(C) Apply non-prescription topical creams and ointments for prophylactic treatment for skin condition; and

(D) Discontinue indwelling catheters.

(b) Tasks associated with relieving pain:

(A) Assist with complementary therapies (aromatherapy, art therapy, effleurage, light therapy, and music therapy) as ordered by a licensed nurse;

(B) Apply warm and cold compresses;

(C) Apply ice bag, ice collar, ice glove, or dry cold pack; and

(D) Use of heated soaks, sitz and whirlpool baths.

(c) Tasks associated with dysphagia:

(A) Add fluid to established gastrostomy or jejunostomy tube feedings and change established tube-feeding bags.

(d) Tasks associated with mobility:

(A) Provide range of motion on clients with complex medical problems;

(B) Use advanced transfer techniques;

(C) Recognize ability and degree in which a client can ambulate and when functional loss has occurred;

(D) Apply therapeutic positioning; and

(E) Use adaptive, assistive, and therapeutic equipment.

(e) Tasks associated with conditions that affect functional ability:

(A) Turn oxygen on and off at predetermined, established flow rate;

(B) Change simple, nonsterile dressings using aseptic technique when no wound debridement or packing is involved;

(C) Perform clean intermittent straight urinary catheterization for chronic conditions;

(D) Collect clean-catch urine specimen;

ADMINISTRATIVE RULES

- (E) Empty, measure, and record output from other drainage devices;
 - (F) Perform urine specimen tests;
 - (G) Perform hemocult test for occult blood;
 - (H) Obtain capillary blood glucose (CBGs);
 - (I) Assist with incentive spirometer;
 - (J) Suction oral pharynx; and
 - (K) Apply pediculicides.
- (f) Tasks associated with communication and documentation.
- (2) Under the supervision of a licensed nurse, the CNA 2— Acute Care may only provide care and assist clients with the following:
- (a) Tasks associated with responsive observations:
 - (A) Vital signs:
 - (i) Temperature;
 - (ii) Pulse;
 - (iii) Respirations;
 - (iv) Blood pressure, manual and electronic on upper arm, thigh, and lower leg, including orthostatic blood pressure readings;
 - (v) Pain level;
 - (B) Pulse oximetry.
 - (C) Warm and cold therapies:
 - (i) Warm and cold compresses;
 - (ii) Ice bag, ice collar, ice glove, or dry cold pack; and
 - (iii) Heated soaks and whirlpool or sitz baths.
 - (b) Tasks associated with technical skills:
 - (A) Add fluid to established post pyloric, jejunostomy and gastrostomy tube feedings and change established tube feeding bags;
 - (B) Apply topical over-the-counter creams and ointments for prophylactic treatment of skin conditions;
 - (C) Apply pediculicides;
 - (D) Apply sequential compression devices;
 - (E) Assist patients in and out of Continuous Passive Motion machines;
 - (F) Assist patient with coughing and deep breathing;
 - (G) Interrupt and re-establish suction (with the exception of chest tubes);
 - (H) Remove cast in non-emergent situations;
 - (I) Set up traction equipment;
 - (J) Suction oral pharynx;
 - (K) Turn oxygen on and off at pre-established flow rate; and
 - (L) Use of an incentive spirometer.
 - (c) Tasks associated with interpersonal skills and communication.
 - (d) Tasks associated with safety.
 - (e) Tasks associated with infection control:
 - (A) Clean ostomy sites and change dressings or appliances for established, non-acute ostomy;
 - (B) Collect clean-catch urine specimen;
 - (C) Discontinue foley catheter;
 - (D) Measure, record and/or empty output from drainage devices and closed drainage systems;
 - (E) Obtain rectal swab (for Vancomycin-Resistant Enterococci);
 - (F) Obtain sterile urine specimen from port of catheter; and
 - (G) Perform clean intermittent straight catheterization for chronic conditions.
 - (f) Tasks associated with documentation.
- (3) Under the supervision of a licensed nurse, the CNA 2— Dementia Care may only provide care and assist clients with the following:
- (a) Tasks associated with person-directed care;
 - (A) Adjust care to meet individual preferences and unique needs; and
 - (B) Gather information on specific strengths, abilities, and preferences of a person with dementia.
 - (b) Tasks associated with responsive observation;
 - (A) Identify findings, patterns, habits, and behaviors that deviate from usual in a person with dementia;
 - (B) Recognize changes in persons with dementia that should be reported to the licensed nurse;
 - (C) Observe person's response to medications and notify licensed nurse when necessary;
 - (D) Observe and collect response to pain for the person with dementia; and
 - (E) Provide input to licensed nurse on person with dementia's response to interventions for problems and care plan approaches.
 - (c) Tasks associated with interpersonal skills/communication;
 - (A) Utilize de-escalation strategies;
 - (B) Protect person with dementia and self in a crisis situation; and

- (C) Use communication techniques to enhance the quality of life for a person with dementia.
 - (d) Tasks associated with activities of daily living (ADL);
 - (A) Utilize techniques to encourage self care for the person with dementia; and
 - (B) Coordinate ADL approaches with the person with dementia's own patterns/habits.
 - (e) Tasks associated with activities;
 - (A) Make meaningful moments for the person with dementia; and
 - (B) Support individual preferences and habits.
 - (f) Tasks associated with safety;
 - (A) Identify safety risks for a person with dementia; and
 - (B) Apply preventive/supportive/protective strategies or devices when working with a person with dementia.
 - (g) Tasks associated with environment including contributing to a safe, calm, stable, home-like environment for a person with dementia.
 - (h) Tasks associated with technical skills;
 - (A) Data gathering skills;
 - (i) Collect clean-catch urine specimen;
 - (ii) Perform tests on urine specimens;
 - (iii) Empty, measure, and record output from drainage devices;
 - (iv) Perform hemocult test for occult blood;
 - (v) Perform capillary blood glucose (CBGs); and
 - (vi) Bladder scanning.
 - (B) Designated tasks:
 - (i) Apply pediculicides;
 - (ii) Turn oxygen on and off at predetermined, established flow rate;
 - (iii) Change simple, nonsterile dressings using aseptic technique when no wound debridement or packing is involved;
 - (iv) Clean ostomy sites and change dressings or appliances for established, non-acute ostomies;
 - (v) Apply topical over-the-counter creams and ointments for prophylactic treatment of skin conditions;
 - (vi) Discontinue foley catheters;
 - (vii) Perform clean intermittent straight urinary catheterization for chronic conditions;
 - (viii) Insert over-the-counter vaginal suppositories and vaginal creams;
 - (ix) Assist with incentive spirometer;
 - (x) Suction oral pharynx;
 - (xi) Interrupt and re-establish suction (with the exception of chest tubes); and
 - (xii) Add fluid to established jejunostomy and gastrostomy tube feedings and change established tube feeding bags.
 - (i) Tasks associated with end of life care;
 - (A) Recognize symptoms for a person reaching the end-of-life; and
 - (B) Provide compassionate end-of-life care.
 - (j) Tasks associated with documentation; and
 - (k) Tasks associated with caregiver self care.
- (4) Standards of Care for CNA 2. In the process of client care the CNA 2 shall consistently apply standards set for CNA 1s and:
- (a) Establish competency as a CNA 2;
 - (b) Maintain competency as a CNA 2;
 - (c) Perform within authorized duties of each CNA 2 category in which the CNA has established competency.
- Stat. Auth.: ORS 678.440, 678.442
Stats. Implemented: ORS 678.440, 678.442
Hist.: BN10-2007, f. & cert. ef. 10-1-07

Bureau of Labor and Industries Chapter 839

Rule Caption: Amends the prevailing rates of wage for the period beginning July 1, 2007.

Adm. Order No.: BLI 25-2007

Filed with Sec. of State: 9-19-2007

Certified to be Effective: 9-20-07

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, 2007.

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

ADMINISTRATIVE RULES

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 publications of the Bureau of Labor and Industries entitled *Prevailing Wage Rates on Public Works Contracts in Oregon* and *Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2007, 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, 2007, and the effective dates of the applicable special wage determination and rates amendments:

(a) Marine Rates for Public Works Contracts in Oregon (effective October 4, 2006).

(b) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective June 22, 2007).

(c) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 6, 2007).

(d) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 13, 2007).

(e) Amendments/Corrections to Oregon Determination 2007-02 and July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (effective August 7, 2007).

(f) Amendments/Corrections to Oregon Determination 2007-02 and July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (effective August 17, 2007).

(g) Amendments/Corrections to Oregon Determination 2007-02 and July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (effective August 24, 2007).

(h) Amendments/Corrections to Oregon Determination 2007-02 and July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (effective September 7, 2007).

(i) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective September 14, 2007).

(2) Copies of *Prevailing Wage Rates on Public Works Contracts in Oregon* and *Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2007, are 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.

Stat. Auth.: ORS 279C.815, 651.060

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; BLI 26-2005, f. 12-23-05, cert. ef. 1-1-06; BLI 1-2006, f. 1-24-06, cert. ef. 1-25-06; BLI 2-2006, f. & cert. ef. 2-9-06; BLI 4-2006, f. 2-23-06, cert. ef. 2-24-06; BLI 16-2006, f. 3-30-06, cert. ef. 4-1-06; BLI 20-2006, f. & cert. ef. 6-16-06; BLI 21-2006, f. 6-16-06, cert. ef. 7-1-06; BLI 23-2006, f. 6-27-06, cert. ef. 6-29-06; BLI 25-2006, f. & cert. ef. 7-11-06; BLI 26-2006, f. & cert. ef. 7-13-06; BLI 28-2006, f. 7-21-06, cert. ef. 7-24-06; BLI 29-2006, f. 8-8-06, cert. ef. 8-9-06; BLI 32-2006, f. & cert. ef. 9-13-06; BLI 33-2006, f. 9-28-06, cert. ef. 10-1-06; BLI 36-2006, f. & cert. ef. 10-4-06; BLI 37-2006, f. & cert. ef. 10-

19-06; BLI 40-2006, f. 11-17-06, cert. ef. 11-20-06; BLI 43-2006, f. 12-7-06, cert. ef. 12-8-06; BLI 45-2006, f. 12-26-06, cert. ef. 1-1-07; BLI 5-2007, f. 1-30-07, cert. ef. 1-31-07; BLI 6-2007, f. & cert. ef. 3-5-07; BLI 7-2007, f. 3-28-07, cert. ef. 3-30-07; BLI 8-2007, f. 3-29-07, cert. ef. 4-1-07; BLI 9-2007, f. & cert. ef. 4-2-07; BLI 10-2007, f. & cert. ef. 4-30-07; BLI 12-2007, f. & cert. ef. 5-31-07; BLI 13-2007, f. 6-8-07, cert. ef. 6-11-07; BLI 14-2007, f. 6-27-07, cert. ef. 6-28-07; BLI 15-2007, f. & cert. ef. 6-28-07; BLI 16-2007, f. 6-29-07, cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. & ef. 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07

Rule Caption: Amends the prevailing rates of wage for the period beginning July 1, 2007.

Adm. Order No.: BLI 26-2007

Filed with Sec. of State: 9-25-2007

Certified to be Effective: 9-26-07

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, 2007.

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 publications of the Bureau of Labor and Industries entitled *Prevailing Wage Rates on Public Works Contracts in Oregon* and *Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2007, 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, 2007, and the effective dates of the applicable special wage determination and rates amendments:

(a) Marine Rates for Public Works Contracts in Oregon (effective October 4, 2006).

(b) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective June 22, 2007).

(c) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 6, 2007).

(d) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 13, 2007).

(e) Amendments/Corrections to Oregon Determination 2007-02 and July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (effective August 7, 2007).

(f) Amendments/Corrections to Oregon Determination 2007-02 and July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (effective August 17, 2007).

(g) Amendments/Corrections to Oregon Determination 2007-02 and July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (effective August 24, 2007).

(h) Amendments/Corrections to Oregon Determination 2007-02 and July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (effective September 7, 2007).

(i) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective September 14, 2007).

(j) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective September 21, 2007).

(2) Copies of *Prevailing Wage Rates on Public Works Contracts in Oregon* and *Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2007, are available from any office of the Wage and Hour Division of the Bureau of Labor and Industries. The offices are located in Eugene,

ADMINISTRATIVE RULES

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.

Stat. Auth.: ORS 279C.815, 651.060

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; BLI 26-2005, f. 12-23-05, cert. ef. 1-1-06; BLI 1-2006, f. 1-24-06, cert. ef. 1-25-06; BLI 2-2006, f. & cert. ef. 2-9-06; BLI 4-2006, f. 2-23-06, cert. ef. 2-24-06; BLI 14-2006, f. 3-30-06, cert. ef. 4-1-06; BLI 20-2006, f. & cert. ef. 6-16-06; BLI 21-2006, f. 6-16-06 cert. ef. 7-1-06; BLI 23-2006, f. 6-27-06 cert. ef. 6-29-06; BLI 25-2006, f. & cert. ef. 7-11-06; BLI 26-2006, f. & cert. ef. 7-13-06; BLI 28-2006, f. 7-21-06, cert. ef. 7-24-06; BLI 29-2006, f. 8-8-06, cert. ef. 8-9-06; BLI 32-2006, f. & cert. ef. 9-13-06; BLI 33-2006, f. 9-28-06, cert. ef. 10-1-06; BLI 36-2006, f. & cert. ef. 10-4-06; BLI 37-2006, f. & cert. ef. 10-19-06; BLI 40-2006, f. 11-17-06, cert. ef. 11-20-06; BLI 43-2006, f. 12-7-06, cert. ef. 12-8-06; BLI 45-2006, f. 12-26-06, cert. ef. 1-1-07; BLI 5-2007, f. 1-30-07, cert. ef. 1-31-07; BLI 6-2007, f. & cert. ef. 3-5-07; BLI 7-2007, f. 3-28-07, cert. ef. 3-30-07; BLI 8-2007, f. 3-29-07, cert. ef. 4-1-07; BLI 9-2007, f. & cert. ef. 4-2-07; BLI 10-2007, f. & cert. ef. 4-30-07; BLI 12-2007, f. & cert. ef. 5-31-07; BLI 13-2007, f. 6-8-07, cert. ef. 6-11-07; BLI 14-2007, f. 6-27-07, cert. ef. 6-28-07; BLI 15-2007, f. & cert. ef. 6-28-07; BLI 16-2007, f. 6-29-07, cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. & ef. 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07; BLI 26-2007, f. 9-25-07 cert. ef. 9-26-07

.....

Rule Caption: Amends the prevailing rates of wage for the period beginning July 1, 2007.

Adm. Order No.: BLI 27-2007

Filed with Sec. of State: 9-25-2007

Certified to be Effective: 10-1-07

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, 2007.

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 publications of the Bureau of Labor and Industries entitled *Prevailing Wage Rates on Public Works Contracts in Oregon* and *Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2007, 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, 2007, and the effective dates of the applicable special wage determination and rates amendments:

(a) Marine Rates for Public Works Contracts in Oregon (effective October 4, 2006).

(b) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective June 22, 2007).

(c) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 6, 2007).

(d) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 13, 2007).

(e) Amendments/Corrections to Oregon Determination 2007-02 and July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (effective August 7,

2007).

(f) Amendments/Corrections to Oregon Determination 2007-02 and July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (effective August 17, 2007).

(g) Amendments/Corrections to Oregon Determination 2007-02 and July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (effective August 24, 2007)

(h) Amendments/Corrections to Oregon Determination 2007-02 and July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (effective September 7, 2007)

(i) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective September 14, 2007).

(j) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective September 21, 2007).

(k) Amendment to Oregon Determination 2007-02 (effective October 1, 2007).

(2) Copies of *Prevailing Wage Rates on Public Works Contracts in Oregon* and *Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2007, are 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.

Stat. Auth.: ORS 279C.815, 651.060

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; BLI 26-2005, f. 12-23-05, cert. ef. 1-1-06; BLI 1-2006, f. 1-24-06, cert. ef. 1-25-06; BLI 2-2006, f. & cert. ef. 2-9-06; BLI 4-2006, f. 2-23-06, cert. ef. 2-24-06; BLI 14-2006, f. 3-30-06, cert. ef. 4-1-06; BLI 20-2006, f. & cert. ef. 6-16-06; BLI 21-2006, f. 6-16-06 cert. ef. 7-1-06; BLI 23-2006, f. 6-27-06 cert. ef. 6-29-06; BLI 25-2006, f. & cert. ef. 7-11-06; BLI 26-2006, f. & cert. ef. 7-13-06; BLI 28-2006, f. 7-21-06, cert. ef. 7-24-06; BLI 29-2006, f. 8-8-06, cert. ef. 8-9-06; BLI 32-2006, f. & cert. ef. 9-13-06; BLI 33-2006, f. 9-28-06, cert. ef. 10-1-06; BLI 36-2006, f. & cert. ef. 10-4-06; BLI 37-2006, f. & cert. ef. 10-19-06; BLI 40-2006, f. 11-17-06, cert. ef. 11-20-06; BLI 43-2006, f. 12-7-06, cert. ef. 12-8-06; BLI 45-2006, f. 12-26-06, cert. ef. 1-1-07; BLI 5-2007, f. 1-30-07, cert. ef. 1-31-07; BLI 6-2007, f. & cert. ef. 3-5-07; BLI 7-2007, f. 3-28-07, cert. ef. 3-30-07; BLI 8-2007, f. 3-29-07, cert. ef. 4-1-07; BLI 9-2007, f. & cert. ef. 4-2-07; BLI 10-2007, f. & cert. ef. 4-30-07; BLI 12-2007, f. & cert. ef. 5-31-07; BLI 13-2007, f. 6-8-07, cert. ef. 6-11-07; BLI 14-2007, f. 6-27-07, cert. ef. 6-28-07; BLI 15-2007, f. & cert. ef. 6-28-07; BLI 16-2007, f. 6-29-07, cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. & ef. 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07; BLI 26-2007, f. 9-25-07 cert. ef. 9-26-07; BLI 27-2007, f. 9-25-07 cert. ef. 10-1-07

.....

Rule Caption: Amends the prevailing rates of wage for the period beginning July 1, 2007.

Adm. Order No.: BLI 28-2007

Filed with Sec. of State: 9-26-2007

Certified to be Effective: 10-1-07

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, 2007.

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

ADMINISTRATIVE RULES

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 publications of the Bureau of Labor and Industries entitled *Prevailing Wage Rates on Public Works Contracts in Oregon* and *Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2007, 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, 2007, and the effective dates of the applicable special wage determination and rates amendments:

(a) Marine Rates for Public Works Contracts in Oregon (effective October 4, 2006).

(b) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective June 22, 2007).

(c) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 6, 2007).

(d) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective July 13, 2007).

(e) Amendments/Corrections to Oregon Determination 2007-02 and July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (effective August 7, 2007).

(f) Amendments/Corrections to Oregon Determination 2007-02 and July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (effective August 17, 2007).

(g) Amendments/Corrections to Oregon Determination 2007-02 and July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (effective August 24, 2007).

(h) Amendments/Corrections to Oregon Determination 2007-02 and July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (effective September 7, 2007).

(i) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective September 14, 2007).

(j) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective September 21, 2007).

(k) Amendment to Oregon Determination 2007-02 (effective October 1, 2007).

(l) Amendments/Corrections to July 1, 2007 PWR Rates for Public Works Contracts in Oregon subject to BOTH State PWR Law and federal Davis-Bacon Act (reflecting changes to Davis-Bacon rates effective October 1, 2007).

(2) Copies of *Prevailing Wage Rates on Public Works Contracts in Oregon* and *Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the state PWR and federal Davis-Bacon Act* dated July 1, 2007, are 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.

Stat. Auth.: ORS 279C.815, 651.060

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; BLI 26-2005, f. 12-23-05, cert. ef. 1-1-06; BLI 1-2006, f. 1-24-06, cert. ef. 1-25-06; BLI 2-2006, f. & cert. ef. 2-9-06; BLI 4-2006, f. 2-23-06, cert. ef. 2-24-06; BLI 14-2006, f. 3-30-06, cert. ef. 4-1-06; BLI 20-2006, f. & cert. ef. 6-16-06; BLI 21-2006, f. 6-16-06 cert. ef. 7-1-06; BLI 23-2006, f. 6-27-06 cert. ef. 6-29-06; BLI 25-2006, f. & cert. ef. 7-11-06; BLI 26-2006, f. & cert. ef. 7-13-06; BLI 28-2006, f. 7-21-06, cert. ef. 7-24-06; BLI 29-2006, f. 8-8-06, cert. ef. 8-9-06; BLI 32-2006, f. & cert. ef. 9-13-06; BLI 33-2006, f. 9-28-06, cert. ef. 10-1-06; BLI 36-2006, f. & cert. ef. 10-4-06; BLI 37-2006, f. & cert. ef. 10-19-06; BLI 40-2006, f. 11-17-06, cert. ef. 11-20-06; BLI 43-2006, f. 12-7-06, cert. ef. 12-8-06; BLI 45-2006, f. 12-26-06, cert. ef. 1-1-07; BLI 5-2007, f. 1-30-07, cert. ef. 1-31-07; BLI 6-2007, f. & cert. ef. 3-5-07; BLI 7-2007, f. 3-28-07, cert. ef. 3-30-07; BLI 8-2007, f. 3-29-07, cert. ef. 4-1-07; BLI 9-2007, f. & cert. ef. 4-2-07; BLI 10-2007, f. & cert. ef. 4-30-07; BLI 12-2007, f. & cert. ef. 5-31-07; BLI 13-2007, f. 6-8-07, cert. ef. 6-11-07; BLI 14-2007, f. 6-27-07, cert. ef. 6-28-07; BLI 15-2007, f. & cert. ef. 6-28-07; BLI 16-2007, f. 6-29-07, cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. & ef. 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07; BLI 26-2007, f. 9-25-07 cert. ef. 9-26-07; BLI 27-2007, f. 9-25-07 cert. ef. 10-1-07; BLI 28-2007, f. 9-26-07 cert. ef. 10-1-07

Rule Caption: Changing OSHA retaliation complaint deadline from 30 to 90 days to conform with statutory change.

Adm. Order No.: BLI 29-2007

Filed with Sec. of State: 9-27-2007

Certified to be Effective: 10-1-07

Notice Publication Date: 9-1-07

Rules Amended: 839-003-0025, 839-004-0001, 839-004-0021

Subject: The amendments will conform the rules with a statutory change in the filing deadline for complaints of retaliation for reporting health and safety hazards in the workplace.

Temporary rule amendments are in effect and are replaced by this permanent rule filing.

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

839-003-0025

Filing a Complaint

(1) A person or the person's attorney may file a complaint, in person or by mail, with the division at any bureau office in the state of Oregon. The complaint must meet the standards provided in OAR 839-003-0005(4).

(2) The filing date is the date the division receives a complaint that meets the standards contained in OAR 839-003-0005(4).

(3) Except as provided in section (5) of this rule, a person must file a complaint with the division no later than one year after the alleged unlawful practice. If the alleged unlawful practice is of a continuing nature, the right to file a complaint exists so long as the person files the complaint within one year of the most recent date the unlawful practice occurred.

(4) A person alleging constructive discharge must file a discrimination complaint with the division within one year of the date the discharge occurred.

(5) A person alleging discrimination for reporting or opposing unsafe or unhealthy work conditions under ORS 654.062 must contact the division within 90 days of having reasonable cause to believe that such violation has occurred. An employee would have reasonable cause to believe a violation has occurred on the earliest date that the employee:

(a) Believed retaliation had occurred against the employee for opposing employee health and safety hazards; and

(b) Knew or should have known of the right to file a complaint with the division and of the requirement that the complaint be filed within 90 days of the alleged retaliation.

(A) If a notice required by OSEA, as provided in OAR 437-001-0275(2)(a), was properly posted in the employee's workplace, continuously on and following the date of the alleged retaliation, the division will find that the employee knew or should have known of the 90-day filing requirement.

(B) If the employer failed to post the required OSEA poster, the 90-day filing requirement will begin on the date the employee learned of the right to file a complaint and of the 90-day filing requirement. The employee may establish this date based on the employee's own statement or other evidence offered by the employee.

(C) If the employer disagrees with the employee's presented date as the date the employee learned of the right to file a complaint, the burden is on the employer to show that the employee knew or should have known on an earlier date.

(D) If extenuating circumstances exist, the division may extend the

ADMINISTRATIVE RULES

90-day period as provided in 29 CFR Part 15(d)(3).

(6) The procedures for filing a complaint are as follows:

(a) A person or the person's attorney makes an inquiry to the division;

(b) The division may provide the person or the person's attorney with a letter of information and/or questionnaire to assist in determining if there is a basis for filing a complaint;

(c) If the division determines the person has a basis for filing a complaint, the division will draft a complaint based upon the information provided by the person and send or give the complaint to the person or the person's attorney for verification. The person or the person's attorney will request any necessary changes to the complaint.

(d) The person or the person's attorney will verify and sign the complaint. The complaint will then be submitted to the division.

(e) If the person is an unemancipated minor the complaint must be signed by the minor and the parent or legal guardian of the minor.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 654.062, 659A.820 & 29 CFR Part 15(d)(3)

Hist.: BL 7-1981, f. & ef. 6-25-81; BL 4-1996, f. & cert. ef. 3-12-96; BL 2-1998, f. & cert. ef. 2-3-98; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 12-2004, f. 10-22-04 cert. ef. 10-25-04; BLI 19-2007(Temp), f. & cert. ef. 7-18-07 thru 1-1-08; BLI 29-2007, f. 9-27-07 cert. ef. 10-1-07

839-004-0001

Purpose and Scope

(1) The Oregon Safe Employment Act (OSEA) recognizes the right of employees to have a safe and healthy workplace. In addition to the OSEA health and safety provisions enforced by the Oregon Occupational Safety and Health Division (OR-OSHA), OSEA prohibits discrimination against employees because of an employee's complaint about or opposition to health and safety hazards in the workplace. The Bureau of Labor and Industries, through its Civil Rights Division, is responsible for enforcing the prohibitions against discrimination for opposition to health and safety hazards, pursuant to ORS 654.062(5). The purpose of these rules is to clarify the interpretations of ORS 654.062(5) that guide the division in implementing this statute. Provisions of OSEA should be construed to the extent possible in a manner that is consistent with any similar provisions of the federal Occupational Safety and Health Act of 1970 (OSHA), 29 USC 651 (1999).

(2) It is an unlawful employment practice for any person to bar or discharge from employment or otherwise discriminate against any employee or prospective employee because that employee has opposed any practice forbidden under or related to OSEA.

(3) Employees or prospective employees having reason to believe they have been discriminated against may file a complaint with the division, as described in OAR 839-003-0025.

(4) Health and safety discrimination complaints must be filed with the division within 90 days of the date the employee has reasonable cause to believe that a violation has occurred.

Stat. Auth.: ORS 654.062(5)

Stats. Implemented: ORS 654.062(5) & 659A.820

Hist.: BLI 14-2000, f. & cert. ef. 8-11-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 19-2007(Temp), f. & cert. ef. 7-18-07 thru 1-1-08; BLI 29-2007, f. 9-27-07 cert. ef. 10-1-07

839-004-0021

Employee Opposition to Health and Safety Hazards

(1) ORS 654.062(5) prohibits discrimination against an employee because the employee "opposed" health and safety hazards in the workplace. OSEA does not specify to whom or in what manner an employee must oppose health and safety hazards and be protected. The concern is not with how the opposition is communicated, but with the employer's reaction to the opposition. What constitutes opposition covers a broad range of activities including, but not limited to the following:

(a) An employee opposing health and safety hazards in a co-worker discussion that is overheard by management;

(b) An employee opposing employee health and safety hazards in a letter to a newspaper read by management; or

(c) An employee opposing employee health and safety hazards by written or verbal protest to the employer.

(2) OSEA does not normally cover an employee opposing health and safety hazards if the employee refuses to work or walks off the job. If an employee, however, refuses to perform work that presents risk of serious injury or death, the employee would have OSEA protection under the following conditions:

(a) The employee has reasonable cause to believe the work or work area poses an imminent risk of serious injury or death due to hazardous conditions not inherent in the job; and

(b) The employee has reasonable cause to believe there is insufficient time or opportunity to seek employer redress or to resort to regulatory

enforcement channels. (For example, the employer refuses to correct the hazard, denies the danger exists, is not available, or no regulatory representative is available.)

(3) A person alleging discrimination for reporting or opposing unsafe or unhealthy work conditions under ORS 654.062 must contact the division within 90 days of having reasonable cause to believe that such violation has occurred. An employee would have reasonable cause to believe a violation has occurred on the earliest date that the employee:

(a) Believed retaliation had occurred against the employee for opposing employee health and safety hazards; and

(b) Knew or should have known of the right to file a complaint with the division and of the requirement that the complaint be filed within 90 days of the alleged retaliation.

Stat. Auth.: ORS 654.062(5)

Stats. Implemented: ORS 654.005 & 654.062(5)

Hist.: BLI 14-2000, f. & cert. ef. 8-11-00; BLI 5-2005, f. 1-13-05, cert. ef. 1-19-05; BLI 19-2007(Temp), f. & cert. ef. 7-18-07 thru 1-1-08; BLI 29-2007, f. 9-27-07 cert. ef. 10-1-07

Department of Administrative Services, Budget and Management Division Chapter 122

Rule Caption: Appropriate classification of COP debt service payments and crediting of interest earnings for affected agencies.

Adm. Order No.: BMD 2-2007(Temp)

Filed with Sec. of State: 10-8-2007

Certified to be Effective: 10-8-07 thru 4-4-08

Notice Publication Date:

Rules Amended: 122-070-0060

Subject: The rule provides the superstructure for the management of Certificate of Participation (COP) funds, including, management of investments, recordkeeping, equitable distribution of interest earnings, and the repayment and billing process. The Temporary Rule will help affected agencies to align COP debt service payments with agency appropriation bills, agency budgets, and Generally Accepted Accounting Principles (GAAP).

Rules Coordinator: Yvonne Hanna—(503) 378-2349, ext. 325

122-070-0060

Management of All COP Funds

(1) The Department of Administrative Services will be responsible for managing the investments of all COP funds in coordination with the State Treasurer.

(2) Records of COP fund balances and interest earnings:

(a) The Department of Administrative Services will retain records of all transactions related to COPs;

(b) The Department of Administrative Services will calculate the reasonable distribution of interest earnings on a single financing agreement account which funds independent projects of separate departments or agencies;

(c) The Department of Administrative Services will report, to agencies participating in COP funds, the account interest earnings and account balances at the close of every fiscal year.

(3) COP payment from agencies:

(a) All departments or agencies with projects funded by outstanding COP series will make repayment of principal and interest as prescribed in the respective interagency agreement with the Department of Administrative Services;

(b) COP payments will be a fixed amount for a semi-annual cycle:

(A) The Trustee in accordance with the terms of Trust agreements between the Department of Administrative Services and Trustee, will accumulate COP payments;

(B) The Trustee will invest payments. Earnings will be credited to the respective department or agency;

(C) At the end of every payment cycle the interest earnings on payments accumulated during the cycle may be credited against the COP interest due the next cycle, at the discretion of the Department of Administrative Services, Capital Investment Section;

(D) When the end of a payment cycle marks the end of the entire COP obligation, any accumulated interest earnings remaining after all obligations are paid will be provided to the department or agency.

Stat. Auth.: ORS 184.340

Stats. Implemented: ORS 283.085 - 283.092

Hist.: GS 15-1992, f. & cert. ef. 7-24-92; BMD 1-1996, f. 4-11-96, cert. ef. 4-15-96, Renumbered from 125-023-0060; BMD 4-2003(Temp), f. & cert. ef. 9-24-03 thru 3-22-04; BMD 7-2003, f. & cert. ef. 12-4-03; BMD 2-2007(Temp), f. & cert. ef. 10-8-07 thru 4-4-08

ADMINISTRATIVE RULES

Department of Administrative Services, Oregon Educators Benefit Board Chapter 111

Rule Caption: Establishes Oregon Educators Benefit Board's policy for providing benefits, definitions of terms, phase-in dates and rules for continued coverage.

Adm. Order No.: OEBB 2-2007(Temp)

Filed with Sec. of State: 9-21-2007

Certified to be Effective: 9-21-07 thru 3-18-08

Notice Publication Date:

Rules Adopted: 111-010-0001, 111-010-0015, 111-020-0001, 111-050-0001, 111-050-0010, 111-050-0015

Subject: Establishes Oregon Educators Benefit Board policy for entering into contracts for benefit plans, provides definitions of terms, establishes effective dates for district phase-in, and establishes rules of continuation of coverage to allow the Board to begin preparing Request for Proposal (RFP) documents in preparation for implementation of the new benefits program for subject school and education district employees.

Rules Coordinator: Rose Mann—(503) 378-4606

111-010-0001

Policy

The policy of the Oregon Educators Benefit Board (OEBB) is to provide benefit plans designed to meet the needs and provide for the welfare of eligible employees and the districts. To accomplish this, when considering whether to enter into a contract for a benefit plan, the Board will place emphasis on the following:

- (1) Offering high-quality plans;
- (2) Employee choice;
- (3) Plan performance and information;
- (4) District flexibility in plan design and contracting;
- (5) Quality customer service;
- (6) Creativity and innovation;
- (7) Plan benefits as part of total employee compensation; and
- (8) Improvement of employee health.

Stat. Auth.: ch.7, OL 2007

Stats. Implemented: ch. 7, sec. 4(1), OL 2007

Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08

111-010-0015

Definitions

Unless the context indicates otherwise, as used in OAR chapter 111, divisions 1 through 50, the following definitions will apply:

(1) "Benefit plan" includes, but is not limited to, insurance or other benefits including:

- (a) Medical;
- (b) Dental;
- (c) Vision;
- (d) Life, disability and accidental death;
- (e) Long term care;
- (f) Flexible spending accounts;
- (g) Supplemental medical, dental and vision;
- (h) Any other remedial care recognized by state law, and related services and supplies; and

(i) Comparable benefits for employees who rely on spiritual means of healing.

(2) "Board" means the ten-member board established in the Department of Administrative Services as the Oregon Educators Benefit Board under chapter 00007, Oregon Laws 2007.

(3) "Eligible employee" means and includes:

(a) "Active eligible employee" means an employee of an OEBB participating organization who is employed on a half-time or greater basis or is in a job-sharing position or meets the definition of an eligible employee under a separate OEBB rule or under a collective bargaining agreement.

(b) "Retired eligible employee" means a previously active eligible employee, who meets retiree eligibility as defined in OAR 111-050-0010.

(4) "Employee Group" means one or more similarly situated employees (i.e., nonrepresented or represented by a specific collective bargaining contract) in a common school district, union high school district, education service district, community college district or charter school.

(5) "Non-subject District" means a community college district or a charter school if the employees are not considered employees of a school district.

(6) "Oregon Educators Benefit Board or OEBB" means the program created under chapter 00007, Oregon Laws 2007.

(7) "OEBB participating organization" means a Subject District, Non-subject District, or Provisional Non-subject District that participates in benefit plans provided by the Oregon Educators Benefit Board (OEBB).

(8) "Provisional Non-subject District" means a common school district, a union high school district, or an education service district that was self-insured or that had an independent health insurance trust established and functioning on or before December 31, 2006.

(9) "Subject District" means a common school district, a union high school district, or an education service district that did not self-insure or have a health trust in effect on or after January 1, 2007.

Stat. Auth.: ch.7, OL 2007

Stats. Implemented:

Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08

111-020-0001

Initial Employee Group Phase-in

(1) Any Employee Group in Subject Districts, Provisional Non-subject Districts, or Non-subject Districts may elect to participate in benefit plans provided by the Board beginning on October 1, 2008, October 1, 2009, or October 1, 2010, without having to meet the phase-in requirements outlined under Sections 2, 3, 4, 5 or 6; however:

(a) Eligible employees of a Subject District who are represented under a collective bargaining agreement with an end date of July 1, 2007, through June 30, 2008, must participate in benefit plans provided by the Board beginning October 1, 2008.

(b) Eligible employees of a Subject District who are represented under a collective bargaining agreement with an end date of July 1, 2008, through June 30, 2009, must participate in benefit plans provided by the Board beginning October 1, 2009.

(c) Eligible employees of a Subject District who are represented under a collective bargaining agreement with an end date on or after July 1, 2009, must participate in benefit plans provided by the Board beginning October 1, 2010.

(d) Eligible employees of a Subject District who are not represented under a collective bargaining agreement must participate in benefit plans provided by the Board consistent with the requirements governing eligible employees of the Subject District who are represented under a collective bargaining contract as outlined under section 1(a) and (b) above. If more than one collective bargaining contract exists in the Subject District, the earliest collective bargaining contract end date must be applied.

(2) An Employee Group electing to participate in benefit plans provided by the Board under section 1 must provide notice of such election not later than May 31 of the year in which they plan to move to the OEBB benefit plans on October 1.

(3) A Provisional Non-subject District that wants to continue providing benefit plans other than those benefit plans provided by the Board must submit an application requesting to be excluded from the requirements of this Section. The application must show that the premiums for the benefit plans provided or contracted for by the district are equal or less than the premiums for comparable benefit plans provided by the Board. Applications must be submitted not later than May 31, 2010, and each year that follows.

(4) Employee Groups in Provisional Non-subject Districts and Non-subject Districts who elect to participate in benefit plans provided by the Board cannot return to benefit plans provided or administered by an entity other than the Board.

Stat. Auth.: ch.7, OL 2007

Stats. Implemented: Sec.14, ch. 7, OL 2007, Sec.16, ch. 7, OL 2007

Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08

111-050-0001

Continuation of Group Medical and Dental Insurance Coverage Under The Consolidated Omnibus Budget Reconciliation Act (COBRA)

COBRA allows an eligible individual losing group health plan coverage due to a qualifying event to continue their coverage for a limited time on a self-pay basis.

(1) OEBB will issue or cause the issuance of an initial COBRA notice explaining the right to continue medical and dental insurance plans to all newly eligible employees and individuals.

(a) The notice must be mailed to the eligible employee's known address including family members, a domestic partner and a domestic partner's dependent children immediately following enrollment in OEBB medical or dental insurance plans. The notice must include all known eligible individuals residing at the address. Known eligible individuals residing

ADMINISTRATIVE RULES

separately from the eligible employee must be mailed a separate notice at their known address.

(b) The initial COBRA notice must be mailed to individuals becoming newly eligible due to marriage or the formation of a domestic partnership.

(2) A COBRA triggering event must cause the loss of benefit coverage. COBRA triggering events include:

- (a) An involuntary reduction in hours or layoff;
- (b) A strike or lockout;
- (c) The beginning of an unpaid leave of absence;
- (d) The termination of employment;
- (e) Retirement;
- (f) A dependent child no longer satisfying eligibility requirements;
- (g) The loss of employer-sponsored group coverage for dependents due to Medicare eligibility;
- (h) A divorce or termination of a domestic partnership; and
- (i) The death of the employee.

(3) All individuals losing eligibility due to a triggering event must receive a COBRA continuation notice.

(4) An eligible employee or dependent has 60 days from the receipt of the COBRA notice to activate their COBRA rights of continuation. OEBB-sponsored insurance coverage must be continuous through COBRA implementation.

(5) Generally, medical plans may be continued under COBRA provisions for the following basic maximum coverage periods:

- (a) 18 months after the date of the triggering events specified in section 2(a)-(e) above; or
- (b) 36 months after the date of the triggering events specified in section 2(f)-(i) above.

(6) An eligible employee's spouse or domestic partner who is 55 years of age or older and who loses benefit coverage due to events specified in section 2(h) and (i) above, may continue OEBB medical insurance coverage for themselves and their dependent children beyond the general 36-month COBRA continuation period. An eligible individual may continue their OEBB medical insurance coverage until they are entitled to Medicare, are covered under another group medical insurance plan or otherwise lose eligibility.

(7) An eligible individual continuing OEBB medical insurance coverage only or medical and dental insurance coverage under COBRA provisions has the same rights as active eligible employees for making changes midyear and during the open enrollment period.

Stat. Auth.: ch. 7, OL 2007
Stats. Implemented: sec. ORS 659A.060-069, 743.600-602, 1(4)(a)(B), ch. 7, OL 2007, sec. 4(7), ch. 7, OL 2007
Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08

111-050-0010 Eligibility for Medical and Dental Insurance Coverage upon Retirement

An eligible employee and their eligible dependents enrolled in OEBB plans for active employees immediately prior to retirement may continue participation in any OEBB retiree medical or dental insurance plan upon retiring until becoming Medicare eligible. Insurance coverage under the OEBB active and retiree health plans must be continuous.

- (1) A retired employee must be:
 - (a) Receiving a service or disability retirement allowance or pension under the Public Employees Retirement System (PERS) or under any other retirement or disability benefit plan or system offered by an OEBB participating organization for its employees;
 - (b) Eligible to receive a service retirement allowance under PERS and has reached earliest retirement age under ORS Chapter 238;
 - (c) Eligible to receive a pension under ORS 238A.100 to 238A.245 and has reached earliest retirement age as described in ORS 238A.165; or
 - (d) Eligible to receive a service retirement allowance or pension under another retirement benefit plan or system offered by an OEBB participating organization and has reached earliest retirement age under the plan or system.

(2) A retired eligible employee may elect insurance coverage for themselves only or may elect to cover any eligible dependents covered by the employee's active plan immediately prior to the retirement.

(3) A former eligible employee who elects COBRA and later becomes eligible as a retired employee will have the right to transfer the COBRA medical or dental insurance coverage to the OEBB retiree health plans at any time during or immediately following COBRA. Insurance coverage under the OEBB active, COBRA and retiree health plans must be continuous.

Stat. Auth.: ch. 7, OL 2007

Stats. Implemented: sec. ORS 659A.060-069, 743.600-602, 1(4)(a)(B), ch. 7, OL 2007, sec. 4(7), ch. 7, OL 2007
Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08

111-050-0015 Retirees Eligible for Medicare Coverage

(1) A retiree and eligible individuals enrolled in OEBB retiree insurance plans who become eligible for Medicare coverage may not continue an OEBB retiree medical insurance plan. The exception is for Medicare eligibility as a result of end-stage renal disease. Insurance coverage ends the last day of the month that eligibility is lost.

(2) If a retiree becomes eligible for Medicare coverage, but his or her currently enrolled eligible dependents are not, these eligible individuals may continue OEBB medical and dental insurance coverage. The eligible individuals must submit the application for enrollment to the retiree plan administrator within 60 days of the retiree's eligibility for Medicare.

(3) If a retiree becomes eligible for Medicare coverage and loses eligibility for continued medical coverage on the OEBB medical insurance plan as provided for under section 2 and enrolls in and maintains a group Medicare supplement plan provided by the Public Employees' Retirement System (PERS) or a retirement or pension plan or system offered by an OEBB participating organization, the retiree may continue coverage on the OEBB dental plans.

Stat. Auth.: ch. 7, OL 2007
Stats. Implemented: sec. ORS 659A.060-069, 743.600-602, 1(4)(a)(B), ch. 7, OL 2007, sec. 4(7), ch. 7, OL 2007
Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08

Department of Administrative Services, Public Employees' Benefit Board Chapter 101

Rule Caption: Clarification/changes of Federal regulations governing Internal Revenue Code have identified the need for amendment of the existing rule.

Adm. Order No.: PEBB 2-2007

Filed with Sec. of State: 9-28-2007

Certified to be Effective: 10-1-07

Notice Publication Date: 9-1-07

Rules Adopted: 101-015-0015, 101-015-0025, 101-020-0002, 101-020-0032, 101-020-0050, 101-020-0070, 101-030-0027

Rules Amended: 101-010-0005, 101-015-0005, 101-020-0005, 101-020-0015, 101-020-0018, 101-020-0020, 101-020-0025, 101-020-0040, 101-020-0045, 101-030-0005, 101-030-0010, 101-030-0015, 101-030-0020, 101-030-0022, 101-050-0005, 101-050-0010, 101-050-0015, 101-050-0020, 101-050-0025, 101-060-0005, 101-060-0010

Rules Repealed: 101-015-0010, 101-020-0010, 101-020-0030, 101-020-0035, 101-030-0025, 101-030-0030, 101-030-0040, 101-040-0005, 101-040-0010, 101-040-0025, 101-040-0030, 101-040-0035, 101-040-0040, 101-040-0045, 101-050-0030

Rules Ren. & Amend: 101-040-0015 to 101-020-0012, 101-040-0080 to 101-020-0037, 101-040-0020 to 101-020-0047, 101-040-0050 to 101-020-0060, 101-040-0055 to 101-020-0065, 101-030-0035 to 101-030-0007

Subject: This rulemaking amends the current rules governing the eligibility for benefits and procedures of the Public Employee's Benefit Board and is made a part of OAR Chapter 101 generally. Experience in using the rule, changes and clarification of federal regulations governing Internal Revenue Code and the ongoing development of agency specific PEBB Administrative Manual and the PEBB online system have identified the need for amendment of the existing rules.

Rules Coordinator: Sharon M. Sheehan—(503) 378-8031

101-010-0005 Definitions

Unless the context indicates otherwise, as used in OAR chapter 101, divisions 1 through 60, the following definitions will apply:

(1) "Actively at work" means:

(a) For medical and dental insurance coverage, an active eligible employee at work, in paid regular status, scheduled for work during the month of requested insurance coverage, or using accrued leave on the effective date of coverage.

ADMINISTRATIVE RULES

(b) For life, disability and accidental death and dismemberment insurance coverage, an active eligible employee who is physically on the job and receiving pay for the first scheduled day of work and performing the material duties of the employee's occupation at the employer's usual place of business. If an active eligible employee is incapable of active work because of sickness, injury, or pregnancy on the day before the scheduled effective date of his or her insurance coverage or increase in insurance coverage, the insurance coverage or increase is not effective until the first of the month after the active eligible employee completes one full day of active work.

(2) "Affidavit of Dependency" means a notarized document that attests a dependent child meets the criteria in section (7).

(3) "Affidavit of Domestic Partnership" means a notarized document that attests the eligible employee and one other eligible individual meet the criteria in section (8).

(4) "Benefit amount" means the amount of money paid by a PEBB participating organization on behalf of active eligible employees for the purchase of benefit plans.

(5) "CBIW" means Continuation of Benefits for Injured Workers.

(6) "COBRA" means the federal Consolidated Omnibus Reconciliation Act.

(7) "Dependent child" means any child who meets the criteria in this section. In defining dependent child, PEBB follows Internal Revenue Code (IRC) 152 as revised by the Working Families Tax Relief Act of 2004:

(a) The child is not married and does not have a domestic partner; and

(A) Is under the age of 19 at the end of the calendar year; or

(B) Meets the IRC 152(f)(2) definition of a dependent child between the ages of 19 and up to age 24 attending school full time, excluding foreign students; or

(C) Is between the ages of 19 and up to age 24, living in the home of the eligible employee over six months of the calendar year, and the eligible employee provides over half the yearly support; or

(D) Is between the ages of 19 and up to age 24, and is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. The attending physician must submit documentation of the disability to the insurance plan for approval. Once certified, the insurance plan may review dependent certification to determine continued eligibility; or

(E) Is a child age 24 or older, and is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. Except in the case of a child who previously qualified under (a)(D) of this section, the attending physician must submit documentation of the disability to the insurance plan for approval. The insurance plan may review dependent certification to determine continued eligibility. If the child is terminated from PEBB insurance coverage after age 24 for any reason, the eligible employee cannot re-enroll the child. A disabled dependent child, age 24 or older, must also meet the following criteria:

(i) The disability must have existed prior to attaining age 24.

(ii) The child must have had continuous medical insurance coverage, group or individual, prior to attaining age 24 and until the time of the PEBB insurance effective date.

(b) The child must not qualify as any other person's dependent child, except that a child of divorced or separated parents meeting conditions under IRC 152(e) can be treated as a dependent of both parents.

(c) A dependent child must also meet one of the following criteria:

(A) Is a biological child of, an adopted child of, or a child placed for adoption with the eligible employee, spouse, or domestic partner; or

(B) Is a legal ward by court decree, a dependent by Affidavit of Dependency, or is under legal guardianship of the eligible employee, spouse or domestic partner, and is living in the home of the eligible employee.

(d) A child of a domestic partner meeting the definition of a dependent child is eligible to receive insurance coverage subject to imputed value tax. A valid Affidavit of Domestic Partnership must be on file with the agency for a domestic partner's eligible dependent child.

(8) "Domestic partner" means an eligible employee's unmarried partner of the same or opposite sex.

(9) "Eligible employee" means and includes:

(a) "Active eligible employee" means an employee of a PEBB participating organization, including state officials, in exempt, unclassified, classified and management service positions who are expected to work at least 90 days; and who work at least half-time or are in a position classified as job share.

(b) "Retired eligible employee" means a previously active eligible employee, who meets retiree eligibility as defined in OAR 101-050-0005.

A retired eligible employee is eligible only for those benefit plans established in division 50 of this chapter.

(c) "Other eligible employees" mean individuals of self-pay groups as established by ORS 243.140 and 243.200. This group is eligible only for medical or dental benefits as approved.

(10) "Family member" means a spouse or dependent child.

(11) "FMLA" means the federal Family Medical Leave Act.

(12) "FTE" means full time equivalent classified job position.

(13) "Half-time" means an eligible employee who works less than full time but at least:

(a) Eighty paid regular hours per month; or

(b) .5 FTE for Oregon University System (OUS) employees; or

(c) As defined by collective bargaining.

(14) "Imputed value" means a dollar amount established yearly for an insurance premium at fair market value. The IRS views the imputed value as taxable income. The imputed value dollar amount is added to the eligible employee's taxable wages.

(15) "Ineligible individual" means an individual or employee who does not meet the definition of an eligible employee, spouse, domestic partner, or dependent child as established in this rule.

(16) "Job share" means two eligible employees sharing one full time equivalent position. Each eligible employee's percentage of the total position determines the benefit amount the employee receives. The employees need not be classified as half-time. They cannot donate their portion of the benefit amount to the other job share co-worker. The monthly benefit amount percentage remains the same regardless of individual hours worked.

Example 1: John and Jill share one full time equivalent position. When they were hired into the position in July, John's percentage of the total position was 40 percent; Jill's percentage was 60 percent. John worked 70 percent of the available hours in September. John's benefit amount percentage for September remains at 40 percent. Jill's benefit amount percentage remains at 60 percent.

(17) "OFLA" means the Oregon Family Leave Act.

(18) "Open enrollment period" means an annual period chosen by PEBB when both active and other eligible employees and COBRA participants can make benefit plan changes or elections for the next plan year.

(19) "Paid regular" means in current payroll status, payment for work time including vacation, sick, holiday or personal leave and compensatory time.

(20) "Pebb.benefits" means the automated internet benefit management application sponsored by PEBB. The system allows electronic enrollment and termination of the eligible individual's benefit plans, personal information updates, and the transmittal of benefit plan data to insurance plans and payroll centers.

(21) "PEBB participating organization" means a state agency, board, commission, university, or other entity that receives approval to participate in PEBB benefit plans.

(22) "Plan change period" means a period chosen by PEBB when retirees can make limited benefit plan changes.

(23) "Plan year" means a period of twelve consecutive months.

(24) "Qualified status change" (QSC) means a change in family or work status that allows limited mid-year changes to benefit plans consistent with the individual QSC.

(25) "Reinstatement" or "reinstated" means to reactivate the benefit amount and enrollment in previous medical, dental, life, and disability insurance coverage, if available, on a guaranteed basis when returning to eligible status within a specific time frame.

(26) "Spouse" means a person of the opposite sex who is a husband or wife. A relationship recognized as a marriage in another state will be recognized in Oregon even though such a relationship would not be a marriage if the same facts had been relied upon to create a marriage in Oregon. The definition of spouse does not include a former spouse and a former spouse does not qualify as a dependent.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707

Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 2-2006(Temp), f. & cert. ef. 12-14-06 thru 6-12-07; PEBB 1-2007(Temp), f. & cert. ef. 6-11-07 thru 12-8-07; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-015-0005

Eligible Individuals

(1) The following individuals are eligible to participate in PEBB-sponsored benefit plans:

(a) An eligible employee as defined in OAR 101-010-0005(9).

(b) A seasonal or intermittent employee as follows:

ADMINISTRATIVE RULES

(A) An individual hired for the first time is eligible for PEBB-sponsored benefit plans if expected to work at least a 90-day continual period and work at least half-time or in a position classified as job share. The eligible employee must enroll within 60 days of their hire date or eligibility.

(B) An individual hired for the first time, working at least half-time or in a position classified as job share and not expected to work a 90-day or more continual period is eligible for PEBB-sponsored benefit plans if they work at more than a 90-day continual period. When the eligible employee submits enrollment forms, the benefits are retroactive to the first of the month following 60 days from their hire date.

(C) A previously ineligible employee returning to work is eligible for benefit plans once they accumulate a total of 60 calendar days of employment within the current or immediately previous plan year. The 60 calendar days of employment need not be consecutive.

(D) A previously enrolled employee returning within a 12-month period has all benefit plans reinstated effective the first of the month following return to employment. The returning employee may make benefit plan changes or elections within 60 days of the date of return to work.

(E) An employee returning beyond a 12-month period is a new employee.

(c) A job share employee as defined in OAR 101-010-0005(16).

(d) A family member listed by the eligible employee on the required enrollment form or the electronic equivalent.

(e) A domestic partner and the domestic partner's dependent child listed by the eligible employee on the required forms or the electronic equivalent.

(f) An appointed and elected official. Eligibility for benefit plans begins on the first day of the month following the date the official takes the oath of office and terminates on the last day of the month that the last payroll deduction is taken for the official's office.

(2) The eligible employee must maintain a valid PEBB active enrollment.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.061-302, 659A.060-066, 743.600-602 & 743.707

Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-015-0015

Child by Affidavit

(1) An eligible employee may add a dependent child that is not adopted to their benefit plans. The child must meet the criteria specified in OAR 101-010-0005(7). Completed enrollment forms must be submitted within 60 days of the date of birth or the date the eligible employee, spouse, or domestic partner receives physical custody of the child and assumes financial or medical responsibility for the support and care of the child.

(2) A dependent child that is not adopted includes, but is not limited to, a foster child, a ward of the court, or the child of an eligible employee's dependent.

(3) An Affidavit of Dependency must be completed, notarized, and returned to the agency, in paper form, within five business days of the electronic enrollment date or the date forms were submitted to the agency. If not, coverage will terminate for the dependent child retroactive to the effective date.

Stat. Auth.: ORS 243.061-302

Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707

Hist.: PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-015-0025

Requirements for Domestic Partnership

(1) An individual and eligible employee must meet all of the following criteria:

(a) Are both at least 18 years of age;

(b) Are responsible for each other's welfare and are each other's sole domestic partners;

(c) Are not married to anyone and have not had a spouse or another domestic partner within the prior six months. If previously married, the six-month period starts on the final date of divorce;

(d) Share a close personal relationship and are not related by blood closer than would bar marriage in the State of Oregon;

(e) Have jointly shared the same regular and permanent residence for at least six months; and

(f) Are jointly financially responsible for basic living expenses defined as the cost of food, shelter and any other expenses of maintaining a household. Financial information must be provided if requested.

(2) An Affidavit of Domestic Partnership must be completed to enroll a domestic partner's children in benefit plans, whether or not the enrollment includes the domestic partner.

(3) An Affidavit of Domestic Partnership must be completed, notarized, and returned to the agency, in paper form, within five business days of the electronic enrollment date or the date forms were submitted to the agency. If not, coverage will terminate for the domestic partner and the domestic partner's dependent children retroactive to the effective date.

(4) An imputed value for the fair market value of the domestic partner and domestic partner's children's insurance premium will be added to the eligible employee's taxable wages.

(5) An eligible employee ending a domestic partnership must complete and submit a Termination of Domestic Partnership form and updated enrollment forms to the agency within 60 days of the event for removal of the domestic partner and domestic partner's children from their benefit plans. Insurance coverage for the domestic partner and domestic partner's children ends on the last day of the month that eligibility is lost.

Stat. Auth.: ORS 243.061-302

Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707

Hist.: PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-020-0002

Effective and Termination Dates

(1) Benefit plan enrollment date. Except as otherwise provided in OAR Chapter 101, all benefit plan changes or elections are effective with a prospective date. Insurance coverage is effective on the first of the month following the form receipt or electronic equivalent, the eligibility date, or the QSC date, whichever is later. If medical underwriting is necessary for optional plans, insurance coverage is effective the first of the month following insurance plan approval.

(2) Elections made during the open enrollment period are effective on the first day of the new plan year. If medical underwriting is necessary for optional plans, insurance coverage is effective the first of the month following insurance plan approval in the new plan year.

(3) An eligible employee, family member, domestic partner, or domestic partner's dependent child losing other group insurance coverage may enroll in PEBB insurance plans within 60 days of the date the other group insurance coverage ends. Insurance coverage will be continuous with an effective date based upon the end date of the other group insurance coverage.

(4) Benefit plan end date.

(a) If an eligible employee accumulates less than 80 paid regular hours in a month and is not within a protected leave class, CBIW, FMLA or USERRA, current insurance coverage ends the last day of that month.

(b) If an eligible employee accumulates 80 or more paid regular hours in a month and is in a leave without pay status and is not within a protected leave class, or ends employment with the state current insurance coverage ends the last day of the following month.

(5) Insurance coverage for a family member, domestic partner, or domestic partner's dependent child ends on the last day of the month that eligibility is lost.

Stat. Auth.: ORS 243.061-302

Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707

Hist.: PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-020-0005

Newly Hired and Newly Eligible Employee

(1) A newly hired or newly eligible employee has 60 days from the date of hire or date of eligibility to enroll in PEBB-sponsored benefit plans. The eligible employee must be in paid regular status on the effective date of insurance coverage.

(a) A newly hired eligible employee may enroll in benefit plans for the following month regardless of the number of hours worked in the month of hire.

(b) A newly hired eligible employee enrolling in PEBB-sponsored benefit plans and terminating employment before the effective date of insurance coverage is not eligible to receive benefits.

Example 1: Sarah was hired and enrolled in benefit plans on June 25. She quit on July 2. Sarah is eligible for insurance coverage effective July 1 through July 31, since she was in paid regular status on July 1.

Example 2: Ron was hired and enrolled in benefit plans on June 25. He quit on June 30. Ron is not eligible for insurance coverage, since he was not in paid regular status on July 1.

(2) An eligible employee hired after the open enrollment period and before the start of the new plan year has open enrollment rights.

(3) Benefit plan elections are irrevocable for the new plan year except as specified in OAR 101-020-0050.

Stat. Auth.: ORS 243.061 - 302

Stats. Implemented: ORS 243.061 - 302

ADMINISTRATIVE RULES

Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-020-0012

Working in Two or More Positions or for Two or More PEBB Participating Organizations

(1) An individual working in two or more positions or for two or more PEBB participating organizations must work at least half-time to be eligible for any PEBB-sponsored benefit plans. The exception is eligible employees in job share positions. An employee is not eligible for more benefits than what one full time employee would receive.

(2) The eligible employee must enroll in benefit plans at the PEBB participating organization with the highest percentage of the FTE position.

(a) When the employee has equal FTE percentages with more than one PEBB participating organization, the employee must enroll in benefit plans through the organization with the earlier appointment date.

(b) When the employee has equal FTE percentages and simultaneous dates of employment with two or more PEBB participating organizations, the employee may choose to enroll in benefit plans through one of the organizations.

Stat. Auth.: ORS 243.061-302

Stats. Implemented: ORS 243.061-302

Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; Renumbered from 101-040-0015, PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-020-0015

Opting Out of Medical Insurance Coverage

(1) An eligible employee covered by another employer-sponsored group medical plan may opt out of PEBB-sponsored medical insurance coverage. Opting out is a medical insurance plan election and applies only to the medical insurance benefit. The eligible employee may receive a portion of the benefit amount as cash in lieu of medical insurance coverage as determined by PEBB.

(2) The eligible employee must provide proof of current coverage under another employer-sponsored group medical insurance plan if requested.

(3) Mandatory enrollment in other plans such as dental insurance may be required of eligible employees electing to opt out.

(4) An eligible employee enrolled in Medicare, Medicaid, Veterans' Administration Benefit Programs, TriCare or Student Health Insurance may not opt out in lieu of enrollment in a PEBB medical insurance plan.

Stat. Auth.: ORS 243.061 - 302

Stats. Implemented: ORS 243.061 - 302

Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-020-0018

Declining Benefits

(1) An eligible employee may decline benefits by waiving their right to the benefit amount and enrollment in all of the PEBB-sponsored benefit plans.

(2) Benefits may be declined at the time of hire or meeting eligibility, consistent with a QSC, or during the open enrollment period.

(3) An eligible employee previously declining benefits may enroll in benefit plans consistent with a QSC or during the open enrollment period.

Stat. Auth.: ORS 243.061 - 243.302

Stats. Implemented: ORS 243.061 - 302

Hist.: PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-020-0020

Newborn and Adopted Child Enrollment

(1) An eligible employee's biological newborn child receives PEBB-sponsored medical and dental insurance coverage under the newborn's own coverage from the moment of birth through the first 31 days of life. To continue coverage the eligible employee must add the newborn child to their benefit plans within 60 days from the date of birth.

(2) An eligible employee's newly adopted child receives PEBB-sponsored medical and dental insurance coverage under the adopted child's own coverage from the date of the adoption decree or date of placement for adoption through the first 31 days pending the completion of adoption proceedings. To continue coverage the eligible employee must add the adopted child to their benefit plans within 60 days from the date of the decree or placement.

(a) The eligible employee must submit the adoption agreement with the enrollment forms to the agency.

(b) Claims payment will not occur prior to the date of decree or placement.

(3) A request to enroll a biological newborn or newly adopted child beyond 60 days of the date of birth, adoption decree, or placement for adoption is late enrollment as specified in OAR 101-020-0040.

Stat. Auth.: ORS 243.061 - 302

Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707

Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 1-2005, f. & cert. ef. 4-14-05; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-020-0025

Removing an Ineligible Individual from Benefit Plans

(1) An eligible employee is responsible for removing ineligible individuals from their insurance coverage by submitting completed applicable forms to the agency. An ineligible individual must be removed from insurance coverage within 60 days of the date the individual becomes ineligible. Insurance coverage ends the last day of the month that eligibility is lost.

(2) An eligible employee ending a domestic partnership must complete and submit a Termination of Domestic Partnership form and enrollment update forms to the agency within 60 days of the event for removal of the domestic partner and domestic partner's children from their benefit plans. Insurance coverage for the domestic partner and domestic partner's children ends on the last day of the month that eligibility is lost.

(3) PEBB removes ineligible individuals from insurance coverage retroactive to the end of the month when eligibility was lost. The eligible employee may be responsible for claims previously paid by the benefit plans to the providers during the period of ineligibility.

Stat. Auth.: ORS 243.061 - 302

Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707

Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-020-0032

Open Enrollment

(1) Active and other eligible employees may make benefit plan changes or elections only during the open enrollment period. Eligible employees must submit elections as instructed during the designated period.

(2) The eligible employee must maintain a valid PEBB active enrollment for eligible individuals. Insurance coverage for an eligible individual added to enrollment begins on January 1 of the new plan year. Insurance coverage for an individual removed from enrollment ends December 31 of the current plan year.

(3) An eligible employee hired after the open enrollment period and before the start of the new plan year has open enrollment rights.

(4) Benefit plan elections are irrevocable for the new plan year except as specified in OAR 101-020-0050.

Stat. Auth.: ORS 243.061 - 302

Stats. Implemented: ORS 243.061 - 302

Hist.: PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-020-0037

Correcting Enrollment and Processing Errors

(1) Employee enrollment errors. Enrollment errors occur when an eligible employee provides incorrect information or fails to make correct selections when making benefit plan elections. The eligible employee is responsible for identifying enrollment errors or omissions.

(a) Newly eligible employee or midyear plan change. PEBB authorizes the agency to correct enrollment errors reported by the employee within 60 days of the original eligibility date or midyear plan change date. Corrections are retroactive to the first of the month following the date the paper form or electronic equivalent was first received by the agency.

(A) PEBB must review all enrollment errors reported by the employee after 60 days of the original eligibility date or the midyear plan change date. If approved, corrections are effective the first of the month following the receipt of the request.

(B) Enrollment errors will not be considered beyond 90 days of the eligibility date or the midyear plan change date.

(b) Open enrollment period. The eligible employee has 30 days from receipt of the first paycheck or benefit statement, whichever is later, of the new plan year to request correction from the agency. If approved, corrections are effective the first day of the new plan year.

(2) Processing errors. Processing errors or omissions occur when benefit plan elections are processed incorrectly in the payroll and benefit

ADMINISTRATIVE RULES

systems or when a newly eligible employee does not receive correct enrollment information or materials within 30 days of the eligibility date.

(a) Newly eligible employee or midyear plan change. PEBB authorizes the agency to correct processing errors identified within 60 days of the eligibility date or the midyear plan change date. Corrections are retroactive to the first of the month following the date the paper form or electronic equivalent was first received by the agency. The agency must reconcile all premium discrepancies.

(A) PEBB must review all processing errors identified after 60 days of the eligibility date or the midyear plan change date. If approved, corrections are retroactive to the first of the month following the date the paper form or electronic equivalent was first received by the agency. The agency must reconcile all premium discrepancies.

(B) When the newly eligible employee fails to receive enrollment materials within 30 days of the eligibility date or receives incorrect information, benefit plan elections are effective retroactive to the first of the month following the eligibility date.

(b) Open enrollment period. PEBB authorizes the agency to correct processing errors identified within 45 days from the end of the open enrollment period. PEBB must review all processing errors identified after 45 days. All processing error corrections are effective the first day of the new plan year.

Stat. Auth.: ORS 243.061 - 302

Stats. Implemented: ORS 243.061 - 302

Hist.: PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 1-2005, f. & cert. ef. 4-14-05; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 1-2006, f. & cert. ef. 11-28-06; Renumbered from 101-040-0080, PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-020-0040

Late Enrollment

(1) Late enrollment occurs when an eligible employee fails to enroll in benefit plans within 60 days of:

(a) The date of hire or eligibility date.

(b) The date a family member, domestic partner, or domestic partner's dependent child gains eligibility.

(c) The date of marriage to a spouse who was most recently enrolled as a domestic partner.

(d) The date of birth of the employee's biological newborn dependent child.

(2) A newly hired or newly eligible employee with late enrollment may only select available medical, dental and employee basic life insurance coverage.

(3) Excluding section (4) of this rule, PEBB must review all late enrollment requests for approval. The eligible employee must provide sufficient supporting documentation demonstrating that the inability to enroll was due to circumstances beyond the employee's control. Late enrollment of a family member, domestic partner, or domestic partner's dependent child may only be added to the employee's current medical and dental plans, if approved.

(a) If late enrollment is approved, benefit coverage is effective the first of the month following receipt of the completed forms.

(b) PEBB may deny late enrollment when the documentation does not demonstrate good and sufficient cause for late enrollment.

(4) Following receipt of the completed forms, agencies are responsible for approving the late enrollment of the employee's biological newborn children during the first twelve months of life. The enrollment is always retroactive to the first of the month following the date of birth.

Stat. Auth.: ORS 243.061 - 302

Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707

Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 1-2006, f. & cert. ef. 11-28-06; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-020-0045

Returning to Work

(1) Refer to the following rules for an employee returning to active or paid regular status from a qualified leave status:

(a) Continuation of Benefits for Injured Workers (CBIW). See OAR 101-030-0010.

(b) Federal Family Medical Leave Act (FMLA). See OAR 101-030-0015.

(c) Oregon Family Leave Act (OFLA). See OAR 101-030-0020.

(d) Active military duty leave (USERRA). See OAR 101-030-0022.

(2) An eligible employee returning from leave without pay (LWOP) or a reduction in hours must work at least half-time in a month to be eligi-

ble for medical, dental, life, and disability insurance coverage for the following month. The exception is eligible employees in job share positions.

(a) An employee returning to paid regular status within 12 months of the insurance coverage end date will have their previous enrollment for medical, dental, life, and disability insurance reinstated the first of the month following their return to work. The employee may make midyear plan changes within 60 days of the date they return to work.

(b) An employee returning to active or paid regular status after 12 months from the insurance coverage end date is treated as a newly hired employee.

(3) Return of an eligible employee from layoff or termination:

(a) An employee returning to work following layoff or termination of employment is not required to work at least half-time in the month they return to be eligible for benefits the following month.

(b) An employee returning to paid regular status within 12 months of the insurance coverage end date will have their previous enrollment for medical, dental, life, and disability insurance reinstated. The employee may make midyear plan changes within 60 days of the date they return to work.

(c) An employee returning to active or paid regular status after 12 months from the insurance coverage end date is treated as a newly hired employee.

(4) An employee returning to paid regular status within 30 days will have their previous coverage reinstated and may not make benefit plan changes.

Stat. Auth.: ORS 243.061 - 302

Stats. Implemented: ORS 243.061-302 & 659A.060-069

Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-020-0047

Transfer

(1) When an eligible employee transfers from one PEBB participating organization to another, the organization losing the employee must pay the benefit amount for the month following the transfer, regardless of hours worked at that organization.

Exception: An eligible employee transfers mid-month from part-time to full time and submits enrollment forms to the gaining organization prior to the end of the month. In this case, the gaining organization pays the full benefit amount for the month following the transfer.

(2) All PEBB benefit plan elections transfer from the PEBB organization losing the employee to the organization gaining the employee without a lapse in insurance coverage.

(3) Benefit plan changes or elections are not permitted solely due to a transfer.

Stat. Auth.: ORS 243.061-302

Stats. Implemented: ORS 243.061-302

Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; Renumbered from 101-040-0020, PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-020-0050

Midyear Benefit Plan Changes

(1) Eligible employees experiencing a change in family or work status during the plan year have 60 days from the date of the event to make benefit plan changes or elections. Completed enrollment forms must be submitted within the 60 days. The eligible employee may make only those elections that are consistent with the event. These events fall into three broad groups:

(a) Changes in status. For example:

(A) Changes in the eligible employee's legal marital status, such as marriage or divorce,

(B) Changes in the eligible employee's number of dependents, such as birth or adoption of a child,

(C) Changes in the employment status of the eligible employee or family member, such as the start or end of employment, or a change from part-time to full time,

(D) Changes in the eligibility of a dependent, such as attaining a certain age,

(E) Changes in the residence of the eligible employee or family member, or

(F) Changes in the eligible employee's domestic partnership.

(2) Cost or coverage changes. For example:

(A) An increase in out-of-pocket premium cost imposed by the employer, or

(B) A reduction or a loss in the spouse's or domestic partner's group insurance plan benefits.

ADMINISTRATIVE RULES

(c) Other laws or court orders. For example: National Medical Support Notice, Medicare, or HIPAA.

(2) The Tag-a-long rule applies and means that a family member, domestic partner, or domestic partner's child previously eligible for PEBS-sponsored insurance coverage may be added to medical or dental insurance coverage or both at the same time a new family member, domestic partner, or domestic partner's child is added.

(3) The eligible employee must maintain a valid PEBS active enrollment.

Stat. Auth.: ORS 243.061-302
Stats. Implemented: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707
Hist.: PEBS 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-020-0060

Dependent Care Flexible Spending Account — Eligibility and Enrollment

(1) An eligible employee may enroll in the pretax Dependent Care Flexible Spending Account (Dependent Care FSA) if:

(a) Their expenses qualify for reimbursement:

(A) For the care and well-being of a dependent child under the age of 13, or

(B) For the care of a disabled dependent who is incapable of self-care and who spends at least eight hours per day in the employee's home; and

(b) The employee is:

(A) Single,

(B) Married, and the expenses are necessary for both the eligible employee and the spouse to work, or

(C) Married, and the spouse is either disabled, actively seeking employment, or a full time student for some part of each of five months during the year.

(2) An eligible employee may not allocate more than \$5,000 to any pretax Dependent Care FSA per plan year or more than \$2,500 per plan year if married and filing a separate income tax return.

(3) Once an employee enrolls in a pretax Dependent Care FSA, they may not change the amount of money deposited in the account, or stop the payroll deductions until the next open enrollment period unless they experience a QSC event.

(4) The pretax Dependent Care FSA is subject to the "Use It or Lose It" rule. Any funds remaining in the account beyond March 31 following the plan year will be forfeited to PEBS.

(5) An eligible employee must reenroll each year during open enrollment to continue participating in the Dependent Care FSA for the new plan year.

(6) An employee ending employment will not have a Dependent Care FSA deduction taken out of their final paycheck.

(7) An eligible employee who separates from the employer and later returns to work within 12 consecutive months is not reinstated in the pretax Dependent Care FSA. They may enroll within 60 days of their new hire date.

Stat. Auth.: ORS 243.061-302
Stats. Implemented: ORS 243.061-302
Hist.: PEBS 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBS 1-2001, f. & cert. ef. 9-6-01; PEBS 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBS 1-2003, f. & cert. ef. 12-4-03; PEBS 1-2004, f. & cert. ef. 7-2-04; PEBS 3-2004, f. & cert. ef. 10-7-04; PEBS 3-2005, f. 8-31-05, cert. ef. 9-1-05; Renumbered from 101-040-0050, PEBS 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-020-0065

Healthcare Flexible Spending Account – Eligibility and Enrollment

(1) An eligible employee may enroll in the pretax Healthcare Flexible Spending Account (Healthcare FSA). The Board determines the annual maximum contribution amounts.

(2) Once an employee enrolls in a pretax Healthcare FSA, they may not change the amount of money deposited in the account, or stop the payroll deductions until the next open enrollment period unless they experience a QSC event.

(3) The pretax Healthcare FSA is subject to the "Use It or Lose It" rule. Any funds remaining in the account beyond March 31 following the plan year will be forfeited to PEBS.

(4) An eligible employee must reenroll each year during open enrollment to continue participating in the Healthcare FSA for the new plan year.

(5) An employee ending employment will not have a Healthcare FSA deduction taken out of their final paycheck.

(6) An eligible employee ending employment may continue to participate in the Healthcare FSA up to the end of the current plan year through COBRA if:

(a) They have a positive balance in their account; and

(b) They self-pay contributions to the account. Contributions are paid on an after-tax basis.

(7) An eligible employee who separates from the employer and later returns to work within 12 consecutive months is not reinstated in the pretax Healthcare FSA. They may enroll within 60 days of their new hire date.

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061 - 302
Hist.: PEBS 2-2004(Temp), f. 7-13-04, cert. ef. 8-31-04 thru 2-27-05; PEBS 3-2004, f. & cert. ef. 10-7-04; PEBS 3-2005, f. 8-31-05, cert. ef. 9-1-05; Renumbered from 101-040-0055, PEBS 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-020-0070

Life, Disability, and Accidental Death and Dismemberment Insurance – Continuation of Coverage

(1) Optional life insurance coverage may be continued when an eligible employee separates from state service as follows:

(a) Portability. An eligible employee terminating employment, other than for disability or retirement, may continue their optional employee, spouse and domestic partner life insurance coverage at the group rate, plus billing fees. The policy remains a term life insurance policy. The employee must apply directly to the insurance carrier within 60 days of the date insurance coverage ends. Portability is not available for basic life or dependent life insurance coverage. A survivor of a covered eligible employee may continue life insurance through the carrier upon the death of the employee.

(b) Conversion Rights. An eligible employee terminating employment for any reason, including disability or retirement, or experiencing a reduction in hours to less than 80 paid regular hours in the month, may convert any life insurance coverage to individual whole life insurance policies. The employee must apply directly to the insurance carrier within 60 days of the date insurance coverage ends. A survivor of a covered eligible employee may convert life insurance coverage to whole life insurance policies through the carrier upon the death of the employee.

(c) Retiree Life Insurance Option. An eligible employee who retires may purchase the Retiree Life Insurance Option without submitting evidence of insurability. The employee must apply directly to the insurance carrier within 60 days of the date insurance coverage ends.

(d) Rollover of Optional Employee Life Insurance. When two eligible employees are married or in a domestic partnership and both are state employees, they can roll over their optional life insurance coverage to the other's life insurance coverage upon:

(A) Either one terminating employment for any reason;

(B) Either one beginning an active military leave;

(C) Divorce;

(D) Termination of their domestic partnership; or

(E) Retirement. The remaining employed eligible employee must submit the completed applicable form to their agency within 60 days of the date of the above events.

(2) There are no portability, conversion, or rollover continuation options for short term or long term disability or accidental death and dismemberment insurance coverage.

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061 - 302
Hist.: PEBS 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-030-0005

Continuation of Group Medical and Dental Insurance Coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA)

COBRA allows an eligible individual losing group health plan coverage due to a qualifying event to continue their coverage for a limited time on a self-pay basis.

(1) PEBS participating organizations will issue an initial COBRA notice explaining the right to continue medical and dental insurance plans to all newly eligible employees and individuals.

(a) The notice must be mailed to the eligible employee's known address immediately following enrollment in PEBS medical or dental insurance plans. The notice must include all known eligible individuals residing at the address, including family members, a domestic partner, and a domestic partner's dependent children. Known eligible individuals residing separately from the eligible employee must be mailed a separate notice at their known address.

(b) The initial COBRA notice must be mailed to individuals becoming newly eligible due to marriage or the formation of a domestic partnership.

(2) A COBRA triggering event must cause the loss of benefit coverage. COBRA triggering events include:

(a) An involuntary reduction in hours or layoff.

(b) A strike or lockout.

(c) The beginning of an unpaid leave of absence.

ADMINISTRATIVE RULES

- (d) The termination of employment.
 - (e) Retirement.
 - (f) A dependent child no longer satisfying eligibility requirements.
 - (g) The loss of employer-sponsored group coverage for dependents due to Medicare eligibility.
 - (h) A divorce or termination of a domestic partnership.
 - (i) The death of the employee.
- (3) All individuals losing eligibility due to a triggering event must receive a COBRA continuation notice. PEBB participating organizations will notify the PEBB Third Party Administrator (TPA) within 30 days of the date eligibility for benefit coverage is lost. The date eligibility is lost is considered the COBRA triggering event date.

(a) The PEBB TPA will mail a COBRA notice of continuation including a Certificate of Group Health Plan Coverage to each eligible individual at their last known address when eligibility for PEBB-sponsored insurance coverage is lost. The TPA must mail the notice to each eligible individual within 14 days of receiving the notification.

(b) An eligible employee has 60 days from the receipt of the COBRA notice to activate their COBRA rights of continuation. PEBB-sponsored insurance coverage must be continuous through COBRA implementation.

(4) Generally, health plans may be continued under COBRA provisions for the following basic maximum coverage periods:

(a) 18 months after the date of the triggering event for termination or reduction in hours, section 2(a)-(e) above; or

(b) 36 months after the date of the triggering event for other events, section 2(f)-(h) above.

(5) An eligible employee's spouse or domestic partner who is 55 years of age or older and who loses benefit coverage due to divorce, termination of a domestic partnership, or death of the employee, section 2(h) and (i) above, may continue PEBB health insurance coverage for themselves and their dependent children beyond the general 36 month COBRA continuation period. An eligible individual may continue their PEBB health insurance coverage until they are entitled to Medicare, are covered under another group medical insurance plan, or otherwise lose eligibility.

(6) An eligible individual continuing PEBB medical or dental insurance coverage or both under COBRA provisions has the same rights as active eligible employees for making changes midyear and during the open enrollment period.

(7) An eligible employee ending employment may continue to participate in the Healthcare Flexible Spending Account through COBRA up to the end of the current plan year if:

- (a) They have a positive balance in their account; and
- (b) They self-pay contributions to the account. Contributions are paid on an after-tax basis.

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061-302, 659A.060-069 & 743.600-602
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-030-0007

Portability of Medical Insurance Coverage

Some PEBB sponsored group medical insurance plans allow portability. An eligible individual enrolled in one of these medical plans may continue insurance coverage under the plan's portability provisions before, during, or at the end of the period that medical insurance coverage is provided under COBRA, if:

(1) They were continuously covered for 180 days or more under one or more PEBB sponsored group medical insurance plans and they lost eligibility for group medical insurance coverage;

(2) They are not covered by another group medical insurance plan, Medicare, or TriCare;

(3) They enroll in a continued medical insurance plan under the portability provisions within 63 days after termination of the group medical insurance coverage; and

(4) They comply with all requirements of the applicable insurance carrier for continuation of medical insurance coverage under the carrier's portability plan provisions.

Stat. Auth.: ORS 243.061-302
Stats. Implemented: ORS 243.061-302
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2004, f. & cert. ef. 7-2-04; Renumbered from 101-030-0035, PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-030-0010

Continuation of Group Medical and Dental Insurance Coverage for Injured Workers (CBIW)

(1) The state is required by ORS 659A.060-069 to continue to pay the benefit amount for PEBB medical and dental insurance coverage in effect at the time an eligible employee has a work-related injury or illness. The benefit amount may continue for up to 12 consecutive months or until one of the events listed in ORS 659A.063, whichever occurs first.

(2) An eligible employee may continue coverage for life, short term and long term disability, and accidental death and dismemberment insurance plans for up to 12 months if they self-pay the premiums to the agency.

(3) When an employee returns to work within 12 months, they will have their previous enrollment for medical, dental, life, and disability insurance reinstated the first of the month following their return to work. The employee may make midyear plan changes within 60 days of the date they return to work.

(4) An employee returning to work will not be reinstated in any pretax Flexible Spending Accounts. They may reenroll within 60 days of the date they return to work.

(5) An employee returning to work immediately following CBIW is not required to work at least half-time in the month they return to be eligible for benefits the following month.

(6) A COBRA qualifying event occurs at the end of the CBIW continuation period if the employee has not returned to work.

Stat. Auth.: ORS 243.061-302 & 659A.060-069
Stats. Implemented: ORS 243.061-302 & 659A.060-069
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2004, f. & cert. ef. 7-2-04, PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-030-0015

Continuation of Group Medical and Dental Insurance Coverage for Employees Covered under the Federal Family Medical Leave Act (FMLA)

(1) The state will continue to pay the benefit amount of the premium for PEBB medical, dental and basic life insurance coverage in effect at the time of a qualified FMLA leave of an eligible employee.

(2) An eligible employee may continue coverage for optional life, short term and long term disability, and accidental death and dismemberment insurance plans for the duration of the approved FMLA leave if they self-pay the premiums to the agency. They may also continue to make contributions to their Healthcare Flexible Spending Account (FSA).

(3) Medical, dental and basic life insurance coverage continues through the end of the month the employee returns to work with no break in coverage. An employee must return to work the first work day following the end of approved FMLA leave to have their previous enrollment for optional life, short term and long term disability, and accidental death and dismemberment insurance reinstated. The reinstatement will be retroactive to the first of the month they return to work. The employee must self-pay the premiums for the month they return to work. The employee may make midyear plan changes within 60 days of the date they return to work.

(4) An employee returning to work will not be reinstated in any pretax Flexible Spending Accounts, unless they continued to make contributions to their Healthcare FSA while on approved FMLA leave. In this case, the employee will be reinstated in the pretax Healthcare FSA. Otherwise, they may reenroll in pretax FSAs within 60 days of the date they return to work.

(5) An employee returning to work the first work day following the end of approved FMLA leave is not required to work at least half-time in the month they return to be eligible for benefits the following month.

(6) An employee returning to work beyond the first work day immediately following the end of approved FMLA leave is treated the same as if returning from leave without pay. See OAR 101-020-0045(2).

(7) A COBRA qualifying event occurs:

(a) At the end of the month that the qualified FMLA leave period ends if the employee has not returned to work.

(b) Before the end of the FMLA period if the employee informs the employer that they will not be returning to work.

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061 - 302
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

ADMINISTRATIVE RULES

101-030-0020

Continuation of Group Medical and Dental Insurance Coverage for Employees Covered under the Oregon Family Leave Act (OFLA) -- ORS 659A.150-186

An eligible employee who does not qualify for FMLA and who qualifies for and takes an OFLA leave, has a COBRA triggering event the date their active PEBB insurance coverage ends. See OAR 101-030-0005.

Stat. Auth.: ORS 243.061-302 & 659A.150-186
Stats. Implemented: ORS 243.061-302 & 659A.150-186
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-030-0022

Continuation of Insurance Coverage for Employees on Active Military Leave (USERRA)

(1) The state will continue to pay the benefit amount for medical, dental, and basic life insurance coverage in effect at the time an eligible employee begins active military duty. This benefit coverage will continue for the duration of the active military leave up to 24 consecutive months.

(2) An eligible employee may continue coverage for optional life and accidental death and dismemberment insurance plans for up to 24 months if they self-pay the premiums to the agency. They may also continue to make contributions to their Healthcare Flexible Spending Account (FSA) through the end of the plan year. The employee must reenroll during open enrollment to continue participating in the Healthcare FSA for the new plan year. The employee is not eligible to continue short term or long term disability insurance plans while on active military leave.

(3) Medical, dental and basic life insurance coverage continues through the end of the month the employee returns to work within 24 months with no break in coverage. An employee returning to work following active military duty will have their previous enrollment for optional life, short term and long term disability, and accidental death and dismemberment insurance reinstated. The reinstatement will be retroactive to the first of the month they return to work. The employee must self-pay the premiums for the month they return to work. The employee may make midyear plan changes within 60 days of the date they return to work.

(4) An employee returning to work will not be reinstated in any pretax Flexible Spending Accounts, unless they continued to make contributions to their Healthcare FSA while on active military leave. In this case, the employee will be reinstated in the pretax Healthcare FSA. Otherwise, they may reenroll in pretax FSAs within 60 days of the date they return to work.

(5) An employee returning to work following active military duty is not required to work at least half-time in the month they return to be eligible for benefits the following month.

(6) A COBRA qualifying event occurs when an eligible employee:

(a) Remains in active duty status after 24 months;

(b) Is no longer in active duty status and has not returned to work after 24 months; or

(c) Terminates employment at any time during the 24-month period.

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061-302 & 408.240
Hist.: PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-030-0027

Non-medical Leave Without Pay (LWOP) — Continuation of Optional Insurance Plans

An eligible employee who is in a non-medical LWOP status may continue coverage for optional life and accidental death and dismemberment insurance plans for up to 12 months if they self-pay the premium to the agency. The employee is not eligible to continue short term or long term disability insurance plans while on LWOP.

Stat. Auth.: ORS 243.061-302
Stats. Implemented: ORS 243.061-302
Hist.: PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-050-0005

Eligibility for Medical and Dental Insurance Coverage upon Retirement

An eligible employee and their eligible individuals enrolled in PEBB plans for active employees immediately prior to retirement may continue participation in any PEBB retiree medical or dental insurance plan upon retiring until becoming Medicare eligible. Insurance coverage under the PEBB active and retiree health plans must be continuous.

(1) A retired employee must be:

(a) Receiving a service or disability retirement allowance under the Public Employees Retirement System (PERS) or under any other retirement or disability benefit plan or system offered by the State of Oregon for its officers and employees;

(b) Eligible to receive a service retirement allowance under PERS and have reached earliest retirement age under ORS Chapter 238; or

(c) Eligible to receive a service retirement allowance or pension under another retirement benefit plan or system offered by the State of Oregon and have reached earliest retirement age under the plan or system.

(2) A retired eligible employee may elect insurance coverage for themselves. A family member, domestic partner, and domestic partner's dependent child must be covered by the employee's active plans immediately prior to the retirement to qualify for coverage under the PEBB retiree health insurance plans.

(3) A former eligible employee who elects COBRA and later becomes eligible as a retired employee will have the right to transfer the COBRA medical or dental insurance coverage to the PEBB retiree health plans at any time during or immediately following COBRA. Insurance coverage under the PEBB active, COBRA, and retiree health plans must be continuous.

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061-302 & 659A.060-069
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-050-0010

Enrollment

(1) A retired eligible employee may continue insurance coverage for themselves, a family member, a domestic partner, and a domestic partner's dependent child under the PEBB retiree health insurance plans. The retiree may choose between full time or part-time and retiree plans and may select medical only, dental only, or medical and dental insurance coverage. If the retiree does not initially enroll in both medical and dental insurance plans, they may not add the other plan at a later date. Completed enrollment forms must be submitted within 60 days of the date active employee insurance coverage is lost. Enrollment in the PEBB retiree health plans must be continuous from active employee insurance coverage to retiree plan coverage and may be continued until any enrolled individual becomes Medicare eligible.

(2) PEBB may offer a plan change period for retiree insurance plan participants. The plan change period provides the opportunity for the retiree to only change benefit plans. During the plan change period, the retiree may not add dependents or coverage they did not already have.

(3) A retired eligible employee electing to continue PEBB health plans under COBRA will have the right to transfer the insurance coverage in place to the PEBB retiree health plans at any time during or immediately following COBRA.

(4) A retired eligible employee and their eligible individuals may continue participating in PEBB retiree medical or dental insurance plans as long as:

(a) They self-pay the premiums;

(b) They continue to meet PEBB eligibility; and

(c) PEBB continues to offer retiree insurance plan coverage.

(5) Division 20 Enrollment Rules apply to retirees in the following situations:

(a) Midyear benefit plan changes such as those resulting in the addition of a family member, domestic partner, or domestic partner's dependent child to the retiree's insurance coverage. See OAR 101-020-0050.

(b) Adding a newborn or adopted child to the retiree's insurance coverage. See OAR 101-020-0020.

(c) Removing an ineligible individual from the retiree's insurance coverage. See OAR 101-020-0025.

(d) Enrollment or processing errors. See OAR 101-020-0037.

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061 - 302
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-050-0015

Retiree Returning to Work for a PEBB Participating Organization in a Benefit Eligible Status

(1) A retiree returning to work with a PEBB participating organization in a full time, half-time, or job share classification is eligible for PEBB active employee benefit plans. A retiree returning to paid regular status

ADMINISTRATIVE RULES

within 12 months will have their previous enrollment for medical, dental, life and disability insurance reinstated the first of the month following their return to work. A retiree returning to active or paid regular status after 12 months from the previously active insurance coverage end date is treated as a newly hired employee.

(2) A retiree enrolled in a PEBB non-Medicare retiree insurance plan may suspend the retiree insurance coverage when enrolled in PEBB sponsored benefit plans as an eligible employee by notifying the retiree plan administrator.

(3) A retiree with a family member, domestic partner, or domestic partner's dependent child enrolled in Medicare must enroll that individual in the employee's PEBB benefit plans.

(4) Insurance coverage must be continuous between active employee benefit plans and PEBB non-Medicare retiree insurance plans.

(5) A retiree who returns to eligible employee status, continues coverage under PEBB retiree or COBRA insurance plans, and is receiving a state premium subsidy is not eligible to opt out of benefits.

(6) A retiree returning to eligible employee status 12 months from the previously active insurance coverage end date will have guarantee issue options for life insurance coverage as long as they did not use the portability provisions in their life insurance plans upon separation from state service.

(7) A retiree returning to eligible employee status beyond 12 months of the previously active insurance coverage end date is not eligible for a second guarantee issue of long term care insurance.

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061-302
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 1-2005, f. & cert. ef. 4-14-05; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-050-0020

Retiree Survivor Medical and Dental Insurance Coverage

An eligible individual enrolled in PEBB retiree medical or dental insurance plans at the time of a retiree's death may elect to continue the retiree survivor insurance coverage available through the PEBB plans as a subscriber. The eligible individual must self-pay the premiums and maintain continuous coverage.

(1) It is the responsibility of the subscriber to notify the retiree plan administrator if they do not want continued coverage.

(2) The surviving spouse or domestic partner of the retiree may continue the medical or dental retiree survivor insurance coverage as long as they remain unmarried, do not form a domestic partnership, and PEBB continues to offer the insurance plans.

(3) The surviving dependent children of the retiree, spouse or domestic partner may continue the medical or dental retiree survivor insurance coverage if they continue to meet eligibility requirements, are not adopted by a new parent, and PEBB continues to offer the insurance plans.

Stat. Auth.: ORS 243.061 - 243.302
Stats. Implemented: ORS 243.061-302 & 659A.060-069
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-050-0025

Retirees Eligible for Medicare Coverage

(1) A retiree and eligible individuals enrolled in PEBB retiree insurance plans who become eligible for Medicare coverage may not continue a PEBB retiree insurance plan. The exception is for Medicare eligibility as a result of end-stage renal disease. Insurance coverage ends the last day of the month that eligibility is lost.

(2) If a retiree becomes eligible for Medicare coverage, but their currently enrolled family members, domestic partner and domestic partner's dependent children are not; these eligible individuals may continue PEBB insurance coverage as subscribers. It is the responsibility of the subscribers to notify the retiree plan administrator if they do not want continued coverage.

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061 - 302
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-060-0005

Definitions

The following definitions will apply as used in OAR chapter 101 division 60:

(1) "Eligible employee" means a retail sales agent, appointed under ORS 471.705, who is subject to an agency agreement with the Oregon Liquor Control Commission to sell distilled spirits in the Commission's agency stores. A temporary liquor agent is not considered an eligible employee for PEBB administrative purposes.

(2) "Newly eligible employee" means an agent who has signed a contract with an effective date of July 1, 1985 or later.

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061 - 302
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

101-060-0010

Eligibility for Medical and Dental Insurance Coverage

(1) A newly eligible employee may enroll in medical and dental insurance coverage within 60 days of their contract effective date. Insurance coverage will be effective on the first day of the month following:

(a) The signing of the standard OLCC contract;

(b) The receipt of the completed applicable forms for enrollment in PEBB medical and dental insurance coverage; and

(c) The authorization of a monthly premium payment deduction from the contracted amount.

(2) An eligible employee not enrolling in PEBB medical and dental insurance plans during the initial 60 days following their contract effective date may apply during an open enrollment period. Enrollment of a family member, domestic partner and domestic partner's dependent child during a subsequent open enrollment period will be subject to benefit plan limitations for late enrollment of an eligible individual.

Stat. Auth.: ORS 243.061 - 302
Stats. Implemented: ORS 243.061 - 302
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07

Department of Agriculture Chapter 603

Rule Caption: Implement HB 2210 mandate to blend gasoline with 10% by volume ethanol.

Adm. Order No.: DOA 15-2007(Temp)

Filed with Sec. of State: 10-15-2007

Certified to be Effective: 10-15-07 thru 4-11-08

Notice Publication Date:

Rules Amended: 603-027-0420, 603-027-0430

Subject: This temporary rule amends Oregon's motor fuel quality specifications and delivery documentation requirements in OAR 603-027-0420 and OAR 603-027-0430 to implement House Bill (HB) 2210's mandate to blend gasoline with 10% by volume ethanol. Based upon the Department of Agriculture's study and monitoring of ethanol production, use, and sales in Oregon, it determined that the capacity of ethanol production facilities in Oregon has reached a level of at least 40 million gallons per year. Failure to act immediately will result in serious prejudice to the public interest. Delay of implementation of HB 2210 immediately will result in serious prejudice to the capacity of ethanol production facilities in the State of Oregon.

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

603-027-0420

Standard Fuel Specifications

(1) Gasoline and Gasoline-Oxygenate Blends, as defined in this regulation, shall meet the following requirements:

(a) The ASTM D 4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel," except that volatility standards for unleaded gasoline blended with ethanol shall not be more restrictive than those adopted under the rules, regulations, and Clean Air Act waivers of the U.S. Environmental Protection Agency (which includes those promulgated by Oregon). Gasoline blended with ethanol shall be blended under any of the following three options:

(A) The base gasoline used in such blends shall meet the requirements of ASTM D 4814; or

(B) The blend shall meet the requirements of ASTM D 4814; or

(C) The base gasoline used in such blends shall meet all the requirements of ASTM D 4814 except distillation, and the blend shall meet the distillation requirements of the ASTM D 4814 specification.

ADMINISTRATIVE RULES

(b) Blends of gasoline and ethanol shall not exceed the ASTM D 4814 vapor pressure standard by more than 1.0 psi.

(c) Minimum Antiknock Index (AKI). The AKI shall not be less than the AKI posted on the product dispenser or as certified on the invoice, bill of lading, shipping paper, or other documentation.

(d) Lead Substitute Gasoline. Gasoline and gasoline-oxygenate blends sold as "lead substitute" gasoline shall contain a lead substitute additive which provides a level of protection against exhaust valve seat recession which is equivalent to the level of protection provided by a gasoline containing at least 0.026 gram of lead per liter (0.10 g per U.S. gal).

(2) Ethanol intended for blending with gasoline shall meet the requirements of ASTM D 4806, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

(3) Gasoline-Ethanol Blends Required:

(a) Consistent with House Bill 2210 Section 17(1), the Oregon Department of Agriculture shall study and monitor ethanol fuel production, use, and sales in Oregon.

(b) As used in House Bill (HB) 2210, unless the context or a special-applicable definition requires otherwise:

(A) "Ethanol facilities production capacity" means the designed and "as-constructed" rated capacity as verified by the Oregon Department of Agriculture, or the ethanol facilities production capacity as determined by an independent Professional Engineer registered in the State of Oregon that is not the design consultant and as verified by the Oregon Department of Agriculture.

(B) "Production" means the ability of an ethanol production facility to produce ethanol that is in compliance with ASTM International D 4806, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasoline for Use as Automotive Spark Ignition Engine Fuel".

(C) "Use" means the historic blending of ethanol in Oregon in areas using ethanol to meet the United States Environmental Protection Agency (EPA) air quality standards, and other information relevant to industry blending of ethanol in gasoline including the infrastructure capacity to blend and distribute ethanol.

(D) "Sales" means volumes of ethanol blended in gasoline, measured in gallons per year, relevant consumer usage, demand, pricing, and other factors affecting sales.

(c) Based upon the Department of Agriculture's study of ethanol production, use, and sales in the State of Oregon, the mandatory use of ethanol as provided in HB 2210 Section 18(1) shall be phased in through three Oregon regions. These regions are defined by counties as follows:

(A) Region 1; Clackamas, Clatsop, Columbia, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties;

(B) Region 2; Benton, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, and Linn Counties; and

(C) Region 3; Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler Counties.

(d) The ethanol facilities production capacity in Oregon has reached a level of at least 40 million gallons per year.

(A) As of January 15, 2008, all retail dealers, nonretail dealers, or wholesale dealers within Region 1 may only sell or offer for sale gasoline that contains ten percent ethanol by volume.

(B) As of April 15, 2008, all retail dealers, nonretail dealers, or wholesale dealers within Region 2 may only sell or offer for sale gasoline that contains ten percent ethanol by volume.

(C) As of July 15, 2008, all retail dealers, nonretail dealers, or wholesale dealers within Region 3 may only sell or offer for sale gasoline that contains ten percent ethanol by volume.

(e) Gasoline-ethanol blends shall contain not less than 9.2 percent by volume of agriculturally derived denatured ethanol, exclusive of denaturants and permitted contaminants, that complies with

(A) OAR 603-027-0420(2) Ethanol ASTM D 4806 standards,

(B) Denatured as specified in 27 C.F.R parts 20 and 21, and

(C) Complies with the volatility requirements specified in 40 C.F.R. part 80.

(f) The ethanol shall be derived from agricultural or woody waste or residue.

(g) The gasoline base stock shall comply with ASTM International specification ASTM D 4814.

(h) It is prohibited to blend with casinghead gasoline, absorption gasoline, drip gasoline, or natural gasoline after it has been sold, transferred, or otherwise removed from a refinery or terminal.

(4) Gasoline Additive Restrictions.

(a) A wholesale dealer, retail dealer, or nonretail dealer may not sell or offer to sell any gasoline blended or mixed with:

(A) Ethanol unless the blend or mixture meets the specifications or registration requirements established by the United States Environmental Protection Agency pursuant to section 211 of the Clean Air Act, 42 U.S.C. section 7545 and 40 C.F.R. Part 79, and that complies with ASTM International specification ASTM D 4806;

(B) Methyl tertiary butyl ether in concentrations that exceed 0.15 percent by volume; or

(C) A total of all of the following oxygenates that exceeds one-tenth of one percent, by weight, of;

(i) Diisopropylether;

(ii) Ethyl tert-butylether;

(iii) Iso-butanol;

(iv) Iso-propanol;

(v) N-butanol;

(vi) N-propanol;

(vii) Sec-butanol;

(viii) Tert-amyl methyl ether;

(ix) Tert-butanol;

(x) Tert-pentanol or tert-amyl alcohol; and

(xi) Any other additive that has not been approved by the California Air Resources Board or the United States Environmental Protection Agency.

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

Stat. Auth.: ORS 561.190, OL 1997, Ch. 310 (SB 414) & ORS 646.905 - 646.990

Stats. Implemented: OL 1997, Ch. 310 (SB 414), ORS 646.905 - 646.990 & 183

Hist.: AD 19-1997, f. 12-9-97, cert. ef. 1-1-98; DOA 5-2002, f. & cert. ef. 1-28-02; DOA 17-2006, f. & cert. ef. 9-26-06; DOA 15-2007(Temp), f. & cert. ef. 10-15-07 thru 4-11-08

603-027-0430

Classification and Method of Sale of Petroleum Products

General Considerations:

(1) Documentation.

(2) When gasoline; gasoline-oxygenate blends; reformulated gasoline; M85 and M100 fuel methanol; E85 and E100 fuel ethanol; B100 biodiesel and biodiesel blends; renewable diesel and diesel-renewable diesel blends; diesel fuel; winter or winterized diesel fuel; premium diesel fuel; or aviation gasoline are sold, an invoice, bill of lading, shipping paper or other documentation, must accompany each delivery other than a sale by a retail or nonretail dealer. This document must identify the:

(a) Quantity,

(b) The name of the product,

(c) The particular grade of the product,

(d) The word "Winter" or "Winterized" diesel if applicable,

(e) The word "Premium" diesel and a declaration of all performance properties that qualifies the fuel as premium diesel as required in OAR 603-027-0420(5) if applicable,

(f) The volume percent biodiesel and other renewable diesel, if a biodiesel, biodiesel blend, other renewable diesel, or diesel-other renewable diesel blend,

(g) The applicable automotive fuel rating,

(h) The name and address of the seller and buyer,

(i) The date and time of the sale, and

(j) In addition, for gasoline-oxygenate and gasoline-alcohol blends which contain more than 1.5 mass percent oxygen, the documentation shall state the oxygenate type and oxygenate content, in volume percent, to the nearest 0.5 volume percent.

(3) Each operator of a bulk facility and each person who imports motor vehicle fuels into this state for sale in this state shall keep, for at least one year, at the person's registered place of business complete and accurate records of any motor vehicle fuels sold if sold or delivered in this state.

(4) Each biodiesel or other renewable diesel producer, each operator of a biodiesel bulk facility and each person who imports biodiesel or other renewable diesel into Oregon for sale in this state shall keep, on a monthly basis for at least one year, at the person's registered place of business the certificate of analysis for each batch or production lot of biodiesel or other renewable diesel sold or delivered in Oregon.

(5) Each biodiesel producer in Oregon shall keep, on a monthly basis for at least one year, at the person's registered place of business, documentation declaring the producer's name, location address, date, and quantity of biodiesel production and sales from base feedstock grown or produced in Oregon, Washington, Idaho, and Montana.

(6) All retail dealers, nonretail dealers, and wholesale dealers in Oregon are required to provide, upon request of the Department, evidence of a certificate of analysis for the biodiesel received.

ADMINISTRATIVE RULES

(7) Each ethanol production facility in Oregon shall keep, on a monthly basis for at least one year, at the person's registered place of business, documentation declaring the production facility's name, location address, net ethanol production capacity, the date that the net ethanol capacity was attained, quantity of ethanol produced, and sales in Oregon.

(G) Retail dealers and nonretail dealers shall maintain at their facilities the octane rating certification or motor vehicle fuel delivery documentation for the three most recent deliveries to the facility for each grade of gasoline, fuel ethanol, fuel methanol, biodiesel and biodiesel blends, diesel fuel, other renewable diesel fuel, and diesel-other renewable diesel fuel blends sold or offered for sale.

Stat. Auth.: ORS 561.190, OL 1997, Ch. 310 (SB 414) & 646.905 - 646.990
Stats. Implemented: OL 1997, Ch. 310 (SB 414), ORS 646.905 - 646.990 & 183
Hist.: AD 19-1997, f. 12-9-97, cert. ef. 1-1-98; DOA 5-2002, f. & cert. ef. 1-28-02; DOA 17-2006, f. & cert. ef. 9-26-06; DOA 15-2007(Temp), f. & cert. ef. 10-15-07 thru 4-11-08

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

Rule Caption: Sets per diem and reimbursement for a substitute rates for commissioners that correspond with ORS 292.495.

Adm. Order No.: OSCC 1-2007

Filed with Sec. of State: 9-26-2007

Certified to be Effective: 9-26-07

Notice Publication Date: 9-1-07

Rules Adopted: 669-030-0050, 669-030-0060, 669-030-0070

Subject: Sets per diem stipend, a reimbursement for hiring a substitute and allowable travel reimbursements for commissioners. Per diem and reimbursement for hiring a substitute correspond with limit set in ORS 292.495.

Rules Coordinator: Dana Branson—(541) 386-5761

669-030-0050

Per Diem Compensation

(1) Subject to the availability of funds in the budget of the commission, the Oregon Sweet Cherry Commission must pay any member of the commission, other than a member who is employed in full-time public service, compensation for each day or portion thereof during which the member is actually engaged in the performance of official commission duties.

(2) The rate of compensation is limited to \$30 per day, pursuant to ORS 292.495(1).

(3) In order to receive compensation, a member must submit to the Oregon Sweet Cherry Commission a written claim for compensation by the 10th day of the calendar month following the month for which the member seeks compensation. The member must specify the amount of time the member spent on official commission duties as well as the nature of the duties performed for any day or portion thereof for which the member claims compensation.

Stat. Auth.: ORS 292.495, 576.206 & 576.416.
Stats. Implemented:
Hist.: OSCC 1-2007, f. & cert. ef. 9-26-07

669-030-0060

Reimbursement of Travel and Other Expenses

(1) Subject to sections (2)–(6) of this rule, a member of the Oregon Sweet Cherry Commission, including a member employed in full-time public service, may receive actual and necessary travel and other expenses actually incurred in the performance of the member's official duties.

(2) In order to receive reimbursement of actual and necessary travel and other expenses, a member must submit to the Oregon Sweet Cherry Commission a written itemized claim for reimbursement supported by receipts, invoices or other appropriate documentation for travel and other expenses by the 10th day of the calendar month following the month in which the member incurred the expense. The claim for reimbursement must include the following information for each expense:

- (a) Date on which the member incurred the expense; and
- (b) Nature of the expense; and
- (c) Amount of the expense.

(3) An expense that exceeds \$500 dollars must be authorized by the Oregon Sweet Cherry Commission before a member incurs the expense.

(4) For the purposes of this rule, "travel and other expenses" are limited to reasonable expenses. An expense is reasonable if:

(a) It is an actual expense incurred by a member in carrying out official commission business, which is within the member's scope of responsibilities; and

(b) The expense is necessary to enable the member to carry out official commission business.

(5) For the purposes of this rule, "travel and other expenses" includes:

- (a) Meals.
- (b) Overnight lodging.
- (c) Transportation.
- (d) Postage.
- (e) Cost of attending an event associated with promotion of a commodity, such as a festival, stock show, county fair or state fair.
- (6) For the purposes of this rule, "travel and other expenses" does not include:

(a) Attendance at a sporting event, concert, theatrical performance, movie, or dance venue, including such events that occur at a fair, festival or stock show.

- (b) In-room movie rental.
- (c) Snacks and beverages offered for sale by a place of lodging.
- (d) Long distance telephone charges at a place of lodging.
- (e) Use of a gym or health club.
- (f) Cost of a gift for a host, business associate, commission member or employee, or family member.
- (g) Alcoholic beverages.

Stat. Auth.: ORS 292.495, 576.206, 576.265, 576.311, 576.416 & 576.440
Stats. Implemented: ORS 292.495, 576.206(7), 576.265.
Hist.: OSCC 1-2007, f. & cert. ef. 9-26-07

669-030-0070

Reimbursement for Hiring a Substitute

(1) As used in OAR 669-030-0060, "other expenses" includes expenses incurred by a member of the Oregon Sweet Cherry Commission in employing a substitute to perform duties, including personal duties, normally performed by the member, which the member is unable to perform because of the performance of official duties and which, by the nature of such duties, cannot be delayed without risk to health or safety.

(2) The amount that a member may be reimbursed for expenses incurred in employing a substitute must not exceed \$25 per day, pursuant to ORS 292.495(3).

Stat. Auth.: ORS 292.495.
Stats. Implemented: ORS 292.495, 576.206(7).
Hist.: OSCC 1-2007, f. & cert. ef. 9-26-07

.....
**Department of Agriculture,
Oregon Trawl Commission
Chapter 656**

Rule Caption: Sets Commissioners per diem and reimbursement for a substitute rates that correspond with ORS 292.495.

Adm. Order No.: OTC 1-2007

Filed with Sec. of State: 10-2-2007

Certified to be Effective: 10-7-07

Notice Publication Date: 7-1-07

Rules Adopted: 656-040-0010, 656-040-0020, 656-040-0030

Subject: Sets per diem stipend, reimbursement for hiring a substitute and allowable travel reimbursements for commissioners. Per diem and reimbursement for hiring a substitute correspond with limit set in ORS 292.495.

Rules Coordinator: Brad Pettinger—(541) 469-7830

656-040-0010

Per Diem Compensation

(1) Subject to the availability of funds in the budget of the commission, the Oregon Trawl Commission must pay any member of the commission, other than a member who is employed in full-time public service, compensation for each day or portion thereof during which the member is actually engaged in the performance of official commission duties.

(2) The rate of compensation is limited to \$30 per day, pursuant to ORS 292.495(1).

(3) In order to receive compensation, a member must submit to the Oregon Trawl Commission a written claim for compensation by the 15th day of the calendar month following the quarter for which the member seeks compensation. The member must specify the amount of time the member spent on official commission duties as well as the nature of the duties performed for any day or portion thereof for which the member claims compensation.

Stat. Auth.: ORS 292.495, 576.206, & 576.416
Stats. Implemented: ORS 292.495, 576.206(7), 576.265
Hist.: OTC 1-2007, f. 10-2-07, cert. ef. 10-7-07

ADMINISTRATIVE RULES

656-040-0020

Reimbursement of Travel and Other Expenses

(1) Subject to sections (2)–(6) of this rule, a member of the Oregon Trawl Commission, including a member employed in full-time public service, may receive actual and necessary travel and other expenses actually incurred in the performance of the member's official duties.

(2) In order to receive reimbursement of actual and necessary travel and other expenses, a member must submit to the Oregon Trawl Commission a written itemized claim for reimbursement supported by receipts, invoices or other appropriate documentation for travel and other expenses by the 15th day of the calendar quarter following the month in which the member incurred the expense. The claim for reimbursement must include the following information for each expense:

- (a) Date on which the member incurred the expense; and
- (b) Nature of the expense; and
- (c) Amount of the expense.

(3) An expense that exceeds \$500.00 dollars must be authorized by the Oregon Trawl Commission before a member incurs the expense.

(4) For the purposes of this rule, "travel and other expenses" are limited to reasonable expenses. An expense is reasonable if:

(a) It is an actual expense incurred by a member in carrying out official commission business, which is within the member's scope of responsibilities; and

(b) The expense is necessary to enable the member to carry out official commission business.

(5) For the purposes of this rule, "travel and other expenses" includes:

- (a) Meals;
- (b) Overnight lodging;
- (c) Transportation;
- (d) Postage;
- (e) Cost of attending an event associated with promotion of a commodity, such as a festival, county fair or state fair; and
- (f) Representing industry related to promotion of a commodity, such as a festival, county fair or state fair.

(6) For the purposes of this rule, "travel and other expenses" does not include:

(a) Attendance at a sporting event, concert, theatrical performance, movie, or dance venue, including such events that occur at a fair, festival or stock show;

(b) In-room movie rental;

(c) Snacks and beverages offered for sale by a place of lodging;

(d) Personal long distance telephone charges at a place of lodging except in connection with executing the duties of an Oregon Trawl Commissioner;

(e) Use of a gym or health club;

(f) Cost of a gift for a host, business associate, commission member or employee, or family member; and

(g) Alcoholic beverages.

Stat. Auth.: ORS 292.495, 576.206, 576.265, 576.311, 576.416 & 576.440

Stats. Implemented: ORS 292.495, 576.206(7), 576.265

Hist.: OTC 1-2007, f. 10-2-07, cert. ef. 10-7-07

656-040-0030

Reimbursement for Hiring a Substitute

(1) As used in OAR 656-040-0010, "other expenses" includes expenses incurred by a member of the Oregon Trawl Commission in employing a substitute to perform duties, including personal duties, normally performed by the member, which the member is unable to perform because of the performance of official duties and which, by the nature of such duties, cannot be delayed without risk to health or safety.

(2) The amount that a member may be reimbursed for expenses incurred in employing a substitute must not exceed \$25 per day, pursuant to ORS 292.495(3).

Stat. Auth.: ORS 292.495

Stats. Implemented: ORS 292.495, 576.206(7)

Hist.: OTC 1-2007, f. 10-2-07, cert. ef. 10-7-07

.....

Department of Community Colleges and Workforce Development Chapter 589

Rule Caption: Revises method for disbursing Community College Support Funds for Contracts Out-of-District.

Adm. Order No.: DCCWD 4-2007

Filed with Sec. of State: 10-1-2007

Certified to be Effective: 10-1-07

Notice Publication Date: 3-1-07

Rules Amended: 589-002-0100

Subject: Authority for distribution of the Community College Support Fund (CCSF) is granted by OAR 589-002-0100. This rule amendment revises the method for disbursing CCSF monies for Contracted Out-of-District (COD) programs. This rule amendment ties the disbursement of CCSF monies to the number of Full-Time Equivalent (FTE) students served by Contracted Out-of-District programs in the prior year.

This rule was previously amended and adopted on August 1, 2007; however, the Certificate of Permanent Rulemaking that was filed with the Secretary of State's office did not include all the language that was adopted by the agency's advisory committee, the State Board of Education. The agency's legal counsel, Wendy Robinson, has determined that this clerical error does not constitute a requirement for new permanent rulemaking process. Rule language that accompanies this Certificate is the correct and adopted rule language.

Rules Coordinator: Linda Hutchins—(503) 378-8649, ext. 474

589-002-0100

Distribution of Community College Support Fund

(1) Purpose Statement:

(a) It is in the state's interest to support a strong local community college system that meets local, regional and state economic and workforce development needs. Short- and long-term interests include the consideration of such things as comparable District funding capability, maintaining small districts as a means of educational access and stable, predictable funding. Oregon's Community College distribution formula is designed to provide a financial foundation to support undergraduate and lower-division education, professional technical education, remedial education, local response to workforce training and other educational services necessary at the local and state level.

(b) The State Board through the authority vested in it by ORS 341.626, uses this rule to state clearly and concisely what the statewide interests are for Oregon community colleges and students through the adoption of a policy-driven distribution formula. The overarching policy levers, chosen by the State Board, have been structured to support access and quality and to do so with equity for Oregon students.

(c) The State Board, the Department, and the seventeen Oregon Community Colleges plan to pursue equalization of resources regardless of funding levels. This goal is reflected in the following principles:

(A) An expectation that equalization will be achieved in six years.

(B) Significant additional funds in a biennium compared to the previous biennium will benefit every college. The State Board will determine what level is significant on a biennial basis.

(C) Historic share of total public resources will be based on the immediate previous year for every year, with the exception of 2005-06. For 2005-06, historic share of public resources will be based on the average of 2003-04 and 2004-05.

(D) Buffered FTE will be used in the formula. The buffering is accomplished by using a three-year weighted average as defined in Section (8)(b).

(E) If significant additional resources are available compared to the previous biennium, equalization can go faster. The State Board will determine what level is significant on a biennial basis.

(F) The resource level available compared to the previous biennium may impact the pace of progress toward equalization.

(2) For purposes of this rule, the following definitions apply:

(a) "Total Public Resources." The Community College Support Fund formula considers 100% of the next year's imposed property tax revenue and the General Fund appropriation from the legislature.

(b) "Property tax revenues" is defined as the amount determined by the Department of Revenue to be imposed on local property following the application of limits imposed by sections 11(b)(1) through 11(b)(3), Article XI, of the Oregon Constitution, and those limits imposed by legislation implementing Ballot Measure 50. This amount becomes the basis for operation of the funding formula without regard to uncollectible taxes, or taxes collected from previous years. Taxes levied or imposed by a community college district to provide a public library system established prior to January 1, 1995 shall be excluded from the definition of property taxes in this rule. Property tax revenues raised through voter approval of any local option or capital construction levy are not to be included as a resource to be distributed through the funding formula.

ADMINISTRATIVE RULES

(c) "Community College Support Fund" is defined as those funds received through the State's General Fund appropriation and distributed to the community colleges for the purpose of funding educational programs.

(d) "Full-Time Equivalent (FTE) Enrollment" is defined as 510 clock hours for all coursework and for all terms including a fall 12-week term. For an 11 week fall term, the following calculation will be used; 11/12 of 510 hours or 467.5 hours.

(e) "Total Weighted Reimbursable FTE" is defined as the sum of 40% of first year prior to current FTE, 30% of second year prior to current FTE, and 30% of third year prior to current FTE.

(f) "Historic Share of Public Resources" is defined as the percent of statewide non-base total public resources allocated to each Oregon community college in the prior period. With the exception of 2005-06, historic share of public resources is calculated by dividing each college's total public resources from the prior year, exclusive of the base, by Total Weighted Reimbursable FTE from the prior year. For 2005-06, historic share of public resources is calculated by dividing each college's average total public resources from the 2003-04 and 2004-05 fiscal years, exclusive of the base, by the amount of frozen reimbursable FTE used in both the 2003-04 and 2004-05 fiscal years.

(g) "Equalization" is defined as equal public resource support per Weighted Reimbursable FTE, regardless of institution, and exclusive of the base. Equalization is measured by dividing Total Public Resources, exclusive of the base, by Weighted Reimbursable FTE.

(3) The Community College Support Fund shall be distributed in equal payments as follows:

(a) For the first year of the biennium, August 15, October 15, January 15, and April 15;

(b) For the second year of the biennium, August 15, October 15, and January 15;

(c) The final payment of each biennium is deferred until July 15 of the following biennium as directed by Senate Bill 1022 of the Third Special Session of the 71st Oregon Legislative Assembly.

(d) Should any of the dates set forth above occur on a weekend, payment shall be made on the next business day.

(e) All payments made before actual property taxes imposed by each district are certified by the Oregon Department of Revenue shall be based on the Department's best estimate of quarterly entitlement using property tax revenue projections. Payments shall be recalculated each year as actual property tax revenues become available from the Oregon Department of Revenue and any adjustments will be made in the final payment(s) of the fiscal year.

(4) Districts shall be required to submit enrollment reports in the format specified by the Commissioner, including numbers of clock hours realized for all coursework, in a term-end enrollment report by the Friday of the sixth week following the close of each term. If reports are outstanding at the time of the quarterly payments, payment to the district(s) not reporting may be delayed at the discretion of the Commissioner.

(a) All payments made before actual Full-Time Equivalent enrollment data are available shall be based on the Department's best estimate of quarterly entitlement using enrollment data from previous years. Payments shall be recalculated each year as actual Full-Time Equivalent enrollment data become available and any adjustments will be made in the fiscal year.

(5) Reimbursement from the Community College Support Fund shall be made for professional technical, lower division collegiate, developmental education and other courses approved by the State Board in accordance with OAR 589-006-0100 through 589-006-0400. State reimbursement is not available for hobby and recreation courses as defined in OAR 589-006-0400.

(6) Residents of the state of Oregon and the states of Idaho, Washington, Nevada, and California shall be counted as part of each Community College's Total Reimbursable FTE base but only for those students who take part in coursework offered within Oregon's boundaries.

(7) State funding for community college district operations is appropriated by the legislature on a biennial basis to the Community College Support Fund. For each biennium the amount of state funds available for distribution through the funding formula shall be calculated based on the following:

(a) Funds to support corrections programs shall be subtracted from the amount allocated to the Community College Support Fund before the formula is calculated. The amount available for corrections shall be equal to the funding amount in the preceding biennium, except as adjusted to reflect the same percentage increase or decrease realized in the overall Community College Support Fund appropriation. Funding for individual

corrections programs will be determined in consultation with the Department of Corrections.

(b) Funds to support contracted out-of-district (COD) programs shall be subtracted from the amount allocated to the Community College Support Fund before the formula is calculated. The amount available for COD's shall be equal to the number of reimbursable COD FTE from the prior year multiplied by the statewide average amount of Non-Base Community College Support Funds per weighted FTE for the prior year. Community colleges providing contracted out-of-district services will receive an allocation equal to the college's number of reimbursable COD FTE from the prior year multiplied by the statewide average amount of Non-Base Community College Support Funds per weighted FTE for the prior year.

(c) The State Board may establish a Strategic Fund.

(A) There are two basic categories for these funds. Incentivized statewide initiatives and activities and requests from individual Districts for assistance in meeting new requirements and expectations stemming from legislative change.

(B) The Commissioner will use a committee of stakeholders and Department staff to determine overall priorities for funding that consider the State Board work plan and initiatives.

(C) Strategic Funds provided to incentivize statewide activities or assist Community Colleges in meeting legislative expectations are provided only for the biennium in which funding is approved. Strategic Funds allocated for either purpose will not be considered in the distribution of funds through the formula described in Section 8 for the current biennium or future biennia.

(D) Any unused monies remaining in the current biennium's Strategic Fund will be allocated through the formula described in Section 8 at the end of the biennium.

(E) The Commissioner will review, rank, and approve proposals to incentivize statewide activities. After each proposal is approved, the Commissioner will provide the State Board with a report detailing the purpose of the activity, the amount of Strategic Fund monies approved, and the proposal's merit as assessed under the following parameters:

(i) Purpose of the proposal.

(ii) How does the activity support the initiatives and work plans of the Department and the State Board.

(iii) Does the activity relate to the Department's Key Performance Measures or other program-specific measures?

(iv) Is the funding one time (for this biennium) or will additional funding be needed in the future?

(v) If future funding is needed, how will those resources be obtained? Is the activity sustainable?

(vi) What is the activity's impact on the State three years from now? Five years from now?

(vii) What change is anticipated?

(viii) How will progress be measured?

(F) The Department will bring all requests for assistance in meeting new requirements or expectations stemming from legislative change to the State Board for discussion and consideration.

(G) The Department will assess the requests for assistance in meeting new requirements or expectations of the Legislature based on the following parameters:

(i) Purpose of the proposal.

(ii) How will the funds be used? To sustain or increase enrollment (not supplanting existing funds)?

(iii) Is the funding one time (for this biennium) or will additional funding be needed in the future?

(iv) If future funding is needed, how will those resources be obtained? Is the activity sustainable?

(v) What is the proposal's impact on the Community College three years from now? Five years from now?

(vi) How will progress be measured.

(H) The Department will provide a recommendation and reasoning to the State Board on whether the request merits funding.

(d) Funds to support targeted investments such as distributed learning shall be subtracted from the amount allocated to the Community College Support Fund before the formula is calculated. The amount available for these investments shall be equal to the funding amount in the preceding biennium, except as adjusted to reflect the same percentage increase or decrease realized in the overall Community College Support Fund appropriation.

(e) Funds remaining in the Community College Support Fund shall be divided equally between the two years of the biennium, and will be distrib-

ADMINISTRATIVE RULES

uted in equal payments as described in Section 3 and through a distribution formula as described in Section 8.

(8) Distribution of funds to Community College Districts from the Community College Support Fund shall be accomplished through a formula, based on the following factors:

(a) Base Payment. Each community college district shall receive a base payment of \$600 for each Weighted Reimbursable FTE up to 1,100 and \$300 per FTE for unrealized enrollments between actual Weighted Reimbursable FTE and 1,100 FTE. The base payment may be adjusted by the State Board each biennium. The base payment for each District will be adjusted according to the size of the District. District size for purposes of this adjustment will be determined each year by the FTE set forth in section (8)(b) of this rule. The base payment adjustments shall be:

- (A) 0-750 FTE 1.3513;
- (B) 751-1,250 FTE 1.2784;
- (C) 1,251-1,750 FTE 1.2062;
- (D) 1,751-2,250 FTE 1.1347;
- (E) 2,251-2,750 FTE 1.0641;
- (F) 2,751-3,250 FTE 1.0108;
- (G) 3,251-3,750 FTE 1.0081;
- (H) 3,751-4,250 FTE 1.0054;
- (I) 4,251-4,999 FTE 1.0027;
- (J) 5,000 or more FTE 1.000.

(b) Student-Centered Funding: The formula is designed to progress toward a distribution of funds based on Weighted Reimbursable FTE students. The equalized amount per Weighted Reimbursable FTE is determined by dividing total public resources — excluding base payments, contracted out-of-district payments, and any other payments directed by the State Board or the Legislature — by Total Weighted Reimbursable FTE. The Department shall make the calculation based on submission of FTE reports by the districts and in accordance with established FTE principles.

(A) A three-year weighted average of Total Reported Reimbursable FTE by the Community Colleges will be used.

(B) For 2005-06 through 2007-08: FTE will be “thawed” from its current level one year at a time, beginning in 2005-06 when actual 2003-04 FTE is included in the formula. Beginning in 2007-08, the weighted average of FTE will consider only actual FTE. The “frozen” 96,027 total reimbursable FTE statewide was set by the State Board in 2002-03.

(i) The calculation for 2005-2006 Total Reimbursable FTE is 2003-04 actual enrollments (weighted at 40%); 2002-03 enrollments set at 96,027 (weighted at 30%); 2001-02 enrollments set at 96,027 (weighted at 30%).

(ii) The calculation for 2006-07 Total Reimbursable FTE is 2004-05 actual enrollments (weighted at 40%); 2003-04 actual enrollments (weighted at 30%); 2002-03 enrollments set at 96,027 (weighted at 30%).

(iii) The calculation for 2007-08 Total Weighted Reimbursable FTE is 2006-07 actual enrollments (weighted at 40%); 2005-06 actual enrollments (weighted at 30%); 2004-05 actual enrollments (weighted at 30%).

(C) All future calculations will use a three-year weighted average with first year prior to current actual enrollment weighted at 40%, second year prior to current actual enrollment weighted at 30% and third year prior to current actual enrollment weighted at 30%.

(c) Equalization. The State Board of Education expects to achieve Equalization in funding for all community college students in six years.

(A) Progress to Equalization is defined as: On an individual Community College level, progress toward Equalization will close the gap between non-base total public resource support per Weighted Reimbursable FTE and fully equalized non-base total public resource support per Weighted Reimbursable FTE by some fraction per year.

(B) The proposed model calculates how far each Community College's non-base allocation is from full equity every year, then moves incrementally toward Equalization each year. Each Community College makes the same percentage movement to Equalization each year unless the harm limit (described in Section (8)(d)) is invoked. Community Colleges at or near equity do not move much in real dollars under the equity adjustment. Community Colleges further from equity move more in real dollars under the equity adjustment.

(C) In early years, the focus is on stability as Community Colleges adjust to Equalization. A smaller proportion of funds is distributed through Equalization and a larger proportion is distributed based on historic share of public resources. As the timeframe progresses, this proportion reverses, and in later years more funds are distributed through Equalization.

(d) Harm Limit. The harm limit is designed to prevent individual Community Colleges from losing more than a certain percent of non-base total public resources from one year to the next due to Equalization. The harm limit does not limit losses in total public resources due to changes in

FTE enrollment, changes in the General Fund appropriation, or changes in public resources. The harm limit is determined by combining the percent change in state appropriation funds from one year to the next with an adjustment percent determined by the State Board each year. In determining the adjustment, and therefore the total harm limit that results from combining the adjustment with the percent change in resources, the Board should consider the following issues:

(A) The total harm limit must not unnecessarily impede progress toward Equalization in the expected six-year period.

(B) The total harm limit should be adequate to ameliorate unreasonable negative effects of Equalization.

(e) Distribution of Significant Additional State Resources. In a biennium when significant additional state resources are available compared to the state appropriation in the previous biennium, in each year of the biennium:

(A) Fifty percent of additional state resources will be allocated through the Equalization methodology.

(B) The remaining fifty percent of additional state resources will be allocated based on the Community College's historic share of public resources.

(C) The State Board will determine on a biennial basis what level of additional resources is considered significant.

(D) The State Board retains the authority to alter the percent of significant additional state resources allocated according to equity and historic share of public resources for each biennium, beginning in 2007-09.

(9) State general fund and local property taxes for territories annexed or formed effective June 1, 1996, or later shall not be included in the funding formula for the first three years of service. Additionally, the FTE generated in newly annexed territories shall not impact the funding formula during the first three years of service. Beginning in the fourth year, funding will be distributed through the formula as outlined in this rule.

Stat. Auth.: ORS 326.051 & 341.626

Stats. Implemented: ORS 341.015, 341.022, 341.317, 341.440, 341.525, 341.528, 341.626 & 341.665

Hist.: 1EB 9-1979, f. & ef. 6-11-79; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0260; ODE 27-2000, f. & cert. ef. 10-30-00; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0200; DCCWD 2-2001, f. & cert. ef. 5-7-01; DCCWD 3-2002, f. & cert. ef. 6-5-02; DCCWD 7-2002(Temp), f. & cert. ef. 12-16-02 thru 6-5-03; DCCWD 3-2003, f. & cert. ef. 5-14-03; DCCWD 1-2004, f. & cert. ef. 7-1-04; DCCWD 1-2005, f. & cert. ef. 7-13-05; DCCWD 2-2006(Temp), f. & cert. ef. 6-15-06 thru 11-30-06; DCCWD 6-2006, f. 10-3-06, cert. ef. 10-4-06; DCCWD 8-2006, f. 12-13-06, cert. ef. 12-15-06; DCCWD 2-2007, f. & cert. ef. 7-6-07; DCCWD 4-2007, f. & cert. ef. 10-1-07

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

Rule Caption: Implements a 4% statewide e-permitting system surcharge effective January 1, 2008.

Adm. Order No.: BCD 10-2007

Filed with Sec. of State: 9-28-2007

Certified to be Effective: 1-1-08

Notice Publication Date: 9-1-07

Rules Amended: 918-050-0800

Subject: The purpose of this rule is to implement HB 2405, which requires the division to develop a statewide e-permitting system for construction permits.

The bill allows a 5% surcharge with flexibility to set a lower surcharge. The surcharge rate for the statewide e-permitting system, set by rule, is 4%. The rule is effective January 1, 2008.

Rules Coordinator: Nicole Jantz—(503) 378-4130

918-050-0800

Permit Surcharges

(1) A one-percent surcharge will be assessed upon the total permit fees collected pursuant to ORS 455.210(4)(c).

(2) Effective January 1, 2008, a four percent surcharge will be assessed upon the total permit fees collected pursuant to ORS 455.210(4)(d).

Stat. Auth.: ORS 455.044 & 455.210

Stats. Implemented: ORS 455.044 & 455.210

Hist.: BCD 10-1999(Temp), f. 9-7-99, cert. ef. 10-1-99 thru 3-28-00; BCD 17-1999, f. 12-30-99, cert. ef. 1-1-00; BCD 8-2000, f. 6-15-00, cert. ef. 7-1-00, Renumbered from 918-020-0520; BCD 31-2005, f. 12-30-05, cert. ef. 1-1-06; BCD 10-2007, f. 9-28-07, cert. ef. 1-1-08

ADMINISTRATIVE RULES

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

Rule Caption: 2008 Workers' Compensation Premium Assessment Rates.

Adm. Order No.: DO 1-2007

Filed with Sec. of State: 10-4-2007

Certified to be Effective: 1-1-08

Notice Publication Date: 8-1-07

Rules Amended: 440-045-0020, 440-045-0025

Subject: OAR Chapter 440-045-0020, 440-045-0025: The director adopts by rule the workers' compensation premium assessment rate that is paid by all employers based on their workers' compensation premium and is collected by the insurer at the time the employer pays the premium. This assessment is used to fund workers' compensation related programs and workplace safety and health programs that serve Oregon employers and workers. In addition, the rule adopts the rate for an additional assessment percentage amount that is collected from all self-insured employers as well as all self-insured employer groups to fund the Self-Insured Employers Adjustment Reserve and the Self-Insured Employer Group Adjustment Reserve. These reserves are established to assure benefits are available in the event of a financial failure of a self-insured employer or self-insured employer group. These rules establish the assessment rate for calendar year 2008.

Rules Coordinator: Myrna Curzon—(503) 947-7866

440-045-0020

Assessment Rate

The assessment to be levied against insurers, self-insured employers and self-insured employer groups for Calendar Year 2008 shall be 4.6 percent of direct earned premium and the direct earned premium self-insured employers and self-insured employer groups would have paid had they been insured employers.

Stat. Auth.: ORS 705.135 & 656.612

Stats. Implemented: ORS 656.612 & 656.614

Hist.: DO 2-1999, f. 10-1-99, cert. ef. 1-1-00; DO 1-2000, f. 10-11-00; DO 3-2001, f. 10-22-01, cert. ef. 1-1-02; DO 4-2002, f. 10-17-02 cert. ef. 1-1-03; DO 3-2003, f. 10-22-03, cert. ef. 1-1-04; DO 1-2004 f. 10-21-04 cert. ef. 1-1-05; DO 1-2005, f. 10-20-05, cert. ef. 1-1-06; DO 3-2006, f. 10-19-06, cert. ef. 1-1-07; DO 1-2007, f. 10-4-07, cert. ef. 1-1-08

440-045-0025

Adjustment Reserve Rate

In addition to the assessments established in OAR 440-045-0020, self-insured employer groups and self insured employers for the Calendar Year 2008 shall be assessed an additional 0.2 percent to fund the Self-Insured Employer Group Adjustment Reserve and the Self-Insured Employer Adjustment Reserve.

Stat. Auth.: ORS 705.135 & 656.612

Stats. Implemented: ORS 656.612 & 656.614

Hist.: DO 2-1999, f. 10-1-99, cert. ef. 1-1-00; DO 1-2000, f. 10-11-00, cert. ef. 1-1-01; DO 3-2001, f. 10-22-01, cert. ef. 1-1-02; DO 4-2002, f. 10-17-02 cert. ef. 1-1-03; DO 3-2003, f. 10-22-03, cert. ef. 1-1-04; DO 1-2004 f. 10-21-04 cert. ef. 1-1-05; DO 1-2005, f. 10-20-05, cert. ef. 1-1-06; DO 3-2006, f. 10-19-06, cert. ef. 1-1-07; DO 1-2007, f. 10-4-07, cert. ef. 1-1-08

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

Rule Caption: Address variable annuities as securities, and securities activity on the premises of financial institutions or trust companies.

Adm. Order No.: FCS 4-2007

Filed with Sec. of State: 10-11-2007

Certified to be Effective: 1-1-08

Notice Publication Date: 9-1-07

Rules Adopted: 441-205-0135

Rules Amended: 441-035-0021, 441-049-1021, 441-049-1041, 441-175-0040

Subject: To implement a change made in the 2007 legislature that variable annuities are securities, proposed amendments waive securities notice filing and fees if the variable annuity is in a form filed and approved under the Oregon Insurance Code, but do require that

salespersons have a securities license. To address concerns about securities activities conducted on the premises of financial institutions and trust companies, a new rule is proposed which generally mirrors the requirements of the NASD (National Association of Securities Dealers, a securities self-regulatory association). Other proposed changes are technical in nature.

Rules Coordinator: Shelley Greiner—(503) 947-7484

441-035-0021

Disclosure Requirements for Real Estate Paper Transactions Exempt Under ORS 59.035(7)

(1) All transactions exempt under ORS 59.035(7), involving a mortgage banker or mortgage broker must comply with the provisions of OAR 441-870-0050.

(2) All transactions exempt under ORS 59.035(7), involving a broker-dealer or person described in ORS 59.015(1)(b) must comply with the provisions of this rule. Compliance does not relieve any person of any other duties and liabilities under the Oregon Securities Law, Oregon Administrative Rules, or any other provision of law.

(3) For transactions to be exempt under ORS 59.035(7), a broker-dealer or person described in ORS 59.015(1)(b) must provide to the purchaser, prior to the time of sale, a written disclosure document containing the following information:

(a) The legal description of the real property underlying the real estate paper being sold;

(b) The priority of the lien created by the real estate paper and the total face amount of any senior liens including outstanding taxes; or a current title report on the real property prepared by a title insurance company;

(c) The terms of any senior lien and of any assignments thereof, or a copy of the instrument creating the senior lien and any assignments thereof;

(d) A statement whether any future advances may have a priority senior to that of the lien created by the real estate paper being sold;

(e) In the case of a sale of junior real estate paper, a statement of the risk of loss on foreclosure of a senior lien;

(f) A prominent statement of any balloon payments, including the dates payable and the amounts due;

(g) A statement of the balance of all taxes owing on the real property underlying the real estate paper, as provided by the county assessor directly or indirectly through a title insurance company;

(h) A statement of the value of the real property underlying the real estate paper, based upon the tax assessed value of the property underlying the real estate paper, as provided by the county assessor directly or indirectly through a title insurance company, and:

(A) If available, a statement of value based upon an appraisal or an opinion of value prepared by an independent licensed appraiser may also be provided; however

(B) Under no circumstances may the statement of value be based upon any source other than the county assessor or an independent licensed appraiser.

(i) If the transaction involves existing real estate paper:

(A) The debtor's payment record for the lesser of two years immediately preceding the sale or for the period of existence of the real estate paper, covering the existing real estate paper being sold; and

(B) If the payment record is less than two years, or the real estate paper being sold is a junior lien, a credit report on the debtor prepared by a credit reporting agency and current within 90 days of the transaction.

(j) If the transaction involves real estate paper to be created:

(A) The debtor's payment record, if any, for the lesser of two years immediately preceding the sale or for the period of existence of the real estate paper, covering:

(i) Any lien senior to the real estate paper being created; and

(ii) Any lien being retired with the proceeds from the subject sale.

(B) A credit report on the debtor prepared by a credit reporting agency and current within 90 days of the transaction; and

(C) A financial statement of the debtor current within 90 days of the transaction.

(k) If the seller of the real estate paper, the seller's agent, or any affiliate is the debtor, a statement disclosing that fact and the amount of cash paid to the debtor in consideration for the issuance of the real estate paper;

(l) A statement of any commissions, collection fees, and other costs chargeable to the purchaser of the real estate paper; and

(m) A statement of whether the purchaser of the real estate paper will be insured against casualty loss.

ADMINISTRATIVE RULES

(4) The information contained in the written disclosure document described in section (3) of this rule may be provided in summary form except that copies of the tax statement and the appraisal, where applicable, must be true and complete copies of the originals.

(5) Although not a condition of the availability of the exemption granted pursuant to ORS 59.035(7), all broker-dealers relying on the exemption and this rule shall, pursuant to ORS 59.195, maintain and make available to the Director, or any purchaser involved in the subject transaction, a separate file for each transaction. Each file shall be retained for a period of six years following the date of the transaction, and shall include:

(a) A copy of the disclosure document described in section (3) of this rule;

(b) A written statement, signed and dated by the purchaser, acknowledging receipt of the written disclosure document and an opportunity to review the supporting documentation;

(c) The supporting documentation evidencing the summarized information contained in the disclosure document; and

(d) Copies of the documents described in section (6) of this rule.

(6) The broker-dealer or person described in ORS 59.015(1)(b) must:

(a) Deliver to the purchaser or licensed escrow agent or title company the written evidence of the obligation properly endorsed, together with the instrument creating the purchaser's lien or assessment of the lien;

(b) Record, or cause to have recorded, the instrument creating the purchaser's lien or assignment of the lien in a timely manner in the county or counties where the property is located and retain a copy of the recorded instrument in the purchaser's transaction file; and

(c) If a title report prepared by a title insurance company is relied upon for the disclosure required under subsection (3)(b) of this rule, deliver to the purchaser a fully paid title insurance policy running to the benefit of the purchaser.

(7) If a security transaction is exempt under ORS 59.035(7), the following are also exempt:

(a) Guarantees or surety agreements created as an integral part of the real estate paper and sold with the real estate paper if the guarantor or surety is not a mortgage banker, mortgage broker, broker-dealer, or person described in ORS 59.015(1)(b); and

(b) "With-recourse" agreements or guarantees created by a seller and sold with the real estate paper, if the seller is not a mortgage banker, mortgage broker, broker-dealer, or person described in ORS 59.015(1)(b).

Stat. Auth.: ORS 59.035(7), 59.045(1), 59.045(2) & 59.350(2)

Stats. Implemented: ORS 59.035(7), 59.045 & 59.350(2)

Hist.: FCS 7-1988, f. 3-22-88, cert. ef. 3-25-88; Renumbered from 815-037-0037; FCS 5-1989, f. & cert. ef. 5-17-89; Renumbered from 441-205-0160; FCS 4-1990, f. & cert. ef. 8-21-90; FCS 1-1992, f. 1-31-92, cert. ef. 2-1-92; FCS 2-1994, f. & cert. ef. 1-7-94; FCS 4-2007, f. 10-11-07, cert. ef. 1-1-08

441-049-1021

General Provisions Applicable to Notice Filing Rules

(1) Address. All notice filings and payment of fees under the Notice Filing Rules shall be directed to the State of Oregon, Department of Consumer and Business Services, Division of Finance and Corporate Securities, 350 Winter Street NE Room 410, Salem, Oregon 97301-3881. At such time as filings can be received electronically by the Director, filings may be made electronically.

(2) Fees. Filing fees are set out in OAR 441-049-1001.

(3) Additional information. Notwithstanding the filing requirements in the Notice Filing Rules, the Director may request additional information, documentation or both. The request shall not exceed the information or documentation required by the SEC to be filed in connection with that offering.

(4) Salespersons. (a) An individual employed by the issuer of a federal covered security is not required to be licensed in Oregon to offer or sell the federal covered security.

(b) A salesperson must be identified on the Form NF filed with the Director but is not required to be licensed in Oregon to offer or sell federal covered securities under section 18(b)(2) of the Securities Act of 1933.

(c) Other than a salesperson offering or selling a variable annuity, a salesperson is not required to be licensed in Oregon to offer or sell federal covered securities under section 18(b)(3) or (4) of the Securities Act of 1933.

(5) Initial Filings. Notice and fees submitted as an initial filing shall become effective on the later of the date the notice is received by the Director or date specified by the notice filer in accordance with 59.049(1), (2), or (3). The notice filings for federal covered securities under section 18(b)(3) and (4) of the Securities Act of 1933 shall be indefinite. The notice for federal covered securities under section 18(b)(2) of the Securities Act of 1933 shall continue for one year from the effective date. The Director may

reject the notice if the Director does not receive the correct fees within 10 business days of the receipt of the notice.

(6) Renewal Filings:

(a) Notice form:

(A) A person seeking renewal shall provide the same form and materials required for the initial filing or most recent renewal. The renewal, if received prior to the annual anniversary date of the initial filing, shall become effective on the anniversary date and shall continue for one year from that date. The Director may reject the renewal if the Director does not receive the correct fees within 10 business days of the receipt of the notice;

(B) Notices submitted for renewals and received after the anniversary date shall become effective on the date received. A late renewal shall be accompanied by a letter from or on behalf of the notice filer indicating whether any sales were made in this state after the expiration date. The Director may reject the renewal if the Director does not receive the correct fees within 10 business days of the receipt of the notice. A late renewal may be treated as an initial filing.

(b) Aggregate offering amount. A renewal notice may be submitted for any aggregate offering amount of securities provided appropriate fees are submitted. A renewal is not limited to unsold portions of previously noticed aggregate offering amounts.

(c) Fees. A person seeking renewal shall submit the appropriate fees set out in OAR 441-049-1001.

(7) Acknowledgment of filing. Upon receipt of an initial filing or renewal, the Director shall provide written acknowledgment of the filing to the person submitting the request for the filing. An inadvertent failure by the Director to acknowledge the filing shall not invalidate the filing.

(8) Options, warrants or similar rights to purchase securities. Options, warrants or similar rights to purchase securities that are part of an offering under the Notice Filing Rules, constitute a continuous offering of the underlying securities during the exercise period and require the notice filing to be continually renewed as relevant. Disclosure materials shall be kept continuously current throughout the exercise period.

Stat. Auth.: ORS 59.049 & 59.285

Stats. Implemented: ORS 59.049

Hist.: Hist.: FCS 3-1998, f. & cert. ef. 7-2-98; FCS 7-2000, f. & cert. ef. 6-2-00; FCS 12-2001, f. 12-27-01, cert. ef. 1-1-02; FCS 2-2003(Temp), f. & cert. ef. 11-26-03 thru 5-21-04; FCS 1-2004, f. & cert. ef. 5-19-04; FCS 4-2007, f. 10-11-07, cert. ef. 1-1-08

441-049-1041

Offering to Qualified Purchaser, Federally Exempt Securities and Federally Exempt Transactions

(1) Except as provided in section (2) of this rule, an issuer offering a security that is a covered security under section 18(b)(3) or (4), other than 18(b)(4)(D), of the Securities Act of 1933, as amended, shall:

(a) File a written notice of such offering identifying the issuer and seller if other than the issuer; and

(b) Pay a fee as set in OAR 441-049-1001.

(2) An issuer offering a security that is a variable annuity is exempt from notice filing and the fee requirements under ORS 59.049 and OAR 441-049-1001 provided the security is:

(a) A covered security under section 18(b)(4) by virtue of being an exempted security under section 3(a)(8) of the Securities Act of 1933; and

(b) In a form filed with and approved by the Director of the Department of Consumer and Business Services under the Oregon Insurance Code.

Stat. Auth.: ORS 59.049 & 59.085

Stats. Implemented: ORS 59.049

Hist.: FCS 3-1998, f. & cert. ef. 7-2-98; FCS 2-2003(Temp), f. & cert. ef. 11-26-03 thru 5-21-04; FCS 1-2004, f. & cert. ef. 5-19-04; FCS 4-2007, f. 10-11-07, cert. ef. 1-1-08

441-175-0040

Exclusion from Definition of "Salesperson"

An exclusion from the definition of "salesperson" is granted pursuant to subsection (18)(b)(F) of ORS 59.015 to the following persons, provided the person is not otherwise licensed as a broker-dealer, investment adviser, or salesperson:

(1) Subject to section (5) of this rule, any person, not otherwise excluded as a "broker-dealer" pursuant to ORS 59.015(1) or OAR 441-175-0020, who represents such an excluded person.

(2) Subject to section (5) of this rule, any person, not otherwise excluded as an "investment advisor" pursuant to ORS 59.015(20)(b) or OAR 441-175-0030, who represents such an excluded person.

(3) Any person who is a bona fide officer, director or employee of an issuer whose securities are registered pursuant to OAR 441-065-0035, while effecting sales of the securities without special compensation.

ADMINISTRATIVE RULES

(4) Any person who serves as a dealer manager for an exchange offer of securities which have been registered pursuant to OAR 441-065-0035 and who does not perform any active solicitation in this state.

(5) Any person who is a real estate licensee, acting through or on behalf of a real estate broker exempt pursuant to OAR 441-175-0020 or 441-175-0030, provided the following conditions are met:

(a) The person is actively licensed with the Oregon Real Estate Commissioner;

(b) The person, with respect to securities activities, only acts as a salesperson in connection with securities that are registered pursuant to ORS 59.065, and:

(A) Involve interests in a general or limited partnership, joint venture, cooperative, or unincorporated association, but not a corporation, formed for the purpose of investment in specified real property, including condominium securities; or

(B) Involve the resale of those securities described in paragraph (A) of this subsection; and

(c) The person complies with the rules of fair practice pursuant to OAR 441-175-0050.

(6) Any person who acts as a purchaser representative under OAR 441-065-0060 through 441-065-0240 if the activity is merely an incidental part of the person's usual activities or occupation.

(7) Any person who is compensated by a licensed broker-dealer, or investment adviser on a per capita referral basis without regard to present or future fee or commission income from any customer of the licensed broker-dealer, or investment adviser.

(8) The Director may, by order, as to any person or type of security or sale, withdraw or condition the exclusions allowed under this rule if the action would be in the public interest and would be in accordance with the purposes of the Oregon Securities Law. No person shall be liable under the Oregon Securities Law by reason of the withdrawal of the exclusions allowed under this rule if the person sustains the burden of proof that the person did not know and, in the exercise of reasonable care, could not have known of such withdrawal.

Stat. Auth.: ORS 59.285

Stats. Implemented: ORS 59.015(18)

Hist.: CC 13, f. 9-19-73, ef. 10-5-73; Renumbered from 815-030-0015.12; CC 8-1981, f. 10-27-81, ef. 12-1-81; CC 1-1983, f. & ef. 1-19-83; Renumbered from 815-030-0015; FCS 4-1991, f. & cert. ef. 8-23-91; FCS 1-1992, f. 1-31-92, cert. ef. 2-1-92; FCS 2-1994, f. & cert. ef. 1-7-94; FCS 4-2007, f. 10-11-07, cert. ef. 1-1-08

441-205-0135

Sales of Securities or Investment Advisory Services at Financial Institutions or Trust Companies

(1) This rule applies exclusively to securities sales activity conducted by a broker-dealer or salesperson, and to investment advisory services conducted by an investment adviser or investment adviser representative, on the premises of a financial institution or trust company as defined in ORS 706.008 and the premises of any Oregon-based service corporation of a financial institution or trust company. This rule does not alter or eliminate the obligations of a securities licensee to comply with all other securities laws and rules.

(2) A broker-dealer, salesperson, investment adviser or investment adviser representative shall not conduct securities sales or advisory activities on the premises of a financial institution or trust company unless the licensee complies initially and continuously with the following requirements:

(a) The activities shall be conducted, wherever practical, in a physical location distinct from the areas where the financial institution's or trust company's activities are conducted;

(b) The securities sales or advisory activities shall be identified in a manner that is clearly distinguished from the financial institution's or trust company's activities, including clearly displaying the name of the licensed firm conducting the securities activities;

(c) Contractual or other arrangements between the financial institution or trust company and licensee must be governed by a written agreement that sets forth:

(A) The responsibilities of the parties;

(B) The compensation arrangements;

(C) That a qualified securities supervisor will properly supervise the activities of the salesperson or investment adviser representative; and

(D) A requirement that securities regulators be permitted access during normal business hours to the area of the premises where securities sales or advisory activities are conducted and records are kept for purposes of routine or for-cause examinations or investigations of the securities sales or advisory activities;

(d) At or before a salesperson or investment adviser representative opens a customer account, the licensee shall:

(A) Disclose, both orally and in writing, that the securities products or services offered:

(i) Are not insured by the Federal Deposit Insurance Corporation (FDIC) or National Credit Union Association (NCUA), as applicable;

(ii) Are not deposits or other obligations of the financial institution or trust company;

(iii) Are not guaranteed by the financial institution or trust company; and

(iv) Are subject to investment risks, including possible loss of any principal that is invested;

(B) Obtain a written acknowledgment of receipt of the disclosures required by paragraph (2)(d)(A) of this rule from each customer during the account opening process; and

(C) Provide clear and accurate explanations of coverage including a clear and accurate description of any guarantee provided with the insurance, if making any written or oral representations concerning insurance coverage other than FDIC or NCUA insurance;

(e) All confirmations and account statements provided to customers must clearly indicate that the services are provided by the broker-dealer or investment adviser, as applicable;

(f) Except as permitted in subsections (2)(g) and (2)(h) of this rule, the disclosures described in paragraph (2)(d)(A) of this rule must be incorporated into:

(A) Advertisements and sales literature that announce the location of a financial institution where broker-dealer or investment advisory services are provided;

(B) Advertisements and sales literature distributed by or for the regulated person on the premises of a financial institution or trust company; and

(C) Correspondence, including electronic mail, with a current or potential customer;

(g) A broker-dealer or investment adviser may use the following shorter logo format disclosures in advertisements, sales literature, and written communications, including material published or designed for use in radio or television broadcasts, ATM screens, billboards, signs, posters and brochures, provided that the applicable disclosures are displayed in a conspicuous manner:

(A) Not FDIC or NCUA Insured;

(B) No Bank or Credit Union Guarantee;

(C) May Lose Value;

(h) As long as the omission of the disclosures required by paragraph (2)(d)(A) of this rule would not cause the advertisement or sales literature to be misleading in light of the context in which the material is presented, the broker-dealer or investment adviser is not required to provide disclosures for the following:

(A) Radio broadcasts of 30 seconds or less;

(B) Electronic billboard-type time and temperature, or ticker tape signs; and

(C) Signs such as banners and posters when used only as location indicators;

(i) Recommendations by a regulated person concerning nondeposit investment products with a name similar to that of a financial institution or trust company may occur only pursuant to policies and procedures reasonably designed to minimize risk of customer confusion.

(3) The broker-dealer or investment adviser must promptly notify the financial institution or trust company of the termination of a salesperson or investment adviser representative conducting securities sales or investment advisory activities on the premises of the financial institution or trust company, and the reason for the termination.

Stat. Auth.: ORS 59.285

Stats. Implemented: ORS 59.135, 59.195, 59.205

Hist.: FCS 4-2007, f. 10-11-07, cert. ef. 1-1-08

.....

Rule Caption: Revise funeral prearrangement rules to implement recently amended laws for prearrangement providers and master trustees.

Adm. Order No.: FCS 5-2007

Filed with Sec. of State: 10-11-2007

Certified to be Effective: 1-1-08

Notice Publication Date: 9-1-07

Rules Amended: 441-930-0010, 441-930-0080, 441-930-0210, 441-930-0240, 441-930-0250, 441-930-0320

Subject: Changes made to made by the 2007 legislature that are being implemented by these rule amendments include clarifying that

ADMINISTRATIVE RULES

a certificate issued to a provider terminates when the provider transfers ownership of its business, and requiring the filing of an annual inventory of merchandise sold to a consumer when the merchandise is stored by the provider or manufacturer. Other amendments make technical changes and correct erroneous or missing cross-references.

Rules Coordinator: Shelley Greiner—(503) 947-7484

441-930-0010

Definitions

In addition to the definitions in ORS 97.010 and 97.923, the following definitions apply to OAR 441-930-0010 to 441-930-0360:

(1) “Applicant” means a person applying to the Director for an Order of Certification concerning prearrangement plans or for an Order of Registration to serve as a master trustee.

(2) “Associated person” means an individual, including a salesperson defined in ORS 97.923, working on behalf of a certified provider or master trustee.

(3) “Civil action” means an action filed in a court of law or an action in a formal process of alternative dispute resolution.

(4) “Funeral Plan Trust Account” means an account in a depository, as defined in ORS 97.923, established and administered by a certified provider, into which is deposited funds received from the sale of prearrangement plans.

(5) “Market” means to offer, to contract for sale, to sell or advertise, in the state of Oregon, or to an Oregon resident, merchandise or services under a prearrangement plan.

(6) “Prearrangement Plan” means “Preconstruction Sales” or “Preconstruction Sales Contract” or “Prearrangement Sales” or “Prearrangement Sales Contract” as those terms are defined in ORS 97.923.

(7) “Registrant” means a master trustee holding an Order of Registration, issued by the Director.

(8) “Trust Agreement” means any agreement governing a funeral trust fund established to receive the proceeds of a prearrangement plan and administered by a registered master trustee.

(9) “Unconscionable tactics” include, but are not limited to, actions by which a person:

(a) Knowingly takes advantage of a customer’s physical infirmity, ignorance, illiteracy or inability to understand the language of the agreement; or

(b) Knowingly permits a customer to enter into a transaction from which the customer will derive no material benefit.

Stat. Auth.: ORS 97.933, 97.935 & 97.945

Stats. Implemented: ORS 97.933, 97.935 & 97.945

Hist.: DO 1-2002, f. & cert. ef. 1-10-02; Renumbered from 440-300-0010; FCS 3-2004, f. & cert. ef. 9-30-04; FCS 2-2006, f. & cert. ef. 2-22-06; FCS 5-2007, f. 10-11-07, cert. ef. 1-1-08

441-930-0080

Master Trustee Rules of Conduct

(1) A master trustee is a fiduciary and has a duty to act solely for the benefit of purchasers of prearrangement sales contracts.

(2) The fees to be charged shall be described in a written agreement between the master trustee and each certified provider that has appointed the master trustee.

(3) A master trustee may delegate administration, record keeping, custody, investment or management functions that a prudent trustee of comparable skills could properly delegate under the circumstances. The master trustee may not delegate, and shall exercise reasonable care, skill and caution in:

(a) Selecting an agent;

(b) Establishing the scope and terms of the delegation, consistent with the purposes and terms of the trust; and

(c) Periodically reviewing the agent’s actions in order to monitor and ensure the agent’s performance and compliance with the terms of the delegation.

(4) A master trustee shall invest and manage trust assets as a prudent investor would. A master trustee that complies with ORS 130.755 satisfies this requirement.

(5) In investing and managing trust assets, regardless of whether those functions have been delegated, a master trustee may only incur fees and expenses that are appropriate and reasonable in relation to the assets, the purposes of the trust and the skills of the master trustee, not to exceed the maximum specified in ORS 97.943. Fees and expenses that may be incurred include:

(a) Accounting fees;

(b) Fiduciary income taxes;

(c) Depository fees;

(d) Investment manager fees;

(e) Record keeping and administration fees; and

(f) Master trustee fees.

Stat. Auth.: ORS 97.935

Stats. Implemented: ORS 97.935

Hist.: FCS 2-2006, f. & cert. ef. 2-22-06; FCS 5-2007, f. 10-11-07, cert. ef. 1-1-08

441-930-0210

Application for Order of Certification

(1) Each entity desiring to obtain an Order of Certification shall apply by submitting a written application with the Director.

(2) An application must contain the following on or with a form prescribed by the Director:

(a) A list of all officers, directors, and owners of 10% or more of the business;

(b) Information concerning the applicant’s identity and business address(es);

(c) If the applicant is an individual or sole proprietorship, the applicant’s social security number. Provision of this number is mandatory and failure to provide the applicant’s social security number shall be considered grounds for denying certification to the applicant.

(d) The business, professional or work history of all persons identified in subsection (2)(a) of this rule;

(e) Proof of registration or good standing of the applicant’s business name in the state or country under which it is organized;

(f) The depositories the applicant intends to use for funds received from the sale of the prearrangement plans;

(g) For providers who have not appointed a master trustee, financial statements including:

(A) A copy of the applicant’s most recent audited financial statement, including balance sheet, statement of income or loss, statement of changes in shareholder equity and statement of changes in financial position. All financial statements must be prepared by an independent certified public accountant in accordance with generally accepted accounting principles;

(B) If the audited financial statement is more than six months old, an internally prepared statement for the most recent month end;

(h) A list of prearrangement plans to which the applicant was a party at the date of application; and

(i) A certification fee as set in OAR 441-930-0270.

(3) The Director may conduct a background check of any person applying for certification. The background check may include information solicited from Oregon State Police.

(4) Unless there are grounds for denying the application pursuant to OAR 441-930-0310, the Director shall issue an Order of Certification.

(5) The certificate issued to a provider is continuing and remains in effect until surrendered by the provider or revoked or suspended by the Director, or the provider sells or otherwise transfers ownership of the provider’s funeral or cemetery establishment.

Stat. Auth.: ORS 97.933

Stats. Implemented: ORS 97.933

Hist.: DO 1-2002, f. & cert. ef. 1-10-02; DOC 2-2002(Temp) f. & cert. ef. 2-12-02 thru 8-1-02; DO 3-2002, f. & cert. ef. 5-23-02; Renumbered from 440-300-0210; FCS 3-2004, f. & cert. ef. 9-30-04; FCS 7-2004, f. 12-14-04, cert. ef. 1-1-05; FCS 2-2006, f. & cert. ef. 2-22-06; FCS 5-2007, f. 10-11-07, cert. ef. 1-1-08

441-930-0240

When Certification Application Deemed Abandoned

(1) For purposes of this rule, the term “application” includes all documents, information and fees prescribed for the registration of master trustees or certification of providers as set forth in ORS 97.923 to 97.949, OAR 441-930-0030, 441-930-0210 and 441-930-0270.

(2) An application shall be deemed deficient when:

(a) Insufficient fees have been paid and the Director has notified the applicant that fees are insufficient;

(b) Documents required to be submitted to the Director by OAR 441-930-0030 or 441-930-0210 have not been submitted by the applicant; or

(c) Information requested by the Director has not been submitted by the applicant.

(3) An application shall be deemed abandoned if:

(a) The application has been on file for a minimum of 180 days;

(b) The application is deficient; and

(c) The applicant has failed to respond to the Director’s written notice of warning of abandonment within 30 calendar days of the date of warning.

(4) The Director shall refund registration or certification fees received for abandoned applications.

(5) An applicant whose application has been abandoned may reapply by submitting a new application, including fees.

ADMINISTRATIVE RULES

Stat. Auth.: ORS 97.933
Stats. Implemented: ORS 97.933
Hist.: DO 1-2002, f. & cert. ef. 1-10-02; Renumbered from 440-300-0240; FCS 3-2004, f. & cert. ef. 9-30-04; FCS 2-2006, f. & cert. ef. 2-22-06; FCS 5-2007, f. 10-11-07, cert. ef. 1-1-08

441-930-0250

Annual Report Required

(1) Each master trustee and certified provider is responsible for and shall file annually with the Director by April 1 of each year a report on or with forms provided by the Director. The report shall cover the preceding calendar year and shall include:

- (a) Beginning balance in the trust account;
- (b) The amount of deposits to the trust account;
- (c) The amount of income on the trust account;
- (d) The amounts of withdrawals from principal of the trust account;
- (e) The amount of expenses withdrawn from income for master trustee, accounting, record keeping and administration, depository and investment fees, not to exceed the maximum specified in ORS 97.943;
- (f) The amount of any taxes paid for the benefit of beneficiaries;
- (g) The amount of recognized and unrecognized gains and losses;
- (h) The balance of the trust account as of December 31;
- (i) For master trustees, and certified providers who have not appointed a master trustee, a copy of the registrant's or provider's most recent audited annual financial statement, including a balance sheet, statement of income or loss, statement of changes in shareholder equity and statement of changes in financial position. All financial statements must be prepared by an independent certified public accountant in accordance with generally accepted accounting principles; and
- (j) For providers that have sold and constructively delivered funeral merchandise, cemetery merchandise, or a combination, an inventory of the merchandise prepared by the provider containing the details specified in ORS 97.933.

(2) Persons who meet the following conditions shall have the option of filing a short form annual report:

- (a) The person has ceased marketing prearrangement plans and is no longer certified to market prearrangement plans; and
 - (b) The prearrangement contracts for which the person is obligated number less than 20 or have a cumulative value of less than \$25,000.
- (3) A certified provider that discontinues the sale of prearrangement plans, but has outstanding contracts, must continue to submit a short form annual report until all of the contracts are fully discharged.

(4) The short form annual report shall contain the following information:

(a) An attestation by the person reporting that the person no longer holds an Order of Certification to market prearrangement plans and that prearrangement plans for which that person is obligated at the annual report date number less than 20 or have accumulative value of less than \$25,000; and

(b) A list of the prearrangement contracts remaining on deposit in trust funds, their balance as of December 31, and the financial institution or master trustee at which they are deposited.

Stat. Auth.: ORS 97.933
Stats. Implemented: ORS 97.933
Hist.: DO 1-2002, f. & cert. ef. 1-10-02; DOC 2-2002(Temp) f. & cert. ef. 2-12-02 thru 8-1-02; DO 3-2002, f. & cert. ef. 5-23-02; Renumbered from 440-300-0250; FCS 3-2004, f. & cert. ef. 9-30-04; FCS 2-2006, f. & cert. ef. 2-22-06; FCS 5-2007, f. 10-11-07, cert. ef. 1-1-08

441-930-0320

Notice Requirements

(1) The Director shall provide written notice to the provider, master trustee, or applicant and to the State Mortuary and Cemetery Board of the Director's intent to impose discipline pursuant to ORS 97.948, Section 23 of Chapter 661, 2007 Oregon Laws, or deny an application.

(2) The Director shall provide written notice of the Director's Final Order to impose discipline pursuant to ORS 97.948, Section 23 of Chapter 661, 2007 Oregon Laws, or deny an application:

(a) Concerning a certified provider or certified provider applicant, to each depository or master trustee known by the Director to hold prearrangement plan trust accounts for which the certified provider or applicant is named; or

(b) Concerning a master trustee or master trustee applicant, to each certified provider known by the Director to have deposited trust funds with the master trustee or master trustee applicant.

(3) The notice required in sections 1 and 2 of this rule shall state:

- (a) The reasons for the action;
- (b) The effective date of the action; and

(c) For notice described in section (1) a statement of the right to request a hearing under ORS Chapter 183.

Stat. Auth.: ORS 97.933 & 97.935
Stats. Implemented: ORS 97.948
Hist.: DO 1-2002, f. & cert. ef. 1-10-02; Renumbered from 440-300-0320; FCS 3-2004, f. & cert. ef. 9-30-04; FCS 2-2006, f. & cert. ef. 2-22-06; FCS 5-2007, f. 10-11-07, cert. ef. 1-1-08

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

Rule Caption: Adoption of changes to Vehicle Rules in General Industry and Construction.

Adm. Order No.: OSHA 6-2007

Filed with Sec. of State: 9-26-2007

Certified to be Effective: 9-26-07

Notice Publication Date: 8-1-07

Rules Adopted: 437-002-2224, 437-002-2225, 437-002-2226, 437-003-3224, 437-003-3225, 437-003-3226

Rules Amended: 437-002-0223, 437-002-0227, 437-003-0001

Rules Repealed: 437-003-0093

Subject: This is a reorganization of the existing OR-OSHA rules on vehicles in Divisions 2, General Industry and 3, Construction. Current vehicle rules in both divisions are repealed.

It converts the rules to plain language. It also deletes a few rules that were deemed outdated or unnecessary as duplicative of rules administered by other Oregon agencies. It reorganizes the old rule into three new rules.

The requirement for fire extinguishers in vehicles is deleted.

The requirement prohibiting persons under 18 from operating vehicles is eliminated and a note is added referring readers to BOLI for guidance on the employment of minors.

New requirements: not allow an employee to drive a vehicle on a public highway or road unless they have a valid driver's license appropriate for vehicle type; employees are to report any safety problems effecting vehicles the employer owns or provides; and a requirement to fill flammable containers outside the vehicle.

Please visit OR-OSHA's web site at www.orsosha.org

Rules Coordinator: Sue C. Joye—(503) 947-7449

437-002-0223

Oregon Rules for Commercial and Industrial Vehicles

(1) Application. Roll-over protective structures (ROPS) shall be provided, installed and maintained on industrial vehicles which were manufactured after July 1, 1969. ROPS requirements apply to the following types of industrial vehicles and equipment: Rubber-tired self-propelled scrapers; front-end loaders and dozers; skid-steer equipment; wheel-type industrial tractors; crawler tractors; crawler-type loaders; and motor graders, with or without attachments, that are used in industrial work. This requirement does not apply to sideboom pipe laying tractors, or other vehicles whose structure prevents overturn, or to tractors used only in farming operations.

(2) ROPS — General Requirements.

(a) Roll-over protective structures and their supporting attachments to industrial vehicles shall be capable of supporting twice the weight of the vehicle, applied at the point of impact.

(b) The design objective for roll-over protective structures on industrial vehicles shall be to minimize the likelihood of a complete vehicle overturn, and to minimize the possibility of the operator being crushed.

(c) A vertical clearance of at least 52 inches between the work deck and the ROPS canopy is required for ingress and egress.

(d) ROPS which have been removed for any reason, shall be remounted with equal quality, or better, bolts or welding as required for the original mounting.

(3) Defects.

(a) Defects in ROPS shall be repaired by equal quality or better materials and welding as required for the original structure.

(b) Minimum performance criteria for roll-over protective structures for designated vehicles are contained in the following Society of Automotive Engineers (SAE) standards:

(A) Prime movers, for scrapers, water wagons, bottom dump wagons, side dump wagons, rear dump wagons, towed fifth wheel attachments. (SAE J320, September 1972)

ADMINISTRATIVE RULES

(B) Wheeled front-end loaders and wheeled dozers. (SAE J394a, September 1972)

(C) Track-type tractors and front-end loaders. (SAE J395a, September 1972)

(D) Motor graders. (SAE J396a, September 1972)

(E) Wheel-type agricultural and industrial tractors. (SAE J167, 1971)

(F) Falling object protective structures (FOPS). (SAE J231, May 1971)

(4) Identification of ROPS. Each ROPS shall have the following information permanently affixed to the structure:

(a) Manufacturer or fabricator's name and address;

(b) ROPS model number, if any; and

(c) Machine make, model, or series number that the structure is designed to fit.

(5) Approved Structures. Any machine in use, equipped with roll-over protective structures, shall be deemed in compliance with OAR 437-002-0223(37) through (41) if it meets the roll-over protective structure requirements of the U. S. Army Corps of Engineers, or the Bureau of Reclamation of the U. S. Department of the Interior, in effect on April 5, 1972. The requirements in effect are:

(a) U. S. Army Corps of Engineers: General Safety Requirements, EM-385-1-1 (March 1967).

(b) Bureau of Reclamation, U. S. Department of the Interior: Safety and Health Regulations for Construction, Part II (September 1971).

(6) Roadways.

(a) Roadways shall be of sufficient width and evenness to ensure the safe operation of equipment.

(b) Sufficient turnouts shall be provided and a safe side clearance shall be maintained along roads and runways.

(c) Low clearance areas under conveyors which could present a hazard to mobile equipment operations shall be identified by a suitable means, such as signs, contrasting colors, or flags.

(d) Broken planking, deep holes, large rocks, logs or other dangerous surface defects shall be corrected before any equipment is used thereon.

(e) Obstructions to clear view at intersections or on sharp curves shall be removed or all reasonable precautions taken to relieve the hazards of these conditions.

(f) An ample supply of nonskid materials, such as coarse sand or finely crushed rock, shall be available and used on slippery surfaces.

(g) Road grades shall not be too steep for safe operation of vehicles which operate over them and shall not exceed 20 percent in any case unless an auxiliary means of lowering vehicles is provided or unless vehicles are specifically designed and approved for operation on grades in excess of 20 percent.

(7) Access Roadways, Grades.

(a) No employer shall move, or cause to be moved, vehicles upon any access roadway or grade unless the access roadway or grade is constructed and maintained to accommodate safely the movement of the equipment and vehicles involved.

(b) Every emergency access ramp and berm used by an employer shall be constructed to restrain and control runaway vehicles.

(c) Elevated bridges, runways or ramps and loading docks shall be constructed to safely support at least four times the weight of any load to which it may be subjected. Ramps shall be covered with a material which will minimize the danger of skidding.

(d) The maximum inclination of a ramp used for wheeled equipment shall not exceed 20 percent from horizontal.

(e) Elevated bridges, ramps or runways used for the travel of wheeled equipment shall have exposed sides guarded with a substantial bull rail or sheer rail of sufficient height to prevent wheeled equipment from going over the rail.

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

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: WCB 30-1974, f. 7-5-74, ef. 9-1-74; WCB 23-1976, f. 9-8-76, ef. 11-15-76; WCB 3-1977, f. 3-18-77, ef. 6-1-77; WCD 7-1980, f. 6-20-80, ef. 7-1-80; WCD 15-1984, f. 10-25-84, ef. 11-1-84; WCD 3-1985, f. 2-22-85, ef. 3-1-85; APD 4-1988, f. & ef. 3-14-88; APD 2-1989, f. 3-1-89, ef. 3-1-89; OSHA 4-1990, f. & cert. ef. 1-23-90; OSHA 13-1993, f. 8-29-93, cert. ef. 11-1-93; OSHA 1-1996, f. & cert. ef. 2-16-96; OSHA 6-2000, f. & cert. ef. 6-26-00; OSHA 12-2001, f. & cert. ef. 10-26-01; OSHA 2-2003, f. & cert. ef. 1-30-03; OSHA 6-2007, f. & cert. ef. 9-26-07

437-002-0227

Additional Oregon Rules for Powered Industrial Trucks

(1) Overhead Guards.

(a) Where a rider type lift truck operator is exposed to hoisted objects that might fall, or stacked objects that might be dislodged and fall, the truck shall be equipped with an overhead guard. The guard shall be of sufficient

strength to support impact load tests as specified in Table OR-N-1: [Table not included. See ED. NOTE.]

(b) Impact load tests shall be conducted with the guard in place on a vehicle for which it is designed or on a simulated mounting. Running gear need not be in place. The load shall be dropped in free fall from an appropriate height so that the impact is centered approximately above the driver's position. Test loads shall have a length equal to or greater than the width of the guard, and shall strike the canopy at right angles to the vehicle frame.

(c) Guards of a design which has been so tested shall be identified by a metal tag permanently attached to the canopy in a position where it may be easily read from the ground. This tag shall be permanently and clearly marked with the impact test load, expressed in foot-pounds to which guards of the same design have been tested.

Note: Guards required by OAR 437-002-0227(1)(a) through (c), or by the rules following, are not intended to withstand the impact of a capacity load falling from any height.

(d) Guards which are not of a design which has been tested in accordance with OAR 437-002-0227(1)(a) through (c) of this rule, may be constructed of material as specified in Table OR-N-2 or material of equivalent strength: [Table not included. See ED. NOTE.]

(e) The construction of canopy guards are built in compliance with OAR 437-002-0227(1)(d) shall be based on the strength of four upright members. Guards constructed with less than four upright members shall be of equivalent strength.

(A) Canopy type overhead guard frames shall be braced to overhead members on each side of the frame to provide structural rigidity both longitudinally and transversely.

(B) All guard mountings or attaching brackets shall be constructed and secured to the vehicle in a manner to provide adequate support to the upright members of the canopy type overhead guard.

(C) Cantilever overhead guards shall be of equivalent strength.

(f) Guards shall be constructed in a manner that does not interfere with good visibility, but openings in the top shall not exceed 6 inches in one of the two dimensions, width or length. Guards shall be large enough to extend over the operator under all normal circumstances of operation, including forward tilt.

(A) Provisions shall be made so that failure of the mast-tilting mechanism will not allow the overhead guard to cause injury to the operator.

(B) Lift trucks operated by seated operators shall have not less than 39 inches of clear vertical space between the operator's seat when depressed and the underside of the guard. Lift trucks operated by standing operators shall have not less than 74 inches of clear vertical space between the platform and the underside of the guard.

Note: Where overall height of truck with forks in lowered position is limited by head room conditions and there is insufficient space for vertical clearance or for the operator to assume a normal driving position, normal overhead guard heights may be reduced, or the overhead guard may be omitted. The height and stability of stacks of piled material, the weight of individual units handled, and the operating space available shall be such as will provide reasonable safety for the operator if it is necessary to remove the overhead guard.

(2) Load Back Rest. Lift trucks which handle small objects or unbanded units shall be equipped with a vertical load back rest.

(a) It shall have height, width, strength, sufficient to prevent the load or any part of it from falling toward the operator.

(b) It shall be constructed in a manner that does not interfere with good visibility.

(c) Size of openings shall not exceed 6 inches in one dimension.

(3) Shear Point Guards. Shear points on forklift loaders and similar type vehicles shall be guarded as necessary to protect operators from hazardous exposure.

(4) Personnel Platforms. Whenever a lift truck is used for lifting personnel without controls at the platform, the following precautions shall be taken for the protection of personnel being elevated:

(a) A work platform equipped with standard guardrails or equivalent means, and firmly secured to the lifting carriage or forks, shall be used.

(b) The hydraulic system shall be so designed that the lift mechanism will not drop faster than 135 feet per minute in the event of a failure in any part of the system.

(c) An operator shall attend the lift equipment while workers are on the platform.

(d) The operator shall be in the normal operating position while raising or lowering the platform.

(e) The vehicle shall not travel from point to point with the work platform elevated at a height greater than 4 feet while workers are on the platform. When necessary at heights greater than 4 feet, inching may be permitted provided it is done at a very slow speed.

ADMINISTRATIVE RULES

(f) If workers on the platform can contact the lift chains or other dangerous pinch or shear points on the mast or carriage, the platform must have a screen or guard that prevents contact.

(5) Equipment and attachments.

(a) Do not allow spinner knobs on vehicles without power steering. Spinner knobs must be on the inside of the steering wheel.

(b) All vehicles must have a working horn that can be heard above surrounding area noise.

NOTE: Paragraph (c) does not apply when the vehicle backs up with an observer or when the operator verifies that there is nobody behind the vehicle or when nobody may enter the danger area without the operator's knowledge.

(c) Vehicles with an obstructed view to the rear must have a backup alarm that can be heard over the surrounding noise. If surrounding noise prevents this or if there are so many vehicles using backup alarms that they cannot be distinguished from each other, flashing or strobe lights are acceptable.

(d) Vehicle brakes must be effective when the vehicle is fully loaded.

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

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 13-1993, f. 8-20-93, cert. ef. 11-1-93; OSHA 6-1999, f. & cert. ef. 5-26-99; OSHA 6-2007, f. & cert. ef. 9-26-07

437-002-2224

Vehicle Drivers and Riders.

(1) Scope. This rule applies, without regard to vehicle ownership when your employees drive or ride as part of their employment.

NOTE: The Oregon Bureau of Labor and Industries (BOLI) administers rules about using minors as drivers. Please contact the nearest BOLI office for more information.

(2) Driver Qualifications. You must not allow an employee to drive a vehicle on a public highway or road unless they have a valid driver's license appropriate for that type vehicle.

(3) General Safety.

(a) Do not allow employees to drive or ride in any vehicle known to be unsafe.

(b) Require employees to report any safety problems effecting vehicles you own or provide.

(4) Rider Safety — General.

(a) Except as in (5), (6) and (7), do not allow employees to occupy a vehicle in excess of its seating capacity.

(b) Require employees to comply with all applicable seatbelt and traffic safety laws.

(5) Rider Safety in the Bed of Dump Trucks, Pickups and Similar Vehicles. Do not transport workers in the beds of dump trucks, pickups or similar vehicles unless these conditions are met when applicable:

(a) When seating is available, it must be secure to the floor and passengers may not stand.

(b) The bed is secure to the frame. Beds that tilt or slide must be secure from movement.

(c) Dump beds must be secure or the activating lever locked.

(d) The total height of the sides of the transport area must be at least 42 inches. If riders sit on the floor, the height must be at least 24 inches.

(e) There must be a tailgate the same height as the sides or three evenly spaced chains, cables or ropes taut across the back.

(f) Not more than 4 workers may ride on a flatbed without sides or a tailgate and then only when the speed will not be more than 30 mph. There must be two handholds for each rider.

(g) Workers must not ride in space with cargo unless it is secure from movement.

(6) Standing Rider Safety — Buses. Riders must not sit on the floor while the vehicle is moving. Riders may stand if these conditions are met:

(a) There must be an aisle at least 12 inches wide leading to the emergency exit.

(b) There are no seats in or boards across the aisle.

(c) There must be handholds for standing riders.

(d) Not more than one rider per row of seats may stand.

(e) Riders may not sit or stand near the driver and not ahead of the forward-most row of seats.

(f) Workers in transit must not stand for more than one hour or 45 miles, whichever is less. At the end of that period, the standing workers must get a seat or the vehicle must stop for a 15-minute rest allowing the workers to get out.

(7) Fueling.

(a) There must be no smoking or other source of ignition within 25 feet of any refueling operation.

(b) Do not fill any container that is not bonded or grounded while it is inside the vehicle, in the pickup bed or anyplace other than on the ground.

(c) Stop the engine (except diesels) during fueling.

(d) Refueling vehicles with LPG must be outdoors.

(8) Hauling gasoline or flammable liquid.

(a) For buses, vehicles that carry 16 or more, crew trucks, vans and passenger cars, use only DOT or UL approved containers that hold 5 gallons or less and secure them in an area separate from passengers.

(b) For pickups, flatbeds and other vehicles not in (a), there is no container size limit as long it is not in an enclosed passenger area.

(9) Hauling Explosives. When hauling explosives, only the driver and one qualified person may be in the vehicle. Comply with OAR 437-002-1910.109 and 437-002-0109.

(10) Loading or Unloading. When loading or unloading vehicles in a manner that is likely to cause the vehicle to move, set the brakes and chock the wheels.

(11) High Voltage Clearances. When operating a vehicle near overhead lines carrying more than 600v, OAR 437-002-0047 applies for general industry employers and OAR 437-003-0047 applies for Construction employers.

(12) Traffic Control. You must require employees to set up appropriate traffic controls when they stop on or adjacent to a highway, street, or road in a way that creates a hazard and when traffic cannot adjust safely on its own. The controls must conform to the Millennium Edition of the (FHWA) Manual of Uniform Traffic Control Devices (MUTCD), December 2000.

NOTE: Get a copy of the Millennium Edition from the following organizations: American Traffic Safety Services Association, 15 Riverside Parkway, Suite 100, Fredericksburg, VA 22406-1022; Telephone: 1-800-231-3475; Fax: (540) 368-1722; www.atssa.com; Institute of Transportation Engineers, 1099 14th Street, NW., Suite 300 West, Washington, DC 20005-3438; Fax: (202) 289-7722; www.ite.org; and American Association of State Highway and Transportation Officials; www.aashto.org; Telephone: 1-800-525-5562. OR: Download the MUTCD 2000 at <http://mutcd.fhwa.dot.gov/kno-millennium>. OR: The MUTCD 2000 is available for review at the Oregon OSHA Resource Center, 350 Winter Street NE, Basement - Room 26, Salem, Oregon 97301-3882; Telephone: (503) 378-3272, or toll free in Oregon 1-800-922-2689.

NOTE: Employers who follow the most current edition of the Oregon Temporary Traffic Control Handbook for Operations of 3 Days or Less comply with this requirement.

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

Stat. Implemented: ORS 654.001 - 654.295.

Hist.: OSHA 6-2007, f. & cert. ef. 9-26-07

437-002-2225

Vehicles for Highway and Road Operation Characteristics and Maintenance

(1) Scope. This applies to employer-owned vehicles licensed for highway and road use, driven and/or maintained by employees on public or private property, except the following:

(a) Powered Industrial Trucks covered by OR-OSHA standard 1910.178 and OAR 437-002-0227.

(b) Earth moving equipment (scrapers, loaders, bulldozers and graders) covered by OAR 437-003-1926.602.

(c) Manufactured structures, ATVs, golf carts and other similar devices not intended for highway or road use.

NOTE: When operating a vehicle near overhead power lines more than 600 volts, OAR 437-002-0047 applies for General Industry employers and OAR 437-003-0047 applies for Construction employers.

(2) Vehicle Components.

(a) The engine start/stop control must be within reach of the driver.

(b) There must be steps, ladders and railings to allow safe access to and exit from areas on vehicles where employees must access. Steps and rungs must be slip resistant.

(c) Vehicles whose cargo is loaded by cranes, power shovels or other powered loaders must have a cab or cab shield that protects the occupants from the impact of falling material.

(d) Secure all material, equipment or tools to prevent movement or a barrier must be in place to protect the occupants from moving items.

(e) Vehicles with cabs must have a door or doors for entry and exit.

(f) Vehicle cargo must not prevent occupants from exiting under any condition.

(g) Vehicles must comply with ORS 811.225, Failure to Maintain Safety Belts in Working Order.

(3) Flashing Warning Lights. Buses with a capacity of 16 or more passengers must have a working flashing light system that complies with ORS 816.260 if they load or unload passengers on a public highway or road.

(4) Buses and Crew Trucks.

(a) Buses and crew trucks must have a secure seat with back rest for each occupant.

ADMINISTRATIVE RULES

(b) Buses with an enclosed seating area for 12 or more workers, unless loaded from the rear, must have an emergency exit not less than 24 inches wide by not less than 48 inches high on the left side or rear of the vehicle. It must open easily from inside or outside the vehicle.

(5) Passenger Compartments.

(a) Floors and decks must be slip resistant.

(b) Seal openings between the engine compartment and muffler area to prevent carbon monoxide from entering the enclosed passenger compartment.

(c) Enclosed passenger compartment must be substantially dust proof and watertight.

(d) Areas where workers sit or stand must be free of protruding nails, screws, splinters or similar physical hazards.

(e) Protect riders from inclement weather by enclosing riding areas as necessary.

(6) Steering. Do not allow spinner knobs on vehicles without power steering. Spinner knobs must be on the inside of the steering wheel.

(7) Lighting. Where general lighting in vehicle operating areas is less than 2 footcandles per square foot, vehicles must have working lights that sufficiently light the travel path.

(8) Testing, Maintenance, and Repair.

(a) Block or crib heavy machinery, equipment or parts supported by slings, hoists, jacks or otherwise prevent it from falling before employees work underneath or between such objects.

(b) During repair or maintenance set all controls in neutral, stop the motor and set the brakes unless the work requires otherwise.

(c) During maintenance or inspection on vehicles with dump bins, use an attached, lockable support that prevents unintentional lowering of the bin.

(d) Disconnect the vehicle battery when the work allows and the energized system could cause injury.

(9) Warning Devices.

(a) All vehicles must have a working horn that can be heard above surrounding area noise. Paragraph (b) does not apply when the vehicle backs up with an observer or when the operator verifies that there is nobody behind the vehicle or when nobody may enter the danger area without the operator's knowledge.

(b) Vehicles with an obstructed view to the rear must have a backup alarm that can be heard over the surrounding noise. If surrounding noise prevents this or if there are so many vehicles using backup alarms that they cannot be distinguished from each other, flashing or strobe lights are acceptable.

(10) Control of Exhaust Gases.

(a) Vehicles must have a working muffler.

(b) Exhaust pipes must direct the gasses away from occupants.

(c) Insulate or otherwise protect exhaust pipes exposed to worker contact.

(11) First Aid Kits. Vehicles for transport of 16 or more workers must have a clean, stocked first aid kit with enough supplies for the number of workers usually transported.

NOTE: Laws and/or administrative rules administered by other government agencies require fire extinguishers in vehicles under specifically defined circumstances.

(12) Controls.

(a) Levers that control dump or hoist devices must have a latch or other device that prevents accidental starting or tripping of the mechanism.

(b) The operator of a dump truck must be able to operate the tailgate trip handle from a position clear of the dumping load.

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

Stat. Implemented: ORS 654.001 - 654.295.

Hist.: OSHA 6-2007, f. & cert. ef. 9-26-07

437-002-2226

Vehicles for Use on Property Other Than Public Roads and Highways Operation, Characteristics and Maintenance

(1) Scope. This rule applies to employer-owned vehicles, not licensed or normally operated on public highways or roads, except the following:

(a) Powered Industrial Trucks covered in OR-OSHA standard 1910.178 and OAR 437-002-0227.

(b) Earth moving equipment, (scrapers, loaders, bulldozers and graders) covered by OAR 437-003-1926.602.

(c) Manufactured structures, ATVs, golf carts and other similar devices not intended for highway or road use.

(2) Safe Operation. You must require the driver to:

(a) Look in the direction of travel and have a clear view unless being guided by somebody with a clear view of the route.

(b) Slow or stop as appropriate at intersections and not drive in marked pedestrian lanes.

(c) Not drive a vehicle up to a person standing in front of a stationary object.

(d) Manually control all towed or pushed vehicles unless they use a towbar.

(3) Vehicle Loads. You must protect employees from hazardous vehicle loads by requiring that they:

(a) Not load a vehicle beyond its rated capacity.

(b) Stabilize, lash down or otherwise secure the load.

(c) Never be under an elevated load.

(4) Basic Equipment Requirements. You must assure your vehicles comply with the following:

(a) Vehicles with windshields must have working powered wipers and an effective defroster.

(b) There must be no broken glass that impairs the driver's vision.

(c) When the load or passengers obstruct the use of the interior rear view mirror, there must be an outside rear view mirror on each side of the vehicle.

(d) Vehicle brakes must be effective when the vehicle is fully loaded. The parking brake must hold the loaded vehicle on any slope which it may operate.

NOTE: The rules on safety chains do not apply to saddle-mount towing, or to a semitrailer coupled to a towing vehicle with a fifth wheel and kingpin assembly so designed that the upper and lower halves may not separate without being manually released onto a dolly without a tow bar.

(5) Uncoupled towing. You must assure that:

(a) Towed vehicles with a gross weight of 5,000 pounds or less must have at least one safety chain or cable. Towed vehicles with a gross weight more than 5,000 pounds must have at least two safety chains or cables.

(b) Safety chains or cables must be strong enough to control the towed vehicle in event the tow bar or coupling device fails.

(c) Safety chains or cables must connect to the towed and towing vehicles and to the tow bar so as to prevent the tow bar from dropping to the ground if it or the coupling device fails.

(d) There must be only enough slack in safety chains or cables to permit proper turning.

(6) Coupled towing. You must assure that:

(a) Drawbar, coupling device, and other connections for towing of trailers must be strong enough to hold the weight of the towed vehicle on any grade over which it may operate.

(b) Any coupling device on any towing vehicle used as a connection for the tow bar on any towed vehicle with a gross weight more than 5,000 pounds must be firmly attached to the frame or to a solid connection to the frame.

(c) There must be a suitable locking means to prevent accidental separation of the towed and towing vehicles.

(d) Connections must have only enough slack to allow for universal action of the connections.

NOTE: When operating a vehicle near overhead power lines more than 600 volts, OAR 437-002-0047 applies for General Industry employers and OAR 437-003-0047 applies for Construction employers.

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

Stat. Implemented: ORS 654.001 - 654.295.

Hist.: OSHA 6-2007, f. & cert. ef. 9-26-07

437-003-0001

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal rules as printed in the Code of Federal Regulations, 29 CFR 1926, revised as of 7/1/99, and any subsequent amendments published in the Federal Register as listed below:

(1) Subdivision A — GENERAL:

(a) 29 CFR 1926.1 Purpose and Scope, published 2/9/79, Federal Register (FR), vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.2 Variances from safety and health standards, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.3 Inspections — right of entry, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.4 Rules of practice for administrative adjudications for enforcement of safety and health standards, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(2) Subdivision B — GENERAL INTERPRETATIONS:

(a) 29 CFR 1926.10 Scope of subpart, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

ADMINISTRATIVE RULES

(b) 29 CFR 1926.11 Coverage under section 103 of the act distinguished, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.12 Reorganization plan No. 14 of 1950, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.13 Interpretation of statutory terms, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.14 Federal contracts for 'mixed' types of performance, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.15 Relationship to the service contract act; Walsh-Healey Public Contracts Act, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.16 Rules of construction, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(3) Subdivision C — GENERAL SAFETY AND HEALTH PROVISIONS:

(a) 29 CFR 1926.20 General safety and health provisions, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.21 Safety training and education, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.22 Recording and reporting of injuries (Reserved).

(d) 29 CFR 1926.23 First aid and medical attention, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.24 Fire protection and prevention, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.25 Housekeeping, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.26 Illumination, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.27 Sanitation, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(i) 29 CFR 1926.28 Personal protective equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(j) 29 CFR 1926.29 Acceptable certifications, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(k) 29 CFR 1926.30 Shipbuilding and ship repairing, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 3/7/96, FR vol. 61, no. 46, p. 9249.

(l) 29 CFR 1926.31 Incorporation by reference, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 3/7/96, FR vol. 61, no. 46, p. 9249; 6/18/98, FR vol. 63, no. 117, p. 33468.

(m) 29 CFR 1926.32 Definitions, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35078.

(n) 29 CFR 1926.33 Access to employee exposure and medical records, published 6/20/96, FR vol. 61, no. 46, p. 31427.

(o) 29 CFR 1926.34 Means of egress, published 6/30/93, Federal Register, vol. 58, no. 124, p. 35083.

(4) Subdivision D — OCCUPATIONAL HEALTH AND ENVIRONMENTAL CONTROLS:

(a) 29 CFR 1926.50 Medical services and first aid, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/18/98, FR vol. 63, no. 117, p. 33469.

(b) 29 CFR 1926.51 Sanitation, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35084.

(c) 29 CFR 1926.52 Occupational noise exposure, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.53 Ionizing radiation, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.54 Nonionizing radiation, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.55 Gases, vapors, fumes, dusts, and mists, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 10/17/86, FR vol. 51, p. 37007; 12/4/87, FR vol. 52, p. 46312; 11/4/96, FR vol. 61, no. 214, p. 56856; 1/10/97, FR vol. 62, no. 7, p. 1619.

(g) 29 CFR 1926.56 Illumination, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.57 Ventilation, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35099; 3/7/96, FR vol. 61, no. 46, p. 9250; 1/8/98, FR vol. 63, no. 5, p. 1295.

(i) 29 CFR 1926.58 Reserved, §1926.58, Asbestos, tremolite, anthophyllite and actinolite is redesignated as §1926.1101, Asbestos, and §1926.58 is reserved (8/10/94, FR vol. 59, no. 153, pp. 41131-62).

(j) 29 CFR 1926.59 Hazard Communication, published 8/24/87, FR vol. 52, p. 31852; amended 12/4/87, FR vol. 52, 46075; 4/27/88, FR vol. 53, no. 81, pp. 15033-15035; stay lifted on 2/17/89, FR vol. 54, p. 6886; 2/9/94, FR vol. 59, no. 27, pp. 6126-6184; 4/13/94, FR vol. 59, no. 71, pp. 17478-17479; 12/22/94, FR vol. 59, no. 245, p. 65947; 6/20/96, FR vol. 61, p. 31427.

(k) 29 CFR 1926.60 Methylenedianiline (MDA), published 8/10/92, FR vol. 57, no. 154, pp. 35681-35695; 6/20/96, FR vol. 61, p. 31427; 1/8/98, FR vol. 63, no. 5, p. 1296; 12/6/04, FR vol. 69, p. 70373; 1/5/05, FR vol. 69, p. 1111; 4/3/06, FR vol. 71, no. 63, p. 16669; 8/24/06, FR vol. 71, no. 164, p. 50122.

(l) 29 CFR 1926.61 Retention of DOT markings, placards and labels, published 7/19/94, FR vol. 59, no. 137, pp. 36700; 6/20/96, FR vol. 61, p. 31427.

(m) 29 CFR 1926.62 Lead, published 5/4/93, FR vol. 58, no. 84, pp. 26626-26649; 1/8/98, FR vol. 63, no. 5, p. 1296; 1/5/05, FR vol. 69, p. 1111; 4/3/06, FR vol. 71, no. 63, p. 16669.

NOTE: Cadmium has been redesignated as §1926.1127.

(n) 29 CFR 1926.65 Hazardous Waste Operations and Emergency Response.

NOTE: Division 2/H, 1910.120, Hazardous Waste Operations and Emergency Response, applies to Construction.

(5) Subdivision E — PERSONAL PROTECTIVE AND LIFE SAVING EQUIPMENT:

(a) 29 CFR 1926.95 Criteria for personal protective equipment, published 6/30/93, Federal Register, vol. 58, p. 35152.

(b) 29 CFR 1926.100 Head protection, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.101 Hearing protection, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.102 Eye and face protection, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35160.

(e) 29 CFR 1926.103 Respiratory protection, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 1/8/98, FR vol. 63, no. 5, p. 1297.

NOTE: 29 CFR 1926.104 Removed, 8/9/94, FR vol. 59, no. 152, p. 40729

(f) 29 CFR 1926.105 Reserved, 8/9/94, FR vol. 59, no. 152, p. 40729.

(g) 29 CFR 1926.106 Working over or near water, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.107 Definitions applicable to this subpart, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 8/9/94, FR vol. 59, no. 152, p. 40729.

(6) Subdivision F — FIRE PROTECTION AND PREVENTION:

(a) 29 CFR 1926.150 Fire protection, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.151 Fire prevention, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, p. 25318.

(c) 29 CFR 1926.152 Flammable and combustible liquids, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/18/98, FR vol. 63, no. 117, p. 33469; 6/30/93, FR vol. 58, no. 124, p. 35162.

(d) 29 CFR 1926.153 Liquefied petroleum gas (LP-Gas), published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35170.

(e) 29 CFR 1926.154 Temporary heating devices, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.155 Definitions applicable to this subpart, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(7) Subdivision G — SIGNS, SIGNALS, AND BARRICADES

(a) 29 CFR 1926.200 Accident prevention signs and tags, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35173; amended with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.

(b) 29 CFR 1926.201 Signaling, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; REPEALED with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.

(c) 29 CFR 1926.202 Barricades, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; REPEALED with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.

(d) 29 CFR 1926.203 Definitions applicable to this subpart, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; amended with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.

ADMINISTRATIVE RULES

(8) Subdivision H — MATERIALS HANDLING, STORAGE, USE AND DISPOSAL

(a) 29 CFR 1926.250 General requirements for storage, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 8/9/94, FR vol. 59, no. 152, p. 40729; 6/30/93, FR vol. 58, no. 124, p. 35173.

(b) 29 CFR 1926.251 Rigging equipment for material handling, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35173.

(c) 29 CFR 1926.252 Disposal of waste materials, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(9) Subdivision I — TOOLS — HAND AND POWER

(a) 29 CFR 1926.300 General requirements, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35076; 3/7/96, FR vol. 61, no. 46, p. 9250.

(b) 29 CFR 1926.301 Hand tools, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.302 Power operated hand tools, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35175.

(d) 29 CFR 1926.303 Abrasive wheels and tools, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35175.

(e) 29 CFR 1926.304 Woodworking tools, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 3/7/96, FR vol. 61, no. 46, p. 9251.

(f) 29 CFR 1926.305 Jacks - lever and ratchet, screw, and hydraulic, published Federal Register vol. 58, no. 124, p. 35176.

(10) Subdivision J — WELDING AND CUTTING:

(a) 29 CFR 1926.350 Gas welding and cutting, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35179.

(b) 29 CFR 1926.351 Arc welding and cutting, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, p. 25318.

(c) 29 CFR 1926.352 Fire prevention, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.353 Ventilation and protection in welding, cutting, and heating, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35179.

(e) 29 CFR 1926.354 Welding, cutting, and heating in way of preservative coatings, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(11) Subdivision K — ELECTRICAL:

(a) 29 CFR 1926.400 Introduction, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(b) 29 CFR 1926.401 (Reserved)

(c) 29 CFR 1926.402 Applicability, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(d) 29 CFR 1926.403 General requirements, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(e) 29 CFR 1926.404 Wiring design and protection, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335; amended with AO 5-2002, repeal (b)(1), f. 6/28/02, ef. 10/1/03.

(f) 29 CFR 1926.405 Wiring methods, components, and equipment for general use, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(g) 29 CFR 1926.406 Specific purpose equipment and installations, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(h) 29 CFR 1926.407 Hazardous (classified) locations, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(i) 29 CFR 1926.408 Special systems, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(j) 29 CFR 1926.409 (Reserved).

(k) 29 CFR 1926.415 (Reserved).

(l) 29 CFR 1926.416 General requirements, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no.

133, pp. 25294-25335; 6/30/93, FR vol. 58, no. 124, p. 35179; 3/7/96, FR vol. 61, no. 46, p. 9251; 8/12/96, FR vol. 61, no. 156, p. 41738.

(m) 29 CFR 1926.417 Lockout and tagging of circuits, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335; 6/30/93, FR vol. 58, no. 124, p. 35181; 3/7/96, FR vol. 61, no. 46, p. 9251; 8/12/96, FR vol. 61, no. 156, p. 41739.

(n) 29 CFR 1926.418 (Reserved)

(o) 29 CFR 1926.430 (Reserved)

(p) 29 CFR 1926.431 Maintenance of equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(q) 29 CFR 1926.432 Environmental deterioration of equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(r) 29 CFR 1926.433 - 29 CFR 1926.440 (Reserved)

(s) 29 CFR 1926.441 Battery locations and battery charging, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(t) 29 CFR 1926.442 - 29 CFR 1926.448 (Reserved)

(u) 29 CFR 1926.449 Definitions applicable to this subpart, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(12) Subdivision L — SCAFFOLDING:

(a) 29 CFR 1926.450 Scope, application and definitions applicable to this subpart, published 8/30/96, FR vol. 61, no. 170, p. 46104.

(b) 29 CFR 1926.451 General requirements, published 8/30/96, FR vol. 61, no. 170, p. 46107; 11/25/96, FR vol. 61, no. 228, p. 59831.

(c) 29 CFR 1926.452 Additional requirements applicable to specific types of scaffolds, published 8/30/96, FR vol. 61, no. 170, p. 46113.

(d) 29 CFR 1926.453 Aerial lifts, published 8/30/96, FR vol. 61, no. 170, p. 46116; 11/25/96, FR vol. 61, no. 228, p. 59832.

(e) 29 CFR 1926.454 Training, published 8/30/96, FR vol. 61, no. 170, p. 46117.

(f) Appendix A to Subpart L Scaffold Specifications, published 8/30/96, FR vol. 61, no. 170, p. 46117.

(g) Appendix B to Subpart L Criteria for determining the feasibility of providing safe access and fall protection for scaffold erectors and dismantlers (Reserved), published 8/30/96, FR vol. 61, no. 170, p. 46122.

(h) Appendix C to Subpart L List of National Consensus Standards, published 8/30/96, FR vol. 61, no. 170, p. 46122.

(i) Appendix D to Subpart L List of training topics for scaffold erectors and dismantlers, published 8/30/96, FR vol. 61, no. 170, p. 46122.

(j) Appendix E to Subpart L Drawing and illustrations, published 8/30/96, FR vol. 61, no. 170, p. 46122; 11/25/96, FR vol. 61, no. 228, p. 59832.

(13) Subdivision M — FALL PROTECTION:

(a) 29 CFR 1926.500 Scope, application, and definitions applicable to this subpart. Amended 8/9/94, FR vol. 59, no. 152, p. 40730-40731; 1/18/01, FR vol. 66, no. 12, p. 5265; 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 6-2002, f. and ef. 7/19/02.

(b) 29 CFR 1926.501 Duty to have fall protection. Amended 8/9/94, FR vol. 59, no. 152, p. 40732-40733; amended 2/5/01 (Oregon Exceptions); amended with AO 6-2002, f. and ef. 7/19/02.

(c) 29 CFR 1926.502 Fall protection systems criteria and practices. Amended 8/9/94, FR vol. 59, no. 152, p. 40733-40738; amended with AO 6-2002, f. and ef. 7/19/02.

(d) 29 CFR 1926.503 Training requirements. Amended 8/9/94, FR vol. 59, no. 152, p. 40738; REPEALED with AO 6-2002, f. and ef. 7/19/02, replaced with OL.

(e) Appendix A to Subpart M Determining Roof Widths, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; amended 8/9/94, FR vol. 59, no. 152, p. 40738-40742.

(f) Appendix B to Subpart M Guardrail Systems, published 8/9/94, FR vol. 59, no. 152, p. 40743.

(g) Appendix C to Subpart M Personal Fall Arrest Systems, published 8/9/94, FR vol. 59, no. 152, p. 40743-40746.

(h) Appendix D to Subpart M Positioning Device Systems, published 8/9/94, FR vol. 59, no. 152, p. 40746.

(14) Subdivision N — CRANES, DERRICKS, HOISTS, ELEVATORS, AND CONVEYORS:

(a) 29 CFR 1926.550 Cranes and derricks, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 4/6/82, FR vol. 47, p. 14706; 8/2/88, FR vol. 53, p. 29139; 4/18/89, FR vol. 54, no.

ADMINISTRATIVE RULES

73, p. 15405; 8/9/94, FR vol. 59, no. 152, p. 40730; 6/30/93, FR vol. 58, no. 124, p. 35183.

(b) 29 CFR 1926.551 Helicopters, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.552 Material hoists, personnel hoists, and elevators, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.553 Base-mounted drum hoist, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.554 Overhead hoists, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.555 Conveyors, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(15) Subdivision O — MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS:

(a) 29 CFR 1926.600 Equipment, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35183.

(b) 29 CFR 1926.601 Motor vehicles, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; REPEALED by AO 6-2007, f. 9/26/07, ef. 9/26/07.

(c) 29 CFR 1926.602 Material handling equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35183; 12/1/98, FR vol. 63, no. 230, p. 66274; amended by AO 7-2003, f. 12/5/03, ef. 12/5/03.

(d) 29 CFR 1926.603 Pile driving equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.604 Site clearing, published 6/24/74, FR vol. 39, p. 22801; amended 7/22/77, FR vol. 42, p. 37674.

(f) 29 CFR 1926.605 Marine operations and equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.606 Definitions applicable to this subpart, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(16) Subdivision P — EXCAVATIONS:

(a) 29 CFR 1926.650 Scope, application, and definitions applicable to this subdivision, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 10/31/89, FR vol. 54, no. 209, pp. 45959-45961.

(b) 29 CFR 1926.651 General requirements, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 10/31/89, FR vol. 54, no. 209, pp. 45960-45961; 8/9/94, FR vol. 59, no. 152, p. 40730.

(c) 29 CFR 1926.652 Requirements for protective systems, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 10/31/89, FR vol. 54, no. 209, pp. 45961-45962.

(d) Appendices A-F to Subdivision P, Excavations, published 10/31/89, FR vol. 54, no. 209, pp. 45962-45991.

(17) Subdivision Q — CONCRETE AND MASONRY CONSTRUCTION:

(a) 29 CFR 1926.700 Scope, application and definitions applicable to this subpart, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/16/88, FR vol. 53, p. 22612; 10/18/90, FR vol. 55, no. 202, p. 42326.

(b) 29 CFR 1926.701 General requirements, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/16/88, FR vol. 53, p. 22612; 8/9/94, FR vol. 59, no. 152, p. 40730.

(c) 29 CFR 1926.702 Requirements for equipment and tools, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/16/88, FR vol. 53, p. 22612.

(d) 29 CFR 1926.703 Requirements for cast-in-place concrete, published 6/16/88, FR vol. 53, p. 22612.

(e) 29 CFR 1926.704 Requirements for precast concrete, published 6/16/88, FR vol. 53, p. 22612; amended 10/5/89, FR vol. 54, no. 192, p. 41088.

(f) 29 CFR 1926.705 Requirements for lift-slab construction operations, published 6/16/88, FR vol. 53, p. 22612; amended 10/18/90, FR vol. 55, no. 202, p. 42326.

(g) Appendix A to 1926.705 Lift-slab operations, published 10/18/90, FR vol. 55, no. 202, p. 42326.

(h) 29 CFR 1926.706 Requirements for masonry construction, published 6/16/88, FR vol. 53, p. 22612; amended with OR-OSHA Admin. Order 1-2003, f. 1/30/03, ef. 4/30/03.

(18) Subdivision R — STEEL ERECTION:

(a) 29 CFR 1926.750 Scope, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.

(b) 29 CFR 1926.751 Definitions, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.

(c) 29 CFR 1926.752 Site layout, site-specific erection plan and construction sequence, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.

(d) 29 CFR 1926.753 Hoisting and rigging, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.

(e) 29 CFR 1926.754 Structural steel assembly, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04; amended 1/18/06, FR vol. 71, no. 11, p. 2879; 4/3/06, FR vol. 71, no. 63, p. 16669.

(f) 29 CFR 1926.755 Column anchorage, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.

(g) 29 CFR 1926.756 Beams and columns, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.

(h) 29 CFR 1926.757 Open web steel joists, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.

(i) 29 CFR 1926.758 Systems-engineered metal buildings, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.

(j) 29 CFR 1926.759 Falling object protection, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.

(k) 29 CFR 1926.760 Fall protection, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.

(l) 29 CFR 1926.761 Training, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.

(m) Appendix A to Subpart R Guidelines for establishing the components of a site-specific erection plan: Nonmandatory Guidelines for Complying with §1926.752(e), published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.

(n) Appendix B to Subpart R Reserved.

(o) Appendix C to Subpart R Illustrations of bridging terminus points: Nonmandatory Guidelines for Complying with §1926.757(a)(10) and §1926.757(c)(5), published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.

(p) Appendix D to Subpart R Illustration of the use of control lines to demarcate controlled decking zones (CDZs): Nonmandatory Guidelines for Complying with §1926.760(c)(3), published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137; REPEALED with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.

(q) Appendix E to Subpart R Training: Nonmandatory Guidelines for Complying with §1926.761, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.

(r) Appendix F to Subpart R Perimeter columns: Nonmandatory Guidelines for Complying with §1926.756(e) to Protect the Unprotected Side or Edge of a Walking/Working Surface, published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.

(s) Appendix G to Subpart R Fall protection systems criteria and practices from §1926.502: Nonmandatory Guidelines for Complying with §1926.760(d), published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137; REPEALED with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.

(t) Appendix H to Subpart R Double connections: Illustration of a clipped end connection and a staggered connection: Non-Mandatory Guidelines for Complying with §1926.756(c)(1), published 1/18/01, Federal Register, vol. 66, no. 12, p. 5265; amended 7/17/01, FR vol. 66, no. 137, p. 37137.

(19) Subdivision S — UNDERGROUND CONSTRUCTION, CAISONS, COFFERDAMS, AND COMPRESSED AIR:

ADMINISTRATIVE RULES

(a) 29 CFR 1926.800 Tunnels and shafts, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940. Underground Construction, published 6/2/89, FR vol. 54, no. 105, p. 23824; 1/8/98, FR vol. 63, no. 5, p. 1297; 4/3/06, FR vol. 71, no. 63, p. 16669.

(b) 29 CFR 1926.801 Caissons, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.802 Cofferdams, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.803 Compressed air, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 7/11/86, FR vol. 51, p. 25318.

(e) 29 CFR 1926.804 Definitions applicable to this subpart, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(f) Appendix A to Subpart S Decompression Tables, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(20) Subdivision T — DEMOLITION:

(a) 29 CFR 1926.850 Preparatory operations, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.851 Stairs, passageways, and ladders, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.852 Chutes, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.853 Removal of materials through floor openings, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.854 Removal of walls, masonry sections, and chimneys, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.855 Manual removal of floors, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.856 Removal of walls, floors, and materials with equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.857 Storage, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(i) 29 CFR 1926.858 Removal of steel construction, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(j) 29 CFR 1926.859 Mechanical demolition, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(k) 29 CFR 1926.860 Selective demolition by explosives, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(21) Subdivision U — BLASTING AND USE OF EXPLOSIVES

(a) 29 CFR 1926.900 General provisions, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.901 Blaster qualifications, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.902 Surface transportation of explosives, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35311.

(d) 29 CFR 1926.903 Underground transportation of explosives, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.904 Storage of explosives and blasting agents, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35311.

(f) 29 CFR 1926.905 Loading of explosives or blasting agents, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35184.

(g) 29 CFR 1926.906 Initiation of explosive charges – electric blasting, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/18/98, FR vol. 63, no. 117, p. 33469.

(h) 29 CFR 1926.907 Use of safety fuse, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(i) 29 CFR 1926.908 Use of detonating cord, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(j) 29 CFR 1926.909 Firing the blast, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(k) 29 CFR 1926.910 Inspection after blasting, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(l) 29 CFR 1926.911 Misfires, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(m) 29 CFR 1926.912 Underwater blasting, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(n) 29 CFR 1926.913 Blasting in excavation work under compressed air, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(o) 29 CFR 1926.914 Definitions applicable to this subpart, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/30/93, FR vol. 58, no. 124, p. 35184, 35311.

(22) Subdivision V — POWER TRANSMISSION AND DISTRIBUTION

(a) 29 CFR 1926.950 General requirements, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.951 Tools and protective equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 8/9/94, FR vol. 59, no. 152, p. 40730.

(c) 29 CFR 1926.952 Mechanical equipment, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.953 Material handling, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.954 Grounding for protection of employees, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.955 Overhead lines, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.956 Underground lines, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.957 Construction in energized substations, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(i) 29 CFR 1926.958 External load helicopters, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(j) 29 CFR 1926.959 Lineman's body belts, safety straps, and lanyards, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(k) 29 CFR 1926.960 Definitions applicable to this subpart, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(23) Subdivision W — ROLLOVER PROTECTIVE STRUCTURES: OVERHEAD PROTECTION

(a) 29 CFR 1926.1000 Rollover protective structures (ROPS) for material handling equipment, published 2/9/79, Federal Register, vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.1001 Minimum performance criteria for rollover protective structure for designated scrapers, loaders, dozers, graders, and crawler tractors, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.1002 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 3/7/96, FR vol. 61, no. 46, p. 9251; 12/29/05, FR vol. 70, no. 249, p. 76979; 2/28/06, FR vol. 71, no. 39, p. 9909; 7/20/06, FR vol. 71, no. 139, p. 41127..

(d) 29 CFR 1926.1003 Overhead protection for operators of agricultural and industrial tractors, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 3/7/96, FR vol. 61, no. 46, p. 9251; 12/29/05, FR vol. 70, no. 249, p. 76979; 2/28/06, FR vol. 71, no. 39, p. 9909.

(24) Subdivision X — STAIRWAYS AND LADDERS

(a) 29 CFR 1926.1050 Scope, application and definitions applicable to this Subdivision, published 11/14/90, Federal Register, vol. 55, no. 220, p. 47687; amended 1/23/91, FR vol. 56, no. 15, p. 2585; 6/30/93, FR vol. 58, no. 124, p. 35184.

(b) 29 CFR 1926.1051 General requirements, published 11/14/90, FR vol. 55, no. 220, p. 47688.

(c) 29 CFR 1926.1052 Stairways, published 11/14/90, FR vol. 55, no. 220, p. 47688; amended 1/23/91, FR vol. 56, no. 15, p. 2585; 2/7/91, FR vol. 56, no. 26, p. 5061; 8/23/91, FR vol. 56, no. 164, pp. 41793-41794.

(d) 29 CFR 1926.1053 Ladders, published 11/14/90, FR vol. 55, no. 220, p. 47689; amended 1/23/91, FR vol. 56, no. 15, p. 2585; 8/23/91, FR vol. 56, no. 164, pp. 41793-41794.

(e) 29 CFR 1926.1054 (Reserved)

(f) 29 CFR 1926.1055 (Reserved)

(g) 29 CFR 1926.1056 (Reserved)

(h) 29 CFR 1926.1057 (Reserved)

(i) 29 CFR 1926.1058 (Reserved)

(j) 29 CFR 1926.1059 (Reserved)

(k) 29 CFR 1926.1060 Training requirements, published 11/14/90, FR vol. 55, no. 220, p. 47691.

(25) Subdivision Z — TOXIC AND HAZARDOUS SUBSTANCES

ADMINISTRATIVE RULES

- (a) 29 CFR 1926.1101 Asbestos, published 2/9/79, FR vol. 44, p. 8577; amended 4/6/79, FR vol. 44, p. 20940; 6/20/86, FR vol. 51, p. 22612; 10/17/86, FR vol. 52, p. 17756; 7/20/88, FR vol. 53, no. 138, p. 27346; 9/14/88, FR vol. 53, p. 35627; 9/23/88, FR vol. 53, no. 185, p. 37080; 7/21/89, FR vol. 54, no. 139, p. 30705, 12/20/89, FR vol. 54, no. 243, pp. 52027-52028; 2/5/90, FR vol. 55, no. 24, p. 3792; 12/10/90, FR vol. 55, no. 237, pp. 50685-50687; 9/4/91, FR vol. 56, no. 171, pp. 43699-43700; 3/5/92, FR vol. 57, no. 44, p. 7878; 6/8/92, FR vol. 57, no. 110, pp. 24330-1; 6/30/92, FR vol. 57, no. 126, p. 29119; 8/10/94, FR vol. 59, no. 153, pp. 41131-62; 6/29/95, FR vol. 60, no. 125, pp. 33983-34002; 7/13/95, FR vol. 60, p. 36043; 9/29/95, FR vol. 60, p. 50411; 8/23/96, FR vol. 61, no. 165, p. 43454; 1/8/98, FR vol. 63, no. 5, p. 1298; 4/23/98, FR vol. 63, no. 78, p. 20099; 6/29/98, FR vol. 63, no. 124, p. 35137; 1/5/05, FR vol. 69, p. 1111; 4/3/06, FR vol. 71, no. 63, p. 16669; 8/24/06, FR vol. 71, no. 164, p. 50122.
- (b) 29 CFR 1926.1126 Chromium (VI), published 2/28/06, Federal Register, vol. 71, no. 39, p. 10100; 6/23/06, FR vol. 71, no. 121, p. 36008.
- (c) 29 CFR 1926.1127 Cadmium, published 9/14/92, FR vol. 57, no. 178, pp. 42453-42463; amended 4/23/93, FR vol. 58, no. 77, p. 21778; 1/3/94, FR vol. 59, no. 1, p. 215; 6/20/96, FR vol. 61, p. 31427; 1/8/98, FR vol. 63, no. 5, p. 1298; 1/5/05, FR vol. 69, p. 1111; 4/3/06, FR vol. 71, no. 63, p. 16669; 8/24/06, FR vol. 71, no. 164, p. 50122.
- (d) 29 CFR 1926.1152 Methylene Chloride, published 1/10/97, Federal Register, vol. 62, no. 7, p. 1619; 10/20/97, FR vol. 62, p. 54382; 12/18/97, FR vol. 62, no. 243, p. 66275.

These standards are available at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001-654.295

Hist.: APD 5-1989(Temp), f. 3-31-89, ef. 5-1-89; APD 8-1989, f. & ef. 7-7-89; APD 14-1989(Temp), f. 7-20-89, ef. 8-1-89; APD 15-1989, f. & ef. 9-13-89; OSHA 3-1990(Temp), f. & cert. ef. 1-19-90; OSHA 7-1990, f. & cert. ef. 3-2-90; OSHA 8-1990, f. & cert. ef. 3-30-90; OSHA 13-1990(Temp), f. 6-28-90, ef. 8-1-90; OSHA 19-1990, f. & cert. ef. 8-31-90; OSHA 27-1990, f. 12-12-90, cert. ef. 2-1-91; OSHA 6-1991, f. 3-18-91, cert. ef. 4-15-91; OSHA 7-1991, f. & cert. ef. 4-25-91; OSHA 15-1991, f. & cert. ef. 12-13-91; OSHA 16-1991, f. 12-16-91, cert. ef. 1-1-92; OSHA 6-1992, f. & cert. ef. 5-18-92; OSHA 11-1992, f. & cert. ef. 10-9-92; OSHA 1-1993, f. & cert. ef. 1-22-93; OSHA 16-1993, f. & cert. ef. 11-1-93; OSHA 4-1994, f. & cert. ef. 8-4-94; OSHA 1-1995, f. & cert. ef. 1-19-95; OSHA 3-1995, f. & cert. ef. 2-22-95; OSHA 4-1995, f. & cert. ef. 3-29-95; OSHA 5-1995, f. & cert. ef. 4-6-95; OSHA 6-1995, f. & cert. ef. 4-18-95; OSHA 8-1995, f. & cert. ef. 8-25-95; OSHA 5-1996, f. & cert. ef. 11-29-96; OSHA 6-1996, f. & cert. ef. 11-29-96; OSHA 2-1997, f. & cert. ef. 3-12-97; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 6-1997, f. & cert. ef. 5-2-97; OSHA 7-1997, f. & cert. ef. 9-15-97; OSHA 3-1998, f. & cert. ef. 7-7-98; OSHA 6-1998, f. & cert. ef. 10-15-98; OSHA 7-1998, f. & cert. ef. 12-18-98; OSHA 2-1999, f. & cert. ef. 4-30-99; OSHA 6-1999, f. & cert. ef. 5-26-99; OSHA 3-2000, f. & cert. ef. 2-8-00; OSHA 3-2001, f. & cert. ef. 2-5-01; OSHA 3-2002, f. 4-15-02, cert. ef. 4-18-02; OSHA 5-2002, f. 6-28-02, cert. ef. 10-1-03; OSHA 6-2002, f. & cert. ef. 7-19-02; OSHA 1-2003, f. 1-30-03, cert. ef. 4-30-03; OSHA 2-2003, f. & cert. ef. 1-30-03; OSHA 7-2003, f. & cert. ef. 12-5-03; OSHA 8-2003, f. 12-30-03, cert. ef. 1-1-04; OSHA 1-2005, f. & cert. ef. 4-12-05; OSHA 2-2006, f. & cert. ef. 4-28-06; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 5-2006, f. 8-7-06, cert. ef. 1-1-07; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 10-2006, f. & cert. ef. 11-30-06; OSHA 6-2007, f. & cert. ef. 9-26-07

437-003-3224

Vehicle Drivers and Riders.

(1) Scope. This rule applies, without regard to vehicle ownership when your employees drive or ride as part of their employment.

NOTE: The Oregon Bureau of Labor and Industries (BOLI) administers rules about using minors as drivers. Please contact the nearest BOLI office for more information.

(2) Driver Qualifications. You must not allow an employee to drive a vehicle on a public highway or road unless they have a valid driver's license appropriate for that type vehicle.

(3) General Safety.

(a) Do not allow employees to drive or ride in any vehicle known to be unsafe.

(b) Require employees to report any safety problems effecting vehicles you own or provide.

(4) Rider Safety — General.

(a) Except as in (5), (6) and (7), do not allow employees to occupy a vehicle in excess of its seating capacity.

(b) Require employees to comply with all applicable seatbelt and traffic safety laws.

(5) Rider Safety in the Bed of Dump Trucks, Pickups and Similar Vehicles. Do not transport workers in the beds of dump trucks, pickups or similar vehicles unless these conditions are met when applicable:

(a) When seating is available, it must be secure to the floor and passengers may not stand.

(b) The bed is secure to the frame. Beds that tilt or slide must be secure from movement.

(c) Dump beds must be secure or the activating lever locked.

(d) The total height of the sides of the transport area must be at least 42 inches. If riders sit on the floor, the height must be at least 24 inches.

(e) There must be a tailgate the same height as the sides or three evenly spaced chains, cables or ropes taut across the back.

(f) Not more than 4 workers may ride on a flatbed without sides or a tailgate and then only when the speed will not be more than 30 mph. There must be two handholds for each rider.

(g) Workers must not ride in space with cargo unless it is secure from movement.

(6) Standing Rider Safety — Buses. Riders must not sit on the floor while the vehicle is moving. Riders may stand if these conditions are met:

(a) There must be an aisle at least 12 inches wide leading to the emergency exit.

(b) There are no seats in or boards across the aisle.

(c) There must be handholds for standing riders.

(d) Not more than one rider per row of seats may stand.

(e) Riders may not sit or stand near the driver and not ahead of the forward-most row of seats.

(f) Workers in transit must not stand for more than one hour or 45 miles, whichever is less. At the end of that period, the standing workers must get a seat or the vehicle must stop for a 15-minute rest allowing the workers to get out.

(7) Fueling.

(a) There must be no smoking or other source of ignition within 25 feet of any refueling operation.

(b) Do not fill any container that is not bonded or grounded while it is inside the vehicle, in the pickup bed or anyplace other than on the ground.

(c) Stop the engine (except diesels) during fueling.

(d) Refueling vehicles with LPG must be outdoors.

(8) Hauling gasoline or flammable liquid.

(a) For buses, vehicles that carry 16 or more, crew trucks, vans and passenger cars, use only DOT or UL approved containers that hold 5 gallons or less and secure them in an area separate from passengers.

(b) For pickups, flatbeds and other vehicles not in (a), there is no container size limit as long it is not in an enclosed passenger area.

(9) Hauling Explosives. When hauling explosives, only the driver and one qualified person may be in the vehicle. Comply with OAR 437-002-1910.109 and 437-002-0109.

(10) Loading or Unloading. When loading or unloading vehicles in a manner that is likely to cause the vehicle to move, set the brakes and chock the wheels.

(11) High Voltage Clearances. When operating a vehicle near overhead lines carrying more than 600v, OAR 437-002-0047 applies for general industry employers and OAR 437-003-0047 applies for Construction employers.

(12) Traffic Control. You must require employees to set up appropriate traffic controls when they stop on or adjacent to a highway, street, or road in a way that creates a hazard and when traffic cannot adjust safely on its own. The controls must conform to the Millennium Edition of the (FHWA) Manual of Uniform Traffic Control Devices (MUTCD), December 2000.

NOTE: Get a copy of the Millennium Edition from the following organizations: American Traffic Safety Services Association, 15 Riverside Parkway, Suite 100, Fredericksburg, VA 22406-1022; Telephone: 1-800-231-3475; Fax: (540) 368-1722; www.atsssa.com; Institute of Transportation Engineers, 1099 14th Street, NW, Suite 300 West, Washington, DC 20005-3438; Fax: (202) 289-7722; www.ite.org; and American Association of State Highway and Transportation Officials; www.aashto.org; Telephone: 1-800-525-5562. OR: Download the MUTCD 2000 at <http://mutcd.fhwa.dot.gov/kno-millennium>. OR: The MUTCD 2000 is available for review at the Oregon OSHA Resource Center, 350 Winter Street NE, Basement - Room 26, Salem, Oregon 97301-3882; Telephone: (503) 378-3272, or toll free in Oregon 1-800-922-2689.

NOTE: Employers who follow the most current edition of the Oregon Temporary Traffic Control Handbook for Operations of 3 Days or Less comply with this requirement.

Stat. Auth.: ORS 654.025(2) & 656.726(3)
Stats. Implemented: ORS 654.001 - 654.295
Hist.: OSHA 6-2007, f. & cert. ef. 9-26-07

437-003-3225

Vehicles for Highway and Road Operation Characteristics and Maintenance.

(1) Scope. This applies to employer-owned vehicles licensed for highway and road use, driven and/or maintained by employees on public or private property, except the following:

(a) Powered Industrial Trucks covered by OR-OSHA standard 1910.178 and OAR 437-002-0227.

(b) Earth moving equipment (scrapers, loaders, bulldozers and graders) covered by OAR 437-003-1926.602.

ADMINISTRATIVE RULES

(c) Manufactured structures, ATVs, golf carts and other similar devices not intended for highway or road use.

NOTE: When operating a vehicle near overhead power lines more than 600 volts, OAR 437-002-0047 applies for General Industry employers and OAR 437-003-0047 applies for Construction employers.

(2) Vehicle Components.

(a) The engine start/stop control must be within reach of the driver.

(b) There must be steps, ladders and railings to allow safe access to and exit from areas on vehicles where employees must access. Steps and rungs must be slip resistant.

(c) Vehicles whose cargo is loaded by cranes, power shovels or other powered loaders must have a cab or cab shield that protects the occupants from the impact of falling material.

(d) Secure all material, equipment or tools to prevent movement or a barrier must be in place to protect the occupants from moving items.

(e) Vehicles with cabs must have a door or doors for entry and exit.

(f) Vehicle cargo must not prevent occupants from exiting under any condition.

(g) Vehicles must comply with ORS 811.225, Failure to Maintain Safety Belts in Working Order.

(3) Flashing Warning Lights. Buses with a capacity of 16 or more passengers must have a working flashing light system that complies with ORS 816.260 if they load or unload passengers on a public highway or road.

(4) Buses and Crew Trucks.

(a) Buses and crew trucks must have a secure seat with back rest for each occupant.

(b) Buses with an enclosed seating area for 12 or more workers, unless loaded from the rear, must have an emergency exit not less than 24 inches wide by not less than 48 inches high on the left side or rear of the vehicle. It must open easily from inside or outside the vehicle.

(5) Passenger Compartments.

(a) Floors and decks must be slip resistant.

(b) Seal openings between the engine compartment and muffler area to prevent carbon monoxide from entering the enclosed passenger compartment.

(c) Enclosed passenger compartment must be substantially dust proof and watertight.

(d) Areas where workers sit or stand must be free of protruding nails, screws, splinters or similar physical hazards.

(e) Protect riders from inclement weather by enclosing riding areas as necessary.

(6) Steering. Do not allow spinner knobs on vehicles without power steering. Spinner knobs must be on the inside of the steering wheel.

(7) Lighting. Where general lighting in vehicle operating areas is less than 2 footcandles per square foot, vehicles must have working lights that sufficiently light the travel path.

(8) Testing, Maintenance, and Repair.

(a) Block or crib heavy machinery, equipment or parts supported by slings, hoists, jacks or otherwise prevent it from falling before employees work underneath or between such objects.

(b) During repair or maintenance set all controls in neutral, stop the motor and set the brakes unless the work requires otherwise.

(c) During maintenance or inspection on vehicles with dump bins, use an attached, lockable support that prevents unintentional lowering of the bin.

(d) Disconnect the vehicle battery when the work allows and the energized system could cause injury.

(9) Warning Devices.

(a) All vehicles must have a working horn that can be heard above surrounding area noise. Paragraph (b) does not apply when the vehicle backs up with an observer or when the operator verifies that there is nobody behind the vehicle or when nobody may enter the danger area without the operator's knowledge.

(b) Vehicles with an obstructed view to the rear must have a backup alarm that can be heard over the surrounding noise. If surrounding noise prevents this or if there are so many vehicles using backup alarms that they cannot be distinguished from each other, flashing or strobe lights are acceptable.

(10) Control of Exhaust Gases.

(a) Vehicles must have a working muffler.

(b) Exhaust pipes must direct the gasses away from occupants.

(c) Insulate or otherwise protect exhaust pipes exposed to worker contact.

(11) First Aid Kits. Vehicles for transport of 16 or more workers must have a clean, stocked first aid kit with enough supplies for the number of workers usually transported.

NOTE: Laws and/or administrative rules administered by other government agencies require fire extinguishers in vehicles under specifically defined circumstances.

(12) Controls.

(a) Levers that control dump or hoist devices must have a latch or other device that prevents accidental starting or tripping of the mechanism.

(b) The operator of a dump truck must be able to operate the tailgate trip handle from a position clear of the dumping load.

Stat. Auth.: ORS 654.025(2) & 656.726(3)

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 6-2007, f. & cert. ef. 9-26-07

437-003-3226

Vehicles for Use on Property Other Than Public Roads and Highways Operation, Characteristics and Maintenance.

(1) Scope. This rule applies to employer-owned vehicles, not licensed or normally operated on public highways or roads, except the following:

(a) Powered Industrial Trucks covered in OR-OSHA standard 1910.178 and OAR 437-002-0227.

(b) Earth moving equipment, (scrapers, loaders, bulldozers and graders) covered by OAR 437-003-1926.602.

(c) Manufactured structures, ATVs, golf carts and other similar devices not intended for highway or road use.

(2) Safe Operation. You must require the driver to:

(a) Look in the direction of travel and have a clear view unless being guided by somebody with a clear view of the route.

(b) Slow or stop as appropriate at intersections and not drive in marked pedestrian lanes.

(c) Not drive a vehicle up to a person standing in front of a stationary object.

(d) Manually control all towed or pushed vehicles unless they use a towbar.

(3) Vehicle Loads. You must protect employees from hazardous vehicle loads by requiring that they:

(a) Not load a vehicle beyond its rated capacity.

(b) Stabilize, lash down or otherwise secure the load.

(c) Never be under an elevated load.

(4) Basic Equipment Requirements. You must assure your vehicles comply with the following:

(a) Vehicles with windshields must have working powered wipers and an effective defroster.

(b) There must be no broken glass that impairs the driver's vision.

(c) When the load or passengers obstruct the use of the interior rear view mirror, there must be an outside rear view mirror on each side of the vehicle.

(d) Vehicle brakes must be effective when the vehicle is fully loaded. The parking brake must hold the loaded vehicle on any slope which it may operate.

NOTE: The rules on safety chains do not apply to saddle-mount towing, or to a semitrailer coupled to a towing vehicle with a fifth wheel and kingpin assembly so designed that the upper and lower halves may not separate without being manually released onto a dolly without a tow bar.

(5) Uncoupled towing. You must assure that:

(a) Towed vehicles with a gross weight of 5,000 pounds or less must have at least one safety chain or cable. Towed vehicles with a gross weight more than 5,000 pounds must have at least two safety chains or cables.

(b) Safety chains or cables must be strong enough to control the towed vehicle in event the tow bar or coupling device fails.

(c) Safety chains or cables must connect to the towed and towing vehicles and to the tow bar so as to prevent the tow bar from dropping to the ground if it or the coupling device fails.

(d) There must be only enough slack in safety chains or cables to permit proper turning.

(6) Coupled towing. You must assure that:

(a) Drawbar, coupling device, and other connections for towing of trailers must be strong enough to hold the weight of the towed vehicle on any grade over which it may operate.

(b) Any coupling device on any towing vehicle used as a connection for the tow bar on any towed vehicle with a gross weight more than 5,000 pounds must be firmly attached to the frame or to a solid connection to the frame.

(c) There must be a suitable locking means to prevent accidental separation of the towed and towing vehicles.

(d) Connections must have only enough slack to allow for universal action of the connections.

NOTE: When operating a vehicle near overhead power lines more than 600 volts, OAR 437-002-0047 applies for General Industry employers and OAR 437-003-0047 applies for Construction employers.

Stat. Auth.: ORS 654.025(2) & 656.726(3)

ADMINISTRATIVE RULES

Stats. Implemented: ORS 654.001 - 654.295
Hist.: OSHA 6-2007, f. & cert. ef. 9-26-07

.....
Department of Corrections
Chapter 291

Rule Caption: Inmate Selection and Removal Process for an Alternative Incarceration Program.

Adm. Order No.: DOC 7-2007

Filed with Sec. of State: 10-9-2007

Certified to be Effective: 10-9-07

Notice Publication Date: 3-1-07

Rules Amended: 291-062-0110, 291-062-0130, 291-062-0140, 291-062-0150

Subject: These rule amendments are necessary to update the inmate selection and clarify the removal process for alternative incarceration programs within DOC facilities.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-062-0110

Definitions

(1) Alternative Incarceration Program (AIP): A highly structured corrections program that includes intensive interventions, rigorous personal responsibility and accountability, physical labor, and service to the community.

(2) Custody Cycle: The time period during which an offender begins incarceration with the Department of Corrections and/or is under the supervision of community corrections until discharge from all Department of Corrections and community corrections incarceration and supervision.

(3) Short-Term Transitional Leave: A leave for a period not to exceed 90 days preceding an established release date which allows an inmate opportunity to secure appropriate transitional support when necessary for successful reintegration into the community in accordance with ORS 421.148, 421.510 and the department's rule on Short-Term Transitional Leave, Emergency Leaves and Supervised Trips (OAR 291-063). The department may grant a transitional leave of up to 30 days for inmates who are not participating in an alternative incarceration program.

(4) Static 99: An actuarial instrument designed to estimate the probability of sexual recidivism among adults. It is used to determine which offenders will be designated "predatory".

Stat. Auth.: ORS 179.040, 421.500 - 421.512, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.500 - 421.512, 423.020, 423.030, 423.075
Hist.: DOC 1-2004(Temp), f. & cert. ef. 1-14-04 thru 6-12-04; DOC 5-2004, f. & cert. ef. 7-12-04; DOC 11-2005, f. 8-19-05, cert. ef. 8-22-05; DOC 7-2007, f. & cert. ef. 10-9-07

291-062-0130

Inmate Eligibility

(1) The department will identify inmates eligible to participate in alternative incarceration programs. To be eligible to participate in the program an inmate must:

(a) Be sentenced to the legal and physical custody of the department and be subject to a term of post-prison supervision upon satisfaction of a term of incarceration in a Department of Corrections facility;

(b) Be at least 18 years of age at the time of entry into the program, or may be under 18 years of age and have been convicted of a crime upon remand from juvenile court; and

(c) Be assigned Level 1 or Level 2 in accordance with the department's rule on Classification (Inmate) (OAR 291-104) and have no more than 36 months to serve at the time of program entry.

(2) An inmate is not eligible to participate in alternative incarceration programs during service of a sentence for conviction of a crime described in:

- (a) ORS 163.095 (Aggravated Murder);
- (b) ORS 163.115 (Murder);
- (c) ORS 163.118 (Manslaughter I);
- (d) ORS 163.235 (Kidnapping I);
- (e) ORS 163.355 (Rape III);
- (f) ORS 163.365 (Rape II);
- (g) ORS 163.375 (Rape I);
- (h) ORS 163.385 (Sodomy III);
- (i) ORS 163.395 (Sodomy II);
- (j) ORS 163.405 (Sodomy I);
- (k) ORS 163.408 (Unlawful Sexual Penetration II);
- (l) ORS 163.411 (Unlawful Sexual Penetration I);
- (m) ORS 163.415 (Sexual Abuse III);
- (n) ORS 163.425 (Sexual Abuse II);

(o) ORS 163.427 (Sexual Abuse I);

(p) ORS 163.435 (Contributing to the Delinquency of a Minor);

(q) ORS 163.525 (Incest);

(r) ORS 164.325 (Arson I); or

(s) ORS 164.415 (Robbery I).

(3) An inmate is not eligible to participate in alternative incarceration programs if the inmate is serving a sentence under the provisions of ORS 137.635.

(4) An inmate is not eligible to participate in alternative incarceration programs if the inmate is serving a sentence under ORS 161.610 until the inmate completes the minimum incarceration term imposed by the court less earned time under ORS 421.121.

(5) An inmate is not eligible to participate in alternative incarceration programs if the inmate:

(a) Has an adult conviction for felony escape which was committed within three years prior to the time of program entry, or has a conviction for unauthorized departure from the legal and/or physical custody of the Oregon Department of Corrections or its authorized agents which was committed within three years prior to the time of program entry.

(b) Is serving non-sentencing guidelines prison terms (sentences with crime dates prior to November 1, 1989), unresolved criminal prosecutions, consecutive county jail terms, or any other circumstance that would conflict with his/her release from prison upon satisfactory completion of an alternative incarceration program.

(c) Has a current detainer. Inmates with detainees lodged with the department after they have been selected and assigned to one of the programs, and the detainer is discovered after the inmate has completed approximately one-half of the program may be permitted to continue their participation in the program at the discretion of the superintendent/designee based on their program performance to date.

(d) Is currently assigned to special security housing for reasons of protective custody, and the inmate's assignment to the program is otherwise determined by department officials to pose a threat to the safe, secure and orderly operation and management of the program, including the safety of department staff and inmates.

(e) Has less than ten months to serve from the first day of program entry. May have nine months to serve with superintendent's/designee's approval.

(f) Is serving a parole or post-prison supervision violation sanction pursuant to ORS 421.168(1) and 144.108(3)(b).

(6) An inmate is not eligible to participate in alternative incarceration programs if the inmate is serving a sentence under the provision of ORS 137.700 or 137.707 until completion of the mandatory minimum incarceration term. For crimes committed on or after December 5, 1996, the inmate is eligible after completion of the mandatory minimum incarceration term only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.

(7) An inmate is not eligible to participate in alternative incarceration programs if the inmate, on or after April 1, 1995, commits and is convicted of:

(a) Assault II as defined in ORS 163.175(1)(b) (Intentionally or knowingly causes physical injury to another by means of a deadly or dangerous weapon);

(b) Kidnapping II (ORS 163.225); or

(c) Robbery II (ORS 164.405); unless the sentencing court, notwithstanding ORS 137.700 and 137.707, has imposed a lesser sentence pursuant to ORS 137.712 and (for crimes committed on or after December 5, 1996) only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.

(8) An inmate is not eligible to participate in alternative incarceration programs if the inmate on or after October 23, 1999, commits and is convicted of Manslaughter II as defined in ORS 163.125, unless the sentencing court, notwithstanding ORS 137.700 and 137.707, has imposed a lesser sentence pursuant to ORS 137.712 and only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.

(9) An inmate is not eligible to participate in alternative incarceration programs if the inmate is serving a sentence under the provisions of ORS 161.725 or 161.737 (dangerous offenders) for a crime committed on or after November 1, 1989. An inmate shall not be allowed to participate in alternative incarceration programs even after completion of the required minimum incarceration term (determinate sentence) even if the Board of Parole and Post-Prison Supervision finds that the person is no longer dangerous or finds that the person remains dangerous but can be adequately controlled with supervision and mental health treatment and sets a post-prison supervision release date.

ADMINISTRATIVE RULES

(10) If otherwise eligible under Oregon law, any person sentenced for a crime committed on or after December 5, 1996, may be considered for alternative incarceration programs only upon order of the sentencing court as directed in the judgment pursuant to ORS 137.750.

Stat. Auth.: ORS 179.040, 421.500 - 421.512, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.500-421.512, 423.020, 423.030, 423.075
Hist.: DOC 1-2004(Temp), f. & cert. ef. 1-14-04 thru 6-12-04; DOC 5-2004, f. & cert. ef. 7-12-04; DOC 11-2005, f. 8-19-05, cert. ef. 8-22-05; DOC 7-2007, f. & cert. ef. 10-9-07

291-062-0140 Inmate Selection

(1) The department in its discretion may accept eligible inmates into an alternative incarceration program based on its determination that the inmate's participation in such a program is consistent with the safety of the community, the welfare of the applicant, the program objectives and the rules of the department. The superintendent/designee of each facility that has an alternative incarceration program shall appoint a committee that will be responsible for making recommendations to the superintendent/designee on the placement of inmates in the program.

(2) An inmate will not be accepted into an alternative incarceration program unless the inmate submits a written request to participate.

(a) The request must contain a statement signed by the inmate applicant providing that he/she:

(A) Is physically and mentally able to withstand the rigors of the program; and

(B) Has reviewed the alternative incarceration program descriptions provided by the department and agrees to comply with each of the requirements.

(b) Otherwise eligible inmate applicants with a physical and/or mental disability will be evaluated individually by the department to determine whether they may successfully participate in the fundamental components of an alternative incarceration program.

(c) The department shall make the final determination regarding an inmate's physical or mental ability to withstand the rigors of the program.

(3) Inmates who score a six or higher on the Static 99 will not be accepted into an AIP.

(4) Inmates with a predatory designation will not be accepted into an AIP.

Stat. Auth.: ORS 179.040, 421.500 - 421.512, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.500-421.512, 423.020, 423.030, 423.075
Hist.: DOC 1-2004(Temp), f. & cert. ef. 1-14-04 thru 6-12-04; DOC 5-2004, f. & cert. ef. 7-12-04; DOC 11-2005, f. 8-19-05, cert. ef. 8-22-05; DOC 7-2007, f. & cert. ef. 10-9-07

291-062-0150 Removal or Suspension From an Alternative Incarceration Program

(1) The superintendent/designee in his/her discretion may remove or suspend an inmate from any portion of an alternative incarceration program, and may reassign the inmate to another Department of Corrections facility to serve the balance of the inmate's court-imposed incarceration term(s), for administrative or disciplinary reasons. The decision to remove or suspend an inmate from the program will be made in consultation with a committee appointed by the superintendent/designee that is responsible to review the performance of inmates participating in an alternative incarceration program.

(2) Administrative Removal/ Suspension:

(a) The superintendent/designee in his/her discretion may immediately remove or suspend an inmate from the program and reassign the inmate to another Department of Corrections facility without a hearing, for administrative reasons.

(b) An inmate who is not available to participate substantially in the program (e.g., physical and mental illness, court appearance(s), disciplinary segregation, etc.) for up to 30 days following placement will have his/her program participation suspended and be evaluated by the committee to determine whether the inmate will be removed from the program or accepted back into the program at the program level deemed appropriate by the superintendent/designee.

(c) Any change in status that would cause an inmate to be ineligible to continue participating in the program as described in OAR 291-062-0130 (e.g., discovery of a detainer), may result in a suspension. If suspended, the inmate will have 30 days to resolve his/her eligibility status with the department. If the inmate's eligibility status remains unresolved, the inmate will be removed from the program. An extension may be made by the superintendent/designee on a case-by-case basis.

(d) If a non-detainer will result in immediate incarceration upon release to transitional leave, the inmate will have 30 days to resolve his/her eligibility status with the department. If the inmate's eligibility status remains unresolved, the inmate will be removed from the program. An

extension may be made by the superintendent or designee on a case-by-case basis.

(e) Inmates are expected to participate in all aspects of their program assignment at a level consistent with the length of time they have been assigned to the program. The superintendent/designee in his/her discretion may suspend an inmate from the program for 30 days or more when, in consultation with the program performance review committee, the superintendent/designee determines that the inmate is not making adequate program progress. During the suspension, the inmate will be given an opportunity to come into compliance with established program standards. If the inmate comes into compliance, he/she will be placed at a program level deemed appropriate by the superintendent/designee. If the inmate fails to meet program expectations, he/she may be removed from the program. If the inmate is assigned to an intensive alternative incarceration addiction program, the inmate may have the length of his/her program extended beyond 270 days.

(3) Disciplinary Removal/Suspension: An inmate who after a hearing in accordance with procedures provided in the department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105) is found to have committed a major disciplinary rule violation may be removed from the program and transferred to another Department of Corrections facility at the discretion of the superintendent/designee.

(4) Voluntary Removal: An inmate may elect to remove himself/herself from an alternative incarceration program; however, to do so the inmate must sign a document requesting removal from the program to the superintendent/designee. Voluntary removal from the program constitutes a program failure.

(5) Once an inmate has been removed from an alternative incarceration program as a program failure or completes the program and returns to prison on another crime, he/she will be ineligible to participate in another alternative incarceration program during the same custody cycle. If the failure is from an alternative incarceration addictions program, he/she will be ineligible to participate in any other alcohol and drug treatment program during the same custody cycle (this does not include dual diagnosis programs).

(6) Administrative Review of Removal for Program Failure:

(a) When the superintendent or designee removes an inmate from the inmate's program assignment for a program failure, the inmate will be notified in writing of the reason(s) for the removal decision, and the opportunity for administrative review of the decision.

(b) To obtain an administrative review of the removal decision, an inmate must send a request for administrative review in writing to the Assistant Director for Transitional Services or designee, together with any supporting documentation. The Assistant Director for Transitional Services or designee must receive the request within 15 calendar days of the date of the notice of the administrative removal. The review should be completed within 15 days after receiving an inmate's review request. The Assistant Director for Transitional Services or designee's decision on administrative review shall be final.

Stat. Auth.: ORS 179.040, 421.500 - 421.512, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 421.500-421.512, 423.020, 423.030, 423.075
Hist.: DOC 1-2004(Temp), f. & cert. ef. 1-14-04 thru 6-12-04; DOC 5-2004, f. & cert. ef. 7-12-04; DOC 11-2005, f. 8-19-05, cert. ef. 8-22-05; DOC 7-2007, f. & cert. ef. 10-9-07

Department of Fish and Wildlife Chapter 635

Rule Caption: Ocean sport Pacific halibut fishery closes September 20 from Cape Falcon to Humbug Mountain, Oregon.

Adm. Order No.: DFW 90-2007(Temp)

Filed with Sec. of State: 9-19-2007

Certified to be Effective: 9-20-07 thru 10-31-07

Notice Publication Date:

Rules Amended: 635-039-0085

Subject: Amended rule closes the 2007 sport fishery for Pacific halibut in the area between Cape Falcon and Humbug Mountain, Oregon effective at 11:59 p.m. on Thursday, September 20, 2007. This rule is consistent with in-season modifications to regulations implemented by the federal government for the 2007 Oregon recreational fishery for Pacific halibut.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

ADMINISTRATIVE RULES

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 IPHC 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 72, Number 49, dated March 14, 2007 and as amended by Federal Regulations.

(2) Effective 11:59 p.m., Sunday August 12, 2007 the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) is closed to the retention of Pacific halibut.

(3) Effective 12:01 a.m. Friday, August 24 through 11:59 p.m. Sunday, August 26, 2007 the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) re-opens to the retention of Pacific halibut.

(4) Effective 12:01 a.m. Friday, September 14, 2007 in the area between Cape Falcon and Humbug Mountain, Oregon the daily bag limit is two fish on dates the fishery is open without depth restriction (Fridays, Saturdays and Sundays until quota is taken).

(5) Effective 12:01 a.m. through 11:59 p.m. Saturday, September 15, 2007 the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) is open to the retention of Pacific halibut.

(6) Effective 11:59 p.m. Thursday, September 20, 2007 the area between Cape Falcon and Humbug Mountain, Oregon is closed to the retention of Pacific halibut.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 496.162 & 506.129
Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 107-2005(Temp), f. 9-14-05, cert. ef. 9-15-05 thru 10-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-19-06; DFW 34-2006(Temp), f. 5-25-06, cert. ef. 5-27-06 thru 8-3-06; Administrative correction 8-22-06; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 35-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 8-2-07; DFW 67-2007(Temp), f. 8-9-07, cert. ef. 8-12-07 thru 9-30-07; DFW 76-2007(Temp), f. 8-17-07, cert. ef. 8-24-07 thru 9-30-07; DFW 84-2007(Temp), f. 9-5-07, cert. ef. 9-15-07 thru 9-30-07; DFW 87-2007(Temp), f. 9-10-07, cert. ef. 9-14-07 thru 10-28-07; DFW 90-2007(Temp), f. 9-19-07, cert. ef. 9-20-07 thru 10-31-07

Rule Caption: Commercial Chinook Salmon Gill Net Season Opens in Mainstem Columbia River.

Adm. Order No.: DFW 91-2007(Temp)

Filed with Sec. of State: 9-18-2007

Certified to be Effective: 9-19-07 thru 12-31-07

Notice Publication Date:

Rules Amended: 635-042-0060

Subject: Amended rule opens the Columbia River to the commercial harvest, retention and sales of Chinook salmon and white sturgeon in Zones 1-5. The proposed season provides opportunity for the commercial gill net fleet to harvest part of their remaining allocation. Revisions are consistent with action taken September 18, 2007 by the Columbia River Compact.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-042-0060

Late Fall Salmon Season

(1) Salmon and white sturgeon may be taken by gill nets for commercial purposes from the Columbia River during the open fishing periods and areas identified in sections (2) and (3) below.

(2) In Zones 1-5: from the mouth of the Columbia River upstream to a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse 1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock the open fishing periods are:

(a) 8:00 a.m. to 6:00 p.m. Wednesday, September 19, 2007 (10 hours);

(b) During the open fishing period identified in section (2)(a) above, gear is restricted to gill nets with a 9-inch minimum and 9.75-inch maximum mesh size.

(3) In Zones 4-5: from a line projected true west from the east or upstream bank of the Lewis River in Washington, and westerly of a line projected true north from Rooster Rock on the Oregon bank to a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse 1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock, the open fishing periods are:

(a) 8:00 p.m. Thursday, September 20, to 6:00 a.m. Friday, September 21, 2007 (10 hours);

(b) During the open fishing period identified in section (3)(a) above, gear is restricted to gill nets with an 8-inch minimum and 9.75-inch maximum mesh size.

(4) During the open fishing periods identified in sections (2)(a) and (3)(a) above:

(a) The Elokomin-B, Abernathy, Cowlitz, Kalama-B, Lewis-B, Sandy and Washougal river sanctuaries are in effect;

(b) It is legal to have onboard a commercial vessel more than one net as long as all nets are of legal size for this fishery, or have a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet; and

(c) A maximum of twelve white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) and the weekly aggregate white sturgeon limit applies to possession and sales in the Columbia River mainstem only. The aggregate white sturgeon limit in Select Area fisheries remains a maximum of five possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open.

(5) Retention of green sturgeon is prohibited.

Stat. Auth.: ORS 496.118, 506.109

Stats. Implemented: ORS 506.119, 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. 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 106-2002(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; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; DFW 126-2005(Temp), f. 10-21-05, cert. ef. 10-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 102-2006(Temp), f. 9-15-06, cert. ef. 9-19-06 thru 12-31-06; DFW 106-2006(Temp), f. 9-22-06, cert. ef. 9-25-06 thru 12-31-06; DFW 111-2006(Temp), f. 9-29-06, cert. ef. 10-2-06 thru 12-31-06; DFW 112-2006(Temp), f. 10-4-06, cert. ef. 10-8-06 thru 12-31-06; DFW 114-2006(Temp), f. & cert. ef. 10-12-06 thru 12-31-06; DFW 120-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 91-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07

Rule Caption: Mainstem Columbia River Closures to Retention of Sport Chinook Salmon.

Adm. Order No.: DFW 92-2007(Temp)

Filed with Sec. of State: 9-18-2007

ADMINISTRATIVE RULES

Certified to be Effective: 9-19-07 thru 12-31-07

Notice Publication Date:

Rules Amended: 635-023-0130

Subject: Amend rule to close the Columbia River to the retention of Chinook salmon from Buoy 10 upstream to the Highway 395 Bridge in Pasco, Washington. Revision is consistent with action taken September 17, 2007 by the Columbia River Compact.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-023-0130

Fall Sport Fishery

(1) The **2007 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the **2007 Oregon Sport Fishing Regulations**.

(2) Notwithstanding all other specifications and restrictions in the **2007 Oregon Sport Fishing Regulations**:

(a) Effective 12:01 a.m. Wednesday, September 19, 2007 the Columbia River is closed to the retention of Chinook salmon from a north-south line through Buoy 10 upstream to Bonneville Dam until further notice;

(b) Effective 12:01 a.m. Thursday, September 20, 2007, the Columbia River is closed to the retention of Chinook salmon from Bonneville Dam upstream to the Highway 395 Bridge in Pasco, Washington until further notice.

[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; DFW 123-2005(Temp), f. 10-18-05, cert. ef. 10-20-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 100-2006(Temp), f. & cert. ef. 9-14-06 thru 12-31-06; DFW 109-2006(Temp), f. 9-29-06, cert. ef. 9-30-06 thru 12-31-06; DFW 113-2006(Temp), f. 10-12-06, cert. ef. 10-13-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 92-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07

.....

Rule Caption: Amend rule to preserve preference points under certain criteria associated to fire closures.

Adm. Order No.: DFW 93-2007(Temp)

Filed with Sec. of State: 9-26-2007

Certified to be Effective: 9-26-07 thru 3-23-08

Notice Publication Date:

Rules Amended: 635-060-0046

Subject: Amend rule to preserve preference points of successful controlled hunt of applicant's which meet certain criteria associated with fire closures to public and private lands.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-060-0046

Lost Tags and Tag Exchanges

(1) A fee of \$5.00 and a \$1.50 license agent fee is charged to replace or exchange a tag or permit. Duplicates and exchanges may be obtained only through the Salem headquarters, regional offices of the department, and designated district offices. Exception: Replacement controlled hunt tags or permits will be issued at no charge only through the Salem headquarters or regional office of the department if the department determines that the person never received the original controlled tag or permit mailed from the Salem headquarters office.

(2) A Controlled Buck Deer Tag or Controlled Elk Tag may be exchanged for a general season tag before the opening date of the season for which either tag is valid.

(3) No controlled hunt tag shall be exchanged for another controlled hunt tag, except as described in 635-060-0008 (5) and 635-075-0015 (3).

(4) A Controlled Antlerless Deer Tag shall not be exchanged.

(5) In the event of the death of a successful controlled hunt applicant before the start of the season for which the tag or permit was issued, the tags of the deceased may be issued to a family member as defined by OAR 635-045-0002. Tag or permit transfer shall require a copy of the death certificate and the original controlled hunt tag or permit, and must be requested by the legal heir to the deceased which shall be presumed by possession of the tag or permit and death certificate.

(6) A "leftover" controlled hunt tag may only be exchanged for a general season tag, but only if the person does not already possess a tag authorized by OAR 635-065-0015 (4) (a), (b) or (c) or OAR 635-065-0015 (5) (a), (b), (c), (d), (e), (f), or (g).

(7) The Commission shall accommodate Oregon residents who have lost preference points because of being called to active military service after June 1, 2002.

(a) The Commission shall accommodate the following individuals called to service at any location: Oregon National Guard.

(b) The Commission shall accommodate the following Oregon residents with military operational commitments: regular members of the United States Armed Forces (Army, Navy, Air Force, Marines, Coast Guard), members of the United States military reserves, and members of the National Guard.

(c) The Commission authorizes the Director to make such accommodations by:

(A) Reinstating preference points existing for a series, plus an additional point for participating in the draw.

(B) Reinstating preference points lost after two consecutive years of not applying for a controlled hunt in that series.

(d) Individuals seeking accommodation pursuant to this rule (or immediate family members acting on their behalf) must make a request in writing or in person to the Salem headquarters office. Each request must include a letter from a supervising officer on official unit letterhead verifying operational commitments.

(8)(a) Individuals who would otherwise lose preference points in the following situation may apply to have their preference points preserved:

(A) The individual drew a controlled hunt tag for a particular unit;

(B) The individual entered into a contract with an outfitter to hunt that unit and paid the outfitter a retainer;

(C) The outfitter held a permit from the land managing agency to operate in a portion, but not all, of that unit;

(D) At the time the hunt was to occur, the relevant portion of the unit had been substantially burned by wildfire; and

(E) The individual was unable to reschedule their hunt for another part of the unit, because the outfitter was not authorized to hunt in the remaining, unburned part of the unit.

(b) To apply for reinstatement, the individual must submit sworn affidavits clearly establishing each of the elements described above and turn in any unused tag for the hunt at issue. Upon confirmation that the individual has met the requirements of this rule, the Department will reinstate preference points and refund the tag fee.

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 118, f. & ef. 6-3-77; FWC 32-1978, f. & ef. 6-30-78; FWC 29-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 7-1981, f. 2-18-81, ef. 6-1-81; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82; FWC 38-1982, f. & ef. 6-25-82; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 40-1987, f. & ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 18-1991, f. & cert. ef. 3-12-91; FWC 55-1992(Temp), f. 7-22-92, cert. ef. 7-24-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 6-1994, f. & cert. ef. 1-26-94; FWC 94-1994, f. & cert. ef. 12-22-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 52-2001(Temp) f. & cert. ef. 6-27-01 thru 12-24-01; DFW 13-2002, f. & cert. ef. 2-12-02; DFW 34-2002, f. & cert. ef. 4-18-02; DFW 36-2002(Temp), f. & cert. ef. 4-22-02 thru 10-19-02; DFW 50-2002(Temp), f. & cert. ef. 5-16-02 thru 11-12-02; DFW 29-2003(Temp), f. & cert. ef. 4-9-03 thru 10-1-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 105-2004(Temp), f. & cert. ef. 10-13-04 thru 11-15-04; DFW 107-2004(Temp), f. & cert. ef. 10-18-04 thru 11-27-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 26-2005, f. & cert. ef. 4-20-05; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 93-2007(Temp), f. & cert. ef. 9-26-07 thru 3-23-08

.....

Rule Caption: Extended Commercial Salmon Gill Net Season in Mainstem Columbia River.

Adm. Order No.: DFW 94-2007(Temp)

Filed with Sec. of State: 9-21-2007

Certified to be Effective: 9-24-07 thru 12-31-07

Notice Publication Date:

Rules Amended: 635-042-0060

Subject: Amended rule extends the commercial gill net season in the Columbia River for retention and sales of salmon and white sturgeon in Zones 1-3. The modifications provide opportunity for the commercial gill net fleet to harvest part of their remaining allocation. Revisions are consistent with action taken September 21, 2007 by the Columbia River Compact.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

ADMINISTRATIVE RULES

635-042-0060

Late Fall Salmon Season

(1) Salmon and white sturgeon may be taken by gill nets for commercial purposes from the Columbia River during the open fishing periods and areas identified in sections (2) and (3) below.

(2) In Zones 1–5: from the mouth of the Columbia River upstream to a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse 1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock the open fishing periods are:

(a) 8:00 a.m. to 6:00 p.m. Wednesday, September 19, 2007 (10 hours);

(b) During the open fishing period identified in section (2)(a) above, gear is restricted to gill nets with a 9-inch minimum and 9.75-inch maximum mesh size.

(3) In Zones 4–5: from a line projected true west from the east or upstream bank of the Lewis River in Washington, and westerly of a line projected true north from Rooster Rock on the Oregon bank to a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse 1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock, the open fishing periods are:

(a) 8:00 p.m. Thursday, September 20, to 6:00 a.m. Friday, September 21, 2007 (10 hours);

(b) During the open fishing period identified in section (3)(a) above, gear is restricted to gill nets with an 8-inch minimum and 9.75-inch maximum mesh size.

(4) In Zones 1–3: from the mouth of the Columbia River upstream to a line projected true west from the east or upstream bank of the Lewis River mouth in Washington the open fishing periods are:

(a) 7:00 a.m. to 7:00 p.m. Monday, September 24, 2007 (12 hours);

(b) During the open fishing period identified in section (4)(a) above, gear is restricted to gill nets with a 6-inch maximum mesh size.

(5) During the open fishing periods identified in sections (2)(a) and (3)(a) above:

(a) The Elokomin-B, Abernathy, Cowlitz, Kalama-B, Lewis-B, Sandy and Washougal river sanctuaries are in effect;

(b) It is legal to have onboard a commercial vessel more than one net as long as all nets are of legal size for this fishery, or have a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet; and

(c) A maximum of twelve white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) and the weekly aggregate white sturgeon limit applies to possession and sales in the Columbia River mainstem only. The aggregate white sturgeon limit in Select Area fisheries remains a maximum of five possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open.

(6) During the open fishing periods identified in section (4) above:

(a) The Elokomin-B, Abernathy, Cowlitz, Kalama-B and Lewis-B sanctuaries are in effect;

(b) It is legal to have onboard a commercial vessel more than one net as long as all nets are of legal size for this fishery, or have a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet; and

(c) A maximum of ten white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) and the weekly aggregate white sturgeon limit applies to possession and sales in the Columbia River mainstem only. The aggregate white sturgeon limit in Select Area fisheries remains a maximum of five possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open.

(7) Retention of green sturgeon is prohibited.

Stat. Auth.: ORS 496.118, 506.109

Stats. Implemented: ORS 506.119, 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. 10-7-88; 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. &

cert. ef. 10-6-89; 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. 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. & ef. 11-3-91; FWC 97-1992(Temp), f. & ef. 9-22-92; FWC 100-1992(Temp), f. & ef. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & ef. 10-9-92; FWC 109-1992(Temp), f. & ef. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp), f. & ef. 10-22-92; FWC 80-1995(Temp), f. & ef. 9-27-95, cert. ef. 10-9-95; FWC 46-1996, f. & ef. 8-23-96; FWC 58-1996(Temp), f. & ef. 9-27-96, cert. ef. 9-30-96; FWC 60-1996(Temp), f. & ef. 10-7-96; FWC 62(Temp), f. & ef. 10-18-96, cert. ef. 10-21-96; FWC 61-1997(Temp), f. & ef. 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; FWC 79-1999(Temp), f. & ef. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; FWC 83-1999(Temp), f. & ef. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; FWC 87-1999(Temp), f. & ef. 11-4-99 thru 11-5-99; Administrative correction 11-17-99; FWC 62-2000(Temp), f. & ef. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 68-2000(Temp), f. & ef. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp), f. & ef. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; DFW 74-2000(Temp), f. & 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. & ef. 9-19-01 thru 12-31-01; DFW 93-2001(Temp), f. & ef. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; DFW 98-2001(Temp), f. & ef. 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 106-2002(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. & ef. 10-10-02, cert. ef. 10-14-02 thru 12-31-02; DFW 122-2002(Temp), f. & ef. 10-24-02, cert. ef. 10-28-02 thru 12-31-02; DFW 92-2003(Temp), f. & ef. 9-12-03, cert. ef. 9-15-03, cert. ef. 9-22-03, cert. ef. 9-23-03 thru 12-31-03; DFW 105-2003(Temp), f. & ef. 10-10-03, cert. ef. 10-12-03 thru 12-31-03; DFW 107-2003(Temp), f. & ef. 10-21-03, cert. ef. 10-26-03 thru 12-31-03; DFW 95-2004(Temp), f. & ef. 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. & ef. 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; DFW 110-2005(Temp), f. & ef. 9-26-05 thru 12-31-05; DFW 113-2005(Temp), f. & ef. 9-28-05 thru 12-31-05; DFW 116-2005(Temp), f. & ef. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & ef. 10-18-05 thru 12-31-05; DFW 126-2005(Temp), f. & ef. 10-21-05, cert. ef. 10-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 102-2006(Temp), f. & ef. 9-15-06, cert. ef. 9-19-06 thru 12-31-06; DFW 106-2006(Temp), f. & ef. 9-22-06, cert. ef. 9-25-06 thru 12-31-06; DFW 111-2006(Temp), f. & ef. 9-29-06, cert. ef. 10-2-06 thru 12-31-06; DFW 112-2006(Temp), f. & ef. 10-4-06, cert. ef. 10-8-06 thru 12-31-06; DFW 114-2006(Temp), f. & ef. 10-12-06 thru 12-31-06; DFW 120-2006(Temp), f. & ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 91-2007(Temp), f. & ef. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 94-2007(Temp), f. & ef. 9-21-07, cert. ef. 9-24-07 thru 12-31-07

•••••

Rule Caption: Treaty Indian Fall Salmon Fisheries in Columbia River Above Bonneville Dam Extended.

Adm. Order No.: DFW 95-2007(Temp)

Filed with Sec. of State: 9-21-2007

Certified to be Effective: 9-25-07 thru 12-31-07

Notice Publication Date:

Rules Amended: 635-041-0075

Subject: Amended rule schedules one additional 84-hour fishing period in the on-going Treaty Indian fall commercial gill net, platform and hook-and-line fisheries in the Columbia River above Bonneville Dam (Zone 6). Modifications are consistent with action taken September 21, 2007 by the Columbia River Compact.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-041-0075

Fall Salmon Season

(1) Chinook and coho salmon, steelhead, carp, shad and walleye may be taken for commercial purposes in the Columbia River above Bonneville Dam (all of Zone 6) from:

(a) 6:00 a.m. Wednesday, August 22 to 6:00 p.m. Friday, August 24, 2007 (60 hours);

(b) 6:00 a.m. Tuesday, August 28 to 6:00 p.m. Friday, August 31, 2007 (84 hours);

(c) 6:00 a.m. Tuesday, September 4 to 6:00 p.m. Saturday, September 8, 2007 (108 hours);

(d) 6:00 a.m. Tuesday, September 11 to 6:00 p.m. Friday, September 14, 2007 (84 hours); and

(e) 6:00 a.m. Monday, September 17 to 6:00 p.m. Friday, September 21, 2007 (108 hours);

(f) 6:00 a.m. Tuesday, September 25 to 6:00 p.m. Friday, September 28, 2007 (84 hours).

(2) Closed areas are set forth in OAR 635-041-0045, including the closure at the mouth of Spring Creek which is the larger area described in 635-041-0045(11).

(3) Commercial sale of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River is allowed beginning 12:01 a.m., Tuesday August 1 through December 31, 2007.

ADMINISTRATIVE RULES

(a) 8:00 a.m. to 6:00 p.m. Wednesday, September 19, 2007 (10 hours);

(A) During the open fishing period identified in section (2)(a) above, gear is restricted to gill nets with a 9-inch minimum and 9.75-inch maximum mesh size.

(3) In Zones 4–5: from a line projected true west from the east or upstream bank of the Lewis River in Washington, and westerly of a line projected true north from Rooster Rock on the Oregon bank to a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse 1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock, the open fishing periods are:

(a) 8:00 p.m. Thursday, September 20, to 6:00 a.m. Friday, September 21, 2007 (10 hours);

(A) During the open fishing period identified in section (3)(a) above, gear is restricted to gill nets with an 8-inch minimum and 9.75-inch maximum mesh size.

(4) In Zones 1–3: from the mouth of the Columbia River upstream to a line projected true west from the east or upstream bank of the Lewis River mouth in Washington the open fishing periods are:

(a) 7:00 a.m. to 7:00 p.m. Monday, September 24, 2007 (12 hours); and

(b) 7:00 a.m. to 7:00 p.m. Wednesday, September 26, 2007 (12 hours);

(5) During the open fishing periods identified in sections (2)(a) and (3)(a) above:

(a) The Elokomin-B, Abernathy, Cowlitz, Kalama-B, Lewis-B, Sandy and Washougal river sanctuaries are in effect;

(b) It is legal to have onboard a commercial vessel more than one net as long as all nets are of legal size for this fishery, or have a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet; and

(c) A maximum of twelve white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) and the weekly aggregate white sturgeon limit applies to possession and sales in the Columbia River mainstem only. The aggregate white sturgeon limit in Select Area fisheries remains a maximum of five possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open.

(6) During the open fishing periods identified in section (4) above:

(a) Gear is restricted to gill nets with a 6-inch maximum mesh size;

(b) The Elokomin-B, Abernathy, Cowlitz, Kalama-B and Lewis-B sanctuaries are in effect;

(c) It is legal to have onboard a commercial vessel more than one net as long as all nets are of legal size for this fishery, or have a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet;

(d) Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored; and

(e) A maximum of ten white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) and the weekly aggregate white sturgeon limit applies to possession and sales in the Columbia River mainstem only. The aggregate white sturgeon limit in Select Area fisheries remains a maximum of five possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open.

(7) Retention of green sturgeon is prohibited.

Stat. Auth.: ORS 496.118, 506.109

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 40-1979, f. & cf. 9-10-79; FWC 45-1979(Temp), f. & cf. 9-21-79; FWC 52-1979(Temp), f. & cf. 11-2-79; FWC 48-1980(Temp), f. & cf. 9-19-80; FWC 51-1980(Temp), f. & cf. 9-22-80; FWC 55-1980(Temp), f. & cf. 9-26-80; FWC 56-1980(Temp), f. & cf. 9-29-80; FWC 58-1980(Temp), f. & cf. 10-17-80; FWC 37-1981(Temp), f. & cf. 9-24-81; FWC 38-1981(Temp), f. & cf. 9-29-81; FWC 69-1982(Temp), f. & cf. 9-30-82; FWC 72-1982(Temp), f. & cf. 10-20-82; FWC 56-1983(Temp), f. & cf. 10-5-83; FWC 54-1984(Temp), f. & cf. 9-10-84; FWC 59-1984(Temp), f. & cf. 9-18-84; FWC 66-1984(Temp), f. & cf. 9-26-84; FWC 68-1984(Temp), f. & cf. 10-2-84; FWC 58-1985(Temp), f. & cf. 9-13-85; FWC 62-1985(Temp), f. & cf. 9-24-85; FWC 66-1985(Temp), f. & cf. 10-11-85; FWC 54-1986(Temp), f. & cf. 9-5-86; FWC 64-1986(Temp), f. & cf. 10-3-86; FWC 67-1986(Temp), f. & cf. 10-17-86; FWC 74-1987(Temp), f. & cf. 9-4-87; FWC 75-1987(Temp), f. & cf. 9-11-87; FWC 80-1987(Temp), f. & cf. 9-18-87; FWC 87-1987(Temp), f. & cf. 10-9-87; FWC 91-1987(Temp), f. & cf. 10-16-87; FWC 85-1988(Temp), f. & cf. 9-9-88; FWC 93-1988(Temp), f. & cf. 9-16-88; FWC 99-1988(Temp), f. & cf. 9-27-88; FWC 100-1988(Temp), f. & cf. 10-21-88, cert. ef. 10-24-88; FWC 94-1989(Temp), f. & cf. 9-15-89, cert. ef. 9-17-89; FWC 97-1989(Temp), f. & cf. 9-21-89; FWC 109-1989(Temp), f. & cf. 9-10-89; FWC 113-1989(Temp), f. & cf. 11-9-89; FWC 100-1990(Temp), f. & cf. 9-18-90; FWC 101-1990(Temp), f. & cf. 9-19-90; FWC 102-1990(Temp), f. & cf. 9-20-90; FWC 114-1990, f. & cf. 10-8-90; FWC 105-1991, f. & cf. 9-20-91; FWC 118-1991, f. & cf. 10-4-91; FWC 122-1991(Temp), f. & cf. 10-18-91; FWC 129-1991(Temp), f. & cf. 11-1-91, cert. ef. 11-3-91; FWC 97-1992(Temp), f. & cf. 9-22-92; FWC 100-1992(Temp), f. & cf. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & cf. 10-9-92; FWC 109-1992(Temp), f. & cf. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp), f. & cf. 10-9-92; FWC 80-1995(Temp), f. & cf. 9-27-95, cert. ef. 10-9-95; FWC 46-1996, f. & cf. 8-23-96; FWC 58-1996(Temp), f. & cf. 9-27-96, cert. ef. 9-30-96; FWC 60-

1996(Temp), f. & cf. 10-7-96; FWC 62(Temp), f. & cf. 10-18-96, cert. ef. 10-21-96; FWC 61-1997(Temp), f. & cf. 9-23-97, cert. ef. 9-24-97; FWC 62-1997(Temp), f. & cf. 10-6-97; FWC 64-1997(Temp), f. & cf. 10-14-97; FWC 65-1997(Temp), f. & cf. 10-20-97; FWC 68-1997(Temp), f. & cf. 11-3-97; DFW 79-1999(Temp), f. & cf. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 83-1999(Temp), f. & cf. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; DFW 87-1999(Temp), f. & cf. 11-4-99 thru 11-5-99; Administrative correction 11-17-99; DFW 62-2000(Temp), f. & cf. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 68-2000(Temp), f. & cf. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp), f. & cf. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; DFW 74-2000(Temp), f. & cf. 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. & cf. 9-19-01 thru 12-31-01; DFW 93-2001(Temp), f. & cf. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; DFW 98-2001(Temp), f. & cf. 10-8-01, cert. ef. 12-31-01; DFW 106-2001(Temp), f. & cf. 10-26-01 thru 12-31-01; DFW 104-2002(Temp), f. & cf. 9-19-02 thru 12-31-02; DFW 106-2002(Temp), f. & cf. 9-24-02 thru 12-31-02; DFW 109-2002(Temp), f. & cf. 9-27-02 thru 12-31-02; DFW 112-2002(Temp), f. & cf. 10-10-02, cert. ef. 10-14-02 thru 12-31-02; DFW 122-2002(Temp), f. & cf. 10-24-02, cert. ef. 10-28-02 thru 12-31-02; DFW 92-2003(Temp), f. & cf. 9-12-03, cert. ef. 9-15-03 thru 12-31-03; DFW 95-2003(Temp), f. & cf. 9-17-03 thru 12-31-03; DFW 98-2003(Temp), f. & cf. 9-22-03, cert. ef. 9-23-03 thru 12-31-03; DFW 105-2003(Temp), f. & cf. 10-10-03, cert. ef. 10-12-03 thru 12-31-03; DFW 107-2003(Temp), f. & cf. 10-21-03, cert. ef. 10-26-03 thru 12-31-03; DFW 95-2004(Temp), f. & cf. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 98-2004(Temp), f. & cf. 9-22-04 thru 12-31-04; DFW 99-2004(Temp), f. & cf. 9-24-04 thru 12-31-04; DFW 101-2004(Temp), f. & cf. 9-29-04 thru 12-31-04; DFW 102-2004(Temp), f. & cf. 10-1-04, cert. ef. 10-4-04 thru 12-31-04; DFW 109-2004(Temp), f. & cf. 10-19-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 109-2005(Temp), f. & cf. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cf. 9-26-05 thru 12-31-05; DFW 113-2005(Temp), f. & cf. 9-28-05 thru 12-31-05; DFW 116-2005(Temp), f. & cf. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cf. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cf. 10-18-05 thru 12-31-05; DFW 126-2005(Temp), f. & cf. 10-21-05, cert. ef. 10-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 102-2006(Temp), f. & cf. 9-15-06, cert. ef. 9-19-06 thru 12-31-06; DFW 106-2006(Temp), f. & cf. 9-25-06 thru 12-31-06; DFW 111-2006(Temp), f. & cf. 9-29-06, cert. ef. 10-2-06 thru 12-31-06; DFW 112-2006(Temp), f. & cf. 10-4-06, cert. ef. 10-8-06 thru 12-31-06; DFW 114-2006(Temp), f. & cf. 10-12-06 thru 12-31-06; DFW 120-2006(Temp), f. & cf. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 91-2007(Temp), f. & cf. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 94-2007(Temp), f. & cf. 9-21-07, cert. ef. 9-24-07 thru 12-31-07; DFW 97-2007(Temp), f. & cf. 9-25-07, cert. ef. 9-26-07 thru 12-31-07

.....

Rule Caption: Extended Commercial Salmon Gill Net Season in Mainstem Columbia River.

Adm. Order No.: DFW 98-2007(Temp)

Filed with Sec. of State: 9-26-2007

Certified to be Effective: 9-27-07 thru 12-31-07

Notice Publication Date:

Rules Amended: 635-042-0060

Subject: Amended rule extends the commercial gill net season in the Columbia River for retention and sales of salmon and white sturgeon in Zones 4–5. The modifications provide opportunity for the commercial gill net fleet to harvest part of their remaining allocation. Revisions are consistent with action taken September 26, 2007 by the Columbia River Compact.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-042-0060

Late Fall Salmon Season

(1) Salmon and white sturgeon may be taken by gill nets for commercial purposes from the Columbia River during the open fishing periods and areas identified in sections (2) and (3) below.

(2) In Zones 1–5: from the mouth of the Columbia River upstream to a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse 1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock the open fishing periods are:

(a) 8:00 a.m. to 6:00 p.m. Wednesday, September 19, 2007 (10 hours);

(b) During the open fishing period identified in section (2)(a) above, gear is restricted to gill nets with a 9-inch minimum and 9.75-inch maximum mesh size.

(3) In Zones 4–5: from a line projected true west from the east or upstream bank of the Lewis River in Washington, and westerly of a line projected true north from Rooster Rock on the Oregon bank to a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse 1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock, the open fishing periods are:

(a) 8:00 p.m. Thursday, September 20, to 6:00 a.m. Friday, September 21, 2007 (10 hours);

(A) During the open fishing period identified in section (3)(a) above, gear is restricted to gill nets with an 8-inch minimum and 9.75-inch maximum mesh size.

(b) 8:00 p.m. Thursday, September 27, to 6:00 a.m. Friday, September 28, 2007 (10 hours);

ADMINISTRATIVE RULES

(A) During the open fishing period identified in section (3)(b) above, gear is restricted to gill nets with an 8-inch minimum mesh size.

(4) In Zones 1–3: from the mouth of the Columbia River upstream to a line projected true west from the east or upstream bank of the Lewis River mouth in Washington the open fishing periods are:

- (a) 7:00 a.m. to 7:00 p.m. Monday, September 24, 2007 (12 hours);
- (b) 7:00 a.m. to 7:00 p.m. Wednesday, September 26, 2007 (12 hours);

(5) During the open fishing periods identified in sections (2)(a) and (3)(a) above:

(a) The Elokomin-B, Abernathy, Cowlitz, Kalama-B, Lewis-B, Sandy and Washougal river sanctuaries are in effect;

(b) It is legal to have onboard a commercial vessel more than one net as long as all nets are of legal size for this fishery, or have a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet; and

(c) A maximum of twelve white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) and the weekly aggregate white sturgeon limit applies to possession and sales in the Columbia River mainstem only. The aggregate white sturgeon limit in Select Area fisheries remains a maximum of five possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open.

(6) During the open fishing period identified in section (3)(b) above:

(a) The Lewis B, Sandy, and Washougal river sanctuaries are in effect;

(b) It is legal to have onboard a commercial vessel more than one net as long as all nets are of legal size for this fishery, or have a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet;

(c) Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored; and

(d) A maximum of ten white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) and the weekly aggregate white sturgeon limit applies to possession and sales in the Columbia River mainstem only. The aggregate white sturgeon limit in Select Area fisheries remains a maximum of five possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open.

(7) During the open fishing periods identified in section (4) above:

(a) Gear is restricted to gill nets with a 6-inch maximum mesh size;

(b) The Elokomin-B, Abernathy, Cowlitz, Kalama-B and Lewis-B sanctuaries are in effect;

(c) It is legal to have onboard a commercial vessel more than one net as long as all nets are of legal size for this fishery, or have a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet;

(d) Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored; and

(e) A maximum of ten white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) and the weekly aggregate white sturgeon limit applies to possession and sales in the Columbia River mainstem only. The aggregate white sturgeon limit in Select Area fisheries remains a maximum of five possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open.

(8) Retention of green sturgeon is prohibited.

Stat. Auth.: ORS 496.118, 506.109

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. 10-7-88; 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. 9-25-89, cert. 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. 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; FWC 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), 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. & 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 106-2002(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; DFW 110-2005(Temp), f. & ef. 9-26-05 thru 12-31-05; DFW 113-2005(Temp), f. & 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. & ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & ef. 10-18-05 thru 12-31-05; DFW 126-2005(Temp), f. 10-21-05, cert. ef. 10-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 102-2006(Temp), f. 9-15-06, cert. ef. 9-19-06 thru 12-31-06; DFW 106-2006(Temp), f. 9-22-06, cert. ef. 9-25-06 thru 12-31-06; DFW 111-2006(Temp), f. 9-29-06, cert. ef. 9-24-04 thru 12-31-06; DFW 112-2006(Temp), f. 10-4-06, cert. ef. 10-8-06 thru 12-31-06; DFW 114-2006(Temp), f. & ef. 10-12-06 thru 12-31-06; DFW 120-2006(Temp), f. & ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 91-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 94-2007(Temp), f. 9-21-07, cert. ef. 9-24-07 thru 12-31-07; DFW 97-2007(Temp), f. 9-25-07, cert. ef. 9-26-07 thru 12-31-07; DFW 98-2007(Temp), f. 9-26-07, cert. ef. 9-27-07 thru 12-31-07

.....

Rule Caption: Extended Commercial Salmon Gill Net Season in Mainstem Columbia River.

Adm. Order No.: DFW 99-2007(Temp)

Filed with Sec. of State: 9-28-2007

Certified to be Effective: 10-1-07 thru 12-31-07

Notice Publication Date:

Rules Amended: 635-042-0060

Subject: Amended rule extends the commercial gill net season in the Columbia River for retention and sales of salmon and white sturgeon in Zones 1–3 and Zones 4–5. The modifications provide opportunity for the commercial gill net fleet to harvest part of their remaining allocation. Revisions are consistent with action taken September 27, 2007 by the Columbia River Compact.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-042-0060

Late Fall Salmon Season

(1) Salmon and white sturgeon may be taken by gill nets for commercial purposes from the Columbia River during the open fishing periods and areas identified in sections (2) and (3) below.

(2) In Zones 1–5: from the mouth of the Columbia River upstream to a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse 1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock the open fishing periods are:

(a) 8:00 a.m. to 6:00 p.m. Wednesday, September 19, 2007 (10 hours); and

(b) 7:00 a.m. to 7:00 p.m. Thursday, October 4, 2007 (12 hours).

(c) During the open fishing period identified in sections (2)(a) and (2)(b) above, gear is restricted to gill nets with a 9-inch minimum and 9.75-inch maximum mesh size.

(3) In Zones 4–5: from a line projected true west from the east or upstream bank of the Lewis River in Washington, and westerly of a line projected true north from Rooster Rock on the Oregon bank to a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse 1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock, the open fishing periods are:

(a) 8:00 p.m. Thursday, September 20, to 6:00 a.m. Friday, September 21, 2007 (10 hours);

(A) During the open fishing period identified in section (3)(a) above, gear is restricted to gill nets with an 8-inch minimum and 9.75-inch maximum mesh size.

ADMINISTRATIVE RULES

(b) 8:00 p.m. Thursday, September 27, to 6:00 a.m. Friday, September 28, 2007 (10 hours);

(A) During the open fishing period identified in section (3)(b) above, gear is restricted to gill nets with an 8-inch minimum mesh size.

(4) In Zones 1–3: from the mouth of the Columbia River upstream to a line projected true west from the east or upstream bank of the Lewis River mouth in Washington the open fishing periods are:

(a) 7:00 a.m. to 7:00 p.m. Monday, September 24, 2007 (12 hours);

(b) 7:00 a.m. to 7:00 p.m. Wednesday, September 26, 2007 (12 hours);

(c) 7:00 a.m. to 7:00 p.m. Monday, October 1, 2007 (12 hours); and

(d) 7:00 a.m. to 7:00 p.m. Wednesday October 3, 2007 (12 hours).

(5) During the open fishing periods identified in sections (2)(a) and (3)(a) above:

(a) The Elokomin-B, Abernathy, Cowlitz, Kalama-B, Lewis-B, Sandy and Washougal river sanctuaries are in effect;

(b) It is legal to have onboard a commercial vessel more than one net as long as all nets are of legal size for this fishery, or have a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet; and

(c) A maximum of twelve white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) and the weekly aggregate white sturgeon limit applies to possession and sales in the Columbia River mainstem only. The aggregate white sturgeon limit in Select Area fisheries remains a maximum of five possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open.

(6) During the open fishing period identified in section (3)(b) above:

(a) The Lewis B, Sandy, and Washougal river sanctuaries are in effect;

(b) It is legal to have onboard a commercial vessel more than one net as long as all nets are of legal size for this fishery, or have a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet;

(c) Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored; and

(d) A maximum of ten white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) and the weekly aggregate white sturgeon limit applies to possession and sales in the Columbia River mainstem only. The aggregate white sturgeon limit in Select Area fisheries remains a maximum of five possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open.

(7) During the open fishing periods identified in section (4) above:

(a) Gear is restricted to gill nets with a 6-inch maximum mesh size;

(b) The Elokomin-B, Abernathy, Cowlitz, Kalama-B and Lewis-B sanctuaries are in effect;

(c) It is legal to have onboard a commercial vessel more than one net as long as all nets are of legal size for this fishery, or have a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet;

(d) Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored; and

(e) A maximum of ten white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) during the fishing periods identified in sections (4)(a) and (4)(b) above; and

(f) A maximum of seven white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) during the fishing periods identified in sections (2)(b); (4)(c) and (4)(d) above.

(g) The weekly aggregate white sturgeon limit applies to possession and sales in the Columbia River mainstem only. The aggregate white sturgeon limit in Select Area fisheries remains a maximum of five possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open.

(8) Retention of green sturgeon is prohibited.

Stat. Auth.: ORS 496.118, 506.109

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 40-1979, f. & cf. 9-10-79; FWC 45-1979(Temp), f. & cf. 9-21-79; FWC 52-1979(Temp), f. & cf. 11-2-79; FWC 48-1980(Temp), f. & cf. 9-19-80; FWC 51-1980(Temp), f. & cf. 9-22-80; FWC 55-1980(Temp), f. & cf. 9-26-80; FWC 56-1980(Temp), f. & cf. 9-29-80; FWC 58-1980(Temp), f. & cf. 10-17-80; FWC 37-1981(Temp), f. & cf. 9-24-81; FWC 38-1981(Temp), f. & cf. 9-29-81; FWC 69-1982(Temp), f. & cf. 9-30-82; FWC 72-1982(Temp), f. & cf. 10-20-82; FWC 56-1983(Temp), f. & cf. 10-5-83; FWC 54-1984(Temp), f. & cf. 9-10-84; FWC 59-1984(Temp), f. & cf. 9-18-84; FWC 66-1984(Temp), f. & cf. 9-26-84; FWC 68-1984(Temp), f. & cf. 10-2-84; FWC 58-1985(Temp), f. & cf. 9-13-85; FWC 62-1985(Temp), f. & cf. 9-24-85; FWC 66-1985(Temp), f. & cf. 10-11-85; FWC 54-1986(Temp), f. & cf. 9-5-86; FWC 64-1986(Temp), f. & cf. 10-3-86; FWC 67-1986(Temp), f. & cf. 10-17-86; FWC 74-1987(Temp), f. & cf. 9-4-87; FWC 75-1987(Temp), f. & cf. 9-11-87; FWC 80-1987(Temp), f. & cf. 9-18-87; FWC 87-1987(Temp), f. & cf. 10-9-87; FWC 91-1987(Temp), f. & cf. 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; FWC 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), f. 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 106-2002(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; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; DFW 126-2005(Temp), f. 10-21-05, cert. ef. 10-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 102-2006(Temp), f. 9-15-06, cert. ef. 9-19-06 thru 12-31-06; DFW 106-2006(Temp), f. 9-22-06, cert. ef. 9-25-06 thru 12-31-06; DFW 111-2006(Temp), f. 9-29-06, cert. ef. 10-2-06 thru 12-31-06; DFW 112-2006(Temp), f. 10-4-06, cert. ef. 10-8-06 thru 12-31-06; DFW 114-2006(Temp), f. & cert. ef. 10-12-06 thru 12-31-06; DFW 120-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 91-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 94-2007(Temp), f. 9-21-07, cert. ef. 9-24-07 thru 12-31-07; DFW 97-2007(Temp), f. 9-25-07, cert. ef. 9-26-07 thru 12-31-07; DFW 98-2007(Temp), f. 9-26-07, cert. ef. 9-27-07 thru 12-31-07; DFW 99-2007(Temp), f. 9-28-07, cert. ef. 10-1-07 thru 12-31-07

.....

Rule Caption: Treaty Indian Fall Salmon Fisheries in Columbia River Above Bonneville Dam Extended.

Adm. Order No.: DFW 100-2007(Temp)

Filed with Sec. of State: 9-28-2007

Certified to be Effective: 10-3-07 thru 12-31-07

Notice Publication Date:

Rules Amended: 635-041-0075

Subject: Amended rule schedules one additional 84-hour fishing period in the on-going Treaty Indian fall commercial gill net, platform and hook-and-line fisheries in the Columbia River above Bonneville Dam (Zone 6). Modifications are consistent with action taken September 27, 2007 by the Columbia River Compact.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-041-0075

Fall Salmon Season

(1) Chinook and coho salmon, steelhead, carp, shad and walleye may be taken for commercial purposes in the Columbia River above Bonneville Dam (all of Zone 6) from:

(a) 6:00 a.m. Wednesday, August 22 to 6:00 p.m. Friday, August 24, 2007 (60 hours);

(b) 6:00 a.m. Tuesday, August 28 to 6:00 p.m. Friday, August 31, 2007 (84 hours);

(c) 6:00 a.m. Tuesday, September 4 to 6:00 p.m. Saturday, September 8, 2007 (108 hours);

(d) 6:00 a.m. Tuesday, September 11 to 6:00 p.m. Friday, September 14, 2007 (84 hours);

(e) 6:00 a.m. Monday, September 17 to 6:00 p.m. Friday, September 21, 2007 (108 hours);

(f) 6:00 a.m. Tuesday, September 25 to 6:00 p.m. Friday, September 28, 2007 (84 hours); and

(g) 6:00 a.m. Wednesday, October 3 to 6:00 p.m. Saturday, October 6, 2007 (84 hours).

ADMINISTRATIVE RULES

(2) Closed areas are set forth in OAR 635-041-0045, including the closure at the mouth of Spring Creek which is the larger area described in 635-041-0045(11).

(3) Commercial sale of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River is allowed beginning 12:01 a.m., Tuesday August 1 through December 31, 2007.

(a) Gear is restricted to: hoopnets, dipnets, and rod and reel with hook-and-line. Beginning September 1, 2007 a minimum mesh size restriction of 8 inches is required.

(b) Allowable sales include chinook, coho, steelhead, walleye, carp, and shad. Sockeye may be kept for subsistence use but not sold.

(c) Sturgeon may not be sold. However, sturgeon between 48 to 60 inches in length from The Dalles and John Day pools and sturgeon between 45 to 60 inches in length from Bonneville Pool, may be kept for subsistence use.

(d) Fish caught during Yakama Nation's scheduled open tributary fishing periods in the Klickitat and Big White Salmon rivers may be sold when the sale of platform and hook-and-line fish is allowed.

Stat. Auth.: ORS 183.325, 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982(Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984 (Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988(Temp), f. & cert. ef. 9-27-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 87-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989(Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. & cert. ef. 9-10-90; FWC 98-1990(Temp), f. & cert. ef. 9-17-90; FWC 85-1991, f. & cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. & cert. ef. 9-17-91; FWC 91-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. & cert. ef. 9-2-92; FWC 87-1992(Temp), f. & cert. ef. 9-7-92; FWC 91-1992(Temp), f. & cert. ef. 9-16-92; cert. ef. 9-17-92; FWC 96-1992(Temp), f. & cert. ef. 9-23-92; FWC 105-1992(Temp), f. & cert. ef. 10-5-92; FWC 107-1992 (Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. & cert. ef. 8-6-93; cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. & cert. ef. 9-17-93; cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. & cert. ef. 8-26-94; cert. ef. 8-29-94; FWC 61-1994(Temp), f. & cert. ef. 9-7-94; 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. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. & cert. ef. 8-29-97; cert. ef. 9-2-97; FWC 57(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(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; DFW 76-1998(Temp), 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. 9-15-99 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(Temp), f. & cert. ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. & cert. ef. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. & cert. ef. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. & cert. ef. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. & cert. ef. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. & cert. ef. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. & cert. ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 10-1-02 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; FWC 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. & cert. ef. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. & cert. ef. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. & cert. ef. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. & cert. ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-

2006(Temp), f. & cert. ef. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. & cert. ef. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. & cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. & cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. & cert. ef. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. & cert. ef. 9-28-07, cert. ef. 10-3-07 thru 12-31-07

Rule Caption: Mainstem Columbia River Opens to Retention of Sport Chinook Salmon.

Adm. Order No.: DFW 101-2007(Temp)

Filed with Sec. of State: 9-28-2007

Certified to be Effective: 9-29-07 thru 12-31-07

Notice Publication Date:

Rules Amended: 635-023-0130

Subject: Amend rule to re-open the Columbia River to the retention of Chinook salmon from Buoy 10 upstream to Bonneville Dam and Bonneville Dam to the Highway 395 Bridge in Pasco, Washington. Revision is consistent with action taken September 26, 2007 by the Columbia River Compact.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-023-0130

Fall Sport Fishery

(1) The 2007 Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2007 Oregon Sport Fishing Regulations.

(2) Notwithstanding all other specifications and restrictions in the 2007 Oregon Sport Fishing Regulations:

(a) Effective 12:01 a.m. Wednesday, September 19, 2007 the Columbia River is closed to the retention of Chinook salmon from a north-south line through Buoy 10 upstream to Bonneville Dam until further notice;

(b) Effective 12:01 a.m. Thursday, September 20, 2007, the Columbia River is closed to the retention of Chinook salmon from Bonneville Dam upstream to the Highway 395 Bridge in Pasco, Washington until further notice;

(c) Effective 12:01 a.m. Saturday, September 22, 2007 the Columbia River is open to the retention of Chinook salmon from the Hood River Bridge upstream to the Highway 395 Bridge in Pasco, Washington until further notice;

(d) Effective 12:01 a.m. Saturday, September 29, 2007 the mainstem Columbia River is open to the retention of Chinook salmon in the area from Buoy 10 upstream to the Hood River Bridge;

(e) Effective 12:01 a.m. Saturday, September 29, 2007 the mainstem Columbia River combined daily bag limit of two adult salmon or steelhead (only one of which may be a Chinook), in the area from Buoy 10 upstream to Bonneville Dam, is modified to allow the retention of two additional fin-clipped adult coho;

(f) The daily bag limit in the area from Bonneville Dam upstream to the Highway 395 Bridge in Pasco, Washington remains at two adult salmon and/or steelhead. All retained steelhead must be adipose fin-clipped. Non-adipose fin-clipped coho must be released downstream of the Hood River Bridge.

[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. & cert. ef. 5-1-04; DFW 92-2004(Temp), f. & cert. ef. 9-2-04 cert. ef. 9-6-04 thru 12-31-04; DFW 96-2004(Temp), f. & cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. & 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. & cert. ef. 9-15-05, cert. ef. 9-17-05 thru 12-31-05; DFW 112-2005(Temp), f. & cert. ef. 9-28-05, cert. ef. 9-30-05 thru 12-31-05; DFW 123-2005(Temp), f. & cert. ef. 10-18-05, cert. ef. 10-20-05 thru 12-31-05; DFW 136-2005, f. & cert. ef. 1-1-06; DFW 26-2006(Temp), f. & cert. ef. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. & cert. ef. 1-1-07; DFW 100-2006(Temp), f. & cert. ef. 9-14-06 thru 12-31-06; DFW 109-2006(Temp), f. & cert. ef. 9-29-06, cert. ef. 9-30-06 thru 12-31-06; DFW 113-2006(Temp), f. & cert. ef. 10-12-06, cert. ef. 10-13-06 thru 12-31-06; DFW 24-2007, f. & cert. ef. 4-16-07, cert. ef. 5-1-07; DFW 92-2007(Temp), f. & cert. ef. 9-18-07 thru 12-31-07; DFW 96-2007(Temp), f. & cert. ef. 9-21-07, cert. ef. 9-22-07 thru 12-31-07; DFW 101-2007(Temp), f. & cert. ef. 9-28-07, cert. ef. 9-29-07 thru 12-31-07

Rule Caption: Sturgeon open seven days per week from Wauna powerlines upstream to Bonneville Dam.

Adm. Order No.: DFW 102-2007(Temp)

Filed with Sec. of State: 9-28-2007

Certified to be Effective: 10-1-07 thru 12-31-07

Notice Publication Date:

ADMINISTRATIVE RULES

Rules Amended: 635-023-0095

Subject: Amend rule to allow sturgeon fishing seven days per week October 1, 2007 to December 31, 2007 in the mainstem Columbia River from Wauna powerlines (River Mile 40) upstream to Bonneville Dam. Revision is consistent with Joint State Action taken by the states of Oregon and Washington on September 26, 2007.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-023-0095

Sturgeon Season

(1) The **2007 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the **2007 Oregon Sport Fishing Regulations**.

(2) The Columbia River from Wauna powerlines (River Mile 40) upstream to Bonneville Dam is open to the retention of white sturgeon during the following periods:

(a) Monday, January 1, 2007 through Wednesday January 31, 2007 three days per week, Thursday, Friday, and Saturday; and

(b) Thursday February 1 through Tuesday July 31, 2007 and Monday, October 1, 2007 through Monday, December 31, 2007 four days per week, Thursday, Friday, Saturday and Sunday;

(c) Seven days per week Saturday, August 18 through Sunday, September 30, 2007;

(d) Seven days per week Monday, October 1, through Monday, December 31, 2007.

(3) The retention of white sturgeon in the area identified in subsection (2) of this rule is prohibited August 1 through August 17, 2007.

(4) The Columbia River from Wauna powerlines (River Mile 40) downstream to the mouth at Buoy 10, including Youngs Bay is open to the retention of white sturgeon seven days per week during the following periods:

(a) Monday, January 1, 2007 through Monday, April 30, 2007; and

(b) Saturday, May 12, 2007 through Wednesday, July 4, 2007.

(5) The retention of white sturgeon in the area identified in subsection (4) of this rule is prohibited May 1, 2007 through May 11, 2007 and from July 5, 2007 through December 31, 2007.

(6) During the fishing periods as identified in subsections (2)(d) and (4)(a) of this rule, only white sturgeon between 42–60" in overall length may be retained per day. The annual bag limit is five fish.

(7) During the fishing period as identified in subsection (4)(b) of this rule, only white sturgeon between 45–60" in overall length may be retained.

(8) The Columbia River and tributaries between The Dalles Dam and John Day Dam are closed to the retention of sturgeon effective 12:00 Midnight, March 28, 2007.

(9) The Columbia River and tributaries between John Day Dam and McNary Dam are closed to the retention of sturgeon effective 12:00 Midnight, Sunday June 10, 2007.

(10) The Columbia River and tributaries between Bonneville Dam and The Dalles Dam are closed to the retention of sturgeon effective 12:00 Midnight, Sunday July 29, 2007.

(11) Angling for sturgeon is prohibited from Marker 85 upstream to Bonneville Dam, from Highway 395 Bridge upstream to McNary Dam, and from the west end of the grain silo at Rufus upstream to John Day Dam during May 1, 2007 through July 31, 2007.

(12) The retention of green sturgeon is prohibited effective January 1, 2007.

[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 129-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 2-28-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 22-2005(Temp), f. 4-1-05, cert. ef. 4-30-05 thru 7-31-05; DFW 50-2005(Temp), f. 6-3-05, cert. ef. 6-11-05 thru 11-30-05; DFW 60-2005(Temp), f. 6-21-05, cert. ef. 6-24-05 thru 12-21-05; DFW 65-2005(Temp), f. 6-30-05, cert. ef. 7-10-05 thru 12-31-05; DFW 76-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 145-2005(Temp), f. 12-21-05, cert. ef. 1-1-06 thru 3-31-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 19-2006(Temp), f. 4-6-06, cert. ef. 4-8-06 thru 7-31-06; DFW 54-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 12-27-06; DFW 62-2006(Temp), f. 7-13-06, cert. ef. 7-24-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 131-2006(Temp), f. 12-20-06, cert. ef. 1-1-07 thru 6-29-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 20-2007(Temp), f. 3-26-07, cert. ef. 3-28-07 thru 7-30-07; DFW 38-2007(Temp), f. & cert. ef. 5-31-07 thru 11-26-07; DFW 59-2007(Temp), f. 7-18-07, cert. ef. 7-29-07 thru 12-31-07; DFW 75-2007(Temp), f. 8-17-07, cert. ef. 8-18-07 thru 12-31-07; DFW 102-2007(Temp), f. 9-28-07, cert. ef. 10-1-07 thru 13-31-07

Rule Caption: Amend rules to extend the tag sale deadline for general season hunts and certain controlled hunts.

Adm. Order No.: DFW 103-2007(Temp)

Filed with Sec. of State: 9-27-2007

Certified to be Effective: 9-27-07 thru 3-24-08

Notice Publication Date:

Rules Amended: 635-060-0009, 635-065-0401

Subject: This amended rule will extend the deadline for purchasing: general season tags for deer rifle, bear, and cougar; certain controlled hunt tags for centerfire buck and one deer hunt, two muzzleloader hunts, and 10 youth hunts from September 28, 2007 to October 1, 2007.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-060-0009

Successful Applicants

Successful controlled hunt applicants must purchase the controlled hunt tag or permit for the hunt in which they were successful from a department license agent connected to the computerized licensing system within the following dates:

(1) Spring black bear controlled hunts tag sales begin February 20, each year and end at 12 midnight, Pacific Time. the day before the season start date.

(2) Pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer and elk controlled hunts tag sales begin June 20 each year and end at 12 midnight, Pacific Time. the day before the season start date for which the tag is valid.

(3) Successful controlled hunt applicants may purchase tags for the following controlled hunts until 12 midnight, Pacific Time October 1, 2007:

(a) 100M1 — Willamette Unit;

(b) 123A — Umpqua;

(c) 131 — Keno Unit;

(d) 132 — Klamath Falls Unit;

(e) 133 — Sprague Unit;

(f) 134 — Upper Deschutes Unit;

(g) 135 — Paulina Unit;

(h) 136 — Maury Unit;

(i) 137 — Ochoco Unit;

(j) 138 — Grizzly Unit;

(k) 139 — Metolius Unit;

(l) 140 — Maupin Unit;

(m) 141 — White River Unit;

(n) 142 — Hood Unit;

(o) 143A — East Biggs;

(p) 143A — West Biggs;

(q) 144 — Columbia Basin Unit;

(r) 145 — Fossil Unit;

(s) 146 — Murders Creek Unit;

(t) 147 — Northside Unit;

(u) 148 — Heppner Unit;

(v) 149 — Ukiah Unit;

(w) 150 — Desolation Unit;

(x) 151 — Sumpter Unit;

(y) 152A — Starkey;

(z) 152B — Starkey Experimental Forest;

(aa) 153 — Catherine Creek Unit;

(bb) 154A — East Mt. Emily;

(cc) 154B — West Mt. Emily;

(dd) 155 — Walla Walla Unit;

(ee) 156 — Wenaha Unit;

(ff) 157 — Sled Springs Unit;

(gg) 158 — Chesnimnus Unit;

(hh) 159 — Snake River Unit;

(ii) 160 — Minam Unit;

(jj) 161 — Imnaha Unit;

(kk) 162 — Pine Creek Unit;

(ll) 163 — Keating Unit;

(mm) 164 — Lookout Mt. Unit;

(nn) 165 — Beulah Unit;

(oo) 165A — SE Beulah;

(pp) 166 — Malheur River Unit;

(qq) 167 — Owyhee Unit;

(rr) 168A — Trout Creek Mts.;

(ss) 168B — East Whitehorse;

ADMINISTRATIVE RULES

(tt) 169A — Steens Mt.;
(uu) 170A — Beatys Butte;
(vv) 170M — Hart Mt.;
(ww) 171A — North Juniper;
(xx) 171B — South Juniper;
(yy) 172 — Silvies Unit;
(zz) 173 — Wagontire Unit;
(aaa) 174A — North Warner;
(bbb) 174B — South Warner;
(ccc) 175 — Interstate Unit;
(ddd) 176 — Silver Lake Unit;
(eee) 177 — Fort Rock Unit;
(fff) 610T — Saddle Mountain Unit;
(ggg) 611T — Scappoose Unit;
(hhh) 612T — Wilson Unit;
(iii) 614T — Trask Unit;
(jjj) 617T — Stott Mt. Unit;
(kkk) 618T — Aalsea Unit;
(lll) 620T — North Siuslaw;
(mmm) 644A3 — Umatilla NWR #3;
(nnn) 665A1 — Vale Bench #1;
(ooo) 665B — Vale-Ontario Agric;
(ppp) 665D2 — Willowcreek Ag #2.
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 45-1994(Temp), f. & cert. ef. 7-29-94; FWC 94-1994, f. & cert. ef. 12-22-94;
FWC 63-1995, f. & cert. ef. 8-3-95; FWC 21-1996, f. & cert. ef. 5-1-96; FWC 44-1996(Temp), f. & cert. ef. 8-14-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 6-1999(Temp), f. & cert. ef. 2-9-99 thru 2-19-99; DFW 12-1999(Temp), f. & cert. ef. 2-25-99 thru 6-30-99; Administrative correction 11-17-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 4-2002(Temp), f. & cert. ef. 1-3-02 thru 2-1-02; DFW 108-2002(Temp), f. & cert. ef. 9-26-02 thru 12-31-02; DFW 105-2004(Temp), f. & cert. ef. 10-13-04 thru 11-15-04; DFW 107-2004(Temp), f. & cert. ef. 10-18-04 thru 11-27-04; Administrative correction, 2-18-05; DFW 70-2007(Temp), f. & cert. ef. 8-13-07 thru 2-9-08; DFW 103-2007(Temp), f. & cert. ef. 9-27-07 thru 3-24-08

635-065-0401

Deadline for Purchase of General Season Tags

- (1) No western Oregon deer rifle tag shall be issued after 12 midnight, Pacific Time, October 1, 2007.
- (2) No deer bow tag shall be issued after 12 midnight, Pacific Time, August 24, 2007.
- (3) No bear tag shall be issued after 12 midnight, Pacific Time, October 1, 2007
- (4) No cougar (mountain lion) tag shall be issued after 12 midnight, Pacific Time, October 1, 2007
- (5) No Rocky Mountain Elk Rifle First Season Tag shall be issued after 12 midnight, Pacific Time, October 23, 2007.
- (6) No Rocky Mountain Elk Rifle Second Season Tag shall be issued after 12 midnight, Pacific Time, November 2, 2007.
- (7) No Coast First Season Elk Tag shall be issued after 12 midnight, Pacific Time, November 9, 2007.
- (8) No Coast Second Season Elk Tag shall be issued after 12 midnight, Pacific Time, November 6, 2007.
- (9) No Cascade Elk Rifle Tag shall be issued after 12 midnight, Pacific Time, October 19, 2007.
- (10) No elk bow tag shall be issued after 12 midnight, Pacific Time, August 24, 2007.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 28, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 41-1987, f. & ef. 7-6-87; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 38-1988, f. & cert. ef. 6-13-88; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; Renumbered from 635-065-0010; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 55-1990, f. & cert. ef. 6-21-90; FWC 20-1991, f. & cert. ef. 3-12-91; FWC 58-1991, f. & cert. ef. 6-24-91; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. & cert. ef. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. 1-23-95, cert. ef. 7-1-95; FWC 18-1996, f. 4-10-96, cert. ef. 8-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 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 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 108-2002(Temp), f. & cert. ef. 9-26-02 thru 12-31-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 70-2007(Temp), f. & cert. ef. 8-13-07 thru 2-9-08; DFW 103-2007(Temp), f. & cert. ef. 9-27-07 thru 3-24-08

Rule Caption: Extended Commercial Salmon Gill Net Season in Mainstem Columbia River.

Adm. Order No.: DFW 104-2007(Temp)
Filed with Sec. of State: 10-3-2007
Certified to be Effective: 10-3-07 thru 12-31-07
Notice Publication Date:
Rules Amended: 635-042-0060

Subject: Rule modifications extend the commercial gill net season in the Columbia River for retention and sales of salmon and white sturgeon in Zones 4 and 5. These modifications provide additional opportunities for the commercial gill net fleet to harvest part of their remaining allocation. Revisions are consistent with action taken October 3, 2007 by the Columbia River Compact.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-042-0060

Late Fall Salmon Season

(1) Salmon and white sturgeon may be taken by gill nets for commercial purposes from the Columbia River during the open fishing periods and areas identified in sections (2) and (3) below.

(2) In Zones 1–5: from the mouth of the Columbia River upstream to a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse 1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock the open fishing periods are:

(a) 8:00 a.m. to 6:00 p.m. Wednesday, September 19, 2007 (10 hours); and

(b) 7:00 a.m. to 7:00 p.m. Thursday, October 4, 2007 (12 hours).

(c) During the open fishing period identified in sections (2)(a) and (2)(b) above, gear is restricted to gill nets with a 9-inch minimum and 9.75-inch maximum mesh size.

(3) In Zones 4–5: from a line projected true west from the east or upstream bank of the Lewis River in Washington, and westerly of a line projected true north from Rooster Rock on the Oregon bank to a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse 1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock, the open fishing periods are:

(a) 8:00 p.m. Thursday, September 20, to 6:00 a.m. Friday, September 21, 2007 (10 hours);

(A) During the open fishing period identified in section (3)(a) above, gear is restricted to gill nets with an 8-inch minimum and 9.75-inch maximum mesh size.

(b) 8:00 p.m. Thursday, September 27, to 6:00 a.m. Friday, September 28, 2007 (10 hours);

(A) During the open fishing period identified in section (3)(b) above, gear is restricted to gill nets with an 8-inch minimum mesh size.

(c) 7:00 p.m. Wednesday, October 3, to 7:00 a.m. Thursday, October 4, 2007 (12 hours);

(A) During the open fishing period identified in section (3)(c) above, gear is restricted to gill nets with an 8-inch minimum and 9.75-inch maximum mesh size.

(d) 7:00 p.m. Thursday, October 4, to 7:00 a.m. Friday, October 5, 2007 (12 hours);

(A) During the open fishing period identified in section (3)(d) above, gear is restricted to gill nets with an 8-inch minimum and 9.75-inch maximum mesh size.

(4) In Zones 1–3: from the mouth of the Columbia River upstream to a line projected true west from the east or upstream bank of the Lewis River mouth in Washington the open fishing periods are:

(a) 7:00 a.m. to 7:00 p.m. Monday, September 24, 2007 (12 hours);

(b) 7:00 a.m. to 7:00 p.m. Wednesday, September 26, 2007 (12 hours);

(c) 7:00 a.m. to 7:00 p.m. Monday, October 1, 2007 (12 hours); and

(d) 7:00 a.m. to 7:00 p.m. Wednesday October 3, 2007 (12 hours).

(5) During the open fishing periods identified in sections (2)(a) and (3)(a) above:

(a) The Elokomin-B, Abernathy, Cowlitz, Kalama-B, Lewis-B, Sandy and Washougal river sanctuaries are in effect;

(b) It is legal to have onboard a commercial vessel more than one net as long as all nets are of legal size for this fishery, or have a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet; and

(c) A maximum of twelve white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) and the weekly aggregate white sturgeon limit applies to possess-

ADMINISTRATIVE RULES

sion and sales in the Columbia River mainstem only. The aggregate white sturgeon limit in Select Area fisheries remains a maximum of five possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open.

(6) During the open fishing period identified in sections (3)(b) through (3)(d) above:

(a) The Lewis B. Sandy, and Washougal river sanctuaries are in effect;

(b) It is legal to have onboard a commercial vessel more than one net as long as all nets are of legal size for this fishery, or have a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet;

(c) Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored; and

(d) During the open fishing period identified in section (3)(b) above, a maximum of ten white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday);

(e) During the open fishing period identified in sections (3)(c) and (3)(d) above, a maximum of seven white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday);

(f) The weekly aggregate white sturgeon limit applies to possession and sales in the Columbia River mainstem only. The aggregate white sturgeon limit in Select Area fisheries remains a maximum of five possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open.

(7) During the open fishing periods identified in section (4) above:

(a) Gear is restricted to gill nets with a 6-inch maximum mesh size;

(b) The Elokomin-B, Abernathy, Cowlitz, Kalama-B and Lewis-B sanctuaries are in effect;

(c) It is legal to have onboard a commercial vessel more than one net as long as all nets are of legal size for this fishery, or have a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet;

(d) Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored; and

(e) A maximum of ten white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) during the fishing periods identified in sections (4)(a) and (4)(b) above; and

(f) A maximum of seven white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) during the fishing periods identified in sections (2)(b); (4)(c) and (4)(d) above.

(g) The weekly aggregate white sturgeon limit applies to possession and sales in the Columbia River mainstem only. The aggregate white sturgeon limit in Select Area fisheries remains a maximum of five possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open.

(8) Retention of green sturgeon is prohibited.

Stat. Auth.: ORS 496.118, 506.109

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. 10-7-88; 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. 10-6-89; FWC 113-1989(Temp), f. & ef. 9-19-89; 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. & ef. 11-1-91, cert. ef. 11-3-91; FWC 97-1992(Temp), f. & ef. 9-22-92; FWC 100-1992(Temp), f. & ef. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & ef. 10-9-92; FWC 109-1992(Temp), f. & ef. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp), f. & ef. 10-22-92; FWC 80-1995(Temp), f. & ef. 9-27-95, cert. ef. 10-9-95; FWC 46-1996, f. & ef. 8-23-96; FWC 58-1996(Temp), f. & ef. 9-27-96, cert. ef. 9-30-96; FWC 60-1996(Temp), f. & ef. 10-7-96; FWC 62(Temp), f. & ef. 10-18-96, cert. ef. 10-21-96; FWC 61-1997(Temp), f. & ef. 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; FWC 79-1999(Temp), f. & ef. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; FWC 83-1999(Temp), f. & ef. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; FWC 87-1999(Temp), f. & ef. 11-4-99 thru 11-5-99; Administrative correction 11-17-99; FWC 62-2000(Temp), f. & ef. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; FWC 68-2000(Temp), f. & ef. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; FWC 71-2000(Temp), f. & ef. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; FWC 74-2000(Temp), f. & ef. 10-27-00, cert. ef. 10-30-00 thru 12-31-00; Administrative correction 6-20-01; FWC 89-2001(Temp), 9-14-01 thru 12-31-01; FWC 92-

2001(Temp), f. & ef. 9-19-01 thru 12-31-01; FWC 93-2001(Temp), f. & ef. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; FWC 98-2001(Temp), f. & ef. 10-8-01, cert. ef. 12-31-01; FWC 106-2001(Temp), f. & ef. 10-26-01 thru 12-31-01; FWC 104-2002(Temp), f. & ef. 9-19-02 thru 12-31-02; FWC 106-2002(Temp), f. & ef. 9-24-02 thru 12-31-02; FWC 109-2002(Temp), f. & ef. 9-27-02 thru 12-31-02; FWC 112-2002(Temp), f. & ef. 10-10-02, cert. ef. 10-14-02 thru 12-31-02; FWC 122-2002(Temp), f. & ef. 10-24-02, cert. ef. 10-28-02 thru 12-31-02; FWC 92-2003(Temp), f. & ef. 9-12-03, cert. ef. 9-15-03 thru 12-31-03; FWC 95-2003(Temp), f. & ef. 9-17-03 thru 12-31-03; FWC 98-2003(Temp), f. & ef. 9-22-03, cert. ef. 9-23-03 thru 12-31-03; FWC 105-2003(Temp), f. & ef. 10-10-03, cert. ef. 10-12-03 thru 12-31-03; FWC 107-2003(Temp), f. & ef. 10-21-03, cert. ef. 10-26-03 thru 12-31-03; FWC 95-2004(Temp), f. & ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; FWC 98-2004(Temp), f. & ef. 9-22-04 thru 12-31-04; FWC 99-2004(Temp), f. & ef. 9-24-04 thru 12-31-04; FWC 101-2004(Temp), f. & ef. 9-29-04 thru 12-31-04; FWC 102-2004(Temp), f. & ef. 10-1-04, cert. ef. 10-4-04 thru 12-31-04; FWC 109-2004(Temp), f. & ef. 10-19-04 thru 12-31-04; Administrative correction, 2-18-05; FWC 109-2005(Temp), f. & ef. 9-19-05 thru 12-31-05; FWC 110-2005(Temp), f. & ef. 9-26-05 thru 12-31-05; FWC 113-2005(Temp), f. & ef. 9-28-05 thru 12-31-05; FWC 116-2005(Temp), f. & ef. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; FWC 120-2005(Temp), f. & ef. 10-11-05 thru 12-31-05; FWC 124-2005(Temp), f. & ef. 10-18-05 thru 12-31-05; FWC 126-2005(Temp), f. & ef. 10-21-05, cert. ef. 10-23-05 thru 12-31-05; Administrative correction 1-19-06; FWC 102-2006(Temp), f. & ef. 9-15-06, cert. ef. 9-19-06 thru 12-31-06; FWC 106-2006(Temp), f. & ef. 9-22-06, cert. ef. 9-25-06 thru 12-31-06; FWC 111-2006(Temp), f. & ef. 9-29-06, cert. ef. 10-2-06 thru 12-31-06; FWC 112-2006(Temp), f. & ef. 10-4-06, cert. ef. 10-8-06 thru 12-31-06; FWC 114-2006(Temp), f. & ef. 10-12-06 thru 12-31-06; FWC 120-2006(Temp), f. & ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; FWC 91-2007(Temp), f. & ef. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; FWC 94-2007(Temp), f. & ef. 9-21-07, cert. ef. 9-24-07 thru 12-31-07; FWC 97-2007(Temp), f. & ef. 9-25-07, cert. ef. 9-26-07 thru 12-31-07; FWC 98-2007(Temp), f. & ef. 9-26-07, cert. ef. 9-27-07 thru 12-31-07; FWC 99-2007(Temp), f. & ef. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; FWC 104-2007(Temp), f. & ef. 10-3-07 thru 12-31-07

•••••

Rule Caption: Increased bag limit for hatchery coho in Eagle Creek and the Clackamas and Sandy rivers.

Adm. Order No.: DFW 105-2007(Temp)

Filed with Sec. of State: 10-4-2007

Certified to be Effective: 10-6-07 thru 11-30-07

Notice Publication Date:

Rules Amended: 635-017-0090

Subject: The amended rule allows the sport harvest of three hatchery coho in each of the Clackamas and Sandy rivers, effective Saturday, October 6 through Wednesday, October 31, 2007. The amended rule allows the sport harvest of three hatchery coho in Eagle Creek (Clackamas Co.) effective Saturday, October 6 through Friday, November 30, 2007. These modifications allow sport anglers opportunities to harvest substantial numbers of coho that are returning to hatchery facilities.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-017-0090

Inclusions and Modifications

(1) The **2007 Oregon Sport Fishing Regulations** provide requirements for the Willamette 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 **2007 Oregon Sport Fishing Regulations**.

(2) Pacific Lamprey Harvest:

(a) Pursuant to OAR 635-044-0130(1)(b), authorization from the Oregon Fish and Wildlife Commission must be in possession by individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015;

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday;

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls;

(d) Gear is restricted to hand or hand-powered tools only;

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year.

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

(3) Effective August 1, through October 31, 2007 the following areas are open to angling for coho:

(a) Gales Creek (Tualatin River tributary, Washington Co.) from the mouth upstream to NW Clapshaw Hill Road in Gales Creek, Oregon.

(A) Angling is restricted to artificial flies and lures.

ADMINISTRATIVE RULES

(b) Yamhill River (Yamhill Co.) from the mouth upstream to the confluence of the North and South forks.

(A) Open to angling for warmwater game fish March 1 through October 31.

(B) Use of bait is allowed.

(c) South Yamhill from confluence with North Yamhill upstream to Steel Bridge Road in Willamina.

(A) Angling is restricted to artificial flies and lures.

(4) Effective October 6 through October 31, 2007 the daily bag limit for hatchery fin-clipped coho increases to three per day in the Clackamas and Sandy Rivers.

(a) The daily bag limit described in section (4) above is a combined total for all open waters.

(5) Effective October 6 through November 30, 2007 the daily bag limit for hatchery fin-clipped coho increases to three per day in Eagle Creek (Clackamas Co.).

(a) The daily bag limit described in section (5) above is a combined total for all open waters.

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

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 86-1994(Temp), f. 10-31-94, cert. ef. 11-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 32-1995, f. & cert. ef. 4-24-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 14-1996, f. 3-29-96, cert. ef. 4-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 22-1996(Temp), f. 5-9-96 & cert. ef. 5-10-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 13-1997, f. 3-5-97, cert. ef. 3-11-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 24-1997(Temp), f. & cert. ef. 4-10-97; FWC 31-1997(Temp), f. 5-14-97, cert. ef. 5-15-97; FWC 39-1997(Temp), f. 6-17-97, cert. ef. 6-18-97; FWC 69-1997, f. & cert. ef. 11-6-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 19-1998, f. & cert. ef. 3-12-98; DFW 28-1998(Temp), f. & cert. ef. 4-9-98 thru 4-24-98; DFW 31-1998(Temp), f. & cert. ef. 4-24-98 thru 7-31-98; DFW 33-1998(Temp), f. & cert. ef. 4-30-98 thru 5-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 35-1998(Temp), f. & cert. ef. 5-10-98 thru 5-15-98; DFW 37-1998(Temp), f. & cert. ef. 5-15-98 thru 7-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 15-1999, f. & cert. ef. 3-9-99; DFW 16-1999(Temp), f. & cert. ef. 3-10-99 thru 3-19-99; DFW 19-1999(Temp), f. & cert. ef. 3-19-99 thru 4-15-99; DFW 27-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 30-1999(Temp), f. & cert. ef. 4-27-99 thru 5-12-99; DFW 35-1999(Temp), f. & cert. ef. 5-13-99 thru 7-31-99; DFW 39-1999(Temp), f. 5-26-99, cert. ef. 5-27-99 thru 7-31-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 88-1999(Temp), f. 11-5-99, cert. ef. 11-6-99 thru 11-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 22-2000, f. 4-14-00, cert. ef. 4-16-00 thru 7-31-00; DFW 23-2000(Temp), f. 4-19-00, cert. ef. 4-22-00 thru 7-31-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001, f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp), f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02 cert. ef. 7-12-02 thru 12-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert. ef. 5-16-03; DFW 53-2003(Temp), f. 6-17-03, cert. ef. 6-18-03 thru 12-14-03; DFW 57-2003(Temp), f. & cert. ef. 7-8-03 thru 12-31-03; DFW 59-2003(Temp), f. & cert. ef. 7-11-03 thru 12-31-03; DFW 70-2003(Temp), f. & cert. ef. 7-23-03 thru 12-31-03; DFW 71-2003(Temp), f. 7-24-03, cert. ef. 7-25-03 thru 12-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 33-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 48-2004(Temp), f. 5-26-04, cert. ef. 5-28-04 thru 11-23-04; DFW 69-2004(Temp), f. & cert. ef. 7-12-04 thru 11-23-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 78-2005(Temp), f. 7-19-05, cert. ef. 7-21-05 thru 7-22-05; Administrative correction 8-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 36-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 121-2006(Temp), f. & cert. ef. 10-20-06 thru 12-31-06; DFW 32-2007, f. 5-14-07, cert. ef. 6-1-07; DFW 65-2007(Temp), f. & cert. ef. 8-6-07 thru 10-31-07; DFW 105-2007(Temp), f. 10-4-07, cert. ef. 10-6-07 thru 11-30-07

Rule Caption: In-season actions implemented by the federal government for commercial groundfish fisheries.

Adm. Order No.: DFW 106-2007(Temp)

Filed with Sec. of State: 10-5-2007

Certified to be Effective: 10-6-07 thru 12-31-07

Notice Publication Date:

Rules Amended: 635-004-0019

Subject: Amended rule adopts in-season actions implemented by the federal government for commercial groundfish fisheries including: rockfish conservation area boundaries, trip limits, and reopening of the primary Pacific whiting fishery.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

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 as defined in OAR 635-004-0018, the National Marine Fisheries Service (NMFS) by means of NMFS-SEA-07-04, announced inseason management measures, effective April 17, 2007, including but not limited to adjusted Rockfish Conservation Area (RCA) boundaries.

(4) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Marine Fisheries Service (NMFS) by means of NMFS-SEA-07-05, announced inseason management measures, effective May 1, 2007, including but not limited to commercial trip limit tables.

(5) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Marine Fisheries Service (NMFS) by means of NMFS-SEA-07-06, announced inseason management measures, effective August 1, 2007, including but not limited to adjusted Rockfish Conservation Area (RCA) boundaries and adjustments to commercial groundfish trip limit tables.

(6) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Marine Fisheries Service (NMFS) by means of NMFS-SEA-07-08, announced inseason management measures, effective October 1, 2007, including but not limited to adjusted Rockfish Conservation Area (RCA) boundaries, adjustments to commercial groundfish trip limit tables, and re-opening of the primary Pacific 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; DFW 125-2005(Temp), f. & cert. ef. 10-19-05 thru 12-31-05; DFW 134-2005(Temp), f. & cert. ef. 11-30-05 thru 12-31-05; DFW 147-2005(Temp), f. 12-28-05, cert. ef. 1-1-06 thru 6-28-06; DFW 8-2006(Temp), f. 2-28-06, cert. ef. 3-1-06 thru 8-25-06; DFW 25-2006(Temp), f. 4-28-06, cert. ef. 5-1-06 thru 10-27-06; DFW 55-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-27-06; DFW 110-2006(Temp), f. 9-29-06, cert. ef. 10-1-06 thru 12-31-06; Administrative correction 1-16-07; DFW 29-2007(Temp), f. & cert. ef. 5-1-07 thru 10-27-07; DFW 58-2007(Temp), f. 7-18-07, cert. ef. 8-1-07 thru 12-31-07; DFW 106-2007(Temp), f. 10-5-07, cert. ef. 10-6-07 thru 12-31-07

Rule Caption: Commercial Salmon Gill Net Season in Mainstem Columbia River Extended.

Adm. Order No.: DFW 107-2007(Temp)

Filed with Sec. of State: 10-10-2007

Certified to be Effective: 10-10-07 thru 12-31-07

Notice Publication Date:

Rules Amended: 635-042-0060

Subject: Rule modifications extend the commercial gill net season in the Columbia River for retention and sale of Chinook and coho salmon in Zones 1 through 5. These modifications provide additional opportunities for the commercial gill net fleet to harvest part of their remaining allocation. Revisions are consistent with action taken October 10, 2007 by the Columbia River Compact.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-042-0060

Late Fall Salmon Season

(1) Chinook and Coho salmon may be taken by gill nets for commercial purposes from the Columbia River during the open fishing periods and areas identified in sections (2) and (3) below.

(2) In Zones 1-5: from the mouth of the Columbia River upstream to a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse 1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock the open fishing periods are:

(a) 7:00 p.m. Wednesday, October 10 to 7:00 a.m. Thursday, October 11, 2007 (12 hours);

(b) 7:00 p.m. Thursday, October 11 to 7:00 a.m. Friday, October 12, 2007 (12 hours);

ADMINISTRATIVE RULES

(c) 7:00 p.m. Sunday, October 14 to 7:00 a.m. Monday, October 15, 2007 (12 hours);

(d) 7:00 p.m. Monday, October 15 to 7:00 a.m. Tuesday, October 16, 2007 (12 hours); and

(e) 7:00 p.m. Tuesday, October 16 to 7:00 a.m. Wednesday, October 17, 2007 (12 hours).

(f) During the open fishing period identified in sections (2)(a) through (2)(e) above, gear is restricted to gill nets with a 8-inch minimum and 9.75-inch maximum mesh size.

(g) During the open fishing periods identified in sections (2)(a) through (2)(e) above, the Elokomina-A, Abernathy, Cowlitz, Kalama-A, Lewis-A, Sandy and Washougal rivers sanctuaries are in effect.

(3) In Zones 1-3: from the mouth of the Columbia River upstream to a line projected true west from the east or upstream bank of the Lewis River mouth in Washington the open fishing periods are:

(a) 7:00 a.m. to 7:00 p.m. Thursday, October 11, 2007 (12 hours).

(b) During the open fishing period identified in section (3)(a) above, the Elokomina-A, Abernathy, Cowlitz, Kalama-A, and Lewis-A sanctuaries are in effect.

(c) During the open fishing period identified in section (3)(a) above, gear is restricted to gill nets with a 9.75-inch maximum mesh size.

(4) During the open fishing periods identified in sections (2) and (3) above:

(a) It is legal to have onboard a commercial vessel more than one net as long as all nets are of legal size for this fishery, or have a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet; and

(b) Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored.

(5) Retention of green sturgeon is prohibited.

Stat. Auth.: ORS 496.118, 506.109

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. 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. & cert. ef. 10-24-88; FWC 94-1989(Temp), f. & cert. ef. 9-15-89; 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. 11-3-89; 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. 11-3-91; FWC 97-1992(Temp), f. & cert. ef. 9-22-92; FWC 100-1992(Temp), f. & cert. ef. 9-25-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 109-1992(Temp), f. & cert. ef. 10-19-92; FWC 110-1992(Temp), f. & cert. ef. 10-22-92; FWC 80-1995(Temp), f. & cert. ef. 9-27-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 58-1996(Temp), f. & cert. ef. 9-30-96; FWC 60-1996(Temp), f. & cert. ef. 10-7-96; FWC 62(Temp), f. & cert. ef. 10-21-96; FWC 61-1997(Temp), f. & cert. ef. 9-23-97; 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; FWC 79-1999(Temp), f. & cert. ef. 10-11-99 thru 12-31-99; DFW 83-1999(Temp), f. & cert. ef. 10-26-99; FWC 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. 10-9-00 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. 9-24-01 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 106-2002(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; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 116-2005(Temp), f. & cert. ef. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; DFW 126-2005(Temp), f. & cert. ef. 10-21-05, cert. ef. 10-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 102-2006(Temp), f. & cert. ef. 9-15-06, cert. ef. 9-19-06 thru 12-31-06; DFW 106-2006(Temp), f. & cert. ef. 9-22-06, cert. ef. 9-25-06 thru 12-31-06; DFW 111-2006(Temp), f. & cert. ef. 9-29-06, cert. ef. 10-2-06 thru 12-31-06; DFW 112-

2006(Temp), f. & cert. ef. 10-4-06, cert. ef. 10-8-06 thru 12-31-06; DFW 114-2006(Temp), f. & cert. ef. 10-12-06 thru 12-31-06; DFW 120-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 91-2007(Temp), f. & cert. ef. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 94-2007(Temp), f. & cert. ef. 9-21-07, cert. ef. 9-24-07 thru 12-31-07; DFW 97-2007(Temp), f. & cert. ef. 9-25-07, cert. ef. 9-26-07 thru 12-31-07; DFW 98-2007(Temp), f. & cert. ef. 9-27-07 thru 12-31-07; DFW 99-2007(Temp), f. & cert. ef. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 104-2007(Temp), f. & cert. ef. 10-3-07 thru 12-31-07; DFW 107-2007(Temp), f. & cert. ef. 10-10-07 thru 12-31-07

Rule Caption: Select Area Commercial Salmon Fisheries Close to Retention of Sturgeon.

Adm. Order No.: DFW 108-2007(Temp)

Filed with Sec. of State: 10-12-2007

Certified to be Effective: 10-14-07 thru 12-31-07

Notice Publication Date:

Rules Amended: 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180

Subject: Rule modifications close all Columbia River Select Area fisheries to the retention and sales of sturgeon. Revisions are consistent with action taken October 10, 2007 by the Columbia River Compact.

Rules Coordinator: Casaria Tuttle—(503) 947-6033

635-042-0145

Youngs Bay Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes in those waters of Youngs Bay through October 13, 2007. Effective at 12:01 a.m. Sunday, October 14, 2007, all Select Area fisheries are closed to the retention and sale of sturgeon.

(a) The open fishing periods are established in four segments categorized as the winter fishery, paragraph (A); the spring fishery, paragraph (B); the summer fishery, paragraph (C), and the fall fishery, paragraph (D), as follows:

(A) Winter Season:

(i) Entire Youngs Bay: 6:00 p.m. Wednesday February 14, 2007 to 12:00 noon Thursday February 15, 2007; 6:00 p.m. Sunday February 18, 2007 to 12:00 noon Monday February 19, 2007; 6:00 p.m. Wednesday February 21, 2007 to 12:00 noon Thursday February 22, 2007; 6:00 p.m. Sunday February 25, 2007 to 12:00 noon Monday February 26, 2007; 6:00 p.m. Wednesday February 28, 2007 to 12:00 noon Thursday March 1, 2007; 6:00 p.m. Sunday March 4, 2007 to 12:00 noon Monday March 5, 2007; 6:00 p.m. Wednesday March 7, 2007 to noon Thursday March 8, 2007; 6:00 p.m. Sunday March 11, 2007 to 12:00 noon Monday March 12, 2007.

(ii) Upstream of old Youngs Bay Bridge: 3:00 p.m. to 7:00 p.m. Wednesday March 14, 2007.

(iii) Walluski Area: 12:00 noon Sunday March 18, 2007 to 6:00 a.m. Monday March 19, 2007; 6:00 a.m. to 6:00 p.m. Tuesday March 20, 2007; 6:00 a.m. to 6:00 p.m. Thursday March 22, 2007; 12:00 noon Sunday March 25, 2007 to 6:00 a.m. Monday March 26, 2007; 6:00 a.m. to 6:00 p.m. Tuesday March 27, 2007; 6:00 a.m. to 6:00 p.m. Thursday March 29, 2007; 12:00 noon Sunday April 1, 2007 to 6:00 a.m. Monday April 2, 2007; 6:00 a.m. to 6:00 p.m. Tuesday April 3, 2007; 6:00 a.m. to 6:00 p.m. Thursday April 5, 2007; 12:00 noon Sunday April 8, 2007 to 6:00 a.m. Monday April 9, 2007; 6:00 a.m. to 6:00 p.m. Tuesday April 10, 2007.

(B) Spring Season: Entire Youngs Bay: 6:00 p.m. Thursday April 19, 2007 to 6:00 a.m. Friday April 20, 2007; 6:00 p.m. Monday April 23, 2007 to 6:00 a.m. Tuesday April 24, 2007; 6:00 p.m. Thursday April 26, 2007 to 6:00 a.m. Friday April 27, 2007; 6:00 p.m. Monday April 30, 2007 to 12:00 noon Tuesday May 1, 2007; 6:00 p.m. Thursday May 3, 2007 to 12:00 noon Friday May 4, 2007; 12:00 noon Monday May 7, 2007 to 12:00 noon Friday May 11, 2007; 12:00 noon Monday May 14, 2007 to 12:00 noon Friday May 18, 2007; 12:00 noon Monday May 21, 2007 to 12:00 noon Friday May 25, 2007; 12:00 noon Monday May 28, 2007 to 12:00 noon Friday June 1, 2007; 12:00 noon Monday June 4, 2007 to 12:00 noon Friday June 8, 2007; 12:00 noon Tuesday June 12, 2007 to 12:00 noon Friday June 15, 2007;

(C) Summer Season: 6:00 a.m. Wednesday June 20, 2007 to 6:00 a.m. Friday June 22, 2007; 6:00 a.m. Wednesday June 27, 2007 to 6:00 a.m. Friday June 29, 2007; 6:00 a.m. Wednesday July 4, 2007 to 12:00 noon Thursday July 5, 2007; 6:00 a.m. Wednesday July 11, 2007 to 12:00 noon Thursday July 12, 2007; 6:00 a.m. Wednesday July 18, 2007 to 12:00 noon Thursday July 19, 2007; 6:00 a.m. Wednesday July 25, 2007 to 12:00 noon Thursday July 26, 2007.

(D) Fall Season: 6:00 a.m. Wednesday August 1 to 6:00 p.m. Thursday August 2, 2007 (36 hours); 6:00 a.m. Wednesday August 8 to 6:00 p.m. Thursday August 9, 2007 (36 hours); 6:00 a.m. Wednesday

ADMINISTRATIVE RULES

August 15 to 12:00 noon Thursday August 16, 2007 (30 hours); 6:00 a.m. Wednesday August 22 to 12:00 noon Thursday August 23, 2007 (30 hours); 6:00 a.m. Tuesday August 28 to 6:00 a.m. Friday August 31, 2007 (3 days); 7:00 p.m. Tuesday September 4 to 12:00 noon Wednesday October 31, 2007 (57 days).

(b) The fishing areas for the winter, spring, summer and fall fisheries are:

(A) From February 14, 2007 through March 12, 2007 and from April 19, 2007 through July 26, 2007, the fishing area is identified as the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers; except for those waters which are closed southerly of the alternate Highway 101 Bridge (Lewis and Clark River).

(B) On March 14, 2007, the fishing area extends from old Youngs Bay Bridge upstream to the confluence of the Youngs and Klaskanine rivers.

(C) From March 18, 2007 through April 10, 2007 the fishing area extends from the first overhead powerlines downstream of the Walluski River upstream to the confluence of the Youngs and Klaskanine rivers.

(D) From August 1, 2007 through October 31, 2007 the Youngs Bay fishing area includes all waters from the new 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) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is unlawful to use a gill net having a mesh size that is less than 7-inches during the winter season from February 14, 2007 to April 10, 2007. It is unlawful to use a gill net having a mesh size that is more than 8-inches during the spring, summer and fall seasons from April 19, 2007 to August 23, 2007. It is unlawful to use a gill net having a mesh size that is more than 6-inches during the fall season from August 24 through October 31, 2007.

(b) The use of additional weights or anchors attached directly to the leadline is allowed upstream of markers located approximately 200 yards upstream of the mouth of the Walluski River during all Youngs Bay commercial fisheries.

(3) A maximum of three 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 in (1)(a)(A), (1)(a)(B) and (1)(a)(C), and the weekly aggregate sturgeon limit applies to possessions and sales in the Youngs Bay fishery and other open Select Area fisheries. A maximum of five 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 in (1)(a)(D) above and the weekly aggregate sturgeon limit applies to possessions and sales in the open Select Area fisheries only.

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; FWC 82-1990(Temp), f. & cert. ef. 8-19-90; FWC 86-1991, f. & cert. ef. 8-7-91; FWC 82-1991(Temp), f. & cert. ef. 10-21-91; FWC 30-1992(Temp), f. & cert. ef. 4-27-92; FWC 35-1992(Temp), f. & cert. ef. 5-25-92; FWC 74-1992 (Temp), f. & cert. ef. 8-10-92; FWC 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. & cert. ef. 8-6-93; FWC 8-9-93; FWC 21-1994(Temp), f. & cert. ef. 4-22-94; FWC 51-1994, f. & cert. ef. 8-19-94; FWC 8-22-94; FWC 64-1994(Temp), f. & cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 27-1995, f. & cert. ef. 3-29-95; FWC 41-1995; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. & cert. ef. 8-22-95; FWC 8-27-95; FWC 69-1995, f. & cert. ef. 8-25-95; FWC 8-27-95; FWC 8-1995, f. & cert. ef. 2-28-96; FWC 3-1-96; FWC 37-1996(Temp), f. & cert. ef. 6-11-96; FWC 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. & cert. ef. 8-16-96; FWC 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; FWC 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. 8-2-01; FWC 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; FWC 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; FWC 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; FWC 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. 9-9-03 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; FWC 5-6-04 thru 7-31-04; FWC 44-2004(Temp), f. & cert. ef. 5-17-04; FWC 5-20-04 thru 7-31-04; FWC 79-2004(Temp), f. & cert. ef. 8-2-04; FWC 8-3-04 thru 12-31-04; FWC 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; FWC 6-2005, f. & cert. ef. 2-14-05; FWC 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; FWC 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; FWC 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; FWC 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; FWC 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; FWC 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; FWC 46-2005(Temp), f. & cert. ef. 5-18-05 thru 10-16-05; FWC 73-2005(Temp), f. & cert. ef. 7-8-05; FWC 7-11-05 thru 7-31-05; FWC 77-2005(Temp), f. & cert. ef. 7-14-05; FWC 7-18-05 thru 7-31-05; FWC 85-2005(Temp), f. & cert. ef. 8-1-05; FWC 8-3-05 thru 12-31-05; FWC 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; FWC 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; FWC 116-2005(Temp), f. & cert. ef. 10-4-05; FWC 10-5-05 thru 12-31-05; FWC 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; FWC 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; FWC 5-2006, f. & cert. ef. 2-15-06; FWC 14-2006(Temp), f. & cert. ef. 3-16-06 thru 7-27-06; FWC 15-2006(Temp), f. & cert. ef. 3-23-06 thru 7-27-06; FWC 17-2006(Temp), f. & cert. ef. 3-29-06; FWC 3-30-06 thru 7-27-06; FWC 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; FWC 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; FWC 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; FWC 52-2006(Temp), f. & cert. ef. 6-28-06 thru 7-27-06; FWC 73-2006(Temp), f. & cert. ef. 8-1-06; FWC 8-2-06 thru 12-31-06; FWC 103-2006(Temp), f. & cert. ef. 9-15-06; FWC 9-18-06 thru 12-31-06; FWC 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; FWC 7-2007(Temp), f. & cert. ef. 2-1-07 thru 7-30-07; FWC 9-2007, f. & cert. ef. 2-14-07; FWC 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; FWC 16-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; FWC 25-2007(Temp), f. & cert. ef. 4-17-07; FWC 4-18-07 thru 7-26-07; FWC 45-2007(Temp), f. & cert. ef. 6-15-07; FWC 6-25-07 thru 7-31-07; FWC 50-2007(Temp), f. & cert. ef. 6-29-07; FWC 7-4-07 thru 7-31-07; FWC 61-2007(Temp), f. & cert. ef. 8-1-07 thru 10-31-07; FWC 108-2007(Temp), f. & cert. ef. 10-14-07 thru 12-31-07

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes during open fishing periods described as the fall fishery in paragraph (1)(a)(A) or (1)(a)(B) of this rule in those waters of Blind Slough and Knappa Slough through October 13, 2007. Effective at 12:01 a.m. Sunday, October 14, 2007, all Select Area fisheries are closed to the retention and sale of sturgeon. The following restrictions apply:

(a) The open fishing periods are established in segments categorized as the fall fishery in Blind Slough only in paragraph (A), and the fall fishery in Blind Slough and Knappa Slough in paragraph (B). The seasons are open nightly as follows:

(A) Blind Slough Only: Tuesday, Wednesday, and Thursday nights from 7:00 p.m. to 7:00 a.m. the following morning (12 hours) during the period from September 4 through 14, 2007.

(B) Blind and Knappa Sloughs: Monday, Tuesday, Wednesday, and Thursday nights from 7:00 p.m. to 7:00 a.m. (12 hours) during the period from September 17 through 21, 2007 and from 6:00 p.m. to 8:00 a.m. (14 hours) during the period from September 24 through October 26, 2007.

(b) The fishing areas for the fall season are:

(A) Blind Slough are those waters adjoining the Columbia River which extend from markers at the mouth of Blind Slough upstream to markers at the mouth of Gnat Creek which is located approximately 1/2 mile upstream of the county road bridge.

(B) Knappa Slough are all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

(C) During the periods identified above in (1)(a)(B), the Knappa Slough fishing area extends downstream to the boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore. Markers define an area closure of about a 100 foot radius at the mouth of Big Creek.

(c) Gear restrictions are as follows:

(A) During the fall fishery, outlined above in sections (1)(a)(A) and (1)(a)(B) above, gill nets may not exceed 100 fathoms in length with no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is unlawful to use a gill net having a mesh size that is greater than 6-inches.

(2) A maximum of five 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 (1)(a)(A) and (1)(a)(B) the weekly aggregate sturgeon limit applies to possessions and sales in the Select Area fisheries only.

(3) Oregon licenses are required in the open waters upstream from the railroad bridge.

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 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. &

ADMINISTRATIVE RULES

cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 65-2000(Temp) f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 86-2001, f. & cert. ef. 9-4-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 14-2002(Temp), f. 2-13-02, cert. ef. 2-18-02 thru 8-17-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 16-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 16-2006(Temp), f. 3-23-06 & cert. ef. 3-26-06 thru 7-27-06; DFW 18-2006(Temp), f. 3-29-06, cert. ef. 4-2-06 thru 7-27-06; DFW 20-2006(Temp), f. 4-7-06, cert. ef. 4-9-06 thru 7-27-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 75-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 92-2006(Temp), f. 9-1-06, cert. ef. 9-5-06 thru 12-31-06; DFW 98-2006(Temp), f. & cert. ef. 9-12-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07

635-042-0170

Tongue Point Basin and South Channel Select Area Salmon Season

(1) Tongue Point fishing area includes all waters bounded by a line from a yellow marker midway between the red US Coast Guard navigation light #2 at the tip of Tongue Point and the downstream (northern most) pier (#8) at the Job Corps facility, to the flashing green US Coast Guard navigation light #3 at the rock jetty on the northwesterly tip 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 US Coast Guard navigation buoy #7 thence 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 US Coast Guard navigation marker #10 thence northwesterly to a marker on Burnside Island defining the terminus of South Channel.

(3) Salmon and sturgeon may be taken for commercial purposes in those waters of Tongue Point and South Channel as described in section (1) and section (2) of this rule through October 13, 2007. Effective at 12:01 a.m. Sunday, October 14, 2007, all Select Area fisheries are closed to the retention and sale of sturgeon. Open fishing periods are:

(a) Nightly from 7:00 p.m. until 7:00 a.m. (12 hours): Tuesday Sept. 4 thru Friday Sept. 7, 2007 (3 nights); Tuesday Sept. 11 thru Friday Sept. 14, 2007 (3 nights); and Monday Sept. 17 thru Friday Sept. 21, 2007 (4 nights); and

(b) Nightly from 4:00 p.m. until 8:00 a.m. (16 hours): Monday Sept. 24 thru Friday Sept. 28, 2007 (4 nights); Monday Oct. 1 thru Friday Oct. 5, 2007 (4 nights); Monday Oct. 8 thru Friday Oct. 12, 2007 (4 nights); Monday Oct. 15 thru Friday Oct. 19, 2007 (4 nights); Monday Oct. 22 thru Friday Oct. 26, 2007 (4 nights).

(4) Gear restrictions are as follows:

(a) In waters described in section (1) as Tongue Point basin, gill nets may not exceed 250 fathoms in length and weight limit on the lead line is not to exceed two pounds on any one fathom. It is unlawful to use a gill net having a mesh size that is more than 6-inches. While fishing during the seasons described in this rule, gillnets with lead line in excess of two pounds per fathom may be stored onboard 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. It is unlawful to use a gill net having a mesh size that is more than 6-inches. While fishing during the seasons described in this rule, gillnets up to 250 fathoms in length may be stored onboard boats.

(5) A maximum of five white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) the fishery is open. During the fishing periods identified in (3)(a)

and (3)(b) above, the weekly sturgeon limit applies to possessions and sales in Select Area fisheries only. Retention of green sturgeon is prohibited.

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; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 76-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07

635-042-0180

Deep River Select Area Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes from the US Coast Guard navigation marker #16, southwest to a marker on the Washington shore, upstream to the Highway 4 Bridge through October 13, 2007. Effective at 12:01 a.m. Sunday, October 14, 2007, all Select Area fisheries are closed to the retention and sale of sturgeon.

(2) The fall fishing season is open:

(a) Nightly from 7:00 p.m. to 7:00 a.m. (12 hours), Mondays through Fridays (4 nights) during the following periods: September 3 to 7, 2007; September 10 to 14, 2007; and September 17 to 21, 2007; and

(b) Nightly from 4:00 p.m. to 8:00 a.m. (16 hours), Mondays through Fridays (4 nights) during the following periods: September 24 to 28, 2007; October 1 to 5, 2007; October 8 to 12, 2007; October 15 to 19, 2007; and October 22 to 26, 2007.

(3) Gill nets may not exceed 100 fathoms in length and there is no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. Nets may not be tied off to stationary structures and may not fully cross navigation channel.

(a) During the fall season, outlined above in (2)(a) and (2)(b), it is unlawful to use a gill net having a mesh size that is greater than 6-inches.

(4) A maximum of five 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)(a) and (2)(b) above, the weekly aggregate sturgeon limit applies to possessions and sales in the Select Area fisheries only.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 19-2003(Temp), f. 3-12-03, cert. ef. 4-17-03 thru 6-13-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 77-2006(Temp), f. 8-8-06, cert. ef. 9-4-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07

ADMINISTRATIVE RULES

Department of Human Services, Administrative Services Division and Director's Office Chapter 407

Rule Caption: Renumbering Rules Regarding Abuse or Neglect of Children with Developmental Disabilities in Residential Care.

Adm. Order No.: DHSD 9-2007

Filed with Sec. of State: 10-1-2007

Certified to be Effective: 10-1-07

Notice Publication Date:

Rules Renumbered: 309-045-0100 to 407-045-0600, 309-045-0110 to 407-045-0610, 309-045-0120 to 407-045-0620, 309-045-0130 to 407-045-0630, 309-045-0140 to 407-045-0640, 309-045-0150 to 407-045-0650, 309-045-0160 to 407-045-0660, 309-045-0170 to 407-045-0670, 309-045-0180 to 407-045-0680, 309-045-0190 to 407-045-0690, 309-045-0200 to 407-045-0700, 309-045-0210 to 407-045-0710

Subject: The Department of Human Services, Administrative Services Division and Director's Office is renumbering Oregon Administrative Rule (OAR) 309-045-0100 through OAR 309-045-0710 to OAR 407-045-0600 through OAR 407-045-0710 relating to notice and review of substantiated abuse or neglect in 24-hour residential care for children with developmental disabilities.

Rules Coordinator: Jennifer Bittel—(503) 947-5250

407-045-0600

Purpose and Statutory Authority

(1) Purpose. The purpose of these rules is to state procedures for ensuring the rights of individuals to have notice and to request a review to appeal a determination when an abuse or neglect investigation in a 24-hour residential care facility for children with developmental disabilities results in a "substantiated" determination. These rules outline a process to provide review, upon request, by the Office of Developmental Disability Services Review Committee (ODDSRC) of the Mental Health and Developmental Disability Services Division (MHDDSD) of the Department of Human Services. The ODDSRC has the authority to change the determination made in the investigation by the Office of Investigations and Training (OIT).

(2) Statutory Authority. These rules are authorized by ORS 430.041 and carry out the provisions of the Federal Child Abuse Prevention and Treatment Act (CAPTA) which requires child protective service agencies to provide notice to individuals identified as responsible for child abuse or neglect and to provide individuals with an opportunity to request and have a review to appeal a "substantiated" determination.

Stat. Auth.: ORS 430.041

Stats. Implemented: CAPTA & ORS 430.041

Hist.: MHD 14-2000(Temp), f. & cert. ef. 10-26-00 thru 4-23-01; MHD 1-2001, f. 4-9-01, cert. ef. 4-23-01; Renumbered from 309-045-0100, DHSD 9-2007, f. & cert. ef. 10-1-07

407-045-0610

Definitions

For the purposes of these rules, the following words and phrases have these meanings:

(1) "24-Hour Program" means a residential program licensed by the Office of Developmental Disability Services (ODDS) in the Mental Health and Developmental Disability Services Division (MHDDSD) under the 24-hour rule and contracted by MHDDSD to serve children under the age of 18 who have developmental disabilities.

(2) "Legal Finding" means a Court finding, guilty plea or guilty verdict which identifies that the person inquiring about or requesting a review was responsible for the child abuse or neglect or any other offense stemming from the employee's or subcontracting individual's conduct which was the subject of the OIT substantiated determination.

(3) "Notice of Office of Developmental Disability Review Committee Decision" means a written notice of the decision of the ODDSRC. This notice is delivered to the agency or program employee or subcontracting individual identified as responsible for the child abuse or neglect.

(4) "Notice of OIT Substantiated Determination" means that OIT determined at the conclusion of an investigation of alleged child abuse or neglect that there is reasonable cause to believe child abuse or neglect occurred; and, when known, that there is reasonable cause to believe that a specific person or persons employed by the 24-hour residential program or subcontracting with that program were responsible for the child abuse or neglect.

(5) "Notice of Waived Rights for Review" means a written notice that OIT staff may send to a person requesting a review, when OIT has documentation that a person refused to accept delivery of the notice of OIT substantiated determination or that the person accepted the delivery and did not request a review within 30 calendar days, or when there is a legal determination which indicates that the perpetrator was responsible for the subject child abuse or neglect.

(6) "Office of Developmental Disability Services Review Committee" or "ODDSRC" means a group of three MHDDSD employees selected by the ODDS Assistant Administrator or a designee, none of whom were involved in the investigation that resulted in the specific OIT substantiated determination under review.

(7) "OIT" means the Office of Investigations and Training of the Mental Health and Developmental Disability Services Division, which performs investigations of alleged child abuse or neglect where the alleged victim has developmental disabilities and lives in an ODDS licensed 24-hour residential program and the perpetrator is an employee or subcontracting individual of that program.

(8) "OIT Determination" is a finding that completes an OIT investigation. Determinations are defined in OAR 309-045-0160 and summarized as follows:

(a) "Substantiated" means that based on the evidence there is reasonable cause to believe that conduct in violation of the abuse or neglect definitions occurred and such conduct is attributable to the person(s) alleged to have engaged in the conduct.

(b) "Unsubstantiated" means that based on the evidence, it was determined that there is reasonable cause to believe that the alleged incident was not in violation of the definitions of abuse and/or attributable to the person(s) alleged to have engaged in such conduct.

(c) "Inconclusive" means that the matter is not resolved and the available evidence does not support a final decision that there was reasonable cause to believe that abuse or neglect occurred or did not occur.

(9) "Perpetrator" means an individual employee or subcontracting individual identified by OIT as responsible for child abuse or neglect in an OIT substantiated determination.

(10) "Person Requesting Review" or "Requestor" means an individual who is identified as the perpetrator in an OIT substantiated determination and who requests a review of the determination because the individual believes the determination is in error.

(11) "Request for Review by Office of Developmental Disability Review Committee" means a written request from a person requesting review. The specific requirements for a request for review are described in OAR 309-045-0170.

(12) "Retain a Request for Review" means an ODDS manager or designee determines a request for review will be held until a court legal finding is made. More specific details are described in OAR 309-045-0180.

Stat. Auth.: ORS 430.041

Stats. Implemented: CAPTA & ORS 430.041

Hist.: MHD 14-2000(Temp), f. & cert. ef. 10-26-00 thru 4-23-01; MHD 1-2001, f. 4-9-01, cert. ef. 4-23-01; Renumbered from 309-045-0110, DHSD 9-2007, f. & cert. ef. 10-1-07

407-045-0620

MHDDSD Employee — Application of MHDDSD Employee Policies

When the individual identified as responsible for substantiated child abuse or neglect is an employee of MHDDSD, the Division will refer to MHDDSD employee policies for additional and/or different requirements.

Stat. Auth.: ORS 430.041

Stats. Implemented: CAPTA & ORS 430.041

Hist.: MHD 14-2000(Temp), f. & cert. ef. 10-26-00 thru 4-23-01; MHD 1-2001, f. 4-9-01, cert. ef. 4-23-01; Renumbered from 309-045-0120, DHSD 9-2007, f. & cert. ef. 10-1-07

407-045-0630

Providing Notice of an OIT Substantiated Determination On/After the Effective Date of These Rules (October 26, 2000)

When staff of the Office of Investigations and Training (OIT) determines a person is responsible for substantiated abuse or neglect, on or after the effective date of this rule (October 26, 2000), OIT shall deliver a notice of substantiated determination to the person identified in one of the following ways:

(1) By certified mail, restricted delivery, with a return receipt requested to the last known address; or

(2) By hand delivery; hand-delivered notice must be addressed to the individual, the original is to be signed and dated by the individual to whom it is addressed to acknowledge receipt, and signed by the person delivering the notice. OIT staff shall place the document with original signatures in the case record.

Stat. Auth.: ORS 430.041

Stats. Implemented: CAPTA & ORS 430.041

ADMINISTRATIVE RULES

Hist.: MHD 14-2000(Temp), f. & cert. ef. 10-26-00 thru 4-23-01; MHD 1-2001, f. 4-9-01, cert. ef. 4-23-01; Renumbered from 309-045-0130, DHSD 9-2007, f. & cert. ef. 10-1-07

407-045-0640

Inquiry About a Review of an OIT Substantiated Determination When a Person Believes They Have Not Received a Notice

If a person believes they have not received a notice of OIT substantiated determination, the person may contact OIT to inquire about a review of the determination. OIT will follow the procedures outlined in OAR 309-045-0150 to determine if a review of a determination may be requested.

Stat. Auth.: ORS 430.041

Stats. Implemented: CAPTA & ORS 430.041

Hist.: MHD 14-2000(Temp), f. & cert. ef. 10-26-00 thru 4-23-01; MHD 1-2001, f. 4-9-01, cert. ef. 4-23-01; Renumbered from 309-045-0140, DHSD 9-2007, f. & cert. ef. 10-1-07

407-045-0650

OIT Responsibilities When a Person Inquires About a Review of an OIT Substantiated Determination

OIT staff shall take the following steps when a person inquires about a review of an OIT substantiated determination.

(1) Staff of OIT will record the individual's name and address, and a telephone number when available.

(2) OIT staff shall review the records to determine whether:

(a) A notice of an OIT substantiated determination was delivered to the person; or

(b) Whether the person refused delivery.

(3) If OIT staff determine that either the notice was delivered as evidenced by the returned receipt, or that the person refused the delivery as evidenced by the returned receipt, the staff may prepare and deliver a notice of waived rights for review.

(4) If OIT staff determine that the notice was not delivered as evidenced by the returned receipt, the staff shall deliver a notice of OIT substantiated determination as outlined in OAR 309-045-0130 and 309-045-0160.

Stat. Auth.: ORS 430.041

Stats. Implemented: CAPTA & ORS 430.041

Hist.: MHD 14-2000(Temp), f. & cert. ef. 10-26-00 thru 4-23-01; MHD 1-2001, f. 4-9-01, cert. ef. 4-23-01; Renumbered from 309-045-0150, DHSD 9-2007, f. & cert. ef. 10-1-07

407-045-0660

Information Included in the Notice of an OIT Substantiated Determination

The Notice of an OIT substantiated determination shall include all of the following:

(1) The case number assigned to the investigation that resulted in the OIT substantiated determination;

(2) The full name of the individual who has been identified as responsible for the child abuse or neglect as it is recorded in the case record;

(3) A statement that the OIT determination was recorded as substantiated, including a description of the type of child abuse or neglect identified;

(4) A statement about the right of the individual to make a request for review of the substantiated determination;

(5) Instructions for making a request for review, which must include the reason the individual believes the OIT substantiated determination is in error;

(6) A statement that the person waives the right to request a review if the request for review is not received by the Office of Investigations and Training within 30 calendar days from the date of receipt of the notice of OIT substantiated determination, as documented by the U.S. Postal Service.

(7) A statement that the ODDSRC shall consider all relevant case file information including the OIT investigation and determination, and all information provided by the person requesting review in their request for review, and that the ODDSRC shall not: re-interview the victim, interview or meet with the person requesting a review, or others associated with the requestor, or others mentioned in the investigation, or conduct a further investigation of the allegation of child abuse or neglect.

(8) A statement that OIT will send the requestor notification of the ODDSRC's decision within 45 calendar days of receiving a written request for review.

Stat. Auth.: ORS 430.041

Stats. Implemented: CAPTA & ORS 430.041

Hist.: MHD 14-2000(Temp), f. & cert. ef. 10-26-00 thru 4-23-01; MHD 1-2001, f. 4-9-01, cert. ef. 4-23-01; Renumbered from 309-045-0160, DHSD 9-2007, f. & cert. ef. 10-1-07

407-045-0670

Making a Request for a Review of an OIT Substantiated Determination

(1) A person who meets the criteria outlined in OAR 309-045-0150 may make a written request for review as follows:

(2) A person requesting review shall use information found on the notice of OIT substantiated determination to prepare a written request for review. The written request for review shall be delivered to OIT within 30 calendar days of the receipt of the notice of OIT substantiated determination and shall include the following items:

(a) Date the request for review is written;

(b) Case number (found on the notice of OIT substantiated determination);

(c) Full name of the person identified as responsible in the OIT substantiated determination;

(d) The reason the person is requesting the review and an explanation of why the person believes the OIT substantiated determination is in error;

(e) The person's current name (if it has changed from the name noted in (c) above);

(f) The person's current street address, city, state, zip code, and telephone number; and

(g) The person's signature.

Stat. Auth.: ORS 430.041

Stats. Implemented: CAPTA & ORS 430.041

Hist.: MHD 14-2000(Temp), f. & cert. ef. 10-26-00 thru 4-23-01; MHD 1-2001, f. 4-9-01, cert. ef. 4-23-01; Renumbered from 309-045-0170, DHSD 9-2007, f. & cert. ef. 10-1-07

407-045-0680

Determining When Legal Findings Preclude a Right to Request a Review

(1) A legal process or finding relevant to the substantiated determination will preclude a person's right to a review.

(2) When the request for review is held pending the outcome of the legal process, and a legal finding is made that the child abuse or neglect or other offense stemming from the employee's or subcontracting individual's conduct occurred and is the subject of the OIT substantiated determination and that the person requesting review is responsible, a review shall not occur.

(3) At the conclusion of a Court proceeding or legal process, when the person requesting a review is found not guilty, documentation of the legal finding must be provided to OIT by the requestor. The requested review will then be held within 30 calendar days of OIT's receipt of the documentation.

Stat. Auth.: ORS 430.041

Stats. Implemented: CAPTA & ORS 430.041

Hist.: MHD 14-2000(Temp), f. & cert. ef. 10-26-00 thru 4-23-01; MHD 1-2001, f. 4-9-01, cert. ef. 4-23-01; Renumbered from 309-045-0180, DHSD 9-2007, f. & cert. ef. 10-1-07

407-045-0690

OIT Responsibilities Related to Notices and Reviews

(1) If an individual asks to review the record, ORS 179.505 and OAR 309-040-0200 through 309-040-0290 shall govern inspection and copying of records.

(2) OIT staff shall maintain records to demonstrate the following, when applicable:

(a) Whether OIT delivered a notice of OIT substantiated determination;

(b) Whether or not the notice of OIT substantiated determination was received by the addressee, as evidenced by a returned receipt documenting the notice was received, refused, or not received within the 15 calendar day time period as provided by the U.S. Postal Service;

(c) Date a request for review was received;

(d) When a review was made, whether the notice of the ODDSRC's decision was received by the perpetrator or not, as evidenced by a returned receipt documenting the notice was received, refused, or not received within the 15 calendar day time period as provided by the U.S. Postal Service;

(3) The OIT Director or designee shall maintain a comprehensive record of the reviews held of OIT substantiated determinations. The record shall include but is not limited to the date, case number, and ODDSRC decision.

Stat. Auth.: ORS 430.041

Stats. Implemented: CAPTA & ORS 430.041

Hist.: MHD 14-2000(Temp), f. & cert. ef. 10-26-00 thru 4-23-01; MHD 1-2001, f. 4-9-01, cert. ef. 4-23-01; Renumbered from 309-045-0190, DHSD 9-2007, f. & cert. ef. 10-1-07

ADMINISTRATIVE RULES

407-045-0700

ODDS Review Committees and Reviews of OIT Substantiated Determinations

(1) The ODDSRC shall conduct a review within 30 calendar days of OIT's receipt of a request for review of an OIT substantiated determination and issue a notice of ODDSRC decision.

(2) If the request for review has been retained as per OAR 309-045-0180 and a legal finding was not made that would preclude a review, the review shall occur within 30 calendar days of OIT's receipt of documentation of the legal proceeding's outcome.

(3) The ODDSRC Review Committee will operate as follows:

(a) The ODDSRC shall consider all relevant case file information including the OIT investigation report and determination, and information provided by the person requesting review in their request. The ODDSRC shall not: re-interview the victim, interview or meet with the person requesting a review, or others associated with the requestor, or others mentioned in the investigation, or conduct a further investigation of the allegation of child abuse or neglect.

(b) The ODDSRC shall have the authority to retain or change an OIT determination after a review has occurred;

(c) When reviewing an OIT substantiated determination, the ODDSRC shall determine whether there is or is not reasonable cause to believe that child abuse or neglect occurred and whether there is or is not reasonable cause to believe the person requesting review is responsible;

(d) The ODDSRC will decide by majority vote of the participating committee members if the OIT determination will be retained or changed. The decision of the ODDSRC is the final agency action.

(4) The ODDSRC shall prepare and deliver a notice of the ODDSRC's decision to OIT.

Stat. Auth.: ORS 430.041

Stats. Implemented: CAPTA & ORS 430.041

Hist.: MHD 14-2000(Temp), f. & cert. ef. 10-26-00 thru 4-23-01; MHD 1-2001, f. 4-9-01, cert. ef. 4-23-01; Renumbered from 309-045-0200, DHSD 9-2007, f. & cert. ef. 10-1-07

407-045-0710

Providing a Notice of the ODDSRC's Decision

(1) The notice of the ODDSRC's decision shall include the following items:

(a) Whether there is or is not reasonable cause to believe that child abuse or neglect occurred;

(b) Whether there is or is not reasonable cause to believe the person requesting the review was responsible for the child abuse or neglect;

(c) The decision of the ODDSRC about whether the OIT substantiated determination will be retained or changed; and if changed, whether it will be changed to either unsubstantiated or inconclusive;

(d) A summary of the information upon which the decision was based. When an OIT substantiated determination is changed, the information will be added to the investigation file.

(2) The ODDSRC Assistant Administrator or designee shall deliver a copy of the ODDSRC decision to OIT, and the OIT Director or designee shall place the request for review and a copy of the ODDSRC decision into the case file. No change shall be made in the existing written case record.

(3) If an OIT substantiated determination is changed by the ODDSRC, OIT staff shall notify the 24-hour program and the State Office for Services to Children and Families (SOSCF) within 30 days of the decision. The 24-hour program shall notify the victim and his or her parent or guardian.

(4) OIT shall send the ODDSRC decision by certified mail, restricted delivery, with a return receipt requested, to the person requesting review within 15 calendar days of the ODDSRC review.

Stat. Auth.: ORS 430.041

Stats. Implemented: CAPTA & ORS 430.041

Hist.: MHD 14-2000(Temp), f. & cert. ef. 10-26-00 thru 4-23-01; MHD 1-2001, f. 4-9-01, cert. ef. 4-23-01; Renumbered from 309-045-0210, DHSD 9-2007, f. & cert. ef. 10-1-07

.....

Department of Human Services, Children, Adults and Families Division: Self-Sufficiency Programs Chapter 461

Rule Caption: Changing OARs affecting public assistance, medical assistance or food stamp clients.

Adm. Order No.: SSP 10-2007

Filed with Sec. of State: 10-1-2007

Certified to be Effective: 10-1-07

Notice Publication Date: 8-1-07

Rules Adopted: 461-135-0745

Rules Amended: 461-001-0000, 461-110-0210, 461-110-0310, 461-110-0370, 461-110-0430, 461-110-0630, 461-115-0010, 461-115-0050, 461-115-0190, 461-115-0450, 461-120-0120, 461-120-0210, 461-135-0010, 461-135-0750, 461-135-0900, 461-135-0990, 461-135-1230, 461-140-0020, 461-140-0040, 461-145-0080, 461-145-0088, 461-145-0110, 461-145-0120, 461-145-0130, 461-145-0180, 461-145-0210, 461-145-0240, 461-145-0260, 461-145-0270, 461-145-0280, 461-145-0290, 461-145-0300, 461-145-0340, 461-145-0345, 461-145-0360, 461-145-0365, 461-145-0380, 461-145-0400, 461-145-0410, 461-145-0415, 461-145-0430, 461-145-0440, 461-145-0460, 461-145-0510, 461-145-0540, 461-145-0600, 461-150-0060, 461-155-0010, 461-155-0030, 461-155-0190, 461-155-0225, 461-155-0250, 461-155-0630, 461-155-0680, 461-160-0040, 461-160-0420, 461-160-0430, 461-165-0030, 461-170-0020, 461-175-0200, 461-175-0305, 461-180-0020, 461-180-0090

Subject: OAR 461-001-0000 is being amended to state how the term "dependent child" is defined for rules about the REF (Refugee Assistance) program and to state how the term "minor parent" is defined for rules about the REF and REFM (Refugee Assistance Medical) programs. This rule is also being amended to add cross-references and follow standard formatting.

OAR 461-110-0210 describing the individuals considered part of the same household group for the eligibility process is being amended to state additional requirements that apply in the MAA (Medical Assistance Assumed), MAF (Medical Assistance to Families), REF (Refugee Assistance), and REFM (Refugee Assistance Medical) programs.

OAR 461-110-0310 about filing groups and OAR 461-110-0370 about filing groups in the Food Stamp program are being amended to transfer the requirements for being a member of two Food Stamp filing groups from OAR 461-110-0310 to 461-110-0370. The filing group consists of the individuals from the household group whose circumstances are considered in the eligibility determination process. These rules are also being amended to add cross-references and follow standard formatting. OAR 461-110-0370 is also being amended to implement the annual increase in the standards for the Food Stamp Program.

OAR 461-110-0370 about filing groups, 461-155-0190 about income and payment standards, and 461-160-0430 about income deductions are being amended to implement the annual increase in the standards for the Food Stamp Program. OAR 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 four utility allowances. The full utility allowance (FUA) is for those households that have heating and cooling costs. The limited utility allowance (LUA) is a new utility allowance and is for those households with more than one non-heating/cooling utility costs. The individual utility allowance (IUA) is for those households with a single non-heat cost. The single utility allowance (TUA) is for those households with only a telephone cost.

OAR 461-110-0430 is being amended to change the requirements about the individuals considered part of the same filing group for the REF (Refugee Assistance), and REFM (Refugee Assistance Medical) programs. The filing group consists of the individuals from the household group whose circumstances are considered in the eligibility determination process

OAR 461-110-0630 about individuals whose basic and special needs are used in determining eligibility and benefit level is being amended to change the requirements that apply to the Children's Health Insurance Program (CHIP or OHP-CHIP) need group. Effective October 1, 2007, CHIP clients will be required to provide or apply for an SSN as part of the eligibility process. CHIP clients who do not provide or apply for an SSN will not be part of the CHIP need

ADMINISTRATIVE RULES

group. Individuals excluded from the need group for medical program benefits are not considered when determining eligibility.

OAR 461-115-0010 about the application process for food stamps, public assistance, and medical assistance is being amended to remove its requirement to screen applicants for emergent need (other than domestic violence). This rule is also being amended to add cross-references.

OAR 461-115-0050 about application requirements is being amended to state when a new application is required to add an individual to a benefit group in the REF (Refugee Assistance) program.

OAR 461-115-0190 about application processing time frames is being amended to clarify when the Department extends the time for determining eligibility for the Oregon Supplemental Income Program Medical (OSIPM). This rule is also being amended to remove the exclusion of medical assistance programs based on disability from the application processing time frame requirements of the rule.

OAR 461-115-0450 about Food Stamp periodic redeterminations is being amended to reorganize the text and incorporate policies in the rule that are in practice via the Food Stamp Chapter located in the Family Services Manual and SPD manual or federal regulations. The amended rule will clarify when a certification period may be lengthened. This rule is also being amended to replace the term "timely" and clarify when benefits are not prorated at recertification. This rule is also being amended to update terminology and add cross-references to other rules.

OAR 461-120-0120 is being amended to clarify which parolees are eligible for the REF (Refugee Assistance) and REFM (Refugee Assistance Medical) programs.

OAR 461-120-0210 about the requirement to provide or apply for a Social Security Number (SSN) is being amended to remove Children's Health Insurance Program clients (CHIP or OHP-CHIP) from the list of program clients exempt from the requirement. Removing the exception means that CHIP program clients will be required to provide or apply for an SSN as part of the eligibility process. This rule is also being amended to state the purposes of the Department in collecting SSNs and the uses made of them.

OAR 461-135-0010 about assumed eligibility for medical programs is being amended to change the requirements to be assumed eligible for the REFM (Refugee Assistance Medical) program.

OAR 461-135-0745 is being adopted to cover the eligibility requirements for the OSIPM program (Oregon Supplemental Income Program Medical) for individuals in acute care settings. Eligibility requirements in this setting include a continuous period of care and income below the institutionalized income standard of 300 percent of SSI. The requirement for an assessment is no longer necessary based on 42 CFR 435.622. OAR 461-135-0750 about eligibility for the OSIPM program (Oregon Supplemental Income Program Medical) for individuals in long term care or waived services is being amended to remove the reference to individuals in an acute care hospital.

OAR 461-135-0900 is being amended to restate the specific eligibility requirements for the REF (Refugee Assistance) and REFM (Refugee Assistance Medical) programs, the eligibility of students for REF and REFM, and the relationship between REF, REFM, pre-TANF, and TANF.

OAR 461-135-0990 about reimbursement of employer-sponsored health insurance premiums is being amended to remove clients who are only in the REF (Refugee Assistance) program and these clients would no longer be reimbursed for these premiums.

OAR 461-135-1230 about the benefits of the TA-DVS (Temporary Assistance for Domestic Violence Survivors) program is being amended to state the Department's policy about not paying for relocation expenses from another state.

OAR 461-140-0020 is being amended to state how, in the REF (Refugee Assistance) and REFM (Refugee Assistance Medical) programs, to treat resources that remain in the applicant's country of ori-

gin. This rule is also being amended to add cross-references and follow standard formatting.

OAR 461-140-0040 about the income considered available to clients in the eligibility process is being amended to specify the income considered available to clients in the REF (Refugee Assistance) and REFM (Refugee Assistance Medical) programs. This amendment also states that any income used for medical or medical-related purposes is not considered available in these programs.

OAR 461-145-0080 about the treatment of child support in the eligibility process is being amended to state how these payments are treated in the REF (Refugee Assistance) program. This rule is also being amended to change references to JOBS Plus agreements to TANF JOBS Plus agreements. This rule is being further amended to add cross-references and follow standard formatting.

OAR 461-145-0088 about the treatment of corporate assets is being amended to include the Oregon Supplemental Income Program (OSIP), Oregon Supplemental Income Program - medical (OSIPM) and Qualified Medicare Beneficiary (QMB) program in the policy regarding the treatment of payments from a corporation or business entity which benefit a client. The current policy is unclear as to the treatment of these payments. OAR 461-145-0120 about the definition of earned income is being amended to make this rule consistent with OAR 461-145-0088 for the OSIP, OSIPM, and QMB programs as well as the Food Stamp program on the subject of the treatment of payments from a corporation or business entity which benefit the client.

OAR 461-145-0110 about the treatment in the eligibility process of payments under the Domestic Volunteer Services Act is being amended to count, in the ERDC (Employment or Education Related Day Care), REF (Refugee Assistance), and REFM (Refugee Assistance Medical) programs, compensation received by clients receiving payments under Title I (VISTA, University Year of Action, and Urban Crime Prevention) as earned income if the payment is equal to or greater than compensation at the state minimum wage. Currently, these payments are excluded if the client is receiving Department program benefits when they join the program.

OAR 461-145-0130 is being amended to specify how earned income is treated in the eligibility process for the REF (Refugee Assistance) and REFM (Refugee Assistance Medical) programs. This rule is also being amended to add cross-references and follow standard formatting.

OAR 461-145-0180 is being amended to state how Family Support Payments are treated in the eligibility process for the REF (Refugee Assistance) and REFM (Refugee Assistance Medical) programs. Family Support Payments are social benefits distributed by state or local agencies to families caring for individuals with extraordinary care needs who live at home. Needs are typically caused by disability or advanced age. Payments are made to or on behalf of family members. This rule is also being amended to add cross-references and follow standard formatting.

OAR 461-145-0210 about the treatment of gifts and winning in the eligibility process is being amended to clarify the rule and state how gift cards and certificates are treated.

OAR 461-145-0240 about the treatment of income producing sales contracts and OAR 461-145-0460 about the treatment of income from the sale of a resource are being amended to make these rules consistent with each other and remove overlapping and inconsistent statements. These amendments will change how the equity value of these contracts and how sales income is treated in the eligibility process for food stamps, public assistance, and medical assistance. These rules are also being amended to add cross-references and follow standard formatting.

OAR 461-145-0260 about the treatment of Native American benefits in the eligibility process and the type of income excluded under specific public laws for Indian benefits, judgments and per capita payments is being amended to clarify the rule and add cross-references to other rules and laws. This rule is also being amended to align

ADMINISTRATIVE RULES

Food Stamp and TANF policy regarding the exclusion of payments received from trusts, restricted lands, and judgment payments.

OAR 461-145-0270 is being amended to change the way inheritances are treated in the General Assistance (GA, currently closed) and GA-Medical (GAM, currently closed), Oregon Supplemental Income Program (OSIP, serving the elderly and people with disabilities), OSIP-Medical (OSIPM) and the Qualified Medicare Beneficiary (QMB) Programs. Previously, all assets received via an inheritance were treated as either periodic or lump sum income. The rule is being amended to state that a non-cash inheritance is treated according to the policy for that specific asset and a cash inheritance is treated as either periodic or lump sum income.

OAR 461-145-0280 is being amended to state how in-kind income is treated in the eligibility process for the REF (Refugee Assistance) program. This rule is also being amended to add cross-references and follow standard formatting.

OAR 461-145-0290 is about the treatment of Job Corps payments in the eligibility process to treat Job Corps reimbursements in the same manner as other reimbursements under OAR 461-145-0440. In limited situations, reimbursements will be counted in the ERDC (Employment or Education Related Day Care) and Food Stamp programs. This rule is also being amended to add cross-references to other rules.

OAR 461-145-0300 about the treatment of payments under the Workforce Investment Act in the eligibility process is being amended to update program names, state how these payments are treated in the REF (Refugee Assistance) and REFM (Refugee Assistance Medical) programs, add and update cross-references to other rules, and make this rule consistent with OAR 461-145-0440 about reimbursements.

OAR 461-145-0340 is being amended to state how lodger income is treated in the eligibility process for the REF (Refugee Assistance) and REFM (Refugee Assistance Medical) programs. This rule is also being amended to add cross-references and follow standard formatting.

OAR 461-145-0345 about the treatment of military income in the eligibility process is being amended to clarify the rule and add cross-references to other rules.

OAR 461-145-0360 is being amended to state how the value of a motor vehicle is treated in the eligibility process for the REFM (Refugee Assistance Medical) program. This rule is also being amended to update and add cross-references, and follow standard formatting.

OAR 461-145-0365 about the treatment of National and Community Services Trust Act (NCSTA) income in the eligibility process is being amended to clarify when child care allowances are counted as unearned income for the MAA (Medical Assistance Assumed, TANF-related medical) and REF (Refugee Assistance) program recipients. This rule is also being amended to clarify that the rule applies to AmeriCorps payments other than AmeriCorps VISTA.

OAR 461-145-0380 about the treatment of pension and retirement plans in the eligibility process is being amended to state that an annuity purchased by the spouse of a client with funds from a retirement plan is not considered a retirement plan. Additionally, for the Oregon Supplemental Income Program (OSIP), Oregon Supplemental Income Program Medical (OSIPM), and Qualified Medicare Beneficiary Program (QMB), this rule is being amended to clarify current policy and to reflect federal policy regarding the treatment of retirement plans and annuities purchased with retirement plans. Currently, the rule states that the equity value of pension and retirement plans is treated as a resource (minus any penalty for early withdraw) if the plans allow clients to withdraw funds before retirement. This rule is being amended to address the treatment of retirement plans separately from annuities purchased with retirement plan funds, and to specify situations when the equity value of retirement plans and annuities

purchased with retirement plan funds is counted and excluded as a resource.

OAR 461-145-0400 about the treatment of personal injury settlements in the eligibility process for food stamps, public assistance, and medical assistance is being amended to clarify that workers compensation payments are covered under another rule, update terminology, and add cross-references.

OAR 461-145-0410 about the treatment of program benefits in the eligibility process for food stamps, public assistance, and medical assistance is being amended to remove the exclusion in the OHP program for administrative error overpayments and to state how TADVS program payments are treated. This rule is also being amended to exclude Refugee (REF) program support service payments and count REF program client incentive payments to the extent that TANF client incentive payments are counted. This rule is being further amended to state that all policies about the treatment of TANF benefits apply to tribal TANF benefits and to state that the current exclusion for JOBS Plus support services payments applies to TANF JOBS Plus support services payments. In addition, the rule is being amended to state that TANF client incentive payments currently counted if received as cash are counted if the payments are not in-kind. This rule is also being amended to reorder and reorganize its sections, update terminology, and add cross-references.

OAR 461-145-0415 is being amended to exclude payments under the Radiation Exposure Compensation Act from being counted in the General Assistance (GA) and GA-Medical (GAM) programs. These programs are currently closed.

OAR 461-145-0430 about excluded real property under an Interim Assistance Agreement is being amended to clarify the rule and add cross-references to other rules and laws.

OAR 461-145-0440 about the treatment of reimbursements in the eligibility process is being amended to clarify the rule and make this rule consistent with related rules. The rule will refer to OAR 461-145-0570 for USDA meal reimbursements and to OAR 461-145-0920 for self-employment. Current language about cash reimbursements is being modified to make clear this language applies to other forms of money. This rule is also being amended to clarify that in the Food Stamp and OHP programs, reimbursements of expenditures by a business entity that benefit a principal are counted as earned income. This rule is being further amended to add cross-references to other rules.

OAR 461-145-0510 is being amended to state how SSI payments are treated in the eligibility process for the REF (Refugee Assistance) and REFM (Refugee Assistance Medical) programs. This rule is also being amended to add cross-references and follow standard formatting.

OAR 461-145-0540 is being amended to state how trusts are treated in the eligibility process for the REFM (Refugee Assistance Medical) program. This rule is also being amended to add cross-references and follow standard formatting.

OAR 461-145-0600 is being amended to state how work-related capital assets, equipment, and inventory are treated in the eligibility process for the REFM (Refugee Assistance Medical) program. This rule is also being amended to change how these items are treated in the REF (Refugee Assistance) program. This rule is being further amended to add cross-references and follow standard formatting.

OAR 461-150-0060 about the use of prospective and retrospective eligibility and budgeting is being amended to clarify eligibility and budgeting in the REFM (Refugee Assistance Medical) program. This rule is also being amended to add cross-references to other rules.

OAR 461-155-0010 about the use of payment standards to establish needs is being amended to remove a reference to OAR 461-155-0520 and clarify current policy regarding the use of special needs to determine initial and ongoing eligibility, benefit amount, and client liability.

OAR 461-155-0030 is being amended to raise the Adjusted Income/Payment Standard for the MAA (Medical Assistance Assumed), MAF (Medical Assistance to Families), REF (Refugee

ADMINISTRATIVE RULES

Assistance), SAC (Medical Coverage for Children in Substitute or Adoptive Care), and TANF (Temporary Assistance to Needy Families) programs. This amendment makes permanent a temporary rule that raised the payment standard for these programs by 3.1 percent effective July 1, 2007. This standard is used as the adjusted income limit and to calculate cash benefits for need groups with an adult. A need group consists of the individuals whose basic and special needs are used in determining eligibility and benefit level.

OAR 461-155-0225 is being amended to set the income standard for the REFM (Refugee Assistance Medical) program.

OAR 461-155-0250 about income and payment standards in the Oregon Supplemental Income Program (OSIP) and Oregon Supplemental Income Program Medical (OSIPM) is being amended to clarify current policy regarding the determination of the supplemental income payment (SIP) when both spouses receive supplemental security income (SSI) and live in an Adult Foster Care (AFC), Assisted Living Facility (ALF) or Residential Care Facility (RCF). The reference to "living" in one of these care settings is being changed to "receiving services" in one of these settings. This rule is also being amended to clarify current policy regarding the SIP amount for spouses in some other situations.

OAR 461-155-0630 about special need payments for the Oregon Supplemental Income Program (OSIP) and the Oregon Supplemental Income Program – Medical (OSIPM) is being amended to clarify the policy that explains the amount of time a client may be absent when receiving this special need. Additionally, the policy on service payments is being removed from this rule and will be added to a rule in OAR 411-027.

OAR 461-155-0680 about the payment of telephone costs for Oregon Supplemental Income Program Medical (OSIPM - serving the elderly and people with disabilities) clients receiving SSI or in-home long-term care services is being amended to remove a reference to emergency response systems and for clarification.

OAR 461-160-0040 is being amended to state when dependent care costs are covered in the REF (Refugee Assistance) program. This rule is also being amended to add cross-references and follow standard formatting.

OAR 461-165-0030 about duplicate and concurrent program benefits is being amended to state the extent to which clients in the REF (Refugee Assistance) and REFM (Refugee Assistance Medical) programs may receive benefits in other public assistance and medical assistance programs. This rule is also being amended to add cross-references and follow standard formatting.

OAR 461-170-0020 is being amended to state the changes that clients in the REF (Refugee Assistance) and REFM (Refugee Assistance Medical) programs must report. This rule is also being amended to add cross-references and follow standard formatting.

OAR 461-175-0200 about situations in which the Department sends decision notices is being amended to identify the type of decision notice the Department will send when a Food Stamp case is recertified early to align the FS certification end date with the end date of TANF or medical benefits. This rule is also being amended to change the name of the Assessment Program to pre-TANF Program. This rule is being further amended to clarify that in the pre-TANF program, a basic decision notice is sent when a payment for support service in the JOBS program is denied. This rule is also being amended to clarify the rule and add cross-references to other rules and laws.

OAR 461-175-0305 is being amended to state the type of notice required to remove an individual from the benefit group in the REF (Refugee Assistance) and REFM (Refugee Assistance Medical) programs. This rule is also being amended to add cross-references and follow standard formatting.

OAR 461-180-0020 is being amended to correct policy on the effective date for changes in income or income deductions that cause increases on Food Stamp cases, by removing the language that

directs changes to be made the month after they become effective and delays an increase in benefits to ongoing clients.

OAR 461-180-0090 about the effective dates of initial month medical benefits is being amended to clarify that in the EXT (Extended Medical Assistance) program, eligibility begins the first of the month following the month in which eligibility ends for the MAA (Medical Assistance Assumed) or MAF (Medical Assistance to Families) programs. This rule is also being amended to add cross-references to other rules.

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

Rules Coordinator: Annette Tesch—(503) 945-6067

461-001-0000

Definitions for Chapter 461

Defined terms are often italicized throughout this chapter of rules. If a defined term is accompanied by a cross-reference to a rule defining the term, subsequent usages of that term in the same rule refer to the same definition cross-referenced earlier in the rule. In this chapter of rules, unless the context indicates otherwise:

(1) A reference to Division, Adult and Family Services Division (or AFS), Senior and Disabled Services Division (or SDDSD), 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) A reference to an Administrator of an agency mentioned in section (1) shall be taken to mean the Director of DHS.

(3) "Address Confidentiality Program" (ACP) means a program of the Oregon Department of Justice, which provides a substitute mailing address and mail forwarding service for ACP participants who are victims of domestic violence, sexual assault, or stalking.

(4) "Adjusted income" means the amount determined by subtracting income deductions from countable income (see OAR 461-140-0010). Specific rules on the deductions are found in division 461-160.

(5) "Adoption assistance" means financial assistance provided to families adopting children with special needs. Adoption assistance may be state or federally funded. Federal adoption assistance is authorized by the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. No. 96-272, 94 Stat. 500 (1980)). State adoption assistance is authorized by ORS 418.330 to 418.335.

(6) "Assets" mean income and resources.

(7) "Basic decision notice" means a decision notice mailed no later than the date of action given in the notice.

(8) "Budgeting" means the process of calculating the benefit level.

(9) "Budget month" means the calendar month from which nonfinancial and financial information is used to determine eligibility and benefit level for the payment month.

(10) "Cafeteria plan" means a written benefit plan offered by an employer in which:

(a) All participants are employees; and

(b) Participants can choose, cafeteria-style, from a menu of two or more cash or qualified benefits. In this context, qualified benefits are benefits other than cash that the Internal Revenue Service does not consider part of an employee's gross income. Qualified benefits include, but are not limited to:

(A) Accident and health plans (including medical plans, vision plans, dental plans, accident and disability insurance);

(B) Group term life insurance plans (up to \$50,000);

(C) Dependent care assistance plans; and

(D) Certain stock bonus plans under section 401(k)(2) of the Internal Revenue Code (but not 401(k)(1) plans).

(11) "Capital asset" means property that contributes toward earning self-employment income, including self-employment income from a microenterprise, either directly or indirectly. A capital asset generally has a useful life of over one year and a value, alone or in combination, of \$100 or more.

(12) "Caretaker" means an individual who is responsible for the care, control, and supervision of a child. The status of caretaker ends once the individual no longer exercises care, control, and supervision of the child for 30 days.

(13) "Caretaker relative" means a caretaker who meets the requirements of one of the following subsections:

(a) Is one of the following relatives of the dependent child:

ADMINISTRATIVE RULES

(A) Any blood relative, including those of half-blood, and including first cousins, nephews, or nieces, and individuals of preceding generations as denoted by prefixes of grand, great, or great-great.

(B) Stepfather, stepmother, stepbrother, and stepsister.

(C) An individual who legally adopts the child and any individual related to the individual adopting the child, either naturally or through adoption.

(b) Is or was a spouse of an individual listed in subsection (a) of this section.

(c) Met the definition of caretaker relative under subsection (a) or (b) of this section before the child was adopted (notwithstanding the child's subsequent adoption).

(14) "Certification period" means the period for which a client is certified eligible for a program.

(15) "Child" includes natural, step, and adoptive children. The term child does not include an unborn.

(a) In the ERDC program, a child need not have a biological or legal relationship to the caretaker but must be in the care and custody of the caretaker, must meet the citizenship or alien status requirements of OAR 461-120-0110, 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.

(b) In the GA, GAM, and OSIP programs, a child is an individual under the age of 18.

(c) In the OHP program, child means an individual, including a minor parent, under the age of 19.

(d) In the OSIPM and QMB programs, child means an unmarried individual living with a parent who is:

(A) Under the age of 18; or

(B) Under the age of 22 and attending full time secondary, post secondary or vocational-technical training designed to prepare the individual for employment.

(16) "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 individuals who have physical disabilities or are socially dependent.

(e) Specialized living facility — Identifiable services designed to meet the needs of individuals 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.

(17) "Continuing benefit decision notice" means a decision notice that informs the client of the right to continued benefits and is mailed in time to be received by the date benefits are, or would be, received.

(18) "Countable" means that an available asset (either income or a resource) is not excluded and may be considered by some programs to determine eligibility.

(19) "Custodial parents" mean parents who have physical custody of a child. Custodial parents may be receiving benefits as dependent children or as caretaker relatives for their own children.

(20) "Decision notice" means a written notice of a decision by the Department regarding an individual's eligibility for benefits in a program.

(21) "Department" means the Department of Human Services (DHS).

(22) "Dependent child", in the EXT, MAA, MAF, REF, REFM, and TANF programs, means the following:

(a) An individual 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.

(23) "Domestic violence" means the occurrence of one or more of the following acts between family members, intimate partners, or household members:

(a) Attempting to cause or intentionally, knowingly or recklessly causing physical injury or emotional, mental or verbal abuse.

(b) Intentionally, knowingly or recklessly placing another in fear of imminent serious physical injury.

(c) Committing sexual abuse in any degree as defined in ORS 163.415, 163.425 and 163.427.

(d) Using coercive or controlling behavior.

(24) "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.

(25) "Eligibility" means the decision as to whether an individual qualifies, under financial and nonfinancial requirements, to receive program benefits.

(26) "Equity value" means fair market value minus encumbrances.

(27) "Fair market value" means the amount an item is worth on the open market.

(28) "Financial institution" means a bank, credit union, savings and loan association, investment trust, or other organization held out to the public as a place receiving funds for deposit, savings, checking, or investment.

(29) "HPN" means a health plan new/noncategorical client eligible under OHP-OPU.

(30) "Income-producing property" means any real or personal property that generates income for the financial group. Examples of income-producing property are:

(a) Livestock, poultry, and other animals.

(b) Farmland, rental homes (including a room or other space in the home or on the property of a member of the financial group), vacation homes, condominiums.

(31) "Initial month" of eligibility means any of the following:

(a) In all programs, the first month a benefit group (see OAR 461-110-0750) is eligible for a program benefit in Oregon after a period during which the group is not eligible.

(b) In all programs except the FS program, the first month a benefit group is eligible for a program benefit after there has been a break in the program benefit of at least one full calendar month. If benefits are suspended for one month, that is not considered a break.

(c) In the FS program:

(A) The first month for which the benefit group is certified following any period during which they were not certified to participate, except for migrant and seasonal farm workers (see OAR 461-001-0015).

(B) For migrant and seasonal farmworkers, the first month for which the benefit group is certified following any period of one month or more during which they were not certified to participate.

(d) In the OHP program, the first month of a redetermination or recertification period.

(32) "In-kind income" means income in a form other than money (such as food, clothing, cars, furniture, and payments made to a third party).

(33) "Legally married" means a marriage uniting a man and a woman according to the provisions of either:

(a) The statutes of the state where the marriage occurred;

(b) The common law of the state in which the man and woman previously resided while meeting the requirements for common law marriage in that state; or

(c) The laws of a country in which the man and woman previously resided while meeting the requirements for legal or cultural marriage in that country.

(34) "Life estate" means the right to property limited to the lifetime of the individual holding it or the lifetime of some other individual. In general, a life estate enables the owner of the life estate to possess, use and obtain profits from property during the lifetime of a designated individual while actual ownership of the property is held by another individual. A life estate is created when an individual owns property and then transfers their ownership to another while retaining, for the rest of their life, certain rights to that property. In addition, a life estate is established when a member of the financial group (see OAR 461-110-0530) purchases a life estate interest in the home of another individual.

(35) "Lodger" means a member of the household group (see OAR 461-110-0210) who:

(a) Is not a member of the filing group; and

(b) Pays the filing group for room and board.

ADMINISTRATIVE RULES

(36) "Long-term care" means the system through which the Department provides a broad range of social and health services to eligible adults who are aged, blind, or have disabilities for extended periods of time. This includes nursing homes and state hospitals (Eastern Oregon and Oregon State Hospitals).

(37) "Lump-sum income" means income received too infrequently or irregularly to be reasonably anticipated, or received as a one-time payment. Lump-sum income includes:

(a) Retroactive benefits covering more than one month, whether received in a single payment or several payments.

(b) Income from inheritance, gifts, winnings and personal injury claims.

(38) "Marriage" means the union of a man and a woman who are legally married.

(39) "Microenterprise" means a sole proprietorship, partnership, or family business with fewer than five employees and capital needs no greater than \$35,000.

(40) "Minor parent", in the ERDC, EXT, MAA, MAF, REF, REFM, and TANF programs, means a parent under the age of 18.

(41) "Nonstandard living arrangement" is defined as follows:

(a) In the GA, GAM, OSIP, OSIPM, and QMB programs, a client is considered to be in a nonstandard living arrangement when the client is applying for or receiving services in any of the following locations:

(A) A nursing facility.

(B) An intermediate care facility for the mentally retarded (ICF/MR).

(C) A psychiatric institution, if the individual is not yet 21 years of age or has reached the age of 65.

(D) A community-based setting covered by a waiver under Title XIX of the Social Security Act.

(b) In all programs except GA, GAM, OSIP, OSIPM, and QMB, a nonstandard living arrangement means each of the following locations:

(A) Foster care.

(B) Residential Care Facilities.

(C) Drug or Alcohol Residential Treatment Facilities.

(D) Homeless or Domestic Violence Shelters.

(E) Lodging house if paying for room and board.

(F) Correctional facilities.

(G) Medical institutions.

(42) "Ongoing month" means one of the following:

(a) For all programs except FS and OHP, any month following the initial month of eligibility, if there is no break in the program benefit of one or more calendar months.

(b) For the FS and OHP programs, any month in the certification period following the initial month of eligibility.

(43) "Parent" means the biological or legal (step or adoptive) mother or father of an individual 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 individual 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.

(44) "Payment month" means, for all programs except EA, the calendar month for which benefits are issued.

(45) "Payment period" means, for EA, the 30-day period starting with the date the first payment is issued and ending on the 30th day after the date the payment is issued.

(46) "Periodic income" means income received on a regular basis less often than monthly.

(47) "Primary person" for all programs except FS, 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 FS, see OAR 461-001-0015.

(d) For GA, GAM, OSIP, OSIPM, and QMB, the client or their spouse.

(e) For OHP, REF, and REFM, the applicant, caretaker, caretaker relative or parent.

(48) "Real property" means land, buildings, and whatever is erected on or affixed to the land and taxed as real property.

(49) "Reimbursement" means money or in-kind compensation provided specifically for an identified expense.

(50) "Safe homes" mean 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.

(51) "Shelter costs" mean, in all programs except the Food Stamp program, housing costs (rent or mortgage payments, property taxes) and utility costs, not including cable TV or non-basic telephone charges. In the Food Stamp program, see OAR 461-160-0420.

(52) "Shelter-in-kind" means an agency or person outside the household group (see OAR 461-110-0210) provides the shelter of the financial group (see OAR 461-110-0530), or makes a payment to a third party for some or all of the shelter costs of the financial group.

(a) For all programs except OSIP, OSIPM, and QMB, shelter-in-kind does not include temporary shelter provided by a domestic violence shelter, homeless shelter, or residential alcohol and drug treatment facilities.

(b) For OSIP, OSIPM, and QMB, shelter-in-kind also includes situations where the client has no shelter costs.

(53) "Sibling" means the brother or sister of an individual. "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.

(54) "Spousal support" means income paid (voluntarily, per court order or per administrative order) by a separated or divorced spouse to a member of the financial group (see OAR 461-110-0530).

(55) "Spouse" means an individual who is legally married to another individual. In the ERDC and FS programs, spouse includes an individual 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.

(56) "Stable income" means income that is the same amount each time it is received.

(57) "Standard living arrangement" means a location that does not qualify as a nonstandard living arrangement.

(58) "Teen parent" means, for TANF and JOBS, a parent under the age of 20 who has not completed a high school diploma or GED.

(59) "Timely continuing benefit decision notice" means a decision notice that informs the client of the right to continued benefits and is mailed no later than the time requirements in OAR 461-175-0050.

(60) "Trust funds" mean money, securities, or similar property held by a person or institution for the benefit of another person.

(61) "USDA meal reimbursements" mean cash reimbursements made by the Oregon Department of Education for family day-care providers who serve snacks and meals to children in their care.

(62) "Variable income" means earned or unearned income that is not always received in the same amount each month.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 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; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-110-0210

Household Group

(1) The household group consists of the individuals who live together with or without benefit of a dwelling. For homeless people, the household group consists of the individuals who consider themselves living together.

(2) A separate household group is established for all the individuals who live in a dwelling. A separate dwelling is not recognized for the purpose of determining the members of a household group unless the living space has separate from other dwellings an access to the outside that does not pass through another dwelling, a sleeping area, a bathroom, and a kitchen facility.

ADMINISTRATIVE RULES

(3) For all programs except the FS program, a separate household group is established for individuals who live in the same dwelling as another household group, if all the following are true:

(a) There is a landlord-tenant relationship between the two groups in which the tenant is billed by the landlord at fair market value (see OAR 461-001-0000) for housing.

(b) The tenant lives independently from the landlord.

(c) The tenant:

(A) Has and uses sleeping, bathroom, and kitchen facilities separate from the landlord; or

(B) Shares bathroom or kitchen facilities with the landlord, but the facilities are in a commercial establishment that provides room or board or both for compensation at fair market value.

(4) Individuals who live with more than one household group during a calendar month are members of the household group in which they spend more than half of their time, except as follows:

(a) In the ERDC program, if a child (see OAR 461-001-0000) lives with different caretakers during the month, the child is considered a member of both household groups.

(b) In the FS program:

(A) The individual is a member of the household group that provides the individual more than half of his or her 21 weekly meals. If the individual is a child, the child is a member of the household group credited with providing the child more than half of his or her 21 weekly meals. A household group is credited with providing breakfast and lunch for each day the child departs that group's home for school, even if the child eats no breakfast or lunch at that home.

(B) During the month in which a resident of a domestic violence shelter (see OAR 461-001-0000) enters the shelter, the resident may be included both in the household he or she left and in a household group in the shelter.

(c) In the MAA, MAF, and TANF programs:

(A) If a parent (see OAR 461-001-0000) sleeps at least 30 percent of the time during the calendar month in the home of the dependent child (see OAR 461-001-0000), the parent is in the same household group as the dependent child.

(B) A dependent child is included in the group with the caretaker relative (see OAR 461-001-0000), who usually has the major responsibility for care and control of the dependent child, if the dependent child lives with two household groups in the same calendar month for at least one of the following reasons:

(i) Education.

(ii) The usual caretaker relative is gone from the household for part of the month because of illness.

(iii) A family emergency.

(5) In the OSIPM program, individuals receiving waived care or nursing facility care are each an individual household group.

(6) In the QMB program, the household group consists of the client and the client's spouse (see OAR 461-001-0000), even if the spouse does not meet all nonfinancial eligibility requirements.

(7) The individuals in the household group who apply for benefits are called applicants. The household group and applicants form the basis for determining who is in the remaining eligibility groups.

(8) Individuals absent from the household for 30 days or more are no longer part of the household, except for the following:

(a) In all programs except the FS program, individuals in a general hospital for 30 days or more remain in the household group unless they go into long-term care. In the FS program, these individuals are no longer in the household group.

(b) In the ERDC, EXT, MAA, MAF, OHP, REF, REFM, SAC, and TANF programs:

(A) A caretaker relative who is absent for up to 90 days while in a residential alcohol or drug treatment facility is in the household group.

(B) A child who is absent for 30 days or more is in the household group if the child is:

(i) Absent for illness (unless the child is in a long-term care Title XIX facility), social service, or educational reasons;

(ii) In foster care, but expected to return to the household within the next 30 days; or

(iii) For OHP only, in a residential alcohol or drug treatment facility. If the household of the child is ineligible because of income, the child is a separate household.

(c) In the ERDC and OHP programs, an individual who is absent because of education, training, or employment, including long-haul truck driving, fishing, and active duty in the U.S. armed forces.

(d) In the MAA, MAF, REF, REFM, and TANF programs, a parent who is absent for 30 days or more is in the household group if:

(A) The parent is absent because of education, training or employment — including absence while working or looking for work outside the area of their residence, such as long-haul truck driving, fishing and active duty in the U.S. armed forces; and

(B) The other parent remains in the home.

(9) In the OSIP-EPD and OSIPM-EPD programs, the household group consists only of the individual applying for or receiving benefits.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 4-1998, f. 2-25-98, cert. ef. 3-1-98; 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 5-1999(Temp), f. & cert. ef. 4-1-99 thru 6-30-99; AFS 9-1999, f. & cert. ef. 7-1-99; 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 19-2001, f. 8-31-01, cert. ef. 9-1-01; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-110-0310

Filing Group; Overview

(1) The filing group consists of the individuals from the household group (see OAR 461-110-0210) whose circumstances are considered in the eligibility determination process. The filing group consists of the following:

(a) Individuals from the household group who choose to apply for benefits and who meet nonfinancial eligibility requirements; and

(b) Individuals who must apply for benefits because of their relationship to individuals described in subsection (a) of this section. Clients must provide information needed to determine who must be in the filing group.

(2) If the filing group does not include at least one applicant who meets all nonfinancial eligibility requirements, the group is ineligible.

(3) When a household member is in more than one filing group for the same program, the filing groups must be combined, unless specified otherwise in administrative rule.

Stat. Auth.: ORS 411.060, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.816, 411.825, 414.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1994, f. & cert. ef. 2-1-94; SSP 10-2007, f. & cert. ef. 10-1-07

461-110-0370

Filing Group; FS

In the Food Stamp program:

(1) Except as provided in this rule, the filing group is composed of members of a *household group* (see OAR 461-110-0210) who customarily purchase and prepare meals together.

(2) Except as provided in sections (3), (6), and (7) and subsection (5)(b) of this rule, the following individuals, if they are in the same household group, must be in the same filing group, even if they do not customarily purchase and prepare meals together:

(a) Each spouse (see OAR 461-001-0000).

(b) A *parent* (see OAR 461-001-0000) and his or her child under age 22 who is living with them.

(c) A household group member and child under age 18 who lives with and is under parental control of that household group member. For the purposes of this subsection, 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.

(3) Notwithstanding sections (1) and (2) of this rule, an individual is excluded from the filing group if, during the month the group applied for food stamps, the individual received food-stamp benefits or SSI benefits through the state of California that included food-stamp benefits. This exclusion applies only in the initial month and, if necessary to meet notice requirements, in the month following the initial month. This exclusion does not apply to an individual who was the head of household in the prior household.

(4) The following individuals may form a separate filing group if they purchase and prepare food with other members of the household group, unless they are required by section (2) of this rule to be in the same filing group:

(a) A paid live-in attendant and the attendant's minor children may choose not to be in the filing group with the individuals for whom they are providing services.

(b) An *elderly* individual (see OAR 461-001-0015) may be considered a separate filing group from the others with whom the elderly individual purchases and prepares meals, if:

(A) The *elderly* individual is unable to purchase and prepare food because of a permanent and severe disabling condition; and

ADMINISTRATIVE RULES

(B) The combined income of the other members of the household group does not exceed the following limit: [Table not included. See ED. NOTE.]

(5) The following individuals who are paying to have meals provided are not eligible to participate in the Food Stamp program independently of the care or service provider. However, they may be included in the care or service provider's filing group if the provider chooses to apply for benefits for them.

(a) An individual in foster care along with his or her spouse and each child under age 22 living with them.

(b) A member of the household group who pays the filing group a reasonable amount for room and board (lodger). 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 (see OAR 461-155-0190(2)), 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.

(6) Notwithstanding section (2) of this rule, the following household group members may form a separate filing group from other members of the household group:

(a) A resident of an alcohol or drug treatment and rehabilitation program certified by the Department for which an employee of the facility is the authorized representative (see OAR 461-135-0550).

(b) A resident in *group living* (see OAR 461-001-0015).

(c) A resident of a homeless or domestic violence shelter (see OAR 461-135-0510).

(d) A member of the household group who is not paying the filing group a reasonable amount for room and board (lodger), as defined in subsection (5)(b) of this rule.

(7) The following household group members are excluded from the filing group:

(a) A resident of a commercial boarding house.

(b) An ineligible student, as defined in OAR 461-135-0570.

(8) A household member may be in two filing groups if the member:

(a) Is a resident of a domestic violence shelter (see OAR 461-001-0000) or safe home (see OAR 461-001-0000); and

(b) Recently left the household containing the individual who abused them.

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

Stat. Auth.: ORS 411.816

Stats. 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 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; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-110-0430

Filing Group; REF, REFM

In the REF and REFM programs:

(1) An individual is not included in the filing group who does not meet the requirements of OAR 461-135-0900(2) regarding alien status or OAR 461-135-0900(4) regarding length of time in the United States.

(2) The filing group consists of only the individuals described in at least one of the following three subsections:

(a) A single adult who has no spouse (see OAR 461-001-0000) or child (see OAR 461-001-0000) in the household group.

(b) A married couple who is in the same household group and who has:

(A) No children;

(B) Only children who are age 18 or over; or

(C) No children under the age of 18 in the household group.

(c) A TANF filing group (see OAR 461-110-0330) that is ineligible for TANF.

Stat. Auth.: ORS 411.060, 411.070

Stats. Implemented: ORS 411.060, 411.070

Hist.: AFS 9-1997, f. & cert. ef. 7-1-97; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 10-2007, f. & cert. ef. 10-1-07

461-110-0630

Need Group

(1) The need group consists of the individuals whose basic and special needs are used in determining eligibility and benefit level.

(2) In the EA, REF, and REFM programs, the need group consists of the members of the *financial group* (see OAR 461-110-0530) who meet all nonfinancial eligibility requirements, except that members disqualified for an intentional program violation are not in the need group.

(3) In the ERDC, OSIP, OSIPM, QMB, and SAC programs, the need group consists of each member of the *financial group*.

(4) In the EXT program, the need group consists of each member of the *financial group* except an individual excluded from the need group for not complying with social security number requirements under OAR 461-120-0210.

(5) In the FS program, the need group consists of the members of the *financial group* who meet all nonfinancial eligibility requirements, except the following people are not in the need group:

(a) A member disqualified for an intentional program violation.

(b) A fleeing felon under OAR 461-135-0560.

(c) An individual violating a condition of state or federal parole, probation, or post-prison supervision under OAR 461-135-0560.

(6) In the GA and GAM programs, the need group consists of each member of the *financial group* except that the following individuals may not be in the need group:

(a) A fleeing felon under OAR 461-135-0560.

(b) An individual in violation of a condition of state or federal parole, probation, or post-prison supervision under OAR 461-135-0560.

(c) An individual not complying with social security number requirements under OAR 461-120-0210.

(7) In the MAA and TANF programs, the need group is formed as follows:

(a) Except as provided in subsection (b) of this section, the need group consists of the members of the *financial group* who meet all nonfinancial eligibility requirements other than the citizenship and alien status requirements of OAR 461-120-0110 or the citizenship documentation requirements of OAR 461-115-0705.

(b) The need group cannot include:

(A) A parent who is in foster care and for whom foster care payments are being made.

(B) An unborn child.

(C) In the TANF program:

(i) An individual who cannot be in the need group because of a disqualification penalty.

(ii) A fleeing felon under OAR 461-135-0560.

(iii) An individual violating a condition of state or federal parole, probation, or post-prison supervision under OAR 461-135-0560.

(8) In the MAF program, the need group consists of the members of the *financial group* who meet all nonfinancial eligibility requirements other than the citizen and alien status requirements of OAR 461-120-0110 or the citizenship documentation requirements of OAR 461-115-0705, except for the following individuals:

(a) A parent who is in foster care and for whom foster care payments are being made.

(b) The father of an unborn child who has no eligible dependent children.

(9) In the OHP program:

(a) An unborn child of a pregnant female is included in the need group.

(b) The need group consists of each member of the *financial group* except an individual excluded from the need group for not complying with social security number requirements under OAR 461-120-0210.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 6-1991(Temp), f. & cert. ef. 2-8-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04; SSP 6-2004, f. & cert. ef. 4-1-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 7-2006(Temp), f. 3-31-06, cert. ef. 4-1-06 thru 9-28-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

ADMINISTRATIVE RULES

461-115-0010

Application Process; General

(1) A client may apply for one or more programs using one application, under the time frames and eligibility requirements that apply to each program for which the client is applying. The Department redetermines eligibility at assigned intervals and whenever a client's eligibility becomes questionable.

(2) If the Department requires additional information to determine eligibility, the client is entitled to a written notice that includes a statement of the specific information needed to determine eligibility and the date by which the client must provide the required information.

(3) The Department ensures that an application form is readily available to anyone requesting one and assists clients who are unable to complete the application form or gather information necessary to verify eligibility.

(4) The Department must screen each applicant to determine whether the applicant is eligible for expedited food stamp services or is at risk of being a victim of domestic violence (see OAR 461-001-0000).

(5) In the Food Stamp program, a filing group is entitled to establish a filing date on the date they request benefits.

(6) If a client files an application containing the client's name and address, the Department must send the client a *decision notice* (see OAR 461-001-0000).

(7) A client may withdraw an application at any time.

Stat. Auth.: ORS 411.060, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.816, 414.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 3-1991(Temp), f. & cert. ef. 1-17-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-115-0050

When an Application Must Be Filed

A client must file an application, or may amend an application already complete, as a prerequisite to receiving benefits as follows:

(1) A client may apply for the TA-DVS program as provided in OAR 461-135-1220.

(2) In all programs other than the TA-DVS program:

(a) Except as provided in sections (3), (4), (5), and (6) of this rule, a client wishing to apply for program benefits must submit a complete application on a form approved by the Department.

(b) An application is complete if all of the following requirements are met:

(A) All information necessary to determine the individual's eligibility and benefit amount is provided on the application for all individuals in the filing group.

(B) The applicant, even if homeless, provides a mailing address.

(C) The application is signed. An individual required but unable to sign the application may sign with a mark, witnessed by another individual.

(D) The application is received by the Department.

(3) A new application is not required in the following situations:

(a) In the Food Stamp program, when a single application can be used both to determine a client is ineligible in the month of application and to determine the client is eligible the next month. This can be done when:

(A) Anticipated changes make the filing group eligible the second month; or

(B) The filing group provides verification between 30 and 60 days following the filing date (see OAR 461-115-0040), in accordance with OAR 461-180-0080.

(b) In all programs except the Food Stamp program, when a single application can be used both to determine a client is ineligible on the date of request (see OAR 461-115-0030) and to determine the client is eligible when anticipated changes make the filing group eligible within 45 days from the date of request.

(c) When the case is closed and reopened during the same calendar month.

(d) When benefits were suspended for one month because of the level of income, and the case is reopened the month following the month of suspension.

(e) When reinstating medical benefits for a pregnant woman covered by OAR 461-135-0950.

(4) A new application is required to add a newborn child to a benefit group (see OAR 461-110-0750) according to the following requirements:

(a) For the REF and TANF programs:

(A) A new application is not required if the child is listed on the application as "unborn" and there is sufficient information about the child to establish its eligibility.

(B) A new application is required if the child is not included on the application as "unborn."

(b) In the EXT, MAA, MAF, OHP, and REFM programs, no additional application is required to add the child to the benefit group of the child's mother. The child may be added to a benefit group other than the benefit group of the child's mother if eligibility can be determined without submission of a new application.

(c) In the ERDC and FS programs, an application is not required to add the child to the benefit group.

(d) In all programs other than ERDC, EXT, FS, MAA, MAF, OHP, REF, REFM, and TANF, an application is required.

(5) A new application is required to add an individual to a benefit group, other than a newborn child, according to the following requirements:

(a) In the ERDC and FS programs, a new application is not required.

(b) In the EXT, MAA, MAF, OHP, REF, REFM, SAC, and TANF programs, an individual may be added by amending a current application if the information is sufficient to determine eligibility; otherwise a new application is required.

(c) In all programs other than ERDC, EXT, FS, MAA, MAF, OHP, REF, REFM, SAC, and TANF, a new application is required.

(6) Clients whose TANF grant is closing may request ERDC orally or in writing.

(7) For all programs except the EXT, FS, MAA, MAF, and OHP programs, clients may change between programs administered by the Department using the current application if the following conditions are met:

(a) The client makes a verbal or written request for the change.

(b) The Department has sufficient evidence to determine eligibility and benefit level for the new program without a new application.

(c) The program change can be effected while the client is eligible for the first program.

(8) A new application is not required in the EXT, MAA, MAF, and OHP programs to redetermine eligibility for the same program or to change between these programs if the following conditions are met:

(a) The client is currently receiving benefits from one of these programs; and

(b) The Department has sufficient evidence to redetermine eligibility for the same program or determine eligibility for the new program without a new application or by amending the current application.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.117, 411.816, 414.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 3-1991(Temp), f. & cert. ef. 1-17-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 27-1996, f. 6-27-1996, cert. ef. 7-1-96; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 13-1997, f. 8-28-97, cert. ef. 9-1-97; AFS 4-1998, f. 2-25-98, cert. ef. 3-1-98; AFS 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 17-1998, f. & cert. ef. 10-1-98; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 19-2001, f. 8-31-01, cert. ef. 9-1-01; AFS 21-2001(Temp), f. & cert. ef. 10-1-01 thru 12-31-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-115-0190

Application Processing Time Frames; Not Assessment or FS

(1) In all programs except the Assessment, EA, FS, and TA-DVS programs, the Department determines eligibility and sends a decision notice (see OAR 461-001-0000) not later than the 45th day after the date of request (see OAR 461-115-0030). The Department may extend the period if one or more of the following subsections applies:

(a) Information needed to determine eligibility is expected to be received after the 45-day deadline, and the client has no control over the information.

(b) Other circumstances beyond the control of the client prevent the Department from making the decision within the 45-day period.

(c) In the OSIPM program, the applicant has met all eligibility requirements except the Department must determine whether the applicant is blind or has a disability. In this case, the Department determines eligibility and sends a decision notice not later than the 90th day after the date of request. The Department may extend this period for any of the following reasons:

ADMINISTRATIVE RULES

(A) The Department cannot reach a decision because the client or an examining physician or psychologist has not taken an action necessary for the decision to be made.

(B) There is an administrative or other emergency beyond the Department's control that impairs its ability to make the decision.

(2) In the EA program, the Department determines eligibility within one working day of the date of application or as soon thereafter as verification of emergent need is completed. Verification of all other factors may be waived if it would delay the client's receipt of assistance.

(3) For support service payments in the JOBS program authorized by OAR 461-190-0211, the Department determines eligibility as follows:

(a) If the client is receiving a TANF grant — not later than the 30th day after the date of request.

(b) If the client is not receiving a TANF grant — in time to meet the need for which the request is made.

(4) In the TA-DVS program, OAR 461-135-1220 covers the following time requirements:

(a) Assessing the client's safety concerns and offering options to the client for addressing immediate safety needs.

(b) Determining eligibility after the application is complete, whether or not the client has signed the application.

Stat. Auth.: ORS 411.060, 411.070, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.117, 414.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 3-1991(Temp), f. & cert. ef. 1-17-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-115-0450

Periodic Redeterminations; FS

In the Food Stamp program, the Department selects the *certification period* (see OAR 461-001-0000) and the redetermination date based on the client's circumstances and according to the following considerations:

(1) The length of the *certification period* depends on how far in advance the circumstances affecting the group's eligibility can be predicted but may not exceed 12 months, except that the certification period may be extended beyond 12 months in each of the following situations:

(a) To the end of the TBA period if the client becomes eligible for transitional benefits (see OAR 461-135-0506). If eligibility for TBA ends early, the certification period is changed to end on the last day of the month.

(b) To include the month after the client finishes working under a TANF JOBS Plus Agreement. If the agreement ends early, the *certification period* is changed to end on the original recertification date or on the last day of the month following the month in which the JOBS Plus agreement ends, whichever is later.

(2) A certification period of less than 12 months may be extended before the certification period ends, not to exceed 12 months, in each of the following situations:

(a) A one- or two-month certification period for expedited services when pending information is received, and eligibility and benefit level is determined based on the new information.

(b) An application or a change report form is received and eligibility is reviewed.

(c) The report system changes to SRS.

(3) For each *benefit group* (see OAR 461-110-0750) in which all members are included in a cash or medical program, eligibility for FS and the other program benefits is determined at the same time when practicable.

(4) A client remains eligible for and continues to receive food stamp benefits on the normal issuance cycle if the application for recertification is filed with the Department and all required verification has been received by the Department:

(a) Not later than the 15th day of the month in which the certification expires; or

(b) In the case of a benefit group whose certification period is shorter than two months, not later than the 15th day after the Department provides notice that the certification period will expire.

(5) A client who files an application for recertification is eligible for a food stamp allotment without proration only if the filing date (see OAR 461-115-0040) is before the prior certification period expires and:

(a) The required interview is completed, and the Department receives the required verification, within 30 days after the client files the application for recertification; or

(b) The interview or verification required by this rule would have occurred timely but for a delay caused by the Department.

(6) The Department must deny the application for recertification in the event a client files a timely application for recertification but either fails to appear for a scheduled interview or fails to timely submit required verification.

(7) If the client fails to file an application for recertification during a *certification period*, food stamp benefits for the first month of the following certification period are prorated in accordance with OAR 461-180-0080.

(8) Once assigned, the *certification period* may not be shortened.

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816, 411.825

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; 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 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 9-2001, f. & cert. ef. 6-1-01; SSP 13-2003, f. 6-12-03, cert. ef. 6-16-03; SSP 10-2007, f. & cert. ef. 10-1-07

461-120-0120

Alien Status; REF, REFM

In the REF and REFM programs, an individual meets the alien status requirements if the individual is admitted lawfully under any of the following provisions of law:

(1) An individual admitted as a refugee under section 207 of the INA (8 U.S.C. 1157).

(2) An individual granted asylum under section 208 of the INA (8 U.S.C. 1158).

(3) Cuban and Haitian entrants, in accordance with requirements in 45 CFR part 401.

(4) An individual 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)). For purposes of this section, "Lautenberg" parolees, humanitarian interest parolees, and other public interest parolees do not qualify.

(5) An Amerasian from Vietnam who is admitted to the U.S. as an immigrant 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, 411.070

Stats. Implemented: ORS 411.060, 411.070

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; SSP 10-2007, f. & cert. ef. 10-1-07

461-120-0210

Requirement to Provide or Apply for SSN

(1) In the CAWEM, ERDC, REF, and REFM programs, a member of a *need group* (see OAR 461-110-0630) or a *benefit group* (see OAR 461-110-0750) is not required to provide or apply for a social security number (SSN). In these programs, the Department may request that a member of the filing or need group provide an SSN on a voluntary basis.

(2) In the EA and TA-DVS programs, an individual must provide his or her SSN if the individual can.

(3) Except as provided in section (5) of this rule, in the OSIP, OSIPM, and QMB programs, to be included in the *benefit group*, an individual must:

(a) Provide a valid SSN for the individual; or

(b) Apply for a number if the individual does not have a valid one and provide the SSN when it is received.

(4) Except as provided in sections (5) to (7) of this rule, in all programs not covered by sections (1) to (3) of this rule, to be included in the *need group*, an individual (other than an unborn) must:

(a) Provide a valid SSN for the individual; or

(b) Apply for a number if the individual does not have one and provide the SSN when it is received.

ADMINISTRATIVE RULES

(5) In the BCCM, EXT, FS, GA, GAM, MAA, MAF, OHP, OSIP, OSIPM, QMB, and SAC programs, an individual is not required to apply for or provide an SSN if the individual is:

(a) A member of religious sect or division of a religious sect that has continuously existed since December 31, 1950; and

(b) Adheres to its tenets or teachings that prohibit applying for or using an SSN.

(6) The requirement to apply for or provide the SSN is delayed as follows:

(a) In the BCCM, EXT, MAA, MAF, OHP, and SAC programs, a newborn who is assumed eligible based on the eligibility of the mother of the newborn may receive benefits until one year of age without meeting the SSN requirements of section (4) of this rule.

(b) In the Food Stamp program:

(A) Applicants eligible for expedited services may receive their first full month's allotment without meeting the SSN requirement but must meet the requirement before receiving a second full month's allotment.

(B) Before applying for or providing an SSN, a newborn may be added to an existing benefit group (see OAR 461-110-0750) for six months following the date the baby is born or until the group's next recertification, whichever is later.

(7) In the Food Stamp program:

(a) An individual who refuses or fails without good cause to provide or apply for an SSN when required by this rule is ineligible to participate. This period of ineligibility continues until the individual provides the SSN to the Department.

(b) An individual may participate in FS for one month in addition to the month of application, if the individual can show good cause why the application for an SSN has not been completed. To continue to participate, the individual must continue to show good cause each month until the application for an SSN is complete with Social Security Administration.

(c) An individual meets the good cause requirement in subsections (a) and (b) of this section if the individual provides evidence or collateral information that the individual applied for or made every effort to supply the Social Security Administration with the necessary information to complete the application process. Delays due to illness not associated with a disability (see OAR 461-001-0015), lack of transportation, or temporary absence do not qualify as good cause under this rule.

(8) This rule authorizes or requires the collection of an SSN for each of the following purposes.

(a) The determination of eligibility for benefits. The SSN is used to verify income and other assets, and match with other state and federal records such as the Internal Revenue Service (IRS), Medicaid, child support, Social Security benefits, and unemployment benefits.

(b) The preparation of aggregate information and reports requested by funding sources for the program providing benefits.

(c) The operation of the program applied for or providing benefits.

(d) Conducting quality assessment and improvement activities.

(e) Verifying the correct amount of payments, recovering overpaid benefits, and identifying any individual receiving benefits in more than one household.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-135-0010

Assumed Eligibility for Medical Programs

(1) This rule sets out when a client is assumed eligible for certain medical programs because the client receives or is deemed to receive benefits of another program.

(2) Except for a client disqualified for failure to pursue cost-effective, employer-sponsored health insurance as required by OAR 461-120-0345, a client who does not meet the citizenship and alien status requirements set forth in OAR 461-120-0125, and a client who does not meet a citizenship verification requirement set forth in OAR 461-115-0705, the following individuals are assumed eligible for MAA:

(a) A client receiving or eligible to receive TANF cash benefits.

(b) A client whose TANF cash benefits are being paid as wages through the JOBS Plus program.

(c) A client who receives no TANF cash benefits because of failure by the client to comply with the requirements for a recipient of the JOBS pro-

gram, or a requirement for evaluation or treatment of substance abuse or mental health (OAR 461-135-0085).

(d) A client in the Assessment Program (see OAR 461-135-0475).

(e) A child in a *benefit group* (see OAR 461-110-0750) whose grant is affected by a failure to comply with the requirements of OAR 461-120-0340 regarding paternity or child support.

(3) A pregnant woman who is eligible for and receiving benefits the day the pregnancy ends is 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.

(4) A pregnant woman who was eligible for and receiving benefits of the EXT, GAM, MAA, MAF, OHP-OPP, OSIPM, or SAC program but becomes ineligible during the pregnancy is assumed eligible for Medicaid.

(5) 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.

(6) Except for a child who does not meet a citizenship verification requirement set forth in OAR 461-115-0705, 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.

(7) The following individuals are assumed eligible for OSIPM (except OSIP-EPD and OSIPM-EPD):

(a) A recipient of SSI benefits.

(b) An individual 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.

(c) An individual described in subsection (a) or (b) of this section who is in a *nonstandard living arrangement* (see OAR 461-001-0000) is not eligible for long-term care (see OAR 461-001-0000) services if the individual would otherwise be ineligible for OSIPM due to a disqualifying transfer of assets (OAR 461-140-0210 to 461-140-0300 regulate the effect of a transfer of assets on a client).

(8) A client who receives both benefits under Part A of Medicare and SSI benefits is assumed eligible for the QMB-BAS program.

(9) A client is assumed eligible for REF if:

(a) The client is receiving cash assistance through the REF program;

(b) The client loses eligibility for cash assistance through the REF program only because of income or resources;

(c) The client loses eligibility for the EXT, MAA, MAF, or SAC programs, but still meets the requirements of the REF program; or

(d) The client had refugee-related medical assistance established in another state based on refugee status granted by the United States Citizenship and Immigration Services, and moved to Oregon within the client's first eight months in the United States.

Stat. Auth.: ORS 411.060, 411.070, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 414.042, 418.100, 1999 OL. ch. 859

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; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 12-2006(Temp), f. & cert. ef. 9-1-06 thru 12-31-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-135-0745

Eligibility for Individuals in Acute Care Settings; OSIPM

An individual in an acute care hospital or nursing facility is eligible for the OSIPM program if the individual:

(1) Meets all eligibility requirements for OSIPM except that income is above the program standards;

(2) Has income at or below 300 percent of the full SSI standard or has established a qualifying trust as specified in OAR 461-145-0540(9)(c); and

(3) Requires acute care hospital services or nursing facility services for a continuous period of care (see OAR 461-001-0030).

Stat. Auth.: ORS 411.060, 411.070, 414.042

Stats. Implemented: ORS 411.060, 411.070, 414.042

Hist.: SSP 10-2007, f. & cert. ef. 10-1-07

ADMINISTRATIVE RULES

461-135-0750

Eligibility for Individuals in Long-Term Care or Waivered Services; OSIPM

In the OSIPM program:

(1) A client who meets the requirements of section (2) of this rule is eligible for services in any of the following locations:

- (a) A nursing facility.
- (b) An intermediate care facility for the mentally retarded (ICF/MR).
- (c) A psychiatric institution, if the individual is not yet 21 years of age or has reached the age of 65.
- (d) A community-based setting covered by a waiver under Title XIX of the Social Security Act.

(2) An individual who resides in a location listed in section (1) of this rule for a continuous period of care (see OAR 461-001-0030) is eligible for OSIPM if the individual:

- (a) Meets the eligibility requirements for the OSIPM program except that income is above the program standards;
- (b) Has income at or below 300 percent of the full SSI standard; has established a qualifying trust as specified in OAR 461-145-0540(9)(c); or is eligible for the OSIPM-EPD program; and
- (c) Meets one of the following eligibility standards:
 - (A) The criteria in OAR 411-015-0100.
 - (B) The level-of-need criteria for an ICF/MR.
 - (C) The service eligibility standards for medically fragile children in OAR 411-350-0010.

(D) The service eligibility standards for the CIIS (Children's Intensive In-Home Services) behavioral program in OAR 411-300-0100 to 411-300-0220.

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 13-1991, f. & cert. ef. 7-1-91; 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 11-2001, f. 6-29-01, cert. ef. 7-1-01; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-135-0900

Specific Requirements; REF, REFM

(1) In addition to the eligibility requirements in other rules in Chapter 461 of the Oregon Administrative Rules, an individual must meet all of the requirements in this rule to be eligible for the REF and REFM programs.

(2) An individual must meet the alien status requirements of OAR 461-120-0120, except a child (see OAR 461-001-0000) born in the United States to a REF or REFM client meets the alien status requirements for the REF and REFM programs as long as each *parent* (see OAR 461-001-0000) in the household group (see OAR 461-110-0210) meets the alien status requirements of OAR 461-120-0120.

(3) An individual is not eligible to receive REF and REFM if the individual is a full-time student of *higher education*, unless such education is part of a cash assistance case plan. Any education or training allowable under an approved case plan must be less than one year in length. For the purposes of this rule, "higher education" means education that meets the requirements of one of the following subsections:

(a) Public and private universities and colleges and community colleges that offer degree programs regardless of whether a high school diploma is required for the program. However, GED, ABE, ESL and high school equivalency programs at these institutions are not considered higher education.

(b) Vocational, technical, business, and trade schools that normally require a high school diploma or equivalency certificate for enrollment in the curriculum or in a particular program at the institution. However, programs at those institutions that do not require the diploma or certificate are not considered higher education.

(4) Eligibility for REF and REFM is limited to the first eight months in the United States:

(a) For an individual who meets the alien status requirements of OAR 461-120-0120(1), (3), (4), or (5), the month that the individual enters the U.S. counts as the first month.

(b) For an individual who meets the alien status requirements of OAR 461-120-0120(2), (6), or (7), the month that the individual was granted the individual's status counts as the first month.

(c) Months in the United States are counted as whole months. There is no prorating of months.

(5) For an individual who meets the requirements of section (4) of this rule:

(a) When the individual resides in Clackamas, Multnomah, or Washington counties:

(A) The individual is not eligible to receive REF, TANF, or TANF-related employment services through the Department. To receive benefits, the individual is required to participate in the Refugee Case Service Project (RCSP). This individual is referred to their local resettlement agency to be enrolled in RCSP and receives all other Department services through the individual's local Department office.

(B) An individual who no longer meets the requirements of section (4) of this rule is no longer eligible to receive cash or case management services through RCSP. If this individual has been in the United States for 12 months or less, the individual is referred to the New Arrival Employment Services contractor for employment services.

(b) When the individual resides in counties other than Clackamas, Multnomah, and Washington:

(A) RCSP is not available. The individual is served at the individual's local Department office.

(B) For an individual who meets the eligibility requirements of the MAA, MAF, or TANF programs, the MAA, MAF, and TANF benefits are prior resources.

(C) An individual is eligible for the REF and REFM programs if the individual:

(i) Does not meet the eligibility requirements of at least one of the MAA, MAF, and TANF programs; and

(ii) Meets the financial and non-financial eligibility requirements for the REF and REFM programs.

(D) An REF client may not participate in the Pre-TANF program.

Stat. Auth.: ORS 411.060, 418.100

Stats. Implemented: ORS 411.060, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 19-1991(Temp), f. & cert. ef. 10-1-91; AFS 4-1992, f. 2-28-92, cert. ef. 3-1-92; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 40-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 33-1996(Temp), 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 17-1998, f. & cert. ef. 10-1-98; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 10-2007, f. & cert. ef. 10-1-07

461-135-0990

Specific Requirements; Reimbursement of Cost-Effective, Employer-Sponsored Health Insurance Premiums

Clients in the EXT, GAM, MAA, MAF, OHP (except OHP-CHP and OHP-OPU), OSIPM, REFM, and SAC programs are reimbursed for their share of the premiums for employer-sponsored health insurance if:

(1) The insurance is provided through a member of the household group (see OAR 461-110-0210);

(2) The insurance covers a member of the benefit group (see OAR 461-110-0750);

(3) The insurance coverage is a comprehensive plan (that is, includes basic or major medical services) or is a fully capitated health plan (FCHP) or physicians care organization (PCO); and

(4) The premium is cost-effective (see OAR 461-155-0360).

Stat. Auth.: ORS 411.060, 411.070, 414.042

Stats. Implemented: ORS 411.060, 411.070, 414.042

Hist.: AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; 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 15-1999, f. 11-30-99, cert. ef. 12-1-99; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 10-2007, f. & cert. ef. 10-1-07

461-135-1230

TA-DVS; Benefits of the Program

In the TA-DVS program:

(1) A client may receive benefits of the program for 90 days from the date the client was found eligible. Clients may receive benefits simultaneously from the TA-DVS and TANF programs. A client may receive benefits under the program not to exceed \$1,200 during the 90-day period of eligibility.

(2) If a client submits an application meeting all eligibility criteria set forth in OAR 461-135-1215 and 461-135-1225 less than 12 months after the commencement of a 90-day period of eligibility, that application must be jointly approved or denied by the Department's field and central offices.

(3) The client and the Department prepare a case plan that identifies activities necessary to enhance the client's safety. The case plan specifies the payments the Department makes to meet the client's needs for shelter and food and for relocation or other support services that will enhance the client's safety. The case plan either is in writing and signed by the client or is narrated by the Department in the client's case file.

(4) A client's available, liquid resources may be considered when developing the case plan.

ADMINISTRATIVE RULES

(5) Payments issued for items in the client's case plan are issued as dual-payee checks unless the use of a dual-payee check is likely to put the client at risk of harm.

(6) Benefits of the program do not include relocation of household or personal belongings from another state.

Stat. Auth.: ORS 411.060, 411.070, 418.100
Stats. Implemented: ORS 411.060, 411.070, 411.117, 418.100
Hist.: AFS 9-1999, f. & cert. ef. 7-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 10-2007, f. & cert. ef. 10-1-07

461-140-0020

Availability of Resources

(1) Except as provided in sections (2) to (4) of this rule:

(a) In the Food Stamp program, a resource owned jointly by a client and another person is available in its entirety to the client.

(b) In all other programs, jointly owned resources are available to members of a financial group (see OAR 461-110-0530) only to the extent they own the resource.

(2) A resource is not available to a client in each of the following situations:

(a) The client has a legal interest in the resource, but the resource is not in the client's possession and the client is unable to gain possession of it. In the REF and REFM programs, if a resource remains in the applicant's country of origin, it is not available.

(b) The resource is jointly owned with others not in the financial group who are unwilling to sell their interest in the resource, and the client's interest is not reasonably saleable.

(c) The client verifiably lacks the competence to gain access to or use the resource and there is no legal representative available to act on the client's behalf.

(d) The client is a victim of *domestic violence* (see OAR 461-001-0000) and:

(A) Attempting to use the resource would subject the client to risk of domestic violence; or

(B) The client is using the resource to avoid the abusive situation.

(e) Except as provided in OAR 461-145-0540, the resource is included in an irrevocable or restricted trust and cannot be used to meet the basic monthly needs of the financial group.

(3) A resource is not considered available during the time the owner does not know he or she owns the resource.

(4) If a resource is subject to an early withdrawal penalty, the amount of the penalty is not available.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100
Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.100
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 17-1992, f. & cert. ef. 7-1-92; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 12-2001, f. 6-29-01, cert. ef. 7-1-01; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 10-2007, f. & cert. ef. 10-1-07

461-140-0040

Determining Availability of Income

(1) This rule describes the date income is considered available, what amount of income is considered available, and situations in which income is considered unavailable.

(2) Income is considered available the date it is received or the date a member of the *financial group* (see OAR 461-110-0530) has a legal right to the payment and the legal ability to make it available, whichever is earlier, except as follows:

(a) Income usually paid monthly or on some other regular payment schedule is considered available on the regular payment date if the date of payment is changed because of a holiday or weekend.

(b) Earned income withheld or diverted at the request of an employee is considered available on the date the wages would have been paid without the withholding or diversion.

(c) An advance or draw of earned income is considered available on the date it is received.

(d) Income that is averaged, annualized, converted, or prorated is considered available throughout the period for which the calculation applies.

(e) A payment due to a member of the *financial group*, but paid to a third party for a household expense, is considered available when the third party receives the payment.

(3) The following income is considered available even if not received:

(a) Deemed income.

(b) In the ERDC, GA, GAM, MAA, MAF, OHP, OSIP, OSIPM, QMB, REF, REFM, and TANF programs, the portion of a payment from an assistance program, such as public assistance, unemployment compensation, or social security, withheld to repay an overpayment.

(c) In the FS program, the portion of a payment from the TANF program counted as disqualifying income under OAR 461-145-0105.

(4) The amount of income considered available is the gross before deductions, such as garnishments, taxes, or other payroll deductions including flexible spending accounts.

(5) The following income is not considered available:

(a) Wages withheld by an employer in violation of the law.

(b) Income received by another person who does not pay the client his or her share.

(c) Income received by a member of the *financial group* after he or she has left the household.

(d) Moneys withheld from or returned to the source of the income to repay an overpayment from that source unless the repayment is countable:

(A) In the FS program, under OAR 461-145-0105; or

(B) In the ERDC, GA, GAM, MAA, MAF, OHP, OSIP, OSIPM, REF, REFM, and TANF programs, under subsection (3)(b) of this rule.

(e) For a client who is not self-employed, income required to be expended on an ongoing, monthly basis on an expense necessary to produce the income, such as supplies or rental of work space.

(f) In the FS program, income received by the financial group but intended and used for the care of someone not in the financial group as follows:

(A) If the income is intended both for someone in the *financial group* and someone not in the *financial group*, the portion of the income intended for the care of the individual not in the financial group is considered unavailable.

(B) If the portion intended for the care of the individual not in the financial group cannot readily be identified, the income is prorated evenly among the individuals for whom the income is intended. The prorated share intended for the care of the individual not in the financial group is then considered unavailable.

(g) In the FS, MAF, and OHP programs, income controlled by the client's abuser if the client is a victim of domestic violence (see OAR 461-001-0000), the client's abuser controls the income and will not make the money available to the filing group, and the abuser is not in the client's filing group.

(h) In the MAA, REF, REFM, and TANF programs, the client is a victim of domestic violence and the client's abuser controls the income and will not make the money available to the filing group.

(i) In the REFM program, any income used for medical or medical-related purposes.

(6) The availability of lump-sum income is covered in OAR 461-140-0120.

Stat. Auth.: ORS 409.050, 411.060, 411.816, 414.042, 418.100
Stats. Implemented: ORS 411.060, 411.117, 411.816, 414.042, 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 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 17-1992, f. & cert. ef. 7-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; 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 25-1998, f. 12-28-98, cert. ef. 1-1-99; 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 13-2002, f. & cert. ef. 10-1-02; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 1-2005(Temp), f. & cert. ef. 2-1-05 thru 6-30-05; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 5-2005(Temp), f. & cert. ef. 4-1-05 thru 6-30-05; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

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 (see OAR 461-110-0530) 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 ERDC program, 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.

(3) In 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 a filing group (see OAR 461-110-0370) with at least one member working under a TANF 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.

(4) In the MAA, MAF, REF, REFM, and TANF programs:

ADMINISTRATIVE RULES

(a) In determining eligibility, except for clients working under a TANF 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 TANF 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 member of the financial group is considered countable unearned income.

(5) In the OHP program, 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, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 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; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0088

Corporations and Business Entities; Income and Resources

(1) The value of stocks or other ownership interest in a corporation is a resource.

(2) Assets of the corporation essential to the employment of a client are excluded. For instance, if the corporation owns equipment used by the client to produce income for the corporation, the equipment is an excluded resource. If a client must own stock in the corporation as a condition of working for the corporation, the stock is an excluded resource.

(3) Except as provided in OAR 461-140-0040(2) and section (4) of this rule, income of a corporation is not income of a client with an ownership interest in the corporation until the income is distributed to the client.

(4) In the FS, OHP, OSIP, OSIPM, and QMB programs:

(a) An expenditure by a business entity or corporation that benefits a principal — such as a car or housing payment — is considered available when the expenditure is made.

(b) For purposes of this rule, a principal is a person with significant authority in a business entity or corporation, including a sole proprietor, a self-employed person (see OAR 461-145-0910), a partner in a partnership, a member or manager of a limited liability company, and an officer or principal stockholder of a closely held corporation.

(c) See OAR 461-145-0130, 461-145-0280, and 461-145-0470 for the treatment of earned in-kind income.

(5) In the FS program:

(a) Income from business entities and corporations is treated as follows:

(A) If a client is actively working in a corporation, the income is treated as earned income.

(B) If a client is actively working in an unincorporated business entity, refer to OAR 461-145-0910 to determine if the income is treated as earned or as self-employment.

(C) If a client is no longer actively working to produce the income, the income is treated as unearned.

(b) Income from a limited liability company is treated as follows:

(A) If a client is a member or a manager member, the income is treated as self-employment income.

(B) If a client is a manager but not a member, the income is treated as earned income.

Stat. Auth.: ORS 411.060, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.816, 414.042, 418.100

Hist.: AFS 11-1999, f. & cert. ef. 10-1-99; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0110

Domestic Volunteer Services Act (VISTA, RSVP, SCORE, ACE)

In all Department programs covered by Chapter 461 of the Oregon Administrative Rules, with respect to federal programs under the Domestic Volunteers Service Act of 1973 (Pub. L. No. 93-113):

(1) Payments under Title I — VISTA, University Year of Action, and Urban Crime Prevention — are treated as follows:

(a) In the ERDC, MAA, MAF, OHP, REF, REFM, SAC, and TANF programs, these payments are excluded, except that these payments are counted as earned income if the total value of all compensation is equal to or greater than compensation at the state minimum wage.

(b) In the GA and GAM programs, payments are counted as unearned income.

(c) In all programs except the ERDC, GA, GAM, MAA, MAF, OHP, REF, REFM, SAC, and TANF programs:

(A) The payments are excluded if the client is receiving Department program benefits when they join the Title I program. The exclusion of payments continues until the client has a break in receiving Department benefits of more than one month.

(B) The payments are counted as earned income for clients who joined the Title I program before applying for Department program benefits.

(2) Payments are excluded for programs under Title II (National Older Americans Volunteer Programs), which include:

(a) Retired Senior Volunteer Program (RSVP) Title II, Section 201.

(b) Foster Grandparent Program Title II, Section 211.

(c) Older American Community programs.

(d) Senior Companion Program.

(3) Payments are excluded for programs under Title III (National Volunteer Programs to Assist Small Businesses and Promote Volunteer Service by Persons with Business Experience), which include:

(a) Service Corps of Retired Executives (SCORE) Title III, Section 302.

(b) Active Corps of Executives (ACE) Title III, Section 302.

Stat. Auth.: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0120

Earned Income; Defined

Earned income is income received in exchange for an individual's physical or mental labor. Earned income includes all of the following:

(1) Compensation for services performed, including wages, salaries, commissions, tips, sick leave, vacation pay, draws, or the sale of one's blood or plasma.

(2) Income from on-the-job-training, paid job experience, JOBS Plus work experience, or Welfare-to-Work work experience.

(3) In-kind income, when a client is an employee of the person providing the in-kind income and the income is in exchange for work performed by the client.

(4) For self-employment, gross receipts and sales, including mileage reimbursements, before costs.

(5) In:

(a) The FS program, cafeteria plan (see OAR 461-001-0000) benefits and funds placed in a flexible spending account.

(b) All programs except the FS program, cafeteria plan benefits that an employee takes as cash as well as funds placed in a flexible spending account.

(6) Income from work-study.

(7) Income from profit sharing that the client receives monthly or periodically.

(8) In the FS, OHP, OSIP, OSIPM, and QMB programs, an expenditure by a business entity that substantially benefits a principal (see OAR 461-145-0088).

Stat. Auth.: ORS 409.050, 411.060, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.816, 414.042, 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 28-1992, f. & cert. ef. 10-1-92; 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 11-1999, f. & cert. ef. 10-1-99; AFS 10-2002, f. & cert. ef. 7-1-02; 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 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0130

Earned Income; Treatment

(1) Earned income (see OAR 461-145-0120) is countable in determining eligibility for programs, subject to sections (2) to (8) of this rule.

(2) JOBS Plus income is earned income and is treated as follows:

(a) In the FS program:

(A) JOBS Plus income earned by a TANF-PLS client:

(i) Is counted in determining initial FS eligibility.

(ii) Is excluded in determining ongoing eligibility.

ADMINISTRATIVE RULES

(B) JOBS Plus wages received after the client's last month of work under a TANF-PLS JOBS Plus agreement are counted.

(b) In the TANF program:

(A) JOBS Plus income earned by an NCP-PLS client is counted in determining initial TANF eligibility.

(B) When determining the need for a TANF supplement for a TANF-PLS client, the income is treated as follows:

(i) It is excluded in determining the countable income limit and in calculating the benefit equivalency standards.

(ii) It is counted in calculating the wage supplement.

(C) JOBS Plus wages received after the client's last month of work under a JOBS Plus agreement are counted.

(c) In all programs other than the FS and TANF programs, TANF-PLS income is counted.

(d) In all programs other than the TANF program, NCP-PLS income is counted as earned income.

(e) In all programs, client wages received under the Oregon Employment Department UI JOBS Plus or the Tribal TANF JOBS programs are counted as earned income.

(3) Welfare-to-Work work experience income is treated as follows:

(a) In the EXT, MAA, MAF, REF, REFM, and TANF programs, the income is earned income, and the first \$260 is excluded each month.

(b) In the FS and OHP programs, the income is earned income.

(4) In the ERDC and OHP programs, earned income of a child is excluded.

(5) In the EXT, MAA, MAF, REF, REFM, SAC, and TANF programs:

(a) Earned income of the following children is excluded:

(A) Dependent children under the age of 19 years, and minor parents under the age of 18 years, who are full-time students in grade 12 or below (or the equivalent level of vocational training, in GED courses), or in home schooling approved by the local school district.

(B) Dependent children under the age of 18 years who are attending school part-time (as defined by the institution) and are not employed full-time.

(C) Dependent children too young to be in school.

(b) Income remaining after the month of receipt is a resource.

(c) In-kind earned income is excluded (see OAR 461 145-0280 and 461-145-0470).

(6) In the FS program:

(a) If a cafeteria plan (see OAR 461-001-0000) benefit that the employee cannot elect to receive as a cash payment is designated and used to pay for child care, medical care, or health insurance, the benefit is excluded unless it is reimbursed by the Department or allowed as an earned income deduction.

(b) The following types of income are excluded:

(A) The earned income of an individual under the age of 18 years who is under the parental control of another member of the household and is:

(i) Attending elementary or high school;

(ii) Attending GED classes recognized by the local school district;

(iii) Completing home-school elementary or high school classes recognized by the local school district; or

(iv) Too young to attend elementary school.

(B) In-kind earned income, except as provided in section (7) of this rule.

(C) Deductions from base pay for future educational costs under Pub. L. No. 99-576, 100 Stat. 3248 (1986), for clients on active military duty.

(D) Income remaining after the month of receipt is a resource.

(7) In the FS and OHP programs, earned in-kind income (see OAR 461-145-0280) is excluded unless it is an expenditure by a business entity that benefits a principal (see OAR 461-145-0088).

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 9-1990, f. & cert. ef. 3-2-90; 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 1-1993, f. & cert. ef. 2-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 19-1994, f. & cert. ef. 9-1-94; 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 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 17-1996, 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 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 7-2000(Temp), f. 3-10-00, cert. ef. 3-10-00 thru 9-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 12-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 17-2001(Temp), f. 8-31-01, cert. ef. 9-1-01 thru 9-30-01; AFS 22-2001, f. & cert. ef. 10-1-01; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0180

Family Support Payments

(1) Family Support program payments are social benefits distributed by state or local agencies to families caring for individuals with extraordinary care needs who live at home. Needs are typically caused by disability or advanced age. Payments are made to or on behalf of family members.

(2) The Family Support program payments described in section (1) of this rule are treated as unearned income except as follows:

(a) In the ERDC program, the payments are excluded unless they duplicate day care payments provided through a child care program operated by the Department.

(b) In the FS program, payments provided specifically as reimbursement for an identified expense are covered by OAR 461-145-0440. Lump-sum payments are covered in OAR 461-140-0120. All other payments are unearned income.

(c) In the MAA, MAF, REF, REFM, SAC, and TANF programs, shelter payments and payments for services or needs not covered by TANF are excluded.

(d) In the OHP, OSIP, OSIPM, and QMB programs, the payments are excluded.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0210

Gifts and Winnings

(1) For the purposes of this rule:

(a) Gifts are items given to or received by an individual on or for a special occasion, such as a holiday, birthday, graduation, or wedding. Gifts are not given or received on a regular basis.

(b) Winnings are prizes given to an individual in a contest, game of chance, or similar event. Winnings in the form of money may be distributed periodically (e.g., monthly) or in a lump-sum.

(2) In the ERDC program, gifts and winnings are excluded.

(3) In all programs except the ERDC program:

(a) In-kind gifts and winnings are treated according to the rule applicable to the specific type of asset.

(b) Gifts and winnings in the form of money are treated as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120).

(c) Gifts and winnings in the form of a gift card or certificate are excluded.

(4) For employment-related items, see OAR 461-145-0130.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 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 12-1993, f. & cert. ef. 7-1-93; AFS 9-1997, f. & cert. ef. 7-1-97; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0240

Income-Producing Sales Contract

(1) The *equity value* (see OAR 461-001-0000) of an income-producing sales contract is treated as follows:

(a) In the GA and GAM programs, it is a *countable* (see OAR 461-001-0000) resource.

(b) In all programs except the GA and GAM programs, it is excluded.

(2) In all programs, income received from a sales contract is treated as provided in OAR 461-145-0460.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0260

Indian (Native American) Benefits

(1) The following Indian benefits are excluded:

(a) Indian lands held jointly with the tribe, or land that cannot be sold without the approval of the Bureau of Indian Affairs.

(b) Payments to Puyallup Tribe members from the trust funds established under Public Law 101-41.

(c) Payments from the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103-436).

(2) Payments from the Bureau of Indian Affairs are treated as follows:

(a) In the FS program, payments from the General Assistance program are counted as unearned income.

ADMINISTRATIVE RULES

(b) In all programs except the FS program, payments from the General Assistance program are excluded.

(c) The treatment of educational income is covered by OAR 461-145-0150.

(3) In the GA and GAM programs, Indian benefits described in sections (4) to (12) of this rule are counted as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120), unless the client verifies that such benefits are excluded by the public law for state-funded programs.

(4) In all programs except the GA and GAM programs, payments under Public Law 92-203 (Alaska Native Claim Settlement Act) are treated as follows:

(a) In the FS program, the entire payment is excluded.

(b) In all programs except FS, GA, and GAM programs:

(A) Only the tax-exempt portion of the payment is excluded.

(B) The remainder of the payment is counted as unearned income.

(5) In all programs except the GA and GAM programs, the following types of distributions provided under Public Law 100-241 (Alaska Native Claim Settlement Act) are excluded:

(a) Stock.

(b) A partnership interest.

(c) Land or interest in land.

(d) An interest in a settlement trust.

(e) The first \$2,000 of each per-capita payment per year for each member of the financial group (see OAR 461-110-0530) who receives the payment. The amount over \$2,000 paid to each member of the financial group who receives the per-capita payment is counted as lump-sum income (see OAR 461-140-0120).

(6) In all programs except the GA and GAM programs, the Department excludes Indian benefit payments when federal law requires an exclusion. These include payments under each of the following federal laws:

(a) The Aroostook Band of Micmacs under Public Law 102-171.

(b) Blackfeet, Cherokee, Cheyenne, Chippewa, and Sioux tribes under Public Law 94-114, when the payment is from submarginal land held in trust by the United States.

(c) Blackfeet Indians under Public Law 92-254.

(d) Grand River Ottawa Indians under Public Law 94-540.

(e) Hopi or Navajo Indians under Public Law 93-531.

(f) Passamaquoddy Tribe and Penobscott Nation, including the Holton Band of Maliseet Indians, under the Indian Claims Settlement Act (Public Law 96-420).

(g) Umpqua Tribe Cow Creek Band under Public Law 100-139.

(h) Yakima Nation Confederated Tribes and Bands of the Mescalero Reservation Apache Tribe under Public Law 95-433.

(7) In all programs except the GA and GAM programs, payments received from trust or restricted lands under Public Law 93-134, Public Law 97-458, and Public Law 103-66 are excluded.

(8) In all programs except the GA and GAM programs, payments to Seminole Tribe members under Public Law 101-277 are treated as follows:

(a) The first \$2,000 of each per-capita payment per year is excluded for each member of the financial group who receives the payment.

(b) The amount over \$2,000 paid to each member of the financial group who receives the per-capita payment is counted as lump-sum income (see OAR 461-140-0120).

(9) In all programs except the GA and GAM programs, payments from the distribution of judgment funds to members of the Confederated Tribes of the Umatilla under Public Law 91-259 are treated as follows:

(a) The first \$2,000 of each per-capita payment per year is excluded for each member of the financial group who receives the payment.

(b) The amount over \$2,000 paid to each member of the financial group who receives the per-capita payment is counted as lump-sum income (see OAR 461-140-0120).

(10) In all programs except the GA and GAM programs, payments for assets held in trust to the Sac and Fox Tribe of Oklahoma and Sac and Fox Tribe of the Mississippi in Iowa by the Indian Claims Commission under Public Law 94-189, Section 6 (The Sac and Fox Indian Claims Agreement) are treated as follows:

(a) The first \$2,000 of each per-capita payment per year is excluded for each member of the financial group who receives the payment.

(b) The amount over \$2,000 paid to each member of the financial group who receives the per-capita payment is counted as lump-sum income (see OAR 461-140-0120).

(11) In all programs except the GA and GAM programs, payments from judgment funds held in trust by the U.S. Secretary of the Interior under Public Law 98-64 are excluded.

(12) In all programs except the GA and GAM programs, Indian Child Welfare payments under Public Law 95-608 are excluded.

(13) Tribal payments for child care are treated as follows:

(a) Provider-direct payments are counted as the provider's earned income.

(b) All client-direct payments are excluded.

(14) In each program, any Indian benefit payments distributed by the tribe and not excluded for that program by public law are counted as unearned income.

(15) Payments in the tribal-TANF program are counted in the same manner as TANF program payments under OAR 461-145-0410.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.700, 411.816, 414.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90;

AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; 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 16-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; SSP 10-

2007, f. & cert. ef. 10-1-07

461-145-0270

Inheritance

(1) An inheritance may be received in the form of monies, property, or other assets.

(2) An inheritance is treated as follows:

(a) In all programs except the ERDC program:

(A) A noncash inheritance is treated according to the policy for the specific type of asset inherited.

(B) A cash inheritance is counted as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120).

(b) In the ERDC program, an inheritance is excluded.

Stat. Auth.: ORS 411.060, 411.816, 418.100

Stats. Implemented: ORS 411.060, 411.105, 411.111, 411.730, 411.816, 414.042, 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 12-1993, f. & cert. ef. 7-1-93; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0280

In-Kind Income

(1) This rule does not apply to shelter-in-kind income (see OAR 461-145-0470).

(2) In all programs except EXT, MAA, MAF, OHP, REF, REFM, SAC, and TANF, in-kind income (see OAR 461-001-0000) that is earned is treated according to the administrative rules on earned income (such as OAR 461-145-0130).

(3) In all programs except EXT, MAA, MAF, OHP, REF, REFM, SAC, and TANF, in-kind income that is unearned (except third-party payments) is treated as follows:

(a) Income from court-ordered community service work or bartering is excluded. Bartering is the exchange of goods of equal value.

(b) Items such as cars and furniture are treated according to the administrative rule for the specific type of asset.

(4) In the EXT, MAA, MAF, REF, REFM, SAC, and TANF programs, in-kind income (except unearned third-party payments) is excluded.

(5) In the FS and OHP programs, except for child support (see OAR 461-145-0080) and an expenditure by a business entity that benefits a principal (see OAR 461-145-0088), in-kind income is excluded.

(6) Unearned third-party payments are treated as follows:

(a) Payments made to a third party that should legally be paid directly to a member of the financial group (see OAR 461-110-0530) are counted as unearned income.

(b) Payments made to a third party that the payee is not legally obligated to pay directly to a member of the financial group and that the financial group does not have the option of taking as cash, and payments made by the noncustodial parent to a third party that are court-ordered are treated as follows:

(A) In the FS program, these third-party payments are excluded unless they are transitional housing payments for the homeless.

(B) In the MAA, MAF, REF, REFM, SAC, and TANF programs, except for payments designated as child support (see OAR 461-145-0080), these third-party payments are excluded.

(C) In the OHP program, these third-party payments are counted.

(D) In all programs except the FS, MAA, MAF, OHP, REF, REFM, SAC, and TANF programs, these third-party payments are excluded.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 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 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 32-1996(Temp),

f. & cert. ef. 9-23-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 9-1997, f. & cert. ef.

7-1-9; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01;

AFS 13-2002, f. & cert. ef. 10-1-02; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 15-2006, f. 12-

ADMINISTRATIVE RULES

29-06, cert. ef. 1-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0290

Job Corps

Job Corps payments are treated as follows:

(1) A living allowance payment is counted as earned income.

(2) A readjustment allowance payment is treated as follows:

(a) In all programs except the FS program, this payment is counted as earned income.

(b) In the FS program, this payment is counted as lump-sum income (see OAR 461-140-0120).

(3) A support service payment for an item already covered by the benefits of the benefit group (see OAR 461-110-0750) is counted as unearned income. All other support service payments (including clothing allowances) are excluded.

(4) A reimbursement (see OAR 461-001-0000) is treated as provided in OAR 461-145-0440.

Stat. Auth.: ORS 411.060, 411.070, 411.700, 411.816, 414.032, 418.100
Stats. Implemented: ORS 411.060, 411.070, 411.700, 411.816, 414.032, 418.100
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 3-1990(Temp), f. & cert. ef. 1-16-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 1-1991(Temp), f. & cert. ef. 1-2-91; AFS 131991, f. & cert. ef. 7-1-91; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0300

Workforce Investment Act

Payments to clients made under Title I-B of the Workforce Investment Act (see OAR 151-020-0030) are treated as provided in this rule.

(1) Need-based (stipend) payments are treated as unearned income except as follows:

(a) In the FS program, these payments are excluded.

(b) The payments are excluded for MAA, MAF, OHP, REF, REFM, SAC, and TANF clients under the age of 19 years, or under the age of 20 years if the client is a caretaker relative (see OAR 461-001-0000).

(2) OJT (On-the-Job Training) and work experience payments are counted as earned income, except as follows:

(a) The payments are excluded for EXT, MAA, MAF, OHP, REF, REFM, SAC, and TANF clients under the age of 18 years, or under the age of 20 years if the client is a caretaker relative (see OAR 461-001-0000);

(b) The payments are excluded for an FS client who is:

(A) Under the age of 19 years and under the control of an adult member of the filing group (see OAR 461-110-0370); or

(B) Receiving OJT payments under the Summer Youth Employment and Training Program.

(3) A support service payment for an item already covered by the benefits of the benefit group (see OAR 461-110-0750) is treated as unearned income. All other support service payments (including lunch payments and clothing allowances) are excluded.

(4) A reimbursement (see OAR 461-001-0000) is treated as provided in OAR 461-145-0440.

[Publication.: Publications referenced are available from the agency.]
Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100
Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.100
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 9-2001, f. & cert. ef. 6-1-01; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0340

Lodger Income

(1) Lodger income is the amount a lodger (see OAR 461-001-0000) pays the filing group for room (rent) and board (meals).

(2) Lodger income is counted as follows:

(a) In the MAA, MAF, REF, REFM, SAC, and TANF programs, lodger income not excluded under OAR 461-155-0350 is treated as self-employment income.

(b) In all programs except the MAA, MAF, REF, REFM, SAC, and TANF programs, lodger income is treated as self-employment income.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100
Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 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; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0345

Military Income

Military income (pay and allowances of a member of a uniformed service) is treated as follows:

(1) Except as provided in section (2) of this rule:

(a) Military income is counted as earned income of the member's financial group (see OAR 461-110-0530), except as provided in subsection (b) of this section.

(b) The portion of military pay and allowances available to the financial group is counted as unearned income if the member is not included in the filing group.

(2) In the FS program:

(a) The military income available to the financial group is counted as unearned income if the member is not in the filing group (see OAR 461-110-0370), except as provided in subsections (b) and (c) of this section.

(b) The additional pay received by a member during deployment to an area described in 37 U.S.C. 310 (hostile fire or imminent danger pay) is excluded.

(c) Any amount reduced from basic pay for the GI Bill is excluded.

(d) The following process is used to determine the countable (see OAR 461-001-0000) amount after the exclusions under subsections (b) and (c) of this section:

(A) The amount of the group's military income immediately prior to the deployment is determined.

(B) The current amount of the group's military income is determined.

(C) The lesser of the two amounts in paragraphs (A) and (B) of this subsection is countable income.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100
Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.100
Hist.: SSP 4-2005, f. & cert. ef. 4-1-05; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0360

Motor Vehicle

(1) The value of disability-related apparatus, optional equipment, or low mileage is not considered in determining the fair market value (see OAR 461-001-0000) of an automobile, truck, or van. The fair market value of an automobile, truck, or van is presumed to be the "average trade-in value" established in the National Automobile Dealers Association's (NADA) Used Car Guide. If the vehicle is not listed in the NADA Used Car Guide, the "average trade-in value" established in the Kelley Blue Book is used. If the vehicle is not listed in the NADA Used Car Guide and Kelley Blue Book, the "average trade-in value" established in a similar publication is used. A client may rebut the presumption with a statement from a car dealer, mechanic, or other reliable source. If the vehicle is not listed in the NADA Used Car Guide, Kelley Blue Book, and a similar publication, the estimate of the value by the client may be accepted unless it appears questionable, in which case additional evidence of the value is required.

(2) Some programs permit an exclusion for a portion of the equity value (see OAR 461-001-0000) for any licensed and unlicensed motor vehicles owned by the financial group:

(a) In the FS, MAA, MAF, REF, REFM, SAC, and TANF programs, this exclusion is up to \$10,000.

(b) In the GA and GAM programs, this exclusion is up to \$4,500.

(c) Any remaining equity in that vehicle and the total equity value of all other vehicles is counted as a resource.

(3) In the EA, ERDC, and OHP programs, all motor vehicles are excluded.

(4) For grandfathered financial groups in the OSIP and OSIPM programs, one motor vehicle in operating condition is excluded, and the equity value of any other motor vehicles is counted as a resource.

(5) In the OSIP, OSIPM, and QMB programs:

(a) The total value of a vehicle selected by the financial group is excluded if it is used for employment or necessary and continuing medical treatment. If it is not, the first \$4,500 of the fair market value is excluded. The amount above \$4,500 is counted as a resource.

(b) The total equity value of all other vehicles is counted as a resource.

(6) In the OSIP-EPD and OSIPM-EPD programs, if a vehicle was purchased as an employment and independence expense (see OAR 461-001-0035) or with moneys from an approved account (see OAR 461-001-0035), the total value of the vehicle is excluded.

Stat. Auth.: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 418.100
Stats. Implemented: ORS 411.060, 411.070, 411.117, 411.700, 411.816, 414.042, 418.100
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; AFS 9-1999, f. & cert. ef. 7-1-99; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04; SSP 6-2004, f. & cert. ef. 4-1-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 10-2007, f. & cert. ef. 10-1-07

ADMINISTRATIVE RULES

461-145-0365

National and Community Services Trust Act (NCSTA), including AmeriCorps (other than AmeriCorps VISTA)

(1) The National and Community Service Trust Act (NCSTA) of 1993 (P.L. 103-82) amended the National and Community Service Act (NCSA) of 1990 (P.L. 101-610) that established a Corporation for National and Community Service. The Corporation administers national service programs providing living allowance, educational award, child care and in-kind benefits.

(2) NCSTA payments, including AmeriCorps (except AmeriCorps VISTA which is covered in OAR 461-145-0110) are treated as follows:

(a) The living allowance (stipend benefits) is excluded.

(b) Educational award and in-kind benefits are treated as follows:

(A) In the GA program, these benefits are treated according to the policy for the specific type of asset.

(B) In all programs except GA, these benefits are excluded.

(c) The child care allowance is treated as follows:

(A) For clients in the ERDC, MAA, REF, and TANF programs who are eligible for direct provider payment of child care, the allowance is counted as unearned income. The allowance is excluded only if the client already pays the provider. The provider may be paid for only the costs not covered by the allowance.

(B) For clients in the FS program who are receiving a child care deduction, the deduction is allowed only for the costs not covered by the allowance.

(C) In all other programs, the allowance is excluded.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Hist.: AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 9-1999, f. & cert. ef. 7-1-99; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0380

Pension and Retirement Plans

(1) Pension and retirement plans include the following:

(a) Benefits employees receive only when they retire. These benefits can be disbursed in lump-sum or monthly payments.

(b) Benefits that employees are allowed to withdraw when they leave a job before retirement.

(c) The following retirement plans and annuities if purchased by a client with funds from the plans authorized by section 408 of the Internal Revenue Code of 1986 at subsections (a), (b), (c), (k), (p) or (q), or at section 408A:

(A) Individual Retirement Annuity.

(B) Individual Retirement Account.

(C) Deemed Individual Retirement Account or Annuity under a qualified employer plan.

(D) Accounts established by employers and certain associations of employees.

(E) Simplified Employee Pension (SEP).

(F) Simple Retirement Account.

(2) An annuity purchased by the spouse (see OAR 461-001-0000) of a client with funds from a retirement plan described in subsection (1)(c) of this rule is not considered a retirement plan and is treated in accordance with OAR 461-145-0020 and 461-145-0022.

(3) Benefits the client receives from pension and retirement plans are treated as follows:

(a) Monthly payments are counted as unearned income.

(b) All payments not covered by subsection (a) of this section are counted as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120).

(4) In the OSIP, OSIPM, and QMB programs:

(a) Except for an annuity purchased with funds from a retirement plan described in subsection (1)(c) of this rule:

(A) The equity value (see OAR 461-001-0000) of a pension or retirement plan is excluded as a resource if the individual is eligible for monthly or periodic payments under the terms of the plan and has applied for those payments.

(B) The equity value of all pension and retirement plans not covered by paragraph (A) of this subsection that allow clients to withdraw funds, minus any penalty for withdrawal, is counted as a resource.

(b) The equity value of an annuity purchased with funds from a retirement plan described in subsection (1)(c) of this rule is excluded as a resource if it meets the payout requirements of OAR 461-145-0022(10)(c). Otherwise, the equity value is counted as a resource.

(5) In all programs except the OSIP, OSIPM, and QMB programs, pension and retirement plans that allow clients to withdraw funds before retirement are treated as follows:

(a) In the FS program, any portion of an individual retirement account (IRA), or a KEOGH plan that is available before, upon, or following retirement, is counted as an available resource, less a penalty for early withdrawal. The value of any other plan is excluded as a resource.

(b) In the OHP program, the equity value of the plan is excluded as a resource.

(c) Except in the FS and OHP programs, the equity value of the plan, minus any penalty for early withdrawal, is counted as a resource.

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 13-1991, f. & cert. ef. 7-1-91; AFS 21-1995, f. 9-20-95, cert. ef. 10-1-95; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0400

Personal Injury Settlement

(1) For all programs except the ERDC program, personal injury settlements are treated as follows:

(a) Monthly payments are counted as unearned income.

(b) For clients in all programs except grandfathered clients in the OSIP and OSIPM programs (see OAR 461-125-0330(2), 461-125-0370(1)(b), and 461-135-0771), all other payments are counted as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120).

(c) For grandfathered OSIP and OSIPM clients, the balance from personal injury claims after the Department's lien is satisfied is counted as lump-sum income (see OAR 461-140-0120). If the lien was not filed due to the recipient's failure to notify the Department of the claim, the payment is counted as unearned income.

(2) In the ERDC program, personal injury settlements are excluded.

(3) This rule does not apply to workers compensation payments (see OAR 461-145-0590 for the treatment of those payments).

Stat. Auth.: ORS 411.060, 411.730, 411.816, 418.100

Stats. Implemented: ORS 411.060, 411.700, 411.730, 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 12-1993, f. & cert. ef. 7-1-93; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0410

Program Benefits

(1) Assessment Program payments are treated as follows:

(a) In the FS program, a payment for basic living expenses, made directly to the client, is counted as unearned income. All other payments are excluded.

(b) In all programs except the FS program, these payments are excluded.

(2) EA and TA-DVS payments are treated as follows:

(a) In the ERDC and FS programs, a payment made directly to the client is counted as unearned income. Dual payee and provider-direct payments are excluded.

(b) In all programs except the ERDC and FS programs, these payments are excluded.

(3) Payments from ERDC and TANF child care are excluded unless the client is the provider.

(4) Payments from the EXT, GAM, MAA, MAF, OHP, OSIP-IC, OSIPM, QMB, REFM, and SAC programs are excluded.

(5) Food Stamps payments are treated as follows:

(a) The value of an FS benefit is excluded in all programs except the EA program. In the EA program, the value is counted as a resource when determining the emergency food needs of the filing group (see OAR 461-110-0310).

(b) OFSET service payments are excluded.

(6) Benefits from the GA, OSIP (except OSIP-IC), REF, TANF, and tribal-TANF programs (including the ten percent late processing fee discussed in OAR 461-165-0150) are treated as follows:

(a) In the EA program, these payments are counted as unearned income, except that these payments are excluded for a benefit group (see OAR 461-110-0750) whose emergent need is the result of domestic violence (see OAR 461-001-0000).

(b) In the ERDC program, these payments are counted as unearned income.

(c) In the FS program:

(A) GA, OSIP, REF, and TANF payments are treated as unearned income.

(B) An amount received as a late processing payment is treated as lump-sum income.

ADMINISTRATIVE RULES

(C) Payments made to correct an underpayment are treated as lump-sum income.

(D) Ongoing special needs payments for laundry allowances, special diet or meal allowance, restaurant meals, accommodation allowances, and telephone allowances are treated as unearned income. All other special needs payments are excluded as reimbursements.

(d) In the OHP program:

(A) GA payments are excluded from income for purposes of determining OHP eligibility.

(B) Benefits from the OSIP (except OSIP-IC), REF, and TANF programs (including the ten percent late processing fee discussed in OAR 461-165-0150) are treated as follows:

(i) The payments are counted as unearned income if all the individuals included in the benefit group for the cash payment are also in the OHP financial group (see OAR 461-110-0530).

(ii) A prorated share is counted as unearned income if any of the individuals in the cash payment are not included in the OHP financial group. A prorated share is determined by dividing the total payment by the number of individuals in the TANF benefit group.

(iii) A payment made to correct an underpayment caused by the Department is excluded if the underpayment occurred prior to the budget period.

(e) In all programs except the EA, ERDC, FS, and OHP programs:

(A) These payments are excluded in the month received, and any portion remaining following the month of receipt is counted as a resource.

(B) Payments made to correct an underpayment are excluded.

(f) In all programs:

(A) JOBS, REF, and TANF JOBS Plus support service payments are excluded.

(B) For the treatment of JOBS Plus income, see OAR 461-145-0130.

(C) REF and TANF client incentive payments are treated as follows:

(i) Except in the TANF program, the cooperation incentive payment (see OAR 461-135-0310) is counted as unearned income.

(ii) Progress and outcome incentive payments other than in-kind payments are counted as lump-sum income (see OAR 461-140-0120). All other incentives are excluded.

Stat. Auth.: ORS 411.060, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.700, 411.816, 414.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 5-1991, f. & cert. ef. 2-1-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 21-1992(Temp), f. 7-31-92, cert. ef. 8-1-92; AFS 32-1992, f. 10-30-92, cert. ef. 11-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 26-1996, 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 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 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 11-2001, f. 6-29-01, cert. ef. 7-1-01; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 18-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0415

Radiation Exposure Compensation Act

Radiation Exposure Compensation Act payments are issued to compensate individuals for injuries or deaths resulting from exposure to radiation from nuclear testing or uranium mining. For all programs, these payments are excluded.

Stat. Auth. ORS 411.060, 411.070, 411.816, 418.100

Stats. Implemented: ORS 411.060, 411.700, 411.816, 414.042, 418.100

Hist.: AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0430

Real Property Excluded under an Interim Assistance Agreement; MAA, MAF, REF, REFM, TANF

(1) This rule applies in the MAA, MAF, REF, REFM, and TANF programs when the equity value (see OAR 461-001-0000) of real property puts the financial group (see OAR 461-110-0530) over the resource limit.

(2) When section (1) of this rule applies:

(a) The equity value of real property is excluded for a maximum of nine months if the financial group signs and complies with the terms of the program's Interim Assistance Agreement.

(b) After the ninth month, the equity value of the property is counted as a resource.

(3) To comply with the terms of the program's Interim Assistance Agreement, the financial group must agree to do all the following:

(a) Make a good-faith effort to sell the property; and

(b) Use the proceeds from the sale of the property to reimburse the Department for all benefits paid under the terms of the program's Interim

Assistance Agreement. The reimbursement will not exceed the net proceeds of the sale of the property.

(4) The amount of benefits paid while the financial group has excess real property is an overpayment if the financial group fails to notify the Department that the group has the property.

(5) The amount of the benefits paid while the financial group has excess real property is an overpayment up to the net proceeds of the sale of the property if the property sells and the financial group does not repay the Department under the terms of the program's Interim Assistance Agreement.

Stat. Auth.: ORS 411.060, 411.700, 418.100

Stats. Implemented: ORS 411.060, 411.700, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0440

Reimbursement

(1) For the treatment of USDA meal *reimbursements*, see OAR 461-145-0570.

(2) The *reimbursement* of a business expense for a self-employed client is treated as self-employment income (see OAR 461-145-0910 and 461-145-0920).

(3) Except as provided in sections (1) and (2) of this rule, a reimbursement (see OAR 461-001-0000) is treated as follows:

(a) In the ERDC program, a *reimbursement* is excluded, except that a reimbursement for child care from a source outside of the Department is counted as unearned income.

(b) In the FS program:

(A) A *reimbursement* in the form of money for a normal household living expense, such as rent or payment on a home loan, personal clothing, or food eaten at home, is unearned income.

(B) Any other reimbursement is treated as follows:

(i) An in-kind *reimbursement* is excluded.

(ii) A reimbursement in the form of money is excluded if used for the identified expense, unless the expense is covered by program benefits.

(iii) A *reimbursement* is counted as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120) if not used for the identified expense.

(iv) A *reimbursement* for an item already covered by the benefits of the benefit group (see OAR 461-110-0750) is counted as periodic or lump-sum income.

(c) In the FS and OHP programs, an expenditure by a business entity that benefits a principal is counted as earned income (see OAR 461-145-0130).

(d) In all programs except the ERDC and FS programs, a reimbursement is treated as follows:

(A) An in-kind reimbursement is excluded, except as provided in subsection (c) of this section for the OHP program.

(B) A *reimbursement* in the form of money is excluded if used for the identified expense, unless the expense is covered by program benefits.

(C) A *reimbursement* is counted as periodic or lump-sum income if not used for the identified expense.

(D) A *reimbursement* for an item already covered by the benefits of the benefit group is counted as periodic or lump-sum income.\

Stat. Auth.: ORS 411.060, 411.816, 418.100

Stats. Implemented: ORS 411.060, 411.700, 411.816, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0460

Sale of a Resource

(1) In the ERDC and EXT programs, all proceeds from the sale of a resource are excluded as income and as a resource.

(2) In the MAA, MAF, REF, REFM, SAC, and TANF programs:

(a) Proceeds from the sale of an excluded resource to the extent reinvested in another excluded resource are excluded as income and as a resource.

(b) All proceeds from the sale of the resource are counted as unearned income, unless excluded in subsection (a) of this section.

(3) In all programs except the ERDC, EXT, MAA, MAF, REF, REFM, SAC, and TANF programs, proceeds from the sale of a resource are treated as follows:

(a) Proceeds from the sale of a resource (other than a home) received on a monthly or other periodic basis are counted as unearned income. Proceeds received on a lump sum basis are treated as follows:

ADMINISTRATIVE RULES

(A) If the proceeds are from the sale of an excluded resource, the amount reinvested in another excluded resource is excluded, and the remainder is counted as a resource.

(B) The proceeds from all other sales are counted as a resource. If the proceeds put the *benefit group* (see OAR 461-110-0750) over the resource limit, the proceeds are counted as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120).

(b) For all clients except those eligible for OSIPM under OAR 461-135-0771, the proceeds from the sale of the home of the financial group (see OAR 461-110-0530) are excluded for three months if the financial group intends to use the proceeds to buy another home.

(c) For clients eligible for OSIPM under OAR 461-135-0771, the proceeds from the sale of the financial group's home are excluded for 12 months if the *financial group* intends to use them to buy another home.

(d) The proceeds from the sale of a home that are not reinvested in another home are counted as a resource, except that in the GA and GAM programs, if the proceeds put the benefit group over the resource limit, they are counted as periodic or lump-sum income.

(e) In the FS program, if a self-employed client sells a work-related asset, including equipment and inventory, the proceeds of the sale are treated as self-employment income (see OAR 461-145-0910).

(4) Costs of the type excluded under OAR 461-145-0920 are subtracted from proceeds counted as income under this rule.

Stat. Auth.: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 418.100
Stats. Implemented: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 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 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 21-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 9-2001, f. & cert. ef. 6-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0510

SSI

(1) In the ERDC, FS, GA, GAM, and OHP programs, if a client is required by law to receive an SSI benefit through a representative payee, the representative's fee is excluded.

(2) In the ERDC, GA, GAM, and OHP programs:

(a) A monthly SSI payment is counted as unearned income.

(b) *Lump-sum* SSI payments are counted according to OAR 461-140-0120.

(3) In the EXT, MAA, MAF, REF, REFM, and TANF programs:

(a) SSI monthly and lump-sum payments are excluded if the recipient will be removed from the *financial group* (see OAR 461-110-0530) the month following receipt of the payment.

(b) An SSI lump-sum payment is excluded in the month received and the next month.

(4) In the FS program:

(a) A monthly SSI payment is counted as unearned income.

(b) A *lump-sum* SSI payment is excluded.

(5) In the OSIP (except OSIP-EPD) and OSIPM (except OSIPM-EPD) programs, a retroactive SSI payment is excluded for nine months after the month of receipt. After the nine-month period, any remaining amount is a *countable* (see OAR 461-001-0000) resource. For the purposes of this section, a payment is retroactive if it is issued in any month after the calendar month for which it is intended.

Stat. Auth.: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 418.100
Stats. Implemented: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 418.100
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 2-1994, f. & cert. ef. 2-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 39-1996(Temp), f. 11-27-96, cert. ef. 12-1-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 19-2001, f. 8-31-01, cert. ef. 9-1-01; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0540

Trusts

(1) This section applies to all *trust funds* (see OAR 461-001-0000) in the FS, MAA, MAF, OHP, REF, REFM, SAC, and TANF programs. It also applies to GA, GAM, OSIP, OSIPM, and QMB for trust funds established before October 1, 1993:

(a) *Trust funds* are counted as a resource if the fund is legally available for use by a member of the *financial group* (see OAR 461-110-0530) for items covered by program benefits. In the OSIP, OSIPM, and QMB programs, the amount of the trust that is considered legally available is the maximum amount that could be distributed to the beneficiary under the terms of the trust, regardless of whether the trustee exercises his or her authority to actually make a distribution.

(b) Trust funds are excluded if the fund is not available for use by a member of the financial group. The financial group must try to remove

legal restrictions on the trust, unless that would cause an expense to the group.

(c) The part of the fund available for use for medical expenses covered by the medical program for which the financial group is eligible is counted.

(2) In the ERDC program, all trust funds are excluded.

(3) In the OSIP, OSIPM, and QMB programs, trust funds established on or after October 1, 1993, are treated in accordance with sections (4) through (10) of this rule. In the GA and GAM programs, trust funds established on or after October 1, 1993, are treated in accordance with sections (4) through (8) of this rule.

(4) A trust is considered established if the *financial group* used their resources to form all or part of the trust and if any of the following established a trust, other than by a will:

(a) The client.

(b) The client's spouse.

(c) Any other person, including a court or administrative body, with legal authority to act in place of or on behalf of the client or the client's spouse.

(d) Any other person, including a court or administrative body, acting at the direction or upon the request of the client or the client's spouse.

(5) If the trust contains resources or income of another person, only the share attributable to the client is considered available.

(6) Except as provided in section (9) of this rule, the following factors are ignored when determining how to treat a trust:

(a) The purpose for which the trust was established.

(b) Whether or not the trustees have or exercise any discretion under the trust.

(c) Any restrictions on when or if distributions may be made from the trust.

(d) Any restrictions on the use of distributions from the trust.

(7) If the trust is revocable, it is treated as follows:

(a) The total value of the trust is considered a resource available to the client.

(b) A payment made from the trust to or for the benefit of the client is considered unearned income.

(c) A payment from the trust other than to or for the benefit of the client is considered a transfer of assets covered by OAR 461-140-0210 and following.

(8) If the trust is irrevocable, it is treated as follows:

(a) If, under any circumstances, the funds transferred into the trust are unavailable to the client and the trustee has no discretion to distribute the funds to or for the benefit of the client, the client is subject to a transfer-of-resources penalty as provided in OAR 461-140-0210 and following.

(b) If, under any circumstances, payments could be made to or on behalf of the client, the share of the trust from which the payment could be made is considered a resource. A payment from the trust other than one to or for the benefit of the client is considered a transfer of assets that may be covered by OAR 461-140-0210.

(c) If, under any circumstances, income is generated by the trust and could be paid to the client, the income is unearned income. Payments made for any reason other than to or for the benefit of the client are considered a transfer of assets subject to disqualification per OAR 461-140-0210.

(d) If any change in circumstance makes assets (income or resources) from the trust unavailable to the client, the change is a disqualifying transfer as of the date of the change.

(9) Notwithstanding the provisions in sections (1) and (3) to (8) of this rule, the following trusts are not considered in determining eligibility for OSIPM and QMB:

(a) A trust containing the assets of a client determined to have a disability that meets the SSI criteria that was created before the client reached age 65, if the trust was established by one of the following and the state will receive all funds remaining in the trust upon the death of the client, up to the amount of medical benefits provided on behalf of the client:

(A) The client's parent.

(B) The client's grandparent.

(C) The client's legal guardian or conservator.

(D) A court.

(b) A trust established between October 1, 1993 and March 31, 1995 for the benefit of the client and containing only the current and accumulated income of the client. The accumulated amount remaining in the trust must be paid directly to the state upon the death of the client up to the amount of medical benefits provided on behalf of the client. The trust is the total income in excess of the income standard for OSIPM. The remaining

ADMINISTRATIVE RULES

income not deposited into the trust is available for the following deductions in the order they appear prior to applying the patient liability:

- (A) Personal-needs allowance.
- (B) Community spouse monthly maintenance needs allowance.
- (C) Medicare and other private medical insurance premiums.
- (D) Other incurred medical.

(c) A trust established on or after April 1, 1995 for the benefit of the client whose income is above 300 percent of the full SSI standard and containing the current and accumulated income of the client. The accumulated amount remaining in the trust must be paid directly to the state upon the death of the client up to the amount of medical assistance provided on behalf of the client. The trust contains all of the client's income. The income deposited into the trust is distributed monthly in the following order with excess amounts treated as income to the individual subject to the rules on transfer of assets in division 140 of this chapter of rules:

(A) Personal needs allowance and applicable room and board standard.

(B) Reasonable administrative costs of the trust, not to exceed a total of \$50 per month, including the following:

- (i) Trustee fees.
- (ii) A reserve for administrative fees and costs of the trust, including bank service charges, copy charges, postage, accounting and tax preparation fees, future legal expenses, and income taxes attributable to trust income.
- (iii) Conservatorship and guardianship fees and costs.

(C) Community spouse and family monthly maintenance needs allowance.

(D) Medicare and other private medical insurance premiums.

(E) Other incurred medical costs as allowed under OAR 461-160-0030 and 461-160-0055.

(F) Contributions to reserves or payments for child support, alimony, and income taxes.

(G) Monthly contributions to reserves or payments for the purchase of an irrevocable burial plan with a maximum value of \$5,000.

(H) Contributions to a reserve or payments for home maintenance if the client meets the criteria of OAR 461-155-0660 or OAR 461-160-0630.

(I) Patient liability not to exceed the cost of waived services or nursing facility services.

(10) This section of the rule applies to a trust signed on or after July 1, 2006.

(a) Notwithstanding the provisions of sections (1) and (3) to (8) of this rule, a trust that meets the requirements of subsection (b) of this section is not considered in determining eligibility for OSIPM and QMB, except that if the client is age 65 or older when the trust is funded or a transfer is made to the trust, the transfer may constitute a disqualifying transfer of assets under OAR 461-140-0210 and following.

(b) This section of the rule applies to a trust that meets all of the following conditions:

(A) The trust is established and managed by a non-profit association.

(B) A separate account is maintained for each beneficiary of the trust, but, for purposes of investment and management of funds, the trust pools these accounts.

(C) The trust is established by the client, client's parent, grandparent, or legal guardian or a court for clients who have disabilities.

(D) To the extent that amounts remaining in the beneficiary's account upon the death of the beneficiary are not retained by the trust, the trust pays to the State an amount equal to the total medical assistance paid on behalf of the beneficiary under the State plan for Medicaid.

(E) The trust contains the resources or income of a client who has a disability that meets the SSI criteria.

(11) In the GA, GAM, OSIP, OSIPM, and QMB programs, the provisions of this rule may be waived for an irrevocable trust if the Department determines that denial of benefits would create an undue hardship on the client if, among other things:

(a) The absence of the services requested may result in a life-threatening situation.

(b) The client was a victim of fraud or misrepresentation.

Stat. Auth.: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 418.100
Stats. Implemented: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 418.100
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 18-1993(Temp), f. & cert. ef. 10-1-93; AFS 29-1993, f. 12-30-93, cert. ef. 1-1-94; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; 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 21-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 13-1997, f. 8-28-97, cert. ef. 9-1-97; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 18-2002(Temp), f. & cert. ef. 11-19-02 thru 5-18-03; SSP 11-2003, f. & cert. ef. 5-1-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP

15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 16-2006(Temp), f. 12-29-06, cert. ef. 1-1-07 thru 3-31-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-145-0600

Work-Related Capital Assets, Equipment, and Inventory

(1) As used in this rule:

(a) "Inventory" means goods that are in stock and available for sale to prospective customers.

(b) "Work-related equipment" means property essential to the employment or self-employment of a financial group member. Examples are a tradesman's tools, a farmer's machinery, and equipment used to maintain an income-producing vehicle.

(2) A *capital asset* (see OAR 461-001-0000), other than work-related equipment and inventory, is treated as follows:

(a) In all programs except FS, MAA, and TANF, the equity value (see OAR 461-001-0000) of a *capital asset* is treated according to the rules for the asset.

(b) In the FS program, a capital asset used in a business is excluded as follows:

(A) Non-farm assets are excluded as long as the *financial group* (see OAR 461-110-0530) is actively engaged in self-employment activities.

(B) Farm assets are excluded until one year after the date the person quit self-employment as a farmer.

(c) In the MAA and TANF programs:

(A) For a self-employed client participating in the microenterprise component of the JOBS program, the value of a capital asset is excluded.

(B) For all other clients, the value of a capital asset is counted according to the rules in this division of rules.

(3) *Work-related* equipment is treated as follows:

(a) In the EA, ERDC, FS, and OHP programs, the equity value of work-related equipment is excluded.

(b) In the GA, OSIP, OSIPM, and QMB programs, the value of equipment needed by a client who has a disability or is blind to complete a plan for self-support (see OAR 461-135-0708) is excluded as long as the plan is in effect. For all other equipment, the *equity value* of the equipment is counted as a resource, except as provided at OAR 461-145-0250(2)(c).

(c) In the MAA, REF, REFM, and TANF programs:

(A) For a self-employed client participating in the microenterprise component of the JOBS program, the equity value of the equipment is excluded.

(B) For all other clients, the *equity value* of the equipment is treated as a resource.

(d) In the MAF and SAC programs, the *equity value* of the equipment is treated as a resource.

(4) *Inventory* is treated as follows:

(a) In the EA, ERDC, FS, and OHP programs, inventory is excluded as long as the client is engaged in self-employment activities.

(b) In the GA, OSIP, OSIPM, and QMB programs, the value of inventory needed by a client who has a disability or is blind to complete a plan for self-support is excluded, as long as the plan is in effect. For all other inventory, the equity value of the inventory is counted as a resource.

(c) In the MAA, REF, REFM, and TANF programs:

(A) For a self-employed client participating in the microenterprise component of the JOBS program, the wholesale value of inventory remaining at the end of the semi-annual period covered in each income statement (see OAR 461-190-0197), less encumbrances, is counted as a resource.

(B) For all other clients, the wholesale value of *inventory remaining* at the end of a month, less encumbrances, is counted as a resource.

(d) In the MAF and SAC programs, the wholesale value of inventory remaining at the end of the month, minus any encumbrances, is counted as a resource.

Stat. Auth.: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.117, 411.700, 411.816, 414.042, 418.100
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 21-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 9-1999, f. & cert. ef. 7-1-99; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-150-0060

Use of Prospective or Retrospective; FS, MAA, MAF, REF, REFM, TANF

In the FS, MAA, MAF, REF, REFM, and TANF programs, the Department determines how and when to use prospective or retrospective eligibility and budgeting (see OAR 461-150-0020 and 461-150-0030) as follows:

(1) For the *initial month* (see OAR 461-001-0000):

ADMINISTRATIVE RULES

(a) For cases in the first month of their FS redetermination period that were in MRS the prior month and will continue to be in MRS (see OAR 461-170-0100), the Department uses eligibility and budgeting as described in section (3) of this rule.

(b) In the REFM program:

(A) If a client has moved to Oregon from the client's original resettlement state, see OAR 461-135-0010.

(B) For clients not assumed eligible under paragraph (A) of this subsection and OAR 461-135-0010, the Department uses only the *initial month for eligibility* (see OAR 461-001-0000) and budgeting (see OAR 461-001-0000).

(c) The Department uses prospective eligibility and prospective budgeting (see OAR 461-150-0020) for cases not covered under subsections (a) and (b) of this section, including clients who leave a filing group because of domestic violence (see OAR 461-001-0000) and enter domestic violence shelters (see OAR 461-001-0000) or safe homes (see OAR 461-001-0000).

(d) No supplement is issued based on incorrectly anticipated information.

(2) For ongoing months for a benefit group (see OAR 461-110-0750) not in MRS, the Department uses prospective eligibility and budgeting as follows:

(a) If benefits are ended based on anticipated changes that do not occur, benefits are restored to the first of the payment month using prospective budgeting based on the best information available.

(b) If a case is suspended for one month because of a change that is not expected to continue into the following month.

(3) For ongoing months for a benefit group in MRS:

(a) The Department uses retrospective eligibility and budgeting (see OAR 461-150-0030) until there is a break in benefits of one or more calendar months. The Department uses retrospective budgeting even if there is a break of one calendar month if:

(A) A case is suspended for one month because of periodic extra income or some other change that is not expected to continue into the following month; or

(B) A case is suspended for one month for not filing a monthly report and the benefit group files a monthly report for the suspend month before the end of the following month. The Department treats requests received after the following month as new applications and uses prospective budgeting.

(b) The Department uses prospective budgeting for annualized income and prorated educational income.

(c) If the budgeting method changes from prospective to retrospective, the Department treats income from a terminated source that was counted prospectively as follows:

(A) If the actual amount received was less than or equal to the anticipated amount, the income is excluded.

(B) If the actual amount received was greater than the anticipated amount, the Department counts the difference between actual and anticipated amounts.

(4) When an individual is added to an ongoing filing and benefit group (see OAR 461-180-0010), eligibility is determined as follows:

(a) If the individual is joining a benefit group in MRS, retrospective budgeting is used for the benefit group, including the income of the new individual.

(b) For all others, prospective budgeting is used.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 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 19-1993, f. & cert. ef. 10-1-93; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; 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 10-2007, f. & cert. ef. 10-1-07

461-155-0010

Use of Payment Standards to Establish Need

(1) *Need* is the amount at the Department's payment standards that represents the client's need for items covered by the benefit.

(2) *Special needs* are costs in addition to standard allowances.

(3) In the GA and GAM programs, ongoing special needs are used to determine benefit amount as specified in OAR 461-160-0500.

(4) In the OSIP and OSIPM programs:

(a) The special need described in OAR 461-155-0630(2) is used to determine initial and ongoing eligibility.

(b) Except for individuals whose eligibility is determined based on the special need described in OAR 461-155-0630(2), special needs are used when determining the benefit amount or the client liability.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04; SSP 6-2004, f. & cert. ef. 4-1-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 10-2007, f. & cert. ef. 10-1-07

461-155-0030

Income and Payment Standards; MAA, MAF, REF, SAC, TANF

In the MAA, MAF, REF, SAC, and TANF programs, the income standards are as follows:

(1) The Countable Income Limit Standard is the amount set as the maximum countable income limit.

(a) For each *need group* (see OAR 461-110-0630) in the REF and TANF programs containing an adult and for all need groups in the MAA, MAF, and SAC programs, the following table is used: [Table not included. See ED. NOTE.]

(b) In the REF and TANF programs, when the need group contains no adults, the "no-adult countable income limit standard" is calculated as follows:

(A) Refer to the Countable Income Limit Standard for need groups with adults. Use the standard for the number of individuals in the household group (see OAR 461-110-0210).

(B) Divide the standard in paragraph (A) of this subsection by the number of individuals in the *household group*. Round this figure down to the next lower whole number if the figure is not a whole number.

(C) Multiply the figure from paragraph (B) of this subsection by the number of individuals in the need group. The result is the standard.

(2) The Adjusted Income/Payment Standard is used as the adjusted income limit and to calculate cash benefits for *need groups* with an adult.

(a) For need groups containing an adult in the REF and TANF programs and for all need groups in the MAA, MAF and SAC programs, the following table is used: [Table not included. See ED. NOTE.]

(b) For the REF and TANF programs, when the need group contains no adult, the No-Adult Adjusted Income/Payment Standard is calculated as follows:

(A) Refer to the Adjusted Income/Payment Standard for need groups with adults. Use the standard for the number of individuals in the household group.

(B) Divide the standard in paragraph (A) of this subsection by the number of individuals in the household group. Round this figure down to the next lower whole number if the figure is not a whole number.

(C) Multiply the figure from paragraph (B) of this subsection by the number of individuals in the need group.

(D) Add \$12 to the figure calculated in paragraph (C) of this subsection.

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

Stat. Auth.: 411.060, 411.070, 418.100

Stats. Implemented: 411.060, 411.070, 418.100

Hist.: AFS 80-1989, f. & 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 13-1991, f. & cert. ef. 7-1-91; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 32-1996(Temp), f. & cert. ef. 9-23-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 7-2006(Temp), f. 3-31-06, cert. ef. 4-1-06 thru 9-28-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 6-2007(Temp), f. 6-29-07, cert. ef. 7-1-07 thru 9-30-07; SSP 10-2007, f. & cert. ef. 10-1-07

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, 411.825

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; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 10-2007, f. & cert. ef. 10-1-07

461-155-0225

Income Standard; OHP, REFM

(1) In the OHP program:

(a) If a *financial group* (see OAR 461-110-0530) contains a person with significant authority in a business entity — a "principal" as defined in OAR 461-145-0088 — the group is ineligible if the gross income assigned

ADMINISTRATIVE RULES

to the budget month (see OAR 461-001-0000) of the business entity exceeds \$10,000. If the need group (see OAR 461-110-0630) is not ineligible under this section, its eligibility is evaluated under subsection (b) of this section.

(b) The *countable income* standards are as follows:

(A) The *countable income* standard for OHP-OPC and OHP-OPU is 100 percent of the federal poverty level, as listed in OAR 461-155-0180(2), based on the size of the need group.

(B) The countable income standard for OHP-OP6 is 133 percent of the federal poverty level, as listed in OAR 461-155-0180(3), based on the size of the need group.

(C) The *countable income* standard for OHP-OPP and OHP-CHP is 185 percent of the federal poverty level, as listed in OAR 461-155-0180(5), based on the size of the need group.

(2) In the REFM program, the income standard is 200 percent of the federal poverty level, as listed in OAR 461-155-0180(6), based on the size of the need group.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 414.042

Stats. Implemented: ORS 411.060, 411.070, 414.042

Hist.: AFS 2-1994, f. & cert. ef. 2-1-94; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 16-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 5-1997, f. 4-30-97, cert. ef. 5-1-97; AFS 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 6-1998(Temp), f. 3-30-98, cert. ef. 4-1-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 3-1999, f. 3-31-99, cert. ef. 4-1-99; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 2-2003(Temp), f. & cert. ef. 2-7-03 thru 6-30-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 2-2004(Temp), f. & cert. ef. 2-13-04 thru 3-31-04; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 2-2005, f. & cert. ef. 2-18-05; SSP 1-2006, f. & cert. ef. 1-24-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-155-0250

Income and Payment Standard; OSIP, OSIPM

(1) For an OSIP (except OSIP-EPD) or OSIPM (except OSIPM-EPD) client in long-term care or in a waived nonstandard living arrangement (see OAR 461-001-0000), the countable income limit standard is 300 percent of the full SSI standard for a single individual. Other OSIP and OSIPM clients do not have a countable income limit.

(2) The non-SSI OSIP and OSIPM (except OSIP-EPD and OSIPM-EPD) adjusted income standard takes into consideration the need for shelter (housing and utilities), food, and other items. The standard is itemized as follows: [Table not included. See ED. NOTE.]

(3) The standard in this section is used as the adjusted income limit for non-SSI OSIP and OSIPM clients. The OSIP-AB and OSIPM-AB adjusted income standard includes a transportation allowance. See OAR 461-155-0020 for the adjusted number in the household. The total standard is: [Table not included. See ED. NOTE.]

(4) To be eligible for OSIP (except OSIP-EPD or OSIP-IC), a person must be receiving SSI or be eligible for an ongoing special need. The payment standard for SSI/OSIP clients living in the community is the SIP (supplemental income payment) amount. The SIP is a need amount added to any other special or service needs to determine the actual payment. In some cases, the need amount is zero.

(a) For clients whose unearned income minus any SSI or Veterans Nonservice-Connected Disability Benefits is less than \$20: [Table not included. See ED. NOTE.]

(b) For clients whose unearned income minus any SSI or Veterans Nonservice-Connected Disability Benefits is \$20 or more: [Table not included. See ED. NOTE.]

(c) The SSI/OSIP-AB standard includes a transportation allowance. The standard for two assumes one individual is blind and the other is not. If both are blind, \$20 is added to the SIP amount.

(d) For spouses who each receive SSI and receive services in an AFC, ALF or RCF, an amount is added to each person's SIP payment that equals the difference between the individual's income (including SSI and other income) and the OSIP standard for a one-person need group.

(e) When one or both spouses receive SSI and are not included in subsection (d) of this section, the two-person need group is used to determine the SIP amount. This amount is used even if one (or both) of the individuals is receiving services and has a need group of one according to OAR 461-110-0630.

(5) For OSIP and OSIPM clients in long-term care, the following amounts are allowed for clothing and personal incidentals:

(a) For clients who receive a VA pension based on unreimbursed medical expenses (UME), \$90 is allowed.

(b) For all other clients, \$30 is allowed.

(6) In the OSIP-EPD and OSIPM-EPD programs, the adjusted earned income limit is 250 percent of the 2007 federal poverty level for a family of one. This 250 percent limit equals \$2,128 per month or \$25,536 per year.

(7) In the OSIP-EPD and OSIPM-EPD programs, \$1,000 in earnings is needed to meet the requirement in OAR 461-001-0035 for "sufficient earnings" in the definition of "attached to the workforce."

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

Stat. Auth.: ORS 411.060, 411.070

Stats. Implemented: ORS 411.060, 411.070

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 16-1990, f. 6-29-90, cert. ef. 7-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 25-1991, f. 12-30-91, cert. ef. 1-1-92; AFS 35-1992, f. 12-31-92, cert. ef. 1-1-93; AFS 29-1993, f. 12-30-93, cert. ef. 1-1-94; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 41-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 3-1999, f. 3-31-99, cert. ef. 4-1-99; AFS 16-1999, f. 12-29-99, cert. ef. 1-1-00; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 10-2003(Temp) f. & cert. ef. 5-1-03 thru 9-30-03; SSP 26-2003, f. & cert. ef. 10-1-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 4-2006, f. & cert. ef. 3-1-06; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 2-2007(Temp), f. & cert. ef. 3-1-07 thru 3-31-07; SSP 3-2007(Temp), f. 3-9-07 thru 6-30-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 5-2007(Temp), f. 3-30-07, cert. ef. 4-1-07 thru 6-30-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-155-0630

Special Need; Community Based Care; OSIPM

In the OSIPM program:

(1) A client is considered living in a *community based* facility if the client resides at one of the following care settings licensed by the Department:

- Adult Foster Care.
- Residential Care.
- Assisted Living.
- Specialized Living.
- Group Care Home.

(2) In determining eligibility for OSIPM for an individual not covered by a home and *community based* care waiver, the special need (see OAR 461-155-0010) is the amount of the service payment authorized by the Department and is added to the OSIP maintenance standard.

(3) If a client who meets the applicable income requirements begins living in a community based facility:

(a) Payment for room and board may be authorized during the month of admission at the initial placement, limited to the approved rate.

(b) Room and board payments may be paid to the community based facility during the temporary absence of a client if all of the following criteria are met:

(A) The absence occurs because the client is admitted to a hospital or nursing home.

(B) The Department determines the intent of the client to return to the community based facility.

(C) The *community based* facility is willing to accept the room and board payment.

(D) The client returns one month following the month in which the absence began.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1991(Temp), f. & cert. ef. 7-1-91; AFS 16-1991, f. 8-27-91, cert. ef. 9-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 13-1994, f. & cert. ef. 7-1-94; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 10-2007, f. & cert. ef. 10-1-07

461-155-0680

Special Need — Supplemental Telephone Allowance; OSIPM

In the OSIPM program:

(1) The Department provides a telephone allowance for SSI eligibles and clients receiving in-home services if they are unable to leave their residence without assistance due to a documented medical condition.

(2) The telephone allowance may cover the following costs:

(a) The least expensive appropriate telephone service or the basic rate, whichever is less.

(b) The cost of telephone adaptive equipment, if the client has a medically documented need (for instance, TDD, a special headset, dialing mechanism, or emergency response system).

(c) Necessary installation charges.

(3) SSI-eligible clients granted a telephone allowance must apply for a payment through the Oregon Telephone Assistance Program (OTAP). In addition, SSI-eligible clients requesting payment for telephone installation

ADMINISTRATIVE RULES

must apply for Link-Up America. If the Link-Up America credit does not cover the installation cost, the Department provides the difference up to a maximum supplement payment of \$30.

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 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; 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 10-2007, f. & cert. ef. 10-1-07

461-160-0040

Dependent Care Costs; Deduction and Coverage

(1) In the EXT and MAF programs, the cost of child care for a *dependent child* (see OAR 461-001-0000) may be deducted from the income of a client in accordance with the following:

- (a) The *dependent child* must live with the filing group;
- (b) The provider of child care may not be in the filing group;
- (c) The provider of child care may not be the *parent* (see OAR 461-001-0000) of the *dependent child*; and
- (d) The amount of the deduction is determined as follows:

(A) In the EXT program, the amount is limited to the cost necessary for the *caretaker relative* (see OAR 461-001-0000) to maintain employment, including time required to commute, work, and take a meal break.

(B) In the MAF program, as set out in OAR 461-160-0190.

(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 an individual 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 (see OAR 461-001-0020).

(3) In the ERDC-BAS, ERDC-SBG, REF, and TANF programs, the cost of dependent child care may be paid for by the Department (is covered) only if all of the following requirements are met.

(a) In the ERDC-BAS, REF, and TANF programs, dependent child 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.

(b) In the ERDC-SBG program, dependent child 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) In the ERDC, JOBS, REF, and TANF programs, the cost of dependent child care is not covered by the Department when free care is available, such as during school hours for school-age children.

(5) Child care is not covered in the ERDC-BAS, REF, and TANF programs if the nature of the work of the caretaker does not make it necessary for a person other than the caretaker (see OAR 461-001-0000) 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.

(6) In the JOBS and REF programs, 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).

(7) In the ERDC, JOBS, JOBS Plus, REF, and TANF programs, the cost of dependent child care may be paid for (is covered) by the Department, only if all the following are true:

(a) The dependent child:

(A) In the JOBS, JOBS Plus, REFM, and TANF programs, lives with the filing group.

(B) In the ERDC program, is a member of the benefit group (see OAR 461-110-0750) and is in the care, control, and custody of a person in the group.

(b) The provider of child care is not in the filing group.

(c) The provider of child care is not the parent of the dependent.

(8) Coverage of the cost of dependent care is subject to the requirements in Chapter 461 of the Oregon Administrative Rules, including OAR

461-120-0510(4), 461-135-0400, 461-155-0150, 461-160-0193, 461-165-0180, and 461-190-0211.

Stat. Auth.: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 418.100

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; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 10-2007, f. & cert. ef. 10-1-07

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 shelter of the financial group (see OAR 461-110-0530), 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 (see OAR 461-110-0630) 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 (see OAR 461-110-0370) shares housing costs with an individual 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 \$319 is used if the household group (see OAR 461-110-0210) 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:

ADMINISTRATIVE RULES

(i) A limited standard utility allowance of \$228 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) An individual standard utility allowance of \$38 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 other than the service cost for a telephone, including the related taxes or fees.

(iii) A telephone standard utility allowance of \$38 is used if the household is not billed for heating or cooling costs but is billed for telephone service, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes.

(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, 411.825

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; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 10-2007, f. & cert. ef. 10-1-07

461-160-0430

Income Deductions; FS

(1) Deductions from income are subtracted from countable income (see OAR 461-140-0010) in the following order to determine adjusted income (see OAR 461-001-0000) 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 a benefit group (see OAR 461-110-0750) of one, two, or three persons. A standard deduction of \$143 for a benefit group of four persons. A standard deduction of \$167 for a benefit group of five persons. A standard deduction of \$191 for a benefit group 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 (see OAR 461-110-0530) 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 (see OAR 461-110-0630) to:

(A) Accept or continue employment;

(B) Meet the requirements of a case plan (see OAR 461-001-0020);

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 elderly clients and clients who have a disability (see OAR 461-001-0015) 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 (see OAR 461-110-0210), 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 a nonstandard living arrangement (see OAR 461-001-0000), 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 member who has a disability or is elderly (see OAR 461-001-0015). The limit is \$431.

(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 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 (see OAR 461-001-0000) 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. 10-31-00, 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; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-165-0030

Concurrent and Duplicate Program Benefits

(1) An individual may not receive benefits from the Department of the same type (that is, cash, medical, or food stamp benefits) for the same month as a member of two or more different benefit groups (see OAR 461-110-0750) or from two or more separate programs, except as noted in this rule. This provision includes a prohibition against an individual receiving TANF concurrently with another cash assistance program funded under Title IV-E of the Social Security Act.

(a) A client may receive EA, HSP, and TA-DVS benefits and cash payments from other programs for the same time period.

(b) If a GA client becomes eligible for the TANF program, the client's benefits are supplemented during the first month of eligibility for TANF to the TANF payment standards.

(c) An REF or TANF recipient may receive ERDC for children who are in the household group (see OAR 461-110-0210) but may not be included in the REF or TANF filing group.

(d) A child (see OAR 461-001-0000) who is a member of an ERDC benefit group may also be a member of one of the following benefit groups:

(A) An OSIP-AB benefit group.

(B) A TANF benefit group when living with a nonneedy caretaker relative (see OAR 461-001-0000), if the caretaker relative is not the child's parent.

(C) A TANF benefit group when living with a needy caretaker relative receiving SSI.

(e) A client in the FS program who leaves a filing group that includes an individual who abused the client and enters a domestic violence shelter (see OAR 461-001-0000) or safe home (see OAR 461-001-0000) for victims of domestic violence (see OAR 461-001-0000) may receive food stamp benefits twice during the month the client enters the domestic violence shelter or safe home.

(f) A QMB client may also receive medical benefits from EXT, MAA, MAF, OSIPM, REFM, or SAC.

(2) An individual may not receive benefits of the same type (that is, cash, medical, or food stamp benefits) for the same period from both Oregon and another state or tribal food distribution program, except as follows:

(a) Medical benefits may be authorized for an eligible client if the client's provider refuses to submit a bill to the Medicaid agency of another state and the client would not otherwise receive medical care.

(b) Cash benefits may be authorized for a client in the Assessment Program if benefits from another state will end by the last day of the month in which the client applied for TANF.

ADMINISTRATIVE RULES

(3) In the FS program, each individual who has been included as a member of the filing group in Oregon or another state is subject to all of the restrictions in section (2) of this rule.

(4) An individual may not receive benefits from the EXT, MAA, MAF, OHP, OSIPM, REFM, or SAC programs while receiving a subsidy through the Family Health Insurance Assistance Program (FHIAP) established by ORS 735.720 to 735.740.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100
Stats. Implemented: ORS 411.060, 411.070, 411.117, 411.816, 414.042, 418.100
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 9-1997, f. & cert. ef. 7-1-97; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 14-1999, f. & cert. ef. 11-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 10-2007, f. & cert. ef. 10-1-07

461-170-0020

Changes That Must be Reported; FS, MAA, MAF, REF, REFM, SAC, TANF

(1) Clients in the FS, MAA, MAF, REF, 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 ten 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 ten 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, REF, REFM, SAC, and TANF programs, clients must report a member of the filing group becoming pregnant and when the pregnancy ends.

(a) The report of pregnancy must be received by the Department no later than the tenth day after the client becomes aware of the pregnancy.

(b) The report of pregnancy ending must be received by the Department no later than the tenth day after the client becomes aware of the pregnancy ending.

(5) In the MAA, MAF, REF, REFM, SAC, and TANF programs, clients must report each of the following changes within ten days of occurrence:

(a) A change in the members of the household group (see OAR 461-110-0210) 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 ten 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 (see OAR 461-110-0370) 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 simplified reporting system (SRS) must report--

(a) By the tenth day of the month following the month of occurrence, when any of the following paragraphs applies:

(A) Monthly income exceeds the countable income limit in the FS program.

(B) Monthly income exceeds 185 percent of the federal poverty level. The requirement of this paragraph only applies to households in which all members are elderly or have a disability (see OAR 461-001-0015), there is no earned income (see OAR 461-145-0120), and income at certification exceeded the countable income limit (see OAR 461-155-0190).

(C) 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, 411.816, 414.042, 418.100
Stats. Implemented: ORS 411.060, 411.105, 411.816, 414.042, 418.100

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; SSP 16-2005, f. & cert. ef. 12-1-05; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-175-0200

Notice Situations; General Information

(1) In the EA program, a basic decision notice is sent for all situations.

(2) In the FS program:

(a) A *continuing benefit decision notice* (see OAR 461-001-0000) is sent to cases that are recertified early to align the FS certification end date with the end date of TANF or medical benefits.

(b) A *basic decision notice* is sent for all other actions on applications for assistance.

(3) In the JOBS program:

(a) A basic decision notice is sent whenever a request for a support service payment is denied.

(b) No decision notice is required if request for a support service is approved.

(4) In the MAA, MAF, REF, REFM, and TANF programs, a notice approving benefits informs the client, within one month following eligibility determination, of the opportunity to volunteer for JOBS participation and of the procedure for JOBS program entry.

(5) In the Pre-TANF program, a basic decision notice (see OAR 461-001-0000) is sent when payment for basic living expenses is denied or when payment for other support services in the JOBS program is denied. No other notices are required for this program.

(6) In all programs except the Pre-TANF program, unless stated differently in this rule or another rule, the Department mails or otherwise provides the client with (sends) a decision notice (see OAR 461-001-0000) as follows:

(a) A basic decision notice is sent whenever an application for assistance, including retroactive medical assistance, is approved or denied or a request for a support service payment in the JOBS program is denied.

(b) A *timely continuing benefit decision notice* (see OAR 461-001-0000) is sent whenever benefits or support service payments authorized by OAR 461-190-0211 are reduced or closed, or the method of payment changes to protective, vendor, or two-party.

(7) In all programs:

(a) A notice to reduce or close benefits becomes void if the reduction or closure is not initiated on the date stated on the notice, unless the delay resulted from the client's request for a hearing. If the notice is void, a new notice is sent to inform the financial group (see OAR 461-110-0530) of a new date on which their benefits will be reduced or closed.

(b) No decision notice is required if:

(A) Benefits are ended because there is no living person in the benefit group (see OAR 461-110-0750).

(B) A hearing order upholds a Department decision, and notice was sent before the client requested the hearing.

Stat. Auth.: ORS 411.060, 411.816, 414.042, 418.100
Stats. Implemented: ORS 411.060, 411.117, 411.816, 414.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 29-1993, f. 12-30-93, cert. ef. 1-1-94; 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 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; 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 21-2004, f. & cert. ef. 10-1-04; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

ADMINISTRATIVE RULES

461-175-0305

Notice Situation; Removing an Individual From a Benefit Group (EXT, FS, MAA, MAF, OHP, REF, REFM, SAC, TANF) or Need Group (ERDC)

(1) To remove an individual from a *benefit group* (see OAR 461-110-0750) or from an ERDC need group (see OAR 461-110-0630), the following notices are used:

(a) A *continuing benefit decision* notice (see OAR 461-001-0000) is used when the removal is based on information reported on the monthly change report, interim change report, or periodic review form.

(b) A *timely continuing benefit decision* notice (see OAR 461-001-0000) is used when the removal is not based on the monthly change report, interim change report, or periodic review form.

(2) In the EXT, MAA, MAF, OHP, REF, REFM, SAC, and TANF programs, if a child is removed from the benefit group as a result of a court order or a voluntary placement in foster care by the child's caretaker relative (see OAR 461-001-0000), a basic decision notice (see OAR 461-001-0000) is used.

Stat. Auth.: ORS 411.060, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.816, 414.042, 418.100

Hist.: AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 20-2003, f. & cert. ef. 8-15-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 10-2007, f. & cert. ef. 10-1-07

461-180-0020

Effective Dates; Changes in Income or Deductions that Cause Increases

For all programs, except for cases using APR (see OAR 461-170-0150), this rule is used to determine the effective date when a change in income or income deductions causes an increase in benefits.

(1) For a change reported through the MRS (see OAR 461-170-0100), the effective date is the first of the payment month.

(2) For a change not reported through the MRS, the effective date is one of the following:

(a) In the EXT, GA, MAA, MAF, SAC, and TANF programs, the effective date for an anticipated change reported before the payment month is the first of the payment month in which it will occur. If the change is not reported until the month it occurs or later, the effective date is the first of the month following the month in which the change was reported.

(b) In the OSIP program, the effective date for an anticipated change is:

(A) The first of the month in which the change occurs if the change is reported by the 10th day of the month following the month the change occurred; or

(B) Ten days before the change is reported, if it is reported after the 10th day of the month following the month the change occurred.

(c) In the FS program:

(A) The effective date when verification is not requested is the first of the month following the date the change was reported.

(B) The effective date if verification is requested is:

(i) The first of the month following the date the change was reported if verification is received no later than the due date for the verification.

(ii) The first of the month following the date the verification is received by the Department, if received after the verification due date.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.100

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 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

461-180-0090

Effective Dates; Initial Month Medical Benefits

The effective date for starting medical benefits for an eligible client is as follows:

(1) In the EXT program, it is the first of the month following the month that MAA or MAF program eligibility ends.

(2) In the GAM, MAA, MAF, OHP, OSIPM, QMB-DW, REFM, and SAC programs:

(a) Except as provided for in sub-section (b) of this section:

(A) If the client meets all eligibility requirements on the date of request (see OAR 461-115-0030), it is the *date of request*. An OSIPM client who is assumed eligible under OAR 461-135-0010(7) meets "all eligibility requirements" for the purposes of this section as follows:

(i) Effective the first day of the month of the initial SSI payment if the client is age 21 or older.

(ii) Effective the first day of the month prior to the month of the initial SSI payment if the client is under the age of 21.

(B) If the client does not meet all eligibility requirements on the date of request, it is the first day following the *date of request* that all eligibility requirements are met.

(b) If the client does not complete the application within the time period described in OAR 461-115-0190 (including the authorized extension), the determination of an effective date requires a new *date of request*.

(3) In the QMB-BAS program, it is the first of the month after the benefit group (see OAR 461-110-0750) has been determined to meet all QMB-BAS eligibility criteria and the Department receives the required verification.

(4) In the QMB-SMB program, it is the first of the month in which the benefit group meets all QMB-SMB eligibility criteria and the Department receives the required verification.

(5) Retroactive eligibility is authorized under certain circumstances in some medical programs (see paragraph (2)(a)(A) of this rule, OAR 461-135-0875, and 461-180-0140).

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 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 5-2000, f. 2-29-00, cert. ef. 3-1-00; SSP 5-2003, f. 2-26-03, cert. ef. 3-1-03; SSP 23-2003, f. & cert. ef. 10-1-03; 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 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 10-2007, f. & cert. ef. 10-1-07

Rule Caption: Changing OARs affecting public assistance, medical assistance, and food stamp clients.

Adm. Order No.: SSP 11-2007(Temp)

Filed with Sec. of State: 10-1-2007

Certified to be Effective: 10-1-07 thru 3-29-08

Notice Publication Date:

Rules Adopted: 461-115-0715, 461-125-0260, 461-130-0323, 461-135-1195, 461-135-1250, 461-155-0320

Rules Amended: 461-001-0000, 461-001-0025, 461-025-0310, 461-101-0010, 461-105-0010, 461-110-0630, 461-115-0030, 461-115-0190, 461-115-0430, 461-120-0310, 461-120-0340, 461-120-0345, 461-125-0130, 461-125-0810, 461-130-0305, 461-130-0310, 461-130-0315, 461-130-0325, 461-130-0327, 461-130-0330, 461-130-0335, 461-135-0010, 461-135-0070, 461-135-0075, 461-135-0085, 461-135-0089, 461-135-0200, 461-135-0475, 461-135-0505, 461-135-0506, 461-145-0080, 461-145-0410, 461-155-0150, 461-155-0670, 461-160-0430, 461-165-0030, 461-170-0020, 461-170-0030, 461-180-0010, 461-180-0020, 461-180-0070, 461-180-0081, 461-190-0151, 461-190-0163, 461-190-0171, 461-190-0211, 461-190-0231, 461-190-0241, 461-195-0501, 461-195-0551, 461-195-0561, 461-195-0601

Rules Suspended: 461-190-0201

Subject: OAR 461-001-0000 is being amended to add definitions for "disability" in the REF (Refugee), SFPSS (State Family Pre-SSI/SSDI), TA-DVS (Temporary Assistance for Domestic Violence Survivors), and TANF programs (for purposes other than determining eligibility); "family stability" in the JOBS, Pre-TANF, Post-TANF, SFPSS, TA-DVS, and TANF programs; and "family stability activity" in the JOBS, Pre-TANF, Post-TANF, SFPSS, TA-DVS, and TANF programs.

OAR 461-001-0025 is being amended to revise the definitions of JOBS components and activities to conform to the interim final regulations issued by the Department of Health and Human Services. This rule classifies all JOBS activities as an activity or component of the JOBS program. Additional definitions are added for new JOBS activities (such as the Community Service Program), new components (such as Job Search and Job Readiness), and new JOBS policies (such as the Fair Labor Standards Act). This rule is also being amended to indicate that the definitions also apply in the Pre-TANF, TANF, and Post-TANF programs.

OAR 461-025-0310 about the rights of clients to request hearings is being amended to increase the time limit for Temporary Assistance for Needy Families (TANF) and Refugee (REF) clients to request hearings related to disqualification's or penalties. This amendment gives clients the right to request a hearing within 90 days following

ADMINISTRATIVE RULES

the effective date of a reduction or termination of benefits as a result of JOBS disqualification or a penalty for failure to seek treatment for substance abuse or mental health. Currently, clients have a right to request a hearing within 45 days following the date of the decision notice to reduce or terminate benefits. This rule is also being amended to remove old terminology and replace it with new terms. In addition, this rule is being amended to add cross-references to other rules and laws.

OAR 461-101-0010 about program acronyms and overview for public assistance, medical assistance and food stamp programs is being amended to add the Post-TANF, Pre-TANF, and SFPSS (State Family Pre SSI/SSDI) programs to the rule.

OAR 461-105-0010 about the rights of clients is being amended to add a provision that gives State Family Pre-SSI/SSDI (SFPSS), Temporary Assistance for Needy Families (TANF), Pre-TANF, and Refugee (REF) clients the right to be offered screenings or evaluations that identify barriers or disabilities unknown to the program. This rule is also being amended to give the clients in the REF, SFPSS, and TANF programs the right to decline such screenings and evaluations. This rule is being further amended to indicate that its discrimination prohibitions apply to state-funded programs. This rule is also being amended to add cross-references to other rules, Department procedures, and laws.

OAR 461-110-0630 about the individuals considered part of the need group (the individuals whose basic and special needs are used in determining eligibility and benefit level) is being amended to say that a Temporary Assistance for Needy Families (TANF) program client cannot be in the need group when the client has exceeded the 60-month time limitation and does not meet any of the time limit exceptions.

OAR 461-115-0030 about the date of request to start the process to obtain benefits is being amended to add the SFPSS (State Family Pre-SSI/SSDI) program to the rule.

OAR 461-115-0190 about application processing time frames is being amended to state the time frame for determining eligibility for support service payments in the SFPSS (State Family Pre-SSI/SSDI) program and to change the program name of the "Assessment" program to the "Pre-TANF" program.

OAR 461-115-0430 is being amended to state the eligibility re-determination time frames for the SFPSS (State Family Pre-SSI/SSDI) program.

OAR 461-115-0715 is being adopted to state the verification requirements for eligibility in the SFPSS (State Family Pre-SSI/SSDI) program.

OAR 461-120-0310 about clients who are required to assign support rights is being amended to cover clients who will receive state-only TANF funding. This rule is also being amended to state that filing groups in the EXT (Extended Medical Assistance), MAA (Medical Assistance Assumed), MAF (Medical Assistance to Families), OHP-OPC (Oregon Health Plan coverage for children who qualify under the 100 percent income standard), and OHP-OP6 (Oregon Health Plan coverage for children under age 6 who qualify under the 133 percent income standard) programs must assign to the state its right to receive, from any other person for any Medicaid-eligible child, cash medical child support that has accrued or that accrues while the group receives assistance, not to exceed the total amount of assistance paid. The filing group consists of the individuals from the household group (individuals who live together) whose circumstances are considered in the eligibility determination process.

OAR 461-120-0340 about the requirement of Temporary Assistance for Needy Families (TANF) clients to help the Department obtain support from non-custodial parents is being amended to excuse from this requirement clients who receive benefits from state-only funded programs: Post-TANF, State Family Pre-SSI/SSDI (SFPSS), and two-parent families for which deprivation is based on unemployment or underemployment of both parents. This rule is also

being amended to clarify terms and add cross-references to other rules and laws.

OAR 461-120-0345 about clients who are required to cooperate in obtaining medical coverage from a non-custodial parent is being amended to clarify that clients in the OHP-CHP (Oregon Health Plan coverage for persons under age 19 who qualify under the 185 percent income standard for medical assistance authorized by the Children's Health Insurance Program provision of the 1997 Balanced Budget Act) and TANF programs are exempt from the requirements to assist public agencies in establishing paternity, obtaining an order directing the non-custodial parent to provide health care coverage or cash medical support for that child, and make a good faith effort to obtain available coverage under Medicare. This rule is also being amended to state that clients are required to cooperate for obtaining both health coverage and cash medical support from a non-custodial parent. This rule is being further amended to clarify the rule generally, clarify the clients to which the rule applies, and remove clients in the REFM (Refugee Medical) program from employer insurance requirements.

OAR 461-125-0130 about what constitutes evidence of deprivation based on continued absence in the MAA (Medical Assistance Assumed), MAF (Medical Assistance to Families), and TANF programs is being amended to add a provision providing from HB 2469 that there is evidence of deprivation if the absent parent is not living in the same home as the dependent child and the visits of the absent parent with the child in the child's home do not exceed four times per week or a total of 30 hours per week (instead of the current 12 hours per week). This rule is also being amended to add cross-references to other rules and laws.

OAR 461-125-0260 is being adopted to state the impairment criteria for eligibility purposes for the SFPSS (State Family Pre-SSI/SSDI) program.

OAR 461-125-0810 is being amended to add the SFPSS (State Family Pre-SSI/SSDI) program to this rule about the use of administrative medical examinations when determining disability for program eligibility.

OAR 461-130-0305 is being amended to state the requirements for clients in the Pre-TANF and Post-TANF programs to participate in employment programs. This rule is also being amended to state that the necessary information that clients must provide to the Department includes information needed to help the Department assess the client's level of participation in the employment programs. In addition, this rule is being amended to remove unnecessary information and to add cross-references to other laws.

OAR 461-130-0310 is being amended to revise who is exempt from disqualification from the JOBS program to conform to new state laws and federal regulations. This amendment extends the exemption of clients with a newborn from three months to six months (for clients 20 years of age or older) and 16 weeks (for clients 19 years of age or younger). This amendment also exempts a parent who is providing care for a family member who has a disability. This rule is also being amended to indicate that the classification descriptions also apply in the Pre-TANF program.

OAR 461-130-0315 is being amended to state the general requirements for mandatory clients in the Pre-TANF program. This rule is also being amended to clarify that a mandatory client is subject to disqualification only after the re-engagement process has been completed. This rule is being further amended to add cross-references to other rules.

OAR 461-130-0323 is being adopted to state participation requirements in the SFPSS (State Family Pre-SSI/SSDI) program, state the information that SFPSS must provide to the Department, and state that SFPSS clients may participate in JOBS activities.

OAR 461-130-0325 is being amended to change JOBS participation requirements by stating that a client must provide verifiable

ADMINISTRATIVE RULES

documentation of JOBS participation hours, including paid work, job search, and educational participation hours.

ORAR 461-130-0327 about the instances in which a client is excused for good cause from a failure to comply with a requirement of an employment program is being amended to state that clients have good cause when participation is likely to cause undue hardship for the child or the client and when the client participates in suitable activities for the number of hours required each month to satisfy federally required participation rates. This rule is also being amended to state that clients have good cause when the client's prospective employer illegally discriminates based on sexual orientation. This rule is being further amended to state the good cause criteria in the Pre-TANF and State Family Pre-SSI/SSDI (SFPSS) programs. In addition, this rule is being reorganized to make it easier to follow and it is being amended to add cross-references to other rules.

ORAR 461-130-0330 about disqualification's for failure to comply with requirements of employment programs is being amended to implement the new statutory disqualification structure (described in HB 2469, 2007 Or. Laws ch. 861) for clients in the Temporary Assistance for Needy Families (TANF) and Refugee (REF) programs. This rule is being amended to add new requirements that the Department must determine before a disqualification can be applied, remove the current six-month disqualification structure, and establish a four-month disqualification structure. Under this amendment, the current penalty for the first two months of \$50 and loss of cooperation incentive will be removed. Under this rule as amended, the penalty for the first three months is that the needs of the non-cooperating adult are removed. The penalty for the fourth month is that the benefit group will receive no cash. This rule is also being amended to remove old terminology and replace it with new terms. In addition, this rule is being amended to add cross-references to other rules.

ORAR 461-130-0335 about removing disqualification's is being amended to incorporate the new statutory disqualification structure (described in HB 2469, 2007 Or. Laws ch. 861) for clients in the Temporary Assistance for Needy Families (TANF) and Refugee (REF) programs. Under the new structure, clients in active disqualification status will be required to cooperate for a two-week period before cash benefits can be restored. This rule is also being amended to revise its description of the conditions in which disqualification's can be removed and to replace old terminology with new terms. In addition, this rule is being amended to clarify the rule and make it easier to understand and to add cross-references to other rules.

ORAR 461-135-0010 about assumed eligibility for medical programs is being amended to state that two-parent families for whom deprivation is based on unemployment or underemployment of both parents are not assumed eligible for the MAA (Medical Assistance Assumed, providing medical assistance to people who are eligible for Pre-TANF or TANF) program. The MAA eligibility for these families will be based on the standard eligibility requirements. This rule is also being amended to update program names.

ORAR 461-135-0070 about the specific requirements for clients to be eligible for the Medical Assistance Assumed (MAA), Medical Assistance to Families (MAF), and Temporary Assistance to Needy Families (TANF) programs is being amended to implement the new statutory disqualification structure (described in HB 2469, 2007 Or. Laws ch. 861). This amendment removes a provision that allows for children to be disqualified from TANF for failure to comply with the requirements of the Job Opportunity and Basic Skills (JOBS) program or requirements related to mental health and drug and alcohol treatment. In addition, this rule is being amended to align the rule with Siletz Tribes TANF program eligibility and to clarify the situations in which Siletz tribal families are ineligible for TANF through the Department because they are eligible for tribal TANF with the Siletz Tribe.

ORAR 461-135-0075 about Temporary Assistance to Needy Families (TANF) time limits, is being amended to replace the current time limit policy based on federal law with policy adopted by the legis-

lature through HB 2469 amending ORS 418.131. This amendment adds an exemption from time limits for adults and minor heads of households who meet certain conditions and receive benefits from a program funded by state-only funds. This rule is also being amended to add cross-references to other rules.

ORAR 461-135-0085 about the requirement to seek treatment for substance abuse and mental health and the disqualification's and penalties associated with this requirement is being amended to implement the new statutory disqualification structure adopted by the 2007 legislature through HB 2469. This rule is also being amended to apply these requirements to clients in the Pre-TANF and State Family Pre-SSI/SSDI (SFPSS) programs. This rule also needs to be amended to remove the ability of the Department to require clients in the programs covered by the rule to participate in mental health or substance abuse evaluation. This rule is also being amended to state that clients may be penalized under this rule only after the re-engagement process is complete. In addition, this rule is being amended to add cross-references to other rules.

ORAR 461-135-0089 about what constitutes compliance with substance abuse and mental health requirements and when cash benefits are restored is being amended to implement the new statutory disqualification structure adopted by the 2007 legislature through HB 2469. This rule is being amended to specify at each level of disqualification when benefits can be restored. In addition, this rule is being amended to follow standard formatting and to add cross-references to other rules.

ORAR 461-135-0200 about how multiple disqualification's and changes in JOBS status affect a case is being amended to be consistent with the new statutory disqualification structure adopted by the 2007 legislature through HB 2469. This rule is also being amended to remove a reference to an adult losing eligibility for medical benefits. In addition, this rule is being amended to add cross-references to other rules and laws.

ORAR 461-135-0475 about the specific requirements in the Pre-TANF program is being amended to remove references to the Assessment Program and replace them with Pre-TANF program. This rule is also being amended to add two purposes of Pre-TANF. This rule is being further amended to clarify that once the client is found eligible the client participates in initial screenings to determine the client's employment strengths and any barriers to employment. This rule is also being amended to state that being enrolled in the Post-TANF program is a reason to close the Pre-TANF program.

ORAR 461-135-0505 about when a person is categorically eligible in the Food Stamp program is being amended to indicate that TANF clients are only considered categorically eligible if funded under Title IV-A of the Social Security Act or by the state as part of the TANF maintenance of effort. Categorical eligibility does not assume the person is eligible for benefits but it does allow the state to simplify the process. This rule is also being amended to update and clarify language and add cross-references.

ORAR 461-135-0506 is being amended to restate the TANF cases eligible to receive transitional food benefits. In order for an individual to receive transitional benefits, the revised rule states that the individual must have received cash benefits through a program funded in whole or in part under Title IV-A of the Social Security Act.

ORAR 461-135-1195 is being adopted to outline specific eligibility requirement associated with the SFPSS (State Family Pre-SSI/SSDI) program.

ORAR 461-135-1250 is being adopted to state specific requirements for the new Post-TANF program. This program provides payments to TANF clients who have become ineligible for the TANF or Pre-TANF programs due to income from employment. This rule sets out the eligibility and reporting requirements for a Post-TANF client to receive a payment.

ORAR 461-145-0080 about the treatment of child support payments in the eligibility process for public assistance, medical assistance, and

ADMINISTRATIVE RULES

food stamps is being amended to describe how cash medical support is treated.

ORAR 461-145-0410 about how program benefits are treated in each program is being amended to add the Post-TANF and State Family Pre-SSI/SSDI (SFPSS) programs to the rule and specify how benefits from these programs are counted in other programs. This rule is also being amended to add cross-references to other rules and follow standard formatting.

ORAR 461-155-0150 is being amended to implement a legislatively approved increase to restore the Employment Related Day Care (ERDC) program income limit to 185 percent of the federal poverty level (FPL), reduce ERDC copayments by an average of 20 percent, and increase child care reimbursement rates to closer to the 75th percentile of the 2006 Child Care Market Rate Study, bringing state payments into alignment with rates charged by the majority of providers. This amendment will increase reimbursement rates to 88 percent of the 75th percentile for license-exempt providers, 95 percent of the 75th percentile for license-exempt providers who are eligible for the enhanced rate, and the 75th percentile for licensed providers. This amendment sets a minimum co-pay of \$25 per month. For families whose income is at or below 50 percent of the 2007 Federal Poverty Level, the co-pay is \$25 or 1.5% of month income (whichever is greater). The co-pay percentage increases from 1.5 by 0.12 for each 1 percent increase in FPL.

ORAR 461-155-0320 is being adopted to state the payment standards in the SFPSS (State Family Pre-SSI/SSDI) program.

ORAR 461-155-0670 is being amended to describe the eligibility of SFPSS (State Family Pre-SSI/SSDI) clients for special dietary allowances.

ORAR 461-160-0430 about the income deductions allowed in the eligibility process for the Food Stamp program is being amended to clarify the deduction for payment of court-ordered child support includes cash medical support. A deduction in countable income may result in an increase in Food Stamp benefits for the Food Stamp household.

ORAR 461-165-0030 about concurrent and duplicate program benefits is being amended to remove a reference to the Assessment Program and replace it with the Pre-TANF program.

ORAR 461-170-0020 and 461-170-0030 are being amended to state changes that clients in the SFPSS (State Family Pre-SSI/SSDI) program must report to the program.

ORAR 461-180-0010 is being amended to state the effective date in the SFPSS (State Family Pre-SSI/SSDI) program for adding a new person to an open SFPSS program case.

ORAR 461-180-0020 which outlines the effective dates for changes in income or income deductions that cause increases in program benefits is being amended to state the effective date for changes not reported through the monthly reporting system for clients in the SFPSS (State Family Pre-SSI/SSDI) program.

ORAR 461-180-0070 is being amended to state the effective date for the initial month of cash benefits for clients in the SFPSS (State Family Pre-SSI/SSDI) program.

ORAR 461-180-0081 is being amended to revise the effective dates that apply to changes after a household is already receiving transitional food stamp benefits.

ORAR 461-190-0151 is being amended to describe case planning in the Pre-TANF, Refugee (REF), State Family Pre-SSI/SSDI (SFPSS), and Temporary Assistance for Domestic Violence Survivors (TA-DVS) programs. This rule had covered employment planning in the Job Opportunity and Basic Skills (JOBS) program. This rule is also being amended to specify when the case plan is complete and binding in the JOBS program. In addition, this rule is being amended to add cross-references to other rules.

ORAR 461-190-0163 is being amended to change the JOBS term “work experience” to “unpaid employment.” This change is being made to confirm with new federal definitions.

ORAR 461-190-0171 is being amended to change the exemption rule for teen parents enrolled in JOBS educational programs. This

amendment extends the exemption of a client with a newborn from three months to 16 weeks for clients 19 years of age or younger, except that the teen parent may be required to participate in suitable activities with a preference for educational activities, parenting classes, and family stability activities.

ORAR 461-190-0201 about job search in the Job Opportunity and Basic Skills (JOBS) program is being suspended.

ORAR 461-190-0211 is being amended to state the standards for support service payments for clients in the Pre-TANF, Post-TANF and State Family Pre-SSI/SSDI (SFPSS). This rule is also being amended to expand the clients potentially eligible for the payments to include recipients of Supplemental Security Income (SSI) and non-needy caretaker relatives who volunteer. This rule is being further amended to add tuition for vocational training as a potential payment, state the criteria for making such payments, clarify that not all support services are related to the Job Opportunity and Basic Skills (JOBS) program, and add cross-references to other rules.

ORAR 461-190-0231 about the re-engagement process is being amended to change the title of the rule and describe the re-engagement process for clients in the Pre-TANF, Refugee (REF), State Family Pre-SSI/SSDI (SFPSS), and Temporary Assistance for Domestic Violence Survivors (TA-DVS) programs. This rule is also being amended to provide more detail and clarification about the re-engagement process, which also applies to clients in the JOBS program.

ORAR 461-190-0241 about transitional payments for which Job Opportunity and Basic Skills (JOBS) clients may be eligible is being amended to update program names and add cross-references to other rules.

ORAR 461-195-0501 is being amended to state how the terms “overpayment” and “client error” are defined in the SFPSS (State Family Pre-SSI/SSDI) program.

ORAR 461-195-0551 is being amended to state when the Department may reduce current benefits in the SFPSS (State Family Pre-SSI/SSDI) program to collect an overpayment.

ORAR 461-195-0561 is being amended to state the Department policy for the compromise of overpayment claims in the SFPSS (State Family Pre-SSI/SSDI) program.

ORAR 461-195-0601 is being amended to state what constitutes an Intentional Program Violation in the SFPSS (State Family Pre-SSI/SSDI) program.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-001-0000

Definitions for Chapter 461

Defined terms are often italicized throughout this chapter of rules. If a defined term is accompanied by a cross-reference to a rule defining the term, subsequent usages of that term in the same rule refer to the same definition cross-referenced earlier in the rule. In this chapter of rules, unless the context indicates otherwise:

(1) 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) A reference to an Administrator of an agency mentioned in section (1) shall be taken to mean the Director of DHS.

(3) “Address Confidentiality Program” (ACP) means a program of the Oregon Department of Justice, which provides a substitute mailing address and mail forwarding service for ACP participants who are victims of domestic violence, sexual assault, or stalking.

(4) “Adjusted income” means the amount determined by subtracting income deductions from countable income (see ORAR 461-140-0010). Specific rules on the deductions are found in division 461-160.

(5) “Adoption assistance” means financial assistance provided to families adopting children with special needs. Adoption assistance may be state or federally funded. Federal adoption assistance is authorized by the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. No. 96-272, 94 Stat. 500 (1980)). State adoption assistance is authorized by ORS 418.330 to 418.335.

ADMINISTRATIVE RULES

- (6) "Assets" mean income and resources.
- (7) "Basic decision notice" means a decision notice mailed no later than the date of action given in the notice.
- (8) "Budgeting" means the process of calculating the benefit level.
- (9) "Budget month" means the calendar month from which nonfinancial and financial information is used to determine eligibility and benefit level for the payment month.
- (10) "Cafeteria plan" means a written benefit plan offered by an employer in which:
- (a) All participants are employees; and
 - (b) Participants can choose, cafeteria-style, from a menu of two or more cash or qualified benefits. In this context, qualified benefits are benefits other than cash that the Internal Revenue Services does not consider part of an employee's gross income. Qualified benefits include, but are not limited to:
 - (A) Accident and health plans (including medical plans, vision plans, dental plans, accident and disability insurance);
 - (B) Group term life insurance plans (up to \$50,000);
 - (C) Dependent care assistance plans; and
 - (D) Certain stock bonus plans under section 401(k)(2) of the Internal Revenue Code (but not 401(k)(1) plans).
- (11) "Capital asset" means property that contributes toward earning self-employment income, including self-employment income from a microenterprise, either directly or indirectly. A capital asset generally has a useful life of over one year and a value, alone or in combination, of \$100 or more.
- (12) "Caretaker" means an individual who is responsible for the care, control, and supervision of a child. The status of caretaker ends once the individual no longer exercises care, control, and supervision of the child for 30 days.
- (13) "Caretaker relative" means a caretaker who meets the requirements of one of the following subsections:
- (a) Is one of the following relatives of the dependent child:
 - (A) Any blood relative, including those of half-blood, and including first cousins, nephews, or nieces, and individuals of preceding generations as denoted by prefixes of grand, great, or great-great.
 - (B) Stepfather, stepmother, stepbrother, and stepsister.
 - (C) An individual who legally adopts the child and any individual related to the individual adopting the child, either naturally or through adoption.
 - (b) Is or was a spouse of an individual listed in subsection (a) of this section.
 - (c) Met the definition of caretaker relative under subsection (a) or (b) of this section before the child was adopted (notwithstanding the child's subsequent adoption).
- (14) "Certification period" means the period for which a client is certified eligible for a program.
- (15) "Child" includes natural, step, and adoptive children. The term child does not include an unborn.
- (a) In the ERDC program, a child need not have a biological or legal relationship to the caretaker but must be in the care and custody of the caretaker, must meet the citizenship or alien status requirements of OAR 461-120-0110, 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.
 - (b) In the GA, GAM, and OSIP programs, a child is an individual under the age of 18.
 - (c) In the OHP program, child means an individual, including a minor parent, under the age of 19.
 - (d) In the OSIPM and QMB programs, child means an unmarried individual living with a parent who is:
 - (A) Under the age of 18; or
 - (B) Under the age of 22 and attending full time secondary, post secondary or vocational-technical training designed to prepare the individual for employment.
- (16) "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 individuals who have physical disabilities or are socially dependent.
 - (e) Specialized living facility — Identifiable services designed to meet the needs of individuals 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.
- (17) "Continuing benefit decision notice" means a decision notice that informs the client of the right to continued benefits and is mailed in time to be received by the date benefits are, or would be, received.
- (18) "Countable" means that an available asset (either income or a resource) is not excluded and may be considered by some programs to determine eligibility.
- (19) "Custodial parents" mean parents who have physical custody of a child. Custodial parents may be receiving benefits as dependent children or as caretaker relatives for their own children.
- (20) "Decision notice" means a written notice of a decision by the Department regarding an individual's eligibility for benefits in a program.
- (21) "Department" means the Department of Human Services (DHS).
- (22) "Dependent child", in the EXT, MAA, MAF, REF, REFM, and TANF programs, means the following:
- (a) An individual 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.
- (23) "Disability" means:
- (a) In the FS program, see OAR 461-001-0015.
 - (b) In the REF, SFPSS, TA-DVS, and TANF programs, for purposes other than determining eligibility:
 - (A) An individual with a physical or mental impairment that substantially limits the individual's ability to meet the requirements of the program; or
 - (B) An individual with a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or who is regarded as having such an impairment as defined by the Americans with Disabilities Act (42 USC 12102; 28 CFR 35.104).
- (24) "Domestic violence" means the occurrence of one or more of the following acts between family members, intimate partners, or household members:
- (a) Attempting to cause or intentionally, knowingly or recklessly causing physical injury or emotional, mental or verbal abuse.
 - (b) Intentionally, knowingly or recklessly placing another in fear of imminent serious physical injury.
 - (c) Committing sexual abuse in any degree as defined in ORS 163.415, 163.425 and 163.427.
 - (d) Using coercive or controlling behavior.
- (25) "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.
- (26) "Eligibility" means the decision as to whether an individual qualifies, under financial and nonfinancial requirements, to receive program benefits.
- (27) "Equity value" means fair market value minus encumbrances.
- (28) "Fair market value" means the amount an item is worth on the open market.
- (29) "Family stability" in the JOBS, Pre-TANF, Post-TANF, SFPSS, TA-DVS, and TANF program means the characteristics of a family that support healthy child development, including parental mental health, drug and alcohol free environment, stable relationships, and a supportive, flexible, and nurturing home environment.
- (30) "Family stability activity" in the JOBS, Pre-TANF, Post-TANF, SFPSS, TA-DVS, and TANF program means an action or set of actions taken by the client, as specified in a case plan, intended to promote the ability of one or both parents to achieve or maintain family stability.
- (31) "Financial institution" means a bank, credit union, savings and loan association, investment trust, or other organization held out to the public as a place receiving funds for deposit, savings, checking, or investment.

ADMINISTRATIVE RULES

(32) "HPN" means a health plan new/noncategorical client eligible under OHP-OPU.

(33) "Income-producing property" means any real or personal property that generates income for the financial group. Examples of income-producing property are:

(a) Livestock, poultry, and other animals.

(b) Farmland, rental homes (including a room or other space in the home or on the property of a member of the financial group), vacation homes, condominiums.

(34) "Initial month" of eligibility means any of the following:

(a) In all programs, the first month a benefit group (see OAR 461-110-0750) is eligible for a program benefit in Oregon after a period during which the group is not eligible.

(b) In all programs except the FS program, the first month a benefit group is eligible for a program benefit after there has been a break in the program benefit of at least one full calendar month. If benefits are suspended for one month, that is not considered a break.

(c) In the FS program:

(A) The first month for which the benefit group is certified following any period during which they were not certified to participate, except for migrant and seasonal farm workers (see OAR 461-001-0015).

(B) For migrant and seasonal farmworkers, the first month for which the benefit group is certified following any period of one month or more during which they were not certified to participate.

(d) In the OHP program, the first month of a redetermination or recertification period.

(35) "In-kind income" means income in a form other than money (such as food, clothing, cars, furniture, and payments made to a third party).

(36) "Legally married" means a marriage uniting a man and a woman according to the provisions of either:

(a) The statutes of the state where the marriage occurred;

(b) The common law of the state in which the man and woman previously resided while meeting the requirements for common law marriage in that state; or

(c) The laws of a country in which the man and woman previously resided while meeting the requirements for legal or cultural marriage in that country.

(37) "Life estate" means the right to property limited to the lifetime of the individual holding it or the lifetime of some other individual. In general, a life estate enables the owner of the life estate to possess, use and obtain profits from property during the lifetime of a designated individual while actual ownership of the property is held by another individual. A life estate is created when an individual owns property and then transfers their ownership to another while retaining, for the rest of their life, certain rights to that property. In addition, a life estate is established when a member of the financial group (see OAR 461-110-0530) purchases a life estate interest in the home of another individual.

(38) "Lodger" means a member of the household group (see OAR 461-110-0210) who:

(a) Is not a member of the filing group; and

(b) Pays the filing group for room and board.

(39) "Long-term care" means the system through which the Department provides a broad range of social and health services to eligible adults who are aged, blind, or have disabilities for extended periods of time. This includes nursing homes and state hospitals (Eastern Oregon and Oregon State Hospitals).

(40) "Lump-sum income" means income received too infrequently or irregularly to be reasonably anticipated, or received as a one-time payment. Lump-sum income includes:

(a) Retroactive benefits covering more than one month, whether received in a single payment or several payments.

(b) Income from inheritance, gifts, winnings and personal injury claims.

(41) "Marriage" means the union of a man and a woman who are legally married.

(42) "Microenterprise" means a sole proprietorship, partnership, or family business with fewer than five employees and capital needs no greater than \$35,000.

(43) "Minor parent", in the ERDC, EXT, MAA, MAF, REF, REFM, and TANF programs, means a parent under the age of 18.

(44) "Nonstandard living arrangement" is defined as follows:

(a) In the GA, GAM, OSIP, OSIPM, and QMB programs, a client is considered to be in a nonstandard living arrangement when the client is applying for or receiving services in any of the following locations:

(A) A nursing facility.

(B) An intermediate care facility for the mentally retarded (ICF/MR).

(C) A psychiatric institution, if the individual is not yet 21 years of age or has reached the age of 65.

(D) A community-based setting covered by a waiver under Title XIX of the Social Security Act.

(b) In all programs except GA, GAM, OSIP, OSIPM, and QMB, a nonstandard living arrangement means each of the following locations:

(A) Foster care.

(B) Residential Care Facilities.

(C) Drug or Alcohol Residential Treatment Facilities.

(D) Homeless or Domestic Violence Shelters.

(E) Lodging house if paying for room and board.

(F) Correctional facilities.

(G) Medical institutions.

(45) "Ongoing month" means one of the following:

(a) For all programs except FS and OHP, any month following the initial month of eligibility, if there is no break in the program benefit of one or more calendar months.

(b) For the FS and OHP programs, any month in the certification period following the initial month of eligibility.

(46) "Parent" means the biological or legal (step or adoptive) mother or father of an individual 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 individual 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.

(47) "Payment month" means, for all programs except EA, the calendar month for which benefits are issued.

(48) "Payment period" means, for EA, the 30-day period starting with the date the first payment is issued and ending on the 30th day after the date the payment is issued.

(49) "Periodic income" means income received on a regular basis less often than monthly.

(50) "Primary person" for all programs except FS, 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 FS, see OAR 461-001-0015.

(d) For GA, GAM, OSIP, OSIPM, and QMB, the client or their spouse.

(e) For OHP, REF, and REFM, the applicant, caretaker, caretaker relative or parent.

(51) "Real property" means land, buildings, and whatever is erected on or affixed to the land and taxed as real property.

(52) "Reimbursement" means money or in-kind compensation provided specifically for an identified expense.

(53) "Safe homes" mean 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.

(54) "Shelter costs" mean, in all programs except the Food Stamp program, housing costs (rent or mortgage payments, property taxes) and utility costs, not including cable TV or non-basic telephone charges. In the Food Stamp program, see OAR 461-160-0420.

(55) "Shelter-in-kind" means an agency or person outside the household group (see OAR 461-110-0210) provides the shelter of the financial group (see OAR 461-110-0530), or makes a payment to a third party for some or all of the shelter costs of the financial group.

(a) For all programs except OSIP, OSIPM, and QMB, shelter-in-kind does not include temporary shelter provided by a domestic violence shelter, homeless shelter, or residential alcohol and drug treatment facilities.

ADMINISTRATIVE RULES

(b) For OSIP, OSIPM, and QMB, shelter-in-kind also includes situations where the client has no shelter costs.

(56) "Sibling" means the brother or sister of an individual. "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.

(57) "Spousal support" means income paid (voluntarily, per court order or per administrative order) by a separated or divorced spouse to a member of the financial group (see OAR 461-110-0530).

(58) "Spouse" means an individual who is legally married to another individual. In the ERDC and FS programs, spouse includes an individual 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.

(59) "Stable income" means income that is the same amount each time it is received.

(60) "Standard living arrangement" means a location that does not qualify as a nonstandard living arrangement.

(61) "Teen parent" means, for TANF and JOBS, a parent under the age of 20 who has not completed a high school diploma or GED.

(62) "Timely continuing benefit decision notice" means a decision notice that informs the client of the right to continued benefits and is mailed no later than the time requirements in OAR 461-175-0050.

(63) "Trust funds" mean money, securities, or similar property held by a person or institution for the benefit of another person.

(64) "USDA meal reimbursements" mean cash reimbursements made by the Oregon Department of Education for family day-care providers who serve snacks and meals to children in their care.

(65) "Variable income" means earned or unearned income that is not always received in the same amount each month.

Stat. Auth: ORS 411.060, 411.070, 411.816, 414.042, 418.040, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.040, 418.100

Hist.: AFS 28-1978, f. & cf. 7-13-78; AFS 54-1984, f. 12-28-84, cf. 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; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-001-0025

Definitions of Terms, Components, and Activities; JOBS, Pre-TANF, Post-TANF, TANF

In the JOBS, Pre-TANF, Post-TANF, and TANF programs, the following definitions apply to rules in Chapter 461 unless the context indicates otherwise.

(1) Activity: An action or set of actions to be taken by the client, as specified in the case plan. An activity is intended to reduce barriers and:

(a) Increase the likelihood of self sufficiency, employment, job retention, wage enhancement, and financial independence; or

(b) Promote family stability (see OAR 461-001-0000).

(2) Adult Basic Education (ABE): An activity in the basic education component that involves remedial education coursework intended to ensure functional literacy.

(3) 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. This activity includes providing screenings and evaluations (if appropriate) to determine the level of participation of the client in the JOBS program. The screenings include but are not limited to physical and mental health needs, substance abuse, domestic violence, and learning needs.

(4) Barrier: A personal condition or circumstance that reduces the likelihood the client will become employed or the client's ability to participate in an activity listed in the case plan.

(5) Basic education: A component of non-core activities intended to ensure functional literacy for all JOBS clients. Basic education activities are high school attendance, English as a second language (ESL) instruction, job skills training, 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.

(6) Case plan (formerly also known as an employment development plan (EDP), a personal plan, or personal development plan): A written outline, developed in partnership by the client and case manager, with input

from partners as appropriate, listing activities and goals for the client. The case plan also identifies the support service payments, accommodations, and modifications to help the client complete the plan. The DHS 1543 — Domestic Violence Assistance Agreement — is the case plan for clients with safety concerns about domestic violence.

(7) Community Service Program: An activity in the unpaid employment component in which the client works without pay at a job site to enhance the likelihood the client will become employed and perform work for the direct benefit of the community. This activity is available through nonprofit organizations or public agencies.

(8) Component: A set of one or more activities of the JOBS program. Components of the JOBS program are paid unsubsidized employment, paid subsidized employment, unpaid employment, vocational training, job search and readiness, and basic education activities.

(9) Core activities: Federally-defined countable work activities that include: paid unsubsidized employment; paid subsidized employment; work experience; on-the-job training; job search and readiness; community service programs; vocational training; and providing child care assistance to a community service program participant.

(10) Degree Completion Initiative (DCI): An activity 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 activity is discussed at OAR 461-190-0195.

(11) Drug and alcohol services: An activity in the job search and readiness component that provides substance abuse screenings and evaluations, outpatient or resident treatment, and support groups such as AA or NA.

(12) Employer contact: A client communication with an employer or employer's representative through a visit, phone call, or mail to request consideration for employment.

(13) 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.

(14) Fair Labor Standards Act (FLSA): Applies to subject employers with clients working in the unpaid employment component. FLSA requires that clients engaged in unpaid employment, in effect, cannot "work off" their TANF and Food Stamp benefits at an hourly rate less than the state minimum wage.

(15) Federally required participation rates: The participation rates required by section 407 of the Social Security Act (42 USC 607).

(16) High School or GED Completion Attendance: An activity in the basic education component that involves attendance at a secondary school or in a course of study that leads to the completion of the GED.

(17) Job search: An activity in the job search and readiness 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. There are two categories of job search: initial job search and regular job search. Initial job search may occur during the Pre-TANF program. Regular job search begins not later than the day after the Department finds the client eligible for TANF benefits.

(18) Job search and readiness: A component designed to prepare clients to compete in the local labor market. Job search, life skills, drug and alcohol services, mental health services, and rehabilitation activities are the activities of the job search and readiness component.

(19) Job skills training: An activity in the basic education component designed to provide classroom training in vocational and technical skills or equivalent knowledge and abilities in a specific job area.

(20) JOBS Plus program (JOBS Plus): An activity in the paid subsidized employment 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).

(21) Life skills: An activity of the job search and readiness component. The activity develops employment-preparation skills and skills and attitudes that are commonly found in the workplace.

(22) Mental health services: An activity in the job search and readiness component that provides mental health screenings and assessments, counseling, medication management, and support groups.

(23) Microenterprise: An activity in the paid unsubsidized employment 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.

ADMINISTRATIVE RULES

(24) Non-core activities: Federally-defined countable work activities that include: job skills training directly related to employment; education directly related to employment; and satisfactory school attendance at a secondary level or leading to a GED.

(25) On-the-job training (OJT): An activity in the paid subsidized employment component 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.

(26) Paid subsidized employment: A component in which clients are employed in a subsidized public or private sector job. JOBS Plus, work supplementation, and on-the-job training are the activities in the paid subsidized employment component.

(27) Paid unsubsidized employment: A component in which clients are employed full- or part-time in an unsubsidized job and receiving TANF benefits. Unsubsidized employment is a job that is not subsidized by TANF or any other public program. The UN work program and microenterprise are the activities in the paid unsubsidized employment component.

(28) Program entry: An activity that includes all the activities that prepare a client to actively participate in the JOBS program. Program entry activities include assessment and writing the initial case plan.

(29) Progress (good or satisfactory): For federal reporting purposes, a client participating in an education or training activity makes good progress or satisfactory progress by receiving a passing grade or progressing toward completion of high school or GED completion at no less than the normal rate of a half-time student.

(30) Providing child care services to a Community Service Program participant: An activity in the unpaid employment component.

(31) Rehabilitation activities: An activity in the job search and readiness component that provides medical or therapeutic screenings, assessments, and treatment. This activity also includes medical management and support groups.

(32) Sheltered or supported work: An activity in the unpaid employment component that gives clients intensive staff support, skill training, intervention and counseling that will enable them to function independently at work.

(33) Stabilization, intervention, and other activities: A group of activities that are non-countable for federal participation purposes. These activities include child health and development, crisis intervention, domestic violence services, family stability activities (see OAR 461-001-0000), medical services, retention services, services to child welfare families, social security application, and stabilized living services.

(34) Support services: Services that case-managed clients need to participate successfully in activities outlined in their case plan, seek and maintain employment, or remove barriers.

(35) Teen parent: Custodial parent under age 20.

(36) Transition services: Services included in a client's case plan when the client becomes employed or becomes ineligible for cash benefits because of an increase in income or resources.

(37) Unpaid employment: A component in which a client is placed in an unpaid job to develop good work habits, training and knowledge to obtain employment. Employment may be in the private or public sector or through a work simulation program. Work experience, Community Service Program, providing child care services to a Community Service Program participant, and sheltered or supported work are the activities of the unpaid employment component.

(38) UN work program: An activity in the paid unsubsidized employment component in which TANF clients work in unsubsidized employment and may also participate in another JOBS work site training activity.

(39) Vocational Training: An activity and 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.

(40) Work experience: An activity in the unpaid employment 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.

(41) Work supplementation: An activity in the unpaid employment component. 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, 418.040, 418.045, 418.100

Stats. Implemented: ORS 411.060, 418.035, 418.040, 418.045, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 10-1991, f. & cert. ef. 4-19-91; 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 5-1993, f. & cert. ef. 4-1-93; 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 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 40-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 18-1998, f. & cert. ef. 10-2-98; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; Renumbered from 461-190-0110, SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-025-0310

Hearing Requests

(1) A claimant (see OAR 461-025-0305) has the right to a contested case hearing in the following situations upon the timely completion of a request for hearing:

(a) The Department has not acted on a request or application for public assistance within 45 days of the application.

(b) The Department has not acted timely on an application as follows:

(A) An application for food stamps — within 30 days of the filing date.

(B) An application for a JOBS support service payment — within the time frames established in OAR 461-115-0190(3).

(c) The Department acts to deny, reduce, close, or suspend food stamp benefits, a grant of public assistance, a grant of aid, a support service payment authorized in the JOBS program by OAR 461-190-0211, medical assistance, or child care benefits authorized under Division 160 or 165 of this chapter of rules in the ERDC or TANF child care programs. When used in this subsection, grant of public assistance and grant of aid mean the grant of cash assistance calculated according to the client's need.

(d) The Department claims that an earlier public assistance payment was an overpayment, or that an earlier issuance of food stamps was an overissuance.

(e) The claimant claims that the Department previously underissued public assistance or food stamps and the Department denies the claim.

(f) The household disputes its current level of food stamp benefits.

(g) The filing group (see OAR 461-110-0370) is aggrieved by any action of the Department that affects the participation of the filing group in the Food Stamp program.

(h) The claimant asks for a hearing to determine if the waiver of an Intentional Program Violation hearing was signed under duress.

(i) The Department establishes or changes the client's premium for the Oregon Health Plan.

(j) In the Pre-TANF program, the Department denies payment for a basic living expense (see OAR 461-135-0475) or other support service payment in the JOBS program (see subsection (c) of this section).

(k) In the TA-DVS program, when OAR 461-135-1235 provides a right to a hearing.

(1) A service re-assessment of a client conducted in accordance with OAR Division 411-015 has resulted in a reduction or termination of Nursing Home services, Home and Community Based Waivered Services (defined at OAR 411-015-0005), Spousal Pay services (see OAR 411-030-0080), or Independent Choices services (see OAR Division 411-036).

(m) The claimant's benefits are changed to vendor, protective, or two-party payments.

(n) The right to a hearing is otherwise provided by statute or rule.

(2) A client is not entitled to a hearing on the question of the contents of a case plan (defined in OAR 461-190-0151) unless the right to hearing is specifically authorized by the Department's rules. For a dispute about an activity in the JOBS program, the client is entitled to use the Department's re-engagement process (see OAR 461-190-0231). In the TA-DVS program, a dispute about the contents of a TA-DVS case plan (see OAR 461-135-1205) is resolved through re-engagement if there is no right to a hearing under OAR 461-135-1235.

(3) There is no right to a hearing to dispute a program requirement established by law. Examples are the closure of a program or a change to a payment standard.

(4) A request for hearing is complete:

(a) In public assistance programs, when the Department's Administrative Hearing Request form (form DHS 443) is completed and signed by the claimant or the claimant's representative and is received by the Department.

(b) In the Food Stamp program when:

(A) The Department receives the claimant's oral or written statement that he or she wishes to appeal a decision affecting the claimant's food stamp benefits to a higher authority; or

ADMINISTRATIVE RULES

(B) The Department's Administrative Hearing Request form (form DHS 443) is completed and signed by the claimant or the claimant's representative and is received by the Department.

(c) In the case of a provider of child care, when a written request for hearing from the provider is received by the Department.

(5) In the event a request for hearing is not timely, the Department will determine whether the failure to timely file a request for hearing was beyond the reasonable control of the party and enter an order accordingly. The Department may refer an untimely request to the Office of Administrative Hearings for a hearing on the question of timeliness.

(6) In the event the claimant has no right to a contested case hearing on an issue, the Department may enter an order accordingly. The Department may refer a hearing request to the Office of Administrative Hearings for a hearing on the question of whether the claimant has the right to a contested case hearing.

(7) To be timely, a completed hearing request must be received by the Department not later than:

(a) Except as provided in subsection (b) of this section, the 45th day following the date of the decision notice (see OAR 461-001-0000) in public assistance and medical programs.

(b) The 90th day following the effective date of the reduction or termination of benefits in a public assistance program if the reduction or termination of aid is a result of a JOBS disqualification (see OAR 461-130-0330) or a penalty for failure to seek treatment for substance abuse or mental health (see OAR 461-135-0085).

(c) The 90th day following the date of the decision notice in the Food Stamp program, except:

(A) A filing group may submit a hearing request at any time within a certification period (see OAR 461-001-0000) to dispute its current level of benefits.

(B) A filing group may submit a hearing request within 90 days of the denial of a request for restoration of benefits if less than one year has expired since the loss of benefits.

(d) The 30th day following the date of notice from the Oregon Department of Revenue in cases covered by ORS 293.250.

(e) In a case described in subsection (1)(h) of this rule, the request must be made within 90 days of the date the waiver was signed.

(8) In determining timeliness under section (7) of this rule, delay caused by circumstances beyond the control of the claimant is not counted.

(9) In computing the time periods provided by this rule, see OAR 461-025-0300(1).

[ED. NOTE: Forms referenced are available from the agency.]
Stat. Auth.: ORS 411.060, 411.816 & 418.100
Stats. Implemented: ORS 411.060, 411.095, 411.117, 411.816, 414.042, 414.055, 418.100, 418.125
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 4-1995, f. & ef. 2-1-95; AFS 26-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 3-2000, f. 1-31-2000, cert. ef. 2-1-00; 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 22-2001, f. & cert. ef. 10-1-01; AFS 23-2002(Temp), f. 12-31-02, cert. ef. 1-1-03 thru 6-30-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 21-2004, f. & cert. ef. 10-1-04; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-101-0010

Program Acronyms and Overview

(1) Acronyms are frequently used when referring to a program. There is an acronym for each umbrella program (for instance, ERDC) and acronyms for each subprogram (for instance, ERDC-SBG).

(2) When no program acronym appears in a rule in Chapter 461 of these rules, the rule with no program acronym applies to all programs listed in this rule. If a rule does not apply to all programs, the rule uses program acronyms to identify the programs to which the rule applies.

(3) Wherever an umbrella acronym appears, that means the rule covers all the subprograms under that code (for instance, OSIP means OSIP-AB, OSIP-AD, and OSIP-OAA).

(4) ADC; Aid to Dependent Children. Financial aid to low-income families when children are deprived of parental support because of continued absence, death, incapacity, or unemployment. When used alone, ADC refers to all ADC programs. Use of the acronym, ADC, which stands for Aid to Dependent Children, and use of the phrase, Aid to Dependent Children, refer to the state's Temporary Assistance for Needy Families Program, and its acronym, TANF. The following codes are used for ADC subprograms:

(a) ADC-BAS; Aid to Dependent Children — Basic (includes eligibility based on continued absence, death, incapacity, or unemployment). ADC with deprivation based on unemployment is also denoted by ADC-BAS/UN.

(b) EA; Aid to Dependent Children — Emergency Assistance. Emergency cash to families without the resources to meet emergent needs.

(5) ADCM; Aid to Dependent Children Medical. Medical aid to low-income families when children are deprived of parental support, as for ADC. Use of the acronym ADCM, which stands for Aid to Dependent Children Medical, and use of the phrase Aid to Dependent Children Medical refer to EXT, MAA, MAF, and SAC programs. When used alone, ADCM refers to all ADC-related medical programs. The following codes are used for ADCM subprograms:

(a) ADCM-BAS; Aid to Dependent Children Medical — Basic.

(b) ADCM-EXT; Aid to Dependent Children Medical — Extended. ADCM-EXT provides extended medical benefits to families after their ADC benefits end.

(c) ADCM-SAC; Aid to Dependent Children Medical — Substitute or Adoptive Care. ADCM-SAC gives medical coverage to children in substitute or adoptive care.

(6) The Assessment Program (see the Pre-TANF program in this rule).

(7) BCCM; Breast and Cervical Cancer Medical program.

(8) CAWEM; Citizen/Alien-Waived Emergent Medical. Medicaid coverage of emergent medical needs for clients who are not eligible for other medical programs solely because they do not meet citizenship and alien status requirements.

(9) DFSP; Disaster Food Stamp Program. Following a presidential declaration of a major disaster in Oregon, DFSP provides emergency food stamps to victims. OAR 461-135-0491 to 461-135-0497 cover DFSP eligibility and benefits.

(10) ERDC; Employment- or Education-Related Day Care. Helps low-income families pay the cost of child care. When used alone, ERDC refers to all ERDC programs. The following codes are used for ERDC subprograms:

(a) ERDC-BAS; ERDC — Basic. Child care for working families.

(b) ERDC-SBG; ERDC — Student Block Grant. Child care for students.

(11) EXT; Extended Medical Assistance. The Extended Medical Assistance program provides medical assistance for a period of time after a family loses its eligibility for the MAA, MAF, or Pre-TANF program due to an increase in their child support or earned income.

(12) FS; Food Stamps. Helps low-income households maintain proper nutrition by giving them the means to purchase food.

(13) GA; General Assistance. Cash assistance to low-income individuals with disabilities who do not have dependent children.

(14) GAM; General Assistance Medical. Medical assistance to clients who are eligible for the GA program but have not been found eligible for OSIPM benefits.

(15) HSP; Housing Stabilization Program. A program that helps low-income families obtain stable housing. The program is operated through the Housing and Community Services Department through community-based, service-provider agencies. The Department's rules for the program (OAR 461-135-1305 to 461-135-1335) were repealed July 1, 2001.

(16) JOBS; Job Opportunity and Basic Skills. An employment program for REF, REFM, and TANF clients. JOBS helps these clients attain self-sufficiency through training and employment. The program is part of Welfare Reform.

(17) JOBS Plus. Provides subsidized jobs rather than FS or TANF benefits. For TANF clients, JOBS Plus is a component of the JOBS Program; for FS clients and noncustodial parents of children receiving TANF, it is a separate employment program. Eligibility for TANF clients, FS clients, and noncustodial parents of children receiving TANF is determined by the Department. Eligibility for UI recipients is determined by the Oregon State Employment Department. When used alone, JOBS Plus includes only clients whose JOBS Plus program participation is through the Department of Human Services. JOBS Plus administered through the Oregon State Employment Department is known in chapter 461 of the Oregon Administrative Rules as Oregon Employment Department UI JOBS Plus. The following acronyms are used for specific categories:

(a) ADC-PLS; Clients eligible for JOBS Plus based on TANF.

(b) FS-PLS; Clients eligible for JOBS Plus based on FS.

(c) NCP-PLS; Noncustodial parents of children receiving TANF.

(18) LIS; Low-Income Subsidy. The Low-Income Subsidy program is a federal assistance program for Medicare clients who are eligible for extra help meeting their Medicare Part D prescription drug costs.

(19) MAA; Medical Assistance Assumed. The Medical Assistance Assumed program provides medical assistance to people who are eligible for the Pre-TANF program or ongoing TANF benefits.

ADMINISTRATIVE RULES

(20) MAF; Medical Assistance to Families. The Medical Assistance to Families program provides medical assistance to people who are ineligible for MAA but are eligible for Medicaid using ADC program standards and methodologies that were in effect as of July 16, 1996.

(21) OFSET. The Oregon Food Stamp Employment Transition Program, which helps FS recipients find employment. This program is mandatory for some FS recipients.

(22) OHP; Oregon Health Plan. The Oregon Health Plan Program provides medical assistance to many low-income individuals and families. The program includes five categories of people who may qualify for benefits. The acronyms for these categories are:

(a) OHP-OPU; Adults. OHP coverage for adults who qualify under the 100 percent income standard. A person eligible under OHP-OPU is referred to as a health plan new/noncategorical (HPN) client.

(b) OHP-OPC; Children. OHP coverage for children who qualify under the 100 percent income standard.

(c) OHP-OP6; Children Under 6. OHP coverage for children under age 6 who qualify under the 133 percent income standard.

(d) OHP-OPP; Pregnant Females and their newborn children. OHP coverage for pregnant females who qualify under the 185 percent income standard and their newborn children.

(e) OHP-CHP; Persons Under 19. OHP coverage for persons under age 19 who qualify under the 185 percent income standard for medical assistance authorized by the Children's Health Insurance Program (CHIP) provision of the 1997 Balanced Budget Act.

(23) OSIP; Oregon Supplemental Income Program. Cash supplements and special need payments to persons who are blind, disabled, or 65 years of age or older. When used alone, OSIP refers to all OSIP programs. The following acronyms are used for OSIP subprograms:

(a) OSIP-AB; Oregon Supplemental Income Program — Aid to the Blind.

(b) OSIP-AD; Oregon Supplemental Income Program — Aid to the Disabled.

(c) OSIP-EPD; Oregon Supplemental Income Program — Employed Persons with Disabilities program. This program provides Medicaid coverage for employed persons with disabilities with adjusted income less than 250 percent of the Federal Poverty Level.

(d) OSIP-OAA; Oregon Supplemental Income Program — Old Age Assistance.

(24) OSIPM; Oregon Supplemental Income Program Medical. Medical coverage for elderly and disabled individuals. When used alone, OSIPM refers to all OSIP-related medical programs. The following codes are used for OSIPM subprograms:

(a) OSIPM-AB; Oregon Supplemental Income Program Medical — Aid to the Blind.

(b) OSIPM-AD; Oregon Supplemental Income Program Medical — Aid to the Disabled.

(c) OSIPM-EPD; Oregon Supplemental Income Program Medical — Employed Persons with Disabilities program. This program provides Medicaid coverage for employed persons with disabilities with adjusted income less than 250 percent of the Federal Poverty Level.

(d) OSIPM-OAA; Oregon Supplemental Income Program Medical — Old Age Assistance.

(e) OSIPM-IC; Oregon Supplemental Income Program Medical — Independent Choices

(25) The Post-TANF program provides a monthly transitional payment to employed clients who are no longer eligible for the Pre-TANF or TANF programs due to earnings, and meet the other eligibility requirements.

(26) The Pre-TANF program is an up-front assessment and resource-search program for TANF applicant families. The intent of the program is to assess the individual's employment potential; determine any barriers to employment or family stability; develop an individualized case plan that promotes family stability and financial independence; help individuals find employment or other alternatives; and provide basic living expenses immediately to families in need.

(27) QMB; Qualified Medicare Beneficiaries. Additional medical coverage for Medicare recipients. When used alone, QMB refers to all QMB programs. The following codes are used for QMB subprograms:

(a) QMB-BAS; Qualified Medicare Beneficiaries — Basic. The basic QMB program.

(b) QMB-DW; Qualified Medicare Beneficiaries — Disabled Worker. Payment of the Medicare Part A premium for people under age 65 who have lost eligibility for Social Security disability benefits because they have become substantially gainfully employed.

(c) QMB-SMB; Qualified Medicare Beneficiaries — Special Medicare Beneficiary. Payment of all or a portion of the Medicare Part B premium only. There are no medical benefits available through QMB-SMB.

(28) REF; Refugee Assistance. Cash assistance to low-income refugee singles or married couples without children.

(29) REFM or REFM-BAS; Refugee Assistance Medical — Basic. Medical coverage for low-income refugees.

(30) The Repatriate Program helps Americans resettle in the United States if they have left a foreign land because of an emergency situation.

(31) SAC; Medical Coverage for Children in Substitute or Adoptive Care.

(32) Senior Prescription Drug Assistance Program; provides that people 65 years of age or older can purchase prescription drugs at the Medicaid price.

(33) SFDNP; Senior Farm Direct Nutrition Program. Food vouchers for low income seniors. Funded by a grant from the United States Department of Agriculture.

(34) SFPSS; State Family Pre-SSI/SSDI Program. A voluntary program providing cash assistance and case management services to families when at least one TANF eligible adult in the household has an impairment (see OAR 461-125-0260) and is or will be applying for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

(35) TA-DVS; Temporary Assistance for Domestic Violence Survivors. Addresses the needs of clients threatened by domestic violence.

(36) TANF; Temporary Assistance for Needy Families. Cash assistance for families when children in those families are deprived of parental support because of continued absence, death, incapacity, or unemployment. Cash assistance used to be known as ADC.

Stat. Auth.: ORS 411.060, 411.816, 414.042, 414.342, 418.100, 2007 OL 861

Stats. Implemented: ORS 411.060, 411.816, 414.042, 414.342, 418.100, 2007 OL 861

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 16-1990, f. 6-29-90, cert. ef. 7-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 35-1992, f. 12-31-92, cert. ef. 1-1-93; AFS 16-1993, f. & cert. ef. 9-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 17-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 4-1998, f. 2-25-98, cert. ef. 3-1-98; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 25-1998, f. 12-18-98, cert. ef. 1-1-99; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 11-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 17-2001(Temp), f. 8-31-01, cert. ef. 9-1-01 thru 9-30-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04; SSP 6-2004, f. & cert. ef. 4-1-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 8-2006, f. & cert. ef. 6-1-06; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

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, including 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 461-001-0020 or 461-001-0025; or

(c) Treatment is required under OAR 461-135-0085.

(4) In the Pre-TANF, REF, SFPSS, and TANF programs:

(a) The right to be offered available screenings or evaluations that identify barriers (see OAR 461-001-0025) or the existence of a disability (see OAR 461-001-0000) unknown to and relevant to the program.

(b) The right to decline a screening or evaluation that would disclose to the program the existence of a disability (see OAR 461-001-0000) unknown to the program.

(5) The right, upon expressing dissatisfaction with an action of the Department, to obtain the Department's standard form for requesting a hearing.

(6) The right to request a hearing to the extent provided in OAR 461-025-0310 and 461-025-0315.

(7) The right to apply for any program administered by the Department.

ADMINISTRATIVE RULES

(8) The right to have a decision on eligibility made by the Department within the timelines set forth in OAR 461-115-0190 and 461-115-0210.

(9) 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 without discrimination on the basis of race, color, national origin, religion, gender, sexual orientation, disability, or political beliefs (see OAR 461-105-0180 and 461-105-0190).

(10) The right to courteous, fair, and dignified treatment by Department personnel and to file a complaint with the Department about staff conduct or customer service to the extent provided in OAR 407-005-0100 to 407-005-0120.

(11) The right to file a complaint with the Department about discrimination or unfair treatment as provided in Procedure DHS-010-005-01, "Filing a Client Complaint or Report of Discrimination" or OAR 407-005-0030.

Stat. Auth.: ORS 411.060, 411.816, 418.040, 418.045, 418.100
Stats. Implemented: ORS 411.060, 411.816, 418.040, 418.045, 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; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-110-0630 Need Group

(1) The need group consists of the individuals whose basic and special needs are used in determining eligibility and benefit level.

(2) In the EA, REF, and REFM programs, the need group consists of the members of the *financial group* (see OAR 461-110-0530) who meet all nonfinancial eligibility requirements, except that members disqualified for an intentional program violation are not in the need group.

(3) In the ERDC, OSIP, OSIPM, QMB, and SAC programs, the need group consists of each member of the *financial group*.

(4) In the EXT program, the need group consists of each member of the *financial group* except an individual excluded from the need group for not complying with social security number requirements under OAR 461-120-0210.

(5) In the FS program, the need group consists of the members of the financial group who meet all nonfinancial eligibility requirements, except the following people are not in the need group:

(a) A member disqualified for an intentional program violation.

(b) A fleeing felon under OAR 461-135-0560.

(c) An individual violating a condition of state or federal parole, probation, or post-prison supervision under OAR 461-135-0560.

(6) In the GA and GAM programs, the need group consists of each member of the *financial group* except that the following individuals may not be in the need group:

(a) A fleeing felon under OAR 461-135-0560.

(b) An individual in violation of a condition of state or federal parole, probation, or post-prison supervision under OAR 461-135-0560.

(c) An individual not complying with social security number requirements under OAR 461-120-0210.

(7) In the MAA and TANF programs, the need group is formed as follows:

(a) Except as provided in subsection (b) of this section, the need group consists of the members of the financial group who meet all nonfinancial eligibility requirements other than the citizenship and alien status requirements of OAR 461-120-0110 or the citizenship documentation requirements of OAR 461-115-0705.

(b) The need group cannot include:

(A) A parent who is in foster care and for whom foster care payments are being made.

(B) An unborn child.

(C) In the TANF program:

(i) An individual who cannot be in the need group because of a disqualification penalty.

(ii) An individual who cannot be in the need group because the individual has exceeded the 60-month time limit and does not meet any of the exceptions listed in OAR 461-135-0075.

(iii) A fleeing felon under OAR 461-135-0560.

(iv) An individual violating a condition of state or federal parole, probation, or post-prison supervision under OAR 461-135-0560.

(8) In the MAF program, the need group consists of the members of the financial group who meet all nonfinancial eligibility requirements other than the citizen and alien status requirements of OAR 461-120-0110 or the

citizenship documentation requirements of OAR 461-115-0705, except for the following individuals:

(a) A parent who is in foster care and for whom foster care payments are being made.

(b) The father of an unborn child who has no eligible dependent children.

(9) In the OHP program:

(a) An unborn child of a pregnant female is included in the need group.

(b) The need group consists of each member of the financial group except an individual excluded from the need group for not complying with social security number requirements under OAR 461-120-0210.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 6-1991(Temp), f. & cert. ef. 2-8-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04; SSP 6-2004, f. & cert. ef. 4-1-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 7-2006(Temp), f. 3-31-06, cert. ef. 4-1-06 thru 9-28-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-115-0030

Date of Request

(1) For all programs covered by Chapter 461 of the Oregon Administrative Rules, the client or someone authorized to act on behalf of the client must contact the Department or use another appropriate method to request benefits (see OAR 461-115-0150). The request may be oral or in writing. The request starts the application process.

(2) The date of request is one of the following:

(a) In the EA, ERDC-BAS, GA, OSIP, REF, and TANF programs and for support service payments in the JOBS program authorized by OAR 461-190-0211, the date of request is the day the request for benefits is received by the Department.

(b) In the ERDC-SBG program, the date of request is the date the Department sends the client a notice of the right to apply, along with an application.

(c) In the FS program, this section does not apply. See OAR 461-115-0040.

(d) In the GAM, MAA, MAF, OHP, OSIPM, REFM, and SAC programs, the date of request is determined as follows:

(A) For a new applicant.

(i) The day the medical care began, if the actual request is made no later than the next working day. If the request is received later than the next working day, the date of request is the day the request is received by a Department representative, except as described in subparagraph (ii) of this paragraph.

(ii) In the OHP program, if the completed application is not received by the Department within 30 days of the date established in subparagraph (i) of this paragraph, the date of request is the date the written application is received by the Department.

(B) For a current recipient, the date of request is one of the following:

(i) The date the client reports a change requiring a redetermination of eligibility.

(ii) The date the Department initiates a review, except that the automatic mailing of an application does not constitute a Department-initiated review.

(iii) The date the client establishes a date of request by contacting the Department orally or in writing or by submitting an application.

(e) In the SFPSS program:

(A) Except as provided in paragraph (B) of this subsection, the date of request is the day the client signs the program's Interim Assistance Agreement.

(B) The date of request for support service payments is the day the request for benefits is received by the Department.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 414.042, 418.100, 2007 OL 861

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.100, HB 2469 (2007)
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 5-2000, f. 2-29-00, cert. ef. 3-1-00; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 21-2004, f. & cert. ef. 10-1-04; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

ADMINISTRATIVE RULES

461-115-0190

Application Processing Time Frames; Not FS or Pre-TANF

(1) In all programs except the EA, FS, Pre-TANF, and TA-DVS programs, the Department determines eligibility and sends a decision notice (see OAR 461-001-0000) not later than the 45th day after the date of request (see OAR 461-115-0030). The Department may extend the period if one or more of the following subsections applies:

(a) Information needed to determine eligibility is expected to be received after the 45-day deadline, and the client has no control over the information.

(b) Other circumstances beyond the control of the client prevent the Department from making the decision within the 45-day period.

(c) In the OSIPM program, the applicant has met all eligibility requirements except the Department must determine whether the applicant is blind or has a disability. In this case, the Department determines eligibility and sends a decision notice not later than the 90th day after the date of request. The Department may extend this period for any of the following reasons:

(A) The Department cannot reach a decision because the client or an examining physician or psychologist has not taken an action necessary for the decision to be made.

(B) There is an administrative or other emergency beyond the Department's control that impairs its ability to make the decision.

(2) In the EA program, the Department determines eligibility within one working day of the date of application or as soon thereafter as verification of emergent need is completed. Verification of all other factors may be waived if it would delay the client's receipt of assistance.

(3) For support service payments in the JOBS program (authorized by OAR 461-190-0211) and in the SFPSS program, the Department determines eligibility as follows:

(a) If the client is receiving an SFPSS or TANF grant — in time to meet the need for which the request is made and not later than the 30th day after the date of request.

(b) If the client is not covered by subsection (a) of this section — in time to meet the need for which the request is made.

(4) In the TA-DVS program, OAR 461-135-1220 covers the following time requirements:

(a) Assessing the client's safety concerns and offering options to the client for addressing immediate safety needs.

(b) Determining eligibility after the application is complete, whether or not the client has signed the application.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 414.042, 418.100, 2007 OL 861
Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.100, HB 2469 (2007)
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 3-1991(Temp), f. & cert. ef. 1-17-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-115-0430

Periodic Redeterminations; Not EA, ERDC, EXT, FS, OHP, REF, REFM, or TA-DVS

The Department periodically redetermines the eligibility of clients for benefits and assigns a *redetermination date* by which the next determination is required. The Department selects the redetermination date based on the client's circumstances and according to the following requirements:

(1) In the BCCM, GA, and GAM programs, the Department determines eligibility each 12 months.

(2) In the MAA, MAF, and SAC programs, the Department redetermines eligibility at least once every 12 months.

(3) In the OSIP and OSIPM programs, the Department determines eligibility each 12 months for clients who are not eligible for SSI. No redetermination is required for clients who are eligible for SSI.

(4) In the QMB program, the Department determines eligibility each 12 months for clients who are not eligible for SSI. For QMB recipients who are also eligible for MAA, MAF or OSIPM, a redetermination for QMB is completed with the redetermination of the other program.

(5) In the SFPSS program, the Department redetermines eligibility at least once every 12 months. The Department redetermines program eligibility by redetermining eligibility for the SFPSS and TANF programs.

(6) In the TANF program, the Department redetermines eligibility according to the following schedule:

(a) For clients not in the monthly reporting system (MRS) and not participating in the JOBS program — at least once every six months.

(b) For clients in the MRS or participating in the JOBS program — at least once every 12 months.

Stat. Auth.: ORS 411.060, 411.070, 414.042, 418.100, 2007 OL 861
Stats. Implemented: ORS 411.060, 411.070, 414.042, 418.100, 2007 OL 861
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 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 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 26-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-115-0715

Required Verification; SFPSS

In the SFPSS program, all eligibility factors must be verified during the initial determination period, when there is a change to any factor, and whenever eligibility for benefits becomes questionable.

Stat. Auth.: ORS 411.060, 418.100, 2007 OL 861
Stats. Implemented: ORS 411.060, 418.100, 2007 OL 861
Hist.: SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-120-0310

Assignment of Support Rights; Not BCCM, FS, OHP-CHP, OHP-OPP

(1) To be eligible for any program in whole or in part with federal grants funded under Titles IV-A (TANF) or IV-E of the Social Security Act, the filing group must assign to the state its right to receive, from any other person, child support that has accrued or that accrues while the group receives assistance, not to exceed the total amount of assistance paid.

(2) To be eligible for the EXT, MAA, MAF, OHP-OPC, and OHP-OP6 programs, a filing group must assign to the state its right to receive, from any other person for any Medicaid-eligible child, cash medical child support that has accrued or that accrues while the group receives assistance, not to exceed the total amount of assistance paid.

Stat. Auth.: ORS 411.060, 411.070, 414.042, 418.042, 418.100
Stats. Implemented: ORS 411.060, 411.070, 414.025, 414.042, 418.035, 418.042, 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 13-1991, f. & cert. ef. 7-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-120-0340

Client Required To Help Department Obtain Support From Noncustodial Parent; TANF

(1) To be eligible for TANF, except as permitted in section (2) of this rule, a caretaker relative (see OAR 461-001-0000) must make a good faith effort to help the Department:

(a) Establish paternity of each needy child; and

(b) Locate and obtain support payments from the noncustodial parent of each needy child.

(2) A caretaker relative is excused from the requirements of section (1) of this rule:

(a) For good cause defined in OAR 461-120-0350;

(b) If the caretaker relative is a participant in the Post-TANF or SFPSS programs; or

(c) The filing group (see OAR 461-110-0330) is a two-parent family for which deprivation is based on unemployment or underemployment of both parents.

(3) A good faith effort includes taking such actions as:

(a) Supplying sufficient information for the Division of Child Support (DCS) to proceed with appropriate actions to establish paternity of a dependent child, to locate noncustodial parents, or to establish a support order with respect to the child. Sufficient information includes, but is not limited to, the time and place of each child's conception (if paternity is not established) and the following information, if known to the caretaker relative, regarding any noncustodial parent of a needy child:

(A) Full legal name and nicknames.

(B) Social Security Number.

(C) Current or last known address.

(D) Current or last known employer, including name and address.

(E) If a student, current or last known school.

(F) Criminal record, including where and when incarcerated.

(G) Date of birth, or age.

(H) Race.

(I) Any known group or organizational affiliations.

(J) Names and addresses of close friends or relatives.

(K) Any other information the Department or DCS requests to help locate or identify an absent parent of any children in the benefit group.

ADMINISTRATIVE RULES

(b) Supplying documentation or an explanation of the client's efforts to obtain information requested by the Department or DCS (if unable to provide any necessary information listed in subsection (a) of this section).

(c) Keeping appointments with the Department and DCS related to establishing paternity.

(d) Returning telephone calls and responding to correspondence when requested to do so by the Department or DCS.

(4) If a client who has not been excused under section (2) of this rule has the opportunity to make a good faith effort to help the Department establish paternity of a needy child or locate or obtain support payments from the noncustodial parent of a needy child (and is unable to show he or she has good cause under OAR 461-120-0350), the Department applies penalties for failure to comply with requirements of section (1) of this rule in the following manner until the client meets the requirements of this rule:

(a) For a benefit group (see OAR 461-110-0750) not currently receiving TANF, if the failure to comply occurs while an application for TANF is pending the filing group (see OAR 461-110-0330) is ineligible.

(b) For a benefit group receiving TANF benefits, if a failure to comply occurs, the net monthly TANF benefit, after reductions for the client's failure to comply with requirements of the JOBS program are made, is reduced by:

(A) 25 percent for the first month following the month in which failure to comply is determined.

(B) 50 percent for the second month following the month in which failure to comply is determined.

(C) 75 percent for the third month following the month in which failure to comply is determined.

(D) 100 percent (total ineligibility for the benefit group) for the fourth and subsequent months following the month in which failure to comply is determined.

(c) Once a penalized client complies with the requirements and benefits are no longer reduced under this rule, a subsequent penalty is imposed without regard to any prior penalty.

(d) If the TANF payment is affected by the penalty imposed under this rule, eligibility for and the level of food stamp benefits are determined as if the client were receiving cash benefits without reduction due to the penalty.

(5) The penalty provided by this rule ends when the client meets the requirements of section (1) of this rule.

Stat. Auth.: ORS 411.060, 411.070, 418.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 418.042, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 31-1996, f. & cert. ef. 9-23-96; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 5-1998(Temp), f. & cert. ef. 3-11-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 13-2002, f. & cert. ef. 10-1-02; CWP 37-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 4-28-04; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-120-0345

Clients Required to Obtain Health Care Coverage and Cash Medical Support; EXT, GAM, MAA, MAF, OHP (except OHP-CHP), OSIPM, SAC

This rule explains the obligation of clients to obtain health care coverage and cash medical support for members of the *benefit group* (see OAR 461-110-0750) in the EXT, GAM, MAA, MAF, OHP (except OHP-CHP), OSIPM, and SAC programs.

(1) Unless excused from the requirements of this section for good cause defined in OAR 461-120-0350, each adult client must assist the Department and the Division of Child Support of the Department of Justice in establishing paternity for each of his or her children and obtaining an order directing the non-custodial parent (see OAR 461-001-0000) of a child (see OAR 461-001-0000) in the benefit group to provide:

(a) Cash medical support for that *child*; and

(b) Health care coverage for that *child*.

(2) Each adult client must make a good faith effort to obtain available coverage under Medicare.

(3) To be eligible for the EXT, GAM, MAA, MAF, OHP (except OHP-CHP and OHP-OPU), OSIPM, and SAC programs, once informed of the requirement, an individual who is able to must apply for, accept, and maintain cost-effective, employer-sponsored health insurance (see OAR 461-155-0360). In the GAM and OSIPM programs, the client is not required to incur a cost for the health insurance.

(4) In the OHP-OPU program:

(a) An individual who can obtain health insurance through his or her employer must cooperate in determining eligibility for the Family Health

Insurance Assistance Program (FHIAP). Rules for FHIAP are at OAR 442-004-0000 and following. If eligible for FHIAP, the individual must:

(A) Apply for and accept the employer-sponsored health insurance.

(B) Enroll the other OHP-OPU recipients who are eligible for insurance through FHIAP.

(b) The requirements of subsection (a) of this section do not apply to:

(A) Members of a federally recognized Indian tribe, band or group;

(B) Eskimos, Aleuts or other Alaska natives enrolled by the Secretary of the Interior pursuant to the Alaska Native Claims Settlement Act;

(C) Individuals eligible for benefits through an Indian Health Program; and

(D) Individuals eligible under the CAWEM program.

(5) An individual who fails to meet an applicable requirement in sections (1), (2), (3), or (4) of this rule is removed from the need group (see OAR 461-110-0630) except that in the OHP program the individual is removed from the *benefit group* (see OAR 461-110-0750).

(6) In the case of an individual failing to meet the requirements of section (1) of this rule, the Department applies the penalty after providing the client with notice and opportunity to show the provisions of OAR 461-120-0350 apply.

(7) The penalty provided by this rule ends when the client meets the requirements of this rule.

Stat. Auth.: ORS 411.060, 411.070, 414.042, 418.100, 2007 OL 861

Stats. Implemented: ORS 411.060, 411.070, 414.025, 414.042, 418.035, 418.100, 2007 OL 861

Hist.: AFS 28-1992, f. & cert. ef. 10-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 30-1996, f. & cert. ef. 9-23-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 19-2001, f. 8-31-01, cert. ef. 9-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04; 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 6-2004, f. & cert. ef. 4-1-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-125-0130

Evidence of Deprivation Based on Continued Absence; MAA, MAF, TANF

In the MAA, MAF, and TANF programs:

(1) There is deprivation based on continued absence (except as specified in OAR 461-125-0120) if the absent parent (see OAR 461-001-0000) is not living in the same home as the dependent child (see OAR 461-001-0000), per section (2) of this rule, and the visits of the absent parent with the dependent child in the child's home do not exceed four times per week or a total of 30 hours per week.

(2) The Department uses the following guidelines in deciding whether the absent parent is living in the same home as the dependent child:

(a) The absent parent is not living in the same home as the dependent child if either of the following is true:

(A) The absent parent and the dependent child have been living in separate homes for 30 days or more; or

(B) The absent parent and the dependent child have been living in separate homes for less than 30 days, but at least one of the following is true:

(i) The filing group was receiving TANF when the absent parent and dependent child began living in separate homes.

(ii) The client is a victim of domestic violence (see OAR 461-001-0000).

(iii) The parents have filed for divorce or legal separation.

(iv) The absent parent and dependent child have established separate verifiable residences.

(b) The absent parent is considered to be living in the same home as the dependent child if the absent parent sleeps at least 30 percent of the time during the calendar month in the child's home.

(c) If the absent parent is living on the same property as the dependent child, they are considered to be living in the same home as the dependent child, unless all the following are true:

(A) The absent parent is the owner of the property, or is a tenant on the property. To be a tenant, the absent parent must be billed for rent.

(B) The absent parent lives independently from the dependent child and caretaker relative (see OAR 461-001-0000).

(C) The absent parent:

(i) Has and uses sleeping, bathroom and kitchen facilities separate from the dependent child and caretaker relative; or

(ii) Shares bathroom or kitchen facilities with the dependent child and caretaker relative, but the facilities are in a commercial establishment that provides room or board or both at a fair market rate.

ADMINISTRATIVE RULES

Stat. Auth.: ORS 411.060, 411.070, 414.042, 418.100
Stats. Implemented: ORS 411.060, 411.070, 411.117, 414.042, 418.100, 418.149
Hist.: AFS 13-1991, f. & cert. ef. 7-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 11-1999, f. & cert. ef. 10-1-99; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-125-0260

Impairment Criteria; SFPSS

(1) To be eligible for the SFPSS program, an individual must be receiving TANF benefits and meet the requirement of one of the following subsections:

(a) Have a current physical or mental impairment or a combination of impairments that meets or equals the listing of impairments found in 20 CFR 404, Subpart P, Appendix 1, and can be expected to:

- (A) Last for a continuous period of not less than 12 months; or
- (B) Result in death within 12 months from the date of request (see OAR 461-115-0030).

(b) Be 55 years of age or older and meet the following requirements:

(A) Have a current severe physical impairment (see section (2) of this rule) or severe mental impairment (see section (2) of this rule) or a combination of impairments that does not meet the listing of impairments referred to in subsection (a) of this section but will:

(i) Prevent the individual from returning to any past relevant work (see section (2) of this rule) for a period of not less than 12 months; or

(ii) Result in death within 12 months from the date of request.

(B) Be limited to sedentary residual functioning capacity as defined in 20 CFR 404, subpart P, appendix 2.

(c) Be 55 years of age or older and have all of the following:

(A) A current severe physical impairment or severe mental impairment or a combination of impairments that does not meet the listing of impairments referred to in subsection (a) of this section but will:

- (i) Last for a period of not less than 12 months; or
- (ii) Result in death within 12 months from the date of request.

(B) Less than a 12th grade education, as evidenced by the lack of a high school diploma or GED.

(C) A history of no past relevant work in the last 15 years.

(d) Be age 50 or older but not yet age 55; and

(A) Have a current severe physical impairment or severe mental impairment or a combination of impairments that does not meet the listing of impairments referred to in subsection (a) of this section but will:

- (i) Last for a period of not less than 12 months; or
- (ii) Result in death within 12 months from the date of request.

(B) Be illiterate or unable to communicate in English.

(C) Be limited to light residual functioning capacity as defined in 20 CFR 404, subpart P, appendix 2.

(D) Have a past relevant work history of "unskilled" or "none."

(e) Be age 50 or older but not yet age 55; and

(A) Have a severe physical impairment or severe mental impairment or a combination of impairments that does not meet the listing of impairments referred to in subsection (a) of this section but will:

- (i) Last for a period of not less than 12 months; or
- (ii) Result in death within 12 months from the date of request.

(B) Have less than a high school education.

(C) Be limited to sedentary residual functioning capacity as defined in 20 CFR 404, subpart P, appendix 2.

(D) Have a past relevant work history of "unskilled" or "none."

(f) Be age 45 or older but not yet age 50; and

(A) Have a severe physical impairment or severe mental impairment or a combination of impairments that does not meet the listing of impairments referred to in subsection (a) of this section but will:

- (i) Last for a period of not less than 12 months; or
- (ii) Result in death within 12 months from the date of request.

(B) Be illiterate or unable to communicate in English.

(C) Be limited to sedentary residual functioning capacity as defined in 20 CFR 404, subpart P, appendix 2.

(D) Have a past relevant work history of unskilled or none.

(2) As used in this rule:

(a) "Basic work activity" means any kind of work activity that averages at least eight hours a day for which income is received, regardless of the adequacy to meet the client's needs. Work performed against medical advice or at an activity center or sheltered workshop is not basic work activity.

(b) "Equaling" means the medical findings are at least equal in severity and duration to the listed findings. If the client's impairment is not listed, the Department considers the listed impairment most like the client's impairment to decide whether the client's impairment is medically equal to the listed impairment. If the client has more than one impairment, and none

of them meets or equals a listed impairment, the Department reviews the symptoms, signs, and laboratory findings about the client's impairments to determine whether the combination of those impairments is medically equal to a listed impairment.

(c) "Past relevant work" means work that the individual has performed in the last 15 years and that constitutes substantial gainful activity as defined in 20 CFR 404.1574 and 404.1575. Also, the past relevant work must have lasted long enough for the individual to learn the techniques, acquire the necessary information, and develop the facilities needed for average performance of the job situation.

(d) "Severe mental impairment" means a mental impairment that significantly limits the individual's ability to do basic work activity.

(e) "Severe physical impairment" means a physical impairment that significantly limits the individual's physical ability to do basic work activity.

(3) An applicant is not eligible for the SFPSS program if drug addiction or alcoholism is material to his or her impairment.

(4) If the client is unable to do so, the Department will obtain medical evidence that documents a claim of physical or mental impairment.

Stat. Auth.: ORS 411.060, 418.100, 2007 OL 861
Stats. Implemented: ORS 411.060, 418.100, 2007 OL 861
Hist.: SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-125-0810

Using Administrative Medical Examinations

(1) When the Department is responsible for making a decision of GA or SFPSS disability determination, OSIP or OSIPM disability or OSIP or OSIPM blindness, or TANF incapacity, the client may select a qualified medical provider to complete the medical evaluation described in OAR 461-125-0830.

(2) A decision to deny or end benefits must be reconsidered when additional medical documentation relevant to the decision is received by the Department within 30 days of the original effective date of denial or termination.

Stat. Auth.: ORS 411.060, 411.710, 418.100, 2007 OL 861
Stats. Implemented: ORS 411.060, 411.710, 418.100, 2007 OL 861

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-130-0305

General Provisions

(1) This division of rules establishes requirements for client participation in the employment programs of the Food Stamp, Post-TANF, Pre-TANF, REF, and TANF programs. The employment programs are the JOBS, OFSET, and workfare programs.

(2) Clients must provide information necessary for the Department to administer the employment programs. The necessary information includes that needed to determine the client's participation classification (see OAR 461-130-0310), assess the client's level of participation in the employment program, and assess whether a client had good cause (see OAR 461-130-0327) for any failure to meet a requirement of an employment program. If a medical condition is in question, the Department may require the client to provide a medical opinion from an appropriate medical professional.

Stat. Auth.: ORS 411.060, 411.816, 418.040, 418.045, 418.100
Stats. Implemented: ORS 411.060, 411.816, 418.040, 418.045, 418.100
Hist.: AFS 17-1998, f. & cert. ef. 10-1-98; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-130-0310

Participation Classifications: Exempt, Mandatory, and Volunteer

(1) To administer the employment programs of the Food Stamp, Pre-TANF, REF, and TANF programs, the Department assigns clients to one or more participation classifications — exempt, mandatory, and volunteer.

(2) In the Food Stamp program:

(a) The following clients are exempt:

(A) A client with weekly countable income (see OAR 461-001-0000) from employment or self-employment (see OAR 461-145-0930) at least equal to the federal minimum wage multiplied by 30 hours. This includes migrant and seasonal farm workers (see OAR 461-001-0015) 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 (see OAR 461-001-0000) in the household under 6 years of age or an individual in the household who has a disability (see OAR 461-001-0015) that sub-

ADMINISTRATIVE RULES

stantially reduces or eliminates the individual's ability to care for himself or herself.

(D) A client who provides care for at least 30 hours a week for an individual in another household who has a disability (see OAR 461-001-0015) that substantially reduces or eliminates the individual's ability to care for himself or herself.

(E) 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).

(F) A client receiving REF or TANF benefits, while a mandatory participant in the JOBS program.

(G) A client who is in receipt of unemployment insurance benefits or has completed an application for unemployment insurance benefits and is waiting for an initial decision on the claim, if the client was required to register for work at an office of the Oregon Employment Department.

(H) A participant in a drug or alcohol treatment and rehabilitation program.

(I) A pregnant client.

(J) A client living in an area where the OFSET program is available to clients but who:

(i) Lacks adequate dependent care;

(ii) Does not have adequate transportation available; or

(iii) Experiences a barrier to employment, such as being homeless or having a short-term physical or mental limitation or a serious family problem.

(b) A mandatory client is an individual in the need group (see OAR 461-110-0630); who is 16 or 17 years of age and a primary person (see OAR 461-001-0015), or 18 years of age and older but not yet 60; and who is not exempt under subsection (a) of this section.

(c) A volunteer is a client who is not a mandatory client who chooses to participate in an employment program.

(3) In the Pre-TANF, REF, and TANF programs:

(a) Except as stated otherwise in the following paragraphs, the following clients are exempt from participation in the employment programs covered by Chapter 461:

(A) A client who is in the ninth month of pregnancy or experiencing medical complications due to pregnancy that prevent participation in employment or self-sufficiency components (see OAR 461-001-0025) of an employment program.

(B) A client during the first six months after giving birth except to participate in parenting classes or family stability activities (see OAR 461-001-0000).

(C) A client under 20 years of age during the first 16 weeks after giving birth except that the client may be required to participate in suitable activities with a preference for educational activities, parenting classes, and family stability activities.

(D) A parent (see OAR 461-001-0000) providing care for a family member, living in the home, who has a disability (see OAR 461-001-0000), and does not attend school full-time.

(E) An REF client 65 years of age or older.

(F) A TANF client 60 years of age or older.

(G) A non-citizen who is not authorized to work in the United States.

(H) A recipient of supplemental security income (SSI) from the Social Security Administration.

(I) A caretaker relative (see OAR 461-001-0000) who is non-needy.

(J) If participation is likely to cause undue hardship or is contrary to the best interests of the child (see OAR 461-001-0000) or needy caretaker relative.

(b) Except as stated otherwise in the following paragraphs, the following REF and TANF clients are exempt from disqualification in the employment programs covered by Chapter 461:

(A) A client who is in the ninth month of pregnancy or experiencing medical complications due to pregnancy that prevent participation in employment or self-sufficiency components (see OAR 461-001-0025) of an employment program.

(B) A client during the first six months after giving birth, except to participate in parenting classes or family stability activities.

(C) A client under 20 years of age during the first 16 weeks after giving birth, except that the client may be required to participate in suitable

activities with a preference for educational activities, parenting classes, and family stability activities.

(D) A parent (see OAR 461-001-0000) providing care for a family member, living in the home, who has a disability (see OAR 461-001-0000), and does not attend school full-time.

(E) An REF client 65 years of age or older.

(F) A TANF client 60 years of age or older.

(G) A non-citizen who is not authorized to work in the United States.

(H) A recipient of supplemental security income (SSI) from the Social Security Administration.

(I) A caretaker relative (see OAR 461-001-0000) who is non-needy.

(J) If participation is likely to cause undue hardship or is contrary to the best interests of the child (see OAR 461-001-0000) or needy caretaker relative.

(K) A client who participates more than 10 hours per week during the seventh and eighth months of pregnancy.

(L) A VISTA volunteer.

(c) A parent of a child who receives TANF is mandatory if the parent is in the same filing group (see OAR 461-110-0330) with the child (even if the parent is not in the TANF benefit group under OAR 461-110-0750), unless the parent is otherwise exempt from participation under subsection (a) of this section.

(d) A volunteer is a client who is exempt from participation (see subsection (a) of this section) who chooses to participate in an employment program.

(4) In the FS, REF, and TANF programs, a client may not be disqualified for conduct that occurred while a volunteer.

(5) In the Post-TANF program, a client is classified as a volunteer and may not be disqualified.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 418.040, 418.045, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.816, 418.040, 418.045, 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; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-130-0315

General Requirements; Pre-TANF, REF, TANF

In the Pre-TANF, REF, and TANF programs:

(1) A *mandatory* (see OAR 461-130-0310) client must do the following:

(a) Complete the assessment (see OAR 461-001-0025) process and provide sufficient information for the Department to determine whether they must participate in an employment program.

(b) Register for an employment program by completing forms provided by the Department. A *mandatory* client who fails to register is ineligible for benefits.

(c) Meet all participation requirements of OAR 461-130-0325.

(2) A *mandatory* client who fails to meet a participation requirement without good cause (see OAR 461-130-0327) is subject to disqualification in accordance with OAR 461-130-0330 only after the re-engagement process (see OAR 461-190-0231) has been completed. A mandatory client who is exempt (see OAR 461-130-0310) is not subject to disqualification but does not receive the incentive payment authorized by OAR 461-135-0210.

Stat. Auth.: ORS 411.060, 418.045, 418.100

Stats. Implemented: ORS 411.060, 418.045, 418.100

Hist.: AFS 17-1998, f. & cert. ef. 10-1-98; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-130-0323

General Provisions; SFPSS

In the SFPSS program:

(1) Clients are required to participate in the appropriate activities determined necessary by the Department, including activities that promote family stability.

(2) Clients must provide information necessary for the Department to administer the program.

(a) The necessary information includes that needed to determine appropriate activities for the client and to assess whether a client had good cause (see OAR 461-130-0327) for any failure to meet a requirement of the program.

(b) If a medical condition is in question, the Department will assist and may require the client to provide a medical opinion from a qualified and appropriate medical professional.

(3) The Department offers clients the opportunity to participate in any suitable JOBS program activity (see OAR 461-001-0025).

ADMINISTRATIVE RULES

Stat. Auth.: ORS 411.060, 418.100, 2007 OL 861
Stats. Implemented: ORS 411.060, 418.100, 2007 OL 861
Hist.: SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-130-0325

Participation Requirements; FS, REF, TANF

In the Food Stamp, REF, and TANF programs:

(1) A mandatory (see OAR 461-130-0310) client selected by the Department to participate in an employment program of the Food Stamp, REF, or TANF program must do all the following:

(a) Accept a bona fide offer of employment, whether temporary, permanent, full-time, part-time, or seasonal.

(b) Maintain employment.

(A) In the Food Stamp program, a client fails to maintain employment by:

(i) Voluntarily leaving a job 30 days or less prior to the date of application for food stamps or at any time thereafter,

(ii) Being dismissed for striking while a federal, state or county employee; or

(iii) Reducing hours of work to less than 30 each week.

(B) Sub-paragraph (A)(i) of this subsection applies only if the client is required to register for work, or is exempt from work registration due to employment according to OAR 461-130-0310(2)(a)(A), has a job that averages not less than 30 hours each week or has provided average weekly earnings not less than the federal minimum wage multiplied by 30 hours and quits the job, or quits working under a JOBS Plus agreement more than twice (see OAR 461-190-0426). Changes in employment status caused by a reduction in work hours while working for the same employer, being fired from a job, terminating a self-employment enterprise or resigning from a job at the demand of the employer do not constitute a failure to maintain employment.

(C) In the REF and TANF programs, a client fails to maintain employment when:

(i) The client has been or would be found to have quit work without good cause or to have been discharged for misconduct in accordance with the unemployment insurance compensation law of Oregon.

(ii) The client voluntarily reduces earnings or hours of employment or does not accept an increase in hours worked that would result in increased earnings.

(c) Schedule and keep required employment-related appointments and interviews.

(d) Notify the Department's case manager or the JOBS contractor of the reason for not keeping employment-related appointments and interviews, not attending scheduled classes and activities, or not completing case management activities. Notification must be made within three working days from the date of a missed appointment, interview, class, or activity.

(e) Provide the Department, in a manner as required, with verifiable documentation of JOBS participation hours, including paid work, job search, and educational participation hours.

(f) In the Food Stamp program, complete all work activities and components specified on the case plan (see OAR 461-001-0020).

(g) In the REF and TANF programs, complete all case management assignments specified on the case plan (see OAR 461-001-0025) or other similar plans approved by the Department.

(2) For clients receiving food stamps, a household containing a client who was exempt from participation in employment programs only by OAR 461-130-0310(2)(a)(F) or (G), but not any other provision, and who fails to comply with a requirement of the TANF or unemployment compensation program that is comparable to a requirement of an employment program of the Food Stamp program, must be treated as though the client had failed to comply with the corresponding requirement of the Food Stamp program employment program. If the client fails to comply with a requirement that is not comparable, the client loses the exemption authorized by OAR 461-130-0310(2)(a)(F) or (G) and must comply with the requirements of the Food Stamp program employment programs.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 418.040, 418.045, 418.100
Stats. Implemented: ORS 411.060, 411.070, 411.816, 411.825, 418.040, 418.045, 418.100
Hist.: AFS 17-1998, f. & cert. ef. 10-1-989; 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; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-130-0327

Good Cause

(1) A client is excused for good cause from a failure to comply with a requirement of an employment program, including an activity in a case plan (both terms defined in OAR 461-001-0025) in the following circumstances:

(a) Participation in a required activity in a case plan would have an adverse effect on or risk to the client's physical or mental health or would expose the client to increased risk of domestic violence (see OAR 461-001-0000).

(b) Except in the Food Stamp program, participation is likely to cause undue hardship for the child (see OAR 461-001-0000) or the client.

(c) In the JOBS, Pre-TANF, and SFPSS programs, when the failure to comply is caused by the failure of the Department to timely provide or authorize a support service payment.

(d) Appropriate child care, or day care for an individual in the household who has a disability that substantially reduces or eliminates the individual's ability to care for himself or herself, cannot be obtained. "Appropriate child care" means that:

(A) Both the provider and the place where care is provided meet health, safety, and provider requirements as required in OAR 461-165-0180;

(B) The care accommodates the parent's work schedule; and

(C) The care meets the specific needs of the child, such as age and special-needs requirements.

(e) The work attachment position or employment offered is vacant due to a strike, lockout, or other labor dispute.

(f) The work attachment position or employment requires the client to join a union, and the client has religious objections to unions.

(g) The client belongs to a union and the employment violates the conditions of the client's membership in the union.

(h) The wage for the client's current or potential job is:

(A) Less than applicable minimum wage; or

(B) If minimum wage laws do not apply, the wage (rate for piece work) is less than that normally paid for similar work.

(i) The client's prospective employer engages in employment practices that are illegally discriminatory on the basis of age, sex, race, religious or political belief, marital status, disability, sexual orientation, or ethnic origin.

(j) The client's participation in a required activity in a case plan would prevent or interfere with the client's participation in an activity of the Grande Ronde Tribe's NEW program.

(k) The client's failure to participate is due to a circumstance beyond his or her reasonable control.

(l) When the failure to comply is caused by an aspect of the client's disability.

(m) The following are also "good cause" criteria in the Food Stamp program:

(A) The client has no means of transportation and would have to walk an unreasonable distance to meet the participation requirement. An "unreasonable distance" is a distance that requires a commute of more than two hours each day. The client must make a good-faith effort to secure the needed transportation.

(B) Lack of adequate child care for children who have reached age 6 but are under age 12.

(2) In the Food Stamp program, a client has good cause for not accepting employment or for leaving a job under the following circumstances:

(a) The hours or nature of the job interferes with the client's religious observances, convictions, or beliefs.

(b) The client accepts employment or enrolls at least half-time in any recognized school, training program, or institution of higher education that requires the client to quit a job.

(c) A client accepts employment or schooling in another county, requiring the benefit group to move and the client to quit a job.

(d) A client less than 60 years of age resigns, and the employer recognizes the resignation as retirement.

(e) The client leaves a job to follow a type of employment that moves from one area to another, such as migrant labor or construction.

(f) The client accepts a job that, for reasons beyond the control of the client, does not materialize or results in fewer work hours or a lower wage than the client's previous job.

(g) Work demands or conditions, such as not being paid for work or not being paid on schedule, make employment unreasonable.

ADMINISTRATIVE RULES

(h) The wage for the client's current or potential job is less than applicable minimum wage or, if minimum wage laws do not apply, the wage (rate for piece work) is less than that normally paid for similar work.

(i) The work schedule for the job in question does not conform to hours customary to the occupation or the hours worked each week are more than those customary to the occupation.

(j) The client is not obligated to accept a job during the first 30 days of registration for employment if the job is not in the client's field of experience.

(3) In the REF and REFM programs, a client is excused from a failure to comply with a requirement of an employment program for good cause in the following circumstances:

(a) The client quits a full-time job to accept another full-time job with a wage at least equal to the wage of the first job.

(b) The client makes a good faith effort to complete an activity on the case plan but is unable to do so.

(4) In the Pre-TANF, REF, REFM, SFPSS, and TANF programs, a client is excused from a failure to comply with a requirement of an employment program for good cause when the client is in her seventh or eighth month of pregnancy and either works in a job that requires her to work more than 10 hours each week or has a case plan that requires her to participate more than 10 hours each week.

(5) In the TANF program, a client is excused from a failure to comply with a requirement of an employment program for good cause when the client participates in suitable activities for the number of hours required each month to satisfy federally required participation rates (see OAR 461-001-0025).

(6) The Department does not require a client to provide verification of good cause if providing the verification would expose the client to increased risk of domestic violence.

Stat. Auth.: ORS 411.060, 411.816, 418.040, 418.045, 418.100
Stats. Implemented: ORS 411.060, 411.117, 411.816, 418.040, 418.045, 418.100
Hist.: AFS 17-1998, f. & cert. ef. 10-1-98; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-130-0330

Disqualifications; FS, Pre-TANF, REF, TANF

(1) In the REF and TANF programs, clients may be disqualified for failure to comply with requirements of employment programs. A disqualification is initiated only after the client has had an opportunity to participate in the *re-engagement process* (see OAR 461-190-0231).

(a) The Department does not apply a JOBS disqualification until:

(A) The Department has determined the client is willfully non-compliant and does not have good cause (see OAR 461-130-0327) for failing to comply with a requirement of the program;

(B) The Department has offered (and the client has refused) or conducted screenings (and assessed if appropriate) for physical or mental health needs, substance abuse, domestic violence, and learning needs;

(C) The Department has determined the client has no barriers (see OAR 461-001-0025) or refuses to take appropriate steps to address identified barriers;

(D) The Department has determined the client has not met federally required participation rates (see OAR 461-001-0025); and

(E) The Department has assessed for any risk of harm posed to the children by a reduction in cash assistance.

(b) The effects of a JOBS disqualification are progressive. Except as provided in section (2) of this rule, once a disqualification is imposed, it affects benefits according to the following schedule until the disqualification ends in accordance with OAR 461-130-0335:

(A) There are four levels of disqualification and one month of disqualification for each level.

(B) At the first through third levels, the penalty is removal of the disqualified client from the *need group* (see OAR 461-110-0630).

(C) At the fourth level, the need group receives no cash benefit in the TANF program.

(2) Applicants for TANF and participants in the Pre-TANF program who are disqualified for failure to comply with requirements of an employment program are treated the same as recipients under section (1) of this rule.

(3) In the Food Stamp program, the effects of disqualifications are progressive. *Mandatory* clients who fail to meet the requirements of a Food Stamp employment program are removed from the *need group* until they meet the program requirements and for a minimum of:

(a) For the first failure, one calendar month.

(b) For the second failure, three calendar months.

(c) For the third and subsequent failures, six calendar months.

Stat. Auth.: ORS 411.060, 411.816, 418.045, 418.100
Stats. Implemented: ORS 411.060, 411.816, 418.045, 418.100
Hist.: AFS 17-1998, f. & cert. ef. 10-1-98; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 9-1999, f. & cert. ef. 7-1-99; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-130-0335

Removing Disqualifications; Effect on Benefits

(1) An applicant who would be subject to disqualification but withdraws the application before benefits are approved is not subject to disqualification.

(2) In the Food Stamp and TANF programs, a filing group (see OAR 461-110-0330 and 461-110-0370) is not subject to disqualification due to a member's conduct if that individual leaves the household. Should the member join another filing group, that group is subject to the member's most recent disqualification.

(3) In the Food Stamp program, the disqualification ends the first day of the month following the month in which information is provided to the Department justifying the change in the client's participation classification, even if the date falls within the disqualification period provided in OAR 461-130-0330(3).

(4) REF and TANF clients who are disqualified for failure to meet requirements of the JOBS program must comply before the disqualification can be removed.

(a) When the Department removes a disqualification due to a client's compliance with participation requirements and completion of a two-week cooperation period specified in a new case plan, the client is eligible for cash benefits effective the date the client agreed to re-engage.

(b) If a client requests an opportunity to comply with the participation requirements prior to the effective date of a proposed disqualification, the Department will amend the case plan (see OAR 461-001-0025) to enable the client to comply with the requirements for the time remaining until the effective date of disqualification. If the client meets participation requirements during that period, the disqualification penalty is not imposed but the month in which the disqualification penalty was to be imposed counts as a month of disqualification.

(c) On or after the date the disqualification was proposed to take effect, a client who states to an appropriate employee of the Department a desire to cooperate with participation requirements must be assigned a two-week cooperation period. The client must complete a new case plan before cash benefits are restored. The disqualification ends after the client participates in the two-week cooperation period.

(d) For a client who completes the two-week cooperation period described in subsection (c) of this section, the disqualification ends and only one month of the penalty imposed counts as a disqualification.

(5) In the TANF program, a disqualification ends when the Department changes the participation classification of the disqualified individual to exempt (see OAR 461-130-0310) or when the client complies with the requirements of the employment program (see section (4) of this rule). For a client who becomes exempt, the disqualification ends on the first day of the month in which the client informs the Department of the facts that justify the change.

Stat. Auth.: ORS 411.060, 411.816, 418.045, 418.100
Stats. Implemented: ORS 411.060, 411.816, 418.045, 418.100
Hist.: AFS 17-1998, f. & cert. ef. 10-1-98; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-135-0010

Assumed Eligibility for Medical Programs

(1) This rule sets out when a client is assumed eligible for certain medical programs because the client receives or is deemed to receive benefits of another program.

(2) Except for a client in a two-parent family for which deprivation is based on unemployment or underemployment of both parents; a client disqualified for failure to pursue cost-effective, employer-sponsored health insurance as required by OAR 461-120-0345; a client who does not meet the citizenship and alien status requirements set forth in OAR 461-120-0125; and a client who does not meet a citizenship verification requirement set forth in OAR 461-115-0705, the following individuals are assumed eligible for MAA:

(a) A client receiving or eligible to receive TANF cash benefits.

(b) A client whose TANF cash benefits are being paid as wages through the JOBS Plus program.

(c) A client who receives no TANF cash benefits because of failure by the client to comply with the requirements for a recipient of the JOBS

ADMINISTRATIVE RULES

program, or a requirement for evaluation or treatment of substance abuse or mental health (OAR 461-135-0085).

(d) A client in the Pre-TANF program (see OAR 461-135-0475).

(e) A child in a *benefit group* (see OAR 461-110-0750) whose grant is affected by a failure to comply with the requirements of OAR 461-120-0340 regarding paternity or child support.

(3) A pregnant woman who is eligible for and receiving benefits the day the pregnancy ends is 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.

(4) A pregnant woman who was eligible for and receiving benefits of the EXT, GAM, MAA, MAF, OHP-OPP, OSIPM, or SAC program but becomes ineligible during the pregnancy is assumed eligible for Medicaid.

(5) 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.

(6) Except for a child who does not meet a citizenship verification requirement set forth in OAR 461-115-0705, 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.

(7) The following individuals are assumed eligible for OSIPM (except OSIPM-EPD and OSIPM-EPD):

(a) A recipient of SSI benefits.

(b) An individual 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.

(c) An individual described in subsection (a) or (b) of this section who is in a *nonstandard living arrangement* (see OAR 461-001-0000) is not eligible for long-term care (see OAR 461-001-0000) services if the individual would otherwise be ineligible for OSIPM due to a disqualifying transfer of assets (OAR 461-140-0210 to 461-140-0300 regulate the effect of a transfer of assets on a client).

(8) A client who receives both benefits under Part A of Medicare and SSI benefits is assumed eligible for the QMB-BAS program.

(9) A client is assumed eligible for REFM if:

(a) The client is receiving cash assistance through the REF program;

(b) The client loses eligibility for cash assistance through the REF program only because of income or resources;

(c) The client loses eligibility for the EXT, MAA, MAF, or SAC programs, but still meets the requirements of the REFM program; or

(d) The client had refugee-related medical assistance established in another state based on refugee status granted by the United States Citizenship and Immigration Services, and moved to Oregon within the client's first eight months in the United States.

Stat. Auth.: ORS 411.060, 411.070, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 414.042, 418.100, 1999 OL ch. 859

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; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 12-2006(Temp), f. & cert. ef. 9-1-06 thru 12-31-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-135-0070

Specific Requirements; MAA, MAF and TANF

(1) To be eligible for the MAA, MAF, or TANF programs, a client must be one of the following:

(a) A *dependent child* (see OAR 461-001-0000). However, dependent children for whom foster care payments are made for more than 30 days are not eligible while the payments are being made for them.

(b) A *caretaker relative* (see OAR 461-001-0000) of an eligible dependent child. However, caretaker relatives to whom foster care payments are made for more than 30 days are not eligible while the payments are being made for them.

(c) A *caretaker relative* of a *dependent child*, when the dependent child is ineligible for MAA, MAF, or TANF because of one of the following reasons:

(A) The child is receiving SSI.

(B) The child is in foster care, but is expected to return home within 30 days.

(C) The child is ineligible for MAA or MAF because citizenship has not been documented (see OAR 461-115-0705).

(d) An essential person is a member of the household group (see OAR 461-110-0210) who:

(A) Is not required to be in the filing group;

(B) Provides a service necessary to the health or protection of a member of the benefit group (see OAR 461-110-0750) who has a mental or physical disability; and

(C) Is less expensive to include in the *benefit group* than the cost of purchasing this service from another source.

(e) A parent of an unborn, as follows:

(A) For TANF and MAA, any parent whose only child is an unborn child once the mother's pregnancy has reached the calendar month before the month in which the due date falls.

(B) For the TANF and MAA programs, the father of an unborn child, if there is another dependent child in the filing group.

(C) For MAF, a mother whose only child is an unborn once the mother's pregnancy has reached the calendar month immediately before the month in which the due date falls.

(2) A client is eligible for MAA or MAF if the client is:

(a) Eligible for MAA or MAF under OAR 461-135-0010; or

(b) A *minor parent* (see OAR 461-001-0000) ineligible for TANF only because:

(A) The minor refuses to live with a parent or legal guardian as required by OAR 461-135-0080; or

(B) The income of the minor exceeds the income standards because the Department required the minor to return to live with a parent, if the minor parent meets the conditions in OAR 461-135-0080(2).

(3) Clients are eligible for MAF even while ineligible for TANF if they are ineligible for TANF only because they are:

(a) Families who would be eligible for the TANF program if they were allowed the following deductions from income:

(A) The earned income deductions authorized by OAR 461-160-0190.

(B) The unearned income support deduction authorized by OAR 461-160-0200.

(b) Self-employed families who would be eligible for TANF if the cost of producing the self-employment income were subtracted from their gross sales or receipts in accordance with OAR 461-145-0920.

(c) Families that include an ineligible non-citizen or the father of an unborn who would be eligible for TANF if the ineligible non-citizen's or father's income is counted in accordance with OAR 461-160-0120.

(d) Individuals who would be eligible for TANF if the assets of the following household members were not counted:

(A) An unmarried parent of a dependent child or unborn in the eligibility group.

(B) A child in common of parents in the eligibility group.

(C) The spouse and children of a caretaker relative in the need group (see OAR 461-110-0630).

(e) The spouse of a caretaker relative, but only if the spouse is the parent of a dependent child.

(4) A family is ineligible for TANF if the family meets the requirements of all of the following subsections:

(a) The family lives in Klamath County.

(b) The family meets any of the following conditions:

(A) The family has a single custodial parent who is a member of the Klamath Tribes, or the single custodial parent is not a Klamath Tribes member and at least 50 percent of the dependent children are Klamath Tribes members;

(B) The family has two custodial parents who are members of the Klamath Tribes, or only one of the two custodial parents is a Klamath Tribes member and at least 50 percent of the dependent children are Klamath Tribes members; or

(C) The family has a caretaker relative who is not the custodial parent and at least 50 percent of the dependent children are Klamath Tribes members.

(c) The family is eligible for the Klamath Tribes TANF program or would be eligible for the Klamath Tribes TANF program if not for the failure of the family to cooperate with program requirements.

ADMINISTRATIVE RULES

(5) A family is ineligible for TANF if all of the following subsections apply to the family:

(a) A parent, caretaker relative, or child is a member of the Siletz Tribe (Confederated Tribes of Siletz Indians of Oregon) and lives in one of the eleven service area counties: Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, or Yamhill counties.

(b) The family includes members who are living in the same household and at least one of the following paragraphs applies:

(A) A two-parent family with one enrolled Siletz tribal member with a shared dependent.

(B) A single-parent family with one enrolled Siletz tribal member.

(C) A non-needy caretaker relative or essential person with one enrolled Siletz tribal member who is a minor.

(D) A pregnant enrolled Siletz tribal member in her eighth month of pregnancy.

(c) The family is eligible for the Siletz Tribes TANF program or would be eligible for the Siletz Tribes TANF program if not for the failure of the family to cooperate with Siletz TANF program requirements.

(6) If a parent or caretaker relative covered by section (4) or (5) of this rule fails to follow through with a Department referral to the Klamath or Siletz Tribal TANF program, the entire filing group is ineligible for TANF.

Stat. Auth.: ORS 411.060, 418.100

Stats. Implemented: ORS 411.060, 414.047, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 26-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 25-1997(Temp), f. 12-31-97, cert. ef. 1-1-98 thru 4-30-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 26-1998(Temp), f. 12-30-98, cert. ef. 1-1-99 thru 3-31-99; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-135-0075

Limitation on Eligibility Period; TANF

(1) A minor parent head of household or an adult may not receive a TANF grant if the minor parent head of household or adult has received a TANF grant in excess of 60 months in Oregon except as allowed in this rule.

(2) The following months do not count toward the time limit in section (1) of this rule:

(a) Months in which the minor parent head of household or adult is a participant in the JOBS Plus, Pre-TANF, Post-TANF, or SFPSS programs.

(b) Months in which the *filing group* (see OAR 461-110-0330) is a two-parent family for which deprivation is based on unemployment or underemployment of both parents.

(c) Months in which an adult received a TANF grant prior to July 1, 2003.

(d) Months in which the family resided in Indian Country (as defined in 18 U.S.C. 1151) and 50 percent or more of the adult residents of that area were unemployed; or

(e) Months in which the individual who is now a parent or pregnant was in that month a minor child and neither the head of a household nor married to the head of a household.

(f) Months in which the individual is a participant in the Degree Completion Initiative (DCI) activity (see OAR 461-001-0025) enrolled in an educational institution consistent with OAR 461-190-0195.

(g) Months in which the individual is unable to obtain or maintain employment for a sufficient number of hours in a month to satisfy the federally required participation rates (see OAR 461-001-0025) because the individual:

(A) Is a victim of *domestic violence* (see OAR 461-001-0000);

(B) Has a certified learning disability;

(C) Has a verified alcohol and drug or mental health condition;

(D) Has a *disability* (see OAR 461-001-0000);

(E) Has a child with a disability, which prevents the parent from obtaining or keeping employment;

(F) Is caring for a family member who has a disability, is in the home, and is not attending school full-time;

(G) Is deprived of needed medical care; or

(H) Is subjected to battery or extreme cruelty. For purposes of this rule, an individual is subjected to battery or extreme cruelty if the individual has been subjected to one or more of the following:

(i) Physical acts that resulted in, or threatened to result in, physical injury to the individual.

(ii) Sexual abuse.

(iii) Sexual activity involving a dependent child.

(iv) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities.

(v) Threats of, or attempts at, physical or sexual abuse.

(vi) Mental abuse.

(vii) Neglect or deprivation of medical care.

(3) Months that do not count toward the time limit based on a condition described in paragraphs (2)(g)(B) to (2)(g)(F) of this rule require documentation from a licensed or certified professional qualified to make such a determination.

(4) A minor parent head of household or an adult may not be denied a TANF grant under section (1) of this rule during months that qualify as exempt from time limits under sections (2) and (3) of this rule.

(5) Each minor parent head of household and adult who qualifies for a TANF grant under this rule must also meet all other TANF eligibility requirements and cooperate with the requirements of his or her case plan, unless good cause (see OAR 461-130-0327) exists.

(6) Except as provided otherwise in section (4) of this rule, a minor parent head of household or an adult in the benefit group who exceeds the 60-month time limit is removed from the need group (see OAR 461-110-0630). When a minor head of household or adult is removed from the need group under this section, the remaining need group members may continue to receive TANF benefits.

(7) If an individual or benefit group qualifies under sections (2) or (4) of this rule, any disqualifications that have been accrued remain in place.

Stat. Auth.: ORS 411.060, 418.100, 418.131

Stats. Implemented: ORS 411.060, 411.117, 418.100, 418.131

Hist.: AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-135-0085

Requirement to Seek Treatment for Substance Abuse and Mental Health; Disqualifications and Penalties

In the Pre-TANF, REF, SFPSS, and TANF programs:

(1) When directed by the Department, a member of a need group (see OAR 461-110-0630) must participate in mental health or substance abuse treatment if:

(a) Treatment is necessary for the individual to function successfully in the workplace; and

(b) Treatment services are available at no cost to the client.

(2) Clients are responsible for providing information needed by the Department to determine their need for services related to substance abuse or mental health problems and whether the client had *good cause* (see OAR 461-135-0087) for failing to meet the requirements of this rule. If a medical condition of the client must be determined in regard to the requirements of this rule, the Department will assist the client in obtaining a medical opinion from an appropriate medical professional.

(3) In the Pre-TANF, REF, and TANF programs:

(a) A client who refuses to participate in an evaluation or treatment provided for in this rule is penalized in accordance with this section only after the client has had an opportunity to participate in the re-engagement process (see OAR 461-190-0231) that includes a determination by the Department of whether the client had good cause. The penalties are progressive and, once imposed, continue as long as the client refuses to participate, without regard to the client's change to or from the exempt classification in the JOBS program (see OAR 461-130-0310). There are four levels of disqualifications or penalties as follows:

(A) At the first through third levels, the noncompliant client is removed from the need group.

(B) At the fourth level, the *need group* receives no cash benefit in the TANF program.

(b) A month is counted as a month of penalty if it is a month in which:

(A) The client is penalized for one or more days; or

(B) A penalty would have become effective, if the client had not complied with the requirements of this rule before the effective date in the notice of disqualification.

Stat. Auth.: ORS 411.060, 418.040, 418.100, 418.134, 2007 OL 861

Stats. Implemented: ORS 411.060, 418.040, 418.100, 418.134, 2007 OL 861

Hist.: 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 9-1997, f. & cert. ef. 7-1-97; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-135-0089

Demonstrating Compliance with Substance Abuse and Mental Health Requirements; Restoring Cash Benefits

In the Pre-TANF, REF, SFPSS, and TANF programs:

ADMINISTRATIVE RULES

(1) In order to end a penalty imposed under OAR 461-135-0085, a client must be assigned a two-week cooperation period and complete a new *case plan* (see OAR 461-001-0025) before cash benefits are restored. The client must demonstrate a willingness to participate in treatment required under OAR 461-135-0085.

(2) If the client demonstrates a willingness to participate after receiving a notice of disqualification but before the effective date of the penalty, the penalty is considered as having been imposed for one month.

(3) When the Department removes a penalty due to a client's cooperation with the requirements under OAR 461-135-0085, cash benefits are restored back to the date the client agreed to re-engage. The timing for removing the penalty and restoring benefits is as follows:

(a) For the first level of penalty, if an appropriate treatment is not available within the two-week cooperation period, the client's willingness to participate is sufficient to end the penalty.

(b) For the second and third levels of penalty, after the client demonstrates cooperation for two weeks.

(c) For the fourth level of penalty, the client must follow through with the referral and treatment program requirements for two weeks to be eligible for cash benefits.

Stat. Auth.: ORS 411.060, 418.100, 2007 OL 861

Stats. Implemented: ORS 411.060, 418.100, 418.134, 2007 OL 861

Hist.: AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-135-0200

Multiple Disqualifications, Change in JOBS Status; TANF

(1) This rule describes the method for calculating the net TANF benefit when a client's benefits are affected by the penalty provided in division 130 of this chapter of rules for failure to comply with the requirements of a *case plan* (see OAR 461-001-0025) or the penalty provided by OAR 461-135-0085 and, during the same month, by a concurrent penalty related to child support or a penalty related to recovery from third parties (OAR 461-120-0340 and 461-120-0345 respectively).

(2) If the concurrent penalty relates to child support, during the first three months that the penalties are both applied, the penalty related to the case plan or to OAR 461-135-0085 is applied first, and the concurrent penalty is then applied. During the fourth and successive months, the clients are ineligible for TANF benefits.

(3) If the concurrent penalty relates to recovery from third parties, during the first three months that the penalties are both applied, only the penalty related to third-party recovery is applied. During the fourth and subsequent months, the penalty related to third-party recovery continues and the *benefit group* (see OAR 461-110-0750) is ineligible for TANF benefits.

(4) A penalty imposed under OAR 461-135-0085 remains in effect when a client becomes mandatory (see OAR 461-130-0310) while serving the penalty.

Stat. Auth.: ORS 411.060, 418.040, 418.100

Stats. Implemented: ORS 411.060, 418.040, 418.100

Hist.: 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 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-135-0475

Specific Requirements; Pre-TANF Program

(1) This rule explains specific requirements for the Pre-TANF program. The eligibility criteria of the Pre-TANF program are the same as the TANF program. The purposes of the Pre-TANF program are:

(a) To help individuals find employment or other alternatives;

(b) To assess the employment potential of clients in the labor market;

(c) To help clients determine the services needed to enhance their employability and their likelihood of becoming self sufficient;

(d) To determine if a needy *caretaker relative* (see OAR 461-001-0000) has or may have a barrier to employment or to family stability.

(e) To develop an individualized case plan (see OAR 461-001-0025) that establishes goals and identifies suitable activities (see OAR 461-001-0025) that promote family stability and financial independence.

(f) To provide basic living expenses immediately to families in need.

(2) Applicants for the TANF program whose unverified application indicates the client meets the TANF eligibility requirements participate in the Pre-TANF program. Their applications for the TANF program are also considered applications for the Pre-TANF program. The Pre-TANF program is open for not longer than 45 days following the *date of request* (see OAR 461-115-0030).

(3) Clients in the Pre-TANF 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 Pre-TANF program who fails to comply with the requirements of those rules is closure of the Pre-TANF program (see section (6) of this rule).

(4) Once a client is found eligible for the Pre-TANF program, the client participates in initial screenings to determine the client's employment strengths and to determine if the client has any barriers to employment or family stability. If the screening indicates that there is or may be a barrier, the needy caretaker relative is referred for an in-depth evaluation by a person with relevant expertise or specialized training. The client and the Department prepare a case plan that specifies the basic living expenses and support service payments the client will receive through the Pre-TANF program and lists the activities of the client. The case plan may be adjusted while the client is in the Pre-TANF program to reflect changing needs.

(5) Clients in the Pre-TANF 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) Other support service payments are available to clients in the Pre-TANF program through the JOBS program (see OAR 461-190-0211 and 461-190-0221) in the same manner they are available to a TANF client.

(6) The Pre-TANF 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 circumstances affecting the family, or other causes.

(b) The client fails without good cause (see OAR 461-130-0327) 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 starting a JOBS Plus assignment.

(e) Upon enrollment in the Post-TANF program.

Stat. Auth.: ORS 411.060, 411.070, 418.040, 418.100

Stats. Implemented: ORS 411.060, 411.070, 418.040, 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; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-135-0505

Categorical Eligibility for FS

(1) An individual is categorically eligible for food stamps if the individual:

(a) Receives or is authorized to receive SSI benefits;

(b) Receives or is authorized to receive cash, in-kind benefits, or services funded either under Title IV-A of the Social Security Act or by the state as part of the TANF maintenance of effort;

(c) Is deemed to be receiving SSI under Section 1619(a) or 1619(b) of the Social Security Act (42 U.S.C. 1382h(a) or (b)); or

(d) Is a member of a *financial group* (see OAR 461-110-0530) with *countable* (see OAR 461-001-0000) income less than 185 percent of the federal poverty level as described in OAR 461-155-0180(5) — and has received a pamphlet about Information and Referral Services.

(2) For an entire filing group to be categorically eligible for food stamps, it must contain only clients who are categorically eligible for food stamps. For the purpose of determining who is categorically eligible for food stamps, in the ERDC and TA-DVS programs all members of the filing group are considered receiving the benefits of the program even if not all members receive the benefit.

(3) A filing group that is eligible for transition services or the TA-DVS program is considered receiving benefits for the entire period of eligibility even if benefits are not received during each month of that period.

(4) An individual categorically eligible for the Food Stamp program is presumed to meet the eligibility requirements for resources and countable and adjusted income limits. The individual is also presumed to meet the

ADMINISTRATIVE RULES

requirements for a social security number, sponsored alien information, and residency, if verified in a public assistance program.

(5) When a filing group contains both members who are categorically eligible for food stamps and those who are not, a resource owned in whole or in part by a categorically eligible member is excluded.

(6) An individual may not be categorically eligible for food stamps in either of the following circumstances:

(a) The individual is disqualified from receiving food stamps because of an intentional program violation.

(b) The individual is a *primary person* (see OAR 461-001-0015) disqualified from receiving food stamps for failure to comply with an OFSET activity or component contained in an OFSET case plan (see OAR 461-001-0020).

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 11-1999, f. & cert. ef. 10-1-99; AFS 29-2000(Temp), f. & cert. ef. 12-1-00 thru 3-31-01; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 9-2001, f. & cert. ef. 6-1-01; SSP 2-2003(Temp), f. & cert. ef. 2-7-03 thru 6-30-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-135-0506

Transitional Benefit Alternative (TBA) in the Food Stamp Program

(1) This rule establishes the transitional benefit alternative (TBA). A client participating in TBA continues to receive food stamp benefits without reduction during the transition period. The transition period is five months. If the filing group (see OAR 461-110-0370) separates into two groups during the TBA period, only the group containing the head of household continues in the TBA.

(2) Clients in the Food Stamp program who receive a cash grant in program funded in whole or in part under Title IV-A of the Social Security Act may participate in TBA when the benefits are stopped, except as provided in section (4) of this rule.

(3) The benefit level for the transition period is based on countable income for FS during the last month before TBA begins, but the Title IV-A grant is not counted as income. Once it is established, the TBA benefit level is changed only when--

(a) The filing group submits a new application in the Food Stamp program and will receive more food stamps if they are not using the TBA reporting system;

(b) A member of the filing group leaves and applies for food stamps as a member of another household; or

(c) The Department initiates a change identified in OAR 461-170-0200.

(4) A household may not participate in TBA in each of the following situations:

(a) A member of the filing group is receiving benefits of the TANF program.

(b) The TANF benefits are stopped because the household does not reside in Oregon.

(c) The TANF benefits are stopped because of a change that results in ineligibility for TANF and the household failed to complete a timely report or to complete a required action on time.

(d) As of the date the TANF case closed, an individual in the household was serving a penalty imposed in the TANF program.

(e) The TANF benefits are stopped at the request of the household after the household is informed of an impending disqualification in the TANF program.

(f) The head of household becomes ineligible for the Food Stamp program because he or she lives in an institution or in a facility that provides at least 50 percent of the meals.

(g) A member of the financial group (see OAR 461-110-0530) is subject to a penalty in the Food Stamp program because of the individual's conduct, for instance, because the individual:

(A) Was excluded from the need group under OAR 461-110-0630(5);

(B) Was penalized for failure to meet a requirement of an employment program;

(C) Was ineligible for food stamps under OAR 461-105-0410; or

(D) Was ineligible for or disqualified from participation in the Food Stamp program because of a failure to comply with a requirement of the program to provide complete and accurate information to the Department.

(5) Once the TBA benefits have ended, a client's eligibility for the Food Stamp program is determined on the basis of a new application.

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816

Hist.: SSP 13-2003, f. 6-12-03, cert. ef. 6-16-03; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-135-1195

Specific Requirements; SFPSS Eligibility

(1) To be eligible for the SFPSS program, a client must meet the following requirements:

(a) The client must:

(A) Be an adult;

(B) Have an impairment that meets the requirements in OAR 461-125-0260;

(C) Meet all TANF program eligibility requirements (except as provided in section (4) of this rule); and

(D) Be receiving TANF benefits.

(b) Requirements regarding eligibility for Social Security disability benefits under the Social Security Act. The client must file an application for disability benefits under the Social Security Act and must not qualify for non-disability benefits under the Social Security Act.

(c) The client must sign an Interim Assistance Agreement authorizing the Department to recover interim SFPSS benefits paid to the client (or paid to providers on the client's behalf) from the initial SSI or SSDI payment or the initial payment after the decision on SSI or SSDI eligibility. The following provisions are considered part of the Interim Assistance Agreement:

(A) Interim SFPSS benefits include only those SFPSS cash benefits paid to the adult, who is applying for SSI or SSDI, during the period of time that the SSI or SSDI benefit covers.

(B) For any month in which SSI or SSDI is prorated, the Department may recover only a prorated amount of the interim SFPSS cash benefit.

(C) If the Department cannot stop delivery of a SFPSS benefit issued after the SSI or SSDI payment is made, the SFPSS payment is included in the interim assistance to the reimbursement to the Department.

(2) When one adult in the filing group (see OAR 461-110-0330) is applying for SSI or SSDI, and the child or all children in the filing group are receiving an SSI grant, the family does not receive an SFPSS grant. The family remains on TANF (if eligible) and receives a TANF grant.

(3) A client whose impairment no longer meets the criteria in OAR 461-125-0260 is ineligible for SFPSS benefits.

(4) An SFPSS client found by the Social Security Administration (SSA) not to meet SSI or SSDI disability criteria may continue receiving SFPSS benefits while appealing the SSA finding until a decision is rendered by an Administrative Law Judge (ALJ) for the Social Security Administration's Office of Hearing and Appeals. The decision by the ALJ is binding on the Department unless the client has a worsened or new impairment that meets the criteria in OAR 461-125-0260 as determined by the SFPSS Program Review Team. A client who unsuccessfully appeals to the ALJ is no longer eligible for SFPSS benefits unless it is determined by the SFPSS Program Review Team that there is a worsening of the current condition or a new condition that meets the impairment criteria for the SFPSS program in OAR 461-125-0260.

(5) Once a client is approved for SFPSS, the client is no longer subject to OAR 461-120-0340. The client remains exempt from OAR 461-120-0340 as long as the client is eligible for and receiving SFPSS.

Stat. Auth.: ORS 411.060, 418.100, 2007 OL 861

Stats. Implemented: ORS 411.060, 418.100, 2007 OL 861

Hist.: SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-135-1250

Specific Requirements: Post-TANF Program

(1) This rule explains specific requirements for the Post-TANF program. The Post-TANF program provides \$150 per month in aid for 12 consecutive months or until the household income exceeds 250 percent of the Federal Poverty Level (FPL), whichever comes first, as long as the client meets federally required JOBS participation rates in combined unsubsidized paid work and JOBS activities.

(2) To enroll in the Post-TANF program, a client must have:

(a) Obtained unsubsidized paid employment; and

(b) Become ineligible for the Pre-TANF or TANF programs due to earnings.

(3) To remain eligible for the monthly Post-TANF payment, the client must meet the requirements of all of the following subsections:

(a) Meet all TANF eligibility requirements, except the client need not meet the following requirements:

(A) OAR 461-120-0310 and 461-120-0340 (child support assignment and cooperation);

(B) OAR 461-120-0330 (pursuing assets);

(C) OAR 461-125-0010 (deprivation);

(D) OAR 461-155-0030 (income limits); and

(E) OAR 461-160-0015 (resource limits).

ADMINISTRATIVE RULES

(b) Report and meet the monthly JOBS federal participation requirements with unsubsidized paid work and, if necessary, other JOBS activities.

(c) Provide the Department with employer-produced documents of paid, unsubsidized work hours within 45 days after Pre-TANF or TANF has ended.

(d) After complying with subsection (c) of this section, provide employer-produced documents of paid, unsubsidized work hours each time requested by the Department.

(e) Report, within 10 days of the occurrence, any work hour, residency, household, or income changes affecting Post-TANF eligibility.

(4) Clients who fail to comply with subsection (3)(c) of this rule but then provide documents after 45 days will only be eligible for Post-TANF payments in the month the local Department office receives the documents and the month thereafter.

(5) Household income for the Post-TANF program is calculated in accordance with all TANF financial rules.

(6) Each parent (see OAR 461-001-0000) of a two-parent family is entitled to a monthly Post-TANF payment if both parents meet all Post-TANF enrollment and eligibility requirements.

(7) Monthly payments in the Post-TANF program begin the month after the last regular TANF benefit payment; or for Pre-TANF clients, the month after the Department verifies that the client meets TANF eligibility requirements.

(8) A client in the Post-TANF program is entitled to support services in accordance with OAR 461-190-0241. Additional support services may be granted with manager approval.

(9) Each Post-TANF payment is considered TANF assistance.

Stat. Auth.: ORS 411.060, 411.070, 418.155

Stats. Implemented: ORS 411.060, 411.070, 418.155

Hist.: SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-145-0080

Child Support and Cash Medical Support

(1) Child support and cash medical support paid by a non-custodial parent for a dependent child or minor parent in the *financial group* (see OAR 461-110-0530) are 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 ERDC program, 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.

(3) In the FS program, child support and cash medical support are 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 a *filing group* (see OAR 461-110-0370) with at least one member working under a TANF 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) Cash medical support is considered countable unearned income except to the extent it is used to reimburse (see OAR 461-145-0440) an actual medical cost.

(e) 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.

(4) In the MAA, MAF, REF, REFM, SAC, and TANF programs:

(a) In determining eligibility, except for clients working under a TANF JOBS Plus agreement, 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 TANF 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.

(D) All other child support payments paid directly to the financial group or to a third party on behalf of a member of the financial group is considered countable unearned income.

(e) Cash medical support is excluded in determining countable income.

(5) In the OHP program:

(a) 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.

(b) Cash medical support is excluded.

(6) In the OSIP, OSIPM, and QMB programs, all child support and cash medical support paid to the financial group are considered countable unearned income. Child support and cash medical support paid by the financial group are not deductible from income.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 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; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-145-0410

Program Benefits

(1) EA and TA-DVS payments are treated as follows:

(a) In the ERDC and FS programs, a payment made directly to the client is counted as unearned income. Dual payee and provider-direct payments are excluded.

(b) In all programs except the ERDC and FS programs, these payments are excluded.

(2) Payments from ERDC and TANF child care are excluded unless the client is the provider.

(3) Payments from the EXT, GAM, MAA, MAF, OHP, OSIP-IC, OSIPM, QMB, REFM, and SAC programs are excluded.

(4) Food Stamps payments are treated as follows:

(a) The value of an FS benefit is excluded in all programs except the EA program. In the EA program, the value is counted as a resource when determining the emergency food needs of the filing group (see OAR 461-110-0310).

(b) OFSET service payments are excluded.

(5) Benefits from the GA, OSIP (except OSIP-IC), Post-TANF, REF, SPSS, TANF, and tribal-TANF programs (including the ten percent late processing fee discussed in OAR 461-165-0150) are treated as follows:

(a) In the EA program, these payments are counted as unearned income, except that these payments are excluded for a benefit group (see OAR 461-110-0750) whose emergent need is the result of domestic violence (see OAR 461-001-0000).

(b) In the ERDC program:

(A) Post-TANF payments are excluded.

(B) All other payments are counted as unearned income.

(c) In the FS program:

(A) These payments are treated as unearned income.

(B) An amount received as a late processing payment is treated as lump-sum income.

(C) Payments made to correct an underpayment are treated as lump-sum income.

(D) Ongoing special needs payments for laundry allowances, special diet or meal allowance, restaurant meals, accommodation allowances, and telephone allowances are treated as unearned income. All other special needs payments are excluded as reimbursements.

(d) In the OHP program:

(A) GA payments are excluded from income for purposes of determining OHP eligibility.

(B) Benefits from the Post-TANF program are excluded.

(C) Benefits from the OSIP (except OSIP-IC), REF, SPSS, and TANF programs (including the ten percent late processing fee discussed in OAR 461-165-0150) are treated as follows:

(i) The payments are counted as unearned income if all the individuals included in the benefit group for the cash payment are also in the OHP financial group (see OAR 461-110-0530).

(ii) A prorated share is counted as unearned income if any of the individuals in the cash payment are not included in the OHP financial group. A prorated share is determined by dividing the total payment by the number of individuals in the TANF benefit group.

(iii) A payment made to correct an underpayment caused by the Department is excluded if the underpayment occurred prior to the budget period.

(e) In all programs except the EA, ERDC, FS, and OHP programs:

(A) These payments are excluded in the month received, and any portion remaining following the month of receipt is counted as a resource.

ADMINISTRATIVE RULES

(B) Payments made to correct an underpayment are excluded.

(f) In all programs:

(A) JOBS, REF, and TANF JOBS Plus support service payments are excluded.

(B) For the treatment of JOBS Plus income, see OAR 461-145-0130.

(C) REF and TANF client incentive payments are treated as follows:

(i) Except in the TANF program, the cooperation incentive payment (see OAR 461-135-0310) is counted as unearned income.

(ii) Progress and outcome incentive payments other than in-kind payments are counted as lump-sum income (see OAR 461-140-0120). All other incentives are excluded.

(6) Pre-TANF program payments are treated as follows:

(a) In the FS program, a payment for basic living expenses, made directly to the client, is counted as unearned income. All other payments are excluded.

(b) In all programs except the FS program, these payments are excluded.

Stat. Auth.: ORS 411.060, 411.816, 414.042, 418.100, 2007 OL 861

Stats. Implemented: ORS 411.060, 411.700, 411.816, 414.042, 418.100, 2007 OL 861

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 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 5-1991, f. & cert. ef. 2-1-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 21-1992(Temp), f. 7-31-92, cert. ef. 8-1-92; AFS 32-1992, f. 10-30-92, cert. ef. 11-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 26-1996, 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 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 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 11-2001, f. 6-29-01, cert. ef. 7-1-01; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 18-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

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 newborn to 1 year.

(b) Toddler: A child aged 1 year to 3 years.

(c) Preschool: A child aged 3 years to 6 years.

(d) School: A child aged 6 years or older.

(e) Special Needs: 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 the training requirements of the Oregon Registry entry level, established by the Oregon Center for Career Development in Childhood Care and Education.

(c) The Registered Family Rate applies to child care provided in the provider's own home when the provider meets criteria established by the Child Care Division.

(d) The Certified Family Rate applies to child care provided in a residential dwelling that is certified by the Child Care Division as a Certified Family 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.

(e) 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).

(f) The Enhanced Center Rate applies to child care provided in an exempt center whose staff meet the training requirements of the Oregon Registry 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 Oregon Registry entry level training requirements noted in paragraph (2)(b) of this rule.

(B) New staff must meet the Oregon Registry 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.

(g) 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 subsection (2)(f) of this rule if it files a statement of intent to meet the requirements on a form prescribed by the Department.

(h) 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 subsection (2)(b), (f), or (g) of this rule.

(i) The Certified Center Rate applies to child care provided in a center that is certified by the Child Care Division.

(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 OAR 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 or is self-employed, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time). 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 or licensed 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 or licensed 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 or licensed 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 circumstances of the client or child, 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:

ADMINISTRATIVE RULES

(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 subsection (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 met for need groups of eight or less if monthly income for the need group is less than 185 percent of the federal poverty level, as described in OAR 461-155-0180(4). The eligibility standard for a need group size of eight applies to any need group larger than eight.

(b) The minimum monthly ERDC copay is \$25.

(c) For families whose income is at or below 50 percent of the 2007 federal poverty level (FPL), the copay is \$25 or 1.5 percent of monthly income, whichever is greater.

(d) For families whose income is over 50 percent of the 2007 FPL, the copay amount is determined with the following percentage of monthly income:

(A) Determine family income as a percent of FPL (rounding to the nearest whole number percentage), subtract 50, and multiply this difference by 0.12.

(B) Add 1.5 to the amount in paragraph (A) of this subsection. This sum is the percentage of monthly income to determine the copay amount.

(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, 411.070, 418.100

Stats. Implemented: ORS 411.060, 411.070, 418.100

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 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; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 7-2006(Temp), f. 3-31-06, cert. ef. 4-1-06 thru 9-28-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-155-0320

Payment Standard; SFPSS

The following payment standards apply in the SFPSS program:

(1) When one adult in the filing group (see OAR 461-110-0330) is applying for SSI or SSDI: [Table not included. See ED. NOTE.]

(2) When two or more adults in the filing group are applying for SSI/SSDI: [Table not included. See ED. NOTE.]

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

Stat. Auth.: ORS 411.060, 418.100, 2007 OL ch. 861

Stats. Implemented: ORS 411.060, 418.100, 2007 OL ch. 861

Hist.: SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-155-0670

Special Need; Special Diet Allowance

(1) In the EXT, GA, GAM, MAA, MAF, OSIP, OSIPM, REF, REFM, SAC, SFPSS, and TANF programs, clients are not eligible for a special diet allowance if they are receiving any of the following:

(a) Room and board.

(b) Residential care facility (RCF) services or assisted living facility (ALF) care.

(c) Long-term care.

(d) Adult foster care (AFC) services.

(e) An allowance for restaurant meals.

(f) A commercial food preparation diet.

(2) EXT, GA, GAM, MAA, MAF, REF, REFM, SAC, SFPSS, and TANF clients, and OSIP and OSIPM clients receiving SSI or long-term care services in the community, are eligible for a special diet allowance if they meet the following requirements:

(a) They would be in an imminent life-threatening situation without the diet, as verified by medical documentation from a Department-approved medical authority (see OAR 461-125-0830); and

(b) A nutritionist verifies that the special diet needed exceeds the cost of a regular diet.

(3) The amount of a special diet allowance is calculated as follows:

(a) In the EXT, MAA, MAF, REF, REFM, SAC, SFPSS, and TANF programs, the difference between the actual cost of the special diet and a prorated share of the FS benefit for the appropriate number of clients in the benefit group (see OAR 461-110-0750).

(b) In the GA, GAM, OSIP, and OSIPM programs, the lesser of the following:

(A) The difference between the actual cost of the special diet and the amount provided in the basic standard for food (see OAR 461-155-0250).

(B) A maximum of \$300 per month, or an exceptional amount, authorized by the SPD Program Assistance Section, which will not exceed the cost of home IV therapy.

(4) Local management staff must approve the request for a special diet allowance.

(5) Each special diet allowance must be reviewed at six-month intervals.

Stat. Auth.: ORS 411.060, 411.070, 418.100, 2007 OL 861

Stats. Implemented: ORS 411.060, 411.070, 418.100, 2007 OL 861

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 12-1993, f. & cert. ef. 7-1-93; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-160-0430

Income Deductions; FS

(1) Deductions from income are subtracted from countable income (see OAR 461-140-0010) in the following order to determine adjusted income (see OAR 461-001-0000) 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 a benefit group (see OAR 461-110-0750) of one, two, or three persons. A standard deduction of \$143 for a benefit group of four persons. A standard deduction of \$167 for a benefit group of five persons. A standard deduction of \$191 for a benefit group 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 (see OAR 461-110-0530) 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 (see OAR 461-110-0630) to:

(A) Accept or continue employment;

(B) Meet the requirements of a case plan (see OAR 461-001-0020);

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.

ADMINISTRATIVE RULES

(d) The medical deduction for elderly clients and clients who have a disability (see OAR 461-001-0015) 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 (including cash medical support) a member of the household makes under a legal obligation to a child not a member of the household group (see OAR 461-110-0210), 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 a nonstandard living arrangement (see OAR 461-001-0000), 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 member who has a disability or is elderly (see OAR 461-001-0015). The limit is \$431.

(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 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 (see OAR 461-001-0000) 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; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-165-0030

Concurrent and Duplicate Program Benefits

(1) An individual may not receive benefits from the Department of the same type (that is, cash, medical, or food stamp benefits) for the same month as a member of two or more different *benefit groups* (see OAR 461-110-0750) or from two or more separate programs, except as noted in this rule. This provision includes a prohibition against an individual receiving TANF concurrently with another cash assistance program funded under Title IV-E of the Social Security Act.

(a) A client may receive EA, HSP, and TA-DVS benefits and cash payments from other programs for the same time period.

(b) If a GA client becomes eligible for the TANF program, the client's benefits are supplemented during the first month of eligibility for TANF to the TANF payment standards.

(c) An REF or TANF recipient may receive ERDC for children who are in the household group (see OAR 461-110-0210) but may not be included in the REF or TANF filing group.

(d) A *child* (see OAR 461-001-0000) who is a member of an ERDC benefit group may also be a member of one of the following benefit groups:

(A) An OSIP-AB benefit group.

(B) A TANF benefit group when living with a nonneedy caretaker relative (see OAR 461-001-0000), if the caretaker relative is not the child's parent.

(C) A TANF benefit group when living with a needy *caretaker relative* receiving SSI.

(e) Clients in the FS program who leave a filing group that includes an individual who abused them and enter a domestic violence shelters (see OAR 461-001-0000) or safe homes (see OAR 461-001-0000) for victims of domestic violence (see OAR 461-001-0000) may receive food stamp benefits twice during the month they enter the domestic violence shelter or safe home.

(f) A QMB client may also receive medical benefits from EXT, MAA, MAF, OSIPM, REFM, or SAC.

(2) An individual may not receive benefits of the same type (that is, cash, medical, or food stamp benefits) for the same period from both Oregon and another state or tribal food distribution program, except as follows:

(a) Medical benefits may be authorized for an eligible client if the client's provider refuses to submit a bill to the Medicaid agency of another state and the client would not otherwise receive medical care.

(b) Cash benefits may be authorized for a client in the Pre-TANF program if benefits from another state will end by the last day of the month in which the client applied for TANF.

(3) In the FS program, each individual who has been included as a member of the filing group in Oregon or another state is subject to all of the restrictions in section (2) of this rule.

(4) An individual may not receive benefits from the EXT, MAA, MAF, OHP, OSIPM, REFM, or SAC programs while receiving a subsidy through the Family Health Insurance Assistance Program (FHIAP) established by ORS 735.720 to 735.740.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100

Stats. Implemented: ORS 411.060, 411.070, 411.117, 411.816, 414.042, 418.100

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 9-1997, f. & cert. ef. 7-1-97; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 14-1999, f. & cert. ef. 11-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-170-0020

Changes That Must be Reported; FS, MAA, MAF, REF, REFM, SAC, SFPSS, TANF

(1) Clients in the FS, MAA, MAF, REF, SAC, SFPSS, and TANF programs are required to report all applicable changes described in this rule.

(2) Clients must report each of the following changes within ten 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 ten 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, REF, REFM, SAC, SFPSS, and TANF programs, clients must report a member of the filing group becoming pregnant and when the pregnancy ends.

(a) The report of pregnancy must be received by the Department no later than the tenth day after the client becomes aware of the pregnancy.

(b) The report of pregnancy ending must be received by the Department no later than the tenth day after the client becomes aware of the pregnancy ending.

(5) In the MAA, MAF, REF, REFM, SAC, SFPSS, and TANF programs, clients must report each of the following changes within ten days of occurrence:

(a) A change in the members of the *household group* (see OAR 461-110-0210) 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 ten days of occurrence, unless the client is required to report

ADMINISTRATIVE RULES

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* (see OAR 461-110-0370) 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 simplified reporting system (SRS) must report:

(a) By the tenth day of the month following the month of occurrence, when any of the following paragraphs applies:

(A) Monthly income exceeds the countable income limit in the FS program.

(B) Monthly income exceeds 185 percent of the federal poverty level. The requirement of this paragraph only applies to households in which all members are elderly or have a disability (see OAR 461-001-0015), there is no earned income (see OAR 461-145-0120), and income at certification exceeded the countable income limit (see OAR 461-155-0190).

(C) 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, 411.816, 414.042, 418.100, 2007 OL 861

Stats. Implemented: ORS 411.060, 411.105, 411.816, 414.042, 418.100, 2007 OL 861

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; SPP 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; SSP 16-2005, f. & cert. ef. 12-1-05; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-170-0030

Changes That Must Be Reported; Not ERDC, EXT, FS, MAA, MAF, OHP, SAC, SFPSS, TANF

(1) 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.

(3) This rule does not apply in the ERDC, EXT, FS, MAA, MAF, OHP, OSIP-EPD, OSIPM-EPD, SAC, SFPSS, and TANF programs.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060, 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; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-180-0010

Effective Dates; Adding a New Person to an Open Case

(1) In the following programs, the effective date for adding an individual (other than an assumed eligible newborn) to the benefit group (see OAR 461-110-0750) is one of the following:

(a) In the EXT, GAM, MAA, MAF, OHP, OSIPM, REFM, and SAC programs, it is whichever occurs first:

(A) The date the client requests benefits, if he or she was eligible as of that date.

(B) The date all eligibility requirements are met.

(b) In the Food Stamp program:

(A) If adding the individual increases benefits, it is the first of the month after the filing group (see OAR 461-110-0370) reports the person has joined the household group (see OAR 461-110-0210). If verification is requested, the effective date for the change is:

(i) The first of the month following the date the change was reported if verification is received by the Department no later than the due date for the verification.

(ii) The first of the month following the date the verification is received by the Department, if received after the verification due date.

(B) If adding the individual reduces benefits, it is the first of the month following the month in which the notice period ends (see OAR 461-175-0050).

(c) In the GA, OSIP, REF, SFPSS, and TANF programs, it is the date on which all eligibility requirements are met and verified. If benefits have been issued for the month and adding the new person would reduce benefits, the person is added the first of the month following the month in which the notice period ends (see OAR 461-175-0050).

(d) In the QMB-BAS and QMB-DW programs, it is the first of the month after the new individual has been determined to meet all QMB eligibility criteria and the Department receives the required verification.

(e) In the QMB-SMB program, it is the first of the month in which the new individual has been determined to meet all QMB-SMB eligibility criteria and the Department receives the required verification.

(f) In the SFPSS and TANF programs, for adding a child to be covered by a provider-direct child care payment, it is the first of the month in which the child is added to the benefit group.

(2) In the following programs, the effective date for adding an assumed eligible newborn to the benefit group is one of the following:

(a) In the EXT, GAM, MAA, MAF, OHP, OSIPM, REFM, and SAC programs, it is the date of birth if all the following paragraphs are true. If any of the following paragraphs is not true, the newborn is added to the benefit group in accordance with section (1) of this rule.

(A) A request for benefits is made within one year of the birth. For purposes of this paragraph, a telephone call from the attending physician, another licensed practitioner, a hospital, or the family is considered a request for benefits.

(B) The newborn has continuously lived with the mother since the date of birth.

(C) The mother was receiving EXT, GAM, MAA, MAF, OHP, OSIPM, or SAC on the date of birth, even if she is not currently eligible for benefits.

(b) In the SFPSS and TANF programs, it is:

(A) The date of birth, if all eligibility requirements are met and verified within 45 days after the birth; or

(B) The date all eligibility factors are met and verified, if the verification is completed more than 45 days after the date of birth.

(3) In the ERDC program, the effective date for adding an individual to the need group (see OAR 461-110-0630) or benefit group is as follows:

(a) If adding the individual to the need group will decrease the copay, the effective date is the first of the month after the client reports the person has joined the household.

(b) If adding the individual to the need group increases the copay — for instance, because the individual receives income — the effective date is the first of the month following the end of the decision notice period (see OAR 461-175-0050).

(c) The effective date for adding a child to the benefit group — that is, covering the cost of the child's care — is the earliest of the following:

(A) For newborns, the date of birth, if all eligibility requirements are met and verified within 45 days after the birth.

(B) For all other children, the first of the month in which the change is reported, if all eligibility requirements are met and verified within 45 days.

(C) For newborns and other children, if eligibility cannot be verified within 45 days, the effective date is the first of the month in which all eligibility factors are met and verified.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100, 2007 OL 861

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.100, 2007 OL 861

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 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 19-1997, f. & cert. ef. 10-1-97; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

ADMINISTRATIVE RULES

461-180-0020

Effective Dates; Changes in Income or Deductions that Cause Increases

For all programs in Chapter 461, except for cases using APR (see OAR 461-170-0150), this rule is used to determine the effective date when a change in income or income deductions causes an increase in benefits.

(1) For a change reported through the MRS (see OAR 461-170-0100), the effective date is the first of the payment month.

(2) For a change not reported through the MRS, the effective date is one of the following:

(a) In the EXT, GA, MAA, MAF, SAC, SFPSS, and TANF programs, the effective date for an anticipated change reported before the payment month is the first of the payment month in which it will occur. If the change is not reported until the month it occurs or later, the effective date is the first of the month following the month in which the change was reported.

(b) In the FS program:

(A) The effective date when verification is not requested is the first of the month following the date the change was reported.

(B) The effective date if verification is requested is:

(i) The first of the month following the date the change was reported if verification is received no later than the due date for the verification.

(ii) The first of the month following the date the verification is received by the Department, if received after the verification due date.

(c) In the OSIP program, the effective date for an anticipated change is:

(A) The first of the month in which the change occurs if the change is reported by the 10th day of the month following the month the change occurred; or

(B) 10 days before the change is reported, if it is reported after the 10th day of the month following the month the change occurred.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 418.100, 2007 OL 861

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 418.100, 2007 OL 861

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 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-180-0070

Effective Dates; Initial Month Cash Benefits

(1) In the EA program, the effective date for opening the case is the day benefits are issued to the *benefit group* (see OAR 461-110-0750). For benefit groups whose only eligible child is an unborn, the effective date cannot be earlier than the first day of the calendar month preceding the month in which the due date falls.

(2) In the ERDC-BAS and ERDC-SBG programs, the effective date for starting benefits is one of the following:

(a) The first day of the month in which the request for benefits is made, as long as:

(A) All eligibility requirements are met in that month; and

(B) Verification is provided within the application processing timeframes.

(b) If all eligibility requirements are not met in the month of request, the effective date is the first day of the month in which they are met, if verification is provided within the application processing timeframes.

(c) For benefit groups that received TANF within the 30 days before applying for ERDC, the effective date is the first of the month following closure of their TANF benefits.

(3) In the GA program, the effective date for the initial month of cash benefits is whichever of the following occurs first:

(a) The day all eligibility requirements are met and verified.

(b) The 45th day from the date the client requests benefits, if all eligibility requirements were met, but the Department did not receive documentation until after the 45th day.

(4) In the OSIP program, the effective date for the initial month of cash benefits is whichever of the following occurs first:

(a) The date the client requests benefits, if he or she was eligible as of that date.

(b) The date all eligibility requirements are met.

(5) In the REF and TANF programs, the effective date for the initial month of cash benefits is as follows:

(a) For a client in the Pre-TANF program, it is the later of the following:

(A) The day the Pre-TANF program ends.

(B) The 30th day following the date the client requests benefits, if the Department does not receive required verification until after the 30th day.

(b) For a client not in the Pre-TANF program (see OAR 461-135-0475), it is the day the client meets and verifies all eligibility requirements.

(c) In the TANF program, if the only eligible child is an unborn, it may not be earlier than the first day of the calendar month preceding the month in which the due date falls.

(d) For a provider-direct child care payment (see OAR 461-165-0190), it is the first of the month in which TANF benefits begin.

(e) For a JOBS support service payment, it is the date the client meets all eligibility requirements in OAR 461-190-0211.

(6) For TANF recipients moving to the SFPSS program, the effective date for the initial month of SFPSS benefits is:

(a) Except as provided in subsection (b) of this section, the first of the month following the day all eligibility requirements are met and verified.

(b) If the day all eligibility requirements are met and verified falls after the compute deadline, the initial month of SFPSS benefits will be the first of the month following the month after compute deadline. For purposes of this rule, the "compute deadline" means the Department computer system monthly deadline after which changes will not take effect until the month following the first of the next month.

Stat. Auth.: ORS 411.060, 411.070, 418.100, 2007 OL 861

Stats. Implemented: ORS 411.060, 411.070, 418.100, 2007 OL 861

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 26-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 19-2001, f. 8-31-01, cert. ef. 9-1-01; SSP 7-2003, f. & cert. ef. 4-1-03; CWP 37-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 4-28-04; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 21-2004, f. & cert. ef. 10-1-04; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-180-0081

Effective Dates; Cases Receiving Transitional Benefit Alternative (TBA)

(1) The effective date for starting TBA benefits is the first day of the month after the TBA notice is mailed. The effective date cannot precede the date the Department has determined the client is no longer eligible for TANF.

(2) Once a household begins to receive TBA benefits, the benefits are not changed until the end of the TBA period except that TBA benefits will be changed appropriately if a member of the household:

(a) Leaves the household and applies for food stamps as a member of another household; or

(b) Becomes ineligible for TBA per OAR 461-135-0506.

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816

Hist.: SSP 13-2003, f. 6-12-03, cert. ef. 6-16-03; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-190-0151

Case Planning; JOBS, Pre-TANF, REF, SFPSS, TA-DVS

In the JOBS, Pre-TANF, REF, SFPSS, and TA-DVS programs:

(1) The Department and client develop an individualized case plan that is agreed to by the client and the Department.

(a) The Department uses proven methods for encouraging the full engagement of clients and the development of the case plan. These proven methods include, but are not limited to, strength-based case management and motivational interviewing.

(b) The case plan may be modified whenever circumstances change.

(2) The case plan:

(a) Is individualized and developed with the client and in cooperation with appropriate partner agencies or other professionals.

(b) Identifies client goals and activities (see OAR 461-001-0025) that will help the client meet those goals.

(A) Activities are based on information obtained in screenings and evaluations, and are intended to build on client strengths.

(B) Activities promote both family stability and financial independence.

(C) Activities help reduce or eliminate barriers to self-sufficiency, employment, job retention, wage enhancement, and full participation in the JOBS program.

(D) For a client who has a disability (see OAR 461-001-0000), the goal of the case plan is to promote greater independence. The case plan may include physical and mental health treatment.

(E) The case plan includes agreed upon support services (see OAR 461-001-0025) needed to enable the client to successfully complete the case plan.

ADMINISTRATIVE RULES

(F) The case plan includes identified accommodations or modifications necessary for the client to successfully complete the case plan.

(3) In the JOBS program, the case plan (see OAR 461-001-0025):

(a) Is complete and binding for all core activities (see OAR 461-001-0025) and all non-core activities (see OAR 461-001-0025) once it is signed by a representative of the Department, the client is informed of its contents, and the client has been offered a copy of the plan.

(b) Is complete and binding for all non-countable activities when it is signed by a representative of the Department and the client, and the client has been offered a copy of the plan.

(4) The client must inform the Department of any circumstances that may require a change to the provisions of the case plan.

(5) A client who disagrees with a requirement to comply with any provision of a case plan may seek resolution of the disagreement through the re-engagement process described in OAR 461-190-0231.

Stat. Auth.: ORS 411.060, 418.045, 418.100

Stats. Implemented: ORS 411.060, 418.045, 418.100

Hist.: AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 18-1998, f. & cert. ef. 10-2-98; AFS 12-2001, f. 6-29-01, cert. ef. 7-1-01; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-190-0163

Restrictions on On-the-Job Training, Unpaid Employment, Work Supplementation; JOBS

(1) The Department may not require a client to participate in an activity (see OAR 461-001-0025) of the *OJT* (see OAR 461-001-0025), *unpaid employment* (see OAR 461-001-0025), or *work supplementation components* (see OAR 461-001-0025) in the following circumstances:

(a) The client would displace a currently employed worker or position or would cause a reduction in regularly scheduled hours, wages or benefits of a current employee.

(b) The assignment would impair an existing contract for services or a collective bargaining agreement.

(c) The employment or assignment occurs at the same time another person is laid off from the same or an equivalent job within the same organizational unit or an employer terminates an employee or reduces its work force by hiring a participant in OJT, unpaid employment, or work supplementation.

(d) The employment or assignment infringes in any way on promotional opportunities of a current employee.

(2) The Department may not require a client to participate in the work supplementation component by filling an established but currently vacant position.

(3) The working conditions for clients participating in the OJT, unpaid employment, and work supplementation components may not violate applicable state and federal health and safety standards or require activities not considered usual and customary in the occupation for which the participant is being trained.

(4) Clients participating in the OJT, unpaid employment, and work supplementation components who are covered by a workers' compensation system are entitled to the same level of benefits under the same conditions as other individuals similarly employed.

(5) Clients in *work supplementation* not covered by an applicable workers' compensation statute must be provided with equal medical and accident protection for on-site injuries as that required by the state's worker compensation statute for covered employment.

(6) Clients in *unpaid employment* are covered by the Fair Labor Standards Act (FLSA) (see OAR 461-001-0025) if the worksite is a FLSA subject employer.

Stat. Auth.: ORS 411.060, 418.040, 418.045, 418.100

Stats. Implemented: ORS 411.060, 418.040, 418.045, 418.100

Hist.: AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 18-1998, f. & cert. ef. 10-2-98; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-190-0171

Education Requirements for Teen Parents; JOBS

(1) Except as provided in section (2) of this rule, a teen parent (see OAR 461-001-0025) who participates in the JOBS program and does not have a high school diploma or GED must participate in the *basic education component* (see OAR 461-001-0025).

(2) A *teen parent* is excused from the requirements of section (1) of this rule if any of the following subsections apply:

(a) He or she is exempt (see OAR 461-130-0310) from the requirement to participate in the JOBS program 16 weeks after the birth of a child, except that the teen parent may be required to participate in suitable activities with a preference for educational activities, parenting classes, and family stability activities (see OAR 461-001-0000).

(b) He or she is under age 18, has been excused by the local school district from state compulsory school attendance, and meets the following conditions:

(A) The employment goal of the teen parent is an occupation or occupational field that does not require a high school diploma or GED, there is a labor market demand for it, and the goal is appropriate for the client and likely to lead to self-sufficiency; and

(B) The teen parent is participating in the job skills training component (see OAR 461-001-0025) and an education component (see OAR 461-001-0025) designed to result in a literacy level of at least grade 8.9.

(c) He or she is age 18 or 19 and can be assigned to employment training to prepare for occupations or occupational fields for which there is a labor market demand, and either he or she has failed to achieve good or satisfactory progress (see OAR 461-001-0025) in completing his or her educational activities (see OAR 461-001-0025) or educational activities are inappropriate for his or her education and employment goals.

Stat. Auth.: ORS 411.060, 411.070, 418.040, 418.045, 418.100

Stats. Implemented: ORS 411.060, 411.070, 418.040, 418.045, 418.100

Hist.: AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 19-1991(Temp), f. & cert. ef. 10-1-91; AFS 4-1992, f. 2-28-92, cert. ef. 3-1-92; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 18-1998, f. & cert. ef. 10-2-98; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-190-0201

Job Search; JOBS

(1) There are two categories of *job search*: *initial job search* and *regular job search*. *Initial job search* begins immediately after the client applies for benefits and lasts not longer than fifty-six calendar days. Regular job search begins not later than the day after the Division finds the client eligible for benefits.

(2) During initial job search the client must make two *employer contacts* each business day and may be assigned other *activities* likely to increase the probability of employment.

(3) The client begins *regular job search* after being found eligible for benefits and after the client completes the Assessment Program (see OAR 461-135-0475 concerning the Assessment Program). After every twelve consecutive weeks of *job search* the client is entitled to two weeks without *job search activities*. The client must participate in ten hours of *job search activities* during a week of *regular job search* for it to count toward the twelve consecutive weeks.

Stat. Auth.: ORS 411.060 & 411.816

Stats. Implemented: ORS 411.060

Hist.: AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 23-1991(Temp), f. 10-31-91, cert. ef. 11-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 18-1998, f. & cert. ef. 10-2-98; Suspended by SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-190-0211

Standards for Support Service Payments

(1) The Department helps an individual comply with the individual's case plan (see OAR 461-001-0025) by providing payments for child care, housing, transportation, and other needs to make participation in required activities (see OAR 461-001-0025) successful. These payments are provided for costs directly related to participation in activities, for costs necessary to obtain and retain a job, and for enhancing wages and benefits. In approving JOBS support service payments, the Department must consider lower-cost alternatives. It is not the intent of the Department or of this rule to supplant Department funding with other funding that is available in the community. It is the Department's expectation that case managers and clients will work collaboratively to seek resources that are reasonably available to the client in order to participate in activities.

(2) Support service payments must be authorized in advance and are subject to the limitations of this rule. The following standards apply to support service payments.

(3) Subject to the limitations of state funding, payments for support services (see OAR 461-001-0025) will be made available to an individual if all of the following requirements are met:

(a) The individual is one of the following:

(A) A TANF applicant or recipient.

(B) A client in the Pre-TANF, Post-TANF, or SFPSS programs.

(C) A minor parent (see OAR 461-001-0000) who has returned to the minor's parent's home in the last 40 days, if the move caused the client to become ineligible for TANF.

(D) A TANF client participating in diagnosis, counseling, or treatment programs for substance abuse or mental health.

ADMINISTRATIVE RULES

(E) A non-citizen who is ineligible for TANF, who is legally able to work in the United States, and who has a child receiving TANF.

(F) An individual disqualified from the TANF program for failure to comply with the child-support related requirements of OAR 461-120-0340 and 461-120-0345.

(G) An individual eligible for transition benefits and services under OAR 461-190-0241.

(H) An individual currently receiving TA-DVS benefits.

(I) A non-custodial parent of a child receiving TANF benefits, if both are residents of Oregon.

(J) A recipient of supplemental security income (SSI) who is a volunteer (see OAR 461-130-0310) in an employment program.

(K) A caretaker relative (see OAR 461-001-0000) who is non-needy and is a volunteer in an employment program.

(b) The individual has agreed to participate in a JOBS activity or other activities as specified in the individual's case plan.

(4) For an individual who is eligible for a support service under paragraphs (3)(a)(J) and (3)(a)(K) of this rule, the Department will consider that individual's income and resources towards the need.

(5) Denials and Reductions. The Department may reduce, close, or deny in whole or in part an individual's request for a support service payment in the following circumstances:

(a) If the individual is disqualified for failing to comply with a case plan, unless the payment in question is necessary for the client to comply with his or her case plan.

(b) If the purpose for the payment is not related to the individual's case plan.

(c) If the client disagrees with a support service payment offered or made by the Department as outlined in the client's case plan.

(6) Required Verification.

(a) The Department may require the individual to provide verification of a need for the support service prior to approval and issuance of payment if verification is reasonably available.

(b) The Department may require the individual to provide verification of costs associated with a support service if verification is reasonably available.

(7) Child Care. Payments for child care are authorized, as limited by OAR 461-160-0040, if necessary to enable the individual to participate in JOBS program activities or other activities specified in the individual's case plan. If authorized, payment for child care will be made for:

(a) The lesser of the actual rate charged by the care provider and the rate established in OAR 461-155-0150. The Department rate for children in care less than 158 hours in a month is limited by OAR 461-155-0150, except that the cost of child care may be paid up to the monthly maximum when children are in care less than 158 hours per month; and

(A) Appropriate care is not accessible to the individual at the hourly rate; or

(B) The individual is a teen parent using on-site care while attending education activities.

(b) The minimum hours necessary, including meal and commute time, for the individual to participate in JOBS or other activities or to obtain and maintain employment.

(8) Child care payments may be provided when individuals are not participating in activities of the JOBS program if necessary for them to retain their provider. Only the minimum amount necessary to maintain the child care slot with the provider may be covered as established in OAR 461-155-0150. Not more than 30 days between scheduled JOBS or other activities may be covered.

(9) Housing and Utilities. In addition to payments for basic living expenses provided in OAR 461-135-0475, payments may be provided to secure or maintain housing and utilities in the following situations:

(a) To prevent an eviction or utility shut-off, secure housing in order to find or maintain employment, or participate in activities listed in the individual's case plan. Payment is available when all the following are true:

(A) The individual cannot make a shelter or utility payment due to lack of assets.

(B) The lack of assets did not result from a JOBS or Child Support disqualification, a reduction due to an IPV recovery, overpayment recovery (other than administrative error), or failure by the individual to pay shelter or utility expenses when funds were reasonably available.

(C) The individual's case plan addresses how subsequent shelter or utility payments will be made.

(b) The shelter need results from domestic violence (see OAR 461-001-0000) and all the following are true:

(A) The individual is not eligible for the TA-DVS program.

(B) The individual will be able to pay all subsequent shelter costs, either through the individual's own resources or through other resources available in the community.

(C) The individual's case plan addresses how subsequent shelter costs will be paid.

(c) For clients who are in the Pre-TANF program or are applying for a payment under section (6) of this rule, the Department will make payments if the client meets the eligibility criteria in section (9) of this rule. A client who receives a TANF grant is expected to meet the housing and utility expenses out of the money received each month in the TANF grant. Therefore, for clients who receive a TANF grant, the Department may make payments on a case-by-case basis as appropriate if the client otherwise meets the support service payment eligibility criteria of this section.

(10) Transportation. The Department will provide payments for transportation costs incurred in travel to and from JOBS or other activities. Payment is made only for the cost of public transportation or the cost of vehicle insurance, repairs, and fuel for a personally owned vehicle. The Department will not authorize payment for repair of a vehicle owned by an individual who is not in the TANF filing group (see OAR 461-110-0330). Payments are subject to the following considerations:

(a) Payments for public transportation are given priority over payments for a privately owned vehicle.

(b) Payment for a privately owned vehicle is provided if the client or driver has a valid license and either of the following is true:

(A) No public transportation is available or the client is unable to use public transportation because of a verifiable medical condition or disability for which no accommodation is available.

(B) Public transportation is available but is more costly than the cost of car repair or fuel.

(11) Other Payments. The Department will provide payments for other items that are directly related to participation in JOBS or other activities. Payments under this section may be authorized for:

(a) Reasonable accommodation of a client's disability (see OAR 461-001-0000).

(b) Costs necessary in obtaining and retaining a job or enhancing wages and benefits, such as:

(A) Clothing and grooming for participation in JOBS activities or job interviews.

(B) Moving expenses necessary to accept employment elsewhere.

(C) Books and supplies for education needs.

(D) Tools, bonding, and licensing required to accept or retain employment.

(c) Tuition for vocational training (see OAR 461-001-0025) only:

(A) After the client has been approved for vocational training;

(B) When no other funding is available;

(C) To the extent that Department funding designated for this purpose is available; and

(D) When the training is necessary for a high demand, high wage job as defined by the Workforce Investment Act (WIA).

(12) Students Receiving Financial Aid. Authorization for payments for students in vocational training who receive financial aid is subject to the following conditions:

(a) A student whose financial aid consists solely of student loans is not required to use any of that financial aid for support services.

(b) Support service payments are not authorized for services specifically covered by federal or state financial aid other than student loans.

(c) Students whose financial aid consists of a combination of loans and grants may be required to pay for support services from any grant money remaining after payment of tuition, fees solely related to the institution where the individual attends, books, and supplies (applying first the loan and then any grants) if the financial aid award letter specifically permits this use of funds.

Stat. Auth.: ORS 411.060, 418.100

Stats. Implemented: ORS 411.060, 418.100, 418.155

Hist.: AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 26-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 18-1998, f. & cert. ef. 10-2-98; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 21-2004, f. & cert. ef. 10-1-04; SSP 11-2005(Temp), f. & cert. ef. 9-1-05 thru 12-31-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-190-0231

Re-engagement; JOBS, Pre-TANF, REF, SFPSS, TA-DVS

In the JOBS, Pre-TANF, REF, SFPSS, and TA-DVS programs:

ADMINISTRATIVE RULES

(1) One goal of the re-engagement process is to encourage clients to fully participate in activities (see OAR 461-001-0025) agreed upon in the case plan.

(2) When aspects of the case plan have not been met or are in dispute, the re-engagement process provides an opportunity for the client and the Department to:

- (a) Review and re-evaluate the case plan and other information gathered related to the client's strengths and barriers;
- (b) Identify participation expectations, concerns related to participation, and completion of activities in the case plan;
- (c) Consider whether the case plan is still appropriate;
- (d) Develop options that support full participation; and
- (e) Revise the case plan if appropriate.

(3) The re-engagement process is intended to assist the Department in identifying whether the client is unable to fully participate or whether the client is or has been willfully non-compliant.

(a) In the JOBS, Pre-TANF, REF, and SFPSS programs, if screenings for physical or mental health needs, substance abuse, domestic violence (see OAR 461-001-0000), or learning needs have not been completed, the re-engagement process provides an additional opportunity to initiate those screenings for potential barriers to participation not previously identified.

(b) Circumstances in which there is a determination about whether good cause (see OAR 461-130-0327) exists include disagreements about the case plan, irregular attendance at activities, missed appointments, failure to participate in a component of the case plan, and (in the JOBS program) refusal to accept or maintain employment.

(c) In the TA-DVS program, there are no participation requirements. The re-engagement process is intended to provide an opportunity to address problems with the case plan (see OAR 461-135-1230) and an opportunity to modify the case plan.

(4) In the JOBS program, the re-engagement process must include an assessment of the risk of harm posed to the children in the filing group by the reduction in aid payments and taking steps to ameliorate the risk.

(5) The client, the Department, or the Department's contractor may initiate the re-engagement process. The re-engagement process is not a required activity. The Department may not disqualify clients based on their failure to participate in the re-engagement process.

(6) The client or Department may invite partner agencies, Department contractors, persons currently working with the client, or other individuals who have information relevant to the re-engagement process to any appointments or meetings scheduled as part of the process.

(7) The re-engagement process ends when any of the following subsections applies:

- (a) The Department and the client agree to a modified case plan.
- (b) Efforts to re-engage are unsuccessful.
- (c) In the JOBS, Pre-TANF, and REF programs:
 - (A) The Department has determined the client has met federally required participation rates (see OAR 461-001-0025);
 - (B) The client clearly indicates an intent not to participate in the re-engagement process;
 - (C) The client is willfully non-compliant and has the ability to be fully engaged;
 - (D) The client has no barriers or refuses to take appropriate steps to address identified barriers to participation in the program;
 - (E) A decision is made by the Department that a client did not have good cause for not complying with a requirement of the JOBS program, and the client is able but unwilling to address the issue through activities that address barriers or through case plan modifications; or
 - (F) The client misses a re-engagement appointment without good cause.

(d) In the SFPSS program, after a review team consisting of SFPSS program staff including the case manager, disability analyst, and appropriate medical professional determine the client does not have good cause for non-cooperation and no accommodations or modifications can be made to support the client being re-engaged.

(8) The re-engagement process must end unsuccessfully before the Department begins the process of disqualifying a client for a failure to comply with a requirement of the JOBS program.

(9) In the SFPSS program, when the re-engagement process ends unsuccessfully, a client removed from the program is returned to the TANF program.

Stat. Auth.: ORS 411.060, 418.045, 418.100, 2007 OL 861
Stats. Implemented: ORS 411.060, 418.045, 411.117, 418.100, 2007 OL 861
Hist.: AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 21-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 26-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 42-1996, f. 12-31-96,

cert. ef. 1-1-97; AFS 18-1998, f. & cert. ef. 10-2-98; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-190-0241

Transition Services; JOBS

(1) A client who becomes ineligible for the Pre-TANF or TANF programs because of an increase in earned income is eligible for transition benefits and services for 12 months upon meeting the criteria in OAR 461-190-0211 for receiving support services (see OAR 461-001-0025) in the JOBS program. The total cost of JOBS support service payments may not exceed \$1,000 for the duration of the 12-month period. For clients whose eligibility ends for reasons other than income from new employment, the benefits and services are limited to completing any JOBS activity (see OAR 461-001-0025) in progress at the time program eligibility ends.

(2) The transition period begins on the date determined by the following:

(a) For clients participating in an OJT activity (see OAR 461-001-0025), the transition period begins:

(A) When TANF benefits end because of earned income, if there are three or fewer months left in the OJT contract.

(B) Three calendar months before the end of the OJT contract, if TANF benefits end because of the level of earned income when more than three months remain in the contract.

(b) For clients participating in a work supplementation activity (see OAR 461-001-0025), the transition period begins when the wage subsidy (grant diversion) to the employer ends.

(c) For all other clients, the transition period begins when Pre-TANF or TANF program benefits end.

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 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 23-1991(Temp), f. 10-31-91, cert. ef. 11-1-91; AFS 4-1992, f. 2-28-92, cert. ef. 3-1-92; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 18-1998, f. & cert. ef. 10-2-98; AFS 25-1998, f. 12-28-95, cert. ef. 1-1-98; SSP 21-2004, f. & cert. ef. 10-1-04; SSP 11-2005(Temp), f. & cert. ef. 9-1-05 thru 12-31-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

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 or SFPSS programs for a month for which the client receives a retroactive SSI lump-sum payment; or a JOBS or SFPSS 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 judgment 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

ADMINISTRATIVE RULES

JOBS or SFPSS 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, 414.042, 418.100, 2007 OL 861

Stats. Implemented: ORS 411.060, 411.816, 414.042, 418.100, 2007 OL 861

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; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-195-0551

Methods of Recovering Overpayments

(1) For all programs, in addition to judicial process, the Department may recover overpayments through an agreed repayment plan, reduction in benefits, voluntary payment from the client, and offset of the debt. In medical programs, benefits are reduced to collect an overpayment only in the GAM program, and only non-medical benefits are reduced.

(2) The Department reduces current benefits to collect an overpayment only as follows:

(a) In the Food Stamp program, unless the Department and the client agree to a repayment plan and the *filing group* (see OAR 461-110-0370) meets the terms of the plan, the Department collects an overpayment from a liable filing group participating in the Food Stamp program by reducing the food stamp allotment of the *benefit group* (see OAR 461-110-0750) each month as follows:

(A) For an overpayment caused by *client error* (see OAR 461-195-0501) or administrative error (see OAR 461-195-0501), 10 percent of the group's monthly allotment or \$10 a month, whichever is greater.

(B) For an overpayment caused by conduct that constituted an IPV (see OAR 461-195-0601), 20 percent of the group's monthly entitlement or \$20 a month, whichever is greater.

(b) In the GA, GAM, and OSIP programs, the Department may recover an overpayment by reducing cash benefit payments by the lesser of the following:

(A) The total overpayment amount.

(B) The total benefit amount.

(C) 10 percent of the client's total benefit requirement at the standard of need.

(c) For overpayments in the REF, SFPSS, and TANF programs, the Department:

(A) Allows only half of the 50 percent earned income deduction described in OAR 461-160-0160.

(B) Reduces the benefit payment for REF, SFPSS, and TANF, in an amount equal to 10 percent of the total benefit requirement of the benefit group at the full standard of need. The benefit payment after such reduction, when combined with all other income (before allowing the 50 percent earned income deduction), must be sufficient to provide the benefit group with 90 percent of the standard for a family with no income. In the TANF program, the cooperation incentive (see OAR 461-135-0210) is not included in the calculations prescribed by this paragraph.

(3) For overpayment of child care benefits, the Department may not recover an overpayment through reduction of a client's child care benefits.

(4) The Department may recover an overpayment by offset as follows:

(a) For all programs, the Department uses the collection services provided by the Department of Revenue and any other state or federal agency to collect a liquidated claim established by:

(A) A court judgment.

(B) A confession of judgment.

(C) A document signed or acknowledged by the debtor that acknowledges the debt, such as:

(i) The Department-designated form to acknowledge an IPV.

(ii) A plea-bargain agreement.

(iii) Any other document acknowledging the overpayment.

(D) A written notification of overpayment from the Department to the debtor, advising the debtor of the basis and amount of the overpayment and the right to request a hearing, if the debtor has exhausted his or her rights of administrative appeal.

(E) A written communication from the debtor acknowledging the debt.

(b) In cases that have both an underpayment and an overpayment in the same program, the Department offsets one against the other.

(c) The amount of any retroactive payment or restoration of lost benefits otherwise payable to the client, when the retroactive payment corrects a prior underpayment of benefits in the program in which the overpayment occurred.

(d) By offsetting the full amount of the overpayment against restored benefits owed to the benefit group or to another FS benefit group that a liable member of the overpaid group has joined.

(e) Through use of a warrant authorized by ORS 18.900 or 411.703.

(5) A confession of judgment is used in the case of a client error overpayment. The Department may not file a confession of judgment while the client receives public assistance and may file one only if the client has refused to agree to or has defaulted on a repayment plan.

(6) The Department may not take collection action against a filing group while a member of the group is working under a JOBS Plus agreement.

Stat. Auth.: ORS 411.060, 411.660, 411.816, 418.100, 2007 OL 861

Stats. Implemented: ORS 18.900, 411.630, 411.635, 411.660, 411.703, 411.816, 418.100, 2007 OL 861

Hist.: AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 25-2001, f. & cert. ef. 11-1-01 thru 12-31-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-195-0561

Compromise of Overpayment Claims

(1) This rule establishes the policy of the Department for compromising claims for overpayments in the Child Support, ERDC, Food Stamp, medical, SFPSS, and TANF programs. The Department may consider a request to compromise an overpayment claim only if the costs of administration and collection necessary to collect the account in full would likely exceed the current balance of the overpayment. In making the determination whether to compromise, the Department considers the requester's ability to repay the overpayment in full within a reasonable time, as evidenced by such factors as:

(a) Income less than 200 percent of the federal poverty level (see OAR 461-155-0180(6)); or

(b) Income and liquid assets that are small compared with the outstanding overpayment.

(2) The following limitations and considerations apply to the evaluation by the Department of a request to compromise an overpayment claim:

(a) The authority of the Department to compromise may be limited by federal or state law.

(b) The Department may allow a compromised claim to be paid in installments over a period not to exceed 90 days.

(c) The Department may compromise a claim only once it is a liquidated claim; liquidated claim is described in OAR 461-195-0551.

(d) The Department may compromise a claim that exceeds \$20,000 only to the extent permitted by the rules of the Secretary of State.

(e) Except for an overpayment in the child support program, the Department may not agree to compromise a claim for less than 75 percent of the total amount of the claim. In the child support program, the amount for which a claim will be compromised is determined following the applicable standards in OAR 137-055-6120(1).

(f) During the 12 months following the date of the compromise agreement, the Department reserves the right to collect the original, unmitigated claim through benefit reduction (see OAR 461-195-0551). This subsection does not apply to claims in the child support program.

(3) The following limitations apply to a request to compromise an overpayment:

(a) A request for compromise may be considered only if 36 months have passed since the requester was first notified of the overpayment.

(b) A request for compromise may be considered only if 12 months have passed since the requester was last eligible for and received benefits of the program in which the overpayment occurred or last received a direct provider payment for child care (see the rules in division 165 of this chapter of rules). This subsection does not apply to claims in the child support program.

(c) An overpayment caused by the requester's conduct is subject to compromise only if caused by his or her inadvertent error or by circumstances beyond his or her reasonable control.

(d) The Department may not compromise a claim if the requester has not made a good faith effort to repay the overpayment.

(e) The Department is more likely to approve a request to compromise if the requester has not previously caused an overpayment in the same program.

Stat. Authority: ORS 411.060, 411.816, 414.042, 418.100, 2007 OL 861

ADMINISTRATIVE RULES

Stats. Implemented: ORS 411.060, 411.635, 411.816, 414.042, 418.100, 2007 OL. 861
Hist.: AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04;
SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

461-195-0601

Intentional Program Violations; Defined

(1) In the child care programs, a provider commits an intentional program violation (IPV) by intentionally making a false or misleading statement or misrepresenting, concealing or withholding information related to his or her request to be eligible for a child care payment under OAR 461-165-0180 or a claim for a child care payment.

(2) In the Food Stamp program, an individual commits an intentional program violation by:

(a) Making a false or misleading statement or misrepresenting, concealing or withholding a fact relating to the use, presentation, transfer, acquisition, receipt or possession of food stamp benefits; or

(b) Committing any act that constitutes a violation of the Food Stamp Act, the Food Stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt or possession of food stamp benefits.

(3) In the SFPSS program, an individual commits an intentional program violation by intentionally:

(a) Making a false or misleading statement or misrepresenting, concealing, or withholding a fact for the purpose of establishing or maintaining eligibility for SFPSS or increasing, or preventing a reduction in, the amount of the SFPSS grant; or

(b) Committing any act intended to mislead or to conceal or withhold information for the purpose of establishing or maintaining eligibility for SFPSS or increasing, or preventing a reduction in, the amount of the SFPSS grant.

(4) In the TA-DVS program, an individual commits an IPV by intentionally and without intimidation or coercion by an abuser:

(a) Making a false or misleading statement or misrepresenting, concealing, or withholding a fact for the purpose of establishing eligibility for or receiving a benefit from the TA-DVS program; or

(b) Committing any act intended to mislead or to conceal or withhold information for the purpose of establishing eligibility for or receiving a benefit from the TA-DVS program.

(5) In the TANF program, an individual commits an intentional program violation by intentionally:

(a) Making a false or misleading statement or misrepresenting, concealing, or withholding a fact for the purpose of establishing or maintaining eligibility for TANF or increasing, or preventing a reduction in, the amount of the TANF grant; or

(b) Committing any act intended to mislead or to conceal or withhold information for the purpose of establishing or maintaining eligibility for TANF or increasing, or preventing a reduction in, the amount of the TANF grant.

Stat. Authority: ORS 411.060, 411.660, 411.816, 418.100, 2007 OL. 861
Stats. Implemented: ORS 411.060, 411.630, 411.635, 411.660, 411.816, 418.100, 2007 OL. 861
Hist.: AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08

Department of Human Services, Division of Medical Assistance Programs Chapter 410

Rule Caption: Technical changes to the October 1, 2005 (-07) Health Services Commission's Prioritized List of Health Services.

Adm. Order No.: DMAP 14-2007(Temp)

Filed with Sec. of State: 10-1-2007

Certified to be Effective: 10-1-07 thru 3-28-08

Notice Publication Date:

Rules Amended: 410-141-0520

Subject: The Oregon Health Plan Program administrative rules govern Division of Medical Assistance Programs' (DMAP) payments for services provided to clients. DMAP temporarily amended 410-141-0520, referencing the October 1, 2005 (-07) Health Services Commission's Prioritized List of Health Services that reflect interim modifications and technical changes made, subject to Centers for Medicare and Medicaid Services (CMS) approval, and effective October 1, 2007.

Rules Coordinator: Darlene Nelson—(503) 945-6927

410-141-0520

Prioritized List of Health Services

(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 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: www.oregon.gov/DHS/healthplan/priorlist/main, or, for a hardcopy contact the Office of Oregon Health Policy and Research. This rule incorporates by reference the January 1, 2005 (-07) Prioritized List, with technical revisions effective October 1, 2007, including expanded definitions and practice guidelines that are 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.

(4) The January 1, 2005 (-07) Prioritized List, with technical revisions effective October 1, 2007, is in effect and condition/treatment pairs through line 530 are funded.

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 3-15-03; 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; OMAP 62-2005, f. 11-29-05, cert. ef. 12-1-05; OMAP 71-2005, f. 12-21-05, cert. ef. 1-1-06; OMAP 6-2006, f. 3-22-06, cert. ef. 4-1-06; OMAP 46-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 14-2007(Temp), f. & cert. ef. 10-1-07 thru 3-28-08

Department of Human Services, Public Health Division Chapter 333

Rule Caption: Addition of Hepatitis A and Pertussis Vaccines to School Immunization Requirements.

Adm. Order No.: PH 12-2007

Filed with Sec. of State: 9-27-2007

Certified to be Effective: 9-27-07

Notice Publication Date: 9-1-07

Rules Amended: 333-050-0010, 333-050-0020, 333-050-0030, 333-050-0040, 333-050-0050, 333-050-0060, 333-050-0070, 333-050-0080, 333-050-0090, 333-050-0095, 333-050-0100, 333-050-0110, 333-050-0120, 333-050-0130, 333-050-0140

Subject: The amendments add hepatitis A and pertussis-containing vaccines to school and children's facility immunization requirements. Hepatitis A will be required for children aged 18 months through kindergarten for school year 2008–2009, and this requirement will be phased-in one additional grade level each school year through 12th grade. The pertussis-containing vaccine Tdap will be required for children in seventh grade for school year 2008–2009, and this requirement will be phased-in one additional grade level each year through twelfth grade. The pertussis-containing vaccine DTaP will be required for all children two months of age and older, as age appropriate. There will be no phase-in for DTaP, as most children have already received this vaccine.

Rules Coordinator: Cat McGinnis—(971) 673-1291

ADMINISTRATIVE RULES

333-050-0010

Definitions Used in the Immunization Rules

As used in OAR 333-050-0010 through 333-050-0140:

(1) "Certificate of Immunization Status" means a form provided or approved by the Division on which to enter the child's immunization record requiring the following:

(a) Evidence of Immunization signed by the parent, health care practitioner or an authorized representative of the local health department; and/or

(b) A written statement of medical or immunity exemption signed by a physician or an authorized representative of the local health department; and/or

(c) A written statement of religious exemption signed by the parent; and/or

(d) A written statement of disease history (immunity exemption) for varicella signed by a parent, physician or authorized representative of the local health department.

(2) "Certificate of Immunization Status Addendum" means a form provided or approved by the Division on which to enter the child's immunizations received after the initial series of Diphtheria/Tetanus containing vaccine, Polio and Measles/Mumps/Rubella vaccines.

(3) "Contraindication" means either a child or a household member's physical condition or disease that renders a particular vaccine improper or undesirable in accordance with the current recommendations of the Advisory Committee on Immunization Practices, Department of Health and Human Services, Centers for Disease Control and Prevention, and the 27th edition, 2006, of the **Red Book** (The Report of the Committee on Infectious Disease, The American Academy of Pediatrics).

(4) "County Immunization Status Report" means a report submitted by the local health department (or school or facility if there is no local health department) to the Division to report annually the number of children as specified, in the area served, and the number susceptible to the vaccine preventable diseases covered by these rules.

(5) "Division" means the Department of Human Services Public Health Division.

(6) "Evidence of Immunization" means an appropriately signed and dated statement indicating at least the month and year each dose of each vaccine was received.

(7) "Exclude" or "Exclusion" means not being allowed to attend a school or facility pursuant to an Exclusion Order from the local health department based on non-compliance with the requirements of ORS 433.267(1), and these rules. Exclusion occurs when records have not been received or updated by the starting time of the school or facility on the specified exclusion day.

(8) "Exclusion Order for Incomplete Immunization or Insufficient Information" means a form provided or approved by the Division for local health department and Division use in excluding a child who, based on the child's record, is in non-compliance with the vaccine requirements of OAR 333-050-0050(2) or who has insufficient information on his or her record to determine whether the child is in compliance. Forms submitted for approval must contain the substantive content of the Division form.

(9) "Exclusion Order for No Record" means a form provided or approved by the Division for local health department, Division and school or facility use in excluding a child with no record. Forms submitted for approval must contain the substantive content of the Division form.

(10) "Exempted Children's Facilities" are those which:

(a) Are primarily for supervised training in a specific subject, including, but not limited to, dancing, drama, or music;

(b) Are primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group;

(c) Are operated at a facility where children may only attend on a limited basis not exceeding a total of four days per year; or

(d) Are operated on an occasional basis by a person, sponsor, or organization not ordinarily engaged in providing child care.

(11) "Health Care Practitioner" means a practitioner of the healing arts who has within the scope of the practitioner's license, the authority to order immunizations, to include: M.D., D.O., licensed nurse practitioners with prescription writing privileges, and licensed physicians' assistants with prescription writing privileges who are working under the sponsorship of an M.D., D.O., or a registered nurse working under the direction of an M.D. or a D.O.

(12) "Immunity Exemption" means a written statement signed by a physician or an authorized representative of the local health department that the child should be exempted from receiving specified immunizations due

to a disease history based on a health care practitioner's diagnosis or the results of an immune titer.

(13) "Local Health Department" means the District or County Board of Health, Public Health Officer, Public Health Administrator or Health Department having jurisdiction within the area.

(14) "Medical Exemption" means a written statement signed by a physician or an authorized representative of the local health department that the child should be exempted from receiving specified immunizations based on a medical diagnosis resulting from a specific medical contraindication.

(15) "New Enterer" means a child who meets one of the following criteria:

(a) Infants or preschoolers attending an Oregon facility;

(b) Infants or preschoolers attending a drop-in facility five or more times within one year;

(c) Initially attending a school at the entry level (kindergarten or the first grade, whichever is the entry level);

(d) Initially attending a school or facility from a home-school setting at any grade (preschool through the 12th grade); or

(e) Initially attending a school or facility after entering the United States from a foreign country at any grade (preschool through 12th grade).

(16) "Non-Compliance" means failure to comply with any requirement of ORS 433.267(1) or these rules.

(17) "Primary Review Summary" means a form provided or approved by the Division to schools and facilities for enclosure with records forwarded to the local health department for secondary review and follow up. Forms submitted for approval must contain the substantive content of the Division form.

(18) "Primary Review Table" means a document provided by the Division for the judgment of compliance or non-compliance with the required immunizations.

(19) "Private Provider" means any health care practitioner as defined in Section (11) of this rule and not identified as a public provider.

(20) "Public Provider" means county health jurisdictions, their contractors and other governmental entities receiving vaccine from the Division of Public Health — Immunization Program.

(21) "Record" means a statement relating to compliance with the requirements of ORS 433.267 (1)(a) through (c) and these rules.

(22) "Religion" means any system of beliefs, practices or ethical values.

(23) "Religious Exemption" means a statement signed by a parent that the child has not been immunized as prescribed by OAR 333-050-0050(2), because the child is being reared as an adherent to a religion, the teachings of which are opposed to such immunization.

(24) "Restrictable Disease" means a communicable disease for which the local health department or administrator has the authority to exclude a child as described in OAR 333-019-0010 through 333-019-0014.

(25) "School Year" or "SY" means an academic year as adopted by the school or school district (usually September through June).

(26) "Susceptible" means being at risk of contracting one of the diseases covered by these rules, by virtue of being in one, or more of the following categories:

(a) Not being complete on the immunizations required by these rules;

(b) Possessing a medical exemption from any of the vaccines required by these rules due to a specific medical diagnosis based on a specific medical contraindication; or

(c) Possessing a religious exemption for any of the vaccines required by these rules.

(27) "These Rules" means OAR 333-050-0010 through 333-050-0140.

(28) "Transferring Child" means a child who moves from a school within the United States to a school in Oregon, except when the move is due to the normal progression of grade levels, such as to a junior high or senior high from a feeder school.

(29) "Up-to-Date" means currently on schedule and not subject to exclusion, based on the immunization schedule for spacing doses, as prescribed in OAR 333-050-0120.

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

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 443.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 22-1983, f. & ef. 11-1-83; HD 15-1986, f. & ef. 7-15-86; HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 29-1994, f. & cert. ef. 12-2-94; HD 16-1997, f. & cert. ef. 12-3-97; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0021; OHD 26-2001, f. & cert. ef. 12-4-01; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 1-2006, f. & cert. ef. 1-27-06; PH 12-2007, f. & cert. ef. 9-27-07

ADMINISTRATIVE RULES

333-050-0020

Purpose and Intent

(1) The purpose of these rules is to implement ORS 433.235 through 433.284, which requires evidence of immunization or a medical or a religious exemption for each child as a condition of attendance in any school or facility and which requires exclusion from school or facility attendance until such requirements are met.

(2) The intent of the school and facility immunization statutes and these rules is to require that:

(a) A new enterer provide a signed and dated Certificate of Immunization Status form documenting either: evidence of immunization or a religious, and/or medical or immunity exemption. If age appropriate, required for the child's grade level, and the child has not claimed an exemption, a minimum of one dose each of the following vaccines must be received prior to attendance: Polio, Measles, Mumps, Rubella, Hepatitis B, Hepatitis A, Varicella, Haemophilus influenzae Type b vaccine and Diphtheria/Tetanus/Pertussis containing vaccine. (See **Primary Review Table**);

(b) A transferring child provide evidence of immunization or an exemption, within 30 days of initial attendance; and

(c) A child currently attending not be allowed to continue in attendance without complete or up-to-date evidence of immunization, or an exemption.

(3) The only exception is for family child care homes, either registered or exempt from registration, providing child care, six weeks of age to kindergarten entry, in a residential or nonresidential setting. These programs are exempt from all requirements except an up-to-date Certificate of Immunization Status form on each child in attendance.

(4) All schools are required to comply with these rules, including public schools, private schools, charter schools, and alternative education programs. Any program that provides educational instruction designed to lead to a high school diploma or transfer into a regular high school program must also comply with these rules.

(5) Nothing prohibits a school, children's facility, or post-secondary educational institution from adopting additional or more stringent requirements than the statutes or rules as long as medical and religious exemptions are included and the requirements are in compliance with the recommendations of the Advisory Committee on Immunization Practices, Department of Health and Human Services, Centers for Disease Control and Prevention.

(6) Public schools are required to allow transferring students at least 30 days to provide an immunization record.

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

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 22-1983, f. & ef. 11-1-83; HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 29-1994, f. & cert. ef. 12-2-94; HD 16-1997, f. & cert. ef. 12-3-97; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0025; OHD 26-2001, f. & cert. ef. 12-4-01; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 1-2006, f. & cert. ef. 1-27-06; PH 12-2007, f. & cert. ef. 9-27-07

333-050-0030

Visitors, Part-Time Students, and Residents

(1) Any child visiting or attending a school or facility for five days or more in a given school year or residing on the premises of a school or facility regardless of whether the child attends classes or receives child care, at any age or grade through grade 12, shall be subject to the requirements of either a new enterer or transferring child as appropriate. Such residents and visitors for the purposes of these rules are in attendance.

(2) Home-schooled, private, or special education students or students in other non-traditional educational settings are subject to these rules if they:

(a) Meet with an instructor in a school building for any amount of time on a regular or irregular basis, but at least five times per school year; or

(b) Participate in sports or other activities at a school through a school-sponsored program at least five times per school year.

(3) Students in residential, correctional, or treatment programs that receive educational instruction are subject to these rules.

(4) For facilities providing drop-in child care, a child may attend up to four days without a Certificate of Immunization Status on file. Before allowing attendance on the fifth visit, a Certificate of Immunization Status must be provided showing at least one dose of each required vaccine or an appropriately signed exemption.

Stat. Auth.: 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 443.006 & 433.235 - 433.284

Hist.: HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0026; OHD 26-2001, f. & cert. ef. 12-4-01; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 12-2007, f. & cert. ef. 9-27-07

333-050-0040

Statements (Records) Required

(1)(a) The statement initially documenting evidence of immunization or exemption under ORS 433.267(1)(a) through (c) must be on a Certificate of Immunization Status form. Evidence of immunization shall include at least the month and year of each dose of each vaccine received and must be appropriately signed and dated to indicate verification by the signer. Presigned Certificate of Immunization Status forms without vaccine dates are not allowable. If a Certificate of Immunization Status form is signed but not dated, the person who receives the form at the school or facility should date the form with the date it was received.

(b) The statement documenting evidence of updated immunizations under ORS 433.267(1)(a) through (c) may be on the initial Certificate of Immunization Status form or a Certificate of Immunization Status Addendum. The Addendum does not replace the Certificate of Immunization Status form. The Addendum should be attached to the child's original Certificate of Immunization Status form. Dates on the Addendum do not need to be transcribed onto the original Certificate of Immunization Status form. Evidence of updated immunizations shall include at least the month and year of each dose of each vaccine received and must be appropriately signed and dated to indicate verification by the signer.

(c) The school or facility may choose to complete or update a Certificate of Immunization Status form by transcribing dates from and attaching an already appropriately completed, signed and dated record. The Certificate of Immunization Status needs to be signed and dated by the person transcribing the information. A reference should be made to the attached record; or

(d) The parent, school or facility may choose to complete or update a Certificate of Immunization Status form by transcribing dates from and attaching one or more of the following records listed in (A) through (D). The Certificate of Immunization Status form must be signed and dated by the person transcribing the information. A reference should be made to the attached record on the Certificate of Immunization Status form.

(A) A health care practitioner documented immunization record;

(B) An unsigned record on health care practitioner or clinic letterhead;

(C) An unsigned record printout from the statewide immunization information system, Oregon Immunization ALERT. ALERT records may be placed in the student's file without transcription onto a Certificate of Immunization Status as long as the printout represents a complete or up-to-date immunization history. If the ALERT record is an update to the Certificate of Immunization Status, it may be attached to the original certificate without transcription; or

(D) A written statement signed and dated by the parent.

(e) When a transferring student enters an Oregon school, the receiving school will attempt to obtain immunization records from the previous school. If immunization records are not immediately available, the receiving school may, according to school policy:

(A) Allow the student to enroll conditionally. If immunization records are not received the school will include the student on the Primary Review Summary report; or

(B) Issue an Exclusion Order for No Record to the parent or guardian with an exclusion date of not less than thirty days after initial attendance. The school is required to provide a copy of the order to the parent either by hand at time of enrollment or by mailing the order at least fourteen days prior to the exclusion date.

(2) If the child transfers to a new school district, except when the move is due to the normal progression of grade levels, such as to a junior high or senior high from a feeder school, the receiving school shall ensure that the transferred records are on a signed Certificate of Immunization Status form or another Division-approved form. The original transferred records that are not on an approved form shall be attached to a Certificate of Immunization Status form and the form shall be marked with a reference to the attached records, signed, and dated by the person transcribing the information on the form.

(3) The records relating to the immunization status of children in schools shall be transferred to the receiving schools pursuant to ORS 326.575(2) within 30 days.

(4) When a new enterer is admitted in error to a school or facility without an immunization history or appropriately signed exemption, the school or facility may issue an Exclusion Order for No Record. The exclu-

ADMINISTRATIVE RULES

sion date shall be fourteen days after the date the Exclusion Order is mailed to the parent.

(5)(a) When a child is determined by the facility, school or school district to be homeless and does not have a completed Certificate of Immunization Status on file with the school, the student will be allowed to enroll conditionally. If immunization records are not received the school will include the student on the Primary Review Summary report. Schools may also choose to issue an Exclusion Order for No Record to the parent with an exclusion date of not less than 30 days after initial attendance.

(b) School staff shall make every effort to help the family compile an immunization record for the student, including requesting a record from a previous school, Oregon Immunization ALERT or a previous medical provider.

(6) Where a child attends both a facility and a school, the school is responsible for reporting and for enforcing these rules in accordance with the school and facility vaccine requirements. However, because of the need for outbreak control when school is not in session, the facility administrator will be responsible for requesting that the parent also provide an up-to-date Certificate of Immunization Status to the facility. If the parent does not comply, the facility administrator shall inform the parent that in the event of an outbreak the child will be excluded until it is determined that the child is not susceptible.

(7) When a child reaches the age of medical consent in Oregon, 15 years of age, the child may sign their own Certificate of Immunization Status.

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 15-1986, f. & ef. 7-15-86; HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 16-1997, f. & cert. ef. 12-3-97; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0030; OHD 26-2001, f. & cert. ef. 12-4-01; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 1-2006, f. & cert. ef. 1-27-06; PH 12-2007, f. & cert. ef. 9-27-07

333-050-0050

Immunization Requirements

(1) For purposes of this section, immunization against the following diseases means receipt of any vaccine licensed by the United States Food and Drug Administration (or their foreign equivalent) for the prevention of that disease.

(2) For purposes of ORS 433.267(1), immunizations are required as follows:

(a) Diphtheria/Tetanus/Pertussis containing vaccine (DTaP) — Five doses unless:

(A) The fourth dose was given at or after the fourth birthday, in which case the child is complete with four doses; or

(B) The third dose of Diphtheria/Tetanus containing vaccine was received on or after the seventh birthday, in which case the child is complete with three doses.

(b) Polio — Four doses unless:

(A) The third dose was given at or after the fourth birthday, in which case the child is complete with three doses of polio vaccine; or

(B) The student is 18 years of age or older. Polio vaccination at or after the 18th birthday is not required.

(c) Measles — Two doses, must be received at or after 12 months of age, or in the same month and year as the child's first birthday. Second dose, must be received at least 28 days after first dose (see **Primary Review Table**).

(d) Rubella — One dose, must be received at or after 12 months of age, or in the same month and year as the child's first birthday.

(e) Mumps — One dose, must be received at or after 12 months of age, or in the same month and year as the child's first birthday.

(f) *Haemophilus influenzae Type b* (Hib) vaccine — Up to four doses depending on the child's current age and when previous doses were administered. (See **Primary Review Table** to determine the number of required doses.)

(g) Hepatitis B — Up to three doses (See **Primary Review Table**). If the first dose was received at or after 11 years of age and the second dose is received at least four months after dose one, the child is complete with two doses.

(h) Varicella — Up to two doses, depending on the child's age when the first dose was administered. The first dose must be received at or after 12 months of age or in the same month and year as the child's first birthday, and after March 1995, the date the vaccine was licensed in the United States. Second dose, if required, must be received at least 28 days after first dose. (See **Primary Review Table** to determine the number of required doses.)

(i) Hepatitis A — Two doses, must be received at or after 12 months of age, or in the same month and year as the child's first birthday. Beginning SY 2008-2009, the requirement for Hepatitis A vaccine will be phased in by grade. (See **Primary Review Table**.)

(j) Tetanus/Diphtheria/Pertussis booster (Tdap) — One dose, must be received at or after 10 years of age, unless the last Diphtheria/Tetanus containing vaccine was given less than five years ago. Beginning SY 2008-2009, the requirement for Tdap will be phased in by grade. (See **Primary Review Table**.)

(3) Interrupted series: If there is a lapse of time between doses longer than that recommended by the standard described in OAR 333-050-0120, the schedule should not be restarted. Immunization may resume with the next dose in the series.

(4) Partial doses: Because the efficacy of immunizing with partial doses of the vaccines listed in this rule is not known, this procedure does not satisfy the requirements of these rules.

(5) The Public Health Director or designee shall have the right to suspend temporarily any portion of these requirements due to unforeseen circumstances. The Division shall give notice in writing to all local health departments when the suspension takes effect. Additional written notice shall be given to all local health departments when the suspension is lifted. Local health departments will notify schools and facilities of any temporary suspensions that affect their procedures under these rules. Any waived vaccine doses will be required at the next review cycle following the lifting of the suspension.

(6) The local public health officer, after consultation with the Division, may allow a child to attend a school or facility without meeting the minimum immunization requirements in case of temporary local vaccine shortage.

(a) The local health department shall provide a letter signed by the local health officer to the parent of the affected student detailing which vaccines the student is being exempted from. The letter must state that the student will receive an Exclusion Order if the student's record is not updated with the missing doses prior to the next exclusion cycle.

(b) A copy of the letter must be attached to the student's Certificate of Immunization Status on file at the school or facility.

(c) A photocopied form letter signed by the local health officer may be used by the local health department when the shortage is expected to affect more than one child.

(d) If the vaccine is still unavailable at the next exclusion cycle, the local health department, with the agreement of the Division, will not issue Exclusion Orders for the unavailable vaccine.

(7) Medical or immunity exemptions from immunization requirements are allowed as follows:

(a) The following immunity exemptions satisfy the immunization requirements for the specified vaccines:

(A) Exemption for Measles, Mumps or Rubella vaccination due to a disease history may be certified by a physician or an authorized representative of the local health department for a child who has immunity based on a health care practitioner's diagnosis;

(B) Exemption for Measles, Mumps or Rubella vaccination due to a documented immune titer may be certified by a physician or an authorized representative of the local health department;

(C) Exemption for Hib conjugate vaccination may be certified by a physician or authorized representative of the local health department for a child who experienced invasive *Haemophilus influenzae Type b* disease at 24 months of age or older;

(D) Exemption for Varicella vaccine may be signed by the parent for history of varicella. The date of the disease is not required. This exemption will be automatically authorized by the local health department;

(E) Exemption for Hepatitis B vaccination based on laboratory confirmation of immunity or confirmation of carrier status may be certified by a physician or authorized representative of the local health department; and

(F) Exemption for Hepatitis A vaccination based on laboratory confirmation of immunity may be certified by a physician or authorized representative of the local health department.

(b) Children possessing the following medical exemptions are susceptible to the diseases for which they are exempt from vaccination:

(A) Exemption for measles, mumps, rubella or varicella vaccination may be certified by a physician or an authorized representative of the local health department for a post-pubertal female when it is believed that there is a significant risk of her being or becoming pregnant within one month; and

(B) Exemption for one or more immunizations shall be established by a diagnosis based on a specific medical contraindication certified in a letter

ADMINISTRATIVE RULES

from the physician or an authorized representative of the local health department. The vaccines, medical diagnosis, practitioner's name, address and phone number must be documented and attached to the record.

(c) Exemptions submitted to the school or facility must be in English.

(8) A child may attend a school or facility under ORS 433.267(1) if the child is incomplete but up-to-date and remains up-to-date and in compliance with immunization schedules for spacing between doses presented in OAR 333-050-0120.

(9) If evidence is presented to the local health department that an Exclusion Order was issued in error because a vaccine was given within the four-day grace period recommended by the Advisory Committee on Immunization Practices as published in the General Recommendations on Immunization, the local health department shall rescind the Exclusion Order. The local health department shall notify the child's school or facility when an Exclusion Order is rescinded.

(10) In situations where a child's vaccine history presents an unusual problem not covered by these rules, the local health department may use its judgment to make a final determination of the child's immunization status.

(11) Religious exemption from immunization requirement is allowed for one or more of the vaccines. Parents must select which vaccines a child is being exempted from by checking the appropriate boxes on the Certificate of Immunization Status.

(12) A child may not be excluded from school until kindergarten for not having the fifth dose of Diphtheria/Tetanus/Pertussis containing vaccine, fourth dose of Polio vaccine or second dose of Measles vaccine.

(13) A child may not be excluded from school until seventh grade for not having Tdap vaccine.

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

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 10-1991, f. & cert. ef. 7-23-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 16-1997, f. & cert. ef. 12-3-97; OHD 12-2000, f. & cert. ef. 12-26-00; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0035; OHD 26-2001, f. & cert. ef. 12-4-01; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 1-2006, f. & cert. ef. 1-27-06; PH 12-2007, f. & cert. ef. 9-27-07

333-050-0060

Primary Review of Records

(1) At least annually the administrator will conduct a primary review of each child's record to determine the appropriate category of each child. This review shall be completed no later than five weeks (35 days) prior to the third Wednesday in February unless otherwise approved in writing first by the local health department and then by the Division.

(2) The administrator shall categorize all children as follows:

(a) "Complete": This category applies to any child whose record indicates that the child is fully immunized or has an immunity exemption as specified by OAR 333-050-0050(2) or (7)(a);

(b) "Up-to-Date": This category applies to any child whose record indicates that the child is not complete and the child does not currently need any doses based on the immunization schedule for spacing of doses, as prescribed in OAR 333-050-0120;

(c) "Religious Exemption": This category applies to any child whose incomplete immunizations are covered by a religious exemption;

(d) "Medical Exemption": This category applies to any child who is susceptible because of a Medical Exemption Statement on file as specified by OAR 333-050-0050(7)(b);

(e) "Incomplete Immunizations": This category applies to any child whose record indicates that the child is not fully immunized as specified in OAR 333-050-0050(2). This category only includes a child whose record indicates that the child is past due on immunizations on or before the date the Primary Review Summary form is due at the local health department;

(f) "Insufficient Information": This category applies to any child whose record does not have enough information to make a proper determination about the child's immunization status, including unsigned records, vaccine dates before day of birth, dates out of sequence, missing doses in the middle of a vaccine series, more than two doses of a vaccine series given in the same month, dates before vaccine licensure and religious exemptions signed by the parent and dated August 2008 or after where no vaccines are specified. This category does not apply to signed but undated records;

(g) "No Record": This category applies to any child with no record on file at the school or facility.

(h) "Children not to be counted": School age children also attending a facility should be counted by the school. Children enrolled in a school but physically attending another school should be counted by the school they physically attend. Children attending a preschool or Head Start program

and another facility should be counted by the preschool or Head Start program. Children physically attending more than one child care facility or school should be counted by the facility or school where they attend the most hours.

(3) Five weeks (35 days) prior to the third Wednesday in February, unless otherwise approved in writing first, by the local health department and then by the Division, the administrator shall provide to the local health department for secondary review:

(a) Organized alphabetically within category, copies of records or a computer printout of the records for all children with incomplete immunizations or insufficient information;

(b) Copies of records of children with a medical exemption, except those records which:

(A) Are specified in OAR 333-050-0050(7)(a)(D); or

(B) Have been certified by the local health department as having a permanent medical or immunity exemption and are otherwise complete with no further review required.

(c) A completed Primary Review Summary form, which includes an alphabetical list for each category, including children with no record. The report must include each child's name, current grade level, parent names and current mailing address. A computer-generated list from a system currently approved by the Division may be submitted in lieu of the Primary Review Summary form.

(4) The administrator shall review the completed Primary Review Summary form for mathematical accuracy and correct any errors before forwarding the completed Primary Review Summary form to the local health department.

(5) All copies of records provided to the local health department for secondary review must contain at least the following: The child's name; date of birth; current grade level; parent names and current mailing address; and evidence of immunization or exemption. A copy of the records or a computer printout of the records must be used in place of the original record.

(a) Computer printouts and the results from computer-generated immunization assessments (computer outputs) must have the prior approval of the Division. To receive approval to be used for the primary review report in January, computer printouts and computer outputs must be received by the Division no later than the last working day of November in the year prior to the year in which the primary review reports are due.

(b) The Division will review computer printouts and computer outputs for essential data elements, the sequence of data elements, and specific test results as calculated by the computerized system.

(c) Provisional approval will be given to a computer tracking system after correct assessment has been confirmed for test data and essential data elements in required reports. Computer tracking systems with provisional approval will be reviewed after use during the annual review and exclusion cycle. Final approval will be given after any programming errors identified during the cycle have been corrected by the tracking system and additional reports have been approved by the Division.

(d) The Division also reserves the right to withdraw computer system approval.

(e) When ORS 433.235 through 433.284 and/or these rules are amended, computer systems must be updated within 120 days. The Division will then allow 60 days for review, needed changes and final approval. Computer outputs that are not in compliance will not be authorized for use during the annual review and exclusion cycle.

(6) Additional review cycles for incomplete or insufficient records with specific time-frames are allowable if:

(a) Mutually agreed upon by the affected local health department and school or facility.

(b) Additional exclusion cycles may be required at the direction of the local health department or the Division. Exclusion dates shall be no less than 14 days from the date that the Exclusion Orders are mailed.

(7) It is the responsibility of the administrator to see that primary review of immunization records is accomplished according to these rules. All or part of the actual review may be delegated by mutual agreement of parties affected to a third party subject to this requirement.

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 16-1997, f. & cert. ef. 12-3-97; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0040; OHD 26-2001, f. & cert. ef. 12-4-01; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 1-2006, f. & cert. ef. 1-27-06; PH 12-2007, f. & cert. ef. 9-27-07

ADMINISTRATIVE RULES

333-050-0070

Secondary Review of Records

(1) The local health department shall conduct a secondary review of those records received from the administrator. The review shall begin five weeks (35 days) prior to the third Wednesday in February, unless otherwise approved by the Division.

(2) In conducting secondary review of the records, the local health department shall review the Primary Review Summary for mathematical accuracy. Any errors should be corrected by contacting the affected school or facility. The local health department shall review each child's record that was received for appropriate medical or religious exemptions and then use the **Primary Review Table** to determine each child's current immunization status for each of the required vaccines, i.e., complete, incomplete but up-to-date, or incomplete and not up-to-date.

(3) The local health department shall indicate on the Primary Review Summary form those children whose records are judged to be:

(a) Complete;

(b) Incomplete but currently up-to-date, listing the date for the next required secondary review; or

(c) Medically exempt, and whether temporary or permanent.

(4) In the event that any of the above records are original documents, the local health department shall return such records to the administrator.

(5) The local health department shall initiate exclusion procedures for those children whose records are judged to have insufficient information, or incomplete and not up-to-date immunizations.

(6) Additional secondary review cycles with specific time frames are allowable for incomplete or insufficient records as mutually agreed upon in writing by the affected local health department and school or facility. Exclusion dates shall be no less than 14 days from the date that the Exclusion Orders were mailed.

(7) It is the responsibility of the local health department to see that secondary review of immunization records is accomplished according to these rules. All or part of the actual review may be delegated by mutual agreement of parties affected to a third party subject to this requirement.

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

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 443.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 23-1981, f. & ef. 11-17-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 22-1983, f. & ef. 11-1-83; HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 16-1997, f. & cert. ef. 12-3-97; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0045; OHD 26-2001, f. & cert. ef. 12-4-01; PH 12-2007, f. & cert. ef. 9-27-07

333-050-0080

Exclusion

(1) The local health department may use an Exclusion Order for Incomplete Immunization or Insufficient Information or an Exclusion Order for No Record depending upon the reason the child is found to be in non-compliance with ORS 433.267(1) and these rules:

(a) No later than 21 days from the date that the secondary review began, the local health department shall mail by first class mail an appropriately completed and signed order of exclusion to the parent of each child determined to be out of compliance with these rules. If a student is listed by the school as the "person responsible," the Exclusion Order will be sent to the student. In the event that the local health department has knowledge that the address of the parent provided on the Primary Review Summary form is incorrect, the local health department shall use all reasonable means to notify the parent, including inquiries to the school or facility administrator and the local Post Office to establish the appropriate mailing address and sending home from the school a copy of the Exclusion Order with the child. After all reasonable means have been exhausted, the administrator shall exclude the child on the stated exclusion date. For all orders issued, one copy of the Exclusion Order shall be sent to the administrator and the local health department shall retain one copy. The local health department shall also retain copies of the records of children to be excluded until notification from the school or facility that such children are in compliance.

(b) The local health department shall indicate on the Primary Review Summary form the status of each child whose records it reviewed and shall submit a copy of that form to the administrator along with copies of Exclusion Orders issued.

(c) The date of exclusion shall be 35 days from the date that the secondary review began. If additional exclusion cycles are conducted, the exclusion dates shall be set at no less than 14 days from the date that the Exclusion Orders are mailed.

(d) For children excluded for insufficient information and/or incomplete immunizations, compliance will be achieved by submitting to the administrator one of the statements allowed in OAR 333-050-0040(1)(d);

(e) For children excluded for no record, compliance will be achieved by submitting to the administrator evidence of immunizations which includes at least one dose of each vaccine required for that grade or age, or a medical, immunity or religious exemption.

(f) When the administrator verifies that the required information has been provided or that an appropriate medical, immunity and/or religious exemption has been provided, the child shall be in compliance with ORS 433.267(1) and these rules and qualified for school or facility attendance.

(g) On the specified date of exclusion, the administrator shall exclude from school or facility attendance all children so ordered by the local health department until the requirements specified by the local health department are verified by the administrator.

(h) The local health department shall maintain copies of immunization records of children excluded and shall maintain contact with administrators regarding the status of such children.

(2) If children whose records are not updated on the specified exclusion day arrive at their school or facility, the administrator shall make every effort to contact their parent by phone. The administrator shall place excluded children in a space away from the other children until their parent arrives to pick them up or until they are returned home by regular school district transportation.

(3) If the excluded children do not meet the requirements specified by the local health department and do not return to school within four school days, it is the responsibility of the public school administrator, as proper authority, to notify the attendance supervisor of the unexcused absence. The attendance supervisor is required to proceed as required in ORS 339.080 and 339.090.

(4) Children who have been issued an Exclusion Order are not entitled to begin or continue in attendance in any school or facility in Oregon while the Exclusion Order is still in effect. Administrators who receive, or are otherwise made aware of the records of a child from another school or facility containing an Exclusion Order, which has not been cancelled, shall notify the parents and immediately exclude the child until the requirements specified on the Exclusion Order are met and verified by the administrator.

(5) Twelve days after the mandatory February exclusion date, the administrator shall ensure: that the Primary Review Summary form returned from the local health department is updated by appropriately marking the current status of each child as specified (including children listed as having no record); that the mathematics on the Primary Review Summary form are accurate; and that a copy of the revised Primary Review Summary form is forwarded to the local health department on that day by first class mail or hand delivery. The administrator shall maintain a file copy of the updated Primary Review Summary form.

(6) The local health department shall review the updated Primary Review Summary form for mathematical accuracy. Any errors should be corrected by contacting the affected school or facility.

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 23-1981, f. & ef. 11-17-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 22-1983, f. & ef. 11-1-83; HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 16-1997, f. & cert. ef. 12-3-97; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0050; OHD 26-2001, f. & cert. ef. 12-4-01; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 1-2006, f. & cert. ef. 1-27-06; PH 12-2007, f. & cert. ef. 9-27-07

333-050-0090

Administrative Hearings for Review of Exclusion Orders

(1) Each Exclusion Order issued under OAR 333-050-0080 shall contain a notice informing the recipient of the opportunity to obtain an administrative hearing to review the order, pursuant to this rule.

(2) An administrative hearing provides a parent who believes the order to be in error the opportunity to obtain a review in person before the local health department. An administrative hearing is not for the purpose of challenging the propriety or validity of the law or rules, nor is it for the purpose of supplementing an existing record. A record may be supplemented at any time without the necessity of an administrative hearing by presentation of the required documentation, pursuant to OAR 333-050-0080(1)(d) and (e).

(3) A request for an administrative hearing shall be made in writing by the parent and must be received by the local health department no later than seven days prior to the date set for the exclusion of the child. If not, the right to a hearing shall be deemed waived, unless proof is provided by the parent that the order was not received at least 11 days prior to the date set for the exclusion of the child or that other good cause for the delay exists as determined by the local health department. A parent's request for hearing shall explain in what respect the parent believes the order to be in error. The purpose of this explanation by the parent is to identify the issues to be

ADMINISTRATIVE RULES

addressed at the hearing and to determine whether there is a possibility of resolving the matter without a hearing. If the explanation is not provided, the local health department shall request the parent to, in advance of the hearing, provide the reason. Unless the reason is provided prior to the date of exclusion, the hearing shall be deemed waived.

(4) If prior to the hearing the order of exclusion is found by the local health department to be in error, or if prior to the hearing, compliance is achieved pursuant to OAR 333-050-0080(1)(d) and (e), the Exclusion Order may be rescinded without a hearing and formal decision.

(5) The local health department shall schedule a requested hearing to commence prior to the date set for exclusion of the child from the school or facility. If it is not possible to do so, the hearing shall be scheduled to commence as soon as possible after the date set for exclusion. When a hearing is scheduled for on or after the date of exclusion, the local health department shall provide written notice to the school or facility that the exclusion of the child should be held in abeyance pending a notification of the decision following the hearing. Notification of the date, time, and place of the administrative hearing shall be provided to the parent, together with a copy of this OAR. Notice sent by first class mail will suffice.

(6) The chief administrator of the local health department or his or her designee shall be the hearing officer.

(7) The parent or the parent's authorized representative shall have the right to:

(a) Inspect in advance of the administrative hearing any documentary evidence leading to the Exclusion Order;

(b) Be represented by legal counsel;

(c) Question and confront witnesses; and

(d) Present evidence that is relevant to the issues in the hearing, either through witnesses or documentary evidence.

(8) The local health department shall present the evidence that is the basis for the Exclusion Order at the hearing.

(9) The hearing may be continued for good cause and for reasonable periods as determined by the hearing officer.

(10) The decision arrived at shall:

(a) Be based solely on the evidence presented at the hearing and such matters as the hearing officer takes judicial notice of;

(b) Be written and in a form and substance which either affirms or rescinds the Exclusion Order and which states the reasons and identifies the evidence relied upon for such affirmation or rescission; and

(c) Be maintained as a record of the local health department and a copy provided to the parent and to the administrator of the school or facility if the school or facility has been previously notified to hold the order of exclusion in abeyance pending the decision.

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 2-1982, f. & ef. 2-4-82; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; HD 16-1997, f. & cert. ef. 12-3-97; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0051; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 1-2006, f. & cert. ef. 1-27-06; PH 12-2007, f. & cert. ef. 9-27-07

333-050-0095

School/Facility Compliance

(1) In the event that a school or facility fails to comply with these rules, the local health department shall make a verbal, documented contact with the non-compliant school or facility that covers:

(a) The specific requirements of the state's immunization law and rules; and

(b) Establishes a four-working-day time frame for the school or facility administrator to comply.

(2) If the school or facility still fails to comply, the local health department shall notify the Division of the name and address of the school or facility.

(3) The local health department shall send to the Division, via mail, electronic mail or facsimile, documentation of contacts made with the non-compliant school or facility.

(4) Within six calendar days of notification by the local health department, the Division shall send a certified letter to the non-compliant school or facility that:

(a) Notifies the school or facility that it is out of compliance with the immunization law and rules;

(b) Establishes seven calendar days to comply before the matter is referred to the Attorney General's office.

(5) The Division shall send copies of the letter to the Child Care Division of the Employment Department, the Department of Education and/or the school district superintendent as appropriate.

(6) The Division shall notify the local health department of the new due date for compliance.

(7) If the school or facility does not comply by the new due date, the local health department shall notify the Division.

(8) The Division shall forward all documentation of contacts to the Attorney General's office for action.

Stat. Auth.: ORS 433.004, 433.273

Stats. Implemented: ORS 433.001, 433.004, 443.006 & 433.235 - 433.284

Hist.: OHD 26-2001, f. & cert. ef. 12-4-01; PH 12-2007, f. & cert. ef. 9-27-07

333-050-0100

Follow Up

(1) In the event that any of the records are original documents the local health department shall return such records to the administrator.

(2) The administrator shall be responsible for updating records each time the parents, health care practitioner, or an authorized representative of the local health department provides evidence of immunization and/or a medical or religious exemption on each child.

(3) When a person is diagnosed as having one of the following school or facility restrictable diseases:

(a) Diphtheria, Measles, Pertussis, Rubella, Hepatitis A, Varicella or, in children's facilities only, Polio, the local health officer (or designee) may exclude from any school or facility in his or her jurisdiction, any student and/or employee who is susceptible to that disease.

(b) More information on disease restrictions for schools and facilities can be found in OAR 333-019-0010 and 333-019-0014.

(4) The administrator shall maintain a system to track and report susceptible persons. The local health department may request that the list of susceptible persons be sorted by disease susceptibility, classroom, grade, and/or school. The administrator will provide the list within one calendar day of the local health department's request in order to facilitate appropriate disease control measures.

(5) The local health department and/or the Division may conduct school or facility record validation surveys to ensure compliance with ORS 433.235 through 433.280 and these rules.

(6) The local health department may issue Exclusion Orders as needed for compliance with these rules during the validation survey process.

(7) The Division may issue Exclusion Orders when the Division is the recognized Public Health Authority in the county.

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 6-1991, f. & cert. ef. 5-15-91; HD 9-1992, f. & cert. ef. 8-14-92; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0055; OHD 26-2001, f. & cert. ef. 12-4-01; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 1-2006, f. & cert. ef. 1-27-06; PH 12-2007, f. & cert. ef. 9-27-07

333-050-0110

Annual Reporting Requirements

(1) The local health department shall submit a County Immunization Status Report to the Division annually no later than 23 days after the third Wednesday in February.

(2) On or before the last day of March, the Division shall publicize a summary of the immunization status of children attending schools and facilities for each county.

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 443.006 & 433.235 - 433

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 23-1981, f. & ef. 11-17-81; HD 17-1982, f. & ef. 8-13-82; HD 12-1983, f. & ef. 8-1-83; HD 8-1987, f. & ef. 7-15-87; HD 6-1991, f. & cert. ef. 5-15-91; HD 16-1997, f. & cert. ef. 12-3-97; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0060; OHD 26-2001, f. & cert. ef. 12-4-01; PH 12-2007, f. & cert. ef. 9-27-07

333-050-0120

Immunizations Schedules for Spacing of Doses

See **Primary Review Table** for the judgment of compliance or non-compliance with the required immunizations.

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

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 443.006 & 433.235 - 433.284

Hist.: HD 21-1981, f. & ef. 10-21-81; HD 17-1982, f. & ef. 8-13-82; HD 22-1983, f. & ef. 11-1-83; HD 15-1986, f. & ef. 7-15-86; HD 4-1990(Temp), f. & cert. ef. 1-11-90; HD 10-1991, f. & cert. ef. 7-23-91; HD 12-1991(Temp), f. & cert. ef. 8-26-91, cert. ef. 9-3-91; HD 16-1997, f. & cert. ef. 12-3-97; OHD 8-1998, f. & cert. ef. 9-10-98; OHD 12-2000, f. & cert. ef. 12-26-00; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0070; PH 12-2007, f. & cert. ef. 9-27-07

333-050-0130

Second Dose Measles in Post Secondary Educational Institution

(1) The Division shall require each post-secondary educational institution, except a community college and a private, proprietary vocational

ADMINISTRATIVE RULES

school, to require that each entering full-time student born on or after January 1, 1957, has two doses of measles vaccine prior to the student's second quarter or semester of enrollment on an Oregon campus, using procedures developed by the institution.

(2) Beginning September 1, 2007, for students subject to subsection (1) of this rule who are attending the institution pursuant to a non-immigrant visa, documentation of measles vaccination must be provided prior to the student attending classes. If the student's first dose of measles vaccine was received less than 30 days prior to attendance, the student has until the beginning of the second term or semester to provide documentation of the second dose.

(3) The following records may be accepted as adequate proof of two doses of measles vaccine:

(a) Two doses (written documentation by student, health care practitioner, or an authorized representative of the local health department of the month and year of each dose) on or after the first birthday, with a minimum of 28 days between the first and second dose; or

(b) No available month and year for the first dose but written documentation by student, health care practitioner, or an authorized representative of the local health department of the month and year of the second dose in or after December, 1989.

(4) Each post-secondary educational institution under the jurisdiction of the law shall include a medical or immunity exemption and religious exemption.

(5) Each post-secondary educational institution under the jurisdiction of the law shall develop procedures to implement and maintain this requirement.

(6) The Division may conduct validation surveys to ensure compliance.

(7) The Public Health Director or designee shall have the right to suspend temporarily any portion of these requirements due to unforeseen circumstances. The Division will notify in writing affected educational institutions. The notification will include the details of the suspension, not limited to: the suspended requirements, the anticipated duration of the suspension and policies to be implemented during the suspension.

(8) The local public health officer, after consultation with the Division, may allow a student to attend an educational institution without meeting the minimum immunization requirements in case of temporary local vaccine shortage.

(a) The local health department shall provide a letter signed by the local health officer to the affected student stating that the vaccine requirement is being postponed. The letter must give guidance to the school about when vaccine is expected to be available.

(b) A photocopied form letter signed by the local health officer may be used by the local health department when the shortage is expected to affect more than one student.

Stat. Auth.: ORS 433.004, 433.273 & 433.282
Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284
Hist.: HD 9-1992, f. & cert. ef. 8-14-92; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0080; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 1-2006, f. & cert. ef. 1-27-06; PH 12-2007, f. & cert. ef. 9-27-07

333-050-0140

Second Dose Measles in Community Colleges

(1) The Division shall require each community college to require that students involved in clinical experiences in allied health programs, practicum experiences in education and child care programs and membership on intercollegiate sports teams have two doses of measles vaccine prior to each student's participation. The requirement shall apply only to those students born on or after January 1, 1957, using procedures developed by the institutions.

(2) The following records may be accepted as adequate proof of two doses of measles vaccine:

(a) Two doses (written documentation by student, health care practitioner, or an authorized representative of the local health department of the month and year of each dose) on or after the first birthday, with a minimum of 28 days between first dose and second dose; or

(b) No available month and year for the first dose but written documentation by student, health care practitioner, or an authorized representative of the local health department of the month and year of the second dose in or after December, 1989.

(3) Each community college under the jurisdiction of the law shall include a medical or immunity exemption and religious exemption.

(4) Each community college shall develop procedures to implement and maintain this requirement.

(5) The Division may conduct validation surveys to ensure compliance.

(6) The Public Health Director or designee shall have the right to suspend temporarily any portion of these requirements due to unforeseen circumstances. The Division will notify in writing affected educational institutions. The notification will include the details of the suspension, not limited to: the suspended requirements, the anticipated duration of the suspension and policies to be implemented during the suspension.

(7) The local public health officer, after consultation with the Division, may allow a student to attend an educational institution without meeting the minimum immunization requirements in case of temporary local vaccine shortage.

(a) The local health department shall provide a letter signed by the local health officer to the affected student stating that the vaccine requirement is being postponed. The letter must give guidance to the school about when vaccine is expected to be available.

(b) A photocopied form letter signed by the local health officer may be used by the local health department when the shortage is expected to affect more than one student.

Stat. Auth.: ORS 433.004, 433.273 & 433.283
Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284
Hist.: HD 9-1992, f. & cert. ef. 8-14-92; OHD 14-2001, f. & cert. ef. 7-12-01, Renumbered from 333-019-0090; OHD 21-2002, f. & cert. ef. 12-13-02; PH 35-2004(Temp), f. & cert. ef. 11-10-04 thru 5-6-05; PH 2-2005, f. & cert. ef. 2-3-05; PH 12-2007, f. & cert. ef. 9-27-07

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

Rule Caption: State Plan Personal Care Services.

Adm. Order No.: SPD 16-2007

Filed with Sec. of State: 10-4-2007

Certified to be Effective: 10-5-07

Notice Publication Date: 9-1-07

Rules Amended: 411-034-0000, 411-034-0010, 411-034-0020, 411-034-0030, 411-034-0035, 411-034-0040, 411-034-0050, 411-034-0055, 411-034-0070, 411-034-0090

Subject: The Department of Human Services, Seniors and People with Disabilities Division is permanently amending the State Plan Personal Care Services rules in chapter 411, division 034 to clarify the scope of services, eligibility, payment limitations, employment relationship and the responsibilities of eligible individuals, qualified providers (including Personal Care Attendants), Case Managers, and Contract Registered Nurses.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-034-0000

Purpose

(1) These rules in chapter 411, division 034 are established to ensure State Plan Personal Care services will support and augment independence, empowerment, dignity, and human potential through provision of flexible, efficient, and suitable services to eligible individuals. State Plan Personal Care services are intended to supplement the individual's own personal abilities and resources.

(2) Medicaid State Plan Services are health care benefits defined by the state. Certain services are required by the Centers for Medicare and Medicaid Services (CMS) to be included in the state plan and others are optional services selected by states from a menu of options. Each state determines what medical services will be covered. Personal Care is one of the optional services that Oregon selected for its Medicaid State Plan.

Stat. Auth.: ORS 409.010, 410.020 & 410.070
Stats. Implemented: ORS 410.020, 410.070 & 410.710
Hist.: SSD 2-1996, f. 3-13-96, cert. ef. 3-15-96; SPD 35-2004, f. 11-30-04, cert. ef. 12-1-04; SPD 16-2007, f. 10-4-07, cert. ef. 10-5-07

411-034-0010

Definitions

As used in these rules, unless the context demands otherwise, the following definitions apply:

(1) "Assistance" means the individual requires help from another person with Personal Assistance Services or Supportive Services as described in OAR 411-034-0020. This help may include cueing, monitoring, reassurance, redirection, set-up, hands-on or standby assistance as defined in OAR 411-015-0005(5). It may also require verbal reminding to complete one of the tasks described in OAR 411-034-0020.

ADMINISTRATIVE RULES

(2) "Assistive Devices" means any category of durable medical equipment, mechanical apparatus, electrical appliance or instrument of technology used to assist and enhance an individual's independence in performing any task described in OAR 411-034-0020. Assistive devices include the use of service animals, general household items or furniture to assist the individual.

(3) "Case Management" means those functions, performed by a Case Manager or Service Coordinator including determining service eligibility, developing a plan of authorized services and monitoring the effectiveness of Personal Assistance and Supportive Services to the individual.

(4) "Case Manager" or "Service Coordinator" means a Department employee or an employee of a designee who is responsible for service eligibility, assessment, planning, service authorization and implementation, and evaluation of the effectiveness of the State Plan Personal Care services.

(5) "Contracted In-Home Care Agency" means an entity (described in OAR chapter 333, division 536) that contracts with the Seniors and People with Disabilities Division to provide personal care services to individuals served by the Department under Title XIX.

(6) "Cost Effective" means being responsible and accountable with Department resources. This is accomplished by offering less costly alternatives when providing choices that adequately meet an individual's service needs. Those choices may include other programs available from the Department, the utilization of assistive devices, natural supports, architectural modifications and alternative service resources (defined in OAR 411-015-0005). Less costly alternatives may include resources not paid for by the Department.

(7) "Delegated Nursing Task" means a task, normally requiring the education and license of a Registered Nurse (RN) and within the RN scope of practice to perform, that an RN authorizes an unlicensed person (defined in OAR 851-047-0010) to provide in selected situations. In accordance with OAR 851-047-0000, 851-047-0010 and 851-047-0030, the delegation of a nursing task is a written authorization that includes RN assessment of the specific eligible individual, evaluation of the unlicensed person's ability to perform a specific task, teaching the task, and supervision and re-evaluation of the individual and the unlicensed person at regular intervals.

(8) "Department" means the Department of Human Services.

(9) "Designee" means any organization with which the Department contracts or has an interagency agreement.

(10) "Division" means the following divisions or contractors with the Department of Human Services:

(a) Addictions and Mental Health Division (AMHD);

(b) Seniors and People with Disabilities Division (SPD) and its subdivision, Developmental Disabilities Services;

(c) Area Agencies on Aging (AAA); and

(d) Children, Adults and Families Division (CAF) and its subdivision Self-Sufficiency Programs (SSP).

(11) "Fiscal Improprieties" means the Personal Care Attendant committed financial misconduct involving the individual's money, property or benefits. Improprieties include, but are not limited to, financial exploitation, borrowing money from the individual, taking the individual's property or money, having the individual purchase items for the provider, forging the individual's signature, falsifying payment records, claiming payment for hours not worked, or similar acts intentionally committed for financial gain.

(12) "Homecare Worker" means a provider as described in OAR 411-031-0040, that provides either hourly or live-in services to eligible individuals and is employed by the individual. The term includes client-employed providers that provide State Plan Personal Care services to seniors and people with physical disabilities. The term does not include Personal Care Attendants enrolled through Developmental Disability Services or the Addictions and Mental Health Division.

(13) "Individual" means the person applying or determined eligible for State Plan Personal Care services through the Department.

(14) "Lacks the Skills, Knowledge and Ability to Adequately or Safely Perform the Required Work" means the Personal Care Attendant does not possess the skills to perform services needed by individuals served by the Department. The Personal Care Attendant may not be physically, mentally or emotionally capable of providing services to persons with developmental disabilities or mental or emotional disorders. Their lack of skills may put individuals at risk, because they fail to perform, or learn to perform, their duties adequately to meet the needs of the individual.

(15) "Legally Responsible Relative" means the parent or step-parent of an eligible minor child, a spouse, or other family member who has legal

custody or legal guardianship according to ORS 125.005, 125.300, 125.315 and 125.320.

(16) "Natural Supports" or "Natural Support System" means the resources available to an individual from their relatives, friends, significant others, neighbors, roommates and the community. Services provided by natural supports are resources not paid for by the Department.

(17) "Ostomy" as used in these rules, means assistance that an individual needs with a colostomy, urostomy or ileostomy tube or opening used for elimination.

(18) "Personal Assistance Services" means those functional activities described in OAR 411-034-0020 consisting of mobility, transfers, repositioning, basic personal hygiene, toileting, bowel and bladder care, nutrition, medication and oxygen management, and delegated nursing tasks that an individual requires for continued well-being.

(19) "Personal Care Attendant" means a provider who is enrolled through the Department with an individual Medicaid provider number to provide State Plan Personal Care services, as described in these rules, to individuals served by Developmental Disabilities Services and the Addictions and Mental Health Division.

(20) "Provider" or "Qualified Provider" means the individual who actually performs the State Plan Personal Care services and meets the description cited in OAR 411-034-0050.

(21) "Provider Enrollment" means the authorization to work as a provider employed by the eligible individual, for the purpose of receiving payment for services authorized by the Department. Provider enrollment includes the issuance of a Medicaid provider number.

(22) "Service Need" means the assistance with Personal Assistance Services and Supportive Services that an individual requires from another person.

(23) "Service Plan" or "Service Authorization" means the written plan of care for the individual that identifies:

(a) The qualified provider who will deliver the authorized services;

(b) The date when the provision of services will begin; and

(c) The maximum monthly hours of Personal Assistance Services and Supportive Services authorized by the Case Manager or designee.

(24) "State Plan Personal Care Services" means the assistance provided with Personal Assistance Services and Supportive Services as described in OAR 411-034-0020.

(25) "Sub-Acute Care Facility" means a care center or facility that provides short-term rehabilitation and complex medical services to a patient with a condition that prevents the patient from being discharged home yet the patient does not require acute hospital care.

(26) "These rules" means the Oregon Administrative Rules in chapter 411, division 034.

Stat. Auth.: ORS 410.020 & 410.070

Stats. Implemented: ORS 410.020, 410.070, 410.710 & 411.675

Hist.: SSD 2-1996, f. 3-13-96, cert. ef. 3-15-96; SPD 35-2004, f. 11-30-04, cert. ef. 12-1-04;

SPD 16-2007, f. 10-4-07, cert. ef. 10-5-07

411-034-0020

Scope of Services

(1) State Plan Personal Care services are essential services performed by a qualified provider, which enable an individual to move into or remain in his or her own home.

(a) Services are provided directly to the eligible individual, and are not meant to provide respite or other services to the individual's support system. Services will not be implemented for the purpose of benefiting other family members or the household in general.

(b) The extent of the services may vary, but the number of hours is limited to a maximum of 20 hours of services per month per eligible individual.

(2) Personal Assistance Services include:

(a) Basic personal hygiene — providing or assisting a person with such needs as bathing (tub, bed bath, shower), washing hair, grooming, shaving, nail care, foot care, dressing, skin care, mouth care and oral hygiene;

(b) Toileting, bowel and bladder care — assisting to and from bathroom, on and off toilet, commode, bedpan, urinal or other assistive device used for toileting, changing incontinence supplies, following a toileting schedule, cleansing the individual or adjusting clothing related to toileting, emptying catheter drainage bag or assistive device, ostomy care, or bowel care;

(c) Mobility, transfers, repositioning — assisting the individual with ambulation or transfers with or without assistive devices, turning the individual or adjusting padding for physical comfort or pressure relief, or encouraging or assisting with range-of-motion exercises;

ADMINISTRATIVE RULES

(d) Nutrition — preparing meals and special diets, assisting with adequate fluid intake or adequate nutrition, assisting with food intake (feeding), monitoring to prevent choking or aspiration, assisting with special utensils, cutting food, and placing food, dishes and utensils within reach for eating;

(e) Medication and Oxygen Management — assisting with ordering, organizing and administering oxygen or prescribed medications (including pills, drops, ointments, creams, injections, inhalers and suppositories), monitoring for choking while taking medications, assisting with the administration of oxygen, maintaining clean oxygen equipment, and monitoring for adequate oxygen supply;

(f) Delegated Nursing Tasks as defined in OAR 411-034-0010(7).

(3) When any of the services listed in section (2)(a) to (f) of this rule are essential to the health, safety and welfare of the individual and that individual is receiving a Personal Assistance Service paid by the Department, the following Supportive Services may also be provided:

(a) Housekeeping tasks necessary to maintain the eligible individual in a healthy and safe environment, including cleaning surfaces and floors, making the individual's bed, cleaning dishes, taking out the garbage, dusting, and gathering and washing soiled clothing and linens. Only the housekeeping activities related to the eligible individual's needs may be considered in housekeeping;

(b) Arranging for necessary medical appointments including help scheduling appointments and arranging medical transportation services (described in OAR chapter 410, division 136), assistance with mobility, and transfers or cognition in getting to and from appointments or to an office within a medical clinic or center;

(c) Observing the individual's health status and reporting any significant changes to physicians, health care professionals or other appropriate persons;

(d) First aid and handling of emergencies, including responding to medical incidents related to conditions such as seizures, spasms or uncontrollable movements where assistance is needed by another person, or responding to an individual's call for help during an emergent situation or for unscheduled needs requiring immediate response; and

(e) Cognitive assistance or emotional support provided to an individual by another person due to confusion, dementia, behavioral symptoms, or mental or emotional disorders. This support includes helping the individual cope with change and assisting the individual with decision-making, reassurance, orientation, memory, or other cognitive symptoms.

(4) Payment will not be made for any of the following services, which are excluded under these rules:

- (a) Shopping;
- (b) Transportation;
- (c) Money management;
- (d) Mileage reimbursement;
- (e) Social companionship;
- (f) Day care, Adult Day Services (described in OAR chapter 411, division 066), respite or baby-sitting services;

(g) Home Delivered Meals (described in OAR chapter 411, division 040) funded by Medicaid and provided to individuals by an organization that holds a provider agreement with the Department. Meals prepared by Homecare Workers or Personal Care Attendants are not considered Home Delivered Meals.

(h) Care, grooming or feeding of pets or other animals; or

(i) Yard work, gardening or home repair.

Stat. Auth.: ORS 409.010, 410.020, 410.070 & 410.608

Stats. Implemented: ORS 409.010, 410.020, 410.070 & 410.608

Hist.: SSD 2-1996, f. 3-13-96, cert. ef. 3-15-96; SPD 35-2004, f. 11-30-04, cert. ef. 12-1-04; SPD 9-2005, f. & cert. ef. 7-1-05; SPD 16-2007, f. 10-4-07, cert. ef. 10-5-07

411-034-0030

Eligibility

(1) To be eligible for State Plan Personal Care services under these rules, a person must require assistance from a qualified provider with one or more of the Personal Assistance Services identified in OAR 411-034-0020(2)(a)–(2)(f). The qualified provider must be providing these services, paid by the Department in accordance with an authorized service plan.

(2) A person eligible for State Plan Personal Care services under these rules must be a current recipient of at least one of the following programs defined in OAR 461-101-0010:

- (a) Extended Medical (EXT);
- (b) Medical Assistance Assumed (MAA);
- (c) Medical Assistance to Families (MAF);
- (d) Oregon Health Plan (OHP);
- (e) Oregon Supplemental Income Program Medical (OSIPM);

(f) Temporary Assistance to Needy Families (TANF); or

(g) Refugee Assistance (REF).

(3) Individuals receiving assistance with activities of daily living (as described in OAR 411-015-0006), from a licensed residential service program (such as an adult foster home, assisted living facility, group home or residential care facility) are not eligible to receive State Plan Personal Care services under these rules.

(4) State Plan Personal Care services are not available for individuals in a prison, hospital, sub-acute care facility, nursing facility or other medical institution.

(5) The Department or its designee has the authority to close the eligibility and authorization for State Plan Personal Care services if an individual fails to employ a qualified provider or to receive Personal Assistance Services from a qualified provider paid by the Department for thirty continuous calendar days or longer.

(6) Payment for State Plan Personal Care Services is not intended to replace the resources available to an individual from their natural support system of relatives, friends, neighbors, or other community resources. An individual whose Personal Assistance Service needs are met through their natural support system will not be eligible for the State Plan Personal Care services. State Plan Personal Care services are not intended to replace routine care commonly needed by an infant or child typically provided by a parent. Additionally, they should not be used to replace other governmental services.

(7) Individuals served under the Title XIX 1915(c) Home and Community-Based Services waiver for the aged and physically disabled, or the 1115(c) Independent Choices waiver, are not eligible to receive State Plan Personal Care services.

(8) Individuals served under a Title XIX 1915(c) Home and Community-Based Services waiver for persons with mental retardation or developmental disabilities are not eligible to receive State Plan Personal Care services.

(9) Individuals receiving medical and long-term care services through the Program of All-inclusive Care for the Elderly (PACE), as described in OAR chapter 411, division 045, must not also receive State Plan Personal Care services under these rules.

Stat. Auth.: ORS 409.010, 410.020, 410.070, 410.608 & 410.710

Stats. Implemented: ORS 409.010, 410.020, 410.070, 410.608 & 410.710

Hist.: SSD 2-1996, f. 3-13-96, cert. ef. 3-15-96; SPD 35-2004, f. 11-30-04, cert. ef. 12-1-04; SPD 9-2005, f. & cert. ef. 7-1-05; SPD 16-2007, f. 10-4-07, cert. ef. 10-5-07

411-034-0035

Where Individuals Are Served

(1) Individuals eligible for or receiving mental health case management services or other services through the Addictions and Mental Health Division (AMHD) must apply for State Plan Personal Care services through the local Community Mental Health Program (described in OAR chapter 309, division 014) or agency contracted with AMHD.

(2) Individuals eligible for or receiving developmental disabilities case management services or other services through Developmental Disabilities Services must apply for State Plan Personal Care services through the local Community Developmental Disability Program (described in OAR chapter 411, division 320) or through the local support service brokerage.

(3) Individuals eligible for or receiving case management services from a Senior and People With Disabilities (SPD) or Area Agency on Aging (AAA) office serving seniors and persons with physical disabilities, must apply for State Plan Personal Care services through the local SPD or AAA office that provides Medicaid programs to seniors or persons with physical disabilities.

(4) Individuals receiving benefits through Self-Sufficiency Programs must apply for State Plan Personal Care services through the local SPD or the AAA office. SPD/AAA will be responsible for service assessment and for any planning and payment authorization for State Plan Personal Care services, if the applicant is determined eligible.

Stat. Auth.: ORS 409.010, 410.020, 410.070, 410.608 & 411.116

Stats. Implemented: ORS 410.020, 410.070, 410.608, 410.710 & 411.116

Hist.: SPD 35-2004, f. 11-30-04, cert. ef. 12-1-04; SPD 16-2007, f. 10-4-07, cert. ef. 10-5-07

411-034-0040

Employment Relationship

(1) The relationship between the eligible individual and his or her Personal Care Attendant or Homecare Worker is that of employer and employee.

(a) The eligible individual carries primary responsibility for locating, interviewing, screening, hiring, scheduling work periods, training and ter-

ADMINISTRATIVE RULES

minating his or her own employees. The individual is also responsible for tracking and confirming the service hours worked by his or her employee.

(b) The eligible individual exercises control as the employer and directs the employee in the provision of the services.

(c) The Department or designee determines whether the employee meets the minimum qualifications to provide the services authorized by the Department and makes direct service payment(s) to the provider on behalf of the individual.

(2) In order to receive State Plan Personal Care services from a Personal Care Attendant or Homecare Worker, the individual must be able to:

(a) Meet the employer responsibilities described in section (1)(a) of this rule; or

(b) Designate a natural support as the individual's representative to meet these employer responsibilities.

(3) Termination and the grounds for termination of employment are determined by the employer. Eligible individuals have the right to terminate their employment relationships with their providers at any time and for any reason. It is the responsibility of the employer to establish an employment agreement at the time of hire. The employment agreement may include grounds for dismissal and any requirements for the employee to provide advance notice before resigning.

Stat. Auth.: ORS 410.020, 410.070, 410.608, 410.710 & 411.590

Stats. Implemented: ORS 410.020, 410.070, 410.608, 410.710 & 411.590

Hist.: SPD 35-2004, f. 11-30-04, cert. ef. 12-1-04; SPD 16-2007, f. 10-4-07, cert. ef. 10-5-07

411-034-0050

Qualified Provider

(1) A qualified provider is a person who, in the judgment of the Department or its designee, can demonstrate by background, skills and abilities the capability to safely and adequately provide the services authorized.

(2) A qualified provider must maintain a drug-free work place and must be approved through the criminal history check process described in OAR chapter 407, division 007.

(3) A qualified provider paid by the Department must not be the parent, or step-parent of an eligible minor child, the eligible individual's spouse or another legally responsible relative.

(4) A qualified provider must be authorized to work in the United States, in accordance with U.S. Department of Homeland Security, Bureau of Citizenship and Immigration rules.

(5) A qualified provider must be 18 years of age or older. A Homecare Worker enrolled in the Client-Employed Provider Program who is at least sixteen years of age may be approved for limited enrollment as a qualified provider, as described in OAR 411-031-0040(8)(d).

(6) A qualified provider may be employed through a Contracted In-Home Care Agency or enrolled as a Homecare Worker or Personal Care Attendant under an individual provider number. Rates for these services are established by the Department.

(7) Homecare Workers enrolled in the Client-Employed Provider Program providing State Plan Personal Care services must meet all of the standards in OAR chapter 411, division 031.

(8) Criminal History Re-checks:

(a) Criminal history re-checks may be conducted at the discretion of the Department or designee, in accordance with OAR chapter 407, division 007.

(b) Providers must comply with criminal history re-checks by completing a new criminal history authorization form when requested to do so by the Department.

(c) The provider's failure to complete a new criminal history check authorization will result in the inactivation of the provider enrollment. Once inactivated, a provider must reapply and meet all of the standards described in this rule to have their provider enrollment reactivated.

Stat. Auth.: ORS 409.010, 410.020, 410.070 & 410.608

Stats. Implemented: ORS 409.010, 410.020, 410.070 & 410.608

Hist.: SSD 2-1996, f. 3-13-96, cert. ef. 3-15-96; SPD 35-2004, f. 11-30-04, cert. ef. 12-1-04; SPD 16-2007, f. 10-4-07, cert. ef. 10-5-07

411-034-0055

Personal Care Attendant Enrollment Standards

(1) The Department, Division or designee may deny or terminate a Personal Care Attendant's provider enrollment and provider number if the Personal Care Attendant:

(a) Has been appointed the legal guardian of the individual;

(b) Is denied as the result of a weighing test performed as part of the criminal history check process described in OAR chapter 407, division 007;

(c) Lacks the skills, knowledge, or ability to adequately or safely perform the required work;

(d) Violates protective service and abuse rules in OAR chapter 411, division 020, or OAR chapter 413, division 015 or OAR chapter 407, division 045;

(e) Commits fiscal improprieties;

(f) Fails to provide the authorized services required by the eligible individual;

(g) Has been repeatedly late in arriving to work or has absences from work not authorized in advance by the individual;

(h) Has been intoxicated by alcohol or drugs while providing authorized services to the individual or while in the individual's home;

(i) Has manufactured or distributed drugs while providing authorized services to the individual or while in the individual's home; or

(j) Has been excluded as a provider by the U.S. Department of Health and Human Services, Office of Inspector General, from participation in Medicaid, Medicare or any other federal health care programs.

(2) A Personal Care Attendant may appeal in writing to the Division Administrator for the State Plan Personal Care Program to contest the Division's or designee's decision to terminate the Personal Care Attendant's provider enrollment and provider number.

(a) The Administrator, or a designated Division employee, will review the termination and notify the Personal Care Attendant of his or her decision.

(b) The Department will not refer the appeal to the Office of Administrative Hearings (described in OAR chapter 137, division 003).

Stat. Auth.: ORS 409.010, 410.020, 410.070, & 411.675

Stats. Implemented: ORS 409.010, 410.020, 410.070, & 411.675

Hist.: SPD 35-2004, f. 11-30-04, cert. ef. 12-1-04; SPD 9-2005, f. & cert. ef. 7-1-05; SPD 16-2007, f. 10-4-07, cert. ef. 10-5-07

411-034-0070

Service Assessment, Authorization, and Monitoring

(1) Case Manager Responsibilities:

(a) Assessment and Re-Assessment:

(A) The Case Manager or designated person will meet in person with the individual to assess the individual's ability to perform the tasks listed in OAR 411-034-0020.

(B) The individual's natural supports may participate in the assessment if requested by the individual.

(C) The Case Manager will assess the individual's service needs, identify the resources meeting any, some or all of the person's needs, and determine if the individual is currently eligible for State Plan Personal Care or other services.

(D) The Case Manager will meet with the individual in person at least once every 365 days to review the individual's service needs.

(b) Service Planning:

(A) The Case Manager will prepare a service plan identifying those tasks for which the individual requires assistance and the monthly number of authorized hours of service. The Case Manager will document the natural supports that currently meet some or all of those assistance needs.

(B) The service plan will describe the tasks to be performed by the qualified provider and will authorize the maximum monthly hours that can be reimbursed for those services.

(C) When developing service plans, Case Managers will consider the cost effectiveness of services that adequately meet the individual's service needs.

(D) Payment for State Plan Personal Care services must be prior authorized by the Case Manager based on the service needs of the individual as documented in the written service plan.

(c) Ongoing Monitoring and Authorization:

(A) When there is an indication that the individual's Personal Assistance Service needs have changed, the Case Manager will conduct a re-assessment in person with the individual (and any natural supports if requested by the individual).

(B) Following annual re-assessments and those conducted after a change in Personal Assistance Service needs, the Case Manager will review service eligibility, the cost effectiveness of the service plan and whether the services provided are meeting the identified service needs of the individual. The Case Manager may adjust the hours or services in the plan and will authorize a new service plan, if appropriate, based on the individual's current service needs.

(d) Ongoing Case Management: The Case Manager will provide ongoing coordination of State Plan Personal Care services, including authorizing changes in service providers and service hours, addressing risks, and providing information and referral to the individual when indicated.

ADMINISTRATIVE RULES

(e) Contract Registered Nurse Referral: A Contract Registered Nurse (RN) is a licensed, registered nurse who has been approved under a contract or provider agreement with Seniors and People with Disabilities Division to provide nursing assessment for indicators identified in section (1)(f)(A) of this rule and may provide on-going nursing services as identified in section (1)(f)(B) of this rule to certain individuals served by the Division. Individuals served by the Contract RN Program are primarily seniors and people with physical disabilities.

(f) The Case Manager may refer a Contract RN where available, for nursing assessment and monitoring when it appears the individual needs assistance to manage health care needs and may need delegated nursing tasks, nurse assessment and consultation, teaching, or services requiring RN monitoring.

(A) Indicators of the need for Contract RN assessment and monitoring include:

- (i) Complex health problem or multiple diagnoses resulting in the need for assistance with health care coordination;
- (ii) Medical instability, as demonstrated by frequent emergency care, physician visits or hospitalizations;
- (iii) Behavioral symptoms or changes in behavior or cognition;
- (iv) Nutrition, weight, or dehydration issues;
- (v) Skin breakdown or risk for skin breakdown;
- (vi) Pain issues;
- (vii) Medication safety issues or concerns;
- (viii) A history of recent, frequent falls; or
- (ix) The service provider would benefit from teaching or training about the health support needs of the eligible individual.

(B) Following the completion of an initial nursing assessment in the individual's home by the Contract RN, the provision of ongoing Contract RN services may be prior-authorized by the Case Manager and may include:

- (i) Ongoing health monitoring and teaching for an eligible individual specific to the identified needs;
- (ii) Medication education for an eligible individual and provider;
- (iii) Instructing or training a provider or natural support to address an eligible individual's health needs;
- (iv) Consultation with other health care professionals serving the eligible individual and advocating for the individual's medical and restorative needs in a non-facility setting; or
- (v) Delegation of nursing tasks defined in OAR 411-034-0010 to a non-family provider.

(2) Contract RN Services:

(a) Assessment: A Contract Registered Nurse that accepts a referral from a Case Manager will assess the individual for health care needs, including the indicators identified in section (1)(d)(A) of this rule, in the individual's home.

(b) Nursing Plan of Care:

(A) The nursing plan of care developed by the Contract RN must comply with the Oregon State Board of Nursing Oregon Administrative Rules in chapter 851, divisions 045 and 047.

(B) The nursing plan of care developed by the Contract RN must be a written plan and must indicate the interventions needed, the expected outcomes of care and the plan for any follow-up nursing visits based on the individual's identified needs.

(C) The frequency of review will be based on the individual's needs, but the plan will be reviewed and approved by the Case Manager at least every 180 days. Any additional Contract RN services suggested by the review must be prior authorized by the Case Manager.

Stat. Auth.: ORS 409.010, 410.020, 410.070, 410.608 & 410.710
Stats. Implemented: ORS 409.010, 410.020, 410.070, 410.608 & 410.710
Hist.: SSD 2-1996, f. 3-13-96, cert. ef. 3-15-96; SPD 35-2004, f. 11-30-04, cert. ef. 12-1-04; SPD 9-2005, f. & cert. ef. 7-1-05; SPD 16-2007, f. 10-4-07, cert. ef. 10-5-07

411-034-0090

Payment Limitations

(1) The number of service hours authorized for each individual per calendar month will be based on projected amounts of time to perform specific assistance to the eligible individual. The total of these hours must not exceed 20 hours per individual per month. These hours are authorized in accordance with the service plan and may be scheduled throughout the month to meet the service needs of the eligible individual.

(2) The monthly maximum hours for State Plan Personal Care services described in section (1) of this rule do not include authorized Contract Registered Nurse assessment and monitoring services.

(3) The Department will not guarantee payment for services until all acceptable provider enrollment standards have been verified and both the

employer and provider have been formally notified in writing that payment by the Department is authorized.

(4) In accordance with OAR 410-120-1300, all provider claims for payment must be submitted within 12 months of the date of service.

(5) Payment cannot be claimed by the provider until the hours authorized for the payment period have been completed, as directed by the eligible individual or his or her representative.

Stat. Auth.: ORS 409.010, 410.070, 411.590 & 411.675
Stats. Implemented: ORS 410.020, 410.070, 410.710, 411.590 & 411.675
Hist.: SSD 2-1996, f. 3-13-96, cert. ef. 3-15-96; SPD 35-2004, f. 11-30-04, cert. ef. 12-1-04; SPD 16-2007, f. 10-4-07, cert. ef. 10-5-07

Department of Justice Chapter 137

Rule Caption: Amends child support rules to implement federal and state legislative changes.

Adm. Order No.: DOJ 7-2007

Filed with Sec. of State: 9-28-2007

Certified to be Effective: 10-1-07

Notice Publication Date: 8-1-07

Rules Adopted: 137-055-1800

Rules Amended: 137-050-0320, 137-050-0330, 137-050-0333, 137-050-0335, 137-050-0340, 137-050-0350, 137-050-0400, 137-050-0410, 137-050-0420, 137-050-0430, 137-050-0450, 137-050-0455, 137-050-0465, 137-050-0475, 137-050-0490, 137-055-1020, 137-055-1060, 137-055-1070, 137-055-1080, 137-055-1140, 137-055-1200, 137-055-1500, 137-055-2045, 137-055-2320, 137-055-2340, 137-055-2360, 137-055-2380, 137-055-3340, 137-055-3410, 137-055-3420, 137-055-3430, 137-055-4060, 137-055-4130, 137-055-4320, 137-055-4340, 137-055-4360, 137-055-4520, 137-055-4620, 137-055-4640, 137-055-5045, 137-055-5110, 137-055-6010, 137-055-6021, 137-055-6022, 137-055-6023, 137-055-6024, 137-055-6025, 137-055-6200

Subject: The Deficit Reduction Act of 2005 (DEFRA) mandates require amendments to OARS 137-050-0320, 137-050-0330, 137-050-0410, 137-050-0430, 137-055-1020, 137-055-1080, 137-055-3340, 137-055-3420, 137-055-3430, 137-055-4060, 137-055-4620, 137-055-4640 to incorporate the change in periodic review to a mandatory three year for parties receiving TANF; add an annual \$25 fee for non-TANF support cases; add new medical provisions terminology; add a reasonable in cost formula for medical child support provisions; and provide criteria for determining medical child support provisions when calculating child support obligations.

Federal changes in the bankruptcy code requires amendments to OARS 137-055-2320, 137-055-2340, 137-055-2360, 137-055-2380, 137-055-4320 and 137-055-4340. The amendments clarify which legal actions are not longer stayed due to bankruptcy proceedings and how the agency will proceed.

Distribution and disbursement terminology has been updated to reflect current federal requirements for Title IV-D agencies in OARS 137-055-1020, 137-055-1060, 137-055-1070, 137-055-1140, 137-055-1200, 137-055-1500, 137-055-2045, 137-055-2320, 137-055-4520, 137-055-5045, 137-055-5110, 137-055-6010, 137-055-6021, 137-055-6022, 137-055-6023, 137-055-6024, 137-055-6025.

Amendments to OAR 137-055-3410 clarify that the agency will take a new order for child support when an existing order only established paternity and did not address child support.

Amendments to OAR 137-055-4130 delete incorrect provisions in the rule when child support is assigned to the state and the obligor requests reduced income withholding and also updates the statutory authority and statutes implemented cites.

The amendment to OAR 137-055-4360 is a cite change and minor language change only.

The amendment to OAR 137-055-6200 provides correct citations to administrative rules and provides consistency between OAR 137-055-6200 and other distribution and disbursement administrative rules.

Federal law requires agencies to provide meaningful access to programs and services by Limited English Proficiency (LEP) persons

ADMINISTRATIVE RULES

and to take responsible steps to provide information in appropriate languages to those persons. The agency is adopting OAR 137-055-1800 to implement this requirement.

In addition to the DEFRA changes above, amendments to the guideline rules as a result of the Guidelines Rule Advisory Committee required four year review of the child support guidelines incorporate the committee's recommendations: OAR 137-050-0320 adds a definition for a child attending school and amends nonjoint child definition to include a child in a one parent order; OAR 137-050-0330 provides a formal method for calculating support for minor children and a child attending school; OAR 137-050-0333 clarifies that the rebuttal list is not an exhaustive list and is not limited to the rebuttals set out in the guidelines; OAR 137-050-0340 makes minor language changes and updates statutory citation; OAR

137-050-0350 updates statutory citation; OAR 137-050-0400 adds the requirement to first subtract any mandatory union dues when determining the nonjoint child credit; OAR 137-050-0420 updates terminology and provides for the inclusion of future child care costs if the costs are documentable and determinable; OARS 137-050-0450 and 137-050-0455 change the current parenting time credit to a 1.5 multiplier beginning at 25 percent parenting time and requires that parenting time be calculated by using a two consecutive year average. The rule is also being amended to allow the administrative law judge to allow a credit based on actual parenting time and clarifies that parenting time is only attributed for time with a minor child; OAR 137-050-0465 is a statutory citation change; OAR 137-050-0475 amends the federal poverty dollar amount to the 2006 figure of \$953; OAR 137-050-0490 adds statutory cite to chapter 25, updates the combined adjusted gross income amount to \$30,000 and adopts Scale B.

The amendment to OAR 137-050-0335 clarifies that changes to the guideline rules are effective for any legal action that is pending when a modification or hearing is requested after the effective date of the rule changes.

Rules Coordinator: Carol Riches—(503) 986-6240

137-050-0320

Definitions

(1) OAR 137-050-0330 through 137-050-0490 constitute the formula for determining child support awards as required by ORS 25.275. For purposes of OAR 137-050-0320 to 137-050-0490, unless the context requires otherwise, the following definitions apply:

(2) "Adjusted gross income" means modified gross income minus deductions for the nonjoint child(ren) as allowed by OAR 137-050-0400 and plus Social Security or Veterans benefits as allowed by OAR 137-050-0405.

(3) "Apportioned Veterans benefits" means the amount the Veterans Administration deducts from the veteran's award and disburses to the child or his or her representative payee. The apportionment of Veterans benefits is determined by the Veterans Administration and is governed by 38 CFR 3.450 through 3.458.

(4) Health care coverage, as defined in ORS 25.321, is appropriate when the coverage is:

- (a) Reasonable in cost, as defined in OAR 137-050-0410;
- (b) Accessible, as defined in OAR 137-050-0410; and
- (c) Comprehensive, as defined in OAR 137-050-0410.

(5) "Basic child support obligation" means the support obligation determined by applying the parent's adjusted gross income, or if there are two parents, their combined adjusted gross income, to the scale in the manner set out in OAR 137-050-0490.

(6) Cash medical support means an amount ordered to be paid toward the cost of health care coverage, including premiums, provided by a government sponsored health care program or by another parent through employment or otherwise, and copayments, deductibles and other medical expenses not covered by a health benefit plan. See also section (12) of this rule.

(7) Child attending school has the meaning given in ORS 107.108 and OAR 137-055-5110.

(8) "Gross income" means:

(a) The gross income of the parent calculated pursuant to OAR 137-050-0340 and 137-050-0350;

(b) The potential income of the parent calculated pursuant to OAR 137-050-0360 in certain cases where the parent is unemployed or employed on less than a full time basis; or

(c) A combination of gross income and potential income as calculated under subsections (a) and (b) of this section.

(9) "Joint child" means the dependent child who is the son or daughter of both parents involved in the support proceeding. In those cases where support is sought from only one parent of a child, a joint child is the child for whom support is sought.

(10) Low income adjustment means the child support scale amount appropriate for a low income obligor under the provisions of OAR 137-050-0465, determined by applying the lesser of:

(a) The parents pro rata share of the basic support obligation; or

(b) The support obligation determined by applying the parents single modified gross income to the scale in the manner set out in OAR 137-050-0490.

(11) Medical child support includes health care coverage and cash medical support and is considered child support for purposes of establishing and enforcing child support orders.

(12) Medical support has the meaning given in ORS 25.321 and for purposes of OAR 137-050-0310 through 137-050-0490, 137-055-4620 and 137-055-4640 will be known as cash medical support.

(13) Modified gross income means gross income minus any mandatory contribution to a labor organization and plus or minus court ordered spousal support as allowed by OAR 137-050-0390.

(14) "Nonjoint child" means:

(a) The legal child of one, but not both of the parents subject to this determination; or

(b) A legal child of the parent other than the child for whom support is being sought when establishing a one parent order as allowed by OAR 137-050-0490.

(c) Specifically excluded from this definition are stepchildren.

(15) Parent A" means the parent who has more than 50 percent of the overall parenting time with the joint child(ren) as calculated in OAR 137-050-0450. If the child(ren) is in the physical custody of the Department of Human Services or the Oregon Youth Authority or another person who is not the child's parent, there will be no Parent A for purposes of calculating child support.

(16) Parent B" means the parent who has less than 50 percent of the overall parenting time with the joint child(ren) as calculated in OAR 137-050-0450, or a parent whose child(ren) is in the physical custody of the Department of Human Services or the Oregon Youth Authority or another person who is not the child's parent.

(17) Parenting time means the amount of time the child(ren) is scheduled to spend with a parent according to a current written agreement between the parents or a court order.

(18) The parent having primary physical custody means the parent who provides the primary residence for the child(ren) and is responsible for the majority of the day-to-day decisions concerning the child(ren).

(19) Providing party has the meaning given in ORS 25.321 and for purposes of OAR 137-050-0310 through 137-050-0490, OAR 137-055-3340, 137-055-4620 and 137-055-4640 includes a party ordered to provide cash medical support.

(20) Public health care coverage means health care coverage provided by a government sponsored health care program that provides medical benefits for children.

(21) Social Security benefits means the monthly amount the Social Security Administration pays to a joint child or his or her representative payee due solely to the disability or retirement of either parent. Specifically excluded from this definition are benefits paid to a parent due to the disability of a child.

(22) Split custody means that each parent in a two parent calculation has primary physical custody of at least one of the joint children.

(23) Survivors and Dependents Educational Assistance are funds disbursed by the Veterans Administration under 38 USC chapter 35, to the child or his or her representative payee.

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

Stat. Auth.: ORS 25.270, 25.290 & 107.108, 180.345

Stats. Implemented: ORS 25.270, 25.290, 107.135

Hist.: JD 3-1989, f. 10-2-89, cert. ef. 10-3-89; JD 8-1990, f. 11-21-90, cert. ef. 1-1-91; JD 4-1994, f. 10-4-94, cert. ef. 10-15-94; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 4-1999, f. 8-27-99, cert. ef. 9-1-99; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 9-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

ADMINISTRATIVE RULES

137-050-0330

Computation of Individual Child Support Obligations

To determine the amount of support owed by a parent follow the procedure set forth in this rule.

- (1) Determine Parent A" and Parent B".
- (2) Determine the "gross income" of each parent.
- (3) Determine the modified gross income of each parent.
- (4) Determine the "adjusted gross income" of each parent, and if there are two parents, the combined adjusted gross income."
- (5) If there are two parents, determine the percentage contribution of each parent to the combined adjusted gross income by dividing the combined adjusted gross income into each parent's adjusted gross income.
- (6) Determine the "basic child support obligation."
- (7) Determine the basic child support obligation for joint minor children by dividing the "basic child support obligation" from section (6) by the total number of joint children and then multiply that figure by the number of joint minor children.
- (8) Determine the basic child support obligation for children attending school, if any, by subtracting the figure from section (7) from the basic child support obligation figure in section (6).
- (9) Determine each parents share of the basic child support obligation for joint minor children by multiplying the percentage figure from section (5) by the basic child support obligation from section (7).
- (10) Determine the parenting time credit for joint minor children, if any, and apply to the basic child support obligation as provided in OAR 137-050-0450.
- (11) Apply the low income adjustment, if appropriate, as provided in OAR 137-050-0465.
- (12) Determine the monthly child support obligation for joint minor children by subtracting section (11), if any, from section (10).
- (13) Determine the child care costs for each parent as allowed by OAR 137-050-0420. If child care costs are not equal each month, annual costs must be averaged to determine a monthly cost.
- (14) Apply rebuttal(s), if any, as appropriate under OAR 137-050-0333 for joint minor children.
- (15) Calculate the total costs owed by each parent to the other by applying the parents percentage of income as determined in section (5) of this rule to the out-of-pocket costs incurred by the other parent. Subtract Parent As costs from Parent Bs costs.
- (16) Determine each parents share of the basic child support obligation for child(ren) attending school by multiplying the percentage figure from section (5) by the basic child support obligation from section (8).
- (17) Apply the low income adjustment, if appropriate, as provided in OAR 137-050-0465.
- (18) Determine the monthly child support obligation before costs for child(ren) attending school by subtracting section (17), if any, from section (16).
- (19) Apply rebuttal(s), if any, as appropriate under OAR 137-050-0333 for child(ren) attending school.
- (20) Calculate the total costs, for child(ren) attending school, owed by each parent to the other by applying the parents percentage of income as determined in section (5) of this rule to the out-of-pocket costs incurred by the other parent. Subtract Parent As costs from Parent Bs costs.
- (21) Determine the monthly child support obligation for child(ren) attending school by adding section (20) and section (18) for each parent.
- (21) Determine the net child support obligation by adding sections (12), (15) and (21) together for each parent.
- (22) Calculate private health care coverage costs, if any, as provided in OAR 137-050-0410 and determine the net child support obligation.
- (23) Calculate cash medical support, if any, as provided in OAR 137-050-0430 and determine the net child support obligation.
- (24) If Social Security benefits or Veterans benefits are received by Parent A as a representative payee for a joint child due to Parent B's disability or retirement, subtract the amount of benefits from Parent Bs net child support obligation, if any.
- (25) Determine the portion of the calculated child support obligation the obligated parent has the ability to pay as provided in OAR 137-050-0475.
- (26) Apply rebuttal(s), if any, as appropriate under OAR 137-050-0333.
- (27) Determine the total monthly child support obligation by adding or subtracting section (26) from section (25).

Stat. Auth.: ORS 25.270, 25.290, 107.108, 180.345
Stats. Implemented: ORS 25.270, 25.290
Hist.: JD 3-1989, f. 10-2-89, cert. ef. 10-3-89; JD 8-1990, f. 11-21-90, cert. ef. 1-1-91; JD 3-1992, f. 3-3-92, cert. ef. 5-1-92; JD 7-1993, f. 11-3-93, cert. ef. 11-4-93; JD 4-1994, f. 10-4-94, cert. ef. 10-15-94; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 4-1999, f. 8-27-99, cert.

ef. 9-1-99; DOJ 8-1999(Temp), f. & cert. ef. 11-22-99 thru 3-10-00; DOJ 1-2000, f. 2-6-00, cert. ef. 2-7-00; DOJ 5-2001, f. 8-21-01, cert. ef. 9-4-01; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 9-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-050-0333

Rebuttals

- (1) The amount of child support to be paid as determined in OAR 137-050-0330 is presumed to be the correct amount. This presumption may be rebutted by a finding that the amount is unjust or inappropriate based upon the criteria included but not limited to as set forth in subsections (1)(a) through (1)(p) of this rule. Both the presumed correct amount and the new amount, in variance from the guidelines, must be recited as part of findings that explain the reason for the variance.
 - (a) Evidence of the other available resources of the parent;
 - (b) The reasonable necessities of the parent;
 - (c) The net income of the parent remaining after withholdings required by law or as a condition of employment;
 - (d) A parent's ability to borrow;
 - (e) The number and needs of other dependents of a parent;
 - (f) The special hardships of a parent including, but not limited to, any medical circumstances or extraordinary travel costs related to the exercise of parenting time, if any, of a parent affecting the parent's ability to pay child support;
 - (g) The extraordinary or diminished needs of the child;
 - (h) The desirability of the custodial parent remaining in the home as a full-time parent or working less than full-time to fulfill the role of parent and homemaker;
 - (i) The tax consequences, if any, to both parents resulting from spousal support awarded, the determination of which parent will name the child as a dependent, child tax credits, or the earned income tax credit received by either parent.
 - (j) The financial advantage afforded a parent's household by the income of a spouse or domestic partner.
 - (k) The financial advantage afforded a parent's household by benefits of employment including, but not limited to, those provided by a family owned corporation or self-employment.
- (L) Evidence that a child who is subject to the support order is not living with either parent or is a "child attending school" as defined in ORS 107.108.
 - (m) Prior findings in a Judgment, Order, Decree or Settlement Agreement that the existing support award was made in consideration of other property, debt or financial awards.
 - (n) The net income of the parent remaining after payment of financial obligations mutually incurred.
 - (o) The tax advantage or adverse tax effect of a party's income or benefits.
 - (p) The return of capital.
- (2) If the child support presumption is rebutted pursuant to subsection (1) of this rule, a written finding or a specific finding on the record must be made that the amount is unjust or inappropriate. That finding must recite the amount that under the guidelines is presumed to be correct, and must include the reason why the order varies from the guidelines amount. A new support amount must be calculated by determining an appropriate dollar value to be attributed to the rebuttal criteria upon which the finding was based and by making an appropriate adjustment to the calculation.

Stat. Auth.: ORS 25.270, 25.290, 107.108, 180.345

Stats. Implemented: ORS 25.270, 25.290

Hist.: DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-050-0335

Implementation of Changes to Child Support Guidelines

- (1) Changes to these rules (OAR 137-050-0320 through 137-050-0490) apply to all judicial and administrative actions initiated or pending after the effective date of any new, amended, or repealed rule included in this series.
 - (2) Rule changes do not constitute a substantial change in circumstances for purposes of modifying a child support order.
 - (3) As used in this rule, pending means any matter that has been initiated before the effective date of a rule change but requires amendment, modification or hearing before a final judgment can be entered.

Stat. Auth.: ORS 25.270, 25.290, 107.108, 180.345

Stats. Implemented: ORS 25.270, 25.290

Hist.: JD 4-1994, f. 10-4-94, cert. ef. 10-15-94; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 4-1999, f. 8-27-99, cert. ef. 9-1-99; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 5-2003(Temp), f. & cert. ef. 6-5-03 thru 12-2-03; DOJ 9-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

ADMINISTRATIVE RULES

137-050-0340

Gross Income

(1) Except as excluded below, gross income includes income from any source including, but not limited to, salaries, wages, commissions, advances, bonuses, dividends, severance pay, pensions, interest, honoraria, trust income, annuities, return on capital, Social Security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, gifts, prizes, including lottery winnings, and alimony or separate maintenance received.

(2) Expense reimbursements or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business must be counted as income if they are significant and reduce personal living expenses.

(3) Gross income may be calculated on either an annual or monthly basis. Weekly income must be translated to monthly income by multiplying the weekly income by 4.33.

(4) If the parent of a joint child is a recipient of Temporary Assistance for Needy Families (TANF), the gross income attributed to that parent must be the amount which could be earned by full-time work (40 hours a week) at the state minimum wage.

(5) Excluded and not counted as income is any child support payment. It is a rebuttable presumption that adoption assistance payments, guardianship assistance payments and foster care subsidies are excluded and not counted as income.

Stat. Auth.: ORS 25.270, 25.290, 107.108, 180.345

Stats. Implemented: ORS 25.270, 25.290

Hist.: JD 3-1989, f. 10-2-89, cert. ef. 10-3-89; JD 4-1994, f. 10-4-94, cert. ef. 10-15-94; JD 1-1996, f. 4-12-96, cert. ef. 5-1-96; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 4-1999, f. 8-27-99, cert. ef. 9-1-99; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 9-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-050-0350

Income from Self-Employment or Operation of a Business

For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, gross income is defined as gross receipts minus costs of goods sold minus ordinary and necessary expenses required for self-employment or business operation. Specifically excluded from ordinary and necessary expenses for purposes of OAR 137-050-0320 to 137-050-0490 are amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses, investment tax credits, or any other business expenses determined by the administrator, court, or the administrative law judge to be inappropriate or excessive for determining gross income for purposes of calculating child support.

Stat. Auth.: ORS 25.270, 25.290, 107.108, 180.345

Stats. Implemented: ORS 25.270, 25.290

Hist.: JD 3-1989, f. 10-2-89, cert. ef. 10-3-89; JD 8-1990, f. 11-21-90, cert. ef. 1-1-91; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 4-1999, f. 8-27-99, cert. ef. 9-1-99; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 9-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-050-0400

Nonjoint Children

(1) When either or both parents of the joint child subject to this determination are legally responsible for a nonjoint child who resides in that parent's household, or a nonjoint child to whom or on whose behalf a parent owes an ongoing child support obligation under a court or administrative order, a credit for this obligation shall be calculated pursuant to this rule.

(2) Subtract from a parent's gross income the amount of any spousal support a court orders that parent to pay, and any mandatory contribution to a labor organization, and add to a parent's gross income any spousal support the parent is entitled to receive as allowed by OAR 137-050-0390.

(3) Determine the number of nonjoint children in the parent's immediate household, and the number of nonjoint children to whom the parent has been ordered to pay support by prior court or administrative order. The result is "total nonjoint children."

(4) Using the scale as established in OAR 137-050-0490, determine the basic child support obligation for the nonjoint child or children by using the income of the parent for whom the credit is being calculated and adjusting that income according to section (2) of this rule, and using the number of total nonjoint children in section (3) of this rule.

(5) Subtract the amount calculated in section (4) of this rule from the parents modified gross income.

Stat. Auth.: ORS 25.270, 25.290, 107.108, 180.345

Stats. Implemented: ORS 25.270, 25.290

Hist.: JD 3-1989, f. 10-2-89, cert. ef. 10-3-89; JD 8-1990, f. 11-21-90, cert. ef. 1-1-91; JD 4-1994, f. 10-4-94 cert. ef. 10-15-94; JD 1-1996, f. 4-12-96, cert. ef. 5-1-96; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 4-1999, f. 8-27-99, cert. ef. 9-1-99; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-050-0410

Health Care Coverage

(1) In addition to the definitions found in ORS 25.321 and OAR 137-050-0320 the following terms, used to determine if health care coverage is appropriate, have the meanings given below:

(a) Accessible health care coverage means:

(A) Available for at least one year based on the work history of the parent providing coverage;

(B) A health benefit plan does not have service area limitations or the health benefit plan provides an option not subject to service area limitations; and

(C) The child lives within the geographic area covered by the plan or within 30 minutes or 30 miles of primary care services.

(b) Reasonable in cost for health care coverage means the share of the health care coverage premium, if any, does not make the application of the formula established under ORS 25.275 unjust or inappropriate:

(A) If the pro-rated portion of the health care premium is equal to or less than seven percent of the providing party's adjusted gross income; or

(B) Other compelling factors in the case support a finding that an amount greater than seven percent of the providing party's adjusted gross income is reasonable in cost.

(c) Comprehensive health care coverage means that the coverage is satisfactory as defined in ORS 25.321. Comprehensive health care coverage may also include but is not limited to, coverage for surgical, dental, optical, prescription drugs, office visits, counseling or any combination of these or any other comparable health care expenses.

(2) Private health care coverage must be found to be appropriate as defined in section (1) of this rule and OAR 137-050-0320 before it can be ordered.

(3) Public health care coverage is considered to be appropriate as defined in section (1) of this rule and OAR 137-050-0320 unless a party contests this finding.

(4) Each newly established or modified child support order must directly address medical child support, whether or not private health care coverage is currently available. The child support order must address how the parents will provide for the child's health care needs by:

(a) Including a provision for appropriate health care coverage; and

(b) Making a finding regarding cash medical support, pursuant to OAR 137-050-0430, if appropriate health care coverage is not available or if other medical expenses need to be addressed.

(5) When establishing or modifying a child support order to include medical child support provisions the resources of both parents must be considered, except as provided in section (8), and the following process followed:

(a) If the obligor has access to private health care coverage from any source, including a spouse, domestic partner or other family member, and that coverage is deemed to be appropriate for the child, the obligor will be ordered to include the child in the coverage and pay any associated premiums;

(b) If the obligor does not have appropriate private health care coverage, determine if the obligee has access to private health care coverage from any source, including a spouse, domestic partner or other family member, and if that coverage is deemed to be appropriate for the child, the obligee will be ordered to provide coverage and pay any associated premiums; or

(c) If both parents have access to private health care coverage from any source that is deemed to be appropriate, the obligee may choose the coverage to be provided;

(d) If neither parent has access to appropriate private health care coverage, one or both parents may be ordered to apply to enroll the child in public health care coverage; Medicaid, State Children's Health Insurance Program (SCHIP), Family Health Insurance Assistance Program (FHIAP), or some other government sponsored health care coverage program, and one or both parties may be required to pay some or all of the associated costs in an order for cash medical support as provided in OAR 137-050-0430;

(e) If neither private nor public health care coverage is found to be appropriate cash medical support may be ordered pursuant to OAR 137-050-0430, and if ordered will continue until appropriate health care coverage becomes available and the order is modified; and

(f) If the child has access to appropriate public or private health care coverage but also has uncovered medical needs, either or both parents may be ordered to contribute toward these costs by an order for cash medical support pursuant to OAR 137-050-0430.

ADMINISTRATIVE RULES

(6) The child support obligation must be adjusted for health care coverage provided for the joint child if health care coverage is:

(a) Appropriate, as defined in OAR 137-050-0320 and subsections (1)(a)-(c) of this rule; and

(b) Ordered, pursuant to ORS 25.323 and the child is or will be enrolled upon finalization of the order and the cost of the health care coverage is determinable at the time the order is entered.

(7) Determine the cost to the providing party of carrying health care coverage for only the joint child(ren) of the parties. If family coverage is provided for the joint child(ren) and other family members, prorate the out-of-pocket cost of the health care coverage premium for the joint child(ren) only.

(8) When the support obligation of a parent is determined for a child who is not in the custody of either parent, and assuming that only the income of the parent against whom support is ordered is considered, the entire out-of-pocket cost of any health care coverage premiums for that child provided by the providing party, up to the support amount, may be allowed with respect to that parent if the health care coverage is found to be appropriate.

(9) The cost of providing health care coverage to insure the joint child(ren) and incurred by a parents spouse or domestic partner may be attributed to the parent.

Stat. Auth.: ORS 25.270, 25.290, 180.340 & OL 2003, Ch. 637 §3

Stats. Implemented: ORS 25.270, 25.290, 25.321 - 25.343

Hist.: JD 3-1989, f. 10-2-89, cert. ef. 10-3-89; JD 8-1990, f. 11-21-90, cert. ef. 1-1-91; JD 7-1993, f. 11-3-93, cert. ef. 11-4-93; JD 4-1994, f. 10-4-94 cert. ef. 10-15-94; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 4-1999, f. 8-27-99, cert. ef. 9-1-99; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 9-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 11-2003, f. & cert. ef. 10-6-03; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-050-0420

Child Care Costs

(1) The child support obligation must be adjusted for child care costs for a joint child under the age of 13 or a child with disabilities in an amount equal to the annualized monthly child care costs, including government child care subsidies, less the estimated federal and state child care credit payable on behalf of a joint child.

(2) Child care costs are those costs incurred or to be incurred by either parent that are determinable and documentable and are due to the parents employment, job search, or training or education necessary to obtain a job.

(3) Child care costs are allowable only to the extent that they are reasonable and do not exceed the level required to provide quality care for the child(ren) from a licensed source.

(4) Child care costs incurred or to be incurred by a parent include any amounts paid by government subsidies for that parent.

(5) As used in this rule, child with disabilities means a child who has a physical or mental disability that substantially limits one or more major life activities (self-care, walking, seeing, speaking, hearing, breathing, learning, working, etc.).

Stat. Auth.: ORS 25.270, 25.290, 180.345

Stats. Implemented: ORS 25.270, 25.290

Hist.: JD 3-1989, f. 10-2-89, cert. ef. 10-3-89; JD 8-1990, f. 11-21-90, cert. ef. 1-1-91; JD 16-1992, f. 10-20-92, cert. ef. 11-2-92; JD 4-1994, f. 10-4-94 cert. ef. 10-15-94; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 4-1999, f. 8-27-99, cert. ef. 9-1-99; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-050-0430

Cash Medical Support

(1) Cash medical support, as defined in OAR 137-050-0320, for the joint child(ren) must be added as part of the child support obligation amount, if any, if cash medical support:

(a) Is reasonable in cost as defined in section (2) of this rule; and

(b) Is ordered pursuant to ORS 25.323.

(2) Reasonable in cost for cash medical support means the amount, if any, of the cash medical support does not make the application of the formula established under ORS 25.275 unjust or inappropriate:

(a) If the pro-rated portion of cash medical support is equal to or less than seven percent of the providing partys adjusted gross income; or

(b) Other compelling factors in the case support a finding that an amount greater than seven percent of the providing partys adjusted gross income is reasonable in cost.

(3) When establishing or modifying a child support order to include cash medical support the resources of both parents must be considered.

(4) If a parent has been ordered to apply to enroll the child(ren) in public health care coverage under OAR 137-050-0410, a finding regarding cash medical support must be included in the order.

(5) If the child has access to public or private health care coverage but also has uncovered medical expenses, either or both parents may be

required to contribute toward the cost of these expenses by an order for cash medical support.

(6) If private or public health care coverage is not available and the child has uncovered medical expenses, cash medical support may be ordered to the extent the uncovered medical expenses exceed \$250 per year per child.

(7) Medical expenses are defined as those expenses that are not eligible for payment by health care coverage or other insurance and are reasonably expected to occur regularly and periodically in the future based on documented past experience or on substantial evidence of future need and include, but are not limited to, hospital, surgical, dental, optical, prescription drugs, office visits, counseling or any combination of these of any other comparable health care expenses.

(8) Notwithstanding the provisions of this rule or OAR 137-050-0410, if a parent, or a parent with an eligible dependent child in the household, provides evidence of eligibility to receive medical assistance under ORS 414.032 that party may not be ordered to provide cash medical support.

Stat. Auth.: ORS 25.270, 25.290, 180.345

Stats. Implemented: ORS 25.270, 25.290

Hist.: JD 3-1989, f. 10-2-89, cert. ef. 10-3-89; JD 1-1994, f. 1-26-94, cert. ef. 2-1-94; JD 4-1994, f. 10-4-94 cert. ef. 10-15-94; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-050-0450

Parenting Time

(1) If there is a current written parenting time agreement or court order providing for parenting time and/or the parents have split custody, the percentage of overall parenting time for each parent must be calculated as follows:

(a) Determine the average number of overnights using two consecutive years.

(b) Multiply the number of joint minor children by 365 to arrive at a total number of minor child overnights. Add together the total number of overnights the parent is allowed with each joint minor child and divide the parenting time overnights by the total number of minor child overnights.

(c) If the parents have split custody but no current written parenting time agreement or court order providing for parenting time, each parent will be attributed 365 days for the minor child(ren) in the parents physical custody.

(d) Notwithstanding the calculation provided in subsections (1)(b) and (1)(c), the percentage of parenting time may be determined using a method other than overnights if the parents have an alternative parenting time schedule in which a parent has significant time periods where the minor child is in the parents physical custody but does not stay overnight.

(2) If the court or administrative law judge determines actual parenting time exercised by a parent is different than what is provided in a written parenting plan or court order, the percentage of parenting time may be calculated using the actual parenting time exercised by the parent.

(3) If there is no written parenting time agreement or court order providing for parenting time, the parent having primary physical custody shall be treated as having 100 percent of the parenting time.

(4) No parenting time will be attributed to either parent for a child who is a child attending school as defined in ORS 107.108 and OAR 137-055-5110.

Stat. Auth.: ORS 25.270, 25.290, 180.345

Stats. Implemented: ORS 25.270, 25.290

Hist.: JD 3-1989, f. 10-2-89, cert. ef. 10-3-89; JD 8-1990, f. 11-21-90, cert. ef. 1-1-91; JD 11-1990(Temp), f. 12-20-90, cert. ef. 1-1-91; JD 2-1991, f. & cert. ef. 3-1-91; JD 4-1994, f. 10-4-94 cert. ef. 10-15-94; JD 5-1994(Temp), f. 10-17-94, cert. ef. 10-18-94; JD 7-1994(Temp), f. & cert. ef. 11-8-94; JD 2-1995, f. 1-31-95, cert. ef. 2-1-95; JD 1-1996, f. 4-12-96, cert. ef. 5-1-96; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 4-1999, f. 8-27-99, cert. ef. 9-1-99; DOJ 5-2001, f. 8-21-01, cert. ef. 9-4-01; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 9-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-050-0455

Parenting Time Credit

(1) This rule applies when the overall parenting time calculated pursuant to OAR 137-050-0450 is 25 percent or greater for each parent.

(2) Parent B will be entitled to a parenting time credit for joint minor children only and will be calculated as follows:

(a) Multiply the Basic Child Support Obligation for Joint Minor Child(ren), from OAR 137-050-0330 section (7), by 1.5 (150%).

(b) Multiply each parents percentage share of income by the amount in subsection (a).

(c) Multiply the amount for each parent in subsection (b) by the percentage time with each parent.

(d) Subtract the amount in subsection (c) from the amount in subsection (b) for each parent.

ADMINISTRATIVE RULES

(3) If the parenting time is equal, the expenses for the children are equally shared and the adjusted gross incomes of the parents also are equal, no support shall be paid.

(4) If the parenting time is equal but the parents adjusted gross incomes are not equal, the parent having the greater adjusted gross income shall be obligated for the amount of basic child support needed to equalize the basic child support to each parent, calculated as follows:

(a) After the basic child support obligation has been prorated between the parents, subtract the lower amount from the higher amount and divide the balance in half.

(b) The resulting figure is the obligation after parenting time credit for the parent with the greater adjusted gross income.

(5) This parenting time credit reflects the presumption that while exercising parenting time, a parent is responsible for and incurs the costs of caring for the child, including but not limited to, food, clothing, transportation, recreation and household expenses.

Stat. Auth.: ORS 25.270, 25.290, 180.345

Stats. Implemented: ORS 25.270, 25.290

Hist.: DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 9-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-050-0465

Low Income Adjustment

(1) The low income adjustment is a calculation to ensure that parents who are at or near the federal poverty level have sufficient income to support themselves after the payment of child support.

(2) To determine if the low income adjustment applies, find each parent's single income obligation by referencing the scale in OAR 137-050-0490 for the appropriate number of joint children and each parent's individual modified gross income as defined in OAR 137-050-0320.

(3) Compare the amounts obtained in section (2) of this rule to the prorated basic child support obligation after parenting time credit and apply the lower of the two figures to the remaining calculation for each parent.

Stat. Auth.: ORS 25.275 & 25.280, 180.345

Stats. Implemented: ORS 25.275 & 25.280

Hist.: DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-050-0475

Ability to Pay

A child support order should not exceed the obligated parent's ability to pay. To determine the amount of child support the obligated parent has the ability to pay, follow the procedure set out in this rule:

(1) Calculate the obligated parent's income available for support by subtracting a self-support reserve of \$953.00 from the obligated parent's modified gross income as defined in OAR 137-050-0320.

(2) Compare the obligated parent's income available for support to the amount of support calculated as per OAR 137-050-0330 sections (1) through (13). The amount of child support that is presumed to be correct as defined in OAR 137-050-0333 is the lesser of these two amounts.

(3) This rule does not apply to an incarcerated obligor as defined in OAR 137-055-3300.

Stat. Auth.: ORS 25.275, 25.280, 180.345

Stats. Implemented: ORS 25.275, 25.280

Hist.: DOJ 5-2001, f. 8-21-01, cert. ef. 9-4-01; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 9-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-050-0490

The Scale Used in Child Support Determination

(1) Table 1 (the scale) must be used in any judicial or administrative proceeding to establish or modify a support obligation under ORS Chapters 25, 107, 108, 109, 110, 416, 419B and 419C and determinations pursuant to OAR 137-050-0320 through 137-050-0490.

(2) The basic child support obligation is determined by referencing the scale for the appropriate number of joint children and the combined adjusted gross income of the parents.

(3) Where a child is not in the custody of either parent and a support order is sought against one or both parents, the basic child support obligation is determined by referencing the scale for the appropriate number of joint children and the parent's individual adjusted gross income, not the combined adjusted gross income of the parents.

(4) For combined adjusted gross incomes exceeding \$30,000 per month, the presumed basic child support obligations will be as for parents with combined adjusted gross income of \$30,000 per month. A basic child support obligation in excess of this level may be demonstrated for those reasons set forth in OAR 137-050-0333.

(5) When the combined income falls between two income amounts on the scale, use the lower income amount on the scale to determine the child support obligation.

(6) The scale below presumes the parent with primary physical custody will take the tax exemption for the joint child(ren) for income tax purposes. When that parent does not take the tax exemption, the rebuttals in OAR 137-050-0333 may be used to adjust the child support obligation.

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

Stat. Auth.: ORS 25.275, 25.280, 180.345

Stats. Implemented: ORS 25.275 & 25.280

Hist.: JD 3-1989, f. 10-2-89, cert. ef. 10-3-89; JD 8-1990, f. 11-21-90, cert. ef. 1-1-91; JD 4-1994, f. 10-4-94 cert. ef. 10-15-94; DOJ 1-1999, f. 1-15-99, cert. ef. 3-1-99; DOJ 3-2003, f. 4-7-03 cert. ef. 5-12-03; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-1020

Child Support Program Definitions

The following definitions apply to OAR 137-055-1040 through 137-055-7190, inclusive:

(1) Unless otherwise stated, administrator means either the Administrator of the Division of Child Support of the Department of Justice or a district attorney, or the administrators or a district attorneys authorized representative.

(2) "Assignee" means the Department of Human Services (DHS), the Division of Child Support, Oregon Youth Authority (OYA) or equivalent agencies in any other state or Tribe to which support rights for a person are assigned.

(3) "Assignment" or Assigned means all or a portion of support payments owed to a person will be retained by an assignee if such person or beneficiary of such person is receiving assistance in the form of Temporary Assistance for Needy Families (TANF) cash assistance, foster care, or OYA services. Support payments will be distributed per OAR 137-055-6022. There is also an assignment of rights to medical support for reimbursement of health care costs for any person who has been granted medical assistance.

(4) "Beneficiary" means any child, spouse or former spouse for whom an obligor has been ordered (or has agreed) to pay support, under a court order, an administrative order, or a voluntary agreement.

(5) Child Support Award means a money award or administrative order that requires the payment of child support. Prior to January 5, 2004, this was referred to as a money judgment.

(6) Child Support Program or CSP is the program authorized under title IV-D of the Social Security Act to provide child support enforcement services required by federal and state law. The CSP director in Oregon is the Administrator of the Division of Child Support. The CSP includes the Division of Child Support and those district attorneys that contract to provide services described in ORS 25.080.

(7) "Class Order" means a support order for multiple children that does not specify an amount of support per child and requires the payment of the entire amount until the last child attains majority or until the order is prospectively modified.

(8) "Court Order" means any judgment or order of the court requiring an obligor to provide child or spousal and/or health care coverage, for specified beneficiaries.

(9) "Court-ordered Amount", or "COA", means the periodic payment amount, usually monthly, ordered by administrative process or by a court for support. The COA can be either the amount for each beneficiary on a support case, or the total amount for all beneficiaries in a single support case.

(10) "Department of Human Services, or DHS, is the state's health and human services agency. DHS is responsible for public assistance programs such as: Temporary Assistance for Needy Families (TANF), Food Stamps, child-protective services, foster care and adoption programs, the Oregon Health Plan and Medicaid.

(11) Disbursement means dispensing or paying out collected support.

(12) Distribution means allocating or apportioning collected support.

(13) "District Attorney", or "DA", means the district attorney for an Oregon county. In most Oregon counties, the DA is responsible for providing support enforcement services, when requested, on all support cases where no support is assigned to the state.

(14) Division of Child Support, or DCS, is the Division of Oregon's Department of Justice that is responsible for:

(a) Establishing paternity, obtaining judgments for arrears, and for establishing and enforcing support obligations, on behalf of all children who:

(A) Are receiving or have formerly received TANF cash assistance, foster care, or OYA services, or who have support assigned to the State of Oregon;

(B) Are receiving TANF, or who have support assigned to another state, in cases where an obligor or alleged father resides or works in Oregon; or

ADMINISTRATIVE RULES

(C) Are under the enforcement jurisdiction of an Oregon county that has contracted its support enforcement responsibilities to DCS, in lieu of having the county District Attorney perform these responsibilities.

(b) Accounting and distribution of child support payments as the state disbursement unit.

(15) "Guidelines" refers to the guidelines, the formula, and related provisions established by DCS, in Oregon Administrative Rules 137-050-0320 through 137-050-0490, for determining child support award amounts in Oregon.

(16) "Income Withholding" means a judicial or administrative process under which an obligor's employer, trustee, or other provider of income is ordered to withhold a specified percentage, or a specified amount, from each and every paycheck or benefit payment of an obligor, for the purpose of paying current and/or past-due support. Income withholding is distinguished from garnishment as follows: income withholding will occur continuously under a single order and is not subject to claim of exemption; a garnishment occurs for only a limited duration under a single writ and is subject to certain exemptions provided by law.

(17) IV-A refers to Title IV-A of the Social Security Act which is the specific provision that gives grants to states and Tribes for aid and services to needy families with dependent children (see TANF). Applicants for assistance from IV-A programs are automatically referred to their state IV-D agency in order to identify and locate the non-custodial parent, establish paternity and/or a child support order, and/or obtain child support payments.

(18) IV-D refers to Title IV-D of the Social Security Act which requires each state to create a program to locate non-custodial parents, establish paternity, establish and enforce child support obligations, and collect, distribute and disburse support payments. Recipients of IV-A (TANF), IV-E (foster care) and Oregon Youth Authority (OYA) assistance are referred to their state's IV-D child support program. States must also accept applications from families who do not receive assistance, if requested, to assist in collection of child support. Title IV-D also established the Federal Office of Child Support Enforcement.

(19) IV-E refers to Title IV-E of the Social Security Act which established a Federal-State program known as Foster Care that provides financial support to a person, family, or institution that is raising a child or children that is not their own. The funding for IV-E Foster Care programs is primarily from Federal sources.

(20) Judgment Lien means the effect of a judgment on real property for the county in which the judgment is entered, or such other county where the lien is recorded, and includes any support arrearage lien attaching to real property.

(21) Judgment Remedy means the ability of a judgment creditor to enforce a judgment, including enforcement through a judgment lien.

(22) Legal proceeding means any action related to the support order that requires service of documents on the parties. For the purposes of OAR 137-055-1140, 137-055-1160 and 137-055-1180, legal proceeding means a proceeding initiated by the administrator.

(23) Money Award means a judgment or portion of a judgment that requires the payment of money. A money award will always refer to a sum certain and will not require a payment in installments.

(24) Oregon Youth Authority, or OYA, is the State of Oregon agency responsible for the supervision, management, and administration of state parole and probation services, community out-of-home placements, and youth correction facilities for youth offenders, and other functions related to state programs for youth corrections.

(25) Party means an obligor, obligee, a child attending school under ORS 107.108 and OAR 137-055-5110, and includes any person who has been joined to the proceeding.

(26) Subsequent child means a child whose paternity or support has not been established and who is born to the same parents of another child, or who has not been included in a support order for another child with the same parties.

(27) "Support" means monetary payments, health care coverage payments or premiums, cash medical payments or other benefits or payments that a person has been ordered by a court or by administrative process, or has voluntarily agreed, to provide for the benefit and maintenance of another person.

(28) Support Arrearage Lien means a lien that attaches to real property when an installment becomes due under the terms of a support award and is not paid.

(29) Support Award means a money award or administrative order that requires the payment of child or spousal support.

(30) Support Order means a judgment or order, whether temporary, final or subject to modification, which reflects an obligation to contribute to the support of a child, a spouse or a former spouse, and requires an obligor to provide monetary support, health care, arrears or reimbursement. A Support Order may include related costs and fees, interest, income withholding, attorney fees and other relief.

(31) TANF means Temporary Assistance for Needy Families, a public assistance program which provides case management and cash assistance to low-income families with minor children. It is designed to promote personal responsibility and accountability for parents. The goal of the program is to reduce the number of families living in poverty through employment services and community resources. Title IV-A of the Social Security Act is the specific provision that gives grants to states and Tribes for aid and services to needy families with dependent children.

(32) Tiered order means an order which includes an amount of support to be paid if an adult child becomes a child attending school under ORS 107.108 and OAR 137-055-5110.

(33) Title XIX, popularly known as Medicaid, refers to Title XIX of the Social Security Act which mandates health care coverage by states for TANF recipients and certain other means-tested categories of persons. Within broad national guidelines which the federal government provides, each state: establishes its own eligibility standards; determines the type, amount, duration, and scope of services; sets the rate of payment for services; and administers its own program.

Stat. Auth.: ORS 18.005, 180.345
Stats. Implemented: ORS 25.080

Hist.: AFS 10-1990, f. 3-14-90, cert. ef. 4-1-90; AFS 14-1990, f. & cert. ef. 6-7-90; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0001; AFS 28-2001, f. 12-28-01, cert. ef. 1-1-02; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-1020; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-1020; DOJ 2-2004, f. 1-2-04 cert. ef. 1-5-04; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 5-2006, f. 6-29-06, cert. ef. 7-3-06; DOJ 1-2007, f. & cert. ef. 1-2-07; DOJ 5-2007, f. & cert. ef. 7-2-07; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-1060

Uniform Application for Child Support Enforcement Services

(1) The administrator will provide a standard application form to any person requesting child support enforcement services. Except for the application form, the form required under section (3) of this rule, and any statements necessary to respond to inquiries about these forms, or as provided in OAR 137-055-5110, no other written or oral statements concerning an applicant's qualification for services nor any contract for service will be offered.

(2) The application form must:

(a) Contain a statement that the applicant is requesting child support enforcement services including enforcement of health provisions;

(b) Require the applicant's signature and date of application.

(3) The administrator will provide a supplemental form to applicants for child support enforcement services, which includes the following information:

(a) The applicant's rights and responsibilities;

(b) An explanation of enforcement activities for which fees are charged;

(c) Policies on cost recovery; and

(d) Policies on distribution and disbursement of collections.

(4) The standardized application form, and the supplemental form will be readily available to the public in each Child Support Program (CSP) office:

(a) The administrator will provide the standardized application form, and the supplemental form, upon request to any individual who requests services in person;

(b) When a request for child support enforcement services is made in writing or by telephone, the administrator will send the individual the standardized application form and the supplemental form, within five working days from the date the request is made.

(5) The administrator will accept an application as it is filed, on the day it is received.

(6) The administrator will create a case on the computerized system within two working days of receipt of the application providing circumstances beyond the control of the administrator do not occur.

(7) The administrator will provide the information required under section (3) of this rule:

(a) If the requesting individual or a beneficiary of such person is not receiving assistance in the form of TANF cash assistance, Medicaid, foster care or Oregon Youth Authority (OYA) services, along with the standard application form;

(b) If the individual or beneficiary of such person receives assistance in the form of TANF cash assistance, Medicaid, foster care or OYA servic-

ADMINISTRATIVE RULES

es, within five working days of referral from the Department of Human Services (DHS) or the OYA.

(8) Once an application for child support enforcement services is accepted, if necessary for establishment and/or enforcement purposes, the administrator will solicit additional relevant information by means of a form approved by the CSP.

Stat. Auth.: ORS 180.345
Stats. Implemented: ORS 25.080
Hist.: AFS 16-1994, f. 8-4-94, cert. ef. 12-1-94; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0043; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-1060; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-1060; DOJ 12-2004, f. & cert. ef. 10-1-04; DOJ 1-2006, f & cert. ef. 1-3-06; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-1070

Provision of Services

(1) For the purposes of this rule, the following definitions apply:

(a) "Full services case" means a case in which the full range of support enforcement services required under ORS 25.080(4) are provided;

(b) "Limited services case" means a case in which the provisions of ORS 25.080 do not apply and one or more collection, accounting, distribution and disbursement or enforcement services are provided pursuant to state or federal law.

(2) When any Oregon judgment or support order for child and/or spousal support is received, the administrator will:

(a) If the order requires payment of child support or child and spousal support and seeks collection, accounting, distribution, disbursement and enforcement services:

(A) Create a full services case on the Child Support Enforcement Automated System (CSEAS) if one does not already exist;

(B) Initiate appropriate enforcement action; and

(C) Send the parties the information required in OAR 137-055-1060(4);

(b) If the order requires payment of spousal support only and seeks collection, accounting, distribution, disbursement and enforcement services, process the order pursuant to OAR 137-055-2045.

(c) If the order is silent, unclear or contradictory on the services to be provided and no application or other written request for support enforcement services has been received:

(A) Create an information only case on the CSEAS for the state case registry if one does not already exist; and

(B) Send the parties a letter explaining that no services will be provided and why. The letter must include a statement that the parties may apply for support enforcement services at any time if the order includes a provision for child support.

(d) If the order seeks only payment through the Department of Justice and no application or other written request for support enforcement services has been received:

(A) Create an information only case on the CSEAS for the state case registry, if one does not already exist, to receive and disburse payments in accordance with OAR 137-055-6021; and

(B) Send the parties a letter explaining that the program will only provide disbursement of support payments and why. The letter must include a statement that a party may apply for support enforcement services at any time if the order includes a provision for child support.

(e) If the provisions of subsection (c) or subsection (d) apply and a party subsequently completes an application or other written request for support enforcement services, the administrator will process the application or request in accordance with OAR 137-055-1060.

(3) When a person applies for services under OAR 137-055-1060 for establishment or enforcement of a child support order, the case is a full services case.

(a) The administrator will perform all mandated services under state and federal law; and

(b) The administrator will determine which non-mandated services will be provided, but may consider input from the applicant in making that determination.

(4)(a) When a person applies for services under OAR 137-055-1060 and there is more than one parent who may be obligated to pay support, the applicant may apply for services:

(A) To establish and collect support from only one parent; or

(B) To establish and collect support from more than one parent.

(b) A separate application under OAR 137-055-1060 is required for each parent the applicant wishes to pursue.

Stat. Auth.: ORS 180.345
Stats. Implemented: ORS 25.020, 25.080, 25.140, 25.164 & 107.108
Hist.: AFS 20-2002, f. 12-20-02 cert. ef. 1-1-03; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-1070; DOJ 10-2003, f. 9-29-03, cert. ef. 10-

1-03, Renumbered from 461-200-1070; DOJ 10-2004, f. & cert. ef. 7-1-04; DOJ 8-2005(Temp), f. & cert. ef. 9-1-05 thru 2-17-06; DOJ 1-2006, f & cert. ef. 1-3-06; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-1080

Fees

(1) As used in this rule, reporting year means October 1 of one year through September 30 of the following year.

(2) As required by 45 CFR 302.33, the Oregon Child Support Program (CSP) will assess:

(a) A \$1 application fee on behalf of each applicant whose family is not receiving assistance in the form of TANF cash assistance, Medicaid, foster care or Oregon Youth Authority services and who applies to the CSP for support enforcement services;

(b) A \$25 annual fee for each support case where:

(A) The obligee, child, or a child attending school as defined in OAR 137-055-5110, has never received assistance under a state program funded under Title IV-A of the Social Security Act;

(B) At least \$500 of child support has been disbursed to the family in the reporting year; and

(C) Oregon is not providing services at the request of another state pursuant to 45 CFR 303.7.

(3) The Department of Justice (DOJ) may collect the fee specified in subsection (2)(a) of this rule from each applicant by deducting it from any unassigned support received by DOJ.

(4) Notwithstanding any other provision of CSP administrative rule, and except as provided in section (5), DOJ may collect the fee specified in subsection (2)(b) of this rule from each obligee or child attending school, if applicable, by deducting it from any unassigned child support received by DOJ during the reporting year.

(5) Fees specified in subsection (2)(b) of this rule may not be collected from an applicant or child attending school, if applicable, who is a resident of a foreign country.

(6) Fees recovered pursuant to section (4) of this rule may be recovered on a pro rata basis from both the obligee and any child attending school if the provisions of OAR 137-055-5110 apply.

(7) If payment of child support is such that the entire amount of the fee cannot be collected in a single reporting year, the amount that remains owing:

(a) Will not accumulate or accrue from reporting year to reporting year; and

(b) Will be paid by DOJ for the reporting year in which the fee became due.

(8) Once a fee has been collected, it will not be returned, even if the obligee, child or a child attending school later receives TANF.

Stat. Auth.: ORS 180.345, 45 CFR 302.33
Stats. Implemented: ORS 25.080, 25.150
Hist.: AFS 56-1985(Temp), f. & ef. 10-1-85; AFS 2-1986, f. & ef. 1-17-86; AFS 66-1989, f. 11-28-89, cert. ef. 12-1-89, Renumbered from 461-035-0048; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0045; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-1080; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-1080; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-1140

Confidentiality of Records in the Child Support Program

(1)(a) As used in this rule, employee means a person employed by the Department of Justice (DOJ) or a district attorney office that provides Child Support Program (CSP) services;

(b) Party has the meaning given in OAR 137-055-1020, or a party's attorney.

(2) For purposes of this rule, and subject to the limitations set forth in section (3) of this rule, the contents of a case record include, but are not limited to:

(a) The names of the obligor, beneficiary and obligee or other payee;

(b) The addresses of the obligor, beneficiary and obligee or other payee;

(c) The address of record and address of service of the obligee, beneficiary or obligor;

(d) The name and address of the obligor's employer;

(e) The social security numbers of the obligor, the obligee and beneficiaries;

(f) The record of all legal and collection actions taken on the case;

(g) The record of all accrual and billings, payments, distribution and disbursement of payments;

(h) The narrative record; and

(i) The contents of any paper file maintained for purposes of establishment and/or enforcement of a child support order or for accounting purposes.

ADMINISTRATIVE RULES

(3) Any data listed in section (2) of this rule or any other data that resides on the Child Support Enforcement Automated System (CSEAS) that is extracted from computer interfaces with other agencies' computer systems is not considered to be child support information until or unless the data is used for child support purposes. Until such data is used for child support purposes it is not subject to any exceptions to confidentiality and it may not be released to any other person or agency in any circumstance, except as provided in ORS 25.260(5) and as may be provided in other agency rule.

(4) Child support case related records, files, papers and communications are confidential and may not be disclosed or used for purposes other than those directly connected to the administration of the CSP except:

(a) Information may be shared as provided in ORS 25.260(5), OAR 137-055-1320 and 137-055-1360 and as may be provided in other agency rule;

(b) Information may be shared for purposes of any investigation, prosecution or criminal or civil proceeding conducted in connection with the administration of:

(A) Title IV-D of the Social Security Act, child support programs in Oregon and other states;

(B) Title IV-A of the Social Security Act, Temporary Assistance to Needy Families; or

(C) Title XIX of the Social Security Act, Medicaid programs;

(c) Information may be shared as required by state or federal statute or rule;

(d)(A) Elected federal and state legislators and the Governor are considered to be within the chain of oversight of the CSP. Information about a child support case may be shared with these elected officials and their staff in response to issues brought by constituents who are parties to the case;

(B) County commissioners exercise a constituent representative function in county government for county administered programs. District attorney offices that operate child support programs may respond to constituent issues brought by county commissioners of the same county if the constituent is a party in a case administered by that office. District attorneys are DOJ sub-recipients. CSP Administration may also respond to constituent issues brought by county commissioners on district attorney administered child support cases where the constituent is a party;

(C) Information disclosed under paragraphs (A) and (B) of this subsection is subject to the restrictions in subsections (6)(a) and (b) of this rule;

(e) When a party requires the use of an interpreter in communicating with the administrator, information given to such an interpreter is not a violation of any provision of this rule; and

(f) A person who is the executor of the estate or personal representative of a deceased party is entitled to receive any information that the deceased party would have been entitled to receive.

(5)(a) The CSP may release information to a private industry council as provided in 42 USC 654a(f)(5).

(b) The information released under subsection (a) of this section may be provided to a private industry council only for the purpose of identifying and contacting noncustodial parents regarding participation of the non-custodial parents in welfare-to-work grants under 42 USC 603(a)(5).

(c) For the purposes of this section, private industry council means, with respect to a service delivery area, the private industry council or local workforce investment board established for the service delivery area pursuant to Title I of the Workforce Investment Act (29 USC 2801, et seq.). Private industry council includes workforce centers and one-stop career centers.

(6)(a) Information from a case record may be disclosed to a party in that case outside a legal proceeding, except for the following personal information about the other party:

(A) The residence or mailing address of the other party if that other party is not the state;

(B) The social security number of the other party;

(C) The name, address and telephone number of the other party's employers;

(D) The telephone number of the other party;

(E) Financial institution account information of the other party;

(F) The driver's license number of the other party; and

(G) Any other information which may identify the location of the minor child or other party, such as day care providers name and address.

(b) Except for personal information described in subsection (a) of this section, information from a case record may be provided to a party via the CSP web page if appropriate personal identifiers, such as social security number, case number or date of birth are required to be provided in order to access such information.

(7) Notwithstanding the provisions of subsections (6)(a) and (b) of this rule, a party's personal information may be released to a state agency when the state agency is the other party or obligee and the state agency complies with the provisions of OAR 137-055-1145(3) and (4).

(8) Notwithstanding the provisions of subsection (6)(a), an employee may disclose personal information described in paragraphs (6)(a)(A) through (6)(a)(G) to a party, if disclosure of the information is otherwise required by rule or statute.

(9) Any information from the case record, including any information derived from another agency, that was used for any calculations or determinations relevant to the legal action may be disclosed to a party. Where there is a finding of risk and order for nondisclosure of information pursuant to OAR 137-055-1160, all nondisclosable information must be redacted before documents are released.

(10) Requestors may be required to pay for the actual costs of staff time and materials to produce copies of case records before documents are released.

(11)(a) Information from case records may be disclosed to persons not a party to the child support case who are making contact with the CSP on behalf of a party, if the following conditions are met:

(A) The person who is not a party to the case provides the social security number of the party for whom they are making the inquiry or the child support case number;

(B) The person who is not a party to the case making the contact on behalf of the party is the current spouse or domestic partner of the party and residing with the party or a parent or legal guardian of the party; and

(C) The CSP determines that the person is making case inquiries on behalf of the party and disclosure of such information would normally be made to the party in reply to such an inquiry.

(b) Disclosure of information is limited to the specific inquiries made on behalf of the party and is subject to the restrictions in subsections (6)(a) and (b) of this rule.

(12) Except as provided in subsections (11)(a) and (b) of this rule, information from a case record may not be disclosed to a person who is not a party to the case unless:

(a) The party has granted written consent to release the information to the person; or

(b) The person has power of attorney for the party, the duration and scope of which authorizes release of information from a case record at the time that the person requests such information. The power of attorney remains in effect until a written request to withdraw the power of attorney is submitted by the party or by the person, unless otherwise noted on the power of attorney.

(13) A child support case account balance is derived from the child support judgment, which is public information, and from the record of payments, which is not. Therefore, the case balance is not public information, is confidential and may not be released to persons not a party except as otherwise provided in this rule.

(14) Information obtained from the Internal Revenue Service and/or the Oregon Department of Revenue is subject to confidentiality rules imposed by those agencies even if those rules are more restrictive than the standards set in this rule, and may not be released for purposes other than those specified by those agencies.

(15) Criminal record information obtained from the Law Enforcement Data System or any other law enforcement source may be used for child support purposes only and may not be disclosed to parties or any other person or agency outside of the CSP. Information about the prosecution of child support related crimes initiated by the administrator may be released to parties in the child support case.

(16) Employees with access to computer records or records of any other nature available to them as employees may not access such records that pertain to their own child support case or the child support case of any relative or other person with whom the employee has a personal friendship or business association. No employee may perform casework on their own child support case or the case of any relative or other person with whom the employee has a personal friendship or business association.

(17) When an employee receives information that gives reasonable cause to believe that a child has suffered abuse as defined in ORS 419B.005(1)(a) the employee must make a report to the Department of Human Services as the agency that provides child welfare services and, if appropriate, to a law enforcement agency if abuse is discovered while providing program services.

(18) Employees who are subject to the Disciplinary Rules of the Oregon Code of Professional Responsibility must comply with those rules regarding mandatory reporting of child abuse. To the extent that those rules

ADMINISTRATIVE RULES

mandate a stricter standard than required by this rule, the Disciplinary Rules also apply.

(19) If an employee discloses or uses the contents of any child support records, files, papers or communications in violation of this rule, the employee is subject to progressive discipline, up to and including dismissal from employment.

(20) To ensure knowledge of the requirements of this rule, employees with access to computer records, or records of any other nature available to them as employees, are required annually to:

(a) Review this rule and the CSP Directors automated tutorial on confidentiality;

(b) Complete with 100 percent success the CSP Directors automated examination on confidentiality; and

(c) Sign a certificate acknowledging confidentiality requirements. The certificate must be in the form prescribed by the CSP Director.

(21)(a) For DOJ employees, each signed certificate must be forwarded to DOJ Human Resources, with a copy kept in the employees local office drop file;

(b) For district attorney employees, each signed certificate must be kept in accordance with county personnel practices.

(22) Notwithstanding any other provision of this rule, an employee may release a partys name and address to a local law enforcement agency when necessary to prevent a criminal act that is likely to result in death or substantial bodily harm.

Stat. Auth.: ORS 25.260, 180.345

Stats. Implemented: ORS 25.260, 127.005, 411.320

Hist.: AFS 23-1997, f. 12-29-97, cert. ef. 1-1-98; AFS 19-1998, f. 10-5-98, cert. ef. 10-7-98; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0291; 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 461-200-1160; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-1160; DOJ 2-2004, f. 1-2-04 cert. ef. 1-5-04; DOJ 12-2004, f. & cert. ef. 10-1-04; DOJ 8-2005(Temp), f. & cert. ef. 9-1-05 thru 2-17-06; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 5-2006, f. 6-29-06, cert. ef. 7-3-06; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-1200

Use of Social Security Number by the Child Support Program

(1) Under the provisions of 42 USC 405(c)(2)(C), individuals who are affected by the Child Support Program (CSP) will be required to provide their social security numbers to the administrator.

(2) Social security numbers provided under this rule will be used by the administrator as necessary for the following purposes:

(a) The identification of individuals who are affected by the administration of the CSP;

(b) The establishment, modification and enforcement of child and medical support obligations;

(c) The accounting, distribution and disbursement of support payments;

(d) The administration of the general public assistance laws of the State of Oregon.

(3) The CSP will provide written notice to individuals who are required to provide a social security number under section (1) of this rule that will include the following:

(a) That providing the social security number is mandatory;

(b) The authority for such requirement; and

(c) The purpose(s) for which the social security number will be used.

(4) When the social security number for an individual is obtained from a source other than that individual, there is no requirement that the CSP provide additional notice to the individual regarding disclosure or use of such social security number.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.020, 25.081, 25.785

Hist.: AFS 4-1996, f. 2-21-96, cert. ef. 7-1-96; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0015; AFS 28-2001, f. 12-28-01, cert. ef. 1-1-02; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-1200; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-1200; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-1500

Incentive Payments

(1) For purposes of this rule, the following definitions apply:

(a) Centralized services may include, but are not limited to: accounting functions, bankruptcy case management, central registry for interstate cases, computer charges, constituent desk, Child Support Program directors office administrative costs, garnishments resulting from a Financial Institution Data Match, locate services, mainframe, Oregon District Attorney Association liaison position, postage, receipt, distribution and disbursement of support payments, and unemployment compensation and workers compensation withholdings;

(b) County or Counties means the county district attorneys under cooperative agreements to provide support enforcement services under ORS 25.080 and any county which enters into an agreement with the Division of Child Support (DCS) under ORS 25.080(5) on or after May 1, 2001, for DCS to assume the functions of the district attorney;

(c) Counties Collection Base is that portion of the States Collection Base attributable only to amounts for cases assigned to the counties;

(d) DCS Collection Base is that portion of the States Collection Base attributable only to amounts for cases assigned to DCS;

(e) States Collection Base has the meaning given in 45 CFR 305.31(f);

(f) Available incentive payment pool is the projected amount from the biennial budget of the gross amount of incentives to be received from the federal Department of Health and Human Services (DHHS) for the current fiscal year.

(2) Beginning with incentive payments received for federal fiscal year (FFY) 2002 (October 1, 2001 through September 30, 2002), incentive payments received by the Oregon Child Support Program from the federal DHHS pursuant to 45 CFR 305 et seq. will be allocated to each county and DCS based on their performance in four program areas:

(a) Support order establishment;

(b) Current support collections;

(c) Collection on arrears; and

(d) Cost-effectiveness.

(3) The incentive calculations for the current federal fiscal year will be based on the performance data from the final Office of Child Support Enforcement 157 report for the previous FFY and the states available incentive payment pool for the current FFY.

(4) The formulas to compute each countys and DCSs performance for the four program areas identified in section (2) of this rule are as stated in 45 CFR 305.2.

(5)(a) The level of performance of each county and DCS as calculated using the formulas referenced in section (4) of this rule determines the applicable percentage for each of the four performance measures as set out in tables in 45 CFR 305.33;

(b) The cost effectiveness performance category will include an addition to the total expenditures of the counties for the cost of centralized services and a subtraction of the same amount from the DCS total expenditures for the cost of centralized services provided to the counties.

(6) For the support order establishment and current support collections performance measures, the applicable percentages as determined per subsections (5)(a) and (b) of this rule are multiplied by 100% of the counties collection base for county computations or 100% of DCS collection base for DCS computations.

(7) For cases receiving an arrears payment and the cost effectiveness performance measures, the applicable percentages as determined per subsections (5)(a) and (b) of this rule are multiplied by 75% of the counties collection base for county computations or 75% of DCS collection base for DCS computations.

(8) The incentive calculations for the four performance areas calculated in sections (6) and (7) of this rule are added together to obtain the following amounts:

(a) The incentive base amount for each individual county; and

(b) The incentive base amount for DCS.

(9) The sum of the incentive base amounts for all the counties as calculated in subsection (8)(a) is the total incentive base amount for all the counties.

(10) The state aggregate incentive base amount is the sum of the total incentive base amount for all the counties as calculated in section (9), and the incentive base amount for DCS as calculated in subsection (8)(b).

(11)(a) The counties collective incentive payment share is determined by dividing the total incentive base amount for all the counties as calculated in section (9), by the state aggregate incentive base amount as calculated in section (10), then multiplying the resulting percentage by the available incentive payment pool for the current FFY.

(b) The counties collective incentive payment share will be reduced by a proportionate share of costs for centralized services, as determined upon review and agreement pursuant to section (15) of this rule, to be retained by DCS to offset the costs of such services provided to the counties by DCS.

(c) Each individual countys incentive payment is determined by dividing its countys incentive base amount by the total incentive base amount for all the counties, then multiplying the resulting percentage by the counties collective incentive payment share as determined in subsection (11)(b).

ADMINISTRATIVE RULES

(12) DCS incentive payment is determined by dividing the DCS incentive base amount by the state aggregate incentive base amount as calculated in section (10), then multiplying the resulting percentage by the available incentive payment pool for the current FFY.

(13) Each county and DCS incentive payment, as calculated respectively in subsection (11)(c) and section (12) of this rule, will be distributed in equal quarterly payments for the current FFY based on the counties and DCS performance for the prior FFY.

(14) When the federal DHHS reconciles and determines the actual annual incentive payment to the state following the end of each FFY, any resulting positive or negative incentive adjustment amount will be apportioned according to the calculations in sections (4) through (12) of this rule using the performance figures for the corresponding prior FFY:

(a) If the adjustment results in a positive incentive to the counties, such payment will be distributed and, as appropriate, disbursed no later than 60 days following the states receipt of the incentive adjustment from the federal DHHS; or

(b) If the adjustment results in a negative incentive and incentive overpayment to the counties, such overpayment will be recovered from future incentive payments.

(15) The allocation of incentive payments as set out in this rule and the cost of centralized services will be reviewed every two years, commencing in January 2004.

Stat. Auth.: ORS 180.345, 45 CFR 305.2, 45 CFR 305.33

Stats. Implemented: ORS 180.345

Hist.: AFS 80-1985(Temp), f. & ef. 12-31-85; AFS 14-1986, f. & ef. 2-11-86; AFS 66-1989, f. 11-28-89, cert. ef. 12-1-89, Renumbered from 461-035-0052; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0255; 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 461-200-1500; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-1500; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-1800

Limited English Proficiency

For the purposes of providing child support services required by ORS 25.080 to Limited English Proficiency (LEP) persons, the following provisions apply:

(1)(a) Eligible population means persons eligible to receive child support services pursuant to ORS 25.080.

(b) Vital forms, documents or publications means forms, documents or publications:

(A) That are frequently used;

(B) That are used as part of a document packet;

(C) For which frequent translation requests are received; or

(D) That are generated to a party from the mainframe computer used by the Child Support Program (CSP).

(2) At least once each biennium, the CSP will identify languages for which vital forms, documents and publications will be translated without the need for a request from a party. To determine the languages, the CSP will use the following criteria:

(a) The estimated size of the eligible population speaking the specific language;

(b) The number of language line calls made over the last two years for the specific language; and

(c) The cost of the translation.

(3) If the number in subsection (2)(a) is 1,000 or 5% of the eligible population in Oregon, whichever is less, vital forms, documents and publications for that language will be translated without the need for a request from a party.

(4) If the number of language line calls in subsection (2)(b) is 500 or more, vital forms, documents and publications for that language will be translated without the need for a request from a party.

(5) Notwithstanding any other provision of this rule, if the cost of the translation for a single document is \$500 or more, the CSP may choose to not translate the document.

(6) When an LEP person needs a translation and the language needed does not meet the standards in sections (3) or (4), the CSP may choose to translate the vital forms, documents and publications for that language or refer the LEP person to other translation services, including language lines or other providers.

(7) When an LEP person needs to verbally communicate with the CSP, the program may use certified bilingual or multilingual staff to communicate or may use a language line.

Stat. Auth.: ORS 180.345, Other Auth.: 28 CFR 42.405

Stats. Implemented: ORS 25.080

Hist.: DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-2045

Spousal Support

(1) For the purposes of this rule, the following applies:

(a) A spousal support only case is a case in which there is no current child support obligation or child support arrears; and

(b) Public assistance means food stamps, general assistance, medical assistance, old-age assistance, TANF, aid to the blind, aid to the permanently and totally disabled, and any other assistance granted by the Department of Human Services in accordance with state and federal laws.

(2) When an Oregon judgment or support order for spousal support only is received, the judgment does not include child support, the order seeks collection, accounting, distribution, disbursement and enforcement services, and the obligee is receiving public assistance, the administrator will:

(a) Create a limited services case, as defined in OAR 137-055-1070, on the Child Support Enforcement Automated System (CSEAS) if one does not already exist;

(b) If applicable, add arrears under ORS 25.015 or establish arrears under ORS 25.167 or 416.429; and

(c) Initiate income withholding under ORS 25.372 to 25.427.

(3) When an Oregon judgment for spousal support is received, does not include child support, seeks collection, accounting, distribution, disbursement and enforcement services, and it is unknown whether the obligee is receiving public assistance, the administrator will:

(a) Create an information only case on the CSEAS; and

(b) Send the obligee an application for spousal support services or authorization to access assistance records, explaining that spousal support services may not be provided until assistance records can be checked and verified.

(4) New spousal support only cases in which the obligee is receiving assistance will be assigned to the appropriate Division of Child Support office for provision of services as required by ORS 25.381.

(5) Notwithstanding any other provisions of this rule, each county district attorney may elect to provide services in spousal support only cases, subject to the following:

(a) Written criteria must be established to determine under what circumstances services will be provided and to identify what services will be provided;

(b) The written criteria established in subsection (5)(a) must be posted in a public place; and

(c) Claims for time spent providing services on spousal support only cases and any other expenses may not be submitted with claims for federal financial participation.

(6) When services are being provided under section (5) of this rule, accounting, distribution and disbursement services will be provided by the Department of Justice.

(7) The administrator will close a spousal support only case and notify the parties if:

(a) The obligee is not on any form of public assistance;

(b) There is no known employer for the obligor and no income withholding in place;

(c) A payment has not been received within the last six months; and

(d) Services are not being provided under section (5) of this rule.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.381

Hist.: DOJ 1-2006, f & cert. ef. 1-3-06; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-2320

Requirement for Services — Obligor Bankruptcy Situations

(1) The administrator will have access to an attorney admitted to federal court practice to handle situations of obligor bankruptcy, or contract with suitable counsel so admitted.

(2) For the purposes of this rule, "suitable counsel" means any of the following:

(a) That portion of the Oregon Department of Justice (DOJ) designated to handle bankruptcy situations; or

(b) Any Oregon county district attorney's office with staff admitted to federal court practice to handle situations of obligor bankruptcy; or

(c) Private counsel so admitted, provided that such private counsel complies with the administrative rules and procedures of the Child Support Program that apply to situations of obligor bankruptcy, and with applicable DOJ policies regarding representation.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.080

Hist.: AFS 14-1994, f. 7-25-94, cert. ef. 8-1-94; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0282; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-2320; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-2320; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

ADMINISTRATIVE RULES

137-055-2340

Obligor Bankruptcy Situations in General

(1) Upon being notified of obligors bankruptcy, the administrator will:

(a) Enter the appropriate codes for bankruptcy on the case record, and
(b) Narrate the case record with the bankruptcy information to alert other program participants of the bankruptcy situation.

(2) Upon receiving a discharge or dismissal notice and verifying that the bankruptcy was closed, the administrator will:

(a) Remove the codes for bankruptcy on the case record, and
(b) Narrate the bankruptcy information on the case record.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.080

Hist.: AFS 2-1995, f. 1-10-95, cert. ef. 1-11-95; 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 461-195-0284; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-2340; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-2340; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-2360

Obligor Chapter 7 and Chapter 11 Bankruptcy Situations

This rule details the Child Support Programs responsibilities in situations of obligor bankruptcy and applies to Chapter 7 and Chapter 11 bankruptcies filed on or after October 17, 2005. For bankruptcies filed prior to October 17, 2005, the Bankruptcy Code in effect at the time the bankruptcy was filed applies, as does the prior version of OAR 137-055-2360 in effect at the time the bankruptcy was filed.

(1) Upon receiving notification of bankruptcy, the administrator will:

(a) Stop any legal action that is pending, except:

(A) Initiating or proceeding with the establishment of paternity; or

(B) Initiating or proceeding with the establishment or modification of a child support order.

(b) Not file any document in circuit court in a county in which the debtor owns real property which creates a lien by its terms or by operation of law without first obtaining relief from the automatic stay.

(c) Leave any existing income, unemployment, or workers compensation withholding orders in place, if the order is not in violation of the stay. In a Chapter 7 bankruptcy, withholding may continue against post-petition earnings for both current support and for both pre-petition and post-petition arrears. In a Chapter 11 bankruptcy, collections may continue for current support and post-petition arrears, unless otherwise provided in the debtors plan. If no withholding order is in place, the administrator will obtain a withholding order, as appropriate, upon receipt of obligors employment information .

(d) Determine if there are any other enforcement actions in process which may need to be stopped due to the stay or which may involve property of the bankruptcy estate, such as a writ of garnishment or contempt of court action; and

(e) Terminate any action that involves property of the bankruptcy estate and is not excepted from the automatic stay and send any such property of the estate that has not been distributed to the bankruptcy trustee.

(2) The administrator will not file a Proof of Claim if no assets are involved in a Chapter 7 bankruptcy.

(3) If there are assets available for distribution to creditors in a Chapter 7 bankruptcy, the administrator will file a Proof of Claim, if applicable, even if the time period for filing a Proof of Claim has passed.

(4) In a Chapter 11 bankruptcy, the administrator will file a Proof of Claim for current support and arrears owed at the time the petition was filed, if any.

(5) The administrator will respond to any objections filed to the Proof of Claim.

(6) If the automatic stay prevents a support enforcement action that is otherwise appropriate under applicable bankruptcy and nonbankruptcy law, unless there is evidence that the bankruptcy will close or the Plan will be confirmed before the relief from stay can be granted, the administrator will petition the bankruptcy

court for a Relief from Stay.

(7) If in a Chapter 11 bankruptcy, the debtor proposes a bankruptcy Plan that does not provide for the payment of current or past child support, the administrator may request the bankruptcy court reject the Plan.

(8) The administrator will continue to certify a case for federal and state tax refund intercept unless otherwise provided by the bankruptcy Plan. However, if it is determined that an intercepted tax refund is the property of the estate and the bankruptcy trustee requests the money, the administrator will forward the money to the bankruptcy trustee and notify the parties.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.080

Hist.: AFS 2-1995, f. 1-10-95, cert. ef. 1-11-95; AFS 15-1995, f. 7-7-95, cert. ef. 7-10-95; 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 461-195-0286; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-2360; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-2360; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-2380

Obligor Chapter 12 and Chapter 13 Bankruptcy Situations

This rule details the Child Support Programs responsibilities in situations of obligor bankruptcy and applies to Chapter 12 and Chapter 13 bankruptcies filed on or after October 17, 2005. For bankruptcies filed prior to October 17, 2005, the Bankruptcy Code in effect at the time the bankruptcy was filed applies, as does the prior version of OAR 137-055-2380 in effect at the time the bankruptcy was filed.

(1) Upon receiving notification of bankruptcy, the administrator will:

(a) Stop any legal action that is pending, except:

(A) Initiating or proceeding with the establishment of paternity; or

(B) Initiating or proceeding with the establishment or modification of a child support order.

(b) Not file any document in circuit court in a county in which the debtor owns real property that creates a lien by its terms or by operation of law without first obtaining relief from the automatic stay.

(c) Leave any existing income, unemployment, or workers compensation withholding orders for current support only in place. If there is an ongoing support obligation and income withholding is in place that includes arrears, the administrator will send an amended withholding order for current support only. When the bankruptcy plan is confirmed, the administrator may issue a withholding order for current support and arrears to the extent authorized in the bankruptcy plan.

(d) Determine if there are any other enforcement actions in process that may need to be stopped due to the stay or which may involve property of the bankruptcy estate, such as a writ of garnishment or contempt of court action; and

(e) Terminate any action that involves property of the bankruptcy estate and is not excepted from the automatic stay and send any such property of the estate that has not been distributed to the bankruptcy trustee.

(2) The administrator will file a Proof of Claim for current support and arrears owed at the time the petition was filed, in any, if the time period for filing a Proof of Claim has not passed. However, if it will not be feasible for the debtor to pay the entire support obligation during the duration of the bankruptcy plan, the administrator may negotiate with the debtor a stipulation in the bankruptcy plan to collect a lesser amount of support through the plan. Any such stipulation will specify that the remaining debt will be paid outside the plan and the support is nondischargeable.

(3) The administrator will respond to any objections filed to the Proof of Claim.

(4) The administrator will review the Summary of Plan or proposed Plan and the Debtor's Schedule J, if available, for the repayment of arrears and for payment of ongoing support; and

(a) If the time period for filing objections has not passed, the administrator may file an objection to a Plan if the Plan is not feasible.

(b) If the Plan does not provide for pre-petition arrears, the administrator may file an objection to have the pre-petition arrears included in the plan if the time period for filing an objection has not passed.

(5) After confirmation, if the property of the estate has reverted in the debtor, the administrator will resume collection on current support and post-petition arrears. If the Plan provides for the pre-petition arrears, collection of the pre-petition arrears will be governed by the terms of the Plan.

(6) If the debtor fails to make timely support payments after filing the bankruptcy petition, the administrator may petition the bankruptcy court for relief from the automatic stay or move for dismissal of the bankruptcy.

(7) The administrator will continue to certify a case for federal and state tax refund intercept unless otherwise provided by the bankruptcy plan. However, if it is determined that an intercepted tax refund is the property of the estate and the bankruptcy trustee requests the money, the administrator will forward the money to the bankruptcy trustee and notify the parties.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.080

Hist.: AFS 2-1995, f. 1-10-95, cert. ef. 1-11-95; 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 461-195-0288; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-2380; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-2380; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

ADMINISTRATIVE RULES

137-055-3340

Establishment or Modification of Health Care Coverage

(1) For the purposes of establishing or modifying medical child support, the definitions in ORS 25.321, OAR 137-050-0320, 137-050-0410, 137-050-0430 and 137-055-1020 apply.

(2) In any action to establish or modify an Oregon child support order when support enforcement services are being provided under ORS 25.080, the administrator will seek an order requiring one or both parties to provide appropriate health care coverage as set out in OAR 137-050-0410.

(3) If the administrator finds that neither party has access to appropriate health care coverage the administrator will include in the order a provision requiring one or both parties to provide appropriate health care coverage when such coverage becomes available and a provision that the obligor will provide an amount towards cash medical support pursuant to OAR 137-050-0430.

(4) To ensure that the information necessary to calculate an appropriate order is made available the administrator will, at a minimum, take the following actions:

(a) Attempt to contact the obligor or obligee, or any current employer of the obligor or obligee to verify earnings. Attempt to verify the availability and cost of health care coverage for the child(ren) included in the order; and

(b) Submit with the petition, contested case notice, or motion served on the parties, a document designed to obtain information regarding the income, availability of health care coverage for the child(ren) included in the order, and other factors that may affect the amount of child support ordered. The document will include:

(A) A notice to any obligee who has not assigned child support or medical child support to the state that the obligor will be ordered to provide appropriate health care coverage for the child unless both parties are able to provide appropriate health care coverage, then the obligee may elect to provide appropriate health care coverage and provides proof of such coverage. The notice will further state that the amount of monetary child support may be decreased by a pro rata share if the obligor provides appropriate health care coverage, or increased by a pro rata share if the obligee provides appropriate health care coverage;

(B) A notice stating that when child support or medical child support is assigned, unless the child(ren) already has appropriate health care coverage, the administrator will seek an order requiring the obligor to provide an amount towards cash medical support pursuant to OAR 137-050-0430, and that the support order entered will be increased by the amount of the obligor's pro rata share of the cost of the cash medical support.

Stat. Auth.: ORS 25.080, 180.345

Stats. Implemented: ORS 25.080, 25.270 - 25.343

Hist.: AFS 25-1993, f. 10-27-93, cert. ef. 11-4-93; AFS 28-1994, f. & cert. ef. 12-14-94; AFS 25-1995, f. 10-12-95, cert. ef. 10-15-95; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0062; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-3340; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-3340; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

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 or establishes paternity only and is not for a subsequent child of the parties;

(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 and is for a subsequent child of the parties; 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 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 includes past support. The administrator may consider the circumstances underlying the termination of support or establishment of paternity only in setting the amount of past support.

(6) Notwithstanding the provisions of this rule, when adding a subsequent child of the same parties to an existing order, the administrator will issue a modification pursuant to ORS 107.135 or ORS 416.425.

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; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-3420

Periodic Review and Modification of Child Support Order Amounts

(1) In addition to the definitions found in ORS 25.321, OAR 137-050-0320, 137-050-0410 and 137-050-0430, for the purposes of this rule, the following definitions apply:

(a) Determination means an order resulting from a periodic review, which finds that the current order of support is in substantial compliance with the Oregon guidelines and appropriate health care coverage or cash medical support is ordered against one or both parties.

(b) Guidelines means the formula, the scale, and related provisions in OARs 137-050-0320 through 137-050-0490.

(c) Periodic Review means proceedings initiated under ORS 25.287.

(d) Review means an objective evaluation by the administrator of the information necessary for application of the guidelines to determine:

(A) The presumptively correct child support amount; and

(B) The need to provide in the order for the child's health care needs through appropriate health care coverage or cash medical support regardless of whether an adjustment in the amount of child support is necessary.

(e) Substantial compliance means that the current support order is within at least 15 percent or \$50, whichever is less, of the presumptively correct child support amount as calculated using the guidelines. When making this determination, the 15 percent or \$50 formula will be applied to the currently ordered support amount.

(2) For all child support cases receiving support enforcement services under ORS 25.080, the Child Support Program (CSP) will annually notify the parties:

(a) Of their right to request a periodic review of the amount of support ordered; and

(b) That the CSP will perform a mandatory periodic review and adjustment if the family is currently receiving TANF.

(3) The purpose of a periodic review is to determine, based on information from the parties and other sources as appropriate, whether the current child support order should be modified to ensure substantial compliance with Oregon's child support guidelines, or to order appropriate health care coverage or cash medical support for the child(ren).

(4) The administrator may initiate a periodic review if a written request for periodic review is received from any party and 36 months have passed since the date the most recent support order took effect, or the date of a determination that the most recent support order should not be adjusted.

(5) The administrator will initiate a periodic review when 36 months have passed since the date the most recent support order took effect, or the date of a determination that the most recent support order should not be adjusted, and the family is currently receiving TANF.

(6) The administrator must complete the determination that the order is in substantial compliance with the guidelines and appropriate health care coverage or cash medical support is ordered, or complete the modification of the existing order within 180 days of receiving a written request for a periodic review, initiating the mandatory review, or locating the non-requesting party(ies), if necessary, whichever occurs later.

(7) The administrator is responsible for conducting a periodic review in this state or for requesting that another state conduct a review pursuant to OAR 137-055-7190. As provided in ORS 110.429 and 110.432, the law of the state reviewing the order applies in determining if a basis for modification exists.

(8) Upon receipt of a written request for a periodic review or when a mandatory periodic review is required, the administrator will notify the parties of the review in writing. The notice must advise the parties:

ADMINISTRATIVE RULES

(a) Of the opportunity to provide information, with regard to themselves and the other party(ies) if known, which might affect the administrators calculation of the presumed correct support amount under the child support guidelines and the need to order appropriate health care coverage or cash medical support, and that each party has 30 days from the date of the notice to provide such information in writing to the administrator;

(b) That the administrator will consider written information received from any party prior to calculating the presumed correct amount of support or ordering appropriate health care coverage or cash medical support;

(c) That the administrator will not conduct a review until 30 days have passed since the date of the notice unless documentation or written information is received from the parties before the 30 days have passed; and

(d) That a modification to the support amount will affect only support owing on or after the date of service on the last non-requesting party.

(9) The administrator will notify the parties in writing of the presumed correct support amount under the child support guidelines and the need to order appropriate health care coverage or cash medical support.

(10) This notification:

(a) May be by service of a proposed determination that the existing order is in substantial compliance with the guidelines and appropriate health care coverage or cash medical support is already ordered to be provided, or

(b) May be by service of a motion or petition to modify the current support order, pursuant to applicable statutes and administrative rules;

(c) Must advise the parties that each party has 30 days from the date of service of the notice to object to the determination or proposed modification in writing if they so choose, and that the order will not be final until at least the 30 day period has passed;

(d) Must include the request for hearing form for each of the parties if the administrator uses an administrative determination or motion form; and

(e) Must be sent to an adult child who has requested notification of any modification proceeding pursuant to ORS 107.108.

(11) If the administrator determines that the support order should be modified and there is an adult child on the case, the proposed modification will be a tiered order as defined in OAR 137-055-1020.

(12) If a party wishes to object to the proposed determination or modification, the party must file a written request for hearing with the administrator or court before the 30 day period has passed.

(13) Upon receipt of a written request for hearing opposing the proposed determination or modification, the administrator will:

(a) Review the case to determine whether the monetary child support or medical child support provisions, should be redetermined and, if so, notify the parties of the new presumed support amount or medical child support provisions;

(b) Seek a consent order; or

(c) Ensure that the matter is set for hearing if no other resolution is achieved; and

(d) Send a copy of the proposed determination and hearing request to an adult child who has requested notification of any modification proceeding pursuant to ORS 107.108

(14) If no request for hearing is filed within the 30 day period, the administrator will submit the determination or modification of the support order to the circuit court for entry in the court register.

(15) If a hearing is held on a determination and the administrative law judge makes a finding that the order is not in substantial compliance with the guidelines, does not order appropriate health care coverage, or an amount towards cash medical support, the administrative law judge must enter a modified order that complies with the guidelines.

(16) An appeal under this rule will be as provided in ORS 25.287.

(17) No provision of this rule precludes the parties from obtaining the services of private legal counsel at any time to pursue modification of the support order pursuant to all applicable laws.

Stat. Auth.: ORS 180.345; 416.455

Stats. Implemented: ORS 25.080, 25.287, 25.321 - 25.343, 107.135, 416.425

Hist.: AFS 65-1989, f. 10-31-89, cert. ef. 11-1-89; AFS 11-1992(Temp), f. & cert. ef. 4-30-92; AFS 26-1992, f. & cert. ef. 9-30-92; AFS 20-1993, f. 10-11-93, cert. ef. 10-13-93; AFS 21-1994, f. 9-13-94, cert. ef. 12-1-94; AFS 17-1997(Temp), f. & cert. ef. 9-16-97; AFS 17-1997(Temp) Repealed by AFS 23-1997, f. 12-29-97, cert. ef. 1-1-98; AFS 23-1997, f. 12-29-97, cert. ef. 1-1-98; AFS 75-1998, f. 9-11-98, cert. ef. 9-15-98; AFS 13-1999, f. 10-29-99, cert. ef. 11-1-99; AFS 9-2000, f. 3-13-00, cert. ef. 4-1-00; AFS 21-2000, f. & cert. ef. 8-1-00; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0072; AFS 23-2001, f. 10-2-01, cert. ef. 10-6-01; AFS 28-2001, f. 12-28-01, cert. ef. 1-1-02; 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 461-200-3420; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-3420; DOJ 2-2004, f. 1-2-04 cert. ef. 1-5-04; DOJ 10-2004, f. & cert. ef. 7-1-04; DOJ 4-2005, f. & cert. ef. 4-1-05; DOJ 8-2005(Temp), f. & cert. ef. 9-1-05 thru 2-17-06; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 5-2006, f. 6-29-06, cert. ef. 7-3-06; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-3430

Substantial Change in Circumstance Review and Modification of Child Support Order Amounts

(1) For purposes of this rule the definitions provided in ORS 25.321, OAR 137-050-0320, 137-050-0410, 137-050-0430 and 137-055-3420 apply.

(2) Notwithstanding OAR 137-055-3420, proceedings may be initiated at any time to review and modify a support obligation based upon a substantial change in circumstance.

(3) The administrator will conduct a review based upon a request for a change of circumstance modification when:

(a) Oregon has jurisdiction to modify; and

(b) The administrator receives a written request for modification based upon a change of circumstance and at least 60 days have passed from the date the existing support order was entered, except for those cases where a review is requested pursuant to paragraphs (3)(d)(H) or (I); or

(c) The administrator determines that a modification should be initiated based on the administrators own motion; and

(d) At least one of the following criteria are met:

(A) A change in the written parenting time agreement or order has taken place;

(B) The financial or household circumstances of one or more of the parties are different now than they were at the time the order was entered;

(C) Social Security benefits received on behalf of a child due to a parents disability or retirement were not previously considered in the order or they were considered in an action initiated before May 12, 2003;

(D) Veterans benefits received on behalf of a child due to a parents disability or retirement were not previously considered in the order or they were considered in an action initiated before May 12, 2003;

(E) Survivors and Dependents Education Assistance benefits received by the child or on behalf of the child were not previously considered in the order;

(F) Since the date of the last order, the obligor has been incarcerated, as defined in OAR 137-055-3300;

(G) The needs of the child(ren) have changed;

(H) There is a need to order health care coverage or cash medical support for the child(ren) pursuant to OAR 137-050-0410, 137-050-0430 or 137-055-3340;

(I) A change in the physical custody of the minor child(ren) has taken place;

(J) An order is being modified to include a subsequent child of the parties; or

(K) A child no longer qualifies as a child attending school under ORS 107.108 and OAR 137-055-5110 and the order is being modified pursuant to ORS 107.108(10) as a tiered order. Tiered order has the meaning given in OAR 137-055-1020.

(e) And the requesting party (if other than the administrator):

(A) Completes a written request for modification based upon a substantial change of circumstance;

(B) Pursuant to ORS 416.425, provides appropriate documentation for the criteria in subsection (d) of this section showing that a substantial change of circumstance has occurred; and

(C) Completes a Uniform Income Statement or Uniform Support Affidavit.

(4) Upon receipt of a written request for a review and modification, or upon the administrators own initiative, the administrator will notify the parties of the review in writing. The notice will inform the parties:

(a) Of the opportunity to provide information, with regard to themselves and the other party(ies) if known, which might affect the administrators calculation of the presumed correct support amount under the child support guidelines and the need to order appropriate health care coverage or cash medical support, and that each party has 30 days from the date of the notice to provide such information in writing to the administrator;

(b) That the administrator will consider written information received from any party prior to:

(A) Calculating the presumed correct amount of support;

(B) Ordering appropriate health care coverage or cash medical support.

(c) That the administrator will not conduct a review until 30 days have passed since the date of the notice unless documentation or written information is received from all parties before the 30 days have passed; and

(d) That a modification to the support amount will affect only support owing on or after the date of service on the last non-requesting party.

(5) A request for review will be granted unless:

(a) The conditions in section (3) have not been met; or

ADMINISTRATIVE RULES

(b) The review was requested due to one of the criteria in paragraphs (3)(d)(A) through (3)(d)(G), and the order is in substantial compliance with the guidelines. The determination of substantial compliance will be made as outlined in OAR 137-055-3420(1)(e).

(6) If the request for review is granted, the administrator will:

(a) Initiate a motion or petition to modify the current support order pursuant to applicable statutes and administrative rules. If there is an adult child on the case, the proposed modification will be a tiered order as defined in OAR 137-055-1020;

(b) Advise the parties in writing of the presumed correct child support amount under the child support guidelines and if required, the need to order appropriate health care coverage or cash medical support.

(c) This notification:

(A) Must be by service of a motion or petition to modify the current support order, pursuant to applicable statutes and administrative rules;

(B) Must advise the parties that each party has 30 days from the date of service of the notice to object to the proposed modification in writing if they so choose, and that the order will not be final until at least the 30 day period has elapsed; and

(C) Must include the request for hearing form for each of the parties as provided in OAR 137-055-2160, if the administrator uses an administrative motion form.

(d) Send a copy to the adult child who has requested notification of any modification proceeding pursuant to ORS 107.108.

(7) If a party wishes to object to the proposed modification, the party must file a written request for hearing with the administrator or court before the 30 day period has passed.

(8) Upon receipt of a written request for hearing opposing the proposed modification, the administrator will:

(a) Review the case to determine whether the monetary child support or medical child support provisions should be redetermined and, if so, notify the parties of the new presumed child support amount or medical child support provisions;

(b) Seek a consent order; or

(c) Ensure that the matter is set for hearing if no other resolution is achieved.

(9) If a party submits, in writing, newly acquired information after a proposed modification has been served, the administrator will review the case pursuant to subsection (8)(a).

(10) If no request for hearing is filed within the 30 day period, the administrator will submit the modification of the support order to the circuit court for entry in the court register.

(11) If the request for review is denied, the administrator will notify the requesting party of the denial in writing within 30 days and inform the party of their right to file a motion for modification as provided in ORS 416.425. The administrator will advise the party on how to obtain the Oregon Judicial Department packet that has been prescribed for this purpose.

(12) An appeal under this rule will be as provided in ORS 416.427.

(13) No provision of this rule precludes the parties from obtaining the services of private legal counsel at any time to pursue modification of the support order pursuant to all applicable laws.

(14) If a request for review and modification is received because a change in the physical custody of the minor child(ren) has taken place, a party may also request a credit back to the date the change in physical custody took place in accordance with OAR 137-055-5510.

Stat. Auth.: ORS 180.345, 416.455

Stats. Implemented: ORS 25.080, 25.287, 25.321-25.343, 107.108, 107.135, 416.425

Hist.: DOJ 10-2004, f. & cert. ef. 7-1-04; DOJ 16-2004, f. 12-30-04, cert. ef. 1-3-05; DOJ 4-2005, f. & cert. ef. 4-1-05; DOJ 8-2005(Temp), f. & cert. ef. 9-1-05 thru 2-17-06; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 5-2006, f. 6-29-06, cert. ef. 7-3-06; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-4060

Income Withholding — General Provisions, Requirements and Definitions

(1) OARs 137-055-4060 through 137-055-4180 provide for collection of support by means of income withholding, in accordance with ORS 25.372 through ORS 25.427 and all other applicable Oregon law, on all support cases being enforced by the administrator.

(2) For purposes of OARs 137-055-4060 through 137-055-4180 and as used in ORS 25.372 through ORS 25.427, the following definitions apply:

(a) “Alternative payment method” means the methods of paying support described in OAR 137-055-4120;

(b) “Best interests of the child” means the method of payment likely to produce consistent support which will reach the child(ren) in the most expedient manner.

(c) “Disposable income” means the part of an individual’s income that remains after the deduction of any amounts required to be withheld by law, except as provided in paragraphs (B) or (C) of this subsection.

(A) Amounts required to be withheld by law include, but are not limited to, required withholding for taxes and social security;

(B) Any amounts withheld for the following will not be deducted from the obligor’s income when computing disposable income, even if such withholding is required by law or by judicial or administrative order:

(i) Health insurance premiums;

(ii) Spousal or child support.

(C) An obligor may claim offsets against gross receipts for ordinary and necessary business expenses and taxes directly related to the income withheld. The obligor has the burden of proving such claims and must therefore furnish verifiable business records or documents to support any offsets claimed. The obligor also has the burden of furnishing such records or documents in a timely manner, and the Division of Child Support (DCS) will not refund to the obligor, on the basis of such claims, any amounts withheld that DCS has already disbursed to the obligee or to any child attending school under ORS 107.108 and OAR 137-055-5110;

(d) “Good cause” for not withholding means a situation that exists when:

(A) A court or the administrator makes a written determination that, and a written explanation in the official record of why, immediate income withholding would not be in the best interests of the child; and

(B) If the case involves the modification of an existing support order, there is proof of timely payment of previously-ordered support and there are no arrears. Timely payment is indicated when the obligor has not previously become subject to initiated income withholding under the existing order.

(e) Periodic recurring income as used in calculating withholding from a lump sum payment or benefit pursuant to ORS 25.414(4), means income that is intended as a monthly or more frequent payment that includes, but is not limited to, a teachers lump sum payment for summer months.

(3) All support orders issued or modified by the administrator will include a provision requiring the parties to keep the administrator informed of:

(a) The name and address of the party’s current employer;

(b) Whether or not the party has access to appropriate health care coverage, and if so, the health care coverage policy information.

Stat. Auth.: ORS 25.396; 25.427, 180.345

Stats. Implemented: ORS 25.372, 25.427, 656.234, 657.780 & 657.855

Hist.: AFS 4-1990, f. 1-18-90, cert. ef. 2-1-90; AFS 14-1990, f. & cert. ef. 6-7-90; AFS 29-1992, f. 10-8-92, cert. ef. 11-1-92; AFS 7-1994, f. & cert. ef. 4-1-94; AFS 12-1994, f. 6-28-94, cert. ef. 7-1-94; AFS 20-1995, f. 8-30-95, cert. ef. 9-9-95; 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 461-195-0175; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-4060; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-4060; DOJ 2-2004, f. 1-2-04 cert. ef. 1-5-04; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 6-2006, f. & cert. ef. 10-2-06; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-4130

Reduced Income Withholding

(1) The Department of Justice may set a lesser amount to be withheld if:

(a) Withholding is only for arrears, the obligor demonstrates the withholding is prejudicial to the obligors ability to provide for a child the obligor has a duty to support; and

(A) If arrears are owed to the obligee and the obligee agrees to a reduced withholding amount;

(B) If arrears are owed to the child attending school under ORS 107.108 and OAR 137-055-5120 and the child attending school agrees to a reduced withholding amount.

(b) Child support is currently assigned to the state and the child is in the care or custody of the Oregon Youth Authority (OYA) or the Department of Human Services (DHS), the obligor demonstrates the withholding is prejudicial to the obligors ability to provide for a child the obligor has a duty to support, and the state and the obligor agree in writing to a reduced amount of withholding.

(2) If the provisions in subsection (1)(b) apply, the Division of Child Support (DCS) may submit an agreement for reduced income withholding to the DHS child welfare program or OYA for approval or denial.

(3) Upon receiving notice of an approval or denial of an agreement, DCS will notify the obligor. If the DHS child welfare program or OYA do not respond within 30 days of receiving an agreement, the agreement will be deemed denied.

ADMINISTRATIVE RULES

(4) If the agreement is approved, the agreement does not take effect until it has been signed by the obligor and returned to DCS.

(5) If the obligor does not agree with the agency's denial of an agreement, the obligor may file a grievance with the DHS child welfare program or OYA pursuant to OAR 413-010-0450 or 416-100-0070.

(6) A written agreement for a reduced amount of withholding may terminate and income withholding for the full amount allowable by law may be reinstated, unless the obligor otherwise qualifies for an exception pursuant to OAR 137-055-4080 or 137-055-4100, when:

(a) The child(ren) leave(s) the care or custody of the state agency to which support has been assigned;

(b) According to the case record or as notified by the DHS child welfare program or OYA, the obligor is out of compliance with the agreement; or

(c) The time period covered by the agreement has expired.

Stat. Auth.: ORS 25.414, 180.345

Stats. Implemented: ORS 25.414

Hist.: DOJ 14-2001, f. 12-28-01, cert. ef. 1-2-02, DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 137-050-0605; DOJ 2-2004, f. 1-2-04 cert. ef. 1-5-04; DOJ 16-2004, f. 12-30-04, cert. ef. 1-3-05; DOJ 5-2005, f. & cert. ef. 7-15-05; DOJ 1-2006, f & cert. ef. 1-3-06; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-4320

Collection of Delinquent Support Obligations Through the Oregon Department of Revenue

(1) The administrator may claim Oregon tax refunds otherwise due to be paid to an obligor, to collect:

(a) Support arrears;

(b) Unpaid award amounts from any judgment entered against the obligor for birth expenses or for the cost of parentage tests to establish a child's paternity.

(2) The Division of Child Support (DCS) will file such claims with the Oregon Department of Revenue (DOR) according to rules and procedures established by DOR.

(3) Referral of arrears will be a liquidated claim, debt, or account established by a court or administrative order.

(4) DCS will not refer any case where the case record indicates that one or more of the following is applicable:

(a) The arrears are less than \$25;

(b) The obligee has claimed "good cause" for not cooperating with efforts to establish or enforce support.

(5) DCS will distribute and, as appropriate, disburse tax refunds recovered by this process as set out in OARs 137-055-2360, 137-055-2380 and 137-055-6021 through 137-055-6024.

(6) DCS will send an advance written notice to the parties of the intent to claim the tax refund and apply it to the obligor's account. The notice will advise of the obligors right to an administrative review of the proposed action. The only issues that may be considered in the review are:

(a) Whether the obligor is the person who owes the support as indicated by the case record; or

(b) Whether the arrears indicated in the notice are correct.

(7) Upon receipt of the request for review, the administrator will schedule the review and notify the parties of the date, time and place of the review.

(8) At any time any refund is claimed, DOR will send by regular mail written notice to the obligor of the intention to apply the tax refund to the obligor's delinquent account. The notice will advise the obligor of the right to an administrative hearing regarding this action that:

(a) The obligor, within 30 days from the date of this notice, may request an administrative hearing before an administrative law judge;

(b) The request for hearing must be in writing.

(9) No hearing will be held if the obligor, after having been given due notice of rights to a hearing, has failed to exercise such rights in a timely manner as specified in the notice.

(10) No issues may be considered at the administrative hearing that have been litigated previously or where the obligor failed to exercise rights to appear and be heard or to appeal a decision which resulted in the accrual of the arrears.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.610 & 293.250

Hist.: AFS 13-1978, f. & ef. 4-4-78; AFS 23-1987(Temp), f. 6-19-87, ef. 7-1-87; AFS 60-1987, f. & ef. 11-4-87; AFS 66-1989, f. 11-28-89, cert. ef. 12-1-89, Renumbered from 461-035-0004; AFS 25-1990, f. 11-21-90, cert. ef. 12-1-90; AFS 30-1995, f. 11-6-95, cert. ef. 11-15-95; AFS 7-1997, f. & cert. ef. 6-13-97; 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 461-195-0205; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-4320; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-4320; DOJ 1-2006, f & cert. ef. 1-3-06; DOJ 1-2007, f. & cert. ef. 1-2-07; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-4340

Collection of Delinquent Support Obligations Through the U.S. Secretary of the Treasury

(1) The administrator may claim federal tax refunds and administrative offset of other payments from the federal government through the U.S. Secretary of the Treasury (Secretary) otherwise due to be paid to an obligor or to collect support arrears.

(2) The Division of Child Support (DCS) will file such claims with the Secretary according to rules and procedures established by the federal government.

(3) Referral of arrears will be a liquidated claim, debt, or account established by a court or administrative order.

(4) DCS will not refer any case for federal tax refund or administrative offset where the case record indicates that one or more of the following is applicable:

(a) The arrears assigned to the state are less than \$150 and the support amount is less than 45 days delinquent;

(b) The arrears are less than \$500 on a case where none of the arrears have been assigned to the state; or

(c) The obligee has claimed "good cause" for not cooperating with efforts to establish or enforce support.

(5) DCS will distribute and, as appropriate, disburse tax refunds and other federal administrative offsets recovered by this process as set out in OARs 137-055-2360, 137-055-2380 and 137-055-6021 through 137-055-6024.

(6) A one-time pre-offset notice will be sent to the parties by either the federal government or DCS of the intent to claim the tax refund, or other federal payments through the Secretary, and apply them to the obligor's account. Such notice will advise the parties of the obligors right to an administrative review regarding this action. The only issues that may be considered in the review are:

(a) Whether the obligor is the person who owes the support as indicated by the case record; or

(b) Whether the arrears indicated in the notice are correct.

(7) Upon receipt of the request for review, the administrator will schedule the review and notify the parties of the date, time and place of the review.

Stat. Auth.: ORS 25.625, 180.345

Stats. Implemented: ORS 25.625

Hist.: AFS 7-1997, f. & cert. ef. 6-13-97; AFS 15-1997(Temp), f. & cert. ef. 9-2-97; AFS 26-1997, f. 12-31-97, cert. ef. 1-1-98; 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 461-195-0210; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-4340; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-4340; DOJ 4-2005, f. & cert. ef. 4-1-05; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-4360

Internal Revenue Service Full Collection Services

(1) For the purpose of this rule, "Regional Representative" means the Region X office of the Department of Health & Human Services, Administration for Children and Families, Child Support Enforcement.

(2) The administrator may request Internal Revenue Service Full Collection Service on behalf of a given case.

(3) For a case to be eligible for Full Collection Service, all of the following conditions must apply:

(a) There must be a court or administrative order for payment of child support;

(b) The amount to be collected under the support order must be at least \$750 in arrears;

(c) At least six months must have elapsed since the case was last submitted for Full Collection Service;

(d) The administrator, the obligee, or the obligee's representative must have made reasonable efforts to collect the support by using the state's standard collection procedures. These actions may include all of the following when deemed reasonable and cost-effective:

(A) Orders to withhold income;

(B) Orders to withhold Unemployment Compensation or Worker's Compensation benefits;

(C) Garnishments against liquid assets such as bank accounts, inheritance assets, lottery winnings, or any other liquid assets that may be garnished under state law;

(D) Interception of federal and state tax refunds;

(E) Credit bureau reporting;

(F) Initiating reciprocal support enforcement action with other states;

(G) Filing liens against real property the obligor may own in order to collect past-due support;

ADMINISTRATIVE RULES

(H) Suspension of occupational license(s) the obligor may have to the extent permissible under state law and rules;

(I) Discovery methods, including financial disclosure exams or written interrogatories;

(J) Prosecution for contempt of court or criminal nonsupport.

(4) All requests must be submitted in the manner and form prescribed by the Regional Representative and must include the following:

(a) Sufficient information to identify the obligor, including the obligor's name and social security number and, the obligor's home address and place of employment, including the source of this information and the date this information was last verified;

(b) A copy of all court or administrative orders for support;

(c) A statement of the amount owed under the support order(s), including a statement of whether the amount is in lieu of, or in addition to, amounts previously referred to the Internal Revenue Service for collection;

(d) A statement that the administrator, the obligee, or the obligee's representative has made reasonable efforts to collect the amount owed using the state's standard collection procedures. The statement must describe the collection actions that have been taken, why they failed, and why further state action would be unproductive;

(e) The dates of any previous requests for referral of the case to the Internal Revenue Service for collection;

(f) A statement that the administrator agrees to reimburse the U.S. Secretary of the Treasury (Secretary) for the established fee for paying the costs of collection;

(g) A statement that the administrator has reason to believe that the obligor has assets that the Secretary might levy to collect the support, including a statement of the nature and location of the assets, if known.

(5) Each request for Full Collection Service will be reviewed by the Regional Representative to determine whether it meets federal requirements. The administrator will cooperate with the Regional Representative in attempting to correct any deficiencies.

(6) The administrator must immediately notify the Regional Representative of the following changes in case status:

(a) The amount due;

(b) The nature or location of the obligor's assets;

(c) The address of the obligor.

(7) The administrator will be responsible for paying the fee established under subsection (4)(f) of this rule.

(8) The administrator will recover the fee amount it has paid on any case under section (7) of this rule, from the amount of any collection subsequently attained by the Internal Revenue Service and forwarded to the Division of Child Support in accordance with OAR 137-055-6021.

Stat. Auth.: ORS 180.345

Statute Implemented: ORS 25.080

Hist.: AFS 31-1989, f. 6-6-89, cert. ef. 6-9-89; AFS 51-1989, f. 8-25-89, cert. ef. 9-1-89; AFS 66-1989, f. 11-28-89, cert. ef. 12-1-89, Renumbered from 461-035-0655; AFS 11-1990, f. 3-27-90, cert. ef. 4-1-90; AFS 20-1996, f. 5-24-96, cert. ef. 6-1-96; 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 461-195-0225; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-4360; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-4360; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-4520

Collection and Distribution of Support Through Garnishment Proceedings

(1) The administrator may utilize garnishment proceedings in accordance with ORS chapter 18 for the purpose of collecting past due support.

(2)(a) When the administrator receives a collection from a garnishment proceeding, the Division of Child Support (DCS) will hold the collection for 40 days if the garnishee is making a payment of other than wages or 120 days if the garnishee is making a payment of wages before disbursing any amounts due a party from the collection.

(b) This requirement is to accommodate the possibility that the administrator may have to return funds from the collection to the garnishee, the obligor, or the court, as a result of the obligor or any person who has an interest in the garnished property having made a challenge to garnishment in accordance with ORS chapter 18.

(c) The administrator will waive this requirement to hold the collection, and will apply the collection to the case for immediate distribution, in any case where the obligor provides the administrator with a signed and notarized statement expressly waiving the right to make a challenge to garnishment and requesting that the administrator apply, distribute and, as appropriate, disburse the payment immediately.

(3) Notwithstanding section (1) of this rule, when the administrator initiates garnishment proceedings under ORS chapter 18 against the following kinds of lump sum payments, the amount garnished will be limited

to 25% of such lump sum payments. These include lump sum payments on a settlement or judgment from:

(a) Disability benefits (except SSI);

(b) Public or private pensions, unless otherwise ordered by a court;

(c) Health insurance proceeds and disability proceeds from life insurance policies;

(d) Veteran's benefits and loans;

(e) The first \$10,000 of payment on account of personal bodily injury, amounts over \$10,000 are not limited to 25%;

(f) Payment in compensation of loss of future earnings reasonably necessary for support of an obligor and any current dependents; and

(g) Workers' compensation benefits.

(4) Upon receipt of a notice of the challenge to garnishment from the clerk of the court, the administrator will file with the clerk of the court a response to the challenge to garnishment, attaching copies of the writ of garnishment, garnishee response, debt calculation and any supporting documentation necessary or helpful to the court in making a determination of the challenge to garnishment.

(5) When a single writ of garnishment is issued for two or more cases as provided in ORS 18.645 and notice of a challenge to garnishment is received, the administrator will attach to the response described in section (4), copies of all judgments for which the writ is issued and a debt calculation for each referenced judgment.

(6) When the contents of a bank account are garnished and the obligor makes a challenge to garnishment that claims that all or some portion of the contents of the account came from lump sum payments listed in section (3) of this rule, the administrator may return to the obligor the portion of such lump sum payments received from that account in excess of 25%, as appropriate.

(7) When the garnishee is a credit union, the credit union may retain the par value of the garnished account, defined as the face value of an individual credit union share necessary to maintain a customer's membership.

Stat. Auth.: ORS 25.020, 180.345

Stats. Implemented: ORS 18.345, 18.645, 25.020 & 25.080

Hist.: AFS 28-1996, f. & cert. ef. 7-1-96; AFS 23-1997, f. 12-29-97, cert. ef. 1-1-98; AFS 2-2000, f. 1-28-00, cert. ef. 2-1-00; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0238; 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 461-200-4520; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-4520; DOJ 2-2004, f. 1-2-04 cert. ef. 1-5-04; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-4620

Enforcing Health Care Coverage and Cash Medical Support

(1) If services are being provided pursuant to ORS 25.080 and private health care coverage is ordered the administrator will issue a medical support notice to enforce orders for health care coverage within two business days of receiving information that an employer has hired or rehired a providing party, as defined in OAR 137-050-0320, or at any time when the administrator determines it is necessary; and

(a) An obligor or obligee is ordered to provide appropriate health care coverage for a child as defined in ORS 25.321, OAR 137-050-0320 and 137-050-0410;

(b) The providing party has failed to provide appropriate health care coverage, either personally or through a spouses or domestic partners coverage;

(c) The employer offers or may offer a health benefit plan to its employees; and

(d) The administrator has made a determination that the health care coverage is appropriate pursuant to OAR 137-050-0410.

(2) Notwithstanding the provisions of section (1), if the party ordered to provide appropriate health care coverage is an active duty or retired member of the military, the administrator will not issue a medical support notice to the military.

(3) If the conditions in section (2) apply:

(a) The administrator will inform the obligee, if the obligee is not the providing party as defined in OAR 137-050-0320, of the process to initiate military health care coverage enrollment for the dependent child; and

(b) If the medical child support rights for the dependent child are currently assigned to the state, the administrator will require either party to make all reasonable efforts to enroll the child in military health care coverage.

(4) When a medical support notice has been served and the providing party is not enrolled in a health benefit plan or is not enrolled in a plan that offers dependent coverage that is appropriate pursuant to OAR 137-050-0410, and if more than one plan with appropriate dependent coverage is offered, the administrator will select a plan in accordance with OAR 137-055-4640.

ADMINISTRATIVE RULES

(5) A party can contest the medical support notice as set out in ORS 25.333.

(6) When the administrator is notified by the employer that the amount to be withheld for premiums is greater than is permissible under ORS 25.331 the administrator will review the circumstances and, if appropriate, modify the order to provide for cash medical support pursuant to OAR 137-050-0430.

(7) When an employer notifies the administrator that the amount to be withheld for the health care coverage premium is greater than permissible under ORS 25.331:

(a) An obligee who is a recipient of TANF cash assistance may not elect to receive health care coverage over monetary child support. In these cases, the administrator will select monetary child support over health care coverage unless health care coverage would be in the best interests of the child.

(b)(A) Except as provided in section (7)(b)(B), an obligee, who is not a recipient of TANF cash assistance and who selects health care coverage over monetary child support, may change the selection:

(i) No more than once per year;

(ii) In conjunction with a medical support notice being issued to a new employer; or

(iii) When a child becomes seriously ill and health care coverage is needed.

(B) An obligee who is not a recipient of TANF cash assistance may not select health care coverage over monetary child support if such a selection conflicts with the requirements of any bankruptcy plan.

(8) A request to select health care coverage over monetary child support may be made verbally or in writing.

(9) When multiple cases for an obligor are being enforced and the employer receives notice that one or more cases have selected health care coverage over monetary child support, the employer must withhold in the following manner:

(a) First withhold the full amount listed on withholdings issued on the cases that have not selected health care coverage over monetary child support;

(b) Withhold the premium for health care coverage, up to the maximum allowed by law;

(c) If the maximum is not reached, withhold support for the case(s) requesting health care coverage, up to the full amount of the withholding order or the maximum allowed by law, whichever is less;

(d) Identify which payment goes with which case and submit the monetary support payments to the Division of Child Support as directed in the withholding orders.

(10) A providing party may select a different health benefit plan during any applicable open enrollment period, providing the health benefit plan provides appropriate health care coverage, or other coverage if the order so requires.

(11) If the providing party changes to a health benefit plan that does not meet the criteria in section (10) of this rule, the administrator will issue a medical support notice as provided in section (1) of this rule and may pursue modification of the support order for an amount towards cash medical support pursuant to OAR 137-050-0430.

Stat. Auth.: ORS 25.321, 25.325, 180.345

Stats. Implemented: ORS 25.325

Hist.: AFS 10-1990, f. 3-14-90, cert. ef. 4-1-90; AFS 25-1995, f. 10-12-95, cert. ef. 10-15-95; 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 461-195-0060; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-4620; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-4620; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-4640

Medical Support Notice — Plan Selection

For the purposes of this rule, the definitions found in ORS 25.321, OAR 137-050-0320 and 137-050-0410 apply.

(1) When a medical support notice has been served and the providing party as defined in OAR 137-050-0320, is not enrolled in a health benefit plan or is not enrolled in a plan that offers appropriate dependent coverage as defined in OAR 137-0320 and 137-050-0410, and if more than one plan with appropriate dependent coverage is offered, the plan administrator will notify the enforcing agency and the enforcing agency will forward the health benefit plan information to the obligee, if the obligee is not the providing party.

(2) The notice sent by the enforcing agency with the health benefit plan descriptions and documents will advise the obligee that:

(a) If the obligee identifies a plan and contacts the enforcing agency within 10 calendar days of the date the plan information was mailed, except

as provided in section (4) of this rule, the enforcing agency will notify the plan administrator of the selection made.

(b) If the obligee fails to notify the enforcing agency of a plan selection within 10 calendar days of the date the plan information was mailed, except as provided in section (4) of this rule, the enforcing agency will select the default plan if the plan administrator has indicated there is such a plan or, if there is not a default plan indicated by the plan administrator, the least costly plan available that provides appropriate health care coverage.

(3) Notwithstanding any other provisions of this rule, and except as provided in section (4) of this rule, if the providing party has more than one case with an order to provide appropriate health care coverage, the enforcing agency will select a plan using the following criteria:

(a) If there is only one health benefit plan that provides appropriate health care coverage on all cases, that plan will be selected;

(b) If there is more than one health benefit plan that provides appropriate health care coverage on all cases, the least costly plan will be selected;

(c) If there is a health benefit plan that provides appropriate health care coverage for some but not all of the children on the cases, then:

(A) If the medical support notices were issued on all cases on or about the same date, such as would occur when the providing party has a new employer, the least costly plan that is appropriate to the child(ren) on at least one of the cases will be selected; or

(B) If the medical support notices were issued at different times, such as would occur when there is an existing order with a provision for appropriate health care coverage on one case and a new order with a provision for appropriate health care coverage is established on a second case, the existing plan or the least costly plan that is appropriate to the child(ren) on the case in which the first medical support notice was issued will be selected.

(4) If a providing party's current family is covered by a health benefit plan, the enforcing agency may not select a plan that eliminates the current family's coverage.

(5) The enforcing agency will notify the plan administrator of the selection within 20 business days of the date the plan administrator forwarded the health plan descriptions and documents to the enforcing agency.

Stat. Auth.: ORS 25.080, 180.345

Stats. Implemented: ORS 25.325, 25.327, 25.329, 25.331, 25.333, 25.337, 25.341

Hist.: AFS 38-1995, f. 12-4-95, cert. ef. 12-15-95; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0063; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-4640; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-4640; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-5045

Inconsistent Provisions: Body of Order and Support or Money Award

(1) If the administrator discovers that the support provisions in the body of an administrative order or judgment document are inconsistent with the support or money award (hereinafter award), the administrator will:

(a) On a case in which the Division of Child Support (DCS) is providing distribution and, as appropriate, disbursement only services, send a courtesy notice regarding the inconsistency to all parties;

(b) On a case in which services are being provided under ORS 25.080 but the award was not entered by the administrator, send a written notice to all parties to request correction of the error. The notice will advise the parties that until DCS is provided with a copy of the court corrected judgment and award, their support case will be enforced:

(A) As recorded on the judgment register Oregon Judicial Information Network (OJIN), or

(B) If OJIN does not reflect information necessary to proceed, as recorded on the money award;

(c) On a case in which services are being provided under ORS 25.080 and the award was entered by the administrator, file a motion to correct the error. Until the error is corrected, the support case will be enforced

(A) As recorded on the judgment register OJIN, or

(B) If OJIN does not reflect information necessary to proceed, as recorded on the money award.

(2) Notwithstanding subsection (1)(b) of this rule, the administrator may instead file a motion to correct the error if the child support rights, as defined in ORS 25.010, have been assigned to the state.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.020 & 25.080

Hist.: DOJ 10-2004, f. & cert. ef. 7-1-04; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-5110

Child Attending School

The purpose of this rule is to provide additional information as to how the Child Support Program (CSP) will apply the provisions of ORS

ADMINISTRATIVE RULES

107.108 when the order or modification provides for support until the child is age 21, so long as the child is a child attending school in accordance with ORS 107.108.

(1) In addition to the definitions found in ORS 107.108, as used in OAR chapter 137, division 55, the following terms have the meanings given below:

(a) Active member of the military means:

(A) A member of the Army, Navy, Air Force, Marine Corps, or Coast Guard (collectively known as the “armed forces”), who is serving on active duty; or

(B) A member of the National Guard who is serving full-time National Guard state or federal active duty; or

(C) A cadet at a federal service academy.

(b) Adult child means a child over the age of 18 and under the age of 21, who is not married or otherwise emancipated, and is not currently a child attending school.

(c) “Child attending school” has the meaning given in ORS 107.108, except a child attending school does not include an active member of the military.

(d) Satisfactory academic progress means:

(A) For a child attending high school who is over age 18 but under age 21, enrollment in school and meeting attendance requirements or as defined by the school; or

(B) For a child attending post high school classes, as defined by the higher educational institution.

(2) If the obligor has not provided the child attending school with an address to send the documents required by ORS 107.108 to, the administrator, pursuant to OAR 137-055-1140(8), may release the address of record of the obligor to the child attending school. If the obligor does not provide an address to the CSP or to the child, the obligors failure to receive required documents is not a basis for objecting that a child does not qualify as a child attending school.

(3) If there has been a finding and order of nondisclosure on behalf of the child attending school pursuant to ORS 25.020;

(a) The child may send the obligors copy of the initial notice of intent to attend or continue to attend school to the administrator for the administrator to forward to the obligor. The child must submit a copy of the documents to the administrator within the time periods set out in ORS 107.108. The administrator will redact the following information prior to sending a copy of the documents otherwise required to be provided to the obligor:

(A) Residence, mailing or contact address including the school name and address;

(B) Social security number;

(C) Telephone number including the school telephone number;

(D) Drivers license number;

(E) Employers name, address and telephone number; and

(F) Name of registrar or school official.

(b) The child attending school must contact the school each term or semester and submit to the administrator the information that the obligor could obtain from the school if there wasnt a finding and order of nondisclosure on the case. The administrator will redact the information set out in subsection (a) of this section prior to sending a copy of the documents to the obligor.

(4) If a child attending school is in the care of the Oregon Youth Authority (OYA), any and all reporting duties of the child attending school will be the duty of OYA.

(5) The Department of Justice will distribute and disburse support directly to the child attending school, unless good cause is found to distribute and disburse support in some other manner. For purposes of this section good cause may include:

(a) The child is in the care of OYA;

(b) The child provides written notarized authorization for distribution and disbursement to the obligee;

(c) The court, administrative law judge or administrator orders otherwise; or

(d) The administrator is enforcing the Oregon order at the request of another state and that state has indicated they are unable to distribute and disburse support directly to the child.

(6)(a) If the administrator makes a finding that the support payment should be distributed and disbursed to the obligee under subsection (5)(b), the administrator will send a notice of redirection of support to the parties.

(b) A party may contest the administrators finding as provided in ORS 183.484.

(7) An objection based on the requirements of ORS 107.108 may be made by any party to the support order.

(a) Unless new supporting documentation can be provided, an objection can only be made once per semester or term as defined by the school, or three months from the date of a previous objection if the school does not have semesters or terms.

(b) A party may contest the administrators finding from the objection as provided in ORS 183.484.

(8) When support has been suspended under ORS 107.108 and the adult child subsequently complies with the requirements for reinstatement, the written confirmation and proof of written consent will be considered as an application for services if the case has been closed pursuant to OAR 137-055-1120.

(9) When the administrator has suspended or reinstated a support obligation pursuant to ORS 107.108, a party may request an administrative review of the action within 30 days after the date of the notice of suspension or reinstatement.

(a) The only issues which may be considered in the review are whether:

(A) The child meets the requirements of a child attending school;

(B) The written notice of the childs intent to attend or continue to attend school was sent to the parent ordered to pay support;

(C) The written consent was sent or proof of written consent was received.

(b) The burden of proof for the administrative review is on the requesting party to provide documentation supporting the allegation(s).

(10) When support has been suspended under ORS 107.108, the adult child may request to receive notice of future modifications and may request to be a party to the modification as outlined in ORS 107.108 and OAR 137-055-3430. The adult child does not have any party status on the case until the request has been received by the administrator.

(11) In addition to the rights afforded under ORS 107.108, if the obligee claims good cause under OAR 137-055-1090, the child attending school may apply for services to enforce the existing support obligation on behalf of the child attending school only.

(a) The application will be handled in the same manner as outlined in OAR 137-055-1090(9)(a)-(c).

(b) If the child attending school applies for services, and services are provided under ORS 25.080, all arrears for that child will accrue to the child attending school as provided for in OAR 137-055-6021, until the childs 21st birthday or is otherwise emancipated and then will be filed credited off the case.

(12) If a court orders payment from a higher education savings plan in lieu of support under ORS 107.108;

(a) The administrator will cease collection and billing actions on behalf of that child at age 18. If the support order is for a single or last remaining child the department will close the case unless there are arrears on the case.

(b) If payments are ordered from a higher education savings plan and the court has not provided for a modification of the support amount for any remaining children of the order, this is a substantial change of circumstances for purposes of modifying the support order.

(c) If payment from a higher education savings plan has been ordered, the administrator will not take action to subsequently modify the support order to include child attending school support provisions for that child.

(13) Except for support orders originally issued by a state other than Oregon and being enforced under the provisions of ORS 110.303 to 110.452, if the most recent order or modification for support cites ORS 107.108 or otherwise provides for support of a child attending school, the administrator will follow the provisions of ORS 107.108 and this rule, regardless of other child attending school provisions that may be in the support order.

Stat. Auth.: ORS 25.020, 107.108 & 180.345

Stats. Implemented: ORS 25.020, 25.080, 107.108 & 416.407

Hist.: AFS 23-2001, f. 10-2-01, cert. 10-6-01; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-5110; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-5110; DOJ 2-2004, f. 1-2-04 cert. ef. 1-5-04; DOJ 10-2004, f. & cert. ef. 7-1-04; DOJ 5-2005, f. & cert. ef. 7-15-05; DOJ 8-2005(Temp), f. & cert. ef. 9-1-05 thru 2-17-06; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 5-2006, f. 6-29-06, cert. ef. 7-3-06; DOJ 6-2006, f. & cert. ef. 10-2-06; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-6010

Definitions for Distribution and Disbursement

For purposes of OAR 137-055-6020 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).

ADMINISTRATIVE RULES

(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) Electronic funds transfer (EFT) and Electronic data interchange (EDI) is the movement of funds and information by nonpaper means, usually through a payment system including, but not limited to, an automated clearing house (ACH), the Federal Reserves Fedwire system, magnetic tape, direct deposit or stored value card.

(4) 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 states temporarily-assigned arrears during periods that the family receives assistance.

(5) 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.

(6) 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.

(7) Future support is an amount received which represents payment on current support or arrears for future months.

(8) States 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.

(9) States 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, states temporarily-assigned arrears revert to family's conditionally-assigned arrears during periods that the family is not receiving assistance.

(10) 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. [Table not included. See ED. NOTE.]

[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

Hist.: DOJ 1-2007, f. & cert. ef. 1-2-07; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-6021

Distribution and Disbursement: General Provisions

The terms used in this rule have the meanings set out in OAR 137-055-1020 and 137-055-6010.

(1) The Department of Justice (DOJ) will disburse support payments within two business days after receipt if sufficient information identifying the payee is provided, except:

(a) Support payments received as a result of tax refund intercepts will be distributed and, as appropriate, disbursed within thirty calendar days of receipt or, if applicable, within fifteen calendar days of an administrative review or hearing. If the state is notified by the Secretary of the U.S. Treasury (the Secretary) or the Oregon Department of Revenue (DOR) that an offset on a non-assistance case is from a refund based on a joint return, distribution may be delayed, up to a maximum of six months, until notified by the Secretary or DOR that the obligors spouse has been paid their share of the refund;

(b) Support payments received from a garnishment, issued pursuant to ORS chapter 18, will be held for 40 days if the garnishee is making a payment of other than wages or 120 days if the garnishee is making a payment of wages unless the obligor waives the right to make a challenge to a garnishment as set out in OAR 137-055-4520 or, if the obligor or any person who has an interest in the garnished property makes a challenge to garnishment, the support payment will be sent to the court where the challenge to garnishment has been filed;

(c) Support payments for future support will be distributed and, as appropriate, disbursed as provided in section (13) of this rule;

(d) Support payments for less than five dollars;

(A) May be delayed until a future payment is received which increases the payment amount due the family to at least five dollars; or

(B) Will be retained by DOJ if case circumstances are such that there is no possibility of a future payment, unless the obligee:

(i) Has direct deposit;

(ii) Receives ReliaCard payments; or

(iii) Requests issuance of a check, if the obligee does not have direct deposit or has an exemption from receiving ReliaCard payments.

(e) When an obligor contests an order to withhold, funds will be disbursed pursuant to OAR 137-055-4160(5).

(2) DOJ will distribute support payments received on behalf of a family who has never received assistance to the family, first toward current support, then toward support arrears, not to exceed the amount of arrears.

(3)(a) DOJ may send support payments designated for the obligee to another person or entity caring for the child(ren) if physical custody has changed from the obligee to the other person or entity; however, prior to doing so, DOJ will require a notarized statement of authorization from the obligee or a court order requiring such disbursement.

(b) DOJ will change the payee to a private collection agent that the obligee has retained for support enforcement services only in accordance with OAR 137-055-6025.

(c) DOJ will redirect payments for the child who qualifies as a child attending school under ORS 107.108 and OAR 137-055-5110 only in accordance with OAR 137-055-5110.

(4) Child support and spousal support have equal priority in the distribution of payments.

(5) Current child support and cash medical support will be distributed and disbursed on a prorated basis. To calculate the prorated distribution for each case, the administrator will determine the amount designated as child support and the amount designated as cash medical support, and divide each by the total support obligation. For example: the total support obligation is \$400, of which \$300 is child support and \$100 is cash medical support; a payment of \$300 is received. In this example, the child support is 75 percent of the total support obligation so \$225 would be distributed and disbursed to child support; cash medical support is 25 percent of the total support obligation so \$75 would be distributed and disbursed to cash medical support.

(6)(a) For Oregon support orders or modifications, a prorated share (unless otherwise ordered) of current support payments received within the month due will be disbursed directly to the child who qualifies as a child attending school under ORS 107.108 and OAR 137-055-5110.

(b) Any arrears resulting from unpaid current support to the child attending school will accrue to the child until the child reaches the age of 21 or is otherwise emancipated, at which time arrears will revert to, and be owed to, the obligee.

(c) Any payment received on arrears will be disbursed in equal shares to the obligee and to the child if the arrears accrued while the child was a child attending school, until the child reaches the age of 21 or is otherwise emancipated.

(7) If the obligor has a current support obligation for multiple children on a single case, those children have different assistance statuses and the order does not indicate a specified amount per child, current support payments will be prorated based upon the number of children and their assistance status. Support payments in excess of current support for these cases will be distributed and, as appropriate, disbursed as provided in OAR 137-055-6022.

(8) DOJ will retain the fee charged by the Secretary for cases referred for Full Collection Services per OAR 137-055-4360 from any amount subsequently collected by the Secretary under this program. DOJ will credit the obligors case for the full amount of collection and distribute and, as appropriate, disburse the balance as provided in OAR 137-055-6022.

(9) Unless a federal tax refund intercept collection is disbursed to assigned support, DOJ will retain the fee charged by the Secretary. Despite the fee, DOJ will credit the obligors case for the full amount of the collection. If the collection is disbursed to assigned support, DOJ will pay the fee.

(10) Unless a state tax refund intercept collection is disbursed to assigned support, DOJ will retain the fee charged by the Department of Revenue. Despite the fee, DOJ will credit the obligors case for the full amount of the collection. If the collection is disbursed to assigned support, DOJ will pay the fee.

(11) Within each arrears type in the sequence of payment distribution and disbursement in OAR 137-055-6022, 137-055-6023 or 137-055-6024, DOJ will apply the support payment to the oldest debt in each arrears type.

(12) Any excess funds remaining after arrears are paid in full will be processed as provided in OAR 137-055-6260 unless the obligor has elected in writing to apply the credit balance toward future support as provided in section (13) of this rule.

ADMINISTRATIVE RULES

(13) DOJ will distribute and, as appropriate, disburse support payments representing future support on a monthly basis when each such payment actually becomes due. No amounts may be applied to future months unless current support and all arrears have been paid in full.

Stat. Auth.: ORS 25.020, 25.610 & 180.345
Stats. Implemented: ORS 18.645, 25.020 & 25.610
Hist.: DOJ 8-2005(Temp), f. & cert. ef. 9-1-05 thru 2-17-06; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 5-2006, f. 6-29-06, cert. ef. 7-3-06; DOJ 1-2007, f. & cert. ef. 1-2-07; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-6022

Distribution and Disbursement When Support Assigned

The terms used in this rule have the meanings set out in OAR 137-055-1020 and 137-055-6010.

(1) Except as provided in OAR 137-055-6021, 137-055-6023 and 137-055-6024, the Department of Justice (DOJ) will distribute and, as appropriate, disburse 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) States 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) States 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) Families 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) Except as provided in section (3) of this rule, DOJ will distribute and, as appropriate, disburse support payments received on behalf of a family who formerly received assistance in the following sequence:

(a) Current support to the family;

(b) Families unassigned arrears;

(c) Families conditionally-assigned arrears;

(d) States permanently-assigned arrears, not to exceed the amount of unreimbursed assistance;

(e) Families unassigned arrears during assistance period.

(3) DOJ will distribute and, as appropriate, disburse support payments received from federal tax refund intercepts in the following sequence:

(a) States permanently-assigned arrears not to exceed the amount of unreimbursed assistance;

(b) States temporarily-assigned arrears, not to exceed the amount of unreimbursed assistance;

(c) Families conditionally-assigned arrears not to exceed the amount of unreimbursed assistance;

(d) Families unassigned arrears.

(4) DOJ will distribute and, as appropriate, disburse support payments received from state tax refund intercepts in the following sequence:

(a) Current support;

(b) Families unassigned arrears;

(c) Families conditionally assigned arrears;

(d) States permanently assigned arrears, not to exceed the amount of unreimbursed assistance;

(e) States temporarily assigned arrears, not to exceed the amount of unreimbursed assistance;

(f) Parentage testing fee.

(5) Whenever support payments are assigned to the state, the state share of the payments will be either:

(a) Disbursed to DHS if funds were expended to provide foster care assistance to the family;

(b) Disbursed 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 Tribes share of the payments will be disbursed 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; DOJ 1-2007, f. & cert. ef. 1-2-07; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-6023

Exceptions to Distribution and Disbursement

(1) Notwithstanding the provisions of OAR 137-055-6021 to 137-055-6024, support payments received as a result of a personal or real property judgment lien may be distributed and disbursed to pay a parentage test judgment.

(2) Notwithstanding OAR 137-055-6024, DOJ may distribute and, as appropriate, disburse support payments to multiple cases as directed when the obligor or a responding jurisdiction designates in writing the amounts to be distributed and, as appropriate, disbursed to each case, if the designation is made at the time of payment.

(3) Notwithstanding OAR 137-055-6024, DOJ will distribute and, as appropriate, disburse 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;

(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;

(c) The support payment resulted from a contempt order in a particular case; or

(d) Any other judicial order requires distribution and, as appropriate, disbursement 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; DOJ 6-2006, f. & cert. ef. 10-2-06; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-6024

Distribution and Disbursement on Multiple Cases

The terms used in this rule have the meanings set out in OAR 137-055-1020 and 137-055-6010.

(1) When an obligor has multiple support cases, the distribution and, as appropriate, disbursement sequence for each case will be as provided in OAR 137-055-6022, but the Department of Justice (DOJ) will distribute and, as appropriate, disburse support payments to each of the multiple cases as follows:

(2) When 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 obligors 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 and, as appropriate, disbursed to each case is consistent with the withholding orders 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 and, as appropriate, disbursed to each case when it is received, even if the monthly withholding limitation has already been reached.

(3) When 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 distribute and, as appropriate, disburse the amount received as follows:

(a) If the amount is not sufficient to pay the current support due on all of the obligors 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 obligors 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 distributed and, as appropriate, disbursed as follows:

(A) Current support to each withholding case;

(B) Equally to each withholding case where arrears 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 and, as appropriate, disbursed to the obligors other cases. No case may receive more than the total amount

ADMINISTRATIVE RULES

of current support and arrears owed on that case at the time this distribution and disbursement is made.

(4) When support payments are received from federal tax refund intercepts the payment will first be processed under OAR 137-055-6021(9). If the payment is not sufficient to pay the full arrears amount on each case certified for federal offset, DOJ will distribute and, as appropriate, disburse the amount received as follows:

(a) If the total amount received is not sufficient to pay the states permanently-assigned arrears on all of the obligors certified cases, each certified case will receive an equal share. However, no case may receive more than the states permanently-assigned arrears on that case.

(b) If the total amount is sufficient to pay the states permanently-assigned arrears on all certified cases, but is not enough to pay in full all the states temporarily-assigned arrears on all of the obligors certified cases, the amount received will be distributed and, as appropriate, disbursed as follows:

- (A) States permanently-assigned arrears to each certified case;
- (B) An equal share of the remaining funds for each certified case.

However, no case may receive more than the states temporarily-assigned arrears on that case.

(c) If the total amount is sufficient to pay the states permanently assigned arrears and the states temporarily-assigned arrears on all certified cases, but is not enough to pay in full the familys arrears on all of the obligors certified cases, the amount received will be distributed and, as appropriate, disbursed as follows:

- (A) States permanently-assigned arrears to each certified case;
- (B) States temporarily-assigned arrears 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 arrears owed on that case at the time this distribution or disbursement is made.

(5) When support payments are received from state tax refund intercepts, the payment will first be processed under OAR 137-055-6021(10). If the payment is not sufficient to pay the current support and full arrears amount on each case certified for state tax offset, DOJ will distribute and, as appropriate, disburse the amount received as follows:

(a) If the total amount received is not sufficient to pay the current support due on all of the obligors 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 obligors 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 familys arrears (both conditionally and unassigned arrears) on all of the obligors certified cases, each certified case will receive an equal share. However, no case may receive more than the arrears amount due the family on that case at the time this distribution and disbursement is made.

(c) If the total amount is sufficient to pay the familys arrears (both conditionally and unassigned arrears) on all certified cases, but is not enough to pay in full all the states permanently-assigned arrears on all of the obligors certified cases, the amount received will be distributed and, as appropriate, disbursed as follows:

(A) Familys arrears (both conditionally and unassigned arrears) on all certified cases;

(B) An equal share of the remaining funds for each certified case toward states permanently-assigned arrears. However, no case may receive more than the states permanently-assigned arrears on that case.

(d) If the total amount received is sufficient to pay both the familys arrears and the states permanently-assigned arrears, but not sufficient to pay the states temporarily-assigned arrears on all of the obligors certified cases, the amount received will be distributed and, as appropriate, disbursed as follows:

(A) Familys arrears (both conditionally and unassigned arrears) on all certified cases;

(B) States permanently-assigned arrears on all certified cases;

(C) An equal share of the remaining funds toward states temporarily-assigned arrears. However, no case may receive more than the states temporarily-assigned arrears on that case.

(e) Any remaining funds may be distributed to any parentage testing fee.

(6) When a single writ of garnishment is issued for two or more cases as provided in ORS 18.645, DOJ will distribute and, as appropriate, dis-

burse support payments only among the cases listed in the writ of garnishment and in the manner provided in section (7) of this rule.

(7) Except as provided in OAR 137-055-6023, DOJ will distribute and, as appropriate, disburse 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 obligors 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 obligors 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 arrears are owed, the amount received will be distribute and, as appropriate, disburse as follows:

- (A) Current support to each case;
- (B) Equally to each case where arrears are owed. However, no case may receive more than the total amount of current support and arrears owed on that case at the time this distribution and disbursement is made. Any remaining funds will be equally distributed and disbursed to the obligors 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; DOJ 1-2007, f. & cert. ef. 1-2-07; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-6025

Distribution of Support Payments to Private Collection Agencies

(1) For purposes of this rule, the following definitions apply:

(a) "Collection agency" means a collection agency as defined by ORS 697.005;

(b) "Enforcement action" means any action taken by a collection agency to ensure payment of support by an obligor, including but not limited to contact for the purposes of discussing payments by the collection agency in person or through mail, e-mail or telephone with the obligor, members of the obligor's household or the obligor's employer. "Enforcement action" does not mean investigative and locate services provided by a collection agency.

(c) "Legally entitled to" means support payments which the Division of Child Support (DCS) is required to disburse to the obligee pursuant to OAR 137-055-6010, but does not include support payments that DCS is required to disburse to the child attending school pursuant to ORS 107.108 and OAR 137-055-5110.

(2) When the Oregon Child Support Program (CSP) is notified by a collection agency or an obligee that the obligee has entered into an agreement with a collection agency, the administrator will send to the obligee an authorization form developed pursuant to section (7) of this rule.

(3) Before DCS may adjust the payment records and begin forwarding support payments to the collection agency pursuant to section (4) of this rule, the obligee must submit a signed and notarized authorization form to the CSP with the following information:

- (a) The child support case number;
- (b) The obligee's and obligor's full names;
- (c) The names of the children on the child support case for whom the obligee is entitled to receive support; and
- (d) The name and address of the collection agency to which payments should be sent.

(4) Upon receipt of a completed authorization form DCS will:

(a) Adjust the child support case record for disbursement of support payments to the collection agency. If support payments are currently being disbursed to a different collection agency, DCS will adjust the child support case record for disbursement of support payments to the collection agency for which the obligee has most recently provided authorization;

(b) Send the notice developed pursuant to subsection (7)(b) of this rule to the other parties;

(c) Credit the obligor's account for the full amount of each support payment received by DCS; and

(d) Disburse support payments received, to which the obligee is legally entitled, to the collection agency.

(5)(a) DCS may stop disbursing support payments to a collection agency and reinstate disbursements to the obligee if:

- (A) The obligee notifies the CSP that the agreement with the collection agency has been terminated;
- (B) The obligee requests that the CSP stop disbursing support payments to the collection agency;

ADMINISTRATIVE RULES

(C) The administrator is made aware that the collection agency is not in compliance with the provisions of section (8) of this rule; or

(D) The Department of Consumer and Business Services (DCBS) notifies the Department of Justice that the collection agency is in violation of its rules.

(b) DCS will stop disbursing child support payments to the collection agency only after the child support case record has been adjusted following the date that notification from the obligee was received or the date the administrator is otherwise made aware that the collection agency is not in compliance with section (8) of this rule or rules adopted by DCBS. DCS will, at no time, be responsible for returning support payments to the obligee that were disbursed to the collection agency prior to the child support case record having been adjusted following the date that notification from the obligee was received.

(6) The administrator may use information disclosed by the collection agency to provide support enforcement services under ORS 25.080.

(7) The CSP will develop:

(a) An authorization form to be sent to an obligee when the obligee or the collection agency notifies CSP that the obligee has entered into an agreement with a collection agency. The form will include a notice to the obligee printed in type size equal to at least 12-point type that the obligee may be eligible for support enforcement services from the CSP without paying the interest or fee that is typically charged by a collection agency; and

(b) A form to be sent to the other parties to the case when DCS has been given authorization by the obligee to disburse support payments to a collection agency.

(8) A collection agency to which the obligee has provided authorization for DCS to disburse support payments:

(a) May only provide investigative and locate services to the obligee unless written authorization is received from the administrator as provided in section (9) of this rule;

(b) May disclose relevant information from services provided under subsection (a) of this section to the administrator for purposes of providing support enforcement services under ORS 25.080;

(c) May not charge interest or a fee for services exceeding 29 percent of each support payment received by the collection agency to which the obligee is legally entitled unless the collection agency, if allowed by the terms of the agreement between the collection agency and the obligee, hires an attorney to perform legal services on behalf of the obligee;

(d) Will include in the agreement with the obligee a notice that provides information on the fees, penalties, termination and duration of the agreement; and

(e) Will report in writing to DCS the full amount of any payment collected as a result of an enforcement action taken within ten days of disbursing the payment to the obligee.

(9) Upon request, the administrator may provide written authorization to the collection agency to initiate enforcement action to collect the support award. The authorization may:

(a) Authorize a specific enforcement action only; or

(b) Authorize any enforcement action until further notice from the administrator.

(10) A power of attorney given to a collection agency by an obligee does not change the rights and responsibilities of the parties or a collection agency as described in ORS 25.020 or this rule.

(11) The administrator will not disclose any information from a child support record to a collection agency except as permitted in OAR 137-055-1140.

Stat. Auth.: ORS 25.020; 180.345

Stats. Implemented: ORS 25.020

Hist.: AFS 28-2001, f. 12-28-01, cert. ef. 1-1-02; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-6025; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-6025; DOJ 2-2004, f. 1-2-04 cert. ef. 1-5-04; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 1-2007, f. & cert. ef. 1-2-07; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

137-055-6200

Adjusting Case Arrears When an Error is Identified

The purpose of this rule is to set out what the administrator will do when an error is identified which requires adjusting the arrears of a case.

(1) Complete payment record means that the Division of Child Support (DCS) has kept the payment record for the support judgment from the date of the first support payment required under the judgment, or the obligee or the administrator established arrears for the time period when DCS did not keep the payment record on the case.

(2) A notice will only be sent as provided for in this rule when the amount of arrears to be adjusted is at least \$5.

(3) If the error occurred within the current billing cycle, the administrator will adjust the arrears on the case record.

(4) If DCS has a complete payment record for the support payment judgment and the error occurred prior to the current billing cycle, the administrator will adjust the arrears on the case record and send a notice to the parties advising of the change in the case arrears.

(5) If DCS does not have a complete payment record for the support payment judgment and the error occurred prior to the current billing cycle, but within the previous 180 days, the administrator will:

(a) Send a notice to the parties that the administrator will adjust the arrears on the case record as indicated in the notice if none of the parties object within a 30-day period following the date of the notice;

(b) If none of the parties object within 30 days of the notice, the administrator will adjust the arrears on the case record as indicated in the notice;

(c) If any party objects within 30 days of the notice, the administrator will establish the arrears under the process found in ORS 25.167 or 416.429.

(6) If DCS does not have a complete payment record for the support payment judgment and the error occurred over 180 days ago, the administrator will establish the arrears under the process found in ORS 25.167 or 416.429.

(7) Notwithstanding any other provision of this rule, if under a contingency order the error is due to a failure to accurately reflect on the case record the periods of residence of the child in state care, the administrator will adjust the arrears on the case record and notify the obligor unless the Department of Human Services or Oregon Youth Authority directs otherwise.

(8) On a closed case:

(a) If all the arrears to be added to the case are assigned to the state, the administrator will not open the case if it is for a period of less than four months of accrual or less than \$500;

(b) If all the arrears to be added to the case are assigned to the state and the arrears are for a period of at least four months or \$500, the administrator will open the case and establish the arrears under the process found in ORS 25.167 or 416.429;

(c) If any of the arrears to be added to the case are owed to the obligee, the administrator will send a notice to the obligee and, if the arrears are for at least \$25, ask if the obligee wants enforcement of the arrears. If the obligee requests enforcement, the administrator will open the case and establish the arrears under the process found in ORS 25.167 or 416.429;

(d) If any of the arrears to be added to the case are owed to an adult child as defined in OAR 137-055-5110, the administrator will send a notice to the adult child but will not open the case for the adult child until the adult child qualifies as a child attending school under ORS 107.108 and OAR 137-055-5110;

(e) Except as otherwise provided in OAR 137-055-4455 or 137-055-6220, if the error was due to an accounting error of the administrator and the adjustment to arrears will cause a credit balance, the administrator will return the excess amount to the obligor if the amount is at least \$5 and the payment was applied to a state account; or

(f) If the error was not due to an accounting error of the administrator and the adjustment to arrears will cause a credit balance, the administrator will send an informational notice to the parties.

(9) Notwithstanding section (5) or section (8), on any case in which the applicant for services has requested non-enforcement and the error only affects the amount of arrears owed to the obligee, the administrator will update the case record appropriately.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.020

Hist.: DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 8-2005(Temp), f. & cert. ef. 9-1-05 thru 2-17-06; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 6-2006, f. & cert. ef. 10-2-06; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07

Rule Caption: Issuance of a national medical support notice to enforce for private health care coverage.

Adm. Order No.: DOJ 8-2007(Temp)

Filed with Sec. of State: 9-28-2007

Certified to be Effective: 10-1-07 thru 1-2-08

Notice Publication Date:

Rules Amended: 137-055-4620

Subject: OAR 137-055-4620 is being amended to delete the requirement that the administrator make a determination that private health

ADMINISTRATIVE RULES

care coverage is appropriate before issuing the national medical support notice.

Rules Coordinator: Carol Riches—(503) 986-6240

137-055-4620

Enforcing Health Care Coverage and Cash Medical Support

(1) If services are being provided pursuant to ORS 25.080 and private health care coverage is ordered the administrator will issue a medical support notice to enforce orders for health care coverage within two business days of receiving information that an employer has hired or rehired a providing party, as defined in OAR 137-050-0320, or at any time when the administrator determines it is necessary; and

(a) An obligor or obligee is ordered to provide appropriate health care coverage for a child as defined in ORS 25.321, OAR 137-050-0320 and 137-050-0410;

(b) The providing party has failed to provide appropriate health care coverage, either personally or through a spouses or domestic partners coverage;

(c) The employer offers or may offer a health benefit plan to its employees.

(2) Notwithstanding the provisions of section (1), if the party ordered to provide appropriate health care coverage is an active duty or retired member of the military, the administrator will not issue a medical support notice to the military.

(3) If the conditions in section (2) apply:

(a) The administrator will inform the obligee, if the obligee is not the providing party as defined in OAR 137-050-0320, of the process to initiate military health care coverage enrollment for the dependent child; and

(b) If the medical child support rights for the dependent child are currently assigned to the state, the administrator will require either party to make all reasonable efforts to enroll the child in military health care coverage.

(4) When a medical support notice has been served and the providing party is not enrolled in a health benefit plan or is not enrolled in a plan that offers dependent coverage that is appropriate pursuant to OAR 137-050-0410, and if more than one plan with appropriate dependent coverage is offered, the administrator will select a plan in accordance with OAR 137-055-4640.

(5) A party can contest the medical support notice as set out in ORS 25.333.

(6) When the administrator is notified by the employer that the amount to be withheld for premiums is greater than is permissible under ORS 25.331 the administrator will review the circumstances and, if appropriate, modify the order to provide for cash medical support pursuant to OAR 137-050-0430.

(7) When an employer notifies the administrator that the amount to be withheld for the health care coverage premium is greater than permissible under ORS 25.331:

(a) An obligee who is a recipient of TANF cash assistance may not elect to receive health care coverage over monetary child support. In these cases, the administrator will select monetary child support over health care coverage unless health care coverage would be in the best interests of the child.

(b)(A) Except as provided in section (7)(b)(B), an obligee, who is not a recipient of TANF cash assistance and who selects health care coverage over monetary child support, may change the selection:

(i) No more than once per year;

(ii) In conjunction with a medical support notice being issued to a new employer; or

(iii) When a child becomes seriously ill and health care coverage is needed.

(B) An obligee who is not a recipient of TANF cash assistance may not select health care coverage over monetary child support if such a selection conflicts with the requirements of any bankruptcy plan.

(8) A request to select health care coverage over monetary child support may be made verbally or in writing.

(9) When multiple cases for an obligor are being enforced and the employer receives notice that one or more cases have selected health care coverage over monetary child support, the employer must withhold in the following manner:

(a) First withhold the full amount listed on withholdings issued on the cases that have not selected health care coverage over monetary child support;

(b) Withhold the premium for health care coverage, up to the maximum allowed by law;

(c) If the maximum is not reached, withhold support for the case(s) requesting health care coverage, up to the full amount of the withholding order or the maximum allowed by law, whichever is less;

(d) Identify which payment goes with which case and submit the monetary support payments to the Division of Child Support as directed in the withholding orders.

(10) A providing party may select a different health benefit plan during any applicable open enrollment period, providing the health benefit plan provides appropriate health care coverage, or other coverage if the order so requires.

(11) If the providing party changes to a health benefit plan that does not meet the criteria in section (10) of this rule, the administrator will issue a medical support notice as provided in section (1) of this rule and may pursue modification of the support order for an amount towards cash medical support pursuant to OAR 137-050-0430.

Stat. Auth.: ORS 25.321, 25.325, 180.345
Stats. Implemented: ORS 25.325

Hist.: AFS 10-1990, f. 3-14-90, cert. ef. 4-1-90; AFS 25-1995, f. 10-12-95, cert. ef. 10-15-95; 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 461-195-0060; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-4620; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-4620; DOJ 7-2007, f. 9-28-07, cert. ef. 10-1-07; DOJ 8-2007(Temp), f. 9-28-07, cert. ef. 10-1-07 thru 1-2-08

.....

Rule Caption: Amends Attorney General's Model Rules on Contested Case Hearings, Including Changes Needed to Implement 2007 Legislation.

Adm. Order No.: DOJ 9-2007

Filed with Sec. of State: 10-15-2007

Certified to be Effective: 1-1-08

Notice Publication Date: 9-1-07

Rules Amended: 137-003-0001, 137-003-0002, 137-003-0070, 137-003-0075, 137-003-0501, 137-003-0505, 137-003-0510, 137-003-0520, 137-003-0525, 137-003-0595, 137-003-0630, 137-003-0665, 137-003-0670, 137-003-0672

Subject: The proposed rule changes relate to OAR chapter 137, division 003, which contains the Attorney General's Model Rules that relate to contested case hearings. Agencies that do not use the Office of Administrative Hearings (OAH) may adopt these Model Rules without formal rulemaking, but are not required to do so. Hearings for agencies that use the Office of Administrative Hearings are generally governed by OAR 137-003-0510 through 137-003-0700. The proposed changes update the Model Rules to respond to changes in the contested case notice provisions made by the 2007n Legislative Assembly. The proposed changes give agencies the authority to have rules setting out the procedure to assess the cost(s) of an action or proceeding against a party and define "good cause" for purposes of OAR 137-003-0501 137-003-0700. The proposed changes add the OAH as an entity that may be notified of a possible threat to anyone involved in the hearing and add authority for the OAH to take measures to ensure the safety and security of the participants of a hearing. The proposed changes amend the timelines for filing and serving motions before the date of a contested case hearing, and require the moving party and agency to confer before filing a motion unless to do so would present a danger or be futile. Motions would be required to recite attempts to confer or explain why no attempt was made. Other changes are made to clarify existing rules.

NOTE: The proposed rules also expand the service requirements for final orders to require that all final orders be served on a represented party and the party's attorney. HB 2423 (2007) mandates such service of final orders in cases resolved by informal disposition. The proposed rules would require service on both the party and the party's attorney, if any, of all final orders that resolve contested cases.

Rules Coordinator: Carol Riches—(503) 947-4700

137-003-0001

Contested Case Notice

(1) The agency's contested case notice issued pursuant to ORS 183.415 shall include:

(a) A caption with the name of the agency and the name of the person or agency to whom the notice is issued;

(b) A short and plain statement of the matters asserted or charged and a reference to the particular sections of the statute and rules involved;

ADMINISTRATIVE RULES

(c) A statement of the party's right to be represented by counsel and that legal aid organizations may be able to assist a party with limited financial resources;

(d) A statement of the party's right to a hearing;

(e) A statement of the agency's authority and jurisdiction to hold a hearing on the matters asserted or charged; and

(f) Either:

(A) A statement of the procedure and time to request a hearing, the agency address to which a hearing request should be sent, and a statement that if a request for hearing is not received by the agency within the time stated in the notice the person will have waived the right to a hearing; or

(B) A statement of the time and place of the hearing.

(g) A statement indicating whether and under what circumstances an order by default may be entered.

(2) A contested case notice may include either or both of the following:

(a) A statement that the record of the proceeding to date, including information in the agency file or files on the subject of the contested case and all materials submitted by the party, automatically becomes part of the contested case record upon default for the purpose of proving a prima facie case;

(b) A statement that a collaborative dispute resolution process is available as an alternative to a contested case hearing, if requested within the time period stated in the notice, and that choosing such a process will not affect the right to a contested case hearing if a hearing request is received by the agency within the time period stated in the notice and the matter is not resolved through the collaborative process.

Stat. Auth.: ORS 183.341 & 183.502

Stats. Implemented: ORS 183.341(1), 183.413, 183.415(7), 183.502 & 2007 HB 2423

Hist.: IAG 14, f. & ef. 10-22-75; IAG 17, f. & ef. 11-25-77; IAG 4-1979, f. & ef. 12-3-79; JD 2-1986, f. & ef. 1-27-86; JD 1-1988, f. & cert. ef. 3-3-88; JD 7-1991, f. & cert. ef. 11-4-91; JD 1-1997, f. 3-28-97, cert. ef. 4-1-97; JD 3-1997, f. 9-4-97, cert. ef. 9-15-97; DOJ 10-1999, f. 12-23-99, cert. ef. 1-1-00; DOJ 11-2005, f. 10-31-05, cert. ef. 1-1-06; DOJ 9-2007, f. 10-15-07 cert. ef. 1-1-08

137-003-0002

Rights of Parties in Contested Cases

(1) In addition to the information required to be given in writing under ORS 183.413(2) and 183.415(2) and (3), before commencement of a contested case hearing, the agency shall inform a party, if the party is an agency, corporation, or an unincorporated association, that such party must be represented by an attorney licensed in Oregon, unless statutes applicable to the contested case proceeding specifically provide otherwise. This information may be given in writing or orally.

(2) Unless otherwise precluded by law, the agency and the parties may agree to use alternative methods of dispute resolution in contested case matters. Such alternative methods of resolution may include arbitration or any collaborative method designed to encourage the agency and the parties to work together to develop a mutually agreeable solution, such as negotiation, mediation, use of a facilitator or a neutral fact-finder or settlement conferences, but may not include arbitration that is binding on the agency.

(3) Final disposition of contested cases may be by a final order following hearing or, unless precluded by law, by stipulation, agreed settlement, consent order or final order by default. A stipulation, agreed settlement or consent order disposing of a contested case must be in writing and signed by the party or parties. By signing such an agreement, the party or parties waive the right to a contested case hearing and to judicial review. The agency shall incorporate the disposition into a final order. A copy of any final order incorporating an agreement must be delivered or mailed to each party and, if a party is represented by an attorney, to the party's attorney.

Stat. Auth.: ORS 183.341 & 183.502

Stats. Implemented: ORS 9.320, 183.341(1), 183.413, 183.415, 183.502 & 2007 HB 2423
Hist.: IAG 1-1981, f. & ef. 11-17-81; JD 2-1986, f. & ef. 1-27-86; JD 6-1995, f. 8-25-95, cert. ef. 9-9-95; JD 1-1997, f. 3-28-97, cert. ef. 4-1-97; JD 3-1997, f. 9-4-97, cert. ef. 9-15-97; DOJ 10-1999, f. 12-23-99, cert. ef. 1-1-00; DOJ 9-2007, f. 10-15-07 cert. ef. 1-1-08

137-003-0070

Final Orders in Contested Cases

(1) Final orders in contested cases shall be in writing.

(2) Except as provided in section (3) of this rule, final orders in contested cases shall include the following:

(a) Rulings on admissibility of offered evidence when the rulings are not set forth in the record;

(b) Findings of fact — those matters that are either agreed as fact or that, when disputed, are determined by the factfinder, on substantial evidence, to be facts over contentions to the contrary. A finding must be made

on each fact necessary to reach the conclusions of law on which the order is based;

(c) Conclusion(s) of law — applications of the controlling law to the facts found and the legal results arising therefrom;

(d) Order — the action taken by the agency as a result of the facts found and the legal conclusions arising therefrom; and

(e) A citation of the statutes under which the order may be appealed.

(3) When informal disposition of a contested case is made by stipulation, agreed settlement or consent order as provided in OAR 137-003-0002(3), the final order need not comply with section (2) of this rule. However, the order must state the agency action and:

(a) Incorporate by reference the stipulation or agreed settlement signed by the party or parties agreeing to that action; or

(b) Be signed by the party or parties and

(c) A copy must be delivered or mailed to each party and the attorney of record for each party that is represented.

(4) The date of service of the order on the parties shall be specified in writing and be part of or be attached to the order on file with the agency, unless service of the final order is not required by statute.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341(1), 183.415, 183.470 & 2007 HB 2423

Hist.: IAG 14, f. & ef. 10-22-75; IAG 4-1979, f. & ef. 12-3-79; IAG 1-1981, f. & ef. 11-17-81; JD 2-1986, f. & ef. 1-27-86; JD 1-1988, f. & cert. ef. 3-3-88; JD 7-1991, f. & cert. ef. 11-4-91; JD 3-1997, f. 9-4-97, cert. ef. 9-15-97; DOJ 9-2007, f. 10-15-07 cert. ef. 1-1-08

137-003-0075

Final Orders by Default

(1) The agency may issue a final order by default:

(a) When the agency gave a party an opportunity to request a hearing and the party failed to request a hearing within the time allowed to make a request;

(b) When the party that requested a hearing withdraws the request;

(c) Except as provided in section (2) of this rule, when the agency notified the party of the time and place of the hearing and the party fails to appear at the hearing; or

(d) When the agency notified the party of the time and place of the hearing in a matter in which only one party is before the agency and that party subsequently notifies the agency that the party will not appear at the hearing, unless the agency agreed to reschedule the hearing.

(2) If the party failed to appear at the hearing and, before issuing a final order by default, the agency finds that the failure of the party to appear was caused by circumstances beyond the party's reasonable control, the agency may not issue a final order by default under section (1)(c) of this rule but shall schedule a new hearing.

(3) The agency may issue a final order that is adverse to a party by default only after making a prima facie case on the record. The agency must find that the record, including all materials submitted by the party, contains evidence that persuades the agency of the existence of facts necessary to support the order. If the record on default consists solely of an application and other materials submitted by the party, the order shall so note. The record shall be made at a scheduled hearing on the matter or, if the hearing is canceled or not held, at an agency meeting or at the time the final order by default is issued, unless the agency designates the agency file as the record at the time the contested case notice is issued in accordance with OAR 137-003-0001(1). The record includes all materials submitted by the party.

(4) The record may consist of transcribed, recorded or reported oral testimony or written evidence or both oral testimony and written evidence.

(5) The agency shall notify a defaulting party of the entry of a final order by default by delivering or mailing a copy of the order. If the contested case notice contained an order that was to become effective unless a party requested a hearing, and designated the agency file as the record for purposes of default, that order becomes a final order by default if no hearing is requested, and no further order need be served upon any party.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341(1), 183.415(6), 183.470 & 2007 HB 2423

Hist.: JD 2-1986, f. & ef. 1-27-86; JD 7-1991, f. & cert. ef. 11-4-91; JD 6-1993, f. 11-1-93, cert. ef. 11-4-93; DOJ 10-1999, f. 12-23-99, cert. ef. 1-1-00; DOJ 9-2001, f. & cert. ef. 10-3-01; DOJ 11-2005, f. 10-31-05, cert. ef. 1-1-06; DOJ 9-2007, f. 10-15-07 cert. ef. 1-1-08

137-003-0501

Rules for Office of Administrative Hearings

(1) OAR 137-003-0501 to 137-003-0700 apply to the conduct of all contested case hearings conducted for an agency by an administrative law judge assigned from the Office of Administrative Hearings unless:

(a) The case is not subject to the procedural requirements for contested cases; or

ADMINISTRATIVE RULES

(b) The Attorney General, by order, has exempted the agency or a category of the agency's cases from the application of these rules in whole or in part.

(2) Any procedural rules adopted by the agency related to the conduct of hearings shall not apply to contested case hearings conducted for the agency by an administrative law judge assigned from the Office of Administrative Hearings unless required by state or federal law or specifically authorized by these rules or by order of the Attorney General. An agency may have rules specifying the time for requesting a contested case hearing, the content of a hearing request, any requirement for and content of a response to the contested case notice, the permissible scope of the hearing and timelines for issuance of a proposed or final order. Agencies with authority to assess the costs of an action or proceeding against a party may have rules specifying procedures related to assessment of costs. The agency's substantive rules, including those allocating the burden of proof, shall apply to all of its hearings.

(3) If permitted by law, the agency may delegate to an administrative law judge any of the agency's functions under these rules, including the authority to issue a final order. This delegation must be in writing and may be for a category of cases or on a case-by-case basis.

(4) For purposes OAR 137-003-0501 to 137-003-0700, "good cause" exists when an action, delay, or failure to act arises from an excusable mistake, surprise, or excusable neglect or from fraud, misrepresentation, or other misconduct of a party or agency participating in the proceeding.

Stat. Auth.: ORS 183.341

Stats. Implemented: OL 1999, Ch. 849

Hist.: DOJ 10-1999, f. 12-23-99, cert. ef. 1-1-00; DOJ 19-2003, f. 12-12-03, cert. ef. 1-1-04;

DOJ 9-2007, f. 10-15-07 cert. ef. 1-1-08

137-003-0505

Contested Case Notice

(1) When the agency is required to issue a contested case notice pursuant to ORS 183.415, the notice shall include:

(a) A caption with the name of the agency and the name of the person or agency to whom the notice is issued;

(b) A short and plain statement of the matters asserted or charged and a reference to the particular sections of the statute and rules involved;

(c) A statement of the party's right to be represented by counsel and that legal aid organizations may be able to assist a party with limited financial resources;

(d) A statement of the party's right to a hearing;

(e) A statement of the authority and jurisdiction under which a hearing is to be held on the matters asserted or charged;

(f) Either:

(A) A statement of the procedure and time to request a hearing, the agency address to which a hearing request should be sent, and a statement that if a request for hearing is not received by the agency within the time stated in the notice the person will have waived the right to a contested case hearing; or

(B) A statement of the time and place of the hearing;

(g) A statement indicating whether and under what circumstances an order by default may be entered; and

(h) Any other information required by law.

(2) A contested case notice may include either or both of the following:

(a) A statement that the record of the proceeding to date, including information in the agency file or files on the subject of the contested case and all materials submitted by a party, automatically become part of the contested case record upon default for the purpose of proving a prima facie case;

(b) A statement that a collaborative dispute resolution process is available as an alternative to a contested case hearing, if requested within the time period stated in the notice, and that choosing such a process will not affect the right to a contested case hearing if a hearing request is received by the agency within the time period stated in the notice and the matter is not resolved through the collaborative process.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341, 183.413, 183.415, OL 1999, Ch. 849 & 2007 HB 2423

Hist.: DOJ 10-1999, f. 12-23-99, cert. ef. 1-1-00; DOJ 9-2007, f. 10-15-07 cert. ef. 1-1-08

137-003-0510

Rights of Parties in Contested Cases

(1) In addition to the information required to be given in writing under ORS 183.413(2) and 183.415(2) and (3), before commencement of a contested case hearing, the agency shall inform a party, if the party is an agency, corporation, partnership, limited liability company, trust, government body or an unincorporated association, that such party must be repre-

mented by an attorney licensed in Oregon, unless statutes applicable to the contested case proceeding specifically provide otherwise or unless the agency has been notified in writing that the party is represented by an attorney licensed in Oregon. The agency may provide this information in writing or orally.

(2) The agency may request the administrative law judge to provide to each party written notice of any or all of the information required to be given under ORS 183.413(2) or section (1) of this rule before the commencement of the hearing. The administrative law judge shall provide any such written notice personally or by mail.

(3) Unless otherwise precluded by law, the party(ies) and the agency, if participating in the contested case hearing, may agree to use alternative methods of dispute resolution in contested case matters. Such alternative methods of resolution may include arbitration or any collaborative method designed to encourage the agency and the parties to work together to develop a mutually agreeable solution, such as negotiation, mediation, use of a facilitator or a neutral fact-finder or settlement conferences, but may not include arbitration that is binding on the agency.

(4) Final disposition of contested cases may be by a final order following hearing or, unless precluded by law, by stipulation, agreed settlement, consent order or final order by default.

(5) A stipulation, agreed settlement or consent order disposing of a contested case must be in writing and signed by the party or parties. By signing such an agreement, the party or parties waive the right to a contested case hearing and to judicial review. The agency or administrative law judge shall incorporate the disposition into a final order. A copy of any final order incorporating an agreement must be delivered or mailed to each party and, if a party is represented by an attorney, to the party's attorney.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341, 183.413, 183.415, OL 1999, Ch. 849 & 2007 HB 2423

Hist.: DOJ 10-1999, f. 12-23-99, cert. ef. 1-1-00; DOJ 19-2003, f. 12-12-03, cert. ef. 1-1-04;

DOJ 9-2007, f. 10-15-07 cert. ef. 1-1-08

137-003-0520

Filing and Service of Pleadings and Other Documents in Contested Case

(1) Notwithstanding any other provision of these rules, a hearing request is considered filed when actually received by the agency.

(2) Unless otherwise provided by these rules, any documents, correspondence, motions including motions for a discovery order, pleadings, rulings and orders filed for the record in the contested case shall be filed:

(a) With the agency before the case is referred by the agency to the Office of Administrative Hearings;

(b) With the Office of Administrative Hearings or assigned administrative law judge after the agency has referred the case to the Office of Administrative Hearings and before the assigned administrative law judge issues a proposed order;

(c) With the agency after the assigned administrative law judge issues a proposed order, or with the administrative law judge if the administrative law judge has authority to issue the final order.

(3) The agency shall refer to the Office of Administrative Hearings or the assigned administrative law judge any motion or other matter filed with the agency that should have been filed with the Office of Administrative Hearings or the assigned administrative law judge under section (2) of this rule.

(4) The Chief Administrative Law Judge or assigned administrative law judge shall refer to the agency any motion or other matter filed with the Office of Administrative Hearings or assigned administrative law judge that should have been filed with the agency under section (2) of this rule.

(5) The person or agency filing any pleading, motion, correspondence or other document with the agency, the Office of Administrative Hearings or administrative law judge assigned to the case shall simultaneously provide copies of the documents to the agency and the parties, or their counsel if the agency or parties are represented.

(a) Copies shall be provided to the agency and the parties, or their counsel if the agency or parties are represented, by hand delivery, by facsimile, by mail or as otherwise permitted by the agency by rule or in writing, or as otherwise directed by the administrative law judge with the agreement of the agency and the parties.

(b) The agency may by rule or in writing waive the right to receive copies of documents filed under this rule if the administrative law judge is authorized to issue the final order or if the agency is not a participant in the contested case hearing.

(6) Each party shall notify all other parties, the agency and the administrative law judge of any change in the party's address or withdrawal or change of the party's representatives, including legal counsel. If an attorney

ADMINISTRATIVE RULES

withdraws from representing a party, the attorney shall provide written notice of the withdrawal to the administrative law judge, all other parties and the agency, unless the agency has waived the right to receive notice.

(7) The agency shall notify all parties and the administrative law judge of any change in the agency's address or withdrawal or change of the agency's representatives, including legal counsel.

(8) Motions, pleadings and other documents sent through the U.S. Postal Service to the agency, Office of Administrative Hearings or assigned administrative law judge shall be considered filed on the date postmarked. Documents sent by facsimile or hand-delivered are considered filed when received by the agency, Office of Administrative Hearings or assigned administrative law judge. If the agency permits or the administrative law judge directs alternative means of filing, the agency or the administrative law judge should determine when filing is effective for each alternative method permitted or directed.

(9) Documents sent through the U.S. Postal Service by regular mail are presumed to have been received by the addressee, subject to evidence to the contrary.

(10) In computing any period of time prescribed or allowed by these rules, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the time period shall be included, unless it is a Saturday or a legal holiday, including Sunday, in which event the time period runs until the end of the next day that is not a Saturday or a legal holiday. Legal holidays are those identified in ORS 187.010 and 187.020.

Stat. Auth.: ORS 183.341
Stats. Implemented: ORS 183.341 & OL 1999, Ch. 849
Hist.: DOJ 10-1999, f. 12-23-99, cert. ef. 1-1-00; DOJ 7-2003, f. 7-11-03, cert. ef. 7-21-03; DOJ 19-2003, f. 12-12-03, cert. ef. 1-1-04; DOJ 11-2005, f. 10-31-05, cert. ef. 1-1-06; DOJ 9-2007, f. 10-15-07 cert. ef. 1-1-08

137-003-0525 Scheduling Hearings

(1) Subject to the approval of the agency, the Office of Administrative Hearings or assigned administrative law judge shall:

(a) Set the date and time of the hearing, including a postponed or continued hearing;

(b) Determine the location of the hearing; and

(c) Determine whether cases shall be consolidated or bifurcated.

(2) Unless otherwise provided by law, the Office of Administrative Hearings or assigned administrative law judge may postpone or continue a hearing:

(a) For good cause; or

(b) By agreement of the parties and the agency, if the agency is participating in the hearing.

Stat. Auth.: ORS 183.341
Stats. Implemented: ORS 183.341 & OL 1999, Ch. 849
Hist.: DOJ 10-1999, f. 12-23-99, cert. ef. 1-1-00; DOJ 2-2000, f. & cert. ef. 3-27-00; DOJ 9-2001, f. & cert. ef. 10-3-01; DOJ 19-2003, f. 12-12-03, cert. ef. 1-1-04; DOJ 9-2007, f. 10-15-07 cert. ef. 1-1-08

137-003-0595 Public Attendance; Exclusion of Witnesses; Removal of Disruptive Individuals

(1) Unless otherwise required by law, contested case hearings are open to the public unless the agency by rule or in writing determines that the hearing will be closed to non-participants in the hearing.

(2) The administrative law judge may exclude witnesses from the hearing, except for a party, a party's authorized representative, expert witnesses, the agency representative, one agency officer or employee and any persons authorized by statute to attend.

(3) An administrative law judge may expel any person from the contested case hearing if that person engages in conduct that disrupts the hearing.

(4) Any party, party's representative, agency or agency's representative, having knowledge or reasonable belief that any person participating in the hearing may present a danger or may be a threat to anyone involved in the hearing, should immediately notify the Office of Administrative Hearings or the assigned administrative law judge, if any, the agency and the parties or their representatives, if appropriate, of the potential danger.

(5) An administrative law judge, the Office of Administrative Hearings, or the agency may take any other measures reasonably required to ensure the safety and security of the participants in the hearing.

Stat. Auth.: ORS 183.341
Stats. Implemented: ORS 183.341 & OL 1999, Ch. 849
Hist.: DOJ 10-1999, f. 12-23-99, cert. ef. 1-1-00; DOJ 2-2000, f. & cert. ef. 3-27-00; DOJ 7-2003, f. 7-11-03, cert. ef. 7-21-03; DOJ 19-2003, f. 12-12-03, cert. ef. 1-1-04; DOJ 9-2007, f. 10-15-07 cert. ef. 1-1-08

137-003-0630

Motions

(1) A request for any order or other relief may be made by filing a motion in writing. The motion need not be in any particular form.

(2) Before filing any motion, the moving party or agency should make a good faith effort to confer with any non-moving party or agency regarding the order or relief sought to seek agreement about the subject of the motion. The moving party or agency need not make an effort to confer if efforts to confer would pose a risk to any person or would be futile. Any motion must describe the effort to confer and the result of the effort, or explain why the moving party or agency made no effort to confer with the non-moving party or agency.

(3) Unless otherwise provided by statute or rule, all motions shall be filed in writing at least 14 calendar days before the date set for the hearing and a copy provided to the parties and to the agency in the manner required by OAR 137-003-0520 except:

(a) Motions seeking to intervene or to be granted party status under OAR 137-003-0535,

(b) Motions made in a pre-hearing conference,

(c) Motions for a ruling on legal issues under OAR 137-003-0580; and

(d) Motions to continue a scheduled conference or hearing,

(e) Motions to quash a subpoena under OAR 137-003-0585 when the subpoena is served less than 14 days before the date set for the hearing.

(4) The agency or a party may file a response to a motion.

(a) Responses to motions filed 14 or more calendar days before the date of the hearing shall be in writing with service to the parties and to the agency in the manner required by OAR 137-003-0520 and shall be filed and served within seven calendar days after receipt of the motion.

(b) Responses to motions filed fewer than 14 calendar days before the date of the hearing may be in writing or presented orally at the hearing. If the response is in writing, the response must be filed and served on the parties or the agency in the manner required by OAR 137-003-0520 before the start of the hearing.

(5) Responses to late-filed motions may be presented orally or in writing at the contested case hearing.

(6) At the request of a party or the agency, or on the administrative law judge's own motion, the administrative law judge may establish longer or shorter periods than those under sections (2) and (3) of this rule for the filing of motions and responses. The administrative law judge may also consider motions presented orally at the contested case hearing. In exercising discretion under this subsection, the administrative law judge shall consider the duty to ensure a full and fair inquiry into the facts and the likelihood of undue delay or unfair prejudice.

(7) The mere filing or pendency of a motion, even if uncontested, does not alter or extend any time limit or deadline established by statute, rule or order.

(8) The administrative law judge shall rule on all motions on the record before issuance of a proposed order or in the proposed order or, if the administrative law judge has authority to issue a final order without first issuing a proposed order, in the final order.

Stat. Auth.: ORS 183.341
Stats. Implemented: ORS 183.341 & OL 1999, Ch. 849
Hist.: DOJ 10-1999, f. 12-23-99, cert. ef. 1-1-00; DOJ 9-2001, f. & cert. ef. 10-3-01; DOJ 19-2003, f. 12-12-03, cert. ef. 1-1-04; DOJ 9-2007, f. 10-15-07 cert. ef. 1-1-08

137-003-0665 Final Orders in Contested Cases

(1) Final orders in contested cases shall be in writing.

(2) Except as provided in section (5) of this rule, all final orders in contested cases shall include the following:

(a) Each of the elements identified in OAR 137-003-0645(3)(a)-(h),

(b) An Order stating the action taken by the agency as a result of the facts found and the legal conclusions arising therefrom; and

(c) A citation of the statutes under which the order may be appealed.

(3) If the agency modifies the proposed order issued by the administrative law judge in any substantial manner, the agency must identify the modification and explain to the parties why the agency made the modification. For purposes of this provision, an agency modifies a proposed order in a "substantial manner" when the effect of the modification is to change the outcome or the basis for the order or to change a finding of fact.

(4) The agency may modify a finding of historical fact made by the administrative law judge only if the agency determines that the finding made by the administrative law judge is not supported by a preponderance of the evidence in the record. For purposes of this provision, an administrative law judge makes a finding of historical fact if the administrative law

ADMINISTRATIVE RULES

judge determines that an event did or did not occur in the past or that a circumstance or status did or did not exist either before the hearing or at the time of the hearing.

(5) When informal disposition of a contested case is made by stipulation, agreed settlement or consent order as provided in OAR 137-003-0510(4), the final order need not comply with section (2) of this rule. However, the order must state the agency action and:

- (a) Incorporate by reference a stipulation or agreed settlement signed by the party or parties agreeing to that action; or
- (b) Be signed by the party or parties; and
- (c) A copy must be delivered or mailed to each party and the attorney of record for each party that is represented.

(6) The final order shall be served on each party and, if the party is represented, on the party's attorney.

(7) The date of service of the final order on the parties or, if a party is represented, on the party's attorney shall be specified in writing and be part of or be attached to the order on file with the agency, unless service of the final order is not required by statute.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341, 183.415(5), 183.470, OL 1999, Ch. 849 & 2007 HB 2423
Hist.: DOJ 10-1999, f. 12-23-99, cert. ef. 1-1-00; DOJ 19-2003, f. 12-12-03, cert. ef. 1-1-04;
DOJ 9-2007, f. 10-15-07 cert. ef. 1-1-08

137-003-0670

Default in Cases Involving a Notice of Proposed Action that Does Not Become Final Without a Hearing or Default

(1) This rule applies when the agency issues a notice of proposed action that does not become final in the absence of a request for hearing. The agency or, if authorized, the administrative law judge may issue a final order by default:

(a) When the agency gave a party an opportunity to request a hearing and the party failed to request a hearing within the time allowed to make the request;

(b) When the party that requested a hearing withdraws the request;

(c) Except as provided in section (2) of this rule, when the agency or administrative law judge notified the party of the time and place of the hearing and the party fails to appear at the hearing; or

(d) When the agency or administrative law judge notified the party of the time and place of the hearing in a matter in which only one party is before the agency and that party subsequently notifies the agency or administrative law judge that the party will not appear at the hearing, unless the agency or administrative law judge agreed to reschedule the hearing.

(2) If the party failed to appear at the hearing and, before issuing a final order by default, the agency or administrative law judge finds that the failure of the party to appear was caused by circumstances beyond the party's reasonable control, the agency or administrative law judge may not issue a final order by default under section (1)(c) of this rule. In this case, the administrative law judge shall schedule a new hearing.

(3)(a) An agency or administrative law judge may issue an order adverse to a party upon default under section (1) of this rule only upon a prima facie case made on the record. The agency or administrative law judge must find that the record contains evidence that persuades the agency or administrative law judge of the existence of facts necessary to support the order.

(b) Except as provided in subsection (c) of this section, if the agency designated the agency file in a matter as the record when a contested case notice for the matter was issued in accordance with OAR 137-003-0505 and no further testimony or evidence is necessary to establish a prima facie case, the agency file, including all materials submitted by a party, shall constitute the record. No hearing shall be conducted. The agency or, if authorized, the administrative law judge shall issue a final order by default under section (1) of this rule in accordance with OAR 137-003-0665.

(c) If the agency determines that testimony or evidence is necessary to establish a prima facie case or if more than one party is before the agency and one party appears at the hearing, the administrative law judge shall conduct a hearing and, unless authorized to issue a final order without first issuing a proposed order, the administrative law judge shall issue a proposed order in accordance with OAR 137-003-0645. The agency or, if authorized, the administrative law judge shall issue a final order by default in accordance with OAR 137-003-0665.

(4) The agency or administrative law judge shall notify a defaulting party of the entry of a final order by default by delivering or mailing a copy of the order.

(5) If a final order by default is entered because a party did not request a hearing within the time specified by the agency, the party may make a late hearing request as provided in OAR 137-003-0528.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341, 183.415(6), 183.470, OL 1999, Ch. 849 & 2007 HB 2423
Hist.: DOJ 10-1999, f. 12-23-99, cert. ef. 1-1-00; DOJ 9-2001, f. & cert. ef. 10-3-01; DOJ 19-2003, f. 12-12-03, cert. ef. 1-1-04; DOJ 11-2005, f. 10-31-05, cert. ef. 1-1-06; DOJ 9-2007, f. 10-15-07 cert. ef. 1-1-08

137-003-0672

Default in Cases Involving an Agency Order that May Become Final Without a Request for Hearing

(1) This rule applies when the agency has issued a contested case notice containing an order that was to become effective unless a party requested a hearing, and has designated the agency file as the record.

(2) When the agency gives a party an opportunity to request a hearing and the party fails to request a hearing within the time allowed to make the request, the agency order is final and no further order need be served upon the party. The party may make a late hearing request as provided in OAR 137-003-0528.

(3) After a party requests a hearing, the agency or the administrative law judge will dismiss the request for hearing, and the agency order is final as if the party never requested a hearing if:

(a) The party that requested a hearing withdraws the request;

(b) The agency or administrative law judge notifies the party of the time and place of the hearing and the party fails to appear at the hearing; or

(c) In a matter in which only one party is before the agency, the agency or administrative law judge notifies the party of the time and place of the hearing, and the party notifies the agency or administrative law judge that the party will not appear at the hearing, unless the agency or administrative law judge agrees to reschedule the hearing.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341, 183.415(6) & 183.470

Hist.: DOJ 11-2005, f. 10-31-05, cert. ef. 1-1-06; DOJ 9-2007, f. 10-15-07 cert. ef. 1-1-08

Rule Caption: Amends Attorney General's Model Rules on Rulemaking, Including Changes Needed to Implement 2007 Legislation.

Adm. Order No.: DOJ 10-2007

Filed with Sec. of State: 10-15-2007

Certified to be Effective: 1-1-08

Notice Publication Date: 9-1-07

Rules Amended: 137-001-0011, 137-001-0018, 137-001-0030, 137-001-0080, 137-001-0100

Subject: The proposed rule changes relate to OAR chapter 137, division 001, which contains the Attorney General's Model Rules that relate to rulemaking. Agencies may adopt these Model Rules without formal rulemaking, but are not required to do so. The changes update the rules to respond to changes in the notice provisions in ORS 183.335(8) made by the 2007 Legislative Assembly. The changes specify how an agency can provide notice to persons who have asked to be kept apprised of the agency's rulemaking activities. In addition, the changes eliminate the requirement to summarize the notice at the start of a rulemaking hearing unless a participant asks for a summary; replace the requirement to send copies of temporary rules less than ten pages long with a requirement to summarize temporary rules and explain where to obtain a copy; and make edits in wording.

Rules Coordinator: Carol Riches—(503) 947-4700

137-001-0011

Permanent Rulemaking Notice

(1) The agency will give notice of proposed permanent rulemaking to those listed in the rule adopted under ORS 183.341(4) and to legislators specified by ORS 183.335(15) by mailing, electronic mailing, or personally delivering a copy of the rule or rules as proposed and a copy of the notice required under ORS 183.335(2). In lieu of providing a copy of the rule or rules as proposed, the agency may describe the subject matter of the rule or rules and state how and where a copy may be obtained on paper, via electronic mail, or from a specified web site. If the agency posts the rule or rules on a web site, the agency must provide a web address or link sufficient to enable a person to find the rules easily. Failure to provide a web address or link shall not affect the validity of any rule.

(2) Persons who have asked the agency to send notices of proposed rulemaking to them pursuant to ORS 183.335(8) may choose to receive copies of the proposed rule or rules and notice required under ORS 183.335(2) by mail.

ADMINISTRATIVE RULES

(3) If the agency offers it, persons who have asked the agency to send notices of proposed rulemaking to them pursuant to ORS 183.335(8) may choose to receive:

(a) An abbreviated form of mailed notice containing the caption, summary, and information about how to comment, required by ORS 183.335(2)(a), accompanied by a reference to a web site where copies of the proposed rule or rules and other information required by ORS 183.335(2) are posted or

(b) Notice by electronic mail that either contains the proposed rule or rules and the notice required under ORS 183.335(2) as attachments or provides a reference to a web site where the notice and the rule(s) are posted.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.355(2) & 2007 HB 2121

Hist.: JD 1-1988, f. & cert. ef. 3-3-88; JD 5-1989, f. 10-6-89, cert. ef. 10-15-89; JD 7-1991, f. & cert. ef. 11-4-91; JD 6-1993, f. 11-1-93, cert. ef. 11-4-93; JD 3-1997, f. 9-4-97, cert. ef. 9-15-97; DOJ 10-2005, f. 10-31-05, cert. ef. 1-1-06; DOJ 10-2007, f. 10-15-07 cert. ef. 1-1-08

137-001-0018

Limitation of Economic Effect on Small Businesses

(1) Before the adoption of a permanent rule, the agency will determine whether the economic effect upon small business is significantly adverse, based upon:

(a) The economic effect analysis under ORS 183.335(2)(b)(E);

(b) The statement of cost of compliance effect on small businesses described in ORS 183.336;

(c) Recommendations from any advisory committee appointed under ORS 183.333(1) or from any fiscal impact advisory committee, if any, appointed under ORS 183.333(5); and

(d) Comments made in response to its rulemaking notice.

(2) If the agency determines there is a significant adverse effect on a small business or small businesses, it shall modify the rule to reduce the rule's adverse economic impact on those businesses to the extent consistent with the public health and safety purposes of the rule, as provided in ORS 183.540.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183.341(1) & 183.540

Hist.: 1AG 1-1981, f. & ef. 11-17-81; JD 2-1986, f. & ef. 1-27-86; DOJ 10-2005, f. 10-31-05, cert. ef. 1-1-06; DOJ 10-2007, f. 10-15-07 cert. ef. 1-1-08

137-001-0030

Conduct of Rulemaking Hearings

(1) The hearing to consider a rule shall be conducted by and shall be under the control of the presiding officer. The presiding officer may be the chief administrative officer of the agency, a member of its governing body, or any other person designated by the agency.

(2) At the beginning of the hearing, any person wishing to be heard shall provide their name, address, and affiliation to the presiding officer. The presiding officer may also require that the person complete a form showing any other information the presiding officer deems appropriate. Additional persons may be heard at the discretion of the presiding officer.

(3) At the beginning of the hearing, the presiding officer must summarize, to the extent requested by any participant, the content of the notice given under ORS 183.335.

(4) Subject to the discretion of the presiding officer, the order of the presentation shall be:

(a) Statements of proponents;

(b) Statements of opponents; and

(c) Statements of other witnesses present and wishing to be heard.

(5) The presiding officer or any member of the agency may question any witness making a statement at the hearing. The presiding officer may permit other persons to question witnesses.

(6) There shall be no additional statement given by any witness unless requested or permitted by the presiding officer.

(7) The hearing may be continued with recesses as determined by the presiding officer until all listed witnesses have had an opportunity to testify.

(8) The presiding officer shall, when practicable, receive all physical and documentary evidence presented by witnesses. Exhibits shall be marked and shall identify the witness offering the exhibit. Any written exhibits shall be preserved by the agency pursuant to any applicable retention schedule for public records under ORS 192.001 et seq.

(9) The presiding officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious, or immaterial matter.

(10) The presiding officer shall make a record of the proceeding, by audio or video tape recording, stenographic reporting or minutes

Stat. Auth.: ORS 183.341 & 183.390

Stats. Implemented: ORS 183.335(3) & 183.341(1)

Hist.: 1AG 14, f. & ef. 10-22-75; 1AG 4-1979, f. & ef. 12-3-79; 1AG 1-1981, f. & ef. 11-17-81; JD 2-1986, f. & ef. 1-27-86; JD 1-1988, f. & cert. ef. 3-3-88; JD 5-1989, f. 10-6-89, cert. ef. 10-15-89; JD 7-1991, f. & cert. ef. 11-4-91; DOJ 10-2005, f. 10-31-05, cert. ef. 1-1-06; DOJ 10-2007, f. 10-15-07 cert. ef. 1-1-08

137-001-0080

Temporary Rulemaking Requirements

(1) If no notice has been provided before adoption of a temporary rule, the agency shall give notice of its temporary rulemaking to persons, entities, and media specified under ORS 183.335(1) by mailing, electronic mailing, or personally delivering to each of them a copy of the rule or rules as adopted and a copy of the statements required under ORS 183.335(5). The agency may provide a summary of the rule or rules and state how and where a copy of the rule or rules may be obtained on paper, via electronic mail or from a specified web site. If the agency posts the rule or rules on a web site, the agency must provide a web address or link sufficient to enable a person to find the rules easily. Failure to give this notice shall not affect the validity of any rule.

(2) Persons who have asked the agency to mail notices of proposed rulemaking to them pursuant to ORS 183.335(8) may choose to receive notice by mail, and not electronically.

(3) The agency shall file with the Secretary of State a certified copy of the temporary rule and a copy of the statement required by ORS 183.335(5).

(4) A temporary rule is effective for 180 days, unless a shorter period is specified in the temporary rule or the certificate of filing for the temporary rule.

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.335(5), 183.341(1), 183.355 & OL 1993, 729 §6

Hist.: 1AG 14, f. & ef. 10-22-75; 1AG 17, f. & ef. 11-25-77; 1AG 4-1979, f. & ef. 12-3-79; 1AG 1-1981, f. & ef. 11-17-81; JD 6-1983, f. 9-23-83, ef. 9-26-83; JD 2-1986, f. & ef. 1-27-86; JD 5-1989, f. 10-6-89, cert. ef. 10-15-89; JD 7-1991, f. & cert. ef. 11-4-91; JD 6-1993, f. 11-1-93, cert. ef. 11-4-93; JD 7-1995, f. 8-25-95, cert. ef. 1-1-96; DOJ 10-2005, f. 10-31-05, cert. ef. 1-1-06; DOJ 10-2007, f. 10-15-07 cert. ef. 1-1-08

137-001-0100

Review of New Rules

(1) When conducting a review of a new rule as required by ORS 183.405 the agency may appoint an advisory committee to assist with the review, invite public comment upon the rule, or both.

(2) Notwithstanding ORS 183.405(4) & (5), the agency may review any amended rule under the criteria set forth in ORS 183.405(1).

(3) As part of the review under ORS 183.405(1), the agency may invite public comment upon the rules and give notice of the review to those parties identified in ORS 183.335(1)(a), (c), and (d). The notice will:

(a) Identify the rule or rules under review, describe the subject matter of the rule or rules under review, and invite comments on any or all of the factors identified in ORS 183.405(1);

(b) State the date by which written comments must be received by the agency and the mailing address or electronic mail address to which the comments should be sent; and

(c) Include the time and place of the hearing, if the agency provides a public hearing to receive oral comments.

Stat. Auth.: ORS 183.341 & 183.502

Stats. Implemented: ORS 183.333, 183.341, 183.502 & OL 2005, Ch. 17, Ch. 18, Ch. 807

Hist.: DOJ 10-2005, f. 10-31-05, cert. ef. 1-1-06; DOJ 10-2007, f. 10-15-07 cert. ef. 1-1-08

Rule Caption: Amends Model Rule Relating to Collaborative DR Provider Roster and Simplified Mediator Procurement Process.

Adm. Order No.: DOJ 11-2007

Filed with Sec. of State: 10-15-2007

Certified to be Effective: 1-1-08

Notice Publication Date: 9-1-07

Rules Amended: 137-005-0040

Subject: The rule change amends the Attorney General's Model Rule relating to the selection and procurement of dispute resolution providers. The change allows a roster of collaborative dispute resolution providers and a simplified mediator and facilitator procurement process developed by the Department of Justice to be used by the agency when selecting all collaborative dispute resolution providers, whether by consensus or otherwise. Currently, agencies may use the simplified procurement process only when selecting a provider by consensus.

Rules Coordinator: Carol Riches—(503) 947-4700

ADMINISTRATIVE RULES

137-005-0040

Selection and Procurement of Dispute Resolution Providers

(1) The agency may select the collaborative DR provider or may opt to select the provider by consensus of the participants.

(2) A collaborative DR provider who has a financial interest in the subject matter of the dispute, who is an employee of an agency in the dispute, who has a financial relationship with any participant in the collaborative DR process or who otherwise may not be impartial is considered to have a potential bias. If, before or during the dispute resolution process, a provider has or acquires a potential bias, the provider shall so inform all the participants. Any participant may disqualify a provider who has a potential bias if the participant believes in good faith that the potential bias will undermine the ability of the provider to be impartial throughout the process.

(3) If the collaborative DR provider is a public official as defined by ORS 244.020(15), the provider shall comply with the requirements of ORS Chapter 244.

(4) If the agency procures the services of a collaborative DR provider, the agency must comply with all procurement and contracting rules provided by law. A roster of collaborative DR providers and a simplified mediator and facilitator procurement process developed by the Department of Justice may be used by the agency when selecting a collaborative DR provider.

(5) If the collaborative DR provider is a mediator or facilitator who is not an employee of the agency, the participants shall share the costs of the provider, unless the participants agree otherwise or the provider is retained solely by the agency or by a non-participant.

(6) Whenever the agency compensates a provider who is not an employee of the agency, the state must execute a personal services contract with the provider. If the agency and the other participants choose to share the cost of the collaborative DR provider's services, the non-agency participants may enter into their own contract with the provider or may be a party to the contract between the agency and the provider, at the discretion of the agency. The agency's contract with a provider must state:

(a) The name and address of the provider and the contracting agency;

(b) The nature of the dispute, the issues being submitted to the collaborative DR process and the identity of the participants, as well as is known at the time the contract is signed;

(c) The services the provider will perform (scope of work);

(d) The compensation to be paid to the provider and the maximum contract amount;

(e) The beginning and ending dates of the contract and that the contract may be terminated by the agency or the provider upon mutual written consent, or at the sole discretion of the agency upon 30 calendar days notice to the provider or immediately if the agency determines that the DR process is unable to proceed for any reason.

(7) A student, intern or other person in training or assisting the provider may function as a co-provider in a dispute resolution proceeding. The co-provider shall sign and be bound by the agreement to collaborate specified in OAR 137-005-0030, if any, and, if compensated by the agency, a personal services contract as specified in section (6) of this rule.

Stat. Auth.: ORS 183.341 & 183.502

Stats. Implemented: ORS 183.502

Hist.: JD 1-1997, f. 3-28-97, cert. ef. 4-1-97; DOJ 10-1999, f. 12-23-99, cert. ef. 1-1-00; DOJ 9-2001, f. & cert. ef. 10-3-01; DOJ 13-2005, f. & cert. ef. 10-31-05; DOJ 11-2007, f. 10-15-07 cert. ef. 1-1-08

.....

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Amend Moral Fitness, Read/Write, Telecommunicator Employment Standard, Maintenance Training, Fees, Student Dismissal Rules.

Adm. Order No.: DPSST 10-2007

Filed with Sec. of State: 10-15-2007

Certified to be Effective: 10-15-07

Notice Publication Date: 9-1-07

Rules Amended: 259-008-0010, 259-008-0011, 259-008-0090, 259-025-0000

Subject: Amends language relating to moral fitness to clarify that background investigations are to be conducted by the employing

agency on each law enforcement officer being considered for employment;

Amends administrative rule relating to 12th grade reading/writing test to allow waiver provision for individuals possessing at least a four- year academic degree;

Amends rule relating to the minimums standards for employment of the Telecommunicators to provide for a field test for applicants who may not be able to satisfactorily meet the color vision standard;

Amends current rules to identify when individuals or agencies must report training on a Form F-6 or Form F-15; and

Amends rules relating to fees charged for copying and printing materials to eliminate references to formal tenancy.

Rules Coordinator: Bonnie Salle—(503) 378-2431

259-008-0010

Minimum Standards for Employment as a Law Enforcement Officer

(1) Citizenship.

(a) A person may not be employed as a corrections officer for more than one year unless the person is a citizen of the United States.

(b) A person may not be employed as a police or parole and probation officer for more than 18 months unless the person is a citizen of the United States.

(2) Age. No law enforcement unit in this state shall employ as a police officer, corrections officer or parole and probation officer, any person who has not yet attained the age of 21 years.

(3) Fingerprints. On or within 90 days prior to the date of employment, each police, corrections, or parole and probation officer shall be fingerprinted on standard applicant fingerprint cards. The hiring agency is responsible for fingerprinting and shall forward two (2) cards to the Oregon State Police Identification Services Section for processing and assignment of identification number.

(a) Applicant's fingerprints will be retained and kept on file with the Oregon State Police Identification Services Section.

(b) The Oregon State Police Identification Services Section will notify the Department and the employing agency of any criminal record disclosed through processing the applicant's fingerprint card.

(c) 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.

(d) If the fingerprint clearance has not been obtained prior to submission of the application for certification, a criminal history affidavit provided by the Department shall be completed and returned to the Department by the applicant pending fingerprint clearance.

(4) Criminal Records. No police, corrections, or parole and probation officer shall have been convicted:

(a) In this state or any other jurisdiction, of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one (1) year may be imposed;

(b) Of violating any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug;

(c) In this state of violating any law subject to denial or revocation as identified in OAR 259-008-0070 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

(5) Notification of Conviction:

(a) A law enforcement officer, instructor, telecommunicator, or EMD who is convicted of a crime, as identified in OAR 259-008-0070, while employed by a public or private safety agency must notify the agency head within 72 hours of the conviction.

(b) When an agency receives notification of a conviction from its employee, or another source, they must notify the Department within five (5) business days. The notification to the Department must be in writing and include the specific charges of the conviction, the county and state where the conviction occurred, the investigating agency and the date of the conviction.

(6) Moral Fitness (Moral Character). All law enforcement officers must be of good moral fitness.

(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 or the nation.

(b) The following are indicators of a lack of good moral fitness:

ADMINISTRATIVE RULES

(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 law enforcement officer. 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 officer's performance on the job which makes the officer both inefficient and otherwise unfit to render effective service because of the agency's and/or public's loss of confidence in the officer's ability to perform competently.

(c) If reliable evidence is received by the Board or Department that a law enforcement officer lacks good moral fitness, a rebuttable presumption will be raised that the law enforcement officer does not possess the requisite moral fitness to be a law enforcement officer. The burden shall be upon the law enforcement officer to prove good moral fitness.

(7) Education:

(a) Applicants for the position of a law enforcement officer will be required to furnish documentary evidence of one of the following:

(A) High School diploma; or

(B) Successful completion of the General Educational Development (GED) Test.

(i) For the purpose of determining high school graduation level as required by these rules, the applicant must have achieved a score no less than that required by the Oregon Board of Education before issuing an Oregon GED certificate.

(ii) Applicants holding a GED from another state may be required to obtain an Oregon certificate at the discretion of the Department.

(b) Evidence of the above shall consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted, at the discretion of the Department.

(c) Reading and Writing Standard. Before beginning basic police training, challenging basic police training, or beginning the police career officer development course, each applicant shall provide evidence to DPSST that the applicant has attained a minimum of a 12th grade reading and writing level in the English language.

(A) The hiring agency is responsible for administering a reading and writing instrument, approved by DPSST, and shall forward the results to DPSST on an application for training (Form F-5) prior to the applicant being admitted to basic police training.

(B) Individuals submitting transcripts verifying that they possess at least a four-year academic degree from an institution recognized by DPSST under the provisions of OAR 259-008-0045 are exempt from completing the 12th grade reading/writing test prior to attending a course identified in this section.

(8) Physical Examination. All law enforcement officers and applicants must be examined by a licensed physician or surgeon.

(a) The medical examination shall be completed not more than 180 days prior to initial offer of employment, nor more than 90 days after initial offer of employment, and shall conform to applicable standards of the Americans with Disabilities Act (ADA). Title 42 USC 12101.

(b) Individuals who have had a successfully completed physical examination (while at the same employer) and are selected for a certifiable position in a discipline in which the individual is not yet certified must complete and pass a new physical examination.

(c) The Department will not require a new physical examination when a law enforcement officer obtains employment, or re-employment, in the same discipline if the officer:

(A) Has had a successfully completed a physical examination, and

(B) Is currently certified; or

(C) Is an officer currently employed full-time in another jurisdiction who has successfully completed a comparable physical examination in that jurisdiction.

(d) Notwithstanding subsection (c), a medical examination may be required by a hiring agency at its discretion.

(e) Police, Corrections, and Parole and Probation applicants must meet the following criteria:

(A) Visual Acuity. Corrected vision must be at least 20/30 (Snellen) in each eye. Due to the demonstrated likelihood of dislodgment or breakage, candidates who are able to wear only glasses with frames must meet an uncorrected standard not worse than 20/100 (Snellen) in each eye. Those candidates who use soft contact lenses (SCLs) must have vision correctable

to at least 20/30 in each eye, with no uncorrected standard, provided the employing agency will monitor compliance. Replacement glasses or lenses (as appropriate) must be on the person or readily available at all times during each work shift.

(B) Color Vision. Red or green deficiencies may be acceptable, providing the applicant can read at least nine (9) of the first thirteen (13) plates of the Ishihara Test (24 Plate Edition). Applicants who fail the Ishihara test can meet the color vision standard by demonstrating that they can correctly discriminate colors via a field test conducted by the employer and approved by DPSST.

(C) Depth Perception. Depth Perception must be sufficient to demonstrate stereopsis adequate to perform the essential tasks of the job. The recommended test is the Random Stereo Test with 60 seconds of arc.

(D) Peripheral Vision. Visual Field Performance must be 140 degrees in the horizontal meridian combined.

(E) Night Blindness. A history of night blindness should be evaluated to determine applicant's capacity to perform essential tasks at night or in dark or low light settings.

(f) Applicants for the position of police or corrections officer must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others. The applicant must have no average loss greater than 25 decibels (db) at the 500, 1,000, 2,000 and 3,000-Hertz levels in either ear with no single loss in excess of 40 db.

(g) Applicants for the position of parole and probation officer must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others. The applicant must have no average loss greater than 35 decibels (db) at the 500, 1000, 2000, and 3000 Hertz levels in either ear with no single loss in excess of 45 db.

(h) If amplification device(s) is (are) necessary to meet the criteria in (f) or (g) above, or if applicant cannot meet the above criteria and wishes to pursue application, applicant must:

(A) Obtain a hearing evaluation by a licensed audiologist or otorhinolaryngologist (ear, nose, throat) to determine current hearing aid requirement; and

(B) Achieve a Speech Reception Threshold (SRT) of no greater than 25 db for each ear;

(C) Police, corrections and parole and probation officers must achieve a Speech Discrimination test score of no less than 90% utilizing a standard 50-word presentation at 60 db Hearing Threshold Level (HTL). The Department may require an applicant to have another examination by a licensed audiologist or otorhinolaryngologist (ear, nose, and throat) designated by the Department to verify that the applicant's hearing meets the Board's minimum hearing standard. The verification examination will be at the expense of the applicant or the applicant's employing agency. The equipment utilized for all of these evaluations must be calibrated annually using current ANSI standards.

(D) Hearing amplification devices used to meet the hearing standard must be the type that protects the applicant from further hearing degradation due to amplification of loud sounds.

(i) Applicants for the position of police, corrections, or parole and probation officer must be able to use vocal chords and have significant speaking ability to perform speaking-related essential tasks. For police and corrections officers abnormalities of the nose, throat or mouth must not interfere with the applicant's breathing or proper fitting of gas mask or similar device.

(j) Applicants for the position of police, corrections, or parole and probation officer who have a history of organic cardio-vascular disease or a finding during the medical examination of organic cardio-vascular disease will necessitate further medical evaluation.

(A) Resting blood pressure must be less than or equal to 140 mmHg systolic and 90 mmHg diastolic on three successive readings.

(B) Applicants must not have a functional and therapeutic cardiac classification greater than the Heart Association's Class A.

(C) Failure to meet guidelines (j), (A) and (B) will require further medical evaluation.

(D) If the applicant has controlled hypertension not exceeding the above standards and is on medication with side effect profiles, which do not interfere with performance of duty, then the condition may not be excludable.

(E) Functional Capacity I patients with cardiac disease may not be excludable, if they have no limitations of physical activity and ordinary physical activity does not cause discomfort and they do not have symptoms of cardiac insufficiency, nor experience angina pain.

(F) Therapeutic Classification A patients with cardiac disease, whose physical activity is restricted, should be evaluated thoroughly.

ADMINISTRATIVE RULES

(G) If further medical examination is required under (j), it will be at the expense of the applicant or hiring authority.

(k) All law enforcement applicants must submit a current-version DPSST Medical Examination Report (DPSST Form F2), or a medical report completed by a licensed physician containing at a minimum the information on Form F2 and a signed statement by the examining physician that the applicant does not have any condition, physical, mental, or emotional, which, in his/her opinion, suggests further examination. This Report will be furnished to the examining physician by the hiring agency. The physician must indicate that the applicant is or is not physically able to perform the duties of a law enforcement officer as prescribed by DPSST.

(l) A copy of the Medical Examination Report must be sent to the Department prior to acceptance into a basic course, or any course where such report is required by the Department.

(m) The Department may require an applicant offered conditional employment to take a subsequent examination by a licensed physician of the Department's choice at the expense of the applicant or the hiring authority.

(n) The Board may waive any physical requirement where, in its judgment, the waiver would not be detrimental to the performance of an officer's duties, including the protection of the public and the safety of co-workers. The applicant may be required to demonstrate the ability to perform the essential functions of the job.

(o) A person or department head requesting a waiver of any physical requirement set forth in section (8) of this rule shall submit the request to the Department in writing, accompanied by supporting documents or pertinent testimony which would justify the action requested. The supporting documents must include information pertinent to the waiver request. The Board or Department may require additional documentation or testimony by the person or department head requesting the waiver if clarification is needed. Any expense associated with providing documentation or testimony will be borne by the person requesting the waiver or the requesting agency. If the person requesting the waiver does not obtain employment within one (1) year from the date a waiver is granted, the waiver will be considered void. If the Board grants a waiver, it will be recorded on the certification and any subsequent certification unless removed by the Board upon proof that the condition prompting the waiver no longer exists.

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

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 1-1987, f. & ef. 10-26-87; Renumbered from 259-010-0015, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1996, f. 5-15-96, cert. ef. 5-20-96; PS 4-1997, f. 3-20-97, cert. ef. 3-25-97; 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 1-1999, f. & cert. ef. 3-9-99; BPSST 9-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 3-2001, f. & cert. ef. 8-22-01; BPSST 12-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 5-2002(Temp), f. 4-3-02, cert. ef. 4-6-02 thru 8-1-02; BPSST 16-2002, f. & cert. ef. 7-5-2002; BPSST 20-2002, f. & cert. ef. 11-21-02; DPSST 3-2003, f. & cert. ef. 1-22-03; DPSST 6-2003, f. & cert. ef. 4-11-03; DPSST 8-2003, f. & cert. ef. 4-18-03; DPSST 14-2003, f. & cert. ef. 12-22-03; DPSST 3-2006, f. & cert. ef. 2-28-06; DPSST 12-2006, f. & cert. ef. 10-13-06; DPSST 10-2007, f. & cert. ef. 10-15-07

259-008-0011

Minimum Standards for Employment as a Telecommunicator and Emergency Medical Dispatcher

(1) On or before the date of employment, each telecommunicator and emergency medical dispatcher shall be fingerprinted on standard applicant fingerprint cards.

(a) The hiring agency, if a public agency, is responsible for fingerprinting and shall forward two (2) cards to the Oregon State Police Identification Services Section for processing and assignment of identification number.

(b) If the hiring agency is a private agency it is responsible for fingerprinting and shall forward two (2) cards to the Department along with the appropriate fee.

(A) Applicant's fingerprints will be retained and kept on file with the Oregon State Police Identification Services Section.

(B) The Oregon State Police Identification Services Section shall notify the Department and the employing agency of any criminal record disclosed through processing the applicant's fingerprint card.

(C) 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.

(D) If the fingerprint clearance has not been obtained prior to submission of the application for certification, a criminal history affidavit provided by the Department shall be completed and returned to the Department by the applicant pending fingerprint clearance.

(2) Criminal Records. No telecommunicator or emergency medical dispatcher shall have been convicted:

(a) In this state or any other jurisdiction, of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one (1) year may be imposed;

(b) Of violating any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug;

(c) In this state of violating any law subject to denial or revocation as identified in OAR 259-008-0070 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

(3) Moral Fitness (Moral Character). All telecommunicators and emergency medical dispatchers must be of good moral fitness.

(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 telecommunicator or emergency medical dispatcher. 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 telecommunicator or emergency medical dispatcher's performance on the job which makes the telecommunicator or emergency medical dispatcher both inefficient and otherwise unfit to render effective service because of the agency's and/or public's loss of confidence in the telecommunicator or emergency medical dispatcher's ability to perform competently.

(c) If reliable evidence is received by the Board or Department that a telecommunicator or emergency medical dispatcher lacks good moral fitness, a rebuttable presumption will be raised that the telecommunicator or emergency medical dispatcher does not possess the requisite moral fitness to be a telecommunicator or emergency medical dispatcher. The burden shall be upon the telecommunicator or emergency medical dispatcher to prove good moral fitness.

(4) Education:

(a) Applicants for the position of a telecommunicator or emergency medical dispatcher will be required to furnish documentary evidence of one of the following:

(A) High School diploma; or

(B) Successful completion of the General Educational Development (GED) Test.

(i) For the purpose of determining high school graduation level as required by these rules, the applicant must have achieved a score no less than that required by the Oregon Board of Education before issuing an Oregon GED certificate.

(ii) Applicants holding a GED from another state may be required to obtain an Oregon certificate at the discretion of the Department.

(b) Evidence of the above shall consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted, at the discretion of the Department.

(5) Reading and Writing Standard. Before beginning basic telecommunicator or Emergency Medical Dispatcher (EMD) training or challenging basic telecommunicator training, each applicant shall provide evidence to DPSST that the applicant has attained a minimum of a 12th grade reading and writing level in the English language.

(A) The hiring agency is responsible for administering a reading and writing instrument, approved by DPSST, and shall forward the results to DPSST on an application for training (Form F-5) prior to the applicant being admitted to basic telecommunicator or EMD training.

(B) Individuals submitting transcripts verifying that they possess at least a four-year academic degree from an institution recognized by DPSST under the provisions of OAR 259-008-0045 are exempt from completing the 12th grade reading/writing test prior to attending a course identified in this section.

(6) Physical Examination. All Telecommunicators and Emergency Medical Dispatcher applicants must be examined by a licensed physician.

ADMINISTRATIVE RULES

(a) The medical examination must be completed not more than 180 days prior to initial offer of employment, nor more than 90 days after initial offer of employment, and must conform to applicable standards of the Americans with Disabilities Act (ADA). Title 42 USC 12101.

(b) Individuals who have had a successfully completed physical examination (while at the same employer) and are selected for a certifiable position in a discipline in which the individual is not yet certified must complete and pass a new physical examination.

(c) The Department will not require a new physical examination when a Telecommunicator or Emergency Medical Dispatcher obtains employment, or re-employment, in the same discipline if the Telecommunicator or Emergency Medical Dispatcher:

(A) Has had a successfully completed a physical examination, and

(B) Is currently certified; or

(C) Is currently employed full-time in another jurisdiction and has successfully completed a comparable physical examination in that jurisdiction.

(d) Notwithstanding subsection (c), a medical examination may be required by a hiring agency at its discretion.

(e) Telecommunicator and Emergency Medical Dispatcher applicants must meet the following criteria:

(A) Visual Acuity. Corrected vision must be at least 20/30 (Snellen) when tested using both eyes together.

(B) Color Vision. Red or green deficiencies may be acceptable, providing the applicant can read at least nine (9) of the first thirteen (13) plates of the Ishihara Test (24 Plate Edition). Applicants who fail the Ishihara test can meet the color vision standard by demonstrating that they can correctly discriminate colors via a field test conducted by the employer and approved by DPSST. The results of the field test and the methods for testing must be maintained by the employing agency.

(i) Any employing agency that conducts a field test to meet the color vision standard must also complete a Department approved affidavit attesting that the applicant can either correctly discriminate colors or is able to successfully perform the required tasks of a Telecommunicator or Emergency Medical Dispatcher, notwithstanding the applicant's inability to correctly discriminate colors.

(ii) Any affidavit required by (i), that the Department receives and accepts, is non-transferable to any subsequent employer and may not be used by any other entity for certification purposes.

(iii) Notwithstanding subsection (c) of this rule, each employer must complete an agency-specific field test and a Department approved affidavit as described in subsection (i) of this section for any Telecommunicator or Emergency Medical Dispatcher who previously met the color vision standard by completing a field test.

(C) Peripheral Vision. Visual Field Performance must be 120 degrees in the horizontal meridian combined.

(f) Applicants for the position of Telecommunicator or Emergency Medical Dispatcher must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others. The applicant must meet National Emergency Number Association (NENA) hearing standard 54-002 (June 10, 2006).

(g) Applicants for the position of Telecommunicator or Emergency Medical Dispatcher must be able to use vocal cords and have significant speaking ability to perform speaking-related essential tasks.

(7) If further medical examination is required, it will be at the expense of the applicant or the hiring authority.

(8) All Telecommunicator and Emergency Medical Dispatcher applicants must submit a current-version DPSST Medical Examination Report for Telecommunicators and Emergency Medical Dispatchers (DPSST Form F-2T), or a medical report completed by a licensed physician containing at a minimum the information on Form F-2T. This Report will be furnished to the examining physician by the hiring agency.

(9) A copy of the Medical Examination Report must be sent to the Department prior to acceptance into a basic course, or any course where such report is required by the Department.

(10) The Department may require an applicant offered conditional employment to take a subsequent examination by a licensed physician of the Department's choice at the expense of the applicant or the hiring authority.

(11) The Board may waive any physical requirement where, in its judgment, the waiver would not be detrimental to the performance of a Telecommunicator or Emergency Medical Dispatcher's duties. The applicant may be required to demonstrate the ability to perform the essential functions of the job.

(12) A person or department head requesting a waiver of any physical requirement set forth in section (11) of this rule must submit the request to the Department in writing, accompanied by supporting documents or pertinent testimony which would justify the action requested. The supporting documents must include information pertinent to the waiver request. The Board or Department may require additional documentation or testimony by the person or department head requesting the waiver if clarification is needed. Any expense associated with providing documentation or testimony will be borne by the person requesting the waiver or the requesting agency. If the person requesting the waiver does not obtain employment within one (1) year from the date a waiver is granted, the waiver will be considered void. If the Board grants a waiver, it will be recorded on the certification and any subsequent certification unless removed by the Board upon proof that the condition prompting the waiver no longer exists.

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

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: BPSST 1-2002, f. & cert. ef. 2-6-02; DPSST 1-2004, f. 1-16-04, cert. ef. 1-20-04;

DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 3-2007, f. & cert. ef. 1-12-07; DPSST 10-2007, f. & cert. ef. 10-15-07

259-008-0090

Training Records

(1) Upon receipt by the Department of a Personnel Action Report (BPSST Form F-4), properly identifying a public safety professional, the Department will initiate a file for that individual and record completion of approved training, as well as other personnel information, if properly documented.

(2) Upon receipt of the appropriate form, the Department will enter training hours for training a public safety professional attended.

(a) Beginning April 1, 2007, F-6 (Attendance Rosters) will only be accepted to report training that occurred in the current calendar year and the two previous years.

(b) Any training occurring three or more years prior to the current year, or any training received while a public safety professional was employed in a jurisdiction outside of Oregon, must be reported on an F-15 (Continuing Log of Training). Approved training will appear on a public safety professional's training record as a lump sum number of hours of "approved training" for each year reported.

(3) Beginning January 1, 2007, all training submitted to the Department must be submitted on the current version F-6 (Attendance Roster) or F-15 (Continuing Log of Training) available upon request, or from the Department's internet website.

(4) Any Form F-6 (Attendance Roster) or F-15 (Continuing Log of Training) received by the Department that is insufficient, or not in compliance with this rule will be returned to the originating agency. The Department will identify any deficiencies needing completion or correction.

(5) Upon display of proper identification, a department head, or authorized representative, may review their employee's file as maintained by the Department. Proper identification will also be required of individuals interested in reviewing their own file.

(6) Review or release of non-public information under Oregon law to other than the individual whose file is the subject of the information request or to the employing law enforcement agency, or public or private safety agency will only be permitted by the Department upon advisement by the Attorney General, by court order, or with a signed consent from the individual whose file is the subject of the information request.

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

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0070, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; DPSST 10-2007, f. & cert. ef. 10-15-07

259-025-0000

Fees

(1) All information in the custody of the Director of the Department of Public Safety Standards and Training (Department) will be disclosed or protected from disclosure in accordance with ORS Chapter 192 and other applicable state and federal laws.

(2) As used in this rule, the following definitions apply:

(a) "Certified copies" means, photocopies, that on the date copied, are true and accurate copy of the original record. The Department cannot certify as to any subsequent changes or manipulation of the record.

(b) "Research" means the compilation or retrieval of information:

ADMINISTRATIVE RULES

(A) That is not readily and immediately available from a single source or a group of related sources; or

(B) For which a search is required before the requested information can be located.

(3) A request for photocopies, facsimile (fax) copies, electronically distributed (e-mail) copies and certifications of public records that are on file with the Department must be made in writing, by fax or by e-mail.

(a) The request must:

(A) Include name and address of the person requesting the public record;

(B) Include telephone number of the person requesting the public record; and

(C) Adequately describe the record(s) requested including subject matter, and approximate creation date(s) when applicable.

(b) The request should:

(A) Be dated;

(B) Identify or be signed by the person requesting the public record; and

(C) Indicate a date by which the records are being requested.

(4) The Department will respond to the request in a reasonable amount of time.

(a) In its response, the Department will:

(A) Acknowledge the request;

(B) Provide an estimate of the expected cost of meeting the request;

(C) Identify any requested records that may be exempt from disclosure; and

(D) Identify the estimated date by which the information will be provided.

(b) The regular duties of the Department will be neither interrupted nor interfered with because of time or effort required to respond to the request.

(5) Unless otherwise provided by statute or other administrative rule, fees will be calculated as follows:

(a) Fees for in-stock publications, pamphlets or outlines will be as listed below:

(A) 1–10 pages — \$ 5.00;

(B) 11–25 pages — \$ 7.50;

(C) 26–50 pages — \$ 10.00;

(D) 51–100 pages — \$15.00;

(E) Over 100 pages — \$15.00, plus twenty-five cents (\$.25) per page for each additional page over 100.

(b) Documents other than publications will be charged at the rate of \$5.00 for the first 1–10 pages and \$.50 for each additional page.

(6) The Department may charge fees for recovering actual costs of staff time;

(a) For locating, compiling, making available for inspection and delivering public records; and

(b) Researching and documenting information.

(7) No charge will be made for furnishing normal and necessary records or publications to public safety officers, or public safety agencies.

(8) The Department may charge for the use of facilities at the Public Safety Academy.

(9) The Department may charge replacement cost for lost or damaged keys, equipment, or meal cards.

Stat. Auth.: ORS 181.640 & 703.230

Stats. Implemented: ORS 181.640 & 703.230

Hist.: PS 1-1983, f. & ef. 12-15-83; PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 19-2002, f. & cert. ef. 11-21-02; DPSST 10-2007, f. & cert. ef. 10-15-07

Rule Caption: Define Alarm Monitor and amend rules relating to private security services providers.

Adm. Order No.: DPSST 11-2007

Filed with Sec. of State: 10-15-2007

Certified to be Effective: 10-15-07

Notice Publication Date: 9-1-07

Rules Amended: 259-060-0010, 259-060-0090, 259-060-0150, 259-060-0450

Subject: Defines Alarm Monitor to mean a private security professional who remotely detects and reports conditions listed in ORS 181.870(8) to law enforcement agencies in Oregon;

Amends the private security providers training rules related to challenge of classroom instruction;

Amends the process for adding licenses or certificates to include alarm monitors; and

Amends the rules relating to compliance to include private security professionals.

Rules Coordinator: Bonnie Salle—(503) 378-2431

259-060-0010

Definitions

(1) “Accreditation Program Manager” means a person who is designated as the administrator of an employer accredited training program and is primary liaison with the Department.

(2) “Alarm Monitor” means a private security professional who remotely detects and reports conditions listed in ORS 181.870(8) to law enforcement agencies in Oregon.

(3) “Armed Private Security Professional” means a private security professional who is in possession of a firearm at any time while performing duties as a private security professional.

(4) “Assessment module” means a four-hour curriculum given to private security professionals 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.

(5) “Board” means the Board on Public Safety Standards and Training.

(6) “Certification” means recognition by the Department that a private security professional or instructor, meets all the qualifications listed in ORS 181.875 and the rules set forth in this Division.

(7) “Certified Private Security Instructor” 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.

(8) “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.

(9) “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 does not require a final judgment or sentence. A person will 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 will 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 will 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.

(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 professional, or a licensed executive or supervisory manager. The person being monitored may not make decisions regarding any course of action independent of the person providing the direct supervision.

(14) “Employer” means an individual or entity who employs persons to provide private security services.

(15) “Executive Manager” means an individual 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 professionals, including any supervisory managers. An executive manager has authority to issue Temporary Work Permits and has ultimate responsibility for compliance with ORS 181.870–181.991.

(16) “Instructor” means any person who has been certified by the department as meeting the requirements to provide instruction to private security providers or applicants.

(17) “License” means recognition by the Department that an employer, contractor, executive manager or supervisory manager meets the

ADMINISTRATIVE RULES

requirements adopted by the Board on Public Safety Standards and Training as necessary to provide private security services.

(18) "Policy Committee" means the Private Security Policy Committee created by ORS 181.889.

(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 professional" means an individual who performs, as the individual's primary responsibility, private security services for consideration, regardless of whether the individual, while performing the private security services, is armed or unarmed or wears a uniform or plain clothes, and regardless of whether the individual is employed part-time or full-time to perform private security services.

(21) "Private security provider" means any individual who performs the functions of a private security professional, executive manager, supervisory manager or instructor.

(22) "Private security services" means the performance of at least one of the following activities:

(a) The observation and reporting of any unlawful activity.

(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.

(23) "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.

(24) "Supervisory Manager" means an employee of or a person supervised by an executive manager who has as a primary responsibility the supervision of certified private security professionals.

(25) "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 private security services.

(26) "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 professional, executive or supervisory manager while the application for certification or licensure is being processed. A temporary work permit will not 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. 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; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 4-2007, f. & cert. ef. 2-15-07; DPSST 11-2007, f. & cert. ef. 10-15-07

259-060-0090

Challenge of Classroom Instruction

(1) Private Security Providers Training Challenge.

(a) A person may challenge the eight-hour basic classroom instruction component of the training requirement as described in OAR 259-060-0060 if the person:

(A) Has two or more years of experience in the field of law enforcement, military police or private security services; or

(B) Has received any private security or law enforcement training.

(b) The applicant will only be given one opportunity to challenge the mandated basic classroom instruction course by successfully completing the required written examination administered by a certified private security instructor in accordance with OAR 259-060-0065.

(A) The applicant must submit to the Department the original Form PS-6, sealed in the approved tamper-proof bag, and the completed application packet. The instructor must fully complete the form.

(B) Failure to obtain a passing score on the challenged examination will require attendance at the mandated basic classroom instruction course and successful completion of the examination.

(C) A person who successfully challenges the basic classroom instruction component of the training:

(i) Is required to successfully complete the four-hour assessment module; and

(ii) Must receive from the instructor a private security professional manual, that contains the curriculum of the basic classroom instruction component, to serve as a resource for the challenging applicant.

(2) This provision is intended to recognize formal education and work experience.

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

Stat. Auth.: ORS 181.878 & 181.883

Stats. Implemented: ORS 181.878 & 181.883

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 6-2006, f. & cert. ef. 5-15-06; DPSST 11-2007, f. & cert. ef. 10-15-07

259-060-0150

Process for Adding Licenses or Certificates

Applicants seeking to add a license or upgrade to an armed private security professional will be charged an administrative fee, as provided for in OAR 259-060-0500. A criminal history check must be conducted on each applicant and certain criteria must be met by the applicant. The expiration date of the certificate or license remains the same; armed applicants may wish to pay the full fee for an armed certification to obtain a full two years on their new armed certificate. To add a license or certificate, the applicant must:

(1) Submit a completed Form PS-1 (Application for Licensure or Certification of Private Security Services Provider) to the Department with the specific request marked, together with the nonrefundable fee; and

(2) Meet the following criteria:

(a) To add or change a private security professional certification (i.e., unarmed, armed, alarm monitor) the applicant must obtain required training from a certified private security or public safety instructor; then submit a completed Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results), sealed in an approved tamper-proof bag, together with the required fee and a completed Form PS-23 (Change of Information). A copy of the Form PS-23 must be carried on the person while performing private security services, until a new certificate is received. Because the unarmed training is a prerequisite to the armed certification, it is not necessary for an armed applicant to apply for or hold both certifications.

(b) To add a private security instructor certification, the applicant must submit proof of qualifications as specified in OAR 259-060-0135(2)(a), together with updated personal information, completion of the DPSST instructor orientation and the required fee. Certified private security firearms instructors may add this certification without charge by completing the DPSST instructor orientation.

(c) To add an armed private security instructor certification, the applicant shall submit proof of qualifications as specified in OAR 259-060-0135(3)(a), together with updated personal information, completion of the DPSST armed instructor orientation and the required fee.

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

Stat. Auth.: ORS 181.878 & 181.880

Stats. Implemented: ORS 181.873, 181.875, 181.878 & 181.880

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 6-2006, f. & cert. ef. 5-15-06; DPSST 11-2007, f. & cert. ef. 10-15-07

259-060-0450

Compliance

(1) The Department or its designated staff may cause inspections of records and procedures of security managers, instructors, and private security professionals relating to the minimum employment standards and training standards that are mandated by the Private Security Service Providers Act, as well as those records and procedures which are under the purview of OAR 259-060-0000 to 259-060-0500, in order to verify adherence to and compliance with any applicable rule or statute.

(2) The Department or its designated staff may cause any administrative proceeding and/or court action to be initiated to enforce compliance with the provisions of the Private Security Service Providers Act, and the administrative rules promulgated thereunder.

ADMINISTRATIVE RULES

(3) Scope and authority. Application of a civil penalty includes, but is not limited to, the violations set out in sub-section (5) of this rule.

(a) This rule sets guidelines for civil penalties for violations of the private security laws under ORS 181, and the administrative rules under chapter 259, division 60;

(b) This rule is authorized by ORS 181.870–181.991 and carries out ORS 181.991.

(4) Definitions. For the purposes of this rule:

(a) “Flagrant violation” is:

(A) An act by a provider, contractor, owner or manager who, after being notified of a violation, intentionally continues it;

(b) “Penalty order” is the entry of an administrative order, either:

(A) Assessing a penalty; or

(B) Finding a violation, regardless of whether a penalty is assessed.

(c) “Subsequent violation” is a repeat violation of any statute or rule within a 36-month period following any order for the same violation.

(5) Civil penalty amounts. For non-flagrant violations,

(A) A penalty of no less than \$250 for the first violation and \$500 for subsequent violations shall be charged for each of the following:

(A) Failure by an unarmed private security officer or private security officer-alarm monitor to complete training, apply for certification or obtain a temporary work permit, prior to providing private security services;

(B) Falsification of DPSST-submitted documents by an unarmed private security officer or private security officer-alarm monitor;

(C) Failure of an unarmed private security officer or private security officer-alarm monitor to cease providing private security services upon notice of termination, suspension, denial or revocation;

(D) Failure of an unarmed private security officer or private security officer-alarm monitor to report his or her own arrest.

(b) A penalty of no less than \$500 for the first violation and \$750 for subsequent violations shall be charged for each of the following:

(A) Failure by an armed private security officer to complete training or apply for certification prior to providing private security services;

(B) Falsification of DPSST-submitted documents by an armed private security officer;

(C) Failure of an armed private security officer to cease providing private security services upon notice of termination, suspension, denial or revocation;

(D) Failure of an armed private security officer to report his or her own arrest

(c) A penalty of no less than \$500 for the first violation and \$750 for subsequent violations shall be charged for each of the following:

(A) Failure by a private security unarmed or alarm monitor instructor to complete training or apply for certification, prior to providing private security training;

(B) Falsification of DPSST-submitted documents by a private security unarmed security or alarm monitor instructor;

(C) Failure of a private security unarmed or alarm monitor instructor to cease providing private security training upon notice of termination, suspension, denial or revocation;

(D) Failure of a private security unarmed or alarm monitor instructor to report his or her own arrest;

(E) Failure of a private security unarmed or alarm monitor instructor to instruct the full DPSST-certified curriculum as required by ORS 181.883.

(d) A penalty of no less than \$750 for the first violation and \$1,000 for subsequent violations shall be charged for each of the following:

(A) Failure by a private security firearms instructor to complete training or apply for certification, prior to providing private security training;

(B) Falsification of DPSST-submitted documents by a private security firearms instructor;

(C) Failure of a private security firearms instructor to cease providing private security training upon notice of termination, suspension, denial or revocation;

(D) Failure of a private security firearms instructor to report his or her own arrest;

(E) Failure of a private security firearms instructor to instruct the full DPSST-certified curriculum as required by ORS 181.883.

(e) A penalty of no less than \$1,000 for the first violation and \$1,500 for subsequent violations shall be charged for each of the following:

(A) Failure by a private security manager to complete training or apply for certification, prior to providing private security services, except as provided for in OAR 259-060-0130(11);

(B) Falsification of DPSST-submitted documents by a private security manager;

(C) Failure of a private security manager to cease providing private security services upon notice of termination, suspension, denial or revocation;

(D) Failure of a private security manager to report his or her own arrest, or the known arrest of an employed private security services provider;

(E) Failure of a private security manager to terminate the employment of a private security services provider or applicant whose application has been terminated, or whose certificate has been suspended, denied or revoked, upon notice from the Department to do so.

(F) The employment of private security providers who have not completed the training and application process required under the Private Security Service Providers Act.

(6) Procedures.

(a) Except as provided in section (8) of this rule, a case report of the designated failure to comply and subsequent recommendation of civil penalty shall be forwarded by staff for review by the Advisory Committee on Private Security Services, which in turn, shall forward its recommendation to the Board for final dispensation.

(b) Written notice of the violation of administrative rule or statute shall be served upon the licensee or certificate holder by certified and regular mail, with an opportunity for the licensee or certificate holder to remedy the violation within 14 days of the mailing of the notice, except for providers who have falsified the criminal history section of an application;

(c) Civil penalties may be lowered from the amount set in this rule, waived where further mitigation is warranted, or resolved by stipulation as provided in section (8) of this rule. Providers who remedy the stated violation and come into compliance without hearing may be assessed half of the penalty provided for in this rule.

(7) Options.

(a) If civil penalties are sought under ORS 181.991 for a continuing flagrant violation of the private security laws or rules, staff shall seek, and the committee shall recommend to the Board on Public Safety Standards and Training, the assessment of \$1,500 per occurrence.

(b) If judicial review of any application of a penalty under this section is requested under ORS 183.480:

(A) No civil penalty shall be sought or assessed for the alleged violation until after the review has been completed and the assessment upheld;

(B) Notwithstanding a request for judicial review, civil penalties can be brought or assessed for failure to comply with other laws or rules that do not involve the matter under review;

(C) The obligation to advise the Department of a judicial review request is on the person charged or about to be charged for the violation.

(8) Resolution by stipulation.

(a) Department staff is authorized to seek resolution by stipulation, subject to acceptance and approval by the Board or Director, if:

(A) The matter is resolved before entry of an order assessing penalty;

(B) The respondent corrects or proceeds to correct all deficiencies itemized by Department staff within the time allowed; and

(C) The penalty amount agreed to is tendered in certified check, bank draft, cashier’s check or postal money order, along with the stipulation.

(b) A stipulation shall not be accepted for less than the guideline provided for in this rule if the violation is for failure to obtain a required certificate or license, and such is not obtained as part of the resolution.

Stat. Auth.: ORS 181.878

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 4-2003, f. & cert. ef. 1-22-03; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 11-2007, f. & cert. ef. 10-15-07

Rule Caption: Establish Process to administer Governor’s Law Enforcement Medal of Honor.

Adm. Order No.: DPSST 12-2007

Filed with Sec. of State: 10-15-2007

Certified to be Effective: 10-15-07

Notice Publication Date: 9-1-07

Rules Amended: 259-008-0100

Subject: Establishes eligibility criteria and process for Law Enforcement Medal of Honor Commission nominations and awards.

Rules Coordinator: Bonnie Salle—(503) 378-2431

ADMINISTRATIVE RULES

259-008-0100

Miscellaneous Activities of the Board or Department

(1) The Board or Department may make or encourage studies of any aspect of corrections, parole and probation, telecommunications, emergency medical dispatch, fire, or police administration, including the stimulation of research by public and private agencies which shall be designed to improve the Criminal Justice System.

(2) The Board or Department may cooperate and consult with counties, municipalities, agencies of this State, other governmental agencies, and with universities, colleges, community colleges, and other institutions concerning the development of criminal justice training schools and programs or courses of instruction.

(3) The Board or Department may cooperate and consult with official bodies or individuals charged by law with the responsibility for corrections, parole and probation, telecommunications, emergency medical dispatch, fire or police selection and training standards in other states.

(4) The Board or Department may periodically publish or recommend that other governmental agencies publish curricula, manuals, lesson plans, brochures, newsletters, and other materials to aid departments in achieving the objectives of the Act.

(5) The Department may direct, operate, or sponsor training schools and set reasonable rules and regulations for the operation and use by trainees.

(6) The Department may, on request, issue Retirement Cards to those DPSST certified law enforcement officers who have honorably served the citizens of Oregon and who have retired from their agency under honorable conditions.

(a) For the purposes of this rule, "retired" means reaching the recognized retirement age with a minimum of five (5) years of full-time law enforcement experience in Oregon.

(b) An officer who has sustained a permanent disability that prevents a return to law enforcement may qualify for a Retirement Card if the officer has served a minimum of five (5) years as a full-time law enforcement officer in Oregon.

(c) The request for a Retirement Card shall be made by the agency in which the officer was last employed. The request shall be in writing.

(7) In accordance with the Oregon Revised Statutes the Board, in consultation with the Department, designates the following classifications of public safety personnel killed in the line of duty who may be honored at the Law Enforcement Memorial Wall.

(a) Eligibility:

(A) For the purpose of placing names, law enforcement officer includes, as defined in ORS 181.610, police officer, reserve officer, corrections officer, and parole and probation officer. Also included are federal law enforcement officers assigned to or performing law enforcement duties in Oregon.

(b) Criteria for placement on the Law Enforcement Memorial Wall:

(A) Officers who suffered an "in-the-line-of-duty" death.

(i) "In the line of duty death" means a fatal injury which is the direct or proximate result of any enforcement action or emergency response resulting in death or death directly resulting from law enforcement training for enforcement action or emergency response that the law enforcement officer is authorized or obligated to perform by law, rule, regulation, or condition of employment or service while on or off duty.

(ii) A fatal injury may include a medical condition which arises out of law enforcement actions or training for enforcement action or emergency response causing an officer's death immediately or within 24 hours or causing her/his death during a continuous period of hospitalization resulting from a law enforcement action.

(iii) Not included under this definition are deaths attributed to natural causes (except when a medical condition arises out of law enforcement action or law enforcement training for enforcement action or emergency response causing an officer's death immediately or within 24 hours or causing his/her death during a continuous period of hospitalization immediately following the taking of law enforcement action). Deaths attributed to voluntary alcohol or controlled substance abuse, deaths caused by the intentional misconduct of the officer, deaths caused by the officer's intention to bring about his or her own death, and deaths attributed to an officer performing his/her duty in a grossly negligent manner at time of death are not included under this definition.

(iv) When there is doubt arising from circumstances of the officer's death or with respect to individual status as a law enforcement officer, the matter shall be resolved by a majority vote of the Board on Public Safety Standards and Training Executive Committee.

(c) Exclusions from the Law Enforcement Memorial Wall:

(A) Officers whose deaths are attributed to natural causes are not eligible for inclusion in the wall; or

(B) A death that is attributed to the officer's voluntary alcohol or substance abuse use; or

(C) Death caused by intentional misconduct of the officer; or

(D) Death caused by the officer's intention to bring about his or her own death; and

(E) Death attributed to an officer performing his or her duty in a grossly negligent manner at the time of death.

(d) When there is doubt arising from the circumstances of the officer's death or with respect to the individual status as a law enforcement officer, the matter shall be resolved by a majority vote of the Executive Committee.

(e) The costs of maintenance and relocation of the Law Enforcement Memorial Wall and the costs of an annual memorial service honoring persons killed in the line of duty shall be paid out of the Police Memorial Trust Fund.

(8) In accordance with the Oregon Revised Statutes the Commission, in consultation with the Department, designates the following classifications of public safety personnel who may receive the Law Enforcement Medal of Honor.

(a) Eligibility:

(A) For the purpose of nominating names, law enforcement officer includes, but is not limited to, a police officer, reserve officer, corrections officer, or parole and probation officer. Also included are any state, county, municipal, federal or tribal individual who is:

(i) Commissioned; and

(ii) Responsible for enforcing criminal laws in the state of Oregon.

(b) Criteria for nominations for the state Law Enforcement Medal of Honor:

(A) Officers who have distinguished themselves by exceptionally honorable and meritorious conduct while in the performance of duty.

(i) "Exceptionally honorable and meritorious conduct" means an officer has distinguished themselves conspicuously by gallantry and fortitude at the risk of their life "above and beyond" the call of duty while performing or fulfilling their responsibilities as a law enforcement officer. It involves risk of life and is an act of bravery, self-sacrifice so conspicuous as to clearly distinguish the individual above their comrades.

(ii) "While in the performance of duty" requires acting in an official capacity and performing a law enforcement function.

(B) The exceptionally honorable and meritorious conduct must have occurred on or after January 1, 2006.

(c) Process for Nominations:

(A) All nominations must be submitted in writing to the Secretary of the Law Enforcement Medal of Honor Commission;

(B) All nominations must be presented on an official nomination form;

(C) All nominations must be postmarked no later than one year after the date an officer has performed exceptionally honorable and meritorious conduct;

(D) All nominations must be endorsed by the chief law enforcement officer of the department or agency of the nominee;

(E) All nominations must receive a unanimous vote by the Commission.

(F) Notwithstanding subsection (E) of this rule, a Commission member is prohibited from voting on any nomination submitted from their employing agency. The Commission may achieve a unanimous vote by obtaining a majority vote in instances when a Commission vacancy occurs or a Commission member has been excused from voting.

(G) Any and all documentation, which includes, but is not limited to, police reports, media reports, pictures, testimonials or affidavits, must accompany the nomination. If necessary, the Commission may request additional information. The request will be in writing and addressed to the individual identified as the contributor on an official nomination form.

(d) Law Enforcement Medal of Honor Award

(A) All awards will be presented by the Governor, or his/her designee, at an appropriate time determined by the Commission.

(B) A medal of honor may only be awarded for an event occurring on or after January 1, 2006. This includes medals awarded posthumously.

(C) An individual receiving the Law Enforcement Medal of Honor Award will retain the option for a public or private ceremony.

(C) The costs of awards and medals and the costs associated with a ceremony honoring persons receiving an award shall be paid out of the Law Enforcement Medal of Honor Account established in ORS 176.264.

(f) Commission Protocol:

ADMINISTRATIVE RULES

(A) The Commission will meet not less than once every six months to consider candidates for nomination for the Law Enforcement Medal of Honor, unless no nominations have been received by the Commission during a six month period.

(B) The Commission will determine the protocol for all award ceremonies.

(C) The Commission retains sole authority to approve administrative rule changes relating to the law enforcement medal of honor.

Stat. Auth.: ORS 176.260 & 181.640

Stats. Implemented: ORS 176.260 & 181.640

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0080, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 16-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; Administrative correction 5-7-02; BPSST 17-2002, f. & cert. ef. 7-5-02; DPSST 12-2007, f. & cert. ef. 10-15-07

Department of Revenue Chapter 150

Rule Caption: Calculating tax credit for donations to University Venture Development fund.

Adm. Order No.: REV 7-2007(Temp)

Filed with Sec. of State: 9-21-2007

Certified to be Effective: 9-21-07 thru 12-31-07

Notice Publication Date:

Rules Adopted: 150-315.521

Subject: OAR 150-315.521 clarifies the calculation of the tax credit for donations made to a university venture development fund. The rule clarifies how annual limits on the credit are determined and the amount that must be added to income when a federal deduction is claimed for the same contribution.

Rules Coordinator: Debra L. Buchanan—(503) 945-8653

150-315.521

University Venture Development Fund Tax Credit

(1) Under ORS 315.521, taxpayers may claim a credit for donations to a qualified university venture development fund. The total credit is equal to sixty percent of the amount contributed to the university venture development fund that is shown on the tax credit certificate issued by a university. The credit allowable in any one tax year is limited to the lesser of:

- \$50,000;
- The tax liability of the taxpayer for that year; or
- Twenty percent of the amount contributed.

(2) The credit is claimed in the year the donation is made and in any subsequent tax years until the total credit is used.

Example 1: Ian donated \$200,000 to a university venture development fund in 2007.

Ian may claim a tax credit of \$120,000 (60 percent of \$200,000). In any one tax year, the maximum credit Ian may claim is the least of \$50,000, his tax liability for the tax year, or \$40,000 (20% of his 2007 contribution).

Ian's tax liability by year: 2007 — \$25,000; 2008 — \$65,000; 2009 — zero; 2010 — \$45,000;

2011 and 2012 — \$35,000

In 2007, Ian may claim \$25,000 (his 2007 tax liability); the lowest of the amounts in subsections (1)(a), (1)(b), or (1)(c) of this rule. Ian has \$95,000 remaining to claim in future tax years.

In 2008, Ian may claim \$40,000 because he may not claim more than 20 percent of the contribution in any one year. Ian has used \$65,000 of his total credit (\$25,000 in 2007 + \$40,000 in 2008).

In 2009, Ian may not claim any credit because he may does not have a tax liability. He has \$55,000 remaining to claim in later years.

In 2010, Ian may claim \$40,000 (20 percent of the contribution in any one year). Ian has used \$105,000 of his total credit (\$25,000 in 2007 + \$40,000 in 2008 + \$40,000 in 2010).

In 2011, he may claim \$15,000 because he may not claim more than the total credit of \$120,000 (\$120,000 total credit – \$105,000 already used = \$15,000 available credit for 2011).

Example 2: Assume the same facts as Example 1, except that Ian contributes an additional \$100,000 to the fund in 2008. The total credit that may be claimed for this contribution is \$60,000 (60 percent of \$100,000). In 2008, Ian has \$95,000 remaining of his 2007 credit to claim in future tax years and the 2008 credit from the new contribution. Ian figures his 2008 credit as follows:

In 2008, Ian may claim \$40,000 of the 2007 credit and \$20,000 of his 2008 credit because he may not claim more than 20 percent of the contributions in any one year. Ian has \$55,000 remaining of his 2007 credit (\$120,000 – \$25,000 – \$40,000 = \$55,000) and \$40,000 of his 2008 credit (\$60,000 – \$20,000) to claim in future tax years.

In 2009, Ian may not claim any credit because he does not have a tax liability. He continues to have \$95,000 in credits remaining to claim in later years.

In 2010, Ian may claim \$40,000 of the 2007 credit because he may not claim more than 20 percent of the contribution in any one year. He may also claim \$5,000 of his 2008 credit because he may not claim more than his tax liability. Ian has \$15,000 remaining of his 2007 credit [\$120,000 – \$25,000 (in 2007) – \$40,000 (in 2008) – \$40,000 (in 2009) = \$15,000] and \$35,000 of his 2008 credit [\$60,000 – \$20,000 (in 2008) – \$5,000 (in 2010)] to claim in future tax years.

In 2011, Ian may claim the remaining \$15,000 of his 2007 credit and \$20,000 of his 2008 credit. He may not claim more than \$20,000 of his 2008 credit because he may not claim more than his tax liability or more than 20 percent of the contribution; in this case either is \$20,000. Ian has used his entire 2007 credit and has \$15,000 of his 2008 credit (\$60,000 – \$20,000 – \$5,000 – \$20,000) to claim in future tax years. In 2012, he may claim the remaining \$15,000 of his 2008 credit.

(3) ORS 315.521 requires that any amount deducted for federal tax purposes that serves as the basis of calculating the credit must be added to taxable income.

Example 3: Ian deducted the \$200,000 contribution on his 2007 federal tax return. Because that amount is used as the basis for determining the tax credit, ORS 315.521(5) requires the \$200,000 be added to Oregon taxable income on the 2007 Oregon tax return.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 315.521

Hist. REV 7-2007(Temp), f. & cert. ef. 9-21-07 thru 12-31-07

Rule Caption: Describing what accounts are permitted for collection by the Collections Unit under ORS 293.250.

Adm. Order No.: REV 8-2007(Temp)

Filed with Sec. of State: 10-5-2007

Certified to be Effective: 10-5-07 thru 12-31-07

Notice Publication Date:

Rules Amended: 150-293.250(2)

Subject: To amend the rule to better describe the accounts that other agencies may assign to the Department of Revenue for collection by the Other Agency Accounts Unit under ORS 293.250.

Rules Coordinator: Debra L. Buchanan—(503) 945-8653

150-293.250(2)

Assigning Delinquent Accounts

(1) Assigning an account to the Collections Unit's restricted program for refund offset only while an account is also assigned to a private collection firm is permitted. However, assigning an account to both the Collection Unit's unrestricted program for full collection activity and a private collection firm is prohibited.

(2) The general purpose of the Collections Unit is to render assistance to state agencies as defined in ORS 293.235 in collecting delinquent debt owed, or by law considered owed, to the assigning state agency. The Collections Unit may also accept certain debts owed the county parole boards under contracts with the Department of Corrections; debts owed the State Accident Insurance Fund; Oregon Health and Science University; and Oregon community colleges. With three exceptions shown in section (3) below, the department will not accept delinquent debt owed to any other person or entity.

(3) The department may accept, from another state agency, or the state court system, delinquent debt owed for:

- Child or spousal support;
- Criminal judgments that impose monetary obligations; or
- Judgment debts obtained under ORS 169.151 owed counties for expenses for keeping prisoners.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 293.250

Hist.: RD 13-1987, f. 12-18-87, cert. ef. 12-31-87; RD 7-1992, f. & cert. ef. 12-29-92; RD 5-1995, f. 12-29-95, cert. ef. 12-31-95; REV 8-2001, f. & cert. ef. 12-31-01; REV 8-2007(Temp), f. & cert. ef. 10-5-07 thru 12-31-07

Rule Caption: Defining 'Oregon sales' for purposes of 67 percent tax credit for 'small' corporations.

Adm. Order No.: REV 9-2007(Temp)

Filed with Sec. of State: 10-5-2007

Certified to be Effective: 10-5-07 thru 12-31-07

Notice Publication Date:

Rules Adopted: 150-Chapter 00004, Oregon Laws 2007

Subject: Define "Oregon sales" of corporations that do not apportion business income under ORS 314.650 to 314.665 for purposes of the 67% corporation tax credit provided in 2007 HB 2031.

Rules Coordinator: Debra L. Buchanan—(503) 945-8653

150-Chapter 00004, Oregon Laws 2007

Definition of "Oregon Sales" for One-time Small Sales Credit

(1) For tax years beginning on or after January 1, 2007, and before January 1, 2008 (tax year 2007), a C corporation with Oregon sales of less than \$5 million is allowed a credit against Corporation Excise Tax or Corporation income tax equal to 67 percent of such tax.

ADMINISTRATIVE RULES

(2) For a taxpayer that apportions business income for tax year 2007 using a method different from that prescribed by ORS 314.650 to 314.665, "Oregon sales" means the numerator of:

- (a) The insurance sales factor provided in ORS 317.660(1) for domestic insurers as defined in ORS 317.010(11);
- (b) The sales factor, including gross premium receipts, as provided in OAR 150-314.280-(E)(2) for title insurers and health care service contractors not classed as domestic insurers under ORS 317.010(11);
- (c) The revenues factor as provided in OAR 150-314.280-(G) for carriers of freight or passengers in general;
- (d) The sales (revenue) factor as provided OAR 150-314.280-(H) for railroads;
- (e) The sales (transportation revenues) factor as provided in OAR 150-314.280-(I) for airlines;
- (f) The sales factor as provided in OAR 150-314.280-(J) for trucking companies;
- (g) The sales factor as provided in OAR 150-314.280-(K) for companies engaged in sea transportation service;
- (h) The sales factor as provided in OAR 150-314.280-(L) for companies involved in interstate river transportation service;
- (i) The sales factor as provided in OAR 150-314.280-(E)(3), OAR 150-314.280-(F), and ORS 314.650 for public utilities other than those provided for in subsections (c) through (h);
- (j) The sales factor as provided in OAR 150-314.280-(N) for financial organizations, as defined in ORS 314.610(4);
- (k) The sales factor as provided in OAR 150-314.615-(F) for taxpayers with income from long-term construction contracts;
- (l) The sales factor as provided in OAR 150-314.615-(H) for motion picture and television film producers;
- (m) The sales factor as provided in OAR 150-314.670-(A) for publishers; and
- (n) The sales factor as provided in ORS 314.684 for interstate broadcasters.

Stat. Auth.: ORS 305.100, Ch. 00004, OL 2007
Stats. Implemented: Ch. 00004, OL 2007
Hist.: REV 9-2007(Temp), f. & cert. ef. 10-5-07 thru 12-31-07

Department of State Lands Chapter 141

Rule Caption: Mitigation Banking Prospectus-Public Notice Process.

Adm. Order No.: DSL 4-2007

Filed with Sec. of State: 10-12-2007

Certified to be Effective: 10-12-07

Notice Publication Date: 9-1-07

Rules Amended: 141-085-0421

Subject: The agency is changing the publication requirements for noticing its intent to certify a mitigation bank by posting notice of the prospectus on the official agency Web site. The agency has a temporary rule in place from March 20, 2007 to September 20, 2007. Prior to that date, the agency was required to publish notice no less than three (3) successive weeks in both a statewide and local newspaper.

Rules Coordinator: Elizabeth Bott—(503) 986-5239

141-085-0421

Requirements to Establish a Mitigation Bank

- (1) All persons proposing to establish a mitigation bank shall:
 - (a) Meet with the Department to discuss their proposed bank and the content of their Mitigation Bank Prospectus.
 - (b) Prepare and submit a Mitigation Bank Prospectus to the Department.
- (2) The Mitigation Bank Instrument shall contain the following elements, as applicable:
 - (a) The physical location of the proposed bank and identification of service area (indicated through the use of maps or aerial photographs clearly showing recognizable geographic place names, features, and/or watershed boundaries).
 - (b) Demonstration of need for the bank as shown by past removal-fill activities, projected demographics for the proposed service area, statements of expected activities from the local planning agency, and like documentation.
 - (c) List of adjacent property owners within five hundred (500) feet of any boundary of the proposed bank.

(d) Proof of ownership of, or explicit legal and recordable permission granted by the landowner to perpetually dedicate the land upon which the bank and any associated buffer is proposed.

(e) Site plan for the mitigation area indicating the location of hydrogeomorphic and Cowardin wetland classes to be produced at the site, areas where grading will be required, location of buffers, vegetation planting plan, etc.

(f) Description of former or current uses of the proposed bank site which may have resulted in contamination by toxic materials.

(g) Description of the ecological goals and objectives of the bank.

(h) Description of the degree to which the bank potentially will provide wetland functions such as flood storage and shoreline protection, wildlife and fisheries habitat, wildlife corridors, and/or filtration of nutrients and pollution reduction.

(i) Description of the effects of adjacent existing, potential, and proposed land uses on the proposed bank.

(j) Description of the wetland losses by hydrogeomorphic and Cowardin wetland classes for which the bank will be designed to offer credits.

(k) Description of the specific and measurable performance standards against which the development of the credits in the bank will be judged.

(l) Description of reference site(s), if proposed, and their relationship to OAR 141-085-0421(2)(j) of these rules.

(m) A site assessment of the proposed bank area providing information on the:

(A) Hydrogeomorphic and Cowardin wetland classes;

(B) Ecological baseline characterizing the level of each function (if the site is currently a wetland), using a standardized regionally-appropriate function assessment method (such as the Willamette HGM) as well as vegetation, soils, hydrology, and wildlife habitat and usage; and

(C) Results of a wetland determination or delineation.

(n) Description of the method(s) used to determine the availability of credits at the proposed bank, as well as those that will be used to account for and report credit and debit transactions.

(o) Total estimated project cost itemized by major cost elements (for example, land acquisition, bank design and construction, consulting and legal fees, maintenance and monitoring over the long-term, and contingency fund).

(p) Proof that the sponsor has the financial resources to undertake, operate, and maintain the proposed bank over the long-term, as well as the ability to correct project deficiencies or performance failures.

(q) Description of the sampling protocols (including sampling frequency and seasonal schedule) used to monitor bank elements, and the name(s) and qualifications of the person(s) who will conduct such monitoring.

(r) Detailed contingency plan describing how project deficiencies or performance failures will be corrected, including assignment of responsibilities for failures such as earthquakes, floods, vandalism, damage by pests and wildlife, invasion by undesirable vegetation, etc.

(s) Proof in the form of written approval from the local government and in zone designations for the mitigation bank site and surrounding lands, applicable overlay zones, permitted and conditional uses in base and overlay zones, applicable local policies, and identification of necessary local permits and other approvals that the wetland bank is consistent with the requirements of all applicable comprehensive plans and land use regulations, watershed management plans, and/or other applicable land use plans.

(t) All items required in Compensatory Mitigation Plans provided in OAR 141-085-0141.

(u) Drafts of proposed long-term protection measures (such as conservation easements, deed restrictions, donation to non-profit environmental groups, etc.), and management plans, and mechanisms for funding. Prior to approval of the Instrument, these documents shall be signed and recorded with the appropriate government agency.

(v) Statement indicating when each of the conditions of the Instrument will terminate, unless they are perpetual in nature.

(3) The Department will review the Prospectus for sufficiency, and shall notify the sponsor in writing of the sufficiency of the document within thirty (30) calendar days of receipt. Each submittal containing substantial revisions shall restart the time clock.

(4) Any Prospectus received by the Department that does not provide sufficient information for review, or that appears to present a proposal in which the Department will not participate, will be returned to the sponsor with a written explanation.

(5) The Department reserves the right to decline to participate in the development of a Mitigation Bank Instrument and may, instead, suggest

ADMINISTRATIVE RULES

other options to the sponsor including the standard Removal-Fill Permit process, or participation in other wetland stewardship options if the sponsor cannot demonstrate:

- (a) Need for the mitigation credits; or that
- (b) The bank is technically feasible and ecologically desirable.

(6) Upon determining that the Prospectus is sufficient, the Department shall give public notice of the Prospectus. This notice shall be called "Intent To Create A Mitigation Bank" and shall:

(a) Be posted on the agency's official web site for three (3) successive weeks.

(b) Be sent to city and county planning departments, and state agencies having jurisdiction over the mitigation bank site(s), federal natural resources and regulatory agencies, adjacent landowners, conservation organizations and other interested persons requesting such notices.

(c) Briefly describe the proposed mitigation bank and reference the Prospectus provided by the bank sponsor.

(d) Indicate that comments must be received for thirty (30) calendar days from the date of the public notice.

(7) The Department shall consider but is not bound by comments received during the public notice period in (6). If comments are not received from a state agency or from an affected local government or special district within the 30 day comment period, the Department shall assume the entity does not desire to provide comments.

(8) A Mitigation Bank Review Team (MBRT) shall be formed within thirty (30) calendar days of the date of the public notice. An MBRT shall not have more than ten (10) members, and shall be chaired jointly by a representative of the Department and, if applicable, the Corps. When the Corps does not participate in a mitigation bank proposal, the Department may, but is not obligated to, invite other federal involvement.

(a) The members of a MBRT shall be selected jointly by the Department and the Corps. Each of the following agencies will be asked to nominate a representative to participate in each MBRT:

- (A) Oregon Department of Environmental Quality;
- (B) Oregon Department of Fish and Wildlife;
- (C) Oregon Department of Land Conservation and Development;
- (D) U.S. Fish and Wildlife Service;
- (E) U.S. Environmental Protection Agency;
- (F) Soil and Water Conservation District; and
- (G) Local Government Planner, or equivalent.

(b) Other members of the MBRT shall be selected based on the nature and location of the project, particular interest in the project by persons or groups, and/or any specific expertise which may be required by the Department and the Corps in development of the Instrument.

(9) The MBRT shall:

(a) Review and comment upon the Prospectus, and provide input to the Department concerning deficiencies noted, and additional information required.

(b) Consider the comments received in response to the notice of "Intent To Create A Mitigation Bank."

(c) Assist with the drafting of the Instrument.

(d) Determine an appropriate level of financial assurance to ensure project development, construction, long-term maintenance and monitoring, and the ability of the sponsor to correct project deficiencies or performance failures.

(e) Review the performance of the bank annually, or more frequently as set by the MBRT, to determine whether it is in compliance with the ecological goals and objectives established in the Instrument, and continues to hold adequate financial resources and assurances to ensure continued long-term operation pursuant to those goals and objectives. This review may include site visits and audits of bank documents at irregular time periods.

(f) The consensus of the MBRT shall be fully considered by the Department throughout the life of the bank.

(10) A sponsor may begin construction of a bank prior to developing an Instrument by:

(a) Providing detailed documentation of the baseline conditions existing at the proposed site(s) of the bank; and

(b) Receiving written consent from the Department prior to undertaking any construction. However, such consent from the Department does not exempt the sponsor from having to apply for, and obtain a Removal-Fill Permit, if required. Written consent from the Department recognizes the sponsor's intent to create a bank only, but does not guarantee subsequent approval of the Mitigation Banking Instrument by the Department, which assumes no liability for the sponsor's actions.

(11) The Instrument shall:

(a) Contain all information listed in OAR 141-085-0421(2) of these rules, as well as any other data required by the Department.

(b) Be approved and signed by the Department and the sponsor, at the discretion of the Department.

(c) Be subject to revision over time as mutually agreed to by the signers of the Instrument.

(12) Upon approval of the Instrument, the Department shall notify city and county planning departments where the bank is located and affected state agencies, adjacent landowners, and persons who have requested to be notified.

Stat. Auth.: ORS 196.825 & 196.600 - 196.665

Stats. Implemented: ORS 196.600 - 196.692 & 196.800 - 196.990

Hist.: LB 2-1997, f. & cert. ef. 2-14-97; DSL 6-2002, f. 11-25-02 cert. ef. 1-15-03; DSL 2-2003(Temp) f. & cert. ef. 11-26-03 thru 5-23-04; DSL 1-2004, f. & cert. ef. 5-21-04; DSL 1-2006, f. 3-21-06, cert. ef. 3-27-06; DSL 1-2007(Temp), f. & cert. ef. 3-20-07 thru 9-16-07; DSL 4-2007, f. & cert. ef. 10-12-07

Rule Caption: Rules Governing Placement of Ocean Energy Conversion Devices Within The Territorial Sea.

Adm. Order No.: DSL 5-2007

Filed with Sec. of State: 10-12-2007

Certified to be Effective: 12-1-07

Notice Publication Date: 6-1-07

Rules Adopted: 141-140-0010, 141-140-0020, 141-140-0030, 141-140-0040, 141-140-0050, 141-140-0060, 141-140-0070, 141-140-0080, 141-140-0090, 141-140-0100, 141-140-0110, 141-140-0120, 141-140-0130

Subject: These rules describe the requirements for, and process of issuing proprietary authorizations for the construction, installation, operation, maintenance and removal of ocean energy monitoring equipment and ocean energy facilities located on, in or over state owned submerged and submersible land in The Territorial Sea.

Rules Coordinator: Elizabeth Bott—(503) 986-5239

141-140-0010

Applicability and Purpose

(1) These rules apply to:

(a) Ocean energy monitoring equipment and ocean energy facilities placed on, in or over state-owned submerged and submersible land in the Territorial Sea for a research project, demonstration project or commercial operation; and

(b) Other equipment and structures that are necessary for ocean energy monitoring equipment or an ocean energy conversion device.

(2) The purpose of these rules is to describe the requirements for, and process of issuing proprietary authorizations for the construction, installation, operation, maintenance and removal of ocean energy monitoring equipment and ocean energy facilities located on, in or over state-owned submerged and submersible land in the Territorial Sea.

(3) These rules do not apply to docks, infrastructure, facilities or structures on, in or over state-owned submerged and submersible land in the Territorial Sea that are not related or supporting structures. Proprietary authorizations for such docks, infrastructure, facilities or structures which are not defined as related or supporting structures are governed by the provisions of OAR 141-082 (Rules Governing the Management of, and Issuing of Leases, Authorizations, Temporary Use Permits and Registrations for Structures on, and Uses of State-Owned Submerged and Submersible Land).

(4) Prior to constructing, installing, operating, maintaining or removing ocean energy monitoring equipment or an ocean energy facility on, in or over state-owned submerged and submersible land in the Territorial Sea a person shall obtain a temporary use authorization or an ocean energy facility lease from the Department.

(5) The issuance of a temporary use authorization or an ocean energy facility lease provides the holder with the State of Oregon's proprietary authorization for the ocean energy monitoring equipment or ocean energy facility to occupy the authorized area specified in the temporary use authorization or lease. Regulatory approvals for the construction, installation, operation, maintenance or removal of the ocean energy monitoring equipment or ocean energy facility also may be required.

(6) A temporary use authorization and an ocean energy facility lease issued by the Department shall be conditional and shall not authorize the use of the authorized area until the holder has received all other authorizations required by the Department (such as a Removal-Fill Authorization under ORS 196.800 to 196.990) and other local, state, and federal entities (such as a preliminary permit or similar authorization from the Federal

ADMINISTRATIVE RULES

Energy Regulatory Commission) for the installation, construction, operation, maintenance or removal of ocean energy monitoring equipment or the ocean energy facility.

(7) Except for educational/research institutions conducting research projects, the holder of a temporary use authorization to conduct a demonstration project shall be given a first right to apply for an ocean energy facility lease for the authorized area specified in the temporary use authorization. If such first right to apply is not exercised within 30 calendar days of the expiration date of the temporary use authorization, the first right to apply shall expire.

Stat. Auth.: ORS 183, 273
Stats. Implemented: ORS 591
Hist.: DSL 5-2007, f. 10-12-07, cert. ef. 12-1-07

141-140-0020

Definitions

(1) "Applicant" is any person applying for a temporary use authorization or ocean energy facility lease.

(2) "Asset Management Plan" is the plan adopted by the State Land Board that provides the policy direction and management principles to guide both the short and long-term management by the Department of State Lands (Department) of the Common School Fund's real estate assets.

(3) "Authorized Area" is the area of state-owned land on, in or over which the Department will allow a person to construct, operate, maintain or remove ocean energy monitoring equipment or an ocean energy facility under the terms and conditions of a temporary use authorization or ocean energy facility lease. Included within the authorized area are:

(a) Any corridors on state-owned submerged and submersible land within the Territorial Sea for a related or supporting structure, including but not limited to electricity transmission or other cables necessary to connect the ocean energy monitoring equipment or ocean energy facility to land-based facilities; and

(b) Any required exclusionary or safety zones.

(4) "Closure" means the permanent cessation of operation of all or part of a research project or ocean energy facility and the subsequent removal of ocean energy conversion devices and ocean energy monitoring equipment authorized by a temporary use authorization or an ocean energy facility lease granted by the Department.

(5) "Commercial Operation" is when an ocean energy facility is:

(a) Operated for, or associated with any monetary consideration or gain (as contrasted to being operated as a research project or a demonstration project);

(b) Connected to the regional power grid and used to meet local or regional demand for electricity;

(c) Used to meet all or a part of the electricity demand by a person who may otherwise have to purchase the electricity from another source; or

(d) Operated as a commercial operation under a license or similar authorization granted by the Federal Energy Regulatory Commission.

(6) "Corrective Action" is an activity performed by the holder of a temporary use authorization or an ocean energy facility lease, or their agent, to comply with the terms and conditions of their temporary use authorization or ocean energy facility lease, or to correct a violation or threatened violation, or meet a requirement of applicable local, state or federal law.

(7) "Demonstration Project" is a limited duration, non-commercial activity authorized under a temporary use authorization granted by the Department to a person for the construction, installation, operation, or removal of an ocean energy facility on, in or over state-owned submerged and submersible land in the Territorial Sea to test the economic and/or technological viability of establishing a commercial operation. A demonstration project may be temporarily connected to the regional power grid for testing purposes without being a commercial operation.

(8) "Department" means the Department of State Lands.

(9) "Educational/Research Institution" is any accredited public or private university or college, or non-profit research organization.

(10) "Director" means the Director of the Department of State Lands or designee.

(11) "Gross Revenue" is defined as all revenues earned, whether or not received, relating to the power generated by the holder of a temporary use authorization or an ocean energy facility lease.

(12) "Lessee" refers to a person holding an ocean energy facility lease.

(13) "Non-Commercial" means a use that does not result in or is not associated with any monetary gain.

(14) "Ocean Energy Conversion Device" is the equipment or structure that converts the kinetic or potential energy from one or more of the fol-

lowing sources into electrical energy: waves, currents, tides, or the temperature differences found at different ocean depths.

(15) "Ocean Energy Facility" means an ocean energy conversion device and any related or supporting structure.

(16) "Ocean Energy Facility Lease" is a written authorization issued by the Department to a person to occupy an authorized area for one or more ocean energy facilities comprising a commercial operation.

(17) "Ocean Energy Monitoring Equipment" means the test buoys, floats, platforms, and/or other similar devices and any related or supporting structures for such equipment that are:

(a) Placed on, in or over the state-owned submerged and submersible land in the Territorial Sea; and

(b) Used in a research project or demonstration project to collect data including, but not limited to the heights, contours and frequency of waves as well as environmental conditions.

(18) "Ocean Users" include, but are not limited to persons using the Territorial Sea for commerce, navigation, fishing or recreation as well as for the conservation of resources and the provision of ecological services.

(19) "Person" includes individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies as well as any state or other governmental or political subdivision or agency, public corporation, public authority, or Indian Tribe.

(20) "Related or Supporting Structure" includes, but is not limited to any buoy, anchor, energy collector, cable, control or transmission line, energy collector or hub, acoustic harassment and avoidance devices, or other equipment or structure that is:

(a) Placed on, in or over state-owned submerged and submersible land in the Territorial Sea; and

(b) Required for the installation, construction, operation, maintenance or removal of ocean energy monitoring equipment or an ocean energy conversion device.

(21) "Research Project" is a limited duration, non-commercial activity authorized under a temporary use authorization granted by the Department to an educational/research institution for the placement of ocean energy monitoring equipment and/or an ocean energy facility on, in or over state-owned submerged and submersible land in the Territorial Sea. The purpose of a research project is to obtain scientific data relating to ocean wave energy and/or to test the technology used in, or functionality of an experimental ocean energy conversion device.

(22) "Statewide Planning Goal 19" or "Goal 19" is the Statewide Planning Goal of the Oregon Land Conservation and Development Commission to conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

(23) "Submerged Land" means land lying below the line of ordinary low water of all title navigable and tidally influenced water within the boundaries of the State of Oregon.

(24) "Submersible Land" means land lying between the line of ordinary high water and the line of ordinary low water of all title navigable and tidally influenced water within the boundaries of the State of Oregon.

(25) "Temporary Use Authorization" is a written authorization issued by the Department to a person to use an authorized area for ocean energy monitoring equipment or an ocean energy facility comprising a research project or demonstration project.

(26) "Territorial Sea" has the same meaning as provided in ORS 196.405(6). It includes the waters and seabed extending three geographical miles seaward from the line of mean low water to the extent of state jurisdiction.

(27) "Territorial Sea Plan" has the same meaning as provided in ORS 196.405(6). It is the plan for managing Oregon's Territorial Sea and ocean shore as required under ORS 196.405 through 196.580.

Stat. Auth.: ORS 183, 273
Stats. Implemented: ORS 591
Hist.: DSL 5-2007, f. 10-12-07, cert. ef. 12-1-07

141-140-0030

Policies

(1) Pursuant to Article VIII, Section 5(2) of the Oregon Constitution, the State Land Board, through the Department, manages all land (Trust and Non-Trust) under its jurisdiction "with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management."

(2) The Department will manage temporary use authorizations and ocean energy facility leases with the goal of ensuring the collective rights of the public to fully use and enjoy the Territorial Sea for commerce, navi-

ADMINISTRATIVE RULES

gation, fishing, recreation, and other related public purposes consistent with applicable federal and state laws including but not limited to ORS 273.051.

(3) The Department will follow the guiding principles and resource-specific management prescriptions contained in its Asset Management Plan, and consider the comments received from various local, state and federal agencies, other interested persons including, but not limited to tribal governments, port districts, business and community organizations, and fisher, recreationist and conservation groups, and the holders of Department-issued authorizations within or immediately adjacent to the requested area when determining whether to authorize or condition a temporary use authorization or ocean energy facility lease.

(4) The Department shall not grant a temporary use authorization or an ocean energy facility lease if it determines that the proposed use or development:

(a) Does not meet the requirements of Statewide Planning Goal 19 and the Oregon Ocean Resources Management Plan and the Territorial Sea Plan; or

(b) Substantively impairs lawful uses or developments already occurring within the proposed authorized area. This determination will be made by the Department after consulting with holders of leases, authorizations, permits and easements in, and immediately adjacent to the requested area, and other interested persons.

Stat. Auth.: ORS 183, 273
Stats. Implemented: ORS 591
Hist.: DSL 5-2007, f. 10-12-07, cert. ef. 12-1-07

141-140-0040

Pre-Application Requirements

Before submitting an application to the Department, a person wanting to install, construct, operate, maintain or remove ocean energy monitoring equipment or an ocean energy conversion facility for a research project, demonstration project or commercial operation shall meet with:

(1) Department staff to discuss the proposed project; and

(2) Affected ocean users and other government agencies having jurisdiction in the Territorial Sea to discuss possible use conflicts, impacts on habitat, and other issues related to the proposed use of an authorized area for the installation, construction, operation, maintenance or removal of ocean energy monitoring equipment or an ocean energy facility.

Stat. Auth.: ORS 183, 273
Stats. Implemented: ORS 591
Hist.: DSL 5-2007, f. 10-12-07, cert. ef. 12-1-07

141-140-0050

Application Requirements

(1) Any person wanting to install, construct, operate, maintain or remove ocean energy monitoring equipment or an ocean energy facility for a research project, demonstration project or commercial operation on, in or over state-owned submerged and submersible land in the Territorial Sea shall:

(a) Comply with the provisions of OAR 141-140-0040;

(b) Apply in writing to the Department for either a temporary use authorization or an ocean energy facility lease using a form provided by the Department; and

(c) Submit a non-refundable application processing fee of \$750 payable to the Department to cover the administrative costs of processing the application and issuing the authorization.

(2) Notwithstanding the provisions of OAR 141-140-0050(1)(c), the non-refundable application processing fee for a temporary use authorization for an educational/research institution to install, construct, operate, maintain or remove ocean energy monitoring equipment or an ocean energy facility is \$250 if the equipment or facility is:

(a) Operated by the education/research institution; and

(b) Used exclusively for a research project and is/are not part of a commercial operation.

(3) An applicant shall include with their application an analysis of, and any relevant supporting documents or studies that demonstrate how the use requested for authorization by the proposed temporary use authorization or energy facility lease will comply with the provisions of OAR 141-140-0030, the requirements of Statewide Planning Goal 19, the Oregon Ocean Resources Management Plan, and the Territorial Sea Plan.

(4) Any person holding a temporary use authorization for a research project or demonstration project is required to submit a new application and the required application processing fee to the Department pursuant to the provisions of these rules if they want to:

(a) Apply for a new temporary use authorization;

(b) Apply for an ocean energy facility lease to install, construct, operate, maintain or remove a commercial operation; or

(c) Substantially change the scope of a research or demonstration project that has been previously authorized by the Department.

(5) Unless otherwise allowed by the Director, a fully completed application for:

(a) A temporary use authorization for a demonstration project, or an ocean energy facility lease for a commercial project shall be submitted to the Department at least 180 calendar days prior to the proposed installation, construction, operation, maintenance or removal of the ocean energy monitoring equipment or ocean energy facility.

(b) A temporary use authorization for a research project shall be submitted to the Department at least 90 calendar days prior to the proposed installation, construction, operation, maintenance or removal of the ocean energy monitoring equipment or ocean energy facility.

Stat. Auth.: ORS 183, 273
Stats. Implemented: ORS 591
Hist.: DSL 5-2007, f. 10-12-07, cert. ef. 12-1-07

141-140-0060

Application Review Process

(1) Upon receipt of an application for a temporary use authorization or ocean energy facility lease, the Department will determine if it is complete. Applications determined by the Department to be incomplete may be returned to the applicant with an explanation of the reason(s) for rejection.

(2) If a rejected application is resubmitted within 120 calendar days from the date that the Department returned it to the applicant (as indicated by the date of the postmark) with all deficiencies noted by the Department corrected, no additional application fee will be assessed.

(3) If more than one application for an authorized area is received by the Department for the same or conflicting uses, the Department reserves the right to determine which proposed use(s) best fulfills the policies specified in OAR 141-140-0030, and accept and proceed with that application and deny the other(s).

(4) The Department may, at its discretion, deny an application for a temporary use authorization or ocean energy facility lease if the applicant's financial status or past business or management practices indicate that the applicant may not:

(a) Fully meet the terms and conditions of the authorization or lease; or

(b) Use the authorized area applied for in a way that meets the provisions of OAR 141-140-0030.

(5) Upon acceptance by the Department as complete, the application will be circulated to various local, state and federal agencies, other interested persons including, but not limited to tribal governments, port districts, business and community organizations, and fisher, recreationist and conservation groups, and the holders of Department-issued authorizations within or immediately adjacent to the requested area for review and comment. As part of this review, the Department will specifically request comments concerning:

(a) Conformance of the proposed use with:

(A) The policies described in OAR 141-140-0030;

(B) Other local, state, and federal laws and rules;

(C) The requirements of Statewide Planning Goal 19, the Oregon Ocean Resources Management Plan, and the Territorial Sea Plan; and

(b) Potential conflicts between the proposed use and existing uses that occur within the requested authorized area.

(6) After receipt of agency and public comment concerning the application, the Department will advise the applicant in writing:

(a) If changes in the requested area are necessary to respond to agency or public comment; and

(b) If additional information is required from the applicant.

(7) The Department will not grant a temporary use authorization or an ocean energy facility lease until it has received:

(a) All fees and compensation specified in these rules;

(b) Evidence of financial assurance required for the cost of closure and post-closure maintenance of the ocean energy monitoring equipment and ocean energy facility as provided in OAR 141-140-0080(10) through (13), and the cost of any action(s) required to be taken at the site; and

(c) Evidence of any required insurance and/or surety bond under OAR 141-140-0090.

(8) No authorization will be given until the requirements of OAR 141-140-0080(4) of these rules have been met.

(9) Should the Department, in consultation with the applicant and other interested parties, determine that it is necessary to conduct environmental or other studies necessary to assist in evaluating the project's compliance with the requirements of Statewide Planning Goal 19, the Oregon Ocean Resources Management Plan, and the Territorial Sea Plan, the appli-

ADMINISTRATIVE RULES

cant shall be directly responsible for retaining and paying for the consultants and completing the required research.

Stat. Auth.: ORS 183, 273
Stats. Implemented: ORS 591
Hist.: DSL 5-2007, f. 10-12-07, cert. ef. 12-1-07

141-140-0070

Compensation

(1) The holder of a temporary use authorization to conduct a research project or demonstration project shall annually remit to the Department a payment in the greater amount of \$500 or \$5.00 per acre of land within the authorized area. This annual payment shall be due to the Department until such time that the:

(a) Research project or demonstration project is completed and the ocean energy monitoring equipment and ocean energy facility is removed from the authorized area pursuant to the terms and conditions of the temporary use authorization and these rules;

(b) Temporary use authorization authorizing the research project or demonstration project expires or is terminated by either the holder of the authorization or the Department and the ocean energy monitoring equipment and/or the ocean energy facility is removed pursuant to the terms and conditions of the temporary use authorization and these rules; or

(c) Placement of an ocean energy facility for commercial operation is authorized by an ocean energy facility lease issued by the Department.

(2) The amount of compensation owed to the Department for an ocean energy facility lease shall be established by the Director.

(3) To determine the amount of compensation owed for an ocean energy facility lease, the Director shall consider, among other factors, the:

(a) Provisions of OAR 141-140-0030(1);

(b) Annual compensation received by other persons for the placement of ocean energy facilities on, in or over land under their jurisdiction; and

(c) The amount of electricity generated by the ocean energy facility, the value of the electricity produced, and gross revenue resulting from that generation.

(4) Compensation is not owed to the Department for electricity generated when an ocean energy facility is connected to the regional power grid for testing purposes during a demonstration project if the holder of the temporary use authorization does not receive any revenue from the sale of that electricity. However, if the holder of the temporary use authorization does receive revenue from the sale of that electricity, the electricity produced shall be subject to payment of compensation at a rate to be determined by the Director.

(5) Data concerning the amount of generation and its value will be recorded and reported by the holder of a temporary use authorization or lessee to the Department on a basis to be determined by the Department and contained in the authorization or lease.

(6) In addition to the compensation required under OAR 141-140-0070(1), (2) and (4), the holder of a temporary use authorization or lessee is required to pay the compensation due for any uses of state-owned land that are not within the area authorized by the temporary use authorization or ocean energy facility lease.

Stat. Auth.: ORS 183, 273
Stats. Implemented: ORS 591
Hist.: DSL 5-2007, f. 10-12-07, cert. ef. 12-1-07

141-140-0080

General Terms and Conditions

(1) Except for temporary use authorizations granted to an educational/research institution for a research project, the term of a temporary use authorization shall be determined by the Director based on the policies in OAR 141-140-0030 and the nature of the proposed project.

(2) The term of a temporary use authorization granted to an educational/research institution for a research project shall not be more than five calendar years.

(3) Temporary use authorizations and ocean energy facility leases shall be offered by the Department for an authorized area that is the minimum amount of area (including whatever exclusionary or safety zones may be necessary) determined by the Department to be required for the proposed ocean energy monitoring equipment or proposed ocean energy facility.

(4) A temporary use authorization and an ocean energy facility lease shall be on a form supplied by the Department that has been approved for legal sufficiency by the Department of Justice pursuant to ORS 291.045 to 291.0476 (Public Contract Approval).

(5) The holder of a temporary use authorization or lessee shall:

(a) Take all reasonable precautions to protect persons, property and equipment from harm;

(b) Dispose of all waste in a proper manner and shall not permit debris, garbage or other refuse to either accumulate within the authorized area or be discharged into any waters of the state;

(c) Conduct all operations within the authorized area in a manner that conserves fish and wildlife habitat and protects marine water and air quality pursuant to the requirements of Statewide Planning Goal 19.

(d) Maintain all buildings, machinery, equipment and similar structures and improvements located within the authorized area in a good state of repair.

(e) Remove ocean energy monitoring equipment, ocean energy facilities and any other material, substance or related or supporting structure from the authorized area as directed by the Department within a period of time to be established by the Department as a condition of the authorization. If the holder of the temporary use authorization or lessee fails or refuses to remove such equipment, facility or other material, substance or related or supporting structure, the Department may remove them or cause them to be removed, and the holder of the authorization or lessee shall be liable for all costs incurred by the State of Oregon for such removal.

(6) The holder of a temporary use authorization or lessee may request the Department to close all or portions of the authorized area to the public, or to cooperate with other state and federal agencies to accomplish such a closure. However, the issuance of a temporary use authorization or an ocean energy facility lease does not, by itself, grant the holder or lessee the right to use the authorized area to the exclusion of other public uses.

(7) The holder of a temporary use authorization or lessee shall not change the number or types of ocean energy conversion devices or make any use of the authorized area that is not specifically authorized by a prior written authorization issued by the Department.

(8) The Department and its authorized representative(s) shall have the right to enter into and upon the authorized area at any time for any purpose.

(9) The Department shall require that an applicant for a temporary use authorization or an ocean energy facility lease present evidence to the Department prior to commencing the use that they have obtained:

(a) All authorizations required by applicable local, state and federal entities to undertake the proposed use;

(b) Any authorization that may be required to obtain access to, or cross land belonging to a person other than that managed by the Department to undertake the use;

(c) A surety bond and/or comprehensive or commercial general liability insurance as required by the Department or Oregon state law; and

(d) Financial assurance as required in OAR 141-140-0080(10).

(10) The holder of a temporary use authorization or lessee must maintain cost estimates of the amount of financial assurance that is necessary, and demonstrate to the Department evidence that the holder or lessee has in effect the amount and form of required financial assurance, for:

(a) The costs of closure and post-closure maintenance, excluding the removal of anchors that lie beneath submerged lands in the Territorial Sea, of ocean energy monitoring equipment and ocean energy facilities; and

(b) Any corrective action required by the Department or any other local, state or federal government agency with jurisdiction over the site to be taken at the site of the ocean energy monitoring equipment or ocean energy facility.

(11) Such cost estimates and evidence of the required financial assurance must be provided in writing to the Department:

(a) Prior to the granting of the temporary use authorization or ocean energy facility lease; and

(b) On an annual basis to be received by the Department by January 31 of every calendar year following the granting of the temporary use authorization or ocean energy facility lease by the Department or, if necessary, on a more frequent basis as required by the Department.

(12) The required financial assurance required by OAR 141-140-0080(10) may be satisfied by any one, or a combination of the following:

(a) Insurance;

(b) Establishment of a trust fund;

(c) Surety bond;

(d) Letter of credit; or

(e) Qualification as a self-insurer.

(13) The Department:

(a) Shall determine the amount of, and terms of financial assurance required based on the cost estimates of the holder or lessee, and consider the nature and location of the use in relation to other uses and resources, any requirements of law, and any other unique factors of the proposed use or holder determined to be relevant by the Department; and

ADMINISTRATIVE RULES

(b) May consult with the Risk Management Division of the Oregon Department of Administrative Services in determining the amount of, and terms of financial assurance required.

(14) The Department has the right to audit the records of a holder of a temporary use authorization or lessee to ensure compliance with these rules and the terms and conditions of an authorization granted under the provisions of these rules. Additionally, holders of temporary use authorizations or lessees shall make their records available to Department staff or agents for such audit following receipt of a written request by the Department.

(15) The holder of a temporary use authorization or lessee shall indemnify the State of Oregon and the Department of State Lands against any claim, liability or costs arising from or related to an action by the holder of the authorization or lease, or failure of the holder to act with respect to the ocean energy monitoring equipment or ocean energy facility. Such indemnification shall specifically include any release of a hazardous substance on or from the ocean energy monitoring equipment or an ocean energy facility or physical damage caused by any part of the ocean energy monitoring equipment or ocean energy facility to persons or coastal structures.

Stat. Auth.: ORS 183, 273
Stats. Implemented: ORS 591
Hist.: DSL 5-2007, f. 10-12-07, cert. ef. 12-1-07

141-140-0090

Insurance and Bond

(1) The Department may require the holder of a temporary use authorization or lessees to obtain liability insurance in specified amounts if the use, in the opinion of the Department, constitutes a risk to other uses of the ocean or the ocean shore, to public safety or to the State of Oregon, or if required by Oregon state law. The Department may require that the State of Oregon be named as an additional insured party in any such policy.

(2) The Department:

(a) Shall determine the coverages and amounts of the insurance the holder of a temporary use authorization and lessees must obtain based on the nature and location of the use, any requirements of law, and any other unique factors of the proposed use determined to be relevant by the Department, and

(b) May consult with the Risk Management Division of the Oregon Department of Administrative Services to determine the amount of insurance coverage required.

(3) The Department may, at its discretion, require that the holder of a temporary use authorization or lessee obtain a surety or bid bond in an amount specified by the Department (or a cash deposit which has the equivalent face or cash-in value as the surety bond and which names the State of Oregon as co-owner) or as required by Oregon state law to secure performance of all terms and conditions of a temporary use authorization or an ocean energy facility lease.

Stat. Auth.: ORS 183, 273
Stats. Implemented: ORS 591
Hist.: DSL 5-2007, f. 10-12-07, cert. ef. 12-1-07

141-140-0100

Termination of a Temporary Use Authorization or Energy Facility Lease

(1) If the holder of a temporary use authorization or lessee fails to comply with these rules or the terms and conditions of a temporary use authorization or an ocean energy facility lease, or violates other laws covering the use of their authorized area, the Department shall notify the holder of the temporary use authorization or lessee in writing of the default and demand correction within a specified time frame.

(2) If the holder of a temporary use authorization or lessee fails to correct the default within the time frame specified, the Department may:

(a) Modify or terminate the temporary use authorization or an ocean energy facility lease; and/or

(b) Request the Attorney General to take or cause to be taken appropriate legal action against the lessee or holder of the temporary use authorization.

Stat. Auth.: ORS 183, 273
Stats. Implemented: ORS 591
Hist.: DSL 5-2007, f. 10-12-07, cert. ef. 12-1-07

141-140-0110

Assignment

(1) A temporary use authorization is not assignable.

(2) An ocean energy facility lease in good standing is assignable with prior written consent of the Department.

(3) To assign an ocean energy facility lease, the lessee shall submit to the Department a:

(a) Notice of proposed assignment on a form provided by the Department at least 60 calendar days prior to the date that the assignment is to occur; and

(b) Non-refundable assignment processing fee of \$750 payable to the Department.

(4) The Department may request additional information concerning the proposed assignment.

(5) The Department may condition the assignment on the assignor retaining responsibility for some or all of the terms and conditions in the lease or guaranteeing the performance of the assignee.

(6) An assignment does not take effect until the Department authorizes it in writing.

Stat. Auth.: ORS 183, 273
Stats. Implemented: ORS 591
Hist.: DSL 5-2007, f. 10-12-07, cert. ef. 12-1-07

141-140-0120

Reconsideration of Decision

An applicant for a temporary use authorization or ocean energy facility lease, or any other person adversely affected by the issuance or denial of temporary use authorization or an ocean energy facility lease may request that the Director or the State Land Board, depending on which entity made the decision, reconsider the decision. A request for reconsideration must be filed in compliance with ORS 183.482 or 183.484.

Stat. Auth.: ORS 183, 273
Stats. Implemented: ORS 591
Hist.: DSL 5-2007, f. 10-12-07, cert. ef. 12-1-07

141-140-0130

Enforcement Actions; Civil Penalties; and Other Remedies

(1) The Department may:

(a) Conduct field inspections to determine if uses of, and developments on, in or over state-owned submerged and submersible land are authorized by, or conform with the terms and conditions of a temporary use authorization or an ocean energy facility lease and, if not,

(b) Pursue whatever remedies are available under law to ensure that any use that is in violation of the terms or conditions of a temporary use authorization, an ocean energy facility lease, or other Department issued authorizations is either brought into compliance with the requirements of these rules or other applicable law, or removed.

(2) In addition to any other penalty or sanction provided by law, the Director may assess a civil penalty of not more than \$1,000 per day of violation for the following:

(a) Violations of any provision of OAR 141-040 or ORS 273 or 274 in connection with ocean energy monitoring equipment or an ocean energy facility; or

(b) Violations of any term or condition of a written authorization granted by the Department under ORS 273 and 274.

(3) The Director shall give written notice of a civil penalty by registered or certified mail to the person incurring the penalty. The notice shall include, but not be limited to the following:

(a) The particular section of the statute, rule, or written authorization involved;

(b) A short and clear statement of the matter asserted or charged;

(c) A statement of the party's right to request a hearing within 20 calendar days of the notice;

(d) The time allowed to correct a violation; and

(e) A statement of the amount of civil penalty which may be assessed and terms and conditions of payment if the violation is not corrected within the time period stated.

(4) The person incurring the penalty may request a hearing within 20 calendar days of the date of service of the notice provided in OAR 141-140-0130(3). Such a request must be in writing. If no written request for a hearing is made within the time allowed, or if the party requesting a hearing fails to appear, the Director may make a final order imposing the penalty.

(5) In imposing a penalty under OAR 141-140-0130 of these rules, the Director shall consider the following factors as specified in ORS 274.994:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation;

(b) Any prior violations of statutes, rules, orders and authorizations pertaining to submerged and submersible land;

(c) The impact of the violation on public trust uses of commerce, navigation, fishing and recreation; and

(d) Any other factors determined by the Director to be relevant and consistent with the policy of these rules.

ADMINISTRATIVE RULES

(6) Pursuant to ORS 183.090(2), a civil penalty imposed under OAR 141-140-0130 shall become due and payable 10 calendar days after the order imposing the civil penalty becomes final by operation of law or on appeal.

(7) If a civil penalty is not paid as required by OAR 141-140-0130, interest shall accrue at the maximum rate allowed by law from the date first due.

Stat. Auth.: ORS 183, 273
Stats. Implemented: ORS 591
Hist.: DSL 5-2007, f. 10-12-07, cert. ef. 12-1-07

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

Rule Caption: Commercial Driver License Medical Certificates, Waivers and DMV Actions if Not Qualified.

Adm. Order No.: DMV 9-2007(Temp)

Filed with Sec. of State: 9-17-2007

Certified to be Effective: 9-17-07 thru 3-14-08

Notice Publication Date:

Rules Amended: 735-074-0260, 735-074-0280, 735-074-0290

Rules Ren. & Amend: 740-100-0140 to 735-063-0070, 740-300-0140 to 735-063-0075

Subject: Currently the Motor Carrier Transportation Division (MCTD) of the Oregon Department of Transportation (ODOT) issues a Waiver of Physical Disqualification which allows intrastate operation of commercial motor vehicles by a commercial driver license holder who is determined to be medically qualified under Oregon criteria. The responsibility for issuing these waivers is being transferred to the Driver and Motor Vehicles Division of ODOT (DMV) on October 1, 2007. Rule changes are necessary in order to reflect this change. The temporary amendments to OAR 735-074-0260, 735-074-0280 and 735-074-0290 and the renumbering and temporary amendments to OAR 740-100-0140 (renumbered to 735-063-0070) and 740-300-0140 (renumbered to 735-063-0075) make the changes necessary to transfer program responsibilities from MCTD to DMV.

The temporary amendment to OAR 735-074-0290 is also being made to implement a statutory interpretation of the requirements of ORS 807.040(1)(g) in a recent Oregon Supreme Court case. This rule is being amended to require that an applicant for renewal of a CDL must show DMV a current, valid medical certificate before DMV may renew the CDL. DMV is also amending this rule to remove references to renewal by mail. Such references have been obsolete since November 2004.

Rules Coordinator: Lauri Salsbury—(503) 986-3171

735-063-0070

Oregon Waiver of Physical Disqualification

(1) Possession of a Waiver of Physical Disqualification issued by DMV to the holder of a commercial driver license who only operates commercial motor vehicles in intrastate commerce is subject to the procedures, conditions and limitations set forth in this rule.

(2) Definitions:

(a) "Accident/conviction records" are records used to establish when a medical waiver issued by DMV may be denied or suspended. These include, but are not limited to DMV records, police reports, crash reports or other reports from motor carriers.

(b) "Conditions requiring waiver" are as provided in Title 49, CFR Sections 391.41 through 391.49;

(c) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation;

(d) "Waiver Guidelines" are those criteria maintained by, and available from, DMV as provided for by a licensed health care professional under contract with the Department of Transportation, the Medical Determination Officer or the State Health Officer.

(3) Waiver conditions and procedures include:

(a) When an intrastate driver of a commercial motor vehicle (CMV) does not qualify for a Skill Performance Evaluation Certificate or exemption pursuant to Title 49, CFR Sections 391.41 through 391.49 or Title 49 CFR Sections 381.300 to 381.330, the driver may make application to DMV for an Oregon Waiver of Physical Disqualification;

(b) Applications for waiver shall be accompanied by a completed waiver application form and other information as required by DMV, including a current USDOT physical examination form completed by a licensed health care professional;

(c) All waivers and requests for waivers shall be subject to review by a licensed health care professional under contract with the Department of Transportation, the Medical Determination Officer or the State Health Officer; and

(d) DMV may make an inquiry, review, or investigation of an applicant or current waiver holder's driving record, both commercial and non-commercial, at any time and it may use its findings as a basis for denial of a waiver or for suspension or permanent revocation of an existing waiver as specified in OAR 735-063-0075. Subject information shall include but not be limited to:

(A) Accident/conviction record;

(B) Crash information; and

(C) Any other information received regarding driving activities.

(e) If an inquiry, review or investigation of an applicant for, or current holder of, a driver's Waiver of Physical Disqualification is conducted under subsection (d) of this section and information is obtained that may be used as a basis for denial of waiver or for suspension or permanent revocation of an existing waiver, DMV may take action as follows:

(A) If no penalty order or cease and desist order has been entered against the applicant or current holder within the preceding five years for violations or other actions taken under subsection (d) of this section:

(i) When the record or other information being acted upon relates to non-commercial driving activities, DMV may deny or suspend an applicant's or holder's Waiver of Physical Disqualification for up to 180 days; and

(ii) When the record or other information being acted upon relates to commercial driving activities, denial or suspension of an applicant's or holder's Waiver of Physical Disqualification for up to one year.

(B) If a penalty order or cease and desist order has been entered against the applicant or current holder within the preceding five years for violations or other actions taken under subsection (d) of this section:

(i) When the record or other information being acted upon relates to non-commercial driving activities, DMV may deny or suspend a Waiver of Physical Disqualification for up to one year or permanently revoke or deny the Waiver of Physical Disqualification, as warranted by the circumstances of a particular case.

(ii) When the record or other information being acted upon relates to commercial driving activities, DMV may deny or suspend a Waiver of Physical Disqualification for up to two years or permanently deny or revoke the Waiver of Physical Disqualification, as warranted by the circumstances of a particular case.

(C) If a driver has been subject to action specified in subsection (d) of this section in the preceding 12 months:

(i) When the record or other information being acted upon relates to non-commercial driving activities, DMV may deny or suspend a Waiver of Physical Disqualification for up to five years or permanently deny or revoke the waiver as warranted by the circumstances of a particular case; and

(ii) When the record or other information being acted upon relates to commercial driving activities, DMV may permanently deny or revoke the Waiver of Physical Disqualification.

(4) Any driver issued a waiver shall:

(a) Notify DMV of any change in the driver's physical condition pertaining to the need for a waiver or any other condition which may require a waiver or waiver modification;

(b) Notify DMV of all crashes, arrests or convictions involving the use of a motor vehicle within 30 days of the crash or within 10 days of the arrest or conviction;

(c) Notify DMV of any suspension, revocation or withdrawal of driving privileges in a state other than Oregon;

(d) Notify DMV within 10 days of changing employers and provide the employer with a copy of the waiver;

(e) Carry a copy of the medical waiver and any listed waiver conditions at all times while operating a CMV and make the waiver and waiver conditions available to enforcement personnel upon request;

(f) Only operate a CMV in Oregon intrastate operations; and

(g) Comply with all of the waiver conditions.

(5) The waiver period shall not exceed the expiration date of the driver's medical certificate.

Stat. Auth.: ORS 184.616, 184.619, 802.010
Stats. Implemented: ORS 807.040, 807.150

ADMINISTRATIVE RULES

Hist.: MCTB 4-2000, f. & cert. ef. 6-12-00; Renumbered from 740-100-0140, DMV 9-2007(Temp), f. & cert. ef. 9-17-07 thru 3-14-08

735-063-0075

Suspension, Denial or Revocation of an Oregon Waiver of Physical Disqualification

(1) A holder of a Waiver of Physical Disqualification who violates any of the requirements set forth in OAR 735-063-0070(4), in addition to any other penalties authorized by law, shall be subject to suspension of the waiver for up to 180 days.

(2) DMV shall deny or revoke a Waiver of Physical Disqualification if DMV determines that applicant or holder does not qualify for the waiver.

Stat. Auth.: ORS 184.616, 184.619, 802.010

Stats. Implemented: ORS 807.040, 807.150

Hist.: MCTB 4-2000, f. & cert. ef. 6-12-00; MCTB 4-2001, f. & cert. ef. 11-9-01; Renumbered from 740-300-0140, DMV 9-2007(Temp), f. & cert. ef. 9-17-07 thru 3-14-08

735-074-0260

Medical Standards for Drivers of Commercial Motor Vehicles

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) adopts the United States Department of Transportation regulations contained in 49 CFR § 391.41 through 391.49 (2007) pertaining to physical qualifications and medical examination of drivers of commercial motor vehicles. Except as provided in section (2) of this rule, to qualify for a Class A, B, or C commercial driver license a person must obtain an approved medical certificate meeting the requirements of these federal regulations.

(2) DMV may issue a Class A, B, or C commercial driver license to a person who does not qualify for a medical certificate under section (1) of this rule if the person is issued:

(a) A Waiver of Physical Disqualification, by DMV under OAR 735-063-0070;

(b) An exemption by the Federal Motor Carrier Safety Administration pursuant to 49 USC § 31136 and 31135, and 49 CFR § 381.300 to 381.330; or

(c) A Skill Performance Evaluation Certificate issued by the Federal Motor Carrier Safety Administration pursuant to 49 CFR § 391.49.

(3) DMV will issue a restricted Class A, B or C commercial driver license if a Skill Performance Evaluation Certificate, the waiver or exemption described in section (2) of this rule indicate any applicable restrictions, conditions or limitations for issuance of a commercial license.

(4) DMV will suspend a Class A, B or C commercial driver license if a Waiver of Physical Disqualification is suspended or revoked for any reason or for any length of time.

(5) DMV will suspend a Class A, B or C commercial driver license if notified that the Federal Motor Carrier Safety Administration (FMCSA) has revoked the Skill Performance Evaluation Certificate issued to the driver under the provisions of 49 CFR § 391.49.

(6) DMV will suspend a Class A, B or C commercial driver license if notified that FMCSA has revoked an exemption to physical qualifications issued to a driver under the provisions of 49 U.S.C. § 31135 and 31136(e) and 49 CFR § 381.300 to 381.330.

(7) A person suspended under section (4), (5), or (6) of this rule may reinstate commercial driving privileges if the person obtains a medical certificate as described in section (1) of this rule or is reissued a waiver by DMV or an exemption or Skill Performance Evaluation by FMCSA as described in section (2) of this rule.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.040

Stats. Implemented: ORS 807.040 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0730; MV 24-1988, f. & cert. ef. 7-1-88; MV 6-1990, f. & cert. ef. 4-2-90; MV 11-1992, f. & cert. ef. 9-28-92; DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0140; DMV 2-2005, f. 1-20-05, cert. ef. 1-31-05; DMV 9-2007(Temp), f. & cert. ef. 9-17-07 thru 3-14-08

735-074-0280

Approved Medical Certificates

(1) DMV approves the following as medical certificates for use when driving Class A, B, or C commercial motor vehicles within Oregon:

(a) A medical certificate that complies with Title 49, Chapter III, Sections 391.41 through 391.49, of the Federal Motor Carrier Safety Regulations. Compliance with these requirements must be explicitly stated on the medical certificate issued; or

(b) An Oregon School Bus Driver's Certificate or Oregon School Bus Driver's Permit (issued by the Oregon Department of Education).

(2) If indicated as required for compliance, the medical certificate described in section (1)(a) of this rule must also include:

(a) Waiver of Physical Disqualification (issued by DMV);

(b) A Skill Performance Evaluation Certificate issued by the Federal Motor Carrier Safety Administration; or

(c) An exemption issued by the Federal Motor Carrier Safety Administration.

Stat. Auth.: ORS 184.616, ORS 184.619, 802.010, 807.040

Stats. Implemented: ORS 807.040 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; MV 4-1987, f. & ef. 5-18-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0750; MV 24-1988, f. & cert. ef. 7-1-88; MV 24-1989, f. & cert. ef. 10-3-89; MV 6-1990, f. & cert. ef. 4-2-90; MV 16-1991, f. 9-18-91, cert. ef. 9-29-91; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0160; DMV 9-2007(Temp), f. & cert. ef. 9-17-07 thru 3-14-08

735-074-0290

Medical Certificate Procedures

(1) DMV will issue a Class A, B, or C commercial driver permit or license only to applicants who present an approved medical certificate and, if required, a Waiver of Physical Disqualification, an exemption or Skill Performance Evaluation Certificate issued by the Federal Motor Carrier Safety Administration, when applying for an original or renewal of a Class A, B, or C commercial permit or driver license.

(2) To be an approved medical certificate, it must be:

(a) Listed in OAR 735-074-0280;

(b) Issued within two years of the date of the application for license and not expired; and

(c) Accompanied by a current waiver, exemption or Skill Performance Evaluation Certificate, if indicated on the medical certificate.

(3) An applicant for a Class A, B, or C commercial driver license used in interstate commerce must also certify on the application or renewal form that he or she meets all of the driver qualification requirements as required by § 383.71(a) and § 383.71(c)(1) of the Federal Motor Carrier Safety Regulations (FMCSR) of the U.S. Department of Transportation (codified at 49 CFR § 383.71).

(4) DMV may issue a Class C or Class C restricted driver license to a person who applies for the renewal of a Class A, B, or C commercial driver license if the person does not present an approved medical certificate as required or fails to certify he or she meets the driver qualification requirements as required in subsections (3) and (4) of this rule. The lower class of license issued shall be the class requested by the applicant.

(5) A driver who needs to replace a medical certificate because it is lost, mutilated, or destroyed may obtain a duplicate from the same source from which they obtained the original medical certificate.

(6) DMV is not responsible for any expenses an applicant may incur from the acquisition of an approved medical certificate or duplicate medical certificate.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.040

Stats. Implemented: ORS 807.040, 807.100 & 807.150

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0760; MV 4-1987, f. & ef. 5-18-87; MV 6-1990, f. & cert. ef. 4-2-90; DMV 11-1998, f. & cert. ef. 9-14-98; DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0170; DMV 9-2007(Temp), f. & cert. ef. 9-17-07 thru 3-14-08

Department of Veterans' Affairs Chapter 274

Rule Caption: Educational Aid Benefits for Veterans.

Adm. Order No.: DVA 2-2007

Filed with Sec. of State: 9-24-2007

Certified to be Effective: 9-24-07

Notice Publication Date: 9-1-07

Rules Amended: 274-010-0145

Subject: The passage of House Bill (HB) 2208 of the 74th Oregon Legislative Assembly — 2007 Regular Session amended ORS 408.020 to include part-time students to be eligible to apply for educational aid through the Oregon Department of Veterans' Affairs (ODVA) Educational Aid Program.

Rules Coordinator: Herbert D. Riley—(503) 373-2055

274-010-0145

Computation of Payments

The following factors shall be used in computing the amount payable to the beneficiary:

(1) Length of service shall be computed in full months.

(2) For each month of active military service, not exceeding 36 months, claimant shall be entitled to receive:

(a) Up to \$150 per month for each month of full-time study or professional training;

ADMINISTRATIVE RULES

(b) Up to \$100 per month for each month of part-time study or professional training.

(3) One month of entitlement will be deducted for each monthly payment covering any part of a calendar month.

(4) Payment for attendance shall be at the discretion of the Director and based on enrolled curriculum.

Stat. Auth.: ORS 408

Stats. Implemented: ORS 408.020, 408.050, 408.060

Hist.: DVA 22, f. 11-15-57, ef. 11-14-57; DVA 32, f. 12-2-65, ef. 12-25-65; DVA 1-2006, f. & cert. ef. 1-27-06; DVA 2-2007, f. & cert. ef. 9-24-07

Rule Caption: Updates and Corrects Cited References in Chapter 274 Division 010, 012, 020, 021, 025, 028 and 045.

Adm. Order No.: DVA 3-2007

Filed with Sec. of State: 9-25-2007

Certified to be Effective: 9-25-07

Notice Publication Date:

Rules Amended: 274-010-0100, 274-010-0170, 274-012-0100, 274-020-0340, 274-020-0355, 274-020-0380, 274-020-0430, 274-020-0440, 274-020-0445, 274-021-0010, 274-021-0020, 274-025-0010, 274-025-0020, 274-028-0001, 274-045-0001, 274-045-0110, 274-045-0120

Subject: There OARs are being amended solely for the purpose of correcting or updating statutory references cited within the text.

Rules Coordinator: Herbert D. Riley—(503) 373-2055

274-010-0100

Definitions for 274-010-0100 to 274-010-0175

As used in these regulations or any amendments to them, or in any blank form, document, publication, or written instrument of any kind prescribed, provided, published, issued, or used by the Director or any of his duly authorized agents or employees in connection with the administration of the provisions of ORS 408.010 to 408.110, unless otherwise required by context:

(1) "Active Duty" or "Active Service" means that status in the Armed Forces in which the person on "active duty" is under the command of military or naval authorities, subject to military or naval discipline and on active duty pay status in the respective arm or branch of the Armed Forces in which the person is serving.

(a) Members of the reserve components of the Armed Forces, persons on a retired status in the military or naval forces of the United States, Cadets at West Point, Air Force Academy, and United States Coast Guard Academy and Midshipmen at the Naval Academy were on active duty only after reporting for active duty;

(b) Members of the National Guard were on active duty only after having been activated under Title 10 of the United States Code of Federal Regulations;

(2) "Armed Forces" means and includes:

(a) Army;

(b) Navy;

(c) Marines;

(d) Air Force;

(e) Coast Guard;

(f) Coast and Geodetic Survey (while serving with Army or Navy);

(g) Commissioned Officers of Public Health Service while serving with Army, Navy, Marine Corps, or Coast Guard.

(3) "Beneficiary" means any person eligible for educational aid as defined in ORS 408.010.

(4) "Veteran" means any person who served on active duty with the Armed Forces of the United States as defined in ORS 408.225.

(5) "Under Honorable Conditions" means that the official documents of discharge, service, or separation issued upon the termination of the veteran's active duty service with the Armed Forces are characterized as "honorable" or "under honorable conditions".

(6) "Alien" means any person who is not a citizen of the United States.

(7) "Alien Enemy" means any person who is a citizen of any nation, country, or state, or ally thereof, with which the United States is at war.

(8) "Conscientious Objector" means any person who during his period of service refused on conscientious, political, or other grounds to subject himself to full military discipline and unqualified service.

(9) "Combat Zone" means any area designated by the President of the United States by executive order in which the Armed Forces of the United States or any subdivision thereof are or have engaged in combat.

(10) "Other Like Training Program" means college training while in service, which compares with the civilian professional training for which college credit was, or could be, obtained to apply toward graduation from an approved institution of higher learning.

(11) "Domicile" or "Residence" means that place which a person intends as their fixed place of abode or habitation; which they consider to be their permanent home; and to which, whenever away, they always intend to return:

(a) Temporary absence from the state does not destroy domicile;

(b) Temporary presence in the state without an intention to establish a permanent home does not support a contention of being domiciled within the state.

(12) "Accredited Institution" means any institution where training is offered that has been certified as meeting the minimum requirements prescribed by the accrediting agency having jurisdiction over standards of uniformity and accreditation (the State Department of Education).

(13) "Approved Course of Study or Vocational Training" means any course of training outlined in the material submitted to and approved by the State Department of Education.

(14) "Full Time College Course" means that the particular course has met the following standards:

(a) "Full time" — As defined by the approved institution where the course is being pursued;

(b) "College" — An institution fully accredited by the appropriate accrediting agency, as recognized by the State Approving Agency (the State Department of Education).

(15) "Current Term" means:

(a) Fall, winter, spring, or summer term in those institutions operating on a term or quarter basis;

(b) First or second semester or summer session in those institutions operating on a semester or half year basis; or

(c) Not later than six weeks following enrollment in a training institution where training is a continuous program, not divided into terms or semesters.

(16) "Executive Head of the Institution" means:

(a) The President of the University or College;

(b) The Principal of the School;

(c) The Director of the Training establishment; or

(d) The person or persons to whom the executive head of the institution has delegated authority to act in his stead.

Stat. Auth.: ORS 408

Stats. Implemented: ORS 408.010 - 408.090

Hist.: DVA 22, f. 11-15-57, ef. 11-14-57; DVA 32, f. 12-2-65, ef. 12-25-65; DVA 9-1993, f. 9-13-93, cert. ef. 11-4-93; DVA 1-2006, f. & cert. ef. 1-27-06; DVA 3-2007, f. & cert. ef. 9-25-07

274-010-0170

Addition, Amendment, or Repeal of Rules or Regulations

These rules and regulations shall have the effect of law and shall be binding in all instances on persons making application for educational aid, under ORS 408.010 to 408.090, but if any part of these regulations are found to be void or illegal, such illegality shall not affect the remaining provisions of the rules and regulations.

Stat. Auth.: ORS 408

Stats. Implemented: ORS 408.010 - 408.090

Hist.: DVA 22, f. 11-15-57, ef. 11-14-57; DVA 32, f. 12-2-65, ef. 12-25-65; DVA 1-2006, f. & cert. ef. 1-27-06; DVA 3-2007, f. & cert. ef. 9-25-07

274-012-0100

Purpose and Objective

(1) It is the expressed policy of the Department to provide appropriate emergency financial assistance to veterans and their immediate families by means of the Department's Emergency Financial Assistance Program.

(2) Within the funds established by the Department, pursuant to ORS 408.500, an account is designated to be used by the Department consistent with this program. Funds held within this account will be used by the Department consistent with this Division 012 and applicable law exclusively for the purpose of assisting veterans and their immediate family, as determined by the Department, who have insufficient funds to meet their financial needs or responsibilities. Such needs may include, but are not limited to:

(a) Emergency or temporary housing and related housing expenses, such as expenses for utilities, insurance, house repairs, rent assistance or food;

(b) Emergency medical or dental expenses;

(c) Emergency transportation;

(d) Expenses related to starting a business, such as business licenses or occupational licenses;

ADMINISTRATIVE RULES

- (e) Temporary income after military discharge; and
- (f) Legal assistance.

Stat. Auth.: ORS 406.030, 406.050, 406.130, 408.010 & 408.500
Stats. Implemented: ORS 406.030, 406.050, 406.130, 408.010 & 408.500
Hist.: DVA 2-2006(Temp), f. & cert. ef. 2-23-06 thru 8-18-06; DVA 4-2006, f. & cert. ef. 4-25-06; DVA 3-2007, f. & cert. ef. 9-25-07

274-020-0340

Terms of Loan

(1) The loan value (net appraised value) shall be used as the basis for determining the maximum loan, subject to statutory limitations. Under the provisions of ORS 407.225(3), the maximum loan on a home which is real property may not exceed 100 percent of the loan value (net appraised value), but may be a lesser amount as determined from time-to-time by the Director of Veterans' Affairs, (Director):

(a) On farms, the maximum original loan allowable for acquisition of the principal home unit portion of the property shall not exceed the maximum home loan, whether it be for purchase, refinance, construction, improvements, or a combination of these; and the maximum additional loan or advance for improvements to the principal home shall not exceed the difference between the maximum home loan and that portion of the original loan granted on the principal home unit, except advances for protection of security improvements, taxes, and insurance premiums;

(b) Loans shall be made in multiples of \$1.

(2) The Director shall determine the period and amount of repayment based on the age, condition, location, and useful life of the security, but the maximum period of repayment shall not exceed statutory limits.

(3) The borrower shall timely pay all property taxes and other assessments that may or do become a lien against the loan security.

(4) The borrower shall carry fire and extended coverage insurance on the security. The Director also may require that hazards other than fire be covered. All premiums and charges for said coverage shall be paid timely by the borrower:

(a) The Director may determine the form and amount of insurance coverage for the security;

(b) All insurance money shall be payable to the State of Oregon, Director of Veterans' Affairs, by endorsement of the Director-approved mortgagee clause;

(c) The Director may enter into agreements with companies engaged in the business of providing insurance management programs which, among other things, assure the Director that the required insurance is kept in force. Where the borrower fails or refuses to keep the property adequately insured, the Director may pay the premium charged by the company providing the insurance management service, and any payment of premium so made shall be added to the amount due from the borrower and shall bear interest at the same rate as the principal indebtedness. The loan payment may be increased to repay the money advanced to pay the insurance premium and accrued interest, over a period of 12 months;

(d) In case of loss, the Director shall determine the disposition of any and all funds received under the insurance policies.

(5) On all loans made on or after June 1, 1990, or as otherwise agreed to by the borrower and the Director, the Director may collect in advance from said borrowers together with their payments required under section (2) of this rule, sufficient amounts to pay property taxes, insurance premiums, and other charges related to the security. Such additional amounts collected by the Director shall be held in escrow pending payment of the obligations for which they are collected and interest on said amounts shall be paid to the borrower in the manner and at the rate of interest described in ORS 86.245(1).

(6) Property taxes, insurance premiums, and other charges may be paid by the Director from funds collected from the borrower for those purposes. The Director, in the absence of funds collected from the borrower (or if such funds are insufficient in amount), may, at his option, elect to pay property taxes, insurance premiums, and other charges from the Oregon War Veteran's Bond Sinking Account. Any amount paid by the Director from the Oregon War Veteran's Bond Sinking Account may be added to and become part of the loan principal and shall bear interest at the same rate as the balance of the principal indebtedness. On loans made after June 1, 1991, excluding qualified loan assumptions, the Director will not add amounts advanced for payment of property taxes or insurance premiums to the principal balance of the loan. On these loans, any amount advanced will be entered as a negative balance in the escrow account.

(7) The borrower's loan payment may be increased to repay the money advanced from the Oregon War Veteran's Bond Sinking Account to pay the property taxes, insurance premiums, and other charges against the

security, together with interest thereon, within a maximum period of 12 months or such shorter time as established by the Director.

Stat. Auth.: ORS 291.021, 406.030, 407.115, 407.169, 407.179, 407.181, 407.225(3) & 407.275

Stats. Implemented: ORS 407

Hist.: DVA 22, f. 11-15-57, ef. 11-14-57; DVA 29, f. 7-3-63, ef. 9-2-63; DVA 32, f. 12-2-65, ef. 10-25-65; DVA 42, f. 3-2-73, ef. 3-20-73; DVA 45, f. & ef. 12-1-75; DVA 1-1980, f. & ef. 1-15-80; DVA 3-1980, f. & ef. 7-1-80; DVA 6-1983, f. & ef. 5-3-83; DVA 3-1985, f. 2-26-85, ef. 3-1-85; DVA 3-1987, f. & ef. 5-1-87; DVA 3-1990, f. & cert. ef. 5-1-90; DVA 1-1992, f. & cert. ef. 1-2-92; DVA 7-1993, f. 5-18-93, cert. ef. 5-21-93; DVA 3-2003(Temp), f. & cert. ef. 4-7-03 thru 10-3-03; DVA 11-2003, f. & cert. ef. 9-23-03; DVA 8-2005, f. & cert. ef. 12-27-05; DVA 3-2007, f. & cert. ef. 9-25-07

274-020-0355

Escrow Closing of Loans

(1) All loans made by the Director of Veterans' Affairs (except for protection of security loans) shall be closed by persons or firms licensed to engage in the escrow business under the Oregon Escrow Law (ORS 696.505 to 696.590), or an attorney at law rendering services in the performance of duties as attorney at law. This rule shall be effective on all loan applications received after May 31, 1984:

(a) The types of loans requiring escrow closing are:

(A) Original;

(B) Additional;

(C) Dual (Loans having notes with different due dates);

(D) Improvement;

(E) Assumption of existing.

(b) A loan for protection of security does not require escrow closing;

(c) (For contract sales of State-owned property, see OAR 274-21-010.)

(2) The escrow agent or attorney for closing the loan will be selected by the borrower and the borrower shall pay all escrow fees.

(3) Escrow closing shall not be waived except when in the Director's opinion, requiring escrow closing would cause an undue hardship.

Stat. Auth.: ORS 406 & 407

Stats. Implemented: ORS 407

Hist.: DVA 22, f. 11-15-57, ef. 11-14-57; DVA 29, f. 7-3-63, ef. 9-2-63; DVA 34, f. 8-18-67, ef. 9-11-67; DVA 37, f. 4-6-70, ef. 4-25-70; DVA 42, f. 3-2-73, ef. 3-20-73; DVA 1-1984, f. & ef. 5-3-84; DVA 3-2007, f. & cert. ef. 9-25-07

274-020-0380

Transfer of Ownership

(1) The director shall be notified in writing of any transfer of ownership or the right to possess property that is used as security for a loan with the Oregon Department of Veterans' Affairs (ODVA).

(2) The interest rate on any outstanding obligation will be adjusted at the time of the transfer as provided by ORS 407.335.

(3) The following are conditions which constitute a transfer of an ownership interest or the right to possess the loan security:

(a) A borrower takes title to the property with a person other than his or her legal spouse;

(b) Contract of sale;

(c) Any deed transfer;

(d) Any other indenture that purports to convey or transfer any portion of equitable title except for the following:

(A) Deed to create a life estate retained by the eligible veteran mortgagor; or

(B) Deed to a government entity for public use as noted in ORS 407.275(2).

(4) Other types of transactions that may provide for an automatic adjustment in interest rate include:

(a) A purchase option that extends for a period of 12 months and 32 days, or more;

(b) A lease that extends for more than the following periods:

(A) 60 months for farms of 20 acres or more;

(B) 12 months and 32 days for all properties other than farms of 20 acres or more.

(c) A purchase option with a consideration of three percent or more of the stated purchase price.

(5) An assumption by an eligible veteran may be approved at the rate set under ORS 407.305 under the following conditions:

(a) The applicant uses his or her entitlement to make application to the Department for the assumption; and

(b) Meets the requirements for a new loan; and

(c) Executes an assumption agreement which will release the original veteran borrower from personal liability.

(6) The director will not enter into an assumption agreement with a person (or persons) acquiring an ownership interest in ODVA security whereby the existing debtor is relieved of further liability on the debt,

ADMINISTRATIVE RULES

unless the new owner (or owners) meets current industry standards determined by the Department to be applicable to the proposed assumption. Applicable industry standards may include, but are not limited to, local lending practices, FannieMae and other lending organization standards, and Federal and state legal requirements. The director may on an individual case and with good and sufficient reason documented in the loan file enter into an assumption agreement which does not meet applicable underwriting requirements or industry property standards, if the director decides it is in the best interest of the Department to do so.

(7) The director will not consent to the assignment of a Land Sale Contract whereby the present purchaser is relieved of further liability on the contract, unless the assignee meets current industry standards determined by the Department to be applicable to the proposed assignment. Applicable industry standards may include, but are not limited to, local lending practices, FannieMae and other lending organization standards, and Federal and state legal requirements. The director may on an individual case and with good and sufficient reason documented in the file consent to an assignment which does not meet applicable underwriting requirements or industry property standards, if the director decides it is in the best interest of the Department to do so.

Stat. Auth.: ORS 406.030, 407.115, 407.275, 407.305 & 407.335

Stats. Implemented: 407.275, 407.335

Hist.: DVA 22, f. 11-15-57, ef. 11-14-57; DVA 32, f. 12-2-65, ef. 10-25-65; DVA 36, f. 7-25-69, ef. 8-25-69; DVA 39, f. 5-27-71, ef. 6-25-71; DVA 45, f. & ef. 12-1-75; DVA 2-1982(Temp), f. & ef. 1-21-82; DVA 17-1982, f. & ef. 7-1-82; DVA 25-1982, f. & ef. 10-1-82; DVA 28-1982, f. 12-30-82, ef. 1-1-83; DVA 5-1989, f. & cert. ef. 11-15-89; DVA 3-1991, f. 5-30-91, cert. ef. 6-3-91; DVA 5-1993, f. 3-16-93, cert. ef. 3-21-93; DVA 7-1995, f. & cert. ef. 7-21-95; DVA 10-1995, f. 9-11-95, cert. ef. 9-22-95; DVA 12-1995, f. & cert. ef. 9-22-95; DVA 6-2005, f. & cert. ef. 10-24-05; DVA 3-2007, f. & cert. ef. 9-25-07

274-020-0430

Effect

These rules and regulations shall have the effect of law and shall be binding in all instances on persons making application for a loan under Article XI-A of the Oregon Constitution and ORS 407.075 to 407.595, but if any part of the regulations are found to be void or illegal, the illegality shall not affect the remaining provisions of the rules and regulations.

Stat. Auth.: ORS 406

Stats. Implemented: ORS 406 & 407

Hist.: DVA 22, f. 11-15-57, ef. 11-14-57; DVA 3-2007, f. & cert. ef. 9-25-07

274-020-0440

Fees

(1) The Director of Veterans' Affairs (director) imposes fees for the following:

- (a) New Loan;
- (b) Assumption by Eligible Veteran;
- (c) Transfer of Ownership;
- (d) Partial Release, Easement, and Modification of Mortgage;
- (e) Timber Release;
- (f) Firewood Release;
- (g) Purchase of State-Owned Property;
- (h) Dishonored Check;
- (i) Reissue of Stale, Lost, Destroyed or Missing Document;
- (j) Mineral Rights and Geothermal Resource Rights Release; and
- (k) Veterans' Home Improvement Loan.

(1) Borrower requests to cancel private mortgage insurance.
(2) The fee will not be waived or reduced except when in the director's opinion, requiring the fee would cause an undue hardship. In the case of a dishonored check, the fee will be waived if the check was dishonored because of a bank error.

(3) Fee Schedule:

(a) New Loan:

(A) A credit report fee may be charged in an amount not to exceed the amount charged by the credit reporting firm. A credit report fee may be charged for each applicant unless a co-applicant is the applicant's spouse;

(B) An appraisal report fee may be charged in an amount not to exceed the amount charged by the appraiser;

(C) In the event of cancellation of the application after acceptance for processing and collection of credit report and appraisal fees, any money not used or obligated for credit reports or appraisals shall be refunded;

(D) A loan fee shall be charged on a conventional loan not to exceed 2 percent.

(E) Flood determination fee for each loan may be charged in an amount not to exceed the amount charged by the flood determination company.

(b) Assumption by an eligible veteran under ORS 407.305. Effective with applications received on or after July 1, 1985, the director shall charge

a fee of 1.125 percent of the total of the unpaid balance plus any new funds loaned. The minimum service fee shall be \$100;

(c) Transfer of Ownership:

(A) The fee for transfer shall be:

- (i) Through June 30, 1985, 1 percent of the unpaid balance;
- (ii) Effective July 1, 1985, 1.125 percent of the unpaid balance;
- (iii) Effective May 1, 1992, \$450.

(B) No fee will be charged when a transfer results from:

- (i) Divorce;
- (ii) Death;
- (iii) Marriage;
- (iv) Transfer of the interest of one or more current owners to the other owner or owners; or
- (v) Transfer to a relocation company on an unrecorded contract.

(d) Partial Release, Easement, and Modification of Mortgage. The director will charge the following fees:

(A) \$450 plus the cost of an appraisal for a partial release or modification of mortgage on an urban property. The appraisal fee will be refunded to the applicant if the request is withdrawn before the director is obligated to an appraiser for the cost of a property appraisal;

(B) \$450 plus the cost of an appraisal for a partial release or modification of mortgage on a farm property. The appraisal fee will be refunded to the applicant if the request is withdrawn before the director is obligated to an appraiser for the cost of a property appraisal;

(C) \$50 for consenting to an easement;

(D) \$100 for partial release involving release of a mobile home which is to be replaced with another home;

(E) \$1,100 for a partial release involving release of water rights. \$1,000 of the \$1,100 fee will be refunded if the request is withdrawn before the director is obligated to an appraiser for the cost of a property appraisal;

(F) \$50 for processing request to relocate personal property mobile home;

(G) A larger fee may be charged in complex cases to cover extra processing costs; and

(H) A fee for the partial release of property to a government entity for public use as noted in ORS 407.275. This fee may be modified or waived at the discretion of the director.

(e) Timber Release:

(A) The director shall charge \$200 for a release of more than 7,500 and less than 30,000 board feet of timber. No refund will be made after application. The director shall charge \$1,200 for a release of 30,000 board feet or more of timber. \$1,000 of the \$1,200 fee will be refunded to the applicant if the request is withdrawn before the director is committed to an appraiser for the cost of a property appraisal. One release of up to and including 7,500 board feet of timber will be allowed each calendar year without a fee being charged;

(B) An increased fee may be charged in complex cases to cover extra costs.

(f) Firewood Release:

(A) The director shall charge \$200 for a release of more than six and less than 20 cords of firewood. No refund will be made after application. The director shall charge \$1,200 for a release of 20 cords or more of firewood. \$1,000 of the \$1,200 fee will be refunded to the applicant if the request is withdrawn before the director is committed to an appraiser for the cost of a property appraisal. One release of up to and including six cords of firewood, will be allowed each calendar year without a fee being charged;

(B) An increased fee may be charged in complex cases to cover extra costs.

(g) Purchase of State-Owned Property:

(A) A credit report fee may be charged equal to the amount charged by the credit reporting firm. A credit report fee may be charged for each applicant unless a co-applicant is the applicant's spouse;

(B) A fee of 1.125 percent shall be charged on the amount of the contract on all properties whether or not the purchaser is a veteran. The minimum fee will be \$250. There will be no fee for a cash sale. If improvements in lieu of a cash down payment are part of the purchase agreement, a \$50 fee will be charged for any necessary completion inspection(s) after the first one. The provisions of section (4) of this rule apply to any fee charged;

(C) In the event of cancellation of an offer after acceptance for processing by Loan Processing, but prior to approval, all of the earnest money deposit except \$200 shall be refunded (\$200 to be retained by the director). If an application is canceled after approval, the full amount of the earnest money deposit shall be retained by the director;

(D) Notwithstanding the provisions of paragraph (3)(g)(C) of this rule, the director may refund all of the earnest money deposit if cancella-

ADMINISTRATIVE RULES

tion of the application was necessitated by some unexpected event such as redemption of the property before closing, or the death, disappearance, serious injury, serious illness, job loss, or job transfer of one or more of the parties to the transaction. Parties to the transaction include members of the immediate family.

(h) Dishonored Check. Whenever a bank check issued in payment of an obligation due to the Director of Veterans' Affairs is dishonored by the bank upon which the check is drawn, a fee in the amount of \$25 will be charged. If two dishonored checks are received from the same borrower within a 12-month period, the director may require this borrower to make all future payments by cash, money order, cashier's check or certified check;

(i) Reissue of Stale, Lost, Destroyed or Missing Document. Whenever a document issued by the director must be reissued because it has been outstanding too long without being used, or has been lost, destroyed or for some other reason is missing, a fee in the amount of \$25 may be charged for this service. "Document" means deed, satisfaction of mortgage, satisfaction of judgment, request for reconveyance, reconveyance, assumption agreement, contract, partial release, modification of mortgage, escrow closing papers (or some other document substantially the same as the ones enumerated). This fee may be waived if there is good reason to believe that the person requesting the reissue was not responsible for the delay that caused the document to become stale or for the disappearance of the original issue;

(j) Release of Mineral Rights and Geothermal Resource Rights. The director may charge a fee of \$50 for processing an application for release of mineral and geothermal resource rights. From this fee, ODVA will pay the cost of recording any document issued. An additional \$100 may be charged if the nature of the application requires a review by the Division of State Lands to determine the mineral and geothermal resource potential. A check or money order in the amount of \$100 made payable to the Division of State Lands will be required when the Division of State Lands review is necessary.

(k) Veterans' Home Improvement Loan:

(A) A credit report fee may be charged for residential mortgage credit reports in an amount not to exceed the amount charged by the credit reporting firm;

(B) An appraisal report fee may be charged in an amount not to exceed the amount charged by the appraiser;

(C) A flood determination fee may be charged in an amount not to exceed the amount charged by the flood determination company; and

(D) Any other fees, that may be incurred by ODVA, may be charged in an amount not to exceed the amount charged by the provider of the service.

(l) Borrower requests to cancel private mortgage insurance. The director may charge a \$100 inspection fee. In the event a full appraisal is necessary to establish value, and it is requested by the borrower, the \$100 inspection fee will be credited toward the cost of the appraisal.

(4) Fees will be collected in advance (except for dishonored checks). Where the director was not made a party to a transaction requiring payment of a fee, and the fee was not paid, the fee is due on demand. If payment is not made after 30 days written notice, it may be added to the amount due on the loan. The fee for dishonored checks may be added to the amount due on the loan when the check is returned by the bank. Any fee added to the amount due on the loan shall bear interest at the same rate as on the principal indebtedness. "Loan" means "contract" where context requires.

Stat. Auth.: ORS 82.300, 406.030, 407.115, 407.135, 407.145, 407.275 & 742.282
Stats. Implemented: ORS 407.135, 407.145 & 407.275
Hist.: DVA 5-1982(Temp), f. & cert. ef. 2-12-82; DVA 16-1982, f. & cert. ef. 6-1-82; DVA 29-1982, f. 12-30-82, ef. 1-1-83; DVA 1-1983, f. 1-14-83, ef. 1-15-83; DVA 9-1983, f. & cert. ef. 7-1-83; DVA 15-1983, f. 12-20-83, ef. 1-1-84; DVA 7-1984, f. 7-25-84, ef. 8-15-84; DVA 7-1985, f. 5-22-85, ef. 7-1-85; DVA 4-1988, f. & cert. ef. 8-15-88; DVA 3-1989, f. & cert. ef. 8-16-89; DVA 5-1990, f. 8-20-90, cert. ef. 10-1-90; DVA 5-1991, f. 7-23-91, cert. ef. 7-24-91; DVA 7-1991, f. 10-31-91, cert. ef. 11-1-91; DVA 7-1992, f. & cert. ef. 5-1-92; DVA 12-1992(Temp), f. & cert. ef. 8-19-92; DVA 3-1993, f. & cert. ef. 1-4-93; DVA 5-1993, f. 3-16-93, cert. ef. 3-21-93; DVA 7-1995, f. & cert. ef. 7-21-95; DVA 10-1995, f. 9-11-95, cert. ef. 9-22-95; DVA 12-1995, f. & cert. ef. 9-22-95; DVA 5-1997, f. & cert. ef. 10-22-97; DVA 1-1998(Temp), f. 1-26-98, cert. ef. 2-2-98 thru 7-31-98; DVA 7-1998, f. & cert. ef. 6-23-98; DVA 3-1999, f. & cert. ef. 9-22-99; DVA 6-2001(Temp), f. 9-7-01, cert. ef. 9-10-01 thru 3-8-02; DVA 2-2002, f. & cert. ef. 2-22-02; DVA 2-2005, f. & cert. ef. 4-22-05; DVA 3-2007, f. & cert. ef. 9-25-07

274-020-0445

Assumption of Loan by Eligible Veteran

When a veteran who is eligible to assume a loan under the provisions of ORS 407.305 seeks to acquire property and wishes to assume liability on the loan, the Director of Veterans' Affairs will approve the assumption subject to the following conditions:

(1) The applicant must submit the same evidence of eligibility and the same application as if an application were being submitted for a loan.

(2) The provisions of ORS 407.225(3) do not apply except when additional funds are being requested. If additional funds are not being requested, the applicant may be permitted to assume a loan with a balance in excess of 97 percent of the appraised value on homes which are real property, 85 percent of the appraised value on homes which are not real property, and 90 percent of the appraised value on farms.

(3) Notwithstanding the provisions of OAR 274-20-440, if additional funds are not being requested, an appraisal fee will not be collected by the director, and no appraisal of the property will be made. If additional funds are being requested, the provisions of ORS 407.225(3) and OAR 274-20-440 shall apply, and an appraisal of the property will be made.

Stat. Auth.: ORS 406.030, 407.115, 407.225, 407.275 & 407.305
Stats. Implemented: Ch. 238 OL 1995, ORS 407.225 & 407.275
Hist.: DVA 9-1984, f. 8-6-84, ef. 8-15-84; DVA 10-1995, f. 9-11-95, cert. ef. 9-22-95; DV 12-1995, f. & cert. ef. 9-22-95; DVA 3-2003(Temp), f. & cert. ef. 4-7-03 thru 10-3-03; DVA 11-2003, f. & cert. ef. 9-23-03; DVA 3-2007, f. & cert. ef. 9-25-07

274-021-0010

Escrow Closings of Contract Sales

Effective with offers accepted by the Director after June 30, 1988:

(1) All contract sales of real or personal property by the Director of Veterans' Affairs shall be closed by a person or firm licensed as an escrow agent under the Oregon Escrow Law (ORS 696.505 to 696.590) or an attorney at law rendering services in the performance of duties as attorney at law.

(2) The escrow agent or attorney shall be selected by the purchaser.

(3) The costs of the escrow closing shall be shared as follows:

(a) The Director of Veterans' Affairs will pay one-half of the escrow agent's fee;

(b) The purchaser will pay one-half of the escrow agent's fee;

(c) Any other closing costs will be paid by the purchaser unless otherwise agreed by the parties.

(4) The requirement for licensed escrow (or attorney) closing shall not be waived except when in the Director's opinion, requiring such closing would cause an undue hardship.

Stat. Auth.: ORS 406 & 407
Stats. Implemented: ORS 407.165 & 407.169
Hist.: DVA 2-1984, f. & cert. ef. 5-3-84; DVA 2-1988, f. 6-6-88, cert. ef. 6-30-88; DVA 3-2007, f. & cert. ef. 9-25-07

274-021-0020

Forcible Entry and Wrongful Detainer

Pursuant to ORS 105.130(5), in any action brought by the State of Oregon by and through the Director of Veterans' Affairs, pursuant to the provisions of ORS 105.105 to 105.168, to recover the possession of premises to which the Director of Veterans' Affairs is entitled, any officer or employee of the Department of Veterans' Affairs is authorized, on behalf of the Director of Veterans' Affairs, to:

(1) File the complaint; and

(2) Appear in District Court or Justice Court at the first appearance referred to in ORS 105.137, provided that the Attorney General has given written consent to such appearances.

Stat. Auth.: ORS 105.130(5), 406.030 & 407.115
Stats. Implemented: ORS 407.115, 407.135 & 407.145
Hist.: DVA 5-1992, f. & cert. ef. 4-2-92; DVA 3-2007, f. & cert. ef. 9-25-07

274-025-0010

Purpose and Objectives

OAR chapter 274, division 025, is established to administer and enforce ORS 407.075 through 407.595. These rules, together with the Loan Origination Guide/Mortgage Broker Loan Origination Guide, shall implement the Veterans' Loan Program 1990. The program's objective is to provide funds to finance owner-occupied, residential housing for qualified veterans in the State of Oregon, thereby encouraging home ownership of residential housing by such veterans. Where context allows, the provisions of OAR Chapter 274, Divisions 020, 021, and 022, apply equally to the loans originated after April 1, 1990. Selected words and terms as used in OAR chapter 274, division 025, are defined as follows:

(1) "Acquisition" means the purchase of a home.

(2) "Agreement" means the contract between the ODVA and the approved lender, setting forth the terms and conditions under which program loans made by the approved lender will be purchased by the ODVA

(3) "ALTA Mortgagee's Title Insurance" means a title insurance policy issued in American Land Title Insurance form by a title insurer licensed by the State of Oregon

(4) "Approved Lender" means any "Lending Institution" as defined in ORS 407.177(8) that has entered into an agreement with ODVA to originate residential loans acceptable to ODVA or to act as a conduit for the origina-

ADMINISTRATIVE RULES

tion of residential loans acceptable to ODVA. In determining whether or not to contract with a Lending Institution, ODVA may consider factors including, but not limited to the following:

(a) ODVA's need for additional Approved Lenders, either on a statewide basis or in a specific geographical area.

(b) Whether or not the Lending Institution has had any complaints filed against it or against any of its employees, agents, officers, directors, owners, or affiliates through the Consumer and Business Services Department of the State of Oregon, through any other regulatory agency or otherwise.

(c) Whether or not representatives of the Lending Institution have attended any ODVA-sponsored training.

(d) The reputation of the Lending Institution, including its employees, agents, officers, directors, owners or affiliates.

(e) The number and experience of Lending Institution employees and other personnel available to originate loans or to act as a conduit for the origination of residential loans acceptable to ODVA.

(f) Status and character of the institution's loan policies and procedures.

(g) The financial capability of the Lending Institution to originate loans or to act as a conduit for the origination of loans.

(h) The Lending Institution's qualification as a loan originator or a seller/servicer for the Federal National Mortgage Association, the Federal Home Loan Mortgage Association, or the United States Department of Veterans' Affairs.

(i) Whether or not the deposits of the Lending Institution are insured by FDIC or some other federal agency or corporation.

(j) The experience, efficiency and performance of the Lending Institution in the area of residential lending and any other area of the Lending Institution's business.

(k) The willingness and commitment of the Lending Institution to accept and to fulfill the terms of an ODVA proposed contract.

(l) The result of any references which are checked as part of the application process

(5) "Commitment" means a promise made by the ODVA to an Approved Lender, evidenced by a written commitment letter, setting forth the terms upon which the ODVA will purchase or accept by underwriting and closing a specific program loan made or processed by the Approved Lender pursuant to a commitment request, or commitments to make an individual loan to a qualified veteran.

(6) "Commitment Request" means a verbal or written request from an Approved Lender to the ODVA to purchase or accept for underwriting and closing a specific program loan.

(7) "Home" means any house or dwelling, including outbuildings, and the real property in connection with it, where the veteran has, or will, establish domicile.

(8) "Lending Institution" means an entity which is licensed, or otherwise legally authorized, to conduct business in the State of Oregon exclusively or in part as a mortgage lender or a conduit for mortgage loans and that, in the judgment of ODVA, is capable of meeting the needs of ODVA in carrying out the purposes of ORS Chapter 407. In determining whether or not an entity that is licensed, or otherwise legally authorized, to conduct business in Oregon exclusively or in part as a mortgage lender or a conduit for mortgage loans is capable of meeting the needs of ODVA in carrying out the purposes of ORS Chapter 407, ODVA may consider factors including, but not limited to the following:

(a) Whether or not the entity qualifies as a "Banking Institution" or similar entity including, but, not limited to an "Extrajurisdictional Institution," a "Federal Bank," a "Federal Savings Bank," or a "Financial Institution" under ORS 706.005, 706.008, 707.744, or 723.042.

(b) Whether or not the entity qualifies as a "mortgage broker" under ORS 59.840 through 59.980 for a period of three years.

(c) Whether or not the representatives of the entity have attended any ODVA-sponsored training.

(d) The reputation of the entity or of any of its employees, agents, officers, directors, affiliates or owners.

(e) The financial capability of the entity to originate loans or to act as a conduit for the origination of loans.

(f) The entity's qualification as a loan originator or a seller/servicer for the Federal National Mortgage Association, the Federal Home Loan Mortgage Association, or the United States Department of Veterans Affairs.

(g) The experience, efficiency, and performance of the entity in the areas of residential lending and any other area of the entity's business

(9) "Loan Origination Guide/Mortgage Loan Origination Guide" means the manual containing the origination instructions for the Veterans' Loan Program 1990, and any subsequent changes as they are effected.

(10) "ODVA" means the Oregon Department of Veterans' Affairs acting by and through the Director as defined in ORS 406.020.

(11)(a) "Qualified Insurer" means private mortgage insurance company licensed to do business in Oregon and with which ODVA has agreed to accept mortgage insurance coverage.

(b) When an ALTA mortgagee's title insurance policy is in force insuring the state against the usual losses covered by an ALTA policy as well as any loss from any prior encumbrance, and the encumbrance is acceptable to both the veteran and ODVA.

(12) "Security" means all of the real property that is to be acquired for a home and for which purpose the program loan is requested.

(13) "Security Instrument" means a mortgage, deed of trust, or similar document used to perfect the lien on the security by the ODVA. The lien will be a first lien on the home, except:

(a) As otherwise required by Oregon law, or allowed by Oregon law and approved in writing by ODVA; or

(b) When an ALTA mortgagee's title insurance policy is in force insuring the state against the usual losses covered by an ALTA policy as well as any loss from any prior encumbrance, and the encumbrance is acceptable to both the veteran and ODVA.

(14) "Veteran" means any eligible veteran as described in OAR 274-020-0200 through 274-020-0200(6)(d).

(15) "Veterans' Loan Program 1990" means all home loans originated after April 1, 1990, but excluding financed contract sales of ODVA owned properties.

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

Stat. Auth.: ORS 291.021, 406.030, 407.115, 407.177, 407.179, 407.181, 407.275

Stats. Implemented: ORS 407

Hist.: DVA 2-1992, f. & cert. ef. 1-2-92; DVA 11-1992(Temp), f. & cert. ef. 8-17-92; DVA 4-1993, f. & cert. ef. 1-4-93; DVA 1-1995(Temp), f. & cert. ef. 3-17-95; DVA 8-1995, f. & cert. ef. 7-21-95; DVA 4-2000, f. & cert. ef. 4-24-00; DVA 3-2007, f. & cert. ef. 9-25-07

274-025-0020

Approved Lenders

(1) Any lending institution, as defined in ORS 407.177(8) may apply to become an Approved Lender by submitting to the Director of Veterans' Affairs (director) information required by the Director which may include, but is not limited to the following for review:

(a) An application in the form prescribed by the Director, including a certificate of compliance with tax laws; and

(b) Its counsel's opinion regarding power and authority of the lending institution to enter into a purchase agreement with the director; and

(c) A list of authorized officers; and

(d) Its most recent, audited financial statements; and

(e) Financial Statement of Condition (Balance Sheet) for the last two fiscal years and Profit and Loss Statement; and

(f) Resumes of principal officers and key employees; and

(g) Company biography and background; and

(h) Signed and executed broker agreement; and

(i) Resolution of the Board of Directors/Certificate of Authorized Signatures; and

(j) Articles of Incorporation (if incorporated); and

(k) Signed Credit Release Authorization; and

(l) Applicable licenses as required by state and local law; and

(m) Explanation of Quality Control Procedures; and

(n) W-9; and,

(o) Any other documentation or information deemed necessary by the Director; and

(p) A credit report fee may be charged to the mortgage broker as part of the approved lender application process in an amount not to exceed the amount charged by the credit-reporting firm. Any funds not used or obligated for a credit report shall be refunded.

(2) A lending institution will qualify as an Approved Lender if the director determines that the applicant has the capability and resources to originate only or originate, underwrite and fund loans in a sound and professional manner. The director shall consider such factors as those itemized in 274-025-010(4)(a) through(1).

(3) To become an Approved Lender, a lending institution shall enter into an agreement with the Director, providing for the manner and terms of the sale or processing of loans. This agreement shall be the standard form prescribed by the Director. Approved Lenders shall carry out such agreement in accordance with the procedures set forth in the agreement, the rules, and the Loan Origination Guide/Mortgage Brokers Loan Origination Guide. The Director may revise such procedures from time to time. The

ADMINISTRATIVE RULES

Director may terminate its agreement with an Approved Lender at any time on the terms and conditions stated in such agreement, the rules, or the Loan Origination Guide/Mortgage Brokers Loan Origination Guide.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 291.021, 406.030, 407.115, 407.177, 407.179, 407.181 & 407.275
Stats. Implemented: ORS 407.125, 407.177, 407.205 & 407.275
Hist.: DVA 2-1992, f. & cert. ef. 1-2-92; DVA 7-1993, f. 5-18-93, cert. ef. 5-21-93; DVA 1-1995(Temp), f. & cert. ef. 3-17-95; DVA 8-1995, f. & cert. ef. 7-21-95; DVA 4-2000, f. & cert. ef. 4-24-00; DVA 3-2007, f. & cert. ef. 9-25-07

274-028-0001

Purpose and Objectives

(1) This division is established to administer the provisions of ORS 407.145 and 407.225. These rules, together with the Processing Manual, shall implement the Veterans' Home Improvement Loan Program.

(2) The program's objective is to provide funds to finance qualified improvements of owner occupied, residential housing for qualified veterans in the State of Oregon. Where context allows, the provisions of OAR chapter 274, divisions 020, 021, 022 and 025 apply equally to the Veterans' Home Improvement Loan Program loans for which applications are received on or after November 12, 1997. No improvement will be financed that is inconsistent with the provisions of ORS chapter 407, ODVA's Processing Manual, section 143 of the Internal Revenue Code of 1986 and any subsequent changes as they are effected. Copies of section 143 of the Internal Revenue Code of 1986 and the Processing Manual are on file with the Oregon Department of Veterans' Affairs, 700 Summer Street NE, Salem Oregon, and available to the public Monday through Friday between the hours of 8 a.m. and 5 p.m.

Stat. Auth.: ORS 406.030, 407.115, 407.125, 407.145, 407.225
Stats. Implemented: ORS 407.115, 407.125, 407.145, 407.225
Hist.: DVA 6-1997, f. & cert. ef. 10-22-97; DVA 3-2007, f. & cert. ef. 9-25-07

274-045-0001

Definitions for OAR 274-045-0001 – 274-045-0480

As used in these regulations or any amendments to them, or any blank form, document, publication, or written instrument of any kind prescribed, provided, published, issued, or used by the director or any of his duly authorized agents or employees in connection with the administration of the provisions of Article XI-A of the Oregon Constitution and ORS Chapter 407, providing for the loaning of money to qualified persons who served in the Armed Forces of the United States, unless otherwise required by context:

(1) "Armed Forces" means and includes:

- (a) Army;
- (b) Navy;
- (c) Marines;
- (d) Air Force;
- (e) Coast Guard;
- (f) National Guard;
- (g) Federal Reserve Forces;

(2) "Active Duty" means that status in the Armed Forces in which the person on "active duty" is under the command of and subject to discipline and on active duty pay status in the respective branch of the Armed Forces in which the person is serving:

(a) Members of the reserve components; persons on a retired status from the Armed Forces; cadets at the United States Military Academy, and the United States Air Force Academy, and Midshipmen at the United States Naval Academy and the United States Coast Guard Academy, were on active duty only after reporting for active duty;

(b) Members of the National Guard were on active duty only after having entered active Federal Service for duty other than training.

(3) "Acquisition" means:

- (a) The purchase and improvement of a home; or
- (b) The payment of the balance of a purchase price and interest on purchase contract of a home and its improvements; or
- (c) The refinancing of an existing purchase money security instrument on a home or an instrument in the nature thereof, and the improvement of the property purchased; or
- (d) Improvements of a home.

(4) "Agreement" means the contract between the Oregon Department of Veterans' Affairs (ODVA) and the approved lender, setting forth the terms and conditions under which program loans made by the approved lender will be purchased by the ODVA.

(5) "ALTA Mortgagee's Title Insurance" means a title insurance policy issued in American Land Title Insurance form by a title insurer licensed by the State of Oregon.

(6) "Approved Lender" means any "Lending Institution" as defined in ORS 407.177(8) that has entered into an agreement with ODVA to originate

residential loans acceptable to ODVA or to act as a conduit for the origination of residential loans acceptable to ODVA. In determining whether or not to contract with a Lending Institution, ODVA may consider factors including, but not limited to the following:

(a) ODVA's need for additional Approved Lenders, either on a statewide basis or in a specific geographical area,

(b) Whether or not the Lending Institution has had any complaints filed against it or against any of its employees, agents, officers, directors, owners, or affiliates through the Consumer and Business Services Department of the State of Oregon, through any other regulatory agency or otherwise.

(c) Whether or not representatives of the Lending Institution have attended any ODVA-sponsored training.

(d) The reputation of the Lending Institution, including its employees, agents, officers, directors, owners or affiliates.

(e) The number and experience of Lending Institution employees and other personnel available to originate loans or to act as a conduit for the origination of residential loans acceptable to ODVA.

(f) Status and character of the institution's loan policies and procedures.

(g) The financial capability of the Lending Institution to originate loans or to act as a conduit for the origination of loans.

(h) The Lending Institution's qualification as a loan originator or a seller/servicer for the Federal National Mortgage Association, the Federal Home Loan Mortgage Association, or the United States Department of Veterans' Affairs.

(i) Whether or not the deposits of the Lending Institution are insured by FDIC or some other federal agency or corporation.

(j) The experience, efficiency and performance of the Lending Institution in the area of residential lending and any other area of the Lending Institution's business.

(k) The willingness and commitment of the Lending Institution to accept and to fulfill the terms of an ODVA proposed contract.

(l) The result of any references which are checked as part of the application process.

(7) "Commitment" means a promise made by the ODVA to an Approved Lender or veteran, evidenced by a written commitment letter, setting forth the terms upon which the ODVA will purchase, originate, or accept by underwriting and closing a specific program loan made or processed by the Approved Lender or ODVA pursuant to a reservation of funds.

(8) "Department" means the Oregon Department of Veterans' Affairs.

(9) "Director" means the Director of Veterans' Affairs for the State of Oregon.

(10) "Domicile" means the legal residence of a veteran and consists of actual or inchoate residence in conjunction with the intention to maintain that residence, or the home of the veteran, where, when temporarily away, he or she has the intention of returning:

(a) Temporary absence from the State, such as vacation, military leave, or reasons of health, will not destroy the domicile;

(b) Temporary presence in the State without an intention to establish a permanent home will not support a domicile in the State;

(c) Domicile of an unemancipated minor shall be governed by his legal parent, (if the parents are divorced, the one having custody controls);

(d) Domicile of an emancipated minor shall be determined by choice.

(11) "Home" means any house or dwelling, including outbuildings, and the real property in connection with it, where the veteran has, or will, establish domicile.

(12) "Honorably Discharged" means that the official documents of discharge, service, or separation issued upon the termination of the veteran's service with the Armed Forces are characterized as "Honorable" or "Under Honorable Conditions".

(13) "Improvements" means any new construction, or any necessary or beneficial additions, alterations, or changes appurtenant to the house, which add to the appraised value of the premises.

(14) "Lease" means the giving of possession and use of profits of secured property for a period of time in return for compensation.

(15) "Lease Option" means a lease of real property with an option to purchase the property within a stipulated period of time.

(16) "Lending Institution" means an entity which is licensed, or otherwise legally authorized, to conduct business in the State of Oregon exclusively or in part as a mortgage lender or a conduit for mortgage loans and that, in the judgment of ODVA, is capable of meeting the needs of ODVA in carrying out the purposes of ORS Chapter 407. In determining whether or not an entity that is licensed, or otherwise legally authorized, to conduct

ADMINISTRATIVE RULES

business in Oregon exclusively or in part as a mortgage lender or a conduit for mortgage loans is capable of meeting the needs of ODVA in carrying out the purposes of ORS Chapter 407, ODVA may consider factors including, but not limited to the following:

(a) Whether or not the entity qualifies as a "Banking Institution" or similar entity including, but, not limited to an "Extrajurisdictional Institution," a "Federal Bank," a "Federal Savings Bank," or a "Financial Institution" under ORS 706.005, 706.008, 707.744, or 723.042.

(b) Whether or not the entity qualifies as a "mortgage broker" under ORS 59.840 through 59.965 for a period of three years.

(c) Whether or not the representatives of the entity have attended any ODVA-sponsored training.

(d) The reputation of the entity or of any of its employees, agents, officers, directors, affiliates or owners.

(e) The financial capability of the entity to originate loans or to act as a conduit for the origination of loans.

(f) The entity's qualification as a loan originator or a seller/servicer for the Federal National Mortgage Association, the Federal Home Loan Mortgage Association, or the United States Department of Veterans Affairs.

(g) The experience, efficiency, and performance of the entity in the areas of residential lending and any other area of the entity's business.

(17) "Loan Origination Guide/Mortgage Loan Origination Guide" means the manual containing the origination instructions for the Post Vietnam Era Veterans' Home Loan Program, and any subsequent changes as they are effected.

(18) "Loan to Value Ratio" is the loan amount or balance divided by the net appraised value.

(19) "Minor" means any single person under the age of 18 years, but any person shall be deemed to have arrived at the age of majority upon their marriage.

(20) "Net Appraised Value" is also known as "loan value," and both terms mean the lesser of the appraised value or the purchase price. The "appraised value" is the value established by an appraisal obtained by or at the direction of ODVA, or an appraisal approved by ODVA.

(21) "ODVA" means the Oregon Department of Veterans' Affairs acting by and through the director as defined in ORS 407.085(2)(b).

(22) "Original Loan" means:

- (a) The first loan the veteran receives; or
- (b) The first loan based on a restored loan right.

(23) "Possession" means exclusive dominion and physical control of the secured property but occupancy is not necessary.

(24) "Post Vietnam Era Veterans' Home Loan Program" means all home loans originated under this Division.

(25) "Qualified Insurer" means private mortgage insurance company(ies) licensed to do business in Oregon and with which ODVA has agreed to accept mortgage insurance coverage.

(a) When an ALTA mortgagee's title insurance policy is in force insuring the State against the usual losses covered by an ALTA policy as well as any loss from any prior encumbrance, and the encumbrance is acceptable to both the veteran and ODVA.

(26) "Rent" means the giving of possession of secured property for occupancy for a specific period of time in return for a stipulated amount of compensation.

(27) "Reservation of Funds" (Rate Lock) means the setting aside of specific funds at a designated interest rate for a specific period of time.

(28) "Resident" or "Bona Fide Resident" means one who has domiciled within the State.

(29) "Security" means all of the real property that is to be acquired for a home and for which purpose the program loan is requested.

(30) "Security Instrument" means a mortgage, deed of trust, or similar document used to perfect the lien on the security by the ODVA. The lien will be a first lien on the home, except:

(a) As otherwise required by Oregon law, or allowed by Oregon law and approved in writing by ODVA; or

(b) When an ALTA mortgagee's title insurance policy is in force insuring the State against the usual losses covered by an ALTA policy as well as any loss from any prior encumbrance, and the encumbrance is acceptable to both the veteran and ODVA.

(31) "Separated" means the termination of active duty with the Armed Forces.

(32) "Subsequent Loan" means any loan or loans granted after the original loan and are in these categories:

- (a) Additional loan;
- (b) Second loan; and
- (c) Veterans' Home Improvement loan.

(33) "Transfer" means a change of ownership, either by operation of law, act of the parties, or both, such as deed, contract, certificate, court decree, property settlement, foreclosure, easement, condemnation, or adverse possession of the premises.

(34) "Underwriter/Designated Loan Officers" means those employees of ODVA whose paramount responsibility shall be the approval or rejection of all applications for loans.

(35) "Veteran" means any eligible veteran as described in OAR 274-045-0001 through 274-045-0001(2)(b) eligible to receive a loan under the provisions of Article XI-A of the Oregon Constitution.

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

Stat. Auth.: ORS 406.030 & 407.115

Stats. Implemented: ORS 407

Hist.: DVA 2-2001, f. & cert. ef. 5-23-01; DVA 3-2001(Temp), f. & cert. ef. 6-15-01 thru 12-11-01; DVA 9-2001, f. & cert. ef. 11-23-01; DVA 2-2005, f. & cert. ef. 4-22-05; DVA 3-2007, f. & cert. ef. 9-25-07

274-045-0110

Escrow Closing of Loans

(1) All loans made by the Director of Veterans' Affairs (except for protection of security loans) shall be closed by persons or firms licensed to engage in the escrow business under the Oregon Escrow Laws (ORS 696.505 to 696.590), or an attorney at law rendering services in the performance of duties as attorney at law.

(2) The borrower will select the escrow agent or attorney for closing the loan and the borrower shall pay all escrow fees.

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

Stat. Auth.: ORS 406 & 407

Stats. Implemented: ORS 407

Hist.: DVA 2-2001, f. & cert. ef. 5-23-01; DVA 3-2007, f. & cert. ef. 9-25-07

274-045-0120

Transfer of Ownership

(1) The Director shall be notified in writing of any transfer of ownership or the right to possess property that is used as security for a loan with the Oregon Department of Veterans' Affairs (ODVA).

(2) The following are conditions that constitute a transfer of an ownership interest or the right to possess the loan security:

(a) A borrower takes title to the property with a person other than his or her legal spouse;

(b) Contract of sale;

(c) Any deed transfer;

(d) Any other indenture that purports to convey or transfer any portion of equitable title except for the following:

(A) Deed to create a life estate retained by the eligible veteran mortgagor;

(B) Deed to a government entity for public use as noted in ORS 407.275(2);

(C) A purchase option that extends for a period of 12 months and 32 days or more;

(D) A purchase option with a consideration of three percent or more of the stated purchase price.

(3) If any or all of the above referenced conditions in subsection (2)(a) through (d) occur to the security of an ODVA loan, the entire balance of the loan will be immediately due and payable.

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

Stat. Auth.: ORS 406.030, 407.115, 407.275, 407.305, 407.335

Stats. Implemented: ORS 407.275, 407.335

Hist.: DVA 2-2001, f. & cert. ef. 5-23-01; DVA 3-2001(Temp), f. & cert. ef. 6-15-01 thru 12-11-01; DVA 9-2001, f. & cert. ef. 11-23-01; DVA 3-2007, f. & cert. ef. 9-25-07

Economic and Community Development Department Chapter 123

Rule Caption: Conform Distressed Area rules to the provisions of SB 350 (2007 Legislature) and to revised methodology.

Adm. Order No.: EDD 12-2007(Temp)

Filed with Sec. of State: 9-21-2007

Certified to be Effective: 9-21-07 thru 3-18-08

Notice Publication Date:

Rules Amended: 123-024-0001, 123-024-0011, 123-024-0031

Rules Suspended: 123-024-0041

Subject: The temporary rule implements the provisions of SB 350 (2007 Legislature) that became effective July 1, 2007 and conforms existing rule to the legislation, as well as to the revised methodology to determine distressed areas.

Rules Coordinator: Paul J. Grove—(503) 986-0192

ADMINISTRATIVE RULES

123-024-0001

Scope and Purpose

In accordance with ORS 285A.020, the department shall give priority when providing funding for a project, a program or activity, to counties, cities, communities or other geographic areas that are designated as distressed by the department. The designation of distressed areas must be based on indicators of economic distress, including but not limited to unemployment, poverty and job loss.

Stat. Auth.: ORS 285A.075
Stats. Implemented: ORS 285A.020, 285A.075, 285B.062, 285B.065
Hist.: EDD 12-1998, f. & cert. ef. 8-14-98; EDD 12-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08

123-024-0011

Definitions

As used in this division of administrative rules, unless the context requires otherwise:

(1) "Department" means the State of Oregon Economic Development and Community Department as organized under ORS 285A.070.

(2) "Director" means the Director of the State of Oregon Economic and Community Development Department as appointed under ORS 285A.070.

(3) "City" means the area within the corporate limits or urban growth boundary, or both, of any incorporated city in Oregon.

(4) "Distressed area" means a geographic area within the state of Oregon that meets the criteria set forth under OAR 123-024-0031. All geographic areas within a county designated by the department as a distressed area shall be considered to be distressed areas.

Stat. Auth.: ORS 285A.075
Stats. Implemented: ORS 285A.020, 285A.075, 285B.062, 285B.065
Hist.: EDD 12-1998, f. & cert. ef. 8-14-98; EDD 4-2003, f. & cert. ef. 3-26-03; EDD 12-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08

123-024-0031

Methodology for Determining Distressed Areas

The department will consider a county, incorporated city, or other geographic area to be a distressed area if it is:

(1) A county whose average index of economic distress is less than 1.00, where the state's average index of economic distress equals 1.00, based on an average of several sub-index factors. The sub-index factors shall use data for the most recent year for which reliable data are available. The sub-index factors shall be:

(a) The county's unemployment rate divided by this state's unemployment rate;

(b) The county's per capita personal income divided by the state's per capita personal income;

(c) The change in the county's average covered payroll per worker over a two year period ;

(d) The sum of the change in the county's employment over a two year period ; or

(2) An incorporated city outside of the counties identified as distressed areas under subsection (1) of this section whose indicator values (see a) are below the threshold value in at least three of the four indicators.

(a) The four indicators shall be, where reliable data is available:

(A) Percent of city population of 25 years old with a bachelor's degree or higher;

(B) The city's unemployment rate;

(C) The percent of the city's population below the poverty level; and

(D) The city's per capita personal income.

(b) The threshold values for each of the four indicators in subsection (a) shall be determined by using reliable data from each of the distressed counties based on a demonstrated methodology, as approved by the director of the department; or

(3) A county, incorporated city, or other geographic area that has demonstrated in writing, to the satisfaction of the director of the department, that it is suffering or is likely to suffer economic distress equal to or greater than those counties and cities qualifying as distressed areas under subsections (1) and (2) of this section. The director shall have the authority to declare counties, cities, and other geographic areas distressed as allowed under this subsection.

Stat. Auth.: ORS 285A.075
Stats. Implemented: ORS 285A.020, 285A.075, 285B.062, 285B.065
Hist.: EDD 12-1998, f. & cert. ef. 8-14-98; EDD 3-2005(Temp), f. & cert. ef. 4-21-05 thru 10-15-05; Administrative correction 10-19-05; EDD 7-2005(Temp), f. & cert. ef. 10-24-05 thru 12-21-05; EDD 10-2005(Temp), f. & cert. ef. 11-4-05 thru 12-21-05; Administrative correction 1-19-06; EDD 12-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08

123-024-0041

Priorities Based on Distressed Area List

The department will give highest funding priority to distressed areas that are designated in acknowledged local comprehensive plans as incorporated cities, unincorporated areas within urban growth boundaries, or unincorporated communities described in OAR 660-022-0010(9).

Stat. Auth.: ORS 285A.075(5)
Stats. Implemented: ORS 285A.095, 285B.062 & 285B.065
Hist.: EDD 12-1998, f. & cert. ef. 8-14-98; Suspended by EDD 12-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08

Employment Department Chapter 471

Rule Caption: Requires unemployment insurance benefits to be paid primarily by electronic funds transfer or stored value card.

Adm. Order No.: ED 4-2007(Temp)

Filed with Sec. of State: 9-26-2007

Certified to be Effective: 9-26-07 thru 3-1-08

Notice Publication Date:

Rules Amended: 471-030-0050

Subject: Proposed amendment is to change primary payment of unemployment insurance benefits to electronic funds transfer or stored value card.

Rules Coordinator: Janet Orton—(503) 947-1724

471-030-0050

Benefit Payments

(1) Benefits shall be paid by such method as the Director may approve.

(2) The Employment Department's primary payment method to any individual approved to receive unemployment insurance benefits is electronic funds transfer. "Electronic funds transfer" has the same meaning as provided in ORS 293.525

(3) Individuals who do not apply for direct deposit will be paid by a stored value card, including but not limited to ReliaCard Visa.

Stat. Auth.: ORS 657
Stats. Implemented: ORS 657.255
Hist.: IDE 150, f. & ef. 2-9-76; ED 2-2003, f. 2-7-03 cert. ef. 2-9-03; ED 8-2005, f. 12-23-05, cert. ef. 12-25-05; ED 4-2007(Temp), f. & cert. ef. 9-26-07 thru 3-23-08

Oregon Criminal Justice Commission Chapter 213

Rule Caption: Adopts rule governing process for awarding grants for drug court programs.

Adm. Order No.: CJC 2-2007(Temp)

Filed with Sec. of State: 10-15-2007

Certified to be Effective: 10-15-07 thru 4-11-08

Notice Publication Date:

Rules Adopted: 213-001-0010

Subject: The legislature has appropriated funding to the Oregon Criminal Justice Commission (CJC) for the purpose of awarding it for use in starting or expanding drug court programs. The Oregon legislature has directed CJC to adopt rules governing the drug court process. This rule is necessary to comply with that legislative directive.

The rule provides as follows: CJC must issue a written request for grant applications for all grants that exceed \$10,000.00. CJC may award smaller grants using an alternate procedure. CJC must award grant funds based on the criteria set forth in the solicitation. CJC may negotiate with a grant applicant to clarify an application or to effect modifications making the application more advantageous to CJC. In evaluating the grant applicants, CJC may consider the merits of each proposal, the geographic distribution of the grant awards, and other criteria deemed relevant by CJC. CJC shall determine the number of grants to be awarded. CJC may waive solicitation requirements or cancel the solicitation in whole or in part if such action the Commission determines that it is its best interest to do so. CJC may amend a grant awarded under the rule.

Rules Coordinator: Craig Prins—(503) 378-4830

ADMINISTRATIVE RULES

213-001-0010

Drug Court Grant Procedure

(1) For grants exceeding \$10,000.00, CJC shall use a written solicitation to obtain grant applications. For grants up to and including \$10,000.00, CJC may use alternate methods of selection.

(2) CJC may negotiate with an applicant to clarify its application or to effect modifications that will make the application acceptable or make the application more advantageous to CJC.

(3) CJC shall award grant funds to applicants based on criteria set forth in the solicitation. CJC, in its sole discretion, shall determine the number of grants to be awarded. In awarding grant funds, CJC may consider the merits of each solicitation, the geographic distribution of awardees, and other factors determined to be relevant by CJC.

(4) CJC may, in its sole discretion, waive solicitation requirements or cancel any solicitation in whole or in part if it deems such action to be in the best interests of the Commission.

(5) CJC may amend a grant awarded under this rule.

Stat. Auth.: ORS 136.656

Stats. Implemented: ORS 3.450 & 137.656

Hist.: CJC 2-2007(Temp), f. & cert. ef. 10-15-07 thru 4-11-08

Oregon Housing and Community Services

Chapter 813

Rule Caption: Broadens the Individual Development Account rules to include youth.

Adm. Order No.: OHCS 13-2007(Temp)

Filed with Sec. of State: 10-2-2007

Certified to be Effective: 10-2-07 thru 3-30-08

Notice Publication Date:

Rules Amended: 813-300-0010, 813-300-0020, 813-300-0030, 813-300-0060, 813-300-0080, 813-300-0100, 813-300-0120

Subject: 813-300-0010(1) Adds youth age 12 and older as eligible account holders.

813-300-0010 Clarifies the common definitions and terms located within the rules.

813-300-0020(5) Removes the language that application information may be obtained by contacting Oregon Housing and Community Services.

813-300-0030 (c) Clarifies that the capacity of the prospective fiduciary organization to provide appropriate support services and general assistance to advance account holder self-reliance will be considered.

813-300-0060 Administrative Changes

813-300-0080(d) Allows a fiduciary organization to expend a maximum of 5 percent of tax credit contributions for administering and evaluating their program plan unless an exception is granted by the Department. Removes the ability to for a fiduciary organization to expend 5 percent of the supplemental funds without an exception.

813-300-0080(e) Clarifies that the 20 percent of tax credit contributions are to be for program operating and delivery costs. Removes a fiduciary organization's authorization to expend 20 percent of supplemental funds.

813-300-0080(C) Increases the aggregate amount of matching IDA funds that a fiduciary organization may deposit with respect to a specific account holder from \$2,000 to \$3,000.

813-300-0080(D) Incorporates administrative changes.

813-300-0100(12) Removes the requirement that the annual report will provide collective data for each such yearly class until the last IDA account holder or designated beneficiary of a particular class completes his/her personal development plan and the related IDA expires.

813-300-0120 Adds additional purposes where account holders may withdraw and use IDA deposits.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-300-0010

Definitions

As used in these rules, unless the context indicates otherwise:

(1) "Account holder" means a member, age 12 or older, of a lower income household that has a net worth of less than \$20,000 who is the named depositor of an individual development account.

(2) "Contributor" means a person or entity contributing funds to the Department or to a fiduciary organization for the purpose of matching IDA deposits by an account holder or for funding program plan operations.

(3) "Department" means the Housing and Community Services Department established in ORS 456.555 and, where applicable, its designee.

(4) "Designated beneficiary" means a minor-age member of the account holder's household who is the beneficiary of an IDA used to pay the member's extracurricular non-tuition expenses designed to prepare the member for post-secondary education or job training.

(5) "Fiduciary organization" means a non-profit, fund raising organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code as amended and in effect on January 1, 1999, or a federally recognized Oregon Indian tribe that is located, to a significant degree, within the boundaries of this state, as selected by the department under these rules.

(6) "Fiduciary organization program plan" or "program plan" means a mission statement by a fiduciary organization and the corresponding detailed plan by it for the solicitation of contributions (tax credit or otherwise) and prospective account holders, the management of IDA's and their associated personal development plans, and the operation of the fiduciary organization itself — all as approved by the Department and with such modifications as the Department may require. A prospective program plan must accompany any application to the Department for its approval of a fiduciary organization.

(7) "Financial institution" means an organization regulated under ORS Chapters 706 to 716, 722 or 723, or in the case of an account established for the purpose described in ORS 458.685(1)(c) related to college savings plans, a financial institution as defined in ORS 348.841.

(8) "Individual development account (IDA)" or "account" means a contract between an account holder and a fiduciary organization for the deposit of funds into a financial institution by the account holder, and the deposit of matching funds into a financial institution by the fiduciary organization, to allow the account holder to accumulate assets for use toward achieving a specific purpose approved by the fiduciary organization.

(9) "Lower income household" means a household having an income equal to or less than 80 percent of the median household income for the area as determined by the Department, giving consideration to area household data published by the United States Department of Housing and Urban Development.

(10) "Net worth" means the value of all assets owned in whole or part by household members other than equity in a residence and one vehicle minus the total debts and obligations of household members, all as measured at the time the prospective account holder applies to establish the IDA.

(11) "Oregon individual development account tax credit" or "tax credit" means a credit against taxes otherwise due under ORS Chapter 316, 317, or 318, as allowed in return for contributions to a fiduciary organization for eventual distribution to individual development accounts established under ORS 458.685.

(12) "Personal development plan" means a written plan developed jointly by the fiduciary organization and the prospective account holder for an IDA that is designed to provide the account holder with appropriate financial and asset training, counseling, career or business planning and other services that will increase the self-reliance of the account holder and his/her household through achievement of the IDA's approved purposes. The personal development plan must be in conformance with ORS 458.680, these rules and other requirements of the Department.

(13) "Related funds" means contributions to fiduciary organizations for IDA program purposes that do not qualify for tax credits and supplemental funding from the Department for IDA program purposes.

(14) "Resident of this state" has the meaning given in ORS 316.027(15) "Reverted funds" means matching IDA deposits that devolve to a fiduciary organization because of the termination or revocation of a person as an account holder or unused tax credit contributions or supplemental funds upon termination or revocation of a fiduciary organization or at the expiration of its program plan.

(15) "Supplemental funding" means funds provided by the Department to fiduciary organizations for program plan purposes.

(16) "Tax credit contributor" means a contributor who receives a corresponding tax credit as allowed in ORS 315.271.

(17) "Tax credit contributions" means funds obtained from tax credit contributors who, in return, earn a tax credit.

(18) "Trust Land" means all lands held in trust by the United States on behalf of an Indian Tribe or individual Indian.

Stat. Auth.: ORS 456.555, 456.625 & 458.700

Stats. Implemented: ORS 315.271 & 458.670 - 458.700

ADMINISTRATIVE RULES

Hist.: OHCS 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-5-03; OHCS 1-2003, f. & cert. ef. 4-4-03; OHCS 9-2003, f. & cert. ef. 12-19-03; OHCS 13-2007(Temp), f. & cert. ef. 10-2-07 thru 3-30-08

813-300-0020

Fiduciary Organization Application Process

(1) The Department from time to time may solicit applications from entities desiring to be authorized as fiduciary organizations. The Department, in its sole discretion, may choose to consider for approval only proposed fiduciary organizations identified in applications received in response to such solicitations. The Department, in its sole discretion, also may approve fiduciary organizations on its own initiative or consider for approval proposed fiduciary organizations identified in applications received outside of a Department solicitation.

(2) All applications for approval of a proposed fiduciary organization shall be in writing to the Department in such form and with such content as the Department may require. In addition to any other information required by the Department, an application must include the following:

(a) The name, address, telephone number, Fax number, tax identification number of the proposed fiduciary organization, and key program contact person;

(b) A description of the proposed fiduciary organization entity, its officers, and ownership structure;

(c) Copies of the organic documents of the proposed fiduciary organization and proof, satisfactory to the Department, that such entity is in good standing and is authorized to transact business in the State of Oregon;

(d) A statement of the proposed fiduciary organization's capacity to act as a fiduciary organization, including relevant experience;

(e) A description of the geographic area to be served;

(f) A description of the key personnel who will specifically administer the individual development account program in the proposed fiduciary organization;

(g) The proposed program plan of the proposed fiduciary organization;

(h) A description of proposed third-party contractors and others, if any, by which the proposed fiduciary organization intends to accomplish program plan responsibilities;

(i) Signed agreements with one or more financial institutions to hold and operate individual development accounts;

(j) The entity's proposed program plan budget through the entity's first full fiscal year of its program plan identifying, at a minimum, projected revenues and expenses.

(k) If applicable, an application for supplemental funding from the Department for the period of the proposed program plan budget.

(3) The Department, in its sole discretion, may determine the number of fiduciary organizations to be authorized at any particular time. Consistent with such discretion, and its discretion to solicit, to consider and to initiate applications, the Department will approve as fiduciary organizations those entities that, in its judgment, best suit the purposes of ORS 458.670 through 458.700 and these rules.

(4) The Department, in its sole discretion, may establish time limits upon the duration of any approval of a fiduciary organization.

Stat. Auth.: ORS 456.555, 456.625 & 458.700

Stats. Implemented: ORS 315.271 & 458.670 - 458.700

Hist.: OHCS 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-5-03; OHCS 1-2003, f. & cert. ef. 4-4-03; OHCS 13-2007(Temp), f. & cert. ef. 10-2-07 thru 3-30-08

813-300-0030

Fiduciary Organization Application Review

(1) In reviewing applications for authorization as a fiduciary organization, the Department shall consider the following factors:

(a) The ability of the prospective fiduciary organization to implement and administer the individual development account program, including the ability to verify account holder eligibility, certify that matching deposits are used only for approved purposes and exercise general fiscal accountability;

(b) The capacity of the prospective fiduciary organization to provide or raise matching funds for the deposits of account holders;

(c) The capacity of the prospective fiduciary organization to provide appropriate support services and general assistance to advance account holder self-reliance; and

(d) The links that the prospective fiduciary organization has to other activities and programs designed to increase the independence of this state's lower income households through education and training, home ownership and small business development.

(2) In reviewing applications for authorization as a fiduciary organization, the Department may consider additional factors including, but not limited to, the following:

(a) The eligibility of the entity;

(b) The sufficiency and accuracy of the application;

(c) The geographic area of proposed program plan operation and the need to be addressed;

(d) The performance of the entity in providing additional information, as requested;

(e) The quality of the proposed program plan, including the range and quality of potential personal development plans;

(f) The willingness and ability of the prospective fiduciary organization to effect modifications to its proposed program plan;

(g) The capacity of the prospective fiduciary organization to work together with third-party contractors and other program plan partners to accomplish its proposed program plan as modified, if at all, by the Department;

(h) The Department's past experience with the entity, its proposed third-party contractors, other proposed program plan partners, and identified personnel;

(i) Public opinion or other input; and

(j) Department administrative interests.

(3) The Department may condition authorization of an entity as a fiduciary organization upon Department-required changes in the terms of the entity's application including, but not limited to its proposed program plan. The Department also may condition its authorization upon such other requirements as the Department determines to be appropriate.

Stat. Auth.: ORS 456.555, 456.625 & 458.700

Stats. Implemented: ORS 315.271 & 458.670 - 458.700

Hist.: OHCS 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-5-03; OHCS 1-2003, f. & cert. ef. 4-4-03; OHCS 13-2007(Temp), f. & cert. ef. 10-2-07 thru 3-30-08

813-300-0060

Fiduciary Organization Suspension or Termination of Account Holders

(1) Subject to these rules, fiduciary organizations, for cause, may suspend or terminate a person's status as an account holder or designated beneficiary and may suspend or terminate any related IDA and personal development plan.

(2) Factors that fiduciary organizations may consider as sufficient cause for any such suspension or termination include the following:

(a) If an account holder or designated beneficiary moves from the area where the personal development program is conducted or is otherwise unable to continue in the personal development program.

(b) The withdrawal of funds by an account holder from an account for other than a purpose approved by the fiduciary organization;

(c) The failure by an account holder to make a timely reimbursement to an account after an emergency withdrawal pursuant to ORS 458.685(2);

(d) A material misrepresentation or omission by the account holder or designated beneficiary to the fiduciary organization in the application or otherwise;

(e) A material failure by the account holder or designated beneficiary to comply with applicable law, these rules, orders or directives of the Department, the terms of the IDA or the terms of the personal development plan;

(f) Ineligibility of the account holder or designated beneficiary; and

(g) Failure by the account holder or designated beneficiary to cooperate reasonably with the fiduciary organization or its third-party contractors or other partners in the performance or evaluation of the personal development plan or in the performance, evaluation, or audit of the IDA and the funds related thereto.

(3) In conjunction with the termination of any person's status as an account holder based on factors identified above in Section 813-300-0060(2)(a), (b), or (c), all matching IDA deposits and all interest earned on such matching IDA deposits shall revert to the fiduciary organization.

(4) In conjunction with the termination of any person's status as an account holder or designated beneficiary based on other factors identified or allowed in Section 813-300-0060(2), fiduciary organizations may rescind any right or interest of account holders in, and assume sole ownership of, any or all matching IDA deposits and the interest earned on such matching IDA deposits.

(5) Fiduciary organizations must provide thirty (30) days written notice delivered by mail to an account holder at his or her last known address, any designated beneficiary, at his or her last known address, receiving assistance through the account holder's personal development plan, and to the Department before suspending or terminating the person's status as an account holder. The notice must include a provision satisfactory to the Department advising the account holder of his or her right to obtain administrative review by the Department of any determination by the fiduciary organization.

ADMINISTRATIVE RULES

ciary organization to suspend or terminate his/her status as an account holder. The administrative review provision also must advise the account holder and any designated beneficiary receiving assistance through the account holder's personal development plan of their right to obtain administrative review by the Department of any determination by the fiduciary organization to suspend or terminate the related personal development plan or to rescind any right or interest of the account holder in, and to assume sole ownership of, any or all matching IDA deposits and the interest earned on such matching IDA deposits.

(6) A fiduciary organization may provide a shorter written notice of suspension or termination if the fiduciary organization identifies in the notice the exigent circumstances reasonably requiring such shorter notice period.

Stat. Auth.: ORS 456.555, 456.625 & 458.700

Stats. Implemented: ORS 315.271 & 458.670 - 458.700

Hist.: OHCS 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-5-03; OHCS 1-2003, f. & cert. ef. 4-4-03; OHCS 13-2007(Temp), f. & cert. ef. 10-2-07 thru 3-30-08

813-300-0080

Fiduciary Organization Use of Tax Credit Contributions and Related Funds

(1) Oregon individual development account tax credit contributions to fiduciary organizations, other contributions to fiduciary organizations specifically for their program plan, and any supplemental funds from the Department to fiduciary organizations shall be used by fiduciary organizations solely for reasonable and documented program plan purposes consistent with these rules.

(2) In addition to any other limitations on supplemental funds imposed by the Department when providing such supplemental funds to fiduciary organizations, the following limitations apply to the use of tax credit contributions and related funds:

(a) Fiduciary organizations only may expend tax credit contributions and related funds in a manner consistent with their budget as approved by the Department;

(b) Fiduciary organizations may expend a maximum of 2% of their received tax credit contributions for administering the solicitation of tax credit contributions;

(c) Fiduciary organizations may not expend supplemental funds for administering the solicitation of tax credit contributions;

(d) Fiduciary organizations may expend a maximum of 5% of tax credit contributions for administering and evaluating their program plan, unless an exception is granted by the Department.

(e) Fiduciary organizations may expend a maximum of 20% of tax credit contributions for program operating and delivery costs, including the costs of providing assistance to account holders and their beneficiaries to develop and fulfill personal development plans;

(f) Fiduciary organizations may expend tax credit contributions and related funds for appropriate matching of account holder IDA deposits as follows:

(A) Allowable matching IDA deposits by fiduciary organizations must equal at least \$1, but not exceed \$5, for each \$1 of IDA deposits by the account holder;

(B) Matching IDA deposits must be placed in:

(i) A savings account with an approved financial institution jointly held by the account holder and the fiduciary organization and requiring the signatures of both for withdrawals;

(ii) A savings account with an approved financial institution that is controlled by the fiduciary organization and is separate from the savings account of the account holder; or (iii) In the case of an account established for the purpose described in ORS 458.685(1)(c), a qualified tuition savings program account under ORS 348.841 to 348.873, in which the fiduciary organization is the account owner as defined in ORS 348.841.

(C) The aggregate maximum amount of matching IDA funds that a fiduciary organization may deposit with respect to a specific account holder shall not exceed more than \$3,000 in a 12-month period; and

(D) The aggregate maximum amount of matching IDA funds that a fiduciary organization may deposit with respect to a specific account holder during the existence of that account holder's IDA shall not exceed \$20,000.

(g) Supplemental funds not expended, obligated or deposited consistent with these rules within one year from the date that such supplemental funds are received from the Department shall be returned immediately to the Department; and,

(3) Reverted matching IDA deposits must be used by fiduciary organizations to make matching IDA deposits for eligible account holders consistent with these rules as soon as is reasonably practicable.

(4) A fiduciary organization that is the account owner of a qualified tuition savings program account:

(a) May make a qualified withdrawal only at the direction of the designated beneficiary and only after the qualified tuition savings program account of the account holder that was established for the designated beneficiary has been reduced to a balance of zero exclusively through qualified withdrawals by the designated beneficiary; and

(b) May make nonqualified withdrawals only if the qualified tuition savings program account of the account holder that was established for the designated beneficiary has a balance of less than \$100 or if the account holder or designated beneficiary has granted permission to make the withdrawal. Moneys received by a fiduciary organization from such a nonqualified withdrawal must be used for program plan purposes.

Stat. Auth.: ORS 456.555, 456.625 & 458.700

Stats. Implemented: ORS 315.271 & 458.670 - 458.700

Hist.: OHCS 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-5-03; OHCS 1-2003, f. & cert. ef. 4-4-03; OHCS 13-2007(Temp), f. & cert. ef. 10-2-07 thru 3-30-08

813-300-0100

Fiduciary Organization Records and Reporting Requirements

(1) Fiduciary organizations shall prepare and maintain appropriate, accurate and complete program plan record-keeping systems and records satisfactory to the Department. Such record-keeping systems also must cover and include records generated by third-party contractors and other program plan partners.

(2) A fiduciary organization must maintain separate files for each account holder that, at a minimum, include the following records:

(a) Documentation of income eligibility;

(b) The personal development plan;

(c) The IDA;

(d) Records of all IDA deposits, withdrawals, and other financial information;

(e) Evidence of training received;

(f) Documentation of any determination with respect to the status of the account holder or any beneficiaries;

(g) Documentation of any exit interviews; and

(h) Any other information required by the Department.

(3) Fiduciary organizations shall maintain such program plan record-keeping systems and records at their principal place of business in Oregon.

(4) Fiduciary organizations shall maintain program plan records for a period of six (6) years from the date of completion or termination of each account holder's or designated beneficiary's personal development plan and the expiration of the IDA. The Department may require fiduciary organizations to maintain records for longer periods including, without limit, for unresolved audit matters.

(5) The Department, the Office of the Secretary of State, and the Department of Justice shall be permitted to inspect, copy, and audit any and all program plan records and take other action that to them seems appropriate in the conduct of such inspections or audits.

(6) Fiduciary organizations shall file quarterly reports with the Department in form, substance and timing acceptable to the Department.

(7) Quarterly reporting periods end on March 31, June 30, September 30, and December 31 of each calendar year. Unless indicated otherwise by the Department, fiduciary organizations shall deliver quarterly reports to the Department no later than 5:00 p.m. on the last working day within 30 days following the last day of that quarterly reporting period.

(8) In addition to any other information required by the Department, quarterly reports shall include the following:

(a) Summary demographic data and cumulative totals regarding current account holders;

(b) IDA deposit and withdrawal data (approved and non-approved) by month, including separately identified matching IDA deposits and withdrawals;

(c) Documentation of administrative, third-party contractor and other program plan partner costs and disbursements; and

(d) Documentation of tax credit contributions and related funds receipts.

(9) Fiduciary organizations also shall file annual reports with the Department in form, substance and timing acceptable to the Department.

(10) The annual report shall cover the fiscal year of the fiduciary organization and shall be filed by the fiduciary organization with the Department not later than ninety (90) days following the end of each fiscal year of the fiduciary organization. Unless otherwise expressly approved in writing by the Department, each fiduciary organization's fiscal year shall run concurrently with the calendar year, i.e., January 1 through December 31.

ADMINISTRATIVE RULES

(11) At a minimum, fiduciary organization annual reports shall include:

- (a) The number of IDAs administered by the fiduciary organization;
- (b) The amount of deposits and matching deposits for each account;
- (c) The purpose of each account;
- (d) The number of withdrawals made from each account; and
- (e) Any other information the Department may require for the purpose of making a return on investment analysis or for any other purpose of the Department.

(12) Fiduciary annual reports must be in a format approved by the Department. that, in addition to providing aggregate and individual IDA data, also collectively identifies and tracks IDAs by the year of their creation.

Stat. Auth.: ORS 456.555, 456.625 & 458.700
Stats. Implemented: ORS 315.271 & 458.670 - 458.700
Hist.: OHCS 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-5-03; OHCS 1-2003, f. & cert. ef. 4-4-03; OHCS 13-2007(Temp), f. & cert. ef. 10-2-07 thru 3-30-08

813-300-0120 Account Holder Use of Funds

(1) Account holders only may withdraw and use IDA deposits in a manner consistent with their IDA, the relevant personal development plan, these rules and any relevant directives of the Department.

(2) Account holders only may withdraw and use IDA deposits for the following purposes as approved by their fiduciary organization:

- (a) For the acquisition of post-secondary education or job training;
- (b) If the account holder has established the account for the benefit of a designated beneficiary, for the payment of extracurricular non-tuition expenses designed to prepare the designated beneficiary for post-secondary education or job training;

(c) To capitalize a small business;

(d) For the purchase of a primary residence;

(e) With respect to account holder deposits only, for an emergency as set forth in ORS 458.685(2)(a);

(f) If the account holder has established a qualified tuition savings program account under ORS 348.841 to 348.873 on behalf of a designated beneficiary, the establishment of an additional qualified tuition savings program account on behalf of the same designated beneficiary;

(g) Improvements, repairs or modifications necessary to make or keep the account holder's primary dwelling habitable, accessible, or visitable for the account holder or a household member. This does not include improvements, repairs, or modifications made to a rented primary dwelling to achieve or maintain a habitable condition for which ORS 90.320(1) places responsibility on the landlord;

(h) The purchase of equipment, technology, or specialized training required to become competitive in obtaining or maintaining employment or to start or maintain a business, as specified in the account holder's personal development plan. (3) IDA deposits, including the interest earned thereon, withdrawn by the account holder for an emergency as set forth in ORS 458.685 and OAR 813-300-0120(2)(e) above, must be repaid by the account holder within 12 months.

(4) In addition to payment on the purchase price of a residence pursuant to OAR 813-300-0120(2)(d) above, appropriate account moneys may be used to pay any usual or reasonable settlement, financing or other closing costs with respect to such residence.

(5) Account holders may not use IDA deposits to purchase a primary residence if they have owned or held any interest in a residence during the three years prior to making the purchase for which they intend to use IDA deposits. This three year restriction shall not apply in the following:

(a) For displaced homemakers or other individuals who have lost homeownership as a result of divorce.

(b) For a tribal member who has an interest in trust land and still has rights to an allotment under the Dawes Act Public Law 280 and amended in 1891, the 1906 Burke Act and the 1910 Omnibus Act Statutes at Large 24, 388-91, NADP Document A1887, but the tribal member faces multiple ownership of his or her land status and cannot successfully achieve sole ownership in order to receive any equity or collateral from that allotment. If the tribal member solely owns a residence on land known as an allotment and has successfully received sole ownership including the receipt of title status report (TSR) through the Bureau of Indian Affairs, they may not use IDA deposits to purchase a primary residence. If the person can receive more than \$2500 in equity or collateral of their allotment, the value over \$2500 shall be included in their asset limit.

(6) In capitalizing a small business pursuant to OAR 813-300-0120(2)(c) above, IDA deposits may be used for capital, plant, equipment and inventory expenses or for working capital pursuant to a business plan

approved by the fiduciary organization. To qualify for fiduciary organization approval, the business plan must have been developed by a financial institution, a nonprofit microenterprise program or other qualified agent demonstrating business expertise. The business plan also must include a description of the services or goods to be sold, a marketing plan and projected financial statements.

(7) Account holders must repay moneys improperly taken from IDA deposits including the interest earned thereon, when required by their fiduciary organization or by the Department.

Stat. Auth.: ORS 456.555, 456.625 & 458.700
Stats. Implemented: ORS 458.670 - 458.700
Hist.: OHCS 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-5-03; OHCS 1-2003, f. & cert. ef. 4-4-03; OHCS 9-2003, f. & cert. ef. 12-19-03; OHCS 13-2007(Temp), f. & cert. ef. 10-2-07 thru 3-30-08

Oregon Liquor Control Commission Chapter 845

Rule Caption: Amend rule to create small dealers vs. large with different maximum numbers for container acceptance.

Adm. Order No.: OLCC 17-2007(Temp)

Filed with Sec. of State: 9-17-2007

Certified to be Effective: 9-17-07 thru 3-15-08

Notice Publication Date:

Rules Amended: 845-020-0035

Subject: The 2007 legislature passed SB 707, which was signed by the Governor on June 7, 2007, and amends the Beverage Container Act (Bottle Bill). The Senate Bill has an emergency clause, making the statutory changes in Section 3 of the bill effective now. The subject of this section of the legislation and subsequent rule change is the creation of small dealers, under 5,000 square feet, who must accept 50 beverage containers per person per day and large dealers, greater than or equal to 5,000 square feet, who must accept 144 beverage containers per person per day. We need to amend this rule on a temporary basis in order to comply with the statutory change made to ORS 459A.715 by SB 707 and its emergency clause.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-020-0035

When Dealer Not Required to Accept Containers

(1) The Commission does not interpret ORS 459A.710 to require a dealer to accept an empty beverage container, if the dealer:

(a) Has not offered the product in the specific container size for sale within the past six months;

(b) Has reasonable grounds to believe the container was sold at retail outside Oregon;

(c) Has reasonable grounds to believe that container was obtained from or through a distributor without paying the refund value. The primary goal of this subsection is to prevent distributors, recyclers or others from putting containers through the refund/return system more than once without paying the refund value.

(2) Dealers must not use this rule to frustrate the requirement of the Beverage Container Act that dealers accept return of:

(a) Up to 144 beverage containers sold in Oregon from any person in any one day, if the dealer occupies a total enclosed space of 5,000 or more square feet in a single location; or

(b) Up to 50 beverage containers sold in Oregon from any person in any one day, if the dealer occupies a total enclosed space of less than 5,000 square feet in a single location.

Stat. Auth.: ORS 459A, 459.992, 471.030, 471.730
Stats. Implemented: ORS 459A.715
Hist.: LCC 1-1982(Temp), f. & ef. 1-22-82; LCC 5-1982, f. 3-26-82, ef. 4-1-82; OLCC 10-1987, f. 3-13-87, ef. 4-1-87; OLCC 15-1999, f. 6-9-99, cert. ef. 7-1-99; OLCC 17-2007(Temp), f. & cert. ef. 9-17-07 thru 3-15-08

Rule Caption: Amend rule to reflect two statutory time limits for response to a service permit refusal.

Adm. Order No.: OLCC 18-2007

Filed with Sec. of State: 9-27-2007

Certified to be Effective: 10-1-07

Notice Publication Date: 6-1-07

Rules Amended: 845-003-0270

Subject: This rule describes the process by which a party may request a contested case hearing and the various time limits for response to the charging document. The statutory language in ORS

ADMINISTRATIVE RULES

471.380 now reflects two different time limits for response to a service permit refusal: 1) 15 days if the refusal is based on failure to complete the alcohol server education course and examination, and 2) 30 days for all other service permit refusals. We need to amend this rule to reflect the time periods for response to service permit refusals which will bring the rule into compliance with statute. Staff further proposes the creation of subsections (a)–(e) within section (1), breaking out the various time limits for different categories of charge documents, in order to simplify and clarify the rule language. We also need to amend the Statutory Authority and Statutes Implemented sections of this rule in order to accurately and completely cite all Oregon Revised Statutes.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-003-0270

Request for a Contested Case Hearing and Response to Charging Document

(1) Any party who wants to contest a charging document shall file a response (“answer”) to the charging document and request a contested case hearing. The answer and request for hearing must be in writing and filed with the Administrative Process Division within the time limit established in the charging document. Unless the intended action of the Commission is a suspension or nonrenewal of a license on an emergency basis under ORS 183.430(2), the time limit for response to a charging document is:

(a) 30 days after mailing of the charging document for violation matters, except that for violations of ORS 471.315(1)(c), the time limit shall be 20 days;

(b) 15 days after mailing of the charging document for service permit refusals based on failure to complete the alcohol server education course and examination and 30 days after mailing of the charging document for all other service permit refusals;

(c) 60 days after mailing of the charging document for license or certification refusal or non-renewal, except that for non-renewal of a license under ORS 471.313(5), the time limit shall be 20 days;

(d) Within the time period provided in the retail sales agent agreement between the Commission and the agent for agency cases, if the agreement provides for a hearing;

(e) Within the time period provided in the charging document for all other matters not listed above.

(2) The answer must specify what statements in the charging document the party denies and what defense or defenses the party will rely upon. The answer must include an admission or denial of each factual matter alleged in the charging document and a statement of each relevant defense to the allegations. A general denial is not sufficient to constitute an answer. Except in service permit denial cases, where the answer does not include the information required by this rule, or where no answer is filed, the presiding officer shall convene a prehearing conference to obtain the required information.

(3) Evidence shall not be taken at the contested case hearing on any factual or legal issue not raised in the charging document or answer (or in a prehearing conference convened to supplement the answer), except for good cause shown to the hearing officer, or pursuant to amendment of the charging document.

Stat. Auth.: ORS 183.341(2), 183.745, 471.730(5) & (6)
Stats. Implemented: ORS 183.341(2), 183.430(2), 183.435, 183.745, 471.331(1), 471.380(2)
Hist.: OLCC 9-1998, f. 10-21-98, cert. ef. 1-1-99; OLCC 8-1999, f. 6-9-99, cert. ef. 7-1-99; OLCC 1-2000(Temp), f. & cert. ef. 1-14-00 thru 7-11-00; OLCC 8-2000, f. 6-23-00, cert. ef. 7-1-00; OLCC 9-2003, f. 6-27-03, cert. ef. 7-1-03; OLCC 18-2007, f. 9-27-07, cert. ef. 10-1-07

Rule Caption: Amend rule to clarify that Special Events Winery licensees may sell malt beverages.

Adm. Order No.: OLCC 19-2007

Filed with Sec. of State: 9-27-2007

Certified to be Effective: 11-11-07

Notice Publication Date: 6-1-07

Rules Amended: 845-005-0415

Subject: This rule needs amendment in order to comply with statutory changes regarding Special Events Winery licenses. The amendment will add language clarifying that these licensees are allowed to sell malt beverages, in addition to wine and cider, at the special event. The change needs to be made to comply with the 2007 legislature’s House Bill 2164. Staff further proposes amending the references to OAR 845-006-0340(8) in both sections (6) and (6)(b)

of the rule so that OAR 845-006-0340 is referenced in its entirety rather than a specific section. We also need to amend the Statutes Implemented section of this rule in order to accurately and completely cite all Oregon Revised Statutes.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-005-0415

Special Event Winery and Special Event Grower Sales Licenses

(1) ORS 471.223 authorizes the Commission to issue a Special Events Winery license to a Winery licensee. The special license may allow the licensee to sell wine, malt beverages and cider at retail for consumption on or off the licensed premises at a location other than that designated as the winery’s licensed premises for a period not to exceed five consecutive days.

(2) ORS 471.227 authorizes the Commission to issue a Special Events Grower Sales license to a Grower Sales Privilege licensee. The special license may allow the licensee to sell wine and cider at retail for consumption on or off the licensed premises at a location other than that designated as the grower’s licensed premises for a period not to exceed five consecutive days.

(3) Any special license application shall be made in writing and include:

(a) A control plan for managing patronage by minors and alcohol consumption by adults;

(b) Identification of the individuals to be employed by the licensee to manage events applied for under this section;

(c) Identification of the premises proposed to be licensed;

(d) Menu and proposal showing compliance with the food service standards of OAR 845-006-0465;

(e) Statement of the type of event to be licensed, type and extent of entertainment to be offered, extent of expected patronage overall and by minors, type of food service to be offered, proposed hours of food service, and proposed hours of operation;

(f) License fees as established by ORS 471.311.

(4) Applicants must apply in writing using the Commission form provided for this purpose. The Commission may reject any application not completed fully and accompanied by the documents or disclosures required by the form. The Commission shall give applicants the opportunity to be heard if an application is rejected. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

(5) The Commission may deny, cancel or restrict a special license for any reason for which the Commission may deny, cancel or restrict a regular license.

(6) Commission staff investigates non-routine applications for special licenses. Non-routine applications include those that propose electronically amplified entertainment, a drinking environment as defined in OAR 845-006-0340(8), an operation that staff concludes requires employment of security personnel, or that has not received an unqualified grant recommendation from the local governing body or its delegated department. Commission staff assesses each application to determine if it is routine or non-routine. Applications must be submitted enough in advance of the event date to allow staff assessment and investigation:

(a) The Commission may refuse to process any routine application not submitted at least five business days in advance of the proposed event date;

(b) The Commission may refuse to process any non-routine application not submitted at least fifteen business days prior to the proposed event date if the applicant will operate a drinking environment as defined by OAR 845-006-0340(8);

(c) The Commission may refuse to process any non-routine application not submitted at least twenty-five business days prior to the proposed event date if prior to the submission of the application Commission staff provide notice to the applicant or the applicant’s representative that investigation of the application will require assessment of public safety or neighborhood impact matters, or the risk of disturbances or liquor law violations at the location proposed to be licensed.

(7) Submission of an application within the time lines stated in subsection (6) of this rule does not guarantee the Commission will have the resources to complete investigation of the application prior to the applications requested date(s).

(8) The Commission may refund the special license fee if the application is withdrawn by the applicant or denied by the Commission, or if the event does not take place because of circumstances beyond the licensee’s control, or if the Commission determines the applicant does not need a license for the event proposed in the application.

Stat. Auth.: ORS 471, including 471.030, 471.040 & 471.730(1) & (5)
Stats. Implemented: ORS 471.223, 471.227

ADMINISTRATIVE RULES

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 7-2003(Temp), f. & cert. ef. 5-20-03 thru 11-16-03; OLCC 12-2003, f. 9-23-03, cert. ef. 11-1-03; OLCC 6-2007(Temp), f. & cert. ef. 5-14-07 thru 11-10-07; OLCC 19-2007, f. 9-27-07, cert. ef. 11-11-07

Rule Caption: Amend rule to revise definition of “aware” regarding unlawful drug activity on licensed premises.

Adm. Order No.: OLCC 20-2007

Filed with Sec. of State: 9-27-2007

Certified to be Effective: 10-1-07

Notice Publication Date: 6-1-07

Rules Amended: 845-006-0348

Subject: This rule describes the circumstances under which the Commission will suspend or cancel Full On-Premises Sales, Limited On-Premises Sales or Brewery-Public House licenses when the licensee is aware of unlawful drug use or sales on the licensed premises. Section (1)(c) of the rule describes the licensee witnessing or being informed of drug sale arrests off of the premises as one way to meet the definition of the licensee being “aware” of unlawful drug use or sales on the licensed premises. We need to remove section (1)(c) from the rule because our current definitions of being “aware” of unlawful drug use or sales on the licensed premises are broader than the language of the underlying statute, which defines being “aware” as either personally witnessing drug use or sales on the premises, arrests for drug sales occurring on the premises, or seizures of drugs occurring on the premises. Staff further proposes removal of section (7) from this rule as it is expired language applying to dispenser licenses. We also need to amend the Statutory Authority and Statutes Implemented sections of this rule in order to accurately and completely cite all Oregon Revised Statutes.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-006-0348

Unlawful Drug Activity on Licensed Premises

(1) ORS 471.316 provides the Commission will suspend or may cancel a Full On-Premises Sales, Limited On-Premises Sales, or Brewery-Public House license if the licensee is aware of unlawful drug use or sales on the licensed premises and subsequently fails to take immediate and effective action to prevent unlawful drug use or sales on the licensed premises. The licensee is aware of the drug use or sales if:

(a) The licensee or an employee of the licensee personally witnessed drug use or sales on the licensed premises; or

(b) Arrests for drug sales or seizures of drugs occurred on the licensed premises.

(2) Where there is subsequent drug use or sales as defined in section (1) of this rule within six months, a rebuttable presumption exists that the licensee’s actions to prevent drug use or sales were not effective. The licensee may overcome the prima facie case by providing evidence showing immediate and effective steps were taken to prevent drug sales or use.

(3) The guidelines for penalties for violation of this rule are:

(a) A 10-day license suspension for the first violation within two years;

(b) A 30-day license suspension for a second violation within two years;

(c) Cancellation of the license for a third violation within two years.

(4) The Commission may impose a greater or lesser penalty than the ones specified above, if it finds aggravating or mitigating circumstances. In no case will a penalty for a violation of this rule be less than a one day suspension. The Commission will determine the date a suspension will take effect.

(5) The Commission may impose a civil penalty in addition to a license suspension for a violation of this rule.

(6) Nothing in this rule prevents the Commission from immediately suspending a license or permit for a violation of this rule, when the Commission determines there is a serious danger to public health or safety as specified in ORS 183.430(2).

Stat. Auth.: ORS 471, including 471.030, 471.040, 471.730(1) & (5)

Stats. Implemented: ORS 471.316, 183.430(2)

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 20-2007, f. 9-27-07, cert. ef. 10-1-07

Rule Caption: Amend rule to remove the reference to Off-Premises Sales employees under civil penalties.

Adm. Order No.: OLCC 21-2007

Filed with Sec. of State: 9-27-2007

Certified to be Effective: 10-1-07

Notice Publication Date: 7-1-07

Rules Amended: 845-006-0500

Subject: This rule describes the various sanctions the Commission imposes on licensees, including cancellation or suspension of a license, and civil penalties. This rule also references Exhibit 1, which lists the proposed sanctions for the first and subsequent violations within each violation category and also provides the categories for the most common violations. This Exhibit is not part of the Oregon Administrative Rule (OAR) compilation. Staff proposes housekeeping type amendments to the rule, including removal of the reference to “Off-Premises Sales employees” in section (6) as the Commission does not have statutory authority to impose civil penalties on sales clerks. We also need to amend the Statutory Authority and Statutes Implemented sections of this rule in order to accurately and completely cite all Oregon Revised Statutes. While not part of the formal rulemaking process with the Secretary of State (SOS), staff also proposes housekeeping type amendments to Exhibit 1. While the proposed revisions may appear extensive, there are no substantive changes being proposed to the sanction level of the various violations. The proposed revisions reflect the addition/deletion of violations to/from the chart in order to better represent the most common violations that occur. The revisions will also make the language and statutory/rule citations more consistent and accurate.

Rules Coordinator: Jennifer Huntsman—(503) 872-5004

845-006-0500

Suspensions and Civil Penalties

(1) The Commission cancels or suspends a license under its authority in:

(a) ORS 471.315 for violations of any provision of ORS chapter 471 or any administrative rule (chapter 845) the Commission adopts pursuant to these chapters;

(b) ORS 459.992(4) for violations of any provision of 459A.705, 459A.710 or 459A.720 or any administrative rule the Commission adopts pursuant to these statutes;

(c) ORS 471.315(1)(d) for public interest or necessity reasons.

(2) The Commission cancels or suspends a service permit under its authority in ORS 471.385 for violations of Chapter 471 or any administrative rule (chapter 845) the Commission adopts pursuant to these chapters.

(3) The Commission cancels or suspends an alcohol server education provider certificate under its authority in ORS 471.547.

(4) ORS 471.322 and 471.327 allow the Commission to impose a civil penalty instead of suspension. In most cases, the Commission allows the licensee or permittee the option of serving the suspension or paying the civil penalty.

(5) ORS 471.315 allows the Commission to impose either a suspension or a civil penalty or both. The Commission imposes mandatory suspensions when necessary to ensure future licensee, permittee, or patron compliance.

(6) ORS 471.322 and 471.327 limit the amount of a civil penalty the Commission may impose. To stay within these limits, the Commission usually computes civil penalties by multiplying the number of days in the suspension by \$165 for retail, manufacturer, and wholesale licensees, and by \$25 for service permittees.

(7) Violation Categories:

(a) The Commission has the following violation categories:

(A) I — Violations that make licensee ineligible for a license;

(B) II — Violations that create an immediate threat to public health or safety;

(C) II(a) — Violations for unlawful drug activity;

(D) III — Violations that create a potential threat to public health or safety;

(E) III(a) — Violations for the sale of alcohol to a minor or failure to check identification when the retail licensee qualifies under the Responsible Vendor Program;

(F) IV — Violations that create a climate conducive to abuses associated with the sale or service of alcoholic beverages;

(G) V — Violations inconsistent with the orderly regulation of the sale or service of alcoholic beverages.

ADMINISTRATIVE RULES

(b) Exhibit 1 lists the proposed sanctions for the first and subsequent violations within each category described in subsection (7)(a) of this rule. Exhibit 1 also gives the categories for the most common violations; [Exhibit not included. See ED. NOTE.]

(c) These sanctions are guidelines. If the Commission finds aggravating or mitigating circumstances, it may assess a greater or lesser sanction. Some of the reasons the Commission may mitigate a sanction are: previous lengthy history of compliance; good faith effort to prevent a violation; and extraordinary cooperation in the violation investigation that shows the licensee or permittee accepts responsibility. Some of the reasons the Commission may aggravate a sanction are: prior warning about compliance problems; repeated failure to comply with laws; efforts to conceal a violation; intentional violations; the violation involved more than one patron or employee; the violation involved a juvenile; and the violation resulted in injury or death. The Commission may always increase or decrease a sanction to prevent inequity or to take account of particular circumstances in the case.

(8) The Commission increases sanctions based on successive violations in the same category within a two-year period. For example, if a licensee or permittee, who has committed one Category III violation and one Category IV violation within the past two years, commits another Category III violation, the Commission assesses the sanction at the second level for the pending Class III violation. Numerous violations within the two-year period, regardless of the type, may indicate such a disregard for the law or failure to control the premises so as to warrant cancellation of the license or permit.

(9) A licensee may not avoid the sanction for a violation or the application of the provision for successive violations by merely adding or dropping a partner or converting to another form of legal entity when the individuals who own, operate, or control the business are substantially similar.

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

Stat. Auth.: ORS 471, including 471.030, 471.040, 471.730(1) & (5)

Stats. Implemented: ORS 471.315, 471.322 & 471.327

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 21-2007, f. 9-27-07, cert. ef. 10-1-07

Oregon State Lottery Chapter 177

Rule Caption: Replaces the Video Lottery compensation rates in OAR 177-040-0028 with the rates specified in OAR 177-040-0029.

Adm. Order No.: LOTT 3-2007

Filed with Sec. of State: 9-26-2007

Certified to be Effective: 10-14-07

Notice Publication Date: 9-1-07

Rules Amended: 177-040-0028, 177-040-0029

Subject: The Oregon State Lottery has amended the above referenced administrative rules. On July 25, 2007, the Oregon Lottery Commission initiated the review process required by OAR 177-040-0029 and directed permanent rulemaking to amend OAR 177-040-0029 to make the findings required by the rule and to amend OAR 177-040-0028 to replace the Video Lottery retailer compensation rates contained in OAR 177-040-0028 with the rates specified in OAR 177-040-0029.

Rules Coordinator: Mark W. Hohlt—(503) 540-1417

177-040-0028

Compensation Rates — Video Lottery Retailers Offering Video Poker Games and Video Line Games

(1) **Applicability:** The compensation rates for the sale of Video LotterySM game shares set forth in this rule are limited to compensation for the sale of shares on Video LotterySM terminals at retailers that offer both video poker games as described in OAR 177-200-0070 and video line games as described in 177-200-0075.

(2) **General:** At the time a retailer signs a Retailer Contract, the retailer must choose in writing to receive compensation in accordance with either subsection (2)(a) or subsection (2)(b) of this section. If the retailer fails to choose as required, the Lottery shall compensate the retailer pursuant to subsection (2)(a) of this section for the first business year the Retailer Contract is in effect. For each subsequent business year that the Retailer Contract is in effect, no less than 60 days before the beginning of the upcoming business year, a retailer may submit a written notice to the Lottery that the retailer chooses to be compensated under the alternative compensation method for the upcoming business year. If the retailer does

not submit or fails to timely submit a written notice, the Lottery shall compensate the retailer using the retailer's current compensation method for the next business year.

(a) 4-Tier Option:

Net Receipts per Year — Compensation: Percent of Net Receipts

Up to \$175,000 — 27.5%

\$175,000 to \$475,000 — 23%

\$475,000 to \$800,000 — 14%

\$800,000 and up — 11%

(b) 3-Tier Option:

Net Receipts per Year — Compensation: Percent of Net Receipts

Up to \$600,000 — 22%

\$600,000 to \$1,800,000 — 17.5%

\$1,800,000 and up — 11%

(3) **Amendment:** If the Lottery and a retailer sign an amendment to a Retailer Contract that authorizes the retailer to sell Video LotterySM game shares on Video LotterySM terminals that offer both video poker games and video line games, then:

(a) At the time the retailer signs the amendment, the retailer must choose in writing to receive compensation in accordance with either subsection (2)(a) or subsection (2)(b) of OAR 177-040-0028 (2). If the retailer fails to choose as required, the Lottery shall compensate the retailer pursuant to subsection (2)(a) of OAR 177-040-0028(2) through the end of the business year. For each subsequent business year that the Retailer Contract is in effect, no less than 60 days before the beginning of the upcoming business year, a retailer may submit a written notice to the Lottery that the retailer chooses to be compensated under the alternative compensation method for the upcoming business year. If the retailer does not submit or fails to timely submit a written notice, the Lottery shall compensate the retailer using the retailer's current compensation method for the next business year.

(b) Beginning on the effective date of the amendment, the Lottery shall compensate the retailer pursuant to OAR 177-040-0028 based on net receipts from the beginning of the current

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.310, 461.445

Hist.: LOTT 1-2005, f. 4-11-05, cert. ef. 7-31-05; LOTT 3-2007, f. 9-26-07, cert. ef. 10-14-07

177-040-0029

Review of Compensation Rates for Video Lottery Retailers Offering Video Poker Games and Video Line Games

(1) **General:** The Lottery Commission finds that the adoption of the compensation rates set forth in OAR 177-040-0028(2) is based on a projected Video LotterySM game share sales target of \$700,000,000 for the period June 25, 2006 to June 30, 2007 (Business Year '07.) This is a growth increase of 22% from actual sales of Video LotterySM game shares for the period June 27, 2004 to June 25, 2005 (Business Year '05.) This projection includes the sales of video line game shares which have never been offered by the Oregon Lottery. The purpose of this rule is to establish a process for a review of the retailer compensation rates set forth in OAR 177-040-0028(2) on or after July 1, 2007.

(2) **Review:** On or after July 1, 2007, the Lottery shall determine the actual sales of all Video LotterySM game shares from the period June 25, 2006 to June 30, 2007 (Business Year '07.) If the actual sales are less than \$595,000,000, the Lottery Commission will conduct a review of the compensation rates set forth in OAR 177-040-0028(2), and may increase those compensation rates. If the actual sales exceed \$805,000,000, and the Commission determines that the sales increase is not primarily due to an increase in the number of Video LotterySM retailers, the following compensation rates will replace the compensation rates specified in OAR 177-040-0028(2) and will be effective beginning no sooner than the start of the third business week following the Commission's determination that the sales increase is not primarily due to an increase in the number of Video LotterySM retailers:

(a) 4-Tier Option:

Net Receipts per Year — Compensation: Percent of Net Receipts

Up to \$175,000 — 27.5%

\$175,000 to \$475,000 — 23%

\$475,000 to \$800,000 — 14%

\$800,000 and up — 11%

(b) 3-Tier Option:

Net Receipts per Year — Compensation: Percent of Net Receipts

Up to \$600,000 — 22%

\$600,000 to \$1,800,000 — 17.5%

\$1,800,000 and up — 11%

(3) **Determination of Actual Sales Growth:** The Commission shall only consider the actual sales growth as determined by the Lottery for purposes of section (2) of this rule. The Lottery's determination is final.

ADMINISTRATIVE RULES

(4) **Findings:** On July 25, 2007, the Lottery Commission initiated the review set forth in section (2) of this rule and makes the following determinations. The Lottery Commission finds:

(a) The actual sales of all Video LotterySM game shares from the period June 25, 2006 to June 30, 2007 (Business Year '07) exceeded \$805,000,000;

(b) This represents a sales increase of 50% from actual sales of Video LotterySM game shares for the period June 27, 2004 to June 25, 2005 (Business Year '05); and

(c) This sales increase was not primarily due to an increase in the number of Video LotterySM retailers.

(5) **Compensation Rates:** Effective as of the start of the business week beginning October 14, 2007, the compensation rates set forth in section (2)(a) and (b) of this rule replace the compensation rates set forth in section (2)(a) and (b) of OAR 177-040-0028.

(6) **Commission Authority:** The review process set forth in subsection (2) of this rule is not intended to limit in any way the authority of the Lottery Commission to review or adopt compensation rates for the sale of Lottery game tickets or shares at any time deemed necessary by the Lottery Commission.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.310, 461.445

Hist.: LOTT 1-2005, f. 4-11-05, cert. ef. 7-31-05; LOTT 21-2005, f. 12-21-05, cert. ef. 12-31-05; LOTT 3-2007, f. 9-26-07, cert. ef. 10-14-07

Oregon State Marine Board Chapter 250

Rule Caption: Rule provides licensing reciprocity for outfitters and guides operating on the Columbia River.

Adm. Order No.: OSMB 11-2007

Filed with Sec. of State: 10-1-2007

Certified to be Effective: 10-1-07

Notice Publication Date: 7-1-07

Rules Adopted: 250-016-0015

Subject: This rule provides licensing reciprocity between Washington and Oregon for outfitters and guides operating on the Columbia River upriver of the bridge at Longview-Rainier.

Rules Coordinator: June LeTarte—(503) 378-2617

250-016-0015

Reciprocity Provisions for Outfitters and Guides on the Columbia River upstream of the bridge at Longview-Rainier

(1) The purpose of this rule is to give outfitters and guides operating on the Columbia River upstream of the Lewis and Clark bridge at Longview-Rainier the opportunity to share in reciprocity between Oregon and Washington regarding the registration of outfitters and guides. Reciprocity avoids the conflict, confusion and difficulty of attempting to find the exact location of the state boundary in or on the waters of the Columbia River upstream of the bridge at Longview-Rainier while operating on the Columbia River.

(2) ORS 704.025(1) provides that the State Marine Board may adopt rules that exempt persons possessing a valid Washington license, permit or registration from the outfitter and guide registration required under Chapter 704, if the Board determines the license, permit or registration requirements of Washington are comparable to those of Oregon. Washington has decided to grant reciprocity to Oregon Outfitters and Guides on the upper Columbia River (WAC 220-20-005(3)).

(3) The State Marine Board finds that a Washington Professional Salmon Guide License under RCW 77.65.370 or a Washington Professional Game Fish License under RCW 77.65.480(3) is comparable to an Oregon Outfitter and Guide registration for the carrying of passengers for hire for angling purposes on the Columbia River upstream of the Lewis and Clark bridge at Longview-Rainier.

(4) Oregon grants reciprocity for Washington fishing guides on the Columbia River upstream of the Lewis and Clark bridge at Longview-Rainier, provided the Washington Department of Fish and Wildlife adopts regulations that provide the same reciprocity for Oregon Outfitters and Guides.

(5) The reciprocity provisions of this rule and those of the State of Washington do not authorize the launching, pick-up or discharge of passengers for any purpose in a state other than the state where the outfitter and guide is registered and/or licensed.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 704.025 & 830.435

Hist.: OSMB 11-2007, f. & cert. ef. 10-1-07

Rule Caption: Permanent closure of the forebay at Round Butte Dam on Lake Billy Chinook.

Adm. Order No.: OSMB 12-2007

Filed with Sec. of State: 10-1-2007

Certified to be Effective: 10-1-07

Notice Publication Date: 8-1-07

Rules Amended: 250-020-0161

Rules Repealed: 250-020-0161(T)

Subject: This rule will permanently close access by the public to the forebay at Round Butte Dam on Lake Billy Chinook.

Rules Coordinator: June LeTarte—(503) 378-2617

250-020-0161

Boat Operations in Jefferson County

(1) No person shall operate a motorboat for any purpose on the following lakes:

- (a) Scout;
- (b) Round;
- (c) Jack;
- (d) Island;
- (e) Cache;
- (f) Hand and
- (g) Link.

(2) Suttle Lake:

(a) No water skiing or motorboat operation in excess of 10 MPH to be permitted on Suttle Lake between the hours of 8 p.m. and 9 a.m., standard time, each day;

(b) No water skiing or motorboat operation in excess of 10 MPH to be permitted on Suttle Lake between the hours of 9 a.m. and 8 p.m., standard time, each day, except within the signed and designated fast boat area, water skier dropoff zone, and water skier take-off lanes, at the west end of the lake;

(c) Operating any boat which is equipped with a toilet is prohibited on Suttle Lake, unless such toilet has an approved device to render waste harmless, or unless such toilet is rendered inoperative by having the discharge outlet effectively sealed.

(3) Lake Simtustus:

(a) No person shall operate a motorboat at a speed in excess of 5 MPH, a "Slow-No Wake" in the area within 300 feet of the moorage and extending to the opposite shore;

(b) No person shall operate a boat for any reason within the restricted tailrace area enclosed by the log boom approximately 1200 feet downstream of Round Butte Dam;

(c) No person shall moor a boat to the log boom or operate a boat for any reason within the restricted intake area enclosed by the log boom located approximately 200 feet upstream of Pelton Dam;

(d) Boat access in the areas closed by subsections (b) and (c) of this section is permitted for federal, state, local and tribal government agencies and Portland General Electric employees or their agents for official business only.

(4) Lake Billy Chinook:

(a) No person shall operate motorboat in excess of 10 MPH in the following areas:

- (A) On the Crooked River Arm above the Crooked River Bridge.
- (B) On the Deschutes River Arm above the Deschutes River Bridge;
- (C) On the Metolius River Arm from a point approximately 1,000 feet upstream of Street Creek, as marked.

(b) No person shall operate a motorboat in excess of "Slow-No Wake," maximum 5 MPH speed within the buoyed areas at:

- (A) Cove Palisades State Park Marina;
- (B) The Crooked River Launching Ramp;
- (C) The Lower Deschutes River Day Use Area;
- (D) The Upper Deschutes River Day Use Area;
- (E) Within 300 feet of a designated swimming area;
- (F) Within a cove at Chinook Island (Metolius Arm) as marked;
- (G) Within the cove at Camp Perry South (Metolius Arm) as marked.

(c) No person shall operate a boat inside the log boom enclosure around Round Butte Dam.

(5) No person shall beach, anchor or moor a boat within 200 feet of shore in the following areas at Lake Billy Chinook between 10 p.m. and 5 a.m.

(a) Crooked River Arm:

(A) East shore — between a point approximately 1,000 feet north of the cove Marina, as marked, and the Crooked River Bridge;

ADMINISTRATIVE RULES

(B) West Shore — From the State Park boundary north approximately 2,000 feet, as marked.

(b) Deschutes Arm: East Shore — Between a point approximately 2,000 feet north of the northernmost boat launch, as marked, and the Deschutes River Bridge;

(c) This prohibition shall not apply to any leased or rented space within established marinas or moorages.

(6) No person shall operate or provide for others to operate a boat on Lake Billy Chinook which is equipped with a marine toilet, unless the toilet has a holding tank or is rendered inoperative so as to prevent any overboard discharge.

(7) Haystack Reservoir: No person shall operate a boat in excess of 5 MPH in the following areas:

(a) In the western cove inside a buoy line approximately 500 feet from shore, as marked;

(b) In the southern cove inside a buoy line extending from south of the boat ramp on the east shore to a point south of the southeast peninsula, as marked.

Stat. Auth.: ORS 830.110, 830.175 & 830.195

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 43, f. 7-18-69; MB 58, f. 7-2-74, ef. 7-2-74(Temp) & 7-25-74(Perm); Renumbered from 250-020-0200; MB 16-1985, f. & ef. 10-21-85; MB 8-1986, f. & ef. 7-28-86; MB 11-1986, f. & ef. 10-30-86; MB 6-1987, f. 4-20-87, ef. 5-1-87; MB 4-1990, f. & cert. ef. 7-13-90; MB 10-1992, f. & cert. ef. 8-21-92; MB 7-1993, f. & cert. ef. 10-11-93; MB 8-1994(Temp), f. & cert. ef. 6-17-94 thru 12-17-94; MB 10-1994, f. & cert. ef. 9-28-94; OSMB 2-2004(Temp), f. & cert. ef. 5-20-04 thru 9-20-04; Administrative correction 10-25-04; OSMB 6-2006, f. & cert. ef. 7-3-06; OSMB 10-2007(Temp), f. & cert. ef. 9-4-07 thru 12-31-07; OSMB 12-2007, f. & cert. ef. 10-1-07

Rule Caption: Identifies emergency communication equipment requirements for ocean charter vessels.

Adm. Order No.: OSMB 13-2007

Filed with Sec. of State: 10-1-2007

Certified to be Effective: 10-1-07

Notice Publication Date: 8-1-07

Rules Amended: 250-015-0023, 250-015-0027

Subject: These rules identify emergency location and communication equipment for ocean charter vessels

Rules Coordinator: June LeTarte—(503) 378-2617

250-015-0023

Emergency Position Indicating Radio Beacon (EPIRB)

A satellite 406 MHz EPIRB is required for all charter vessels operating at any distance offshore.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.450

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90; MB 5-1994, f. & cert. ef. 4-28-94; OSMB 13-2007, f. & cert. ef. 10-1-07

250-015-0027

VHF Radio

A VHF Radio-telephone is required for all charter vessels operating at any distance offshore.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460 & Title 47 CFR

Hist.: OSMB 3-2005, f. & cert. ef. 1-24-05; OSMB 13-2007, f. & cert. ef. 10-1-07

Oregon Student Assistance Commission

Chapter 575

Rule Caption: Amends current OAR 575-071 pursuant to SB 188 (2007 Session).

Adm. Order No.: OSAC 1-2007

Filed with Sec. of State: 10-3-2007

Certified to be Effective: 10-3-07

Notice Publication Date: 9-1-07

Rules Amended: 575-071-0000, 575-071-0010, 575-071-0020, 575-071-0030, 575-071-0035, 575-071-0040

Subject: Adds dentists to Rural Health Services Loan Repayment Program pursuant to SB 188 (2007 Session).

Provides a possible award preference to practitioners who have agreed to practice in a community that has contributed funds to the Rural Health Services Fund.

Revises the period of time a prospective recipient has to fulfill the minimum loan repayment obligation in order that the recipient does not delay his or her service obligation to rural Oregon.

Rules Coordinator: Susanne D. Ney—(503) 687-7394

575-071-0000

Definitions

For the purposes of the Rural Health Services Program the following definitions shall be used:

(1) "Commission" means the Oregon Student Assistance Commission.

(2) "Dentist" means any person licensed to practice dentistry under ORS chapter 679.

(3) "Nurse Practitioner" means any person licensed under ORS 678.375.

(4) "Physician Assistant" means any person licensed under ORS 677.495 and 677.505 to 677.525.

(5) "Physician" means any person licensed under ORS Chapter 677.

(6) "Pharmacist" means an individual licensed under ORS Chapter 689.

(7) "Qualifying Loan" means any loan made to a medical student, pharmacy student, physician assistant student, dental student or nursing student under:

(a) The Common School Fund Loan Program administered under ORS 348.040 to 348.090;

(b) Programs under Title IV, Parts B, D, and E, of the Higher Education Act of 1965, as amended; and

(c) The Health Profession's Student Loan Program, Nursing Student Loan Program, Health Education Assistance Loan Program and Primary Care Loan Program administered by the U.S. Department of Health and Human Services.

(8) "Qualifying practice site" means:

(a) A rural hospital as defined in ORS 442.470;

(b) A federally certified Rural Health Clinic;

(c) A pharmacy that is located in a medically underserved rural community in Oregon as determined by the Office of Rural Health or a federally designated health professional shortage area and that is not part of a group of six or more pharmacies under common ownership; or

(d) Another practice site in a medically underserved rural community in Oregon as determined by the Office of Rural Health.

(9) "Practice Full-Time" means on-site clinical service, excluding on-call time, in a relevant health care discipline for no less than 32 working hours per week during no less than 48 weeks in a year.

Stat. Auth.: ORS 442.555 & SB 404

Stats. Implemented: ORS 442.550 - 442.570

Hist.: SSC 2-1992, f. & cert. ef. 2-28-92; SSC 5-1994, f. & cert. ef. 1-25-94; OSAC 1-2002, f. & cert. ef. 2-4-02; OSAC 3-2006, f. & cert. ef. 3-1-06; OSAC 1-2007, f. & cert. ef. 10-3-07

575-071-0010

Administration

(1) The Commission shall be responsible for the administration of this program.

(2) The Commission shall be responsible for making such rules as are required for the administration of the program.

(3) The Commission, in consultation with the Office of Rural Health, shall develop criteria to select program participants from the pool of eligible applicants.

(4) The Commission will utilize criteria adopted by the Oregon Office of Rural Health to determine the Oregon communities, which are participating 'qualifying practice sites' for the purposes of this program; to determine medically underserved communities and for compliance with federal public Law 95-210, establishing rural health clinics.

Stat. Auth.: ORS 442.555 & SB 404

Stats. Implemented: ORS 442.550 - 442.570

Hist.: SSC 2-1992, f. & cert. ef. 2-28-92; SSC 5-1994, f. & cert. ef. 1-25-94; OSAC 3-2006, f. & cert. ef. 3-1-06; OSAC 1-2007, f. & cert. ef. 10-3-07

575-071-0020

Purpose of the Program

The purpose of this program is to provide student loan repayments on behalf of physicians, pharmacists, dentists, physician assistants, and nurse practitioners who enter into agreements to practice in 'qualifying practice sites'; and who fulfill minimum terms of such practice specified in OAR 575-071-0040(2) and (4).

Stat. Auth.: ORS 442.550 - 442.565 & SB 404

Stats. Implemented: ORS 442.550 - 442.570

Hist.: SSC 2-1992, f. & cert. ef. 2-28-92; OSAC 3-2006, f. & cert. ef. 3-1-06; OSAC 1-2007, f. & cert. ef. 10-3-07

ADMINISTRATIVE RULES

575-071-0030

Application and Selection

(1) To be eligible to participate in this program a prospective physician, pharmacist, dentist, physician assistant, or nurse practitioner shall contact the Commission.

(2) When funds are available, the Commission will provide application materials and information about the selection process to qualified individuals who have contacted the Commission.

(3) Applicants selected for participation in this program shall sign an agreement with the Commission, which sets forth the terms that the applicant must meet in order to qualify for benefits under this program.

(4) Subject to available resources, the Commission may enter into agreements with no more than ten prospective physicians, ten prospective pharmacists, ten prospective dentists, ten prospective physician assistants, and ten prospective nurse practitioners each year.

Stat. Auth.: ORS 442.555, SB 81, Sec. 52 & SB 404
Stats. Implemented: ORS 442.550 - 442.570
Hist.: SSC 2-1992, f. & cert. ef. 2-28-92; SSC 5-1994, f. & cert. ef. 1-25-94; OSAC 1-2002, f. & cert. ef. 2-4-02; OSAC 3-2006, f. & cert. ef. 3-1-06; OSAC 1-2007, f. & cert. ef. 10-3-07

575-071-0035

Selection Criteria

(1) Priority in selection of participants will be given to eligible applicants who:

(a) Have demonstrated a commitment to rural practice.

(b) Have signed an agreement to practice, or has begun to practice within the past year, in a 'qualifying practice site' as determined by the Office Rural Health.

(c) Have signed an agreement to practice in a 'qualifying practice site' that has contributed to the Rural Health Service Fund.

Stat. Auth.: ORS 442.555, SB 81, Sec. 52 & SB 404
Stats. Implemented: ORS 442.550 - 442.570
Hist.: SSC 5-1994, f. & cert. ef. 1-25-94; OSAC 3-2006, f. & cert. ef. 3-1-06; OSAC 1-2007, f. & cert. ef. 10-3-07

575-071-0040

Terms of Agreement

Prospective physicians, pharmacists, dentists, physician assistants, and nurse practitioners who wish to participate in the Rural Health Services Program shall agree that:

(1) For each year of medical, pharmacy, dental, physician assistant, or graduate school, the applicant shall designate an amount from the student loans borrowed by him or her, not to exceed \$25,000 as a qualifying loan subject to repayment through this program.

(2) In the time period immediately following the completion of all residency requirements or the time period immediately following the execution of a Rural Health Services Agreement, whichever comes later, a physician or dentist applying to participate in the Rural Health Services Program agrees to practice full-time in a 'qualifying practice site' for at least three full years.

(3) For not less than three years, nor more than five years, that a physician or dentist participating in the Rural Health Services Program serves in a 'qualifying practice site', the Commission shall annually pay to the participant an amount that is a percentage of the total of all qualifying loans through the programs described in ORS 442.550.

(4) In the time period immediately following the completion of all pharmacy residency requirements or the five years following the execution of a Rural Health Services agreement with the commission, whichever comes later, a pharmacist agrees to practice for at least three full years in a 'qualifying practice site'.

(5) For not less than three nor more than five years that a pharmacist serves in a 'qualifying practice site', the commission shall annually pay an amount that is a percentage of the total of all qualifying loans made to the pharmacist through the programs described in ORS 442.550.

(6) In the time period immediately following the completion of physician assistant or graduate school or the time period immediately following the execution of a Rural Health Services Agreement, whichever comes later, a physician assistant or nurse practitioner applying to participate in the Rural Health Services Program agrees to practice full-time in a 'qualifying practice site' for at least two full years.

(7) For not less than two nor more than four years that a physician assistant or nurse practitioner practices in a 'qualifying practice site', the Commission shall annually pay to the participant an amount that is a percentage of the total of all qualifying loans through the programs described in ORS 442.550.

(8) If the participant does not complete the full service obligation set forth in section (2), (4) or (6) of this rule, the Commission shall collect 100

percent of any payments made by the Commission to the participant under this program. In addition, a penalty equal to 50 percent of the qualifying loans and interest paid by the Commission shall be assessed by the Commission, to be credited to and deposited in the Rural Health Services Fund established under ORS 442.570.

Stat. Auth.: ORS 442.560, SB 81, Sec. 53 & SB 404
Stats. Implemented: ORS 442.470 & 442.550 - 442.570
Hist.: SSC 2-1992, f. & cert. ef. 2-28-92; SSC 5-1994, f. & cert. ef. 1-25-94; OSAC 3-2006, f. & cert. ef. 3-1-06; OSAC 1-2007, f. & cert. ef. 10-3-07

Rule Caption: Establishment of the Access to Student Assistance Programs in Reach of Everyone (ASPIRE) Program.

Adm. Order No.: OSAC 2-2007

Filed with Sec. of State: 10-3-2007

Certified to be Effective: 10-3-07

Notice Publication Date: 9-1-07

Rules Adopted: 575-076-0005, 575-076-0010, 575-076-0015, 575-076-0025, 575-076-0030

Subject: HB 2729 enacted by the 2007 Legislative Assembly, established the Access to Student Assistance Programs in Reach of Everyone (ASPIRE) program within the Oregon Student Assistance Commission. The program shall provide information about financial aid and education and training options beyond high school to students in Oregon secondary schools. The goals of the programs are to:

(a) Provide mentoring and resources to help students access education and training beyond high school;

(b) Help high schools build a sustainable community of volunteer mentors; and

(c) Educate students and families about the scholarship application process and other options for paying for post-secondary education.

The Commission proposes a set of rules for the purpose of implementation and administration of the program.

Rules Coordinator: Susanne D. Ney—(503) 687-7394

575-076-0005

Purpose and Scope

This rule implements the Access to Student assistance Programs In Reach of Everyone (ASPIRE) program. The program encourages all Oregon high school students to see education and training beyond high school as an option. The program provides information about financial aid and education and training options to students, school staff, community volunteers and families for this purpose.

Stat. Auth.: ORS 348, 2007 HB 2729
Stats. Implemented:
Hist.: OSAC 2-2007, f. & cert. ef. 10-3-07

575-076-0010

Definitions

(1) Applicant site. A site serving students in Oregon secondary schools that has completed all necessary material for consideration to become an ASPIRE site.

(2) ASPIRE Agreement. A document that outlines the responsibilities of both the ASPIRE Program and the ASPIRE site that is signed by designated representatives of OSAC and the site.

(3) ASPIRE Coordinator. A site designated staff person who oversees the ASPIRE Program.

(4) ASPIRE site. A site serving students in Oregon secondary schools that has been accepted into the ASPIRE program and is currently operating in the program.

(5) ASPIRE student. An Oregon secondary school student.

(6) Commission. The Oregon Student Assistance Commission (OSAC).

(7) Partnership Grants. General Funds or Other Funds that are awarded to an ASPIRE site for the purpose of funding an ASPIRE Coordinator. The site may be required to require a matching grant amount to fully fund the ASPIRE Coordinator.

(8) Volunteer advisor. A volunteer who works with individual ASPIRE students at an ASPIRE site.

(9) Waiting list. A list maintained by OSAC of applicant schools that have met the standards for acceptance into the ASPIRE program but which cannot yet be accommodated in the program owing to availability of funds, staffing or other factors limiting participation.

Stat. Auth.: ORS 348, 2007 HB 2729
Stats. Implemented:
Hist.: OSAC 2-2007, f. & cert. ef. 10-3-07

ADMINISTRATIVE RULES

575-076-0015

Application/Selection Procedures

The Commission shall establish an application procedure for potential ASPIRE sites. This procedure shall provide:

(1) Appropriate, timely notification to all potentially eligible sites.
(2) Information on ASPIRE training and technical assistance, Partnership Grants, or other grant assistance available.

(3) Information on the responsibilities of the participating ASPIRE sites.

(4) An equitable system through which applicant sites are evaluated for potential participation in ASPIRE based upon the quality of the applicant site in terms of meeting the purposes of the law. This process will include but is not limited to an evaluation of:

(a) Evaluation of current programs and practices that encourage students' pursuit of post-secondary opportunities.

(b) Evaluation of administrative support demonstrated by the designation and support of an ASPIRE Coordinator, space and technical resources

(c) Demonstrated experience with volunteer management

(d) Evaluation of school need demonstrated by such indicators as: Drop out rates, percentage of students qualifying for free and reduced lunch, and attendance rates

(e) Percentage of graduating seniors seeking education and/or training after high school including percentages of students who are traditionally underrepresented

(5) Timely notification of successful applicant schools in order to allow sites adequate preparation time for ASPIRE operation.

(6) An appropriate waiting list for sites.

Stat. Auth.: ORS 348, 2007 HB 2729

Stats. Implemented:

Hist.: OSAC 2-2007, f. & cert. ef. 10-3-07

575-076-0025

Conditions of Participation

(1) The Commission shall establish conditions required for sites to participate in the ASPIRE program and monitor these conditions:

(2) Students or their legal guardian, if the student is under 18 years of age must sign a student participation agreement.

(3) Volunteer Advisors are recruited and screened including a background check by the participating site. OSAC ASPIRE staff and the each ASPIRE Coordinator will set targets for the site's ASPIRE program outputs and outcomes.

(4) Other OSAC conditions that are included in the ASPIRE Agreement.

Stat. Auth.: ORS 348, 2007 HB 2729

Stats. Implemented:

Hist.: OSAC 2-2007, f. & cert. ef. 10-3-07

575-076-0030

Financial Administration

ASPIRE funds shall be managed according to legislative instruction, requirements of grantors and State of Oregon standards. Funds disbursed to ASPIRE sites are subject to subsequent audit by the Commission.

Stat. Auth.: ORS 348, 2007 HB 2729

Stats. Implemented:

Hist.: OSAC 2-2007, f. & cert. ef. 10-3-07

Rule Caption: Student Child Care Grant Program.

Adm. Order No.: OSAC 3-2007(Temp)

Filed with Sec. of State: 10-12-2007

Certified to be Effective: 10-12-07 thru 12-31-07

Notice Publication Date:

Rules Adopted: 575-095-0005, 575-095-0010, 575-095-0015

Subject: The Oregon Department of Human Services (DHS) originally administered the Student Child Care Grant Program. Funding for the program was transferred in the 2007-09-budget process from DHS to the Oregon Student Assistance Commission (OSAC). The start date of the transfer is October 1, 2007.

OSAC and DHS have developed a Memorandum of Understanding (MOU) in which DHS will continue to administer the program for the period of October 1, 2007 to December 31, 2007. Under the MOU, DHS continues to use all Oregon Administrative Rules

(OARs) previously developed by DHS for administration of the program.

This rule was written to fulfill the need of transitioning the program from DHS to OSAC and adoption of DHS OARs by OSAC during the period of time that OSAC has the agreement with DHS.

Rules Coordinator: Susanne D. Ney—(541) 687-7394

575-095-0005

Definitions

For the purposes of the Student Child Care Grant Program the following definitions shall be used:

(1) "Commission" means the Oregon State Scholarship Commission.

(2) A reference to Department, Division, Adult and Family Services Division (or AFS), Senior and Disabled Services Division (or SDDS), or any other agency formerly part of the Department of Human Services shall be taken to mean the Department of Human Services (DHS).

(3) "Child" includes natural, step, and adoptive children. The term child does not include an unborn.

(4) "Caretaker" means an individual who is responsible for the care, control, and supervision of a child. The status of caretaker ends once the individual no longer exercises care, control, and supervision of the child for 30 days.

(5) "Caretaker relative" means a caretaker who meets the requirements of one of the following subsections:

(a) Is one of the following relatives of the dependent child:

(A) Any blood relative, including those of half-blood, and including first cousins, nephews, or nieces, and individuals of preceding generations as denoted by prefixes of grand, great, or great-great.

(B) Stepfather, stepmother, stepbrother, and stepsister.

(C) An individual who legally adopts the child and any individual related to the individual adopting the child, either naturally or through adoption.

(b) Is or was a spouse of an individual listed in subsection (a) of this section.

(c) Met the definition of caretaker relative under subsection (a) or (b) of this section before the child was adopted (notwithstanding the child's subsequent adoption).

(6) "Certification period" means the period for which a client is certified eligible for a program.

(7) Employment or Education-Related Day Care (ERDC). Helps low-income families pay the cost of child care.

(8) ERDC-SBG-Student Child Care Block Grant. Child Care for Students.

(9) Temporary Assistance for Needy Families (TANF). Cash assistance for families when children in those families are deprived of parental support because of continued absence, death, incapacity, or unemployment.

(10) Medical Coverage for Children in Substitute or Adoptive Care (SAC).

Stat. Auth.: ORS 348, 411

Stats. Implemented: ORS 348, 411

Hist.: OSAC 3-2007(Temp), f. & cert. ef. 10-12-07 thru 12-31-07

575-095-0010

Policy/Intent

The intent of the Student Child Care program is to assist parents enrolled in post-secondary education obtain safe, dependable care that supports their children's development. Because program funding is limited, there is a waiting list to apply for assistance. Although the program serves only a small number of students at a time, it should be accessible throughout the state, and provide students with a convenient and efficient means to apply. The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services during the period of October 1, 2007 to December 31, 2007. During that time period, DHS will administer the Student Child Care Program under the same policies and procedures as it has previously administered the program. This temporary rule will be in effect October 1, 2007 to December 31, 2007. On January 1, 2008, the Oregon Student Assistance Commission will administer the Student Child Care Program under a permanent rule that will go in to effect at that time.

Stat. Auth.: ORS 348, 411

Stats. Implemented: ORS 348, 411

Hist.: OSAC 3-2007(Temp), f. & cert. ef. 10-12-07 thru 12-31-07

575-095-0015

Student Child Care Grant Program

(1) Household Group; Filing Group, Financial Group, Need Group, Benefit Group: The Oregon Student Assistance Commission will contract

ADMINISTRATIVE RULES

with the Oregon Department of Human Services to follow OAR 461-110-0210, 461-110-0350, 461-110-0530, 461-110-0630 and 461-110-0750.

(2) Application Process; Waiting List for ERDC-SBG: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-115-0015.

(3) Verification: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-115-0610

(4) Residency Requirements: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-120-0010.

(5) Age Requirements for Clients to Receive Benefits: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-120-0510.

(6) Specific Requirements; ERDC: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-135-0400.

(7) ERDC Requirement to Make Copay or Satisfactory Arrangements: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-135-0415.

(8) Assets; Income and Resources: Household Group; Filing Group, Financial Group, Need Group, Benefit Group: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-140-0010.

(9) Determining Availability of Income: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-140-0040.

(10) Availability of Resources: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-140-0020.

(11) Availability and Treatment of Lump-Sum Income: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-140-0020.

(12) Earned Income; Treatment: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-145-0130.

(13) Educational Income: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-145-0150.

(14) Income-Producing Property: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-145-0250.

(15) Self-Employment; Determination of Countable Income: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-145-0930.

(16) Self-Employment; Costs That Are Excluded to Determine Countable Income: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-145-0920.

(17) Budgeting Income for Cases Using APR: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-150-0049.

(18) Annualizing Contracted and Self-employment Income: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-150-0090

(19) Child Care Eligibility Standard, Payment Rates, and Co-payments: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-155-0150.

(20) Dependent Care Costs; Deduction and Coverage: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-160-0040.

(21) Direct Provider Payments: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-165-0160.

(22) Uses of Income to Determine Eligibility and Benefits for ERDC: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-160-0300.

(23) Concurrent and Duplicate Program Benefits: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-165-0030.

(24) Eligibility of Child Care Providers: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-165-0180.

(25) Child Care Payments Paid Directly to a Client: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-165-0190.

(26) Changes that Must Be Reported; ERDC: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-170-0015.

(27) Liability for Overpayments and Trafficking: The Oregon Student Assistance Commission will contract with the Oregon Department of Human Services to follow OAR 461-195-0541.

Stat. Auth.: ORS 348, 411

Stats. Implemented: ORS 348, 411

Hist.: OSAC 3-2007(Temp), f. & cert. ef. 10-12-07 thru 12-31-07

Rule Caption: ASPIRE Partnership Grant.

Adm. Order No.: OSAC 4-2007(Temp)

Filed with Sec. of State: 10-3-2007

Certified to be Effective: 10-3-07 thru 3-1-08

Notice Publication Date:

Rules Adopted: 575-077-0005, 575-077-0010, 575-077-0015, 575-077-0020, 575-077-0025, 575-077-0030, 575-077-0035, 575-077-0040

Subject: Partnership Grants are provided to underwrite a portion of the cost of a current school employee who assists with ASPIRE activities. The Commission shall establish and equitable application process for ASPIRE sites to seek Partnership Grant funding. ASPIRE sites may be selected and awarded Partnership Grants based on the quality of the Partnership Grant application in terms of meeting the goals of the law and the availability of Partnership Grant funds.

Rules Coordinator: Susanne D. Ney—(541) 687-7394

575-077-0005

Purpose and Scope

This rule implements a grant system through which certain ASPIRE sites can obtain Partnership Grants, subject to legislative allocation of funds. Partnership Grants are provided to underwrite a portion of the cost of a current school employee who assists with ASPIRE activities. The Commission shall establish and equitable application process for ASPIRE sites to seek Partnership Grant funding. ASPIRE sites may be selected and awarded Partnership Grants based on the quality of the Partnership Grant application in terms of meeting the goals of the law and the availability of Partnership Grant funds.

Stat. Auth.: 2007 HB 2729

Stats. Implemented: ORS 348; 2007 HB 2729

Hist.: OSAC 4-2007(Temp), f. & cert. ef. 10-3-07 thru 3-1-08

575-077-0010

Definitions

Definitions used for this rule are the same as used in OAR 575-076-0010 unless otherwise noted.

Stat. Auth.: 2007 HB 2729

Stats. Implemented: ORS 348; 2007 HB 2729

Hist.: OSAC 4-2007(Temp), f. & cert. ef. 10-3-07 thru 3-1-08

575-077-0015

Procedure for Awards

Each biennium the Commission will notify in writing all ASPIRE sites with which an existing ASPIRE agreement is in place and all organizations that have expressed an interest in becoming ASPIRE sites of the availability of Partnership Grants and the criteria for obtaining such grants. Notification shall include:

- (1) The availability of grants
- (2) Any requirements for matching funds or in-kind support
- (3) Deadline for application
- (4) Requirements for application and any necessary forms
- (5) Payment schedule

Stat. Auth.: 2007 HB 2729

Stats. Implemented: ORS 348; 2007 HB 2729

Hist.: OSAC 4-2007(Temp), f. & cert. ef. 10-3-07 thru 3-1-08

575-077-0020

Eligibility for Awards

An ASPIRE site is eligible to apply for a Partnership Grant if it meets the requirements for matching funds or in-kind support included in the notice.

Stat. Auth.: 2007 HB 2729

Stats. Implemented: ORS 348; 2007 HB 2729

Hist.: OSAC 4-2007(Temp), f. & cert. ef. 10-3-07 thru 3-1-08

ADMINISTRATIVE RULES

575-077-0025

Amount of Award

Award types and amounts will be set by the Commission or designee based on the amount allocated for this purpose by the legislature or raised from other sources.

Stat. Auth.: 2007 HB 2729
Stats. Implemented: ORS 348; 2007 HB 2729
Hist.: OSAC 4-2007(Temp), f. & cert. ef. 10-3-07 thru 3-1-08

575-077-0030

Selection Criteria

Awards will be made by the Commission or designee based on the following criteria.

- (1) Whether the application is timely, complete and accurate.
- (2) Whether the ASPIRE site is eligible.
- (3) Whether funds are available.
- (4) Availability of local matching funds or other support.
- (5) Size of the student population to be served.
- (6) Special needs of the student population to be served.

Stat. Auth.: 2007 HB 2729
Stats. Implemented: ORS 348; 2007 HB 2729
Hist.: OSAC 4-2007(Temp), f. & cert. ef. 10-3-07 thru 3-1-08

575-077-0035

Rescission of Award

The Commission may rescind an award made under this rule if the recipient school is not in compliance with program requirements. Any such rescission will be made only after at least 30 days notice to the affected school and an opportunity for that school to be heard by the Commission.

Stat. Auth.: 2007 HB 2729
Stats. Implemented: ORS 348; 2007 HB 2729
Hist.: OSAC 4-2007(Temp), f. & cert. ef. 10-3-07 thru 3-1-08

575-077-0040

Effective Date of Temporary Rule

These rules are effective on July 1, 2007.

Stat. Auth.: 2007 HB 2729
Stats. Implemented: ORS 348; 2007 HB 2729
Hist.: OSAC 4-2007(Temp), f. & cert. ef. 10-3-07 thru 3-1-08

Parks and Recreation Department
Chapter 736

Rule Caption: Temporarily suspend OAR 736-002-0100(10).

Adm. Order No.: PRD 9-2007(Temp)

Filed with Sec. of State: 9-27-2007

Certified to be Effective: 9-27-07 thru 3-25-08

Notice Publication Date:

Rules Amended: 736-002-0100

Subject: Temporarily suspends OAR 736-002-0100(10) while the agency undertakes rulemaking procedures to reconcile the rule provisions on criminal history check information with the requirements of 2005 legislation (HB 2157) and the applicable Department of Administrative services (DAS) model rule.

Rules Coordinator: Colleen Rogers—(503) 986-0730

736-002-0100

Challenging a Fitness Determination

If a subject individual wishes to dispute an adverse fitness determination, the subject individual may appeal the determination by requesting a contested case hearing.

(1) The subject individual must notify the Department in writing of their intent to challenge the fitness determination and to request a contested case hearing not later than ten calendar days from the date the subject individual received the denial notice. The Department may extend the time to appeal if the Department determines the delay was caused by factors beyond the reasonable control of the subject individual.

(2) The Department has no jurisdiction over allegations that the criminal offender information received from OSP, the FBI or other entities is inaccurate, incomplete, or maintained in violation of any federal or state law.

(3) The Department is entitled to rely on the criminal offender information supplied by OSP, the FBI or other entities until the Department is notified that the information has been changed or corrected.

(4) Any contested case hearing under this rule is not open to the public.

(5) Prior to the contested case hearing being scheduled, a mandatory pre-hearing conference between the Department and the subject individual shall be convened to review all available information and determine the need for a contested case hearing. The subject individual may bring legal counsel or other representation. At the pre-hearing conference, the subject individual must verify whether the individual has used the right to inspect or challenge their criminal offender information record(s) or has declined to do so.

(6) If the Department reverses the denial as a result of the pre-hearing conference, no hearing will be held. If the Department upholds the denial, a hearing must be held unless the subject individual withdraws the request for a contested case hearing in writing.

(7) The hearing must be conducted in accordance with the Attorney General's Uniform and Model Rules of Procedure, OAR 137-001-0005 et seq.

(8) The issues at a contested case hearing shall be limited to:

(a) Whether the subject individual has made a false statement as to the non-conviction of a crime;

(b) Whether the criminal offender information provided to the Department by OSP, the FBI or other entities describes any crime that the Department has determined is relevant to employment;

(c) Whether the Department's determination that the nature of the crime for which the subject individual was convicted is relevant to the position which the subject individual is seeking or holds; and,

(d) Whether the Department considered the relationship of the facts that support the conviction and all intervening circumstances to the position at issue in determining the fitness of the subject individual to hold the position.

(9) The Director shall select an appropriate hearing officer. The role of the hearing officer is limited to conducting the hearing and developing a proposed order for the Director of the Department or his/her designee.

Stat. Auth.: ORS 390.124 & HB 2207 (2003 Legislative Session)
Stats. Implemented: ORS 181.537(10)
Hist.: PRD 3-2004, f. & cert. ef. 1-15-04; PRD 9-2007(Temp), f. & cert. ef. 9-27-07 thru 3-25-08

Public Utility Commission
Chapter 860

Rule Caption: In the Matter of Housekeeping and Clarification Changes to OAR 860-022-0041.

Adm. Order No.: PUC 11-2007

Filed with Sec. of State: 9-18-2007

Certified to be Effective: 9-18-07

Notice Publication Date: 7-1-07

Rules Amended: 860-022-0041

Subject: The adopted changes to the Annual Tax Reports and Automatic Adjustment Clauses Relating to Utility Taxes Rule (860-022-0041) include (1) removing an iterative effect caused by calculating a tax effect on the amount either refunded or collected from customers; (2) allowing a change in methodology if ownership of the utility changes; (3) removing a potential federal tax law normalization problem caused by drawing down current deferred taxes; (4) creating a placeholder due to a legislative proposal so all parties will have the ability to comment on any changes to treatment of the BETC tax credit; and (5) correcting the calculation of the "floor" for the three-factor Apportionment Method. The adopted changes make it easier for utilities to prepare their October 15 tax filings.

Rules Coordinator: Diane Davis—(503) 378-4372

860-022-0041

Annual Tax Reports and Automatic Adjustment Clauses Relating to Utility Taxes

(1) This rule applies to regulated investor-owned utilities that provided electric or natural gas service to an average of 50,000 or more customers in Oregon in 2003, or to any successors in interest of those utilities that continue to be regulated investor-owned utilities.

(2) As used in this rule:

(a) "Affiliated group" has the meaning given to "affiliated group" in ORS 757.268(13)(a);

(b) "Deferred taxes" for purposes of the utility means the total deferred tax expense of regulated operations that relate to the year being reported in the utility's results of operations report or tax returns, excluding deferred taxes related to the establishment of a regulatory receivable or payable account for any rate adjustment imposed under ORS 757.268, in

ADMINISTRATIVE RULES

the year the deferred tax is established but not thereafter, to eliminate the iterative tax effect of the rate adjustment;

(c) "Income" means taxable income as determined by the applicable taxing authority, except that income means regulatory taxable income when reporting or computing the stand-alone tax liability resulting from a utility's regulated operations;

(d) "Income tax losses" means the negative taxable income of an entity in the federal taxpayer or unity group, excluding the current deduction of tax depreciation on public utility property and federal investment tax credits related to public utility property;

(e) "IRC" means Internal Revenue Code;

(f) "Investment" means capital outlays for utility property necessary or useful in providing regulated service to customers;

(g) "Iterative tax effect" means the tax effect of a rate adjustment for taxes related to ORS 757.267 or 757.268 in the tax reporting period that includes the rate adjustment;

(h) "Local taxes collected" means the total amount collected by the utility from customers under the local tax line-item of customers' bills calculated on a separate city or county basis;

(i) "Pre-tax income" means the utility's net revenues before income taxes and interest expense, as determined by the Commission in a general rate proceeding;

(j) "Properly attributed" means the share of taxes paid that is apportioned to the regulated operations of the utility as calculated in section (3), subject to subsections (4)(a), (4)(b), (4)(g) and (4)(h), of this rule;

(k) "Public utility property" means property as defined by the Code of Federal Regulations, Title 26, Section 168(i)(10);

(l) "Regulated operations of the utility" has the meaning given to "regulated operations of the utility" in ORS 757.268(13)(c);

(m) "Results of operations report" means the utility's annual results of operations report filed with the Commission;

(n) "Revenue" means utility retail revenues received from ratepayers in Oregon, excluding supplemental schedules or other revenues not included in the utility's revenue requirement and adjusted for any rate adjustment imposed under this rule;

(o) "Revenue requirement" means the total revenue the Commission authorizes a utility an opportunity to recover in rates pursuant to a general rate proceeding or other general rate revision, including an annual automatic adjustment clause under ORS 757.210;

(p) "Stand-alone tax liability" means the amount of income tax liability calculated using a pro forma tax return and revenues and expenses in the utility's results of operations report for the year, except using zero depreciation expense for public utility property, excluding any tax effects from investment tax credits, and calculating interest expense in the manner used by the Commission in establishing rates;

(q) "System regulated operations" means those activities of the utility, in Oregon and other jurisdictions, that are subject to rate regulation by any state commission;

(r) "Tax" has the meaning given to "tax" in ORS 757.268(13)(d);

(s) "Taxes authorized to be collected in rates" means:

(A) The following for federal and state income taxes calculated by multiplying the following three values:

(i) The revenue the utility collects, as reported in the utility's results of operations report;

(ii) The ratio of the net revenues from regulated operations of the utility to gross revenues from regulated operations of the utility, calculated using the pre-tax income and revenue the Commission authorized in establishing rates and revenue requirement; and

(iii) The effective tax rate used by the Commission in establishing rates for the time period covered by the tax report as set forth in the most recent general rate order or other order that establishes an effective tax rate, calculated as the ratio of total income tax expense in revenue requirement to pre-tax income;

(B) For purposes of paragraph (2)(s)(A) of this rule, when the Commission has authorized a change during the tax year for gross revenues, net revenues or effective tax rate, the amount of taxes authorized to be collected in rates will be calculated using a weighted average of months in effect;

(t) "Taxes paid" has the meaning given to "taxes paid" in ORS 757.268(13)(f);

(u) "Taxpayer" means the utility, the affiliated group or the unitary group that files income tax returns with units of government;

(v) "Tax report" means the tax filing each utility must file with the Commission annually, on or before October 15 following the year for which the filing is being made, pursuant to ORS 757.268;

(w) "Unitary group" means the utility or the group of corporations of which the utility is a member that files a consolidated state income tax return; and

(x) "Units of government" means federal, state, and local taxing authorities.

(3) The amount of income taxes paid that is properly attributed to regulated operations of the utility is calculated as follows:

(a) The amount of federal income taxes paid to units of government that is properly attributed to the regulated operations of the utility is the product of the values in paragraphs (3)(a)(A) and (B), subject to subsection (3)(b) of this rule:

(A) The total amount of federal income taxes paid by the federal taxpayer, to which is added:

(i) The current tax benefit, at the statutory federal income tax rate, of tax depreciation on public utility property;

(ii) The tax benefits associated with federal investment tax credits related to public utility property; and

(iii) Imputed tax benefits on charitable contributions and IRC section 45 renewable electricity production tax credits of the affiliated group, except those tax benefits or credits associated with regulated operations of the utility; and

(B) The average of the ratios calculated for the utility's gross plant, wages and salaries and sales, using amounts allocated to regulated operations of the utility as set forth in the utility's results of operations report in the numerator and amounts for the federal taxpayer in the denominator;

(b) The amount of federal income taxes paid that is properly attributed to the regulated operations of the utility under subsection (3)(a) of this rule shall not be less than the amount of the federal stand-alone tax liability calculated for the regulated operations of the utility, reduced by the product of:

(A) The imputed negative tax associated with all federal income tax losses of entities in the utility's federal taxpayer group; and

(B) The average of the ratios for the utility's gross plant, wages and salaries and sales, using amounts allocated to the regulated operations of the utility as set forth in the utility's results of operations report in the numerator and amounts for the system regulated operations in the denominator;

(c) The total amount of state income taxes paid to units of government that is properly attributed to the regulated operations of the utility is the product of the values in paragraphs (3)(c)(A) and (B), subject to paragraphs (3)(c)(C) and (D) and subsection (3)(d) of this rule:

(A) The total amount of Oregon income taxes paid by the Oregon unitary group taxpayer, to which is added:

(i) The current tax benefit, at the state statutory rate, of tax depreciation on public utility property; and

(ii) Imputed Oregon tax benefits on charitable contributions of the unitary group, except those tax benefits associated with regulated operations of the utility; and

(B) The average of the ratios calculated for the utility's gross plant, wages and salaries and sales using amounts allocated to regulated operations of the utility as set forth in the utility's results of operations report in the numerator and amounts for the unitary group taxpayer in Oregon, adjusted to reflect amounts allocated to regulated operations of the utility, in the denominator;

(C) If a utility's taxes collected in rates reflect non-Oregon state income taxes, the utility must make a one-time permanent election in its October 15, 2006, tax report filing, or in the case of a change of the majority ownership of the utility's voting shares pursuant to ORS 757.511, in the first tax report filing that includes a tax reporting period reflecting the new ownership, to either:

(i) Multiply the total amount of Oregon income taxes paid in paragraph (3)(c)(A) of this rule before adjustments by the ratio calculated as the state income tax rate used by the Commission in establishing rates divided by the Oregon statutory tax rate set forth in ORS 317.061; or

(ii) Calculate the total state taxes paid using the formula set forth in paragraphs (3)(c)(A) and (B) of this rule on a state by state basis, apportioned to Oregon by multiplying the total state taxes paid by the average of the ratios calculated for gross plant, wages and salaries and sales using amounts allocated to the regulated operations of the utility in the numerator and amounts for the system regulated operations in the denominator;

(D) When Oregon income tax attributable to system regulated operations is 100 percent allocated to Oregon in setting rates, 100 percent of the Oregon income tax of system regulated operations must be attributed to the regulated operations of the utility;

ADMINISTRATIVE RULES

(d) The amount of state income taxes paid that is properly attributed to the regulated utility operations of the utility under subsection (3)(c) of this rule must not be less than:

(A) For a utility for which Oregon state income taxes are the only state income taxes included in rates, the amount of the Oregon state stand-alone tax liability calculated for the regulated operations of the utility, minus the imputed negative tax associated with all Oregon state income tax losses of entities in the utility's unitary group; or

(B) For a utility for which non-Oregon state income taxes are included in rates, the product of:

(i) The sum of the state stand-alone tax liability calculated for the applicable system regulated operations in each state in which the utility is a member of a unitary group, minus the sum of the imputed negative tax associated with all state income tax losses of entities in the utility's unitary group in each state; and

(ii) The average of the ratios calculated for gross plant, wages and salaries and sales using amounts allocated to the regulated operations of the utility in the numerator and amounts for the system regulated operations in the denominator;

(e) The amount of local income taxes paid to units of government that is properly attributed to the regulated operations of a utility is the product of the values in paragraphs (3)(e)(A) and (B) of this rule for each local taxing authority in Oregon:

(A) The total amount of income taxes paid by the taxpayer to the local taxing authority, as adjusted to include the imputed effect on local income taxes of:

(i) The current tax benefit of tax depreciation on public utility property; and

(ii) Imputed tax benefits on charitable contributions of the taxpayer except those associated with regulated operations of the utility; and

(B) The ratio calculated using the method for apportioning taxable income used by the local taxing authority, with the amount for the regulated operations of the utility in the local taxing authority in the numerator and the amount for the taxpayer in the local taxing authority in the denominator.

(4) On or before October 15 of each year, each utility must file a tax report with the Commission. The tax report must contain the following applicable information for each of the three preceding fiscal years:

(a) The amount of federal and state income taxes paid to units of government by the taxpayer, as adjusted pursuant to subparagraphs (3)(a)(A)(i), (ii) and (iii) of this rule;

(b) The amount of the utility's federal and state income taxes paid that is incurred as a result of income generated by the regulated operations of the utility, where:

(A) The amount of federal income taxes paid is equal to the federal stand-alone tax liability calculated for the regulated operations of the utility;

(B) For a utility for which Oregon state income taxes are the only state income taxes included in rates, the utility's state income taxes paid is the Oregon state stand-alone tax liability calculated for the regulated operations of the utility; and

(C) For a utility for which non-Oregon state income taxes are included in rates, the amount of state income taxes paid is the product of:

(i) The sum of the state stand-alone tax liability calculated for the applicable system regulated operations in each state in which the utility is a member of a unitary group; and

(ii) The ratio calculated as the income of the regulated operations of the utility divided by the income of the system regulated operations;

(c) The amount of federal and state income taxes paid to units of government by the taxpayer that is properly attributed to the regulated operations of the utility, as calculated in section (3) of this rule;

(d) The lowest of the amounts in subsections (4)(a), (4)(b) and (4)(c) of this rule, after making adjustments in paragraphs (4)(d)(A), (4)(d)(B), (4)(d)(C), (4)(d)(D), and (4)(d)(E), but no less than the deferred taxes related to depreciation of public utility property for regulated operations of the utility, except the deferred tax amount must be reduced by any tax refunds recognized in the reporting period and allocated to the regulated operations of the utility:

(A) The items defined in subsection (2)(t) of this rule;

(B) A reduction equal to the current tax benefit related to tax depreciation of public utility property for regulated operations of the utility;

(C) A reduction equal to the tax benefit related to federal investment tax credits recognized by the Commission in establishing rates;

(D) An increase equal to the tax benefit of Oregon business energy tax credits, including those credits transferred pursuant to ORS 469.206 and

ORS 469.208, of the unitary group, excluding those credits covered by ORS 757.268(13)(f)(B); and

(E) Elimination of the iterative tax effect to the extent such iterative tax effect has not been eliminated by paragraph (4)(d)(A) of this rule;

(e) The amount of federal and state income taxes authorized to be collected in rates;

(f) The amount of the difference between the amounts in subsections (4)(d) and (4)(e) of this rule;

(g) The amount of local income taxes paid to units of government by the taxpayer, calculated for each local taxing authority, and to which is added the imputed effect on local income taxes of the amount in subparagraph (3)(e)(A)(i) of this rule;

(h) The amount of local income taxes paid to units of government by the taxpayer that is incurred as a result of income generated by the regulated operations of the utility, calculated as the stand-alone tax liability in each local taxing authority;

(i) The amount of local income taxes paid to units of government by the taxpayer that is properly attributed to the regulated operations of the utility, as calculated in section (3) of this rule for each local taxing authority;

(j) The lowest of the amounts in subsections (4)(g), (4)(h) and (4)(i) of this rule, calculated for each local taxing authority, after making adjustments for:

(A) The items defined in subsection (2)(t) of this rule; and

(B) A reduction equal to the local tax effect of the current tax benefit related to tax depreciation of public utility property for regulated operations of the utility; and

(C) Elimination of the iterative tax effect to the extent such iterative tax effect has not been eliminated by paragraph (4)(j)(A) of this rule;

(k) The amount of local income taxes collected from Oregon customers, calculated for each local taxing authority;

(l) The amount of the difference between the amounts in subsection (4)(j) and (4)(k) of this rule, calculated for each local taxing authority;

(m) The proposed surcharge or surcredit rate adjustments for each customer rate schedule to charge or refund customers the amount of the differences in subsections (4)(f) and (4)(l) of this rule;

(n) If the utility claims the minimum taxes paid amount set by subsections (3)(b) and (3)(d) of this rule, the total federal and state income tax losses in the utility's affiliated and unitary groups associated with the imputed negative tax claimed; and

(o) Any adjustments, in addition to the adjustments required in section (3) and subsections (4)(a) through (4)(n) of this rule, that the utility proposes to avoid probable violations of federal tax normalization requirements.

(5) In calculating the amount of taxes paid under sections (3) and (4) of this rule:

(a) "Taxes paid" must be allocated to each tax year employed by the utility for reporting its tax liability in the following manner:

(A) For any tax return prepared for the preceding tax year and filed on or before the date the tax report is due for such tax year, the utility must allocate each reported tax liability to the tax year for which such return is filed;

(B) For each tax liability or tax adjustment shown on an amended tax return or made as a result of a tax audit, that is filed, paid or received after the date the tax report is due for the applicable tax year, the utility must allocate the tax liability or tax adjustment to the tax year that is recognized by the utility for accounting purposes;

(C) Taxes paid must include any interest paid to or interest received from units of government with respect to tax liabilities;

(b) When a utility's fiscal year or parent changes, and a partial year consolidated federal income tax return is filed during the year, taxes paid must be calculated in the manner defined by ORS 314.355 and OAR 150-314.355. For purposes of this rule, the amount of taxes paid must reflect a weighted average of the months in effect related to each tax return filing.

(6) The utility must explain the method used for calculating the amounts in this rule and provide copies of all workpapers and documents supporting the calculations.

(7) The Commission will establish an ongoing docket for each of the October 15 tax report filings. Upon signing a protective order prepared by the Commission, any intervenor may have access to all such tax report filings, subject to the terms of the protective order;

(a) Within 20 days following the tax report filings, an Administrative Law Judge will conduct a conference and adopt a schedule;

(b) Within 180 days of the tax report filings, the Commission will issue an order that contains the following findings:

ADMINISTRATIVE RULES

(A) Whether the taxes authorized to be collected in rates for any of the three preceding fiscal years differs by \$100,000 or more from the amount of taxes paid to units of government that is properly attributed to the regulated operations of the utility;

(B) For the preceding fiscal year, the difference between the amount of federal and state income taxes paid to units of government by the taxpayer that is properly attributed to the regulated operations of the utility and the amount of taxes authorized to be collected in rates;

(C) For the preceding fiscal year, the difference between the amount of local income taxes paid to units of government by the taxpayer that is properly attributed to the regulated operations of the utility and the amount of local taxes collected in rates; and

(c) Any other finding or determination necessary to implement the automatic adjustment clause.

(8) Upon entry of an order finding a difference of \$100,000 or more in section (7) of this rule, the utility must file an amended tariff, to be effective each June 1 unless otherwise authorized by the Commission, to implement a rate adjustment applying to taxes paid to units of government and collected from ratepayers for each fiscal year beginning on or after January 1, 2006;

(a) The utility must establish a balancing account and automatic adjustment clause tariff to recover or refund the difference determined by the Commission in paragraph (7)(b)(B) of this rule through a surcharge or surcredit rate adjustment;

(b) A utility that is assessed a local income tax must establish a separate balancing account and automatic adjustment clause tariff for each local taxing authority assessing such tax. The utility must apply a surcharge or surcredit on the bills of customers within the local taxing authority assessing the tax. The amount of the surcharge or surcredit must be calculated to recover or refund the difference determined by the Commission in paragraph (7)(b)(C) of this rule;

(c) Any rate adjustment must be calculated to amortize the difference determined by the Commission in paragraphs (7)(b)(B) and (7)(b)(C) of this rule over a period authorized by the Commission;

(d) Any rate adjustment must be allocated by customer rate schedule according to equal percentage of margin for natural gas utilities and equal cents per kilowatt-hour for electric utilities, unless otherwise authorized by the Commission;

(e) Each balancing account must accrue interest at the Commission-authorized rate for deferred accounts. For purposes of calculating interest, the amount of the difference calculated in this section of the rule will be deemed to be added to the balancing account on July 1 of the tax year;

(f) The automatic adjustment clause must not operate in a manner that allocates to customers any portion of the benefits of deferred taxes resulting from accelerated depreciation or other tax treatment of utility investment or regulated affiliate investment required to ensure compliance with the normalization method of accounting or any other requirements of federal tax law;

(g) On or before December 31, 2006, each utility must seek a Private Letter Ruling from the Internal Revenue Service on whether the utility's compliance with ORS 757.268 or this rule would cause the utility to fail to comply with any provision of federal tax law, including normalization requirements. Each utility must file a draft of its Private Letter Ruling Request with the Commission on or before November 15, 2006. While a utility's request for a Private Letter Ruling is pending, or a related Revenue Ruling is pending, no rate adjustment will be implemented, but interest will accrue according to subsection (8)(e) of this rule on the amount of any rate adjustment determined by the Commission pursuant to paragraphs (7)(b)(B) and (7)(b)(C) of this rule.

(9) No later than 30 days following the Commission's findings in section (7) of this rule, any person may petition to terminate the automatic adjustment clause on the basis that it would result in a material adverse effect on customers. In the event of a filing under this section, the applicable rate adjustment will not be implemented until the Commission makes its determination. If the Commission denies the request to terminate the rate adjustment, interest will accrue according to subsection (8)(e) of this rule on the final amount of the rate adjustment.

(10) At any time, a utility may file a claim that a rate adjustment under the automatic adjustment clause violates ORS 756.040 or other applicable law. In making a determination regarding a potential violation of ORS 756.040, the Commission will perform an earnings review using the utility's results of operations report for the applicable tax year.

Stat. Auth.: ORS 183, 756, 757 & 759

Stats. Implemented: ORS 756.040, 756.060, 757.267 & 757.268

Hist.: PUC 8-2006, f. & cert. ef. 9-18-06; PUC 11-2007, f. & cert. ef. 9-18-07

Real Estate Agency Chapter 863

Rule Caption: Real estate license transfers, broker responsibility, broker termination, inactive licenses, renewals, examinations and license reactivation.

Adm. Order No.: REA 4-2007

Filed with Sec. of State: 9-26-2007

Certified to be Effective: 9-26-07

Notice Publication Date: 9-1-07

Rules Adopted: 863-015-0063

Rules Amended: 863-015-0020, 863-015-0030, 863-015-0050, 863-015-0065

Subject: Implements changes in statute caused by HB 2096 (2005). Clarifies and streamlines: (1) the procedures for transferring a real estate license from a sending broker to a receiving broker; (2) the procedure for a sending broker to terminate the relationship with a real estate broker associated with the principal broker; (3) the responsibilities of the principal broker; (4) the procedures for reactivation of a license; and (5) conforms rules to new technology implemented by the agency.

Rules Coordinator: Laurie Skillman—(503) 378-4170, ext 237

863-015-0020

Licensing; Examinations

(1) In addition to any other licensing eligibility requirements, a license applicant is required to pass a real estate examination that shall include subject matter determined by the Board and published in the *Agency's Real Estate License and Examination Information booklet*.

(2) An applicant may apply for an examination whether or not the Agency has completed the processing of the applicant's fingerprint card and background check, or has received documentation on the applicant's licensing educational courses; however, an applicant shall not be considered for a license until the Agency has completed such processing and review.

(3) All applicants for a real estate broker's license shall be required to pass a real estate broker examination, consisting of a national portion and a state portion.

(4) Beginning July 1, 2002, a real estate licensee who was licensed as a salesperson as of June 30, 2002 shall be required to pass a written real estate broker examination, in order to be licensed as a principal real estate broker or to conduct professional real estate activity as a sole practitioner.

(5) All applicants for a real estate property manager's license shall be required to pass a property manager examination.

(6) An applicant shall apply for an examination by submitting to the Agency:

(a) An Agency-approved license examination application form; and

(b) An examination application fee under ORS 696.270(1).

(7) If a real estate license has not been active for two or more consecutive years, prior to application for reactivation of such license under 863-015-0065, the licensee shall apply for a reactivation examination by submitting to the Agency:

(a) An Agency-approved license reactivation examination application form; and

(b) An examination application fee under ORS 696.270(1).

(8) Examination fees are not refundable if an applicant:

(a) Fails to appear for a scheduled examination;

(b) Fails to cancel or reschedule an examination appointment at least two business days prior to the appointment; or

(c) Fails to pass an examination.

(9) If an applicant for a real estate broker license examination passes both the national portion and the state portion of an examination, but is not issued a license within one year from the date of the examination:

(a) The applicant is no longer qualified for the license on the basis of the examination; and

(b) The applicant must reapply for the examination under section (6) of this rule.

(10) An applicant for the real estate broker examination who passes only the national or state portion of a license examination must pass the remaining portion within twelve months from the examination date of the portion that was passed in order to be qualified for a license on the basis of the examination.

(11) In lieu of the national portion of the real estate broker examination required in this rule, the board may accept an applicant's passing

ADMINISTRATIVE RULES

results of the national portion of a broker examination taken in another state if:

(a) The examination was taken after November 1, 1973 and the license issued as a result of that examination has not been expired for more than one year; or

(b) The examination was taken within the 12 months prior to the date the application and required forms and fees are received in the Agency's office; and

(c) The applicant provides the Agency with the applicant's certified license history from the state where such examination was taken.

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

Stat. Auth.: ORS 696.385, 696.425 & 183.335

Stats. Implemented: ORS 696.020, 696.022 & 696.425

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 3-2004, f. 4-28-04, cert. ef. 5-3-04; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; REA 2-2005(Temp), f. 6-9-05, cert. ef. 7-1-05 thru 12-26-05; Administrative correction 1-20-06; REA 2-2007(Temp), f. & cert. ef. 3-21-07 thru 9-16-07; REA 4-2007, f. & cert. ef. 9-26-07

863-015-0030

License Issue, Term, Form and Inspection

(1) The Agency shall issue a real estate license to an applicant after determination that the applicant meets the license requirements under ORS 696.022 and 696.790, including fingerprinting and background check, examination, coursework, experience, and upon actual receipt by the Agency of:

(a) The license application form required under OAR 863-015-0010; and

(b) Payment of fees under ORS 696.270.

(2) A licensee is authorized to engage in professional real estate activities allowed for that license under ORS Chapter 696 and OAR Chapter 863 from the date the license is issued until the license expires, becomes inactive, or is revoked, surrendered or suspended.

(3) A licensee may hold only one Oregon real estate license at any time.

(4) The license expiration date shall be the last day of the month of a licensee's birth month.

(5) Beginning July 1, 2002, the term of a license issued or renewed is not more than 24 months plus the number of days between the date the license is issued or renewed and the last day of the month of the licensee's birth month.

(6) The license issued by the Agency shall include:

(a) The name of the licensee;

(b) The license number, effective date and expiration date;

(c) The name under which the licensee conducts business or the registered business name;

(d) The licensee's business address;

(e) The seal of the Real Estate Agency; and

(f) Any other information the Agency deems appropriate.

Stat. Auth.: ORS 696.385 & 183.335

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 1-2003(Temp), f. 2-27-03, cert. ef. 2-28-03 thru 8-27-03; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; REA 2-2007(Temp), f. & cert. ef. 3-21-07 thru 9-16-07; REA 4-2007, f. & cert. ef. 9-26-07

863-015-0050

Licensing; Renewal

(1) An active real estate license may be renewed for the term prescribed in OAR 863-015-0030 upon receipt by the Agency of:

(a) The renewal fee under ORS 696.270(3); and

(b) An Agency-approved renewal application form that includes certification that the licensee met the real estate continuing education renewal requirements under OAR 863-015-0055.

(2) An inactive real estate license may be renewed for the term prescribed in OAR 863-015-0030, and will retain an inactive status, upon actual receipt by the Agency of:

(a) The renewal fee under ORS 696.270(3); and

(b) An agency-approved renewal application form.

(3) A real estate license expires if a licensee fails to renew the license on or before the expiration date of the license and a real estate licensee may not engage in any professional real estate activity during the period a license is expired.

(4) For purposes of sections (5) and (6) of this rule, an expired license will retain the status of expired during the period from expiration to renewal.

(5) For a period of one calendar year following expiration of an active license, the licensee may renew the license for the term prescribed in section (7) of this rule and change from expired to active status upon receipt by the Agency of:

(a) The renewal fee under ORS 696.270(3);

(b) A late fee under ORS 696.270(10); and

(c) An Agency-approved renewal application form that includes certification that the licensee met the real estate continuing education renewal requirements under OAR 863-015-0055.

(6) For a period of one calendar year following expiration of an inactive license, the licensee may renew the license for the term prescribed in section (7) and change from expired to inactive status upon actual receipt by the Agency of:

(a) The renewal fee under ORS 696.270(3);

(b) A late fee under ORS 696.270(10); and

(c) An Agency-approved renewal application form.

(7) A license that is renewed under section (5) or (6) of this rule expires two years from the date of the original expiration date.

(8) A real estate license that has expired for more than one year may not be renewed and the former licensee must reapply and meet all licensing qualifications and pass examinations required of new license applicants.

(9) A license may not be renewed if it is surrendered, suspended or revoked.

Stat. Auth.: ORS 696.385 & 183.335

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 3-2004, f. 4-28-04 cert. ef. 5-3-04; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; REA 2-2007(Temp), f. & cert. ef. 3-21-07 thru 9-16-07; REA 4-2007, f. & cert. ef. 9-26-07

863-015-0063

Transfer of Real Estate License; Responsibility of Principal Broker; Authority to Use Registered Business Name

(1) In addition to the definitions in ORS 696.010 and OAR 863-015-0120, as used in this rule:

(a) "Authorized licensee" means a licensee who has authority over the use of a registered business name.

(b) "License transfer form" means a completed and signed Agency-approved form:

(A) Transferring a real estate broker license to a receiving principal broker in order to become associated with the receiving principal broker; or

(B) Authorizing a real estate licensee to use a registered business name to conduct professional real estate activity.

(c) "Sending principal broker" means the principal real estate broker with whom an active real estate broker license is associated prior to the transfer of the license.

(d) "Receiving principal broker" means the principal real estate broker with whom an active real estate broker license will be associated after the transfer of the license.

(2) A license transfer form shall include and the licensee shall provide:

(a) The name, mailing address, and license number of the licensee who is transferring the license or documenting the authorized use of a registered business name;

(b) The current status of the license, whether active or inactive;

(c) If the real estate broker is associated with a sending principal broker, certification that the real estate broker provided written notice of the transfer to the sending principal broker, and that such notice was provided prior to the time the transfer form is submitted to the Agency, including:

(A) The date of personal service of such notice; or

(B) The date a certified letter was delivered by the post office to the address of the sending principal broker;

(d) If the form is used to authorize use of a different registered business name, certification that the licensee provided written notice of such change to the authorized licensee for the current registered business name, and that such notice was provided on a date prior to the date the license transfer form is submitted to the Agency, including:

(A) The date of personal service of such notice; or

(B) The date a certified letter was delivered to the address of the authorized licensee;

(e) If applicable, the registered business name, street address and registered business name identification number, of the receiving principal broker;

(f) If applicable, the street address, registered business name identification number, and the registered business name under which the real estate licensee will be authorized to conduct professional real estate activity; and

(g) The name, license number, telephone number, date and signature of the receiving broker or authorized licensee.

(3) The Agency shall transfer the license of an active real estate broker associated with a sending principal broker to a receiving principal broker upon actual receipt by the Agency of:

(a) A license transfer form; and

ADMINISTRATIVE RULES

- (b) Payment of a transfer fee in ORS 696.270(7).
- (4) The Agency shall transfer the license of an active sole practitioner, principal real estate broker or property manager to a receiving principal broker upon actual receipt by the Agency of:
 - (a) A license transfer form; and
 - (b) Payment of a transfer fee in ORS 696.270(7).
- (5) The Agency shall transfer the license of an inactive real estate licensee, who has been inactive for a period of 30 days or less, to a receiving principal broker upon actual receipt by the Agency of:
 - (a) A license transfer form; and
 - (b) Payment of a transfer fee in ORS 696.270(7).
- (6) The Agency shall change a real estate license category at the time the license is transferred under sections (4) and (5) of this rule, and not require the payment of a fee for the change of license category, upon actual receipt by the Agency of:
 - (a) A license transfer form;
 - (b) Payment of a transfer fee in ORS 696.270(7); and
 - (c) An Agency-approved form to change the license category.
- (7) A principal real estate broker with whom a licensee is associated remains responsible for the professional real estate activity of the licensee until actual receipt by the Agency of:
 - (a) The licensee's real estate license;
 - (b) An Agency-approved form submitted by the principal real estate broker terminating the relationship with the licensee under OAR 863-015-0065;
 - (c) An Agency-approved form submitted by the licensee terminating the relationship with the principal real estate broker under OAR 863-015-0065; or
 - (d) A license transfer form and fee.
- (8) If a principal real estate broker with whom a real estate broker is associated voluntarily gives the license to the real estate broker named in the license, the principal real estate broker remains responsible for any subsequent professional real estate activity of the licensee until actual receipt by the Agency of:
 - (a) The licensee's real estate license;
 - (b) An Agency-approved form submitted by the principal real estate broker terminating the relationship with the licensee under OAR 863-015-0065;
 - (c) An Agency-approved form submitted by the licensee terminating the relationship with the principal real estate broker under OAR 863-015-0065; or
 - (d) A license transfer form and fee.
- (9) The Agency shall document the registered business name under which a real estate licensee is authorized to conduct professional real estate activity upon actual receipt by the Agency of:
 - (a) A license transfer form; and
 - (b) Payment of a transfer fee in ORS 696.270(7).

Stat. Auth.: ORS 696.385 & 183.335
Stats. Implemented: ORS 696.020 & 696.022
Hist.: REA 4-2007, f. & cert. ef. 9-26-07

863-015-0065

Inactive License; Change License Status to Active; Change License Category; Reactivation of License

- (1) A real estate licensee whose license is on inactive status may not engage in professional real estate activity.
- (2) The commissioner may reprimand, suspend, revoke or impose a civil penalty against an inactive licensee who engages in professional real estate activity under ORS 696.301.
- (3) An active real estate license shall be changed to inactive license status upon actual receipt by the Agency of:
 - (a) The license;
 - (b) A request by the licensee to change the license status to inactive, submitted on an Agency-approved form; or
 - (c) An Agency-approved form submitted by the licensee terminating the relationship with the principal real estate broker under OAR 863-015-0065.
- (4) The Agency shall change the status of an active real estate broker who is associated with a principal real estate broker, to inactive status upon actual receipt by the Agency of:
 - (a) The real estate broker license, submitted by the licensee;
 - (b) The real estate broker license, submitted by the principal real estate broker; or
 - (c) An Agency-approved form, submitted by the principal real estate broker, terminating the principal real estate broker's relationship with the real estate broker.

(5) An inactive real estate licensee may renew such license under OAR 863-0015-0050.

(6) For a period of 30 days following the inactivation of a real estate broker license, the licensee may change such license status from inactive to active and transfer the real estate broker license to a principal real estate broker under the provision in OAR 863-015-0064.

(7) Except as provided in section (8) of this rule, for a period of 30 days following the inactivation of a real estate license, the licensee may change such license category to an active sole practitioner or active principal real estate broker only if the licensee is qualified for such licenses and the licensee submits to the Agency:

(a) An Agency-approved application form to change license category to a sole practitioner or principal real estate broker and change license status to active; and

(b) A license transfer form under OAR 863-015-0064, if applicable; and

(c) Payment of the transfer fee in ORS 696.270(7).

(8) If the licensee under section (7) of this rule is changing license category to a principal real estate broker and has never been licensed as a principal real estate broker, the licensee must submit to the Agency:

(a) An Agency-approved broker license application form; and

(b) The licensing fee under ORS 696.270(2).

(9) If a license has not been on active status for two or more consecutive years, prior to application for reactivation of such license under section (10) and (11) of this rule:

(a) The licensee shall submit to the Agency:

(A) An application for licensing reactivation examination; and

(B) Payment of the examination fee in ORS 696.270(1); and

(b) The licensee must pass the reactivation examination.

(10) After the 30-day period specified in sections (6) and (7) of this rule, and subject to the examination requirements in section (9) of this rule, a licensee may only change the license status from inactive to active by submitting to the Agency:

(a) An application for license reactivation; and

(b) Payment of the reactivation fee in ORS 696.270(9)

(11) Subject to the examination requirements in section (9) of this rule, if an inactive licensee renews a license and maintains inactive status under section (5) of this rule, the licensee may, within 60 days of the date of renewal, change the license status to active by submitting to the Agency:

(a) An Agency-approved application for license reactivation that includes certification that the licensee met the real estate continuing education requirements under OAR 863-015-0055; and

(b) Payment of amount of the active renewal fee in ORS 696.270(3) less the amount of the inactive renewal fee in ORS 696.270(8) already paid by the licensee.

(12) The change of license status, transfer or change of license category under section (6) and (7) of this rule, or the reactivation of a license under sections (10) and (11) of this rule are effective upon actual receipt by the Agency of all required forms and fees.

Stat. Auth.: ORS 696.385 & 183.335

Stats. Implemented: ORS 696.020 & 696.022

Hist.: REA 1-1991, f. & cert. ef. 11-4-91; REA 1-2002, f. 5-31-02, cert. ef. 7-1-02, Renumbered from 863-010-0081; REA 1-2003(Temp), f. 2-27-03, cert. ef. 2-28-03 thru 8-27-03; REA 3-2003, f. 7-28-03, cert. ef. 8-1-03; REA 3-2004, f. 4-28-04 cert. ef. 5-3-04; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; REA 2-2007(Temp), f. & cert. ef. 3-21-07 thru 9-16-07; REA 4-2007, f. & cert. ef. 9-26-07

.....

Secretary of State, Archives Division Chapter 166

Rule Caption: Pertaining to OAR publications subscription prices.

Adm. Order No.: OSA 3-2007(Temp)

Filed with Sec. of State: 10-1-2007

Certified to be Effective: 10-1-07 thru 3-29-08

Notice Publication Date:

Rules Amended: 166-500-0015

Subject: The Secretary of State Archives Division is raising its publication rates for the Oregon Bulletin and the Oregon Administrative Rules Compilation due to price increases passed onto the Division by The Department of Administrative Services Publishing and Distribution Division. The Archives Division last raised its subscription fees in 2002, and in addition to this price increase has adjusted inter-

ADMINISTRATIVE RULES

nal procedures in order to minimize the increase passed onto the Archives Division's subscribers.

Rules Coordinator: Julie Yamaka—(503) 378-5199

166-500-0015

Fees

Fees charged by the Administrative Rules Unit are based upon actual personnel, equipment usage and materials costs and will be as follows:

(1) Charges for services and products identified in this section, except services identified in subsections (a) through (i) of this section, may be billed upon request:

(a) Basic records request — \$5 in-state; \$10 out-of-state. This includes copying charges, postage and supplies. It applies to one-page documents. A Basic Records Request must provide an exact citation to a record (e.g., a citation of an Administrative Order number or a rule number) in the custody of the Archives Division;

(b) Basic Case File Request — \$10 in-state; \$15 out-of-state. This includes up to 10 photocopies, postage and supplies. Additional photocopy pages are charged at 75 cents per page. A Basic Case File Request must provide an exact citation to a record in the custody of the Archives Division;

(c) Other Requests — \$5 out-of-state. In addition, all other requests will include labor charges and copying, supply and postage charges when incurred;

(d) Labor charges — \$30 per hour charged in \$5 (10-minute) increments. There is a maximum of \$120 (four hours labor) for any request;

(e) Photocopies. Copies made by the customer — 25 cents per page. Copies made by Archives Division staff — 75 cents per page;

(f) Fax Charges — 75 cents per page;

(g) PDF Transfers — 75 cents per page;

(h) Certifying administrative rule records — \$5 per certification plus any copying, labor or research fees incurred in filling the request;

(i) CD Rom or other media — \$15 per file copied plus any associated costs;

(j) Oregon Administrative Rules Compilation bound set — \$550 per year;

(k) Oregon Administrative Rules Compilation bound set purchased with a one-year subscription to the Oregon Bulletin — \$650 per year;

(l) Individual volumes of the OAR Compilation — \$40;

(m) Oregon Bulletin:

(A) One-year subscription — \$150;

(B) Per issue — \$13 each.

(2) Walk-in customers or customers with large requests will be assisted as workloads permit.

(3) The Secretary of State will not refund fees paid in excess of the amount legally due the Division if the amount is \$10 or less, unless a refund is requested in writing by the applicant or the applicant's legal representative. Such requests must be made within three years of the date payment is received by the Division.

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

Stat. Auth.: ORS 183.360

Stats. Implemented: ORS 177.130, 183.370, 192 & 357.885

Hist.: SOS-AD 1-1992, f. & cert. ef. 2-11-92; OSA 4-1993, f. & cert. ef. 11-10-93,

Renumbered from 164-001-0015; OSA 7-1994(Temp), f. & cert. ef. 10-14-94; OSA 11-1994,

f. & ef. 11-21-94; OSA 8-1997, f. & cert. ef. 10-6-97; OSA 6-2001(Temp), f. & cert. ef. 10-

23-01 thru 4-15-02; OSA 1-2002, f. & cert. ef. 1-25-02; OSA 4-2002, f. & cert. ef. 7-3-02;

OSA 3-2003, f. & cert. ef. 11-20-03; OSA 2-2007, f. & cert. ef. 7-31-07; OSA 3-2007(Temp),

f. & cert. ef. 10-1-07 thru 3-29-08

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
101-010-0005	12-14-06	Amend(T)	1-1-07	105-040-0065	5-1-07	Adopt	6-1-07
101-010-0005	6-11-07	Amend(T)	7-1-07	105-050-0020	5-1-07	Repeal	6-1-07
101-010-0005	10-1-07	Amend	11-1-07	111-001-0000	7-23-07	Adopt(T)	9-1-07
101-015-0005	10-1-07	Amend	11-1-07	111-001-0005	7-23-07	Adopt(T)	9-1-07
101-015-0010	10-1-07	Repeal	11-1-07	111-002-0005	7-23-07	Adopt(T)	9-1-07
101-015-0015	10-1-07	Adopt	11-1-07	111-002-0010	7-23-07	Adopt(T)	9-1-07
101-015-0025	10-1-07	Adopt	11-1-07	111-005-0010	7-23-07	Adopt(T)	9-1-07
101-020-0002	10-1-07	Adopt	11-1-07	111-005-0015	7-23-07	Adopt(T)	9-1-07
101-020-0005	10-1-07	Amend	11-1-07	111-005-0020	7-23-07	Adopt(T)	9-1-07
101-020-0010	10-1-07	Repeal	11-1-07	111-005-0040	7-23-07	Adopt(T)	9-1-07
101-020-0015	10-1-07	Amend	11-1-07	111-005-0042	7-23-07	Adopt(T)	9-1-07
101-020-0018	10-1-07	Amend	11-1-07	111-005-0044	7-23-07	Adopt(T)	9-1-07
101-020-0020	10-1-07	Amend	11-1-07	111-005-0046	7-23-07	Adopt(T)	9-1-07
101-020-0025	10-1-07	Amend	11-1-07	111-005-0048	7-23-07	Adopt(T)	9-1-07
101-020-0030	10-1-07	Repeal	11-1-07	111-005-0050	7-23-07	Adopt(T)	9-1-07
101-020-0032	10-1-07	Adopt	11-1-07	111-005-0060	7-23-07	Adopt(T)	9-1-07
101-020-0035	10-1-07	Repeal	11-1-07	111-005-0070	7-23-07	Adopt(T)	9-1-07
101-020-0040	11-28-06	Amend	1-1-07	111-010-0001	9-21-07	Adopt(T)	11-1-07
101-020-0040	10-1-07	Amend	11-1-07	111-010-0015	9-21-07	Adopt(T)	11-1-07
101-020-0045	10-1-07	Amend	11-1-07	111-020-0001	9-21-07	Adopt(T)	11-1-07
101-020-0050	10-1-07	Adopt	11-1-07	111-050-0001	9-21-07	Adopt(T)	11-1-07
101-020-0070	10-1-07	Adopt	11-1-07	111-050-0010	9-21-07	Adopt(T)	11-1-07
101-030-0005	10-1-07	Amend	11-1-07	111-050-0015	9-21-07	Adopt(T)	11-1-07
101-030-0010	10-1-07	Amend	11-1-07	115-025-0000	7-23-07	Amend(T)	9-1-07
101-030-0015	10-1-07	Amend	11-1-07	115-025-0010	7-23-07	Amend(T)	9-1-07
101-030-0020	10-1-07	Amend	11-1-07	115-025-0015	7-23-07	Amend(T)	9-1-07
101-030-0022	10-1-07	Amend	11-1-07	115-025-0020	7-23-07	Amend(T)	9-1-07
101-030-0025	10-1-07	Repeal	11-1-07	115-025-0023	7-23-07	Amend(T)	9-1-07
101-030-0027	10-1-07	Adopt	11-1-07	115-025-0025	7-23-07	Amend(T)	9-1-07
101-030-0030	10-1-07	Repeal	11-1-07	115-025-0030	7-23-07	Amend(T)	9-1-07
101-030-0035	10-1-07	Am. & Ren.	11-1-07	115-025-0035	7-23-07	Amend(T)	9-1-07
101-030-0040	10-1-07	Repeal	11-1-07	115-025-0065	7-23-07	Adopt(T)	9-1-07
101-040-0005	10-1-07	Repeal	11-1-07	115-025-0070	7-23-07	Adopt(T)	9-1-07
101-040-0010	10-1-07	Repeal	11-1-07	115-025-0075	7-23-07	Adopt(T)	9-1-07
101-040-0015	10-1-07	Am. & Ren.	11-1-07	115-035-0035	7-1-07	Amend(T)	8-1-07
101-040-0020	10-1-07	Am. & Ren.	11-1-07	115-040-0005	7-1-07	Amend(T)	8-1-07
101-040-0025	10-1-07	Repeal	11-1-07	115-070-0000	7-1-07	Amend(T)	8-1-07
101-040-0030	10-1-07	Repeal	11-1-07	115-070-0035	7-1-07	Amend(T)	8-1-07
101-040-0035	10-1-07	Repeal	11-1-07	122-001-0035	6-29-07	Adopt(T)	8-1-07
101-040-0040	10-1-07	Repeal	11-1-07	122-070-0060	10-8-07	Amend(T)	11-1-07
101-040-0045	10-1-07	Repeal	11-1-07	123-011-0030	9-4-07	Amend(T)	10-1-07
101-040-0050	10-1-07	Am. & Ren.	11-1-07	123-011-0035	9-4-07	Amend(T)	10-1-07
101-040-0055	10-1-07	Am. & Ren.	11-1-07	123-011-0036	9-4-07	Adopt(T)	10-1-07
101-040-0080	11-28-06	Amend	1-1-07	123-011-0040	9-4-07	Amend(T)	10-1-07
101-040-0080	10-1-07	Am. & Ren.	11-1-07	123-011-0045	9-4-07	Amend(T)	10-1-07
101-050-0005	10-1-07	Amend	11-1-07	123-017-0008	8-29-07	Amend(T)	10-1-07
101-050-0010	10-1-07	Amend	11-1-07	123-017-0010	8-29-07	Amend(T)	10-1-07
101-050-0015	10-1-07	Amend	11-1-07	123-017-0015	8-29-07	Amend(T)	10-1-07
101-050-0020	10-1-07	Amend	11-1-07	123-017-0020	8-29-07	Amend(T)	10-1-07
101-050-0025	10-1-07	Amend	11-1-07	123-017-0025	8-29-07	Amend(T)	10-1-07
101-050-0030	10-1-07	Repeal	11-1-07	123-017-0030	8-29-07	Amend(T)	10-1-07
101-060-0005	10-1-07	Amend	11-1-07	123-017-0035	8-29-07	Amend(T)	10-1-07
101-060-0010	10-1-07	Amend	11-1-07	123-017-0055	8-29-07	Amend(T)	10-1-07
105-040-0015	9-5-07	Adopt(T)	10-1-07	123-018-0010	9-4-07	Amend(T)	10-1-07
105-040-0020	5-1-07	Amend	6-1-07	123-018-0040	9-4-07	Amend(T)	10-1-07
105-040-0060	5-1-07	Amend	6-1-07	123-018-0060	9-4-07	Amend(T)	10-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
123-018-0085	9-4-07	Amend(T)	10-1-07	123-065-0140	1-8-07	Amend(T)	2-1-07
123-018-0100	9-4-07	Amend(T)	10-1-07	123-065-0140	7-1-07	Amend	7-1-07
123-018-0160	9-4-07	Amend(T)	10-1-07	123-065-0200	1-8-07	Amend(T)	2-1-07
123-019-0020	8-28-07	Amend(T)	10-1-07	123-065-0200	7-1-07	Amend	7-1-07
123-019-0040	8-28-07	Amend(T)	10-1-07	123-065-0210	1-8-07	Amend(T)	2-1-07
123-021-0010	8-28-07	Amend(T)	10-1-07	123-065-0210	7-1-07	Amend	7-1-07
123-021-0030	8-28-07	Suspend	10-1-07	123-065-0240	1-8-07	Amend(T)	2-1-07
123-021-0050	8-28-07	Amend(T)	10-1-07	123-065-0240	7-1-07	Amend	7-1-07
123-024-0001	9-21-07	Amend(T)	11-1-07	123-065-0310	1-8-07	Amend(T)	2-1-07
123-024-0011	9-21-07	Amend(T)	11-1-07	123-065-0310	7-1-07	Amend	7-1-07
123-024-0031	9-21-07	Amend(T)	11-1-07	123-065-0320	1-8-07	Amend(T)	2-1-07
123-024-0041	9-21-07	Suspend	11-1-07	123-065-0320	7-1-07	Amend	7-1-07
123-055-0100	9-5-07	Amend(T)	10-1-07	123-065-0330	1-8-07	Amend(T)	2-1-07
123-055-0120	9-5-07	Amend(T)	10-1-07	123-065-0330	7-1-07	Amend	7-1-07
123-055-0200	9-5-07	Amend(T)	10-1-07	123-065-0350	1-8-07	Amend(T)	2-1-07
123-055-0220	9-5-07	Amend(T)	10-1-07	123-065-0350	7-1-07	Amend	7-1-07
123-055-0240	9-5-07	Amend(T)	10-1-07	123-065-1050	1-8-07	Amend(T)	2-1-07
123-055-0300	9-5-07	Amend(T)	10-1-07	123-065-1050	7-1-07	Amend	7-1-07
123-055-0340	9-5-07	Amend(T)	10-1-07	123-065-1060	1-8-07	Adopt(T)	2-1-07
123-055-0400	9-5-07	Amend(T)	10-1-07	123-065-1070	1-8-07	Adopt(T)	2-1-07
123-055-0420	9-5-07	Amend(T)	10-1-07	123-065-1080	1-8-07	Adopt(T)	2-1-07
123-055-0440	9-5-07	Amend(T)	10-1-07	123-065-1500	1-8-07	Amend(T)	2-1-07
123-055-0460	9-5-07	Amend(T)	10-1-07	123-065-1500	7-1-07	Amend	7-1-07
123-055-0525	9-5-07	Amend(T)	10-1-07	123-065-1520	1-8-07	Amend(T)	2-1-07
123-055-0620	9-5-07	Amend(T)	10-1-07	123-065-1520	7-1-07	Amend	7-1-07
123-055-0900	9-5-07	Amend(T)	10-1-07	123-065-1530	1-8-07	Amend(T)	2-1-07
123-057-0110	9-5-07	Amend(T)	10-1-07	123-065-1530	7-1-07	Amend	7-1-07
123-057-0130	9-5-07	Amend(T)	10-1-07	123-065-1540	1-8-07	Amend(T)	2-1-07
123-057-0150	9-5-07	Amend(T)	10-1-07	123-065-1540	7-1-07	Amend	7-1-07
123-057-0190	9-5-07	Amend(T)	10-1-07	123-065-1553	1-8-07	Amend(T)	2-1-07
123-057-0210	9-5-07	Amend(T)	10-1-07	123-065-1553	7-1-07	Amend	7-1-07
123-057-0230	9-5-07	Amend(T)	10-1-07	123-065-1590	1-8-07	Amend(T)	2-1-07
123-057-0310	9-5-07	Suspend	10-1-07	123-065-1590	7-1-07	Amend	7-1-07
123-057-0330	9-5-07	Amend(T)	10-1-07	123-065-1600	1-8-07	Amend(T)	2-1-07
123-057-0350	9-5-07	Amend(T)	10-1-07	123-065-1600	7-1-07	Amend	7-1-07
123-057-0410	9-5-07	Amend(T)	10-1-07	123-065-1620	1-8-07	Amend(T)	2-1-07
123-057-0430	9-5-07	Amend(T)	10-1-07	123-065-1620	7-1-07	Amend	7-1-07
123-057-0450	9-5-07	Amend(T)	10-1-07	123-065-1710	1-8-07	Amend(T)	2-1-07
123-057-0470	9-5-07	Amend(T)	10-1-07	123-065-1710	7-1-07	Amend	7-1-07
123-057-0510	9-5-07	Amend(T)	10-1-07	123-065-1720	1-8-07	Amend(T)	2-1-07
123-057-0530	9-5-07	Amend(T)	10-1-07	123-065-1720	7-1-07	Amend	7-1-07
123-057-0710	9-5-07	Amend(T)	10-1-07	123-065-1740	1-8-07	Amend(T)	2-1-07
123-065-0000	1-8-07	Amend(T)	2-1-07	123-065-1740	7-1-07	Amend	7-1-07
123-065-0000	7-1-07	Amend	7-1-07	123-065-2520	1-8-07	Amend(T)	2-1-07
123-065-0010	1-8-07	Amend(T)	2-1-07	123-065-2520	7-1-07	Amend	7-1-07
123-065-0010	7-1-07	Amend	7-1-07	123-065-2530	1-8-07	Amend(T)	2-1-07
123-065-0049	1-8-07	Suspend	2-1-07	123-065-2530	7-1-07	Amend	7-1-07
123-065-0057	1-8-07	Adopt(T)	2-1-07	123-065-2550	1-8-07	Amend(T)	2-1-07
123-065-0057	7-1-07	Repeal	7-1-07	123-065-2550	7-1-07	Amend	7-1-07
123-065-0059	7-1-07	Am. & Ren.	7-1-07	123-065-3000	1-8-07	Amend(T)	2-1-07
123-065-0080	1-8-07	Amend(T)	2-1-07	123-065-3000	7-1-07	Amend	7-1-07
123-065-0080	7-1-07	Amend	7-1-07	123-065-3030	1-8-07	Amend(T)	2-1-07
123-065-0090	1-8-07	Amend(T)	2-1-07	123-065-3030	7-1-07	Amend	7-1-07
123-065-0090	7-1-07	Amend	7-1-07	123-065-3130	1-8-07	Amend(T)	2-1-07
123-065-0100	1-8-07	Amend(T)	2-1-07	123-065-3130	7-1-07	Amend	7-1-07
123-065-0100	7-1-07	Amend	7-1-07	123-065-3200	1-8-07	Amend(T)	2-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
123-065-3200	7-1-07	Amend	7-1-07	123-065-1070	7-1-07	Adopt	7-1-07
123-065-3230	1-8-07	Amend(T)	2-1-07	123-065-1080	7-1-07	Adopt	7-1-07
123-065-3230	7-1-07	Amend	7-1-07	123-090-0050	8-30-07	Amend	10-1-07
123-065-3300	1-8-07	Amend(T)	2-1-07	123-135-0020	8-10-07	Amend(T)	9-1-07
123-065-3300	7-1-07	Amend	7-1-07	123-135-0070	8-10-07	Amend(T)	9-1-07
123-065-3330	1-8-07	Amend(T)	2-1-07	125-007-0200	12-28-06	Amend	2-1-07
123-065-3330	7-1-07	Amend	7-1-07	125-007-0200(T)	12-28-06	Repeal	2-1-07
123-065-3400	1-8-07	Amend(T)	2-1-07	125-007-0210	12-28-06	Amend	2-1-07
123-065-3400	7-1-07	Amend	7-1-07	125-007-0210(T)	12-28-06	Repeal	2-1-07
123-065-3480	1-8-07	Amend(T)	2-1-07	125-007-0220	12-28-06	Amend	2-1-07
123-065-3480	7-1-07	Amend	7-1-07	125-007-0220(T)	12-28-06	Repeal	2-1-07
123-065-3850	1-8-07	Amend(T)	2-1-07	125-007-0230	12-28-06	Amend	2-1-07
123-065-3850	7-1-07	Amend	7-1-07	125-007-0230(T)	12-28-06	Repeal	2-1-07
123-065-4020	1-8-07	Amend(T)	2-1-07	125-007-0240	12-28-06	Amend	2-1-07
123-065-4020	7-1-07	Amend	7-1-07	125-007-0240(T)	12-28-06	Repeal	2-1-07
123-065-4260	1-8-07	Amend(T)	2-1-07	125-007-0250	12-28-06	Amend	2-1-07
123-065-4260	7-1-07	Amend	7-1-07	125-007-0250(T)	12-28-06	Repeal	2-1-07
123-065-4310	1-8-07	Amend(T)	2-1-07	125-007-0260	12-28-06	Amend	2-1-07
123-065-4310	7-1-07	Amend	7-1-07	125-007-0260(T)	12-28-06	Repeal	2-1-07
123-065-4323	1-8-07	Amend(T)	2-1-07	125-007-0270	12-28-06	Amend	2-1-07
123-065-4323	7-1-07	Amend	7-1-07	125-007-0270(T)	12-28-06	Repeal	2-1-07
123-065-4328	1-8-07	Amend(T)	2-1-07	125-007-0280	12-28-06	Amend	2-1-07
123-065-4328	7-1-07	Amend	7-1-07	125-007-0280(T)	12-28-06	Repeal	2-1-07
123-065-4380	1-8-07	Amend(T)	2-1-07	125-007-0290	12-28-06	Amend	2-1-07
123-065-4380	7-1-07	Amend	7-1-07	125-007-0290(T)	12-28-06	Repeal	2-1-07
123-065-4440	1-8-07	Amend(T)	2-1-07	125-007-0300	12-28-06	Amend	2-1-07
123-065-4440	7-1-07	Amend	7-1-07	125-007-0300(T)	12-28-06	Repeal	2-1-07
123-065-4450	1-8-07	Amend(T)	2-1-07	125-007-0310	12-28-06	Amend	2-1-07
123-065-4450	7-1-07	Amend	7-1-07	125-007-0310(T)	12-28-06	Repeal	2-1-07
123-065-4470	1-8-07	Amend(T)	2-1-07	125-007-0320	12-28-06	Amend	2-1-07
123-065-4470	7-1-07	Amend	7-1-07	125-007-0320(T)	12-28-06	Repeal	2-1-07
123-065-4550	1-8-07	Amend(T)	2-1-07	125-007-0330	12-28-06	Amend	2-1-07
123-065-4550	7-1-07	Amend	7-1-07	125-007-0330(T)	12-28-06	Repeal	2-1-07
123-065-4610	1-8-07	Amend(T)	2-1-07	125-022-0050	1-10-07	Repeal	9-1-07
123-065-4610	7-1-07	Amend	7-1-07	125-022-0100	1-10-07	Repeal	9-1-07
123-065-4970	1-8-07	Amend(T)	2-1-07	125-022-0200	1-10-07	Repeal	9-1-07
123-065-4970	7-1-07	Amend	7-1-07	125-022-0300	1-10-07	Repeal	9-1-07
123-065-4980	1-8-07	Amend(T)	2-1-07	125-045-0100	6-8-07	Amend(T)	7-1-07
123-065-4980	7-1-07	Amend	7-1-07	125-145-0020	12-6-06	Amend(T)	1-1-07
123-065-4990	1-8-07	Amend(T)	2-1-07	125-145-0020	6-5-07	Amend	7-1-07
123-065-4990	7-1-07	Amend	7-1-07	125-145-0040	12-6-06	Amend(T)	1-1-07
123-065-7200	1-8-07	Amend(T)	2-1-07	125-145-0040	6-5-07	Amend	7-1-07
123-065-7200	7-1-07	Amend	7-1-07	125-145-0080	6-8-07	Amend(T)	7-1-07
123-065-7300	1-8-07	Amend(T)	2-1-07	125-800-0005	12-28-06	Adopt	2-1-07
123-065-7300	7-1-07	Amend	7-1-07	125-800-0010	12-28-06	Adopt	2-1-07
123-065-7400	1-8-07	Amend(T)	2-1-07	125-800-0020	12-28-06	Adopt	2-1-07
123-065-7400	7-1-07	Amend	7-1-07	137-001-0011	1-1-08	Amend	11-1-07
123-065-7500	1-8-07	Amend(T)	2-1-07	137-001-0018	1-1-08	Amend	11-1-07
123-065-7500	7-1-07	Amend	7-1-07	137-001-0030	1-1-08	Amend	11-1-07
123-065-8200	1-8-07	Amend(T)	2-1-07	137-001-0080	1-1-08	Amend	11-1-07
123-065-8200	7-1-07	Amend	7-1-07	137-001-0100	1-1-08	Amend	11-1-07
123-065-8300	1-8-07	Amend(T)	2-1-07	137-003-0001	1-1-08	Amend	11-1-07
123-065-8300	7-1-07	Amend	7-1-07	137-003-0002	1-1-08	Amend	11-1-07
123-065-8400	1-8-07	Amend(T)	2-1-07	137-003-0070	1-1-08	Amend	11-1-07
123-065-8400	7-1-07	Amend	7-1-07	137-003-0075	1-1-08	Amend	11-1-07
123-065-1060	7-1-07	Adopt	7-1-07	137-003-0501	1-1-08	Amend	11-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
137-003-0505	1-1-08	Amend	11-1-07	137-055-1160	1-2-07	Amend	2-1-07
137-003-0510	1-1-08	Amend	11-1-07	137-055-1160	7-2-07	Amend	8-1-07
137-003-0520	1-1-08	Amend	11-1-07	137-055-1200	10-1-07	Amend	11-1-07
137-003-0525	1-1-08	Amend	11-1-07	137-055-1320	1-2-07	Amend	2-1-07
137-003-0595	1-1-08	Amend	11-1-07	137-055-1500	10-1-07	Amend	11-1-07
137-003-0630	1-1-08	Amend	11-1-07	137-055-1800	10-1-07	Adopt	11-1-07
137-003-0665	1-1-08	Amend	11-1-07	137-055-2045	10-1-07	Amend	11-1-07
137-003-0670	1-1-08	Amend	11-1-07	137-055-2320	10-1-07	Amend	11-1-07
137-003-0672	1-1-08	Amend	11-1-07	137-055-2340	10-1-07	Amend	11-1-07
137-005-0040	1-1-08	Amend	11-1-07	137-055-2360	10-1-07	Amend	11-1-07
137-007-0200	9-5-07	Adopt	10-1-07	137-055-2380	10-1-07	Amend	11-1-07
137-007-0210	9-5-07	Adopt	10-1-07	137-055-3240	7-2-07	Amend	8-1-07
137-007-0220	9-5-07	Adopt	10-1-07	137-055-3340	10-1-07	Amend	11-1-07
137-007-0230	9-5-07	Adopt	10-1-07	137-055-3410	10-1-07	Amend	11-1-07
137-007-0240	9-5-07	Adopt	10-1-07	137-055-3420	10-1-07	Amend	11-1-07
137-007-0250	9-5-07	Adopt	10-1-07	137-055-3430	10-1-07	Amend	11-1-07
137-007-0260	9-5-07	Adopt	10-1-07	137-055-4060	10-1-07	Amend	11-1-07
137-007-0270	9-5-07	Adopt	10-1-07	137-055-4130	10-1-07	Amend	11-1-07
137-007-0280	9-5-07	Adopt	10-1-07	137-055-4320	1-2-07	Amend	2-1-07
137-007-0300	9-5-07	Adopt	10-1-07	137-055-4320	10-1-07	Amend	11-1-07
137-007-0310	9-5-07	Adopt	10-1-07	137-055-4340	10-1-07	Amend	11-1-07
137-007-0320	9-5-07	Adopt	10-1-07	137-055-4360	10-1-07	Amend	11-1-07
137-007-0330	9-5-07	Adopt	10-1-07	137-055-4520	10-1-07	Amend	11-1-07
137-025-0060	1-1-07	Amend	1-1-07	137-055-4620	10-1-07	Amend	11-1-07
137-025-0090	1-1-07	Amend	1-1-07	137-055-4620	10-1-07	Amend(T)	11-1-07
137-025-0150	1-1-07	Amend	1-1-07	137-055-4640	10-1-07	Amend	11-1-07
137-025-0210	1-1-07	Amend	1-1-07	137-055-5035	4-2-07	Adopt	5-1-07
137-025-0280	1-1-07	Amend	1-1-07	137-055-5045	10-1-07	Amend	11-1-07
137-025-0410	1-1-07	Amend	1-1-07	137-055-5110	10-1-07	Amend	11-1-07
137-025-0415	1-1-07	Amend	1-1-07	137-055-5510	1-2-07	Amend	2-1-07
137-025-0480	1-1-07	Amend	1-1-07	137-055-6010	1-2-07	Adopt	2-1-07
137-025-0530	1-1-07	Amend	1-1-07	137-055-6010	10-1-07	Amend	11-1-07
137-050-0320	10-1-07	Amend	11-1-07	137-055-6020	1-2-07	Amend	2-1-07
137-050-0330	10-1-07	Amend	11-1-07	137-055-6021	1-2-07	Amend	2-1-07
137-050-0333	10-1-07	Amend	11-1-07	137-055-6021	10-1-07	Amend	11-1-07
137-050-0335	10-1-07	Amend	11-1-07	137-055-6022	1-2-07	Amend	2-1-07
137-050-0340	10-1-07	Amend	11-1-07	137-055-6022	10-1-07	Amend	11-1-07
137-050-0350	10-1-07	Amend	11-1-07	137-055-6023	10-1-07	Amend	11-1-07
137-050-0400	10-1-07	Amend	11-1-07	137-055-6024	1-2-07	Amend	2-1-07
137-050-0410	10-1-07	Amend	11-1-07	137-055-6024	10-1-07	Amend	11-1-07
137-050-0420	10-1-07	Amend	11-1-07	137-055-6025	1-2-07	Amend	2-1-07
137-050-0430	10-1-07	Amend	11-1-07	137-055-6025	10-1-07	Amend	11-1-07
137-050-0450	10-1-07	Amend	11-1-07	137-055-6120	1-2-07	Amend	2-1-07
137-050-0455	10-1-07	Amend	11-1-07	137-055-6200	10-1-07	Amend	11-1-07
137-050-0465	10-1-07	Amend	11-1-07	137-055-6210	1-2-07	Amend	2-1-07
137-050-0475	10-1-07	Amend	11-1-07	137-079-0110	4-16-07	Adopt	5-1-07
137-050-0490	10-1-07	Amend	11-1-07	137-079-0120	4-16-07	Adopt	5-1-07
137-055-1020	1-2-07	Amend	2-1-07	137-079-0130	4-16-07	Adopt	5-1-07
137-055-1020	7-2-07	Amend	8-1-07	137-079-0140	4-16-07	Adopt	5-1-07
137-055-1020	10-1-07	Amend	11-1-07	137-079-0150	4-16-07	Adopt	5-1-07
137-055-1060	10-1-07	Amend	11-1-07	137-079-0170	4-16-07	Adopt	5-1-07
137-055-1070	10-1-07	Amend	11-1-07	137-079-0180	4-16-07	Adopt	5-1-07
137-055-1080	10-1-07	Amend	11-1-07	137-079-0190	4-16-07	Adopt	5-1-07
137-055-1100	1-2-07	Amend	2-1-07	137-079-0200	4-16-07	Adopt	5-1-07
137-055-1120	1-2-07	Amend	2-1-07	137-079-0210	4-16-07	Adopt	5-1-07
137-055-1140	10-1-07	Amend	11-1-07	137-084-0500	3-16-07	Adopt	5-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
137-097-0160	4-16-07	Adopt	5-1-07	150-314.415(5)(a)	1-1-07	Amend	2-1-07
141-085-0064	8-1-07	Amend(T)	9-1-07	150-314.665(2)-(A)	7-31-07	Amend	9-1-07
141-085-0421	3-20-07	Amend(T)	5-1-07	150-314.665(2)-(C)	7-31-07	Adopt	9-1-07
141-085-0421	10-12-07	Amend	11-1-07	150-314.665(3)	1-1-07	Adopt	2-1-07
141-089-0450	3-26-07	Adopt(T)	5-1-07	150-314.665(4)	1-1-07	Amend	2-1-07
141-089-0455	3-26-07	Adopt(T)	5-1-07	150-314.724(3)	7-31-07	Amend	9-1-07
141-089-0460	3-26-07	Adopt(T)	5-1-07	150-315.068	1-1-07	Amend	2-1-07
141-089-0465	3-26-07	Adopt(T)	5-1-07	150-315.156	1-1-07	Amend	2-1-07
141-089-0470	3-26-07	Adopt(T)	5-1-07	150-315.511(6)	1-1-07	Repeal	2-1-07
141-089-0475	3-26-07	Adopt(T)	5-1-07	150-315.521	9-21-07	Adopt(T)	11-1-07
141-089-0480	3-26-07	Adopt(T)	5-1-07	150-316.007-(B)	1-1-07	Amend	2-1-07
141-140-0010	12-1-07	Adopt	11-1-07	150-316.153	1-1-07	Adopt	2-1-07
141-140-0020	12-1-07	Adopt	11-1-07	150-316.162(2)(j)	2-1-07	Amend	3-1-07
141-140-0030	12-1-07	Adopt	11-1-07	150-316.212	1-1-07	Amend	2-1-07
141-140-0040	12-1-07	Adopt	11-1-07	150-316.992	7-31-07	Adopt	9-1-07
141-140-0050	12-1-07	Adopt	11-1-07	150-317.090	11-21-06	Amend(T)	1-1-07
141-140-0060	12-1-07	Adopt	11-1-07	150-317.090	1-1-07	Amend	2-1-07
141-140-0070	12-1-07	Adopt	11-1-07	150-317.705(3)(a)	1-1-07	Amend	2-1-07
141-140-0080	12-1-07	Adopt	11-1-07	150-318.020(2)	1-1-07	Amend	2-1-07
141-140-0090	12-1-07	Adopt	11-1-07	150-318.060	1-1-07	Adopt	2-1-07
141-140-0100	12-1-07	Adopt	11-1-07	150-323.160(1)	3-21-07	Amend(T)	5-1-07
141-140-0110	12-1-07	Adopt	11-1-07	150-323.160(1)	7-31-07	Amend	9-1-07
141-140-0120	12-1-07	Adopt	11-1-07	150-323.160(2)	7-31-07	Amend	9-1-07
141-140-0130	12-1-07	Adopt	11-1-07	150-330-123	7-31-07	Repeal	9-1-07
150-293.250(2)	10-5-07	Amend(T)	11-1-07	150-334.400	1-1-07	Repeal	2-1-07
150-294.181	4-5-07	Adopt(T)	5-1-07	150-401.794	1-1-07	Am. & Ren.	2-1-07
150-294.181	7-31-07	Adopt	9-1-07	150-457.450	1-1-07	Amend	2-1-07
150-294.181(T)	7-31-07	Repeal	9-1-07	150-570.562	7-31-07	Repeal	9-1-07
150-305.145	7-31-07	Amend	9-1-07	150-670.600	2-1-07	Adopt	3-1-07
150-305.145(4)	7-31-07	Adopt	9-1-07	150-820.560(9)	7-31-07	Repeal	9-1-07
150-305.145(4)(a)	7-31-07	Repeal	9-1-07	150-Chapter 00004, Oregon Laws 2007	10-5-07	Adopt(T)	11-1-07
150-305.145(4)(b)	7-31-07	Repeal	9-1-07	160-100-0010	3-1-07	Amend	3-1-07
150-305.145(4)(c)	7-31-07	Repeal	9-1-07	161-003-0020	2-9-07	Amend	3-1-07
150-305.217	7-31-07	Amend	9-1-07	161-006-0025	7-1-07	Amend(T)	7-1-07
150-305.220(1)	1-1-07	Amend	2-1-07	161-010-0020	2-9-07	Amend	3-1-07
150-305.220(2)	1-1-07	Amend	2-1-07	161-010-0025	2-9-07	Amend	3-1-07
150-305.230	1-1-07	Amend	2-1-07	161-010-0025	2-9-07	Amend	3-1-07
150-305.265(1)-(B)	7-31-07	Amend	9-1-07	161-010-0080	2-9-07	Amend	3-1-07
150-305.265(15)	7-31-07	Amend	9-1-07	161-010-0085	2-9-07	Amend	3-1-07
150-307.080	1-1-07	Adopt	2-1-07	161-015-0010	2-9-07	Amend	3-1-07
150-307.475	7-31-07	Amend	9-1-07	161-015-0030	2-9-07	Amend	3-1-07
150-308.709	7-31-07	Amend	9-1-07	161-020-0110	2-9-07	Amend	3-1-07
150-308.875-(A)	1-1-07	Amend	2-1-07	161-025-0025	2-9-07	Amend	3-1-07
150-308A.253	1-1-07	Amend	2-1-07	161-025-0030	2-9-07	Amend	3-1-07
150-309.024	1-1-07	Amend	2-1-07	161-025-0040	2-9-07	Amend	3-1-07
150-309.026(2)-(A)	1-1-07	Amend	2-1-07	161-050-0000	2-9-07	Amend	3-1-07
150-309.067(1)(b)	1-1-07	Amend	2-1-07	161-050-0040	2-9-07	Amend	3-1-07
150-309.100(2)-(B)	1-1-07	Amend	2-1-07	162-010-0000	6-30-07	Amend	7-1-07
150-309.100(3)-(C)	1-1-07	Amend	2-1-07	162-010-0010	6-30-07	Amend	7-1-07
150-311.672(1)(a)	1-1-07	Amend	2-1-07	162-010-0020	6-30-07	Amend	7-1-07
150-311.708	1-1-07	Amend	2-1-07	162-010-0030	6-30-07	Amend	7-1-07
150-314.385(1)-(B)	1-1-07	Amend	2-1-07	162-010-0050	6-30-07	Amend	7-1-07
150-314.385(3)	1-1-07	Amend	2-1-07	162-010-0115	6-30-07	Adopt	7-1-07
150-314.402(6)	7-31-07	Adopt	9-1-07	162-010-0140	6-30-07	Amend	7-1-07
150-314.415	1-1-07	Am. & Ren.	2-1-07	162-010-0150	6-30-07	Amend	7-1-07
150-314.415(1)(a)	1-1-07	Repeal	2-1-07	162-010-0170	6-30-07	Amend	7-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
162-010-0180	6-30-07	Repeal	7-1-07	166-500-0020	7-31-07	Amend	9-1-07
162-010-0190	6-30-07	Amend	7-1-07	166-500-0025	7-31-07	Amend	9-1-07
162-010-0230	6-30-07	Amend	7-1-07	166-500-0030	7-31-07	Amend	9-1-07
162-010-0240	6-30-07	Amend	7-1-07	166-500-0040	7-31-07	Amend	9-1-07
162-010-0260	6-30-07	Amend	7-1-07	166-500-0045	7-31-07	Repeal	9-1-07
162-010-0280	6-30-07	Amend	7-1-07	166-500-0050	7-31-07	Amend	9-1-07
162-010-0295	6-30-07	Amend	7-1-07	166-500-0055	7-31-07	Amend	9-1-07
162-010-0330	6-30-07	Amend	7-1-07	170-061-0010	4-27-07	Repeal	6-1-07
162-040-0000	6-30-07	Amend	7-1-07	177-040-0000	1-1-07	Amend	2-1-07
162-040-0005	6-30-07	Amend	7-1-07	177-040-0010	3-4-07	Amend	4-1-07
162-040-0010	6-30-07	Amend	7-1-07	177-040-0017	2-4-07	Amend	3-1-07
162-040-0015	6-30-07	Amend	7-1-07	177-040-0028	10-14-07	Amend	11-1-07
162-040-0020	6-30-07	Amend	7-1-07	177-040-0029	10-14-07	Amend	11-1-07
162-040-0025	6-30-07	Repeal	7-1-07	177-040-0061	2-4-07	Amend	3-1-07
162-040-0030	6-30-07	Repeal	7-1-07	213-001-0010	10-15-07	Adopt(T)	11-1-07
162-040-0035	6-30-07	Repeal	7-1-07	213-004-0001	4-25-07	Amend	6-1-07
162-040-0040	6-30-07	Repeal	7-1-07	250-010-0055	7-2-07	Amend	8-1-07
162-040-0045	6-30-07	Repeal	7-1-07	250-010-0300	7-2-07	Amend	8-1-07
162-040-0054	6-30-07	Adopt	7-1-07	250-010-0320	7-2-07	Amend	8-1-07
162-040-0055	6-30-07	Amend	7-1-07	250-014-0001	7-1-07	Amend	1-1-07
162-040-0060	6-30-07	Amend	7-1-07	250-014-0002	7-1-07	Amend	1-1-07
162-040-0065	6-30-07	Amend	7-1-07	250-014-0003	7-1-07	Amend	1-1-07
162-040-0070	6-30-07	Amend	7-1-07	250-014-0004	7-1-07	Amend	1-1-07
162-040-0075	6-30-07	Amend	7-1-07	250-014-0005	7-1-07	Amend	1-1-07
162-040-0080	6-30-07	Repeal	7-1-07	250-014-0010	7-1-07	Amend	1-1-07
162-040-0085	6-30-07	Amend	7-1-07	250-014-0020	7-1-07	Amend	1-1-07
162-040-0090	6-30-07	Amend	7-1-07	250-014-0030	7-1-07	Amend	1-1-07
162-040-0095	6-30-07	Amend	7-1-07	250-014-0040	7-1-07	Amend	1-1-07
162-040-0110	6-30-07	Amend	7-1-07	250-014-0041	7-1-07	Amend	1-1-07
162-040-0115	6-30-07	Amend	7-1-07	250-014-0080	7-1-07	Amend	1-1-07
162-040-0120	6-30-07	Amend	7-1-07	250-015-0006	3-21-07	Adopt	5-1-07
162-040-0125	6-30-07	Amend	7-1-07	250-015-0023	10-1-07	Amend	11-1-07
162-040-0130	6-30-07	Amend	7-1-07	250-015-0027	10-1-07	Amend	11-1-07
162-040-0135	6-30-07	Amend	7-1-07	250-015-0033	7-2-07	Amend	8-1-07
162-040-0140	6-30-07	Amend	7-1-07	250-016-0014	7-2-07	Adopt	8-1-07
162-040-0146	6-30-07	Amend	7-1-07	250-016-0015	10-1-07	Adopt	11-1-07
162-040-0148	6-30-07	Amend	7-1-07	250-018-0010	1-9-07	Amend(T)	2-1-07
162-040-0155	6-30-07	Amend	7-1-07	250-018-0010	3-21-07	Amend	5-1-07
162-040-0160	6-30-07	Amend	7-1-07	250-018-0010(T)	3-21-07	Repeal	5-1-07
165-005-0130	1-1-07	Amend	2-1-07	250-018-0020	1-9-07	Amend(T)	2-1-07
165-007-0130	12-29-06	Amend	2-1-07	250-018-0020	3-21-07	Amend	5-1-07
165-007-2007	7-16-07	Adopt(T)	9-1-07	250-018-0020(T)	3-21-07	Repeal	5-1-07
165-012-0005	1-5-07	Amend	2-1-07	250-018-0040	1-9-07	Amend(T)	2-1-07
165-012-0005	5-2-07	Amend(T)	6-1-07	250-018-0040	3-21-07	Amend	5-1-07
165-012-0005	7-16-07	Amend(T)	9-1-07	250-018-0040(T)	3-21-07	Repeal	5-1-07
165-012-0050	12-29-06	Amend	2-1-07	250-018-0050	1-9-07	Amend(T)	2-1-07
165-012-0230	1-1-07	Repeal	2-1-07	250-018-0050	3-21-07	Amend	5-1-07
165-012-0240	8-27-07	Amend	10-1-07	250-018-0050(T)	3-21-07	Repeal	5-1-07
165-013-0010	12-29-06	Amend	2-1-07	250-018-0060	1-9-07	Amend(T)	2-1-07
165-014-0005	5-14-07	Amend(T)	6-1-07	250-018-0060	3-21-07	Amend	5-1-07
166-150-0065	12-15-06	Amend	1-1-07	250-018-0060(T)	3-21-07	Repeal	5-1-07
166-200-0085	5-8-07	Amend	6-1-07	250-018-0080	1-9-07	Amend(T)	2-1-07
166-500-0000	7-31-07	Amend	9-1-07	250-018-0080	3-21-07	Amend	5-1-07
166-500-0010	7-31-07	Amend	9-1-07	250-018-0080(T)	3-21-07	Repeal	5-1-07
166-500-0015	7-31-07	Amend	9-1-07	250-018-0090	1-9-07	Amend(T)	2-1-07
166-500-0015	10-1-07	Amend(T)	11-1-07	250-018-0090	3-21-07	Amend	5-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
250-018-0090(T)	3-21-07	Repeal	5-1-07	259-008-0065	1-12-07	Amend	2-1-07
250-018-0110	1-9-07	Adopt(T)	2-1-07	259-008-0065(T)	1-12-07	Repeal	2-1-07
250-018-0110	3-21-07	Adopt	5-1-07	259-008-0075	8-15-07	Amend	9-1-07
250-018-0110(T)	3-21-07	Repeal	5-1-07	259-008-0076	8-15-07	Amend	9-1-07
250-020-0032	6-18-07	Amend(T)	8-1-07	259-008-0085	1-12-07	Amend	2-1-07
250-020-0102	7-2-07	Amend	8-1-07	259-008-0090	10-15-07	Amend	11-1-07
250-020-0161	9-4-07	Amend(T)	10-1-07	259-008-0100	10-15-07	Amend	11-1-07
250-020-0161	10-1-07	Amend	11-1-07	259-009-0005	1-12-07	Amend	2-1-07
250-020-0161(T)	10-1-07	Repeal	11-1-07	259-009-0062	11-20-06	Amend	1-1-07
250-020-0261	5-2-07	Amend(T)	6-1-07	259-009-0062	1-12-07	Amend	2-1-07
250-020-0290	5-2-07	Suspend	6-1-07	259-009-0067	3-14-07	Amend	4-1-07
255-032-0022	2-1-07	Adopt(T)	3-1-07	259-012-0005	11-20-06	Amend	1-1-07
255-032-0022	7-30-07	Adopt	9-1-07	259-012-0005(T)	11-20-06	Repeal	1-1-07
255-032-0025	2-1-07	Amend(T)	3-1-07	259-012-0010	11-20-06	Amend	1-1-07
255-032-0025	7-30-07	Amend	9-1-07	259-012-0010(T)	11-20-06	Repeal	1-1-07
255-032-0026	7-30-07	Adopt	9-1-07	259-012-0015	11-20-06	Repeal	1-1-07
255-032-0027	2-1-07	Adopt(T)	3-1-07	259-012-0020	11-20-06	Repeal	1-1-07
255-032-0027	7-30-07	Adopt	9-1-07	259-012-0025	11-20-06	Repeal	1-1-07
255-032-0029	2-1-07	Adopt(T)	3-1-07	259-012-0030	11-20-06	Repeal	1-1-07
255-032-0029	7-30-07	Adopt	9-1-07	259-012-0035	11-20-06	Amend	1-1-07
255-032-0030	2-1-07	Adopt(T)	3-1-07	259-012-0035	2-15-07	Amend(T)	3-1-07
255-032-0030	7-30-07	Adopt	9-1-07	259-012-0035	7-30-07	Amend	9-1-07
255-032-0031	2-1-07	Adopt(T)	3-1-07	259-012-0035(T)	11-20-06	Repeal	1-1-07
255-032-0031	7-30-07	Adopt	9-1-07	259-012-0035(T)	7-30-07	Repeal	9-1-07
255-032-0032	2-1-07	Adopt(T)	3-1-07	259-025-0000	10-15-07	Amend	11-1-07
255-032-0032	7-30-07	Adopt	9-1-07	259-060-0010	2-15-07	Amend	3-1-07
255-060-0016	7-17-07	Amend	9-1-07	259-060-0010	10-15-07	Amend	11-1-07
255-070-0003	2-1-07	Amend	3-1-07	259-060-0060	2-15-07	Amend	3-1-07
255-075-0073	7-17-07	Amend	9-1-07	259-060-0065	2-15-07	Amend	3-1-07
257-030-0060	11-22-06	Amend	1-1-07	259-060-0075	2-15-07	Amend	3-1-07
257-030-0060(T)	11-22-06	Repeal	1-1-07	259-060-0080	2-15-07	Amend	3-1-07
257-030-0070	11-22-06	Amend	1-1-07	259-060-0090	10-15-07	Amend	11-1-07
257-030-0070(T)	11-22-06	Repeal	1-1-07	259-060-0092	2-15-07	Adopt	3-1-07
257-030-0075	11-22-06	Repeal	1-1-07	259-060-0120	2-15-07	Amend	3-1-07
257-030-0105	11-22-06	Adopt	1-1-07	259-060-0135	2-15-07	Amend	3-1-07
257-030-0105(T)	11-22-06	Repeal	1-1-07	259-060-0150	10-15-07	Amend	11-1-07
257-030-0110	11-22-06	Adopt	1-1-07	259-060-0450	10-15-07	Amend	11-1-07
257-030-0110(T)	11-22-06	Repeal	1-1-07	259-061-0260	5-15-07	Amend	6-1-07
257-030-0120	11-22-06	Adopt	1-1-07	259-070-0010	1-12-07	Amend	2-1-07
257-030-0120(T)	11-22-06	Repeal	1-1-07	274-010-0100	9-28-07	Amend	11-1-07
257-030-0130	11-22-06	Adopt	1-1-07	274-010-0145	9-24-07	Amend	11-1-07
257-030-0130(T)	11-22-06	Repeal	1-1-07	274-010-0170	9-28-07	Amend	11-1-07
257-030-0140	11-22-06	Adopt	1-1-07	274-010-0170	9-28-07	Amend	11-1-07
257-030-0140(T)	11-22-06	Repeal	1-1-07	274-012-0100	9-28-07	Amend	11-1-07
257-030-0150	11-22-06	Adopt	1-1-07	274-020-0340	9-28-07	Amend	11-1-07
257-030-0150(T)	11-22-06	Repeal	1-1-07	274-020-0355	9-28-07	Amend	11-1-07
257-030-0160	11-22-06	Adopt	1-1-07	274-020-0380	9-28-07	Amend	11-1-07
257-030-0160(T)	11-22-06	Repeal	1-1-07	274-020-0430	9-28-07	Amend	11-1-07
257-030-0170	11-22-06	Adopt	1-1-07	274-020-0440	9-28-07	Amend	11-1-07
257-030-0170(T)	11-22-06	Repeal	1-1-07	274-020-0445	9-28-07	Amend	11-1-07
259-008-0005	1-12-07	Amend	2-1-07	274-021-0010	9-28-07	Amend	11-1-07
259-008-0010	10-15-07	Amend	11-1-07	274-021-0020	9-28-07	Amend	11-1-07
259-008-0011	1-12-07	Amend	2-1-07	274-025-0010	9-28-07	Amend	11-1-07
259-008-0011	10-15-07	Amend	11-1-07	274-025-0020	9-28-07	Amend	11-1-07
259-008-0025	1-12-07	Amend	2-1-07	274-028-0001	9-28-07	Amend	11-1-07
259-008-0064	1-12-07	Amend	2-1-07	274-030-0500	7-25-07	Amend(T)	9-1-07
				274-030-0505	7-25-07	Amend(T)	9-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
274-030-0506	7-25-07	Amend(T)	9-1-07	309-019-0030	5-11-07	Repeal	6-1-07
274-030-0510	7-25-07	Amend(T)	9-1-07	309-031-0005	5-11-07	Repeal	6-1-07
274-030-0520	7-25-07	Amend(T)	9-1-07	309-031-0225	6-27-07	Repeal	8-1-07
274-030-0545	7-25-07	Amend(T)	9-1-07	309-031-0230	6-27-07	Repeal	8-1-07
274-030-0550	7-25-07	Amend(T)	9-1-07	309-031-0235	6-27-07	Repeal	8-1-07
274-030-0555	7-25-07	Amend(T)	9-1-07	309-031-0240	6-27-07	Repeal	8-1-07
274-030-0560	7-25-07	Amend(T)	9-1-07	309-031-0245	6-27-07	Repeal	8-1-07
274-030-0565	7-25-07	Amend(T)	9-1-07	309-032-0450	4-24-07	Repeal	6-1-07
274-030-0570	7-25-07	Amend(T)	9-1-07	309-032-0455	4-24-07	Amend	6-1-07
274-030-0575	7-25-07	Amend(T)	9-1-07	309-032-0455	8-31-07	Amend(T)	10-1-07
274-030-0600	7-25-07	Amend(T)	9-1-07	309-032-0455(T)	4-24-07	Repeal	6-1-07
274-030-0602	7-25-07	Adopt(T)	9-1-07	309-032-0460	4-24-07	Amend	6-1-07
274-030-0605	7-25-07	Suspend	9-1-07	309-032-0465	4-24-07	Amend	6-1-07
274-030-0610	7-25-07	Amend(T)	9-1-07	309-032-0470	4-24-07	Amend	6-1-07
274-030-0620	7-25-07	Amend(T)	9-1-07	309-032-0475	4-24-07	Amend	6-1-07
274-030-0630	7-25-07	Amend(T)	9-1-07	309-032-0475(T)	4-24-07	Repeal	6-1-07
274-030-0640	7-25-07	Amend(T)	9-1-07	309-032-0480	4-24-07	Amend	6-1-07
274-045-0001	9-28-07	Amend	11-1-07	309-032-0480(T)	4-24-07	Repeal	6-1-07
274-045-0110	9-28-07	Amend	11-1-07	309-032-0485	4-24-07	Amend	6-1-07
274-045-0120	9-28-07	Amend	11-1-07	309-032-0490	4-24-07	Amend	6-1-07
291-001-0020	7-20-07	Amend	9-1-07	309-032-0490(T)	4-24-07	Repeal	6-1-07
291-001-0025	7-20-07	Amend	9-1-07	309-032-0495	4-24-07	Amend	6-1-07
291-001-0110	7-20-07	Adopt	9-1-07	309-032-0495(T)	4-24-07	Repeal	6-1-07
291-017-0005	1-31-07	Repeal	3-1-07	309-032-0500	4-24-07	Amend	6-1-07
291-017-0010	1-31-07	Repeal	3-1-07	309-032-0500(T)	4-24-07	Repeal	6-1-07
291-017-0015	1-31-07	Repeal	3-1-07	309-032-0505	4-24-07	Amend	6-1-07
291-017-0017	1-31-07	Repeal	3-1-07	309-032-0505(T)	4-24-07	Repeal	6-1-07
291-017-0020	1-31-07	Repeal	3-1-07	309-032-0510	4-24-07	Amend	6-1-07
291-017-0025	1-31-07	Repeal	3-1-07	309-032-0510(T)	4-24-07	Repeal	6-1-07
291-039-0025	4-16-07	Amend	6-1-07	309-032-0515	4-24-07	Amend	6-1-07
291-039-0026	4-16-07	Repeal	6-1-07	309-032-0515(T)	4-24-07	Repeal	6-1-07
291-039-0035	4-16-07	Repeal	6-1-07	309-033-0435	5-25-07	Amend	7-1-07
291-062-0110	10-9-07	Amend	11-1-07	309-033-0625	5-25-07	Adopt	7-1-07
291-062-0130	10-9-07	Amend	11-1-07	309-034-0005	6-27-07	Repeal	8-1-07
291-062-0140	10-9-07	Amend	11-1-07	309-034-0060	7-27-07	Repeal	9-1-07
291-062-0150	10-9-07	Amend	11-1-07	309-034-0070	7-27-07	Repeal	9-1-07
291-100-0008	2-1-07	Amend	3-1-07	309-034-0080	7-27-07	Repeal	9-1-07
291-100-0130	2-1-07	Amend	3-1-07	309-034-0090	7-27-07	Repeal	9-1-07
291-131-0010	8-1-07	Amend(T)	9-1-07	309-034-0100	7-27-07	Repeal	9-1-07
291-131-0015	8-1-07	Amend(T)	9-1-07	309-034-0110	7-27-07	Repeal	9-1-07
291-131-0020	8-1-07	Amend(T)	9-1-07	309-034-0120	7-27-07	Repeal	9-1-07
291-131-0025	8-1-07	Amend(T)	9-1-07	309-034-0130	7-27-07	Repeal	9-1-07
291-143-0010	12-18-06	Amend(T)	2-1-07	309-034-0140	7-27-07	Repeal	9-1-07
291-143-0010	8-17-07	Amend	10-1-07	309-035-0105	5-25-07	Amend(T)	7-1-07
291-143-0130	12-18-06	Amend(T)	2-1-07	309-035-0105	8-31-07	Amend	10-1-07
291-143-0130	8-17-07	Amend	10-1-07	309-035-0105(T)	8-31-07	Repeal	10-1-07
291-143-0140	12-18-06	Amend(T)	2-1-07	309-035-0260	5-25-07	Amend(T)	7-1-07
291-143-0140	8-17-07	Amend	10-1-07	309-035-0260	8-31-07	Amend	10-1-07
309-012-0065	5-25-07	Repeal	7-1-07	309-035-0260(T)	8-31-07	Repeal	10-1-07
309-012-0070	5-25-07	Amend	7-1-07	309-040-0305	5-25-07	Amend(T)	7-1-07
309-012-0080	5-25-07	Repeal	7-1-07	309-040-0305	8-31-07	Amend	10-1-07
309-012-0085	5-25-07	Repeal	7-1-07	309-040-0305(T)	8-31-07	Repeal	10-1-07
309-012-0090	5-25-07	Repeal	7-1-07	309-040-0350	5-4-07	Adopt(T)	6-1-07
309-019-0000	5-11-07	Repeal	6-1-07	309-040-0350	8-31-07	Amend	10-1-07
309-019-0010	5-11-07	Repeal	6-1-07	309-040-0350(T)	8-31-07	Repeal	10-1-07
309-019-0020	5-11-07	Repeal	6-1-07	309-041-0015	7-1-07	Repeal	8-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
309-041-0016	7-1-07	Repeal	8-1-07	325-015-0040	1-1-07	Adopt	2-1-07
309-041-0017	7-1-07	Repeal	8-1-07	325-015-0045	1-1-07	Adopt	2-1-07
309-041-0018	7-1-07	Repeal	8-1-07	325-015-0050	1-1-07	Adopt	2-1-07
309-041-0019	7-1-07	Repeal	8-1-07	325-015-0055	1-1-07	Adopt	2-1-07
309-041-0020	7-1-07	Repeal	8-1-07	325-015-0060	1-1-07	Adopt	2-1-07
309-041-0021	7-1-07	Repeal	8-1-07	325-020-0001	3-9-07	Adopt	4-1-07
309-041-0022	7-1-07	Repeal	8-1-07	325-020-0005	3-9-07	Adopt	4-1-07
309-041-0023	7-1-07	Repeal	8-1-07	325-020-0010	3-9-07	Adopt	4-1-07
309-041-0024	7-1-07	Repeal	8-1-07	325-020-0015	3-9-07	Adopt	4-1-07
309-041-1500	8-20-07	Renumber	10-1-07	325-020-0020	3-9-07	Adopt	4-1-07
309-041-1510	8-20-07	Renumber	10-1-07	325-020-0025	3-9-07	Adopt	4-1-07
309-041-1520	8-20-07	Renumber	10-1-07	325-020-0030	3-9-07	Adopt	4-1-07
309-041-1530	8-20-07	Renumber	10-1-07	325-020-0035	3-9-07	Adopt	4-1-07
309-041-1540	8-20-07	Renumber	10-1-07	325-020-0040	3-9-07	Adopt	4-1-07
309-041-1550	8-20-07	Renumber	10-1-07	325-020-0045	3-9-07	Adopt	4-1-07
309-041-1560	8-20-07	Renumber	10-1-07	325-020-0050	3-9-07	Adopt	4-1-07
309-041-1570	8-20-07	Renumber	10-1-07	325-020-0055	3-9-07	Adopt	4-1-07
309-041-1580	8-20-07	Renumber	10-1-07	325-025-0001	5-4-07	Adopt	6-1-07
309-041-1590	8-20-07	Renumber	10-1-07	325-025-0005	5-4-07	Adopt	6-1-07
309-041-1600	8-20-07	Renumber	10-1-07	325-025-0010	5-4-07	Adopt	6-1-07
309-041-1610	8-20-07	Renumber	10-1-07	325-025-0015	5-4-07	Adopt	6-1-07
309-045-0100	10-7-07	Renumber	11-1-07	325-025-0020	5-4-07	Adopt	6-1-07
309-045-0110	10-7-07	Renumber	11-1-07	325-025-0025	5-4-07	Adopt	6-1-07
309-045-0120	10-7-07	Renumber	11-1-07	325-025-0030	5-4-07	Adopt	6-1-07
309-045-0130	10-7-07	Renumber	11-1-07	325-025-0035	5-4-07	Adopt	6-1-07
309-045-0140	10-7-07	Renumber	11-1-07	325-025-0040	5-4-07	Adopt	6-1-07
309-045-0150	10-7-07	Renumber	11-1-07	325-025-0045	5-4-07	Adopt	6-1-07
309-045-0160	10-7-07	Renumber	11-1-07	325-025-0050	5-4-07	Adopt	6-1-07
309-045-0170	10-7-07	Renumber	11-1-07	325-025-0055	5-4-07	Adopt	6-1-07
309-045-0180	10-7-07	Renumber	11-1-07	325-025-0060	5-4-07	Adopt	6-1-07
309-045-0190	10-7-07	Renumber	11-1-07	330-060-0005	9-1-07	Amend	10-1-07
309-045-0200	10-7-07	Renumber	11-1-07	330-060-0010	9-1-07	Amend	10-1-07
309-045-0210	10-7-07	Renumber	11-1-07	330-060-0015	9-1-07	Amend	10-1-07
325-005-0015	7-2-07	Amend	8-1-07	330-060-0020	9-1-07	Amend	10-1-07
325-010-0000	4-10-07	Adopt	5-1-07	330-060-0040	9-1-07	Amend	10-1-07
325-010-0001	4-10-07	Amend	5-1-07	330-060-0060	9-1-07	Amend	10-1-07
325-010-0005	4-10-07	Amend	5-1-07	330-060-0070	9-1-07	Amend	10-1-07
325-010-0010	4-10-07	Amend	5-1-07	330-060-0075	9-1-07	Amend	10-1-07
325-010-0015	4-10-07	Amend	5-1-07	330-060-0090	9-1-07	Repeal	10-1-07
325-010-0020	4-10-07	Amend	5-1-07	330-060-0095	9-1-07	Amend	10-1-07
325-010-0025	4-10-07	Amend	5-1-07	330-061-0005	9-1-07	Amend	10-1-07
325-010-0030	4-10-07	Amend	5-1-07	330-061-0010	9-1-07	Amend	10-1-07
325-010-0035	4-10-07	Amend	5-1-07	330-061-0015	9-1-07	Amend	10-1-07
325-010-0040	4-10-07	Amend	5-1-07	330-061-0020	9-1-07	Amend	10-1-07
325-010-0045	4-10-07	Amend	5-1-07	330-061-0025	9-1-07	Amend	10-1-07
325-010-0050	4-10-07	Amend	5-1-07	330-061-0030	9-1-07	Amend	10-1-07
325-010-0055	4-10-07	Amend	5-1-07	330-061-0035	9-1-07	Amend	10-1-07
325-010-0060	4-10-07	Amend	5-1-07	330-061-0040	9-1-07	Amend	10-1-07
325-015-0001	1-1-07	Adopt	2-1-07	330-061-0045	9-1-07	Amend	10-1-07
325-015-0005	1-1-07	Adopt	2-1-07	330-070-0010	1-1-07	Amend	2-1-07
325-015-0010	1-1-07	Adopt	2-1-07	330-070-0013	1-1-07	Amend	2-1-07
325-015-0015	1-1-07	Adopt	2-1-07	330-070-0020	1-1-07	Amend	2-1-07
325-015-0020	1-1-07	Adopt	2-1-07	330-070-0026	1-1-07	Amend	2-1-07
325-015-0025	1-1-07	Adopt	2-1-07	330-070-0045	1-1-07	Amend	2-1-07
325-015-0030	1-1-07	Adopt	2-1-07	330-070-0059	1-1-07	Amend	2-1-07
325-015-0035	1-1-07	Adopt	2-1-07	330-070-0060	1-1-07	Amend	2-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
330-070-0064	1-1-07	Amend	2-1-07	333-004-0060	4-23-07	Amend	5-1-07
330-070-0070	1-1-07	Amend	2-1-07	333-004-0070	4-23-07	Amend	5-1-07
330-070-0073	1-1-07	Amend	2-1-07	333-004-0080	4-1-07	Amend(T)	4-1-07
330-090-0110	12-1-07	Amend	1-1-07	333-004-0080	4-23-07	Amend	5-1-07
330-120-0005	7-1-07	Repeal	8-1-07	333-004-0080(T)	4-23-07	Repeal	5-1-07
330-120-0010	7-1-07	Repeal	8-1-07	333-004-0090	4-23-07	Amend	5-1-07
330-120-0015	7-1-07	Repeal	8-1-07	333-004-0100	4-23-07	Amend	5-1-07
330-120-0020	7-1-07	Repeal	8-1-07	333-004-0110	4-1-07	Amend(T)	4-1-07
330-120-0025	7-1-07	Repeal	8-1-07	333-004-0110	4-23-07	Amend	5-1-07
330-120-0030	7-1-07	Repeal	8-1-07	333-004-0110(T)	4-23-07	Repeal	5-1-07
330-120-0035	7-1-07	Repeal	8-1-07	333-004-0120	4-23-07	Amend	5-1-07
330-120-0040	7-1-07	Repeal	8-1-07	333-004-0130	4-23-07	Amend	5-1-07
331-105-0020	12-1-06	Amend	1-1-07	333-004-0140	4-23-07	Amend	5-1-07
331-105-0030	12-1-06	Amend	1-1-07	333-004-0150	4-23-07	Amend	5-1-07
331-110-0005	12-1-06	Amend	1-1-07	333-004-0160	4-23-07	Amend	5-1-07
331-110-0010	12-1-06	Amend	1-1-07	333-004-0170	4-23-07	Amend	5-1-07
331-110-0055	12-1-06	Amend	1-1-07	333-004-0180	4-23-07	Amend	5-1-07
331-120-0000	12-1-06	Amend	1-1-07	333-004-0190	4-23-07	Amend	5-1-07
331-120-0020	12-1-06	Amend	1-1-07	333-010-0600	4-13-07	Adopt	5-1-07
331-125-0010	12-1-06	Amend	1-1-07	333-010-0610	4-13-07	Adopt	5-1-07
331-135-0000	12-1-06	Amend	1-1-07	333-010-0620	4-13-07	Adopt	5-1-07
331-505-0010	4-1-07	Amend	5-1-07	333-010-0630	4-13-07	Adopt	5-1-07
331-550-0000	4-1-07	Amend	5-1-07	333-010-0640	4-13-07	Adopt	5-1-07
331-555-0010	4-1-07	Amend	5-1-07	333-010-0650	4-13-07	Adopt	5-1-07
331-565-0030	4-1-07	Amend	5-1-07	333-010-0660	4-13-07	Adopt	5-1-07
331-565-0060	4-1-07	Amend	5-1-07	333-011-0200	12-1-06	Adopt	1-1-07
331-565-0085	4-1-07	Adopt	5-1-07	333-012-0270	1-16-07	Amend	3-1-07
331-575-0040	4-1-07	Amend	5-1-07	333-018-0005	1-16-07	Amend	3-1-07
331-715-0030	4-1-07	Amend	5-1-07	333-018-0015	8-22-07	Amend(T)	10-1-07
333-001-0010	6-1-07	Repeal	7-1-07	333-018-0018	12-18-06	Amend	1-1-07
333-002-0010	11-16-06	Amend	1-1-07	333-018-0030	1-16-07	Amend	3-1-07
333-002-0035	11-16-06	Amend	1-1-07	333-030-0005	7-13-07	Amend	8-1-07
333-002-0040	11-16-06	Amend	1-1-07	333-030-0010	7-13-07	Amend	8-1-07
333-002-0050	11-16-06	Amend	1-1-07	333-030-0015	7-13-07	Amend	8-1-07
333-002-0070	11-16-06	Amend	1-1-07	333-030-0020	7-13-07	Amend	8-1-07
333-002-0080	11-16-06	Amend	1-1-07	333-030-0025	7-13-07	Amend	8-1-07
333-002-0090	11-16-06	Amend	1-1-07	333-030-0030	7-13-07	Amend	8-1-07
333-002-0100	11-16-06	Amend	1-1-07	333-030-0035	7-13-07	Amend	8-1-07
333-002-0110	11-16-06	Amend	1-1-07	333-030-0040	7-13-07	Amend	8-1-07
333-002-0120	11-16-06	Amend	1-1-07	333-030-0045	7-13-07	Amend	8-1-07
333-002-0130	11-16-06	Amend	1-1-07	333-030-0050	7-13-07	Amend	8-1-07
333-002-0140	11-16-06	Amend	1-1-07	333-030-0055	7-13-07	Amend	8-1-07
333-002-0150	11-16-06	Amend	1-1-07	333-030-0060	7-13-07	Amend	8-1-07
333-002-0160	11-16-06	Amend	1-1-07	333-030-0065	7-13-07	Amend	8-1-07
333-002-0170	11-16-06	Amend	1-1-07	333-030-0070	7-13-07	Amend	8-1-07
333-002-0210	11-16-06	Amend	1-1-07	333-030-0075	7-13-07	Amend	8-1-07
333-002-0220	11-16-06	Amend	1-1-07	333-030-0080	7-13-07	Amend	8-1-07
333-002-0230	11-16-06	Amend	1-1-07	333-030-0085	7-13-07	Amend	8-1-07
333-004-0000	4-23-07	Amend	5-1-07	333-030-0090	7-13-07	Amend	8-1-07
333-004-0010	4-1-07	Amend(T)	4-1-07	333-030-0095	7-13-07	Amend	8-1-07
333-004-0010	4-23-07	Amend	5-1-07	333-030-0100	7-13-07	Amend	8-1-07
333-004-0010(T)	4-23-07	Repeal	5-1-07	333-030-0103	7-13-07	Adopt	8-1-07
333-004-0020	4-23-07	Amend	5-1-07	333-030-0105	7-13-07	Amend	8-1-07
333-004-0030	4-23-07	Amend	5-1-07	333-030-0110	7-13-07	Amend	8-1-07
333-004-0040	4-23-07	Amend	5-1-07	333-030-0115	7-13-07	Amend	8-1-07
333-004-0050	4-23-07	Amend	5-1-07	333-030-0120	7-13-07	Amend	8-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-030-0125	7-13-07	Amend	8-1-07	333-100-0080	3-1-07	Amend	4-1-07
333-030-0130	7-13-07	Amend	8-1-07	333-102-0001	3-1-07	Amend	4-1-07
333-039-0015	6-20-07	Amend	8-1-07	333-102-0005	3-1-07	Amend	4-1-07
333-039-0055	6-20-07	Amend	8-1-07	333-102-0010	3-1-07	Amend	4-1-07
333-050-0010	9-27-07	Amend	11-1-07	333-102-0015	3-1-07	Amend	4-1-07
333-050-0020	9-27-07	Amend	11-1-07	333-102-0020	3-1-07	Amend	4-1-07
333-050-0030	9-27-07	Amend	11-1-07	333-102-0025	3-1-07	Amend	4-1-07
333-050-0040	9-27-07	Amend	11-1-07	333-102-0030	3-1-07	Amend	4-1-07
333-050-0050	9-27-07	Amend	11-1-07	333-102-0035	3-1-07	Amend	4-1-07
333-050-0060	9-27-07	Amend	11-1-07	333-102-0040	3-1-07	Amend	4-1-07
333-050-0070	9-27-07	Amend	11-1-07	333-102-0075	3-1-07	Amend	4-1-07
333-050-0080	9-27-07	Amend	11-1-07	333-102-0101	3-1-07	Amend	4-1-07
333-050-0090	9-27-07	Amend	11-1-07	333-102-0103	3-1-07	Amend	4-1-07
333-050-0095	9-27-07	Amend	11-1-07	333-102-0105	3-1-07	Amend	4-1-07
333-050-0100	9-27-07	Amend	11-1-07	333-102-0110	3-1-07	Amend	4-1-07
333-050-0110	9-27-07	Amend	11-1-07	333-102-0115	3-1-07	Amend	4-1-07
333-050-0120	9-27-07	Amend	11-1-07	333-102-0120	3-1-07	Amend	4-1-07
333-050-0130	9-27-07	Amend	11-1-07	333-102-0125	3-1-07	Amend	4-1-07
333-050-0140	9-27-07	Amend	11-1-07	333-102-0130	3-1-07	Amend	4-1-07
333-054-0000	12-27-06	Amend	2-1-07	333-102-0135	3-1-07	Amend	4-1-07
333-054-0010	12-27-06	Amend	2-1-07	333-102-0190	3-1-07	Amend	4-1-07
333-054-0020	12-27-06	Amend	2-1-07	333-102-0200	3-1-07	Amend	4-1-07
333-054-0020(T)	12-27-06	Repeal	2-1-07	333-102-0203	3-1-07	Amend	4-1-07
333-054-0025	12-27-06	Adopt	2-1-07	333-102-0235	3-1-07	Amend	4-1-07
333-054-0030	12-27-06	Amend	2-1-07	333-102-0245	3-1-07	Amend	4-1-07
333-054-0030(T)	12-27-06	Repeal	2-1-07	333-102-0247	3-1-07	Amend	4-1-07
333-054-0040	12-27-06	Amend	2-1-07	333-102-0250	3-1-07	Amend	4-1-07
333-054-0050	12-27-06	Amend	2-1-07	333-102-0255	3-1-07	Amend	4-1-07
333-054-0060	12-27-06	Amend	2-1-07	333-102-0260	3-1-07	Amend	4-1-07
333-054-0070	12-27-06	Amend	2-1-07	333-102-0265	3-1-07	Amend	4-1-07
333-060-0015	7-13-07	Amend	8-1-07	333-102-0270	3-1-07	Amend	4-1-07
333-060-0020	12-13-06	Amend	1-1-07	333-102-0275	3-1-07	Amend	4-1-07
333-060-0105	7-13-07	Amend	8-1-07	333-102-0285	3-1-07	Amend	4-1-07
333-060-0170	7-13-07	Amend	8-1-07	333-102-0290	3-1-07	Amend	4-1-07
333-060-0206	7-13-07	Adopt	8-1-07	333-102-0293	3-1-07	Amend	4-1-07
333-060-0207	7-13-07	Adopt	8-1-07	333-102-0297	3-1-07	Amend	4-1-07
333-060-0208	7-13-07	Adopt	8-1-07	333-102-0300	3-1-07	Amend	4-1-07
333-060-0209	7-13-07	Adopt	8-1-07	333-102-0305	3-1-07	Amend	4-1-07
333-060-0210	7-13-07	Amend	8-1-07	333-102-0310	3-1-07	Amend	4-1-07
333-060-0215	7-13-07	Amend	8-1-07	333-102-0315	3-1-07	Amend	4-1-07
333-100-0001	3-1-07	Amend	4-1-07	333-102-0320	3-1-07	Amend	4-1-07
333-100-0005	3-1-07	Amend	4-1-07	333-102-0325	3-1-07	Amend	4-1-07
333-100-0010	3-1-07	Amend	4-1-07	333-102-0327	3-1-07	Amend	4-1-07
333-100-0015	3-1-07	Amend	4-1-07	333-102-0330	3-1-07	Amend	4-1-07
333-100-0020	3-1-07	Amend	4-1-07	333-102-0335	3-1-07	Amend	4-1-07
333-100-0025	3-1-07	Amend	4-1-07	333-102-0340	3-1-07	Amend	4-1-07
333-100-0030	3-1-07	Amend	4-1-07	333-102-0345	3-1-07	Amend	4-1-07
333-100-0035	3-1-07	Amend	4-1-07	333-102-0350	3-1-07	Amend	4-1-07
333-100-0040	3-1-07	Amend	4-1-07	333-102-0355	3-1-07	Amend	4-1-07
333-100-0045	3-1-07	Amend	4-1-07	333-102-0360	3-1-07	Amend	4-1-07
333-100-0050	3-1-07	Amend	4-1-07	333-102-0365	3-1-07	Amend	4-1-07
333-100-0055	3-1-07	Amend	4-1-07	333-102-0900	3-1-07	Amend	4-1-07
333-100-0057	3-1-07	Amend	4-1-07	333-102-0910	3-1-07	Amend	4-1-07
333-100-0060	3-1-07	Amend	4-1-07	333-103-0001	3-1-07	Amend	4-1-07
333-100-0065	3-1-07	Amend	4-1-07	333-103-0003	3-1-07	Amend	4-1-07
333-100-0070	3-1-07	Amend	4-1-07	333-103-0005	3-1-07	Amend	4-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-103-0010	3-1-07	Amend	4-1-07	333-113-0125	3-1-07	Amend	4-1-07
333-103-0015	3-1-07	Amend	4-1-07	333-113-0130	3-1-07	Amend	4-1-07
333-103-0020	3-1-07	Amend	4-1-07	333-113-0135	3-1-07	Amend	4-1-07
333-103-0025	3-1-07	Amend	4-1-07	333-113-0140	3-1-07	Amend	4-1-07
333-103-0030	3-1-07	Amend	4-1-07	333-113-0145	3-1-07	Amend	4-1-07
333-103-0035	3-1-07	Amend	4-1-07	333-113-0150	3-1-07	Amend	4-1-07
333-103-0050	3-1-07	Amend	4-1-07	333-113-0201	3-1-07	Amend	4-1-07
333-105-0001	3-1-07	Amend	4-1-07	333-113-0203	3-1-07	Amend	4-1-07
333-105-0003	3-1-07	Amend	4-1-07	333-113-0205	3-1-07	Amend	4-1-07
333-105-0005	3-1-07	Amend	4-1-07	333-113-0210	3-1-07	Amend	4-1-07
333-105-0050	3-1-07	Amend	4-1-07	333-113-0301	3-1-07	Amend	4-1-07
333-105-0075	3-1-07	Amend	4-1-07	333-113-0305	3-1-07	Amend	4-1-07
333-105-0420	3-1-07	Amend	4-1-07	333-113-0310	3-1-07	Amend	4-1-07
333-105-0430	3-1-07	Amend	4-1-07	333-113-0315	3-1-07	Amend	4-1-07
333-105-0440	3-1-07	Amend	4-1-07	333-113-0325	3-1-07	Amend	4-1-07
333-105-0450	3-1-07	Amend	4-1-07	333-113-0335	3-1-07	Amend	4-1-07
333-105-0460	3-1-07	Amend	4-1-07	333-113-0401	3-1-07	Amend	4-1-07
333-105-0470	3-1-07	Amend	4-1-07	333-113-0403	3-1-07	Amend	4-1-07
333-105-0480	3-1-07	Amend	4-1-07	333-113-0405	3-1-07	Amend	4-1-07
333-105-0490	3-1-07	Amend	4-1-07	333-113-0410	3-1-07	Amend	4-1-07
333-105-0500	3-1-07	Amend	4-1-07	333-113-0501	3-1-07	Amend	4-1-07
333-105-0510	3-1-07	Amend	4-1-07	333-116-0010	3-1-07	Amend	4-1-07
333-105-0520	3-1-07	Amend	4-1-07	333-116-0020	3-1-07	Amend	4-1-07
333-105-0530	3-1-07	Amend	4-1-07	333-116-0025	3-1-07	Amend	4-1-07
333-105-0540	3-1-07	Amend	4-1-07	333-116-0027	3-1-07	Amend	4-1-07
333-105-0550	3-1-07	Amend	4-1-07	333-116-0030	3-1-07	Amend	4-1-07
333-105-0560	3-1-07	Amend	4-1-07	333-116-0035	3-1-07	Amend	4-1-07
333-105-0570	3-1-07	Amend	4-1-07	333-116-0040	3-1-07	Amend	4-1-07
333-105-0580	3-1-07	Amend	4-1-07	333-116-0045	3-1-07	Amend	4-1-07
333-105-0590	3-1-07	Amend	4-1-07	333-116-0050	3-1-07	Amend	4-1-07
333-105-0600	3-1-07	Amend	4-1-07	333-116-0055	3-1-07	Amend	4-1-07
333-105-0610	3-1-07	Amend	4-1-07	333-116-0057	3-1-07	Amend	4-1-07
333-105-0620	3-1-07	Amend	4-1-07	333-116-0059	3-1-07	Amend	4-1-07
333-105-0630	3-1-07	Amend	4-1-07	333-116-0090	3-1-07	Amend	4-1-07
333-105-0640	3-1-07	Amend	4-1-07	333-116-0100	3-1-07	Amend	4-1-07
333-105-0650	3-1-07	Amend	4-1-07	333-116-0105	3-1-07	Amend	4-1-07
333-105-0660	3-1-07	Amend	4-1-07	333-116-0107	3-1-07	Amend	4-1-07
333-105-0670	3-1-07	Amend	4-1-07	333-116-0110	3-1-07	Amend	4-1-07
333-105-0680	3-1-07	Amend	4-1-07	333-116-0120	3-1-07	Amend	4-1-07
333-105-0690	3-1-07	Amend	4-1-07	333-116-0123	3-1-07	Amend	4-1-07
333-105-0700	3-1-07	Amend	4-1-07	333-116-0125	3-1-07	Amend	4-1-07
333-105-0710	3-1-07	Amend	4-1-07	333-116-0130	3-1-07	Amend	4-1-07
333-105-0720	3-1-07	Amend	4-1-07	333-116-0140	3-1-07	Amend	4-1-07
333-105-0730	3-1-07	Amend	4-1-07	333-116-0150	3-1-07	Amend	4-1-07
333-105-0740	3-1-07	Amend	4-1-07	333-116-0160	3-1-07	Amend	4-1-07
333-105-0750	3-1-07	Amend	4-1-07	333-116-0165	3-1-07	Amend	4-1-07
333-105-0760	3-1-07	Amend	4-1-07	333-116-0170	3-1-07	Amend	4-1-07
333-113-0001	3-1-07	Amend	4-1-07	333-116-0180	3-1-07	Amend	4-1-07
333-113-0005	3-1-07	Amend	4-1-07	333-116-0190	3-1-07	Amend	4-1-07
333-113-0007	3-1-07	Amend	4-1-07	333-116-0200	3-1-07	Amend	4-1-07
333-113-0010	3-1-07	Amend	4-1-07	333-116-0220	3-1-07	Amend	4-1-07
333-113-0101	3-1-07	Amend	4-1-07	333-116-0250	3-1-07	Amend	4-1-07
333-113-0105	3-1-07	Amend	4-1-07	333-116-0255	3-1-07	Amend	4-1-07
333-113-0110	3-1-07	Amend	4-1-07	333-116-0260	3-1-07	Amend	4-1-07
333-113-0115	3-1-07	Amend	4-1-07	333-116-0280	3-1-07	Amend	4-1-07
333-113-0120	3-1-07	Amend	4-1-07	333-116-0290	3-1-07	Amend	4-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-116-0300	3-1-07	Amend	4-1-07	333-116-0730	3-1-07	Amend	4-1-07
333-116-0310	3-1-07	Amend	4-1-07	333-116-0740	3-1-07	Amend	4-1-07
333-116-0320	3-1-07	Amend	4-1-07	333-116-0750	3-1-07	Amend	4-1-07
333-116-0330	3-1-07	Amend	4-1-07	333-116-0760	3-1-07	Amend	4-1-07
333-116-0340	3-1-07	Amend	4-1-07	333-116-0800	3-1-07	Amend	4-1-07
333-116-0350	3-1-07	Amend	4-1-07	333-116-0810	3-1-07	Amend	4-1-07
333-116-0360	3-1-07	Amend	4-1-07	333-116-0820	3-1-07	Amend	4-1-07
333-116-0370	3-1-07	Amend	4-1-07	333-116-0830	3-1-07	Amend	4-1-07
333-116-0380	3-1-07	Amend	4-1-07	333-116-0840	3-1-07	Amend	4-1-07
333-116-0390	3-1-07	Amend	4-1-07	333-116-0850	3-1-07	Amend	4-1-07
333-116-0400	3-1-07	Amend	4-1-07	333-116-0870	3-1-07	Amend	4-1-07
333-116-0405	3-1-07	Amend	4-1-07	333-116-0880	3-1-07	Amend	4-1-07
333-116-0410	3-1-07	Amend	4-1-07	333-116-0905	3-1-07	Amend	4-1-07
333-116-0420	3-1-07	Amend	4-1-07	333-116-0910	3-1-07	Amend	4-1-07
333-116-0425	3-1-07	Amend	4-1-07	333-116-0915	3-1-07	Amend	4-1-07
333-116-0430	3-1-07	Amend	4-1-07	333-116-1000	3-1-07	Amend	4-1-07
333-116-0440	3-1-07	Amend	4-1-07	333-116-1010	3-1-07	Amend	4-1-07
333-116-0445	3-1-07	Amend	4-1-07	333-116-1015	3-1-07	Amend	4-1-07
333-116-0447	3-1-07	Amend	4-1-07	333-116-1030	3-1-07	Amend	4-1-07
333-116-0450	3-1-07	Amend	4-1-07	333-118-0010	3-1-07	Amend	4-1-07
333-116-0460	3-1-07	Amend	4-1-07	333-118-0020	3-1-07	Amend	4-1-07
333-116-0470	3-1-07	Amend	4-1-07	333-118-0030	3-1-07	Amend	4-1-07
333-116-0475	3-1-07	Amend	4-1-07	333-118-0040	3-1-07	Amend	4-1-07
333-116-0480	3-1-07	Amend	4-1-07	333-118-0050	3-1-07	Amend	4-1-07
333-116-0490	3-1-07	Amend	4-1-07	333-118-0060	3-1-07	Amend	4-1-07
333-116-0495	3-1-07	Amend	4-1-07	333-118-0070	3-1-07	Amend	4-1-07
333-116-0500	3-1-07	Amend	4-1-07	333-118-0080	3-1-07	Amend	4-1-07
333-116-0525	3-1-07	Amend	4-1-07	333-118-0090	3-1-07	Amend	4-1-07
333-116-0530	3-1-07	Amend	4-1-07	333-118-0100	3-1-07	Amend	4-1-07
333-116-0540	3-1-07	Amend	4-1-07	333-118-0110	3-1-07	Amend	4-1-07
333-116-0550	3-1-07	Amend	4-1-07	333-118-0120	3-1-07	Amend	4-1-07
333-116-0560	3-1-07	Amend	4-1-07	333-118-0130	3-1-07	Amend	4-1-07
333-116-0570	3-1-07	Amend	4-1-07	333-118-0140	3-1-07	Amend	4-1-07
333-116-0573	3-1-07	Amend	4-1-07	333-118-0150	3-1-07	Amend	4-1-07
333-116-0577	3-1-07	Amend	4-1-07	333-118-0160	3-1-07	Amend	4-1-07
333-116-0580	3-1-07	Amend	4-1-07	333-118-0170	3-1-07	Amend	4-1-07
333-116-0583	3-1-07	Amend	4-1-07	333-118-0180	3-1-07	Amend	4-1-07
333-116-0585	3-1-07	Amend	4-1-07	333-118-0190	3-1-07	Amend	4-1-07
333-116-0587	3-1-07	Amend	4-1-07	333-118-0200	3-1-07	Amend	4-1-07
333-116-0590	3-1-07	Amend	4-1-07	333-118-0800	3-1-07	Amend	4-1-07
333-116-0600	3-1-07	Amend	4-1-07	333-120-0000	3-1-07	Amend	4-1-07
333-116-0605	3-1-07	Amend	4-1-07	333-120-0010	3-1-07	Amend	4-1-07
333-116-0610	3-1-07	Amend	4-1-07	333-120-0015	3-1-07	Amend	4-1-07
333-116-0620	3-1-07	Amend	4-1-07	333-120-0017	3-1-07	Amend	4-1-07
333-116-0640	3-1-07	Amend	4-1-07	333-120-0020	3-1-07	Amend	4-1-07
333-116-0650	3-1-07	Amend	4-1-07	333-120-0100	3-1-07	Amend	4-1-07
333-116-0660	3-1-07	Amend	4-1-07	333-120-0110	3-1-07	Amend	4-1-07
333-116-0670	3-1-07	Amend	4-1-07	333-120-0120	3-1-07	Amend	4-1-07
333-116-0680	3-1-07	Amend	4-1-07	333-120-0130	3-1-07	Amend	4-1-07
333-116-0683	3-1-07	Amend	4-1-07	333-120-0150	3-1-07	Amend	4-1-07
333-116-0687	3-1-07	Amend	4-1-07	333-120-0160	3-1-07	Amend	4-1-07
333-116-0690	3-1-07	Amend	4-1-07	333-120-0170	3-1-07	Amend	4-1-07
333-116-0700	3-1-07	Amend	4-1-07	333-120-0180	3-1-07	Amend	4-1-07
333-116-0710	3-1-07	Amend	4-1-07	333-120-0190	3-1-07	Amend	4-1-07
333-116-0715	3-1-07	Amend	4-1-07	333-120-0200	3-1-07	Amend	4-1-07
333-116-0720	3-1-07	Amend	4-1-07	333-120-0210	3-1-07	Amend	4-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-120-0215	3-1-07	Amend	4-1-07	333-250-0080	2-1-07	Amend	3-1-07
333-120-0220	3-1-07	Amend	4-1-07	333-250-0090	2-1-07	Repeal	3-1-07
333-120-0230	3-1-07	Amend	4-1-07	333-250-0100	2-1-07	Amend	3-1-07
333-120-0240	3-1-07	Amend	4-1-07	333-255-0000	2-1-07	Amend	3-1-07
333-120-0250	3-1-07	Amend	4-1-07	333-255-0010	2-1-07	Amend	3-1-07
333-120-0260	3-1-07	Amend	4-1-07	333-255-0020	2-1-07	Amend	3-1-07
333-120-0300	3-1-07	Amend	4-1-07	333-255-0030	2-1-07	Amend	3-1-07
333-120-0310	3-1-07	Amend	4-1-07	333-255-0040	2-1-07	Amend	3-1-07
333-120-0320	3-1-07	Amend	4-1-07	333-255-0050	2-1-07	Amend	3-1-07
333-120-0330	3-1-07	Amend	4-1-07	333-255-0060	2-1-07	Amend	3-1-07
333-120-0400	3-1-07	Amend	4-1-07	333-255-0070	2-1-07	Amend	3-1-07
333-120-0410	3-1-07	Amend	4-1-07	333-255-0071	2-1-07	Amend	3-1-07
333-120-0420	3-1-07	Amend	4-1-07	333-255-0072	2-1-07	Amend	3-1-07
333-120-0430	3-1-07	Amend	4-1-07	333-255-0073	2-1-07	Amend	3-1-07
333-120-0440	3-1-07	Amend	4-1-07	333-255-0079	2-1-07	Amend	3-1-07
333-120-0450	3-1-07	Amend	4-1-07	333-255-0080	2-1-07	Amend	3-1-07
333-120-0460	3-1-07	Amend	4-1-07	333-255-0081	2-1-07	Amend	3-1-07
333-120-0500	3-1-07	Amend	4-1-07	333-255-0082	2-1-07	Amend	3-1-07
333-120-0510	3-1-07	Amend	4-1-07	333-255-0090	2-1-07	Amend	3-1-07
333-120-0520	3-1-07	Amend	4-1-07	333-255-0091	2-1-07	Amend	3-1-07
333-120-0530	3-1-07	Amend	4-1-07	333-255-0092	2-1-07	Amend	3-1-07
333-120-0540	3-1-07	Amend	4-1-07	333-255-0093	2-1-07	Amend	3-1-07
333-120-0550	3-1-07	Amend	4-1-07	333-265-0130	2-1-07	Amend	3-1-07
333-120-0560	3-1-07	Amend	4-1-07	334-001-0012	6-29-07	Amend	8-1-07
333-120-0600	3-1-07	Amend	4-1-07	334-001-0012	7-3-07	Amend	8-1-07
333-120-0610	3-1-07	Amend	4-1-07	334-010-0010	6-29-07	Amend	8-1-07
333-120-0620	3-1-07	Amend	4-1-07	335-001-0000	2-9-07	Amend	3-1-07
333-120-0630	3-1-07	Amend	4-1-07	335-001-0005	2-9-07	Amend	3-1-07
333-120-0640	3-1-07	Amend	4-1-07	335-005-0030	2-9-07	Amend	3-1-07
333-120-0650	3-1-07	Amend	4-1-07	335-010-0060	2-1-07	Amend	3-1-07
333-120-0660	3-1-07	Amend	4-1-07	335-010-0070	2-1-07	Amend	3-1-07
333-120-0670	3-1-07	Amend	4-1-07	335-060-0005	2-1-07	Amend	3-1-07
333-120-0680	3-1-07	Amend	4-1-07	335-070-0020	2-1-07	Amend	3-1-07
333-120-0690	3-1-07	Amend	4-1-07	335-070-0030	2-1-07	Amend	3-1-07
333-120-0700	3-1-07	Amend	4-1-07	335-070-0040	2-1-07	Amend	3-1-07
333-120-0710	3-1-07	Amend	4-1-07	335-070-0050	2-1-07	Amend	3-1-07
333-120-0720	3-1-07	Amend	4-1-07	335-070-0055	2-1-07	Amend	3-1-07
333-120-0730	3-1-07	Amend	4-1-07	335-095-0050	2-1-07	Amend	3-1-07
333-120-0740	3-1-07	Amend	4-1-07	335-095-0060	2-1-07	Amend	3-1-07
333-250-0000	2-1-07	Amend	3-1-07	337-010-0010	1-1-07	Amend	1-1-07
333-250-0010	2-1-07	Amend	3-1-07	337-010-0011	1-1-07	Adopt	1-1-07
333-250-0020	2-1-07	Amend	3-1-07	337-010-0012	1-1-07	Amend	1-1-07
333-250-0030	2-1-07	Amend	3-1-07	337-010-0030	1-1-07	Amend	1-1-07
333-250-0040	2-1-07	Amend	3-1-07	337-010-0031	1-1-07	Amend	1-1-07
333-250-0041	2-1-07	Amend	3-1-07	337-010-0031	1-1-07	Amend	1-1-07
333-250-0042	2-1-07	Amend	3-1-07	337-010-0055	1-1-07	Amend	1-1-07
333-250-0043	2-1-07	Amend	3-1-07	339-005-0000	8-1-07	Amend	9-1-07
333-250-0044	2-1-07	Amend	3-1-07	339-010-0005	8-1-07	Amend	9-1-07
333-250-0045	2-1-07	Amend	3-1-07	339-010-0040	12-28-06	Amend	2-1-07
333-250-0046	2-1-07	Amend	3-1-07	339-010-0055	12-28-06	Amend	2-1-07
333-250-0047	2-1-07	Amend	3-1-07	340-041-0002	3-15-07	Amend	4-1-07
333-250-0048	2-1-07	Amend	3-1-07	340-041-0004	3-15-07	Amend	4-1-07
333-250-0049	2-1-07	Amend	3-1-07	340-041-0007	3-15-07	Amend	4-1-07
333-250-0050	2-1-07	Amend	3-1-07	340-041-0016	3-15-07	Amend	4-1-07
333-250-0060	2-1-07	Amend	3-1-07	340-041-0021	3-15-07	Amend	4-1-07
333-250-0070	2-1-07	Amend	3-1-07	340-041-0028	3-14-07	Amend	4-1-07
				340-041-0028	3-15-07	Amend	4-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
340-041-0032	3-15-07	Amend	4-1-07	340-228-0608	12-22-06	Adopt	2-1-07
340-041-0046	3-15-07	Amend	4-1-07	340-228-0610	12-22-06	Adopt	2-1-07
340-041-0053	3-14-07	Amend	4-1-07	340-228-0612	12-22-06	Adopt	2-1-07
340-041-0053	3-15-07	Amend	4-1-07	340-228-0614	12-22-06	Adopt	2-1-07
340-041-0104	3-15-07	Amend	4-1-07	340-228-0616	12-22-06	Adopt	2-1-07
340-041-0121	3-15-07	Amend	4-1-07	340-228-0618	12-22-06	Adopt	2-1-07
340-041-0175	3-15-07	Amend	4-1-07	340-228-0620	12-22-06	Adopt	2-1-07
340-041-0180	3-15-07	Amend	4-1-07	340-228-0622	12-22-06	Adopt	2-1-07
340-041-0185	3-14-07	Amend	4-1-07	340-228-0624	12-22-06	Adopt	2-1-07
340-041-0195	3-14-07	Amend	4-1-07	340-228-0626	12-22-06	Adopt	2-1-07
340-041-0201	3-15-07	Amend	4-1-07	340-228-0628	12-22-06	Adopt	2-1-07
340-041-0235	3-15-07	Amend	4-1-07	340-228-0630	12-22-06	Adopt	2-1-07
340-041-0260	3-15-07	Amend	4-1-07	340-228-0632	12-22-06	Adopt	2-1-07
340-041-0271	3-15-07	Amend	4-1-07	340-228-0634	12-22-06	Adopt	2-1-07
340-041-0300	3-15-07	Amend	4-1-07	340-228-0636	12-22-06	Adopt	2-1-07
340-041-0315	3-15-07	Amend	4-1-07	340-228-0638	12-22-06	Adopt	2-1-07
340-041-0320	3-15-07	Amend	4-1-07	340-228-0640	12-22-06	Adopt	2-1-07
340-041-0340	3-15-07	Amend	4-1-07	340-228-0642	12-22-06	Adopt	2-1-07
340-041-0345	3-15-07	Amend	4-1-07	340-228-0644	12-22-06	Adopt	2-1-07
340-041-0350	3-15-07	Amend	4-1-07	340-228-0646	12-22-06	Adopt	2-1-07
340-045-0075	7-3-07	Amend	8-1-07	340-228-0648	12-22-06	Adopt	2-1-07
340-071-0130	7-3-07	Amend	8-1-07	340-228-0650	12-22-06	Adopt	2-1-07
340-200-0020	8-17-07	Amend(T)	10-1-07	340-228-0652	12-22-06	Adopt	2-1-07
340-200-0025	4-12-07	Amend	5-1-07	340-228-0654	12-22-06	Adopt	2-1-07
340-200-0040	4-12-07	Amend	5-1-07	340-228-0656	12-22-06	Adopt	2-1-07
340-200-0040	6-28-07	Amend	8-1-07	340-228-0658	12-22-06	Adopt	2-1-07
340-202-0090	4-12-07	Amend	5-1-07	340-228-0660	12-22-06	Adopt	2-1-07
340-204-0010	4-12-07	Amend	5-1-07	340-228-0662	12-22-06	Adopt	2-1-07
340-204-0030	4-12-07	Amend	5-1-07	340-228-0664	12-22-06	Adopt	2-1-07
340-204-0030	6-28-07	Amend	8-1-07	340-228-0666	12-22-06	Adopt	2-1-07
340-204-0040	4-12-07	Amend	5-1-07	340-228-0668	12-22-06	Adopt	2-1-07
340-204-0040	6-28-07	Amend	8-1-07	340-228-0670	12-22-06	Adopt	2-1-07
340-218-0050	8-17-07	Amend(T)	10-1-07	340-228-0671	12-22-06	Adopt	2-1-07
340-220-0010	8-17-07	Amend(T)	10-1-07	340-228-0672	12-22-06	Adopt	2-1-07
340-220-0020	8-17-07	Amend(T)	10-1-07	340-228-0673	12-22-06	Adopt	2-1-07
340-220-0030	8-17-07	Amend(T)	10-1-07	340-228-0674	12-22-06	Adopt	2-1-07
340-220-0040	8-17-07	Amend(T)	10-1-07	340-228-0676	12-22-06	Adopt	2-1-07
340-220-0050	8-17-07	Amend(T)	10-1-07	340-228-0678	12-22-06	Adopt	2-1-07
340-220-0060	8-17-07	Amend(T)	10-1-07	340-232-0010	4-12-07	Amend	5-1-07
340-220-0070	8-17-07	Amend(T)	10-1-07	340-232-0020	4-12-07	Amend	5-1-07
340-220-0090	8-17-07	Amend(T)	10-1-07	340-238-0040	12-22-06	Amend	2-1-07
340-220-0100	8-17-07	Amend(T)	10-1-07	340-238-0060	12-22-06	Amend	2-1-07
340-220-0110	8-17-07	Amend(T)	10-1-07	340-242-0010	4-12-07	Amend	5-1-07
340-220-0120	8-17-07	Amend(T)	10-1-07	340-242-0020	4-12-07	Amend	5-1-07
340-220-0150	8-17-07	Amend(T)	10-1-07	340-242-0030	4-12-07	Amend	5-1-07
340-220-0170	8-17-07	Amend(T)	10-1-07	340-242-0040	4-12-07	Amend	5-1-07
340-224-0050	4-12-07	Amend	5-1-07	340-242-0050	4-12-07	Amend	5-1-07
340-224-0060	4-12-07	Amend	5-1-07	340-242-0070	4-12-07	Amend	5-1-07
340-225-0090	4-12-07	Amend	5-1-07	340-242-0080	4-12-07	Amend	5-1-07
340-228-0300	12-22-06	Amend	2-1-07	340-242-0090	4-12-07	Amend	5-1-07
340-228-0600	12-22-06	Adopt	2-1-07	340-242-0100	4-12-07	Repeal	5-1-07
340-228-0602	12-22-06	Adopt	2-1-07	340-242-0110	4-12-07	Amend	5-1-07
340-228-0603	12-22-06	Adopt	2-1-07	340-242-0120	4-12-07	Amend	5-1-07
340-228-0604	12-22-06	Adopt	2-1-07	340-242-0130	4-12-07	Repeal	5-1-07
340-228-0605	12-22-06	Adopt	2-1-07	340-242-0160	4-12-07	Amend	5-1-07
340-228-0606	12-22-06	Adopt	2-1-07	340-242-0180	4-12-07	Amend	5-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
340-242-0190	4-12-07	Amend	5-1-07	345-015-0320	5-15-07	Amend	6-1-07
340-242-0200	4-12-07	Amend	5-1-07	345-015-0350	5-15-07	Amend	6-1-07
340-242-0210	4-12-07	Amend	5-1-07	345-015-0360	5-15-07	Amend	6-1-07
340-242-0220	4-12-07	Amend	5-1-07	345-015-0370	5-15-07	Amend	6-1-07
340-242-0240	4-12-07	Amend	5-1-07	345-015-0380	5-15-07	Amend	6-1-07
340-242-0260	4-12-07	Amend	5-1-07	345-020-0006	5-15-07	Amend	6-1-07
340-242-0270	4-12-07	Amend	5-1-07	345-020-0011	5-15-07	Amend	6-1-07
340-242-0280	4-12-07	Amend	5-1-07	345-020-0016	5-15-07	Amend	6-1-07
340-242-0290	4-12-07	Amend	5-1-07	345-020-0040	5-15-07	Amend	6-1-07
340-242-0400	4-12-07	Amend	5-1-07	345-020-0060	5-15-07	Amend	6-1-07
340-242-0410	4-12-07	Amend	5-1-07	345-021-0000	5-15-07	Amend	6-1-07
340-242-0420	4-12-07	Amend	5-1-07	345-021-0010	5-15-07	Amend	6-1-07
340-242-0430	4-12-07	Amend	5-1-07	345-021-0050	5-15-07	Amend	6-1-07
340-242-0440	4-12-07	Amend	5-1-07	345-021-0055	5-15-07	Amend	6-1-07
340-244-0030	12-22-06	Amend	2-1-07	345-021-0080	5-15-07	Amend	6-1-07
340-244-0040	12-22-06	Amend	2-1-07	345-021-0090	5-15-07	Amend	6-1-07
345-001-0000	5-15-07	Amend	6-1-07	345-021-0100	5-15-07	Amend	6-1-07
345-001-0005	5-15-07	Amend	6-1-07	345-022-0000	5-15-07	Amend	6-1-07
345-001-0010	5-15-07	Amend	6-1-07	345-022-0020	5-15-07	Amend	6-1-07
345-001-0020	5-15-07	Amend	6-1-07	345-022-0022	5-15-07	Amend	6-1-07
345-001-0040	5-15-07	Repeal	6-1-07	345-022-0040	5-15-07	Amend	6-1-07
345-001-0050	5-15-07	Amend	6-1-07	345-022-0060	5-15-07	Amend	6-1-07
345-001-0060	5-15-07	Amend	6-1-07	345-022-0070	5-15-07	Amend	6-1-07
345-001-0090	5-15-07	Repeal	6-1-07	345-022-0080	5-15-07	Amend	6-1-07
345-011-0005	5-15-07	Amend	6-1-07	345-022-0090	5-15-07	Amend	6-1-07
345-011-0010	5-15-07	Amend	6-1-07	345-022-0120	5-15-07	Amend	6-1-07
345-011-0015	5-15-07	Amend	6-1-07	345-023-0005	5-15-07	Amend	6-1-07
345-011-0020	5-15-07	Amend	6-1-07	345-023-0020	5-15-07	Amend	6-1-07
345-011-0025	5-15-07	Amend	6-1-07	345-024-0010	5-15-07	Amend	6-1-07
345-011-0035	5-15-07	Amend	6-1-07	345-024-0015	5-15-07	Amend	6-1-07
345-011-0045	5-15-07	Amend	6-1-07	345-024-0030	5-15-07	Amend	6-1-07
345-011-0050	5-15-07	Amend	6-1-07	345-024-0090	5-15-07	Amend	6-1-07
345-011-0055	5-15-07	Amend	6-1-07	345-024-0550	5-15-07	Amend	6-1-07
345-015-0001	5-15-07	Amend	6-1-07	345-024-0580	5-15-07	Amend	6-1-07
345-015-0014	5-15-07	Amend	6-1-07	345-024-0590	5-15-07	Amend	6-1-07
345-015-0016	5-15-07	Amend	6-1-07	345-024-0600	5-15-07	Amend	6-1-07
345-015-0023	5-15-07	Amend	6-1-07	345-024-0620	5-15-07	Amend	6-1-07
345-015-0046	5-15-07	Amend	6-1-07	345-024-0630	5-15-07	Amend	6-1-07
345-015-0051	5-15-07	Amend	6-1-07	345-024-0650	5-15-07	Repeal	6-1-07
345-015-0080	5-15-07	Amend	6-1-07	345-024-0680	5-15-07	Amend	6-1-07
345-015-0083	5-15-07	Amend	6-1-07	345-024-0720	5-15-07	Amend	6-1-07
345-015-0085	5-15-07	Amend	6-1-07	345-026-0005	5-15-07	Amend	6-1-07
345-015-0110	5-15-07	Amend	6-1-07	345-026-0010	5-15-07	Amend	6-1-07
345-015-0120	5-15-07	Amend	6-1-07	345-026-0048	5-15-07	Amend	6-1-07
345-015-0130	5-15-07	Amend	6-1-07	345-026-0050	5-15-07	Amend	6-1-07
345-015-0140	5-15-07	Amend	6-1-07	345-026-0080	5-15-07	Amend	6-1-07
345-015-0160	5-15-07	Amend	6-1-07	345-026-0100	5-15-07	Repeal	6-1-07
345-015-0180	5-15-07	Amend	6-1-07	345-026-0105	5-15-07	Amend	6-1-07
345-015-0190	5-15-07	Amend	6-1-07	345-026-0200	5-15-07	Repeal	6-1-07
345-015-0200	5-15-07	Amend	6-1-07	345-026-0390	5-15-07	Amend	6-1-07
345-015-0210	5-15-07	Amend	6-1-07	345-027-0000	5-15-07	Amend	6-1-07
345-015-0220	5-15-07	Amend	6-1-07	345-027-0020	5-15-07	Amend	6-1-07
345-015-0230	5-15-07	Amend	6-1-07	345-027-0023	5-15-07	Amend	6-1-07
345-015-0240	5-15-07	Amend	6-1-07	345-027-0028	5-15-07	Amend	6-1-07
345-015-0300	5-15-07	Amend	6-1-07	345-027-0030	5-15-07	Amend	6-1-07
345-015-0310	5-15-07	Amend	6-1-07	345-027-0050	5-15-07	Amend	6-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
345-027-0060	5-15-07	Amend	6-1-07	345-076-0032	5-15-07	Repeal	6-1-07
345-027-0070	5-15-07	Amend	6-1-07	345-076-0035	5-15-07	Repeal	6-1-07
345-027-0080	5-15-07	Amend	6-1-07	345-076-0040	5-15-07	Repeal	6-1-07
345-027-0090	5-15-07	Amend	6-1-07	345-076-0045	5-15-07	Repeal	6-1-07
345-027-0095	5-15-07	Repeal	6-1-07	345-076-0050	5-15-07	Adopt	6-1-07
345-027-0100	5-15-07	Amend	6-1-07	345-092-0010	5-15-07	Amend	6-1-07
345-027-0110	5-15-07	Amend	6-1-07	345-092-0012	5-15-07	Amend	6-1-07
345-027-0210	5-15-07	Amend	6-1-07	345-092-0014	5-15-07	Amend	6-1-07
345-027-0220	5-15-07	Amend	6-1-07	345-092-0025	5-15-07	Amend	6-1-07
345-027-0230	5-15-07	Amend	6-1-07	345-092-0031	5-15-07	Amend	6-1-07
345-027-0240	5-15-07	Amend	6-1-07	345-092-0040	5-15-07	Amend	6-1-07
345-029-0000	5-15-07	Amend	6-1-07	345-092-0050	5-15-07	Amend	6-1-07
345-029-0005	5-15-07	Amend	6-1-07	345-092-0060	5-15-07	Repeal	6-1-07
345-029-0010	5-15-07	Amend	6-1-07	345-092-0070	5-15-07	Repeal	6-1-07
345-029-0020	5-15-07	Amend	6-1-07	345-092-0071	5-15-07	Repeal	6-1-07
345-029-0030	5-15-07	Amend	6-1-07	345-092-0080	5-15-07	Repeal	6-1-07
345-029-0050	5-15-07	Amend	6-1-07	345-092-0090	5-15-07	Repeal	6-1-07
345-029-0060	5-15-07	Amend	6-1-07	345-092-0100	5-15-07	Repeal	6-1-07
345-029-0070	5-15-07	Amend	6-1-07	345-092-0110	5-15-07	Amend	6-1-07
345-029-0100	5-15-07	Amend	6-1-07	345-095-0005	5-15-07	Amend	6-1-07
345-030-0005	5-15-07	Amend	6-1-07	345-095-0010	5-15-07	Repeal	6-1-07
345-030-0010	5-15-07	Amend	6-1-07	345-095-0015	5-15-07	Amend	6-1-07
345-050-0010	5-15-07	Amend	6-1-07	345-095-0017	5-15-07	Repeal	6-1-07
345-050-0030	5-15-07	Amend	6-1-07	345-095-0020	5-15-07	Amend	6-1-07
345-050-0035	5-15-07	Amend	6-1-07	345-095-0025	5-15-07	Repeal	6-1-07
345-050-0036	5-15-07	Amend	6-1-07	345-095-0040	5-15-07	Amend	6-1-07
345-050-0038	5-15-07	Adopt	6-1-07	345-095-0045	5-15-07	Amend	6-1-07
345-050-0050	5-15-07	Amend	6-1-07	345-095-0060	5-15-07	Amend	6-1-07
345-050-0070	5-15-07	Amend	6-1-07	345-095-0070	5-15-07	Amend	6-1-07
345-050-0120	5-15-07	Amend	6-1-07	345-095-0080	5-15-07	Amend	6-1-07
345-060-0001	5-15-07	Amend	6-1-07	345-095-0090	5-15-07	Amend	6-1-07
345-060-0003	5-15-07	Amend	6-1-07	345-095-0100	5-15-07	Amend	6-1-07
345-060-0004	5-15-07	Amend	6-1-07	345-095-0105	5-15-07	Repeal	6-1-07
345-060-0005	5-15-07	Amend	6-1-07	345-095-0110	5-15-07	Repeal	6-1-07
345-060-0006	5-15-07	Amend	6-1-07	345-095-0115	5-15-07	Amend	6-1-07
345-060-0007	5-15-07	Amend	6-1-07	345-095-0117	5-15-07	Amend	6-1-07
345-060-0045	5-15-07	Amend	6-1-07	345-095-0118	5-15-07	Amend	6-1-07
345-060-0055	5-15-07	Amend	6-1-07	345-095-0120	5-15-07	Amend	6-1-07
345-070-0005	5-15-07	Amend	6-1-07	345-095-0150	5-15-07	Amend	6-1-07
345-070-0010	5-15-07	Amend	6-1-07	345-095-0160	5-15-07	Amend	6-1-07
345-070-0015	5-15-07	Amend	6-1-07	407-003-0000	2-15-07	Adopt	3-1-07
345-070-0020	5-15-07	Amend	6-1-07	407-003-0010	2-15-07	Adopt	3-1-07
345-070-0025	5-15-07	Amend	6-1-07	407-005-0100	9-1-07	Adopt	10-1-07
345-070-0030	5-15-07	Amend	6-1-07	407-005-0105	9-1-07	Adopt	10-1-07
345-075-0015	5-15-07	Repeal	6-1-07	407-005-0110	9-1-07	Adopt	10-1-07
345-075-0020	5-15-07	Repeal	6-1-07	407-005-0115	9-1-07	Adopt	10-1-07
345-075-0025	5-15-07	Repeal	6-1-07	407-005-0120	9-1-07	Adopt	10-1-07
345-076-0010	5-15-07	Amend	6-1-07	407-020-0000	2-1-07	Adopt	3-1-07
345-076-0012	5-15-07	Amend	6-1-07	407-020-0005	2-1-07	Adopt	3-1-07
345-076-0015	5-15-07	Repeal	6-1-07	407-020-0010	2-1-07	Adopt	3-1-07
345-076-0020	5-15-07	Amend	6-1-07	407-020-0015	2-1-07	Adopt	3-1-07
345-076-0025	5-15-07	Repeal	6-1-07	407-030-0010	3-1-07	Am. & Ren.	4-1-07
345-076-0026	5-15-07	Repeal	6-1-07	407-030-0020	3-1-07	Am. & Ren.	4-1-07
345-076-0027	5-15-07	Repeal	6-1-07	407-030-0030	3-1-07	Am. & Ren.	4-1-07
345-076-0029	5-15-07	Repeal	6-1-07	407-030-0040	3-1-07	Am. & Ren.	4-1-07
345-076-0030	5-15-07	Repeal	6-1-07	409-021-0010	2-1-07	Amend	3-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
409-021-0115	2-1-07	Am. & Ren.	3-1-07	410-007-0380	9-1-07	Renumber	10-1-07
409-021-0120	2-1-07	Am. & Ren.	3-1-07	410-008-0000	5-25-07	Renumber	7-1-07
409-021-0130	2-1-07	Am. & Ren.	3-1-07	410-008-0005	5-25-07	Renumber	7-1-07
409-021-0140	2-1-07	Am. & Ren.	3-1-07	410-008-0010	5-25-07	Renumber	7-1-07
409-021-0150	2-1-07	Adopt	3-1-07	410-008-0015	5-25-07	Renumber	7-1-07
409-022-0010	1-1-07	Adopt	1-1-07	410-008-0020	5-25-07	Renumber	7-1-07
409-022-0020	1-1-07	Adopt	1-1-07	410-008-0025	5-25-07	Renumber	7-1-07
409-022-0030	1-1-07	Adopt	1-1-07	410-008-0030	5-25-07	Renumber	7-1-07
409-022-0040	1-1-07	Adopt	1-1-07	410-008-0035	5-25-07	Renumber	7-1-07
409-022-0050	1-1-07	Adopt	1-1-07	410-009-0050	7-1-07	Renumber	8-1-07
409-022-0060	1-1-07	Adopt	1-1-07	410-009-0060	7-1-07	Renumber	8-1-07
409-022-0070	1-1-07	Adopt	1-1-07	410-009-0070	7-1-07	Renumber	8-1-07
409-022-0080	1-1-07	Adopt	1-1-07	410-009-0080	7-1-07	Renumber	8-1-07
409-030-0000	11-28-06	Amend(T)	1-1-07	410-009-0090	7-1-07	Renumber	8-1-07
409-030-0000	5-16-07	Amend(T)	7-1-07	410-009-0100	7-1-07	Renumber	8-1-07
409-030-0000	9-1-07	Amend	9-1-07	410-009-0110	7-1-07	Renumber	8-1-07
409-030-0005	11-28-06	Amend(T)	1-1-07	410-009-0120	7-1-07	Renumber	8-1-07
409-030-0005	9-1-07	Amend	9-1-07	410-009-0130	7-1-07	Renumber	8-1-07
409-030-0010	5-16-07	Amend(T)	7-1-07	410-009-0140	7-1-07	Renumber	8-1-07
409-030-0010	9-1-07	Amend	9-1-07	410-009-0150	7-1-07	Renumber	8-1-07
409-030-0020	11-28-06	Amend(T)	1-1-07	410-009-0160	7-1-07	Renumber	8-1-07
409-030-0020	5-16-07	Amend(T)	7-1-07	410-010-0000	8-1-07	Repeal	9-1-07
409-030-0020	9-1-07	Amend	9-1-07	410-010-0010	8-1-07	Repeal	9-1-07
409-030-0040	5-16-07	Amend(T)	7-1-07	410-010-0020	8-1-07	Repeal	9-1-07
409-030-0040	9-1-07	Amend	9-1-07	410-010-0030	8-1-07	Repeal	9-1-07
409-030-0050	11-28-06	Amend(T)	1-1-07	410-010-0040	8-1-07	Repeal	9-1-07
409-030-0050	5-16-07	Amend(T)	7-1-07	410-010-0050	8-1-07	Repeal	9-1-07
409-030-0050	9-1-07	Amend	9-1-07	410-010-0060	8-1-07	Repeal	9-1-07
409-030-0065	9-1-07	Adopt	9-1-07	410-010-0070	8-1-07	Repeal	9-1-07
410-004-0001	5-25-07	Renumber	7-1-07	410-010-0080	8-1-07	Repeal	9-1-07
410-005-0080	5-25-07	Renumber	7-1-07	410-010-0090	8-1-07	Repeal	9-1-07
410-005-0085	5-25-07	Renumber	7-1-07	410-010-0100	8-1-07	Repeal	9-1-07
410-005-0090	5-25-07	Renumber	7-1-07	410-010-0110	8-1-07	Repeal	9-1-07
410-005-0095	5-25-07	Renumber	7-1-07	410-010-0120	8-1-07	Repeal	9-1-07
410-005-0100	5-25-07	Renumber	7-1-07	410-010-0130	8-1-07	Repeal	9-1-07
410-005-0105	5-25-07	Renumber	7-1-07	410-010-0140	8-1-07	Repeal	9-1-07
410-006-0011	7-1-07	Renumber	8-1-07	410-010-0150	8-1-07	Repeal	9-1-07
410-006-0021	7-1-07	Renumber	8-1-07	410-010-0160	8-1-07	Repeal	9-1-07
410-007-0200	9-1-07	Renumber	10-1-07	410-010-0170	8-1-07	Repeal	9-1-07
410-007-0210	9-1-07	Am. & Ren.	10-1-07	410-010-0170	8-1-07	Repeal	9-1-07
410-007-0220	9-1-07	Am. & Ren.	10-1-07	410-011-0000	7-1-07	Renumber	8-1-07
410-007-0230	9-1-07	Am. & Ren.	10-1-07	410-011-0010	7-1-07	Renumber	8-1-07
410-007-0240	9-1-07	Am. & Ren.	10-1-07	410-011-0020	7-1-07	Renumber	8-1-07
410-007-0250	9-1-07	Am. & Ren.	10-1-07	410-011-0030	7-1-07	Renumber	8-1-07
410-007-0260	9-1-07	Am. & Ren.	10-1-07	410-011-0040	7-1-07	Renumber	8-1-07
410-007-0270	9-1-07	Am. & Ren.	10-1-07	410-011-0050	7-1-07	Renumber	8-1-07
410-007-0280	9-1-07	Renumber	10-1-07	410-011-0060	7-1-07	Renumber	8-1-07
410-007-0290	9-1-07	Am. & Ren.	10-1-07	410-011-0070	7-1-07	Renumber	8-1-07
410-007-0300	9-1-07	Am. & Ren.	10-1-07	410-011-0080	7-1-07	Renumber	8-1-07
410-007-0310	9-1-07	Am. & Ren.	10-1-07	410-011-0090	7-1-07	Renumber	8-1-07
410-007-0320	9-1-07	Am. & Ren.	10-1-07	410-011-0100	7-1-07	Renumber	8-1-07
410-007-0330	9-1-07	Am. & Ren.	10-1-07	410-011-0110	7-1-07	Renumber	8-1-07
410-007-0340	9-1-07	Am. & Ren.	10-1-07	410-011-0120	7-1-07	Renumber	8-1-07
410-007-0350	9-1-07	Renumber	10-1-07	410-020-0000	3-30-07	Repeal	5-1-07
410-007-0360	9-1-07	Renumber	10-1-07	410-020-0010	3-30-07	Repeal	5-1-07
410-007-0370	9-1-07	Renumber	10-1-07	410-020-0020	3-30-07	Repeal	5-1-07
				410-020-0030	3-30-07	Repeal	5-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-020-0040	3-30-07	Repeal	5-1-07	410-122-0420	1-1-07	Amend	1-1-07
410-020-0050	3-30-07	Repeal	5-1-07	410-122-0470	7-1-07	Repeal	8-1-07
410-120-0000	1-1-07	Amend	1-1-07	410-122-0500	1-1-07	Amend	1-1-07
410-120-1280	1-1-07	Amend	1-1-07	410-122-0510	1-1-07	Amend	1-1-07
410-120-1295	1-1-07	Amend(T)	1-1-07	410-122-0520	7-1-07	Amend	8-1-07
410-120-1295	4-5-07	Amend	5-1-07	410-122-0530	1-1-07	Repeal	1-1-07
410-120-1295(T)	4-5-07	Repeal	5-1-07	410-122-0540	7-1-07	Amend	8-1-07
410-120-1340	1-1-07	Amend	1-1-07	410-122-0560	7-1-07	Amend	8-1-07
410-120-1380	1-1-07	Amend	1-1-07	410-122-0580	1-1-07	Amend	1-1-07
410-120-1390	1-1-07	Amend	1-1-07	410-122-0590	7-1-07	Amend	8-1-07
410-120-1960	1-1-07	Amend	1-1-07	410-122-0600	1-1-07	Amend	1-1-07
410-120-1980	6-1-07	Amend	7-1-07	410-122-0600	7-1-07	Amend	8-1-07
410-121-0030	1-1-07	Amend	2-1-07	410-122-0620	1-1-07	Amend	1-1-07
410-121-0030	7-1-07	Amend	7-1-07	410-122-0620	7-1-07	Amend	8-1-07
410-121-0040	1-1-07	Amend	1-1-07	410-122-0625	7-1-07	Amend	8-1-07
410-121-0040	7-1-07	Amend	7-1-07	410-122-0655	7-1-07	Am. & Ren.	8-1-07
410-121-0145	7-1-07	Amend	7-1-07	410-122-0660	1-1-07	Amend	1-1-07
410-121-0149	1-1-07	Amend	1-1-07	410-122-0678	1-1-07	Amend	1-1-07
410-121-0150	7-1-07	Amend	7-1-07	410-122-0700	1-1-07	Amend	1-1-07
410-121-0157	1-1-07	Amend	2-1-07	410-122-0720	1-1-07	Amend	1-1-07
410-121-0300	1-1-07	Amend	2-1-07	410-122-0720	7-1-07	Amend	8-1-07
410-121-0320	1-1-07	Amend	2-1-07	410-125-0146	1-1-07	Amend	1-1-07
410-122-0000	1-1-07	Repeal	2-1-07	410-125-0195	1-1-07	Amend	1-1-07
410-122-0020	1-1-07	Amend	1-1-07	410-127-0000	1-1-07	Repeal	2-1-07
410-122-0055	1-1-07	Amend	1-1-07	410-127-0065	1-1-07	Adopt	1-1-07
410-122-0055	7-1-07	Amend	8-1-07	410-129-0010	1-1-07	Repeal	2-1-07
410-122-0080	1-1-07	Amend	1-1-07	410-129-0060	7-1-07	Amend	7-1-07
410-122-0080	7-1-07	Amend	8-1-07	410-129-0080	1-1-07	Amend	1-1-07
410-122-0085	1-1-07	Repeal	1-1-07	410-130-0180	7-1-07	Amend	7-1-07
410-122-0182	1-1-07	Amend	1-1-07	410-130-0200	7-1-07	Amend	7-1-07
410-122-0184	1-1-07	Amend	1-1-07	410-130-0220	7-1-07	Amend	7-1-07
410-122-0186	1-1-07	Amend	1-1-07	410-130-0255	7-1-07	Amend	7-1-07
410-122-0186	7-1-07	Amend	8-1-07	410-130-0368	7-1-07	Amend	7-1-07
410-122-0190	1-1-07	Repeal	1-1-07	410-130-0580	7-1-07	Amend	7-1-07
410-122-0202	1-1-07	Amend	1-1-07	410-130-0595	7-1-07	Amend	7-1-07
410-122-0203	1-1-07	Amend	1-1-07	410-131-0020	1-1-07	Repeal	2-1-07
410-122-0204	1-1-07	Amend	1-1-07	410-131-0080	1-1-07	Amend	1-1-07
410-122-0204	7-1-07	Amend	8-1-07	410-131-0280	7-1-07	Amend	7-1-07
410-122-0205	1-1-07	Amend	1-1-07	410-132-0000	1-1-07	Repeal	2-1-07
410-122-0207	1-1-07	Amend	1-1-07	410-136-0020	1-1-07	Repeal	2-1-07
410-122-0208	1-1-07	Amend	1-1-07	410-136-0160	7-1-07	Amend	7-1-07
410-122-0209	1-1-07	Amend	1-1-07	410-141-0000	1-1-07	Amend	1-1-07
410-122-0210	1-1-07	Amend	1-1-07	410-141-0060	1-1-07	Amend	1-1-07
410-122-0240	1-1-07	Amend	1-1-07	410-141-0070	1-1-07	Amend	1-1-07
410-122-0280	1-1-07	Amend	1-1-07	410-141-0080	1-1-07	Amend	1-1-07
410-122-0320	1-1-07	Amend	1-1-07	410-141-0220	1-1-07	Amend	1-1-07
410-122-0320	7-1-07	Amend	8-1-07	410-141-0420	1-1-07	Amend(T)	2-1-07
410-122-0325	1-1-07	Amend	1-1-07	410-141-0420	6-29-07	Amend	7-1-07
410-122-0330	7-1-07	Amend	8-1-07	410-141-0480	1-1-07	Amend	1-1-07
410-122-0340	1-1-07	Amend	1-1-07	410-141-0520	1-1-07	Amend	1-1-07
410-122-0340	7-1-07	Amend	8-1-07	410-141-0520	10-1-07	Amend(T)	11-1-07
410-122-0360	1-1-07	Amend	1-1-07	410-142-0000	1-1-07	Repeal	2-1-07
410-122-0365	1-1-07	Amend	1-1-07	410-142-0225	1-1-07	Adopt	1-1-07
410-122-0375	1-1-07	Amend	1-1-07	410-143-0000	1-1-07	Repeal	2-1-07
410-122-0380	1-1-07	Amend	1-1-07	410-147-0040	7-1-07	Amend	7-1-07
410-122-0400	1-1-07	Amend	1-1-07	410-147-0120	1-1-07	Amend	1-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-147-0300	7-1-07	Amend	7-1-07	411-050-0430	1-1-07	Amend	2-1-07
410-147-0320	1-1-07	Amend	1-1-07	411-050-0435	1-1-07	Amend	2-1-07
410-147-0362	7-1-07	Adopt	7-1-07	411-050-0437	1-1-07	Repeal	2-1-07
410-147-0365	1-1-07	Amend	1-1-07	411-050-0440	1-1-07	Amend	2-1-07
410-147-0460	1-1-07	Amend	1-1-07	411-050-0441	1-1-07	Repeal	2-1-07
410-147-0480	1-1-07	Amend	1-1-07	411-050-0442	1-1-07	Repeal	2-1-07
410-147-0500	7-1-07	Amend	7-1-07	411-050-0443	1-1-07	Amend	2-1-07
410-147-0620	1-1-07	Amend	1-1-07	411-050-0443	7-1-07	Amend	8-1-07
410-148-0020	7-1-07	Amend	7-1-07	411-050-0444	1-1-07	Adopt	2-1-07
410-148-0040	7-1-07	Amend	7-1-07	411-050-0445	1-1-07	Amend	2-1-07
410-148-0100	7-1-07	Amend	7-1-07	411-050-0445	7-1-07	Amend	8-1-07
410-148-0260	1-1-07	Amend	2-1-07	411-050-0447	1-1-07	Amend	2-1-07
411-005-0100	6-1-07	Repeal	7-1-07	411-050-0450	1-1-07	Amend	2-1-07
411-020-0002	12-21-06	Amend	2-1-07	411-050-0455	1-1-07	Amend	2-1-07
411-020-0020	12-21-06	Amend	2-1-07	411-050-0460	1-1-07	Amend	2-1-07
411-020-0100	12-21-06	Amend	2-1-07	411-050-0465	1-1-07	Amend	2-1-07
411-020-0120	12-21-06	Amend	2-1-07	411-050-0480	1-1-07	Amend	2-1-07
411-026-0000	12-1-06	Amend	1-1-07	411-050-0481	1-1-07	Amend	2-1-07
411-026-0010	12-1-06	Amend	1-1-07	411-050-0483	1-1-07	Amend	2-1-07
411-026-0020	12-1-06	Amend	1-1-07	411-050-0485	1-1-07	Amend	2-1-07
411-026-0030	12-1-06	Amend	1-1-07	411-050-0487	1-1-07	Amend	2-1-07
411-026-0040	12-1-06	Amend	1-1-07	411-050-0491	1-1-07	Adopt	2-1-07
411-026-0050	12-1-06	Amend	1-1-07	411-054-0000	11-1-07	Adopt	10-1-07
411-026-0060	12-1-06	Amend	1-1-07	411-054-0005	11-1-07	Adopt	10-1-07
411-026-0070	12-1-06	Amend	1-1-07	411-054-0008	11-1-07	Adopt	10-1-07
411-026-0080	12-1-06	Amend	1-1-07	411-054-0010	11-1-07	Adopt	10-1-07
411-027-0000	4-17-07	Amend	6-1-07	411-054-0012	11-1-07	Adopt	10-1-07
411-027-0000(T)	4-17-07	Repeal	6-1-07	411-054-0013	11-1-07	Adopt	10-1-07
411-030-0020	5-1-07	Amend(T)	5-1-07	411-054-0016	11-1-07	Adopt	10-1-07
411-030-0080	5-1-07	Amend(T)	5-1-07	411-054-0019	11-1-07	Adopt	10-1-07
411-030-0090	3-30-07	Amend(T)	5-1-07	411-054-0025	11-1-07	Adopt	10-1-07
411-030-0090	9-1-07	Amend	10-1-07	411-054-0027	11-1-07	Adopt	10-1-07
411-030-0090(T)	9-1-07	Repeal	10-1-07	411-054-0028	11-1-07	Adopt	10-1-07
411-031-0020	4-17-07	Amend	5-1-07	411-054-0030	11-1-07	Adopt	10-1-07
411-031-0020(T)	4-17-07	Repeal	5-1-07	411-054-0034	11-1-07	Adopt	10-1-07
411-031-0040	4-17-07	Amend	5-1-07	411-054-0036	11-1-07	Adopt	10-1-07
411-031-0040(T)	4-17-07	Repeal	5-1-07	411-054-0040	11-1-07	Adopt	10-1-07
411-034-0000	10-5-07	Amend	11-1-07	411-054-0045	11-1-07	Adopt	10-1-07
411-034-0010	10-5-07	Amend	11-1-07	411-054-0055	11-1-07	Adopt	10-1-07
411-034-0020	10-5-07	Amend	11-1-07	411-054-0060	11-1-07	Adopt	10-1-07
411-034-0030	10-5-07	Amend	11-1-07	411-054-0065	11-1-07	Adopt	10-1-07
411-034-0035	10-5-07	Amend	11-1-07	411-054-0070	11-1-07	Adopt	10-1-07
411-034-0040	10-5-07	Amend	11-1-07	411-054-0080	11-1-07	Adopt	10-1-07
411-034-0050	10-5-07	Amend	11-1-07	411-054-0085	11-1-07	Adopt	10-1-07
411-034-0055	10-5-07	Amend	11-1-07	411-054-0090	11-1-07	Adopt	10-1-07
411-034-0070	10-5-07	Amend	11-1-07	411-054-0093	11-1-07	Adopt	10-1-07
411-034-0090	10-5-07	Amend	11-1-07	411-054-0100	11-1-07	Adopt	10-1-07
411-050-0400	1-1-07	Amend	2-1-07	411-054-0105	11-1-07	Adopt	10-1-07
411-050-0401	1-1-07	Amend	2-1-07	411-054-0110	11-1-07	Adopt	10-1-07
411-050-0405	1-1-07	Amend	2-1-07	411-054-0120	11-1-07	Adopt	10-1-07
411-050-0408	1-1-07	Amend	2-1-07	411-054-0130	11-1-07	Adopt	10-1-07
411-050-0410	1-1-07	Amend	2-1-07	411-054-0135	11-1-07	Adopt	10-1-07
411-050-0412	1-1-07	Amend	2-1-07	411-054-0140	11-1-07	Adopt	10-1-07
411-050-0415	1-1-07	Amend	2-1-07	411-054-0200	11-1-07	Adopt	10-1-07
411-050-0420	1-1-07	Amend	2-1-07	411-054-0300	11-1-07	Adopt	10-1-07
411-050-0420	7-1-07	Amend	8-1-07	411-055-0000	11-1-07	Repeal	10-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
411-055-0003	11-1-07	Repeal	10-1-07	411-066-0010	5-15-07	Amend(T)	6-1-07
411-055-0005	11-1-07	Repeal	10-1-07	411-066-0015	5-15-07	Adopt(T)	6-1-07
411-055-0010	11-1-07	Repeal	10-1-07	411-066-0020	5-15-07	Amend(T)	6-1-07
411-055-0015	11-1-07	Repeal	10-1-07	411-070-0005	9-1-07	Amend	10-1-07
411-055-0019	11-1-07	Repeal	10-1-07	411-070-0005	9-10-07	Amend(T)	10-1-07
411-055-0024	11-1-07	Repeal	10-1-07	411-070-0027	9-10-07	Amend(T)	10-1-07
411-055-0029	11-1-07	Repeal	10-1-07	411-070-0035	9-10-07	Amend(T)	10-1-07
411-055-0034	11-1-07	Repeal	10-1-07	411-070-0040	9-1-07	Amend	10-1-07
411-055-0039	11-1-07	Repeal	10-1-07	411-070-0043	9-1-07	Amend	10-1-07
411-055-0045	11-1-07	Repeal	10-1-07	411-070-0085	9-10-07	Amend(T)	10-1-07
411-055-0051	11-1-07	Repeal	10-1-07	411-070-0091	9-10-07	Amend(T)	10-1-07
411-055-0061	11-1-07	Repeal	10-1-07	411-070-0095	9-10-07	Amend(T)	10-1-07
411-055-0081	11-1-07	Repeal	10-1-07	411-070-0130	3-13-07	Amend	4-1-07
411-055-0085	11-1-07	Repeal	10-1-07	411-070-0359	9-10-07	Amend(T)	10-1-07
411-055-0091	11-1-07	Repeal	10-1-07	411-070-0428	9-10-07	Suspend	10-1-07
411-055-0101	11-1-07	Repeal	10-1-07	411-070-0442	9-10-07	Amend(T)	10-1-07
411-055-0111	11-1-07	Repeal	10-1-07	411-070-0452	9-10-07	Amend(T)	10-1-07
411-055-0115	11-1-07	Repeal	10-1-07	411-070-0462	9-10-07	Suspend	10-1-07
411-055-0121	11-1-07	Repeal	10-1-07	411-070-0465	9-10-07	Amend(T)	10-1-07
411-055-0131	11-1-07	Repeal	10-1-07	411-330-0020	7-1-07	Amend(T)	8-1-07
411-055-0141	11-1-07	Repeal	10-1-07	411-330-0030	7-1-07	Amend(T)	8-1-07
411-055-0151	11-1-07	Repeal	10-1-07	411-335-0010	1-1-07	Amend	2-1-07
411-055-0161	11-1-07	Repeal	10-1-07	411-335-0020	1-1-07	Amend	2-1-07
411-055-0170	11-1-07	Repeal	10-1-07	411-335-0030	1-1-07	Amend	2-1-07
411-055-0180	11-1-07	Repeal	10-1-07	411-335-0050	1-1-07	Amend	2-1-07
411-055-0190	11-1-07	Repeal	10-1-07	411-335-0060	1-1-07	Amend	2-1-07
411-055-0200	11-1-07	Repeal	10-1-07	411-335-0070	1-1-07	Amend	2-1-07
411-055-0210	11-1-07	Repeal	10-1-07	411-335-0080	1-1-07	Amend	2-1-07
411-055-0220	11-1-07	Repeal	10-1-07	411-335-0090	1-1-07	Amend	2-1-07
411-055-0230	11-1-07	Repeal	10-1-07	411-335-0100	1-1-07	Amend	2-1-07
411-055-0240	11-1-07	Repeal	10-1-07	411-335-0110	1-1-07	Amend	2-1-07
411-055-0250	11-1-07	Repeal	10-1-07	411-335-0120	1-1-07	Amend	2-1-07
411-055-0260	11-1-07	Repeal	10-1-07	411-335-0130	1-1-07	Amend	2-1-07
411-055-0270	11-1-07	Repeal	10-1-07	411-335-0140	1-1-07	Amend	2-1-07
411-055-0280	11-1-07	Repeal	10-1-07	411-335-0150	1-1-07	Amend	2-1-07
411-056-0000	11-1-07	Repeal	10-1-07	411-335-0160	1-1-07	Amend	2-1-07
411-056-0005	11-1-07	Repeal	10-1-07	411-335-0170	1-1-07	Amend	2-1-07
411-056-0007	11-1-07	Repeal	10-1-07	411-335-0190	1-1-07	Amend	2-1-07
411-056-0008	11-1-07	Repeal	10-1-07	411-335-0200	1-1-07	Amend	2-1-07
411-056-0010	11-1-07	Repeal	10-1-07	411-335-0210	1-1-07	Amend	2-1-07
411-056-0015	11-1-07	Repeal	10-1-07	411-335-0220	1-1-07	Amend	2-1-07
411-056-0018	11-1-07	Repeal	10-1-07	411-335-0230	1-1-07	Amend	2-1-07
411-056-0020	11-1-07	Repeal	10-1-07	411-335-0240	1-1-07	Amend	2-1-07
411-056-0030	11-1-07	Repeal	10-1-07	411-335-0270	1-1-07	Amend	2-1-07
411-056-0035	11-1-07	Repeal	10-1-07	411-335-0300	1-1-07	Amend	2-1-07
411-056-0040	11-1-07	Repeal	10-1-07	411-335-0320	1-1-07	Amend	2-1-07
411-056-0045	11-1-07	Repeal	10-1-07	411-335-0330	1-1-07	Amend	2-1-07
411-056-0055	11-1-07	Repeal	10-1-07	411-335-0340	1-1-07	Amend	2-1-07
411-056-0060	11-1-07	Repeal	10-1-07	411-335-0350	1-1-07	Amend	2-1-07
411-056-0070	11-1-07	Repeal	10-1-07	411-335-0360	1-1-07	Amend	2-1-07
411-056-0075	11-1-07	Repeal	10-1-07	411-335-0380	1-1-07	Amend	2-1-07
411-056-0085	11-1-07	Repeal	10-1-07	411-335-0390	1-1-07	Amend	2-1-07
411-056-0090	11-1-07	Repeal	10-1-07	411-346-0100	7-5-07	Amend	8-1-07
411-056-0095	11-1-07	Repeal	10-1-07	411-346-0110	7-5-07	Amend	8-1-07
411-066-0000	5-15-07	Amend(T)	6-1-07	411-346-0120	7-5-07	Amend	8-1-07
411-066-0005	5-15-07	Amend(T)	6-1-07	411-346-0130	7-5-07	Amend	8-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
411-346-0140	7-5-07	Amend	8-1-07	413-015-0605	3-20-07	Repeal	5-1-07
411-346-0150	7-5-07	Amend	8-1-07	413-015-0610	3-20-07	Repeal	5-1-07
411-346-0160	7-5-07	Amend	8-1-07	413-015-0615	3-20-07	Repeal	5-1-07
411-346-0165	7-5-07	Amend	8-1-07	413-015-0700	3-20-07	Repeal	5-1-07
411-346-0170	7-5-07	Amend	8-1-07	413-015-0705	3-20-07	Repeal	5-1-07
411-346-0180	7-5-07	Amend	8-1-07	413-015-0710	3-20-07	Repeal	5-1-07
411-346-0190	7-5-07	Amend	8-1-07	413-015-0715	3-20-07	Repeal	5-1-07
411-346-0200	7-5-07	Amend	8-1-07	413-015-0720	3-20-07	Repeal	5-1-07
411-346-0210	7-5-07	Amend	8-1-07	413-015-0725	3-20-07	Repeal	5-1-07
411-346-0220	7-5-07	Amend	8-1-07	413-015-0730	3-20-07	Repeal	5-1-07
411-346-0230	7-5-07	Amend	8-1-07	413-015-0735	3-20-07	Repeal	5-1-07
413-015-0100	3-20-07	Amend	5-1-07	413-015-0800	3-20-07	Repeal	5-1-07
413-015-0105	3-20-07	Amend	5-1-07	413-015-0900	3-20-07	Repeal	5-1-07
413-015-0110	3-20-07	Amend	5-1-07	413-015-0905	3-20-07	Repeal	5-1-07
413-015-0115	3-20-07	Amend	5-1-07	413-015-1000	3-20-07	Amend	5-1-07
413-015-0120	3-20-07	Repeal	5-1-07	413-015-1105	3-20-07	Amend	5-1-07
413-015-0125	3-20-07	Amend	5-1-07	413-015-1110	3-20-07	Amend	5-1-07
413-015-0200	3-20-07	Amend	5-1-07	413-015-1120	3-20-07	Amend	5-1-07
413-015-0205	3-20-07	Amend	5-1-07	413-015-1125	3-20-07	Amend	5-1-07
413-015-0210	3-20-07	Amend	5-1-07	413-020-0000	3-20-07	Amend	5-1-07
413-015-0211	3-20-07	Amend	5-1-07	413-020-0005	3-20-07	Amend	5-1-07
413-015-0212	3-20-07	Amend	5-1-07	413-020-0010	3-20-07	Amend	5-1-07
413-015-0213	3-20-07	Amend	5-1-07	413-020-0020	3-20-07	Amend	5-1-07
413-015-0215	3-20-07	Amend	5-1-07	413-020-0025	3-20-07	Adopt	5-1-07
413-015-0220	3-20-07	Amend	5-1-07	413-020-0040	3-20-07	Amend	5-1-07
413-015-0225	3-20-07	Amend	5-1-07	413-020-0045	3-20-07	Adopt	5-1-07
413-015-0300	3-20-07	Amend	5-1-07	413-020-0050	3-20-07	Amend	5-1-07
413-015-0302	3-20-07	Amend	5-1-07	413-020-0060	3-20-07	Adopt	5-1-07
413-015-0305	3-20-07	Amend	5-1-07	413-020-0065	3-20-07	Adopt	5-1-07
413-015-0310	3-20-07	Amend	5-1-07	413-020-0070	3-20-07	Adopt	5-1-07
413-015-0400	3-20-07	Amend	5-1-07	413-020-0075	3-20-07	Adopt	5-1-07
413-015-0405	3-20-07	Amend	5-1-07	413-020-0080	3-20-07	Adopt	5-1-07
413-015-0409	3-20-07	Adopt	5-1-07	413-020-0085	3-20-07	Adopt	5-1-07
413-015-0415	3-20-07	Adopt	5-1-07	413-020-0090	3-20-07	Adopt	5-1-07
413-015-0420	3-20-07	Adopt	5-1-07	413-020-0200	5-1-07	Amend	6-1-07
413-015-0425	3-20-07	Adopt	5-1-07	413-020-0210	5-1-07	Amend	6-1-07
413-015-0430	3-20-07	Adopt	5-1-07	413-020-0220	5-1-07	Repeal	6-1-07
413-015-0435	3-20-07	Adopt	5-1-07	413-020-0230	5-1-07	Amend	6-1-07
413-015-0440	3-20-07	Adopt	5-1-07	413-020-0233	5-1-07	Adopt	6-1-07
413-015-0445	3-20-07	Adopt	5-1-07	413-020-0236	5-1-07	Adopt	6-1-07
413-015-0450	3-20-07	Adopt	5-1-07	413-020-0240	5-1-07	Amend	6-1-07
413-015-0455	3-20-07	Am. & Ren.	5-1-07	413-020-0245	5-1-07	Adopt	6-1-07
413-015-0460	3-20-07	Adopt	5-1-07	413-020-0250	5-1-07	Repeal	6-1-07
413-015-0465	3-20-07	Adopt	5-1-07	413-020-0255	5-1-07	Adopt	6-1-07
413-015-0470	3-20-07	Adopt	5-1-07	413-020-0260	5-1-07	Repeal	6-1-07
413-015-0475	3-20-07	Adopt	5-1-07	413-020-0270	5-1-07	Repeal	6-1-07
413-015-0480	3-20-07	Adopt	5-1-07	413-030-0000	3-20-07	Amend	5-1-07
413-015-0485	3-20-07	Renumber	5-1-07	413-030-0003	3-20-07	Adopt	5-1-07
413-015-0500	3-20-07	Repeal	5-1-07	413-030-0006	3-20-07	Am. & Ren.	5-1-07
413-015-0505	3-20-07	Repeal	5-1-07	413-030-0009	3-20-07	Adopt	5-1-07
413-015-0510	3-20-07	Repeal	5-1-07	413-030-0010	3-20-07	Repeal	5-1-07
413-015-0511	3-20-07	Repeal	5-1-07	413-030-0013	3-20-07	Adopt	5-1-07
413-015-0512	3-20-07	Repeal	5-1-07	413-030-0016	3-20-07	Adopt	5-1-07
413-015-0513	3-20-07	Repeal	5-1-07	413-030-0019	3-20-07	Adopt	5-1-07
413-015-0514	3-20-07	Repeal	5-1-07	413-030-0023	3-20-07	Adopt	5-1-07
413-015-0600	3-20-07	Repeal	5-1-07	413-030-0026	3-20-07	Adopt	5-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
413-030-0030	3-20-07	Amend	5-1-07	413-070-0860	3-20-07	Amend	5-1-07
413-040-0000	3-20-07	Amend	5-1-07	413-070-0870	3-20-07	Amend	5-1-07
413-040-0005	3-20-07	Amend	5-1-07	413-070-0880	3-20-07	Amend	5-1-07
413-040-0006	3-20-07	Adopt	5-1-07	413-080-0040	3-20-07	Amend	5-1-07
413-040-0008	3-20-07	Am. & Ren.	5-1-07	413-080-0045	3-20-07	Repeal	5-1-07
413-040-0009	3-20-07	Adopt	5-1-07	413-080-0050	3-20-07	Amend	5-1-07
413-040-0010	3-20-07	Amend	5-1-07	413-080-0052	3-20-07	Adopt	5-1-07
413-040-0011	3-20-07	Adopt	5-1-07	413-080-0055	3-20-07	Amend	5-1-07
413-040-0013	3-20-07	Adopt	5-1-07	413-080-0059	3-20-07	Adopt	5-1-07
413-040-0016	3-20-07	Am. & Ren.	5-1-07	413-080-0059	5-15-07	Amend(T)	6-1-07
413-040-0017	3-20-07	Amend	5-1-07	413-080-0063	3-20-07	Adopt	5-1-07
413-040-0021	3-20-07	Repeal	5-1-07	413-080-0067	3-20-07	Am. & Ren.	5-1-07
413-040-0024	3-20-07	Adopt	5-1-07	413-090-0000	4-1-07	Amend	5-1-07
413-040-0027	3-20-07	Repeal	5-1-07	413-090-0000(T)	4-1-07	Repeal	5-1-07
413-040-0032	3-20-07	Adopt	5-1-07	413-090-0005	4-1-07	Amend	5-1-07
413-040-0037	3-20-07	Repeal	5-1-07	413-090-0005(T)	4-1-07	Repeal	5-1-07
413-040-0042	3-20-07	Repeal	5-1-07	413-090-0010	4-1-07	Amend	5-1-07
413-040-0047	3-20-07	Repeal	5-1-07	413-090-0010(T)	4-1-07	Repeal	5-1-07
413-040-0052	3-20-07	Repeal	5-1-07	413-090-0030	4-1-07	Amend	5-1-07
413-040-0057	3-20-07	Repeal	5-1-07	413-090-0030(T)	4-1-07	Repeal	5-1-07
413-040-0061	3-20-07	Repeal	5-1-07	413-090-0040	4-1-07	Amend	5-1-07
413-040-0071	3-20-07	Repeal	5-1-07	413-090-0050	4-1-07	Amend	5-1-07
413-070-0300	5-1-07	Amend	6-1-07	413-090-0050(T)	4-1-07	Repeal	5-1-07
413-070-0310	5-1-07	Amend	6-1-07	413-090-0100	4-1-07	Amend	5-1-07
413-070-0320	5-1-07	Amend	6-1-07	413-090-0100(T)	4-1-07	Repeal	5-1-07
413-070-0340	5-1-07	Amend	6-1-07	413-090-0110	4-1-07	Amend	5-1-07
413-070-0345	5-1-07	Am. & Ren.	6-1-07	413-090-0110(T)	4-1-07	Repeal	5-1-07
413-070-0350	5-1-07	Amend	6-1-07	413-090-0120	4-1-07	Amend	5-1-07
413-070-0360	5-1-07	Amend	6-1-07	413-090-0120(T)	4-1-07	Repeal	5-1-07
413-070-0370	5-1-07	Amend	6-1-07	413-090-0130	4-1-07	Amend	5-1-07
413-070-0380	5-1-07	Amend	6-1-07	413-090-0130(T)	4-1-07	Repeal	5-1-07
413-070-0400	5-1-07	Amend	6-1-07	413-090-0140	4-1-07	Amend	5-1-07
413-070-0410	5-1-07	Amend	6-1-07	413-090-0140(T)	4-1-07	Repeal	5-1-07
413-070-0420	5-1-07	Repeal	6-1-07	413-090-0150	4-1-07	Amend	5-1-07
413-070-0430	5-1-07	Amend	6-1-07	413-090-0150(T)	4-1-07	Repeal	5-1-07
413-070-0440	5-1-07	Amend	6-1-07	413-090-0160	4-1-07	Amend	5-1-07
413-070-0450	5-1-07	Amend	6-1-07	413-090-0160(T)	4-1-07	Repeal	5-1-07
413-070-0460	5-1-07	Repeal	6-1-07	413-090-0170	4-1-07	Amend	5-1-07
413-070-0470	5-1-07	Amend	6-1-07	413-090-0170(T)	4-1-07	Repeal	5-1-07
413-070-0480	5-1-07	Amend	6-1-07	413-090-0180	4-1-07	Amend	5-1-07
413-070-0490	5-1-07	Amend	6-1-07	413-090-0180(T)	4-1-07	Repeal	5-1-07
413-070-0600	3-20-07	Amend	5-1-07	413-090-0190	4-1-07	Amend	5-1-07
413-070-0610	3-20-07	Repeal	5-1-07	413-090-0190(T)	4-1-07	Repeal	5-1-07
413-070-0620	3-20-07	Amend	5-1-07	413-090-0200	4-1-07	Amend	5-1-07
413-070-0625	3-20-07	Adopt	5-1-07	413-090-0200(T)	4-1-07	Repeal	5-1-07
413-070-0630	3-20-07	Amend	5-1-07	413-090-0210	4-1-07	Amend	5-1-07
413-070-0640	3-20-07	Amend	5-1-07	413-090-0210(T)	4-1-07	Repeal	5-1-07
413-070-0645	3-20-07	Adopt	5-1-07	413-090-0220	4-1-07	Repeal	5-1-07
413-070-0650	3-20-07	Repeal	5-1-07	413-090-0220(T)	4-1-07	Repeal	5-1-07
413-070-0800	3-20-07	Amend	5-1-07	413-100-0000	8-1-07	Amend	9-1-07
413-070-0810	3-20-07	Amend	5-1-07	413-100-0010	8-1-07	Amend	9-1-07
413-070-0820	3-20-07	Repeal	5-1-07	413-100-0020	2-7-07	Amend(T)	3-1-07
413-070-0830	3-20-07	Amend	5-1-07	413-100-0020	8-1-07	Amend	9-1-07
413-070-0840	3-20-07	Amend	5-1-07	413-100-0020(T)	8-1-07	Repeal	9-1-07
413-070-0850	3-20-07	Repeal	5-1-07	413-100-0030	8-1-07	Amend	9-1-07
413-070-0855	3-20-07	Amend	5-1-07	413-100-0040	8-1-07	Amend	9-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
413-100-0050	8-1-07	Repeal	9-1-07	413-200-0270	3-20-07	Amend	5-1-07
413-100-0060	8-1-07	Amend	9-1-07	413-200-0270	7-13-07	Amend(T)	8-1-07
413-100-0070	8-1-07	Amend	9-1-07	413-200-0270	7-13-07	Amend(T)	8-1-07
413-100-0080	8-1-07	Amend	9-1-07	413-200-0270	7-13-07	Amend(T)	8-1-07
413-100-0090	8-1-07	Amend	9-1-07	413-200-0270	7-13-07	Amend(T)	8-1-07
413-100-0100	8-1-07	Repeal	9-1-07	413-200-0272	3-20-07	Am. & Ren.	5-1-07
413-100-0110	8-1-07	Amend	9-1-07	413-200-0272	6-1-07	Amend(T)	7-1-07
413-100-0120	8-1-07	Amend	9-1-07	413-200-0272	7-13-07	Amend(T)	8-1-07
413-100-0130	2-7-07	Amend(T)	3-1-07	413-200-0272	7-13-07	Amend(T)	8-1-07
413-100-0130	8-1-07	Amend	9-1-07	413-200-0272	7-13-07	Amend(T)	8-1-07
413-100-0130(T)	8-1-07	Repeal	9-1-07	413-200-0272	7-13-07	Amend(T)	8-1-07
413-100-0135	2-7-07	Amend(T)	3-1-07	413-200-0272(T)	7-13-07	Suspend	8-1-07
413-100-0135	8-1-07	Amend	9-1-07	413-200-0272(T)	7-13-07	Suspend	8-1-07
413-100-0135(T)	8-1-07	Repeal	9-1-07	413-200-0274	3-20-07	Adopt	5-1-07
413-100-0150	8-1-07	Amend	9-1-07	413-200-0274	7-13-07	Amend(T)	8-1-07
413-100-0160	8-1-07	Amend	9-1-07	413-200-0274	7-13-07	Amend(T)	8-1-07
413-100-0170	8-1-07	Amend	9-1-07	413-200-0274	7-13-07	Amend(T)	8-1-07
413-100-0180	8-1-07	Amend	9-1-07	413-200-0274	7-13-07	Amend(T)	8-1-07
413-100-0190	8-1-07	Amend	9-1-07	413-200-0276	3-20-07	Adopt	5-1-07
413-100-0200	8-1-07	Amend	9-1-07	413-200-0278	3-20-07	Adopt	5-1-07
413-100-0210	8-1-07	Amend	9-1-07	413-200-0278	7-13-07	Amend(T)	8-1-07
413-100-0220	8-1-07	Amend	9-1-07	413-200-0278	7-13-07	Amend(T)	8-1-07
413-100-0230	8-1-07	Amend	9-1-07	413-200-0278	7-13-07	Amend(T)	8-1-07
413-100-0240	8-1-07	Amend	9-1-07	413-200-0278	7-13-07	Amend(T)	8-1-07
413-100-0250	8-1-07	Amend	9-1-07	413-200-0281	3-20-07	Adopt	5-1-07
413-100-0260	8-1-07	Amend	9-1-07	413-200-0281	7-13-07	Amend(T)	8-1-07
413-100-0270	8-1-07	Amend	9-1-07	413-200-0281	7-13-07	Amend(T)	8-1-07
413-100-0272	8-1-07	Repeal	9-1-07	413-200-0281	7-13-07	Amend(T)	8-1-07
413-100-0274	8-1-07	Repeal	9-1-07	413-200-0281	7-13-07	Amend(T)	8-1-07
413-100-0276	8-1-07	Repeal	9-1-07	413-200-0283	3-20-07	Adopt	5-1-07
413-100-0280	8-1-07	Amend	9-1-07	413-200-0285	3-20-07	Adopt	5-1-07
413-100-0290	8-1-07	Repeal	9-1-07	413-200-0287	3-20-07	Adopt	5-1-07
413-100-0300	8-1-07	Amend	9-1-07	413-200-0287	7-13-07	Amend(T)	8-1-07
413-100-0310	8-1-07	Amend	9-1-07	413-200-0287	7-13-07	Amend(T)	8-1-07
413-100-0320	8-1-07	Amend	9-1-07	413-200-0287	7-13-07	Amend(T)	8-1-07
413-100-0330	8-1-07	Repeal	9-1-07	413-200-0287	7-13-07	Amend(T)	8-1-07
413-100-0340	8-1-07	Repeal	9-1-07	413-200-0289	3-20-07	Adopt	5-1-07
413-100-0350	8-1-07	Repeal	9-1-07	413-200-0290	3-20-07	Repeal	5-1-07
413-100-0360	8-1-07	Repeal	9-1-07	413-200-0292	3-20-07	Adopt	5-1-07
413-120-0000	8-1-07	Amend	9-1-07	413-200-0292	7-13-07	Amend(T)	8-1-07
413-120-0010	8-1-07	Amend	9-1-07	413-200-0292	7-13-07	Amend(T)	8-1-07
413-120-0020	2-26-07	Amend(T)	4-1-07	413-200-0292	7-13-07	Amend(T)	8-1-07
413-120-0020	8-1-07	Amend	9-1-07	413-200-0292	7-13-07	Amend(T)	8-1-07
413-120-0020(T)	8-1-07	Repeal	9-1-07	413-200-0294	3-20-07	Adopt	5-1-07
413-120-0030	8-1-07	Amend	9-1-07	413-200-0296	3-20-07	Adopt	5-1-07
413-120-0033	8-1-07	Amend	9-1-07	413-200-0296	7-13-07	Amend(T)	8-1-07
413-120-0035	8-1-07	Amend	9-1-07	413-200-0296	7-13-07	Amend(T)	8-1-07
413-120-0040	2-26-07	Amend(T)	4-1-07	413-200-0296	7-13-07	Amend(T)	8-1-07
413-120-0040	8-1-07	Amend	9-1-07	413-200-0296	7-13-07	Amend(T)	8-1-07
413-120-0040(T)	8-1-07	Repeal	9-1-07	413-200-0301	3-20-07	Amend	5-1-07
413-120-0045	8-1-07	Amend	9-1-07	413-200-0305	3-20-07	Amend	5-1-07
413-120-0060	8-1-07	Amend	9-1-07	413-200-0306	3-20-07	Amend	5-1-07
413-120-0075	2-26-07	Amend(T)	4-1-07	413-200-0306	6-1-07	Amend(T)	7-1-07
413-120-0075	8-1-07	Amend	9-1-07	413-200-0306	7-13-07	Amend(T)	8-1-07
413-120-0075(T)	8-1-07	Repeal	9-1-07	413-200-0306	7-13-07	Amend(T)	8-1-07
413-120-0080	8-1-07	Amend	9-1-07	413-200-0306	7-13-07	Amend(T)	8-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
413-200-0306	7-13-07	Amend(T)	8-1-07	413-200-0390	7-13-07	Amend(T)	8-1-07
413-200-0306(T)	7-13-07	Suspend	8-1-07	413-200-0390	7-13-07	Amend(T)	8-1-07
413-200-0306(T)	7-13-07	Suspend	8-1-07	413-200-0390	7-13-07	Amend(T)	8-1-07
413-200-0307	3-20-07	Repeal	5-1-07	413-200-0390	7-13-07	Amend(T)	8-1-07
413-200-0308	3-20-07	Amend	5-1-07	413-200-0391	3-20-07	Repeal	5-1-07
413-200-0309	3-20-07	Repeal	5-1-07	413-200-0392	3-20-07	Repeal	5-1-07
413-200-0311	3-20-07	Repeal	5-1-07	413-200-0393	3-20-07	Amend	5-1-07
413-200-0314	3-20-07	Am. & Ren.	5-1-07	413-200-0394	3-20-07	Amend	5-1-07
413-200-0314	7-13-07	Amend(T)	8-1-07	413-200-0395	3-20-07	Amend	5-1-07
413-200-0314	7-13-07	Amend(T)	8-1-07	413-200-0396	3-20-07	Amend	5-1-07
413-200-0314	7-13-07	Amend(T)	8-1-07	413-200-0401	3-20-07	Repeal	5-1-07
413-200-0314	7-13-07	Amend(T)	8-1-07	413-210-0806	5-1-07	Amend	6-1-07
413-200-0335	3-20-07	Amend	5-1-07	413-300-0000	9-1-07	Repeal	10-1-07
413-200-0335	6-1-07	Amend(T)	7-1-07	413-300-0005	9-1-07	Repeal	10-1-07
413-200-0335	7-13-07	Amend(T)	8-1-07	413-300-0010	9-1-07	Repeal	10-1-07
413-200-0335	7-13-07	Amend(T)	8-1-07	413-300-0020	9-1-07	Repeal	10-1-07
413-200-0335	7-13-07	Amend(T)	8-1-07	413-300-0030	9-1-07	Repeal	10-1-07
413-200-0335	7-13-07	Amend(T)	8-1-07	413-300-0040	9-1-07	Repeal	10-1-07
413-200-0335(T)	7-13-07	Suspend	8-1-07	413-300-0050	9-1-07	Repeal	10-1-07
413-200-0335(T)	7-13-07	Suspend	8-1-07	413-300-0060	9-1-07	Repeal	10-1-07
413-200-0338	3-20-07	Repeal	5-1-07	413-300-0070	9-1-07	Repeal	10-1-07
413-200-0341	3-20-07	Repeal	5-1-07	413-300-0080	9-1-07	Repeal	10-1-07
413-200-0345	3-20-07	Repeal	5-1-07	413-300-0090	9-1-07	Repeal	10-1-07
413-200-0348	3-20-07	Amend	5-1-07	413-300-0100	9-1-07	Repeal	10-1-07
413-200-0352	3-20-07	Am. & Ren.	5-1-07	413-300-0110	9-1-07	Repeal	10-1-07
413-200-0354	3-20-07	Adopt	5-1-07	413-300-0120	9-1-07	Repeal	10-1-07
413-200-0354	7-13-07	Amend(T)	8-1-07	413-320-0000	9-1-07	Repeal	10-1-07
413-200-0354	7-13-07	Amend(T)	8-1-07	413-320-0010	9-1-07	Repeal	10-1-07
413-200-0354	7-13-07	Amend(T)	8-1-07	413-320-0020	9-1-07	Repeal	10-1-07
413-200-0354	7-13-07	Amend(T)	8-1-07	413-320-0030	9-1-07	Repeal	10-1-07
413-200-0358	3-20-07	Am. & Ren.	5-1-07	413-320-0040	9-1-07	Repeal	10-1-07
413-200-0358	7-13-07	Amend(T)	8-1-07	413-320-0050	9-1-07	Repeal	10-1-07
413-200-0358	7-13-07	Amend(T)	8-1-07	413-320-0060	9-1-07	Repeal	10-1-07
413-200-0358	7-13-07	Amend(T)	8-1-07	413-330-0400	9-1-07	Repeal	10-1-07
413-200-0358	7-13-07	Amend(T)	8-1-07	413-330-0410	9-1-07	Repeal	10-1-07
413-200-0362	3-20-07	Am. & Ren.	5-1-07	413-330-0420	9-1-07	Repeal	10-1-07
413-200-0371	3-20-07	Amend	5-1-07	413-330-0430	9-1-07	Repeal	10-1-07
413-200-0371	7-13-07	Amend(T)	8-1-07	414-205-0010	3-20-07	Amend(T)	5-1-07
413-200-0371	7-13-07	Amend(T)	8-1-07	414-205-0010	7-13-07	Amend	8-1-07
413-200-0371	7-13-07	Amend(T)	8-1-07	414-205-0020	3-20-07	Amend(T)	5-1-07
413-200-0371	7-13-07	Amend(T)	8-1-07	414-205-0020	7-13-07	Amend	8-1-07
413-200-0376	3-20-07	Repeal	5-1-07	414-205-0035	3-20-07	Amend(T)	5-1-07
413-200-0377	3-20-07	Amend	5-1-07	414-205-0035	7-13-07	Amend	8-1-07
413-200-0379	3-20-07	Am. & Ren.	5-1-07	414-205-0055	3-20-07	Amend(T)	5-1-07
413-200-0379	7-13-07	Amend(T)	8-1-07	414-205-0055	7-13-07	Amend	8-1-07
413-200-0379	7-13-07	Amend(T)	8-1-07	414-205-0160	7-13-07	Amend	8-1-07
413-200-0379	7-13-07	Amend(T)	8-1-07	414-300-0005	3-20-07	Amend(T)	5-1-07
413-200-0379	7-13-07	Amend(T)	8-1-07	414-300-0005	7-13-07	Amend	8-1-07
413-200-0383	3-20-07	Adopt	5-1-07	414-300-0030	7-13-07	Amend	8-1-07
413-200-0383	7-13-07	Amend(T)	8-1-07	414-300-0060	7-13-07	Amend	8-1-07
413-200-0383	7-13-07	Amend(T)	8-1-07	414-300-0070	7-13-07	Amend	8-1-07
413-200-0383	7-13-07	Amend(T)	8-1-07	414-300-0080	3-20-07	Amend(T)	5-1-07
413-200-0383	7-13-07	Amend(T)	8-1-07	414-300-0080	7-13-07	Amend	8-1-07
413-200-0386	3-20-07	Adopt	5-1-07	414-300-0090	7-13-07	Amend	8-1-07
413-200-0388	3-20-07	Adopt	5-1-07	414-300-0100	7-13-07	Amend	8-1-07
413-200-0390	3-20-07	Amend	5-1-07	414-300-0200	7-13-07	Amend	8-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
414-300-0220	7-13-07	Amend	8-1-07	416-530-0040	7-13-07	Amend	8-1-07
414-300-0260	7-13-07	Amend	8-1-07	416-530-0050	7-13-07	Amend	8-1-07
414-350-0010	3-20-07	Amend(T)	5-1-07	416-530-0060	7-13-07	Amend	8-1-07
414-350-0010	7-13-07	Amend	8-1-07	416-530-0070	7-13-07	Amend	8-1-07
414-350-0050	12-1-06	Amend	1-1-07	416-530-0080	7-13-07	Amend	8-1-07
414-350-0050	7-13-07	Amend	8-1-07	416-530-0090	7-13-07	Amend	8-1-07
414-350-0080	7-13-07	Amend	8-1-07	416-530-0100	7-13-07	Amend	8-1-07
414-350-0100	12-1-06	Amend	1-1-07	416-530-0110	7-13-07	Amend	8-1-07
414-350-0100	7-13-07	Amend	8-1-07	416-530-0125	7-13-07	Amend	8-1-07
414-350-0110	12-1-06	Amend	1-1-07	416-530-0130	7-13-07	Amend	8-1-07
414-350-0120	12-1-06	Amend	1-1-07	416-530-0140	7-13-07	Amend	8-1-07
414-350-0120	7-13-07	Amend	8-1-07	416-530-0150	7-13-07	Amend	8-1-07
414-350-0180	7-13-07	Amend	8-1-07	416-530-0160	7-13-07	Amend	8-1-07
415-012-0050	5-25-07	Amend	7-1-07	416-530-0170	7-13-07	Amend	8-1-07
415-012-0080	5-25-07	Amend	7-1-07	423-001-0006	5-11-07	Amend(T)	6-1-07
415-051-0120	7-24-07	Repeal	9-1-07	423-010-0023	5-11-07	Amend(T)	6-1-07
415-056-0000	3-8-07	Amend	4-1-07	423-010-0024	2-12-07	Amend	3-1-07
415-056-0005	3-8-07	Amend	4-1-07	423-045-0005	2-16-07	Amend(T)	4-1-07
415-056-0010	3-8-07	Amend	4-1-07	423-045-0010	2-16-07	Amend(T)	4-1-07
415-056-0015	3-8-07	Amend	4-1-07	423-045-0015	2-16-07	Amend(T)	4-1-07
415-056-0020	3-8-07	Amend	4-1-07	423-045-0101	2-12-07	Adopt	3-1-07
415-056-0025	3-8-07	Amend	4-1-07	423-045-0105	2-12-07	Adopt	3-1-07
416-115-0000	2-13-07	Adopt	3-1-07	423-045-0110	2-12-07	Adopt	3-1-07
416-115-0010	2-13-07	Adopt	3-1-07	423-045-0112	2-12-07	Adopt	3-1-07
416-115-0020	2-13-07	Adopt	3-1-07	423-045-0115	2-12-07	Adopt	3-1-07
416-115-0030	2-13-07	Adopt	3-1-07	423-045-0120	2-12-07	Adopt	3-1-07
416-115-0040	2-13-07	Adopt	3-1-07	423-045-0125	2-12-07	Adopt	3-1-07
416-115-0050	2-13-07	Adopt	3-1-07	423-045-0130	2-12-07	Adopt	3-1-07
416-115-0060	2-13-07	Adopt	3-1-07	423-045-0135	2-12-07	Adopt	3-1-07
416-115-0070	2-13-07	Adopt	3-1-07	423-045-0140	2-12-07	Adopt	3-1-07
416-115-0080	2-13-07	Adopt	3-1-07	423-045-0150	2-12-07	Adopt	3-1-07
416-115-0090	2-13-07	Adopt	3-1-07	423-045-0155	2-12-07	Adopt	3-1-07
416-115-0100	2-13-07	Adopt	3-1-07	423-045-0160	2-12-07	Adopt	3-1-07
416-115-0110	2-13-07	Adopt	3-1-07	423-045-0165	2-12-07	Adopt	3-1-07
416-115-0120	2-13-07	Adopt	3-1-07	423-045-0170	2-12-07	Adopt	3-1-07
416-115-0130	2-13-07	Adopt	3-1-07	423-045-0175	2-12-07	Adopt	3-1-07
416-115-0140	2-13-07	Adopt	3-1-07	423-045-0185	2-12-07	Adopt	3-1-07
416-115-0150	2-13-07	Adopt	3-1-07	436-009-0004	7-1-07	Amend	7-1-07
416-115-0160	2-13-07	Adopt	3-1-07	436-009-0005	7-1-07	Amend	7-1-07
416-115-0170	2-13-07	Adopt	3-1-07	436-009-0008	7-1-07	Amend	7-1-07
416-115-0180	2-13-07	Adopt	3-1-07	436-009-0010	7-1-07	Amend	7-1-07
416-115-0190	2-13-07	Adopt	3-1-07	436-009-0015	7-1-07	Amend	7-1-07
416-115-0200	2-13-07	Adopt	3-1-07	436-009-0020	7-1-07	Amend	7-1-07
416-115-0210	2-13-07	Adopt	3-1-07	436-009-0022	7-1-07	Amend	7-1-07
416-115-0220	2-13-07	Adopt	3-1-07	436-009-0025	7-1-07	Amend	7-1-07
416-115-0230	2-13-07	Adopt	3-1-07	436-009-0030	7-1-07	Amend	7-1-07
416-115-0240	2-13-07	Adopt	3-1-07	436-009-0040	7-1-07	Amend	7-1-07
416-115-0250	2-13-07	Adopt	3-1-07	436-009-0050	7-1-07	Amend	7-1-07
416-115-0260	2-13-07	Adopt	3-1-07	436-009-0070	7-1-07	Amend	7-1-07
416-115-0270	2-13-07	Adopt	3-1-07	436-009-0080	7-1-07	Amend	7-1-07
416-115-0280	2-13-07	Adopt	3-1-07	436-010-0265	6-7-07	Amend(T)	7-1-07
416-530-0000	7-13-07	Amend	8-1-07	436-035-0500	6-27-07	Amend(T)	8-1-07
416-530-0010	7-13-07	Amend	8-1-07	436-050-0005	6-1-07	Amend(T)	7-1-07
416-530-0020	7-13-07	Amend	8-1-07	436-050-0400	6-1-07	Amend(T)	7-1-07
416-530-0030	7-13-07	Amend	8-1-07	436-050-0420	6-1-07	Amend(T)	7-1-07
416-530-0035	7-13-07	Adopt	8-1-07	436-050-0440	6-1-07	Amend(T)	7-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
436-050-0450	6-1-07	Amend(T)	7-1-07	441-730-0275	7-1-07	Amend(T)	8-1-07
436-050-0460	6-1-07	Amend(T)	7-1-07	441-730-0310	7-1-07	Amend(T)	8-1-07
436-050-0480	6-1-07	Amend(T)	7-1-07	441-730-0320	12-21-06	Amend	2-1-07
436-170-0002	2-1-07	Adopt	3-1-07	441-860-0010	1-17-07	Amend	3-1-07
436-170-0100	2-1-07	Adopt	3-1-07	441-860-0020	1-17-07	Amend	3-1-07
436-170-0200	2-1-07	Adopt	3-1-07	441-860-0030	1-17-07	Amend	3-1-07
436-170-0300	2-1-07	Adopt	3-1-07	441-860-0040	1-17-07	Amend	3-1-07
437-001-0015	9-5-07	Amend(T)	10-1-07	441-860-0060	1-17-07	Amend	3-1-07
437-002-0005	5-15-07	Amend	9-1-07	441-875-0020	1-17-07	Amend	3-1-07
437-002-0047	5-15-07	Adopt	9-1-07	441-880-0020	1-17-07	Amend	3-1-07
437-002-0060	5-15-07	Amend	9-1-07	441-880-0030	1-17-07	Amend	3-1-07
437-002-0120	11-30-06	Amend	1-1-07	441-930-0010	1-1-08	Amend	11-1-07
437-002-0223	9-26-07	Amend	11-1-07	441-930-0080	1-1-08	Amend	11-1-07
437-002-0227	9-26-07	Amend	11-1-07	441-930-0210	1-1-08	Amend	11-1-07
437-002-0320	5-15-07	Amend	9-1-07	441-930-0240	1-1-08	Amend	11-1-07
437-002-0321	5-15-07	Repeal	9-1-07	441-930-0250	1-1-08	Amend	11-1-07
437-002-0322	5-15-07	Repeal	9-1-07	441-930-0320	1-1-08	Amend	11-1-07
437-002-0323	5-15-07	Repeal	9-1-07	442-005-0010	7-9-07	Amend	8-1-07
437-002-0324	5-15-07	Repeal	9-1-07	442-005-0050	11-27-06	Amend(T)	1-1-07
437-002-0325	5-15-07	Repeal	9-1-07	442-005-0050	6-18-07	Amend	8-1-07
437-002-0360	11-30-06	Amend	1-1-07	442-005-0190	7-9-07	Amend	8-1-07
437-002-2224	9-26-07	Adopt	11-1-07	442-005-0220	7-9-07	Amend	8-1-07
437-002-2225	9-26-07	Adopt	11-1-07	442-005-0230	7-9-07	Amend	8-1-07
437-002-2226	9-26-07	Adopt	11-1-07	443-002-0070	7-23-07	Amend(T)	9-1-07
437-003-0001	11-30-06	Amend	1-1-07	459-005-0100	2-21-07	Amend	4-1-07
437-003-0001	9-26-07	Amend	11-1-07	459-005-0110	2-21-07	Amend	4-1-07
437-003-0047	6-15-07	Amend	7-1-07	459-005-0120	2-21-07	Repeal	4-1-07
437-003-0093	9-26-07	Repeal	11-1-07	459-005-0130	2-21-07	Amend	4-1-07
437-003-3224	9-26-07	Adopt	11-1-07	459-005-0140	2-21-07	Amend	4-1-07
437-003-3225	9-26-07	Adopt	11-1-07	459-005-0150	2-21-07	Amend	4-1-07
437-003-3226	9-26-07	Adopt	11-1-07	459-005-0220	7-26-07	Amend	9-1-07
437-004-1041	11-30-06	Amend	1-1-07	459-005-0591	2-16-07	Amend(T)	4-1-07
437-004-1041	8-13-07	Amend	9-1-07	459-005-0591	7-26-07	Amend	9-1-07
437-005-0001	11-30-06	Amend	1-1-07	459-005-0595	2-16-07	Amend(T)	4-1-07
437-005-0001	1-16-07	Amend	2-1-07	459-005-0595	7-26-07	Amend	9-1-07
438-005-0046	3-1-07	Amend	3-1-07	459-005-0599	2-16-07	Amend(T)	4-1-07
438-022-0005	3-1-07	Amend	3-1-07	459-005-0599	7-26-07	Amend	9-1-07
440-045-0020	1-1-08	Amend	11-1-07	459-007-0025	1-23-07	Amend	3-1-07
440-045-0025	1-1-08	Amend	11-1-07	459-007-0300	1-23-07	Amend	3-1-07
441-035-0021	1-1-08	Amend	11-1-07	459-009-0084	11-24-06	Amend	1-1-07
441-049-1021	1-1-08	Amend	11-1-07	459-009-0085	11-24-06	Amend	1-1-07
441-049-1041	1-1-08	Amend	11-1-07	459-009-0090	11-24-06	Adopt	1-1-07
441-175-0040	1-1-08	Amend	11-1-07	459-011-0050	1-23-07	Amend	3-1-07
441-205-0135	1-1-08	Adopt	11-1-07	459-011-0100	11-24-06	Amend	1-1-07
441-730-0000	12-21-06	Amend	2-1-07	459-016-0100	11-24-06	Amend	1-1-07
441-730-0000	7-1-07	Amend(T)	8-1-07	459-040-0001	7-26-07	Adopt	9-1-07
441-730-0010	12-21-06	Amend	2-1-07	459-040-0010	7-26-07	Adopt	9-1-07
441-730-0010	7-1-07	Amend(T)	8-1-07	459-040-0020	7-26-07	Adopt	9-1-07
441-730-0015	12-21-06	Am. & Ren.	2-1-07	459-040-0030	7-26-07	Adopt	9-1-07
441-730-0015	8-10-07	Amend(T)	9-1-07	459-040-0040	7-26-07	Adopt	9-1-07
441-730-0025	12-21-06	Adopt	2-1-07	459-040-0050	7-26-07	Adopt	9-1-07
441-730-0050	12-21-06	Amend	2-1-07	459-040-0060	7-26-07	Adopt	9-1-07
441-730-0080	12-21-06	Amend	2-1-07	459-040-0070	7-26-07	Adopt	9-1-07
441-730-0120	12-21-06	Amend	2-1-07	459-040-0080	7-26-07	Adopt	9-1-07
441-730-0255	12-21-06	Adopt	2-1-07	459-050-0025	1-23-07	Amend	3-1-07
441-730-0270	7-1-07	Amend(T)	8-1-07	459-050-0037	5-1-07	Adopt	3-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
459-050-0070	1-23-07	Amend	3-1-07	461-110-0630	10-1-07	Amend(T)	11-1-07
459-050-0077	5-1-07	Adopt	3-1-07	461-110-0720	1-1-07	Repeal	2-1-07
459-050-0077	7-26-07	Amend	9-1-07	461-110-0750	1-1-07	Amend	2-1-07
459-050-0090	2-16-07	Amend(T)	4-1-07	461-115-0010	1-1-07	Amend	2-1-07
459-050-0090	7-26-07	Amend	9-1-07	461-115-0010	10-1-07	Amend	11-1-07
459-050-0150	1-23-07	Amend	3-1-07	461-115-0030	4-1-07	Amend	5-1-07
459-076-0001	4-4-07	Amend	5-1-07	461-115-0030	10-1-07	Amend(T)	11-1-07
459-076-0020	4-4-07	Amend	5-1-07	461-115-0050	1-1-07	Amend	2-1-07
459-076-0050	4-4-07	Amend	5-1-07	461-115-0050	7-1-07	Amend	8-1-07
459-076-0060	4-4-07	Amend	5-1-07	461-115-0050	10-1-07	Amend	11-1-07
459-080-0100	11-24-06	Amend	1-1-07	461-115-0090	7-1-07	Amend	8-1-07
461-001-0000	1-1-07	Amend	2-1-07	461-115-0140	7-1-07	Amend	8-1-07
461-001-0000	4-1-07	Amend	5-1-07	461-115-0145	7-1-07	Amend	8-1-07
461-001-0000	10-1-07	Amend	11-1-07	461-115-0190	7-1-07	Amend	8-1-07
461-001-0000	10-1-07	Amend(T)	11-1-07	461-115-0190	10-1-07	Amend	11-1-07
461-001-0015	1-1-07	Adopt	2-1-07	461-115-0190	10-1-07	Amend(T)	11-1-07
461-001-0015	7-1-07	Amend	8-1-07	461-115-0430	10-1-07	Amend(T)	11-1-07
461-001-0020	1-1-07	Adopt	2-1-07	461-115-0450	10-1-07	Amend	11-1-07
461-001-0025	10-1-07	Amend(T)	11-1-07	461-115-0510	1-1-07	Am. & Ren.	2-1-07
461-001-0030	4-1-07	Amend	5-1-07	461-115-0530	1-1-07	Amend	2-1-07
461-005-0735	4-1-07	Repeal	5-1-07	461-115-0540	1-1-07	Amend	2-1-07
461-025-0310	4-1-07	Amend	5-1-07	461-115-0651	1-1-07	Amend	2-1-07
461-025-0310	7-1-07	Amend	8-1-07	461-115-0705	1-1-07	Amend	2-1-07
461-025-0310	10-1-07	Amend(T)	11-1-07	461-115-0705	7-1-07	Amend	8-1-07
461-025-0315	7-1-07	Amend	8-1-07	461-115-0715	10-1-07	Adopt(T)	11-1-07
461-025-0350	7-1-07	Amend	8-1-07	461-120-0005	1-1-07	Repeal	2-1-07
461-101-0010	7-1-07	Amend	8-1-07	461-120-0030	7-1-07	Amend	8-1-07
461-101-0010	10-1-07	Amend(T)	11-1-07	461-120-0120	10-1-07	Amend	11-1-07
461-105-0010	1-1-07	Amend	2-1-07	461-120-0125	1-1-07	Amend	2-1-07
461-105-0010	4-1-07	Amend	5-1-07	461-120-0210	4-1-07	Amend	5-1-07
461-105-0010	10-1-07	Amend(T)	11-1-07	461-120-0210	10-1-07	Amend	11-1-07
461-105-0060	4-1-07	Amend	5-1-07	461-120-0230	4-1-07	Repeal	5-1-07
461-105-0060	7-1-07	Amend	8-1-07	461-120-0235	4-1-07	Repeal	5-1-07
461-105-0130	4-1-07	Amend	5-1-07	461-120-0310	10-1-07	Amend(T)	11-1-07
461-105-0150	4-1-07	Amend	5-1-07	461-120-0340	10-1-07	Amend(T)	11-1-07
461-105-0150	7-1-07	Amend	8-1-07	461-120-0345	10-1-07	Amend(T)	11-1-07
461-105-0160	4-1-07	Amend	5-1-07	461-120-0610	1-1-07	Repeal	2-1-07
461-105-0160	7-1-07	Repeal	8-1-07	461-125-0130	10-1-07	Amend(T)	11-1-07
461-105-0410	7-1-07	Amend	8-1-07	461-125-0255	4-1-07	Amend	5-1-07
461-110-0110	1-1-07	Repeal	2-1-07	461-125-0260	10-1-07	Adopt(T)	11-1-07
461-110-0115	1-1-07	Am. & Ren.	2-1-07	461-125-0370	1-1-07	Amend	2-1-07
461-110-0210	7-1-07	Amend	8-1-07	461-125-0370	4-1-07	Amend	5-1-07
461-110-0210	10-1-07	Amend	11-1-07	461-125-0810	10-1-07	Amend(T)	11-1-07
461-110-0310	10-1-07	Amend	11-1-07	461-130-0305	10-1-07	Amend(T)	11-1-07
461-110-0370	1-1-07	Amend	2-1-07	461-130-0310	1-1-07	Amend	2-1-07
461-110-0370	7-1-07	Amend	8-1-07	461-130-0310	10-1-07	Amend(T)	11-1-07
461-110-0370	10-1-07	Amend	11-1-07	461-130-0315	1-1-07	Amend	2-1-07
461-110-0410	1-1-07	Amend	2-1-07	461-130-0315	10-1-07	Amend(T)	11-1-07
461-110-0430	10-1-07	Amend	11-1-07	461-130-0323	10-1-07	Adopt(T)	11-1-07
461-110-0510	1-1-07	Repeal	2-1-07	461-130-0325	1-1-07	Amend	2-1-07
461-110-0530	1-1-07	Amend	2-1-07	461-130-0325	10-1-07	Amend(T)	11-1-07
461-110-0530	7-1-07	Amend	8-1-07	461-130-0327	1-1-07	Amend	2-1-07
461-110-0610	1-1-07	Repeal	2-1-07	461-130-0327	10-1-07	Amend(T)	11-1-07
461-110-0630	1-1-07	Amend	2-1-07	461-130-0330	10-1-07	Amend(T)	11-1-07
461-110-0630	4-1-07	Amend	5-1-07	461-130-0331	9-1-07	Adopt(T)	10-1-07
461-110-0630	10-1-07	Amend	11-1-07	461-130-0335	1-1-07	Amend	2-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-130-0335	10-1-07	Amend(T)	11-1-07	461-140-0242	1-1-07	Amend	2-1-07
461-135-0010	1-1-07	Amend	2-1-07	461-140-0242	4-1-07	Amend	5-1-07
461-135-0010	7-1-07	Amend	8-1-07	461-140-0242	7-1-07	Amend	8-1-07
461-135-0010	10-1-07	Amend	11-1-07	461-140-0270	1-1-07	Amend	2-1-07
461-135-0010	10-1-07	Amend(T)	11-1-07	461-140-0296	1-1-07	Amend	2-1-07
461-135-0070	1-1-07	Amend	2-1-07	461-140-0296	4-1-07	Amend	5-1-07
461-135-0070	4-1-07	Amend	5-1-07	461-140-0296	7-1-07	Amend	8-1-07
461-135-0070	10-1-07	Amend(T)	11-1-07	461-140-0300	1-1-07	Amend	2-1-07
461-135-0075	1-1-07	Amend	2-1-07	461-145-0001	1-1-07	Amend	2-1-07
461-135-0075	10-1-07	Amend(T)	11-1-07	461-145-0005	4-1-07	Amend	5-1-07
461-135-0085	10-1-07	Amend(T)	11-1-07	461-145-0008	4-1-07	Amend	5-1-07
461-135-0089	10-1-07	Amend(T)	11-1-07	461-145-0010	4-1-07	Amend	5-1-07
461-135-0200	10-1-07	Amend(T)	11-1-07	461-145-0020	1-1-07	Amend	2-1-07
461-135-0210	1-1-07	Amend	2-1-07	461-145-0020	4-1-07	Amend	5-1-07
461-135-0400	1-1-07	Amend	2-1-07	461-145-0022	1-1-07	Amend	2-1-07
461-135-0475	1-1-07	Amend	2-1-07	461-145-0022	4-1-07	Amend	5-1-07
461-135-0475	10-1-07	Amend(T)	11-1-07	461-145-0025	1-1-07	Amend	2-1-07
461-135-0491	4-1-07	Adopt	5-1-07	461-145-0030	4-1-07	Amend	5-1-07
461-135-0492	4-1-07	Adopt	5-1-07	461-145-0040	7-1-07	Amend	8-1-07
461-135-0493	4-1-07	Adopt	5-1-07	461-145-0050	4-1-07	Amend	5-1-07
461-135-0494	4-1-07	Adopt	5-1-07	461-145-0055	1-1-07	Amend	2-1-07
461-135-0495	4-1-07	Adopt	5-1-07	461-145-0055	4-1-07	Repeal	5-1-07
461-135-0496	4-1-07	Adopt	5-1-07	461-145-0060	4-1-07	Amend	5-1-07
461-135-0497	4-1-07	Adopt	5-1-07	461-145-0080	10-1-07	Amend	11-1-07
461-135-0505	10-1-07	Amend(T)	11-1-07	461-145-0080	10-1-07	Amend(T)	11-1-07
461-135-0506	1-1-07	Amend	2-1-07	461-145-0086	4-1-07	Am. & Ren.	5-1-07
461-135-0506	10-1-07	Amend(T)	11-1-07	461-145-0088	10-1-07	Amend	11-1-07
461-135-0510	1-1-07	Amend	2-1-07	461-145-0100	4-1-07	Amend	5-1-07
461-135-0510	7-1-07	Amend	8-1-07	461-145-0105	7-1-07	Amend	8-1-07
461-135-0520	1-1-07	Amend	2-1-07	461-145-0108	1-1-07	Amend	2-1-07
461-135-0550	7-1-07	Amend	8-1-07	461-145-0110	10-1-07	Amend	11-1-07
461-135-0708	1-1-07	Amend	2-1-07	461-145-0120	4-1-07	Amend	5-1-07
461-135-0725	1-1-07	Amend	2-1-07	461-145-0120	10-1-07	Amend	11-1-07
461-135-0730	4-1-07	Amend	5-1-07	461-145-0130	1-1-07	Amend	2-1-07
461-135-0745	10-1-07	Adopt	11-1-07	461-145-0130	4-1-07	Amend	5-1-07
461-135-0750	1-1-07	Amend	2-1-07	461-145-0130	10-1-07	Amend	11-1-07
461-135-0750	4-1-07	Amend	5-1-07	461-145-0140	1-1-07	Amend	2-1-07
461-135-0750	10-1-07	Amend	11-1-07	461-145-0140	4-1-07	Amend	5-1-07
461-135-0780	1-1-07	Amend	2-1-07	461-145-0175	1-1-07	Amend	2-1-07
461-135-0900	10-1-07	Amend	11-1-07	461-145-0180	10-1-07	Amend	11-1-07
461-135-0950	1-1-07	Amend	2-1-07	461-145-0185	1-1-07	Adopt	2-1-07
461-135-0950	7-1-07	Amend	8-1-07	461-145-0210	10-1-07	Amend	11-1-07
461-135-0960	1-1-07	Amend	2-1-07	461-145-0220	1-1-07	Amend	2-1-07
461-135-0990	10-1-07	Amend	11-1-07	461-145-0240	10-1-07	Amend	11-1-07
461-135-1110	7-1-07	Amend	8-1-07	461-145-0250	1-1-07	Amend	2-1-07
461-135-1195	10-1-07	Adopt(T)	11-1-07	461-145-0250	4-1-07	Amend	5-1-07
461-135-1225	7-1-07	Amend	8-1-07	461-145-0260	10-1-07	Amend	11-1-07
461-135-1230	10-1-07	Amend	11-1-07	461-145-0270	10-1-07	Amend	11-1-07
461-135-1250	10-1-07	Adopt(T)	11-1-07	461-145-0280	1-1-07	Amend	2-1-07
461-140-0020	10-1-07	Amend	11-1-07	461-145-0280	7-1-07	Amend	8-1-07
461-140-0040	4-1-07	Amend	5-1-07	461-145-0280	10-1-07	Amend	11-1-07
461-140-0040	10-1-07	Amend	11-1-07	461-145-0290	10-1-07	Amend	11-1-07
461-140-0120	4-1-07	Amend	5-1-07	461-145-0300	10-1-07	Amend	11-1-07
461-140-0210	1-1-07	Amend	2-1-07	461-145-0310	1-1-07	Amend	2-1-07
461-140-0220	1-1-07	Amend	2-1-07	461-145-0320	7-1-07	Amend	8-1-07
461-140-0242	1-1-07	Amend	2-1-07	461-145-0330	1-1-07	Amend	2-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-145-0330	7-1-07	Amend	8-1-07	461-155-0250	4-1-07	Amend	5-1-07
461-145-0340	1-1-07	Amend	2-1-07	461-155-0250	4-1-07	Amend(T)	5-1-07
461-145-0340	10-1-07	Amend	11-1-07	461-155-0250	7-1-07	Amend	8-1-07
461-145-0343	1-1-07	Adopt	2-1-07	461-155-0250	10-1-07	Amend	11-1-07
461-145-0345	10-1-07	Amend	11-1-07	461-155-0250(T)	3-9-07	Suspend	4-1-07
461-145-0360	10-1-07	Amend	11-1-07	461-155-0250(T)	4-1-07	Suspend	5-1-07
461-145-0365	10-1-07	Amend	11-1-07	461-155-0270	1-1-07	Amend	2-1-07
461-145-0380	4-1-07	Amend	5-1-07	461-155-0290	3-1-07	Amend(T)	4-1-07
461-145-0380	10-1-07	Amend	11-1-07	461-155-0290	4-1-07	Amend	5-1-07
461-145-0400	10-1-07	Amend	11-1-07	461-155-0291	3-1-07	Amend(T)	4-1-07
461-145-0410	10-1-07	Amend	11-1-07	461-155-0291	4-1-07	Amend	5-1-07
461-145-0410	10-1-07	Amend(T)	11-1-07	461-155-0295	3-1-07	Amend(T)	4-1-07
461-145-0415	10-1-07	Amend	11-1-07	461-155-0295	4-1-07	Amend	5-1-07
461-145-0420	4-1-07	Amend	5-1-07	461-155-0300	1-1-07	Amend	2-1-07
461-145-0430	10-1-07	Amend	11-1-07	461-155-0320	10-1-07	Adopt(T)	11-1-07
461-145-0433	4-1-07	Amend	5-1-07	461-155-0530	4-1-07	Amend	5-1-07
461-145-0440	1-1-07	Amend	2-1-07	461-155-0630	10-1-07	Amend	11-1-07
461-145-0440	10-1-07	Amend	11-1-07	461-155-0660	1-1-07	Amend	2-1-07
461-145-0455	4-1-07	Amend	5-1-07	461-155-0670	4-1-07	Amend	5-1-07
461-145-0460	10-1-07	Amend	11-1-07	461-155-0670	10-1-07	Amend(T)	11-1-07
461-145-0470	1-1-07	Amend	2-1-07	461-155-0680	10-1-07	Amend	11-1-07
461-145-0470	7-1-07	Amend	8-1-07	461-160-0010	1-1-07	Amend	2-1-07
461-145-0490	4-1-07	Amend	5-1-07	461-160-0015	1-1-07	Amend	2-1-07
461-145-0490	7-1-07	Amend	8-1-07	461-160-0020	1-1-07	Repeal	2-1-07
461-145-0505	1-1-07	Amend	2-1-07	461-160-0040	10-1-07	Amend	11-1-07
461-145-0510	4-1-07	Amend	5-1-07	461-160-0055	1-1-07	Amend	2-1-07
461-145-0510	10-1-07	Amend	11-1-07	461-160-0090	1-1-07	Amend	2-1-07
461-145-0540	1-1-07	Amend	2-1-07	461-160-0400	1-1-07	Amend	2-1-07
461-145-0540	1-1-07	Amend	2-1-07	461-160-0415	1-1-07	Amend	2-1-07
461-145-0540	4-1-07	Amend	5-1-07	461-160-0420	10-1-07	Amend	11-1-07
461-145-0540	10-1-07	Amend	11-1-07	461-160-0430	1-1-07	Amend	2-1-07
461-145-0570	1-1-07	Amend	2-1-07	461-160-0430	10-1-07	Amend	11-1-07
461-145-0580	1-1-07	Amend	2-1-07	461-160-0430	10-1-07	Amend(T)	11-1-07
461-145-0582	7-1-07	Amend	8-1-07	461-160-0500	1-1-07	Amend	2-1-07
461-145-0600	4-1-07	Amend	5-1-07	461-160-0560	1-1-07	Am. & Ren.	2-1-07
461-145-0600	10-1-07	Amend	11-1-07	461-160-0580	1-1-07	Amend	2-1-07
461-145-0920	4-1-07	Amend	5-1-07	461-160-0580	4-1-07	Amend	5-1-07
461-145-0930	4-1-07	Amend	5-1-07	461-160-0610	1-1-07	Amend	2-1-07
461-150-0010	1-1-07	Repeal	2-1-07	461-160-0610	4-1-07	Amend	5-1-07
461-150-0055	1-1-07	Amend	2-1-07	461-160-0610	7-1-07	Amend	8-1-07
461-150-0060	10-1-07	Amend	11-1-07	461-160-0620	1-1-07	Amend	2-1-07
461-150-0070	1-1-07	Amend	2-1-07	461-160-0620	4-1-07	Amend	5-1-07
461-150-0080	1-1-07	Amend	2-1-07	461-160-0620	7-1-07	Amend	8-1-07
461-155-0010	10-1-07	Amend	11-1-07	461-160-0780	1-1-07	Amend	2-1-07
461-155-0030	7-1-07	Amend(T)	8-1-07	461-165-0030	10-1-07	Amend	11-1-07
461-155-0030	10-1-07	Amend	11-1-07	461-165-0030	10-1-07	Amend(T)	11-1-07
461-155-0150	10-1-07	Amend(T)	11-1-07	461-165-0060	7-1-07	Amend	8-1-07
461-155-0180	1-24-07	Amend	3-1-07	461-165-0120	4-1-07	Amend	5-1-07
461-155-0190	10-1-07	Amend	11-1-07	461-165-0180	1-1-07	Amend	2-1-07
461-155-0225	1-1-07	Amend	2-1-07	461-170-0020	1-1-07	Amend	2-1-07
461-155-0225	4-1-07	Amend	5-1-07	461-170-0020	4-1-07	Amend	5-1-07
461-155-0225	10-1-07	Amend	11-1-07	461-170-0020	10-1-07	Amend	11-1-07
461-155-0235	1-24-07	Amend	3-1-07	461-170-0020	10-1-07	Amend(T)	11-1-07
461-155-0250	1-1-07	Amend	2-1-07	461-170-0030	10-1-07	Amend(T)	11-1-07
461-155-0250	3-1-07	Amend(T)	4-1-07	461-170-0035	4-1-07	Amend	5-1-07
461-155-0250	3-9-07	Amend(T)	4-1-07	461-170-0101	1-1-07	Amend	2-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-170-0102	1-1-07	Amend	2-1-07	462-160-0030	3-7-07	Repeal	4-1-07
461-170-0103	1-1-07	Amend	2-1-07	462-160-0100	3-7-07	Adopt	4-1-07
461-170-0130	1-1-07	Amend	2-1-07	462-160-0100(T)	3-7-07	Repeal	4-1-07
461-175-0010	1-1-07	Amend	2-1-07	462-160-0110	3-7-07	Adopt	4-1-07
461-175-0010	7-1-07	Amend	8-1-07	462-160-0110(T)	3-7-07	Repeal	4-1-07
461-175-0030	1-1-07	Repeal	2-1-07	462-160-0120	3-7-07	Adopt	4-1-07
461-175-0050	4-1-07	Amend	5-1-07	462-160-0120(T)	3-7-07	Repeal	4-1-07
461-175-0200	7-1-07	Amend	8-1-07	462-160-0130	3-7-07	Adopt	4-1-07
461-175-0200	10-1-07	Amend	11-1-07	462-160-0130(T)	3-7-07	Repeal	4-1-07
461-175-0206	4-1-07	Amend	5-1-07	462-160-0140	3-7-07	Adopt	4-1-07
461-175-0230	7-1-07	Amend	8-1-07	462-160-0140	3-7-07	Amend(T)	4-1-07
461-175-0250	1-1-07	Amend	2-1-07	462-160-0140	8-6-07	Amend	9-1-07
461-175-0250	7-1-07	Amend	8-1-07	462-160-0140(T)	3-7-07	Repeal	4-1-07
461-175-0270	4-1-07	Amend	5-1-07	462-200-0630	7-1-07	Suspend	8-1-07
461-175-0305	10-1-07	Amend	11-1-07	462-210-0030	7-1-07	Amend	5-1-07
461-180-0010	4-1-07	Amend	5-1-07	462-220-0030	7-1-07	Amend	5-1-07
461-180-0010	10-1-07	Amend(T)	11-1-07	462-220-0070	7-1-07	Amend	5-1-07
461-180-0020	4-1-07	Amend	5-1-07	462-220-0090	7-1-07	Adopt	5-1-07
461-180-0020	10-1-07	Amend	11-1-07	471-030-0017	7-14-07	Amend	8-1-07
461-180-0020	10-1-07	Amend(T)	11-1-07	471-030-0050	9-26-07	Amend(T)	11-1-07
461-180-0044	1-1-07	Amend	2-1-07	471-030-0050	9-26-07	Amend(T)	11-1-07
461-180-0044	4-1-07	Amend	5-1-07	471-030-0074	12-3-06	Amend(T)	1-1-07
461-180-0070	10-1-07	Amend(T)	11-1-07	471-030-0074	1-29-07	Amend	3-1-07
461-180-0081	10-1-07	Amend(T)	11-1-07	471-030-0075	12-3-06	Amend(T)	1-1-07
461-180-0085	1-1-07	Amend	2-1-07	471-030-0075	1-29-07	Amend	3-1-07
461-180-0090	1-1-07	Amend	2-1-07	471-031-0181	2-1-07	Adopt	3-1-07
461-180-0090	10-1-07	Amend	11-1-07	471-040-0010	12-3-06	Amend	1-1-07
461-185-0050	1-1-07	Amend	2-1-07	471-040-0040	12-3-06	Amend	1-1-07
461-190-0110	1-1-07	Am. & Ren.	2-1-07	471-040-0041	12-3-06	Adopt	1-1-07
461-190-0151	10-1-07	Amend(T)	11-1-07	571-004-0016	2-14-07	Amend(T)	3-1-07
461-190-0161	1-1-07	Repeal	2-1-07	571-004-0016	8-1-07	Amend	9-1-07
461-190-0163	10-1-07	Amend(T)	11-1-07	571-011-0015	3-1-07	Amend	4-1-07
461-190-0171	10-1-07	Amend(T)	11-1-07	571-021-0005	2-14-07	Suspend	3-1-07
461-190-0195	4-1-07	Amend	5-1-07	571-021-0005	8-1-07	Repeal	9-1-07
461-190-0195	9-1-07	Amend(T)	10-1-07	571-021-0009	2-14-07	Suspend	3-1-07
461-190-0197	1-1-07	Amend	2-1-07	571-021-0009	8-1-07	Repeal	9-1-07
461-190-0201	10-1-07	Suspend	11-1-07	571-021-0015	2-14-07	Suspend	3-1-07
461-190-0211	10-1-07	Amend(T)	11-1-07	571-021-0015	8-1-07	Repeal	9-1-07
461-190-0231	10-1-07	Amend(T)	11-1-07	571-021-0019	2-14-07	Suspend	3-1-07
461-190-0241	10-1-07	Amend(T)	11-1-07	571-021-0019	8-1-07	Repeal	9-1-07
461-190-0310	1-1-07	Amend	2-1-07	571-021-0024	2-14-07	Suspend	3-1-07
461-195-0301	1-1-07	Amend	2-1-07	571-021-0024	8-1-07	Repeal	9-1-07
461-195-0305	1-1-07	Amend	2-1-07	571-021-0029	2-14-07	Suspend	3-1-07
461-195-0310	1-1-07	Amend	2-1-07	571-021-0029	8-1-07	Repeal	9-1-07
461-195-0325	1-1-07	Amend	2-1-07	571-021-0030	2-14-07	Suspend	3-1-07
461-195-0501	10-1-07	Amend(T)	11-1-07	571-021-0030	8-1-07	Repeal	9-1-07
461-195-0511	1-1-07	Amend	2-1-07	571-021-0035	2-14-07	Suspend	3-1-07
461-195-0521	7-1-07	Amend	8-1-07	571-021-0035	8-1-07	Repeal	9-1-07
461-195-0541	1-1-07	Amend	2-1-07	571-021-0038	2-14-07	Suspend	3-1-07
461-195-0541	4-1-07	Amend	5-1-07	571-021-0038	8-1-07	Repeal	9-1-07
461-195-0551	10-1-07	Amend(T)	11-1-07	571-021-0040	2-14-07	Suspend	3-1-07
461-195-0561	10-1-07	Amend(T)	11-1-07	571-021-0040	8-1-07	Repeal	9-1-07
461-195-0601	10-1-07	Amend(T)	11-1-07	571-021-0045	2-14-07	Suspend	3-1-07
461-195-0611	1-1-07	Amend	2-1-07	571-021-0045	8-1-07	Repeal	9-1-07
462-160-0010	3-7-07	Repeal	4-1-07	571-021-0050	2-14-07	Suspend	3-1-07
462-160-0020	3-7-07	Repeal	4-1-07	571-021-0050	8-1-07	Repeal	9-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
571-021-0055	2-14-07	Suspend	3-1-07	571-023-0000	2-14-07	Adopt(T)	3-1-07
571-021-0055	8-1-07	Repeal	9-1-07	571-023-0000	8-1-07	Adopt	9-1-07
571-021-0056	2-14-07	Suspend	3-1-07	571-023-0005	2-14-07	Amend(T)	3-1-07
571-021-0056	8-1-07	Repeal	9-1-07	571-023-0005	8-1-07	Amend	9-1-07
571-021-0057	2-14-07	Suspend	3-1-07	571-023-0010	2-14-07	Suspend	3-1-07
571-021-0057	8-1-07	Repeal	9-1-07	571-023-0010	8-1-07	Repeal	9-1-07
571-021-0060	2-14-07	Suspend	3-1-07	571-023-0015	2-14-07	Suspend	3-1-07
571-021-0060	8-1-07	Repeal	9-1-07	571-023-0015	8-1-07	Repeal	9-1-07
571-021-0064	2-14-07	Suspend	3-1-07	571-023-0020	2-14-07	Suspend	3-1-07
571-021-0064	8-1-07	Repeal	9-1-07	571-023-0020	8-1-07	Repeal	9-1-07
571-021-0068	2-14-07	Suspend	3-1-07	571-023-0025	2-14-07	Amend(T)	3-1-07
571-021-0068	8-1-07	Repeal	9-1-07	571-023-0025	8-1-07	Amend	9-1-07
571-021-0070	2-14-07	Suspend	3-1-07	571-023-0030	2-14-07	Suspend	3-1-07
571-021-0070	8-1-07	Repeal	9-1-07	571-023-0030	8-1-07	Repeal	9-1-07
571-021-0072	2-14-07	Suspend	3-1-07	571-023-0035	2-14-07	Suspend	3-1-07
571-021-0072	8-1-07	Repeal	9-1-07	571-023-0035	8-1-07	Repeal	9-1-07
571-021-0073	2-14-07	Suspend	3-1-07	571-023-0040	2-14-07	Suspend	3-1-07
571-021-0073	8-1-07	Repeal	9-1-07	571-023-0040	8-1-07	Repeal	9-1-07
571-021-0100	2-14-07	Adopt(T)	3-1-07	571-023-0100	2-14-07	Adopt(T)	3-1-07
571-021-0100	8-1-07	Adopt	9-1-07	571-023-0100	8-1-07	Adopt	9-1-07
571-021-0105	2-14-07	Adopt(T)	3-1-07	571-023-0105	2-14-07	Adopt(T)	3-1-07
571-021-0105	8-1-07	Adopt	9-1-07	571-023-0105	8-1-07	Adopt	9-1-07
571-021-0110	2-14-07	Adopt(T)	3-1-07	571-023-0110	2-14-07	Adopt(T)	3-1-07
571-021-0110	8-1-07	Adopt	9-1-07	571-023-0110	8-1-07	Adopt	9-1-07
571-021-0115	2-14-07	Adopt(T)	3-1-07	571-023-0115	2-14-07	Adopt(T)	3-1-07
571-021-0115	8-1-07	Adopt	9-1-07	571-023-0115	8-1-07	Adopt	9-1-07
571-021-0120	2-14-07	Adopt(T)	3-1-07	571-023-0120	2-14-07	Adopt(T)	3-1-07
571-021-0120	8-1-07	Adopt	9-1-07	571-023-0120	8-1-07	Adopt	9-1-07
571-021-0125	2-14-07	Adopt(T)	3-1-07	571-040-0010	2-14-07	Adopt(T)	3-1-07
571-021-0125	8-1-07	Adopt	9-1-07	571-040-0010	8-1-07	Adopt	9-1-07
571-021-0130	2-14-07	Adopt(T)	3-1-07	571-040-0015	2-14-07	Adopt(T)	3-1-07
571-021-0130	8-1-07	Adopt	9-1-07	571-040-0015	8-1-07	Adopt	9-1-07
571-021-0140	2-14-07	Adopt(T)	3-1-07	571-040-0020	2-14-07	Am. & Ren.(T)	3-1-07
571-021-0140	8-1-07	Adopt	9-1-07	571-040-0030	2-14-07	Am. & Ren.(T)	3-1-07
571-021-0150	2-14-07	Adopt(T)	3-1-07	571-040-0040	2-14-07	Am. & Ren.(T)	3-1-07
571-021-0150	8-1-07	Adopt	9-1-07	571-040-0050	2-14-07	Am. & Ren.(T)	3-1-07
571-021-0160	2-14-07	Adopt(T)	3-1-07	571-040-0060	2-14-07	Am. & Ren.(T)	3-1-07
571-021-0160	8-1-07	Adopt	9-1-07	571-040-0070	2-14-07	Am. & Ren.(T)	3-1-07
571-021-0165	2-14-07	Adopt(T)	3-1-07	571-040-0080	2-14-07	Am. & Ren.(T)	3-1-07
571-021-0165	8-1-07	Adopt	9-1-07	571-040-0100	2-14-07	Adopt(T)	3-1-07
571-021-0200	2-14-07	Adopt(T)	3-1-07	571-040-0100	8-1-07	Adopt	9-1-07
571-021-0200	8-1-07	Adopt	9-1-07	571-040-0200	8-1-07	Am. & Ren.	9-1-07
571-021-0205	2-14-07	Adopt(T)	3-1-07	571-040-0201	2-14-07	Am. & Ren.(T)	3-1-07
571-021-0205	8-1-07	Adopt	9-1-07	571-040-0210	8-1-07	Am. & Ren.	9-1-07
571-021-0210	2-14-07	Adopt(T)	3-1-07	571-040-0220	2-14-07	Suspend	3-1-07
571-021-0210	8-1-07	Adopt	9-1-07	571-040-0220	8-1-07	Repeal	9-1-07
571-021-0215	2-14-07	Adopt(T)	3-1-07	571-040-0230	8-1-07	Am. & Ren.	9-1-07
571-021-0215	8-1-07	Adopt	9-1-07	571-040-0240	2-14-07	Suspend	3-1-07
571-021-0220	2-14-07	Adopt(T)	3-1-07	571-040-0240	8-1-07	Repeal	9-1-07
571-021-0220	8-1-07	Adopt	9-1-07	571-040-0243	8-1-07	Am. & Ren.	9-1-07
571-021-0230	2-14-07	Adopt(T)	3-1-07	571-040-0250	8-1-07	Am. & Ren.	9-1-07
571-021-0230	8-1-07	Adopt	9-1-07	571-040-0251	2-14-07	Am. & Ren.(T)	3-1-07
571-021-0240	2-14-07	Adopt(T)	3-1-07	571-040-0253	2-14-07	Suspend	3-1-07
571-021-0240	8-1-07	Adopt	9-1-07	571-040-0253	8-1-07	Repeal	9-1-07
571-021-0250	2-14-07	Adopt(T)	3-1-07	571-040-0260	8-1-07	Am. & Ren.	9-1-07
571-021-0250	8-1-07	Adopt	9-1-07	571-040-0261	2-14-07	Am. & Ren.(T)	3-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
571-040-0263	8-1-07	Am. & Ren.	9-1-07	571-100-0060	8-1-07	Adopt	9-1-07
571-040-0270	8-1-07	Am. & Ren.	9-1-07	571-100-0070	2-20-07	Adopt(T)	4-1-07
571-040-0271	8-1-07	Am. & Ren.	9-1-07	571-100-0070	8-1-07	Adopt	9-1-07
571-040-0280	2-14-07	Suspend	3-1-07	571-100-0080	2-20-07	Adopt(T)	4-1-07
571-040-0280	8-1-07	Repeal	9-1-07	571-100-0080	8-1-07	Adopt	9-1-07
571-040-0290	8-1-07	Am. & Ren.	9-1-07	571-100-0090	2-20-07	Adopt(T)	4-1-07
571-040-0310	8-1-07	Am. & Ren.	9-1-07	571-100-0090	8-1-07	Adopt	9-1-07
571-040-0320	8-1-07	Am. & Ren.	9-1-07	571-100-0100	2-20-07	Adopt(T)	4-1-07
571-040-0350	8-1-07	Am. & Ren.	9-1-07	571-100-0100	8-1-07	Adopt	9-1-07
571-040-0352	8-1-07	Am. & Ren.	9-1-07	571-100-0110	2-20-07	Adopt(T)	4-1-07
571-040-0360	8-1-07	Am. & Ren.	9-1-07	571-100-0110	8-1-07	Adopt	9-1-07
571-040-0361	8-1-07	Am. & Ren.	9-1-07	571-100-0120	2-20-07	Adopt(T)	4-1-07
571-040-0370	8-1-07	Am. & Ren.	9-1-07	571-100-0120	8-1-07	Adopt	9-1-07
571-040-0371	8-1-07	Am. & Ren.	9-1-07	571-100-0130	2-20-07	Adopt(T)	4-1-07
571-040-0380	2-14-07	Amend(T)	3-1-07	571-100-0130	8-1-07	Adopt	9-1-07
571-040-0380	8-1-07	Amend	9-1-07	571-100-0140	2-20-07	Adopt(T)	4-1-07
571-040-0382	2-14-07	Amend(T)	3-1-07	571-100-0140	8-1-07	Adopt	9-1-07
571-040-0382	8-1-07	Amend	9-1-07	571-100-0150	2-20-07	Adopt(T)	4-1-07
571-040-0390	2-14-07	Amend(T)	3-1-07	571-100-0150	8-1-07	Adopt	9-1-07
571-040-0390	8-1-07	Amend	9-1-07	571-100-0160	2-20-07	Adopt(T)	4-1-07
571-040-0400	2-14-07	Adopt(T)	3-1-07	571-100-0160	8-1-07	Adopt	9-1-07
571-040-0400	8-1-07	Adopt	9-1-07	573-040-0005	4-25-07	Amend	6-1-07
571-040-0410	2-14-07	Am. & Ren.(T)	3-1-07	573-050-0010	7-23-07	Amend	9-1-07
571-040-0420	2-14-07	Am. & Ren.(T)	3-1-07	573-050-0025	7-23-07	Amend	9-1-07
571-040-0430	2-14-07	Am. & Ren.(T)	3-1-07	573-050-0030	7-23-07	Amend	9-1-07
571-040-0440	2-14-07	Am. & Ren.(T)	3-1-07	573-050-0035	7-23-07	Amend	9-1-07
571-040-0450	2-14-07	Am. & Ren.(T)	3-1-07	573-050-0040	7-23-07	Amend	9-1-07
571-040-0450	2-14-07	Am. & Ren.(T)	3-1-07	573-050-0045	7-23-07	Amend	9-1-07
571-040-0450	2-14-07	Am. & Ren.(T)	3-1-07	573-080-0005	6-4-07	Amend	7-1-07
571-040-0460	2-14-07	Am. & Ren.(T)	3-1-07	574-050-0005	3-5-07	Amend	4-1-07
571-050-0011	8-31-07	Amend	10-1-07	574-050-0005	7-31-07	Amend	9-1-07
571-050-0100	6-4-07	Adopt(T)	7-1-07	574-060-0010	9-5-07	Amend	10-1-07
571-050-0105	6-4-07	Adopt(T)	7-1-07	574-085-0040	9-5-07	Amend	10-1-07
571-050-0110	6-4-07	Adopt(T)	7-1-07	574-085-0090	9-5-07	Amend	10-1-07
571-050-0115	6-4-07	Adopt(T)	7-1-07	574-085-0100	9-5-07	Amend	10-1-07
571-050-0120	6-4-07	Adopt(T)	7-1-07	574-085-0110	9-5-07	Amend	10-1-07
571-050-0125	6-4-07	Adopt(T)	7-1-07	575-071-0000	10-3-07	Amend	11-1-07
571-050-0130	6-4-07	Adopt(T)	7-1-07	575-071-0010	10-3-07	Amend	11-1-07
571-050-0135	6-4-07	Adopt(T)	7-1-07	575-071-0020	10-3-07	Amend	11-1-07
571-060-0005	2-22-07	Amend	4-1-07	575-071-0030	10-3-07	Amend	11-1-07
571-060-0005	3-12-07	Amend	4-1-07	575-071-0035	10-3-07	Amend	11-1-07
571-060-0005	6-29-07	Amend	6-1-07	575-071-0040	10-3-07	Amend	11-1-07
571-060-0005	6-29-07	Amend	8-1-07	575-076-0005	10-3-07	Adopt	11-1-07
571-100-0000	2-20-07	Adopt(T)	4-1-07	575-076-0010	10-3-07	Adopt	11-1-07
571-100-0000	8-1-07	Adopt	9-1-07	575-076-0015	10-3-07	Adopt	11-1-07
571-100-0010	2-20-07	Adopt(T)	4-1-07	575-076-0025	10-3-07	Adopt	11-1-07
571-100-0010	8-1-07	Adopt	9-1-07	575-076-0030	10-3-07	Adopt	11-1-07
571-100-0020	2-20-07	Adopt(T)	4-1-07	575-077-0005	10-3-07	Adopt(T)	11-1-07
571-100-0020	8-1-07	Adopt	9-1-07	575-077-0010	10-3-07	Adopt(T)	11-1-07
571-100-0030	2-20-07	Adopt(T)	4-1-07	575-077-0015	10-3-07	Adopt(T)	11-1-07
571-100-0030	8-1-07	Adopt	9-1-07	575-077-0020	10-3-07	Adopt(T)	11-1-07
571-100-0040	2-20-07	Adopt(T)	4-1-07	575-077-0025	10-3-07	Adopt(T)	11-1-07
571-100-0040	8-1-07	Adopt	9-1-07	575-077-0030	10-3-07	Adopt(T)	11-1-07
571-100-0050	2-20-07	Adopt(T)	4-1-07	575-077-0035	10-3-07	Adopt(T)	11-1-07
571-100-0050	8-1-07	Adopt	9-1-07	575-077-0040	10-3-07	Adopt(T)	11-1-07
571-100-0060	2-20-07	Adopt(T)	4-1-07	575-095-0005	10-12-07	Adopt(T)	11-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
575-095-0010	10-12-07	Adopt(T)	11-1-07	580-043-0065	8-23-07	Amend(T)	9-1-07
575-095-0015	10-12-07	Adopt(T)	11-1-07	580-043-0070	8-23-07	Amend(T)	9-1-07
576-010-0000	7-1-07	Amend	8-1-07	580-043-0075	8-23-07	Amend(T)	9-1-07
577-031-0140	1-5-07	Amend	2-1-07	580-043-0085	8-23-07	Amend(T)	9-1-07
577-060-0020	7-5-07	Amend	8-1-07	580-043-0090	8-23-07	Amend(T)	9-1-07
577-070-0005	1-5-07	Amend	2-1-07	580-043-0095	8-23-07	Amend(T)	9-1-07
577-070-0010	1-5-07	Amend	2-1-07	580-043-0100	8-23-07	Adopt(T)	9-1-07
577-070-0015	1-5-07	Amend	2-1-07	580-055-0000	7-23-07	Adopt	9-1-07
577-070-0020	1-5-07	Amend	2-1-07	580-055-0010	7-23-07	Adopt	9-1-07
577-070-0025	1-5-07	Amend	2-1-07	580-055-0020	7-23-07	Adopt	9-1-07
577-070-0030	1-5-07	Amend	2-1-07	580-055-0030	7-23-07	Adopt	9-1-07
577-070-0035	1-5-07	Amend	2-1-07	580-055-0040	7-23-07	Adopt	9-1-07
577-070-0045	1-5-07	Amend	2-1-07	580-055-0050	7-23-07	Adopt	9-1-07
577-070-0050	1-5-07	Amend	2-1-07	580-055-0060	7-23-07	Adopt	9-1-07
578-041-0030	6-7-07	Amend	7-1-07	580-055-0070	7-23-07	Adopt	9-1-07
578-072-0020	6-7-07	Amend	7-1-07	580-055-0080	7-23-07	Adopt	9-1-07
578-072-0030	6-7-07	Amend	7-1-07	581-001-0005	2-21-07	Amend	4-1-07
578-072-0050	6-7-07	Amend	7-1-07	581-001-0100	7-6-07	Amend(T)	8-1-07
578-072-0070	6-7-07	Amend	7-1-07	581-011-0050	4-27-07	Amend	6-1-07
578-072-0091	6-7-07	Amend	7-1-07	581-011-0052	4-27-07	Adopt	6-1-07
579-020-0006	5-14-07	Amend	6-1-07	581-011-0077	12-12-06	Amend	1-1-07
579-020-0006	8-15-07	Amend(T)	9-1-07	581-011-0131	1-26-07	Adopt	3-1-07
579-040-0005	5-15-07	Amend	9-1-07	581-015-0033	4-25-07	Repeal	6-1-07
579-040-0007	5-15-07	Amend	9-1-07	581-015-0051	4-25-07	Repeal	6-1-07
579-040-0010	5-15-07	Amend	9-1-07	581-015-0071	4-25-07	Repeal	6-1-07
579-040-0013	5-15-07	Amend	9-1-07	581-015-0072	4-25-07	Repeal	6-1-07
579-040-0015	5-15-07	Amend	9-1-07	581-015-0074	4-25-07	Repeal	6-1-07
579-040-0020	5-15-07	Amend	9-1-07	581-015-0085	4-25-07	Repeal	6-1-07
579-040-0030	5-15-07	Amend	9-1-07	581-015-0087	4-25-07	Repeal	6-1-07
579-040-0030	8-15-07	Amend	9-1-07	581-015-0111	4-25-07	Repeal	6-1-07
579-040-0045	5-15-07	Amend	9-1-07	581-015-0115	4-25-07	Repeal	6-1-07
579-070-0005	8-15-07	Amend	9-1-07	581-015-0702	4-25-07	Repeal	6-1-07
579-070-0010	8-15-07	Amend	9-1-07	581-015-0704	4-25-07	Repeal	6-1-07
579-070-0015	8-15-07	Amend	9-1-07	581-015-0709	4-25-07	Repeal	6-1-07
579-070-0035	8-15-07	Amend	9-1-07	581-015-0750	4-25-07	Repeal	6-1-07
579-070-0041	8-15-07	Amend	9-1-07	581-015-0805	4-25-07	Repeal	6-1-07
579-070-0042	8-15-07	Amend	9-1-07	581-015-0811	4-25-07	Repeal	6-1-07
579-070-0043	8-15-07	Amend	9-1-07	581-015-0816	4-25-07	Repeal	6-1-07
579-070-0045	8-15-07	Amend	9-1-07	581-015-0820	4-25-07	Repeal	6-1-07
580-020-0020	1-11-07	Repeal	2-1-07	581-015-0825	4-25-07	Repeal	6-1-07
580-023-0005	11-29-06	Adopt	1-1-07	581-015-2000	4-25-07	Am. & Ren.	6-1-07
580-023-0010	11-29-06	Adopt	1-1-07	581-015-2005	4-25-07	Am. & Ren.	6-1-07
580-023-0015	11-29-06	Adopt	1-1-07	581-015-2010	4-25-07	Am. & Ren.	6-1-07
580-023-0020	11-29-06	Adopt	1-1-07	581-015-2015	4-25-07	Am. & Ren.	6-1-07
580-023-0025	11-29-06	Adopt	1-1-07	581-015-2020	4-25-07	Am. & Ren.	6-1-07
580-023-0030	11-29-06	Adopt	1-1-07	581-015-2025	4-25-07	Am. & Ren.	6-1-07
580-023-0035	11-29-06	Adopt	1-1-07	581-015-2030	4-25-07	Am. & Ren.	6-1-07
580-023-0040	11-29-06	Adopt	1-1-07	581-015-2040	4-25-07	Am. & Ren.	6-1-07
580-023-0045	11-29-06	Adopt	1-1-07	581-015-2045	4-25-07	Am. & Ren.	6-1-07
580-023-0050	11-29-06	Adopt	1-1-07	581-015-2050	4-25-07	Am. & Ren.	6-1-07
580-023-0055	11-29-06	Adopt	1-1-07	581-015-2055	4-25-07	Am. & Ren.	6-1-07
580-023-0060	11-29-06	Adopt	1-1-07	581-015-2060	4-25-07	Adopt	6-1-07
580-023-0065	11-29-06	Adopt	1-1-07	581-015-2065	4-25-07	Am. & Ren.	6-1-07
580-040-0035	1-11-07	Amend	2-1-07	581-015-2070	4-25-07	Am. & Ren.	6-1-07
580-040-0040	6-21-07	Amend	8-1-07	581-015-2075	4-25-07	Adopt	6-1-07
580-043-0060	8-23-07	Amend(T)	9-1-07	581-015-2080	4-25-07	Am. & Ren.	6-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
581-015-2735	4-25-07	Am. & Ren.	6-1-07	581-021-0400	3-1-07	Amend	4-1-07
581-015-2740	4-25-07	Am. & Ren.	6-1-07	581-021-0410	3-1-07	Amend	4-1-07
581-015-2745	4-25-07	Am. & Ren.	6-1-07	581-021-0440	3-1-07	Repeal	4-1-07
581-015-2750	4-25-07	Am. & Ren.	6-1-07	581-022-0613	3-1-07	Adopt(T)	4-1-07
581-015-2755	4-25-07	Am. & Ren.	6-1-07	581-022-1060	2-21-07	Amend	4-1-07
581-015-2760	4-25-07	Am. & Ren.	6-1-07	581-022-1065	2-21-07	Adopt	4-1-07
581-015-2765	4-25-07	Am. & Ren.	6-1-07	581-022-1109	3-22-07	Adopt(T)	5-1-07
581-015-2770	4-25-07	Am. & Ren.	6-1-07	581-022-1110	9-10-07	Amend	10-1-07
581-015-2775	4-25-07	Am. & Ren.	6-1-07	581-022-1130	12-12-06	Amend	1-1-07
581-015-2780	4-25-07	Am. & Ren.	6-1-07	581-022-1130	9-10-07	Amend	10-1-07
581-015-2785	4-25-07	Am. & Ren.	6-1-07	581-022-1210	9-10-07	Amend	10-1-07
581-015-2790	4-25-07	Am. & Ren.	6-1-07	581-022-1350	4-25-07	Amend	7-1-07
581-015-2795	4-25-07	Am. & Ren.	6-1-07	581-022-1350	9-10-07	Amend	10-1-07
581-015-2800	4-25-07	Am. & Ren.	6-1-07	581-022-1440	7-6-07	Amend	8-1-07
581-015-2805	4-25-07	Am. & Ren.	6-1-07	581-022-1640	4-27-07	Amend	6-1-07
581-015-2810	4-25-07	Am. & Ren.	6-1-07	581-023-0006	2-21-07	Amend	4-1-07
581-015-2815	4-25-07	Am. & Ren.	6-1-07	581-023-0035	1-26-07	Amend	3-1-07
581-015-2820	4-25-07	Am. & Ren.	6-1-07	581-045-0001	1-1-07	Amend	1-1-07
581-015-2825	4-25-07	Am. & Ren.	6-1-07	581-045-0006	1-1-07	Amend	1-1-07
581-015-2830	4-25-07	Am. & Ren.	6-1-07	581-045-0012	1-1-07	Amend	1-1-07
581-015-2835	4-25-07	Am. & Ren.	6-1-07	581-045-0014	1-1-07	Amend	1-1-07
581-015-2840	4-25-07	Am. & Ren.	6-1-07	581-045-0018	1-1-07	Amend	1-1-07
581-015-2845	4-25-07	Am. & Ren.	6-1-07	581-045-0019	1-1-07	Amend	1-1-07
581-015-2850	4-25-07	Am. & Ren.	6-1-07	581-045-0023	1-1-07	Amend	1-1-07
581-015-2855	4-25-07	Am. & Ren.	6-1-07	581-045-0028	1-1-07	Renumber	1-1-07
581-015-2860	4-25-07	Am. & Ren.	6-1-07	581-045-0032	1-1-07	Amend	1-1-07
581-015-2865	4-25-07	Am. & Ren.	6-1-07	581-045-0036	1-1-07	Am. & Ren.	1-1-07
581-015-2870	4-25-07	Am. & Ren.	6-1-07	581-045-0037	1-1-07	Am. & Ren.	1-1-07
581-015-2875	4-25-07	Am. & Ren.	6-1-07	581-045-0038	1-1-07	Adopt	1-1-07
581-015-2880	4-25-07	Am. & Ren.	6-1-07	581-045-0060	1-1-07	Amend	1-1-07
581-015-2885	4-25-07	Am. & Ren.	6-1-07	581-045-0061	1-1-07	Amend	1-1-07
581-015-2890	4-25-07	Am. & Ren.	6-1-07	581-045-0062	1-1-07	Amend	1-1-07
581-015-2895	4-25-07	Am. & Ren.	6-1-07	581-045-0064	1-1-07	Amend	1-1-07
581-015-2900	4-25-07	Am. & Ren.	6-1-07	581-045-0200	1-1-07	Amend	1-1-07
581-015-2905	4-25-07	Am. & Ren.	6-1-07	581-045-0210	1-1-07	Amend	1-1-07
581-015-2910	4-25-07	Am. & Ren.	6-1-07	581-053-0002	7-6-07	Amend	8-1-07
581-021-0032	4-25-07	Adopt	6-1-07	581-053-0008	7-6-07	Amend	8-1-07
581-021-0034	4-25-07	Amend	6-1-07	584-005-0005	4-23-07	Amend	6-1-07
581-021-0061	12-12-06	Amend	1-1-07	584-005-0005	8-15-07	Amend	9-1-07
581-021-0062	12-12-06	Adopt	1-1-07	584-017-0120	11-22-06	Amend	1-1-07
581-021-0072	4-25-07	Amend	6-1-07	584-017-0120	4-23-07	Amend	6-1-07
581-021-0073	4-25-07	Adopt	6-1-07	584-017-0150	8-15-07	Amend	9-1-07
581-021-0220	3-1-07	Amend	4-1-07	584-017-0200	4-23-07	Amend	6-1-07
581-021-0250	3-1-07	Amend	4-1-07	584-017-0200	6-14-07	Amend	7-1-07
581-021-0255	3-1-07	Adopt	4-1-07	584-017-0250	8-15-07	Repeal	9-1-07
581-021-0260	3-1-07	Amend	4-1-07	584-017-0251	11-16-06	Amend	1-1-07
581-021-0265	3-1-07	Adopt	4-1-07	584-017-0251	8-15-07	Amend	9-1-07
581-021-0270	3-1-07	Amend	4-1-07	584-017-0260	8-15-07	Repeal	9-1-07
581-021-0330	3-1-07	Amend	4-1-07	584-017-0261	11-16-06	Amend	1-1-07
581-021-0340	3-1-07	Amend	4-1-07	584-017-0261	8-15-07	Amend	9-1-07
581-021-0350	3-1-07	Amend	4-1-07	584-017-0280	8-15-07	Amend	9-1-07
581-021-0360	3-1-07	Amend	4-1-07	584-017-0282	8-15-07	Amend	9-1-07
581-021-0371	3-1-07	Adopt	4-1-07	584-017-0441	11-22-06	Amend	1-1-07
581-021-0372	3-1-07	Adopt	4-1-07	584-017-0442	11-22-06	Amend	1-1-07
581-021-0380	3-1-07	Amend	4-1-07	584-017-0451	11-22-06	Amend	1-1-07
581-021-0391	3-1-07	Adopt	4-1-07	584-017-0452	11-22-06	Amend	1-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
584-021-0105	8-15-07	Amend	9-1-07	584-048-0020	4-23-07	Amend	6-1-07
584-021-0110	8-15-07	Amend	9-1-07	584-048-0025	11-22-06	Amend	1-1-07
584-021-0115	8-15-07	Amend	9-1-07	584-048-0030	11-22-06	Amend	1-1-07
584-021-0120	8-15-07	Amend	9-1-07	584-048-0032	11-22-06	Amend	1-1-07
584-021-0130	8-15-07	Amend	9-1-07	584-048-0035	11-22-06	Amend	1-1-07
584-021-0135	8-15-07	Amend	9-1-07	584-048-0040	11-22-06	Amend	1-1-07
584-021-0140	4-23-07	Amend	6-1-07	584-048-0040	8-15-07	Amend	9-1-07
584-021-0140	8-15-07	Amend	9-1-07	584-048-0042	11-22-06	Repeal	1-1-07
584-021-0150	8-15-07	Amend	9-1-07	584-048-0045	8-15-07	Amend	9-1-07
584-021-0155	8-15-07	Amend	9-1-07	584-048-0065	11-22-06	Amend	1-1-07
584-021-0160	8-15-07	Amend	9-1-07	584-048-0067	11-22-06	Amend	1-1-07
584-021-0165	8-15-07	Amend	9-1-07	584-048-0070	11-22-06	Amend	1-1-07
584-021-0170	8-15-07	Amend	9-1-07	584-048-0085	11-22-06	Amend	1-1-07
584-021-0177	8-15-07	Amend	9-1-07	584-048-0090	11-22-06	Amend	1-1-07
584-021-0180	8-15-07	Amend	9-1-07	584-048-0095	11-22-06	Amend	1-1-07
584-021-0185	8-15-07	Amend	9-1-07	584-048-0105	11-22-06	Amend	1-1-07
584-021-0190	8-15-07	Amend	9-1-07	584-048-0110	11-22-06	Amend	1-1-07
584-021-0195	8-15-07	Amend	9-1-07	584-048-0115	11-22-06	Amend	1-1-07
584-021-0202	8-15-07	Amend	9-1-07	584-048-0120	11-22-06	Amend	1-1-07
584-021-0205	8-15-07	Amend	9-1-07	584-050-0004	11-22-06	Amend	1-1-07
584-021-0210	8-15-07	Amend	9-1-07	584-050-0005	11-22-06	Amend	1-1-07
584-021-0215	8-15-07	Amend	9-1-07	584-050-0006	11-22-06	Amend	1-1-07
584-021-0220	8-15-07	Amend	9-1-07	584-050-0007	11-22-06	Repeal	1-1-07
584-021-0225	8-15-07	Amend	9-1-07	584-050-0008	11-22-06	Repeal	1-1-07
584-021-0230	8-15-07	Amend	9-1-07	584-050-0009	11-22-06	Amend	1-1-07
584-021-0235	8-15-07	Amend	9-1-07	584-050-0012	11-22-06	Amend	1-1-07
584-036-0015	8-15-07	Amend	9-1-07	584-050-0015	11-22-06	Amend	1-1-07
584-036-0055	8-15-07	Amend	9-1-07	584-050-0016	11-22-06	Adopt	1-1-07
584-036-0080	4-23-07	Adopt	6-1-07	584-050-0018	11-22-06	Adopt	1-1-07
584-036-0081	8-15-07	Amend	9-1-07	584-050-0019	11-22-06	Adopt	1-1-07
584-036-0081	9-12-07	Amend	10-1-07	584-050-0020	11-22-06	Amend	1-1-07
584-036-0082	4-23-07	Adopt	6-1-07	584-050-0022	11-22-06	Amend	1-1-07
584-038-0290	11-22-06	Amend	1-1-07	584-050-0025	11-22-06	Repeal	1-1-07
584-038-0295	11-22-06	Amend	1-1-07	584-050-0027	11-22-06	Amend	1-1-07
584-038-0310	11-22-06	Amend	1-1-07	584-050-0035	11-22-06	Amend	1-1-07
584-038-0320	11-22-06	Amend	1-1-07	584-050-0040	11-22-06	Amend	1-1-07
584-038-0330	11-22-06	Amend	1-1-07	584-050-0042	11-22-06	Amend	1-1-07
584-038-0335	11-22-06	Amend	1-1-07	584-050-0043	11-22-06	Adopt	1-1-07
584-038-0336	11-22-06	Amend	1-1-07	584-060-0012	3-30-07	Amend(T)	5-1-07
584-040-0260	11-22-06	Amend	1-1-07	584-060-0014	3-30-07	Adopt(T)	5-1-07
584-040-0265	11-22-06	Amend	1-1-07	584-060-0014	8-15-07	Adopt	9-1-07
584-040-0280	11-22-06	Amend	1-1-07	584-060-0022	11-22-06	Amend	1-1-07
584-040-0290	11-22-06	Amend	1-1-07	584-060-0022	4-23-07	Amend	6-1-07
584-040-0310	11-22-06	Amend	1-1-07	584-060-0051	11-22-06	Amend	1-1-07
584-040-0315	11-22-06	Amend	1-1-07	584-060-0051	4-23-07	Amend	6-1-07
584-042-0002	8-15-07	Amend	9-1-07	584-060-0051	8-15-07	Amend	9-1-07
584-042-0006	4-23-07	Amend	6-1-07	584-060-0062	4-23-07	Amend	6-1-07
584-042-0006	8-15-07	Amend	9-1-07	584-060-0071	11-22-06	Amend	1-1-07
584-042-0008	4-23-07	Amend	6-1-07	584-060-0071	8-15-07	Amend	9-1-07
584-042-0008	8-15-07	Amend	9-1-07	584-060-0141	4-23-07	Repeal	6-1-07
584-042-0009	8-15-07	Amend	9-1-07	584-060-0161	5-14-07	Suspend	6-1-07
584-048-0006	11-22-06	Amend	1-1-07	584-060-0161	8-15-07	Repeal	9-1-07
584-048-0010	11-22-06	Amend	1-1-07	584-060-0163	3-30-07	Adopt(T)	5-1-07
584-048-0015	11-22-06	Amend	1-1-07	584-065-0110	8-15-07	Adopt	9-1-07
584-048-0015	4-23-07	Amend	6-1-07	584-070-0012	4-23-07	Adopt	6-1-07
584-048-0020	11-22-06	Amend	1-1-07	584-070-0014	4-23-07	Adopt	6-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
584-070-0014	8-15-07	Amend	9-1-07	603-027-0206	2-2-07	Amend	3-1-07
584-070-0022	4-23-07	Adopt	6-1-07	603-027-0220	2-2-07	Amend	3-1-07
584-070-0111	8-15-07	Amend	9-1-07	603-027-0420	10-15-07	Amend(T)	11-1-07
584-070-0112	8-15-07	Adopt	9-1-07	603-027-0430	10-15-07	Amend(T)	11-1-07
584-070-0120	4-23-07	Amend	6-1-07	603-027-0635	2-2-07	Amend	3-1-07
584-070-0211	8-15-07	Amend	9-1-07	603-027-0640	2-2-07	Amend	3-1-07
584-070-0400	4-23-07	Repeal	6-1-07	603-027-0670	2-2-07	Amend	3-1-07
584-080-0001	11-22-06	Amend	1-1-07	603-027-0680	2-2-07	Amend	3-1-07
584-080-0002	11-22-06	Amend	1-1-07	603-027-0700	2-2-07	Amend	3-1-07
584-080-0011	11-22-06	Repeal	1-1-07	603-028-0005	8-2-07	Amend	8-1-07
584-080-0012	11-22-06	Adopt	1-1-07	603-028-0300	8-2-07	Amend	8-1-07
584-080-0021	11-22-06	Repeal	1-1-07	603-028-0850	8-2-07	Amend	8-1-07
584-080-0022	11-22-06	Adopt	1-1-07	603-028-0860	8-2-07	Amend	8-1-07
584-080-0031	11-22-06	Amend	1-1-07	603-041-0005	8-23-07	Repeal	10-1-07
584-080-0050	4-23-07	Repeal	6-1-07	603-041-0010	8-23-07	Repeal	10-1-07
584-080-0051	4-23-07	Repeal	6-1-07	603-042-0010	8-23-07	Amend	10-1-07
584-080-0052	4-23-07	Repeal	6-1-07	603-042-0020	8-23-07	Amend	10-1-07
584-080-0081	4-23-07	Repeal	6-1-07	603-051-0856	3-16-07	Amend	5-1-07
584-080-0131	4-23-07	Repeal	6-1-07	603-051-0857	3-16-07	Amend	5-1-07
584-080-0151	4-23-07	Amend	6-1-07	603-051-0858	3-16-07	Amend	5-1-07
584-080-0152	4-23-07	Amend	6-1-07	603-051-0859	3-16-07	Amend	5-1-07
584-080-0153	4-23-07	Adopt	6-1-07	603-052-0114	1-30-07	Amend	3-1-07
584-080-0161	4-23-07	Amend	6-1-07	603-052-0115	1-30-07	Amend	3-1-07
584-080-0171	8-15-07	Amend	9-1-07	603-052-0120	1-30-07	Amend	3-1-07
584-100-0002	4-23-07	Amend	6-1-07	603-052-0129	1-30-07	Amend	3-1-07
584-100-0006	11-22-06	Amend	1-1-07	603-052-0136	3-16-07	Amend	5-1-07
584-100-0011	8-15-07	Amend	9-1-07	603-052-0150	1-30-07	Amend	3-1-07
584-100-0016	8-15-07	Amend	9-1-07	603-052-0360	1-30-07	Amend	3-1-07
584-100-0021	8-15-07	Amend	9-1-07	603-052-0450	1-30-07	Amend	3-1-07
584-100-0026	8-15-07	Amend	9-1-07	603-052-1200	1-30-07	Amend	3-1-07
584-100-0031	8-15-07	Amend	9-1-07	603-052-1221	1-30-07	Amend	3-1-07
584-100-0036	8-15-07	Amend	9-1-07	603-052-1230	3-27-07	Amend	5-1-07
584-100-0046	8-15-07	Repeal	9-1-07	603-052-1250	3-27-07	Amend	5-1-07
584-100-0066	8-15-07	Amend	9-1-07	603-054-0027	3-16-07	Amend	5-1-07
584-100-0071	8-15-07	Amend	9-1-07	603-057-0140	3-1-07	Amend(T)	4-1-07
584-100-0091	8-15-07	Amend	9-1-07	603-057-0140	5-9-07	Amend	6-1-07
584-100-0096	8-15-07	Amend	9-1-07	603-057-0216	6-7-07	Amend(T)	7-1-07
584-100-0101	8-15-07	Amend	9-1-07	603-076-0005	7-5-07	Amend	8-1-07
584-100-0106	8-15-07	Amend	9-1-07	603-076-0016	7-5-07	Amend	8-1-07
585-001-0015	11-24-06	Amend(T)	1-1-07	603-095-0300	12-21-06	Amend	2-1-07
585-001-0015	4-23-07	Adopt	6-1-07	603-095-0320	12-21-06	Amend	2-1-07
589-002-0100	12-15-06	Amend	1-1-07	603-095-0340	12-21-06	Amend	2-1-07
589-002-0100	7-6-07	Amend	8-1-07	603-095-0360	12-21-06	Repeal	2-1-07
589-002-0100	10-1-07	Amend	11-1-07	603-095-0380	12-21-06	Amend	2-1-07
589-006-0050	6-15-07	Amend(T)	7-1-07	603-100-0000	1-2-07	Amend	2-1-07
589-006-0050	9-6-07	Amend	10-1-07	603-100-0010	1-2-07	Amend	2-1-07
603-011-0371	12-4-06	Amend	1-1-07	603-100-0040	1-2-07	Adopt	2-1-07
603-014-0055	7-1-07	Amend(T)	8-1-07	603-110-0100	11-20-06	Adopt	1-1-07
603-014-0065	7-1-07	Amend(T)	8-1-07	603-110-0200	11-20-06	Adopt	1-1-07
603-014-0095	7-1-07	Amend(T)	8-1-07	603-110-0300	11-20-06	Adopt	1-1-07
603-014-0100	7-1-07	Suspend	8-1-07	603-110-0400	11-20-06	Adopt	1-1-07
603-014-0135	7-1-07	Amend(T)	8-1-07	603-110-0500	11-20-06	Adopt	1-1-07
603-027-0030	7-1-07	Amend(T)	8-1-07	603-110-0600	11-20-06	Adopt	1-1-07
603-027-0105	2-2-07	Amend	3-1-07	603-110-0700	11-20-06	Adopt	1-1-07
603-027-0170	2-2-07	Amend	3-1-07	603-110-0800	11-20-06	Adopt	1-1-07
603-027-0180	2-2-07	Amend	3-1-07	603-110-0900	11-20-06	Adopt	1-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
603-110-1000	11-20-06	Adopt	1-1-07	629-021-0700	11-21-06	Adopt	1-1-07
603-110-1100	11-20-06	Adopt	1-1-07	629-021-0800	11-21-06	Adopt	1-1-07
606-001-0000	5-9-07	Repeal	6-1-07	629-021-0900	11-21-06	Adopt	1-1-07
606-010-0010	5-9-07	Repeal	6-1-07	629-021-1000	11-21-06	Adopt	1-1-07
606-010-0015	5-9-07	Repeal	6-1-07	629-021-1100	11-21-06	Adopt	1-1-07
606-010-0020	5-9-07	Repeal	6-1-07	629-022-0040	1-11-07	Amend	2-1-07
606-010-0025	5-9-07	Repeal	6-1-07	629-022-0110	1-11-07	Amend	2-1-07
606-010-0030	5-9-07	Repeal	6-1-07	629-022-0120	1-11-07	Amend	2-1-07
606-030-0010	5-9-07	Repeal	6-1-07	629-022-0130	1-11-07	Amend	2-1-07
606-030-0020	5-9-07	Repeal	6-1-07	629-022-0150	1-11-07	Amend	2-1-07
606-030-0040	5-9-07	Repeal	6-1-07	629-022-0160	1-11-07	Amend	2-1-07
606-040-0010	5-9-07	Repeal	6-1-07	629-022-0200	1-11-07	Amend	2-1-07
617-040-0010	8-7-07	Adopt	9-1-07	629-022-0220	1-11-07	Amend	2-1-07
617-040-0020	8-7-07	Adopt	9-1-07	629-022-0230	1-11-07	Amend	2-1-07
617-040-0030	8-7-07	Adopt	9-1-07	629-022-0250	1-11-07	Amend	2-1-07
622-001-0000	7-1-07	Repeal	6-1-07	629-022-0300	1-11-07	Amend	2-1-07
622-001-0005	7-1-07	Repeal	6-1-07	629-022-0310	1-11-07	Repeal	2-1-07
622-010-0000	7-1-07	Repeal	6-1-07	629-022-0320	1-11-07	Amend	2-1-07
622-010-0006	7-1-07	Repeal	6-1-07	629-022-0330	1-11-07	Repeal	2-1-07
622-010-0011	7-1-07	Repeal	6-1-07	629-022-0340	1-11-07	Repeal	2-1-07
622-020-0001	7-1-07	Repeal	6-1-07	629-022-0350	1-11-07	Repeal	2-1-07
622-020-0140	7-1-07	Repeal	6-1-07	629-022-0360	1-11-07	Repeal	2-1-07
622-020-0141	7-1-07	Repeal	6-1-07	629-022-0370	1-11-07	Repeal	2-1-07
622-020-0142	7-1-07	Repeal	6-1-07	629-022-0380	1-11-07	Amend	2-1-07
622-020-0143	7-1-07	Repeal	6-1-07	629-022-0390	1-11-07	Amend	2-1-07
622-020-0144	7-1-07	Repeal	6-1-07	629-022-0410	1-11-07	Amend	2-1-07
622-020-0145	7-1-07	Repeal	6-1-07	629-044-1005	12-31-07	Amend	10-1-07
622-020-0147	7-1-07	Repeal	6-1-07	629-044-1020	12-31-07	Amend	10-1-07
622-020-0148	7-1-07	Repeal	6-1-07	629-044-1075	12-31-07	Amend	10-1-07
622-020-0149	7-1-07	Repeal	6-1-07	629-600-0100	1-8-07	Amend	2-1-07
622-020-0153	7-1-07	Repeal	6-1-07	629-606-0000	11-21-06	Repeal	1-1-07
622-030-0005	7-1-07	Repeal	6-1-07	629-606-0010	11-21-06	Repeal	1-1-07
622-030-0010	7-1-07	Repeal	6-1-07	629-606-0100	11-21-06	Repeal	1-1-07
622-045-0000	7-1-07	Repeal	6-1-07	629-606-0200	11-21-06	Repeal	1-1-07
622-045-0005	7-1-07	Repeal	6-1-07	629-606-0300	11-21-06	Repeal	1-1-07
622-045-0010	7-1-07	Repeal	6-1-07	629-606-0400	11-21-06	Repeal	1-1-07
622-045-0015	7-1-07	Repeal	6-1-07	629-606-0500	11-21-06	Repeal	1-1-07
622-045-0019	7-1-07	Repeal	6-1-07	629-606-0600	11-21-06	Repeal	1-1-07
622-055-0003	7-1-07	Repeal	6-1-07	629-606-0700	11-21-06	Repeal	1-1-07
622-055-0005	7-1-07	Repeal	6-1-07	629-606-0800	11-21-06	Repeal	1-1-07
622-055-0009	7-1-07	Repeal	6-1-07	629-606-0900	11-21-06	Repeal	1-1-07
622-055-0010	7-1-07	Repeal	6-1-07	629-606-1000	11-21-06	Repeal	1-1-07
622-055-0015	7-1-07	Repeal	6-1-07	629-640-0105	1-8-07	Adopt	2-1-07
622-055-0020	7-1-07	Repeal	6-1-07	629-640-0110	1-8-07	Amend	2-1-07
622-055-0025	7-1-07	Repeal	6-1-07	635-003-0003	5-1-07	Amend	6-1-07
622-065-0001	7-1-07	Repeal	6-1-07	635-003-0004	5-1-07	Amend	6-1-07
622-065-0002	7-1-07	Repeal	6-1-07	635-003-0004	8-20-07	Amend(T)	10-1-07
622-065-0003	7-1-07	Repeal	6-1-07	635-003-0004	8-25-07	Amend(T)	10-1-07
622-065-0010	7-1-07	Repeal	6-1-07	635-003-0004	9-10-07	Amend(T)	10-1-07
622-065-0011	7-1-07	Repeal	6-1-07	635-003-0077	6-23-07	Amend(T)	8-1-07
629-021-0100	11-21-06	Adopt	1-1-07	635-003-0077	8-18-07	Amend(T)	10-1-07
629-021-0200	11-21-06	Adopt	1-1-07	635-003-0078	8-14-07	Amend(T)	9-1-07
629-021-0300	11-21-06	Adopt	1-1-07	635-003-0085	5-1-07	Amend	6-1-07
629-021-0400	11-21-06	Adopt	1-1-07	635-004-0005	1-12-07	Amend	2-1-07
629-021-0500	11-21-06	Adopt	1-1-07	635-004-0009	1-12-07	Amend	2-1-07
629-021-0600	11-21-06	Adopt	1-1-07	635-004-0018	1-1-07	Amend(T)	2-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-004-0018	1-12-07	Amend	2-1-07	635-019-0090	5-10-07	Amend(T)	6-1-07
635-004-0018(T)	1-12-07	Repeal	2-1-07	635-019-0090(T)	5-26-07	Amend(T)	7-1-07
635-004-0019	5-1-07	Amend(T)	6-1-07	635-021-0090	5-26-07	Amend(T)	7-1-07
635-004-0019	8-1-07	Amend(T)	9-1-07	635-021-0090	7-14-07	Amend(T)	8-1-07
635-004-0019	10-6-07	Amend(T)	11-1-07	635-021-0090	8-1-07	Amend(T)	9-1-07
635-004-0027	1-1-07	Amend(T)	2-1-07	635-023-0090	8-11-07	Amend(T)	9-1-07
635-004-0033	1-1-07	Amend(T)	2-1-07	635-023-0095	1-1-07	Amend(T)	2-1-07
635-004-0033	1-12-07	Amend	2-1-07	635-023-0095	2-1-07	Amend(T)	3-1-07
635-004-0033	9-1-07	Amend(T)	10-1-07	635-023-0095	2-14-07	Amend	3-1-07
635-004-0033(T)	1-12-07	Repeal	2-1-07	635-023-0095	3-28-07	Amend(T)	5-1-07
635-005-0030	2-14-07	Amend	3-1-07	635-023-0095	5-31-07	Amend(T)	7-1-07
635-005-0031	2-14-07	Amend	3-1-07	635-023-0095	7-29-07	Amend(T)	9-1-07
635-005-0042	1-1-07	Amend(T)	1-1-07	635-023-0095	8-18-07	Amend(T)	10-1-07
635-005-0042	6-8-07	Amend	7-1-07	635-023-0095	10-1-07	Amend(T)	11-1-07
635-005-0042(T)	6-8-07	Repeal	7-1-07	635-023-0125	2-1-07	Amend(T)	3-1-07
635-005-0055	12-1-06	Amend(T)	1-1-07	635-023-0125	2-14-07	Amend	3-1-07
635-005-0055	12-26-06	Amend	2-1-07	635-023-0125	4-26-07	Amend(T)	6-1-07
635-005-0055	2-14-07	Amend	3-1-07	635-023-0125	5-16-07	Amend(T)	6-1-07
635-005-0055	6-8-07	Amend	7-1-07	635-023-0125	5-31-07	Amend(T)	7-1-07
635-005-0055	9-1-07	Amend(T)	10-1-07	635-023-0125	6-6-07	Amend(T)	7-1-07
635-005-0055(T)	12-26-06	Suspend	2-1-07	635-023-0128	5-1-07	Amend	6-1-07
635-005-0055(T)	6-8-07	Repeal	7-1-07	635-023-0128	7-2-07	Amend(T)	8-1-07
635-006-0232	1-12-07	Amend	2-1-07	635-023-0130	5-1-07	Amend	6-1-07
635-006-1015	1-12-07	Amend	2-1-07	635-023-0130	9-19-07	Amend(T)	11-1-07
635-006-1015	2-14-07	Amend	3-1-07	635-023-0130	9-22-07	Amend(T)	11-1-07
635-006-1015(T)	1-12-07	Repeal	2-1-07	635-023-0130	9-29-07	Amend(T)	11-1-07
635-006-1035	1-12-07	Amend	2-1-07	635-023-0134	5-11-07	Amend(T)	6-1-07
635-006-1065	1-12-07	Amend(T)	2-1-07	635-023-0134	6-17-07	Amend(T)	7-1-07
635-006-1065	2-14-07	Amend	3-1-07	635-039-0080	1-1-07	Amend(T)	2-1-07
635-006-1075	1-12-07	Amend	2-1-07	635-039-0080	1-12-07	Amend	2-1-07
635-006-1075	9-10-07	Amend(T)	10-1-07	635-039-0080(T)	1-12-07	Repeal	2-1-07
635-006-1095	4-17-07	Amend(T)	5-1-07	635-039-0085	1-12-07	Amend	2-1-07
635-008-0110	4-19-07	Amend	6-1-07	635-039-0085	5-26-07	Amend(T)	7-1-07
635-008-0170	4-19-07	Amend	6-1-07	635-039-0085	8-12-07	Amend(T)	9-1-07
635-010-0015	8-14-07	Amend	9-1-07	635-039-0085	8-24-07	Amend(T)	10-1-07
635-011-0175	7-17-07	Amend(T)	9-1-07	635-039-0085	9-14-07	Amend(T)	10-1-07
635-013-0003	5-1-07	Amend	6-1-07	635-039-0085	9-15-07	Amend(T)	10-1-07
635-013-0004	5-1-07	Amend	6-1-07	635-039-0085	9-20-07	Amend(T)	11-1-07
635-013-0004	8-25-07	Amend(T)	10-1-07	635-039-0090	1-1-07	Amend(T)	2-1-07
635-013-0004	9-2-07	Amend(T)	10-1-07	635-039-0090	1-12-07	Amend	2-1-07
635-013-0009	5-1-07	Amend	6-1-07	635-039-0090	2-14-07	Amend	3-1-07
635-014-0090	5-1-07	Amend	6-1-07	635-039-0090	8-11-07	Amend(T)	9-1-07
635-014-0090	8-11-07	Amend(T)	9-1-07	635-039-0090(T)	1-12-07	Repeal	2-1-07
635-016-0090	6-21-07	Amend(T)	8-1-07	635-041-0063	1-1-07	Amend(T)	2-1-07
635-016-0090	8-1-07	Amend(T)	8-1-07	635-041-0063	2-14-07	Amend	3-1-07
635-017-0090	6-1-07	Amend	6-1-07	635-041-0063	8-1-07	Amend(T)	9-1-07
635-017-0090	8-6-07	Amend(T)	9-1-07	635-041-0065	2-1-07	Amend(T)	3-1-07
635-017-0090	10-6-07	Amend(T)	11-1-07	635-041-0065	2-14-07	Amend	3-1-07
635-017-0095	1-1-07	Amend(T)	2-1-07	635-041-0065	3-9-07	Amend(T)	4-1-07
635-017-0095	2-1-07	Amend(T)	3-1-07	635-041-0065	3-14-07	Amend(T)	4-1-07
635-017-0095	5-1-07	Amend	6-1-07	635-041-0072	6-6-07	Amend(T)	7-1-07
635-017-0095	8-18-07	Amend(T)	10-1-07	635-041-0075	8-1-07	Amend(T)	9-1-07
635-017-0095(T)	5-1-07	Repeal	6-1-07	635-041-0075	8-22-07	Amend(T)	10-1-07
635-018-0090	4-15-07	Amend(T)	5-1-07	635-041-0075	9-11-07	Amend(T)	10-1-07
635-018-0090	8-1-07	Amend(T)	8-1-07	635-041-0075	9-25-07	Amend(T)	11-1-07
635-019-0090	3-1-07	Amend(T)	4-1-07	635-041-0075	10-3-07	Amend(T)	11-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-041-0075	10-3-07	Amend(T)	11-1-07	635-042-0180	8-1-07	Amend(T)	9-1-07
635-041-0076	6-16-07	Amend(T)	7-1-07	635-042-0180	10-14-07	Amend(T)	11-1-07
635-041-0076	6-26-07	Amend(T)	8-1-07	635-045-0000	1-1-07	Amend	1-1-07
635-041-0076	7-6-07	Amend(T)	8-1-07	635-045-0000	8-14-07	Amend	9-1-07
635-042-0001	2-14-07	Amend	3-1-07	635-045-0002	1-1-07	Amend	1-1-07
635-042-0010	2-14-07	Amend	3-1-07	635-045-0002	8-14-07	Amend	9-1-07
635-042-0010	3-6-07	Amend(T)	4-1-07	635-047-0025	1-18-07	Amend	3-1-07
635-042-0022	2-14-07	Amend	3-1-07	635-047-0025	3-30-07	Amend	5-1-07
635-042-0022	3-6-07	Amend(T)	4-1-07	635-047-0025	8-14-07	Amend	9-1-07
635-042-0022	3-20-07	Amend(T)	5-1-07	635-051-0000	8-14-07	Amend	9-1-07
635-042-0022	3-22-07	Amend(T)	5-1-07	635-051-0048	8-14-07	Amend	9-1-07
635-042-0022	6-14-07	Amend(T)	7-1-07	635-052-0000	8-14-07	Amend	9-1-07
635-042-0027	6-25-07	Amend(T)	7-1-07	635-053-0000	8-14-07	Amend	9-1-07
635-042-0027	7-6-07	Amend(T)	8-1-07	635-053-0100	8-14-07	Amend	9-1-07
635-042-0031	8-1-07	Amend(T)	9-1-07	635-053-0105	8-14-07	Amend	9-1-07
635-042-0031	8-23-07	Amend(T)	10-1-07	635-053-0125	8-14-07	Amend	9-1-07
635-042-0060	9-18-07	Amend(T)	11-1-07	635-054-0000	8-14-07	Amend	9-1-07
635-042-0060	9-24-07	Amend(T)	11-1-07	635-060-0000	1-1-07	Amend	1-1-07
635-042-0060	9-26-07	Amend(T)	11-1-07	635-060-0000	8-14-07	Amend	9-1-07
635-042-0060	9-27-07	Amend(T)	11-1-07	635-060-0009	8-13-07	Amend(T)	9-1-07
635-042-0060	10-1-07	Amend(T)	11-1-07	635-060-0009	9-27-07	Amend(T)	11-1-07
635-042-0060	10-3-07	Amend(T)	11-1-07	635-060-0046	1-1-07	Amend	1-1-07
635-042-0060	10-10-07	Amend(T)	11-1-07	635-060-0046	9-26-07	Amend(T)	11-1-07
635-042-0110	2-1-07	Amend(T)	3-1-07	635-060-0055	4-1-07	Amend	1-1-07
635-042-0110	2-14-07	Amend	3-1-07	635-065-0001	1-1-07	Amend	1-1-07
635-042-0130	1-1-07	Amend(T)	2-1-07	635-065-0090	6-14-07	Amend	7-1-07
635-042-0130	3-6-07	Amend(T)	4-1-07	635-065-0401	1-1-07	Amend	1-1-07
635-042-0133	1-1-07	Amend(T)	2-1-07	635-065-0401	8-13-07	Amend(T)	9-1-07
635-042-0133	2-14-07	Amend	3-1-07	635-065-0401	9-27-07	Amend(T)	11-1-07
635-042-0135	1-1-07	Amend(T)	2-1-07	635-065-0625	1-1-07	Amend	1-1-07
635-042-0135	2-13-07	Amend(T)	3-1-07	635-065-0635	1-1-07	Amend	1-1-07
635-042-0135	2-14-07	Amend	3-1-07	635-065-0635	6-14-07	Amend	7-1-07
635-042-0145	2-1-07	Amend(T)	3-1-07	635-065-0720	1-1-07	Amend	1-1-07
635-042-0145	2-14-07	Amend	3-1-07	635-065-0740	1-1-07	Amend	1-1-07
635-042-0145	3-6-07	Amend(T)	4-1-07	635-065-0740	6-14-07	Amend	7-1-07
635-042-0145	3-14-07	Amend(T)	4-1-07	635-065-0760	6-1-07	Amend	1-1-07
635-042-0145	4-18-07	Amend(T)	6-1-07	635-066-0000	1-1-07	Amend	1-1-07
635-042-0145	6-25-07	Amend(T)	7-1-07	635-067-0000	1-1-07	Amend	1-1-07
635-042-0145	7-4-07	Amend(T)	8-1-07	635-067-0000	6-14-07	Amend	7-1-07
635-042-0145	8-1-07	Amend(T)	9-1-07	635-067-0004	6-14-07	Amend	7-1-07
635-042-0145	10-14-07	Amend(T)	11-1-07	635-067-0015	1-1-07	Amend	1-1-07
635-042-0145(T)	3-6-07	Suspend	4-1-07	635-067-0029	12-15-06	Amend(T)	1-1-07
635-042-0160	2-1-07	Amend(T)	3-1-07	635-067-0034	12-15-06	Amend(T)	1-1-07
635-042-0160	2-14-07	Amend	3-1-07	635-067-0041	12-15-06	Amend(T)	1-1-07
635-042-0160	3-6-07	Amend(T)	4-1-07	635-068-0000	3-1-07	Amend	1-1-07
635-042-0160	4-18-07	Amend(T)	6-1-07	635-068-0000	6-14-07	Amend	7-1-07
635-042-0160	8-1-07	Amend(T)	9-1-07	635-069-0000	2-1-07	Amend	1-1-07
635-042-0160	10-14-07	Amend(T)	11-1-07	635-069-0000	6-14-07	Amend	7-1-07
635-042-0160(T)	3-6-07	Suspend	4-1-07	635-070-0000	4-1-07	Amend	1-1-07
635-042-0170	8-1-07	Amend(T)	9-1-07	635-070-0000	6-14-07	Amend	7-1-07
635-042-0170	10-14-07	Amend(T)	11-1-07	635-071-0000	4-1-07	Amend	1-1-07
635-042-0180	2-1-07	Amend(T)	3-1-07	635-071-0000	6-14-07	Amend	7-1-07
635-042-0180	2-14-07	Amend	3-1-07	635-071-0010	6-14-07	Amend	7-1-07
635-042-0180	3-6-07	Amend(T)	4-1-07	635-072-0000	1-1-07	Amend	1-1-07
635-042-0180	4-18-07	Amend(T)	6-1-07	635-073-0000	2-1-07	Amend	1-1-07
635-042-0180	4-26-07	Amend(T)	6-1-07	635-073-0000	6-14-07	Amend	7-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-073-0050	6-14-07	Amend	7-1-07	660-041-0030(T)	2-9-07	Repeal	3-1-07
635-073-0065	6-14-07	Amend	7-1-07	660-041-0040	2-9-07	Adopt	3-1-07
635-073-0070	6-14-07	Amend	7-1-07	660-041-0050	2-9-07	Adopt	3-1-07
635-073-0090	6-14-07	Amend	7-1-07	669-030-0050	9-26-07	Adopt	11-1-07
635-074-0000	8-14-07	Adopt	9-1-07	669-030-0060	9-26-07	Adopt	11-1-07
635-074-0005	8-14-07	Adopt	9-1-07	669-030-0070	9-26-07	Adopt	11-1-07
635-074-0010	8-14-07	Adopt	9-1-07	679-010-0010	3-28-07	Amend	5-1-07
635-074-0015	8-14-07	Adopt	9-1-07	690-310-0040	3-29-07	Amend	5-1-07
635-074-0020	8-14-07	Adopt	9-1-07	690-310-0280	3-29-07	Amend	5-1-07
635-074-0025	8-14-07	Adopt	9-1-07	690-340-0050	3-29-07	Repeal	5-1-07
635-080-0051	11-17-06	Amend(T)	1-1-07	690-340-0060	3-29-07	Adopt	5-1-07
635-080-0052	11-17-06	Amend(T)	1-1-07	690-385-0100	1-5-07	Amend	2-1-07
635-090-0140	12-15-06	Amend(T)	1-1-07	690-385-3100	1-5-07	Amend	2-1-07
635-090-0200	1-18-07	Adopt	3-1-07	690-385-3145	1-5-07	Adopt	2-1-07
635-100-0125	4-19-07	Amend	6-1-07	690-385-3200	1-5-07	Amend	2-1-07
635-500-0200	4-5-07	Amend	5-1-07	690-385-3500	1-5-07	Amend	2-1-07
635-500-0410	4-5-07	Amend	5-1-07	690-518-0020	1-5-07	Amend	2-1-07
635-500-0510	4-5-07	Amend	5-1-07	695-007-0010	2-1-07	Adopt	3-1-07
635-500-0615	4-5-07	Amend	5-1-07	695-007-0020	2-1-07	Adopt	3-1-07
635-500-4050	4-5-07	Amend	5-1-07	695-007-0030	2-1-07	Adopt	3-1-07
635-500-4360	4-5-07	Amend	5-1-07	695-007-0040	2-1-07	Adopt	3-1-07
635-500-4570	4-5-07	Amend	5-1-07	731-001-0100	3-26-07	Repeal	5-1-07
635-500-4870	4-5-07	Amend	5-1-07	731-001-0110	3-26-07	Repeal	5-1-07
635-500-5060	4-5-07	Amend	5-1-07	731-001-0120	3-26-07	Repeal	5-1-07
635-500-5260	4-5-07	Amend	5-1-07	731-001-0130	3-26-07	Repeal	5-1-07
635-500-6500	4-5-07	Adopt	5-1-07	731-001-0140	3-26-07	Repeal	5-1-07
635-500-6525	9-12-07	Adopt	10-1-07	731-001-0150	3-26-07	Repeal	5-1-07
644-010-0010	1-1-07	Amend	1-1-07	731-001-0160	3-26-07	Repeal	5-1-07
645-040-0010	9-12-07	Adopt	10-1-07	731-001-0170	3-26-07	Repeal	5-1-07
645-040-0020	9-12-07	Adopt	10-1-07	731-001-0180	3-26-07	Repeal	5-1-07
645-040-0030	9-12-07	Adopt	10-1-07	731-001-0190	3-26-07	Repeal	5-1-07
647-010-0010	6-1-07	Amend	6-1-07	731-001-0200	3-26-07	Repeal	5-1-07
656-040-0010	10-7-07	Adopt	11-1-07	731-001-0210	3-26-07	Repeal	5-1-07
656-040-0020	10-7-07	Adopt	11-1-07	731-001-0220	3-26-07	Repeal	5-1-07
656-040-0030	10-7-07	Adopt	11-1-07	731-001-0230	3-26-07	Repeal	5-1-07
658-010-0005	7-17-07	Repeal	9-1-07	731-001-0240	3-26-07	Repeal	5-1-07
658-010-0006	7-17-07	Repeal	9-1-07	731-001-0250	3-26-07	Repeal	5-1-07
658-010-0007	7-17-07	Repeal	9-1-07	731-001-0260	3-26-07	Repeal	5-1-07
658-010-0015	7-17-07	Adopt	9-1-07	731-001-0270	3-26-07	Repeal	5-1-07
658-010-0020	7-17-07	Adopt	9-1-07	731-001-0280	3-26-07	Repeal	5-1-07
658-010-0030	7-17-07	Adopt	9-1-07	731-001-0290	3-26-07	Repeal	5-1-07
658-010-0040	7-17-07	Adopt	9-1-07	731-001-0300	3-26-07	Repeal	5-1-07
658-010-0050	7-17-07	Adopt	9-1-07	731-001-0310	3-26-07	Repeal	5-1-07
658-040-0005	7-7-07	Adopt	9-1-07	731-001-0320	3-26-07	Repeal	5-1-07
658-040-0010	7-7-07	Adopt	9-1-07	731-001-0330	3-26-07	Repeal	5-1-07
658-040-0020	7-7-07	Adopt	9-1-07	731-001-0340	3-26-07	Repeal	5-1-07
660-041-0000	12-4-06	Adopt(T)	1-1-07	731-001-0350	3-26-07	Repeal	5-1-07
660-041-0000	2-9-07	Adopt	3-1-07	731-001-0360	3-26-07	Repeal	5-1-07
660-041-0000(T)	2-9-07	Repeal	3-1-07	731-001-0370	3-26-07	Repeal	5-1-07
660-041-0010	12-4-06	Adopt(T)	1-1-07	731-001-0380	3-26-07	Repeal	5-1-07
660-041-0010	2-9-07	Adopt	3-1-07	731-001-0390	3-26-07	Repeal	5-1-07
660-041-0020	12-4-06	Adopt(T)	1-1-07	731-001-0400	3-26-07	Repeal	5-1-07
660-041-0020	2-9-07	Adopt	3-1-07	731-001-0410	3-26-07	Repeal	5-1-07
660-041-0020(T)	2-9-07	Repeal	3-1-07	731-001-0420	3-26-07	Repeal	5-1-07
660-041-0030	12-4-06	Adopt(T)	1-1-07	731-001-0430	3-26-07	Repeal	5-1-07
660-041-0030	2-9-07	Adopt	3-1-07	731-001-0440	3-26-07	Repeal	5-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
731-001-0450	3-26-07	Repeal	5-1-07	733-030-0110	3-1-07	Amend	4-1-07
731-001-0460	3-26-07	Repeal	5-1-07	733-030-0135	11-24-06	Amend	1-1-07
731-001-0470	3-26-07	Repeal	5-1-07	733-030-0350	11-24-06	Amend	1-1-07
731-001-0480	3-26-07	Repeal	5-1-07	734-010-0230	1-24-07	Amend	3-1-07
731-001-0490	3-26-07	Repeal	5-1-07	734-010-0240	1-24-07	Amend	3-1-07
731-001-0500	3-26-07	Repeal	5-1-07	734-020-0014	6-25-07	Adopt	8-1-07
731-001-0510	3-26-07	Repeal	5-1-07	734-020-0015	6-25-07	Amend	8-1-07
731-001-0520	3-26-07	Repeal	5-1-07	734-020-0016	6-25-07	Adopt	8-1-07
731-001-0530	3-26-07	Repeal	5-1-07	734-020-0017	6-25-07	Adopt	8-1-07
731-001-0540	3-26-07	Repeal	5-1-07	734-051-0020	1-26-07	Amend	3-1-07
731-001-0550	3-26-07	Repeal	5-1-07	734-051-0035	1-26-07	Amend	3-1-07
731-001-0560	3-26-07	Repeal	5-1-07	734-051-0040	1-26-07	Amend	3-1-07
731-001-0570	3-26-07	Repeal	5-1-07	734-051-0070	1-26-07	Amend	3-1-07
731-001-0580	3-26-07	Repeal	5-1-07	734-051-0115	1-26-07	Amend	3-1-07
731-001-0590	3-26-07	Repeal	5-1-07	734-051-0125	1-26-07	Amend	3-1-07
731-001-0600	3-26-07	Repeal	5-1-07	734-051-0145	1-26-07	Amend	3-1-07
731-001-0610	3-26-07	Repeal	5-1-07	734-051-0155	1-26-07	Amend	3-1-07
731-001-0620	3-26-07	Repeal	5-1-07	734-051-0225	1-26-07	Amend	3-1-07
731-001-0630	3-26-07	Repeal	5-1-07	734-051-0285	1-26-07	Amend	3-1-07
731-001-0640	3-26-07	Repeal	5-1-07	734-051-0295	1-26-07	Amend	3-1-07
731-001-0650	3-26-07	Repeal	5-1-07	734-051-0500	1-26-07	Amend	3-1-07
731-001-0660	3-26-07	Repeal	5-1-07	734-051-0510	1-26-07	Amend	3-1-07
731-001-0670	3-26-07	Repeal	5-1-07	734-059-0020	7-19-07	Adopt(T)	9-1-07
731-001-0680	3-26-07	Repeal	5-1-07	734-059-0025	7-19-07	Adopt(T)	9-1-07
731-001-0690	3-26-07	Repeal	5-1-07	734-059-0030	7-19-07	Adopt(T)	9-1-07
731-001-0700	3-26-07	Repeal	5-1-07	734-059-0050	7-19-07	Adopt(T)	9-1-07
731-001-0710	3-26-07	Repeal	5-1-07	734-082-0005	7-19-07	Amend	9-1-07
731-001-0720	3-26-07	Adopt	5-1-07	734-082-0010	7-19-07	Amend	9-1-07
731-001-0730	3-26-07	Adopt	5-1-07	734-082-0020	7-19-07	Amend	9-1-07
731-005-0430	5-23-07	Amend	7-1-07	734-082-0035	7-19-07	Amend	9-1-07
731-005-0450	1-24-07	Amend	3-1-07	734-082-0040	7-19-07	Amend	9-1-07
731-005-0470	5-23-07	Amend	7-1-07	734-082-0051	7-19-07	Amend	9-1-07
731-005-0505	5-23-07	Adopt	7-1-07	734-082-0101	7-19-07	Amend	9-1-07
731-005-0520	5-23-07	Amend	7-1-07	735-022-0000	11-17-06	Amend	1-1-07
731-005-0530	5-23-07	Amend	7-1-07	735-022-0020	11-17-06	Repeal	1-1-07
731-005-0540	5-23-07	Amend	7-1-07	735-022-0030	11-17-06	Amend	1-1-07
731-005-0550	5-23-07	Amend	7-1-07	735-022-0040	11-17-06	Amend	1-1-07
731-005-0590	5-23-07	Amend	7-1-07	735-022-0070	11-17-06	Amend	1-1-07
731-005-0600	1-24-07	Amend	3-1-07	735-022-0080	11-17-06	Amend	1-1-07
731-005-0600(T)	1-24-07	Repeal	3-1-07	735-022-0090	11-17-06	Amend	1-1-07
731-146-0010	11-17-06	Amend	1-1-07	735-028-0020	11-17-06	Amend	1-1-07
731-147-0010	11-17-06	Amend	1-1-07	735-034-0050	5-24-07	Amend(T)	7-1-07
731-148-0010	11-17-06	Amend	1-1-07	735-040-0030	11-17-06	Amend	1-1-07
731-149-0010	11-17-06	Amend	1-1-07	735-050-0020	8-1-07	Amend	7-1-07
733-030-0011	3-1-07	Amend	4-1-07	735-062-0000	8-1-07	Amend	7-1-07
733-030-0016	3-1-07	Amend	4-1-07	735-062-0010	8-1-07	Amend	7-1-07
733-030-0021	3-1-07	Amend	4-1-07	735-062-0030	8-1-07	Amend	7-1-07
733-030-0026	3-1-07	Amend	4-1-07	735-062-0040	9-1-07	Amend	7-1-07
733-030-0036	3-1-07	Amend	4-1-07	735-062-0080	12-13-06	Amend	1-1-07
733-030-0045	3-1-07	Amend	4-1-07	735-062-0080(T)	12-13-06	Repeal	1-1-07
733-030-0050	3-1-07	Amend	4-1-07	735-062-0090	6-5-07	Amend	7-1-07
733-030-0055	3-1-07	Amend	4-1-07	735-062-0092	8-1-07	Adopt	7-1-07
733-030-0065	11-24-06	Amend	1-1-07	735-062-0094	8-1-07	Adopt	7-1-07
733-030-0090	3-1-07	Amend	4-1-07	735-062-0140	12-13-06	Amend	1-1-07
733-030-0100	3-1-07	Amend	4-1-07	735-062-0140(T)	12-13-06	Repeal	1-1-07
733-030-0105	3-1-07	Amend	4-1-07	735-062-0150	2-26-07	Amend	4-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
735-062-0200	6-5-07	Amend	7-1-07	736-146-0010	2-7-07	Adopt	3-1-07
735-064-0005	11-17-06	Amend	1-1-07	736-146-0012	2-7-07	Adopt	3-1-07
735-064-0230	12-13-06	Amend	1-1-07	736-146-0015	2-7-07	Adopt	3-1-07
735-064-0235	12-13-06	Amend	1-1-07	736-146-0020	2-7-07	Adopt	3-1-07
735-064-0237	12-13-06	Amend	1-1-07	736-146-0025	2-7-07	Adopt	3-1-07
735-070-0010	12-13-06	Amend	1-1-07	736-146-0030	2-7-07	Adopt	3-1-07
735-072-0030	1-24-07	Repeal	3-1-07	736-146-0040	2-7-07	Adopt	3-1-07
735-072-0031	1-24-07	Repeal	3-1-07	736-146-0050	2-7-07	Adopt	3-1-07
735-072-0040	1-24-07	Repeal	3-1-07	736-146-0060	2-7-07	Adopt	3-1-07
735-072-0060	1-24-07	Repeal	3-1-07	736-146-0070	2-7-07	Adopt	3-1-07
735-072-0120	1-24-07	Repeal	3-1-07	736-146-0080	2-7-07	Adopt	3-1-07
735-072-0130	1-24-07	Repeal	3-1-07	736-146-0090	2-7-07	Adopt	3-1-07
735-072-0150	1-24-07	Repeal	3-1-07	736-146-0100	2-7-07	Adopt	3-1-07
735-074-0260	9-17-07	Amend(T)	11-1-07	736-146-0110	2-7-07	Adopt	3-1-07
735-074-0280	9-17-07	Amend(T)	11-1-07	736-146-0120	2-7-07	Adopt	3-1-07
735-074-0290	9-17-07	Amend(T)	11-1-07	736-146-0130	2-7-07	Adopt	3-1-07
735-090-0101	11-1-06	Amend	3-1-07	736-146-0140	2-7-07	Adopt	3-1-07
735-158-0000	11-17-06	Amend	1-1-07	736-147-0010	2-7-07	Adopt	3-1-07
736-002-0100	9-27-07	Amend(T)	11-1-07	736-147-0020	2-7-07	Adopt	3-1-07
736-004-0005	4-13-07	Amend	5-1-07	736-147-0030	2-7-07	Adopt	3-1-07
736-004-0010	4-13-07	Amend	5-1-07	736-147-0050	2-7-07	Adopt	3-1-07
736-004-0015	4-13-07	Amend	5-1-07	736-147-0060	2-7-07	Adopt	3-1-07
736-004-0015	7-1-07	Amend	9-1-07	736-148-0010	2-7-07	Adopt	3-1-07
736-004-0020	4-13-07	Amend	5-1-07	736-148-0020	2-7-07	Adopt	3-1-07
736-004-0025	4-13-07	Amend	5-1-07	736-149-0010	2-7-07	Adopt	3-1-07
736-004-0030	4-13-07	Amend	5-1-07	736-201-0000	7-1-07	Adopt	6-1-07
736-004-0030	7-1-07	Amend	9-1-07	736-201-0005	7-1-07	Adopt	6-1-07
736-004-0040	4-13-07	Repeal	5-1-07	736-201-0010	7-1-07	Adopt	6-1-07
736-004-0045	4-13-07	Amend	5-1-07	736-201-0015	7-1-07	Adopt	6-1-07
736-004-0050	4-13-07	Repeal	5-1-07	736-201-0020	7-1-07	Adopt	6-1-07
736-004-0060	4-13-07	Amend	5-1-07	736-201-0025	7-1-07	Adopt	6-1-07
736-004-0062	4-13-07	Adopt	5-1-07	736-201-0030	7-1-07	Adopt	6-1-07
736-004-0065	4-13-07	Amend	5-1-07	736-201-0035	7-1-07	Adopt	6-1-07
736-004-0070	4-13-07	Amend	5-1-07	736-201-0040	7-1-07	Adopt	6-1-07
736-004-0080	4-13-07	Amend	5-1-07	736-201-0045	7-1-07	Adopt	6-1-07
736-004-0085	4-13-07	Amend	5-1-07	736-201-0050	7-1-07	Adopt	6-1-07
736-010-0015	8-28-07	Amend	10-1-07	736-201-0055	7-1-07	Adopt	6-1-07
736-010-0020	8-28-07	Amend	10-1-07	736-201-0060	7-1-07	Adopt	6-1-07
736-010-0025	8-28-07	Amend	10-1-07	736-201-0065	7-1-07	Adopt	6-1-07
736-010-0030	8-28-07	Amend	10-1-07	736-201-0070	7-1-07	Adopt	6-1-07
736-010-0040	8-28-07	Amend	10-1-07	736-201-0075	7-1-07	Adopt	6-1-07
736-015-0010	8-28-07	Amend	10-1-07	736-201-0080	7-1-07	Adopt	6-1-07
736-015-0030	8-28-07	Amend	10-1-07	736-201-0085	7-1-07	Adopt	6-1-07
736-017-0000	12-15-06	Adopt	1-1-07	736-201-0090	7-1-07	Adopt	6-1-07
736-017-0005	12-15-06	Adopt	1-1-07	736-201-0095	7-1-07	Adopt	6-1-07
736-017-0010	12-15-06	Adopt	1-1-07	736-201-0100	7-1-07	Adopt	6-1-07
736-017-0015	12-15-06	Adopt	1-1-07	736-201-0105	7-1-07	Adopt	6-1-07
736-017-0020	12-15-06	Adopt	1-1-07	736-201-0110	7-1-07	Adopt	6-1-07
736-017-0025	12-15-06	Adopt	1-1-07	736-201-0115	7-1-07	Adopt	6-1-07
736-017-0030	12-15-06	Adopt	1-1-07	736-201-0120	7-1-07	Adopt	6-1-07
736-017-0035	12-15-06	Adopt	1-1-07	736-201-0125	7-1-07	Adopt	6-1-07
736-017-0040	12-15-06	Adopt	1-1-07	736-201-0130	7-1-07	Adopt	6-1-07
736-017-0050	12-15-06	Adopt	1-1-07	736-201-0135	7-1-07	Adopt	6-1-07
736-040-0025	7-1-07	Amend	9-1-07	736-201-0140	7-1-07	Adopt	6-1-07
736-050-0120	2-8-07	Amend	3-1-07	736-201-0145	7-1-07	Adopt	6-1-07
736-050-0120	4-13-07	Amend	5-1-07	736-201-0150	7-1-07	Adopt	6-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
736-201-0155	7-1-07	Adopt	6-1-07	800-025-0040	2-1-07	Amend	2-1-07
736-201-0160	7-1-07	Adopt	6-1-07	800-025-0050	2-1-07	Amend	2-1-07
736-201-0165	7-1-07	Adopt	6-1-07	800-025-0060	2-1-07	Amend	2-1-07
736-201-0170	7-1-07	Adopt	6-1-07	801-001-0035	1-1-07	Amend	2-1-07
736-201-0175	7-1-07	Adopt	6-1-07	801-005-0010	1-1-07	Amend	2-1-07
736-201-0180	7-1-07	Adopt	6-1-07	801-010-0010	1-1-07	Amend	2-1-07
737-015-0020	4-1-07	Amend	5-1-07	801-010-0050	1-1-07	Amend	2-1-07
737-015-0030	4-1-07	Amend	5-1-07	801-010-0065	1-1-07	Amend	2-1-07
737-015-0040	4-1-07	Repeal	5-1-07	801-010-0080	1-1-07	Amend	2-1-07
737-015-0050	4-1-07	Amend	5-1-07	801-010-0100	1-1-07	Amend	2-1-07
737-015-0060	4-1-07	Amend	5-1-07	801-010-0110	1-1-07	Amend	2-1-07
737-015-0070	4-1-07	Amend	5-1-07	801-010-0345	1-1-07	Amend	2-1-07
737-015-0080	4-1-07	Repeal	5-1-07	801-020-0620	1-1-07	Amend	2-1-07
737-015-0090	4-1-07	Amend	5-1-07	801-020-0690	1-1-07	Amend	2-1-07
737-015-0100	4-1-07	Amend	5-1-07	801-030-0005	1-1-07	Amend	2-1-07
737-015-0110	4-1-07	Adopt	5-1-07	801-030-0010	1-1-07	Amend	2-1-07
740-100-0010	4-1-07	Amend	5-1-07	801-030-0015	1-1-07	Amend	2-1-07
740-100-0060	4-1-07	Amend	5-1-07	801-030-0020	1-1-07	Amend	2-1-07
740-100-0070	4-1-07	Amend	5-1-07	801-040-0010	1-1-07	Amend	2-1-07
740-100-0080	4-1-07	Amend	5-1-07	804-001-0002	7-1-07	Amend	7-1-07
740-100-0090	4-1-07	Amend	5-1-07	804-010-0000	4-27-07	Amend	6-1-07
740-100-0100	4-1-07	Amend	5-1-07	804-010-0010	4-27-07	Amend	6-1-07
740-100-0140	9-17-07	Am. & Ren.(T)	11-1-07	804-010-0020	4-27-07	Am. & Ren.	6-1-07
740-110-0010	4-1-07	Amend	5-1-07	804-020-0001	4-27-07	Am. & Ren.	6-1-07
740-300-0140	9-17-07	Am. & Ren.(T)	11-1-07	804-020-0003	4-27-07	Am. & Ren.	6-1-07
741-060-0010	3-7-07	Amend	4-1-07	804-020-0005	4-27-07	Amend	6-1-07
741-060-0020	3-7-07	Amend	4-1-07	804-020-0030	4-27-07	Amend	6-1-07
741-060-0025	3-7-07	Adopt	4-1-07	804-020-0045	4-27-07	Amend	6-1-07
741-060-0030	3-7-07	Amend	4-1-07	804-022-0000	4-27-07	Am. & Ren.	6-1-07
741-060-0035	3-7-07	Adopt	4-1-07	804-022-0005	4-27-07	Adopt	6-1-07
741-060-0040	3-7-07	Amend	4-1-07	804-022-0010	4-27-07	Am. & Ren.	6-1-07
741-060-0050	3-7-07	Amend	4-1-07	806-001-0003	7-1-07	Amend	6-1-07
741-060-0060	3-7-07	Amend	4-1-07	806-010-0060	12-13-06	Amend	1-1-07
741-060-0070	3-7-07	Amend	4-1-07	806-010-0145	12-13-06	Amend	1-1-07
741-060-0080	3-7-07	Amend	4-1-07	808-001-0008	5-16-07	Amend	7-1-07
741-060-0090	3-7-07	Amend	4-1-07	808-002-0665	8-1-07	Amend	9-1-07
741-060-0095	3-7-07	Adopt	4-1-07	808-003-0015	8-1-07	Amend	9-1-07
741-060-0100	3-7-07	Amend	4-1-07	808-003-0018	8-1-07	Amend	9-1-07
741-060-0110	3-7-07	Amend	4-1-07	808-003-0035	8-1-07	Amend	9-1-07
800-010-0015	2-1-07	Amend	2-1-07	808-003-0040	8-1-07	Amend	9-1-07
800-010-0030	2-1-07	Amend	2-1-07	808-003-0112	8-1-07	Amend	9-1-07
800-010-0031	2-1-07	Amend	2-1-07	808-003-0260	2-1-07	Amend	3-1-07
800-010-0040	2-1-07	Amend	2-1-07	808-003-0440	8-1-07	Adopt	9-1-07
800-010-0041	2-1-07	Amend	2-1-07	808-003-0450	8-1-07	Adopt	9-1-07
800-010-0050	2-1-07	Amend	2-1-07	808-005-0020	8-1-07	Amend	9-1-07
800-014-0070	2-1-07	Amend	2-1-07	808-008-0260	8-1-07	Amend	9-1-07
800-015-0005	2-1-07	Amend	2-1-07	808-009-0400	8-1-07	Amend	9-1-07
800-015-0010	2-1-07	Amend	2-1-07	809-010-0001	7-1-07	Amend	8-1-07
800-015-0020	2-1-07	Amend	2-1-07	809-010-0025	7-1-07	Amend	8-1-07
800-020-0015	2-1-07	Amend	2-1-07	809-015-0010	3-14-07	Amend	4-1-07
800-020-0025	8-1-07	Amend	9-1-07	809-020-0025	3-14-07	Amend	4-1-07
800-020-0030	2-1-07	Amend	2-1-07	811-010-0085	11-24-06	Amend	1-1-07
800-020-0035	2-1-07	Amend	2-1-07	812-001-0130	1-1-07	Amend	1-1-07
800-020-0065	2-1-07	Amend	2-1-07	812-001-0135	1-1-07	Adopt	1-1-07
800-025-0023	2-1-07	Amend	2-1-07	812-001-0160	7-1-07	Amend	8-1-07
800-025-0027	2-1-07	Amend	2-1-07	812-001-0200	7-1-07	Amend	8-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
812-001-0500	1-1-07	Amend	1-1-07	812-004-0530	1-1-07	Amend	1-1-07
812-002-0130	1-1-07	Repeal	1-1-07	812-004-0535	1-1-07	Amend	1-1-07
812-002-0140	1-1-07	Amend	1-1-07	812-004-0540	1-1-07	Amend	1-1-07
812-002-0143	1-1-07	Adopt	1-1-07	812-004-0540	7-1-07	Amend	8-1-07
812-002-0220	7-1-07	Amend	8-1-07	812-004-0550	1-1-07	Amend	1-1-07
812-002-0250	1-1-07	Amend	1-1-07	812-004-0560	1-1-07	Amend	1-1-07
812-002-0440	1-1-07	Amend	1-1-07	812-004-0590	1-1-07	Amend	1-1-07
812-002-0460	1-1-07	Amend	1-1-07	812-004-0600	1-1-07	Amend	1-1-07
812-002-0480	1-1-07	Amend	1-1-07	812-004-0600	7-1-07	Amend	8-1-07
812-002-0537	1-1-07	Amend	1-1-07	812-005-0200	1-1-07	Amend	1-1-07
812-002-0540	1-1-07	Amend	1-1-07	812-005-0210	1-1-07	Amend	1-1-07
812-002-0670	1-1-07	Amend	1-1-07	812-005-0210	9-1-07	Amend	10-1-07
812-002-0673	7-1-07	Adopt	8-1-07	812-005-0800	1-1-07	Amend	1-1-07
812-003-0130	7-1-07	Amend	8-1-07	812-005-0800	7-1-07	Amend	8-1-07
812-003-0140	1-1-07	Amend	1-1-07	812-006-0300	3-1-07	Amend	4-1-07
812-003-0150	1-1-07	Amend	1-1-07	812-006-0400	3-1-07	Amend	4-1-07
812-003-0160	1-1-07	Amend	1-1-07	812-006-0400(T)	3-1-07	Repeal	4-1-07
812-003-0175	1-1-07	Amend	1-1-07	812-006-0450	7-1-07	Amend	8-1-07
812-003-0240	2-1-07	Amend	3-1-07	812-007-0000	1-1-07	Amend	1-1-07
812-003-0260	1-1-07	Amend	1-1-07	812-007-0010	1-1-07	Amend	1-1-07
812-003-0260	9-1-07	Amend	10-1-07	812-007-0020	1-1-07	Amend	1-1-07
812-003-0280	1-1-07	Amend	1-1-07	812-007-0030	1-1-07	Amend	1-1-07
812-003-0300	1-1-07	Amend	1-1-07	812-007-0040	1-1-07	Amend	1-1-07
812-003-0400	1-1-07	Amend	1-1-07	812-007-0050	1-1-07	Amend	1-1-07
812-003-0430	1-1-07	Amend	1-1-07	812-007-0060	1-1-07	Amend	1-1-07
812-003-0450	5-1-07	Adopt	6-1-07	812-007-0070	1-1-07	Amend	1-1-07
812-003-0450	9-1-07	Amend	10-1-07	812-007-0080	1-1-07	Amend	1-1-07
812-004-0001	1-1-07	Amend	1-1-07	812-007-0090	1-1-07	Amend	1-1-07
812-004-0110	1-1-07	Amend	1-1-07	812-008-0040	1-1-06	Amend	1-1-07
812-004-0110	7-1-07	Amend	8-1-07	812-008-0072	1-1-06	Amend	1-1-07
812-004-0120	1-1-07	Amend	1-1-07	812-008-0074	1-1-06	Amend	1-1-07
812-004-0140	1-1-07	Amend	1-1-07	812-009-0010	1-1-07	Amend	1-1-07
812-004-0160	1-1-07	Amend	1-1-07	812-009-0020	1-1-07	Amend	1-1-07
812-004-0180	1-1-07	Amend	1-1-07	812-009-0050	1-1-07	Amend	1-1-07
812-004-0195	1-1-07	Amend	1-1-07	812-009-0070	1-1-07	Amend	1-1-07
812-004-0210	1-1-07	Amend	1-1-07	812-009-0090	1-1-07	Amend	1-1-07
812-004-0240	1-1-07	Amend	1-1-07	812-009-0100	1-1-07	Amend	1-1-07
812-004-0250	1-1-07	Amend	1-1-07	812-009-0120	1-1-07	Amend	1-1-07
812-004-0260	1-1-07	Amend	1-1-07	812-009-0140	1-1-07	Amend	1-1-07
812-004-0300	1-1-07	Amend	1-1-07	812-009-0160	1-1-07	Amend	1-1-07
812-004-0320	1-1-07	Amend	1-1-07	812-009-0160	7-1-07	Amend	8-1-07
812-004-0340	1-1-07	Amend	1-1-07	812-009-0200	1-1-07	Amend	1-1-07
812-004-0350	1-1-07	Amend	1-1-07	812-009-0220	1-1-07	Amend	1-1-07
812-004-0360	1-1-07	Amend	1-1-07	812-009-0400	1-1-07	Amend	1-1-07
812-004-0400	1-1-07	Amend	1-1-07	812-009-0430	1-1-07	Amend	1-1-07
812-004-0420	1-1-07	Amend	1-1-07	812-010-0020	1-1-07	Amend	1-1-07
812-004-0440	1-1-07	Amend	1-1-07	812-010-0040	1-1-07	Amend	1-1-07
812-004-0450	1-1-07	Amend	1-1-07	812-010-0085	1-1-07	Amend	1-1-07
812-004-0460	1-1-07	Amend	1-1-07	812-010-0090	1-1-07	Amend	1-1-07
812-004-0470	1-1-07	Amend	1-1-07	812-010-0100	1-1-07	Amend	1-1-07
812-004-0480	1-1-07	Amend	1-1-07	812-010-0110	1-1-07	Amend	1-1-07
812-004-0500	1-1-07	Amend	1-1-07	812-010-0120	1-1-07	Amend	1-1-07
812-004-0500	7-1-07	Amend	8-1-07	812-010-0140	1-1-07	Amend	1-1-07
812-004-0510	1-1-07	Amend	1-1-07	812-010-0200	1-1-07	Amend	1-1-07
812-004-0520	1-1-07	Amend	1-1-07	812-010-0220	1-1-07	Amend	1-1-07
812-004-0520	7-1-07	Amend	8-1-07	812-010-0260	1-1-07	Amend	1-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
812-010-0290	1-1-07	Amend	1-1-07	813-030-0034	1-11-07	Amend	2-1-07
812-010-0300	1-1-07	Amend	1-1-07	813-030-0035	1-11-07	Amend	2-1-07
812-010-0320	1-1-07	Amend	1-1-07	813-030-0040	1-11-07	Amend	2-1-07
812-010-0340	1-1-07	Amend	1-1-07	813-030-0044	1-11-07	Amend	2-1-07
812-010-0360	1-1-07	Amend	1-1-07	813-030-0046	1-11-07	Amend	2-1-07
812-010-0380	1-1-07	Amend	1-1-07	813-030-0047	1-11-07	Amend	2-1-07
812-010-0420	1-1-07	Amend	1-1-07	813-030-0060	1-11-07	Amend	2-1-07
812-010-0425	1-1-07	Amend	1-1-07	813-030-0062	1-11-07	Amend	2-1-07
812-010-0430	1-1-07	Amend	1-1-07	813-030-0066	1-11-07	Amend	2-1-07
812-010-0460	1-1-07	Amend	1-1-07	813-030-0067	1-11-07	Amend	2-1-07
812-010-0470	1-1-07	Amend	1-1-07	813-030-0068	1-11-07	Amend	2-1-07
812-010-0480	1-1-07	Amend	1-1-07	813-030-0070	1-11-07	Adopt	2-1-07
813-010-0006	1-11-07	Amend	2-1-07	813-035-0005	1-11-07	Amend	2-1-07
813-010-0011	1-11-07	Amend	2-1-07	813-035-0011	1-11-07	Amend	2-1-07
813-010-0016	1-11-07	Amend	2-1-07	813-035-0016	1-11-07	Amend	2-1-07
813-010-0021	1-11-07	Amend	2-1-07	813-035-0018	1-11-07	Amend	2-1-07
813-010-0023	1-11-07	Repeal	2-1-07	813-035-0021	1-11-07	Amend	2-1-07
813-010-0024	1-11-07	Repeal	2-1-07	813-035-0029	1-11-07	Amend	2-1-07
813-010-0028	1-11-07	Repeal	2-1-07	813-035-0033	1-11-07	Amend	2-1-07
813-010-0029	1-11-07	Amend	2-1-07	813-035-0036	1-11-07	Amend	2-1-07
813-010-0032	1-11-07	Amend	2-1-07	813-035-0040	1-11-07	Amend	2-1-07
813-010-0033	1-11-07	Amend	2-1-07	813-035-0045	1-11-07	Amend	2-1-07
813-010-0036	1-11-07	Amend	2-1-07	813-035-0051	1-11-07	Amend	2-1-07
813-010-0042	1-11-07	Amend	2-1-07	813-035-0070	1-11-07	Adopt	2-1-07
813-010-0051	1-11-07	Amend	2-1-07	813-035-0700	1-11-07	Repeal	2-1-07
813-010-0700	1-11-07	Amend	2-1-07	813-035-0705	1-11-07	Repeal	2-1-07
813-010-0705	1-11-07	Amend	2-1-07	813-035-0710	1-11-07	Repeal	2-1-07
813-010-0710	1-11-07	Amend	2-1-07	813-035-0715	1-11-07	Repeal	2-1-07
813-010-0715	1-11-07	Amend	2-1-07	813-035-0720	1-11-07	Repeal	2-1-07
813-010-0720	1-11-07	Amend	2-1-07	813-038-0005	5-10-07	Adopt	6-1-07
813-010-0740	1-11-07	Adopt	2-1-07	813-038-0010	5-10-07	Adopt	6-1-07
813-012-0010	1-11-07	Amend	2-1-07	813-038-0015	5-10-07	Adopt	6-1-07
813-012-0020	1-11-07	Amend	2-1-07	813-038-0020	5-10-07	Adopt	6-1-07
813-012-0030	1-11-07	Amend	2-1-07	813-038-0025	5-10-07	Adopt	6-1-07
813-012-0040	1-11-07	Amend	2-1-07	813-038-0030	5-10-07	Adopt	6-1-07
813-012-0050	1-11-07	Amend	2-1-07	813-038-0035	5-10-07	Adopt	6-1-07
813-012-0060	1-11-07	Amend	2-1-07	813-038-0040	5-10-07	Adopt	6-1-07
813-012-0070	1-11-07	Amend	2-1-07	813-042-0000	1-11-07	Adopt	2-1-07
813-012-0080	1-11-07	Amend	2-1-07	813-042-0000(T)	1-11-07	Repeal	2-1-07
813-012-0090	1-11-07	Amend	2-1-07	813-042-0010	1-11-07	Adopt	2-1-07
813-012-0100	1-11-07	Amend	2-1-07	813-042-0010(T)	1-11-07	Repeal	2-1-07
813-012-0110	1-11-07	Amend	2-1-07	813-042-0020	1-11-07	Adopt	2-1-07
813-012-0120	1-11-07	Amend	2-1-07	813-042-0020(T)	1-11-07	Repeal	2-1-07
813-012-0130	1-11-07	Amend	2-1-07	813-042-0030	1-11-07	Adopt	2-1-07
813-012-0140	1-11-07	Amend	2-1-07	813-042-0030(T)	1-11-07	Repeal	2-1-07
813-012-0150	1-11-07	Amend	2-1-07	813-042-0040	1-11-07	Adopt	2-1-07
813-012-0160	1-11-07	Amend	2-1-07	813-042-0040(T)	1-11-07	Repeal	2-1-07
813-012-0170	1-11-07	Amend	2-1-07	813-042-0050	1-11-07	Adopt	2-1-07
813-012-0180	1-11-07	Adopt	2-1-07	813-042-0050(T)	1-11-07	Repeal	2-1-07
813-030-0005	1-11-07	Amend	2-1-07	813-042-0060	1-11-07	Adopt	2-1-07
813-030-0010	1-11-07	Amend	2-1-07	813-042-0060(T)	1-11-07	Repeal	2-1-07
813-030-0020	1-11-07	Amend	2-1-07	813-042-0070	1-11-07	Adopt	2-1-07
813-030-0025	1-11-07	Amend	2-1-07	813-042-0070(T)	1-11-07	Repeal	2-1-07
813-030-0030	1-11-07	Amend	2-1-07	813-042-0080	1-11-07	Adopt	2-1-07
813-030-0031	1-11-07	Amend	2-1-07	813-042-0080(T)	1-11-07	Repeal	2-1-07
813-030-0032	1-11-07	Amend	2-1-07	813-042-0090	1-11-07	Adopt	2-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
813-042-0090(T)	1-11-07	Repeal	2-1-07	813-130-0050	1-11-07	Amend	2-1-07
813-042-0100	1-11-07	Adopt	2-1-07	813-130-0050(T)	1-11-07	Repeal	2-1-07
813-042-0100(T)	1-11-07	Repeal	2-1-07	813-130-0060	1-11-07	Amend	2-1-07
813-042-0110	1-11-07	Adopt	2-1-07	813-130-0060(T)	1-11-07	Repeal	2-1-07
813-042-0110(T)	1-11-07	Repeal	2-1-07	813-130-0070	1-11-07	Amend	2-1-07
813-060-0005	1-11-07	Amend	2-1-07	813-130-0070(T)	1-11-07	Repeal	2-1-07
813-060-0010	1-11-07	Amend	2-1-07	813-130-0080	1-11-07	Amend	2-1-07
813-060-0020	1-11-07	Amend	2-1-07	813-130-0080(T)	1-11-07	Repeal	2-1-07
813-060-0025	1-11-07	Amend	2-1-07	813-130-0090	1-11-07	Amend	2-1-07
813-060-0030	1-11-07	Amend	2-1-07	813-130-0090(T)	1-11-07	Repeal	2-1-07
813-060-0031	1-11-07	Amend	2-1-07	813-130-0100	1-11-07	Amend	2-1-07
813-060-0032	1-11-07	Amend	2-1-07	813-130-0100(T)	1-11-07	Repeal	2-1-07
813-060-0036	1-11-07	Adopt	2-1-07	813-130-0110	1-11-07	Amend	2-1-07
813-060-0038	1-11-07	Am. & Ren.	2-1-07	813-130-0110(T)	1-11-07	Repeal	2-1-07
813-060-0040	1-11-07	Amend	2-1-07	813-130-0120	1-11-07	Amend	2-1-07
813-060-0044	1-11-07	Amend	2-1-07	813-130-0120(T)	1-11-07	Repeal	2-1-07
813-060-0045	1-11-07	Amend	2-1-07	813-130-0130	1-11-07	Amend	2-1-07
813-060-0047	1-11-07	Amend	2-1-07	813-130-0130(T)	1-11-07	Repeal	2-1-07
813-060-0055	1-11-07	Amend	2-1-07	813-130-0140	1-11-07	Adopt	2-1-07
813-060-0056	1-11-07	Amend	2-1-07	813-130-0140(T)	1-11-07	Repeal	2-1-07
813-060-0061	1-11-07	Amend	2-1-07	813-205-0000	1-11-07	Amend	2-1-07
813-060-0062	1-11-07	Amend	2-1-07	813-205-0000(T)	1-11-07	Repeal	2-1-07
813-060-0065	1-11-07	Amend	2-1-07	813-205-0010	1-11-07	Amend	2-1-07
813-060-0070	1-11-07	Adopt	2-1-07	813-205-0010(T)	1-11-07	Repeal	2-1-07
813-090-0031	1-11-07	Amend	2-1-07	813-205-0020	1-11-07	Amend	2-1-07
813-090-0031(T)	1-11-07	Repeal	2-1-07	813-205-0020(T)	1-11-07	Repeal	2-1-07
813-090-0035	1-11-07	Amend	2-1-07	813-205-0030	1-11-07	Amend	2-1-07
813-090-0035(T)	1-11-07	Repeal	2-1-07	813-205-0030(T)	1-11-07	Repeal	2-1-07
813-090-0036	1-11-07	Amend	2-1-07	813-205-0040	1-11-07	Amend	2-1-07
813-090-0036(T)	1-11-07	Repeal	2-1-07	813-205-0040(T)	1-11-07	Repeal	2-1-07
813-090-0070	1-11-07	Amend	2-1-07	813-205-0050	1-11-07	Amend	2-1-07
813-090-0070(T)	1-11-07	Repeal	2-1-07	813-205-0050(T)	1-11-07	Repeal	2-1-07
813-110-0010	1-11-07	Amend	2-1-07	813-205-0051	1-11-07	Amend	2-1-07
813-110-0010(T)	1-11-07	Repeal	2-1-07	813-205-0051(T)	1-11-07	Repeal	2-1-07
813-110-0015	1-11-07	Amend	2-1-07	813-205-0052	1-11-07	Adopt	2-1-07
813-110-0015(T)	1-11-07	Repeal	2-1-07	813-205-0052(T)	1-11-07	Repeal	2-1-07
813-110-0030	1-11-07	Amend	2-1-07	813-205-0060	1-11-07	Amend	2-1-07
813-110-0030(T)	1-11-07	Repeal	2-1-07	813-205-0060(T)	1-11-07	Repeal	2-1-07
813-110-0033	1-11-07	Amend	2-1-07	813-205-0070	1-11-07	Amend	2-1-07
813-110-0033(T)	1-11-07	Repeal	2-1-07	813-205-0070(T)	1-11-07	Repeal	2-1-07
813-110-0035	1-11-07	Amend	2-1-07	813-205-0080	1-11-07	Amend	2-1-07
813-110-0035(T)	1-11-07	Repeal	2-1-07	813-205-0080(T)	1-11-07	Repeal	2-1-07
813-120-0080	1-11-07	Amend	2-1-07	813-205-0085	1-11-07	Adopt	2-1-07
813-120-0080(T)	1-11-07	Repeal	2-1-07	813-205-0085(T)	1-11-07	Repeal	2-1-07
813-120-0100	1-11-07	Amend	2-1-07	813-205-0100	1-11-07	Adopt	2-1-07
813-120-0100(T)	1-11-07	Repeal	2-1-07	813-205-0100(T)	1-11-07	Repeal	2-1-07
813-130-0000	1-11-07	Amend	2-1-07	813-205-0110	1-11-07	Adopt	2-1-07
813-130-0000(T)	1-11-07	Repeal	2-1-07	813-205-0110(T)	1-11-07	Repeal	2-1-07
813-130-0010	1-11-07	Amend	2-1-07	813-205-0120	1-11-07	Adopt	2-1-07
813-130-0010(T)	1-11-07	Repeal	2-1-07	813-205-0120(T)	1-11-07	Repeal	2-1-07
813-130-0020	1-11-07	Amend	2-1-07	813-205-0130	1-11-07	Adopt	2-1-07
813-130-0020(T)	1-11-07	Repeal	2-1-07	813-205-0130(T)	1-11-07	Repeal	2-1-07
813-130-0030	1-11-07	Amend	2-1-07	813-300-0010	10-2-07	Amend(T)	11-1-07
813-130-0030(T)	1-11-07	Repeal	2-1-07	813-300-0020	10-2-07	Amend(T)	11-1-07
813-130-0040	1-11-07	Amend	2-1-07	813-300-0030	10-2-07	Amend(T)	11-1-07
813-130-0040(T)	1-11-07	Repeal	2-1-07	813-300-0060	10-2-07	Amend(T)	11-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
813-300-0080	10-2-07	Amend(T)	11-1-07	820-010-0620	8-15-07	Amend	9-1-07
813-300-0100	10-2-07	Amend(T)	11-1-07	820-010-0621	12-5-06	Adopt(T)	1-1-07
813-300-0120	10-2-07	Amend(T)	11-1-07	820-010-0621	4-5-07	Adopt	5-1-07
818-001-0015	3-1-07	Repeal	4-1-07	820-010-0622	11-21-06	Amend	1-1-07
818-001-0021	3-1-07	Repeal	4-1-07	820-010-0635	11-21-06	Amend	1-1-07
818-001-0087	5-1-07	Amend	6-1-07	820-010-0635	4-5-07	Amend	5-1-07
818-012-0030	3-1-07	Amend	4-1-07	820-010-0635	9-20-07	Amend	11-1-07
818-035-0025	5-1-07	Amend	6-1-07	820-010-0720	4-5-07	Amend	5-1-07
818-035-0040	5-1-07	Amend	6-1-07	820-015-0005	11-21-06	Amend	1-1-07
818-035-0072	5-1-07	Adopt	6-1-07	820-015-0010	11-21-06	Amend	1-1-07
820-001-0000	11-21-06	Amend	1-1-07	820-015-0026	11-21-06	Amend	1-1-07
820-001-0020	11-21-06	Amend	1-1-07	820-020-0005	11-21-06	Amend	1-1-07
820-010-0010	11-21-06	Amend	1-1-07	820-020-0010	11-21-06	Repeal	1-1-07
820-010-0010	4-5-07	Amend	5-1-07	820-020-0015	4-5-07	Amend	5-1-07
820-010-0010	9-20-07	Amend	11-1-07	820-020-0025	11-21-06	Amend	1-1-07
820-010-0200	11-21-06	Amend	1-1-07	820-020-0030	11-21-06	Amend	1-1-07
820-010-0200	9-20-07	Amend	11-1-07	820-020-0035	11-21-06	Amend	1-1-07
820-010-0204	11-21-06	Adopt	1-1-07	820-020-0045	11-21-06	Amend	1-1-07
820-010-0205	11-21-06	Amend	1-1-07	820-040-0040	11-21-06	Amend	1-1-07
820-010-0206	11-21-06	Adopt	1-1-07	836-009-0011	9-14-07	Amend	10-1-07
820-010-0207	11-21-06	Amend	1-1-07	836-020-0770	2-12-07	Amend	3-1-07
820-010-0208	11-21-06	Adopt	1-1-07	836-031-0800	2-12-07	Adopt	3-1-07
820-010-0210	4-5-07	Amend	5-1-07	836-031-0805	2-12-07	Adopt	3-1-07
820-010-0215	9-20-07	Amend	11-1-07	836-031-0810	2-12-07	Adopt	3-1-07
820-010-0225	11-21-06	Amend	1-1-07	836-031-0815	2-12-07	Adopt	3-1-07
820-010-0226	11-21-06	Adopt	1-1-07	836-043-0110	1-17-07	Amend	3-1-07
820-010-0227	11-21-06	Adopt	1-1-07	836-053-0016	8-20-07	Suspend	10-1-07
820-010-0227	9-20-07	Amend	11-1-07	836-053-0021	8-20-07	Amend(T)	10-1-07
820-010-0228	11-21-06	Adopt	1-1-07	836-053-0026	8-20-07	Suspend	10-1-07
820-010-0228	9-20-07	Amend	11-1-07	836-053-0030	8-20-07	Amend(T)	10-1-07
820-010-0230	11-21-06	Amend	1-1-07	836-053-0040	8-20-07	Amend(T)	10-1-07
820-010-0230	4-5-07	Amend	5-1-07	836-053-0050	8-20-07	Amend(T)	10-1-07
820-010-0230	9-20-07	Amend	11-1-07	836-053-0060	8-20-07	Amend(T)	10-1-07
820-010-0231	11-21-06	Adopt	1-1-07	836-053-0065	8-20-07	Amend(T)	10-1-07
820-010-0231	4-5-07	Amend	5-1-07	836-071-0146	1-1-08	Adopt	4-1-07
820-010-0231	9-20-07	Amend	11-1-07	836-071-0180	1-1-08	Amend	4-1-07
820-010-0255	11-21-06	Amend	1-1-07	836-071-0215	1-1-08	Amend	4-1-07
820-010-0300	11-21-06	Amend	1-1-07	836-071-0220	1-1-08	Amend	4-1-07
820-010-0305	11-21-06	Amend	1-1-07	836-071-0242	1-1-08	Amend	4-1-07
820-010-0305	9-20-07	Amend	11-1-07	836-071-0250	1-1-08	Amend	4-1-07
820-010-0325	3-23-07	Amend(T)	5-1-07	836-080-0750	1-1-08	Adopt	10-1-07
820-010-0325	8-15-07	Amend	9-1-07	836-080-0755	1-1-08	Adopt	10-1-07
820-010-0400	11-21-06	Adopt	1-1-07	836-080-0760	1-1-08	Adopt	10-1-07
820-010-0415	9-20-07	Amend	11-1-07	836-080-0765	1-1-08	Adopt	10-1-07
820-010-0417	9-20-07	Adopt	11-1-07	836-080-0770	1-1-08	Adopt	10-1-07
820-010-0425	9-20-07	Amend	11-1-07	836-080-0775	1-1-08	Adopt	10-1-07
820-010-0427	9-20-07	Amend	11-1-07	837-012-0305	1-1-07	Amend	2-1-07
820-010-0440	9-20-07	Amend	11-1-07	837-012-0310	1-1-07	Amend	2-1-07
820-010-0463	9-20-07	Adopt	11-1-07	837-012-0315	1-1-07	Amend	2-1-07
820-010-0470	9-20-07	Amend	11-1-07	837-012-0320	1-1-07	Amend	2-1-07
820-010-0510	9-20-07	Adopt	11-1-07	837-012-0325	1-1-07	Amend	2-1-07
820-010-0520	9-20-07	Adopt	11-1-07	837-012-0330	1-1-07	Amend	2-1-07
820-010-0605	11-21-06	Amend	1-1-07	837-012-0340	1-1-07	Amend	2-1-07
820-010-0617	11-21-06	Amend	1-1-07	837-012-0350	1-1-07	Amend	2-1-07
820-010-0618	11-21-06	Repeal	1-1-07	837-012-0360	1-1-07	Amend	2-1-07
820-010-0620	12-5-06	Amend(T)	1-1-07	837-012-0370	1-1-07	Amend	2-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
837-012-1200	12-1-06	Amend	1-1-07	837-035-0340	7-2-07	Adopt(T)	8-1-07
837-012-1210	12-1-06	Amend	1-1-07	837-040-0001	4-1-07	Amend	1-1-07
837-012-1220	12-1-06	Amend	1-1-07	837-040-0010	4-1-07	Amend	1-1-07
837-012-1230	12-1-06	Amend	1-1-07	837-040-0020	4-1-07	Amend	1-1-07
837-012-1240	12-1-06	Amend	1-1-07	837-040-0140	4-1-07	Amend	1-1-07
837-012-1250	12-1-06	Amend	1-1-07	839-003-0025	7-18-07	Amend(T)	9-1-07
837-012-1260	12-1-06	Amend	1-1-07	839-003-0025	10-1-07	Amend	11-1-07
837-012-1270	12-1-06	Amend	1-1-07	839-004-0001	7-18-07	Amend(T)	9-1-07
837-012-1280	12-1-06	Amend	1-1-07	839-004-0001	10-1-07	Amend	11-1-07
837-012-1290	12-1-06	Amend	1-1-07	839-004-0021	7-18-07	Amend(T)	9-1-07
837-012-1300	12-1-06	Amend	1-1-07	839-004-0021	10-1-07	Amend	11-1-07
837-012-1310	12-1-06	Amend	1-1-07	839-005-0010	2-2-07	Amend	3-1-07
837-012-1320	12-1-06	Amend	1-1-07	839-005-0030	1-3-07	Amend	2-1-07
837-012-1330	12-1-06	Amend	1-1-07	839-006-0205	2-1-07	Amend	3-1-07
837-012-1340	12-1-06	Amend	1-1-07	839-006-0206	2-1-07	Amend	3-1-07
837-012-1350	12-1-06	Amend	1-1-07	839-009-0250	1-17-07	Amend	3-1-07
837-012-1360	12-1-06	Amend	1-1-07	839-009-0280	1-3-07	Amend	2-1-07
837-012-1370	12-1-06	Amend	1-1-07	839-020-0004	11-27-06	Amend(T)	1-1-07
837-012-1380	12-1-06	Amend	1-1-07	839-020-0004	5-15-07	Amend	6-1-07
837-012-1390	12-1-06	Amend	1-1-07	839-025-0004	8-1-07	Amend(T)	9-1-07
837-012-1400	12-1-06	Amend	1-1-07	839-025-0005	8-1-07	Adopt(T)	9-1-07
837-012-1410	12-1-06	Amend	1-1-07	839-025-0020	1-23-07	Amend	3-1-07
837-012-1420	12-1-06	Amend	1-1-07	839-025-0020	8-1-07	Amend(T)	9-1-07
837-020-0025	4-1-07	Amend	5-1-07	839-025-0100	8-1-07	Amend(T)	9-1-07
837-020-0035	4-1-07	Amend	5-1-07	839-025-0310	8-1-07	Amend(T)	9-1-07
837-020-0040	4-1-07	Amend	5-1-07	839-025-0340	8-1-07	Amend(T)	9-1-07
837-020-0045	4-1-07	Amend	5-1-07	839-025-0530	8-1-07	Amend(T)	9-1-07
837-020-0050	4-1-07	Amend	5-1-07	839-025-0700	1-31-07	Amend	3-1-07
837-020-0055	4-1-07	Amend	5-1-07	839-025-0700	11-20-06	Amend	1-1-07
837-020-0060	4-1-07	Amend	5-1-07	839-025-0700	12-8-06	Amend	1-1-07
837-020-0065	4-1-07	Amend	5-1-07	839-025-0700	1-1-07	Amend	2-1-07
837-020-0070	4-1-07	Amend	5-1-07	839-025-0700	3-5-07	Amend	4-1-07
837-020-0075	4-1-07	Amend	5-1-07	839-025-0700	3-30-07	Amend	5-1-07
837-020-0080	4-1-07	Amend	5-1-07	839-025-0700	4-1-07	Amend	5-1-07
837-020-0085	4-1-07	Amend	5-1-07	839-025-0700	4-2-07	Amend	5-1-07
837-020-0105	4-1-07	Amend	5-1-07	839-025-0700	4-30-07	Amend	6-1-07
837-020-0115	4-1-07	Amend	5-1-07	839-025-0700	5-31-07	Amend	7-1-07
837-020-0120	4-1-07	Amend	5-1-07	839-025-0700	6-11-07	Amend	7-1-07
837-020-0125	4-1-07	Amend	5-1-07	839-025-0700	6-28-07	Amend	8-1-07
837-035-0000	7-2-07	Adopt(T)	8-1-07	839-025-0700	6-28-07	Amend	8-1-07
837-035-0020	7-2-07	Adopt(T)	8-1-07	839-025-0700	7-1-07	Amend	8-1-07
837-035-0040	7-2-07	Adopt(T)	8-1-07	839-025-0700	7-12-07	Amend	8-1-07
837-035-0060	7-2-07	Adopt(T)	8-1-07	839-025-0700	8-8-07	Amend	9-1-07
837-035-0080	7-2-07	Adopt(T)	8-1-07	839-025-0700	8-30-07	Amend	10-1-07
837-035-0100	7-2-07	Adopt(T)	8-1-07	839-025-0700	9-4-07	Amend	10-1-07
837-035-0120	7-2-07	Adopt(T)	8-1-07	839-025-0700	9-12-07	Amend	10-1-07
837-035-0140	7-2-07	Adopt(T)	8-1-07	839-025-0700	9-20-07	Amend	11-1-07
837-035-0160	7-2-07	Adopt(T)	8-1-07	839-025-0700	9-26-07	Amend	11-1-07
837-035-0180	7-2-07	Adopt(T)	8-1-07	839-025-0700	10-1-07	Amend	11-1-07
837-035-0200	7-2-07	Adopt(T)	8-1-07	839-025-0700	10-1-07	Amend	11-1-07
837-035-0220	7-2-07	Adopt(T)	8-1-07	839-025-0750	1-1-07	Amend	2-1-07
837-035-0240	7-2-07	Adopt(T)	8-1-07	839-025-0750	7-2-07	Amend	8-1-07
837-035-0260	7-2-07	Adopt(T)	8-1-07	839-050-0140	12-6-06	Amend	1-1-07
837-035-0280	7-2-07	Adopt(T)	8-1-07	845-001-0007	4-1-07	Amend	5-1-07
837-035-0300	7-2-07	Adopt(T)	8-1-07	845-003-0270	10-1-07	Amend	11-1-07
837-035-0320	7-2-07	Adopt(T)	8-1-07	845-005-0326	3-1-07	Amend	4-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
845-005-0415	5-14-07	Amend(T)	6-1-07	848-010-0033	4-1-07	Amend	4-1-07
845-005-0415	11-11-07	Amend	11-1-07	848-010-0035	4-1-07	Amend	4-1-07
845-006-0345	4-1-07	Amend	5-1-07	848-015-0010	4-1-07	Amend	4-1-07
845-006-0348	10-1-07	Amend	11-1-07	848-015-0020	4-1-07	Amend	4-1-07
845-006-0361	8-1-07	Repeal	9-1-07	848-020-0000	4-1-07	Amend	4-1-07
845-006-0482	4-1-07	Amend	5-1-07	848-040-0100	4-1-07	Amend	4-1-07
845-006-0498	8-1-07	Amend	9-1-07	848-040-0110	4-1-07	Amend	4-1-07
845-006-0500	10-1-07	Amend	11-1-07	848-040-0117	4-1-07	Amend	4-1-07
845-015-0199	1-1-07	Repeal	3-1-07	848-040-0125	4-1-07	Amend	4-1-07
845-016-0005	9-1-07	Amend	4-1-07	848-040-0130	4-1-07	Amend	4-1-07
845-016-0010	9-1-07	Amend	4-1-07	848-040-0135	4-1-07	Amend	4-1-07
845-016-0015	9-1-07	Amend	4-1-07	848-040-0140	4-1-07	Amend	4-1-07
845-016-0015	9-1-07	Amend	10-1-07	848-040-0145	4-1-07	Amend	4-1-07
845-016-0016	9-1-07	Adopt	4-1-07	848-040-0150	4-1-07	Amend	4-1-07
845-016-0020	9-1-07	Amend	4-1-07	848-040-0155	4-1-07	Amend	4-1-07
845-016-0030	9-1-07	Amend	4-1-07	848-040-0160	4-1-07	Amend	4-1-07
845-016-0035	9-1-07	Amend	4-1-07	850-010-0005	6-12-07	Amend	7-1-07
845-016-0036	9-1-07	Adopt	4-1-07	850-030-0020	6-12-07	Adopt	7-1-07
845-016-0045	9-1-07	Amend	4-1-07	850-060-0225	12-11-06	Amend	1-1-07
845-016-0075	9-1-07	Amend	4-1-07	850-060-0225	6-12-07	Amend	7-1-07
845-020-0035	9-17-07	Amend(T)	11-1-07	850-060-0226	12-11-06	Amend	1-1-07
847-005-0005	1-24-07	Amend	3-1-07	850-060-0226	6-12-07	Amend	7-1-07
847-008-0015	1-24-07	Amend	3-1-07	851-002-0010	7-1-07	Amend	6-1-07
847-008-0022	1-24-07	Amend	3-1-07	851-002-0020	11-29-06	Amend	1-1-07
847-008-0023	1-24-07	Amend	3-1-07	851-002-0035	11-29-06	Amend	1-1-07
847-008-0037	1-24-07	Adopt	3-1-07	851-002-0040	1-1-08	Amend	8-1-07
847-010-0063	1-24-07	Amend	3-1-07	851-002-0055	7-1-07	Adopt	6-1-07
847-010-0073	1-24-07	Amend	3-1-07	851-031-0007	5-14-07	Adopt	9-1-07
847-010-0110	4-26-07	Adopt	6-1-07	851-031-0010	11-29-06	Amend	1-1-07
847-017-0010	7-23-07	Amend	9-1-07	851-050-0002	3-13-07	Amend	4-1-07
847-020-0110	1-24-07	Amend	3-1-07	851-054-0040	3-13-07	Amend	4-1-07
847-020-0140	1-24-07	Amend	3-1-07	851-056-0012	3-13-07	Amend	4-1-07
847-020-0150	7-23-07	Amend	9-1-07	851-056-0012	5-2-07	Amend	6-1-07
847-020-0155	1-24-07	Adopt	3-1-07	851-056-0012	6-26-07	Amend	8-1-07
847-020-0160	7-23-07	Amend	9-1-07	851-056-0012	10-1-07	Amend	11-1-07
847-020-0180	4-26-07	Amend	6-1-07	851-062-0016	11-29-06	Amend	1-1-07
847-023-0010	2-6-07	Adopt(T)	3-1-07	851-062-0135	5-14-07	Adopt	9-1-07
847-023-0010	7-23-07	Adopt	9-1-07	851-063-0035	10-1-07	Adopt	11-1-07
847-023-0015	2-6-07	Adopt(T)	3-1-07	852-005-0005	7-1-07	Amend	7-1-07
847-023-0015	7-23-07	Adopt	9-1-07	852-010-0015	7-1-07	Amend	7-1-07
847-025-0050	1-24-07	Amend	3-1-07	852-010-0023	7-1-07	Amend	7-1-07
847-028-0030	1-24-07	Amend	3-1-07	852-010-0080	7-1-07	Amend	7-1-07
847-035-0030	1-24-07	Amend	3-1-07	852-050-0005	7-1-07	Amend	7-1-07
847-035-0030	4-26-07	Amend	6-1-07	852-050-0006	7-1-07	Amend	7-1-07
847-070-0016	4-26-07	Amend	6-1-07	852-050-0012	7-1-07	Amend	7-1-07
847-070-0038	4-26-07	Amend	6-1-07	852-080-0040	7-1-07	Amend	7-1-07
847-080-0001	1-24-07	Amend	3-1-07	855-001-0000	6-29-07	Amend	8-1-07
847-080-0002	1-24-07	Amend	3-1-07	855-001-0005	12-19-06	Amend	2-1-07
847-080-0013	7-23-07	Amend	9-1-07	855-001-0040	6-29-07	Am. & Ren.	8-1-07
847-080-0017	7-23-07	Amend	9-1-07	855-006-0005	12-19-06	Amend	2-1-07
847-080-0018	7-23-07	Amend	9-1-07	855-006-0015	8-27-07	Adopt(T)	10-1-07
847-080-0018	7-23-07	Amend(T)	9-1-07	855-010-0001	6-29-07	Amend	8-1-07
848-001-0000	4-1-07	Amend	4-1-07	855-010-0005	6-29-07	Amend	8-1-07
848-001-0010	4-1-07	Amend	4-1-07	855-010-0010	6-29-07	Repeal	8-1-07
848-005-0010	6-1-07	Amend	7-1-07	855-021-0016	12-19-06	Adopt	2-1-07
848-010-0015	4-1-07	Amend	4-1-07	855-031-0005	6-29-07	Amend	8-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
855-031-0010	6-29-07	Amend	8-1-07	860-021-0034	9-13-07	Amend	10-1-07
855-031-0015	6-29-07	Amend	8-1-07	860-022-0041	9-18-07	Amend	11-1-07
855-031-0020	6-29-07	Amend	8-1-07	860-022-0070	1-23-07	Amend	3-1-07
855-031-0030	6-29-07	Amend	8-1-07	860-024-0010	5-14-07	Amend	6-1-07
855-031-0033	6-29-07	Amend	8-1-07	860-024-0016	5-14-07	Amend	6-1-07
855-031-0035	6-29-07	Repeal	8-1-07	860-024-0020	9-10-07	Amend	10-1-07
855-031-0040	6-29-07	Amend	8-1-07	860-024-0021	9-10-07	Amend	10-1-07
855-031-0045	6-29-07	Amend	8-1-07	860-028-0020	4-16-07	Amend	6-1-07
855-031-0050	6-29-07	Amend	8-1-07	860-028-0050	4-16-07	Adopt	6-1-07
855-031-0055	6-29-07	Amend	8-1-07	860-028-0060	4-16-07	Adopt	6-1-07
855-041-0061	8-27-07	Adopt(T)	10-1-07	860-028-0070	4-16-07	Adopt	6-1-07
855-041-0090	6-29-07	Repeal	8-1-07	860-028-0080	4-16-07	Adopt	6-1-07
855-041-0120	6-29-07	Amend	8-1-07	860-028-0100	4-16-07	Adopt	6-1-07
855-041-0500	6-29-07	Amend	8-1-07	860-028-0110	4-16-07	Amend	6-1-07
855-050-0070	1-1-07	Amend(T)	2-1-07	860-028-0115	4-16-07	Adopt	6-1-07
855-050-0070	6-29-07	Amend	8-1-07	860-028-0120	4-16-07	Amend	6-1-07
855-060-0001	12-19-06	Amend	2-1-07	860-028-0130	4-16-07	Amend	6-1-07
855-065-0001	12-19-06	Amend	2-1-07	860-028-0140	4-16-07	Amend	6-1-07
855-065-0005	12-19-06	Amend	2-1-07	860-028-0150	4-16-07	Amend	6-1-07
855-065-0006	12-19-06	Adopt	2-1-07	860-028-0170	4-16-07	Amend	6-1-07
855-065-0007	12-19-06	Amend	2-1-07	860-028-0180	4-16-07	Amend	6-1-07
855-065-0009	12-19-06	Amend	2-1-07	860-028-0190	4-16-07	Amend	6-1-07
855-065-0010	12-19-06	Amend	2-1-07	860-028-0230	4-16-07	Amend	6-1-07
855-065-0012	12-19-06	Adopt	2-1-07	860-028-0310	4-16-07	Amend	6-1-07
855-065-0013	12-19-06	Adopt	2-1-07	860-038-0480	5-15-07	Amend	6-1-07
855-070-0005	12-19-06	Amend	2-1-07	860-039-0005	7-27-07	Adopt	9-1-07
855-080-0015	6-29-07	Amend	8-1-07	860-039-0010	7-27-07	Adopt	9-1-07
855-080-0021	6-29-07	Amend	8-1-07	860-039-0015	7-27-07	Adopt	9-1-07
855-080-0022	6-29-07	Amend	8-1-07	860-039-0020	7-27-07	Adopt	9-1-07
855-080-0023	6-29-07	Amend	8-1-07	860-039-0025	7-27-07	Adopt	9-1-07
855-080-0024	6-29-07	Amend	8-1-07	860-039-0030	7-27-07	Adopt	9-1-07
855-080-0026	6-29-07	Amend	8-1-07	860-039-0035	7-27-07	Adopt	9-1-07
855-080-0028	12-19-06	Amend	2-1-07	860-039-0040	7-27-07	Adopt	9-1-07
855-080-0030	6-29-07	Repeal	8-1-07	860-039-0045	7-27-07	Adopt	9-1-07
855-080-0031	6-29-07	Amend	8-1-07	860-039-0050	7-27-07	Adopt	9-1-07
855-080-0065	6-29-07	Amend	8-1-07	860-039-0055	7-27-07	Adopt	9-1-07
855-080-0070	6-29-07	Amend	8-1-07	860-039-0060	7-27-07	Adopt	9-1-07
855-080-0080	6-29-07	Amend	8-1-07	860-039-0065	7-27-07	Adopt	9-1-07
855-080-0085	6-29-07	Amend	8-1-07	860-039-0070	7-27-07	Adopt	9-1-07
855-080-0090	6-29-07	Repeal	8-1-07	860-039-0075	7-27-07	Adopt	9-1-07
855-110-0005	12-19-06	Amend	2-1-07	860-039-0080	7-27-07	Adopt	9-1-07
856-010-0010	1-26-07	Amend	3-1-07	863-001-0005	1-1-07	Amend	2-1-07
856-010-0010	5-22-07	Amend	7-1-07	863-015-0020	3-21-07	Amend(T)	5-1-07
856-010-0011	1-26-07	Amend	3-1-07	863-015-0020	9-26-07	Amend	11-1-07
856-010-0012	1-26-07	Amend	3-1-07	863-015-0030	3-21-07	Amend(T)	5-1-07
856-010-0015	1-26-07	Amend	3-1-07	863-015-0030	9-26-07	Amend	11-1-07
856-010-0016	7-26-07	Adopt(T)	9-1-07	863-015-0050	3-21-07	Amend(T)	5-1-07
860-011-0080	4-18-07	Amend	6-1-07	863-015-0050	9-26-07	Amend	11-1-07
860-011-0090	4-18-07	Adopt	6-1-07	863-015-0063	9-26-07	Adopt	11-1-07
860-011-0100	4-18-07	Adopt	6-1-07	863-015-0064	3-21-07	Adopt(T)	5-1-07
860-011-0110	4-18-07	Adopt	6-1-07	863-015-0065	3-21-07	Amend(T)	5-1-07
860-016-0020	12-15-06	Amend	1-1-07	863-015-0065	9-26-07	Amend	11-1-07
860-016-0021	12-15-06	Amend	1-1-07	863-015-0125	1-1-07	Amend(T)	2-1-07
860-016-0025	12-15-06	Amend	1-1-07	863-015-0125	6-29-07	Amend	8-1-07
860-016-0030	12-15-06	Amend	1-1-07	863-025-0005	3-12-07	Amend	4-1-07
860-021-0033	9-13-07	Amend	10-1-07	863-025-0010	3-12-07	Amend	4-1-07

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
863-025-0015	3-12-07	Amend	4-1-07	918-098-1330	1-1-07	Amend	2-1-07
863-025-0020	3-12-07	Amend	4-1-07	918-098-1400	1-1-07	Repeal	2-1-07
863-025-0025	3-12-07	Amend	4-1-07	918-098-1440	1-1-07	Amend	2-1-07
863-025-0030	3-12-07	Amend	4-1-07	918-098-1450	1-1-07	Amend	2-1-07
863-025-0035	3-12-07	Amend	4-1-07	918-098-1620	1-1-07	Amend	2-1-07
863-025-0040	3-12-07	Amend	4-1-07	918-098-1630	1-1-07	Amend	2-1-07
863-025-0045	3-12-07	Amend	4-1-07	918-225-0230	12-29-06	Repeal	2-1-07
863-025-0050	3-12-07	Amend	4-1-07	918-225-0405	9-1-07	Repeal	8-1-07
863-025-0055	3-12-07	Amend	4-1-07	918-225-0430	1-1-07	Amend	2-1-07
863-025-0060	3-12-07	Amend	4-1-07	918-225-0435	1-1-07	Adopt	2-1-07
863-025-0065	3-12-07	Amend	4-1-07	918-225-0435	6-15-07	Amend	7-1-07
863-025-0070	3-12-07	Amend	4-1-07	918-225-0570	1-1-07	Amend	2-1-07
863-025-0080	3-12-07	Adopt	4-1-07	918-225-0570	9-1-07	Amend	8-1-07
918-030-0015	4-1-07	Adopt	5-1-07	918-225-0580	9-1-07	Repeal	8-1-07
918-030-0060	4-1-07	Amend	5-1-07	918-225-0700	4-1-07	Amend	5-1-07
918-040-0000	12-29-06	Adopt	2-1-07	918-251-0070	12-29-06	Repeal	2-1-07
918-040-0020	12-29-06	Adopt	2-1-07	918-251-0090	4-1-07	Amend	5-1-07
918-040-0030	12-29-06	Adopt	2-1-07	918-261-0034	1-1-07	Adopt	2-1-07
918-040-0040	12-29-06	Adopt	2-1-07	918-261-0040	4-1-07	Amend	5-1-07
918-050-0100	7-1-07	Amend	6-1-07	918-281-0020	1-1-07	Amend	2-1-07
918-050-0110	7-1-07	Amend	6-1-07	918-395-0400	1-1-07	Amend	2-1-07
918-050-0800	1-1-08	Amend	11-1-07	918-400-0260	12-29-06	Repeal	2-1-07
918-098-1000	1-1-07	Amend	2-1-07	918-400-0455	1-1-07	Amend	2-1-07
918-098-1005	1-1-07	Amend	2-1-07	918-400-0458	1-1-07	Adopt	2-1-07
918-098-1010	1-1-07	Amend	2-1-07	918-400-0660	10-1-07	Amend	8-1-07
918-098-1020	1-1-07	Am. & Ren.	2-1-07	918-440-0010	4-1-07	Amend	3-1-07
918-098-1025	1-1-07	Amend	2-1-07	918-460-0010	4-1-07	Amend	3-1-07
918-098-1030	1-1-07	Amend	2-1-07	918-460-0015	4-1-07	Amend	3-1-07
918-098-1040	1-1-07	Repeal	2-1-07	918-480-0010	4-1-07	Amend	3-1-07
918-098-1042	1-1-07	Repeal	2-1-07	918-500-0021	8-21-07	Amend(T)	10-1-07
918-098-1045	1-1-07	Repeal	2-1-07	918-690-0400	12-29-06	Repeal	2-1-07
918-098-1050	1-1-07	Repeal	2-1-07	951-002-0005	6-1-07	Amend	7-1-07
918-098-1055	1-1-07	Repeal	2-1-07	951-002-0010	6-1-07	Amend	7-1-07
918-098-1060	1-1-07	Repeal	2-1-07	951-002-0020	6-1-07	Amend	7-1-07
918-098-1065	1-1-07	Repeal	2-1-07	951-003-0005	11-17-06	Amend	1-1-07
918-098-1070	1-1-07	Repeal	2-1-07	951-004-0000	11-17-06	Adopt	1-1-07
918-098-1075	1-1-07	Repeal	2-1-07	951-004-0001	11-17-06	Adopt	1-1-07
918-098-1085	1-1-07	Repeal	2-1-07	951-004-0002	11-17-06	Adopt	1-1-07
918-098-1200	1-1-07	Repeal	2-1-07	951-004-0003	11-17-06	Adopt	1-1-07
918-098-1205	1-1-07	Repeal	2-1-07	951-004-0004	11-17-06	Adopt	1-1-07
918-098-1220	1-1-07	Repeal	2-1-07	951-005-0000	11-16-06	Adopt	1-1-07
918-098-1305	1-1-07	Amend	2-1-07	951-005-0001	11-16-06	Adopt	1-1-07
918-098-1310	1-1-07	Amend	2-1-07	951-005-0002	11-16-06	Adopt	1-1-07
918-098-1315	1-1-07	Amend	2-1-07	972-030-0010	7-31-07	Amend	9-1-07
918-098-1320	1-1-07	Amend	2-1-07	972-030-0020	7-31-07	Amend	9-1-07
918-098-1325	1-1-07	Amend	2-1-07				

