

OREGON BULLETIN

Supplements the 2016 Oregon Administrative Rules Compilation

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Secretary of State
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INFORMATION ABOUT ADMINISTRATIVE RULES

General Information

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

Background on Oregon Administrative Rules

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

OAR Citations

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

Understanding an Administrative Rule’s “History”

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

Locating Current Versions of Administrative Rules

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

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

Locating Administrative Rule Publications

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

Filing Administrative Rules and Notices

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

Administrative Rules Coordinators and Delegation of Signing Authority

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

Publication Authority

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

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

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OTHER NOTICES

REQUEST FOR COMMENTS PROPOSED CLEANUP AT FORMER PORTLAND GAS MANUFACTURING

COMMENTS DUE: 5 p.m., Nov. 30, 2016

PROJECT LOCATION: Foot of NW Flanders and Everett Streets, Portland, Oregon

PROPOSAL: The Oregon Department of Environmental Quality is proposing cleanup actions for sediment and groundwater contamination associated with the former Portland Gas Manufacturing in downtown Portland. Cleanup will include sediment removal, installation of a treatment cap and monitored natural recovery.

HIGHLIGHTS: The former Portland Gas Manufacturing property is located on the west bank of the Willamette River in the vicinity of NW Naito and NW Everett Street. Gas manufacturing occurred on the property from approximately 1861 to 1913.

Northwest Natural entered into an agreement with DEQ in 2009 to investigate and clean up environmental contamination from historical operations that may be impacting the river. Investigation has identified contamination in sediment in an approximately 3-acre area within the river. Some groundwater contamination has also been observed. The highest levels of contamination in the river are generally buried. Cleanup activities are proposed to eliminate risk posed by contaminated sediment, and groundwater that may be discharging to the river, through a combination of dredging, amended capping, and monitored natural recovery.

HOW TO COMMENT: Send comments by 5 p.m., Nov. 30, 2016 to DEQ Project Manager Daniel Hafley at 700 NE Multnomah St., Suite 600, Portland, Oregon, or hafley.dan@deq.state.or.us.

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

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

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, select "Search complete ECSI database", then enter ECSI# 1138 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI # 1138 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/lq/ECSI/ecsidetail.asp?seqnbr=1138>.

Find information about requesting a review of DEQ project files.

Find the file review application form:

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

THE NEXT STEP: After the public comment period is closed, DEQ will review all comments and determine whether changes to the proposed remedial action are necessary.

ACCESSIBILITY INFORMATION: Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.

REQUEST FOR COMMENTS PROPOSED CONDITIONAL NO FURTHER ACTION FOR THE FORMER OREGON FOUNDRY SITE IN OREGON CITY, OREGON

COMMENTS DUE: 5 p.m., Wed., Nov. 30, 2016

PROJECT LOCATION: 128 S. McLoughlin, Oregon City, OR

PROPOSAL: The Oregon Department of Environmental Quality invites comments on its proposal to issue a conditional no further action determination for the Oregon City Foundry Site in Oregon City.

HIGHLIGHTS: The Site property is located at 128 South McLoughlin Boulevard, in Oregon City. A foundry building was located on the northeasterly one-third of the subject property from sometime before 1936 until approximately 1961. From about 1975

until the present an autobody business has operated in a building located on the northeasterly one-third of the property.

In May 2003, as part of a business renovation, approximately 50 cubic yards of soil was excavated from beneath the northeast corner of the Site building to accommodate installation of below grade components for new paint booths. Elevated levels of lead and petroleum hydrocarbon-related compounds remain in Site soil, primarily beneath the Site building. In 2016 an underground storage tank was removed. Approximately 16 tons of gasoline-contaminated soil was excavated and disposed in a permitted landfill.

Site conditions are protective for site workers. However, site contamination could present unacceptable risk to potential future residents through direct contact with soil. The property zoning allows residential development. Additional cleanup measures would likely be needed before the site is suitable for residential use.

DEQ is proposing a restriction on residential use in the form of an Easement and Equitable Servitudes (EES) between DEQ and the property owner, to be recorded on the property deed with Clackamas County. It is also recommended that further site development or other intrusive activities be conducted per a DEQ-approved contaminated media management plan. This requirement also would be specified in the EES.

HOW TO COMMENT: Send comments to DEQ Project Manager Mark Pugh at 700 NE Multnomah St., Suite No. 600, Portland, OR 97232 or pugh.mark@deq.state.or.us. For more information contact the project manager at 503-229-5587.

Find information about requesting a review of DEQ project files

Find the File Review Application form.

To access site summary information and other documents visit the DEQ Environmental Cleanup Site Information Database, select "Search complete ECSI database", then enter 3346 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 3346 in the Site ID/Info column. Alternatively, you may go directly to the Web Documents for Oregon City Foundry (Former)

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

THE NEXT STEP: DEQ will review and consider all comments received during the comment period prior to issuance of the conditional no further action determination.

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

REQUEST FOR COMMENTS PROPOSED CERTIFICATE OF COMPLETION FOR TRIMET AT PECO, INC.

COMMENTS DUE: 5 p.m., Friday, Dec. 2, 2016

PROJECT LOCATION: 4707 SE 17th Ave., Portland

PROPOSAL: DEQ is preparing to certify that all actions required have been satisfactorily completed. This project has resulted in both environmental and economic benefits.

HIGHLIGHTS: In February 2013, TriMet entered a Prospective Purchaser Agreement Consent Judgment with DEQ and agreed to ensure that development of a light rail transit line on property acquired from PECO, Inc. would not interfere with on-going environmental cleanup operations at PECO.

DEQ reviewed the requirements of the PPA and the corresponding actions, and has made a preliminary determination that all obligations of the PPA have been satisfactorily performed and that a Certification of Completion should be issued.

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

OTHER NOTICES

The Certification of Completion confirms TriMet's release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The consent judgment and certification of completion also provide TriMet with third party liability protection.

HOW TO COMMENT: Send comments to DEQ Project Manager Dan Hafley at 700 NE Multnomah St., Suite 600, Portland, Oregon, 97232-4100 or hafley.dan@deq.state.or.us. For more information contact the project manager at 503-229-5417.

Request DEQ project file review
File review application form

Access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, select "Search complete ECSI database," then enter **1973** in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled **1973** in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/lq/ECSI/ecsidetail.asp?seqnbr=1973>.

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

THE NEXT STEP: DEQ will consider all public comments received by the date and time stated above before making a final decision regarding the completion certification of the remedial actions taken at the site. A public notice of DEQ's final decision will be issued.

ACCESSIBILITY INFORMATION: Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.

PUBLIC NOTICE

PROPOSED CONDITIONAL NO FURTHER ACTION FOR THE MERCER BEAVERTON SITE

COMMENTS DUE: 5 p.m., Wednesday, Nov. 30

PROJECT LOCATION: 10730 to 10770 SW Denney Road, Beaverton

PROPOSAL: The property is located in Beaverton, Oregon, and is bordered by Fanno Creek to the west, Denney Road to the north, Highway 217 to the east, and a self storage facility to the south. Soil and groundwater at the site are contaminated, primarily with pentachlorophenol (a wood preservative) from a former dip tank. In accordance with Oregon Administrative Rules Chapter 340 Division 122, Sections 010 to 0140, and Oregon Revised Statute 465.200 through 465.455, DEQ is proposing a Conditional No Further Action for the site because the remaining contaminants of concern do not pose an unacceptable risk to human health. Specifically, the contaminant concentrations are below risk-based standards, or exposure to the contaminants will be addressed by an Easement and Equitable Servitude that restricts future use of groundwater and a Contaminated Media Management Plan that provides protocols for managing contaminated soil and groundwater. The No Further Action is conditional on additional stormwater sampling, to confirm that contaminated groundwater at the site is not captured by a French drain and conveyed to Fanno Creek during the wet season.

HIGHLIGHTS: From 1969 to 1985, manufacturing of wood products occurred at the site and involved treatment of wood by dipping the wood in an above ground storage tank containing a solution of pentachlorophenol. Pentachlorophenol was released to the environment, contaminating soil and groundwater at the site. Recently, the site owner collected several soil and groundwater samples to delineate the pentachlorophenol contamination. In order to clean up the contamination, the site owner excavated about 400 cubic yards of contaminated soil and disposed of the soil at Waste Management in Arlington, Oregon. In addition, the site owner evaluated other contaminants of potential concern, including polychlorinated

biphenyls (PCBs), metals, dioxins/furans, and investigated whether these chemicals had impacted sediment in Fanno Creek.

HOW TO COMMENT: Send comments to DEQ Project Manager Matt Kohlbecker at 700 NE Multnomah Street, Portland, Oregon, 97232, or kohlbecker.matt@deq.state.or.us. For more information contact the project manager at 503-229-6371.

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

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

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, select "Search complete ECSI database," then enter "136" in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled "136" in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCcontroller.ashx?SourceId=136&SourceIdType=11>.

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

THE NEXT STEP: All comments received will be addressed at the completion of the comment period. Once comments are adequately addressed, DEQ may approve, modify, or deny the No Further Action.

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

PUBLIC NOTICE

PROPOSED SOURCE CONTROL DECISION FOR BOB'S METALS

COMMENTS DUE: 5 p.m., Wednesday, Nov. 30, 2016

PROJECT LOCATION: 1815 N Columbia Blvd., Portland, Oregon

PROPOSAL: DEQ proposes to issue a determination that the stormwater pathway for contaminants discharging to the Columbia Slough from the Bob's Metals site is controlled.

HIGHLIGHTS: Since 2007, Bob's Metals has conducted scrap metal recycling on site. The site has generally been used for industrial activities since the early 1900s. Industrial activities included roofing and door manufacturing from approximately 1924 through 1986. Storage of pipe and plumbing supplies occurred on site from 1991 until 2007.

In 2010, DEQ notified Bob's Metals that elevated concentrations of metals and polynuclear aromatic hydrocarbons (PAHs) were found in Columbia Slough sediment in the vicinity of the City of Portland Outfall #61. Stormwater from the site discharged to this area and likely contributed to the contaminants detected in the Columbia Slough sediment.

Bob's Metals performed an investigation of onsite sources and stormwater discharges. The investigation found elevated metals, PAHs and PCBs in onsite stormwater discharges and catch basin sediments. In 2014, Bob's Metals completed the following source control improvements:

- Eliminating off-site discharges of stormwater to the Columbia Slough by decommissioning drainage basins, which previously drained to Outfall 61 and a swale east of the site.
- Paving processing areas of the site (including high-risk areas within stormwater drainage basin 1) to prevent migration of soil and infiltration of untreated stormwater.
- Re-plumbing the site such that stormwater runoff from processing areas of the site is treated via electro-coagulation with settling and clarification tanks before discharge into a DEQ rule authorized underground injection control system. The system and detention area will accommodate up to a 100-year storm event.

OTHER NOTICES

- Closing the former onsite infiltration pond, which included removal of pond sediments, characterization of groundwater, soil and sediments, and backfilling with gravel and asphalt.

Contaminant migration to Columbia Slough sediment has been eliminated. No further action to control sources of contamination to the Columbia Slough sediment is recommended for the site.

This recommendation addresses source control only and does not address historical releases to the Columbia Slough and upland exposure pathways. Bob's Metals will continue to address these concerns under the current voluntary agreement.

HOW TO COMMENT: Send comments to DEQ Project Manager Sarah Miller at 700 NE Multnomah St., Suite #600, Portland, Oregon 97232 or miller.sarah@deq.state.or.us. For more information contact the project manager at 503-229-5040.

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

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

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, select "Search complete ECSI database", then enter ECSI#5094 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI #5094 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.aspx?SourceIdType=11&SourceId=5094&Screen=Load>

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

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

ACCESSIBILITY INFORMATION: Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.

REQUEST FOR COMMENTS

PROPOSED PROSPECTIVE PURCHASER AGREEMENT FOR MLK COOK-IVY SITE, ECSI # 6146

COMMENTS DUE: 5 p.m. Dec. 1, 2016

PROJECT LOCATION: East side of NE Martin Luther King Boulevard between NE Cook Street and NE Ivy Street, Portland

PROPOSAL: The Department of Environmental Quality seeks comments on its proposed consent judgment for a prospective purchaser agreement with MLK & Cook Apartments Limited Partnership for the MLK Cook-Ivy property.

HIGHLIGHTS: MLK & Cook Apartments Limited Partnership is acquiring the property from the current owner and plans to remediate the site and develop it with 80 units of low-income housing and 6,000 square feet of retail space on the ground floor.

The property encompasses multiple formerly separate plots of land. These plots were historically utilized for a number of different residential, commercial and industrial purposes including a gasoline service station, auto servicing and repair, auto upholstery, meat packing, dry cleaning, cold storage, metals reclaiming, propeller manufacturing and battery manufacturing. Past activities caused environmental contamination on the property, and contamination has been addressed by previous parties under three separate DEQ cleanup projects.

MLK & Cook Apartments Limited Partnership have investigated existing environmental concerns at the property site and plans to remediate additional concerns by removing lead-contaminated soils and building the new construction to specifications to prevent exposure of workers and residents to trichloroethylene vapors from soil gas migration. An Easement and Equitable Servitude will also be filed with Multnomah County government to establish long-term management and maintenance requirements and site use restrictions.

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

The proposed consent order will provide MLK & Cook Apartments Limited Partnership with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The proposed consent judgment will also provide MLK & Cook Apartments Limited Partnership with third party liability protection.

HOW TO COMMENT: Send comments to DEQ Project Manager Mike Greenburg at 700 NE Multnomah Street, Suite 600, Portland, OR, 97232 or greenburg.michael@deq.state.or.us. For more information contact the project manager at 503-229-5153.

Request DEQ project file review.

File review application form

Access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, select "Search complete ECSI database," then enter 6146 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 6146 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.aspx?SourceId=6146&SourceIdType=11>

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

THE NEXT STEP: DEQ will consider all public comments received by the date and time stated above before making a final decision regarding the completion certification of the remedial actions taken at the site. A public notice of DEQ's final decision will be issued.

ACCESSIBILITY INFORMATION: Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.state.or.us.

REQUEST FOR COMMENTS

PROPOSED CERTIFICATE OF COMPLETION FOR JOHN'S LANDING APARTMENTS DEVELOPMENT

COMMENTS DUE: 5 p.m., November 30, 2016

PROJECT LOCATION: 4850 SW Landing Drive, Portland, Oregon

PROPOSAL: DEQ is preparing to certify that all actions required have been satisfactorily completed. This redevelopment project has resulted in environmental, economic and public benefits.

HIGHLIGHTS: In March 2013, John's Landing Apartments Holdings, LP, entered into a revised Prospective Purchaser Agreement (PPA) (PPA Order on Consent 12-09) with DEQ and agreed to complete a prescribed scope of work on the subject property. Completion of the scope of work included removal and appropriate disposal of contaminated fill material at the 2.2 acre site. The source of the low-level soil contamination appears to be fill material brought to the site historically from unknown sources to raise the site elevation. DEQ found no records or evidence of hazardous materials releases or spills at the property. During site redevelopment, approximately 32,500 cubic yards of soil were removed from the property and disposed of offsite. Of this quantity, 2637 cubic yards were determined to be contaminated and required disposal at Hillsboro Landfill. A waterfront public path constructed during site development constitutes an additional public benefit.

DEQ reviewed the requirements of the PPA and the corresponding actions, and has made a preliminary determination that all obligations of the PPA have been satisfactorily performed and that a Certification of Completion should be issued.

OTHER NOTICES

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

The proposed Certification of Completion confirms John's Landing Apartments Holdings, LP's release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substances present at or from the property. The Consent Order and proposed Certification of Completion also provide John's Landing Apartments Holdings, LP with third party liability protection.

HOW TO COMMENT: Send written comments to DEQ Project Manager Kenneth Thiessen, at 700 NE Multnomah St. Suite 600 Portland Oregon 97232 or use his email thiessen.kenneth@deq.state.or.us. For more information contact the project manager at (503) 229-6015.

Request DEQ project file review.

File review application form

Access the proposed Certification of Completion, other project information and documents in the DEQ Environmental Cleanup Site Information database, select "Search complete ECSI database," then enter ECSI #4612 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI #4612 in the Site ID/Info column. Alternatively, you may go directly to the database website for this project at <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.aspx?SourceIdType=11&SourceId=4612&Screen=Load>

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

THE NEXT STEP: DEQ will consider all public comments received by the date and time stated above before making a final decision regarding the proposed Certification of Completion for the site.

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

DEQ PROPOSES CONDITIONAL NO FURTHER ENVIRONMENTAL ACTION FORMER GOLD BEACH PLYWOOD GOLD BEACH, OREGON

COMMENTS DUE: Nov. 30, 2016

PROJECT LOCATION: 95858 Jerry's Flat Road, Gold Beach

PROPOSAL: DEQ proposes to make a conditional no further action determination for the approximately 152-acre vacant property, part of which was formerly occupied by Gold Beach Plywood. The property includes three areas where petroleum contamination was found in site soils and shallow groundwater at levels that potentially could pose a risk to human health if the site were to be used for industrial purposes. DEQ believes that these risks will be satisfactorily addressed through conditions imposed on the property deed to prevent exposure to contaminants.

BACKGROUND: Part of the former Gold Beach Mill property was used as a plywood mill between 1956 and 1989. Environmental investigations in the 1990s led to discovery of site contamination and several removal actions, including removal of asbestos from mill buildings, and removal of about 400 tons of soil contaminated with polychlorinated biphenyls and petroleum hydrocarbons. Soil, sediment, groundwater and surface water samples were collected and tested for possible contaminants based on historical uses and potential sources known to have occurred at 15 specific locations on the property.

Of the 15 locations, only three discrete areas have remnants from historical use that are subject to institutional control. Petroleum contamination remains in shallow soil and shallow groundwater in the

three areas of the site, including decommissioned diesel and gasoline underground storage tanks, log ponds, and a former vehicle maintenance shop. DEQ has concluded that contaminants on the property do not threaten human health if the following conditions are met: no installation of water supply wells or extraction of shallow groundwater for potable uses; and no residential, recreational, or agricultural uses of the property in these areas will be allowed without DEQ authorization. These conditions will be imposed on the property deed by DEQ as a condition of the No Further Action determination.

DEQ believes that past cleanup efforts at the former Gold Beach Mill property have been adequate and that no further action is needed to investigate or clean up this property with the conditions noted above

The basis for DEQ's findings is provided in a memorandum that can be downloaded by entering site ID #781 into DEQ's online database at <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>.

DEQ also proposes to list this site on its Confirmed Release List and Inventory of contaminated sites to document the residual contamination and long-term implementation of an institutional control for final remedial action.

HOW TO COMMENT: Written comments must be received by Nov. 30, 2016. Comments should be submitted to DEQ's Eugene office, 165 East 7th Street, Eugene, Oregon 97401 or by e-mail at aikten.greg@deq.state.or.us. Questions may also be directed to Greg Aikten by phone at (541) 687-7361.

THE NEXT STEP: DEQ will consider all public comments before taking final action. A public meeting will be held to receive verbal comments on the proposed cleanup action upon written request by 10 or more persons, or by a group with 10 or more members.

REQUEST FOR COMMENTS PROPOSED PROSPECTIVE PURCHASER AGREEMENT FOR 8424, 8504, 8524 N. CRAWFORD STREET, PORTLAND

COMMENTS DUE: 5:00 PM, Thursday, Dec. 1, 2016

PROJECT LOCATION: 8424, 8504, 8524 N. Crawford Street, Portland

PROPOSAL: The Department of Environmental Quality seeks comments on its proposed consent judgment for a prospective purchaser agreement with Mainland Steel Hammer, LLC concerning its acquisition of real property located at 8524 N. Crawford Street, Portland, Oregon (Property).

This 4.46-acre site was previously used for a variety of industrial and commercial uses resulting in presence in soil of petroleum hydrocarbons, volatile organic constituents, polycyclic aromatic hydrocarbons, polychlorinated biphenyls pesticides, and metals. The purchaser intends to convert the site to urban residential uses, potentially mixed with light commercial uses, in conformity with the St. John's neighborhood master plan.

Purchaser agrees to a Scope of Work including the following: conduct soil sampling, analysis and removal and remedial actions to prevent exposure of contaminated soils to human and ecological receptors, and if necessary implement a DEQ-approved Soil Cap Management Plan; complete any required soil removals and post-removal confirmation assessment in accordance with a DEQ-approved Remedial Action Plan; and to not allow operations or conditions on the site that might cause exposure or transport of contaminated soils, ground water and storm water.

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

The proposed consent judgment will provide Mainland Steel Hammer, LLC with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from

OTHER NOTICES

the property. The proposed consent judgment will also provide Mainland Steel Hammer, LLC with third party liability protection.

HOW TO COMMENT: Send comments to DEQ Project Manager Jim Orr at DEQ Northwest Region Offices, 700 NE Multnomah, Portland, OR 97232 or phone 503-229-5039.

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

Find the file review application form at: <http://www.deq.state.or.us/records/RecordsRequestForm.pdf>

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, select “Search complete ECSI database”, then enter ECSI#2363 in the Site ID box and click “Submit” at the bottom of the page. Next, click the link labeled ECSI 2363 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.aspx?SourceId=2363&SourceIdType=11>

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

THE NEXT STEP: DEQ will consider all public comments received by the date and time stated above before making a final decision regarding the proposed prospective purchaser agreement.

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

NOTICES OF PROPOSED RULEMAKING

Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

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

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

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

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

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

Board of Chiropractic Examiners Chapter 811

Rule Caption: Multiple amendments to Division 10 rules

Date:	Time:	Location:
11-17-16	1 p.m.	UWS, Hampton Hall 2900 NE 132nd Ave, Portland, OR

Hearing Officer: Jason Young DC

Stat. Auth.: ORS 684

Stats. Implemented: ORS 684.150

Proposed Amendments: Rules in 811-010

Last Date for Comment: 11-17-16, 5 p.m.

Summary: 811-010-0005 Definitions - adds new definitions, including applicant, subject individual, good moral character, over-the-counter, and nutritional supplements, and prescription drug

811-010-0015 Filing Addresses - clarification and deadline identified

811-010-0025 Display of License - clarification

811-010-0040 Duty to Report - clarification

811-010-0066 Reciprocity - clarification and fee reduced

811-010-0071 Board Members - housekeeping, and per diem increased by \$45 (to \$200/day)

811-010-0084 Fitness Determination - minor housekeeping

811-010-0090 Food and Drugs - housekeeping and add a type of provider for use of oxygen education

811-010-0093 Guide to Policy and Practice Questions - update "last amended" date

811-010-0095 Peer Review - clarification to language and member duties

Rules Coordinator: Kelly J. Beringer

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

Telephone: (503) 373-1573

Board of Nursing Chapter 851

Rule Caption: To amend, adopt and repeal various rules within Chapter 851 Division 45

Date:	Time:	Location:
11-15-16	6:30 p.m.	17938 SW Upper Boones Ferry Rd. Portland, OR 97224

Hearing Officer: Bonnie Kostecky, Board President

Stat. Auth.: ORS 678.010-678.448

Other Auth.: ORS 433.800-433.830, ORS 339.869

Stats. Implemented: ORS 678.010-678.138, 678.150, 678.157-678.164, 678.245-678.285

Proposed Adoptions: 851-045-0035

Proposed Amendments: 851-045-0030, 851-045-0040, 851-045-0050, 851-045-0060, 851-045-0070, 851-045-0090, 851-045-0100

Proposed Repeals: 851-045-0080

Last Date for Comment: 11-15-16, Close of Hearing

Summary: Provides practice setting neutral language, adopts new rule number for definition, adopts stand alone standards related to documentation, adopts standards related to licensee practice role discloser to clients, per Board directions adopts former policy language related to accepting and implementing orders for client care and treatment into rule, provides greater clarity in scope of practice standards at the registered nurse level of licensure and the licensed practical nurse level of licensure, adopts standards related to ORS 433.800 training on lifesaving treatments, adopts standards specific to ORS 678.038 for registered nurses employed by a school, per Board direction adopts former policy language related to supervision of the registered nurse practicing as first assistant in surgery, sequences order of conduct derogatory to the practice of nursing standards similar to sequenced conduct unbecoming a certified nursing assistant and conduct unbecoming a certified medication aide standards, repeals 851-0045-0080 Criminal Conviction History/Falsification of Application Denial of Licensure, Revocation of Licensure.

Rules Coordinator: Peggy A. Lightfoot

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

Telephone: (971) 673-0638

Board of Optometry Chapter 852

Rule Caption: Fee schedule update

Stat. Auth.: ORS 683, 182, 431

Stats. Implemented: ORS 683.270, 182.466 & 431.972

Proposed Amendments: 852-010-0080

Last Date for Comment: 12-2-16, 11 a.m.

Summary: Updates Board rules for public records fees and adding fees for returned check fees.

Rules Coordinator: Shelley Sneed

Address: Board of Optometry, 1500 Liberty St. SE, Suite 210, Salem, OR 97302

Telephone: (503) 399-0662, ext. 3

Board of Pharmacy Chapter 855

Rule Caption: Adopts and amends various rules in Divisions 007, 019, 041, 043, 044 and 080

Date:	Time:	Location:
11-22-16	9:30 a.m.	800 NE Oregon St., Room 1A Portland, OR

Hearing Officer: Karen MacLean

Stat. Auth.: ORS 401.065, 433.441, 689.205, 689.325, 689.522, 689.305, 676.340

Stats. Implemented: ORS 475.035, 475.059, 475.065, 689.151, 689.155, 689.305, 689.522, 689.681, 2016 OL Ch. 100, 676.340, 676.345, 689.772, 689.774

NOTICES OF PROPOSED RULEMAKING

Proposed Adoptions: 855-019-0450, 855-019-0455, 855-019-0460; 855-041-2340, 855-019-0123, 855-041-1046, 855-043-0505, 855-043-0515, 855-043-0520, 855-043-0525, 855-043-0530; 855-043-0535; 855-043-0540; 855-043-0545; 855-043-0550; 855-043-0555; 855-043-0560

Proposed Amendments: 855-007-0060, 855-041-1001, 855-041-1036, 855-041-5005, 855-019-0120, 855-041-1010, 855-041-1045, 855-080-0105; 855-041-4100, 855-041-4120, 855-044-0001, 855-044-0030, 855-080-0021

Last Date for Comment: 11-22-16, 4:30 p.m.

Summary: Div. 007 and Div. 041 - The proposed rule amendments update rules related to the registration and regulation of Drug Rooms. The rule (1) describes oversight of long-term storage of state and federal emergency medications in a Drug Room (2) clarifies that secondary storage areas related to Retail Pharmacies that can register as a Drug Room; and (3) allows a Drug Room to be affiliated with an Institutional Pharmacy.

Div. 019 - The proposed rule amendments reduce the number of days before eligibility to retake the NAPLEX exam. Amendments also limit the number of retakes on the NAPLEX and MPJE exams to no more than three times in one year for a lifetime maximum of five attempts. The changes match NABP's new policies.

Div. 019 - The proposed rules add a no cost legislatively approved registration for liability limitations for pharmacist volunteers. A pharmacist who is registered and who provides health care services without compensation is not liable for any injury, death, or other loss arising out of the provision of those services, unless the injury, death or other loss results from the gross negligence of the pharmacist.

Div. 019 and Div. 041 - The proposed rule amendments permanently incorporate new statutory language put forth by House Bill 4124 (2016). The bill permits pharmacists to prescribe and distribute unit-of-use packages of naloxone to individuals who conduct or complete OHA approved training. It allows a trainer to possess and distribute naloxone to trainees, and allows trainees to possess and administer naloxone to an individual experiencing an opiate overdose. The rule (1) gives the purpose; (2) specifies the qualifications of participating pharmacists and individuals; and (3) outlines the delivery of care expectations for the pharmacist and pharmacy, including documentation and recordkeeping. (This rule is currently a Temporary Rule).

855-041-1010 - The proposed rule amendments add a requirement for outlets to notify the Board within 10 days of a Board licensee's termination or resignation in lieu of termination.

Div. 041 - The proposed rule amendments put forth the requirements for a pharmacy to lawfully participate in Drug Take Back initiatives. The rule (1) states that a pharmacy must comply with all DEA regulations for secure and responsible drug disposal (2) directs a pharmacy to notify the Board of its Take Back program (3) outlines the minimum policies and procedures to be established by the pharmacy, including recordkeeping; and (4) prohibits pharmacy staff from handling collected drugs and using the receptacles to dispose of pharmacy stock.

Div. 041 - The proposed rule amends the Remote Dispensing Machine (RDM) rules to allow use of new technology in licensed residential facilities.

Div. 043 - These rules are intended to distinguish between traditional and non-traditional dispensing of drugs by a health care practitioner who has been granted dispensing privileges from their licensing board and dispenses from their practice location. A health care practitioner who participates in non-traditional dispensing must register the dispensing outlet with the Board as a Dispensing Practitioner Drug Outlet (DPDO).

Div. 044 - The proposed rule amendments incorporate new statutory language put forth by Senate Bill 1514 (2016). The rule (1) clarifies that this is an Oregon specific program that allows donations and distribution of donated drugs within Oregon; and (2) prohibits a Charitable Pharmacy from accepting an FDA REMS drugs.

Div. 080 - The proposed rule amendments permanently add synthetic opioids/fentanyl derivatives (known as U-47700 and W-18) to Oregon Schedule CI drugs. Schedule I also includes any substituted derivatives of fentanyl that are not specifically listed, or are not FDA approved. (This rule is currently a Temporary Rule).

Complete text of the proposed rules is available on the Board's website at www.pharmacy.state.or.us.

Rules Coordinator: Karen MacLean

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

Telephone: (971) 673-0001

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Board of Psychologist Examiners
Chapter 858

Rule Caption: Criminal record checks and fitness determinations for licensure.

Date:	Time:	Location:
12-14-16	10 a.m.	3218 Pringle Rd. SE Salem, OR 97302

Hearing Officer: LaRee Felton

Stat. Auth.: ORS 181A.195, 675.010-675.150, 676.303

Other Auth.: HB 3168 (2013); HB 2250 (2015)

Stats. Implemented: ORS 181A.170, 181A.195, 181A.215, 670.280, 675.070

Proposed Amendments: 858-010-0034

Last Date for Comment: 12-14-16, 5 p.m.

Summary: The proposed amendment modifies the Board's rule regarding criminal records checks and fitness determinations. It updates criminal records check procedures and implements the statewide uniform fitness determination process and criminal records administrative rules. This includes factors the Board considers as part of fitness determination, how a subject individual may appeal an adverse determination, confidentiality of criminal offender information, and consequence for failure to comply per law.

Rules Coordinator: LaRee Felton

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

Telephone: (503) 373-1196

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Commission for the Blind
Chapter 585

Rule Caption: Business Ventures Funding Policy

Stat. Auth.: ORS 346.150

Other Auth.: 183.341

Stats. Implemented: ORS

Proposed Amendments: Rules in 585-010, 585-010-0310

Last Date for Comment: 11-21-16, 5 p.m.

Summary: Division 10: Financial Support for Funding Business Ventures: Title change and updates language to reflect current practices

Rules Coordinator: Dacia Johnson

Address: Commission for the Blind, 535 SE 12th Ave., Portland, OR 97214

Telephone: (971) 673-1588

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

Rule Caption: Electrical program delegation standards

Date:	Time:	Location:
11-22-16	9:30 a.m.	1535 Edgewater St. NW Salem, OR 97304

Hearing Officer: Staff

Stat. Auth.: ORS 479.855, 455.148, 455.150

Stats. Implemented: ORS 479.855, 455.148, 455.150

Proposed Adoptions: Rules in 918-308

Proposed Amendments: Rules in 918-308

NOTICES OF PROPOSED RULEMAKING

Proposed Repeals: Rules in 918-308

Proposed Renumberings: Rules in 918-308

Proposed Ren. & Amends: Rules in 918-308

Last Date for Comment: 11-28-16, 5 p.m.

Summary: These rules amend the standards for delegation of an electrical inspection program by clarifying the Electrical and Elevator Board's standards for evaluating minimum service levels, financial viability, and compliance efforts of a proposed electrical inspection program.

Rules Coordinator: Holly A. Tucker

Address: Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309-0404

Telephone: (503) 378-5331

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

Rule Caption: Adopt changes to the Worker Protection Standard in Agriculture with federal and state changes.

Date:	Time:	Location:
11-29-16	11 a.m.	Pine Grove Grange 2900 Van Horn Drive Hood River, OR 97031
12-1-16	10 a.m.	Woodburn Grange 908 N Settlemier Ave. Woodburn, OR 97071
12-7-16	10 a.m.	City of Medford/City Hall Suite 340 - Alba Room 411 W 8th St. Medford, OR 97501

Hearing Officer: Sue Joye

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

Stats. Implemented: ORS 654.001 through 654.295; 654.412 through 654.423; 654.750 through 654.780

Proposed Adoptions: 437-004-6001, 437-004-6401, 437-004-6402, 437-004-6405, 437-004-6406, 437-004-6501, 437-004-6502, 437-004-6508, 437-004-6509

Proposed Amendments: 437-002-0170, 437-004-6000

Last Date for Comment: 12-14-16, 5 p.m.

Summary: Oregon OSHA administers and enforces the Environmental Protection Agency's (EPA) pesticide Worker Protection Standard (WPS) as adopted in Division 4/W (Agriculture/Worker Protection Standard), OAR 437-004-6000. This standard (40 CFR 170) is being amended with most of the changes adopted at the federal level by the EPA in the November 2, 2015 Federal Register. In addition, Oregon OSHA proposes to adopt nine new Oregon Administrative Rules (OARs) that reflect specific requirements for employers in Oregon.

The new OARs:

- One giving expiration and implementation dates for the amended Division 4/W;

- Two serve to clarify compliance requirements by providing specific effective dates for training programs for both workers and handlers (EPA's rules reference an unspecified future date of publication of training materials and a notification in the Federal Register.);

- Two offer a compliance alternative to evacuation of tight, solid structures that may fall within the Application Exclusion Zone (AEZ - as defined in 170.405.) The rules include provisions for what is commonly referred to as "shelter in place." This allows occupants, under controlled circumstances, to remain in protected spaces that are within an AEZ during nearby pesticide applications. Requirements include notification, training, and additional drift-control measures for structures within these Zones;

- Two maintain Oregon OSHA's more protective requirements related to respiratory protection and emergency eye-washes while fulfilling the EPA's pesticide label requirements;

- One provides a compliance alternative for all Oregon employers who train workers, to ease the transition during the first year of the rule changes; and

- One augments the training requirements for those who provide handler training. This is due to the significant increase in subject matter that will be required in 2018 and the importance of quality pesticide handler training.

The WPS rules are also referenced, in Division 2, General Industry, at OAR 437-002-0170; and, in Division 7, Forest Activities, at OAR 437-007-0010. A rule reference in the 437-002-0170 note will be updated.

The rule changes are expected to lead to an overall reduction in incidents of unsafe pesticide exposure and to improve the occupational health of agricultural workers and pesticide handlers.

Please visit our website osha.oregon.gov Click 'Rule changes' in the Topics, rules, guidelines column and view our proposed rules; or, select other rule activity from the left vertical column on the Proposed Rules page.

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

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**Department of Energy
Chapter 330**

Rule Caption: Update and clarify definitions and requirements for Home Energy Performance Score program.

Date:	Time:	Location:
11-29-16	2 p.m.	625 Marion St. NE Salem OR 97301

Hearing Officer: Wendy Simons

Stat. Auth.: ORS 469.040, 469.703, Oregon Laws 2013 Chapter 383 (House Bill 2801)

Stats. Implemented: ORS 469.703

Proposed Amendments: 330-063-0010, 330-063-0015, 330-063-0020, 330-063-0025

Last Date for Comment: 11-29-16, 5 p.m.

Summary: The primary purpose of these proposed rule amendments is to establish the U.S. Department of Energy's (U.S. DOE) Home Energy Score as the standard for home energy performance scoring in Oregon. The proposed rule changes would require that, in order to meet the state standard, a home energy performance report must include the U.S. DOE Home Energy Score, as well as an estimate of total annual energy use, by fuel type, generated by U.S. DOE's Home Energy Scoring Tool. A home energy performance report may also contain a home energy performance score generated by another entity, as long as that score meets certain requirements and has been reviewed by a stakeholder panel and approved by the director of the Oregon Department of Energy. The proposed rules would require home energy performance reports to use average annual retail fuel prices provided by the Oregon Department of Energy in calculating estimates of annual home energy costs. Finally, the proposed rule would require home energy assessors to complete training in the software used to produce the U.S. DOE's Home Energy Score, and to obtain a professional credential recognized by U.S. DOE as a prerequisite to qualify as a Home Energy Score assessor.

Rules Coordinator: Elizabeth Ross

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

Telephone: (503) 378-8534

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Rule Caption: Postpones operative date of minimum energy efficiency standards for embedded small battery chargers.

Date:	Time:	Location:
11-30-16	2 p.m.	625 Marion NE Salem OR 97301

Hearing Officer: Wendy Simons

Stat. Auth.: ORS 469.040, 469.261

Stats. Implemented: ORS 469.229-469.261

Proposed Amendments: 330-092-0015

NOTICES OF PROPOSED RULEMAKING

Last Date for Comment: 11-30-16, 5 p.m.

Summary: The primary purpose of these proposed rule amendments is to postpone for one year the operative date of minimum energy efficiency standards for certain small battery charger systems not sold at retail. The charger systems affected by the postponement are contained completely within a larger product, and provide power for data storage or for continuity within volatile cache or memory systems as well as maintaining information for system use, but are not capable of powering full operation of the product when AC mains power is not present. The proposed rule amendments also update the operative dates for other types of battery charger systems to match the effective dates in statute.

Rules Coordinator: Elizabeth Ross

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

Telephone: (503) 378-8534

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Department of Environmental Quality
Chapter 340

Rule Caption: SB 263 Materials Management

Date:	Time:	Location:
11-17-16	6 p.m.	DEQ Headquarters 700 NE Multnomah St., Rm. 610 Portland, OR 97232

Hearing Officer: Holly Stirnkorb

Stat. Auth.: 459.045, 459.995, 459A.005-.085, 459A.025, 459A.045, 459A.100-120, 459A.650-.685, 459A.675, 468.020, 468.065

Other Auth.: Ch. 584 OL 1995Senate Bill 263 (Chapter 534, 2015 Laws)

Stats. Implemented: 459.015, 459.250, 459A, 459A.005, 459A.007, 459A.008, 459A.010, 459A.015, 459A.020, 459A.025, 459A.029, 459A.030, 459A.035, 459A.040, 459A.050, 459A.055, 459A.065, 459A.070, 459A.075, 459A.080, 459A.085, 459A.100, 459A.110, 459A.115, 459A.120, 459A.515, 459A.520, 459A.550, 459A.575, 459A.650-.665, 459A.655, 459A.660, 459A.665, 459A.700-740, 646.808

Proposed Adoptions: 340-090-0041, 340-090-0042, 340-090-0068

Proposed Amendments: 340-090-0005, 340-090-0010, 340-090-0015, 340-090-0020, 340-090-0030, 340-090-0040, 340-090-0050, 340-090-0060, 340-090-0070, 340-090-0080, 340-090-0090, 340-090-0100, 340-090-0110, 340-090-0120, 340-090-0130, 340-090-0140, 340-090-0150, 340-090-0180, 340-090-0190, 340-090-0310, 340-090-0320, 340-090-0330, 340-090-0340, 340-090-0350, 340-090-0360, 340-090-0370, 340-090-0380, 340-090-0390, 340-090-0400, 340-090-0410, 340-090-0420, 340-090-0430, 340-090-0510

Proposed Repeals: 340-090-0045

Last Date for Comment: 11-30-16, 4 p.m.

Summary: DEQ proposes the following changes to OAR 340, division 090 that will:

- Revise wastesheds' voluntary recovery goals, which the proposed rules would clarify are no longer mandatory or a basis for DEQ enforcement.

- Describe DEQ's methodology for measuring progress towards SB 263's statewide food waste, plastic, and carpet recovery goals.

- Add SB 263's four new recycling program elements, increasing to thirteen the options available to local governments.

- Amend the expanded education and promotion program element to include a contamination reduction education plan. The plan would require local governments that use this element to also determine contamination levels in collected recyclables and take educational action to reduce contamination.

- Update minimum numbers of recycling program elements required for certain cities. For each city with a minimum number of recycling program elements, the county administered area between the city's limits and urban growth boundary, or, within Metro, the

area outside the city's limits but within Metro, would also need a recycling program with the city's minimum number of elements.

- Add SB 263's seven new waste prevention education and reuse program elements and require program element minimums ranging from three to five elements, depending.

- Remove DEQ rules' references to the discontinued Two Percent Recovery Rate Credit programs ("Two Percent Credit Programs").

- Revise rules allowing local governments to implement alternative programs to meet their minimum recycling requirements and, where applicable, waste prevention and reuse program requirements. The proposed rules would allow a local government using a DEQ-approved alternative program the adaptability of meeting either the lesser of its recovery goal or recovery levels comparable to similar communities.

- "Clean up" OAR 340-90 to make Division 90 consistent with the SB 263-based proposed rules.

Rules Coordinator: Meyer Goldstein

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

Telephone: (503) 229-6478

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Department of Fish and Wildlife
Chapter 635

Rule Caption: Oregon State List of Threatened and Endangered Species Amended

Date:	Time:	Location:
12-2-16	8 a.m.	ODFW Headquarters Commission Rm. 4034 Fairview Industrial Dr. SE Salem OR 97302

Hearing Officer: Oregon Fish and Wildlife Commission

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192, 498.026

Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192, 498.026

Proposed Adoptions: Rules in 635-100

Proposed Amendments: Rules in 635-100

Proposed Repeals: Rules in 635-100

Last Date for Comment: 12-2-16, Close of Hearing

Summary: The amended rules will remove Borax Lake Chub (*Gila boraxobius*) and Foskett Spring Speckled Dace (*Rhinichthys osculus* ssp.) from the Oregon State List of Threatened and Endangered Species.

Rules Coordinator: Michelle Tate

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

Telephone: (503) 947-6044

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Rule Caption: Amendments to Rules for Commercial and Recreational Groundfish Fisheries.

Date:	Time:	Location:
12-2-16	8 a.m.	ODFW Headquarters Commission Rm. 4034 Fairview Industrial Dr. SE Salem, OR 97302

Hearing Officer: Oregon Fish and Wildlife Commission

Stat. Auth.: ORS 496.138, 496.146, 496.162, 497.121, 506.036, 506.109, 506.119, 506.129

Stats. Implemented: ORS 496.004, 496.009, 496.162, 506.109, 506.129, 508.957

Proposed Adoptions: Rules in 635-004, 039

Proposed Amendments: Rules in 635-004, 039

Proposed Repeals: Rules in 635-004, 039

Last Date for Comment: 12-2-16, Close of Hearing

Summary: The amended rules will establish annual groundfish management measures and harvest limits for 2017 commercial and sport groundfish fisheries. Housekeeping and technical corrections to the regulations may occur to ensure rule interpretation consistency.

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: Michelle Tate
Address: Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302
Telephone: (503) 947-6044

Rule Caption: Rules for Recreational and Commercial Fisheries in the Columbia River.

Date:	Time:	Location:
12-2-16	8 a.m.	ODFW Headquarters Commission Rm . 4034 Fairview Industrial Dr. SE Salem, OR 97302

Hearing Officer: Oregon Fish and Wildlife Commission
Stat. Auth.: ORS 183.325, 496.138, 496.146, 497.121, 506.036, 506.109, 506.119, 506.129, 513.020.

Stats. Implemented: ORS 496.004, 496.009, 496.162, 506.109, 506.129, 507.030, 508.025, 508.040, 508.550, 508.980.

Proposed Adoptions: Rules in 635-014, 017, 023, 042, 500
Proposed Amendments: Rules in 635-014, 017, 023, 042, 500

Proposed Repeals: Rules in 635-014, 017, 023, 042, 500

Last Date for Comment: 12-2-16, Close of Hearing

Summary: These amended or adopted rules, as determined justified, will modify recreational and commercial fisheries in the Columbia River and tributaries. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Michelle Tate
Address: Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302
Telephone: (503) 947-6044

Department of Forestry Chapter 629

Rule Caption: Expanding water protection rules to include small and medium salmon, steelhead and bull trout streams.

Date:	Time:	Location:
12-15-16	4 p.m.	Ecotrust 721 NW 9th Ave #200 Portland, OR 97209

Hearing Officer: Greg Wagenblast
Stat. Auth.: ORS 527.710, 527.630(3), 527.714, 526.016(4)

Stats. Implemented: ORS 527.630(5), 527.674, 527.714, 527.715, 527.765, 527.710, 527.919(9)

Proposed Adoptions: 629-642-0105, 629-642-0110
Proposed Amendments: 629-600-0100, 629-605-0170, 629-605-0173, 629-605-0500, 629-611-0000, 629-615-0300, 629-620-0300, 629-620-0400, 629-620-0800, 629-623-0300, 629-625-0100, 629-625-0430, 629-625-0700, 629-630-0600, 629-630-0700, 629-630-0800, 629-635-0100, 629-635-0110, 629-635-0200, 629-635-0210, 629-635-0310, and 629-680-0020

Proposed Ren. & Amends: 629-640-0000 to 629-642-0000, 629-640-0100 to 629-642-0100, 629-640-0105 to 629-642-0200, 629-640-0110 to 629-642-0300, 629-640-0200 to 629-642-0400, 629-640-0210 to 629-642-0500, 629-640-0300 to 629-642-0600, 629-640-0400 to 629-642-0700, 629-640-0500 to 629-642-0800

Last Date for Comment: 3-1-17, 5 p.m.

Summary: This Notice of Proposed Rulemaking Hearing adds a Portland date and location to the list of ten other public hearings previously noticed and published in the October 2016 Oregon Bulletin. The following rule summary and Statement of Need and Fiscal Impact is a replicate of the materials filed one month ago.

The Oregon Department of Forestry (ODF) has revised and added proposed rule language for additional resource protection requirements on small and medium sized Salmon, Steelhead, and/or Bull Trout (SSBT) streams located in western Oregon. The new requirements also extend up within the immediate harvest unit above the end of mapped SSBT streams, along the main stem of fish-bearing streams.

The amendment of OAR 629-600-0100 includes definitions for Salmon, Steelhead, and Bull Trout and definitions to classify Type SSBT streams.

The amendment of OAR 629-635-0200 describes how to designate Type SSBT streams and SSBT use. The proposed rules also provide information on when the rules become effective and updates to beneficial use designations.

OAR 629-640 has been removed and renumbered to 629-642 with the inclusion of additional SSBT stream rules.

The adoption of OAR 629-642-0105 requires additional riparian overstory protection on SSBT streams. The proposed rule requires remaining trees in the riparian management area be well distributed and describes alternative prescriptions.

The adoption OAR 629-642-0110 allows relief to be provided to landowners who meet applicable criteria.

Review of this proposed rulemaking package may be accessed on the Department's web page at <http://www.oregon.gov/ODF/AboutODF/Pages/ProposedLawsRules.aspx> or at the office of the State Forester and are available upon request. Associated supporting materials presented at the September 2016 Board of Forestry meeting are available online. They may be accessed through the Board of Forestry website: www.oregonforestry.gov.

Eleven joint open houses and public hearings regarding this rule-making process will be held in Silverton, Keizer, Roseburg, Coos Bay, Florence, Astoria, Springfield, Forest Grove, Dallas, Salem and now Portland throughout the month of November and early December. Notice of the meetings and hearings will be promoted via flyers, email, media releases and our website prior to the meeting dates.

Written comments must be received by 5:00 p.m. on March 1st, 2017. Submissions should be addressed to: Private Forest SSBT Rulemaking, Oregon Department of Forestry, 2600 State Street, Oregon 97310; or send to RiparianRule@oregon.gov or via fax (503) 945-7490.

Comments received by 5:00 p.m. on March 1st, 2017 will be compiled and incorporated into information presented to the Board of Forestry for their review. From this information and the prior work with this rulemaking process, the Board of Forestry will decide whether to approve this proposed rulemaking package. The Department is planning to present this information at the April Board of Forestry meeting. The Department will propose an effective date of July 1, 2017.

Rules Coordinator: Sabrina Perez
Address: Department of Forestry, 2600 State St., Salem, OR 97310
Telephone: (503) 945-7210

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

Rule Caption: Individually-Based Limitations Implementation Date Change

Date:	Time:	Location:
11-17-16	8:30 a.m.	Human Services Bldg. 500 Summer St NE, Rm. 160 Salem, OR 97301

Hearing Officer: Staff
Stat. Auth.: ORS 409.050, 413.042, 413.085
Stats. Implemented: ORS 409.050, 413.042, 413.085
Proposed Amendments: 411-004-0040
Last Date for Comment: 11-21-16, 5 p.m.

Summary: OAR 411-004-0040 is being amended to make permanent temporary changes that became effective July 1, 2016 that delay the initial effective date of the rule by six months. The Department needs to amend the rules to change the effective date and allow stakeholders, providers, and state and county employees additional time to prepare for implementation of the rule.

Written comments may be submitted via e-mail to Kimberly.Colkitt-Hallman@state.or.us or mailed to 500 Summer

NOTICES OF PROPOSED RULEMAKING

Street NE, E48 Salem, Oregon, 97301-1064. All comments received will be given equal consideration before the Department proceeds with the permanent rulemaking.

Rules Coordinator: Kimberly Colkitt-Hallman

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

Telephone: (503) 945-6398

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Rule Caption: In-Home Services

Date:	Time:	Location:
12-6-16	10:30 a.m.	Human Services Bldg. 500 Summer St. NE, Rm. 160 Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Proposed Amendments: Rules in 411-030

Proposed Repeals: 411-030-0068(T), 411-030-0070(T)

Last Date for Comment: 12-8-16, 5 p.m.

Summary: The Department of Human Services (Department) is amending OAR 411-030 to make permanent temporary changes that became effective July 1, 2016 to:

- Limit live-in services to individuals currently receiving the service.
- Add qualifications to receive a differential rate for homecare workers.
- Modify the amount of hours a homecare worker may work in the in-home hourly service program.
- Updated rule to clarify in-home service settings an individual may reside in.
- Fix minor grammar, formatting, punctuation, and housekeeping issues in the rules.

Rules Coordinator: Kimberly Colkitt-Hallman

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

Telephone: (503) 945-6398

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Rule Caption: ODDS: Family Support Services

Date:	Time:	Location:
11-21-16	9:30 a.m.	Human Services Bldg. 500 Summer St. NE, Rm. 160 Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050, 417.346, 427.104, 430.662

Stats. Implemented: ORS 417.340-417.344, 417.346-417.350, 427.005, 427.007, 427.104, 430.610, 430.620, 430.662-430.670

Proposed Repeals: 411-305-0027, 411-305-0050, 411-305-0105, 411-305-110, 411-305-0115, 411-305-0160, 411-305-0170, 411-305-0180

Proposed Ren. & Amends: 411-305-0010 to 411-305-0200, 411-305-0020 to 411-305-0205, 411-305-0023 to 411-305-0210, 411-305-0025 to 411-305-0215, 411-305-0030 to 411-305-0220, 411-305-0080 to 411-305-0225, 411-305-0090 to 411-305-0230, 411-305-0120 to 411-305-0235, 411-305-0140 to 411-305-0240

Last Date for Comment: 11-23-16, 5 p.m.

Summary: The Department of Human Services, Office of Developmental Disabilities Services (Department) is proposing to update the rules for family support services in OAR chapter 411, division 305 to —

- Clarify the intent of the program and required family support services;
- Align with current program and definition changes in OAR chapter 411;
- Remove general definitions that exist in OAR chapter 411, division 317;

- Align program administration and operation requirements with the rules for Community Developmental Disabilities Programs (CDDPs) in OAR chapter 411, division 320;

- Repeal OAR 411-305-0105 regarding waits lists. The CDDP is responsible to have a service prioritization plan and refer families to other programs and services if family support funds are not available;

- Align the conditions of purchase with the rules for community living supports in OAR chapter 411, division 450 and the rules for ancillary services in OAR chapter 411, division 435;

- Update supports and services to reflect current practice and clarify respite and community inclusion services;

- Align the standards for providers;

- Renumber the rules to improve readability; and

- Make minor grammar, formatting, and housekeeping changes.

Written comments may be submitted via e-mail to Kimberly.Colkitt-Hallman@state.or.us or mailed to 500 Summer Street NE, E48 Salem, Oregon, 97301-1064. All comments received will be given equal consideration before the Department proceeds with the permanent rulemaking.

Rules Coordinator: Kimberly Colkitt-Hallman

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

Telephone: (503) 945-6398

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Rule Caption: Rate Schedule for Home and Community-Based Services

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Proposed Amendments: 411-027-0170

Last Date for Comment: 11-21-20, 5 p.m.

Summary: The Department of Human Services (Department) is amending OAR 411-027-0170 to make permanent temporary changes that became effective July 1, 2016 that revise the home and community based care facility rates. These rates are being updated to be consistent with the current rate table information. The new rates became effective July 1, 2016.

Written comments may be submitted via e-mail to Kimberly.Colkitt-Hallman@state.or.us or mailed to 500 Summer Street NE, E48 Salem, Oregon, 97301-1064. All comments received will be given equal consideration before the Department proceeds with the permanent rulemaking.

Rules Coordinator: Kimberly Colkitt-Hallman

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

Telephone: (503) 945-6398

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Department of Human Services, Self-Sufficiency Programs Chapter 461

Rule Caption: Amending rules relating to public and medical assistance programs

Date:	Time:	Location:
11-15-16	9 a.m.	500 Summer St. NE, Rm. 255 Salem, OR 97301

Hearing Officer: Kris Skaro

Stat. Auth.: ORS 316.699, 409.050, 411.060, 411.070, 411.083, 411.404, 411.816, 412.014, 412.049

Other Auth.: ABLE Act of 2014 (26 USC 529A), P.L. 113-295, P.L. 92-336, Section 103 of the American Taxpayers' Relief Act of 2012 (P.L. 112-240), POMS SI 00830.730, SSA POMS SI 01130.676, POMS SI 01130.740, POMS SI 01715.015

Stats. Implemented: ORS 178.380, 409.050, 411.060, 411.070, 411.083, 411.404, 411.816, 412.049

Proposed Adoptions: 461-145-0000, 461-145-0035, 461-145-0417

NOTICES OF PROPOSED RULEMAKING

Proposed Amendments: 461-120-0345, 461-135-0780, 461-135-0820, 461-145-0005, 461-145-0140, 461-145-0220, 461-145-0530, 461-145-0550, 461-145-0930, 461-150-0050, 461-155-0250, 461-155-0270, 461-155-0290, 461-155-0291, 461-155-0295, 461-160-0580, 461-160-0620, 461-180-0050

Proposed Repeals: 461-145-0000(T), 461-145-0184

Last Date for Comment: 11-25-16, 5 p.m.

Summary: OAR 461-120-0345 is being amended to establish in rule that those who are not entitled to no-cost Part A Medicare coverage and, either ineligible for QMB-BAS (which would pay the Part A premium), or do not have a service payment large enough to allow the full premium amount as a deduction, are not required to pursue it. It also establishes in rule that Tri-Care coverage must be pursued.

OAR 461-135-0780, 461-145-0220, 461-155-0250, 461-155-0270, 461-160-0580, and 461-160-0620 are being amended 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. These amendments will take effect January 1.

OAR 461-135-0820 about OSIPM eligibility for widows and widowers is being amended to include clarification from CMS regarding entitlement for Medicare Part A and the requirement to stay under the income and resource limits for OSIPM in the absence of Title II benefits.

OAR 461-145-0000 about Achieving a Better Life Experience (ABLE) Act accounts is being adopted to comply with the Achieving a Better Life Experience (ABLE) Act of 2014 (26 USC 529A) and ORS 178.380(3) (SB 777 (2015)) by excluding funds held in an ABLE Act account from eligibility determination for DHS assistance programs. Disbursements from such accounts are excluded as income so long as such payments are consistent with the definition of Qualified Disability Expenses (QDEs). This makes permanent a temporary rule adopted on June 30, 2016.

OAR 461-145-0005 is being amended to state that in the OSIP, OSIPM, and QMB programs, all payments made under the Agent Orange Act of 1991 or from funds established pursuant to Agent Orange product liability litigation are excluded, consistent with federal guidance.

OAR 461-145-0035 is being adopted to state that Black Lung benefits paid to miners or their survivors under the Federal Mine Safety and Health Act are counted as unearned income in the OSIP, OSIPM, and QMB programs, consistent with federal guidance.

OAR 461-145-0140 about the Earned Income (EITC) and Making Work Pay (MWP) tax credits is being amended to remove reference to the MWP tax credit. The MWP tax credit ended with the 2011 tax year and therefore the Department no longer needs a rule to state how those credits are treated when determining financial eligibility.

OAR 461-145-0184 about how the Department treats payments from the Filipino Veterans Equity Compensation Fund when determining financial eligibility is being repealed. These payments were part of the American Recovery and Reinvestment Act (ARRA) of 2009 and the deadline to apply was February 16, 2010.

OAR 461-145-0417 is being adopted to state that Railroad Retirement payments made by the Railroad Retirement Board are counted as unearned income in the OSIP, OSIPM, and QMB programs, consistent with federal guidance.

OAR 461-145-0530 about the treatment of tax refunds is being amended to change how tax refunds are counted when determining financial eligibility consistent with federal guidance. Specifically, income tax refunds are excluded for 12 months after receipt. Funds remaining after the 12-month period are counted as a resource. Property tax refunds, including Elderly Rental Assistance (ERA), are counted as a resource.

OAR 461-145-0550 about how unemployment compensation benefits are treated when determining financial eligibility is being amended to remove reference to the supplemental payment authorized by the ARRA. Taxpayers are no longer eligible to receive these

payments and therefore the Department no longer needs a rule to state how those credits are treated when determining financial eligibility.

OAR 461-145-0930 about the determination of countable self-employment income is being amended to add consistency with language in OAR 461-145-0120 by adding mileage reimbursements to what is included in countable income.

OAR 461-150-0050 about prospective eligibility and budgeting in the OSIP, OSIPM, and QMB programs is being amended to state that all income is counted in the month received, not excluded if received prior to application.

OAR 461-155-0290, 461-155-0291, and OAR 461-155-0295 are being amended to reflect the annual updates to the Federal Poverty Level that happens every March. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes in the Federal Poverty Level. These amendments will take effect March 1.

OAR 461-180-0050 is being amended to delete an outdated reference to retrospective eligibility and budgeting.

In addition, non-substantive edits may be made to these rules to: ensure consistent terminology throughout self-sufficiency program rules and policies; make general updates consistent with current Department practices; update statutory and rule references; correct formatting and punctuation; improve ease of reading; and clarify Department rules and processes.

Rule text showing edits for the rules described above is available at http://www.dhs.state.or.us/policy/selfsufficiency/ar_proposed.htm.

Rules Coordinator: Kris Skaro

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

Telephone: (503) 945-6067

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Rule Caption: Amending rule relating to accessing public assistance benefits in prohibited locations

Date:	Time:	Location:
11-15-16	9 a.m.	500 Summer St. NE , Rm. 255 Salem, OR 97301

Hearing Officer: Kris Skaro

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.049

Other Auth.: 42 USC 608(a)(12)

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.620, 411.640, 411.837, 412.049, 412.151

Proposed Amendments: 461-165-0010, 461-195-0501

Last Date for Comment: 11-25-16, 5 p.m.

Summary: OAR 461-165-0010 about the legal status of benefit payments and OAR 461-195-0501 about definitions and categories of overpayments are being amended to align with federal requirements relating to use of EBT (electronic benefit transfer) cards at prohibited locations. EBT cards are used by Department clients to access cash assistance through the REF (Refugee), SFPSS (State Family Pre-SSI/SSDI Program), and TANF (Temporary Assistance for Needy Families) programs. These rules were amended on July 1, 2015 to reflect the federal restriction on using or accessing benefits through an EBT card at a liquor store; casino, gambling casino, or gaming establishment; or retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment. The rules were further amended on July 1, 2016 to prohibit using or accessing benefits at marijuana dispensaries. These rule changes further align with federal regulations by clarifying that these restrictions apply to transactions that occur in Oregon, outside Oregon, and on tribal lands and when a private bank card is used to access cash assistance direct deposited into a private bank account.

In addition, non-substantive edits may be made to these rules to: ensure consistent terminology throughout self-sufficiency program rules and policies; make general updates consistent with current Department practices; update statutory and rule references; correct

NOTICES OF PROPOSED RULEMAKING

formatting and punctuation; improve ease of reading; and clarify Department rules and processes.

Rule text showing edits for the rules described above is available at http://www.dhs.state.or.us/policy/selfsufficiency/ar_proposed.htm.

Rules Coordinator: Kris Skaro

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

Telephone: (503) 945-6067

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Department of Revenue
Chapter 150

Rule Caption: Extension of time to pay estate tax; enforcement of corporate e-file mandate.

Date:	Time:	Location:
11-22-16	10 a.m.	Revenue Bldg. 955 Center St. NE Salem, OR 97301 Fishbowl Conference Rm.

Hearing Officer: Joshua Lawson

Stat. Auth.: ORS 118.225; ORS 305.100; ORS 314.364

Stats. Implemented: ORS 118.225; ORS 314.364

Proposed Amendments: 150-118-0150, 150-314-0150

Last Date for Comment: 11-22-16, 5 p.m.

Summary: 150-118-0150 - Amend to clearly identify when a request for an extension to pay the estate tax must be received; specify that fluctuations in the market value of property will not generally grant reasonable cause for an extension of time to pay the estate tax.

150-314-0150 - Amend to provide that the Department of Revenue may reject non-electronically filed corporate tax returns that are required to be filed electronically by the taxpayer.

Rules Coordinator: Lois Williams

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

Telephone: (503) 945-8029

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Rule Caption: Amusement device tax: Repeals rule defining devices subject to tax

Date:	Time:	Location:
11-22-16	10 a.m.	Revenue Bldg . 955 Center St. NE Salem, OR 97301

Hearing Officer: Joshua Lawson

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 320.010

Proposed Repeals: 150-320-0010

Last Date for Comment: 11-22-16, 5 p.m.

Summary: 150-320-0010 — Repeal of the rule removes inconsistencies with Amusement Device Tax statutes regarding the types of devices that are subject to the tax.

Rules Coordinator: Lois Williams

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

Telephone: (503) 945-8029

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Rule Caption: Cigarette Tax: Amends rules related to the purchase of cigarette tax stamps.

Date:	Time:	Location:
11-22-16	10 a.m.	Revenue Bldg. 955 Center St. NE Salem, OR 97301 Fishbowl Conference Rm.

Hearing Officer: Joshua Lawson

Stat. Auth.: ORS 305.100, 323.170, 323.180

Stats. Implemented: 323.170, 323.180

Proposed Amendments: 150-323-0130, 150-323-0150

Last Date for Comment: 11-22-16, 5 p.m.

Summary: 150-323-0130: Allows cigarette distributors to purchase cigarette tax stamps using electronic type payments.

150-323-0150: Requires cigarette distributors to electronically authorize individuals to order cigarette tax stamps on the distributors' behalf and removes requirement for the department to maintain signature cards for authorized purchasers.

Rules Coordinator: Lois Williams

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

Telephone: (503) 945-8029

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Rule Caption: State Lodging Tax: Fees subject to the tax and registration of providers.

Date:	Time:	Location:
11-22-16	10 a.m.	Revenue Bldg. 955 Center St. NE Salem, OR 97301 Fishbowl Conference Rm.

Hearing Officer: Joshua Lawson

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 320.305

Proposed Amendments: 150-320-0040

Last Date for Comment: 11-22-16, 5 p.m.

Summary: 150-320-0040:

- Removes reference to "allocations made for local lodging taxes" and clarifies that exemptions are limited to those listed in the state lodging tax statutes and rules, regardless of the local lodging tax exemptions available in any particular city or county.

- Provides guidance as to what fees are subject to the state lodging tax.

- Removes the requirement for transient lodging providers to register with the department.

Rules Coordinator: Lois Williams

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

Telephone: (503) 945-8029

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Rule Caption: Personal Tax: Split Joint Liability, Information Returns, Composite Return, Agriculture Workforce Housing, Childcare tax credits.

Date:	Time:	Location:
11-22-16	10 a.m.	Revenue Bldg . 955 Center St. NE Salem OR 97301 Fishbowl conference Rm.

Hearing Officer: Joshua Lawson

Stat. Auth.: ORS 305.100; 315.169

Stats. Implemented: ORS 316.368; 314.724, 315.164; 315.169; 315.204; 315.262

Proposed Amendments: 150-316-0435, 150-314-0485, 150-315-0070

Proposed Repeals: 150-315-0080, 150-315-0082, 150-315-0084, 150-315-0120

Last Date for Comment: 11-22-16, 5 p.m.

Summary: 150-316-0435 — references a publication number that no longer exist. Delete reference.

150-314-0485 — remove the references to ORS 314.760 and "multiple nonresident income tax returns" (i.e. delete section 4) and remove the term "attach" and replace with "include."

150-315-0070 — require the transfer statement for the Agricultural Workforce Housing credit to be submitted within 30 days of the transfer; specify that the transferor and transferee retain a copy of the transfer notice for their records; and eliminate the reference to the "BIN."

150-315-0080 — Dependent Care Credit sunset. No carry forward. Repeal rule.

150-315-0082 — Dependent Care Credit sunset. No carry forward. Repeal rule.

150-315-0084 — Dependent Care Credit sunset. No carry forward. Repeal rule.

NOTICES OF PROPOSED RULEMAKING

150-315-0120 — Working Family Child-Care Credit sunset. No carry forward. Repeal rule.

Rules Coordinator: Lois Williams

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

Telephone: (503) 945-8029

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Rule Caption: Personal Tax: Repealed tax credits — Long-term Care Insurance, Loss of Limbs, Elderly, Long-Term Care

Date:	Time:	Location:
11-22-16	10 a.m.	Revenue Bldg. 955 Center St. NE Salem, OR 97301 Fishbowl Conference Rm.

Hearing Officer: Joshua Lawson

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 315.610; 316.079; 316.087; 316.148; 316.149; 316.680

Proposed Repeals: 150-315-0190, 150-316-0075, 150-316-0100, 150-316-0210, 150-316-0215, 150-316-0517

Last Date for Comment: 11-22-16, 5 p.m.

Summary: 150-315-0190 — long term insurance care premiums credit sunset. No carryforward. Repeal rule.

150-316-0075 — Credit for Loss of Use of Limb(s) sunset. No carry forward. Repeal rule.

150-316-0100 — Oregon Credit for the Elderly sunset. No carry forward. Repeal rule.

150-316-0210 — Credit for Elderly care sunset. No carry forward. Repeal rule.

150-316-0517 — Long term insurance care premium credit expired, therefore addition no longer applicable. Repeal rule.

Rules Coordinator: Lois Williams

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

Telephone: (503) 945-8029

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Rule Caption: Personal Tax: Penalty Waivers, 1099/W2 Deduction, Conference, Working Family Dependent Care and Taxes Paid Credits

Date:	Time:	Location:
11-22-16	10 a.m.	Revenue Bldg. 955 Center St. NE Salem, OR 97301 Fishbowl Conference Rm.

Hearing Officer: Joshua Lawson

Stat. Auth.: ORS 305.100, 305.145; 316.082; 315.264

Stats. Implemented: ORS 305.145; 305.217; 305.265; 316.082; 315.264

Proposed Adoptions: 150-315-0121, 150-315-0125

Proposed Amendments: 150-305-0068, 150-305-0130, 150-305-0202, 150-316-0086

Last Date for Comment: 11-22-16, 5 p.m.

Summary: 150-305-0068 — the Working Family Household and Dependent Care credit penalty will not be waived under the department's discretionary waiver process.

150-305-0130 — clarify the filing requirements which allow expenses in the form of wages or compensation paid to be deducted.

150-305-0202 — expand the types of methods allowed to file appeals beyond regular mail.

150-316-0086 — specify that a taxpayer must keep the "proof" listed in the rule in their tax records and provide to the department on request and not attach it to their return.

150-315-0121 — clearly identify the differences between the Oregon and federal credits and provide guidance for taxpayers to appropriately claim the new Working Family Household and Dependent Care credit.

150-315-0125 — under ORS 315.264(6), the Director is able to assess a new penalty under the new Working Family Household and

Dependent Care credit. The details of this new penalty are described for taxpayers and practitioners.

Rules Coordinator: Lois Williams

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

Telephone: (503) 945-8029

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Rule Caption: Information returns and W-2 penalties, information return filing requirements, tax compliance certificates

Date:	Time:	Location:
11-22-16	5 p.m.	Revenue Bldg. 955 Center St. NE Salem, OR 97071 Fishbowl Conference Rm.

Hearing Officer: Joshua Lawson

Stat. Auth.: ORS 305.100, 316.202, 316.360, 418.255

Stats. Implemented: ORS 314.360, 316.202, 418.255

Proposed Adoptions: 150-418-0010

Proposed Amendments: 150-314-0140, 150-316-0359

Last Date for Comment: 11-22-16, 5 p.m.

Summary: 150-314-0140 - Amend definition of what constitutes "knowingly" for assessing the enhanced penalty of \$250 per information return to include the requirement of an employer being assessed the lower penalty before being eligible for the enhanced penalty. Amend the rule to require all 1099s to be filed electronically with the department and remove the exception for issuers of under 10 forms 1099.

150-316-0359 - Amend definition of what constitutes "knowingly" for assessing the enhanced penalty of \$250 per W-2 to include the requirement of an employer being assessed the lower penalty before being eligible for the enhanced penalty. Mandate electronic filing of the form WR starting in 2018. Remove March 31 due date for W-2s.

150-418-0010 - Establish administrative rule for child caring agencies with the following criteria that defines "tax compliance" for PIT, withholding, transit, corporation excise, and corporation income tax programs administered by DOR:

- All required returns or reports have been filed, whether timely or not, or, in the absence of a return or report, final assessments of tax have been issued by the department for the preceding three tax years and any tax period subsequent to the application date;

- Tax is paid in full for PIT, withholding, transit, corporation excise, and corporation income tax programs; or

- The child caring agency is in compliance with a department-approved payment plan for PIT, withholding, transit, corporation excise, and corporation income tax programs.

Rules Coordinator: Lois Williams

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

Telephone: (503) 945-8029

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Rule Caption: Property Tax: Manufactured Property Rehabilitation, local budget, tax refunds, agricultural housing, timber tax, exemptions

Date:	Time:	Location:
11-22-16	10 a.m.	Revenue Bldg. 955 Center St. NE Salem OR 97301 Fishbowl Conference Rm.

Hearing Officer: Joshua Lawson

Stat. Auth.: ORS 305.100, 321.207

Stats. Implemented: ORS 090.675, 294.311, 294.388, 294.920, 311.160, 311.508, 311.806, 321.354, 321.358, 321.839

Proposed Adoptions: 150-090-0020

Proposed Amendments: 150-294-0430, 150-294-0840, 150-307-0510, 150-311-0760, 150-321-0340, 150-321-0810

Proposed Repeals: 150-307-0470, 150-311-0120, 150-311-0130, 150-311-0510

Last Date for Comment: 11-22-16, 5 p.m.

NOTICES OF PROPOSED RULEMAKING

Summary: 150-090-0020 [Adopt]: To describe the process for obtaining cancelation of taxes on abandoned homes that manufactured dwelling park or marina owners acquire, rehabilitate, and sell in the park or marina. This is an option for landlords created under 2015 Oregon Laws c. 217 (HB 3016).

150-294-0430 [Amend]: ORS 294.388 states that budgets may include amounts for general operating contingencies. We have interpreted that to mean that a contingency may only be budgeted in an “operating fund,” without defining “operating fund.” In the current rule, Example 2 says that a reserve fund is not an operating fund, which is inconsistent with our training regarding reserve funds.

150-294-0840 [Amend]: To correct grammatical error in the rule title by adding the word “of” and adding a space between the words “as” and “approved” in line 4.

150-307-0470 [Repeal]: The 2009 amendment to ORS 307.397 to exempt such hoop houses or similar buildings, structures or improvements. The statute now provides exemption for such structures if they are primarily used to grow plants for agricultural or horticultural production, that are covered with translucent or transparent material, and that have no permanent heat source (other than the sun). This rule is more restrictive than the statute and prohibits exemption for hoop houses with permanent climate control systems, even though the 2009 statute amendments only prevent exemption where a permanent heat source is present.

150-307-0510 [Amend]: ORS 307.480 amended in the 2015 session to allow a property tax exemption for community based agricultural workforce housing. The existing rule only addresses the requirements for farm labor camps. One of the new statutory requirements is that agricultural workforce housing be owned and operated as a nonprofit “facility” and the rule will define that term in the context of this exemption. The term “facility” is also used as the basis for determining which income and expenses must be used to calculate the payment in lieu of taxes required by ORS 307.490.

150-311-0120 [Repeal]: This rule is obsolete as it relates to ORS 308.020, which applied to large value appeals from tax years prior to 1997-1998. There are no longer accounts being collected from appeals under 308.020.

150-311-0130 [Repeal]: This rule is obsolete as it relates to ORS 308.020, which applied to large value appeals from tax years prior to 1997-1998. There are no longer accounts being collected from appeals under 308.020.

150-311-0510 [Repeal]: This rule is obsolete as it relates to ORS 308.020, which applied to large value appeals from tax years prior to 1997-1998. There are no longer accounts being collected from appeals under 308.020.

150-311-0760 [Amend]: ORS 311.806 was amended by HB 2485 and SB 161 in the 2015 session. The bills added provisions that specified refunds paid because of a request for proration of taxes under ORS 308.425 are to be paid to the applicant for the refund, and that in some circumstances allows refunds to purchasers of personal property who have paid delinquent taxes on the property. Those provisions are not addressed in our current rule describing where refunds are to be paid.

150-321-0340 [Amend]: To replace the word “one” with “common” as it is used in the definition of “common ownership” in ORS 321.354(6)(b). To provide a definition for “contiguous acres” as it applies to meet minimum acreage requirements.

150-321-0810 [Amend]: To replace the word “one” with “common” as it is used in the definition of “common ownership” in ORS 321.354(6)(b). To provide a definition for “contiguous acres” as it applies to meet minimum acreage requirements.

Rules Coordinator: Lois Williams

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

Telephone: (503) 945-8029

Department of Transportation, Highway Division Chapter 734

Rule Caption: Real Property Land Use Authorizations

Stat. Auth.: ORS 184.616, 184.619, 366.395

Other Auth.: None

Stats. Implemented: ORS 366.305

Proposed Ren. & Amends: 734-050-0105 to 734-035-0140

Last Date for Comment: 11-21-16, 4 p.m.

Summary: Current program authorization rules have not changed in decades (possibly more than three) and do not effectively outline when the department can authorize use of real property when a lease or easement is not appropriate. The rule is being amended to adjust language that brings program administration process in line with practice. Current rule is located in non-applicable division and so it is also being proposed for renumbering to 734-035-0140.

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Highway Division, 355 Capitol St. NE, MS 51, Salem, OR 97301

Telephone: (503) 986-3171

Rule Caption: Oregon Coordinate System: Expansion of coordinate zones

Stat. Auth.: ORS 184.616, 184.619 and sections 1 and 7 of Ch.179 OL 2011

Other Auth.: None

Stats. Implemented: ORS 209.130, 209.155, 209.250, 390.770, Ch.179 OL 2011

Proposed Amendments: 734-005-0015

Last Date for Comment: 11-21-16, 4 p.m.

Summary: In 2011 the Oregon Transportation Commission adopted new OARs 734-005-0005, 734-005-0010 and 734-005-0015 defining the Oregon Coordinate System as authorized by 2011 Senate Bill 877. The rules were filed with the Secretary of State on December 22, 2011, and became effective on January 1, 2012. This amendment adds 19 additional Oregon Coordinate Reference System mapping projection coordinate zones to 734-005-0015. These additional zones cover additional portions of the state of Oregon to meet the needs of geospatial professionals in the state.

Rules Coordinator: Lauri Kunze

Address: Department of Transportation, Highway Division, 355 Capitol St. NE, MS 51, Salem, OR 97301

Telephone: (503) 986-3171

Higher Education Coordinating Commission Chapter 715

Rule Caption: Increases maximum student enrollment fee, establishes fact page disclosure requirement, and increases school license fees.

Date:

11-16-16

Time:

1 p.m.

Location:

Public Services Bldg.

255 Capitol St. NE

H302 Conference Rm. (3rd Floor)

Salem, OR 97301

Hearing Officer: Kelly Dickinson

Stat. Auth.: ORS 345.010–345.997

Stats. Implemented: ORS 345.010–345.997

Proposed Amendments: 715-045-0001, 715-045-0007, 715-045-0033

Last Date for Comment: 11-23-16, 5 p.m.

Summary: Under OAR 715-045-0001 (24), the Higher Education Coordinating Commission (HECC) is proposing to increase the maximum amount a Private Career School can charge in an enrollment fee from \$150 to a maximum of \$250. This allows schools that carry higher costs of equipment and supplies (ex. manufacturing and design) to secure an enrollment commitment from students commensurate to the costs of preparing for their start.

NOTICES OF PROPOSED RULEMAKING

Under OAR 715-045-007 (1) (c) and (2), the HECC is proposing to increase existing school licensing fees to recover costs associated with oversight of Private Career Schools and providing services to students, licensees, career school faculty and representatives. The proposed increase is that of 30% in the traditional income ranges and sets a progressive schedule for those with tuition income over \$1,000,000 at increments of \$276 for every \$250,000 in tuition income above the base range of up to one million.

The proposed increase under sub (2) sets higher fees for new school applications, which require a great deal of technical assistance to would be applicants, staff intensive reviews and due diligence, coordination with other licensing boards, accrediting bodies and/or experts. Existing fees are not sufficient to cover costs, and the associated tasks take time and resources away from oversight of existing schools and student/consumer protection needs. The proposed change in sub (2) is from \$1,425 for in-state applications to \$4,000, and from \$3,125 for out-of-state applicants to \$6,000.

Under OAR 715-045-0033 - Standards for Advertising - the HECC is proposing to add a fact page disclosure requirement for Private Career Schools. An informational tool for students and a reinforcement of truth in advertising. A school licensed to offer instruction as a Private Career School for one or more programs shall provide students, prior to enrollment, a copy of a basic program and school fact page for each program for which a certificate or diploma is offered.

Rules Coordinator: Kelly Dickinson
Address: Higher Education Coordinating Commission, 775 Court St. NE, Salem, OR 97301
Telephone: (503) 947-2379

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Oregon Department of Education
Chapter 581

Rule Caption: Establishes English Language Learner District and School Improvement Program

Date:	Time:	Location:
11-21-16	1 p.m.	Department of Education 255 Capitol St. NE Salem OR

Hearing Officer: Emily Nazarov
Stat. Auth.: Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

Stats. Implemented: ORS 339.079 and Section 3, chapter 604, Oregon Laws 2015 (Enrolled House Bill 3499)

Proposed Adoptions: 581-020-0613, 581-020-0621, 581-020-0624

Proposed Amendments: 581-020-0600, 581-020-0603, 581-020-0606, 581-020-0609, 581-020-0612, 581-020-0615

Last Date for Comment: 12-8-16, 9 a.m.

Summary: The rules amend and add to the previously adopted rules for identification of school districts for improvement. In addition to some technical amendments, three new rules were added to the previous rules:

First, HB 3499 directed that the Department to provide technical assistance individually to transformational districts. The new rule establishes the phases and a framework for this technical assistance.

Secondly, HB 3499 directed that if after four years a transformation or target district has not met the expected improvement in student progress indicators or the expected benchmarks, the Department must direct how districts will expend monies received from the State School Fund for ELL students. The rules include a framework that the Department must follow when directing a district on the expenditure of these funds.

Finally, HB 3499 directed that the State Board adopt rules relating to certain best practices for ELL students. The rules include a direction that the Department create an online resource bank for sharing national, state and local best practices in serving ELL students and engaging parents of ELL students. The rules also specify that these best practices be evidence based.

Rules Coordinator: Cindy Hunt
Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310
Telephone: (503) 947-5651

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Oregon Department of Education,
Early Learning Division
Chapter 414

Rule Caption: Revisions to Central Background Registry rules meeting federal requirements and clarify authority under Oregon law.

Stat. Auth.: ORS 329A.030 (7)

Stats. Implemented: ORS 329A.030

Proposed Amendments: 414-061-0020, 414-061-0040, 414-061-0050, 414-061-0100, 414-061-0110, 414-061-0120

Last Date for Comment: 12-1-16, 5 p.m.

Summary: The Early Learning Division, Office of Child Care (OCC) administers the Central Background Registry (CBR) pursuant to ORS 329A.030. OCC conducts background checks on individuals associated with child care facilities. Subject individuals (defined below) may submit an application for enrollment in the CBR to OCC. OCC then conducts a criminal and child welfare (child abuse and neglect) background check on the applicant and determines whether the applicant is suitable for enrollment in the CBR. The enrollment period is two years at which time the individual must apply for renewal of their enrollment. OCC conducts a quarterly LEDS (Law Enforcement Data System) check of all enrollees in the CBR.

Revisions to rules will allow the Office of Child Care (OCC) to conduct FBI fingerprint checks in all circumstances as required by Federal law as a condition for receiving federal Child Care and Development Block Grant (CCDBG) funds.

Rule revisions also bring the OCC suitability factors for background checks in line with the Oregon State Police (OSP) suitability factors found in ORS 181A.195 since they were revised as a result of HB 3168 and to ensure OCC is meeting statutory requirements.

Rules Coordinator: Lisa Pinheiro
Address: Oregon Department of Education, Early Learning Division, 775 Summer St. NE, Suite 300, Salem, OR 97301
Telephone: (503) 910-8135

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Oregon Health Authority,
Health Licensing Office
Chapter 331

Rule Caption: Advisory Council on Hearing Aids administrative rules are cleaned up, reorganized and updated.

Date:	Time:	Location:
11-29-16	9 a.m.	700 Summer St. NE, Suite 320 Salem OR 97301

Hearing Officer: Anne Thompson
Stat. Auth.: 2015 Oregon Revised Statutes 694.015-694.991
Stats. Implemented: 2015 Oregon Revised Statutes 694.015-694.991

Proposed Adoptions: 331-630-0006, 331-640-0005, 331-650-0006, 331-650-0011, 331-650-0016, 331-650-0020, 331-650-0025, 331-650-0030, 331-650-0035, 331-650-0040, 331-650-0045, 331-650-0050, 331-650-0055, 331-650-0060, 331-655-0005, 331-660-0005, 331-660-0011, 331-670-0005, 331-670-0010, 331-670-0015, 331-670-0020, 331-680-0010

Proposed Repeals: 331-601-0010, 331-620-0005, 331-630-0001, 331-630-0005, 331-630-0011, 331-630-0015, 331-630-0020, 331-630-0025, 331-630-0030, 331-630-0035, 331-630-0040, 331-630-0050, 331-630-0060, 331-630-0070, 331-650-0005, 331-650-0010, 331-650-0015, 331-660-0000, 331-660-0010, 331-660-0020, 331-660-0030, 331-660-0040, 331-660-0050, 331-660-0060, 331-660-0070, 331-660-0080

Last Date for Comment: 11-29-16, 12 p.m.

NOTICES OF PROPOSED RULEMAKING

Summary: Advisory Council on Hearing Aids administrative rules have been cleaned up, clarified, reorganized, and brought up to date with changes in the field. Civil penalties for rule violations have been increased.

Rules Coordinator: Samantha Patnode

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

Telephone: (503) 373-1917

**Oregon Health Authority,
Health Systems Division: Medical Assistance Programs
Chapter 410**

Rule Caption: Amending Rules to Comply with Amended CFR's, Gender Identity and Provider Enrollee Communications

Date:	Time:	Location:
12-20-16	10:30 a.m.	500 Summer St. NE Salem, OR 97301, Rm. 160

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.042, 414.065, 414.615, 414.625, 414.635 & 414.

Stats. Implemented: ORS 414.065, 414.610-414.685

Proposed Amendments: 410-141-3015, 410-141-3145, 410-141-3260, 410-141-3300

Proposed Repeals: 410-141-3015(T), 410-141-3145(T), 410-141-3260(T), 410-141-3300(T)

Last Date for Comment: 12-22-16, 5 p.m.

Summary: These rules provide direction and clarification to the Coordinated Care Organizations and Prepaid Health Plans in order to be compliant with the newly revised Code of Federal Regulations that became effective within sixty days of publication, May 5, 2016. These rules need to be amended to reflect current federal changes related to provider enrollee communications requirements and the addition of gender identity to the certification criteria.

Rules Coordinator: Sandy Cafourek

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

Telephone: (503) 945-6430

Rule Caption: Amending PDL March 31, May 26, 2016 DUR/P&T Action

Date:	Time:	Location:
11-15-16	10:30 a.m.	500 Summer St. NE Salem, OR 97301

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.032, 413.042, 414.065, 414.325, 414.330 to 414.414, 414.312, and 414.316

Stats. Implemented: ORS 414.065; 414.325, 414.334, 414.361, 414.369, 414.371, 414.353, and 414.354

Proposed Amendments: 410-121-0030

Proposed Repeals: 410-121-0030(T)

Last Date for Comment: 11-17-16, 5 p.m.

Summary: The Pharmaceutical Services program administrative rules (Division 121) govern Division payments for services provided to certain clients. The Division needs to amend rules as follows:

410-121-0030:

Preferred:

Epoprostenol

Narcan® Nasal

Injectable Naloxone

Lurasidone

Asenapine

Aripiprazole IM

Non-Preferred:

Calcium

Vitamin D

Evzio®

Auto Injector Naloxone

Glycopyrrolate

Indacaterol/Glycopyrrolate

Chlorpromazine

Rules Coordinator: Sandy Cafourek

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

Telephone: (503) 945-6430

Rule Caption: Deletes Redundant Liability Limits for Coordinated Care Organizations

Date:	Time:	Location:
11-15-16	10:30 a.m.	500 Summer St. NE Salem, OR 97301, Rm. 160

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.042 & 414.625

Stats. Implemented: ORS 414.625

Proposed Amendments: 410-141-3435

Last Date for Comment: 11-17-16, 5 p.m.

Summary: This rule change deletes the reference in CCO rules to having transportation brokerages and their subcontractors having any specific level of liability insurance. There are already provisions in CCO rules regarding liability insurance responsibilities of CCOs and their subcontractors. The rule specific to transportation brokerages was both redundant in part and contradictory in part. Deleting this section of the rule will create a less confusing and more enforceable liability rule overall.

Rules Coordinator: Sandy Cafourek

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

Telephone: (503) 945-6430

Rule Caption: Updating Rate Table Incorporated by Reference

Date:	Time:	Location:
11-15-16	10:30 a.m.	500 Summer St. NE Salem, OR 97301, Rm. 160

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.042 and 414.065

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-170-0110

Proposed Repeals: 410-170-0110(T)

Last Date for Comment: 11-17-16, 5 p.m.

Summary: The Authority needs to amend the date of the Behavioral Rehabilitation Services rate table referenced in 410-170-0110 to reflect new rate changes. The rates table is available at: <http://www.oregon.gov/oha/healthplan/tools/Rate%20Table%20-%20May%201,%202016.pdf>.

Rules Coordinator: Sandy Cafourek

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

Telephone: (503) 945-6430

Rule Caption: Amending Prior Authorization Approval Criteria Guide

Date:	Time:	Location:
11-15-16	10:30 a.m.	500 Summer St. NE Salem, OR 97301, Rm. 160

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.032, 413.042, 414.065, 414.325, 414.330 to 414.414, 414.312, 414.316

Stats. Implemented: ORS 414.065; 414.325, 414.334, 414.361, 414.369, 414.371, 414.353, 414.354

Proposed Amendments: 410-121-0040

Proposed Repeals: 410-121-0040(T)

Last Date for Comment: 11-17-16, 5 p.m.

Summary: The Pharmaceutical Services program administrative rules (division 121) govern Division payments for services provided to certain clients. The Authority needs to implement changes to the Prior Authorization Guide to ensure the safe and appropriate use of cost effective prescription drugs for the Oregon Health Plan's fee-

NOTICES OF PROPOSED RULEMAKING

for-service recipients. The Authority is amending this rule to update the Oregon Medicaid Fee for Service Prior Authorization Criteria Guide found at <http://www.oregon.gov/oha/healthplan/Pages/pharmacy-policy.aspx> based on the P&T (Pharmacy and Therapeutic) Committee recommendations.

Rules Coordinator: Sandy Cafourek

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

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Rule Caption: Prioritized List Effective October 1, 2016

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065 & 414.727

Proposed Amendments: OAR 410-141-0520

Proposed Repeals: OAR 410-141-0520(T)

Last Date for Comment: 11-17-16, 5 p.m.

Summary: The OHP program administrative rules govern the Division's payments for services provided to clients. The Authority needs to amend 410-141-0520. This change references the new interim modifications to the Centers for Medicare and Medicaid Services' (CMS) approved biennial January 1, 2016-December 31, 2017, Prioritized List funded through line 475. These modifications include revised condition treatment pairings approved at the January 14, 2016, through August 11, 2016, HERC meetings not involving the changes to the prioritization of treatments for conditions of the back and spine already reflected in the July 1, 2016, Prioritized List. The October 1, 2016, Prioritized List includes revised line items and new/revised guideline notes and multisector interventions that supersede those found in the July 1, 2016, Prioritized List.

Rules Coordinator: Sandy Cafourek

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

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Oregon Health Authority, Health Systems Division: Mental Health Services Chapter 309

Rule Caption: Permanent new rules regarding responses to suspected suicides of children and young adults.

Date:	Time:	Location:
11-21-16	10 a.m.	Rm. 137-B 500 Summer St. NE Salem OR 97301

Hearing Officer: Nola Russell

Stat. Auth.: ORS 413.042; ORS 430.630; ORS 430.634; ORS 430.640

Stats. Implemented: ORS 418.735.

Proposed Adoptions: 309-027-0010, 309-027-0020, 309-027-0030, 309-027-0040, 309-027-0050, 309-027-0060

Last Date for Comment: 11-23-16, Close of Business

Summary: These rules implement Senate Bill (SB) 561 from Oregon's 2015 Regular Session. The rules identify Local Mental Health Authorities (LMHAs) as the entities responsible for initiating and coordinating the community response to each case of suicide which meets the criteria established in SB 561. There are three purposes for the rules:

(a) The rules establish minimum standards for communication protocols regarding the suicide or suspected suicide deaths of individuals 24 years of age and younger and post-intervention response protocols to address the deaths.

(b) The purpose for the communication and post-intervention response protocols mandated by the rules is to establish overall guidelines which coordinate responses to suicides by local agencies, groups or individuals in order to reduce the risk of contagion among individuals 24 years of age or younger.

(c) The rules also outline processes for LMHAs to report suicides of individuals 24 years or younger to the Oregon Health Authority within 7 days of the death.

(2) The Oregon Health Authority (OHA) shall provide technical assistance to LMHAs in developing and implementing the protocols and suicide death reporting.

Rules Coordinator: Nola Russell

Address: Oregon Health Authority, Health Systems Division: Mental Health Services, 500 Summer St. NE, Salem, OR 97301
Telephone: (503) 945-7652

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Oregon Health Authority, Public Health Division Chapter 333

Rule Caption: Establishment of the Vaccines for Children (VFC) Program

Date:	Time:	Location:
11-16-16	1:30 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1B Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 413.042, 431.250

Other Auth.: United States Social Security Act, Section 1928 [42 U.S.C. 1396s]

Stats. Implemented: ORS 413.042, 431.250

Proposed Adoptions: 333-046-0010, 333-046-0020, 333-046-0030, 333-046-0040, 333-046-0050, 333-046-0060, 333-046-0070, 333-046-0080, 333-046-0090, 333-046-0100, 333-046-0110, 333-046-0120, 333-046-0130

Last Date for Comment: 11-22-16, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division is proposing to adopt administrative rules in chapter 333, division 46 to establish the Vaccines for Children (VFC) Program. The VFC program is a federal entitlement program that provides vaccines to categorically eligible children at no cost. Free vaccines are delivered through public and private medical clinics throughout the state. In order to access these vaccines, clinics must enroll in a state-level VFC Program.

The proposed administrative rules detail requirements for clinic enrollment, vaccine eligibility, administration fees and clinic compliance. They also outline the process for imposing sanctions including probation or removal from the VFC Program.

Rules Coordinator: Brittany Sande

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

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Rule Caption: Update of the School-Based Health Center (SBHC) certification process and requirements

Date:	Time:	Location:
11-17-16	1:30 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 221 Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 413.223

Stats. Implemented: ORS 413.223, 413.225

Proposed Adoptions: 333-028-0234, 333-028-0238

Proposed Amendments: 333-028-0220, 333-028-0230, 333-028-0240, 333-028-0250

Last Date for Comment: 11-22-16, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division, Adolescent, Genetics and Reproductive Health section is proposing to permanently adopt and amend administrative rules in chapter 333, division 28 pertaining to the School-Based Health Center (SBHC) certification process and requirements. The proposed changes update the SBHC Standards for Certification to (1) identify and address any areas in need of clarification; (2) revise sections to align with current best practice; and (3) continue to adapt the Standards for Certification to support operations and advance quality healthcare in a school setting.

Rules Coordinator: Brittany Sande

NOTICES OF PROPOSED RULEMAKING

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

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Rule Caption: Licensed hospital satellite outpatient clinic building requirements

Date:	Time:	Location:
11-18-16	2 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1D Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 441.060

Stats. Implemented: ORS 441.060

Proposed Amendments: 333-535-0086

Last Date for Comment: 11-22-16, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division is proposing to permanently amend OAR 333-535-0086 relating to licensed hospital satellite outpatient clinic building requirements in order to allow hospitals and health systems to pursue alternative approaches and process improvement strategies to create a more efficient hospital system.

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

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Rule Caption: Amendment of rules to adopt federal regulations by reference for the Lead-based Paint Program

Date:	Time:	Location:
11-18-16	10:30 a.m.	Portland State Office Bldg. 800 NE Oregon St. Rm. 1D Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 183.310–183.540, 183.745, 431A.355, 431A.358, 431A.363, 701.992

Other Auth.: Code of Federal Regulations (CFR) 40CFR Part 745 Subpart D and L

Stats. Implemented: ORS 183.310–183.540, 183.745, 431A.355, 431A.358, 431A.363, 701.992

Proposed Adoptions: 333-069-0100, 333-069-0120, 333-070-0200

Proposed Repeals: 333-068-0005, 333-068-0010, 333-068-0015, 333-068-0020, 333-068-0025, 333-068-0030, 333-068-0035, 333-068-0040, 333-068-0045, 333-068-0050, 333-068-0055, 333-068-0060, 333-068-0065, 333-069-0005, 333-069-0010, 333-069-0015, 333-069-0020, 333-069-0030, 333-069-0040, 333-069-0050, 333-069-0060, 333-069-0070, 333-069-0080, 333-069-0090, 333-070-0075, 333-070-0080, 333-070-0085, 333-070-0090, 333-070-0095, 333-070-0100, 333-070-0105, 333-070-0110, 333-070-0125, 333-070-0130, 333-070-0135, 333-070-0140, 333-070-0150

Proposed Ren. & Amends: 333-069-0085 to 333-069-0110, 333-070-0115 to 333-070-0210, 333-070-0120 to 333-070-0220, 333-070-0145 to 333-070-0230, 333-070-0160 to 333-070-0240

Last Date for Comment: 11-22-16, 5 p.m.

Summary: The Oregon Health Authority (Authority), Public Health Division, Environmental Public Health program is proposing to permanently adopt, amend and renumber, and repeal administrative rules in chapter 333, divisions 68, 69 and 70 pertaining to the Lead-based Paint Program. The proposed amendments will adopt by reference the Code of Federal Regulations (CFR) 40CFR Part 745 Subpart D and L. Recently, the U.S. Environmental Protection Agency (EPA) has notified the Authority that there are certain areas of the OARs that are not as stringent as the CFR. The Authority intends to adopt the CFR by reference so that its rules would essentially be the same as the CFR, with the exception of fee and penalty sections.

During the 2015 legislative session, fee changes were legislatively approved as a part of the Authority's budget in SB 5526 (Oregon Laws 2015, chapter 838), and are now being updated in adminis-

trative rule. This included an increase in student fees from \$17 to \$50 per student. Changes were also made to individual and firm certification fees, which went from \$85 for one year to \$255 for a three year certification. The Authority was unsure if it would be keeping the Lead-based Paint Program or returning it to the EPA, so the fee changes were not incorporated into the text of the rules at the time. The Authority has decided to keep the program, and now needs to incorporate the fee changes into the rule language.

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

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Rule Caption: Dental Pilot Projects

Stat. Auth.: 2011 OL Ch. 716

Stats. Implemented: 2011 OL Ch. 716

Proposed Amendments: 333-010-0405, 333-010-0415, 333-010-0435

Last Date for Comment: 11-22-16, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division, Oral Health Program is proposing to permanently amend administrative rules in chapter 333, division 10 to add requirements for project evaluation and define the term evaluator for the purposes of the project evaluation. Additionally, the amended rules will allow for coordinated care organizations to apply as a sponsor of a Dental Pilot Project. These rules provide administrative oversight of Dental Pilot Projects as defined in SB 738 (2011 OL Ch. 716), which passed during the 2011 Legislative Session. The proposed rule amendments provide administrative guidance to the required content of Dental Pilot Projects evaluation and monitoring requirements. The allowance of coordinated care organizations is in keeping current with health transformation in Oregon. Coordinated Care Organizations were formally enacted into law after the original administrative rules for the Dental Pilot Projects were written.

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

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Oregon Housing and Community Services Department Chapter 813

Rule Caption: Amends the purpose rule for public contracts and provides clarification relating to competitive recruitment

Date:	Time:	Location:
11-29-16	9 a.m.	725 Summer St. NE, Rm 124B Salem Oregon 97301

Hearing Officer: Sandy McDonnell

Stat. Auth.: ORS 90.800–90.840, 91.886, 317.097, 279A.025, 279A.065, ORS 456.515-456.725 and 458.210-458.650

Stats. Implemented: ORS 90.800–90.840, 92.886, 279B, 317.097, 456.515–456.725, 307.651 and 458.005–458.740

Proposed Amendments: 813-006-0005, 813-006-0010

Last Date for Comment: 12-9-16, 5 p.m.

Summary: Division 6 establishes the general procedures for public contracts by the department as well as other contracting and procurement activities. The amended temporary rules reflect a change in the title for this set of rules. The purpose rule has been amended to clarify that these are the general procedures adopted by the agency. The rules for basic policy and approach have been amended to reflect that the department will ensure competition and include performance standards to the maximum extent practicable to include contracts for goods and services as the department deems appropriate or otherwise required by law. The rules are also amended to clarify that a preference will be given to maximizing program objectives in a selection process between two or more equally qualified bidders in a competitive procurement.

Rules Coordinator: Sandy McDonnell

NOTICES OF PROPOSED RULEMAKING

Address: Oregon Housing and Community Services Department,
725 Summer St. NE, Suite B, Salem, OR 97301-1266
Telephone: (503) 986-2012

Rule Caption: Adds General Housing Account as department housing program; amends definitions; clarifies process for submitting protests

Date:	Time:	Location:
11-29-16	10 a.m.	725 Summer St. NE, Rm. 124B Salem OR 97301

Hearing Officer: Sandy McDonnell

Stat. Auth.: ORS 90.630, 90.771-90.775, 90.800-90.840, 183, 315.271, 317.097, 446.525-446.543, 456.515-456.725, 458.210-458.365, 458.405-458.460, 458.505-458.740, 566.310- 566.350 and 757.612-757.617

Stats. Implemented: ORS 90.630, 90.771-90.775, 90.800-90.840, 183, 315.271, 317.097, 446.525-446.543, 456.515-456.725, 458.210-458.365, 458.405-458.460, 458.505-458.740, 566.310-566.350 and 757.612-757.617

Proposed Adoptions: 813-005-0025

Proposed Amendments: 813-005-0005

Last Date for Comment: 12-9-16, 5 p.m.

Summary: The rules are amended to include the General Housing Account as a housing program administered by the department, amends the definition for loan documents and expands the definition for NOFA (Notice of Funding Availability). The rules also adds a definition for regulatory agreement as to project management or management agreement. A new rule was adopted to establish the process for an applicant or potential qualifying applicant to protest or challenge the solicitation process of the department.

Rules Coordinator: Sandy McDonnell

Address: Oregon Housing and Community Services Department,
725 Summer St. NE, Suite B, Salem, OR 97301-1266

Telephone: (503) 986-2012

Oregon Liquor Control Commission Chapter 845

Rule Caption: The amendments revise Division 25 rules with both technical and 2016 legislative revisions.

Date:	Time:	Location:
11-17-16	1:30 p.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

Hearing Officer: Bryant Haley

Stat. Auth.: ORS 475B

Stats. Implemented: ORS 475B

Proposed Adoptions: 845-025-8750

Proposed Amendments: 845-025-1015, 845-025-1030, 845-025-1045, 845-025-1060, 845-025-1090, 845-025-1100, 845-025-1115, 845-025-1160, 845-025-1175, 845-025-1230, 845-025-1360, 845-025-1410, 845-025-1420, 845-025-1440, 845-025-1450, 845-025-1470, 845-025-2020, 845-025-2030, 845-025-2040, 845-025-2060, 845-025-2100, 845-025-2800, 845-025-2840, 845-025-2900, 845-025-2910, 845-025-3215, 845-025-3260, 845-025-3300, 845-025-3310, 845-025-3500, 845-025-3510, 845-025-3600, 845-025-5000, 845-025-5300, 845-025-5350, 845-025-5500, 845-025-5540, 845-025-5700, 845-025-7030, 845-025-7060, 845-025-7520, 845-025-7580, 845-025-7700, 845-025-7750, 845-025-8040, 845-025-8060, 845-025-8520, 845-025-8560

Last Date for Comment: 12-1-16, 5 p.m.

Summary: The Oregon Legislature adopted several bills during the 2016 legislative session that make significant alterations to ORS 475B. This action by the legislature requires the Commission to align the rules with statute. Further, staff has made revisions to the rules as the Commission has learned about the recreational market and the realities thereof. Finally, the amendments make technical revisions that were discovered after the initial implementation of the Recreational Marijuana program.

Rules Coordinator: Bryant Haley

Address: Oregon Liquor Control Commission, 9079 SE McLoughlin Blvd., Portland, OR 97222
Telephone: (503) 872-5136

Oregon Medical Board Chapter 847

Rule Caption: Compensation for Board meeting preparation and Investigative Committee meeting preparation

Stat. Auth.: ORS 677.235

Stats. Implemented: ORS 292.495, 677.235

Proposed Amendments: 847-003-0200

Last Date for Comment: 11-21-16, Close of Business

Summary: The proposed rule amendment allows the agency to compensate Board members for preparing for Board meetings and Investigative Committee meetings.

Rules Coordinator: Nicole Krishnaswami

Address: Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201

Telephone: (971) 673-2667

Rule Caption: Allows EMTs to insert any supraglottic airway device and paramedics to maintain ventilators during transport

Stat. Auth.: ORS 682.245

Stats. Implemented: ORS 682.245

Proposed Amendments: 847-035-0030

Last Date for Comment: 11-21-16, Close of Business

Summary: The proposed rule amendment broadens the EMT scope of practice to allow blind insertion of any supraglottic airway device rather than limiting the scope to only cuffed pharyngeal airway devices and removes the limitation on performing tracheobronchial tube suctioning to only endotracheal intubated patients to allow EMTs to also perform this suctioning on tracheostomy patients. The proposed rule amendment also adds a provision to allow Paramedics to maintain ventilators during transport if the Paramedic is trained on the specific device and is acting under written protocol or direct orders.

Rules Coordinator: Nicole Krishnaswami

Address: Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201

Telephone: (971) 673-2667

Public Utility Commission Chapter 860

Rule Caption: In the Matter of Revisions to Division 036 - Water Rules.

Date:	Time:	Location:
11-29-16	9:30 a.m.	PUC, 201 High St. SE Salem OR 97301

Hearing Officer: Chief ALJ Grant

Stat. Auth.: ORS 183, 756, 757, 758

Stats. Implemented: ORS 98.316, 183.745, 756.040, 756.075, 756.105, 756.310, 756.320, 756.350, 756.500-756.558, 757.015, 757.020, 757.035, 757.061, 757.063, 757.068, 757.077, 757.105, 757.120, 757.125, 757.135, 757.205, 757.225, 757.250, 757.259, 757.310-757.330, 757.405-757.450, 757.480, 757.485, 757.490, 757.495, 757.994, 758.300-758.320

Proposed Adoptions: OAR 860-036-1000 through 860-036-2400

Proposed Repeals: OAR 860-036-0001 through 860-036-0930

Last Date for Comment: 11-29-16, Close of Hearing

Summary: This rulemaking revises and clarifies rules set forth in Division 036 governing water utilities. The goal of the rulemaking is to improve the organization and clarity of the rules to make them easier to understand and follow.

This rulemaking repeals all existing rules and proposes to replace them with new rules, similar to the existing rules governing all aspects of water utility regulation, including consumer complaints, deposits, billings, territory allocation, etc. Because of the reorgani-

NOTICES OF PROPOSED RULEMAKING

zation of the information in the proposed rules, it was not possible to amend and renumber the rules

In addition, proposed OAR 860-036-1910 increases the threshold amount a small water utility may charge its customers before being potentially subject to rate regulation by the PUC. A water utility that serves less than 500 customers is generally exempt from the PUC's regulatory oversight of the rates the water utility charges its customers. See ORS 757.061(3). Such a utility may be subject to rate regulation, however, if it charges an annual monthly rate in excess of that determined by the PUC. OAR 860-036-1910 proposes to increase the amounts a water utility may charge without the need to notify its customers of the right to petition for rate regulation.

The PUC will hold a workshop on November 10, 2016 at 9:30 am at 201 High Street SE, Salem, Oregon to present the proposed rules to stakeholders and offer an opportunity for comments and questions. The rulemaking hearing will be held at 9:30 am on November 29, 2016.

The PUC encourages participants to file written comments before the hearing date, November 29, 2016, so that other participants have the opportunity to consider and respond to the comments before the close of the comment period. Please reference Docket No. AR 595 on comments and file them by e-mail to the Commission's Filing Center at PUC.FilingCenter@state.or.us.

Interested persons may review all filings online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=19941>. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250, found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_001.html.

Participants wishing to monitor the hearing by telephone must contact Diane Davis at diane.davis@state.or.us or (503) 378-4372 by close of business November 23, 2016, to request a dial-in number. The Commission strongly encourages those planning to present comment at the hearing to attend in person. Please note that the comment period closes at the close of the hearing on November 29, 2016.

Rules Coordinator: Diane Davis

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

Telephone: (503) 378-4372

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**Public Utility Commission,
Board of Maritime Pilots
Chapter 856**

Rule Caption: Changes timing of annual TOC adjustment to coincide with annual COLA adjustment.

Stat. Auth.: ORS 776

Stats. Implemented: ORS 776.115

Proposed Amendments: 856-030-0040

Last Date for Comment: 11-18-16, Close of Business

Summary: Amendments change the effective dates of the annual transportation cost adjustment to the tariff to coincide with the

annual cost-of-living adjustment. The amendment was previously adopted as a temporary rule because there was not enough time to go through regular rulemaking for it to be in effect at the time of the adjustment. The amendment is now being noticed as a regular rulemaking to go into effect after the temporary rule has expired.

Rules Coordinator: Susan Johnson

Address: Public Utility Commission, Board of Maritime Pilots, 800 NE Oregon St., Suite 507, Portland, OR 97232

Telephone: (971) 673-1530

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**Secretary of State,
Archives Division
Chapter 166**

Rule Caption: Repeals obsolete Note relating to the management of public records, in OAR 166-150 and 166-400

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192 & 357

Proposed Amendments: 166-150-0005, 166-150-0110, 166-400-0010, 166-400-0015, 166-400-0020, 166-400-0025, 166-400-0030, 166-400-0035, 166-400-0040, 166-400-0045, 166-400-0050, 166-400-0055, 166-400-0060, 166-400-0065

Last Date for Comment: 11-21-16, Close of Business

Summary: This is a housekeeping change, to ensure that the OARs do not conflict with each other. It applies only to Counties and special districts (OAR 166-150), and schools, school districts and educational service districts (OAR 166-400). It removes a NOTE stating "NOTE: Inclusion of a records series in this schedule does not require the series be created. If a record is created electronically, it can be retained in electronic format only as long as the retention period is 99 years or less." A recent OAR revision now allows some records with retentions of 100 years or more to be retained in electronic format, making this Note obsolete.

Rules Coordinator: Julie Yamaka

Address: Secretary of State, Archives Division, 800 Summer St. NE, Salem, OR 97310

Telephone: (503) 378-5199

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**Southern Oregon University
Chapter 573**

Rule Caption: Parking Regulations

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Proposed Amendments: 573-050-0015, 573-050-0016, 573-050-0025, 573-050-0040, 573-050-0045

Last Date for Comment: 11-30-16, 4 p.m.

Summary: This amendment in Div. 050 edits language to correct subsections of the rule.

Rules Coordinator: Treasa Sprague

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

Telephone: (541) 552-6319

ADMINISTRATIVE RULES

Board of Examiners for Engineering and Land Surveying Chapter 820

Rule Caption: To adopt rules related to professional work. Amend rule for Structural registration. Housekeeping.

Adm. Order No.: BEELS 6-2016

Filed with Sec. of State: 10-4-2016

Certified to be Effective: 10-4-16

Notice Publication Date: 7-1-2016

Rules Adopted: 820-005-0036, 820-005-0051, 820-005-0066

Rules Amended: 820-010-4000, 820-080-0010

Subject: OAR 820-005-0036 defines the practice of engineering work as used in ORS 672.005 and 672.007.

OAR 820-005-0051 defines the practice of land surveying work as used in ORS 672.005 and 672.007.

OAR 820-005-0066 defines the practice of photogrammetric mapping work as used in ORS 672.005 and 672.007.

OAR 820-010-4000 amends the rule for registration as a structural engineer.

OAR 820-080-0010 adds the term “renewal certificate” to fees. No change or addition of fees is made.

Rules Coordinator: Jenn Gilbert—(503) 934-2107

820-005-0036

Engineering — Work

“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.”

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 – 372.325

Hist.: BEELS 6-2016, f. & cert. ef. 10-4-16

820-005-0051

Land Surveying — Work

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

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 – 372.325

Hist.: BEELS 6-2016, f. & cert. ef. 10-4-16

820-005-0066

Photogrammetric — Work

“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.”

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 – 372.325

Hist.: BEELS 6-2016, f. & cert. ef. 10-4-16

820-010-4000

Qualifications for Registration as a Structural Engineer

In order to qualify for registration as a Professional Structural Engineer in Oregon, an applicant for registration must provide all of the following:

(1) Evidence satisfactory to the Board of active Oregon registration as a Professional Engineer, in good standing.

(2) Evidence satisfactory to the Board of passing or having passed the NCEES 16-hour Structural Examination or the structural examinations offered during the timeframes as follows:

(a) 1974–1985, the 8-hour Western Region general and 8-hour Western Region in-depth;

(b) 1986–October 2005, the 8-hour NCEES general (SE I) and the 8-hour NCEES in-depth (SE II);

(c) October 2005–2010, the 8-hour NCEES in-depth (SE II) and:

(i) The 8-hour Washington Structural III; or

(ii) The 8-hour California Structural III.

(3) Evidence satisfactory to the Board of having obtained two years of structural engineering experience, verified by a registered Structural Engineer in a jurisdiction with NCEES membership.

(4) A single application packet, which must include all of the following:

(a) A completed Registration Application form.

(b) The Board will verify that the Applicant holds active registration as an Oregon professional engineer, in good standing.

(c) Official verification of successful passage of the NCEES 16-hour Structural Examination, Buildings Modules or the structural examinations listed under subsection (2)(a) through (c). This paragraph of subsection (4) of this rule is effective as of June 25, 2015.

NOTE: The 16-hour Structural examinations are written and scored by the NCEES and administered by NCEES Exam Administration Services. Consult NCEES for examination dates, times, locations, cost, and details

(d) A completed Experience Details form describing active practice in structural engineering work, as defined in OAR 820-040-0020.

(e) Five references from individuals with knowledge of the Applicant’s structural engineering work:

(A) All five references must attest to the Applicant’s ability, professional experience, or both. All five references must complete the Reference Details form provided by the Board and submit the completed Reference Details form directly to the Applicant, in a closed and sealed envelope, signed across the sealed flap by the reference.

(B) At least three of the five references must hold active Structural Engineer registration in a jurisdiction with NCEES membership.

(C) The Board may, for good cause and upon written application, reduce the number of references required for an Applicant.

(f) For Applicants holding registration in another jurisdiction, in lieu of providing the items listed under (b) to (e) of this subsection, the Applicant may release the Applicant’s NCEES Record, if any, to the Board
Note: See <http://ncees.org/records/>

(g) For Applicants holding structural registration in another jurisdiction references on file with the Board may be used.

(h) Any and all professional disciplinary records of the Applicant, including but not limited to final orders, letters of reprimand, stipulations, and settlement agreements.

(h) The required application and wall certificate fees.

Stat. Auth.: ORS 670.310, 672.107, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15; BEELS 4-2016(Temp), f. & cert. ef. 3-15-16 thru 9-10-16; Administrative correction, 9-23-16; BEELS 6-2016, f. & cert. ef. 10-4-16

820-080-0010

Fees

For the purposes of ORS 672.155, the Board shall charge the following fees:

(1) Registration application fee — \$360.

(2) Additional branch fee — \$35.

(3) Examination application fees:

(a) Oregon Specific Acoustical examination — \$55.

(b) Oregon Specific Forest examination — \$55.

(c) Oregon Specific Land Surveying examination — \$55.

(4) Certified Water Right Examiner examination and certification application fee — \$200.

(5) Biennial registration renewal fee:

(a) Professional engineer — \$150.

(b) Professional land surveyor — \$150.

(c) Professional photogrammetrist — \$150.

ADMINISTRATIVE RULES

- (d) Certified water right examiner — \$40.
 - (6) Delinquency renewal fee — \$80 for any part of each biennial registration renewal period during delinquency.
 - (7) Issuance of a temporary permit under ORS 672.109 or 672.127 — \$100.
 - (8) Declaration/issuance of an intern enrollment number — \$35.
 - (9) Re-issuance of professional wall certificate — \$35.
 - (10) Re-issuance of renewal certificate and pocket card — \$10.
 - (11) Verification of certification(s) and/or registration(s) — \$15.
 - (12) Issuance of certificate of registration under ORS 672.153, without examination based on experience — \$250.
 - (13) Reinstatement for inactive registrant or certificate holder — \$225.
 - (14) Reinstatement for retired registrant or certificate holder — \$225.
 - (15) Re-score of an Oregon specific examination item — \$50.
- Stat. Auth.: ORS 670.310, 672.153, 672.155, & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 5-2015(Temp), f. & cert. ef. 8-19-15 thru 2-12-16; BEELS 8-2015, f. & cert. ef. 11-13-15; BEELS 6-2016, f. & cert. ef. 10-4-16

Rule Caption: To amend the agency's purchasing and contracting rule.

Adm. Order No.: BEELS 7-2016(Temp)

Filed with Sec. of State: 10-4-2016

Certified to be Effective: 10-4-16 thru 4-1-17

Notice Publication Date:

Rules Amended: 820-001-0025

Subject: The amendment to OAR 820-001-0025 revises the rules for personal services consultant contracts with registered professional engineers, registered professional land surveyors, and registered professional photogrammetrists.

Rules Coordinator: Jenn Gilbert—(503) 934-2107

820-001-0025

Purchasing and Contracting

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

(1) The Agency may award a procurement of services that does not exceed \$15,000 in any manner the Agency deems practical or convenient, including by direct selection or award, so long as subsections (2) and (3) of this rule are followed.

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

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

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 1-2013, f. & cert. ef. 3-13-13; BEELS 10-2013(Temp), f. & cert. ef. 12-5-13 thru 3-14-14; BEELS 2-2014, f. & cert. ef. 2-26-14; BEELS 7-2016(Temp), f. & cert. ef. 10-4-16 thru 4-1-17

Board of Geologist Examiners Chapter 809

Rule Caption: Updated Board Rules for Complaint Investigations, Renewals/Restorations, Fees and Professional Code of Conduct

Adm. Order No.: BGE 1-2016

Filed with Sec. of State: 9-20-2016

Certified to be Effective: 9-20-16

Notice Publication Date: 7-1-2016

Rules Amended: 809-010-0001, 809-015-0000, 809-015-0005, 809-015-0010, 809-020-0025, 809-055-0000

Rules Repealed: 809-015-0015

Subject: Rules were updated to: (a) cover all types of complaint investigations in Board rule investigations, (b) redefine renewal date to not be equivalent to expiration date so that a registrant can renew registration through renewal date, (c) ensure consistent use of language and otherwise clarify requirements for renewals and restoration, (d) delete a rule related to renewal of Geologist-in-Training registration that was not needed, (e) clarify in Board fee rule the

proration of registration fees for registrants changing registration type, (f) make other housekeeping changes to fee rule but with no fee changes, (g) provide more flexibility to Board in mailing options, and (h) set minimum requirements for contact information that registrants must maintain on record with the Board.

Rules Coordinator: Christine Valentine—(503) 566-2837

809-010-0001

Fees

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

Examinations

(1) Fundamental Section of the national examination for Geologist registration — an amount equal to the actual cost of purchasing this portion of the exam from ASBOG.

(2) Practice Section of the national examination for Geologist registration — an amount equal to the actual cost of purchasing this portion of the exam from ASBOG.

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

(4) Manual rescoring or proctored review:

(a) For ASBOG manual rescoring request only — an amount equal to the actual cost charged by ASBOG for this service;

(b) For ASBOG proctored review request only — an amount equal to the actual cost charged by ASBOG for this service; and

(c) In addition to (a) & (b) and for all Certified Engineering Geology exam-related requests, an amount payable to the Board for the actual administrative costs of providing the service, including any costs for staff or Board member time, copies, postage, and other processing costs, up to a maximum of \$100.00 payable to the Board per request.

Registration and Renewal

(5) Geologist-in-Training initial registration and annual renewal — \$50.00.

(6) Geologist initial registration and annual renewal — \$100.00.

(a) For a Geologist-in-Training issued an initial geologist registration, a prorated fee is refunded at the time of the initial issuance of registration to account for the remaining time period covered by the last annual registration fee paid for Geologist-in-Training registration.

(7) Engineering Geologist initial certification and annual renewal — \$75.00. Engineering Geologist must have a current Geologist registration.

(a) For a Certified Engineering Geologist, the initial certification fee for the specialty registration is prorated to set the renewal date concurrent with the registrant's existing geologist registration.

(8) Duplicate or replacement of lost, destroyed, or mutilated registration card or wall certificate — \$25.00.

(9) Restoration (late) fee if postmarked:

(a) One to ninety days after due date: \$25.00;

(b) Ninety-one to one-hundred seventy-nine days after due date: \$50;

(c) Over one-hundred seventy-nine days after due date: \$100.

(10) Renewal of registration by Geologist, if registrant is 70 years of age or over by renewal date — \$15.00.

(11) Renewal of certification by Engineering Geologist, if registrant is 70 years of age or over by renewal date — \$15.00.

Miscellaneous

(12) Application Fee — \$75.00. This fee is to accompany any application for registration or examination and any reapplication for examination.

(13) Temporary Permit Fee — \$100.00. This fee is to accompany any notification per 672.545(3)(b).

(14) File Maintenance Fee — \$25.00 per request. This fee is to cover maintaining examination files for passing examinees who do not register in Oregon.

(15) Fee for a list of all registrants — \$50.00.

Stat. Auth.: ORS 182.466, 670.310 & 672.705

Stats. Implemented: ORS 672.705

Hist.: GE 1(Temp), f. & ef. 11-3-77; GE 2, f. & ef. 12-13-77; GE 2-1979, f. 10-2-79, ef. 10-3-79; GE 1-1981, f. & ef. 8-3-81; GE 1-1982, f. & ef. 5-14-82; GE 2-1983(Temp), f. 10-14-83, ef. 11-1-83; GE 1-1984, f. & ef. 2-1-84; GE 1-1985, f. & ef. 7-1-85; GE 2-1986, f. & ef. 3-5-86; GE 1-1989, f. 12-18-89, cert. ef. 1-1-90; GE 1-1993(Temp), f. 3-1-93, cert. ef. 3-2-93; GE 2-1996, f. & cert. ef. 8-30-96; BGE 1-1999, f. & cert. ef. 6-17-99; BGE 2-2001, f. & cert. ef. 3-23-01; BGE 1-2002, f. & cert. ef. 2-6-02; BGE 3-2002, f. & cert. ef. 7-9-02; BGE 6-2004, f. & cert. ef. 8-5-04; BGE 2-2005, f. & cert. ef. 9-28-05; BGE 3-2005, f. & cert. ef. 12-7-05; BGE 2-2007, f. 6-25-07, cert. ef. 7-1-07; BGE 1-2011, f. 6-21-11, cert. ef. 7-1-11; BGE 2-2013, f. & cert. ef. 9-24-13; BGE 1-2016, f. & cert. ef. 9-20-16

809-015-0000

Renewal

(1) Annual registration renewal date is as follows:

(a) For a Geologist-in-Training, the last day of the month of the initial date of issuance;

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(b) For a Registered Geologist, the last day of the month of the initial date of issuance;

(c) For a Certified Engineering Geologist, the certification renewal date is set concurrent with the geologist registration renewal date as specified in (b).

(2) Renewals filed with the Board after the renewal date are subject to a restoration (late) fee as specified in OAR 809-010-0001.

(3) Expiration date for purposes of annual renewal is the next calendar day after the renewal date. If a renewal, including payment of fees, is not completed on or before the renewal date, then the registration is not active unless restored. This is also referred to as lapsed registration. Restoration of registration must be completed as specified in OAR 809-015-0005 in order for the registrant to publicly practice geology under the registration.

(4) As part of a renewal application, a registrant shall verify, and update as applicable, the following contact information:

- (a) Home (personal) mailing address and phone number;
- (b) Work mailing address and phone number, if applicable;
- (c) One preferred mailing address, i.e., home (personal) or work; and
- (d) One preferred email address.

Stat. Auth.: ORS 183, 192 & 672

Stats. Implemented: ORS 672.585

Hist.: GE 1(Temp), f. & ef. 11-3-77; GE 2, f. & ef. 12-13-77; GE 3-1978(Temp), f. & ef. 12-15-78; GE 1-1981, f. & ef. 8-3-81; GE 1-1984, f. & ef. 2-1-84, Renumbered from 809-010-0005; BGE 1-2002, f. & cert. ef. 2-6-02; BGE 4-2005, f. & cert. ef. 12-14-05; BGE 1-2016, f. & cert. ef. 9-20-16

809-015-0005 Restoration

(1) A registration not renewed on or before the renewal date may be restored to active status within five years of the renewal date without reapplication or retaking of an examination.

(2) To restore a registration, a Registered Geologist, Certified Engineering Geologist, or Geologist-in-Training must make a written request to the Board for restoration and pay:

(a) The applicable annual registration fees for all years in which the registration was not renewed;

(b) The annual renewal fee for the current year; and

(c) The applicable restoration (late) fee.

Stat. Auth.: ORS 183, 192 & 672

Stats. Implemented: ORS 672.585

Hist.: GE 1(Temp), f. & ef. 11-3-77; GE 2, f. & ef. 12-13-77; GE 3-1978(Temp), f. & ef. 12-15-78; GE 1-1981, f. & ef. 8-3-81; GE 1-1984, f. & ef. 2-1-84; GS 1-1988, f. 11-18-88, cert. ef. 12-1-88; BGE 4-2005, f. & cert. ef. 12-14-05; BGE 1-2016, f. & cert. ef. 9-20-16

809-015-0010 Nonrestoration

(1) After five consecutive years of non-renewal, a registration can no longer be restored.

(2) A person past the 5 year restoration window must re-apply as a new applicant, meeting all current Board requirements for registration. This includes but is not limited to passage of national and specialty examination required by the Board unless previously passed as verified by the Board.

(3) Upon application to the Board for a new registration, a previous registration number shall not be reinstated.

Stat. Auth.: ORS 670.310 & 672.585

Stats. Implemented: ORS 672.585

Hist.: GE 1(Temp), f. & ef. 11-3-77; GE 2, f. & ef. 12-13-77; GE 3-1978(Temp), f. & ef. 12-15-78; GE 1-1981, f. & ef. 8-3-81; GE 1-1984, f. & ef. 2-1-84; GE 1-1990, f. & cert. ef. 10-2-90; BGE 2-1999, f. & cert. ef. 11-8-99; BGE 1-2002, f. & cert. ef. 2-6-02; BGE 1-2007, f. & cert. ef. 3-14-07; BGE 1-2016, f. & cert. ef. 9-20-16

809-020-0025 Responsibility to the Board

(1) A geologist, when requested by the Board, shall respond to communications from the Board within 21 days after notification is mailed. Mailed means sent via United States post with proper postage and addressed to the registrant's preferred address of record on file with the Board.

(2) A geologist shall notify the Board within 30 days of any change in the personal contact information as required in OAR 809-015-0000(5). This notification is in addition to any updates provided as part of a registration renewal. Updates may be provided by written letter or email to the Board office. A geologist may also provide updates through an online portal, where made available by the Board.

(3) A geologist, when requested by the Board, shall present information and assistance to the Board in pursuing violations of laws and rules relating to the practice of geology in the State of Oregon. A geologist shall not dismiss from his employment, or take any other sanction against another geologist because of the other geologist's compliance with this, or any

other subsection, of the Code of Professional Conduct, ORS Chapter 672, or the related administrative rules.

Stat. Auth.: ORS 672.655, 670.310

Stats. Implemented: 672.655

Hist.: GE 3(Temp), f. & ef. 12-14-77; GE 1-1978, f. & ef. 3-9-78; GE 4-1984, f. & ef. 12-18-84; BGE 1-2002, f. & cert. ef. 2-6-02; BGE 1-2007, f. & cert. ef. 3-14-07; BGE 1-2016, f. & cert. ef. 9-20-16

809-055-0000

Complaint Process

(1) "Complaint" is any issue related to compliance with the statutes and rules the Board administers or enforces in ORS 672.505 to 675.705 and OAR Chapter 809, including but not limited to: the public practice of geology or offer to publicly practice geology by an unregistered person and the alleged or apparent non-compliant conduct or practice of a registrant that comes to the attention of the Board by any means, including through the filing of a written complaint as provided in ORS 672.665. A complaint may be initiated by the Board or its designee.

(2) "Complainant" refers to the person or group of persons filing a written complaint with the Board or the Board itself in a Board-initiated complaint.

(3) "Investigation" is the process of Board review, inquiry, research, analysis, and determination of a complaint.

(4) "Respondent" refers to a person who is the subject of a Board investigation.

(5) Complaint Investigation Process:

(a) The primary objectives of the Board in the investigation of a complaint are to safeguard the health, safety, welfare, and property of the people of Oregon and regulate the public practice of geology. The primary purpose of investigation is to determine whether one or more violations of statutes and rules administered by the Board occurred and to take action where appropriate.

(b) For complaints that are not Board initiated, the following apply:

(A) The complaint must be in writing and sworn to, where sworn to means the complainant declares by signature under penalty of perjury that the statements and information in the complaint are believed to be true;

(B) Receipt of all complaints filed with the Board will be acknowledged by the Board staff;

(C) The complainant will not be considered a party to the case; and

(D) The complaint will be initially reviewed by the Board Administrator to assess Board jurisdiction and authority to address the issue(s) raised.

(i) If the complaint appears to the Board Administrator to be within the Board's jurisdiction and authority, an investigation may be opened by the Board Administrator.

(ii) If the Board Administrator is unsure whether the complaint is within the Board's jurisdiction and authority, the complaint will be taken to the Board for a determination of whether to open an investigation.

(c) For all investigations, the Board Administrator oversees the investigation process on behalf of the Board and serves as the primary point of contact.

(d) The Board may delegate its investigative powers and authority for purposes of initiating and carrying out investigations.

(e) The Board Administrator or Administrator's designee will carry out the recommendations or decisions of the Board, including but not limited to: preparing and signing documents such as requests for additional information, letters of concern, settlement proposals, notices of intent, and orders, securing technical reviewers and investigators to assist with investigations, and closing out cases.

(f) To the extent permitted by law, the Board will cooperate with other licensing boards and other agencies when conducting an investigation.

(6) Response to the Board:

(a) The respondent will generally be given an opportunity to provide a written response to the complaint as part of a Board investigation.

(b) Written response, records, or other information requested on behalf of the Board must be provided to the Board office within 21 calendar days after the Board request is mailed, unless an extension is authorized by the Board Administrator.

(A) For a registrant, mailed means sent via United States post with proper postage and addressed to the registrant's address of record on file with the Board.

(B) For a non-registrant, mailed means sent via United States post with proper postage and sent to the last known address in the Board's case file.

(c) A registrant of the Board must fully cooperate with a Board investigation, including but not limited to providing a timely response to any

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Board request under (6)(a) and (b). A registrant's failure to cooperate constitutes misconduct under OAR 809-020-0030.

Stat. Auth.: ORS 670.310(1), 670.315, 672.665, 672.675

Stats. Implemented: 672.665, 672.675

Hist.: GE 2-1992, f. 9-30-92, cert. ef. 10-1-92; BGE 1-2000, f. & cert. ef. 8-3-00; BGE 2-2000, f. & cert. ef. 11-17-00; BGE 1-2002, f. & cert. ef. 2-6-02, Renumbered from 809-050-0040; BGE 2-2009, f. & cert. ef. 12-11-09; BGE 3-2012, f. 12-13-12, cert. ef. 12-21-12; BGE 1-2016, f. & cert. ef. 9-20-16

Board of Licensed Professional Counselors and Therapists Chapter 833

Rule Caption: Application methods and requirements, inactive status, examination, general licensure provisions, fees, supervision, and continuing education.

Adm. Order No.: BLPCT 4-2016

Filed with Sec. of State: 10-10-2016

Certified to be Effective: 10-10-2016

Notice Publication Date: 9-1-2016

Rules Adopted: 833-075-0010, 833-075-0020, 833-075-0030, 833-075-0040, 833-075-0050, 833-075-0060, 833-075-0070, 833-075-0080, 833-075-0090

Rules Amended: 833-020-0011, 833-020-0021, 833-020-0041, 833-020-0051, 833-020-0061, 833-020-0071, 833-020-0081, 833-030-0011, 833-030-0021, 833-030-0041, 833-040-0011, 833-040-0021, 833-040-0041, 833-050-0021, 833-050-0031, 833-050-0041, 833-050-0051, 833-050-0061, 833-050-0071, 833-050-0081, 833-050-0091, 833-050-0111, 833-050-0131, 833-050-0161, 833-070-0011, 833-070-0021, 833-080-0011, 833-080-0021, 833-080-0031, 833-080-0041, 833-080-0051, 833-080-0061, 833-130-0020, 833-130-0040, 833-130-0050, 833-130-0070, 833-130-0080

Rules Repealed: 833-020-0031, 833-020-0091, 833-020-0101, 833-020-0112, 833-020-0201, 833-020-0301, 833-020-0401, 833-020-0501, 833-030-0031, 833-040-0031, 833-050-0121, 833-060-0012, 833-060-0022, 833-060-0032, 833-060-0042, 833-060-0052, 833-060-0062, 833-130-0030, 833-130-0060

Subject: This amendment moves licensure-related sections 833-020-0091 through 833-020-0501 from Division 20, "Application Methods," to newly adopted Division 75, "General Licensure Provisions." It repeals Division 60, "Graduate Degree Standards," and integrates the language into Divisions 30 & 40, the Licensed Professional Counselor (LPC) and Licensed Marriage and Family Therapist (LMFT) licensure requirements. Much of the amendments reorganize and remove confusing and redundant language for clarity, and update rule and statute references.

This amendment establishes an inactive license status and renewal fee of \$100, and sets forth requirements to reactivate a license back to active status, along with a "reactivation" fee of \$125. This replaces the continuing education (CE) waiver for non-practicing licensees, which is eliminated, waives the CE requirements for inactive licensees, and sets forth that inactive licensees do not qualify for placement on the supervisor registry. It removes the five-year supervisor registry renewal requirement; instead, licensees who supervise registered interns, including all licensees on the Supervisor Registry, have a requirement for their CE to include three clock hours of supervision-related training within each reporting period. This amendment sunsets the 2010 "grandfathering" provision that allowed current supervisors to be placed on the registry, removes the current post-denial appeal process for supervisors with any disciplinary history, and creates an up-front review process for registry applicants.

Other changes to fees (Division 70) include removal of the stated amount of criminal background check fee and replacement with requirement to pay the actual cost to the Board; removal of the fee for annual renewal with background check, since this is no longer required every five years for licensees and interns; some fee renaming; and clarification that fees are nonrefundable, as per ORS 675.785(3). The amendment clarifies in the new Division 75 that a person may not use the title of "licensed professional counselor" or "licensed marriage and family therapist," including the abbreviations "LPC" and "LMFT," unless the person holds a current license issued by the Board. It also adds requirement that licensees' professional

disclosure statement (PDS) be accessible to people with disabilities (consistent with the requirement of intern PDS).

Revisions to Division 20 include a requirement that email addresses and other clarifying information be provided as part of an application; clarification that applications may be extended "for good cause"; addition of a requirement that applicants must notify Board of application information changes within 30 days, including information related to character and fitness, and failure to do so may be grounds for denial or revocation; and removal of the requirement for direct method applicants to have completed no less than 480 post-degree client contact hours within 60 months immediately prior application. The rulemaking clarifies and adds specificity to the reciprocity application requirements; removes redundant and contradictory supervised experience requirements that are appropriately set forth in Divisions 30 and 40; repeals the Board's acceptance of national credentials registry for professional counselors as a substitute for education and experience requirements, as this registry no longer exists; and increases the continuing education required for relicensure, from 20 hours within one year to the regular activities required by OAR Ch. 833, Div. 80 (40 hours) within the prior two years. It also clarifies the reapplication requirements, transfer of documents from the prior file, examination requirements, deadlines, and consequences for failure to comply, and allows the Board to grant good-cause exam extensions.

Amendments to Divisions 30 and 40 eliminate the arbitrary "comparable" and "majority" educational program standard requirements and set forth clear program accreditation and coursework requirements for LPC and LMFT licensure. It defines three years as 36 months for the clinical experience requirement for licensure, and clarifies post-graduate supervised experience accepted for licensure through the direct method of application. For direct and reciprocity application methods, it removes the requirement that the supervisor have completed 30 hours of supervision training for supervision received after June 30, 1992 and eliminates the need for difficult to verify criteria for previous experience. The rulemaking clarifies examination requirements, removes the Board's ability to approve "other exams" not set forth in OAR, and allows the Board to notify examinees of their exam results in methods other than writing. Also, sections from Division 60 are moved to these divisions where they are more sensically located.

In Division 50, there are changes to better align the intern PDS requirement with those of licensees, and to remove of the PDS waiver option for interns practicing out of state. The rulemaking clarifies the requirements for counting hours outside of a registered intern plan, adds a requirement that fees for supervision, if any, be paid in per-hour form and be disclosed in the intern registration plan. For supervision meetings, this removes the "no less than 50 minutes" definition of one hour. It adds new supervisor and intern responsibilities, including appropriate intern title representations to the public, exam study plan, creation and maintenance of supervision notes, name change notification, and notification of interruptions or expected termination of the supervisory relationship. Also, interns must now pay the same delinquent fee as licensees (\$50) when they renew after the due date, and late renewals must be received within the renewal month or else the intern will be expired and must reapply.

There are several other changes to the continuing education (CE) requirements in Division 80. This adds a requirement for CE to include four clock hours of training in cultural competency within each reporting period for renewal periods beginning January 1, 2017 and later (per House Bill 2611, 2013), and allows the requirement for six hours of ethics to include training in Oregon State laws and regulations pertaining to the practice of professional counseling or marriage and family therapy. It adds requirements that programs must be conducted by a qualified instructor or discussion leader, that licensees must obtain a record of attendance, that supervision must be for a fee, and that credit may not be claimed for providing supervision or receiving disciplinary supervision. Also, this rulemaking sets forth that no credit shall be allowed for repeat professional pre-

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sentations, with exception for substantially changed programs. It clarifies CE reporting periods, the number of hours required for licensees and new licensees, CE waiver procedures, acceptable documentation of CE activities, and audit penalties. The proposal establishes a policy that continuing education must be a learning activity that contributes directly to the professional competence of the licensee, and that the responsibility for documenting the acceptability of the program and the validity of credit rests with the licensee. It creates a minimum retention period for CE records as two years after reporting period, and sets forth that audited licensees hold the burden of proof of mailing of their records to the Board. The amendment clarifies home study programs and add service as an Oregon Board of Licensed Professional Counselors and Therapists member or committee volunteer as a method of obtaining hours.

Rules Coordinator: LaRee' Felton—(503) 373-1196

833-020-0011

Applications

(1) Application for licensure as a professional counselor and marriage and family therapist must be submitted to the Board and be on forms provided by the Board.

(2) Application for licensure must include gender, date of birth, social security number, practice and residence addresses, email address, similar licenses held in other states, and history of professional discipline, litigation, and criminal involvement and be accompanied by:

(a) The non-refundable application fee;

(b) Official transcript sent directly to the Board from the college or university and supporting documentation as necessary showing education requirements have been met;

(c) Documentation to prove experience requirements have been met or request for registration as an intern with a proposed plan to obtain required experience;

(d) Verification that approved examination has been passed, or state examination is being requested;

(e) Proposed professional disclosure statement for review and approval;

(f) Criminal history information as specified in OAR 833-120-0021; and

(g) Other clarifying information requested by the Board.

(3) Applicants will be allowed one year from Board receipt of an application to file a completed application which documents that the applicant meets the educational and experience qualifications for licensure.

(4) Failure to withdraw the application or complete the process within the allowed time will result in closure of the file. An incomplete application includes but is not limited to an application in which:

(a) Required information or original signatures are not provided;

(b) Required forms are not submitted; or

(c) No fee or an insufficient fee is received.

(5) The Board retains the right to extend the one year period to complete application for good cause.

(6) Applicants who submit complete documentation but are not approved for registration, examination, or licensure will be notified in writing that the application is being denied and state the reason(s) for denial.

(7) To be reconsidered for licensure, applicants who failed to become licensed, who were refused licensure, who withdrew from consideration, or interns who have allowed their registration to expire will be required to file a new application, fee, and resubmit all documentation necessary to meet the standards for licensure in effect at the time of reapplication. Applicants reapplying must fulfill any deficiencies that are the result of changes to requirements that may have been implemented between former and current application.

(8) An applicant must notify the Board immediately, but not less than within 30 days, if any information submitted on the application changes, including but not limited to: name, address, email address, telephone number, complaints, disciplinary actions, litigation, criminal involvement, and employment investigations which results in disciplinary action. Failure to do so may be grounds for denial of the application or revocation of the license, once issued.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 1-2011, f. 1-13-11, cert. ef. 2-1-11;

BLPCT 4-2016, f. & cert. ef. 10-10-16

833-020-0021

Methods of Application

(1) Applications for licensure must indicate one of the following:

(a) Intern registration method pursuant to OAR 833 Division 50;

(b) Direct method pursuant to OAR 833-020-0041;

(c) Reciprocity method pursuant to OAR 833-020-0051;

(d) Re-licensure method pursuant to OAR 833-020-0061; or

(e) Reapplication method pursuant to OAR 833-020-0071.

(2) Applicants may request permission to change their method of application or license requested without re-application if they do so within the year allowed to complete application.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 1-2012, f. 4-23-12, cert. ef. 5-15-12;

BLPCT 4-2016, f. & cert. ef. 10-10-16

833-020-0041

Direct Method

(1) The direct method is required for applicants who seek acceptance of supervised clinical experience completed in another jurisdiction or in Oregon before June 30, 2002.

(2) The direct method requires the applicant to document no less than the total minimum number of supervised clinical experience hours required for licensure, all of which must have been completed prior to the date of application for licensure.

(3) Applicants seeking licensure as a professional counselor must meet the requirements specified in OAR 833, division 30.

(4) Applicants seeking licensure as a marriage and family therapist must meet the requirements specified in OAR 833, division 40.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10;

BLPCT 4-2016, f. & cert. ef. 10-10-16

833-020-0051

Reciprocity Method

(1) The reciprocity method is for applicants who seek acceptance of education and supervised clinical experience previously used to obtain a comparable license in another jurisdiction. The reciprocity method requires the applicant to document that the education and experience requirements under which the applicant obtained a comparable license held in another state are equivalent to the standards required for Oregon licensure as a professional counselor or as a marriage and family therapist.

(2) Applicants for licensure by reciprocity must possess a current, active license to practice professional counseling or marriage and family therapy issued by another state credentialing entity. The Board will compare the minimum standards in effect in the other jurisdiction when it granted a license with the current education, clinical experience, and examination standards required for Oregon licensure.

(3) Application for licensure must be submitted to the Board office in accordance with OAR 833-020-0011.

(4) The application must also include an official verification of each healthcare professional license, registration or certification held, sent directly from the credentialing entity, that includes:

(a) The license type and current status in that state;

(b) Verification that the license is not temporary, probationary, expired, revoked, or suspended;

(c) Any history of adverse licensure action (disciplines), including proposed actions; and

(d) Documentation of the education, clinical experience, and examination requirements for licensure in that state at the time licensure was granted (if applicable).

(5) To be considered equivalent, the applicant's license in the state upon which reciprocity is based must have:

(a) Required at least a graduate degree in counseling, a graduate degree in marriage and family therapy, or a related degree. A related degree must have systemic coursework for a license as a marriage and family therapist;

(b) Been issued to an applicant whose qualifying degree meets the educational requirements specified in:

(A) OAR 833-030-0011 for licensure as a professional counselor; or

(B) OAR 833-040-0011 for licensure as a marriage and family therapist.

(c) Required passage of a state or national competency exam; and

(d) Been obtained by a method of application that involved state review of documentation of education and clinical experience under adopted standards, and not obtained through reciprocity; act of portability; mutu-

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al recognition; recognition of non-governmental, professional certification or membership; waiver of any of the education, experience, or examination requirements; or "grandparenting".

(6) The applicant must meet the supervised clinical experience requirements specified in:

- (a) OAR 833-030-0021 for licensure as a professional counselor; or
- (b) OAR 833-040-0021 for licensure as a marriage and family therapist.

(7) The applicant must meet the examination requirements specified in:

- (a) OAR 833-020-0081 and 833-030-0041 for licensure as a professional counselor; or
- (b) OAR 833-020-0081 and 833-040-0041 for licensure as a marriage and family therapist.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 1-2011, f. 1-13-11, cert. ef. 2-1-11; BLPCT 1-2013, f. 1-11-13, cert. ef. 2-1-13; BLPCT 1-2014, f. & cert. ef. 1-8-14; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-020-0061

Re-Licensure Method

(1) The re-licensure method is required for applicants who have previously been licensed by the Board. The re-licensure method requires the applicant, as a previous Board licensee, to request a new license with a new license number, but without documenting further supervised clinical experience.

(2) To be considered for re-licensure, all of the following items must be received from an applicant no more than two years from the expiration date of the prior license:

(a) An application for re-licensure, using forms provided by the Board that must include a sworn statement that there is no reason for denial, including that applicant:

(A) Has not been subject to any disciplinary action by a professional mental health licensing or certification agency; and

(B) Has not been convicted of a crime related to practice within the mental health field.

(b) The current application fee plus one current annual renewal fee;

(c) Updated professional disclosure statement, statement that the applicant is not currently practicing professional counseling or marriage and family therapy, or request for waiver of the professional disclosure statement; and

(d) Report at least the minimum continuing education activities required in OAR Chapter 833, Division 80 completed within two years prior to the date the Board will receive the new application.

(3) To be considered for re-licensure more than two years after the expiration date of the prior license, all of the following items must be received from an applicant:

(a) A new application, using forms provided by the Board, to show compliance with the standards in effect at the time the Board will receive this new application;

(b) The application fee;

(c) Proposed professional disclosure statement, statement that applicant is not currently practicing professional counseling or marriage and family therapy, or request for waiver of the professional disclosure statement; and

(d) Request for examination or proof of passage of a competency examination acceptable to the Board which was passed within 10 years of date of new application.

(4) All applicants for re-licensure must successfully pass the current Oregon law and rules examination.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-020-0071

Reapplication

(1) Former applicants who reapply for licensure must submit a new, fully completed application form and application fee to the Board.

(2) Applicants may request to transfer previously filed documents to the new application file if the documents have not been destroyed under state records retention schedules and are still in the possession of the Board. Such documents include, but are not limited to, documentation of supervised work experience, examination results, and transcripts.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-020-0081

Examination

(1) All applicants must pass a competency exam and an Oregon law and rules exam approved by the Board.

(2) Applicants who have passed the competency exam within 10 years prior to applying for licensure are not required to retake the exam.

(3) Applicants applying by the reciprocity method who have passed the exam 10 years or more prior to applying for licensure in Oregon must:

(a) Retake the exam; or

(b) Document a minimum of 40 clock hours of continuing education in the core curriculum areas specified in OAR 833, division 60. Continuing education that substitutes for passage of the exam must be completed within two years prior to licensure.

(4) For all application methods except for intern registration, failure to document passage of an acceptable competency examination or failure to register and attempt to pass the competency examination at least once per year will result in denial of licensure.

(5) Registered interns, after meeting the experience requirements for licensure, must register and attempt to pass the competency examination at least once per year, and must pass the competency exam within two years. Failure to comply with this rule will result in denial of licensure and termination of internship registration. The Board will only approve a subsequent reapplication under the direct method.

(6) Failure to achieve a passing score on the competency examination after taking the exam three times will result in denial of licensure. The Board will not review a reapplication until at least one year has elapsed from the date of the previous denial.

(7) Applicants must complete and return the Oregon law and rules examination within 30 days of the date the Board sends the examination to the applicant. Failure to complete and return the examination to the Board office will result in closure of the application. To be considered for licensure, the person must reapply pursuant to OAR 833-020-0071.

(8) The Board may extend the deadline to take an exam for good cause upon written request of the applicant, which must be received or post-marked prior to the exam deadline.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 6-2010, f. 12-13-10, cert. ef. 1-1-11; BLPCT 1-2013, f. 1-11-13, cert. ef. 2-1-13; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-030-0011

Educational Requirements for Licensure as a Professional Counselor

To qualify for licensure as a professional counselor under ORS 675.715(1)(b), an applicant must hold a graduate degree from one of the following:

(1) A counseling program approved by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) as of the date the degree was conferred;

(2) A counseling program approved by the Council on Rehabilitation Education (CORE) as of the date the degree was conferred;

(3) A program at an institution of higher learning that was accredited by a regional accrediting agency as of the date the degree was conferred; or

(4) A foreign program that has been evaluated by a credentialing body recognized by the Board. Submission of foreign degree evaluation and cost of the foreign degree qualification determination are the responsibility of the applicant.

(5) A graduate degree under sections (1) or (2) must have included at least two semester credit hours or three credit quarter hours of coursework in the diagnosis of mental disorders.

(6) A graduate degree under sections (3) or (4) must have included all of the following requirements:

(a) At least two years in duration, including at least:

(A) 48 semester credit hours or 72 quarter hours for graduate degrees granted before October 1, 2014; or

(B) 60 semester credit hours or 90 quarter credit hours for graduate degrees granted on or after October 1, 2014.

(b) At least two semester credit hours or three credit quarter hours in each of the following coursework:

(A) Counseling Theory;

(B) Human Growth and Development;

(C) Social and Cultural Foundations;

(D) The Helping Relationship;

(E) Group Dynamics Processing and Counseling;

(F) Lifestyle and Career Development;

(G) Diagnosis of mental disorders;

(H) Research and Evaluation; and

ADMINISTRATIVE RULES

(I) Professional Orientation (Ethics).

(c) At least 16 semester hours or 24 quarter hours of supporting coursework for specialty areas; and

(d) A supervised clinical practicum or internship experience that:

(A) Included at least 600 total clock hours, including 240 direct client contact hours, for graduate degrees granted before October 1, 2014;

(B) Included at least 700 total clock hours, including 280 direct client contact hours, for graduate degrees granted on or after October 1, 2014;

(C) Had supervisory staff with a minimum of a master's degree in the program emphasis and with pertinent professional experience;

(D) Made provision for faculty monitoring of operations;

(E) Kept records of student-client contact hours including summary of student progress by the supervisor;

(F) Had a written agreement with the program and student specifying learning objectives; and

(G) Had a mechanism for program evaluation.

(e) Deficiencies in the credit hour requirements of sections (a), (b) or (c) may be remedied by completing graduate level coursework in the deficient area(s) at a regionally accredited institution.

(f) For reciprocity applicants only, five years or more of licensed clinical experience in another state may substitute for a maximum of 15 semester or 20 quarter credits of academic education required for licensure. Clinical experience may not substitute for diagnosis training.

(g) Deficiencies in the supervised experience requirement of section

(d) may be remedied by completion of:

(A) At least 700 clock hours of supervised clinical experience, including 280 direct client contact hours; or

(B) At least five years of full-time post-degree clinical experience.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-030-0021

Experience Requirements for Licensure as a Professional Counselor

(1) To qualify for licensure as a professional counselor under ORS 675.715(1)(c) and 675.720, an applicant must have completed at least three years, defined as 36 months, of supervised clinical counseling experience.

(2) To qualify for licensure through the internship registration method, supervised clinical experience must meet the requirements of OAR Chapter 833, Divisions 50 and 130.

(3) To qualify for licensure through direct method, supervised clinical experience must have consisted of no less than 2,400 supervised direct client contact hours of counseling. The supervised clinical counseling experience must have included any combination of the following:

(a) Post-graduate degree supervised experience completed in Oregon prior to June 30, 2002;

(b) Post-graduate degree supervised experience completed in another jurisdiction pursuant to the jurisdiction's laws and rules;

(c) Experience completed while a registered intern with the Board; or

(d) Up to one year of full-time supervised clinical experience and 400 hours of supervised direct client contact completed during the clinical portion of the qualifying graduate degree program.

(4) To qualify for licensure through the reciprocity method, supervised clinical experience must have consisted of no less than 2,400 hours of supervised post-graduate experience:

(a) A minimum of 1,200 hours of the required 2,400 must be direct client contact;

(b) A maximum of 1,200 hours of the required 2,400 may be from supervision, consulting, reporting.

(c) Up to one year of full-time supervised clinical experience and 400 hours of supervised direct client contact may have been completed during the clinical portion of the qualifying graduate degree program;

(d) Five or more years of post-licensure clinical experience may substitute for 1,000 hours of required supervised direct client contact.

(5) Direct client contact hours must have been face to face with a client or clients and/or contact via electronic communication consistent with OAR Chapter 833, Division 90.

(6) For direct and reciprocity methods, the experience must be a formal arrangement under the supervision of a person who holds a graduate-level state-issued license or registration, as a professional counselor or equivalent as determined by the Board such as a clinical psychologist, clinical social worker, or marriage and family therapist.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 4-2014, f. & cert. ef. 9-5-14; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-030-0041

Examination Requirement for Licensure as a Professional Counselor

(1) All applicants for licensure as a professional counselor must pass a competency examination and an Oregon law and rules examination pursuant to OAR 833-020-0081.

(2) To qualify for licensure as a professional counselor under ORS 675.715(1)(d), an applicant must pass, or have passed within ten years prior to the date the application was received by the Board, one of the following competency examinations:

(a) National Counselor Examination;

(b) National Clinical Mental Health Counselor Examination; or

(c) Certified Rehabilitation Counselor Examination.

(3) Applicants applying via the reciprocity method may meet the competency exam requirements specified in 833-020-0081.

(4) To qualify to sit for the competency examination, a LPC applicant must:

(a) Submit an application; and

(b) Meet the graduate program and coursework requirements in OAR 833-030-0011.

(5) Candidates will pay exam and exam administration fees to the prescribed examination providers.

(6) Passing scores will be:

(a) Established by the National Board of Certified Counselors for applicants who plan to take the exam after applying for Oregon licensure.

(b) Established by the agency verifying passage of its examination for applicants who took a state competency exam before applying for Oregon licensure.

(7) The Board will notify examinees in writing of the results of their examination.

(8) Following passage of the approved competency examination, the Board requires passage of an Oregon state law and rules examination with a passing score determined by the Board.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 1-2013, f. 1-11-13, cert. ef. 2-1-13; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-040-0011

Educational Requirements for Licensure as a Marriage and Family Therapist

To qualify for licensure as a marriage and family therapist under ORS 675.715(1)(b), an applicant must hold a graduate degree from one of the following:

(1) A marriage and family therapy program approved by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or a marital and family therapy program fully accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP);

(2) A program at an institution of higher learning that was accredited by a regional accrediting agency as of the date the degree was conferred; or

(3) A foreign program that has been evaluated by a credentialing body recognized by the Board. Submission of foreign degree evaluation and cost of the foreign degree qualification determination are the responsibility of the applicant.

(4) A graduate degree under section (1) must have included at least two semester credit hours or three credit quarter hours of coursework in the diagnosis of mental disorders.

(5) A graduate degree under sections (2) or (3) must have included all of the following requirements:

(a) For graduate degrees granted before October 1, 2014:

(A) At least two years in duration, including at least 48 semester credit hours or 72 quarter credit hours;

(B) At minimum, the following coursework:

(i) Human Development- four semester hours or six quarter hours;

(ii) Marital and Family Theoretical Foundation Studies- two semester hours or three quarter hours;

(iii) Marital and Family Therapy Diagnosis and Assessment, Treatment, Principles and Techniques Studies- eight semester hours or 12 quarter hours;

(iv) Professional Studies- two semester hours or three quarter hours;

(v) Research Methods or Statistics- two semester hours or three quarter hours;

(vi) Supporting Coursework Focusing on the Systems Paradigm for Specialty Areas- 16 semester hours or 24 quarter hours; and

(C) A supervised clinical practicum or internship experience of at least 600 clock hours, including 240 direct client contact hours.

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- (b) For graduate degrees granted on or after October 1, 2014:
 - (A) At least two years in duration, including at least 60 semester hours or 90 quarter hours of graduate-level credit;
 - (B) At minimum, the following graduate-level coursework:
 - (i) Individual and Family Development- four semester hours or six quarter hours;
 - (ii) Couple and Family Theoretical Foundation Studies- six semester hours or nine quarter hours;
 - (iii) Couple and Family Therapy, Treatment, and Techniques Studies- six semester hours or nine quarter hours;
 - (iv) Diagnosis of mental disorders- two semester hours or three quarter hours;
 - (v) Diversity studies that include issues related to diversity, power and privilege- two semester hours or three quarter hours;
 - (vi) Ethical and Professional Studies- two semester hours or three quarter hours;
 - (vii) Research Methods or Statistics- two semester hours or three quarter hours;
 - (viii) Supporting coursework focusing on counseling and/or systems approaches- 36 semester hours or 54 quarter hours; and
 - (C) A supervised clinical practicum or internship experience of at least 700 clock hours with 280 hours of direct client contact.
- (c) The program's clinical practicum or internship experience must have:

- (A) Had supervisory staff with a minimum of a master's degree in the program emphasis and with pertinent professional experience;
 - (B) Made provision for faculty monitoring of operations;
 - (C) Kept records of student-client contact hours including summary of student progress by the supervisor;
 - (D) Had a written agreement with the program and student specifying learning objectives; and
 - (E) Had a mechanism for program evaluation.
- (e) Deficiencies in the credit hour requirements of sections (a), (b) or (c) may be remedied by completing graduate level coursework in the deficient area(s) at a regionally accredited institution.
- (f) Deficiencies in the supervised experience requirement of section (d) may be remedied by completion of:

- (A) At least 700 clock hours of supervised clinical experience, including 280 direct client contact hours; or
- (B) At least five years of full-time post-degree clinical experience, the majority of which must consist of work in relationship issues.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
Stats. Implemented: ORS 675.785 - 675.835
Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-040-0021

Experience Requirements for Licensure as a Marriage and Family Therapist

- (1) To qualify for licensure as a marriage and family therapist under ORS 675.715(1)(c) and 675.720, an applicant must have completed at least three years, defined as 36 months, of supervised clinical experience.
- (2) To qualify for licensure through the internship registration method, supervised clinical experience must meet the requirements of OAR Chapter 833, Divisions 50 and 130.
- (3) To qualify for licensure through direct method, supervised clinical experience must have:
 - (a) For those that apply to become a licensed marriage and family therapist before January 2, 2014, consisted of no less than 2,000 supervised direct client contact hours of therapy with at least 1,000 of those hours working with couples and families.
 - (b) For those who apply to become a licensed marriage and family therapist on or after January 2, 2014, consisted of no less than 2,400 supervised direct client contact hours of therapy with at least 1,000 of those hours working with couples and families.
 - (c) Included any combination of the following:
 - (A) Post-graduate degree supervised experience completed in Oregon prior to June 30, 2002;
 - (B) Post-graduate degree supervised experience completed in another jurisdiction pursuant to the jurisdiction's laws and rules;
 - (C) Experience completed while a registered intern with the Board; or
 - (D) Up to one year of full-time supervised clinical experience and 400 hours of supervised direct client contact completed during the clinical portion of the qualifying graduate degree program.
 - (4) To qualify for licensure through the reciprocity method, supervised clinical experience must have consisted of no less than 2,400 hours of supervised post-graduate experience:

- (a) A minimum of 1,200 hours of the required 2,400 must be direct client contact;
- (b) A maximum of 1,200 hours of the required 2,400 may be from supervision, consulting, reporting.
- (c) Up to one year of full-time supervised clinical experience and 400 hours of supervised direct client contact may have been completed during the clinical portion of the qualifying graduate degree program;
- (d) Five or more years of post-licensure clinical experience may substitute for 1,000 hours of required supervised direct client contact.
- (5) Direct client contact hours must have been face to face with a client or clients and/or contact via electronic communication consistent with OAR Chapter 833, Division 90.
- (6) For direct and reciprocity methods, the experience must be a formal arrangement under the supervision of a person who is trained specifically in the systemic approach to couples and family therapy and holds a graduate-level state-issued license or registration, as a marriage and family therapist or equivalent as determined by the Board such as a clinical psychologist, clinical social worker, or professional counselor.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 6-2010, f. 12-13-10, cert. ef. 1-1-11; BLPCT 1-2014, f. & cert. ef. 1-8-14; BLPCT 4-2014, f. & cert. ef. 9-5-14; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-040-0041

Examination Requirement for Licensure as a Marriage and Family Therapist

- (1) All applicants for licensure as a marriage and family therapist must pass a competency examination and an Oregon law and rules examination pursuant to OAR 833-020-0081.
 - (2) To qualify for licensure as a marriage and family therapist under ORS 675.715(1)(d), an applicant must pass, or have passed within ten years prior to the date the application was received by the Board, a competency examination.
 - (3) The Board prescribes as the competency examination the marital and family therapy examination of the Association of Marital and Family Therapy Regulatory Boards (AMFTRB).
 - (4) Applicants applying via the reciprocity method may meet the competency exam requirements specified in 833-020-0081.
 - (5) To qualify to sit for the competency examination, a LMFT applicant must:
 - (a) Submit an application; and
 - (b) Meet the graduate program and coursework requirements prescribed in OAR 833-040-0011.
 - (6) Candidates will pay exam and exam administration fees to the prescribed examination providers.
 - (7) Passing scores will be:
 - (a) Established by the AMFTRB for applicants who plan to take the exam after making application for Oregon licensure; or
 - (b) Established by the agency verifying passage of its examination for applicants who have completed an approved alternative examination.
 - (8) The Board will notify examinees in writing of the results of their examination.
 - (9) Following passage of the approved competency examination, the Board requires passage of an Oregon state law and rules examination, with a passing score as determined by the Board.
- Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
Stats. Implemented: ORS 675.785 - 675.835
Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 1-2013, f. 1-11-13, cert. ef. 2-1-13; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0021

Application for Registration as Intern

- (1) An applicant for registration must:
 - (a) Meet all registration requirements in effect at the time the application is submitted;
 - (b) Request registration on Board approved forms;
 - (c) Submit a professional disclosure statement for board approval as part of his or her application;
 - (d) Submit an application fee as specified in OAR 833-070-0011;
 - (e) Meet the educational requirements for licensure according to OAR 833-030-0011 (LPC Intern) and/or 833-040-0011 (LMFT Intern);
 - (f) Agree to complete supervised clinical experience hours to meet the total number of hours required for licensure; and
 - (g) Abide by the Board's laws and rules.
- (2) Applicants for professional counselor and marriage and family therapist must pay a fee for each license.

ADMINISTRATIVE RULES

(3) Internship status is a transitional step toward licensure and is not intended as a means to avoid licensure. Applicants approved for registration as an intern will have five years to complete the supervised direct client contact hours necessary for licensure or for examination. Failure to meet the experience requirements for licensure within five years will result in expiration of registration and closure of the application file. The intern may petition the Board to allow extension of registration for up to one year beyond the maximum five years if he/she can show good cause for such extension.

(4) Former applicants who re-apply may transfer direct client contact hours accrued under a board-approved plan to their new plan.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
Stats. Implemented: ORS 675.785 - 675.835
Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10;
BLPCT 2-2015, f. & cert. ef. 10-2-15; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0031

Registered Intern Professional Disclosure Statement

(1) Registered interns must furnish clients with a copy of a Board-approved professional disclosure statement before providing counseling or therapy.

(2) A professional disclosure statement must include the following information about the intern:

- (a) Name, business address and telephone number;
- (b) Name of the intern's supervisor(s);
- (c) Philosophy and approach to counseling or marriage and family therapy, including reference to any codes of standards or ethics to which the intern subscribes;
- (d) Formal education and training, title of highest relevant degree, the school that granted the degree, and major coursework;
- (e) Supervision requirements;
- (f) A statement indicating adherence to the Oregon Licensing Board's Code of Ethics set forth in OAR Chapter 833, Division 100;
- (g) The standard fee for service, including discounted rates or sliding scale and a statement that no fees will be charged and no additional fee will be added to another set fee such as a hospital room daily charge;
- (h) The bill of rights of clients listed in OAR 833-100-0021 the Code of Ethics;

(i) The name, address, telephone number, and email address of the Oregon Board of Licensed Professional Counselors and Therapists; and

(j) A statement indicating the following: "Additional information about this registered intern is available on the Board's website: www.oregon.gov/oblpc."

(3) The professional disclosure statement must be accessible to people with disabilities.

(4) Registered interns will assist their clients to understand the information in the professional disclosure statement.

(5) Whenever an intern changes the professional disclosure statement, the new statement must be provided to the board for approval.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
Stats. Implemented: ORS 675.785 - 675.835
Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2012, f. 9-5-12, cert. ef. 10-1-12;
BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0041

Intern Professional Disclosure Statement Waiver

The Board may grant exemptions from requirements of professional disclosure statements. Requests for exemption must be in writing to the Board and have received written approval from the Board. The Board may grant exemptions from providing a professional disclosure statement if:

(1) Registered intern can satisfy the Board that there is good cause to be exempt from specific requirements; or

(2) The intern is providing crisis response counseling or therapy.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
Stats. Implemented: ORS 675.785 - 675.835
Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0051

Intern Registration Plan

(1) Applicants for intern registration must submit an intern plan in the form and manner required by the Board.

(2) The intern plan must include information to show how supervised clinical experience hours will be accrued and that the activities will meet Board requirements for professional counselor and/or marriage and family therapist. The intern plan will include:

(a) Name, addresses, telephone numbers, and email addresses of the parties: intern, supervisor(s), and intern's employer(s) if applicable;

(b) Description of clinical experience: where counseling/therapy will be performed, where supervision will be provided, activities or services performed by intern, content of supervision;

(c) How the intern will meet licensure requirements;

(d) Responsibilities of all parties;

(e) Agreement of the supervisor, administrator of agency or employer of the intern, and the intern

(f) Signatures of all parties; and

(g) The fee for supervision, if any. If the supervisor is to be paid for supervision, then payment must be in the form of a per-hour fee.

(3) An approved intern plan may cover up to three separate practices, such as private practice and employment by two different, autonomous programs.

(4) To maintain registration, the intern must meet the conditions in the approved plan.

(5) The intern must carry out the registration plan as approved. Changes to the plan must be approved by the Board.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
Stats. Implemented: ORS 675.785 - 675.835
Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10;
BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0061

Effective Dates of Intern Registration

(1) Initial registration as an intern will be effective when applicant completes the registration process that includes approval of completed request and internship plan.

(2) An intern must practice under supervision until all license requirements are met and the license is issued.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
Stats. Implemented: ORS 675.785 - 675.835
Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2014, f. & cert. ef. 6-11-14; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0071

Direct Client Contact

(1) Registered interns must complete at least three years, defined as 36 months, of supervised clinical experience which must include no less than 2,400 hours of supervised direct client contact to qualify for licensure.

(a) Registered interns must complete at least 1,000 of the required 2,400 hours direct client contact while in a Board-approved intern work plan.

(b) Registered interns may count direct client contact hours acquired outside a registered intern plan as follows:

(A) Up to one year of full-time supervised clinical experience and 400 direct client contact hours accrued as part of a graduate degree internship;

(B) Post-graduate degree supervised direct client contact hours completed in Oregon prior to June 30, 2002; and

(C) Post-graduate degree supervised direct client contact hours completed in another jurisdiction pursuant to the jurisdiction's laws and rules that meet the direct application method experience requirements.

(2) Applicants for LMFT must accrue 2,400 hours of supervised direct client contact with at least 1,000 of those hours working with couples and families to qualify for licensure.

(3) Applications for dual licensure as professional counselor and marriage and family therapist must meet the requirements for both licenses.

(4) Direct client contact must be face to face with a client or clients and/or contact via electronic communication consistent with OAR 833 division 90.

(5) Registered interns must receive and document supervision for and report all direct client contact hours at places of practice listed as part of their Board-approved plan.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
Stats. Implemented: ORS 675.785 - 675.835
Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2014, f. & cert. ef. 9-5-14; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0081

Supervision

(1) Supervision of direct client contact must take place within the same calendar month as the completed direct client contact hours.

(2) Supervision meetings must take place at least twice per month, and in different weeks.

(3) Supervision meetings must be no less than one hour.

(4) Supervision each month must total at least:

(a) Two (2) hours for months in which 45 or fewer hours of direct client contact are completed; or

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(b) Three (3) hours for months in which 46 or more hours of direct client contact are completed.

(5) In addition to all other reporting requirements, during the first three months of supervision:

(a) At least 25% of the reported monthly supervision hours must be conducted in a professional setting, and in person.

(b) Up to 75% of the reported monthly supervision hours may be conducted through confidential electronic communications.

(6) For the remaining required supervision hours:

(a) At least 25% of the remaining reported supervision hours must be conducted in a professional setting and in person;

(b) Up to 75% of the remaining reported supervision hours may be conducted through confidential electronic communications.

(7) At least 50% of the required number of monthly supervision hours must be individual supervision 1-to-1.

(8) Group supervision must meet the following requirements at each meeting.

(a) Include no more than six (6) supervisees;

(b) Have leadership that does not shift from one supervisor to another; and

(c) Not be a staff or team meeting, intensive training seminar, discussion group, consultation session, or quality assurance or review group.

(9) If in any month an intern does not receive the minimum supervision hours required, no client contact hours would be credited for that month.

(10) An approved plan for a single practice, such as private practice or employment by one agency offering services at one or more sites, may have no more than two supervisors at any given time.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 5-2010, f. 6-15-10, cert. ef. 7-1-10; BLPCT 6-2010, f. 12-13-10, cert. ef. 1-1-11; BLPCT 2-2013, f. 8-7-13, cert. ef. 8-15-13; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0091

Supervisor's Responsibilities

(1) The supervisor must:

(a) Review and evaluate appropriateness of client population and caseload, individual charts, case records and management, diagnostic evaluation and treatment planning, and methodologies for keeping client confidentiality.

(b) Recommend that the intern refer clients to other therapists when client needs are outside the intern's scope of practice.

(c) Ensure that letterhead, business cards, advertisements and directory listings, brochures, and any other representation includes the appropriate title as described in OAR 833-050-0111(1)(a) and the supervisor's name and designation as "supervisor."

(d) Assist the intern in developing a plan to prepare for and complete the competency exam in a timely manner.

(e) Notify the Board within 14 days and explain any significant interruption to supervision or expected termination of the supervisory relationship.

(f) Create and maintain for at least three years a record of hours of supervision and notes for each supervision session contemporaneously as supervision occurs, and provide it to the Board within fourteen days of request.

(g) Be someone other than a spouse or relative by blood or marriage or a person with whom the intern has or had a personal relationship.

(h) Meet registered intern supervisor qualifications as required in OAR Chapter 833, Division 130.

(i) Submit a written evaluation of the intern's skills and progress every six months and at the conclusion of the plan. The report must include progress toward completion of the intern's plan. Supervisors may report to the Board at any time deemed necessary. Reports must be submitted on forms provided by the Board;

(2) If a supervisor has professional or ethical concerns about a supervisee being licensed, the supervisor must promptly notify the Board and provide the following information:

(a) Specific concerns regarding conduct or performance;

(b) Steps taken to address the concerns;

(c) A remedial action plan with measureable outcomes to address the concerns; and

(d) The intern's progress to address the concerns expressed by the supervisor.

(3) The Board may take any or all of the following actions to address concerns about registered interns:

(a) Identify a new supervisor to work with the intern;

(b) Require an assessment of the intern's mental and/or physical health;

(c) Require the intern to seek personal therapy;

(d) Extend the internship;

(e) Require additional training for the intern;

(f) Place internship on hold; or

(g) Deny the intern a license.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0111

Intern's Responsibilities

(1) The intern must:

(a) Indicate registration and use the title "registered intern", "LPC intern", or "LMFT intern" in connection with a practice that is covered by an approved plan. All signed materials, letterhead, business cards, advertisements and directory listings, brochures, and any other representation must include the intern's appropriate title and the supervisor's name and designation as "supervisor".

(b) Take steps to ensure consistency in supervision throughout the internship.

(c) Provide the supervisor with a periodic evaluation of all cases and counseling or therapy activities in which the intern is engaged.

(d) Request approval from the Board to change supervisors more than three times during the internship and provide steps taken to ensure consistency when changing supervisors.

(e) Submit to the Board reports that include the hours of direct client contact accrued by month for the six-month period.

(A) Reports of direct client contact hours and supervisor evaluation are due in the month following each six-month reporting period.

(B) If the Board receives the report after the due date, all hours submitted in the report will be denied.

(C) The Board may consider exceptions to this rule with documentation of extraordinary circumstances.

(f) Notify the Board within 14 days and explain any interruptions or proposed termination of supervision or employment.

(2) The intern must submit a written request on a board approved form to the Board in order to change the intern plan. Approval of the following changes to the plan are required:

(a) Supervision;

(b) Employment;

(c) Practice locations; and

(d) Supervisor(s).

(3) A registered intern who files a request to change the internship plan must meet Board requirements in place at the time of the change request.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0131

Intern Registration Renewal

(1) An intern must renew registration annually each year following initial registration. Annual renewal is due by the first day of the month of initial registration to be considered timely.

(2) Registration renewal requires the intern to provide to the Board a renewal fee as established in OAR 833-070-0011, renewal forms, and an updated Professional Disclosure Statement if there have been changes.

(3) Late Renewal. An intern may renew a registration after the first day of the month but within the renewal month by, in addition to completing the requirement in section (2) above, submitting to the Board the required delinquent fee. If these are not timely submitted, then the internship will be expired. Expired interns must reapply pursuant to OAR 833-020-0071 in order to practice as an intern or be considered for licensure.

(4) Renewal may be denied if any of the conditions of the plan are not being met.

(5) Interns must renew registration annually until being granted a license or the expiration or denial of intern registration.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2014, f. & cert. ef. 6-11-14; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-050-0161

Current Information to Board

(1) All registered interns must provide current contact information to the Board, including:

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- (a) Physical residence address and post office box, if applicable;
- (b) Electronic mail address;
- (c) Home and work telephone numbers; and
- (d) An updated, current Professional Disclosure Statement being provided to clients as required above.

(2) Intern must inform the Board office in writing of any changes to information within 30 days of the change.

(3) Interns must submit a change of name form provided by the Board, accompanied by a copy of the legal document showing the name change, within 30 days of the change.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-070-0011

Fees

Fees established by the Board of Licensed Professional Counselors and Therapists are as follows:

(1) Application for licensure — \$175; applicants are also required to pay the actual cost to the Board to conduct a criminal background check.

(2) Initial license — \$125.

(3) Annual renewal of license:

(a) Active status license — \$125; or

(b) Inactive status license — \$100.

(4) Restoration fees:

(a) Delinquent fee for late renewals — \$50;

(b) Reactivation of inactive status license — \$125.

(5) Examination — Candidates will pay exam and exam administration fees to the prescribed examination providers.

(6) Duplicate license or certificate of licensure — \$5.

(7) Verification of licensure or examination scores for applicant or licensee to other licensing or certifying agencies — \$10.

(8) Annual renewal of registration as intern in accordance with OAR 833-120-0011 — \$80.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2010(Temp), f. 1-8-10, cert. ef. 1-11-10 thru 7-9-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10; BLPCT 1-2015, f. & cert. ef. 10-2-15; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-070-0021

Fee Refunds

Fees are nonrefundable, except that overpayment of fees or fees submitted as part of application before required will be refunded.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0010

Effective and Expiration Dates of Licenses

(1) Initial licenses will be effective for no more than one year, expiring on the last day of licensee's birth month.

(2) Date of issue will be the date all qualifications for licensure are met.

(3) Licenses will not be issued without payment of the required initial license or renewal fees.

Stat. Auth.: ORS 675.785 - 675.835

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0020

License Renewal/Late Renewal

(1) Before the Board will renew a license, a licensee must, no more than 45 days before or during the renewal month:

(a) Submit a completed renewal form provided by the Board which will include responses to all character and fitness questions and a sworn statement that there is no reason for denial of renewal;

(b) Pay the appropriate renewal fee;

(c) Submit continuing education information detailing compliance with the requirements, if applicable;

(d) Submit an updated professional disclosure statement, if there have been changes or if renewal information indicates that the one on file with the Board contains false, incomplete, outdated or misleading information; and

(e) Complete the required healthcare workforce data survey and pay the fee established by the Oregon Health Authority pursuant to ORS 676.410.

(2) Late Renewal. A licensee may renew a license in the month following the renewal month by, in addition to completing the requirements of

section (1) above, submitting to the Board the required delinquent fee. If these are not timely submitted, then the license shall lapse.

(3) The licensee holds the burden of proof of submission of the items required for renewal. Failure to receive a courtesy reminder from the Board shall not relieve a licensee of the renewal requirements and consequences.

(4) The Board shall have discretion to waive the delinquent fee in cases of documented hardship.

Stat. Auth.: ORS 675.785 - 675.835 & ORS 676.410

Stats. Implemented: ORS 675.785 - 675.835 & ORS 676.410

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0030

Inactive Status

(1) Inactive status may be granted to licensees who have made a request in writing to the Board. Inactive licensees may not practice professional counseling or marriage and family therapy in the State of Oregon, and are required to reactivate to active status in order to practice.

(2) To reactivate a license from inactive status to active status, the licensee shall submit a written request and fee to the Board.

(a) The licensee must document completion of continuing education activities which at a minimum meet the requirements described in OAR Chapter 833, Division 80 within the 24 month period immediately preceding the requested date of reactivation.

(b) If the license reactivation is to occur more than five years after inactive status was granted, the Board will not reactivate the license until the licensee retakes the Oregon law and rules exam and obtains a passing score.

(c) The residual continuing education requirements from the date of reactivation to the end of the reporting period shall be calculated on a pro-rated basis.

Stat. Auth.: ORS 675.785 - 675.835

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0040

Duplicate Licenses

(1) Duplicate licenses or certificates may be obtained by:

(a) Certifying, by signed statement, that the current license or certificate has been lost or destroyed; or

(b) Requesting a duplicate for additional place(s) of business;

(c) In either case, payment of the required fee.

(2) Reproduction of a license or certificate by anyone other than Board staff for use as a license document or for display is prohibited.

Stat. Auth.: ORS 675.785 - 675.835

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0050

Licensee Professional Disclosure Statement

(1) To be approved by the Board, the professional disclosure statement shall include the following information required by this section and ORS 675.755:

(a) The name, address and telephone number of the business;

(b) Philosophy and approach to counseling or marriage and family therapy, including reference to any codes of standards or ethics to which the licensee subscribes;

(c) A statement indicating adherence to the Oregon Licensing Board's Code of Ethics set forth in OAR Chapter 833, Division 100;

(d) The bill of rights of clients listed in OAR 833, division 100, Code of Ethics;

(e) Formal education and training, title of highest relevant degree earned, school granting degree, and major coursework;

(f) Oregon licensure requirements for continuing education and supervision, as well as any significant post-degree work relating to professional practice;

(g) The standard fee for service, including discounted rates or sliding scale and a statement that no fees will be charged and no additional fee will be added to another set fee such as a hospital room daily charge;

(h) A statement indicating the following: "Additional information about this counselor or therapist is available on the Board's website: www.oregon.gov/oblpcr"; and

(i) The Board's name, address, telephone number, and email address.

(2) Prior to providing services, licensees must provide each client with a professional disclosure statement consistent with the content and in a format as specified in section (1).

(3) Licensees must make a reasonable effort to assist the client to understand the information presented in the disclosure statement as required by the Code of Ethics.

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(4) The professional disclosure statement must be accessible to people with disabilities.

(5) Exemptions to the professional disclosure statement requirements set forth in ORS 675.755 include:

(a) Applicants for licensure not practicing professional counseling or marriage and family therapy in Oregon, except those seeking registration as an intern;

(b) Licensees on inactive status or not practicing professional counseling or marriage and family therapy in Oregon;

(c) Licensees providing crisis response; and

(d) Licensees who have submitted a written request and can satisfy the Board that there is good cause to be exempt from specific requirements, and have received written exemption from the Board.

(6) If the licensee fails to provide the statement, the licensee may not charge the client a fee for services.

(7) Whenever a licensee changes a professional disclosure statement, the new statement must be presented to the Board for approval.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.755 & 675.785

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0060

Current Information to Board

(1) All licensees must provide current contact information to the Board, including:

(a) Physical residence address and post office box, if applicable;

(b) Electronic mail address;

(c) Home and work telephone numbers; and

(d) An updated, current Professional Disclosure Statement being provided to clients.

(2) Licensees must inform the Board office in writing of any changes to information within 30 days of the change.

(3) Licensees must submit a change of name form provided by the Board, accompanied by a copy of the legal document showing the name change, within 30 days of the change.

Stat. Auth.: ORS 675.785

Stats. Implemented: ORS 675.755 & 675.785

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0070

Client Records

(1) A licensed professional counselor and licensed marriage family therapist or registered intern must:

(a) Maintain client records for each client;

(b) Ensure that client records are legible;

(c) Keep records in a secure, safe, and retrievable condition; and

(d) Notify the Board if client records have been destroyed or lost.

(2) At a minimum, client records should be recorded concurrently with the services provided and must include:

(a) A formal or informal assessment of the client;

(b) Counseling goals or objectives; and

(c) Progress notes of therapy or counseling sessions.

(3) A licensee must retain client records for at least seven years from the date of the last session with the client.

Stat. Auth.: ORS 675.705 - 675.835

Stats. Implemented: ORS 675.705 - 675.835

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0080

Custodian of Record

(1) A licensee or registered intern must:

(a) Arrange for the maintenance of and access to client records that ensure the client's right to confidentiality and access to records in the event of the death or incapacity of the licensee;

(b) Register with the Board the name and contact information of a custodian of record that will have case files and can make necessary referrals if licensee becomes incapacitated or dies; and

(c) Notify the Board of changes of the custodian of record.

(2) If the licensee or registered intern is an employee of an organization, the organization may be named as the custodian of record.

(3) The Board will not release the name of the custodian of record except in the following cases:

(a) The death or incapacity of the licensee; or

(b) When a client is unable to locate the licensee.

(4) A custodian of record under this rule must be a licensed mental health professional licensed under Oregon law, a licensed medical professional, a health care or mental health organization, an attorney, a school, or a medical records company.

Stat. Auth.: ORS 675.705 - 675.835

Stats. Implemented: ORS 675.705 - 675.835

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-075-0090

Representation of Credentials

A person may not use the title of "licensed professional counselor" or "licensed marriage and family therapist," including the abbreviations "LPC" and "LMFT," unless the person holds a current license issued by the Board.

Stat. Auth.: ORS 675.705 - 675.835

Stats. Implemented: ORS 675.705 - 675.835

Hist.: BLPCT 4-2016, f. & cert. ef. 10-10-16

833-080-0011

Continuing Education

Licensees must complete approved continuing education and report the hours to the Board on even numbered years as a condition of license renewal.

(1) "Reporting period" means the 24-month period between license renewals that occur in even numbered years.

(2) A "clock hour" for continuing education means one hour spent in a program meeting the requirements for continuing education. Clock hours exclude refreshment breaks, receptions and other social gatherings, and meals that do not include an approved program.

(3) Licensees must complete at least 40 continuing education clock hours within each reporting period.

(4) New licensees:

(a) There is no continuing education reporting required for individuals licensed less than 12 months on their first even numbered year renewal date.

(b) Individuals licensed between 12 and 23 months on their first even numbered year renewal date must report at least 20 clock hours of continuing education.

(c) Individuals licensed 24 or more months on their first even numbered year renewal date must report at least 40 clock hours of continuing education.

(5) There is no continuing education reporting required for licensees on or changing to inactive status.

(6) Licensees' continuing education must include six clock hours of training in professional ethics and/or Oregon State laws and regulations pertaining to the practice of professional counseling or marriage and family therapy within each reporting period.

(7) For licensees who supervise registered interns, including all licensees on the Supervisor Registry, licensees' continuing education must include three clock hours of supervision-related training within each reporting period.

(8) For renewal periods beginning January 1, 2017 and later, licensees' continuing education must include four clock hours of training in cultural competency within each reporting period.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2012, f. 9-5-12, cert. ef. 10-1-12; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-080-0021

Continuing Education Waiver

(1) Licensees may request a waiver for meeting the continuing education requirements by submitting a written request on forms provided by the Board.

(2) The Board may grant exemptions in whole or in part, including extension of deadlines, to licensees who cannot timely attend the required hours of training because of a documented medical condition. The licensee must include the following information as part of the request.

(a) The rationale for a waiver;

(b) The nature of the illness or disability;

(c) The time period the waiver would cover;

(d) A statement as to how the condition prevents participation in continuing education;

(e) Signature by the licensee or legal representative; and

(f) Signed statement from a healthcare practitioner who is licensed or certified by the state to provide services.

(3) The Board will notify the licensee in writing whether the request is approved.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

ADMINISTRATIVE RULES

833-080-0031

Continuing Education Content

Policy. Continuing education must be a learning activity that contributes directly to the professional competence of the licensee.

(1) Continuing education content must focus on increasing knowledge and/or skills in the following substantive areas relevant to the field:

- (a) Counseling or marriage and family therapy theory & techniques;
- (b) Human development and family studies;
- (c) Social and cultural foundations in counseling or marriage and family therapy;
- (d) The helping relationship;
- (e) Group dynamics;
- (f) Life style and career development;
- (g) DSM diagnosis and assessment;
- (h) Research and evaluation;
- (i) Professional orientation and ethics;
- (j) Professional supervision training;
- (k) Disability and life transitions;
- (l) Substance abuse;
- (m) Psychopharmacology;
- (n) Diagnosis and treatment of mental health disorders.

(2) The program must be conducted by a qualified instructor or discussion leader, which means a person whose background, training, education, or experience makes it appropriate for the person to make a presentation or lead a discussion on the subject matter.

(3) A record of attendance, such as a certificate of completion, must be obtained.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-080-0041

Methods of Obtaining Hours

(1) Approvable continuing education credits may be obtained in the following ways:

- (a) Continuing education activities with no limits on clock hours:
 - (A) Attending college or university courses -- 15 clock hours per semester credit and 10 clock hours per quarter credit.
 - (B) Live seminars, workshops, conferences and/or trainings.
 - (C) Home study (distance learning), including internet and telecourses.
 - (D) Service as an Oregon Board of Licensed Professional Counselors and Therapists member or committee volunteer.
- (b) Continuing education activities for which licensees can obtain a maximum of 20 clock hours within a two year reporting period:
 - (A) Publication activities include:
 - (i) Five credits per article or review in a refereed journal that is directly related to counseling;
 - (ii) Five credits per chapter in edited books, 20 credits for authorship of an entire book;
 - (iii) Five credits per 30 minutes of initial video production directly related to counseling;
 - (iv) Five credits for reviewing a book proposal; and
 - (v) Five credits for each year of service on an editorial board of a professional counseling journal.
 - (B) Professional presentations. Credit is given for the initial research and development of a professional presentation. No credit shall be allowed for repeat presentations unless it is demonstrated that the program content was substantially changed and such change required significant additional study or research. The number of credits given is twice the number of hours spent making the presentation;

(c) Continuing education activities for which licensees can obtain a maximum of 10 clock hours within a two year reporting period:

- (A) Serving as an officer of a state or national counseling organization;
- (B) Serving as a member of a national certification board;
- (C) Chairing a national counseling conference or convention; or
- (D) Receiving supervision for a fee from a supervisor who meets the Board's standards on supervision. Credit shall only be given to the licensee receiving supervision, not to a licensee providing supervision. No credit shall be given to licensees receiving supervision to fulfill licensure or discipline requirements.

(2) An approvable continuing education program is one designed and offered by an agency or institution that is recognized as an approved provider of continuing education units, e.g., NBCC-approved programs, to include:

(a) Academic courses offered in accredited degree counseling or marriage and family therapy programs;

(b) Presentations sponsored by counseling related departments of accredited educational institutions; national, regional, state, or local professional organizations or associations; public or private human services agencies or organizations; or individuals that meet all of the following approved provider guidelines:

(A) Program is presented by competent individuals as documented by appropriate academic training, professional licensure or certification, or professionally recognized experience. Presenters should have an identifiable involvement with human services;

(B) Program meets the professional needs of the licensee's intended clientele;

(C) Program has a minimum duration of one clock hour;

(D) Except for non-classroom distance learning, program is offered in a place which is accessible to persons with disabilities;

(E) Distance learning program includes mechanism for evaluation, measurement, or confirmation of exchange of information; and

(F) Programs approved by organizations such as: National Association of Social Workers, National Board for Certified Counselors, Oregon Psychological Association, Commission on Rehabilitation Counselor Certification, Art Therapy Credentials Board, American Art Therapy Association, American Association for Marriage and Family Therapy, and American Counseling Association.

(c) Content of programs are consistent with OAR 833-080-0031.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-080-0051

Documentation and Submission of Continuing Education

(1) Licensees must certify to the Board, at the time of annual renewal on even-numbered years, that the continuing education requirements were met by providing a summary list of continuing education activities/courses as described in OAR 833-080-0041.

(2) Licensees must maintain documentation as proof that the licensee has satisfied the continuing professional education requirements for a minimum of two years after the reporting period. If requested by the Board, licensees will make continuing education records available for inspection.

(3) Responsibility for documenting the acceptability of the program and the validity of credit rests with the licensee. Documentation must include proof of actual attendance, participation, certification, or completion as well as content, duration, and if relevant, provider as follows:

(a) For college or university courses: A copy of a transcript showing satisfactory completion of the course;

(b) For seminars, workshops, conferences, trainings, or home study: Dated certificates (originals or copies) of completion of training;

(c) Program/activity descriptions, including (but not limited to) written verification of professional services, copies of published works or other proof of publication, letter from president/director of organization in which professional activity was conducted; and

(d) Signed statement of professional supervision by the individual providing the supervision.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-080-0061

Continuing Education Audit and Penalties

(1) The Board will conduct an audit of the records of randomly selected licensees to verify actual participation, completion, and compliance with standards for content and providers of approved continuing professional education. Failure to maintain or document actual completion of continuing professional education activities claimed, failure to make such records available to the Board for inspection, or falsification of reports may result in disciplinary action by the Board. Audited licensees hold the burden of proof of mailing.

(2) A licensee selected for the continuing education audit whose hours are deficient, including a licensee's failure to submit complete documentation, is subject to disciplinary action, to include but not limited to the following sanctions:

(a) Persons successfully documenting 31-39 hours — \$250;

(b) Persons successfully documenting 21-30 hours — \$500;

(c) Persons successfully documenting 11-20 hours — \$750;

(d) Persons successfully documenting 10 or fewer hours — \$1,000.

(3) The civil penalty may not be paid in lieu of training.

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(4) Failure to document required hours, or certifying programs or supervision not meeting approval requirements will result in non-renewal or, in the case of discovery after renewal, possible suspension of license.

Stat. Auth.: ORS 675.785 - 675.835 & 676.160 - 676.180
Stats. Implemented: ORS 675.785 - 675.835
Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-130-0020

Placement on Supervisor Registry

(1) To be placed on the Supervisor Registry, an active licensee must submit a request on forms provided by the Board.

(2) Licensees on inactive status will be denied or removed from placement.

(3) Licensees may request in writing to be removed from the registry.

Stat. Auth.: ORS 675.705 - 675.835
Stats. Implemented: ORS 675.705 - 675.835

Hist.: BLPCT 5-2010, f. 6-15-10, cert. ef. 7-1-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-130-0040

Supervisor Candidates

(1) Supervisor Candidates must work toward meeting the requirements of an Approved Supervisor. If after five years as a Supervisor Candidate, the candidate has not met Approved Supervisor requirements, the candidate will be removed from the registry.

(2) To qualify as a Supervisor Candidate, a licensee must meet the following requirements:

(a) Hold an active Oregon license as a professional counselor or as a marriage and family therapist;

(b) Complete 30 clock hours of post-master's degree supervision training;

(c) Successfully pass the Board's law and rules exam; and

(d) For supervisors of marriage and family therapist interns only: supervision training that includes systems components.

Stat. Auth.: ORS 675.705 - 675.835

Stats. Implemented: ORS 675.705 - 675.835

Hist.: BLPCT 5-2010, f. 6-15-10, cert. ef. 7-1-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-130-0050

Approved Supervisors

(1) To qualify to supervise registered interns, a licensee who is not on the Supervisor Registry must meet the following requirements:

(a) Meet or have previously met all of the requirements to qualify as a Supervisor Candidate per OAR 833-130-0040; and

(b) Hold an active Oregon license as a professional counselor or marriage and family therapist, and:

(A) Have been actively licensed by the Board for at least 3 years; or

(B) Be an Approved Supervisor through the AAMFT or the NBCC Center for Credentialing and Education.

(2) To qualify as in Approved Supervisor for purposes of placement on the Supervisor Registry, in addition to the requirements of section (1) above, the licensee must:

(a) Document at least 12 hours of supervision by a Board Approved Supervisor within the past 2 to 5 years. The licensee may have up to two Approved Supervisors, and both Approved Supervisors must complete an evaluation. Approved supervision may include one on one or group supervision of not more than 6 supervisees; and

(b) Document a minimum of 100 hours between 2 and 5 years of experience supervising at least two registered interns or student interns from Board-Approved Oregon graduate programs.

Stat. Auth.: ORS 675.705 - 675.835

Stats. Implemented: ORS 675.705 - 675.835

Hist.: BLPCT 5-2010, f. 6-15-10, cert. ef. 7-1-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-130-0070

Supervisors Not on the Registry

Other mental health professionals may serve as supervisors of registered interns if they meet the following requirements:

(1) Hold a current, active license in Oregon as a mental health professional;

(2) Have been licensed in Oregon as a mental health professional for at least 3 years;

(3) Complete 30 clock hours of post-master's degree supervision training;

(4) Successfully pass the Board's law and rules exam; and

(5) For supervisors of marriage and family therapist interns only: supervision training that includes systems components.

Stat. Auth.: ORS 675.705 - 675.835

Stats. Implemented: ORS 675.705 - 675.835

Hist.: BLPCT 5-2010, f. 6-15-10, cert. ef. 7-1-10; BLPCT 4-2016, f. & cert. ef. 10-10-16

833-130-0080

Discipline Review Process

(1) A proposed supervisor must disclose any history of disciplinary action, which must be reviewed by the Board.

(2) A licensee that receives Board disciplinary action subsequent to placement on the Supervisor Registry must discontinue supervision of registered interns pending discipline review by the Board.

(3) During discipline review, the Board will consider:

(a) Type of violation and imposed discipline;

(b) The passage of time since the violation and discipline;

(c) Whether discipline was corrective, punitive or both;

(d) Compliance with imposed discipline;

(e) Results of national health care database search;

(f) Whether behavior resulted in harm to clients;

(g) Previous complaints resulting in discipline;

(h) Results of criminal background check; and

(j) Any other information the Board finds relevant.

(4) At the conclusion of the review, the Board will determine whether to approve or deny:

(a) The licensee or other mental health professional to provide supervision; and/or

(b) The licensee for initial or continued placement on the Supervisor Registry.

Stat. Auth.: ORS 675.705 - 675.835 & 676.150 - 676.405

Stats. Implemented: ORS 675.705 - 675.835 & 676.150 - 676.405

Hist.: BLPCT 6-2010, f. 12-13-10, cert. ef. 1-1-11; BLPCT 4-2016, f. & cert. ef. 10-10-16

Board of Optometry Chapter 852

Rule Caption: Amends the Board's 2015-17 budget to reflect new operating costs.

Adm. Order No.: OPT 3-2016

Filed with Sec. of State: 9-27-2016

Certified to be Effective: 9-27-16

Notice Publication Date: 6-1-2016

Rules Amended: 852-005-0005

Subject: This rule change updates the Board's biennial operating budget to reflect changes in staffing and new database costs.

Rules Coordinator: Shelley Sneed—(503) 399-0662, ext. 3

852-005-0005

Budget

The Oregon Board of Optometry hereby adopts by reference the Oregon Board of Optometry 2015-17 Biennium Budget of \$626,700 in revenues and \$762,019 in expenses and \$6,000 in fixed asset expenditures covering the period from July 1, 2015 through June 30, 2017. The Executive Director of the Board will amend budgeted accounts as necessary within the approved budget for the effective operation of the Board. The Board will not exceed the approved 2015-2017 Biennium budget without amending this rule, notifying holders of licenses, and holding a public hearing thereon as required by ORS Chapter 182.462(1) & (2). Copies of the budget are available from the Board's office and are also posted on the Board's website.

Stat. Auth.: ORS 683 & 182

Stats. Implemented: ORS 182.462(1) & (2)

Hist.: OPT 1-1999, f. 6-4-99, cert. ef. 7-1-99; OPT 1-2001, f. 6-18-01, cert. ef. 7-1-01; OPT 1-2003, f. 6-12-03, cert. ef. 7-1-03; OPT 3-2005, f. 6-29-05, cert. ef. 7-1-05; OPT 1-2007, f. 5-21-07, cert. ef. 7-1-07; OPT 1-2009, f. 6-10-09, cert. ef. 7-1-09; OPT 1-2011, f. 6-24-11, cert. ef. 7-1-11; OPT 1-2013, f. & cert. ef. 1-3-13; OPT 2-2014, f. 11-28-14, cert. ef. 1-1-15; OPT 3-2014, f. 12-29-14, cert. ef. 1-1-15; OPT 1-2015, f. 6-25-15, cert. ef. 7-1-15; OPT 3-2016, f. & cert. ef. 9-27-16

Bureau of Labor and Industries Chapter 839

Rule Caption: Corrects the prevailing rates of wage for the period beginning October 1, 2016

Adm. Order No.: BLI 8-2016

Filed with Sec. of State: 10-7-2016

Certified to be Effective: 10-7-16

Notice Publication Date: 10-1-2016

Rules Amended: 839-025-0700

Subject: This is being re-filed due to a filing error. The amended rule corrects the prevailing rates of wage as determined by the Com-

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missioner of the Bureau of Labor and Industries for the period beginning October 7, 2016.

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 the publication of the Bureau of Labor and Industries entitled Prevailing Wage Rates on Public Works Contracts in Oregon dated July 1, 2016, 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, 2016, and the effective dates of the applicable special wage determination and rates amendments: Amendments to Oregon Determination 2016-02 (effective October 7, 2016).

(2) Copies of Prevailing Wage Rates on Public Works Contracts in Oregon dated July 1, 2016, are available from any office of the Wage and Hour Division of the Bureau of Labor and Industries. The offices are located in Eugene, Portland and Salem. 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; BLI 31-2007, f. 11-20-07, cert. ef. 11-23-07; BLI 34-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 1-2008, f. & cert. ef. 1-4-08; BLI 2-2008, f. & cert. ef. 1-11-08; BLI 3-2008, f. & cert. ef. 2-21-08; BLI 6-2008, f. & cert. ef. 3-13-08; BLI 8-2008, f. 3-31-08, cert. ef. 4-1-08; BLI 9-2008, f. & cert. ef. 4-14-08; BLI 11-2008, f. & cert. ef. 4-24-08; BLI 12-2008, f. & cert. ef. 4-30-08; BLI 16-2008, f. & cert. ef. 6-11-08; BLI 17-2008, f. & cert. ef. 6-18-08; BLI 19-2008, f. & cert. ef. 6-26-08; BLI 20-2008, f. & cert. ef. 7-1-08; BLI 23-2008, f. & cert. ef. 7-10-08; BLI 26-2008, f. & cert. ef. 7-30-08; BLI 28-2008, f. & cert. ef. 9-3-08; BLI 30-2008, f. & cert. ef. 9-25-08; BLI 31-2008, f. 9-29-08, cert. ef. 10-1-08; BLI 32-2008, f. & cert. ef. 10-8-08; BLI 36-2008, f. & cert. ef. 10-29-08; BLI 41-2008, f. & cert. ef. 11-12-08; BLI 42-2008, f. & cert. ef. 12-1-08; BLI 44-2008, f. & cert. ef. 12-29-08; BLI 45-2008, f. 12-31-08, cert. ef. 1-1-09; BLI 1-2009, f. & cert. ef. 1-6-09; BLI 2-2009, f. & cert. ef. 1-12-09; BLI 4-2009, f. & cert. ef. 2-11-09; BLI 6-2009, f. & cert. ef. 3-17-09; BLI 7-2009, f. & cert. ef. 3-24-09; BLI 8-2009, f. 3-31-09, cert. ef. 4-1-09; BLI 10-2009, f. 6-9-09, cert. ef. 6-10-09; BLI 11-2009, f. 6-29-09, cert. ef. 6-30-09; BLI 12-2009, f. 6-29-09, cert. ef. 7-1-09; BLI 13-2009, f. & cert. ef. 7-1-09; BLI 14-2009, f. & cert. ef. 7-10-09; BLI 15-2009, f. & cert. ef. 7-16-09; BLI 16-2009, f. & cert. ef. 7-22-09; BLI 17-2009, f. & cert. ef. 7-29-09; BLI 19-2009, f. & cert. ef. 8-18-09; BLI 20-2009, f. & cert. ef. 9-14-09; BLI 21-2009, f. & cert. ef. 9-21-09; BLI 22-2009, f. 9-30-09, cert. ef. 10-1-09; BLI 23-2009, f. & cert. ef. 10-8-09; BLI 24-2009, f. & cert. ef. 11-12-09; BLI 25-2009, f. & cert. ef. 11-23-09; BLI 29-2009, f. 12-31-09, cert. ef. 1-1-10; BLI 1-2010, f. 1-8-10, cert. ef. 1-12-10; BLI 2-2010, f. 1-11-10, cert. ef. 1-13-10; BLI 3-2010, f. & cert. ef. 1-19-10; BLI 4-2010, f. & cert. ef. 1-27-10; BLI 13-2010, f. & cert. ef. 4-1-10; BLI 17-2010, f. 6-29-10, cert. ef. 7-1-10; BLI 20-2010, f. & cert. ef. 10-1-10; BLI 24-2010, f. 12-30-10, cert. ef. 1-1-11; BLI 2-2011, f. 3-25-11, cert. ef. 4-1-11; BLI 4-2011, f. 6-30-11, cert. ef. 7-1-11; BLI 7-2011, f. & cert. ef. 10-12-11; BLI 10-2011, f. 12-30-11, cert. ef. 1-1-12; BLI 4-2012, f. & cert. ef. 3-29-12; BLI 6-2012, f. & cert. ef. 7-2-12; BLI 10-2012, f. 9-26-12, cert. ef. 10-1-12; BLI 13-2012, f. 12-28-12, cert. ef. 1-1-13; BLI 1-2013, f. & cert. ef. 3-25-13; BLI 2-2013, f. & cert. ef. 9-20-13; BLI 3-2013, f. 9-30-13, cert. ef. 10-1-13; BLI 5-2013, f. 12-16-13, cert. ef. 1-1-14; BLI 3-2014, f. & cert. ef. 4-2-14; BLI 8-2014, f. 6-13-14, cert. ef. 7-1-14; BLI 11-2014, f. 9-24-14, cert. ef. 10-1-14; BLI 15-2014, f. 12-9-14, cert. ef. 1-1-15; BLI 3-2015, f. 3-13-15, cert. ef. 4-1-15; BLI 7-2015, f. 6-15-15, cert. ef. 7-1-15; BLI 13-2015, f. 9-3-15, cert. ef. 10-1-15; BLI 17-2015, f. 12-10-15, cert. ef. 1-1-16; BLI 1-2016, f. 3-25-16, cert. ef. 4-1-16; BLI 3-2016, f. 6-10-16,

cert. ef. 7-1-16; BLI 5-2016, f. & cert. ef. 8-16-16; BLI 7-2016, f. 9-13-16, cert. ef. 10-1-16; BLI 8-2016, f. & cert. ef. 10-7-16

**Department of Administrative Services,
Chief Human Resources Office
Chapter 105**

Rule Caption: Repealing rules to include legislative changes and statutory requirements.

Adm. Order No.: CHRO 3-2016

Filed with Sec. of State: 10-4-2016

Certified to be Effective: 10-4-16

Notice Publication Date: 6-1-2016

Rules Repealed: 105-040-0040, 105-040-0065

Subject: The majority of Chapter 40 was repealed and/or amended and moved to policy in the last permanent filing in July 2016. The temporary rules for 105-040-0040 and 105-040-0065 were repealed, however, the permanent rules were inadvertently missed and need to be repealed as well. This noticed was filed in the June 2016 bulletin. There is no statutory requirements to develop, implement or maintain rules in this area.

Rules Coordinator: Janet Chambers—(503) 378-5522

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

Rule Caption: Clarifies standards for electrical program delegation.

Adm. Order No.: BCD 12-2016(Temp)

Filed with Sec. of State: 9-29-2016

Certified to be Effective: 9-29-16 thru 3-27-17

Notice Publication Date:

Rules Amended: 918-020-0095, 918-308-0000, 918-308-0010, 918-308-0020, 918-308-0160

Subject: These rules temporarily amend the standards for delegation of an electrical inspection program by clarifying the Electrical and Elevator Board's standards for evaluating minimum service levels, financial viability, and compliance efforts of a proposed electrical inspection program. The rules also temporarily extend the application deadline in order to allow potential applicants to consider the updated standards.

Rules Coordinator: Holly A. Tucker—(503) 378-5331

918-020-0095

Program Assumption Procedures

(1) Assumption of building inspection programs shall be approved only under ORS Chapters 455 and 479 and these rules, for municipalities meeting the following minimum standards. Municipalities requesting to assume new programs or additional parts of a program must provide a full-service program as described in ORS Chapter 455. The municipality shall prepare an assumption plan demonstrating its ability to:

(a) Administer the program for at least four years;

(b) Maintain or improve upon service levels presently provided to the area, including identifying proposed staffing, service contracts and inter-governmental agreements for at least the first two years;

(c) Operate a program that is financially feasible for at least two years without unduly increasing short-term and long-term costs of services to the public, in the areas administered by the municipality. Information showing how the program will be financially feasible shall include an estimate of anticipated revenues and expenditures, the assumptions on which the estimates are based, and an explanation of how losses, if any, will be funded; and

(d) Transition the program from the previous service provider including developing a method for:

(A) Transferring responsibility for existing buildings, open plan reviews, permits and inspections and corresponding revenues for completion of outstanding work;

(B) Transferring any pending enforcement actions;

(C) Informing contractors and others of the change of inspecting jurisdictions, jurisdictional boundaries and requirements for plan review, permits and inspections; and

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(D) Transferring any affected employees consistent with ORS 236.605.

(2) A municipality requesting to administer and enforce a new full-service building inspection program under ORS 455.148, or part of a building inspection program to become full-service under ORS 455.148 and 455.150 shall, by November 1:

(a) Submit a completed division program request form describing the specialty codes the municipality intends to administer effective July 1 of the following year, and provide the following:

(A) An assumption plan as required in ORS 455.148 and Section (1) of this rule;

(B) An operating plan as described in OAR 918-020-0090;

(C) A schedule, including the date, time, place and subject matter, of any proposed meetings of public or advisory bodies, where public comments will be received concerning their proposal to assume a full-service program or part of a program;

(D) Evidence of compliance with the notice and consultation requirements of this section; and

(E) When a municipality reapplies to assume administration of a program that was previously revoked, the application shall include an explanation of how past deficiencies were corrected and how they will be prevented in the future, and it shall meet the requirements of ORS 455.148 and 455.150 including timelines and full-service coverage.

(b) Consult with the jurisdiction from whom the program will be assumed, to:

(A) Notify them of the intent to assume the program;

(B) Discuss with them any impacts on their existing program;

(C) Attempt to resolve any negative impacts; and

(D) Attempt to reach agreement on the method of providing services in the area.

(3) Upon receipt of an application for program assumption from a municipality, the division shall, by October 15, notify in writing all persons on the division maintained interested party mailing list.

(4) Objections to proposed program assumptions, including or related to, claims of economic impairment by the division or the municipality potentially losing the program, shall be received within 30 days of notice and shall include:

(a) An explanation of the objection to the proposed program assumption;

(b) Identification of the required program standard that is believed not to be met; and

(c) When related to economic impairment, the information provided shall include projected impact on the existing building inspection program revenues, expenses, and staffing levels and the ability to continue carrying out remaining portions of the affected program.

(5) When reviewing the objections, the division shall consider the criteria established in ORS 455.152 and whether the objections relate to the ability of the municipality to effectively carry out the program and meet the required standards of applicable statutes and rules.

(6) The municipality requesting administration of a program shall confirm its intent to proceed with its application and submit final information to the division by January 1.

(7) By April 1 the division shall approve or deny the request. A request may be denied when the municipality failed to meet any of the standards and timelines for assumption set forth in ORS Chapters 455 and 479 and the rules adopted thereunder, or when a claim of economic impairment is not resolved to the satisfaction of the director.

(8) Municipalities approved to assume programs may do so effective July 1.

(9) By September 1, the municipality shall submit a final approved copy of all applicable ordinances and fee schedules.

Stat. Auth.: ORS 455.148, 455.150, 455.152 & 479.855

Stats. Implemented: ORS 455.148, 455.150, 455.152 & 479.855

Hist.: BCD 16-2002, f. & cert. ef. 7-1-02; BCD 12-2016(Temp), f. & cert. ef. 9-29-16 thru 3-27-17

918-308-0000

Electrical Delegation Rules

(1) The rules in OAR 918-308-0000 to 918-308-0430 shall be referred to as the Electrical Delegation Rules.

(2) For the purposes of OAR chapter 918, division 308, unless otherwise specified, "third party" means a person or business required to be licensed under ORS 455.457.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; BCD 12-2016(Temp), f. & cert. ef. 9-29-16 thru 3-27-17

918-308-0010

Standards for Delegation

Municipalities seeking initial delegation of an electrical program under ORS chapters 455 and 479 shall meet the requirements of OAR 918-308-0010 to 918-308-0180. Administration and enforcement of the electrical program shall only be delegated under ORS 479.855 to municipalities meeting the following minimum performance standards:

(1) The municipality shall be ready, willing and able to fully operate the electrical program on the effective date of delegation, July 1, except when a municipality is assuming the program from the division.

(2) The municipality shall create and maintain minimum services at least each weekday, excluding holidays as defined in ORS 187.010, to include electrical administrative, enforcement, and inspection services. Minimum administrative, enforcement, and inspection services include the "Ongoing Requirements" in the Electrical Delegation Rules.

(3) Operation of the program shall be financially feasible without unduly increasing short or long-term costs of electrical inspection services to the public, both in the areas delegated and, if applicable, the remaining program in the surrounding area. To be considered financially feasible, the municipality must:

(a) Demonstrate that feasibility to the satisfaction of the Board by providing:

(A) Projected electrical program revenue for the first two years of program operation, which is based on the program revenues collected for work in that municipality by the current service provider for the most recent four fiscal years preceding the date of application;

(B) Projected electrical program activity for the first two years of program operation, which is based on the permits issued for work in that municipality by the current service provider for the four most recent fiscal years up to the date of application;

(C) Projected electrical program expenses for the first two years of program operation which includes the plan review and inspection staff necessary to serve projected program activity; and,

(D) Any other information as requested by the Board.

(b) Agree, as a condition of delegation, to indemnify the State for any and all claims related to any personal injury, death, or property damage arising from any act, omission, or error on the part of the municipality in the operation of the electrical program;

(c) If contracting with a third party to provide some or all of the services of the jurisdiction's electrical program, include a provision in its contract with the third party in which the third party agrees to indemnify the municipality and the State for any and all claims related to any personal injury, death or property damage arising from any act, omission, or error on the part of the contractor in its work the municipality's electrical program;

(d) Agree, as a condition of delegation, that it shall not adopt or implement any fee increases for the first two years of its initial operation term;

(e) Carry a minimum of \$1,500,000 per occurrence of insurance against tort liability and property damage arising out of acts, errors, and omissions in its operation of the electrical program; and,

(f) If contracting with a third party to provide some or all of the services of the jurisdiction's electrical program, demonstrate that the third party carries a minimum of \$1,500,000 per occurrence of insurance against tort liability and property damage arising out of the acts, errors, and omissions in its work for the municipality's electrical program.

(4) The municipality shall demonstrate its ability to carry out the proposed electrical program.

(5) The requirements in the Electrical Delegation Rules are in addition to rules adopted by the department in OAR 918-020-0070 through 918-020-0220 for municipalities that apply to undertake inspection programs. When any provision of this section conflicts with or contains greater, more stringent, or more detailed requirements than another section of this division, this section shall control.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96, Renumbered from 918-300-0100; BCD 8-2008(Temp), f. & cert. ef. 6-19-08 thru 12-15-08; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08; BCD 12-2016(Temp), f. & cert. ef. 9-29-16 thru 3-27-17

918-308-0020

Check List for Application for Delegation of Electrical Program

Except when a municipality requests responsibility for an electrical program administered by the division, a municipality seeking delegation or renewal of delegation of the electrical program shall:

(1) Comply with ORS 455.148 or 455.150; and

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(2) File an application for delegation of the electrical program under the Electrical Delegation Rules, if the municipality is applying for delegation for the first time. The application shall:

(a) Be filed by the governing body of the municipality by November 1 prior to the year for which delegation is sought;

(b) Be based on a resolution of the municipality formally authorizing the application, and representing if the application is granted, that the municipality and all persons under it will comply with and be bound by the Electrical Delegation Rules;

(c) Include a proposed ordinance for administration and enforcement of the electrical program;

(d) Include an operating plan showing it meets the minimum standards for delegation in the Electrical Delegation Rules; and

(e) Note any differences in services or inspections from present services and inspections to be provided upon delegation.

(3) If the municipality is requesting its first renewal, it shall file relevant amendments or updates to its initial application and note this is its first renewal application.

(4) A municipality requesting delegation of the electrical program administered by the division must meet the requirements of ORS 455.148(7) and 11(c). Notwithstanding the timelines in 455.148(11)(c), a municipality assuming the program from the division must submit an assumption plan prior to administering the program.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96, Renumbered from 918-300-0130; BCD 28-2002(Temp), f. & cert. ef. 10-1-02 thru 3-29-03; BCD 36-2002, f. 12-31-02, cert. ef. 1-1-03; BCD 8-2008(Temp), f. & cert. ef. 6-19-08 thru 12-15-08; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08; BCD 12-2016(Temp), f. & cert. ef. 9-29-16 thru 3-27-17

918-308-0160

Plan for Compliance

(1) The municipality shall have a plan on how electrical permit and code violations will be handled. It shall have an ordinance allowing enforcement actions for violations.

(2) The plan shall describe in detail how the municipality will carry out compliance actions, including the number of staff members who will perform investigations, qualifications of those staff members, number of days per week those staff members will conduct investigations, and a description of how those staff will conduct checks for electrical licensure on jobsites, including how jobsites will be identified and selected for investigation.

(3) The municipality shall report data as required by the Board and shall annually report compliance actions taken pursuant to the enforcement of the electrical inspection program.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96, Renumbered from 918-300-0330; BCD 12-2016(Temp), f. & cert. ef. 9-29-16 thru 3-27-17

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Rule Caption: Uniform Alternate Construction Standards for One and Two Family Dwellings

Adm. Order No.: BCD 13-2016

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 10-1-16

Notice Publication Date: 8-1-2016

Rules Adopted: 918-480-0125

Rules Repealed: 918-480-0100, 918-480-0110, 918-480-0120, 918-480-0125(T)

Subject: These rule changes are in response to updated legal guidance on the appropriate interpretation and implementation of ORS 455.610. The new rule implements the uniform alternative construction standards for one and two family dwellings required under ORS 455.610.

Rules Coordinator: Holly A. Tucker—(503) 378-5331

918-480-0125

Uniform Alternate Construction Standard for One and Two Family Dwellings

(1) For lots of record created on or after July 2, 2001, if the building official intends to allow one or more of the Uniform Alternate Construction Standards at the time of building permit application, triggered by fire official determinations of inadequate apparatus access or water supply, the building official must:

(a) Provide at least a general notification of the intent to allow such Uniform Alternate Construction Standards; and

(b) Provide such notification in conjunction with the approval of a land use application under ORS 197.522.

(2) The building official, acting in conformance with these rules, may choose to apply one or more Uniform Alternate Construction Standards after a determination by a fire official with authority over water supply and apparatus access, that the water supply, apparatus access, or both are inadequate at a site. A building official shall give consideration to advice of the State Fire Marshal or local fire official that does not conflict with this rule, but shall retain the authority to make final decisions. Decisions to consider a Uniform Alternate Construction Standard and the selection of one or more Uniform Alternate Construction Standards by a building official are final.

(3) A Uniform Alternate Construction Standard is not a Statewide Alternate Method.

(4) Uniform Alternate Construction Standards for One and Two Family Dwellings. Uniform Alternate Construction Standards are limited to one or more of the following fire suppression and fire containment components:

(a) Installation of an NFPA Standard 13D fire suppression system;

(b) Installation of additional layers of 5/8 inch, Type-X gypsum wall-board;

(c) Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components or assemblies. Fire-resistance ratings shall be determined in accordance with the **Oregon Structural Specialty Code**;

(d) Installation of fire-resistive exterior wall covering and roofing components; or

(e) Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (see OAR 629-044-1060).

(5) When unique site conditions exist on a lot or when installation of a full NFPA Standard 13D fire suppression system is impractical due to substantially increased local system development charges, a building official may accept installation of a partial NFPA Standard 13D fire suppression system in conjunction with one or more of the Uniform Alternate Construction Standards listed in subsections (4)(a) through (e) of this rule.

Stat. Auth.: ORS 455.610

Stat. Implemented: ORS 455.610

Hist.: BCD 7-2016(Temp), f. & cert. ef. 6-28-16 thru 12-24-16; BCD 13-2016, f. 9-30-16, cert. ef. 10-1-16

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Department of Consumer and Business Services, Health Insurance Marketplace Chapter 945

Rule Caption: Calculation and application of a fund balance credit

Adm. Order No.: HMP 4-2016

Filed with Sec. of State: 9-16-2016

Certified to be Effective: 9-16-16

Notice Publication Date: 5-1-2016

Rules Amended: 945-030-0020

Subject: The amendment to OAR 945-0030-0020 synchronizes the calculation and application of any fund balance credit with the Department of Consumer and Business Services' two year budget cycle. The amendment clarifies that a Marketplace issuer is entitled to credits only to the extent that it is offering products through the Marketplace at the time the credit is due to be applied. The amendment also makes technical corrections to the rule.

Rules Coordinator: Victor Garcia—(971) 283-1878

945-030-0020

Establishment of Administrative Charge Paid by Insurers

(1) After consulting with the advisory committee created by Section 13 of 2015 Senate Bill 1, the Marketplace will annually provide a report on administrative charges to the Director of the Department of Consumer and Business Services.

(2) The report will be posted on the Marketplace's website for public review and comment.

(3) At a minimum, the report will include:

(a) A projection of Marketplace operating expenses, including the Marketplace's share of the department's shared services expenses and operating expenses borne by the Marketplace and reimbursed by another agency, based on the department's budgets, assuming for this purpose that

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the operating expenses in any actual or expected biennial budget are distributed evenly over the biennium;

(b) A projection of Marketplace enrollment for the next calendar year; and

(c) A proposed administrative charge for the next calendar year.

(4) The department will hold a public hearing on a proposed administrative charge.

(5) No later than the end of the first quarter of a calendar year the Director shall amend or approve an administrative charge for the next calendar year.

(6) Any administrative charge adopted by the Director shall be established in rule.

(7) The administrative charge shall be expressed as a per member per month figure.

(8) The annual administrative charge assessed by the Marketplace shall not exceed the limits set forth in ORS 741.105(2) on the premium or other monthly charge based on the number of enrollees receiving coverage in qualified health plans or stand alone dental plans through the Marketplace during the month of December preceding the report.

(9) By the 30th day of September of every odd year, the department shall:

(a) Calculate the maximum amount of funds that the department may hold under ORS 741.105(3)(b) by calculating:

(A) The Marketplace's fund balance as of the 30th day of the immediately preceding June minus:

(B) One-fourth of the Marketplace's budgeted operating expenses for the two-year period beginning on the first day of the immediately preceding July and ending on the 30th day of June of the following odd year;

(b) Examples:

(A) Example 1: If the Marketplace's fund balance is \$1 million as of June 30, 2017 and its operating budget is \$4 million for July 1, 2017 through June 30, 2019, the department would retain \$1 million and credit carriers \$0.00 because there is no excess fund balance - \$1 million minus (\$4 million divided by 4) is zero;

(B) Example 2: If the Marketplace's fund balance is \$1 million as of June 30, 2017 and its operating budget is \$2.4 million for July 1, 2017 through June, 2019, the department would retain an excess fund balance of \$600,000 and credit a total of \$400,000 to carriers - \$1 million minus (\$2.4 million divided by 4) equals \$400,000; and

(c) Credit each individual carrier participating in the Marketplace an amount equal to the pro-rata share of any positive difference obtained from the calculation described in paragraph (9)(b) of this rule based on the total assessments the carrier paid to the department during the two-year period described in paragraph (9)(a)(A) of this rule plus the pro-rata share of the total assessments paid during the two-year period described in paragraph (9)(a)(A) of this rule by carriers no longer selling qualified health plans through the Marketplace.

(A) Example 1: If the difference in the calculation described in paragraph (9)(b) of this rule is less than or equal to zero on June 30, 2017, there is no excess fund balance and the department would not credit any individual carrier because the fund balance is either zero or negative.

(B) Example 2: If, after performing the calculation described in paragraph (9)(b) of this rule, the excess fund balance is \$1.2 million on June 30, 2017, and Carrier A paid 10% of the total assessments the Marketplace received between July 1, 2015 and June 30, 2017, the department must credit Carrier A a total of \$120,000 — \$1.2 million multiplied by .10 equals \$120,000.

(10) Except as provided in paragraph 11 of this rule, the department shall apply the credit described in paragraph (9)(c) of this rule by reducing each monthly charge assessed during the period described in paragraph (9)(a)(B) by one-twenty-fourth of the credit. For example, if, after performing the calculation described in paragraph (9)(b) of this rule, the excess fund balance is \$1.2 million on June 30, 2017, and Carrier A paid 10% of the total assessments received by the Marketplace between July 1, 2015 and June 30, 2017, the department must credit Carrier A \$5,000 per month in each month the carrier participates in the Marketplace between July 2017 through June 2019 — (\$1.2 million multiplied by .10) divided by 24 equals \$5,000.

(11) If the director determines that application of the credit as described in paragraph (10) of this rule would jeopardize a Marketplace carrier's financial solvency, the department may use any reasonable method to credit the carrier the amount due under paragraph (9)(c) of this rule.

Stat. Auth.: ORS 741.002 & 741.005

Stats. Implemented: ORS 741.105

Hist.: OHIE 1-2013, f. & cert. ef. 3-18-13; OHIE 1-2015(Temp), f. & cert. ef. 3-11-15 thru 9-4-15; Administrative correction, 9-30-15; OHIE 3-2015, f. & cert. ef. 10-15-15; OHIE 4-

2015, f. & cert. ef. 11-6-15; HMP 1-2016(Temp), f. & cert. ef. 3-25-16 thru 9-19-16; HMP 4-2016, f. & cert. ef. 9-16-16

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

Rule Caption: Adopt federal OSHA amendments: Occupational Exposure to Respirable Crystalline Silica in General Industry, Construction, Maritime.

Adm. Order No.: OSHA 5-2016

Filed with Sec. of State: 9-23-2016

Certified to be Effective: 7-1-18

Notice Publication Date: 8-1-2016

Rules Adopted: 437-002-1053, 437-002-1054, 437-002-1055, 437-002-1056, 437-002-1057, 437-002-1058, 437-002-1059, 437-002-1060, 437-002-1061, 437-002-1062, 437-002-1063, 437-002-1064, 437-002-1065

Rules Amended: 437-002-0382, 437-003-1000, 437-005-0001

Subject: On March 25, 2016, federal OSHA adopted final rules for crystalline silica for general industry, construction, and maritime. Before these rules, the only specific rule for crystalline silica was an airborne permissible exposure limit (PEL) of 100 micrograms per cubic meter of air ($\mu\text{g}/\text{m}^3$). With the adoption of these rules, federal OSHA lowered the PEL from 100 $\mu\text{g}/\text{m}^3$ to 50 $\mu\text{g}/\text{m}^3$, and instituted an action level of 25 $\mu\text{g}/\text{m}^3$. These rules require an exposure assessment, with periodic monitoring under certain circumstances, requires engineering and work practice controls to reduce exposure levels, institutes a written exposure control plan, requires provisions for regulating employee access to certain areas, respiratory protection, medical surveillance, and employee training and information. The construction rule also lists specific tasks with engineering controls, work practice controls, and respiratory protection for specific tasks that do not require an exposure assessment, and requires that a competent person ensure that the written program and specific tasks are followed.

On July 15, 2016 Oregon OSHA proposed to combine the requirements of the general industry and construction rules into one set of rules applicable to both industries, as new Oregon-initiated rules OAR 437-002-1053 through 437-002-1065. These Oregon-initiated rules provide the same options for construction employers to use certain specified methods in lieu of an exposure assessment as the federal rules, and a note was added at Table 1 in 437-002-1057 Specified exposure control methods, to remind employers that the rest of the rules still apply.

Oregon OSHA amended the compliance dates to July 1, 2018 for both general industry and construction. The one effective date, paired with education and outreach, will help increase employer understanding and compliance with the new silica standard. The effective date for medical evaluations for employees exposed to airborne levels above the action level but below the PEL is July 1, 2020.

Please visit our website osha.oregon.gov Click 'Rule changes' in the Topics, rules, guidelines column and view our proposed rules; or, select other rule activity from the left vertical column on the Proposed Rules page.

Rules Coordinator: Sue C. Joye—(503) 947-7449

437-002-0382

Oregon Rules for Air Contaminants

An employee's exposure to any substance listed in Oregon Tables Z-1, Z-2, or Z-3 of this section shall be limited in accordance with the requirements of the following paragraphs of this section.

(1) Oregon Table Z-1.

(a) Substances with limits preceded by "C" — Ceiling Values. An employee's exposure to any substance in Oregon Table Z-1, the exposure limit of which is preceded by a "C", shall at no time exceed the exposure limit given for that substance. If instantaneous monitoring is not feasible, then the ceiling shall be assessed as a 15-minute time weighted average exposure which shall not be exceeded at any time during the working day.

(b) Other substances — 8-hour Time Weighted Averages. An employee's exposure to any substance in Oregon Table Z-1, the exposure limit of

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which is not preceded by a "C", shall not exceed the 8-hour Time Weighted Average given for that substance in any 8-hour work shift of a 40-hour work week.

(c) Other Substances — Excursion Limits. Excursions in worker exposure levels may exceed 3 times the PEL-TWA for no more than a total of 30 minutes during a workday, and under no circumstances should they exceed 5 times the PEL-TWA, provided that the PEL-TWA is not exceeded.

(d) Skin Designation. To prevent or reduce skin absorption, an employee's skin exposure to substances listed in Oregon Table Z-1 with an "X" in the Skin Designation column following the substance name shall be prevented or reduced to the extent necessary in the circumstances through the use of gloves, coveralls, goggles, or other appropriate personal protective equipment, engineering controls or work practices.

(2) Oregon Table Z-2. An employee's exposure to any substance listed in Oregon Table Z 2 shall not exceed the exposure limits specified as follows:

(a) 8-hour time weighted averages. An employee's exposure to any substance listed in Oregon Table Z-2, in any 8-hour work shift of a 40-hour work week, shall not exceed the 8-hour time weighted average limit given for that substance in Oregon Table Z-2.

(b) Acceptable ceiling concentrations. An employee's exposure to a substance listed in Oregon Table Z-2 shall not exceed the acceptable ceiling concentration for the given substance in the table at any time during an 8-hour shift except: Acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift. An employee's exposure to a substance listed in Oregon Table Z-2 shall not exceed the acceptable maximum peak above the acceptable ceiling concentration, and shall not exceed the maximum duration for the given substance during an 8-hour shift.

(c) Example. Table. During an 8-hour work shift, an employee exposed to benzene may be exposed to an 8 hour time weighted average (TWA) of 10 ppm. Concentrations of benzene during the 8-hour work shift may not exceed 25 ppm, unless that exposure is no more than 50 ppm and does not exceed 10 minutes during an 8-hour work shift. Such exposures must be compensated by exposures to concentrations below 10 ppm so that the 8-hour time-weighted average is less than 10 ppm.

(d) Skin Designation. To prevent or reduce skin absorption, an employee's skin exposure to substances listed in Oregon Table Z-2 with an "X" in the Skin Designation column following the substance name shall be prevented or reduced to the extent necessary in the circumstances through the use of gloves, coveralls, goggles, or other appropriate personal protective equipment, engineering controls or work practices.

(3) Oregon Table Z-3. An employee's exposure to any substance listed in Oregon Table Z 3, in any 8-hour work shift of a 40-hour work week, shall not exceed the 8-hour time weighted average limit given for that substance in the table.

(4) Computation formulae. The computation formula which shall apply to employee exposure to more than one substance for which 8-hour time weighted averages are included in OAR 437, Division 2/Z, Toxic and Hazardous Substances, in order to determine whether an employee is exposed over the regulatory limit is as follows:

(a) Cumulative exposures.

The cumulative exposure for an 8-hour work shift shall be computed as follows:

$$E = (CaTa + CbTb + \dots CnTn) \div 8$$

Where:

E is the equivalent exposure for the working shift.

C is the concentration during any period of time T where the concentration remain constant.

T is the duration in hours of the exposure at the concentration C.

The value of E shall not exceed the 8-hour time weighted average specified in subpart Z of 29 CFR part 1910 for the substance involved.

To illustrate the formula prescribed in paragraph (4)(a)(i) of this section, assume that Substance A has an 8-hour time weighted average limit of 100 ppm (Oregon Table Z-1). Assume that an employee is subject to the following exposure:

Two hours exposure at 150 ppm

Two hours exposure at 75 ppm

Four hours exposure at 50 ppm

Substituting this information in the formula, we have

$$[(2 \times 150) + (2 \times 75) + (4 \times 50)] \div 8 = 81.25 \text{ ppm}$$

Since 81.25 ppm is less than 100 ppm, the 8-hour time weighted average limit, the exposure is acceptable.

(b) Mixtures.

In case of a mixture of air contaminants an employer shall compute the equivalent exposure as follows:

$$Em = (C1 \div L1) + (C2 \div L2) + \dots (Cn \div Ln)$$

Where:

Em is the equivalent exposure for the mixture.

C is the concentration of a particular contaminant.

L is the exposure limit for that substance specified in Subpart Z of 29 CFR Part 1910.

The value of Em shall not exceed unity (1).

To illustrate the formula prescribed in paragraph (4)(b)(i) of this section, consider the following exposures:

Table.

Substituting in the formula, we have:

$$Em = (500 \div 1000) + (45 \div 200) + (40 \div 200)$$

$$Em = 0.500 + 0.225 + 0.200$$

$$Em = 0.925$$

Since Em is less than unity (1), the exposure combination is within acceptable limits.

(5) To achieve compliance with paragraphs (1) through (4) of this section, administrative or engineering controls must first be determined and implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or any other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in this section. Any equipment and/or technical measures used for this purpose must be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with 1910.134.

Table Z-1, Notes, Footnotes; Table Z-2, Note, Footnotes; Table Z-3, Notes, Footnotes.

[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 17-1993, f. & cert. ef. 11-15-93; OSHA 6-1994, f. & cert. ef. 9-30-94; OSHA 5-1997, f. & cert. ef. 4-22-97; OSHA 6-1997, f. & cert. ef. 5-2-97; OSHA 4-2001, f. & cert. ef. 2-5-01; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 6-2008, f. 5-13-08, cert. ef. 7-1-08; OSHA 5-2016, f. 9-23-16, cert. ef. 7-1-18

437-002-1053

Scope and Application

This subdivision applies to all occupational exposures to respirable crystalline silica in general industry and construction activities, except for the following:

(1) Exposures that result from the processing of sorptive clays.

(2) Operations where objective data demonstrates that employee exposures to respirable crystalline silica will remain below 25 micrograms per cubic meter of air (25 $\mu\text{g}/\text{m}^3$) as an 8-hour time-weighted average (TWA) under any foreseeable conditions.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 5-2016, f. 9-23-16, cert. ef. 7-1-18

437-002-1054

Definitions

For the purposes of this subdivision the following definitions apply:

(1) Action level means a concentration of airborne respirable crystalline silica of 25 $\mu\text{g}/\text{m}^3$, calculated as an 8-hour TWA.

(2) Competent person means an individual who is capable of identifying existing and foreseeable respirable crystalline silica hazards in the workplace and who has authorization to take prompt corrective measures to eliminate or minimize them. The competent person must have the knowledge and ability necessary to fulfill the responsibilities set forth in this subdivision.

(3) Employee exposure means the exposure to airborne respirable crystalline silica that would occur if the employee were not using a respirator.

(4) High-efficiency particulate air (HEPA) filter means a filter that is at least 99.97 percent efficient in removing monodispersed particles of 0.3 micrometers in diameter.

(5) Objective data means information, such as air monitoring data from industry-wide surveys or calculations based on the composition of a substance, demonstrating employee exposure to respirable crystalline silica associated with a particular product or material or a specific process, task, or activity. The data must reflect workplace conditions closely resembling or with a higher exposure potential than the processes, types of material, control methods, work practices, and environmental conditions in the employer's current operations.

(6) Permissible exposure limit (PEL) means a concentration of airborne respirable crystalline silica of 50 $\mu\text{g}/\text{m}^3$, calculated as an 8-hour TWA.

(7) Physician or other licensed health care professional (PLHCP) means an individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently provide or be delegated the responsibility to provide some or all of the particular health care services required by 437-002-1062.

(8) Regulated area means an area, demarcated by the employer, where an employee's exposure to airborne concentrations of respirable crystalline silica exceeds, or can reasonably be expected to exceed, the PEL.

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(9) Respirable crystalline silica means quartz, cristobalite, and/or tridymite contained in airborne particles that are determined to be respirable by a sampling device designed to meet the characteristics for respirable-particle size-selective samplers specified in the International Organization for Standardization (ISO) 7708:1995: Air Quality — Particle Size Fraction Definitions for Health-Related Sampling.

(10) Specialist means an American Board Certified Specialist in Pulmonary Disease or an American Board Certified Specialist in Occupational Medicine.

Stat. Auth.: ORS 654.025(2), 656.726(4).
Stats. Implemented: ORS 654.001- 654.295
Hist.: OSHA 5-2016, f. 9-23-16, cert. ef. 7-1-18

437-002-1055

Permissible Exposure Limit (PEL)

Ensure that no employee is exposed to an airborne concentration of respirable crystalline silica in excess of 50 µg/m³, calculated as an 8-hour time-weighted average (TWA).

Stat. Auth.: ORS 654.025(2), 656.726(4).
Stats. Implemented: ORS 654.001- 654.295
Hist.: OSHA 5-2016, f. 9-23-16, cert. ef. 7-1-18

437-002-1056

Exposure Assessment

This rule requires an evaluation of employee exposure to silica using air monitoring or objective data as described in the performance or scheduled monitoring options.

(1) Except for the specific conditions allowed for in 437-002-1057, assess the exposure of each employee who is or may reasonably be expected to be exposed to respirable crystalline silica at or above the action level in accordance with either the performance option in paragraph (2) or the scheduled monitoring option in paragraph (3).

(2) Performance option. Assess the 8-hour TWA exposure for each employee on the basis of any combination of air monitoring data or objective data sufficient to accurately characterize employee exposures to respirable crystalline silica.

(3) Scheduled monitoring option.

(a) Perform initial monitoring to assess the 8-hour TWA exposure for each employee on the basis of one or more personal breathing zone air samples that reflect the exposures of employees on each shift, for each job classification, in each work area. Where several employees perform the same tasks on the same shift and in the same work area, you may sample a representative fraction of these employees in order to meet this requirement. In representative sampling, sample the employee(s) who are expected to have the highest exposure to respirable crystalline silica.

(b) If initial monitoring indicates that employee exposures are below the action level, you may discontinue monitoring for those employees whose exposures are represented by such monitoring.

(c) Where the most recent exposure monitoring indicates that employee exposures are at or above the action level but at or below the PEL, repeat such monitoring within six months of the most recent monitoring.

(d) Where the most recent exposure monitoring indicates that employee exposures are above the PEL, repeat such monitoring within three months of the most recent monitoring.

(e) Where the most recent (non-initial) exposure monitoring indicates that employee exposures are below the action level, repeat such monitoring within six months of the most recent monitoring until two consecutive measurements, taken 7 or more days apart, are below the action level, at which time you may discontinue monitoring for those employees whose exposures are represented by such monitoring, except as otherwise provided in paragraph (4).

(4) Reassessment of exposures. Reassess exposures whenever a change in the production, process, control equipment, personnel, or work practices may reasonably be expected to result in new or additional exposures at or above the action level, or when there is any reason to believe that new or additional exposures at or above the action level have occurred.

(5) Methods of sample analysis. Ensure that all samples taken to satisfy the monitoring requirements of this rule are evaluated by a laboratory that analyzes air samples for respirable crystalline silica in accordance with the procedures in Appendix A to this rule.

(6) Employee notification of assessment results.

(a) Individually notify each affected employee in writing of the results of that assessment or post the results in an appropriate location accessible to all affected employees in accordance with the following:

(A) Construction employers with a NAICS code of 23 must notify affected employees within 5 working days after receiving any results an exposure assessment in accordance with this rule.

(B) All other employers must notify affected employees within 15 working days after receiving any results of an exposure assessment in accordance with this rule.

(b) Whenever an exposure assessment indicates that employee exposure is above the PEL, describe in the written notification the corrective action being taken to reduce employee exposure to or below the PEL.

(7) Observation of monitoring.

(a) Where air monitoring is performed to comply with the requirements of this rule, provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to respirable crystalline silica.

(b) When observation of monitoring requires entry into an area where the use of protective clothing or equipment is required for any workplace hazard, provide the observer with protective clothing and equipment at no cost and ensure that the observer uses such clothing and equipment.

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

Stat. Auth.: ORS 654.025(2), 656.726(4)
Stats. Implemented: ORS 654.001 - 654.295
Hist.: OSHA 5-2016, f. 9-23-16, cert. ef. 7-1-18

437-002-1057

Specified exposure control methods

This rule lists specific tasks and control measures that do not require an exposure assessment and is only applicable to construction and construction like-activities.

(1) Fully and properly implement the engineering controls, work practices, and respiratory protection specified for the task on Table 1, unless you assess and limit the exposure of employees to respirable crystalline silica in accordance with 437-002-1056.

(a) When construction employees engage in a task identified on Table 1 of this rule, the exposure assessment in 437-002-1056 is not required when the engineering controls, work practices, and respiratory protection specified are fully and properly implemented for the tasks listed on Table 1 of this rule.

(b) The exposure assessment required by 437-002-1056 is not required when non-construction employees, such as building maintenance personnel, engage in a construction-like task, which when performed:

(A) Is indistinguishable from a construction task listed on Table 1; and

(B) The task will not be performed regularly in the same environment and condition; and

(C) The engineering controls, work practices, and respiratory protection specified are fully and properly implemented for the task on Table 1 of this rule.

(2) When using wet methods, apply water at flow rates sufficient to minimize the release of visible dust.

(3) For measures that include an enclosed cab or booth, ensure that the enclosed cab or booth:

(a) Is maintained as free as practicable from settled dust;

(b) Has door seals and closing mechanisms that work properly;

(c) Has gaskets and seals that are in good condition and working properly;

(d) Is under positive pressure maintained through continuous delivery of fresh air;

(e) Has intake air that is filtered through a filter that is 95% efficient in the 0.3-10.0 µm range (e.g., MERV-16 or better); and

(f) Has heating and cooling capabilities.

(4) Where an employee performs more than one task in Table 1 during the course of a shift, and the total duration of all tasks combined is more than four hours, the required respiratory protection for each task is the respiratory protection specified for more than four hours per shift. If the total duration of all tasks in Table 1 combined is less than four hours, the required respiratory protection for each task is the respiratory protection specified for less than four hours per shift.

[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 5-2016, f. 9-23-16, cert. ef. 7-1-18

437-002-1058

Regulated and Restricted Access Areas

This rule applies to fixed site regulated areas and restricted access areas for construction activities.

(1) Regulated areas at fixed sites.

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(a) Establishment. Establish a regulated area wherever an employee's exposure to airborne concentrations of respirable crystalline silica is, or can reasonably be expected to be, in excess of the PEL.

(b) Demarcation. Demarcate regulated areas from the rest of the workplace in a manner that minimizes the number of employees exposed to respirable crystalline silica within the regulated area. Post signs at all entrances to regulated areas that bear the following legend.

DANGER
RESPIRABLE CRYSTALLINE SILICA
MAY CAUSE CANCER
CAUSES DAMAGE TO LUNGS
WEAR RESPIRATORY PROTECTION IN THIS AREA
AUTHORIZED PERSONNEL ONLY

(c) Access. Limit access to regulated areas to:

(A) Persons authorized by the employer and required by work duties to be present in the regulated area;

(B) Any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring procedures under 437-002-1056; and

(C) Any person authorized by the Occupational Safety and Health Act or regulations issued under it to be in a regulated area.

(d) Provision of respirators. Provide each employee and the employee's designated representative entering a regulated area with an appropriate respirator in accordance with 437-002-1060 and require each employee and the employee's designated representative use the respirator while in a regulated area.

(2) Restricted access for construction activities. For employers engaged in construction activities or using the specific exposure control methods in 437-002-1060;

(a) Written procedures. Develop and implement written procedures to restrict access to work areas, when necessary, to minimize the number of employees exposed to respirable crystalline silica and their level of exposure, including exposures generated by other employers or sole proprietors. Procedures must be part of the written exposure control plan required by 437-002-1059(2).

(b) Competent person. Designate a competent person to ensure the procedures are followed.

Stat. Auth.: ORS 654.025(2), 656.726(4).
Stats. Implemented: ORS 654.001- 654.295
Hist.: OSHA 5-2016, f. 9-23-16, cert. ef. 7-1-18

437-002-1059

Methods of Compliance

This rule describes the engineering and work practice controls you must use.

(1) Engineering and work practice controls. Use engineering and work practice controls to reduce and maintain employee exposure to respirable crystalline silica to or below the PEL, unless the employer can demonstrate that such controls are not feasible. Wherever such feasible engineering and work practice controls are not sufficient to reduce employee exposure to or below the PEL, use them to reduce employee exposure to the lowest feasible level and supplement them with the use of respiratory protection that complies with the requirements of this subdivision.

(2) Establish and implement a written exposure control plan that contains at least the following elements:

(a) A description of the tasks in the workplace that involve exposure to respirable crystalline silica;

(b) A description of the engineering controls, work practices, and respiratory protection used to limit employee exposure to respirable crystalline silica for each task; and

(c) A description of the housekeeping measures used to limit employee exposure to respirable crystalline silica.

(d) Review and evaluate the effectiveness of the written exposure control plan at least annually and update it as necessary.

(e) For employees engaged in construction activity or using the specified exposure control methods allowed in 437-002-1057, designate a competent person to make frequent and regular inspections of job sites, materials, and equipment to implement the written exposure control plan.

(f) Make the written exposure control plan readily available for examination and copying, upon request, to each employee covered by this subdivision, their designated representatives, the Director of the Oregon Department of Consumer and Business Services, or designee, and the Director of the National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services, or designee.

(3) Abrasive blasting. In addition to the requirements of 437-002-1058(1), comply with other Oregon OSHA standards, when applicable, such as 1910.94 (Ventilation) or 1926.57 (Ventilation) where abrasive blasting is conducted using crystalline silica containing blasting agents, or

where abrasive blasting is conducted on substrates that contain crystalline silica.

Stat. Auth.: ORS 654.025(2), 656.726(4).
Stats. Implemented: ORS 654.001- 654.295
Hist.: OSHA 5-2016, f. 9-23-16, cert. ef. 7-1-18

437-002-1060

Respiratory Protection

This rule applies to all respirator use.

(1) General. Where respiratory protection is required by this subdivision, provide each employee an appropriate respirator that complies with the requirements of this rule and 1910.134. Respiratory protection is required:

(a) Where exposures exceed the PEL during periods necessary to install or implement feasible engineering and work practice controls;

(b) Where exposures exceed the PEL during tasks, such as certain maintenance and repair tasks, for which engineering and work practice controls are not feasible;

(c) During tasks for which an employer has implemented all feasible engineering and work practice controls and such controls are not sufficient to reduce exposures to or below the PEL;

(d) When specified by an exposure control method in Table 1, as allowed for in 437-002-1057;

(e) During periods when the employee is in a regulated area.

(2) Where respirator use is required by this rule, institute a respiratory protection program in accordance with 1910.134.

Stat. Auth.: ORS 654.025(2), 656.726(4).
Stats. Implemented: ORS 654.001- 654.295
Hist.: OSHA 5-2016, f. 9-23-16, cert. ef. 7-1-18

437-002-1061

Housekeeping

This rule covers housekeeping requirements for all employers covered under the silica rule scope, 437-002-1053.

(1) Do not allow dry sweeping or dry brushing where such activity could contribute to employee exposure to respirable crystalline silica unless wet sweeping, HEPA-filtered vacuuming or other methods that minimize the likelihood of exposure are not feasible.

(2) Do not allow compressed air to be used to clean clothing or surfaces where such activity could contribute to employee exposure to respirable crystalline silica unless:

(a) The compressed air is used in conjunction with a ventilation system that effectively captures the dust cloud created by the compressed air; or

(b) No alternative method is feasible.

Stat. Auth.: ORS 654.025(2), 656.726(4).
Stats. Implemented: ORS 654.001- 654.295
Hist.: OSHA 5-2016, f. 9-23-16, cert. ef. 7-1-18

437-002-1062

Medical Surveillance

This rule describes the medical monitoring requirements of this subdivision.

(1) Make medical surveillance available to each employee who:

(a) Will be occupationally exposed to respirable crystalline silica at or above the action level for 30 or more days per year; or

(b) Will be required under this subdivision to use a respirator for 30 or more days per year.

NOTE: The medical evaluation requirements of the respiratory protection rule, 1910.134, still apply for employees wearing respiratory protection.

(2) Medical surveillance must be provided at no cost to the employee and at a reasonable time and place.

(3) Ensure that all medical examinations and procedures required by this rule are performed by a PLHCP as defined in 437-002-1054.

(4) Make an initial (baseline) medical examination available within 30 days after initial assignment, unless the employee has received a medical examination that meets the requirements of this rule within the last three years. The examination must consist of:

(a) A medical and work history, with emphasis on: Past, present, and anticipated exposure to respirable crystalline silica, dust, and other agents affecting the respiratory system; any history of respiratory system dysfunction, including signs and symptoms of respiratory disease (e.g., shortness of breath, cough, wheezing); history of tuberculosis; and smoking status and history;

(b) A physical examination with special emphasis on the respiratory system;

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(c) A chest X-ray (a single posteroanterior radiographic projection or radiograph of the chest at full inspiration recorded on either film (no less than 14 x 17 inches and no more than 16 x 17 inches) or digital radiography systems), interpreted and classified according to the International Labour Office (ILO) International Classification of Radiographs of Pneumoconioses by a NIOSH-certified B Reader;

(d) A pulmonary function test to include forced vital capacity (FVC) and forced expiratory volume in one second (FEV1) and FEV1/FVC ratio, administered by a spirometry technician with a current certificate from a NIOSH approved spirometry course;

(e) Testing for latent tuberculosis infection; and

(f) Any other tests deemed appropriate by the PLHCP.

(5) Make medical examinations available that include the procedures described in 437-002-1062(4) (except 437-002-1062(4)(e)) at least every three years, or more frequently if recommended by the PLHCP.

(6) Ensure that the examining PLHCP has a copy of this rule, and provide the PLHCP with the following information:

(a) A description of the employee's former, current, and anticipated duties as they relate to the employee's occupational exposure to respirable crystalline silica;

(b) The employee's former, current, and anticipated levels of occupational exposure to respirable crystalline silica;

(c) A description of any personal protective equipment used or to be used by the employee, including when and for how long the employee has used or will use that equipment; and

(d) Information from records of employment-related medical examinations previously provided to the employee and currently within the control of the employer.

(7) Ensure that the PLHCP explains to the employee the results of the medical examination and provides each employee with a written medical report within 30 days of each medical examination performed. Ensure the written report contains:

(a) A statement indicating the results of the medical examination, including any medical condition(s) that would place the employee at increased risk of material impairment to health from exposure to respirable crystalline silica and any medical conditions that require further evaluation or treatment;

(b) Any recommended limitations on the employee's use of respirators;

(c) Any recommended limitations on the employee's exposure to respirable crystalline silica; and

(d) A statement that the employee should be examined by a specialist (pursuant to 437-002-1062(9)) if the chest X-ray provided in accordance with this rule is classified as 1/0 or higher by the B Reader, or if referral to a specialist is otherwise deemed appropriate by the PLHCP.

(8) Obtain a written medical opinion from the PLHCP within 30 days of the medical examination. The written opinion must contain only the following:

(a) The date of the examination;

(b) A statement that the examination has met the requirements of this rule; and

(c) Any recommended limitations on the employee's use of respirators.

(9) If the employee provides written authorization, the written opinion must also contain either or both of the following:

(a) Any recommended limitations on the employee's exposure to respirable crystalline silica;

(b) A statement that the employee should be examined by a specialist (pursuant to 437-002-1062(11)) if the chest X-ray provided in accordance with this rule is classified as 1/0 or higher by the B Reader, or if referral to a specialist is otherwise deemed appropriate by the PLHCP.

(10) Ensure that each employee receives a copy of the written medical opinion within 30 days of each medical examination performed.

(11) If the PLHCP's written medical opinion indicates that an employee should be examined by a specialist, make a medical examination by a specialist available within 30 days after receiving the PLHCP's written opinion.

(a) Ensure that the examining specialist is provided with all of the information that the employer is obligated to provide to the PLHCP in accordance with this rule.

(b) Ensure that the specialist explains to the employee the results of the medical examination and provides each employee with a written medical report within 30 days of the examination. The written report must meet the requirements this rule.

(c) Obtain a written opinion from the specialist within 30 days of the medical examination. The written opinion must meet the requirements of this rule.

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

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

Stats. Implemented: ORS 654.001- 654.295

Hist.: OSHA 5-2016, f. 9-23-16, cert. ef. 7-1-18

437-002-1063

Communication of Respirable Crystalline Silica Hazards to Employees

(1) Include respirable crystalline silica in the program established to comply with the hazard communication standard (HCS) (OAR 437-002-1910.1200). Ensure that each employee has access to labels on containers of crystalline silica and safety data sheets, and is trained in accordance with the provisions of HCS and this subdivision. Ensure that at least the following hazards are addressed:

(a) Cancer

(b) Lung effects

(c) Immune system effects

(d) Kidney effects

(2) Ensure that each employee covered by this subdivision can demonstrate knowledge and understanding of at least the following:

(a) The health hazards associated with exposure to respirable crystalline silica;

(b) Specific tasks in the workplace that could result in exposure to respirable crystalline silica;

(c) Specific measures the employer has implemented to protect employees from exposure to respirable crystalline silica, including engineering controls, work practices, and respirators to be used;

(d) The contents of this subdivision;

(e) The purpose and a description of the medical surveillance program required by 437-002-1062; and

(f) When a competent person is required, the identity of the designated competent person.

(3) Make a copy of 437-002-1053 through 437-002-1065 readily available without cost to each employee covered by these rules.

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

Stats. Implemented: ORS 654.001- 654.295

Hist.: OSHA 5-2016, f. 9-23-16, cert. ef. 7-1-18

437-002-1064

Recordkeeping

(1) Air monitoring data.

(a) Make and maintain an accurate record of all exposure measurements taken to assess employee exposure to respirable crystalline silica, as prescribed in 437-002-1056.

(b) This record must include at least the following information:

(A) The date of measurement for each sample taken;

(B) The task monitored;

(C) Sampling and analytical methods used;

(D) Number, duration, and results of samples taken;

(E) Identity of the laboratory that performed the analysis;

(F) Type of personal protective equipment, such as respirators, worn by the employees monitored; and

(G) Name, social security number, and job classification of all employees represented by the monitoring, indicating which employees were actually monitored.

(c) Ensure that exposure records are maintained and made available in accordance with 1910.1020.

(2) Objective data.

(a) Make and maintain an accurate record of all objective data relied upon to comply with the requirements of this subdivision.

(b) This record must include at least the following information:

(A) The crystalline silica-containing material in question;

(B) The source of the objective data;

(C) The testing protocol and results of testing;

(D) A description of the process, task, or activity on which the objective data were based; and

(E) Other data relevant to the process, task, activity, material, or exposures on which the objective data were based.

(c) Ensure that objective data are maintained and made available in accordance with 1910.1020.

(3) Medical surveillance.

(a) Make and maintain an accurate record for each employee covered by medical surveillance under 437-002-1062.

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(b) The record must include the following information about the employee:

- (A) Name and social security number;
- (B) A copy of the PLHCPs' and specialists' written medical opinions;
- (C) A copy of the information provided to the PLHCPs and specialists.

(c) Ensure that medical records are maintained and made available in accordance with 1910.1020.

Stat. Auth.: ORS 654.025(2), 656.726(4).
Stats. Implemented: ORS 654.001 - 654.295
Hist.: OSHA 5-2016, f. 9-23-16, cert. ef. 7-1-18

437-002-1065

Dates

(1) Construction employers with a NAICS code of 23 must comply with Division 2/Z Silica by July 1, 2018.

(2) All other employers must comply with Division 2/Z Silica by July 1, 2018, except as provided for below:

(a) For all employees exposed to respirable crystalline silica above the PEL for 30 days or more per year, you must comply with the medical surveillance requirements in 437-002-1062 by July 1, 2018.

(b) For all employees exposed to respirable crystalline silica above the action level for 30 or more days per year, you must comply with the medical surveillance requirements in 437-002-1062 by July 1, 2020.

Stat. Auth.: ORS 654.025(2), 656.726(4)
Stats. Implemented: ORS 654.001 - 654.295
Hist.: OSHA 5-2016, f. 9-23-16, cert. ef. 7-1-18

437-003-1000

Oregon Rules for Air Contaminants

An employee's exposure to any substance listed in Oregon Tables Z-1, Z-2, or Z-3 of this section shall be limited in accordance with the requirements of the following paragraphs of this section.

(1) Oregon Table Z-1.

(a) Substances with limits preceded by "C" — Ceiling Values. An employee's exposure to any substance in Oregon Table Z-1, the exposure limit of which is preceded by a "C", shall at no time exceed the exposure limit given for that substance. If instantaneous monitoring is not feasible, then the ceiling shall be assessed as a 15-minute time weighted average exposure which shall not be exceeded at any time during the working day.

(b) Other substances — 8-hour Time Weighted Averages. An employee's exposure to any substance in Oregon Table Z-1, the exposure limit of which is not preceded by a "C", shall not exceed the 8-hour Time Weighted Average given for that substance in any 8-hour work shift of a 40-hour work week.

(c) Other Substances — Excursion Limits. Excursions in worker exposure levels may exceed 3 times the PEL-TWA for no more than a total of 30 minutes during a workday, and under no circumstances should they exceed 5 times the PEL-TWA, provided that the PEL-TWA is not exceeded.

(d) Skin Designation. To prevent or reduce skin absorption, an employee's skin exposure to substances listed in Oregon Table Z-1 with an "X" in the Skin Designation column following the substance name shall be prevented or reduced to the extent necessary in the circumstances through the use of gloves, coveralls, goggles, or other appropriate personal protective equipment, engineering controls or work practices.

(2) Oregon Table Z-2. An employee's exposure to any substance listed in Oregon Table Z 2 shall not exceed the exposure limits specified as follows:

(a) 8-hour time weighted averages. An employee's exposure to any substance listed in Oregon Table Z-2, in any 8-hour work shift of a 40-hour work week, shall not exceed the 8-hour time weighted average limit given for that substance in Oregon Table Z-2.

(b) Acceptable ceiling concentrations. An employee's exposure to a substance listed in Oregon Table Z-2 shall not exceed the acceptable ceiling concentration for the given substance in the table at any time during an 8-hour shift except:

(i) Acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift. An employee's exposure to a substance listed in Oregon Table Z-2 shall not exceed the acceptable maximum peak above the acceptable ceiling concentration, and shall not exceed the maximum duration for the given substance during an 8-hour shift.

(c) Example. Table. During an 8-hour work shift, an employee exposed to benzene may be exposed to an 8-hour time weighted average (TWA) of 10 ppm. Concentrations of benzene during the 8-hour work shift may not exceed 25 ppm, unless that exposure is no more than 50 ppm and does not exceed 10 minutes during an 8-hour work shift. Such exposures

must be compensated by exposures to concentrations below 10 ppm so that the 8-hour time-weighted average is less than 10 ppm.

(3) Oregon Table Z-3. An employee's exposure to any substance listed in Oregon Table Z 3, in any 8-hour work shift of a 40-hour work week, shall not exceed the 8-hour time weighted average limit given for that substance in the table.

(4) Computation formulae. The computation formula which shall apply to employee exposure to more than one substance for which 8-hour time weighted averages are included in OAR 437, Division 2/Z, Toxic and Hazardous Substances, in order to determine whether an employee is exposed over the regulatory limit is as follows:

(a) Cumulative Exposures.

(i) The cumulative exposure for an 8-hour work shift shall be computed as follows:

$$E = (CaTa + CbTb + \dots CnTn) \div 8$$

Where:

E is the equivalent exposure for the working shift.

C is the concentration during any period of time T where the concentration remain constant.

T is the duration in hours of the exposure at the concentration C.

The value of E shall not exceed the 8-hour time weighted average specified in subpart Z of 29 CFR part 1910 for the substance involved.

(ii) To illustrate the formula prescribed in paragraph (4)(a)(i) of this section, assume that Substance A has an 8-hour time weighted average limit of 100 ppm (Oregon Table Z-1). Assume that an employee is subject to the following exposure:

Two hours exposure at 150 ppm

Two hours exposure at 75 ppm

Four hours exposure at 50 ppm

Substituting this information in the formula, we have

$$[(2 \times 150) + (2 \times 75) + (4 \times 50)] \div 8 = 81.25 \text{ ppm}$$

Since 81.25 ppm is less than 100 ppm, the 8-hour time weighted average limit, the exposure is acceptable.

(b) Mixtures.

(i) In case of a mixture of air contaminants an employer shall compute the equivalent exposure as follows:

$$Em = (C1 \div L1) + (C2 \div L2) + \dots (Cn \div Ln)$$

Where:

Em is the equivalent exposure for the mixture.

C is the concentration of a particular contaminant.

L is the exposure limit for that substance specified in Subpart Z of 29 CFR Part 1910.

The value of Em shall not exceed unity (1).

(ii) To illustrate the formula prescribed in paragraph (4)(b)(i) of this section, consider the following exposures:

Table.

Substituting in the formula, we have:

$$Em = (500 \div 1000) + (45 \div 200) + (40 \div 200)$$

$$Em = 0.500 + 0.225 + 0.200$$

$$Em = 0.925$$

Since Em is less than unity (1), the exposure combination is within acceptable limits.

(5) To achieve compliance with paragraphs (1) through (4) of this section, administrative or engineering controls must first be determined and implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or any other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in this section. Any equipment and/or technical measures used for this purpose must be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with 1910.134.

Table Z-1, Notes, Footnotes; Table Z-2, Note, Footnotes; Table Z-3, Notes, Footnotes.

[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 6-1997, f. & cert. ef. 5-2-97; OSHA 4-2001, f. & cert. ef. 2-5-01; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 6-2008, f. 5-13-08, cert. ef. 7-1-08; OSHA 5-2016, f. 9-23-16, cert. ef. 7-1-18

437-005-0001

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 regulations printed as part of the Code of Federal Regulations, 29 CFR 1915, in the Federal Register:

(1) Subdivision A

(a) 29 CFR 1915.1. Purpose and authority, published 4/20/82, Federal Register (FR) vol. 47, p. 16984.

(b) 29 CFR 1915.2. Scope and application, published 4/20/82, FR vol. 47, p. 16984.

(c) 29 CFR 1915.3. Responsibility, published 4/20/82, FR vol. 47, p. 16984.

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- (d) 29 CFR 1915.4. Definitions, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (e) 29 CFR 1915.5. Incorporation by reference, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (f) 29 CFR 1915.6. Commercial diving operations, published 4/20/82, FR vol. 47, p. 16984.
- (g) 29 CFR 1915.7. Competent person, published 7/25/94, FR vol. 59, p. 37856.
- (h) 29 CFR 1915.9. Compliance duties owed to each employee, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.
- (2) Subdivision B
- (a) 29 CFR 1915.11. Scope, application and definitions applicable to this Subpart, published 7/25/94, FR vol. 59, p. 37857.
- (b) 29 CFR 1915.12. Precautions before entering confined and enclosed spaces and other dangerous atmospheres, published 3/16/95, FR vol. 60, no. 51, p. 14218.
- (c) 29 CFR 1915.13. Cleaning and other cold work, published 7/25/94, FR vol. 59, p. 37859.
- (d) 29 CFR 1915.14. Hot work, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (e) 29 CFR 1915.15. Maintenance of safe conditions, published 6/22/12, FR vol. 77, no. 121, p. 37587.
- (f) 29 CFR 1915.16. Warning signs and labels, published 7/25/94, FR vol. 59, p. 37861.
- Appendix A to Subpart B published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.
- Appendix B to Subpart B published 7/25/94, FR vol. 59, p. 37816.
- (3) Subdivision C
- (a) 29 CFR 1915.31. Scope & application of subdivision, published 4/20/82, FR vol. 47, p. 16984.
- (b) 29 CFR 1915.32. Toxic cleaning solvents, published 5/24/96, FR vol. 61, no. 102, p. 26351.
- (c) 29 CFR 1915.33. Chemical paint & preservative remover, published 5/24/96, FR vol. 61, no. 102, p. 26351.
- (d) 29 CFR 1915.34. Mechanical paint removers, published 5/24/96, FR vol. 61, no. 102, p. 26351.
- (e) 29 CFR 1915.35. Painting, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (f) 29 CFR 1915.36. Flammable liquids, published 4/20/82, FR vol. 47, p. 16984.
- (4) Subdivision D
- (a) 29 CFR 1915.51. Ventilation & protection in welding, cutting and heating, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (b) 29 CFR 1915.52. Fire prevention. REMOVED 9/15/04, FR vol. 69, p. 55667.
- (c) 29 CFR 1915.53. Welding, cutting and heating of hollow metal containers & structure not covered by 1915.12, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (d) 29 CFR 1915.55. Gas welding & cutting, published 4/20/82, FR vol. 47, p. 16984.
- (e) 29 CFR 1915.56. Arc welding and cutting, published 4/20/82, FR vol. 47, p. 16984.
- (f) 29 CFR 1915.57. Uses of fissionable material in ship repairing and shipbuilding, published 4/20/82, FR vol. 47, p. 16984.
- (5) Subdivision E
- (a) 29 CFR 1915.71. Scaffolds or staging, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (b) 29 CFR 1915.72. Ladders, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (c) 29 CFR 1915.73. Guarding of deck openings and edges, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (d) 29 CFR 1915.74. Access to vessels, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (e) 29 CFR 1915.75. Access to and guarding of dry docks and marine railways, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (f) 29 CFR 1915.76. Access to cargo spaces and confined spaces, published 4/20/82, FR vol. 47, p. 16984.
- (g) 29 CFR 1915.77. Working surfaces, published amended 7/3/02, FR vol. 67, no. 128, p. 44541.
- (6) Subdivision F
- (a) 29 CFR 1915.80. Scope, application, definitions and effective dates, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (b) 29 CFR 1915.81. Housekeeping, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (c) 29 CFR 1915.82. Lighting, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (d) 29 CFR 1915.83. Utilities, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (e) 29 CFR 1915.84. Working alone, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (f) 29 CFR 1915.85. Vessel radar and communication systems, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (g) 29 CFR 1915.86. Lifeboats, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (h) 29 CFR 1915.87. Medical services and first aid, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (i) 29 CFR 1915.88. Sanitation, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (j) 29 CFR 1915.89. Control of hazardous energy (lockout/tagout), published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (k) 29 CFR 1915.90. Safety color code for marking physical hazards, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (l) 29 CFR 1915.91. Accident prevention signs and tags, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (m) 29 CFR 1915.92. Retention of DOT markings, placards, and labels, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (n) 29 CFR 1915.93. Motor vehicle safety equipment, operation, and maintenance, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (o) 29 CFR 1915.94. Servicing of multi-piece and single-piece rim wheels, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (7) Subdivision G
- (a) 29 CFR 1915.111. Inspection, published 4/20/82, FR vol. 47, p. 16984.
- (b) 29 CFR 1915.112. Ropes, chains and slings, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.
- (c) 29 CFR 1915.113. Shackles and hooks, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.
- (d) 29 CFR 1915.114. Chain falls and pull lifts, published 4/20/82, FR vol. 47, p. 16984.
- (e) 29 CFR 1915.115. Hoisting and hauling equipment, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (f) 29 CFR 1915.116. Use of gear, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (g) 29 CFR 1915.117. Qualifications of operators, published 4/20/82, FR vol. 47, p. 16984.
- (h) 29 CFR 1915.118. Tables, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (8) Subdivision H
- (a) 29 CFR 1915.131. General precautions, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (b) 29 CFR 1915.132. Portable electric tools, published 4/20/82, FR vol. 47, p. 16984.
- (c) 29 CFR 1915.133. Hand tools, published 4/20/82, FR vol. 47, p. 16984.
- (d) 29 CFR 1915.134. Abrasive wheels, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (e) 29 CFR 1915.135. Powder actuated fastening tools, published 5/24/96, FR vol. 61, no. 102, p. 26351.
- (f) 29 CFR 1915.136. Internal combustion engines other than ship's equipment, published 4/20/82, FR vol. 47, p. 16984.
- (9) Subdivision I
- (a) 29 CFR 1915.151. Scope, application and definitions, published 5/24/96, FR vol. 61, no. 102, p. 26352.
- (b) 29 CFR 1915.152. General requirements, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.
- (c) 29 CFR 1915.153. Eye and face protection, published 9/9/09, FR vol. 74, no. 173, pp. 46350-46361.
- (d) 29 CFR 1915.154. Respiratory protection, published 5/24/96, FR vol. 61, no. 102, p. 26354.
- (e) 29 CFR 1915.155. Head protection, published 6/22/12, FR vol. 77, no. 121, p. 37587.
- (f) 29 CFR 1915.156. Foot protection, published 9/9/09, FR vol. 74, no. 173, pp. 46350-46361.
- (g) 29 CFR 1915.157. Hand and body protection, published 5/24/96, FR vol. 61, no. 102, p. 26354.
- (h) 29 CFR 1915.158. Lifesaving equipment, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (i) 29 CFR 1915.159. Personal fall arrest systems (PFAS), published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (j) 29 CFR 1915.160. Positioning device systems, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- Appendix A to Subpart I, published 7/3/02, FR vol. 67, no. 128, p. 44541.

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Appendix B to Subpart I, published 7/3/02, FR vol. 67, no. 128, p. 44541.

(10) Subdivision J

(a) 29 CFR 1915.161. Scope and application of subdivision, published 4/20/82, FR vol. 47, p. 16984.

(b) 29 CFR 1915.162. Ship's boilers, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.

(c) 29 CFR 1915.163. Ship's piping systems, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.

(d) 29 CFR 1915.164. Ship's propulsion machinery, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.

(e) 29 CFR 1915.165. Ship's decking machinery, published 7/3/02, FR vol. 67, no. 128, p. 44541.

(11) Subdivision K

(a) 29 CFR 1915.171. Scope and application of subdivision, published 4/20/82, FR vol. 47, p. 16984.

(b) 29 CFR 1915.172. Portable air receiver and other unfired pressure vessels, published 7/3/02, FR vol. 67, no. 128, p. 44541.

(c) 29 CFR 1915.173. Drums and containers, published 4/20/82, FR vol. 47, p. 16984.

(12) Subdivision L

(a) 29 CFR 1915.181. Electrical circuits and distribution boards, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.

(13) Subdivisions M O (Reserved)

(14) Subdivision P

(a) 29 CFR 1915.501. General provisions, published 9/15/04, FR vol. 69, p. 55667.

(b) 29 CFR 1915.502. Fire safety plan, published 9/15/04, FR vol. 69, p. 55667.

(c) 29 CFR 1915.503. Precautions for hot work, published 9/15/04, FR vol. 69, p. 55667.

(d) 29 CFR 1915.504. Fire watches, published 9/15/04, FR vol. 69, p. 55667.

(e) 29 CFR 1915.505. Fire response, published 10/17/06, FR vol. 71, no. 200, p. 60843.

(f) 29 CFR 1915.506. Hazards of fixed extinguishing systems on board vessels and vessel sections, published 9/15/04, FR vol. 69, p. 55667.

(g) 29 CFR 1915.507. Land-side fire protection systems, published 10/17/06, FR vol. 71, no. 200, p. 60843.

(h) 29 CFR 1915.508. Training, published 9/15/04, FR vol. 69, p. 55667.

(i) 29 CFR 1915.509. Definitions applicable to this subpart, published 9/15/04, FR vol. 69, p. 55667.

Appendix A to Subpart P, published 9/15/04, FR vol. 69, p. 55667.

(15) Subdivision Q-Y (Reserved)

(16) Subdivision Z

(a) 29 CFR 1915.1000. Air Contaminants, published 3/25/16, FR vol. 81, no. 58, p. 26386; 5/18/16, FR vol. 81, no. 96, p. 31167.

(b) 29 CFR 1915.1001. Asbestos, published 2/8/13, FR vol. 78, no. 27, p. 9311.

Appendix A to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.

Appendix B to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.

Appendix C to 1915.1001, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.

Appendix D to 1915.1001, published 8/10/94, FR vol. 59, p. 40964.

Appendix E to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.

Appendix F to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.

Appendix G to 1915.1001, published 8/10/94, FR vol. 59, p. 40964.

Appendix H to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.

Appendix I to 1915.1001, published 8/10/94, FR vol. 59, p. 40964.

Appendix J to 1915.1001, published 8/10/94, FR vol. 59, p. 40964.

Appendix K to 1915.1001, published 6/29/95, FR vol. 60, p. 33972.

Appendix L to 1915.1001, published 8/23/96, FR vol. 61, p. 43454.

(c) 29 CFR 1915.1002. Coal tar pitch volatiles; interpretation of term, published 6/20/96, FR vol. 61, p. 31427.

(d) 29 CFR 1915.1003. 13 Carcinogens (4 Nitrobiophenyl, etc.), published 6/20/96, FR vol. 61, p. 31427.

(e) 29 CFR 1915.1004. alpha Naphthylamine, published 6/20/96, FR vol. 61, p. 31427.

(f) 29 CFR 1915.1005. (Reserved)

(g) 29 CFR 1915.1006. Methyl chloromethyl ether, published 6/20/96, FR vol. 61, p. 31427.

(h) 29 CFR 1915.1007. 3,3'-Dichlorobenzidene (and its salts), published 6/20/96, FR vol. 61, p. 31427.

(i) 29 CFR 1915.1008. bis Chloromethyl ether, published 6/20/96, FR vol. 61, p. 31427.

(j) 29 CFR 1915.1009. beta Naphthylamine, published 6/20/96, FR vol. 61, p. 31427.

(k) 29 CFR 1915.1010. Benzidine, published 6/20/96, FR vol. 61, p. 31427.

(l) 29 CFR 1915.1011. 4 Aminodiphenyl, published 6/20/96, FR vol. 61, p. 31427.

(m) 29 CFR 1915.1012. Ethyleneimine, published 6/20/96, FR vol. 61, p. 31427.

(n) 29 CFR 1915.1013. beta Propiolactone, published 6/20/96, FR vol. 61, p. 31427.

(o) 29 CFR 1915.1014. 2 Acetylaminofluorene, published 6/20/96, FR vol. 61, p. 31427.

(p) 29 CFR 1915.1015. 4 Dimethylaminoazobenzene, published 6/20/96, FR vol. 61, p. 31427.

(q) 29 CFR 1915.1016. N Nitrosodimethylamine, published 6/20/96, FR vol. 61, p. 31427.

(r) 29 CFR 1915.1017. Vinyl chloride, published 6/20/96, FR vol. 61, p. 31427.

(s) 29 CFR 1915.1018. Inorganic arsenic, published 6/20/96, FR vol. 61, p. 31427.

(t) 29 CFR 1915.1020 Access to employee exposure and medical records, published 6/20/96, FR vol. 61, p. 31427.

(u) 29 CFR 1915.1025. Lead, published 6/20/96, FR vol. 61, p. 31427.

(v) 29 CFR 1915.1026 Chromium (VI), published 3/26/12, FR vol. 77, no. 58, p. 17574.

(w) 29 CFR 1915.1027. Cadmium, published 6/20/96, FR vol. 61, p. 31427.

(x) 29 CFR 1915.1028. Benzene, published 6/20/96, FR vol. 61, p. 31427.

(y) 29 CFR 1915.1030. Bloodborne pathogens, published 6/20/96, FR vol. 61, p. 31427.

(z) 29 CFR 1915.1044. 1,2 dibromo 3 chloropropane, published 6/20/96, FR vol. 61, p. 31427.

(aa) 29 CFR 1915.1045. Acrylonitrile, published 6/20/96, FR vol. 61, p. 31427.

(bb) 29 CFR 1915.1047. Ethylene oxide, published 6/20/96, FR vol. 61, p. 31427.

(cc) 29 CFR 1915.1048. Formaldehyde, published 6/20/96, FR vol. 61, p. 31427.

(dd) 29 CFR 1915.1050. Methylenedianiline, published 6/20/96, FR vol. 61, p. 31427.

(ee) 29 CFR 1915.1052 Methylene Chloride, published 1/10/97, Federal Register, vol. 62, no. 7, p. 1619.

(ff) 29 CFR 1915.1053 Respirable Crystalline Silica, published 3/25/16, Federal Register, vol. 81, no. 58, p. 16286.

(gg) 29 CFR 1915.1120 Access to employee exposure and medical records has been redesignated to §1915.1020.

(Note: 29 CFR 1915.99, Hazard Communication was redesignated as 1915.1200 on 7/1/93, FR vol. 58, no. 125, p. 35514.)

(hh) 29 CFR 1915.1200. Hazard communication, published 6/20/96, FR vol. 61, p. 31427.

(ii) 29 CFR 1915.1450. Occupational exposure to hazardous chemicals in laboratories, published 6/20/96, FR vol. 61, p. 31427.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 10-1992, f. 9-24-92, cert. ef. 11-1-92; OSHA 1-1993, f. & cert. ef. 1-22-93;

OSHA 19-1993, f. & cert. ef. 12-29-93; OSHA 4-1994 f. & cert. ef. 8-4-94; OSHA 1-1995,

f. & cert. ef. 1-19-95; OSHA 2-1995, f. & cert. ef. 1-25-95; OSHA 4-1995, f. & cert. ef. 3-

29-95; OSHA 5-1995, f. & cert. ef. 4-6-95; 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 3-1997, f. & cert.

ef. 3-28-97; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 6-1997, f. & cert. ef. 5-2-97; OSHA

7-1998, f. & cert. ef. 12-18-98; OSHA 6-1999, f. & cert. ef. 5-26-99; OSHA 4-2001, f. & cert.

ef. 2-5-01; OSHA 4-2003, f. & cert. ef. 5-6-03; OSHA 8-2004, f. & cert. ef. 12-30-04; OSHA

1-2005, f. & cert. ef. 4-12-05; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 6-2006, f. & cert.

ef. 8-30-06; OSHA 10-2006, f. & cert. ef. 11-30-06; OSHA 1-2007, f. 1-9-07 cert. ef. 1-16-

07; OSHA 5-2008, f. 5-1-08, cert. ef. 5-15-08; OSHA 5-2009, f. & cert. ef. 5-29-09; OSHA

2-2010, f. & cert. ef. 2-25-10; OSHA 3-2010, f. 6-10-10, cert. ef. 6-15-10; OSHA 3-2011, f. &

cert. ef. 11-1-11; OSHA 4-2011, f. & cert. ef. 12-8-11; OSHA 1-2012, f. & cert. ef. 4-10-

12; OSHA 5-2012, f. & cert. ef. 9-25-12; OSHA 7-2012, f. & cert. ef. 12-14-12; OSHA 4-

2013, f. & cert. ef. 7-19-13; OSHA 3-2016, f. & cert. ef. 8-19-16; OSHA 4-2016, f. & cert.

ef. 9-7-16; OSHA 5-2016, f. 9-23-16, cert. ef. 7-1-18

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

Rule Caption: Amending OAR 438-015 regarding assessed and out-of-compensation attorney fees and timely payment.

Adm. Order No.: WCB 2-2016

Filed with Sec. of State: 10-13-2016

Certified to be Effective: 11-1-16

ADMINISTRATIVE RULES

Notice Publication Date: 9-1-2016

Rules Amended: 438-015-0005, 438-015-0010, 438-015-0040, 438-015-0050, 438-015-0052, 438-015-0055, 438-015-0080, 438-015-0082

Subject: Amend Division 015 rules concerning attorney fees under the Workers' Compensation Law as follows: (1) amend OAR 438-015-0005(4) to delete the phrase "by an attorney" from the definition of "attorney fee" legal services; (2) amend OAR 438-015-0010(4)(a) to add the phrase "for legal services" to the "time devoted to the case" factor in the determining a reasonable attorney fee; (3) amend OAR 438-015-0010(4)(g) to add the phrase "and the contingent nature of the practice" to the "risk in a particular case that an attorney's efforts may go uncompensated" factor in the determining a reasonable attorney fee; (4) amend

OAR 438-015-0040(1) and (2), respectively, to remove the out-of-compensation attorney fee cap on permanent partial disability (PPD) increases at a hearing, and to increase the out-of-compensation attorney fee cap to \$20,000 on permanent total disability (PTD) awards at hearing; (5) amend OAR 438-015-0050(1) to increase the "threshold/soft cap" attorney fee to 25 percent of the first \$50,000 of proceeds from a Disputed Claim Settlement (DCS), plus 10 percent of the settlement proceeds in excess of \$50,000; (6) amend OAR 438-015-0052(1) to increase the "threshold/soft cap" attorney fee to 25 percent of the first \$50,000 of proceeds from a Claim Disposition Agreement (CDA), plus 10 percent of the settlement proceeds in excess of \$50,000; (7) amend OAR 438-015-0055(2) and (3), respectively, to remove the out-of-compensation attorney fee cap on PPD awards on Board review, and to increase the out-of-compensation attorney fee cap to \$30,000 on PTD increases on Board review; (8) amend OAR 438-015-0080(1) and (2) to remove the cap on out-of-compensation attorney fee awards relating to increased temporary disability awards in Own Motion cases; and (9) amend OAR 438-015-0082(2) to make an assessed attorney fee payable within 14 days of the date the order authorizing the fee becomes final.

Rules Coordinator: Karen Burton—(503) 934-0123

438-015-0005

Definitions

In addition to the definitions set forth in OAR 438-005-0040:

(1) "Approved fee" means an attorney fee paid out of a claimant's compensation.

(2) "Assessed fee" means an attorney fee paid to a claimant's attorney by an insurer or self-insured employer in addition to compensation paid to a claimant.

(3) "Attorney" means a member of the Oregon State Bar.

(4) "Attorney fee" means payment for legal services performed on behalf and at the request of a claimant under ORS Chapter 656.

(5) "Compensation" means all benefits, including medical services, provided for a compensable injury to a subject worker or the beneficiaries of a subject worker pursuant to ORS Chapter 656.

(6) "Cost bill" means an itemized statement from the claimant of the amount of expenses and costs for records, expert opinions, and witness fees incurred as a result of the litigation involving a claim denial under ORS 656.386(1).

(7) "Denied claim" means a claim for compensation which an insurer or self-insured employer refuses to pay on the express ground that the injury or condition for which compensation is claimed is not compensable or otherwise does not give rise to an entitlement to any compensation or a claim under ORS 656.386(1)(b)(B), (C) or (D) to which the insurer or self-insured employer does not timely respond.

(8) "Expenses and costs" reimbursable under ORS 656.386(2) mean reasonable expenses and costs incurred by the claimant for things and services reasonably necessary to pursue a matter, but do not include attorney fees. Examples of expenses and costs referred to include, but are not limited to, costs of records, expert witness opinions, witness fees and mileage paid to execute a subpoena and costs associated with travel.

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.308, 656.382, 656.386, 656.388, 656.726(5)

Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 2-1989, f. 3-3-89, ef. 4-1-89; WCB 7-1990(Temp), f. 6-14-90, cert. ef. 7-1-90; WCB 11-1990, f. 12-13-90, cert. ef. 12-31-90; WCB 2-1995, f. 11-13-95, cert. ef. 1-1-96; WCB 2-2007, f. 12-11-07, cert. ef. 1-1-08; WCB 2-

2012, f. 11-13-12, cert. ef. 1-1-13; WCB 2-2016, f. 10-13-16, cert. ef. 11-1-16; WCB 2-2016, f. 10-13-16, cert. ef. 11-1-16

438-015-0010

General Principles

(1) Attorney fees for an attorney representing a claimant before the Board or its Hearings Division shall be authorized only if an executed attorney retainer agreement has been filed with the Administrative Law Judge or Board.

(2) Attorney fees for an attorney representing a claimant shall be paid out of the claimant's compensation award except as provided by ORS 656.307, 656.382, 656.383 and 656.386.

(3) An approved fee awarded or allowed to an attorney representing a claimant shall be a lien upon the claimant's compensation.

(4) In any case where an Administrative Law Judge or the Board is required to determine a reasonable attorney fee, the following factors shall be considered:

(a) The time devoted to the case for legal services;

(b) The complexity of the issue(s) involved;

(c) The value of the interest involved;

(d) The skill of the attorneys;

(e) The nature of the proceedings;

(f) The benefit secured for the represented party;

(g) The risk in a particular case that an attorney's efforts may go uncompensated and the contingent nature of the practice; and

(h) The assertion of frivolous issues or defenses.

(5) Percentage limitations on fees established by these rules apply to the amount of compensation paid the claimant exclusive of medical, hospital or other expenses of treatment.

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.307, 656.382, 656.383, 656.386, 656.388

Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 2-1989, f. 3-3-89, ef. 4-1-89; WCB 7-1990(Temp), f. 6-14-90, cert. ef. 7-1-90; WCB 11-1990, f. 12-13-90, cert. ef. 12-31-90; WCB 3-2001, f. 11-14-01, cert. ef. 1-1-02; WCB 1-2015, f. 12-16-15, cert. ef. 1-1-16; WCB 2-2016, f. 10-13-16, cert. ef. 11-1-16

438-015-0040

Attorney Fees When a Claimant Requests a Hearing on Extent of Permanent Disability

(1) If the Administrative Law Judge awards additional compensation for permanent partial disability, the Administrative Law Judge shall approve a fee of 25 percent of the increased compensation, to be paid out of the increased compensation.

(2) If the Administrative Law Judge awards compensation for permanent total disability, the Administrative Law Judge shall approve a fee of 25 percent of the increased compensation, but not more than \$20,000, to be paid out of the award for permanent total disability.

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.386(5), 656.388

Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 2-1989, f. 3-3-89, ef. 4-1-89; WCB 7-1990(Temp), f. 6-14-90, cert. ef. 7-1-90; WCB 11-1990, f. 12-13-90, cert. ef. 12-31-90; WCB 1-1998, f. 11-20-98, cert. ef. 2-1-99; WCB 2-2016, f. 10-13-16, cert. ef. 11-1-16

438-015-0050

Attorney Fees in Connection with Disputed Claim Settlements

(1) When a denied and disputed claim is settled under the provisions of ORS 656.289(4) and OAR 438-009-0010, an attorney fee may be approved by the Administrative Law Judge or the Board in an amount up to 25 percent of the first \$50,000 of the settlement proceeds plus ten percent of any amount of the settlement proceeds in excess of \$50,000. Under extraordinary circumstances, a fee may be authorized in excess of this calculation.

(2) When the settlement proceeds are to be paid in more than one payment payable within a period of more than one year from the date of approval, for purposes of approving an attorney fee under section (1) of this rule, settlement proceeds shall be calculated based on the "present value" of the total settlement proceeds. "Present value" may be represented by the actual present value of the total settlement proceeds or the purchase price of any annuity designed to fund payment of the total settlement proceeds. The parties shall provide the Board with a written statement of the "present value" of the total settlement proceeds.

Stat. Auth.: ORS 656.388(4) & 656.726(5)

Stats. Implemented: ORS 656.289(4) & 656.388(3)

Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 2-1989, f. 3-3-89, ef. 4-1-89; WCB 7-1990(Temp), f. 6-14-90, cert. ef. 7-1-90; WCB 11-1990, f. 12-13-90, cert. ef. 12-31-90; WCB 6-1991(Temp), f. 8-29-91, cert. ef. 9-2-91; WCB 8-1991, f. 11-6-91, cert. ef. 11-7-91; WCB 1-1998, f. 11-20-98, cert. ef. 2-1-99; WCB 2-2012, f. 11-13-12, cert. ef. 1-1-13; WCB 2-2016, f. 10-13-16, cert. ef. 11-1-16

ADMINISTRATIVE RULES

438-015-0052

Attorney Fees in Connection with Claim Disposition Agreements

(1) When a claim disposition agreement is approved under the provisions of ORS 656.236 and OAR 438-009-0020, an attorney fee may be approved by the Board in an amount up to 25 percent of the first \$50,000 of the agreement proceeds plus ten percent of any amount of the proceeds in excess of \$50,000. Under extraordinary circumstances, a fee may be authorized in excess of this calculation.

(2) When the agreement proceeds are to be paid in more than one payment payable within a period of more than one year from the date of approval, for purposes of approving an attorney fee under section (1) of this rule, agreement proceeds shall be calculated based on the "present value" of the total proceeds. "Present value" may be represented by the actual present value of the total agreement proceeds or the purchase price of any annuity designed to fund payment of the total agreement proceeds. The parties shall provide the Board with a written statement of the "present value" of the total agreement proceeds.

Stat. Auth.: ORS 656.388(4), 656.726(5)

Stats. Implemented: ORS 656.236(4), 656.388

Hist.: WCB 7-1990(Temp), f. 6-14-90, cert. ef. 7-1-90; WCB 11-1990, f. 12-13-90, cert. ef. 12-31-90; WCB 6-1991(Temp), f. 8-29-91, cert. ef. 9-2-91; WCB 8-1991, f. 11-6-91, cert. ef. 11-7-91; WCB 1-1998, f. 11-20-98, cert. ef. 2-1-99; WCB 2-2016, f. 10-13-16, cert. ef. 11-1-16

438-015-0055

Attorney Fees When a Claimant Requests Review by the Board

(1) If a claimant requests review of an Administrative Law Judge's order on the issue of compensation for temporary disability and the Board awards additional compensation, the Board shall award a reasonable assessed attorney fee.

(2) If a claimant requests review of an Administrative Law Judge's order on the issue of compensation for permanent disability and the Board awards additional compensation, the Board shall approve a fee of 25 percent of the increased compensation.

(3) If a claimant requests review of an Administrative Law Judge's order on the issue of compensation for permanent total disability and the Board awards additional compensation, the Board shall approve a fee of 25 percent of the increased compensation, provided that the total of fees approved by the Administrative Law Judge and the Board shall not exceed \$30,000.

(4) If a claimant requests review of an Administrative Law Judge's order that upheld a denial of compensability for a claim and the Board orders the claim accepted, the Board shall assess a reasonable attorney fee to be paid by the insurer or self-insured employer to the claimant's attorney.

(5) If a claimant requests review of an Administrative Law Judge's order that upheld a responsibility denial issued under ORS 656.308(2) and the claimant's attorney actively and meaningfully participates in finally prevailing against the responsibility denial, the Board shall award a reasonable assessed fee to be paid by the insurer or self-insured employer who issued the responsibility denial. Absent a showing of extraordinary circumstances, the assessed attorney fee for prevailing over the responsibility denial shall not exceed \$2,500. The maximum attorney fee awarded under this section is subject to an annual adjustment on July 1 as calculated by the Workers' Compensation Division (on behalf of the Director) by the same percentage increase as made to the average weekly wage defined in ORS 656.211, if any. Before July 1 of each year, the Board, by bulletin, will publish the maximum fee, after adjusting the fee by the same percentage increase, if any, to the average weekly wage. Dollar amounts will be rounded to the nearest whole number.

(6) If a claimant requests review of an Administrative Law Judge's order regarding a claim reclassification order from the Workers' Compensation Division, and the Board finally determines that the claim should be classified as disabling, the Board may award a reasonable assessed fee.

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.308(2), 656.382, 656.383, 656.386, 656.388

Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 1-1998, f. 11-20-98, cert. ef. 2-1-99; WCB 1-2009, f. 10-7-09, cert. ef. 1-1-10; WCB 2-2012, f. 11-13-12, cert. ef. 1-1-13; WCB 1-2015, f. 12-16-15, cert. ef. 1-1-16; WCB 2-2016, f. 10-13-16, cert. ef. 11-1-16

438-015-0080

Attorney Fees in Own Motion Cases

(1) If an attorney is instrumental in obtaining increased temporary disability compensation, the Board shall approve a fee of 25 percent of the increased compensation, to be paid out of the increased compensation.

(2) If an attorney is instrumental in obtaining a voluntary reopening of an Own Motion claim that results in increased temporary disability compensation, the Board shall approve a fee of 25 percent of the increased com-

ensation, to be paid out of the increased temporary disability compensation resulting from the voluntary reopening.

(3) If the Board awards additional compensation for permanent disability, the Board shall approve a reasonable attorney fee in the amounts prescribed in OAR 438-015-0040, payable out of the increased compensation.

(4) The Board may allow a fee in excess of the amounts prescribed in sections (1) through (3) of this rule upon a finding that extraordinary services have been rendered.

Stat. Auth.: ORS 656.726(5)

Stats. Implemented: ORS 656.267(3), 656.278(1), 656.386(1)(2), 656.388

Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 2-1989, f. 3-3-89, ef. 4-1-89; WCB 2-1990, f. 1-24-90, cert. ef. 2-28-90; WCB 7-1990(Temp), f. 6-14-90, cert. ef. 7-1-90; WCB 11-1990, f. 12-13-90, cert. ef. 12-31-90; WCB 1-1998, f. 11-20-98, cert. ef. 2-1-99; WCB 2-2001, f. 11-14-01, cert. ef. 1-1-02; WCB 2-2003, f. 7-10-03, cert. ef. 9-1-03; WCB 2-2007, f. 12-11-07, cert. ef. 1-1-08; WCB 2-2016, f. 10-13-16, cert. ef. 11-1-16

438-015-0082

Timely Payment of Attorney Fees

(1) An approved attorney fee shall be paid within the time required for payment of the compensation out of which the approved fee is to be paid.

(2) An assessed attorney fee shall be paid within 14 days of the date the order authorizing the fee becomes final.

Stat. Auth.: ORS 656.307, 656.388, 656.593, ORS 656.726(5)

Stats. Implemented: ORS 656.382(1), 656.386(1)(2), 656.388

Hist.: WCB 5-1987, f. 12-18-87, ef. 1-1-88; WCB 7-1990(Temp), f. 6-14-90, cert. ef. 7-1-90; WCB 11-1990, f. 12-13-90, cert. ef. 12-31-90; WCB 2-2016, f. 10-13-16, cert. ef. 11-1-16

Department of Environmental Quality Chapter 340

Rule Caption: Art Glass Permanent Rulemaking

Adm. Order No.: DEQ 10-2016

Filed with Sec. of State: 10-3-2016

Certified to be Effective: 10-3-16

Notice Publication Date: 7-1-2016

Rules Adopted: 340-244-9000, 340-244-9010, 340-244-9015, 340-244-9020, 340-244-9030, 340-244-9040, 340-244-9050, 340-244-9060, 340-244-9070, 340-244-9080, 340-244-9090

Rules Amended: 340-244-0010

Rules Repealed: 340-244-0010(T), 340-244-9000(T), 340-244-9010(T), 340-244-9020(T), 340-244-9030(T), 340-244-9040(T), 340-244-9050(T), 340-244-9060(T), 340-244-9070(T), 340-244-9080(T), 340-244-9090(T)

Subject: The Oregon Environmental Quality Commission adopted permanent rules for colored art glass manufacturers. These rules were based on the temporary rules adopted by EQC in April 2016, with corrections in May 2016, with modifications based on new information and public comment.

Brief history

Elevated levels of hazardous air pollutants were found in the air around two glass manufacturing facilities in Portland. In May 2015, DEQ received the initial results of a study the U.S. Forest Service conducted looking at moss samples as an indicator or screening tool for contaminants in the air. The study's results showed that moss samples in the areas near two CAGMs contained high levels of cadmium and arsenic in Southeast Portland and cadmium in North Portland.

This pilot study prompted DEQ to set up air monitoring systems near the glass company in Southeast Portland. The results of DEQ air monitoring in October 2015 confirmed that the glass company was the likely source. DEQ completed its quality assurance and quality control review of those samples in late January 2016 and then shared its analysis of the findings with the Oregon Health Authority and the Multnomah County Health Department. DEQ also identified a second area of concern near the glass company in North Portland.

The glass companies were operating in compliance with the current law. One company was operating within its permit and the other company was not required to have a permit.

Based on sampling results DEQ concluded that uncontrolled furnaces used at the two facilities were more likely than not to emit potentially unsafe levels of hazardous air pollutants, and that current

ADMINISTRATIVE RULES

federal regulations for this source category were not sufficient to protect public health and the environment. The permanent rules that EQC adoption are intended to ensure that air emissions from colored art glass manufacturers do not cause unsafe levels of glassmaking hazardous air pollutants (arsenic, cadmium, chromium, lead, manganese, nickel and selenium) in the air nearby.

EQC adopted temporary rules April 21, 2016. The adopted permanent rules replace the temporary rules and make the requirements permanent, with modifications further described below.

Regulated parties

The adopted rules apply to colored art glass manufacturers anywhere in Oregon that make more than five tons per year of glass containing certain hazardous air pollutants.

The manufacturers will incur expenses to obtain air permits; submit reports to DEQ; and depending on the compliance path chosen, to install, operate and maintain emission control devices, and/or perform stack testing and dispersion modeling.

Outreach efforts

To collect information to improve the rule and give the public and affected parties an opportunity to comment, DEQ made the following outreach efforts:

- Convened a fiscal advisory committee to review DEQ's estimate of the fiscal impact of the proposed rules. Representatives from all known companies that would be subject to the rules, as well as multiple environmental and neighborhood groups were invited to participate. The committee met May 27, 2016 and June 10, 2016. These meetings were open for the public to attend or to listen to by phone.

- Sent updates about the rulemaking process through a GovDelivery email list.

- Published a public notice requesting comment on the rule. The public notice included draft rule language and invited comment on any part of the rule. It also specifically invited comment on three specific questions about rule applicability and control device source testing.

- Accepted public comment through the DEQ website and other formats from June 15, 2016, through July 29, 2016.

- Held a public hearing July 19, 2016. The public hearing was held in Portland, and a video and audio feed was available for those who wanted to attend remotely.

Hearing testimony and public comments

DEQ received 151 unique comments from 136 commenters. That includes comments made in person during the public hearing, as well as comments submitted through the online comment tool on DEQ's website, through email or in hard copy. DEQ read and considered all comments.

DEQ identified 60 different points that were made by one or more commenters.

Changes from the temporary rules

DEQ's public notice for this rulemaking included proposed rule language that was unchanged from the temporary rule, with a note that DEQ was requesting comment on several possible changes:

- Should the rule be modified to apply to sources that make less than 10 tons per year of colored art glass?

- Should the rule be modified to apply statewide, rather than only in the Portland Air Quality Maintenance Area?

- The temporary rule requires control devices be shown to capture at least 99.0 percent of incoming particulate matter. Should that standard be replaced with one based on the particulate matter at the outlet of the control device?

After reviewing public comments on these three issues, DEQ made the following changes:

1. Reducing the applicability threshold for the rule from 10 tons per year of hazardous air pollutant-containing glass to five tons per year.

2. Making the rule apply statewide rather than only in the Portland area

3. Changing the standard that confirms a control device is working from the 99.0% capture efficiency standard to a 'grain loading'

particulate matter standard at the control device outlet of 0.005 gr/dscf (grains of particulate per dry standard cubic foot of air.)

DEQ also received comments on many other topics. In response to these comments, the permanent rules include these elements that are different from the temporary rules:

4. Adding selenium to the list of glassmaking hazardous air pollutants that are regulated in the rule, based on monitored levels of selenium that were at or exceeding the daily maximum acceptable concentration.

5. Revising the requirements for control devices and providing compliance options. Tier 2 facilities must perform a 'grain loading' source test and install either a baghouse leak detection system (BLDS) or a high efficiency particulate arrestance (HEPA) afterfilter on each control device. Tier 1 facilities may choose to perform a 'grain loading' source test or install a BLDS or a HEPA afterfilter on each control device.

6. Changing the rule's 24-hour health benchmark for hexavalent chromium from 36 ng/m³ (nanograms per cubic meter of air) to five ng/m³, based on a re-evaluation of the exposure levels that could pose an unacceptable risk to human health. An Oregon Health Authority review of health benchmarks is ongoing and may result in a change in the benchmarks through future rulemakings.

7. Changing the way that Tier 2 facilities set maximum usage limits for trivalent and hexavalent chromium. The new method of testing chromium emissions no longer assumes that the control device capture efficiency for particulate matter is the same as that for chromium. Facilities must test for chromium at the outlet of the control device rather than the inlet, and may choose to test for hexavalent chromium emissions or to test for total chromium emissions and assume all of it is hexavalent chromium.

8. Adding a provision for compliance extensions for Tier 1 colored art glass manufacturers if control device installation is delayed for reasons beyond their reasonable control. This has been added based on reports that some affected facilities are experiencing lengthy delays in receiving necessary building permits.

Making the rule apply statewide and adding selenium to the list of regulated hazardous air pollutants means that affected facilities will need additional time to comply with the rules. The rules include delayed compliance dates for many of the new requirements to give companies time to make necessary changes.

Rules Coordinator: Meyer Goldstein—(503) 229-6478

340-244-0010

Policy and Purpose

The Environmental Quality Commission finds that certain air contaminants for which there are no ambient air quality standards may cause or contribute to an identifiable and significant increase in mortality or to an increase in serious irreversible or incapacitating reversible illness or to irreversible ecological damage, and are therefore considered to be hazardous air pollutants. It is the policy of the Commission that no person may cause, allow, or permit emissions into the ambient air of any hazardous substance in such quantity, concentration, or duration determined by the Commission to be injurious to public health or the environment. The purpose of this Division is to establish emissions limitations on sources of these air contaminants. In order to reduce the release of these hazardous air pollutants and protect public health and the environment, it is the intent of the Commission to adopt by rule within this Division the source category specific requirements that are promulgated by the EPA, and state standards to reduce the release of these hazardous air pollutants. Furthermore, it is hereby declared the policy of the Commission that the standards contained in this Division are considered minimum standards, and as technology advances, protection of public health and the environment warrants, more stringent standards may be adopted and applied.

Stat. Auth.: ORS 468.020 & 468A.310

Stats. Implemented: ORS 468A.025

Hist.: DEQ 13-1993, f. & cert. ef. 9-24-93; DEQ 14-1999, f. & cert. ef. 10-14-99,

Renumbered from 340-032-0100; DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16;

DEQ 10-2016, f. & cert. ef. 10-3-16

ADMINISTRATIVE RULES

340-244-9000

Colored Art Glass Manufacturing Facility Rules; Applicability and Jurisdiction

Notwithstanding OAR 340 Division 246, OAR 340-244-9000 through 9090 apply to facilities located within the Portland Air Quality Maintenance Area that:

(1)(a) Manufacture colored glass from raw materials, or a combination of raw materials and cullet, for use in art, architecture, interior design and other similar decorative applications, or

(b) Manufacture colored glass products from raw materials, or a combination of raw materials and cullet, for use by colored glass manufacturers for use in art, architecture, interior design and other similar decorative applications; and

(2) Manufacture 10 tons per year or more of colored glass using raw materials that contain any of the following metal HAPs: arsenic, cadmium, chromium, lead, manganese and nickel.

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

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16

340-244-9010

Colored Art Glass Manufacturing Facility Rules; Definitions

The definitions in OAR 340-200-0020 and this rule apply to OAR 340-244-9000 through 9090. If the same term is defined in this rule and 340-200-0020, the definition in this rule applies to this division.

(1) "Colored Art Glass Manufacturer" or "CAGM" means a facility that meets the applicability requirements in OAR 340-244-9000 and refers to the owner or operator of such a facility when the context requires.

(2) "Chromium III" means chromium in the +3 oxidation state, also known as trivalent chromium.

(3) "Chromium VI" means chromium in the +6 oxidation state, also known as hexavalent chromium.

(4) "Chromium", without a following roman numeral, means total chromium.

(5) "Controlled" means the glassmaking furnace emissions are treated by an emission control device approved by DEQ.

(6) "Cullet" means pieces of finished glass that, when mixed with raw materials and charged to a glassmaking furnace, is used to produce new glass. Cullet does not include frit as defined in subsection (9)(a). Cullet is not considered to be a raw material.

(7) "Emission control device" means control device as defined in OAR 340 Division 200.

(8) "Finished glass" means the final glass product that results from melting and refining materials in a glassmaking furnace. Finished glass that has been remelted without the addition of raw materials is still finished glass.

(9) "Frit" means both of the following:

(a) Granules of glassified or vitrified material that is not made from finished glass, and which contains a higher proportion of glassmaking HAP than would be found in a finished glass. The purpose of such material includes, but is not limited to, making powdered glassmaking HAPs safer to handle by combining them with silica or other oxides.

(b) Granules of crushed finished glass.

(10) "Glassmaking furnace" means a refractory-lined vessel in which raw materials are charged and melted at high temperature to produce molten glass.

(11) "Glassmaking HAP" means arsenic, cadmium, chromium, lead, manganese, nickel or selenium in any form, such as the pure chemical element, in compounds or mixed with other materials.

(12) "Raw material" means:

(a) Substances that are intentionally added to a glass manufacturing batch and melted in a glassmaking furnace to produce glass, including but not limited to:

(A) Minerals, such as silica sand, limestone, and dolomite;

(B) Inorganic chemical compounds, such as soda ash (sodium carbonate), salt cake (sodium sulfate), and potash (potassium carbonate);

(C) Oxides and other compounds of chemical elements, such as lead oxide, chromium oxide, and sodium antimonate; and

(D) Ores of chemical elements, such as chromite and pyrolusite.

(b) Glassmaking HAPs that are naturally-occurring trace constituents or contaminants of other substances are not considered to be raw materials.

(c) Raw material includes materials that contain glassmaking HAPs in amounts that materially affect the properties of the finished product, such as its color, texture or bubble content. Such materials may be powdered, frit, or in some other form. For the purpose of this definition, frit as

described in subsection (9)(a) is a raw material, but frit as described in subsection (9)(b) is not a raw material.

(d) Cullet and material that is recovered from a glassmaking furnace control device for recycling into the glass formulation are not considered to be raw materials.

(13) "Tier 1 CAGM" means a CAGM that produces at least 5 tons per year, but less than 100 tons per year, of glass using raw materials that contain glassmaking HAPs in glassmaking furnaces that are only electrically heated.

(14) "Tier 2 CAGM" means:

(a) A CAGM that produces 5 tons per year or more of glass using raw materials that contain glassmaking HAPs in glassmaking furnaces, at least one of which is fuel-heated or combination fuel- and electrically-heated; or

(b) Produces 100 tons per year or more of glass using raw materials that contain glassmaking HAPs in any type of glassmaking furnace.

(15) "Uncontrolled" means the glassmaking furnace emissions are not treated by an emission control device approved by DEQ.

(16) "Week" means Sunday through Saturday.

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

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16

340-244-9015

Colored Art Glass Manufacturing Facility Rules; Compliance Extensions

A Tier 1 CAGM may request, and DEQ may grant, one or more extensions, not to exceed a total of 12 months, to the compliance date for installation of emission control systems if the CAGM cannot meet the compliance date for reasons beyond its reasonable control. A Tier 1 CAGM that has been granted an extension:

(1) Is allowed to operate without the emission control device required by OAR 340-244-9050 until the required emission control device is installed and operational, or the extension expires, whichever is earlier; and

(2) Must comply with OAR 340-244-9020 and 9060(1) as applicable.

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

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 10-2016, f. & cert. ef. 10-3-16

340-244-9020

Colored Art Glass Manufacturing Facility Rules; Permit Required

(1) Not later than December 1, 2016, if located within the Portland AQMA, and not later than April 1, 2017, if located outside the Portland AQMA, all CAGMs not otherwise subject to a permitting requirement must apply for a permit under OAR 340-216-8010 Table 1, Part B, category #84.

(2) A CAGM that applies for a permit on or before the required date is not in violation of OAR 340-216-0020(3).

(3) CAGMs constructed after September 1, 2016 must obtain a permit prior to construction.

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

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16

340-244-9030

Colored Art Glass Manufacturing Facility Rules; Requirements That Apply To Tier 2 CAGMs

(1) Tier 2 CAGMs located within the Portland AQMA may not use raw materials containing arsenic, cadmium, chromium, lead, manganese or nickel except in glassmaking furnaces that use an emission control device that meets the requirements of OAR 340-244-9070.

(2) Effective January 1, 2017, Tier 2 CAGMs located within the Portland AQMA may not use raw materials containing selenium except in glassmaking furnaces that use an emission control device that meets the requirements of OAR 340-244-9070.

(3) Tier 2 CAGMs located outside the Portland AQMA may not use raw materials containing arsenic, cadmium or chromium VI except in glassmaking furnaces that use an emission control device that meets the requirements of OAR 340-244-9070.

(4) Effective April 1, 2017, Tier 2 CAGMs located outside the Portland AQMA may not use raw materials containing chromium, lead, manganese, nickel or selenium except in glassmaking furnaces that use an emission control device that meets the requirements of OAR 340-244-9070.

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

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16

ADMINISTRATIVE RULES

340-244-9040

Colored Art Glass Manufacturing Facility Rules; Operating Restrictions That Apply To Tier 2 CAGMs

(1) Subject to the limitations in OAR 340-244-9030, and except as allowed in section (2), Tier 2 CAGMs may use raw materials containing chromium in glassmaking furnaces only if DEQ has established annual and daily maximum allowable chromium usage rates that will prevent the source from exceeding the chromium VI source impact levels described in paragraph (3)(b)(C) of this rule.

(2) Notwithstanding section (1) and OAR 340-244-9030(1), (3) and (4), raw materials containing chromium may be used in glassmaking furnaces for the purpose of conducting the emissions testing under sections (3) or (4). Such use must be limited to only the amounts needed to perform the testing.

(3) After DEQ establishes any maximum allowable chromium III or chromium VI usage rate for a CAGM's glassmaking furnace or glassmaking furnaces, the CAGM must comply with the rates DEQ establishes. For the purpose of establishing any maximum allowable usage rate for chromium III or chromium VI, the following are required:

(a) A source test must be performed as specified below:

(A) Test using DEQ-approved protocols and methods for total chromium, or total chromium and chromium VI, and submit a source test plan detailing the approach to DEQ for approval;

(B) Test at the outlet of an uncontrolled glassmaking furnace, or at the outlet of the emission control device on a controlled glassmaking furnace;

(C) Test while making a glass that DEQ agrees is made under the most oxidizing combustion conditions and that contains a high percentage of the type of chromium for which a usage rate is being established, as compared to other formulas used by the CAGM;

(D) Keep records of the amount of chromium, by type, used in the formulations that are produced during the source test runs, as well as other operational parameters identified in the source test plan; and

(E) If the testing under this section is done for total chromium only, the CAGM must assume that all chromium emitted is in the form of chromium VI.

(b) The Tier 2 CAGM must perform dispersion modeling, using models and protocols approved by DEQ, to determine the annual average and daily maximum ambient concentrations that result from the Tier 2 CAGM's air emissions as follows:

(A) Submit a modeling protocol for DEQ approval;

(B) Use the maximum chromium VI emission rate;

(C) Establish a maximum chromium usage rate so that the source impact will not exceed either of the following:

(i) An annual acceptable source impact level for chromium VI concentration of 0.08 nanograms per cubic meter at the nearest sensitive receptor approved by DEQ. Sensitive receptors include, but are not limited to: residences, hospitals, schools, daycare facilities, elderly housing and convalescent facilities; and

(ii) A daily acceptable source impact level for chromium VI concentration of 5 nanograms per cubic meter at any off-site modeled receptor.

(c) Each Tier 2 CAGM must keep daily records of all glass formulations produced and, until such time as the Tier 2 CAGM has installed all emission control devices required under OAR 340-244-9030, provide to DEQ a weekly report of the daily amount of each glassmaking HAP used.

(4) Tier 2 CAGMs may apply source testing protocols equivalent to those in subsection (3)(a) to the use of chromium VI in a glassmaking furnace to establish maximum usage rates for chromium VI in controlled glassmaking furnaces that will prevent the source impact from exceeding an annual acceptable source impact level of 0.08 nanograms per cubic meter and a daily acceptable source impact level of 5 nanograms per cubic meter.

(5) Tier 2 CAGMs are not restricted on the raw materials that may be used in glassmaking furnaces that are controlled by an emission control device approved by DEQ, except that the use of raw materials containing chromium will be subject to maximum usage rates established by DEQ.

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

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16

340-244-9050

Colored Art Glass Manufacturing Facility Rules; Requirements That Apply To Tier 1 CAGMs

(1) No later than October 1, 2016, if located within the Portland AQMA, and April 1, 2017, if located outside the Portland AQMA, each Tier 1 CAGM must comply with subsection (a), (b) or (c) for each glass-

making furnace or group of glassmaking furnaces that use raw material containing arsenic, cadmium, chromium, lead, manganese or nickel:

(a) Install an emission control device that meets the emission control device requirements in OAR 340-244-9070;

(b) Demonstrate that the glassmaking furnace or group of glassmaking furnaces meets the exemption in section (3) for arsenic, cadmium, chromium, lead, manganese or nickel; or

(c) Request a permit condition that prohibits the use of arsenic, cadmium, chromium, lead, manganese or nickel in the glassmaking furnace or group of glassmaking furnaces, and comply with that condition.

(2) No later than January 1, 2017, if located within the Portland AQMA, and April 1, 2017, if located outside the Portland AQMA, each Tier 1 CAGM must comply with subsection (a), (b) or (c) for each glassmaking furnace or group of glassmaking furnaces that use raw material containing selenium:

(a) Install an emission control device that meets the emission control device requirements in OAR 340-244-9070;

(b) Demonstrate that the glassmaking furnace or group of glassmaking furnaces meets the exemption in section (3) for selenium; or

(c) Request a permit condition that prohibits the use of selenium in the glassmaking furnace or group of glassmaking furnaces, and comply with that condition.

(3) A Tier 1 CAGM is exempt from the requirement to install emission controls under subsections (1)(a) or (2)(a) on a glassmaking furnace or group of glassmaking furnaces if that CAGM meets the requirements of subsection (a) for each of the individual glassmaking HAPs listed in paragraphs (a)(A) through (a)(G) below. This exemption is not allowed for a glassmaking furnace or group of glassmaking furnaces that use raw materials containing chromium VI.

(a) The CAGM shows through source testing and dispersion modeling if necessary, following the requirements of subsections (b) and (c), that the glassmaking HAP concentrations modeled at the nearest sensitive receptor do not exceed the applicable concentration listed in paragraphs (A) through (G). For chromium VI resulting from the use of chromium III, the CAGM may source test for and model chromium VI, or may source test for and model total chromium in lieu of chromium VI, to demonstrate that the ambient concentration is below the concentration listed in paragraph (C). If the modeled total chromium ambient concentration exceeds the concentration listed in paragraph (C), then the CAGM may conduct an additional source test to measure chromium VI and model to show that the ambient concentration of chromium VI does not exceed the concentration listed in paragraph (C).

(A) Arsenic, 0.2 nanograms per cubic meter annual average;

(B) Cadmium, 0.6 nanograms per cubic meter annual average;

(C) Chromium VI, 0.08 nanograms per cubic meter annual average;

(D) Lead, 15 nanograms per cubic meter annual average;

(E) Manganese, 90 nanograms per cubic meter annual average;

(F) Nickel, 4 nanograms per cubic meter annual average;

(G) Selenium, at a concentration that the CAGM demonstrates to the satisfaction of the Director is adequate to protect members of the public from suffering adverse health effects. The Director shall consult with the Oregon Health Authority when considering whether a proposed concentration will be adequately protective.

(b) Source testing for the purpose of demonstrating the exemption in this section must be performed as follows:

(A) Test using DEQ-approved protocols and methods for each glassmaking HAP listed in paragraphs (a)(A) through (a)(G) that the Tier 1 CAGM intends to use.

(B) Test for particulate matter using DEQ Method 5 or equivalent; HAPs using EPA Method 29, CARB Method M-436 or an equivalent method approved by DEQ; and if the Tier 1 CAGM chooses, chromium VI using a method approved by DEQ.

(C) Submit a source test plan to DEQ for approval at least 30 days before the test date.

(D) For each glassmaking HAP to be tested for, test while making a glass formulation that DEQ agrees has the highest potential emissions of that glassmaking HAP. More than one source test may be required if a single glass formulation cannot meet this requirement for all glassmaking HAPs to be tested for.

(E) Keep records of the amount of each glassmaking HAP regulated under this rule used in the formulations that are produced during the source test runs, as well as other operational parameters identified in the source test plan.

(c) Dispersion modeling for the purpose of demonstrating the exemption in this section is not required for any glassmaking HAP that the source

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testing under subsection (b) shows is not greater than the applicable concentration listed in paragraphs (a)(A) through (a)(G); otherwise, dispersion modeling must be performed as follows:

(A) Submit a modeling protocol for DEQ approval;

(B) Use the EPA-approved model AERSCREEN or other EPA-approved model;

(C) Use the maximum emission rate for each glassmaking HAP to be modeled as determined by the source testing required by subsection (b); and

(D) Model the ambient concentration at the nearest sensitive receptor approved by DEQ. Sensitive receptors include, but are not limited to: residences, hospitals, schools, daycare facilities, elderly housing and convalescent facilities.

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

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16

340-244-9060

Colored Art Glass Manufacturing Facility Rules; Operating Restrictions That Apply To Tier 1 CAGMs

(1) Tier 1 CAGMs may not use raw materials that contain chromium VI in any uncontrolled glassmaking furnace.

(2) Tier 1 CAGMs are not restricted on the raw materials that may be used in glassmaking furnaces that are controlled by an emission control device approved by DEQ.

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

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16

340-244-9070

Colored Art Glass Manufacturing Facility Rules; Emission Control Device Requirements

(1) CAGMs must comply with the requirements in subsection (a) or (b), as applicable, for each emission control device used to comply with this rule.

(a) Tier 1 CAGMs must comply with one of the requirements in paragraphs (A), (B) or (C):

(A) Conduct a source test as required under section (3) and demonstrate that the emission control device does not emit particulate matter in excess of 0.005 grains per dry standard cubic foot as measured by EPA Method 5 or an equivalent method approved by DEQ.

(B) If the emission control system is a fabric filter (baghouse), install a bag leak detection system that meets the requirements of section (4).

(C) If the emission control system is a fabric filter (baghouse), install an afterfilter that meets the requirements of section (5).

(b) Tier 2 CAGMs must:

(A) Conduct a source test as required under section (3) and demonstrate that the emission control device does not emit particulate matter in excess of 0.005 grains per dry standard cubic foot as measured by EPA Method 5 or an equivalent method approved by DEQ; and

(B) If a fabric filter (baghouse) is used, install either a bag leak detection system that meets the requirements of section (4) or an afterfilter that meets the requirements of section (5).

(2) Emission control device requirements:

(a) A CAGM must obtain DEQ approval of the design of all emission control devices before installation, as provided in this rule.

(b) A CAGM must submit a Notice of Intent to Construct as required by OAR 340-210-0205 through 340-210-0250 no later than 15 days before the date installation begins. If DEQ does not deny or approve the Notice of Intent to Construct within 10 days after receiving the Notice, the Notice will be deemed to be approved.

(c) Emission control devices may control emissions from more than one glassmaking furnace.

(d) Each emission control device must be equipped with the following monitoring equipment:

(A) An inlet temperature monitoring device;

(B) A differential pressure monitoring device if the emission control device is a baghouse; and

(C) Any other monitoring device or devices specified in DEQ's approval of the Notice of Intent to Construct.

(e) Each emission control device must be equipped with inlet ducting that provides the following:

(A) Sufficient cooling of exhaust gases to no more than the maximum design inlet temperature under worst-case conditions; and

(B) Provision for inlet emissions testing, including sufficient duct diameter, sample ports, undisturbed flow conditions, and access for testing.

(f) Each emission control device must be equipped with outlet ducting that provides for outlet emissions testing, including sufficient duct diameter, sample ports, undisturbed flow conditions, and access for testing.

(g) After commencing operation of any emission control device, the CAGM must monitor the emission control device as required by OAR 340-244-9080.

(3) If source testing is conducted under section (1), the CAGM must perform the following source testing on at least one emission control device. Source testing done under OAR 340-244-9040(3)(a) may be used in whole or in part to comply with this requirement.

(a) Within 60 days of commencing operation of the emission control devices, test control device outlet for particulate matter using DEQ Method 5 or equivalent method;

(b) The emission control device to be tested must be approved by DEQ;

(c) A source test plan must be submitted at least 30 days before conducting the source test; and

(d) The source test plan must be approved by DEQ before conducting the source test.

(4) If a bag leak detection system is installed under section (1), the requirements for the bag leak detection system are:

(a) The bag leak detection system must be installed and operational as soon as possible but not more than 90 days after the baghouse becomes operational or 90 days after the effective date of the rule, whichever is later.

(b) Each bag leak detection system must meet the specifications and requirements in paragraphs (A) through (H).

(A) The bag leak detection system must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 1 milligram per dry standard cubic meter (0.00044 grains per actual cubic foot) or less.

(B) The bag leak detection system sensor must provide output of relative PM loadings. The owner or operator must continuously record the output from the bag leak detection system using electronic or other means (e.g., using a strip chart recorder or a data logger).

(C) The bag leak detection system must be equipped with an alarm system that will sound when the system detects an increase in relative particulate loading over the alarm set point established according to paragraph (D), and the alarm must be located such that it can be heard by the appropriate plant personnel.

(D) In the initial adjustment of the bag leak detection system, the CAGM must establish, at a minimum, the baseline output by adjusting the sensitivity (range) and the averaging period of the device, the alarm set points, and the alarm delay time.

(E) Following initial adjustment, the CAGM may not adjust the averaging period, alarm set point, or alarm delay time without approval from DEQ except as provided in paragraph (F).

(F) Once per quarter, the CAGM may adjust the sensitivity of the bag leak detection system to account for seasonal effects, including temperature and humidity, according to the procedures identified in the site-specific monitoring plan required by OAR 340-224-9080(4).

(G) The CAGM must install the bag leak detection sensor downstream of the fabric filter.

(H) Where multiple bag leak detectors are required, the system's instrumentation and alarm may be shared among detectors.

(5) If an afterfilter is installed under section (1), the requirements for the afterfilter are:

(a) The afterfilter must be installed and operational as soon as possible but not more than 120 days after the baghouse becomes operational or 120 days after the effective date of the rule, whichever is later;

(b) The afterfilter must filter the entire exhaust flow from the fabric filter (baghouse); and

(c) The afterfilter must be equipped with:

(A) HEPA filters that have a Minimum Efficiency Reporting Value of 17 (MERV 17) or higher per American National Standards Institute (ANSI) Standard 52.2; and

(B) A differential pressure monitoring device.

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

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 6-2016(Temp), f. & cert. ef. 5-6-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16

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340-244-9080

Colored Art Glass Manufacturing Facility Rules; Emission Control Device Monitoring

(1) Each Tier 1 CAGM must perform the following monitoring on each emission control device it uses to comply with this rule:

(a) At least once each week, observe and record the inlet temperature and the fabric filter (baghouse) differential pressure and afterfilter differential pressure (as applicable); and

(b) At least once every 12 months:

(A) Inspect the ductwork and emission control device housing for leakage;

(B) Inspect the interior of the emission control device for structural integrity and, if a fabric filter (baghouse) is used, to determine the condition of the fabric filter; and

(C) Record the date, time and results of the inspection.

(2) Each Tier 2 CAGM must perform the following monitoring on each emission control device used to comply with this rule:

(a) At least once each day, observe and record the inlet temperature and the fabric filter (baghouse) differential pressure and afterfilter differential pressure (as applicable); and

(b) At least once every 12 months:

(A) Inspect the ductwork and emission control device housing for leakage;

(B) Inspect the interior of the emission control device for structural integrity and, if a fabric filter (baghouse) is used, to determine the condition of the fabric filter; and

(C) Record the date, time and results of the inspection.

(3) CAGMs must observe and record any parameters specified in a DEQ approval of the Notice of Intent to Construct applicable to a control device.

(4) If a bag leak detection system is used, the CAGM must develop and submit to DEQ for approval a site-specific monitoring plan for each bag leak detection system. The CAGM must operate and maintain the bag leak detection system according to the site-specific monitoring plan at all times. Each monitoring plan must describe the items in subsections (a) through (f).

(a) Installation of the bag leak detection system;

(b) Initial and periodic adjustment of the bag leak detection system, including how the alarm set-point will be established;

(c) Operation of the bag leak detection system, including quality assurance procedures;

(d) How the bag leak detection system will be maintained, including a routine maintenance schedule and spare parts inventory list;

(e) How the bag leak detection system output will be recorded and stored; and

(f) Corrective action procedures as specified in section (5). In approving the site-specific monitoring plan, DEQ may allow owners and operators more than 3 hours to alleviate a specific condition that causes an alarm if the owner or operator identifies in the monitoring plan this specific condition as one that could lead to an alarm, adequately explains why it is not feasible to alleviate this condition within 3 hours of the time the alarm occurs, and demonstrates that the requested time will ensure alleviation of this condition as expeditiously as practicable.

(5) For each bag leak detection system, the CAGM must initiate procedures to determine the cause of every alarm within 1 hour of the alarm. Except as provided in subsection (4)(f), the CAGM must alleviate the cause of the alarm within 3 hours of the alarm by taking all necessary corrective actions. Corrective actions may include, but are not limited to the following:

(a) Inspecting the fabric filter for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in PM emissions;

(b) Sealing off defective bags or filter media;

(c) Replacing defective bags or filter media or otherwise repairing the control device;

(d) Sealing off a defective fabric filter compartment;

(e) Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system; and

(f) Shutting down the process producing the PM emissions.

(6) For each bag leak detection system, the CAGM must keep the following records:

(a) Records of the bag leak detection system output;

(b) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection system settings; and

(c) The date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and whether the alarm was alleviated within 3 hours of the alarm.

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

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16

340-244-9090

Colored Art Glass Manufacturing Facility Rules; Other Glassmaking HAPs

(1) If DEQ determines that ambient concentrations of a glassmaking HAP in the area of a CAGM pose an unacceptable risk to human health and that emissions from a glassmaking furnace at the CAGM are a contributing factor, then DEQ must set a limit on the CAGM's use of the glassmaking HAP of concern, by agreement or in a permit, to reduce such risk. DEQ must consult with the Oregon Health Authority when applying this rule.

(2) Exceeding the limits established under the authority of this rule is a violation of this rule.

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

Stats. Implemented: ORS 468A.025, & 468A.040

Hist.: DEQ 4-2016(Temp), f. & cert. ef. 4-21-16 thru 10-17-16; DEQ 10-2016, f. & cert. ef. 10-3-16

Department of Fish and Wildlife Chapter 635

Rule Caption: Ongoing Columbia River Fall Recreational Salmon Seasons Modified.

Adm. Order No.: DFW 122-2016(Temp)

Filed with Sec. of State: 9-22-2016

Certified to be Effective: 9-23-16 thru 12-31-16

Notice Publication Date:

Rules Amended: 635-023-0130

Rules Suspended: 635-023-0130(T)

Subject: This amended rule extends Chinook retention in the ongoing Buoy-10 and lower Columbia River recreational salmon fisheries through September 30, 2016. With this harvest modification, the fishery continues to meet species and stock-specific allocations while remaining within ESA guidelines. Modifications are consistent with action taken September 22, 2016 by the Departments of Fish and Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-023-0130

Fall Sport Fishery

(1) The **2016 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 **2016 Oregon Sport Fishing Regulations**.

(a) Buoy 10. In the area described as: From the Buoy 10 line upstream to a line projected from Rocky Point on the Washington shore through red buoy #44 to red marker #2 at Tongue Point on the Oregon shore:

(A) From August 1 through December 31: Retention of adipose fin-clipped coho salmon (16-inches or longer) and adipose fin-clipped steelhead is allowed. Effective August 1 through December 31, the daily bag limit for steelhead is one fish.

(B) From August 1 through September 14: Retention of adult Chinook salmon (24-inches or longer, fin-clipped or not) is allowed. The daily bag limit is two salmonids, but may not include more than one Chinook or one steelhead.

(C) From September 15 through September 30: Only hatchery Chinook (adipose or left-ventral fin-clipped) may be retained. Either clip must have a healed scar at the location of the clipped fin. The daily bag limit is two salmonids but may not include more than one hatchery Chinook or one hatchery steelhead.

(D) From October 1 through December 31: Retention of adult Chinook (fin-clipped or not) is allowed. The daily adult bag limit is two adult salmonids but may not include more than one steelhead. Chinook jacks (12-24 inches, fin-clipped or not) and adipose fin-clipped coho jacks may be retained. The daily bag limit for jack salmon in Oregon is five fish.

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(b) Lower Columbia River from Tongue Point/Rocky Point upstream to Warrior Rock/Bachelor Island. In the area described as: From Rocky Point on the Washington shore through red buoy #44 to the red marker #2 at Tongue Point on the Oregon shore upstream to a line projected from the Warrior Rock Lighthouse on the Oregon shore through red buoy #4 to a marker on the lower end of Bachelor Island:

(A) From August 1 through December 31: Retention of adipose fin-clipped adult coho and adipose fin-clipped steelhead is allowed. Effective August 1 through December 31, only one steelhead may be retained in the daily bag limit.

(B) From August 1 through September 9: Retention of any Chinook (fin-clipped or not) is allowed. The daily adult bag limit is two adult salmonids, but may not include more than one Chinook or one steelhead. The daily bag limit for jack salmon in Oregon is five fish.

(C) From September 10 through September 30: Retention of hatchery Chinook is allowed but retained Chinook must have a clipped adipose fin or a clipped left ventral fin. Either clip must have a healed scar at the location of the clipped fin. The daily adult bag limit is two salmonids but may not include more than one hatchery Chinook or one hatchery steelhead. The daily bag limit for jack salmon in Oregon is five fish.

(D) From October 1 through December 31: Retention of any Chinook (fin-clipped or not) is allowed. The daily bag limit is two adult salmonids but may not include more than one steelhead. The daily bag limit for jack salmon in Oregon is five fish.

(E) Each legal angler aboard a vessel may continue to deploy angling gear until the daily adult salmonid bag limit for all anglers aboard has been achieved.

(c) Lower Columbia River from Warrior Rock/Bachelor Island upstream to Bonneville Dam. In the area described as: From a line projected from the Warrior Rock Lighthouse on the Oregon shore through red buoy #4 to a marker on the lower end of Bachelor Island upstream to Bonneville Dam:

(A) From August 1 through December 31: Retention of any Chinook (fin-clipped or not), adipose fin-clipped adult coho, and adipose fin-clipped steelhead is allowed. The daily bag limit is two adult salmonids except during August 1 through December 31, only one steelhead may be retained in the daily bag limit. The daily bag limit for jack salmon in Oregon is five fish.

(B) Each legal angler aboard a vessel may continue to deploy angling gear until the daily adult salmonid bag limit for all anglers aboard has been achieved.

(d) Bonneville Dam upstream to McNary Dam:

(A) From August 1 through December 31: Retention of any Chinook (fin-clipped or not), adipose fin-clipped adult coho, and adipose fin-clipped steelhead is allowed. The daily bag limit is two adult salmonids except during September 1 through December 31, only one steelhead may be retained in the daily bag limit. The daily bag limit for jack salmon in Oregon is five fish. All coho (adults and jacks) retained downstream of the Hood River Bridge must be adipose fin-clipped.

(B) Each legal angler aboard a vessel may continue to deploy angling gear until the daily adult salmonid bag limit for all anglers aboard has been achieved.

(e) McNary Dam upstream to the Oregon/Washington border (upstream of McNary Dam):

(A) From August 1 through December 31: Retention of any Chinook (fin-clipped or not), adipose fin-clipped adult coho, and adipose fin-clipped steelhead is allowed. The daily bag limit is two adult salmonids except during September 15 through December 31, only one steelhead may be retained in the daily bag limit. The daily bag limit for jack salmon in Oregon is five fish.

(B) Each legal angler aboard a vessel may continue to deploy angling gear until the daily adult salmonid bag limit for all anglers aboard has been achieved.

(2) All other permanent rules, as provided in the 2016 Oregon Sport Fishing Regulations for the areas described above, remain in effect.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162

Hist.: DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 92-2004(Temp), f. 9-2-04 cert. ef. 9-6-04 thru 12-31-04; DFW 96-2004(Temp), f. 9-20-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 108-2005(Temp), f. 9-15-05, cert. ef. 9-17-05 thru 12-31-05; DFW 112-2005(Temp), f. 9-28-05, cert. ef. 9-30-05 thru 12-31-05; DFW 123-2005(Temp), f. 10-18-05, cert. ef. 10-20-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 100-2006(Temp), f. & cert. ef. 9-14-06 thru 12-31-06; DFW 109-2006(Temp), f. 9-29-06, cert. ef. 9-30-06 thru 12-31-06; DFW 113-2006(Temp), f. 10-12-06, cert. ef. 10-13-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 92-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 96-2007(Temp), f. 9-21-07, cert. ef. 9-22-07 thru 12-31-07; DFW 101-2007(Temp), f. 9-28-07,

cert. ef. 9-29-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 99-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 12-31-08; DFW 104-2008(Temp), f. 8-29-08, cert. ef. 8-31-08 thru 12-31-08; DFW 115-2008(Temp), f. & cert. ef. 9-18-08 thru 12-31-08; DFW 118-2008(Temp), f. 9-24-08, cert. ef. 9-25-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 133-2009(Temp), f. 10-20-09, cert. ef. 10-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 77-2010, f. 6-8-10, cert. ef. 6-16-10; DFW 131-2010(Temp), f. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 145-2010(Temp), f. 10-13-10, cert. ef. 10-15-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 100-2011(Temp), f. 7-27-11, cert. ef. 8-1-11 thru 12-31-11; DFW 127-2011(Temp), f. 9-14-11, cert. ef. 9-16-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 100-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 81-2013(Temp), f. 7-26-13, cert. ef. 8-1-13 thru 12-31-13; DFW 92-2013(Temp), f. 8-22-13, cert. ef. 8-23-13 thru 12-31-13; DFW 100-2013(Temp), f. 9-12-13, cert. ef. 9-13-13 thru 12-31-13; DFW 107-2013(Temp), f. 9-25-13, cert. ef. 9-26-13 thru 12-31-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 96-2014(Temp), f. 7-18-14, cert. ef. 8-1-14 thru 12-31-14; DFW 100-2014(Temp), f. 7-22-14, cert. ef. 8-1-14 thru 12-31-14; DFW 128-2014(Temp), f. 9-3-14, cert. ef. 9-6-14 thru 9-30-14; DFW 143-2014(Temp), f. 10-2-14, cert. ef. 10-3-14 thru 12-31-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 95-2015(Temp), f. 7-29-15, cert. ef. 8-1-15 thru 12-31-15; DFW 113-2015(Temp), f. 8-21-15, cert. ef. 8-23-15 thru 12-31-15; DFW 115-2015(Temp), f. 8-28-15, cert. ef. 8-29-15 thru 12-31-15; DFW 167-2015, f. 12-29-15, cert. ef. 1-1-16; DFW 95-2016(Temp), f. 7-27-16, cert. ef. 8-1-16 thru 12-31-16; DFW 110-2016(Temp), f. 8-29-16, cert. ef. 9-1-16 thru 12-31-16; DFW 112-2016(Temp), f. 8-31-16, cert. ef. 9-6-16 thru 12-31-16; DFW 119-2016(Temp), f. 9-14-16, cert. ef. 9-15-16 thru 12-31-16; DFW 122-2016(Temp), f. 9-22-16, cert. ef. 9-23-16 thru 12-31-16

Rule Caption: Sales from Columbia River Treaty Indian Fall Commercial Gill Net Fishery Authorized.

Adm. Order No.: DFW 123-2016(Temp)

Filed with Sec. of State: 9-23-2016

Certified to be Effective: 9-23-16 thru 12-31-16

Notice Publication Date:

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0075(T)

Subject: This amended rule authorizes the sales of fish caught in a four-and-a-half day Treaty Indian fall commercial gill net fishery set for the Columbia River. The fishery begins at 6:00 a.m. Monday, September 26 and runs through 6:00 p.m. Friday, September 30, 2016. Modifications are consistent with action taken September 22, 2016 by the Departments of Fish and Wildlife for the States of Oregon and Washington in cooperation with the Columbia River Treaty Tribes at a meeting of the Columbia River Compact.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-041-0075

Fall Salmon Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes in Zone 6 of the Columbia River above Bonneville Dam from 12:01 a.m. Monday, August 1 through 6:00 p.m. Saturday, December 31, 2016. Legal fish landed during an open commercial period may be sold after the period concludes.

(a) White sturgeon between 43-54 inches in fork length caught in The Dalles Pool and John Day Pool and white sturgeon between 38-54 inches in fork length caught in the Bonneville Pool may be retained for subsistence use and may not be sold, except for sturgeon from 38 to 54 inches in fork length caught in the Bonneville Pool may be sold if caught when the Bonneville Pool set line fishery is open.

(b) Gear is restricted to subsistence fishing gear which includes hoop nets/bag nets, dip nets, and rod and reel with hook-and-line, with the following exceptions:

(c) Fish may be taken by gill nets with an 8-inch minimum mesh size restriction during the following periods:

From 6:00 a.m. Monday, September 19 through 6:00 p.m. Friday, September 23 (4.5 days); and

From 6:00 a.m. Monday, September 26 through 6:00 p.m. Friday, September 30 (4.5 days).

Legal fish landed during an open commercial period may be sold after the period concludes.

(2) Closed areas are set forth in OAR 635-041-0045, except the closure at the mouth of Spring Creek during August 25 through September 18 and September 26-30, is the larger area described in OAR 635-041-0045(11).

(3) Beginning 12:01 a.m. Monday, August 1 through 6:00 p.m. Saturday, December 31, 2016 commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under

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14-11; DFW 128-2011(Temp), f. 9-14-11, cert. ef. 9-18-11 thru 9-30-11; DFW 134-2011(Temp), f. 9-21-11, cert. ef. 9-22-11 thru 9-30-11; DFW 136-2011(Temp), f. & cert. ef. 9-28-11 thru 10-5-11; DFW 140-2011(Temp), f. 10-4-11, cert. ef. 10-5-11 thru 10-12-11; DFW 144-2011(Temp), f. 10-11-11, cert. ef. 10-13-11 thru 10-31-11; DFW 147-2011(Temp), f. 10-17-11, cert. ef. 10-18-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 98-2012(Temp), f. 7-31-12, cert. ef. 8-5-12 thru 10-31-12; DFW 112-2012(Temp), f. 8-24-12, cert. ef. 8-26-12 thru 10-31-12; DFW 121-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; Administrative correction 11-23-12; DFW 83-2013(Temp), f. 7-29-13, cert. ef. 8-11-13 thru 8-31-13; DFW 95-2013(Temp), f. 8-23-13, cert. ef. 8-25-13 thru 8-31-13; DFW 97-2013(Temp), f. 8-27-13, cert. ef. 8-28-13 thru 8-31-13; DFW 101-2013(Temp), f. 9-13-13, cert. ef. 9-15-13 thru 9-30-13; DFW 105-2013(Temp), f. & cert. ef. 9-19-13 thru 9-30-13; DFW 108-2013(Temp), f. 9-25-13, cert. ef. 9-26-13 thru 9-30-13; DFW 113-2013(Temp), f. 9-27-13, cert. ef. 10-1-13 thru 10-16-13; Administrative correction, 11-22-13; DFW 107-2014(Temp), f. 7-30-14, cert. ef. 8-3-14 thru 8-31-14; DFW 121-2014(Temp), f. & cert. ef. 8-13-14 thru 9-30-14; DFW 124-2014(Temp), f. & cert. ef. 8-26-14 thru 9-30-14; DFW 130-2014(Temp), f. 9-11-14, cert. ef. 9-12-14 thru 9-30-14; DFW 137-2014(Temp), f. & cert. ef. 9-19-14 thru 9-30-14; DFW 138-2014(Temp), f. 9-24-14, cert. ef. 9-25-14 thru 10-31-14; Administrative correction 11-24-14; DFW 101-2015(Temp), f. 8-5-15, cert. ef. 8-9-15 thru 8-31-15; DFW 107-2015(Temp), f. 8-13-15, cert. ef. 8-24-15 thru 9-30-15; DFW 116-2015(Temp), f. 8-28-15, cert. ef. 8-30-15 thru 9-30-15; DFW 119-2015(Temp), f. 8-28-15, cert. ef. 8-31-15 thru 9-30-15; DFW 124-2015(Temp), f. 9-2-15, cert. ef. 9-4-15 thru 9-30-15; DFW 126-2015(Temp), f. 9-10-15, cert. ef. 9-15-15 thru 9-30-15; Administrative correction, 10-22-15; DFW 100-2016(Temp), f. 8-2-16, cert. ef. 8-7-16 thru 8-31-16; DFW 108-2016(Temp), f. 8-17-16, cert. ef. 8-22-16 thru 9-30-16; DFW 109-2016(Temp), f. 8-25-16, cert. ef. 8-28-16 thru 9-30-16; DFW 113-2016(Temp), f. 9-6-16, cert. ef. 9-7-16 thru 9-30-16; DFW 121-2016(Temp), f. 9-15-16, cert. ef. 9-16-16 thru 9-30-16; DFW 124-2016(Temp), f. & cert. ef. 9-23-16 thru 9-30-16; DFW 126-2016(Temp), f. & cert. ef. 9-27-16 thru 9-30-16

Rule Caption: Commercial Anchovy Fishery Trip Limits for the Columbia River.

Adm. Order No.: DFW 127-2016(Temp)

Filed with Sec. of State: 9-27-2016

Certified to be Effective: 10-3-16 thru 3-31-17

Notice Publication Date:

Rules Amended: 635-042-0100

Subject: This amended rule establishes daily and weekly trip limits for the commercial anchovy fishery inside the Columbia River. Anchovy landings into Oregon have substantially increased in 2016 from recent years, with the majority of the catch coming from inside the Buoy 10 line at the mouth of the Columbia River. There have been approximately 5,200 metric tons (mt) landed in Oregon so far this season. In past seasons since 2000, the total annual harvest into Oregon averaged around 67 mt. The magnitude of anchovy landings into Oregon from the Columbia River area alone has been a point of concern for all management entities involved (the states of Oregon and Washington, the Pacific Fishery Management Council, and the National Marine Fisheries Service) and a variety of stakeholders, including both fishing industry and environmental groups.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-042-0100

Anchovies and Herring Season

(1) Anchovies and herring may be taken for commercial purposes at any time in the Columbia River seaward of the Megler-Astoria Bridge with purse, lampara, and round haul seines of a mesh size not less than one half inch and not over 1,400 feet in length. All other species taken in operation of such gear must immediately with care be returned to the water.

(2) Columbia River Anchovy Fishery Trip Limits:

(a) Commercial vessels fishing for anchovy in the Columbia River between the Astoria-Megler Bridge and a north-south line through Buoy 10 at the mouth of the river may land no more than 5 metric tons per day and no more than 10 metric tons per calendar week.

(b) For the purposes of this fishery, a calendar week shall begin at 12:01 a.m. Sunday and run through 11:59 p.m. the following Saturday.

(c) These limits apply to all catch from any trip on which fishing inside the Buoy 10 line occurs.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 8, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0260; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; DFW 127-2016(Temp), f. 9-27-16, cert. ef. 10-3-16 thru 3-31-17

Rule Caption: Big Creek In the Northwest Zone Closes to Angling for All Species October 1-31.

Adm. Order No.: DFW 128-2016(Temp)

Filed with Sec. of State: 9-29-2016

Certified to be Effective: 10-1-16 thru 12-31-16

Notice Publication Date:

Rules Amended: 635-014-0090

Rules Suspended: 635-014-0090(T)

Subject: This amended rule prohibits sport angling for all fish species on Big Creek in the Northwest angling zone from the hatchery deadline downstream to the railroad trestle (inclusive) from October 1 through 31, 2016. Permanent rules allow fishing starting October 1. Current numbers of returning Chinook and coho have been unseasonably low. The modifications are necessary to protect returning hatchery adults to be used as hatchery broodstock.

Rules Coordinator: Michelle Tate—(503) 947-6044

635-014-0090

Inclusions and Modifications

(1) The **2016 Oregon Sport Fishing Regulations** provide requirements for the Northwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2016 Oregon Sport Fishing Regulations pamphlet.

(2) Alsea River and Bay is open for retention of hatchery steelhead January 1 to April 30 and November 1 to December 31, 2016.

(3) Bear Creek (Clatsop Co.): Open for hatchery Fall Chinook salmon August 1-31 and from October 1 to December 31.

(4) Beaver Creek (Columbia Co) upstream to 200 feet below lower falls: Open for hatchery Fall Chinook salmon from August 1 to October 31.

(5) Big Creek (Clatsop Co.): Open for hatchery Fall Chinook salmon upstream to hatchery deadline August 1-31 and from November 1 to December 31. Closed to all angling October 1-31.

(6) Clatskanie River upstream to Swedetown bridge: Open for hatchery Fall Chinook salmon from August 1 to October 31.

(7) Gnat Creek:

(a) From the Railroad Bridge to Aldrich Point Road Bridge: Open for hatchery Fall Chinook salmon from August 1 to December 31.

(b) From Aldrich Point Road Bridge to Falls: Open for hatchery steelhead from January 1 to August 31 and October 1 to December 31; and open for hatchery Fall Chinook salmon August 1-31 and from October 1 to December 31.

(8) John Day River (Clatsop Co.) is open for hatchery Fall Chinook salmon from August 1 to December 31.

(9) Klaskanine River mainstem is open for hatchery Fall Chinook salmon upstream from marker above Young's River confluence, in the North Fork upstream to hatchery dam, and South Fork upstream to first falls (RM 4.7) from August 1 to December 31, with the following exceptions:

(a) Closed to salmon and steelhead angling upstream of Youngs River Loop Bridge from August 15 to October 15; and

(b) Closed on the North Fork between hatchery deadline marker and hatchery dam from August 1 to November 30.

(10) Lewis and Clark River: Open for hatchery Fall Chinook salmon upstream to 200 feet downstream of Warrenton Reservoir Dam from August 1 to December 31.

(11) Nehalem River: Open for retention of hatchery steelhead upstream of the Highway 26 bridge at Elsie from January 1 to March 31, May 22 to August 31, and November 1 to December 31, 2016.

(12) North Fork Nehalem River from the mouth upstream to Highway 53 bridge is open for retention of one (1) wild Chinook per day from May 22 to September 15. The North Coast wild Chinook aggregate limit applies.

(13) Wilson River from Highway 101 Bridge upstream to South Fork is open for retention of hatchery Spring Chinook salmon from April 1 to July 31.

(14) Yaquina River and Bay:

(a) From the visible ends of the jetty tips upstream to first bridge on Eddyville-Nashville Road is open for hatchery steelhead from January 1 to March 31 and December 1-31.

(b) From the visible ends of the jetty tips upstream to Simpson Creek is open for Chinook salmon from April 1 to December 31.

(15) Youngs River and Bay from the Hwy 101 Bridge upstream to the marker at the confluence of Youngs Bay and Klaskanine River (including Walluski River tidewater) and the Young's River mainstem: Open for hatchery Fall Chinook salmon from August 1 to December 31.

(16) Beginning August 4 through October 31, the following rules apply:

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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. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. 9-12-03 cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. 10-12-04 cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; DFW 114-2009(Temp), f. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; DFW 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; DFW 129-2009(Temp), f. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; DFW 120-2010(Temp), f. 8-18-10, cert. ef. 8-24-10 thru 10-31-10; DFW 128-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; DFW 136-2010(Temp), f. 9-24-10, cert. ef. 9-27-10 thru 10-31-10; DFW 142-2010(Temp), f. 10-8-10, cert. ef. 10-9-10 thru 10-31-10; DFW 149-2010(Temp), f. 10-18-10, cert. ef. 10-19-10 thru 10-31-10; Administrative correction 11-23-10; DFW 103-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 119-2011(Temp), f. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; DFW 124-2011(Temp), f. 9-8-11, cert. ef. 9-12-11 thru 10-31-11; DFW 130-2011(Temp), f. 9-15-11, cert. ef. 9-19-11 thru 10-31-11; DFW 133-2011(Temp), f. 9-21-11, cert. ef. 9-22-11 thru 10-31-11; DFW 138-2011(Temp), f. 9-30-11, cert. ef. 10-3-11 thru 10-31-11; DFW 142-2011(Temp), f. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 107-2012(Temp), f. 8-15-12, cert. ef. 8-21-12 thru 10-31-12; DFW 119-2012(Temp), f. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; DFW 120-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; DFW 124-2012(Temp), f. 9-25-12, cert. ef. 9-26-12 thru 10-31-12; DFW 127-2012(Temp), f. & cert. ef. 10-2-12 thru 10-31-12; DFW 143-2012(Temp), f. 11-7-12, cert. ef. 11-8-12 thru 1-29-13; Administrative correction, 2-25-13; DFW 88-2013(Temp), f. 8-9-13, cert. ef. 8-12-13 thru 12-31-13; DFW 89-2013(Temp), f. 8-14-13, cert. ef. 8-19-13 thru 12-31-13; DFW 98-2013(Temp), f. 9-6-13, cert. ef. 9-10-13 thru 10-31-13; DFW 102-2013(Temp), f. 9-13-13, cert. ef. 9-16-13 thru 10-31-13; DFW 106-2013(Temp), f. 9-19-13, cert. ef. 9-24-13 thru 10-31-13; DFW 111-2013(Temp), f. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; DFW 116-2013(Temp), f. 10-8-13, cert. ef. 10-9-13 thru 12-31-13; DFW 105-2014(Temp), f. 7-30-14, cert. ef. 8-1-14 thru 10-31-14; DFW 118-2014(Temp), f. 8-7-14, cert. ef. 8-18-14 thru 10-31-14; DFW 134-2014(Temp), f. 9-19-14, cert. ef. 9-23-14 thru 10-31-14; DFW 140-2014(Temp), f. 9-24-14, cert. ef. 9-25-14 thru 10-31-14; DFW 142-2014(Temp), f. 10-2-14, cert. ef. 10-3-14 thru 10-31-14; DFW 146-2014(Temp), f. 10-8-14, cert. ef. 10-13-14 thru 10-31-14; DFW 153-2014(Temp), f. 10-23-14, cert. ef. 10-31-14 thru 12-31-14; Administrative correction, 1-27-15; DFW 97-2015(Temp), f. 7-30-15, cert. ef. 8-1-15 thru 10-31-15; DFW 108-2015(Temp), f. 8-13-15, cert. ef. 8-17-15 thru 10-31-15; DFW 127-2015(Temp), f. 9-10-15, cert. ef. 9-15-15 thru 10-31-15; DFW 130-2015(Temp), f. 9-17-15, cert. ef. 9-18-15 thru 10-31-15; DFW 133-2015(Temp), f. 9-23-15, cert. ef. 9-28-15 thru 10-31-15; DFW 137-2015(Temp), f. & cert. ef. 10-1-15 thru 10-31-15; DFW 155-2015(Temp), f. 11-12-15, cert. ef. 11-13-15 thru 12-31-15; Administrative correction, 1-22-16; DFW 98-2016(Temp), f. 7-28-16, cert. ef. 8-1-16 thru 12-31-16; DFW 106-2016(Temp), f. 8-10-16, cert. ef. 8-22-16 thru 12-31-16; DFW 120-2016(Temp), f. 9-15-16, cert. ef. 9-16-16 thru 12-31-16; DFW 123-2016(Temp), f. & cert. ef. 9-23-16 thru 12-31-16; DFW 130-2016(Temp), f. 9-29-16, cert. ef. 10-1-16 thru 12-31-16; DFW 132-2016(Temp), f. 10-6-16, cert. ef. 10-10-16 thru 10-14-16; DFW 133-2016(Temp), f. 10-13-16, cert. ef. 10-17-16 thru 12-31-16

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

Rule Caption: Quality and Efficiency Incentive Program
Adm. Order No.: APD 38-2016
Filed with Sec. of State: 9-27-2016
Certified to be Effective: 9-28-16

Notice Publication Date: 9-1-2016

Rules Amended: 411-070-0437, 411-070-0442

Subject: The Department of Human Services (Department) is permanently updating the Medicaid Nursing Facility rules in OAR chapter 411, division 070 to make permanent temporary changes that were effective April 1, 2016 that were made to comply Senate Bill 1585, which revises the Quality and Efficiency Incentive Program (QEIP) for Oregon Medicaid nursing facilities.

Rules Coordinator: Kimberly Colkitt-Hallman—(503) 945-6398

411-070-0437

Quality and Efficiency Incentive Program

(1) ESTABLISHMENT. Effective October 7, 2013 through June 30, 2016, the Department establishes the Quality and Efficiency Incentive Program (Program) in order to implement Enrolled House Bill 2216 (Chapter 608, 2013 Oregon Laws) and Enrolled Senate Bill 1585 (2016). The Program is designed to reimburse quality nursing facilities that voluntarily reduce bed capacity that increases occupancy levels and enhances efficiency with the goal of slowing the growth of system-wide costs. The Department may provide additional compensation to nursing facilities who qualify for the legislatively approved Program. Such compensation may not exceed \$9.75 per resident day and may not exceed four years from the date of eligibility. Eligibility to participate in this Program sunsets on June 30, 2016.

(2) CAPACITY REDUCTION DISCUSSIONS. If two or more providers wish to initiate discussions concerning reduction of bed capacity in a community, the providers must notify the Department. The notice must identify the community and state that the parties wish to discuss reduction of bed capacity in that market pursuant to the Program.

(a) Upon receipt of a notice to discuss reduction of bed capacity, the Department shall review the notice and either approve or disapprove the proposed preliminary discussion. The Department shall approve the preliminary discussion if the community is one in which the proposed capacity reduction is consistent with the goals of the Program.

(b) If the Department approves the preliminary discussion, the Department shall notify the providers who requested approval and shall schedule a meeting at which a Department representative shall be made available to supervise the discussion. Providers in the affected market may attend the meeting and may discuss capacity reduction for that market under the supervision of the Department.

(c) The Department shall determine the time, place, and mechanism to discuss the reduction of bed capacity. The discussions may be held in-person or by means of conference call, video conference, or such other means that allow for each participant to hear and be heard by the other participant at the same time.

(d) Notice to the Department is not required for two providers who wish to discuss a specific transfer of bed capacity.

(3) CAPACITY REDUCTION TRANSACTIONS. Prior to any purchase of bed capacity under the Program, the parties to the transaction must notify the Department.

(a) The notice must describe the parties, the specific facilities, the proposed transaction, and the acquisition plan for the transaction.

(b) The acquisition plan must include documentation demonstrating that:

(A) The purchasing operator is able to meet or arrange for the needs of the individuals residing in the selling facility and meet all change of ownership or operator and closure criteria as described in OAR 411-085-0025;

(B) The selling operator meets the eligibility criteria described in section (5) of this rule and meets the criteria for nursing facility closure described in OAR 411-085-0025;

(C) Bed capacity in the community shall be reduced as a result of the transaction; and

(D) The transaction does not compromise care or health status of residents.

(c) The Department may approve the acquisition plan, disapprove the acquisition plan, or request further information or changes in the acquisition plan. The Department shall approve the transaction upon finding that the acquisition plan is expected to satisfy conditions (A) through (D) in subsection (b) of this section. If the Department approves or disapproves the transaction, the Department shall issue an order approving or disapproving the transaction and explaining how conditions (A) through (D) in subsection (b) of this section are satisfied or not satisfied.

(d) The purchasing operator may receive incentives under the Program only if the Department approves the transaction and the purchas-

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ing and selling operators complete the transaction as described in the acquisition plan. Upon meeting the qualifying conditions, eligibility for the incentives will be effective on the date the operator submitted the acquisition plan to the Department. The purchasing operator and selling operator are entitled to state action antitrust immunity for the transaction only if the Department approves the transaction.

(e) Once approved for participation in the Program, the selling facility must provide all notices and meet the other requirements of a facility closure under OAR 411-085-0025, including limiting admissions of residents to the facility.

(4) COMMUNITY TRANSITION MEETING.

(a) The Department, in consultation with the Long Term Care Ombudsman, shall convene a regional planning meeting in communities in which a facility plans to surrender the facility's license under these rules. The meeting shall engage the community in:

(A) Planning to promote the safety and dignity of residents who shall be impacted by the surrender;

(B) A discussion regarding the local need for more home and community-based settings; and

(C) Assessing opportunities for more residential programs and supporting residential capacity.

(b) The Community Transition Meeting is initiated by the Department upon approval of an acquisition as described in this rule.

(5) ELIGIBILITY. The eligibility requirements for participation in the Program are:

(a) The nursing facility bed capacity being sold (the "selling facility") is not an Essential Nursing Facility or from a facility operated on behalf of the Oregon Department of Veteran's Affairs; and

(b) The selling facility's entire bed capacity is purchased and the seller agrees to surrender the nursing facility's license on the earlier of the date that:

(A) The last resident is transferred from the facility; or

(B) 180 days after the effective date of the sale of the facility bed capacity.

(c) A Program applicant (the "purchasing operator") must meet all of the following criteria at the time of the acquisition plan submission:

(A) Operate one or more facilities licensed by the Department as a nursing facility;

(B) Must be determined to be in substantial compliance from the annual licensing and recertification survey at the date of the acquisition plan submission; and

(C) Have no substantiated facility abuse meeting the criteria in ORS 441.715(2)(c) within six months of the date of the acquisition plan submission.

(d) The selling facility must provide all notices and meet the requirements of a facility closure under OAR 411-085-0025.

(6) ANTITRUST PROVISION.

(a) The Department declares its intent to exempt from state antitrust laws and provide state action immunity from federal antitrust laws individuals and entities that engage in transactions, meetings, or surveys described in sections (2) and (3) of this rule that might otherwise be constrained by such laws.

(b) The following activities are not immunized from antitrust liability:

(A) Agreements among competing providers to reduce the number of beds they operate outside of a sale;

(B) Provider meetings to discuss bed reduction strategies outside of the negotiation of a specific sale and where no Department representative is in attendance; or

(C) Collateral agreements between competing providers that involve their pricing strategies, how to respond to requests for proposals, or other discussions outside the sale of facilities.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070 & 2013 OL Ch. 608

Hist.: SPD 37-2013(Temp), f. 10-4-13, cert. ef. 10-7-13 thru 4-5-14; APD 2-2014, f. 3-13-14, cert. ef. 4-1-14; APD 7-2016(Temp), f. 3-30-16, cert. ef. 4-1-16 thru 9-27-16; APD 38-2016, f. 9-27-16, cert. ef. 9-28-16

411-070-0442

Calculation of the Basic Rate and Complex Medical Add-on Rate

(1) The rates are determined annually and referred to as the Rebasing Year.

(a) The basic rate is based on the statements received by the Department by October 31 for the fiscal reporting period ending on June 30 of the previous year. For example, for the biennium beginning July 1, 2013, statements for the period ending June 30, 2012 are used. The Department desk reviews or field audits these statements and determines the allowable

costs for each nursing facility. The costs include both direct and indirect costs. The costs and days relating to pediatric beds are excluded from this calculation. The Department only uses financial reports of facilities that have been in operation for at least 180 days and are in operation as of June 30.

(b) For each facility, its allowable costs, less the costs of its self-contained pediatric unit (if any), are inflated by the DRI Index, or its successor index. The DRI table as published in the fourth quarter of the year immediately preceding the beginning of the payment year will be used. Costs will be inflated to reflect projected changes in the DRI Index from the mid-point of the fiscal reporting period to the mid-point of the payment year (e.g., for the July 1, 2014 rebase, the midpoint of the fiscal reporting period is December 31, 2012 and the mid-point of the payment year is December 31, 2014).

(c) For each facility, its allowable costs per Medicaid day is determined using the allowable costs as inflated and resident days, excluding pediatric days as reported in the statement.

(d) The facilities are ranked from highest to lowest by the facility's allowable costs, per Medicaid day.

(e) The basic rate is determined by ranking the allowable costs per Medicaid day by facility and identifying the allowable cost per day at the applicable percentage. If there is no allowable cost per day at the applicable percentage, the basic rate is determined by interpolating the difference between the allowable costs per day that are just above and just below the applicable percentage to arrive at a basic rate at the applicable percentage. The applicable percentage for the period beginning July 1, 2013 is at the 63rd percentile.

(2) The Department provides an augmented rate to nursing facilities who qualify under the Quality and Efficiency Incentive Program as described in OAR 411-070-0437. An acquisition plan must be submitted to the Department on or after October 7, 2013 and on or before June 30, 2016. The purchasing operator must meet all requirements in OAR 411-070-0437(3) in order to receive the augmented rate. The qualifying nursing facility is paid the augmented rate for each Medicaid-eligible resident.

(3) Nursing facility bed capacity in Oregon shall be reduced by 1,500 beds by December 31, 2015, except for bed capacity in nursing facilities operated by the Department of Veteran's Affairs and facilities that either applied to the Oregon Health Authority for a certificate of need between August 1, 2011 and December 1, 2012, or submitted a letter of intent under ORS 442.315(7) between January 15, 2013 and January 31, 2013. An official bed count measurement shall be determined and issued by the Department as of July 1, 2016 and each quarter thereafter if the goal of reducing the nursing facility bed capacity in Oregon by 1,500 beds is not achieved.

(a) For the period beginning July 1, 2013 and ending June 30, 2016, the Department shall reimburse costs as set forth in section (1) of this rule at the 63rd percentile.

(b) For each three-month period beginning on or after July 1, 2016 and ending June 30, 2020, in which the reduction in bed capacity in licensed facilities is less than the goal described in this section, the Department shall reimburse costs at a rate not lower than the percentile of allowable costs according to the following schedule:

(A) 63rd percentile for a reduction of 1,500 or more beds.

(B) 62nd percentile for a reduction of 1,350 or more beds but less than 1,500 beds.

(C) 61st percentile for a reduction of 1,200 or more beds but less than 1,350 beds.

(D) 60th percentile for a reduction of 1,050 or more beds but less than 1,200 beds.

(E) 59th percentile for a reduction of 900 or more beds but less than 1,050 beds.

(F) 58th percentile for a reduction of 750 or more beds but less than 900 beds.

(G) 57th percentile for a reduction of 600 or more beds but less than 750 beds.

(H) 56th percentile for a reduction of 450 or more beds but less than 600 beds.

(I) 55th percentile for a reduction of 300 or more beds but less than 450 beds.

(J) 54th percentile for a reduction of 150 or more beds but less than 300 beds.

(K) 53rd percentile for a reduction of 1 to 149 beds.

(4) The complex medical add-on rate is 40 percent of the basic rate.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070, 2003 OL Ch. 736, 2007 OL Ch. 780, 2009 OL Ch. 827, 2011 OL Ch. 630 & 2013 OL Ch. 608

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Hist.: SPD 36-2004, f. 12-23-04, cert. ef. 12-28-04; SPD 15-2007(Temp), f. & cert. ef. 9-10-07 thru 3-8-08; SPD 2-2008, f. 2-29-08, cert. ef. 3-1-08; SPD 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; SPD 15-2009, f. 11-30-09, cert. ef. 12-1-09; SPD 17-2011(Temp), f. & cert. ef. 7-1-11 thru 12-28-11; SPD 22-2011, f. 10-7-11, cert. ef. 11-1-11; SPD 10-2012, f. 7-31-12, cert. ef. 8-1-12; SPD 37-2013(Temp), f. 10-4-13, cert. ef. 10-7-13 thru 4-5-14; SPD 39-2013(Temp), f. 10-4-13, cert. ef. 10-7-13 thru 4-5-14; APD 2-2014, f. 3-13-14, cert. ef. 4-1-14; APD 20-2014, f. & cert. ef. 7-1-14; APD 7-2016(Temp), f. 3-30-16, cert. ef. 4-1-16 thru 9-27-16; APD 38-2016, f. 9-27-16, cert. ef. 9-28-16

Rule Caption: K-State Plan language and purpose statement clarifications

Adm. Order No.: APD 39-2016

Filed with Sec. of State: 9-27-2016

Certified to be Effective: 10-1-16

Notice Publication Date: 9-1-2016

Rules Amended: 411-035-0000, 411-035-0010, 411-035-0075

Subject: The Department of Human Services (Department) is permanently updating the rules in OAR chapter 411, division 035 to add language to clarify the State's intent to limit K-State Plan payments to the lowest possible cost. The Department is also adding to 411-035-0000 to clarify what services are described in the rule division. The Department is amending the definitions rule to add in definitions that apply to changes being made to other parts of chapter 411, division 035. The Department is adding in language to 411-035-0075 to add in requirements to the types of K-Plan transition services that require preauthorization by the Department. Minor grammar, formatting, and housekeeping changes were done to align the rules with current program rule and definition changes from other rule divisions.

Rules Coordinator: Kimberly Colkitt-Hallman—(503) 945-6398

411-035-0000

Purpose

(1) These rules ensure individuals served by the Department of Human Services, Aging and People with Disabilities have access to required and optional K-State Plan services that are not defined in other rules in this Chapter. The services in these rules are intended to assist the individual to maximize their independence, empowerment, dignity, and human potential through the provision of flexible, efficient, and suitable services.

(2) Services described in these rules include:

- (a) Backup Systems and Assistive Technology.
- (b) Chore Services.
- (c) Environmental Modification Services.
- (d) Transition Services.
- (e) Voluntary Consumer Training.

(3) To ensure equal access to individuals who are eligible for the services provided through this program.

(4) Payments for the services in these rules are limited to the lowest possible cost which will adequately meet the individual's minimum necessary needs.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520

Hist.: APD 16-2014, f. & cert. ef. 6-4-14; APD 39-2016, f. 9-27-16, cert. ef. 10-1-16

411-035-0010

Definitions

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 035:

(1) "AAA" means "Area Agency on Aging" as defined in this rule.

(2) "Activities of Daily Living (ADL)" mean those personal, functional activities required by an individual for continued well-being, which are essential for health and safety. Activities include, but are not limited to, eating, dressing/grooming, bathing/personal hygiene, mobility (ambulation and transfer), elimination (toileting, bowel, and bladder management), and cognition/behavior.

(3) "ADL" means "activities of daily living" as defined in this rule.

(4) "Alert Systems" means a unit that is worn by the individual or is located in the individual's home for the purpose of generating notification that an emergency has or may occur.

(5) "Area Agency on Aging (AAA)" means the Department designated agency charged with the responsibility to provide a comprehensive and coordinated system of services to older adults or individuals with disabilities in a planning and service area. The term Area Agency on Aging is inclusive of both Type A and Type B Area Agencies on Aging as defined in ORS 410.040 and described in ORS 410.210 to 410.300.

(6) "Assistive Technology" means equipment that provides additional security and support to an individual and replaces the need for human interventions. Assistive technologies enable an individual to self-direct their care and maximize their independence.

(7) "Back-up systems", for the purpose of these rules, mean devices or electronic systems, which secure help in emergencies, safety in the community, or are other reminders that help an individual with activities, including, but not limited to, medication management, eating, or other types of monitoring.

(8) "Case Manager" means an employee of the Department or Area Agency on Aging who assesses the service needs of an individual, determines eligibility, and offers service choices to the eligible individual. The case manager authorizes and implements an individual's service plan, and monitors the services delivered as described in OAR chapter 411, division 028.

(9) "Chore Services" means specific services intended to ensure the individual's home is safe and allows for independent living.

(10) "Consumer" or "Consumer-Employer" means the person applying for or eligible for Medicaid home or community-based services.

(11) "Cost Effective" means being responsible and accountable with Department resources by offering less costly alternatives when providing choices that adequately meet an individual's service needs. Less costly alternatives 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.

(12) "Department" means the Department of Human Services (DHS).

(13) "Durable Medical Equipment", is an apparatus, such as a walker, which is primarily used to serve a medical purpose and is appropriate to use in the individual's home.

(14) "Environmental Modifications" means the changes made to adapt living spaces to meet specific service needs of eligible individuals with physical limitations to maintain their health, safety, and independence.

(15) "Exception" means the individual has service needs above the limits described in this rule, and documented in the assessment and service plan that warrant an exception for payment.

(16) "IADL" means "instrumental activities of daily living" as defined in this rule.

(17) "Individual" means the person applying for or eligible for services.

(18) "In-Home Services" mean the activities of daily living and instrumental activities of daily living that assist an individual to stay in his or her own home or the home of a relative.

(19) "Instrumental Activities of Daily Living (IADL)" means those activities that include, but are not limited to, activities other than the activities of daily living, required by an individual to continue independent living. Activities include, but are not limited to, housekeeping, laundry, meal preparation, medication management, shopping, and transportation.

(20) "Long-Term Care" means the Medicaid system through which the Department provides nursing facility, community-based, and in-home services to eligible adults who are aged, blind, or have physical disabilities.

(21) "Medication Reminders" are devices used for the purpose of prompting an individual to take their medication.

(22) "Natural Supports" means resources and supports (e.g. relatives, friends, neighbors, significant others, roommates, or the community) who are willing to voluntarily provide services to an individual without the expectation of compensation. Natural supports are identified in collaboration with the individual and the potential "natural support". The natural support is required to have the skills, knowledge, and ability to provide the needed services and supports.

(23) "Person-centered Assessment and Service Plans" means:

(a) A process, either formal or informal, for gathering and organizing information that helps an individual:

(A) Determine and describe choices about personal goals, activities, and lifestyle preferences;

(B) Design strategies and networks of support to achieve goals and a preferred lifestyle using individual strengths, relationships, and resources; and

(C) Identify, use, and strengthen naturally occurring opportunities for support at home and in the community.

(b) The methods for gathering information vary, but all are consistent with individual needs and preferences.

(24) "Personal Emergency Response Systems" mean a type of electronic back-up system that:

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- (a) Secures help for individuals in an emergency;
- (b) Ensures a consumer's safety in the community; and
- (c) Includes other reminders that help an individual with their activities of daily living and instrumental activities of daily living.

(25) "Rate Schedule" means the rate schedule maintained by the Department at <http://www.dhs.state.or.us/spd/tools/program/osip/rateschedule.pdf>. Printed copies may be obtained by calling (503) 945-6398 or writing the Department of Human Services, Aging and People with Disabilities, ATTN: Rule Coordinator, 500 Summer Street NE, E-48, Salem, Oregon 97301.

(26) "Representative" means a person with longstanding involvement in assuring the individual's health, safety, and welfare that is appointed by an individual to participate in service planning on the individual's behalf. In all cases, unless the individual is incapable, the individual's consent is obtained before designating a representative on the individual's behalf. When feasible, the individual's authorization of a representative is made in writing or by another method that clearly indicates the individual's free choice. An individual's representative is not a paid provider to an individual receiving services and supports.

(27) "Service Need" means the assistance an individual requires from another person, or equipment that replaces the need for another person, for those functions or activities.

(28) "These Rules" mean the rules in OAR chapter 411, division 035.

(29) "Transition Services" means those services and supports necessary for an individual to transition from a nursing facility or the Oregon State Hospital to a community-based care or in-home setting.

(30) "Voluntary Consumer Training Services" means activities to empower and inform individuals receiving in-home services regarding their rights, role, and responsibilities as employers of care providers.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 - 410.300 & 441.520

Hist.: APD 16-2014, f. & cert. ef. 6-4-14; APD 36-2014(Temp), f. & cert. ef. 11-10-14 thru 5-8-15; APD 7-2015, f. 3-4-15, cert. ef. 3-9-15; APD 39-2016, f. 9-27-16, cert. ef. 10-1-16

411-035-0075

Eligible Transition Services

(1) Approval for services and supports must:

(a) Be based on an assessed need determined during the person-centered service planning process.

(b) Support the desires and goals of the consumer receiving services and supports.

(2) Total expenses for transition services and supports covered under this rule may be approved from the date of authorization up to 30 days after a consumer discharges from a nursing facility or the Oregon State Hospital on a permanent basis and may include more than one item.

(3) Total purchases for basic household goods and furnishings are limited to one time per year within the first 30 days a consumer discharges from a nursing facility on a permanent basis.

(4) Total purchases for transition services and supports, other than basic household goods and furnishings, are limited to no more than twice annually. To access transition services and supports a second time within a year, the consumer must be transitioning from a nursing facility or the Oregon State Hospital.

(5) Funds must not be used to retroactively reimburse a consumer, natural supports, or community-based care providers for transition service expenses.

(6) Unless indicated in this rule, allowable moving and move-in costs are limited to an in-home setting and include:

(a) Transportation for touring community-based care facilities and in-home service settings.

(b) Housing application fees.

(c) Payment for background and credit checks related to housing.

(d) Cleaning deposits.

(e) Security deposits.

(f) Initial deposits for heating, lighting, and land line phone service.

(g) Payment of previous utility bills that prevent a consumer from receiving utility services.

(h) Cleaning before move-in, is limited to consumers returning to a previous in-home setting and the service is needed to mitigate a health or safety risk.

(i) Basic household goods.

(A) Including, but not limited to:

(i) Cookware;

(ii) Tableware;

(iii) Garbage cans;

(iv) Trash bags;

(v) Toilet paper;

(vi) Bedding;

(vii) Linens; or

(viii) Basic cleaning supplies.

(B) The purchase of basic household goods is not intended to replace useable items already available to the consumer.

(C) Purchases are limited to:

(i) The amount necessary to adequately meet the needs of the consumer, but may not exceed \$500.

(ii) The Department may approve additional household goods if the consumer's functional needs assessment indicates the need for additional household goods beyond the standard limit.

(j) Basic household furnishings.

(A) Including, but not limited to:

(i) Beds;

(ii) Mattresses;

(iii) Dressers;

(iv) Couches;

(v) Tables; or

(vi) Chairs required in an in-home or community-based service setting.

(B) The purchase of basic household goods is not intended to replace useable items already available to the consumer.

(C) Purchases are limited to:

(i) The amount necessary to adequately meet the needs of the consumer and may not exceed \$1,000.

(ii) The Department may approve additional household furnishings if the consumer's functional needs assessment indicates the need for additional household furnishings beyond the standard limit.

(k) Basic food stocking.

(A) Including, but not limited to:

(i) Pantry staples;

(ii) Perishable food items; or

(iii) Canned or boxed foods that meet the basic nutritional needs of a consumer.

(B) The purchase of food items is not intended to replace non-perishable items already available to the consumer.

(i) The purchase of food items must be limited to the amount necessary to adequately meet basic nutritional needs within the transition period and may not exceed \$200.

(ii) The Department may approve additional food stocking if the consumer's functional needs assessment indicates the need for additional food stocking beyond the standard limit.

(C) A consumer's available income and benefits may be used before approving expenses for basic food stocking.

(D) Consumers transitioning to a community-based care setting are not eligible to use funds for basic food stocking.

(i) Clothing that meets the basic needs of a consumer transitioning to a community-based care or in-home service setting.

(A) The purchase of clothing items are not intended to replace useable items already available to the consumer.

(B) A consumer's available income may be used before approving expenses.

(m) Movers and moving expenses, required to transition a consumer to a community-based care or in-home service setting, are limited to \$1,000.

(n) Delivery costs associated with moving a consumer's property from an off-site location to a community-based or in-home setting during the transition.

(o) Extra locks, for security purposes, in a community-based care or in-home service setting.

(p) Duplicate keys in a community-based care or in-home service setting.

(7) The following services and expenses must be pre-authorized by the Department's Central Office:

(a) Purchases that exceed the monetary limits described in this rule.

(b) Approval for expenses that occur greater than 30 days after the transition period.

(c) Items required to re-establish a home not identified in this rule.

(d) Other necessities not identified in this rule that are required for a consumer to transition from a nursing facility or the Oregon State Hospital.

(e) Transportation for community-based service setting tours that require overnight travel.

(f) Payment of past rent or utility bills in which a consumer was more than one month behind.

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(g) Transportation costs for the individual to transition from a nursing facility or the state hospital to a home or community-based care setting. This may include attendant services and transportation out of state.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520

Hist.: APD 16-2014, f. & cert. ef. 6-4-14; APD 39-2016, f. 9-27-16, cert. ef. 10-1-16

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

Rule Caption: Amending child welfare rules

Adm. Order No.: CWP 17-2016

Filed with Sec. of State: 9-29-2016

Certified to be Effective: 9-29-16

Notice Publication Date: 9-1-2016

Rules Adopted: 413-080-0062

Rules Amended: 413-015-0115, 413-015-0210, 413-015-0211, 413-015-0215, 413-015-0415, 413-015-0422, 413-015-0470, 413-090-0087, 413-200-0352

Rules Repealed: 413-015-0115(T), 413-015-0210(T), 413-015-0211(T), 413-015-0215(T), 413-015-0415(T), 413-015-0470(T), 413-090-0087(T)

Subject: The Department of Human Services, Office of Child Welfare Programs, is amending rules to implement provisions of the Preventing Sex Trafficking and Strengthening Families Act of 2014 relating to the Department's responsibilities when a child or young adult in substitute care is missing, may be a sex trafficking victim, or is determined to be a sex trafficking victim. The amendments state additional requirements for Child Welfare screeners, CPS workers, and caseworkers when a child or young adult in substitute care is missing, and new requirements for determining if a child or young adult is or may be a sex trafficking victim. The amendments also include new requirements for BRS contractors and Department certified foster families to immediately report information about a missing child or young adult to law enforcement and the National Center for Missing and Exploited Children.

Rules in OAR 413-015 are also being amended to clarify when CPS staff must notify the Office of Developmental Disabilities Services (ODDS) about reports of child abuse or neglect that involve children with intellectual or developmental disabilities. (The change to OAR 413-015-0215 was adopted by temporary rule on April 11, 2016.)

In addition, non-substantive edits were made to these rules to: ensure consistent terminology throughout child welfare program rules and policies; make general updates consistent with current Department practices; update statutory and rule references; correct formatting and punctuation; improve ease of reading; and clarify Department rules and processes. This includes the permanent adoption of some changes to definitions and terminology that were adopted by temporary rule on July 1, 2016 to comply with SB 1515 (2016).

Rules Coordinator: Kris Skaro—(503) 945-6067

413-015-0115

Definitions

Unless the context indicates otherwise, these terms are defined for use in OAR chapter 413, division 015:

(1) "Caregiver" means a guardian, legal custodian, or other person acting in loco parentis, who exercises significant authority over and responsibility for a child.

(2) "Child" means a person who:

(a) Is under 18 years of age; or

(b) Is under 21 years of age and residing in or receiving care or services at a child-caring agency or proctor foster home.

(3) "Child abuse or neglect" means any form of child abuse, including abuse through neglect and abuse or neglect by a third party, as defined in ORS 419B.005 or, when applicable, Oregon Laws 2016, chapter 106, section 36.

(4) "Child-caring agency" is defined in ORS 418.205 and:

(a) Means any private school, private agency, or private organization providing:

(A) Day treatment for children with emotional disturbances;

(B) Adoption placement services;

(C) Residential care, including but not limited to foster care or residential treatment for children;

(D) Residential care in combination with academic education and therapeutic care, including but not limited to treatment for emotional, behavioral or mental health disturbances;

(E) Outdoor youth programs; or

(F) Other similar care or services for children.

(b) Includes the following:

(A) A shelter-care home that is not a foster home subject to ORS 418.625 to 418.645;

(B) An independent residence facility as described in ORS 418.475;

(C) A private residential boarding school; and

(D) A child caring facility as defined in ORS 418.950.

(c) Child-caring agency does not include:

(A) Residential facilities or foster care homes certified or licensed by the Department of Human Services under ORS 443.400 to 443.455, 443.830 and 443.835 for children receiving developmental disability services;

(B) Any private agency or organization facilitating the provision of respite services for parents pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this subsection, "respite services" means the voluntary assumption of short-term care and control of a minor child without compensation or reimbursement of expenses for the purpose of providing a parent in crisis with relief from the demands of ongoing care of the parent's child;

(C) A youth job development organization as defined in ORS 344.415;

(D) A shelter-care home that is a foster home subject to ORS 418.625 to 418.645; or

(E) A foster home subject to ORS 418.625 to 418.645.

(5) "Child protective services" (CPS) means a specialized social service program that the Department provides on behalf of children who may be unsafe after a report of child abuse or neglect is received.

(6) "Child protective services assessment" (CPS assessment) means an investigation into a report of child abuse or neglect pursuant to ORS 419B.020 that includes activities and interventions to identify and analyze threats to child safety, determine if there is reasonable cause to believe child abuse or neglect occurred, and assure child safety through protective action plans, initial safety plans, or ongoing safety planning.

(7) "Child protective services supervisor" (CPS supervisor) means an employee of the Department trained in child protective services and designated as a supervisor.

(8) "Child protective services worker" (CPS worker) means an employee of the Department who has completed the mandatory Department training for child protective service workers.

(9) "Child Safety Meeting" means a meeting held at the conclusion of a CPS assessment for the purpose of developing an ongoing safety plan.

(10) "Conditions for return" means a written statement of the specific behaviors, conditions, or circumstances that must exist within a child's home before a child can safely return and remain in the home with an in-home ongoing safety plan.

(11) "Day Care Facility" means each of the following:

(a) A Registered Family Child Care Home, which is the residence of a provider who has a current Family Child Care Registration at that address and who provides care in the family living quarters.

(b) A Certified Family Child Care Home, which is a child care facility located in a building constructed as a single family dwelling that has certification to care for a maximum of 16 children at any one time.

(c) A Certified Child Care Center, which is certified to care for 13 or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed as other than a single family dwelling.

(d) A Listed Facility, which is a child care provider that is exempt from Office of Child Care licensing and that receives subsidy payments for child care on behalf of clients of the Department of Human Services.

(12) "Department" means the Department of Human Services, Child Welfare.

(13) "Department response" means how the Department intends to respond to information that a child is unsafe after a report of alleged abuse or neglect is received.

(14) "Designated medical professional" means (as described in ORS 418.747(9)) a physician, physician assistant, or nurse practitioner who has been designated by the local multi-disciplinary team and trained to conduct child abuse medical assessments (as defined in ORS 418.782), and who is

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-- or who may designate another physician, physician assistant, or nurse practitioner who is -- regularly available to conduct these medical assessments.

(15) "Domestic violence" means a pattern of coercive behavior, which can include physical, sexual, economic, and emotional abuse that an individual uses against a past or current intimate partner to gain power and control in a relationship.

(16) "Face-to-face" means an in-person interaction between individuals.

(17) "Former foster child" means a person under 21 years of age who was in substitute care at or after 16 years of age, including substitute care provided by federally recognized tribes, and had been in substitute care for at least 180 cumulative days after 14 years of age.

(18) "Founded" means there is reasonable cause to believe that child abuse or neglect, as defined in ORS 419B.005, occurred.

(19) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.

(20) "Harm" means any kind of impairment, damage, detriment, or injury to a child's physical, sexual, psychological, cognitive, or behavioral development or functioning. "Harm" is the result of child abuse or neglect and may vary from mild to severe.

(21) "ICWA" means the Indian Child Welfare Act.

(22) "Impending danger safety threat" means a family behavior, condition, or circumstance that meets all five safety threshold criteria. A threat to a child that is not immediate, obvious, or occurring at the onset of the CPS intervention. This threat is identified and understood more fully by evaluating and understanding individual and family functioning.

(23) "Initial contact" means the first face-to-face contact between a CPS worker and a family. The initial contact includes face-to-face contact with the alleged child victim, his or her siblings, parent or caregiver, and other children and adults living in the home; accessing the home environment; and gathering sufficient information on the family conditions and functioning to determine if present danger safety threats or impending danger safety threats exist.

(24) "Initial safety plan" means a documented set of actions or interventions sufficient to protect a child from an impending danger safety threat in order to allow for completion of the CPS assessment.

(25) "Moderate to high needs" means observable family behaviors, conditions, or circumstances that are occurring now; and over the next year without intervention, are likely to have a negative impact on a child's physical, sexual, psychological, cognitive, or behavioral development or functioning. The potential negative impact is not judged to be severe. While intervention is not required for the child to be safe, it is reasonable to determine that short-term, targeted services could reduce or eliminate the likelihood that the negative impact will occur.

(26) "Monthly face-to-face contact" means in-person interaction between individuals at least once each and every full calendar month.

(27) "Multi-disciplinary team" (MDT) means a county child abuse investigative team as defined in ORS 418.747.

(28) "Observable" means specific, real, can be seen and described. Observable does not include suspicion or gut feeling.

(9) "Ongoing safety plan" means a documented set of actions or interventions that manage a child's safety after the Department has identified one or more impending danger safety threats at the conclusion of a CPS assessment or anytime during ongoing work with a family.

(30) "Out of control" means family behaviors, conditions, or circumstances that can affect a child's safety are unrestrained, unmanaged, without limits or monitoring, not subject to influence or manipulation within the control of the family, resulting in an unpredictable and chaotic family environment.

(31) "Personal representative" means a person who is at least 18 years of age and is selected to be present and supportive during the CPS assessment by a child who is the victim of a person crime as defined in ORS 147.425 and is at least 15 years of age at the time of the crime. The personal representative may not be a person who is a suspect in, party or witness to, the crime.

(32) "Pre-adoptive family" means an individual or individuals who:

(a) Has been selected to be a child's adoptive family; and

(b) Is in the process of legalizing the relationship to the child through the judgment of the court.

(33) "Present danger safety threat" means an immediate, significant, and clearly observable family behavior, condition, or circumstance occurring in the present tense, already endangering or threatening to endanger a child. The family behavior, condition, or circumstance is happening now and it is currently in the process of actively placing a child in peril.

(34) "Proctor foster home" means a foster home certified by a child-caring agency that is not subject to ORS 418.625 to 418.470.

(35) "Protective action plan" means an immediate, same day, short-term plan, lasting a maximum of ten calendar days, sufficient to protect a child from a present danger safety threat.

(36) "Protective capacity" means behavioral, cognitive, and emotional characteristics that can specifically and directly be associated with a person's ability and willingness to care for and keep a child safe.

(37) "Protective custody" means custody authorized by ORS 419B.150.

(38) "Reasonable suspicion" means a reasonable belief given all of the circumstances, based upon specific and describable facts, that the suspicious physical injury may be the result of abuse. Explanation: The belief must be subjectively and objectively reasonable. In other words, the person subjectively believes that the injury may be the result of abuse, and the belief is objectively reasonable considering all of the circumstances. The circumstances that may give rise to a reasonable belief may include, but not be limited to, observations, interviews, experience, and training. The fact that there are possible non-abuse explanations for the injury does not negate reasonable suspicion.

(39) "Referral" means a report that has been assigned for the purpose of CPS assessment.

(40) "Report" means an allegation of child abuse or neglect provided to the Department that the screener evaluates to determine if it constitutes a report of child abuse or neglect as defined in ORS 419B.005 or, when applicable, Oregon Laws 2016, chapter 106, section 36.

(41) "Reporter" means an individual who makes a report.

(42) "Safe" means there is an absence of present danger safety threats and impending danger safety threats.

(43) "Safety service provider" means a participant in a protective action plan, initial safety plan, or ongoing safety plan whose actions, assistance, or supervision help a family in managing a child's safety.

(44) "Safety services" mean the actions, assistance, and supervision provided by safety service providers to manage the identified present danger safety threats or impending danger safety threats to a child.

(45) "Safety threshold" means the point at which family behaviors, conditions, or circumstances are manifested in such a way that they are beyond being risk influences and have become an impending danger safety threat. In order to reach the "safety threshold" the behaviors, conditions, or circumstances must meet all of the following criteria: be imminent, be out of control, affect a vulnerable child, be specific and observable, and have potential to cause severe harm to a child. The "safety threshold" criteria are used to determine the presence of an impending danger safety threat.

(46) "School administrator" means the principal, vice principal, assistant principal, or any other person performing the duties of a principal, vice principal, or assistant principal at a school, as defined in the Teacher Standards and Practices Commission (TSPC) OAR 584-005-0005.

(47) "Screener" means a Department employee with training required to provide screening services.

(48) "Screening" means the process used by a screener to determine the Department response when information alleging abuse or neglect is received.

(49) "Severe harm" means:

(a) Significant or acute injury to a child's physical, sexual, psychological, cognitive, or behavioral development or functioning;

(b) Immobilizing impairment; or

(c) Life threatening damage.

(50) "Sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person under the age of 18 for the purpose of a commercial sex act or the recruitment, harboring, transportation, provision, or obtaining of a person over the age of 18 using force, fraud, or coercion for the purpose of a commercial sex act.

(51) "Substance" means any controlled substance as defined by ORS 475.005, prescription medications, over-the-counter medications, or alcoholic beverages.

(52) "Substantiated" means there is reasonable cause to believe that child abuse, as defined in ORS 419B.005 or Oregon Laws 2016, chapter 106, section 36, occurred.

(53) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

(54) "Suspicious physical injury" (as defined in ORS 419B.023) includes, but is not limited to:

(a) Burns or scalds;

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- (b) Extensive bruising or abrasions on any part of the body;
- (c) Bruising, swelling, or abrasions on the head, neck, or face;
- (d) Fractures of any bone in a child under the age of three;
- (e) Multiple fractures in a child of any age;
- (f) Dislocations, soft tissue swelling, or moderate to severe cuts;
- (g) Loss of the ability to walk or move normally according to the child's developmental ability;
- (h) Unconsciousness or difficulty maintaining consciousness;
- (i) Multiple injuries of different types;
- (j) Injuries causing serious or protracted disfigurement or loss or impairment of the function of any bodily organ; or
- (k) Any other injury that threatens the physical well-being of the child.

(55) "Teacher" means (as defined in TSPC OAR 584-005-0005) a licensed or registered employee in a public school or charter school, or employed by an education service district, who has direct responsibility for instruction, coordination of educational programs, or supervision or evaluation of teachers; and who is compensated for services from public funds.

(56) "Third-party abuse" means abuse by a person who is not the child's parent, not the child's caregiver or other member of the child's household, and not a person responsible for the child's care, custody, and control. Examples of persons who could be considered as a third-party under this definition include school personnel, day-care providers, coaches, and church personnel.

(57) "Unsafe" means the presence of a present danger safety threat or an impending danger safety threat.

(58) "Vulnerable child" means a child who is unable to protect him or herself. This includes a child who is dependent on others for sustenance and protection. A "vulnerable child" is defenseless, exposed to behaviors, conditions, or circumstances that he or she is powerless to manage, and is susceptible and accessible to a threatening parent or caregiver. Vulnerability is judged according to physical and emotional development, ability to communicate needs, mobility, size, and dependence.

(59) "Young adult" means a person aged 18 through 20 years.
Stat. Auth.: ORS 409.185, 418.005, 418.747, 419B.017, 419B.024, 419B.035, OL 2016, ch 106
Stats. Implemented: ORS 147.425, 409.185, 418.005, 418.015, 418.747, 419B.005 - 419B.050, OL 2016, ch 106
Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 14-2004, f. 7-30-04, cert. ef. 8-1-04; CWP 17-2004, f. & cert. ef. 11-1-04; CWP 4-2005, f. & cert. ef. 2-1-05; CWP 19-2005(Temp), f. 12-30-05, cert. ef. 1-1-06 thru 6-30-06; CWP 14-2006, f. 6-30-06, cert. ef. 7-1-06; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 16-2007(Temp), f. & cert. ef. 10-16-07 thru 4-11-08; CWP 22-2007(Temp), f. & cert. ef. 12-3-07 thru 4-11-08; CWP 24-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 4-11-08; CWP 2-2008, f. & cert. ef. 4-1-08; CWP 5-2010(Temp), f. & cert. ef. 6-15-10 thru 12-12-10; CWP 21-2010, f. & cert. ef. 11-15-10; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14; CWP 13-2014(Temp), f. & cert. ef. 7-1-14 thru 12-28-14; CWP 17-2014, f. & cert. ef. 12-24-14; CWP 18-2015(Temp), f. 9-30-15, cert. ef. 10-1-15 thru 3-28-16; CWP 27-2015, f. 12-28-15, cert. ef. 1-1-16; CWP 11-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 12-27-16; CWP 17-2016, f. & cert. ef. 9-29-16

413-015-0210 Determining Department's Response and Required Time Lines for CPS Information

(1) After the screener completes screening activities required by OAR 413-015-0205, and the screener determines the information received is CPS information, the screener must determine the Department response, either CPS assessment required or close at screening. If a CPS assessment is required, the screener must then determine the time line for the Department response, either within 24 hours or within five calendar days.

(2) CPS assessment required. A CPS assessment is required if one of the following applies:

(a) The screener determines that information received constitutes a report of child abuse or neglect, as defined in ORS 419B.005, and the information indicates:

- (A) The alleged perpetrator is a legal parent of the alleged child victim;
- (B) The alleged perpetrator resides in the alleged child victim's home;
- (C) The alleged perpetrator may have access to the alleged child victim, and the parent or caregiver may not be able or willing to protect the child; or

(D) The alleged child abuse occurred in a day care facility, or the home of a Department certified foster parent or relative caregiver.

(b) The screener determines that information received constitutes a report of child abuse or neglect as defined in ORS 419B.005 or Oregon Laws 2016, chapter 106, section 36 and the report is the responsibility of the Department as outlined in OAR 413-015-0630.

(c) A tribe or LEA requests assistance from the Department with an investigation of child abuse or neglect, and a CPS supervisor agrees that assistance from the Department is appropriate.

(3) Response Time Lines. If the screener determines that a CPS assessment is required, the screener must:

(a) Determine the CPS assessment response time line. The time line for the Department response refers to the amount of time between when the report is received at screening and when the CPS worker is required to make an initial contact. When determining the response time, the screener must take into account the location of the child, how long the child will be in that location, and access that others have to the child.

(A) Within 24 hours: This response time line is required, unless paragraph (B) of this subsection applies, when the information received constitutes a report of child abuse or neglect as defined in ORS 419B.005 or, when applicable, Oregon Laws 2016, chapter 106, section 36.

(B) Within five calendar days: This response time line must only be used when the screener can clearly document how the information indicates the child's safety will not be compromised by not responding within 24 hours and whether an intentional delay to allow for a planned response is less likely to compromise the safety of the child.

(b) Complete a screening report form immediately when a "within 24 hour" response time line is assigned or the same day when a "within five calendar days" response time is assigned, unless a CPS supervisor grants an extension as provided in OAR 413-015-0220.

(c) Refer the CPS assessment to the appropriate county as described in OAR 413-015-0213.

(4) Close at Screening: A report will be closed at screening if one of the following subsections applies:

(a) The screener determines that information received:

(A) Does not constitute a report of child abuse or neglect, as defined in ORS 419B.005 or, when applicable, Oregon Laws 2016, chapter 106, section 36, and the screener determines that the information describes behaviors, conditions, or circumstances that pose a risk to a child;

(B) Is third party child abuse or neglect that does not require a CPS assessment because the alleged perpetrator does not have access to the child, and the parent or caregiver is willing and able to protect the child; or

(C) Is a report that there are no children in the home and:

(i) An expectant mother is abusing substances during her pregnancy;

(ii) An expectant mother or a household member has had his or her parental rights to another child terminated; or

(iii) An expectant mother or a household member is known to have conditions or circumstances that would endanger a newborn child.

(D) Is information from a Department caseworker that a child or young adult on an open Department case is identified as a sex trafficking victim and the report does not meet the criteria in 413-015-0210 to assign.

(b) When a report is received, but the screener, after extensive efforts, is unable to obtain sufficient information to locate the child. Name and exact address are not necessary if a location is obtained.

(5) If a report is closed at screening, the screener must:

(a) Document the current information that supports the decision to close the report at screening.

(b) Decide whether other services are appropriate and make service or resource referrals, as necessary. Document what service or resource referrals are made, if any.

(c) Make diligent efforts to contact the reporter if contact information was provided and when the reporter was not informed of the following information prior to completing the screening report form.

(A) Whether contact with the child was made;

(B) Whether the Department determined child abuse occurred; and

(C) Whether services will be provided.

(d) Complete a screening report form no later than the next working day after the screening determination is made, unless a CPS supervisor grants an extension, as provided in OAR 413-015-0220.

Stat. Auth.: ORS 418.005, OL 2016, ch 10

Stats. Implemented: ORS 418.005, OL 2016, ch 10

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 14-2004, f. 7-30-04, cert. ef. 8-1-04; CWP 4-2005, f. & cert. ef. 2-1-05; CWP 16-2005, f. & cert. ef. 12-1-05; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14; CWP 11-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 12-27-16; CWP 17-2016, f. & cert. ef. 9-29-16

413-015-0211 Additional Screening Activities

In the specific circumstances described below, the screener must complete additional activities to complete the screening process.

(1) The screener receives information on an open CPS assessment.

(a) When a screener receives duplicate information (same alleged victim, same alleged perpetrator, same allegation of child abuse or neglect, and same incident dates) on an open CPS assessment, the screener must:

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(A) Inform the reporter that a new screening report will not be documented because the information has already been received;

(B) Provide the reporter with the assigned caseworker's name and phone number; and

(C) Provide contact information about the reporter and any information the screener received to the assigned caseworker.

(b) When a screener receives information that constitutes a new report of child abuse or neglect as defined in ORS 419B.005 or, when applicable, Oregon Laws 2016, chapter 106, section 36 on an open CPS assessment, the screener must:

(A) Document the information in a new screening report form; and

(B) Notify the assigned CPS worker and their supervisor of all new information received on the same day the information is received, and document this notification in the Department's electronic information system.

(c) When a screener receives information that constitutes a closed at screening on an open CPS assessment, the screener must:

(A) Document the information in a new screening report form; and

(B) Notify the assigned CPS worker and their supervisor of all new information received on the same day the information is received, and document this notification in the Department's electronic information system.

(2) The screener receives new information on an open Department case.

(a) When a screener receives new information on an open Department case, the screener must:

(A) Consult with a CPS supervisor;

(B) Notify each assigned case worker and their respective supervisors of all new information received on the same day the information is received, and document this notification in the Department's electronic information system's case notes; and

(C) Complete notification on the same day the information is received.

(b) When a screener receives a new report of child abuse or neglect, as defined in ORS 419B.005 or, when applicable, Oregon Laws 2016, chapter 106, section 36, but there is no open CPS assessment, the screener must document the information in a new screening report form.

(c) The information received by a screener on an open Department case that will not be documented in a new screening report form but must be documented in the Department's electronic information system's case notes includes:

(A) Additional information on an open case that does not meet the criteria for a new CPS assessment or closed at screening;

(B) When an in-home protective action plan, initial safety plan, or ongoing safety plan is violated, but the violation is not a new incident of child abuse or neglect;

(C) Reports of an ongoing concern in an open case, which the Department is currently addressing;

(D) Reports of a missing child or young adult; and

(E) Any requests for case information received by the screener.

(3) When a screener receives information related to the home of a Department certified foster parent or relative caregiver, the screener must notify and document that the screener has notified each assigned case worker, assigned certifier, and their respective supervisors of all information received (see "Department Responsibilities During Screening and Assessment of a Child Abuse or Neglect Report Involving the Home of a Department Certified Foster Parent or Relative Caregiver", OAR 413-200-0404 to 413-200-0424).

(4) When a screener receives information related to a minor parent as an alleged perpetrator:

(a) The screener must gather information to determine if there is a report of abuse or neglect with the minor parent as an alleged victim.

(b) If the screener determines there is a report of abuse or neglect of the child of the minor parent with the minor parent as an alleged perpetrator and another report with the minor parent as an alleged victim, the screener must document the information in the following manner to determine when to use the mother or father's name as the case name:

(A) The allegation with the minor parent as an alleged perpetrator must be documented with the mother or father of the alleged victim as the case name (the mother or father being a minor does not preclude them from being the case name); and

(B) The allegation with the minor parent as an alleged victim must be documented with the mother or father of the minor parent as the case name.

(5) When a screener receives a report of a missing child or young adult on an open CPS assessment or open Department case, the screener must:

(a) If the child or young adult is in substitute care and the reporter is the caregiver inform the reporter he or she must report information about the missing child or young adult to law enforcement and the National Center for Missing and Exploited Children;

(b) Notify the assigned caseworker, the assigned certifier, and their respective supervisors of all information received; and

(c) Document the information received, and the notifications made in the Department's electronic information system's case notes.

(6) When a screener receives information from a Department caseworker that a child or young adult on an open CPS assessment or a child or young adult on an open Department case is identified as a sex trafficking victim, the screener must:

(a) Determine if the information meets the criteria to assign or be closed at screening; and

(b) Notify law enforcement as outlined in OAR 413-015-0215, "Notifications and Reports to Specific Agencies or Entities".

(7) When a screener receives a report of a child fatality alleged to be the result of abuse or neglect or involving a child known to the Department, the screener must:

(a) Consult with a CPS supervisor;

(b) Refer to the Child Welfare "Fatality Protocol";

(c) Complete a screening report form identifying in the Department's electronic information system that the report involves a child fatality;

(d) Notify the CPS consultant; and

(e) Complete subsections (a) through (d) of this section even when there are no siblings to the deceased child and no other children in the home where the fatality occurred.

Stat. Auth.: ORS 418.005, OL 2016, ch 106

Stats. Implemented: ORS 418.005, OL 2016, ch 106

Hist.: CWP 16-2005, f. & cert. ef. 12-1-05; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 15-2009, f. & cert. ef. 11-3-09; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14; CWP 18-2015(Temp), f. 9-30-15, cert. ef. 10-1-15 thru 3-28-16; CWP 27-2015, f. 12-28-15, cert. ef. 1-1-16; CWP 11-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 12-27-16; CWP 17-2016, f. & cert. ef. 9-29-16

413-015-0215

Notifications and Reports to Specific Agencies or Entities

(1) Law Enforcement Agency (LEA). The screener must

(a) Cross report to LEA as required by OAR 413-015-0305(1); and

(b) Notify law enforcement when information is received from a Department caseworker that a child or young adult on an open CPS assessment or a child or young adult on an open Department case is identified as a sex trafficking victim by a Department caseworker.

(2) Office of Child Care, Department of Education, Early Learning Division. The screener must notify the Office of Child Care when a report involves a day care facility, as required by ORS 419B.020(1). If the report is closed at screening, a copy of the completed screening report form must be sent to the Compliance Unit of the Office of Child Care after information related to the reporter's identity and other confidential information is removed.

(3) Office of Adult Abuse Prevention and Investigation (OAAPI). The screener must report to the OAAPI when a report involves a child with intellectual or developmental disabilities in a 24 hour residential setting licensed by the Office of Developmental Disabilities Services.

(4) Office of Developmental Disabilities Services (ODDS). The screener must notify the ODDS when a report involves:

(a) A child with intellectual or developmental disabilities in a home certified by the ODDS or the Department;

(b) A child with intellectual or developmental disabilities in a 24 hour residential setting licensed by the ODDS;

(c) A home certified by the ODDS; or

(d) A 24 hour residential setting licensed by the ODDS.

(5) Indian Tribes. If the screener knows or has reason to know that the child is an Indian child, the screener must give notice within 24 hours to the Indian child's tribe that a CPS assessment is being conducted.

(6) Teacher Standards and Practices Commission (TSPC). The screener must notify the TSPC when a teacher or school administrator, as defined in OAR 413-015-0115, is identified as an alleged perpetrator in a report. A copy of the report must be sent to the TSPC after information related to the reporter's identity and other confidential information is removed.

(7) Community Mental Health Program, Community Developmental Disabilities Program, or Adult Protective Services. The screener must make a report to the Community Mental Health Program, Community Developmental Disabilities Program, or the local Adult Protective Service office when the screener has reasonable cause to believe:

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(a) That any person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older, with whom the screener comes into contact while the screener is acting in an official capacity, has suffered abuse; or

(b) That any person with whom the screener comes into contact, while acting in an official capacity, has abused a person 18 years of age or older with a mental illness, developmental disability, or physical disability, or any person 65 years of age or older.

Stat. Auth.: ORS 418.005 & 419B.017

Stats. Implemented: ORS 418.005, 419B.015 & 419B.017

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 4-2005, f. & cert. ef. 2-1-05; CWP 16-2005, f. & cert. ef. 12-1-05; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14; CWP 5-2016(Temp), f. & cert. ef. 4-11-16 thru 10-7-16; CWP 11-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 12-27-16; CWP 17-2016, f. & cert. ef. 9-29-16

413-015-0415

CPS Assessment Activities

The required CPS assessment activities are outlined below. The activities are described in a logical order in these rules, but the order in which they occur is controlled by the specific circumstances in a given case.

(1) Review Records.

(a) The assigned CPS worker must:

(A) Thoroughly review the documentation in the referral;

(B) Thoroughly review the paper and electronic records maintained by the Department for historical information on the family and the child that may be useful in completing the CPS assessment;

(C) Thoroughly review available Self-Sufficiency records; and

(D) Make diligent efforts to contact another state's child welfare agency to obtain records, if any, when the CPS worker has information that the family has lived in another state.

(b) The CPS worker must review the documents to identify information related to:

(A) Present danger safety threats or impending danger safety threats;

(B) History or a pattern of abuse or neglect;

(C) Child and family support systems and protective capacity; and

(D) Worker safety.

(2) Addressing Prior Allegations That Have Not Been Assessed Because the Department was Unable to Locate the Family. The assigned CPS worker must address in the current assessment any allegations not previously assessed because the Department was unable to locate the family as follows:

(a) Discuss the prior unassessed allegations during interviews;

(b) Consider all information about prior unassessed allegations when determining child safety; and

(c) Document the consideration of prior unassessed allegations in interviews, observations, and dispositional findings.

(3) Contact Collateral Sources.

(a) The CPS worker must contact collateral sources who can clarify or supplement the information in the referral and in records already reviewed.

(A) The CPS worker must contact the assigned Self-Sufficiency worker, if any.

(B) The CPS worker may contact other collateral sources including, but not limited to:

(i) Individuals who have regular contact with the child;

(ii) Doctors or others who have evaluated or maintain records on the child;

(iii) People who are in an established personal or professional relationship with the parent or caregiver and who can judge the quality and nature of the parent or caregiver behavior and functioning; and

(iv) People who have records or information about the parent or caregiver as a result of their involvement with, or exposure to, the parent or caregiver.

(b) The CPS worker must gather information from collateral sources throughout the CPS assessment.

(c) The CPS worker must:

(A) Protect the identity of collateral sources to the extent possible.

(B) Consult with the district attorney or the assistant attorney general to obtain a court order for records from a collateral source, if the source is unable or unwilling to share information with the Department.

(4) Consult with CPS Supervisor.

(a) The CPS worker must consult with a CPS supervisor or designee:

(A) When the CPS worker has reasonable cause to believe the alleged perpetrator is an employee of any program, office, or division of the Department of Human Services or Oregon Youth Authority (OYA);

(B) When a referral involves the home of a Department certified foster parent or relative caregiver;

(C) When a referral involves allegations that child abuse or neglect occurred in a child-caring agency or proctor foster home;

(D) When a CPS worker receives notification from a screener that a closed at screening or new referral was created on an open CPS assessment;

(E) Prior to a decision to place a child in protective custody, or after placement if consultation before placement will delay the safety intervention;

(F) Prior to initiating court action, or after initiating court action if consultation before will delay the safety intervention;

(G) Prior to developing an initial safety plan with a Department certified foster parent or relative caregiver;

(H) When the referral involves a child fatality;

(I) When making a disposition in a complicated or sensitive situation or case; or

(J) When closing an assessment with the disposition of "unable to locate".

(b) Subject to the discretion of the CPS supervisor, the CPS worker will consult with a CPS supervisor or designee at additional key points during the assessment, such as:

(A) Before making initial contact with the family; or

(B) When a referral indicates potential danger to the worker.

(5) Contact and Work with Other Entities. The CPS worker may need to work with representatives of other entities to gather and analyze safety-related information, develop a sufficient protective action plan, initial safety plan, or ongoing safety plan, and to complete the CPS assessment.

(a) The CPS worker may, as appropriate, notify or consult with other Department of Human Services programs or other agencies, including but not limited to the Office of Vocational Rehabilitation Services and Animal Control.

(b) The CPS worker must report to or contact and work with other entities as follows:

(A) Office of Child Care. The CPS worker must notify and coordinate with the Compliance Unit of the Office of Child Care when a report involves a registered day-care home or a licensed day-care center, as required by ORS 419B.020(1).

(B) Oregon Youth Authority (OYA). The CPS worker must notify OYA when the allegation involves an OYA certified foster home.

(C) Office of Adult Abuse Prevention and Investigation (OAAPI). The CPS worker must notify the OAAPI when an allegation involves a child with intellectual or developmental disabilities in a 24 hour residential setting licensed by the Office of Developmental Disabilities Services.

(D) Office of Developmental Disabilities Services (ODDS). The CPS worker must notify and coordinate with an ODDS Community Developmental Disabilities Program service coordinator when a report involves:

(i) A child with intellectual or developmental disabilities in home certified by the ODDS or the Department;

(ii) A child with intellectual or developmental disabilities in a 24 hour residential setting licensed by the ODDS;

(iii) A home certified by the ODDS; or

(iv) A 24 hour residential setting licensed by the ODDS.

(E) Community Mental Health Program, Community Developmental Disabilities Program, or Adult Protective Services. The CPS worker must make a report to the Community Mental Health Program, Community Developmental Disabilities Program, or the local Adult Protective Service office when the CPS worker has reasonable cause to believe:

(i) That any person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older, with whom the CPS worker comes into contact while acting in an official capacity, has suffered abuse.

(ii) That any person with whom the CPS worker comes into contact, while acting in an official capacity, has abused a person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older.

(F) Indian Tribes. If the CPS worker knows or has reason to know that the child is an Indian child, the CPS worker must give notice within 24 hours to the Indian child's tribe that a CPS assessment is being conducted unless the screener documented completion of this notification in the referral.

(G) Probation and Parole. The CPS worker must contact probation and parole when the allegation involves a parent or caregiver, or alleged perpetrator who is supervised by probation or parole.

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(H) Law Enforcement. If the screener did not cross report, the CPS worker must contact one or more law enforcement agencies (LEA) in accordance with the protocols of the local MDT agreement and in accordance with cross reporting rules, OAR 413-015-0300 to OAR 413-015-0310. When there is a joint response involving a CPS worker and LEA staff, the CPS worker is still responsible for all of the activities necessary to complete a CPS assessment which are summarized in OAR 413-015-0400. The CPS worker must, in consultation with a CPS supervisor, determine whether to coordinate assessment activities with LEA in the following situations:

(i) Presence of danger. When the CPS worker has information that indicates that the child is unsafe right now.

(ii) Family cooperation. When the CPS worker has information that the family may not allow the CPS worker to observe the alleged victim or other children in the home.

(iii) Protective custody. When the CPS worker has information that a child may need to be placed in protective custody for the child's safety.

(iv) Child interview. When the CPS worker and the LEA officer must each interview a child, it is preferable to coordinate the interviews to reduce the number of interactions with the child.

(v) Worker safety. When the CPS worker has information that indicates the family behaviors, conditions, or circumstances could pose a danger to the CPS worker.

(vi) Crime committed. When the CPS worker suspects or receives a report that a crime may have been committed.

(I) Public or Private Schools. The CPS worker may interview a child at school when the worker believes it will be the best environment in which to assure a child's safety when making contact with the child. ORS 419B.045 provides requirements for CPS investigations that are conducted on school premises. The CPS worker must do following:

(i) Notify the school administrator that a CPS assessment must be conducted. If the school administrator is a subject of the CPS assessment, then notification is not required.

(ii) Report to the school office, provide identification, inform school personnel of the CPS assessment, and provide the name of the child to be interviewed.

(iii) Request information from school personnel regarding the disabilities of the child, if any, prior to an interview with the affected child.

(iv) Interview the child out of the presence of other persons, unless the CPS worker believes the presence of a school employee or other person would facilitate the interview. If the CPS worker believes that a school employee does not need to be present, but the school employee insists on being present during the interview, the worker may confer with the CPS supervisor for assistance in handling the situation.

(v) Discuss further actions with the child at the conclusion of the interview.

(vi) Inform school personnel when the interview has been completed.

(vii) Inform school personnel if the child is taken into protective custody.

(viii) Inform school personnel that the CPS worker will notify parents of the interview.

(ix) Contact the CPS supervisor if school officials refuse to allow the assessment to take place on school property.

(J) Multi-Disciplinary Teams (MDTs). Department district managers must develop interagency agreements regarding assessment of child abuse and neglect, as necessary, with local MDTs. Requirements for MDT protocols are set out in ORS 418.747.

(6) Obtain Interpreters and Translation. The CPS worker must obtain the services of a competent interpreter and competent written translation service for families, including hearing-impaired family members, who have limited or no means of communicating in or reading English.

(7) Determine Indian Child Welfare Act (ICWA) Status and Comply with ICWA, if Applicable. The CPS worker must initiate the process to determine the child's ICWA status and notify the Indian child's tribe if ICWA applies. To initiate this process, the CPS worker must:

(a) Assure completion of a form CF 1270, "Verification of ICWA Eligibility", to assist in determining ICWA eligibility.

(b) Contact the child's tribe when an Indian child is the subject of a CPS assessment. Federally recognized tribes must be notified within 24 hours after information alleging abuse or neglect is received by the Department.

(c) If the Indian child is enrolled or eligible for enrollment in a federally recognized tribe, notify the child's tribe if the child may be placed in protective custody.

(d) Consult with the local Department ICWA liaison, a supervisor, or the ICWA manager if the worker has questions regarding the involvement of a tribe or the ICWA status of a child.

(e) Make a diligent attempt to address the following when determining the placement resource:

(A) Contact the tribe's social services department;

(B) Search for relative resources;

(C) Search for available Indian homes; and

(D) Contact other Indian tribes and other Indian organizations with available placement resources.

(f) Unless the Indian child's tribe has established a different order of preference, comply with the ICWA placement preference, which is:

(A) Placement with a member of Indian child's extended family.

(B) Placement with a foster family that is licensed, approved or specified by the Indian child's tribe.

(C) Placement with an Indian foster home licensed or approved by an authorized non-Indian licensing authority.

(D) Placement with an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

(8) Determine Refugee Status and Comply with the Refugee Children Act, if applicable. During a CPS assessment, the CPS worker must consider whether the child is a refugee child. Under ORS 418.925, a "refugee child" is a "person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular group or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular group or political opinion."

(a) If it appears that a child is a refugee child, the CPS worker must ask about the child or parents' country of origin, length of time the child or parents have been in the United States, reasons why the child or parents came to the United States, and ethnic and cultural information relevant to the child's status as a refugee. The CPS worker does not have to make a legal determination that the child and parent are refugees, but if the child or the parents indicate they are refugees, then the CPS worker must proceed as if they are, until or unless it is known that they are not refugees.

(b) The CPS worker may not take a refugee child into protective custody unless, in addition to the other requirements for taking a child into custody, the CPS worker determines that:

(A) Removal is necessary to prevent imminent serious emotional or physical harm to the child; and

(B) Reasonable efforts to alleviate the harm through remedial or preventive services do not alleviate the harm, have failed, or are not practical in an emergency situation.

(c) Unless it is a voluntary placement, no refugee child may remain in placement more than five days unless there has been a judicial determination, supported by clear and convincing evidence that:

(A) Preventative or remedial services provided by the Department have failed to alleviate the need for removal; and

(B) Return to the home will likely result in psychological or physical damage to the child.

(d) When a refugee child is placed in care, the juvenile court petition must include, in addition to the information required by ORS 419B.809, the following information:

(A) A specific and detailed account of the circumstances that led the Department to conclude that the child was in imminent danger of serious emotional or physical harm;

(B) Specific actions the Department has taken or is taking to alleviate the need for removal;

(C) Assurance that the Department has complied with placement preferences listed in ORS 418.937 and listed in subsection (e) of this section; and

(D) Assurance that the Department is making or has made diligent efforts to locate and give notice to all affected refugee family members and to the Refugee Child Welfare Advisory Committee that the petition has been filed.

(e) The CPS worker must consider the refugee child's culture and tradition when making any placement decision for a refugee child and, unless shown to be inappropriate and inconsistent with the best interests of the child, place the child with the following in order of preference:

(A) Natural parents.

(B) Extended family member.

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- (C) Members from the same cultural heritage.
- (D) Persons with knowledge and appreciation of the child's cultural heritage.
- (f) The CPS worker may determine that placement under subsection (e) of this section is inappropriate and inconsistent with the best interests of the child if:
 - (A) The preferred placement presents a threat to the child's safety;
 - (B) The extreme medical, physical, or psychological needs of the child cannot be met in the placement; or
 - (C) There is an informed request from either of the child's biological parents not to use a placement, if the request is consistent with stability, security, and the individual needs of the child.
- (g) When a juvenile court petition is filed and a refugee child is placed in care, the CPS worker must staff the case with the Refugee Child Welfare Advisory Committee (RCWAC). The CPS worker must contact the International Case Consultant for the Department to arrange a time for the staffing. In preparation for the staffing, the CPS worker must:
 - (A) Invite the CPS supervisor to the staffing; and
 - (B) Be prepared to discuss the reasons for the CPS referral, the information indicating that family members are refugees, and their country of origin.
- (9) Take Photographs. The CPS worker must, during the CPS assessment, take photographs and document, as necessary, child abuse or neglect and the observable nature of any present danger safety threat or impending danger safety threat.
 - (a) As provided in ORS 419B.028, a law enforcement officer or the CPS worker may take photographs for the purpose of documenting the child's condition at the time of the CPS assessment.
 - (b) As provided in ORS 419B.028, if the CPS worker conducting a CPS assessment observes a child who has suffered suspicious physical injury and the CPS worker is certain or has a reasonable suspicion that the injury is or may be the result of abuse, the CPS worker, in accordance with the protocols and procedures of the county multi-disciplinary team described in ORS 418.747, will immediately photograph or cause to have photographed the suspicious physical injuries. Regardless of whether the child has previously been photographed or assessed during a CPS assessment, the CPS worker will photograph or cause to be photographed any suspicious injuries if the CPS worker is certain or has a reasonable suspicion the suspicious injuries are the result of abuse:
 - (A) During the assessment of a new allegation of abuse; and
 - (B) Each time, during the assessment, an injury is observed that was not previously observed by the assigned CPS worker.
 - (c) When a child is photographed pursuant to subsection (b) of this section:
 - (A) The person taking the photographs or causing to have the photographs taken must, within 48 hours or by the end of the next regular business day, whichever occurs later:
 - (i) Provide hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format to the designated medical professional; and
 - (ii) Place hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format in the Department record labeled with the case name, case number, child's name, and date taken.
 - (B) If a county multidisciplinary team staffing of the case is held, photographs of the injury will be made available to each team member involved in the case staffing at the first meeting regarding the child's case.
 - (d) The CPS worker must document injuries, hazardous environments, and the observable nature of any present danger safety threat or impending danger safety threat in the assessment narrative by use of photographs, written description, or illustrations.
 - (e) Photographs of the anal or genital region may be taken only by medical personnel.
 - (10) Obtain Medical Assessment. The CPS worker must, during the CPS assessment as required in this section, facilitate a medical assessment of the child and obtain the child's medical history when necessary to assure child safety, determine treatment needs, reassure the child and family, or assist in analyzing safety-related information.
 - (a) When the CPS worker determines that the child is in need of a medical assessment as part of a CPS assessment, the CPS worker must consult with a CPS supervisor as soon as possible, but not at the expense of delaying medical treatment.
 - (b) If a person conducting an assessment under ORS 419B.020 observes a child who has suffered suspicious physical injury as defined in ORS 419B.023 and the person is certain or has a reasonable suspicion that the injury is or may be the result of abuse, the person must, in accordance

- with the protocols and procedures of the county multi-disciplinary team described in ORS 418.747, ensure that:
 - (A) A designated medical professional conducts a medical assessment within 48 hours of the observation of the suspicious physical injury, or sooner if dictated by the child's medical needs; or
 - (B) An available physician, physician assistant, or nurse practitioner conducts a medical assessment if, after reasonable efforts to locate a designated medical professional, a designated medical professional is not available to conduct a medical assessment within 48 hours. The CPS worker is required to document in the Department's electronic information system efforts to locate the designated medical professional when an available physician, physician assistant, or nurse practitioner is used.
- (c) The CPS worker must facilitate an assessment by a medical professional if the alleged child abuse or neglect involves injury to the anal or genital region.
 - (d) When there are indications of severe physical trauma to the child, the CPS worker must make arrangements to immediately transport the child to a medical facility, which may include calling 911. The CPS worker must also make arrangements for medical examination of a child for mild or moderate physical trauma.
 - (e) To make arrangements for the medical examination of a child, the CPS worker must do the following, unless completing the action would delay medical treatment for the child:
 - (A) Discuss with the parent or caregiver the need for medical examination or treatment.
 - (B) Ask the parent or caregiver to take the child to a medical facility for a medical examination or treatment.
 - (C) Request that the parent sign a form DHS 2099, "Authorization for Use and Disclosure of Information".
 - (D) Contact an LEA immediately and seek a juvenile court order to obtain protective custody of the child for the purpose of obtaining a medical examination or treatment when:
 - (i) The parent or caregiver refuses to obtain needed medical examination or treatment;
 - (ii) The parent or caregiver may flee with the child; or
 - (iii) Delaying medical examination or treatment could result in severe harm to the child.
 - (E) Immediately seek medical care and consultation when the child may have a life-threatening condition, or a deteriorating condition that may become life-threatening.
 - (F) As soon as possible and not later than 24 hours after learning of the exposure, make arrangements to have the child tested for chemical exposure to harmful substances when there is reason to believe a child has been exposed to dangerous chemicals such as those found in a chemical drug lab.
 - (f) When a report of suspected medical neglect of an infant with a disability and with life-threatening conditions is referred for CPS assessment, the assigned CPS worker must comply with "Investigation of Suspected Medical Neglect-Infants", OAR 413-030-0600 to 413-030-0650.
 - (g) When it is medically indicated to subject a child in the custody of the Department to HIV testing, the CPS worker must comply with "HIV Testing of Children in Custody and HIV Confidentiality", OAR 413-040-0400 to 413-040-0450.
 - (h) As provided in ORS 147.425, a child who is the victim of a person crime and is at least 15 years of age at the time of the abuse may have a personal representative present during a medical examination. If a CPS worker believes that a personal representative would compromise the CPS assessment, a CPS worker may prohibit a personal representative from being present during the medical examination.
 - (i) When the CPS worker is assessing a CPS allegation of medical neglect, the CPS worker must consult with a health care professional as part of the assessment.
 - (11) Obtain Psychological and Psychiatric Evaluations.
 - (a) The CPS worker must make a referral for a psychological or psychiatric evaluation of the parent, caregiver, or child by a mental health professional to assure child safety, determine treatment needs, or assist in analyzing safety-related information when during the CPS assessment the CPS worker identifies a specific condition or behavior that requires additional professional evaluation. This includes but is not limited to:
 - (A) Unusual or bizarre forms of punishment;
 - (B) Mental illness;
 - (C) Suicidal ideation;
 - (D) Homicidal ideation; or
 - (E) Unusual or bizarre child or parental behavior that is indicative of emotional problems.

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(b) The CPS worker must obtain consent of the parent or caregiver prior to making a referral for a psychological or psychiatric evaluation of the parent, caregiver, or child, unless the evaluation is court ordered.

(12) Make Efforts to Locate. When a child or young adult in substitute care is missing, the CPS worker must complete required actions as described in OAR 413-080-0053.

(13) Make Monthly Face-to-Face Contact. The CPS worker must make a minimum of monthly face-to-face contact as described in OAR 413-080-0054.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 418.747, 418.785 & 419B.005 - 419B.050

Hist.: CWP 3-2007, f. & cert. ef. 3-20-07; CWP 16-2007(Temp), f. & cert. ef. 10-16-07 thru 4-11-08; CWP 24-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 4-11-08; CWP 2-2008, f. & cert. ef. 4-1-08; CWP 6-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 12-24-08; CWP 20-2008, f. & cert. ef. 9-2-08; CWP 23-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; CWP 4-2010, f. & cert. ef. 4-2-10; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14; CWP 13-2014(Temp), f. & cert. ef. 7-1-14 thru 12-28-14; CWP 17-2014, f. & cert. ef. 12-24-14; CWP 18-2015(Temp), f. 9-30-15, cert. ef. 10-1-15 thru 3-28-16; CWP 27-2015, f. 12-28-15, cert. ef. 1-1-16; CWP 11-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 12-27-16; CWP 17-2016, f. & cert. ef. 9-29-16

413-015-0422

Gather Safety Related Information through Interview and Observation

(1) The CPS worker must gather relevant information and facts necessary to complete all parts of the CPS assessment. The CPS worker must gather information through interview and observation about the following:

- (a) The extent of the child abuse or neglect;
 - (b) The circumstances surrounding the child abuse or neglect;
 - (c) Child functioning;
 - (d) Adult functioning;
 - (e) Parenting practices and skills; and
 - (f) Disciplinary practices.
- (2) Interview.

(a) Except as outlined in subsection (b) of this section, interview each person in a manner that considers each person's privacy and safety and assures effective communication. This may require interviewing family members individually or also together depending on the information being gathered. Use information gathered from one interview to assist in the next interview.

(b) When domestic violence is alleged:

(A) And the adult victim is not alleged to be a perpetrator of abuse or neglect, consider interviewing the alleged adult victim first; and

(B) Ask questions about domestic violence in separate interviews only.

(c) The CPS worker must, to the extent possible, do the following during interviews with family members:

(A) Present identification to the family at the beginning of the interview and provide a business card or other document to the parents and caregivers containing the CPS worker's name and phone number;

(B) Clearly state the reason for the interview, provide statutory authority to assess reports of child abuse and neglect, and give an explanation of the alleged child abuse or neglect;

(C) Allow the parent or caregiver to respond to each allegation;

(D) Assure the privacy of the persons being interviewed;

(E) Focus the interview on the safety of the children;

(F) Assess whether the parents or caregivers are involved in domestic violence;

(G) Summarize and discuss the initial impressions and intentions resulting from the interview with appropriate family members or caregivers;

(H) Obtain from the parents or caregivers the names of persons who can provide additional information in determining child safety and completing the CPS assessment;

(I) Ask the parents and caregivers to sign an authorization to release information to enable the Department to obtain confidential information from physicians, mental health providers, school employees, or other service or treatment providers, if applicable; and

(J) Inform the parents and caregivers about the Department grievance procedure.

(3) Observation. The CPS worker must observe the identified child, parent or caregiver, and the home environment. When the child resides in more than one home environment the CPS worker must observe both home environments. Specific areas for observation are:

(a) Physical condition of the child, including any observable effects of child abuse or neglect;

(b) Emotional state of the child, including mannerisms, signs of fear, and developmental status;

(c) Reactions of the parents or caregivers to the Department concerns;

(d) Emotional and behavioral status of the parents or caregivers during the interviewing process;

(e) Interactions between family members, including verbal and body language;

(f) Condition of the child's living space, including where the child sleeps; and

(g) Physical condition of the home.

(4) When information is gathered or observations made that indicate a child or young adult may be a victim of sex trafficking, the CPS worker must determine whether a child or young adult is, or is at risk of being, a victim of sex trafficking.

(a) If a determination is made that a child or young adult is a victim of sex trafficking the caseworker must:

(A) Report to a screener the identification of a child or a young adult as a sex trafficking victim;

(B) Identify and refer to appropriate services; and

(C) Document the child or young adult is a sex trafficking victim in the Department's Electronic Information System.

(b) If a determination is made that a child or young adult is at risk of being a victim of sex trafficking, the caseworker must identify and refer to appropriate services.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 419B.005 - 419B.050

Hist.: CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14; CWP 17-2016, f. & cert. ef. 9-29-16

413-015-0470

Notifications

(1) Requirements for Providing Notifications. The CPS worker must:

(a) Unless the Department determines that disclosure is not permitted under ORS 419B.035, notify the reporter, if the reporter provided the Department with contact information, whether contact was made, whether the Department determined that child abuse or neglect occurred, and whether services will be provided.

(b) Provide the child's parents, including a non-custodial legal parent, and caregivers verbal notification of all CPS assessment dispositions (unfounded, unable to determine, or founded) and whether the Department will provide services as a result of the CPS assessment. When the child's parent is the perpetrator, the notice under subsection (c) of this section also must be provided. If notification may make a child or adult unsafe, a CPS supervisor may authorize an exception to the requirement to provide notification based on documentation supporting that conclusion.

(c) Provide perpetrators written notification of founded or substantiated dispositions. This written notification must include information about the founded or substantiated disposition review process as outlined in "Notice and Review of CPS Founded Dispositions", OAR 413-010-0700 to 413-010-0750. If the notification could make a child or adult unsafe, a CPS supervisor may authorize an exception to the requirement to provide notification based on documentation that supports this conclusion.

(d) Provide the Teacher Standards and Practices Commission (TSPC) notification of a completed assessment by providing TSPC with a copy of the completed CPS assessment when a teacher or school administrator, as defined in OAR 413-015-0115, is identified as an alleged perpetrator in a report. Regardless of a disposition, a copy of the report must be sent to TSPC after information related to the reporter's identity and other confidential information is removed.

(e) Provide the Office of Developmental Disabilities Services (ODDS) notification of a completed assessment by providing the ODDS with a copy of the completed CPS assessment when an ODDS certified foster parent or an employee of an ODDS licensed 24 residential setting is identified as an alleged perpetrator in a report. Regardless of a disposition, a copy of the report must be sent to ODDS after information related to the reporter's identity and other confidential information is removed.

(2) Documentation of Notifications. The CPS worker must document the notifications as described in this rule in the Department's electronic information system and the documentation must include:

(a) Who made the notification.

(b) To whom the notification was made.

(c) The date the notification was made.

(d) That the notifications have been attempted or made within the following time lines:

(A) Prior to completing the CPS assessment for a notification provided under subsection (1)(a) of this rule.

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(B) Within five business days of supervisory approval of the CPS assessment for a notification provided under subsection (1)(b) through (1)(d) of this rule.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 - 419B.050
Hist.: CWP 3-2007, f. & cert. ef. 3-20-07; CWP 8-2009, f. 7-29-09, cert. ef. 8-3-09; CWP 1-2012(Temp), f. & cert. ef. 3-12-12 thru 9-8-12; CWP 5-2012, f. & cert. ef. 9-7-12; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14; CWP 27-2015, f. 12-28-15, cert. ef. 1-1-16; CWP 11-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 12-27-16; CWP 17-2016, f. & cert. ef. 9-29-16

413-080-0062

Sex Trafficking Victim Identification

When information is gathered or observations made that indicate a child or young adult may be a victim of sex trafficking, the caseworker must determine whether a child or young adult is, or is at risk of being, a victim of sex trafficking.

(1) If a determination is made that a child or young adult is a victim of sex trafficking the caseworker must:

- (a) Report to a screener the identification of a child or a young adult as a sex trafficking victim;
- (b) Identify and refer to appropriate services; and
- (c) Document the child or young adult is a sex trafficking victim in the Department's Electronic Information System.

(2) If a determination is made that a child or young adult is at risk of being a victim of sex trafficking the caseworker must identify and refer to appropriate services.

Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005
Hist.: CWP 17-2016, f. & cert. ef. 9-29-16

413-090-0087

When a Child or Young Adult Placed with a BRS Program Is Missing

(1) When a child in care placed with a BRS program (see OAR 410-170-0020) is missing, the BRS contractor (see OAR 410-170-0020) must ensure its BRS providers immediately report information about the missing child in care to the following:

- (a) Law enforcement;
- (b) The National Center for Missing and Exploited Children; and
- (c) The Department.

(2) Documentation of the report required in section (1) of this rule is required as outlined in OAR 410-170-0030(12)(b)(B).

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.116, 418.005
Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.116, 411.141, 418.005, 418.015, 418.490, 418.495
Hist.: CWP 18-2015(Temp), f. 9-30-15, cert. ef. 10-1-15 thru 3-28-16; CWP 27-2015, f. 12-28-15, cert. ef. 1-1-16; CWP 11-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 12-27-16; CWP 17-2016, f. & cert. ef. 9-29-16

413-200-0352

Requirements for the Care of Children and Young Adults

The certified family must comply with all of the following requirements related to the care of children and young adults:

(1) Work cooperatively with the Department, the child or young adult, and his or her family to support the case plan and meet the needs of the child or young adult including, but not limited to:

- (a) Health, dental, and mental health care;
- (b) Intellectual, emotional, social, and recreational needs, including participation in extracurricular, enrichment, cultural, and social activities;
- (c) Continued contact or connection with family members, siblings, and relatives; and

(d) Adequate and appropriate clothing.

(2) Include the child or young adult as part of the certified family household.

(3) Assure that when a child or young adult leaves the certified family, the belongings of the child or young adult, both those brought with him or her and those obtained while living in the home, remain with the child or young adult.

(4) When a child or young adult placed with a certified family is missing, immediately report information about the missing child or young adult to the following:

- (a) Law enforcement;
 - (b) The National Center for Missing and Exploited Children; and
 - (c) The Department.
- (5) Not subject any child to abuse, as described in ORS 419B.005.
(6) Not subject any young adult to abuse.

Stat. Auth.: ORS 409.050, 418.005, 418.640
Stats. Implemented: ORS 409.010, 418.005, 418.015, 418.315, 418.625 - 418.648
Hist.: SOSCF 29-2000(Temp), f. & cert. ef. 9-27-00 thru 3-23-01; SOSCF 7-2001, f. & cert. ef. 3-23-01; Renumbered from 413-200-0375, CWP 4-2007, f. & cert. ef. 3-20-07; CWP 37-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 20-2015, f. & cert. ef. 10-1-15; CWP 17-2016, f. & cert. ef. 9-29-16

Rule Caption: Amending rule about when the Department may waive the home study requirement for independent adoptions

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Certified to be Effective: 10-1-16

Notice Publication Date: 8-1-2016

Rules Amended: 413-140-0032

Rules Repealed: 413-140-0032(T)

Subject: The Department of Human Services is amending OAR 413-140-0032 to allow the Department to waive the home study requirement when the birth mother retains parental rights as allowed under ORS 109.309(7)(b). This makes permanent a temporary rule adopted on April 26, 2016.

In addition, non-substantive edits were made to: ensure consistent terminology throughout child welfare program rules and policies; make general updates consistent with current Department practices; update statutory and rule references; correct formatting and punctuation; improve ease of reading; and clarify Department rules and processes.

Rules Coordinator: Kris Skaro—(503) 945-6067

413-140-0032

Waivers the Department May Issue

(1) Waiver of the 90-day waiting period.

(a) In accordance with ORS 109.309(10), the Department may waive the required 90-day waiting period for an adoption.

(b) Upon receipt of the adoption petition and accompanying documents, the Department will review and consider all items listed in OAR 413-140-0030 when determining whether to waive the required 90-day waiting period.

(c) The Department will provide written notification regarding the determination of the 90-day waiver request to the court, petitioner and, when applicable, the Oregon licensed adoption agency involved.

(d) The Department may reconsider the initial determination of the 90-day waiver request provided:

(A) All remaining items outlined in the Department's prior written notification have been sufficiently addressed; and

(B) The required 90-day waiting period has not expired.

(2) Waiver of the Adoption Home Study.

(a) In accordance with ORS 109.309(7)(b), the Department has discretion to waive the home study requirement for some adoptions.

(b) The Department may consider a waiver of the adoption home study in an independent adoption when:

(A) One biological parent, including birth mother, or adoptive parent retains parental rights; or

(B) The petitioner qualifies as a relative. For the purpose of this rule, a relative is an individual who meets the following conditions:

(i) At least one of the adopting petitioners is the biological or adoptive sibling or half-sibling, aunt, uncle, grandparent, great-aunt, great-uncle, or great-grandparent of the child; and either

(ii) The child has lived with the petitioner since birth and for at least six months immediately prior to the petitioner's request to waive the adoption home study requirement; or

(iii) The child has lived with the petitioner on a continuous basis for at least one year prior to the petitioner's request to waive the adoption home study requirement.

(c) The Department may consider waiving the adoption home study requirement in an independent adoption involving a child born to a surrogate mother when there is evidence documenting that the following conditions, as applicable, are met:

(A) At least one of the petitioners is a biological parent of the child;

and

(B) When the surrogate mother is married:

(i) Her husband has consented to the adoption; or

(ii) There is a joint affidavit of non-paternity completed by the surrogate and her husband.

(d) The following documents must be submitted to the Department before consideration may be given to a waiver of the adoption home study requirement:

(A) A Request for Waiver of the Adoption Home Study Form.

(B) Background checks as described in OAR 413-140-0065.

(C) A copy of the petition for adoption.

(D) Verification that the child being adopted shares a residence with the adopting petitioner.

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(E) Additional information, when requested by the Department, to clarify any concerns that could compromise the safety, permanency or well-being of the child being adopted.

(e) The Department does not waive the adoption home study requirement when there are safety, permanency, or well-being concerns that warrant completion of an adoption home study.

(f) Any concerns that come to the attention of the Department regarding the ability of a petitioner to meet the standards set forth in OAR 413-140-0033 may also be considered when determining whether the Department will waive the adoption home study.

(g) Upon receipt of all requested documents listed in subsection (d) of this section, the Department will:

(A) Make a determination as to whether an adoption home study waiver is appropriate;

(B) Provide written notification of the Department's determination regarding the adoption home study waiver request to the court and petitioner or petitioner's attorney;

(C) Outline in written notification any remaining information the Department determines is needed to reconsider the petitioner's adoption home study waiver request; and

(D) Provide petitioner or petitioner's attorney with a list of Oregon licensed adoption agencies authorized to complete an adoption home study if the Department determines petitioner's request for waiver cannot be granted.

(3) Waiver of the Placement Report.

(a) In accordance with ORS 109.309(8)(a), the Department has the authority to waive the placement report requirement.

(b) The Department must waive the placement report for an adoption in which one biological or adoptive parent retains parental rights.

(c) When a written request is received from the petitioner, the Department may waive the placement report for any of the following:

(A) An adoption for which the Department has waived the adoption home study;

(B) An independent or out-of-state public agency adoption in which the petitioner and the child are currently receiving services from the Department or a licensed adoption agency or have received services in the past 12 months and the Department or an Oregon licensed adoption agency provides a written recommendation that adoption is in the best interests of the child.

(C) When the adoptee is 14 years of age or older, has consented to his or her adoption, and an Oregon licensed adoption agency provides a written recommendation that adoption is in the best interest of the child.

Stat. Auth.: ORS 109.309, 409.050, 418.005

Stats. Implemented: ORS 109.243, 109.309, 109.315, 109.328, 409.010

Hist.: CWP 15-2013, f. 12-31-13, cert. ef. 1-1-14; CWP 6-2016(Temp), f. & cert. ef. 4-26-16 thru 10-22-16; CWP 18-2016, f. 9-30-16, cert. ef. 10-1-16

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Rule Caption: Stating when a CPS assessment is required on a report of child abuse

Adm. Order No.: CWP 19-2016(Temp)

Filed with Sec. of State: 10-5-2016

Certified to be Effective: 10-5-16 thru 4-2-17

Notice Publication Date:

Rules Amended: 413-015-0210

Subject: The Department of Human Services, Office of Child Welfare Programs, is adopting temporary changes to OAR 413-015-0210 relating to determining the Department's response to reports of child abuse. The rule is amended to state that a CPS (Child Protective Services) assessment is required on a report of child abuse or neglect if the report would be the fourth or greater consecutive report received regarding the same family and there is at least one child in the home under the age of four. Any exception to this requirement must be approved by the CPS program manager or their designee. The rule text showing proposed changes is available at http://www.dhs.state.or.us/policy/childwelfare/implement/temp_rules.htm.

Rules Coordinator: Kris Skaro—(503) 945-6067

413-015-0210

Determining Department's Response and Required Time Lines for CPS Information

(1) After the screener completes screening activities required by OAR 413-015-0205, and the screener determines the information received is CPS information, the screener must determine the Department response, either CPS assessment required or close at screening. If a CPS assessment is

required, the screener must then determine the time line for the Department response, either within 24 hours or within five calendar days.

(2) CPS assessment required. A CPS assessment is required if one of the following applies:

(a) The screener determines that information received constitutes a report of child abuse or neglect, as defined in ORS 419B.005, and the information indicates:

(A) The alleged perpetrator is a legal parent of the alleged child victim;

(B) The alleged perpetrator resides in the alleged child victim's home;

(C) The alleged perpetrator may have access to the alleged child victim, and the parent or caregiver may not be able or willing to protect the child; or

(D) The alleged child abuse occurred in a day care facility, or the home of a Department certified foster parent or relative caregiver.

(b) The screener determines that information received constitutes a report of child abuse or neglect as defined in ORS 419B.005 or Oregon Laws 2016, chapter 106, section 36 and the report is the responsibility of the Department as outlined in OAR 413-015-0630.

(c) The screener determines the current report would be the fourth or greater consecutive report closed at screening regarding the same family and there is at least one child in the home who is less than four years of age, unless an exception has been approved by the CPS Program Manager or their designee.

(d) A tribe or LEA requests assistance from the Department with an investigation of child abuse or neglect, and a CPS supervisor agrees that assistance from the Department is appropriate.

(3) Response Time Lines. If the screener determines that a CPS assessment is required, the screener must:

(a) Determine the CPS assessment response time line. The time line for the Department response refers to the amount of time between when the report is received at screening and when the CPS worker is required to make an initial contact. When determining the response time, the screener must take into account the location of the child, how long the child will be in that location, and access that others have to the child.

(A) Within 24 hours: This response time line is required, unless paragraph (B) of this subsection applies, when the information received constitutes a report of child abuse or neglect as defined in ORS 419B.005 or, when applicable, Oregon Laws 2016, chapter 106, section 36.

(B) Within five calendar days: This response time line must only be used when the screener can clearly document how the information indicates the child's safety will not be compromised by not responding within 24 hours and whether an intentional delay to allow for a planned response is less likely to compromise the safety of the child.

(b) Complete a screening report form immediately when a "within 24 hour" response time line is assigned or the same day when a "within five calendar days" response time is assigned, unless a CPS supervisor grants an extension as provided in OAR 413-015-0220.

(c) Refer the CPS assessment to the appropriate county as described in OAR 413-015-0213.

(4) Close at Screening: A report will be closed at screening if one of the following subsections applies:

(a) The screener determines that information received:

(A) Does not constitute a report of child abuse or neglect, as defined in ORS 419B.005 or, when applicable, Oregon Laws 2016, chapter 106, section 36, and the screener determines that the information describes behaviors, conditions, or circumstances that pose a risk to a child;

(B) Is third party child abuse or neglect that does not require a CPS assessment because the alleged perpetrator does not have access to the child, and the parent or caregiver is willing and able to protect the child; or

(C) Is a report that there are no children in the home and:

(i) An expectant mother is abusing substances during her pregnancy;

(ii) An expectant mother or a household member has had his or her parental rights to another child terminated; or

(iii) An expectant mother or a household member is known to have conditions or circumstances that would endanger a newborn child.

(D) Is information from a Department caseworker that a child or young adult on an open Department case is identified as a sex trafficking victim and the report does not meet the criteria in 413-015-0210 to assign.

(b) When a report is received, but the screener, after extensive efforts, is unable to obtain sufficient information to locate the child. Name and exact address are not necessary if a location is obtained.

(5) If a report is closed at screening, the screener must:

(a) Document the current information that supports the decision to close the report at screening.

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(b) Decide whether other services are appropriate and make service or resource referrals, as necessary. Document what service or resource referrals are made, if any.

(c) Make diligent efforts to contact the reporter if contact information was provided and when the reporter was not informed of the following information prior to completing the screening report form.

- (A) Whether contact with the child was made;
- (B) Whether the Department determined child abuse occurred; and
- (C) Whether services will be provided.

(d) Complete a screening report form no later than the next working day after the screening determination is made, unless a CPS supervisor grants an extension, as provided in OAR 413-015-0220.

Stat. Auth.: ORS 418.005, OL 2016, ch 10

Stats. Implemented: ORS 418.005, OL 2016, ch 10

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 14-2004, f. 7-30-04, cert. ef. 8-1-04; CWP 4-2005, f. & cert. ef. 2-1-05; CWP 16-2005, f. & cert. ef. 12-1-05; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14; CWP 11-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 12-27-16; CWP 17-2016, f. & cert. ef. 9-29-16; CWP 19-2016(Temp), f. & cert. ef. 10-5-16 thru 4-2-17

Department of Human Services, Self-Sufficiency Programs Chapter 461

Rule Caption: Clarifying eligibility requirements for the GA program established by HB 4042 (2016)

Adm. Order No.: SSP 33-2016

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 10-1-16

Notice Publication Date: 8-1-2016

Rules Amended: 461-135-0700

Subject: OAR 461-135-0700 about the specific requirements for the GA program created by HB 4042 (2016) is being amended to clarify the requirements related to the applicant living with his or her child. The rule current states that a GA applicant is not eligible if the individual lives with his or her child. The rule is being clarified to state that the individual may not be in the same OSIPM (Oregon Supplemental Income Program Medical) household group with his or her child.

Rules Coordinator: Kris Skaro—(503) 945-6067

461-135-0700

Specific Requirements; GA

(1) For purposes of this rule, “homeless” means any of the following:

(a) The individual does not have a fixed or regular nighttime residence;

(b) The individual will lose his or her own residence within 90 days due to eviction or the inability to pay rent or mortgage; or

(c) The individual’s primary residence is one of the following:

(A) A supervised shelter that provides temporary accommodations.

(B) A halfway house or residence for individuals who may become institutionalized.

(C) A temporary accommodation in another individual’s or family’s residence for 90 days or less.

(D) A place not designed to be or ordinarily used as a place for individuals to sleep, such as a hallway, bus station, or similar place.

(2) To be eligible for GA, an individual must meet all of the following requirements:

(a) The individual must be 18 years of age or older.

(b) The individual must be homeless (see section (1) of this rule).

(c) The individual may not be in the same OSIPM household group (see OAR 461-110-0210) with his or her child (see OAR 461-001-0000).

(d) The individual may not be receiving TANF benefits.

(e) The individual must be eligible for and receiving OSIPM with a basis of need established under OAR 461-125-0370(1)(c).

(f) The individual may not be in a nonstandard living arrangement (see OAR 461-001-0000) other than at home receiving in-home services (see OAR 411-030-0020).

(g) The individual must complete the application process for Supplemental Security Income (SSI); cooperate with the Department in applying to the Social Security Administration for SSI; appeal all denials of SSI made below the Appeal’s Council level; and attend all appointments designated by the Department relating to obtaining SSI.

(h) The individual must meet the non-financial, non-disability requirements for SSI.

(i) The individual must sign an interim assistance agreement authorizing the Department to recover interim GA benefits paid to the client (or paid to providers on the client’s behalf) from the initial SSI payment or initial post-eligibility payment. The following provisions are considered part of the interim assistance agreement:

(A) Interim GA benefits include only those GA cash benefits paid during the period of time that the SSI benefit covers.

(B) For any month in which SSI is prorated, the Department may recover only a prorated amount of the interim GA cash benefit.

(C) If the Department is unable to stop delivery of a GA benefit issued after the SSI payment is made, the GA payment will be included in the interim assistance to be reimbursed to the Department.

(3) Financial Eligibility.

(a) The OSIPM income and resource methodology are used to determine financial eligibility for the GA program.

(b) The GA benefit amount is determined according to OAR 461-155-0210 and 461-160-0500.

(4) If the Department determines that the individual no longer has an impairment that meets the criteria in OAR 461-125-0370, the individual is ineligible for GA.

(5) An individual found by the Social Security Administration (SSA) not to meet disability criteria at the initial, reconsideration, or hearing level may continue receiving GA benefits until all SSA administrative appeals are exhausted.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.710, OL 2016, ch 93

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 20-1991, f. & cert. ef. 10-1-91; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 4-1997(Temp), f. 4-30-97, cert. ef. 5-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 5-2000, f. 2-29-00, cert. ef. 3-1-00; AFS 10-2002, f. & cert. ef. 7-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04; SSP 36-2003(Temp), f. 12-31-03 cert. ef. 1-1-04 thru 3-31-04; SSP 6-2004, f. & cert. ef. 4-1-04; SSP 11-2004(Temp), f. & cert. ef. 4-15-04 thru 6-30-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 25-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 12-27-16; SSP 31-2016, f. & cert. ef. 9-1-16; SSP 33-2016, f. 9-30-16, cert. ef. 10-1-16

Rule Caption: Amending rules relating to public and medical assistance programs

Adm. Order No.: SSP 34-2016

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 10-1-16

Notice Publication Date: 8-1-2016

Rules Amended: 461-120-0030, 461-135-0010, 461-135-0835, 461-160-0015, 461-180-0040

Subject: OAR 461-120-0030 about the state of residence for an individual in a medical facility is being amended to change the criteria for determining the state of residence in the Oregon Supplemental Income Program Medical (OSIPM), the Qualified Medicare Beneficiary (QMB) program, and the Refugee Medical (REFM) program to align with federal policy.

OAR 461-135-0010 about assumed eligibility for medical programs is being amended to clarify that in the OSIPM program, continuous eligibility for children can apply at initial eligibility and at redetermination. It is also being amended to state that continuous eligibility does not apply if the child is eligible for any other Medicaid program that provides OHP Plus benefits. Previously there was no requirement that other programs be evaluated prior to providing continuous coverage under OSIPM.

OAR 461-135-0835 about limits on estate claims is being amended to clarify which Department personnel are authorized to present, file, and resolve estate recovery claims. It is also amended to authorize Estate Administration Unit managers to designate additional personnel with the authority to present, file, or resolve estate recovery claims. The rule is also amended to comply with Oregon Laws 2016, chapter 93, exempting certain general assistance benefits from estate recovery under ORS 411.795.

OAR 461-160-0015 about resource limits is being amended to align the Department with federal policy regarding the resource limits for QMB-DW and eliminate an outdated reference to OSIP resource limits.

OAR 461-180-0040 about effective dates for special or service needs is being amended to clarify that eligibility for special needs and services is contingent on OSIPM and OHP Plus eligibility. Specifici-

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cally, the rule is amended to state that the effective date for a special need is either the date of request for the special need item or the effective date for OSIPM, whichever is later, and that the effective date for long-term care is the date for Department authorizes the service plan, except that the service plan may not be authorized prior to the effective date for Medicaid OHP Plus benefit package.

In addition, non-substantive edits were made to these rules to: ensure consistent terminology throughout self-sufficiency program rules and policies; make general updates consistent with current Department practices; update statutory and rule references; correct formatting and punctuation; improve ease of reading; and clarify Department rules and processes.

Rule text showing edits for the rules described above is available at http://www.dhs.state.or.us/policy/selfsufficiency/ar_recent.htm.

Rules Coordinator: Kris Skaro—(503) 945-6067

461-120-0030

State of Residence for an Individual in a Medical Facility

In the OSIPM, QMB, and REFM programs, the residency of an individual living in a state or private medical facility such as a hospital, mental hospital, nursing home, or convalescent center is determined as follows:

(1) An individual 21 years of age or older who is capable of indicating intent to reside is considered to be a resident of the state where the individual is living with the intention to remain permanently or for an indefinite period.

(2) An individual 21 years of age or older who became incapable of indicating intent to reside (see OAR 461-120-0050) after attaining 21 years of age is considered to be a resident of the state where the facility is located unless the individual was placed in the facility by a state agency of another state. When a state agency of another state places an individual, the individual is considered to be a resident of the state that makes the placement.

(3) For an individual age 21 or older who became incapable of indicating intent to reside before attaining 21 years of age, the state of residence is one of the following:

(a) The state of residence of the parent applying on the individual's behalf if the parents reside in separate states (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used instead of the parent's);

(b) The parent's or legal guardian's state of residence at the time of placement (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used instead of the parent's); or

(c) The current state of residence of the parent or legal guardian who files the application if the individual is institutionalized in that state (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used instead of the parent's).

(d) The state of residence of the individual or party who files an application if the individual has been abandoned by his or her parents, does not have a legal guardian, and is institutionalized in that State.

(e) Oregon, if the individual has been receiving medical assistance in Oregon continuously since November 1, 1981, or is from a state with which Oregon has an interstate agreement that waives the residency requirement.

(4) For an individual less than 21 years of age who is legally emancipated or married and capable of indicating intent to reside the state of residence is determined in accordance with section (1) of this rule. For other individuals under age 21, the state of residence is one of the following:

(a) The state of residence of the individual's parent or legal guardian at the time of placement (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used instead of the parent's).

(b) The current state of residence of the parent or legal guardian who files the application if the individual is institutionalized in that state (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used instead of the parent's).

(c) The state of residence of the party who applies for benefits on the individual's behalf if the individual has been abandoned by his or her parents, does not have a legal guardian, and is institutionalized in that state.

(d) Oregon, if the individual has been receiving medical assistance in Oregon continuously since November 1, 1981, or is from a state with which Oregon has an interstate agreement that waives the residency requirement.

(e) Notwithstanding any other provision of this section, for individuals receiving federal payments for foster care and adoption assistance under

title IV-E of the Social Security Act, the state of residence is the state where the individual lives.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 412.124, 414.231

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 412.124, 414.231

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 9-2012, f. 3-29-12, cert. ef. 4-1-12; SSP 30-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; SSP 38-2013, f. 12-31-13, cert. ef. 1-1-14; SSP 16-2014, f. & cert. ef. 7-1-14; SSP 25-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 12-27-16; SSP 31-2016, f. & cert. ef. 9-1-16; SSP 34-2016, f. 9-30-16, cert. ef. 10-1-16

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) A pregnant woman who is eligible for and receiving benefits the day the pregnancy ends is assumed eligible for the OSIPM program until the last day of the calendar month in which the 60th day after the last day of the pregnancy falls.

(3) A pregnant woman who was eligible for and receiving medical assistance under any Medicaid program and becomes ineligible while pregnant is assumed eligible for Medicaid until the last day of the calendar month in which the 60th day after the last day of the pregnancy falls.

(4) A child (see OAR 461-001-0000) born to a mother eligible for and receiving OSIPM benefits is assumed eligible for medical benefits under this section until the end of the month the child turns one year of age.

(5) The individuals described in subsection (a) and (b) of this section are assumed eligible for OSIPM (except OSIPM-EPD) unless subsection (c), (d), or (e) of this section applies:

(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).

(d) An individual described in subsection (a) or (b) of the section who is in a nonstandard living arrangement is not assumed eligible for long-term care services if countable (see OAR 461-001-0000) resources exceed the limit after performing the calculation under OAR 461-160-0580.

(e) An individual described in subsection (a) or (b) of the section who does not meet the pursuit of assets requirements (see OAR 461-120-0330), the health care coverage requirements (see OAR 461-120-0345), or the residency requirements (see OAR 461-120-0010) is not assumed eligible for OSIPM.

(6) For the purposes of this section the definition of a "child" means an unmarried individual under age 19 and includes natural, step, and adoptive children. A child found eligible for OSIPM is assumed eligible until the end of the twelfth month following the determination of the child's OSIPM eligibility or redetermination of eligibility unless the child:

(a) No longer meets the definition of a child given in this section;

(b) Moves out of state;

(c) Voluntarily ends benefits; or

(d) Is eligible for any other Medicaid program that provides OHP Plus benefits.

(7) A client who receives both benefits under Part A of Medicare and SSI benefits is assumed eligible for the QMB-BAS program unless the individual does not meet the pursuit of assets requirements (see OAR 461-120-0330), the health care coverage requirements (see OAR 461-120-0345), or the residency requirements (see OAR 461-120-0010).

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404 & 412.049

Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.404, 412.049 & 414.025

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. & 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; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 17-2008, f. & cert. ef.

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7-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 6-2009(Temp), f. & cert. ef. 4-1-09 thru 9-28-09; SSP 10-2009(Temp), f. & cert. ef. 5-6-09 thru 9-28-09; SSP 27-2009, f. & cert. ef. 9-29-09; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 1-2012(Temp), f. & cert. ef. 1-13-12 thru 7-11-12; SSP 25-2012, f. 6-29-12, cert. ef. 7-1-12; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 30-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; SSP 37-2013, f. 12-31-13, cert. ef. 1-1-14; SSP 16-2014, f. & cert. ef. 7-1-14; SSP 34-2016, f. 9-30-16, cert. ef. 10-1-16

461-135-0835

Limits on Estate Claims

(1) The Estate Administration Unit is designated and authorized to administer the estate recovery program for the Oregon Health Authority and the Department of Human Services, and to present and file claims for payment. The Manager and Assistant Manager of the Estate Administration Unit, Estate Administrators, Assistant Estate Administrators, and Accounts Receivable Specialist are authorized to present, file, and resolve claims for the Estate Administration Unit. The Manager or Assistant Manager may designate other individuals to present, file, or resolve claims. This rule sets out some of these claims.

(2) For the OSIP program (see OAR 461-101-0010):

(a) The amount of any payments or benefits, including an overpayment (see OAR 461-195-0501), are a claim against the probate estate (see OAR 461-135-0832) of any deceased recipient.

(b) The claim for correctly paid payments or benefits under OSIP are deferred until the death of the spouse (see OAR 461-001-0000) or domestic partner (see OAR 461-135-0832), if any, of the deceased recipient.

(c) If the deceased recipient has no probate estate, the enforcement of the claim has been deferred, or there are insufficient resources in the probate estate to pay the claim in full, the probate estate of the spouse or domestic partner of the deceased recipient, if any, is charged for any payments or benefits paid under OSIP to the deceased recipient, the spouse, or domestic partner.

(d) The claim for correctly paid payments or benefits under OSIP may not be enforced if the deceased recipient is survived by a child under age 21 (see OAR 461-135-0832), a child with a disability (see OAR 461-135-0832), or a child with a visual impairment (see OAR 461-135-0832); and the child survives to the closing of the probate estate.

(e) Transfers of real or personal property without adequate consideration, by recipients of payments or benefits under OSIP, are voidable and may be set aside under ORS 411.620.

(f) Except when there is a surviving spouse or domestic partner, or a surviving child under age 21, a child with a disability, or a child with a visual impairment, the amount of any payments or benefits provided is a claim against the estate (see OAR 461-135-0832) in any conservatorship proceedings and may be paid pursuant to ORS 125.495.

(3) For General Assistance (see OAR 461-135-0832):

(a) The amounts of any payments or benefits, including overpayments, are a claim against the probate estate of any deceased recipient. The amount includes the state's monthly contribution, paid prior to January 1, 2014, to the federal government for the recipient's Medicare Part D prescription drug coverage. Effective July 1, 2016, any correctly paid benefits under Oregon Laws 2016, chapter 93, section 1 are excluded, except than an overpayment of benefits under Oregon Laws 2016, chapter 93, section 1 is included in a claim against the probate estate.

(b) The claim for correctly paid payments or benefits under the General Assistance program is deferred until the death of the spouse or domestic partner, if any, of the deceased recipient.

(c) If the deceased recipient has no probate estate, the enforcement of the claim has been deferred, or there are insufficient resources in the probate estate to pay the claim in full, then the probate estate of the spouse or domestic partner of the deceased recipient, if any, is charged for any payments or benefits to the deceased recipient, the spouse, or domestic partner.

(d) The claim for correctly paid payments or benefits under the General Assistance program may not be enforced if the deceased recipient is survived by a child under age 21, a child with a disability, or a child with a visual impairment; and the child survives to the closing of the probate estate.

(e) Except when there is a surviving spouse or domestic partner, or a surviving child under age 21, a child with a disability, or child with a visual impairment, the amount of any assistance paid is a claim against the estate in any conservatorship proceedings and may be paid pursuant to ORS 125.495.

(4) For Medical Assistance (MA, as defined in OAR 461-135-0832):

(a) In determining the extent of the estate resources subject to the claim of the Department for correctly paid benefits, except as provided in subsection (b) of this section, the Department must disregard resources in an amount equal to the value (see OAR 461-135-0832) of resources exclud-

ed in the most recent eligibility determination under OAR 461-160-0855, based on payments received under a qualified partnership policy (see OAR 461-001-0000). The disregard of resources specific to the estate recovery claim applies to MA benefits received after the effective date of the MA eligibility determination in which a qualified partnership policy was considered and approved. The amount of any MA incurred in a prior MA eligibility period where qualified partnership policy benefits were not considered is not subject to the estate resource disregard.

(b) There is no disregard of resources under subsection (a) of this section if the recipient, or the spouse of the recipient, at any time transferred the value of the qualified partnership policy excluded resource amount to another individual for less than fair market value prior to the death of the recipient or the recipient's spouse, or exhausted the disregarded resource amount by purchasing things of value to the recipient or the recipient's spouse while either was living.

(c) The amount of any incorrectly paid payments or benefits, excluding an administrative error overpayment, are a claim, against the probate estate of any deceased recipient.

(d) The claim for correctly paid payments or benefits under MA is deferred until the death of the surviving spouse, if any, of the deceased recipient. After the death of a surviving spouse, the deferred claim of the deceased recipient is a claim against the following assets (see OAR 461-135-0832) or their proceeds in the probate estate of the spouse.

(A) For a recipient who died prior to October 1, 2008, the Department has a claim against the probate estate of the spouse for medical assistance (see OAR 461-135-0832) paid to the recipient, but only to the extent that the spouse received property or other assets from the recipient through any of the following:

- (i) Probate.
- (ii) Operation of law.

(B) For a recipient who dies on or after October 1, 2008, the Department has a claim against the probate estate of the recipient's spouse for medical assistance paid to the recipient, but only to the extent that the recipient's spouse received property or other assets from the recipient through any of the following:

- (i) Probate.
- (ii) Operation of law.

(iii) An interspousal transfer (see OAR 461-135-0832), including one facilitated by a court order, which occurs:

(I) Before, on, or after October 1, 2008; and

(II) No earlier than 60 months prior to the first date of request (see OAR 461-135-0832) established from the applications for MA of the recipient and the recipient's spouse, or at any time thereafter, whether approved, withdrawn, or denied.

(e) The claim for correctly paid payments or benefits under MA may not be enforced if the deceased recipient is survived by a child under age 21, a child with a disability, or a child with a visual impairment.

(f) For recipients who are not permanently institutionalized (see OAR 461-135-0832):

(A) The amount of any payments or benefits paid prior to October 1, 1993 to or on behalf of a recipient 65 years of age or older are a claim against the probate estate of any deceased recipient.

(B) The amount of any payments or benefits, paid on or after October 1, 1993 and prior to July 18, 1995, to or on behalf of a recipient 55 years of age or older are a claim against the probate estate of any deceased recipient.

(C) The amount of any payments or benefits, paid on or after July 18, 1995 and prior to October 1, 2013, to or on behalf of a recipient 55 years of age or older are a claim against the estate of any deceased recipient. All correctly made payments on or after January 1, 2010 for Medicare cost sharing (see OAR 461-135-0832) are excluded from a claim.

(D) The amount of any payments or benefits, paid October 1, 2013 or later, to or on behalf of a recipient 55 years of age or older, during the time the Department was paying any of the cost of care of the individual in a nursing facility, home and community based care (see OAR 461-001-0030), or in home services through the State Plan Personal Care Services (see OAR 411-034-0010), are a claim against the estate of any deceased recipient. All correctly made payments on or after January 1, 2010 for Medicare cost sharing are excluded from a claim.

(g) For permanently institutionalized individuals, a claim includes amounts calculated according to subsection (f) of this section and the following:

(A) The amount of any payments or benefits before July 18, 1995 to or on behalf of a recipient who was permanently institutionalized is a claim against the probate estate of the deceased recipient.

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assistance program (REF), the Supplemental Nutrition Assistance Program (SNAP), and the Temporary Assistance for Needy Families (TANF) program. The changes are described in detail below. Additional non-substantive edits may be made to these rules to: ensure consistent terminology throughout self-sufficiency program rules and policies; make general updates consistent with current Department practices; update statutory and rule references; correct formatting and punctuation; improve ease of reading; and clarify Department rules and processes.

REF

OAR 461-135-0850, 461-155-0030, and 461-193-0031 are being amended and OAR 461-193-0560 is being repealed to update policy applicable in the REF program. Specifically:

- OAR 461-135-0850 about the requirements of the Repatriate Program is being amended to clarify eligibility requirements and benefits consistent with federal regulations.

- OAR 461-155-0030 about income and payment standards in the REF and TANF programs is being amended to state that the new Exit Limit Increase (ELI) does not apply to the Refugee (REF) program. The ELI was established on April 1, 2016 as part of the implementation of the TANF redesign in HB 3535 (2015). The ELI is an increased income limit standard applied to clients who would otherwise become ineligible due to increased earnings from employment. The ELI is intended to help clients ease off public assistance and avoid the so-called "benefits cliff" that may serve as a disincentive to employment. Although REF policy is aligned with TANF policy whenever possible, in this case the ELI will only apply to TANF. (This makes permanent a temporary rule adopted on May 12, 2016.)

- OAR 461-193-0031 about eligibility requirements for the Refugee Case Services Project (RCSP) is being amended to remove the requirement to be enrolled full time as a student. Educational requirements for refugee assistance is covered in more detail in OAR 461-135-0900(3). OAR references to the alien status requirements rule (OAR 461-120-0125) are also updated.

- OAR 461-193-0560 about the payment standards in the Refugee Case Services Project (RCSP) is being repealed. RCSP is a public/private partnership between the Department and the Voluntary Agencies (Volag) that resettle refugees in the tri-county (Multnomah, Clackamas, and Washington) area. The benefit clients in the RCSP receive is through the REF program. REF payment standards are addressed in OAR 461-155-0030.

SNAP

OAR 461-110-0370 about filing groups in the SNAP program, OAR 461-155-0190 about income and payment standards in the SNAP program, OAR 461-160-0420 about shelter costs in the SNAP program, 461-160-0430 about income deductions in the SNAP program, and OAR 461-165-0060 about minimum benefit amounts are being amended to comply with changes to federal SNAP standards that will be effective on October 1, 2016.

OAR 461-130-0305, 461-130-0310, 461-130-0315, 461-175-0220, and 461-190-0310 are being amended to make the OFSET program voluntary starting October 1, 2016. Specifically:

- OAR 461-130-0305 about general employment program requirements is being amended to state that in the SNAP program, volunteers include: ABAWD in waived areas who are exempt or mandatory and choose to participate in the SNAP employment and training program; non-ABAWD clients who are exempt or mandatory and choose to participate in the SNAP employment and training program; and clients who are not mandatory and choose to participate in the SNAP employment and training program.

- OAR 461-130-0310 about participation classifications is being amended to remove exempt criteria that were only used to determine whether a client must participate in OFSET. Because OFSET will be voluntary, those criteria will not long be applicable.

- OAR 461-135-0315 about requirements for mandatory employment program clients is being amended to state that in the SNAP program, the only employment program requirement is to maintain

employment as provided in the rule, except that mandatory ABAWD clients subject to the time limit in OAR 461-135-0520 must complete the activities and components in their case plan.

- OAR 461-175-0220 about notice requirements for disqualifications is being amended to change references to OFSET disqualifications to SNAP Employment and Training disqualifications. As a voluntary program, clients will not be disqualified for failure to participate in OFSET.

- OAR 461-190-0310 about limits to SNAP employment and training components and activities is being amended to make the program voluntary effective September 30, 2016.

OAR 461-130-0305, 461-130-0315, 461-130-0335, 461-135-0520, 461-175-0220, 461-190-0310, and 461-190-0360 are being amended to support the Department's continued implementation of the federal three-month time limit on SNAP benefits. Effective January 1, 2016, the time limit applies to able-bodied adults without dependents (ABAWD) residing in Multnomah or Washington County who are not otherwise exempt. (This will expand to include Clackamas County effective January 1, 2017.) These clients must meet work requirements to continue to receive SNAP benefits beyond the three-month time limit. Specific amendments being proposed to support the Department's implementation of the federal time limit include:

- OAR 461-130-0305 about general employment program requirements is being amended to include reference the ABAWD policies in OAR 461-130-0305. The current rule does not reference ABAWD policies.

- OAR 461-130-0315 about requirements for mandatory employment program clients is amended to state that ABAWD clients subject to the time limit in OAR 461-135-0520 must complete all work activities and components in the case plan.

- OAR 461-130-0335 about removing disqualifications is being amended to include how an ABAWD ineligible due to the time limit may regain eligibility under OAR 461-135-0520.

- OAR 461-135-0520 about the SNAP time limit is being amended to indicate which counties are covered under the time limit waiver and which counties are not waived and therefore, subject to the time limit.

- OAR 461-175-0220 about disqualification notices is being amended to include what must be a part of the notice to an ABAWD when they have reached the SNAP time limit.

- OAR 461-190-0310 about limits on SNAP employment and training components and activities is being amended to include the end of OFSET in Clackamas County as of September 30, 2016.

- OAR 461-190-0360 about special payments for SNAP employment programs is being amended to increase the support service payment limit for ABAWD clients in the non-waiver areas up to \$100 per month to reimburse for transportation and other costs identified in the case plan. The non-waiver areas are currently Multnomah or Washington counties. This will expand to Clackamas County as of January 1, 2017.

TANF

OAR 461-001-0000 about definitions applicable to rules in OAR chapter 461 is being amended to state that in the TANF program, a dependent child is an individual who has not been legally emancipated.

OAR 461-130-0330, 461-130-0335, 461-135-0085, and 461-135-0200 are being amended to align policy and procedures regarding individuals with TANF JOBS and non-JOBS disqualifications. Clients with non-JOBS disqualifications occur when an individual fails to participate in alcohol and drug or mental health requirements under OAR 461-135-0085. When a client receives a disqualification penalty under this rule, the progressive penalty is the same as for a JOBS disqualification (i.e. failure to comply with employment program requirements.) Therefore, policies for both types of disqualifications can be covered in the same rules. Additionally, the rules are clarified regarding what happens when a JOBS exempt client becomes mandatory while serving a non-JOBS disqualification.

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Under the rule change, the penalty will end when the client becomes mandatory and the client will have an opportunity to participate in the JOBS program. Specifically:

- OAR 461-130-0330 about disqualifications is amended to include disqualification requirements for a non-JOBS disqualification. (The rule is also amended to remove redundant language about re-engagement. Re-engagement is covered in OAR 461-190-023.)

- OAR 461-130-0335 about removing disqualifications and effect on benefits is being amended to include reference to non-JOBS disqualifications under OAR 461-135-0085.

- OAR 461-135-0085 about the requirement to attend an assessment or evaluation or seek medically appropriate treatment for substance abuse or mental health is being amended to clarify that an adult member or parenting teen in the need group must participate in assessments when required by the Department regardless of their participation classification under OAR 461-130-0305. Additionally, the rule is amended to state that the penalty for refusing to participate ends when there is a change in the participation classification of the individual and the individual must be given an opportunity to participate.

- OAR 461-135-0200 about multiple disqualifications and change in JOBS status is being amended to remove the section about how the non-JOBS penalty ends when the client goes from exempt to mandatory. This is more appropriately addressed in OAR 461-135-0085 described above.

OAR 461-170-0011 about changes that must be reported is being amended to state the change reporting requirements for clients receiving Employment Payments. Employment Payments are a benefit given to TANF clients who become ineligible for TANF due to employment income and meet other eligibility requirements in OAR 461-135-1270.

Rules Coordinator: Kris Skaro—(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 means the Department of Human Services (DHS), except:

(a) The rule in which reference occurs only regulates programs covered by OAR chapter 461.

(b) OCCS medical program eligibility rules are in OAR chapter 410, division 200.

(2) "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 (see section (24) of this rule), sexual assault, or stalking.

(3) "Adjusted income" means the amount determined by subtracting income deductions from countable (see section (18) of this rule) income (see OAR 461-140-0010). Specific rules on the deductions are in OAR chapter 461, division 160.

(4) "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.

(5) "Assets" mean income and resources.

(6) "Basic decision notice" means a decision notice (see section (20) of this rule) mailed no later than the date of action given in the notice.

(7) "Branch office" means any Department or AAA (Area Agency on Aging) office serving a program covered by this chapter of rules.

(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 (see section

(27) of this rule) and benefit level for the payment month (see section (50) of this rule).

(10) "Cafeteria plan" means a written benefit plan offered by an employer in which:

(a) All participants are employees; and

(b) Participants may 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 (see section (43) of this rule), 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 (see section (15) of this rule). 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 (see section 12 of this rule) who meets the requirements of one of the following subsections:

(a) Is one of the following relatives of the dependent child (see section (22) of this rule):

(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 (see section (62) of this rule) 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 subsequent adoption of the child).

(14) "Certification period" means the period for which an individual 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 and OSIP programs, a "child" is an individual under the age of 18.

(c) In the OSIPM and QMB programs, "child" means an unmarried individual living with a parent (see section (49) of this rule) who is:

(A) Under the age of 18; or

(B) Under the age of 22 and attending full-time secondary, postsecondary or vocational-technical training designed to prepare the individual for employment.

(d) In the REF and REFM programs, a "child" is:

(A) An individual under the age of 18; or

(B) An individual who is 18 years of age and attending secondary school full-time or pursuing a GED full-time.

(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 people with disabilities 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 – Individuals living in their home receiving services determined necessary by the Department.

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(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 program wherein the participant is given cash benefits to purchase self-directed personal assistance services or goods and services provided pursuant to a written service plan (see OAR 411-030-0020).

(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 TANF program means an individual who has not been legally emancipated and who is one of the following:

(a) An individual who is not a caretaker relative (see section (13) of this rule) 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 (see section (44) of this rule) 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 SNAP 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 acts described in subsections (a) to (d) of this section 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.

(e) As used in this section, “family members” and “household members” mean any of the following:

(A) Spouse;

(B) Former spouse;

(C) Individuals related by blood, marriage (see section (42) of this rule), or adoption;

(D) Individuals who are cohabitating or have cohabited with each other;

(E) Individuals who have been involved in a sexually intimate or dating relationship; or

(F) Unmarried parents of a child.

(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) “Electronic application” is an application electronically signed and submitted through the Internet.

(27) “Eligibility” means the decision as to whether an individual qualifies, under financial and nonfinancial requirements, to receive program benefits.

(28) “Equity value” means fair market value (see section (29) of this rule) minus encumbrances.

(29) “Fair market value” means the amount an item is worth on the open market.

(30) “Family stability” in the JOBS, Pre-TANF, Post-TANF, SFPSS, TA-DVS, and TANF programs 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.

(31) “Family stability activity” in the JOBS, Pre-TANF, Post-TANF, SFPSS, TA-DVS, and TANF programs means an action or set of actions taken by an individual, as specified in a case plan, intended to promote the ability of one or both parents to achieve or maintain family stability (see section (30) of this rule).

(32) “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.

(33) “Homeless” in the ERDC program means lacking a fixed regular and adequate nighttime residence and includes living in an emergency shelter, shared housing with others due to loss of housing or economic hardship, staying in motels, cars, parks, public places, tents, trailers, or other similar settings.

(34) “Income producing property” means:

(a) In all programs except OSIP, OSIPM, and QMB, real or personal property that generates income for the financial group (see OAR 461-110-0530). 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, and condominiums.

(b) In the OSIP, OSIPM, and QMB programs, “income-producing property” means any real or personal property not used in self-employment (see OAR 461-145-0600 and 461-145-0915) that produces income for the financial group. “Income-producing property” includes:

(A) Livestock, poultry, or other animals that produce marketable products sold by the financial group.

(B) Farmland not excluded under OAR 461-145-0220 that is farmed or rented out by the financial group.

(C) Real property other than the home (including vacation homes and condominiums), that is rented out.

(c) In the OSIP, OSIPM, and QMB programs, “income-producing property” does not include:

(A) Rooms or other space for rent in the home (see OAR 461-145-0220).

(B) Livestock, poultry, or other animals kept for resale (see OAR 461-145-0010).

(35) “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 SNAP 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 SNAP 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) For a new applicant to the OSIP or OSIPM program applying for care in a nonstandard living arrangement (see section (45) of this rule), for the purposes of calculating the correct divisor in OAR 461-140-0296, the month in which the individual would have been eligible had it not been for the disqualifying transfer of assets (see section (5) of this rule).

(e) For a current recipient of the OSIP or OSIPM program receiving or applying for care in a nonstandard living arrangement, for the purpose of calculating the correct divisor in OAR 461-140-0296, the later of the following:

(A) The month the disqualifying transfer occurred.

(B) The month of application for long-term care (see section (40) of this rule) services if the individual would have been eligible had it not been for the disqualifying transfer of assets.

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(36) “In-kind income” means income in a form other than money (such as food, clothing, cars, furniture, and payments made to a third party).

(37) “Legally married” means a marriage uniting two individuals according to:

(a) The statutes of the state where the marriage occurred;

(b) Except in the SNAP program, the common law of the state in which the two individuals previously resided while meeting the requirements for common law marriage in that state; or

(c) The laws of a country in which the two individuals previously resided while meeting the requirements for legal or cultural marriage in that country.

(38) “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 ownership to another individual while retaining, for the rest of the individual’s life, certain rights to that property. In addition, a “life estate” is established when a member of the financial group purchases a “life estate” interest in the home of another individual.

(39) “Lodger” means a member of the household group (see OAR 461-110-0210) who:

(a) Is not a member of the filing group (see OAR 461-110-0310); and

(b) Pays the filing group;

(A) In all programs except the OSIP, OSIPM, and QMB programs, for room and board.

(B) In the OSIP, OSIPM, and QMB programs, for room with or without board.

(40) “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).

(41) “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.

(42) “Marriage” means the union of two individuals who are legally married (see section (37) of this rule).

(43) “Microenterprise” means a sole proprietorship, partnership, or family business with fewer than five employees and capital needs no greater than \$35,000.

(44) “Minor parent” in the ERDC and TANF programs means a parent under the age of 18.

(45) “Nonstandard living arrangement” is defined as follows:

(a) In the GA, OSIP, OSIPM, and QMB programs, an individual is considered to be in a “nonstandard living arrangement” when the individual is applying for or receiving services in any of the following locations:

(A) A nursing facility in which the individual receives long-term care services paid with Medicaid funding, except this subsection does not apply to a Medicare client in a skilled-stay 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 care (see section (16) of this rule) setting, except a State Plan Personal Care (SPPC) setting is not considered a “nonstandard living arrangement”.

(b) In all programs except GA, OSIP, OSIPM, and QMB, “nonstandard living arrangement” means each of the following locations:

(A) Foster care.

(B) Residential Care facility.

(C) Drug or alcohol residential treatment facility.

(D) Homeless or domestic violence shelter.

(E) Lodging house if paying for room and board.

(F) Correctional facility.

(G) Medical institution.

(46) “OCCS” is the Office of Client and Community Services, part of the Medical Assistance Programs under the Oregon Health Authority responsible for OCCS medical program eligibility policy, community outreach, OCCS Medical Program eligibility determinations, and the OHA Customer Service Call Center.

(47) “OCCS Medical Programs” refers to programs for which eligibility policy can be found in OAR chapter 410, division 200, and includes CEC, CEM, MAA, MAF, EXT, OHP, Substitute Care, BCCTP, and MAGI Medicaid/CHIP programs, including:

(a) MAGI Adult;

(b) MAGI Child;

(c) MAGI Parent or Other Caretaker Relative;

(d) MAGI Pregnant Woman; and

(e) MAGI CHIP.

(48) “Ongoing month” means one of the following:

(a) For all programs except the SNAP program, any month following the initial month (see section (35) of this rule) of eligibility, if there is no break in the program benefit of one or more calendar months.

(b) For the SNAP program, any month in the certification period (see section (14) of this rule) following the initial month of eligibility.

(49) “Parent” for all programs except JPI (see OAR 461-135-1260) and the SNAP program means the biological mother or father of an unborn child or the biological, step, or adoptive mother or father of a child. For JPI and the SNAP program, “parent” means the biological or legal mother or father of an individual.

(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 has given up care, control, and supervision of the child.

(50) “Payment month” means, for all programs except EA, the calendar month for which benefits are issued.

(51) “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.

(52) “Periodic income” means income received on a regular basis less often than monthly.

(53) “Primary person” for all programs except the SNAP program, 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) In the TANF program, the parent or caretaker relative.

(b) In the ERDC program, the caretaker.

(c) In the SNAP program, see OAR 461-001-0015.

(d) In the GA, OSIP, OSIPM, QMB, REF, and REFM programs, the client or client’s spouse.

(54) “Qualified Partnership Policy” means a long-term care insurance policy meeting the requirements of OAR 836-052-0531 that was either:

(a) Issued while the individual was a resident in Oregon on January 1, 2008 or later; or

(b) Issued in another state while the individual was a resident of that state on or after the effective date of that state’s federally approved State Plan Amendment to issue qualified partnership policies.

(55) “Real property” means land, buildings, and whatever is erected on or affixed to the land and taxed as “real property”.

(56) “Reimbursement” means money or in-kind compensation provided specifically for an identified expense.

(57) “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.

(58) “Shelter costs” mean, in all programs except the SNAP program, housing costs (rent or mortgage payments, property taxes) and utility costs, not including cable TV or non-basic telephone charges. In the SNAP program, see OAR 461-160-0420.

(59) “Shelter in kind” means an agency or individual outside the financial group provides the shelter of the financial group, or makes a payment to a third party for some or all of the shelter costs (see section (58) of this rule) of the financial group. “Shelter-in-kind” does not include temporary shelter provided by a domestic violence shelter, homeless shelter, or

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residential alcohol and drug treatment facilities or situations where no shelter is being provided, such as sleeping in a doorway, park, or bus station.

(60) "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.

(61) "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.

(62) "Spouse" means an individual who is legally married to another individual.

(63) "Stable income" means income that is the same amount each time it is received.

(64) "Standard living arrangement" means a location that does not qualify as a nonstandard living arrangement.

(65) "Teen parent" means, for TANF and JOBS, a parent under the age of 20 who has not completed a high school diploma or GED.

(66) "Timely continuing benefit decision notice" means a decision notice that informs the individual of the right to continued benefits and is mailed no later than the time requirements in OAR 461-175-0050.

(67) "Trust funds" mean money, securities, or similar property held by an individual or institution for the benefit of another individual.

(68) "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.

(69) "Variable income" means earned or unearned income that is not always received in the same amount each month.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 413.085, 414.685

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.816, 411.837, 412.001, 412.006, 412.014, 412.049, 413.085, 414.685

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. & ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 14-2007, f. 12-31-07, cert. ef. 1-1-08; SSP 15-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 8-2008, f. & cert. ef. 4-1-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; Administrative correction 4-21-10; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 17-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 22-2013(Temp), f. & cert. ef. 8-23-13 thru 2-19-14; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 29-2013(Temp), f. & cert. ef. 10-1-13 thru 2-19-14; SSP 37-2013, f. 12-31-13, cert. ef. 1-1-14; SSP 39-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; SSP 9-2014, f. & cert. ef. 4-1-14; SSP 14-2014(Temp), f. & cert. ef. 6-26-14 thru 12-23-14; SSP 15-2014, f. & cert. ef. 7-1-14; SSP 18-2014(Temp), f. & cert. ef. 7-1-14 thru 12-23-14; SSP 24-2014, f. & cert. ef. 10-1-14; SSP 11-2015, f. 3-13-15, cert. ef. 4-1-15; SSP 25-2015, f. 9-29-15, cert. ef. 10-1-15; SSP 29-2015(Temp), f. & cert. ef. 10-1-15 thru 3-28-16; SSP 36-2015, f. 12-23-15, cert. ef. 1-1-16; SSP 15-2016, f. & cert. ef. 4-1-16; SSP 25-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 12-27-16; SSP 31-2016, f. & cert. ef. 9-1-16; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-110-0370

Filing Group; SNAP

In the SNAP program:

(1) Except as provided in this rule, the filing group (see OAR 461-110-0370) consists of members of a household group (see OAR 461-110-0210) who choose to apply together or customarily purchase and prepare meals together.

(2) Except as provided in sections (3) and (8) of this rule, the following household group members 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 living with the parent.

(c) A household group member and any 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) In the following specific situations, the Department forms a filing group as indicated:

(a) An individual is not included in the filing group if, during the month the group applied for SNAP program benefits, the individual received SSI benefits through the state of California. This exclusion applies only in the month the group applied and, if necessary to meet notice requirements, in the month following the month the group applied.

(b) An individual is not included in the filing group if during the month the group applied for SNAP program benefits the individual

received SNAP program benefits in another household and was not the head of household in the prior household. This exclusion applies only in the month the group applied and, if necessary to meet notice requirements, in the month following the month the group applied.

(c) An elderly (see OAR 461-001-0015) individual and his or her spouse may be considered a separate filing group from others with whom the elderly individual purchases and prepares meals, if:

(A) The elderly individual is unable to purchase or prepare food because of a permanent and severe disabling condition; and

(B) The combined income of the other members of the household group does not exceed the following limit: [Table not included. See ED. NOTE.]

(4) A paid live-in attendant may choose not to be in the filing group with the recipient of the services provided, unless required by section (2) of this rule to be in the same filing group.

(5) An individual in foster care, the individual's spouse, and each child under age 22 living with the individual are not eligible to participate in the SNAP program independently of the care or service provider's filing group, but may be included in the provider's filing group if the provider applies for benefits.

(6) Unless required under 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). A resident's spouse in the same facility may be in a separate filing group, but a child of a resident must be in the same filing group as the resident.

(b) A resident in group living (see OAR 461-001-0015).

(c) A resident of a public or private non-profit homeless or domestic violence shelter (see OAR 461-135-0510).

(d) An individual who is a resident of federally subsidized housing for the elderly, an individual with a disability, or blind recipient of benefits under Title I, II, X, XIV, or XVI of the Social Security Act.

(7) A member of the household group who pays the filing group for room and board (lodger) is treated as follows:

(a) A lodger cannot participate in the SNAP program independently of the household group when the lodger pays a reasonable amount for room and board. A reasonable amount is:

(A) An amount that equals or exceeds the Thrifty Food Plan for the individual and anyone in that individual's filing group (see OAR 461-155-0190(2)), if more than two meals per day are provided; or

(B) An amount that equals or exceeds two-thirds of the Thrifty Food Plan for the individual and anyone in the individual's filing group, if two or fewer meals per day are provided.

(b) A lodger may participate in the SNAP program independently of the household group when the lodger pays less than a reasonable amount for room and board.

(8) A household group member is not included in the filing group, if the member is:

(a) A resident of a commercial boarding house; or

(b) An ineligible student, as defined in OAR 461-135-0570.

(9) A household group member may be included in two filing groups in the same month, 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 group containing the member's abuser.

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

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837
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; cert. ef. 1-1-07; SSP 7-2007, f. 6-29-07; 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; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 24-2013, f. & cert. ef. 10-1-13; SSP

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24-2014, f. & cert. ef. 10-1-14; SSP 28-2015, f. 9-29-15, cert. ef. 10-1-15; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-130-0305

General Provisions; Employment Programs

(1) This division of rules states:

(a) The requirements for a client participating in the employment programs of the Post-TANF, Pre-TANF, REF, SNAP, and TANF programs. The employment programs are the JOBS, REF (administered under division 193 of these rules), and SNAP Employment and Training (see OAR 461-001-0020) employment programs. (The employment and training requirements for ABAWD clients in the SNAP program are also covered in OAR 461-135-0520.)

(b) The effect of a labor strike on a client's eligibility for program benefits.

(2) The following definitions apply to OAR 461-130-0305 through 461-130-0335 and OAR 461-135-0520:

(a) "Exempt" means a client who the Department determines is not mandatory (see subsection (b) of this section) for an employment program in accordance with OAR 461-130-0310.

(b) "Mandatory" means a client in the need group (see OAR 461-110-0630) who the Department determines must participate in an employment program in accordance with OAR 461-130-0310.

(c) "Volunteer" means:

(A) A client who is an ABAWD living in one of the time limit exempt counties (see OAR 461-135-0520) who is either exempt (see subsection (a) of this section) or mandatory and chooses to participate in SNAP Employment and Training;

(B) A client who is not an ABAWD and is either exempt or mandatory and chooses to participate in SNAP Employment and Training; or

(C) A client who is not mandatory and chooses to participate in an employment program.

(3) A client must provide the information necessary for the Department to determine each of the following:

(a) The client's participation classification (see OAR 461-130-0310);

(b) The client's level of participation; and

(c) If applicable, whether a client had good cause (see OAR 461-130-0327) for any failure to meet a requirement of an employment program.

(4) In the SNAP program, a mandatory client (see OAR 461-130-0310(3)(b)) is registered for the employment program when a member of the filing group (see OAR 461-110-0370) or an authorized representative (see OAR 461-115-0090 and 461-115-0140) signs the SNAP program application.

Stat. Auth.: ORS 411.060, 411.816, 412.006, 412.009, 412.049

Stats. Implemented: ORS 411.060, 411.816, 412.006, 412.009, 412.049

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; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-130-0310

Participation Classifications: Exempt, Mandatory, and Volunteer

(1) In the Post-TANF, Pre-TANF, REF, SNAP, and TANF programs:

(a) The Department assigns an individual to one or more employment program participation classifications—exempt, mandatory, and volunteer (see OAR 461-130-0305 for definitions of all three terms).

(b) In the Post-TANF program or while receiving Employment Payments (see OAR 461-001-0025) under OAR 461-135-1270, an individual is classified as a volunteer.

(2) In the Pre-TANF, REF, and TANF programs:

(a) An individual is exempt from employment program participation and disqualification if the individual meets the requirements of at least one of the following paragraphs. The individual is:

(A) Pregnant and in the last month of the pregnancy.

(B) Pregnant and experiencing medical complications due to the pregnancy that prohibit participation in activities of the program and are documented by a qualified and appropriate professional.

(C) A parent (see OAR 461-001-0000) during the first six months after the birth of the parent's dependent child (see OAR 461-001-0000) except that the Department may require the parent to participate in parenting classes or a family stability activity (see OAR 461-001-0000). An exemption allowed under this paragraph may apply only to one mandatory participant in each filing group (see OAR 461-110-0310, 461-110-0330, and 461-110-0430).

(D) Under 20 years of age during the first 16 weeks after giving birth except that the individual may be required to participate in suitable activities with a preference for educational activities, parenting classes, and family stability activity.

(E) A parent providing care for a family member who is an individual with a disability (see OAR 461-001-0000) and is in the household group (see OAR 461-110-0210) with the parent. Medical documentation to support the need for the care is required.

(F) An REF client 65 years of age or older.

(G) A TANF client 60 years of age or older.

(H) A noncitizen who is not authorized to work in the United States.

(I) An individual who is eligible for and receives supplemental security income (SSI) from the Social Security Administration.

(J) A caretaker relative (see OAR 461-001-0000) who is non-needy.

(K) An individual whose participation is likely to cause undue hardship or is contrary to the best interests of the dependent child or needy caretaker relative.

(L) Pregnant and participating more than 10 hours per week during the first two months of the third trimester.

(M) A VISTA volunteer.

(b) A caretaker relative of a dependent child or unborn who receives TANF program benefits is mandatory if the caretaker relative is in the same filing group with the dependent child or unborn (even if the caretaker relative is not in the TANF program benefit group under OAR 461-110-0750), unless the caretaker relative is otherwise exempt from participation under subsection (a) of this section.

(3) In the SNAP program:

(a) An individual is exempt from employment program participation and disqualification if the individual meets the requirements of one of the following paragraphs. The individual is:

(A) Working a minimum of 30 hours a week or earning money equal to at least the federal minimum wage multiplied by 30 hours per week multiplied by 4.3 weeks. An individual who is self-employed with allowable costs must meet the earnings threshold after allowing the 50 percent deduction. 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) An individual with a physical or mental condition that prevents performance of any work.

(C) Responsible for the care of a child (see OAR 461-001-0000) in the household under 6 years of age or an individual in the household with a disability (see OAR 461-001-0015) that substantially reduces or eliminates the individual's ability to care for himself or herself.

(D) Providing care for at least 30 hours a week for an individual in another household with a disability that substantially reduces or eliminates the individual's ability to care for himself or herself.

(E) 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. An individual remains exempt during normal periods of class attendance, vacation, and recess but no longer qualifies 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 enroll in classes for the next regular school term (excluding summer term).

(F) Receiving REF or TANF program benefits under Title IV of the Social Security Act.

(G) In receipt of unemployment insurance benefits, has completed an application for unemployment insurance benefits and is waiting for an initial decision on the claim, or is participating in at least one of the following Employment Department training programs:

(i) The Trade Readjustment Allowance (TRA) program serving displaced workers under the Trade Act.

(ii) The Training Unemployment Insurance (TUI) program.

(iii) The Self-Employment Insurance (SEA) program.

(iv) The Apprenticeship Program (APT).

(H) Participating in a drug or alcohol treatment and rehabilitation program.

(I) Pregnant.

(J) Chronically homeless. For purposes of this rule, an individual is chronically homeless if the individual is currently homeless (see OAR 461-001-0015) and one of the following applies:

(i) The individual has been homeless for more than six months.

(ii) The individual has been homeless more than one time in the last 12 months.

(iii) The individual states that the individual is unable to meet the basic necessities of everyday life.

(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

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OAR 461-001-0015), or 18 years of age and older and 59 years of age and younger; and who is not exempt under subsection (a) of this section.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 412.006, 412.009, 412.014, 412.049
Stats. Implemented: ORS 409.010, 409.750, 411.060, 411.070, 411.816, 411.837, 412.006, 412.009, 412.014, 412.049

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; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 18-2011(Temp), f. & cert. ef. 7-1-11 thru 12-28-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 39-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 6-30-13; SSP 8-2013, f. & cert. ef. 4-1-13; SSP 13-2013, f. & cert. ef. 7-1-13; SSP 24-2015, f. 9-29-15, cert. ef. 10-1-15; SSP 37-2015, f. 12-23-15, cert. ef. 1-1-16; SSP 1-2016(Temp), f. & cert. ef. 1-1-16 thru 6-28-16; SSP 15-2016, f. & cert. ef. 4-1-16; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-130-0315

Requirements for Mandatory Employment Program Clients; Pre-TANF, REF, SNAP, TANF

The following provisions apply to a mandatory (see OAR 461-130-0305) client:

(1) A mandatory client selected by the Department to participate in an employment program of the Pre-TANF, REF, SNAP, or TANF program must do all of the following:

(a) Accept a bona fide offer of employment, whether temporary, permanent, full time, part time, or seasonal.

(b) Schedule and keep required employment-related appointments and interviews.

(c) 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.

(d) Provide the Department, in the manner the Department requires, with verifiable documentation of JOBS participation hours, including paid work, job search, and educational participation hours.

(e) In the REF and TANF programs, complete all activities (see OAR 461-001-0025) specified on the case plan (see OAR 461-001-0025).

(f) In the SNAP program:

(A) Maintain employment:

(i) A client meeting the requirements of subparagraph (iii) of this paragraph fails to maintain employment when the criteria in at least one of the following sub-subparagraphs is met:

(I) Voluntarily leaving a job 30 days or less prior to the filing date (see OAR 461-115-0040) for SNAP benefits as provided in OAR 461-135-0521 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 as defined in OAR 461-135-0521.

(ii) The following changes in employment status do not constitute failure to maintain employment:

(I) An employer reduces a client's hours of work;

(II) An employer fires a client from a job;

(III) A client terminates a self employment enterprise; and

(IV) A client resigns from a job at the demand of the employer.

(iii) Subparagraph (i) of this paragraph applies only if the client meets at least one of the following requirements. The client --

(I) Is required to register for work;

(II) Is exempt from participating in the employment program due to employment under OAR 461 130 0310(3)(a)(A);

(III) Had a job that averaged not less than 30 hours each week or had provided average weekly earnings not less than the federal minimum wage multiplied by 30 hours, and the client quit the job without good cause (see OAR 461-130-0327); or

(IV) Quits working under a JOBS Plus agreement more than twice (see OAR 461 190 0426).

(B) For an ABAWD subject to the time limit in OAR 461-135-0520, complete all work activities and components specified in the case plan (see OAR 461-001-0020).

(2) In the Pre-TANF, REF, and TANF programs a mandatory client who fails to meet a participation requirement without good cause is subject to disqualification in accordance with OAR 461-130-0330 only after the re-engagement process under OAR 461-190-0231 has been completed.

Stat. Auth.: ORS 411.060, 418.045, 412.049

Stats. Implemented: ORS 411.060, 418.045, 412.049

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; SSP 5-

2008, f. 2-29-08, cert. ef. 3-1-08; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 15-2016, f. & cert. ef. 4-1-16; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-130-0330

Disqualifications; Pre-TANF, REF, SNAP, TANF

(1) In the Pre-TANF, REF, SNAP, and TANF programs, the Department may not disqualify from program benefits a client who is a volunteer (see OAR 461-130-0305 and 461-130-0310) participant in an employment program.

(2) In the Pre-TANF and TANF programs, a mandatory (see OAR 461-130-0305) individual who fails to comply with an employment program participation requirement or an exempt (see OAR 461-130-0305 and 461-130-0310) individual who fails to comply with the requirements of OAR 461-135-0085, and does not have good cause (see OAR 461-130-0327) for the failure to comply is subject to disqualification under this rule only after the client has had the opportunity to participate in the re-engagement process under OAR 461-190-0231.

(3) In the REF program, a mandatory client who fails to comply with an employment program participation requirement and does not have good cause for failure to comply is subject to disqualification under this rule only after the client has had the opportunity to participate in the re-engagement process under OAR 461-190-0231.

(4) In the REF program, the effects of a disqualification are progressive. There are two levels of disqualification:

(a) At the first level of disqualification, the penalty is the removal of the disqualified client from the need group (see OAR 461-110-0630) for three months. If the disqualified client is the only member of the filing group (see OAR 461-110-0310 and 461-110-0430), the assistance is terminated.

(b) At the second level, the penalty is the removal of the disqualified client from the need group for six months. If the disqualified client is the only member of the filing group, the assistance is terminated.

(5) In the TANF program, the effects of a JOBS disqualification or a disqualification imposed under OAR 461-135-0085 are progressive. There are four levels of disqualification. 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) At the first level, the penalty is a 25 percent reduction in benefits.

(b) At the second level, the penalty is a 50 percent reduction in benefits.

(c) At the third level, the penalty is a 75 percent reduction in benefits.

(d) At the fourth level, the penalty is a 100 percent reduction in benefits.

(e) At the end of the fourth level, program benefits are closed and the filing group (see OAR 461-110-0310 and 461-110-0330) may not receive program benefits for the following two consecutive months.

(6) In the SNAP program:

(a) A mandatory client not covered under subsection (b) of this section who fails to comply with the requirements of an employment program without good cause (see OAR 461-130-0327) is subject to disqualification. A disqualified client is removed from the need group until he or she meets the employment program requirements and serves the applicable progressive disqualification under the following subsections:

(A) One calendar month for the first failure to comply.

(B) Three calendar months for the second failure to comply.

(C) Six calendar months for the third and subsequent failures to comply.

(b) A mandatory client who is an ABAWD (see OAR 461-135-0520) residing in Multnomah or Washington County or a mandatory client who is served by an office that does not offer OFSET (see OAR 461-190-0310) who fails to comply with the requirement to maintain employment in OAR 461-130-0315(1)(f)(B) is subject to disqualification as provided in subsection (a) of this section. See OAR 461-135-0520 for additional employment participation requirements for ABAWD clients.

(c) A client who is exempt (see OAR 461-130-0305) from participation in the SNAP employment program because he or she is a mandatory participant in the JOBS program, receiving unemployment compensation benefits, or has applied for unemployment compensation benefits and is waiting on an initial decision must comply with the requirements of those programs. If the client fails to comply with the requirements of the applicable program the client is disqualified from receiving SNAP benefits, unless he or she can show good cause under OAR 461-130-0327.

Stat. Auth.: ORS 411.060, 411.816, 412.009, 412.049

Stats. Implemented: ORS 411.060, 411.816, 411.837, 412.009, 412.049

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-

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08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 26-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; SSP 35-2011, f. 12-27-11, cert. ef. 1-1-12; SSP 25-2012, f. 6-29-12, cert. ef. 7-1-12; SSP 37-2012, f. 12-28-12, cert. ef. 1-1-13; SSP 37-2015, f. 12-23-15, cert. ef. 1-1-16; SSP 15-2016, f. & cert. ef. 4-1-16; SSP 23-2016, f. 6-28-16, cert. ef. 7-1-16; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-130-0335

Removing Disqualifications and Effect on Benefits

(1) An applicant who would be subject to an employment program disqualification under OAR 461-130-0330 but withdraws the application before benefits are approved is not subject to disqualification.

(2) In the REF, SNAP, and TANF programs, a filing group (see OAR 461-110-0330, 461-110-0370, and 461-110-0430) is not subject to the impact of a disqualification for a disqualified member who has left the household group (see OAR 461-110-0210). If the member joins another filing group, that group is subject to the member's most recent disqualification.

(3) In the REF program, a disqualification ends when:

(a) The Department changes the participation classification of the disqualified individual to exempt (see OAR 461-130-0305); or

(b) REF program benefits are closed for a reason other than described in OAR 461-130-0330(4).

(4) In the TANF program, the following subsections apply to an individual disqualified for failure to meet the requirements of an employment program under division 190 of these rules or the requirements of OAR 461-135-0085:

(a) At the first, second, third, and fourth level of disqualification, the individual must cooperate for two consecutive weeks with each activity (see OAR 461-001-0025) specified in the individual's current or revised case plan (see OAR 461-001-0025) before the Department may remove the disqualification. Cash benefits are restored effective the date the individual completes the two consecutive week cooperation period.

(b) When the fourth level of disqualification ends, TANF program benefits are closed and the filing group is ineligible for TANF program benefits for two consecutive months, unless the individual contacts a representative of the Department and agrees to each activity specified in the individual's current or revised case plan before the end of the fourth level. If the individual completes the two consecutive weeks of cooperation, cash benefits are restored effective the date the individual completes the two consecutive week cooperation period.

(c) Cash benefits are restored effective the date it is determined, by the Department, there are no appropriate activities or support services (see OAR 461-001-0025) necessary to support the activity available in order for the individual to demonstrate participation.

(5) In the TANF program, a disqualification ends when:

(a) The Department changes the participation classification of the disqualified individual to exempt (see OAR 461-130-0305);

(b) A mandatory (see OAR 461-130-0305) individual in the need group (see OAR 461-110-0630) complies with the requirements of the employment program as provided in section (4) of this rule;

(c) TANF program benefits are closed for a reason other than described in OAR 461-130-0330(5)(e);

(d) The individual is no longer a member of the household group; or

(e) The individual is unable to participate because there is no appropriate activity or support services necessary to support the activity.

(6) In the SNAP program:

(a) 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 individual's participation classification (see OAR 461-130-0310), even if the date falls within the disqualification period provided in OAR 461-130-0330.

(b) A mandatory individual disqualified under OAR 461-130-0330 for failure to meet the requirements of a SNAP employment program must show compliance with the employment and training program for up to 30 days. The local DHS branch will determine the activities as either work activities or cooperation with the SNAP Employment and Training contractor.

(c) A mandatory ABAWD who is ineligible for exceeding the SNAP time limit may regain eligibility as provided in OAR 461-135-0520.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 412.009, 412.049
Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837, 412.009, 412.049

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; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 26-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; SSP 35-2011, f. 12-27-11, cert. ef. 1-1-12; SSP 37-2012, f. 12-28-12, cert. ef. 1-1-13; SSP 24-2015, f. 9-29-15, cert. ef. 10-1-15; SSP 15-2016, f. & cert. ef. 4-1-16; SSP 23-2016, f. 6-28-16, cert. ef. 7-1-16; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-135-0085

Requirement to Attend an Assessment or Evaluation, or Seek Medically Appropriate Treatment for Substance Abuse and Mental Health; Disqualification and Penalties; Pre-TANF, REF, TANF

In the Pre-TANF, REF, and TANF programs:

(1) For the purposes of this rule:

(a) "Assessment for substance abuse" means an assessment performed by an appropriate licensed professional with the purpose of discovering the presence of substance abuse.

(b) "Controlled substance" means a drug or its immediate precursor classified in Schedules I through V under the Controlled Substances Act, 21 U.S.C. 811 to 812, as modified under ORS 475.035. The use of the term "precursor" in this subsection does not control and is not controlled by the use of the term "precursor" in ORS 475.840 to 475.980. Alcohol is not a controlled substance.

(c) "Self-identified illegal use" means an individual states he or she illegally used a controlled substance within the previous 30 days. Illegal use does not include the use of a controlled substance pursuant to a valid prescription, or other use authorized by the Uniform Controlled Substances Act, ORS 475.005 to 475.285 and 475.840 to 475.980, the federal Controlled Substances Act, or other Federal law.

(2) When directed by the Department, an adult member or parenting teen in the need group (see OAR 461-110-0630), regardless of participation classification (see OAR 461-130-0310), must participate in:

(a) An assessment for substance abuse if:

(A) The individual has self-identified illegal use of a controlled substance; and

(B) The assessment is available and at no cost to the individual.

(b) Medically appropriate treatment for substance abuse if it is available and at no cost to the individual when:

(A) The individual reports a qualified and appropriate professional has diagnosed the individual with a substance abuse disorder within the previous twelve months; or

(B) An assessment resulted in a diagnosis requiring medically appropriate treatment for the individual to be successful in the workplace.

(3) When directed by the Department, an adult member or parenting teen in the need group (see OAR 461-110-0630), regardless of participation classification (see OAR 461-130-0310), must participate in medically appropriate treatment for mental health if it is available and at no cost to the individual when:

(a) The individual reports a qualified and appropriate professional has diagnosed the individual with a mental health disorder within the previous twelve months; or

(b) An evaluation resulted in a mental health diagnosis requiring medically appropriate treatment for the individual to be successful in the workplace.

(4) An individual is responsible for providing information needed by the Department to determine whether the individual had good cause (see OAR 461-130-0327) for failing to meet the requirements of this rule. If a medical condition must be evaluated in regard to the requirements of this rule, the Department will assist the client in obtaining a medical opinion from an appropriate medical professional.

(5) An individual who refuses to participate in a required assessment, evaluation, or the medically appropriate treatment required by this rule is subject to disqualification in accordance with this section and OAR 461-130-0330 only after the individual has had an opportunity to participate in the re-engagement process (see OAR 461-190-0231) including a determination by the Department of whether the individual had good cause for non-participation. The penalties are progressive and, once imposed, continue as long as the individual refuses to participate. If there is a change in the participation classification (see OAR 461-130-0310) of the individual the penalty ends and the individual must have an opportunity to participate in the re-engagement process under OAR 461-190-0231 before applying a disqualification.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 412.006, 412.009, 412.049, 412.089
Stats. Implemented: ORS 411.060, 411.070, 411.816, 412.006, 412.009, 412.049, 412.089
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; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-135-0200

Multiple Disqualifications; 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

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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.

Stat. Auth.: ORS 411.060, 418.040, 412.049
Stats. Implemented: ORS 411.060, 418.040, 412.049
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; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-135-0520

Time Limit and Special Requirements for ABAWD; SNAP

This rule establishes the time limit and special requirements for receipt of SNAP benefits for certain adults.

(1) Unless the context indicates otherwise, the following definitions apply to rules in OAR chapter 461:

(a) "Able-bodied adult without dependents (ABAWD)" means an individual 18 years of age or over, but under the age of 50, without dependents. For the purpose of this definition, "without dependents" means there is no child (see OAR 461-001-0000) under the age of 18 years in the filing group (see OAR 461-110-0310 and 461-110-0370).

(b) "Time limit counties" means Oregon counties in which the limitation on eligibility (see OAR 461-001-0000) for SNAP benefits for ABAWD in section 6(o)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(2)) applies. "Time limit counties" are Multnomah and Washington counties.

(c) "Time limit exempt counties" means Oregon counties in which the limitation on eligibility for SNAP benefits contained in section 6(o)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(2)) does not apply per a waiver approved by the United States Department of Agriculture. "Exempt counties" are Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Malheur, Marion, Morrow, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Wheeler, and Yamhill counties.

(2) Except as provided otherwise in this rule, an ABAWD who resides in one of the time limit counties (see section (1) of this rule) is ineligible to receive food benefits as a member of any household after the individual received food benefits for three countable months (see section (3) of this rule) during January 1, 2016 to December 31, 2018.

(3) "Countable months" means months within the 36-month period of January 1, 2016 to December 31, 2018 in which an individual as a member of any household receives SNAP benefits in Oregon or in any other state, unless at least one of the following applies:

(a) The individual resided for any part of the month in one of the time limit exempt counties (see section (1) of this rule).

(b) Benefits were prorated for the month.

(c) The individual was exempt (see OAR 461-130-0305) for any part of the month under OAR 461-130-0310(3)(a).

(d) The individual participated in one or more of the activities in paragraphs (A) to (D) of this subsection for 20 hours per week averaged monthly. For purposes of this rule, 20 hours per week averaged monthly means 80 hours per month. (Activities may be combined in one month to meet the 20 hours per week averaged monthly requirement.)

(A) Work for pay, in exchange for goods or services, or as a volunteer.

(i) Work in exchange for goods and services includes bartering and kind work.

(ii) Voluntary work hours must be verified by the employer.

(ii) For self-employed individuals, countable income after deducting the costs of producing income must average at least the federal minimum wage times 20 hours per week.

(B) Participate in a program under the Workforce Investment Act of 1998, Pub. L. No. 105 220, 112 Stat. 936 (1998).

(C) Participate in a program under section 236 of the Trade Act of 1974, Pub. L. 93 618, 88 Stat. 2023, (1975) (19 U.S.C. 2296).

(D) Comply with the employment and training requirements described in OAR 461-001-0020, 461-130-0305, and 461-130-0315. Work search activities must be combined with other work-related activities to equal 20 hours per week and may not exceed 9 hours per week.

(e) The individual complied with the Workfare requirements in OAR 461-190-0500.

(4) An ABAWD must submit evidence to the Department on the issue of whether a month is countable within 90 days following the last day of the month in question.

(5) An ABAWD who is ineligible under section (2) of this rule but otherwise eligible may regain eligibility if the requirements of subsections (a) or (b) of this section are met.

(a) The individual becomes exempt under OAR 461-130-0310(3)(a). Eligibility regained under this subsection begins on the date the individual files a new application and continues as long as the individual is exempt and is otherwise eligible. If not eligible on the filing date (see OAR 461-115-0040), eligibility begins the date all other eligibility requirements are met.

(b) The individual, during a consecutive 30-day period during which the individual is ineligible, meets the requirements of subsection (3)(d) or (3)(e) of this rule.

(A) Eligibility regained under this subsection begins on the date the individual files a new application and continues as long as the individual meets the requirements of subsection (3)(d) or (3)(e) of this rule and is otherwise eligible. If not eligible on the filing date, eligibility begins the date all other eligibility requirements are met.

(B) There is no limit to how many times an individual may regain eligibility under this subsection during January 1, 2016 to December 31, 2018.

(c) See OAR 461-180-0010 to add an individual to an open SNAP case after the individual has regained eligibility under this section.

(6) An individual who regains eligibility under section (5) of this rule and later fails to comply with the participation requirements of subsection (3)(d) or (3)(e) of this rule may receive a second set of food benefits for three consecutive countable months. The countable months are determined as follows:

(a) If the individual stopped participation in a work program, countable months start when the Department notifies the individual he or she is no longer meeting the work requirement.

(b) If the individual stopped participation in a work program, countable months start when the individual notifies the Department he or she is no longer meeting the work requirement.

(c) If a change occurred which results in an individual becoming subject to the time limit in section (2) of this rule and the change was required to be reported under rules in OAR chapter 461, division 170, the countable months start when the change occurred.

(d) If a change occurred which results in an individual becoming subject to the time limit and the change was not required to be reported under rules in OAR chapter 461, division 170, countable months start when the Department notifies the individual he or she must meet the work requirement.

(e) An individual may only receive benefits without meeting the requirements of subsection (3)(d) or (3)(e) of this rule for a total of six countable months during January 1, 2016 to December 31, 2018.

(7) This section is a placeholder to establish criteria the Department will use to grant exemptions to ABAWD who are ineligible if the Department receives special exemptions from the Food and Nutrition Service.

(8) An ABAWD involved in the activities specified in subsection (3)(d) or (3)(e) of this rule or an activity listed in the individual's case plan (see OAR 461-001-0020) is eligible for support service payments necessary for transportation or other costs related to completing the activity as allowed by OAR 461-190-0360.

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

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.121, 411.816

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.121, 411.816, 411.825, 411.837

Hist.: AFS 39-1996(Temp), f. 11-27-96, cert. ef. 12-1-96; 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 5-1997, f. 4-30-97, cert. ef. 5-1-97; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 6-1998(Temp), f. 3-30-98, cert. ef. 4-1-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 15-1998(Temp), f. 9-15-98, cert. ef. 10-1-98 thru 10-31-98; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 22-1998, f. 10-30-98, cert. ef. 11-1-98; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; 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; AFS 8-2001, f. & cert. ef. 5-1-01; AFS 8-2002, f. & cert. ef. 5-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 37-2015, f. 12-23-15, cert. ef. 1-1-16; SSP 6-2016(Temp), f. & cert. ef. 2-5-16 thru 8-2-16; SSP 10-2016(Temp), f. & cert. ef. 3-2-16 thru

ADMINISTRATIVE RULES

8-2-16; SSP 15-2016, f. & cert. ef. 4-1-16; SSP 16-2016(Temp), f. & cert. ef. 4-5-16 thru 4-30-16; SSP 18-2016(Temp), f. 4-29-16, cert. ef. 5-1-16 thru 6-30-16; Administrative correction, 7-28-16; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-135-0850

Specific Requirements; Repatriate Program

(1) For purposes of this rule, “repatriate” means a US citizen who has returned, or been brought back to the US because of destitution, illness (including mental illness), war, threat of war, invasion, or a similar crisis.

(2) To be eligible for the Department’s repatriation services, an individual must be identified by the Department of State’s International Social Services office as a repatriate needing assistance.

(3) A repatriate may receive monthly loan assistance equal to the monthly TANF standard for the equivalent case size (see OAR 461-155-0030) for a duration of time determined by the federal agency. A Repayment Agreement must be signed prior to the first payment.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-155-0030

Income and Payment Standards; REF, TANF

(1) In the REF and TANF programs, the standards in this rule are applied to determine eligibility (see OAR 461-001-0000) and benefit amount as provided in OAR 461-160-0100.

(2) The Countable Income Limit Standards in this section apply to all individuals applying for or receiving REF or TANF benefits who are not eligible for the Exit Limit Increase (ELI) Standards in section (3) of this rule.

(a) For each need group (see OAR 461-110-0630) containing an adult, the following table is used: [Table not included. See ED. NOTE.]

(b) For each need group containing no adult, the following table is used: [Table not included. See ED. NOTE.]

(c) In the TANF program, a caretaker relative (see OAR 461-001-0000) other than a parent (see OAR 461-001-0000) who chooses not to be included in the need group is subject to the “non-needy caretaker relative countable income limit standard” for the filing group which is set at 185 percent of the federal poverty level (see OAR 461-155-0180).

(3) The ELI Standards in this section apply to an open TANF benefit group with income (must include earned income) above the standards in section (2) of this rule or upon restoring benefits to a TANF benefit group after closure due to earned income over the standards in section (2) or (3) of this rule within the previous 30 days.

(a) For each need group containing an adult, the following table is used: [Table not included. See ED. NOTE.]

(b) For each need group containing no adult, the following table is used: [Table not included. See ED. NOTE.]

(4) The Adjusted Income Limit Standards in this section apply to all individuals applying for or receiving REF or TANF benefits who are not eligible for the ELI Standards in section (3) of this rule.

(a) For each need group containing an adult, the following table is used: [Table not included. See ED. NOTE.]

(b) For each need group containing no adult, the following table is used: [Table not included. See ED. NOTE.]

(5) The Payment Standards in this section are used to calculate benefit amounts for individuals receiving REF or TANF benefits.

(a) For each benefit group containing an adult, the following table is used: [Table not included. See ED. NOTE.]

(b) For each benefit group containing no adult, the following table is used: [Table not included. See ED. NOTE.]

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

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.006, 412.049, 412.124

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 412.006, 412.049, 412.124
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; SSP 8-2009(Temp), f. 4-20-09, cert. ef. 5-1-09 thru 10-28-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 26-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 42-2010(Temp), f. 12-30-10, cert. ef. 1-1-11 thru 6-30-11; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 3-2012(Temp), f. & cert. ef. 1-26-12 thru 3-31-12; SSP 9-2012, f. 3-29-12, cert. ef. 4-1-12; SSP 30-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; SSP 38-2013, f. 12-31-13, cert. ef. 1-1-14; SSP 38-2015, f. 12-25-15, cert. ef. 1-1-16; SSP 15-2016, f. & cert. ef. 4-1-16; SSP 20-2016(Temp), f. & cert. ef. 5-12-16 thru 11-7-16; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-155-0190

Income and Payment Standards; SNAP

(1) The monthly SNAP Countable and Adjusted Income Limits are as follows: [Table not included. See ED. NOTE.]

(2) The SNAP Payment Standard (Thrifty Food Plan) is: [Table not included. See ED. NOTE.]

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

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837
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; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 6-2009(Temp), f. & cert. ef. 4-1-09 thru 9-28-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 34-2013, f. & cert. ef. 10-15-13; SSP 24-2014, f. & cert. ef. 10-1-14; SSP 28-2015, f. 9-29-15, cert. ef. 10-1-15; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-160-0420

Shelter Cost; SNAP

(1) This rule explains how to calculate the 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 filing group’s cost of housing plus an allowance for utilities, if the individual 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 filing group’s current residence or the home described in section (5) of this rule:

(A) Regular, periodic charges for the shelter of the filing group (see OAR 461-110-0370), 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 substantially damaged or destroyed by a natural disaster (such as a fire or flood), if such costs are not reimbursed.

(D) If the filing group is homeless and living in a vehicle — vehicle payments and collision and comprehensive insurance premiums for the vehicle.

(b) If housing costs are billed on a weekly or biweekly basis, the monthly cost is the weekly cost multiplied by 4.3 or the biweekly cost multiplied by 2.15.

(c) The filing group has the following choices about housing costs:

(A) The group may choose to apply the cost in the month it is billed or becomes due.

(B) The group may choose to have periodic costs averaged.

(C) For expenses that are billed less often than monthly, the group may choose to have them averaged over the period they are intended to cover.

(3) Shared housing. If the filing group shares housing costs with 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 an individual outside the filing group cannot be ascertained, the cost is apportioned among the individuals 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 filing 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:

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(A) Allowance with heating or cooling. A full standard utility allowance of \$449 per month 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 filing 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). This energy assistance payment must be greater than \$20 annually.

(B) Allowance without heating or cooling.

(i) A limited standard utility allowance of \$341 per month is used if the filing group is not billed for heating or cooling costs but is billed for at least two other costs enumerated in subsection (4)(a) of this rule.

(ii) An individual standard utility allowance of \$56 per month is used if the filing group is not billed for heating or cooling costs but is billed for only one of the costs enumerated in subsection (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 \$62 per month is used if the filing group is billed only 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 filing group. Housing and utility costs with respect to a home not currently occupied 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 filing group intends to return to the home;

(c) No other, current occupant is claiming a deduction for shelter costs in the SNAP program; and

(d) The home is not leased during the household's absence.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837
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; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 8-2013, f. & cert. ef. 4-1-13; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 13-2014(Temp), f. & cert. ef. 5-20-14 thru 11-16-14; SSP 24-2014, f. & cert. ef. 10-1-14; SSP 28-2015, f. 9-29-15, cert. ef. 10-1-15; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-160-0430

Income Deductions; SNAP

(1) Deductions from income are subtracted from countable (see OAR 461-001-0000) income (see OAR 461-140-0010) in the following order to determine adjusted income (see OAR 461-001-0000) for the SNAP 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:

(A) \$157 per month for a benefit group (see OAR 461-110-0750) of one, two, or three individuals.

(B) \$168 per month for a benefit group of four individuals.

(C) \$197 per month for a benefit group of five individuals.

(D) \$226 per month for a benefit group of six or more individuals.

(c) A dependent care deduction for dependent care costs billed to a member of the filing group (see OAR 461-110-0370) 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 filing group to:

(A) Accept or continue employment;

(B) Seek employment, including a job search that meets 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 (see OAR 461-001-0015) individuals and individuals who have a disability (see OAR 461-001-0015) in the filing 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 filing group makes under a legal obligation to a child (see OAR 461-001-0000) not a member of the filing group, including payments for the current month and for payments on arrearages. Child support is not deductible if collected by setoff through the Oregon Department of Revenue or by interception of a federal tax refund.

(f) A shelter deduction, calculated as follows:

(A) For SNAP filing group members 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 individual can prove that the room cost exceeds the cost described in subparagraph (i) of this paragraph.

(B) For all other filing group members, 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. The limit is \$517 per month.

(2) If a filing group member 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 individual 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 409.050, 411.060, 411.070, 411.816

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837
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; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 39-2010(Temp), f. & cert. ef. 11-4-10 thru 5-3-11; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 43-2010(Temp), f. 12-30-10, cert. ef. 1-1-11 thru 4-30-11; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 8-2013, f. & cert. ef. 4-1-13; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 24-2014, f. & cert. ef. 10-1-14; SSP 28-2015, f. 9-29-15, cert. ef. 10-1-15; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-170-0011

Changes That Must Be Reported

(1) A change in employment status is considered to occur as follows:

(a) For a new job, the change occurs the first day of the new job.

(b) For a job separation, the change occurs on the last day of employment.

(2) A change in source of income is considered to occur as follows:

(a) For earned income, the change occurs upon the receipt by the individual of the first paycheck from a new job or the first paycheck reflecting a new rate of pay.

(b) For unearned income, the change occurs the day the individual receives the new or changed payment.

(3) An individual must report, orally or in writing, the following changes:

(a) In the ERDC program, an individual must report the following changes within 10 days of occurrence:

(A) A change in child care provider.

(B) A change in employment status.

(C) A change in mailing address or residence.

(D) A change in membership of the filing group (see OAR 461-110-0350).

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(E) A member of the filing group is discharged from the U.S. military and returning from active duty in a military war zone.

(F) A change in income above the ERDC income limit as defined in OAR 461-155-0150(5)(b) that is expected to continue.

(b) In the SNAP program:

(A) An ABAWD (see OAR 461-135-0520) assigned to CRS or SRS who resides in Multnomah or Washington County and is employed must report a change in work hours when work hours are below 20 hours per week.

(B) An individual assigned to CRS must report any of the following changes within 10 days of occurrence:

(i) A change in earned income of more than \$100.

(ii) A change in unearned income of more than \$50.

(iii) A change in source of income.

(iv) A change in membership of the filing group (see OAR 461-110-0370) and any resulting change in income.

(v) A change in residence and the shelter costs in the new residence.

(vi) A change in the legal obligation to pay child support.

(vii) When the sum of cash on hand, stocks, bond, and money in a bank or savings institution account reaches or exceeds program resource limits.

(viii) Acquisition or change in ownership of a non-excluded vehicle.

(C) An individual assigned to SRS must report when the monthly income of the filing group exceeds the SNAP countable (see OAR 461-001-0000) income limit by the tenth day of the month following the month of occurrence.

(D) An individual assigned to TBA is not required to report any changes.

(c) For Employment Payments (see OAR 461-135-1270) and JPI (see OAR 461-135-1260), an individual must follow the same reporting requirements as a SNAP client assigned to CRS, SRS, or TBA reporting systems (see OAR 461-170-0010).

(d) In the GA, OSIP, OSIPM, and QMB programs, an individual must report all changes that may affect eligibility (see OAR 461-001-0000) within 10 days of occurrence, including any of the following changes:

(A) A change in employment status.

(B) A change in health care coverage.

(C) A change in membership of the household group (see OAR 461-110-0210).

(D) A change in marital status.

(E) A change in residence.

(F) Except for QMB-BAS, QMB-SMB, and QMB-SMF, a change in resources.

(G) A change in source or amount of income.

(e) In the REF, SFPSS, and TANF programs, an individual assigned to CRS must report any of the following changes within 10 days of occurrence:

(A) Acquisition or change in ownership of a non-excluded vehicle.

(B) A change in earned income more than \$100.

(C) Employment separation.

(D) A change in membership of the household group (see OAR 461-110-0210).

(E) A change in marital status or other changes in membership of the filing group.

(F) A change in mailing address or residence.

(G) A change in pregnancy status of any member of the filing group.

(H) A change in source of income.

(I) A change in unearned income more than \$50.

(J) A change in who pays the shelter costs if the costs will be paid by a non-custodial parent.

(K) Sale or receipt of a resource that causes total resources to exceed program resource limits.

(f) In the REFM program, an individual must report the following changes within 10 days of occurrence:

(A) A change in membership of the household group (see OAR 461-110-0210).

(B) A change in residence.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.685

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.404, 411.704, 411.706, 411.816, 411.825, 412.014, 412.049, 413.085, 414.685, 414.826

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 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 19-1994, f. & cert. ef. 9-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 15-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 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 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 1-2003, f. 1-31-03, cert. ef. 2-1-03; 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; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; Renumbered from 461-170-0015, 461-170-0020, 461-170-0025, 461-170-0030, 461-170-0035 by SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 5-2010, f. & cert. ef. 4-1-10; SSP 7-2010(Temp), f. & cert. ef. 4-1-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 26-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; SSP 10-2012, f. 3-29-12, cert. ef. 3-30-12; SSP 17-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 30-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; SSP 38-2013, f. 12-31-13, cert. ef. 1-1-14; SSP 14-2014(Temp), f. & cert. ef. 6-26-14 thru 12-23-14; SSP 24-2014, f. & cert. ef. 10-1-14; SSP 23-2015, f. 9-28-15, cert. ef. 10-1-15; SSP 37-2015, f. 12-23-15, cert. ef. 1-1-16; SSP 15-2016, f. & cert. ef. 4-1-16; SSP 25-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 12-27-16; SSP 31-2016, f. & cert. ef. 9-1-16; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-175-0220

Notice Situation; Disqualification

(1) If a benefit group (see OAR 461-110-0750) or individual is disqualified for a SNAP voluntary job quit or for failure to apply for or provide an SSN, pursue assets, cooperate in the JOBS, JOBS Plus, or a SNAP Employment and Training program, or assist the state's efforts to collect support, the Department sends the following type of notice:

(a) If benefits are reduced or closed because of the disqualification:

(A) A continuing benefit decision notice (see OAR 461-001-0000) is used when changes are reported on the Interim Change Report form.

(B) A timely continuing benefit decision notice (see OAR 461-001-0000) is used when changes are not reported on the Interim Change Report form.

(b) If benefits are opened without the disqualified individual in the benefit group or if the entire benefit group is denied assistance, a basic decision notice (see OAR 461-001-0000) is used.

(2) For a JOBS, JOBS Plus, or a SNAP Employment and Training disqualification, and for a SNAP voluntary job quit by an individual receiving SNAP benefits, the notice includes the following information:

(a) The client action that resulted in disqualification.

(b) The length of the minimum disqualification period.

(c) The reduced benefit amount.

(d) How the client may end the disqualification after the minimum period.

(3) For an ABAWD disqualified due to the SNAP time limit in OAR 461-135-0520, the notice includes the following information:

(a) The action that resulted in the disqualification.

(b) The reduced amount when there are other eligible persons in the filing group.

(c) How the individual may regain eligibility for SNAP benefits.

(4) For a voluntary job quit by an individual applying for SNAP benefits, the notice includes the following information:

(a) The action that resulted in the disqualification; and

(b) The length of the disqualification period.

(5) For an IPV disqualification:

(a) In all programs except the SNAP program, the Department does not send a notice of termination to an individual disqualified for an IPV after a court order, a final order from an administrative hearing, or a signed waiver (see OAR 461-175-0200(9)(c)(C) and OAR 461-195-0621(2)) that imposes the disqualification.

(b) In the SNAP program:

(A) After an individual signs an IPV waiver, the Department sends a basic decision notice to terminate benefits. If the Department receives a timely request for a hearing, the contested case hearing addresses the issues set out in OAR 461-195-0611(3).

(B) The Department does not send a notice of termination to an individual disqualified for an IPV after a court order or a final order from an administrative hearing.

(c) In all programs, the Department sends a continuing benefit decision notice when benefits for other individuals in the benefit group are closed or reduced because an individual in the benefit group is disqualified for an IPV.

(6) For a disqualification due to being a fleeing felon or in violation of parole, probation, or post-prison supervision (under OAR 461-135-0560):

(a) A basic decision notice is required if benefits are opened without the disqualified individual in the benefit group or if the entire filing group is denied benefits.

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(b) A timely continuing benefit decision notice is required if an individual in the benefit group is disqualified.

(7) The notice situation for a disqualification due to a transfer of assets is covered in OAR 461-175-0310.

Stat. Auth.: 411.060, 411.070, 411.404, 411.816, 412.014, 412.049
Stats. Implemented: 411.060, 411.070, 411.404, 411.816, 412.014, 412.049
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 13-1991, f. & cert. ef. 7-1-91; 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 21-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; SSP 20-2003, f. & cert. ef. 8-15-03; 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 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 5-2010, f. & cert. ef. 4-1-10; SSP 2-2016, f. & cert. ef. 1-1-16; SSP 23-2016, f. 6-28-16, cert. ef. 7-1-16; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-190-0310

Limits to SNAP Employment and Training Components and Activities

(1) The SNAP Employment and Training Program for all clients except mandatory ABAWD living in time limit counties (see OAR 461-135-0520):

(a) In Multnomah and Washington Counties ends effective November 30, 2015.

(b) In Clackamas County ends effective September 30, 2016.

(c) Is not offered to clients served by APD or AAA offices.

(d) Is voluntary for all other clients effective September 30, 2016.

(2) For an ABAWD (see OAR 461-135-0520) residing in one of the time limit counties:

(a) The case plan may not require more than 20 hours of activities per week.

(b) Except for Workforce Innovation and Opportunity Act (WIOA) (see OAR 461-001-0020) and Workfare (see OAR 461-190-0500), a client may not be required to participate in job search activities more than nine hours per week. The balance of the 20 hours per week must be in work-related or training (not job search) activities.

(c) The client may participate in a Workfare program under OAR 461-190-0500.

Stat. Auth.: ORS 411.816
Stats. Implemented: ORS 411.816
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 18-1998, f. & cert. ef. 10-2-98; 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 13-2002, f. & cert. ef. 10-1-02; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 15-2016, f. & cert. ef. 4-1-16; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-190-0360

Special Payments; SNAP Employment and Training Programs

In the SNAP program:

(1) The Department may authorize special payments to clients participating in one of the three SNAP Employment and Training programs described in OAR 461-001-0020 for transportation and other costs identified in the client's case plan (see OAR 461-001-0020) subject to the provisions of this rule.

(a) Costs must be directly related to an approved component in the case plan and be reasonable and necessary.

(b) The Department must consider lower cost alternatives.

(c) The Department may deny, reduce, or close special payments when costs exceed the local district's budget for employment and training.

(d) Special payments are not intended to replace other funding available in the community. The Department or the Employment and Training contractor and the client must seek resources reasonably available to the client in order to comply with the requirements in the case plan.

(e) When this rule authorizes a special payment for transportation, and public transportation is available, the Department may issue bus passes or tickets to the client sufficient to enable the client to participate in the program activities identified in the case plan.

(2) In the 50 percent (50/50) reimbursement program:

(a) Funds may be used to pay for tuition and mandatory school fees charged to the general public. Funds may not be used to pay for state or local education entitlements.

(b) Special payments for job retention (see OAR 461-001-0020) is only available if the individual was participating in a component other than job retention prior to securing employment.

(3) In the OFSET program, the Department may authorize payment of not more than \$80 over the eight week participation period for transportation and other costs identified in the client's case plan. If necessary, the case plan is adjusted to ensure that OFSET program participation requirements may be fulfilled at no cost to the client.

(4) In non-waivered counties (see OAR 461-135-0520), the Department may authorize payment of not more than \$100 a month to reim-

burse an ABAWD for transportation and other costs identified in the client's case plan. If necessary, the case plan is adjusted to ensure the ABAWD work requirements may be fulfilled at no cost to the client.

Stat. Auth.: ORS 411.816
Stats. Implemented: ORS 411.121, 411.816, 411.825, 411.837
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 28-1992, f. & cert. ef. 10-1-92; AFS 19-1994, f. & cert. ef. 9-1-94; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 18-1998, f. & cert. ef. 10-2-98; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 24-2003(Temp), f. & cert. ef. 10-1-03 thru 12-31-03; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 9-2009(Temp), f. & cert. ef. 5-1-09 thru 10-28-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 31-2015(Temp), f. & cert. ef. 11-30-15 thru 5-27-16; SSP 15-2016, f. & cert. ef. 4-1-16; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

461-193-0031

Eligibility Requirements; Refugee Case Services Project (RCSP)

In the RCSP program, to be eligible an applicant must meet the requirements of sections (1) to (6) of this rule, and section (7) if section (7) applies:

(1) Meet all REF or TANF program eligibility (see OAR 461-001-0000) requirements.

(2) Meet the alien status requirements under OAR 461-120-0125.

(3) Reside in Clackamas, Multnomah, or Washington County.

(4) Have resided in the U.S. for eight months or less. The first month is, for an individual meeting the alien status requirements of OAR 461-120-0125:

(a) Subsections (6)(a), (c), (d) or (e), the month the individual entered the United States.

(b) Subsections (6)(b), (f) or (g), the month the individual was granted the individual's immigration status.

(c) Subsection (6)(h):

(A) If the individual entered the U.S. with special immigrant status, the month the individual entered the United States.

(B) If the individual is granted special immigrant status after entering the U.S., the month in which the special immigrant status was granted.

(d) Each month in the U.S. is counted as a whole month; there is no prorating of any month.

(5) Be 64 years old or younger.

(6) For a newborn, a parent (see OAR 461-001-0000) must provide verification of the child's birth, including the date of birth. The newborn child's U.S. arrival date and eligibility period are the same as those for the child's mother.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.116, 412.006 & 412.049
Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.116, 412.006 & 412.049
Hist.: AFS 9-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 24-1995, 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 13-2001, f. 6-29-01, cert. ef. 7-1-01; SSP 7-2009, f. & cert. ef. 4-1-09; SSP 9-2009(Temp), f. & cert. ef. 5-1-09 thru 10-28-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 11-2015, f. 3-13-15, cert. ef. 4-1-15; SSP 35-2016, f. 9-30-16, cert. ef. 10-1-16

Rule Caption: Determining length of disqualification due to an asset transfer in the OSIP and OSIPM programs

Adm. Order No.: SSP 36-2016(Temp)

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 10-1-16 thru 3-29-17

Notice Publication Date:

Rules Amended: 461-140-0296

Subject: OAR 461-140-0296 about the length of disqualification due to a disqualifying asset transfer (transfer of an asset for less than its fair market value to become eligible for program benefits) in the Oregon Supplemental Income Program (OSIP) and Oregon Supplemental Income Program Medical (OSIPM) programs is being amended to update the amount used to calculate the number of months of ineligibility due to a disqualifying transfer of assets. This amount is calculated by using the average monthly cost to a private patient of nursing facility services in Oregon. This change needs to be adopted by temporary rule on October 1, 2016.

In addition, non-substantive edits may be made to: ensure consistent terminology throughout self-sufficiency program rules and policies; make general updates consistent with current Department practices; update statutory and rule references; correct formatting and

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punctuation; improve ease of reading; and clarify Department rules and processes.

The rule text showing proposed changes is available at http://www.dhs.state.or.us/policy/selfsufficiency/ar_temporary.htm.

Rules Coordinator: Kris Skaro—(503) 945-6067

461-140-0296

Length of Disqualification Due to an Asset Transfer; OSIP and OSIPM

(1) This rule applies to clients in the OSIP and OSIPM programs who live in a nonstandard living arrangement (see OAR 461-001-0000).

(2) A financial group (see OAR 461-110-0530) containing a member disqualified due to the transfer of an asset is disqualified from receiving benefits. The length of a disqualification period resulting from the transfer is the number of months equal to the uncompensated value (see OAR 461-140-0250) for the transfer divided by the following dollar amount:

(a) If the initial month (see OAR 461-001-0000) is prior to October 1, 1998—\$2,595.

(b) If the initial month is on or after October 1, 1998 and prior to October 1, 2000—\$3,320.

(c) If the initial month is on or after October 1, 2000 and prior to October 1, 2002—\$3,750.

(d) If the initial month is on or after October 1, 2002 and prior to October 1, 2004—\$4,300.

(e) If the initial month is on or after October 1, 2004 and prior to October 1, 2006—\$4,700.

(f) If the initial month is on or after October 1, 2006 and prior to October 1, 2008—\$5,360.

(g) If the initial month is on or after October 1, 2008 and prior to October 1, 201—6,494.

(h) If the initial month is on or after October 1, 2010 and prior to October 1, 2016—\$7,663.

(i) If the initial month is on or after October 1, 2016—\$8,425.

(3) For transfers by a client and the spouse of a client that occurred before July 1, 2006:

(a) Add together the uncompensated value of all transfers made in one calendar month, and treat this total as one transfer.

(b) If the uncompensated value of the transfer is less than the applicable dollar amount identified in subsections (2)(a) to (2)(i) of this rule, there is no disqualification.

(c) If there are multiple transfers in amounts equal to or greater than the applicable dollar amount identified in subsections (2)(a) to (2)(i) of this rule, each disqualification period is calculated separately.

(d) The number of months resulting from the calculation in section (2) of this rule is rounded down to the next whole number.

(e) Except as provided in subsection (3)(f) of this rule, the first month of the disqualification is the month the asset was transferred.

(f) If disqualification periods calculated in accordance with this rule overlap, the periods are applied sequentially so that no two penalty periods overlap.

(g) If both spouses of a couple are in a nonstandard living arrangement and made the disqualifying transfer, part of the disqualification is apportioned to each of them, based on their percentage of ownership in the transferred asset. If one spouse is unable to serve the resulting disqualification period for any reason, the remaining disqualification applicable to both spouses must be served by the remaining spouse.

(4) For transfers by a client and the spouse of a client that occurred on or after July 1, 2006 and for income cap trusts under OAR 461-145-0540(10)(c) that accumulate funds in excess of the applicable dollar amount identified in subsections (2)(a) to (2)(i) of this rule:

(a) If there are multiple transfers by the client and the spouse of the client, including any transfer less than the applicable dollar amount identified in subsections (2)(a) to (2)(i) of this rule, the value of all transfers are added together before dividing by the applicable dollar amount identified in subsections (2)(a) to (2)(i) of this rule. For an income cap trust, the calculation in section (2) of this rule is performed as soon as, but not before, funds have accumulated to at least the applicable dollar amount identified in subsections (2)(a) to (2)(i) of this rule.

(b) The quotient resulting from the calculation in section (2) of this rule is not rounded. The whole number of the quotient is the number of full months the financial group is disqualified. The remaining decimal or fraction of the quotient is used to calculate an additional partial month disqualification. This remaining decimal or fraction is converted to an additional number of days by multiplying the decimal or fraction by the number of days in the month following the last full month of the disqualification peri-

od. If this calculation results in a fraction of a day, the fraction of a day is rounded down.

(c) Notwithstanding when the Department learns of a disqualifying transfer, the first month of the disqualification is:

(A) For a client who transfers an asset while he or she is already receiving Department-paid long-term care (see OAR 461-001-0000) or home and community-based care (see OAR 461-001-0030) in a nonstandard living arrangement, the month following the month the asset was transferred, except that if disqualification periods calculated in accordance with this rule overlap, the periods are applied sequentially so that no two penalty periods overlap.

(B) For an applicant who transfers an asset prior to submitting an application and being determined eligible and for a client who transfers an asset while he or she is already receiving benefits in a standard living arrangement (see OAR 461-001-0000), the date of request (see OAR 461-115-0030) for long-term care or home and community-based care as long as the applicant or client would otherwise be eligible but for this disqualification period. If the applicant or client is not otherwise eligible on the date of request, the disqualification begins the first date following the date of request that the applicant or client would be otherwise eligible but for the disqualification period.

(d) If both spouses of a couple are in a nonstandard living arrangement and made the disqualifying transfer, part of the disqualification is apportioned to each of them, based on their percentage of ownership in the transferred asset. If one spouse is unable to serve the resulting disqualification period, the remaining disqualification applicable to both spouses must be served by the remaining spouse.

(5) If an asset is owned by more than one person, by joint tenancy, tenancy in common, or similar arrangement, the share of the asset owned by the client is considered transferred when any action is taken either by the client or any other person that reduces or eliminates the client's control or ownership in the client's share of the asset.

(6) For an annuity that is a disqualifying transfer under section (11) of OAR 461-145-0022, the disqualification period is calculated based on the uncompensated value as calculated under OAR 461-140-0250, unless the only requirement that is not met is that the annuity pays beyond the actuarial life expectancy of the annuitant. If the annuity pays beyond the actuarial life expectancy of the annuitant, the disqualification is calculated according to section (7) of this rule.

(7) If a client or the spouse of a client purchases an annuity on or before December 31, 2005 and the annuity pays benefits beyond the actuarial life expectancy of the annuitant, as determined by the Period Life Table of the Office of the Chief Actuary of the Social Security Administration, a disqualification period is assessed for the value of the annuity beyond the actuarial life expectancy of the annuitant.

(8) A single transfer of an asset may cause a disqualification for both a medical assistance program under this rule and the SSI cash grant. The period of the disqualification is likely to be longer for SSI than for the medical assistance program, so a person may be eligible again for the medical assistance program while still disqualified from receiving SSI. The provisions of this rule are applied without regard to the related disqualification for SSI.

Stat. Auth.: ORS 411.060, 411.704, 411.706

Stats. Implemented: ORS 411.060, 411.704, 411.706

Hist.: AFS 17-1998, f. & cert. ef. 10-1-98; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 26-2000, f. & cert. ef. 10-4-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; 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 19-2005, f. 12-30-05, cert. ef. 1-1-06; 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 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 17-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SSP 26-2013, f. & cert. ef. 10-1-13; SSP 25-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 12-27-16; SSP 31-2016, f. & cert. ef. 9-1-16; SSP 36-2016(Temp), f. 9-30-16, cert. ef. 10-1-16 thru 3-29-17

Rule Caption: Amending child care provider eligibility requirements

Adm. Order No.: SSP 37-2016(Temp)

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 10-1-16 thru 3-29-17

Notice Publication Date:

Rules Amended: 461-165-0180

Subject: OAR 461-165-0180 about child care provider eligibility is being amended to require child care providers to develop and dis-

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close their suspension or expulsion policies to comply with federal Child Care and Development Fund (CCDF) regulations.

Rule text showing changes is available at http://www.dhs.state.or.us/policy/selfsufficiency/ar_recent.htm.

Rules Coordinator: Kris Skaro—(503) 945-6067

461-165-0180

Eligibility of Child Care Providers

(1) The Department must approve a child care provider to receive payment for child care if information available to the Department provides no basis for denying eligibility unless the Department determines, following a final fitness determination (see OAR 125-007-0260 and 407-007-0320) or Child Protective Service (CPS) records checks, that the provider or other subject individual (see OAR 125-007-0210 and 407-007-0210(8)(a)(J)) is not eligible for payment.

(2) Ineligibility for payment may result from any of the following:

(a) A finding of “denied”.

(A) A provider may be denied under OAR 461-165-0410 and 461-165-0420. If, after conducting a weighing test as described in OAR 407-007-0300, the Department finds substantial risk to the health or safety of a child (see OAR 461-001-0000) in the care of the provider, the provider must be denied and is ineligible for payment.

(B) A provider who has been denied has the right to a hearing under OAR 407-007-0335.

(b) A finding of “failed”.

(A) A provider may be failed if the Department determines, based on a specific eligibility requirement and evidence, that a provider does not meet an eligibility requirement of this rule not covered in paragraph (c)(A) of this section.

(B) While the provider is in failed status:

(i) The Department does not pay any other child care provider for child care at the failed provider’s site.

(ii) The Department does not pay a child care provider at another site if the failed provider is involved in the child care operation unless the Department determines that the reasons the provider is in failed status are not relevant to the new site.

(C) A provider with a status of “failed” may reapply at any time by providing the required documents and information to the Department for review.

(c) A finding of “suspended”.

(A) A provider may be suspended if the Department determines and provides notice that the provider does not meet an eligibility requirement in the following subsections and paragraphs of section (7) of this rule: (d), (e), (h), (i), (j), (k), (L), (o)(H), (o)(I), (o)(L), or (t) or in section (10) of this rule. A provider who has been suspended may challenge this status by requesting a contested case hearing subject to the requirements and limitations of OAR 461-025.

(B) While the provider is in suspended status:

(i) The provider is ineligible for payment for at least six months.

(ii) The Department does not pay any other child care provider for child care at the suspended provider’s site.

(iii) The Department does not pay a child care provider at another site if the suspended provider is involved in the child care operation unless the Department determines that the reasons the provider is in suspended status are not relevant to the new site.

(C) A provider with a status of “suspended” may be eligible for payments after the six month ineligibility period ends when the provider has been approved following reapplication, including providing the required documents and information to the Department for review.

(d) The Department has referred an overpayment against the provider for collection and the claim is unsatisfied.

(3) The provider must submit a completed Child Care Provider Listing Form (DHS 7494) to the Department within 30 calendar days from the date the Department issues the listing form to the client. The provider and each individual identified under section (4) of this rule must complete and sign the authorization for a records check through the Criminal History (CH) record system maintained by the Oregon State Police (OSP), Federal Bureau of Investigation (FBI), and the Child Protective Service (CPS) record system maintained by the Department and, if necessary, an authorization to release information and fingerprint cards. The provider, each individual described in section (4) of this rule, and each subject individual described in OAR 125-007-0210 and 407-007-0210(8)(a)(J) must fully disclose all requested information as part of the records check.

(4) This rule also establishes additional requirements for the following individuals:

(a) The site director of an exempt child care facility and each employee of the facility who may have unsupervised access to a child in care.

(b) The child care provider and each individual the provider uses to supervise a child in his or her absence.

(c) In the case of a provider who provides care for a child in the provider’s home--

(A) Each individual 16 years of age or older who lives in the provider’s home; and

(B) Each individual who visits the home of the provider during the hours care is provided and may have unsupervised access to a child in care.

(5) To receive payment or authorization for payment, the provider must meet the requirements of either subsection (a) or (b) of this section:

(a) Currently be certified or registered with the Office of Child Care (OCC) of the Oregon Department of Education (ODE) under OAR 414-205-0000 to 414-205-0170, 414-300-0000 to 414-300-0440, or 414-350-0000 to 414-350-0250 unless legally exempt, and be in compliance with the applicable rules. The provider must also complete the Department’s listing process and be approved by the Department.

(b) If legally exempt from being certified or registered with the OCC, complete the Department’s background check process and be approved by the Department.

(6) Each individual described in section (4) of this rule must:

(a) Allow the Department to conduct a national criminal history records check through the Oregon State Police and the Federal Bureau of Investigation as specified in OAR 407-007-0250.

(b) Provide, in a manner specified by the Department, information required to conduct CH, FBI, OSP, and CPS records checks and determine whether the provider meets health and safety requirements.

(c) Have a history of behavior that indicates no substantial risk to the health or safety of a child in the care of the provider.

(7) Each provider must:

(a) Obtain written approval from their certifier or certifier’s supervisor if the provider is also certified as a foster parent.

(b) Be 18 years of age or older and in such physical and mental health as will not affect adversely the ability to meet the needs of safety, health, and well-being of a child in care.

(c) Not be in the same filing group (see OAR 461-110-0310 and 461-110-0350) as the child cared for; the parent (see OAR 461-001-0000) of a child in the filing group; or a sibling living in the home of a child in the filing group.

(d) Allow the Department to inspect the site of care while child care is provided.

(e) Keep daily attendance records showing the arrival and departure times for each child in care and billing records for each child receiving child care benefits from the Department. These written records must be retained for a minimum of 12 months and provided to the Department upon request.

(f) Be the individual or facility listed as providing the child care. The provider may only use someone else to supervise a child on a temporary basis if the person was included on the most current listing form and the provider notifies the Department’s Direct Pay Unit.

(g) Not bill a Department client for an amount collected by the Department to recover an overpayment or an amount paid by the Department to a creditor of the provider because of a lien, garnishment, or other legal process.

(h) Report to the Department’s Direct Pay Unit within five days of occurrence:

(A) Any arrest or conviction of any subject individual or individual described in section (4) of this rule.

(B) Any involvement of any subject individual or individual described in section (4) of this rule with CPS or any other agencies providing child or adult protective services.

(C) Any change to the provider’s name or address including any location where care is provided.

(D) The addition of any subject individual or individual described in section (4) of this rule.

(E) Any reason the provider no longer meets the requirements under this rule.

(i) Report suspected child abuse of any child in his or her care to CPS or a law enforcement agency.

(j) Supervise each child in care at all times.

(k) Prevent any individual who behaves in a manner that may harm children from having access to a child in the care of the provider. This includes anyone under the influence (see section (11) of this rule).

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(L) Allow the custodial parent of a child in his or her care to have immediate access to the child at all times.

(m) Inform a parent of the need to obtain immunizations for a child and have a completed, up-to-date Oregon shot record called the "Certification of Immunization Status" (CIS) form on file for each child in care.

(n) Take reasonable steps to protect a child in his or her care from the spread of infectious diseases.

(o) Ensure that the home or facility where care is provided meets all of the following standards:

(A) Each floor level used by a child has two usable exits to the outdoors (a sliding door or window that can be used to evacuate a child is considered a usable exit). If a second floor is used for child care, the provider must have a written plan for evacuating occupants in the event of an emergency.

(B) The home or facility has safe drinking water.

(C) The home or facility has a working smoke detector on each floor level and in any area where a child naps.

(D) Each fireplace, space heater, electrical outlet, wood stove, stairway, pool, pond, and any other hazard has a barrier to protect a child. Gates and enclosures have the Juvenile Products Manufacturers Association (JPMA) certification seal to ensure safety.

(E) Any firearm, ammunition, and other items that may be dangerous to children, including but not limited to alcohol, inhalants, tobacco and e-cigarette products, matches and lighters, any legally prescribed or over-the-counter medicine, cleaning supplies, paint, plastic bags, and poisonous and toxic materials are kept in a secure place out of a child's reach.

(F) The building, grounds, any toy, equipment, and furniture are maintained in a clean, sanitary, and hazard free condition.

(G) The home or facility has a telephone in operating condition.

(H) No one may smoke or carry any lighted smoking instrument, including e-cigarettes or vaporizers, in the home or facility or within ten feet of any entrance, exit, window that opens, or any ventilation intake that serves an enclosed area, during child care operational hours or anytime child care children are present. No one may use smokeless tobacco in the home or facility during child care operational hours or anytime child care children are present. No one may smoke or carry any lighted smoking instrument, including e-cigarettes and vaporizers, or use smokeless tobacco in motor vehicles while child care children are passengers.

(I) No one may consume alcohol or use controlled substances (except legally prescribed and over-the-counter medications) or marijuana (including medical marijuana) on the premises (see section (11) of this rule) during child care operational hours or anytime child care children are present. No one under the influence of alcohol, controlled substances (except legally prescribed and over-the-counter medications) or marijuana (including medical marijuana) may be on the premises during child care operational hours or anytime child care children are present. No one may consume alcohol or use controlled substances (except legally prescribed and over-the-counter medications) or marijuana (including medical marijuana) in motor vehicles while child care children are passengers.

(J) Is not a half-way house, hotel, motel, shelter, or other temporary housing such as a tent, trailer, or motor home. The restriction in this paragraph does not apply to licensed (registered or certified) care approved in a hotel, motel, or shelter.

(K) Is not a structure:

(i) Designed to be transportable; and

(ii) Not attached to the ground, another structure, or to any utilities system on the same premises.

(L) Controlled substances (except lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana, marijuana edibles, and other products containing marijuana), marijuana plants, derivatives, and associated paraphernalia may not be on the premises during child care operational hours or anytime child care children are present.

(p) Complete and submit a new listing form every two years, or sooner at the request of the Department, so that the Department may review the provider's eligibility.

(q) Provide evidence of compliance with the Department's administrative rules, upon request of Department staff.

(r) Comply with state and federal laws related to child safety systems and seat belts in vehicles, bicycle safety, and crib standards under 16 CFR 1219 and 1220.

(s) Place infants to sleep on their backs.

(t) Not hold a medical marijuana card; or distribute, grow, or use marijuana (including medical marijuana) or any controlled substance (except lawfully prescribed and over-the-counter medications).

(u) Develop and communicate expulsion and suspension policies to parents and caretakers.

(8) Child Care providers who are License Exempt or Registered Family Child Care Providers with the Office of Child Care (OCC) of the Oregon Department of Education (ODE) under OAR 414-205-0000 to 414-205-0170 must complete the "Basic Child Care Health and Safety" two-hour, web-based training or the three-hour Oregon Kids Healthy and Safe (OKHS) classroom training prior to being approved by the Department.

(a) Prior to June 16, 2014, a provider who sends the Department a Child Care Provider Listing and Provider Information Sheet (DHS 7494) with a revision date of March 2013, or those who attempt to take the web-based training but are unable due to technical difficulties at the training site, will not be failed for not meeting this training requirement.

(b) License Exempt or Registered Family Child Care Providers who are exempt from this training are those who state at least one of the following:

(A) English is a second language.

(B) No internet access is available.

(9) A child care provider not subject to certification or registration with the Office of Child Care (OCC) of the Oregon Department of Education (ODE) under OAR 414-205-0000 to 414-205-0170, 414-300-0000 to 414-300-0440, or 414-350-0000 to 414-350-0250, must complete an orientation provided by the Department or a Child Care Resource and Referral agency within 90 days of being approved by the Department if he or she:

(a) Receives funds from the Department; and

(b) Begins providing child care services after June 30, 2010, or resumes providing child care services, after a break of more than one year that began after June 30, 2010.

(10) Child care providers and any individual supervising, transporting, preparing meals, or otherwise working in the proximity of child care children and those completing daily attendance and billing records shall not be under the influence.

(11) For purposes of these rules:

(a) "Premises" means the home or facility structure and grounds, including indoors and outdoors and space not directly used for child care.

(b) "Under the influence" means observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the individual has used alcohol, any controlled substances (including lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana), or inhalants that impairs their performance of essential job function or creates a direct threat to child care children or others. Examples of abnormal behaviors include, but are not limited to hallucinations, paranoia, or violent outbursts. Examples of impairments in physical or mental performance include, but are not limited to slurred speech as well as difficulty walking or performing job activities.

Stat. Auth.: ORS 181.537, 329A.500, 409.050, 411.060, 411.070

Stats. Implemented: ORS 181.537, 329A.340, 329A.500, 409.010, 409.050, 409.610, 411.060, 411.070, 411.122

Hist.: AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 17-1994(Temp), f. & cert. ef. 8-15-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 2-1997, f. 2-27-97, cert. ef. 3-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 12-1997, f. & cert. ef. 8-25-97; AFS 14-1999, f. & cert. ef. 11-1-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 12-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 13-2004, f. 4-29-04, cert. ef. 5-1-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 6-2005(Temp), f. & cert. ef. 4-25-05 thru 9-30-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 25-2012, f. 6-29-12, cert. ef. 7-1-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 8-2013, f. & cert. ef. 4-1-13; SSP 5-2014(Temp), f. 2-4-14, cert. ef. 3-1-14 thru 8-28-14; SSP 10-2014(Temp), f. & cert. ef. 4-1-14 thru 8-28-14; SSP 15-2014, f. & cert. ef. 7-1-14; SSP 21-2014(Temp), f. & cert. ef. 8-13-14 thru 2-9-15; SSP 6-2015, f. 1-30-15, cert. ef. 2-1-15; SSP 17-2015, f. & cert. ef. 6-30-15; SSP 3-2016(Temp), f. & cert. ef. 1-20-16 thru 7-17-16; SSP 12-2016(Temp), f. & cert. ef. 3-14-16 thru 7-17-16; SSP 22-2016(Temp), f. & cert. ef. 5-23-16 thru 11-18-16; SSP 27-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 11-18-16; SSP 23-2016, f. 6-28-16, cert. ef. 7-1-16; SSP 29-2016, f. & cert. ef. 8-1-16; SSP 37-2016(Temp), f. 9-30-16, cert. ef. 10-1-16 thru 3-29-17

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Department of Justice Chapter 137

Rule Caption: Establishment of past support orders

Adm. Order No.: DOJ 11-2016(Temp)

Filed with Sec. of State: 9-23-2016

Certified to be Effective: 10-1-16 thru 3-29-17

Notice Publication Date:

Rules Amended: 137-055-3220

ADMINISTRATIVE RULES

Subject: OAR 137-055-3220 is amended to limit the amount of past support that may be entered in an action initiated by the Child Support Program.

Rules Coordinator: Carol Riches—(503) 378-5987

137-055-3220

Establishment of Past Support Orders

(1) For purposes of this rule the following definitions apply:

(a) “Past support” means the amount of child support that could have been ordered based on the Oregon Child Support Guidelines and accumulated as arrears against a parent for the benefit of a child for any period of time during which the child was not supported by the parent and for which period no support order was in effect.

(b) “Supported by the parent” in subsection (1)(a) means payments in cash or in kind in amounts or in-kind value equal to the amount that would have accrued under the Oregon Child Support Guidelines from the obligor to the obligee for purposes of support of the child.

(c) The Oregon Child Support Guidelines means the formula for calculating child support specified in ORS 25.275.

(2) The administrator may establish “past support” when establishing a child support order under ORS 416.400 through 416.470.

(3) When an obligor has made payments in cash or in kind an obligee for the support of the child during the period for which a judgment for past support is sought, and providing that those payments were in amounts equal to or exceeding the amount of support that would have been presumed correct under the Oregon Child Support Guidelines, no past support will be ordered.

(4) When such payments as described in section (3) were made in amounts less than the amount of support presumed correct under the Oregon Child Support Guidelines, the amount of the past support judgment will be the correct amount presumed under the Oregon Child Support Guidelines minus any amounts of support paid.

(5) The obligor must provide evidence of such payments as described in sections (3) and (4) by furnishing copies of:

- (a) Canceled checks;
- (b) Cash or money order receipts;
- (c) Any other type of funds transfer records;
- (d) Merchandise receipts;
- (e) Verification of payments from the obligee;
- (f) Any other record of payment deemed acceptable by the administrator.

(6) The administrator may decide whether to accept evidence of such cash or in-kind support payments for purposes of giving credit for them. If any party disagrees, the past support calculation may be appealed to an administrative law judge as provided in ORS 416.427.

(7) For any month or part of a month for which past support is ordered, the amount of support shall be a full month increment and shall not be prorated.

(a) Past support may not be ordered for any period of time prior to the first day of the month the Notice and Finding of Financial Responsibility and proposed Order Establishing Support are issued.

(b) If the Notice and Finding of Financial Responsibility and proposed Order Establishing Support are issued in the same month an application or mandatory referral is received, past support may not be ordered for any period of time prior to the application or mandatory referral.

(8) If the parties are filing for annulment, dissolution or separation under ORS 107.105 and a judgment will be entered for months when the proceeding was pending, any order for past support may only include amounts owed for a time period prior to the filing of the judicial action.

(9) If the order to be entered does not include current support and the past support would be owed only to the State of Oregon or another jurisdiction, the administrator will not enter an order for past support that covers a period of less than four months.

(10) Past support will be calculated under the Oregon Child Support Guidelines and will use current income for the parties in calculating past support monthly amounts. Parties may rebut use of current income by presenting evidence of income in differing amounts for the months for which past support is being ordered.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 416.422

Hist.: AFS 28-1995, f. 11-2-95, cert. ef. 11-3-95; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-1010; 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 461-200-3220; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-3220; DOJ 2-2004, f. 1-2-04, cert. ef. 1-5-04; DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 1-2010, f. & cert. ef. 1-4-10; DOJ 3-2011(Temp), f. & cert. ef. 3-31-11 thru 9-26-11; DOJ 4-2011, f. & cert. ef. 7-1-11;

DOJ 13-2011, f. 12-30-11, cert. ef. 1-3-12; DOJ 11-2016(Temp), f. 9-23-16, cert. ef. 10-1-16 thru 3-29-17

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Amends rule language to provide clarification for the denial/revocation review process and includes housekeeping.

Adm. Order No.: DPSST 13-2016

Filed with Sec. of State: 9-22-2016

Certified to be Effective: 9-22-16

Notice Publication Date: 9-1-2016

Rules Amended: 259-009-0070

Subject: This rule change amends the administrative rule language to clearly indicate under which circumstances convictions of Class A or Class B misdemeanors should be reviewed by adding language that states that the Fire Policy Committee will review cases involving fire service professionals or instructors applying for an initial or an additional certification who have been convicted of a Class A or Class B misdemeanor and have been incarcerated, are on supervision or have unpaid financial obligations.

Additional minor housekeeping changes have been included in the rule language. The changes provide clarity throughout the rule regarding the responsibilities for the Department and when and how cases will be reviewed by the FPC and Board. These housekeeping changes do not impact the current processes and procedures in any way.

Rules Coordinator: Jennifer Howald—(503) 378-2432

259-009-0070

Denial/Revocation

(1) It is the responsibility of the Board to set the standards and for the Department to uphold them, to ensure the highest levels of professionalism and discipline. These standards will be upheld at all times, unless the Board determines that the safety of the public or respect of the profession is compromised.

(2) Definitions. For purposes of this rule, the following definitions will apply:

(a) “Denial” or “Deny” means the refusal to grant a fire service certification for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in (4) of this rule.

(b) “Discretionary Conviction” means a conviction identified in OAR 259-009-0070(4).

(c) “Discretionary Disqualifying Misconduct” means misconduct identified in OAR 259-009-0070(4).

(d) “Revocation” or “Revoke” means to withdraw the certification of a fire service professional or instructor for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in section (4) of this rule.

(3) The Department must deny or revoke the certification of any fire service professional or instructor, after written notice, and a hearing if requested, based upon a finding that:

(a) The fire service professional or instructor has been convicted in this state of a crime listed in ORS 137.700 or in any other jurisdiction of a crime that, if committed in this state, would constitute a crime listed in 137.700. Those crimes are:

- 163.095 Attempted or Conspiracy to Commit Aggravated Murder;
- 163.115 Murder, Attempted Murder, or Conspiracy to Commit Murder;
- 163.118 Manslaughter in the First Degree;
- 163.125 Manslaughter in the Second Degree;
- 163.149 Aggravated Vehicular Homicide;
- 163.175 Assault in the Second Degree;
- 163.185 Assault in the First Degree;
- 163.225 Kidnapping in the Second Degree;
- 163.235 Kidnapping in the First Degree;
- 163.365 Rape in the Second Degree;
- 163.375 Rape in the First Degree;
- 163.395 Sodomy in the Second Degree;
- 163.405 Sodomy in the First Degree;
- 163.408 Sexual Penetration in the Second Degree;
- 163.411 Sexual Penetration in the First Degree;
- 163.427 Sexual Abuse in the First Degree;
- 163.670 Using a Child in a Display of Sexually Explicit Conduct;
- 164.325 Arson in the First Degree (when offense represents a threat of serious physical injury);
- 164.405 Robbery in the Second Degree;
- 164.415 Robbery in the First Degree;
- 167.017 Compelling Prostitution.

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(b) The fire service professional or instructor has been discharged for cause from employment as a fire service professional or instructor.

(c) For purposes of this rule, “discharged for cause” means an employer initiated termination of employment for the following reasons:

(A) Lack of Integrity: Lack of integrity is defined as dishonesty, untrustworthiness, untruthfulness, lack of accountability and unethical behavior; or

(B) Unprofessionalism. Unprofessionalism is defined as lack of accountability, exercising poor judgment and behavior not expected of or conduct unbecoming a fire service professional.

(d) The Department may stay any action against the certification of a fire service professional or instructor who has been reported as being discharged for cause until a final employment determination has been made.

(e) The Department will administratively close any case in which an arbitrator issues an opinion indicating that the discharge of a fire service professional or instructor is not supported by the underlying facts.

(4) The Department, in consultation with the Fire Policy Committee and the Board, may deny or revoke the certification of any fire service professional or instructor, after written notice, and a hearing, if requested, based upon a finding that:

(a) The fire service professional or instructor falsified any information submitted on the application for certification or on any documents submitted to the Board or Department;

(b) Notwithstanding section (3), the fire service professional or instructor has been convicted of an offense punishable as a crime in this state or any other jurisdiction, the elements of which violate the core values as defined in OAR 259-009-0059; and

(A) The conviction is for a crime classified as a felony;

(B) The elements of the crime for which the fire service professional or instructor is convicted are sexual in nature or require active registration as a sex offender;

(C) The crime for which the fire service professional or instructor is convicted is against a public agency;

(D) The conviction constitutes the fifth or more criminal conviction by the fire service professional or instructor within the last five years; or

(E) If an application for certification is submitted and the fire service professional has a conviction for a crime classified as a Class A or Class B misdemeanor; and

(i) The conviction resulted in a period of incarceration for any period of time within the last five years;

(ii) The fire service professional or instructor is currently on a form of court-ordered supervision; or

(iii) The fire service professional or instructor has unpaid restitution, court fines or fees resulting from the conviction.

(5) Guidelines for Denial or Revocation Based on Discretionary Disqualifying Misconduct.

(a) The Department may take action on any conviction identified in section (4) of this rule that occurred after January 15, 2008;

(b) Convictions that occurred seven years or more prior to the date of review may be appropriate for summary staff disposition or administrative closure by the Department.

(c) If the Department determines that a fire service professional or instructor may have been discharged for cause as defined in section (3) or has engaged in discretionary misconduct listed in section (4), the case may be presented to the Board, through the Fire Policy Committee.

(A) Prior to presentation to the Board, through the Fire Policy Committee, the Department will seek input from the affected fire service professional or instructor, allowing him or her to provide, in writing, information for the Fire Policy Committee and Board’s consideration.

(B) In making a decision to authorize initiation of proceedings under subsection (g) of this rule the Fire Policy Committee and Board may consider mitigating and aggravating circumstances including, but not limited to, the following:

(i) When the misconduct occurred in relation to the fire service professional’s or instructor’s service as a fire service professional or instructor;

(ii) Whether the fire service professional or instructor served time in prison or jail and the length of incarceration;

(iii) Whether restitution was ordered and if the fire service professional or instructor met all obligations;

(iv) Whether the fire service professional or instructor has ever been on parole or probation. If so, the date the parole or probation period expired or will expire;

(v) Whether the fire service professional or instructor has more than one conviction and over what period of time;

(vi) Whether the misconduct involved domestic violence;

(vii) Whether the fire service professional or instructor self-reported the misconduct;

(viii) Whether the conduct adversely reflects on the fitness of the fire service professional or instructor to perform as a fire service professional or instructor;

(ix) Whether the conduct makes the fire service professional or instructor otherwise unfit to render effective service because of the agency’s or public’s loss of confidence that the fire service professional or instructor possesses the core values integral to the fire service profession; and

(x) The fire service professional’s or instructor’s physical or emotional condition at the time of the conduct.

(d) Upon determination by the Board, through the Fire Policy Committee, to proceed with the denial or revocation of a fire service professional’s or instructor’s certification based on discretionary misconduct identified in section (4), the Board, through the Fire Policy Committee, will:

(A) Determine how long the affected fire service professional or instructor will be ineligible to reapply for fire service certification. The period of ineligibility may range from 30 days to seven years; and

(B) Determine additional conditions, if any, which must be satisfied prior to the eligibility to reapply for fire service certifications is restored.

(e) A person is not eligible to reapply for training or certification if the person had certification denied or revoked for mandatory grounds identified in section (3) of this rule.

(f) The period of ineligibility and any additional conditions will be included in any Final Order of the Department.

(g) Scope of Revocation. When the Department denies or revokes the certification of any fire service professional or instructor under OAR 259-009-0070, the revocation will encompass all fire service certificates the Department has issued to that person.

(h) Initiation of Proceedings: Upon determination by the Board, through the Fire Policy Committee, that the certifications of a fire service professional or instructor should be denied or revoked after considering the totality of the case, a contested case notice will be prepared and served on the fire service professional or instructor by the Department.

(i) Contested Case Notice:

(A) All contested case notices will be prepared in accordance with the applicable provisions of the Attorney General’s Model Rules of Procedures adopted under OAR 259-005-0015.

(B) In discretionary cases heard by a policy committee, the contested case notice will be served on the fire service professional or instructor prior to Board review. If the Board disapproves the policy committee’s recommendation, the Department will withdraw the Contested Case Notice.

(j) Response Time:

(A) A party who has been served with a “Contested Case Notice of Intent to Deny Certification” has 60 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(B) A party who has been served with a “Contested Case Notice of Intent to Revoke Certification” has 20 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(k) Default Orders:

(A) If a timely request for a hearing is not received, the Contested Case Notice will become a final order revoking or denying certification pursuant to OAR 137-003-0672.

(B) If a timely request for a hearing is not received in cases heard by a policy committee, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672, pending Board affirmation.

(l) Hearing Request: If a timely request for a hearing is received, the Department will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.

(m) Proposed and Final Orders:

(A) In cases where a hearing is requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provision of the Attorney General’s Model Rules of Procedure adopted under OAR 259-005-0015.

(B) Department-proposed amendments to a proposed order issued by an Administrative Law Judge in a case that was originally heard by a policy committee must be considered and approved by the policy committee that originally reviewed the case before a final order can be issued.

(n) Stipulated Order Revoking Certification: The Department may enter a stipulated order revoking the certification of a fire service profes-

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sional or instructor upon the person's voluntary agreement to terminate an administrative proceeding to revoke a certification, or to relinquish a certification under the terms and conditions outlined in the stipulated order.

(o) Appeal Procedure. A fire service professional or instructor, aggrieved by the findings and Order of the Department may, as provided in ORS 183.480, file an appeal with the Court of Appeals from the final Order of the Department.

Stat. Auth.: ORS 181.640 & 181.650
Stats. Implemented: ORS 181.640 & 181.650
Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 4-2005, f. & cert. ef. 5-24-05; DPSST 8-2013, f. & cert. ef. 3-26-13; DPSST 13-2016, f. & cert. ef. 9-22-16

Rule Caption: Amends language to update requirements for accreditation of fire service agency training programs.

Adm. Order No.: DPSST 14-2016

Filed with Sec. of State: 9-22-2016

Certified to be Effective: 9-22-16

Notice Publication Date: 9-1-2016

Rules Amended: 259-009-0087

Subject: The rule changes for OAR 259-009-0087 update the requirements to become an accredited fire service agency training program and the process for review of the accreditation agreement. Accreditation provides the ability for a fire service agency (fire department) to teach and deliver Department of Public Safety Standards and Training (DPSST) approved training courses within their own structure.

Rules Coordinator: Jennifer Howald—(503) 378-2432

259-009-0087

Accreditation of Fire Service Agency Training Programs

(1) The Department may accredit fire service agency training programs which meet the following requirements:

(a) The training program is under the direction of a designated training officer;

(b) The fire service agency has at least one currently certified NFPA Fire Instructor I to instruct the accredited training programs;

(c) The fire service agency has met the maintenance re-certification requirements as defined in OAR 259-009-0065;

(d) The training officer has validated successful completion of training with a task performance evaluation or a task book at the conclusion of the training program or as a part of the accredited training in accordance with standards and procedures adopted by the Department;

(e) Fire service personnel training records for accredited fire service agency training programs must be maintained by the employing fire service agency for at least five years;

(f) The fire service agency must possess at least one triple combination pumper that conforms to the minimum standards for automotive fire apparatus as outlined in the National Fire Protection Association (NFPA) Pamphlet #1901; and

(g) A written accreditation agreement must be prepared by the Department, defining the specific requirements of accreditation, including the specific training the fire service agency is accredited to deliver. The agreement must be signed by the Department's designee and the training officer or the fire service agency designee.

(2) The accreditation agreement must be reviewed every three years.

(a) The fire service agency accreditation review must be conducted by the District Liaison Officer or Department designee. This review consists of:

(A) Evaluating course outlines and subject content;

(B) Validation of curriculum;

(C) Verification of training records;

(D) Identification of certifications approved to be instructed by the fire service agency; and

(E) Verification of instructor qualifications.

(b) Changes to an agency accreditation agreement may result in an additional fire service agency accreditation agreement review.

(3) The accreditation agreement allows the Department access to the fire service agency's personnel training records to verify training received by fire service agency personnel and to monitor testing processes.

(4) The Department may terminate a fire service agency accreditation agreement for cause.

(5) The agency head, on behalf of the fire service agency, will have the right to appeal the termination of an accreditation agreement. The appeal must be in writing and addressed to the Department.

(6) The Department may work with the fire service agency to correct any violation and continue the accreditation agreement upon a finding of good cause.

Stat. Auth.: ORS 181A.410 & 181A.590
Stats. Implemented: ORS 181A.410 & 181A.590
Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 8-2004, f. & cert. ef. 4-23-04; DPSST 22-2013, f. & cert. ef. 10-3-13; DPSST 14-2016, f. & cert. ef. 9-22-16

Rule Caption: Amends language for clarification regarding the Personnel/Agency Form and Fire Service Professional Certification Minimum Standards.

Adm. Order No.: DPSST 15-2016

Filed with Sec. of State: 9-22-2016

Certified to be Effective: 9-22-16

Notice Publication Date: 9-1-2016

Rules Amended: 259-009-0010, 259-009-0059, 259-009-0062

Subject: The language in OAR 259-009-0010 (Personnel/Action Forms) and OAR 259-009-0059 (Minimum Standards for Certification as a Fire Service Professional) has been revised in order to clarify language that incorrectly implied that fire service agencies are required to affiliate individuals who are 16 years old or older and must fulfill this requirement by submitting a PAF. The clarifying language supports the Department of Public Safety Standards and Training intention that fire service affiliation is voluntary and fire service agencies are not required to submit a PAF to DPSST for fire service professionals. Agencies must only submit a PAF if they want to obtain DPSST affiliation.

OAR 259-009-0062 (Fire Service Personnel Certification) has been amended to include housekeeping changes for language uniformity when referencing the term "Fire Service Professional" and does not include any changes to the requirements for fire service professional certifications.

Rules Coordinator: Jennifer Howald—(503) 378-2432

259-009-0010

Personnel/Agency Forms

(1) To show a fire service professional as affiliated with a fire service agency, the fire service agency must submit a completed Personnel/Agency Form (PAF) to the Department within 30 days after utilization or employment.

(2) Fire service professionals must be at least 16 years of age to be recognized by DPSST as affiliated with an Oregon fire service agency.

(3) Affiliated fire service agencies must notify the Department by submitting a PAF whenever a fire service professional resigns, retires, terminates employment, or is discharged or deceased, within 30 business days of the action.

(a) Affiliated agencies must notify the Department in writing when a fire service professional is promoted to a fire chief position, when a new agency head designee is assigned, or when a fire service professional is promoted to a training officer position.

(b) Affiliated agencies must notify the Department in writing when a fire service professional is no longer assigned the duties of a fire chief, agency head designee or training officer.

(4) All applicable sections of the PAF must be completed and signed by the agency head or an authorized representative. Fire service professionals are not allowed to sign their own forms.

Stat. Auth.: ORS 181A.410
Stats. Implemented: ORS 181A.410
Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 8-2004, f. & cert. ef. 4-23-04; DPSST 22-2013, f. & cert. ef. 10-3-13; DPSST 12-2016, f. & cert. ef. 7-29-16; DPSST 15-2016, f. & cert. ef. 9-22-16

259-009-0059

Minimum Standards for Certification as a Fire Service Professional

(1) Fire Service professionals must be at least 18 years of age to be eligible for certification.

(2) Training used to meet the requirements for a fire service professional certification must have been completed after the fire service professional has reached the age of 16.

(3) Fingerprints. Any individual employed or utilized by a fire service agency that has never been fingerprinted for certification purposes or is identified in the Oregon LEDS system as a multi-source offender is required to be fingerprinted. Fingerprints must be submitted to the Department on a standard applicant fingerprint card or through a

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Department-approved vendor of electronic fingerprint capture services, with the appropriate processing fee.

(4) For the purposes of this standard, the Department, in consultation with the Fire Policy Committee and the Board, has defined core values that are integral to certification as a fire service professional. These values are:

(a) Integrity. Integrity is defined as honesty, trustworthiness, truthfulness, accountability and ethical behavior; and

(b) Professionalism. Professionalism is defined as accountability, exercising judgment and behavior expected of a fire service professional and conduct becoming a fire service professional.

(5) Notification of Conviction:

(a) A certified fire service professional or instructor who is convicted of a crime while employed or utilized by a fire service agency, must notify the agency head within five business days of the conviction.

(b) When an agency receives notification of a conviction from a certified fire service professional, instructor, or another source, the agency must notify the Department within 30 calendar 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.

(c) If not employed or utilized by a fire service agency, a certified fire service professional who is convicted of a crime must notify the Department within five days.

Stat. Auth.: ORS 181A.355 & ORS 181A.410

Stats. Implemented: ORS 181A.355 & ORS 181A.410

Hist.: DPSST 1-2006(Temp), f. & cert. ef. 1-23-06 thru 6-1-06; DPSST 5-2006, f. & cert. ef. 5-3-06; DPSST 7-2009, f. & cert. ef. 7-13-09; DPSST 22-2013, f. & cert. ef. 10-3-13; DPSST 37-2014, f. & cert. ef. 12-31-14; DPSST 13-2015, f. & cert. ef. 6-23-15; DPSST 21-2015, f. 12-22-15, cert. ef. 1-1-16; DPSST 15-2016, f. & cert. ef. 9-22-16

259-009-0062

Fire Service Personnel Certification

(1) A fire service professional affiliated with an Oregon fire service agency may be certified by:

(a) Satisfactorily completing the requirements specified in section (2) of this rule;

(b) Through participation in a fire service agency training program accredited by the Department;

(c) Through a course certified by the Department; or

(d) By evaluation of experience as specified in OAR 259-009-0063.

(e) The Department may certify a fire service professional who has satisfactorily completed the requirements for certification as prescribed in section (2) of this rule, including the Task Performance Evaluations (TPE) if applicable.

(2) The following standards for fire service professionals are adopted by reference:

(a) The provisions of the NFPA Standard 1001, 2013 Edition, entitled "Fire Fighter Professional Qualifications";

(A) Delete section 1.3.1.

NOTE: This references NFPA 1500.

(B) Delete section 2.2.

NOTE: This references NFPA 1500 and 1582.

(C) For certification as Fire Fighter II, the applicant must be certified at NFPA 1001 Fire Fighter I as defined by the Department and meet the job performance requirements defined in Sections 6.1 through 6.5.5 of this Standard.

(D) All applicants for certification must complete a task performance evaluation or a Department-approved task book for NFPA Fire Fighter I and NFPA Fire Fighter II. The evaluation or task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(b) The provisions of the NFPA Standard 1002, 2009 Edition, entitled "Standard for Fire Apparatus Driver/Operator Professional Qualifications," are adopted subject to the following definitions and modifications:

(A) 5.1 General. The job performance requirements defined in Sections 5.1 and 5.2 must be met prior to certification as a Fire Service Agency Driver/Operator-Pumper.

(B) 6.1 General. The requirements of NFPA 1001 Fire Fighter I and NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 6.1 and 6.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Aerial.

(C) 7.1 General. The requirements of NFPA 1001 Fire Fighter I and NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 7.1 and 7.2 must be met prior to certification as a Fire Service Agency Driver/Operator-Tiller.

(D) 8.1 General. The requirements of NFPA 1001 Fire Fighter I and NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 8.1 and 8.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Wildland Fire Apparatus.

(E) 9.1 General. The requirements of NFPA 1001 Fire Fighter II and NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 9.1 and 9.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Aircraft Rescue and Fire Fighting Apparatus (ARFF).

(F) 10.1 General. The requirements of NFPA 1002 Fire Apparatus Driver/Operator, as specified by the Department and the job performance requirements defined in Sections 10.1 and 10.2, must be met prior to certification as a Fire Service Agency Driver/Operator-Mobile Water Supply Apparatus.

(G) Delete "the requirements of NFPA 1500, Standard on Fire Department Occupational Safety and Health Program".

(H) All applicants for certification must complete a task performance evaluation or a Department-approved task book for: NFPA Fire Apparatus Driver/Operator, NFPA Apparatus Equipped with Fire Pump, NFPA Apparatus Equipped with an Aerial Device, NFPA Apparatus Equipped with a Tiller, NFPA Wildland Fire Apparatus, NFPA Aircraft Rescue and Firefighting Apparatus or NFPA Mobile Water Supply Apparatus. The task books must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(c) The provisions of the NFPA Standards 1003, 2010 Edition, entitled "Standard for Airport Fire Fighter Professional Qualifications".

(A) 6.1 General. Prior to certification as a Fire Service Agency NFPA 1003 Airport Fire Fighter, the requirements of NFPA 1001 Fire Fighter II, as specified by the Department and the job performance requirements defined in sections 5.1 through 5.4, must be met.

(B) All applicants for certification must complete a Department-approved task book for Airport Fire Fighter. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(d) The provisions of NFPA Standard 1005, 2007 Edition, entitled "Marine Fire Fighting for Land Based Fire Fighters Professional Qualifications," are adopted subject to the following definitions and modifications:

(A) Delete section 2.2.

NOTE: This references NFPA 1500.

(B) Delete sections of 2.4.

NOTE: This references NFPA 1000, NFPA 1081, NFPA 1405, NFPA 1670 and NFPA 1710.

(C) 5.1 General. Prior to certification as a Fire Service Agency NFPA 1005 Marine Land-Based Fire Fighter, the requirements of NFPA 1001 Fire Fighter II, as specified by the Department.

(D) All applicants for certification must complete a Department approved task book for Marine Fire Fighting for Land Based Fire Fighters. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(E) Transition Phase:

(i) An application for certification in Marine Fire Fighting for Land Based Fire Fighters must be submitted to the Department no later than June 30, 2009 to receive consideration for certification without having to complete a task book.

(ii) All applications received on or after July 1, 2009 will need to show completion of the approved task book.

(e) The provisions of the NFPA Standard No. 1031, Edition of (2009), entitled "Professional Qualifications for Fire Inspector and Plan Examiner" are adopted.

(A) All applicants for certification as an NFPA Fire Inspector I must:

(i) Successfully complete a Department-approved task book; and

(ii) Furnish proof that they have passed an exam demonstrating proficiency in the model fire code adopted by the State of Oregon or an equivalent.

(B) All applicants for certification as an NFPA Fire Inspector II must:

(i) Hold a certification as a NFPA Fire Inspector I; and

(ii) Successfully complete a Department-approved task book.

(C) All applicants for certification as an NFPA Fire Inspector III must:

(i) Hold a certification as a NFPA Fire Inspector II; and

(ii) Successfully complete a Department-approved task book.

(D) Task books must be monitored by a Field Training Officer approved by the Department. The Field Training Officer must be certified at or above the level being monitored and have at least five years inspection experience. The Department may approve other Field Training Officers

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with equivalent training, education and experience as determined by designated Department staff.

(f) The provisions of the NFPA Standard No. 1033, Edition of (2009), entitled "Professional Qualifications for Fire Investigator" are adopted subject to the following definitions and requirements:

(A) An individual must successfully complete a Department-approved task book before the Department will administer a written examination for the Fire Investigator certification level. Exception: Anyone holding a valid IAAI Fire Investigator Certification, National Association of Fire Investigators (NAFI) certification, or Certified Fire Explosion Investigators (CFEI) certification is exempt from taking the Department's Fire Investigator written exam.

(B) A Department approved Field Training Officer must monitor the completion of a task book. The Field Training Officer must be certified at or above the level being monitored and have at least five (5) years fire investigation experience. Exception: The Department may approve Field Training Officers with equivalent training, education and experience.

(g) The provisions of the NFPA Standard No. 1035, Edition of 2010, entitled "Professional Qualifications for Public Fire and Life Safety Educator" are adopted subject to the following definitions and modifications:

(A) A task book will be completed prior to certification as a NFPA Public Fire and Life Safety Educator I, II or III. The Task Book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(B) A task book will be completed prior to certification as a NFPA Public Information Officer. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(C) A task book will be completed prior to certification as a NFPA Juvenile Firesetter Intervention Specialist I and II. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(h) The provisions of the NFPA Standard No. 1041, Edition of 2012, entitled "Standard for Fire Service Instructor Professional Qualifications," are adopted subject to the successful completion of an approved task book for NFPA Fire Instructor I, II and III.

(i) The provisions of the NFPA Standard 1021, 2014 Edition, entitled "Standards for Fire Officer Professional Qualifications," are adopted subject to the following definitions and modifications:

(A) 4.1 General. For certification as NFPA Fire Officer I, the candidate must be certified at NFPA 1001 Fire Fighter II, and NFPA 1041 Fire Instructor I, as defined by the Department, and meet the job performance requirements defined in Sections 4.1 through 4.7 of the Standard.

(i) All applicants for certification must complete a task performance evaluation or a Department-approved task book for NFPA Fire Officer I.

(ii) The evaluation or task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(B) 5.1 General. For certification as NFPA Fire Officer II, the candidate must be certified as NFPA Fire Officer I, as defined by the Department, and meet the job performance requirements defined in Section 5.1 through 5.7 of the Standard.

(i) All applicants for certification must complete a task performance evaluation or a Department-approved task book for NFPA Fire Officer II.

(ii) The evaluation or task book must be approved off by the Agency Head or Training Officer, before an applicant can qualify for certification.

(C) 6.1 General. For certification as NFPA Fire Officer III, the candidate must be certified as a NFPA Fire Officer II and meet the job performance requirements defined in Sections 6.1 through 6.8 of the Standard.

(i) All applicants for certification must complete a task performance evaluation or a Department-approved task book for NFPA Fire Officer III.

(ii) The evaluation or task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(D) 7.1 General. For certification as NFPA Fire Officer IV the candidate must be certified as NFPA Fire Officer III, as defined by the Department, and meet the job performance requirements in Sections 7.1 through 7.7 of the Standard.

(i) All applicants for certification must complete a task performance evaluation or a Department-approved task book for NFPA Fire Officer IV.

(ii) The evaluation or task book must be approved by the Agency Head or Training Officer, before an applicant can qualify for certification.

(j) Hazardous Materials Responder (DPSST-P-12 1/96).

(k) Fire Ground Leader.

(A) This is a standard that is Oregon-specific.

(B) An applicant applying for Fire Ground Leader must first be certified as an NFPA Fire Fighter II.

(C) An applicant applying for Fire Ground Leader must document training in all of the following areas:

(i) Building Construction: Non-Combustible and Combustible;

(ii) Emergency Service Delivery;

(iii) Fire Behavior;

(iv) Fire Ground Safety; and

(v) Water Supply Operations.

(D) All applicants for certification must complete a task performance evaluation or a Department-approved task book for Fire Ground Leader. The evaluation or task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(1) NWCG Firefighter Type 2 (FFT2).

(A) This is a NWCG standard.

(B) An individual applying for NWCG Firefighter (FFT2) must document training in all of the following areas at the time of application:

(i) S-130 Firefighter Training;

(ii) S-190 Wildland Fire Behavior;

(iii) L-180 Human Factors on the Fireline;

(iv) I-100 Introduction to ICS.

(v) NIMS, Introduction IS700; and

(vi) I-100 Introduction to ICS or IS100.

(m) NWCG Firefighter Type 1 (FFT1).

(A) This is a NWCG standard.

(B) An individual applying for NWCG Firefighter Type 1 (FFT1) must be certified as a NWCG Firefighter Type 2 (FFT2) prior to applying for NWCG Firefighter Type 1 (FFT1) and must document training in all of the following areas at the time of application:

(i) S-131 Firefighter Type I;

(ii) S-133 Look Up, Look Down, Look Around;

(iii) Annual Fireline Safety Refresher (RT-130); and

(iv) Completion of the NWCG Firefighter Type 1 (FFT1)/Incident Commander Type 5 (ICT5) Task Book.

(n) NWCG Single Resource, Engine Boss (ENGB).

(A) This is an NWCG standard.

(B) An individual applying for NWCG Single Resource, Engine Boss must be certified as a NWCG Firefighter Type 1 (FFT1) prior to applying for NWCG Single Resource, Engine Boss and must document training in all of the following areas at the time of application:

(i) I-200 Basic Incident Command;

(ii) S-230 or Crew Boss (Single Resource);

(iii) S-290 Intermediate Wildland Fire Behavior;

(iv) NIMS I-200 or IS200;

(v) Annual Fireline Safety Refresher (RT-130); and

(vi) Completion of the task book for NWCG Single Resource Engine Boss

(o) NWCG Single Resource, Crew Boss (CRWB).

(A) This is a NWCG standard.

(B) An individual applying for NWCG Single Resource Crew Boss must be certified as a NWCG Firefighter Type 1 (FFT1) prior to applying for NWCG Single Resource Crew Boss and must document training in all of the following areas at the time of application:

(i) S-230 Crew Boss (Single Resource);

(ii) S-290 Intermediate Wildland Fire Behavior;

(iii) NIMS I-200 or IS200;

(iv) Annual Fireline Safety Refresher (RT-130); and

(v) Completion of the task book for NWCG Single Resource Crew Boss.

(p) NWCG Single Resource, Heavy Equipment Boss (HEBQ).

(A) This is a NWCG standard.

(B) An individual applying for NWCG Single Resource, Heavy Equipment Boss must be certified as a NWCG Firefighter Type 1 (FFT1) prior to applying for NWCG Single Resource, Heavy Equipment Boss and must document training in all of the following areas at the time of application:

(i) I -200 Basic Incident Command or IS200;

(ii) S-230 Crew Boss (Single Resource);

(iii) S-290 Intermediate Wildland Fire Behavior;

(iv) Annual Fireline Safety Refresher (RT-130); and

(v) Completion of the task book for NWCG Single Resource, Heavy Equipment Boss.

(q) NWCG Single Resource, Felling Boss (FELB).

(A) This is a NWCG standard.

(B) An individual applying for NWCG Single Resource, Felling Boss must be certified as a NWCG Firefighter Type 1 (FFT1) prior to applying

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for NWCG Single Resource, Felling Boss and must document training in all of the following areas at the time of application:

- (i) I -200 Basic Incident Command or IS200;
- (ii) S-230 Crew Boss (Single Resource);
- (iii) S-290 Intermediate Wildland Fire Behavior;
- (iv) Annual Fireline Safety Refresher (RT-130); and
- (v) Completion of the task book for NWCG Single Resource, Felling Boss.

- (r) NWCG Single Resource, Firing Boss (FIRB)
- (A) This is a NWCG standard.

(B) An individual applying for NWCG Single Resource, Firing Boss must be certified as NWCG Firefighter Type 1 (FFT1) prior to applying for NWCG Single Resource, Firing Boss and must document training in all of the following areas at the time of application:

- (i) I -200 Basic Incident Command or IS200;
- (ii) S-230 Crew Boss (Single Resource);
- (iii) S-290 Intermediate Wildland Fire Behavior;
- (iv) Annual Fireline Safety Refresher (RT-130); and
- (v) Completion of the task book for NWCG Single Resource, Firing Boss

- (s) NWCG Strike Team Leader Engine (STEN.)
- (A) This is a NWCG standard.

(B) An individual applying for NWCG Strike Team Leader Engine (STEN) must be certified as NWCG Single Resource, Engine Boss prior to applying for NWCG Strike Team Leader Engine and must document training in all of the following areas at the time of application:

- (i) S-215 Fire Operations in the Wildland Urban Interface WUI;
- (ii) S-330 Task Force Strike Team Leader;
- (iii) I-300 Incident Command Systems for Expanding Incidents;
- (iv) NRF: Introduction IS800B;
- (v) Annual Fireline Safety Refresher (RT-130); and
- (vi) Completion of the task book for NWCG Strike Team Leader Engine.

- (t) NWCG Task Force Leader (TFLD).
- (A) This is a NWCG standard.

(B) An individual applying for NWCG Task Force Leader (TFLD) must complete "Required Experience" as defined in PMS 310-1 and must document training in all of the following areas at the time of application:

- (i) S-215 Fire Operation in the Wildland Urban Interface (WUI);
- (ii) S-330 Task Force/Strike Team Leader;
- (iii) I-300 Incident Command Systems for Expanding Incidents;
- (iv) NRF: Introduction IS800B;
- (v) Annual Fireline Safety Refresher (RT-130); and
- (vi) Completion of the task book for NWCG Task Force Leader.

- (u) NWCG Division/Group Supervisor (DIVS).
- (A) This is a NWCG standard.

(B) An individual applying for NWCG Division/Group Supervisor must complete "Required Experience" as defined in PMS 310-1 and must document training in all of the following areas at the time of application:

- (i) S-390 Introduction to Wildland Fire Behavior Calculations;
- (ii) S-339 Division/Group Supervisor;
- (iii) Annual Fireline Safety Refresher (RT-130); and
- (iv) Completion of the task book for NWCG Division/Group Supervisor.

- (v) Maritime Fire Service Operator Standards Professional Qualifications (October, 1999) and completion of an approved task book. Historical Recognition:

(A) The application must be submitted with the fire chief or designee's signature attesting to the skill level and training of the applicant.

(B) The application must be submitted to the Department no later than October 1, 2004, to receive certification for Maritime Fire Service Operator without having to complete the task book.

(C) All applications received after October 1, 2004, will need to show completion of the approved task book.

- (w) Certification guide for Wildland Fire Investigator (August, 2005).

(x) The provisions of the 2013 Edition of NFPA 1006 entitled, "Standards for Technical Rescuer Professional Qualifications" are adopted subject to the following modifications:

- (A) Historical Recognition:

(i) Applicants who currently hold active Department NFPA Rope Rescue I and II certifications will be recognized as a NFPA Rope Rescue Technician.

(ii) An individual who holds an active NFPA Rope Rescue I certification and has been working toward an NFPA Rope Rescue II certification

may complete certification based on NFPA 1006 until January 1, 2016. No new NFPA Rope Rescue II certifications will be issued after January 1, 2016.

(iii) Applicants who currently hold active Department NFPA Surface Water I and II certifications will be recognized as a NFPA Surface Water Rescue Technician.

(iv) An individual who holds an active NFPA Surface Water I certification and has been working toward an NFPA Surface Water II certification may complete certification based on NFPA 1006 until January 1, 2016. No new NFPA Surface Water II certifications will be issued after January 1, 2016.

(v) Applicants who currently hold an active Department NFPA Vehicle and Machinery Rescue certification will be recognized as NFPA Vehicle Rescue and NFPA Machinery Rescue.

(vi) An individual who has fulfilled training competencies in NFPA Vehicle and Machinery Rescue may complete certification based on NFPA 1006 until January 1, 2016. No new NFPA Vehicle and Machinery Rescue certifications will be issued after January 1, 2016.

- (B) Instructors:

(i) Curriculum must be certified by the Department to meet NFPA 1006 standards.

(ii) An instructor delivering training under a fire service agency's accreditation agreement must be a certified technician in that specialty rescue area.

- (C) Task Books:

(i) A task book must be completed for each of the eleven specialty rescue areas applied for.

(ii) Only a certified technician in that specialty rescue area can approve the task book.

(iii) The requirements in Chapters 4 and 5 only need to be met once for all eleven specialty rescue areas.

- (y) Urban Search and Rescue.

- (A) This is a standard that is Oregon-specific.

(B) The following eleven (11) specialty Urban Search and Rescue (USAR) certifications are adopted:

- (i) Task Force Leader;
- (ii) Safety Officer;
- (iii) Logistics Manager;
- (iv) Rescue Team Manager;
- (v) Rescue Squad Officer;
- (vi) Rescue Technician;
- (vii) Medical Technician;
- (viii) Rigging Technician;
- (ix) Search Team Manager;
- (x) Search Squad Officer; and
- (xi) Search Technician.

(C) An applicant applying for any USAR certification(s) must complete the appropriate application attesting to completion of the required training.

(z) The provisions of the NFPA Standard 472, 2008 Edition, entitled "Standard for Hazardous Materials and Weapons of Mass Destruction" are adopted subject to the following definitions and modifications:

(A) NFPA Hazardous Materials Technician: All applicants for certification must first certify as an NFPA Operations Level Responder and complete a Department-approved task book. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification.

(B) NFPA Hazardous Materials Safety Officer: All applicants for certification must first certify as a NFPA Hazardous Materials Technician and complete a Department-approved task book. The task book must be approved by the Agency Head or Training Officer before an applicant can qualify for certification. This certification level includes, but is not limited to, the following course work:

- (i) Analyzing the Incident;
- (ii) Planning the Response;
- (iii) Implementing the Planned Response;
- (iv) Evaluating the Progress.

(C) Incident Commander: The level of certification formerly known as "On-Scene Incident Commander" is now known as "NFPA Hazardous Materials Incident Commander." The Incident Commander correlates directly with NFPA 472. All applicants for certification must first certify as an NFPA Operations Level Responder.

(D) Operations Level Responder: The level of certification formerly known as "First Responder" is now known as "NFPA Operations Level Responder." The NFPA Operations Level Responder correlates directly with NFPA 472. Successful completion of skills sheets or task performance

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evaluations (TPE) must be met prior to certification as an NFPA Operations Level Responder.

(aa) Specialty Levels of Certification. All applicants for specialty levels of certification must first certify as a NFPA Hazardous Materials Technician.

(A) The following four (4) specialty certifications are adopted:

- (i) NFPA Cargo Tank Specialty;
- (ii) NFPA Intermodal Tank Specialty;
- (iii) NFPA Marine Tank Vessel Specialty;
- (iv) NFPA Tank Car Specialty;

(B) Successful completion of task performance evaluations (TPE) must be met prior to obtaining a specialty level of certification.

(3) Task performance evaluations, where prescribed, will be required prior to certification. Such examinations will be conducted in the following manner:

(a) Task performance competency will be evaluated by three people nominated by the employing fire service agency's Chief Officer for approval by the Department or its designated representative.

(b) The employing fire service agency's equipment and operational procedures must be used in accomplishing the task performance to be tested.

(c) Specific minimum testing procedures, as provided by the Department, will be used for administration of the evaluation.

(d) The training officer for an accredited fire service agency training program must notify the Department or its designated representative prior to performing a task performance evaluation.

(e) At the request of the fire chief, a representative of the Department will be designated to monitor the task performance evaluation for fire service professionals from a fire service agency whose training program is not accredited.

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

Stat. Auth.: ORS 181A.410

Stats. Implemented: ORS 181A.410

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 11-2003, f. & cert. ef. 7-24-03; DPSST 13-2003(Temp), f. & cert. ef. 10-27-03 thru 3-31-04; DPSST 3-2004(Temp), f. & cert. ef. 4-9-04 thru 10-1-04; DPSST 8-2004, f. & cert. ef. 4-23-04; DPSST 2-2006, f. & cert. ef. 1-24-06; DPSST 9-2006, f. & cert. ef. 7-7-06; DPSST 14-2006, f. & cert. ef. 10-13-06; DPSST 16-2006, f. & cert. ef. 11-20-06; DPSST 2-2007, f. & cert. ef. 1-12-07; DPSST 10-2008, f. & cert. ef. 7-15-08; DPSST 7-2009, f. & cert. ef. 7-13-09; DPSST 12-2009, f. & cert. ef. 10-15-09; DPSST 16-2009(Temp), f. & cert. ef. 12-15-09 thru 6-11-10; DPSST 5-2010, f. & cert. ef. 6-14-10; DPSST 11-2010, f. & cert. ef. 11-12-10; DPSST 11-2010, f. & cert. ef. 11-12-10; DPSST 3-2011, f. & cert. ef. 3-28-11, cert. ef. 5-1-11; DPSST 7-2012, f. & cert. ef. 3-28-12; DPSST 21-2012, f. & cert. ef. 10-1-12; DPSST 8-2013, f. & cert. ef. 3-26-13; DPSST 16-2013, f. & cert. ef. 6-25-13; DPSST 22-2013, f. & cert. ef. 10-3-13; DPSST 6-2014, f. & cert. ef. 2-6-14; DPSST 9-2014, f. & cert. ef. 4-3-14; DPSST 36-2014, f. & cert. ef. 12-31-14; DPSST 17-2015, f. & cert. ef. 10-22-15; DPSST 22-2015, f. & cert. ef. 12-22-15; DPSST 15-2016, f. & cert. ef. 9-22-16

Rule Caption: Removes requirements for fingerprints to be submitted enclosed in a tamper-proof bag with the PS-4.

Adm. Order No.: DPSST 16-2016

Filed with Sec. of State: 9-22-2016

Certified to be Effective: 9-22-16

Notice Publication Date: 9-1-2016

Rules Amended: 259-060-0025, 259-060-0600

Subject: In July 2015, the Department of Public Safety Standards and Training established the ability for constituents to provide an electronic fingerprint submission to meet the requirements for licensure or certification. With the fingerprint submission process broadened to include submission of the fingerprints through a Department approved vendor of electronic fingerprint capture services, the need for submission of a fingerprint card and Form PS-4 (Affidavit of Person Rolling Fingerprints) in a sealed tamper-proof bag to the department was eliminated.

The rule changes for OAR 259-060-0025 (Application for Certification and Licensure) remove the requirement to submit fingerprints enclosed in a tamper proof bag with a Form PS-4 (Affidavit of Person Rolling Fingerprints). The rule changes for OAR 259-060-0600 (Forms) remove the Form PS-4 from the list of forms utilized by the Department.

Rules Coordinator: Jennifer Howald—(503) 378-2432

259-060-0025

Application for Certification and Licensure

(1) An applicant must meet all minimum standards for the certification or license being applied for as described in OAR 259-060-0020.

(2) Application Packet and Fees.

(a) The application packet for new certification or licensure as a private security provider must be completed in its entirety and must include:

(A) A completed Form PS-1 (Application for Licensure or Certification of Private Security Services Provider);

(B) Fingerprints submitted to the Department on a standard applicant fingerprint card or through a Department approved vendor of electronic fingerprint capture services. The Department will supply pre-printed FBI fingerprint cards. If a fingerprint card is rejected twice by the Federal Bureau of Investigation, the applicant may be charged a fee for a third submittal of fingerprint cards.

(C) The original Form PS-6 (Affidavit of Instructor and Private Security Provider Testing Results) completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(D) A completed Form PS-7 (Private Security Instructor Evaluation) (optional);

(E) If currently employed, a completed Form PS-20 (Private Security Services Provider Temporary Work Permit). Temporary Work Permits will not be issued to armed private security professionals or private security instructors;

(F) A completed Form PS-27 (Private Security Professional Code of Ethics) affirming moral fitness and professional standards;

(G) All applicants for instructor certification must submit a resume demonstrating they meet the instructor prerequisites as described in OAR 259-060-0135; and

(H) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500.

(b) The application packet for renewing certification or licensure as a private security provider must be completed in its entirety and must include:

(A) A completed Form PS-21 (Application for Renewal of Private Security Certification/Licensure);

(B) A completed Form PS-27 affirming moral fitness and professional standards;

(C) The original Form PS-6 completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(D) All applicants for renewal of instructor certification must submit a Form PS-8 (Private Security Instructor Continuing Education), including proof of at least eight hours of continuing education taken within the last certification period. Proof can be in the form of a grade or certificate, minutes, a roster, or receipt of course payment;

(E) A Form PS-20 if currently employed and submitting the renewal packet less than 30 days prior to the expiration of certification or licensure; and

(F) Nonrefundable renewal certification or licensure fees as prescribed by OAR 259-060-0500;

(c) The application packet for adding certification or licensure as a private security provider must be completed in its entirety and must include:

(A) A completed Form PS-1;

(B) The original Form PS-6 completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program.

(C) If currently employed, a completed Form PS-20. Temporary Work Permits will not be issued to armed private security professionals or private security instructors;

(D) A completed Form PS-27 affirming moral fitness and professional standards;

(E) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500;

(F) Individuals applying to add private security instructor certification must submit a resume demonstrating they meet the instructor prerequisites as described in OAR 259-060-0135.

(G) Individuals currently certified as an unarmed private security professional applying to add armed private security certification must have in their possession a copy of the Form PS-6 and the Form PS-23 (Change of Information) while performing the duties of an armed private security professional until a new certificate is received.

(d) The application packet for upgrading from unarmed private security professional to an armed private security professional must be completed in its entirety and must include:

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(A) A completed Form PS-1;

(B) The original Form PS-6 completed as prescribed by OAR 259-060-0060, documenting completion of the training required in these rules. Applicants enrolled in an accredited private security program at the time of application will submit the Form PS-6 upon completion of the program;

(C) A completed Form PS-27 affirming moral fitness and professional standards; and

(D) Nonrefundable certification or licensure fees as prescribed by OAR 259-060-0500;

(E) Individuals currently certified as an unarmed private security professional applying to upgrade to armed private security certification must have in their possession a copy of the Form PS-6 and the Form PS-23 (Change of Information) while performing the duties of an armed private security professional until a new certificate is received.

(3) Timelines.

(a) A completed application packet must be submitted electronically or mailed and postmarked to the Department prior to the applicant performing any private security services.

(b) Renewal application documents must be received by the Department within 180 days prior to the expiration date of the certification or licensure to allow for processing of the forms and criminal history check.

(c) A late submission penalty will be assessed as prescribed in OAR 259-060-0500 if reapplying after the expiration date of the certification or licensure.

(d) Applicants renewing their certification or licensure more than four years after the expiration date of the certification or licensure must submit a new application packet in accordance with subsection (2)(a) of this rule.

(4) The Department may administratively terminate the application process if the Department is unable to complete the certification process due to non-response or non-compliance, or upon the discovery of disqualifying criminal convictions or any violation of the temporary work permit provisions, the Act or these rules.

(a) Once the application process has been administratively terminated, the applicant may not perform private security services.

(b) To re-apply, applicants will be required to re-submit an application packet with all deficiencies corrected, including new fees and proof of valid training.

(5) A Notice of Deficiency will be issued to an applicant whose application packet is determined by the Department to be incomplete or insufficient. If the deficiency is not corrected within 21 days of the date of the Notice of Deficiency, the application process will be administratively terminated.

(6) Any exception to the application process found in this rule must be approved by the Department.

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

Stat. Auth.: ORS 181A.870

Stats. Implemented: ORS 181A.870

Hist.: DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12; DPSST 12-2013, f. & cert. ef. 6-24-13; DPSST 26-2014, f. & cert. ef. 10-1-14; DPSST 8-2016, f. & cert. ef. 6-22-16; DPSST 16-2016, f. & cert. ef. 9-22-16

259-060-0600

Forms

The Department utilizes the following forms:

(1) PS-1 — Application for Licensure or Certification of Private Security Services Provider.

(2) PS-3 — Private Security Order Forms Sheet.

(3) PS-6 — Affidavit of Instructor and Private Security Provider Testing Results.

(4) PS-7 — Private Security Instructor Evaluation.

(5) PS-8 — Private Security Instructor Continuing Education.

(6) PS-9 — Private Security Waiver for Reciprocity.

(7) PS-20 — Private Security Services Provider Temporary Work Permit.

(8) PS-21 — Renewal of Private Security Services Licensure or Certification.

(9) PS-23 — Private Security Services Provider Change of Information.

(10) PS-27 — Private Security Code of Ethics.

(11) PS-30 — Reconsideration Application for Private Security Services Providers

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

Stat. Auth.: ORS 181A.870

Stats. Implemented: ORS 181A.870

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 15-2006, f. & cert. ef. 10-13-06; DPSST 30-2012, f. & cert. ef. 12-26-12; DPSST 16-2016, f. & cert. ef. 9-22-16

Rule Caption: Removes requirements for fingerprints to be submitted enclosed in a tamper-proof bag with the PI-4.

Adm. Order No.: DPSST 17-2016

Filed with Sec. of State: 9-22-2016

Certified to be Effective: 9-22-16

Notice Publication Date: 9-1-2016

Rules Amended: 259-061-0020

Subject: In July 2015, the Department of Public Safety Standards and Training established the ability for constituents to provide an electronic fingerprint submission to meet the requirements for licensure or certification. With the fingerprint submission process broadened to include submission of the fingerprints through a Department approved vendor of electronic fingerprint capture services, the need for submission of a fingerprint card and Form PI-4 (Affidavit of Person Rolling Fingerprints) in a sealed tamper-proof bag to the department was eliminated.

The rule changes for in OAR 259-061-0020 (Application for Private Investigator Licensure) remove the requirement to submit fingerprints enclosed in a tamper proof bag with a Form PI-4 (Affidavit of Person Rolling Fingerprints).

Rules Coordinator: Jennifer Howald—(503) 378-2432

259-061-0020

Application for Private Investigator Licensure

(1) All applicants for licensure must meet all minimum standards for licensure as described in OAR 259-061-0040.

(2) Applications for new licensure as an investigator must include:

(a) A completed Form PI-1 (Application for Licensure);

(b) Fingerprints submitted to the Department on a standard applicant fingerprint card or through a Department approved vendor of electronic fingerprint capture services. The Department will supply pre-printed FBI fingerprint cards. If a fingerprint card is rejected twice by the Federal Bureau of Investigation (FBI), the applicant may be charged a fee for a third submittal of a fingerprint card.

(c) Proof of a corporate surety bond, an irrevocable letter of credit issued by an Oregon commercial bank as defined in ORS 706.008, or errors and omission insurance in the amount of at least \$5,000;

(A) Bonds and letters of credit must have the applicant's name listed as the principal.

(B) Proof of surety bonds must be submitted on a Department-approved form and will not be valid for the purposes of licensure unless filed with the Department within 60 days of the signature on the bond.

(C) An irrevocable letter of credit submitted to the Department is subject to approval by the Department prior to the issuance of a license.

(D) Errors and Omission insurance must have the applicant's name listed on the Certificate of Liability or include a letter from the employing agency or insurance company confirming the applicant is covered as an employee.

(d) Two identical, passport-quality photographs for identification;

(A) Photographs must be in color with a solid-colored background and must be a cropped head shot. The applicant's face must be clearly visible and free from shadows or other obstacles. Photocopies will not be accepted.

(B) The applicant's head in the photograph must be no more than 1" wide and 1.25" high.

(C) Photographs must have been taken not more than six months prior to filing of the application for licensure.

(D) Photographs may be submitted to the Department digitally in the format prescribed on the Form PI-1.

(e) A completed Form PI-27 (Investigator Professional Code of Ethics) affirming moral fitness and professional standards; and

(f) Three professional letters of reference, none of which may be from a person who is related to the applicant by blood or marriage.

(g) Proof of a passing score on the Private Investigator Proficiency Exam administered by the Department.

(h) Non-refundable application fees as prescribed by OAR 259-061-0010.

(3) Applications for renewing licensure as an investigator must include:

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(a) A Form PI-21 (Investigator Renewal Application) completed in its entirety;

(b) A completed Form PI-6 (Continuing Education Summary.)

(c) Two identical, passport-quality photographs for identification in accordance with subsection (2)(d) of this rule.

(d) A completed Form PI-27 (Investigator Professional Code of Ethics) affirming moral fitness and professional standards; and

(e) Proof of a corporate surety bond, an irrevocable letter of credit issued by an Oregon commercial bank as defined in ORS 706.008, or errors and omission insurance in the amount of at least \$5,000 in accordance with this rule; and

(f) Non-refundable renewal application fees as prescribed by OAR 259-061-0010.

(4) Timelines.

(a) A completed application packet must be mailed to the Department and postmarked prior to the applicant performing any investigatory work.

(b) Renewal application documents must be received by the Department within 90 days prior to the expiration date of the licensure to allow for processing of the forms and criminal history check.

(c) A late submission fee will be assessed as prescribed by OAR 259-061-0010 if reapplying after the license expiration date of the licensure.

(d) Applicants renewing their licensure more than 30 days after the expiration date of the original license must submit the following:

(A) A new application packet in accordance with subsection (2) of this rule; and

(B) A Form PI-6.

(5) Applicants for licensure who were previously licensed in Oregon must provide proof of completion of continuing education requirements or a written explanation detailing why continuing education requirements were not met and a written plan detailing how the continuing education will be made up, including a time line. The Department, at its discretion, may accept the plan in place of completed continuing education.

(6) Submission of any false information in connection with an application, supporting documentation or attachments for a license or registration may be grounds for discipline, criminal penalty, or civil penalty.

(7) The Department may administratively terminate the application process, upon written notification to the applicant, for any of the following reasons:

(a) The Department has reason to believe that the applicant has committed an act that constitutes ground for denial of a license as described in OAR 259-061-0040. The termination of an application due to criminal conviction disqualification is subject to the contested case procedures set forth in 259-061-0300;

(b) The application or any required documentation is incomplete or the Department is unable to satisfactorily verify application information due to non-response or non-compliance of the application;

(c) The fingerprint cards of an applicant have been rejected and returned by the Oregon State Police or Federal Bureau of Investigation;

(8) The Department may administratively terminate the application process after exhausting the following efforts:

(a) A letter will be mailed by the Department to the applicant at the last known mailing address identifying the deficiencies in the application process. The applicant will have 21 calendar days from the date of the mailing to notify the Department that the deficiencies are corrected. The Department may extend the time for compliance upon good cause shown by the applicant.

(b) If the Department is unable to determine a current address for the application, or if the applicant does not respond and correct the deficiencies within 21 calendar days, or such additional time authorized by the Department, the Department will list the applicant's status as "administratively terminated." The Department will notify the applicant at the last known address that the Department has administratively terminated the application process.

(c) Once the application process has been administratively terminated, the applicant must reapply by submitting a new completed application packet with all deficiencies corrected, including new fees and proof of valid training.

(9) Any exception to the application process found in this rule must be approved by the Department.

Stat. Auth.: ORS 703.480

Stats. Implemented: ORS 703.401, 703.405, 703.415, 703.425, 703.430, 703.435, 703.445, 703.447, 703.450, 703.460, 703.465, 703.470, 703.473, 703.480, 703.993 & 703.995

Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06; DPSST 2-2013, f. & cert. ef. 1-2-13; DPSST 14-2013, f. & cert. ef. 6-24-13; DPSST 17-2016, f. & cert. ef. 9-22-16

Department of Revenue Chapter 150

Rule Caption: Marijuana Tax: Establishes permanent rules for marijuana tax and medical marijuana cardholder tax exemption provisions.

Adm. Order No.: REV 75-2016

Filed with Sec. of State: 9-28-2016

Certified to be Effective: 10-1-16

Notice Publication Date: 8-1-2016

Rules Adopted: 150-475-2080, 150-475-2090

Rules Repealed: 150-475B.705(T)

Rules Ren. & Amend: 150-475B.720 to 150-475-2050

Subject: 150-475-2080 - Makes permanent retailer receipting requirements so that the department can administer the refund provisions in ORS 475B.740, if tax rates change.

150-475-2090 - Establishes procedures for marijuana retailers to verify validity of medical marijuana tax exemptions.

150-475B.705 Temporary - Will be replaced by permanent rule 150-475-2080 effective 10-1-2016.

150-475B.720 amended and renumbered to 150-475-2050 - Modifies existing model recordkeeping rule to include provisions relating to retention of medical marijuana tax exemption information.

Rules Coordinator: Lois Williams—(503) 945-8029

150-475-2050

Model Recordkeeping and Retention Regulation (Marijuana Tax)

(1) Definitions. For purposes of this rule, these terms shall be defined as follows:

(a) "Database Management System" means a software system that controls, relates, retrieves, and provides accessibility to data stored in a database.

(b) "Electronic Data Interchange" or "EDI technology" means the computer-to-computer exchange of business transactions in a standardized structured electronic format.

(c) "Hard copy" means any documents, records, reports or other data printed on paper.

(d) "Machine-sensible record" means a collection of related information in an electronic format. Machine-sensible records do not include hard-copy records that are created or recorded on paper or stored in or by an imaging system such as microfilm, microfiche, or storage-only imaging systems.

(e) "Storage-only imaging system" means a system of computer hardware and software that provides for the storage, retention and retrieval of documents originally created on paper. It does not include any system, or part of a system, that manipulates or processes any information or data contained on the document in any manner other than to reproduce the document in hard copy or as an optical image.

(f) "Marijuana retailer" has the meanings given under ORS 475B.015 and OAR 150-475-2010.

(g) "Marijuana items" includes all categories in ORS 475B.705.

(h) "Medical marijuana card" means a valid registry identification card under ORS 475B.415 or a valid identification card under ORS 475B.415(5)(b).

(i) "Seed-to-sale tracking system" is the system developed and maintained by the Oregon Liquor Control Commission under ORS 475B.150.

(2) Recordkeeping Requirement — General:

(a) A marijuana retailer must maintain all records and any information and data required to be entered into the seed-to-sale tracking system that are necessary to a determination of the correct tax liability under ORS 475B.700 to 475B.760. All required records shall be made available on request by the Department of Revenue or its authorized representatives as provided for in ORS 475B.720 and 475B.725.

(b) A marijuana retailer must maintain records of all tax-exempt sales of marijuana items to medical marijuana cardholders, in accordance with Section 2, Chapter 91, Oregon Laws 2016. These records shall include:

(A) The date of the sale;

(B) The medical marijuana card number;

(C) The taxed marijuana product category under ORS 475B.705, or the product category used in the seed-to-sale tracking system;

(D) The name of the marijuana product;

(E) The unit price of the marijuana product;

(F) The number of units sold; and

(G) The total amount of the sale.

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(c) If a marijuana retailer retains records required to be retained under this rule in both machine-sensible and hard-copy formats, the marijuana retailer shall make the records available to the department in machine-sensible format upon request.

(d) Nothing in this rule shall be construed to prohibit a marijuana retailer from demonstrating tax compliance with traditional hard-copy documents or reproductions thereof, in whole or in part, whether or not such marijuana retailer also has retained or has the capability to retain records on electronic or other storage media in accordance with this rule. However, this section shall not relieve the marijuana retailer of the obligation to comply with section (2)(c) of this rule.

(3) Recordkeeping Requirements — Machine-Sensible Records:

(a) General Requirements:

(A) Machine-sensible records used to establish tax compliance shall contain sufficient transaction-level detail information so that the details underlying the machine-sensible records can be identified and made available to the department upon request. A marijuana retailer has discretion to discard duplicated records and redundant information provided its responsibilities under this rule are met.

(B) The retained records shall be capable of being retrieved and converted to a standard record format.

(C) Marijuana retailers are not required to construct machine-sensible records other than those created in the ordinary course of business. A marijuana retailer who does not create the electronic equivalent of a traditional paper document in the ordinary course of business is not required to construct such a record for tax purposes.

(b) Electronic Data Interchange Requirements:

(A) Where a marijuana retailer uses electronic data interchange processes and technology, the level of record detail, in combination with other records related to the transactions, shall be equivalent to that contained in an acceptable paper record. The retained records should contain such information as vendor name, invoice date, product description, quantity purchased, price, amount of tax, indication of tax status, shipping detail, and any other pertinent information required by the department. Codes may be used to identify some or all of the data elements, provided that the marijuana retailer provides a method which allows department to interpret the coded information.

(B) The marijuana retailer may capture the information necessary to satisfy section (3)(b)(A) of this rule at any level within the accounting system and need not retain the original EDI transaction records provided the audit trail, authenticity, and integrity of the retained records can be established. For example, a marijuana retailer using electronic data interchange technology receives electronic invoices from its suppliers. The marijuana retailer decides to retain the invoice data from completed and verified EDI transactions in its accounts payable system rather than to retain the EDI transactions themselves. Since neither the EDI transaction nor the accounts payable system captures information from the invoice pertaining to product description and vendor name (i.e., they contain only codes for that information), the marijuana retailer also retains other records, such as its vendor master file and product code description lists and makes them available to the department. In this example, the marijuana retailer need not retain its EDI transaction for tax purposes.

(c) Electronic Data Processing Systems Requirements — The requirements for an electronic data processing accounting system should be similar to that of a manual accounting system, in that an adequately designed accounting system should incorporate methods and records that will satisfy the requirements of this rule.

(d) Business Process Information:

(A) Upon the request of the department, the marijuana retailer shall provide a description of the business process that created the retained records. Such description shall include the relationship between the records and the tax documents prepared by the marijuana retailer and the measures employed to ensure the integrity of the records.

(B) The marijuana retailer shall be capable of demonstrating:

(i) The functions being performed as they relate to the flow of data through the system;

(ii) The internal controls used to ensure accurate and reliable processing; and

(iii) The internal controls used to prevent unauthorized addition, alteration, or deletion of retained records.

(C) The following specific documentation is required for machine-sensible records retained pursuant to this rule:

(i) Record formats or layouts;

(ii) Field definitions (including the meaning of all codes used to represent information);

(iii) File descriptions (e.g., data set name); and

(iv) Detailed charts of accounts and account descriptions.

(4) Records Maintenance Requirements:

(a) The department recommends but does not require that marijuana retailers refer to the National Archives and Record Administration's (NARA) standards for guidance on the maintenance and storage of electronic records, such as the labeling of records, the location and security of the storage environment, the creation of back-up copies, and the use of periodic testing to confirm the continued integrity of the records.

(b) The marijuana retailer's computer hardware or software shall accommodate the extraction and conversion of retained machine-sensible records.

(5) Access To Machine-Sensible Records:

(a) The manner in which department is provided access to machine-sensible records as required in section (2)(c) of this rule may be satisfied through a variety of means that shall take into account a marijuana retailer's facts and circumstances through consultation with the marijuana retailer.

(b) Such access will be provided in one or more of the following ways:

(A) The marijuana retailer may arrange to provide the department with the hardware, software and personnel resources to access the machine-sensible records.

(B) The marijuana retailer may arrange for a third party to provide the hardware, software and personnel resources necessary to access the machine-sensible records.

(C) The marijuana retailer may convert the machine-sensible records to a standard record format specified by the department, including copies of files, on a magnetic medium that is agreed to by the department.

(D) The marijuana retailer and the department may agree on other means of providing access to the machine-sensible records.

(6) Marijuana retailer Responsibility and Discretionary Authority:

(a) In conjunction with meeting the requirements of section (3) of this rule, a marijuana retailer may create files solely for the use of the department. For example, if a data base management system is used, it is consistent with this rule for the marijuana retailer to create and retain a file that contains the transaction-level detail from the data base management system and that meets the requirements of section (3) of this rule. The marijuana retailer should document the process that created the separate file to show the relationship between that file and the original records.

(b) A marijuana retailer may contract with a third party to provide custodial or management services for the records. Such a contract shall not relieve the marijuana retailer of its responsibilities under this rule.

(7) Alternative Storage Media:

(a) For purposes of storage and retention, marijuana retailers may convert hard-copy documents received or produced in the normal course of business and required to be retained under this rule to microfilm, microfiche or other storage-only imaging systems and may discard the original hard-copy documents, provided the conditions of this section are met. Documents that may be stored on these media include, but are not limited to general books of account, journals, voucher registers, general and subsidiary ledgers, and supporting records of details, such as sales invoices, purchase invoices, exemption certificates, and credit memoranda.

(b) Microfilm, microfiche and other storage-only imaging systems shall meet the following requirements:

(A) Documentation establishing the procedures for converting the hard-copy documents to microfilm, microfiche or other storage-only imaging system shall be maintained and made available on request. Such documentation shall, at a minimum, contain a sufficient description to allow an original document to be followed through the conversion system as well as internal procedures established for inspection and quality assurance.

(B) Procedures shall be established for the effective identification, processing, storage, and preservation of the stored documents and for making them available for the period they are required to be retained under section (9) of this rule.

(C) Upon request by the department, a marijuana retailer shall provide facilities and equipment for reading, locating, and reproducing any documents maintained on microfilm, microfiche or other storage-only imaging system.

(D) When displayed on such equipment or reproduced on paper, the documents shall exhibit a high degree of legibility and readability. For this purpose, legibility is defined as the quality of a letter or numeral that enables the observer to identify it positively and quickly to the exclusion of all other letters or numerals. Readability is defined as the quality of a group of letters or numerals being recognizable as words or complete numbers.

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(E) All data stored on microfilm, microfiche or other storage-only imaging systems shall be maintained and arranged in a manner that permits the location of any particular record.

(F) There is no substantial evidence that the microfilm, microfiche or other storage-only imaging system lacks authenticity or integrity.

(8) **Hard-Copy Recordkeeping Requirements:**

(a) Except as otherwise provided in this section, the provisions of this rule do not relieve marijuana retailers of the responsibility to retain hard-copy records that are created or received in the ordinary course of business as required by existing law and rules. Hard-copy records may be retained on a recordkeeping medium as provided in section (7) of this rule.

(b) If hard-copy records are not produced or received in the ordinary course of transacting business (e.g., when the marijuana retailer uses electronic data interchange technology), such hard-copy records need not be created.

(c) Hard-copy records generated at the time of a transaction using a credit or debit card shall be retained unless all the details necessary to determine correct tax liability relating to the transaction are subsequently received and retained by the marijuana retailer in accordance with this rule. Such details include those listed in section (3)(b)(A) of this rule.

(d) Computer printouts that are created for validation, control, or other temporary purposes need not be retained.

(e) Nothing in this section shall prevent the department from requesting hard-copy printouts in lieu of retained machine-sensible records at the time of examination.

(9) **Records Retention — Time Period —** All records required to be retained under this rule shall be preserved pursuant to ORS 475B.700 to 475B.760 unless the department has provided in writing that the records are no longer required.

Stat. Auth.: ORS 305.100, 475B.750

Stats. Implemented: ORS 475B.720, Sec. 2, Ch. 91, OL 2016

Hist.: REV 4-2016, f. & cert. ef. 7-1-16; Renumbered from 150-475B.720 by REV 75-2016, f. 9-28-16, cert. ef. 10-1-16

150-475-2080

Marijuana Retailer Receipt Requirements

(1) **Definitions:**

(a) For purposes of this rule, “marijuana retailer” means:

(A) A registered medical marijuana dispensary that elects to sell limited marijuana retail products, as defined under section 21, chapter 83, Oregon Laws 2016, or any employee or representative of a registered medical marijuana dispensary, between and including January 4, 2016 and December 31, 2016, or;

(B) A marijuana retailer licensed by the Oregon Liquor Control Commission, or any employee or representative of a marijuana retailer, who sells marijuana items on or after January 4, 2016.

(b) “Early Start” means the tax imposed under sections 21a and 24, chapter 699, Oregon Laws 2015.

(c) “Marijuana Retail Tax” means the tax imposed under ORS 475B.705.

(d) “Category of taxed product” means each of the marijuana items listed in ORS 475B.705(2)(a) through (g) for the Marijuana Retail Tax, and each of the limited marijuana retail products listed in section 21, chapter 83, Oregon Laws 2016, for Early Start.

(e) “Medical marijuana card” means a registry identification card held by either a patient or a designated primary caregiver, as described in ORS 475B.415.

(f) “Seed-to-sale tracking system” is the system developed and maintained by the Oregon Liquor Control Commission under ORS 475B.150.

(2) A marijuana retailer must provide customers a written or printed receipt at the point-of-sale of all marijuana items or limited marijuana retail products that includes, but is not limited to:

(a) The marijuana retailer’s business name and address;

(b) An identification of items or products on which tax was charged;

(c) The category of taxed product for each item or product sold, either as a heading for a group of items or products or as information associated with the item or product name;

(d) The total amount of the sale prior to tax;

(e) The total state tax amount;

(f) The total local tax amount, if applicable;

(g) The total cost to the customer at the point-of-sale; and

(h) An alphanumeric or numeric identification that differs on each receipt issued.

(3) Notwithstanding Section (2)(c) of this rule, a retailer may include the product category used in the seed-to-sale tracking system in place of the category of taxed product.

Stat. Auth.: ORS 305.100, 475B.750

Stats. Implemented: ORS 475B.705

Hist.: REV 75-2016, f. 9-28-16, cert. ef. 10-1-16

150-475-2090

Marijuana Retailer Requirements for Validating Medical Marijuana Cards

(1) **Definitions:**

(a) For purposes of this rule, “marijuana retailer” means a marijuana retailer licensed by the Oregon Liquor Control Commission, or any employee or representative of a marijuana retailer, who sells marijuana items on or after January 4, 2016.

(b) “Marijuana Retail Tax” means the tax imposed under ORS 475B.705.

(c) “Medical marijuana card” means a registry identification card held by either a patient or a designated primary caregiver, as described in ORS 475B.415.

(2) Marijuana retailers shall require any individual claiming exemption from the Marijuana Retail Tax to present the individual’s medical marijuana card and a valid photographic identification at the time of purchase. Acceptable valid photographic identification includes:

(a) State driver’s license;

(b) State identification card;

(c) Passport;

(d) U.S. military identification card; or

(e) Official tribal photographic identification.

(3) The marijuana retailer must confirm that the name and date of birth listed on the valid photo identification is the same as that provided on the medical marijuana card. The marijuana retailer must also confirm that the medical marijuana card is currently effective and not expired.

(4) A marijuana retailer must deny the exemption if the medical marijuana card and photographic identification of the purchaser do not meet the requirements of this rule. Purchasers may appeal the tax charged as described in OAR 150-475-2060.

(5) The marijuana retailer must retain a record of the tax-exempt purchase as described in section (2)(b) of OAR 150-475-2040.

Stat. Auth.: ORS 305.100; Sec. 2, Ch. 91, OL 2016

Stats. Implemented: Sec. 2, Ch. 91, OL 2016

Hist.: REV 75-2016, f. 9-28-16, cert. ef. 10-1-16

Department of Transportation Chapter 731

Rule Caption: Road Usage Charge Program

Adm. Order No.: DOT 3-2016

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Subject: These rule changes are to further clarify the existing administrative rules for the administration, operations and compliance of the Road Usage Charge Program. The Program is a volunteer program authorized under Chapter 781, Oregon Laws 2013 for the purpose of establishing an alternative revenue source to the state fuels tax.

Rules Coordinator: Lauri Kunze—(503) 986-3171

731-090-0000

Definitions

(1) “Account Manager” means a Certified Service Provider under ORS 319.915. It is either the Department or a Commercial Account Manager. Should the Department outsource the agency’s account management function for Road Usage Charging to an ODOT Account Manager, “Account Manager” shall include the ODOT Account Manager.

(2) “Anonymized Information” means information that does not identify or describe a person.

(3) “Anonymized Aggregated information” means aggregated information accumulated in a way that preserves the anonymity of the persons participating in the Road Usage Charge Program, and does not identify or describe a person or create travel pattern data.

(4) “Best Available Information” means any data or information that can be used to determine tax due including calculated projections or averages based on prior reports or data from other sources as determined by the Department.

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(5) "Certified Service Provider" means an entity that has entered into an agreement with the Department of Transportation under ORS 367.806 for reporting metered use by a subject vehicle or for administrative services related to the collection of per-mile road usage charges and authorized employees of the entity. For these rules, Account Manager will be used in lieu of Certified Service Provider.

(6) "Commercial Account Manager" means an entity, operating within a commercial market, which has entered into an agreement with the Department under ORS 367.806 for reporting metered use by a subject vehicle or for administrative services related to the collection of Road Usage Charges and authorized employees of the entity.

(7) "Consent" means voluntary agreement given to retain location and daily metered use beyond the period required by ORS 319.915(4) (a).

(a) A RUC Payer must provide consent to an Account Manager in a manner separate and apart from a general approval of terms and conditions. A written request by the RUC Payer for an Account Manager constitutes consent.

(b) The consent may not be presented or serve as a condition to a Road Usage Charge service agreement between the ODOT Account Manager and the RUC Payer.

(c) For consent to be valid under this rule, an Account Manager must notify the RUC Payer of the Account Manager's request to consent to retain the records, including a specific description of the information to be retained.

(8) "Delinquency" means failure to report or pay by the due date.

(9) "Express Approval" means active approval, either electronic or on paper, by a RUC Payer that identifies the entity with which Personally Identifiable Information will be shared.

(a) The RUC Payer must give express approval in a manner separate and apart from a general approval of terms and conditions with the Account Manager.

(b) For express approval of an entity to receive Personally Identifiable Information to be valid, an Account Manager must notify the RUC Payer of the request to disclose PII, including a specific description of the information to be disclosed.

(10) "Lessee" means a person that leases a motor vehicle that is required to be registered in Oregon.

(11) "Metered Use Report" means an Account Manager's periodic report of its RUC Payer's metered use of Oregon's public roads for submittal to the Department.

(12) "Metered Use Reporting Period" means the period of time for which metered use, or the miles driven, are reported by the RUC Payer to the Account Manager and by the Account Manager to the Department. The frequency of the metered use reports is determined by contract between the Department and the Account Manager.

(13) "Mileage Reporting Device" means the electronic mileage reporting mechanism that has the functionality to connect with the vehicle metering system of a subject vehicle for the purpose of data collection related to mileage reporting.

(14) "Mileage Reporting Method" is the manner in which the RUC Payer will report miles to the Account Manager. For the purposes of this Program, the method is electronic via a Mileage Reporting Device. All mileage reporting methods will be approved and certified the Department for use in the Road Usage Charge Program.

(15) "Net Road Usage Charges" means Road Usage Charges attributable to taxable miles reported less Oregon fuels tax credit, as attributed to fuel purchased in Oregon and applicable to the same reported miles.

(16) "Non-compliance Investigation" means an investigation by the Department to determine if, and to what extent, any person, including but not limited to a RUC Payer, is in compliance with the statutory provisions of the Road Usage Charge Program and associated Oregon Administrative Rules in Chapter 731, Division 90. Such investigations may include informal inquiries or a formal review of the relevant records and the mileage reporting method of the RUC Payer or Account Manager to ascertain the extent of non-compliance, if any.

(17) "Null Mileage Day" means any 24 hour period from 12:00 AM to 11:59 PM Pacific Time where no miles are reported by the subject vehicle and there is an indication of reporting error for the subject vehicle for that day.

(18) "ODOT" or "Department" means the Oregon Department of Transportation.

(19) "ODOT Account Manager" means an entity, operating in the capacity of ODOT, which has entered into an agreement with the Department under ORS 367.806 for reporting metered use by a subject

vehicle or for administrative services related to the collection of Road Usage Charges and authorized employees of the entity.

(20) "Official Tax Report" means an Account Manager's periodic report of its RUC Payer's metered use and the associated Road Usage Charge for submittal to the Department.

(21) "Official Tax Reporting Period" means a calendar quarter during which an Account Manager must file the Official Tax Report of their RUC Payer's metered use and remit the associated tax to the Department in accordance with its contractual obligation.

(22) "Personally identifiable Information" or "PII" means any information that identifies or describes a person that is obtained or developed in the course of reporting metered use by a subject vehicle or for providing administrative services related to the collection of Road Usage Charges.

(a) PII includes, but is not limited to, the person's travel pattern data, per-mile road usage charge account number, address, telephone number, electronic mail address, driver license or identification card number, registration plate number, photograph, recorded images, bank account information and credit card number.

(b) PII does not include anonymized information or anonymized aggregated information.

(23) "Registered Owner" means a person or a business, other than a vehicle dealer, that holds a certificate issued under ORS 822.020, which is required to register a motor vehicle in Oregon.

(24) "Road Usage Charge" or "RUC" means a fee charged at the statutory rate per mile driven on Oregon public roads.

(25) "Road Usage Charge Program" or "Program" means the voluntary program established by ORS 319.883 to 319.945 for paying the Road Usage Charge in lieu of the fuel tax.

(26) "RUC Payer" refers to the registered owner or lessee of a subject vehicle that voluntarily participates in the Road Usage Charge Program.

(27) "Subject Vehicle" means a motor vehicle that is the subject of an application approved pursuant to ORS 319.890.

(28) "Tax Remittance Report" means a ledger of taxes owed by and due to RUC Payers who are enrolled with the ODOT Account Manager. It is submitted by the ODOT Account Manager to the Department quarterly.

(29) "Travel Pattern Data" means location and daily metered use of a subject vehicle and data that describes a person's travel habits in sufficient detail that the person becomes identifiable either through the data itself or by combining publicly available information with the data.

Stat. Auth.: ORS 184.616, 184.619 & 319.883 - 319.990

Stats. Implemented: ORS 319.883 - 319.990

Hist.: DOT 1-2015, f. 4-21-15, cert. ef. 7-1-15; DOT 3-2016, f. & cert. ef. 9-26-16

731-090-0020

RUC Payer: Enrolling in the Program

(1) For a vehicle to be eligible for participation in the Road Usage Charge Program, the registered owner or lessee of the motor vehicle must:

(a) Have the vehicle registered in Oregon;

(b) Select a Mileage Reporting Device and an Account Manager from options certified by the Department;

(c) Complete an application with the Account Manager, on a form approved by the Department; and

(d) Equip or activate a Mileage Reporting Device within the vehicle.

(2) The registered owner or lessee of the motor vehicle must provide a minimum of the following information for the subject vehicle to the Account Manager:

(a) Vehicle identification number;

(b) Registration plate number; and

(c) Vehicle make, model and year.

(3) The Department may determine certain vehicles are ineligible for the Program if:

(a) The approval would cause the number of subject vehicles active in the Road Usage Charge Program to exceed 5,000; or

(b) The approval would cause the number of subject vehicles in the Road Usage Charge Program with a rating of less than 17 miles per gallon to exceed 1,500; or

(c) The approval would cause the number of subject vehicles in the Road Usage Charge Program with a rating of at least 17 miles per gallon but less than 22 miles per gallon to exceed 1,500; or

(d) The classification of the vehicle would exceed the requirement listed in ORS 319.890; or

(e) The vehicle does not have the capability to functionally accommodate a Mileage Reporting Device.

(4) RUC Payers who are dissatisfied with the reporting and/or payment requirements of their selected Account Manager may un-enroll from the Program and re-enroll in the Program with another Account Manager.

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Reenrollment is contingent upon the RUC Payer being in good standing with the previous Account Manager.

(5) At the discretion of the Department, the Department may issue emblems to selected RUC Payers who have use fuel vehicles enrolled in the Program, with the permission or at the request of the RUC Payer.

Stat. Auth.: ORS 184.616, 184.619 & 319.883 - 319.990

Stats. Implemented: ORS 319.915

Hist.: DOT 1-2015, f. 4-21-15, cert. ef. 7-1-15; DOT 3-2016, f. & cert. ef. 9-26-16

731-090-0030

RUC Payer: Mileage Calculation

(1) The Account Managers shall collect road usage data by methods approved and certified by the Department. The Department will authorize the following methods for collecting road usage data:

(a) Mileage reporting that uses vehicle location capability (Advanced); or

(b) Mileage reporting that contains no vehicle location capability (Basic); or

(c) Mileage reporting that alternates between Basic and Advanced functionality at the RUC Payer's discretion (Switchable).

(2) For any subject vehicle that incurs more than 10 null mileage days in a calendar year, the RUC Payer may be assessed a Road Usage Charge for any null mileage days. The null mileage day calculation process is determined by the agreement between the RUC Payer and the Account Manager.

(3) For any Road Usage Charge assessed for null mileage days, the RUC Payer may request abatement of part or all of the assessment and submit information supporting the request to the Account Manager.

(4) Gaps in RUC Payer data reporting will be reviewed by the Department. How to resolve and account for gaps in RUC Payer data reporting will be determined in contractual documents between the Department and the Account Managers.

(5) Tax liability begins on the day the Mileage Reporting Device is installed in the vehicle and activated for the purposes of collected the Road Usage Charge. Tax liability ends on the day the RUC Payer informs their Account Manager, in the manner prescribed by the Account Manager, that they want to leave the program.

(6) RUC Payer information, supplied to the Department by the Account Manager, may be reviewed by the Department. If the Department finds that Road Usage Charge or fuels tax credits were incorrectly or insufficiently calculated, the Department may adjust the account, which will result in an invoice or a refund. RUC Payers are expected to pay invoices resulting from a Departmental review within 30 days, or the Department may assess interest at the rate of 1 percent per month as well as a 10 percent late penalty fee for delinquent payments.

Stat. Auth.: ORS 184.616, 184.619 & 319.883 - 319.990

Stats. Implemented: ORS 319.915

Hist.: DOT 1-2015, f. 4-21-15, cert. ef. 7-1-15; DOT 3-2016, f. & cert. ef. 9-26-16

731-090-0040

RUC Payer: Reporting and Payment

(1) All RUC Payers, or the Account Manager that reports on their behalf, must report and pay the Road Usage Charge for their subject vehicles.

(2) All RUC Payers must report all miles subject to the Road Usage Charge during a Metered Use Reporting Period to their Account Manager. The Mileage Reporting Device must be configured to report metered use at least once a month.

(3) RUC Payers who have paid Oregon fuels tax will receive a credit to be applied against their Road Usage Charge. If the subject vehicle's Mileage Reporting Device is unable to calculate actual fuel consumption, the Account Manager will use the Combined Fuel Economy Rating for the vehicle as determined by the United States Environmental Protection Agency, or other best source.

(4) If the RUC Payer is an emblemed use fuel user with the Department's Fuels Tax Group, then the Department will assume that the RUC Payer is only fueling with tax-exempt fuel, and is therefore not entitled to a fuels tax credit to be applied against their road usage charge.

(5) The following will apply to RUC Payers who select the Department or the ODOT Account Manager for reporting their miles traveled and paying their Road Usage Charges:

(a) The ODOT Account Manager or the Department will invoice or refund the Net Road Usage Charge once the account threshold has exceeded 20 dollars, and the calendar quarter end has been reached.

(b) The Department will assess interest at the rate of 1 percent per month as well as a 10 percent late penalty fee for delinquent payments.

Delinquency is defined as 45 days past the due date. This penalty may be waived at the discretion of the Department.

(6) The following will apply to RUC Payers who select a Commercial Account Manager for reporting their miles and paying their Road Usage Charges:

(a) The Commercial Account Manager will invoice or refund the Net Road Usage Charge per their agreement with the RUC Payer.

(b) The Commercial Account Manager shall assess penalties and interest for delinquent payments as established in their agreement with the RUC Payer.

Stat. Auth.: ORS 184.616, 184.619 & 319.883 - 319.990

Stats. Implemented: ORS 319.915

Hist.: DOT 1-2015, f. 4-21-15, cert. ef. 7-1-15; DOT 3-2016, f. & cert. ef. 9-26-16

731-090-0070

RUC Payer: Refunds for Out of State Mileage/Non-Public Road Mileage

(1) Any RUC Payer who has been assessed Road Usage Charges for miles operated off of public roads, or roads outside of Oregon, or otherwise has overpaid the Road Usage Charge, may request a refund from the Department on a form prescribed by the Department. The Department will determine, on a case by case basis, what travel is eligible for refund.

(2) The refund request may be no later than 15 months after the date on which the RUC Payer pays the Road Usage Charge for which a refund is claimed.

(3) Refund requests must be accompanied by information acceptable to the Department to support the refund claim. Acceptable information may include, but is not limited to, odometer readings, vehicle trip records indicating out-of-state or non-public road usage of the vehicle, and other documentation supporting a claim. RUC Payers that do not maintain and report this information will not be entitled to a refund.

(4) RUC Payers may use daily metered use and location data, as captured by the Mileage Reporting Device, to support their refund claim, only if the Mileage Reporting Device has the capability to differentiate between public and non-public road usage and/or out of state miles, to a degree acceptable to the RUC Payer, and the RUC Payer has requested in writing that their Account Manager maintain this data past timeframes established in ORS 319.915.

(5) Refund checks will be issued by the Department in January for refunds accrued during the previous calendar year.

Stat. Auth.: ORS 184.616, 184.619 & 319.883 - 319.990

Stats. Implemented: ORS 319.280, 319.831 319.885, 319.890, 319.900, 319.905 & 319.910

Hist.: DOT 1-2015, f. 4-21-15, cert. ef. 7-1-15; DOT 3-2016, f. & cert. ef. 9-26-16

731-090-0080

Commercial Account Managers

(1) Commercial Account Managers shall provide Metered Use Reports to the Department on intervals as defined in contract.

(2) Official Tax Reports and payments from Commercial Account Managers of aggregate Road Usage Charges, including charges not yet remitted by enrolled RUC payers for the Official Tax Reporting Period, will be due to the Department on or before the 20th day following the end of the calendar quarter. The Commercial Account Manager is liable for the tax accumulated by its enrolled RUC Payers.

(3) Reports and payments that are not reported in compliance with this section will be assessed penalties and interest as per the contract with the Commercial Account Manager.

(4) The Department may waive the late payment charges and interest at its discretion based on individual circumstances for good cause shown.

(5) The Department may, at any time during normal business hours, examine the financial records of a Commercial Account Manager, which are applicable to Road Usage Charge collections, including any entities with which the Commercial Account Manager has partnered, sub-contracted or otherwise engaged to provide any aspect of the Commercial Account Manager's Road Usage Charge services for the Department. This includes examination of physical ledgers, documents and account information as well as access to electronic records, financial systems or any other type of records the Department deems necessary to ensure the integrity of the collection process, in compliance with ORS Chapter 319.

(6) Commercial Account Managers will make financial records available to the department at a location in Oregon. Commercial Account Managers who fail to make records available for inspection are subject to assessment of under-paid Road Usage Charges based on Best Available Information, subsequent collection action and possible cancellation of the Commercial Account Manager's agreement with the Department according to the terms of that agreement.

Stat. Auth.: ORS 184.616 & 184.619

Stats. Implemented: ORS 319.900, 319.885, 319.905 & 319.910

Hist.: DOT 1-2015, f. 4-21-15, cert. ef. 7-1-15; DOT 3-2016, f. & cert. ef. 9-26-16

ADMINISTRATIVE RULES

731-090-0090

ODOT Account Manager

(1) The Department may outsource the agency's account management function for the Road Usage Charging to an ODOT Account Manager.

(2) The ODOT Account Manager shall provide Metered Use Reports to the Department on intervals as defined in contract.

(3) Official Tax Reports and associated Tax Remittance Report from the ODOT Account Manager will be due to the Department on or before the 20th day following the end of the calendar quarter.

(4) Official Tax Remittance from the ODOT Account Manager of aggregate Road Usage Charges, which have already been invoiced and paid by the RUC Payer to the ODOT Account Manager, will be due to the Department as soon as payment is made by the RUC Payer. RUC Payers enrolled with the ODOT Account Manager are ultimately liable for the tax.

(5) Reports and payments that are not reported in compliance with this section will be assessed penalties and interest as per the contract with the ODOT Account Manager.

(6) The Department may waive the late payment charges and interest at its discretion for good cause shown.

(7) The Department may, at any time during normal business hours, examine the financial records of the ODOT Account Manager, which are applicable to Road Usage Charge collections, including any entities with which the ODOT Account Manager has partnered, sub-contracted or otherwise engaged to provide any aspect of the Account Manager's Road Usage Charge services for the Department. This includes examination of physical ledgers, documents and account information as well as access to electronic records, financial systems or any other type of records the Department deems necessary to ensure the integrity of the collection process, in compliance with ORS Chapter 319.

(8) The ODOT Account Manager will make financial records available to the department at a location in Oregon. Account Managers who fail to make records available for inspection are subject to assessment of underpaid Road Usage Charges based on Best Available Information, subsequent collection action and possible cancellation of the ODOT Account Manager's agreement with the Department according to the terms of that agreement.

Stat. Auth.: ORS 184.616 & 184.619

Stats. Implemented: ORS 319.900, 319.885, 319.905 & 319.910

Hist.: DOT 1-2015, f. 4-21-15, cert. ef. 7-1-15; DOT 3-2016, f. & cert. ef. 9-26-16

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

Rule Caption: Driving Privileges - Application, Testing, Qualifications, Restrictions and Relating Provisions for Commercial and Non-Commercial Privileges

Adm. Order No.: DMV 4-2016

Filed with Sec. of State: 9-22-2016

Certified to be Effective: 9-26-16

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Rules Adopted: 735-062-0001, 735-062-0087, 735-063-0200, 735-063-0250, 735-063-0260, 735-063-0270, 735-063-0280, 735-063-0300, 735-063-0370

Rules Amended: 735-010-0030, 735-016-0060, 735-016-0070, 735-062-0002, 735-062-0005, 735-062-0007, 735-062-0016, 735-062-0030, 735-062-0032, 735-062-0070, 735-062-0080, 735-062-0090, 735-062-0110, 735-062-0125, 735-062-0300, 735-062-0310, 735-062-0330, 735-064-0220, 735-064-0230, 735-064-0235

Rules Repealed: 735-062-0075, 735-062-0150, 735-062-0200

Rules Ren. & Amend: 735-062-0190 to 735-063-0290, 735-062-0210 to 735-063-0310, 735-063-0000 to 735-063-0205, 735-063-0050 to 735-063-0210, 735-063-0060 to 735-063-0220, 735-063-0065 to 735-063-0230, 735-063-0067 to 735-063-0340, 735-063-0070 to 735-063-0240, 735-063-0075 to 735-063-0350, 735-063-0130 to 735-063-0360, 735-063-0180 to 735-063-0380, 735-070-0185 to 735-063-0320, 735-070-0190 to 735-063-0330

Subject: Effective September 26, 2016, DMV will issue a Commercial Learner Permit (CLP) in accordance with ORS 807.285 and 49 CFR 384.204. The eligibility requirements, qualifications, testing procedures, endorsements and restrictions to be issued a CLP or commercial driver license -CDL- are different than those necessary to be issued a Class C non-commercial instruction permit, driver

license, driver permit or identification card. Therefore, this rule-making attempts to clearly delineate those differences by separating provisions of administrative rules that are specific to commercial driving privileges and consolidate them into OAR chapter 735, division 63, and removing provisions specific to commercial driving privileges from chapter 735, division 62. The expanded OAR chapter 735, division 63, also includes details regarding violations committed when operating a commercial motor vehicle or holding commercial driving privileges, sanctions, and options to regain commercial driving privileges. Once a person is issued a CLP, that person has commercial driving privileges and is subject to the various provisions of having commercial driving privileges the same as a person who has a CDL. Therefore, the term "commercial driving privileges" is used consistently throughout these rules.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-010-0030

Types of Driver and Identification Card Records Available and Their Fees

This rule specifies the types of driver records available from DMV's driver records database and the fee amounts for the records:

(1) Abstract of Employment Driving Record — Computer-produced record of an individual's employment driving record. The record includes employment-related accidents, suspensions and convictions for violation of motor vehicle laws, as set forth in ORS 802.200(9). The record covers the three-year period preceding the date of the request. Miscellaneous administrative entries may also be included as determined by DMV. The record does not include convictions for offenses that result in a mandatory revocation or suspension under ORS 809.409, 809.411, 809.413 and 813.400. The record will include information of a positive drug test result, posted in accordance with ORS 825.412, only if the requestor provides written permission from the person who was subject to the drug test. The fee for each record is:

(a) \$2 for a certified record ordered by mail or through DMV's Interactive Voice Response System (IVR);

(b) \$2 for an uncertified record provided through the Driving Record Web Service;

(c) A \$1.50 search fee for any record requested under this subsection but not found in DMV's driver records database.

(2) Abstract of Non-employment Driving Record — Computer-produced record of an individual's non-employment driving record. The record includes motor vehicle accidents, convictions for violations of motor vehicle laws, other than those included in the employment driving record, and DUII diversion agreements for the three years preceding the date of the record request. The record also includes suspensions, revocations or cancellations of driving privileges, except those suspensions where DMV has received notice to reinstate the person's driving privileges under ORS 809.220. Miscellaneous administrative entries may also be included as determined by the department. The fee for each record is:

(a) \$1.50 for a certified record ordered by mail or through IVR;

(b) \$2 for an uncertified record provided through the Driving Record Web Service.

(c) A \$1.50 search fee for any record requested under this subsection but not found in DMV's driver records database.

(3) Insurance Abstract of Non-employment Driving Record — Computer-produced record containing certain entries of an individual's non-employment driving record as described in section (2) of this rule. The record includes motor vehicle accidents, convictions for violations of motor vehicle laws, other than those included in the employment driving record, DUII diversion agreements and suspensions, revocations or cancellations of driving privileges, except those suspensions where DMV has received notice to reinstate the person's driving privileges under ORS 809.220. This record is available only to insurers or insurance support organizations. An individual may request his or her own insurance abstract to obtain an insurance discount under ORS 746.265(3). The fee for each record is:

(a) \$1.50 for a certified record ordered by mail;

(b) A \$1.50 search fee for any record requested under this subsection but not found in DMV's driver records database.

(4) Driver License Information Report — Information on the report includes driver name, address, license number, license type, license expiration date, license restrictions, license issue date and status of license. Driver license information may be provided orally or by computer-produced certified print. The fee for each report is:

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(a) \$1.50 for a computer-produced certified report or for an oral report from a DMV employee requested in person or over the phone. Information over the phone will only be provided to a record account holder. DMV will charge a search fee of \$1.50 for any information requested under this paragraph but not found in DMV's driver records database;

(b) \$1.20 for a report obtained through IVR. DMV will charge a search fee of \$1.20 for any information requested under this paragraph but not found through IVR.

(5) Identification Card (ID card) Information Report — Information on the report includes ID card holder's name, address, ID card number, ID card expiration date, issue date, and status of ID card. ID card information may be provided orally through IVR or by computer-produced certified print. The fee for each report is:

(a) \$1.50 for a computer-produced certified report or for an oral report from a DMV employee requested in person or over the phone. Information over the phone will only be provided to a record account holder. DMV will charge a search fee of \$1.50 for any information requested under this paragraph but not found in DMV's records database;

(b) \$1.20 for a report obtained through IVR. DMV will charge a search fee of \$1.20 for any information requested under this paragraph but not found in IVR.

(6) Oregon Police Traffic Crash Report — The fee for a copy of an Oregon Police Traffic Crash Report is \$9.50 for a certified copy or \$8.50 for an uncertified copy. DMV will charge a search fee of \$8.50 for an Oregon Police Traffic Crash Report that is requested but not found.

(7) Driver License/ID Card Application History — The fee for a person's application history which includes copies of any application for an original, renewal or duplicate driver license or ID card is \$18.50 for a certified history or \$17.50 for an uncertified history.

(8) Miscellaneous Driver Document Copy — Copies of any document or transaction related to a person's driving record, driver license, or driving privilege. The fee for a miscellaneous driver document is \$5 for a certified copy or \$4 for an uncertified copy.

(9) Driver Purged File History — Computer-produced print containing all entries shown on the computer file for a driver, except those entries exempted under the Oregon Public Records Law, ORS 192.410 to 192.505. The fee for a driver purged file history is \$2. DMV will charge a search fee of \$1.50 for any driver file requested under this subsection but not found in DMV's driver records database.

(10) Court Print — Computer-produced record of an individual's employment and non-employment driving record. The record includes convictions for major traffic offenses, DUII diversion agreements and any alcohol rehabilitation entries for the ten years preceding the date of the request, and convictions for minor traffic offenses and motor vehicle accidents for the five years preceding the date of the request. The record also includes suspensions, cancellations, revocations and miscellaneous administrative entries, but does not include information exempt from disclosure under the Oregon Public Records Law. Court Print with CDL Medical Certification — Computer-produced record of a person considered to hold commercial driving privileges under ORS 807.018, employment and non-employment driving record as described above. The record also includes medical certification data that shows if the holder of commercial driving privileges is medically qualified to drive commercial motor vehicles. The fee for each record is:

(a) \$3 for a certified print ordered by mail, through IVR or through the Automated Reporting Service (A.R.S.);

(b) \$2 for a record accessed through the Driving Record Web Service;

(c) A \$1.50 search fee for any record requested under this subsection but not found in DMV's driver records database.

(11) Suspension Package — Certified court print and certified copies of any of the following documents needed for a court proceeding: a suspension, revocation or cancellation notice; returned envelope, signed receipt, or affidavit showing service of the notice; hardship permit application; license restrictions; or any letter sent by DMV informing the person of a suspension, revocation or cancellation. The fee for a suspension package is \$11.50. There is a \$1.50 search fee if a court print requested under this subsection cannot be found in DMV's driver records database;

(12) Driver Records List — Computer produced list of driver names, addresses or other record information created using selection criteria. For example, the selection criteria may be the names and addresses of all licensed drivers of a specific age group. The following apply to a request for a driver records list:

(a) The requester must describe how the list will be used. If the purpose of the list is for bulk distribution, as defined in OAR 735-010-0008,

the list will only include individuals who have requested that their personal information be provided to bulk distributors.

(b) DMV's computer system must be programmed to use the selection criteria requested. If the selection criteria requested requires additional computer programming, DMV will not provide the list unless DMV computer programming resources are available and the requester pays the actual programming costs as set forth in OAR 735-010-0000.

(c) The fee for a driver records list furnished via File Transfer Protocol Secure (FTPS) is \$700.

(13) Purged Driver Record Information — Copy of a microfilmed driving record containing entries that have been purged from DMV's driver records database. The fee for a purged information driving record is \$2.50 for a certified copy or \$1.50 for an uncertified copy.

(14) Insurance Information Search — A search of DMV records to identify the insurance company and policy number for a vehicle or individual. This information may be provided orally by a DMV employee if requested in person or over the phone or by letter from DMV. The fee for an insurance information search is \$10, regardless of whether the information is actually found in DMV records.

(15) Automated Reporting Service (A.R.S) — A court print sent automatically to an enrolled record account holder when an accident, conviction, DUII diversion or suspension, revocation or cancellation is posted to a listed individual's driving record. The fee for an A.R.S. court print is \$3.00. If the account holder requests that DMV add or delete an individual from A.R.S. there is a \$2.00 fee. There is no fee to add or delete an individual if the record account holder uses DMV's online system.

Stat. Auth.: ORS 184.616, 184.619, 192.440, 802.010, 802.179, 802.183, 802.200, 802.220 & 802.230

Stats. Implemented: ORS 802.200, 746.265, 802.230, 802.220 & 825.412

Hist.: MV 10-1984, f. 6-29-84, ef. 7-1-84; MV 8-1985, f. & ef. 8-1-85; MV 20-1987, f. 9-21-87, ef. 10-1-87; Administrative Renumbering 3-1988, Renumbered from 735-032-0035; MV 44-1989, f. & cert. ef. 10-16-89; MV 15-1990, f. 8-30-90, cert. ef. 9-1-90; MV 12-1992, f. & cert. ef. 10-16-92; DMV 16-1998, f. 12-17-98, cert. ef. 1-1-99; DMV 20-2001, f. & cert. ef. 10-18-01; DMV 1-2002, f. & cert. ef. 1-17-02; DMV 5-2005, f. & cert. ef. 2-16-05; DMV 16-2009, f. 9-29-09 cert. ef. 10-1-09; DMV 1-2012, f. 1-27-12, cert. ef. 1-30-12; DMV 6-2012, f. & cert. ef. 6-27-12; DMV 11-2013, f. & cert. ef. 9-24-13; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-016-0060

When Proof of Residency or Domicile Is Required

(1) DMV may require proof that a person or business entity is eligible to obtain or renew a driver license, driver permit, identification card or to register or renew a vehicle in Oregon. Proof may be required when DMV has reason to believe a person or business entity is not a resident of or domiciled in this state.

(2) When a person applies for an Oregon driver license, driver permit or identification card, proof of residency or domicile may be required if:

(a) A person provides information that he or she currently resides somewhere other than Oregon;

(b) A person has no actual residence address, or

(c) A person wants to use an out-of-state residence address, out-of-state mailing address, or both.

(3) When a person applies for vehicle registration or renewal of vehicle registration, proof of residency or domicile may be required if:

(a) The person does not hold an Oregon driver license, driver permit or identification card;

(b) The person's residence address is not in Oregon; or

(c) The person has no actual residence address.

(4) In addition to sections (2) and (3) of this rule, DMV may at any time require proof of residency or domicile for a driver license, permit, identification card or vehicle registration, including, but not limited to the following:

(a) If a business entity provides only an out-of-state business address and does not provide an Oregon address of its established place of business, main office, branch office or warehouse facility;

(b) If DMV receives a complaint or other information that suggests that a person or business entity:

(A) Is or may be a resident of another state;

(B) Used a false address or an address that is not their residence or business address when applying for a driver license, driver permit, identification card or vehicle registration; or

(C) Has applied for registration or renewal or registered a vehicle which is not eligible for Oregon registration;

(c) If the address provided to DMV as a residence or business address is known or determined by DMV to be that of a service provider, such as a mail service;

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(d) If the residence or business address provided to DMV is determined by DMV to generally be used as a temporary residence, such as a motel, homeless shelter or campground;

(e) If the address provided to DMV is determined by DMV to be an address that has been used by multiple applicants for a driver license, driver permit, identification card or vehicle registration; or

(f) If DMV receives information that a person or business entity is engaged in applying for vehicle registration or assisting in such application in Oregon when the vehicle is not qualified or eligible for Oregon registration and DMV has identified a vehicle(s) for which an application has been submitted or for which registration was obtained as a result of the person's or business entity's action.

Stat. Auth.: ORS 184.616, 184.619, 803.350, 803.370, 807.050, 807.062 & 821.080
Stats. Implemented: ORS 802.500, 802.520, 803.200, 803.325, 803.350, 803.355, 803.360, 803.370, 807.010, 807.040, 807.045, 807.050, 807.062, 807.400, 821.080 & 826.033
Hist.: DMV 7-1999, f. & cert. ef. 12-17-99; DMV 24-2001, f. 12-14-01, cert. ef. 1-1-02; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-016-0070

Proof of Residency or Domicile

(1) DMV will accept the following as proof of residency or domicile to obtain or renew a driver license, driver permit, identification card or to register or renew a vehicle in Oregon:

(a) A residence address in Oregon where the applicant physically resides that is not the address of a service provider as defined in OAR 735-010-0008; or

(b) A true copy of the Oregon income tax return filed with the Oregon Department of Revenue for the previous tax year, showing the person is a permanent or part-year Oregon resident. For purposes of this subsection, the proof must:

(A) Include a certification by the person that the original return was filed with the Oregon Department of Revenue; and

(B) Show the person was an Oregon resident at the end of the tax year if the person was a part-year Oregon resident.

(2) If a person who resides in Oregon is not able to meet the requirements of section (1) of this rule, the person must provide DMV a certification of residency or domicile for an Oregon driver license, driver permit, identification card or vehicle registration. In addition, the person must provide at least two other forms of proof that the person is a resident of or domiciled in Oregon. Acceptable proof, under this section, includes but is not limited to:

(a) Property tax record(s), utility bills, rent receipts, a lease or rental agreement or other document that shows that the individual resides in Oregon;

(b) Enrollment records or other documentation that the person is attending an educational institution maintained by public funds and pays resident tuition fees;

(c) Motel, hotel, campground or recreational park receipts showing that the person currently resides in Oregon and has remained in Oregon for six consecutive months;

(d) A statement, dated within the last 60 days, from a relief agency or shelter that the person receives services in Oregon;

(e) Fuel receipts, motel receipts, or other documents that show the person has lived in Oregon for at least six of the last 12 months.

(f) Documents that show the person has a current bank account at a bank or credit union in Oregon and that the account has been open for 60 days or more;

(g) Any document that shows the person has received public assistance from an agency of the State of Oregon within the last year; or

(h) An Oregon voter registration card.

(3) If a person is domiciled in Oregon but is not currently residing in Oregon is not able to meet the requirements of section (1) or (2) of this rule, the person must complete a certification of residency or domicile for Oregon driver license, driver permit, identification card or vehicle registration. Additionally, the person must provide proof that the person intends to return to Oregon as provided in OAR 735-016-0030(3).

(4) Examples of documentation a business entity may be required to submit in relation to Oregon vehicle registration include but are not limited to:

(a) Property tax records, utility bills, rent receipts, lease agreements or similar documents which show the business entity is currently the occupant of an office or warehouse facility in Oregon along with copies of service records, fuel receipts, garage receipts or other documents that show the vehicle(s) is currently operated in Oregon;

(b) A permit number or other information that shows the person or business holds a permit or other authority issued under ORS Chapter 825 for intrastate transportation;

(c) Storage receipts, repair bills or similar documents that show a vehicle has been left in Oregon; or

(d) Dispatch, delivery, maintenance, tax records, or other documentation that show the business' vehicles are currently housed or dispatched from a location in Oregon or are currently operating in Oregon.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.350, 803.370, 807.050, 807.062 & 821.080
Stats. Implemented: ORS 802.500, 802.520, 803.200, 803.300, 803.325, 803.350, 803.355, 803.360, 803.370, 807.010, 807.040, 807.045, 807.050, 807.062, 807.400, 821.080 & 826.033

Hist.: DMV 7-1999, f. & cert. ef. 12-17-99; DMV 24-2001, f. 12-14-01, cert. ef. 1-1-02; DMV 12-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 9-2009, f. 5-22-09, cert. ef. 6-1-09; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-062-0001

Purpose

(1) The purpose of these chapter 735, division 062, rules is to establish the various requirements for the issuance, replacement or renewal of a Class C non-commercial driver license, driver permit or identification card.

(2) A Class C non-commercial driver license is the base privilege a person must possess to be issued a commercial learner driver permit or commercial driver license. Rules in chapter 735, division 063 establish requirements and processes that are specific to the granting of commercial driving privileges. Therefore, these division 062 rules apply to the base privileges portion of a commercial driver license or commercial learner driver permit, except where specified in chapter 735, division 063.

Stat. Auth.: ORS 184.616, 184.619, 802.010

Stats. Implemented: ORS 807

Hist.: DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-062-0002

Definitions

As used in these OAR 735, division 062, rules the following definitions apply:

(1) "Biometric data" means measurements of the physical characteristics of a person's face that can be used to authenticate the identity of the person.

(2) "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services Division.

(3) "Legal presence" or "legal presence in the United States" means that a person is a citizen or permanent legal resident of the United States or is otherwise legally present in the United States under federal immigration laws.

(4) "SSA" means the Social Security Administration.

(5) "SSN" means Social Security number.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.021 & 807.050

Stats. Implemented: ORS 801.163, 802.200, 807.021, 807.024, 807.050

Hist.: DMV 16-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 20-2010, f. 11-19-10, cert. ef. 1-1-11; DMV 1-2012, f. 1-27-12, cert. ef. 1-30-12; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-062-0005

SSN — Requirements for Collection and Verification of SSN or Proof of Ineligibility for a SSN

(1) When a person who is eligible for a SSN applies for any original, renewal or replacement driver license, driver permit or identification card, the person must provide his or her SSN on the application form.

(2) A person who applies for any original, renewal or replacement non-commercial driver license or driver permit or identification card and claims to be ineligible for a SSN must provide proof that he or she is not eligible for a SSN. A person may prove his or her ineligibility for a SSN by presenting documents issued by the Department of Homeland Security or other federal agencies, which demonstrate that the person is not eligible to be assigned a SSN by the SSA. The person must also certify that he or she is ineligible for a SSN.

(3) DMV will not accept proof of ineligibility for a SSN from any applicant who presents proof of being a citizen or lawful permanent resident of the United States or proof of being legally present with authorization for employment in the United States.

(4) When an applicant provides a SSN as required by section (1) of this rule, DMV will submit the SSN to the SSA for verification, unless the applicant is a citizen or permanent legal resident of the United States whose SSN was previously verified under this rule. An applicant's SSN is verified when SSA notifies DMV that the applicant's SSN, name and date of birth are confirmed by SSA's records.

(5) Notwithstanding section (4) of this rule a SSN is not considered verified if the SSA notifies DMV that the SSN provided is inactive, invalid, impossible, not verifiable for other reasons or if there is a system error.

(6) Before issuing a temporary applicant permit as provided in OAR 735-062-0032 or 735-062-0033, DMV will require proof of the person's SSN if the SSN provided on the application is not verified as described in

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section (4) of this rule. Proof that the SSN is the one assigned to the person by the SSA may include, but is not limited to, one or more of the following documents:

- (a) Social Security Card or other SSA documentation;
 - (b) Income tax form filed with the Internal Revenue Service or a state tax agency;
 - (c) Employment document;
 - (d) Military document (DD214); or
 - (e) Any document containing full SSN acceptable as proof of legal presence or identity and date of birth as listed in OAR 735-062-0015 or 735-062-0020.
- (7) DMV will not issue, renew or replace any driver license, driver permit or identification card, except as provided in OAR 735-062-0032 and 735-062-0033, unless:

(a) The applicant has proved his or her legal presence in the United States as provided in OAR 735-062-0015, and DMV has verified the applicant's SSN as provided in section (3) of this rule; or

(b) If the applicant claims to be ineligible for a SSN, the applicant has proved his or her ineligibility for a SSN as provided in section (2) of this rule and his or her legal presence in the United States as provided in OAR 735-062-0015.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.021 & 807.050
Stats. Implemented: ORS 802.200, 807.021, 807.022 & 807.050
Hist.: MV 6-1990, f. & cert. ef. 4-2-90; DMV 11-1995, f. & cert. ef. 11-15-95; DMV 19-2003, f. 12-15-03 cert. ef. 1-1-04; DMV 2-2008(Temp), f. 1-18-08, cert. ef. 2-4-08 thru 8-1-08; DMV 16-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 27-2008, f. 12-15-08, cert. ef. 1-1-09; DMV 16-2011, f. 12-22-11, cert. ef. 1-1-12; DMV 14-2014, f. & cert. ef. 12-1-14; DMV 11-2015, f. 12-17-15, cert. ef. 1-1-16; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-062-0007

Driver Permits or Driver Licenses

(1) Before the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will issue a driver permit or driver license, the person applying for the driver permit or driver license must:

(a) Satisfy all requirements set forth in ORS 807.040 and 807.060(2)(a) if under the age of 18. For purposes of ORS 807.060 and this subsection:

- (A) "Mother" means the biological or adoptive mother of the applicant, whose parental rights have not been terminated;
- (B) "Father" means the biological or adoptive father of the applicant, whose parental rights have not been terminated; and
- (C) "Legal guardian" means an individual, or the authorized representative of an entity, private or public institution or agency appointed as guardian of the applicant by a court having jurisdiction.

(b) Satisfy all requirements set forth in ORS 807.065 and 807.066 to receive a driver license (provisional) if under 18 years of age;

(c) Provide a verifiable SSN or proof that the person is not eligible for a SSN as provided in OAR 735-062-0005;

(d) Provide proof of legal presence as provided in OAR 735-062-0015;

(e) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and OAR 735-062-0016;

(f) Provide proof of the person's identity and date of birth as provided in OAR 735-062-0020;

(g) Provide proof of the person's residence address as provided in OAR 735-062-0030;

(h) Provide proof, as provided in OAR 735-016-0070, that the person is domiciled in or a resident of Oregon;

(i) Surrender all driver permits and driver licenses in the person's possession issued outside of Oregon.

(2) A person is not eligible for driving privileges under ORS 807.060(4) or (5) and DMV will not issue or renew driving privileges or replace a driver license or driver permit if on an application for driving privileges or a replacement license or permit a person:

(a) Answers yes to the question "Do you have a vision condition or impairment that has not been corrected by glasses, contacts or surgery that affects your ability to drive safely?" and the person is unable to pass a DMV vision screening;

(b) Answers yes to the question "Do you have any physical or mental conditions or impairments that affect your ability to drive safely?";

(c) Answers yes to the question "Do you use alcohol, inhalants, or controlled substances to a degree that affects your ability to drive safely?"

(3) A person who is denied issuance or renewal of driving privileges or replacement of a driver license or driver permit under section (2) of this rule will be allowed to establish or reestablish eligibility by passing DMV examinations under ORS 807.070, by getting a determination of eligibility from the Medical Determination Officer under 807.090 or both, as deter-

mined by DMV. The requirement may be waived if DMV determines the application was completed in error and the person is eligible for driving privileges.

(4) Upon receipt of an application for a driver license or driver permit, DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System (NDR/PDPS) and the Commercial Driver License Information System (CDLIS) to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.

(5) DMV may require the applicant to provide a clearance letter in compliance with OAR 735-062-0160, indicating the applicant has valid driving privileges from any jurisdiction in which an inquiry with the National Driver Register/Problem Driver Pointer System (NDR/PDPS) or the Commercial Driver License Information System (CDLIS) indicates the applicant's driving privilege is not fully valid.

(6) DMV will not issue driving privileges to a person until his or her driving privilege is reinstated in all jurisdictions, unless the only remaining reinstatement requirement in the other jurisdiction is proof of financial responsibility. Nothing in this section prohibits DMV from issuing a regular Class C driver license to a person whose CDL driving privileges are not valid as long as the person's regular Class C or equivalent driving privileges are valid.

(7) DMV will not issue a driver license or permit to a person with a current, valid Oregon identification card (ID card). To become eligible, the person must surrender the ID card before DMV may issue the Oregon driver license or permit. If the person's ID card is lost or destroyed, the person must make a statement that the card is lost or destroyed and that it will be returned to DMV if found.

(8) A driver license issued to a person with a February 29 birth date expires:

(a) On February 29 if the expiration year is a leap year; or

(b) On March 1 if the expiration year is not a leap year.

(9) After determining that an applicant has met all requirements under this rule, DMV will issue the license or permit and mail it to the address provided by the applicant at the time of the application.

(10) After determining that an applicant has met all requirements under this rule and has provided proof of legal presence in the United States on a temporary basis, as described in OAR 735-062-0015(5), DMV will issue a limited term driver license or limited term driver permit and mail it to the address provided by the applicant at the time of the application. The expiration date of a limited term driver license or limited term driver permit is as described in ORS 807.130(3).

(11) DMV will issue a person who is a citizen of a country with a Compact of Free Association with the United States and who provides proof of legal presence as set forth in OAR 735-062-0015(4)(a), a driver license with an expiration date as described in ORS 807.130(1) or (2).

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.021, 807.040, 807.050, 807.060, 807.120, 809.310 & 807.050

Stats. Implemented: ORS 807.021, 807.040, 807.060, 807.066 & 807.130
Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0000; MV 6-1990, f. & cert. ef. 4-2-90; MV 14-1992, f. & cert. ef. 10-16-92; MV 16-1992, f. & cert. ef. 12-16-92; DMV 12-2000, f. & cert. ef. 9-21-00; DMV 3-2003, f. & cert. ef. 4-21-03; DMV 2-2005, f. 1-20-05, cert. ef. 1-31-05; DMV 27-2005, f. 12-14-05 cert. ef. 1-1-06; DMV 5-2007, f. 5-24-07, cert. ef. 8-1-07; DMV 17-2007, f. 12-24-07, cert. ef. 1-1-08; DMV 1-2008(Temp), f. 1-18-08, cert. ef. 2-4-08 thru 8-1-08; Renumbered from 735-062-0000, DMV 16-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 25-2009, f. 12-22-09, cert. ef. 1-1-10; DMV 1-2012, f. 1-27-12, cert. ef. 1-30-12; DMV 19-2013, f. 12-20-13, cert. ef. 1-1-14; DMV 14-2014, f. & cert. ef. 12-1-14; DMV 2-2016, f. & cert. ef. 4-29-16; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-062-0016

Requirements for Establishing Identity Under ORS 807.024 and Consequences of Applicant's Failure to Establish Identity

(1) An applicant for an original, renewal or replacement driver license, driver permit or identification card must submit to the collection of biometric data, as provided in ORS 807.024, for the purpose of establishing identity, unless the applicant meets the requirements of OAR 735-062-0120 or 735-062-0125.

(2) To optimize the collection of biometric data DMV will take a digital photograph of the applicant which must:

(a) Be full-faced;

(b) Clearly show the iris and pupil of each eye; and

(c) Capture the applicant's natural appearance in accordance with the requirements set forth in section (4) of this rule.

(3) Notwithstanding subsection (2)(b) of this rule, an applicant for an original, renewal or replacement driver license, driver permit or identification card may be photographed:

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(a) With his or her eyes closed if the applicant provides documentation from a licensed physician, satisfactory to DMV, that indicates that the camera flash may cause a seizure or other serious medical condition. Except for subsection (4)(b) of this rule, the person must comply with all other requirements for the digital photograph.

(b) Wearing an eye patch or eye covering if the condition that caused the wearing of the eye patch or eye covering is a permanent medical condition. Except for subsection (4)(c) of this rule, the person must comply with all other requirements for the digital photograph.

(4) To comply with Section (2) of this rule, DMV will require the applicant to:

(a) Remove any eyeglasses;

(b) Remove any contact lens that significantly changes the appearance of the applicant's eye;

(c) Remove any clothing or similar material that partially or completely covers the applicant's face;

(d) Remove any head covering, including a hat or cap, unless the head covering is for medical or religious reasons. A head covering worn for medical or religious reasons must not cover or distort the applicant's face; and

(e) Remove makeup, face paint, jewelry, sticker or other temporary substance that covers or distorts all or part of the face so as to significantly alter the applicant's natural appearance and which DMV determines is likely to affect the biometric measurements of the digital photograph.

(5) Except as provided in OAR 735-062-0120, 735-062-0125, if an applicant's identity is not established by the biometric data submitted pursuant to subsection (1) of this rule, the applicant must provide documentation or other evidence sufficient to establish the applicant's identity to the satisfaction of DMV. The documents or other evidence may include, but are not limited to, one or more of the following:

(a) Documents listed in OAR 735-062-0020 that provide proof of the applicant's identity and date of birth to the satisfaction of DMV.

(b) The applicant's SSN and proof and verification of the SSN as provided in OAR 735-062-0005.

(c) A letter from a treating physician that identifies the person and states a medical reason for the person's change in appearance, if applicable.

(d) A document or letter from a law enforcement agency verifying identity; or

(e) A court document verifying identity.

(6) DMV may make a copy of any document presented by an applicant under section (5) of this rule if a copy may assist DMV in its determination of the identity of an applicant.

(7) Except as provided in OAR 735-062-0120 and 735-062-0125, DMV will not issue a driver license, driver permit or identification card, if the applicant's identity is not established under this rule.

(8) Pursuant to ORS 809.310(3) and OAR 735-070-0004, DMV will suspend an applicant's driving privileges and the person's right to apply for driving privileges if the person fails to establish his or her identity as required by this rule and the failure to establish identity is the result of the applicant's committing any of the acts identified in ORS 809.310(3)(a) through (h).

(9) Pursuant to ORS 809.310(1), 807.400(17), and OAR 735-070-0004, DMV will cancel a driver license, driver permit or identification card issued to an applicant who fails to establish his or her identity as required by this rule when applying for the license, permit or identification card.

(10) Pursuant to ORS 809.310(2), 807.400(17), and OAR 735-070-0004, DMV will cancel a driver license, driver permit or identification card issued to an applicant who fails to establish his or her identity as required by this rule when applying for the license, permit or identification card, and the failure to establish identity is the result of the applicant's providing false information to DMV.

(11) If, based on the identification procedures required under section (1) or section (2) of this rule, DMV determines that an applicant has used different names to identify himself or herself in different applications submitted to DMV and the different names are not the result of the applicant's having legally changed his or her name, DMV may take the actions authorized by ORS 809.135.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.021 & 807.024

Stats. Implemented: ORS 807.021, 807.024, 807.400, 809.135, 809.310, 807.400 & 809.411
Hist.: DMV 16-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 13-2010, f. & cert. ef. 7-30-10; DMV 6-2011, f. & cert. ef. 6-21-11; DMV 11-2011, f. & cert. ef. 11-23-11; DMV 9-2012, f. & cert. ef. 7-19-12; DMV 4-2015, f. & cert. ef. 6-19-15; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-062-0030

Proof of Residence Address

(1) DMV requires all applicants for an original driver permit, driver license, or identification card to present proof of the applicant's current residence address. Current residence address is the address where the appli-

cant actually lives. DMV will include this address on the driver permit, driver license, or identification card. Acceptable proof includes any of the items listed in section (3) of this rule.

(2) DMV requires all applicants who apply for a renewal or replacement driver permit, driver license, or identification card to present proof of the applicant's current residence address if the applicant's address has changed since the last time the driver permit, driver license or identification card was issued or renewed. Acceptable proof includes any of the items listed in section (3) of this rule.

(3) Proof of residence address must contain the applicant's first name, last name, and current residence address and includes any of the following:

(a) Any proof of legal presence, identity and date of birth document listed in OAR 735-062-0015 and 735-062-0020.

(b) Mortgage documents or a rental or lease agreement.

(c) Monthly rental receipt or letter from a hotel, motel, campground or recreational vehicle park that permits extended stays.

(d) A verbal statement from any person residing at the same residence address as provided by the applicant on the application. The person making the verbal statement must accompany the applicant at the time of application and present one acceptable proof of address document as set forth in this rule.

(e) Utility hook-up order or account statement issued by the service provider.

(f) A loan agreement, payment booklet, voucher, statement or other financial record.

(g) Any document delivered to the current resident address by the United States Postal Service, FedEx, UPS, or other delivery service. DMV will accept a document with or without the envelope or packaging as long as the residence address is printed on the document.

(h) Oregon vehicle title or registration documents belonging to the primary owner listed and containing only the owner's residence address.

(i) Oregon manufactured structure ownership documents.

(j) Oregon voter notification card.

(k) Selective Service card.

(L) Insurance card, insurance policy, medical records or health benefits card.

(m) Educational institution transcript forms or other school documents showing enrollment for the current school year.

(n) An unexpired professional license issued by an agency in the United States.

(o) Form DS2019, Certificate of Eligibility for Exchange Visitor (J-1) Status.

(p) A pay stub, W2, 1099 or income tax return.

(q) Letter from the United States Postal Service, Oregon State Hospital, Oregon Veteran Rehabilitation Center, a homeless shelter, a transitional service provider, nursing home, assisted/independent living care facility/home, adult care service provider/skill nursing facility, or halfway/group home certifying the applicant's residence address, approved by DMV.

(r) A letter from a corporation or business that provides corporate housing to employees.

(4) If the applicant does not have a residence address, DMV may accept a descriptive address with a mailing address. DMV may require the applicant to provide proof that no residence address has been assigned to the property. Such proof may include, but is not limited to, a statement from the U.S. Postal Service or from the Assessor's Office in the county in which the property is located.

(5) An applicant who is homeless may use a descriptive address of the location where the applicant actually resides, e.g., "under the west end of Burnside Bridge." The applicant must prove that the applicant is a resident or domiciled in Oregon pursuant to OAR 735-016-0040. In addition to the descriptive address, the applicant must also provide a mailing address.

(6) An applicant who travels continuously may use a residence address of "continuous traveler." The applicant must prove that the applicant is a resident or domiciled in Oregon pursuant to OAR 735-016-0040. In addition to the use of "continuous traveler," the applicant must also provide a mailing address.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.050, 807.150 & 807.400

Stats. Implemented: ORS 807.110, 807.160 & 807.400

Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; March 1988, Renumbered from 735-031-0017; DMV 2-1995, f. & cert. ef. 2-10-95; DMV 12-1997, f. & cert. ef. 11-17-97; DMV 34-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 5-2004, f. & cert. ef. 3-25-04; DMV 21-2004(Temp), f. & cert. ef. 10-1-04 thru 3-29-05; DMV 8-2005, f. & cert. ef. 2-16-05; DMV 16-2005(Temp), f. & cert. ef. 6-17-05 thru 12-13-05; DMV 23-2005, f. & cert. ef. 11-18-05; DMV 9-2006, f. & cert. ef. 8-25-06; DMV 5-2007, f. 5-24-07, cert. ef. 8-1-07; DMV 1-2008(Temp), f. 1-18-08, cert. ef. 2-4-08 thru 8-1-08; DMV 5-2008, f. & cert. ef. 2-4-08; DMV 16-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 14-2014, f. & cert. ef. 12-1-14; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

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735-062-0032

Applicant Temporary Driver Permit Issued to Applicants Unable to Provide SSN and Legal Presence Documentation

(1) When an applicant for a Class C non-commercial driver license or driver permit does not provide a verifiable SSN but is able to present the documentation required by OAR 735-062-0005(4) to prove a SSN is assigned to the applicant, or certifies but fails to present documentation of ineligibility for a SSN, or is unable to present the documentation required by 735-062-0015 to prove legal presence, DMV may issue an applicant temporary driver permit to the applicant if:

(a) The applicant is otherwise eligible and complied with all other requirements for a driver license or driver permit, including the requirements for proof of identity and date-of-birth under OAR 735-062-0020;

(b) The applicant certifies that to the best of his or her knowledge, the applicant is legally present in the United States; and

(c) DMV has not issued an applicant temporary driver permit to the applicant under this rule before, and the applicant so certifies.

(2) A holder of an applicant temporary driver permit issued under this rule must have the permit on his or her person while operating a motor vehicle. The applicant temporary driver permit will indicate the class of license granted and any endorsements granted and will list any restrictions placed on the driving privileges.

(3) An applicant temporary driver permit issued under this rule is valid for 90 days from the date of issuance, or until the applicant is able to provide to DMV the documentation required by OAR 735-062-0005 and 735-062-0015 for issuance of a driver license or driver permit, whichever is sooner.

(4) DMV may extend the term of the applicant temporary driver permit up to two times for sufficient cause. Each extension of the term of the permit may not exceed 90 days.

(5) Notwithstanding sections (3) and (4) of this rule, DMV may extend the term of the applicant temporary driver permit if the applicant presents proof the applicant has taken reasonable steps to obtain a verifiable SSN or the documentation required under OAR 735-062-0005 showing ineligibility, or taken reasonable steps to obtain the documentation required under OAR 735-062-0015, but has been unable to do so due to circumstances beyond the applicant's control. Any extension of an applicant temporary driver permit issued under this section will be for a term of 90 days.

(6) An applicant temporary driver permit issued under this rule automatically becomes invalid if the applicant's driver license or driver permit is issued, the permit expires and is not extended, or if the applicant's driving privileges or right to apply for driving privileges are suspended, revoked or cancelled. If and when the applicant's driver license or driver permit is issued or driving privileges are suspended, revoked or cancelled, the applicant must surrender to DMV his or her applicant temporary driver permit.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.310

Stats. Implemented: ORS 807.310

Hist.: DMV 16-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 16-2011, f. 12-22-11, cert. ef. 1-1-12; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-062-0070

Drive Test

(1) A DMV drive test examiner or a third party drive test examiner certified by DMV will conduct the actual demonstration of an applicant's ability to drive a motor vehicle (the drive test) required under ORS 807.070(3). The test(s) must be conducted in a vehicle that can be driven only with the license class for which the application is made. For example, the drive test examiner will test a person applying for a Class C non-commercial driver license in a vehicle that can be driven only by a person with a Class C non-commercial driver license.

(2) Prior to conducting a drive test, DMV will ask the applicant for proof of compliance with financial responsibility requirements as described in OAR 735-050-0120 or proof of a uniform financial responsibility certificate as described in OAR 735-050-0050.

(3) Prior to conducting a drive test, the drive test examiner will determine if the vehicle being used for the drive test has required equipment (for example, lights, rearview mirrors, seat belts) that is in working order and may be operated in a safe condition. The examiner may refuse to conduct a drive test in a vehicle that is determined to present health or safety risks for the examiner.

(4) The drive test examiner will conduct the drive test on public streets and highways.

(5) The drive test may include checks of the applicant's ability to safely and skillfully do the following:

(a) Operate vehicle equipment and controls;

(b) Start the vehicle;

(c) Stop the vehicle;

(d) Turn and steer the vehicle;

(e) Change lanes;

(f) Merge with other traffic;

(g) Signal;

(h) Use lanes properly and maintain lane position;

(i) Control speed and obey speed limits;

(j) Back the vehicle;

(k) Observe signs, signals, other traffic and pedestrians;

(L) Use courtesy on the road and defensive driving techniques; and

(m) Demonstrate general driving ability and vehicle control.

(6) The first drive test may be conducted the day an applicant, who is otherwise eligible, satisfactorily completes the knowledge test and vision screening, or presents a valid instruction permit. If the applicant fails the first drive test a drive test examiner will conduct additional tests as needed, with the following frequency:

(a) A second test may be conducted no sooner than seven days after the first test;

(b) A third test may be conducted no sooner than 14 days after the second test;

(c) A fourth test may be conducted no sooner than 28 days after the third test; and

(d) A fifth test may be conducted no sooner than 28 days after the fourth test.

(7) The first drive test for an applicant under 18 years of age may be conducted the day the applicant becomes eligible for the test. A second, third, fourth or fifth drive test may be conducted no sooner than 28 days after a prior failure.

(8) No more than five drive tests may be conducted within any 12-month period. Following a fifth drive test failure within a 12 month period, no further drive tests will be conducted for one year from the date of the fifth drive test failure.

(9) Any required fee for a test must be paid prior to taking the test. DMV will not refund a test fee if the applicant fails the test.

(10) Test scores are valid for two years from the date the test is passed. After two years the applicant must retake and pass the applicable tests to be issued the license, permit or endorsement.

Stat. Auth.: ORS 184.614, 184.619, 802.010, 802.200, 802.540, 807.070 & 807.080

Stats. Implemented: ORS 807.070

Hist.: MV 15-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0027; MV 25-1989, f. & cert. ef. 10-3-89; MV 53-1989, f. & cert. ef. 12-1-89; MV 6-1990, f. & cert. ef. 4-2-90; MV 7-1991, f. & cert. ef. 7-16-91; DMV 3-2002, f. & cert. ef. 3-14-02; DMV 2-2010, f. & cert. ef. 1-28-10; DMV 20-2010, f. 11-19-10, cert. ef. 1-1-11; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-062-0080

Waiving Drive Test Portion of Driver License Examination

(1) DMV will waive the actual demonstration of an applicant's ability to drive a Class C vehicle required by ORS 807.070(3) if all of the following apply:

(a) The applicant surrenders to DMV a driver license issued to the applicant by another state, the District of Columbia, a United States Territory, a Canadian Province or a jurisdiction with whom DMV has a reciprocity agreement and the driver license has not been expired for more than one year, or if the person's driver license issued by a jurisdiction listed above, has been lost or stolen, the applicant submits a letter of clearance, as required in OAR 735-062-0007.

(b) The surrendered, lost or stolen license authorizes the driving of a vehicle other than a moped or motorcycle.

(c) The surrendered, lost or stolen license includes no restrictions other than a single restriction or a combination of restrictions comparable to restrictions imposed on an Oregon driver license.

(d) The applicant has no physical disabilities or impairments which may necessitate any restrictions other than:

(A) "With corrective lenses";

(B) "Outside or side-view mirror(s)"; or

(C) The restriction(s) imposed on the applicant's surrendered, lost or stolen driver license issued by another jurisdiction.

(e) The applicant has no physical or mental condition that provides DMV with reason to question the applicant's ability to drive a motor vehicle without endangering the safety of persons or property.

(2) In addition to section (1) of this rule, DMV will waive the actual demonstration of an applicant's ability to drive a Class C non-commercial vehicle required by ORS 807.070(3) if:

(a) The applicant passes a traffic safety education course approved by the Transportation Safety Division under ORS 802.345;

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(b) The drive test administered during the traffic safety education course meets or exceeds the requirements of a Class C non-commercial drive test conducted by DMV; and

(c) The applicant provides a Driver Education Certificate of Completion card, as described in OAR 735-062-0140, that was issued within two years prior to the submission of an application for a Class C non-commercial driver license.

(3) DMV will waive the actual demonstration of an applicant's ability to operate a motorcycle if:

(a) The applicant surrenders to DMV a motorcycle-endorsed driver license issued to the applicant by another state, the District of Columbia, a United States Territory or a Canadian Province, or submits a clearance letter as provided for in subsection (1)(a) of this rule; and

(b) The applicant meets the qualifications in subsections (1)(c), (d) and (e) of this rule.

(4) In addition to section (3) of this rule, DMV will waive the actual demonstration of an applicant's ability to operate a motorcycle if:

(a) The applicant passes a motorcycle skills test given during a motorcycle rider education course established by the Transportation Safety Division under ORS 802.320; and

(b) The motorcycle skills test administered during the motorcycle education course meets or exceeds the motorcycle skills test administered by DMV.

(5) Evidence of passing the motorcycle skills test identified in section (6) of this rule is a motorcycle education course completion card as provided for in OAR 735-062-0140. The completion card must have been issued within two years of application to be considered valid for waiver of the skills test.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.070, 807.072, 807.080 & 807.170
Stats. Implemented: ORS 807.070, 807.072, 807.080 & 807.170
Hist.: MV 61, f. 10-14-75, ef. 11-11-75; MV 15-1986, f. 9-16-86, ef. 10-1-86; MV 15-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0045; MV 26-1988, f. & cert. ef. 11-1-88; MV 6-1990, f. & cert. ef. 4-2-90; MV 14-1990, f. & cert. ef. 8-16-90; MV 1-1991, f. & cert. ef. 3-18-91; MV 16-1991, f. 9-18-91, cert. ef. 9-29-91; MV 6-1992(Temp), f. 5-29-92, cert. ef. 6-1-92; MV 10-1992, f. 8-21-92, cert. ef. 9-1-92; MV 12-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 4-1995, f. & cert. ef. 3-9-95; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 11-2006(Temp), f. & cert. ef. 8-25-06 thru 2-20-07; DMV 18-2006, f. & cert. ef. 12-13-06; DMV 3-2009, f. & cert. ef. 2-20-09; DMV 11-2009, f. 6-25-09, cert. ef. 7-1-09; DMV 1-2012, f. 1-27-12, cert. ef. 1-30-12; DMV 1-2013, f. 1-17-13, cert. ef. 2-1-13; DMV 14-2013, f. & cert. ef. 9-24-13; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-062-0087

Restrictions on Driving Privileges

ORS 807.120 authorizes DMV to restrict driving privileges upon determining that there is good cause for a restriction. DMV finds good cause for a restriction of Class C non-commercial driving privileges in the following circumstances:

(1) A Restriction — Auto Trans non-CMV — When a person is unable to operate the foot controls or shift lever on a standard transmission equipped vehicle due to a physical impairment.

(2) B Restriction — Corrective Lenses — When a person uses corrective lenses to meet the vision standards as set forth in OAR 735-062-0050.

(3) F Restriction — Outside Mirror — When a person is deaf or has extremely limited hearing or when a person has no usable vision in the person's left eye.

(4) G Restriction — Daylight Driving Only — When a person's visual acuity is between 20/40 and 20/70 or if the person's vision specialist indicates of a Certificate of Vision form that the person should be restricted to daylight hours only.

(5) J Restriction — Variable — When at least one of the following restricted driving privileges applies to a person:

(a) When a person is restricted to specific routes, times and purposes of driving under a special permit. The special permit includes a hardship permit that allows limited driving during certain types of suspensions, a probationary permit that allows limited driving during a revocation as a habitual offender, or a student or emergency permit that allows driving for specific purposes to a limited number of eligible applicants.

(b) When a person is restricted to specific routes under a limited route restriction. A person's driver license may be restricted to specific limited routes when the person has demonstrated that the person can safely operate a motor vehicle on specific routes but is unable to demonstrate that the person is qualified for an unrestricted license.

(c) When a person is authorized by DMV's Driver Safety Case Management Unit to receive special instruction only. DMV may authorize a restricted privilege to take driving lessons under certain circumstances. A person may not drive a motor vehicle unless the person is driving with an instructor approved by DMV.

(d) When a person's motorcycle driving privileges are restricted to a three-wheeled cycle or one with a side-car. DMV will restrict the driving privileges granted under a motorcycle endorsement if the person tested in a three-wheeled motorcycle to operate only a three-wheeled motorcycle. DMV will restrict the driving privileges granted under a motorcycle endorsement if the person tested in a motorcycle with a side car to operate only a motorcycle with a side car.

(e) When DMV authorizes the person to operate only a motor vehicle equipped with specific equipment that does not have its own restriction code.

(6) R — Hand Controls — When a person uses hand controls to operate a motor vehicle. The motor vehicle must be equipped with a hand-operated accelerator, foot brake, dimmer switch and emergency brake.

(7) S — Turn Signals — When a person is incapable of using arm signals. The motor vehicle must be equipped with mechanical or electrical turn signals.

(8) U — Prosthetic Aid — When a person must use a prosthetic aid to operate the motor vehicle.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.120
Stats. Implemented: ORS 807.120
Hist.: DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-062-0090

Renewal Driver Licenses and Identification Cards

(1) DMV will renew the driver license of a person who satisfies the requirements set forth in ORS 807.150.

(2) An applicant for the renewal of a driver license or identification card must:

(a) Provide a verifiable SSN or proof that the person is not eligible for a SSN as provided in OAR 735-062-0005(2);

(b) Provide proof of legal presence as provided in OAR 735-062-0015;

(c) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and 735-062-0016; and

(d) Provide proof of identity and date of birth as provided in OAR 735-062-0020.

(3) An applicant for the renewal of a driver license or identification card that includes a change of residence address must present to DMV one of the proofs of residence address listed in OAR 735-062-0030 that shows the person's current residence address. (Current residence address is the residence address to be included on the license or identification card to be issued.)

(4) DMV may renew an unexpired driver license or identification card up to 14 months prior to the expiration date.

(5) If a driver license has been expired more than one year, the applicant must re-apply for an original driver license and meet the requirements set forth in OAR 735-062-0007.

(6) Before processing a driver license renewal, DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System (NDR/PDPS) and the Commercial Driver License Information System (CDLIS) to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.

(7) If the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction, the applicant may not renew an Oregon driver license until the applicant submits a clearance letter that complies with OAR 735-062-0160 or a DMV inquiry to NDR/PDPS and CDLIS shows the applicant's driving privileges are reinstated or otherwise valid in the other jurisdiction.

(8) Notwithstanding section (7) of this rule, DMV will renew the driving privileges of an applicant whose driving privileges are suspended, revoked, canceled or otherwise not valid in another jurisdiction if the only remaining reinstatement requirement in the other jurisdiction is proof of future financial responsibility.

(9) DMV will not renew an Oregon driver license or permit if the applicant has a current, valid Oregon identification card. To become eligible, the person must surrender the Oregon identification card before DMV will renew the Oregon driver license or permit. If the person's identification card is lost or the person no longer has the identification card in his or her possession, the person must provide a statement attesting to this fact.

(10) Notwithstanding subsection (2)(b) of this rule, DMV will renew a limited term driver license, limited term driver permit or limited term identification card to an applicant who otherwise qualifies for renewal under this rule and has provided proof of temporary legal presence in the United States as described in OAR 735-062-0015(4) that has been extended or is still in effect.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.012, 807.021, 807.022, & 807.040

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Stats. Implemented: ORS 802.012, 802.540, 807.021, 807.022, 807.040 - 807.060, 807.100, 807.15 & 807.400
Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0009; MV 14-1992, f. & cert. ef. 10-16-92; MV 16-1992, f. & cert. ef. 12-16-92; DMV 11-1998, f. & cert. ef. 9-14-98; DMV 21-2004(Temp), f. & cert. ef. 10-1-04 thru 3-29-05; DMV 2-2005, f. 1-20-05, cert. ef. 1-31-05; DMV 4-2007, f. 5-24-07, cert. ef. 6-5-07; DMV 17-2007, f. 12-24-07, cert. ef. 1-1-08; DMV 1-2008(Temp), f. 1-18-08, cert. ef. 2-4-08 thru 8-1-08; DMV 7-2008(Temp), f. & cert. ef. 2-22-08 thru 8-19-08; DMV 10-2008, f. & cert. ef. 4-24-08; DMV 16-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 25-2009, f. 12-22-09, cert. ef. 1-1-10; DMV 1-2012, f. 1-27-12, cert. ef. 1-30-12; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-062-0110

Replacement Driver Permits, Driver Licenses, and Identification Cards

(1) DMV will issue a replacement driver permit, driver license or identification card for one of the reasons listed in section (2) of this rule if the applicant meets the requirements set forth in ORS 807.160 and this rule and the person is eligible for the driver license, driver permit or identification card.

(2) DMV may issue a replacement driver license, driver permit or identification card when the applicant:

(a) Furnishes proof satisfactory to the department of the loss, destruction or mutilation of the person's driver license, driver permit or identification card.

(b) Changes a residence address or mailing address from the address noted on the person's driver license, driver permit or identification card or adds a mailing address.

(c) Is a corrections officer, eligible employee, or household member of a corrections officer or eligible employee killed in the line of duty who has requested, in accordance with ORS 802.250 or 802.253, that department records show the address of the corrections officer's or eligible employee's employer.

(d) Changes names from the name noted on the person's driver license, driver permit or identification card.

(e) Is applying for or is required to add or remove a restriction on the person's driver license or driver permit.

(f) Is applying for or is required to add or remove an endorsement other than a motorcycle or farm endorsement on the person's driver license or driver permit.

(g) Requests that a veteran designation be added to or removed from his or her driver license, driver permit or identification card. To add a veteran designation, the applicant must provide proof the person is a veteran as set forth in OAR 735-062-0012(2).

(h) Furnishes proof satisfactory to the department or the department determines that the department made an error when issuing the person's driver license, driver permit or identification card.

(i) Surrenders the person's driver license that was issued without a photograph under OAR 735-062-0120 and requests a driver license with a photograph.

(j) Surrenders a driver license, driver permit or identification card to the department following a suspension and the person becomes eligible for driving privileges or an identification card.

(k) Has a driver license, driver permit or identification card that was confiscated by a police officer, a court or other agency and the person is eligible for a driver license, driver permit or an identification card.

(L) Requests to change any physical description, notation, photograph or signature on the driver license, driver permit, or identification card or to add or delete an anatomical donor designation.

(m) Has not received his or her driver license, driver permit or identification card in the mail and the applicant does not meet the requirements under OAR 735-062-0092(3) for a reissued driver license, driver permit or identification card.

(n) Has a reason satisfactory to DMV to be issued a driver license, driver permit or identification card with a different distinguishing number than the one being replaced.

(o) Requests a downgrade from one license class to another (e.g., a Commercial Driver License to a non-commercial Class C driver license).

(p) Requests to correct information on the driver license, driver permit or identification card that was provided to DMV in error.

(3) An applicant for a replacement driver license, driver permit, or identification card must:

(a) Provide a verifiable SSN, or proof that the person is not eligible for a SSN, as provided in OAR 735-062-0005(2);

(b) Provide proof of legal presence as provided in OAR 735-062-0015;

(c) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and OAR 735-062-0016; and

(d) Provide proof of identity and date of birth as provided in OAR 735-062-0020.

(4) An applicant for a replacement driver license, driver permit, or identification card that includes a change of residence address must also present to DMV one of the proofs of residence address listed in OAR 735-062-0030 that shows the person's current residence address. Current residence address is the address where the person actually lives and DMV will include that address on the license, permit, or identification card issued.

(5) An applicant for a replacement driver license, driver permit, or identification card must surrender the license, driver permit or identification card replaced to DMV, if possible.

(6) Before issuing a replacement driver license or driver permit, DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System (NDR/PDPS) and the Commercial Driver License Information System (CDLIS) to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.

(7) If the applicant's driving privileges are suspended, revoked, canceled or otherwise invalid in any other jurisdiction, DMV will not issue a replacement driver license or driver permit until the applicant submits a clearance letter that complies with OAR 735-062-0160 or a DMV inquiry to the NDR/PDPS and CDLIS shows that the applicant's driving privileges are reinstated or otherwise valid in the other jurisdiction.

(8) Notwithstanding section (7) of this rule, DMV will issue a replacement license or driver permit to an applicant whose driving privileges are suspended, revoked, canceled or otherwise invalid if the only remaining reinstatement requirement in the other jurisdiction is proof of future financial responsibility.

(9) Notwithstanding subsection (3)(c) of this rule, when an applicant applies for a replacement driver license, driver permit or identification card at a DMV office, DMV will issue the replacement driver license, driver permit or identification card using the applicant's previous photograph on file with DMV except in situations including, but not limited to, the following:

(a) The last photograph on file with DMV is older than nine years two months, or does not meet current quality standards for capturing a photograph as described in OAR 735-062-0016;

(b) The applicant requesting the replacement driver license, driver permit or identification card is between the ages of 21 and 27 and is not eligible for a renewal;

(c) The applicant is requesting the replacement driver license, driver permit or identification card because of a change in his or her physical appearance that may be considered significant;

(d) The applicant is requesting the replacement driver license, driver permit or identification card because he or she is changing the gender designation on record with DMV or applicant is changing his or her name as part of transitioning to the desired gender;

(e) The applicant is requesting the replacement driver license, driver permit or identification card after a suspension imposed under ORS 809.310(3)(a) or 809.310(3)(b) or 809.415(5) has been rescinded or reinstated.

(f) The applicant:

(A) Will not be in this state for circumstances constituting "good cause" under OAR 735-062-0125 when the applicant's driver license, driver permit or identification card must be renewed; and

(B) Is applying for the replacement driver license, driver permit or identification card to update the applicant's photograph on file with DMV so he or she will be eligible for issuance of a Valid with Previous Photograph renewal as authorized under OAR 735-062-0125.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.021 & 807.160

Stats. Implemented: ORS 807.160, 807.021, 807.220, 807.230, 807.280 & 807.400
Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0013; DMV 24-2003, f. 12-15-03 cert. ef. 1-1-04; DMV 2-2005, f. 1-20-05, cert. ef. 1-31-05; DMV 16-2005(Temp), f. & cert. ef. 6-17-05 thru 12-13-05; DMV 23-2005, f. & cert. ef. 11-18-05; DMV 1-2008(Temp), f. 1-18-08, cert. ef. 2-4-08 thru 8-1-08; DMV 16-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 24-2008, f. 9-11-08, cert. ef. 10-1-08; DMV 19-2010, f. 10-25-10, cert. ef. 1-1-11; DMV 1-2012, f. 1-27-12, cert. ef. 1-30-12; DMV 14-2014, f. & cert. ef. 12-1-14; DMV 11-2015, f. 12-17-15, cert. ef. 1-1-16; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-062-0125

Standards for Issuance of a Renewal or Replacement Driver License, Driver Permit or Identification Card Containing a Previous Photograph

(1) DMV may renew or replace a person's driver license, driver permit or identification card, in accordance with applicable statutes authorizing renewal or replacement, by issuing a renewal or replacement driver license, driver permit or identification card containing a photograph of the person already on file with DMV, if the applicant:

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(a) Provides proof that he or she is a resident of or domiciled in Oregon as described in OAR 735-016-0040;

(b) Provides proof or previously has proven legal presence in the United States as required by OAR 735-062-0015. An applicant who has not previously provided proof to DMV of legal presence in the U.S. may provide a copy, satisfactory to DMV, of one or more documents required by OAR 735-062-0015(2), (3) or (4).

(c) Provides his or her SSN on the application form as required under OAR 735-062-0005. DMV will verify the SSN with the SSA unless the SSN provided has previously been verified;

(d) Submits a written statement to DMV establishing good cause why he or she is not able to appear and apply for the renewal or replacement driver license, driver permit or identification card at a DMV office;

(e) Provides proof that he or she is, in fact, the person to whom the driver license, driver permit or identification card to be renewed or replaced was issued; and

(f) Meets all other qualifications for the driver license, driver permit or identification card sought.

(2) Circumstances constituting “good cause” for purposes of subsection (1)(d) of this rule include, but are not limited to, the following:

(a) The applicant is temporarily in another jurisdiction or country for business reasons, employment or education, will be returning to Oregon, and continues to satisfy Oregon’s residency requirements.

(b) The applicant is traveling outside of Oregon and the applicant’s Oregon driver license, driver permit or identification card is lost, stolen or mutilated;

(c) The applicant is traveling outside of Oregon and the applicant’s Oregon driver license, driver permit or identification card has expired or will expire before the person returns to Oregon; or

(d) The applicant has a medical condition or health problems that prevent him or her from applying for a renewal or replacement driver license, driver permit or identification card at a DMV field office and submits to DMV proof of the medical condition or health problems from the applicant’s licensed health care provider.

(3) DMV will not issue a valid with previous photograph replacement or renewal driver license, driver permit or identification card to an otherwise qualified applicant, if the applicant makes a request to change name, date of birth or SSN.

(4) DMV will not issue a valid with previous photograph renewal driver license, driver permit or identification card to a person who provided proof of being legally present in the United States on a temporary basis under ORS 735-062-0015(5).

(5) Notwithstanding section (1) of this rule, DMV may issue a renewal or replacement driver license, driver permit or identification card containing a photograph of the applicant already on file with DMV, if the applicant has an Oregon driver license, driver permit or identification card and is on active duty in the United States Armed Forces stationed outside of Oregon who provides a copy of his or her:

(a) Most current Leave Earning Statement showing Oregon as his or her home on record;

(b) Federally-issued active duty Military identification card; and

(c) SSN to be verified with the SSA, if not previously verified.

(6) A spouse, domestic partner or dependent of a military person on active duty in the United States Armed Forces outside of Oregon who qualifies under section (5) of this rule, who has an Oregon driver license, driver permit or identification card may qualify for a renewed or replaced driver license, driver permit or identification card using the previous photograph, if the spouse, domestic partner or dependent provides a copy of the following:

(a) The military member’s most current Leave Earning Statement showing Oregon as his or her home on record;

(b) The military member’s active duty Military identification card;

(c) The spouse, domestic partner or dependent’s Military identification card; and

(d) The spouse, domestic partner or dependent’s Social Security number. DMV must verify the SSN with the SSA, if not previously verified.

(7) Notwithstanding section (3) of this rule, DMV may issue a renewal or replacement driver license, driver permit or identification card with a name change to an applicant who provides sufficient proof of full legal name as required by OAR 735-062-0014 and otherwise qualifies for a valid with previous photograph driver license, driver permit or identification card under section (5) or (6) of this rule.

(8) A replacement driver license, driver permit or identification card issued at a DMV office will contain the applicant’s previous photo on file

unless the applicant qualifies for a new photograph as defined in OAR 735-062-0110(10).

(9) DMV will not replace or renew a driver license, driver permit or identification card under this rule, if the applicant’s most recent photograph on file with DMV is more than nine years and two months old.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.110

Stats. Implemented: ORS 807.110 & 807.400

Hist.: DMV 16-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 25-2009, f. 12-22-09, cert. ef. 1-1-10; DMV 16-2011, f. 12-22-11, cert. ef. 1-1-12; DMV 14-2014, f. & cert. ef. 12-1-14; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-062-0300

Purpose

ORS 807.355 — 807.369 allows persons with a limited vision condition to gain limited driving privileges if certain criteria are met. The purpose of OAR 735-062-0300 through 735-062-0390 is to establish a program for the licensing of persons with a limited vision condition, specify requirements and qualifications needed for a person to be certified by DMV as a rehabilitation training specialist for purposes of training a person with a limited vision condition to use bioptic telescopic devices while driving, and to establish requirements for a certified rehabilitation training specialist to certify the competency of a person with a limited vision condition to safely exercise driving privileges using a bioptic telescopic lens.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.368

Stat. Implemented: ORS 807.355, 807.359, 807.363, 807.368 & 807.369

Hist.: DMV 15-2004, f. 6-24-04, cert. ef. 7-1-04; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-062-0310

Definitions

The following definitions apply to OAR 735-062-0300 to 735-062-0390:

(1) “Bioptic telescopic lens” means an optical system used to magnify distant objects by including a small telescope that is mounted in or above a spectacle lens in a manner to allow an unobstructed view of the horizontal visual field through a person’s normal distance corrective lens;

(2) “DMV” means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation;

(3) “Daylight hours” means the period of time from sunrise to sunset but does not include periods where adverse weather or other conditions significantly reduce visibility on the roadway;

(4) “Educational facility” includes any public school district, education service district, community college district, any facility for the deaf operated under ORS 346.010, the Hillcrest School of Oregon, MacLaren School for Boys, tribal schools, state and federal schools, public agencies, and any parochial, private- or home-school facility meeting the requirements of OAR 581-045-0535 and ORS 345.505.

(5) “Limited vision condition” means visual acuity in the better eye with best lens correction that is no better than 20/80 and no worse than 20/200.

(6) “Rehabilitation training program” means a program designed to train a person with a limited vision condition to use a bioptic telescopic lens while operating a motor vehicle.

(7) “Rehabilitation training specialist” or “specialist” means a person certified by the Department of Transportation to provide a rehabilitation training program;

(8) “Report of Limited Vision Examination” (DMV Form Number 735-24A) means a certification completed by a licensed vision specialist (ophthalmologist or optometrist) that a person with a limited vision condition meets the requirements under ORS 807.359.

(9) “Special limited vision condition learner’s permit” means a permit issued by the department to a person with a limited vision condition that allows the person to enroll in a rehabilitation training program; and

(10) “TSD” means the Oregon Department of Transportation, Transportation Safety Division.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.368

Stats. Implemented: ORS 807.355, 807.359, 807.363, 807.368 & 807.369

Hist.: DMV 15-2004, f. 6-24-04, cert. ef. 7-1-04; DMV 20-2009, f. & cert. ef. 10-27-09; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-062-0330

Training Program for the Use of Bioptic Telescopic Lenses to Drive

(1) The training program for a person issued a special limited vision condition learner’s permit consists of three parts: theoretical instruction; practical training in critical object or condition awareness skills and use of a bioptic telescopic device; and behind-the-wheel training while using a bioptic telescopic lens. The amount of training required is dependent upon the person’s skill and will vary with driving experience and other factors. The specialist may determine which type of training is necessary and the

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number of hours required for each type, but except as provided in section (2) of this rule, must provide a minimum of six hours of practical training and 15 hours of behind-the-wheel training while using a bioptic telescopic lens to all limited vision condition drivers. No behind-the-wheel training can be conducted prior to the rehabilitation training program receiving the person's special limited vision condition learner's permit from DMV in the mail.

(2) Notwithstanding the minimum training requirements set forth in section (1) of this rule, a person who has never been issued a driver license must be provided a minimum of 30 hours theoretical training, six hours of practical training and 24 hours of behind-the-wheel training.

(3) Notwithstanding the minimum training requirements set forth in section (1) of this rule, a person who has been issued a driver license using the bioptic telescopic lens from another jurisdiction must be provided a minimum of two hours training. The specialist will assess and determine type and length of training required based on the experience and demonstration of safe driving.

(4) Theoretical instruction may include but not be limited to the following:

- (a) Subject matter contained in the Oregon Driver's Manual;
 - (b) Safe driving practices and traffic laws;
 - (c) The "Search, Identify, Predict, Decide, Execute" (SIPDE) approach to perceptive driving;
 - (d) Signs, signals, highway markings, and highway design features required for the safe operation of a motor vehicle;
 - (e) Driving emergencies such as brake or tire failure, skidding, stuck accelerator, and running off the roadway;
 - (f) Potential crash locations and situations such as intersections, hydroplaning, railroad crossing, multiple vehicle types in the traffic mix, and pedestrian traffic;
 - (g) Occupant restraint usage;
 - (h) Speeding as a major contributing factor in vehicle crashes; and
 - (i) Driver responsibility and accident reporting.
- (5) Practical training must include, but not be limited to, passenger-in-car training that reinforces defensive driving skills, use of mirrors and blind spot checks, critical object or condition awareness (roadway characteristics, traffic control devices and other road users), proper and appropriate use of the bioptic telescopic lens system, and hazard perception skills. By the end of training the person will need to demonstrate the ability to change fixation in and out of his or her bioptic telescope effectively in one to two seconds or less per fixation, under stationary and dynamic conditions.

(6) Behind-the-wheel training must include demonstration, instruction and practice while using a bioptic telescopic lens, consisting of:

- (a) Stopping;
 - (b) Starting;
 - (c) Recognizing and responding appropriately to traffic control devices, roadway markings, pedestrians, vehicles and other changes in the driving environment;
 - (d) Lane position;
 - (e) Controlling speed;
 - (f) Managing space around the vehicle by adjusting speed and position to avoid conflicts and reduce risk;
 - (g) Turning, including right and left turns at protected and unprotected intersections;
 - (h) Backing;
 - (i) Parking;
 - (j) How to enter, use and exit different types of intersections;
 - (k) Safe and courteous driving behavior;
 - (L) Driving in residential, business, light and heavy traffic situations;
- and
- (m) Dealing with the unexpected — road construction, emergency vehicles, etc.

(7) In addition to the training described in sections (4) and (5) of this rule, practical and behind-the-wheel training may include a nighttime driving training program. A nighttime program must consist of at least two hours of behind-the-wheel training after dark in both well lit and poorly lit areas and on varying types of roadways, such as city streets, residential streets, highways and country roads, while using a bioptic telescopic lens.

(8) No behind-the-wheel nighttime driving training may be conducted prior to the rehabilitation training program receiving the following from DMV:

- (a) A special limited vision condition learner's permit without a driving during daylight hours only restriction, as described in OAR 735-062-0390(1); or

(b) A modified restriction letter allowing the person to drive at night with a rehabilitation training specialist, as described in OAR 735-062-0390(2).

(9) To successfully complete a nighttime driving training program, the rehabilitation specialist providing the training must certify the person is able to safely operate a motor vehicle at night while using a bioptic telescopic lens.

Stat. Auth.: ORS 184.616, 184.619 & 807.368

Stat. Implemented: ORS 807.355, 807.359, 807.363, 807.368 & 807.369

Hist.: DMV 15-2004, f. 6-24-04, cert. ef. 7-1-04; DMV 18-2007, f. 12-24-07, cert. ef. 1-1-08; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0200

Purpose

(1) Chapter 735, division 063 establishes rules for those requirements and processes that are specific to the granting of commercial driving privileges, the retention of those privileges and DMV's sanctioning of those privileges. A person applying for commercial driving privileges must already have a Class C non-commercial license issued by the State of Oregon, or must meet all qualifications for the license. The administrative rules in OAR 735, division 062 regarding the procedures related to the issuance, renewal or replacement of a Class C non-commercial driver license or driver permit also apply to a CDL or a CLP except as specified in these rules.

(2) The following rules in OAR 735, division 062 do not apply to a CDL or a CLP:

- (a) 735-062-0002;
- (b) 735-062-0005;
- (c) 735-062-0010;
- (d) 735-062-0032;
- (e) 735-062-0033;
- (f) 735-062-0035;
- (g) 735-062-0080;
- (h) 735-062-0085; and
- (i) 735-062-300 to 735-062-0390.

(3) The other rules in OAR 735, division 062 are applicable to commercial driving privileges either in whole or as specified in the rules below.

Stat. Auth.: ORS 184.616, 184.619, 802.010

Stats. Implemented: ORS 807.018, 807.031, 807.035, 807.045, 807.120, 807.173, 807.285, 809.510-809.545

Hist.: DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0205

Definitions

Except as otherwise provided in these OAR 735, division 063, rules the following definitions apply to OAR 735, division 063:

- (1) "AAMVA" means the American Association of Motor Vehicle Administrators.
- (2) "Accident records" include, but are not limited to DMV records, police reports, crash reports or other reports from motor carriers.
- (3) "CDL" means commercial driver license.
- (4) "CDLIS" means the Commercial Driver's License Information System operated by AAMVA for FMCSA.
- (5) "CDL Third Party Examiner" means an individual certified by DMV to administer CDL skills tests through a CDL Third Party Tester.
- (6) "CDL skills test" means a three-part test to determine a CDL applicant's driver competency, consisting of: a pre-trip vehicle inspection, a basic control skills test and an on-road drive test.
- (7) "CDL Third Party Tester" means a person authorized by DMV to operate a CDL skills testing program and provide CDL Third Party Examiner(s) to administer CDL skills test.
- (8) "CLP" means a commercial learner driver permit issued under ORS 807.285 on or after September 26, 2016, or a commercial instruction permit issued under ORS 807.280 prior to September 26, 2016.
- (9) "CMV" means commercial motor vehicle, as defined in ORS 801.208.
- (10) "Conviction record" means an official record showing a determination of guilt by a court of law upon a plea, verdict, finding, or unvacated bail forfeiture.
- (11) "CSTIMS", means the Commercial Skills Test Information Management System, a web-based system for scheduling and reporting CDL skills tests information and results.
- (12) "Disqualifying condition" is a medical condition(s) not meeting FMCSA physical qualification standards as set forth in 49 CFR 391.41(b).
- (13) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.

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(14) “Driving type” means a certification by an applicant or holder of a CDL or CLP for one of the following:

(a) Non-excepted interstate: the person operates or expects to operate in interstate commerce;

(b) Excepted interstate: the person operates or expects to operate in interstate commerce but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.68 or 398.3; or

(c) Non-excepted intrastate: the person operates only in intrastate commerce.

(15) “Fifth wheel hitch” means the coupling system, as defined in ORS 801.275.

(16) “FMCSA” means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

(17) “Intrastate commerce” has the meaning set forth in 49 CFR 390.5 and includes any trade, traffic or transportation taking place exclusively within Oregon.

(18) “Medical Determination Officer” means a physician, nurse practitioner or physician assistant, licensed to provide health care services by the State of Oregon, and is employed or designated by DMV to make medical determinations of a driver’s medical eligibility for driving privileges.

(19) “Medical Specialist” means a person who is licensed as a doctor of medicine, a doctor of osteopathy, an optometrist or an audiologist.

(20) “Physician” has the meaning set forth in ORS 807.710.

(21) “SPE certificate” means a Skill Performance Evaluation certificate issued by FMCSA pursuant to 49 CFR 391.49 to a person who demonstrates the ability to safely operate a CMV in spite of limb impairment or loss.

(22) “Waiver of Physical Disqualification” or “waiver” means a waiver issued by DMV to a driver who does not meet certain physical qualifications required for drivers of CMVs as set forth in 49 CFR 391.41(b).

Stat. Auth.: ORS 184.616, 184.619, 802.010

Stats. Implemented: ORS 807.040 & 807.100

Hist.: DMV 4-2009, f. & cert. ef. 2-20-09; DMV 8-2010, f. & cert. ef. 3-17-10; DMV 7-2011, f. & cert. ef. 6-21-11; DMV 1-2012, f. 1-27-12, cert. ef. 1-30-12; Renumbered from 735-063-0000, DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0210

CDL or CLP Medical Standards

(1) DMV adopts 49 CFR 391.41 to 391.49 in effect as of September 26, 2016 pertaining to physical qualifications and medical examination of drivers of CMVs.

(2) Any person who certifies a driving type of non-excepted interstate must meet the medical qualifications described in 49 CFR 391.41 to 391.49 or be exempted from those medical qualifications pursuant to 49 USC 31135 and 31136(e) and 49 CFR 381.300 to 381.330 to be issued or to retain an Oregon CDL or CLP.

(3) Any person who certifies a driving type of excepted interstate or non-excepted intrastate must:

(a) Meet the medical qualifications in section (2) of this rule to be issued or retain an Oregon CDL or CLP; or

(b) Meet the medical qualifications for a Waiver of Physical Disqualification issued by DMV and described in 735-063-0070 to be issued or retain a restricted Oregon CDL or CLP.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.040 & 809.419

Other Auth.: 49 CFR §391.41 – §391.49

Stats. Implemented: ORS 807.040, 807.100 & 809.419

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; Renumbered from 735-074-0260, DMV 17-2007, f. 12-24-07, cert. ef. 1-1-08; DMV 4-2009, f. & cert. ef. 2-20-09; DMV 8-2010, f. & cert. ef. 3-17-10; DMV 7-2011, f. & cert. ef. 6-21-11; DMV 1-2012, f. 1-27-12, cert. ef. 1-30-12; Renumbered from 735-063-0050, DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0220

Proof of Medical Qualification for a CDL or CLP

(1) Proof of medical qualification for a person who certifies a driving type of non-excepted interstate is:

(a) A CDLIS record that indicates the person is medically qualified to operate a CMV in interstate commerce; or

(b) A valid unexpired Medical Examiner’s Certificate that conforms to the requirements of 49 CFR 391.43. When indicated on the certificate, the Medical Examiner’s Certificate must be accompanied by one or both of the following:

(A) A valid unexpired notice of exemption issued by FMCSA under the provisions of 49 CFR 381.300 to 381.330.

(B) A valid unexpired SPE certificate issued by FMCSA under the provisions of 49 CFR 391.49.

(2) Proof of medical qualification for a person who certifies a driving type of excepted interstate or non-excepted intrastate is:

(a) The proof required under section (1) of this rule; or

(b) A valid unexpired Waiver of Physical Disqualification issued by DMV under the conditions described in OAR 735-063-0240.

(3) A Medical Examiner Certificate, notice of exemption, SPE certificate and a Waiver of Physical Disqualification is valid for up to two years.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.040

Other Auth.: 49 CFR §381.300 - §381.330 and §391.41 – §391.49

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; Renumbered from 735-074-0280, DMV 17-2007, f. 12-24-07, cert. ef. 1-1-08; DMV 4-2009, f. & cert. ef. 2-20-09; DMV 8-2010, f. & cert. ef. 3-17-10; DMV 7-2011, f. & cert. ef. 6-21-11; DMV 1-2012, f. 1-27-12, cert. ef. 1-30-12; Renumbered from 735-063-0060, DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0230

Medical Qualification Procedures for CDL or CLP

(1) An applicant for a CDL or CLP must have proof of medical qualification as described in OAR 735-063-0220. DMV will not issue a CDL or CLP if any proof of medical qualification is denied, expired, rescinded, voided or revoked.

(2) An applicant for a CDL or CLP who certifies a driving type of non-excepted interstate must also certify on the application or renewal form that the applicant meets the driver qualification requirements contained in 49 CFR part 391.

(3) To maintain proof of medical qualification to operate a CMV, the holder of a CDL or CLP must have a valid Medical Examiner’s Certificate. Proof of medical qualification must be provided to DMV when requested. If proof is not provided as required following the expiration of the holder’s current proof of medical qualification as described in OAR 735-063-0220, DMV will cancel the holder’s commercial driving privileges as provided in OAR 735-063-0340.

(4) DMV is not responsible for any expenses an applicant may incur for the acquisition of a valid Medical Examiner’s Certificate or duplicate Medical Examiner’s 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; Renumbered from 735-074-0290, DMV 17-2007, f. 12-24-07, cert. ef. 1-1-08; DMV 4-2009, f. & cert. ef. 2-20-09; DMV 7-2011, f. & cert. ef. 6-21-11; DMV 1-2012, f. 1-27-12, cert. ef. 1-30-12; DMV 12-2012, f. & cert. ef. 9-20-12; Renumbered from 735-063-0065, DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0240

Waiver of Physical Disqualification

(1) This rule is applicable to holders of or applicants for a CDL, CLP or Class C non-commercial license issued by DMV, who intend to operate a CMV only in Oregon intrastate commerce or are exempt from the physical qualification requirements in 49 CFR 391.41 and 391.43 under 49 CFR 390.3(f), 391.2, 391.68 or 398.3 but must have a medical certificate under ORS 807.100.

(2) For purposes of this rule, CMV means a commercial motor vehicle as defined in 49 CFR 390.5 and includes a driver employed or applying for employment to operate a CMV by a for-hire carrier as defined in ORS 825.005.

(3) DMV may issue or renew a Waiver of Physical Disqualification if the person is otherwise disqualified from operating a CMV under 49 CFR 391.41(b) because of one or more of the following disqualifying conditions:

(a) Loss or impairment of limb;

(b) Diabetes;

(c) Seizure disorder;

(d) Impaired vision; or

(e) Hearing loss.

(4) Except as provided in Sections (2) and (12) of this rule, DMV will not issue or renew a Waiver of Physical Disqualification to a person who does not meet the physical qualification standards set forth in 49 CFR 391.41(b).

(5) To apply for a Waiver of Physical Disqualification, an applicant must submit the following:

(a) A completed waiver application form, including:

(A) A current FMCSA medical examination report completed by a licensed physician, chiropractic physician, physician assistant or nurse

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practitioner. The report must show that notwithstanding the disqualifying condition, the applicant meets all other physical qualification standards as set forth in 49 CFR 391.41(b);

(B) Current medical information regarding the disqualifying condition from a treating medical specialist specializing in the assessment and treatment of the type of disqualifying condition for which the applicant is requesting a waiver; and

(C) If requested by DMV, a copy of the applicant's out-of-state driver record if the applicant has held a driver license in another jurisdiction during the three-year period preceding the date of application.

(b) If requested by DMV, additional information showing that the disqualifying condition does not impair the person's ability to safely operate a CMV in intrastate commerce.

(6) The Medical Determination Officer will review an application for an original waiver or for renewal of a waiver and make a recommendation to DMV whether to approve or deny the waiver.

(a) The Medical Determination Officer review will be conducted using medical waiver guidelines. These guidelines are criteria maintained by the Medical Determination Officer and are available from DMV.

(b) The Medical Determination Officer may request additional information from DMV or the applicant before making a recommendation.

(7) Records relating to an applicant or the holder of a current waiver may be reviewed at any time by DMV to determine if the person is qualified to hold the waiver and is complying with the restrictions and conditions of the waiver. The review may include a recommendation from the Medical Determination Officer. DMV may use the information from these records or a recommendation from the Medical Determination Officer as a basis for denial of a waiver or for revocation of an existing waiver as specified in OAR 735-063-0350(4). Records include but are not limited to:

- (a) Driving record;
- (b) Accident record;
- (c) Conviction record; and
- (d) Medical records.

(7) If DMV has reason to believe the holder of a Waiver of Physical Disqualification is no longer qualified for the waiver, DMV:

(a) May immediately revoke the waiver as specified in OAR 735-063-0350;

(b) May request in writing that the holder submit any information requested by DMV in order for DMV to determine if the holder remains eligible for the waiver. The holder must submit any requested information to DMV within 60 days of the date the written request is mailed. Failure to submit the requested information will result in revocation of the waiver as set forth in OAR 735-063-0350(3). DMV may grant an additional 30 days if:

(A) The person is seriously ill or injured and DMV receives a written request from a physician for an extension;

(B) The person is temporarily out of state and DMV receives a written request for an extension from the person; or

(C) The person can show that the information was requested from another party within the 60 day period and the delay in submitting the information was caused by the other party.

(8) To be eligible for a Waiver of Physical Disqualification, a driver must:

(a) Qualify for commercial driving privileges, have a valid Oregon CDL or CLP, or be an Oregon licensed driver employed by or seeking employment with a carrier to operate a CMV only in Oregon intrastate commerce;

(b) Have driving privileges that are not suspended, revoked, cancelled or withdrawn in Oregon or any other jurisdiction;

(c) Have a Waiver of Physical Disqualification that is not currently denied or revoked as specified in OAR 735-063-0350(1) or 735-063-0350(4);

(d) Apply for the Waiver of Physical Disqualification as explained in section (4) of this rule; and

(e) Receive a recommendation for waiver approval from the Medical Determination Officer.

(9) Any driver issued a waiver must comply with the following conditions:

(a) Notify DMV within 10 days of any change in the driver's physical condition or any other condition pertaining to the need for the waiver, modification of the waiver or revocation of the waiver;

(b) Notify DMV of any crash, arrest or conviction 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 within 10 days of any suspension, cancellation, revocation or withdrawal of driving privileges in a jurisdiction other than Oregon;

(d) Notify DMV within 10 days of changing employers and provide the new 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) Operate a CMV only in Oregon intrastate commerce. This subsection does not apply to a driver who is exempt from the physical qualification requirements in 49 CFR 391.41 and 391.43 under 49 CFR 390.3(f), 391.2, 391.68 or 398.3, but must have an approved medical certificate under ORS 807.100; and

(g) Comply with all waiver conditions related to the disqualifying condition as noted on the Waiver of Physical Disqualification.

(10) The waiver is valid for a period not to exceed the expiration date of the driver's medical certificate.

(11) Incomplete waiver applications are invalid 180 days after receipt by DMV and DMV will take no action to deny or approve the application. After this period, the person must reapply for a waiver in accordance with all of the requirements of this rule.

(12) DMV will renew a Waiver of Physical Disqualification issued for a sleep disorder or cardiac condition if the waiver was in effect on August 10, 2009, and all other requirements set forth in section (8) of this rule are met.

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; Renumbered from 740-100-0140, DMV 9-2007(Temp), f. & cert. ef. 9-17-07 thru 3-14-08; Renumbered from 740-100-0140, DMV 9-2008, f. & cert. ef. 3-21-08; DMV 4-2009, f. & cert. ef. 2-20-09; DMV 8-2010, f. & cert. ef. 3-17-10; DMV 7-2011, f. & cert. ef. 6-21-11; DMV 12-2012, f. & cert. ef. 9-20-12; Renumbered from 735-063-0070, DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0250

Knowledge Testing and Requirements for Issuance of CLP

(1) An applicant for commercial driving privileges must first apply for a CLP, except as specified in OAR 735-063-0260(1).

(2) The class of CLP that DMV will issue, and the endorsements and restrictions that DMV will place on the CLP are dependent on the knowledge tests that the applicant takes and passes, or on the current CDL that the person possesses.

(3) The provisions of OAR 735-062-0040 also apply to the knowledge tests given to an applicant for a CLP.

(4) For purposes of the issuance of a CLP, a passing score for a knowledge test taken on or after September 26, 2016 is valid for six months. A passing score for a knowledge test taken prior to September 26, 2016 is valid for two years.

(5) All applicants for a CLP must have a valid score for the CDL general knowledge test. Additional knowledge test(s) are as follows:

(a) An applicant for a Class A CLP must have a valid score for the combination vehicles knowledge test.

(b) An applicant for a CLP with a passenger endorsement must have a valid score for the passenger endorsement test.

(c) An applicant for a CLP with a school bus endorsement must have a valid score for the passenger endorsement knowledge test and for the school bus endorsement test.

(d) An applicant for a CLP with a tank endorsement must have a valid score for the tank endorsement knowledge test.

(e) An applicant for a CLP who wants to operate a CMV with air brakes must have a passing score for the air brake knowledge test.

(6) All knowledge tests are administered in English. DMV does not allow the use of an interpreter or language aid.

(7) In addition to all requirements of OAR 735-062-0007(1) listed in subsections (e) through (1), an applicant for a CLP must:

(a) Provide the applicant's Social Security number on the application. DMV will verify the Social Security number as described in OAR 735-062-0005;

(b) Except as provided in section (8) of this rule, provide proof of U.S. citizenship as described in OAR 735-062-0015(2) or permanent legal residency in the U.S. as described in OAR 735-062-0015(3).

(c) Certify driving type;

(d) Provide proof of medical qualification as described in OAR 735-063-0220; and

(e) Satisfy all requirements set forth in ORS 807.285.

(8) A citizen of a nation with a Compact of Free Association (COFA) with the United States must provide the proof required in OAR 735-062-0015(4)(a). For purposes of this rule, a citizen of a COFA nation is consid-

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ered to have met lawful permanent resident requirements, under authority of FMCSA guidance, as required under ORS 807.040 and 807.285 for, issuance of a CLP.

(9) An applicant for a CLP is also subject to the provisions of OAR 735-062-0007 (2) — (9).

Stat. Auth.: ORS 184.616, 184.619 & 802.010
Stats. Implemented: ORS 807.018, 807.031, 807.035, 807.070, 807.285
Hist.: DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0260

CDL Testing and Requirements for Issuance of CDL

(1) An applicant for a CDL must first be issued a CLP and pass a CDL skills test unless the applicant qualifies for one of the following exceptions:

(a) The applicant currently holds an Oregon CDL and is applying to renew or replace a CDL granting the exact same privileges.

(b) The applicant currently holds an Oregon CDL, is qualified for and has passed the knowledge test to add one or more of the following endorsements:

- (A) Tank;
- (B) Hazardous Materials;
- (C) Doubles/Triples.

(c) The applicant surrenders a valid CDL issued by another state or the District of Columbia and the applicant:

(A) Meets the qualifications set forth in OAR 735-062-0080 subsections (1)(a) — (e);

(B) Surrenders a CDL that is the same class as the CDL for which the application is made;

(C) Passes the knowledge test for an Oregon Class C non-commercial license as the base driver license;

- (D) Passes the vision screening; and
- (E) Complies with OAR 735-063-0250 (7)(a) — (d).

(d) The applicant meets the requirements of OAR 735-063-0280 to be issued an Oregon CDL based on the applicant's military training and experience operating CMVs.

(2) For a DMV examiner or CDL Third Party Examiner to administer a CDL skills test to an applicant, the applicant must:

(a) Have an unexpired Oregon driver license and an unexpired Oregon CLP. DMV must have issued the unexpired CLP not less than 14 days prior to the test. The applicant's driving privileges must not be suspended, revoked, cancelled or otherwise withdrawn;

(b) Be ready to take the test in a class of vehicle or combination of vehicles that corresponds to or is lesser than the CLP, class, endorsements, and restrictions, possessed by the applicant and that corresponds to the CDL for which the person is applying.

(c) Have proof of insurance coverage on the vehicle as required by Oregon law;

(d) Complete all portions of the CDL skills test on the same calendar day unless the applicant fails or is unable to complete all three parts of the CDL skills test during a previous attempt.

(e) Communicate with the examiner in English. All examiner instructions are given in English and the applicant must respond in English.

(3) DMV adopts the following FMCSA regulations in effect as of September 26, 2016, as the standards that must be followed by an examiner in the administration of a CDL skills test:

- (a) 49 CFR 383.71, Driver Applicant and Certification Procedures;
- (b) 49 CFR 383.110 through 383.123, Required Knowledge and Skills; and

(c) 49 CFR 383.131 through 383.135, Tests.

(4) The CDL skills test must be administered in accordance with the federal regulations adopted by section (4) of this rule and the methods and procedures set forth in the Oregon CDL Examiner's Manual. The CDL skills test must include:

(a) A pre-trip vehicle inspection test. This part of the CDL skills test must be the first test administered by the examiner. It is designed to evaluate the applicant's ability to identify and operate the equipment on the vehicle in which the applicant is being tested and to detect and identify unsafe vehicle equipment items as described in the Oregon Commercial Driver Manual.

(b) A basic control skills test. This part of the CDL skills test must be administered after the applicant has successfully completed the pre-trip vehicle inspection test and prior to the on-road drive test. It is designed to evaluate the applicant's ability to control the vehicle and judge the position of the vehicle in relation to other objects through basic starting, stopping, backing and parking maneuvers.

(c) An on-road drive test. This part of the CDL skills test, which must be administered after successful completion of the basic control skills test, is designed to evaluate the applicant's competency to safely operate a vehicle or combination of vehicles under actual driving conditions. The appli-

cant must demonstrate safe and proper driving methods and procedures and knowledge of the traffic laws. The following apply to an on-road drive test:

(A) The vehicle or combination of vehicles used for the CDL skills test must be of the class for which the applicant seeks a license or endorsement and must have the proper equipment in safe working order so that the vehicle(s) can be operated safely and legally. DMV will not administer the test if the examiner concludes the vehicle cannot be operated safely and legally; and

(B) The vehicle or combination of vehicles must not be loaded.

(5) If the applicant fails the first CDL skills test, DMV or a CDL Third Party Tester may administer additional tests as needed, with the following frequency:

(a) A second test may be administered no sooner than seven days after the first test;

(b) A third test may be administered no sooner than 14 days after the second test;

(c) A fourth test may be administered no sooner than 28 days after the third test; and

(d) A fifth test may be administered no sooner than 28 days after the fourth test.

(6) If an applicant passed the pre-trip vehicle inspection test but failed any other part of the CDL skills test, DMV or an approved CDL Third Party Tester may consider the pre-trip vehicle inspection test score valid and administer a subsequent CDL skills test starting with the basic skills control test.

(7) All CDL skills test results must be recorded in CSTIMS.

(8) A passing score for a CDL skills test taken on or after September 26, 2016, is valid for six months. A passing score for a CDL skills test taken prior to September 26, 2016, is valid for two years.

(9) If a CDL skills test administered by DMV is not completed because of vehicle equipment failure due to the vehicle not having the necessary safety equipment or not being in proper working order, the required test fee will remain on the DMV customer record to serve as payment for a postponed test. If an applicant must postpone a CDL skills test three times due to equipment failure, it is a test failure and the test fee is forfeited. DMV will require an additional test fee for subsequent tests.

(10) An applicant for a CDL with a hazardous materials endorsement must meet the requirements described in OAR 735-063-0290.

Stat. Auth.: ORS 184.616, 184.619, 802.010
Other Auth.: 49 CFR §383.71, §383.110 – 383.123 & §383.131-383.135
Stats. Implemented: ORS 807.018, 807.031, 807.035, 807.045, 807.173, 807.285
Hist.: DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0270

Acceptance of Tests Conducted Out-of-State

When an applicant has received training in the operation of CMVs in another state and has taken and passed the CDL skills test in that state, DMV will accept the certification of a driver's competency as evidenced by the entry of passing test scores in CSTIMS, as provided in 49 CFR 383.79. The ability of a CDL Third Party Examiner to access CSTIMS demonstrates that the Examiner has been approved to administer CDL skills tests by the driver licensing agency in that state.

Stat. Auth.: ORS 184.616, 184.619, 802.010
Stats. Implemented: ORS 807.070, 807.072, 807.080
Hist.: DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0280

Military Skills Waiver

DMV may waive the CDL skills test for an applicant for a Class A or B CDL if the applicant has military experience driving a Class A or B CMV and meets the following requirements:

(1) The applicant holds or is eligible for an Oregon Class C driver license;

(2) The applicant submits a completed Application for Military Skills Waiver, including the Commanding Officer's certification of commercial driving experience, showing the applicant meets the conditions for a waiver of skills testing set forth in 49 CFR 383.77; and

(3) DMV determines, based on documentary evidence submitted by the applicant or any military department or agency of the United States Department of Defense that:

(a) The class of CMV operated by the applicant in the military is equivalent to the class of CDL for which the applicant is applying; and

(b) The applicant's primary duty while serving in the military was operation of a CMV and included operation of a CMV on public roadways.

Stat. Auth.: ORS 184.616, 184.619, 802.010
Stats. Implemented: ORS 807.070, 807.072
Hist.: DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

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735-063-0290

Requirements for Issuance and Retention of a Hazardous Materials Endorsement

(1) To obtain, retain or renew a CDL with a hazardous materials endorsement, a person must be qualified. To qualify for a hazardous materials endorsement a person must:

(a) Qualify for commercial driving privileges or have a valid Oregon CDL.

(b) Pass a hazardous materials endorsement knowledge test for an original endorsement or a renewal.

(c) Pass a security threat assessment (security check) from the Transportation Security Administration (TSA) in accordance with 49 CFR Part 1572, including receipt by DMV of a notice from TSA showing the person does not pose a security threat. A person must pass a TSA security check:

(A) Within four years and nine months prior to the date DMV issues an original hazardous materials endorsement;

(B) At intervals of not more than five years from the date of the person's most recent TSA security check; and

(C) Any other time required by DMV.

(d) Pay all required fees, which include, but may not be limited to, any applicable issuance fee and hazardous materials knowledge test fee.

(2) A person is no longer qualified for a hazardous materials endorsement if:

(a) DMV receives a notice of threat assessment from TSA requiring cancellation of the hazardous materials endorsement;

(b) DMV receives notice from TSA indicating the person did not pass the security threat assessment; or

(c) The person fails to complete and pass a TSA security check as described in section (1) of this rule.

(3) If DMV determines a person is no longer qualified for a hazardous materials endorsement under this rule, DMV will cancel the person's commercial driving privileges. Upon cancellation the person must immediately surrender to DMV the CDL showing the hazardous materials endorsement. If the person otherwise qualifies and pays a replacement fee, DMV will issue a CDL without a hazardous materials endorsement or a class C non-commercial driver license.

(4) The person may request an administrative review of the cancellation of the person's CDL. The issues for the administrative review are limited to whether:

(a) When required, the person completed and passed a TSA security check as described in section (1) of this rule.

(b) DMV received a notice from TSA showing the person does not qualify for a hazardous materials endorsement.

(c) The person is the same person named on the notice.

(5) An applicant for an Oregon CDL with a hazardous materials endorsement who presents a valid CDL with a hazardous materials endorsement issued by another state must still qualify for an original hazardous materials endorsement as set forth in section (1) of this rule.

(6) If the person passes a TSA security check within one year from the date the person's CDL with a hazardous materials endorsement was canceled under section (2) of this rule and otherwise qualifies for the CDL and endorsement, DMV will reissue the CDL with a hazardous materials endorsement after payment of a replacement fee. If the cancellation has been in effect for more than one year, the person must reapply for the hazardous materials endorsement as an original endorsement and must take all required tests, pay all required fees and pass the required TSA security check.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.173

Other Auth.: 49 USC sec. 5103a

Stats. Implemented: ORS 807.170, 807.173, 807.350, 809.310

Hist.: DMV 3-2005, f. 1-20-05, cert. ef. 1-31-05; DMV 13-2005, f. 5-19-05, cert. ef. 5-31-05; DMV 18-2005(Temp), f. & cert. ef. 8-18-05 thru 2-13-06; DMV 26-2005, f. & cert. ef. 12-14-05; DMV 7-2006(Temp), f. 7-31-06, cert. ef. 8-1-06 thru 1-27-07; DMV 8-2006, f. & cert. ef. 8-25-06; DMV 24-2009, f. 12-22-09, cert. ef. 1-1-10; Renumbered from 735-062-0190, DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0300

Restrictions on CDL or CLP

DMV will impose specific restrictions of driving privileges that will appear on a driver's record and on a CDL or a CLP as follows:

(1) L — No CMV with air brake. This restriction prohibits the driver from operating a CMV equipped with brakes that operate solely or partially by air pressure. DMV will place this restriction on a CDL or CLP if an applicant has not passed or fails the air brake knowledge test or takes the CDL skills test in a vehicle not equipped with air brakes.

(2) Z — No full air brake CMV. This restriction prohibits the driver from operating a CMV equipped with brakes that operate solely by air pressure. DMV will place this restriction on a CDL if the applicant takes the skills test in a vehicle equipped with air over hydraulic brakes.

(3) E — Automatic transmission CMV. This restriction prohibits the driver from operating a CMV that is equipped with a manual transmission. DMV will place this restriction on a CDL if the applicant takes the skills test in a vehicle equipped with an automatic transmission.

(4) O — No tractor trailer. This restriction prohibits the driver from operating a CMV in combination with any other vehicle using a fifth wheel hitch between the power unit and the first towed unit. DMV will place this restriction on a CDL if the applicant takes the skills test in a combination vehicle for a Class A CDL with the power unit and towed unit connected with a pintle hook or other non-fifth wheel connection.

(5) K — CMV intrastate only. This restriction prohibits the driver from operating a CMV for purposes of interstate commerce. DMV will place this restriction on a CDL or CLP if the driver is between 18 and 21 years of age, if the person fails to meet the medical qualification needed to operate interstate but has been issued an Oregon Waiver of Physical Disqualification, or if the person certifies to a driving type of non-expected intrastate.

(6) M — No A passenger CMV. This restriction prohibits the driver from operating a passenger vehicle requiring a Class A CDL. DMV will place this restriction on a CLP if the applicant has a Class B CLP with a passenger endorsement. DMV will place this restriction on a Class A or B CDL if an applicant takes the skills test in a Class B passenger vehicle.

(7) N — No A or B passenger CMV. This restriction prohibits the driver from operating a passenger vehicle requiring a Class A or Class B CDL. DMV will place this restriction on a CLP if the applicant has a Class C CLP with a passenger endorsement. DMV will place this restriction on any CDL if an applicant takes the skills test in a Class C passenger vehicle.

(8) V — Federal medical variance. DMV will place this restriction on a CDL or CLP if the applicant has a notice of exemption or SPE certificate issued by FMSCA as described in OAR 735-063-0060(1).

(9) P — No passenger in CMV bus. This restriction prohibits the driver from operating a CMV carrying passengers, other than federal or state auditors and inspectors, test examiners, other trainees and the CDL holder accompanying the CLP holder. DMV will place this restriction on a CLP when the CLP has a passenger endorsement.

(10) X — No cargo in tank CMV. This restriction prohibits the driver from operating a tank vehicle with cargo. DMV will place this restriction on a CLP when the CLP has a tank endorsement.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.120

Stats. Implemented: ORS 807.120

Hist.: DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0310

Transfer of Driver Records from Other Jurisdictions

When the driving record from another jurisdiction becomes part of a person's Oregon driving record under ORS 802.200(9)(e) any convictions from the other jurisdiction's driving record will be transferred to the person's Oregon driving record using the AAMVAnet Code Dictionary (ACD) code.

Stat. Auth.: ORS 184.616, 184.619, 802.200, 802.210, 802.540, 807.040, 807.045, 807.050, 807.060, 807.070, 807.150, 807.170 & 809.310

Stats. Implemented: ORS 802.200

Hist.: MV 6-1990, f. & cert. ef. 4-2-90; MV 14-1992, f. & cert. ef. 10-16-92; DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0017; Renumbered from 735-062-0210, DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0320

Report of Positive Drug Test Result from Medical Review Officer

(1) A report submitted by a medical review officer under ORS 825.410 or 825.415 must include a Report of Positive Drug Test Under ORS 825.410 or 825.415 (DMV form 735-7200) and:

(a) A legible copy of a completed Federal Custody and Control Form, Copy 2 — Medical Review Officer Copy; or

(b) Either an original or legible copy of a document that contains, at a minimum, the following information:

(A) Full name of the person tested;

(B) Specimen ID number;

(C) Place of Specimen Collection;

(D) Date of Specimen Collection;

(E) Collector's name;

(F) Whether a split specimen was collected;

(G) The signature of the person tested, certifying that: he or she provided an unadulterated specimen to the collector; the specimen bottle was

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sealed with a tamper evident seal in the person's presence; and the information on the label affixed to the specimen bottle was correct;

- (H) The date the medical review officer verified the test result; and
- (I) Signature of the medical review officer.

(2) DMV will send notice as required by ORS 825.412 or 825.418 when a report as described in section (1) of this rule is received by the agency.

Stat. Auth.: ORS 184.616, 184.619 & 802.010
Stats. Implemented: ORS 825.410, 825.412, 825.415 & 825.418
Hist.: MV 6-1990, f. & cert. ef. 4-2-90; MV 14-1992, f. & cert. ef. 10-16-92; DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-070-0185; Renumbered from 735-062-0185, DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0330

Hearing Request for Entry of Positive Drug Test Result on Employment Driving Record

(1) When DMV receives a report described in OAR 735-063-0320, DMV will notify the person who is the subject of the report that the person has a right to request a hearing to determine whether a positive drug test result will be placed on the person's employment driving record.

(2) A hearing request must be in writing and must include:

- (a) The person's full name;
- (b) The person's complete mailing address;
- (c) The person's Oregon driver license number; and

(d) A brief statement of the issues the person proposes to raise at the hearing. The issues are limited to those set forth in ORS 825.412(3) or 825.418(3).

(3) The hearing request must be postmarked within 30 days of the date of the notice. If the hearing request is not postmarked or a postmark date cannot be determined, it must be received by DMV within 30 days of the date of the notice. The time period for requesting a hearing is computed as set forth in OAR 137-003-0520(11).

(4) A person may submit a hearing request by mail or personal delivery to DMV Headquarters, 1905 Lana Avenue NE, Salem, OR 97314. If the person submits a hearing request by facsimile machine (FAX), it must be received by DMV at FAX number (503) 945-5521. A person may submit a hearing request through the form available on www.OregonDMV.com.

(5) A hearing request may also include:

- (a) The person's date of birth;
- (b) The telephone number where the person can be reached between 8 a.m. and 5 p.m.; and
- (c) The dates and times the person or the person's attorney cannot appear at a hearing.

(6) Except for good cause shown any factual or legal defense not set forth in the hearing request is considered waived. No evidence offered by a person who requests a hearing will be admitted into the hearing record on any factual or legal defense that is waived.

(7) If good cause is shown under section (6) of this rule, the administrative law judge must provide DMV sufficient opportunity to obtain and present any evidence in the contested case hearing deemed necessary by DMV to respond to evidence offered by the person on any factual or legal defense.

(8) Except as provided in OAR 137-003-0528, the person's right to a hearing is waived if a hearing is not requested within the time period specified in section (3) of this rule and the notice becomes the final order by default. The test results will be posted to the person's employment driving record.

Stat. Auth.: ORS 184.616, 184.619 & 802.010
Stats. Implemented: ORS 825.410, 825.412, 824.415 & 825.418
DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0017; Renumbered from 735-070-0190, DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0340

Cancellation or Suspension of Commercial Driving Privileges Due to No Valid Proof of Medical Qualification or Failure to Have Restriction on the CDL or CLP when Required

(1) DMV will cancel a person's commercial driving privileges if any proof of medical qualification, as described in OAR 735-063-0220, is denied, expired, rescinded, voided or revoked.

(2) DMV will cancel a person's commercial driving privileges if proof of medical qualification, as described in OAR 735-063-0220, is not submitted when requested by DMV. Such requests will be made only when DMV does not already have proof of medical qualification.

(3) When a person's commercial driving privileges have been cancelled under section (1) or (2) of this rule, DMV will restore the person's commercial driving privileges if the person submits proof of medical qualification as described in OAR 735-063-0220.

(4) Failure of a person to obtain the "V" restriction as required by OAR 735-063-0300(8) within the time period specified by DMV will result in cancellation of the person's commercial driving privileges in accordance with ORS 807.010(1) and 809.310(1).

(5) Failure of a person to obtain the "K" restriction as required by OAR 735-063-0300(5) within the time period specified by DMV will result in cancellation of the person's commercial driving privileges in accordance with ORS 807.010(1) and 809.310(1).

(5) DMV will suspend, for one year, a person's commercial driving privileges and the person's right to apply for commercial driving privileges if DMV determines that the person submitted false information to DMV for the purpose of establishing or maintaining qualification to operate a CMV; or hold a CDL or a CLP.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.040, 807.100, 809.415
Stats. Implemented: ORS 807.040, 807.100, 809.415
Hist.: DMV 1-2012, f. 1-27-12, cert. ef. 1-30-12; DMV 12-2012, f. & cert. ef. 9-20-12; Renumbered from 735-063-0067, DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0350

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 735-063-0240(9), in addition to any other actions authorized by law, will be subject to revocation of the waiver for up to 180 days upon DMV's determination of the driver's second violation of waiver conditions within the preceding 12 months.

(2) DMV will deny or revoke a Waiver of Physical Disqualification if DMV determines that the applicant or waiver holder does not qualify for the waiver under the requirements set forth in OAR 735-063-0240(8).

(3) DMV will deny or revoke a Waiver of Physical Disqualification if the waiver holder fails to provide information requested under 735-063-0240(7) within the required 60 day time period.

(4) DMV will deny or revoke a Waiver of Physical Disqualification if, as a result of a review conducted under 735-063-0240(6), DMV determines the person no longer qualifies 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; Renumbered from 740-300-0140, DMV 9-2008, f. & cert. ef. 3-21-08; DMV 4-2009, f. & cert. ef. 2-20-09; DMV 8-2010, f. & cert. ef. 3-17-10; Renumbered from 735-063-0075, DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0360

Serious Traffic Violations

ORS 809.525 sets forth the suspension of commercial driving privileges based on the accumulation of convictions of serious traffic violations. Offenses from other states are posted to an Oregon driver record using an AAMVAnet Code Dictionary (ACD) code. Therefore, offenses are shown below with the applicable Oregon statute and the corresponding ACD code(s). DMV designates the following offenses serious traffic violations:

(1) A violation, while operating a motor vehicle and a holder of commercial driving privileges, of:

- (a) Reckless driving — ORS 811.140, ACD code M84;
- (b) Any law establishing a speed limit, if the person is operating the motor vehicle 30 miles per hour or more above the posted limit and a court orders a suspension under ORS 811.109; or
- (c) Any law establishing a speed limit, if the person is operating the motor vehicle at a speed of 100 miles per hour or greater, ORS 811.109.

(2) A violation, while operating a CMV, of:

(a) Any law establishing a speed limit, if the person is operating the CMV 15 miles per hour more above the posted limit — ORS 811.111, ACD codes S15, S16, S21, S26, S31, S36, S41, S71, S81, S91, S92.

(b) The basic speed rule established in ORS 811.100 if the person is operating the CMV 15 miles per hour or more above the speed established in ORS 811.105 as prima facie evidence of violating of the basic speed rule.

(c) Operating a CMV without driving privileges — ORS 807.010(1), ACD code B56.

(d) Failure to carry or present to a police officer proof of commercial driving privileges - ORS 807.570, ACD code B57.

(e) Reckless driving — ORS 811.140, ACD code M84.

(f) Driving on the left on a curve or grade or at an intersection or rail crossing - ORS 811.305, ACD code M42.

(g) Failure to drive within a lane — ORS 811.370, ACD code M42.

(h) Unsafe passing on the left — ORS 811.410, ACD code M42.

(i) Unsafe passing on the right — ORS 811.415, ACD code M42.

(j) Following too closely — ORS 811.485, ACD code M34.

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(k) Operating motor vehicle while using a mobile communication device — ORS 811.507, ACD codes M85, M86.

(L) Any law relating to motor vehicle traffic control if the violation is connected to a fatal accident — ACD code U31. Motor vehicle traffic control violations as used in this subsection are those listed in ORS 809.600(1) and OAR 735-064-0220, and include city traffic offenses and offenses under federal law or the laws of another state as set forth in ORS 809.600(4). This subsection does not apply to violations of parking laws or laws regulating vehicle weight or equipment.

(m) Operating a CMV without proper classification or endorsement — ORS 807.010, ACD code B91.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 809.525

Other Auth.: 49 CFR sec. 383.51

Stats. Implemented: ORS 809.525

Hist.: DMV 5-2015, f. 6-19-15, cert. ef. 7-8-15; Renumbered from 735-063-0130, DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0360

Serious Traffic Violations

ORS 809.525 sets forth the suspension of commercial driving privileges based on the accumulation of convictions of serious traffic violations. Offenses from other states are posted to an Oregon driver record using an AAMVAnet Code Dictionary (ACD) code. Therefore, offenses are shown below with the applicable Oregon statute and the corresponding ACD code(s). DMV designates the following offenses serious traffic violations:

(1) A violation, while operating a motor vehicle and a holder of commercial driving privileges, of:

(a) Reckless driving — ORS 811.140, ACD code M84;

(b) Any law establishing a speed limit, if the person is operating the motor vehicle 30 miles per hour or more above the posted limit and a court orders a suspension under ORS 811.109; or

(c) Any law establishing a speed limit, if the person is operating the motor vehicle at a speed of 100 miles per hour or greater, ORS 811.109.

(2) A violation, while operating a CMV, of:

(a) Any law establishing a speed limit, if the person is operating the CMV 15 miles per hour more above the posted limit — ORS 811.111, ACD codes S15, S16, S21, S26, S31, S36, S41, S71, S81, S91, S92.

(b) The basic speed rule established in ORS 811.100 if the person is operating the CMV 15 miles per hour or more above the speed established in ORS 811.105 as prima facie evidence of violating of the basic speed rule.

(c) Operating a CMV without driving privileges — ORS 807.010(1), ACD code B56.

(d) Failure to carry or present to a police officer proof of commercial driving privileges - ORS 807.570, ACD code B57.

(e) Reckless driving — ORS 811.140, ACD code M84.

(f) Driving on the left on a curve or grade or at an intersection or rail crossing - ORS 811.305, ACD code M42.

(g) Failure to drive within a lane — ORS 811.370, ACD code M42.

(h) Unsafe passing on the left — ORS 811.410, ACD code M42.

(i) Unsafe passing on the right — ORS 811.415, ACD code M42.

(j) Following too closely — ORS 811.485, ACD code M34.

(k) Operating motor vehicle while using a mobile communication device — ORS 811.507, ACD codes M85, M86.

(L) Any law relating to motor vehicle traffic control if the violation is connected to a fatal accident — ACD code U31. Motor vehicle traffic control violations as used in this subsection are those listed in ORS 809.600(1) and OAR 735-064-0220, and include city traffic offenses and offenses under federal law or the laws of another state as set forth in ORS 809.600(4). This subsection does not apply to violations of parking laws or laws regulating vehicle weight or equipment.

(m) Operating a CMV without proper classification or endorsement — ORS 807.010, ACD code B91.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 809.525

Other Auth.: 49 CFR 383.51

Stats. Implemented: ORS 809.525

Hist.: DMV 5-2015, f. 6-19-15, cert. ef. 7-8-15; Renumbered from 735-063-0130, DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0370

Effect of Suspension, Cancellation or Revocation on Commercial Driving Privileges

(1) Oregon Class C non-commercial driving privileges are the base privileges upon which commercial driving privileges are added. A person who has a valid Oregon CLP or CDL also has valid Oregon Class C non-commercial privileges.

(2) Any suspension, cancellation or revocation of the person's Class C non-commercial privileges is also a suspension, cancellation or revocation of the person's commercial driving privileges.

(3) If a person is subject to a period of suspension of commercial driving privileges in addition to a suspension of the Class C non-commercial privileges, DMV will notify the person of the proposed suspension of commercial driving privileges in a separate notice. This section does not apply to a proposed suspension under Oregon's Implied Consent Laws, ORS 813.095 – 813.136.

(4) If the person is subject to a suspension, cancellation or revocation of the person's commercial driving privileges only, DMV will notify the person that the sanction applies only to the person's commercial driving privileges. If a consecutive suspension is required under Oregon law, the notice will inform the person of the effective dates of the consecutive suspension.

(5) A person whose commercial driving privileges are suspended, cancelled or revoked but whose Class C non-commercial driving privileges are valid may downgrade the person's commercial driving privileges, surrender the CDL, and obtain a Class C non-commercial license. A person who downgrades the commercial driving privileges granted by a CDL may regain the downgraded privileges, without retesting, within three years after the privileges are downgraded or within three years after the effective date of the earliest suspension or cancellation of commercial driving privileges that was in effect at the time of downgrade, whichever is earlier. This ability to regain surrendered commercial driving privileges is conditioned upon meeting all requirements for issuance of a CDL, other than testing, and does not apply to a CLP.

Stat. Auth.: ORS 184.616, 184.619, 802.010

Stats. Implemented: ORS 809.360, 809.380, 809.430, 809.510 – 809.540

Hist.: DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-063-0380

Reinstatement of CDL Disqualification

(1) To be eligible to apply under ORS 809.520(3) for reinstatement of a lifetime suspension of commercial driving privileges imposed by DMV under ORS 809.520(2), the person must:

(a) Meet all requirements for issuance of a CDL or CLP;

(b) Provide any information requested sufficient for DMV to find there is good cause for reinstatement; and

(c) Successfully complete rehabilitation as approved by DMV and provide proof of such completion.

(3) In determining whether good cause for reinstatement has been shown, DMV will consider the person's driving record for the 10 years preceding the date of application for reinstatement. DMV will not reinstate commercial driving privileges if any of the following appear on the person's driving record in this state or in any other jurisdiction:

(a) A conviction for an offense involving the operation of a CMV.

(b) A conviction for any offense listed in ORS 809.510.

(c) A conviction for the offense described in ORS 809.520(1).

(d) A conviction for any offenses listed in OAR 735-063-0260.

(e) A conviction for reckless endangering a highway worker in any vehicle.

(f) A suspension of driving privileges under the Driver Improvement Program or a similar program in another jurisdiction appears on the person's driving record within the three years preceding the date of application for reinstatement.

(4) The following courses are approved by DMV as meeting the rehabilitation requirement:

(a) National Safety Council, DDC Attitudinal Dynamics of Driving; and

(b) National Safety Council, DDC Professional Truck Drivers.

(5) If a required course listed in section (4) of this rule is not available in Oregon, DMV will accept proof the person has successfully completed the on-line version of the course. If a required course is not available in Oregon and there is no on-line version available, DMV may accept proof of successful completion of an equivalent rehabilitation course or program.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 809.520

Stats. Implemented: ORS 809.520

Hist.: DMV 15-2006, f. 10-13-06, cert. ef. 11-1-06; Renumbered from 735-070-0200, DMV 5-2015, f. 6-19-15, cert. ef. 7-8-15; Renumbered from 735-063-0180, DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-064-0220

Traffic Offenses Used in Habitual Offender, Driver Improvement, CMV Serious Violations and Hardship/Probationary Driver Permit Programs

(1) A conviction for an offense listed in this rule counts toward:

(a) The Habitual Offender Program pursuant to ORS 809.600(2);

(b) The Provisional and Adult Driver Improvement Programs outlined in Oregon Administrative Rule chapter 735, division 72;

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(c) Motor vehicle traffic control violations connected to a fatal accident as described in OAR 735-063-0360 that can lead to a suspension of commercial driving privileges.

(d) Revocation of a probationary driver permit pursuant to ORS 807.270(7); and

(e) Revocation of a hardship permit pursuant to OAR 735-064-0100 and 735-064-0110.

(2) This section lists the offenses and the statutory citations for Oregon offenses used in the programs identified in section (1) of this rule:

(3) Offenses from other states will be posted to driver records using an AAMVAnet Code Dictionary (ACD) code. This section identifies the code that appears on the driver record, a description of the offense and the ORS reference covering an equivalent offense(s) for Oregon: [Table not included. See ED. NOTE.]

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 184.616, 184.619, 802.010, 809.480 & 809.605
Stats. Implemented: ORS 807.240, 807.270, 809.480, 809.600(2) & 809.605
Hist.: MV 17-1986, f. & ef. 10-1-86; MV 33-1987, f. & ef. 11-2-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0180; MV 32-1989, f. & cert. ef. 10-3-89; MV 7-1990, f. & cert. ef. 5-16-90; MV 18-1991, f. 9-18-91, cert. ef. 9-29-91; MV 26-1991, f. & cert. ef. 11-18-91; DMV 8-1995, f. & cert. ef. 6-19-95; DMV 5-1997, f. & cert. ef. 2-20-97; DMV 8-1998, f. & cert. ef. 6-19-98; DMV 27-2001(Temp), f. 12-14-01, cert. ef. 1-1-02 thru 6-29-02; DMV 11-2002, f. 6-24-02, cert. ef. 6-30-02; DMV 33-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 4-2004, f. & cert. ef. 2-23-04; DMV 21-2005(Temp), f. 9-19-05, cert. ef. 10-1-05 thru 3-29-06; DMV 28-2005, f. & cert. ef. 12-14-05; DMV 19-2007, f. 12-24-07, cert. ef. 1-1-08; DMV 28-2009, f. 12-22-09, cert. ef. 1-1-10; DMV 18-2011, f. 12-22-11, cert. ef. 1-1-12; DMV 5-2015, f. 6-19-15, cert. ef. 7-8-15; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-064-0230

Emergency Driver Permit

(1) An emergency driver permit authorizes operation of only those vehicles that the holder of a Class C non-commercial driver license may operate, and does not include operation of any vehicle for which commercial driving privileges are required or operation of a motorcycle.

(2) DMV may issue an emergency driver permit to a person between 14 and 18 years of age for an emergency situation only, and not for convenience. An emergency situation includes, but is not limited to, the need for a person to drive to and from:

(a) Medical appointments and treatment for the person or a member of the person's immediate family when no other means of transportation is available;

(b) Work or on the job when no other transportation is available and the person's employment is essential to the welfare of the person's family;

(c) Work or on the job when the person's employment is necessary to help harvest crops that may go unharvested or be lost if the person is unable to drive; and

(d) Grocery stores when no other means of transportation is available.

(3) DMV may issue an emergency driver permit to a person for an emergency situation when a court has issued an order of denial of the person's driving privileges under ORS 809.260. For purposes of this subsection, an emergency situation includes, but is not limited to:

(a) Those emergencies situations listed in Section (2) of this rule; and

(b) The need to drive to and from school when no other means of transportation is available.

(4) Except as provided in section (5) of this rule, an applicant for an emergency driver permit must:

(a) Submit a completed Student/Emergency Permit Application, Form 735-0009 or Court Denial Emergency Driver Permit Application, Form 735-0009a;

(b) Provide proof satisfactory to DMV detailing the need for an emergency driver permit signed by the applicant, and the applicant's parent or legal guardian, if the applicant is under 18 years of age and is not an emancipated minor, including, but not limited to:

(A) The circumstances of the emergency;

(B) The expected end date of the emergency;

(C) A complete description of the days, times and routes to be traveled;

(D) The name and address of the medical facilities, routes, days and times the applicant is required to drive to appointments or treatment on a regular basis, if the applicant needs to drive to medical appointments or to receive medical treatment on a regular basis for himself or herself or a member of the applicant's immediate family. The applicant also must submit a signed statement from the physician, physician assistant or certified nurse practitioner treating the applicant or the applicant's immediate family member, advising of the need for medical appointments or treatment on a regular basis. The statement must include how often appointments or treatments are required and the hours of the day and days of the week

appointments or treatments are available. Actual appointment and treatment times are subject to verification by DMV and law enforcement;

(E) A signed letter from the applicant's employer on company letter-head stating the days and hours the applicant works if the applicant is applying to drive for employment purposes; and

(F) The signature of a school administrator on the application certifying that there is no other school or public transportation available and that the applicant attends school on the days and hours stated on the application, if the applicant is applying to travel to and from school.

(c) Pay all applicable fees;

(d) Pay the reinstatement fee as established under ORS 807.370 if the applicant's driving privileges are suspended by court denial;

(e) Fulfill all applicable requirements of ORS Chapter 807 and OAR 735, division 062, for issuance of a Class C non-commercial driver license; and

(f) Have an instruction driver permit, if the applicant is over 15 years of age, or if under 15 years of age, obtain an instruction driver permit within 60 days after the applicant's 15th birthday. This subsection does not apply to an applicant who is only eligible for an emergency permit because his or her driving privileges are suspended by a court ordered denial of driving privileges under ORS 809.260.

(5) To be eligible for an emergency driver permit, an applicant does not need to:

(a) Possess an instruction driver permit for at least six months prior to applying for an emergency driver permit;

(b) Have at least 50 hours of driving experience with a licensed driver over the age of 21; or

(c) Complete a traffic safety education course.

(6) In addition to any other driving restrictions that may be imposed by DMV, the holder of an emergency driver permit, who is under 18 years of age, may not drive a motor vehicle carrying any passenger under 20 years of age who is not a member of the permit holder's immediate family.

(7) Except as provided in section (9) of this rule, an emergency driver permit issued prior to the applicant's 16th birthday will expire on the following date, whichever occurs first:

(a) At the end of the emergency; or

(b) Six months and 60 days after the emergency driver permit holder's 16th birthday.

(8) Except as provided in section (9) of this rule an emergency driver permit issued on or after the applicant's 16th birthday and prior to the applicant's 18th birthday will expire on the following date, whichever occurs first:

(a) At the end of the emergency;

(b) Six months and 60 days after issuance of the emergency driver permit; or

(c) One week after the emergency driver permit holder's 18th birthday.

(9) Section (7) and (8) of this rule are not applicable to an emergency driver permit issued because a court ordered denial of driving privileges, under ORS 809.260, which expires on the following date, whichever comes first:

(a) At the end of the emergency; or

(b) At the end of the suspension period.

(10) After the end of the suspension period for a court order denial of driving privileges under ORS 809.260, a person issued an emergency driver permit may be eligible to apply for a driver license or driver permit, including an emergency permit or special student driver permit.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.120, 807.220

Stats. Implemented: ORS 807.220

Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0006; MV 6-1990, f. & cert. ef. 4-2-90; DMV 12-1996, f. & cert. ef. 12-20-96; DMV 1-2001, f. & cert. ef. 1-17-01; DMV 19-2006, f. & cert. ef. 12-13-06; DMV 4-2008, f. & cert. ef. 1-25-08; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

735-064-0235

Special Student Driver Permit

(1) A special student driver permit authorizes operation of only those vehicles that the holder of a Class C driver license may operate, and does not include operation of any vehicle for which commercial driving privileges are required or operation of a motorcycle.

(2) A special student driver permit authorizes a person to only drive between the person's home and the closest alternate means of transportation, or if alternate transportation does not exist, between home and the school, college or other educational institution in which the person is enrolled and is attending for an educational purpose. An educational purpose includes participation in extra-curricular activities as long as the stu-

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dent drives only to his or her school, college or educational institution for which the permit is issued.

(3) Except as provided in section (4) of this rule, an applicant for a special student driver permit must:

(a) Submit a completed Student Driver's Permit Application, Form 735-0009, signed by the applicant's parent or legal guardian and endorsed by the sheriff of the county in which the applicant resides and the principal of the school or educational institution, or registrar of the college, in which the applicant is enrolled;

(b) Pay all applicable fees;

(c) Have an instruction driver permit, if the applicant is over 15 years of age, or if under 15 years of age, obtain an instruction driver permit within 60 days after the applicant's 15th birthday;

(d) Fulfill all applicable requirements of ORS Chapter 807 and OAR 735, Division 062, for issuance of a Class C non-commercial driver license; and

(e) Provide proof satisfactory to DMV that the applicant has no other means of transportation available including but not limited to:

(A) A map(s) showing the route between the applicant's home and alternate transportation or home and the school, college or educational institution in which the applicant is enrolled and public transportation routes; and

(B) The hours for which the applicant needs the special student permit and a copy of public transportation schedules.

(4) To be eligible for a special student driver permit, an applicant does not need to:

(a) Possess an instruction driver permit for at least six months prior to applying for a special student driver permit;

(b) Have at least 50 hours of driving experience with a licensed driver over the age of 21 years of age; or

(c) Complete a traffic safety education course.

(5) In addition to any other driving restrictions that may be imposed by DMV:

(a) The holder of a special student driver permit may not drive a motor vehicle carrying any passenger under 20 years of age who is not a member of the special student permit holder's immediate family; and

(b) The holder of a special student driver permit may not drive between 12 midnight and 5 a.m.

(6) A special student driver permit issued prior to the applicant's 16th birthday will expire on the following date, whichever occurs first:

(a) When the applicant has other means of transportation to and from school, college or other educational institutions; or

(b) Six months and 60 days after the applicant's 16th birthday.

(7) A special student driver permit issued on or after the applicant's 16th birthday and prior to the applicant's 18th birthday will expire on the following date, whichever occurs first:

(a) When the applicant has other means of transportation to and from school, college or other educational institution;

(b) Six months and 60 days after issuance; or

(c) One week after the applicant's 18th birthday.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.120, 807.230

Stats. Implemented: ORS 807.230

Hist.: DMV 12-1996, f. & cert. ef. 12-20-96; DMV 1-2001, f. & cert. ef. 1-17-01; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 19-2006, f. & cert. ef. 12-13-06; DMV 4-2016, f. 9-22-16, cert. ef. 9-26-16

Rule Caption: Third Party Testing for Commercial Driver Licenses
Adm. Order No.: DMV 5-2016

Filed with Sec. of State: 9-22-2016

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Rules Adopted: 735-060-0001, 735-060-0051, 735-060-0101, 735-060-0145

Rules Amended: 735-060-0030, 735-060-0040, 735-060-0050, 735-060-0055, 735-060-0057, 735-060-0090, 735-060-0095, 735-060-0100, 735-060-0105, 735-060-0115, 735-060-0120, 735-060-0130

Rules Repealed: 735-060-0060, 735-060-0065, 735-060-0110

Rules Ren. & Amend: 735-060-0000 to 735-060-0003

Subject: Chapter 735, Division 60 rules regarding CDL Third Party Testing were originally promulgated in 1986 and have had several partial updates since, which resulted in some inconsistent or confusing language and questionable organization of the content. Because of statutory and procedural changes, it is now time for DMV to again amend some of these rules. However, instead of just amend-

ing sections here and there, DMV carefully reviewed the entire rule division in an attempt to make certain the rules were consistent and easier to follow.

One of the two major changes that necessitated these rule amendments is implementation of the commercial learner driver permit (CLP) on September 26, 2016. These rules are amended to specify that no applicant may test with a third party tester unless the applicant possesses a CLP issued by DMV at least 14 days prior to testing. The other major change is that all test information, including passing scores that allow DMV to issue a CDL, are now entered into the Commercial Skills Test Information Management System (CSTIMS). Therefore, a third party examiner no longer needs to issue a Certificate of Test Completion for the applicant to take to DMV. DMV can access scores entered in CSTIMS by a third party testing business as well as scores entered by a tester in another jurisdiction.
Rules Coordinator: Lauri Kunze—(503) 986-3171

735-060-0001

Purpose

The DMV Commercial Driver Licensing Third Party Testing Program allows a person who is not an employee of DMV (a third party) to administer a CDL skills tests to a CDL applicant to determine whether the CDL applicant is competent to obtain commercial driving privileges. This program and acceptance of CDL applicant test scores are authorized under ORS 807.080 and 807.072(3). Other than as provided in OAR 735-063-0270, only a person who has a valid CDL Third Party Examiner Certificate issued by DMV and who is administering the CDL skills test for a certified CDL Third Party Tester is authorized under this program to administer CDL examinations. The purpose of these Chapter 735, Division 60 rules is to describe the CDL Third Party Testing Program, including how a person qualifies for a CDL Third Party Tester Certificate, duties of a Tester, how an individual qualifies for a CDL Third Party Examiner Certificate, duties of an Examiner and other details of the CDL Third-Party Testing Program.

Stat. Auth.: ORS 184.616, 184.619, 807.072 & 807.080

Stats. Implemented: ORS 807.040, 807.070, 807.072 & 807.080

Hist.: DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

735-060-0003

Definitions

The following definitions apply to terms in OAR Chapter 735, Division 60:

(1) "Administrative training" means instruction provided by DMV to a CDL Third Party Tester Representative that describes the administrative requirements and duties of a CDL Third Party Tester, including but not limited to, maintaining records and proper completion of DMV-required reports in CSTIMS.

(2) "Business day" means 8:00 a.m. to 5:00 p.m. any weekday excluding any holiday when DMV is closed.

(3) "Calendar day" means the period that begins at 12:01 a.m. and ends at 11:59 p.m. on the same day.

(4) "Cancel" in relation to a CDL Third Party Tester Certificate of a CDL Third Party Examiner Certificate means to void the authority granted by the certificate.

(5) "CDL" means a Class A, B or C Commercial Driver License.

(6) "CDL skills test" means the test, as described in OAR 735-060-0120, of the competency of the CDL applicant to operate a CMV of the type and class for which the test qualifies the CDL applicant.

(7) "CDL Third Party Examiner" or "Examiner" means an individual who has been authorized by DMV to administer a CDL skills test through a CDL Third Party Tester.

(8) "CDL Third Party Examiner Certificate" means a document issued by DMV that authorizes an individual to administer, on behalf of DMV, a CDL skills test to a CDL applicant.

(9) "CDL Third Party Tester" or "Tester" means a person authorized by DMV to operate a CDL skills testing program and provide a CDL Third Party Examiner to administer CDL skills tests to determine driver competency.

(10) "CDL Third Party Tester Certificate" means a driver competency testing document issued by DMV to authorize the person to operate as a Tester, pursuant to ORS 807.080.

(11) "CDL Third Party Tester Representative" or "Representative" means an individual, designated by the CDL Third Party Tester, to be responsible for the Tester's activities required by administrative rule and the CDL Third Party Tester Agreement.

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(12) "CLP" means a commercial learner driver permit issued under ORS 807.285 on or after September 26, 2016, or a commercial instruction permit issued under ORS 807.280 prior to September 26, 2016.

(13) "CMV" means "commercial motor vehicle" as defined in ORS 801.208.

(14) "CSTIMS", means Commercial Skills Test Information Management System, a web-based computer system for scheduling and reporting CDL skills tests information and results.

(15) "Commercial truck or bus driver training school" means a licensed private career school or community college that offers training to the general public in driving CMVs.

(16) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.

(17) "FMCSA" means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

(18) "Motor carrier" means a for-hire carrier or private carrier, as those terms are defined in ORS 825.005, that is subject to the FMCSA Regulations.

(19) "Oregon CDL Examiner's Manual" (DMV Form 735-7306) means the document that provides information to DMV and Examiners on administering a CDL skills test as provided in OAR 735-060-0120.

(20) "Owner," when used in connection with a person that is a CDL Third Party Tester, means a sole proprietor, partner, officer, director or a shareholder who holds 20% or more of the business.

(21) "Person" includes, but is not limited to, a motor carrier, a private driver training facility, a public or private business, a sole proprietorship or a department, agency or instrumentality of a state or local government.

(22) "Personal information" is as defined in ORS 802.175.

(23) "Revocation" means the termination of a CDL Third Party Tester Certificate or of a CDL Third Party Examiner Certificate and the right to apply for the certificate for the length of time specified in the Notice of Revocation.

(24) "Suspension" means a temporary withdrawal of the authority granted by a CDL Third Party Tester Certificate or of a CDL Third Party Examiner Certificate for the length of time specified in the Notice of Suspension.

(25) "Test site" means the physical location where an Examiner administers the pre-trip vehicle inspection and the basic control skills test portions of the CDL skills test.

(26) "Traffic crime" is as defined in ORS 801.545.

(27) "Valid CDL" means a CDL issued to an Examiner for the class of vehicle, with any necessary endorsement, required to operate a CMV for which the Examiner intends to administer CDL skills tests. "Valid CDL" does not include:

(a) A CDL with restrictions that would make the Examiner's operation of the CMV unlawful under ORS 807.010(2);

(b) A CDL that is currently expired, suspended, revoked, cancelled, or otherwise withdrawn in any jurisdiction; or

(c) A grant of driving privileges issued as a permit.

Stat. Auth.: ORS 184.616, 184.619, 807.072 & 807.080

Stats. Implemented: ORS 807.040, 807.070, 807.072 & 807.080

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; MV 4-1987, f. & ef. 5-18-87; MV 23-1987, f. & ef. 9-28-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0600; MV 6-1990, f. & cert. ef. 4-2-90; MV 9-1991(Temp), f. & cert. ef. 7-26-91; MV 16-1991, f. 9-18-91, cert. ef. 9-29-91; MV 10-1992, f. 8-21-92, cert. ef. 9-1-92; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10; DMV 20-2010, f. 11-19-10, cert. ef. 1-1-11; Renumbered from 735-060-0000, DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

735-060-0030

Qualifications for CDL Third Party Testers

(1) An entity, other than the Oregon Department of Education, must meet the following qualifications in order to be issued a CDL Third Party Tester Certificate:

(a) Agree to abide by all terms and conditions of a written CDL Third Party Tester Agreement with DMV;

(b) Maintain a business office or facility within the State of Oregon where driver testing records are securely kept and are available for inspection or audit by DMV, the Oregon Secretary of State's Office or the FMCSA. To qualify as a business office or facility, it must be staffed and open during posted business hours or have a business phone with an answering service, answering machine or voice mail service, with the ability to return all business related messages no later than the following business day. The requirement that the business office or facility be within the State of Oregon is not applicable if the CDL Third Party Tester maintained driver testing records at a business office or facility outside the State of Oregon prior to June 1, 2010;

(c) Have a campus located in Oregon if the entity is a publicly-owned and operated educational facility;

(d) Have a DMV-approved testing program to administer standardized behind-the-wheel drive tests to applicants for a CDL license which complies with all the requirements set forth in OAR 735-060-0120;

(e) Have an owner or a CDL Tester Representative who is certified as a CDL Third Party Examiner or has applied for certification as a CDL Third Party Examiner or employ at least one certified CDL Third Party Examiner;

(f) Be in compliance with all federal, state and local laws or regulations, including all business and zoning requirements;

(g) Pass the inspection described in OAR 735-060-0040;

(h) Submit to DMV a schedule of all testing services offered and the fee charged for each of those services, if the Third Party Tester is compensated for testing services;

(i) Designate at least one CDL Tester Representative. If more than one CDL Tester Designated Representative may be the owner or a person employed by the CDL Tester. If more than one CDL Tester Representative is designated, the responsibilities of each must be clearly described, in writing, to the satisfaction of DMV;

(j) Have an active e-mail address;

(k) Have a business name that is registered and listed as active with the Corporate Division of the Oregon Office of the Secretary of State, unless the entity is a government agency; and

(L) The CDL Tester Representative must complete administrative training provided by DMV. DMV may require the CDL Tester Representative to complete periodic administrative training at the discretion of DMV.

(2) An entity may not qualify for a CDL Third Party Tester Certificate if:

(a) The entity has a Third Party Tester Certificate, a CDL Third Party Examiner Certificate or equivalent authorization, issued by any jurisdiction, that is currently suspended or revoked;

(b) The entity has had a CDL Third Party Tester Agreement, issued by any jurisdiction, involuntarily terminated. This section does not apply if the agreement was terminated more than five years from the date an application for a CDL Third Party Tester Certificate is submitted to DMV;

(c) An owner of the entity of the entity's CDL Tester Representative has had a CDL Third Party Tester Certificate, a CDL Third Party Examiner Certificate or equivalent authorization, issued by any jurisdiction, that was suspended, revoked or involuntarily canceled or otherwise involuntarily terminated for conduct that would result in permanent revocation in Oregon;

(d) The entity, an owner of the entity or the entity's CDL Tester Representative has a driver testing certificate, a driver training school certificate or driver training instructor certificate or equivalent authority, issued by any jurisdiction, that is currently suspended or revoked; or

(e) The entity has a partner, owner or shareholder who owns 20% or more of the business or an officer, director, agent or manager who:

(A) Has a CDL Third Party Tester Certificate, CDL Third Party Examiner Certificate, Driver Testing Certificate, Driver Training School Certificate, Driver Training Instructor Certificate or equivalent authorization, issued by any jurisdiction, that is currently suspended or revoked;

(B) Has had a CDL Third Party Tester Certificate, CDL Third Party Examiner Certificate, Driver Testing Certificate, Driver Training School Certificate, Driver Training Instructor Certificate or equivalent authorization, issued by any jurisdiction, that has been suspended, revoked or involuntarily canceled or otherwise involuntarily terminated within the five years immediately preceding the date an application for a CDL Third Party Tester Certificate is submitted to DMV; or

(f) The entity's CDL Tester Representative, or a partner, owner or shareholder who owns 20% or more of the business, or an officer, director, agent, or manager has:

(A) Been convicted of a crime involving moral turpitude, including but not limited to, homicide, assault, kidnapping, a sexual offense, robbery, child pornography, fraud, forgery, perjury and theft or of a crime punishable as a felony involving the use of a motor vehicle, or a crime punishable as a felony involving possession, manufacture or distribution of a controlled substance, if DMV determines from the facts and intervening circumstance of the conviction that the person is not fit to perform the responsibilities of a CDL Third Party Tester and/or poses a risk to the safety of persons while performing those responsibilities; or

(B) Engaged in conduct that is substantially related to the person's fitness to hold a CDL Third Party Tester Certificate and which demonstrates unfitness and inability to perform the responsibilities of a CDL Third Party Tester.

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(g) The entity is a motor carrier who has an unsatisfactory safety rating from FMCSA or the Oregon Department of Transportation, Motor Carrier Transportation Division.

(3) The Oregon Department of Education must meet the following qualifications for a CDL Third Party Tester Certificate:

(a) All qualifications in section (1) of this rule except those described in sections (1)(e), (1)(h) and (1)(k);

(b) The Department's CDL Tester Representative(s) and CDL Examiners must meet the requirements in section (2) of this rule; and

(c) Must administer a CDL Examiner Training Program as described by OAR 735-060-0095(2) and that has been approved by DMV.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; MV 18-1986, f. & ef. 10-16-86; MV 4-1987, f. & ef. 5-18-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0630; 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; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10; DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

735-060-0040

Inspection

(1) An applicant for a CDL Third Party Tester Certificate must pass an inspection to ensure compliance with all Oregon statutes, DMV administrative rules and federal regulations related to CDL Third Party testing. An authorized representative of DMV will, during regular business hours, inspect the applicant's business office or facility, and any proposed test site, and on-road drive test routes submitted as part of the application.

(2) DMV, the Oregon Secretary of State, or FMCSA may conduct an unscheduled inspection of the business premises, records and equipment of a CDL Third Party Tester to review compliance with all Oregon statutes, DMV administrative rules and federal regulations related to CDL Third Party testing. No notice will be given to the Tester prior to the unscheduled inspection. The Tester must consent to and fully cooperate with the unscheduled inspection.

(3) In addition to any other inspection, DMV will, at least once every two years, conduct an on-site inspection of each Tester to review compliance with Oregon statutes, DMV administrative rules and federal regulations related to CDL Third Party testing.

(4) An onsite inspection, whether scheduled or unscheduled, may include an inspection of:

(a) CDL Third Party Tester records.

(b) Security of CDL applicant personal information.

(c) A review of the Tester's qualifications and compliance with the terms of the CDL Third Party Tester Agreement.

(d) The testing procedures used by CDL Third Party Examiners of the Tester including the test site(s) and on-road drive test route(s).

(e) Any other related areas the DMV representative may deem necessary at the time of the inspection.

(5) As part of an inspection, a DMV representative may observe, co-score and evaluate a CDL Third Party Examiner administering a CDL skills test or retest a sample of the CDL applicants who were tested by an Examiner of the Tester to compare scoring and monitor testing procedures. The Tester must provide a vehicle that will accommodate the Examiner, the CDL applicant being tested, and the DMV representative.

(6) A DMV representative may pose as a customer of a Tester without disclosing that the representative is an employee of DMV in order to inspect the manner in which CDL skills tests are administered.

(7) To pass an inspection, the Tester must be in compliance with the Oregon statutes, DMV administrative rules and federal regulations relating to CDL Third Party testing.

(8) The DMV representative conducting the inspection will prepare a written report and specify any deficiencies that the Tester must correct. The Tester will be given a copy of the report. Deficiencies identified must be corrected by the Tester within 30 calendar days of the date DMV sends the report to the Tester.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0635; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 11-2009, f. 6-25-09, cert. ef. 7-1-09; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10; DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

735-060-0050

Application for and Issuance of CDL Third Party Tester Certificate

(1) To apply for a CDL Third Party Tester Certificate, an applicant must:

(a) Meet all the qualifications set forth in OAR 735-060-0030;

(b) Submit the following to DMV, CDL Third Party Testing, 1905 Lana Avenue NE, Salem, Oregon 97314:

(A) A completed Application for a Third Party Tester Certificate, DMV Form 6766, signed by the Representative;

(B) An original CDL Third Party Tester Agreement, signed by the Representative;

(C) One or more proposed test sites where the pre-trip vehicle inspection and basic control skills portions of the CDL skills test will be administered;

(D) For each proposed test site at least one proposed on-road drive test route;

(E) An Application for a CDL Third Party Examiner's Certificate, DMV Form 6767, for each CDL Examiner who will administer CDL skills tests for the Tester;

(F) Proof of comprehensive commercial liability insurance and proof of comprehensive auto liability insurance, if applicable, that meets the requirements specified in the CDL Third Party Tester Agreement. A self-insured public agency covered by the Oregon Tort Claims Act must submit a statement of self-insurance;

(G) Proof of surety bond as required by OAR 735-060-0030(1)(k), unless the Tester is a public agency; and

(H) Authorization for:

(i) Verification of tax compliance;

(ii) Verification of the liability insurance described in OAR 735-060-0030(1)(h); and

(iii) Verification of the surety bond described in OAR 735-060-0030(1)(i).

(2) A CDL Third Party Tester Certificate is valid for two years, unless cancelled, suspended, revoked or the Tester's CDL Third Party Tester Agreement is terminated. The certificate will expire two years from the end of the month it is issued or renewed. For example, a certificate issued or renewed on April 2, 2015 will expire on April 30, 2017.

(3) A CDL Third Party Tester Certificate may be replaced if the original certificate is lost, mutilated or destroyed. To apply for a replacement certificate, a written request that describes the reason for the replacement must be submitted to DMV CDL Third Party Testing, 1905 Lana Avenue NE, Salem, Oregon 97314.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0640; 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; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10; DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

735-060-0051

Refusal to Issue a CDL Third Party Tester Certificate

(1) DMV may not issue a CDL Third Party Tester Certificate to any person when:

(a) DMV determines that information contained in the application is false;

(b) DMV determines that the person fails to meet any qualification for certification required by these rules; or

(c) DMV determines that issuance of the certificate to a specific person may compromise the integrity of the CDL Third Party Testing Program, as described in OAR 735-060-0140.

(2) DMV may not process any application for a CDL Third Party Tester Certificate if any portion of the application is missing or incomplete.

(3) If DMV refuses to issue a CDL Third Party Tester Certificate the person is entitled to a contested case hearing as provided in the Oregon Administrative Procedures Act, ORS 183.413 to 183.500.

(4) A person must submit a request for a hearing in writing within 60 days of the date of the refusal. A hearing request received in a timely manner will not result in issuance of a CDL Third Party Tester Certificate pending the outcome of the hearing.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

735-060-0055

Duties of a CDL Third Party Tester

(1) A Tester must:

(a) Meet the qualifications for a Tester described in OAR 735-060-0030 throughout the term of the certification;

(b) Notify DMV in writing prior to making any changes to, deviations from, or modifications to a test site or an on-road drive test route unless there is good cause for such change, deviation or modification due to an unexpected closure or safety issue that could not be anticipated by the

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Tester or Examiner. Good cause includes, but is not limited to, an accident, downed trees or power lines, flooding, or unannounced construction. Any change, deviation or modification from on-road drive test route must not result in any scored maneuver being skipped. Any change, deviation or modification from the test site or on-road drive test route must be noted in CSTIMS along with an explanation of the cause for the change, deviation or modification;

(c) Notify DMV in writing within 10 calendar days of any change in:

(A) The address of the Tester's business office, facility or campus;

(B) The status of an Examiner or a Representative, including an Examiner or Representative who has become associated with or is no longer associated with the Tester;

(C) The name and address of the Representative, registered agent, an owner, agent or manager;

(D) The services offered to the public related to CDL skills testing and the fees charged for those services;

(d) Notify DMV in writing within two business days if:

(A) The Tester goes out of business;

(B) The Tester no longer meets any qualifications set forth in OAR 735-060-0030; or

(C) An Examiner associated with the Tester no longer meets the qualifications set forth in OAR 735-060-0090;

(D) An Examiner associated with the Tester is no longer associated with the Tester;

(E) An Examiner associated with the Tester has been arrested for or convicted of a traffic crime.

(e) Ensure that all Examiners associated with the Tester remain in compliance with all statutes, administrative rules and regulations related to the qualifications and duties of Examiners.

(f) Ensure that before any individual associated with the Tester views or enters information in CSTIMS, the individual takes the CSTIMS Privacy Awareness Training.

(g) Make any and all business records, vehicles and facilities related to the operation of the Tester's testing program available for inspection by representatives of DMV, the Oregon Secretary of State or FMCSA with or without prior notice.

(h) Correct any deficiencies specified in an inspection report within 30 calendar days of receipt of the report.

(i) Ensure that vehicles provided by the Tester for testing purposes:

(A) Meet the safety equipment standards of the Oregon Vehicle Code and federal regulations, and are maintained in good mechanical condition;

(B) Are equipped with a fire extinguisher and three flares or three approved reflectors; and

(C) Are properly registered with the motor vehicle licensing agency in the state in which they are licensed.

(j) Comply with all Oregon statutes, DMV administrative rules and federal regulations related to the CDL Third Party Testing program and with all terms of the CDL Third Party Testing Agreement.

(k) Notify DMV within 24 hours of any:

(A) Notice of a civil legal action related to the administrative of a test that is filed against the Tester or an Examiner associated with the Tester;

(B) Criminal investigation, arrest or conviction for an offense described in OAR 735-060-0030(2)(f)(A), a crime involving moral turpitude or any fraudulent activity related to CDL Third Party testing;

(C) Complaint concerning the CDL Third Party Tester, the CDL Third Party Tester Representative or an Examiner associated with the Tester that is related to CDL testing;

(D) Known or suspected efforts to fraudulently obtain Oregon driving privileges; or

(E) Possible data breach of the Tester's computer or physical files that could result in a person accessing a CDL applicant's personal information.

(L) Maintain and submit records as required by OAR 735-060-0057.

(m) Ensure that before testing a CDL applicant each Examiner administering tests for the Tester complies with the requirements of OAR 735-060-0105(1) excluding subsection (L).

(2) A CDL Third Party Tester must not:

(a) Falsify any records or fraudulently record, or cause to be recorded, passing scores in CSTIMS for any CDL applicant who has not passed a complete CDL skills test according to the procedures in the Oregon CDL Examiner's Manual or who was not tested in accordance with the requirements set forth in OAR 735-060-0120.

(b) Permit anyone except a certified Examiner to administer a CDL skills test or complete a score sheet for the CDL skills test and record, or cause to be recorded, test scores in CSTIMS.

(c) Transfer its CDL Third Party Tester Certificate to any other person.

(d) Assist a person in fraudulently obtaining driving privileges from DMV.

(e) Disclose a CDL applicant's personal information as defined in ORS 802.175, or a CDL applicant's test scores to any person unless authorized by DMV.

(f) Violate the Code of Ethics and Rules of Conduct set forth in OAR 735-060-0115.

(g) Allow an Examiner to administer a CDL skills test while visibly intoxicated.

(h) Permit an Examiner associated with a commercial truck or bus driver training school to test a driver who has been trained by the Examiner or trained by anyone employed by the school.

(i) Permit an Examiner associated with a Tester with an employer-administered training program to test a CDL applicant who has been trained by that Examiner on any portion of the CDL skills test.

(j) State or imply, or allow anyone associated with the Tester to state or imply, to a CDL applicant that he or she must obtain training from the Tester's commercial truck or bus driver training school prior to or after testing.

(k) Permit an Examiner to change, deviate or modify the test site or on-road drive test route recorded in CSTIMS when the test was scheduled, without prior written approval from DMV, unless there is good cause and notation in CSTIMS, as described in sub-section (1)(b) of this rule.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.080

Stat. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0050(9) & (13); DMV 31-2005, f. & cert. ef. 12-14-05; DMV 11-2009, f. 6-25-09, cert. ef. 7-1-09; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10; DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

735-060-0057

Record Requirements for CDL Third Party Testers

(1) The Tester must ensure records are maintained at the Tester's primary place of business or by each Examiner at each testing location for no less than the current calendar year and the previous two years from the date of the test.

(2) The Tester must maintain the following records:

(a) A fully completed copy of the CDL test score sheet for each CDL applicant tested, regardless of whether the individual passed or failed the test. To be fully completed the CDL skills test score sheet must contain:

(A) The CDL applicant's full name and driver license number;

(B) Information on the CMV used for the test, including:

(i) Jurisdiction in which the CMV is registered;

(ii) The CMV registration plate number;

(iii) The class and type of CMV; and

(iv) Whether the CMV had airbrakes or air-over-hydraulic brakes, is a passenger-carrying CMV or a school bus, has a manual or automatic transmission, or uses a fifth-wheel hitch system.

(C) CMV insurance information, including the name of the insurance carrier and policy holder and the policy number.

(D) The CDL skills test site and on-road drive route identifiers.

(E) The CDL Third Party Examiner's name.

(F) The time and date of the test and test results.

(G) The signature and date signed by the CDL applicant and the Examiner.

(b) A copy of the CDL applicant's CLP and Oregon driver license presented by the CDL applicant at the time of testing. The CDL applicant's identifying information, including the photo, must be legible on the copy. A Tester or Examiner may not use a copy of the CDL applicant's Oregon CLP or driver license except to identify the CDL applicant for testing purposes and may not disclose a copy for any purpose except as provided in subsection (2) of this rule, OAR 735-060-0040 and the CDL Third Party Tester Agreement.

(c) A signed copy of the receipt, described in OAR 735-060-0105(1)(f)(B), provided to the CDL applicant showing all fees paid to the Tester and Examiner for all services related to a CDL skills test.

(d) A copy of the current Third Party Agreement between the Tester and DMV.

(e) A copy of the current CDL Third Party Tester Certificate and a copy of the CDL Third Party Examiner Certificate for each Examiner associated with the Tester.

(2) All records subject to this rule must be available for inspection by an authorized representative of DMV, the Oregon Secretary of State, or FMCSA, Monday through Friday between the hours of 8:30 a.m. to 4:30 p.m. Records must be available for inspection without an appointment or prior notice. Records may be retained in paper format or electronically, but

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must be maintained in a manner allowing for timely and efficient retrieval and review.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.080
Stat. Implemented: ORS 807.040, 807.070 & 807.100
Hist.: DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0050(10), (11) & (12); DMV 31-2005, f. & cert. ef. 12-14-05; DMV 11-2009, f. 6-25-09, cert. ef. 7-1-09; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10; DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

735-060-0090

Qualifications for CDL Third Party Examiner Certificate

(1) To be eligible for a CDL Third Party Examiner Certificate, or to be allowed to maintain a CDL Third Party Examiner Certificate, an individual must meet the following qualifications:

(a) Be at least 21 years of age.

(b) Be an employee of or associated with a CDL Third Party Tester or an applicant for a CDL Third Party Tester Certificate.

(c) Except as provided in subsection (d) of this section, have and maintain a valid Oregon CDL as defined in OAR 735-060-0003(27).

(d) If the individual does not have a valid Oregon CDL, the individual must have a valid CDL issued by another jurisdiction, as defined in OAR 735-060-0003(27). An individual who has not held an Oregon CDL for the required three-year period may be required to submit a certified driving record from any jurisdiction that issued the CDL during that period.

(e) Have the skills and abilities necessary to administer CDL skills tests as described in OAR 735-060-0120.

(f) Not have been convicted of a felony within the last 10 years.

(g) Not have been convicted of a crime involving fraud, false swearing or misrepresentation.

(h) Have successfully completed the CDL Third Party Examiner training course as required in OAR 735-060-0095.

(i) Provide documentation satisfactory to DMV, including a recommendation from a previous employer, of at least one of the following:

(A) At least three years of CMV driving experience;

(B) At least two years of experience as an instructor with a licensed commercial truck driving school;

(C) At least two years of experience training CMV drivers for a private business or government agency; or

(D) At least two years of experience providing testing of CDL drivers for a governmental licensing agency.

(2) An individual is not eligible for a CDL Third Party Examiner Certificate, or will not be allowed to maintain a CDL Third Party Examiner Certificate, if:

(a) The individual is enrolled or participating in a DUII diversion program, or has restricted or suspended driving privileges under a driver improvement program, including an equivalent diversion or driver improvement program in another jurisdiction. This section will apply if the individual was enrolled or participating in a diversion program or his or her driving privileges were restricted or suspended under a driver improvement program anytime within the three years preceding the date an application for a CDL Third Party Examiner Certificate is submitted to DMV.

(b) The individual has been convicted of any traffic crime. This subsection does not apply if the conviction occurred more than five years preceding the date an application for a Third Party Examiner Certificate is submitted to DMV if the traffic crime is a misdemeanor or ten years if the traffic crime is a felony.

(c) The individual has been issued a CDL Third Party Tester or CDL Third Party Examiner Certificate by DMV that is currently revoked or suspended.

(d) The individual has been issued a CDL Third Party Tester Certificate or CDL Third Party Examiner Certificate by another jurisdiction, that is currently revoked or suspended, or that was revoked, involuntarily canceled or suspended within the five years preceding the date an application for a CDL Third Party Examiner Certificate is submitted to DMV.

(e) The individual has been terminated from employment with a state driver licensing agency, CDL Third Party Tester or equivalent, a Driver Training School or equivalent in any jurisdiction, for a cause related to fraud or any other reason if DMV determines from the facts and circumstances of the termination that the individual is not fit to perform the duties of an Examiner or poses a risk to the safety of others while performing those duties.

(f) The individual has engaged in conduct that is substantially related to the person's fitness to hold a CDL Third Party Examiner Certificate and which demonstrates unfitness and inability to perform the duties of an Examiner.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; MV 18-1986, f. & ef. 10-16-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0670; 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; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10; DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

735-060-0095

CDL Third Party Examiner Training

(1) An applicant for a CDL Third Party Examiner Certificate must successfully complete the CDL Third Party Examiner initial training course as required by DMV as part of the application process. This initial training course includes the CSTIMS Privacy Awareness Training.

(2) Each Examiner must successfully complete a refresher training course and examination at least every four years. DMV may require an Examiner to successfully complete the refresher training course and examination more frequently than every four years, based on a review of the Examiner's records and testing procedures.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10; DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

735-060-0100

Application for and Issuance of a CDL Third Party Examiner Certificate

(1) To apply for a CDL Third Party Examiner Certificate an applicant must:

(a) Meet all the qualifications set forth in OAR 735-060-0090;

(b) Authorize DMV to conduct a nationwide criminal background check.

(c) Submit a completed Application for a CDL Third Party Examiner Certificate, Form 6767 to: DMV, CDL Third Party Testing, 1905 Lana Ave NE, Salem, Oregon 97314. To be complete, the application must be signed by the applicant for the Third Party Examiner Certificate and by a CDL Third Party Tester, CDL Third Party Tester Representative, or an applicant for a CDL Third Party Tester Certificate.

(2) Upon successfully completing the application process, DMV will issue a CDL Third Party Examiner Certificate to an Examiner that includes the name of the Tester for which the Examiner will administer CDL skills tests.

(3) Unless cancelled, suspended or revoked, a CDL Third Party Examiner Certificate is valid as long as the Examiner is administering tests for a Tester.

(4) The Examiner must immediately return the CDL Third Party Examiner Certificate, score sheets, blank receipts, and Oregon CDL Examiner's Manual to DMV or the Tester when the Examiner is no longer associated with the Tester named on the CDL Third Party Examiner Certificate.

(5) DMV will cancel a CDL Third Party Examiner Certificate upon request of the Tester for whom the Examiner administers tests.

(6) DMV will issue a replacement CDL Third Party Examiner Certificate if the Examiner certifies that the original certificate has been lost, mutilated or destroyed. To apply for a replacement CDL Third Party Examiner Certificate, the Examiner must submit a written request indicating the reason for the replacement to: DMV, CDL Third Party Testing, 1905 Lana Avenue NE, Salem, OR 97314.

(7) DMV will issue an additional CDL Third Party Examiner Certificate when an Examiner is administering tests for more than one CDL Third Party Tester. DMV will issue a new CDL Third Party Examiner Certificate when an Examiner stops administering tests for one Tester and begins administering tests for a different Tester. To obtain an additional or new certificate, the Examiner must:

(a) Meet all the qualifications set forth in OAR 735-060-0090; and

(b) Submit a completed Application for a CDL Third Party Examiner Certificate, Form 6767, as described in subsection (1)(c) of this rule.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; MV 18-1986, f. & cert. ef. 10-16-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0680; 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; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10; DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

735-060-0101

Refusal to Issue a CDL Third Party Examiner Certificate

(1) DMV may not issue a CDL Third Party Examiner Certificate to any individual when DMV determines that:

(a) Information contained in the application is false;

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(b) The person fails to meet any qualification for certification required by these rules; or

(c) Issuance of the certification to a specific person may compromise the integrity of the CDL Third Party Testing Program.

(2) DMV may not process any application for a CDL Third Party Examiner Certificate if any portion of the application is missing or incomplete.

(3) If DMV refuses to issue a CDL Third Party Examiner Certificate, the person is entitled to a contested case hearing as provided in the Oregon Administrative Procedures Act, ORS 183.413 to 183.500.

(4) A person must submit a request for a hearing in writing within 60 days of the date of the refusal. A hearing request received in a timely manner will not result in issuance of a CDL Third Party Examiner Certificate, pending the outcome of the hearing.

Stat. Auth.: ORS 184.616, 184.619 & 807.080
Stats. Implemented: ORS 807.040, 807.070 & 807.100
Hist.: DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

735-060-0105

Duties of a CDL Third Party Examiner

(1) An Examiner must:

(a) Meet qualifications set forth in OAR 735-060-0090 throughout the period the Examiner holds the CDL Third Party Examiner Certification.

(b) Properly complete all forms and reports required by DMV.

(c) Administer all CDL skills tests as set forth in OAR 735-060-0120.

(d) Administer CDL skills tests only for the class and type of CMVs authorized by DMV on the CDL Third Party Examiner Certificate.

(e) Record scores in CSTIMS only for the class of CDL, including endorsements and restrictions, for which the CDL applicant was tested;

(f) Comply with the following requirements before administering a CDL skills test:

(A) Obtain a copy of the applicant's unexpired Oregon CLP and unexpired Oregon driver license. The CLP must have been issued at least 14 days prior to the date of testing. The CDL applicant's identifying information, including the photo, must be legible on the copy; and

(B) Provide the CDL applicant a receipt for the fees the CDL applicant paid for all services relating to the CDL skills test, including but not limited to, fees for the CDL skills test, travel time or distance, and vehicle rental. A fee may be collected only for those services listed on the schedule submitted to DMV under OAR 735-060-0030(1)(L). The receipt must be on a standard receipt form provided to the CDL Tester by DMV or, if not on the DMV form, the receipt must contain the same information as on the DMV form. The receipt must be signed by both the CDL applicant and the Examiner. A receipt need not be provided when the Examiner is administering a test for the Oregon Department of Education or to an employee of the Tester.

(g) Successfully complete any additional training when required by DMV, with the Tester or Examiner responsible for all associated costs.

(h) Comply with all Oregon statutes, DMV administrative rules, and federal regulations pertaining to the qualifications and duties of a CDL Third Party Examiner.

(i) Administer all three portions of the CDL skills tests to a minimum of 10 different CDL applicants during each calendar year. If an Examiner does not meet that minimum during a calendar year, the Examiner must complete refresher training.

(j) Be present during any DMV, Oregon Secretary of State, or FMCSA inspection of CDL Third Party Tester records if requested by DMV.

(k) Only administer CDL skills tests for the Tester named on the Examiner's CDL Third Party Examiner Certificate.

(L) Notify the Tester within 24 hours of any notice of a civil legal action, a criminal investigation or arrest, or any complaint concerning administration of a CDL skills test or conviction of a traffic crime by the Examiner.

(m) Report to DMV in CSTIMS all scheduled CDL skills tests at least 48 hours prior to administration of the test. The test schedule must include:

(A) The CDL applicant's name and Oregon driver license number;

(B) The class, issue and expiration dates, and endorsements on the CLP;

(C) The Examiner's name;

(D) The date and time of each portion of the CDL skills test;

(E) The class and type of vehicle to be used for the test; and

(F) Identification of the test site and on-road drive test route.

(n) Unless prior approval is obtained from DMV, only administer a CDL skills test that has been scheduled at least 48 hours prior to the administration of the test.

(o) Notify DMV of changes to the test site, on-road drive test route or test time that occur after submission of the schedule. The Examiner must notify DMV if a CDL skills test is canceled for any reason.

(p) Report to DMV in CSTIMS the results of all CDL skills tests within 24 hours of administering the test. The results must include:

(A) The date of the test;

(B) The actual start and end times of each portion of the test;

(C) The test score or reason for an immediate failure or cancellation if applicable.

(D) Information on the vehicle used for the test, including the following:

(i) The jurisdiction in which the CMV is registered;

(ii) The CMV registration plate number;

(iii) The class and type of CMV;

(iv) Whether the CMV has airbrakes or air-over-hydraulic brakes, was a passenger-carrying CMV or a school bus, had a manual or automatic transmission, or used a fifth-wheel hitch system.

(2) An Examiner must not:

(a) Record or cause to be recorded scores on CSTIMS for any CDL applicant:

(A) If the Examiner did not administer the CDL skills test to the CDL applicant;

(B) If the Examiner did not administer a CDL skills test meeting the requirements of OAR 735-060-0120 to the CDL applicant;

(C) Showing the CDL applicant passed the CDL skills test, when in fact the CDL applicant did not pass the test; or

(D) Who is known not to have valid driving privileges. Acceptable evidence of valid driving privileges is the CDL applicant presenting an unexpired Oregon driver license and an unexpired Oregon CLP that was issued no less than 14 days prior to the date of the test.

(b) Make any changes to, deviations from, or modifications to a test site or an on-road drive test route unless there is good cause for such change, deviation or modification due to an unexpected closure or safety issue that could not be anticipated by the Tester or Examiner. Good cause includes, but is not limited to, an accident, downed trees or power lines, flooding, or unannounced construction. Any change, deviation or modification to the test site or on-road drive test route must be noted in CSTIMS along with an explanation of the cause for the change, deviation or modification.

(c) Falsify any records.

(d) Administer CDL skills tests without a valid CDL Third Party Examiner Certificate issued by DMV.

(e) Transfer his or her CDL Third Party Examiner Certificate to any other individual.

(f) Assist a person in fraudulently obtaining driving privileges from DMV.

(g) Violate the Code of Ethics and Rules of Conduct set forth in OAR 735-060-0115.

(h) Allow any CDL applicant to take a CDL skills test if the Examiner has reason to believe the CDL applicant is visibly intoxicated.

(i) Test a relative or personal friend or knowingly test a relative or friend of the Tester or any owner or employee of the Tester.

(j) Administer a CDL skills test to a CDL applicant who does not possess a valid Oregon driver license along with a valid Oregon CLP that was issued at least 14 calendar days prior to the date of the test.

(k) Administer a CDL skills test when the CDL Third Party Tester Certificate of the Tester for whom the Examiner administers tests is no longer valid.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0100(8), (9) & (10); DMV 31-2005, f. & cert. ef. 12-14-05; DMV 11-2009, f. 6-25-09, cert. ef. 7-1-09; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10; DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

735-060-0115

Code of Ethics and Rules of Conduct

(1) A CDL Third Party Tester, CDL Third Party Tester Representative and CDL Third Party Examiner must adhere to the highest standards of professional conduct. The standards of professional conduct for a Tester, Representative and Examiner must be consistent with the standards of professional conduct expected of a person employed by DMV who administers CDL skills tests. Therefore, DMV requires Testers, Representatives and Examiners to be professional and respectful in all dealings with CDL applicants and others while ensuring the safety of Oregon roads.

(2) A Tester, Representative or Examiner will not engage in or allow any owner, agent, manager or employee to engage in any of the following:

(a) Assisting or allowing a CDL applicant to fraudulently:

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(A) Receive a passing score for a CDL skills test when the CDL applicant failed the test, did not take the test, did not take the complete test, or took a test that was not administered as required by OAR 735-060-0120; or

(B) Obtain driving privileges for which the CDL applicant is ineligible or has not qualified.

(b) Discrimination against any CDL applicant on the basis of race, religion, national origin, disability, age, sex or sexual orientation.

(c) Accepting or requiring anything of value, other than the posted fee, from a CDL applicant.

(d) Offering a bribe to or colluding with a DMV employee when it is evident from the circumstances that the attempt is for the purpose of influencing the results of a DMV inspection or evaluation.

(e) Having sexual relations with or requesting sexual relations from a CDL applicant. For purposes of this section, "sexual relations" means:

(A) Sexual intercourse; or

(B) Any touching of the sexual or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either party.

(f) Using physical force or a threat of physical force against a CDL applicant, unless such force or threat is necessary to avoid immediate danger to the safety of the CDL applicant, the Examiner, a DMV employee, employees of the CDL Third Party Tester or other individuals.

(g) Possessing any unlawful controlled substance, inhalant, intoxicating beverage or being visibly intoxicated while administering a CDL skills test.

(h) Falsifying any document or making a misrepresentation on a CDL Third Party Examiner or CDL Third Party Tester application or in any document that relates to any testing activity.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.080

Hist.: DMV 16-2003, f. & cert. ef. 11-18-03; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10; DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

735-060-0120

The CDL Skills Test

(1) The CDL skills test is a three-part test of an individual's skills to safely operate a CMV. The three parts are the pre-trip vehicle inspection test, the basic control skills test, and the on-road drive test.

(2) DMV adopts the following FMSCA regulations in effect on September 26, 2016, and prescribes that these regulations establish the standards that must be followed in the administration of a CDL skills test:

(a) 49 CFR sec. 383.71, Driver Applicant and Certification Procedures;

(b) 49 CFR sec. 383.75, Third Party Testing;

(c) 49 CFR sec. 383.110 through sec. 383.123, Required Knowledge and Skills; and

(d) 49 CFR sec. 383.131 through sec. 383.135, Tests.

(3) The CDL skills test must be administered by a certified CDL Third Party Examiner. The Examiner must:

(a) Not administer more than six CDL skills tests within a single calendar day.

(b) Begin and end all CDL skills tests during daylight hours.

(c) Administer all CDL skills tests within the State of Oregon.

(d) Administer all portions of the CDL skills test in the same type and class of commercial vehicle.

(e) Complete all portions of the CDL skills test on the same calendar day unless the CDL applicant passed the pre-trip vehicle inspection portion of the test as described in section (8) of this rule.

(f) Not administer another CDL skills test until after the minimum waiting period set forth in OAR 735-062-0070(8) has passed, if the CDL applicant fails any part of the CDL skills test.

(g) Administer the CDL skills test using the test scoring sheets approved by DMV.

(h) Not permit any person who is not an Examiner, an official with DMV, an official with FMSCA or the CDL applicant being tested to observe or participate in a CDL skills test without the prior approval of DMV.

(i) Administer all portions of the CDL skills test in English.

(4) A CDL skills test must not be administered if the Examiner has reason to believe that the CDL applicant's driving privileges are suspended, revoked, canceled or have otherwise been withdrawn.

(5) The CDL skills test must be administered in accordance with the federal regulations adopted by section (2) of this rule and the methods and procedures set forth in the Oregon CDL Examiner's Manual. The CDL skills test must include, but is not limited to, the following:

(a) A pre-trip vehicle inspection test. This part of the CDL skills test must be administered first and must be administered at the scheduled test

site, except as provided in OAR 735-060-0105(2)(b). It is designed to evaluate the CDL applicant's ability to identify and operate the equipment on the vehicle in which the CDL applicant is being tested and to detect and identify unsafe vehicle equipment items as described in the Oregon Commercial Driver Manual. The specific items that must be inspected during a pre-trip inspection are those listed in the Oregon CDL Examiner's Manual.

(b) A basic control skills test. This part of the CDL skills test must be administered after the CDL applicant has successfully completed the pre-trip vehicle inspection test and prior to the on-road drive test, and must be administered at the scheduled test site, except as provided in OAR 735-060-0105(2)(b). It is designed to evaluate the CDL applicant's ability to control the vehicle and judge the position of the vehicle in relation to other objects through basic starting, stopping, backing or parking maneuvers. The specific exercises that must be performed and the course layout that must be used during a basic control skills test are those described in the Oregon CDL Examiner's Manual.

(c) An on-road drive test. This part of the CDL skills test, which must be administered after successful completion of the basic control skills test, is designed to evaluate the CDL applicant's competency to safely operate a commercial motor vehicle or combination of commercial vehicles under actual driving conditions. The CDL applicant must demonstrate safe and proper driving methods and procedures and knowledge of the traffic laws. The following apply to an on-road drive test:

(A) It must be administered on the scheduled on-road drive test route, except as provided in OAR 735-060-0105(2)(b).

(B) The commercial motor vehicle or combination of commercial vehicles must be of the class for which the CDL applicant seeks a license or endorsement and must have the proper equipment in safe working order so that the vehicle(s) can be operated safely and legally. The Examiner is not required to verify the safe condition of any commercial motor vehicle provided by the CDL applicant for an on-road drive test, but must not administer the test if it is apparent the vehicle cannot be operated safely and legally.

(C) The CMV or combination of CMVs must not be loaded, but the test must be administered and scored as if the CMV or combination of CMVs is loaded.

(6) DMV will approve an on-road drive test route if DMV determines that it:

(a) Enables the CDL Third Party Examiner to evaluate the ability of the CDL applicant to perform the maneuvers listed in the Oregon CDL Examiner's Manual; and

(b) Meets the specifications for an on-road drive test for a CDL set forth in the Oregon CDL Examiner's Manual.

(7) DMV may determine that a previously approved on-road drive test route is no longer approved if DMV learns that due to road or traffic conditions, trying to perform necessary maneuvers at a certain point on the route may be unsafe. DMV will notify a Tester that a route may no longer be used for an on-road drive test unless a new or modified route is submitted to and approved by DMV.

(8) A passing score for the pre-trip vehicle inspection portion of the CDL skills test will remain valid as described in OAR 735-063-0260(9) if the CDL applicant passes that portion of the CDL skills test but fails, for any reason, the basic control skills test portion or the on-road drive test portion.

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

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0710; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 3-2006, f. 3-17-06, cert. ef. 4-15-06; DMV 17-2007, f. 12-24-07, cert. ef. 1-1-08; DMV 11-2009, f. 6-25-09, cert. ef. 7-1-09; DMV 20-2010, f. 11-19-10, cert. ef. 1-1-11; DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

735-060-0130

Recording of Test Scores in CSTIMS

(1) When a CDL Third Party Examiner, CDL Third Party Tester, CDL Third Party Tester Representative, or other employee of a Tester enters scores into CSTIMS that show the CDL applicant passed the CDL skills test, DMV will accept that action as certification by the Tester that the CDL applicant is competent to drive the class of commercial motor vehicle used in the test.

(2) Passing test scores will be accepted by DMV only when entered on CSTIMS for a CDL applicant who:

(a) Has passed a CDL skills test meeting the standards set forth in OAR 735-060-0120;

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(b) Has valid driving privileges, including a CLP that was issued at least 14 calendar days prior to the date of the CDL skills test, and has passed the necessary CDL knowledge tests and vision screening. A hardship or probationary permit does not constitute valid driving privileges; and

(c) Is applying for a Class A, B, or C CDL, an endorsement on a CDL, or removal of a restriction on a CDL, within six months of passing the required skills test(s).

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.800
Stats. Implemented: ORS 807.040, 807.070 & 807.100
Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0720; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 11-2009, f. 6-25-09, cert. ef. 7-1-09; DMV 16-2010, f. 9-27-10, cert. ef. 9-30-10; DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

735-060-0145

CDL Third Party Tester and CDL Third Party Examiner Sanctions

(1) DMV may impose a sanction on a Tester or Examiner if DMV determines a Tester or Examiner has violated any provision related to CDL third party testing described in the Oregon Vehicle Code or these Division 60 rules.

(2) DMV will impose a sanction determined by DMV to be appropriate for the particular violation. DMV may consider one or more of the following criteria, as it deems appropriate, to determine what sanction or sanctions, if any, may be imposed upon concluding that a violation has occurred:

- (a) The severity of the violation;
- (b) The possible impact of the violation on public safety;
- (c) The possible impact of the violation on the integrity of the CDL Third Party Testing program;
- (d) The possible impact of the violation on the security of a CDL applicant's personal information;
- (e) The total number of violations by the Tester or Examiner;
- (f) Whether the violation is an isolated occurrence, part of a continuing pattern, or one of a series of violations;
- (g) Whether the violation was willful or committed negligently by a Tester or Examiner who, when considering the Tester's or Examiner's training and experience, should have known the action to be in violation of the provisions of the CDL Third Party Testing program;
- (h) The history of the Tester's or Examiner's prior violations;
- (i) The Tester's or Examiner's past performance;
- (j) Any extenuating circumstances or other factors bearing on the appropriate nature of a sanction; and
- (k) The history of prior sanctions imposed by DMV on other Testers or Examiners for a similar violation.

(3) DMV may cancel a CDL Third Party Tester's Certificate if DMV learns that the Tester does not continue to meet all qualifications required in OAR 735-060-0030. DMV may cancel a CDL Third Party Examiner's Certificate if DMV learns that the CDL Third Party Examiner does not continue to meet all qualifications required in OAR 735-060-0060.

(4) DMV may suspend a CDL Third Party Tester Certificate or a CDL Third Party Examiner for a period of no less than 30 calendar days and no more than one year. The following are examples of violations that may result in suspension:

(a) Public Safety — A public safety violation includes, but is not limited to:

(A) Failing to follow the methods and procedures set forth in the Oregon CDL Examiner's Manual;

(B) Failing to test only at approved sites and on approved routes as described in these Division 060 rules;

(C) Failing to test in a vehicle that corresponds to the license for which the CDL applicant applied; and

(D) Allowing a CDL applicant to test in an unsafe vehicle.

(b) Integrity of the CDL Third Party program — An integrity violation includes, but is not limited to:

(A) Conducting business in a manner that reasonably makes a CDL applicant feel intimidated;

(B) Conducting business in a manner that causes a CDL applicant to pay additional fees or fees that are not required for the services requested;

(C) Entering inaccurate or false information into CSTIMS; or

(D) Failing to ensure the CDL applicant tested is the same individual applying for a CDL.

(c) Security of personal information — A security violation includes, but is not limited to, failing to maintain proper security of records that must be retained as part of the CDL Third Party Testing program.

(d) Multiple minor violations observed in a single inspection.

(e) Failing to correct the conduct or circumstances underlying a violation communicated to the Tester or Examiner in a written warning, including those communicated on correction notices or inspection reports, resulting in the continued occurrence of the same or a similar violation.

(5) DMV may impose an immediate suspension of the CDL Third Party Tester Certificate or the CDL Third Party Examiner Certificate in accordance with the provisions of ORS 183.430.

(6) DMV may impose a revocation of the CDL Third Party Tester Certificate or of the CDL Third Party Examiner Certificate for no less than one year and no more than five years. DMV may impose a revocation upon review of the criteria described in this rule if the Tester or Examiner:

(A) Fails to correct violations that have led to previous suspensions;

(B) Commits multiple violations, that individually would otherwise result in a suspension, that are observed during one or more inspections; or

(C) The violation is severe or has a significant negative impact on public safety.

(7) DMV may impose a permanent revocation of the CDL Third Party Tester Certificate or the CDL Third Party Examiner Certificate if DMV determines the Tester or the Examiner participated in fraudulent or criminal activity or has violated any provision of the Code of Ethics and Rules of Conduct set forth in OAR 735-060-0115(2).

(8) A Tester or Examiner whose certificate has been suspended, canceled or revoked is entitled to a contested case hearing as provided in the Oregon Administrative Procedures Act under ORS 183.413 to 183.500.

(9) When DMV proposes to sanction a CDL Third Party Tester Certificate or CDL Third Party Examiner Certificate, DMV will send a written notice that the sanction begins 30 calendar days from the date the notice is issued, with the exception of an immediate suspension described in subsection (5) of this rule. The notice will be served by certified mail sent to the Tester's or Examiner's most recent address on record with DMV.

(10) Except as provided for in section (11) of this rule, a request for a hearing must be submitted in writing to, and received by, DMV within 20 calendar days of the date DMV issues the notice. If a hearing request is received in a timely manner the sanction will not go into effect pending the outcome of the hearing.

(11) If the certificate is immediately suspended as set forth in subsections (5) of this rule, the request for hearing must be submitted in writing to, and received by, DMV within 90 calendar days of the date of the notice of suspension. The suspension will remain in effect pending the outcome of the hearing.

(12) Except as provided in OAR 137-003-0528, when no request for a hearing is timely received, the Tester or Examiner has waived the right to a hearing and the notice becomes the final order by default.

(13) If a CDL Third Party Tester Certificate or CDL Third Party Examiner Certificate has been revoked, the Tester or Examiner must reapply for an original certificate after the period of revocation and must meet all the qualifications set forth in OAR Chapter 735, Division 60 rules.

(14) At the end of the suspension period of a CDL Third Party Tester Certificate, the CDL Third Party Tester Certificate is valid unless the certificate has expired. If the certificate has expired, the Tester must reapply for an original certificate and must meet all the qualifications set forth in OAR 735-060-0030.

Stat. Auth.: ORS 184.616, 184.619 & 807.800
Stats. Implemented: ORS 807.040, 807.070 & 807.100
Hist.: DMV 5-2016, f. 9-22-16, cert. ef. 9-26-16

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Department of Transportation, Motor Carrier Transportation Division Chapter 740

Rule Caption: Passenger Carriage Deregulation

Adm. Order No.: MCTD 3-2016

Filed with Sec. of State: 9-26-2016

Certified to be Effective: 9-26-16

Notice Publication Date: 8-1-2016

Rules Amended: 740-020-0010, 740-030-0010, 740-035-0010, 740-035-0145, 740-035-0150, 740-035-0165, 740-045-0110, 740-050-0010, 740-050-0020, 740-050-0050, 740-050-0060, 740-050-0100, 740-050-0110, 740-050-0120, 740-050-0140, 740-050-0220, 740-050-0230, 740-050-0500, 740-050-0600, 740-050-0610, 740-050-0630, 740-050-0820, 740-050-0830, 740-055-0150, 740-055-0170, 740-055-0190, 740-055-0210, 740-055-0500, 740-300-0040

Rules Repealed: 740-035-0160, 740-050-0070, 740-050-0080, 740-050-0090, 740-050-0130, 740-050-0210, 740-050-0270, 740-050-0400, 740-050-0410, 740-050-0430, 740-055-0310

ADMINISTRATIVE RULES

Subject: This rulemaking implements SB 142A. Over time there has been a declining number of private motor carriers possessing certificated authority to provide regular route passenger transportation coupled with the simultaneous growth of public transit providers of the same passenger carrier services. That fact gave rise to certain protestations from private providers of passenger carriage which find it difficult to deal with public provider competition. Today there are only 11 motor carriers in Oregon that hold certificated authority to transport passengers. Of the 11, three are inactive, one was purchased by another, and three are receiving public transit subsidies either in the form of a route, fares, or equipment.

By removing the barriers to entry and the requirements of rate regulation, Senate Bill 142 seeks to enable public transportation entities to advance and continue their provision of services. Existing private providers will have opportunity to assist in providing contracted passenger carriage services for public transit providers. This will enable disconnected public transit districts in rural Oregon to link and provide more a connected service.

Additionally, Senate Bill 142 seeks to subject public transit entities to the oversight of Oregon Department of Transportation's transportation safety program as described in ORS Chapter 825.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-020-0010

Scope Defined

(1) ORS 823.007(1) requires each employee of the department who performs a function concerning the economic regulation of motor carriers to file with the department an employee statement of pecuniary interests in motor carriers. Division 20 rules establish when a statement is required, defines terms associated with the statement and describes the circumstances under which disciplinary action may occur for failure to comply with ORS 823.007(1).

(2) For the purposes of ORS 823.007(2), "a function concerning economic regulation of motor carriers" means any action or transaction that affects or potentially affects the financial status of a motor carrier. Such functions include, but may not be limited to:

- (a) Entry, including issuance of operating authority;
- (b) Regulation and establishment of rates of household goods carriers described in ORS 825.202;
- (c) Registration of commercial motor vehicles for highway use tax purposes;
- (d) Registration or apportioned registration of commercial motor vehicles;
- (e) Receiving, collecting and accounting for money received from motor carriers;
- (f) Enforcement of motor carrier regulations, including audit, inspection and investigation for compliance with tax, safety and other regulations;
- (g) Issuance of variance permits under ORS Chapter 818;
- (h) Weighing commercial vehicles and enforcing highway size and weight standards;
- (i) Authorization of farm registration under ORS Chapter 805;
- (j) Processing insurance and surety deposit filings; and
- (k) Processing refunds.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232

Stats. Implemented: ORS 805.300, 818.200, 823.007, 825.100, 825.202 & 825.224

Hist.: MCTD 3-2003, f. & cert. ef. 7-17-03; MCTD 3-2006, f. & cert. ef. 4-28-06; MCTD 3-2016, f. & cert. ef. 9-26-16

740-030-0010

Applicability, References and Terminology

(1) No rule listed in Divisions 30 through 60 and 105 through 115 is intended to expand the authority granted in existing certificates.

(2) When grants of operating territory are expressed in terms of miles for for-hire carriers of household goods, air miles will be employed as the measure unless otherwise described or specified. This shall apply to any lateral distances from designated highways and named points.

(3) "Air miles" express distance as statute miles of 5,280 feet, measured in a straight line without regard to terrain features or differences in elevation on maps designated by the Department of Transportation.

(4) When "air miles" are designated in an application for for-hire household goods authority, a known ascertainable reference point must be designated from which the air mile radius or distance should be computed.

(5) Some household goods carrier certificates of authority, issued prior to the effective date of this rule, express an authorized territory in

terms of "road miles." If any certificate holder claims a particular highway or roadway as a measure to place his operations within the scope of such defined authority, the burden of proof is upon said holder to show that such highway or roadway is practical and operational for use in transporting the affected traffic and the certificate holder normally and regularly uses such highway or roadway to transport the affected traffic.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232

Stats. Implemented: ORS 825.100, 825.110, 825.202 & 825.224

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54, Order No. 33203; PUC 120, f. 10-26-62, ef. 11-15-62, Order No. 38811; PUC 135, f. 5-9-66, ef. 5-15-66, Order No. 42332; PUC 148, f. 7-29-68, ef. 9-1-68, Order No. 44783; PUC 156, f. 8-6-73, ef. 8-15-73, Order No. 73-507; Renumbered from 860-031-0005; PUC 15-1984, f. & ef. 8-8-84, Order No. 84-602; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-061-0005; MCT 3-1996, f. & cert. ef. 3-14-96; MCTD 3-2016, f. & cert. ef. 9-26-16

740-035-0010

Applications for Authority or Change of Authority

(1) All applications for a certificate or permit or for the extension, contraction, abandonment or other change in operating authority or for adding vehicles to certificate or permit must be made on forms approved by the Department.

(2) Additional filing requirements and attachments to or in support of applications are specified in OAR 740-035-0150.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232

Stats. Implemented: ORS 825.100, 825.102, 825.110 & 825.202

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54, Order No. 33203; PUC 120, f. 10-26-62, ef. 11-15-62, Order No. 38811; PUC 135, f. 5-9-66, ef. 5-15-66, Order No. 42332; PUC 148, f. 7-29-68, ef. 9-1-68, Order No. 44783; PUC 156, f. 8-6-73, ef. 8-15-73, Order No. 73-507; Renumbered from 860-032-0005; MCT 2-1996, f. & cert. ef. 2-16-96; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-062-0005; MCTD 3-2016, f. & cert. ef. 9-26-16

740-035-0145

Application for New Permit Authority

(1) Applications for new Class 1A intrastate permit authority must be accompanied by the following:

- (a) A filing fee in the amount provided in ORS 825.180;
- (b) An "Oregon Class 1A Permit Application," ODOT Form Number 735-974;
- (c) An "Application For Motor Carrier Account," ODOT Form Number 735-9075;
- (d) Certification of liability and cargo insurance coverage as required by OAR 740-040-0010, 740-040-0020, and 740-040-0030; and
- (e) Documentation of the form of business organization for the motor carrier that shows the business and any assumed business name is properly registered in the Business Registry maintained by the Oregon Secretary of State.

(2) Applications for new Class 1B intrastate permit authority to transport household goods in local cartage service under ORS 825.240 must be accompanied by the following:

- (a) A filing fee in the amount provided in ORS 825.180;
- (b) An "Application for Motor Carrier Account," ODOT Form Number 735-9075;
- (c) Certification of liability and cargo insurance coverage as required by OAR 740-040-0010, 740-040-0020, and 740-040-0030; and
- (d) Documentation of the form of business organization for the motor carrier and that the business and any assumed business name is properly registered in the Business Registry maintained by the Oregon Secretary of State.

(3) Applications for new Class 1R intrastate permit authority to transport passengers for-hire in other than as a regular route, full-service, scheduled carrier, must be accompanied by the following:

- (a) A filing fee in the amount provided in ORS 825.180;
- (b) An "Application For An Oregon Intrastate Permit To Transport Persons (In Other than Regular Route, Full-Service Scheduled Transportation)," ODOT Form Number 735-9751;
- (c) An "Application For Motor Carrier Account," ODOT Form Number 735-9075;
- (d) Certification of liability insurance coverage as required by OAR 740-040-0010, and 740-040-0020; and
- (e) Documentation of the form of business organization for the motor carrier and that the business and any assumed business name is properly registered in the Business Registry maintained by the Oregon Secretary of State.

(4) Applications for new Class 1P intrastate permit authority to transport passengers, for-hire in regular route, full-service, scheduled transportation, must be accompanied by the following:

- (a) A filing fee in the amount provided in ORS 825.180;

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(b) An "Application For A 1P Permit Oregon Intrastate Permit To Transport Passengers In Regular Route, Full-Service Scheduled Transportation" ODOT Form Number 735-9057p;

(c) Certification of liability insurance coverage as required by OAR 740-040-0010, and 740-040-0020; and

(d) Documentation of the form of business organization for the motor carrier and that the business and any assumed business name is properly registered in the Business Registry maintained by the Oregon Secretary of State.

(5) Applications for new, Class 4A, 4E, 3A, 6A, or 7W permits must be accompanied by the following:

(a) An "Application For Motor Carrier Account," ODOT Form Number 735-9075.

(b) Verification of all applicable insurance coverage required by ORS chapter 825.

(6) Permits are non-transferable.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232

Stats. Implemented: ORS 825.100, 825.102, 825.104, 825.106, 825.108 & 825.202

Hist.: MCTD 2-2009, f. & cert. ef. 9-29-09; MCTD 3-2016, f. & cert. ef. 9-26-16

740-035-0150

Application for New Authority, Extension or Transfer of Certificate, Intrastate

(1) Applications for new intrastate authority and applications for extension of existing intrastate authority must be accompanied by the following:

(a) Exhibits describing the requested territory, if the application is for household goods authority;

(b) Proposed Tariff of Rates if required by ORS Chapter 825, in the form prescribed by OAR 740-050-0400, 740-050-0410 and 740-050-0500;

(c) A filing fee in the amount provided in ORS 825.180;

(d) Certification that the applicant can or will provide proof of liability and cargo insurance coverage, or acceptable surety, as required by ORS 825.166, OAR 740-040-0010, 740-040-0020, and 740-040-0030. No certificate will be issued until the Department has received proof that the required coverage is in effect;

(e) A current financial statement consisting of the following:

(A) A balance sheet showing the value of assets owned, the amount of liabilities owed and net worth; and

(B) An income statement for the most recently completed year immediately preceding the date of the application showing revenues, expenses and profits or losses; or

(C) A pro-forma, or projected, income statement for the first year of operations if a new business.

(f) The results of a criminal background check for each applicant for authority, except for an applicant seeking an extension of existing authority. For the purpose of criminal background checks, "applicant" has the meaning ascribed to it in ORS 825.135, and includes each sole proprietor, all partners of a partnership, all officers and majority stockholders of a corporation, and all members of a limited liability company. The Department may obtain, or require an applicant to provide, a fingerprint based criminal background check if the Department is not satisfied that the criminal background check provided with the application is current or accurate.

(g) Any other information or documents pertaining to the above requirements that the Department may deem appropriate.

(2) Authority granted for extension of geographic area shall not be broader in terms of types of services offered than that granted in the original application. An application to remove a service restriction from an existing authority must be made as an application for new authority.

(3) Authority sought by application for transfer must be limited to that authority contained in the certificate subject to transfer.

(4) An application for transfer of a certificate must be accompanied by the following:

(a) All items listed in subsections (1)(a) through (g) of this rule;

(b) A written consent of transfer signed by the certificate holder or the certificate holder's personal representative; and

(c) Evidence under ORS 825.129 of authority to transfer the certificate or license, if the individual certificate holder is deceased, and the operation is to be continued for purpose of transfer.

(5) When a certificate holder is granted additional authority by transfer or extension, the two authorities will be merged and a single authority will be issued.

(6) Any application, petition or other filing that contains false information, is incomplete, or does not comply with all the Department's rules and regulations may be rejected.

(7) No certificate holder shall hold more than one certificate authorizing the same service.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232

Stats. Implemented: ORS 825.102, 825.110, 825.202, 825.224 & 825.240

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54, Order No. 33203; PUC 120, f. 10-26-62, ef. 11-15-62, Order No. 38811; PUC 135, f. 5-9-66, ef. 5-15-66, Order No. 42332; PUC 148, f. 7-29-68, ef. 9-1-68, Order No. 44783; PUC 156, f. 8-6-73, ef. 8-15-73, Order No. 73-507; PUC 181, f. 12-30-77, ef. 1-15-78, Order No. 77-896; Renumbered from 860-032-0070; PUC 12-1981, f. & ef. 12-16-81, Order No. 81-880; PUC 7-1983(Temp), f. & ef. 7-11-83, Order No. 83-389; PUC 15-1984, f. & ef. 8-8-84, Order No. 84-602; PUC 1-1986, f. & ef. 2-5-86, Order No. 86-100; PUC 14-1986, f. & ef. 10-31-86, Order No. 86-1116; PUC 1-1991, f. & cert. ef. 1-11-91 (and corrected 1-31-91), Order No. 91-20; PUC 14-1992, f. & cert. ef. 11-9-92, Order No. 92-1560; MCT 2-1996, f. & cert. ef. 2-16-96; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-062-0070; MCT 5-1996, f. & cert. ef. 9-17-96; MCT 8-1997, f. & cert. ef. 11-17-97; MCTB 1-2002, f. 6-21-02, cert. ef. 7-1-02; MCTD 2-2009, f. & cert. ef. 9-29-09; MCTD 3-2016, f. & cert. ef. 9-26-16

740-035-0165

Applications for Authority to Transport Household Goods

The application of any person requesting operating authority to transport household goods will be evaluated by the department to determine if it complies with provisions of law set out in ORS 825.110, 825.115 and 825.135. The application will be approved if the department finds that it meets the requirements of OAR 740-035-0150(1)(a)-(g), and the applicant demonstrates to the department's satisfaction that it is fit, willing and able to perform the service proposed. For the purpose of this rule:

(1) "Fit" means that the applicant has not, during the five years preceding the application, been convicted of a crime punishable by imprisonment for a period of time in excess of one year under the law under which he or she was convicted, or a crime regardless of punishment involving:

(a) Theft;

(b) Burglary;

(c) Sexual conduct;

(d) Manufacture, sale or distribution of a controlled substance;

(e) Identity theft; or

(f) False statements.

(2) "Willing" means the applicant is prepared to provide all service sought in the application in compliance with ORS Chapter 825 and Department rules; and

(3) "Able" means:

(a) The applicant has or can provide adequate facilities, vehicles and equipment to perform the service proposed;

(b) The applicant certifies that these vehicles comply with all Oregon laws and rules covering vehicle safety and operations, and will be so maintained; and

(c) There is no significant evidence concerning the proposed service submitted by the applicant, by members of the public, or in the department's files that suggests a compelling reason to deny the application. Examples of evidence of a compelling reason to deny an application may include:

(A) A record of a pattern of violations of laws or rules administered by the Department.

(B) Two or more complaints from customers regarding applicant's unsatisfactory resolution of loss or damage claims.

(4) Application approval and disapproval decisions will be documented by issuance of notices of intent and final orders of the agency.

(a) Approval of applications will be documented by issuance of a final order approving the application for authority and issuance of a new or amended certificate of authority.

(b) Proposed disapproval of applications will be documented by issuance of a notice of intent to issue a final order disapproving application.

(A) The notice will cite the reason or reasons for disapproval and provide an opportunity for the applicant to request a contested case hearing. Contested case hearings will be conducted in accordance with ORS Chapter 183;

(B) Judicial review of final orders of the department issued after a contested case hearing may be obtained by filing a petition with the Oregon Court of Appeals within sixty (60) days of service of the final order under the provisions of ORS 183.482.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232

Stats. Implemented: ORS 183.482, 825.110, 825.115, 825.135, 825.202, 285.224 & Ch. 433, OL 2009

Hist.: MCTD 2-2009, f. & cert. ef. 9-29-09; MCTD 3-2016, f. & cert. ef. 9-26-16

740-045-0110

Lease of Vehicles by Household Goods Carriers

(1) Except as otherwise expressly provided, a vehicle may be operated under lease in for-hire carriage of household goods in Oregon intrastate commerce only in accordance with the terms of OAR 740-045-0110 to 740-045-0130 and a written agreement on a form supplied by the Department.

ADMINISTRATIVE RULES

The compliance of a lease with the requirements of the rules of the Department pertaining to leasing is the responsibility of the parties to the lease. The filing of the lease with the Department does not constitute approval by the Department of the terms of the lease or the legality of the operations thereunder.

(2) A vehicle lease shall contain all of the terms and conditions of the lease, and shall provide:

(a) The full name and address of each contracting party (lessor and lessee);

(b) A complete description of the vehicle;

(c) That the lessee has the right to exclusive possession, use and control of the leased vehicle, with the exception that the lessor may use the leased vehicle for personal noncommercial uses with the permission of the lessee;

(d) A detailed statement of the compensation to be paid for the use of the vehicle while under lease;

(e) A statement of the terms of renewal, if any;

(f) That during the period of the lease:

(A) The lessee shall assume full and sole responsibility for payment of all Oregon highway use taxes, fees and penalties arising from operation of the vehicle, except to the extent lessee is relieved of such responsibility by OAR 740-045-0150 and shall not be reimbursed by the lessor for such taxes, fees and penalties, directly or indirectly;

(B) The lessee will bear all risk of loss or damage to property or injury to persons incident to the operation of the vehicle and shall be responsible to maintain cargo and liability insurance covering all operations of the vehicle under the lease. In fulfilling this requirement, it is permissible for the lessor to name the lessee as an insured on the lessor's insurance policy;

(C) The lessee assumes full responsibility for compliance with the rules of the Department, and in particular, OAR 740-045-0110 to 740-045-0130, relating to leasing, and the laws of the State of Oregon applicable to the operation of motor vehicles.

(3) The lessee shall exercise exclusive supervision and control of a leased vehicle during the period of the lease, except for the personal uses of the lessor referred to in subsection (2)(c) of this rule. Furthermore, neither the lessor, nor a driver furnished or arranged for by the lessor, shall participate in any of the following activities:

(a) The dispatching of traffic;

(b) The billing and collection of freight charges for transportation performed by the vehicle; and

(c) The solicitation of shipments other than that which takes place in conjunction with the pickup or delivery of freight at a shipper's place of business.

(4) If the lessor provides a driver to a lessee who is a for-hire carrier of household goods and any party to the lease has been found by order of the Department to have violated ORS 825.100, ORS 825.950, OAR 740-045-0110, 740-045-0120 or 740-045-0170 through a leasing arrangement within the preceding two years of the effective date of the lease, the lessee shall include the driver on the payroll of the lessee if lease compensation for the use of the vehicle is based on a division of revenues. "Payroll," as used in sections (4) and (6) of this rule, means that with respect to the compensation paid the driver, the lessee's records reflect that the lessee has included the driver as one of its employees in reports of employment to governmental agencies.

(5) The lessee shall be solely responsible for the safe operation of the vehicle. The parties may agree that, as between themselves, the lessor may maintain the vehicle and assume such other costs of vehicle maintenance, including fuel costs, as are specifically listed in the lease. If not included as part of the compensation for the use of the vehicle, the terms of compensation for maintenance shall be expressly stated in the lease.

(6) If the transportation to be performed under the lease is private carriage, the lessee must actually include the driver on the payroll of the lessee and treat such driver as an employee of the lessee in all respects as it does any regular employee.

(7) Within 90 days from the date of any transportation performed, the lessee shall pay to the lessor all compensation which the lessor has earned under the lease. The payment shall be in settlement of all obligations which have accrued under the lease, after deduction of just credits and offsets. The lessee shall prepare an itemized record of the settlement, including credits and deductions, and shall maintain such record for a period of three years after the termination of the lease.

Stat. Auth.: ORS 823.011 & 825.232

Stats. Implemented: ORS 825.100

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 126, f. 2-5-64, ef. 3-1-64 (Order No. 39889); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No.

79-805); Renumbered from 860-035-0140; PUC 10-1981, f. & ef. 10-30-81 (Order No. 81-777); PUC 6-1982, f. & ef. 5-6-82 (Order No. 82-336); PUC 9-1982, f. & ef. 9-30-82 (Order No. 82-686); PUC 10-1988, f. & cert. ef. 5-6-88 (Order No. 88-477); PUC 1-1992, f. & cert. ef. 1-24-92 (Order No. 92-027); PUC 4-1994, f. & cert. ef. 1-27-94 (Order No. 94-192); PUC 1-1995(Temp), f. & cert. ef. 2-15-95 (Order No. 95-186); PUC 10-1995, f. & cert. ef. 8-30-95 (Order No. 95-882); MCT 2-1996, f. 2-16-96, Renumbered from 860-065-0140; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 6-1998, f. & cert. ef. 12-21-98; MCTD 3-2016, f. & cert. ef. 9-26-16

740-050-0010

Regulation of Oregon Intrastate Motor Carrier Rates and Routes, Classifications and Mileage Guides

(1) "Participating carriers" means a carrier for whom an agent files a tariff, or any part thereof, with the Department for review and approval.

(2) To provide antitrust immunity to persons who collaborate for the purpose of determining all rates for the transportation of household goods for the transportation of other property, classifications, mileage guides and other publications relating to the transportation of property, the Department will accept for review and approval tariffs and other relevant submissions presented by carriers or their agents. The following apply to mileage guides:

(a) Mileage guides, electronic or otherwise, or any amendments thereto, shall be submitted to the Department for approval; and

(b) The Department shall, within 60 days, determine the accuracy of the mileage guide, or amendments thereto, and shall either accept or reject the submission. In determining accuracy, the Department shall, to the extent possible, rely on the Official Highway Map of Oregon.

(4) The rules of the Department in division 50 shall apply:

(a) To the transportation of household goods; and

(b) To tariff provisions relating to classifications and mileage guides which have been submitted to the Department for review and approval.

(5) Tariffs which are subject to the jurisdiction of the Department and are filed by a carrier for review and approval may be filed by an authorized agent of the carrier if the carrier has provided the agent with a written power of attorney authorizing the agent to act on its behalf. A tariff published and filed by an agent on behalf of a carrier shall identify clearly the carrier for whom the tariff is being published.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.224

Stats. Implemented: ORS 825.100, 825.200, 825.202 & 825.224

Hist.: PUC 17-1994(Temp), f. 12-28-94, cert. ef. 1-1-95 (Order No. 94-1954); PUC 2-1995, f. & cert. ef. 3-13-95 (Order No. 95-266); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-67-000; MCT 3-1996, f. & cert. ef. 3-14-96; MCT 6-1996, f. & cert. ef. 12-19-96; MCTD 3-2016, f. & cert. ef. 9-26-16

740-050-0020

Tariffs and Time Schedules Must Conform to Rules Prescribed Herein and Must Be Filed

All tariffs related to the intrastate for-hire transportation of household goods must be filed and compiled in compliance with and conform to these rules. The Department may direct the reissuance of any such tariff or time schedule at any time.

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

Stats. Implemented: ORS 825.200, 825.202 & 825.224

Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0005; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0005; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01; MCTD 3-2016, f. & cert. ef. 9-26-16

740-050-0050

Size and Form of Tariffs and Time Schedules

(1) Tariffs and time schedules must be in book, loose-leaf, sheet or pamphlet form. Individual pages to loose leaf tariffs shall be designated so that changes can be made by reissuing individual pages or pages published as a unit.

(2) Tariffs and time schedules or supplements thereto containing five or more pages must be printed on regular letter size paper of good quality, 8 or 8-1/2 x 11 inches, from type of size not less than 6 point, full face. Tariffs and time schedules containing four pages or less may be typewritten, provided all copies are clear and legible. Alterations in writing or erasures must not be made. Reproduction may be by any process, providing all copies are clear and permanently legible.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.224

Stats. Implemented: ORS 825.200, 825.202 & 825.224

Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0020; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0020; MCT 3-1996, f. & cert. ef. 3-14-96; MCT 6-1996, f. & cert. ef. 12-19-96; MCTD 3-2016, f. & cert. ef. 9-26-16

ADMINISTRATIVE RULES

860-067-0045; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01; MCTD 3-2016, f. & cert. ef. 9-26-16

740-050-0060

Form of Appointment of Agent

The following form will be used in giving a power of attorney to an agent:

POWER OF ATTORNEY
To be filed with the Oregon
Department of Transportation
_____(Name of Carrier in full)_____
_____(Place)_____(Date)_____

Form A.F. 1 No. _____
To the OREGON
DEPARTMENT OF TRANSPORTATION
Salem, Oregon

This is to certify that (name of carrier) has made, constituted and appointed and by these presents does make, constitute and appoint (name of person appointed) the true and lawful attorney and agent for the said carrier and in its name, place and stead: (1) for it alone, and (2) for it jointly with other carriers, to file tariffs, classifications, and exception sheets and supplements thereto, as required of transportation companies under the laws of Oregon and rules and regulations established by the Oregon Department of Transportation, thereunder for the period of time, the traffic and territory herein named:

And the said (name of carrier) does hereby give and grant unto said attorney and agent full power and authority to do and perform all and every act and thing above specified, as fully to all intents and purposes as if the same were done and performed by the said carrier, hereby ratifying and confirming all that said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of said attorney and agent hereunder.

IN WITNESS WHEREOF, the said carrier has caused these presents to be signed (in its name by its legal executive officer) at _____ in the State of Oregon, on this _____ day of _____, 19____.

_____(Name of Carrier)_____

By: _____

_____(Name of Officer)_____

_____(Title of Officer)_____

Attest:

(Corporate Seal)

Carrier issuing this form will file the original with the Department and will furnish duplicate to the agent to whom power of attorney is given.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.100, 825.202 & 825.224
Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0025; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-067-0025; MCTD 3-2016, f. & cert. ef. 9-26-16

740-050-0100

Adoption of Tariffs — Time Schedules

(1) In case a for-hire household goods carrier tariff, is transferred from the operating control of one company to that of another, or when its name is changed, the new carrier, if it intends to use tariffs issued by the old carrier powers of attorney granted by the old carrier, shall issue and file supplements to such tariffs and/or time schedules containing an adoption notice reading substantially as follows:

"The _____(Name of Carrier)_____ hereby adopts, ratifies, and makes its own in every respect as if the same had been originally issued and filed by it, all tariffs, rules, notices, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Public Utility Commission of Oregon or the Oregon Department of Transportation by the _____(Name of Old Carrier)_____ prior to (date) the beginning of its possession. By this notice it also adopts and ratifies all supplements or amendments to any of the above tariffs, which have heretofore been filed with said Commission or the Department."

(2) Powers of attorney so adopted must be replaced and superseded by new powers of attorney issued by and in the name of the new carrier, and in each instance cancelling the powers of attorney superseded.

(3) In case a household goods carrier secures permission from the Department to temporarily discontinue operation of all or a part of its service, it shall issue and file supplements to its tariffs containing notice of such temporary discontinuance, and upon resumption of the discontinued service file further supplements containing notice of such resumption.

(4) Adoption, discontinuance and resumption supplements shall be assigned the next consecutive supplement number. Adoption notices may be filed and made effective immediately. Discontinuance and resumption supplements will be made effective in accordance with the Department's permission in each case. Such supplements will not be counted against the number of supplements permitted to such tariffs.

(5) Subsequent amendments to adopted tariffs must be filed in consecutively numbered supplements until the tariffs are reissued. The reissued tariffs and/or time schedules shall be numbered in the ODOT Oregon series of the new carrier.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202 & 825.224
Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0045; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from

740-050-0110

Suspension of Tariff and Schedule Publications

(1) When the Department suspends the operation and defers the use of a tariff the following course shall be pursued by carriers.

(2) Upon receipt of the order of suspension the carrier or agent shall immediately issue and file with the Department a supplement stating that the tariff is under suspension and shall not be used until further and proper notice.

(3) When the Department vacates an order of suspension, the carrier or agent who published and filed such suspended tariff or supplement there-to shall immediately issue and file with the Department a supplement stating the date upon which the tariff or supplement becomes effective.

(4) Every suspension or vacation supplement issued under authority of this rule must bear on title page the following notation: "Issued under authority of OAR 740-050-0110 and in compliance with Order No. _____ of the Oregon Department of Transportation of (date) _____, 20 ____."

(5) Suspension and/or vacation supplements will be assigned the next consecutive supplement number and will not be counted against the number of supplements permitted to such tariffs.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.100, 825.202 & 825.224
Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-037-0050; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-067-0050; MCTD 3-2016, f. & cert. ef. 9-26-16

740-050-0120

Rejected Tariffs

When a tariff is rejected by the Department, it must not thereafter be referred to, nor the ODOT Oregon number or carrier's serial number assigned thereto again used, except to note on a new publication that it is issued in lieu of such rejected tariff, i.e.:

"In lieu of _____, rejected by the Department."
Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.100, 825.202 & 825.224
Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-037-0055; MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-067-0055; MCTD 3-2016, f. & cert. ef. 9-26-16

740-050-0140

Posting of Tariffs

(1) The provisions of this rule shall apply to for-hire carriers transporting household goods.

(2) A copy of the tariffs of carriers showing all rates, classifications, charges, or rules and regulations affecting rates, classifications or charges shall be kept by every carrier readily accessible for inspection by the public at all reasonable times in every station or office of such carrier where property is received for transportation, when such station or office is in charge of an agent.

(3) Agents shall be provided with facilities for tariffs in readily accessible form and shall be instructed and required to give information contained in such tariffs to lend assistance to seekers for information therefrom and to accord inquirers opportunity to examine any of said tariffs without requiring the inquirer to assign any reason for such desire.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202, 825.224 & 825.234
Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-037-0075; MCT 3-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0075; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01; MCTD 3-2016, f. & cert. ef. 9-26-16

740-050-0220

Title Page of Every Tariff

Title page of every tariff shall show:

(1) Oregon DOT number of tariff at the top of the page, and immediately thereunder the Oregon DOT number or numbers, if any, cancelled thereby. Oregon DOT serial number will be assigned to each tariff and run consecutively. Tariff serial number of carrier may also be entered on title page, run consecutively and show cancellations. Separate serial Oregon DOT numbers will be used for tariffs related to household goods.

(2) Name of issuing carrier or agent.

ADMINISTRATIVE RULES

(3) Whether tariff is local, and whether it is a class, commodity, mileage, or combination of same, or a tariff of rules and regulations.

(4) The territory or points from, to or between which the tariff applies, briefly stated. Where detailed information is required, the title page may give reference to the items where the application of the tariff and the governing publications may be found.

(5) Date of issue on the lower left and date effective on the lower right hand of the page.

(6) Name, title and address of officer by whom tariff is issued on the lower part of the page.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202 & 825.224
Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0140; PUC 8-1988, f. & cert. ef. 4-6-88 (Order No. 88-334); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0140; MCT 3-1996, f. & cert. ef. 3-14-96; MCTD 3-2016, f. & cert. ef. 9-26-16

740-050-0230

Tariffs Shall Contain in the Order Named

All tariffs related to the transportation of household goods shall contain:

(1) Table of contents or index: a full and complete statement, in alphabetical order, of the exact location where information under general headings will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that the contents are plainly disclosed, the table of contents or index may be omitted.

(2) Names of issuing carriers, alphabetically arranged, or by proper reference describe the tariff containing these provisions. If there be not more than five participating carriers, their names may be shown on the title page. The form and number of power of attorney to the tariff must be shown (see OAR 740-050-0060).

(3) Complete index, alphabetically arranged, of all commodities upon which commodity rates are named, showing page upon which such rates will be found, also item numbers.

(4) Complete index, alphabetically arranged, of all commodities upon which exceptions to the classification are made, showing page upon which they are found, also item number.

(5) Complete index, alphabetically or geographically arranged, of all points from and to which tariff rates or fares apply, showing the index numbers and/or item numbers under which rates or fares will be found.

(6) An official list of all the points in connection with which the tariff applies.

(7) The different routes via which tariff applies must be shown together with appropriate reference to application of rates. When a tariff specifies routing, the rates may not be applied via routes not specified.

(8) Explanation of reference marks and technical abbreviations used in the tariff, except that a special provision applying to a particular rate may be shown in connection with and on the same page with such rate.

(9) Such explanatory statement in clear and explicit terms regarding the general application of rates and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.

(10) Complete description of all commodities upon which exception to the classification class ratings, rules or requirements are authorized showing item number, classification and other detail information.

(11) Rules and regulations which govern the tariff, the title of each rule or regulation to be shown, or by proper reference describe the tariff containing such rules and regulations. Under this head all of the rules, regulations or conditions which in any way affect the rates named in the tariff will be entered.

(12) An explicit statement of the rates, in cents or in dollars and cents together with the names of the points from, to or between which they apply, arranged in a simple and systematic manner, under proper index and item numbers. Tariffs shall be arranged in sections to separate different kinds of rates or provisions. The sections must be consecutively numbered and differentiation among sections must be clear.

(13) Each tariff which contains class and/or commodity rates shall also contain a rule reading, "Whenever a class rate and a commodity rate are named between specified points, the lower of such rates is the lawful rate."

(14) Tariff publications or supplements thereto must indicate increases, reductions, changes made in existing rates, charges, rules, regulations or classifications, or the insertion of new material, by the use of uniform symbols. Clear explanation of the use of symbols must be made in the tariff.

(15) At the foot of the last page of a tariff or supplement the words "The End" or "Last Page" should be shown.

(16) The terms "all points," "in the vicinity of" or similar terms must not be used in any tariff for the purpose of indicating the points from, to or between which rates or fares named therein apply.

(17) Commodity rates must be specific and must not be applied to analogous articles.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202 & 825.224
Hist.: PUC 69, f. 9-10-59, ef. 7-1-33 (Order No. 2115); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0145; PUC 8-1988, f. & cert. ef. 4-6-88 (Order No. 88-334); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0145; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01; MCTD 3-2016, f. & cert. ef. 9-26-16

740-050-0500

Filing Requirements for Tariffs

(1) Applicants for authority to transport household goods must:

(a) File two copies of a proposed tariff of rates, charges, classifications, practices, privileges and rules, compiled in conformity with Division 50 rules and secure tariff approval; or

(b) Designate a tariff publishing agent and file:

(A) Written power of attorney appointing such agent; or

(B) Confirming letter from such agent indicating that a tariff filing will be made in behalf of applicant if and when the requested authority is granted;

(2) Applicants designating tariff publishing agents will not be issued a certificate until such agent has established in its tariff the rates and charges applicable to the proposed operation.

(3) All supplements or amendments to original tariffs and reissues thereof must also be filed.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.202, 825.224 & 825.234
Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-037-0265; MCT 2-1996, f. & cert. ef. 2-14-96; Renumbered from 860-067-0265; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01; MCTD 3-2016, f. & cert. ef. 9-26-16

740-050-0600

New Rates Effective on Granting of Authority

The initial rates of a household goods carrier shall be effective with the granting of authority to operate as a motor carrier.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.110, 825.202 & 825.224
Hist.: PUC 19, f. 7-3-58, ef. 1-1-50 (Order No. 24027); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); Renumbered from 860-037-0295; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0295; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01; MCTD 3-2016, f. & cert. ef. 9-26-16

740-050-0610

Procedures for Changing Tariffs

(1) All rates, charges, classifications and rules and regulations governing the practices or services of a motor carrier transporting household goods in intrastate commerce in Oregon must be filed as a tariff and fixed by order of the Department. Changes in tariffs must be made pursuant to Division 50 rules.

(2)(a) Written petitions to amend tariffs may be submitted to the Department by a household goods carrier, a tariff bureau under OAR 740-050-0640, or by any other party having an interest in the matter;

(b) The Department may permit a tariff change to become temporarily effective if that action is in the public interest.

(3)(a) All petitions for changes in tariffs will be assigned for public hearing. The hearing notice will set the time and place for the hearing;

(b) If the petition is for a general increase, the Department will use the Oregon Consumer Price Index-Urban (ORCPI-U) as the basis for determining if the requested increase is justified. The Department will use a comparison of the ORCPI-U in effect at the time of the last general increase with the current ORCPI-U;

(c) As used in this rule, "general increase" means a general increase in, restructuring of, or substantial change in rates previously approved by the Oregon Public Utility Commission or the Oregon Department of Transportation.

(4)(a) The Department's notice will designate as respondents in petitions for general increases, unless specifically exempted, all carriers who possess authority to transport household goods and who are members of Oregon tariff bureaus pursuant to OAR 740-050-0640, or who publish indi-

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vidual tariffs and generate Oregon intrastate revenues from economically regulated commodities of \$500,000 or more annually;

(b) Exemptions under subsection (4)(a) of this rule may be granted by the Department upon a showing that the territory served by the carrier, or the carrier's method of operation is such that the carrier does not compete with the petitioner;

(c) If the Department approves the petition for general increase, the tariff change will apply to all respondents. A respondent may tender evidence at the hearing justifying independent rates which will apply only to that carrier. Upon giving seven days written notice to the Department, the petitioning carrier and any supporting rate bureau, any respondent may participate at the hearing as a party in opposition to application of the proposed general increases for its account. Upon a proper showing the Department may exclude such respondent from the application of the general increase proposal.

(5)(a) A tariff bureau may support or oppose another tariff bureau's petition at the Department's hearing;

(b) If the Department approves a tariff bureau petition which is not a general increase, the tariff change will apply to members of all Oregon tariff bureaus;

(c) For a tariff bureau petition, other than that described in section (3) of this rule, the notice shall describe as respondents all carriers who possess authority and who are members of Oregon tariff bureaus pursuant to OAR 740-050-0640.

(6) Individual carrier proposals submitted by independent action and approved by the Department shall apply only to the petitioning carrier.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232

Stats. Implemented: ORS 825.200, 825.202, 825.224 & 825.226

Hist.: PUC 19, f. 7-3-58, ef. 1-1-50 (Order No. 24027); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); Renumbered from 860-037-0300; PUC 10-1981, f. & ef. 10-30-81 (Order No. 81-777); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 10-1983(Temp), f. & ef. 9-1-83 (Order No. 83-538); PUC 3-1984(Temp), f. & ef. 2-15-84 (Order No. 84-113); PUC 14-1984, f. & ef. 7-27-84 (Order No. 84-578); PUC 20-1985, f. & ef. 11-8-85 (Order No. 85-1087); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0300; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01; MCTD 8-2005, f. & cert. ef. 12-14-05; MCTD 6-2014, f. & cert. ef. 9-22-14; MCTD 3-2016, f. & cert. ef. 9-26-16

740-050-0630

Rates Orders

Unless otherwise provided by rule or specific order of the Department, rate orders related the transportation of household goods shall be mandatory upon all carriers enjoying operating authority to transport the affected commodities.

Stat. Auth.: ORS 184.619, 184.619, 823.011 & 825.232

Stats. Implemented: ORS 825.200, 825.202 & 825.224

Hist.: PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); Renumbered from 860-037-0315; PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 3-1984(Temp), f. & ef. 2-15-84 (Order No. 84-113); PUC 14-1984, f. & ef. 7-27-84 (Order No. 84-578); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-067-0315; MCT 3-1996, f. & cert. ef. 3-14-96; MCTD 3-2016, f. & cert. ef. 9-26-16

740-050-0820

Collection of Transportation Charges — Extension of Credit

(1) The provisions of this rule shall apply to carriers for hire in the transportation of household goods and other for-hire carriers of property that elected to be subject to this rule by filing a written election to that effect with the Department.

(2) Except as provided in this rule and OAR 740-060-0040(3), no for-hire carrier shall deliver or relinquish possession of any freight until all lawful transportation charges thereon have been paid.

(3) This rule does not prevent extension of credit for such transportation charges provided:

(a) An arrangement has been made providing for payment within 7 days (excluding Sundays and legal holidays) following delivery;

(b) Such 7-day period shall commence at 12 a.m. of the day following delivery whenever the freight bill is presented at or before delivery of the freight;

(c) Such 7-day period shall commence at 12 a.m. of the day following presentation of the freight bill if presented after delivery of freight; and

(d) The freight bill must in any case be presented within 7 days after delivery of the freight.

(4) A motor carrier may extend credit in excess of the time period provided in section (3) of this rule to the United States, the State of Oregon, any county, city, town or municipality in this state or any department of any of them.

(5) All charges incident to transportation must be paid in lawful money of the United States. This rule shall not be construed to prohibit the

payment by valid checks, drafts, credit cards or money orders which are convertible into cash on demand in the ordinary course of business.

(6) Under no condition may payment and any charges incident to transportation of household goods be made by credit memorandum, personal service, merchandise or the exchange of goods or services. The offsetting or balancing of amounts receivable against accounts payable by means of accounting entries is prohibited.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232

Stats. Implemented: ORS 825.200, 825.202 & 825.224

Hist.: PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-036-0015; PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 3-1991, f. & cert. ef. 1-16-91 (corrected 1-31-91) (Order No. 90-1916); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-066-0015; MCT 3-1996, f. & cert. ef. 3-14-96; MCT 8-1997, f. & cert. ef. 11-17-97; MCTD 3-2016, f. & cert. ef. 9-26-16

740-050-0830

Overcharge Claims Against Household Goods Carriers

(1) Claims by shippers must be submitted to for-hire carriers of household goods in writing.

(2) The following documents must be furnished in support of overcharge claims:

(a) Original paid freight bill;

(b) Original sales invoice or certified copy, when claim is based on weight or valuation or when shipment has been improperly described;

(c) Original bill of lading, if not previously surrendered to carrier, when shipment was prepaid or when claim is based on misrouting or valuation;

(d) Weight certificate or certified statement of weight when claim is based on weight; and

(e) Bond of indemnity in lieu of original bill of lading or freight bill when lost or destroyed.

(3) When claim is paid by agent, signature of claimant must be secured. All claim papers must be attached to collection sheet on which credit is taken.

(4) All claims must be promptly acknowledged by the carrier. If the claim is not paid in full, the carrier shall advise the claimant in writing of the reason for refusal to make full payment, including reference to any applicable tariff.

Stat. Auth.: ORS 823.011, 825.224 & 825.950

Stats. Implemented: ORS 825.224 & 825.950

Hist.: PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); Renumbered from 860-033-0035; MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-063-0035; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01; MCTD 3-2016, f. & cert. ef. 9-26-16

740-055-0150

Records — General — Household Goods

(1) Carriers authorized to transport household goods shall keep and maintain complete and comprehensive records of all business transactions as set forth in the prescribed Uniform System of Accounts.

(2) All papers, books, accounts, payroll, records, time records, bills, invoices, notes, mortgages, memoranda, correspondence files, vouchers, journals, ledgers, contracts, leases and agreements, operating and statistical statements or exhibits, stock books, minutes of meetings of directors, trustees and/or stockholders, records of mileage operated, annual or other periodic or special reports, working sheets or papers and all other papers and records disclosing or appertaining to operations of holders of certificates or permits authorizing transportation of household goods shall be maintained and shall at all reasonable times be available for examination, inspection and audit by the Oregon Department of Transportation and its authorized representatives.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232

Stats. Implemented: ORS 823.029, 825.200, 825.202, 825.212 & 825.224

Hist.: PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-038-0063; PUC 1-1982(Temp), f. & ef. 2-3-82 (Order No. 82-080); PUC 5-1982, f. & ef. 3-15-82 (Order No. 82-162); MCT 2-1996, f. & cert. ef. 2-16-96, Renumbered from 860-068-0063; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01; MCTD 3-2016, f. & cert. ef. 9-26-16

740-055-0170

Bills of Lading (Shipping Receipts) and Freight Bills

(1) The provisions of this section shall apply to carriers for hire in the transportation of household goods in intrastate commerce within the State of Oregon which are submitted to the Department for review and approval.

(2) Carriers shall prepare freight bills for each and every shipment transported. Unless otherwise authorized by the Department, bills of lading,

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freight bills, and combination bills of lading and freight bills must be issued in sets of not less than triplicate for each shipment transported.

(3) Bills of lading shall show the date, name of the carrier, consignor, consignee, origin, destination, number of packages, or if in bulk, the quantity, description of articles and marks, description of the manner in which the shipment is packed and weight of shipment. The bill of lading shall also show whether the freight charges are to be prepaid or collect. The original of the bill of lading shall be signed and given to the consignor and shall constitute receipt by the carrier of the property for transportation. The number two copy (the shipping order) shall be retained by the carrier. If freight is delivered on the bill of lading, the consignee receives the memorandum copy. The consignee shall sign the carrier's shipping order as a receipt for freight delivery.

(4)(a) A freight bill shall contain the following information: date, freight bill number, name and address of carrier, consignor, consignee, origin, destination, number of packages, or if in bulk, the quantity, description of articles and marks, weight, rate and freight charge. When the rate assessed is a class rate, the applicable classification rating of the article(s) shall be shown on the freight bill. The freight bill shall also show charges for accessorial or special services provided by the carrier. If detention charges are applicable, the freight bill shall show the time that the equipment was placed on detention and when it was released from detention;

(b) If the applicable rates are published on an hourly or time basis, the freight bill or other documentation retained by the carrier shall show time taken for meals and other nonproductive time, and either:

(A) Time of departure of carrier's equipment from its terminal and time of return of equipment to carrier's terminal or next point of loading; or

(B) Time of arrival of the vehicle at the point of origin and the time service is completed at the point of destination, if rates are based on time consumed between arrival at origin and departure from destination.

(c) The freight bill shall also show advances or other charges, space to note whether the shipment is collect or prepaid, space for carrier to receipt for charges paid, and space for consignee to receipt for shipment. The signed original shall be given to the party paying transportation charges, a signed copy shall be retained by the carrier as a receipt for delivery of freight and a copy shall be given to the consignee on prepaid shipments.

(5) When a combination bill of lading and freight bill form is used, it must contain the same information required of a bill of lading and freight bill. The signed original is to be given to the party paying the freight bill, the second part (shipping order) is retained by the carrier, the third part is given to the consignor on a collect shipment or to the consignee on a prepaid shipment.

(6) If the combination bill of lading and freight bill is used as a bill of lading only, and an invoice for the transportation is issued by the carrier for submitting to the party paying the freight charges, the distribution of copies remains the same as delineated in section (3) of this rule.

(7) Shipments of machinery, machines, or heavy equipment shall be fully described on the bill of lading, freight bill, and combination bill of lading and freight bill by recording the trade name, model, number, type, kind of special equipment and parts, size, and capacity.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 823.101, 825.202, 825.204 & 825.224
Hist.: PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-77 (Order No. 77-896); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Renumbered from 860-038-0067; PUC 8-1988, f. & cert. ef. 4-6-88 (Order No. 88-334); PUC 16-1994(Temp), f. 12-28-95, cert. ef. 1-1-95 (Order No. 94-2077); PUC 5-1995, f. & cert. ef. 6-23-95 (Order No. 95-561); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-068-0067; MCTD 3-2016, f. & cert. ef. 9-26-16

740-055-0190

Record of Receipts and Disbursements

(1) Household goods carriers shall maintain a record of all moneys received from any source. The record shall show the date received, amount received, from whom received, number of freight bills being paid or description of service rendered for which payment is received, and any other pertinent information necessary to explain the transaction. The record shall show whether amount collected is retained as cash on hand or deposited in the bank and the account to be credited with the amount of collection.

(2) Household goods shall keep and maintain a complete and accurate record of all moneys disbursed in conducting their operations whether such disbursements are made in cash or by check:

(a) The record must show amount disbursed, a description of what the payment covers, the proper account chargeable and all essential information to identify and explain the disbursement;

(b) All bills, invoices, receipts, memoranda and papers supporting and explaining payments must be carefully filed and retained for the prescribed time.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202, 825.204 & 825.224
Hist.: PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-038-0071; PUC 1-1982(Temp), f. & ef. 2-3-82 (Order No. 82-080); PUC 5-1982, f. & ef. 3-15-82 (Order No. 82-162); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-068-0071; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01; MCTD 3-2016, f. & cert. ef. 9-26-16

740-055-0210

Ledger and Journal

(1) All household goods carriers shall keep and maintain a ledger in which shall be recorded in appropriate accounts the assets, liabilities, capital, surplus, revenues, expenses, other income, other deductions and all other accounts prescribed by the Uniform System of Accounts and necessary to meet the requirements in OAR 740-055-0310 and 740-055-0320.

(2) Accounts shall be written up monthly and accruals stated on a monthly basis to permit preparation of financial exhibits from the books of record.

(3) All accounts must be closed on December 31 of each year and the profit or loss determined and stated in the books of record.

(4) All entries for which special journals have not been provided must be journalized in a general journal before posting to the ledger account. Entries must be fully explanatory and entered in sufficient detail to permit audit at any time. References to supporting papers and records must be specific and such subsidiary records and memoranda shall be filed and retained to support the entries in the general journal.

Stat. Auth.: ORS 184.616, 814.619, 823.011 & 825.232
Stats. Implemented: ORS 825.200, 825.202, 825.204, 825.224 & 825.515
Hist.: PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-038-0075; PUC 1-1982(Temp), f. & ef. 2-3-82 (Order No. 82-080); PUC 5-1982, f. & ef. 3-15-82 (Order No. 82-162); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-068-0075; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01; MCTD 3-2016, f. & cert. ef. 9-26-16

740-055-0500

Motor Carriers of Property

Except as modified by ORS 825.515, "Preservation of Records," contained in 49 CFR, Parts 1220-1239, revised as of October 1, 2015, a copy of which is available from ODOT Motor Carrier Transportation Division, is adopted and prescribed by the Department for all for-hire motor carriers of property.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 823.011, 825.202, 825.232 & 825.515
Stats. Implemented: ORS 825.202, 825.232 & 825.515
Hist.: PUC 20, f. 7-3-58, ef. 1-1-36 (Order No. 3143); PUC 48, f. 7-3-58, ef. 9-1-56 (Order No. 34695); PUC 50, f. 7-3-58, ef. 7-1-50 (Order No. 24910); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 132, f. & ef. 3-29-65 (Order No. 41035); PUC 135, f. 5-9-65, ef. 5-15-65 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); Renumbered from 860-038-0151; PUC 1-1982(Temp), f. & ef. 2-3-82 (Order No. 82-080); PUC 5-1982, f. & ef. 3-15-82 (Order No. 82-162); PUC 3-1991, f. & cert. ef. 1-16-91 (Order No. 90-1916); MCT 2-1996, f. & cert. ef. 2-16-96; Renumbered from 860-068-0151; MCT 3-1996, f. & cert. ef. 3-14-96; MCTB 7-2000, f. 12-15-00 cert. ef. 1-1-01; MCTD 3-2016, f. & cert. ef. 9-26-16

740-300-0040

Violation of ORS Chapter 825 and 826 Not Otherwise Provided For — General Penalties

(1) Except as otherwise ordered by the Department in a particular case, any person who violates any provision of ORS Chapter 825 or 826, or any rule or order of the Department related thereto which has not otherwise been provided for in the Department's rules, shall be subject to the penalties in sections (3), (4) and (5) of this rule.

(2) As used in this rule, "similar violation" means a violation which is similar to the violation alleged in the notice of proposed civil penalty. For the purpose of determining similarity under this rule, violations shall be classified as those relating to:

(a) Registration of vehicles;

(b) Oregon Weight Receipt and Tax Identifiers or other authorized identification devices;

(c) Economic regulation of transportation of household goods, except rates;

(d) Rates for the transportation of household goods; or

(e) Violations of a statute or rule not included in subsections (a) through (d) of this section.

(3) Level I finding of violation(s) apply if no penalty order, cease and desist order or finding of violation(s) has been entered against the defendant within the preceding five years for similar violations of statutes and

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rules described in this section and no other notice of proposed civil penalty or notice of proposed finding of violation(s) is pending against the defendant for similar violations. If such violations have been found within the last five years, or a notice of proposed penalty or notice of proposed finding of violation(s) is pending against the defendant for violations described in this rule, penalties will be assessed at Level II. Upon a finding of violation(s) at Level I, the Department will issue an order finding such violation(s).

(4) Level II penalties, except as provided in section (5) of this rule, apply to a defendant who does not meet the criteria in section (3) of this rule. The penalties shall include:

- (a) \$100 for each new violation committed; and
- (b) Suspension of operating authority for five working days.

(5) Level III penalties apply to a defendant who has been penalized for similar violations at Level II within 12 months preceding the violation. The penalties shall include:

- (a) \$100 for each new violation committed;
- (b) Imposition of penalties suspended under prior orders for similar violations, unless suspensions have become permanent; and

(c) Suspension of operating authority for five working days, or cancellation of authority if warranted by the circumstances of the particular case, for violation of ORS Chapter 825 or 826.

(6) Unregistered Vehicles: For the purpose of assessing penalties for violations of ORS 826.031, a defendant will be deemed to have committed one violation for each unregistered vehicle operated in a given month.

(7) Vehicles Operated Without Oregon Weight Receipt and Tax Identifier or other Authorized Identification: For the purpose of assessing penalties for violations of ORS 825.450 or 825.470, a defendant will be deemed to have committed:

(a) One violation per day for each vehicle operated without an Oregon Weight Receipt and Tax Identifier or valid temporary pass; or

(b) One violation per vehicle for each vehicle operated with an expired (non-renewed) Oregon Weight Receipt and Tax Identifier.

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232
Stats. Implemented: ORS 818.210, 818.230, 825.104, 825.110, 825.160, 825.166, 825.202, 825.204, 825.206, 825.224, 825.234, 825.320, 825.470, 825.950 & 826.031
Hist.: PUC 12-1995, f. & cert. ef. 11-27-95 (Order No. 95-1218); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-061-0065; MCT 3-1997, f. & cert. ef. 5-9-97; MCT 8-1997, f. & cert. ef. 11-17-97; MCT 11-1997, f. & cert. ef. 12-22-97; MCTB 5-1998, f. & cert. ef. 11-18-98; MCTB 4-2001, f. & cert. ef. 11-9-01; MCTB 1-2002, f. 6-21-02, cert. ef. 7-1-02; MCTD 3-2016, f. & cert. ef. 9-26-16

Landscape Contractors Board Chapter 808

Rule Caption: Clarification of required identification at examination sites.

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Rules Adopted: 808-003-0760

Subject: Clarification of required identification at examination sites.

Rules Coordinator: Kim Gladwill-Rowley — (503) 967-6291, ext. 223

808-003-0760

Required Identification at Examination Sites

(1) Applicants must apply for the exam with their legal first and last name as it appears on their government issued identification. The required identification as listed in subsection (3) of this rule must match the first and last name under which the applicant has applied.

(2) Applicants are required to bring one (1) form of valid (non-expired), signature-bearing identification to the test site as listed in subsection (3) of this rule. If the applicant fails to bring proper identification or the applicant names do not match, the applicant will not be allowed to test and their examination fee will not be refunded.

(3) Government issued identification must contain applicant's photo, be valid and unexpired, and bear a signature. Government issued identification is a:

- (a) State issued driver's license.
- (b) State issued identification card.
- (c) US government issued passport.
- (d) US government issued military identification card.
- (e) US government issued Alien Registration Card.
- (f) Canadian government issued identification card.

Stat. Auth.: ORS 670.310, 671.3670

Stats. Implemented: 671.561, 671.570
Hist.: LCB 9-2016, f. 9-23-16, cert. ef. 10-1-16

Oregon Board of Naturopathic Medicine Chapter 850

Rule Caption: clarifying statute with plain language in by amending 850-050-0010 and 850-050-0190.

Adm. Order No.: OBNM 1-2016

Filed with Sec. of State: 10-12-2016

Certified to be Effective: 10-12-16

Notice Publication Date: 8-1-2016

Rules Amended: 850-050-0010, 850-050-0190

Subject: 850-050-0010 amendments include changes to (1)(a), (c), (f); and in

850-050-0190 amendments are made in (3), (5)

Rules Coordinator: Anne Walsh — (971) 673-0193

850-050-0010

Sanctions for Violations

The following lists the Board's disciplinary practices with respect to most common violations of law. Other less common violations may also result in discipline. The Board will determine the severity of each violation and decide the discipline to impose accordingly.

(1) General violations.

(a) The Board may attempt to resolve by non-disciplinary means, allegations of the following kinds of violations, if the Board determines there are compelling mitigating circumstances and if the licensee has not been the subject of a final order which finds the licensee committed a violation of a similar nature:

- (A) Practicing outside the scope of practice;
- (B) Inadequate charting;
- (C) Failure to report a change of address;
- (D) Prescribing off the formulary;
- (E) False or misleading advertising; or
- (F) Failure to refer upon termination.

(c) The Board generally will take formal disciplinary action for allegations of the following kinds of violations

- (A) Negligent prescribing;
- (B) Negligent treatment;
- (C) Conduct contrary to the standard of ethics;
- (D) Failure to refer when referral is appropriate;
- (E) Untimely response to Board investigation;
- (F) Aiding or abetting unlawful practice by an unlicensed person;
- (G) Sexual impropriety with a patient; or
- (H) Conviction of a crime involving moral turpitude.

(d) Discipline for violations listed in (1)(c) may include a letter of reprimand, a civil penalty, probation, license suspension, license limitations, and license revocation.

(e) For violations which are not listed in subsections (1)(a) and (b) of this rule, the Board will determine the appropriate discipline.

(2) Aggravating and Mitigating Factors or Circumstances. Discipline proposed by the Board may increase in severity, possibly up to license revocation, if there are aggravating circumstances. Discipline may decrease in severity if there are mitigating circumstances.

(a) Aggravating circumstances include, but are not limited to, the following:

- (A) The same or similar violation has occurred more than once;
- (B) The violation occurred or was repeated over a significant length of time;
- (C) The licensee has previously been disciplined by the Board or in another jurisdiction;
- (D) The violation was deliberate or grossly negligent;
- (E) The licensee received some benefit from committing the violation;
- (F) The violation involved a significant chance for causing harm to the patient or the public.

(b) Mitigating circumstances include, but are not limited to, the following:

- (A) The licensee accepted responsibility for the violation;
- (B) The licensee practiced a significant period of time without complaints or disciplinary action taken by the Board or any other jurisdiction.

(3) Probation. Probation may be added where the circumstances indicate that future monitoring, training, or other follow-up is necessary or appropriate. Probation may include completion of an approved treatment

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program when a licensee is alleged to engage in habitual or excessive use of drugs or alcohol.

(4) Practice Restriction. Practice restriction or practice limitation may be added where the circumstances warrant more than a civil penalty but less than a license suspension.

(5) Education. Education may be required when the circumstances indicate that further education is merited to prevent a recurrence of the violation.

Stat. Auth.: ORS 685.125
Stats. Implemented: ORS 685.110
Hist.: BNE 7-2005, f. & cert. ef. 10-27-05; OBNM 1-2016, f. & cert. ef. 10-12-16

850-050-0190

Discipline or Denial of License

The Board may refuse to grant a license to practice Naturopathic medicine in the State of Oregon, or may discipline a license, for any of the following reasons:

(1) Commitment to a mental health institution. A copy of the record of commitment, certified to by the clerk of the court entering the commitment, is conclusive evidence of the commitment.

(2) Habitual use of ardent spirits, narcotics, or other intoxicants to such an extent as to incapacitate him/her from the performance of his/her professional duties.

(3) Any conduct or practice contrary to recognized standards of ethics of the naturopathic profession, which includes but is not limited to:

(a) Engaging in any conduct which constitutes a violation of any provision of ORS 163.305 through 163.465, Criminal Sexual Offenses, if proven by at least a preponderance of the evidence in any criminal, civil, or administrative litigation, or admitted to or stipulated by the professional;

(b) Engaging in any conduct with a patient that is sexual, or may be reasonably interpreted as sexual, whether initiated by the patient or not;

(c) Any behavior, gesture, or expression that is sexually seductive or sexually demeaning to a patient, or any action that shows a lack of respect for the patient's privacy;

(d) Entering into an intimate sexual relationship with a patient or with a former patient if within six months after the doctor-patient relationship is terminated, unless a prior sexual relationship existed;

(e) Breaching patient confidentiality

(4) Fraud or misrepresentation related to naturopathic medicine.

(5) The use of any advertising in which untruthful, improper, misleading, or deceptive statements are made.

(6) Claiming superiority to or a greater skill than that possessed by fellow naturopathic physicians.

(7) Aiding or abetting the unlawful practice of any of the healing arts by an unlicensed person.

(8) The advertising or holding oneself out to diagnose or treat a patient by any secret formula method, treatment, or procedure.

(9) The guaranteeing of a cure or "results" from any treatment.

(10) Failure to refer the patient to an appropriate care provider upon termination of treatment where referral is called for, unless termination was the decision of the patient and the licensee had no opportunity to refer the patient.

(11) Prescribing or dispensing a substance that is not listed on the formulary compendium.

Stat. Auth.: ORS 685.125
Stats. Implemented: ORS 685.225
Hist.: NE 1, f. 11-12-57; NE 3-1980, f. & ef. 9-11-80; NE 3-1992, f. & cert. ef. 11-5-92; BNE 4-1998(Temp), f. & cert. ef. 8-26-98 thru 2-22-99; Administrative correction 8-9-99; BNE 4-2005, f. & cert. ef. 4-13-05; Renumbered from 850-010-0190, BNE 8-2005, f. & cert. ef. 10-27-05; OBNM 1-2016, f. & cert. ef. 10-12-16

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Rule Caption: Add fee for Oregon Health Care Workforce Database.

Adm. Order No.: OBNM 2-2016

Filed with Sec. of State: 10-12-2016

Certified to be Effective: 10-12-16

Notice Publication Date: 8-1-2016

Rules Amended: 850-030-0035

Subject: add fee for Oregon Health Care Workforce Database which is being required effective with the 2016 license renewal cycle.

Rules Coordinator: Anne Walsh—(971) 673-0193

850-030-0035

Fees for Licensure, Examination and Certification

(1) Fees schedule:

(a) The fee to apply to take the jurisprudence and formulary examinations to be eligible for licensure shall be \$150.

(b) Effective January 1, 2012, the fee for an initial license to practice naturopathic medicine (including reciprocity) shall be \$300 and pro-rated according to receipt of application:

(A) If the application for initial licensure is received January 1 through March 31, the fee for initial licensure will be \$300;

(B) If the application for initial licensure is received April 1 through June 30, the fee for initial licensure will be \$225;

(C) If the application for initial licensure is received July 1 through September 30, the fee for initial licensure will be \$150; and

(D) If the application for initial licensure is received October 1 through December 31, the fee for initial licensure will be \$75.

(c) The fee for a criminal background check shall be \$50.

(d) The fee for an initial certificate of special competency in natural childbirth shall be \$60.

(e) The annual license renewal fee for an active Naturopathic license shall be \$300.

(f) The annual license renewal fee for an inactive license shall be \$140.

(g) The annual renewal fee for a retired license shall be \$15.

(h) The annual renewal fee for a certificate of special competency in natural childbirth shall be \$60.

(i) A late fee of \$100 will be charged for any renewal that does not meet the December 15 deadline per OAR 850-030-0195.

(j) The fee to reinstate a lapsed license to active status within 12 months of being lapsed shall be \$300 plus a restoration fee of \$150.

(k) The annual fee mandated for all licensees with the authority to prescribe shall be \$25;

(l) The annual fee for the mandated Oregon Workforce Database shall be \$2;

(1) Duplicate license fee shall be \$25;

(m) Wall certificate shall be \$25;

(n) The fee for mailing an examination packet shall be \$40 or the current rate charged for the secure over night mailing of examinations;

(o) Mailing list in any version shall be \$50;

(p) Copies of public documents shall be \$15 for the first ten single-sided pages and 10 cents per page hereafter.

(2) All Board fees and fines are non-refundable.

Stat. Auth.: ORS 685.100(6)(b) & 685.100(6)(c)

Stats. Implemented: ORS 685.100 & 685.102

Hist.: NE 1-1987(Temp), f. 9-17-87, ef. 10-1-87; NE 1-1988, f. & cert. ef. 3-15-88; NE 1-1996, f. & cert. ef. 10-18-96; NE 2-1997(Temp), f. 12-1-97, cert. ef. 12-2-97 thru 5-31-98; BNE 1-1998(Temp), f. 7-15-98, cert. ef. 8-3-98 thru 1-30-99; BNE 2-1998, f. 7-31-98, cert. ef. 8-3-98; BNE 2-1999, f. & cert. ef. 9-24-99; BNE 5-2000, f. & cert. ef. 12-6-00; BNE 4-2003, f. & cert. ef. 10-9-03; Renumbered from 850-010-0035, BNE 8-2005, f. & cert. ef. 10-27-05; BNE 3-2008, f. 4-21-08, cert. ef. 6-10-08; BNE 3-2009, f. & cert. ef. 10-6-09; OBNM 5-2011(Temp), f. & cert. ef. 10-17-11 thru 1-17-12; Administrative correction, 2-24-12; OBNM 1-2013, f. & cert. ef. 4-12-13; OBNM 2-2014, f. & cert. ef. 7-10-14; OBNM 2-2016, f. & cert. ef. 10-12-16

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Rule Caption: Update 850-060-0226 Formulary Classifications as recommended by the Formulary Council

Adm. Order No.: OBNM 3-2016

Filed with Sec. of State: 10-12-2016

Certified to be Effective: 10-12-16

Notice Publication Date: 9-1-2016

Rules Amended: 850-060-0226

Subject: Add language to 850-060-0226(26)(e) after Biologic Response Modifiers, not to be used for systemic oncology.

Rules Coordinator: Anne Walsh—(971) 673-0193

850-060-0226

Formulary Compendium Classifications

The Formulary Council has approved the following pharmacologic-therapeutic classifications in addition to drugs previously approved by the Formulary Council and listed in 850-060-0225. This listing does not supersede the education and training requirement established in 850-060-0212 for administration of IV agents.

The Formulary Council may consider new agents, substances and pharmacologic-therapeutic classifications for addition to this list.

(1) Antihistamine Drugs;

(a) First Generation Antihistamine Drugs;

(A) Ethanalamine Derivatives;

(B) Ethylenediamine Derivatives;

(C) Phenothiazine Derivatives;

(D) Piperazine Derivatives;

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- (E) Propylamine Derivatives;
- (F) Miscellaneous Derivatives;
- (b) Second Generation Antihistamines.
- (2) Anti-Infective Agents;
- (a) Anthelmintics;
- (b) Antibacterials;
- (A) Aminoglycosides;
- (B) Cephalosporins;
- (i) First Generation Cephalosporins;
- (ii) Second Generation Cephalosporins;
- (iii) Third Generation Cephalosporins;
- (iv) Fourth Generation Cephalosporins.
- (C) Miscellaneous β -Lactams;
- (i) Carbacephem;
- (ii) Carbapenems;
- (iii) Cephamycins;
- (iv) Monobactams.
- (D) Chloramphenicol;
- (E) Macrolides.
- (i) Erythromycins;
- (ii) Ketolides;
- (iii) Other Macrolides.
- (F) Penicillins;
- (i) Natural Penicillins;
- (ii) Aminopenicillins;
- (iii) Penicillinase-resistant Penicillins;
- (iv) Extended-spectrum Penicillins.
- (G) Quinolones;
- (H) Sulfonamides;
- (I) Tetracyclines: Glycylcyclines;
- (J) Antibacterials, Miscellaneous.
- (i) Aminocyclitols;
- (ii) Bacitracins;
- (iii) Cyclic Lipopeptides;
- (iv) Glycopeptides;
- (v) Lincomycins;
- (vi) Oxazolidinones;
- (vii) Polymyxins;
- (viii) Rifamycins;
- (ix) Streptogramins;
- (c) Antifungals;
- (A) Allylamines;
- (B) Azoles;
- (C) Echinocandins;
- (D) Polyenes;
- (E) Pyrimidines;
- (F) Antifungals, Miscellaneous.
- (d) Antimycobacterials;
- (A) Antituberculosis Agents;
- (B) Antimycobacterials, Miscellaneous.
- (e) Antivirals;
- (A) Adamantanes;
- (B) Antiretrovirals;
- (i) HIV Fusion Inhibitors;
- (ii) HIV Protease Inhibitors;
- (iii) Integrase Inhibitors;
- (iv) Nucleoside Reverse Transcriptase Inhibitors;
- (v) Nucleoside and Nucleotide Reverse Transcriptase Inhibitors
- (C) Interferons;
- (D) Monoclonal Antibodies;
- (E) Neuraminidase Inhibitors;
- (F) Nucleosides and Nucleotides;
- (G) Antivirals, Miscellaneous;
- (f) Antiprotozoals;
- (A) Amebicides;
- (B) Antimalarials;
- (C) Antiprotozoals, Miscellaneous.
- (3) Antineoplastic Agents (oral and topical only) limited to the following:
 - (a) 5FU;
 - (b) Anastrozole;
 - (c) Letrozole;
 - (d) Mechlorethamine;
 - (e) Megestrol;
 - (f) Mercaptopurine;
 - (g) Methotrexate;
 - (h) Tamoxifen;
 - (i) Tretinoin.
- (4) Autonomic Drugs;
- (a) Parasympathomimetic (Cholinergic) Agents;
- (b) Anticholinergic Agents: Antimuscarinics/ Antispasmodics;
- (c) Sympathomimetic (Adrenergic) Agents;
- (A) α -Adrenergic Agonists;
- (B) β - Adrenergic Agonists;
- (i) Non-selective β - Adrenergic Agonists;
- (ii) Selective β 1- Adrenergic Agonists;
- (iii) Selective β 2- Adrenergic Agonists;
- (C) α -And β -Adrenergic Agonists;
- (d) Sympatholytic (Adrenergic Blocking) Agents;
- (e) Skeletal Muscle Relaxants;
- (A) Centrally Acting Skeletal Muscle Relaxants;
- (B) Direct-acting Skeletal Muscle Relaxants;
- (C) GABA-derivative Skeletal Muscle Relaxants;
- (D) Neuromuscular Blocking Agents;
- (E) Skeletal Muscle Relaxants, Miscellaneous.
- (f) Autonomic Drugs, Miscellaneous.
- (5) Blood Derivatives.
- (6) Blood Formation, Coagulation, and Thrombosis;
- (a) Antianemia Drugs: Iron Preparations;
- (b) Antithrombotic Agents;
- (A) Anticoagulants;
- (i) Coumarin Derivatives;
- (ii) Direct Thrombin Inhibitors;
- (iii) Heparins;
- (iv) Anticoagulants, Miscellaneous.
- (B) Platelet-reducing Agents;
- (C) Platelet-aggregation Inhibitors;
- (D) Thrombolytic Agents;
- (c) Hematopoietic Agents;
- (d) Hemorrhologic Agents;
- (e) Antihemorrhagic Agents;
- (A) Antiheparin Agents;
- (B) Hemostatics.
- (7) Cardiovascular Drugs;
- (a) Cardiac Drugs;
- (A) Antiarrhythmic Agents;
- (i) Class Ia Antiarrhythmics;
- (ii) Class Ib Antiarrhythmics;
- (iii) Class Ic Antiarrhythmics;
- (iv) Class III Antiarrhythmics;
- (v) Class IV Antiarrhythmics.
- (B) Cardiotonic Agents;
- (C) Cardiac Drugs, Miscellaneous.
- (b) Antilipemic Agents;
- (A) Bile Acid Sequestrants;
- (B) Cholesterol Absorption Inhibitors;
- (C) Fibric Acid Derivatives;
- (D) HMG-CoA Reductase Inhibitors;
- (E) Antilipemic Agents, Miscellaneous.
- (c) Hypotensive Agents;
- (A) Calcium-Channel Blocking Agents;
- (B) Central α -Agonists;
- (C) Direct Vasodilators;
- (D) Peripheral Adrenergic Inhibitors.
- (d) Vasodilating Agents;
- (A) Nitrates and Nitrites;
- (B) Phosphodiesterase Inhibitors;
- (C) Vasodilating Agents, Miscellaneous.
- (e) Sclerosing Agents;
- (f) α -Adrenergic Blocking Agents;
- (g) β -Adrenergic Blocking Agents;
- (h) Calcium-Channel Blocking Agents;
- (A) Dihydropyridines;
- (B) Calcium-Channel Blocking Agents, Miscellaneous;
- (i) Renin-Angiotensin-Aldosterone System Inhibitors;
- (A) Angiotensin-Converting Enzyme Inhibitors;
- (B) Angiotensin II Receptor Antagonists;
- (C) Mineralocorticoid (Aldosterone) Receptor Antagonists;
- (D) Renin Inhibitors.
- (8) Central Nervous System Agents;

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- (a) Analgesics and Antipyretics;
 - (A) Nonsteroidal Anti-inflammatory Agents;
 - (i) Cyclooxygenase-2 (COX-2) Inhibitors;
 - (ii) Salicylates;
 - (iii) Other Nonsteroidal Anti-inflammatory Agents;
 - (B) Opiate Agonists;
 - (C) Opiate Partial Agonists;
 - (D) Analgesics and Antipyretics, Miscellaneous.
 - (b) Opiate Antagonists;
 - (c) Anticonvulsants;
 - (A) Benzodiazepines;
 - (B) Hydantoins;
 - (C) Succinimides;
 - (D) Anticonvulsants, Miscellaneous.
 - (d) Psychotherapeutic Agents;
 - (A) Antidepressants;
 - (i) Monoamine Oxidase Inhibitors;
 - (ii) Selective Serotonin- and Norepinephrine-reuptake Inhibitors;
 - (iii) Selective Serotonin- Reuptake Inhibitors;
 - (iv) Serotonin Modulators;
 - (v) Tricyclics and Other Norepinephrine-reuptake Inhibitors.
 - (vi) Antidepressants, Miscellaneous.
 - (B) Antipsychotics.
 - (e) Anorexigenic Agents and Respiratory and Cerebral Stimulants.
 - (A) Amphetamines.
 - (B) Anorexigenic Agents and Respiratory and Cerebral Stimulants, Miscellaneous.
 - (f) Anxiolytics, Sedatives, and Hypnotics, does not include Barbiturates;
 - (A) Benzodiazepines;
 - (B)(i) Anxiolytics, Sedatives, and Hypnotics; Miscellaneous;
 - (ii) Nitrous oxide;
 - (g) Antimanic Agents;
 - (h) Antimigraine Agents: Selective Serotonin Agonists;
 - (i) Antiparkinsonian Agents;
 - (A) Adamantanes;
 - (B) Anticholinergic Agents;
 - (C) Catechol-O-Methyltransferase (COMT) Inhibitors;
 - (D) Dopamine Precursors;
 - (E) Dopamine Receptor Agonists;
 - (i) Ergot-derivative Dopamine Receptor Agonists;
 - (ii) Non-ergot-derivative Dopamine Receptor Agonists;
 - (F) Monoamine Oxidase B Inhibitors;
 - (j) Central Nervous System Agents, Miscellaneous.
 - (9) Contraceptives (foams, devices).
 - (10) Diagnostic Agents.
 - (11) Disinfectants (for Agents used on objects other than skin).
 - (12) Electrolytic, Caloric, and Water Balance;
 - (a) Acidifying Agents;
 - (b) Alkalinizing Agents;
 - (c) Ammonia Detoxicants;
 - (d) Replacements Preparations;
 - (e) Ion-Removing Agents;
 - (A) Calcium-removing Agents;
 - (B) Potassium-removing Agents;
 - (C) Phosphate-removing Agents;
 - (D) Other Ion-removing Agents;
 - (f) Caloric Agents;
 - (g) Diuretics;
 - (A) Loop Diuretics;
 - (B) Osmotic Diuretics;
 - (C) Potassium-sparing Diuretics;
 - (D) Thiazide Diuretics;
 - (E) Thiazide-like Diuretics;
 - (F) Diuretics, Miscellaneous;
 - (h) Irrigation Solutions;
 - (i) Uricosuric Agents.
 - (13) Enzymes.
 - (14) Respiratory Tract Agents;
 - (a) Antihistamines;
 - (b) Antitussives;
 - (c) Anti-inflammatory Agents;
 - (A) Leukotriene Modifiers;
 - (B) Mast-cell Stabilizers;
 - (d) Expectorants;
 - (e) Pulmonary Surfactants;
 - (f) Respiratory Agents, Miscellaneous.
 - (15) Eye, Ear, Nose, and Throat (EENT) Preparations;
 - (a) Antiallergic Agents;
 - (b) Anti-infectives;
 - (A) Antibacterials;
 - (B) Antifungals;
 - (C) Antivirals;
 - (D) Anti-infectives, Miscellaneous.
 - (c) Anti-inflammatory Agents;
 - (A) Corticosteroids;
 - (B) Nonsteroidal Anti-inflammatory Agents;
 - (C) Anti-inflammatory Agents, Miscellaneous.
 - (d) Local Anesthetics;
 - (e) Mydriatics;
 - (f) Mouthwashes and Gargles;
 - (g) Vasoconstrictors;
 - (h) Antiglaucoma Agents;
 - (A) α -Adrenergic Agonists;
 - (B) β -Adrenergic Agonists;
 - (C) Carbonic Anhydrase Inhibitors;
 - (D) Miotics;
 - (E) Prostaglandin Analogs;
 - (i) EENT Drugs, Miscellaneous.
 - (16) Gastrointestinal Drugs;
 - (a) Antacids and Adsorbents;
 - (b) Antidiarrhea Agents;
 - (c) Antiflatulents;
 - (d) Cathartics and Laxatives;
 - (e) Cholelitholytic Agents;
 - (f) Emetics;
 - (g) Antiemetics;
 - (A) Antihistamines;
 - (B) 5-HT₃ Receptor Antagonists;
 - (C) Antiemetics, Miscellaneous.
 - (h) Antiulcer Agents and Acid Suppressants;
 - (A) Histamine H₂-Antagonists;
 - (B) Prostaglandins;
 - (C) Protectants;
 - (D) Proton-pump Inhibitors;
 - (i) Prokinetic Agents;
 - (j) Anti-inflammatory Agents;
 - (k) GI Drugs, Miscellaneous.
 - (17) Gold Compounds.
 - (18) Heavy Metal Antagonists.
- NOTE: IV administration requires education and training compliance with 850-060-0212.
- (19) Hormones and Synthetic Substitutes;
 - (a) Adrenals;
 - (b) Androgens;
 - (c) Contraceptives;
 - (d) Estrogens and Antiestrogens;
 - (A) Estrogens;
 - (B) Estrogen Agonists-Antiagonists.
 - (e) Gonadotropins;
 - (f) Antidiabetic Agents;
 - (A) α -Glucosidase Inhibitors;
 - (B) Amylinomimetics;
 - (C) Biguanides;
 - (D) Dipeptidyl Peptidase (DDP-4) Inhibitors;
 - (E) Incretin Mimetics;
 - (F) Insulins;
 - (G) Meglitinides;
 - (H) Sulfonylureas;
 - (I) Thiazolidinediones;
 - (J) Miscellaneous.
 - (g) Antihypoglycemic Agents: Glycogenolytic Agents;
 - (h) Parathyroid;
 - (i) Pituitary;
 - (j) Somatotropin Agonists and Antagonists;
 - (A) Somatotropin Agonists;
 - (B) Somatotropin Antagonists;
 - (k) Progestins;
 - (l) Thyroid and Antithyroid Agents;
 - (A) Thyroid Agents;
 - (B) Antithyroid Agents.

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- (20) Local Anesthetics.
- (21) Oxytocics, except for Mifepristone.
- (22) Serums, Toxoids, and Vaccines;
 - (a) Serums;
 - (b) Toxoids;
 - (c) Vaccines.
- (23) Skin and Mucous Membrane Agents;
 - (a) Anti-infectives;
 - (A) Antibacterials;
 - (B) Antivirals;
 - (C) Antifungals;
 - (i) Allylamines;
 - (ii) Azoles;
 - (iii) Benzylamines;
 - (iv) Hydroxypyridones;
 - (v) Polyenes;
 - (vi) Thiocarbamates;
 - (vii) Antifungals, Miscellaneous.
 - (D) Scabicides and Pediculicides;
 - (E) Local Anti-infectives, Miscellaneous.
 - (b) Anti-inflammatory Agents;
 - (c) Antipruritics and Local Anesthetics;
 - (d) Astringents;
 - (e) Cell Stimulants and Proliferants;
 - (f) Detergents;
 - (g) Emollients, Demulcents, and Protectants;
 - (h) Keratolytic Agents;
 - (i) Keratoplastic Agents;
 - (j) Depigmenting and Pigmenting Agents;
 - (A) Depigmenting Agents;
 - (B) Pigmenting Agents;
 - (k) Sunscreen Agents;
 - (l) Skin and Mucous Membrane Agents, Miscellaneous.
- (24) Smooth Muscle Relaxants;
 - (a) Gastrointestinal Smooth Muscle Relaxants;
 - (b) Genitourinary Smooth Muscle Relaxants;
 - (c) Respiratory Smooth Muscle Relaxants.
- (25) Vitamins and Minerals.
- (26) Miscellaneous Therapeutic Agents;
 - (a) Alcohol Deterrents limited to the following:
 - (A) Acamprostate;
 - (B) Disulfiram;
 - (C) Naltrexone.
 - (b) 5-a Reductase Inhibitors;
 - (c) Antidotes;
 - (d) Antigout Agents;
 - (e) Biologic Response Modifiers, not to be used for systemic

oncology.

- (A) Interferons;
- (B) Dimethyl Fumarate;
- (f) Bone Resorption Inhibitors;
- (g) Cariostatic Agents;
- (h) Complement Inhibitors;
- (i) Disease-Modifying Antirheumatic Agents;
- (j) Gonadotropin-releasing Hormone Antagonists;
- (k) Immunosuppressive Agents;
- (l) Other Miscellaneous Therapeutic Agents limited to the following:
 - (A) Alfuzosin Hydrochloride;
 - (B) Drotrecogin Alfa (Activated);
 - (C) Lanreotide Acetate;
 - (D) Rilonecept;
 - (E) Sapropterin Dihydrochloride;
 - (F) Tamsulosin Hydrochloride.

Stat. Auth.: ORS 685.125

Stats. Implemented: ORS 685.145

Hist.: BNE 1-2002, f. & cert. ef. 2-19-02; BNE 4-2002, f. & cert. ef. 8-8-02; BNE 3-2003, f. & cert. ef. 6-9-03; BNE 5-2003, f. & cert. ef. 12-5-03; BNE 5-2004, f. & cert. ef. 6-10-04; Renumbered from 850-010-0226, BNE 8-2005, f. & cert. ef. 10-27-05; BNE 9-2005, f. & cert. ef. 12-12-05; BNE 4-2006, f. & cert. ef. 12-11-06; BNE 3-2007, f. & cert. ef. 6-12-07; BNE 1-2008, f. & cert. ef. 2-19-08; BNE 2-2008, f. & cert. ef. 3-21-08; BNE 6-2008, f. & cert. ef. 6-11-08; BNE 7-2008, f. & cert. ef. 12-8-08; BNE 2-2009, f. & cert. ef. 6-17-09; BNE 7-2009, f. & cert. ef. 1-1-10; OBNM 5-2010, f. & cert. ef. 6-30-10; OBNM 7-2010, f. & cert. ef. 12-13-10; OBNM 2-2011, f. & cert. ef. 4-12-11; OBNM 4-2011, f. & cert. ef. 6-15-11; OBNM 3-2012, f. & cert. ef. 6-15-12; OBNM 1-2014, f. & cert. ef. 4-9-14; OBNM 3-2014, f. & cert. ef. 7-10-14; OBNM 5-2015, f. & cert. ef. 8-28-15; OBNM 6-2015, f. & cert. ef. 12-30-15; OBNM 3-2016, f. & cert. ef. 10-12-16

Rule Caption: List formulary items currently excluded from prescribing authority by Naturopathic physicians and remove unnecessary rule.

Adm. Order No.: OBNM 4-2016

Filed with Sec. of State: 10-12-2016

Certified to be Effective: 10-12-16

Notice Publication Date: 8-1-2016

Rules Adopted: 850-060-0223

Rules Repealed: 850-060-0225

Subject: adds a new rule 850-060-0223 listing the formulary compendium exclusions removes 850-060-0225 which is no longer relevant since all items can be found by classification in 850-060-0226.

Rules Coordinator: Anne Walsh—(971) 673-0193

850-060-0223

Formulary Compendium Exclusions

The Formulary Council has approved substances as listed by classification in 850-060-0226 for use by Naturopathic physicians in accordance with professional standards of care.

(1) This authority does not supersede the education and training requirement established in 850-060-0212 for administration of IV agents or any other education and training required to prescribe, dispense, administer or order all legend or controlled substances.

(2) Additionally, the following substances may not be prescribed by licensees of this Board without approved specialized education and training.

(a) Barbiturates as defined in 850-060-0226(8)(f);

(b) Systemic oncology agents with the exception of the following antineoplastic agents (oral and topical only) as found in 850-060-226(3)

(A) 5FU;

(B) Anastrozole;

(C) Letrozole;

(D) Mechlorethamine;

(E) Megestrol;

(F) Mercaptopurine;

(G) Methotrexate;

(H) Tamoxifen;

(I) Tretinoin.

(c) General anesthetics;

(d) Oxytocics as an abortifacient;

(e) Any other substance not listed in 850-060-0226 classification or meeting prior approval of the Board.

Stat. Auth.: ORS 685.125

Stats. Implemented: 685.030

Hist.: OBNM 4-2016, f. & cert. ef. 10-12-16

Oregon Business Development Department

Chapter 123

Rule Caption: Technical revisions to improve administrative rules for primarily standard enterprise zone exemptions.

Adm. Order No.: OBDD 9-2016

Filed with Sec. of State: 9-16-2016

Certified to be Effective: 9-16-16

Notice Publication Date: 8-1-2016

Rules Amended: 123-650-4500, 123-650-4800, 123-650-4900

Subject: These rules are being amended to better specify the timing and effect of economic data release that determine geographic eligibility for the creation/extension of enterprise zones, as well as time frame of enterprise zone determinations relative to local submissions and actions and of restrictions on hotel/resort eligibility with standard enterprise zone tax abatement.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-650-4500

Economic Conditions for Areas Added by Boundary Changes

Under ORS 285C.115(2)(c), an area may be added to an enterprise zone only if it and adjoining residential areas are economically comparable to the original enterprise zone:

(1) Economic statistics or data for the original enterprise zone and an area to be added shall be either:

(a) From a given data source as most recently available; or

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(b) From the time of the latest re-/designation of the zone based on the data source used at the time for purposes of ORS 285C.090.

(2) As part of the boundary change documentation, general commentary shall suffice for this issue if it is readily apparent that any area added to the zone:

(a) Is virtually devoid of and geographically removed from residential areas; or

(b) Contains and borders only residential areas with signs of economic blight or a preponderance of markedly low-income households.

(3) If circumstances are less plain than in section (2) of this rule, then the documentation shall include a suitable comparison based on one or more economic measures of the original enterprise zone to Census Statistical Units that contain, overlap or appropriately abut areas added to the zone.

(4) The comparison in section (3) of this rule must show that such Census Statistical Units in aggregate, based on the most recently available data, have:

(a) Less than 25 percent of their land zoned or used for residential development; or

(b) Generally the same or a lower household or personal income, or a higher unemployment rate, or otherwise equivalent or more severe economic conditions, compared to the original enterprise zone.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.060, 285C.115 & 285C.117

Hist.: OBDD 15-2015, f. & cert. ef. 11-12-15; OBDD 9-2016, f. & cert. ef. 9-16-16

123-650-4800

Local Resolutions and Hotel/Resort Option

For purposes of city, port or county resolutions to designate, re-designate or amend an enterprise zone:

(1) The resolution by a Sponsoring Government shall be adopted at least seven days after the meeting described in OAR 123-650-5100, in the case of re-/designation.

(2) The resolutions shall:

(a) Acknowledge all other cosponsoring parties to the re-/designation or boundary change, if any;

(b) Declare that the sponsor will (jointly) fulfill duties under ORS 285C.050 to 285C.250, including but not limited to observing ORS 285C.105 in accordance with OAR 123-668;

(c) Clarify that the zone does not compromise or override prevailing zoning, regulatory and permitting ordinances, processes or restrictions, or affect acknowledged comprehensive plans for land use;

(d) As deemed significant or appropriate by the sponsoring government, affirm goals in having the zone, recount zone history, underscore key characteristics of the re-/designation or boundary change, or report actions taken for purposes of public involvement, including but not limited to the nature and outcome of communication or interaction with local taxing districts; and

(e) Stipulate any election or restriction for hotel/resort eligibility under ORS 285C.070 by cities and counties, so that a business operating a hotel, motel or destination resort is eligible under ORS 285C.135(5)(c) in the enterprise zone or in restricted parts of the zone, for which:

(A) Any such election or restriction must be reflected in the resolution(s) (jointly) adopted by each sponsoring city or county and by any consenting city or county affected by a restriction.

(B) Any restriction makes such businesses eligible in those parts of the zone throughout the incorporated area of the city or unincorporated area of the county, to which the restriction pertains, which may be a city or county merely consenting to the zone.

(C) With a boundary change, a positive hotel/resort election or restriction may not be made, but the jurisdiction of a city or county newly joining or consenting to an enterprise zone may be excluded from an existing hotel/resort election, and any such negative restriction may not be revised once the boundary change takes effect.

(D) In the case of re-/designation, cities and counties may (jointly) revise an election, restriction or lack of one, regardless of what is in the resolution(s) of re-/designation, by resolution(s) adopted not more than six months after the effective date of re-/designation.

(E) A prior election or restriction for hotel/resort eligibility does not carry over to any re-designation, such that hotel/resorts are ineligible (based on the date of application for authorization) throughout any newly re-designated zone without a positive election or restriction as described in this subsection.

(3) The sponsor of an enterprise zone that has an existing hotel/resort election may at any time revoke that election in its entirety or in a particular city or county jurisdiction (thereby effecting a restriction elsewhere),

irreversibly for the remainder of the enterprise zone's current period of designation, but:

(a) For a zone with two or more cosponsors, the revocation must be consistently expressed in resolutions adopted by all of them, including but not limited to any port; and

(b) Copies of the resolution(s) of such revocation must be submitted to the Department to establish its effective date in terms of subsequent applications for authorization by relevant business firms.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.065, 285C.070, 285C.074, 285C.105, 285C.115 & 285C.117

Hist.: OBDD 15-2015, f. & cert. ef. 11-12-15; OBDD 9-2016, f. & cert. ef. 9-16-16

123-650-4900

Agency Determinations

The Department shall thoroughly review the documentation submitted with an enterprise zone designation, re-designation or boundary change, as described in OAR 123-650-4100 or 123-650-4400, and shall notify the submitter as soon as possible of the determination under ORS 285C.074 or 285C.117, such that:

(1) Subject to procedural matters' being in order and satisfaction of statutory requirements according to applicable parts of these administrative rules, the Department shall issue a notice of positive determination, which will establish salient features of the (amended) enterprise zone, including but not limited to hotel/resort eligibility, as well as the date that the re-/designation or boundary change takes effect, which shall be:

(a) The date that the last resolution of consent or sponsorship was adopted for a designation;

(b) July 1 in the case of concurrent re-designation under ORS 285C.250 if the last sponsoring or consent resolution was adopted on or before June 30;

(c) The date that the last resolution by any cosponsor was adopted for a boundary change; or

(d) For any resubmission pursuant to section (3) of this rule:

(A) The date coinciding with the Department's receipt of a complete resubmission (in terms of all items needing to be revised, modified or redone), inasmuch as the Department deems the extent of necessary revisions or the amount of time that has elapsed to have been significant; or

(B) The date of adoption of the last applicable resolution replacing or supplementing prior resolutions.

(2) The determination is otherwise negative and the enterprise zone or any amendment to the enterprise zone does not take effect, including but not limited to cases otherwise prohibited in accordance with OAR 123-650-0500 to 123-650-0700 or where:

(a) Documentation is inaccurate, inapplicable, incomprehensible, or insufficiently current including but not limited to section (4) of this rule;

(b) The enterprise zone or an amendment encompasses area in any existing enterprise zone that will not have been Terminated-by-Statute or removed by another boundary change before the requisite effective date; or

(c) A Sponsoring Government or new cosponsor is a city, port or county that sponsored an enterprise zone terminated by order of the Director under ORS 285C.245(3) to (5) within the past 10 years by the time of the requisite effective date, other than a county or port if a port/city also sponsored the terminated zone and none of the new enterprise zone area was inside that terminated zone.

(3) The Department shall promptly issue a formal explanation (at least by email) to the Sponsoring Government(s) or zone sponsor subject to a negative determination, regarding unmet requirements or deficiencies with documentation, as well as what might be done for resubmission that entails either:

(a) More or less minor revisions or additions to documentation, with which the Department may assist, and for which a relatively quick resolution would allow the re-/designation or boundary change to take effect as described in subsection (1)(a) to (c) of this rule; or

(b) Fundamental modifications to the re-/designated or amended zone or its associated documentation, which could also necessitate redoing otherwise faultless steps or documentation with respect to the time limits in section (4) of this rule.

(4) Relative to when complete documentation is re/submitted to the Department or the effective date in section (1) of this rule, whichever is later, the following are not acceptable for purposes of a positive determination:

(a) Economic data, statistics and so forth that have been superseded by the release or availability of the very same but newer/annually updated data or statistics;

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(b) The notice to local taxing districts and any consequent consultative activities described in OAR 123-650-5000 to 123-650-5500, if the notice was sent more than a year prior; or

(c) Any sponsoring or consent resolution older than nine months in the case of a boundary change or six months in the case of zone re-designation.

(5) For zone re-designation, nothing in this rule overrides that the actions in subsections (4)(b) and (c) of this rule and related steps must commence in due order only after the advisory to and consultation with the Department under ORS 285C.074 and 285C.078, which shall occur for re-designations only within six months of when the zone will be Terminated-by-Statute.

Stat. Auth.: ORS 285A.075, 285C.060(1), 285C.066 & 285C.067(2)
Stats. Implemented: ORS 285C.060, 285C.065, 285C.066, 285C.067, 285C.070, 285C.074, 285C.078, 285C.090, 285C.115, 285C.117 & 285C.250
Hist.: OBDD 15-2015, f. & cert. ef. 11-12-15; OBDD 9-2016, f. & cert. ef. 9-16-16

Rule Caption: Technical revisions to improve administrative rules for primarily standard enterprise zone exemptions.

Adm. Order No.: OBDD 10-2016

Filed with Sec. of State: 9-16-2016

Certified to be Effective: 9-16-16

Notice Publication Date: 8-1-2016

Rules Amended: 123-635-0150

Subject: Amend OAR 123-635-0150 to revise and effect of economic data releases that determine geographic eligibility for allowing business firms to use special tax benefits consistently across programs.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-635-0150

Qualified Locations

A proposed Facility must be inside a county as determined according to section (1) of this rule, and located at a site satisfying the requirements of section (2) of this rule, at the time when the Department receives the application for preliminary certification:

(1) With respect to county eligibility:

(a) With on-line availability of (non-preliminary) annual statistics or data described in this rule, the Department shall analyze the most current and prior two years' revised data, ascertain which counties in the state satisfy ORS 285C.500(5)(b), prepare associated information, and post it on the Department web site for use by the public, business firms and local economic development professionals.

(b) The determination described in subsection (a) of this section shall first take effect at least once a year on January 1 or July 1 following on-line availability of the latest annual data. As the Department deems appropriate in response to the release of new annual data or revisions to that data, the Department may reissue or modify the determination, update associated information and set the effective date for changes in county status, as warranted.

(c) A correct, prior determination in accordance with this section is not subject to retroactive change due to subsequent revisions to data for the same or future years.

(2) The specific site of a proposed Facility must meet at least one of the following two requirements:

(a) The site is completely inside the urban growth boundary (UGB) of a city with a population of 15,000 or less (based on the most recent U.S. Census count or estimate available from the Portland State University Population Research Center); or

(b) Regardless of being inside or outside of any city's UGB, the site consists entirely of land zoned for industrial use:

(A) Pursuant to effective municipal zoning ordinances that expressively and generally permit permanent facilities and private operations for heavy or light manufacturing, energy production, fabrication, warehousing, distribution, mineral/agricultural processing or similarly intensive economic uses;

(B) In accordance with applicable state land-use laws, including but not limited to those for unincorporated communities, exceptions from state planning goals, or ORS 197.713, 197.714 or 197.719; and

(C) Such that the Facility's business operations must directly benefit a traded sector industry under ORS 285C.010, regardless of other uses permitted under the particular zoning code ordinance.

Stat. Auth.: ORS 285A.075
Stats. Implemented: ORS 285C.500 & 285C.503
Hist.: EDD 17-2002, f. 11-27-02, cert. ef. 12-2-02; EDD 9-2005, f. & cert. ef. 11-4-05; OBDD 5-2010, f. 1-29-10, cert. ef. 2-1-10; Renumbered from 123-155-0150, OBDD 1-2011,

f. & cert. ef. 1-3-11; OBDD 12-2012, f. & cert. ef. 8-15-12; OBDD 5-2016, f. & cert. ef. 3-28-16; OBDD 10-2016, f. & cert. ef. 9-16-16

Rule Caption: Technical revisions to improve administrative rules for primarily standard enterprise zone exemptions.

Adm. Order No.: OBDD 11-2016

Filed with Sec. of State: 9-16-2016

Certified to be Effective: 9-16-16

Notice Publication Date: 8-1-2016

Rules Amended: 123-656-1600

Subject: The amendment to 123-656-1600 is to clean up language affecting the reservation enterprise zone tax credits and fix web-site reference in note and the end of rule.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-656-1600

Tribal Credit against State Income Taxes

For purposes of the credit under ORS 285C.309 to offset state personal or corporate income/excise tax liabilities based on tribal taxes incurred or paid to the Tribe for an applicable business facility in any RENZ or RPRZ:

(1) It is available to a business engaged in any type of income-furthering activity, other than leasing the facility itself, irrespective of receipt or qualification for any other enterprise-zone tax abatement by the business or the facility.

(2) The business must have acquired the facility (by purchase or lease) or completed its construction, erection or installation, only since January 1, 2002. In addition, for a previously existing facility:

(a) If located on the Tribe's reservation, the business operations need to be significantly different from and not in any way the continuation of what was undertaken at the facility before its latest acquisition; and

(b) The facility, for purposes of applicable tribal property taxes, comprises new investments (completed and placed in service since January 1, 2002) only to the extent that they have enlarged or extended the ability of the business to generate revenue at the facility, as opposed to existing property or the replacement of existing property.

(3) The credit equals:

(a) The total amount of tribal taxes under ORS 285C.300 incurred or paid by the business in or respective to the first income/excise tax year, in which it operates in the RENZ or RPRZ; or

(b) For any other tax year, only the annual property taxes imposed by the Tribe on facility property consistent with section (2) of this rule.

(4) An applicable tribal property tax for purposes of section (3) of this rule shall be:

(a) Levied in an area encompassing an entire district, in which multiple businesses might generally develop and operate, and throughout which the Tribe has authority to impose and collect such a tax on non-Indian businesses, regardless of the area's general correspondence to or coverage by the RENZ or RPRZ;

(b) Computed based on a rate or schedule of rates multiplied by the valuation of certain types of tangible property in the area of taxation, even if the methods, definitions and so forth differ from ad valorem taxation under state law; and

(c) Uniformly assessed and imposed on any non-Indian business, as well as Indian enterprises if they too are subject to the same tax and not exempt in any way due to location in the RENZ or RPRZ.

(5) To claim the tax credit, the business/taxpayer shall fill out the latest revision of the Department of Revenue form 150-102-046, Reservation Enterprise Zone Tax Credit Worksheet, but not submit it with the tax return, for each applicable income/excise tax year beginning before the date prescribed under section 21, chapter 913, Oregon Laws 2009, as amended in 2010 (c.76 §28) or in the future.

NOTE: Department of Revenue forms referenced in this rule are available from the Department of Revenue, Property Tax Division, 955 Center St NE, PO Box 14380, Salem OR 97309-5075, phone 503-378-4988, 800-356-4222, TTY 800-886-7204, fax 503-945-8737, and web <http://www.oregon.gov/DOR/PTD/enterform.shtml>.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.309
Hist.: OBDD 24-2010, f. & cert. ef. 6-14-10; OBDD 14-2015, f. & cert. ef. 11-12-15; OBDD 11-2016, f. & cert. ef. 9-16-16

Rule Caption: Technical revisions to improve administrative rules for primarily standard enterprise zone exemptions.

Adm. Order No.: OBDD 12-2016

Filed with Sec. of State: 9-16-2016

ADMINISTRATIVE RULES

Certified to be Effective: 9-16-16

Notice Publication Date: 8-1-2016

Rules Amended: 123-690-0100, 123-690-0500, 123-690-5000

Subject: These amendments are to revise timing and effect of economic data releases that determine geographic eligibility for allowing business firms to use special tax benefits consistently across programs.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-690-0100

Terminology

OAR 123-001 (Procedural Rules) contains definitions that are used in this division of administrative rules, unless the context dictates otherwise. In addition:

(1) “Facility Site” means a location consisting of one or more parcels of land and buildings that:

(a) Contain the ‘facility,’ as used in ORS 285C.400(4), and all (but not only) property of a certified business firm subject to an exemption under ORS 285C.409; and

(b) Are contiguous or have comparable proximity to each other, inside the boundary of a single rural enterprise zone, although it may also include one or more ancillary locations of interrelated investment and operations inside the same zone that are specifically identified as such in the agreement under ORS 285C.403(3)(c) between the business firm and the zone sponsor.

(2) “In service” has the meaning described in OAR 150-285-3400, or the one used under ORS 285C.050(11) in the absence of an applicable permit requirement.

(3) “Sponsor” or “zone sponsor” has the same meaning as described in OAR 123-668, including but not limited to all of the zone’s cosponsors’ needing to jointly approve or exercise any and all actions under ORS 285C.400 to 285C.420.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285C.400 - 285C.420 & 317.124 & 317.131

Hist.: OBDD 29-2010, f. & cert. ef. 6-14-10; OBDD 11-2015, f. & cert. ef. 10-5-15; OBDD 12-2016, f. & cert. ef. 9-16-16

123-690-0500

Eligible Rural Enterprise Zones

In determining annually if a county meets the definition under ORS 285C.400(3) of a ‘county with chronically low income or chronic unemployment’:

(1) With on-line availability of (non-preliminary) annual statistics or data described in this rule, the Department shall analyze the data for all relevant prior years, ascertain which counties in the state satisfy the definition, identify existing rural enterprise zones in those counties, prepare associated information, and post it on the Department web site for use by the public and business firms, as well as local zone managers and county assessors.

(2) The determination described in section (1) of this rule shall first take effect at least once a year on January 1 or July 1 following on-line availability of the latest annual data. As the Department deems appropriate in response to the release of new annual data or revisions to that data, the Department may reissue or modify the determination, update associated information and set the effective date for changes in county status, as warranted.

(3) A correct, prior determination in accordance with this rule is not subject to retroactive change due to revisions to data for the same or future years.

(4) A county is a ‘county with chronically low income or chronic unemployment’ if subsection (a), (b) or (c) of this section is true:

(a) The median derived per subsection (5)(c) of this rule for the most recent 10 or 20 consecutive years is at least 1.3 rounded to the nearest tenth, based on unemployment rates as described in subsection (5)(a) of this rule.

(b) The median derived per subsection (5)(c) of this rule for the most recent 10 consecutive years is equal to or less than 0.75 rounded to the nearest hundredth, based on per capita income levels as described in subsection (5)(b) of this rule.

(c) The county’s change in total population minus natural population change is equal to or less than negative one (-1), based on the most recent estimates available from the Portland State University Population Research Center, in comparison to the latest U.S. decennial census population count of not less than three years earlier.

(5) As used in ORS 285C.400(3):

(a) “Most recently revised annual average unemployment rate available” means the estimated percent of the civilian labor force that is unem-

ployed on average according to the Oregon Employment Department for each of the most recent calendar years available.

(b) “Most recently revised ... annual per capita income levels available” means the average annual per capita personal income level as estimated and revised by the Bureau of Economic Analysis of the U.S. Department of Commerce for each of the most recent calendar years available.

(c) “Median ratio of the county to the equivalent of the entire United States for each year” means the average for the two middlemost quotients that result from dividing the county figures described in subsection (a) or (b) of this section by each year’s corresponding national figure over 10 or 20 years.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285C.400 & 285C.403

Hist.: OBDD 29-2010, f. & cert. ef. 6-14-10; OBDD 11-2015, f. & cert. ef. 10-5-15; OBDD 12-2016, f. & cert. ef. 9-16-16

123-690-5000

Maintaining Employment and Compensation

(1) After initial satisfaction of the minimum requirement for total employment or average annual compensation, until after the final calendar year of the exemption period, the applicable employment or average annual compensation of employees of the certified business firm at the Facility Site may not be less than the mandatory minimum level. Otherwise, the exemption is disqualified consistent with OAR 150-285-3410, including but not limited to the imposition of property taxes that would have been assessed against facility property for a year in the which such property was not yet in service but was exempt under ORS 285C.409(1)(a) and (b).

(2) The mandatory minimum level for average annual compensation of employees at the Facility Site remains fixed, regardless of how much:

(a) Such compensation initially exceeded the county’s applicable average annual wage level; or

(b) The county’s average annual wage subsequently changes during the exemption period.

(3) Notwithstanding section (1) of this rule, the applicable employment or average annual compensation of employees at the Facility Site may fall below the mandatory minimum level under certain extenuating circumstances, including but not limited to the following:

(a) A natural disaster, conflagration or the like substantially disrupting the relevant operations of the certified business firm;

(b) Six or more months of severe economic troubles or military conflict significantly affecting the United States and other major foreign economies or the certified business firm’s industry;

(c) Unforeseen coincidence of vacant positions at the Facility Site, such as the case in which employees die, quit or have been fired for cause; or

(d) Temporary curtailment in operations at the Facility Site lasting no longer than twelve months to undertake major repairs in response to mechanical breakdowns that are unusual and unexpected within normal engineering parameters and maintenance program for exempt facility property.

(4) For separate exemptions at two or more separate Facility Sites of the same certified business firm in the same enterprise zone, the zone sponsor may allow that employees, who work at and regularly move between sites, to be counted proportionally among the sites according to an explicated method for purposes of satisfying the respective requirements of each exemption.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285C.412, 285C.415 & 285C.420

Hist.: OBDD 29-2010, f. & cert. ef. 6-14-10; OBDD 11-2015, f. & cert. ef. 10-5-15; OBDD 12-2016, f. & cert. ef. 9-16-16

Rule Caption: Technical revisions to improve administrative rules for primarily standard enterprise zone exemptions.

Adm. Order No.: OBDD 13-2016

Filed with Sec. of State: 9-16-2016

Certified to be Effective: 9-16-16

Notice Publication Date: 8-1-2016

Rules Amended: 123-662-1000

Subject: The amendment to 123-662-1000 is to clarify electronic commerce designation progress, aligning it better with statutory language.

Rules Coordinator: Mindee Sublette—(503) 986-0036

ADMINISTRATIVE RULES

123-662-1000

Electronic Commerce Status

(1) An E-commerce zone may be any enterprise zone, whether urban or rural, except as described in section (3) of this rule, that is already designated in accordance with OAR 123-650 or 123-656 and has not terminated.

(2) Electronic commerce status fully overlays the entire area of the enterprise zone designated as an E-commerce zone inclusive of areas added by a subsequent change to the zone's boundary.

(3) The sponsor of an enterprise zone may revoke its status as an E-commerce zone by resolution(s), at any time, pursuant to which the Department shall establish the effective date of revocation, but that enterprise zone designation is not eligible to be an E-commerce zone.

(4) To designate an E-commerce zone:

(a) The process begins with a zone sponsor's sending a formal, preferably email advisory to the Department of its intent to so designate, which must occur on or after an effective date in OAR 123-662-1200;

(b) The Department shall respond promptly to such an advisory, consulting with the sponsor's representative preferably by telephone about the availability of any designation and other pertinent information as the Department will memorialize through an email reply;

(c) Not less than 31 days after advising the Department, the sponsor may submit its E-commerce designation, consisting of an executed (potentially scanned/electronic) copy of a resolution that designates the zone an E-commerce zone, as adopted after consultation with the Department by each governing body of the zone sponsor consistent with its charter, by-laws or ordinances; and

(d) Subject to the resolution(s) in subsection (c) of this section and other procedural matters being in order, as well as E-commerce zone availability under the law, the Department shall issue a positive determination confirming the designation and establishing its effective date.

(5)(a) Pursuant to advisories and so forth in section (4) of this rule, if the Department receives more submissions than the number of available electronic commerce designations, on effectively the same day, then the positive determination(s) shall go to the zone with the earlier date of resolution adoption by any cosponsor.

(b) If subsection (a) of this section results in a tie, tiebreakers shall be employed in the following order:

(A) The enterprise zone that less recently had electronic commerce status;

(B) The formal advisory received on the earlier date;

(C) The zone with the greater number of cosponsors; or

(D) Special determination of the Director.

(c) If the Department receives fewer submissions than there are available E-commerce zone designations, despite excess advisories in subsection (a) of this section, then pursuant to advisories from other zone sponsors, the Department shall process additional submissions consistent with this section, until all available designations are positively determined to have been made.

(6) The Department shall promptly give written notification and explanation to any zone sponsor subject to a negative determination of its electronic commerce designation and shall counsel the sponsor about the viability and timing of resubmission.

(7) As otherwise permissible, the Department may allow a zone sponsor of an E-commerce zone to re-designate itself as an E-commerce zone at the time it re-designates the enterprise zone under ORS 285C.250, if the zone was designated for electronic commerce within one year of the enterprise zone's termination date.

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.102(3)(c)

Stats. Implemented: ORS 285C.078, 285C.095 & 285C.102

Hist.: OBDD 25-2010, f. & cert. ef. 6-14-10; OBDD 10-2015, f. & cert. ef. 10-5-15; OBDD 13-2016, f. & cert. ef. 9-16-16

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Rule Caption: Technical revisions to improve administrative rules for primarily standard enterprise zone exemptions.

Adm. Order No.: OBDD 14-2016

Filed with Sec. of State: 9-16-2016

Certified to be Effective: 9-16-16

Notice Publication Date: 8-1-2016

Rules Amended: 123-674-0001, 123-674-0100, 123-674-0200, 123-674-0500, 123-674-0600, 123-674-0700, 123-674-1000, 123-674-1100, 123-674-1200, 123-674-1700, 123-674-2100, 123-674-2300, 123-674-2500, 123-674-3100, 123-674-3200, 123-674-3500, 123-674-3700, 123-674-4000, 123-674-4100, 123-674-4200, 123-674-4300, 123-674-4600, 123-674-4800, 123-674-5000, 123-674-5200,

123-674-5300, 123-674-5400, 123-674-5500, 123-674-6100, 123-674-6400, 123-674-6600, 123-674-6880, 123-674-7200, 123-674-7220, 123-674-7710, 123-674-8000, 123-674-8100, 123-674-8200, 123-674-8300

Rules Repealed: 123-674-1500

Subject: The various amendments and one repeal to this rule division is required to make a number of improvements for reading and technical/housekeeping-type respective to the standard enterprise zone property tax exemption, in particular in order to:

- clarify and restate a number of issues related to employment, compensation and similar requirements, including as they pertain to transferring jobs into the zone and local sponsor waivers of basic requirement for 10% increase in zone employment.

- explain how some concurrent, commonly qualified property can stop exemption after three years while other property receives full extended abatement up to five years;

- re-specify steps of authorization approval by county assessor's office and the implications of a business firm's timely renewal (or not) of an unused authorization before the firm's property is in service and ready to begin exemption.

- allow for transitory use of new property outside zone before its placed in service in the zone and address other intricacies of qualifying machinery & equipment (M&E);

- fully describe elements to qualify major refurbishment, reconditioning, retrofits or upgrades of real property M&E under ORS 285C.190;

- identify special leasing arrangements affecting an acceptable lease term; and

- comprehensively reformulate and enhance guidelines to deal with exemptions and grand-fathering in zones that terminate both before and programmatically in 2025.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-674-0001

Purpose, Scope and General Process for Businesses Seeking Exemption

(1) This division of administrative rules clarifies, specifies and establishes elements of ORS 285C.050 to 285C.250 (Oregon Enterprise Zone Act) for the determinations, procedures and requirements relevant to the three- to five-year exemption from property taxes under ORS 285C.175 on qualified property of eligible business firms in any enterprise zone.

(2) The outline of these rules, regarding a business firm's receipt of this exemption, is that:

(a) The sponsor of the enterprise zone may extend the usually three-year period to four or five consecutive years in total by executing a written agreement with the firm before approval of the application in subsection (c) of this section.

(b) The firm must be engaged in eligible activities as primarily determined with authorization.

(c) The firm must apply for authorization, generally before any work begins on the new investment, and the local zone manager and the county assessor need to authorize the firm.

(d) The firm must initially satisfy certain hiring criteria and then maintain corresponding employment minimums during the entire exemption period in order to first become and then stay qualified.

(e) The exemption is primarily on certain new property and only for an authorized firm that timely claims the exemption with the assessor after it has placed the property in service; before that, it may be exempt under ORS 285C.170.

(3) These administrative rules do not control or bind the county assessor or Department of Revenue and do not supersede OAR chapter 150 in matters related to tax administration including but not limited to rules for purposes of the statutory sections listed in ORS 285C.125(1).

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.045 & 285C.050 – 285C.250

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-0100

Definitions

OAR 123-001 (Procedural Rules) contains definitions in addition to the following, as used in this division of administrative rules along with terms under ORS 285C.050, such that unless the context clearly indicates otherwise:

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(1) Annual Employment means the number of employees as averaged over the course of a year of exemption under ORS 285C.175 based on OAR 123-674-4000.

(2) Application means the latest revision of the Department of Revenue form 150-303-029, Oregon Enterprise Zone Authorization Application (inclusive of attachments) as filled out and submitted by a business firm.

(3) Approval Form means the latest revision of the Department of Revenue form 150-303-082, Oregon Enterprise Zone Authorization Approval that documents authorization of the Firm/applicant.

(4) Claim Employment means the total number of employees on the date when an authorized business firm files its exemption claim under ORS 285C.220 or on the corresponding April 1, whichever is earlier.

(5) County Wage is the final average annual figure under ORS 285C.050(4) for all industries in the county as released at the time when one of the following effectively occurs (whichever is later), according to the transition from one year's figure to the next as established by the Department:

(a) Application is approved (Firm/applicant is authorized) under ORS 285C.140(6); or

(b) As described in OAR 123-674-3700:

(A) Statement of authorization renewal is submitted under ORS 285C.165(1); or

(B) Exemption claim is initially filed under ORS 285C.220 and 285C.225 by an inactively authorized business firm.

(6) Estimate and estimated, as used in ORS 285C.140, mean current expectations of the owners, managers and executives of an eligible business firm based on the best information available at the time and shall not be construed as binding.

(7) Existing Employment means the number of employees averaged over the entire 12-month period preceding the date on which the Application is submitted under ORS 285C.140 based on OAR 123-674-4000.

(8) Firm/applicant means a business firm that is seeking to have an Application approved in order to be authorized in an enterprise zone, or that has received approval but not yet begun exemption under ORS 285C.175.

(9) Preauthorization Conference refers to the consultation between a Firm/applicant and enterprise zone sponsor/local zone manager, to which the county assessor is invited, and to the associated written summary under ORS 285C.140(4) to (6), as required to take place after submission of the Application and before completion of the Approval Form. The Department shall set forth further guidelines for the Preauthorization Conference, which are hereby incorporated into and made part of these administrative rules by reference.

(10) Year (including 'exemption year') means a calendar year or assessment year from January 1 to December 31 (and not a property tax or government fiscal year) consistent with the definitions under ORS 285C.050(1) and (22).

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

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: 285C.050 – 285C.250

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-0200

General Employment Terminology and Issues

As used in OAR 123-674-0100, with respect to counting the 'number of employees' for purposes of this division of administrative rules, especially 123-674-4000 to 123-674-4800:

(1) It does not involve averaging based on hours worked, such as full-time equivalency, but rather relies on counting full-time, year-round jobs associated with relevant business operations throughout the enterprise zone, either at a particular time or on average over a year or 12-month period.

(2) It relates primarily to "employees of the firm" or "employment of the firm," as used in ORS 285C.200 and 285C.210, which:

(a) Includes positions or persons who are:

(A) Employed and working directly by the business firm, as well as retained through lease or contract with the person or with a third party serving such a leasing or payroll function for the firm, if the firm nevertheless selected and directly manages them, but excluding any employee of an independent contractor, or anyone whom the firm leases or contracts out to another business;

(B) Engaged a majority of their time in eligible operations under ORS 285C.135, including but not limited to persons who perform eligible activities as described in OAR 123-674-1100 or 123-674-1200(3) or (4); and

(C) Located anywhere inside the enterprise zone in terms of where they spend at least 75 percent of their time on the job, as well as official work site.

(b) Excludes positions or persons who are employed or performing work:

(A) In temporary or seasonal jobs;

(B) For 32 or fewer hours per week;

(C) Solely in the construction, modification or installation of qualified property;

(D) Regularly outside the zone boundary;

(E) With ineligible operations at least half of their time; or

(F) At any other business firm, including but not limited to affiliates or commonly owned companies.

(3) Consistent with subsection (2) of this rule, only full-time jobs with the firm that are filled indefinitely and exist year-round at the firm's eligible operations inside the zone are normally counted. The following are exceptions:

(a) Only employees who work at the particular headquarter-type facility (see OAR 123-674-1700) matter, irrespective of other eligible employees inside the zone and paragraph (2)(a)(C) of this rule;

(b) For the transfer of eligible operations within 30 miles of zone boundary, further requirements described in OAR 123-674-4100(3) and 123-674-4600(2) also cover employees at affected sites outside the zone, irrespective of paragraph (2)(b)(D) of this rule.

(c) The prohibition on jobs losses in Oregon more than 30 miles outside the zone also encompasses persons employed by any commonly controlled company and potentially in ineligible operations (see 123-674-4200), irrespective of paragraphs (2)(b)(D) or (F) of this rule.

(d) Jointly owned firms may combine their employment throughout the zone subject to section (4) of this rule, irrespective of paragraph (2)(b)(F) of this rule.

(e) Temporary workers filling permanent positions are acceptable, if the county assessor and the local zone manager conclude that:

(A) The qualified business firm is making every reasonable effort to fill such positions with permanent, regular hires; and

(B) The temporary workers and other potentially available job applicants do not meet reasonable, minimum standards of the firm for permanent hire, such as a high school diploma or equivalency.

(4) Under ORS 285C.135(4), two or more eligible business firms with 100-percent common ownership may elect to be treated as a single firm for combining zone employment, if authorized representative(s) of the firms or a parent company formally notify the local zone manager and county assessor to that effect before or with the initial exemption claim under 285C.220. Such an election affects all applicable provisions under 285C.050 to 285C.250 and this division of administrative rules, including but not limited to rendering moot any inter-firm lease of qualified property (which would then all be simply owned by the Firm/applicant), but it does not carry over to any subsequent authorization except in a terminated zone.

(5) Only newly created jobs may satisfy required increases in employment levels, as opposed to any employee associated with the merger or acquisition of another business firm or its existing operations or property, except positions inside the zone that were vacant for 60 or more days at the time of Application, and for whom rehiring or reemployment was otherwise unlikely.

(6) As used in this rule and under ORS 285C.050:

(a) "Person" may mean two or more part-time employees who together perform a single job involving more than 32 hours of work per week by virtue of an established (job-sharing) arrangement.

(b) "32 hours per week" is computed by taking the total number of hours over the course of a year, for which the person is reimbursed in the form of wage or salary, excluding holidays, vacation and other paid leave, and dividing by 52.

(c) "Temporary or seasonal jobs" are nonpermanent positions, including but not limited to persons recruited and receiving compensation through the firm or an outside agency on a short-term, ad hoc or as-needed basis, or where the firm hires, leases or contractually employs a persons for any anticipated period of less than 12 consecutive months.

(7) There is no necessary relationship between minimum employment requirements and the requisite First Source Hiring Agreement, as addressed in OAR 123-070 and 123-674-7700 to 123-674-7730.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.050, 285C.135, 285C.200 & 285C.210

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 31-2010, f. 6-30-10, cert. ef. 7-1-10; OBDD 15-2012, f. & cert. ef. 8-15-12; OBDD 14-2016, f. & cert. ef. 9-16-16

ADMINISTRATIVE RULES

123-674-0500

General Points

With respect to an extended period of property tax abatement longer than three years under ORS 285C.160 and 285C.175(2)(b):

(1) The extended period effectively exposes a qualified business firm to needing to comply for one or two more years with all regular enterprise zone requirements, and to pay back all four or five years of exemption as a consequence of noncompliance and regular disqualification.

(2) The exemption shall revert to the basic three-year period upon failure to satisfy applicable requirements described in OAR 123-674-0600 or 123-674-0700 during any of the four or five years, as well as repayment of taxes abated (only) in the fourth or fifth year.

(3) Even as other property continues to receive the extended abatement, a qualified business firm may elect to have certain property terminate its exemption after the third year, such that it is then subject to taxation but not to retroactive disqualification under ORS 285C.240(1)(a), (e) or (f). What property is exempt for only three years or may receive additional years of exemption shall be described in:

(a) The written agreement in OAR 123-674-0700; or

(b) Specific notice provided to the county assessor from the firm or property owner no later than before April 1 directly following the third exemption year.

(4) An eligible business firm has the same rights of appeal as provided elsewhere in ORS 285C.050 to 285C.250 for the enterprise zone exemption, and no part of this division of administrative rules shall interfere with those rights, subject to the determination of appellate authorities.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.050, 285C.160 & 285C.165

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-0600

Compensation Standard

For purposes of ORS 285C.160:

(1) To qualify for the additional one or two years of exemption on qualified property in a rural enterprise zone or an urban enterprise zone outside the Metro/Portland-area regional urban growth boundary:

(a) All of an eligible business firm's affected employees must on average receive compensation of not less than 150 percent of the County Wage; and

(b) This requirement must be satisfied for and during each year throughout the exemption's first three years and the additional one or two years in order to receive any additional year.

(2) The County Wage is established for the enterprise zone exemption period according to OAR 123-674-0100(5).

(3) For purposes of this rule, the regular yearly compensation (excluding bonuses and so forth) of any applicable position temporarily vacant due to unforeseen circumstances at any time during the year may be used in computing the annual average compensation for all such affected employees.

(4) As used in this rule, "affected employees" means persons, positions or jobs under ORS 285C.050(13) that are both:

(a) Included as "employment of the firm" in accordance with OAR 123-065-0200; and

(b) New jobs filled for the first time;

(A) After the date of Application under ORS 285C.140(1), even if an individual filling the job is already employed by the eligible business firm in another position that is refilled within the zone; and

(B) On or before December 31 at the end of the initial exemption year.

(5) As used in ORS 285C.160 and in this rule, "compensation" includes total calendar-year remuneration (whether taxable or not) in the form of wages, salary, overtime pay, shift differential, profit-sharing, bonuses, commissions, paid vacation, and associated fringe or financial benefits such as life insurance, medical coverage and retirement plans, but excluding:

(a) Free meals, club membership or comparable workplace amenities;

(b) Payroll-based tax or cost mandated by federal, state or local law, such as worker's compensation, unemployment insurance or the employer's share under FICA; and

(c) Gratuities or tips (except in association with eligible hotel, motel or destination resort operations).

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.160, 285C.165 & 285C.240

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-0700

Written Agreement between Sponsor and Eligible Business Firm

For purposes of the written agreement that is required between the sponsor of an enterprise zone and an eligible business firm under ORS 285C.160:

(1) To receive an additional one or two years of exemption, the written agreement must be finalized no later than completion of the Approval Form.

(2) Both the Firm/applicant seeking an extended abatement and the sponsor of the zone (see OAR 123-668-2450) must formally authorize the written agreement.

(3) The written agreement shall specify whether:

(a) The total period of abatement is four or five consecutive years; and

(b) The Firm/applicant needs to fulfill additional requirements, as well as what they are exactly, in accordance with OAR 123-668.

(4) Adherence to or satisfaction of such additional requirements shall in no way condition the first three years of an eligible business firm's enterprise zone exemption under ORS 285C.175(2)(a).

(5) Notwithstanding section (1) of this rule, if the zone sponsor rejected a Firm/applicant's request for an extended tax abatement, and the Application was subsequently approved, but commencement of construction, modification or installation of qualified property has not yet occurred, then the sponsor may reverse its decision and enter into a written agreement based on a resubmitted Application

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.140, 285C.160 & 285C.175

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-1000

Special Business Distinctions

(1) As used in ORS 285C.050 to 285C.250, "hotel, motel or destination resort" means any "hotel or motel" facility as defined in OAR 150-285-3200.

(2) As used in ORS 285C.050(3):

(a) "Municipal corporation" has the same meaning as found under ORS 294.311, including but not limited to any special or local service district, but excluding a people's utility district or a joint operating agency under ORS 262.005.

(b) "Operating or conducting one or more trades or businesses" means to manage or undertake commercial affairs, as evidenced by the following:

(A) Establishment of a place of business and acquisition of property that is necessary to perform business operations through ownership, renting or leasing;

(B) Approval to do business from the appropriate regulatory authorities, as documented by required licenses or permits;

(C) Capital investment or financing, including self-financing, and procurement of supplies or services from other businesses or operations within the firm;

(D) Maintenance of business records such as those related to sales, shipments, personnel or payroll; and

(E) Ultimate pursuit is producing or furthering the production of income.

(3) "Separate" as used in ORS 285C.135(3) and for these administrative rules means a definitive and physical demarcation, including but not limited to a wall between eligible and ineligible activities sufficient to distinguish the employees and qualified property pertaining to either one.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.070 & 285C.135

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-1100

Basic Eligibility of Firms and Operations

For purposes of determining the business eligibility under ORS 285C.135(1) in an enterprise zone:

(1) The Firm/applicant (when qualified) must:

(a) Be a business firm consistent with OAR 123-674-1000(2); and

(b) Produce, sell or provide goods, commodities, products, merchandise, work or services to other businesses, business operations or organizations, or be capable of doing so, through eligible activities.

(2) A business firm's relevant operations will indicate such eligibility if they are:

(a) Performed for internal purposes of the firm;

(b) Reimbursed through sales to another business firm;

(c) Equivalent to what is done for other business firms, even if the actual customer is a government agency or a public or nonprofit corporation/organization; or

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(d) Undertaken to create or add value to goods, products or services for ultimate exchange with persons or entities residing beyond the local economy.

(3) Besides manufacturing, assembly, fabrication, processing, shipping or storage, eligible activities include:

(a) Industrial processes or services such as cleaning, coating, curing, kiting, labeling, laminating, packaging, refining, smelting, sorting or treating;

(b) Generation or co-generation of electricity, steam or heat;

(c) Recycling of post-consumer or post-production materials or wastes;

(d) Nonretail, in-shop refurbishment or restoration of equipment or machinery;

(e) Maintenance service or repair work on vehicles, products, parts or devices, performed on a nonretail (e.g., contract) basis at a permanent location, facility or shop, including but not limited to warranty service contracted or paid for by the manufacturer;

(f) Technical/customer support performed for internal purposes of the firm, or for which a nonretail third party such as the product's distributor or manufacturer contracts or pays;

(g) Standardized product testing, quality control or laboratory work;

(h) Bulk clerical processing or data center operation for internal or external business services;

(i) Development of standardized computer software products or customized products for business users;

(j) Printing or mass document production;

(k) General production of molds, forms, models, prototypes or similar items for other businesses that does not, in and of itself, merely fulfill an architectural, design or similarly advanced professional service;

(l) Distribution;

(m) Wholesaling, which may include complex transactions for single-item purchases by other businesses of large equipment involving contracts, factory-ordered specifications or other attributes distinguishing the sale from retail;

(n) Production of agricultural, mineral, timber or other primary goods or commodities; or

(o) Similar types of business operations.

(4) As a matter of principle, eligibility and ineligibility are mutually exclusive under ORS 285C.135.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.135

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-1200

Ineligible Activities

For purposes of ORS 285C.135(2), (3) and (5):

(1) The following activities are ineligible, and property used in any such activity may not qualify for an enterprise zone exemption, regardless that it serves other businesses:

(a) Retail sales of goods or services;

(b) Retail food service or serving of meals;

(c) Tourism attractions or similar services;

(d) Entertainment or recreation provided directly to the patron or user;

(e) Child care or similar services;

(f) Provision of health care, medical services or similar services to patients;

(g) Professional services, such as accounting, communications, design, engineering, legal advice or management;

(h) Actuary, appraisal, banking, brokerage, extension of credit, insurance, investment, money lending or similar financial services;

(i) Leasing or management of real estate;

(j) Provision of residential housing for purchase or lease;

(k) Construction or modification of real property;

(l) Installation of fixtures, machinery or equipment;

(m) Leasing or contracting out employees to work even in eligible activities for another business;

(n) Recreational vehicle parks; or

(o) Other similar types of business operations.

(2) A business firm is eligible, regardless of the presence within the enterprise zone of one or more activities listed in section (1) of this rule, if they are:

(a) Separate consistent with OAR 123-674-1000(3) and OAR 123-674-1300; or

(b) Insignificant in accordance with 123-674-1400.

(3) Activities described in or comparable to subsections (1)(b) through (i) of this rule, as well as associated employees and property, are eligible if performed by the business firm:

(a) Within the same enterprise zone; and

(b) To directly support, benefit or provide amenities to eligible operations or associated personnel located mostly inside the zone. If, however, more than 25 percent of the activity supports or benefits the firm's operations outside the zone in terms of person-time or costs, then the requirements of OAR 123-674-1700 for headquarter-type facilities must be fulfilled.

(4) Notwithstanding OAR 123-674-1100, an activity is eligible in the following cases:

(a) Subsection (1)(a) to (i) of this rule or similar activities with electronic commerce operations located in an area designated as such, in accordance with OAR 123-662.

(b) Subsection (1)(a) to (e) of this rule or similar activities with a hotel, motel or destination resort if:

(A) Such businesses are eligible in that (part of the) enterprise zone as established in the Department's determination in OAR 123-650-4900 (or previously in a Director's Order) consistent with the zone sponsor's election or restriction(s) as described in OAR 123-650-4800(2)(e); and

(B) The activity is at the same location, and owned and operated in common with the hotel, motel or destination resort, and 50 percent or more of the activity's receipts are derived from guests staying overnight there.

(c) Subsection (1)(a), (g), (h) or (i) of this rule or similar activities with operations described in OAR 123-674-1600 (Call Centers).

(d) Subsection (1)(g) to (i) of this rule or similar activities with a facility described in OAR 123-674-1700 (Headquarter Facilities).

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.135 & 285C.185

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-1700

Headquarter Facilities

For purposes of ORS 285C.135(5)(b):

(1) A Firm/applicant and its operations are eligible, regardless of retail, financial, professional or other such ineligible activities, if:

(a) The business is operating substantially at two or more other locations including at least one place outside of the enterprise zone;

(b) The operations in the zone support and serve the firm's other operations or commercial pursuits throughout this state or throughout a multi-state or larger region; and

(c) In approving the Application, the local zone manager includes a formal finding on behalf of the sponsor pursuant to the Preauthorization Conference under ORS 285C.140(7).

(2) The formal finding in subsection (1)(c) of this rule shall:

(a) Describe how the proposed investment and the business firm will satisfy subsections (1)(a) and (b) of this rule, including indications of applicable services, relevant region and the relationship among intra-firm operations; and

(b) State that the proposed investment is significant for the enterprise zone and the local economy, succinctly explaining the reasons for this significance, such as size of anticipated operations relative to local measures of commerce, special job opportunities, diversification, strategic, marketing or visibility objectives of the zone, or other impacts.

(3) As required under ORS 285C.180(2)(g), the business firm may not qualify for the exemption under ORS 285C.175, if the actual investment in qualified property does not essentially conform to the proposed investment as described in the Application and section (2) of this rule.

(4) The local zone manager may modify the formal finding prior to an authorized business firm qualifying for the exemption, consistent with an Application amendment in OAR 123-674-3200.

(5) For purposes of OAR 123-674-4000 to 123-674-4800, as provided under ORS 285C.200(8)(b)(B), only the employees working at a facility described in this rule are counted consistent with OAR 123-674-0200(3)(a), and as such, employees of the firm that transferred to the facility from locations already in the zone may count toward the facility's requisite increase in employment.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.135, 285C.140, 285C.180 & 285C.200

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 15-2012, f. & cert. ef. 8-15-12; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-2100

Allowably Late Applications

Notwithstanding OAR 123-674-2000(2), the zone manager may accept an Application after:

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(1) Certain physical work that consists only of:

(a) Demolition, cleanup, environmental remediation, removal of hazardous materials, and so forth;

(b) On-site delivery, storage or upkeep of materials or elements of qualified property prior to their use for construction or installation; or

(c) Construction or the like that occurred and completely ceased six months or longer before Application, consistent with OAR 150-285-3200(3)(b), insofar as the property was not placed in service and is not assessed for the current tax year, and the Application precedes the resumption of work.

(2) The commencement of hiring or physical work, if the Application wholly replaces a previously submitted Application by December 31 immediately before the initial year of exemption consistent with OAR 123-674-3200, such that in this case, the originally submission date is used.

(3) The commencement of hiring or physical work pursuant to a waiver issued by the Department of Revenue according to OAR 150-285-3100, or as otherwise allowed under ORS 285C.140(11) and (12).

(4) The commencement of physical work on a qualified building or structure (aside from associated machinery & equipment) under 285C.145(2), if the following are true:

(a) Firm/applicant did not own or lease any such building or structure, or have a binding obligation to do so, at any time before the commencement of construction, reconstruction or modifications;

(b) Firm/applicant includes a copy of an executed lease or purchase agreement for the qualified building or structure with the Application;

(c) Firm/applicant does not have any familial, employment, corporate or other such entity relationship with the owner or previous owner of the building or structure; and

(d) Approval of the Application occurs before the Firm/applicant begins to use or occupy the building or structure for commercial operations.

(5) The commencement of physical work on one type of property that will not qualify, but before work begins on other property that may qualify, as differentiated under ORS 285C.180(1) consistent with OAR 123-674-3100(3).

(6) Even the completion of construction, modifications or installations as otherwise allowed in sections (2) to (5) of this rule.

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.140(12)

Stats. Implemented: ORS 285C.140 & 285C.145

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 15-2012, f. & cert. ef. 8-15-12; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-2300

Initial Processing by Local Zone Manager

Following submission of an Application:

(1) The local zone manager may collect an authorization filing fee as described in OAR 123-668-1700.

(2) The local zone manager shall deny the Application if finding:

(a) The Firm/applicant does not fulfill any basis for eligibility under ORS 285C.135;

(b) The Firm/applicant is unwilling or unable to unambiguously commit to an action/obligation as required under ORS 285C.140(2);

(c) The Application was submitted too late as described in OAR 123-674-2000 and 123-674-2100;

(d) The location of proposed qualified property is outside the enterprise zone boundary and no relevant boundary change is pending (or possible); or

(e) Any other reason that precludes authorization.

(3) Within 15 business days of denial in section (2) of this rule, the local zone manager shall:

(a) Refund any authorization filing fee that was paid;

(b) Write a letter to the Firm/applicant that justifies the denial;

(c) Send copies of the letter to the county assessor, Department of Revenue and the Department; and

(d) Ensure that the letter:

(A) Is sent to the Firm/applicant through certified mail or in such a way that the date of receipt can be verified; and

(B) Contains information on the Firm/applicant's rights of appeal under ORS 305.404 to 305.560 to the Magistrate Division of the Oregon Tax Court.

(4) If there is no apparent reason to deny authorization, according to section (2) of this rule, then the local zone manager shall undertake the Preauthorization Conference, inviting the county assessor, to explore any outstanding eligibility issue, extended abatement criteria, matters related to OAR 123-674-4000 through 123-674-4600, and so forth.

(5) With respect to a sponsor's failing to authorize under ORS 285C.140(9), a Firm/applicant may proceed with an appeal after 30 days

following the submission of the Application, if no formal action is yet to be taken as described in this rule or in response to special circumstances in OAR 123-674-2500(4).

(6) After the Preauthorization Conference, the local zone manager shall approve the Application in order to authorize the Firm/applicant under ORS 285C.140(6), unless determining to deny it as described in sections (2) and (3) of this rule.

(7) If the Firm/applicant's will locate in an urban enterprise zone that imposes additional conditions under ORS 285C.150 in effect at the time of authorization, the local zone manager shall:

(a) Approve the Firm/applicant for authorization only if the Firm/applicant has made acceptable commitments to satisfy such conditions; and

(b) Include a standardized attachment to the Application documenting the commitments of the Firm/applicant consistent with OAR 123-668-2500.

(8) In five or fewer business days after approval, the local zone manager shall:

(a) Fill out and sign the Approval Form except for the section pertaining to the county assessor;

(b) See that the county assessor has the Approval Form and a copy of the Application (with all current attachments);

(c) Notify the Firm/applicant of the status of the Application, as appropriate; and

(d) Inform the local contact agency for the First Source Hiring Agreement for purposes of OAR 123-070 and 123-674-7000 to 123-674-7730.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.140

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-2500

Final Processing

Pursuant to OAR 123-674-2300:

(1) The county assessor or county assessment staff to whom the assessor delegates enterprise zone duties shall:

(a) Accept any requisite invitation to a Preauthorization Conference, as feasible and warranted;

(b) Approve or deny the Application within a reasonable time after receiving the Approval Form from the local zone manager;

(c) Fill out and sign the pertinent section of the Approval Form, retain copy for assessor's records, and return the form to or process it on behalf of the local zone manager, within five or fewer business days after making a decision in subsection (b) of this section; and

(d) Include a written explanation with the materials returned to the local zone manager if denying authorization for any reason in OAR 123-674-2300(2).

(2) The assessor or staff may refuse to approve the Application on condition of receiving reasonably critical information from the Firm/applicant or zone sponsor, including but not limited to resolving a concern raised with the Preauthorization Conference, or of holding an additional meeting if not properly notified of any prior meeting.

(3) If the county assessor denies the Firm/applicant's authorization, the local zone manager or county assessor shall within 15 or fewer business days after denial:

(a) Refund any authorization filing fee that was paid.

(b) Have the Approval Form and the county assessor's written explanation sent to the Firm/applicant through certified mail or in such a way that the date of receipt can be verified and have copies distributed to the other entities listed in subsection (5)(a) of this rule.

(4) Pending the completion and inclusion of the following documents as part of the Application (to which they shall be attached), the local zone manager and county assessor shall delay final processing of the Approval Form notwithstanding subsection (1)(c) of this rule:

(a) Written agreement in OAR 123-674-0700 for an extended abatement;

(b) Resolution or resolutions of the governing body or bodies of the zone sponsor for a local waiver of the employment increase requirement in OAR 123-674-4300; or

(c) Executed lease or purchase agreement as necessary for OAR 123-674-2100(4).

(5) Subject to both the local zone manager and county assessor approving the Application, as well as wrapping up special circumstances related to section (4) of this rule, the local zone manager or county assessor shall have the completed Approval Form furnished to the Firm/applicant and copies of it and the Application promptly distributed to the:

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(a) Department of Revenue and the Department with any attachment to the Application; and

(b) Local contact agency for the First Source Hiring Agreement without Application attachments.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.140, 285C.145, 285C.155 & 285C.160

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-3100

Limitations on Exemption Relative to Authorization

The Application and the information in it restrict what qualified property may receive exemption under ORS 285C.170 or 285C.175 in only the following four ways under ORS 285C.180(2)(d) to (f) and 285C.225(3), in that any qualified property must be:

(1) Possessed for use by the Firm/applicant or qualified business firm:

(a) In that the firm must either own the property or lease it consistent with OAR 123-674-5500.

(b) Except as allowably transferred to another eligible business firm acquiring the authorized firm or the property, including but not limited to OAR 123-674-4800.

(2) At the same general location:

(a) That encompasses a single, coherent area of business operations;

(b) Which may consist of a complex of lots or parcels of land or of a comparably proximate set of multiple sites, such that each lot, parcel or site is separated one from the other by commonly owned land, and not otherwise broken up except by roads, easements and so forth; and

(c) Which the Firm/applicant need not describe in whole, such that inclusion in the Application of a street address or tax lot within the overall area is sufficient.

(3) Generically identified in terms of:

(a) Any building or structure, which has construction, reconstruction or modification costs of \$50,000 or more; reference with the Application to a project, for which associated improvements are implicit, may be treated as adequate for this subsection.

(b) The basic category of property, regardless of cost, as represented in some way with respect to:

(A) Newly constructed buildings/structures;

(B) Additions to or modifications to existing buildings, structures or portions thereof;

(C) Newly installed real property machinery & equipment;

(D) Modifications to real property machinery & equipment under ORS 285C.190; or

(E) Newly installed personal property.

(4) Placed in service over not more than three successive years, such that:

(a) Once the business firm successfully claims any exemption pursuant to the Application (whether later or earlier than anticipated), subsequent exemptions may be claimed based on the same Application only in one or both of the next two years. This is true regardless of an extended abatement or the length of the underlying periods of exemption.

(b) Additional qualified property covered by each subsequent exemption necessitates its being:

(A) Placed in service during the first or second year of the initial exemption; and

(B) Listed in a new property schedule under ORS 285C.225, as filed with the same exemption claim for that and prior property (see OAR 123-674-6100 and 123-674-6200).

(c) Each exemption as described in this section shall enjoy its own three to five-year exemption period, which will overlap.

(d) All overlapping and ongoing exemptions for purposes of this section are subject to disqualification for noncompliance of the business firm based on only the requirements arising from that Application.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.140, 285C.170, 285C.175, 285C.180, 285C.185, 285C.190, 285C.220 & 285C.225

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-3200

Amending the Application/Authorization

For purposes of amending an application before or after its approval:

(1) To substantively modify the Application, such that it reestablishes what might be exempt as described in OAR 123-674-3100, the Firm/applicant must formally deliver the amendment on or before December 31 preceding the initial year of exemption, including but not limited to:

(a) Changing the Firm/applicant to that of another eligible business firm that has or is purchasing or leasing only qualified property of the Firm/applicant in contrast to subsection (3)(c) of this rule;

(b) Revising the location of the property inside the same enterprise zone; or

(c) Adding a structure or basic type of property absent from the Application, or distinct projects or operations entailing substantial new development.

(2) The Firm/applicant may do so through written explanation delivered to the local zone manager and county assessor that is identified as an amendment, addendum, correction or the like in reference to the Application, without directly altering previously submitted materials, or for example, a Firm/applicant may submit a new, replacement Application as provided in OAR 123-674-2100(2).

(3) Amendment is strongly encouraged at any time, even if unnecessary to secure exemption on particular property, whenever information in the submitted Application is significantly inaccurate due to:

(a) An error or omission;

(b) A change in plans; or

(c) New name or mailing address of the Firm/application, because of the company's restructuring or its ownership changing hands, in which case the relevant rights and requirements of authorization automatically transfer along with ownership of the firm; or

(d) Similar reasons.

(4) An authorization renewal statement under ORS 285C.165 shall revise all information in the Application that is no longer accurate, especially with respect to anticipated timing for the investment (see 123-674-3700).

(5) Once the Firm/applicant is authorized, an amendment may not be used to make or alter a determination, waiver, extension or the like under ORS 285C.150, 285C.155, 285C.160, 285C.200(2) or 285C.205.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.140, 285C.145, 285C.165, 285C.180 & 285C.220

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-3500

Additional, Concurrent Authorizations

While amendment to an outstanding Application as described in OAR 123-674-3200 is generally preferable for reasons of simplicity, approval of two or more outstanding Applications for the same Firm/applicant in the same enterprise zone is allowable, and in some cases, desirable or necessary:

(1) The Firm/applicant must make another Application for any case that goes beyond what a single Application may cover, according to OAR 123-674-3100, such as investments in qualified property:

(a) At more than one general location inside the zone;

(b) Inadequately indicated in the Application in terms of a basic type of property or major improvement, once the first year of the initial exemption has already begun; or

(c) That will not be in service until the third or later year following the first exemption year of initial property covered by a current authorization.

(2) For any additional Application even if for proposed qualified property at the same site identified in another Application:

(a) It must be timely submitted according to OAR 123-674-2000 and 123-674-2100 before the commencement of work on that newly proposed property; and

(b) It establishes unique Existing Employment and resulting criteria under ORS 285C.200 and 285C.210.

(3) In the event of concurrent exemptions under ORS 285C.175 on qualified property covered by two or more Applications even for the same location, the authorized business firm shall file separate exemption claims and property schedules, as described in OAR 123-674-6100 and 123-674-6200, corresponding to each Application and associated qualified property, such that qualification depends on satisfying:

(a) Criteria arising from the Application most clearly associated with the particular property (including but not limited to consideration of when work on such property actually commenced).

(b) The effectively most stringent requirement among outstanding Applications for any qualified property that does not definitively relate to any particular Application.

(c) The effectively least stringent requirement among the outstanding Applications for qualified property that specifically relates to two or more Applications.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.140, 285C.170, 285C.175, 285C.220 & 285C.225

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

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123-674-3700

Renewal of Active Status and Inactive Authorization

Under ORS 285C.165 an eligible business firm's authorization in an enterprise zone becomes 'inactive' after more than two years:

- (1) The authorization remains active over:
- (a) The remainder of the year after approval of the Application;
- (b) The two-year period immediately following; and
- (c) Each two-year period directly thereafter, subject to a statement of renewal as described in subsection (2)(b) of this rule.

(2) Authorization is still active if immediately after any period described in section (1) of this rule, the firm:

(a) Files successfully under ORS 285C.220 and 285C.225 to initially claim exemption on qualified property placed in service during such a period, at which point this rule is no longer operative; or

(b) Submits a written statement between January 1 and April 1 (as presently received by both the local zone manager and the county assessor's office) that:

(A) Comes from the firm consistent with authority required for making Application;

(B) Informs or indicates that the firm still intends to complete its proposed investment in qualified property inside the zone and to claim the exemption; and

(C) Revises or amends any relevant information in the Application.

(3) With respect to a statement in subsection (2)(b) of this rule:

(a) Whether acknowledged by the firm or not, the County Wage applicable to any compensation standard is reset to the most recently available figure at the time of the statement's submission.

(b) Neither filing for any construction-in-process exemption nor filing a claim under ORS 285C.220 for an exemption that is denied substitutes for the requisite statement.

(4) An inactively authorized business firm retains its right to claim the exemption after the periods described in section (1) of this rule, but letting active status lapse has the following consequences:

(a) With the initial exemption claim in a still unexpired enterprise zone:

(A) Filing fee under ORS 285C.165(3) is assessed; and

(B) County Wage with any compensation standard is updated/revised based on the most recently available figure at the time of filing the claim;

(b) Prior to that claim, even if the zone is currently designated, the firm may not receive exemption under ORS 285C.170, while qualified property is in the process of construction, modification or installation, but it may still seek exemption under applicable comparable provisions of ORS 307.330 and 307.340; and

(c) The firm is not effectively authorized under ORS 285C.245(1) for purposes of OAR 123-674-8100 and 123-674-8200 at the time of the zone's termination.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.140, 285C.170, 285C.175, 285C.220 & 285C.225

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-4000

Computation of Average Employment

(1) Annual Employment or Existing Employment is calculated such that:

(a) The actual employment of the firm at the end of each period (for example, pay periods or calendar months) that concludes during any exemption year or the entire 12 months before Application shall be summed and then divided by the total number of periods.

(b) Periods shall not be longer than a quarter of a year, and such quarters shall begin on January 1, April 1, July 1 and October 1.

(c) Results are rounded mathematically to a natural number that is not less than one.

(2) For purposes of determining Existing Employment relative to the submission of the Application:

(a) The time when applicable physical work began shall be used instead of the submission date, as necessary for situations when timely submission has been waived.

(b) If such physical work has not yet begun, an authorized business firm may submit a replacement Application to establish a lower level of Existing Employment; otherwise, the number from the original submission date stands.

(c) The Firm/applicant may correct for a miscalculation by amending the Application under ORS 285C.140(3) consistent with OAR 123-674-3200, including but not limited to erroneously counting of part-time, temporary, seasonal or ineligible employees.

(d) After the first (January-1) assessment date for exemption under ORS 285C.175, Existing Employment may be altered only to correct for a fundamental mistake, subject to a formal finding of good cause by the Department.

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.140(12)

Stats. Implemented: ORS 285C.140, 285C.200 & 285C.210

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-4100

Employment Requirement to Qualify Initially

To receive and begin an enterprise zone exemption under ORS 285C.175, an authorized business firm must qualify by filing under ORS 285C.220 and 285C.225 as described in OAR 123-674-6100:

(1) The first Claim Employment must equal or exceed the greater of one plus or 1.1 times the Existing Employment:

(a) If at the time of filing, however, the actual Claim Employment is insufficient, the requirement under ORS 285C.200(1)(c) and this section is nevertheless satisfied, provided that employment was high enough at some time prior to April 1 but after making Application as documented with the claim form.

(b) For a subsequent exemption on additional qualified property pursuant to the same Application, as described in OAR 123-674-3100(4), the requirement of this section has effectively already been satisfied.

(2) If section (1) of this rule is not satisfied, then the county assessor shall deny the exemption claim and not grant any exemption under ORS 285C.175 on qualified property, except with a waiver by the zone sponsor and qualification as described in OAR 123-674-4300. Such denial does not directly affect the firm's authorization status and its ability to qualify other (later) property under ORS 285C.170 or 285C.175.

(3) Under ORS 285C.200(6), any transfer of eligible employees, jobs or positions into the zone from a site within 30 miles outside the zone boundary, occurring between the time of the Application's approval (authorization) and the end of the initial year of exemption, triggers an additional requirement in terms of section (1) of this rule, in that the definitions of Claim Employment and Existing Employment expand to also include the number of employees located at any such site, as well as those inside the zone.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.050, 285C.175, 285C.200, 285C.220 & 285C.225

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 15-2012, f. & cert. ef. 8-15-12; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-4200

Diminishing Employment Well beyond the Zone

Under ORS 285C.200(1)(d) and (5), an authorized business firm seeking an exemption in any enterprise zone may not qualify or remain qualified, if the firm transfers operations into the zone involving the closure or curtailment of operations and a drop in employment (job losses) elsewhere in this state:

(1) Unless the originating location is 30 miles or less from the boundary of the zone, and the firm meets the requirements under ORS 285C.200(6) and 285C.210(2)(c) described in OAR 123-674-4100(3) and 123-674-4600(2).

(2) Except if the firm demonstrates, with or without the assistance of the zone sponsor, to the satisfaction of the county assessor or the Department that the curtailment/job losses:

(a) Occurred entirely before the Application's approval (authorization);

(b) Occur entirely after the initial year of exemption on qualified property;

(c) Will not be permanent, such that restoration of the jobs is reasonably likely and does in fact happen on or before December 31 of the initial year of exemption;

(d) Pertain to business operations that the firm does not control in any way through common ownership, corporate affiliation, contracts governing relevant operations, or the like;

(e) Are completely unrelated to any new investment or expansion of activity in the zone, so that there is effectively no transfer of curtailed operations or jobs into the zone; or

(f) Have only de minimis impact, which the Department may deem true if job losses will amount to less than one one-hundredth of 1 percent (0.01%) of the most recently available figure from the State Employment Department for annual average total nonfarm, private employment in the county experiencing curtailed operations.

(3) Such that for purposes of this rule, transferred operations may comprise any type of business activity, including but not limited to what is

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itself ineligible in an enterprise zone, even if only indirectly associated with the investment in qualified property.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.200, 285C.210 & 285C.240
Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 15-2012, f. & cert. ef. 8-15-12; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-4300

Local Waiver of Employment Increase inside Zone

For purposes of ORS 285C.200(2), in which the local enterprise zone sponsor waives the required increase in the employment of the firm:

(1) The requirements as described in OAR 123-674-4100(1) or 123-674-4600(1) do not apply, but those related to not decreasing employment outside the zone still do (if relevant), consistent with OAR 123-674-4100(3), 123-674-4200 and 123-674-4600(2).

(2) Each governing body of the sponsor must adopt a resolution under ORS 285C.155:

- (a) Before authorization of the eligible business firm;
- (b) Stipulating the minimum employment level to be maintained during the exemption as described in section (4) of this rule; and
- (c) Identifying any other reasonable condition in accordance with OAR 123-668.

(3) The resolution(s) described in section (2) of this rule shall incorporate either:

(a) The minimum amount of investment according to section (5) of this rule; or

(b) Specifications and methods for managing, measuring and enforcing the requirements under ORS 285C.205, by which the authorized business firm shall effectively:

- (A) Increase productivity by 10 percent; and
- (B) Dedicate an amount at least equal to 25 percent of the property tax savings to employee training.

(4) The minimum employment as stipulated in the resolution(s):

- (a) Is a single, stated number of employees;
- (b) May be determined, as indicated in the resolution(s), by way of either Annual Employment or Claim Employment; and
- (c) Relative to Existing Employment, it:

- (A) May be lower for a waiver under ORS 285C.200(2)(b)(A); or
- (B) Shall be at least the same in using the productivity and workforce training provisions for a waiver under ORS 285C.200(2)(b)(B) according to subsection (3)(b) of this rule.

(5) For a waiver based on ORS 285C.200(2)(b)(A), the authorized business firm must make an investment in qualified property under ORS 285C.050:

(a) That is placed in service over as many as three successive years, at one or more locations inside the same enterprise zone pursuant to as many Applications;

(b) Regardless that some such qualified property is not actually exempt under ORS 285C.175, including but not limited, for example, to the property's not being used in eligible activities; and

(c) The total cost of which consistent with OAR 123-674-5000 is at least \$25,000,000.

(6) Prior to July 1 of the initial exemption year, the sponsor may (jointly) modify its resolution in accordance with sections (2) to (4) of this rule, but only if so requested by the firm.

(7) Failure to satisfy the minimums, requirements or conditions, as described in this rule, shall result in the exemption's denial or disqualification consistent with OAR 123-674-4100(2) and 123-674-6400, although the county assessor is in no way obligated to consider compliance with any requirement arising from subsection (2)(c) or (3)(b) of this rule without formal confirmation from the zone sponsor.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.155, 285C.200, 285C.205, 285C.230 & 285C.240
Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-4600

Maintaining Sufficient Employment

For purposes ORS 285C.200(1)(e) and 285C.210:

(1) Failure occurs (unless waived in OAR 123-674-4300) if:

(a) The latest Annual Employment is less than the greater of one plus or 1.1 times the Existing Employment;

(b) The current Claim Employment is less than 15 percent of any previous Claim Employment; or

(c) Both the current Claim Employment and the one from the prior year are less than 50 percent of any previous Claim Employment.

(2) Subject to OAR 123-674-4100(3)'s being effective, a qualified business firm must likewise meet an additional requirement in terms of sec-

tion (1) of this rule but only for the initial year of exemption, in that the definitions of Annual Employment, Claim Employment and Existing Employment expand to include employees located at any relevant site outside but within 30 miles of the zone boundary, as well as jobs inside the zone.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.200, 285C.210, 285C.220, 285C.230 & 285C.240
Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-4800

Sale or Leasing of Exempt Property

For purposes of ORS 285C.175(2)(c), a qualified business firm may sell or lease qualified property, such that an exemption that is about to begin or is ongoing may continue for the remainder of its normal period. This rule depends on all of the following, otherwise the exemption is subject to denial or an event under ORS 285C.240(1)(a) and repayment of back taxes, as applicable:

(1) The qualified property continues to be located and eligibly used inside the enterprise zone.

(2) The purchaser or lessee is an eligible business firm.

(3) Requirements in OAR 123-674-4000 to 123-674-4600 are effectively satisfied, including that the combined Annual Employment of the purchaser/lessee and of the originally qualified business firm equal or exceed the sum of:

(a) The minimum Annual Employment required of the firm in OAR 123-674-4600(1)(a); and

(b) The annual average employment of the purchaser/lessee in the zone immediately prior to the change in ownership/lease.

(4) That the purchaser/lessee and the qualified property comply with all other applicable requirements.

Stat. Auth.: ORS 285A.075 & 285C.060(1)
Stats. Implemented: ORS 285C.050, 285C.175, 285C.210 & 285C.240
Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-5000

Critical Property Terms

As used in 285C.050 to 285C.250 and in this division of administrative rules, consistent with relevant definitions in ORS Chapter 307 and OAR 150-285-3200, unless the context dictates otherwise:

(1) Addition includes one or both of the following as indicated by the context:

(a) The re-construction of an existing building or structure to expand or enlarge its area, volume, dimensions or structural capacity; or

(b) The newly erected or created space, enclosure or annex of the building or structure, pursuant to the re/construction described in subsection (a) of this section.

(2) Building includes a real property improvement erected on the land, mostly enclosed by walls and roofing, and designed for human use, occupancy or shelter, along with structural components necessary to make the building usable and habitable such as wiring, plumbing, foundation, fixtures, lighting and heating and cooling system.

(3) Commercial relates to the principal undertaking by a qualified business firm in the direct furtherance of the production of income through the handling, making or provision of goods, products or services for ultimate (though not typically direct) sale.

(4) Completion of construction, addition, modification or installation has the same meaning as placing property 'in service' under ORS 285C.050(11), in that the property is legally and physically ready for commercial operations as specifically intended, following interconnected installations, testing or proving of safety, information and other systems essential to produce saleable output, as well as necessary occupancy or other permits. Excluded are training of personnel and other similarly intangible activities or managerial issues, however critical they might be for business operations in general.

(5) Cost means expenses documentable through existing records or retrospective compilation of evidence as incurred for:

(a) Construction, reconstruction, modification or installation of qualified property, including but not limited to materials, supplies, labor, paint, contractor charges, equipment usage, engineering, architectural fees, building or land use permits and associated legal costs, and physical connections to utilities and other property, but excluding the costs of maintenance, financing, atypical legal fees, off-site improvements, the authorized business firm's own management and so forth; or

(b) Purchase of real or personal property machinery & equipment or of ready-made buildings or structures directly prior to installation or occupancy. Estimated fair market value shall substitute for purchase price in the

ADMINISTRATIVE RULES

case of existing property, for which there has not been a recent sale (for example, leasing of used property).

(6) Installation is the actual placement, affixing, connection or integration of machinery & equipment or personal property in or with a building, structure or other machinery & equipment for purposes of being used and does not mean the purchase, onsite delivery or storage of such property.

(7) Item, subject to further definition in OAR chapter 150 under ORS 285C.185(6)(b), includes any personal property that may be effectively appraised or assessed as a unit, including but not limited to an entire conveyance, information or other system, the various components of which are mechanically, electrically or similarly integrated.

(8) Land includes raw undeveloped land and any improvements to the land for site development.

(9) Located in/inside the enterprise zone means the use or operation of qualified property for trade or business operations within the current boundary of the enterprise zone, from which it is not removed during the standard exemption period other than incidental or temporary reasons of repair, maintenance and so forth.

(10) Modification under ORS 285C.050 comprises:

(a) Reconditioning, refurbishment, retrofitting or upgrading of real property machinery & equipment for purposes of ORS 285C.190; or

(b) The alteration or reconstruction of all or part of an existing building or structure, as distinct from an addition to the building or structure.

(11) Personal property includes any tangible property (readily movable as opposed to effectively fixed or very heavy) that is used in the business process or activity and is otherwise subject to ad valorem taxation, including but not limited to devices, tools and (former) spare parts that are put to use (see OAR 123-674-5200).

(12) Production of tangible goods means any physical process or manipulation of materials, commodities or products, including but not limited to manufacturing, assembly, sorting, cooking, heating, freezing, mixing, sorting, wrapping, onsite conveyance, packaging or bulk printing.

(13) Real property machinery & equipment (fixed or stationary in contrast to personal property due to weight, size or attachment to or integration with other real property) is real property used in the business process or activity and not otherwise described in this rule, including but not limited to major machines, specialized pipes, air filtration systems, wiring, electrical panels or switches, or other non-structural, assembled apparatuses. (This type of property may be classified as 'tangible personal property' for income tax or other purposes)

(14) Structure includes a real property improvement on or under the land other than buildings, machinery or equipment, including but not limited to ramps, docks, parking lots, outdoor freestanding signs, subterranean compartments and outdoor lighting, as well as associated fixtures, paving, wiring, pipes, foundations and so forth.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.050 - 285C.250

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-5200

Mechanical, Personal and Unqualified Property

For purposes of enterprise zone property to be exempt under ORS 285C.170 or 285C.175:

(1) Real property machinery & equipment or personal property may qualify despite prior usage outside the zone, such that the exempt value is based on the usual factors of appraisal, such as age, deterioration and obsolescence, as well as any reconditioning, refurbishment or restoration.

(2) More than three months before submission of the Application, any personal property or real property machinery & equipment, except for OAR 123-674-5300(5), must not be both:

(a) Owned or leased by the business firm; and

(b) Located in the county containing the site of the property inside the zone.

(3) Newly acquired qualified property of a Firm/applicant that conforms to section (2) of this rule may even be used in the county outside the enterprise zone, before it is placed in service and subsequently exempted in the zone, subject to compliance with other applicable provisions, and provided that it is not subject to assessment at any location outside the zone more than once.

(4) An item of personal property with a cost of less than \$50,000 qualifies for the exemption only if used:

(a) Exclusively in the production of tangible goods, which by itself will usually preclude furniture or decorations and most communication, office, video or comparable devices; or

(b) In electronic commerce at a location in a so-designated area as described in OAR 123-662.

(5) Subsection (4)(a) of this rule with respect to tangible goods production also covers personal property items of machinery & equipment:

(a) Even if the tangible good in question is not actually created or manufactured from raw inputs, but is instead modified, processed, restored, repaired, measured, sized, imprinted, packaged, conveyed, shipped or comparably affected in a physical manner.

(b) That maintain, calibrate, adjust, monitor, test or fix qualified property directly involved with tangible output or production, or that assure quality control of tangible output or production, including but not limited to research and development equipment incorporated into production activities.

(6) For purposes of qualification, the following may be considered equivalent to newly installing machinery & equipment after making Application:

(a) Connection or attachment to existing machinery & equipment of an item that is separately assessed in its own right; or

(b) Comprehensive rebuilding in place of what effectively constitutes a new item for valuation or assessment as distinct from modification.

(7) Regardless of any other provision of this division of administrative rules, the following property does not qualify for the exemption:

(a) Land or improvements "to" raw land, such as site preparation.

(b) Any item of personal property with a cost of less than \$1,000.

(c) Fuel, lubricants and other non-inventory supplies.

(d) Any machinery, equipment or device that can roam freely by its own motive power under the control of an operator/driver, including but not limited to forklifts.

(e) Any other similarly self-propelled motorized vehicle, including by remote control.

(f) Any device or item that is pulled, pushed or carried by a vehicle and designed to hold and transport people, goods or property on highways, waterways or railways beyond the zone boundaries, including but not limited to trailers, rolling stock, barges, carriages or railroad cars.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.180, 285C.185 & 285C.190

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-5300

Buildings, Structures and Other Real Property

For purposes of real property in an enterprise zone to be exempt under ORS 285C.170 or 285C.175:

(1) The following do not qualify, unless the cost of all such property collectively in a single property schedule under ORS 285C.225 equals or exceeds \$50,000 in total:

(a) New construction of or additions, modifications or improvements to a building or structure; or

(b) Real property machinery & equipment as newly installed or as modified according to section (5) of this rule.

(2) Qualified property, including but not limited to a building or structure, is severable under ORS 285C.180(5), which does not pertain to the matter of timely Application, such that:

(a) A part of the building or structure may be exempt, even if another part of the same building or structure is owned or leased by a different business firm, used for ineligible activities, or otherwise not subject to the same exemption; and

(b) The amount of property value that is exempt shall be determined through pro rata calculation based on floor area or other reasonable method, as preferably considered with the Preauthorization Conference, and verified by the zone sponsor as necessary.

(3) Landscaping or comparable elements may qualify, for example, at a golf course in the case of a hotel, motel or destination resort under ORS 285C.185(4), if classified by the county assessor as structural improvements rather than enhancements to the land.

(4) The exemption on qualified additions, modifications, reconditioning, refurbishment, retrofits or upgrades under ORS 285C.175(3)(b) is measured in each year by:

(a) Computing the assessed value of such taxable property (lesser of real market value or maximum assessed value in each case):

(A) With such qualified improvements or changes; and

(B) As if such qualified improvements or changes had not happened (that is, the assessed value that would have been subject to taxation) but accounting for other concurrent changes to the property.

(b) Taking the difference between the values described in paragraphs (a)(A) and (a)(B) of this section, such that any negative difference equates to zero.

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(5) Modification of an item machinery & equipment, for which work to modify the item commences on or after the date of Application and the enterprise zone's designation or amendment, qualifies only under ORS 285C.190 if it is real property, and all of the following are true:

(a) Descriptions in the Application (including as amended) recognize such modifications as a basic property type;

(b) On the date of Application the property was idle or not in use;

(c) That period of idleness already has or ultimately does encompasses 18 or more consecutive months;

(d) Previously, the item had been in actual use for 12 or more consecutive months in the same county or zone as where it is placed back into service;

(e) The total cost of modification equals \$50,000 or more; and

(f) It is placed back into service no more than 12 months before the first exemption year pursuant to modification.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.175, 285C.180, 285C.185 & 285C.190

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 15-2012, f. & cert. ef. 8-15-12; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-5400

Property Already Entered on Rolls

Other than the qualifying value of later modifications, property already entered on the assessment roll of the county before the effective date of the zone's designation or amendment of the property's location into the zone may not receive exemption under ORS 285C.170 and 285C.175. Qualified property that is assessed in the county after the zone's designation or amendment may be exempt under certain circumstances, including but not limited to the following examples, which might occur in combination:

(1) Assessment occurred while in the process of re/construction, modification or installation, and the taxpayer was not allowed to file or simply did not apply in a timely or acceptable fashion under ORS 285C.170 or 307.330 and 307.340.

(2) The Firm/applicant acquired machinery & equipment located elsewhere in the county and subsequently installed it in the enterprise zone as permitted by OAR 123-674-5200(2).

(3) While an administrative or judicial appeal is pending the property is assessed.

(4) The authorized business firm misses the first-year filing deadline but receives the remaining years of the exemption as described in OAR 123-674-6100(5)(b).

(5) A building or structure acquired from an unrelated third party and authorized as described in OAR 123-674-2100(4) (provided, of course, that the building, structure, the applicable portion of it, or improvement to it was not in use or occupancy for more than a year preceding the first year of exemption).

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.170, 285C.175, 285C.180 & 285C.220

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-5500

Obligations for All Leases, Lessors and Lessees

(1) Qualified property that is not owned by the authorized business firm is exempt in an enterprise zone under ORS 285C.185(3) subject to all other applicable requirements, if used, occupied or operated by the firm under a lease agreement executed no later than July 1 of the first year of exemption on the leased property under ORS 285C.175.

(2) The term of the lease must also extend until at least the end of the tax year that begins in the last exemption year, unless the qualified business firm will or does assume ownership of the property by such time. In certain cases where the term of a lease is technically too short, mitigating circumstances include but are not limited to where:

(a) The firm has the option to unilaterally renew the lease; or

(b) The firm:

(A) Retains effective prerogatives of ownership under an unconventional or nontraditional lease that serves mainly as a financial instrument; and

(B) Would have an unfettered right to retain title to the property in the event that the lease were not mutually renewed before the expected end of the exemption period.

(3) The owner of leased qualified property may be any person or corporation, including but not limited to a public body or an owner of the firm.

(4) The lease agreement must effectively operate as a net lease, inasmuch as:

(a) The firm/lessee directly pays all ad valorem taxes assessed against any qualified property covered by the lease agreement; or

(b) The firm/lessee will compensate the owner of such property in full for the property taxes in addition to rent or other costs throughout the period of the lease.

(5) The stipulation of a net lease is irrelevant if the owner and lessee have common ownership and are subject to treatment as a single eligible business firm according to OAR 123-674-0200(4).

(6) The owner of any such qualified property (even machinery & equipment) must join the firm in filing the property schedule as an attachment to the exemption claim form under ORS 285C.225(4)(d) for the first exemption year, such that the owner or the owner's authorized legal agent signs one of the following:

(a) The same property schedule that has the original signature of the firm's representative; or

(b) An attachment to the schedule that provides for equivalent acknowledgment by the owner.

(7) For purposes of this rule, a lessee that sub-leases property to the firm may substitute for the owner.

(8) The owner has the same right as the firm to timely notify the county assessor and the zone sponsor under ORS 285C.240(1) if a requirement is not met, in order to avoid penalties under ORS 285C.240(4).

(9) A copy of the lease agreement is not required with Application or with the exemption claim, except as described in OAR 123-674-2100(4) or as requested by the county assessor.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.170, 285C.175, 285C.180 & 285C.220

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-6100

Mandatory First-year Claim with Property Schedule

For purposes of an enterprise zone exemption on qualified property under ORS 285C.175:

(1) The authorized business firm:

(a) Must file the latest revision of the following Department of Revenue forms with the county assessor under ORS 285C.220 and 285C.225 to begin the exemption period:

(A) 150-310-075, Oregon Enterprise Zone Exemption Claim; and

(B) 150-310-076, Oregon Enterprise Zone Property Schedule (as an attachment that lists and identifies the property to be exempt);

(b) May do so only after December 31 of the year, in which the re/construction, modification or installation of qualified property is completed; and

(c) Shall send copies of the forms to the zone sponsor.

(2) The property must not have been in service at a location inside the zone before January 1 of the year directly prior to claiming the exemption as described in section (1) of this rule.

(3) Subsection (1)(b) of this rule is synonymous with qualified property having been 'placed in service' during that year, which:

(a) May be only a portion of the entire investment proposed with authorization; and

(b) Does not include property (even if physically operable or finished) that pending completion of the overall facility or investment is still:

(A) Incapable of effective use or occupancy due to commercial or regulatory reason consistent with OAR 123-674-5000(4); or

(B) Not yet intended for use or operation, subject to testing, shake-down or other general startup steps.

(4) Sections (1) to (3) of this rule dovetail and are mutually exclusive with criteria for exemption under ORS 285C.170, as described in OAR 123-674-6000.

(5) The filing as described in section (1) of this rule shall be due no later than the corresponding April 1, but:

(a) By June 1, the authorized business firm may submit it with a late fee under ORS 285C.220(7) or amend a timely filed property schedule form under ORS 285C.225(5); or

(b) On or before April 1 (but after January 1) of the next year, the authorized business firm may file very late under ORS 285C.220(10) without a fee to receive the remainder of an exemption minus the first year, provided the firm was in compliance with all applicable requirements in order for the exemption to have been in effect during that first year.

(6) The county assessor may deny the exemption under ORS 285C.175(6) if unable to obtain critical and reasonably requested clarification, confirmation or substantiation of information missing from or supplemental to the filed forms from the:

(a) Firm under ORS 285C.220(3); or

(b) Zone sponsor under ORS 285C.230, or as arranged with the Preauthorization Conference.

(7) The county assessor shall deny the exemption:

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(a) To any authorized business firm with inactive status, as described in OAR 123-674-3700, if the filing does not include the fee under ORS 285C.165(3), which would be in addition to the fee, if any, in subsection (5)(a) of this rule.

(b) On any property that is not actually in use or occupancy between January 1 and June 30 of the first year that the exemption is claimed, notwithstanding its being in service by January 1 or even in use or occupancy during that preceding year.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.165, 285C.170, 285C.175, 285C.220, 285C.225 & 285C.230

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-6400

General Firm Disqualification

(1) Loss of exemption under ORS 285C.175 applies to all qualified property of a firm that is exempt in the year when an event occurs, for which notice is due under ORS 285C.240(1)(b), (c) or (d), including but not limited to:

(a) Substantial curtailment, consistent with OAR 123-674-4600;

(b) Failure to satisfy an applicable local additional requirement, according to OAR 123-668, and pursuant to written notification to the assessor from the zone sponsor;

(c) Noncompliance with any general law in accordance with OAR 123-674-7200 to 123-674-7250; or

(d) What is described in OAR 123-674-0500(2) for the requirements specific to an extended abatement.

(2) If an event occurs relative to section (1) of this rule, then the qualified business firm shall notify both the local zone manager and the county assessor in writing as such at the latest by July 1 of the following year, which may also be done:

(a) Through timely filing of the exemption claim in 123-674-6200 that discloses the event.

(b) By the owner of any qualified property that the qualified business firm leases.

(3) Notice as described in section (2) of this rule shall result in either:

(a) The firm reimbursing the enterprise zone sponsor for an amount equal to all associated property taxes abated in that exemption year, as described in OAR 123-674-6600 to 123-674-6630; or

(b) The assessor disqualifying the firm under ORS 285C.240, including loss of future years of the exemption and retroactive payment of applicable back taxes with the next tax bill.

(4) If the assessor or zone sponsor discovers a failure, for which there was not timely notice as described in section (2) of this rule, then subsection (3)(a) of this rule is inapplicable, and disqualification as described in subsection (3)(b) of this rule shall include the 20-percent penalty or surcharge on back taxes.

(5) Disqualification for purposes of this rule does not affect property covered by any other Application, for which the particular requirements are still satisfied, consistent with OAR 123-674-3500, except for another Application made after the zone terminated as described in OAR 123-674-8200, in which case the other such Application is nullified, and associated property, also disqualified.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.200, 285C.220, 285C.225, 285C.230, 285C.235 & 285C.240

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-6600

Applicability of Payback Provisions

For purposes of ORS 285C.240(6) and OAR 123-674-6600 to 123-674-6630, a qualified business firm's avoidance of disqualification through payment to the zone sponsor of the firm's tax savings for one year is allowed, only if:

(1) The firm fails to meet an employment, compensation, waiver, locally established condition or other requirement under ORS 285C.240(1)(b), (c) or (d), and not for any requirement pertaining to particular qualified property in OAR 123-674-6300 or to the firm's eligibility under ORS 285C.135;

(2) The firm provides written notice under ORS 285C.240 to the zone sponsor or the county assessor by not later than July 1 of the year following the year that failure as described in section (1) of this rule occurred consistent with OAR 123-674-6400(2);

(3) The firm maintains the business operations pertaining to the qualified property, unless the firm can demonstrate that any discontinuation (shutdown) is only temporary;

(4) The firm has not previously used ORS 285C.240(6) for any failure covered by section (1) of this rule to avoid disqualification of the same exemption, respective to property actually first qualifying in the same year,

but not in other years even if covered by the same authorization and no longer exempt; and

(5) The firm provides written proof to the county assessor that it has made a nonrefundable payment of the full amount of the preceding year's tax savings to the zone sponsor, not later than August 31 of the year following:

(a) The exemption year in which the failure occurred; or

(b) The fourth year of exemption, in the case of failure to meet a requirement for an additional two years of exemption under ORS 285C.160, during (only) one of the first four exemption years.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.240

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-6880

Deferral during Recession

For purposes of ORS 285C.203, and deferring the standard enterprise zone exemption, during which time the qualified business firm shall pay taxes on qualified property:

(1) It pertains to a firm facing denial or disqualification for substantial curtailment or other noncompliance (see OAR 123-674-4100, 123-674-4600, 123-674-6100 and 123-674-6400).

(2) The total cost of the investment, consistent with OAR 123-674-4300(5)(a) and (b), must equal or exceed the amounts under ORS 285C.200(3)(c) for the respective type of enterprise zone.

(3) If electing to do so, the zone sponsor must take an action to grant the deferral, such as formal notification from the local zone manager to the firm, that:

(a) Indicates whether the deferral is for one year or two consecutive years;

(b) Sets a minimum level of employment of the firm (below which the firm may not fall even during a year of deferral) that is a single, stated number of employees equal to or less than the latest Annual and Claim Employment figures, and possibly less than the Existing Employment; and

(c) Occurs at a time when under ORS 285C.203, as determined by the Department:

(A) Seasonally adjusted state employment has declined over at least two successive quarters during the prior 12 months; and

(B) The unemployment rate for any county containing the zone is two percentage points greater than the state on average for:

(i) The entire previous year (annual average unemployment rates); or
(ii) Any of the three most recent three-month periods, including the latest calendar quarter, based on the most recently available seasonally adjusted data.

(4) No later than 60 days after the action in section (3) of this rule or July 1 of the first year of deferral, whichever is earlier, the sponsor shall adopt resolution(s) confirming the grant of deferral.

(5) Regardless that an exemption claim is filed in a year of deferral, it may be withdrawn or ignored, and the county assessor shall deny the exemption under ORS 285C.175 (without necessarily giving notice) and all qualified property covered by the authorization is subject to normal taxation for that year.

(6) At the conclusion of the deferral period:

(a) The firm shall reclaim and resume the remainder of exemption under ORS 285C.175 on any qualified property, provided that the firm's employment in reclaiming the exemption does not constitute substantial curtailment, and it is otherwise qualified.

(b) If the firm continues to have substantially curtailed its operations or fell below the minimum level in subsection (3)(b) of this rule, or the sponsor has revoked the resolution, then the property is subject to disqualification under ORS 285C.240, including but not limited to repayment for every year of exemption before the deferral period.

(7) In the case of an exemption already approved and received, the one-year payment in lieu of disqualification under ORS 285C.240(6) may occur with respect to a year before or after the deferral period as described in this rule (see OAR 123-674-6600 to 123-674-6630).

(8) The noncompliance and the year(s) of deferral shall correspond, but the exact relationship is subject to the determination of the local zone sponsor in consultation with the county assessor, preferably in preparing the resolution.

(9) The sponsor may:

(a) Modify the resolution(s) on or before the next year's August 31 to retract or insert the second consecutive year of deferral.

(b) Grant two one-year deferrals, if separately done in complete conformance with sections (3) and (4) of this rule.

ADMINISTRATIVE RULES

(10) The local zone manager shall forward to the county assessor by August 31 of the tax year a copy of any resolution or revocation in this rule.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.203

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-7200

Special Terminology

For purposes of OAR 123-674-7200 to 123-674-7250, with respect to an eligible business firm compliance with other laws under ORS 285C.200(1)(f):

(1) "Determination" means either of the following:

(a) A rightfully available written admission by the firm of a Noncompliance; or

(b) The issuance of an order, ruling or similar action by a duly empowered court, regulatory authority or similar entity that is:

(A) An official finding of Noncompliance that has the force of law under the jurisdiction of the court, regulatory authority or similar entity; and

(B) The final action by the particular regulatory or judicial process, even if prior to potential appeals.

(2) "Event of Noncompliance" means a Determination corresponding to an Illegal Act, for which the underlying Noncompliance is both:

(a) Material, as described in OAR 123-674-7230; and

(b) Not cured in accordance with OAR 123-674-7240.

(3) "Illegal Act" means an action, omission, chain of occurrences or similar failings by the firm or by an officer or agent in the conduct of the firm's operations and activities, effectively occurring after the Application but before January 1 of the last year of exemption, that cause the Noncompliance corresponding to the relevant Determination. (An Illegal Act may also result from Noncompliance with a Determination related to an earlier act)

(4) "Noncompliance" means a violation of a law, as enacted by one of the following, or the violation of any of the rules or regulations duly promulgated under such law:

(a) The United States Congress;

(b) The Oregon Legislative Assembly; or

(c) The governing body of a city or county that sponsors the enterprise zone.

(5) "Substantial Falsification" means that information in an enterprise zone form, filing or associated documentation by the firm, subject to declaration under penalties of false swearing, does one or both of the following:

(a) Misreports or omits required information, such that the enterprise zone exemption would have been denied or disqualified had the information been correctly or completely reported, which by itself shall be considered an Illegal Act in addition to any penalties resulting from false swearing under ORS 305.990; or

(b) Contradicts OAR 123-674-7210(1), in that at the time of the relevant declaration, the firm failed to disclose an Illegal Act, of which it should reasonably have been aware, including but not limited to one that is pending a Determination at the time of authorization.

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.200(7)

Stats. Implemented: ORS 285C.200

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 15-2012, f. & cert. ef. 8-15-12; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-7220

Effect of Event of Noncompliance

Upon an Event of Noncompliance:

(1) In the case where an authorized business firm is not yet qualified, the county assessor shall deny exemption under ORS 285C.170 or 285C.175.

(2) In the case where the firm is receiving or has received the exemption, the Event of Noncompliance shall cause retroactive disqualification (see OAR 123-674-6400).

(3) In response to or in anticipation of such denial or disqualification, the assessor shall give notice that:

(a) Is sent to the firm and is copied to the zone sponsor, the Department of Revenue and the Department;

(b) Provides the firm with an explanation of the action and includes copies or descriptions of the evidence for the Determination; and

(c) Explains how the firm may appeal the action, anticipated action or tax collections to the Tax Court under ORS 305.404 to 305.560, for which the firm's right to directly do so is in no way infringed by this or any administrative rule or prevented under ORS 285C.200(7).

(4) The county assessor may reverse a decision or action in section (1) or (2) of this rule, for reconsideration of an issue listed in OAR 123-674-7250(1) or a successful appeal that negates the Determination. As necessary to effect a reversal for this section, the assessor may reinstate the exemption and refund taxes paid on qualified property to the firm consistent with provisions of ORS Chapter 311.

(5) If the Determination is appealed by the business firm through administrative or judicial channels under the law in question, then the assessor may indefinitely suspend disqualification in section (2) of this rule, such that:

(a) If the business firm prevails in the appeal, then the exemption is unaffected; or

(b) If the business exhausts, withdraws or effectively fails in its pursuit of such appeal, then the action takes effect. In such a case, the assessor may add interest to any back taxes during the intervening period for the appeals process, until the next general property tax roll, as provided under ORS 311.206.

(6) In addition, if the firm is taking good faith actions to fully cure the Noncompliance in accordance with OAR 123-674-7240, the firm may make a one-year (nonrefundable) payment in lieu of disqualification in section (2) of this rule, as described in OAR 123-674-6600 to 123-674-6630, while the effectiveness of such cure is still pending.

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.200(7)

Stats. Implemented: ORS 285C.125 & 285C.200

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 15-2012, f. & cert. ef. 8-15-12; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-7710

First-Source Procedures

(1) A Firm/applicant shall enter into an agreement as described in OAR 123-070 either:

(a) After the local zone manager approves the application for authorization as provided in 123-674-2300(8)(d);

(b) Before hiring new employees to qualify under ORS 285C.200; or

(c) Both as possible.

(2) The local zone manager shall:

(a) Advise every Firm/applicant to promptly seek such an agreement;

(b) Notify the contact agency about the Application and about how to contact the business firm; and

(c) See that the contact agency receives a copy of the completed Approval Form and Application pursuant to OAR 123-674-2500(5)(b).

(3) Upon learning of the Firm/applicant, the contact agency shall arrange an opportunity for it to execute an agreement. A Firm/applicant shall have the right to initiate such contact and to enter promptly into an agreement.

(4) The contact agency shall:

(a) Provide a copy of each executed agreement to the respective local zone manager within 10 business days of entering into it with a Firm/Applicant; or

(b) Notify the local zone manager of any problem that arises in association with executing it.

(5) The local zone manager shall:

(a) See that each authorized business firm has entered into a timely, valid and accurate agreement, in accordance with OAR 123-070; and

(b) Inform the county assessor under ORS 285C.215(2)(a) of any such firm that might have failed to enter into such an agreement.

(6) The local zone manager shall assist in advising and explaining to business firms their obligations under the agreement, including but not limited to requests by the contact agency or any publicly funded job training provider.

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.215(3)

Stats. Implemented: ORS 285C.050, 285C.060, 285C.200 & 285C.215

Hist.: EDD 7-1989(Temp), f. & cert. ef. 10-17-89; EDD 8-1990, f. 4-13-90, cert. ef. 4-14-90; EDD 22-1990(Temp), f. & cert. ef. 8-9-90; EDD 3-1992(Temp), f. 3-12-92, cert. ef. 3-13-92; EDD 1-1996, f. 2-28-96, cert. ef. 3-1-96; EDD 3-2000, f. & cert. ef. 2-1-00, Renumbered from 123-070-0370; EDD 1-2005, f. & cert. ef. 2-25-05; Renumbered from 123-070-2200 by OBDD 31-2010, f. 6-30-10, cert. ef. 7-1-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-8000

Designation/Amendment of an Enterprise Zone

Respective to an enterprise zone exemption on qualified property under ORS 285C.170 or 285C.175:

(1) Property or its existing value may not be exempt if prior to the effective date of the zone's designation or the location's inclusion in the zone through a boundary change, that value was already:

(a) On the assessment rolls of the county irrespective of location or of ownership/lease; or

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(b) Located in the zone or in the process of actual construction, improvement, modification or installation there, excluding what is described in:

- (A) OAR 123-674-2000(3) such as site preparation; or
- (B) OAR 123-674-2100(1) such as demolition.

(2) A Firm/applicant may make Application and even have it approved before but pending an effective date in section (1) of this rule.

(3) Section (1) of this rule does not pertain, if the site of an authorized business firm's (proposed) qualified property was inside a terminated zone under ORS 285C.245(1)(a)(B) or (b) and becomes part of a newly designated or amended zone. In such a case:

(a) The outstanding authorization is automatically transferred to the new zone, if it is otherwise still valid in accordance with OAR 123-674-8100 or 123-674-8200 on the effective date in section (1) of this rule; and

(b) The active or inactive status of the authorization still depends on ORS 285C.165 and the date of the Application's approval or of any statement consistent with OAR 123-674-3700.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.175

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-8100

Authorization and Zone Termination

In relation to OAR 123-650-9100:

(1) For purposes of exemption under ORS 285C.175 in a sun-setting or terminating enterprise zone, an eligible business firm is authorized and may claim the exemption—subject to section (2) of this rule, OAR 123-674-8300 and other applicable requirements—if:

(a) Its outstanding authorization was still active under ORS 285C.165 at the time of termination; or

(b) The local zone manager received the Application before the effective date of the zone's termination, and the zone sponsor and the county assessor subsequently approved the Application under ORS 285C.140 after termination, but:

(A) In this case, if the firm is not otherwise qualified or actively authorized in the terminated zone, it may not grandfather in the zone under ORS 285C.245(1)(b) according to OAR 123-674-8200.

(B) This subsection is superseded by section (5) of this rule in any enterprise zone that would otherwise sunset under ORS 285C.245(2) on or after July 1, 2025.

(2) For any authorized business firm described in section (1) of this rule, its authorization expires on January 1 directly after the 30th month following the zone's termination, such that only if qualified property proposed pursuant to the Application is in service before that date may the firm claim and receive the exemption under ORS 285C.245(1)(a)(B). (As such, the authorization also remains active but may not be extended, irrespective of ORS 285C.165, for qualified property remaining outside of a current enterprise zone)

(3) In order for an Application to be approved with respect to any investment in qualified property at a location anywhere in the terminated zone that remains outside a currently designated enterprise zone, the Firm/applicant must satisfy the grand-fathering provisions in accordance with OAR 123-674-8200.

(4) For purposes of this rule and OAR 123-674-8200, an actively authorized business firm that has the site of its (proposed) qualified property in the zone (inadvertently) removed by a boundary change, notwithstanding ORS 285C.115(2)(b), has the same rights and privileges as if the zone had terminated.

(5) Respective to termination of any existing enterprise zone under ORS 285C.255 (programmatic sunset of the standard enterprise zone program):

(a) Application must be made on or before June 29, 2025, and approved no later than the very next day;

(b) Any such authorized business firm may avail itself of the grand-fathering provisions in accordance with OAR 123-674-8200; and

(c) Ongoing use of such grandfather provisions in any previously terminated zone is unaffected.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.140, 285C.175, 285C.245 & 285C.255

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 15-2012, f. & cert. ef. 8-15-12; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-8200

Grandfathering in a Terminated Zone

Under ORS 285C.245(1)(b) and (c) after termination of an enterprise zone:

(1) Qualified property owned or leased by an eligible business firm is exempt, if all of the following requirements are true:

(a) On the effective date of the zone's termination, the firm:

(A) Was a qualified business firm; or

(B) Had had an Application approved and was still actively authorized consistent with OAR 123-674-8100(1)(a) in that same zone;

(b) Within 10 years after that effective date, the firm submits a complete Application under ORS 285C.140, in accordance with OAR 123-674-2000 and 123-674-2100;

(c) The qualified property is to be located entirely within the boundaries of the terminated zone, as they existed at the time of termination, and not inside any currently designated enterprise zone;

(d) Neither the eligible business firm nor all of its qualified property has been disqualified in the terminated zone consistent with section (2) of this rule;

(e) Construction, modification or installation of the qualified property commences on or before June 30 immediately following the last year of the firm's final outstanding exemption in the zone (that is, by the end of the corresponding tax year);

(f) The eligible business firm's Application receives approval from the county assessor and the local manager of the terminated zone or, lacking a local zone manager, from the county assessor and either through the Department or by formal action of the zone sponsor, or on appeal;

(g) Completion of construction, additions, modification or installation occurs in accordance with OAR 123-674-8300;

(h) Timely exemption claim is made to the county assessor under ORS 285C.220 and 285C.225; and

(i) The authorized business firm complies with all applicable requirements of ORS 285C.050 to 285C.250 in effect when the zone terminated, including but not limited to any requirement arising from or associated with authorization.

(2) Disqualification for purposes of ORS 285C.245(1)(c) does not include:

(a) Loss of an extended abatement under ORS 285C.240(3)(b) as described in OAR 123-674-0500(2);

(b) Payment to the zone sponsor of the equivalent of one year's tax savings under ORS 285C.240(6); or

(c) Failure to meet a requirement pertaining to some but not all property as described in OAR 123-674-6300.

(3) The sponsor of a terminated enterprise zone may enter into a written agreement with an eligible business firm for an extended abatement under ORS 285C.160, prior to final action in subsection (1)(f) of this rule.

(4) An authorized or qualified business firm may not make Application as described in this rule, if since termination, another business or corporation has bought or absorbed the firm, except if the firm remains essentially intact as a corporate entity, such as becoming a subsidiary to the purchasing corporation and continuing to operate substantially as it had prior to its being acquired.

(5) If the eligible business firm is not qualified but only actively authorized at the time of the zone's termination according subsection (1)(a) of this rule, then no subsequent Application may be approved in accordance with this rule, until an exemption is successfully claimed on qualified property pursuant to an outstanding authorization as described in OAR 123-674-8100(2).

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.140, 285C.175 & 285C.245

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

123-674-8300

Timely Completion of Construction

For purposes of a proposed investment in qualified property by a business firm that is or becomes authorized in a terminated enterprise zone under ORS 285C.245(1)(a)(B)(iii) and (b):

(1) Completion of "construction, addition, modification or installation within a reasonable time" means the property is in service no later than 18 months after the date on which any relevant construction, reconstruction, modification or installation activity commenced.

(2) "Without interruption" means that the property does not remain in an unfinished state for more than six months without significant progress toward the completion of activities as described in section (1) of this rule.

(3) The property may not qualify and receive the exemption under ORS 285C.175, if section (1) or (2) of this rule is violated, except if the Department issues a written finding to the county assessor that the violation is reasonable and not excessive, given the nature and extent of the authorized business firm's investment or of inadvertent circumstances.

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(4) Nothing in this rule shall influence or restrict the qualification of an exemption in an enterprise zone that still exists and has not terminated.

Stat. Auth.: ORS 285A.075 & 285C.060(1)

Stats. Implemented: ORS 285C.175 & 285C.245

Hist.: OBDD 27-2010, f. & cert. ef. 6-14-10; OBDD 14-2016, f. & cert. ef. 9-16-16

Oregon Department of Education, Early Learning Division Chapter 414

Rule Caption: Rules required to meet federal Child Care and Development Block Grant Act of 2014 requirements

Adm. Order No.: ELD 3-2016(Temp)

Filed with Sec. of State: 9-29-2016

Certified to be Effective: 9-29-16 thru 3-27-17

Notice Publication Date:

Rules Amended: 414-300-0120, 414-300-0170, 414-300-0220, 414-300-0350

Subject: Rule changes to Certified Child Care Center rules required to meet requirements of the Federal Child Care and Development Block Grant Act of 2014.

Subject areas to be addressed by temporary rules are emergency procedures, protection from vehicular traffic, prevention of shaken baby syndrome and abusive head trauma, and new health and safety training requirements for all caregivers.

Emergency procedures rule changes reflect specific language in federal law to include procedures for evacuations, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodations for infants and toddlers, children with disabilities, and children with chronic medical conditions.

Federal law requires health and safety rule language to contain protection from hazards including vehicular traffic and appropriate precautions to prevent shaken baby syndrome and abusive head trauma.

All caregivers in licensed child care facilities that have unsupervised access to children must complete an Early Learning Division Office of Child Care approved health and safety training beginning September 30, 2016. All current caregivers must complete the training by June 30, 2017.

Rules Coordinator: Lisa Pinheiro—(503) 910-8135

414-300-0120

Staff Training

(1) All new staff shall receive an orientation within the first two weeks of employment. Orientation shall ensure that staff are familiar with the contents of the orientation, as described below, and shall include, but is not limited to:

(a) Individual responsibilities in the event:

(A) The building must be evacuated (e.g., fire);

(B) An emergency requires staff and children to remain inside under unusual circumstances (e.g., power outage, environmental hazard); or

(C) A child or staff is injured or becomes ill;

(b) These requirements (OAR 414-300-0000 through 414-300-0415);

(c) The center policies, as required in OAR 414-300-0030; and

(d) Procedures for reporting suspected child abuse or neglect.

(2) The operator shall have documentation for each staff person of the date and type of orientation received and the person providing the orientation.

(3) Within the first 90 days of employment, all staff who function as teachers and count in staff/child ratios, with the exception of substitute teachers, shall:

(a) Complete training on recognizing and reporting child abuse and neglect and have documentation of having completed such training; and

(A) Recognizing and reporting child abuse and neglect training must be based on Oregon law and practice so information is relevant to reporting in Oregon.

(B) Recognizing and reporting child abuse and neglect training must be two clock hours or more in duration to be accepted.

(b) Complete first aid and CPR training or have current certification in first aid and CPR on file. First aid and CPR training must be kept current during employment at the center. First aid training shall include the following components: bleeding; burns; poisoning; choking; injuries; shock;

seizures; sprains and breaks; dental emergencies; and head injuries. Training must have practical hands-on instruction; therefore, online training is not acceptable.

(4) Key people in food preparation must have food handler certification, pursuant to ORS 624.570, within 30 days of employment or have current certification on file. Food handler's training must be kept current during employment at the center. Key people include cooks, kitchen staff who handle food, and classroom staff who serve meals from a communal source.

(5) The director, head teacher, and all teachers shall participate yearly in at least 15 clock hours of training or education related to child care, of which at least eight clock hours shall be in child development or early childhood education. If an individual has worked in the facility less than a year, the training requirements will be prorated as follows: At least 1.25 clock hours for each month worked in the current license period.

(a) The following core knowledge categories are accepted for the child development and early childhood education requirement: Diversity (D), Family and Community Systems (FCS), Human Growth and Development (HGD), Health Safety and Nutrition (HSN), Learning Environments and Curriculum (LEC), Observation and Assessment (OA), Special Needs (SN), and Understanding and Guiding Behavior (UGB).

(b) A head teacher whose qualifications for the position are based solely on work experience shall emphasize training in child development and early childhood education for the first two years of employment;

(c) Training may include correspondence courses, conferences, workshops, or audiovisual programs.

(d) An approved planned reading program of professional materials may count for up to six hours of the 15 clock hours of training and must include a written assessment of reading materials completed by each participating staff person.

(e) OCC will accept duplicate training one additional time if it is a Set 2 (intermediate) or Set 3 (advanced) training or above as described by the Oregon Center for Career Development in Childhood Care and Education; and it is not taken within the same license period.

(f) The center shall record each person's training showing the subject matter, the date completed, and the number of clock hours of training in each certification year.

(6) During the first year of employment, a staff person may count up to two hours of orientation and their most recent training in first aid and CPR, food handler's training, if applicable, and child abuse and neglect training as part of the 15 clock hours of training required in OAR 414-300-0120(5), but may not use these toward the eight hours required in child development or early childhood education.

(7) During subsequent years of employment, a staff person may count 5 hours of first aid and CPR training or food handler's training as part of the 15 clock hours of training. Duplicate training on recognizing and reporting child abuse and neglect can be accepted again after three years, and every three years thereafter towards the 15 clock hours of staff training required for licensing.

(8) Staff meetings shall not count as training.

(9) All new staff that may have unsupervised access to children must have completed OCC approved health and safety training within thirty days of employment.

(10) All current staff that may have unsupervised access to children must have completed OCC approved health and safety training by June 30, 2017.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94, Renumbered from 412-010-0637; CCD 4-2001, f. 7-13-01, cert. ef. 7-15-01; CCD 3-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 3-2010, f. 6-29-10, cert. ef. 7-1-10; CCD 8-2010, f. 12-29-10, cert. ef. 1-1-11; ELD 3-2016(Temp), f. & cert. ef. 9-29-16 thru 3-27-17

414-300-0170

Hazards and Emergencies

(1) Protection from Hazards:

(a) Glass surfaces subject to impact by children shall be of safety glass and marked at a child's eye level or have a protective barrier in place.

(b) Electrical outlets accessible to children not yet attending kindergarten shall have protective caps or safety devices when not in use.

(c) All stairways with three steps or more used by children shall have handrails installed a minimum of thirty inches to a maximum of thirty-four inches above the stair tread.

(d) Protective barriers shall be used in any hazardous location accessible to a child.

(e) A movable barrier, such as a mesh-type gate, shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers. Gates

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and enclosures should have the Juvenile Products Manufacturers Assn. (JPMA) certification seal to ensure safety.

(f) Lights shall be protected from hazards or breakage by installation of covers or shields.

(g) All rooms used by staff and children shall have adequate lighting.

(h) Floors shall be free of splinters, large or unsealed cracks, sliding rugs, and other hazards.

(i) Items of potential danger to children (e.g., cleaning supplies and equipment, poisonous and toxic materials, paints, plastic bags, aerosols, detergents) shall be:

(A) Kept in the original container or labeled;

(B) Secured by a child-proof lock or latch;

(C) Stored in an area not used by children; and

(D) Stored separately from food service equipment and supplies.

(j) Lead-based paint or other toxic finishing materials shall not be used on walls, furnishings, toys, or any other equipment, materials or surface which may be used by children or are within their reach.

(k) The possession and/or storage of firearms and ammunition are prohibited in the center.

(l) Other hazards observed in the certification process must be corrected.

(2) Preparation for Emergencies:

(a) A portable emergency light source, in working condition, shall be available with each group of children.

(b) Telephone service shall be accessible and available in the center at all times when children are in care.

(c) The center must have a system in place to ensure that parents can have contact with facility staff at all times when children are in care.

(d) Telephone numbers for fire, emergency medical care, and poison control shall be posted on or near all telephones. Portable telephones must have emergency numbers on the phone.

(e) Written instructions for evacuating the building, including a map illustrating exiting, shall be posted in each room children use.

(3) Emergency Plan:

(a) The center shall have a written plan for handling emergencies, including, but not limited to, acute illness of a child or staff, floods, natural disasters (e.g. earthquake, etc.), man-caused events, such as violence at a child care facility and evacuation of the facility. The plan must include:

(A) How the center will ensure that parents or the parents' emergency contacts can be reached in person;

(B) Designation of an alternate safe location in the event of evacuation;

(C) How the center will inform parents where children will be located in the event of evacuation and how children will be reunited with their families;

(D) An accessible file of emergency contact numbers for children and staff; and

(E) Designation of a staff member(s) to take the emergency contact numbers file to the evacuation site in the event of an evacuation.

(F) Procedures to address the needs of individual children, including infants and toddlers, children with special needs, and children with chronic medical conditions.

(G) An acceptable method to ensure that all children in attendance are accounted for;

(H) Procedures in the event that children must shelter-in-place or if the child-care home must be locked-down so that no one can enter or leave; and

(I) Procedures for maintaining continuity of child-care operations.

(b) All staff shall be familiar with the emergency telephone numbers and emergency procedures.

(c) Fire drills shall be practiced monthly. In addition, one other aspect of the emergency plan shall be practiced every other month.

(A) The director shall keep a written record of the type, date, time, and duration of the practices.

(B) If a center has on-site swimming or is responsible for off-site swimming, the practices must include pool and swimming safety.

(d) Fire and other emergency exiting shall not be through a swimming pool area.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90; CCD 1-1994, f. & cert. ef. 1-12-94, Renumbered from 412-010-0643; CCD 4-2001, f. 7-13-01, cert. ef. 7-15-01; CCD 3-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; ELD 3-2016(Temp), f. & cert. ef. 9-29-16 thru 3-27-17

414-300-0220

Illness or Injury

(1) Illness:

(a) A center shall not admit or retain in care, except with the written approval of the local health officer, a child who:

(A) Is diagnosed as having or being a carrier of a child care-restrictable disease, as defined in Health Division administrative rules, OAR 333-019-0010; or

(B) Has one of the following symptoms, or combination of symptoms, of illness:

(i) Fever over 100 degrees F taken under the arm;

(ii) Diarrhea (more than one abnormally loose, runny, watery or bloody stool);

(iii) Vomiting;

(iv) Nausea;

(v) Severe cough;

(vi) Unusual yellow color to skin or eyes;

(vii) Skin or eye lesions or rashes that are severe, weeping, or pus-filled;

(viii) Stiff neck and headache with one or more of the symptoms listed above;

(ix) Difficult breathing or abnormal wheezing; or

(x) Complaints of severe pain.

(b) A child who shows signs of illness, as defined in this rule, shall be isolated and the parent(s) notified and asked to remove the child from the center as soon as possible;

(c) If a child has mild cold symptoms that do not impair his/her functioning, the child may remain in the center and the parent(s) notified when they pick up their child;

(d) A specific place for isolating a child who becomes ill shall be provided. The isolation area:

(A) Shall be located where the child can be seen and heard by staff; and

(B) Shall be equipped with a cot, mat, or bed for each sick child.

(e) An outbreak of a child care restrictable disease, as defined in OAR 333-019-0010, or food poisoning shall be reported immediately to the local health department and posted for the parents of all children who attend the facility.

(2) Injuries:

(a) All caregivers shall take appropriate precautions to prevent shaken baby syndrome and abusive head trauma.

(b) The operator shall have written procedures for handling injuries that shall be made known to all staff, including:

(A) Procedure for taking a child to emergency medical care;

(B) Routine for treatment of minor injuries; and

(C) First aid measures for serious accidents.

(b) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place away from food and food-contact surfaces and be available for staff use but kept out of reach of children:

(A) The first aid supplies shall include Band-Aids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, scissors, disposable plastic gloves for handling blood spills, chlorine bleach for sanitizing after a blood spill, and a sanitary temperature-taking device;

(B) Separate first aid supplies and a copy of each child's medical release form shall be taken on all field trips away from the immediate neighborhood.

(c) Injuries or accidents shall be reported to the child's parent(s) on the day of occurrence:

(A) A written report of the injury or accident shall be maintained on file;

(B) The report shall include the date, child's full name, nature of the injury, witnesses, action taken, and the signatures of reporting staff and parent(s).

(d) The injury to or death of a child shall be reported to OCC in accordance with OAR 414-300-0030(3)(a) and (b).

(3) Emergency Medical Care:

(a) The operator shall identify a licensed physician, hospital, or clinic to be used for emergency medical care;

(b) In the event of an illness or injury which requires immediate medical care, the director or the substitute director is responsible for securing such care and notifying the parent(s).

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90; CCD 1-1994, f. & cert. ef. 1-12-94, Renumbered from 412-010-0650; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 4-2001, f. 7-13-01, cert. ef. 7-15-01; CCD 2-2007, f. & cert. ef. 7-13-07; CCD

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3-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; ELD 3-2016(Temp), f. & cert. ef. 9-29-16 thru 3-27-17

414-300-0350 Transportation

When transportation is provided by or arranged for by the center, the following requirements shall be met:

- (1) Drivers shall:
 - (a) Be at least 18 years of age;
 - (b) Hold a current driver's license. If required by the Motor Vehicles Division (DMV), a commercial driver's license shall be obtained; and
 - (c) Maintain a safe driving record.
 - (d) The provider must take precautions to protect children from vehicular traffic.

(2) The operator shall obtain a copy of the driving record from DMV for each staff whose job description includes driving duties. The DMV check shall be updated annually.

(3) The vehicle shall be:

- (a) In compliance with all applicable state and local motor vehicle laws; and
- (b) Maintained in a safe operating condition.

(4) If transportation is provided between the center and the child's school or other destination, the center shall have in writing an acknowledgment from the parent(s) that they are aware of the time of day their child is to be picked up and/or delivered by the center. If the pick-up schedule results in children being unsupervised at school or other location, the center shall notify parents of this fact.

(5) When transporting children on a regular basis, there shall be sufficient staff to meet the required staff/child ratios (OAR 414-300-0130) for each age group of children being transported.

(a) The driver may count in the staff/child ratios.

(b) Staff shall be teacher-qualified or Aide II qualified. Aide I qualified staff may count in the staff/child ratios if one other staff is teacher-qualified.

(c) If none of the staff is teacher-qualified, an adult in the vehicle shall be trained in first aid and the vehicle shall be equipped with a cell phone or other communication device.

(6) When transporting children on field trips, the center shall follow its procedures for field trips (OAR 414-300-0030(7)(e)). The procedures shall include, but not be limited to, requirements regarding drivers and adult supervision.

(7) When transporting children for any and all purposes:

(a) Children shall be transported only in sections of vehicles designed for and equipped to carry passengers;

(b) A seat that fully supports the passenger shall be provided for each child;

(c) All children, shall be transported in accordance with ORS 811.210. The child safety system and safety belts shall comply with ORS 815.055 and the standards adopted by the Oregon Department of Transportation;

(d) Infants, toddlers, and preschool age children shall leave the vehicle on the same side of the street as the building they will enter;

(e) Drivers delivering children to their homes shall not depart until the child has been received by an authorized person; and

(f) No child shall be left unattended inside or outside a vehicle.

(8) The center shall maintain a written plan for transportation.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90; CCD 1-1994, f. & cert. ef. 1-12-94, Renumbered from 412-010-0678; CSD 11-1994, f. & cert. ef. 5-23-94; CCD 4-2001, f. 7-13-01, cert. ef. 7-15-01; CCD 3-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; ELD 3-2016(Temp), f. & cert. ef. 9-29-16 thru 3-27-17

Rule Caption: Rules required to meet federal Child Care and Development Block Grant Act of 2014 requirements

Adm. Order No.: ELD 4-2016(Temp)

Filed with Sec. of State: 9-29-2016

Certified to be Effective: 9-29-16 thru 3-27-17

Notice Publication Date:

Rules Amended: 414-350-0050, 414-350-0115, 414-350-0170, 414-350-0180, 414-350-0250

Subject: Rule changes to Certified Family Child Care Homes rules required to meet requirements of the Federal Child Care and Development Block Grant Act of 2014.

Subject areas to be addressed by temporary rules are emergency procedures, protection from vehicular traffic, prevention of shaken

baby syndrome and abusive head trauma, and new health and safety training requirements for all caregivers.

Emergency procedures rule changes reflect specific language in federal law to include procedures for evacuations, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodations for infants and toddlers, children with disabilities, and children with chronic medical conditions.

Federal law requires health and safety rule language to contain protection from hazards including vehicular traffic and appropriate precautions to prevent shaken baby syndrome and abusive head trauma.

All caregivers in licensed child care facilities that have unsupervised access to children must complete an Early Learning Division Office of Child Care approved health and safety training beginning September 30, 2016. All current caregivers must complete the training by June 30, 2017.

The temporary rules also make numerous administrative corrections to statutory references as a result of legislative action renumbering ORS Chapter 657A to ORS Chapter 329A.

Rules Coordinator: Lisa Pinheiro—(503) 910-8135

414-350-0050

General Requirements

(1) The following items shall be posted in the certified family child care home where they may be viewed by parents:

- (a) The child care certificate;
- (b) Notification of a communicable disease outbreak at the home;
- (c) The evacuation plan; and
- (d) A notice that the following items are available for parents to review:

- (A) The guidance/discipline policy;
- (B) The current week's menus, with substitutions recorded;
- (C) The description of the general routine;
- (D) Information on how to report a complaint to OCC regarding certification requirements; and

(E) The most recent OCC and sanitation inspection reports and, if applicable, fire life safety self evaluation (or fire marshal inspection report if completed).

(2) The provider shall ensure that a copy of these administrative rules is available in the certified family child care home to all parents and staff.

(3) Caregivers shall report suspected child abuse or neglect immediately, as required by the Child Abuse Reporting Law (ORS 419B.005 through 419B.050) to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day.

(4) The certified family child care home shall comply with state and federal laws related to child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans With Disabilities Act (ADA).

(5) Representatives of all agencies involved in certification shall have immediate access to all parts of the home whenever the provider is conducting the child care business:

(a) OCC staff shall have the right to inspect all areas of the facility that are accessible to child care children, and to conduct a health and safety review of other areas of the facility to ensure the health and safety of child care children. This includes access to all caregivers, records of children enrolled in the home, and all records and reports related to the child care operation regarding compliance with these rules; and

(b) Representatives of the Department of Human Services Child Welfare (DHS) and the State Fire Marshal have the right to enter and inspect the home when an inspection has been requested by OCC.

(6) Custodial parents of all children enrolled shall have access to the home during the hours their child(ren) are in care.

(7) The provider shall develop the following information in writing and shall make it available to OCC, to staff, and to parent(s) at the time of enrollment:

- (a) Guidance and discipline policy;
- (b) Information on transportation, when provided by the provider or other caregiver; and
- (c) The plan for handling emergencies and/or evacuations, including, but not limited to, acute illness of a child or staff, natural disasters (e.g. fire, earthquake, etc.), man-caused events, such as violence at a child care facility.

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ity, power outages, and situations which do not allow reentry to the home after evacuation.

(8) The provider shall comply with the Department of Human Services' administrative rules relating to:

(a) Immunization of children (OAR 333-019-0021 through 333-019-0090);

(b) Reporting communicable diseases (OAR 333-019-0215 through 333-019-0415); and

(c) Child care restrictable diseases (OAR 333-019-0010).

(9) The provider shall report to OCC:

(a) An accident at the home resulting in the death of a child, within 48 hours after the occurrence; and

(b) Injuries to a child at the certified family child care home which require attention from a licensed health care professional, such as a physician, EMT or nurse, within 7 days after the occurrence.

(10) Documentation of meals and snacks provided by the certified family child care home shall be made available to OCC upon request, if the home does not participate in the USDA Child and Adult Care Food Program. Documentation is limited to the three weeks prior to the request.

(11) The provider is responsible for compliance with these requirements (OAR 414-350-0000 through 414-350-0405).

(12) Parental request or permission to waive any of the rules for certified family child care homes does not give the provider permission to do so.

Stat. Auth.: ORS 657A.260
Stats. Implemented: ORS 657A.260, 657A.280, 657A.290, 657A.300, 657A.390 & 657A.400
Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90; CCD 1-1994, f. & cert. ef. 1-12-94, Renumbered from 412-010-0720; CSD 9-1994, f. & cert. ef. 5-23-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 3-2002, f. 10-14-02, cert. ef. 10-15-02; CCD 6-2005(Temp), f. 12-29-05, cert. ef. 1-1-06 thru 6-29-06; CCD 3-2006, f. & cert. ef. 6-13-06; CCD 5-2006(Temp), f. & cert. ef. 8-25-06 thru 2-21-07; CCD 6-2006, f. & cert. ef. 12-1-06; CCD 2-2007, f. & cert. ef. 7-13-07; CCD 4-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 4-2010, f. 6-29-10, cert. ef. 7-1-10; CCD 9-2010, f. 12-29-10, cert. ef. 1-1-11; ELD 1-2015, f. & cert. ef. 2-3-15; ELD 4-2016(Temp), f. & cert. ef. 9-29-16 thru 3-27-17

414-350-0115

Training Requirements

(1) All staff shall receive an orientation within the first two weeks of employment.

(2) The provider and all caregivers who function as substitute providers and Assistant II staff, including volunteers, shall participate yearly in at least 15 clock hours of training related to child care, of which at least eight clock hours shall be in child development or early childhood education. Substitute providers and volunteers who provide care in the home for less than 20 hours in a calendar year are not required to participate in the 15 clock hours of training. If an individual has worked in the facility less than a year, the training requirements will be prorated as follows: At least 1.25 clock hours for each month worked in the current license period.

(a) The following core knowledge categories are accepted for the child development and early childhood education requirement: Diversity (D), Family and Community Systems (FCS), Human Growth and Development (HGD), Health Safety and Nutrition (HSN), Learning Environments and Curriculum (LEC), Observation and Assessment (OA), Special Needs (SN), and Understanding and Guiding Behavior (UGB).

(b) Training may include correspondence courses, conferences, workshops and audio-visual programs.

(c) An approved planned reading program of professional materials may count for up to six hours of the 15 clock hours of training and must include a written assessment of reading materials completed by each participating staff person.

(d) OCC will accept duplicate training one additional time if it is a Set 2 (intermediate) or Set 3 (advanced) training or above as described by the Oregon Center for Career Development in Childhood Care and Education; and it is not taken within the same license period.

(3) During the first year of certification and the first year of employment staff may count up to two hours of orientation and their most recent training in first aid and CPR, food handler's and recognizing and reporting child abuse and neglect training, as part of the 15 clock hours of training required in OAR 414-350-0115(2), but may not use these toward the eight hours required in child development or early childhood education.

(a) Recognizing and reporting child abuse and neglect training must be based on Oregon law and practice so information is relevant to reporting in Oregon.

(b) Recognizing and reporting child abuse and neglect training must be two clock hours or more in duration to be accepted.

(4) During subsequent years of certification and subsequent years of employment staff may count five hours of first aid and CPR training or food handler's training as part of the 15 clock hours of training. Duplicate training on recognizing and reporting child abuse and neglect training can be accepted again after three years, and every three years thereafter towards the 15 clock hours of staff training required for licensing.

(5) The provider shall document each caregiver's training, showing the subject matter, the date completed, and the number of clock hours of training in each certification year.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260 & 657A.280

Hist.: CCD 3-2002, f. 10-14-02, cert. ef. 10-15-02; CCD 4-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; CCD 9-2010, f. 12-29-10, cert. ef. 1-1-11; ELD 4-2016(Temp), f. & cert. ef. 9-29-16 thru 3-27-17

414-350-0170

Home Safety

(1) All floor levels used by children for play and napping shall have two usable exits to ground level.

(2) All rooms used by children for play and napping shall have two usable exits.

(3) Obstructions, including furniture, storage of supplies, or any other items shall not be placed in a manner that blocks usable exits.

(4) There shall be at least one 2-A-10 BC-rated fire extinguisher on each floor of the home. Fire extinguishers shall be easily accessible, kept out of the reach of children, and located along the path of emergency exiting.

(5) Smoke alarms shall be:

(a) Installed on each floor level of the home and in any area where children nap; and

(b) Maintained in operating order.

(6) Candles or other open flame decorative devices are prohibited, except for the brief use of celebratory candles.

(7) Matches and lighters shall be kept in locked storage when not in use.

(8) A portable light source, to be used in emergencies, shall be:

(a) Available in all activity areas used by children;

(b) In working condition; and

(c) Stored in an easily accessible place.

(9) Items of potential danger (e.g., cleaning supplies and equipment, paints, poisonous and toxic materials, plastic bags, aerosols, detergents) shall be:

(a) Kept in the original container or labeled;

(b) Stored under child-proof lock; and

(c) Kept away from food service supplies.

(10) The provider shall protect children from safety hazards, including but not limited to:

(a) A rigid screen or guard shall be installed to prevent children from falling into a fireplace or against a heater or wood stove;

(b) A movable barrier, such as mesh-type gate, shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers. Gates and enclosures should have the Juvenile Products Manufacturers Assn. (JPMA) certification seal to ensure safety;

(c) Child-proof latches shall be installed on all cupboards, closets, and drawers that contain hazardous objects and may be accessible to preschool-age and younger children;

(d) Firearms, ammunition, and other potentially hazardous equipment, such as darts, other projectiles, power tools, and knives shall be kept under lock;

(A) Firearms, pellet or BB guns must be unloaded and kept in areas not used by child care children; and

(B) Ammunition shall be stored separately from firearms;

(e) Hot water heaters shall be equipped with a safety release valve and an overflow pipe that directs water to the floor or to another approved location;

(f) Unused appliances, such as old refrigerators or freezers, that present a risk for entrapment, shall be secured so as to prevent entry by children;

(g) Clear glass panels in doors shall be clearly marked at child level;

(h) All exposed electrical outlets in rooms used by preschool or younger children shall have hard-to-remove protective caps or safety devices when not in use;

(i) Extension cords shall not be used as permanent wiring. All appliance cords will be in good condition and multiple connectors for cords will not be used. A grounded power strip outlet with built-in over-current protection may be used;

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(j) Floors shall be free of splinters, large unsealed cracks, sliding rugs, and other hazards;

(k) Devices which generate heat and are hot from recent use shall be inaccessible to children; and

(l) After painting or laying carpet, the certified home must be aired out completely for at least 24 hours with good ventilation before children are allowed to return.

(11) The provider shall have written evidence that any wood stove in the home has been inspected and approved for use by the local building official.

(12) All wood stove and fireplace flues shall be cleaned as needed or, at a minimum, once a year. A written record of cleaning shall be maintained on site.

(13) The use of unvented, fuel-fired space heaters is prohibited.

(14) Flammable and combustible liquids, such as paint thinner and gasoline, shall be stored in the original container or a safety container and, if over one gallon, kept in an unattached storage building.

(15) All caregivers and children shall practice at least one aspect of the emergency plan, as described in OAR 414-350-0050(7)(c), once per month.

(a) Evacuating the home shall be practiced at least eight times per year. If the facility is certified to care for more than 12 children and more than 4 children regularly in care are under 24 months of age, evacuating the home shall be practiced monthly.

(b) The provider shall maintain a written record showing the date, time of day, participants, and type of emergency of each emergency plan practice session.

(16) The written plan for evacuating and removing children to a safe location in an emergency must be posted in the home and must be familiar to the children and the caregivers. The plan must include:

(a) Procedures for notifying parents or other adults responsible for the children, of the relocation and how children will be reunited with their families;

(b) Procedures to address the needs of individual children, including infants and toddlers, children with special needs, and children with chronic medical conditions;

(c) An acceptable method to ensure that all children in attendance are accounted for;

(d) Procedures in the event that children must shelter-in-place or if the child-care home must be locked-down so that no one can enter or leave; and

(e) Procedures for maintaining continuity of child-care operations.

(17) Other hazards observed in the certification process must be corrected.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260, 657A.280, 657A.290 & 657A.420

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 2-1989, f. & cert. ef. 1-25-89; CCD 1-1994, f. & cert. ef. 1-12-94, Renumbered from 412-010-0748; CSD 10-1994, f. & cert. ef. 5-23-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 3-2002, f. 10-14-02, cert. ef. 10-15-02; CCD 6-2005(Temp), f. 12-29-05, cert. ef. 1-1-06 thru 6-29-06; CCD 3-2006, f. & cert. ef. 6-13-06; CCD 4-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; ELD 4-2016(Temp), f. & cert. ef. 9-29-16 thru 3-27-17

414-350-0180

Illness or Injury

(1) A provider shall not admit, or retain in care, a child who:

(a) Is diagnosed as having or being a carrier of a child care-restrictable disease, as defined in Department of Human Services administrative rules, OAR 333-019-0010; or

(b) Has one of the following symptoms, or combination of symptoms, of illness:

(A) Diarrhea (more than one abnormally loose, runny, watery or bloody stool);

(B) Vomiting;

(C) Fever over 100 degrees F taken under the arm;

(D) Severe cough;

(E) Unusual yellow color to skin or eyes;

(F) Skin or eye lesions or rashes that are severe, weeping, or pus-filled;

(G) Stiff neck and headache with one or more of the symptoms listed above;

(H) Difficult breathing or abnormal wheezing; or

(I) Complaints of severe pain.

(2) A child who, after being admitted, shows signs of illness, as defined in subsection (1) of this rule, shall be isolated and the parent(s) notified and asked to remove the child from the home as soon as possible.

(3) If a child has mild cold symptoms that do not impair his/her functioning, the child may remain in the home and the parent(s) notified when they pick up the child.

(4) A specific place for isolating a child who becomes ill shall be provided. The isolation area shall be:

(a) Located where the child can be seen and heard by a caregiver; and

(b) Equipped with a cot, mat, or bed for each sick child.

(5) All caregivers shall take appropriate precautions to prevent shaken baby syndrome and abusive head trauma.

(6) The provider shall identify a licensed physician, hospital, or clinic to be used for emergency medical care:

(a) The provider shall have written procedures for taking a child to emergency medical care;

(b) In the event of an illness or injury which requires immediate medical care, the provider is responsible for securing such care and notifying the parent(s).

(6) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place but kept out of reach of children:

(a) The first aid supplies shall include bandaids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, scissors, disposable plastic gloves for handling blood spills, chlorine bleach for sanitizing after a blood spill, a sanitary temperature taking device, and CPR mouthguards; and

(b) First aid supplies shall be taken on all field trips.

(7) Injuries or accidents shall be reported to the child's parent(s) on the day of occurrence:

(a) A written report of the injury or accident shall be maintained on file;

(b) The report shall include the date, child's full name, nature of the injury, witnesses, action taken, and the signatures of the provider and parent(s); and

(c) The injury to or death of a child shall be reported to OCC in accordance with OAR 414-350-0050(9).

(8) No prescription or non-prescription medication, including, but not limited to, pain relievers, sunscreen, cough syrup, diapering and first aid ointments or nose drops, shall be given to a child except under the following conditions:

(a) A signed, dated, written authorization from the parent(s) is on file;

(b) Prescription medication is in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, date and physician's name;

(c) Non-prescription medication is in the original container, labeled with the child's name, the dosage, and directions for administering;

(d) A written record of all medications administered, listing, as a minimum, the name of the child, type of medication, the signature of the caregiver administering the medication, date, time, and dosage given, shall be kept;

(e) All medications shall be secured in a tightly-covered container with a child-proof lock or latch and stored so that they are not accessible to children;

(f) Medications requiring refrigeration shall be kept in the refrigerator in a separate, tightly-covered container, with a child-proof lock or latch, clearly marked "medication"; and

(g) Parent(s) shall be informed daily of medication administered to their child.

(9) Sunscreen is considered a non-prescription medication and may be used for child care children under the following conditions:

(a) Providers must obtain written parental authorization prior to using sunscreen.

(b) One container of sunscreen may be used for child care children unless a parent supplies an individual container for their child. The sunscreen shall be applied in a manner that prevents contaminating the container.

(A) Parents must be informed of the type of product and the sun protective factor (SPF).

(B) Parents must be given the opportunity to inspect the product and active ingredients.

(c) If sunscreen is supplied for an individual child care child, the sunscreen must be labeled with the child's first and last name and must be used for only that child.

(d) Providers must reapply sunscreen every two hours while the child care children are exposed to the sun.

(e) Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum".

(f) Providers shall not use aerosol sunscreens on child care children.

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(g) Sunscreen shall not be used on child care children younger than six months.

(h) Child care children over six years of age may apply sunscreen to themselves under the direct supervision of the provider or staff member.

(10) Parents of all children enrolled in the certified family child care home shall be informed of any outbreak of communicable disease within the facility.

Stat. Auth.: ORS 657A.260
Stats. Implemented: ORS 657A.260, 657A.280 & 657A.290
Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 2-1989, f. & cert. ef. 1-25-89; CSD 10-1990, f. & cert. ef. 4-34-90; CCD 1-1994, f. & cert. ef. 1-12-94, Renumbered from 412-010-0750; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 3-2002, f. 10-14-02, cert. ef. 10-15-02; CCD 2-2007, f. & cert. ef. 7-13-07; CCD 4-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; CCD 1-2012(Temp), f. & cert. ef. 6-12-12 thru 11-6-12; CCD 2-2012, f. 9-28-12, cert. ef. 10-10-12; ELD 4-2016(Temp), f. & cert. ef. 9-29-16 thru 3-27-17

414-350-0250

Transportation

When transportation is provided by or arranged for by the certified family child care home, the following requirements must be met.

(1) Drivers shall be at least 18 years of age and hold a current driver's license.

(2) The provider must take precautions to protect children from vehicular traffic.

(3) The vehicle shall be:

(a) In compliance with all applicable state and local motor vehicle laws, and

(b) Maintained in a safe operating condition.

(4) If transportation is provided between the certified family child care home and the child's school or other destination, the provider shall have in writing an acknowledgment from the parent(s) that they are aware of the time of day their child is to be picked up and/or delivered by the provider. If the pick-up schedule results in children being unsupervised at school or other location, the provider shall notify parents of this fact.

(5) When transporting children:

(a) The emergency information for each child who is being transported shall be in the vehicle.

(b) Children shall be transported only in sections of vehicles designed for and equipped to carry passengers.

(c) A seat that fully supports the passenger shall be provided for each child.

(d) The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle.

(e) All children shall be transported in accordance with ORS 811.210. The child safety system and safety belts shall comply with ORS 815.055 and the standards adopted by the Oregon Department of Transportation. A child under four years of age and weighing 40 pounds or less shall be in an approved child safety system. A child between the ages of 4 and 6 years AND children who weigh between 40 and 60 pounds, regardless of age, must use a booster seat.

(f) Staff/child ratios, as specified in OAR 414-350-0120, shall be maintained in vehicles, as well as in the certified family child care home, when one caregiver is transporting children.

(g) Infants, toddlers, and preschool age children shall leave the vehicle on the same side of the street as the building they will enter.

(h) Drivers delivering children to their homes shall not depart until the child has been received by an authorized person.

(i) No child shall be left unattended inside or outside a vehicle.

(j) If firearms and ammunition are stored in a vehicle, they must be stored as specified in OAR 414-350-0170(10)(d).

Stat. Auth.: ORS 657A.260
Stats. Implemented: ORS 657A.260, 657A.280 & 657A.290
Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CCD 1-1994, f. & cert. ef. 1-12-94, Renumbered from 412-010-0776; CSD 11-1994, f. & cert. ef. 5-23-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 3-2002, f. 10-14-02, cert. ef. 10-15-02; CCD 6-2005(Temp), f. 12-29-05, cert. ef. 1-1-06 thru 6-29-06; CCD 3-2006, f. & cert. ef. 6-13-06; CCD 4-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; ELD 4-2016(Temp), f. & cert. ef. 9-29-16 thru 3-27-17

Rule Caption: Rule changes required in accordance with the Federal Child Care and Development Block Grant Act

Adm. Order No.: ELD 5-2016(Temp)

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Notice Publication Date:

Rules Amended: 414-205-0040, 414-205-0055, 414-205-0100, 414-205-0110

Subject: Rule changes to Registered Family Child Care Homes required to meet requirements of the Federal Child Care and Development Block Grant Act of 2014.

Subject areas to be addressed by temporary rules are emergency procedures, protection from vehicular traffic, prevention of shaken baby syndrome and abusive head trauma, and new health and safety training requirements for all caregivers.

Emergency procedures rule changes reflect specific language in federal law to include procedures for evacuations, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodations for infants and toddlers, children with disabilities, and children with chronic medical conditions.

Federal law requires health and safety rule language to contain protection from hazards including vehicular traffic and appropriate precautions to prevent shaken baby syndrome and abusive head trauma.

All caregivers in licensed child care facilities that have unsupervised access to children must complete an Early Learning Division Office of Child Care approved health and safety training beginning September 30, 2016. All current caregivers must complete the training by June 30, 2017.

The temporary rules also make numerous administrative corrections to statutory references as a result of legislative action renumbering ORS Chapter 657A to ORS Chapter 329A.

Rules Coordinator: Lisa Pinheiro—(503) 910-8135

414-205-0040

The Provider and Other Persons in the Home

(1) The registered provider and any substitute provider shall:

(a) Be at least 18 years old,

(b) Have competence, sound judgment and self-control when working with children, and

(c) Be mentally, physically and emotionally capable of performing duties related to child care.

(2) No one shall have access to child care children who has demonstrated behavior that may have a detrimental effect on a child. Residents of the home are considered to have access to the child care children even if they are not generally at home during child care hours.

(3) The applicant and other residents of the home 18 years of age or older must be enrolled in OCC's CBR prior to the issuance of a registration. Residents of the home who are under 18 years of age must be enrolled in the Registry by their 18th birthday.

(4) The provider must verify with OCC that the individual is enrolled in the CBR prior to that individual moving into the home, residing on a temporary basis in the home, visiting the home on a regular basis (including overnight visits) or substituting for or assisting the provider. This does not apply to parents of children in care unless they are residing in the home or substituting or assisting the provider. The provider must keep a copy of OCC's confirmation letter for all adults enrolled in the CBR that may have contact with child care children.

(5) If additional information is needed to assess a person's ability to care for children or to have access to children, OCC may require references, an evaluation by a physician, counselor, or other qualified person, or other information.

(6) Any visitor to the home or other adult who is not enrolled in the CBR may not have unsupervised access to children.

(7) The provider, substitutes and other individuals that are required to be enrolled in the CBR must maintain current enrollment in the CBR at all times while the child care license is active.

(8) Prior to substituting for the provider, a caregiver must:

(a) Be familiar with the requirements for registration and agree to comply with them;

(b) Be enrolled in the CBR;

(c) Comply with all the requirements placed on the provider, except those in OAR 414-205-0055(1)(a)(d)(e), (2), (3);

(d) Have current certification in first aid and infant and child cardiopulmonary resuscitation (CPR). The certifications must be current while the caregiver is substituting for the provider. CPR training must have practical hands-on instruction. CPR courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line CPR training is not acceptable; and

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(e) Have current food handler's certification, if preparing or serving food to children.

(f) Have completed OCC approved health and safety training.

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

Hist.: CCD 2-1994, f. 7-15-94, cert. ef. 8-15-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 2-2010, f. 6-29-10, cert. ef. 7-1-10; ELD 9-2014(Temp), f. & cert. ef. 8-7-14 thru 2-3-15; ELD 4-2015, f. & cert. ef. 2-3-15; ELD 5-2016, f. & cert. ef. 9-29-16 thru 3-27-17

414-205-0055

Training Requirements

(1) When a person submits a new application for registration as a family child care provider, OCC shall, prior to approving the registration, receive evidence from the person that the person has:

(a) Completed the Family Child Care Overview session;

(b) A current certification in first aid and infant and child CPR. CPR training must have practical hands-on instruction. CPR courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line CPR training is not acceptable.

(c) A current food handler certification pursuant to ORS 624.570;

(d) Completed two hours of training on recognizing and reporting child abuse and neglect issues.

(A) Recognizing and reporting child abuse and neglect training must be based on Oregon law and practice so information is relevant to reporting in Oregon.

(B) Recognizing and reporting child abuse and neglect training must be two hours or more in duration to be accepted.

(e) Completed OCC approved health and safety training.

(2) When a registered family child care provider submits a renewal application, the OCC shall, prior to approving it, receive evidence from the provider that the provider has:

(a) A current certification in first aid and infant and child CPR. CPR training must have practical hands-on instruction. CPR courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line CPR training is not acceptable.

(b) A current food handler certification pursuant to ORS 624.570; and

(c) Completed a minimum of ten hours of training during the two years preceding the renewal date. The training must be related to the core knowledge categories in the Oregon Registry. At least six clock hours of the ten hours of training must be in child development or early childhood education. A training on recognizing and reporting child abuse and neglect will be accepted after five years (and every five years thereafter) as part of the ten clock hours of training required for licensing, but will not be accepted as part of the required child development training hours.

(d) Completed OCC approved health and safety training. If the training is not complete at the time of the application, it must be completed by June 30, 2017.

(A) OCC will accept duplicate training one additional time if it is a Set 2 (intermediate) or Set 3 (advanced) training or above as described by the Oregon Center for Career Development in Childhood Care and Education; and it is not taken within the same license period.

(B) The following core knowledge categories are accepted for the child development and early childhood education requirement: Diversity (D), Family and Community Systems (FCS), Human Growth and Development (HGD), Health Safety and Nutrition (HSN), Learning Environments and Curriculum (LEC), Observation and Assessment (OA), Special Needs (SN), and Understanding and Guiding Behavior (UGB).

(3) When a person submits a reopen application, the OCC shall, prior to approving it, receive evidence from the individual that the individual has:

(a) A current certification in first aid and infant and child CPR. CPR training must have practical hands-on instruction. CPR courses that involve an on-line component with hands-on instruction may be accepted. Strictly on-line CPR training is not acceptable.

(b) A current food handler certification pursuant to ORS 624.570; and

(c) Documentation that individual has ten hours of training related to the Oregon Registry core knowledge categories since the individual's last active child care license was issued. If the individual was previously licensed for less than two years, the training requirements will be prorated as follows: 2.5 hours of training for each six months of the previous license period. A training on recognizing and reporting child abuse and neglect will be accepted again after five years (and every five years thereafter) as part of the ten clock hours of training required for licensing, but will not be accepted as part of the required child development training hours.

(d) OCC will accept duplicate training one additional time if it is a Set 2 (intermediate) or Set 3 (advanced) training or above as described by the

Oregon Center for Career Development in Childhood Care and Education; and it is not taken within the same license period.

(e) Completed OCC approved health and safety training. If the reopen is the result of an address change, the person must complete the OCC approved health and safety training by June 30, 2017.

(4) While the registered family child care license is active, the provider must maintain current certification in first aid, infant and child CPR and food handler training.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 5-2001, f. 11-2-01, cert. ef. 11-4-01; CCD 3-2004, f. 7-30-04 cert. ef. 8-1-04; CCD 1-2007(Temp), f. & cert. ef. 3-20-07 thru 9-16-07; CCD 2-2007, f. & cert. ef. 7-13-07; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; CCD 7-2010, f. 12-29-10, cert. ef. 1-1-11; ELD 4-2015, f. & cert. ef. 2-3-15; ELD 5-2016, f. & cert. ef. 9-29-16 thru 3-27-17

414-205-0100

Health

(1) All caregivers shall take appropriate precautions to prevent shaken baby syndrome and abusive head trauma.

(2) The home must be a healthy environment for children.

(a) No person shall smoke or carry any lighted smoking instrument, including an e-cigarette or vaporizer in the family child care home or within ten feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area, during child care hours or when child care children are present. No person shall use smokeless tobacco in the family child care home during child care hours or when child care children are present. No person shall smoke, carry any lighted smoking instrument, including an e-cigarette, or vaporizer or use smokeless tobacco in motor vehicles while child care children are passengers.

(b) No one shall consume alcohol on the family child care home premises during child care hours or when child care children are present. No one shall be under the influence of alcohol on the family child care home premises during child care hours or when child care children are present.

(c) Notwithstanding OAR 414-205-0000(5), no one shall possess, use or store illegal controlled substances on the family child care home premises. No one shall be under the influence of illegal controlled substances on the family child care home premises.

(d) Notwithstanding OAR 414-205-0000(5), no one shall grow or distribute marijuana on the premises of the registered family child care home. No adults shall use marijuana on the registered family child care home premises during child care hours or when child care children are present.

(e) No adult under the influence of marijuana shall have contact with child care children.

(f) Notwithstanding OAR 414-205-0000(5), marijuana plants shall not be grown or kept on the registered family child care home premises.

(g) All medical marijuana must be kept in its original container if purchased from a dispensary and stored under child safety lock. All medical marijuana derivatives and associated paraphernalia must be stored under child safety lock.

(h) Effective July 1, 2015, all marijuana, marijuana derivatives and associated paraphernalia must be stored under child safety lock.

(i) There must be at least one flush toilet and one hand-washing sink available to children. Steps or blocks must be available to ensure children can use the toilet and sink without assistance.

(j) The room temperature must be at least 68°F during the hours the child care business is conducted.

(k) Rooms occupied by children must have a combination of natural and artificial lighting.

(l) Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards.

(3) First aid supplies and a chart or handbook of first aid instructions shall be maintained in one identified place and kept out of reach of children.

(a) The first aid supplies shall include: band aids, adhesive tape, sterile gauze pads, soap or sealed antiseptic towelettes or solution to be used as a wound cleaning agent, scissors, disposable plastic gloves for handling blood spills, a solution for disinfecting after a blood spill, a sanitary temperature taking device and CPR mouth guards.

(b) A first aid kit and a copy of each child's emergency medical information including a medical release form shall be taken any time the caregiver is transporting child care children or taking child care children on field trips.

(4) Infants must be laid on their backs on a flat surface for sleeping.

(5) Illness:

(a) A provider shall not admit or retain in care, except with the written approval of the local health office, a child who:

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(A) Is diagnosed as having or being a carrier of a child care restrictable disease, as defined in Oregon Health Authority administrative rule; or

(B) Has one of the following symptoms or combination of symptoms or illness;

(i) Fever over 100°F, taken under the arm;

(ii) Diarrhea (more than one abnormally loose, runny, watery or bloody stool);

(iii) Vomiting;

(iv) Nausea;

(v) Severe cough;

(vi) Unusual yellow color to skin or eyes;

(vii) Skin or eye lesions or rashes that are severe, weeping or pus-filled;

(viii) Stiff neck and headache with one or more of the symptoms listed above;

(ix) Difficulty breathing or abnormal wheezing;

(x) Complaints of severe pain.

(b) A child, who, after being admitted into child care, shows signs of illness, as defined in this rule, shall be separated from the other children, and the parent(s) notified and asked to remove the child from the provider's home as soon as possible.

(6) If a child has mild cold symptoms that do not impair his/her normal functioning, the child may remain in the provider's home and the parent(s) notified when they pick up their child.

(7) Parents must be notified if their child is exposed to an outbreak of a communicable disease.

(8) Prescription and non-prescription medication shall only be given to a child if the provider has written authorization from the parent, as required in OAR 414-205-0130(3).

(9) Prescription and non-prescription medications must be properly labeled and stored.

(a) Non-prescription medications or topical substances must be labeled with the child's name.

(b) Prescription medications must be in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and the physician's name.

(c) Medication requiring refrigeration must be kept in a separate, tightly covered container, marked "medication," in the refrigerator.

(10) Sunscreen is considered a non-prescription medication and may be used for child care children under the following conditions:

(a) Providers must obtain written parental authorization prior to using sunscreen.

(b) One container of sunscreen may be used for child care children unless a parent supplies an individual container for their child. The sunscreen shall be applied in a manner that prevents contaminating the container.

(A) Parents must be informed of the type of product and the sun protective factor (SPF).

(B) Parents must be given the opportunity to inspect the product and active ingredients.

(c) If sunscreen is supplied for an individual child care child, the sunscreen must be labeled with the child's first and last name and must be used for only that child.

(d) Providers must reapply sunscreen every two hours while the child care children are exposed to the sun.

(e) Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum".

(f) Providers shall not use aerosol sunscreens on child care children.

(g) Sunscreen shall not be used on child care children younger than six months.

(h) Child care children over six years of age may apply sunscreen to themselves under the direct supervision of the provider or staff member.

(11) Parents must be informed daily of any medications given to their child or any injuries their child has had.

(12) The provider must provide or ensure the availability of meals and snacks appropriate for the ages and needs of the children served.

(a) Meals and snacks must be based on the guidelines of the USDA Child Care Food Program.

(b) Foods must be stored and maintained at the proper temperature.

(c) Foods must be prepared and served according to the minimum standards for food handler certification.

(d) Infants must be held or sitting up for bottle feeding. Propping bottles is prohibited.

(e) Children shall not be laid down with a bottle for sleeping.

(13) Any animal at the family child care home shall be in good health and be a friendly companion for the children in care.

(a) Potentially aggressive animals must not be in the same physical space as the children.

(b) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations.

(c) Dogs and cats shall be kept free of fleas, ticks and worms.

(14) Animal litter boxes shall not be located in areas accessible to children or areas used for food storage or preparation.

(15) Caregivers must be physically present when children are interacting with animals.

(16) Exotic animals, including, but not limited to: reptiles (e.g. lizards, turtles, snakes) amphibians, monkeys, hook-beaked birds, baby chicks and ferrets are prohibited unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.

(17) Parents must be made aware of the presence of any animals on the premises.

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 1-2008(Temp), f. & cert. ef. 8-6-08 thru 2-2-09; CCD 3-2008, f. & cert. ef. 10-2-08; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; CCD 7-2010, f. 12-29-10, cert. ef. 1-1-11; CCD 1-2012(Temp), f. & cert. ef. 6-12-12 thru 11-6-12; CCD 2-2012, f. 9-28-12, cert. ef. 10-10-12; ELD 9-2014(Temp), f. & cert. ef. 8-7-14 thru 2-3-15; ELD 4-2015, f. & cert. ef. 2-3-15; ELD 5-2016, f. & cert. ef. 9-29-16 thru 3-27-17

414-205-0110

Safety

(1) Children shall be protected from fire and safety hazards. Providers must have the following protections in place:

(a) All exposed electrical outlets in rooms used by preschool or younger children must have hard-to-remove protective caps or safety devices installed when the outlet is not in use.

(b) Extension cords shall not be used as permanent wiring;

(c) All appliance cords must be in good condition;

(d) Multiple connectors for cords shall not be used;

(e) A grounded power strip outlet with a built-in over-current protection may be used;

(f) A stable barrier shall be installed to prevent children from falling into hazards, including, but not limited to: fireplaces, heaters and woodstoves that are in use when child care children are present;

(g) A secure barrier shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers;

(h) A working smoke detector on each floor and in any area where children nap;

(i) A working fire extinguisher with a rating of at least 2-A:10-BC;

(j) Firearms, BB guns, pellet guns and ammunition kept under lock, with ammunition stored and locked separately. Firearms, BB guns and pellet guns must remain unloaded;

(k) Cleaning supplies, paints, matches, lighters, and plastic bags kept under child-safety lock;

(l) Other potentially dangerous items, such as medicine, drugs, sharp knives and poisonous and toxic materials kept under child-safety lock;

(m) If any preschool age or younger children are in care, poisonous plants must be kept out of the reach of children; and

(n) All clear glass panels in doors clearly marked at child level.

(2) All floor levels used by children must have access to two useable exits, as defined in OAR 414-205-0010(32), to the outdoors.

(a) If a basement is used for child care purposes, the requirement for two useable exits may be met by one of the following:

(A) A sliding glass door or swinging door to the outside and a window that meets the definition of a useable exit; or

(B) A window which meets the definition of a useable exit and an internal stairway to ground level that has unobstructed and direct access to the outdoors.

(b) If a window, which meets the definition of a useable exit, is used:

(A) Steps must be placed under the window to allow children to exit without assistance; and

(B) The window must be kept in good working condition.

(c) If a window used as an exit has a window well, a mechanism must be in place to allow children to exit the window well.

(3) Second floors (does not apply to providers registered continuously at the same address before 2009, unless the provider has moved the child care license to a new residence):

(a) Child care children shall not sleep on the second floor or above;

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(b) Care shall not be provided for infants and toddlers on the second floor or above;

(c) Night care shall not be provided on the second floor or above;

(d) Children may be allowed on the second floor to use the bathroom if the only bathroom is on the second floor;

(e) Care can be provided for preschool and school-age children on the second floor or above, if:

(A) There are two staircases to the ground level and all children are mobile enough to exit safely; or

(B) The designated fire marshal has approved the use of the upper floor.

(4) The provider must have a written plan for evacuating and removing children to a safe location in an emergency. The plan must be posted in the home, familiar to the children and the caregivers, and practiced at least every other month and must include:

(a) Procedures for notifying parents or other adults responsible for the children, of the relocation and how children will be reunited with their families;

(b) Procedures to address the needs of individual children, including infants and toddlers, children with special needs and children with chronic medical conditions;

(c) An acceptable method to ensure that all children in attendance are accounted for;

(d) Procedures for handling natural disasters (e.g. fire, earthquake, etc.) and man-caused events, such as violence at a child-care facility;

(e) Procedures in the event that children must shelter-in-place or if the child-care home must be locked-down so that no one can enter or leave; and

(f) Procedures for maintaining continuity of child care operations.

(5) A telephone in working condition must be in the family child care home.

(a) Parents must be given the telephone number so they can contact the provider if needed.

(b) Emergency telephone numbers for fire, ambulance, police and poison control and the provider's home address must be posted in a visible location.

(6) The building, grounds, water supply, and toys, equipment and furniture used by children must be maintained in a hazard-free condition.

(a) Broken toys, furniture and equipment must be removed from areas accessible to children.

(b) Both the exterior and interior of the home must be maintained in good repair.

(c) Painted surfaces must be in good condition, both inside and outside, to avoid exposing children to lead paint.

(d) The provider shall report to OCC any damage to the building that affects the provider's ability to comply with these requirements, within 48 hours after the occurrence.

(7) If a caregiver is transporting children, the caregiver must have a valid driver's license and proof of appropriate insurance. The provider must take precautions to protect children from vehicular traffic.

(8) The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle.

(9) Car seats are to be used for transportation only. Children who arrive at the provider's home asleep in a car seat may remain in the car seat until the child awakens.

(10) 15-passenger vans shall not be used to transport child care children after January 1, 2018.

Stat. Auth.: ORS 657A.260

Stat. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; CCD 7-2010, f. 12-29-10, cert. ef. 1-1-11; ELD 4-2015, f. & cert. ef. 2-3-15; ELD 5-2016, f. & cert. ef. 9-29-16 thru 3-27-17

Oregon Health Authority Chapter 943

Rule Caption: Hospital and Ambulatory Surgery Center payment methods

Adm. Order No.: OHA 1-2016

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 10-1-16

Notice Publication Date: 7-1-2016

Rules Amended: 943-120-0350

Subject: The Oregon Health Authority needs to revise OAR 943-120-0350 in order to comply with ORS 442.392. Subject to SB 204 a stakeholder workgroup was convened in November 2011. The Medical Assistance program promulgated OARs to specify the

methods determined by the stakeholder group but OHA neglected to promulgate a rule as well. This corrects that oversight and incorporates those methods

Rules Coordinator: Keely L. West—(503) 945-6292

943-120-0350

Payments and Overpayments

(1) When an individual's health care services or item is reimbursed by the Medical Assistance Program, either through a CCO, MCO or the Authority, the provider shall comply with the payment requirements pursuant to OAR chapter 410 or established under contract with that CCO or MCO.

(2) All other covered services and items provided to eligible individuals not part of the Medical Assistance Program shall be:

(a) Within the program-specific contract in effect on the date of service;

(b) Based on program-specific or contract fee schedules or other reimbursement methods; or

(c) For services that are paid for by the Authority, on behalf of a county, authorized by and at the request of a county, provider reimbursement shall include county service authorization information.

(3) The Authority shall pay for services or items for hospitals and ambulatory surgical center services using:

(a) The most recent Medicare payment methodologies established by the Centers for Medicare and Medicaid Services, or similar payment methodologies; or

(b) An alternative payment methodology.

(4) For purposes of this rule, "Alternative payment methodology" means a payment other than a fee-for-services payment, used by health plans as compensation for the provision of integrated and coordinated health care and services. "Alternative payment methodology" includes, but is not limited to:

(a) Shared savings arrangements;

(b) Bundled payments;

(c) Payments based on episodes;

(d) Pay for performance; or

(e) Capitation.

(5) The reimbursement methods in these rules are described in greater detail for the Medical Assistance Program in chapter 410 Division 125, the Public Employees' Benefit Board, chapter 101 and the Oregon Educators Benefits Board, chapter 111 program rules.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: OHA 14-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; OHA 20-2011, f. 8-30-11, cert. ef. 9-1-11; OHA 8-2012, f. 10-30-12, cert. ef. 11-1-12; OHA 1-2016, f. 9-30-16, cert. ef. 10-1-16

Oregon Health Authority, Health Policy and Analytics Chapter 409

Rule Caption: Adoption of the Certified Community Behavioral Health Clinic Program application and certification requirements.

Adm. Order No.: OHP 14-2016

Filed with Sec. of State: 9-26-2016

Certified to be Effective: 9-26-16

Notice Publication Date: 9-1-2016

Rules Adopted: 409-062-0000, 409-062-0010, 409-062-0020, 409-062-0030, 409-062-0040, 409-062-0050, 409-062-0060

Rules Repealed: 409-062-0000(T), 409-062-0010(T), 409-062-0020(T), 409-062-0030(T), 409-062-0040(T), 409-062-0050(T), 409-062-0060(T)

Subject: Congress passed the Protecting Access to Medicare Act (H.R. 4302) in March 2014. This legislation includes provisions of the Excellence in Mental Health Act - an eight-state demonstration program and the single largest investment in community behavioral health in more than 50 years. The Oregon Health Authority was awarded a federal planning grant from October 2015 to October 2016. The Oregon Health Authority filed temporary rules in April 2016 to establish the Certified Community Behavioral Health Clinic (CCBHC) Program. The rules implement CCBHC standards and process for certifying CCBHC's for purposes of qualifying for a CCBHC Demonstration Grant. The Authority is seeking to make

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permanent the current language in the temporary rule which will allow CCBHC Planning Grant activities to continue to more forward.

The rules are available at: <http://www.oregon.gov/OHA/OHPR/pages/rulemaking/index.aspx>. For hardcopy requests, call: (503) 931.6420. Additional information regarding the CCBHC grant and program is available on the CCBHC Website: <http://www.oregon.gov/oha/bhp/Pages/Community-BH-Clinics.aspx>.

Rules Coordinator: Zarie Haverkate—(503) 931-6420

409-062-0000

Purpose and Scope

These rules establish the Certified Community Behavioral Health Clinic (CCBHC) program and define the criteria and process that the Authority shall use to recognize and verify status as CCBHCs. These rules specify the standards for the CCBHC application and certification process. In addition to meeting all state and federal criteria, only organizations certified under OAR 309-019-0100 to 309-019-0220 (Outpatient Addictions and Mental Health Services) and OAR 309-008-0100 to 309-008-1600 (Standards for Certification of Behavioral Health Treatment Services) may become certified..

Stat. Auth: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: OHP 7-2016(Temp), f. & cert. ef. 4-22-16 thru 10-18-16; OHP 14-2016, f. & cert. ef. 9-26-16

409-062-0010

Definitions

The following definitions apply to OAR 409-062-0000 to 409-062-0060:

(1) “Authority” means the Oregon Health Authority.

(2) “CCBHC” means the Certified Community Behavioral Health Clinic.

(3) “CCBHC application” means the survey link that is posted on the CCBHC program website.

(4) “Certification” means the process which the Authority uses to determine if a practice has met the criteria in the document titled “Criteria for the Demonstration Program to Improve Community mental Health Centers and to Established Certified Community Behavioral Health Clinics” as well as the Oregon state CCBHC standards.

(5) “Certified” means that the Authority has affirmed that a practice substantially meets the federal and Oregon CCBHC standards

(6) “Practice” means an individual, facility, institution, corporate entity, or other organization which provides direct health care services or bills, obligates and receives reimbursement on behalf of a performing provider of services, also termed a billing provider (BP). The term provider refers to both performing providers and BPs unless otherwise specified.

(7) “Program” means activities associated with the CCBHC planning grant.

(8) “Program website” means <http://www.oregon.gov/oha/bhp/Pages/Community-BH-Clinics.aspx>.

(9) “Verification” means the process that the Authority shall conduct to ensure that a practice has submitted accurate information to the Authority for purposes of CCBHC certification.

Stat. Auth: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: OHP 7-2016(Temp), f. & cert. ef. 4-22-16 thru 10-18-16; OHP 14-2016, f. & cert. ef. 9-26-16

409-062-0020

Program Administration

(1) The Program shall develop and implement a uniform application and process for certifying CCBHCs throughout the state of Oregon.

(2) The Authority shall recognize practices as certified CCBHCs upon meeting criteria set forth in OAR 409-062-0040.

(3) The Authority shall administer the Program, including data collection and analysis, recognition, and verification that a practice meets the defined CCBHC criteria.

(4) The Authority may also provide technical assistance.

Stat. Auth: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: OHP 7-2016(Temp), f. & cert. ef. 4-22-16 thru 10-18-16; OHP 14-2016, f. & cert. ef. 9-26-16

409-062-0030

Application and Certification Process

(1) To be certified as a CCBHC, practices or their designee shall submit a CCBHC application electronically to the Authority using the Program’s online application system found on the program website or by

mail to the address posted on the program website which shall be open for 30 days. The Authority may choose to extend the application period beyond 30 days.

(2) The Authority shall review the application within 30 days of its submission to determine whether it is accurate, complete, and meets the certified requirements. If the application is incomplete the Authority shall notify the applicant in writing of the information that is missing and when it must be submitted.

(3) The Authority shall review a complete application within 45 days of submission. If the Authority determines that the applicant has met the requirements of these rules the Authority shall:

(a) Inform the applicant in writing that the application has been approved as a potential CCBHC;

(b) Assign a preliminary level of readiness for certification; and

(c) Include information regarding site visit planning, including, but not limited to, needs assessment requests, an anticipated agenda, schedule, and materials required for site visit.

(4) The Program shall post instructions and criteria for submitting a CCBHC application on the Program website.

(5) The Authority may deny CCBHC certification if an applicant does not meet the requirements of these rules.

(6) A practice may request that the Authority reconsider the denial of CCBHC recognition or reconsider the assigned level of readiness.

(a) A request for reconsideration must be submitted in writing to the Authority within 30 days of the date of the denial or approval letter and must include a detailed explanation of why the practice believes the Authority’s decision is in error along with any supporting documentation.

(b) The Authority shall inform the practice in writing whether it has reconsidered its decision.

Stat. Auth: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: OHP 7-2016(Temp), f. & cert. ef. 4-22-16 thru 10-18-16; OHP 14-2016, f. & cert. ef. 9-26-16

409-062-0040

Certification Criteria

A practice seeking CCBHC certification must meet the following criteria:

(1) Complete CCBHC application process, meeting the “ready to certify” or “mostly ready to certify” designation;

(2) Meet all federal criteria stated in the document titled “Criteria for the Demonstration program to Improve Community mental health Centers and to Establish Certified Community Behavioral Health Clinics”;

(3) Meet all Oregon criteria stated in the Oregon CCBHC standards;

(4) Agree to a verification site visit and follow up activities with the CCBHC site review team; and

(5) Agree to contributing to and participating in the statewide needs assessment process.

Stat. Auth: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: OHP 7-2016(Temp), f. & cert. ef. 4-22-16 thru 10-18-16; OHP 14-2016, f. & cert. ef. 9-26-16

409-062-0050

Level of Readiness Designation

(1) The Authority shall award three levels of readiness designations to practices implementing multiple advanced CCBHC measures, including:

(a) Ready to certify: Currently meets the required criteria.

(b) Mostly ready to certify: Currently meets the majority of required criteria and has plans and a timeline in place to meet remaining required criteria.

(c) Mostly ready to certify with assistance: Currently meets the majority of required criteria with needs for significant technical assistance to meet required criteria and develop a plan and timeline to meet remaining required criteria.

(2) Not ready to certify: Does not meet all certification criteria.

Stat. Auth: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: OHP 7-2016(Temp), f. & cert. ef. 4-22-16 thru 10-18-16; OHP 14-2016, f. & cert. ef. 9-26-16

409-062-0060

Variations

(1) The Authority may grant a variance to a CCBHC applicant or provider if:

(a) There is a lack of resources to meet the criteria required in these rules; or

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(b) Implementation of the proposed alternative services, methods, concepts or procedures would result of improved outcomes for the individual.

(2) CCBHC applicants must submit the variance request directly to the CCBHC project team.

(3) The request must be in writing and must contain the following:

(a) Criteria from which the variance is sought;

(a) The reason for the proposed variance;

(c) The alternative practice, service, method, concept, or procedure proposed, and;

(d) A plan and timetable for compliance with the section of criteria for which the variance applies.

(4) The CCBHC principal investigator must approve or deny the request for a variance and must notify the provider in writing of the decision to approve or deny the requested variance, within 30 days of receipt of the variance. The written notification must include the specific alternative practice, service, method, concept, or procedure that is approved and the duration of the approval.

(5) Granting a variance for one request does not set a precedent that must be followed by the Authority when evaluating subsequent requests for variance.

Stat. Auth: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: OHP 7-2016(Temp), f. & cert. ef. 4-22-16 thru 10-18-16; OHP 14-2016, f. & cert. ef. 9-26-16

Oregon Health Authority, Health Systems Division: Medical Assistance Programs Chapter 410

Rule Caption: Prioritized List Effective October 1, 2016

Adm. Order No.: DMAP 55-2016(Temp)

Filed with Sec. of State: 9-22-2016

Certified to be Effective: 10-1-16 thru 12-27-16

Notice Publication Date:

Rules Amended: 410-141-0520

Subject: The OHP Program administrative rules govern the Division's payments for services provided to clients. The Authority is temporarily amending 410-141-0520. This change references the new interim modifications to the Centers for Medicare and Medicaid Services' (CMS) approved biennial January 1, 2016–December 31, 2017, Prioritized List funded through line 475. These modifications include revised condition treatment pairings approved at the January 14, 2016, through August 11, 2016, HERC meetings not involving the changes to the prioritization of treatments for conditions of the back and spine already reflected in the July 1, 2016 Prioritized List. The October 1, 2016, Prioritized List includes revised line items and new/revised guideline notes and multisector interventions that supersede those found in the July 1, 2016, Prioritized List.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-141-0520

Prioritized List of Health Services

(1) The Health Evidence Review Commission (HERC) Prioritized List of Health Services (Prioritized List) is the listing of physical and mental health services with "expanded definitions" of practice guidelines and statements of intent as presented to the Oregon Legislative Assembly. The Prioritized List is generated and maintained by HERC. The HERC maintains the most current list on their website: <http://www.oregon.gov/oha/herc/Pages/index.aspx>. For a hard copy, contact the Division within the Oregon Health Authority (Authority).

(2) This rule, effective October 1, 2016, incorporates by reference new interim modifications to the Centers for Medicare and Medicaid Services' (CMS) approved biennial January 1, 2016–December 31, 2017, Prioritized List funded through line 475. These modifications include revised condition treatment pairings approved at the January 14, 2016, through August 11, 2016, HERC meetings not involving the changes to the prioritization of treatments for conditions of the back and spine already reflected in the July 1, 2016, Prioritized List. The October 1, 2016, Prioritized List includes revised line items and new/revised guideline notes and multisector interventions that supersede those found in the July 1, 2016, Prioritized List.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065 & 414.727

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 3-15-04; 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; DMAP 28-2007(Temp), f. & cert. ef. 12-20-07 thru 3-28-08; DMAP 8-2008, f. & cert. ef. 3-27-08; DMAP 10-2008(Temp), f. & cert. ef. 4-1-08 thru 9-15-08; DMAP 23-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 31-2008(Temp), f. & cert. ef. 10-1-08 thru 3-29-09; DMAP 40-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 4-2009(Temp), f. & cert. ef. 1-30-09 thru 6-25-09; DMAP 6-2009(Temp), f. 3-26-09, cert. ef. 4-1-09 thru 9-25-09; DMAP 8-2009(Temp), f. & cert. ef. 4-17-09 thru 9-25-09; DMAP 26-2009, f. 8-3-09, cert. ef. 8-5-09; DMAP 30-2009(Temp), f. 9-15-09, cert. ef. 10-1-09 thru 3-29-10; DMAP 36-2009(Temp), f. 12-10-09 ef. 1-1-10 thru 3-29-10; DMAP 1-2010(Temp), f. & cert. ef. 1-15-10 thru 3-29-10; DMAP 3-2010, f. 3-5-10, cert. ef. 3-17-10; DMAP 5-2010(Temp), f. 3-26-10, cert. ef. 4-1-10 thru 9-1-10; DMAP 10-2010, f. & cert. ef. 4-26-10; DMAP 27-2010(Temp), f. 9-24-10, cert. ef. 10-1-10 thru 3-25-11; DMAP 43-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 4-2011, f. 3-23-11, cert. ef. 4-1-11; DMAP 24-2011(Temp), f. 9-15-11, cert. ef. 10-1-11 thru 3-26-12; DMAP 45-2011, f. 12-21-11, cert. ef. 12-23-11; DMAP 47-2011(Temp), f. 12-13-11, cert. ef. 1-1-12 thru 6-25-12; DMAP 22-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 9-21-12; DMAP 43-2012(Temp), f. 9-21-12, cert. ef. 9-23-12 thru 3-21-13; DMAP 11-2013, f. & cert. ef. 3-21-13; DMAP 50-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; DMAP 57-2013(Temp), f. & cert. ef. 10-29-13 thru 3-30-14; DMAP 7-2014, f. & cert. ef. 1-31-14; DMAP 13-2014(Temp), f. 3-20-14, cert. ef. 4-1-14 thru 9-28-14; DMAP 31-2014, f. 5-30-14, cert. ef. 7-1-14; DMAP 63-2014(Temp), f. & cert. ef. 10-17-14 thru 12-31-14; DMAP 79-2014, f. 12-18-14, cert. ef. 12-31-14; DMAP 80-2014(Temp), f. 12-23-14, cert. ef. 1-1-15 thru 6-29-15; DMAP 18-2015, f. & cert. ef. 4-1-15; DMAP 50-2015(Temp), f. 9-10-15, cert. ef. 10-1-15 thru 3-28-16; DMAP 75-2015(Temp), f. 12-22-15, cert. ef. 1-1-16 thru 6-13-16; DMAP 10-2016, f. 2-24-16, cert. ef. 3-1-16; DMAP 37-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 12-27-16; DMAP 55-2016(Temp), f. 9-22-16, cert. ef. 10-1-16 thru 12-27-16

Rule Caption: Clean up and amending Traditional Health Worker Training Certification Requirements for Oral Health Disease Prevention

Adm. Order No.: DMAP 56-2016

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 10-1-16

Notice Publication Date: 7-1-2016

Rules Adopted: 410-180-0365

Rules Amended: 410-180-0300, 410-180-0305, 410-180-0310, 410-180-0312, 410-180-0315, 410-180-0320, 410-180-0325, 410-180-0326, 410-180-0340, 410-180-0345, 410-180-0350, 410-180-0355, 410-180-0360, 410-180-0370, 410-180-0375, 410-180-0380

Rules Repealed: 410-180-0327

Subject: This rulemaking implements changes to statute made by HB 2024 (2015), improves the clarity of rule language and standardizes requirements for certification.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-180-0300

Purpose

These rules establish the criteria for training, certification and enrollment of traditional health workers (THW) in a registry maintained by the Oregon Health Authority (Authority). THWs include community health workers, personal health navigators, peer wellness specialists, peer support specialists and birth doulas not otherwise regulated or certified by the state of Oregon. These rules also establish curriculum requirements and procedures for Authority approval of programs seeking to train Oregon's traditional health workers.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14; DMAP 66-2013, f. & cert. ef. 12-3-13; DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

410-180-0305

Definitions

The following definitions apply to OAR 410-180-0300 through 410-180-0380:

(1) "Authority" means the Oregon Health Authority.

(2) "Authority approved training program" means an organization that provides and education in the core curriculum that meets Authority

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standards for one or more types of traditional health workers and has been approved by the Authority to train those types of traditional health workers.

(3) "Birth doula" means a birth companion who provides personal, nonmedical support to women and families throughout a woman's pregnancy, childbirth, and post-partum experience.

(4) "Birth doula certification organization" means an entity nationally or internationally recognized for training and certifying birth doulas whose educational requirements includes the core curriculum topics described in these rules.

(5) "Community based organization" (CBO) means a public or private nonprofit organization that is representative of a community or significant segments of a community and engaged in meeting that community's needs in the areas of social, human, or health services.

(6) "Community health worker" has the meaning given that term in ORS 414.025.

(7) "Contact hour" means an hour of classroom, group or distance learning training. Contact hour does not include homework time, preparatory reading, or practicum.

(8) "Competencies" mean key skills and applied knowledge necessary for THWs to be effective in the work field and carry out their roles.

(9) "Equivalent credit" means an individual has fulfilled the requirements of a course or combination of courses, by completing a relatively comparable course or combination of courses.

(10) "Grandfathered traditional health worker" means an individual certified before June 30, 2019 by the Authority as a result of their prior work experience and fulfillment of all additional requirements for grandfathering as set forth in these rules.

(11) "Peer support specialist" means an individual providing services to another individual who shares a similar life experience with the peer support specialist (addiction to addiction, mental health condition to mental health condition, family member of an individual with a mental health condition to family member of an individual with a mental health condition, young adult to young adult). A peer support specialist shall be:

(a) A self-identified individual currently or formerly receiving addictions or mental health services;

(b) A self-identified individual in recovery from an addiction disorder, who meets the abstinence requirements for recovering staff in alcohol or other drug treatment programs;

(c) A self-identified individual in recovery from problem gambling; or

(d) The family member of an individual currently or formerly receiving addictions or mental health services.

(12) "Peer wellness specialist" has the meaning given that term in ORS 414.025.

(13) "Personal health navigator" has the meaning given that term in ORS 414.025.

(14) "Registry" means a list maintained by the Authority of traditional health workers certified under these rules.

(15) "THW applicant" means an individual who has applied to the Authority for traditional health worker certification.

(16) "Traditional health worker" (THW) means a community health worker, peer wellness specialist, personal health navigator, peer support specialist, or birth doula not otherwise regulated or certified by the state of Oregon.

(17) "Training program applicant" means an organization or entity that has applied for Authority approval of its training program and curricula for any of the traditional health worker types.

(18) "Verifiable evidence" means a pay statement, services contract, student practicum, volunteer time log or other documentation reflecting hours worked or volunteered.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14; DMAP 66-2013, f. & cert. ef. 12-3-13; DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

410-180-0310

Community Health Worker, Peer Wellness Specialist, Personal Health Navigator Certification Requirements

(1) To be certified as a community health worker, peer wellness specialist, or personal health navigator, an individual shall:

(a) Complete all required training offered by an Authority approved training program for that individual's traditional health worker (THW) type.

(b) Complete an Authority approved oral health training.

(c) Complete all application requirements to be in the state registry;

(d) Complete the Authority certification process; and

(e) Be successfully accepted into the state registry.

(2) Individuals who hold national or non-Oregon state certification and are in good standing with their certifying body, may be granted reciprocity or receive equivalent credit for previously completed training. The Authority shall determine the criteria for reciprocity and equivalent credit.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14; DMAP 66-2013, f. & cert. ef. 12-3-13; DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

410-180-0312

Peer Support Specialist Certification Requirements

(1) To be certified as a peer support specialist, an individual shall:

(a) Complete all required training offered by an Authority approved training program for peer support specialists;

(b) Complete an Authority approved oral health training.

(c) Complete all application requirements to be in the state registry;

(d) Complete the Authority certification process; and

(e) Be successfully accepted into the state registry.

(2) Individuals who hold national or non-Oregon state certification and are in good standing with their certifying body, may be granted reciprocity or receive equivalent credit for previously completed training. The Authority shall determine the criteria for reciprocity and equivalent credit.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14; DMAP 66-2013, f. & cert. ef. 12-3-13; DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

410-180-0315

Birth Doula Certification Requirements

(1) To be certified as a birth doula, an individual shall:

(a) Complete all required training specified in OAR 410-180-0375 through:

(i) An Authority approved birth doula training program; or

(ii) A combination of programs that results in meeting all the requirements through equivalent credit.

(b) Complete an Authority approved oral health training.

(c) Be CPR-certified for children and adults.

(d) Create a community resource list on an Authority approved form.

(e) Document attendance at a minimum of three births and three post-partum visits using an Authority approved form.

(f) Complete all application requirements to be in the state registry;

(g) Complete the Authority certification process; and

(h) Be successfully accepted into the state registry.

(2) Individuals who hold national or non-Oregon state certification and are in good standing with their certifying body, may be granted reciprocity or receive equivalent credit for previously completed training. The Authority shall determine the criteria for reciprocity and equivalent credit.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14; DMAP 66-2013, f. & cert. ef. 12-3-13; DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

410-180-0320

Traditional Health Worker Continuing Education Requirements

(1) To maintain certification status, all THWs shall complete at least 20 hours of Authority approved continuing education during every three year renewal period.

(2) Continuing education hours taken in excess of the total number required may not be carried over to the next renewal period.

(3) Requests for approval of continuing education courses may come from the hosting organization or from a certified THW attending the training or event.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14; DMAP 66-2013, f. & cert. ef. 12-3-13; DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

410-180-0325

Application and Renewal Process for Traditional Health Worker (THW) Certification and Registry Enrollment

(1) Individuals seeking THW certification and registry enrollment shall:

(a) Be at least 18 years of age;

(b) Not be listed on the Medicaid provider exclusion list;

(c) Successfully complete all training requirements for certification in a traditional health worker category as outlined in these rules;

(d) Pass a background check as described in OAR 410-180-0326;

(e) Beginning October 1, 2017, successfully complete an Authority approved oral health training;

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(f) Submit to the Authority all required documentation and a completed application on an Authority prescribed form;

(2) An individual applying for certification or renewal as a peer support specialists as that term is defined in OAR 410-180-0305(11)(b), (c) may have their background check completed by an outside entity pursuant to 410-180-0326 and be certified by that entity.

(a) The entity's certification requirements shall include all peer support specialists certification and renewal requirements set forth in these rules.

(b) For Authority certification or renewal and entry into the registry, peer support specialists shall either:

(A) Have the outside entity submit their certification and background check information to the Authority; or

(B) Submit to the Authority all required documentation and a completed application on an Authority prescribed form.

(2) Individuals seeking THW certification and registry enrollment as a grandfathered community health worker, peer wellness specialist, personal health navigator, or peer support specialist shall:

(a) Be at least 18 years of age;

(b) Not be listed on the Medicaid provider exclusion list;

(c) Pass a background check as described in OAR 410-180-0326;

(d) Submit to the Authority all required documentation and a completed application on an Authority prescribed form by June 30, 2019 including:

(i) A minimum of one letter of recommendation from any previous employer for whom THW services were provided between January 1, 2008 and June 30, 2016; and

(ii) Verifiable evidence of working or volunteering in the capacity of a community health worker, peer wellness specialist, or personal health navigator for at least 3000 hours between January 1, 2008 to June 30, 2016; or

(iii) Verifiable evidence of working or volunteering in the capacity of a peer support specialist for at least 2000 hours between January 1, 2008 and June 30, 2016;

(3) Registry applications are available on the THW program webpage or by request to the Oregon Health Authority Office of Equity and Inclusion.

(4) An individual may withdraw from the application process for certification and enrollment or from the registry by submitting written notification to the Authority unless a complaint investigation or revocation proceeding is underway.

(5) Except for birth doulas, applicants shall apply for certification within three years of completing a training program to be eligible for certification and registry enrollment.

(6) Except for birth doulas, applicants denied certification because they completed a training program more than three years prior to application may file an appeal with the Authority for an exemption.

(7) If the Authority determines that an applicant has met the requirements of this section, the Authority shall notify the applicant in writing granting the individual certification as a THW and add the individual to the registry.

(8) Certification is valid for 36 months from the date of certification.

(9) A THW seeking certification renewal shall:

(a) Submit a completed renewal application on an Authority prescribed form, no less than 30 days before the expiration of the current certification period;

(b) Pass a background check as described in OAR 410-180-0326;

(c) Provide written verification indicating that the certificate holder has met the applicable requirements for continuing education set forth in OAR 410-180-0320; and

(d) During the renewal period occurring between October 2017 and October 2020:

(i) Complete Authority approved oral health training; and

(ii) Submit proof of completion with their renewal application.

(12) The Authority shall remove a THW from the registry if the THW fails to renew certification within the renewal period.

(13) THWs removed from the registry following certification expiration shall be denied renewal unless they file an appeal with the Authority within 60 calendar days of certification expiration and are granted an exemption.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14; DMAP 3-2014, f. & cert. ef. 1-15-14; DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

410-180-0326

Background Check Requirements

(1) For all new or renewal applications for THW certification, the Authority shall:

(b) Conduct a background check in accordance with 943-007-0010 through 0501 specifically incorporating and limited to 407-007-0200 to 407-007-0250, and 407-007-0340 to 407-007-0370 and expressly not incorporating 407-007-0275 and 407-007-0277.

(b) Consult with the Office of the Inspector General to determine if the applicant is excluded from participation in the medical assistance program.

(2) New or renewal THW applicants may be denied certification or renewal of certification based on a fitness determination that applies a weighing test for potentially disqualifying convictions or conditions.

(3) New or renewal THW applicants shall be denied certification if they are excluded from participating in the medical assistance program.

(4) To be certified, enrolled in the registry, and eligible for reimbursement under Medicaid, peer support specialists as defined in OAR 410-180-0305(11)(b) and (c) are required to pass a background check. The background check may be conducted by the Authority or by an entity contracting with the Authority to provide background checks.

(a) If the Authority conducts the background check, the Authority's fitness determination shall comply with the provision of section (1) and shall include the application of a weighing test for potentially disqualifying convictions or conditions.

(b) If a contracting entity conducts the background check, the provisions of 407-007-0277 shall apply.

(c) Peer support specialists described in this section may choose which entity conducts the background check.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 181.537, 414.635 & 414.665

Hist.: DMAP 3-2014, f. & cert. ef. 1-15-14; DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

410-180-0340

Standards of Professional Conduct

(1) An Authority certified THW, shall comply with Standards of Professional Conduct set forth in this rule. The violation of the standards may result in the suspension or revocation of certification or denial of an application for renewal.

(2) THWs shall:

(a) Acquire, maintain and improve professional knowledge and competence using scientific, clinical, technical, psychosocial, governmental, cultural and community-based sources of information.

(b) Represent all aspects of professional capabilities and services honestly and accurately.

(c) Ensure that all actions with community members are based on understanding and implementing the core values of caring, respect, compassion, appropriate boundaries, and appropriate use of personal power.

(d) Develop positive collaborative partnerships with community members, colleagues, and other health care providers to provide care, services, and supports that are safe, effective, and appropriate to a community member's needs.

(e) Regardless of clinical diagnosis, develop and incorporate respect for diverse community member backgrounds when planning and providing services, including lifestyle, sexual orientation, race, gender, ethnicity, religion, age, marital status, political beliefs, socioeconomic status or any other preference or personal characteristic, condition or state.

(f) Act as an advocate for community members and their needs.

(g) Support self-determination for community members in a cultural-ly competent, trauma informed manner.

(h) Make decisions and act based on sound ethical reasoning and current principles of practice in a way that supports empowerment and respect for community members' culture and self-defined health care goals.

(i) Maintain individual confidentiality.

(j) Comply with laws and regulations involving mandatory reporting of harm, abuse, or neglect while making every effort to involve the individuals in planning for services and ensuring that no further harm is done to family members as the result of the reporting.

(k) Recognize and protect an individual's rights as described in section (3) of this rule.

(3) Individuals have the right to:

(a) Dignity and respect;

(b) Freedom from theft, damage, or misuse of personal property;

(c) Freedom from neglect and abuse, whether verbal, mental, emotional, physical, or sexual;

(d) Freedom from financial exploitation;

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- (e) Freedom from physical restraints;
 - (f) Freedom from discrimination in regard to race, color, national origin, disability, gender, sexual orientation, socioeconomic status, size, type of diagnosis criminal history or religion;
 - (g) Confidentiality of their information and records; and
 - (h) To give voice to grievances or complaints regarding services or any other issue without discrimination or reprisal for exercising their rights.
- Stat. Auth.: ORS 413.042, 414.635 & 414.665
Stats. Implemented: ORS 414.635 & 414.665
Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14; DMAP 66-2013, f. & cert. ef. 12-3-13; DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

410-180-0345

Denial, Suspension or Revocation of Certification

- (1) The Authority may deny, suspend, or revoke certification when an applicant or certificate holder fails to comply with these rules.
 - (2) The Authority shall deny, suspend, or revoke certification pursuant to ORS 183.411 through 183.470 and the applicant or certificate holder may request a contested case hearing.
- Stat. Auth.: ORS 413.042, 414.635 & 414.665
Stats. Implemented: ORS 414.635 & 414.665
Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14; DMAP 66-2013, f. & cert. ef. 12-3-13; DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

410-180-0350

Training Program Requirements

- (1) All Authority approved training programs shall:
 - (a) Meet the curriculum requirements for the THW type being trained.
 - (b) Demonstrate active efforts to establish equivalency for students who have previously completed training that meets one or more training requirements for their THW type.
 - (c) Require experienced THWs be involved in developing and teaching the core curriculum.
 - (d) Be a culturally diverse community based organization (CBO) or include collaboration with at least one culturally diverse CBO.
 - (e) Demonstrate the use of various teaching methodologies, including but not limited to popular education and adult learning;
 - (f) Demonstrate the use of various training delivery formats, including but not limited to classroom instruction, group, and distance learning.
 - (g) Demonstrate efforts to make training inclusive and accessible to individuals with different learning styles, education backgrounds, and needs.
 - (h) Demonstrate efforts to remove barriers to enrollment for students.
 - (i) Include any combination of written, oral or practical cognitive examinations to evaluate and document the acquisition of knowledge and mastery of skills required by the curriculum designed to instruct in the THW competencies.
 - (j) Demonstrate the inclusion of a method or process for individuals trained by the program to evaluate and give feedback on the training experience.
 - (k) Maintain an accurate record of each individual's attendance and participation in training for at least five years after course completion.
 - (l) Agree to verify and provide the Authority with names of individuals who successfully completed the training program when those individuals apply for certification and registry enrollment.
 - (m) Agree to issue a certificate of completion to all successful training program graduates.
- (2) Individuals or entities applying to become an Authority approved training program shall submit information to the Authority that includes at minimum:
 - (a) Contact information for the individual or entity, including director name and contact information;
 - (b) Syllabus and course materials that demonstrate the curriculum covers the required competencies;
 - (c) Indication of the training type and curriculum, including specialized training to be offered for community health workers, peer wellness specialists, peer support specialists, personal health navigators, and birth doulas;
 - (d) An overview of the teaching philosophy and methodology;
 - (e) A description of the method of final examinations;
 - (f) A list of instructors, including experienced THWs;
 - (g) A description of the geographic area served;
 - (h) A signed agreement describing a CBO partnership, if the applicant is not a CBO;
 - (i) A description of the approach for recruiting and enrolling a diverse student population to meet the needs of the community, including any strategies for reducing barriers to enrollment; and

- (j) An indication of whether academic credit may be given for successful completion of training program.
- Stat. Auth.: ORS 413.042, 414.635 & 414.665
Stats. Implemented: ORS 414.635 & 414.665
Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14; DMAP 66-2013, f. & cert. ef. 12-3-13; DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

410-180-0355

Application and Renewal Process for Authority Training Program Approval

- (1) Training program applications are available on the THW program webpage or by request from the Oregon Health Authority Office of Equity and Inclusion.
- (2) Training program applicants shall submit an application at least 90 days in advance of the first expected class day.
- (3) If an application is incomplete, the Authority shall send notice requesting the additional materials required.
 - (a) The notice shall specify the date by which additional materials must be submitted.
 - (b) Unless an extension is granted, the Authority shall return the application and take no further action if the applicant does not respond within the specified time frame.
- (4) If the Authority determines that an applicant has met all training program requirements, the Authority shall send written notice of program approval.
 - (5) Written notice of Authority approval shall be made available to any student or partnering organization upon request.
 - (6) The Authority shall maintain and make available to the public a list of approved training programs.
 - (7) Training programs shall apply for renewed approval status every three years.
 - (a) Renewal applications are available on the THW program webpage or by request from the Oregon Health Authority Office of Equity and Inclusion.
 - (b) Training programs shall complete and submit the renewal application no less than six months prior to the expiration of the current approval period.
 - (8) Training programs seeking renewal shall provide at a minimum:
 - (a) A summary of any proposed changes to the curriculum; and
 - (b) The number of students trained in the three year approval period
 - (9) Training programs that fail to submit a renewal application at least six months before their renewal date will be required to submit a new application rather than apply for renewal.
 - (10) The Authority may conduct site visits of training programs, either prior to approving or renewing a training program application, or at any time during the three year approval period.
 - (11) Any change made to an approved training program shall be reported to the Authority within 30 days of the decision, including:
 - (a) Changes to the:
 - (A) Training program director or primary contact;
 - (B) Teaching methodology;
 - (C) Curriculum; or
 - (b) Any change not consistent with or represented in the initial application for approval.
 - (12) If the Authority determines that the reported changes meet the training program requirements described in OAR 410-180-0350, the Authority shall approve the change.
 - (a) The Authority may request additional information and justification for the reported change.
 - (b) If the Authority determines that the reported changes do not comply with the training program requirements described in OAR 410-180-0350, the Authority may deny the change or revoke training program approval.
 - (13) A training program applicant or approved training program may request a temporary waiver from a requirement in these rules. A request for a waiver shall:
 - (a) Be submitted to the Authority in writing;
 - (b) Identify the specific rule for which a waiver is requested;
 - (c) Identify the special circumstances relied on to justify the waiver;
 - (d) Describe alternatives that were considered, if any, and why alternatives, including compliance, were not selected;
 - (e) Demonstrate that the proposed waiver is desirable to maintain or improve the training of THWs; and
 - (f) Indicate the proposed duration of the waiver, not to exceed one year.

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(14) If the Authority determines that the applicant or program has satisfied the conditions of this rule, the Authority may grant a waiver.

(15) An applicant or an approved training program may not act on or implement a waiver until it has received written approval from the Authority.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14; DMAP 66-2013, f. & cert. ef. 12-3-13; DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

410-180-0360

Denial, Suspension or Revocation of Training Program Approval

(1) The Authority may deny, suspend or revoke training program approval when an applicant or approved program has failed to comply with statute or these rules.

(2) If the Authority denies, suspends, or revokes approval it shall send written notice and explain the basis for its decision.

(3) An applicant or approved training program may request that the Authority reconsider its decision and may request a meeting with Authority staff.

(a) The request for reconsideration and a meeting, if requested, shall be submitted in writing within 30 days of the date the Authority mailed the written decision of denial, suspension or revocation.

(b) The request shall contain a detailed statement with supporting documentation explaining why the requestor believes the Authority's decision is in error.

(4) The Authority shall issue a written decision on reconsideration following review of the materials submitted by the applicant or training program and a meeting with the applicant or training program, if applicable.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14; DMAP 66-2013, f. & cert. ef. 12-3-13; DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

410-180-0365

Oral Health Training Requirements

(1) The Authority shall approve oral health training that includes coursework in:

- (a) Basic dental anatomy;
- (b) Caries and periodontal disease process;
- (c) Infection and communicable disease;
- (d) Basic oral hygiene and disease prevention for different ages; and
- (e) Healthcare system navigation, access and coverage, including Medicaid

(2) The Authority shall include members of the dental care community in the development of requirements for and approval of Authority approved oral health training.

(3) Individuals or entities creating or providing oral health training for approval by the Authority are not required to meet the full qualifications of a training program outlined in OAR 410-180-0350.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

410-180-0370

Community Health Workers, Peer Wellness Specialists, Personal Health Navigators, and Peer Support Specialists Certification Curriculum Standards

(1) All community health workers, peer wellness specialists and personal health navigators shall receive training from an Authority approved training program whose curriculum includes:

(a) A minimum of 80 contact hours addressing the core curriculum set forth in section (2) of this rule and any additional curriculum topics specific to the type of worker being trained.

(b) All the major roles and core competencies listed and defined in the Oregon Health Policy Board Report "The Role of Non-Traditional Health Workers in Oregon's Health Care System". (<https://www.oregon.gov/oha/oei/Documents/nthw-report-120106.pdf>)

(2) An Authority approved core curriculum for community health workers, peer wellness specialists and personal health navigators shall, at a minimum, introduce students to the key principles of the following topics:

- (a) Community engagement, outreach methods and relationship building;
- (b) Communication, including cross-cultural communication, active listening, and group and family dynamics;
- (c) Empowerment techniques;
- (d) Identification of community resources;

(e) Cultural competency and cross-cultural relationships, including bridging health system and community cultures;

(f) Conflict identification and problem solving;

(g) Conducting individual strength and needs based assessments;

(h) Advocacy;

(i) Ethical responsibilities in a multicultural context;

(j) Legal responsibilities;

(k) Crisis identification and problem-solving;

(l) Professional conduct, including culturally appropriate relationship boundaries and maintaining confidentiality;

(m) Navigating public and private health and human service systems, including state, regional, and local systems;

(n) Working with caregivers, families, and support systems, including paid care workers;

(o) Trauma-informed care, including screening and assessment, recovery from trauma, and minimizing re-traumatization;

(p) Self-care;

(q) Social determinants of health;

(r) Building partnerships with local agencies and groups;

(s) The role and certified scope of practice for traditional health workers;

(t) Roles, expectations, and supervisory relationships for working in multidisciplinary teams, including supervisory relationships;

(u) Data collection and types of data;

(v) Organization skills, documentation and use of health information technology;

(w) Introduction to disease processes, including chronic diseases, mental health, tobacco cessation, and addictions, including warning signs, basic symptoms, and when to seek medical help;

(x) Health across the life-span;

(y) Adult learning principles, including teaching and coaching;

(z) Stages of change;

(aa) Best practices for health promotion; and

(bb) Health literacy issues.

(3) In addition to the core curriculum set forth in section (2) of this rule, training programs for community health workers shall include the following topics:

(a) Self-efficacy;

(b) Community organizing;

(c) Group facilitation skills;

(d) Conducting community needs assessments;

(e) Popular education methods; and

(f) Principles of motivational interviewing.

(4) In addition to the core curriculum, set forth in section (2) of this rule, training programs for peer wellness specialists shall include the following topics:

(a) Self-efficacy;

(b) Group facilitation skills;

(c) Cultivating individual resilience;

(d) Recovery, resilience and wellness models; and

(e) Principles of motivational interviewing.

(5) An Authority approved curriculum for peer support specialists shall include a minimum of 40 contact hours that include:

(a) The core curriculum set forth in section (2)(a) through (p);

(b) The role and scope of practice for peer support specialists; and

(c) Recovery, resilience and wellness.

(6) An Authority approved curriculum for family support specialists and youth support specialists shall include the following topics:

(a) The role of the family support specialist and youth support specialist in the system serving children and youth;

(b) Collaborative problem solving;

(c) Protective factors and developmental assets to promote resilience; and

(d) Multi-systems services and payment navigation.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14; DMAP 66-2013, f. & cert. ef. 12-3-13; DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

410-180-0375

Birth Doula Certification Curriculum Standards

(1) All birth doulas seeking certification with the state shall complete a minimum of 40 contact hours that include the following:

(a) A minimum of 28 in-person contact hours addressing the core curricula topics set forth in section (2) of this rule through an Authority

ADMINISTRATIVE RULES

approved training program for birth doula or through another training program provided by a birth doula certification organization;

(b) Six contact hours in cultural competency training; and

(c) Six contact hours in one or more of the following topics as they relate to doula care:

(A) Inter-professional collaboration;

(B) Health Insurance Portability and Accountability Act (HIPAA) compliance; and

(C) Trauma-informed care.

(2) All core curriculum for training birth doulas shall, at a minimum, introduce students to the key principles of the following topics:

(a) Anatomy and physiology of labor, birth, maternal postpartum, neonatal transition, and breastfeeding;

(b) Labor coping strategies, comfort measures and non-pharmacological techniques for pain management;

(c) The reasons for, procedures of, and risks and benefits of common medical interventions, medications, and Cesarean birth;

(d) Emotional and psychosocial support of women and their support team;

(e) Birth doula scope of practice, standards of practice, and basic ethical principles;

(f) The role of the doula with members of the birth team;

(g) Communication skills, including active listening, cross-cultural communication, and inter-professional communication;

(h) Self-advocacy and empowerment techniques;

(i) Breastfeeding support measures;

(j) Postpartum support measures for the mother and baby relationship;

(k) Perinatal mental health;

(l) Family adjustment and dynamics;

(m) Evidence-informed educational and informational strategies;

(n) Community resource referrals;

(o) Professional conduct, including relationship boundaries and maintaining confidentiality; and

(p) Self-care.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14; DMAP 66-2013, f. & cert.

ef. 12-3-13; DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

410-180-0380

THW and Training Program Complaints and Investigations

(1) Any individual may make a complaint to the Authority, verbally or in writing about the:

(a) Care or services provided by a certified THW;

(b) Violation of statutes or these rules by an approved THW training program.

(2) The identity of an individual making a complaint shall be kept confidential to the extent allowed by law but may be disclosed as necessary to conduct the investigation; this may include disclosing the complainant's identity to the THW's employer.

(3) If a complaint involves an allegation of criminal conduct or conduct within the jurisdiction of another local, state, or federal agency, the Authority shall refer the matter to the appropriate agency.

(4) The Authority shall investigate complaints and take any actions that are necessary for resolution. An investigation may include but is not limited to:

(a) Interviews of the complainant, program management or staff, and students;

(b) Interviews of the complainant, caregivers, THW clients, client representatives, client family members, witnesses, and employer management and staff;

(c) On-site observations of the training program, the client, THW performance and client environment; and

(d) Review of documents and records.

(5) The Authority may utilize complaint and investigation findings to identify trends and potential areas for quality improvement.

(6) The results of complaint investigation may be published to the public by the Authority.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14; DMAP 66-2013, f. & cert.

ef. 12-3-13; DMAP 56-2016, f. 9-30-16, cert. ef. 10-1-16

Rule Caption: Amending PDL March 31, May 26, 2016, DUR/P&T Action

Adm. Order No.: DMAP 57-2016(Temp)

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 10-1-16 thru 3-29-17

Notice Publication Date:

Rules Amended: 410-121-0030

Subject: The Pharmaceutical Services program administrative rules (Division 121) govern Division payments for services provided to certain clients. The Division needs to amend rules as follows:

410-121-0030:

Preferred:

Epoprostenol

Narcan® Nasal

Injectable Naloxone

Lurasidone

Asenapine

Aripiprazole IM

Non-Preferred:

Calcium

Vitamin D

Evzio®

Auto Injector Naloxone

Glycopyrrolate

Indacaterol/Glycopyrrolate

Chlorpromazine

Clerical - Various clerical changes were made to system class, drug and form names.

Rules Coordinator: Sandy Cafourek — (503) 945-6430

410-121-0030

Practitioner-Managed Prescription Drug Plan

(1) The Practitioner-Managed Prescription Drug Plan (PMPDP) is a plan that ensures that OHP fee-for-service clients have access to the most effective prescription drugs appropriate for their clinical conditions at the best possible price:

(a) Licensed health care practitioners, who are informed by the latest peer reviewed research, make decisions concerning the clinical effectiveness of the prescription drugs;

(b) Licensed health care practitioners also consider the client's health condition, personal characteristics, and the client's gender, race, or ethnicity.

(2) PMPDP Preferred Drug List (PDL):

(a) The PDL is the primary tool the Division uses to inform licensed health care practitioners about the results of the latest peer-reviewed research and cost effectiveness of prescription drugs;

(b) The PDL contains a list of prescription drugs that the Division, in consultation with the Drug Use Review (DUR)/Pharmacy & Therapeutics Committee (P&T), has determined represent the most effective drugs available at the best possible price;

(c) The PDL shall include drugs that are Medicaid reimbursable and the Food and Drug Administration (FDA) has determined to be safe and effective.

(3) PMPDP PDL Selection Process:

(a) The Division shall utilize the recommendations made by the P&T that result from an evidence-based evaluation process as the basis for selecting the most effective drugs;

(b) The Division shall ensure the drugs selected in section (3)(a) that are available for the best possible price and shall consider any input from the P&T about other FDA-approved drugs in the same class that are available for a lesser relative price. The Division shall determine relative price using the methodology described in section (4);

(c) The Division shall evaluate selected drugs for the drug classes periodically:

(A) The Division may evaluate more frequently if new safety information or the release of new drugs in a class or other information makes an evaluation advisable;

(B) New drugs in classes already evaluated for the PDL shall be non-preferred until the new drug has been reviewed by the P&T;

(C) The Division shall make all revisions to the PDL using the rule-making process and shall publish the changes on the Division's Pharmaceutical Services provider rules website.

(4) Relative cost and best possible price determination:

(a) The Division shall determine the relative cost of all drugs in each selected class that are Medicaid reimbursable and that the FDA has determined to be safe and effective;

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(b) The Division may also consider dosing issues, patterns of use, and compliance issues. The Division shall weigh these factors with any advice provided by the P&T in reaching a final decision.

(5) Pharmacy providers shall dispense prescriptions in the generic form unless:

(a) The practitioner requests otherwise pursuant to OAR 410-121-0155;

(b) The Division notifies the pharmacy that the cost of the brand name particular drug, after receiving discounted prices and rebates, is equal to or less than the cost of the generic version of the drug.

(6) The exception process for obtaining non-preferred physical health drugs that are not on the PDL drugs shall be as follows:

(a) If the prescribing practitioner in their professional judgment wishes to prescribe a physical health drug not on the PDL, they may request an exception subject to the requirements of OAR 410-121-0040;

(b) The prescribing practitioner must request an exception for physical health drugs not listed in the PDL subject to the requirements of OAR 410-121-0060;

(c) Exceptions shall be granted when:

(A) The prescriber in their professional judgment determines the non-preferred drug is medically appropriate after consulting with the Division or the Oregon Pharmacy Call Center; or

(B) Where the prescriber requests an exception subject to the requirement of section (6)(b) and fails to receive a report of PA status within 24 hours, subject to OAR 410-121-0060.

(7) Table 121-0030-1, PMDP PDL dated October 1, 2016 is adopted and incorporated by reference and is found at: www.orpdl.org.

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

Stat. Auth.: ORS 413.032, 413.042, 414.065, 414.325, 414.330 to 414.414, 414.312 & 414.316

Stats. Implemented: ORS 414.065; 414.325, 414.334, 414.361, 414.369, 414.371, 414.353 & 414.354

Hist.: OMAP 25-2002, f. 6-14-02 cert. ef. 7-1-02; OMAP 31-2002, f. & cert. ef. 8-1-02; OMAP 36-2002, f. 8-30-02, cert. ef. 9-1-02; OMAP 29-2003, f. 3-31-03 cert. ef. 4-1-03; OMAP 35-2003, f. & cert. ef. 5-1-03; OMAP 47-2003, f. & cert. ef. 7-1-03; OMAP 57-2003, f. 9-5-03, cert. ef. 10-1-03; OMAP 70-2003(Temp), f. 9-15-03, cert. ef. 10-1-03 thru 3-15-04; OMAP 82-2003, f. 10-31-03, cert. ef. 11-1-03; OMAP 9-2004, f. 2-27-04, cert. ef. 3-1-04; OMAP 29-2004, f. 4-23-04 cert. ef. 5-1-04; OMAP 34-2004, f. 5-26-04 cert. ef. 6-1-04; OMAP 45-2004, f. 7-22-04 cert. ef. 8-1-04; OMAP 81-2004, f. 10-29-04 cert. ef. 11-1-04; OMAP 89-2004, f. 11-24-04 cert. ef. 12-1-04; OMAP 19-2005, f. 3-21-05, cert. ef. 4-1-05; OMAP 32-2005, f. 6-21-05, cert. ef. 7-1-05; OMAP 58-2005, f. 10-27-05, cert. ef. 11-1-05; OMAP 16-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 32-2006, f. 8-31-06, cert. ef. 9-1-06; OMAP 48-2006, f. 12-28-06, cert. ef. 1-1-07; DMAP 4-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 16-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 36-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 39-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 17-2010, f. 6-15-10, cert. ef. 7-1-10; DMAP 40-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 2-2011(Temp), f. & cert. ef. 3-1-11 thru 8-20-11; DMAP 19-2011, f. 7-15-11, cert. ef. 7-17-11; DMAP 44-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 12-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 18-2012, f. 3-30-12, cert. ef. 4-9-12; DMAP 26-2012, f. & cert. ef. 5-14-12; DMAP 29-2012, f. & cert. ef. 6-21-12; DMAP 33-2012(Temp), f. 7-18-12, cert. ef. 7-23-12 thru 1-18-13; DMAP 40-2012(Temp), f. & cert. ef. 8-20-12 thru 1-18-13; DMAP 44-2012(Temp), f. & cert. ef. 9-26-12 thru 1-18-13; DMAP 61-2012, f. 12-27-12, cert. ef. 1-1-13; DMAP 6-2013(Temp), f. & cert. ef. 2-21-13 thru 8-19-13; DMAP 23-2013(Temp), f. 4-30-13, cert. ef. 5-1-13 thru 8-19-13; Administrative correction, 7-18-13; DMAP 43-2013, f. & cert. ef. 8-16-13; DMAP 76-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 1-2014(Temp), f. & cert. ef. 1-10-14 thru 7-9-14; DMAP 15-2014, f. & cert. ef. 3-21-14 thru 9-17-14; DMAP 28-2014(Temp), f. & cert. ef. 5-2-14 thru 6-30-14; DMAP 37-2014, f. & cert. ef. 6-30-14; DMAP 47-2014(Temp), f. & cert. ef. 7-15-14 thru 1-11-15; DMAP 52-2014(Temp), f. & cert. ef. 9-16-14 thru 1-11-15; DMAP 64-2014(Temp), f. 10-24-14, cert. ef. 10-29-14 thru 12-30-14; DMAP 77-2014, f. & cert. ef. 12-12-14; DMAP 78-2014(Temp), f. & cert. ef. 12-12-14 thru 6-9-15; DMAP 88-2014(Temp), f. 12-31-14, cert. ef. 1-1-15 thru 6-29-15; DMAP 10-2015(Temp), f. & cert. ef. 3-3-15 thru 8-29-15; DMAP 26-2015(Temp), f. 4-17-15, cert. ef. 4-18-15 thru 6-26-15; DMAP 35-2015, f. 6-25-15, cert. ef. 6-26-15; DMAP 37-2015(Temp), f. & cert. ef. 7-1-15 thru 12-27-15; DMAP 57-2015(Temp), f. 9-30-15, cert. ef. 10-1-15 thru 12-27-15; DMAP 64-2015(Temp), f. & cert. ef. 11-3-15 thru 12-27-15; DMAP 66-2015(Temp), f. & cert. ef. 11-6-15 thru 12-27-15; DMAP 79-2015, f. 12-22-15, cert. ef. 12-27-15; DMAP 84-2015(Temp), f. 12-23-15, cert. ef. 1-1-16 thru 6-28-16; DMAP 18-2016(Temp), f. 4-28-16, cert. ef. 5-1-16 thru 6-28-16; DMAP 27-2016, f. 6-24-16, cert. ef. 6-28-16; DMAP 43-2016(Temp), f. & cert. ef. 7-1-16 thru 12-27-16; DMAP 57-2016(Temp), f. 9-30-16, cert. ef. 10-1-16 thru 3-29-17

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Rule Caption: Align with Department of Human Services OAR Chapter 461 Rules

Adm. Order No.: DMAP 58-2016

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 10-1-16

Notice Publication Date: 9-1-2016

Rules Amended: 410-120-0006

Subject: In coordination with the Department of Human Services’ (Department) revision of rules established in OAR chapter 461 for all overpayment, personal injury liens, and estate administration, the Division is amending OAR 410-120-0006 to assure that the Division’s rule aligns with and reflects information found in the Department’s amended rules.

In OAR 410-120-0006, the Division adopts and incorporates Department rules and must update OAR 410-120-0006 accordingly. The Division is amending this rule that incorporates rules established in OAR Chapter 461 for all overpayment, personal injury liens, and estate administration for Authority programs covered under OAR 410-200. References to OAR Chapter 461 in contracts of the Authority are deemed to be references to the requirements of this rule.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-120-0006

Medical Eligibility Standards

As the state Medicaid and CHIP agency, the Oregon Health Authority (Authority) is responsible for establishing and implementing eligibility policies and procedures consistent with applicable law. As outlined in OAR 943-001-0020, the Authority and the Department of Human Services (Department) work together to adopt rules to assure that medical assistance eligibility procedures and determinations are consistent across both agencies.

(1) The Authority adopts and incorporates by reference the rules established in OAR Chapter 461 for all overpayment, personal injury liens and estates administration for Authority programs covered under OAR chapter 410, division 200.

(2) Any reference to OAR chapter 461 in contracts of the Authority are deemed to be references to the requirements of this rule and shall be construed to apply to all eligibility policies, procedures and determinations by or through the Authority.

(3) For purposes of this rule, references in OAR chapter 461 to the Department or to the Authority shall be construed to be references to both agencies.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 414.065

Hist.: DMAP 10-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 18-2011(Temp), f. & cert. ef. 7-15-11 thru 1-11-12; DMAP 21-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 1-11-12; DMAP 25-2011(Temp), f. 9-28-11, cert. ef. 10-1-11 thru 1-11-12; DMAP 36-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 1-2012(Temp), f. & cert. ef. 1-13-12 thru 7-10-12; DMAP 2-2012(Temp), f. & cert. ef. 1-26-12 thru 7-10-12; DMAP 3-2012(Temp), f. & cert. ef. 1-31-12 thru 2-1-12; DMAP 4-2012(Temp), f. 1-31-12, cert. ef. 2-1-12 thru 7-10-12; DMAP 9-2012(Temp), f. & cert. ef. 3-1-12 thru 7-10-12; DMAP 21-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 7-10-12; DMAP 25-2012(Temp), f. & cert. ef. 5-1-12 thru 7-10-12; Administrative correction 8-1-12; DMAP 35-2012(Temp), f. & cert. ef. 7-20-12 thru 1-15-13; DMAP 45-2012(Temp), f. & cert. ef. 10-5-12 thru 1-19-13; DMAP 50-2012, f. 10-31-12, cert. ef. 11-1-12; DMAP 53-2012(Temp), f. & cert. ef. 11-1-12 thru 4-29-13; DMAP 56-2012(Temp), f. 11-30-12, cert. ef. 12-1-12 thru 4-1-13; DMAP 60-2012, f. 12-27-12, cert. ef. 1-1-13; DMAP 65-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 6-29-13; DMAP 2-2013(Temp), f. & cert. ef. 1-8-13 thru 6-29-13; DMAP 3-2013(Temp), f. & cert. ef. 1-30-13 thru 6-29-13; DMAP 5-2013(Temp), f. & cert. ef. 2-20-13 thru 6-29-13; DMAP 7-2013(Temp), f. & cert. ef. 3-1-13 thru 6-29-13; DMAP 12-2013, f. 3-27-13, cert. ef. 4-1-13; DMAP 17-2013, f. & cert. ef. 4-10-13; DMAP 24-2013, f. & cert. ef. 5-29-13; DMAP 32-2013, f. & cert. ef. 6-27-13; DMAP 39-2013(Temp), f. 7-26-13, cert. ef. 8-1-13 thru 1-28-14; DMAP 44-2013(Temp), f. 8-21-13, cert. ef. 8-23-13 thru 1-28-14; DMAP 51-2013, f. & cert. ef. 10-1-13; DMAP 52-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; DMAP 55-2013(Temp), f. & cert. ef. 10-2-13 thru 3-31-14; DMAP 59-2013(Temp), f. 10-31-13, cert. ef. 11-1-13 thru 3-31-14; DMAP 9-2014(Temp), f. 1-31-14, cert. ef. 2-1-14 thru 3-31-14; DMAP 18-2014, f. 3-28-14, cert. ef. 3-31-14; DMAP 41-2014, f. & cert. ef. 7-1-14; DMAP 54-2014, f. & cert. ef. 9-23-14; DMAP 12-2015(Temp), f. 3-5-15, cert. ef. 3-19-15 thru 9-14-15; DMAP 33-2015, f. 6-24-15, cert. ef. 7-1-15; DMAP 49-2015, f. 9-3-15, cert. ef. 10-1-15; DMAP 70-2015, f. 12-8-15, cert. ef. 1-1-16; DMAP 32-2016, f. 6-29-16, cert. ef. 7-1-16; DMAP 46-2016, f. 7-18-16, cert. ef. 8-1-16; DMAP 58-2016, f. 9-30-16, cert. ef. 10-1-16

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Rule Caption: Medicaid Payment for Behavioral Health

Adm. Order No.: DMAP 59-2016

Filed with Sec. of State: 10-4-2016

Certified to be Effective: 10-11-16

Notice Publication Date: 9-1-2016

Rules Amended: 410-172-0660, 410-172-0670, 410-172-0700, 410-172-0710

Rules Repealed: 410-172-0660(T), 410-172-0670(T), 410-172-0700(T), 410-172-0710(T), 410-172-0740, 410-172-0750

Subject: These rules details the provider qualifications required to render behavioral health services to Oregon Medicaid recipients. Updates to this rule include the addition and clarification of the providers defined in Oregon’s Medicaid state plan and Oregon revised statute eligible to render behavioral health services to Oregon Medicaid recipients. Behavioral health providers registered by Oregon regulatory boards as interns or licensed as non-clinical providers are eligible to enroll as a rendering provider of services in

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the Oregon Medicaid program and claim for services rendered to Oregon Medicaid recipients.

Inclusion of all allowable provider types as rendering providers of Medicaid funded behavioral health services will align administrative rule with state licensing statute. These changes will; promote parity for board registered interns interested in providing services to Oregon Medicaid recipients; reduce behavioral health workforce shortages in health professional shortage areas in Oregon; expand the available opportunities for board registered interns to gain the post graduate experience required for independent licensure.

Rules Coordinator: Sandy Cafourek —(503) 945-6430

410-172-0660

Rehabilitative Behavioral Health Services

(1) Rehabilitative behavioral health services means medical or remedial services recommended by a licensed medical practitioner or other licensed practitioner to reduce impairment to an individual's functioning associated with the symptoms of a mental disorder or substance use disorder and are intended to restore functioning to the highest degree possible.

(2) Remedial rehabilitative behavioral health services shall be recommended by a licensed practitioner of the healing arts as described in parts 4(c-h) and 5(a-d) within the scope of their practice under state law.

(3) Rehabilitative behavioral health services that include medical services shall be recommended by and provided under ongoing oversight of a licensed medical practitioner as described in part 4(a-b) of this rule within the scope of their practice under state law.

(4) Rendering providers of rehabilitative behavioral health services shall meet one of the following qualifications:

- (a) Physician or Physician Assistant licensed in the State of Oregon;
- (b) Advanced Practice Nurse including Clinical Nurse Specialist and Certified Nurse Practitioner licensed by the Oregon Board of Nursing;
- (c) Psychologist licensed by the Oregon Board of Psychology;
- (d) Professional Counselor or Marriage and Family Therapist licensed by the Oregon Board of Licensed Professional Counselors and Therapists;
- (e) Clinical Social Worker licensed by the Oregon Board of Licensed Social Workers;
- (f) Licensed Master Social Worker licensed by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105;
- (g) Licensed Psychologist Associate granted independent status as described in OAR 858-010-0039;
- (h) Licensed Occupational Therapist licensed by the Oregon Occupational Therapy Licensing Board;
- (i) Organizational certificate of approval issued by the Health Systems Division (Division) as described in OAR 309-012-0130 through 309-012-0220.

(5) Board registered intern providers shall be supervised by a provider as described in section (4)(c-e) of this rule under an active board approved plan of practice and supervision and meet one of the following qualifications:

- (a) Psychologist Associate Residents as described in OAR 858-010-0037;
- (b) Licensed Psychologist Associate under continued supervision as described in OAR 858-010-0038;
- (c) Licensed Professional Counselor intern or Marriage and Family Therapist intern registered with the Oregon Board of Licensed Professional Counselors and Therapists as described in OAR 833-050-0011;
- (d) Certificate of Clinical Social Work Associate issued by the Oregon Board of Licensed Social Workers as described in OAR 877-020-0009;
- (e) Registered bachelor of social work issued by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105.

(6) Providers exempt from licensure or registration per ORS 675.090(f), 675.523(3), or 675.825(c) shall be employed by or contracted with a provider organization certified by the Authority under ORS 430.610 to 430.695 as described in (4)(i) of this rule and meet one of the following qualifications:

- (a) Qualified mental health professional as defined in OAR 309-019-0125(8);
- (b) Qualified mental health associate as defined in OAR 309-019-0125(7);
- (c) Mental health intern as defined in OAR 309-019-0105; or
- (d) Peer-Support Specialist as defined in OAR 410-180-0305.

(7) In addition to meeting the provider requirements described in this rule, providers of Assertive Community Treatment (ACT) services shall be

certified as a fidelity ACT team by the Division or its designee as described in OAR 309-019-0100.

(8) In addition to meeting the provider requirements described in this rule, providers of Supported Employment or Supported Education services shall be certified by the division or its designee as described in OAR 309-019-0100.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715

Hist.: DMAP 85-2014(Temp), f. 12-24-14, cert. ef. 1-1-15 thru 6-29-15; DMAP 32-2015, f. 6-24-15, cert. ef. 6-26-15; DMAP 16-2016(Temp), f. & cert. ef. 4-15-16 thru 10-11-16; DMAP 50-2016(Temp), f. 8-1-16, cert. ef. 8-3-16 thru 10-11-16; DMAP 59-2016, f. 10-4-16, cert. ef. 10-11-16

410-172-0670

Substance Use Disorder Treatment Services

(1) Substance Use Disorder (SUD) treatment services include, but are not limited to, screening; assessment; individual counseling; group counseling; individual family, group or couple counseling; care coordination; medication-assisted treatment; medication management; collection and handling of specimens for substance analysis; interpretation services; detoxification for substance use disorders; synthetic opioid treatment; and acupuncture.

(2) Providers seeking reimbursement for the provision of substance use disorder services within the scope of their practice under state law shall meet one of the following qualifications:

(a) Certificate issued by the Division as described in OAR chapter 415 division 012;

(b) Any facility that meets the definition of a residential treatment facility for substance-dependent individuals under ORS 443.400 or a detoxification center as defined in ORS 430.306 shall have a certificate issued by the Division as described in OAR chapter 415, division 012;

(c) Synthetic opioid treatment programs shall meet the requirements described in OAR chapter 415, division 020;

(d) Substance use detoxification programs shall meet the standards described in OAR 415, chapter 050;

(e) Physician or Physician Assistant licensed by the State of Oregon;

(f) Advanced Practice Nurse including Clinical Nurse Specialist and Certified Nurse Practitioner licensed by the Oregon Board of Nursing;

(g) Professional Counselor or Marriage and Family Therapist licensed by the Oregon Board of Licensed Professional Counselors and Therapists;

(h) Clinical Social Worker licensed by the Oregon Board of Licensed Social Workers;

(i) Psychologist licensed by the Oregon Board of Psychology;

(j) Licensed Psychologist Associate granted independent status as described in OAR 858-010-0039;

(k) Licensed Master Social Worker licensed by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105;

(L) Acupuncturist licensed by the Oregon Medical Board.

(3) Board registered intern providers shall be supervised by a paid provider described in section (2)(g-i) of this rule under an active board approved plan of practice and supervision and meet one of the following qualifications:

(a) Psychologist Associate Residents as described in OAR 858-010-0037;

(b) Licensed Psychologist Associate under continued supervision as described in OAR 858-010-0038;

(c) Licensed Professional Counselor intern or Marriage and Family Therapist intern registered with the Oregon Board of Licensed Professional Counselors and Therapists as described in OAR 833-050-0011;

(d) Certificate of Clinical Social Work Associate issued by the Oregon Board of Licensed Social Workers as described in OAR 877-020-0009;

(e) Registered bachelor of social work issued by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105.

(4) Providers exempt from licensure or registration per ORS 675.090(f), 675.523(3) or 675.825(c) shall be employed by or contracted with a provider organization certified by the Authority under ORS 430.610 to 430.695 as described in (2)(a-d) of this rule and meet one of the following qualifications:

(a) Qualified mental health professional as defined in OAR 309-019-0125(8);

(b) Qualified mental health associate as defined in OAR 309-019-0125(7);

(c) Mental health intern as defined in OAR 309-019-0105(68); or

(d) Peer-Support Specialist or Recovery Mentor as defined in OAR 410-180-0305(13);

(e) Substance Use Disorder counselor certified by a national or state accrediting body.

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Stat. Auth.: ORS 413.042 & 430.640
Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, & 430.715
Hist.: DMAP 85-2014(Temp), f. 12-24-14, cert. ef. 1-1-15 thru 6-29-15; DMAP 32-2015, f. 6-24-15, cert. ef. 6-26-15; DMAP 50-2016(Temp), f. 8-1-16, cert. ef. 8-3-16 thru 10-11-16; DMAP 59-2016, f. 10-4-16, cert. ef. 10-11-16

410-172-0700

1915(i) Home and Community Based Services

(1) Habilitation services are designed to help an individual attain or maintain their maximal level of independence, including the individual's acceptance of a current residence and the prevention of unnecessary changes in residence. Services are provided in order to assist an individual to acquire, retain, or improve skills in one or more of the following areas: Assistance with activities of daily living, cooking, home maintenance, community inclusion and mobility, money management, shopping, community survival skills, communication, self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings.

(2) Psychosocial rehabilitation services are medical or remedial services recommended by a licensed physician or other licensed practitioner to reduce impairment to an individual's functioning associated with the symptoms of a mental disorder or to restore functioning to the highest degree possible.

(3) Providers seeking reimbursement for the provision of rehabilitative behavioral health services shall meet one of the following qualifications:

- (a) Physician or Physician Assistant licensed in the State of Oregon;
- (b) Advanced Practice Nurse including Clinical Nurse Specialist and Certified Nurse Practitioner licensed by the Oregon Board of Nursing;
- (c) Psychologist licensed by the Oregon Board of Psychology;
- (d) Professional Counselor or Marriage and Family Therapist licensed by the Oregon Board of Licensed Professional Counselors and Therapists;
- (e) Clinical Social Worker licensed by the Oregon Board of Licensed Social Workers;
- (f) Licensed Psychologist Associate granted independent status as described in OAR 858-010-0039;
- (g) Licensed Master Social Worker licensed by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105;
- (h) Licensed Occupational Therapist licensed by the Oregon Occupational Therapy Licensing Board;
- (i) Organizational certificate of approval issued by the Division as described in OAR 309-012-0130 through 309-012-0220.

(4) Board registered intern providers shall be supervised by a paid provider as described in section (3)(c-f) of this rule under an active board approved plan of practice and supervision and meet one of the following qualifications:

- (a) Psychologist Associate Residents as described in OAR 858-010-0037;
- (b) Licensed Psychologist Associate under continued supervision as described in OAR 858-010-0038;
- (c) Licensed Professional Counselor intern or Marriage and Family Therapist intern registered with the Oregon Board of Licensed Professional Counselors and Therapists as described in OAR 833-050-0011;
- (d) Certificate of Clinical Social Work Associate issued by the Oregon Board of Licensed Social Workers as described in OAR 877-020-0009;
- (e) Registered bachelor of social work issued by the Oregon Board of Licensed Social Workers as described in OAR 877-015-0105.

(5) Providers exempt from licensure or registration per ORS 675.090(f), 675.523(3), or 675.825(c) shall be employed by or contracted with a provider organization certified by the Authority under ORS 430.610 to 430.695 as described in (3)(i) of this rule and meet one of the following qualifications:

- (a) Qualified mental health professional as defined in OAR 309-019-0105;
- (b) Qualified mental health associate as defined in OAR 309-019-0105;
- (c) Mental health intern as defined in OAR 309-019-0105; or
- (d) Peer-Support Specialist as defined in OAR 410-180-0305;
- (e) Recovery Assistant.

(6) Providers of 1915(i) services may be required to meet Community Mental Health Program (CMHP) liability insurance requirements.

(7) Due to federal requirements for the Authority to ensure the impartiality of paid providers rendering services to 1915(i) eligible members, providers may be restricted from conducting eligibility reviews or developing the behavioral health assessment or service plan.

(8) To be eligible for services under the 1915(i) State Plan HCBS, the individual shall meet the following requirements:

(a) Been diagnosed with a chronic mental illness as defined in ORS 426.495;

(b) Been assessed as needing assistance to perform at least two personal care services as identified in these rules due to a chronic mental illness.

(9) Eligibility for 1915(i) services is determined by an external Independent and Qualified Agent (IQA) as identified by the Division.

Stat. Auth.: ORS 413.042 & 430.640
Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, & 430.715
Hist.: DMAP 85-2014(Temp), f. 12-24-14, cert. ef. 1-1-15 thru 6-29-15; DMAP 32-2015, f. 6-24-15, cert. ef. 6-26-15; DMAP 50-2016(Temp), f. 8-1-16, cert. ef. 8-3-16 thru 10-11-16; DMAP 59-2016, f. 10-4-16, cert. ef. 10-11-16

410-172-0710

Residential Personal Care

(1) Personal care services provided to a resident of a Division licensed residential treatment program include a range of assistance, as developmentally appropriate, and are provided to individuals with behavioral health conditions that enable them to accomplish tasks that they would normally do for themselves if they did not have a behavioral health condition. Assistance may be in the form of hands-on assistance (actually performing a personal care task) or cueing (redirecting) so that the individual performs the task by him or herself. Behavioral health personal care attendant services are provided in accordance with an individual's authorized plan for services recommended by a provider meeting the qualifications of a QMHP or QMHA as defined in OAR 309-019-0105.

(2) Personal care assistance most often relates to performance of activities of daily living (ADLs) and instrumental activities of daily living (IADLs). ADLs include eating, bathing, dressing, toileting, transferring, and maintaining continence. IADLs capture more complex life activities and include personal hygiene, light housework, laundry, meal preparation, transportation, grocery shopping, using the telephone, medication management, and money management.

(3) Personal care services may be provided on a continuing basis or on episodic occasions.

(4) Paid providers of facility-based personal care services shall meet one of the following:

- (a) Licensed residential facility pursuant to OAR chapter 309, divisions 035 and 040;
- (b) Secure Residential Treatment Facility (SRTF);
- (c) Residential Treatment Facility (RTF);
- (d) Residential Treatment Home (RTH);
- (e) Adult Foster Home (AFH).

Stat. Auth.: ORS 413.042 & 430.640
Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, & 430.715
Hist.: DMAP 85-2014(Temp), f. 12-24-14, cert. ef. 1-1-15 thru 6-29-15; DMAP 32-2015, f. 6-24-15, cert. ef. 6-26-15; DMAP 50-2016(Temp), f. 8-1-16, cert. ef. 8-3-16 thru 10-11-16; DMAP 59-2016, f. 10-4-16, cert. ef. 10-11-16

Rule Caption: Align Applied Behavioral Analysis Rules with Licensing Rules, HERC Prioritized List, Corrections, Clarification Referral Process

Adm. Order No.: DMAP 60-2016(Temp)

Filed with Sec. of State: 10-7-2016

Certified to be Effective: 10-7-16 thru 4-4-17

Notice Publication Date:

Rules Amended: 410-172-0650, 410-172-0760, 410-172-0770

Subject: The rules governing Applied Behavioral Analysis, OARs 410-172-0650, 410-172-0760, and 410-172-0770, will be amended to comply with recent changes to the licensing rules governing ABA practitioners (OAR 824-035-0005), to align the rules with the HERC's Prioritized List, to correct a grammatical error (OAR 410-172-0770 (1)(d)), and to clarify the referral process.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-172-0650

Prior Authorization

(1) Some services or items covered by the Division authorization before the service may be provided. Services requiring prior authorization are published on the Medicaid Behavioral Health Services Fee Schedule.

(2) The Division shall authorize payment for the type of service or level of care that meets the recipient's medical need and that has been adequately documented.

(3) The Division shall only authorize services that are medically appropriate and for which the required documentation has been supplied.

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The Division may request additional information from the provider to determine medical appropriateness.

(4) Documentation submitted when requesting authorization shall support the medical justification for the service. The authorization request shall contain:

(a) A cover sheet detailing relevant provider and recipient Medicaid numbers;

(b) Requested dates of service;

(c) HCPCS or CPT Procedure code requested; and

(d) Amount of service or units requested;

(e) A behavioral health assessment and service plan meeting the requirements described in OAR 309-019-0135 through 309-019-0140; or

(f) Any additional supporting clinical information supporting medical justification for the services requested;

(g) For substance use disorder services, the Division uses the American Society of Addiction Medicine (ASAM) Patient Placement Criteria second edition-revised (PPC-2R) to determine the appropriate level of SUD treatment of care. Providers shall use the ASAM;

(h) For Applied Behavioral Analysis (ABA) services, the Division requires submission of:

(A) An evaluation as described in OAR 410-172-0770(1) from a physician or psychologist experienced in the diagnosis and treatment of autism;

(B) A referral for treatment as described in OAR 410-172-0770(1)(e) from a physician and/or psychologist experienced in the diagnosis and treatment of autism;

(C) A functional analysis and a behavior treatment plan from a licensed health care professional as defined in section 1 of 2015 Oregon Laws Chapter 674; or by a behavior analyst or assistant behavior analyst licensed by the Oregon Behavior Analysis Regulatory Board; or by an individual actively pursuing or holding a declaration of practice through the Oregon Behavior Analysis Regulatory Board as described in OAR 824-035-0005.

(i) Residential treatment services for children may require a letter of approval by a designated quality improvement organization (QIO) as defined in this rule;

(j) Some services require additional approval or authorization by a physician, the Authority, or designee. Services requiring additional approval are listed on the Behavioral Health Fee Schedule or described in this rule.

(5) The Division may not authorize services under the following circumstances:

(a) The request received by the Division was not complete;

(b) The provider did not hold the appropriate license, certificate, or credential at the time services were requested;

(c) The recipient was not eligible for Medicaid at the time services were requested;

(d) The provider cannot produce appropriate documentation to support medical appropriateness, or the appropriate documentation was not submitted to the Division;

(e) The services requested are not in compliance with OAR 410-120-1260 through 410-120-1860;

(f) Authorization for payment may be given for a past date of service if:

(A) On the date of service, the recipient was made retroactively eligible or was retroactively dis-enrolled from a Coordinated Care Organization (CCO) or Prepaid Health Plan (PHP);

(B) The services provided meet all other criteria and Division or Authority administrative rules and;

(C) The request for authorization is received within 30 days of the date of service.

(6) Any requests for authorization after 30 days from date of service require documentation from the provider that authorization could not have been obtained within 30 days of the date of service.

(7) Payment authorization is valid for the time-period specified on the authorization notice but may not exceed 12 months unless the recipient's benefit package no longer covers the service, in which case the authorization shall terminate on the date coverage ends.

(8) Prior authorization of services shall be subject to periodic utilization review and retrospective review to ensure services meet the definition of medical appropriateness.

(9) Payments shall be made for the provision of active treatment services. If active treatment is not documented during any period in which the Division has prior authorized services, the Division may limit or cancel prior authorization or recoup such payments.

(10) If providers fail to comply with requests for documents for purposes of verifying medical appropriateness within the specified time-frames, the Authority may deem the records non-existent and cancel prior authorization.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, & 430.715

Hist.: DMAP 85-2014(Temp), f. 12-24-14, cert. ef. 1-1-15 thru 6-29-15; DMAP 32-2015, f. 6-24-15, cert. ef. 6-26-15; DMAP 60-2016(Temp), f. & cert. ef. 10-7-16 thru 4-4-17

410-172-0760

Applied Behavior Analysis

(1) Applied Behavior Analysis (ABA) services shall be recommended by a licensed physician or licensed psychologist who has experience or training in the diagnosis of autism spectrum disorder and holds at least one of the following educational degrees and valid licensure:

(a) Physician licensed to practice in the State of Oregon;

(b) Psychologist licensed to practice in the State of Oregon;

(2) Paid providers of ABA services shall hold the following license, registration, or declaration of practice:

(a) Licensed Behavior Analyst as described in OAR 824-030-0010;

(b) Licensed health care professional who is registered with the Oregon Behavior Analyst Certification Board as described in OAR 824-030-0030;

(c) Individual actively pursuing or holding a declaration of practice through the Oregon Behavior Analysis Regulatory Board as described in OAR 824-035-0005.

(3) Non-paid providers of ABA services shall hold the following license or registration:

(a) Assistant Behavior Analyst licensed by the Oregon Behavior Analysis Regulatory Board as described in OAR 824-030-0020;

(b) Behavior Analysis Interventionists registered by the Oregon Behavior Analysis Regulatory Board as described in OAR 824-030-0040.

Stat. Auth.: ORS 413.042, 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715

Hist.: DMAP 85-2014(Temp), f. 12-24-14, cert. ef. 1-1-15 thru 6-29-15; DMAP 32-2015, f. 6-24-15, cert. ef. 6-26-15; DMAP 60-2016(Temp), f. & cert. ef. 10-7-16 thru 4-4-17

410-172-0770

Individual Eligibility for Applied Behavioral Analysis Treatment

(1) Prior to receiving services, individuals receiving ABA shall have an evaluation by a physician or psychologist experienced in the diagnosis and treatment of autism using the current DSM criteria that includes:

(a) A Diagnosis of an Autism spectrum disorder or stereotypy with self-abusive behavior due to neurological dysfunction;

(b) Documentation of and results from a standardized tool that has been used to substantiate the autism disorder or questionnaires or observation that have been used to substantiate a diagnosis of stereotypy with self-abusive behavior due to neurological dysfunction;

(c) Documentation of behaviors that are considered to have an adverse impact on the individual's development or communication;

(d) Documentation of behavior that is injurious to themselves or others or that interferes with everyday functions or activities;

(e) Documentation that less intensive treatment or other therapy has been considered or found insufficient;

(f) Any other documentation that would substantiate the diagnosis of autism or stereotypy with self-abusive behavior due to a neurological dysfunction including but not limited to:

(A) Notes from well-child visits or other medical professionals;

(B) Results from any additional assessments such as IQ tests, speech and language tests, or tests of auditory function.

(g) A referral for ABA treatment shall include:

(A) A diagnosis of autism or stereotypy with self-abusive behavior due to a neurological dysfunction;

(B) A copy of the evaluation described above;

(C) A referral for ABA treatment without specifying hours or intensity.

(2) Refer to the Health Evidence Review Commission's Prioritized List for guideline notes related to ABA therapy.

Stat. Auth.: ORS 413.042, 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715

Hist.: DMAP 85-2014(Temp), f. 12-24-14, cert. ef. 1-1-15 thru 6-29-15; DMAP 32-2015, f. 6-24-15, cert. ef. 6-26-15; DMAP 60-2016(Temp), f. & cert. ef. 10-7-16 thru 4-4-17

Rule Caption: Updates the Covered and Non-Covered Dental Services According to the Prioritized List

Adm. Order No.: DMAP 61-2016

Filed with Sec. of State: 10-13-2016

Certified to be Effective: 10-13-16

ADMINISTRATIVE RULES

Notice Publication Date: 9-1-2016

Rules Amended: 410-123-1220

Rules Repealed: 410-123-1220(T)

Subject: The Authority is specifying the version of the Covered and Non-Covered list, which is incorporated in this rule, in effect at any given time. It changes the version date for a referenced document, first from 10/1/2015 to 1/1/2016 and then from 1/1/2016 to 7/1/2016.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-123-1220

Coverage According to the Prioritized List of Health Services

(1) This rule incorporates by reference the “Covered and Non-Covered Dental Services” document dated July 1, 2016, and located on the Health System Division, Medical Assistance Programs (Division) website at: <http://www.oregon.gov/oha/healthplan/Pages/dental.aspx>.

(a) The “Covered and Non-Covered Dental Services” document lists coverage of Current Dental Terminology (CDT) procedure codes according to the Oregon Health Evidence Review Commission (HERC) Prioritized List of Health Services (Prioritized List) and the client’s specific Oregon Health Plan benefit package;

(b) This document is subject to change if there are funding changes to the Prioritized List.

(2) Changes to services funded on the Prioritized List are effective on the date of the Prioritized List change:

(a) The Division administrative rules (chapter 410, division 123) will not reflect the most current Prioritized List changes until they have gone through the Division rule filing process;

(b) For the most current Prioritized List, refer to the HERC website at www.oregon.gov/oha/herc/Pages/PrioritizedList.aspx;

(c) In the event of an alleged variation between a Division-listed code and a national code, the Division shall apply the national code in effect on the date of request or date of service.

(3) Refer to OAR 410-123-1260 for information about limitations on procedures funded according to the Prioritized List. Examples of limitations include frequency and client’s age.

(4) The Prioritized List does not include or fund the following general categories of dental services, and the Division does not cover them for any client. Several of these services are considered elective or “cosmetic” in nature (i.e., done for the sake of appearance):

- (a) Desensitization;
- (b) Implant and implant services;
- (c) Mastique or veneer procedure;
- (d) Orthodontia (except when it is treatment for cleft palate);
- (e) Overhang removal;
- (f) Procedures, appliances, or restorations solely for aesthetic or cosmetic purposes;
- (g) Temporomandibular joint dysfunction treatment; and
- (h) Tooth bleaching.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Hist.: HR 3-1994, f. & cert. ef. 2-1-94; HR 21-1994(Temp), f. 4-29-94, cert. ef. 5-1-94; HR 32-1994, f. & cert. ef. 11-1-94; HR 20-1995, f. 9-29-95, cert. ef. 10-1-95; HR 9-1996, f. 5-31-96, cert. ef. 6-1-96; OMAP 13-1998(Temp), f. & cert. ef. 5-1-98 thru 9-1-98; OMAP 28-1998, f. & cert. ef. 9-1-98; OMAP 23-1999, f. & cert. ef. 4-30-99; OMAP 8-2000, f. 3-31-00, cert. ef. 4-1-00; OMAP 17-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 48-2002, f. & cert. ef. 10-1-02; OMAP 3-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 65-2003, f. 9-10-03 cert. ef. 10-1-03; DMAP 25-2007, f. 12-11-07, cert. ef. 1-1-08; DMAP 38-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 16-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 41-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 14-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 31-2010, f. 12-15-10, cert. ef. 1-1-11; DMAP 17-2011, f. & cert. ef. 7-12-11; DMAP 41-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 46-2011, f. 12-23-11, cert. ef. 1-1-12; DMAP 13-2013, f. 3-27-13, cert. ef. 4-1-13; DMAP 7-2015(Temp), f. & cert. ef. 2-17-15 thru 8-15-15; DMAP 28-2015, f. & cert. ef. 5-1-15; DMAP 46-2015(Temp), f. 8-26-15, cert. ef. 10-1-15 thru 3-28-16; DMAP 65-2015, f. 11-3-15, cert. ef. 12-1-15; DMAP 20-2016(Temp), f. 5-6-16, cert. ef. 5-10-16 thru 11-5-16; DMAP 48-2016(Temp), f. & cert. ef. 7-22-16 thru 11-5-16; DMAP 61-2016, f. & cert. ef. 10-13-16

Rule Caption: Amending Prior Authorization Approval Criteria Guide

Adm. Order No.: DMAP 62-2016(Temp)

Filed with Sec. of State: 10-13-2016

Certified to be Effective: 10-13-16 thru 12-27-16

Notice Publication Date:

Rules Amended: 410-121-0040

Subject: The Pharmaceutical Services program administrative rules (division 121) govern Division payments for services provided to certain clients. The Authority is amending this rule to update the Ore-

gon Medicaid Fee for Service Prior Authorization Criteria Guide found at <http://www.oregon.gov/oha/healthplan/Pages/pharmacy-policy.aspx> based on the P&T (Pharmacy and Therapeutic) Committee recommendations.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-121-0040

Prior Authorization Required for Drugs and Products

(1) Prescribing practitioners shall obtain prior authorization (PA) for the drugs and categories of drugs requiring PA in this rule, using the procedures set forth in OAR 410-121-0060.

(2) All drugs and categories of drugs including, but not limited to, those drugs and categories of drugs that require PA shall meet the following requirements for coverage:

(a) Each drug shall be prescribed for conditions funded by the Oregon Health Plan (OHP) in a manner consistent with the Health Evidence Review Commission (HERC) Prioritized List of Health Services (OAR 410-141-0480 through 410-141-0520). If the medication is for a non-covered diagnosis, the medication may not be covered unless there is a co-morbid condition for which coverage would be allowed. The use of the medication shall meet corresponding treatment guidelines and be included within the client’s benefit package of covered services and not otherwise excluded or limited;

(b) Each drug shall also meet other criteria applicable to the drug or category of drug in these pharmacy provider rules, including PA requirements imposed in this rule.

(3) The Authority may require PA for individual drugs and categories of drugs to ensure that the drugs prescribed are indicated for conditions funded by OHP and consistent with the Prioritized List of Health Services and its corresponding treatment guidelines (see OAR 410-141-0480). The drugs and categories of drugs that the Authority requires PA for this purpose are found in the Oregon Medicaid Fee-for-Service Prior Authorization Approval Criteria (PA Criteria guide) dated October 13, 2016, adopted and incorporated by reference and found at: <http://www.oregon.gov/OHA/healthplan/pages/pharmacy-policy.aspx>

(4) The Authority may require PA for individual drugs and categories of drugs to ensure medically appropriate use or to address potential client safety risk associated with the particular drug or category of drug, as recommended by the Pharmacy & Therapeutics Committee (P&T) and adopted by the Authority in this rule. The drugs and categories of drugs for which the Authority requires PA for this purpose are found in the Pharmacy PA Criteria Guide.

(5) New drugs shall be evaluated when added to the weekly upload of the First Databank drug file:

(a) If the new drug is in a class where current PA criteria apply, all associated PA criteria shall be required at the time of the drug file load;

(b) If the new drug is indicated for a condition below the funding line on the Prioritized List of Health Services, PA shall be required to ensure that the drug is prescribed for a condition funded by OHP;

(c) PA criteria for all new drugs shall be reviewed by the DUR/P&T Committee.

(6) PA shall be obtained for brand name drugs that have two or more generically equivalent products available and that are not determined Narrow Therapeutic Index drugs by the DUR/P&T Committee:

(a) Immunosuppressant drugs used in connection with an organ transplant shall be evaluated for narrow therapeutic index within 180 days after United States patent expiration;

(b) Manufacturers of immunosuppressant drugs used in connection with an organ transplant shall notify the Authority of patent expiration within 30 days of patent expiration for section (5)(a) to apply;

(c) Criteria for approval are:

(A) If criteria established in section (3) or (4) of this rule applies, follow that criteria;

(B) If section (6)(A) does not apply, the prescribing practitioner shall document that the use of the generically equivalent drug is medically contraindicated and provide evidence that either the drug has been used and has failed or that its use is contraindicated based on evidence-based peer reviewed literature that is appropriate to the client’s medical condition.

(7) PA shall be obtained for non-preferred Preferred Drug List (PDL) products in a class evaluated for the PDL except in the following cases:

(a) The drug is a mental health drug as defined in OAR 410-121-0000;

(b) The original prescription is written prior to 1/1/10;

(c) The prescription is a refill for the treatment of seizures, cancer, HIV, or AIDS; or

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- (d) The prescription is a refill of an immunosuppressant.
- (8) PA may not be required:
- (a) When the prescription ingredient cost plus the dispensing fee is less than the PA processing fees as determined by the Authority;
- (b) For over-the-counter (OTC) covered drugs when prescribed for conditions covered under OHP; or
- (c) If a drug is in a class not evaluated from the Practitioner-Managed Prescription Drug Plan under ORS 414.334.

Stat. Auth.: ORS 413.032, 413.042, 414.065, 414.330 to 414.414, 414.312 & 414.316
Stats. Implemented: 414.065, 414.334, 414.361, 414.371, 414.353 & 414.354
Hist.: AFS 56-1989, f. 9-28-89, cert. ef. 10-1-89; AFS 2-1990, f. & cert. ef. 1-16-90; HR 29-1990, f. 8-31-90, cert. ef. 9-1-90, Renumbered from 461-016-0170; HR 10-1991, f. & cert. ef. 2-19-91; HR 14-1993, f. & cert. ef. 7-2-93; HR 25-1994, f. & cert. ef. 7-1-94; HR 6-1995, f. 3-31-95, cert. ef. 4-1-95; HR 18-1996(Temp), f. & cert. ef. 10-1-96; HR 8-1997, f. 3-13-97, cert. ef. 3-15-97; OMAP 1-1999, f. & cert. ef. 2-1-99; OMAP 29-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 31-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 44-2002, f. & cert. ef. 10-1-02; OMAP 66-2002, f. 10-31-02, cert. ef. 11-1-02; OMAP 29-2003, f. 3-31-03, cert. ef. 4-1-03; OMAP 40-2003, f. 5-27-03, cert. ef. 6-1-03; OMAP 43-2003(Temp), f. 6-10-03, cert. ef. 7-1-03 thru 12-15-03; OMAP 49-2003, f. 7-31-03, cert. ef. 8-1-03; OMAP 84-2003, f. 11-25-03, cert. ef. 12-1-03; OMAP 87-2003(Temp), f. & cert. ef. 12-15-03 thru 5-15-04; OMAP 9-2004, f. 2-27-04, cert. ef. 3-1-04; OMAP 71-2004, f. 9-15-04, cert. ef. 10-1-04; OMAP 74-2004, f. 9-23-04, cert. ef. 10-1-04; OMAP 89-2004, f. 11-24-04, cert. ef. 12-1-04; OMAP 4-2006(Temp), f. & cert. ef. 3-15-06 thru 9-7-06; OMAP 32-2006, f. 8-31-06, cert. ef. 9-1-06; OMAP 41-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 4-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 26-2007, f. 12-11-07, cert. ef. 1-1-08; DMAP 9-2008, f. 3-31-08, cert. ef. 4-1-08; DMAP 16-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 14-2009, f. 6-12-09, cert. ef. 7-1-09; DMAP 39-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 17-2010, f. 6-15-10, cert. ef. 7-1-10; DMAP 40-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 27-2011(Temp), f. & cert. ef. 9-30-11 thru 3-15-12; DMAP 44-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 12-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 18-2012, f. 3-30-12, cert. ef. 4-9-12; DMAP 23-2012(Temp), f. & cert. ef. 4-20-12 thru 10-15-12; DMAP 27-2012(Temp), f. & cert. ef. 5-14-12 thru 10-15-12; DMAP 29-2012, f. & cert. ef. 6-21-12; DMAP 33-2012(Temp), f. 7-18-12, cert. ef. 7-23-12 thru 1-18-13; DMAP 40-2012(Temp), f. & cert. ef. 8-20-12 thru 1-18-13; DMAP 44-2012(Temp), f. & cert. ef. 9-26-12 thru 1-18-13; DMAP 61-2012, f. 12-27-12, cert. ef. 1-1-13; DMAP 6-2013(Temp), f. & cert. ef. 2-21-13 thru 8-19-13; DMAP 23-2013(Temp), f. 4-30-13, cert. ef. 5-1-13 thru 8-19-13; Administrative correction, 7-18-13; DMAP 43-2013, f. & cert. ef. 8-16-13; DMAP 76-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 14-2014(Temp), f. & cert. ef. 3-21-14 thru 9-17-14; DMAP 27-2014(Temp), f. & cert. ef. 5-2-14 thru 6-30-14; DMAP 38-2014, f. & cert. ef. 6-30-14; DMAP 46-2014(Temp), f. & cert. ef. 7-15-14 thru 1-11-15; DMAP 49-2014(Temp), f. & cert. ef. 8-13-14 thru 1-11-15; DMAP 62-2014(Temp), f. 10-13-14, cert. ef. 10-14-14 thru 1-11-15; DMAP 75-2014, f. & cert. ef. 12-12-14; DMAP 76-2014(Temp), f. & cert. ef. 12-12-14 thru 6-7-15; DMAP 89-2014(Temp), f. 12-31-14, cert. ef. 1-1-15 thru 6-26-15; DMAP 4-2015(Temp), f. & cert. ef. 2-3-15 thru 6-26-15; DMAP 25-2015(Temp), f. 4-17-15, cert. ef. 4-18-15 thru 6-26-15; DMAP 34-2015, f. 6-25-15, cert. ef. 6-26-15; DMAP 36-2015(Temp), f. 6-26-15, cert. ef. 7-1-15 thru 12-27-15; DMAP 41-2015(Temp), f. & cert. ef. 8-7-15 thru 2-2-16; DMAP 44-2015(Temp), f. 8-21-15, cert. ef. 8-25-15 thru 12-27-15; DMAP 58-2015(Temp), f. & cert. ef. 10-9-15 thru 12-27-15; DMAP 80-2015, f. 12-23-15, cert. ef. 12-27-15; DMAP 83-2015(Temp), f. 12-23-15, cert. ef. 1-1-16 thru 6-28-16; DMAP 6-2016(Temp), f. 2-11-16, cert. ef. 2-12-16 thru 6-28-16; DMAP 19-2016(Temp), f. 4-28-16, cert. ef. 5-1-16 thru 6-28-16; DMAP 26-2016, f. 6-24-16, cert. ef. 6-28-16; DMAP 35-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 12-27-16; DMAP 54-2016(Temp), f. & cert. ef. 8-26-16 thru 12-27-16; DMAP 62-2016(Temp), f. & cert. ef. 10-13-16 thru 12-27-16

Oregon Health Authority,
Health Systems Division: Mental Health Services
Chapter 309

Rule Caption: Adoption of New Rules titled Psychiatric Emergency Services (PES).

Adm. Order No.: MHS 15-2016(Temp)

Filed with Sec. of State: 10-6-2016

Certified to be Effective: 10-6-16 thru 4-3-17

Notice Publication Date:

Rules Adopted: 309-023-0100, 309-023-0110, 309-023-0120, 309-023-0130, 309-023-0140, 309-023-0150, 309-023-0160, 309-023-0170, 309-023-0180

Subject: These new rules govern Psychiatric Emergency Services (PES) which are bundled psychiatric services delivered in a new facility type. There are 9 sections in total, covering Purpose and Scope, Definitions, PES Facility Requirements, Services, Seclusion and Restraint, Involuntary Detainment & Informed Consent, Staffing Requirements, Staff Training and Quality Assessment and Improvement & Patient Outcomes.

Rules Coordinator: Nola Russell—(503) 945-7652

309-023-0100

Purpose and Scope

These rules prescribe standards of care and other requirements relating to psychiatric emergency services delivered in an emergency department at a licensed hospital or licensed hospital satellite.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: MHS 15-2016(Temp), f. & cert. ef. 10-6-16 thru 4-3-17

309-023-0110

Definitions

In addition to the definitions in OAR chapter 309 division 033 the following definitions apply to these rules:

(1) “Behavioral Health” means mental health, mental illness, substance use disorders, and gambling disorders.

(2) “Behavioral Health Assessment” means a process which determines a patient’s need for immediate crisis stabilization through evaluation of the patient’s strengths, goals, needs, and current level of functioning.

(3) “Best Practice Risk Assessment” means a research-informed methodology that provides guidelines or tools to determine an individual’s level of risk for attempting or completing self-inflicted injury or death and may include tools such as the Columbia Suicide Severity Rating Scale or other tools accepted for the Substance Abuse and Mental Health Services Administration National Registry of Evidence-based Programs and Practices or the Suicide Prevention Resource Center Best Practices Registry.

(4) “Care Coordination” means a process-oriented activity to facilitate ongoing communication and collaboration to meet multiple needs including facilitating communication between family, natural supports, community resources, and involved providers and agencies; organizing, facilitating and participating in team meetings; and providing for continuity of care by creating linkages to and managing transitions between levels of care.

(5) “Case Management” means the services provided to assist individuals, who reside in a community setting, or are transitioning to a community setting, in gaining access to needed medical, behavioral health, social, educational, government entitlement programs, and other applicable community services.

(6) “Crisis” means either an actual, or perceived, urgent or emergent situation that occurs when an individual’s stability or functioning is disrupted and there is an immediate need to resolve the situation to prevent a serious deterioration in the individual’s mental or physical health or to prevent referral to a significantly higher level of care.

(7) “Crisis Intervention” means short-term services to address an immediate crisis need.

(8) “Crisis Stabilization Plan” means an individualized written plan defining specific short-term rehabilitation objectives and proposed crisis interventions derived from the patient’s mental and physical health assessment.

(9) “Family” has the meaning given that term in 309-018-0150.

(10) “Hospital” has the meaning given that term in ORS 442.015.

(11) “Hospital Hold” means the taking of an individual into custody by order of a physician pursuant to ORS 426.232.

(12) “Lethal Means Counseling” means providers implement counseling strategies to help patients at risk for suicide, and their families, reduce access to lethal means, including but not limited to firearms. It includes but is not limited to several components; background on suicide data and lethal means, introduction to firearms, video presentation that models the counseling strategy, presentation and discussion on conducting a counseling session, optional role plays, and a course evaluation. (<http://www.sprc.org/resources-programs/calm-counseling-access-lethal-means-0>).

(13) “Living Room Setting” means a care setting that reflects the relaxed, warm, welcoming and non-clinical qualities of a typical living room.

(14) “Medically Appropriate Treatment” has the meaning given that term in OAR 410-172-0630.

(15) “Mental Status Examination” means an overall assessment of an individual’s mental functioning.

(16) “Peer” has the meaning given that term in OAR 410-180-0305.

(17) “Peer Delivered Services” has the meaning given that term in OAR 309-019-0100.

(18) “Peer Support Specialist” has the meaning given that term in OAR 410-180-0300 and also means an individual who has completed a Division approved training program (see OAR 410-180-0312) and is providing peer delivered services to an individual or family member with similar life experience, under the supervision of a qualified clinical supervisor.

(19) “Psychiatric Emergency Services (PES)” means medical and behavioral health services provided to individuals experiencing an acute disturbance of thought, mood, behavior, or social relationship that requires an immediate intervention as defined by the patient, family or the community, to prevent harm to the patient or others.

(20) “Safety Plan” means a patient directed document developed through a collaborative process in which the provider assists the patient in

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listing strategies for the patient to use when suicide ideation is elevated or after a suicide attempt. A safety plan template is available from the Suicide Prevention Resource Center at <http://www.sprc.org/resources-programs/calm-counseling-access-lethal-means-0>.

(21) "Transition of Care Coordination" also known as a Warm Handoff, means the process of transferring a patient from one provider to another, prior to discharge.

(22) "Trauma Informed Services" has the meaning given that term in OAR 309-018-0105(77). The Authority's trauma informed service policy may be found at <https://www.oregon.gov/oha/amh/pages/trauma.aspx>.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

309-023-0120

PES Facility Requirements

(1) For purposes of these rules, psychiatric emergency services shall be delivered in an emergency department through a hospital or hospital satellite licensed in accordance with OAR chapter 333 division 500.

(2) The PES facility shall comply with the following:

(a) Standards for Regional Acute Care Psychiatric Services for Adults pursuant to OAR 309-032-0850 to 0870.

(b) Be approved as a hospital hold facility pursuant to OAR 309-033-0500 to 0550.

(c) Meet the structural and physical requirements set forth in OAR chapter 333 division 535 and OAR 309-033-0727.

(3) The facility shall offer food and drink at regularly scheduled intervals and as needed, to patients receiving services.

(4) The facility shall develop policies and procedures annually that demonstrate collaboration with all local licensed ambulance service agencies and police departments that specify the role of each responder in managing medical, psychiatric and other emergencies. The policies and procedures shall also include a requirement for first responder training to determine if the appropriate setting for the patient should be a PES.

(5) The facility shall develop policies and procedures that demonstrate collaboration with the local community and local Coordinated Care Organizations.

(6) The facility shall have phone access available for the patient, when appropriate.

(7) The facility shall offer a care setting that is appropriate to the patient's wishes and safety needs. Care settings should include a living room setting, which may accommodate the option for lying down comfortably and allowing for more privacy. Living room settings include comfortable seating, soft lighting, and are designed to encourage a sense of safety and belonging.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: MHS 15-2016(Temp), f. & cert. ef. 10-6-16 thru 4-3-17

309-023-0130

Services

(1) Psychiatric emergency services may include up to 23 hours of triage and assessment, observation and supervision, crisis stabilization, crisis intervention, crisis counseling, case management, medication management, safety planning, lethal means counseling, and mobilization of peer and family support and community resources.

(2) The facility shall deliver services that are individualized, recovery-oriented, trauma informed, developmentally and medically appropriate and consistent with best practices for suicide risk assessment, intervention and treatment.

(3) Staff must promptly conduct an assessment to determine the precipitating factors that lead to the crisis and a screening assessment which shall include a best practice evaluation of risk of harm to self or others, a mental status exam, need for immediate behavioral health assessment, including depression screening, need for emergency intervention, a medical screening exam, and collection of collateral information.

(4) Staff shall develop a crisis stabilization plan that provides the most effective treatment based on the patient's provisional psychiatric condition and, to the maximum extent possible, incorporates patient or family preferences. For purposes of these rules, the term families includes families of choice. The facility shall offer peer delivered services to the patient and family and, if accepted, shall be incorporated in care coordination and crisis stabilization plan.

(5) The facility shall provide access to existing community based rehabilitation, reasonable access to peer and family support and social services that may be used to help the patient transition to the community and provide documentation of other needed interventions including crisis counseling and family counseling.

(6) Transition of care coordination shall include to the extent possible and when the patient agrees:

(a) A face-to-face meeting with a community provider and the patient, and if possible, family, and hospital staff prior to discharge.

(b) A face-to-face meeting may be accomplished via technology that provides secure, unrecorded, audio video in a private setting with a community provider and the patient, and if possible, family and hospital staff.

(7) Transition of care coordination shall include:

(a) A transitional team at the PES facility to support the patient, serve as a bridge between the hospital and a community provider and to the extent possible ensure that the patient connects with a community provider, and peer and family support services if desired by the patient and their family.

(b) For patients discharged to their home or other living environment, a member of the transition team shall determine through interviews with the patient, family, peer or family support specialists or lay caregiver the safety of that environment, potential mitigating factors to reduce risk, provide discharge instructions, including a safety plan, and lethal means counseling to the patient, peer and family support specialist and family.

(8) Facilities shall ensure that the rights of individuals are provided pursuant to OAR 309-032-0341.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: MHS 15-2016(Temp), f. & cert. ef. 10-6-16 thru 4-3-17

309-023-0140

Seclusion and Restraint

(1) The facility shall be certified as a Class 1 facility pursuant to OAR 309-033-0520. A Class 1 facility is a facility that is approved under applicable administrative rules to be locked to prevent a patient from leaving the facility, to use seclusion and restraint, and to involuntarily administer psychiatric medication.

(2) The facility shall comply with seclusion and restraint requirements set forth in OAR chapter 309 division 33.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: MHS 15-2016(Temp), f. & cert. ef. 10-6-16 thru 4-3-17

309-023-0150

Involuntary Detainment & Informed Consent

(1) For individuals who are in custody, under a civil commitment, hospital hold or on diversion, the PES facility must comply with the administrative rules in OAR chapter 309, division 33 which govern the administration, standards of care, standards for obtaining informed consent, administration of emergency procedures without informed consent, and transportation of individuals being held in custody, whether the individual is under a civil commitment order, a hospital hold, or on diversion from a civil commitment.

(2) The facility shall have written policies concerning the care, custody, and treatment of individuals in custody or on diversion. These policies shall be reviewed as part of the Division's approval process, and be in accordance with OAR chapter 309 division 33.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: MHS 15-2016(Temp), f. & cert. ef. 10-6-16 thru 4-3-17

309-023-0160

Staffing Requirements

(1) An adequate number of clinical staff and on-site peer support specialists shall be available and specifically trained in psychiatric emergency services.

(2) A licensed psychiatrist shall be available to meet with patients as needed at any time and on site no less than 12 hours each day to assess individuals and initiate the development of a crisis stabilization plan and oversee patient care.

(3) At a minimum, one registered nurse, and one licensed mental health professional shall be on-site 24/7, and shall be dedicated to providing psychiatric emergency services to individuals in crisis.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: MHS 15-2016(Temp), f. & cert. ef. 10-6-16 thru 4-3-17

309-023-0170

Staff Training

(1) The facility shall have policies and procedures for ongoing educational programs to instruct staff regarding best practices in psychiatric emergency services.

(2) A staff training curriculum shall include, but is not limited to:

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(a) Criteria for the admission of an individual who can safely be served by the facility;

(b) Recognition of indicators of violence to self or others, or assault and criteria for the transfer of the individual to or from the facility;

(c) Indicators of medical problems, identification of medication side effects, and indicators of medical problems and medical crisis;

(d) Management of aggressive behavior and de-escalation techniques;

(e) Trauma Informed care in accord with the Authority's Trauma Informed Policy at <https://www.oregon.gov/oha/amh/pages/trauma.aspx>;

(f) Practices to provide psychoeducation and post-discharge safety to patients and families;

(g) Best practice treatment for substance use disorders

(h) Staff training in best practices for:

(A) Lethal means counseling which may include the CALM (<http://www.sprc.org/resources-programs/calm-counseling-access-lethal-means>) or similar curriculum;

(B) Collaboration with patients on development of safety plans which may include guidelines established by the Suicide Prevention Resource Center, <http://www.sprc.org/sites/default/files/SafetyPlanningGuide%20Quick%20Guide%20for%20Clinicians.pdf>.; and

(C) Risk assessment.

(3) At a minimum, staff training shall be provided at time of hire and required annually, or more often if necessary.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: MHS 15-2016(Temp), f. & cert. ef. 10-6-16 thru 4-3-17

309-023-0180

Quality Assessment and Improvement and Patient Outcomes

(1) Facilities must comply with the quality assessment and improvement requirements set forth in OAR 309-032-0870 (10).

(2) In addition to the quality assessment requirements in section (1) facilities shall maintain records of outcomes, for each patient, outlined in the PES provider manual.

(3) Facilities shall report annually to the Authority regarding quality assessment information set forth in OAR 309-032-0870 and outcomes described in the PES provider manual. The report shall use data to demonstrate the quality, cost-effectiveness, and patient satisfaction with PES. The Authority shall review the PES facility reports annually and may make changes to PES policy or payment based on outcome performance.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: MHS 15-2016(Temp), f. & cert. ef. 10-6-16 thru 4-3-17

Oregon Health Authority, Oregon Educators Benefit Board Chapter 111

Rule Caption: Clarifying language relating to Local Governments participating in the OEGB benefits program

Adm. Order No.: OEGB 2-2016

Filed with Sec. of State: 10-6-2016

Certified to be Effective: 10-6-16

Notice Publication Date: 6-1-2016

Rules Amended: 111-020-0010

Subject: OAR 111-020-0010 is amended to clarify rule language related to Local Governments participating in the OEGB benefits program.

Rules Coordinator: April Kelly—(503) 378-6588

111-020-0010

Entities Electing to Join OEGB

(1) Effective January 1, 2014 an Entity can elect to participate in benefit plans provided by the Board subject to the following conditions:

(a) The Entity completes and submits a Notice of Intent to join OEGB at least 90 days prior to the date OEGB coverage is to go into effect;

(b) OEGB will not transfer any deductibles or annual out-of-pocket maximums met with the prior carrier;

(c) For those members with an existing life insurance policy through the Entity, OEGB will transfer the life insurance amount in force on the last day the prior group coverage was in effect, rounded to the next highest \$10,000 increment, if requested and documented by the Entity.

(d) Early retiree participation in the OEGB plans will be limited to those individuals and eligible dependents currently enrolled in the Entity's medical, dental and/or vision plans and those Early Retirees who retire on or after the effective date of OEGB coverage and their eligible dependents.

(2) Entities electing to participate in benefit plans provided by the Board are limited to offering the coverages and plans provided by OEGB for medical, dental, vision, life, AD&D, disability plans, Employee Assistance Program (EAP) and Long Term Care (LTC). Entities cannot choose to offer some coverages or plans through OEGB and other coverages or plans outside of the OEGB benefits program.

(3) A Local Government must provide OEGB with medical plan premium rates and loss ratios for the two most-recent years, if available, with its Notice of Intent to join OEGB to allow OEGB's Consultant to perform an actuarial plan comparison. For self-funded groups, two years of claims experience data should be submitted in lieu of premium rates or loss ratios. The results of the actuarial analysis shall be used as follows:

(a) If the actuarial plan comparison for a Local Government demonstrates that costs are less than 10 percent over OEGB's costs during the same two-year period, the Local Government may participate in the OEGB plan(s) at current OEGB rates.

(b) If an actuarial plan comparison for a Local Government demonstrates that costs are equal to or greater than 10 percent higher than OEGB's costs during the same two year period, the Local Government may participate in the OEGB plan(s) subject to a special rate category, or surcharge, for three years. After three years, the special rate category will be discontinued and the Local Government will move to OEGB's current rates.

(4) The Local Government must submit a final Letter of Participation to OEGB at least 30 days prior to the effective date of participation.

(5) Local Governments who elect to participate in benefit plans provided by the Board and then subsequently elect to leave OEGB and offer a plan or plans available through the health insurance exchange may re-elect to participate in benefit plans provided by the Board under the rate category the Local Government was in just prior to leaving OEGB on a one-time basis provided the Local Government completes and submits a Letter of Participation to OEGB at least 60 days prior to the date OEGB coverage is to go into effect.

(6) Once a Local Government re-elects to participate in benefit plans provided by the Board after leaving, they are not eligible to offer alternative plans through any other source or sponsor.

(7) Local Governments electing to join OEGB on or after April 1, 2015, are limited to using the tiered rate structure for medical, dental and vision plans.

Stat. Auth.: ORS 243.860 – 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEGB 11-2013(Temp), f. & cert. ef. 10-11-13 thru 4-8-13; OEGB 22-2013, f. & cert. ef. 12-27-13; OEGB 3-2014, f. & cert. ef. 7-22-14; OEGB 1-2015(Temp), f. & cert. ef. 3-13-15 thru 9-8-15; OEGB 3-2015, f. & cert. ef. 7-10-15; OEGB 2-2016, f. & cert. ef. 10-6-16

Rule Caption: Amendment to OEGB Procurement and Contracting Rules for Benefit Plans and Services

Adm. Order No.: OEGB 3-2016

Filed with Sec. of State: 10-6-2016

Certified to be Effective: 10-6-16

Notice Publication Date: 9-1-2016

Rules Amended: 111-005-0010, 111-005-0015, 111-005-0020, 111-005-0040, 111-005-0042, 111-005-0044, 111-005-0046, 111-005-0047, 111-005-0048, 111-005-0050, 111-005-0055, 111-005-0080

Rules Repealed: 111-005-0010(T), 111-005-0015(T), 111-005-0020(T), 111-005-0040(T), 111-005-0042(T), 111-005-0044(T), 111-005-0046(T), 111-005-0047(T), 111-005-0048(T), 111-005-0050(T), 111-005-0055(T), 111-005-0080(T)

Subject: All amendments made to OEGB's Division 5 OARs have been reviewed by Department of Justice (DOJ). These amendments to Division 5 reflect updated contracting provisions currently found in Oregon's public contracting rules and statutes.

Rules Coordinator: April Kelly—(503) 378-6588

111-005-0010

Policy

The policy of the Oregon Educators Benefit Board (OEGB) is to select Contractors and Consultants in an expeditious, fair, and efficient manner that is consistent with the goal of delivering high-quality benefits and other services at a cost that is affordable to the Eligible Employees, Dependents, Eligible Domestic Partners, and Eligible Early Retirees, and meets the requirements of ORS 243.866. The Board may enter into more than one Contract for each type of Benefit Plan or other service sought.

Stat. Auth.: Ch. 7 OL 2007

Stats. Implemented: Ch. 7 OL 2007

ADMINISTRATIVE RULES

Hist.: OEBB 1-2007(Temp), f. & cert. ef. 7-23-07 thru 1-4-08; OEBB 1-2008, f. & cert. ef. 1-4-08; OEBB 18-2010(Temp), f. & cert. ef. 12-13-10 thru 6-10-11; OEBB 10-2011, f. & cert. ef. 5-3-11; OEBB 1-2016(Temp), f. & cert. ef. 6-10-16 thru 12-6-16; OEBB 3-2016, f. & cert. ef. 10-6-16

111-005-0015

Renewal, Screening and Selection for Benefits, Vendor and Personal Services Contracts

(1) The Board is charged with the obligation of obtaining Benefit Plans for Eligible Employees, Dependents, Eligible Domestic Partners, and Eligible Early Retirees. Oregon Administrative Rules (OARs) 111-005-0040 through 111-005-0080 set forth the screening, selection, and renewal processes to be used for all such Benefit Plans. The Board has sole authority to procure all Benefit Plans and services contemplated by ORS 243.860 through ORS 243.886.

(2) Except as provided in OARs 111-005-0040 through 111-005-0080, the Board adopts the DOJ model public contract rules in OAR 137, division 46 (General Provisions Related to Public Contracting) and division 47 (Public Procurements for Goods or Services) as the contracting rules that shall apply to its Contracts.

Stat. Auth.: Ch. 7 OL 2007

Stats. Implemented: Sec. 19, Ch. 7 OL 2007

Hist.: OEBB 1-2007(Temp), f. & cert. ef. 7-23-07 thru 1-4-08; OEBB 1-2008, f. & cert. ef. 1-4-08; OEBB 18-2010(Temp), f. & cert. ef. 12-13-10 thru 6-10-11; OEBB 10-2011, f. & cert. ef. 5-3-11; OEBB 1-2016(Temp), f. & cert. ef. 6-10-16 thru 12-6-16; OEBB 3-2016, f. & cert. ef. 10-6-16

111-005-0020

Definitions

For the purposes of OARs 111-005-0010 through 111-005-0080 the following definitions will apply:

(1) "Apparent Successful Proposer" or "ASP" means an organization selected as a result of a competitive and completed Procurement process.

(2) "Benefit Plan Contractor" means a Contractor that administers one or more Benefit plans for OEBB.

(3) "Bid" means a competitive document, binding on the Proposer and submitted in response to an Invitation to Bid.

(4) "Bidder" means a Person submitting a proposal in response to an ITB.

(5) "Competitive Range" means the group of Proposers or Bidders responding to a Procurement that has Proposals or Bids that score higher based on the Procurement's evaluation criteria than the remaining Proposers or Bidders in some meaningful way. Proposers or Bidders who are determined to be in a Competitive Range may also be referred to as finalists.

(6) "Consultant" means brokers or other advisory personnel hired by the Board to:

(a) Assist in acquiring adequate Benefit Plan coverage for Eligible Employees, Dependents, Eligible Domestic Partners, and Eligible Early Retirees;

(b) Assist in the study of all matters connected with the provision of adequate Benefit Plan coverage for Eligible Employees, Dependents, Eligible Domestic Partners, and Eligible Early Retirees;

(c) Assist in the development and implementation of decision-making processes;

(d) Design and implement additional programs to review, monitor and assist in health improvement for Eligible Employees, Dependents, Eligible Domestic Partners, and Eligible Early Retirees; and

(e) Provide other services as required by the Board.

(7) "Contractor" means an individual or firm who provides services to the Board under a public contract.

(8) "Emergency" means circumstances that:

(a) Could not have been reasonably foreseen;

(b) Create a substantial risk of loss, damage or interruption of Benefit Plans or other services or a substantial threat to property, public health, welfare or safety; and

(c) Require prompt execution of a contract to remedy the condition.

(9) "Extensive Procurement" means the process of soliciting Proposals and Bids and selecting a Contractor for services amounting to \$150,000 and over.

(10) "Intermediate Procurement" means the process of soliciting Proposals and Bids and selecting a Contractor for services amounting to under \$150,000 but over \$10,000.

(11) "Invitation to Bid" or "ITB" means all documents, whether attached or incorporated by reference, used for soliciting bids.

(12) "OEBB" or "the Board" refers to the Board or other Persons or groups the Board delegates authority to for all or part of the Solicitation process.

(13) "ORPIN" means the Oregon Procurement Information Network, an online service operated by the Department of Administrative Services that displays Procurements and contracts issued by the state of Oregon's agencies.

(14) "Person" means a natural person capable of being legally bound, a sole proprietorship, a corporation, a partnership, a limited liability company or partnership, a limited partnership, a for-profit or nonprofit unincorporated association, a business trust, two or more persons having a joint or common economic interest, any other person with legal capacity to contract or a public body.

(15) "Procurement" means the action of obtaining goods or services under a public contract.

(16) "Proposal" means a competitive document, binding on the Proposer and submitted in response to a RFP.

(17) "Proposer" means a Person submitting a proposal in response to a RFP.

(18) "Renewal Contractor" means a contractor or consultant who provided the same or similar employee benefit plan or other services under a contract with the Board in the plan year immediately prior.

(19) "Request for Proposal" or "RFP" means all documents, whether attached or incorporated by reference, used for soliciting proposals.

(20) "Responsible Proposer" means a Person who meets the standards of responsibility described in OAR 111-005-0055.

(21) "Responsive Proposal" means a Proposal that substantially complies with the RFP and all prescribed Procurement procedures and requirements.

(22) "Selection Committee" means the group of individuals appointed or approved by the Board to review, evaluate and score Proposals received as part of an Intermediate or Extensive Procurement.

(23) "Single Point of Contact" or "SPC" means the designated OEBB staff or designee that serves as the official point of contact between OEBB and interested Proposers, ASPs, or Contractors.

(24) "Small Procurement" means the process of securing Contractors or Consultants for services amounting to \$5,000 or less.

(25) "Sole Source" means the only Contractor or Consultant of a particular product or service reasonably available.

(26) "Solicitation" generally refers to the methods used to request goods or services through a competitive process, including Requests for Proposals, Invitations to Bid, and other methods used under Intermediate or Extensive Procurements.

Stat. Auth.: Ch. 7 OL 2007

Stats. Implemented: Sec. 19, Ch. 7 OL 2007

Hist.: OEBB 1-2007(Temp), f. & cert. ef. 7-23-07 thru 1-4-08; OEBB 1-2008, f. & cert. ef. 1-4-08; OEBB 18-2010(Temp), f. & cert. ef. 12-13-10 thru 6-10-11; OEBB 10-2011, f. & cert. ef. 5-3-11; OEBB 1-2016(Temp), f. & cert. ef. 6-10-16 thru 12-6-16; OEBB 3-2016, f. & cert. ef. 10-6-16

111-005-0040

Extensive Procurement Process

The Board will use the following procedure for Extensive Procurements, except as provided for under OAR 111-005-0046 or 111-005-0048.

(1) Announcement. The Board will post Solicitation notices for Benefit Plans or services on ORPIN. The Board may also post Solicitation notices for Benefit Plans or services in trade periodicals or newspapers of general or specialized circulation. The Solicitation notice will include a description of the Benefit Plans or services sought, the scope of the services required, evaluation and selection criteria, and a description of any special requirements. The notice will invite qualified prospective Proposers to submit Proposals. The notice will specify when and where to obtain the RFP, where to return the Proposal, the method of submission, and the closing date.

(2) No remuneration will be offered to prospective Proposers for attendance, travel, document preparation, etc. unless otherwise specified in the RFP.

(3) Pre-proposal conference. Unless otherwise specified in the RFP, the pre-proposal conference will:

(a) Be voluntary; and

(b) Be held in Salem, Oregon.

(4) Protest of RFP specifications; request for change; request for clarification.

(a) Protest of RFP specifications.

(A) A Proposer may deliver a protest to the SPC not less than ten calendar days prior to closing, unless otherwise specified in the RFP.

(B) Protests must be in writing and must include:

(i) A detailed statement of the legal and factual grounds for the protest;

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(ii) A description of the resulting prejudice to the Proposer; and

(iii) A statement of the desired changes to the RFP.

(C) OEGB will not consider a protest after the submission deadline.

(D) OEGB will provide notice to the protestor if it entirely rejects a protest. If OEGB agrees with the protest, in whole or in part, it will issue an addendum reflecting its determination under OAR 137-030-0055 and 137-047-0430 or cancel the solicitation under 137-030-0115.

(E) If OEGB receives a written protest that meets this rule's requirements, the closing may be extended if OEGB determines an extension is necessary to consider the protest and to issue any addendum to the RFP.

(b) Request for change.

(A) A Proposer may submit a written request to change the RFP specifications, unless otherwise specified in the RFP. If the RFP allows requests for change and does not specify otherwise, Proposer must deliver the written request for change to the SPC not less than ten calendar days prior to closing.

(B) A request for change must include a statement of the requested changes to the RFP specifications as well as the reason for the requested change.

(C) OEGB will not consider a request for change after the submission deadline.

(D) OEGB will provide notice to the requestor if it entirely rejects a change. If OEGB agrees with the request for change, in whole or in part, OEGB will issue an addendum reflecting its determination under OAR 137-030-0055 and 137-047-0430 or cancel the Solicitation under 137-030-0115.

(E) If OEGB receives a written request for change that meets this rule's requirements, closing may be extended if OEGB determines an extension is necessary to consider the request and to issue any addendum to the RFP.

(c) Request for clarification.

(A) A Proposer may submit a written request for clarification of the RFP specifications, unless otherwise specified in the RFP. If the RFP allows a request for clarification and does not specify otherwise, a Proposer must deliver the written request for clarification to the SPC not less than ten calendar days prior to closing.

(B) A Proposer may request that OEGB clarify any provision of the RFP.

(C) OEGB will not consider a request for clarification after the submission deadline. OEGB's clarification to a Proposer, whether orally or in writing, does not change the RFP and is not binding on OEGB unless the RFP is amended by addendum.

(5) Addenda to an RFP following a protest of RFP specifications, request for change, or request for clarification.

(a) Issuance; receipt. OEGB may change an RFP only by written addenda. A Proposer must provide written acknowledgement of receipt of all issued addenda with its Proposal, unless otherwise specified in the RFP.

(b) Notice and distribution. The RFP must specify how OEGB will provide notice of addenda and make the addenda available.

(c) Timelines; extensions. OEGB will issue addenda within a reasonable time to allow potential Proposers to consider the addenda in preparing their Proposals. OEGB may extend the closing if it determines potential Proposers need additional time to review and respond to addenda. OEGB will not issue addenda less than 72 hours before the closing unless an addendum also extends the closing, except to the extent required by public interest.

(d) Request for change or protest. A potential Proposer may submit a written request for change or protest to the addendum by the close of OEGB's next business day after issuance of the addendum, unless otherwise specified in the addendum.

(6) Submission. All Proposals must comply with the RFP's specifications.

(a) If portions of a Proposal are deemed unacceptable or non-responsive to the RFP's specifications, the Proposal in its entirety will be deemed non-responsive and will not be given further evaluation or consideration, unless a clarification of portions of the Proposal results in a determination that it meets the RFP's specifications. If a Proposal is delivered late, it will be deemed non-responsive, will not be given further evaluation or consideration, and will be returned to the Proposer unopened.

(b) Submission of Proposals must be in written hard copy or electronic format and must be delivered according to the RFP's specifications. OEGB is not responsible for unreadable or incomplete electronic transmissions or for electronic transmissions that are not received by the SPC or designee as specified in the RFP by the closing date and time stated in the RFP.

(7) Evaluation. Proposals will be evaluated in accordance with the criteria set forth in the RFP and applicable law. OEGB staff, Consultants, or other persons designated by OEGB may provide recommendations to the Board on determining the Competitive Range and selecting the ASP(s).

(8) Rejection of Proposal. OEGB may reject any Proposal for good cause and deem it as non-responsive upon written finding that it is in the best interest of Eligible Employees, Dependents, Eligible Domestic Partners, and Eligible Early Retirees to do so or acceptance of the Proposal may impair the integrity of the RFP process. OEGB will notify the Proposer of the rejection in writing and provide the good cause justification and finding. OEGB is not liable to any Proposer for any loss or expense caused by or resulting from any rejection, cancellation, delay or suspension. Without limiting the generality of the foregoing, OEGB may reject any Proposal upon finding that the Proposal:

(a) Is contingent upon OEGB's acceptance of terms and conditions (including the RFP Specifications and requirements) that differ from the RFP;

(b) Takes exception to terms and conditions set forth in the RFP;

(c) Attempts to prevent public disclosure of matters in contravention of the terms and conditions of the RFP or in contravention of applicable law;

(d) Offers services that fail to meet the RFP's specifications or requirements;

(e) Is late;

(f) Is not in substantial compliance with the RFP;

(g) Is not in substantial compliance with all prescribed Procurement procedures;

(h) Is from a Proposer that has been debarred as set forth in ORS 279B.130;

(i) Has failed to provide the certification of non-discrimination required under ORS 279A.110 (4); or

(j) Is from a Proposer found non-responsible as described in OAR 111-005-0055.

(9) Intent to award, discuss, or negotiate. After the protest period provided in subsection (4)(a) expires or after OEGB has provided a final response to any protest, whichever date is later, OEGB may engage in discussions and negotiations with Proposers in the Competitive Range.

(10) Discussions and negotiations. If OEGB enters into discussions and negotiations with the Proposers in the Competitive Range, it will proceed as follows:

(a) Initiating discussions. OEGB must initiate oral or written discussions and negotiations with all of the Proposers in the Competitive Range.

(b) Conducting discussions. OEGB may conduct discussions and negotiations with each Proposer in the Competitive Range as necessary to fulfill the purposes of this section, but need not conduct the same amount of discussions or negotiations with each Proposer. OEGB may terminate discussions and negotiations with any Proposer in the Competitive Range at any time. In conducting discussions, OEGB and its designees:

(A) Will treat all Proposers fairly and will not favor any Proposer over another.

(B) Will not discuss Proposers' Proposals with any other Proposers.

(C) Will determine whether other factors such as Oregon residency of the primary business office and Proposer demonstration of services and products, will be used to determine the ASP, if a tie between Proposers occurs. OEGB may consider any factors that it deems are in the public interest.

(c) At any time during the period allowed for discussions and negotiations, OEGB may:

(A) Continue discussions and negotiations with a particular Proposer or Proposers; or

(B) Terminate discussions with a particular Proposer and continue discussions with other Proposers in the Competitive Range.

(d) OEGB may continue discussions and negotiations with Proposers until determining who will be awarded contracts.

(11) Notice of intent to award. OEGB will provide written notice to all Proposers of its intent to award the contract or contracts resulting from the RFP, unless otherwise specified in the RFP. OEGB's award will not be final until the later of the following:

(a) Seven calendar days after the date of the notice, unless the RFP provided a different period for protest; or

(b) OEGB's written response to all timely filed protests that denies the protests and affirms the award.

(12) Right to protest award. An adversely affected or aggrieved Proposer may submit a written protest of the intent to award to the SPC.

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The protest must be made within seven calendar days after issuance of the notice of intent to award the contract, unless otherwise specified in the RFP.

(a) The protest must be in writing and must specify the grounds upon which the protest is based.

(b) A Proposer is adversely affected or aggrieved only if the Proposer would be eligible to be awarded the contract in the event that the protest were successful, and the reason for the protest is that:

(A) All higher ranked Proposals are nonresponsive;

(B) OEBB has failed to conduct the evaluation of Proposals in accordance with the criteria or processes described in the RFP;

(C) OEBB has abused its discretion in rejecting the protestor's Proposal as nonresponsive; or

(D) OEBB's evaluation of Proposals or OEBB's subsequent determination of award is otherwise in violation of OEBB's rules or ORS 243.860 to 243.886.

(c) OEBB will not consider a protest submitted after the time period specified in this rule or after the time period specified in the RFP, if different than the time period specified in this rule.

(d) The Board, OEBB staff, or their designee has the authority to settle or resolve a written protest meeting the submission requirements of this rule.

(e) If a protest is not settled, the Board, OEBB staff, or their designee will promptly issue a written decision on the protest. Judicial review of this decision will be available only as provided by statute.

(13) Award of contracts. OEBB will approve the ASP(s), taking into consideration any recommendations made by OEBB staff, Consultant, or designees and the evaluation criteria included in OAR 111-002-0005(3) and the RFP. Selection criteria may include, but is not limited to, Contractor or Consultant availability; capability; experience; approach; compensation requirements; financial standing; previous litigation and remedy applied; customer service history with OEBB and the members and customers it serves; debarment status; and references.

(14) Contract. The ASP(s) must promptly execute the contract after the award is final and all contractual terms and conditions have been negotiated and agreed upon, consistent with any timeline(s) included in the RFP. OEBB will execute the contract only after it has obtained all applicable required documents and approvals.

Stat. Auth.: Ch. 7 OL 2007

Stats. Implemented: Sec. 19, Ch. 7 OL 2007

Hist.: OEBB 1-2007(Temp), f. & cert. ef. 7-23-07 thru 1-4-08; OEBB 1-2008, f. & cert. ef. 1-4-08; OEBB 18-2010(Temp), f. & cert. ef. 12-13-10 thru 6-10-11; OEBB 10-2011, f. & cert. ef. 5-3-11; OEBB 1-2012(Temp), f. & cert. ef. 1-13-12 thru 7-10-12; OEBB 2-2012, f. & cert. ef. 4-18-12; OEBB 1-2016(Temp), f. & cert. ef. 6-10-16 thru 12-6-16; OEBB 3-2016, f. & cert. ef. 10-6-16

111-005-0042

Intermediate Procurement Process

Except as provided under OAR 111-005-0046 or 111-005-0048, OEBB will use the following procedure for an Intermediate Procurement:

(1) Selection procedure. OEBB will contact a minimum of three Proposers known to OEBB to be qualified to provide the work and services sought.

(2) Submission. All Proposals must comply with the OEBB's specifications for the Intermediate Procurement. If portions of the Proposal are deemed unacceptable or non-responsive to the specifications, the Proposal may be deemed non-responsive. OEBB may give the Proposer an opportunity to submit a responsive Proposal. Submission of Proposals must meet the specifications for the Intermediate Procurement. OEBB is not responsible for unreadable or incomplete electronic transmissions or for electronic transmissions that are not received by OEBB.

(3) Evaluation. OEBB will evaluate Proposals in accordance with criteria set forth in the Intermediate Procurement.

(4) Discussions and negotiations. If OEBB chooses to enter into discussions and negotiations with a Proposer under this Intermediate Procurement procedure, OEBB will do so consistent with 111-005-0010.

(5) Notice of intent to award. OEBB will provide written notice to all Proposers under an Intermediate Procurement of its intent to award the contract.

(6) Right to protest award. An adversely affected or aggrieved Proposer may submit to OEBB a written protest of OEBB's intent to award. The protest must be made within seven calendar days after issuance of the notice of intent to award the contract, unless otherwise specified by OEBB.

(a) The Proposer's protest must be in writing and must specify the grounds upon which the protest is based.

(b) A Proposer is adversely affected or aggrieved only if:

(A) The Proposer is eligible for award of the contract as a responsible Proposer; and

(B) OEBB committed a substantial violation of its Intermediate Procurement procedure or of an applicable procurement statute or administrative rule.

(c) OEBB will not consider a protest submitted after the time period specified in this section or a different period if provided in the specifications of the Intermediate Procurement.

(d) The Board, OEBB staff, or their designee, has the authority to settle or resolve a written protest meeting the submission requirements of this rule.

(e) If a protest is not settled, the Board, OEBB staff, or their designee, will promptly issue a written decision on the protest. Judicial review of this decision will be available if provided by statute.

(10) Contract. The successful Proposer must promptly execute the Contract after the award is final. The Board Chair, or designee, will execute the Contract only after it has obtained all applicable required documents and approvals.

Stat. Auth.: ORS 243.860 – 243.886

Stats. Implemented: ORS 243.864

Hist.: OEBB 1-2007(Temp), f. & cert. ef. 7-23-07 thru 1-4-08; OEBB 1-2008, f. & cert. ef. 1-4-08; OEBB 18-2010(Temp), f. & cert. ef. 12-13-10 thru 6-10-11; OEBB 10-2011, f. & cert. ef. 5-3-11; OEBB 1-2012(Temp), f. & cert. ef. 1-13-12 thru 7-10-12; OEBB 2-2012, f. & cert. ef. 4-18-12; OEBB 1-2016(Temp), f. & cert. ef. 6-10-16 thru 12-6-16; OEBB 3-2016, f. & cert. ef. 10-6-16

111-005-0044

Small Procurement Process

For a Small Procurement, OEBB may procure Contractor services in any manner it deems practical, including by direct selection, negotiation and award.

(1) Award of Contracts. OEBB will base selections on evaluation criteria which may include, but is not limited to, contractor availability; capability; experience; approach; compensation requirements; previous litigation and remedy applied; customer service history with the OEBB, members and clients; debarment status; and references. Emphasis will be placed on quality customer service, creativity, affordability, and innovation and the improvement of employee health.

(2) Contract. The selected Contractor must promptly execute the Contract. OEBB will execute the Contract only after obtaining all applicable required documents and approvals.

(3) An amendment for additional services shall not increase the total contract cost to a sum that is greater than twenty-five percent of the original contract cost.

Stat. Auth.: Ch. 7 OL 2007

Stats. Implemented: Sec. 19, Ch. 7 OL 2007

Hist.: OEBB 1-2007(Temp), f. & cert. ef. 7-23-07 thru 1-4-08; OEBB 1-2008, f. & cert. ef. 1-4-08; OEBB 18-2010(Temp), f. & cert. ef. 12-13-10 thru 6-10-11; OEBB 10-2011, f. & cert. ef. 5-3-11; OEBB 1-2016(Temp), f. & cert. ef. 6-10-16 thru 12-6-16; OEBB 3-2016, f. & cert. ef. 10-6-16

111-005-0046

Sole Source Procurement Process

OEBB may award a Contract for Benefit Plans or services without competition when OEBB determines in writing that the Benefit Plans or services are available from only one source, or the Contractor is defined as a Qualified Rehabilitation Facility as defined in Oregon's Public Contracting Code.

(1) The determination of a Sole Source Procurement must be based on written findings that may include, but are not limited to, the following:

(a) That the efficient utilization of existing Benefit Plans or services requires the acquisition of compatible services;

(b) That the Benefit Plans or services required for the exchange of software or data with other public or private agencies are available from only one source;

(c) That the Benefit Plans or services are for use in a pilot or an experimental project; or

(d) Other findings that support the conclusion that the goods or services are available from only one source.

(2) To the extent reasonably practical, OEBB shall negotiate with the sole source organization or Person to obtain Contract terms advantageous to OEBB.

(3) Contract. The sole source organization or Person must promptly execute the Contract after the award is final. OEBB will execute the Contract only after it has obtained all applicable required documents and approvals.

Stat. Auth.: Ch. 7 OL 2007

Stats. Implemented: Sec. 19, Ch. 7 OL 2007

Hist.: OEBB 1-2007(Temp), f. & cert. ef. 7-23-07 thru 1-4-08; OEBB 1-2008, f. & cert. ef. 1-4-08; OEBB 18-2010(Temp), f. & cert. ef. 12-13-10 thru 6-10-11; OEBB 10-2011, f. & cert. ef. 5-3-11; OEBB 1-2016(Temp), f. & cert. ef. 6-10-16 thru 12-6-16; OEBB 3-2016, f. & cert. ef. 10-6-16

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111-005-0047

Renewal Process

Renewal process. OEBB may renew Contracts with Contractors for as many years as OEBB determines is in the best interest of the state, Eligible Employees, Dependents, Eligible Domestic Partners, and Eligible Early Retirees. OEBB may invite renewal proposals from those Contractors who provided the same or similar Benefit Plans or services in the year immediately prior. A Benefit Plan or services Contract is similar if it is reasonably related to the scope of work described in the Procurement under which such a Contract was awarded.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864

Hist.: OEBB 18-2010(Temp), f. & cert. ef. 12-13-10 thru 6-10-11; OEBB 10-2011, f. & cert. ef. 5-3-11; OEBB 1-2016(Temp), f. & cert. ef. 6-10-16 thru 12-6-16; OEBB 3-2016, f. & cert. ef. 10-6-16

111-005-0048

Emergency Contract Process

OEBB may select a Contractor to provide Benefit Plans or services without following any of the procedures under OAR 111-005-0040, 111-005-0042, 111-005-0044, or 111-005-0046 when required by Emergency. OEBB will determine if an Emergency exists, declare the Emergency, and negotiate a Contract with the Contractor based on the following criteria: Contractor availability; capability; experience; approach; compensation requirements; previous litigation and remedy applied; customer service history with the OEBB, members and clients; debarment status; and references. OEBB will place emphasis on employee choice among high-quality plans, plan performance and information, a competitive marketplace, employer flexibility in plan design and contracting, quality customer service, creativity, affordability, and innovation and the improvement of employee health.

Stat. Auth.: Ch. 7 OL 2007

Stats. Implemented: Sec. 19, Ch. 7 OL 2007

Hist.: OEBB 1-2007(Temp), f. & cert. ef. 7-23-07 thru 1-4-08; OEBB 1-2008, f. & cert. ef. 1-4-08; OEBB 1-2016(Temp), f. & cert. ef. 6-10-16 thru 12-6-16; OEBB 3-2016, f. & cert. ef. 10-6-16

111-005-0050

Mistakes

(1) Treatment of mistakes. If OEBB discovers certain mistakes in a Proposal before award of the Contract, and the mistakes are not identified as those qualifying as non-responsive to the specifications of the Procurement, OEBB may take the following action:

(a) Waive or permit a Proposer to correct a minor informality. A minor informality is a matter of form rather than substance that is evident on the face of the Proposal, or an insignificant mistake that can be waived or corrected without prejudice to other Proposers. Mistakes including, but not limited to, signatures not affixed to the Proposal document, Proposals sent to the incorrect address, insufficient number of Proposals submitted, or incorrect format will not be considered minor.

(b) Correct a clerical error if the intended Proposal and the error are evident on the face of the Proposal, or other documents submitted with the Proposal, and the Proposer confirms the correction in writing. A clerical error includes, but is not limited to, a Proposer's error in transcribing its Proposal.

(2) Rejection for mistakes. OEBB may reject any Proposal in which a mistake is evident on the face of the Proposal and the intended correct Proposal is not evident or cannot be substantiated from documents accompanying the Proposal. In order to ensure integrity of the competitive Procurement process and to assure fair treatment of Proposers, mistakes discovered that are contrary to the specifications of the Procurement will be carefully reviewed and will be determined, under sole authority of OEBB, to be waived or not be waived.

(3) If OEBB discovers mistakes in the Proposal after award, and the mistakes are not considered minor, OEBB reserves the right to determine if the award will be revoked. OEBB will then re-evaluate Proposals deemed to be in second, third, fourth, etc., in the standings.

Stat. Auth.: Ch. 7 OL 2007

Stats. Implemented: Sec. 19, Ch. 7 OL 2007

Hist.: OEBB 1-2007(Temp), f. & cert. ef. 7-23-07 thru 1-4-08; OEBB 1-2008, f. & cert. ef. 1-4-08; OEBB 18-2010(Temp), f. & cert. ef. 12-13-10 thru 6-10-11; OEBB 10-2011, f. & cert. ef. 5-3-11; OEBB 1-2016(Temp), f. & cert. ef. 6-10-16 thru 12-6-16; OEBB 3-2016, f. & cert. ef. 10-6-16

111-005-0055

Responsible Proposer

(1) Before awarding a Contract, OEBB must establish that the Proposer meets the applicable standards of responsibility. OEBB shall pre-

pare a written determination of non-responsibility for a Proposer if OEBB determines that the Proposer does not meet the standards of responsibility.

(2) In determining whether a Proposer has met the standards of responsibility, OEBB shall consider whether a Proposer:

(a) Has available the appropriate financial, material, equipment, facility and personnel resources and expertise, or has the ability to obtain the resources and expertise, necessary to meet all contractual responsibilities.

(b) Completed previous contracts of a similar nature with a satisfactory record of performance. For purposes of this paragraph, a satisfactory record of performance means that to the extent that the costs associated with and time available to perform a previous contract remained within the Proposer's control, the Proposer stayed within the time and budget allotted for the procurement and otherwise performed the contract in a satisfactory manner. OEBB shall document the Proposer's record of performance if OEBB finds under this paragraph that the Proposer is not responsible.

(c) Has a satisfactory record of integrity. In evaluating the Proposer's record of integrity, OEBB may consider, among other things, whether the Proposer has previous criminal convictions for offenses related to obtaining or attempting to obtain a contract or subcontract or in connection with the Proposer's performance of a contract or subcontract. OEBB shall document the Proposer's record of integrity if OEBB finds under this paragraph that the Proposer is not responsible.

(d) Is legally qualified to contract with OEBB.

(e) Supplied all necessary information in connection with the inquiry concerning responsibility. If a Proposer fails to promptly supply information concerning responsibility that OEBB requests, OEBB shall determine the Proposer's responsibility based on available information or may find that the Proposer is not responsible.

(f) Was not debarred by OEBB in accordance with ORS 279B.130.

(3) OEBB may refuse to disclose outside of OEBB confidential information furnished by a Proposer under this section when the Proposer has clearly identified in writing the information the Proposer seeks to have treated as confidential and OEBB has authority under ORS 192.410 to 192.505 to withhold the identified information from public disclosure.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864

Hist.: OEBB 18-2010(Temp), f. & cert. ef. 12-13-10 thru 6-10-11; OEBB 10-2011, f. & cert. ef. 5-3-11; OEBB 1-2016(Temp), f. & cert. ef. 6-10-16 thru 12-6-16; OEBB 3-2016, f. & cert. ef. 10-6-16

111-005-0080

Contract Amendments

OEBB may amend a Contract without additional competition in any of the following circumstances:

(1) The amendment is within the scope of the underlying Procurement.

(2) These rules otherwise permit OEBB to award a Contract without competition for the goods or services to be procured under the amendment.

(3) The amendment is necessary to comply with a change in law that affects performance of the Contract.

(4) The amendment results from renegotiation of the terms and conditions, including the contract price, of a Contract and the amendment is advantageous to OEBB, subject to all of the following conditions:

(a) The work or services to be provided under the amended Contract are the same as the work or services to be provided under the unamended Contract.

(b) OEBB determines that the amended Contract is at least as favorable to OEBB as the unamended Contract.

(c) The amended Contract does not have a total term greater than allowed in the underlying Procurement after combining the initial and extended terms.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864

Hist.: OEBB 18-2010(Temp), f. & cert. ef. 12-13-10 thru 6-10-11; OEBB 10-2011, f. & cert. ef. 5-3-11; OEBB 1-2016(Temp), f. & cert. ef. 6-10-16 thru 12-6-16; OEBB 3-2016, f. & cert. ef. 10-6-16

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

Rule Caption: Testing and labeling of marijuana items and related operation of registered dispensaries and processors

Adm. Order No.: PH 27-2016(Temp)

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 9-30-16 thru 3-1-17

Notice Publication Date:

ADMINISTRATIVE RULES

Rules Adopted: 333-007-1000

Rules Amended: 333-007-0010, 333-007-0100, 333-008-1200, 333-008-1740

Subject: The Oregon Health Authority, Public Health Division, Oregon Medical Marijuana Program is temporarily adopting and amending administrative rules in chapter 333, divisions 7 and 8 pertaining to testing, packaging and labeling of marijuana items and related to the operation of registered dispensaries and processors.

The Oregon Health Authority regulates medical marijuana dispensaries and processors, and establishes rules and standards for testing and labeling marijuana items. As of October 1, 2016 registrants must comply with permanent rules related to the transfer of marijuana items and the packaging, labeling and testing of marijuana items. Marijuana items already transferred into dispensaries prior to October 1, 2016 may not be in compliance with the permanent rules. These temporary rules seek to clarify the requirements for the transfer, testing, packaging and labeling of those items on or after October 1, 2016. These temporary rules clarify that for a registrant to transfer a marijuana item on or after October 1, 2016, the marijuana item must have a label and package that complies with the new rules but is not required to have gone through the Oregon Liquor Control Commission's pre-approval process. These rules also provide that a marijuana item that was transferred to a registered dispensary prior to October 1, 2016 is not required to have a label with a harvest date, harvest lot number, date the product was made, or the process lot number if that information is not known to the registrant. Lastly, the rules give the Commission the discretion to reduce pesticide testing for batches from a harvest lot if there is insufficient laboratory capacity to handle all the testing. This reduced testing would only be permitted until March 1, 2017.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-007-0010

Purpose, Scope and Effective Date

(1) The purpose of OAR 333-007-0010 through 333-007-0100 is to set the minimum standards for the labeling of marijuana items that are sold to a consumer, patient or designated primary caregiver. These minimum standards are applicable to:

(a) A Commission licensee as that is defined in OAR 845-025-1015; and

(b) A person registered with the Authority under ORS 475B.400 to 475B.525 who is not exempt from the labeling requirements as described in section (2) of this rule.

(2) The labeling requirements in these rules do not apply to:

(a) A grower if the grower is transferring usable marijuana or an immature marijuana plant to:

(A) A patient who designated the grower to grow marijuana for the patient; or

(B) A designated primary caregiver of the patient who designated the grower to grow marijuana for the patient.

(b) A designated primary caregiver of a patient if the caregiver is transferring a marijuana item to a patient of the designated primary caregiver.

(3) Nothing in these rules prohibits the Commission or the Authority from:

(a) Imposing additional labeling requirements in their respective rules governing licensees and registrants as long as those additional labeling requirements are not inconsistent with these rules; or

(b) Requiring licensees or registrants to provide informational material to a consumer, patient or designated primary caregiver at the point of sale.

(4) A person licensed by the Commission must comply with these rules at all times.

(5) On and after October 1, 2016:

(a) A marijuana item received or transferred by a dispensary must meet the labeling requirements in these rules; and

(b) A dispensary may not transfer a marijuana item that does not meet the labeling requirements in these rules.

(6) By October 1, 2016, a dispensary must:

(a) Transfer marijuana items that do not meet the labeling requirements in these rules to a patient or caregiver;

(b) Return any marijuana item that does not meet labeling requirements in these rules to the individual who transferred the item to the dispensary, and document who the item was returned to, what was returned and the date of the return; or

(c) Dispose of any marijuana item that does not meet labeling requirements and that cannot be returned in accordance with subsection (b) of this section, in a manner specified by the Authority.

(7) A marijuana item that was transferred to a registered dispensary prior to October 1, 2016 is not required to:

(a) Have a label with a harvest date, harvest lot number, date the product was made or the process lot number if that information is not known by the dispensary.

(b) Have gone through the Commission's pre-approval process for packaging and labeling, but still must meet the labeling requirements in OAR 333-007-0010 to 333-007-0100 and the packaging requirements in OAR 845-025-7000 to 845-025-7020 and 845-025-7060.

Stat. Auth.: ORS 475B.605

Stats. Implemented: ORS 475B.605

Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16; PH 4-2016(Temp), f. & cert. ef. 2-8-16 thru 6-28-16; PH 21-2016, f. 6-24-16, cert. ef. 6-28-16; PH 27-2016(Temp), f. & cert. ef. 9-30-16 thru 3-1-17

333-007-0100

Pre-Approval of Labels

(1) A registrant must submit labels for pre-approval in accordance with OAR 845-025-7060 and must keep all records related to the pre-approval process and provide those records at the request of the Authority.

(2) On and after October 1, 2016, a registrant may not transfer a marijuana item unless the label has been pre-approved in accordance with OAR 845-025-7060, unless pre-approval is not required under OAR 845-025-7060(9) to (12).

(3) A marijuana item that was transferred to a registered dispensary prior to October 1, 2016 is not required to have a label that was pre-approved by the Commission, but must meet the labeling requirements in these rules.

Stat. Auth.: ORS 475B.610

Stats. Implemented: ORS 475B.610

Hist.: PH 22-2015(Temp), f. 11-13-15, cert. ef. 1-1-16 thru 6-28-16; PH 21-2016, f. 6-24-16, cert. ef. 6-28-16; PH 27-2016(Temp), f. & cert. ef. 9-30-16 thru 3-1-17

333-007-1000

Temporary OLCC Licensee Pesticide Testing Requirements

(1) Notwithstanding OAR 333-007-0300 to 333-007-0490 and 333-064-0100, until March 1, 2017, if the Commission finds there is insufficient laboratory capacity for the testing of pesticides, the Commission may permit randomly chosen samples from batches of usable marijuana to be tested for pesticides by a licensed laboratory rather than requiring every batch of usable marijuana from a harvest lot to be tested for pesticides.

(2) The Commission must ensure that samples from at least one batch of every harvest lot are tested for pesticides.

(3) If any one of the randomly chosen samples from a batch of a producer licensee's harvest lot fails a pesticide test every batch from the harvest lot must be tested for pesticides.

(4) If the randomly chosen samples from batches of usable marijuana that are tested for pesticides all pass, the entire harvest lot is considered to have passed pesticide testing and may be transferred or sold.

Stat. Auth.: ORS 475B.555

Stats. Implemented: ORS 475B.555

Hist.: PH 27-2016(Temp), f. & cert. ef. 9-30-16 thru 3-1-17

333-008-1200

Operation of Registered Dispensaries

(1) Policies and Procedures. In order to obtain a registration and to retain registration a dispensary registrant must have written detailed policies and procedures and training for employees on the policies and procedures that, at a minimum, cover the following:

(a) Security;

(b) Transfers of marijuana items to and from the dispensary;

(c) Operation of a registered dispensary;

(d) Required record keeping;

(e) Testing requirements;

(f) Packaging and labeling requirements;

(g) Employee training;

(h) Compliance with these rules, including but not limited to violations and enforcement; and

(i) Roles and responsibilities for employees and PRDs in assisting the Authority during inspections or investigations.

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(2) Employees. A registered dispensary may employ an individual between the ages of 18 and 20 if the individual is a patient. Otherwise, dispensary employees must be 21 years of age or older.

(3) Standardized Scales. In order to obtain a registration and to retain registration a dispensary registrant must own, maintain on the premises and use a weighing device that is licensed by the Oregon Department of Agriculture. Licensed weighing devices must be used by a registered dispensary whenever marijuana items are:

- (a) Transferred to or from the dispensary and the transfer is by weight;
- (b) Packaged for transfer by weight; or
- (c) Weighed for purposes of documenting information required in

OAR 333-008-1230, 333-008-1245, 333-008-1247 and 333-008-1248.

(4) Inventory Tracking and Point of Sale System: In order to obtain a registration and to retain registration a registered dispensary must have an installed and fully operational integrated inventory tracking and point of sale system that can and does, at a minimum:

- (a) Produce bar codes or similar unique identification numbers for each marijuana item lot transferred to a registered dispensary;
- (b) Trace back or link each transfer of a marijuana item to a patient or caregiver to the marijuana item lot;
- (c) Capture all information electronically that is required to be documented in OAR 333-008-1230 and 333-008-1245;
- (d) Generate inventory, transaction, and transfer reports viewable in excel format; and
- (e) Produce all the information required to be submitted to the Authority pursuant to OAR 333-0080-1248.

(5) Online Verification of Registration Status. A dispensary must verify an individual's registration status with the Authority when receiving or making the transfer of a marijuana item if the Authority has available an online system for such verification.

(6) Inventory On-Site. Marijuana items must be kept on-site at the dispensary. The Authority may take enforcement action against a dispensary registrant if during an inspection a dispensary registrant cannot account for its inventory or if the amount of usable marijuana at the registered dispensary is not within five percent of the documented inventory.

(7) Testing. A dispensary registrant may not:

(a) Accept a transfer of a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490.

(b) Transfer a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490 unless it was transferred to the dispensary prior to October 1, 2016 and is labeled in accordance with OAR 333-007-0300(5).

(c) Transfer a marijuana item that was received prior to October 1, 2016, that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490, after December 31, 2016.

(8) Packaging and Labeling.

(a) A dispensary may not accept a transfer of a marijuana item or transfer a marijuana item that does not comply with the labeling requirements in OAR 333-007-0010 to 333-007-0100, or that does not comply with the packaging requirements in OAR 845-025-7000 to 845-025-7020 and 845-025-7060.

(b) A marijuana item that was transferred to a dispensary prior to October 1, 2016 is not required to have gone through the Commission's pre-approval process for packaging and labeling but still must meet the labeling requirements in OAR 333-007-0010 to 333-007-0100 and the packaging requirements in OAR 845-025-7000 to 845-025-7020 and 845-025-7060.

(c) On and after October 1, 2016, a dispensary may not accept a transfer of a marijuana item unless the item has a label and package that has been pre-approved by the Commission, unless pre-approval is not required under OAR 845-025-7060(9) to (12).

(9) Oregon Department of Agriculture Licensure. On and after January 1, 2017, a registered dispensary that sells or handles food, as that term is defined in ORS 616.695, or cannabinoid edibles, must be licensed by the Oregon Department of Agriculture under ORS 616.706.

(10) Industrial Hemp Products.

(a) A dispensary may only accept the transfer of and may only transfer a product that contains THC or CBD that is derived from marijuana.

(b) Nothing in this section prohibits a dispensary from buying or selling hemp products not intended for human application, consumption, inhalation, ingestion, or absorption, such as hemp clothing.

(11) Tobacco. A dispensary may not offer or sell tobacco products in any form including, but not limited to, loose tobacco, pipe tobacco, cigarettes as defined in ORS 323.010 and cigarillos as that is defined in OAR 333-015-0030.

(12) For purposes of this rule "marijuana item lot" means a quantity of seeds, immature plants, usable marijuana, medical cannabinoid products, concentrates or extracts transferred to a registered dispensary at one time and that is from the same harvest lot or process lot as those terms are defined in OAR 333-007-0020.

Stat. Auth.: ORS 475B.450 & 475B.525

Stats. Implemented: ORS 475B.450

Hist.: PH 2-2014(Temp), f. 1-14-14, cert. ef. 1-15-14 thru 7-13-14; PH 20-2014, f. & cert. ef. 7-11-14; PH 4-2015, f. & cert. ef. 1-28-15; PH 9-2016, f. 2-26-16, cert. ef. 3-1-16; PH 21-2016, f. 6-24-16, cert. ef. 6-28-16; PH 26-2016(Temp), f. & cert. ef. 9-9-16 thru 3-7-17; PH 27-2016(Temp), f. & cert. ef. 9-30-16 thru 3-1-17

333-008-1740

Operation of Registered Processing Site

(1) Policies and Procedures. In order to be registered and remain registered a processing site must create and maintain written, detailed standard policies and procedures that include but are not limited to:

- (a) Instructions for making each medical cannabinoid product, concentrate or extract.
- (b) The ingredients and the amount of each ingredient for each process lot.
- (c) The process for making each product.
- (d) The number of servings in a process lot.
- (e) The intended amount of THC per serving and in a unit of sale of the product.

(f) The process for ensuring that the amount of THC is consistently distributed throughout each process lot.

(g) If processing a cannabinoid concentrate or extract:

- (A) Conducting necessary safety checks prior to commencing processing; and
- (B) Purging any solvent or other unwanted components from a cannabinoid concentrate or extract.
- (h) Procedures for cleaning all equipment, counters and surfaces thoroughly.

(i) Proper handling and storage of any solvent, gas or other chemical used in processing or on the processing site premises in accordance with material safety data sheets and any other applicable laws.

(j) Proper disposal of any waste produced during processing in accordance with all applicable local, state and federal laws, rules and regulations.

(k) Quality control procedures designed to, at a minimum, ensure that the amount of THC is consistently distributed throughout each process lot and that potential product contamination is minimized.

(l) Appropriate use of any necessary safety or sanitary equipment.

(m) Emergency procedures to be followed in case of a fire, chemical spill or other emergency.

(n) Security.

(o) Transfers of marijuana items to and from the processing site.

(p) Testing.

(q) Packaging and labeling if the processor intends to or is packaging and labeling marijuana items after transfer to the processing site.

(r) Employee training.

(s) Compliance with these rules, including but not limited to violations and enforcement.

(t) Roles and responsibilities for employees and PRPs in assisting the Authority during inspections or investigations.

(2) Prohibitions. A registered processing site may not process or transfer a marijuana item:

(a) That by its shape, design or flavor is likely to appeal to minors, including but not limited to:

(A) Products that are modeled after non-cannabis products primarily consumed by and marketed to children; or

(B) Products in the shape of an animal, vehicle, person or character.

(b) That is made by applying cannabinoid concentrates or extracts to commercially available candy or snack food items.

(c) That contains dimethyl sulfoxide (DMSO).

(3) Employees. A registered processing site may employ an individual between the ages of 18 and 20 if the individual is a patient. Otherwise, processing site employees must be 21 years of age or older.

(4) Standardized Scales. In order to obtain a registration and to retain registration a processing site registrant must own, maintain on the premises and use a weighing device that is licensed by the Oregon Department of Agriculture. Licensed weighing devices must be used by a processing site whenever marijuana items are:

(a) Transferred to or from the processing site and the transfer is by weight;

(b) Packaged for transfer by weight; or

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(c) Weighed for purposes of documenting information required in OAR 333-008-1760, 333-008-1770, 333-008-1820, and 333-008-1830.

(5) Inventory Tracking and Point of Sale System: A registered processing site must have an integrated inventory tracking and point of sale system that can and does, at a minimum:

(a) Produce bar codes or similar unique identification numbers for each lot of usable marijuana transferred to a registered processing site and for each lot of a medical cannabinoid product, concentrate or extract transferred to a registered dispensary;

(b) Capture all information required to be documented in OAR 333-008-1760 and 333-008-1770; (c) Generate inventory, transaction, transport and transfer reports requested by the Authority viewable in PDF format; and

(d) Produce all the information required to be submitted to the Authority pursuant to OAR 333-0080-1830.

(6) Online Verification of Registration Status. A registered processing site must verify an individual's or processing site's registration status with the Authority when receiving a transfer of a marijuana item if the Authority has available an online system for such verification.

(7) Transfers from and to patients or designated primary caregivers.

(a) A registered marijuana processing site may transfer a medical cannabinoid product, concentrate or extract to a patient, or a patient's designated primary caregiver if the patient or the patient's designated primary caregiver provides the marijuana processing site with the marijuana to be processed into the medical cannabinoid product, concentrate or extract and the marijuana processing site receives no compensation for the transfer of the marijuana.

(b) A registered processing site must document each transfer of marijuana by a patient or the patient's designated primary caregiver to the processing site in accordance with OAR 333-008-1760 and 333-008-1770.

(c) A registered processing site must document each transfer of a cannabinoid product, concentrate or extract to a patient or the patient's designated primary caregiver in accordance with OAR 333-008-1760 and 333-008-1770.

(d) A registered processing site may be compensated by the patient or the patient's designated primary caregiver for all costs associated with the processing of marijuana for the patient.

(8) Inventory On-Site. Marijuana items must be kept on-site at the registered processing site. The Authority may take enforcement action against a registered processing site if during an inspection a processing site cannot account for its inventory or if the amount of usable marijuana at the processing site is not within five percent of the documented inventory.

(9) Testing. On and after October 1, 2016, a processing site must comply with the applicable sampling and testing requirements in OAR 333-007-0300 to 333-007-0490 and may not:

(a) Accept a transfer of a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490.

(b) Transfer a medical cannabinoid product, concentrate or extract that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490.

(10) Packaging and Labeling.

(a) On and after October 1, 2016, a processing site must comply with the labeling requirements in OAR 333-007-0010 to 333-007-0100, and the packaging requirements in OAR 845-025-7000 to 845-025-7020 and 845-025-7060.

(b) On and after October 1, 2016, a processing site must have its packages and labels pre-approved by the Commission, unless pre-approval is not required under OAR 845-025-7060(9) to (12).

(11) Industrial Hemp Products. A processing site may only accept the transfer of and may only transfer a product that contains THC or CBD that is derived from marijuana.

(12) Sampling. A registered processing site may provide a sample of a medical cannabinoid product, concentrate or extract to a dispensary for the purpose of the dispensary determining whether to purchase the product, concentrate or extract but the product, concentrate or extract may not be consumed on the processing site. Any sample provided to a dispensary must be recorded in the database.

(13) For purposes of this rule:

(a) "Lot of usable marijuana" means a quantity of usable marijuana transferred to a registered processing site from the same harvest lot as that term is defined in OAR 333-007-0020; and

(b) "Lot of medical cannabinoid products, concentrates or extracts" means a quantity of a medical cannabinoid product, concentrate or extract transferred to a registered dispensary at one time and that is from the same process lot as that term is defined in OAR 333-007-0020.

Stat. Auth.: ORS 475B.435, 475B.440

Stats. Implemented: ORS 475B.435, 475B.440

Hist.: PH 9-2016, f. 2-26-16, cert. ef. 3-1-16; PH 21-2016, f. 6-24-16, cert. ef. 6-28-16; PH 27-2016(Temp), f. & cert. ef. 9-30-16 thru 3-1-17

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Rules Amended: 333-076-0101, 333-076-0106, 333-076-0137, 333-076-0165, 333-076-0250, 333-076-0255, 333-076-0260, 333-076-0270

Subject: The Oregon Health Authority, Public Health Division is permanently amending Oregon Administrative Rules relating to circulating nurse requirements in an ambulatory surgery center (ASC) in response to concerns raised by stakeholders. In addition, minor housekeeping changes are being made.

ORS 678.362 defines and specifies requirements of a circulating nurse in a Type I ASC which the Division incorporated into administrative rule 333-076-0135 in 2006. In 2009, SB 158 (ORS 441.086) was passed classifying ASCs into three categories: 1) Certified; 2) High-complexity noncertified; and 3) Moderate complexity noncertified. In 2010, the Division amended OAR 333-076-0135 to remove reference to a Type I ASC given no such classification existed. In February 2016, the circulating nurse provision was moved to a new rule (OAR 333-076-0137) relating to surgery services. The Division received both oral and written testimony stating that the circulating nurse requirement should not be required in ASCs performing only the practice of gastrointestinal endoscopy given that such procedures are performed in a non-sterile environment and are typically low risk. In order to ensure that the circulating nurse regulations apply to ASCs that perform higher risk procedures as intended by ORS 678.362, the Division is modifying the rule. In addition, definitions are being modified for clarification.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-076-0101

Definitions

As used in OAR chapter 333, division 76 unless the context requires otherwise, the following definitions apply:

(1) "Ambulatory Surgical Center" (ASC) means:

(a) A facility or portion of a facility that operates exclusively for the purpose of providing surgical services to patients who do not require hospitalization and for whom the expected duration of services does not exceed 24 hours following admission.

(b) Ambulatory surgical center does not mean:

(A) Individual or group practice offices of private physicians or dentists that do not contain a distinct area used for outpatient surgical treatment on a regular and organized basis, or that only provide surgery routinely provided in a physician's or dentist's office using local anesthesia or conscious sedation; or

(B) A portion of a licensed hospital designated for outpatient surgical treatment.

(2) "Authentication" means verification that an entry in the patient medical record is genuine.

(3) "CMS" means Centers for Medicare and Medicaid Services.

(4) "Certified ambulatory surgical center" means a facility that is licensed by the Division and is certified by the CMS as meeting the conditions for coverage for ambulatory surgical services, 42 CFR 416, Subpart C.

(5) "Certified Nurse Anesthetist" (CRNA) means a registered nurse certified by the Council on Certification of Nurse Anesthetists and licensed by the Oregon State Board of Nursing (OSBN).

(6) "Certified Nursing Assistant" (CNA) means a person who is certified by the Oregon State Board of Nursing (OSBN) to assist licensed nursing staff in the provision of nursing care.

(7) "Conditions for Coverage" mean the applicable federal regulations that ASCs are required to comply with in order to participate in the federal Medicare and Medicaid programs.

(8) "Conscious sedation" has the same meaning as "moderate sedation."

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(9) “Deemed” means a health care facility that has been inspected by an approved accrediting organization and has been approved by the CMS as meeting CMS Conditions of Participation.

(10) “Deep sedation” means an induced controlled state of depressed consciousness in which the patient experiences a partial loss of protective reflexes, as evidenced by the inability to respond purposefully either to physical stimulation or to verbal command and the patient’s ability to independently and continuously maintain an airway may be impaired.

(11) “Direct ownership” has the meaning given the term ‘ownership interest’ in 42 CFR 420.201.

(12) “Division” means the Public Health Division of the Oregon Health Authority.

(13) “Financial interest” means a five percent or greater direct or indirect ownership interest.

(14) “General anesthesia” means an induced controlled state of unconsciousness in which the patient experiences complete loss of protective reflexes, as evidenced by the inability to independently maintain an airway, the inability to respond purposefully to physical stimulation, or the inability to respond purposefully to verbal command.

(15) “Governing body” means the body or person legally responsible for the direction and control of the operation of the facility.

(16) “Health Care Facility” (HCF) has the meaning given the term in ORS 442.015.

(17) “Health Care Facility Licensing Law” means ORS 441.015-441.990 and rules thereunder.

(18) “High complexity non-certified” means a facility that is licensed by the Division, is not CMS certified, and performs surgical procedures involving deep sedation or general anesthesia.

(19) “Hospital” has the meaning given that term in ORS 442.015.

(20) “Indirect ownership” has the meaning given the term ‘indirect ownership interest’ in 42 CFR 420.201.

(21) “Licensed” means that the person or facility to whom the term is applied is currently licensed, certified or registered by the proper authority to follow his or her profession or vocation within the State of Oregon, and when applied to a health care facility means that the facility is currently and has been duly and regularly licensed by the Division.

(22) “Licensed Nurse” means a Registered Nurse (RN) or a Licensed Practical Nurse (LPN).

(23) “Licensed Practical Nurse” (LPN) means a person licensed under ORS chapter 678 to practice practical nursing.

(24) “Local anesthesia” means the administration of an agent that produces a transient and reversible loss of sensation in a circumscribed portion of the body.

(25) “Moderate complexity non-certified” means a facility licensed by the Division, is not CMS certified, and performs procedures requiring not more than conscious sedation.

(26) “Moderate sedation” means an induced controlled state of minimally depressed consciousness in which the patient retains the ability to independently and continuously maintain an airway and to respond purposefully to physical stimulation and to verbal command. Formerly referred to as conscious sedation.

(27) “New construction” means a new building or an addition to an existing building.

(28) “NFPA” means National Fire Protection Association.

(29) “Nursing staff” means a person licensed by the OSBN as a registered nurse (RN), licensed practical nurse (LPN) or certified as a nursing assistant (CNA).

(30) “Patient audit” means review of the medical record or physical inspection of a patient.

(31) “Person” means an individual, a trust or estate, or a partnership or corporation (including associations, joint stock companies and insurance companies, a state or a political subdivision or instrumentality including a municipal corporation).

(32) “Physician” means a person licensed under ORS chapter 677 to practice medicine by the Oregon Medical Board.

(33) “Podiatrist” means a person licensed under ORS chapter 677 to practice podiatry.

(34) “Podiatry” means the diagnosis or the medical, physical or surgical treatment of ailments of the human foot, except treatment involving the use of a general or spinal anesthetic unless the treatment is performed in a hospital certified in the manner described in subsection (2) of ORS 441.055 and is under the supervision of or in collaboration with a physician licensed to practice medicine by the Oregon Medical Board. “Podiatry” does not include the administration of general or spinal anesthetics or the amputation of the foot.

(35) “Registered Nurse” (RN) means a person licensed as a Registered Nurse under ORS chapter 678.

Stat. Auth.: ORS 441.025

Stats. Implemented: ORS 441.015-ORS 441.065, 441.098, & 442.015

Hist.: HD 3-1990, f. 1-8-90, cert. ef. 1-15-90; PH 4-2006(Temp), f. & cert. ef. 3-2-06 thru 8-1-06; Administrative correction 8-22-06; PH 25-2006, f. 10-31-06, cert. ef. 11-1-06; PH 26-2010, f. 12-14-10, cert. ef. 12-15-10; PH 7-2016, f. & cert. ef. 2-24-16; PH 28-2016, f. & cert. ef. 10-6-16

333-076-0106

Issuance of License and Fees

(1) As used in this rule, the term “deemed status” means an ASC that has been inspected by a CMS-approved national accrediting organization, has been found to meet or exceed all applicable Medicare conditions, and CMS finds the ASC to be in compliance.

(2) Application for a license to operate an ASC shall be in writing on a form provided by the Division, including demographic, ownership and administrative information. The form shall specify such information required by the Division.

(3) For purposes of determining the correct license fee required under ORS 441.020 and this rule:

(a) “Procedure room” means a room where surgery or invasive procedures are performed; and

(b) “Invasive procedure” means a procedure requiring insertion of an instrument or device into the body through the skin or a body orifice for diagnosis or treatment, and operative procedures in which skin or mucous membranes and connective tissue are incised, or an instrument is introduced through a natural body orifice.

(4) Upon receipt of an application and the license fee as described in ORS 441.020, the Division shall review the application and conduct an on-site inspection of the ASC.

(5) In lieu of an onsite inspection required under section (3) of this rule, the Division may accept:

(a) CMS certification by a federal agency or accrediting organization; or

(b) A survey conducted within the previous three years by an accrediting organization approved by the Division, if:

(A) The certification or accreditation is recognized by the Division as addressing the standards and conditions for coverage requirements of the CMS and other standards set by the Division and an ASC provides the Division with a letter from CMS indicating its deemed status;

(B) The ASC notifies the Division of any exit interview conducted by the federal agency or accrediting body and permits the Division to participate; and

(C) The ASC provides copies of all documentation concerning the certification or accreditation requested by the Division.

(6) If the deemed status of an ASC changes, the ASC administrator must notify the Division.

(7) No person or ASC licensed pursuant to the provisions of ORS chapter 441, shall in any manner or by any means assert, represent, offer, provide or imply that such person or facility is or may render care or services other than that which is permitted by or which is within the scope of the license issued to such person or facility by the Division nor shall any service be offered or provided which is not authorized within the scope of the license issued to such person or facility.

(8) The Division shall issue a license to an ASC that:

(a) Submits a completed application as described in section (1) of this rule;

(b) Submits the license fee as described in ORS 441.020;

(c) Successfully completes the survey requirements established in this rule or provides documentation acceptable to the Division under section (4) of this rule; and

(d) Is found by the Division to be in compliance with applicable statutes and these rules.

(9) In determining whether to license an ASC pursuant to ORS 441.025, the Division shall consider only factors relating to the health and safety of individuals to be cared for therein and the ability of the operator of the ASC to safely operate the facility, and shall not consider whether the ASC is or will be a governmental, charitable, or other nonprofit institution or whether it is or will be an institution for profit.

(10) The license shall be conspicuously posted in the area where patients are admitted.

(11) A facility license that has been suspended or revoked may be reissued after the Division determines that compliance with HCF laws has been achieved satisfactorily.

Stat. Auth.: ORS 441.025

Stats. Implemented: ORS 441.022 & 441.025

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Hist.: HD 3-1990, f. 1-8-90, cert. ef. 1-15-90; PH 26-2010, f. 12-14-10, cert. ef. 12-15-10; PH 28-2016, f. & cert. ef. 10-6-16

333-076-0137

Surgery Services

(1) For purposes of this rule:

(a) "Circulating nurse" means a registered nurse who is responsible for coordinating the nursing care and safety needs of the patient in the operating room and who also meets the needs of the operating room team members during surgery.

(b) "Rural or medically underserved community" means a geographic area of Oregon that is 10 or more miles from the geographic center of a population center of 40,000 or more individuals.

(c) "Surgical technology" means intraoperative surgical patient care that involves:

(A) Preparing an operating room for surgical procedures by ensuring that surgical equipment is functioning properly and safely;

(B) Preparing an operating room and the sterile field for surgical procedures by preparing sterile supplies, instruments and equipment using sterile techniques;

(C) Anticipating the needs of a surgical team based on knowledge of human anatomy and pathophysiology and how those fields relate to the surgical patient and the patient's surgical procedure; and

(D) Performing tasks as directed in an operating room, including:

(i) Passing instruments, equipment or supplies;

(ii) Sponging or suctioning of an operative site;

(iii) Preparing and cutting suture material;

(iv) Transferring fluids or drugs;

(v) Handling specimens;

(vi) Holding retractors and other equipment;

(vii) Applying electrocautery to clamps on bleeders;

(viii) Connecting drains to suction apparatus;

(ix) Applying dressings to closed wounds; and

(x) Assisting in counting supplies and instruments, including sponges and needles.

(2) An ASC, regardless of classification, shall comply with this rule.

(3) An ASC shall have operating rooms that conform to the applicable requirements in OAR 333-076-0185.

(4) An ASC's operating rooms must be supervised by an experienced registered nurse or doctor of medicine or osteopathy.

(5) The duties of a circulating nurse performed in an operating room of an ASC shall be performed by a registered nurse licensed under ORS 678.010 through 678.410. In all cases requiring general anesthesia, a circulating nurse shall be assigned to, and present in, an operating room for the duration of the surgical procedure unless it becomes necessary for the circulating nurse to leave the operating room as part of the surgical procedure. While assigned to a surgical procedure, a circulating nurse may not be assigned to any other patient or procedure.

(6) Nothing in section (5) precludes a circulating nurse from being relieved during a surgical procedure by another circulating nurse assigned to continue the surgical procedure.

(7) In order for a person to practice surgical technology at an ASC, the ASC governing body shall ensure that the following provisions are met by the individual:

(a) Documentation showing that the person has completed a training program for surgical technologists in a branch of the armed forces of the United States or in the United States Public Health Service Commissioned Corp and completes 16 hours of continuing education as described in section (11) of this rule every two years; or

(b) Completion of a surgical technology education program accredited by the Commission on Accreditation of Allied Health Education Program (CAAHEP) or the Accrediting Bureau of Health Education Schools (ABHES) and certification as a surgical technologist issued by the National Board of Surgical Technology and Surgical Assisting (NBSTSA); or

(c) Documentation that a person has practiced surgical technology at least two years between January 1, 2014 and January 1, 2017 in a hospital, ambulatory surgical center or as an employee of a federal government agency or institution and completes 16 hours of continuing education as described in section (11) of this rule every two years.

(8) Notwithstanding subsection (7)(b), an ASC may allow a person who is not certified by the NBSTSA to practice surgical technology at the hospital for 12 months after the person completes an educational program accredited by the CAAHEP or ABHES.

(9) An ASC located in a rural or medically underserved community may allow a person to practice surgical technology at the ASC who does not

meet the requirements specified in section (7) of this rule until July 1, 2017. After July 1, 2017, a person not meeting the requirements specified in section (7) of this rule, may work at an ASC in a rural or medically underserved community while the person is attending an educational program accredited by the CAAHEP or ABHES. Such persons are exempt from the educational requirements for three years from the date on which the person began practicing at the ASC.

(10) These rules do not prohibit a licensed practitioner from performing surgical technology if the practitioner is acting within the scope of the practitioner's license and an ASC allows the practitioner to perform such duties.

(11)(a) The continuing education requirements described in subsections (7)(a) and (7)(c) shall:

(A) Consist of 16 hours every two years;

(B) Be tracked by the surgical technologist and is subject to audit by the ASC in which the person is practicing; and

(C) Be relevant to the medical-surgical practice of surgical technology.

(b) Continuing education may include but is not limited to:

(A) Continuing education credits approved by the Association for Surgical Technologist;

(B) Healthcare sponsored conferences, forums, seminars, symposiums or workshops;

(C) Online distance learning courses;

(D) Live lectures at national conferences; or

(E) College courses.

(12) An ASC shall conduct a random audit of a representative sample of the surgical technologists employed by the ASC every two years to verify compliance with educational requirements.

(13) The requirements identified in sections (7), (8), and (10) through (12) of this rule become effective on July 1, 2016.

Stat. Auth.: ORS 441.025 & ORS 676.890

Stats. Implemented: ORS 441.025, 676.870 – 676.890 & 678.362

Hist.: PH 7-2016, f. & cert. ef. 2-24-16; PH 28-2016, f. & cert. ef. 10-6-16

333-076-0165

Medical Records

(1) A medical record shall be maintained for every patient admitted for care.

(2) A legible reproducible medical record shall include at least the following (if applicable):

(a) Admitting identification data including date of admission;

(b) Chief complaint;

(c) Pertinent family and personal history;

(d) History and physical. This history and physical shall be completed no more than 30 days prior to the initiation of any procedure. Sufficient time shall be allowed between examination and the initiation of any procedure, to permit review of tests;

(e) Clinical laboratory reports as well as reports on any special examinations. (The original report shall be authenticated and recorded in the patient's medical record.);

(f) X-ray reports shall be recorded in the medical record and shall bear the identification (authentication) of the originator of the interpretation;

(g) Signed or authenticated report of consultant when such services have been obtained;

(h) All entries in patient's medical record must be dated, timed, and authenticated;

(A) Verification of an entry requires use of a unique identifier, i.e., signature, code, thumbprint, voice print or other means, which allows identification of the individual responsible for the entry;

(B) Verbal orders may be accepted by those individuals authorized by law and by medical staff rules and regulations and shall be countersigned or authenticated within two business days by the ordering health care practitioner or another health care practitioner who is responsible for the care of the patient;

(C) A single signature or authentication of the physician, dentist, podiatrist or other individual authorized within the scope of his or her professional license on the medical record does not suffice to cover the entire content of the record.

(i) Records of assessment and intervention, including but not limited to preprocedure vital sign records, graphic charts, medication records and appropriate personnel notes;

(j) Anesthesia record including records of anesthesia, analgesia and medications given in the course of the operation and postanesthetic condition, signed or authenticated by the person making the entry;

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(k) A record of operation dictated or written immediately following surgery and including a complete description of the operation procedures and findings, postoperative diagnostic impression, and a description of the tissues and appliances, if any, removed;

(l) Postanesthesia Recovery (PAR) progress notes including but not limited to vital sign records and other appropriate clinical notes;

(m) Pathology report on tissues and appliances, if any, removed at the operation. The following tissues and appliances may be exempted from pathology exam:

(A) Specimens that, by their nature or condition, do not permit fruitful examination, including but not limited to a cataract, orthopedic appliance, foreign body, or portion of rib removed only to enhance operative exposure;

(B) Therapeutic radioactive sources, the removal of which shall be guided by radiation safety monitoring requirements;

(C) Traumatically injured members that have been amputated and for which examination for either medical or legal reasons is not considered necessary;

(D) Specimens known to rarely, if ever, show pathological change, and the removal of which is highly visible postoperatively, including but not limited to the foreskin from circumcision of a newborn infant;

(E) Placentas that are grossly normal and have been removed in the course of operative and nonoperative obstetrics;

(F) Teeth, provided that the number, including fragments, is recorded in the medical record.

(n) Summary including final diagnosis;

(o) Date of discharge and discharge note;

(p) Autopsy report if applicable;

(q) Informed consent forms that document;

(A) The name of the ASC where the procedure or treatment was undertaken;

(B) The specific procedure or treatment for which consent was given;

(C) The name of the health care practitioner performing the procedure or administering the treatment;

(D) That the procedure or treatment, including the anticipated benefits, material risks, and alternatives was explained to the patient or the patient's representative or why it would have been materially detrimental to the patient to do so, giving due consideration to the appropriate standards of practice of reasonable health care practitioners in the same or a similar community under the same or similar circumstances;

(E) The manner in which care will be provided in the event that complications occur that require health services beyond what the ASC has the capability to provide. If the ASC has entered into agreements with more than one hospital, the patient must be provided with the most likely possible option, but that the transfer hospital may be dependent on the type of problem encountered.

(F) The signature of the patient or the patient's legal representative; and

(G) The date and time the informed consent was signed by the patient or the patient's legal representative;

(r) Documentation of the disclosures required in ORS 441.098;

(s) Such signed documents as may be required by law.

(3) The completion of the medical record shall be the responsibility of the attending physician:

(a) Medical records shall be completed by the physician, dentist, podiatrist or other individual authorized within the scope of his or her professional license within four weeks following the patient's discharge;

(b) If a patient is transferred to another health care facility, transfer information shall accompany the patient. Transfer information shall include but not be limited to facility from which transferred, name of physician to assume care, date and time of discharge, current medical findings, current nursing assessment, current history and physical, diagnosis, orders from a physician for immediate care of the patient, operative report, if applicable; TB test, if applicable; other information germane to patient's condition. If discharge summary is not available at time of transfer, it shall be transmitted as soon as available.

(4) Diagnoses and operations shall be expressed in standard terminology.

(5) The medical records shall be filed in a manner which renders them easily retrievable. Medical records shall be protected against unauthorized access, fire, water and theft.

(6) Medical records are the property of the ASC. The medical record, either in original, electronic or microfilm form, shall not be removed from the institution except where necessary for a judicial or administrative proceeding. Authorized personnel of the Division shall be permitted to review

medical records. When an ASC uses off-site storage for medical records, arrangements must be made for delivery of these records to the health care facility when needed for patient care or other health care facility activities. Precautions must be taken to protect patient confidentiality.

(7) All medical records shall be kept for a period of at least 10 years after the date of last discharge. Original medical records may be retained on paper, microfilm, electronic or other media.

(8) If an ASC changes ownership all medical records in original, electronic or microfilm form shall remain in the ASC or related institution, and it shall be the responsibility of the new owner to protect and maintain these records.

(9) If any ASC shall be finally closed, its medical records may be delivered and turned over to any other health care facility in the vicinity willing to accept and retain the same as provided in section (7) of this rule.

(10) All original clinical records or photographic or electronic facsimile thereof, not otherwise incorporated in the medical record, such as x-rays, electrocardiograms, electroencephalograms, and radiological isotope scans shall be retained for seven years after patient's last discharge if professional interpretations of such graphics are included in the medical records.

(11) A current written policy on the release of medical record information including patient access to his/her medical record shall be maintained in the facility.

(12) The Division may require the facility to obtain periodic and at least annual consultation from a qualified medical records consultant, RHIA/RHIT. The visits of the medical records consultant shall be of sufficient duration and frequency to review medical record systems and assure quality records of the patients. Contract for such services shall be available to the Division upon request.

Stat. Auth.: ORS 441.025

Stats. Implemented: ORS 441.025

Hist.: HD 3-1990, f. 1-8-90, cert. ef. 1-15-90; PH 26-2010, f. 12-14-10, cert. ef. 12-15-10; PH 28-2016, f. & cert. ef. 10-6-16

333-076-0250

Violations

In addition to non-compliance with any health care facility licensing law or conditions for coverage, it is a violation to:

(1) Refuse to cooperate with an investigation or survey, including but not limited to failure to permit Division staff access to the ASC, its documents or records;

(2) Fail to implement an approved plan of correction;

(3) Fail to comply with all applicable laws, lawful ordinances and rules relating to safety from fire;

(4) Refuse or fail to comply with an order issued by the Division;

(5) Refuse or fail to pay a civil penalty; or

(6) Fail to comply with rules governing the storage of medical records following the closure of an ASC.

Stat. Auth.: ORS 441.025

Stats. Implemented: ORS 441.015, 441.025 & 441.030

Hist.: PH 26-2010, f. 12-14-10, cert. ef. 12-15-10; PH 28-2016, f. & cert. ef. 10-6-16

333-076-0255

Informal Enforcement

(1) If, during an investigation or survey Division staff document violations of health care facility licensing laws or conditions for coverage, the Division may issue a statement of deficiencies that cites the law alleged to have been violated and the facts supporting the allegation.

(2) A signed plan of correction must be received by the Division within 10 business days from the date the statement of deficiencies was mailed to the ASC. A signed plan of correction will not be used by the Division as an admission of the violations alleged in the statement of deficiencies.

(3) An ASC shall correct all deficiencies within 60 days from the date of the exit conference, unless an extension of time is requested from the Division. A request for such an extension shall be submitted in writing and must accompany the plan of correction.

(4) The Division shall determine if a written plan of correction is acceptable. If the plan of correction is not acceptable to the Division, the Division shall notify the ASC administrator in writing and request that the plan of correction be modified and resubmitted no later than 10 working days from the date the letter of non-acceptance was mailed to the administrator.

(5) If the ASC does not come into compliance by the date of correction reflected on the plan of correction or 60 days from date of the exit conference, whichever is sooner, the Division may propose to deny, suspend, or revoke the ASC license, or impose civil penalties.

Stat. Auth.: ORS 441.025

Stats. Implemented: ORS 441.015 & 441.025

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Hist.: PH 26-2010, f. 12-14-10, cert. ef. 12-15-10; PH 28-2016, f. & cert. ef. 10-6-16

333-076-0260

Formal Enforcement

(1) If, during an investigation or survey Division staff document substantial failure to comply with health care facility licensing laws, conditions for coverage or if an ASC fails to pay a civil penalty imposed under ORS 441.170, the Division may issue a Notice of Proposed Suspension or Notice of Proposed Revocation in accordance with ORS 183.411 through 183.470.

(2) The Division may issue a Notice of Imposition of Civil Penalty for violations of health care facility licensing laws.

(3) At any time the Division may issue a Notice of Emergency License Suspension under ORS 183.430(2).

(4) If the Division revokes an ASC license, the order shall specify when, if ever, the ASC may reapply for a license.

Stat. Auth.: ORS 441.025

Stats. Implemented: ORS 441.015, 441.025, 441.030 & 441.037

Hist.: PH 26-2010, f. 12-14-10, cert. ef. 12-15-10; PH 28-2016, f. & cert. ef. 10-6-16

333-076-0270

Approval of Accrediting Organizations

(1) An accrediting organization must request approval by the Division to ensure that ASCs meet state licensing standards.

(2) An accrediting organization shall request approval in writing and shall provide, at a minimum:

(a) Evidence that it is a nationally recognized Medicare accreditation program approved by CMS; or

(b) If the accrediting organization is not approved by CMS, provide:

(A) Documentation of program policies and procedures that its accreditation process meets state licensing standards;

(B) Accreditation history; and

(C) References from a minimum of two health care facilities currently receiving services from the organization.

(3) If the Division finds that an accrediting organization has the necessary qualifications to certify that state licensing standards have been met, the Division will enter into an agreement with the accrediting organization permitting it to accredit ASCs in Oregon.

Stat. Auth.: ORS 441.025

Stats. Implemented: ORS 441.062

Hist.: PH 26-2010, f. 12-14-10, cert. ef. 12-15-10; PH 28-2016, f. & cert. ef. 10-6-16

Oregon Housing and Community Services Department Chapter 813

Rule Caption: Repeals rules for the Energy Rated Homes of Oregon program.

Adm. Order No.: OHCS 10-2016

Filed with Sec. of State: 10-13-2016

Certified to be Effective: 10-13-16

Notice Publication Date: 5-1-2016

Rules Repealed: 813-280-0000, 813-280-0010, 813-280-0020, 813-280-0030, 813-280-0040, 813-280-0050, 813-280-0060, 813-280-0070

Subject: The rules being proposed for repeal govern the Energy Rated Homes of Oregon program. These rules were adopted in response to a federal program. That federal program is no longer being utilized by the State of Oregon or Oregon Housing and Community Services, and the department does not anticipate using this program in the future.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

Rule Caption: Amends rules for the Individual Development Account Tax Credit program; sets a maximum credit

Adm. Order No.: OHCS 11-2016

Filed with Sec. of State: 10-13-2016

Certified to be Effective: 10-13-16

Notice Publication Date: 9-1-2016

Rules Amended: 813-300-0150

Rules Repealed: 813-300-0150(T)

Subject: The rules govern the Oregon Individual Development Account Tax Credit administered by Oregon Housing and Community Services. These rules set a maximum tax credit allowable to a

single taxpayer within a particular year. These rules are the result of changes made by the Legislature through SB 1507 (2016).

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-300-0150

Tax Credit Contributor

(1) Contributions to a fiduciary organization approved by the department may qualify for an Oregon IDA tax credit.

(2) The percentage of tax credit to be awarded to tax payers is determined upon recommendation by the fiduciary organization with approval of the department. In making such a determination, the department may consider factors including but not limited to:

(a) The availability of the Oregon IDA Tax Credit;

(b) The nature and value of the contribution; and

(c) The recommendation of the approved fiduciary organization.

(3) The percentage of allowable credit will be determined in advance of accepting contributions.

(4) The maximum percentage of tax credit allowable to a single taxpayer within a particular year is seventy percent.

(5) The maximum tax credit allowable to a single taxpayer within a particular year is \$500,000.

(6) Contributions from contributors not utilizing an Oregon IDA tax credit may be eligible for a charitable deduction against taxable income.

(7) The department makes no representation on whether or not specific contributions qualify for an Oregon IDA tax credit. In all cases, contributors are encouraged to seek professional advice to determine the actual tax ramifications of their contribution.

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 18-2015(Temp), f. & cert. ef. 10-5-15 thru 4-1-16; OHCS 2-2016, f. & cert. ef.

3-25-16; OHCS 3-2016(Temp), f. & cert. ef. 4-20-16 thru 10-14-16; OHCS 11-2016, f. & cert. ef.

10-13-16

Rule Caption: Clarifies definition and utilization of a rent pass-through for Oregon Affordable Housing Tax Credits

Adm. Order No.: OHCS 12-2016

Filed with Sec. of State: 10-13-2016

Certified to be Effective: 10-13-16

Notice Publication Date: 9-1-2016

Rules Amended: 813-110-0010, 813-110-0013, 813-110-0015

Rules Repealed: 813-110-0010(T), 813-110-0013(T), 813-110-0015(T)

Subject: The purpose of the Oregon Affordable Housing Tax Credits is to encourage the creation or preservation of safe, sanitary and affordable housing for lower-income Oregonians. The rules are amended to clarify the definition or rent pass-through and the requirements for utilization of the pass-through.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-110-0010

Definitions

Certain terms used in this division are defined in ORS chapter 317, the Act, OAR 813-005-0005, and herein. Other terms may be identified in the text of this division (including by incorporation), otherwise in chapter 813, or applicable law.

(1) "Cap" means the maximum amount of tax credits as set by the Legislature in ORS 317.097(6). The department will calculate tax credit availability based on the actual number of tax credits allocated at any given time.

(2) "Certification" means the written verification by the department to a lender that a project is a qualified project for which the lending institution may claim a tax credit under the provisions of the Act.

(3) "Firm commitment of financing" means an agreement by a lending institution to make a loan to a specific borrower on a specific property and which will contain all of the terms and conditions that the borrower has to satisfy before said loan can be funded. Payment of a commitment charge by the borrower to the lending institution may be required as a condition precedent to issuance of such an agreement.

(4) "Lending institution" means any insured institution, as defined in ORS 706.008, any mortgage company that maintains an office in this state, or any community development corporation that is organized under the Oregon Nonprofit Corporation Law.

(5) "Preservation project" means housing that was previously developed as affordable housing with a contract for rental assistance from the

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United States Department of Housing and Urban Development or the United States Department of Agriculture and that is being acquired by a sponsoring entity. The contract for project-based rental assistance must cover at least 25 percent of all units in the project.

(6) "Project," except as defined under "manufactured dwelling park" or "preservation project," means one or more units of housing, that has been acquired, constructed, developed, or rehabilitated, including refinanced housing, which will be rented to or owned by households whose incomes are less than 80 percent of area median income. The use of a project for eligible occupants shall be maintained for the term of the credit, in accordance with the Act, unless terminated at the discretion of the department. If there is a foreclosure, deed-in-lieu, or an involuntary transfer where title transfers to the lending institution, that lending institution may dispose of the property at its sole discretion.

(7) "Rent reduction" means the amount rents are reduced from the rents charged at the market interest rate as a result of the Oregon Affordable Housing Tax Credit (OAHTC) subsidy.

(8) "Rent Pass through" means the value of the tax credits loan rate discount that is extended by the project owner to the tenants in the form of reduced rents.

Stat. Auth.: ORS 317.097 & 456.515

Stats. Implemented: ORS 317.097 & 456.625

Hist.: HSG 1-1990(Temp), f. & cert. ef. 1-5-90; HSG 3-1990(Temp), f. & cert. ef. 3-1-90; HSG 9-1990, f. & cert. ef. 5-11-90; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 6-1991(Temp), f. & cert. ef. 11-5-91; HSG 3-1992, f. & cert. ef. 2-4-92; HSG 2-1994(Temp), f. & cert. ef. 3-25-94; HSG 7-1994, f. & cert. ef. 9-9-94; HSG 2-1995, f. & cert. ef. 9-25-95; OHCS 7-2006, f. & cert. ef. 5-17-06; OHCS 11-2006(Temp), f. & cert. ef. 8-4-06 thru 1-30-07; OHCS 9-2007, f. & cert. ef. 1-11-07; OHCS 14-2007(Temp), f. & cert. ef. 10-16-07 thru 4-12-08; OHCS 5-2008, f. & cert. ef. 4-11-08; OHCS 1-2009(Temp), f. & cert. ef. 2-9-09 thru 8-7-09; OHCS 2-2009, f. & cert. ef. 8-5-09; OHCS 9-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; OHCS 22-2013, f. & cert. ef. 12-18-13; OHCS 3-2015(Temp) f. & cert. ef. 3-18-15 thru 9-13-15; OHCS 6-2015, f. & cert. ef. 7-9-15; OHCS 4-2016(Temp), f. & cert. ef. 5-16-16 thru 10-31-16; OHCS 12-2016, f. & cert. ef. 10-13-16

813-110-0013

Loan Requirements

In order to be eligible for the tax credit, the loan shall be:

(1) Made to an individual or individuals who own the dwelling, who participate in an owner-occupied community rehabilitation program, and are certified by the local government or its designated agent as having an income level at the time the loan is made of less than 80 percent of the area median income.

(2) Made to a qualified borrower;

(a) Used to finance construction, development, acquisition, or rehabilitation of housing; and,

(b) Accompanied by a written certification by the department that the:

(A) Housing created by the loan is or will be occupied by households earning less than 80 percent of the area median income; and,

(B) The full amount of the savings, from the reduced interest rate provided by the lending institution, is or will be passed through to the qualified tenants in the form of a rent reduction, regardless of other subsidies provided directly to the housing project.

(C) In satisfying the foregoing pass-through requirement, project owners may only assign up to the maximum of the estimated annual average per-unit pass through to units whose qualified tenants are using a tenant based Section 8, or Housing Choice Voucher,

(D) The estimated annual average per-unit pass through for the projects is to be calculated by dividing the annual loan interest savings, divided by twelve months, and then by dividing the number of affordable units occupied or held vacant for occupancy by qualified tenants, or

(3) Made to a qualified borrower;

(a) Used to finance construction, development, acquisition, or acquisition and rehabilitation of housing consisting of a manufactured dwelling park;

(b) The housing created by the loan is or will be occupied by a significant number of households, defined as more than 30% of all households at initial tenant qualification, earning less than 80 percent of the area median income; and,

(c) Accompanied by a written certification by the department that the housing will continue to be operated as a manufactured dwelling park during the period for which the tax credit is allowed, or

(4) Made to a qualified borrower;

(a) Used to finance acquisition, or acquisition and rehabilitation, of housing consisting of a preservation project; and,

(b) Accompanied by a written certification by the department that the housing preserved by the loan:

(A) Is or will be occupied by households earning less than 80 percent of the area median income; and

(B) Has a rent assistance contract with the United States Department of Housing and Urban Development (HUD) or the United States Department of Agriculture that will be maintained by the qualified borrower. The contract must provide rental assistance to households in at least 25% of the project units.

Stat. Auth.: ORS 317.097 & 456.515 - 456.720

Stats. Implemented: ORS 317.097

Hist.: OHCS 14-2007(Temp), f. & cert. ef. 10-16-07 thru 4-12-08; OHCS 5-2008, f. & cert. ef. 4-11-08; Suspended by OHCS 9-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; OHCS 22-2013, f. & cert. ef. 12-18-13; OHCS 4-2016(Temp), f. & cert. ef. 5-5-16 thru 10-31-16; OHCS 12-2016, f. & cert. ef. 10-13-16

813-110-0015

Application Requirements

(1) For the purpose of enabling a lending institution to obtain a reservation of OAHTC under ORS 317.097, a sponsoring entity may apply to the department for certification of a qualified loan for the allocation of OAHTC consistent with OAR chapter 813 pursuant to relevant solicitation documents issued by the department including, but not limited to a Notice of Funding Availability ("NOFA"), or as otherwise determined by the department. The application shall provide information satisfactory to the department including but not limited to:

(a) The name, address and telephone number of the sponsoring entity;

(b) Proof as required by the department that the sponsoring entity is a qualified borrower;

(c) The relevant background of the qualified borrower and its management agent and their expertise with housing for low-income persons, if applicable;

(d) A firm commitment of financing by the lending institution to the sponsoring entity for the property that is the subject of the tax credits claim containing all of the terms and conditions that the sponsoring entity has to satisfy before the loan will be funded and including an estimated comparable market interest rate for the proposed loan, the estimated reduced interest rate and the estimated amount of savings or a letter of intent for the purpose of a reservation under OAR 813-110-0021;

(e) The name, address and contact person of the lending institution making the loan;

(f) A description of the project, including the type of housing or program involved, the number and type of housing units to be provided, the number of bedrooms, the address where the project is or will be located, and the federal, state and local agencies or organizations involved in financing or managing the project;

(g) A certification that includes, at a minimum, the statement that all information in the application is true, complete and accurately describes the project;

(h) An agreement by the sponsoring entity to execute restrictive covenants satisfactory to the department to which covenants will be recorded at the time of loan closing;

(i) A demonstration relating to occupancy of the units in the project, as required by subsection (2) of this section;

(j) A demonstration that the project meets the minimum requirements of any other department program used by the project, as required by subsection (3) of this section;

(k) Any additional information or actions requested by the department; and

(1) A certification by the sponsoring entity that includes, at a minimum, the statement that all information in the application is true, complete and accurately describes the project.

(2) The following provisions apply to the demonstration relating to occupancy of units that is required in subsection (1) of this section:

(a) A demonstration for a project other than a manufactured dwelling park must show that units constructed or rehabilitated with OAHTC will be occupied by households earning less than 80 percent of adjusted area median income at the time of initial occupancy.

(b) In the case of a preservation project or a manufactured dwelling park awarded after September 27, 2007, pass-through is not required for a certification produced on or after September 27, 2007.

(c) For a project other than a project to which paragraph (b) of this subsection applies, the demonstration must show that at the time the project is initially rented or purchased, and thereafter for the term of the OAHTC or twenty years, whichever is longer, the sponsor will pass the benefits of the project's reduced loan interest rate to tenant or homeowner households whose earnings are less than 80 percent of area median income at the time of initial tenant or homeowner qualification.

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(d) A demonstration for a manufactured dwelling park must show that the project meets the occupancy requirements applicable to manufactured dwelling parks in ORS 317.097.

(3) Because the OAHTC program is intended to lower rents below the level that would be obtained after all other subsidies have been applied, a project that uses one or more other department programs must demonstrate that the project meets or will meet the minimum requirements of those other programs before application of the OAHTC subsidy rent reduction. For example, if an applicant has applied for tax credits under the Low Income Housing Tax Credits (LIHTC) program and that application indicated a target of 60 percent of area median income rents, the application under this rule must show the project is feasible at the targeted 60 percent median rents without the OAHTC subsidy. The OAHTC subsidy must be applied to reduce rents below the 60 percent level and must be passed on directly to the OAHTC qualified tenants or homeowners in its entirety although the pass-through need not be distributed evenly among the units. Pass through is limited for units occupied by a tenant with a tenant based Section 8 or Housing Choice Voucher, under 813-110-0013(2)(C).

(4) Rental units covered by Section 8 project based assistance are not eligible to be used to demonstrate pass-through savings for the OAHTC program because the rent reductions related to the OAHTC subsidy typically would not be passed on to the tenants in the form of a rent reduction from what the tenants would otherwise pay, and therefore, would not achieve pass-through savings. Projects that are partially covered with project based assistance may qualify to use OAHTC on the remaining units by, inter alia, demonstrating pass-through interest savings that result in appropriate rent reductions to the OAHTC qualified tenants. To the degree this can be achieved in conjunction with tenant vouchers not targeted for pass through, it is encouraged to be targeted to non-voucher units in the Project.

(5) The department may require more extensive and enduring affordability covenants than provided in subsections (2) through (4) as may be reflected in relevant solicitation documents or otherwise.

(6) The department may require a non-refundable application charge and may assess such other charges as it deems reasonable to cover anticipated costs of processing the application, coordinating with other funding or project partners, negotiating and recording required documents or additional administration. Certain other charges are identified later in these rules.

Stat. Auth.: ORS 317.097

Stats. Implemented: ORS 317.097, 456.508, 456.510, 456.513, 456.559, 456.605, 456.722
Hist.: HSG 1-1990(Temp), f. & cert. ef. 1-5-90; HSG 3-1990(Temp), f. & cert. ef. 3-1-90; HSG 9-1990, f. & cert. ef. 5-11-90; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 6-1991(Temp), f. & cert. ef. 11-5-91; HSG 3-1992, f. & cert. ef. 2-4-92; HSG 2-1994(Temp), f. & cert. ef. 3-25-94; HSG 7-1994, f. & cert. ef. 9-9-94; HSG 2-1995, f. & cert. ef. 9-25-95; OHCS 7-2006, f. & cert. ef. 5-17-06; OHCS 11-2006(Temp), f. & cert. ef. 8-4-06 thru 1-30-07; OHCS 9-2007, f. & cert. ef. 1-11-07; OHCS 14-2007(Temp), f. & cert. ef. 10-16-07 thru 4-12-08; OHCS 5-2008, f. & cert. ef. 4-11-08; OHCS 9-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; OHCS 22-2013, f. & cert. ef. 12-18-13; OHCS 36-2014, f. & cert. ef. 12-2-14; OHCS 4-2016(Temp), f. & cert. ef. 5-5-16 thru 10-31-16; OHCS 12-2016, f. & cert. ef. 10-13-16

Oregon Liquor Control Commission Chapter 845

Rule Caption: The amendments modify allowed inventory transfers of marijuana and marijuana items to an OLCC license.

Adm. Order No.: OLCC 14-2016(Temp)

Filed with Sec. of State: 9-20-2016

Certified to be Effective: 9-20-16 thru 12-26-16

Notice Publication Date:

Rules Amended: 845-025-2910, 845-025-3310

Subject: The amendments modify allowed inventory transfers of marijuana and marijuana items from a medical dispensary that converts to an OLCC licensed recreational store. Also, these amendments modify inventory transfers for medical processors who convert to an OLCC license. This change is being made to accommodate the transition between the end of early sales to consumers through the OMMP system to the newly forming recreational market. Transfers requirements are only modified for marijuana and marijuana items that were purchased before October 1st. Any marijuana or marijuana item tested under prior requirements must be labeled accordingly.

The agency will proceed with permanent rulemaking while the adopted temporary rule(s) is/are in place. The temporary rule(s) will remain in effect until permanent rule(s) is/are adopted or until the

temporary rule(s) expire on December 26, 2016; whichever is first to occur.

Rules Coordinator: Bryant Haley—(503) 872-5136

845-025-2910

Transfer of Medical Marijuana Dispensary Inventory

(1) For purposes of this rule:

(a) "Medical marijuana dispensary" means a medical marijuana dispensary registered under ORS 475B.450.

(b) "Person responsible for the medical marijuana dispensary" or "PRD" has the meaning given that term in OAR 333-008-1010.

(c) "Primary PRD" has the meaning given that term in OAR 333-008-1010.

(2) An applicant for a retail license under ORS 475B.110 that is also an owner of a medical marijuana dispensary may submit a transfer request to the Commission, on a form prescribed by the Commission, to transition from being registered with the Authority to being licensed by the Commission. The request must include, at a minimum, the following information:

(a) The name of the marijuana dispensary, dispensary address, and Authority issued registration number for the medical marijuana dispensary;

(b) The name and contact information of the owner of the medical marijuana dispensary;

(c) The names and contact information for each PRD;

(d) Identification of the primary PRD.

(e) An authorization that permits the Authority to disclose to the Commission any information necessary to verify the information submitted in the request.

(f) The amount and type of marijuana items proposed to be transferred.

(3) Upon receiving a request under section (2) of this rule the Commission must verify with the Authority:

(a) The registration status of the medical marijuana dispensary; and

(b) The ownership of the dispensary and the identification of each PRD and the primary PRD;

(4) A transfer request will be denied if an applicant has not complied with this rule or if a license is denied under OAR 845-025-1115.

(5) The Commission may inspect the marijuana items proposed for transfer to determine if they:

(a) Have been packaged, labeled and tested in accordance with OAR 845-025-7000 to 845-025-7060 and 845-025-5700; and

(b) Meet the applicable concentration limits in OAR 333-007-0210 or 333-007-0220.

(6) If the information in the transfer request is verified by the Authority and the Commission approves a license application under ORS 475B.090, the Commission must notify the applicant of the amount and type of marijuana items permitted to be transferred.

(a) The Commission will deny the request to transfer any marijuana item that:

(A) Was not identified in the request to transfer;

(B) Was not in the dispensary's inventory at the time of the request to transfer; and

(b) The Commission will deny the request to transfer any marijuana item received by the dispensary on or after October 1, 2016 that does not comply with the applicable packaging and testing rules in OAR 845-025-7000 to 845-025-7060 and 845-025-5700, except as provided in subsection (c) of this section.

(c) The Commission will allow the transfer of marijuana items received by the dispensary prior to October 1, 2016 if:

(A) The marijuana item was tested in accordance with OAR 333-008-1190, if the item contains a label placed on the package where it can easily be seen by a consumer, patient or designated primary caregiver that reads "DOES NOT MEET NEW TESTING REQUIREMENTS" in 12 point font, and in bold, capital letters;

(B) The Marijuana item is packaged in a child resistant container as required by 845-025-7020(3).

(d) The Commission may not permit the transfer of a cannabinoid concentrate, extract or product that exceeds the concentration limits established for retail adult use under OAR 333-007-0210 unless the licensee has been registered to sell medical grade cannabinoid concentrates, extracts or products.

(e) Any marijuana items that have not been approved for transfer must be lawfully disposed of and removed from the premises prior to the initial date of licensure.

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(7) Information regarding the seeds, immature plants, usable marijuana, cannabinoid concentrates, extracts or products transferred must be recorded in CTS within ten calendar days of licensure.

(8) The licensee must notify the Commission once the seeds, immature plants, usable marijuana, cannabinoid concentrates, extracts or products are entered into CTS and the Commission may inspect the premises to verify the information the licensee entered into CTS.

(9) Once the transfer of inventory under this section is complete the Commission must notify the Authority that the medical marijuana dispensary is now a licensed premises and that the licensed premises may not be registered as a medical marijuana dispensary address under ORS 475B.450.

(10) The Commission may deny a transfer request if it cannot verify the information in the request or the applicant submitted incomplete information to the Commission.

(11) Marijuana items transferred under this rule may be retained in the retailer license's inventory until March 1, 2017. Violation of this section is a Category III violation.

Stat. Auth.: ORS 475B.025
Stats. Implemented: 2016 OL Ch. 24, Sec. 25
Hist.: OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16; OLCC 14-2016(Temp), f. & cert. ef. 9-20-16 thru 12-26-16

845-025-3310

Transfer of Medical Marijuana Processing Site Inventory

(1) For purposes of this rule:

(a) "Marijuana processing site" means a marijuana processing site registered under ORS 475B.435 or an applicant that has submitted a complete application for registration of a marijuana processing site to the Authority under ORS 475B.435.

(b) "Person responsible for the marijuana processing site" or "PRP" has the meaning given that term in OAR 333-008-0160.

(c) "Primary PRP" has the meaning given that term in OAR 333-008-0160.

(2) An applicant for a processor license under ORS 475B.090 that is also an owner of a marijuana processing site may submit a transfer request to the Commission, on a form prescribed by the Commission, to transition from being registered with the Authority to being licensed by the Commission. The request must include, at a minimum, the following information:

(a) The name of the marijuana processing site, address, and Authority issued registration number for the marijuana processing site;

(b) The name and contact information of the owner of the marijuana processing site;

(c) The names and contact information for each PRP;

(d) Identification of the primary PRP.

(e) The endorsements of the marijuana processing site.

(f) An authorization that permits the Authority to disclose to the Commission any information necessary to verify the information submitted in the request.

(g) The amount and types of marijuana items proposed to be transferred.

(3) Upon receiving a request under section (2) of this rule the Commission must verify with the Authority:

(a) The registration status of the marijuana processing site; and

(b) The ownership of the processing site and the identification of each PRP and the primary PRP;

(4) A transfer request will be denied if an applicant has not complied with this rule or if a license is denied under OAR 845-025-1115.

(5) If the information in the transfer request is verified by the Authority and the Commission approves a license application under ORS 475B.090, the Commission must notify the applicant of the amount and type of marijuana items permitted to be transferred.

(a) The Commission may not permit the transfer of a marijuana cannabinoid product, concentrate or extract packaged for ultimate sale to the consumer that exceeds the concentration limits established for retail adult use under OAR 333-007-0210 unless the licensee has been registered to process medical grade cannabinoid concentrates, extracts or products.

(b) Prior to licensure the marijuana processing site must return any marijuana item that is the lawful property of a patient.

(c) Any marijuana items that have not been approved by the Commission for transfer or returned to a patient as described in section (5)(b) of this rule must be removed from the premises by the applicant prior to the initial date of licensure and lawfully transferred or disposed of.

(6) Information regarding the usable marijuana, cannabinoid concentrates, extracts or products transferred must be recorded in CTS within ten calendar days of licensure.

(7) The licensee must notify the Commission once the usable marijuana, cannabinoid concentrates, extracts or products are entered into CTS and the Commission may inspect the premises to verify the information the licensee entered into CTS.

(8) Once the transfer of inventory under this section is complete the Commission must notify the Authority that the marijuana processing site is now a licensed premises and that the licensed premises may not be registered as a marijuana processing site address under ORS 475B.435.

(9) The Commission may deny a transfer request if:

(a) It cannot verify the information in the request or the applicant submitted incomplete information to the Commission; or

(b) The processor has not been granted an endorsement for the type of marijuana item requested for transfer.

(10) Any usable marijuana, cannabinoid concentrates, extracts or products transferred from a medical marijuana processing site to the licensed premises under this rule must be:

(a) Tested in accordance with OAR 845-025-5700 before being used or transferred; and

(b) Labeled and packaged in accordance with OAR 845-025-7000 as 845-025-7060 before being transferred to another licensee.

Stat. Auth.: ORS 475.025
Stats. Implemented: 2016 OL Ch. 24, Sec. 25
Hist.: OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16; OLCC 14-2016(Temp), f. & cert. ef. 9-20-16 thru 12-26-16

Rule Caption: The amendments remove the daily reconciliation requirements or marijuana testing laboratory licensees.

Adm. Order No.: OLCC 15-2016(Temp)

Filed with Sec. of State: 9-20-2016

Certified to be Effective: 9-20-16 thru 12-26-16

Notice Publication Date:

Rules Amended: 845-025-7580

Subject: Staff is requesting to relax the requirements upon laboratories to daily reconcile their inventory within the METRC system, as is required of all licensees. This requirement is particularly burdensome upon laboratories, as tests take several days to process. Further, labs will not be having a significant amount of product on hand from each licensees. Therefore, it is much less likely there will be an opportunity for diversion.

Rules Coordinator: Bryant Haley—(503) 872-5136

845-025-7580

Reconciliation with Inventory

(1) All licensees must:

(a) Use CTS for all inventory tracking activities at a licensed premises;

(b) Reconcile all on-premises and in-transit marijuana item inventories each day in CTS at the close of business pursuant to system requirements; and

(c) Record all required information for seeds, usable marijuana, cannabinoid concentrates and extracts by weight.

(d) Record the wet weight of all harvested marijuana plants immediately after harvest.

(e) Record all required information for cannabinoid products by unit count but must also record the weight per unit of a product.

(2) The requirements in section (1)(b) of this rule do not apply during the first ten calendar days of licensure so long as the license has ordered UID tags and the UID tags are in transit to the licensee.

(3) The requirements in section (1)(b) of this rule do not apply to marijuana items held by a laboratory licensee that are undergoing analytical testing required by these rules or OAR 333-007-0300 to 333-007-0490 so long as the marijuana items do not leave the laboratory's licensed premises and are reconciled on the same day that the analytical testing concludes.

(4) In addition to the requirements in section (1) of this rule retailers must record the price and amount of each item sold to consumers and the date of each transaction in CTS at the close of every business day.

Stat. Auth.: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
Stats. Implemented: ORS 475B.150
Hist.: OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16; OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16; OLCC 15-2016(Temp), f. & cert. ef. 9-20-16 thru 12-26-16

Rule Caption: To align 845-025-5700 with the changes the Oregon Health Authority made to testing requirements.

Adm. Order No.: OLCC 16-2016(Temp)

Filed with Sec. of State: 9-30-2016

ADMINISTRATIVE RULES

Certified to be Effective: 9-30-16 thru 3-1-17

Notice Publication Date:

Rules Amended: 845-025-5700

Subject: The Oregon Health Authority has granted OLCC authority to temporarily modify requirements for testing of usable marijuana. Specifically, OAR 333-007-1000 enables the Commission to modify the testing requirements for licensees if the Commission finds that there is an insufficient number of marijuana testing labs. The Commission may allow licensed marijuana testing laboratories to test randomly chosen samples from the batches of usable marijuana submitted for testing by a licensee, for pesticides, rather than testing every batch of usable marijuana for pesticides. This exemption will sunset March 1, 2017.

Rules Coordinator: Bryant Haley—(503) 872-5136

845-025-5700

Licenses Testing Requirements

(1) Licensees must comply with the Authority's testing rules in OAR 333-007-0300 to 333-007-0490 and OAR 333, division 64 prior to the sale or transfer of a marijuana item, as specified in those rules, except as described in subsection (2) of this rule.

(2) Until March 1, 2017, if commission staff finds there is insufficient laboratory capacity for the testing of pesticides, staff may issue an order allowing licensed marijuana testing laboratories to test randomly chosen samples from batches of usable marijuana submitted for testing by a licensee, for pesticides, rather than testing every batch of usable marijuana for pesticides.

(a) The number of batches to be tested randomly will be specified in the order and may vary based on the laboratory capacity at the time the order is issued and the size of the harvest lot to be tested. Samples from at least one batch of every harvest lot must be tested for pesticides.

(b) If any one of the randomly chosen samples from a batch of a producer licensee's harvest lot fails a pesticide test every batch from the harvest lot must be tested for pesticides.

(c) If samples from each randomly chosen batch that are tested for pesticides pass, the entire harvest lot is considered to have passed pesticide testing and may be transferred or sold.

(d) If prior to March 1, 2017, commission staff determines that there is sufficient laboratory capacity to test every batch of usable marijuana for pesticides the staff shall give licensees 10 days' notice that all batches shall thereafter be required to be tested.

(e) Producer licenses are responsible for testing fee and may choose any laboratory licensee to conduct the test.

(3) A violation is this rule is a Category I violation.

Stat. Auth.: ORS 475B.550 & 475B.555

Stats. Implemented: ORS 475B.550 & 475B.555

Hist.: OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16; OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16; OLCC 16-2016(Temp), f. & cert. ef. 9-30-16 thru 3-1-17

Rule Caption: The amendments restrict labeling marijuana or marijuana items with names that may be attractive to minors.

Adm. Order No.: OLCC 17-2016(Temp)

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 9-30-16 thru 12-26-16

Notice Publication Date:

Rules Amended: 845-025-7000, 845-025-7030

Subject: The Commission has learned that the marijuana industry has been using names of products purchased by minors or sold by minors to describe a particular strain of marijuana or marijuana items. The Commission believes that this industry practice may entice minors to consume these products. Thus, such practices constitute a threat to public health.

Rules Coordinator: Bryant Haley—(503) 872-5136

845-025-7000

Packaging and Labeling — Definitions

For the purposes of OAR 845-025-7000 to 845-025-7060:

(1) "Attractive to minors" means packaging, labeling and marketing that features:

(a) Cartoons;

(b) A design, brand or name that resembles a non-cannabis consumer product of the type that is typically marketed to minors;

(c) Symbols or celebrities that are commonly used to market products to minors;

(d) Images of minors;

(e) Words that refer to products that are commonly associated with minors or marketed by minors.

(2) "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.

(3) "Cannabinoid concentrate or extract" means a substance obtained by separating cannabinoids from marijuana by a mechanical, chemical or other process.

(4) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate or extract or the dried leaves or flowers of marijuana have been incorporated.

(5)(a) "Cannabinoid product" means a cannabinoid edible or any other product intended for human consumption or use, including a product intended to be applied to a person's skin or hair, that contains cannabinoids or the dried leaves or flowers of marijuana.

(b) "Cannabinoid product" does not include:

(A) Usable marijuana by itself;

(B) A cannabinoid concentrate or extract by itself; or

(C) Industrial hemp, as defined in ORS 571.300.

(6) "Cartoon" means any drawing or other depiction of an object, person, animal, creature or any similar caricature that satisfies any of the following criteria:

(a) The use of comically exaggerated features;

(b) The attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or

(c) The attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation.

(7) "Child resistant" means designed or constructed to be significantly difficult for children under five years of age to open and not difficult for adults to use properly.

(8) "Consumer":

(a) Has the meaning given that term in ORS 475B.015; or

(b) Means a patient or designated primary caregiver receiving a transfer from a medical marijuana dispensary.

(9) "Container" means a sealed, hard or soft-bodied receptacle in which a marijuana item is placed prior to being sold to a consumer.

(10) "Exit Package" means a sealed container provided at the retail point of sale in which any marijuana items already within a container are placed.

(11) "Licensee" has the meaning given that term in OAR 845-025-1015.

(12) Marijuana.

(a) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

(b) "Marijuana" does not include industrial hemp, as defined in ORS 571.300.

(13) "Marijuana item" means marijuana, usable marijuana, a cannabinoid product or a cannabinoid concentrate or extract.

(14) "Processing" means the compounding or conversion of marijuana into cannabinoid products or cannabinoid concentrates or extracts.

(15) "Producing" means:

(a) Planting, cultivating, growing, trimming or harvesting marijuana; or

(b) Drying marijuana leaves and flowers.

(16) "Registrant" means a person registered with the Authority under ORS 475B.420, 475B.435, or ORS 475B.450.

(17) Usable Marijuana.

(a) "Usable marijuana" means the dried leaves and flowers of marijuana.

(b) "Usable marijuana" does not include:

(A) The seeds, stalks and roots of marijuana; or

(B) Waste material that is a by-product of producing or processing marijuana.

Stat. Auth.: ORS 475B.615

Stats. Implemented: ORS 475B.600 & 475B.615

Hist.: OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16; OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16; OLCC 17-2016(Temp), f. & cert. ef. 9-30-16 thru 12-26-16

845-025-7030

Labeling for Sale to Consumer

In addition to requirements of OAR 333-007-0010 to 333-007-0100:

ADMINISTRATIVE RULES

(1) No label may be attractive to minors as defined in OAR 845-025-7000(1); and

(2) The Commission may require that marijuana items sold at retail be labeled with a Universal Product Code.

Stat. Auth.: ORS 475B.025 & 475B.605

Stats. Implemented: ORS 475B.025

Hist.: OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16; OLCC 17-2016(Temp), f. & cert. ef. 9-30-16 thru 12-26-16

Oregon Medical Board
Chapter 847

Rule Caption: Change the name of Consent Agreements to Consent Agreements for Re-entry to Practice

Adm. Order No.: OMB 10-2016

Filed with Sec. of State: 10-7-2016

Certified to be Effective: 10-7-16

Notice Publication Date: 8-1-2016

Rules Amended: 847-001-0024, 847-001-0045, 847-008-0003, 847-020-0183, 847-050-0043, 847-070-0045, 847-080-0021

Subject: The rule amendments memorialize the Board's decision to change the name of "Consent Agreements" to "Consent Agreements for Re-entry to Practice." The Board members voted to change the name at their April 2016 meeting in order to accurately reflect that these agreements between the Board and a licensee are used to establish a re-entry program for a licensee's return to clinical practice after two or more years. The name change is meant to eliminate any confusion that these agreements are disciplinary actions.

Rules Coordinator: Nicole Krishnaswami—(971) 673-2667

847-001-0024

Compliance

(1) Licensees and applicants must comply with a Board investigation, including responding to inquiries and providing requested materials within the time allowed and complying with a subpoena. Failure to comply with a Board investigation violates ORS 677.190(17) and is grounds for disciplinary action.

(2) Licensees and applicants must comply with the terms of all Board Orders and Agreements, including Corrective Action Agreements and Consent Agreements or Consent Agreements for Re-entry to Practice. Failure to comply with the terms of a Board Order or Agreement violates ORS 677.190(17) and is grounds for disciplinary action.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.190, 677.205, 677.270 & 677.320

Hist.: OMB 1-2014, f. & cert. ef. 1-14-14; OMB 10-2016, f. & cert. ef. 10-7-16

847-001-0045

Approval of Consent Agreements for Re-entry to Practice

(1) The Executive Director or Medical Director has the authority to review and approve the terms and conditions in a Consent Agreement for Re-entry to Practice based on Board-established guidelines.

(2) The Executive Director's or Medical Director's signature grants approval of the Consent Agreement for Re-entry to Practice, which becomes a public document. As a public document, the Consent Agreement for Re-entry to Practice may be released to the public. However, the Consent Agreement for Re-entry to Practice is not an adverse action.

(3) The Applicant may be granted a license once the Consent Agreement for Re-entry to Practice is signed by the Executive Director or Medical Director.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.100, 677.175, 677.265, 677.512, 677.759 & 677.825

Hist.: OMB 11-2014, f. & cert. ef. 4-9-14; OMB 10-2016, f. & cert. ef. 10-7-16

847-008-0003

Delegation of Authority

(1) The Executive Director or, in the absence of the Executive Director, the Medical Director has the authority to grant, renew and reactivate licensure for all license types and statuses upon satisfactory completion of the application.

(2) The Executive Director or, in the absence of the Executive Director, the Medical Director has the authority to approve visiting physician applications and visiting acupuncturist applications.

(3) The Executive Director has the authority to waive the registration fee for good and sufficient reason.

(4) The Executive Director has the authority to require additional documentation or explanatory statements for the application file to be considered satisfactorily complete.

(5) The Executive Director has the authority to determine that an applicant qualifies for licensure by expedited endorsement.

(6) The Executive Director has the authority to perform initial reviews of applications to determine whether an applicant or licensee meets the qualifications, has satisfactorily completed the application and should be approved or whether the application file contains derogatory information that requires review by an advisory committee and a determination by the Board.

(7) The Executive Director or Medical Director has the authority to review and approve Consent Agreements for Re-entry to Practice for applicants who have ceased clinical practice for a period of 24 or more consecutive months and grant a license to the applicant upon the Executive Director's or Medical Director's signature.

(8) The Medical Director has the authority to determine whether an applicant or licensee has significant malpractice claims or patient care issues that require additional review by an advisory committee and a determination by the Board.

(9) The Executive Director has the authority to grant waivers of the competency examinations if the applicable waiver requirements are met.

Stat. Auth.: ORS 677.265, 677.235

Stats. Implemented: ORS 292.495, 677.235

Hist.: OMB 14-2013(Temp), f. 7-12-13, cert. ef. 7-15-13 thru 1-11-14; OMB 27-2013, f. & cert. ef. 10-15-13; OMB 11-2014, f. & cert. ef. 4-9-14; OMB 10-2016, f. & cert. ef. 10-7-16

847-020-0183

Re-Entry to Practice — SPEX or COMVEX Examination, Re-Entry Plan

If an applicant has ceased the practice of medicine for a period of 12 or more consecutive months immediately preceding the application for licensure or reactivation, the applicant may be required to demonstrate clinical competency.

(1) The applicant who has ceased the practice of medicine for a period of 12 or more consecutive months may be required to pass the Special Purpose Examination (SPEX) or Comprehensive Osteopathic Medical Variable-Purpose Examination (COMVEX). This requirement may be waived if the applicant has done one or more of the following:

(a) The applicant has received a current appointment as Professor or Associate Professor at the Oregon Health and Science University or the Western University of Health Sciences College of Osteopathic Medicine of the Pacific;

(b) The applicant can demonstrate ongoing participation in maintenance of certification with a specialty board as defined in 847-020-0100; or

(c) Subsequent to ceasing practice, the applicant has:

(A) Completed one year of an accredited residency, or

(B) Completed one year of an accredited or Board-approved clinical fellowship, or

(C) Been certified or recertified by a specialty board as defined in 847-020-0100, or

(D) Obtained continuing medical education to the Board's satisfaction.

(2) The applicant who has ceased the practice of medicine for a period of 24 or more consecutive months may be required to complete a re-entry plan to the satisfaction of the Board. The re-entry plan must be reviewed and approved through a Consent Agreement for Re-entry to Practice prior to the applicant beginning the re-entry plan. Depending on the amount of time out-of-practice, the applicant may be required to do one or more of the following:

(a) Pass the SPEX/COMVEX examination;

(b) Practice for a specified period of time under a mentor/supervising physician who will provide periodic reports to the Board;

(c) Obtain certification or re-certification, or participate in maintenance of certification, with a specialty board as defined in 847-020-0100;

(d) Complete a re-entry program as determined appropriate by the Board;

(e) Complete one year of accredited postgraduate or clinical fellowship training, which must be pre-approved by the Board's Medical Director;

(f) Complete at least 50 hours of Board-approved continuing medical education each year for the past three years.

(3) The applicant who fails the SPEX or COMVEX examination three times, whether in Oregon or other states, must successfully complete one year of an accredited residency or an accredited or Board-approved clinical fellowship before retaking the SPEX or COMVEX examination.

ADMINISTRATIVE RULES

(4) The applicant may be granted a Limited License, SPEX/COMVEX according to 847-010-0064.

(5) All of the rules, regulations and statutory requirements pertaining to the medical school graduate remain in full effect.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.100, 677.190 & 677.265

Hist.: BME 20-2007, f. & cert. ef. 10-24-07; BME 4-2008, f. & cert. ef. 1-22-08; BME 6-2010, f. & cert. ef. 4-26-10; OMB 25-2011, f. & cert. ef. 10-18-11; OMB 9-2013, f. & cert. ef. 4-5-13; OMB 11-2014, f. & cert. ef. 4-9-14; OMB 13-2014, f. & cert. ef. 10-8-14; OMB 10-2016, f. & cert. ef. 10-7-16

847-050-0043

Inactive Registration and Re-Entry to Practice

(1) Any physician assistant licensed in this state who changes location to some other state or country, or who is not in a current supervisory relationship with a licensed physician for six months or more, will be listed by the Board as inactive.

(2) If the physician assistant wishes to resume active status to practice in Oregon, the physician assistant must submit the reactivation application and fee, satisfactorily complete the reactivation process and be approved by the Board before beginning active practice in Oregon.

(3) The Board may deny active registration if it judges the conduct of the physician assistant during the period of inactive registration to be such that the physician assistant would have been denied a license if applying for an initial license.

(4) If a physician assistant applicant has ceased practice for a period of 12 or more consecutive months immediately preceding the application for licensure or reactivation, the applicant may be required to do one or more of the following:

(a) Obtain certification or re-certification by the National Commission on the Certification of Physician Assistants (N.C.C.P.A.);

(b) Provide documentation of current N.C.C.P.A. certification;

(c) Complete 30 hours of Category I continuing medical education acceptable to the Board for every year the applicant has ceased practice;

(d) Agree to increased chart reviews upon re-entry to practice.

(5) The physician assistant applicant who has ceased practice for a period of 24 or more consecutive months may be required to complete a re-entry plan to the satisfaction of the Board. The re-entry plan must be reviewed and approved through a Consent Agreement for Re-entry to Practice prior to the applicant beginning the re-entry plan. Depending on the amount of time out of practice, the re-entry plan may contain one or more of the requirements listed in section (4) of this rule and such additional requirements as determined appropriate by the Board.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.172, 677.175, 677.512

Hist.: ME 12-1986, f. & ef. 7-31-86; ME 2-1990, f. & cert. ef. 1-29-90; ME 10-1992, f. & cert. ef. 7-17-92; ME 5-1996, f. & cert. ef. 7-26-96; BME 11-1998, f. & cert. ef. 7-22-98; BME 2-2000, f. & cert. ef. 2-7-00; BME 25-2008, f. & cert. ef. 10-31-08; [OMB 21-2011(Temp), f. & cert. ef. 10-13-11 thru 4-10-12; Temporary Suspended by OBDD 28-2011(Temp), f. & cert. ef. 10-26-11 thru 4-10-12]; OMB 29-2011, f. & cert. ef. 10-27-11; OMB 32-2011(Temp), f. 12-15-11, cert. ef. 1-1-12 thru 6-29-12; OMB 7-2012, f. & cert. ef. 2-10-12; OMB 11-2014, f. & cert. ef. 4-9-14; OMB 3-2015, f. & cert. ef. 1-8-16; OMB 10-2016, f. & cert. ef. 10-7-16

847-070-0045

Inactive Registration and Re-Entry to Practice

(1) Any acupuncturist licensed in this state who changes location to some other state or country shall be listed by the Board as inactive.

(2) If the acupuncturist wishes to resume active status, the acupuncturist must file an Affidavit of Reactivation and pay a processing fee, satisfactorily complete the reactivation process and be approved by the Board before beginning active practice in Oregon.

(3) The Board may deny active registration if it judges the conduct of the acupuncturist during the period of inactive registration to be such that the acupuncturist would have been denied a license if applying for an initial license.

(4) If an acupuncturist applicant has ceased practice for a period of 24 or more consecutive months immediately preceding the application for licensure or reactivation, the applicant may be required to do one or more of the following:

(a) Obtain certification or re-certification in Acupuncture or Oriental Medicine by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM);

(b) Provide documentation of current NCCAOM Acupuncture or Oriental Medicine certification;

(c) Complete 15 hours of continuing education acceptable to the Board for every year the applicant has ceased practice;

(d) Complete a mentorship of at least 20 hours under a Board-approved mentor who must individually supervise the licensee. The mentor must report the successful completion of the mentorship to the Board.

(5) The acupuncturist applicant who has ceased practice for a period of five or more consecutive years may be required to complete a re-entry plan to the satisfaction of the Board. The re-entry plan must be reviewed and approved through a Consent Agreement for Re-entry to Practice prior to the applicant beginning the re-entry plan. Depending on the amount of time out of practice, the re-entry plan may contain one or more of the requirements listed in section (4) of this rule and such additional requirements as determined appropriate by the Board.

Stat. Auth.: ORS 677.265 & 677.759

Stats. Implemented: ORS 677.175 & 677.759

Hist.: ME 24-1987, f. & ef. 10-29-87; ME 6-1993, f. & cert. ef. 4-22-93; ME 10-1996, f. & cert. ef. 10-29-96; BME 16-1999, f. & cert. ef. 10-28-99; BME 12-2005, f. & cert. ef. 10-12-05; BME 5-2009, f. & cert. ef. 1-22-09; OMB 8-2012, f. & cert. ef. 2-10-12; OMB 11-2014, f. & cert. ef. 4-9-14; OMB 3-2015, f. & cert. ef. 1-13-15; OMB 3-2015, f. & cert. ef. 1-8-16; OMB 10-2016, f. & cert. ef. 10-7-16

847-080-0021

Competency Examination and Re-Entry to Practice

(1) The applicant who has not completed postgraduate training within the past 10 years or been certified or recertified with the ABPM or the ABPS within the past 10 years may be required to pass a competency examination in podiatry. The competency examination may be waived if the applicant can demonstrate ongoing participation in maintenance of certification with the ABPM or ABPS, or has completed at least 50 hours of Board-approved continuing education each year for the past three years.

(2) The applicant who has ceased practice for a period of 12 or more consecutive months immediately preceding an application for licensure or reactivation may be required to pass a competency examination in podiatry. The competency examination may be waived if the applicant can demonstrate ongoing participation in maintenance of certification with the ABPM or ABPS or, subsequent to ceasing practice, the applicant has:

(a) Passed the licensing examination administered by the NBPME, or

(b) Been certified or recertified by the ABPM or ABPS, or

(c) Completed a Board-approved one-year residency or clinical fellowship, or

(d) Obtained continuing medical education to the Board's satisfaction.

(3) The applicant who has ceased the practice of medicine for a period of 24 or more consecutive months may be required to complete a re-entry plan to the satisfaction of the Board. The re-entry plan must be reviewed and approved through a Consent Agreement for Re-entry to Practice prior to the applicant beginning the re-entry plan. Depending on the amount of time out of practice, the applicant may be required to do one or more of the following:

(a) Pass the licensing examination;

(b) Practice for a specified period of time under a mentor/supervising podiatric physician who will provide periodic reports to the Board;

(c) Obtain certification or re-certification, or participate in maintenance of certification, with the ABPM or the ABPS;

(d) Complete a re-entry program as determined appropriate by the Board;

(e) Complete one year of an accredited postgraduate or clinical fellowship training, which must be pre-approved by the Board's Medical Director;

(f) Complete at least 50 hours of Board-approved continuing medical education each year for the past three years.

(4) Licensure shall not be granted until all requirements of OAR chapter 847, division 80, are completed satisfactorily.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.190, 677.265, 677.825, 677.830, 677.837

Hist.: OMB 20-2013, f. & cert. ef. 7-12-13; OMB 11-2014, f. & cert. ef. 4-9-14; OMB 13-2014, f. & cert. ef. 10-8-14; OMB 7-2016, f. & cert. ef. 4-8-16; OMB 10-2016, f. & cert. ef. 10-7-16

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Rule Caption: Reduce workforce data fee for renewing licensees and reduce supervising physician application fee for volunteers

Adm. Order No.: OMB 11-2016

Filed with Sec. of State: 10-7-2016

Certified to be Effective: 10-7-16

Notice Publication Date: 8-1-2016

Rules Amended: 847-005-0005

Subject: The rule amendment (1) specifies that the one-time application fee for supervising physicians of physician assistants will be reduced to \$50 for applicant physicians volunteering in free clinics or non-profit organizations, (2) reduces the workforce data fee

ADMINISTRATIVE RULES

assessed to licensees on behalf of the Oregon Health Authority's Office of Health Policy and Analytics, which recently reduced the fee from \$5 per licensing period to \$2 per year, and (3) corrects references to the criminal records check statutes, which were recently renumbered.

Rules Coordinator: Nicole Krishnaswami—(971) 673-2667

847-005-0005

Fees

(1) Licensing Fees:

(a) Doctor of Medicine/Doctor of Osteopathic Medicine (MD/DO) Initial License Application — \$375.

(b) MD/DO Registration: Active, Administrative Medicine, Inactive, Locum Tenens, Military/Public Health, Telemedicine, Telemonitoring and Teleradiology — \$253/year+*.

(c) MD/DO Registration: Emeritus — \$50/year.

(d) MD/DO Limited License, SPEX/COMVEX, Visiting Professor, Fellow, Medical Faculty, Postgraduate Application — \$185.

(e) MD/DO Application to Supervise a Physician Assistant — \$100.

(f) MD/DO Application to Supervise a Physician Assistant in a Volunteer Capacity — \$50.

(g) Acupuncture Initial License Application — \$245.

(h) Acupuncture Registration: Active, Inactive, Locum Tenens and Military/Public Health — \$161/year*.

(i) Acupuncture Registration: Emeritus — \$50/year.

(j) Acupuncture Limited License, Visiting Professor, Pending Examination Application — \$75.

(k) Physician Assistant Initial License Application — \$245.

(L) Physician Assistant Registration: Active, Inactive, Locum Tenens and Military/Public Health — \$191/year*.

(m) Physician Assistant Registration: Emeritus — \$50/year.

(n) Physician Assistant Limited License, Pending Examination Application — \$75.

(o) Podiatrist Initial Application — \$340.

(p) Podiatrist Registration: Active, Administrative Medicine, Inactive, Locum Tenens, Military/Public Health, Telemedicine and Telemonitoring — \$243/year*.

(q) Podiatrist Registration: Emeritus — \$50/year.

(r) Podiatrist Limited License, Postgraduate Application — \$185.

(s) Reactivation Application Fee — \$50.

(t) Electronic Prescription Drug Monitoring Program — \$25/year**.

(u) Workforce Data Fee — \$2/year***.

(v) Criminal Records Check Fee — \$52****.

(w) Oral Specialty or Competency Examination (\$1,000 deposit required) — Actual costs.

(2) Delinquent Registration Renewals:

(a) Delinquent MD/DO Registration Renewal — \$195.

(b) Delinquent Acupuncture Registration Renewal — \$80.

(c) Delinquent Physician Assistant Registration Renewal — \$80.

(d) Delinquent Podiatrist Registration Renewal — \$195.

(3) Licensee Information Request Charges:

(a) Verification of Licensure — Individual Requests (1-4 Licenses) — \$10 per license.

(b) Verification of Licensure — Multiple (5 or more) — \$7.50 per license.

(c) Malpractice Report — Individual Requests — \$10 per license.

(d) Malpractice Report — Multiple (monthly report) — \$15 per report.

(e) Disciplinary — Individual Requests — \$10 per license.

(4) Base Service Charges for Copying — \$5 + .20/page.

(5) Record Search Charges (+ copy charges in section (4) of this rule):

(a) Clerical — \$20 per hour.

(b) Administrative — \$40 per hour.

(c) Executive — \$50 per hour.

(d) Medical — \$75 per hour.

(6) Data Order Charges:

(a) Standard Licensee Data Order — \$75 each.

(b) Custom Licensee Data Order — \$75 + \$40.00 per hour Administrative time.

(c) Address Label Disk — \$50 each.

(7) All Board fees and fines are non-refundable and non-transferable.

(8) The Board may waive or reduce fees for public records upon written request if the Board determines that making the record available primarily benefits the general public.

+Per ORS 677.290(3), fee includes \$10.00 for the Oregon Health and Science

University Library.

*Collected biennially excepted where noted in the Administrative Rules.

**Per ORS 431A.850-431A.895, fee is assessed to licensees authorized to prescribe or dispense controlled substances in Oregon for the purpose of creating and maintaining the Prescription Drug Monitoring Program administered by the Oregon Health Authority.

***Per ORS 676.410, fee is assessed for the purpose of creating and maintaining a healthcare workforce data base administered by the Oregon Health Authority.

****Per ORS 181A.195(9)(e), fee is the actual cost of acquiring and furnishing criminal offender information.

Stat. Auth.: ORS 181.534, 431.972, 676.410, 677.265 & 677.290

Stats. Implemented: ORS 181.534, 192.440, 431.972, 676.410, 677.265 & 677.290

Hist.: ME 7-1984, f. & ef. 1-26-84; ME 17-1984, f. & ef. 11-5-84; ME 6-1985, f. & ef. 7-30-85; ME 3-1986(Temp), f. & ef. 4-23-86; ME 4-1986, f. & ef. 4-23-86; ME 9-1986, f. & ef. 7-31-86; ME 2-1987, f. & ef. 1-10-87; ME 7-1987(Temp), f. & ef. 1-26-87; ME 9-1987, f. & ef. 4-28-87; ME 25-1987, f. & ef. 11-5-87; ME 9-1988, f. & ef. 8-5-88; ME 14-1988, f. & ef. 10-20-88; ME 1-1989, f. & ef. 1-25-89; ME 5-1989 (Temp), f. & ef. 2-16-89; ME 6-1989, f. & ef. 4-27-89; ME 9-1989(Temp), f. & ef. 8-1-89; ME 17-1989, f. & ef. 10-20-89; ME 4-1990, f. & ef. 4-25-90; ME 9-1990, f. & ef. 8-2-90; ME 5-1991, f. & ef. 7-24-91; ME 11-1991(Temp), f. & ef. 10-21-91; ME 6-1992, f. & ef. 5-26-92; ME 1-1993, f. & ef. 1-29-93; ME 13-1993, f. & ef. 11-1-93; ME 14-1993(Temp), f. & ef. 11-1-93; ME 1-1994, f. & ef. 1-24-94; ME 6-1995, f. & ef. 7-28-95; ME 7-1996, f. & ef. 10-29-96; ME 3-1997, f. & ef. 11-3-97; BME 7-1998, f. & ef. 7-22-98; BME 7-1999, f. & ef. 4-22-99; BME 10-1999, f. & ef. 7-8-99, cert. ef. 8-3-99; BME 14-1999, f. & ef. 10-28-99; BME 4-2000, f. & ef. 2-22-00; BME 6-2001(Temp), f. & ef. 7-18-01 thru 11-30-01; BME 10-2001, f. & ef. 10-30-01; BME 8-2003, f. & ef. 4-24-03; BME 16-2003, f. & ef. 10-23-03; BME 17-2004, f. & ef. 9-9-04; BME 6-2005, f. & ef. 7-20-05; BME 15-2006, f. & ef. 7-25-06; BME 1-2007, f. & ef. 1-24-07; BME 1-2008, f. & ef. 1-22-08; BME 15-2008, f. & ef. 7-21-08; BME 1-2009, f. & ef. 1-22-09; BME 15-2009(Temp), f. & ef. 9-11-09 thru 3-8-10; BME 1-2010, f. & ef. 1-26-10; OMB 10-2011(Temp), f. & ef. 7-13-11 thru 1-4-12; OMB 18-2011(Temp), f. & ef. 10-13-11 thru 4-10-12; OMB 22-2011, f. & ef. 10-18-11; OMB 33-2011(Temp), f. & ef. 12-28-11, cert. ef. 1-1-12 thru 6-29-12; OMB 3-2012, f. & ef. 2-10-12; OMB 9-2012(Temp), f. & ef. 3-2-12 thru 8-29-12; OMB 20-2012, f. & ef. 8-3-12; OMB 27-2012(Temp), f. & ef. 10-12-12 thru 4-10-13; OMB 5-2013, f. & ef. 4-5-13; OMB 13-2013(Temp), f. & ef. 7-12-13, cert. ef. 7-15-13 thru 1-11-14; OMB 26-2013, f. & ef. 10-15-13; OMB 10-2014, f. & ef. 4-9-14; OMB 4-2016, f. & ef. 1-8-16; OMB 11-2016, f. & ef. 10-7-16

Rule Caption: Criminal Records Checks for Employees and Volunteers

Adm. Order No.: OMB 12-2016

Filed with Sec. of State: 10-7-2016

Certified to be Effective: 10-7-16

Notice Publication Date: 8-1-2016

Rules Amended: 847-002-0045

Rules Repealed: 847-002-0000, 847-002-0005, 847-002-0010, 847-002-0015, 847-002-0020, 847-002-0025, 847-002-0030, 847-002-0035, 847-002-0040

Subject: The rulemaking (1) repeals the Oregon Medical Board's existing procedural rules on criminal background checks of employees, volunteers and applicants, (2) adds new rule language to reference new statewide rules recently adopted by the Department of Administrative Services, and (3) retains the rule language on fees that may be charged for criminal records checks. This rulemaking is required by House Bill 3168 (2013) and House Bill 2250 (2015), which gave the Department of Administrative Services the authority to adopt statewide administrative rules for criminal records checks and required other agencies to repeal or amend existing rules as needed in order to be consistent with the statewide rules.

Rules Coordinator: Nicole Krishnaswami—(971) 673-2667

847-002-0045

Criminal Records Checks for Employees, Volunteers and Applicants

(1) The Board requires a criminal records check and fitness determination for Board employees, volunteers or applicants for employment with the Board.

(2) Criminal records checks and fitness determinations are conducted pursuant to ORS 181A.170 to 181A.215 and OAR 125-007-0200 to 125-007-0310.

(a) To complete the criminal records check and fitness determination, the Board may require additional information from the employee, volunteer or applicant, such as, but not limited to, proof of identity or additional criminal, judicial or other background information.

(b) If the employee, volunteer or applicant has potentially disqualifying criminal offender information, the Board will consider factors listed in ORS 181A.195 before making a fitness determination.

(c) An approved fitness determination does not guarantee employment.

(d) An incomplete fitness determination does not entitle the employee, volunteer or applicant the right to appeal under OAR 125-007-0300.

ADMINISTRATIVE RULES

(3) Pursuant to ORS 181A.195, ORS 676.175, and OAR 125-007-0310, information obtained in the criminal records check is confidential and will not be disseminated by the Board except to persons with a demonstrated and legitimate need to know the information.

(4) The Board may charge a fee to the employee, volunteer or applicant for the criminal records check. The fee will not exceed the fee charged the Board by the OSP and the FBI to obtain such information.

Stat. Auth.: ORS 181A.195, 676.303

Stats. Implemented: ORS 181A.170, 181A.195, 181A.215, 676.175, 676.303, 677.28

Hist.: OMB 11-2011, f. & cert. ef. 7-13-11; OMB 12-2016, f. & cert. ef. 10-7-16

Rule Caption: Grammatical correction to reactivation requirements rule

Adm. Order No.: OMB 13-2016

Filed with Sec. of State: 10-7-2016

Certified to be Effective: 10-7-16

Notice Publication Date: 8-1-2016

Rules Amended: 847-008-0055

Subject: The rule amendment corrects the grammatical structure of the sentence regarding the additional items the Board may require of a licensee applying for reactivation; there are no substantive changes.

Rules Coordinator: Nicole Krishnaswami—(971) 673-2667

847-008-0055

Reactivation Requirements

(1) A licensee of the Board who wishes to reactivate must provide the Board with the following:

(a) Completed reactivation application;

(b) Appropriate fees as listed in 847-005-0005;

(c) An evaluation of overall performance and specific beginning and ending dates of training, practice, or employment sent directly to the Board from the director, administrator, dean, or other official of each hospital, clinic, office, or training institute where the licensee was employed, practiced, had hospital privileges, or trained in any state, country, or territory since the time of licensee's last renewal or as directed by the Board.

(2) A licensee who wishes to reactivate from Military/Public Health active status must provide the Board with a completed reactivation application and a copy of the Active Duty Orders, Change of Duty Orders or Reassignment Orders.

(3) The Board may require the licensee applying for reactivation to:

(a) Provide other documentation or explanatory statements;

(b) Personally appear before the Board;

(c) Demonstrate clinical competency per 847-020-0182, 847-020-0183, 847-050-0043, 847-070-0045, or 847-080-0021.

(4) The Board may deny reactivation based on grounds for denial of licensure provided in Oregon Revised Statutes chapter 677 or Oregon Administrative Rules chapter 847.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.172, 677.190, 677.265, 677.512, 677.759, 677.825, 677.830

Hist.: ME 5-1990, f. & cert. ef. 4-25-90; ME 2-1997, f. & cert. ef. 7-28-97; BME 6-2000, f. & cert. ef. 7-27-00; BME 7-2002, f. & cert. ef. 7-17-02; BME 2-2004, f. & cert. ef. 1-27-04; BME 14-2004, f. & cert. ef. 7-13-04; BME 25-2006, f. & cert. ef. 10-23-06; BME 2-2008, f. & cert. ef. 1-22-08; OMB 12-2011, f. & cert. ef. 7-13-11; OMB 28-2013, f. & cert. ef. 10-15-13; OMB 3-2015, f. & cert. ef. 1-8-16; OMB 13-2016, f. & cert. ef. 10-7-16

Rule Caption: Exam and document requirements for license applications

Adm. Order No.: OMB 14-2016

Filed with Sec. of State: 10-7-2016

Certified to be Effective: 10-7-16

Notice Publication Date: 8-1-2016

Rules Amended: 847-020-0150, 847-023-0010, 847-026-0015, 847-050-0025, 847-070-0019, 847-080-0013

Subject: The rule amendments remove references to the DEA exam. The prescription drug questions of highest importance have been incorporated into the new MPA exam. The rules also clearly state the attempt limitations on the open-book examination. The rule related to documents to be submitted in the Expedited Endorsement process has been updated and streamlined in keeping with other rule divisions and to allow for electronic fingerprint submission through the new Fieldprint program.

Rules Coordinator: Nicole Krishnaswami—(971) 673-2667

847-020-0150

Documents and Forms to be Submitted for Licensure

The documents submitted must be legible and no larger than 8 1/2" x 11". All documents and photographs will be retained by the Board as a permanent part of the application file. If original documents are larger than 8 1/2" x 11", the copies must be reduced to the correct size with all wording and signatures clearly shown. Official translations are required for documents issued in a foreign language. The following documents are required:

(1) Application: Completed formal application provided by the Board. Required dates must include month, day and year.

(2) Birth Certificate: A copy of birth certificate.

(3) Medical School Diploma: A copy of a diploma showing graduation from an approved school of medicine or an international school of medicine.

(4) American Specialty Board Certificate or Recertification Certificate: A copy of the certificate issued by the American Specialty Board in the applicant's specialty, if applicable.

(5) Photograph: A close-up, color, passport quality photograph, front view, head and shoulders (not profile), with features distinct, taken within 90 days preceding the filing of the application.

(6) The results of a Practitioner Self-Query from the National Practitioner Data Bank sent to the Board by the applicant.

(7) Legible fingerprints as described in 847-008-0068 for the purpose of a criminal records background check.

(8) An open-book examination on the Medical Practice Act (ORS chapter 677) and Oregon Administrative Rules chapter 847. If an applicant fails the examination three times, the applicant must attend an informal meeting with a Board member, the Executive Director, a Board investigator and/or the Medical Director of the Board to discuss the applicant's failure of the examination, before being given a fourth and final attempt to pass the examination. If the applicant does not pass the examination on the fourth attempt, the applicant may be denied licensure.

(9) Any other documentation or explanatory statements as required by the Board.

Stat. Auth.: ORS 181A.195, 677.100, 677.265

Stats. Implemented: ORS 181A.195, 677.100, 677.265

Hist. BME 9-2001, f. & cert. ef. 7-24-01; BME 3-2006, f. & cert. ef. 2-8-06; BME 15-2007, f. & cert. ef. 7-23-07; BME 20-2007, f. & cert. ef. 10-24-07; BME 6-2010, f. & cert. ef. 4-26-10; OMB 9-2013, f. & cert. ef. 4-5-13; OMB 34-2013, f. & cert. ef. 10-15-13; OMB 14-2016, f. & cert. ef. 10-7-16

847-023-0010

Documents and Forms to be Submitted for Licensure

The documents submitted must be legible and no larger than 8 1/2" x 11". All documents and photographs will be retained by the Board as a permanent part of the application file. If original documents are larger than 8 1/2" x 11", the copies must be reduced to the correct size with all wording and signatures clearly shown. Official translations are required for documents issued in a foreign language. The following documents are required:

(1) Application: Completed formal application provided by the Board. Required dates must include month, day and year. The application fee is waived for physicians applying for a volunteer emeritus license.

(2) Birth Certificate: A copy of birth certificate.

(3) Medical School Diploma: A copy of a diploma showing graduation from an approved school of medicine or an international school of medicine. International medical graduates must have graduated after meeting the attendance requirements specified in OAR 847-020-0130.

(4) American Specialty Board Certification or Recertification: A copy of the certification or recertification certificate issued by the American Specialty Board in the applicant's specialty, if applicable.

(5) Photograph: A close-up, color, passport-quality photograph, front view, head and shoulders (not profile), with features distinct, taken within 90 days preceding the filing of the application.

(6) The results of a Practitioner Self-Query from the National Practitioner Data Bank sent directly to the Board by the applicant.

(7) Legible fingerprints as described in 847-008-0068 for the purpose of a criminal records background check.

(8) An open-book examination on the Medical Practice Act (ORS chapter 677) and Oregon Administrative Rules chapter 847. If an applicant fails the examination three times, the applicant must attend an informal meeting with a Board member, the Executive Director, a Board investigator and/or the Medical Director of the Board to discuss the applicant's failure of the examination before being given a fourth and final attempt to pass the examination. If the applicant does not pass the examination on the fourth attempt, the applicant may be denied licensure.

(9) Any other documentation or explanatory statements as required by the Board.

ADMINISTRATIVE RULES

Stat. Auth.: ORS 181A.195, 677.265
Stats. Implemented: ORS 181A.195, 677.100, 677.120, 677.265
Hist.: BME 9-2007(Temp), f. & cert. ef. 2-6-07 thru 8-3-07; BME 16-2007, f. & cert. ef. 7-23-07; BME 7-2010, f. & cert. ef. 4-26-10; OMB 1-2015, f. & cert. ef. 1-13-15; OMB 14-2016, f. & cert. ef. 10-7-16

847-026-0015

Documents and Forms to be Submitted for Licensure

The documents submitted must be legible and no larger than 8 1/2" x 11". All documents and photographs will be retained by the Board as a permanent part of the application file. If original documents are larger than 8 1/2" x 11", the copies must be reduced to the correct size with all wording and signatures clearly shown. Official translations are required for documents issued in a foreign language.

(1) The following documents may be submitted by the applicant, the applicant's initial state of licensure, or the Federation of State Medical Boards' Federation Credentialing Verification Service Profile (FCVS):

(a) Birth Certificate: A copy of birth certificate.

(b) Medical School Diploma: A copy of a diploma showing graduation from an approved school of medicine or an international school of medicine.

(c) Internship, Residency and Fellowship Certificates: A copy of official internship, residency and fellowship certificates showing completion of all postgraduate training.

(2) The applicant must submit the following:

(a) Completed formal application provided by the Board.

(b) A close-up, color, passport-quality photograph, front view, head and shoulders (not profile), with features distinct, taken within 90 days preceding the filing of the application.

(c) An open-book examination on the Medical Practice Act (ORS chapter 677) and Oregon Administrative Rules chapter 847. If an applicant fails the examination three times, the applicant must attend an informal meeting with a Board member, the Executive Director, a Board investigator and/or the Medical Director of the Board to discuss the applicant's failure of the examination before being given a fourth and final attempt to pass the examination. If the applicant does not pass the examination on the fourth attempt, the applicant may be denied licensure.

(d) Legible fingerprints as described in 847-008-0068 for the purpose of a criminal records background check.

(e) Any other documentation or explanatory statements as required by the Board.

Stat. Auth.: ORS 181A.195, 677.133, 677.265
Stats. Implemented: ORS 181A.195, 677.100, 677.133, 677.265
Hist.: BME 21-2009(Temp), f. & cert. ef. 10-23-09 thru 4-15-10; BME 4-2010, f. & cert. ef. 1-26-10; OMB 14-2016, f. & cert. ef. 10-7-16

847-050-0025

Interview and Examination

(1) In addition to all other requirements for licensure, the Board may require the applicant to appear for a personal interview regarding information received in the application process. Unless excused in advance, failure to appear before the Board for a personal interview violates ORS 677.190(17) and may subject the applicant to disciplinary action.

(2) The applicant is required to pass an open-book examination on the Medical Practice Act (ORS chapter 677) and Oregon Administrative Rules (OAR) chapter 847, division 050. If an applicant fails the open-book examination three times, the applicant's application will be reviewed by the Board. An applicant who has failed the open-book examination three times must also attend an informal meeting with a Board member, the Executive Director, a Board investigator and/or the Medical Director of the Board to discuss the applicant's failure of the examination, before being given a fourth and final attempt to pass the examination. If the applicant does not pass the examination on the fourth attempt, the applicant may be denied licensure.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.100, 677.190, 677.265, 677.512
Hist.: ME 23(Temp), f. & cert. ef. 1-12-71; ME 25, f. 1-20-72, ef. 2-1-72; ME 1-1979, f. & cert. ef. 1-29-79; ME 5-1979, f. & cert. ef. 11-30-79; ME 4-1980(Temp), f. 8-5-80, ef. 8-6-80; ME 7-1980, f. & cert. ef. 11-3-80; ME 4-1981(Temp), f. & cert. ef. 10-20-81; ME 2-1982, f. & cert. ef. 1-28-82; ME 8-1985, f. & cert. ef. 8-5-85; ME 2-1990, f. & cert. ef. 1-29-90; ME 10-1992, f. & cert. ef. 7-17-92; ME 9-1995, f. & cert. ef. 7-28-95; BME 11-1998, f. & cert. ef. 7-22-98; BME 13-2003, f. & cert. ef. 7-15-03; BME 13-2006, f. & cert. ef. 5-8-06; [OMB 21-2011(Temp), f. & cert. ef. 10-13-11 thru 4-10-12; Temporary Suspended by OBDD 28-2011(Temp), f. & cert. ef. 10-26-11 thru 4-10-12]; OMB 32-2011(Temp), f. 12-15-11, cert. ef. 1-1-12 thru 6-29-12; OMB 7-2012, f. & cert. ef. 2-10-12; OMB 6-2014, f. & cert. ef. 1-14-14; OMB 10-2015(Temp), f. 10-13-15, cert. ef. 1-1-16 thru 6-28-16; OMB 1-2016, f. & cert. ef. 1-8-16; OMB 14-2016, f. & cert. ef. 10-7-16

847-070-0019

Interview and Examination

(1) In addition to all other requirements for licensure, the Board may require an applicant to appear for a personal interview regarding information received in the application process. Unless excused in advance, failure to appear before a Committee of the Board for a personal interview violates ORS 677.190(17) and may subject the applicant to disciplinary action.

(2) If there is reasonable cause to question the qualifications of an applicant, the Board in its discretion may require the applicant to do one or more of the following:

(a) Obtain certification or re-certification in Acupuncture or Oriental Medicine by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM);

(b) Pass an evaluation which may be written, oral, practical, or any combination thereof;

(c) Provide documentation of current NCCAOM Acupuncture certification;

(d) Complete 15 hours of continuing education acceptable to the Board for every year the applicant has ceased practice prior to application for Oregon licensure. Continuing education that meets NCCAOM's recertification requirements would qualify as Board-approved continuing education;

(e) Complete a mentorship of at least 20 hours under a Board-approved mentor who must individually supervise the applicant. The mentor must report the successful completion of the mentorship to the Board.

(3) An applicant must pass an open-book examination on the Medical Practice Act (ORS Chapter 677) and Oregon Administrative Rules (OAR chapter 847, division 70). If an applicant fails the examination three times, the applicant must attend an informal meeting with a Board member, the Executive Director, a Board investigator and/or the Medical Director of the Board to discuss the applicant's failure of the examination before being given a fourth and final attempt to pass the examination. If the applicant does not pass the examination on the fourth attempt, the applicant may be denied licensure.

Stat. Auth.: ORS 677.265, 677.759
Stats. Implemented: ORS 677.175 & 677.759
Hist.: BME 12-2005, f. & cert. ef. 10-12-05; BME 21-2006, f. & cert. ef. 10-23-06; BME 5-2009, f. & cert. ef. 1-22-09; OMB 8-2014, f. & cert. ef. 1-14-14; OMB 3-2015, f. & cert. ef. 1-13-15; OMB 14-2016, f. & cert. ef. 10-7-16

847-080-0013

Documents to Be Submitted for Licensure

The documents submitted must be legible and no larger than 8 1/2" x 11". All documents and photographs will be retained by the Board as a permanent part of the application file. If original documents are larger than 8 1/2" x 11", the copies must be reduced to the correct size with all wording and signatures clearly shown. Official translations are required for documents issued in a foreign language. The following documents are required:

(1) Application: Completed formal application provided by the Board. Required dates must include month, day and year.

(2) Birth Certificate: A copy of birth certificate.

(3) Doctor of Podiatric Medicine Diploma: A copy of a diploma showing graduation from a school of podiatry.

(4) Photograph: A close-up, color, passport quality photograph, front view, head and shoulders (not profile), with features distinct, taken within 90 days preceding the filing of the application.

(5) The results of a Practitioner Self-Query from the National Practitioner Data Bank sent directly to the Board by the applicant.

(6) Legible fingerprints as described in 847-008-0068 for the purpose of a criminal records background check.

(7) An open-book examination on the Medical Practice Act (ORS chapter 677) and Oregon Administrative Rules chapter 847. If an applicant fails the examination three times, the applicant must attend an informal meeting with a Board member, the Executive Director, a Board investigator or the Medical Director of the Board to discuss the applicant's failure of the examination, before being given a fourth and final attempt to pass the examination. If the applicant does not pass the examination on the fourth attempt, the applicant may be denied licensure.

(8) Any other documentation or explanatory statements as required by the Board.

Stat. Auth.: ORS 677.265 & 677.820
Stats. Implemented: ORS 181.534, 677.820, 677.825 & 677.830
Hist.: ME 6-1986, f. & cert. ef. 4-23-86; ME 17-1987, f. & cert. ef. 8-3-87; BME 17-2007, f. & cert. ef. 7-23-07; OMB 20-2013, f. & cert. ef. 7-12-13; OMB 14-2016, f. & cert. ef. 10-7-16

Rule Caption: Criminal Records Checks for Applicants and Licensees

ADMINISTRATIVE RULES

Adm. Order No.: OMB 15-2016
Filed with Sec. of State: 10-7-2016
Certified to be Effective: 10-7-16
Notice Publication Date: 8-1-2016
Rules Amended: 847-008-0068

Subject: The rule amendment references new statewide rules on criminal records checks recently adopted by the Department of Administrative Services (DAS) and includes language specific to the Oregon Medical Board that is consistent with ORS chapter 181A and the DAS rules. The rule (1) gives the purpose, (2) specifies the individuals subject to the criminal records check under this rule includes all applicants and licensees, (3) incorporates the statewide rules on how a criminal records check is conducted, (4) provides the factors the Board will consider when making a fitness determination, (5) provides the potential fitness determination outcomes and their consequences, (6) maintains that criminal records information is confidential, (7) requires the Board to provide criminal records information to the individual subject to the check, (8) provides the appeals process, (9) maintains the fee charged to the individual. This rule-making is necessary due to House Bill 3168 (2013) and House Bill 2250 (2015). These bills gave DAS authority to adopt statewide administrative rules for criminal records checks and require other agencies to repeal or amend their existing rules that may conflict with the statewide rules.

Rules Coordinator: Nicole Krishnaswami—(971) 673-2667

847-008-0068

State and Nationwide Criminal Records Checks, Fitness Determinations

(1) The purpose of this rule is to provide for the reasonable screening of physician, physician assistant, and acupuncturist applicants and licensees in order to determine if they have a history of criminal behavior such that they are not fit to be granted or to hold a license that is issued by the Board.

(2) The Board may require legible fingerprints for the purpose of a criminal records check and fitness determination of all applicants and licensees, including:

- (a) Applicants for a license;
- (b) Licensees applying to reactivate a license;
- (c) Licensees renewing a license; and
- (d) Licensees under investigation.

(3) Criminal records checks and fitness determinations are conducted according to ORS 181A.170 to 181A.215, 670.280, and OAR 125-007-0200 to 127-007-0310.

(a) The Board will request the Oregon Department of State Police to conduct a state and nationwide criminal records check. Any original fingerprint cards will subsequently be destroyed.

(b) All background checks must include available state and national data, unless obtaining one or the other is an acceptable alternative.

(c) The applicant or licensee must disclose all arrests, charges, and convictions regardless of the outcome or date of occurrence. Disclosure includes any military, juvenile, expunged or set aside criminal records.

(d) The Board may require additional information from the applicant or licensee, such as, but not limited to, proof of identity, previous names, residential history or additional criminal, judicial or other background information.

(4) If the applicant or licensee has potentially disqualifying criminal offender information, the Board will consider the following factors in making the fitness determination:

- (a) The nature of the crime;
- (b) The facts that support the conviction or pending indictment or that indicate the making of the false statement;
- (c) The relevancy, if any, of the crime or the false statement to the specific requirements of the applicant's or licensee's present or proposed license;
- (d) Intervening circumstances relevant to the responsibilities and circumstances of the license. Intervening circumstances include but are not limited to:
 - (A) The passage of time since the commission of the crime;
 - (B) The age of the applicant or licensee at the time of the crime;
 - (C) The likelihood of a repetition of offenses or of the commission of another crime;
 - (D) The subsequent commission of another relevant crime;

(E) Whether the conviction was set aside and the legal effect of setting aside the conviction; and

(F) A recommendation of an employer;

(e) Any false statements or omissions made by the applicant or licensee; and

(f) Any other pertinent information obtained as part of an investigation.

(5) The Board will make a fitness determination consistent with the outcomes provided in OAR 125-007-0260.

(a) A fitness determination approval does not guarantee the granting or renewal of a license.

(b) A restricted or conditional approval may necessitate probation, conditions, limitations, or other restrictions on licensure.

(c) A denial prohibits the applicant from being granted a license or prohibits the licensee from holding a license.

(d) An incomplete fitness determination results if the applicant or licensee refuses to consent to the criminal history check, refuses to be fingerprinted or respond to written correspondence, or discontinues the criminal records process for any reason. Incomplete fitness determinations may not be appealed.

(6) Criminal offender information is confidential. Information received may be disseminated only to people with a demonstrated and legitimate need to know the information. The information is part of the investigation of an applicant or licensee and as such is confidential pursuant to ORS 676.175(1).

(7) The Board will permit the individual for whom a fingerprint-based criminal records check was conducted to inspect the individual's own state and national criminal offender records and, if requested by the subject individual, provide the individual with a copy of the individual's own state and national criminal offender records.

(8) An applicant or licensee may appeal a final fitness determination pursuant to OAR 125-007-0300. Challenges to the accuracy or completeness of criminal history information must be made in accordance with OAR 125-007-0300(7).

(9) The applicant or licensee must pay a criminal records check fee for the actual cost of acquiring and furnishing the criminal offender information.

Stat. Auth.: ORS 181A.195, 181A.215, 676.303, 677.265

Stats. Implemented: ORS 181A.170, 181A.195, 181A.215, 670.280, 676.303, 677.100, 677.265

Hist. BME 20-2006(Temp), f. & cert. ef. 9-14-06 thru 3-12-07; BME 4-2007, f. & cert. ef. 1-24-07; BME 4-2008, f. & cert. ef. 1-22-08; OMB 20-2011(Temp), f. & cert. ef. 10-13-11 thru 4-10-12; OMB 5-2012, f. & cert. ef. 2-10-12; OMB 10-2012(Temp), f. & cert. ef. 3-2-12 thru 8-29-12; OMB 24-2012, f. & cert. ef. 8-3-12; Renumbered from 847-020-0155 by OMB 6-2013, f. & cert. ef. 4-5-13; OMB 15-2013(Temp), f. 7-12-12, cert. ef. 7-15-13 thru 1-11-14; OMB 29-2013, f. & cert. ef. 10-15-13; OMB 15-2016, f. & cert. ef. 10-7-16

Oregon Public Employees Retirement System Chapter 459

Rule Caption: New rule establishes a formal fraud detection, investigation, and resolution process.

Adm. Order No.: PERS 5-2016

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 9-30-16

Notice Publication Date: 8-1-2016

Rules Adopted: 459-005-0260

Subject: Fraud detection is an important part of PERS' fiduciary duty of ensuring that benefits are properly paid. It is also consistent with our mission "to pay the right person the right benefit at the right time." While PERS has, unfortunately, dealt with fraud situations as they have arisen, it has not previously had a formal process for fraud detection, investigation, and resolution. Historically, PERS has dealt with cases of fraud mainly as a collection matter under ORS 238.715. However, ORS 238.715(8) also recognizes that the recovery and collection remedies authorized under ORS 238.715 are supplemental to any other remedies that may be available.

The purpose of this new rule is to emphasize that PERS will actively pursue all available legal remedies in cases of fraud. These legal remedies include but are not limited to bringing civil actions under ORS 180.755 against individuals who have committed any of the enumerated acts against PERS, such as presenting for payment or approval, or cause to be presented for payment or approval, a claim that the individual knows is a false claim; and pursuing criminal charges against individuals who have defrauded or attempted to

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defraud PERS by committing criminal acts of perjury, mail theft, forgery, and/or identity theft as these crimes are defined under Chapters 162, 164, and 165 of the Oregon Revised Statutes.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-005-0260

Accounts Receivable — Fraud

(1) PERS will investigate all suspected fraudulent activities in order to maintain the integrity and proper distribution of benefits.

(2) PERS may pursue all available legal and administrative actions in fraud cases discovered under section (1) of this rule, including but not limited to:

(a) Criminal prosecution under ORS Chapters 162, 164 and 165; or

(b) Civil sanctions under ORS Chapter 180.

Stat. Auth.: ORS 238.650, 238A.450

Stats. Implemented: ORS Ch. 238, 238A

Hist.: PERS 5-2016, f. & cert. ef. 9-30-16

Oregon State Lottery Chapter 177

Rule Caption: Retailer contract applications: Authorizes alternative disclosure process for certain public companies or multi-state chains

Adm. Order No.: LOTT 7-2016

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 10-4-16

Notice Publication Date: 9-1-2016

Rules Amended: 177-040-0001

Subject: The Oregon Lottery amended the above administrative rule governing general application requirements to authorize the Lottery to conduct an alternative disclosure process (that has been approved by the Oregon Lottery Commission) under specific circumstances for certain public companies or multi-state chains which apply for a traditional lottery retailer contract.

Rules Coordinator: Mark W. Hohl—(503) 540-1417

177-040-0001

General Application Requirements

(1) General: Any person may request an application from the Lottery.

(2) Disclosure Required: The Director may require any degree or type of disclosure necessary of the applicant or any other person in order to ensure the fairness, integrity, security, and honesty of the Lottery. An applicant must disclose to the Lottery all information required by the Director.

(3) Application Required: An applicant must file a complete application. The applicant must provide a complete personal disclosure, including documents and other information requested by the Lottery relating to the applicant's personal, financial, and criminal background and an applicant's associations with other persons. The application shall also include, but not be limited to:

(a) Authorization: An authorization, signed by the applicant, to investigate the applicant.

(b) Consent: Written consent to allow the examination of all accounts and records to be considered by the Director to be material to the application.

(c) Disclosure: Disclosure of the source of funds, financing, and business income used for the purchase and operation of the applicant's business.

(d) Premises Ownership: If the premises are not wholly owned by the applicant, the applicant shall furnish to the Lottery:

(A) A statement of the name and address of the owner or owners of such premises;

(B) Any document requested by the Lottery showing the applicant is entitled to possession of the premises;

(C) Complete information pertaining to the interest held by any person other than the applicant, including interest held under any mortgage, deed of trust, bond or debenture, pledge of corporate stock, voting trust agreement, or other device; and

(D) Such other information as the Lottery may require.

(4) Alternative Disclosure Process: Notwithstanding section (3) of this rule:

(a) Large Public Companies or Multi-State Retail Chains: If an applicant for a traditional lottery game retailer contract is a public company or a multi-state chain retailer that meets the following additional criteria of:

(A) 30 or more individual retail locations; and

(B) Gross annual revenues of \$10 million or more; and

(C) 300 or more employees; then the Lottery may use an alternative disclosure process that has been approved by the Lottery Commission as authorized under ORS 461.300(2)(b). This alternative disclosure process will focus its disclosure requirements on the public company or the multi-state chain itself. Using supplied disclosure information, the Lottery will conduct an investigation. The Director may determine at any time that additional disclosure is necessary to ensure the fairness, integrity, security, and honesty of the Lottery.

(b) Commission Approval: After the Lottery's Security Section has completed its investigation of an applicant under the alternative disclosure process, the Director may request that the Commission waive the personal disclosure requirements for an applicant that successfully passes the alternative disclosure process.

(A) Approval: If the Commission approves the waiver, the Director may then enter into a contract with the applicant.

(B) Denial: If the Commission does not approve the waiver, the applicant must provide the personal disclosure otherwise required under the Lottery's governing statutes and rules, and if the Director concludes based on that disclosure that the applicant is not a potential threat to the fairness, integrity, security, and honesty of the Lottery, the Director may then enter into a contract with the applicant.

(5) Waiver of Personal Disclosure for Certain Managers: If the applicant for a traditional lottery game retailer contract is a public company or a multi-state retail chain, the Lottery may waive the personal disclosure requirements for the manager of each retailer location unless the Director determines such disclosure is necessary to ensure the fairness, integrity, security, and honesty of the Lottery.

(6) Compliance Required: An applicant's failure to comply with any application or disclosure requirement may be grounds for denial or rejection of the application.

(7) Material Change: An applicant must immediately report to the Lottery, in writing, any material changes to the application during the application process. A "material change" means any change that may affect the Lottery's evaluation of the application based on the requirements contained in Division 40 of these rules.

(8) Waiver: In submitting an application, the applicant expressly waives any claim against the State of Oregon, its agents, officers, employees, and representatives, and the Oregon State Lottery, its Director, agents, officers, employees, and representatives for damages that may result. Each applicant also accepts any risk of adverse public notice, embarrassment, criticism, damages, or claims which may result from any disclosure or publication by a third party of any public information on file with the Lottery.

(9) Resubmission: When an applicant has submitted a complete personal disclosure to the Lottery within the preceding twelve months, the applicant need not necessarily submit a new personal disclosure, but if the applicant does not submit a new personal disclosure, the applicant must submit, on forms approved by the Director, a sworn statement regarding any changes which may have occurred regarding the accuracy of the information provided in the previous personal disclosure. The Director may require the applicant to submit a complete personal disclosure if the Director determines substantial changes have occurred.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461

Hist.: LOTT 6-2000, f. 7-26-00, cert. ef. 8-1-00; LOTT 11-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT 22-2002, f. & cert. ef. 11-25-02; LOTT 12-2008, f. 12-23-08, cert. ef. 1-1-09; LOTT 13-2010, f. 12-20-10, cert. ef. 1-1-11; LOTT 7-2016, f. 9-30-16, cert. ef. 10-4-16

Rule Caption: Powerball game rules: Clarifies and adds language regarding rights and responsibilities, general housekeeping

Adm. Order No.: LOTT 8-2016

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 10-19-16

Notice Publication Date: 9-1-2016

Rules Adopted: 177-085-0070

Rules Amended: 177-085-0005, 177-085-0015, 177-085-0020, 177-085-0025, 177-085-0030, 177-085-0035, 177-085-0040, 177-085-0050, 177-085-0065

Subject: The Oregon Lottery adopted amendments to the above referenced administrative rules for the Powerball game and adopted one new rule. These changes consist of clarifying and adding language regarding tickets and plays and the legal rights and responsibilities of players and the Lottery. There are no changes to how the game is played. This rulemaking was necessary to implement the changes made to the Powerball Model Rules by the Multi-State Lottery Asso-

ADMINISTRATIVE RULES

ciation (MUSL), the national organization that administers the multi-state Powerball game. These changes are effective for drawings held on or after October 19, 2016, and for tickets purchased for such drawings.

Rules Coordinator: Mark W. Hohlt—(503) 540-1417

177-085-0005

Definitions

The following definitions apply unless the context requires a different meaning.

(1) “Advertised Grand Prize” or “Advertised Jackpot Prize” means the estimated, annuitized Grand Prize amount as determined by the MUSL Central Office by use of the MUSL Annuity Factor and communicated through the selling lotteries prior to the Grand Prize drawing. The Advertised Grand Prize is not a guaranteed prize amount and the actual Grand Prize amount may vary from the advertised amount, except in circumstance where there is a guaranteed Grand Prize amount as described in OAR 177-085-0035(11).

(2) “Drawing” refers collectively to the formal draw event for randomly selecting the winning indicia that determine the number of winners for each prize level of the Powerball® game and the Power Play® multiplier. Winning indicia include the winning numbers for the Powerball® game and the Power Play® multiplier.

(3) “Game Board” or “boards” means that area of the game slip, also known as a panel, that contains sets of numbered squares to be marked by the player.

(4) “Game Ticket” or “ticket” means an acceptable evidence of play, which is a ticket produced in a manner which contains the caption Powerball®, one or more lettered game plays followed by the drawing date, the price of the ticket, a six digit retailer number and a serial number that is compatible with the Lottery’s central computer system.

(5) “Licensee Lottery” means a state lottery or lottery of a governmental unit, political subdivision, or entity thereof that is not a Party Lottery but has agreed to comply with all applicable MUSL and Product Group requirements and has been authorized by the MUSL and by the Powerball® Product Group to sell the Powerball® game.

(6) “Lottery” means the Oregon State Lottery.

(7) “MUSL” means the Multi-State Lottery Association, a government-benefit association wholly owned and operated by the Party Lotteries.

(8) “MUSL Annuity Factor” means the annuity factor as determined by the MUSL central office through a method approved by the MUSL Finance and Audit Committee and which is used as described in these rules.

(9) “MUSL Board” means the governing body of the MUSL which is comprised of the chief executive officer of each Party Lottery.

(10) “MUSL Finance and Audit Committee” means the committee of that name established by the MUSL Board.

(11) “Party Lottery” means a state lottery or lottery of a political subdivision or entity that has joined the MUSL and is authorized to sell the Powerball® game. Unless otherwise indicated, Party Lottery or Member Lottery does not include Licensee Lotteries.

(12) “Game Play” or “play” means the six numbers, the first five from a field of sixty-nine numbers and the last one from a field of twenty-six numbers that appear on a ticket as a single lettered selection and are to be played by a player in the Powerball® game.

(13) “Game Slip” means the paper used in marking a player’s game plays and containing one or more boards.

(14) “Grand Prize” or “Jackpot Prize” refers to the top prize in the Powerball® game.

(15) “Product Group” means a group of lotteries which has joined together to offer a product pursuant to the terms of the Multi-State Lottery Agreement and the Product Group’s own rules.

(16) “Quick Pick” means the random selection by the computer of indicia that appear on a ticket and are played by a player in the game.

(17) “Retailer” means a person or entity authorized by the Lottery to sell lottery tickets.

(18) “Selling Lottery” or “Participating Lottery” means a lottery authorized by the Product Group to sell Powerball® tickets, including Party Lotteries and Licensee Lotteries.

(19) “Set Prize”, also referred to as “low-tier prize”, means all prizes except the Grand Prizes, and, except in instances outlined in these Division 85 rules, will be equal to the prize amount established by the Product Group for the prize level.

(20) “Draw game terminal” or “terminal” has the meaning set forth in OAR 177-070-0005(5).

(21) “Winning numbers” means the indicia randomly selected during a drawing event which are used to determine winning plays for the Powerball® game contained on a game ticket.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.200

Hist.: LC 6-1988(Temp), f. & cert. ef. 1-26-88; LC 9-1988, f. & cert. ef. 2-23-88; LC 3-1989(Temp), f. & cert. ef. 1-23-89; LC 6-1989, f. 2-28-89, cert. ef. 3-2-89; LC 1-1992, f. 2-25-92, cert. ef. 4-19-92; LC 10-1996, f. & cert. ef. 9-4-96; LC 7-1997, f. 10-30-97, cert. ef. 11-2-97; LC 9-1997(Temp), f. & cert. ef. 11-7-97; LOTT 2-1998, f. & cert. ef. 5-28-98; LOTT 9-2002(Temp), f. 9-4-02, cert. ef. 10-6-02 thru 3-31-03; LOTT 1-2003, f. & cert. ef. 2-3-03; LOTT 4-2003(Temp), f. & cert. ef. 4-15-03 thru 10-10-03; LOTT 10-2003, f. & cert. ef. 6-30-03; LOTT 7-2005(Temp), f. 8-8-05, cert. ef. 8-28-05 thru 2-23-06; LOTT 23-2005, f. 12-21-05, cert. ef. 12-31-05; LOTT 11-2008, f. 11-21-08, cert. ef. 1-4-09; LOTT 6-2009, f. 9-28-09, cert. ef. 10-1-09; LOTT 9-2011, f. 12-20-11, cert. ef. 1-15-12; LOTT 4-2013, f. 9-27-13, cert. ef. 10-1-13; LOTT 2-2015, f. 9-25-15, cert. ef. 10-7-15; LOTT 8-2016, f. 9-30-16, cert. ef. 10-19-16

177-085-0015

Powerball® Game Description

(1) General Information: Powerball® is a five out of sixty-nine numbers plus one out of twenty-six numbers lottery game, drawn every Wednesday and Saturday as part of the Powerball® drawing event, which pays the Grand Prize, at the election of the player made in accordance with these rules or by a default election made in accordance with these rules, either on an annuitized pari-mutuel basis or as a single lump sum payment of the total funding held in the Grand Prize Pool Account for the winning drawing on a pari-mutuel basis. Except as provided in the rules, all other prizes are paid as a single lump sum payment. Powerball® winning numbers applicable to determine Powerball® prizes are determined in the Powerball® drawing event.

(2) Selection of Numbers: To play Powerball®, a player shall select (or computer pick) five different numbers, from one through sixty-nine and one additional number from one through twenty-six. The additional number may be the same as one of the first five numbers selected by the player, as long as it is from one through twenty-six.

(3) Purchase of Tickets: Tickets can be purchased for two dollars from an Oregon Lottery® approved retailer in a manner approved by the Oregon Lottery® and in accordance with these rules. A player may purchase tickets for future consecutive drawings up to the maximum permitted by the Lottery.

(4) Player’s Responsibility: It is the sole responsibility of the player to verify the accuracy of the game play or plays and other data printed on the ticket. A ticket may not be voided or canceled by returning the ticket to the retailer or to the Lottery, including tickets that are printed in error. No ticket shall be returned to the Lottery for credit. The placing of plays is done at the player’s own risk through the Lottery retailer, who when entering the play or plays is acting on behalf of the player. When the purchase of a ticket fails to complete because the ticket does not print, the player is responsible for notifying the retailer prior to the drawing(s) on the ticket to obtain a refund or a replacement ticket.

(5) Entry of Plays: Plays may be entered manually using a Lottery terminal keypad or touch screen or by means of a play slip provided by the Lottery and marked by the player or by such other means approved by the Lottery. Retailers cannot permit the use of facsimiles of play slips, copies of play slips, or other materials that are inserted into a terminal’s play slip reader that are not printed or approved by the Lottery. Retailers must not permit any device to be connected to a Lottery terminal to enter plays, except as approved by the Lottery.

(6) Determination of Winning Numbers: The winning numbers for the Powerball® game shall be determined at a drawing conducted under the supervision of the MUSL Board. The MUSL Board shall determine the frequency of Powerball® game drawings. Winning numbers shall be selected at random with the aid of mechanical drawing equipment or a random number generator. The Lottery Director shall designate a Drawing Manager who shall review and randomly observe the drawings conducted by the MUSL Board. The drawing procedures shall include procedures for randomly selecting the Powerball® game winning numbers and the Power Play® multiplier.

Stat. Auth.: ORS 461.250 & OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.220

Hist.: LC 6-1988(Temp), f. & cert. ef. 1-26-88; LC 9-1988, f. & cert. ef. 2-23-88; LC 3-1989(Temp), f. & cert. ef. 1-23-89; LC 6-1989, f. 2-28-89, cert. ef. 3-2-89; LC 1-1992, f. 2-25-92, cert. ef. 4-19-92; LC 6-1993, f. & cert. ef. 7-2-93; LC 1-1994, f. 1-27-94, cert. ef. 2-1-94; LC 7-1997, f. 10-30-97, cert. ef. 11-2-97; LOTT 9-2002(Temp), f. 9-4-02, cert. ef. 10-6-02 thru 3-31-03; LOTT 1-2003, f. & cert. ef. 2-3-03; LOTT 7-2005(Temp), f. 8-8-05, cert. ef. 8-28-05 thru 2-23-06; LOTT 23-2005, f. 12-21-05, cert. ef. 12-31-05; LOTT 8-2008(Temp), f. 11-21-08, cert. ef. 11-23-08 thru 5-16-09; LOTT 11-2008, f. 11-21-08, cert. ef. 1-4-09; LOTT 2-2009, f. 2-27-09, cert. ef. 3-1-09; LOTT 6-2009, f. 9-28-09, cert. ef. 10-1-09; LOTT 9-2011, f. 12-20-11, cert. ef. 1-15-12; LOTT 2-2015, f. 9-25-15, cert. ef. 10-7-15; LOTT 5-2016, f. 7-29-16, cert. ef. 8-1-16; LOTT 8-2016, f. 9-30-16, cert. ef. 10-19-16

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177-085-0020

Prize Claims

(1) General: A ticket, subject to the validation requirements set forth in OAR 177-085-0040, is the only proof of a game play or plays. The submission of a winning ticket to the Lottery or an authorized retailer as required by OAR 177-046-0110 is the sole method of claiming a prize or prizes, except that a Grand Prize (and a Match 5+0 prize) must be claimed in person at Lottery Headquarters. Tickets may also be presented at other locations and for such prize amounts as designated by the Director, unless the ticket specifies that it must be claimed at Lottery Headquarters in Salem, Oregon. A game slip or a copy of a ticket has no pecuniary or prize value and does not constitute evidence of ticket purchase or of numbers selected. A terminal produced paper receipt, if any, has no pecuniary or prize value and does not constitute evidence of ticket purchase or of numbers selected.

(2) Prize Claims: Powerball® prize claim procedures are governed by the administrative rules of the Oregon State Lottery, MUSL and the Party Lotteries are not responsible for Powerball® prizes that are not claimed following the proper procedures as determined by the Lottery Director.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.250

Hist.: LC 6-1988(Temp), f. & cert. ef. 1-26-88; LC 9-1988, f. & cert. ef. 2-23-88; LC 1-1992, f. 2-25-92, cert. ef. 4-19-92; LOTT 9-2002(Temp), f. 9-4-02, cert. ef. 10-6-02 thru 3-31-03; LOTT 1-2003, f. & cert. ef. 2-3-03; LOTT 7-2005(Temp), f. 8-8-05, cert. ef. 8-28-05 thru 2-23-06; LOTT 23-2005, f. 12-21-05, cert. ef. 12-31-05; LOTT 11-2008, f. 11-21-08, cert. ef. 1-4-09; LOTT 9-2011, f. 12-20-11, cert. ef. 1-15-12; LOTT 4-2013, f. 9-27-13, cert. ef. 10-1-13; LOTT 3-2015, f. 9-25-15, cert. ef. 10-1-15; LOTT 8-2016, f. 9-30-16, cert. ef. 10-19-16

177-085-0025

Powerball® Prize Pool

(1) Powerball® Prize Pool: The prize pool for all prize categories shall consist of 50 percent of each drawing period's sales, including contributions to the prize pool accounts and prize reserve accounts.

(2) Powerball® Prize Pool Accounts and Prize Reserve Accounts: The Product Group shall set the contribution rates to the prize pool and to one or more prize reserve or pool accounts it has established.

(a) Powerball® Prize Reserve Accounts: The Product Group has established the following prize reserve accounts for the Powerball® game:

(A) The Powerball® Prize Reserve Account, which is used to guarantee the payment of valid, but unanticipated, Grand Prize claims that may result from a system error or other reason; and

(B) The Powerball® Set Prize Reserve Account, which is used to fund deficiencies in low-tier Powerball® prize payments (subject to the limitations of these rules).

(b) Powerball® Prize Pool Accounts: The Product Group has established the following prize pool accounts for the Powerball® game:

(A) The Grand Prize Pool Account, which is used to fund the current Grand Prize;

(B) The Powerball® Set Prize Pool Account, which is used to fund the Powerball® set prize payments. The Set Prize Pool holds the temporary balances that may result from having fewer than expected winners in the Set Prize categories. The source of the Set Prize Pool Account is the Party Lotteries' weekly prize contributions less actual Set Prize liability;

(C) The Powerball® Set-Aside Pool Account, which is used to fund the payment of the awarded minimum starting annuity Grand Prizes and minimum annuity Grand Prize increase, if necessary (subject to the limitations in these rules), as may be set by the Product Group; and

(D) The Grand Prize Carry Forward Pool Account, which is used to fund the starting minimum annuity Grand Prize, as may be set by the Product Group, if such funds are available, and if sales do not fund the Grand Prize; and

(E) The Power Play® Prize Pool Account and the Power Play Pool Account, which are described in OAR 177-085-0065.

(c) Balance Amounts: The above prize reserve accounts, the Grand Prize Carry Forward Pool Account, and the Set-Aside Pool Account shall have maximum balance amounts or balance limit triggers that are set by the Product Group.

(A) The maximum balance amounts and balance limit triggers are subject to review by the MUSL Board Finance and Audit Committee. The Finance and Audit Committee shall have two weeks to state objections, if any, to the approved maximum balance amounts or balance limiter triggers. Approved maximum balance amounts or balance limiter triggers shall become effective no sooner than two weeks after notice is given to the Finance and Audit Committee and no objection is stated or sooner if the Committee affirmatively approves the maximum balance amounts or balance limiter triggers. The Group may appeal the Committee's objections to the full Board. Group approved changes in the maximum balance amounts

or balance limiter triggers set by the Product Group shall be effective only after the next Grand Prize win.

(B) The maximum contribution rate to the Grand Prize Pool Account is 68.0131 percent of the prize pool (34.0066 percent of sales).

(i) An amount up to 5 percent of a Party Lottery's sales shall be deducted from a Party Lottery's Grand Prize Pool Account contribution and placed in trust in one or more prize pool accounts and prize reserve accounts held by the Product Group (hereinafter the prize pool and reserve deduction) at any time that the prize pool accounts and Party Lottery's share of the prize reserve account(s) is below the amounts designated by the Product Group.

(ii) An additional amount up to 20 percent of a Party Lottery's sales shall be deducted from a Party Lottery's Grand Prize Pool Account contribution and placed in trust in the Grand Prize Carry Forward Pool Account to be held by the Product Group at a time as determined by the Product Group.

(3) Balances: The Product Group may determine to expend all or a portion of the funds in the Powerball® prize pool accounts (except the Grand Prize Pool Account and the Grand Prize Carry Forward Pool Account) and the prize reserve accounts as follows:

(a) For the purpose of indemnifying the Party Lotteries and Licensee Lotteries in the payment of prizes to be made by the selling lotteries; and

(b) For the payment of prizes or special prizes in the game, limited to prize pool and prize reserve contributions from lotteries participating in the special prize promotion, subject to the approval of the MUSL Board's Finance and Audit Committee or that Committee's failure to object after given two weeks' notice of the planned action, which actions may be appealed to the full Board by the Product Group. The Grand Prize Carry Forward Prize Pool Account may only be expended to fund the starting minimum annuity Grand Prize. The prize reserve shares of a Party Lottery may be adjusted with refunds to the Party Lottery from the prize reserve accounts as may be needed to maintain the approved maximum balance and sales percentage shares of the Party Lotteries. A Party Lottery may contribute to its sales percentage share of prize reserve accounts over time, but in the event of a draw down from a prize reserve account, a Party Lottery is responsible for its full percentage share of the prize reserve account, whether or not it has been paid in full. Any amount remaining in the Powerball® prize pool accounts or prize reserve accounts when the Product Group declares the end of the Powerball® game shall be returned to all lotteries participating in the accounts after the end of all claims periods of all Selling Lotteries, carried forward to a replacement game, or otherwise expended in a manner at the election of the individual members of the Product Group in accordance with state law.

(4) Expected Powerball® Prize Payout Percentages: The Grand Prize payout shall be determined on a pari-mutuel basis. Except as otherwise provided in these rules, all other prizes awarded shall be paid as set lump sum prizes with the following expected prize payout percentages, although the prize payout percentage per draw may vary: [Table not included. See ED. NOTE.]

(a) Division of Grand Prize among Winners: The prize money allocated to the Grand Prize category shall be divided equally by the number of tickets with winning game plays winning the Grand Prize.

(b) Powerball® Set Prize Pool Account Carried Forward: The Powerball® Set Prize Pool Account (for the single lump sum prizes of \$1,000,000 or less) shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the Powerball® set prizes awarded in the current draw.

(c) Pari-Mutuel Powerball® Prize Determination: Except as provided in OAR 177-085-0025(4)(c)(C), for Party Lotteries:

(A) If the total of the Powerball® set prizes (as multiplied by the respective Power Play® multiplier if applicable) awarded in a drawing exceeds the percentage of the prize pool allocated to the Powerball® set prizes, then the amount needed to fund the Powerball® set prizes, including Power Play® prizes, awarded shall be drawn from the following sources, in the following order:

(i) The amount available in the Set Prize Pool Account and the Power Play® Prize Pool Account, if any;

(ii) An amount from the Set Prize Reserve Account, if available, not to exceed \$40,000,000 per drawing; and

(iii) Other amounts as agreed to by the Product Group in its sole discretion.

(B) Lack of Sufficient Prize Funds: If, after these sources are depleted, there are not sufficient funds to pay the set prizes awarded, including Power Play® prizes, then the highest set prize shall become a pari-mutuel prize. If the amount of the highest set prize, when paid on a pari-mutuel

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basis, drops to or below the next highest set prize and there are still not sufficient funds to pay the remaining set prizes awarded, then the next highest set prize, including Power Play® prizes, shall become a pari-mutuel prize. This procedure shall continue down through all set prize levels, if necessary, until all set prize levels become pari-mutuel prize levels. In that instance, the money available from the funding sources listed in this rule shall be divided among the tickets with winning game plays in proportion to their respective prize percentages. Powerball® set prizes and Power Play® prizes will be reduced by the same percentage.

(C) By agreement with the Licensee Lotteries, the Licensee Lotteries shall independently calculate their set prize pari-mutuel prize amounts. The Party Lotteries and the Licensee Lotteries shall then agree to set the pari-mutuel prize amounts for all lotteries selling the game at the lesser of the independently-calculated prize amounts.

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

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)

Stat. Implemented: ORS 461.220

Hist.: LC 6-1988(Temp), f. & cert. ef. 1-26-88; LC 9-1988, f. & cert. ef. 2-23-88; LC 17-1988(Temp), f. & cert. ef. 6-2-88; LC 18-1988, f. & cert. ef. 6-28-88; LC 3-1989(Temp), f. & cert. ef. 1-23-89; LC 6-1989, f. 2-28-89, cert. ef. 3-2-89; LC 1-1992, f. 2-25-92, cert. ef. 4-19-92; LC 4-1993, f. & cert. ef. 4-2-93; LC 11-1995, f. 10-30-95, cert. ef. 11-1-95; LC 10-1996, f. & cert. ef. 9-4-96; LC 7-1997, f. 10-30-97, cert. ef. 11-2-97; LOTT 9-2002(Temp), f. 9-4-02, cert. ef. 10-6-02 thru 3-31-03; LOTT 1-2003, f. & cert. ef. 2-3-03; LOTT 7-2005(Temp), f. 8-8-05, cert. ef. 8-28-05 thru 2-23-06; LOTT 23-2005, f. 12-21-05, cert. ef. 12-31-05; LOTT 11-2008, f. 11-21-08, cert. ef. 1-4-09; LOTT 9-2011, f. 12-20-11, cert. ef. 1-15-12; LOTT 10-2011(Temp), f. 12-22-11, cert. ef. 1-15-12 thru 7-7-12; LOTT 2-2012, f. 4-30-12, cert. ef. 5-1-12; LOTT 4-2013, f. 9-27-13, cert. ef. 10-1-13; LOTT 2-2015, f. 9-25-15, cert. ef. 10-7-15; LOTT 8-2016, f. 9-30-16, cert. ef. 10-19-16

177-085-0030

Probability of Winning Powerball® Prizes

The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category, based upon the total number of possible combinations in Powerball®. The Set Prize amount shall be the prizes set for all Selling Lotteries unless prohibited or limited by state law.: [Table not included. See ED. NOTE.]

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

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.220

Hist.: LC 6-1988(Temp), f. & cert. ef. 1-26-88; LC 9-1988, f. & cert. ef. 2-23-88; LC 3-1989(Temp), f. & cert. ef. 1-23-89; LC 6-1989, f. 2-28-89, cert. ef. 3-2-89; LC 1-1992, f. 2-25-92, cert. ef. 4-19-92; LC 7-1997, f. 10-30-97, cert. ef. 11-2-97; LOTT 9-2002(Temp), f. 9-4-02, cert. ef. 10-6-02 thru 3-31-03; LOTT 1-2003, f. & cert. ef. 2-3-03; LOTT 7-2005(Temp), f. 8-8-05, cert. ef. 8-28-05 thru 2-23-06; LOTT 23-2005, f. 12-21-05, cert. ef. 12-31-05; LOTT 11-2008, f. 11-21-08, cert. ef. 1-4-09; LOTT 9-2011, f. 12-20-11, cert. ef. 1-15-12; LOTT 2-2015, f. 9-25-15, cert. ef. 10-7-15; LOTT 8-2016, f. 9-30-16, cert. ef. 10-19-16

177-085-0035

Powerball Prize Payment

(1) Selection of Payment Type: Grand Prizes shall be paid, at the election of the player made no later than 60 days after validation of the prize, with either a per-winner annuity or single lump sum payment. If the payment election is not made by the player within 60 days after validation, then the prize shall be paid as an annuity prize. The election to take the single lump sum payment may be made at the time of validation of the prize claim or within 60 days thereafter. An election made after validation is final and cannot be revoked, withdrawn, or otherwise changed.

(2) Share of the Grand Prize: Shares of the Grand Prize shall be determined by dividing the amount available in the Grand Prize Pool Account equally among all tickets with winning game plays of the Grand Prize.

(3) Lump Sum Payment: Winner(s) who elect a lump sum payment shall be paid their share(s) in a single lump sum payment.

(4) Annuity Payment: The annuitized option prize shall be determined by multiplying a winner's share of the Grand Prize Pool Account by a process as approved by the MUSL Board. Neither MUSL nor the Party Lotteries or the Licensee Lotteries shall be responsible or liable for changes in the advertised or estimated annuity prize amount and the actual amount purchased after the prize payment method is actually known to MUSL. In certain instances announced by the Product Group, the Grand Prize shall be a guaranteed amount and shall be determined pursuant to section (11) of this rule. If individual shares of the Grand Prize Pool Account funds held to fund an annuity are less than \$250,000.00, the Product Group, in its sole discretion, may elect to pay the winners their share of the amount held in the Grand Prize Pool Account.

(5) Initial and Annual Payments: Except as may be controlled by statute, all annuitized prizes shall be paid annually in thirty payments with the initial payment being made directly with available funds, to be followed by twenty-nine payments funded by the annuity. All annuitized prizes shall be paid annually in thirty graduated payments (increasing each year) by a rate as determined by the Product Group. Prize payments may be rounded

down to the nearest \$1,000. Annual payments after the initial payment shall be made by the lottery on the anniversary date of the first payment or if such date falls on a non-business day, then the first business day following the anniversary date of the first payment. Funds for the initial payment of an annuitized prize or the lump sum payment prize shall be made available by MUSL for payment by the Selling Lottery no earlier than the 15th calendar day (or the next banking day if the fifteenth day is a holiday) following the drawing.

(6) Lack of Available Funds: If necessary, when the due date for the payment of a prize occurs before the receipt of sufficient funds in the prize pool trust to pay the prize, then the transfer of funds for the payment of the full lump sum payment amount may be delayed pending receipt of funds from the Selling Lotteries. The Lottery may elect to make the initial payment from its own funds after validation, with notice to MUSL.

(7) Death of Winner: In the event of the death of a lottery winner during the annuity payment period, unless prohibited by state law, the MUSL Finance and Audit Committee, in its sole discretion excepting a discretionary review by the Product Group, upon the petition of the estate of the lottery winner (the "Estate") or the persons identified on the winner's Beneficiary Designation form (BDF), whichever is applicable, to the state lottery of the state in which the deceased lottery winner purchased the winning ticket, and subject to applicable federal, state, or district laws, may make payment to the Estate or the designated beneficiary of the discounted present value of the remaining annuitized prize payments. If a determination is made, then securities and/or amounts held to fund the deceased lottery winner's annuitized prize may be distributed to the Estate or the persons on the BDF. The identification of the securities, if any, to fund the annuitized prize is at the sole discretion of the MUSL Finance and Audit Committee or the Product Group.

(8) Low-Tier Prizes: All prizes are paid directly through the Lottery that sold the winning ticket, and at the discretion of the Selling Lottery may be paid by cash, check, warrant, or electronic transfer. The Lottery may begin paying low-tier prizes after receiving authorization to pay from the MUSL central office.

(9) Rounding of Powerball® Grand Prize Payments: Annuitized payments of the Grand Prize or a share of the Grand Prize may be rounded to facilitate the purchase of an appropriate funding mechanism. Breakage on an annuitized Grand Prize win shall be added to the first payment to the winner or winners. Prizes other than the Grand Prize which, under OAR 177-085-0025(4)(c) and OAR 177-085-0065(11), may become single-payment, pari-mutuel prizes, may be rounded down so that prizes can be paid in multiples of whole dollars. Breakage resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

(10) Roll Over of Powerball® Grand Prize: If the Grand Prize is not won in a drawing, the prize money allocated for the Grand Prize shall roll over and be added to the Grand Prize Pool Account for the following drawing.

(11) Minimum Powerball® Grand Prizes and Increases: The Product Group may offer guaranteed minimum Grand Prize amounts or minimum increases in the Grand Prize amount between drawings or make other changes in the allocation of prize money where the Product Group finds that it would be in the best interest of the game. If a minimum Grand Prize amount or a minimum increase in the Grand prize amount between drawings is offered by the Product Group, then the Grand Prize amount shall be determined as follows.

(a) All Winners Select Annuity: If there are multiple Grand Prize winners during a single drawing, each selecting the annuitized option prize, then a winner's share of the guaranteed annuitized Grand Prize shall be determined by dividing the guaranteed annuitized Grand Prize by the number of tickets with winning game plays.

(b) Mix of Lump Sum and Annuity: If there are multiple Grand Prize winners during a single drawing and at least one of the Grand Prize winners has elected the annuitized option prize, then the MUSL annuity factor shall be utilized to determine the cash pool. The cost of the annuitized prize(s) will be determined at the time the annuity is purchased through a process approved by the MUSL Board.

(c) No Winners Select Annuity: If no winner of the Grand Prize during a single drawing has elected the annuitized option prize, then the amount of the cash in the Grand Prize Pool Account shall be an amount equal to the guaranteed annuitized amount divided by the MUSL annuity factor.

(d) Changes in Allocation of Prizes: Minimum guaranteed prizes or increases may be waived if the alternate funding mechanism set out in OAR 177-085-0025(4)(c) becomes necessary. Approval of the Group is required to change the guaranteed minimum Grand Prize amounts or minimum

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increases in the Grand Prize amount. Any reduction in the guaranteed minimum Grand Prize amount or reduction in the minimum increases to the Grand Prize amount shall not become effective until after a Grand Prize win following the action taken by the Group.

(12) One Prize per Board: The holder of a winning ticket may win only one prize per play in connection with the winning numbers drawn, and shall be entitled only to the prize won by those numbers in the highest matching prize category. All liabilities for a Powerball® prize are discharged upon payment of a prize claim.

(13) Claim Expires in One Year: Claims for all prize categories, including the Grand Prize, must be submitted within one year after the date of the drawing.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461
Stats. Implemented: ORS 461.20

Hist.: LC 6-1988(Temp), f. & cert. ef. 1-26-88; LC 9-1988, f. & cert. ef. 2-23-88; LC 3-1989(Temp), f. & cert. ef. 1-23-89; LC 6-1989, f. 2-28-89, cert. ef. 3-2-89; LC 1-1992, f. 2-25-92, cert. ef. 4-19-92; LC 8-1992, f. & cert. ef. 7-23-92; LC 4-1993, f. & cert. ef. 4-2-93; LC 10-1996, f. & cert. ef. 9-4-96; LC 7-1997, f. 10-30-97, cert. ef. 11-2-97; LOTT 9-2002(Temp), f. 9-4-02, cert. ef. 10-6-02 thru 3-31-03; LOTT 1-2003, f. & cert. ef. 2-3-03; LOTT 4-2003(Temp), f. & cert. ef. 4-15-03 thru 10-10-03; LOTT 10-2003, f. & cert. ef. 6-30-03; LOTT 7-2005(Temp), f. 8-8-05, cert. ef. 8-28-05 thru 2-23-06; LOTT 23-2005, f. 12-21-05, cert. ef. 12-31-05; LOTT 11-2008, f. 11-21-08, cert. ef. 1-4-09; LOTT 9-2011, f. 12-20-11, cert. ef. 1-15-12; LOTT 4-2013, f. 9-27-13, cert. ef. 10-1-13; LOTT 2-2015, f. 9-25-15, cert. ef. 10-7-15; LOTT 8-2016, f. 9-30-16, cert. ef. 10-19-16

177-085-0040

Ticket Validation

To be a valid ticket and eligible to receive a prize, a Powerball® ticket shall satisfy all the requirements established by the Lottery for validation of winning tickets sold through its central computer system and any other validation requirements adopted by the MUSL Board, the Product Group, and published as the Confidential MUSL Minimum Game Security Standards. The Lottery and MUSL shall not be responsible for tickets which are altered in any manner, (or which fail to print except as provided in OAR 177-085-0015(4)). When a winning ticket is submitted to the Lottery for validation along with the Lottery's completed claim form, and the Lottery has initiated the validation procedures, the Lottery retains possession of the winning ticket and claim form.

Stat. Auth.: ORS 461.250 & OR Const. Art. XV, Sec. 4(4)
Stats. Implemented: ORS 461.250

Hist.: LC 6-1988 (Temp), f. & cert. ef. 1-26-88; LC 9-1988, f. & cert. ef. 2-23-88; LC 1-1992, f. 2-25-92, cert. ef. 4-19-92; LC 1-1994, f. 1-27-94, cert. ef. 2-1-94; LC 10-1996, f. & cert. ef. 9-4-96; LOTT 9-2002(Temp), f. 9-4-02, cert. ef. 10-6-02 thru 3-31-03; LOTT 1-2003, f. & cert. ef. 2-3-03; LOTT 11-2008, f. 11-21-08, cert. ef. 1-4-09; LOTT 6-2009, f. 9-28-09, cert. ef. 10-1-09; LOTT 8-2016, f. 9-30-16, cert. ef. 10-19-16

177-085-0050

Ineligible Players

(1) MUSL Restrictions: A ticket issued by the MUSL or any of its Party Lotteries or Licensee Lotteries shall not be purchased by, and a prize won by any such ticket shall not be paid to:

(a) A MUSL employee, officer, or director;

(b) A contractor or consultant under agreement with the MUSL to review the MUSL audit and security procedures;

(c) An employee of an independent accounting firm under contract with MUSL to observe drawings or site operations and actually assigned to the MUSL account and all partners, share-holders, or owners in the local office of the firm; or

(d) An immediate family member (parent, stepparent, child, stepchild, spouse, or sibling) of an individual described in subsections (a) through (c) of this section and residing in the same household.

(2) Local Lottery Restrictions: Those persons designated by a Party Lottery's or Licensee Lottery's law as ineligible to play its games shall also be ineligible to play Powerball® in that Selling Lottery's jurisdiction.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)
Stats. Implemented: ORS 461.250

Hist.: LC 6-1988(Temp), f. & cert. ef. 1-26-88; LC 9-1988, f. & cert. ef. 2-23-88; LC 12-1990, f. & cert. ef. 10-2-90; LC 1-1992, f. 2-25-92, cert. ef. 4-19-92; LOTT 9-2002(Temp), f. 9-4-02, cert. ef. 10-6-02 thru 3-31-03; LOTT 1-2003, f. & cert. ef. 2-3-03; LOTT 11-2008, f. 11-21-08, cert. ef. 1-4-09; LOTT 4-2013, f. 9-27-13, cert. ef. 10-1-13; LOTT 8-2016, f. 9-30-16, cert. ef. 10-19-16

177-085-0065

Power Play®

(1) General: The Powerball® Power Play® promotion is an optional, limited extension of the Powerball® Game described in OAR Division 85. The Lottery Director, in the Lottery Director's sole discretion and based on agreements with MUSL, is authorized to initiate and terminate the Power Play® option.

(2) Set Prizes Only: The Power Play® promotion offers to the owner of a qualifying play a chance to increase the amount of any of the cash Set

Prizes (the prizes normally paying \$4 to \$1,000,000) won in a drawing held during the promotion. The Grand Prize is not a Set Prize and will not be increased.

(3) Power Play® Purchase: A qualifying Power Play® option play is any single Powerball® play for which the player selects the Power Play® option on either the game slip or by selecting the Power Play® option through a clerk-activated or player-activated terminal, pays one extra dollar for the Power Play® option play, and which is recorded at the Lottery's central computer as a qualifying play.

(4) Qualifying Play: Except as provided in these rules, a qualifying play which wins one of the seven lowest lump sum Set Prizes (excluding the Grand Prize and the Match 5+0 prize) will be multiplied by the number selected, either 2, 3, 4, 5, or sometimes 10 in a separate random Power Play® drawing announced during the official Powerball® drawing show. The "10X" multiplier will be available for drawings in which the initially advertised annuitized Grand Prize amount is \$150,000,000 or less. The announced Match 5+0 prize, for players selecting the Power Play® option, shall be \$2,000,000 unless a higher limited promotional dollar amount is announced by the Group.

(5) Power Play® Drawings: MUSL will conduct a separate random Power Play® drawing and announce results during each of the regular Powerball® drawings held during the promotion. During each Power Play® drawing a single number, 2, 3, 4, 5, or sometimes 10, shall be drawn. The "10X" multiplier shall be available for all drawings in which the initially advertised annuitized Grand Prize amount is \$150,000,000 or less. The Powerball® Product Group may modify the multiplier features for special promotions from time to time.

(6) Power Play® Prize Pool Account:

(a) Power Play® Prize Pool Account: The Power Play® Prize Pool Account has been established by the Product Group and is used to fund Power Play® prizes. The Power Play® Prize Pool Account holds the temporary balances that may result from having fewer than expected winners in the Power Play®. The source of the Power Play® Prize Pool Account is the Party Lotteries' weekly prize contributions less actual Power Play® prize liability.

(b) Percentage: In total, 50 percent of each draw's sales shall be collected and placed in the Power Play® Prize Pool Account for the payment of prizes.

(A) "10X" Multiplier Available: In drawings where the "10X" multiplier is available, the expected payout for all prize categories shall consist of up to 49.969 percent of each drawing period's sales.

(B) "10X" Multiplier Not Available: In drawings where the "10X" multiplier is not available, the expected payout for all prize categories shall consist of up to 45.934 percent of each drawing period's sales.

(C) Additional Amounts:

(i) "10X" Multiplier Available: In drawings where the "10X" multiplier is available, an additional 0.031 percent of each drawing period's sales may be collected and placed in trust in the Power Play® Prize Pool Account, for the purpose of paying Power Play® prizes.

(ii) "10X" Multiplier Not Available: In drawings where the "10X" multiplier is not available, an additional 4.066 percent of each drawing period's sales, may be collected and placed in trust in the Power Play® Prize Pool Account, for the purpose of paying Power Play® prizes.

(D) Carry Forward: The prize payout percentage per draw may vary. The Power Play® Prize Pool Account shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the Power Play® prizes awarded in the current draw and held in the Power Play® Prize Pool Account.

(7) End of Game: Any amount remaining in the Power Play® Prize Pool Account when the Product Group declares the end of this game shall be returned to all lotteries participating in the account after the end of all claim periods of all Selling Lotteries, carried forward to a replacement game, or otherwise expended in a manner at the election of the individual members of the Product Group in accordance with jurisdiction law.

(8) Power Play® Payout: Except as otherwise provided in these rules, all prizes awarded shall be paid as lump sum set prizes. Instead of the Powerball® set prize amounts, qualifying Power Play® option plays will pay the Power Play® prize amounts shown in section (9) of this rule. In certain rare instances, and as determined under OAR 177-085-0025(4)(c)(B) and section (11) of this rule, the Powerball® set prize amount may be less than the amounts shown in section (9) of this rule. In such case, the eight Power Play® prize amounts will be changed to an amount announced after the draw.

(9) Expected Power Play® Prize Payout: [Table not included. See ED. NOTE.]

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(10) Probability of Winning: The following tables set forth the probability of the various Power Play® numbers being drawn during a single Powerball® drawing, except that the Power Play® amount for the Match 5+0 prize will be \$2,000,000. The Group may elect to run limited promotions that may modify the multiplier features.

(a) When the “10X” Multiplier is Available: [Table not included. See ED. NOTE.]

(b) When the “10X” Multiplier is not Available: [Table not included. See ED. NOTE.]

(11) Pari-Mutuel Prizes — All Prize Amounts: Except as provided in subsection (d) of this rule, for Party Lotteries, if the total of the original Powerball® set prizes and the Power Play® prizes awarded in a drawing exceeds the percentage of the prize pools allocated to the set prizes, then the amount needed to fund the set prizes (including the Power Play® prize amounts) awarded shall be drawn from the following sources, in the following order:

(a) The amount available in the Set Prize Pool Account and the Power Play® Prize Pool Account, if any;

(b) An amount from the Powerball® Set-Prize Reserve Account, if available in the account, not to exceed \$40,000,000 per drawing; and

(c) Other amounts as agreed to by the Product Group in their sole discretion.

(d) If, after these sources are depleted, there are not sufficient funds to pay the set prizes awarded (including Power Play® prize amounts), then the highest set prize (including the Power Play® prize amounts) shall become a pari-mutuel prize. If the amount of the highest set prize, when paid on a pari-mutuel basis, drops to or below the next highest set prize and there are still not sufficient funds to pay the remaining set prizes awarded, then the next highest set prize, including the Power Play® prize amount, shall become a pari-mutuel prize. This procedure shall continue down through all set prizes levels, if necessary, until all set prize levels become pari-mutuel prize levels. In that instance, the money available from the funding sources listed in this rule shall be divided among the tickets with winning game plays in proportion to their respective prize percentages. Powerball® and Power Play® prizes will be reduced by the same percentage.

(e) By agreement with the Licensee Lotteries, the Licensee Lotteries shall independently calculate their set pari-mutuel prize amounts, including the Power Play® prize amounts. The Party Lotteries and the Licensee Lotteries shall then agree to set the pari-mutuel prize amounts for all lotteries selling the game at the lesser of the independently calculated prize amounts.

(12) Prize Payment: All Power Play® prizes shall be paid in one lump sum through the Selling Lottery that sold the winning ticket(s). The Lottery may begin paying Power Play® prizes after receiving authorization to pay from the MUSL central office.

(13) Prizes Rounded: Prizes, which under these rules may become pari-mutuel prizes, may be rounded down so that prizes can be paid in whole dollars. Breakage resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461
Stats. Implemented: ORS 461

Hist.: LOTT 3-2001(Temp), f. 3-1-01, cert. ef. 3-2-01 thru 8-29-01; LOTT 10-2001, f. 5-25-01, cert. ef. 5-29-01; LOTT 9-2002(Temp), f. 9-4-02, cert. ef. 10-6-02 thru 3-31-03; LOTT 1-2003, f. & cert. ef. 2-3-03; LOTT 7-2005(Temp), f. 8-8-05, cert. ef. 8-28-05 thru 2-23-06; LOTT 23-2005, f. 12-21-05, cert. ef. 12-31-05; LOTT 11-2008, f. 11-21-08, cert. ef. 1-4-09; LOTT 10-2010, f. 11-19-10, cert. ef. 12-12-10; LOTT 9-2011, f. 12-20-11, cert. ef. 1-15-12; LOTT 10-2011(Temp), f. 12-22-11, cert. ef. 1-15-12 thru 7-7-12; LOTT 2-2012, f. 4-30-12, cert. ef. 5-1-12; LOTT 5-2012(Temp), f. & cert. ef. 8-16-12 thru 1-31-13; LOTT 7-2012, f. 10-26-12, cert. ef. 11-1-12; LOTT 4-2013, f. 9-27-13, cert. ef. 10-1-13; LOTT 2-2015, f. 9-25-15, cert. ef. 10-7-15; LOTT 8-2016, f. 9-30-16, cert. ef. 10-19-16

177-085-0070

Applicable Law

(1) General: In purchasing a Powerball® ticket issued by the Lottery, or attempting to claim a prize, purchasers and prize claimants agree to comply with and be bound by all applicable statutes, administrative rules, and procedures of the Lottery and MUSL, including all applicable provisions in the Powerball® Finance and Operations Procedures, and by all directives and determinations of the Lottery Director. A purchaser or prize claimant agrees, as the purchaser or prize claimant's sole and exclusive remedy, that claims arising out of a Powerball® ticket issued by the Lottery can be pursued only against the Lottery and not any other Party Lottery or against MUSL. Litigation, if any, shall be maintained only within the State of Oregon. No claim shall be made against any other participating Lottery or against MUSL.

(2) Final Determinations: All decisions made by the Lottery Director, including the declaration of prizes and the payment thereof and the interpretation of the Powerball® game rules and procedures, are final and binding on all purchasers of tickets issued by the Lottery and on every person making a prize claim in respect thereof. Nothing in these rules shall be construed as a waiver of any defense or claim that the Lottery, any other participating lottery, or MUSL may have in any litigation, including in the event a purchaser or person making a claim pursues litigation against the Lottery Commission, the Lottery, any other participating lottery, or MUSL, or their respective officers, directors or employees.

(3) Unclaimed Prize: No prize shall be paid upon a ticket purchased, claimed, or sold in violation of the statutes, or rules, procedures, and decisions of the Lottery or MUSL's Powerball® Group Rules effective as of October 19, 2016. Any such prize claimed but unpaid shall constitute an unclaimed prize under the statutes, rules, procedures, and decisions of the Lottery and shall be allocated to the benefit of the public purpose.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461

Hist.: LOTT 8-2016, f. 9-30-16, cert. ef. 10-19-16

Rule Caption: Clarifies division of top prize when won by multiple tickets in single drawing; housekeeping edits

Adm. Order No.: LOTT 9-2016

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 10-1-16

Notice Publication Date: 8-1-2016

Rules Amended: 177-094-0080

Rules Repealed: 177-094-0080(T)

Subject: The Oregon Lottery amended this administrative rule to clarify the process when the Win for Life top prize is won by multiple ticket holders in a single drawing and the prize cannot be divided evenly among the winners.

Other edits are housekeeping changes to amend cross-references.

Rules Coordinator: Mark W. Hohlt—(503) 540-1417

177-094-0080

Prizes

(1) General: Prizes for a winning ticket are determined by matching each horizontal set in the ticket's game play with the winning numbers from the relevant drawing. [Table not included. See ED. NOTE.]

(2) Prize Percentage Payout: The number of prizes for the Win for LifeSM game is not predetermined by the Lottery. The overall prize percentage payout for the Win for LifeSM game is estimated at approximately 65% over time, but the actual prize payout may vary from day-to-day and year-to-year due to factors that include, but are not limited to, the numbers of players participating each day and the number of winning wagers.

(3) Disputes: In the event of a dispute over the value of a prize or whether a ticket contains winning numbers or is a winning ticket, the Director's determination is controlling.

(4) Multiple Prizes:

(a) Subject to the validation requirements in OAR 177-094-0060, for each drawing, a player may receive multiple prizes on each ticket for which a ticket containing a winning game play is eligible.

(b) Only the top-prize associated with each set of numbers within the Win for LifeSM, \$50,000, \$20,000, and \$10,000 prize categories shall be paid.

(5) Claiming a Prize: Prize payments must be claimed, and shall be made, in accordance with the provisions of OAR 177-070-0025. Notwithstanding OAR 177-070-0025(2) and subject to section (7) of this rule, a person who claims a Win for LifeSM top prize of \$1,000 a week for life must present the winning ticket and completed claim form in person, at Lottery Headquarters in Salem, Oregon.

(6) Payment of Prizes: Upon validation of a winning ticket, a prize resulting from that winning ticket shall be paid to the prize winner in one lump-sum except for the Win for LifeSM prize of \$1,000 per week for life.

(7) Win for LifeSM Top Prize:

(a) General: The Win for LifeSM top prize is \$1000 per week for life. Only one natural person may own a winning ticket for the Win for LifeSM top prize of \$1,000 per week for life, and claim the Win for LifeSM top prize of \$1,000 per week for life. Notwithstanding OAR 177-046-0110(6), a winning ticket of the Win for LifeSM top prize cannot be owned jointly and the top prize will only be paid to the owner of the winning ticket.

(b) Ownership: Only one natural person may sign a Win for LifeSM top prize of \$1000 per week for life winning ticket. A winning ticket of a

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Win for LifeSM top prize is owned by the natural person who first signs the ticket and cannot be claimed by multiple owners. In the event a single winning ticket is signed by more than one natural person, the natural persons who signed the ticket must identify the natural person who first signed the ticket on a form provided by the Lottery.

(A) No Relinquishment: Notwithstanding OAR 177-046-0110(6)(c), ownership of a winning ticket of a Win for LifeSM top prize of \$1000 per week for life cannot be relinquished.

(B) Deceased Signatory: If the owner of a winning ticket of a Win for LifeSM top prize dies before the prize is claimed, the personal representative of the owner's estate as appointed by a court, may claim the prize on behalf of the owner's estate. The maximum prize is \$260,000 as set forth in subsection (f) and will be paid by the Lottery to the owner's estate in one lump sum.

(c) Payment Options: The Win for LifeSM top prize is \$1,000 per week for life and shall be paid, based upon a selection made by the prize winner, either as:

(A) Weekly: A prize payment of \$1000 each week beginning on the date prize payment is initiated upon validation of the winning ticket and thereafter on the same day each week, or if such day falls on a non-business day, then the next business day; or

(B) Annually: A payment of \$52,000 paid annually beginning on the date prize payment is initiated upon validation of the winning ticket and thereafter on the anniversary date of the first payment, or if such date falls on a non-business day, then the first business day following the anniversary date of the first payment.

(d) Payments to Cease upon Winner's Death: The Win for LifeSM top prize of \$1,000 per week for life will be paid to the prize winner until such time as the prize winner dies at which time all further prize payments shall cease.

(e) Five-Year Guaranteed Payment: Notwithstanding subsection (d) of this section, if the prize winner dies within five years of the date of prize validation, the Lottery shall pay any remaining prize payments the prize winner would have received within the first five years after prize validation in one lump sum to the individual designated on a beneficiary designation form or to the prize winner's estate.

(f) Maximum Five-Year Guaranteed Payment: Notwithstanding subsections (d) and (e) of this section, for Win for LifeSM tickets purchased on or after December 1, 2010, if the prize winner dies within five years of the date of prize validation, the Lottery shall pay any remaining prize payment the prize winner would have received within the first five years after prize validation in one lump sum, up to a maximum of \$260,000, to the individual designated on a beneficiary designation form or to the prize winner's estate.

(g) Election of Payment Schedule:

(A) Limitations of Election: At the time of the validation of a winning Win for LifeSM ticket for the top prize of \$1000 per week for life, the prize winner of the top prize must elect either the weekly or annual prize payment schedule described in subsection (b) of this section. A prize winner who elects the annual payment schedule cannot subsequently convert to the weekly payment schedule. The election of the annual payment schedule is irrevocable. A prize winner who elected the weekly payment schedule may convert to the annual payment schedule at any time, and the Lottery will issue payment to the prize winner for the sum of the remaining weekly payments from that date to the next anniversary date. Subsequent annual payments will be made on the anniversary date.

(B) Election When Child Support Owed: Notwithstanding subsection (A) of this subsection and subsection (g) of this section, when a search of delinquent child support obligors performed pursuant to ORS 461.715 and OAR 177-010-0090 Child Support Validation Check results in a positive match with the prize winner and the Division of Child Support of the Department of Justice (DOJ) or its successor initiates garnishment proceedings, the prize winner of the Win for LifeSM top prize of \$1,000 per week for life has no payment options from which to select and will be placed on the annual payment schedule as described in subsection (7)(c)(B) of this section. This placement on the annual payment schedule is irrevocable.

(C) Conversion to Annual Payment Schedule upon Garnishment from Department of Justice: Upon receipt of garnishment proceedings from DOJ directed to the Lottery for monies due or to become due to a prize winner receiving weekly payments under the Win for LifeSM top prize of \$1000 per week for life, the Lottery will place that prize winner on the annual payment schedule as described in subsection (7)(c)(B) of this section. Conversion of the prize winner's payment schedule from weekly to annual

under this section of the rule is irrevocable. The Lottery shall make payments to such a prize winner as follows:

(i) Payment Less Garnishment Amounts: Within a reasonable time after the disposition of the garnishment proceeding, the Lottery shall pay the prize winner the sum of the prize winner's weekly payments from the date the Lottery placed the prize winner's payments on hold to the prize winner's next anniversary date less any amounts withheld pursuant to the garnishment proceedings and applicable tax laws.

(ii) Subsequent Payments: The Lottery shall make any subsequent annual payments, less any amounts withheld pursuant to the garnishment proceedings and applicable tax laws, on the anniversary date of the validation of the prize or on the next business day following if the anniversary date is a Saturday, Sunday, holiday or furlough closure day.

(h) Limitation on Prize Amount for Multiple Top Prize Winning Tickets: Where there are more than three winning tickets in a single Win for LifeSM drawing, the maximum combined annual top prize payout for a single Win for LifeSM drawing is \$156,000.

(A) More Than Three Winning Tickets: Notwithstanding the \$1,000 per week amount referred to in this rule, if there are more than three winning tickets for a Win for LifeSM top prize of \$1,000 per week for life in a single drawing, the annual top prize payment per winning ticket shall be limited to \$156,000 divided by the number of winning tickets of the Win for LifeSM top prize in that drawing.

(B) Example: For example, if there are four Win for LifeSM top prize winning tickets in a single drawing, the annual top prize amount is calculated by dividing 4 into \$156,000 which equals \$39,000 as the annual prize payment amount per each winning ticket.

(C) Payment: Notwithstanding subsection (g) of this section, the prize winner will be paid on an annual prize payment schedule. This placement on the annual prize payment schedule is irrevocable.

(D) Effect of Subsequent Events: Subsequent events, including, but not limited to, the death of one of the prize winners, shall not alter the other prize winners' original pro rata share of the calculated prize amount.

(E) Division of Prize: If there are multiple winners of the Win for LifeSM top prize in a single drawing such that the prize cannot be divided equally among the winners to a whole cent, the prize payments may be rounded down so that the prize may be divided equally and paid to the nearest whole cent to each winner. Breakage from rounding the prize shall be treated as an unclaimed prize by the Lottery.

(F) Example: If there are seven Win for LifeSM top prize winning tickets in a single drawing, the annual top prize amount paid to each winner is calculated by dividing 7 into \$156,000 which equals \$22,285.714285. The Lottery shall round that amount down to \$22,285.71 which totals \$155,999.97 paid to the seven winners. The breakage of three cents shall then be treated as an unclaimed prize.

(i) Initiation of Payment: Prize payment is initiated upon validation of a winning ticket.

(j) Electronic Fund Transfer: After the initial prize payment issued to a Win for LifeSM top prize winner, the Lottery shall pay both weekly and annualized Win for LifeSM prize installments via electronic funds transfer in the usual course of Lottery business.

(k) Annual Affidavit Required:

(A) General: Once each year and no earlier than thirty days prior to the anniversary of the original validation date, a prize winner of a Win for LifeSM top prize of \$1,000 per week for life shall provide the Lottery with an affidavit on a form provided by the Lottery, signed by the prize winner, bearing the seal of a notary public, verifying the prize winner is living, containing the prize winner's current address, and a bank account number to which the prize shall be paid.

(B) Termination of Prize: If a prize winner of a Win for LifeSM prize of \$1,000 per week for life does not provide the Lottery with the affidavit described in subsection (i)(A) of this section, then the Lottery shall not make further prize payments to the prize winner. If the failure of a prize winner to provide the affidavit continues to the next anniversary of the validation date, the remainder of the prize shall be terminated.

(C) Exception: Notwithstanding paragraph (B) of this subsection, when it is reasonable and prudent to do so based on the facts underlying a prize winner's failure to provide an annual affidavit, the Director may authorize prize payment even though an affidavit has not been provided or is not timely provided. No interest shall be paid by the Lottery on the value of the prize during the period a prize remained unclaimed.

(l) Death During a Payment Year: If a prize winner of a Win for LifeSM top prize of \$1,000 per week for life dies after five years have elapsed from the date of validation and if a sequence of weekly prize payments are paid over the course of the year in which the prize winner dies or

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if a single annual prize payment has been paid prospectively to the winning player for that year, the prize could be overpaid. It is the policy of the Lottery that the difference between the prize that should have been paid based on the date of the death of the prize winner relative to the anniversary date of validation of the prize and the prize amount that was actually paid during the year in which the prize winner died will not be subject to reimbursement by the Lottery. Any prize payment paid after the year in which the prize winner dies relative to the anniversary date of validation of the prize shall be subject to reimbursement to the Lottery.

(m) Non-Assignability: A Win for LifeSM top prize of \$1,000 per week for life is based on the unknown duration of the life of the prize winner and is therefore a prize of unspecified value and uncertain periodicity. Consequently, a Win for LifeSM top prize of \$1,000 per week for life is not a future periodic prize payment as described in ORS 461.253(1) and cannot be assigned, gifted, sold, or transferred in any manner from the winner to another person or entity except under the circumstances as described in subsection (d) of this rule.

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

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461

Hist.: LOTT 11-2000, f. & cert. ef. 12-1-00; LOTT 1-2001(Temp), f. & cert. ef. 1-22-01 thru 7-21-01; LOTT 7-2001, f. 4-25-01, cert. ef. 4-26-01; LOTT 8-2002(Temp), f. & cert. ef. 7-15-02 thru 1-3-03; LOTT 20-2002, f. & cert. ef. 9-30-02; LOTT 11-2010, f. 11-19-10, cert. ef. 12-1-10; LOTT 4-2012(Temp), f. & cert. ef. 6-29-12 thru 12-21-12; LOTT 8-2012, f. 11-30-12, cert. ef. 12-16-12; LOTT 4-2016(Temp), f. 7-14-16, cert. ef. 8-9-16 thru 1-31-17; LOTT 9-2016, f. 9-30-16, cert. ef. 10-1-16

Rule Caption: Amends Mega Millions game rules: clarifies language regarding rights and responsibilities; general housekeeping

Adm. Order No.: LOTT 10-2016

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 10-18-16

Notice Publication Date: 9-1-2016

Rules Amended: 177-098-0010, 177-098-0020, 177-098-0030, 177-098-0040, 177-098-0050, 177-098-0060, 177-098-0070, 177-098-0090, 177-098-0100, 177-098-0110

Subject: The Oregon Lottery has adopted amendments to the above referenced administrative rules for the Mega Millions game. Amendments to these rules consisted of clarifying and adding language regarding tickets and plays and the legal rights and responsibilities of players and the Lottery. There are no changes to how the game is played. These amendments were required to implement changes made to the Mega Millions Model Rules by the Multi-State Lottery Association (MUSL), the national organization that administers the multi-state Mega Millions game. The amendments are effective for drawings held on or after October 18, 2016, and for tickets purchased for such drawings.

Rules Coordinator: Mark W. Hohlt—(503) 540-1417

177-098-0010

Definitions

The following definitions apply unless the context requires a different meaning:

(1) “Advertised Grand Prize” or “Advertised Jackpot Prize” means the estimated annuitized Grand Prize amount as determined by the Mega Millions® consortium and communicated through the Selling Lotteries prior to the Grand Prize drawing. The advertised Grand Prize is not a guaranteed prize amount and the actual Grand Prize amount may vary from the advertised amount, except in circumstances where there is a guaranteed Grand Prize amount as described in OAR 177-098-0060(5).

(2) “Drawing” refers collectively to the formal draw event for randomly selecting the winning indicia that determine the number of winners for each prize level of the Mega Millions® game. Winning indicia includes the winning numbers for the Mega Millions® game.

(3) “Draw game terminal” or “terminal” has the meaning set forth in OAR 177-070-0005(4).

(4) “Finance & Audit Committee” means the committee established by the Multi-State Lottery Association Agreement.

(5) “Game board” or “boards” means that area of the play slip which contains sets of numbered squares to be marked by the player.

(6) “Game ticket” or “ticket” means a ticket produced by a terminal which contains the caption Mega Millions®, one or more lettered game plays followed by the drawing date, the price of the ticket, whether or not the player has purchased the Megaplier® option, the number of draws, the drawing dates if more than one drawing was purchased, a six digit retailer

number, and a serial number that is compatible with the Lottery’s central computer system.

(7) “Jackpot” or “Grand Prize” refers to the top prize in the Mega Millions® game.

(8) “Mega Millions® Finance Committee” means a committee of the Mega Millions® Lotteries which determines the Jackpot Prize amount (cash value option and annuity).

(9) “Mega Millions® Lottery” or “lotteries” means those lotteries which have joined under the Mega Millions® Lottery Agreement and through a Cross-Selling Agreement with MUSL, to operate and sell the Mega Millions® game.

(10) “Megaplier®” means a Mega Millions® game feature, known as “Megaplier®”, by which a player, for an additional wager of \$1 per play, can increase the guaranteed prize amount or pari-mutuel prize amount, as applicable, excluding the Jackpot Prize, by a factor of two, three, four, or five times depending upon the multiplier number that is drawn prior to the Mega Millions® game drawing.

(11) “MUSL” means the Multi-State Lottery Association, a government benefit association wholly owned and operated by the Party Lotteries.

(12) “MUSL Board” means the governing body of MUSL which is comprised of the chief executive officer of each Party Lottery.

(13) “Participating Lottery” or “Selling Lottery” means a state lottery or lottery of a political subdivision or entity which is participating in selling the Mega Millions® game and which may be a member of either MUSL or the Mega Millions® consortium of lotteries.

(14) “Party Lottery” means a state lottery or lottery of a political subdivision or entity which has joined the MUSL and, in the context of these Product Group Rules, which has joined in selling the games offered by the MUSL Mega Millions® Product Group.

(15) “Play” or “game play” means the six numbers, the first five from a field of seventy-five numbers and the last one from a field of fifteen numbers that appear on a ticket as a single lettered selection and are to be played by a player in the game.

(16) “Play slip” means a card used in marking a player’s game plays and containing one or more boards.

(17) “Product Group” or “the Group” means the group of lotteries which has joined together to offer the Mega Millions® lottery game product pursuant to the terms of a Cross-Selling Agreement with the Mega Millions® Lotteries, the Multi-State Lottery Agreement and the Product Group’s own rules.

(18) “Quick Pick” means the random selection of indicia by the computer that appear on a ticket and are played by a player in the game.

(19) “Retailer” means a person or entity authorized by the Lottery to sell lottery tickets.

(20) “Set Prize”, also referred to a “low-tier prize”, means all other prizes except the Jackpot Prize and, except in instances outlined in these rules, will be equal to the prize amount established by the MUSL Board for the prize level.

(21) “Winning numbers” means the indicia randomly selected during a drawing event which shall be used to determine winning plays for the Mega Millions® game contained on a game ticket.

Stat. Auth.: ORS 190, 461, OR Const. Art. XV, Sec. 4(4) &

Stats. Implemented: ORS 461

Hist.: LOTT 6-2010, f. 3-18-10, cert. ef. 3-21-10; LOTT 12-2010, f. 11-19-10, cert. ef. 12-12-10; LOTT 5-2013, f. 9-27-13, cert. ef. 10-19-13; LOTT 10-2016, f. 9-30-16, cert. ef. 10-18-16

177-098-0020

Game Description

(1) General Information: Mega Millions® is a five out of seventy-five plus one out of fifteen lottery game, drawn on the day(s), time(s) and location(s) as determined by the Mega Millions® Lotteries, and which pays the Jackpot Prize, at the election of the player made in accordance with these rules or by a default election made in accordance with these rules, either on a graduated annuitized annual pari-mutuel basis or as a cash value option using a rate determined by the Mega Millions® Finance Committee on a pari-mutuel basis. Except as provided in these rules, all other prizes are paid as a single lump sum payment. Mega Millions® winning numbers applicable to determine Mega Millions® prizes will be determined on the day(s), time(s), and location(s) as determined by the Mega Millions® consortium of lotteries.

(2) Selection of Numbers: To play the Mega Millions® game, a player shall select (or computer pick) five different numbers, from one through seventy-five and one additional number from one through fifteen (the Mega ball). The additional number may be the same as one of the first five numbers selected by the player, as long as it is from one through fifteen.

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(3) Purchase of Tickets: Tickets can be purchased for one dollar (U.S. \$1.00), either from a terminal operated by a retailer (i.e., a clerk-activated terminal) or from a terminal operated by the player (i.e., a player-activated terminal).

(a) Purchase from Retailer: If purchased from a retailer, the retailer will issue a ticket, via the terminal, containing the player's selected set or sets of numbers or other indicia, each of which constitutes a game play. The player may select a set of five numbers from one to seventy-five and one additional number from one through fifteen by:

(A) Marking six numbered squares in any one game board on a play slip and submitting the play slip to the retailer; or

(B) Requesting "Quick Pick" from the retailer.

(b) Player-activated Terminal: Tickets can be purchased from a player-activated terminal by use of a touch screen or by inserting a play slip into the machine.

(c) Future Drawings: A player may purchase tickets for future consecutive drawings up to the maximum permitted by the Lottery.

(4) Player Responsibility: It is the sole responsibility of the player to verify the accuracy of the game play or plays and other data printed on the ticket. A ticket may not be voided or canceled by returning the ticket to the retailer or to the Lottery, including tickets that are printed in error. No ticket may be returned to the Lottery for credit. The placing of plays is done at the player's own risk through the Lottery retailer, who when entering the play or plays is acting on behalf of the player. When the purchase of a ticket fails to complete because the ticket does not print, the player is responsible for notifying the retailer prior to the drawing(s) on the ticket to obtain a refund or a replacement ticket.

(5) Entry of Plays: Plays may be entered manually using a Lottery terminal keypad or touch screen or by means of a play slip provided by the Lottery and marked by the player or by such other means approved by the Lottery. Retailers cannot permit the use of facsimiles of play slips, copies of play slips, or other materials that are inserted into a terminal's play slip reader that are not printed or approved by the Lottery. Retailers must not permit any device to be connected to a Lottery terminal to enter plays, except as approved by the Lottery.

(6) Determination of Winning Numbers: The winning numbers for the Mega Millions® game shall be determined at a drawing conducted under the supervision of the Mega Millions® Lotteries and the MUSL Board. Winning numbers shall be selected at random with the aid of mechanical drawing equipment or a random number generator. The Lottery Director shall designate a Drawing Manager who shall review and randomly observe the Mega Millions® game drawings conducted.

Stat. Auth.: ORS 190, 461, OR Const. Art. XV, Sec. 4(4) &

Stats. Implemented: ORS 461

Hist.: LOTT 6-2010, f. 3-18-10, cert. ef. 3-21-10; LOTT 5-2013, f. 9-27-13, cert. ef. 10-19-13; LOTT 10-2016, f. 9-30-16, cert. ef. 10-18-16

177-098-0030 Prize Claims

(1) General: A ticket, subject to the validation requirements set forth in these rules and OAR 177-070-0035, is the only proof of a game play or plays and the submission of a winning ticket to the Lottery or an authorized retailer as required by these rules is the sole method of claiming a prize or prizes, except that a Jackpot Prize (and a Match 5 prize) must be claimed in person at Lottery Headquarters. Tickets may also be presented at other locations and for such prize amounts as designated by the Director, unless the ticket specifies that it must be claimed at Lottery Headquarters in Salem, Oregon. A play slip or a copy of a ticket has no pecuniary or prize value and does not constitute evidence of ticket purchase or of numbers selected. A terminal produced paper receipt, if any, has no pecuniary or prize value and does not constitute evidence of ticket purchase or of numbers selected.

(2) Prize Claims: Mega Millions® prize claim procedures are governed by the administrative rules of the Oregon State Lottery. MUSL and the selling lotteries are not responsible for Mega Millions® prizes that are not claimed following the proper procedures as determined by the Lottery Director.

Stat. Auth.: ORS 190, 461, OR Const. Art. XV, Sec. 4(4) &

Stats. Implemented: ORS 461

Hist.: LOTT 6-2010, f. 3-18-10, cert. ef. 3-21-10; LOTT 5-2013, f. 9-27-13, cert. ef. 10-19-13; LOTT 10-2016, f. 9-30-16, cert. ef. 10-18-16

177-098-0040 Mega Millions® Prize Pool

(1) Prize Pool: The prize pool for all prize categories offered by the Party Lotteries shall consist of up to fifty-five percent of each drawing period's sales, inclusive of contributions to the prize pool accounts and prize

reserve accounts, but may be higher or lower than fifty-five percent based upon the number of winners at each prize level, as well as the funding required to meet a guaranteed Annuity Jackpot Prize as may be required by OAR 177-098-0060(5).

(2) Mega Millions® Prize Pool Accounts and Prize Reserve Accounts: The Product Group shall set the contribution rates to the prize pool and one or more prize reserve or pool accounts it has established.

(a) Prize Reserve Accounts: The Product Group has established the following prize reserve accounts for the Mega Millions® game:

(A) The Prize Reserve Account, which is used to guarantee the payment of valid, but unanticipated, Jackpot Prize claims that may result from a system error or other reason.

(b) Prize Pool Accounts: The Product Group has established the following prize pool accounts for the Mega Millions® games:

(A) The Grand Prize Pool, which is used to fund the current immediate Jackpot Prize;

(B) The Set Prize Pool, which is used to fund the set prizes. The Set Prize Pool holds the temporary balances that may result from having fewer than expected winners in the Set Prize categories. The source of the Set Prize Pool is the Party Lotteries' weekly prize contributions less actual Set Prize liability; and

(C) The Set-Aside Pool, which is used to fund the payment of the awarded minimum starting annuity Jackpot Prizes and the minimum annuity Jackpot Prize increase, if necessary (subject to the limitations in these rules), as may be set by the Product Group. The source of the Set-Aside Pool funding shall accumulate from the difference between the amount in the Grand Prize Pool at the time of a Jackpot Prize win and the amount needed to fund Jackpot Prize payments as determined by the Mega Millions® lotteries;

(c) Balance Limits: The above prize reserve accounts shall have maximum balance amounts or balance limiter triggers that are set by the Product Group. The maximum balance amounts and balance limiter triggers are subject to review by the MUSL Board Finance and Audit Committee. The Finance and Audit Committee shall have two weeks to state objections, if any, to the approved maximum balance amounts or balance limiter triggers. Approved maximum balance amounts or balance limiter triggers shall become effective no sooner than two weeks after notice is given to the Finance and Audit Committee and no objection is stated or sooner if the Committee affirmatively approves the maximum balance amounts or balance limiter triggers. The Product Group may appeal the Committee's objections to the full Board. Group approved changes in the maximum balance amounts or balance limiter triggers set by the Product Group shall be effective only after the next Jackpot Prize win.

(d) Contribution Rate: The contribution rate to the Grand Prize Pool is 65.154 percent of the prize pool (32.577 percent of sales). An amount up to five percent of a Party Lottery's sales, shall be added to a Party Lottery's Mega Millions® Prize Pool contribution and placed in trust in one or more prize pool and prize reserve accounts held by the Product Group at any time that the Party Lottery's share of the Prize Reserve Account is below the amounts designated by the Product Group.

(e) Balances: The Product Group may determine to expend all or a portion of the funds in the prize pool accounts (except the Grand Prize Pool) and the prize reserve accounts as follows:

(A) For the purpose of indemnifying the Party Lotteries in the payment of prizes to be made by the Selling Lotteries; and

(B) For the payment of prizes or special prizes in the game; limited to prize pool and prize reserve contribution from lotteries participating in the special prize promotion, subject to the approval of the MUSL Board's Finance and Audit Committee or that Committee's failure to object after being given two weeks' notice of the planned action, which actions may be appealed to the full Board by the Product Group.

(f) Adjustments: The prize reserve shares of a Party Lottery may be adjusted with refunds to the Party Lottery from the prize reserve account(s) as may be needed to maintain the approved maximum balance and sales percentage shares of the Party Lotteries.

(g) Sales Percentage Share: A Party Lottery may contribute to its sales percentage share of prize reserve accounts over time, but in the event of a draw down from a reserve account, a Party Lottery is responsible for its full sales percentage share of the prize reserve account, whether or not it has been paid in full.

(h) Remaining Balances: Any amount remaining in the Mega Millions® prize pool accounts or prize reserve accounts when the Product Group declares the end of the Mega Millions® game shall be returned to the lotteries participating in the prize pool and prize reserve accounts after the end of all claim periods of all Selling Lotteries, carried forward to a

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replacement game, or otherwise expended in a manner at the election of the individual Members of the Product Group in accordance with the laws of the jurisdiction.

(4) Expected Prize Payout Percentages: The Jackpot Prize payout shall be determined on a pari-mutuel basis. Except as otherwise provided in these rules and except for winning prizes sold by the California Lottery, all other prizes awarded shall be paid as single payment prizes. All prize payouts are made with the following expected prize payout percentages, which does not include an additional amount held in prize reserves, although the prize payout percentages per draw may vary: [Table not included. See ED. NOTE.]

(a) Division of Jackpot Prize among Winners: The Jackpot Prize amount shall be divided equally by the number of game tickets winning the Jackpot Prize.

(b) Set Prizes: Except for winning prizes sold by the California Lottery, the Set Prize Pool (for payment of single payment prizes of \$1,000,000 or less) shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the Set Prizes awarded in the current draw.

(c) Pari-Mutuel Prize Determinations:

(A) Available Resources: Except as otherwise provided for in OAR 177-098-0110(10)(c), if the total of the Mega Millions® Set Prizes (as multiplied by the respective Megaplier® multiplier if applicable) awarded in a drawing exceeds the percentage of the prize pool allocated to the Mega Millions® Set Prizes, then the amount needed to fund the Mega Millions® Set Prizes, including Megaplier® prizes, awarded shall be drawn from the following sources, in the following order:

(i) The amount available in the Set Prize Pool and the Megaplier® Prize Pool, if any;

(ii) An amount from the Prize Reserve Account described in section (2) of this rule, if available, not to exceed \$40,000,000 per drawing.

(B) Lack of Sufficient Prize Funds: If, after these sources are depleted, there are not sufficient funds to pay the Set Prizes awarded, including Megaplier® prizes, then the highest Set Prize shall become a pari-mutuel prize. If the amount of the highest Set Prize, when paid on a pari-mutuel basis, drops to or below the next highest Set Prize and there are still not sufficient funds to pay the remaining Set Prizes awarded, then the next highest Set Prize shall become a pari-mutuel prize. This procedure shall continue down through all Set Prize levels, if necessary, until all Set Prize levels become pari-mutuel prize levels. In that instance, the money available from the funding sources listed in this rule shall be divided among the tickets with winning game plays in proportion to their respective prize percentages. Mega Millions® and Megaplier® prizes will be reduced by the same percentage.

(C) Independent Calculations: By agreement with the Mega Millions® Lotteries, the Mega Millions® Lotteries shall independently calculate their set pari-mutuel prize amounts. The Party Lotteries and the Mega Millions® Lotteries shall then agree to set the pari-mutuel prize amounts for all lotteries selling the game at the lesser of the independently-calculated prize amounts.

(4) Advertised Jackpot Prize Annuity Amount: Except as required by OAR 177-098-0060 the official advertised Jackpot Prize annuity amount is subject to change based on sales forecasts and/or actual sales.

(5) Changes to Prize Categories: The number of prize categories and the allocation of the prize fund among the prize categories may be changed at the discretion of the Mega Millions® Lotteries, for promotional purposes. Such change shall be announced by the Lottery prior to the drawing to which the change applies.

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

Stat. Auth.: ORS 190, 461, OR Const. Art. XV, Sec. 4(4) &

Stats. Implemented: ORS 461

Hist.: LOTT 6-2010, f. 3-18-10, cert. ef. 3-21-10; LOTT 12-2010, f. 11-19-10, cert. ef. 12-12-10; LOTT 5-2013, f. 9-27-13, cert. ef. 10-19-13; LOTT 10-2016, f. 9-30-16, cert. ef. 10-18-16

177-098-0050

Probability of Winning

General: The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category, based upon the total number of possible combinations in Mega Millions®. All prize winning tickets sold by the California Lottery are paid on a pari-mutuel basis. [Table not included. See ED. NOTE.]

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

Stat. Auth.: ORS 190, 461, OR Const. Art. XV, Sec. 4(4) &

Stats. Implemented: ORS 461

Hist.: LOTT 6-2010, f. 3-18-10, cert. ef. 3-21-10; LOTT 5-2013, f. 9-27-13, cert. ef. 10-19-13; LOTT 10-2016, f. 9-30-16, cert. ef. 10-18-16

177-098-0060

Prize Payment

(1) Selection of Payment Type: Jackpot Prizes shall be paid, at the election of the player made no later than 60 days after validation of the prize, with either a per winner annuity or single lump sum payment. If the payment election is not made by the player within 60 days after validation, then the prize shall be paid as an annuity prize. The election to take the single lump sum payment may be made at the time of validation of the prize claim or within 60 days thereafter. An election made after validation is final and cannot be revoked, withdrawn, or otherwise changed.

(2) Share of the Jackpot Prize: Shares of the Jackpot Prize shall be determined by dividing the amount available in the Grand Prize Pool equally among all tickets with winning game plays of the Jackpot Prize in all participating lotteries. The prize money allocated from the current Mega Millions® Grand Prize Pool for the Jackpot Prize, plus any previous portions of prize money allocated to the Jackpot Prize category in which no matching tickets were sold will be divided equally among all Jackpot Prize winning tickets in all participating lotteries.

(3) Lump Sum Payment: Jackpot Prize winner(s) who elect a lump sum payment (cash value option) shall be paid their share(s) in a single lump sum payment. The lump sum payment amount shall be determined by the Product Group. The lump sum payment shall be paid upon completion of all internal validation procedures. Prize payments may be rounded down to the nearest \$1,000.

(4) Initial and Annual Annuitized Payments: All annuitized prizes shall be paid in graduated annual payments. The annuity option Jackpot Prize amount will be paid in thirty graduated annual installments. The initial payment shall be paid upon completion of all internal validation procedures. The subsequent twenty-nine payments shall be paid graduated annually to coincide with the month of the Federal auction date at which the bonds were purchased to fund the annuity, with graduated annual installments defined in the Mega Millions® Lotteries' Finance and Operations Procedures. Payments shall escalate by a factor of five percent annually, and annual payments shall be rounded down to the nearest even one thousand dollar increment. All such payments shall be made within seven days of the anniversary of the annual auction date.

(5) Jackpot Prizes and Increases: The Mega Millions® lotteries may set a minimum guaranteed annuity Jackpot Prize amount, which shall be advertised by the selling lotteries as the starting guaranteed annuity Jackpot Prize amount.

(6) Roll Over of Jackpot Prize: If in any Mega Millions® drawing there are no Mega Millions® plays which qualify for the Jackpot Prize category, the portion of the prize fund allocated to such Jackpot Prize category shall remain in the Jackpot Prize category and be added to the amount allocated for the Jackpot Prize category in the next consecutive Mega Millions® drawing.

(7) Funding the Annuity: Funds for the initial payment of an annuitized prize or the lump sum prize shall be made available by MUSL for payment by the Party Lottery on a schedule approved by the Product Group. If individual shares of the Grand Prize pool funds held to fund an annuity is less than \$250,000, the Product Group, in its sole discretion, may elect to pay the winners their share of the held in the Grand Prize Pool. Neither MUSL nor the party lotteries shall be responsible or liable for changes in the advertised or estimated annuity prize amount and the actual amount purchased after the prize payment method is actually known to MUSL.

(8) Lack of Available Funds: If necessary, when the due date for the payment of a prize occurs before the receipt of funds in the prize pool trust sufficient to pay the prize, the transfer of funds for the payment of the full lump sum cash amount may be delayed pending receipt of funds from the Party Lotteries or other lotteries participating in the Mega Millions® Game. A Party Lottery may elect to make the initial payment from its own funds after validation, with notice to MUSL.

(9) Death of Winner: In the event of the death of a lottery winner during the annuity payment period, unless prohibited by state law, the MUSL Finance & Audit Committee, in its sole discretion excepting a discretionary review by the Product Group, upon the petition of the estate of the lottery winner (the "Estate") or the persons identified on the winner's Beneficiary Designation form (BDF), whichever is applicable, to the state lottery of the state in which the deceased lottery winner purchased the winning ticket, and subject to applicable federal, state, or district laws, may make payment to the Estate or the designated beneficiary of the discounted present value of the remaining annuitized prize payments. If such a determination is made, then securities and/or amounts held to fund the deceased lottery winner's annuitized prize may be distributed to the Estate or the persons on the

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BDF. The identification of the securities to fund the annuitized prize is at the sole discretion of the Finance & Audit Committee or the Product Group.

(10) Prize Payments: All prizes are paid through the Lottery that sold the winning ticket(s), and at the discretion of the Selling Lottery may be paid by cash, check, warrant, or electronic transfer. The Lottery may begin paying low-tier prizes after receiving authorization to pay from the MUSL central office.

(11) Rounding of Prize Payments: Annuitized payments of the Jackpot Prize or a share of the Jackpot Prize may be rounded to facilitate the purchase of an appropriate funding mechanism. Breakage on an annuitized Jackpot Prize win shall be added to the first payment to the winner or winners. Prizes other than the Jackpot Prize which, under these rules, may become single-payment, pari-mutuel prizes, may be rounded down so that prizes can be paid in multiples of whole dollars. Breakage resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

(12) Roll Over of Jackpot Prize: If the Jackpot Prize is not won in a drawing, the prize money allocated for the Jackpot Prize shall roll over and be added to the Grand Prize Pool for the following drawing.

(13) One Prize per Game Play: The holder of a winning ticket may win only one prize per game play in connection with the winning numbers drawn, and shall be entitled only to the prize won by those numbers in the highest matching prize category. All liability for a Mega Millions® prize is discharged upon payment of a prize claim.

(14) Claim Expires in One Year: Claims for all prize categories, including the Jackpot Prize, shall be submitted within one year after the date of the drawing in accordance with these rules and OAR 177-070-0025(3).

Stat. Auth.: ORS 190, 461, OR Const. Art. XV, Sec. 4(4) &
Stats. Implemented: ORS 461
Hist.: LOTT 6-2010, f. 3-18-10, cert. ef. 3-21-10; LOTT 12-2010, f. 11-19-10, cert. ef. 12-12-10; LOTT 5-2013, f. 9-27-13, cert. ef. 10-19-13; LOTT 10-2016, f. 9-30-16, cert. ef. 10-18-16

177-098-0070

Ticket Validation

(1) Validation Requirements: To be a valid ticket and eligible to receive a prize, a Mega Millions® ticket shall satisfy all the requirements established by Lottery for validation of winning Mega Millions® tickets sold through Lottery's central computer system and any other validation requirements adopted by the Product Group, the MUSL Board and any other requirements published as the Confidential MUSL Minimum Game Security Standards. The Lottery and MUSL are not responsible for tickets which are altered in any manner (or which fail to print except as provided in OAR 177-098-0020(4)). When a winning Mega Millions® ticket is submitted to the Lottery for validation along with the Lottery's completed claim form, and the Lottery has initiated the validation procedures, the Lottery retains possession of the winning ticket and claim form.

(2) Mega Millions® Ticket Required: Under no circumstances will a claim be paid for either the Jackpot Prize or a lower tier set prize without an official Mega Millions® ticket matching all game play, serial number and other validation data residing in Lottery's gaming system computer and such ticket shall be the only valid proof of the wager placed and the only valid receipt for claiming or redeeming such prize.

(3) Additional Validation Requirements: In addition to the validation requirements set forth in sections (1) and (2) of this rule, in order to be deemed a valid, winning Mega Millions® ticket, all of the following conditions must be met:

(a) The validation data must be present in its entirety and must correspond, using the computer validation file, to the number selections printed on the ticket for the drawing date(s) printed on the ticket;

(b) The ticket must be intact;

(c) The ticket must not be mutilated, altered, reconstituted, or tampered with in any manner;

(d) The ticket must not be counterfeit or an exact duplicate of another winning ticket;

(e) The ticket must have been issued by a Lottery retailer authorized to sell Mega Millions® tickets on official paper stock of the Lottery;

(f) The ticket must not have been stolen, to the knowledge of the Lottery;

(g) The ticket must be submitted for payment in accordance with these rules.

(h) The ticket data must have been recorded on the Lottery's central computer system prior to the drawing and the ticket data must match this computer record in every respect. In the event of a contradiction between information as printed on the ticket and as accepted by the Lottery's central

computer, the wager accepted by the Lottery's central computer shall be the valid wager;

(i) The player or computer number selections, validation data and the drawing date(s) of an apparent winning ticket must appear on the official file of winning tickets, and a ticket with that exact data must not have been previously paid;

(j) The ticket must not be misregistered, defectively printed, or printed or produced in error to an extent that it cannot be validated by the Lottery;

(k) The ticket must pass validation tests using a minimum of three of the five validation methods as defined in the Mega Millions® Finance and Operations Procedures, Section 15. In addition, the ticket must pass all other confidential security checks of the Lottery;

(l) In submitting a Mega Millions® ticket for validation, the claimant agrees to abide by applicable laws, all rules and regulations, instructions, conditions and final decisions of the Lottery Director;

(m) There must not be any other breach of these Mega Millions® Rules in relation to the ticket, which, in the opinion of the Lottery Director, justifies invalidation; and

(n) The ticket must be submitted to the Lottery.
Stat. Auth.: ORS 190, 461, OR Const. Art. XV, Sec. 4(4) &
Stats. Implemented: ORS 461
Hist.: LOTT 6-2010, f. 3-18-10, cert. ef. 3-21-10; LOTT 10-2016, f. 9-30-16, cert. ef. 10-18-16

177-098-0090

Ineligible Players

(1) General: A Mega Millions® game ticket may not be purchased by and a prize may not be paid to, a member of the Lottery Commission, the director, the assistant directors or any employee of the Lottery, or to any spouse, child, brother, sister, or parent of such person.

(2) MUSL Restrictions: A Mega Millions® game ticket issued by the MUSL or any of its Party Lotteries shall not be purchased by, and a prize won by any such ticket shall not be paid to:

(a) A MUSL employee, officer, or director;

(b) A contractor or consultant under agreement with the MUSL to review the MUSL audit and security procedures;

(c) An employee of an independent accounting firm under contract with MUSL to observe drawings or site operations and actually assigned to the MUSL account and all partners, share-holders, or owners in the local office of the firm; or

(d) An immediate family member (parent, stepparent, child, stepchild, spouse, or sibling) of an individual described in subsections (a) through (c) of this section and residing in the same household.

Stat. Auth.: ORS 190, 461, OR Const. Art. XV, Sec. 4(4) &
Stats. Implemented: ORS 461
Hist.: LOTT 6-2010, f. 3-18-10, cert. ef. 3-21-10; LOTT 10-2016, f. 9-30-16, cert. ef. 10-18-16

177-098-0100

Applicable Law

(1) General: In purchasing a Mega Millions® game ticket issued by the Lottery, or attempting to claim a prize, purchasers and prize claimants agree to comply with and be bound by all applicable statutes, administrative rules and procedures of the Lottery and MUSL, including all applicable provisions in the Mega Millions® Finance and Operations Procedures, and by all directives and determinations of the Lottery Director. A purchaser or prize claimant agrees, as the purchaser or prize claimant's sole and exclusive remedy, that claims arising out of a Mega Millions® ticket issued by the Lottery can be pursued only against the Lottery and not any other Party Lottery or against MUSL. Litigation, if any, shall be maintained only within the State of Oregon. No claim shall be made against any other participating Lottery or against MUSL.

(2) Final Determinations: All decisions made by the Lottery Director, including the declaration of prizes and the payment thereof and the interpretation of the Mega Millions® game rules and procedures, are final and binding on all purchasers of tickets issued by the Lottery and on every person making a prize claim in respect thereof. Nothing in these rules shall be construed as a waiver of any defense or claim that the Lottery, any other participating lottery, or MUSL may have in any litigation, including in the event a purchaser or person making a claim pursues litigation against the Lottery Commission, the Lottery, any other participating Lottery, or MUSL, or their respective officers, directors, or employees.

(3) Unclaimed Prize: No prize shall be paid upon a ticket purchased, claimed, or sold in violation of the statutes, or rules, procedures, and decisions of the Lottery or MUSL's Mega Millions® Group Rules effective October 18, 2016. Any such prize claimed but unpaid shall constitute an

ADMINISTRATIVE RULES

unclaimed prize under the statutes, rules, procedures, and decisions of the Lottery and shall be allocated to the benefit of the public purpose.

Stat. Auth.: ORS 190, 461, OR Const. Art. XV, Sec. 4(4) &
Stats. Implemented: ORS 461
Hist.: LOTT 6-2010, f. 3-18-10, cert. ef. 3-21-10; LOTT 10-2016, f. 9-30-16, cert. ef. 10-18-16

177-098-0110 Megaplier®

(1) General: The Mega Millions® Megaplier® promotion is an optional, limited extension of the Mega Millions® Game described in OAR Division 98. The Lottery Director, in the Lottery Director's sole discretion and based on agreements with MUSL, is authorized to initiate and terminate the Megaplier® option.

(2) Set Prizes Only: Megaplier® offers to the owner of a qualifying play a chance to multiply or increase the amount of any of the lump sum Set Prizes (the prizes normally paying \$1 to \$1,000,000) won in a drawing held during the promotion. The Jackpot Prize is not a Set Prize and will not be multiplied or increased by means of the Megaplier® promotion.

(3) Qualifying Play: A qualifying Megaplier® option play is any single Mega Millions® Play for which the player selects the Megaplier® option on either the Play Slip or by selecting the Megaplier® option through a clerk-activated or player-activated terminal, pays one extra dollar for the Megaplier® option play, and which is recorded at the Party Lottery's central computer as a qualifying play.

(4) Prizes to be Multiplied or Increased: A qualifying play which wins one of the lump sum Set Prizes will be multiplied by the number selected (either 2, 3, 4, or 5), in a separate random Megaplier® drawing announced in a manner determined by the Product Group.

(5) Selection of Multiplier®: MUSL will either itself conduct, or authorize a U.S. Lottery to conduct on its behalf, a separate random Megaplier® drawing. Before each Mega Millions® drawing a single number (2, 3, 4, or 5) shall be drawn. The Mega Millions® Product Group may change one or more of the multiplier features for special promotions from time to time. In the event the Megaplier® drawing does not occur prior to the Mega Millions® drawing, the multiplier number will be a 5, which shall solely be determined by the lottery authorized to conduct the Megaplier® drawing.

(6) Megaplier® Prize Pool:

(a) General: The Megaplier® Prize Pool has been established by the Product Group and is used to fund Megaplier® prizes. The Megaplier® Prize Pool holds the temporary balances that may result from having fewer than expected winners in Megaplier®. The source of the Megaplier® Prize Pool consists of the Party Lottery's weekly prize contributions less actual Megaplier® Prize liability.

(b) Percentage: Up to fifty-five percent of each drawing period's sales, as determined by the Product Group, shall be collected for the payment of Megaplier® prizes.

(c) Prize Payout: Prize payout percentages may vary. The Megaplier® Prize Pool shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the Megaplier® prizes awarded in the current draw and held in the Megaplier® Prize Pool.

(d) End of Game: Any amount remaining in the Megaplier® Prize Pool when the Product Group declares the end of this game shall be returned to the lotteries participating in the Megaplier® Prize Pool after the end of all claim periods of all Selling Lotteries, carried forward to a replacement game, or expended in a manner at the election of the individual members of the Product Group in accordance with jurisdiction law.

(7) Expected Prize Payout: Except as otherwise provided in these rules, all prizes awarded shall be paid as lump sum Set Prizes. Instead of the Mega Millions® Set Prize amounts, qualifying Megaplier® plays will pay the amounts shown below when matched with the Megaplier® number drawn: [Table not included. See ED. NOTE.]

(8) Probability of Winning: The following table sets forth the probability of the various Megaplier® numbers being drawn during a single Mega Millions® drawing. The Product Group may elect to run limited promotions that may modify the multiplier features. [Table not included. See ED. NOTE.]

(9) Prize Pool Carried Forward: The prize pool percentage allocated to the Megaplier® Set Prizes shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the Set Prizes awarded in the current draw or may be held in a prize reserve account.

(10) Pari-Mutuel Prizes - All Prize Amounts: Except as otherwise provided in OAR 177-098-0110(10)(c):

(a) Available Resources: If the total of the original Mega Millions® Set Prizes and the Megaplier® prize amounts awarded in a drawing

exceeds the percentage of the prize pools allocated to the Set Prizes, then the amount needed to fund the Set Prizes (including the Megaplier® prize amounts) awarded shall be drawn from the following sources, in the following order:

(A) The amount available in the Set Prize Pool and the Megaplier® Prize Pool, if any.

(B) An amount from the Mega Millions® Prize Reserve Account, if available in the account, not to exceed \$40,000,000 per drawing.

(b) Pari-Mutuel Conversion: If, after these sources are depleted, there are not sufficient funds to pay the Set Prizes awarded (including Megaplier® prize amounts), then the highest Set Prize (including the Megaplier® prize amounts) shall become a pari-mutuel prize. If the amount of the highest Set Prize, when paid on a pari-mutuel basis, drops to or below the next highest Set Prize and there are still not sufficient funds to pay the remaining Set Prizes awarded, then the next highest Set Prize, including the Megaplier® prize amount, shall become a pari-mutuel prize. This procedure shall continue down through all Set Prize levels, if necessary, until all Set Prizes become pari-mutuel prize levels. In that instance, the money available from the funding sources listed in this rule shall be divided among the tickets with winning game plays in proportion to their respective prize percentages. Mega Millions® and Megaplier® prizes will be reduced by the same percentage.

(c) Independent Calculations: By agreement with the Mega Millions® Lotteries, the Mega Millions® Lotteries shall independently calculate their set pari-mutuel prize amounts, including the Megaplier® prize amounts. The Party Lotteries and the Mega Millions® Lotteries shall then agree to set the pari-mutuel prize amounts for all lotteries selling the game at the lesser of the independently calculated prize amounts.

(11) Prize Payment: All Megaplier® prizes shall be paid in one single payment through the Party Lottery that sold the winning ticket(s). The Lottery may begin paying Megaplier® prizes after receiving authorization to pay from the MUSL central office.

(12) Prizes Rounded: Prizes, which under these rules may become pari-mutuel prizes, may be rounded down so that prizes can be paid in whole dollars. Breakage resulting from rounding these prizes shall be carried forward to the Megaplier® Prize Pool for the next drawing.

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

Stat. Auth.: ORS 190, 461, OR Const. Art. XV, Sec. 4(4) &

Stats. Implemented: ORS 461

Hist.: LOTT 6-2010, f. 3-18-10, cert. ef. 3-21-10; LOTT 12-2010, f. 11-19-10, cert. ef. 12-12-10; LOTT 1-2012(Temp), f. & cert. ef. 1-9-12 thru 7-2-12; LOTT 3-2012, f. 4-30-12, cert. ef. 5-1-12; LOTT 5-2013, f. 9-27-13, cert. ef. 10-19-13; LOTT 10-2016, f. 9-30-16, cert. ef. 10-18-16

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Rule Caption: Amends Keno rules to eliminate annuity, makes certain prizes pari-mutuel, defines prize category, housekeeping edits

Adm. Order No.: LOTT 11-2016

Filed with Sec. of State: 9-30-2016

Certified to be Effective: 10-6-16

Notice Publication Date: 9-1-2016

Rules Amended: 177-099-0000, 177-099-0080, 177-099-0090

Subject: The Oregon Lottery has amended the Keno game rules to authorize changes to certain game features, including removing the annuity option, making the payment of all prizes a lump sum payment, converting certain prizes to pari-mutuel when there are multiple winners, defining "prize category", and adopting general housekeeping edits.

Rules Coordinator: Mark W. Hohlt—(503) 540-1417

177-099-0000

Definitions

For the purposes of Keno, the following definitions apply except as otherwise specifically provided in OAR Chapter 177 or unless the context requires otherwise:

(1) "Exchange ticket" means a computer-generated, printed paper issued by a terminal to replace a game ticket that had been purchased for play in multiple drawings and was validated before the latest drawing appearing on the game ticket. An exchange ticket shall contain the exact game play and future drawing dates appearing on the validated game ticket it is replacing and shall have all other characteristics of a game ticket except as otherwise stated in these rules. An exchange ticket shall not contain a ticket price.

(2) "Game play" means the number or group of numbers appearing on a ticket for a particular spot which is compared to the winning numbers,

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selected at the drawings appearing on the ticket, to determine the prize payment for which the ticket may be redeemed.

(3) "Game slip" or "play slip" means a paper form used by a player to select a game play, that indicates the amount the player will play on the ticket containing the game play, the number of drawings in which the ticket will be played, the choice to play the Special Keno option, the choice to select the Keno Multiplier option, and the choice to select the Keno To Go option. Only one game play may be marked on each game slip.

(4) "Game ticket" or "ticket" means a computer-generated, printed paper issued by a terminal as a receipt for the game play selected by a player and which contains the following: the caption "Keno", one game play, the date of purchase, the number of consecutive drawings in which the ticket will be played, the identifying number for each such drawing, the price of the ticket, a six-digit retailer number, a serial number, and a bar code. If the player selects one or more Keno options, the game ticket will also contain:

- (a) The phrase "Special Keno" if that option has been selected;
- (b) The phrase "Keno Multiplier" if that option has been selected; and
- (c) The hour on which a game or consecutive games will begin.

(5) "Keno Multiplier" means the Keno and Special Keno play option whereby a player, by paying an additional one dollar for each dollar wagered on a Keno or Special Keno game play, may be entitled to receive a larger prize for correctly selecting winning numbers. Keno Multiplier multiplies the amount of certain prizes won in a game play. Keno Multiplier is an optional, limited extension of the Keno and Special Keno game.

(6) "Keno To Go" means a play option which permits a player to purchase a ticket or tickets for a future Keno drawing or future consecutive Keno drawings as permitted by the Lottery.

(7) "Prize category" means each row indicating the number of correct spots a player may select for each game drawing with a corresponding prize amount as shown on the payout charts contained in these rules.

(8) "Quick Pick" means the random selection of numbers by a terminal that appear as the game play on a ticket.

(9) "Special Keno" means an optional variation of the Keno prize payment and odds structure as defined in OAR 177-099-0090 which may be selected by the player.

(10) "Spot" means the amount of numbers a player may play for a game play. A player may play from one spot, i.e., one number, to ten spots, i.e., ten different numbers.

(11) "Draw game terminal" or "Terminal" has the meaning set forth in OAR 177-070-0005(4).

(12) "Winning numbers" means the twenty numbers, from one to eighty, that are selected at each drawing that are used to determine winning game plays contained on the game tickets.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.200

Hist.: LC 3-1991, f. & cert. ef. 7-24-91; LC 5-1996, f. & cert. ef. 4-1-96; LC 3-1997, f. 4-25-97, cert. ef. 4-27-97; LOTT 7-1998(Temp), f. & cert. ef. 11-13-98 thru 5-7-99; LOTT 3-1999, f. 3-25-99, cert. ef. 4-4-99; LOTT 19-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT 30-2002, f. & cert. ef. 11-25-02; LOTT 3-2003(Temp), f. 3-28-03, cert. ef. 4-7-03 thru 9-30-03; LOTT 11-2003, f. & cert. ef. 6-30-03; LOTT 6-2009, f. 9-28-09, cert. ef. 10-1-09; LOTT 4-2011, f. 8-23-11, cert. ef. 9-1-11; LOTT 11-2016, f. 9-30-16, cert. ef. 10-6-16

177-099-0080

Keno Prizes

Section (1) of this rule specifies prizes for Keno drawings.

(1) Prize Structure: Prizes for each drawing are determined and awarded based on how many numbers contained in a game play on a ticket match the winning numbers selected at that drawing. Prizes are determined separately for each spot category. Prizes per one dollar wagered, based upon potential sales of \$8,911,711.18 per drawing, are as follows: [Table not included. See ED. NOTE.]

(2) Amount Wagered: Keno prizes multiply according to the amount played per drawing. Except as provided in OAR 177-099-0100, the highest potential prize for any Keno ticket is \$1,000,000 per drawing. If a ticket shows a wager of 2, 3, 4, 5, 10, or 20 dollars per drawing on a winning game play, the prize shown above for a \$1 wager shall multiply, up to \$1,000,000, according to the wager amount shown on the winning ticket. For example, if a ticket shows a \$5 wager on the 8 spot category and the game play on the ticket matches 8 out of 8 of the winning numbers, the prize associated with that ticket is \$15,000 x \$5 = \$75,000. All Keno prizes for a prize category are capped at \$1,000,000 and certain Keno prizes will become pari-mutuel in accordance with section (4) of this rule. However, Jackpot Bonus prizes awarded are in addition to the \$1,000,000 prize.

(3) Lump Sum Payment: All prizes are paid in one lump sum.

(4) Limitation on \$1,000,000 Keno Prize: When the total amount won for the 10/10, 9/10, 9/9, 8/8, and the 7/7 prize categories in the same game

play in a single drawing reaches or exceeds \$1,000,000 in the prize category, the maximum prize amount of \$1,000,000 becomes pari-mutuel and the prize shall be divided among the number of winning tickets for that game play on a pro-rata basis determined by the amount that each winning ticket played in the drawing in which the prize was won.

(a) Example: For example, if one Keno ticket wins the top prize for the 10/10 spot (\$200,000) in a drawing, and the player wagered \$20, and one Keno ticket wins the top prize for the 10/10 spot (\$200,000) in the same game play in the same drawing, and another player wagered \$5, the first player would receive 80% of the \$1,000,000 prize (based on \$20 wagered) and the second player would receive 20% of the \$1,000,000 prize (based on \$5 wagered).

(5) Breakage: If there are multiple winners in a single drawing such that the prize for a prize category cannot be divided among the winners to a whole cent, the prize payments may be rounded down so that the prize may be divided and paid to the nearest whole cent to each winner. Breakage from rounding the prize shall be treated as an unclaimed prize by the Lottery.

(a) Example: If there are seven \$1,000,000 prize winning tickets in a single drawing for the same game play, the amount paid to each winner is calculated by dividing 7 into \$1,000,000 which equals \$142,857.14285.... The Lottery shall round that amount down to \$142,857.14 which totals \$999,999.98 paid to the seven winners. The breakage of two cents shall then be treated as an unclaimed prize.

(6) Highest Single Prize: For each drawing, a player may receive (subject to the validation requirements set forth in OAR 177-099-0060) only the highest single prize for which a ticket containing a winning game play is eligible.

(7) Claiming Prizes: Prize payments must be claimed, and are made, in accordance with the provisions of OAR 177-070-0025.

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

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.200

Hist.: LC 3-1991, f. & cert. ef. 7-24-91; LOTT 3-1999, f. 3-25-99, cert. ef. 4-4-99; LOTT 3-2002(Temp) f. & cert. ef. 2-4-02 thru 8-2-02; LOTT 7-2002, f. & cert. ef. 4-29-02; LOTT 19-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT 30-2002, f. & cert. ef. 11-25-02; LOTT 3-2003(Temp), f. 3-28-03, cert. ef. 4-7-03 thru 9-30-03; LOTT 11-2003, f. & cert. ef. 6-30-03; LOTT 11-2016, f. 9-30-16, cert. ef. 10-6-16

177-099-0090

Special Keno Prizes

(1) General: Special Keno increases the size of the prizes at the upper tier levels, and eliminates some prizes at the lower tiers of the prize structure when compared to the Keno prize structure.

(2) Selection of Option: As described in OAR 177-099-0030, a player must indicate the player's choice to play under the Special Keno prize structure. When the Special Keno prize option is designated on a ticket, the Keno prizes described in OAR 177-099-0080 are no longer applicable.

(3) Prize Structure: Prizes for each drawing are determined and awarded based on how many numbers contained in a game play on a ticket match the winning numbers selected at that drawing. Prizes are determined separately for each spot category. Prizes per one dollar wagered, based upon potential sales of \$8,911,711.18 per drawing, are as follows: [Table not included. See ED. NOTE.]

(4) Amount Wagered: Special Keno prizes multiply according to the amount played per drawing. Except as provided in OAR 177-099-0100, the highest potential prize for a Special Keno ticket is \$1,000,000 per drawing. If a ticket shows a wager of 2, 3, 4, 5, 10, or 20 dollars per drawing on a winning game play, the prize shown above for a \$1 wager shall multiply, up to \$1,000,000, according to the wager amount shown on the winning ticket. For example, if a ticket shows a \$5 wager on the 8 spot category and the game play on the ticket matches 8 out of 8 of the winning numbers, the prize associated with that ticket is \$25,000 x \$5 = \$125,000. All Special Keno prizes for a prize category are capped at \$1,000,000, and certain Special Keno prizes will become pari-mutuel in accordance with section (6) of this rule. However, Jackpot Bonus prizes awarded are in addition to the \$1,000,000 prize.

(5) Lump Sum Payment: A prize-winning player is paid in one lump sum for all prizes.

(6) Limitation of \$1,000,000 Special Keno Prizes: When the total amount won for the 10/10, 9/10, 9/9, 8/8, and the 7/7 prize categories in the same game play in a single drawing reaches or exceeds \$1,000,000 in the prize category, the maximum prize amount of \$1,000,000 becomes pari-mutuel and the prize shall be divided among the number of winning tickets for that game play on a pro-rata basis determined by the amount that each winning ticket played in the drawing in which the prize was won.

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(a) Example: For example, if one Special Keno ticket wins the top prize for the 10/10 spot (\$1,000,000) in a drawing, and the player wagered \$20, and one Special Keno ticket wins the top prize for the 10/10 spot (\$1,000,000) in the same game play in the same drawing, and another player wagered \$5, the first player would receive 80% of the \$1,000,000 prize (based on \$20 wagered) and the second player would receive 20% of the \$1,000,000 prize (based on \$5 wagered).

(7) Breakage: If there are multiple winners in a single drawing such that the prize for a prize category cannot be divided among the winners to a whole cent, the prize payments may be rounded down so that the prize may be divided and paid to the nearest whole cent to each winner. Breakage from rounding the prize shall be treated as an unclaimed prize by the Lottery.

(a) Example: If there are seven \$1,000,000 prize winning tickets in a single drawing for the same game play, the amount paid to each winner is calculated by dividing 7 into \$1,000,000 which equals \$142,857.14285 The Lottery shall round that amount down to \$142,857.14 which totals \$999,999.98 paid to the seven winners. The breakage of two cents shall then be treated as an unclaimed prize.

(8) Highest Single Prize: For each drawing, a player may receive (subject to the validation requirements set forth in OAR 177-099-0060) only the highest single prize for which a ticket containing a winning game play is eligible.

(9) Claiming Prizes: Prize payments must be claimed, and are made, in accordance with the provisions of OAR 177-070-0025.

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

Stat. Auth.: OR Const. Art. XV, Sec. 4(4) & ORS 461

Stats. Implemented: ORS 461.200

Hist.: LOTT 3-1999, f. 3-25-99, cert. ef. 4-4-99; LOTT 3-2002(Temp) f. & cert. ef. 2-4-02 thru 8-2-02; LOTT 7-2002, f. & cert. ef. 4-29-02; LOTT 19-2002(Temp), f. 9-6-02, cert. ef. 9-9-02 thru 3-6-03; LOTT 30-2002, f. & cert. ef. 11-25-02; LOTT 3-2003(Temp), f. 3-28-03, cert. ef. 4-7-03 thru 9-30-03; LOTT 11-2003, f. & cert. ef. 6-30-03; LOTT 11-2016, f. 9-30-16, cert. ef. 10-6-16

Oregon State Marine Board Chapter 250

Rule Caption: Prohibit boating on the Deschutes River during Tetherow Road Bridge construction.

Adm. Order No.: OSMB 13-2016(Temp)

Filed with Sec. of State: 9-23-2016

Certified to be Effective: 9-23-16 thru 12-31-16

Notice Publication Date:

Rules Amended: 250-020-0091

Rules Suspended: 250-020-0091(T)

Subject: This rule will prohibit boat operation on the Deschutes River near RM 141.1 in the area of the Tetherow Bridge due to scheduled construction removal and replacement of the bridge.

Rules Coordinator: June LeTarte—(503) 378-2617

250-020-0091

Boat Operations in Deschutes County

(1) Marine Toilets: No person shall maintain or operate upon the following-named inland waters of this state any boat which is equipped with a toilet unless such toilet has an approved device to render waste harmless, or unless such toilet is rendered inoperative by having the discharge outlet effectively seals. "An approved device" is a marine toilet, or marine toilet attachment, which has been approved by the State Board of Health and the State Sanitary Authority:

- (a) Paulina Lake;
- (b) East Lake;
- (c) Elk Lake;
- (d) Big Lava Lake;
- (e) Wickiup Reservoir;
- (f) Crane Prairie Reservoir;
- (g) Big Cultus Lake;
- (h) Little Cultus Lake.

(2) No person shall operate a motorboat in excess of 10 MPH on: Deschutes River and Davis Creek Arms of Wickiup Reservoir.

(3) No person shall operate a motorboat for any purpose on the following area: Torso Lake.

(4) No person shall operate a motorboat except with an electric motor on the following areas:

- (a) Meadow Lake;
- (b) Hosmer Lake.
- (5) Deschutes River:

(a) No person shall operate a motorboat for the purpose of towing a person on water skis, surfboard or similar device and no person shall engage in waterskiing or similar activities on the Deschutes River;

(b) No person shall operate jet ski type boats on the Deschutes River. For the purposes of this rule, jet ski type boat means any motorized vessel or other description of watercraft which is generally less than ten feet in length and capable of exceeding a speed of 15 MPH, including but not limited to jetskis, wet bikes, and surf jets;

(c) No person shall operate a motorboat in excess of a "slow-no wake" speed limit between Wickiup Dam and the Deschutes National Forest Boundary in Sec. 14.T.18.S., R.11.E., W.M.;

(d) No person shall operate a motorboat between LaPine State Recreation area boat ramp and Pringle Falls;

(e) No person shall operate a motorboat between Aspen Camp boat ramp and the north end of Lava Island in Sec. 22.T.18.S., R.11.E., W.M.

(f) No person shall operate a motorboat between the Deschutes National Forest boundary in Sec. 14.T.18.S., R.11.E., W.M. and Mirror Pond Dam.

(g) No person shall operate a motorboat for any purpose between the Mirror Pond Dam and the Jefferson County Line.

(h) No person shall operate a boat in the area of the Tetherow Road Bridge located near river mile 141.1 on the Deschutes River due to the destruction and replacement of the bridge.

(A) Boaters are required to exit the river, as directed by posted signs and in-water buoys, upstream of the bridge at the Tetherow Crossing Park and portage around the bridge area.

(B) As directed by posted signs, boaters may re-enter the river downstream of the bridge on Deschutes County Property.

(C) Boater restrictions on the Deschutes River, as described in 250-020-0091(5)(h) are in effect from:

- (i) 11:59 pm, August 21, 2016 to 11:59 pm, August 24, 2016, and
- (ii) 11:59 pm, October 3, 2016 to 11:59 pm, October 6, 2016.

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 26, f. 7-20-64; MB 52, f. 8-17-73, ef. 9-1-73; MB 57, f. 7-2-74, ef. 7-2-74(Temp) & 7-25-74(Perm), Renumbered from 250-020-0170; MB 10-1988, f. & cert. ef. 6-28-88; MB 13-1988, f. 12-28-88, cert. ef. 1-1-89; MB 5-1993, f. & cert. ef. 7-14-93; MB 12-1996, f. & cert. ef. 12-4-96; MB 7-1997, f. & cert. ef. 7-17-97; OSMB 11-1998(Temp), f. & cert. ef. 7-15-98 thru 12-31-98; Administrative correction 8-5-99; OSMB 4-2015, f. 4-30-15, cert. ef. 5-1-15; OSMB 10-2015(Temp), f. & cert. ef. 10-19-15 thru 12-31-15; Administrative correction, 1-22-16; OSMB 11-2016(Temp), f. 8-11-16, cert. ef. 8-21-16 thru 12-31-16; OSMB 12-2016(Temp), f. 8-18-16, cert. ef. 8-21-16 thru 12-31-16; OSMB 13-2016(Temp), f. & cert. ef. 9-23-16 thru 12-31-16

Oregon Youth Authority Chapter 416

Rule Caption: Deleting references to isolation in this rule division as it is not a refocus option.

Adm. Order No.: OYA 8-2016

Filed with Sec. of State: 10-3-2016

Certified to be Effective: 10-3-16

Notice Publication Date: 9-1-2016

Rules Amended: 416-470-0010, 416-470-0020, 416-470-0050

Subject: The proposed amendments delete references to "isolation" in these rules, as isolation is not a refocus option for youth behavior violations. Also deletes references to "special management unit" as this option is no longer a refocus option for youth behavior violations. Moves isolation hearing process to another rule division where use of isolation is addressed.

Rules Coordinator: Winifred Skinner—(503) 373-7570

416-470-0010

Definitions

(1) Major Behavior Violation: Offender behavior that is prohibited and unacceptable within the facility or program and is immediately threatening to life, health, or facility safety, security or good order.

(2) Minor Behavior Violation: Offender behavior that is prohibited and unacceptable within the facility or program but is not immediately threatening to life, health, or facility safety, security or good order.

(3) Refocus Option: An authorized response to, or sanction imposed for, an offender's inappropriate behavior.

(4) Special Program Placement: Placement of an offender on a special program for the offender's safety or the safety of others to regulate the offender's routine activities (e.g. meals, recreation, school, treatment and other programs) and help the offender regain adequate behavior control.

Stat. Auth.: ORS 420A.025

ADMINISTRATIVE RULES

Stats. Implemented: ORS 420A.105 & 420A.108
Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 1-2010, f. 2-12-10, cert. ef. 2-19-10;
DMAP 58-2016, f. 9-30-16, cert. ef. 10-1-16; OYA 8-2016, f. & cert. ef. 10-3-16

416-470-0020

Prohibited Behaviors and Refocus Options

(1) Prohibited Offender Behaviors and appropriate Refocus Options are listed on an Offender Behavior Refocus Option Matrix (**Exhibit 1**). The Refocus Options imposed must reflect the severity of the prohibited behavior.

(a) Levels Zero, One, and Two Offender Prohibited Behaviors listed on the Offender Behavior Refocus Option Matrix are major behavior violations.

(b) Level Three Offender Prohibited Behaviors listed on the Offender Behavior Refocus Option Matrix are minor behavior violations.

(2) Aiding another offender to commit, attempting to commit, or making plans to commit any prohibited offender behavior is considered the same as engaging in the behavior itself for purposes of imposing Refocus Options.

(3) Any deviation from the Refocus Options for major behavior violations listed on the Offender Behavior Refocus Option Matrix must be reasonable, authorized by the superintendent, camp director, or designee, and documented in writing.

(4) The Offender Behavior Refocus Option Matrix must be given to each offender upon initial admission into a facility. When a literacy or language barrier prevents an offender from understanding the written document, a staff member or interpreter will assist the offender in understanding.

(5) A current Offender Behavior Refocus Option Matrix must be posted in each OYA facility living unit.

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

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420A.105 & 420A.108

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 1-2010, f. 2-12-10, cert. ef. 2-19-10;
OYA 8-2016, f. & cert. ef. 10-3-16

416-470-0050

Offender Notification and Grievance Process

(1) In addition to OAR 416-470-0020(4), staff must notify each offender in writing promptly after the offender's initial arrival at an OYA facility of the following:

- (a) The offender's rights and responsibilities;
- (b) The process to access the OYA complaint hotline; and
- (c) Locations of offender grievance and communication forms.

(2) An offender may appeal any Refocus Option imposed on the offender, or incident report decision through the Offender Grievance Process described in OAR 416, division 20.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420A.105 & 420A.108

Hist.: OYA 2-1995, f. 12-19-95, cert. ef. 1-2-96; OYA 1-2010, f. 2-12-10, cert. ef. 2-19-10;
OYA 8-2016, f. & cert. ef. 10-3-16

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Rule Caption: Moving the isolation hearing process from OAR 416-470-0050 to OAR 416-490-0032.

Adm. Order No.: OYA 9-2016

Filed with Sec. of State: 10-3-2016

Certified to be Effective: 10-3-16

Notice Publication Date: 9-1-2016

Rules Amended: 416-490-0032

Subject: The amendment adds the isolation hearing process to this rule. The process was previously found under OAR 416-470-0050.

Rules Coordinator: Winifred Skinner—(503) 373-7570

416-490-0032

Isolation

(1) The purpose of an Isolation Intervention is to remove an offender from the facility's general population to give the offender an opportunity to self-regulate his or her behavior, and return to the general population as soon as possible.

(a) Isolation must occur in a locked, individual room.

(b) Isolation must only be used when an offender is a danger to himself or other people, or is an immediate threat to the safety, security, or order of the facility.

(c) Isolation placement must be authorized by a facility manager.

(2) Isolation must not be used as punishment, as a convenience or substitute for staff supervision, or a substitute for individualized treatment.

(3) Staff must monitor the offender every 15 minutes for wellbeing and possible return to the general population. The monitoring must be documented in writing.

(4) Isolation must only be used until the offender regains self-control and can return to a less restrictive setting in accordance with OYA policy. An incident of Isolation must not exceed five consecutive days.

(5) In some situations, staff may assess that the appropriate level of Intervention requires the placement of the offender in restraint devices. Offenders in restraint devices must be continually observed by staff.

(6) If an offender is placed in Isolation for more than 24 consecutive hours, the following must occur:

(a) The placement must be reviewed by the superintendent, camp director, or designee. The person reviewing the placement must not have been involved in the incident or in the placement of the offender in Isolation;

(b) Daily visits by at least one member of the offender's treatment team; and

(c) The offender must be granted the option of an Isolation hearing by the superintendent, camp director, or designee.

(A) To ensure objectivity, the Isolation hearing must be conducted by a staff member who was not directly involved in the incident that resulted in the offender's placement in Isolation.

(B) The Isolation hearing must afford the offender the following:

(i) A written notice of the reason(s) for placement in Isolation;

(ii) A staff representative as determined by the superintendent, camp director, or designee, to assist the offender in the hearing process;

(iii) The right to be present at the hearing unless the offender waives that right in writing or the offender's presence at the hearing will unduly jeopardize facility safety;

(iv) The right to make a statement, present documentary evidence, and call witnesses on the offender's behalf unless doing so will unduly jeopardize facility safety; and

(v) A written statement as to the evidence relied upon and the reasons for the decision.

(C) An offender may appeal an Isolation hearing decision through the Offender Grievance Process described in OAR 416, division 20.

(7) For offenders who have been identified with severe or the highest mental health treatment needs, a clinical interview will be conducted and documented by a mental health care practitioner upon notification of the offender's placement in Isolation. Requests for psychological intervention by a mental health care practitioner may also be initiated by staff, or by an offender in Isolation.

(8) Offenders in Isolation will be afforded the same opportunity to maintain health and dignity as afforded offenders in the general population consistent with requirements for the program and in accordance with OYA policy.

(9) Searches: Upon entering Isolation, the offender will be searched according to agency policy.

(a) Every item of material or equipment (books, magazines, etc.) must be inspected.

(b) All rooms must be searched upon staff assessment that a search is warranted, and before and after each occupancy. Unauthorized items must be removed from the room.

(10) Exceptions:

(a) Offenders may be placed in an Isolation room without bedding, hygiene supplies, mail or reading material for up to two hours after initially occupying the room.

(b) When an offender is placed in Isolation for two hours or longer, an offender may only be denied an article of clothing, bedding, hygiene supplies, mail, or reading material under the following conditions:

(A) The offender abused or misused the item;

(B) There exists a substantial threat of imminent misuse of the item;

or

(C) The item is considered by staff to pose a threat to the offender.

(c) The reason for denying the offender an item must be documented in writing.

(d) If an item has been denied after an offender has been in Isolation for two hours or longer, staff must evaluate returning the item at least once every 24 hours. If upon evaluation the item continues to be denied, the rationale for continued denial must be documented in writing.

(e) Staff have a continued obligation to assure basic hygiene, sanitation, and offender dignity despite the removal of items.

Stat. Auth.: ORS 420A.025

Stats. Implemented: ORS 420A.105 & 420A.108

Hist.: OYA 2-2010, f. 2-12-10, cert. ef. 2-19-10; OYA 9-2016, f. & cert. ef. 10-3-16

ADMINISTRATIVE RULES

Parks and Recreation Department Chapter 736

Rule Caption: Amend Reservation Program Rules

Adm. Order No.: PRD 4-2016

Filed with Sec. of State: 9-21-2016

Certified to be Effective: 9-21-16

Notice Publication Date: 7-1-2016

Rules Amended: 736-015-0006, 736-015-0015, 736-015-0026, 736-015-0030, 736-015-0035

Subject: Revisions to Division 15 focus on aligning rule language with current practices, improving customer service, clarifying rules by providing additional detail or correcting errors, increasing operational efficiency, improving consistency and removing terms no longer used.

Rules Coordinator: Claudia Ciobanu—(503) 872-5295

736-015-0006

Definitions

As used in this division, unless the context requires otherwise:

(1) "Adoptive Foster Families" means one or more persons who have adopted one or more foster children pursuant to ORS 418.285. At least one of the children must currently be under 18 years of age and living with the Adoptive Foster Family.

(2) "Commission" means the Oregon State Parks and Recreation Commission.

(3) "Department" means the Oregon State Parks and Recreation Department.

(4) "Director" means the director of the department.

(5) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported violations, and to issue oral or written warnings or citations to enforce park area rules.

(6) "Foster Families" means persons with their foster children, who currently maintain:

(a) A Foster Home, a Relative Home for Children or a Foster Home for Children with Developmental Disabilities, as described in ORS 418.625 or 443.830;

(b) A Foster Home certified by the Oregon Youth Authority under OAR chapter 416, division 530;

(c) A Foster Home certified by any of the nine federally-recognized tribal governments as listed in ORS 172.110; or

(d) A therapeutic Foster Home for Children with Developmental Disabilities provided through a third-party provider that has been certified by the Department of Human Services.

(7) "In Kind Services" means a group or person who provides, at the direction of park staff, materials or services whose value to the park area equals or is greater than the normal fees.

(8) "Marketing and Promotion" generally are agency-sponsored events that are of regional or statewide significance promoting tourism or partnerships with local communities, other agencies or economic development.

(9) "Motor Vehicle" as defined in ORS 801.360 means a vehicle that is self-propelled or designed for self-propulsion. ORS 801.590 further defines "vehicle" as "any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means."

(10) "Non-Profit Entity" means a group having a 501c(3) exempt status filed with the US Department of Internal Revenue Service.

(11) "Park Area" means any state park, wayside, corridor, monument, historic, or recreation area, except portions of ocean shore recreation areas not abutting a state park or wayside, under the jurisdiction of the department.

(12) "Park Employee" means an employee of the department.

(13) "Park Facility" includes but is not limited to individual and group campsites, day use areas and shelters, cabins, yurts, tepees, meeting halls, lodges, pavilions, and other amenities of the department.

(14) "Park Manager" means the supervisor or designated park employee in charge of a park area.

(15) "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.

(16) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

(17) "Reduced Service Level" means a reduction in the normal level of service that a person may reasonably expect due to the department's action/inaction or park facility failure lasting longer than 24 hours.

(18) "Reservation Cancellation" means the person requests an existing reservation be ended without the creation of a new reservation.

(19) "Reservation Change" means a modification to an existing reservation by a person that changes the arrival or departure dates, a complete change to reservation dates, or changes the type of site from the original request.

(20) "Special Events" may be an activity sponsored or co-sponsored by the department, an event that provides entertainment to park visitors, or other activities that promote the mission of the department or Oregon tourism.

(21) "Traditional Tribal Activities" generally means traditional, spiritual, natural and cultural resource practices that would have been or which still are conducted by a federally recognized tribe or its members.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.050, 390.111, 390.121 & 390.124

Hist.: PRD 4-2005, f. & cert. ef. 5-5-05; PRD 15-2009, f. & cert. ef. 9-29-09; PRD 5-2010, f. & cert. ef. 3-24-10; PRD 5-2011, f. & cert. ef. 8-1-11; PRD 5-2012(Temp), f. & cert. ef. 6-26-12 thru 12-20-12; PRD 9-2012, f. & cert. ef. 11-16-12; PRD 4-2016, f. & cert. ef. 9-21-16

736-015-0015

Reservations

(1) Purpose: Based on the department's goal to promote outdoor recreation in Oregon, the department established a reservation program to increase use of park areas and facilities. The director may designate specific park facilities to offer for reservation through a centralized call center and through the Internet.

(2) General Regulations:

(a) Reservations will be accepted and processed for designated park facilities through the Oregon State Parks Reservation Center and the Internet.

(b) A person may make a reservation a minimum of one day and a maximum of nine months prior to the arrival date.

(c) A person must be 18 years of age or older to make a reservation.

(d) A person who qualifies under the Americans with Disabilities Act (ADA) may reserve accessible campsites.

(e) A person may not make reservations for multiple park areas for the same date range.

(f) A person reserving a boat slip (where available) must also reserve another facility at the same park area.

(g) Reservations and registrations for horse camping sites shall be made only for people camping with their horses or similar large animals unless otherwise specified by the park manager.

(h) Only the person whose name appears on the original reservation, their designee (as documented in the reservation records) or the primary occupant may change or cancel an existing reservation or access information associated with a reservation.

(i) Customer information may be made available upon written request in compliance with ORS chapter 192 and department policy.

(j) Specific information regarding a confirmed reservation will not be released to the public as provided in ORS 192.501 and 192.502.

(3) Transaction Fees and Deposits:

(a) The department will charge an \$8 non-refundable transaction fee for each reservation made through the centralized call center or the Internet.

(b) Reservations require a facility deposit equal to the full amount charged for use of the facility during the reservation period.

(c) All fees are due at the time the person makes the reservation.

(4) Payment Methods:

(a) A person may use a valid credit card (VISA or MasterCard) or bank debit card with a VISA or MasterCard logo.

(b) A person may pay for reservations made through the Oregon State Parks Reservation Center by personal check, money order, certified check, department issued gift certificates or travelers check (in U.S. funds) if the person's arrival date is ten or more days from the time the reservation is made. These forms of payment are not accepted for reservations made on the Internet.

(c) The department must receive payment within five calendar days of the date the person makes the reservation. If payment is not received within this time frame, the department will cancel the reservation. The person remains responsible for the \$8 transaction fee for each reservation request.

ADMINISTRATIVE RULES

(d) If a banking institution returns a check to the department for any reason or if a credit or debit card is declined, the department will attempt to contact the person. Inability to resolve the payment dispute will result in a reservation cancellation. The person will remain responsible for the \$8 transaction fee for each reservation.

(e) Government agencies and non-profit entities may request to be invoiced for services. Reservations should be made at least 30 days prior to arrival. The department must receive payment within 25 days of the date the reservation is made. If payment is not received within this time frame, the department will cancel the reservation. The government agency or non-profit entity remains responsible for the \$8 transaction fee for each reservation request.

(f) A person must pay all outstanding account balances prior to making future reservations.

(5) Reservation Cancellations:

(a) A person may cancel their reservation prior to the day of arrival by using the internet or by calling the Oregon State Parks Reservation Center.

(b) The department will post detailed instructions for cancelling a reservation on the department's web site which is available seven days a week, 24 hours a day.

(c) To cancel a reservation on the day of arrival a person may contact the specific park where their reservation is held.

(d) In order to receive a refund of all use fees, a person must cancel the reservation for individual campsites, deluxe and rustic cabins, deluxe and rustic yurts, horse camps, tepees, and boat moorages three or more days prior to the arrival date. If the cancellation is received less than three days in advance of the arrival date, a fee equal to one overnight rental fee for the facility will be forfeited.

(e) In order to receive a refund of all use fees for group camps, day use areas, meeting halls, lodges, Silver Falls Youth Camp, Silver Falls Ranches, Shore Acres Garden House, Pavilions, RV Group Areas and other facilities as designated by the department, a person must cancel the reservation at least one month prior to arrival. If the cancellation request is received less than 30 days in advance of the arrival date, a fee equal to one night's or one day's rental for the facility will be forfeited.

(f) A person may not cancel reservations more than eight months in advance of the arrival date.

(6) Reservation Changes:

(a) The department will charge an \$8 non-refundable transaction fee for each reservation change.

(b) A person may request to change a confirmed reservation by calling the Oregon State Parks Reservation Center.

(c) A person may not make any date changes to reservations more than eight months in advance of the arrival date.

(d) Reservations made for six or more consecutive nights that are later shortened will be charged the nightly rate for each night removed in addition to an \$8 transaction fee for the change. This rule applies to shortening nights at the beginning of a reservation, not at the end of a reservation.

(e) A person must request a reservation change for campsites, deluxe and rustic cabins, deluxe and rustic yurts, tepees, and boat moorages three or more days in advance of the arrival date. Changes are not permitted within three days of the arrival date.

(f) A person requesting a reservation change for group camps, day use areas, meeting halls, lodges, Silver Falls Youth Camp, Silver Falls Ranches, Shore Acres Garden House, Pavilions, RV Group Areas, and other facilities as designated by the department must request the change at least 30 days prior to arrival date. Changes are not permitted within 30 days of the arrival date.

(7) Claiming Reservations

(a) Customers with confirmed reservations must arrive before 1:00 p.m. the day following the first scheduled day of their reservation.

(b) The reserved site must remain occupied each night during the entire length of stay.

(c) In emergency situations, customers may request park manager approval for late arrivals not to exceed 6:00 p.m. of the second day of the reservation. Site fees for the first night will be charged regardless of the arrival time.

(d) Customers, including those that have pre-registered, who do not check in at the park or notify park staff that they will be delayed prior to 1:00 p.m. of the second day of the reservation will be considered a "no show" and the entire reservation will be cancelled. The first night fee and any transaction fees previously collected for the reservation will be retained. Any remaining nightly fees paid to confirm the reservation will be refunded.

(8) Reservations to Accommodate Organized Groups:

(a) General: To accommodate group use when 20 or more sites are booked by the same group in campgrounds designed primarily for individual camping, the following rules apply.

(b) The department will require full payment for all sites at the time the reservation is made and charge a non-refundable reservation fee of \$8 for each site. An \$8 non-refundable transaction fee will be charged for any date or site change made to a reservation included in the group.

(c) A group is considered any reservation of at least 20 individual overnight campsites made in one person's name through the Oregon State Parks Reservation Center or on the Internet.

(d) Group reservations may reserve a meeting hall (where available) for one day's free use when the minimum number of sites are reserved and used. The person may reserve the meeting hall for additional days at the normal rental rate.

(e) Facilities such as lodges, Silver Falls Youth Camp, Silver Falls Ranches, and other special facilities as designated by the department are not included in the group camping program benefit.

(f) To promote the safety and enjoyment of all park users, the department may contact the reservation holder of any group reservation and ask for individual camper information prior to arrival. In such cases, the department will provide ample notice and request that information be received no sooner than two months and no later than one week before the group's arrival.

(9) When only a portion of a specific type of facility in a park is designated as ADA compliant, the department will hold the facility designated as ADA compliant for use by individuals with disabilities until all other facilities of that type have been reserved and the accessible facility is the only remaining facility of that type available in the park.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

Hist.: 1 OTC 56(Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 82, f. 5-11-77, ef. 5-14-77; 1 OTC 5-1979, f. & ef. 2-9-79; 1 OTC 22-1979(Temp), f. & ef. 9-9-24-79; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 2-1994, f. & cert. ef. 2-9-94; PR 2-1995, f. & cert. ef. 1-23-95; PR 3-1996, f. & cert. ef. 5-13-96; PRD 10-2003, f. & cert. ef. 10-17-03; PRD 8-2004, f. & cert. ef. 6-3-04; Renumbered from 736-010-0099, PRD 4-2005, f. & cert. ef. 5-5-05; PRD 7-2009, f. 6-2-09, cert. ef. 8-1-09; PRD 15-2009, f. & cert. ef. 9-29-09; PRD 5-2010, f. & cert. ef. 3-24-10; PRD 5-2011, f. & cert. ef. 8-1-11; PRD 9-2012, f. & cert. ef. 11-16-12; PRD 1-2015, f. & cert. ef. 9-28-15; PRD 3-2016, f. & cert. ef. 7-13-16; PRD 4-2016, f. & cert. ef. 9-21-16

736-015-0026

Group Day Use

(1) At designated park areas, a person may reserve a group picnic area(s) by calling the Oregon State Parks Reservation Center. The park manager will determine the maximum group size for each park facility.

(2) The department will charge group picnic rental rates to offset additional park administration and maintenance costs:

(a) Base rate (0-50 people) — \$50;

(b) Charges for persons in excess of the 50 person base rate will be \$1 per person

(3) The park manager may make advance arrangements with the group leader for parking, supervision, cleanup, checkout time, and other pertinent details.

(4) Upon arrival, the group leader will check in with park staff who will direct the group to the reserved area.

(5) The group must have adult supervision at all times.

(6) Pursuant to ORS 105.672 to 105.696, group day use rental charges under this rule are for use of the assigned area or park facility of the state park land for picnicking and not for any other recreational purpose or area of state park land. The immunities provided under ORS 105.682 apply to use of state park land for any other recreational purpose.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121, 390.124 & HB 3673 (2010)

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 83(Temp), f. 5-19-77, ef. 6-1-77; 1 OTC 85, f. & ef. 7-20-77; 1 OTC 3-1979, f. & ef. 2-9-79; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 1-1988, f. & cert. ef. 3-25-88; PR 1-1992, f. & cert. ef. 2-14-92; PR 3-1996, f. & cert. ef. 5-13-96; PRD 8-2004, f. & cert. ef. 6-3-04; Renumbered from 736-010-0115, PRD 4-2005, f. & cert. ef. 5-5-05; PRD 15-2009, f. & cert. ef. 9-29-09; PRD 6-2010(Temp), f. & cert. ef. 4-15-10 thru 10-8-10; Administrative correction 10-26-10; PRD 7-2011, f. & cert. ef. 11-28-11; PRD 4-2013, f. & cert. ef. 10-1-13; PRD 3-2016, f. & cert. ef. 7-13-16; PRD 4-2016, f. & cert. ef. 9-21-16

736-015-0030

Day Use Parking Permit

(1) Purpose: Based on the department's goal to manage increased use of park areas, the director may require a motor vehicle day use parking permit at selected park areas. This charge is a parking fee and not a charge for recreational purposes under ORS 105.672 to ORS 105.696. The immunities provided under ORS 105.682 apply to use of state park land for recreational purpose.

ADMINISTRATIVE RULES

(2) General Regulations:

(a) Parking permits are to be clearly displayed through the windshield of motor vehicles with the expiration date visible;

(b) Persons with motorcycles or other motor vehicles, such as convertibles, where the permits could be subject to theft, may keep the permit with them and must show it to an enforcement officer or park employee upon request.

(3) Day Use Parking Permit Fees:

(a) Daily Motor Vehicle — \$5;

(b) 12-month Permit — \$30;

(c) 24-month Permit — \$50;

(4) The department may enter into a written agreement with privately owned commercial vendors and non-profit cooperative associations affiliated with the department under ORS 390.143 to sell 12-month and 24-month permits:

(a) The director shall establish a maximum allowable fee of \$1 for vendors who sell the 12-month and 24-month permits;

(b) Non-profit cooperative associations affiliated with the department may by agreement retain fees in excess of the minimum vendor fee for use in funding interpretive programs in park areas;

(c) The vendor's fee will be included in the price of the permit;

(d) Only a park employee may issue replacement permits in the event an original permit is lost, stolen, or mutilated.

(5) Daily Access Exceptions: The director may grant exceptions to the day-use parking permit requirement under the following circumstances:

(a) Emergency vehicles;

(b) Government vehicles on official business;

(c) Business and delivery vehicles on official business;

(d) A person who is currently a registered camper at a park area and clearly displays the overnight rental receipt;

(e) Park concessionaires and their employees;

(f) A person entering the park to engage in specially permitted non-recreation activities;

(g) Park volunteers on duty in the park;

(h) A person with a permit issued by another entity with which the department has a written agreement to honor their passes;

(i) Other persons as designated by the director.

(6) Park Areas Subject to Day-Use Parking Permit Fees: Park areas at which a day use parking permit fee shall be charged include: Fort Stevens State Park, Cape Lookout State Park, Ecola State Park, Nehalem Bay State Park, Honeyman Memorial State Park (West side), L.L. "Stub" Stewart Memorial State Park, Heceta Head Lighthouse, Shore Acres State Park, Milo McIver State Park, Viento State Park, Benson State Recreation Area, Dabney State Recreation Area, Historic Columbia River Highway State Trail, Mayer State Park, Rooster Rock State Park, Champoege State Heritage Area, Detroit Lake State Recreation Area, Fall Creek State Recreation Area (Winberry), Silver Falls State Park, Jasper State Recreation Site, Mongold Day-use Area, Willamette Mission State Park, Tou Velle State Recreation Site, The Cove Palisades State Park, Tumalo State Park, Smith Rock State Park, Farewell Bend State Recreation Area.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & HB 3673 (2010)

Hist.: 1 OTC 56(Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 82, f. 5-11-77, ef. 5-14-77; 1 OTC 5-1979, f. & ef. 2-9-79; 1 OTC 22-1979 (Temp), f. & ef. 9-24-79; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PRD 4-2005, f. & cert. ef. 5-5-05; PRD 7-2007, f. & cert. ef. 8-28-07; PRD 15-2009, f. & cert. ef. 9-29-09; PRD 1-2010, f. & cert. ef. 1-5-10; PRD 5-2010, f. & cert. ef. 3-24-10; PRD 6-2010(Temp), f. & cert. ef. 4-15-10 thru 10-8-10; Administrative correction 10-26-10; PRD 7-2011, f. & cert. ef. 11-28-11; PRD 4-2016, f. & cert. ef. 9-21-16

736-015-0035

Fee Waivers and Refunds

(1) The director, at the direction of the commission, may waive, reduce or exempt fees established in this division under the following conditions:

(a) A person or group provides in-kind services or materials equal to or greater than the value of the applicable rate, as determined by criteria approved by the director;

(b) Marketing or promotional considerations, including but not limited to special events and commercial filming, that promote the use of park areas and Oregon tourism;

(c) Traditional tribal activities in accordance with policy adopted by the Commission;

(d) Reduced service levels at a park, campsite or other facility as determined by the park manager.

(2) Reservation Facility Deposit Fee Waivers for individual primitive, tent, electric, full hook-up or horse camp campsites only:

(a) The facility deposit fee is waived for reservations on State Parks Day (first Saturday of June). All other fees apply.

(b) The facility deposit fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The fee waiver is limited to the first two campsites, and an adult care provider must be present with the foster children. All other fees apply.

(c) The facility deposit fee is waived for U.S. veterans with a service connected disability or active duty U.S. military personnel as provided in ORS 390.124. All other fees apply.

(d) The person making the reservation must pay the \$8 non-refundable transaction fee at the time the reservation is made. This fee is not included in the fee waiver.

(3) Overnight Rental Fee Waivers for individual primitive, tent, electric, full hook-up or horse camp campsites only:

(a) The overnight rental fee, including any extra vehicle fees, is waived for all persons on the night of State Parks Day (first Saturday of June). All other fees apply.

(b) The overnight rental fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The fee waiver is limited to the first two campsites, and an adult care provider with one or more foster children must be present. The overnight rental fee waiver is limited to no more than fourteen nights total in a 30-day period. All other fees and rules apply.

(c) The overnight rental fee is waived for U.S. veterans with a service connected disability or active duty U.S. military personnel on leave as provided in ORS 390.124. The overnight rental fee waiver is limited to no more than ten nights total in a 30-day period. The qualifying veteran or active duty military personnel on leave must be present in the site to qualify for the waiver. All other fees and rules apply.

(d) The director may waive the overnight rental fee for volunteer hosts traveling to or from an assignment at a park area.

(4) Day Use Parking Permit Fee Waivers:

(a) The day use parking permit fee is waived for all persons on State Parks Day (first Saturday of June).

(b) The day use parking permit fee is waived for U.S. veterans with a service connected disability or active duty U.S. military personnel on leave as provided in ORS 390.124.

(c) The day use parking permit fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The waiver shall be valid until the expiration date of the Certificate of Approval to Provide Foster Care or the adopted foster child turns 18 years of age.

(d) All other fees apply.

(5) At those parks offering showers to non-campers, the shower use fee is waived for individuals with an OPRD Special Access Pass.

(6) Proof of Eligibility for Fee Waivers

(a) The department will issue Veterans and Foster families who have provided the department valid proof of eligibility an OPRD Special Access Pass. Pass holders must use the pass to identify themselves as a qualified recipient of fee waivers at state park campgrounds and day use areas. They must also provide valid government-issued picture identification that matches the name on the pass. Proof of eligibility must be provided through an application process outlined on the OPRD web site at www.oregon-stateparks.org or by calling the OPRD Information Center at 1-800-551-6949 for instructions.

(b) The department will accept the following forms of proof to qualify for fee waivers as a U.S. veteran with a service connected disability:

(A) Disabled Veteran's license plate issued by the Oregon DMV;

(B) A current Disabled Veteran Permanent Hunting/Angling License issued by the Oregon Department of Fish and Wildlife;

(C) A Washington State Parks Disabled Veteran's ID card;

(D) A United States Department of Veterans Affairs (VA) photo identification card bearing the words "service connected";

(E) A letter issued by the VA stating eligibility for any of the above programs, or bearing the words "service-connected disability."

(c) The department will accept the following forms of proof to qualify for fee waivers as an adoptive foster family, as defined in OAR 736-015-0006, with an adopted foster child under 18 years of age or a foster family, as defined in OAR 736-015-0006:

(A) Certificate of Approval to Maintain a Foster Home for Children with Developmental Disabilities;

(B) Certificate of Approval to Maintain a Foster Home for Children;

(C) Certificate of Approval to Maintain a Relative Home for Children;

(D) Written certification from Department of Human Services identifying the applicant as an adoptive or guardian foster family.

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(d) The department will not issue an Active Duty Military on official leave a Special Access Pass. Such customers must pay any applicable fee and may contact the department after their visit to request a refund. The department may request supporting documentation in the form of a letter from the commanding officer on official letterhead stating that the person was on leave for the dates they camped and the camping receipt. Refund requests must be received within 30 days after departure date of the stay. A refund of applicable fees will be sent within three weeks of the receipt of their valid request.

(7) There will be no charge for issuing a Special Access Pass or renewing an expired pass. There will be a processing fee of \$5.00 for replacement of a lost pass that is still valid.

(8) The department may revoke or temporarily suspend an OPRD Special Access Pass issued under section (6) if:

(a) The pass is used to waive fees beyond the allowable limits in a 30-day period;

(b) The pass holder does not occupy a site when fees have been waived under authority of their pass; or

(c) The pass holder transfers their pass to another person to use.

(9) Pass holders must cancel their reservation three days prior to arrival to avoid a penalty. Cancellations made within the three day period will reduce the benefit by one night in the applicable 30-day benefit period.

(10) Pass holders who make a reservation and do not check in at the park or notify park staff that they will be delayed, prior to 1:00 p.m. of the second day of the reservation, will be considered a "no show" and the entire reservation will be cancelled. The pass holder's benefit will be reduced by one night in the applicable 30-day benefit period

(11) If a pass holder vacates their site one or more days prior to check-out without notifying park staff, any days remaining on the reservation will be counted against their monthly waiver limit.

(12) A person may request a refund under the following circumstances.

(a) The Oregon State Parks Reservation Center may refund a reservation fee when the department has made a reservation error.

(b) The Oregon State Parks Reservation Center may refund a facility deposit and may waive the cancellation or change rules when requested by the person due to the following emergency situations:

(A) Emergency vehicle repair creates a late arrival or complete reservation cancellation;

(B) A medical emergency or death of a family member creates a late arrival or complete reservation cancellation;

(C) Acts of nature create dangerous travel conditions; or

(D) Deployment of military or emergency service personnel creates a late arrival or complete reservation cancellation.

(c) The director or his/her designee may approve a refund under other special circumstances.

(d) The department will accept refund requests via phone through the Oregon State Parks Reservation Center, email, fax or surface mail. The department may ask for supporting documentation to help determine if a refund is warranted.

(e) The department will issue refunds for specific site or park area closures and no customer request is required.

(f) The park manager may only issue a refund at the park due to the person leaving earlier than expected, and while the person is present and has signed for the refund. Once the person has left the park, refund requests must be sent to the department for processing.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 56(Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 82, f. 5-11-77, ef. 5-14-77; 1 OTC 5-1979, f. & ef. 2-9-79; 1 OTC 22-1979 (Temp), f. & ef. 9-24-79; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 11-1986, f. & ef. 7-9-86; PR 1-1988, f. & cert. ef. 3-25-88; PR 1-1990, f. & cert. ef. 5-14-90; PR 4-1991, f. 4-30-91, cert. ef. 5-13-91; PR 3-1996, f. & cert. ef. 5-13-96; PRD 7-2002, f. & cert. ef. 7-1-02; PRD 6-2003, f. 10-3-03 cert. ef. 11-1-03; PRD 8-2004, f. & cert. ef. 6-3-04; Renumbered from 736-010-0120, PRD 4-2005, f. & cert. ef. 5-5-05; PRD 5-2005(Temp), f. 10-14-05, cert. ef. 11-11-05 thru 4-30-06; PRD 1-2006, f. & cert. ef. 2-14-06; PRD 8-2009, f. & cert. ef. 6-2-09; PRD 15-2009, f. & cert. ef. 9-29-09; PRD 1-2010, f. & cert. ef. 1-5-10; PRD 5-2011, f. & cert. ef. 8-1-11; PRD 4-2013, f. & cert. ef. 10-1-13; PRD 1-2016, f. & cert. ef. 3-16-16; PRD 4-2013, f. & cert. ef. 10-1-13; PRD 3-2016, f. & cert. ef. 7-13-16; PRD 4-2016, f. & cert. ef. 9-21-16

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Rule Caption: Establishes procedures and criteria for the Oregon Main Street Revitalization Grant program

Adm. Order No.: PRD 5-2016

Filed with Sec. of State: 9-21-2016

Certified to be Effective: 9-21-16

Notice Publication Date: 8-1-2016

Rules Adopted: 736-056-0000, 736-056-0010, 736-056-0020, 736-056-0030, 736-056-0040, 736-056-0050, 736-056-0060, 736-056-0070, 736-056-0080

Subject: These administrative rules establish procedures and criteria that the Oregon

Parks and Recreation Department will use to administer the Oregon Main Street

Revitalization Grant Program authorized in ORS 390.262 and ORS 390.264

Rules Coordinator: Claudia Ciobanu—(503) 872-5295

736-056-0000

Purpose

(1) The purpose of this division is to establish the procedures and criteria that the State Parks and Recreation Department will use when awarding Oregon Main Street Revitalization Grant Funds as provided in ORS 390.262 and 390.264.

(2) Oregon Main Street Revitalization Grant Program Fund grant awards are to be used for the following purposes:

(a) To acquire, rehabilitate and construct buildings on properties in designated downtown areas statewide; and

(b) To facilitate community revitalization that will lead to private investment, job creation or retention, establishing or expanding viable business or creating a stronger tax base.

Stat. Auth.: ORS 390.124(1), 390.262(9)

Stats. Implemented: ORS 390.262, 390.264

Hist.: PRD 5-2016, f. & cert. ef. 9-21-16

736-056-0010

Definitions

The definitions provided in ORS 390.005 and 390.262 apply to this division, unless the context requires otherwise. In addition, the following definitions apply:

(1) "Department" means the Oregon Parks and Recreation Department (OPRD) as provided in ORS 390.005(2).

(2) "Designated downtown area" means the defined primary focus area for the local downtown or neighborhood revitalization effort submitted by the local Oregon Main Street Network member to and approved by Oregon Main Street.

(3) "Designated Local Communities" means the city, town, or urban neighborhood district that has a group, organization, or local government entity that has submitted an application and has been approved by Oregon Main Street to participate in the Oregon Main Street Network.

(4) "Grant" means an award from the Oregon Main Street Revitalization Grant Program.

(5) "Grantee" means the grant recipient who is legally capable of executing and which has executed a grant agreement for project awarded an Oregon Main Street Revitalization Grant.

(6) "Grant Review Committee" means the committee that reviews grant applications and makes funding recommendations to the Department.

(7) "Oregon Main Street Network" means the entity administered by the State Historic Preservation Officer designated under ORS 358.565 to provide assistance, training and technical services to communities in Oregon desiring to strengthen, preserve, and revitalize their historic downtown commercial districts as defined in ORS 390.262(1)(b).

(8) "Project completion" means satisfaction of all requirements of a grant agreement as determined after review or inspection by OPRD.

(9) "Rural area" means an area located entirely outside the acknowledged Portland Metropolitan Area Regional Urban Growth Boundary and the acknowledged urban growth boundaries of cities with population of 30,000 or more as defined in ORS 390.262(1)(c).

(10) "Surrounding community" is the city, town, or urban neighborhood district where the proposed project in the designated downtown area is located.

Stat. Auth.: ORS 390.124(1), 390.262(9)

Stats. Implemented: ORS 390.262, 390.264

Hist.: PRD 5-2016, f. & cert. ef. 9-21-16

736-056-0020

Eligible Applicants

In order to be eligible for a Main Street Revitalization Grant, applicants must:

(1) Be a designated organization that participates at any level in the Oregon Main Street Network;

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(2) Demonstrate past or prospective capacity to work with stakeholders such as local officials, business owners, building owners, and other partners in designated local communities or designated downtown areas; and

(3) Have the ability to receive and expend the grant funds and manage all fiscal responsibilities.

Stat. Auth.: ORS 390.124(1), 390.262(9)
Stats. Implemented: ORS 390.262, 390.264
Hist.: PRD 5-2016, f. & cert. ef. 9-21-16

736-056-0030

Application Procedure/Process

(1) The Department shall announce through a variety of media the availability of, procedures for, deadlines, and other information for applying for Oregon Main Street Revitalization Grants.

(2) To apply for Oregon Main Street Revitalization Grants, applicants must submit their applications in a format prescribed by the Department by the specified deadline.

(3) Applications must demonstrate the following:

(a) The applicant is an eligible applicant as provided in OAR 736-056-0020.

(b) The proposed project is within a designated downtown area.

(c) The applicant is capable of carrying out the proposed project.

(d) The proposed project would facilitate community revitalization.

(e) The community need for revitalization and economic development:

(A) Community is in a traditionally underserved area, rural area, or has significant financial barriers to improve downtown areas.

(B) Economic factors may include percentage of renters and wage and income rates in the proposed project location and surrounding community.

(f) The proposed project would be consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties.

(g) There are sources of additional funding sufficient to complete the project.

(h) Evidence that the property owner understands and agrees with the proposed project.

(4) The Department will request that applicants include measures to demonstrate the effectiveness of the Oregon Main Street Revitalization Grant. These may include business creation or expansion, job creation or retention, vacancy rates, business mix, housing, or creation of a stronger tax base.

Stat. Auth.: ORS 390.124(1), 390.262(9)
Stats. Implemented: ORS 390.262, 390.264
Hist.: PRD 5-2016, f. & cert. ef. 9-21-16

736-056-0040

Evaluation of Applications

(1) Eligible applications received by the announced deadlines shall be evaluated by the Department.

(2) The Department shall include review criteria in grant guidelines, manual, or application for each new grant cycle.

(3) The Department will establish a Grant Review Committee to review grant applications and provide recommendations for funding to the Department. The Department shall invite the Oregon Department of Transportation and Business Oregon to provide representatives to serve on a review committee. The committee may include representatives of the Department of Land Conservation and Development, Main Street organizations, historic preservation specialists or other appropriate experts.

(4) The Grant Review Committee shall score the applications based on the evaluation criteria and then rank applications in order of priority based on a formula considering:

(a) The community's need for main street revitalization and economic development which may include but is not limited to wage and income rates.

(b) The anticipated results of the proposed project in revitalizing the community which may include but is not limited to private investment, job creation or retention, establishing or expanding viable businesses, or creating a stronger tax base.

(c) The community's level of support of the project as evidenced by the applicant's level of participation in Oregon Main Street or other evidence.

(d) The applicant's capability to work with stakeholders such as local officials, business owners, building owners, or other partners in designated local communities or designated downtown areas.

(e) The applicant's capability of carrying out the proposed project.

(f) The level of investment demonstrated through matching funds and source of funds.

(g) The location of the project within the state (a minimum of 50 percent of available grant funds are reserved for projects in rural areas).

(h) Compliance with any other criteria contained in the grant announcement, handbook, or application.

Stat. Auth.: ORS 390.124(1), 390.262(9)
Stats. Implemented: ORS 390.262, 390.264
Hist.: PRD 5-2016, f. & cert. ef. 9-21-16

736-056-0050

Award of Grants

(1) The State Historic Preservation Officer described in ORS 358.565 shall award the grants.

(2) The department will establish maximum and minimum grant award limitations. These will be published in grant guidelines, manual, or application for each new grant cycle.

(3) All awards will be subject to binding agreements between the Department and Grantee.

(4) Grant agreements shall specify the terms and conditions of the grant award, generally including:

(a) The total project costs, the match or share to be provided, and the amount of the grant;

(b) A statement of work to be accomplished;

(c) The products to be delivered;

(d) A timeline that details when the grant-assisted project may begin, a schedule for accomplishing work, and deadlines for delivering products and completing the project;

(e) The process to complete reimbursement requests;

(f) The measures of project impact at project completion and at one year following project completion; and

(g) The requirement that Grantee comply with applicable local, state, and federal law and obtain all necessary permits.

(5) The State Historic Preservation Officer may award grant funds to acquire, rehabilitate, or construct buildings, or any combination thereof, to a Grantee. The Grantee is not required to have an ownership interest in the subject property.

Stat. Auth.: ORS 390.124(1), 390.262(9)
Stats. Implemented: ORS 390.262, 390.264
Hist.: PRD 5-2016, f. & cert. ef. 9-21-16

736-056-0060

Disbursement of Grant Funds

The Department will distribute grant funds to Grantees on a reimbursable basis after submission of billings on approved schedules specified in grant agreements. When requested by the Department, Grantees shall supply additional information to substantiate billings. The Department may disburse grant funds in advance if Grantees can demonstrate a compelling need.

Stat. Auth.: ORS 390.124(1), 390.262(9)
Stats. Implemented: ORS 390.262, 390.264
Hist.: PRD 5-2016, f. & cert. ef. 9-21-16

736-056-0070

Suspension or Termination of Agreement and Recovery of Grant Funds

(1) Notice of suspension or termination of grant agreement shall be sent by registered letter to grantee at address listed in the agreement. The notice shall include recourse (if any) for Grantee to remedy project deficiencies.

(2) If Grantees have received funds in advance but are unable to complete approved projects to the Department's satisfaction or within the three-year timeframe, the Department shall require the Grantees to return all unexpended grant funds.

(3) Grantees shall maintain records adequate for audit purposes for a period of not less than five years after project completion and shall reimburse the Department for any costs disqualified through audit findings.

Stat. Auth.: ORS 390.124(1), 390.262(9)
Stats. Implemented: ORS 390.262, 390.264
Hist.: PRD 5-2016, f. & cert. ef. 9-21-16

736-056-0080

Grant Impact

(1) The Department will establish measures to demonstrate the effectiveness of the Oregon Main Street Revitalization Grant; these may include

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business creation or retention, job creation or retention, vacancy rates, business mix, and housing.

(2) The Department will include the required measures in the grant guidelines, manual, or application for each new grant cycle.

(3) Grantees will submit this information with the grant application, with the grant completion report, and subsequent to project completion as specified in the grant agreement. For five years following project completion, Department staff may request additional information regarding the project's impact.

Stat. Auth.: ORS 390.124(1), 390.262(9)
Stats. Implemented: ORS 390.262, 390.264
Hist.: PRD 5-2016, f. & cert. ef. 9-21-16

Psychiatric Security Review Board Chapter 859

Rule Caption: Amends previous rule: replaces "DSM IV-TR" with "DSM 5" for "mental disease or defect" diagnoses.

Adm. Order No.: PSRB 8-2016

Filed with Sec. of State: 10-5-2016

Certified to be Effective: 10-5-16

Notice Publication Date: 12-1-2015

Rules Amended: 859-010-0005

Subject: OAR 859-010-0005 defines terms relevant and applicable to the Adult Psychiatric Security Review Board, including definitions of "mental disease or defect." Section 11 of the rule contains two references to a diagnostic tool—the Diagnostic and Statistical Manual of Mental Disorders IV, text revision (DSM IV-TR)—which the Oregon State Hospital ceased using in October 2015 in favor of the DSM 5. The broader treatment community is also either using the DSM 5 or is in the process of transitioning to it. This rule modification will reflect the treatment community's update to the DSM 5 from the DSM IV-TR.

Rules Coordinator: Sid Moore—(503) 229-5596

859-010-0005

Definitions

(1) "Abscond" means a client on conditional release has departed without permission from the case manager or Board and the client's whereabouts are unknown.

(2) "Administrative Hearing" means a meeting of the Board where a quorum is present and a matter is reviewed (e.g. an outpatient supervisor request for modification to a client's conditional release plan). The Board shall consider information in the written record only and no oral testimony shall be received; If an objection is made to the administrative hearing, the client or the state has the right to request a full hearing. On its own motion, the Board may require further information, testimony or the presence of the client and therefore, set the matter for a full hearing.

(3) "Administrative Meeting" is any meeting of the Board where a quorum is present for the purpose of considering matters relating to Board policy and administration. Minutes shall be taken during an administrative meeting and distributed to Board members and interested persons. Minutes shall be voted on and approved at subsequent administrative meetings;

(4) "Case Managers" are individuals designated in the conditional release order who are responsible for ensuring clients on conditional release receive the services and support they need and reporting to the PSRB a client's progress, activities and compliance with conditions of release or lack thereof.

(5) "Client" refers to any person under the jurisdiction of the Board and may be used interchangeably with person or patient or outpatient.

(6) "Conditional Release" is a grant by the court or the Board for a client, patient or defendant to reside outside a state hospital in the community under conditions mandated by the court or Board for monitoring and treatment of mental and physical health.

(7) "Danger"; "Substantial Danger"; or "Dangerousness" means a demonstration or previous demonstration of intentional, knowing, reckless or criminally negligent behavior which places others at risk of physical injury because of the person's mental disease or defect.

(8) "Escape" means:

(a) A client committed to a state hospital:

(A) Leaves the supervision of hospital staff without permission;

(B) Leaves the hospital without permission; or

(C) Fails to return at the appointed time to the hospital.

(b) Any client who leaves the State of Oregon without authorization of the Board;

(c) Any client who fails to return to the State of Oregon as directed by the Board.

(9) "Full Hearing" is a meeting of the Board where parties are present, testimony is taken and written findings on the issue(s) before the Board are made.

(10) "Insanity Defense", also known as "GEI", refers to a plea or finding of "Guilty Except for Insanity". Nomenclature. For offenses committed on or after January 1, 1984, a person is guilty except for insanity if, as a result of a mental disease or defect at the time of engaging in criminal conduct, the person lacked substantial capacity either to appreciate the criminality of the conduct or to conform the conduct to the requirements of law. The name of the insanity defense from January 1, 1978, through December 31, 1983, was "not responsible due to mental disease or defect." From January 1, 1971, through December 31, 1977, the insanity defense was known as "not guilty by reason of mental disease or defect." The name of the insanity defense prior to 1971 was "not guilty by reason of insanity."

(11) "Mental Disease or Defect"

(a) "Mental Defect" is defined as mental retardation, traumatic brain injury, brain damage or other biological dysfunction that is associated with distress or disability causing symptoms or impairment in at least one important area of an individual's functioning and is defined in the current Diagnostic and Statistical Manual of Mental Disorders (DSM-5) of the American Psychiatric Association.

(b) "Mental Disease" is defined as any diagnosis of a psychiatric condition which is a significant behavioral or psychological syndrome or pattern that is associated with distress or disability causing symptoms or impairment in at least one important area of an individual's functioning and is defined in the (c) Diagnostic and Statistical Manual of Mental Disorders (DSM-5) of the American Psychiatric Association. "Qualifying Mental Disease or Defect" or "Mental Disease or Defect" is defined as a mental disease or mental defect described in subsections (a) and (b), excluding those conditions described in subsection (d). A qualifying mental disease or defect includes:

(A) A mental disease or mental defect in a state of remission which could with reasonable medical probability occasionally become active; or

(B) A mental disease or mental defect that could become active as a result of a non-qualifying mental disease or defect.

(d) "Non-Qualifying Mental Disease or Defect" is defined as a mental disease or defect where the condition is:

(A) A diagnosis solely constituting the ingestion of substances (e.g., chemicals or alcohol), including but not limited to alcohol-induced psychosis;

(B) An abnormality manifested solely by repeated criminal or otherwise antisocial conduct; or

(C) An abnormality constituting a personality disorder.

(12) "Party" means the State, which includes the Oregon Department of Justice or, if representing the State's interest, the District Attorney from the county where the GEI was adjudicated, client and client's counsel.

(13) "PSRB" or "Board" means the Oregon Psychiatric Security Review Board.

(14) "Quorum" means the presence of at least three members, in person or on the telephone, of the Adult Panel of the Board.

(15) "SHRP" means the State Hospital Review Panel. It is an entity established by OHA that supervises Tier Two GEI patients while they reside at the state hospital.

(16) "State Hospital" means any state institution or facility operated by the Oregon Health Authority.

(17) "Tier One or Tier Two Offender" means an individual adjudicated guilty except for insanity of a crime as defined in ORS 161.332.

(18) "Victim" means the person or persons who have suffered financial, social, psychological or physical harm as a result of a crime that brought the client under the Board's jurisdiction. In the case of a homicide or abuse of a corpse, a member of the immediate family of the decedent and, in the case of a minor victim, the legal guardian of the minor. In no event shall the PSRB client be considered a victim of his/her own GEI case.

Stat. Auth.: ORS 161.387

Stats. Implemented: ORS 161.295 - 161.400

Hist.: PSRB 1-1985, f. 1-3-85, ef. 1-15-85; PSRB 1-1987, f. & ef. 2-4-87; PSRB 1-1995, f. & cert. ef. 1-11-95; PSRB 2-2014, f. & cert. ef. 12-18-14; PSRB 2-2015(Temp), f. & cert. ef. 12-3-15 thru 5-29-16; Administrative correction, 6-21-16; PSRB 8-2016, f. & cert. ef. 10-5-16

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101-020-0015	8-24-2016	Amend	10-1-2016	105-050-0003	7-1-2016	Amend	8-1-2016
101-020-0059	8-24-2016	Adopt	10-1-2016	105-050-0004	7-1-2016	Amend	8-1-2016
101-020-0060	7-12-2016	Amend	8-1-2016	105-050-0006	7-1-2016	Repeal	8-1-2016
101-020-0065	7-12-2016	Amend	8-1-2016	105-050-0025	7-1-2016	Amend	8-1-2016
101-030-0015	7-12-2016	Amend	8-1-2016	105-050-0030	7-1-2016	Amend	8-1-2016
101-030-0020	7-12-2016	Repeal	8-1-2016	111-005-0010	6-10-2016	Amend(T)	7-1-2016
104-080-0000	12-1-2015	Amend	1-1-2016	111-005-0010	10-6-2016	Amend	11-1-2016
104-080-0010	12-1-2015	Repeal	1-1-2016	111-005-0010(T)	10-6-2016	Repeal	11-1-2016
104-080-0020	12-1-2015	Repeal	1-1-2016	111-005-0015	6-10-2016	Amend(T)	7-1-2016
104-080-0021	12-1-2015	Repeal	1-1-2016	111-005-0015	10-6-2016	Amend	11-1-2016
104-080-0022	12-1-2015	Repeal	1-1-2016	111-005-0015(T)	10-6-2016	Repeal	11-1-2016
104-080-0023	12-1-2015	Repeal	1-1-2016	111-005-0020	6-10-2016	Amend(T)	7-1-2016
104-080-0024	12-1-2015	Repeal	1-1-2016	111-005-0020	10-6-2016	Amend	11-1-2016
104-080-0025	12-1-2015	Repeal	1-1-2016	111-005-0020(T)	10-6-2016	Repeal	11-1-2016
104-080-0026	12-1-2015	Repeal	1-1-2016	111-005-0040	6-10-2016	Amend(T)	7-1-2016
104-080-0027	12-1-2015	Repeal	1-1-2016	111-005-0040	10-6-2016	Amend	11-1-2016
104-080-0028	12-1-2015	Repeal	1-1-2016	111-005-0040(T)	10-6-2016	Repeal	11-1-2016
104-080-0030	12-1-2015	Repeal	1-1-2016	111-005-0042	6-10-2016	Amend(T)	7-1-2016
104-080-0040	12-1-2015	Repeal	1-1-2016	111-005-0042	10-6-2016	Amend	11-1-2016
104-080-0050	12-1-2015	Repeal	1-1-2016	111-005-0042(T)	10-6-2016	Repeal	11-1-2016
104-080-0060	12-1-2015	Repeal	1-1-2016	111-005-0044	6-10-2016	Amend(T)	7-1-2016
104-080-0070	12-1-2015	Repeal	1-1-2016	111-005-0044	10-6-2016	Amend	11-1-2016
104-080-0100	12-1-2015	Adopt	1-1-2016	111-005-0044(T)	10-6-2016	Repeal	11-1-2016
104-080-0110	12-1-2015	Adopt	1-1-2016	111-005-0046	6-10-2016	Amend(T)	7-1-2016
104-080-0120	12-1-2015	Adopt	1-1-2016	111-005-0046	10-6-2016	Amend	11-1-2016
104-080-0125	12-1-2015	Adopt	1-1-2016	111-005-0046(T)	10-6-2016	Repeal	11-1-2016
104-080-0135	12-1-2015	Adopt	1-1-2016	111-005-0047	6-10-2016	Amend(T)	7-1-2016
104-080-0140	12-1-2015	Adopt	1-1-2016	111-005-0047	10-6-2016	Amend	11-1-2016
104-080-0150	12-1-2015	Adopt	1-1-2016	111-005-0047(T)	10-6-2016	Repeal	11-1-2016
104-080-0160	12-1-2015	Adopt	1-1-2016	111-005-0048	6-10-2016	Amend(T)	7-1-2016
104-080-0165	12-1-2015	Adopt	1-1-2016	111-005-0048	10-6-2016	Amend	11-1-2016
104-080-0170	12-1-2015	Adopt	1-1-2016	111-005-0048(T)	10-6-2016	Repeal	11-1-2016
104-080-0180	12-1-2015	Adopt	1-1-2016	111-005-0050	6-10-2016	Amend(T)	7-1-2016
104-080-0190	12-1-2015	Adopt	1-1-2016	111-005-0050	10-6-2016	Amend	11-1-2016
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104-080-0210	12-1-2015	Adopt	1-1-2016	111-005-0055	10-6-2016	Amend	11-1-2016
105-010-0000	7-1-2016	Repeal	8-1-2016	111-005-0055(T)	10-6-2016	Repeal	11-1-2016
105-010-0011	7-1-2016	Repeal	8-1-2016	111-005-0080	6-10-2016	Amend(T)	7-1-2016
105-010-0016	7-1-2016	Repeal	8-1-2016	111-005-0080	10-6-2016	Amend	11-1-2016
105-020-0001	7-1-2016	Amend	8-1-2016	111-005-0080(T)	10-6-2016	Repeal	11-1-2016
105-020-0015	7-1-2016	Amend	8-1-2016	111-020-0010	10-6-2016	Amend	11-1-2016
105-040-0001	7-1-2016	Amend	8-1-2016	123-021-0010	4-11-2016	Amend(T)	5-1-2016
105-040-0010	7-1-2016	Repeal	8-1-2016	123-021-0010	6-3-2016	Amend	7-1-2016
105-040-0020	7-1-2016	Repeal	8-1-2016	123-021-0010(T)	6-3-2016	Repeal	7-1-2016
105-040-0030	7-1-2016	Repeal	8-1-2016	123-021-0015	4-11-2016	Amend(T)	5-1-2016
105-040-0040	3-1-2016	Amend(T)	3-1-2016	123-021-0015	6-3-2016	Amend	7-1-2016
105-040-0040	10-4-2016	Repeal	11-1-2016	123-021-0015(T)	6-3-2016	Repeal	7-1-2016
105-040-0040(T)	7-1-2016	Repeal	8-1-2016	123-021-0020	4-11-2016	Amend(T)	5-1-2016
105-040-0050	7-1-2016	Repeal	8-1-2016	123-021-0020	6-3-2016	Amend	7-1-2016
105-040-0060	7-1-2016	Repeal	8-1-2016	123-021-0020(T)	6-3-2016	Repeal	7-1-2016
105-040-0065	3-1-2016	Amend(T)	3-1-2016	123-021-0050	4-11-2016	Amend(T)	5-1-2016
105-040-0065	10-4-2016	Repeal	11-1-2016	123-021-0050	6-3-2016	Amend	7-1-2016
105-040-0065(T)	7-1-2016	Repeal	8-1-2016	123-021-0050(T)	6-3-2016	Repeal	7-1-2016
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123-021-0090	6-3-2016	Amend	7-1-2016	123-200-1240	1-5-2016	Adopt	2-1-2016
123-021-0090(T)	6-3-2016	Repeal	7-1-2016	123-200-1300	1-5-2016	Amend	2-1-2016
123-021-0110	4-11-2016	Amend(T)	5-1-2016	123-200-1400	1-5-2016	Amend	2-1-2016
123-021-0110	6-3-2016	Amend	7-1-2016	123-200-1500	1-5-2016	Amend	2-1-2016
123-021-0110(T)	6-3-2016	Repeal	7-1-2016	123-200-1600	1-5-2016	Amend	2-1-2016
123-042-0020	2-29-2016	Amend	4-1-2016	123-200-1700	1-5-2016	Amend	2-1-2016
123-042-0020(T)	2-29-2016	Repeal	4-1-2016	123-200-1800	1-5-2016	Amend	2-1-2016
123-042-0026	2-29-2016	Amend	4-1-2016	123-200-1900	1-5-2016	Amend	2-1-2016
123-042-0026(T)	2-29-2016	Repeal	4-1-2016	123-200-2000	1-5-2016	Amend	2-1-2016
123-042-0036(T)	2-29-2016	Repeal	4-1-2016	123-200-2100	1-5-2016	Am. & Ren.	2-1-2016
123-042-0038	2-29-2016	Amend	4-1-2016	123-200-2200	1-5-2016	Amend	2-1-2016
123-042-0038(T)	2-29-2016	Repeal	4-1-2016	123-200-2210	1-5-2016	Adopt	2-1-2016
123-042-0045	2-29-2016	Amend	4-1-2016	123-623-1000	1-29-2016	Amend	3-1-2016
123-042-0045(T)	2-29-2016	Repeal	4-1-2016	123-623-1100	1-29-2016	Amend	3-1-2016
123-042-0055	2-29-2016	Amend	4-1-2016	123-623-1115	1-29-2016	Adopt	3-1-2016
123-042-0055(T)	2-29-2016	Repeal	4-1-2016	123-623-1250	1-29-2016	Amend	3-1-2016
123-042-0061	2-29-2016	Adopt	4-1-2016	123-623-1300	1-29-2016	Amend	3-1-2016
123-042-0065(T)	2-29-2016	Repeal	4-1-2016	123-623-1400	1-29-2016	Amend	3-1-2016
123-042-0076	2-29-2016	Amend	4-1-2016	123-623-1500	1-29-2016	Amend	3-1-2016
123-042-0076(T)	2-29-2016	Repeal	4-1-2016	123-623-1525	1-29-2016	Amend	3-1-2016
123-042-0122	2-29-2016	Amend	4-1-2016	123-623-1600	1-29-2016	Amend	3-1-2016
123-042-0122(T)	2-29-2016	Repeal	4-1-2016	123-623-1700	1-29-2016	Amend	3-1-2016
123-042-0132	2-29-2016	Amend	4-1-2016	123-623-1800	1-29-2016	Amend	3-1-2016
123-042-0132(T)	2-29-2016	Repeal	4-1-2016	123-623-1900	1-29-2016	Amend	3-1-2016
123-042-0155	2-29-2016	Amend	4-1-2016	123-623-1950	1-29-2016	Amend	3-1-2016
123-042-0155(T)	2-29-2016	Repeal	4-1-2016	123-623-2000	1-29-2016	Amend	3-1-2016
123-042-0165	2-29-2016	Amend	4-1-2016	123-623-3000	1-29-2016	Amend	3-1-2016
123-042-0165(T)	2-29-2016	Repeal	4-1-2016	123-623-3200	1-29-2016	Amend	3-1-2016
123-042-0175	2-29-2016	Amend	4-1-2016	123-623-4000	1-29-2016	Amend	3-1-2016
123-042-0175(T)	2-29-2016	Repeal	4-1-2016	123-623-4100	1-29-2016	Amend	3-1-2016
123-042-0180	2-29-2016	Amend	4-1-2016	123-623-4200	1-29-2016	Adopt	3-1-2016
123-042-0180(T)	2-29-2016	Repeal	4-1-2016	123-635-0000	3-28-2016	Amend	5-1-2016
123-042-0190(T)	2-29-2016	Repeal	4-1-2016	123-635-0100	3-28-2016	Amend	5-1-2016
123-052-1000	8-3-2016	Amend	9-1-2016	123-635-0150	3-28-2016	Amend	5-1-2016
123-052-1100	2-9-2016	Amend(T)	3-1-2016	123-635-0150	9-16-2016	Amend	11-1-2016
123-052-1100	8-3-2016	Amend	9-1-2016	123-635-0175	3-28-2016	Amend	5-1-2016
123-052-1100(T)	8-3-2016	Repeal	9-1-2016	123-635-0200	3-28-2016	Amend	5-1-2016
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123-052-1300	8-3-2016	Amend	9-1-2016	123-635-0300	3-28-2016	Amend	5-1-2016
123-052-1400	8-3-2016	Amend	9-1-2016	123-635-0350	3-28-2016	Amend	5-1-2016
123-052-1500	8-3-2016	Amend	9-1-2016	123-650-4500	9-16-2016	Amend	11-1-2016
123-052-1600	8-3-2016	Amend	9-1-2016	123-650-4800	9-16-2016	Amend	11-1-2016
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123-052-1700	8-3-2016	Amend	9-1-2016	123-656-1600	9-16-2016	Amend	11-1-2016
123-052-1800	8-3-2016	Repeal	9-1-2016	123-662-1000	9-16-2016	Amend	11-1-2016
123-052-1850	2-9-2016	Adopt(T)	3-1-2016	123-674-0001	9-16-2016	Amend	11-1-2016
123-052-1850(T)	8-3-2016	Repeal	9-1-2016	123-674-0100	9-16-2016	Amend	11-1-2016
123-052-1900	8-3-2016	Amend	9-1-2016	123-674-0200	9-16-2016	Amend	11-1-2016
123-052-2000	8-3-2016	Amend	9-1-2016	123-674-0500	9-16-2016	Amend	11-1-2016
123-200-1000	1-5-2016	Amend	2-1-2016	123-674-0600	9-16-2016	Amend	11-1-2016
123-200-1100	1-5-2016	Amend	2-1-2016	123-674-0700	9-16-2016	Amend	11-1-2016
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123-674-1500	9-16-2016	Repeal	11-1-2016	125-246-0135	1-1-2016	Adopt	2-1-2016
123-674-1700	9-16-2016	Amend	11-1-2016	125-246-0330	1-1-2016	Amend	2-1-2016
123-674-2100	9-16-2016	Amend	11-1-2016	125-246-0500	1-1-2016	Amend	2-1-2016
123-674-2300	9-16-2016	Amend	11-1-2016	125-247-0100	1-1-2016	Amend	2-1-2016
123-674-2500	9-16-2016	Amend	11-1-2016	125-247-0185	1-1-2016	Adopt	2-1-2016
123-674-3100	9-16-2016	Amend	11-1-2016	125-247-0260	1-1-2016	Amend	2-1-2016
123-674-3200	9-16-2016	Amend	11-1-2016	125-247-0270	1-1-2016	Amend	2-1-2016
123-674-3500	9-16-2016	Amend	11-1-2016	125-247-0500	1-1-2016	Amend	2-1-2016
123-674-3700	9-16-2016	Amend	11-1-2016	125-247-0640	1-1-2016	Amend	2-1-2016
123-674-4000	9-16-2016	Amend	11-1-2016	125-248-0100	1-1-2016	Amend	2-1-2016
123-674-4100	9-16-2016	Amend	11-1-2016	125-248-0220	1-1-2016	Amend	2-1-2016
123-674-4200	9-16-2016	Amend	11-1-2016	125-249-0100	1-1-2016	Amend	2-1-2016
123-674-4300	9-16-2016	Amend	11-1-2016	125-249-0120	1-1-2016	Amend	2-1-2016
123-674-4600	9-16-2016	Amend	11-1-2016	125-249-0370	1-1-2016	Amend	2-1-2016
123-674-4800	9-16-2016	Amend	11-1-2016	125-249-0390	1-1-2016	Amend	2-1-2016
123-674-5000	9-16-2016	Amend	11-1-2016	125-249-0440	1-1-2016	Amend	2-1-2016
123-674-5200	9-16-2016	Amend	11-1-2016	137-003-0640	2-1-2016	Amend	3-1-2016
123-674-5300	9-16-2016	Amend	11-1-2016	137-008-0100	7-25-2016	Amend	9-1-2016
123-674-5400	9-16-2016	Amend	11-1-2016	137-008-0120	7-25-2016	Amend	9-1-2016
123-674-5500	9-16-2016	Amend	11-1-2016	137-010-0030	1-1-2017	Amend	10-1-2016
123-674-6100	9-16-2016	Amend	11-1-2016	137-020-0020	1-1-2016	Amend	2-1-2016
123-674-6400	9-16-2016	Amend	11-1-2016	137-020-0050	1-1-2016	Amend	2-1-2016
123-674-6600	9-16-2016	Amend	11-1-2016	137-046-0110	1-1-2016	Amend	2-1-2016
123-674-6880	9-16-2016	Amend	11-1-2016	137-046-0140	1-1-2016	Adopt	2-1-2016
123-674-7200	9-16-2016	Amend	11-1-2016	137-046-0200	1-1-2016	Amend	2-1-2016
123-674-7220	9-16-2016	Amend	11-1-2016	137-046-0210	1-1-2016	Amend	2-1-2016
123-674-7710	9-16-2016	Amend	11-1-2016	137-047-0260	1-1-2016	Amend	2-1-2016
123-674-8000	9-16-2016	Amend	11-1-2016	137-047-0640	1-1-2016	Amend	2-1-2016
123-674-8100	9-16-2016	Amend	11-1-2016	137-048-0220	1-1-2016	Amend	2-1-2016
123-674-8200	9-16-2016	Amend	11-1-2016	137-049-0120	1-1-2016	Amend	2-1-2016
123-674-8300	9-16-2016	Amend	11-1-2016	137-049-0370	1-1-2016	Amend	2-1-2016
123-690-0100	9-16-2016	Amend	11-1-2016	137-049-0390	1-1-2016	Amend	2-1-2016
123-690-0500	9-16-2016	Amend	11-1-2016	137-049-0440	1-1-2016	Amend	2-1-2016
123-690-5000	9-16-2016	Amend	11-1-2016	137-050-0715	7-1-2016	Amend	8-1-2016
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125-007-0220	1-4-2016	Amend	2-1-2016	137-050-0745	1-1-2016	Amend	2-1-2016
125-007-0230	1-4-2016	Repeal	2-1-2016	137-050-0750	7-1-2016	Amend	8-1-2016
125-007-0240	1-4-2016	Repeal	2-1-2016	137-055-1140	2-1-2016	Amend	3-1-2016
125-007-0250	1-4-2016	Amend	2-1-2016	137-055-1160	2-1-2016	Amend	3-1-2016
125-007-0260	1-4-2016	Amend	2-1-2016	137-055-3220	10-1-2016	Amend(T)	11-1-2016
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125-007-0280	1-4-2016	Repeal	2-1-2016	137-055-3300	2-1-2016	Amend	3-1-2016
125-007-0290	1-4-2016	Repeal	2-1-2016	137-055-3490	1-1-2016	Amend	2-1-2016
125-007-0300	1-4-2016	Amend	2-1-2016	137-055-3660	1-1-2016	Amend	2-1-2016
125-007-0310	1-4-2016	Amend	2-1-2016	137-055-5035	1-1-2016	Amend	2-1-2016
125-007-0320	1-4-2016	Repeal	2-1-2016	137-055-5080	1-1-2016	Amend	2-1-2016
125-007-0330	1-4-2016	Amend	2-1-2016	137-055-5110	2-1-2016	Amend	3-1-2016
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125-045-0225	1-7-2016	Amend	2-1-2016	137-055-7020	1-1-2016	Repeal	2-1-2016
125-045-0235	1-7-2016	Amend	2-1-2016	137-055-7040	1-1-2016	Amend	2-1-2016
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137-055-7160	1-1-2016	Amend	2-1-2016	150-118.010	9-1-2016	Renumber	9-1-2016
137-055-7160	1-1-2016	Repeal	2-1-2016	150-118.010(1)	9-1-2016	Renumber	9-1-2016
137-055-7180	1-1-2016	Amend	2-1-2016	150-118.010(2)	9-1-2016	Renumber	9-1-2016
137-055-7190	1-1-2016	Amend	2-1-2016	150-118.010(3)	9-1-2016	Renumber	9-1-2016
137-084-0001	4-19-2016	Amend(T)	6-1-2016	150-118.010(4)(b)	9-1-2016	Renumber	9-1-2016
137-084-0010	4-19-2016	Amend(T)	6-1-2016	150-118.010(7)	9-1-2016	Renumber	9-1-2016
137-084-0020	4-19-2016	Amend(T)	6-1-2016	150-118.010(8)	9-1-2016	Renumber	9-1-2016
137-084-0030	4-19-2016	Amend(T)	6-1-2016	150-118.100(1)	9-1-2016	Renumber	9-1-2016
137-085-0060	2-3-2016	Adopt	3-1-2016	150-118.100(6)	9-1-2016	Renumber	9-1-2016
137-085-0070	2-3-2016	Adopt	3-1-2016	150-118.140	1-1-2016	Amend	2-1-2016
137-085-0080	2-3-2016	Adopt	3-1-2016	150-118.140	9-1-2016	Renumber	9-1-2016
137-085-0090	2-3-2016	Adopt	3-1-2016	150-118.160	9-1-2016	Renumber	9-1-2016
137-105-0025	5-23-2016	Adopt(T)	7-1-2016	150-118.160-(B)	9-1-2016	Renumber	9-1-2016
141-067-0130	6-1-2016	Amend	6-1-2016	150-118.171	9-1-2016	Renumber	9-1-2016
141-067-0150	6-1-2016	Amend	6-1-2016	150-118.225	9-1-2016	Renumber	9-1-2016
141-067-0155	6-1-2016	Amend	6-1-2016	150-118.250	9-1-2016	Renumber	9-1-2016
141-067-0170	6-1-2016	Amend	6-1-2016	150-118.260	9-1-2016	Renumber	9-1-2016
141-067-0180	6-1-2016	Amend	6-1-2016	150-118.260(6)	9-1-2016	Renumber	9-1-2016
141-067-0195	6-1-2016	Amend	6-1-2016	150-118.265	9-1-2016	Renumber	9-1-2016
141-067-0200	6-1-2016	Repeal	6-1-2016	150-118.300	9-1-2016	Renumber	9-1-2016
141-067-0215	6-1-2016	Amend	6-1-2016	150-118.NOTE	1-1-2016	Repeal	2-1-2016
141-067-0220	6-1-2016	Amend	6-1-2016	150-137.300	9-1-2016	Renumber	9-1-2016
141-067-0270	6-1-2016	Amend	6-1-2016	150-18.385	9-1-2016	Renumber	9-1-2016
141-067-0300	6-1-2016	Amend	6-1-2016	150-18.385-(A)	9-1-2016	Renumber	9-1-2016
141-068-0000	6-1-2016	Adopt	6-1-2016	150-18.855(5)	9-1-2016	Renumber	9-1-2016
141-068-0010	6-1-2016	Adopt	6-1-2016	150-18.855(6)	9-1-2016	Renumber	9-1-2016
141-068-0020	6-1-2016	Adopt	6-1-2016	150-180.455	9-1-2016	Renumber	9-1-2016
141-068-0030	6-1-2016	Adopt	6-1-2016	150-181.534(9)	9-1-2016	Renumber	9-1-2016
141-068-0040	6-1-2016	Adopt	6-1-2016	150-181.534(9)-(A)	9-1-2016	Renumber	9-1-2016
141-068-0050	6-1-2016	Adopt	6-1-2016	150-181.534(9)-(B)	9-1-2016	Renumber	9-1-2016
141-068-0060	6-1-2016	Adopt	6-1-2016	150-181.534(9)-(C)	9-1-2016	Renumber	9-1-2016
141-068-0070	6-1-2016	Adopt	6-1-2016	150-181.534(9)-(D)	9-1-2016	Renumber	9-1-2016
141-068-0080	6-1-2016	Adopt	6-1-2016	150-181.534(9)-(E)	9-1-2016	Renumber	9-1-2016
141-068-0090	6-1-2016	Adopt	6-1-2016	150-181.534(9)-(F)	9-1-2016	Renumber	9-1-2016
141-068-0100	6-1-2016	Adopt	6-1-2016	150-181.534(9)-(G)	9-1-2016	Renumber	9-1-2016
141-068-0110	6-1-2016	Adopt	6-1-2016	150-181.534(9)-(H)	9-1-2016	Renumber	9-1-2016
141-068-0120	6-1-2016	Adopt	6-1-2016	150-181.534(9)-(I)	9-1-2016	Renumber	9-1-2016
141-068-0130	6-1-2016	Adopt	6-1-2016	150-181.534(9)-(J)	9-1-2016	Renumber	9-1-2016
141-068-0140	6-1-2016	Adopt	6-1-2016	150-181.534(9)-(K)	9-1-2016	Renumber	9-1-2016
141-089-0820	1-2-2016	Amend(T)	2-1-2016	150-181.534(9)-(L)	9-1-2016	Renumber	9-1-2016
141-089-0820	6-15-2016	Amend	7-1-2016	150-181.534(9)-(M)	9-1-2016	Renumber	9-1-2016
141-089-0825	1-2-2016	Amend(T)	2-1-2016	150-183.330	9-1-2016	Renumber	9-1-2016
141-089-0825	6-15-2016	Amend	7-1-2016	150-183.330(1)	1-1-2016	Am. & Ren.	2-1-2016
141-089-0835	1-2-2016	Amend(T)	2-1-2016	150-183.341(2)	9-1-2016	Renumber	9-1-2016
141-089-0835	6-15-2016	Amend	7-1-2016	150-183.341(4)	9-1-2016	Renumber	9-1-2016
141-093-0185	2-8-2016	Amend	3-1-2016	150-192.440	1-1-2016	Amend	2-1-2016
141-093-0190	2-8-2016	Amend	3-1-2016	150-192.440	9-1-2016	Renumber	9-1-2016
141-093-0250	9-1-2016	Adopt	8-1-2016	150-192.501	9-1-2016	Renumber	9-1-2016
141-093-0255	9-1-2016	Adopt	8-1-2016	150-198.955(3)(a)	9-1-2016	Renumber	9-1-2016
141-093-0260	9-1-2016	Adopt	8-1-2016	150-222.111	9-1-2016	Renumber	9-1-2016
141-093-0265	9-1-2016	Adopt	8-1-2016	150-222.111(3)	9-1-2016	Renumber	9-1-2016
141-093-0270	9-1-2016	Adopt	8-1-2016	150-267.380(1)(c)	9-1-2016	Renumber	9-1-2016
141-093-0275	9-1-2016	Adopt	8-1-2016	150-267.380(2)	9-1-2016	Renumber	9-1-2016
141-093-0280	9-1-2016	Adopt	8-1-2016	150-267.380(2)(h)	9-1-2016	Renumber	9-1-2016

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150-267.385(3)	9-1-2016	Renumber	9-1-2016	150-294.915	9-1-2016	Renumber	9-1-2016
150-276.595	9-1-2016	Renumber	9-1-2016	150-294.920	9-1-2016	Renumber	9-1-2016
150-280.060(A)	9-1-2016	Renumber	9-1-2016	150-305.100	9-1-2016	Renumber	9-1-2016
150-280.075	8-1-2016	Amend	9-1-2016	150-305.100-(A)	9-1-2016	Renumber	9-1-2016
150-280.075	9-1-2016	Renumber	9-1-2016	150-305.100-(B)	9-1-2016	Renumber	9-1-2016
150-285C.140(12)	9-1-2016	Renumber	9-1-2016	150-305.100-(C)	1-1-2016	Repeal	2-1-2016
150-285C.180	9-1-2016	Renumber	9-1-2016	150-305.100-(D)	9-1-2016	Renumber	9-1-2016
150-285C.409	9-1-2016	Renumber	9-1-2016	150-305.100-(E)	7-1-2016	Adopt	8-1-2016
150-285C.420	9-1-2016	Renumber	9-1-2016	150-305.100-(E)	9-1-2016	Renumber	9-1-2016
150-285C.420-(A)	1-1-2016	Adopt	2-1-2016	150-305.105	9-1-2016	Renumber	9-1-2016
150-285C.420-(A)	9-1-2016	Renumber	9-1-2016	150-305.120	1-1-2016	Adopt	2-1-2016
150-291.349	9-1-2016	Renumber	9-1-2016	150-305.120	9-1-2016	Renumber	9-1-2016
150-293.250(2)	9-1-2016	Renumber	9-1-2016	150-305.140	9-1-2016	Renumber	9-1-2016
150-293.445(4)	9-1-2016	Renumber	9-1-2016	150-305.140(3)(d)	9-1-2016	Renumber	9-1-2016
150-293.475(3)	9-1-2016	Renumber	9-1-2016	150-305.145	9-1-2016	Renumber	9-1-2016
150-293.525(1)(b)	9-1-2016	Renumber	9-1-2016	150-305.145(2)	9-1-2016	Renumber	9-1-2016
150-294-175(6)	9-1-2016	Renumber	9-1-2016	150-305.145(3)	9-1-2016	Renumber	9-1-2016
150-294.175	9-1-2016	Renumber	9-1-2016	150-305.145(4)	9-1-2016	Renumber	9-1-2016
150-294.175-(B)	9-1-2016	Renumber	9-1-2016	150-305.145(5)	1-1-2016	Renumber	2-1-2016
150-294.175-(C)	9-1-2016	Renumber	9-1-2016	150-305.145(A)	9-1-2016	Renumber	9-1-2016
150-294.175(1)(c)	1-1-2016	Am. & Ren.	2-1-2016	150-305.150	9-1-2016	Renumber	9-1-2016
150-294.175(2)	1-1-2016	Am. & Ren.	2-1-2016	150-305.155	9-1-2016	Renumber	9-1-2016
150-294.175(2)-(A)	9-1-2016	Renumber	9-1-2016	150-305.155-(A)	1-1-2016	Adopt	2-1-2016
150-294.175(2)-(B)	9-1-2016	Renumber	9-1-2016	150-305.155(1)(d)	9-1-2016	Renumber	9-1-2016
150-294.181	9-1-2016	Renumber	9-1-2016	150-305.155(A)	9-1-2016	Renumber	9-1-2016
150-294.187	9-1-2016	Renumber	9-1-2016	150-305.190	9-1-2016	Renumber	9-1-2016
150-294.187(1)(c)	9-1-2016	Renumber	9-1-2016	150-305.192	9-1-2016	Renumber	9-1-2016
150-294.311	9-1-2016	Renumber	9-1-2016	150-305.193	9-1-2016	Renumber	9-1-2016
150-294.311(31)	9-1-2016	Renumber	9-1-2016	150-305.217	9-1-2016	Renumber	9-1-2016
150-294.311(6)	9-1-2016	Renumber	9-1-2016	150-305.220(1)	9-1-2016	Renumber	9-1-2016
150-294.338(2)	9-1-2016	Renumber	9-1-2016	150-305.220(2)	9-1-2016	Renumber	9-1-2016
150-294.346	9-1-2016	Renumber	9-1-2016	150-305.220(3)	9-1-2016	Renumber	9-1-2016
150-294.346-(A)	9-1-2016	Renumber	9-1-2016	150-305.222	9-1-2016	Renumber	9-1-2016
150-294.358	9-1-2016	Renumber	9-1-2016	150-305.222(3)	9-1-2016	Renumber	9-1-2016
150-294.361(1)-(A)	9-1-2016	Renumber	9-1-2016	150-305.228	9-1-2016	Renumber	9-1-2016
150-294.361(1)-(B)	9-1-2016	Renumber	9-1-2016	150-305.230	9-1-2016	Renumber	9-1-2016
150-294.361(2)	9-1-2016	Renumber	9-1-2016	150-305.242(2)	9-1-2016	Renumber	9-1-2016
150-294.368(2)	9-1-2016	Renumber	9-1-2016	150-305.242(5)	9-1-2016	Renumber	9-1-2016
150-294.388	9-1-2016	Renumber	9-1-2016	150-305.265(1)	9-1-2016	Renumber	9-1-2016
150-294.388(1)-(A)	9-1-2016	Renumber	9-1-2016	150-305.265(1)-(B)	9-1-2016	Renumber	9-1-2016
150-294.388(7)	9-1-2016	Renumber	9-1-2016	150-305.265(10)	9-1-2016	Renumber	9-1-2016
150-294.398	9-1-2016	Renumber	9-1-2016	150-305.265(11)	9-1-2016	Renumber	9-1-2016
150-294.414	9-1-2016	Renumber	9-1-2016	150-305.265(12)-(B)	9-1-2016	Renumber	9-1-2016
150-294.426(8)	9-1-2016	Renumber	9-1-2016	150-305.265(13)	9-1-2016	Renumber	9-1-2016
150-294.438	9-1-2016	Renumber	9-1-2016	150-305.265(14)	9-1-2016	Renumber	9-1-2016
150-294.453(1)	9-1-2016	Renumber	9-1-2016	150-305.265(15)	9-1-2016	Renumber	9-1-2016
150-294.456(1)-(A)	9-1-2016	Renumber	9-1-2016	150-305.265(2)-(A)	9-1-2016	Renumber	9-1-2016
150-294.456(1)-(C)	9-1-2016	Renumber	9-1-2016	150-305.265(2)-(B)	9-1-2016	Renumber	9-1-2016
150-294.456(3)	9-1-2016	Renumber	9-1-2016	150-305.265(2)-(C)	9-1-2016	Renumber	9-1-2016
150-294.458(3)-(A)	9-1-2016	Renumber	9-1-2016	150-305.265(4)(a)	9-1-2016	Renumber	9-1-2016
150-294.458(3)-(B)	9-1-2016	Renumber	9-1-2016	150-305.265(5)	9-1-2016	Renumber	9-1-2016
150-294.463(3)	9-1-2016	Renumber	9-1-2016	150-305.265(6)-(A)	9-1-2016	Renumber	9-1-2016
150-294.471	9-1-2016	Renumber	9-1-2016	150-305.265(6)-(B)	9-1-2016	Renumber	9-1-2016
150-294.900	9-1-2016	Renumber	9-1-2016	150-305.270(10)	9-1-2016	Renumber	9-1-2016
150-294.905(2)	9-1-2016	Renumber	9-1-2016	150-305.270(3)-(A)	9-1-2016	Renumber	9-1-2016

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150-305.270(4)-(A)	9-1-2016	Renumber	9-1-2016	150-307.115(1)	9-1-2016	Renumber	9-1-2016
150-305.270(4)-(B)	9-1-2016	Renumber	9-1-2016	150-307.120	9-1-2016	Renumber	9-1-2016
150-305.270(8)	9-1-2016	Renumber	9-1-2016	150-307.120(3)(a)	9-1-2016	Renumber	9-1-2016
150-305.285	9-1-2016	Renumber	9-1-2016	150-307.123	9-1-2016	Renumber	9-1-2016
150-305.295(1)(c)	9-1-2016	Renumber	9-1-2016	150-307.126	8-1-2016	Am. & Ren.	9-1-2016
150-305.295(1)(d)	9-1-2016	Renumber	9-1-2016	150-307.130-(A)	9-1-2016	Renumber	9-1-2016
150-305.295(4)	9-1-2016	Renumber	9-1-2016	150-307.130(1)	9-1-2016	Renumber	9-1-2016
150-305.295(6)	9-1-2016	Renumber	9-1-2016	150-307.140	9-1-2016	Renumber	9-1-2016
150-305.305	9-1-2016	Renumber	9-1-2016	150-307.140(4)	9-1-2016	Renumber	9-1-2016
150-305.385(4)(a)-(A)	9-1-2016	Renumber	9-1-2016	150-307.145	9-1-2016	Renumber	9-1-2016
150-305.385(6)-(A)	9-1-2016	Renumber	9-1-2016	150-307.147	9-1-2016	Renumber	9-1-2016
150-305.385(6)-(B)	9-1-2016	Renumber	9-1-2016	150-307.150	9-1-2016	Renumber	9-1-2016
150-305.385(6)-(C)	9-1-2016	Renumber	9-1-2016	150-307.162(1)	9-1-2016	Renumber	9-1-2016
150-305.385(7)	9-1-2016	Renumber	9-1-2016	150-307.166	9-1-2016	Renumber	9-1-2016
150-305.501	9-1-2016	Renumber	9-1-2016	150-307.175	9-1-2016	Renumber	9-1-2016
150-305.525	9-1-2016	Renumber	9-1-2016	150-307.180	9-1-2016	Renumber	9-1-2016
150-305.565(2)(a)	9-1-2016	Renumber	9-1-2016	150-307.183	9-1-2016	Renumber	9-1-2016
150-305.612	1-1-2016	Amend	2-1-2016	150-307.190	9-1-2016	Renumber	9-1-2016
150-305.612	9-1-2016	Renumber	9-1-2016	150-307.210	9-1-2016	Renumber	9-1-2016
150-305.620(1)-(A)	9-1-2016	Renumber	9-1-2016	150-307.210(5)	9-1-2016	Renumber	9-1-2016
150-305.620(4)	9-1-2016	Renumber	9-1-2016	150-307.220-(A)	9-1-2016	Renumber	9-1-2016
150-305.720(1)(a)	9-1-2016	Renumber	9-1-2016	150-307.220-(B)	9-1-2016	Renumber	9-1-2016
150-305.725(1)	9-1-2016	Renumber	9-1-2016	150-307.230-(A)	9-1-2016	Renumber	9-1-2016
150-305.727	9-1-2016	Renumber	9-1-2016	150-307.230-(B)	9-1-2016	Renumber	9-1-2016
150-305.727(3)(a)	9-1-2016	Renumber	9-1-2016	150-307.240-(B)	9-1-2016	Renumber	9-1-2016
150-305.727(3)(b)	9-1-2016	Renumber	9-1-2016	150-307.241	9-1-2016	Renumber	9-1-2016
150-305.727(3)(b)-(B)	9-1-2016	Renumber	9-1-2016	150-307.242	9-1-2016	Renumber	9-1-2016
150-305.730	9-1-2016	Renumber	9-1-2016	150-307.242(2)	1-1-2016	Am. & Ren.	2-1-2016
150-305.747	9-1-2016	Renumber	9-1-2016	150-307.250	9-1-2016	Renumber	9-1-2016
150-305.749(3)	9-1-2016	Renumber	9-1-2016	150-307.260(1)(a)	9-1-2016	Renumber	9-1-2016
150-305.792	12-7-2015	Adopt(T)	1-1-2016	150-307.260(3)	9-1-2016	Renumber	9-1-2016
150-305.796	9-1-2016	Renumber	9-1-2016	150-307.270(1)-(A)	9-1-2016	Renumber	9-1-2016
150-305.810	9-1-2016	Renumber	9-1-2016	150-307.270(1)-(B)	9-1-2016	Renumber	9-1-2016
150-305.820	9-1-2016	Renumber	9-1-2016	150-307.270(1)-(C)	9-1-2016	Renumber	9-1-2016
150-305.992	9-1-2016	Renumber	9-1-2016	150-307.286	9-1-2016	Renumber	9-1-2016
150-306.115	9-1-2016	Renumber	9-1-2016	150-307.289	9-1-2016	Renumber	9-1-2016
150-306.115-(A)	9-1-2016	Renumber	9-1-2016	150-307.320	9-1-2016	Renumber	9-1-2016
150-306.115-(C)	9-1-2016	Renumber	9-1-2016	150-307.330	9-1-2016	Renumber	9-1-2016
150-306.125	1-1-2016	Repeal	2-1-2016	150-307.370	9-1-2016	Renumber	9-1-2016
150-306.125(1)	9-1-2016	Renumber	9-1-2016	150-307.375	9-1-2016	Renumber	9-1-2016
150-306.126	9-1-2016	Renumber	9-1-2016	150-307.394	9-1-2016	Renumber	9-1-2016
150-306.126-(A)	9-1-2016	Renumber	9-1-2016	150-307.397	9-1-2016	Renumber	9-1-2016
150-306.126-(B)	9-1-2016	Renumber	9-1-2016	150-307.405	9-1-2016	Renumber	9-1-2016
150-306.126-(C)	9-1-2016	Renumber	9-1-2016	150-307.405(3)	1-1-2016	Repeal	2-1-2016
150-306.126(1)	1-1-2016	Am. & Ren.	2-1-2016	150-307.455	8-1-2016	Amend	9-1-2016
150-306.126(2)	1-1-2016	Am. & Ren.	2-1-2016	150-307.455	9-1-2016	Renumber	9-1-2016
150-306.126(3)-(A)	1-1-2016	Am. & Ren.	2-1-2016	150-307.475	8-1-2016	Amend	9-1-2016
150-306.132	9-1-2016	Renumber	9-1-2016	150-307.475	9-1-2016	Renumber	9-1-2016
150-306.135	9-1-2016	Renumber	9-1-2016	150-307.480	9-1-2016	Renumber	9-1-2016
150-306.265	9-1-2016	Renumber	9-1-2016	150-307.495	9-1-2016	Renumber	9-1-2016
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150-307.020	9-1-2016	Renumber	9-1-2016	150-307.804	9-1-2016	Renumber	9-1-2016
150-307.020(3)	9-1-2016	Renumber	9-1-2016	150-307.811(1)	9-1-2016	Renumber	9-1-2016
150-307.080	9-1-2016	Renumber	9-1-2016	150-307.811(2)(a)	9-1-2016	Renumber	9-1-2016
150-307.110(1)	9-1-2016	Renumber	9-1-2016	150-308.010	1-1-2016	Amend	2-1-2016

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150-308.010(1)	9-1-2016	Renumber	9-1-2016	150-308.505(6)	9-1-2016	Renumber	9-1-2016
150-308.015	9-1-2016	Renumber	9-1-2016	150-308.515	9-1-2016	Renumber	9-1-2016
150-308.030	9-1-2016	Renumber	9-1-2016	150-308.515(2)(b)	9-1-2016	Renumber	9-1-2016
150-308.057	9-1-2016	Renumber	9-1-2016	150-308.525	9-1-2016	Renumber	9-1-2016
150-308.059-(A)	9-1-2016	Renumber	9-1-2016	150-308.540	9-1-2016	Renumber	9-1-2016
150-308.059-(B)	9-1-2016	Renumber	9-1-2016	150-308.550(2)-(A)	9-1-2016	Renumber	9-1-2016
150-308.105	9-1-2016	Renumber	9-1-2016	150-308.550(2)-(B)	9-1-2016	Renumber	9-1-2016
150-308.115	9-1-2016	Renumber	9-1-2016	150-308.550(2)-(C)	9-1-2016	Renumber	9-1-2016
150-308.146	9-1-2016	Renumber	9-1-2016	150-308.550(2)-(D)	9-1-2016	Renumber	9-1-2016
150-308.146(5)(a)	9-1-2016	Renumber	9-1-2016	150-308.550(2)-(E)	9-1-2016	Renumber	9-1-2016
150-308.146(8)	9-1-2016	Renumber	9-1-2016	150-308.550(2)-(F)	9-1-2016	Renumber	9-1-2016
150-308.149-(A)	9-1-2016	Renumber	9-1-2016	150-308.550(2)-(G)	9-1-2016	Renumber	9-1-2016
150-308.149(3)	9-1-2016	Renumber	9-1-2016	150-308.550(2)-(H)	9-1-2016	Renumber	9-1-2016
150-308.149(5)	9-1-2016	Renumber	9-1-2016	150-308.555	9-1-2016	Renumber	9-1-2016
150-308.149(6)	9-1-2016	Renumber	9-1-2016	150-308.560	9-1-2016	Renumber	9-1-2016
150-308.156	9-1-2016	Renumber	9-1-2016	150-308.605(2)	9-1-2016	Renumber	9-1-2016
150-308.156-(B)	9-1-2016	Renumber	9-1-2016	150-308.655	9-1-2016	Renumber	9-1-2016
150-308.156(5)	9-1-2016	Renumber	9-1-2016	150-308.671	9-1-2016	Renumber	9-1-2016
150-308.156(5)-(A)	9-1-2016	Renumber	9-1-2016	150-308.704	9-1-2016	Renumber	9-1-2016
150-308.156(5)-(B)	8-1-2016	Am. & Ren.	9-1-2016	150-308.709	9-1-2016	Renumber	9-1-2016
150-308.156(5)-(C)	9-1-2016	Renumber	9-1-2016	150-308.712	9-1-2016	Renumber	9-1-2016
150-308.156(5)-(D)	9-1-2016	Renumber	9-1-2016	150-308.714-(A)	9-1-2016	Renumber	9-1-2016
150-308.159	9-1-2016	Renumber	9-1-2016	150-308.714-(B)	9-1-2016	Renumber	9-1-2016
150-308.205-(A)	1-1-2016	Amend	2-1-2016	150-308.865	9-1-2016	Renumber	9-1-2016
150-308.205-(A)	9-1-2016	Renumber	9-1-2016	150-308.875-(A)	9-1-2016	Renumber	9-1-2016
150-308.205-(C)	9-1-2016	Renumber	9-1-2016	150-308.875-(B)	9-1-2016	Renumber	9-1-2016
150-308.205-(D)	1-1-2016	Amend	2-1-2016	150-308A.056	9-1-2016	Renumber	9-1-2016
150-308.205-(D)	9-1-2016	Renumber	9-1-2016	150-308A.056(1)(g)	9-1-2016	Renumber	9-1-2016
150-308.205-(E)	9-1-2016	Renumber	9-1-2016	150-308A.062	9-1-2016	Renumber	9-1-2016
150-308.205-(F)	9-1-2016	Renumber	9-1-2016	150-308A.068	9-1-2016	Renumber	9-1-2016
150-308.205-(G)	9-1-2016	Renumber	9-1-2016	150-308A.071	9-1-2016	Renumber	9-1-2016
150-308.205-(H)	9-1-2016	Renumber	9-1-2016	150-308A.074	9-1-2016	Renumber	9-1-2016
150-308.205(2)	1-1-2016	Am. & Ren.	2-1-2016	150-308A.080	9-1-2016	Renumber	9-1-2016
150-308.215(1)-(A)	9-1-2016	Renumber	9-1-2016	150-308A.092	9-1-2016	Renumber	9-1-2016
150-308.215(1)-(B)	9-1-2016	Renumber	9-1-2016	150-308A.107	9-1-2016	Renumber	9-1-2016
150-308.215(1)(g)	9-1-2016	Renumber	9-1-2016	150-308A.113	9-1-2016	Renumber	9-1-2016
150-308.219	9-1-2016	Renumber	9-1-2016	150-308A.116	9-1-2016	Renumber	9-1-2016
150-308.225	9-1-2016	Renumber	9-1-2016	150-308A.250	9-1-2016	Renumber	9-1-2016
150-308.231	9-1-2016	Renumber	9-1-2016	150-308A.253	9-1-2016	Renumber	9-1-2016
150-308.232	9-1-2016	Renumber	9-1-2016	150-308A.256	9-1-2016	Renumber	9-1-2016
150-308.234	9-1-2016	Renumber	9-1-2016	150-308A.315(4)	9-1-2016	Renumber	9-1-2016
150-308.235	9-1-2016	Renumber	9-1-2016	150-308A.703	9-1-2016	Renumber	9-1-2016
150-308.242(3)	9-1-2016	Renumber	9-1-2016	150-308A.706	9-1-2016	Renumber	9-1-2016
150-308.250	9-1-2016	Renumber	9-1-2016	150-308A.712	9-1-2016	Renumber	9-1-2016
150-308.256(4)	9-1-2016	Renumber	9-1-2016	150-308A.718	9-1-2016	Renumber	9-1-2016
150-308.275(1)	9-1-2016	Renumber	9-1-2016	150-309.022(1)	9-1-2016	Renumber	9-1-2016
150-308.290	9-1-2016	Renumber	9-1-2016	150-309.024	9-1-2016	Renumber	9-1-2016
150-308.290-(A)	1-1-2016	Repeal	2-1-2016	150-309.026-(A)	9-1-2016	Renumber	9-1-2016
150-308.290-(B)	1-1-2016	Amend	2-1-2016	150-309.026(2)-(A)	1-1-2016	Am. & Ren.	2-1-2016
150-308.290-(B)	9-1-2016	Renumber	9-1-2016	150-309.026(2)-(B)	9-1-2016	Renumber	9-1-2016
150-308.290(7)-(A)	9-1-2016	Renumber	9-1-2016	150-309.067(1)	9-1-2016	Renumber	9-1-2016
150-308.290(7)-(B)	9-1-2016	Renumber	9-1-2016	150-309.072	9-1-2016	Renumber	9-1-2016
150-308.411-(A)	9-1-2016	Renumber	9-1-2016	150-309.100-(D)	9-1-2016	Renumber	9-1-2016
150-308.413	9-1-2016	Renumber	9-1-2016	150-309.100(2)-(A)	9-1-2016	Renumber	9-1-2016
150-308.425	9-1-2016	Renumber	9-1-2016	150-309.100(2)-(B)	9-1-2016	Renumber	9-1-2016

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150-309.100(3)-(B)	9-1-2016	Renumber	9-1-2016	150-311.507(1)(d)	9-1-2016	Renumber	9-1-2016
150-309.100(3)-(C)	9-1-2016	Renumber	9-1-2016	150-311.508(1)	9-1-2016	Renumber	9-1-2016
150-309.100(5)	9-1-2016	Renumber	9-1-2016	150-311.520	9-1-2016	Renumber	9-1-2016
150-309.110-(A)	1-1-2016	Amend	2-1-2016	150-311.520-(A)	9-1-2016	Renumber	9-1-2016
150-309.110-(A)	9-1-2016	Renumber	9-1-2016	150-311.525	9-1-2016	Renumber	9-1-2016
150-309.110(1)	9-1-2016	Renumber	9-1-2016	150-311.525-(A)	9-1-2016	Renumber	9-1-2016
150-309.110(1)-(A)	9-1-2016	Renumber	9-1-2016	150-311.633	9-1-2016	Renumber	9-1-2016
150-309.110(1)-(C)	9-1-2016	Renumber	9-1-2016	150-311.635	9-1-2016	Renumber	9-1-2016
150-309.110(1)-(D)	9-1-2016	Renumber	9-1-2016	150-311.670(1)(a)	9-1-2016	Renumber	9-1-2016
150-309.115	9-1-2016	Renumber	9-1-2016	150-311.672(1)(a)	9-1-2016	Renumber	9-1-2016
150-309.115(1)-(C)	9-1-2016	Renumber	9-1-2016	150-311.676	9-1-2016	Renumber	9-1-2016
150-309.115(2)	9-1-2016	Renumber	9-1-2016	150-311.679-(A)	9-1-2016	Renumber	9-1-2016
150-309.115(2)(e)	9-1-2016	Renumber	9-1-2016	150-311.684	9-1-2016	Renumber	9-1-2016
150-309.200-(A)	9-1-2016	Renumber	9-1-2016	150-311.688	9-1-2016	Renumber	9-1-2016
150-309.200-(B)	9-1-2016	Renumber	9-1-2016	150-311.690(4)	9-1-2016	Renumber	9-1-2016
150-309.200-(C)	9-1-2016	Renumber	9-1-2016	150-311.691	9-1-2016	Renumber	9-1-2016
150-309.360	9-1-2016	Renumber	9-1-2016	150-311.708	9-1-2016	Renumber	9-1-2016
150-310.055	9-1-2016	Renumber	9-1-2016	150-311.711	9-1-2016	Renumber	9-1-2016
150-310.060-(A)	9-1-2016	Renumber	9-1-2016	150-311.725	9-1-2016	Renumber	9-1-2016
150-310.060(4)	9-1-2016	Renumber	9-1-2016	150-311.806-(A)	9-1-2016	Renumber	9-1-2016
150-310.070-(A)	9-1-2016	Renumber	9-1-2016	150-311.806-(B)	9-1-2016	Renumber	9-1-2016
150-310.090	9-1-2016	Renumber	9-1-2016	150-311.806-(C)	9-1-2016	Renumber	9-1-2016
150-310.110	9-1-2016	Renumber	9-1-2016	150-311.807	9-1-2016	Renumber	9-1-2016
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150-310.630(11)	9-1-2016	Renumber	9-1-2016	150-311.814	9-1-2016	Renumber	9-1-2016
150-310.630(4)	9-1-2016	Renumber	9-1-2016	150-311.860	9-1-2016	Renumber	9-1-2016
150-310.630(5)	9-1-2016	Renumber	9-1-2016	150-311.865	9-1-2016	Renumber	9-1-2016
150-310.630(8)(a)-(A)	9-1-2016	Renumber	9-1-2016	150-312.030(1)(d)	9-1-2016	Renumber	9-1-2016
150-310.630(8)(a)-(C)	9-1-2016	Renumber	9-1-2016	150-312.030(2)	9-1-2016	Renumber	9-1-2016
150-310.630(8)(a)-(D)	9-1-2016	Renumber	9-1-2016	150-312.040(1)(b)	9-1-2016	Renumber	9-1-2016
150-310.630(8)(a)-(O)	9-1-2016	Renumber	9-1-2016	150-312.110	9-1-2016	Renumber	9-1-2016
150-310.630(8)(b)-(F)	9-1-2016	Renumber	9-1-2016	150-314.085(2)	9-1-2016	Renumber	9-1-2016
150-310.630(9)	9-1-2016	Renumber	9-1-2016	150-314.105	9-1-2016	Renumber	9-1-2016
150-310.635	9-1-2016	Renumber	9-1-2016	150-314.105(1)(d)	9-1-2016	Renumber	9-1-2016
150-310.635(7)	9-1-2016	Renumber	9-1-2016	150-314.220	9-1-2016	Renumber	9-1-2016
150-310.657	9-1-2016	Renumber	9-1-2016	150-314.255(1)	9-1-2016	Renumber	9-1-2016
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150-311.150	9-1-2016	Renumber	9-1-2016	150-314.256	9-1-2016	Renumber	9-1-2016
150-311.160(2)	9-1-2016	Renumber	9-1-2016	150-314.258	9-1-2016	Renumber	9-1-2016
150-311.160(4)	9-1-2016	Renumber	9-1-2016	150-314.260	9-1-2016	Renumber	9-1-2016
150-311.205(1)(a)	9-1-2016	Renumber	9-1-2016	150-314.260(4)	9-1-2016	Renumber	9-1-2016
150-311.205(1)(b)-(A)	9-1-2016	Renumber	9-1-2016	150-314.276	9-1-2016	Renumber	9-1-2016
150-311.205(1)(b)-(B)	9-1-2016	Renumber	9-1-2016	150-314.280-(A)	9-1-2016	Renumber	9-1-2016
150-311.205(1)(b)-(C)	9-1-2016	Renumber	9-1-2016	150-314.280-(B)	9-1-2016	Renumber	9-1-2016
150-311.205(3)	9-1-2016	Renumber	9-1-2016	150-314.280-(C)	9-1-2016	Renumber	9-1-2016
150-311.206-(A)	9-1-2016	Renumber	9-1-2016	150-314.280-(D)	9-1-2016	Renumber	9-1-2016
150-311.206-(B)	9-1-2016	Renumber	9-1-2016	150-314.280-(E)	9-1-2016	Renumber	9-1-2016
150-311.216	9-1-2016	Renumber	9-1-2016	150-314.280-(F)	9-1-2016	Renumber	9-1-2016
150-311.223(4)	9-1-2016	Renumber	9-1-2016	150-314.280-(G)	9-1-2016	Renumber	9-1-2016
150-311.229	9-1-2016	Renumber	9-1-2016	150-314.280-(H)	9-1-2016	Renumber	9-1-2016
150-311.234	1-1-2016	Amend	2-1-2016	150-314.280-(I)	9-1-2016	Renumber	9-1-2016
150-311.234	9-1-2016	Renumber	9-1-2016	150-314.280-(J)	9-1-2016	Renumber	9-1-2016
150-311.250	9-1-2016	Renumber	9-1-2016	150-314.280-(K)	9-1-2016	Renumber	9-1-2016
150-311.250(4)	9-1-2016	Renumber	9-1-2016	150-314.280-(L)	9-1-2016	Renumber	9-1-2016
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150-314.280-(O)	1-26-2016	Amend(T)	3-1-2016	150-314.430(1)-(A)	9-1-2016	Renumber	9-1-2016
150-314.280-(O)	7-1-2016	Amend	8-1-2016	150-314.430(1)-(B)	9-1-2016	Renumber	9-1-2016
150-314.280-(O)	9-1-2016	Renumber	9-1-2016	150-314.430(2)	9-1-2016	Renumber	9-1-2016
150-314.280(3)	9-1-2016	Renumber	9-1-2016	150-314.466-(B)	9-1-2016	Renumber	9-1-2016
150-314.295	9-1-2016	Renumber	9-1-2016	150-314.505-(A)	9-1-2016	Renumber	9-1-2016
150-314.297	9-1-2016	Renumber	9-1-2016	150-314.505-(B)	9-1-2016	Renumber	9-1-2016
150-314.297(6)	1-1-2016	Am. & Ren.	2-1-2016	150-314.505(2)	9-1-2016	Renumber	9-1-2016
150-314.300	9-1-2016	Renumber	9-1-2016	150-314.515	9-1-2016	Renumber	9-1-2016
150-314.302	9-1-2016	Renumber	9-1-2016	150-314.515-(A)	9-1-2016	Renumber	9-1-2016
150-314.306	9-1-2016	Renumber	9-1-2016	150-314.515(2)	1-1-2016	Am. & Ren.	2-1-2016
150-314.308	9-1-2016	Renumber	9-1-2016	150-314.518	9-1-2016	Renumber	9-1-2016
150-314.330(2)	9-1-2016	Renumber	9-1-2016	150-314.525(1)-(A)	9-1-2016	Renumber	9-1-2016
150-314.355	9-1-2016	Renumber	9-1-2016	150-314.525(1)-(B)	9-1-2016	Renumber	9-1-2016
150-314.360	9-1-2016	Renumber	9-1-2016	150-314.525(1)(c)-(A)	9-1-2016	Renumber	9-1-2016
150-314.360(2)	9-1-2016	Renumber	9-1-2016	150-314.525(1)(d)	9-1-2016	Renumber	9-1-2016
150-314.364(A)	9-1-2016	Renumber	9-1-2016	150-314.525(2)-(A)	9-1-2016	Renumber	9-1-2016
150-314.364(B)	9-1-2016	Renumber	9-1-2016	150-314.525(2)-(B)	9-1-2016	Renumber	9-1-2016
150-314.380-(A)	9-1-2016	Renumber	9-1-2016	150-314.525(5)	9-1-2016	Renumber	9-1-2016
150-314.380(2)(B)	1-1-2016	Am. & Ren.	2-1-2016	150-314.610(1)-(A)	9-1-2016	Renumber	9-1-2016
150-314.385(1)-(A)	9-1-2016	Renumber	9-1-2016	150-314.610(1)-(B)	9-1-2016	Renumber	9-1-2016
150-314.385(1)-(B)	9-1-2016	Renumber	9-1-2016	150-314.610(1)-(C)	9-1-2016	Renumber	9-1-2016
150-314.385(3)	9-1-2016	Renumber	9-1-2016	150-314.615-(A)	9-1-2016	Renumber	9-1-2016
150-314.385(4)	9-1-2016	Renumber	9-1-2016	150-314.615-(C)	9-1-2016	Renumber	9-1-2016
150-314.385(c)-(A)	9-1-2016	Renumber	9-1-2016	150-314.615-(D)	9-1-2016	Renumber	9-1-2016
150-314.385(c)-(B)	9-1-2016	Renumber	9-1-2016	150-314.615-(E)	9-1-2016	Renumber	9-1-2016
150-314.395	9-1-2016	Renumber	9-1-2016	150-314.615-(F)	9-1-2016	Renumber	9-1-2016
150-314.395(1)	9-1-2016	Renumber	9-1-2016	150-314.615-(G)	9-1-2016	Renumber	9-1-2016
150-314.400	9-1-2016	Renumber	9-1-2016	150-314.615-(H)	9-1-2016	Renumber	9-1-2016
150-314.400(1)	1-1-2016	Am. & Ren.	2-1-2016	150-314.620-(A)	9-1-2016	Renumber	9-1-2016
150-314.400(2)	9-1-2016	Renumber	9-1-2016	150-314.620-(B)	9-1-2016	Renumber	9-1-2016
150-314.400(4)	9-1-2016	Renumber	9-1-2016	150-314.620-(C)	9-1-2016	Renumber	9-1-2016
150-314.402	1-1-2016	Repeal	2-1-2016	150-314.620-(D)	9-1-2016	Renumber	9-1-2016
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150-314.402-(C)	9-1-2016	Renumber	9-1-2016	150-314.650	9-1-2016	Renumber	9-1-2016
150-314.402(1)	1-1-2016	Am. & Ren.	2-1-2016	150-314.655(1)-(A)	9-1-2016	Renumber	9-1-2016
150-314.402(4)(b)	9-1-2016	Renumber	9-1-2016	150-314.655(1)-(B)	9-1-2016	Renumber	9-1-2016
150-314.402(6)	1-1-2016	Am. & Ren.	2-1-2016	150-314.655(1)-(C)	9-1-2016	Renumber	9-1-2016
150-314.403	9-1-2016	Renumber	9-1-2016	150-314.655(1)-(D)	9-1-2016	Renumber	9-1-2016
150-314.410(1)	9-1-2016	Renumber	9-1-2016	150-314.655(2)-(A)	9-1-2016	Renumber	9-1-2016
150-314.410(2)	9-1-2016	Renumber	9-1-2016	150-314.655(2)-(B)	9-1-2016	Renumber	9-1-2016
150-314.410(4)	9-1-2016	Renumber	9-1-2016	150-314.655(2)-(C)	9-1-2016	Renumber	9-1-2016
150-314.410(6)	9-1-2016	Renumber	9-1-2016	150-314.655(2)-(E)	9-1-2016	Renumber	9-1-2016
150-314.410(7)	9-1-2016	Renumber	9-1-2016	150-314.655(3)	9-1-2016	Renumber	9-1-2016
150-314.410(9)	9-1-2016	Renumber	9-1-2016	150-314.660(1)	9-1-2016	Renumber	9-1-2016
150-314.415	9-1-2016	Renumber	9-1-2016	150-314.660(2)	9-1-2016	Renumber	9-1-2016
150-314.415(2)(b)-(A)	9-1-2016	Renumber	9-1-2016	150-314.665(1)-(A)	1-1-2016	Amend	2-1-2016
150-314.415(2)(b)-(B)	9-1-2016	Renumber	9-1-2016	150-314.665(1)-(A)	9-1-2016	Renumber	9-1-2016
150-314.415(2)(f)-(A)	9-1-2016	Renumber	9-1-2016	150-314.665(1)-(B)	9-1-2016	Renumber	9-1-2016
150-314.415(2)(f)-(B)	1-1-2016	Amend	2-1-2016	150-314.665(2)-(A)	9-1-2016	Renumber	9-1-2016
150-314.415(2)(f)-(B)	9-1-2016	Renumber	9-1-2016	150-314.665(2)-(B)	9-1-2016	Renumber	9-1-2016
150-314.415(5)(a)	9-1-2016	Renumber	9-1-2016	150-314.665(2)-(C)	1-1-2016	Repeal	2-1-2016
150-314.415(6)	9-1-2016	Renumber	9-1-2016	150-314.665(3)	9-1-2016	Renumber	9-1-2016
150-314.415(7)	9-1-2016	Renumber	9-1-2016	150-314.665(4)	9-1-2016	Renumber	9-1-2016
150-314.415(8)	9-1-2016	Renumber	9-1-2016	150-314.665(5)	9-1-2016	Renumber	9-1-2016

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150-314.665(6)	9-1-2016	Renumber	9-1-2016	150-315.610(5)(c)	9-1-2016	Renumber	9-1-2016
150-314.665(6)(a)	9-1-2016	Renumber	9-1-2016	150-316.007	9-1-2016	Renumber	9-1-2016
150-314.665(6)(b)	9-1-2016	Renumber	9-1-2016	150-316.007-(A)	9-1-2016	Renumber	9-1-2016
150-314.665(6)(c)	9-1-2016	Renumber	9-1-2016	150-316.007-(B)	9-1-2016	Renumber	9-1-2016
150-314.667-(A)	9-1-2016	Renumber	9-1-2016	150-316.012	9-1-2016	Renumber	9-1-2016
150-314.670-(A)	7-1-2016	Renumber	8-1-2016	150-316.021	9-1-2016	Renumber	9-1-2016
150-314.675	9-1-2016	Renumber	9-1-2016	150-316.027(1)	9-1-2016	Renumber	9-1-2016
150-314.684(4)	9-1-2016	Renumber	9-1-2016	150-316.027(1)(b)	9-1-2016	Renumber	9-1-2016
150-314.686	9-1-2016	Renumber	9-1-2016	150-316.028	9-1-2016	Renumber	9-1-2016
150-314.714(3)	9-1-2016	Renumber	9-1-2016	150-316.032(2)	9-1-2016	Renumber	9-1-2016
150-314.722	9-1-2016	Renumber	9-1-2016	150-316.037	9-1-2016	Renumber	9-1-2016
150-314.724	9-1-2016	Renumber	9-1-2016	150-316.045	9-1-2016	Renumber	9-1-2016
150-314.724(3)	9-1-2016	Renumber	9-1-2016	150-316.047-(A)	9-1-2016	Renumber	9-1-2016
150-314.732(2)(c)	9-1-2016	Renumber	9-1-2016	150-316.048	9-1-2016	Renumber	9-1-2016
150-314.732(2)(d)	9-1-2016	Renumber	9-1-2016	150-316.054	9-1-2016	Renumber	9-1-2016
150-314.752	9-1-2016	Renumber	9-1-2016	150-316.078	9-1-2016	Renumber	9-1-2016
150-314.775	9-1-2016	Renumber	9-1-2016	150-316.079	9-1-2016	Renumber	9-1-2016
150-314.778	9-1-2016	Renumber	9-1-2016	150-316.082(1)-(A)	9-1-2016	Renumber	9-1-2016
150-314.781	9-1-2016	Renumber	9-1-2016	150-316.082(1)-(B)	9-1-2016	Renumber	9-1-2016
150-314.784	9-1-2016	Renumber	9-1-2016	150-316.082(2)	9-1-2016	Renumber	9-1-2016
150-314.835	9-1-2016	Renumber	9-1-2016	150-316.082(3)	9-1-2016	Renumber	9-1-2016
150-314.840	9-1-2016	Renumber	9-1-2016	150-316.082(4)	9-1-2016	Renumber	9-1-2016
150-314.855	9-1-2016	Renumber	9-1-2016	150-316.082(6)	9-1-2016	Renumber	9-1-2016
150-314.870	9-1-2016	Renumber	9-1-2016	150-316.087	9-1-2016	Renumber	9-1-2016
150-315.068	9-1-2016	Renumber	9-1-2016	150-316.095	9-1-2016	Renumber	9-1-2016
150-315.104(1)	9-1-2016	Renumber	9-1-2016	150-316.095(6)	9-1-2016	Renumber	9-1-2016
150-315.104(10)	9-1-2016	Renumber	9-1-2016	150-316.099	9-1-2016	Renumber	9-1-2016
150-315.104(2)	9-1-2016	Renumber	9-1-2016	150-316.102	9-1-2016	Renumber	9-1-2016
150-315.104(5)	9-1-2016	Renumber	9-1-2016	150-316.109	9-1-2016	Renumber	9-1-2016
150-315.113	9-1-2016	Renumber	9-1-2016	150-316.116	9-1-2016	Renumber	9-1-2016
150-315.138(9)	9-1-2016	Renumber	9-1-2016	150-316.117-(A)	9-1-2016	Renumber	9-1-2016
150-315.144	1-1-2016	Amend	2-1-2016	150-316.117-(B)	9-1-2016	Renumber	9-1-2016
150-315.144	9-1-2016	Renumber	9-1-2016	150-316.119	9-1-2016	Renumber	9-1-2016
150-315.156	9-1-2016	Renumber	9-1-2016	150-316.122	9-1-2016	Renumber	9-1-2016
150-315.164	9-1-2016	Renumber	9-1-2016	150-316.124(2)	9-1-2016	Renumber	9-1-2016
150-315.204-(A)	9-1-2016	Renumber	9-1-2016	150-316.124(4)	9-1-2016	Renumber	9-1-2016
150-315.204-(B)	9-1-2016	Renumber	9-1-2016	150-316.127-(9)	9-1-2016	Renumber	9-1-2016
150-315.204-(C)	9-1-2016	Renumber	9-1-2016	150-316.127-(A)	9-1-2016	Renumber	9-1-2016
150-315.208	9-1-2016	Renumber	9-1-2016	150-316.127-(B)	9-1-2016	Renumber	9-1-2016
150-315.213(4)	9-1-2016	Renumber	9-1-2016	150-316.127-(C)	9-1-2016	Renumber	9-1-2016
150-315.237(8)	9-1-2016	Renumber	9-1-2016	150-316.127-(D)	9-1-2016	Renumber	9-1-2016
150-315.262	9-1-2016	Renumber	9-1-2016	150-316.127-(E)	9-1-2016	Renumber	9-1-2016
150-315.274(3)	9-1-2016	Renumber	9-1-2016	150-316.127-(F)	9-1-2016	Renumber	9-1-2016
150-315.274(4)	9-1-2016	Renumber	9-1-2016	150-316.127(1)(a)	9-1-2016	Renumber	9-1-2016
150-315.304(1)(a)	9-1-2016	Renumber	9-1-2016	150-316.127(1)(a)-(A)	9-1-2016	Renumber	9-1-2016
150-315.304(1)(b)	9-1-2016	Renumber	9-1-2016	150-316.127(10)	9-1-2016	Renumber	9-1-2016
150-315.304(10)	9-1-2016	Renumber	9-1-2016	150-316.127(3)(a)	9-1-2016	Renumber	9-1-2016
150-315.304(2)	9-1-2016	Renumber	9-1-2016	150-316.130(2)(c)-(A)	9-1-2016	Renumber	9-1-2016
150-315.304(4)	9-1-2016	Renumber	9-1-2016	150-316.130(3)	9-1-2016	Renumber	9-1-2016
150-315.304(5)	9-1-2016	Renumber	9-1-2016	150-316.131(1)	9-1-2016	Renumber	9-1-2016
150-315.304(8)	9-1-2016	Renumber	9-1-2016	150-316.148	9-1-2016	Renumber	9-1-2016
150-315.304(9)	9-1-2016	Renumber	9-1-2016	150-316.149	9-1-2016	Renumber	9-1-2016
150-315.326	9-1-2016	Renumber	9-1-2016	150-316.153	9-1-2016	Renumber	9-1-2016
150-315.354(5)	9-1-2016	Renumber	9-1-2016	150-316.157	9-1-2016	Renumber	9-1-2016
150-315.514	9-1-2016	Renumber	9-1-2016	150-316.159	9-1-2016	Renumber	9-1-2016
150-315.521	1-1-2016	Repeal	2-1-2016	150-316.162(2)-(A)	9-1-2016	Renumber	9-1-2016

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150-316.162(2)-(C)	9-1-2016	Renumber	9-1-2016	150-316.587(5)(c)	9-1-2016	Renumber	9-1-2016
150-316.162(2)(j)	9-1-2016	Renumber	9-1-2016	150-316.587(5)(d)	9-1-2016	Renumber	9-1-2016
150-316.162(3)	9-1-2016	Renumber	9-1-2016	150-316.587(8)-(A)	9-1-2016	Renumber	9-1-2016
150-316.164	9-1-2016	Renumber	9-1-2016	150-316.587(8)-(B)	9-1-2016	Renumber	9-1-2016
150-316.167(1)	9-1-2016	Renumber	9-1-2016	150-316.587(8)-(C)	9-1-2016	Renumber	9-1-2016
150-316.167(2)	9-1-2016	Renumber	9-1-2016	150-316.680-(A)	9-1-2016	Renumber	9-1-2016
150-316.168(1)-(A)	9-1-2016	Renumber	9-1-2016	150-316.680-(B)	9-1-2016	Renumber	9-1-2016
150-316.168(2)	9-1-2016	Renumber	9-1-2016	150-316.680(1)(a)	9-1-2016	Renumber	9-1-2016
150-316.171	9-1-2016	Renumber	9-1-2016	150-316.680(2)(a)	9-1-2016	Renumber	9-1-2016
150-316.177(1)-(A)	9-1-2016	Renumber	9-1-2016	150-316.680(2)(b)	9-1-2016	Renumber	9-1-2016
150-316.177(1)-(B)	9-1-2016	Renumber	9-1-2016	150-316.680(2)(c)	9-1-2016	Renumber	9-1-2016
150-316.177(2)	9-1-2016	Renumber	9-1-2016	150-316.680(2)(i)	9-1-2016	Renumber	9-1-2016
150-316.182	9-1-2016	Renumber	9-1-2016	150-316.680(5)	9-1-2016	Renumber	9-1-2016
150-316.187-(A)	9-1-2016	Renumber	9-1-2016	150-316.681	9-1-2016	Renumber	9-1-2016
150-316.187-(B)	9-1-2016	Renumber	9-1-2016	150-316.683(1)	9-1-2016	Renumber	9-1-2016
150-316.189	9-1-2016	Renumber	9-1-2016	150-316.685(1)	9-1-2016	Renumber	9-1-2016
150-316.189(6)	9-1-2016	Renumber	9-1-2016	150-316.685(2)	9-1-2016	Renumber	9-1-2016
150-316.191	9-1-2016	Renumber	9-1-2016	150-316.687	9-1-2016	Renumber	9-1-2016
150-316.193	9-1-2016	Renumber	9-1-2016	150-316.693	9-1-2016	Renumber	9-1-2016
150-316.196	9-1-2016	Renumber	9-1-2016	150-316.695(1)	9-1-2016	Renumber	9-1-2016
150-316.197(1)(a)-(A)	9-1-2016	Renumber	9-1-2016	150-316.695(1)(c)-(A)	9-1-2016	Renumber	9-1-2016
150-316.197(1)(a)-(B)	9-1-2016	Renumber	9-1-2016	150-316.695(2)	9-1-2016	Renumber	9-1-2016
150-316.197(1)(b)	9-1-2016	Renumber	9-1-2016	150-316.707(1)-(A)	9-1-2016	Renumber	9-1-2016
150-316.197(2)	9-1-2016	Renumber	9-1-2016	150-316.707(1)-(B)(1)	9-1-2016	Renumber	9-1-2016
150-316.198	9-1-2016	Renumber	9-1-2016	150-316.707(1)-(C)	9-1-2016	Renumber	9-1-2016
150-316.198-(A)	9-1-2016	Renumber	9-1-2016	150-316.737	9-1-2016	Renumber	9-1-2016
150-316.202(1)	9-1-2016	Renumber	9-1-2016	150-316.752	9-1-2016	Renumber	9-1-2016
150-316.202(2)	9-1-2016	Renumber	9-1-2016	150-316.758	9-1-2016	Renumber	9-1-2016
150-316.202(3)	9-1-2016	Renumber	9-1-2016	150-316.771	9-1-2016	Renumber	9-1-2016
150-316.202(4)	9-1-2016	Renumber	9-1-2016	150-316.777	9-1-2016	Renumber	9-1-2016
150-316.207	9-1-2016	Renumber	9-1-2016	150-316.778	9-1-2016	Renumber	9-1-2016
150-316.207(3)(a)	9-1-2016	Renumber	9-1-2016	150-316.792	9-1-2016	Renumber	9-1-2016
150-316.212	9-1-2016	Renumber	9-1-2016	150-316.806	9-1-2016	Renumber	9-1-2016
150-316.223	9-1-2016	Renumber	9-1-2016	150-316.818	9-1-2016	Renumber	9-1-2016
150-316.272	9-1-2016	Renumber	9-1-2016	150-316.832(2)	9-1-2016	Renumber	9-1-2016
150-316.277	9-1-2016	Renumber	9-1-2016	150-316.844	9-1-2016	Renumber	9-1-2016
150-316.282	9-1-2016	Renumber	9-1-2016	150-316.846	9-1-2016	Renumber	9-1-2016
150-316.282(4)	9-1-2016	Renumber	9-1-2016	150-316.852	9-1-2016	Renumber	9-1-2016
150-316.287	9-1-2016	Renumber	9-1-2016	150-316.856	9-1-2016	Renumber	9-1-2016
150-316.298	9-1-2016	Renumber	9-1-2016	150-316.863	9-1-2016	Renumber	9-1-2016
150-316.307	9-1-2016	Renumber	9-1-2016	150-316.992	9-1-2016	Renumber	9-1-2016
150-316.362(1)(c)	9-1-2016	Renumber	9-1-2016	150-316.992(5)	9-1-2016	Renumber	9-1-2016
150-316.362(2)	9-1-2016	Renumber	9-1-2016	150-317.010	9-1-2016	Renumber	9-1-2016
150-316.368	9-1-2016	Renumber	9-1-2016	150-317.010(10)	9-1-2016	Renumber	9-1-2016
150-316.369	9-1-2016	Renumber	9-1-2016	150-317.010(10)-(B)	9-1-2016	Renumber	9-1-2016
150-316.382	9-1-2016	Renumber	9-1-2016	150-317.010(4)	9-1-2016	Renumber	9-1-2016
150-316.387(1)	9-1-2016	Renumber	9-1-2016	150-317.013	9-1-2016	Renumber	9-1-2016
150-316.387(4)	9-1-2016	Renumber	9-1-2016	150-317.013(2)	9-1-2016	Renumber	9-1-2016
150-316.457	9-1-2016	Renumber	9-1-2016	150-317.018	9-1-2016	Renumber	9-1-2016
150-316.563	9-1-2016	Renumber	9-1-2016	150-317.018(1)	9-1-2016	Renumber	9-1-2016
150-316.567	9-1-2016	Renumber	9-1-2016	150-317.018(2)	9-1-2016	Renumber	9-1-2016
150-316.573	9-1-2016	Renumber	9-1-2016	150-317.021	9-1-2016	Renumber	9-1-2016
150-316.583	9-1-2016	Renumber	9-1-2016	150-317.063	9-1-2016	Renumber	9-1-2016
150-316.583(2)	1-1-2016	Am. & Ren.	2-1-2016	150-317.067	9-1-2016	Renumber	9-1-2016
150-316.587(1)	9-1-2016	Renumber	9-1-2016	150-317.070(1)	9-1-2016	Renumber	9-1-2016

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150-317.080	9-1-2016	Renumber	9-1-2016	150-318.000	9-1-2016	Renumber	9-1-2016
150-317.090	9-1-2016	Renumber	9-1-2016	150-318.010	9-1-2016	Renumber	9-1-2016
150-317.092	9-1-2016	Renumber	9-1-2016	150-318.020(1)	9-1-2016	Renumber	9-1-2016
150-317.097	9-1-2016	Renumber	9-1-2016	150-318.020(2)	9-1-2016	Renumber	9-1-2016
150-317.099	9-1-2016	Renumber	9-1-2016	150-318.060	9-1-2016	Renumber	9-1-2016
150-317.111	9-1-2016	Renumber	9-1-2016	150-320.010-(A)	9-1-2016	Renumber	9-1-2016
150-317.112	9-1-2016	Renumber	9-1-2016	150-320.016(5)	9-1-2016	Renumber	9-1-2016
150-317.112(1)	9-1-2016	Renumber	9-1-2016	150-320.080	9-1-2016	Renumber	9-1-2016
150-317.112(7)	9-1-2016	Renumber	9-1-2016	150-320.305	9-1-2016	Renumber	9-1-2016
150-317.131	9-1-2016	Renumber	9-1-2016	150-320.308	9-1-2016	Renumber	9-1-2016
150-317.147	9-1-2016	Renumber	9-1-2016	150-321.005(12)	9-1-2016	Renumber	9-1-2016
150-317.151	9-1-2016	Renumber	9-1-2016	150-321.005(9)	9-1-2016	Renumber	9-1-2016
150-317.152	1-1-2016	Adopt	2-1-2016	150-321.045	9-1-2016	Renumber	9-1-2016
150-317.152	9-1-2016	Renumber	9-1-2016	150-321.045(2)	9-1-2016	Renumber	9-1-2016
150-317.153	9-1-2016	Renumber	9-1-2016	150-321.207-(A)	9-1-2016	Renumber	9-1-2016
150-317.154	9-1-2016	Renumber	9-1-2016	150-321.207(1)	1-1-2016	Am. & Ren.	2-1-2016
150-317.259-(A)	9-1-2016	Renumber	9-1-2016	150-321.257(3)	9-1-2016	Renumber	9-1-2016
150-317.267-(A)	9-1-2016	Renumber	9-1-2016	150-321.348(2)	9-1-2016	Renumber	9-1-2016
150-317.267-(B)	9-1-2016	Renumber	9-1-2016	150-321.349	9-1-2016	Renumber	9-1-2016
150-317.288	9-1-2016	Renumber	9-1-2016	150-321.354	9-1-2016	Renumber	9-1-2016
150-317.307	9-1-2016	Renumber	9-1-2016	150-321.358(3)(b)-(A)	9-1-2016	Renumber	9-1-2016
150-317.309	9-1-2016	Renumber	9-1-2016	150-321.358(4)	9-1-2016	Renumber	9-1-2016
150-317.310(2)	9-1-2016	Renumber	9-1-2016	150-321.358(4)(b)	9-1-2016	Renumber	9-1-2016
150-317.314	9-1-2016	Renumber	9-1-2016	150-321.358(5)	9-1-2016	Renumber	9-1-2016
150-317.329	9-1-2016	Renumber	9-1-2016	150-321.550	9-1-2016	Renumber	9-1-2016
150-317.349-(A)	9-1-2016	Renumber	9-1-2016	150-321.550(1)	9-1-2016	Renumber	9-1-2016
150-317.349-(B)	9-1-2016	Renumber	9-1-2016	150-321.550(3)(a)	9-1-2016	Renumber	9-1-2016
150-317.356	9-1-2016	Renumber	9-1-2016	150-321.560(2)	9-1-2016	Renumber	9-1-2016
150-317.362	9-1-2016	Renumber	9-1-2016	150-321.609(1)	9-1-2016	Renumber	9-1-2016
150-317.374(2)	9-1-2016	Renumber	9-1-2016	150-321.609(1)-(A)	9-1-2016	Renumber	9-1-2016
150-317.374(3)	9-1-2016	Renumber	9-1-2016	150-321.609(2)-(A)	9-1-2016	Renumber	9-1-2016
150-317.476(4)	9-1-2016	Renumber	9-1-2016	150-321.609(2)-(B)	9-1-2016	Renumber	9-1-2016
150-317.478	9-1-2016	Renumber	9-1-2016	150-321.609(2)-(C)	9-1-2016	Renumber	9-1-2016
150-317.660(1)	9-1-2016	Renumber	9-1-2016	150-321.609(2)-(D)	9-1-2016	Renumber	9-1-2016
150-317.660(2)	9-1-2016	Renumber	9-1-2016	150-321.684-(A)	9-1-2016	Renumber	9-1-2016
150-317.705	9-1-2016	Renumber	9-1-2016	150-321.684(1)	9-1-2016	Renumber	9-1-2016
150-317.705(3)(a)	9-1-2016	Renumber	9-1-2016	150-321.700(1)	9-1-2016	Renumber	9-1-2016
150-317.705(3)(b)	9-1-2016	Renumber	9-1-2016	150-321.700(12)	9-1-2016	Renumber	9-1-2016
150-317.705(3)(c)	9-1-2016	Renumber	9-1-2016	150-321.700(13)	9-1-2016	Renumber	9-1-2016
150-317.710(5)(a)-(A)	9-1-2016	Renumber	9-1-2016	150-321.706	9-1-2016	Renumber	9-1-2016
150-317.710(5)(a)-(B)	9-1-2016	Renumber	9-1-2016	150-321.706(2)	9-1-2016	Renumber	9-1-2016
150-317.710(5)(a)-(C)	9-1-2016	Renumber	9-1-2016	150-321.706(4)	9-1-2016	Renumber	9-1-2016
150-317.710(5)(b)	9-1-2016	Renumber	9-1-2016	150-321.706(7)	9-1-2016	Renumber	9-1-2016
150-317.710(6)	9-1-2016	Renumber	9-1-2016	150-321.709(1)(b)	9-1-2016	Renumber	9-1-2016
150-317.710(7)	9-1-2016	Renumber	9-1-2016	150-321.709(1)(c)	9-1-2016	Renumber	9-1-2016
150-317.713	9-1-2016	Renumber	9-1-2016	150-321.709(3)	9-1-2016	Renumber	9-1-2016
150-317.715(3)-(A)	9-1-2016	Renumber	9-1-2016	150-321.712(1)	9-1-2016	Renumber	9-1-2016
150-317.715(3)-(B)	9-1-2016	Renumber	9-1-2016	150-321.719(1)	9-1-2016	Renumber	9-1-2016
150-317.715(4)(b)	9-1-2016	Renumber	9-1-2016	150-321.741(2)	9-1-2016	Renumber	9-1-2016
150-317.715(5)	9-1-2016	Renumber	9-1-2016	150-321.751(3)	9-1-2016	Renumber	9-1-2016
150-317.717	1-1-2016	Adopt	2-1-2016	150-321.754(3)	9-1-2016	Renumber	9-1-2016
150-317.717	9-1-2016	Renumber	9-1-2016	150-321.805(4)	9-1-2016	Renumber	9-1-2016
150-317.720	9-1-2016	Renumber	9-1-2016	150-321.833	9-1-2016	Renumber	9-1-2016
150-317.725(1)(b)	9-1-2016	Renumber	9-1-2016	150-321.839	9-1-2016	Renumber	9-1-2016
150-317.920	9-1-2016	Renumber	9-1-2016	150-321.839(3)(b)	9-1-2016	Renumber	9-1-2016

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150-321.839(5)	9-1-2016	Renumber	9-1-2016	150-457.440(2)	9-1-2016	Renumber	9-1-2016
150-323.030	9-1-2016	Renumber	9-1-2016	150-457.440(9)	9-1-2016	Renumber	9-1-2016
150-323.030-(B)	9-1-2016	Renumber	9-1-2016	150-457.440(9)-(A)	9-1-2016	Renumber	9-1-2016
150-323.105	9-1-2016	Renumber	9-1-2016	150-457.440(9)-(B)	9-1-2016	Renumber	9-1-2016
150-323.106	9-1-2016	Renumber	9-1-2016	150-457.450	9-1-2016	Renumber	9-1-2016
150-323.107	9-1-2016	Renumber	9-1-2016	150-457.450(1)	9-1-2016	Renumber	9-1-2016
150-323.110	9-1-2016	Renumber	9-1-2016	150-465.101	9-1-2016	Renumber	9-1-2016
150-323.130	9-1-2016	Renumber	9-1-2016	150-465.101(5)	9-1-2016	Renumber	9-1-2016
150-323.140	9-1-2016	Renumber	9-1-2016	150-465.101(5)-(B)	9-1-2016	Renumber	9-1-2016
150-323.160(1)	9-1-2016	Renumber	9-1-2016	150-465.104(1)-(A)	9-1-2016	Renumber	9-1-2016
150-323.160(2)	9-1-2016	Renumber	9-1-2016	150-465.104(1)-(B)	9-1-2016	Renumber	9-1-2016
150-323.160(3)-(A)	9-1-2016	Renumber	9-1-2016	150-465.104(1)-(C)	9-1-2016	Renumber	9-1-2016
150-323.160(3)-(B)	9-1-2016	Renumber	9-1-2016	150-465.104(2)	9-1-2016	Renumber	9-1-2016
150-323.170	9-1-2016	Renumber	9-1-2016	150-465.104(3)	9-1-2016	Renumber	9-1-2016
150-323.175	9-1-2016	Renumber	9-1-2016	150-465.104(4)	9-1-2016	Renumber	9-1-2016
150-323.180	9-1-2016	Renumber	9-1-2016	150-475-2080	10-1-2016	Adopt	11-1-2016
150-323.190	9-1-2016	Renumber	9-1-2016	150-475-2090	10-1-2016	Adopt	11-1-2016
150-323.211	9-1-2016	Renumber	9-1-2016	150-475B.705	6-2-2016	Adopt(T)	7-1-2016
150-323.220-(A)	9-1-2016	Renumber	9-1-2016	150-475B.705(T)	10-1-2016	Repeal	11-1-2016
150-323.220-(B)	9-1-2016	Renumber	9-1-2016	150-475B.710-(A)	1-4-2016	Adopt(T)	1-1-2016
150-323.225	9-1-2016	Renumber	9-1-2016	150-475B.710-(A)	7-1-2016	Adopt	8-1-2016
150-323.320-(A)	9-1-2016	Renumber	9-1-2016	150-475B.710-(A)	9-1-2016	Renumber	9-1-2016
150-323.320-(B)	9-1-2016	Renumber	9-1-2016	150-475B.710-(B)	1-4-2016	Adopt(T)	1-1-2016
150-323.320-(C)	9-1-2016	Renumber	9-1-2016	150-475B.710-(B)	7-1-2016	Adopt	8-1-2016
150-323.325	9-1-2016	Renumber	9-1-2016	150-475B.710-(B)	9-1-2016	Renumber	9-1-2016
150-323.340	9-1-2016	Renumber	9-1-2016	150-475B.710-(C)	1-4-2016	Adopt(T)	1-1-2016
150-323.343	9-1-2016	Renumber	9-1-2016	150-475B.710-(C)	7-1-2016	Adopt	8-1-2016
150-323.365(1)	9-1-2016	Renumber	9-1-2016	150-475B.710-(C)	9-1-2016	Renumber	9-1-2016
150-323.390(1)	9-1-2016	Renumber	9-1-2016	150-475B.715	7-1-2016	Adopt	8-1-2016
150-323.480(1)-(A)	9-1-2016	Renumber	9-1-2016	150-475B.715	9-1-2016	Renumber	9-1-2016
150-323.480(1)-(B)	9-1-2016	Renumber	9-1-2016	150-475B.720	7-1-2016	Adopt	8-1-2016
150-323.500(9)	9-1-2016	Renumber	9-1-2016	150-475B.720	10-1-2016	Am. & Ren.	11-1-2016
150-323.505	9-1-2016	Renumber	9-1-2016	150-475B.740	7-1-2016	Adopt	8-1-2016
150-323.505(2)	9-1-2016	Renumber	9-1-2016	150-475B.740	9-1-2016	Renumber	9-1-2016
150-323.510	9-1-2016	Renumber	9-1-2016	150-475B.755	7-1-2016	Adopt	8-1-2016
150-323.515	9-1-2016	Renumber	9-1-2016	150-475B.755	9-1-2016	Renumber	9-1-2016
150-323.520	9-1-2016	Renumber	9-1-2016	150-670.600	9-1-2016	Renumber	9-1-2016
150-323.525	9-1-2016	Renumber	9-1-2016	150-90.650	9-1-2016	Renumber	9-1-2016
150-323.530	9-1-2016	Renumber	9-1-2016	161-002-0000	5-12-2016	Amend	6-1-2016
150-323.535	9-1-2016	Renumber	9-1-2016	161-025-0060	5-12-2016	Amend	6-1-2016
150-323.540	9-1-2016	Renumber	9-1-2016	165-001-0016	1-1-2016	Amend	2-1-2016
150-323.560	9-1-2016	Renumber	9-1-2016	165-001-0016	7-6-2016	Amend	8-1-2016
150-323.630-(A)	9-1-2016	Renumber	9-1-2016	165-001-0025	1-1-2016	Amend	2-1-2016
150-323.630-(B)	9-1-2016	Renumber	9-1-2016	165-001-0025	7-6-2016	Amend	8-1-2016
150-324.050-(A)	9-1-2016	Renumber	9-1-2016	165-001-0034	1-1-2016	Amend	2-1-2016
150-324.050-(B)	9-1-2016	Renumber	9-1-2016	165-001-0034	7-6-2016	Amend	8-1-2016
150-324.050-(C)	9-1-2016	Renumber	9-1-2016	165-001-0050	1-1-2016	Amend	2-1-2016
150-324.050-(D)	9-1-2016	Renumber	9-1-2016	165-001-0050	7-6-2016	Amend	8-1-2016
150-324.050-(E)	9-1-2016	Renumber	9-1-2016	165-001-0095	1-1-2016	Adopt	2-1-2016
150-324.050-(F)	9-1-2016	Renumber	9-1-2016	165-001-0095	7-6-2016	Amend	8-1-2016
150-324.340(Note)	9-1-2016	Renumber	9-1-2016	165-005-0055	1-1-2016	Amend	2-1-2016
150-358.505	1-1-2016	Amend	2-1-2016	165-005-0055	7-6-2016	Amend	8-1-2016
150-358.505	9-1-2016	Renumber	9-1-2016	165-005-0065	1-1-2016	Amend	2-1-2016
150-401.794	1-1-2016	Renumber	2-1-2016	165-005-0065	7-6-2016	Amend	8-1-2016
150-403.205	9-1-2016	Renumber	9-1-2016	165-005-0070	1-1-2016	Amend	2-1-2016

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165-005-0170	5-13-2016	Amend	6-1-2016	173-008-0005	7-28-2016	Amend	9-1-2016
165-007-0030	12-11-2015	Amend	1-1-2016	173-008-0010	7-28-2016	Amend	9-1-2016
165-007-0035	1-1-2016	Amend	2-1-2016	173-009-0000	7-28-2016	Amend	9-1-2016
165-007-0035	7-6-2016	Amend	8-1-2016	173-009-0005	7-28-2016	Amend	9-1-2016
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165-010-0005	7-6-2016	Amend	8-1-2016	173-009-0015	7-28-2016	Amend	9-1-2016
165-010-1103	8-9-2016	Adopt(T)	9-1-2016	173-010-0000	7-28-2016	Amend	9-1-2016
165-012-0005	1-1-2016	Amend	2-1-2016	173-010-0025	7-28-2016	Amend	9-1-2016
165-012-0005	7-6-2016	Amend	8-1-2016	173-011-0000	7-28-2016	Amend	9-1-2016
165-012-0240	1-1-2016	Amend	2-1-2016	173-012-0000	7-28-2016	Amend	9-1-2016
165-012-0240	7-6-2016	Amend	8-1-2016	173-012-0005	7-28-2016	Amend	9-1-2016
165-013-0010	1-1-2016	Amend	2-1-2016	173-014-0000	7-28-2016	Amend	9-1-2016
165-013-0010	7-6-2016	Amend	8-1-2016	173-014-0010	7-28-2016	Amend	9-1-2016
165-013-0020	1-1-2016	Amend	2-1-2016	173-016-0010	7-28-2016	Amend	9-1-2016
165-013-0020	7-6-2016	Amend	8-1-2016	177-010-0094	1-1-2016	Adopt	2-1-2016
165-013-0030	1-2-2016	Amend	2-1-2016	177-040-0001	10-4-2016	Amend	11-1-2016
165-013-0030	7-6-2016	Amend	8-1-2016	177-040-0003	4-1-2016	Amend(T)	5-1-2016
165-014-0005	1-1-2016	Amend	2-1-2016	177-040-0003	9-1-2016	Amend	10-1-2016
165-014-0005	7-6-2016	Amend	8-1-2016	177-040-0003(T)	9-1-2016	Repeal	10-1-2016
165-014-0100	1-1-2016	Amend	2-1-2016	177-052-0020	6-7-2016	Amend	7-1-2016
165-014-0100	7-6-2016	Amend	8-1-2016	177-052-0030	6-7-2016	Amend	7-1-2016
165-014-0260	1-1-2016	Amend	2-1-2016	177-052-0040	6-7-2016	Amend	7-1-2016
165-014-0260	7-6-2016	Amend	8-1-2016	177-052-0050	6-7-2016	Amend	7-1-2016
165-014-0280	1-1-2016	Repeal	2-1-2016	177-052-0060	6-7-2016	Amend	7-1-2016
165-014-0280	7-6-2016	Repeal	8-1-2016	177-052-0070	6-7-2016	Amend	7-1-2016
165-016-0000	1-1-2016	Amend	2-1-2016	177-070-0080	2-22-2016	Amend(T)	4-1-2016
165-016-0000	7-6-2016	Amend	8-1-2016	177-070-0080	8-1-2016	Amend	9-1-2016
166-017-0005	5-5-2016	Adopt	6-1-2016	177-070-0080(T)	8-1-2016	Repeal	9-1-2016
166-017-0010	5-5-2016	Amend	6-1-2016	177-085-0005	10-19-2016	Amend	11-1-2016
166-017-0015	5-5-2016	Adopt	6-1-2016	177-085-0015	8-1-2016	Amend	9-1-2016
166-017-0020	5-5-2016	Repeal	6-1-2016	177-085-0015	10-19-2016	Amend	11-1-2016
166-017-0025	5-5-2016	Adopt	6-1-2016	177-085-0020	10-19-2016	Amend	11-1-2016
166-017-0030	5-5-2016	Repeal	6-1-2016	177-085-0025	10-19-2016	Amend	11-1-2016
166-017-0035	5-5-2016	Adopt	6-1-2016	177-085-0030	10-19-2016	Amend	11-1-2016
166-017-0040	5-5-2016	Repeal	6-1-2016	177-085-0035	10-19-2016	Amend	11-1-2016
166-017-0045	5-5-2016	Adopt	6-1-2016	177-085-0040	10-19-2016	Amend	11-1-2016
166-017-0050	5-5-2016	Repeal	6-1-2016	177-085-0050	10-19-2016	Amend	11-1-2016
166-017-0055	5-5-2016	Adopt	6-1-2016	177-085-0065	10-19-2016	Amend	11-1-2016
166-017-0060	5-5-2016	Repeal	6-1-2016	177-085-0070	10-19-2016	Adopt	11-1-2016
166-017-0065	5-5-2016	Adopt	6-1-2016	177-094-0080	8-9-2016	Amend(T)	8-1-2016
166-017-0070	5-5-2016	Repeal	6-1-2016	177-094-0080	10-1-2016	Amend	11-1-2016
166-017-0075	5-5-2016	Adopt	6-1-2016	177-094-0080(T)	10-1-2016	Repeal	11-1-2016
166-017-0080	5-5-2016	Repeal	6-1-2016	177-098-0010	10-18-2016	Amend	11-1-2016
166-017-0085	5-5-2016	Adopt	6-1-2016	177-098-0020	10-18-2016	Amend	11-1-2016
166-017-0090	5-5-2016	Adopt	6-1-2016	177-098-0030	10-18-2016	Amend	11-1-2016
166-017-0095	5-5-2016	Adopt	6-1-2016	177-098-0040	10-18-2016	Amend	11-1-2016
166-030-0019	5-5-2016	Adopt	6-1-2016	177-098-0050	10-18-2016	Amend	11-1-2016
170-062-0000	2-10-2016	Amend	3-1-2016	177-098-0060	10-18-2016	Amend	11-1-2016
170-062-0000	6-30-2016	Amend	8-1-2016	177-098-0070	10-18-2016	Amend	11-1-2016
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170-063-0000	5-25-2016	Amend	7-1-2016	177-098-0100	10-18-2016	Amend	11-1-2016
173-005-0000	7-28-2016	Amend	9-1-2016	177-098-0110	10-18-2016	Amend	11-1-2016
173-006-0005	7-28-2016	Amend	9-1-2016	177-099-0000	10-6-2016	Amend	11-1-2016
173-007-0000	7-28-2016	Amend	9-1-2016	177-099-0080	10-6-2016	Amend	11-1-2016

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199-001-0030	6-1-2016	Amend	7-1-2016	257-070-0015	3-7-2016	Amend	4-1-2016
199-040-0020	6-1-2016	Adopt	7-1-2016	257-070-0100	3-7-2016	Adopt	4-1-2016
199-040-0025	6-1-2016	Adopt	7-1-2016	257-070-0110	3-7-2016	Adopt	4-1-2016
199-040-0030	6-1-2016	Adopt	7-1-2016	257-070-0120	3-7-2016	Adopt	4-1-2016
199-040-0050	6-1-2016	Adopt	7-1-2016	257-070-0130	3-7-2016	Adopt	4-1-2016
213-003-0001	5-10-2016	Amend	6-1-2016	259-008-0005	1-1-2016	Amend	2-1-2016
213-017-0002	5-10-2016	Amend	6-1-2016	259-008-0005	4-1-2016	Amend	5-1-2016
213-017-0003	5-10-2016	Amend	6-1-2016	259-008-0010	1-1-2016	Amend	2-1-2016
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213-017-0006	5-10-2016	Amend	6-1-2016	259-008-0010	7-29-2016	Amend	9-1-2016
213-017-0007	5-10-2016	Amend	6-1-2016	259-008-0011	4-1-2016	Amend	5-1-2016
213-017-0008	5-10-2016	Amend	6-1-2016	259-008-0011	7-29-2016	Amend	9-1-2016
213-018-0035	5-10-2016	Amend	6-1-2016	259-008-0015	4-1-2016	Amend	5-1-2016
213-018-0050	5-10-2016	Amend	6-1-2016	259-008-0020	4-1-2016	Amend	5-1-2016
213-018-0068	5-10-2016	Amend	6-1-2016	259-008-0020	7-29-2016	Amend	9-1-2016
230-030-0150	9-30-2016	Amend(T)	10-1-2016	259-008-0025	1-1-2016	Amend	2-1-2016
250-001-0035	5-12-2016	Adopt(T)	6-1-2016	259-008-0025	3-22-2016	Amend	5-1-2016
250-010-0057	4-13-2016	Suspend	5-1-2016	259-008-0030	3-22-2016	Repeal	5-1-2016
250-010-0057	7-1-2016	Repeal	8-1-2016	259-008-0035	3-22-2016	Repeal	5-1-2016
250-010-0058	7-1-2016	Amend	8-1-2016	259-008-0040	1-1-2016	Amend	2-1-2016
250-011-0050	5-2-2016	Amend(T)	6-1-2016	259-008-0060	1-1-2016	Amend	2-1-2016
250-011-0050	7-1-2016	Amend	8-1-2016	259-008-0060	7-29-2016	Amend	9-1-2016
250-011-0050(T)	7-1-2016	Repeal	8-1-2016	259-008-0064	7-29-2016	Amend	9-1-2016
250-011-0060	5-2-2016	Amend(T)	6-1-2016	259-008-0065	7-29-2016	Amend	9-1-2016
250-011-0060	7-1-2016	Amend	8-1-2016	259-008-0066	7-29-2016	Amend	9-1-2016
250-011-0060(T)	7-1-2016	Repeal	8-1-2016	259-008-0076	7-29-2016	Amend	9-1-2016
250-020-0032	6-7-2016	Amend(T)	7-1-2016	259-008-0080	7-29-2016	Amend	9-1-2016
250-020-0091	8-21-2016	Amend(T)	9-1-2016	259-008-0085	3-22-2016	Amend	5-1-2016
250-020-0091	8-21-2016	Amend(T)	10-1-2016	259-008-0100	1-1-2016	Amend	2-1-2016
250-020-0091	9-23-2016	Amend(T)	11-1-2016	259-009-0010	7-29-2016	Amend	9-1-2016
250-020-0091(T)	8-21-2016	Suspend	10-1-2016	259-009-0010	9-22-2016	Amend	11-1-2016
250-020-0091(T)	9-23-2016	Suspend	11-1-2016	259-009-0059	1-1-2016	Amend	2-1-2016
250-020-0161	7-1-2016	Amend	8-1-2016	259-009-0059	9-22-2016	Amend	11-1-2016
250-020-0221	4-1-2016	Amend(T)	5-1-2016	259-009-0062	12-22-2015	Amend	2-1-2016
250-020-0340	7-1-2016	Amend	8-1-2016	259-009-0062	9-22-2016	Amend	11-1-2016
250-030-0010	2-1-2016	Repeal	2-1-2016	259-009-0070	1-1-2016	Amend	2-1-2016
250-030-0020	2-1-2016	Repeal	2-1-2016	259-009-0070	9-22-2016	Amend	11-1-2016
250-030-0030	2-1-2016	Repeal	2-1-2016	259-009-0087	9-22-2016	Amend	11-1-2016
250-030-0041	2-1-2016	Repeal	2-1-2016	259-060-0010	12-22-2015	Amend	2-1-2016
250-030-0100	2-1-2016	Adopt	2-1-2016	259-060-0010	6-22-2016	Amend	8-1-2016
250-030-0110	2-1-2016	Adopt	2-1-2016	259-060-0015	12-22-2015	Amend	2-1-2016
250-030-0120	2-1-2016	Adopt	2-1-2016	259-060-0015	6-22-2016	Amend	8-1-2016
250-030-0130	2-1-2016	Adopt	2-1-2016	259-060-0025	6-22-2016	Amend	8-1-2016
250-030-0140	2-1-2016	Adopt	2-1-2016	259-060-0025	9-22-2016	Amend	11-1-2016
250-030-0150	2-1-2016	Adopt	2-1-2016	259-060-0030	6-22-2016	Amend	8-1-2016
250-030-0160	2-1-2016	Adopt	2-1-2016	259-060-0060	3-22-2016	Amend	5-1-2016
250-030-0170	2-1-2016	Adopt	2-1-2016	259-060-0120	3-22-2016	Amend	5-1-2016
250-030-0180	2-1-2016	Adopt	2-1-2016	259-060-0130	6-22-2016	Amend	8-1-2016
255-030-0015	4-26-2016	Amend(T)	6-1-2016	259-060-0135	3-22-2016	Amend	5-1-2016
255-030-0015	8-29-2016	Amend	10-1-2016	259-060-0145	12-22-2015	Amend	2-1-2016
255-085-0010	1-27-2016	Adopt	3-1-2016	259-060-0600	9-22-2016	Amend	11-1-2016
255-085-0020	1-27-2016	Adopt	3-1-2016	259-061-0010	3-22-2016	Amend	5-1-2016
255-085-0030	1-27-2016	Adopt	3-1-2016	259-061-0018	3-22-2016	Amend	5-1-2016
255-085-0040	1-27-2016	Adopt	3-1-2016	259-061-0020	9-22-2016	Amend	11-1-2016

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259-061-0160	3-22-2016	Amend	5-1-2016	291-209-0030	3-30-2016	Amend	5-1-2016
259-061-0170	3-22-2016	Repeal	5-1-2016	291-209-0030(T)	3-30-2016	Repeal	5-1-2016
259-061-0250	3-22-2016	Repeal	5-1-2016	291-209-0040	1-1-2016	Amend(T)	2-1-2016
259-061-0300	3-22-2016	Amend	5-1-2016	291-209-0040	3-30-2016	Amend	5-1-2016
274-005-0040	12-28-2015	Amend	2-1-2016	291-209-0040(T)	3-30-2016	Repeal	5-1-2016
274-005-0046	12-28-2015	Adopt	2-1-2016	291-209-0050	1-1-2016	Suspend	2-1-2016
291-014-0110	4-29-2016	Amend	6-1-2016	291-209-0050	3-30-2016	Repeal	5-1-2016
291-014-0120	4-29-2016	Amend	6-1-2016	291-209-0050(T)	3-30-2016	Repeal	5-1-2016
291-041-0010	3-24-2016	Amend	5-1-2016	291-209-0060	1-1-2016	Suspend	2-1-2016
291-041-0015	3-24-2016	Amend	5-1-2016	291-209-0060	3-30-2016	Repeal	5-1-2016
291-041-0016	3-24-2016	Amend	5-1-2016	291-209-0060(T)	3-30-2016	Repeal	5-1-2016
291-041-0018	3-24-2016	Amend	5-1-2016	291-209-0070	1-1-2016	Amend(T)	2-1-2016
291-041-0020	3-24-2016	Amend	5-1-2016	309-008-0100	7-1-2016	Adopt(T)	8-1-2016
291-041-0030	3-24-2016	Amend	5-1-2016	309-008-0100	7-29-2016	Amend(T)	9-1-2016
291-041-0035	3-24-2016	Amend	5-1-2016	309-008-0200	7-1-2016	Adopt(T)	8-1-2016
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291-097-0200	9-15-2016	Amend	10-1-2016	309-008-0250	7-29-2016	Amend(T)	9-1-2016
291-097-0210	9-15-2016	Amend	10-1-2016	309-008-0300	7-1-2016	Adopt(T)	8-1-2016
291-097-0215	9-15-2016	Amend	10-1-2016	309-008-0400	7-1-2016	Adopt(T)	8-1-2016
291-097-0220	9-15-2016	Amend	10-1-2016	309-008-0500	7-1-2016	Adopt(T)	8-1-2016
291-097-0225	9-15-2016	Amend	10-1-2016	309-008-0600	7-1-2016	Adopt(T)	8-1-2016
291-097-0230	9-15-2016	Amend	10-1-2016	309-008-0700	7-1-2016	Adopt(T)	8-1-2016
291-097-0231	9-15-2016	Amend	10-1-2016	309-008-0800	7-1-2016	Adopt(T)	8-1-2016
291-097-0236	9-15-2016	Adopt	10-1-2016	309-008-0900	7-1-2016	Adopt(T)	8-1-2016
291-097-0240	9-15-2016	Amend	10-1-2016	309-008-1000	7-1-2016	Adopt(T)	8-1-2016
291-097-0245	9-15-2016	Amend	10-1-2016	309-008-1100	7-1-2016	Adopt(T)	8-1-2016
291-097-0260	9-15-2016	Amend	10-1-2016	309-008-1200	7-1-2016	Adopt(T)	8-1-2016
291-131-0005	5-10-2016	Amend	6-1-2016	309-008-1300	7-1-2016	Adopt(T)	8-1-2016
291-131-0010	5-10-2016	Amend	6-1-2016	309-008-1400	7-1-2016	Adopt(T)	8-1-2016
291-131-0015	5-10-2016	Amend	6-1-2016	309-008-1500	7-1-2016	Adopt(T)	8-1-2016
291-131-0020	5-10-2016	Amend	6-1-2016	309-008-1600	7-1-2016	Adopt(T)	8-1-2016
291-131-0021	5-10-2016	Amend	6-1-2016	309-012-0130	11-25-2015	Amend(T)	1-1-2016
291-131-0025	5-10-2016	Amend	6-1-2016	309-012-0130(T)	7-1-2016	Suspend	8-1-2016
291-131-0026	5-10-2016	Adopt	6-1-2016	309-012-0140(T)	7-1-2016	Suspend	8-1-2016
291-131-0030	5-10-2016	Amend	6-1-2016	309-012-0150(T)	7-1-2016	Suspend	8-1-2016
291-131-0035	5-10-2016	Amend	6-1-2016	309-012-0160(T)	7-1-2016	Suspend	8-1-2016
291-131-0037	5-10-2016	Amend	6-1-2016	309-012-0170(T)	7-1-2016	Suspend	8-1-2016
291-131-0050	5-10-2016	Amend	6-1-2016	309-012-0180(T)	7-1-2016	Suspend	8-1-2016
291-133-0005	4-20-2016	Amend	6-1-2016	309-012-0190(T)	7-1-2016	Suspend	8-1-2016
291-133-0015	4-20-2016	Amend	6-1-2016	309-012-0200(T)	7-1-2016	Suspend	8-1-2016
291-133-0025	4-20-2016	Amend	6-1-2016	309-012-0210	11-25-2015	Amend(T)	1-1-2016
291-133-0035	4-20-2016	Amend	6-1-2016	309-012-0210(T)	7-1-2016	Suspend	8-1-2016
291-167-0005	2-29-2016	Amend	4-1-2016	309-012-0220	11-25-2015	Amend(T)	1-1-2016
291-167-0010	2-29-2016	Amend	4-1-2016	309-012-0220(T)	7-1-2016	Suspend	8-1-2016
291-167-0015	2-29-2016	Amend	4-1-2016	309-012-0230	7-1-2016	Suspend	8-1-2016
291-180-0252	3-1-2016	Amend	4-1-2016	309-018-0100	7-1-2016	Amend(T)	8-1-2016
291-205-0020	1-21-2016	Amend	3-1-2016	309-018-0105	7-1-2016	Amend(T)	8-1-2016
291-205-0030	1-21-2016	Amend	3-1-2016	309-018-0107	7-1-2016	Adopt(T)	8-1-2016
291-205-0050	1-21-2016	Amend	3-1-2016	309-018-0160	7-1-2016	Amend(T)	8-1-2016
291-209-0010	1-1-2016	Amend(T)	2-1-2016	309-018-0210	7-1-2016	Amend(T)	8-1-2016
291-209-0010	3-30-2016	Amend	5-1-2016	309-018-0215	7-1-2016	Amend(T)	8-1-2016
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291-209-0020	1-1-2016	Amend(T)	2-1-2016	309-019-0105	7-1-2016	Amend(T)	8-1-2016
291-209-0020	3-30-2016	Amend	5-1-2016	309-019-0110	7-1-2016	Amend(T)	8-1-2016
291-209-0020(T)	3-30-2016	Repeal	5-1-2016	309-019-0125	7-1-2016	Amend(T)	8-1-2016

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309-019-0140	7-1-2016	Amend(T)	8-1-2016	309-035-0280(T)	9-7-2016	Suspend	10-1-2016
309-019-0145	7-1-2016	Amend(T)	8-1-2016	309-035-0290(T)	9-7-2016	Suspend	10-1-2016
309-019-0195	7-1-2016	Amend(T)	8-1-2016	309-035-0300(T)	9-7-2016	Suspend	10-1-2016
309-019-0215	7-1-2016	Amend(T)	8-1-2016	309-035-0310(T)	9-7-2016	Suspend	10-1-2016
309-019-0220	7-1-2016	Amend(T)	8-1-2016	309-035-0320(T)	9-7-2016	Suspend	10-1-2016
309-019-0225	7-1-2016	Adopt(T)	8-1-2016	309-035-0330(T)	9-7-2016	Suspend	10-1-2016
309-019-0230	7-1-2016	Adopt(T)	8-1-2016	309-035-0340(T)	9-7-2016	Suspend	10-1-2016
309-019-0235	7-1-2016	Adopt(T)	8-1-2016	309-035-0350(T)	9-7-2016	Suspend	10-1-2016
309-019-0240	7-1-2016	Adopt(T)	8-1-2016	309-035-0360(T)	9-7-2016	Suspend	10-1-2016
309-019-0245	7-1-2016	Adopt(T)	8-1-2016	309-035-0370(T)	9-7-2016	Suspend	10-1-2016
309-019-0248	7-1-2016	Amend(T)	8-1-2016	309-035-0380(T)	9-7-2016	Suspend	10-1-2016
309-019-0250	7-1-2016	Adopt(T)	8-1-2016	309-035-0390(T)	9-7-2016	Suspend	10-1-2016
309-019-0255	7-1-2016	Adopt(T)	8-1-2016	309-035-0400(T)	9-7-2016	Suspend	10-1-2016
309-022-0100	7-1-2016	Amend(T)	8-1-2016	309-035-0410(T)	9-7-2016	Suspend	10-1-2016
309-022-0105	7-1-2016	Amend(T)	8-1-2016	309-035-0420(T)	9-7-2016	Suspend	10-1-2016
309-022-0135	7-1-2016	Amend(T)	8-1-2016	309-035-0430(T)	9-7-2016	Suspend	10-1-2016
309-022-0175	7-1-2016	Amend(T)	8-1-2016	309-035-0440(T)	9-7-2016	Suspend	10-1-2016
309-022-0205	7-1-2016	Amend(T)	8-1-2016	309-035-0450(T)	9-7-2016	Suspend	10-1-2016
309-023-0100	10-6-2016	Adopt(T)	11-1-2016	309-035-0460(T)	9-7-2016	Suspend	10-1-2016
309-023-0110	10-6-2016	Adopt(T)	11-1-2016	309-035-0500(T)	9-7-2016	Suspend	10-1-2016
309-023-0120	10-6-2016	Adopt(T)	11-1-2016	309-035-0550(T)	9-7-2016	Suspend	10-1-2016
309-023-0130	10-6-2016	Adopt(T)	11-1-2016	309-035-0560(T)	9-7-2016	Suspend	10-1-2016
309-023-0140	10-6-2016	Adopt(T)	11-1-2016	309-035-0570(T)	9-7-2016	Suspend	10-1-2016
309-023-0150	10-6-2016	Adopt(T)	11-1-2016	309-035-0580(T)	9-7-2016	Suspend	10-1-2016
309-023-0160	10-6-2016	Adopt(T)	11-1-2016	309-035-0590(T)	9-7-2016	Suspend	10-1-2016
309-023-0170	10-6-2016	Adopt(T)	11-1-2016	309-035-0600(T)	9-7-2016	Suspend	10-1-2016
309-023-0180	10-6-2016	Adopt(T)	11-1-2016	309-039-0500	7-1-2016	Amend(T)	8-1-2016
309-035-0100	9-7-2016	Amend(T)	10-1-2016	309-039-0510	7-1-2016	Amend(T)	8-1-2016
309-035-0105	9-7-2016	Amend(T)	10-1-2016	309-039-0530	7-1-2016	Amend(T)	8-1-2016
309-035-0107	9-7-2016	Adopt(T)	10-1-2016	309-039-0580	7-1-2016	Amend(T)	8-1-2016
309-035-0110	9-7-2016	Amend(T)	10-1-2016	309-040-0300	9-7-2016	Amend(T)	10-1-2016
309-035-0113	9-7-2016	Amend(T)	10-1-2016	309-040-0301	9-7-2016	Adopt(T)	10-1-2016
309-035-0115	9-7-2016	Amend(T)	10-1-2016	309-040-0305	9-7-2016	Amend(T)	10-1-2016
309-035-0117	9-7-2016	Amend(T)	10-1-2016	309-040-0310	9-7-2016	Amend(T)	10-1-2016
309-035-0120	9-7-2016	Amend(T)	10-1-2016	309-040-0315	9-7-2016	Amend(T)	10-1-2016
309-035-0125	9-7-2016	Amend(T)	10-1-2016	309-040-0320	9-7-2016	Amend(T)	10-1-2016
309-035-0130	9-7-2016	Amend(T)	10-1-2016	309-040-0325	9-7-2016	Amend(T)	10-1-2016
309-035-0135	9-7-2016	Amend(T)	10-1-2016	309-040-0330	9-7-2016	Amend(T)	10-1-2016
309-035-0140	9-7-2016	Amend(T)	10-1-2016	309-040-0335	9-7-2016	Amend(T)	10-1-2016
309-035-0145	9-7-2016	Amend(T)	10-1-2016	309-040-0340	9-7-2016	Amend(T)	10-1-2016
309-035-0146	9-7-2016	Adopt(T)	10-1-2016	309-040-0345	9-7-2016	Amend(T)	10-1-2016
309-035-0150	9-7-2016	Amend(T)	10-1-2016	309-040-0350	9-7-2016	Amend(T)	10-1-2016
309-035-0155	9-7-2016	Amend(T)	10-1-2016	309-040-0355	9-7-2016	Amend(T)	10-1-2016
309-035-0157	9-7-2016	Amend(T)	10-1-2016	309-040-0360	9-7-2016	Amend(T)	10-1-2016
309-035-0159	9-7-2016	Amend(T)	10-1-2016	309-040-0365	9-7-2016	Amend(T)	10-1-2016
309-035-0160	9-7-2016	Adopt(T)	10-1-2016	309-040-0370	9-7-2016	Amend(T)	10-1-2016
309-035-0161	9-7-2016	Adopt(T)	10-1-2016	309-040-0375	9-7-2016	Amend(T)	10-1-2016
309-035-0165	9-7-2016	Amend(T)	10-1-2016	309-040-0380	9-7-2016	Amend(T)	10-1-2016
309-035-0167	9-7-2016	Amend(T)	10-1-2016	309-040-0385	9-7-2016	Amend(T)	10-1-2016
309-035-0170	9-7-2016	Amend(T)	10-1-2016	309-040-0390	9-7-2016	Amend(T)	10-1-2016
309-035-0175	9-7-2016	Amend(T)	10-1-2016	309-040-0391	9-7-2016	Adopt(T)	10-1-2016
309-035-0185	9-7-2016	Amend(T)	10-1-2016	309-040-0392	9-7-2016	Adopt(T)	10-1-2016
309-035-0190	9-7-2016	Amend(T)	10-1-2016	309-040-0395	9-7-2016	Amend(T)	10-1-2016
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309-040-0420	9-7-2016	Amend(T)	10-1-2016	333-002-0000	7-1-2016	Amend	7-1-2016
309-040-0425	9-7-2016	Amend(T)	10-1-2016	333-002-0010	7-1-2016	Amend	7-1-2016
309-040-0430	9-7-2016	Amend(T)	10-1-2016	333-002-0020	7-1-2016	Amend	7-1-2016
309-040-0435	9-7-2016	Amend(T)	10-1-2016	333-002-0030	7-1-2016	Amend	7-1-2016
309-040-0440	9-7-2016	Amend(T)	10-1-2016	333-002-0035	7-1-2016	Amend	7-1-2016
309-040-0445	9-7-2016	Amend(T)	10-1-2016	333-002-0040	7-1-2016	Amend	7-1-2016
309-040-0450	9-7-2016	Amend(T)	10-1-2016	333-002-0050	7-1-2016	Amend	7-1-2016
309-040-0455	9-7-2016	Amend(T)	10-1-2016	333-002-0060	7-1-2016	Amend	7-1-2016
309-088-0100	4-7-2016	Adopt(T)	5-1-2016	333-002-0070	7-1-2016	Amend	7-1-2016
309-088-0110	4-7-2016	Adopt(T)	5-1-2016	333-002-0080	7-1-2016	Amend	7-1-2016
309-088-0120	4-7-2016	Adopt(T)	5-1-2016	333-002-0100	7-1-2016	Repeal	7-1-2016
309-090-0000	5-3-2016	Amend	6-1-2016	333-002-0120	7-1-2016	Amend	7-1-2016
309-090-0005	5-3-2016	Amend	6-1-2016	333-002-0130	7-1-2016	Repeal	7-1-2016
309-090-0010	5-3-2016	Amend	6-1-2016	333-002-0140	7-1-2016	Amend	7-1-2016
309-090-0015	5-3-2016	Amend	6-1-2016	333-002-0150	7-1-2016	Amend	7-1-2016
309-090-0020	5-3-2016	Amend	6-1-2016	333-002-0160	7-1-2016	Repeal	7-1-2016
309-090-0025	5-3-2016	Amend	6-1-2016	333-002-0170	7-1-2016	Amend	7-1-2016
309-090-0030	5-3-2016	Amend	6-1-2016	333-002-0180	7-1-2016	Repeal	7-1-2016
309-090-0035	5-3-2016	Amend	6-1-2016	333-002-0190	7-1-2016	Amend	7-1-2016
309-090-0050	5-3-2016	Amend	6-1-2016	333-002-0200	7-1-2016	Repeal	7-1-2016
309-090-0055	5-3-2016	Amend	6-1-2016	333-002-0210	7-1-2016	Amend	7-1-2016
309-090-0060	5-3-2016	Amend	6-1-2016	333-002-0220	7-1-2016	Repeal	7-1-2016
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309-114-0005	5-25-2016	Amend	7-1-2016	333-007-0040(T)	6-28-2016	Repeal	8-1-2016
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333-007-0100	6-28-2016	Adopt	8-1-2016	333-007-0430	6-28-2016	Adopt	8-1-2016
333-007-0100	6-28-2016	Adopt	8-1-2016	333-007-0430(T)	6-28-2016	Repeal	8-1-2016
333-007-0100	9-30-2016	Amend(T)	11-1-2016	333-007-0440	6-28-2016	Adopt	8-1-2016
333-007-0100(T)	6-28-2016	Repeal	8-1-2016	333-007-0440	6-28-2016	Adopt	8-1-2016
333-007-0200	2-8-2016	Amend(T)	3-1-2016	333-007-0440(T)	6-28-2016	Repeal	8-1-2016
333-007-0200	6-28-2016	Adopt	8-1-2016	333-007-0450	6-28-2016	Adopt	8-1-2016
333-007-0200	6-28-2016	Adopt	8-1-2016	333-007-0450	6-28-2016	Adopt	8-1-2016
333-007-0200(T)	6-28-2016	Repeal	8-1-2016	333-007-0450(T)	6-28-2016	Repeal	8-1-2016
333-007-0210	6-28-2016	Adopt	8-1-2016	333-007-0460	6-28-2016	Repeal	8-1-2016
333-007-0210	6-28-2016	Adopt	8-1-2016	333-007-0470	6-28-2016	Adopt	8-1-2016
333-007-0210(T)	6-28-2016	Repeal	8-1-2016	333-007-0470	6-28-2016	Adopt	8-1-2016
333-007-0220	6-28-2016	Adopt	8-1-2016	333-007-0470(T)	6-28-2016	Repeal	8-1-2016
333-007-0220	6-28-2016	Adopt	8-1-2016	333-007-0480	6-28-2016	Adopt	8-1-2016
333-007-0220(T)	6-28-2016	Repeal	8-1-2016	333-007-0480	6-28-2016	Adopt	8-1-2016
333-007-0300	6-28-2016	Adopt	8-1-2016	333-007-0480(T)	6-28-2016	Repeal	8-1-2016
333-007-0300	6-28-2016	Adopt	8-1-2016	333-007-0490	6-28-2016	Adopt	8-1-2016
333-007-0310	6-28-2016	Adopt	8-1-2016	333-007-0490	6-28-2016	Adopt	8-1-2016
333-007-0310	6-28-2016	Adopt	8-1-2016	333-007-0490(T)	6-28-2016	Repeal	8-1-2016
333-007-0315	6-28-2016	Adopt	8-1-2016	333-007-1000	9-30-2016	Adopt(T)	11-1-2016
333-007-0315	6-28-2016	Adopt	8-1-2016	333-008-0000	3-1-2016	Repeal	4-1-2016
333-007-0315(T)	6-28-2016	Repeal	8-1-2016	333-008-0010	3-1-2016	Amend	4-1-2016
333-007-0320	6-28-2016	Adopt	8-1-2016	333-008-0010	6-28-2016	Amend	8-1-2016
333-007-0320	6-28-2016	Adopt	8-1-2016	333-008-0010(T)	3-1-2016	Repeal	4-1-2016
333-007-0320(T)	6-28-2016	Repeal	8-1-2016	333-008-0020	3-1-2016	Amend	4-1-2016
333-007-0330	6-28-2016	Adopt	8-1-2016	333-008-0020	6-28-2016	Amend	8-1-2016
333-007-0330	6-28-2016	Adopt	8-1-2016	333-008-0021	3-1-2016	Adopt	4-1-2016
333-007-0330(T)	6-28-2016	Repeal	8-1-2016	333-008-0021	6-28-2016	Amend	8-1-2016
333-007-0340	6-28-2016	Adopt	8-1-2016	333-008-0022	3-1-2016	Adopt	4-1-2016
333-007-0340	6-28-2016	Adopt	8-1-2016	333-008-0022	6-28-2016	Amend	8-1-2016
333-007-0340(T)	6-28-2016	Repeal	8-1-2016	333-008-0023	3-1-2016	Adopt	4-1-2016
333-007-0345	6-28-2016	Adopt	8-1-2016	333-008-0023	6-28-2016	Amend	8-1-2016
333-007-0350	6-28-2016	Adopt	8-1-2016	333-008-0025	3-1-2016	Amend	4-1-2016
333-007-0350	6-28-2016	Adopt	8-1-2016	333-008-0025	6-28-2016	Amend	8-1-2016
333-007-0350(T)	6-28-2016	Repeal	8-1-2016	333-008-0025(T)	3-1-2016	Repeal	4-1-2016
333-007-0360	6-28-2016	Adopt	8-1-2016	333-008-0030	3-1-2016	Amend	4-1-2016
333-007-0360	6-28-2016	Adopt	8-1-2016	333-008-0033	3-1-2016	Adopt	4-1-2016
333-007-0360(T)	6-28-2016	Repeal	8-1-2016	333-008-0033	6-28-2016	Amend	8-1-2016
333-007-0370	6-28-2016	Adopt	8-1-2016	333-008-0035	3-1-2016	Adopt	4-1-2016
333-007-0370	6-28-2016	Adopt	8-1-2016	333-008-0037	3-1-2016	Adopt	4-1-2016
333-007-0370(T)	6-28-2016	Repeal	8-1-2016	333-008-0037	6-28-2016	Amend	8-1-2016
333-007-0380	6-28-2016	Adopt	8-1-2016	333-008-0040	3-1-2016	Amend	4-1-2016
333-007-0380	6-28-2016	Adopt	8-1-2016	333-008-0040	6-28-2016	Amend	8-1-2016
333-007-0380(T)	6-28-2016	Repeal	8-1-2016	333-008-0045	3-1-2016	Amend	4-1-2016
333-007-0390	6-28-2016	Adopt	8-1-2016	333-008-0045	6-28-2016	Amend	8-1-2016
333-007-0390	6-28-2016	Adopt	8-1-2016	333-008-0047	3-1-2016	Adopt	4-1-2016
333-007-0390(T)	6-28-2016	Repeal	8-1-2016	333-008-0049	3-1-2016	Adopt	4-1-2016
333-007-0400	6-28-2016	Adopt	8-1-2016	333-008-0050	3-2-2016	Repeal	4-1-2016
333-007-0400	6-28-2016	Adopt	8-1-2016	333-008-0060	3-1-2016	Repeal	4-1-2016
333-007-0400(T)	6-28-2016	Repeal	8-1-2016	333-008-0070	3-1-2016	Repeal	4-1-2016
333-007-0410	6-28-2016	Adopt	8-1-2016	333-008-0080	3-1-2016	Amend	4-1-2016
333-007-0410	6-28-2016	Adopt	8-1-2016	333-008-0080	6-28-2016	Amend	8-1-2016
333-007-0410(T)	6-28-2016	Repeal	8-1-2016	333-008-0110	3-1-2016	Amend	4-1-2016

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333-008-0300(T)	6-28-2016	Repeal	8-1-2016	333-008-1075	3-1-2016	Adopt	4-1-2016
333-008-0310(T)	6-28-2016	Repeal	8-1-2016	333-008-1075	6-28-2016	Amend	8-1-2016
333-008-0499	1-1-2016	Adopt(T)	2-1-2016	333-008-1078	3-1-2016	Adopt	4-1-2016
333-008-0499(T)	3-1-2016	Repeal	4-1-2016	333-008-1078	6-28-2016	Amend	8-1-2016
333-008-0500	1-1-2016	Adopt(T)	2-1-2016	333-008-1080	3-1-2016	Repeal	4-1-2016
333-008-0500	3-1-2016	Adopt	4-1-2016	333-008-1090	3-1-2016	Repeal	4-1-2016
333-008-0500	6-28-2016	Amend	8-1-2016	333-008-1100	3-1-2016	Repeal	4-1-2016
333-008-0500(T)	3-1-2016	Repeal	4-1-2016	333-008-1110	3-1-2016	Amend	4-1-2016
333-008-0510	1-1-2016	Adopt(T)	2-1-2016	333-008-1110	6-28-2016	Amend	8-1-2016
333-008-0510	3-1-2016	Adopt	4-1-2016	333-008-1120	3-1-2016	Repeal	4-1-2016
333-008-0510	6-28-2016	Amend	8-1-2016	333-008-1130	3-2-2016	Repeal	4-1-2016
333-008-0510(T)	3-1-2016	Repeal	4-1-2016	333-008-1140	3-2-2016	Repeal	4-1-2016
333-008-0520	1-1-2016	Adopt(T)	2-1-2016	333-008-1150	3-2-2016	Repeal	4-1-2016
333-008-0520	3-1-2016	Adopt	4-1-2016	333-008-1160	3-2-2016	Repeal	4-1-2016
333-008-0520(T)	3-1-2016	Repeal	4-1-2016	333-008-1170	3-2-2016	Repeal	4-1-2016
333-008-0530	1-1-2016	Adopt(T)	2-1-2016	333-008-1180	3-2-2016	Repeal	4-1-2016
333-008-0530	3-1-2016	Adopt	4-1-2016	333-008-1190	3-1-2016	Amend	4-1-2016
333-008-0530(T)	3-1-2016	Repeal	4-1-2016	333-008-1190	6-28-2016	Amend	8-1-2016
333-008-0540	3-1-2016	Adopt	4-1-2016	333-008-1200	3-1-2016	Amend	4-1-2016
333-008-0540	6-28-2016	Amend	8-1-2016	333-008-1200	6-28-2016	Amend	8-1-2016
333-008-0550	3-1-2016	Adopt	4-1-2016	333-008-1200	9-9-2016	Amend(T)	10-1-2016
333-008-0550	6-28-2016	Amend	8-1-2016	333-008-1200	9-30-2016	Amend(T)	11-1-2016
333-008-0560	3-1-2016	Adopt	4-1-2016	333-008-1205	3-1-2016	Adopt	4-1-2016
333-008-0560	6-28-2016	Amend	8-1-2016	333-008-1205	6-28-2016	Amend	8-1-2016
333-008-0570	3-1-2016	Adopt	4-1-2016	333-008-1210	3-1-2016	Repeal	4-1-2016
333-008-0570	6-28-2016	Amend	8-1-2016	333-008-1220	3-1-2016	Amend	4-1-2016
333-008-0580	3-1-2016	Adopt	4-1-2016	333-008-1225	3-1-2016	Amend	4-1-2016
333-008-0600	3-1-2016	Adopt	4-1-2016	333-008-1225	4-15-2016	Amend(T)	5-1-2016
333-008-0630	3-1-2016	Adopt	4-1-2016	333-008-1225	6-28-2016	Amend	8-1-2016
333-008-0630	6-28-2016	Amend	8-1-2016	333-008-1225(T)	6-28-2016	Repeal	8-1-2016
333-008-0640	3-1-2016	Adopt	4-1-2016	333-008-1230	3-1-2016	Amend	4-1-2016
333-008-0700	3-1-2016	Adopt	4-1-2016	333-008-1230	6-28-2016	Amend	8-1-2016
333-008-0710	3-1-2016	Adopt	4-1-2016	333-008-1230	9-9-2016	Amend(T)	10-1-2016
333-008-0720	3-1-2016	Adopt	4-1-2016	333-008-1240	3-1-2016	Repeal	4-1-2016
333-008-0730	3-1-2016	Adopt	4-1-2016	333-008-1245	3-1-2016	Amend	4-1-2016
333-008-0740	3-1-2016	Adopt	4-1-2016	333-008-1245	6-28-2016	Amend	8-1-2016
333-008-0750	3-1-2016	Adopt	4-1-2016	333-008-1247	3-1-2016	Adopt	4-1-2016
333-008-1000	3-1-2016	Amend	4-1-2016	333-008-1248	3-1-2016	Adopt	4-1-2016
333-008-1000	6-28-2016	Amend	8-1-2016	333-008-1250	3-1-2016	Repeal	4-1-2016
333-008-1010	3-1-2016	Amend	4-1-2016	333-008-1260	3-1-2016	Repeal	4-1-2016
333-008-1010(T)	3-1-2016	Repeal	4-1-2016	333-008-1270	3-1-2016	Repeal	4-1-2016
333-008-1020	3-1-2016	Amend	4-1-2016	333-008-1275	3-1-2016	Repeal	4-1-2016
333-008-1020	6-28-2016	Amend	8-1-2016	333-008-1280	3-1-2016	Repeal	4-1-2016
333-008-1030	3-1-2016	Amend	4-1-2016	333-008-1290	3-1-2016	Repeal	4-1-2016
333-008-1040	3-1-2016	Amend	4-1-2016	333-008-1400	3-1-2016	Repeal	4-1-2016
333-008-1040	6-28-2016	Amend	8-1-2016	333-008-1500	3-1-2016	Adopt	4-1-2016
333-008-1050	3-1-2016	Amend	4-1-2016	333-008-1500	6-2-2016	Amend(T)	7-1-2016
333-008-1060	3-1-2016	Amend	4-1-2016	333-008-1500(T)	3-1-2016	Repeal	4-1-2016
333-008-1060	6-28-2016	Amend	8-1-2016	333-008-1501	3-1-2016	Adopt	4-1-2016
333-008-1060(T)	3-1-2016	Repeal	4-1-2016	333-008-1501(T)	3-1-2016	Repeal	4-1-2016
333-008-1063	3-1-2016	Adopt	4-1-2016	333-008-1505	3-1-2016	Adopt	4-1-2016
333-008-1070	3-1-2016	Amend	4-1-2016	333-008-1505	6-2-2016	Amend(T)	7-1-2016
333-008-1070	6-28-2016	Amend	8-1-2016	333-008-1600	3-1-2016	Adopt	4-1-2016
333-008-1070(T)	3-1-2016	Repeal	4-1-2016	333-008-1610	3-1-2016	Adopt	4-1-2016
333-008-1073	3-1-2016	Adopt	4-1-2016	333-008-1610	6-28-2016	Amend	8-1-2016

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333-008-1620	6-28-2016	Amend	8-1-2016	333-008-2130	3-1-2016	Adopt	4-1-2016
333-008-1630	3-1-2016	Adopt	4-1-2016	333-008-2140	3-1-2016	Adopt	4-1-2016
333-008-1640	3-1-2016	Adopt	4-1-2016	333-008-2150	3-1-2016	Adopt	4-1-2016
333-008-1640	6-28-2016	Repeal	8-1-2016	333-008-2160	3-1-2016	Adopt	4-1-2016
333-008-1650	3-1-2016	Adopt	4-1-2016	333-008-2170	3-1-2016	Adopt	4-1-2016
333-008-1650	6-28-2016	Amend	8-1-2016	333-008-2180	3-1-2016	Adopt	4-1-2016
333-008-1660	3-1-2016	Adopt	4-1-2016	333-008-2180	6-28-2016	Amend	8-1-2016
333-008-1670	3-1-2016	Adopt	4-1-2016	333-008-2190	3-1-2016	Adopt	4-1-2016
333-008-1670	6-28-2016	Amend	8-1-2016	333-008-2190	6-28-2016	Amend	8-1-2016
333-008-1680	3-1-2016	Adopt	4-1-2016	333-008-2200	3-1-2016	Adopt	4-1-2016
333-008-1690	3-1-2016	Adopt	4-1-2016	333-008-3000	3-1-2016	Adopt	4-1-2016
333-008-1690	6-28-2016	Amend	8-1-2016	333-008-3010	3-1-2016	Adopt	4-1-2016
333-008-1700	3-1-2016	Adopt	4-1-2016	333-008-9000	1-1-2016	Adopt(T)	2-1-2016
333-008-1710	3-1-2016	Adopt	4-1-2016	333-008-9000(T)	3-1-2016	Repeal	4-1-2016
333-008-1710	6-28-2016	Amend	8-1-2016	333-008-9900	4-15-2016	Adopt(T)	5-1-2016
333-008-1720	3-1-2016	Adopt	4-1-2016	333-010-0100	4-1-2016	Amend	5-1-2016
333-008-1720	6-28-2016	Amend	8-1-2016	333-010-0100(T)	4-1-2016	Repeal	5-1-2016
333-008-1730	3-1-2016	Adopt	4-1-2016	333-010-0105	4-1-2016	Amend	5-1-2016
333-008-1730	6-28-2016	Amend	8-1-2016	333-010-0105(T)	4-1-2016	Repeal	5-1-2016
333-008-1740	3-1-2016	Adopt	4-1-2016	333-010-0110	4-1-2016	Amend	5-1-2016
333-008-1740	6-28-2016	Amend	8-1-2016	333-010-0110(T)	4-1-2016	Repeal	5-1-2016
333-008-1740	9-30-2016	Amend(T)	11-1-2016	333-010-0115	4-1-2016	Amend	5-1-2016
333-008-1750	3-1-2016	Adopt	4-1-2016	333-010-0115(T)	4-1-2016	Repeal	5-1-2016
333-008-1760	3-1-2016	Adopt	4-1-2016	333-010-0120	4-1-2016	Amend	5-1-2016
333-008-1760	6-28-2016	Amend	8-1-2016	333-010-0120(T)	4-1-2016	Repeal	5-1-2016
333-008-1770	3-1-2016	Adopt	4-1-2016	333-010-0125	4-1-2016	Amend	5-1-2016
333-008-1770	6-28-2016	Amend	8-1-2016	333-010-0130	4-1-2016	Amend	5-1-2016
333-008-1780	3-1-2016	Adopt	4-1-2016	333-010-0130(T)	4-1-2016	Repeal	5-1-2016
333-008-1780	6-28-2016	Amend	8-1-2016	333-010-0135	4-1-2016	Amend	5-1-2016
333-008-1790	3-1-2016	Adopt	4-1-2016	333-010-0140	4-1-2016	Amend	5-1-2016
333-008-1790	6-28-2016	Amend	8-1-2016	333-010-0140(T)	4-1-2016	Repeal	5-1-2016
333-008-1800	3-1-2016	Adopt	4-1-2016	333-010-0145	4-1-2016	Amend	5-1-2016
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333-008-1810	6-28-2016	Amend	8-1-2016	333-010-0155	4-1-2016	Amend	5-1-2016
333-008-1820	3-1-2016	Adopt	4-1-2016	333-010-0160	4-1-2016	Amend	5-1-2016
333-008-1830	3-1-2016	Adopt	4-1-2016	333-010-0165	4-1-2016	Amend	5-1-2016
333-008-1830	6-28-2016	Amend	8-1-2016	333-010-0175	4-1-2016	Amend	5-1-2016
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333-008-2010	3-1-2016	Adopt	4-1-2016	333-010-0197	4-1-2016	Amend	5-1-2016
333-008-2020	3-1-2016	Adopt	4-1-2016	333-010-0197(T)	4-1-2016	Repeal	5-1-2016
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333-008-2050	3-1-2016	Adopt	4-1-2016	333-015-0040	1-1-2016	Amend	2-1-2016
333-008-2060	3-1-2016	Adopt	4-1-2016	333-015-0045	1-1-2016	Amend	2-1-2016
333-008-2070	3-1-2016	Adopt	4-1-2016	333-015-0064	1-1-2016	Amend	2-1-2016
333-008-2080	3-1-2016	Adopt	4-1-2016	333-015-0068	1-1-2016	Amend	2-1-2016
333-008-2080	6-28-2016	Amend	8-1-2016	333-015-0070	1-1-2016	Amend	2-1-2016
333-008-2090	3-1-2016	Adopt	4-1-2016	333-015-0075	1-1-2016	Amend	2-1-2016
333-008-2090	6-28-2016	Amend	8-1-2016	333-015-0078	1-1-2016	Amend	2-1-2016
333-008-2100	3-1-2016	Adopt	4-1-2016	333-015-0085	1-1-2016	Amend	2-1-2016
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333-015-0205(T)	6-24-2016	Repeal	8-1-2016	333-030-0015	5-9-2016	Amend	6-1-2016
333-015-0210	1-1-2016	Adopt(T)	2-1-2016	333-030-0020	5-9-2016	Amend	6-1-2016
333-015-0210	6-24-2016	Amend	8-1-2016	333-030-0023	5-9-2016	Adopt	6-1-2016
333-015-0210(T)	6-24-2016	Repeal	8-1-2016	333-030-0100	5-9-2016	Amend	6-1-2016
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333-015-0215	6-24-2016	Amend	8-1-2016	333-030-0120	5-9-2016	Amend	6-1-2016
333-015-0215(T)	6-24-2016	Repeal	8-1-2016	333-050-0010	1-20-2016	Amend	3-1-2016
333-015-0220	1-1-2016	Adopt(T)	2-1-2016	333-050-0010(T)	1-20-2016	Repeal	3-1-2016
333-015-0220	6-24-2016	Amend	8-1-2016	333-050-0040	1-20-2016	Amend	3-1-2016
333-015-0220(T)	6-24-2016	Repeal	8-1-2016	333-050-0040(T)	1-20-2016	Repeal	3-1-2016
333-015-0300	6-24-2016	Adopt	8-1-2016	333-050-0050	1-20-2016	Amend	3-1-2016
333-015-0305	6-24-2016	Adopt	8-1-2016	333-050-0050(T)	1-20-2016	Repeal	3-1-2016
333-015-0310	6-24-2016	Adopt	8-1-2016	333-050-0080	1-20-2016	Amend	3-1-2016
333-015-0320	6-24-2016	Adopt	8-1-2016	333-050-0080(T)	1-20-2016	Repeal	3-1-2016
333-015-0325	6-24-2016	Adopt	8-1-2016	333-050-0095	1-20-2016	Amend	3-1-2016
333-015-0340	6-24-2016	Adopt	8-1-2016	333-050-0095(T)	1-20-2016	Repeal	3-1-2016
333-015-0345	6-24-2016	Adopt	8-1-2016	333-050-0100	1-20-2016	Amend	3-1-2016
333-015-0350	6-24-2016	Adopt	8-1-2016	333-050-0100(T)	1-20-2016	Repeal	3-1-2016
333-015-0355	6-24-2016	Adopt	8-1-2016	333-050-0110	1-20-2016	Amend	3-1-2016
333-015-0360	6-24-2016	Adopt	8-1-2016	333-050-0110(T)	1-20-2016	Repeal	3-1-2016
333-015-0365	6-24-2016	Adopt	8-1-2016	333-052-0040	1-1-2016	Amend	1-1-2016
333-015-0370	6-24-2016	Adopt	8-1-2016	333-052-0043	1-1-2016	Amend	1-1-2016
333-015-0375	6-24-2016	Adopt	8-1-2016	333-052-0080	1-1-2016	Amend	1-1-2016
333-016-2000	1-1-2016	Adopt	2-1-2016	333-052-0120	1-1-2016	Amend	1-1-2016
333-016-2010	1-1-2016	Adopt	2-1-2016	333-053-0040	1-1-2016	Amend	1-1-2016
333-016-2020	1-1-2016	Adopt	2-1-2016	333-053-0050	1-1-2016	Amend	1-1-2016
333-016-2030	1-1-2016	Adopt	2-1-2016	333-053-0080	1-1-2016	Amend	1-1-2016
333-017-0000	8-16-2016	Amend	9-1-2016	333-054-0010	1-1-2016	Amend	1-1-2016
333-018-0015	2-18-2016	Amend(T)	4-1-2016	333-054-0020	1-1-2016	Amend	1-1-2016
333-018-0015	8-16-2016	Amend	9-1-2016	333-054-0050	1-1-2016	Amend	1-1-2016
333-018-0015(T)	8-16-2016	Repeal	9-1-2016	333-054-0060	1-1-2016	Amend	1-1-2016
333-018-0018	8-16-2016	Amend	9-1-2016	333-054-0070	1-1-2016	Amend	1-1-2016
333-018-0100	8-16-2016	Amend	9-1-2016	333-055-0000	2-8-2016	Amend	3-1-2016
333-018-0110	8-16-2016	Amend	9-1-2016	333-055-0006	2-8-2016	Amend	3-1-2016
333-018-0127	8-16-2016	Amend	9-1-2016	333-055-0015	2-8-2016	Amend	3-1-2016
333-019-0010	8-16-2016	Amend	9-1-2016	333-055-0021	2-8-2016	Amend	3-1-2016
333-019-0017	8-16-2016	Amend	9-1-2016	333-055-0030	2-8-2016	Amend	3-1-2016
333-019-0027	8-16-2016	Amend	9-1-2016	333-055-0035	2-8-2016	Amend	3-1-2016
333-022-1000	8-2-2016	Amend	9-1-2016	333-061-0020	4-1-2016	Amend	3-1-2016
333-022-1010	8-2-2016	Amend	9-1-2016	333-061-0030	4-1-2016	Amend	3-1-2016
333-022-1020	8-2-2016	Amend	9-1-2016	333-061-0031	4-1-2016	Amend	3-1-2016
333-022-1030	8-2-2016	Amend	9-1-2016	333-061-0032	4-1-2016	Amend	3-1-2016
333-022-1050	8-2-2016	Amend	9-1-2016	333-061-0036	4-1-2016	Amend	3-1-2016
333-022-1080	8-2-2016	Amend	9-1-2016	333-061-0040	4-1-2016	Amend	3-1-2016
333-022-1090	8-2-2016	Amend	9-1-2016	333-061-0042	4-1-2016	Amend	3-1-2016
333-022-1110	8-2-2016	Repeal	9-1-2016	333-061-0043	4-1-2016	Amend	3-1-2016
333-022-1120	8-2-2016	Amend	9-1-2016	333-061-0045	4-1-2016	Amend	3-1-2016
333-022-1140	8-2-2016	Amend	9-1-2016	333-061-0050	4-1-2016	Amend	3-1-2016
333-022-1145	8-2-2016	Amend	9-1-2016	333-061-0060	1-1-2016	Amend	1-1-2016
333-022-1147	8-2-2016	Adopt	9-1-2016	333-061-0060	4-1-2016	Amend	3-1-2016
333-028-0300	1-29-2016	Adopt	3-1-2016	333-061-0063	4-1-2016	Amend	3-1-2016
333-028-0310	1-29-2016	Adopt	3-1-2016	333-061-0065	4-1-2016	Amend	3-1-2016
333-028-0320	1-29-2016	Adopt	3-1-2016	333-061-0070	4-1-2016	Amend	3-1-2016
333-028-0330	1-29-2016	Adopt	3-1-2016	333-061-0071	4-1-2016	Amend	3-1-2016

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333-061-0073	1-1-2016	Amend	1-1-2016	333-125-0100	9-1-2016	Amend	10-1-2016
333-061-0075	4-1-2016	Amend	3-1-2016	333-125-0120	9-1-2016	Amend	10-1-2016
333-061-0076	1-1-2016	Amend	1-1-2016	333-125-0180	9-1-2016	Amend	10-1-2016
333-061-0076	4-1-2016	Amend	3-1-2016	333-200-0000	1-1-2016	Amend	1-1-2016
333-061-0077	4-1-2016	Amend	3-1-2016	333-200-0010	1-1-2016	Amend	1-1-2016
333-061-0078	4-1-2016	Adopt	3-1-2016	333-200-0020	1-1-2016	Amend	1-1-2016
333-061-0090	4-1-2016	Amend	3-1-2016	333-200-0030	1-1-2016	Amend	1-1-2016
333-061-0097	4-1-2016	Amend	3-1-2016	333-200-0035	1-1-2016	Amend	1-1-2016
333-061-0235	4-1-2016	Amend	3-1-2016	333-200-0040	1-1-2016	Amend	1-1-2016
333-061-0265	1-1-2016	Amend	1-1-2016	333-200-0050	1-1-2016	Amend	1-1-2016
333-064-0005	1-1-2016	Amend(T)	2-1-2016	333-200-0060	1-1-2016	Amend	1-1-2016
333-064-0005	6-7-2016	Amend	7-1-2016	333-200-0070	1-1-2016	Amend	1-1-2016
333-064-0010	1-1-2016	Amend(T)	2-1-2016	333-200-0080	1-1-2016	Amend	1-1-2016
333-064-0010	6-7-2016	Amend	7-1-2016	333-200-0090	1-1-2016	Amend	1-1-2016
333-064-0025	1-1-2016	Amend(T)	2-1-2016	333-200-0235	1-1-2016	Adopt	1-1-2016
333-064-0025	6-7-2016	Amend	7-1-2016	333-200-0245	1-1-2016	Adopt	1-1-2016
333-064-0060	1-1-2016	Amend(T)	2-1-2016	333-200-0250	1-1-2016	Adopt	1-1-2016
333-064-0060	6-7-2016	Amend	7-1-2016	333-200-0255	1-1-2016	Adopt	1-1-2016
333-064-0065	6-7-2016	Amend	7-1-2016	333-200-0265	1-1-2016	Adopt	1-1-2016
333-064-0100	6-28-2016	Amend	8-1-2016	333-200-0275	1-1-2016	Adopt	1-1-2016
333-064-0100(T)	6-28-2016	Repeal	8-1-2016	333-200-0285	1-1-2016	Adopt	1-1-2016
333-064-0110	6-28-2016	Amend	8-1-2016	333-200-0295	1-1-2016	Adopt	1-1-2016
333-064-0110(T)	6-28-2016	Repeal	8-1-2016	333-200-0300	1-1-2016	Adopt	1-1-2016
333-076-0101	2-24-2016	Amend	4-1-2016	333-205-0000	1-1-2016	Amend	1-1-2016
333-076-0101	10-6-2016	Amend	11-1-2016	333-205-0010	1-1-2016	Amend	1-1-2016
333-076-0106	10-6-2016	Amend	11-1-2016	333-205-0020	1-1-2016	Amend	1-1-2016
333-076-0135	2-24-2016	Amend	4-1-2016	333-205-0040	1-1-2016	Amend	1-1-2016
333-076-0137	2-24-2016	Adopt	4-1-2016	333-205-0050	1-1-2016	Amend	1-1-2016
333-076-0137	10-6-2016	Amend	11-1-2016	333-250-0040	4-28-2016	Amend	6-1-2016
333-076-0165	10-6-2016	Amend	11-1-2016	333-250-0041	4-28-2016	Amend	6-1-2016
333-076-0250	10-6-2016	Amend	11-1-2016	333-250-0085	4-28-2016	Adopt	6-1-2016
333-076-0255	10-6-2016	Amend	11-1-2016	333-265-0056	4-7-2016	Adopt	5-1-2016
333-076-0260	10-6-2016	Amend	11-1-2016	333-500-0045	2-24-2016	Amend	4-1-2016
333-076-0270	10-6-2016	Amend	11-1-2016	333-501-0035	7-1-2016	Amend	8-1-2016
333-101-0005	9-1-2016	Amend	10-1-2016	333-501-0040	7-1-2016	Amend	8-1-2016
333-102-0005	9-1-2016	Amend	10-1-2016	333-501-0045	7-1-2016	Amend	8-1-2016
333-102-0102	9-1-2016	Amend	10-1-2016	333-505-0005	2-24-2016	Amend	4-1-2016
333-102-0104	9-1-2016	Amend	10-1-2016	333-505-0007	2-24-2016	Amend	4-1-2016
333-102-0190	9-1-2016	Amend	10-1-2016	333-505-0030	2-24-2016	Amend	4-1-2016
333-103-0010	9-1-2016	Amend	10-1-2016	333-505-0050	2-24-2016	Amend	4-1-2016
333-103-0025	1-1-2016	Amend	2-1-2016	333-510-0002	7-1-2016	Amend	8-1-2016
333-106-0005	9-1-2016	Amend	10-1-2016	333-510-0030	2-24-2016	Amend	4-1-2016
333-106-0035	9-1-2016	Amend	10-1-2016	333-510-0045	7-1-2016	Amend	8-1-2016
333-106-0205	9-1-2016	Amend	10-1-2016	333-510-0105	7-1-2016	Adopt	8-1-2016
333-106-0325	9-1-2016	Amend	10-1-2016	333-510-0110	7-1-2016	Adopt	8-1-2016
333-106-0710	9-1-2016	Amend	10-1-2016	333-510-0115	7-1-2016	Adopt	8-1-2016
333-116-0020	9-1-2016	Amend	10-1-2016	333-510-0120	7-1-2016	Adopt	8-1-2016
333-116-0125	9-1-2016	Amend	10-1-2016	333-510-0125	7-1-2016	Adopt	8-1-2016
333-116-0130	9-1-2016	Repeal	10-1-2016	333-510-0130	7-1-2016	Adopt	8-1-2016
333-116-0640	9-1-2016	Amend	10-1-2016	333-510-0135	7-1-2016	Adopt	8-1-2016
333-116-0720	9-1-2016	Amend	10-1-2016	333-510-0140	7-1-2016	Adopt	8-1-2016
333-116-0905	9-1-2016	Amend	10-1-2016	333-515-0030	2-24-2016	Amend	4-1-2016
333-116-0910	9-1-2016	Amend	10-1-2016	333-515-0050	2-24-2016	Repeal	4-1-2016
333-116-1000	9-1-2016	Amend	10-1-2016	333-515-0060	2-24-2016	Repeal	4-1-2016
333-116-1010	9-1-2016	Repeal	10-1-2016	333-520-0020	2-24-2016	Amend	4-1-2016

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333-525-0000	2-24-2016	Amend	4-1-2016	340-215-0040	12-10-2015	Amend	1-1-2016
333-535-0061	2-24-2016	Amend	4-1-2016	340-215-0060	12-10-2015	Amend	1-1-2016
333-535-0080	2-24-2016	Amend	4-1-2016	340-220-0030	6-9-2016	Amend	7-1-2016
333-535-0110	2-24-2016	Amend	4-1-2016	340-220-0040	6-9-2016	Amend	7-1-2016
334-010-0015	7-1-2016	Amend	7-1-2016	340-220-0050	6-9-2016	Amend	7-1-2016
334-010-0017	7-1-2016	Amend	7-1-2016	340-244-0010	4-21-2016	Amend(T)	6-1-2016
334-010-0018	7-1-2016	Amend	7-1-2016	340-244-0010	10-3-2016	Amend	11-1-2016
334-010-0033	7-1-2016	Amend	7-1-2016	340-244-0010(T)	10-3-2016	Repeal	11-1-2016
334-010-0050	7-1-2016	Amend	7-1-2016	340-244-9000	4-21-2016	Adopt(T)	6-1-2016
337-010-0007	8-5-2016	Amend	9-1-2016	340-244-9000	10-3-2016	Adopt	11-1-2016
337-021-0073	8-5-2016	Adopt	9-1-2016	340-244-9000(T)	10-3-2016	Repeal	11-1-2016
339-020-0010	7-29-2016	Amend	9-1-2016	340-244-9010	4-21-2016	Adopt(T)	6-1-2016
339-020-0020	7-29-2016	Amend	9-1-2016	340-244-9010	10-3-2016	Adopt	11-1-2016
340-012-0054	1-1-2016	Amend	1-1-2016	340-244-9010(T)	10-3-2016	Repeal	11-1-2016
340-012-0135	1-1-2016	Amend	1-1-2016	340-244-9015	10-3-2016	Adopt	11-1-2016
340-012-0140	1-1-2016	Amend	1-1-2016	340-244-9020	4-21-2016	Adopt(T)	6-1-2016
340-039-0001	12-10-2015	Adopt	1-1-2016	340-244-9020	10-3-2016	Adopt	11-1-2016
340-039-0003	12-10-2015	Adopt	1-1-2016	340-244-9020(T)	10-3-2016	Repeal	11-1-2016
340-039-0005	12-10-2015	Adopt	1-1-2016	340-244-9030	4-21-2016	Adopt(T)	6-1-2016
340-039-0015	12-10-2015	Adopt	1-1-2016	340-244-9030	10-3-2016	Adopt	11-1-2016
340-039-0017	12-10-2015	Adopt	1-1-2016	340-244-9030(T)	10-3-2016	Repeal	11-1-2016
340-039-0020	12-10-2015	Adopt	1-1-2016	340-244-9040	4-21-2016	Adopt(T)	6-1-2016
340-039-0025	12-10-2015	Adopt	1-1-2016	340-244-9040	10-3-2016	Adopt	11-1-2016
340-039-0030	12-10-2015	Adopt	1-1-2016	340-244-9040(T)	10-3-2016	Repeal	11-1-2016
340-039-0035	12-10-2015	Adopt	1-1-2016	340-244-9050	4-21-2016	Adopt(T)	6-1-2016
340-039-0040	12-10-2015	Adopt	1-1-2016	340-244-9050	10-3-2016	Adopt	11-1-2016
340-039-0043	12-10-2015	Adopt	1-1-2016	340-244-9050(T)	10-3-2016	Repeal	11-1-2016
340-041-0009	8-18-2016	Amend	10-1-2016	340-244-9060	4-21-2016	Adopt(T)	6-1-2016
340-041-0101	8-18-2016	Amend	10-1-2016	340-244-9060	10-3-2016	Adopt	11-1-2016
340-041-0220	8-18-2016	Amend	10-1-2016	340-244-9060(T)	10-3-2016	Repeal	11-1-2016
340-041-0230	8-18-2016	Amend	10-1-2016	340-244-9070	4-21-2016	Adopt(T)	6-1-2016
340-041-0300	8-18-2016	Amend	10-1-2016	340-244-9070	5-6-2016	Amend(T)	6-1-2016
340-041-0320	8-18-2016	Amend	10-1-2016	340-244-9070	10-3-2016	Adopt	11-1-2016
340-045-0075	1-1-2016	Amend	1-1-2016	340-244-9070(T)	10-3-2016	Repeal	11-1-2016
340-071-0140	1-1-2016	Amend	1-1-2016	340-244-9080	4-21-2016	Adopt(T)	6-1-2016
340-071-0140	1-27-2016	Amend	3-1-2016	340-244-9080	10-3-2016	Adopt	11-1-2016
340-083-0010	2-4-2016	Amend	3-1-2016	340-244-9080(T)	10-3-2016	Repeal	11-1-2016
340-083-0020	2-4-2016	Amend	3-1-2016	340-244-9090	4-21-2016	Adopt(T)	6-1-2016
340-083-0030	2-4-2016	Amend	3-1-2016	340-244-9090	10-3-2016	Adopt	11-1-2016
340-083-0040	2-4-2016	Amend	3-1-2016	340-244-9090(T)	10-3-2016	Repeal	11-1-2016
340-083-0050	2-4-2016	Amend	3-1-2016	340-248-0250	1-1-2016	Amend(T)	1-1-2016
340-083-0070	2-4-2016	Amend	3-1-2016	340-248-0250	4-21-2016	Amend	6-1-2016
340-083-0080	2-4-2016	Amend	3-1-2016	340-248-0270	1-1-2016	Amend(T)	1-1-2016
340-083-0090	2-4-2016	Amend	3-1-2016	340-248-0270	4-21-2016	Amend	6-1-2016
340-083-0100	2-4-2016	Amend	3-1-2016	340-253-0000	1-1-2016	Amend	1-1-2016
340-083-0500	2-4-2016	Adopt	3-1-2016	340-253-0040	1-1-2016	Amend	1-1-2016
340-083-0510	2-4-2016	Adopt	3-1-2016	340-253-0060	1-1-2016	Amend	1-1-2016
340-083-0520	2-4-2016	Adopt	3-1-2016	340-253-0100	1-1-2016	Amend	1-1-2016
340-083-0530	2-4-2016	Adopt	3-1-2016	340-253-0200	1-1-2016	Amend	1-1-2016
340-097-0001	2-4-2016	Amend	3-1-2016	340-253-0250	1-1-2016	Amend	1-1-2016
340-097-0110	2-4-2016	Amend	3-1-2016	340-253-0310	1-1-2016	Amend	1-1-2016
340-097-0120	2-4-2016	Amend	3-1-2016	340-253-0320	1-1-2016	Amend	1-1-2016
340-200-0040	12-10-2015	Amend	1-1-2016	340-253-0330	1-1-2016	Amend	1-1-2016
340-215-0010	12-10-2015	Amend	1-1-2016	340-253-0340	1-1-2016	Amend	1-1-2016
340-215-0020	12-10-2015	Amend	1-1-2016	340-253-0400	1-1-2016	Amend	1-1-2016

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340-253-0600	1-1-2016	Amend	1-1-2016	407-007-0070(T)	6-15-2016	Repeal	7-1-2016
340-253-0620	1-1-2016	Amend	1-1-2016	407-007-0075	1-14-2016	Suspend	2-1-2016
340-253-0630	1-1-2016	Amend	1-1-2016	407-007-0075	6-15-2016	Repeal	7-1-2016
340-253-0650	1-1-2016	Amend	1-1-2016	407-007-0080	1-14-2016	Amend(T)	2-1-2016
340-253-1000	1-1-2016	Amend	1-1-2016	407-007-0080	6-15-2016	Amend	7-1-2016
340-253-1010	1-1-2016	Amend	1-1-2016	407-007-0080(T)	6-15-2016	Repeal	7-1-2016
340-253-1020	1-1-2016	Amend	1-1-2016	407-007-0090	1-14-2016	Amend(T)	2-1-2016
340-253-1030	1-1-2016	Amend	1-1-2016	407-007-0090	6-15-2016	Amend	7-1-2016
340-253-1050	1-1-2016	Amend	1-1-2016	407-007-0090(T)	6-15-2016	Repeal	7-1-2016
340-253-2000	1-1-2016	Amend	1-1-2016	407-007-0200	1-14-2016	Amend(T)	2-1-2016
340-253-2100	1-1-2016	Amend	1-1-2016	407-007-0200	6-15-2016	Amend	7-1-2016
340-253-2200	1-1-2016	Amend	1-1-2016	407-007-0200(T)	6-15-2016	Repeal	7-1-2016
340-253-8010	1-1-2016	Amend	1-1-2016	407-007-0210	1-14-2016	Amend(T)	2-1-2016
340-253-8010	4-22-2016	Amend(T)	6-1-2016	407-007-0210	6-15-2016	Amend	7-1-2016
340-253-8010	8-18-2016	Amend	10-1-2016	407-007-0210	7-1-2016	Amend(T)	8-1-2016
340-253-8010(T)	8-18-2016	Repeal	10-1-2016	407-007-0210(T)	6-15-2016	Repeal	7-1-2016
340-253-8020	1-1-2016	Amend	1-1-2016	407-007-0220	1-14-2016	Amend(T)	2-1-2016
340-253-8020	4-22-2016	Amend(T)	6-1-2016	407-007-0220	6-15-2016	Amend	7-1-2016
340-253-8020	8-18-2016	Amend	10-1-2016	407-007-0220(T)	6-15-2016	Repeal	7-1-2016
340-253-8020(T)	8-18-2016	Repeal	10-1-2016	407-007-0230	1-14-2016	Amend(T)	2-1-2016
340-253-8030	1-1-2016	Amend	1-1-2016	407-007-0230	6-15-2016	Amend	7-1-2016
340-253-8030	4-22-2016	Amend(T)	6-1-2016	407-007-0230(T)	6-15-2016	Repeal	7-1-2016
340-253-8030	8-18-2016	Amend	10-1-2016	407-007-0240	1-14-2016	Amend(T)	2-1-2016
340-253-8030(T)	8-18-2016	Repeal	10-1-2016	407-007-0240	6-15-2016	Amend	7-1-2016
340-253-8040	1-1-2016	Amend	1-1-2016	407-007-0240(T)	6-15-2016	Repeal	7-1-2016
340-253-8040	4-22-2016	Amend(T)	6-1-2016	407-007-0250	1-14-2016	Amend(T)	2-1-2016
340-253-8040	8-18-2016	Amend	10-1-2016	407-007-0250	6-15-2016	Amend	7-1-2016
340-253-8040(T)	8-18-2016	Repeal	10-1-2016	407-007-0250	7-1-2016	Amend(T)	8-1-2016
340-253-8050	1-1-2016	Amend	1-1-2016	407-007-0250(T)	6-15-2016	Repeal	7-1-2016
340-253-8060	1-1-2016	Amend	1-1-2016	407-007-0275	1-14-2016	Amend(T)	2-1-2016
340-253-8070	1-1-2016	Amend	1-1-2016	407-007-0275	6-15-2016	Amend	7-1-2016
340-253-8080	1-1-2016	Amend	1-1-2016	407-007-0275(T)	6-15-2016	Repeal	7-1-2016
407-007-0000	1-14-2016	Amend(T)	2-1-2016	407-007-0277	1-14-2016	Amend(T)	2-1-2016
407-007-0000	6-15-2016	Amend	7-1-2016	407-007-0277	6-15-2016	Amend	7-1-2016
407-007-0000(T)	6-15-2016	Repeal	7-1-2016	407-007-0277(T)	6-15-2016	Repeal	7-1-2016
407-007-0010	1-14-2016	Amend(T)	2-1-2016	407-007-0279	6-15-2016	Adopt	7-1-2016
407-007-0010	6-15-2016	Amend	7-1-2016	407-007-0279	7-1-2016	Amend(T)	8-1-2016
407-007-0010(T)	6-15-2016	Repeal	7-1-2016	407-007-0280	1-14-2016	Suspend	2-1-2016
407-007-0020	1-14-2016	Amend(T)	2-1-2016	407-007-0280	6-15-2016	Repeal	7-1-2016
407-007-0020	6-15-2016	Amend	7-1-2016	407-007-0290	1-14-2016	Amend(T)	2-1-2016
407-007-0020(T)	6-15-2016	Repeal	7-1-2016	407-007-0290	6-15-2016	Amend	7-1-2016
407-007-0030	1-14-2016	Amend(T)	2-1-2016	407-007-0290	7-1-2016	Amend(T)	8-1-2016
407-007-0030	6-15-2016	Amend	7-1-2016	407-007-0290(T)	6-15-2016	Repeal	7-1-2016
407-007-0030(T)	6-15-2016	Repeal	7-1-2016	407-007-0300	1-14-2016	Amend(T)	2-1-2016
407-007-0040	6-15-2016	Repeal	7-1-2016	407-007-0300	6-15-2016	Amend	7-1-2016
407-007-0050	1-14-2016	Amend(T)	2-1-2016	407-007-0300(T)	6-15-2016	Repeal	7-1-2016
407-007-0050	6-15-2016	Amend	7-1-2016	407-007-0315	1-14-2016	Amend(T)	2-1-2016
407-007-0050(T)	6-15-2016	Repeal	7-1-2016	407-007-0315	6-15-2016	Amend	7-1-2016
407-007-0060	1-14-2016	Amend(T)	2-1-2016	407-007-0315(T)	6-15-2016	Repeal	7-1-2016
407-007-0060	6-15-2016	Amend	7-1-2016	407-007-0320	1-14-2016	Amend(T)	2-1-2016
407-007-0060(T)	6-15-2016	Repeal	7-1-2016	407-007-0320	6-15-2016	Amend	7-1-2016
407-007-0065	1-14-2016	Amend(T)	2-1-2016	407-007-0320	7-1-2016	Amend(T)	8-1-2016
407-007-0065	6-15-2016	Amend	7-1-2016	407-007-0320(T)	6-15-2016	Repeal	7-1-2016
407-007-0065(T)	6-15-2016	Repeal	7-1-2016	407-007-0325	1-14-2016	Suspend	2-1-2016

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407-007-0330	1-14-2016	Amend(T)	2-1-2016	409-026-0100	2-8-2016	Amend(T)	3-1-2016
407-007-0330	6-15-2016	Amend	7-1-2016	409-026-0100	3-25-2016	Amend	5-1-2016
407-007-0330(T)	6-15-2016	Repeal	7-1-2016	409-026-0100(T)	3-25-2016	Repeal	5-1-2016
407-007-0350	1-14-2016	Amend(T)	2-1-2016	409-026-0110	2-8-2016	Amend(T)	3-1-2016
407-007-0350	6-15-2016	Amend	7-1-2016	409-026-0110	3-25-2016	Amend	5-1-2016
407-007-0350(T)	6-15-2016	Repeal	7-1-2016	409-026-0110(T)	3-25-2016	Repeal	5-1-2016
407-007-0370	1-14-2016	Amend(T)	2-1-2016	409-026-0120	2-8-2016	Amend(T)	3-1-2016
407-007-0370	6-15-2016	Amend	7-1-2016	409-026-0120	3-25-2016	Amend	5-1-2016
407-007-0370(T)	6-15-2016	Repeal	7-1-2016	409-026-0120(T)	3-25-2016	Repeal	5-1-2016
407-007-0400	1-14-2016	Suspend	2-1-2016	409-026-0130	2-8-2016	Amend(T)	3-1-2016
407-045-0260	2-3-2016	Amend	3-1-2016	409-026-0130	3-25-2016	Amend	5-1-2016
407-045-0350	2-3-2016	Amend	3-1-2016	409-026-0130(T)	3-25-2016	Repeal	5-1-2016
407-045-0800	7-1-2016	Amend(T)	8-1-2016	409-026-0140	2-8-2016	Amend(T)	3-1-2016
407-045-0810	7-1-2016	Suspend	8-1-2016	409-026-0140	3-25-2016	Amend	5-1-2016
407-045-0820	7-1-2016	Amend(T)	8-1-2016	409-026-0140(T)	3-25-2016	Repeal	5-1-2016
407-045-0825	7-1-2016	Adopt(T)	8-1-2016	409-027-0005	7-8-2016	Adopt	8-1-2016
407-045-0830	7-1-2016	Suspend	8-1-2016	409-027-0015	7-8-2016	Adopt	8-1-2016
407-045-0850	7-1-2016	Suspend	8-1-2016	409-027-0025	7-8-2016	Adopt	8-1-2016
407-045-0860	7-1-2016	Suspend	8-1-2016	409-035-0020	11-24-2015	Amend	1-1-2016
407-045-0870	7-1-2016	Suspend	8-1-2016	409-035-0020	4-22-2016	Amend	6-1-2016
407-045-0880	7-1-2016	Suspend	8-1-2016	409-035-0020(T)	11-24-2015	Repeal	1-1-2016
407-045-0885	7-1-2016	Adopt(T)	8-1-2016	409-055-0000	5-13-2016	Amend	6-1-2016
407-045-0890	7-1-2016	Amend(T)	8-1-2016	409-055-0010	1-1-2016	Amend(T)	2-1-2016
407-045-0895	7-1-2016	Adopt(T)	8-1-2016	409-055-0010	5-13-2016	Amend	6-1-2016
407-045-0900	7-1-2016	Suspend	8-1-2016	409-055-0010(T)	5-13-2016	Repeal	6-1-2016
407-045-0910	7-1-2016	Amend(T)	8-1-2016	409-055-0020	5-13-2016	Amend	6-1-2016
407-045-0920	7-1-2016	Suspend	8-1-2016	409-055-0030	1-1-2016	Amend(T)	2-1-2016
407-045-0930	7-1-2016	Suspend	8-1-2016	409-055-0030	5-13-2016	Amend	6-1-2016
407-045-0940	7-1-2016	Amend(T)	8-1-2016	409-055-0030	8-29-2016	Amend(T)	10-1-2016
407-045-0950	7-1-2016	Amend(T)	8-1-2016	409-055-0030(T)	5-13-2016	Repeal	6-1-2016
407-045-0955	7-1-2016	Adopt(T)	8-1-2016	409-055-0040	1-1-2016	Amend(T)	2-1-2016
407-045-0960	7-1-2016	Suspend	8-1-2016	409-055-0040	5-13-2016	Amend	6-1-2016
407-045-0970	7-1-2016	Suspend	8-1-2016	409-055-0040(T)	5-13-2016	Repeal	6-1-2016
407-045-0980	7-1-2016	Amend(T)	8-1-2016	409-055-0045	5-13-2016	Amend	6-1-2016
409-015-0005	3-28-2016	Amend	5-1-2016	409-055-0050	5-13-2016	Amend	6-1-2016
409-015-0010	3-28-2016	Amend	5-1-2016	409-055-0060	1-1-2016	Amend(T)	2-1-2016
409-015-0015	3-28-2016	Amend	5-1-2016	409-055-0060	5-13-2016	Amend	6-1-2016
409-015-0030	3-28-2016	Amend	5-1-2016	409-055-0060(T)	5-13-2016	Repeal	6-1-2016
409-015-0035	3-28-2016	Amend	5-1-2016	409-055-0070	1-1-2016	Amend(T)	2-1-2016
409-015-0040	3-28-2016	Repeal	5-1-2016	409-055-0070	5-13-2016	Amend	6-1-2016
409-025-0100	1-5-2016	Amend	2-1-2016	409-055-0070(T)	5-13-2016	Repeal	6-1-2016
409-025-0100	1-1-2017	Amend	8-1-2016	409-055-0080	5-13-2016	Amend	6-1-2016
409-025-0110	1-5-2016	Amend	2-1-2016	409-055-0090	5-13-2016	Amend	6-1-2016
409-025-0110	1-1-2017	Amend	8-1-2016	409-060-0110	4-19-2016	Amend	6-1-2016
409-025-0120	1-5-2016	Amend	2-1-2016	409-060-0120	4-19-2016	Amend	6-1-2016
409-025-0120	9-13-2016	Amend	10-1-2016	409-060-0150	4-19-2016	Amend	6-1-2016
409-025-0120	1-1-2017	Amend	8-1-2016	409-062-0000	4-22-2016	Adopt(T)	6-1-2016
409-025-0130	1-5-2016	Amend	2-1-2016	409-062-0000	9-26-2016	Adopt	11-1-2016
409-025-0130	9-13-2016	Amend	10-1-2016	409-062-0000(T)	9-26-2016	Repeal	11-1-2016
409-025-0130	1-1-2017	Amend	8-1-2016	409-062-0010	4-22-2016	Adopt(T)	6-1-2016
409-025-0140	1-5-2016	Amend	2-1-2016	409-062-0010	9-26-2016	Adopt	11-1-2016
409-025-0150	1-5-2016	Amend	2-1-2016	409-062-0010(T)	9-26-2016	Repeal	11-1-2016
409-025-0150	9-13-2016	Amend	10-1-2016	409-062-0020	4-22-2016	Adopt(T)	6-1-2016
409-025-0150	1-1-2017	Amend	8-1-2016	409-062-0020	9-26-2016	Adopt	11-1-2016
409-025-0160	1-5-2016	Amend	2-1-2016	409-062-0020(T)	9-26-2016	Repeal	11-1-2016

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409-062-0030	9-26-2016	Adopt	11-1-2016	410-121-4020	1-1-2016	Renumber	2-1-2016
409-062-0030(T)	9-26-2016	Repeal	11-1-2016	410-122-0186	2-3-2016	Amend	3-1-2016
409-062-0040	4-22-2016	Adopt(T)	6-1-2016	410-122-0204	3-1-2016	Amend	4-1-2016
409-062-0040	9-26-2016	Adopt	11-1-2016	410-122-0211	4-1-2016	Amend	5-1-2016
409-062-0040(T)	9-26-2016	Repeal	11-1-2016	410-122-0240	3-1-2016	Amend	4-1-2016
409-062-0050	4-22-2016	Adopt(T)	6-1-2016	410-122-0300	3-1-2016	Amend	4-1-2016
409-062-0050	9-26-2016	Adopt	11-1-2016	410-122-0360	3-1-2016	Amend	4-1-2016
409-062-0050(T)	9-26-2016	Repeal	11-1-2016	410-122-0365	3-1-2016	Amend	4-1-2016
409-062-0060	4-22-2016	Adopt(T)	6-1-2016	410-122-0380	3-1-2016	Amend	4-1-2016
409-062-0060	9-26-2016	Adopt	11-1-2016	410-122-0475	3-1-2016	Amend	4-1-2016
409-062-0060(T)	9-26-2016	Repeal	11-1-2016	410-122-0480	3-1-2016	Amend	4-1-2016
409-110-0025	5-9-2016	Adopt(T)	6-1-2016	410-122-0510	3-1-2016	Amend	4-1-2016
409-110-0030	5-9-2016	Adopt(T)	6-1-2016	410-122-0525	3-1-2016	Amend	4-1-2016
409-110-0035	5-9-2016	Adopt(T)	6-1-2016	410-122-0640	3-1-2016	Amend	4-1-2016
409-110-0040	5-9-2016	Adopt(T)	6-1-2016	410-122-0678	3-1-2016	Amend	4-1-2016
409-110-0045	5-9-2016	Adopt(T)	6-1-2016	410-123-1060	7-1-2016	Amend	8-1-2016
410-050-0861	4-1-2016	Amend(T)	5-1-2016	410-123-1220	5-10-2016	Amend(T)	6-1-2016
410-050-0861	9-1-2016	Amend	9-1-2016	410-123-1220	7-22-2016	Amend(T)	9-1-2016
410-050-0861(T)	9-1-2016	Repeal	9-1-2016	410-123-1220	10-13-2016	Amend	11-1-2016
410-120-0000	7-1-2016	Amend	8-1-2016	410-123-1220(T)	10-13-2016	Repeal	11-1-2016
410-120-0000	7-1-2016	Amend	8-1-2016	410-123-1240	12-1-2015	Amend	1-1-2016
410-120-0006	1-1-2016	Amend	1-1-2016	410-123-1240(T)	12-1-2015	Repeal	1-1-2016
410-120-0006	7-1-2016	Amend	8-1-2016	410-123-1260	1-1-2016	Amend(T)	2-1-2016
410-120-0006	8-1-2016	Amend	9-1-2016	410-123-1260	2-9-2016	Amend(T)	3-1-2016
410-120-0006	10-1-2016	Amend	11-1-2016	410-123-1260	7-1-2016	Amend	8-1-2016
410-120-0045	9-1-2016	Amend	10-1-2016	410-123-1260	7-13-2016	Amend	8-1-2016
410-120-1230	9-1-2016	Amend	10-1-2016	410-123-1260(T)	7-1-2016	Repeal	8-1-2016
410-120-1280	9-1-2016	Amend	10-1-2016	410-123-1510	1-1-2016	Adopt(T)	2-1-2016
410-120-1340	1-1-2016	Amend(T)	2-1-2016	410-123-1510	6-28-2016	Adopt	8-1-2016
410-120-1340	3-1-2016	Amend	4-1-2016	410-123-1510(T)	6-28-2016	Repeal	8-1-2016
410-120-1340(T)	3-1-2016	Repeal	4-1-2016	410-125-0080	7-1-2016	Amend	8-1-2016
410-121-0000	1-1-2016	Amend	2-1-2016	410-125-0141	7-1-2016	Amend	8-1-2016
410-121-0030	12-27-2015	Amend	2-1-2016	410-125-0400	7-1-2016	Amend	8-1-2016
410-121-0030	1-1-2016	Amend(T)	2-1-2016	410-129-0020	8-1-2016	Amend	9-1-2016
410-121-0030	5-1-2016	Amend(T)	6-1-2016	410-129-0040	8-1-2016	Amend	9-1-2016
410-121-0030	6-28-2016	Amend	8-1-2016	410-129-0060	8-1-2016	Amend	9-1-2016
410-121-0030	7-1-2016	Amend(T)	8-1-2016	410-129-0065	8-1-2016	Amend	9-1-2016
410-121-0030	10-1-2016	Amend(T)	11-1-2016	410-129-0070	8-1-2016	Amend	9-1-2016
410-121-0030(T)	12-27-2015	Repeal	2-1-2016	410-129-0080	8-1-2016	Amend	9-1-2016
410-121-0030(T)	6-28-2016	Repeal	8-1-2016	410-129-0100	8-1-2016	Amend	9-1-2016
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410-121-0040	1-1-2016	Amend(T)	2-1-2016	410-129-0220	8-1-2016	Amend	9-1-2016
410-121-0040	2-12-2016	Amend(T)	3-1-2016	410-129-0260	8-1-2016	Amend	9-1-2016
410-121-0040	5-1-2016	Amend(T)	6-1-2016	410-130-0200	12-1-2015	Amend(T)	1-1-2016
410-121-0040	6-28-2016	Amend	8-1-2016	410-130-0200	1-1-2016	Amend	2-1-2016
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410-121-0040	8-26-2016	Amend(T)	10-1-2016	410-130-0220	3-4-2016	Amend(T)	4-1-2016
410-121-0040	10-13-2016	Amend(T)	11-1-2016	410-130-0220	5-1-2016	Amend	6-1-2016
410-121-0040(T)	12-27-2015	Repeal	2-1-2016	410-130-0220(T)	5-1-2016	Repeal	6-1-2016
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410-121-0146	1-1-2016	Amend	2-1-2016	410-131-0100	8-1-2016	Amend	9-1-2016
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410-133-0140	7-1-2016	Amend	8-1-2016	410-141-3150	1-1-2016	Adopt	2-1-2016
410-133-0200	7-1-2016	Amend	8-1-2016	410-141-3150(T)	1-1-2016	Repeal	2-1-2016
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410-133-0320	7-1-2016	Amend	8-1-2016	410-141-3262	7-1-2016	Amend	8-1-2016
410-136-3040	1-1-2016	Amend	2-1-2016	410-141-3267	12-27-2015	Adopt	2-1-2016
410-140-0020	3-1-2016	Amend	4-1-2016	410-141-3267(T)	12-27-2015	Repeal	2-1-2016
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410-140-0080	3-1-2016	Amend	4-1-2016	410-141-3345	3-1-2016	Amend	3-1-2016
410-140-0120	3-1-2016	Amend	4-1-2016	410-141-3345(T)	3-1-2016	Repeal	3-1-2016
410-140-0140	3-1-2016	Amend	4-1-2016	410-141-3420	7-1-2016	Amend	8-1-2016
410-140-0160	3-1-2016	Amend	4-1-2016	410-141-3440	1-1-2016	Amend	2-1-2016
410-140-0200	3-1-2016	Amend	4-1-2016	410-165-0000	5-13-2016	Amend(T)	6-1-2016
410-140-0260	3-1-2016	Amend	4-1-2016	410-165-0000	8-1-2016	Amend	9-1-2016
410-140-0280	3-1-2016	Amend	4-1-2016	410-165-0000(T)	8-1-2016	Repeal	9-1-2016
410-140-0300	3-1-2016	Amend	4-1-2016	410-165-0020	5-13-2016	Amend(T)	6-1-2016
410-141-0000	12-10-2015	Amend	1-1-2016	410-165-0020	8-1-2016	Amend	9-1-2016
410-141-0000	7-1-2016	Amend	8-1-2016	410-165-0020(T)	8-1-2016	Repeal	9-1-2016
410-141-0080	12-10-2015	Amend	1-1-2016	410-165-0040	5-13-2016	Amend(T)	6-1-2016
410-141-0085	12-10-2015	Repeal	1-1-2016	410-165-0040	8-1-2016	Amend	9-1-2016
410-141-0160	12-10-2015	Amend	1-1-2016	410-165-0040(T)	8-1-2016	Repeal	9-1-2016
410-141-0220	12-10-2015	Amend	1-1-2016	410-165-0060	5-13-2016	Amend(T)	6-1-2016
410-141-0320	12-10-2015	Amend	1-1-2016	410-165-0060	8-1-2016	Amend	9-1-2016
410-141-0340	12-10-2015	Amend	1-1-2016	410-165-0060(T)	8-1-2016	Repeal	9-1-2016
410-141-0410	12-10-2015	Repeal	1-1-2016	410-165-0080	5-13-2016	Amend(T)	6-1-2016
410-141-0420	12-10-2015	Amend	1-1-2016	410-165-0080	8-1-2016	Amend	9-1-2016
410-141-0420	7-1-2016	Repeal	8-1-2016	410-165-0080(T)	8-1-2016	Repeal	9-1-2016
410-141-0520	1-1-2016	Amend(T)	2-1-2016	410-165-0100	5-13-2016	Amend(T)	6-1-2016
410-141-0520	3-1-2016	Amend	4-1-2016	410-165-0100	8-1-2016	Amend	9-1-2016
410-141-0520	7-1-2016	Amend(T)	8-1-2016	410-165-0100(T)	8-1-2016	Repeal	9-1-2016
410-141-0520	10-1-2016	Amend(T)	11-1-2016	410-165-0120	5-13-2016	Amend(T)	6-1-2016
410-141-0520(T)	3-1-2016	Repeal	4-1-2016	410-165-0120	8-1-2016	Amend	9-1-2016
410-141-0660	12-10-2015	Repeal	1-1-2016	410-165-0120(T)	8-1-2016	Repeal	9-1-2016
410-141-0680	12-10-2015	Repeal	1-1-2016	410-165-0140	5-13-2016	Amend(T)	6-1-2016
410-141-0700	12-10-2015	Repeal	1-1-2016	410-165-0140	8-1-2016	Amend	9-1-2016
410-141-0720	12-10-2015	Repeal	1-1-2016	410-165-0140(T)	8-1-2016	Repeal	9-1-2016
410-141-0740	12-10-2015	Repeal	1-1-2016	410-170-0110	2-7-2016	Amend(T)	3-1-2016
410-141-0760	12-10-2015	Repeal	1-1-2016	410-170-0110	2-23-2016	Amend	4-1-2016
410-141-0780	12-10-2015	Repeal	1-1-2016	410-170-0110	6-3-2016	Amend(T)	7-1-2016
410-141-0800	12-10-2015	Repeal	1-1-2016	410-170-0110(T)	2-23-2016	Repeal	4-1-2016
410-141-0820	12-10-2015	Repeal	1-1-2016	410-172-0650	10-7-2016	Amend(T)	11-1-2016
410-141-0840	12-10-2015	Repeal	1-1-2016	410-172-0660	4-15-2016	Amend(T)	5-1-2016
410-141-0860	12-10-2015	Amend	1-1-2016	410-172-0660	8-3-2016	Amend(T)	9-1-2016
410-141-3015	7-6-2016	Amend(T)	8-1-2016	410-172-0660	10-11-2016	Amend	11-1-2016
410-141-3040	1-7-2016	Adopt	2-1-2016	410-172-0660(T)	10-11-2016	Repeal	11-1-2016
410-141-3040(T)	1-7-2016	Repeal	2-1-2016	410-172-0670	8-3-2016	Amend(T)	9-1-2016
410-141-3060	1-1-2016	Amend(T)	2-1-2016	410-172-0670	10-11-2016	Amend	11-1-2016
410-141-3060	6-28-2016	Amend	8-1-2016	410-172-0670(T)	10-11-2016	Repeal	11-1-2016
410-141-3060(T)	6-28-2016	Repeal	8-1-2016	410-172-0700	8-3-2016	Amend(T)	9-1-2016
410-141-3070	7-1-2016	Amend	8-1-2016	410-172-0700	10-11-2016	Amend	11-1-2016
410-141-3080	12-10-2015	Amend	1-1-2016	410-172-0700(T)	10-11-2016	Repeal	11-1-2016

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410-172-0710(T)	10-11-2016	Repeal	11-1-2016	410-200-0140	6-3-2016	Amend	7-1-2016
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410-172-0740	10-11-2016	Repeal	11-1-2016	410-200-0200	12-22-2015	Amend(T)	2-1-2016
410-172-0750	8-3-2016	Suspend	9-1-2016	410-200-0200	6-3-2016	Amend	7-1-2016
410-172-0750	10-11-2016	Repeal	11-1-2016	410-200-0200(T)	6-3-2016	Repeal	7-1-2016
410-172-0760	10-7-2016	Amend(T)	11-1-2016	410-200-0215	12-22-2015	Amend(T)	2-1-2016
410-172-0770	10-7-2016	Amend(T)	11-1-2016	410-200-0215	6-3-2016	Amend	7-1-2016
410-180-0300	10-1-2016	Amend	11-1-2016	410-200-0215(T)	6-3-2016	Repeal	7-1-2016
410-180-0305	10-1-2016	Amend	11-1-2016	410-200-0230	12-22-2015	Amend(T)	2-1-2016
410-180-0310	10-1-2016	Amend	11-1-2016	410-200-0230	6-3-2016	Amend	7-1-2016
410-180-0312	10-1-2016	Amend	11-1-2016	410-200-0230(T)	6-3-2016	Repeal	7-1-2016
410-180-0315	10-1-2016	Amend	11-1-2016	410-200-0235	12-22-2015	Amend(T)	2-1-2016
410-180-0320	10-1-2016	Amend	11-1-2016	410-200-0235	6-3-2016	Amend	7-1-2016
410-180-0325	10-1-2016	Amend	11-1-2016	410-200-0235(T)	6-3-2016	Repeal	7-1-2016
410-180-0326	10-1-2016	Amend	11-1-2016	410-200-0240	12-22-2015	Amend(T)	2-1-2016
410-180-0327	10-1-2016	Repeal	11-1-2016	410-200-0240	6-3-2016	Amend	7-1-2016
410-180-0340	10-1-2016	Amend	11-1-2016	410-200-0240(T)	6-3-2016	Repeal	7-1-2016
410-180-0345	10-1-2016	Amend	11-1-2016	410-200-0310	12-22-2015	Amend(T)	2-1-2016
410-180-0350	10-1-2016	Amend	11-1-2016	410-200-0310	6-3-2016	Amend	7-1-2016
410-180-0355	10-1-2016	Amend	11-1-2016	410-200-0310(T)	6-3-2016	Repeal	7-1-2016
410-180-0360	10-1-2016	Amend	11-1-2016	410-200-0315	3-1-2016	Amend(T)	4-1-2016
410-180-0365	10-1-2016	Adopt	11-1-2016	410-200-0315	5-18-2016	Amend	7-1-2016
410-180-0370	10-1-2016	Amend	11-1-2016	410-200-0315(T)	5-18-2016	Repeal	7-1-2016
410-180-0375	10-1-2016	Amend	11-1-2016	410-200-0407	12-18-2015	Adopt(T)	2-1-2016
410-180-0380	10-1-2016	Amend	11-1-2016	410-200-0407	6-2-2016	Adopt	7-1-2016
410-200-0015	12-22-2015	Amend(T)	2-1-2016	410-200-0407(T)	6-2-2016	Repeal	7-1-2016
410-200-0015	6-3-2016	Amend	7-1-2016	410-200-0415	12-22-2015	Amend(T)	2-1-2016
410-200-0015(T)	6-3-2016	Repeal	7-1-2016	410-200-0415	6-3-2016	Amend	7-1-2016
410-200-0100	12-22-2015	Amend(T)	2-1-2016	410-200-0415(T)	6-3-2016	Repeal	7-1-2016
410-200-0100	6-3-2016	Amend	7-1-2016	410-200-0425	12-22-2015	Amend(T)	2-1-2016
410-200-0100(T)	6-3-2016	Repeal	7-1-2016	410-200-0425	6-3-2016	Amend	7-1-2016
410-200-0105	12-22-2015	Amend(T)	2-1-2016	410-200-0425(T)	6-3-2016	Repeal	7-1-2016
410-200-0105	6-3-2016	Amend	7-1-2016	410-200-0440	12-22-2015	Amend(T)	2-1-2016
410-200-0105(T)	6-3-2016	Repeal	7-1-2016	410-200-0440	6-3-2016	Amend	7-1-2016
410-200-0110	12-22-2015	Amend(T)	2-1-2016	410-200-0440(T)	6-3-2016	Repeal	7-1-2016
410-200-0110	6-3-2016	Amend	7-1-2016	410-200-0500	12-22-2015	Suspend	2-1-2016
410-200-0110(T)	6-3-2016	Repeal	7-1-2016	410-200-0500	6-3-2016	Repeal	7-1-2016
410-200-0111	12-22-2015	Amend(T)	2-1-2016	410-200-0505	12-22-2015	Amend(T)	2-1-2016
410-200-0111	6-3-2016	Amend	7-1-2016	410-200-0505	6-3-2016	Amend	7-1-2016
410-200-0111(T)	6-3-2016	Repeal	7-1-2016	410-200-0505(T)	6-3-2016	Repeal	7-1-2016
410-200-0115	12-22-2015	Amend(T)	2-1-2016	410-200-0510	12-22-2015	Amend(T)	2-1-2016
410-200-0115	6-3-2016	Amend	7-1-2016	410-200-0510	6-3-2016	Amend	7-1-2016
410-200-0115(T)	6-3-2016	Repeal	7-1-2016	410-200-0510(T)	6-3-2016	Repeal	7-1-2016
410-200-0120	12-22-2015	Amend(T)	2-1-2016	411-004-0000	1-1-2016	Adopt	1-1-2016
410-200-0120	6-3-2016	Amend	7-1-2016	411-004-0010	1-1-2016	Adopt	1-1-2016
410-200-0120(T)	6-3-2016	Repeal	7-1-2016	411-004-0020	1-1-2016	Adopt	1-1-2016
410-200-0125	12-22-2015	Amend(T)	2-1-2016	411-004-0020	1-1-2016	Amend	2-1-2016
410-200-0125	6-3-2016	Amend	7-1-2016	411-004-0030	1-1-2016	Adopt	1-1-2016
410-200-0125(T)	6-3-2016	Repeal	7-1-2016	411-004-0040	1-1-2016	Adopt	1-1-2016
410-200-0130	12-22-2015	Amend(T)	2-1-2016	411-004-0040	7-1-2016	Amend(T)	8-1-2016
410-200-0130	6-3-2016	Amend	7-1-2016	411-020-0002	1-1-2016	Amend(T)	2-1-2016
410-200-0130(T)	6-3-2016	Repeal	7-1-2016	411-020-0002	5-6-2016	Amend	6-1-2016
410-200-0135	12-22-2015	Amend(T)	2-1-2016	411-020-0002(T)	5-6-2016	Repeal	6-1-2016
410-200-0135	6-3-2016	Amend	7-1-2016	411-027-0005	3-18-2016	Amend	4-1-2016

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411-027-0170	3-18-2016	Adopt	4-1-2016	411-050-0642(T)	6-28-2016	Repeal	8-1-2016
411-027-0170	7-1-2016	Amend(T)	8-1-2016	411-050-0645	1-1-2016	Amend(T)	2-1-2016
411-027-0170(T)	3-18-2016	Repeal	4-1-2016	411-050-0645	6-28-2016	Amend	8-1-2016
411-030-0020	3-18-2016	Amend	4-1-2016	411-050-0645(T)	6-28-2016	Repeal	8-1-2016
411-030-0020(T)	3-18-2016	Repeal	4-1-2016	411-050-0650	1-1-2016	Amend(T)	2-1-2016
411-030-0068	3-18-2016	Adopt	4-1-2016	411-050-0650	6-28-2016	Amend	8-1-2016
411-030-0068	7-1-2016	Amend(T)	8-1-2016	411-050-0650(T)	6-28-2016	Repeal	8-1-2016
411-030-0068(T)	3-18-2016	Repeal	4-1-2016	411-050-0655	1-1-2016	Amend(T)	2-1-2016
411-030-0070	3-18-2016	Amend	4-1-2016	411-050-0655	6-28-2016	Amend	8-1-2016
411-030-0070	7-1-2016	Amend(T)	8-1-2016	411-050-0655(T)	6-28-2016	Repeal	8-1-2016
411-030-0070(T)	3-18-2016	Repeal	4-1-2016	411-050-0660	6-28-2016	Amend	8-1-2016
411-030-0080	3-18-2016	Amend	4-1-2016	411-050-0662	1-1-2016	Amend(T)	2-1-2016
411-030-0080(T)	3-18-2016	Repeal	4-1-2016	411-050-0662	6-28-2016	Amend	8-1-2016
411-030-0100	3-18-2016	Amend	4-1-2016	411-050-0662(T)	6-28-2016	Repeal	8-1-2016
411-030-0100(T)	3-18-2016	Repeal	4-1-2016	411-050-0665	1-1-2016	Amend(T)	2-1-2016
411-031-0020	3-2-2016	Amend(T)	4-1-2016	411-050-0665	6-28-2016	Amend	8-1-2016
411-031-0020	3-23-2016	Amend(T)	5-1-2016	411-050-0670	1-1-2016	Amend(T)	2-1-2016
411-031-0020	8-28-2016	Amend	10-1-2016	411-050-0670	6-28-2016	Amend	8-1-2016
411-031-0020(T)	3-23-2016	Suspend	5-1-2016	411-050-0670(T)	6-28-2016	Repeal	8-1-2016
411-031-0020(T)	8-28-2016	Repeal	10-1-2016	411-050-0685	1-1-2016	Amend(T)	2-1-2016
411-031-0030	8-28-2016	Amend	10-1-2016	411-050-0685	6-28-2016	Amend	8-1-2016
411-031-0040	3-2-2016	Amend(T)	4-1-2016	411-050-0685(T)	6-28-2016	Repeal	8-1-2016
411-031-0040	3-23-2016	Amend(T)	5-1-2016	411-054-0000	1-1-2016	Amend(T)	2-1-2016
411-031-0040	8-28-2016	Amend	10-1-2016	411-054-0000	6-28-2016	Amend	8-1-2016
411-031-0040(T)	3-23-2016	Suspend	5-1-2016	411-054-0000(T)	6-28-2016	Repeal	8-1-2016
411-031-0040(T)	8-28-2016	Repeal	10-1-2016	411-054-0005	1-1-2016	Amend(T)	2-1-2016
411-031-0050	3-2-2016	Amend(T)	4-1-2016	411-054-0005	6-28-2016	Amend	8-1-2016
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411-031-0050	8-28-2016	Amend	10-1-2016	411-054-0012	1-1-2016	Amend(T)	2-1-2016
411-031-0050(T)	3-23-2016	Suspend	5-1-2016	411-054-0012	6-28-2016	Amend	8-1-2016
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411-032-0050(T)	12-27-2015	Repeal	1-1-2016	411-054-0025	6-28-2016	Amend	8-1-2016
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411-050-0602	1-1-2016	Amend(T)	2-1-2016	411-054-0027(T)	6-28-2016	Repeal	8-1-2016
411-050-0602	6-28-2016	Amend	8-1-2016	411-054-0034	6-28-2016	Amend	8-1-2016
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411-050-0615	1-1-2016	Amend(T)	2-1-2016	411-054-0036(T)	6-28-2016	Repeal	8-1-2016
411-050-0615	6-28-2016	Amend	8-1-2016	411-054-0038	1-1-2016	Adopt(T)	2-1-2016
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411-050-0630	1-1-2016	Amend(T)	2-1-2016	411-054-0065	6-28-2016	Amend	8-1-2016
411-050-0630	6-28-2016	Amend	8-1-2016	411-054-0080	6-28-2016	Amend	8-1-2016
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411-050-0632	1-1-2016	Amend(T)	2-1-2016	411-070-0437	4-1-2016	Amend(T)	5-1-2016
411-050-0632	6-28-2016	Amend	8-1-2016	411-070-0437	9-28-2016	Amend	11-1-2016
411-050-0632(T)	6-28-2016	Repeal	8-1-2016	411-070-0442	4-1-2016	Amend(T)	5-1-2016
411-050-0635	1-1-2016	Amend(T)	2-1-2016	411-070-0442	9-28-2016	Amend	11-1-2016
411-050-0635	6-28-2016	Amend	8-1-2016	411-070-0470	4-1-2016	Amend	4-1-2016
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411-050-0640	6-28-2016	Amend	8-1-2016	411-300-0100	6-29-2016	Amend	8-1-2016
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411-300-0130	1-1-2016	Amend(T)	2-1-2016	411-320-0080	6-29-2016	Amend	8-1-2016
411-300-0130	6-29-2016	Repeal	8-1-2016	411-320-0090	1-1-2016	Amend(T)	2-1-2016
411-300-0150	1-1-2016	Amend(T)	2-1-2016	411-320-0090	6-29-2016	Repeal	8-1-2016
411-300-0150	6-29-2016	Amend	8-1-2016	411-320-0100	6-29-2016	Repeal	8-1-2016
411-300-0155	1-1-2016	Amend(T)	2-1-2016	411-320-0110	1-1-2016	Amend(T)	2-1-2016
411-300-0155	6-29-2016	Repeal	8-1-2016	411-320-0110	6-29-2016	Repeal	8-1-2016
411-300-0165	6-29-2016	Repeal	8-1-2016	411-320-0120	1-1-2016	Amend(T)	2-1-2016
411-300-0170	1-1-2016	Amend(T)	2-1-2016	411-320-0120	6-29-2016	Repeal	8-1-2016
411-300-0170	6-29-2016	Repeal	8-1-2016	411-320-0130	6-29-2016	Repeal	8-1-2016
411-300-0175	6-29-2016	Repeal	8-1-2016	411-320-0150	6-29-2016	Repeal	8-1-2016
411-300-0190	6-29-2016	Amend	8-1-2016	411-320-0160	6-29-2016	Repeal	8-1-2016
411-300-0200	6-29-2016	Repeal	8-1-2016	411-320-0170	6-29-2016	Amend	8-1-2016
411-300-0205	6-29-2016	Amend	8-1-2016	411-320-0180	6-29-2016	Amend	8-1-2016
411-308-0010	6-29-2016	Repeal	8-1-2016	411-323-0010	1-1-2016	Amend(T)	2-1-2016
411-308-0020	1-1-2016	Amend(T)	2-1-2016	411-323-0010	6-29-2016	Amend	8-1-2016
411-308-0020	6-29-2016	Repeal	8-1-2016	411-323-0020	1-1-2016	Amend(T)	2-1-2016
411-308-0030	6-29-2016	Repeal	8-1-2016	411-323-0020	6-29-2016	Amend	8-1-2016
411-308-0040	6-29-2016	Repeal	8-1-2016	411-323-0030	1-1-2016	Amend(T)	2-1-2016
411-308-0050	1-1-2016	Amend(T)	2-1-2016	411-323-0030	6-29-2016	Amend	8-1-2016
411-308-0050	6-29-2016	Repeal	8-1-2016	411-323-0035	1-1-2016	Amend(T)	2-1-2016
411-308-0060	6-29-2016	Repeal	8-1-2016	411-323-0035	6-29-2016	Amend	8-1-2016
411-308-0070	6-29-2016	Repeal	8-1-2016	411-323-0050	6-29-2016	Amend	8-1-2016
411-308-0080	1-1-2016	Amend(T)	2-1-2016	411-323-0060	1-1-2016	Amend(T)	2-1-2016
411-308-0080	6-29-2016	Repeal	8-1-2016	411-323-0060	6-29-2016	Amend	8-1-2016
411-308-0090	6-29-2016	Repeal	8-1-2016	411-323-0065	6-29-2016	Adopt	8-1-2016
411-308-0100	1-1-2016	Amend(T)	2-1-2016	411-323-0070	6-29-2016	Amend	8-1-2016
411-308-0100	6-29-2016	Repeal	8-1-2016	411-325-0010	1-1-2016	Amend(T)	2-1-2016
411-308-0110	1-1-2016	Amend(T)	2-1-2016	411-325-0010	6-29-2016	Amend	8-1-2016
411-308-0110	6-29-2016	Repeal	8-1-2016	411-325-0020	1-1-2016	Amend(T)	2-1-2016
411-308-0120	1-1-2016	Amend(T)	2-1-2016	411-325-0020	6-29-2016	Amend	8-1-2016
411-308-0120	6-29-2016	Repeal	8-1-2016	411-325-0020	9-1-2016	Amend(T)	10-1-2016
411-308-0130	1-1-2016	Amend(T)	2-1-2016	411-325-0025	6-29-2016	Amend	8-1-2016
411-308-0130	6-29-2016	Repeal	8-1-2016	411-325-0030	6-29-2016	Amend	8-1-2016
411-308-0135	6-29-2016	Repeal	8-1-2016	411-325-0040	1-1-2016	Amend(T)	2-1-2016
411-308-0140	6-29-2016	Repeal	8-1-2016	411-325-0040	6-29-2016	Amend	8-1-2016
411-308-0150	6-29-2016	Repeal	8-1-2016	411-325-0110	6-29-2016	Amend	8-1-2016
411-317-0000	1-1-2016	Amend(T)	2-1-2016	411-325-0130	1-1-2016	Amend(T)	2-1-2016
411-317-0000	6-29-2016	Amend	8-1-2016	411-325-0130	6-29-2016	Amend	8-1-2016
411-317-0000	9-1-2016	Amend(T)	10-1-2016	411-325-0140	1-1-2016	Amend(T)	2-1-2016
411-318-0000	1-1-2016	Amend(T)	2-1-2016	411-325-0140	6-29-2016	Amend	8-1-2016
411-318-0000	6-29-2016	Amend	8-1-2016	411-325-0150	1-1-2016	Amend(T)	2-1-2016
411-318-0005	1-1-2016	Amend(T)	2-1-2016	411-325-0150	6-29-2016	Amend	8-1-2016
411-318-0005	6-29-2016	Amend	8-1-2016	411-325-0170	1-1-2016	Amend(T)	2-1-2016
411-318-0010	1-1-2016	Amend(T)	2-1-2016	411-325-0170	6-29-2016	Amend	8-1-2016
411-318-0010	6-29-2016	Amend	8-1-2016	411-325-0220	1-1-2016	Amend(T)	2-1-2016
411-320-0010	6-29-2016	Amend	8-1-2016	411-325-0220	6-29-2016	Amend	8-1-2016
411-320-0020	1-1-2016	Amend(T)	2-1-2016	411-325-0270	6-29-2016	Amend	8-1-2016
411-320-0020	6-29-2016	Amend	8-1-2016	411-325-0280	6-29-2016	Amend	8-1-2016
411-320-0030	6-29-2016	Amend	8-1-2016	411-325-0290	6-29-2016	Amend	8-1-2016
411-320-0040	1-1-2016	Amend(T)	2-1-2016	411-325-0300	1-1-2016	Amend(T)	2-1-2016
411-320-0040	6-29-2016	Amend	8-1-2016	411-325-0300	6-29-2016	Amend	8-1-2016
411-320-0050	6-29-2016	Amend	8-1-2016	411-325-0390	1-1-2016	Amend(T)	2-1-2016
411-320-0060	1-1-2016	Amend(T)	2-1-2016	411-325-0390	6-29-2016	Amend	8-1-2016
411-320-0060	6-29-2016	Repeal	8-1-2016	411-325-0410	6-29-2016	Amend	8-1-2016

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411-325-0430	1-1-2016	Amend(T)	2-1-2016	411-340-0070	6-29-2016	Amend	8-1-2016
411-325-0430	6-29-2016	Amend	8-1-2016	411-340-0080	6-29-2016	Amend	8-1-2016
411-325-0460	6-29-2016	Amend	8-1-2016	411-340-0090	6-29-2016	Amend	8-1-2016
411-328-0550	1-1-2016	Amend(T)	2-1-2016	411-340-0100	6-29-2016	Amend	8-1-2016
411-328-0550	6-29-2016	Amend	8-1-2016	411-340-0110	6-29-2016	Amend	8-1-2016
411-328-0560	1-1-2016	Amend(T)	2-1-2016	411-340-0120	1-1-2016	Amend(T)	2-1-2016
411-328-0560	6-29-2016	Amend	8-1-2016	411-340-0120	6-29-2016	Amend	8-1-2016
411-328-0560	9-1-2016	Amend(T)	10-1-2016	411-340-0125	6-29-2016	Repeal	8-1-2016
411-328-0625	1-1-2016	Adopt(T)	2-1-2016	411-340-0130	1-1-2016	Amend(T)	2-1-2016
411-328-0625	6-29-2016	Adopt	8-1-2016	411-340-0130	6-29-2016	Repeal	8-1-2016
411-328-0630	1-1-2016	Amend(T)	2-1-2016	411-340-0135	6-29-2016	Repeal	8-1-2016
411-328-0640	6-29-2016	Amend	8-1-2016	411-340-0140	1-1-2016	Amend(T)	2-1-2016
411-328-0650	1-1-2016	Amend(T)	2-1-2016	411-340-0140	6-29-2016	Repeal	8-1-2016
411-328-0650	6-29-2016	Amend	8-1-2016	411-340-0150	1-1-2016	Amend(T)	2-1-2016
411-328-0700	6-29-2016	Amend	8-1-2016	411-340-0150	6-29-2016	Amend	8-1-2016
411-328-0720	1-1-2016	Amend(T)	2-1-2016	411-340-0160	1-1-2016	Amend(T)	2-1-2016
411-328-0720	6-29-2016	Amend	8-1-2016	411-340-0160	6-29-2016	Repeal	8-1-2016
411-328-0750	1-1-2016	Amend(T)	2-1-2016	411-340-0170	1-1-2016	Amend(T)	2-1-2016
411-328-0750	6-29-2016	Amend	8-1-2016	411-340-0170	6-29-2016	Repeal	8-1-2016
411-328-0760	6-29-2016	Amend	8-1-2016	411-340-0180	6-29-2016	Repeal	8-1-2016
411-328-0770	6-29-2016	Amend	8-1-2016	411-345-0010	1-1-2016	Amend(T)	2-1-2016
411-328-0780	6-29-2016	Amend	8-1-2016	411-345-0010	6-29-2016	Amend	8-1-2016
411-328-0790	1-1-2016	Amend(T)	2-1-2016	411-345-0020	1-1-2016	Amend(T)	2-1-2016
411-328-0790	6-29-2016	Amend	8-1-2016	411-345-0020	6-29-2016	Amend	8-1-2016
411-330-0010	6-29-2016	Repeal	8-1-2016	411-345-0020	9-1-2016	Amend(T)	10-1-2016
411-330-0020	1-1-2016	Amend(T)	2-1-2016	411-345-0025	1-1-2016	Amend(T)	2-1-2016
411-330-0020	6-29-2016	Repeal	8-1-2016	411-345-0025	6-29-2016	Amend	8-1-2016
411-330-0030	6-29-2016	Repeal	8-1-2016	411-345-0027	6-29-2016	Amend	8-1-2016
411-330-0040	6-29-2016	Repeal	8-1-2016	411-345-0030	1-1-2016	Amend(T)	2-1-2016
411-330-0050	1-1-2016	Amend(T)	2-1-2016	411-345-0030	6-29-2016	Amend	8-1-2016
411-330-0050	6-29-2016	Repeal	8-1-2016	411-345-0085	1-1-2016	Amend(T)	2-1-2016
411-330-0060	1-1-2016	Amend(T)	2-1-2016	411-345-0085	6-29-2016	Amend	8-1-2016
411-330-0060	6-29-2016	Repeal	8-1-2016	411-345-0095	6-29-2016	Amend	8-1-2016
411-330-0065	6-29-2016	Repeal	8-1-2016	411-345-0110	1-1-2016	Amend(T)	2-1-2016
411-330-0070	1-1-2016	Amend(T)	2-1-2016	411-345-0110	6-29-2016	Amend	8-1-2016
411-330-0070	6-29-2016	Repeal	8-1-2016	411-345-0130	6-29-2016	Amend	8-1-2016
411-330-0080	1-1-2016	Amend(T)	2-1-2016	411-345-0140	6-29-2016	Amend	8-1-2016
411-330-0080	6-29-2016	Repeal	8-1-2016	411-345-0160	1-1-2016	Amend(T)	2-1-2016
411-330-0090	6-29-2016	Repeal	8-1-2016	411-345-0160	6-29-2016	Amend	8-1-2016
411-330-0100	6-29-2016	Repeal	8-1-2016	411-345-0170	6-29-2016	Amend	8-1-2016
411-330-0110	1-1-2016	Amend(T)	2-1-2016	411-345-0180	6-29-2016	Amend	8-1-2016
411-330-0110	6-29-2016	Repeal	8-1-2016	411-345-0190	6-29-2016	Amend	8-1-2016
411-330-0120	6-29-2016	Repeal	8-1-2016	411-345-0200	6-29-2016	Amend	8-1-2016
411-330-0130	6-29-2016	Repeal	8-1-2016	411-345-0230	6-29-2016	Amend	8-1-2016
411-330-0140	6-29-2016	Repeal	8-1-2016	411-345-0240	6-29-2016	Amend	8-1-2016
411-330-0150	6-29-2016	Repeal	8-1-2016	411-345-0250	6-29-2016	Amend	8-1-2016
411-330-0160	6-29-2016	Repeal	8-1-2016	411-345-0260	6-29-2016	Amend	8-1-2016
411-330-0170	6-29-2016	Repeal	8-1-2016	411-345-0270	6-29-2016	Amend	8-1-2016
411-340-0010	6-29-2016	Amend	8-1-2016	411-346-0100	2-23-2016	Amend(T)	4-1-2016
411-340-0020	1-1-2016	Amend(T)	2-1-2016	411-346-0100	8-20-2016	Amend	10-1-2016
411-340-0020	6-29-2016	Amend	8-1-2016	411-346-0100(T)	8-20-2016	Repeal	10-1-2016
411-340-0030	1-1-2016	Amend(T)	2-1-2016	411-346-0110	2-23-2016	Amend(T)	4-1-2016
411-340-0030	6-29-2016	Amend	8-1-2016	411-346-0110	8-20-2016	Amend	10-1-2016
411-340-0040	6-29-2016	Amend	8-1-2016	411-346-0110(T)	8-20-2016	Repeal	10-1-2016
411-340-0050	6-29-2016	Amend	8-1-2016	411-346-0170	2-23-2016	Amend(T)	4-1-2016

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411-346-0170(T)	8-20-2016	Repeal	10-1-2016	411-355-0080	6-29-2016	Repeal	8-1-2016
411-346-0190	2-23-2016	Amend(T)	4-1-2016	411-355-0080(T)	12-28-2015	Repeal	1-1-2016
411-346-0190	8-20-2016	Amend	10-1-2016	411-355-0090	12-28-2015	Amend	1-1-2016
411-346-0190(T)	8-20-2016	Repeal	10-1-2016	411-355-0090	6-29-2016	Repeal	8-1-2016
411-346-0200	2-23-2016	Amend(T)	4-1-2016	411-355-0090(T)	12-28-2015	Repeal	1-1-2016
411-346-0200	8-20-2016	Amend	10-1-2016	411-355-0100	12-28-2015	Amend	1-1-2016
411-346-0200(T)	8-20-2016	Repeal	10-1-2016	411-355-0100	6-29-2016	Repeal	8-1-2016
411-350-0010	6-29-2016	Repeal	8-1-2016	411-355-0100(T)	12-28-2015	Repeal	1-1-2016
411-350-0020	1-1-2016	Amend(T)	2-1-2016	411-355-0110	12-28-2015	Repeal	1-1-2016
411-350-0020	6-29-2016	Repeal	8-1-2016	411-355-0120	12-28-2015	Repeal	1-1-2016
411-350-0030	1-1-2016	Amend(T)	2-1-2016	411-360-0010	1-1-2016	Amend(T)	2-1-2016
411-350-0030	6-29-2016	Repeal	8-1-2016	411-360-0010	6-29-2016	Amend	8-1-2016
411-350-0040	1-1-2016	Amend(T)	2-1-2016	411-360-0020	1-1-2016	Amend(T)	2-1-2016
411-350-0040	6-29-2016	Repeal	8-1-2016	411-360-0020	6-29-2016	Amend	8-1-2016
411-350-0050	1-1-2016	Amend(T)	2-1-2016	411-360-0020	9-1-2016	Amend(T)	10-1-2016
411-350-0050	6-29-2016	Repeal	8-1-2016	411-360-0050	1-1-2016	Amend(T)	2-1-2016
411-350-0055	1-1-2016	Adopt(T)	2-1-2016	411-360-0050	6-29-2016	Amend	8-1-2016
411-350-0075	6-29-2016	Repeal	8-1-2016	411-360-0055	1-1-2016	Amend(T)	2-1-2016
411-350-0080	1-1-2016	Amend(T)	2-1-2016	411-360-0055	6-29-2016	Amend	8-1-2016
411-350-0080	6-29-2016	Repeal	8-1-2016	411-360-0060	1-1-2016	Amend(T)	2-1-2016
411-350-0085	6-29-2016	Repeal	8-1-2016	411-360-0060	6-29-2016	Amend	8-1-2016
411-350-0100	1-1-2016	Amend(T)	2-1-2016	411-360-0110	6-29-2016	Amend	8-1-2016
411-350-0100	6-29-2016	Repeal	8-1-2016	411-360-0130	1-1-2016	Amend(T)	2-1-2016
411-350-0110	6-29-2016	Repeal	8-1-2016	411-360-0130	6-29-2016	Amend	8-1-2016
411-350-0115	6-29-2016	Repeal	8-1-2016	411-360-0140	1-1-2016	Amend(T)	2-1-2016
411-355-0000	12-28-2015	Amend	1-1-2016	411-360-0140	6-29-2016	Amend	8-1-2016
411-355-0000	6-29-2016	Repeal	8-1-2016	411-360-0160	6-29-2016	Amend	8-1-2016
411-355-0000(T)	12-28-2015	Repeal	1-1-2016	411-360-0170	1-1-2016	Amend(T)	2-1-2016
411-355-0010	12-28-2015	Amend	1-1-2016	411-360-0170	6-29-2016	Amend	8-1-2016
411-355-0010	1-1-2016	Amend(T)	2-1-2016	411-360-0180	6-29-2016	Amend	8-1-2016
411-355-0010	6-29-2016	Repeal	8-1-2016	411-360-0190	1-1-2016	Amend(T)	2-1-2016
411-355-0010(T)	12-28-2015	Repeal	1-1-2016	411-360-0190	6-29-2016	Amend	8-1-2016
411-355-0020	12-28-2015	Amend	1-1-2016	411-360-0200	6-29-2016	Amend	8-1-2016
411-355-0020	6-29-2016	Repeal	8-1-2016	411-360-0260	6-29-2016	Amend	8-1-2016
411-355-0020(T)	12-28-2015	Repeal	1-1-2016	411-370-0010	1-1-2016	Amend(T)	2-1-2016
411-355-0030	12-28-2015	Amend	1-1-2016	411-370-0010	6-29-2016	Amend	8-1-2016
411-355-0030	1-1-2016	Amend(T)	2-1-2016	411-370-0020	6-29-2016	Amend	8-1-2016
411-355-0030	6-29-2016	Repeal	8-1-2016	411-370-0030	6-29-2016	Amend	8-1-2016
411-355-0030(T)	12-28-2015	Repeal	1-1-2016	411-370-0040	6-29-2016	Amend	8-1-2016
411-355-0040	12-28-2015	Amend	1-1-2016	411-375-0000	6-29-2016	Amend	8-1-2016
411-355-0040	1-1-2016	Amend(T)	2-1-2016	411-375-0010	1-1-2016	Amend(T)	2-1-2016
411-355-0040	6-29-2016	Repeal	8-1-2016	411-375-0010	6-29-2016	Amend	8-1-2016
411-355-0040(T)	12-28-2015	Repeal	1-1-2016	411-375-0010	9-1-2016	Amend(T)	10-1-2016
411-355-0045	12-28-2015	Adopt	1-1-2016	411-375-0020	6-29-2016	Amend	8-1-2016
411-355-0045	6-29-2016	Repeal	8-1-2016	411-375-0020	9-1-2016	Amend(T)	10-1-2016
411-355-0045(T)	12-28-2015	Repeal	1-1-2016	411-375-0030	6-29-2016	Repeal	8-1-2016
411-355-0050	12-28-2015	Amend	1-1-2016	411-375-0035	6-29-2016	Adopt	8-1-2016
411-355-0050	1-1-2016	Amend(T)	2-1-2016	411-375-0035	9-1-2016	Amend(T)	10-1-2016
411-355-0050	6-29-2016	Repeal	8-1-2016	411-375-0040	6-29-2016	Amend	8-1-2016
411-355-0050(T)	12-28-2015	Repeal	1-1-2016	411-375-0040	9-1-2016	Amend(T)	10-1-2016
411-355-0060	12-28-2015	Repeal	1-1-2016	411-375-0050	1-1-2016	Amend(T)	2-1-2016
411-355-0070	12-28-2015	Repeal	1-1-2016	411-375-0050	6-29-2016	Amend	8-1-2016
411-355-0075	12-28-2015	Adopt	1-1-2016	411-375-0050	9-1-2016	Amend(T)	10-1-2016
411-355-0075	6-29-2016	Repeal	8-1-2016	411-375-0055	1-1-2016	Adopt(T)	2-1-2016
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411-375-0060	6-29-2016	Am. & Ren.	8-1-2016	411-450-0020	6-29-2016	Adopt	8-1-2016
411-375-0070	1-1-2016	Amend(T)	2-1-2016	411-450-0020	9-1-2016	Amend(T)	10-1-2016
411-375-0070	6-29-2016	Amend	8-1-2016	411-450-0030	6-29-2016	Adopt	8-1-2016
411-375-0070	9-1-2016	Amend(T)	10-1-2016	411-450-0030	9-1-2016	Amend(T)	10-1-2016
411-375-0080	1-1-2016	Amend(T)	2-1-2016	411-450-0040	6-29-2016	Adopt	8-1-2016
411-375-0080	6-29-2016	Amend	8-1-2016	411-450-0050	6-29-2016	Adopt	8-1-2016
411-380-0010	1-1-2016	Adopt(T)	2-1-2016	411-450-0060	6-29-2016	Adopt	8-1-2016
411-380-0010	6-29-2016	Adopt	8-1-2016	411-450-0060	9-1-2016	Amend(T)	10-1-2016
411-380-0020	1-1-2016	Adopt(T)	2-1-2016	411-450-0060	9-15-2016	Amend(T)	10-1-2016
411-380-0020	6-29-2016	Adopt	8-1-2016	411-450-0060(T)	9-15-2016	Suspend	10-1-2016
411-380-0020	9-1-2016	Amend(T)	10-1-2016	411-450-0070	6-29-2016	Adopt	8-1-2016
411-380-0030	1-1-2016	Adopt(T)	2-1-2016	411-450-0080	6-29-2016	Adopt	8-1-2016
411-380-0030	6-29-2016	Adopt	8-1-2016	411-450-0100	6-29-2016	Adopt	8-1-2016
411-380-0030	9-1-2016	Amend(T)	10-1-2016	413-010-0000	2-1-2016	Amend	3-1-2016
411-380-0040	1-1-2016	Adopt(T)	2-1-2016	413-010-0035	2-1-2016	Amend	3-1-2016
411-380-0040	6-29-2016	Adopt	8-1-2016	413-010-0035	8-25-2016	Amend(T)	10-1-2016
411-380-0050	1-1-2016	Adopt(T)	2-1-2016	413-010-0180	5-17-2016	Amend(T)	7-1-2016
411-380-0050	6-29-2016	Adopt	8-1-2016	413-015-0100	7-1-2016	Amend(T)	8-1-2016
411-380-0060	1-1-2016	Adopt(T)	2-1-2016	413-015-0115	1-1-2016	Amend	2-1-2016
411-380-0060	6-29-2016	Adopt	8-1-2016	413-015-0115	7-1-2016	Amend(T)	8-1-2016
411-380-0060	9-1-2016	Amend(T)	10-1-2016	413-015-0115	9-29-2016	Amend	11-1-2016
411-380-0070	1-1-2016	Adopt(T)	2-1-2016	413-015-0115(T)	1-1-2016	Repeal	2-1-2016
411-380-0070	6-29-2016	Adopt	8-1-2016	413-015-0115(T)	9-29-2016	Repeal	11-1-2016
411-380-0080	1-1-2016	Adopt(T)	2-1-2016	413-015-0125	7-1-2016	Amend(T)	8-1-2016
411-380-0080	6-29-2016	Adopt	8-1-2016	413-015-0205	1-1-2016	Amend	2-1-2016
411-380-0090	1-1-2016	Adopt(T)	2-1-2016	413-015-0205	7-1-2016	Amend(T)	8-1-2016
411-380-0090	6-29-2016	Adopt	8-1-2016	413-015-0210	7-1-2016	Amend(T)	8-1-2016
411-380-0090	9-1-2016	Amend(T)	10-1-2016	413-015-0210	9-29-2016	Amend	11-1-2016
411-415-0010	6-29-2016	Adopt	8-1-2016	413-015-0210	10-5-2016	Amend(T)	11-1-2016
411-415-0020	6-29-2016	Adopt	8-1-2016	413-015-0210(T)	9-29-2016	Repeal	11-1-2016
411-415-0020	9-1-2016	Amend(T)	10-1-2016	413-015-0211	1-1-2016	Amend	2-1-2016
411-415-0030	6-29-2016	Adopt	8-1-2016	413-015-0211	7-1-2016	Amend(T)	8-1-2016
411-415-0040	6-29-2016	Adopt	8-1-2016	413-015-0211	9-29-2016	Amend	11-1-2016
411-415-0050	6-29-2016	Adopt	8-1-2016	413-015-0211(T)	1-1-2016	Repeal	2-1-2016
411-415-0060	6-29-2016	Adopt	8-1-2016	413-015-0211(T)	9-29-2016	Repeal	11-1-2016
411-415-0060	9-1-2016	Amend(T)	10-1-2016	413-015-0212	7-1-2016	Amend(T)	8-1-2016
411-415-0070	6-29-2016	Adopt	8-1-2016	413-015-0215	4-11-2016	Amend(T)	5-1-2016
411-415-0070	9-1-2016	Amend(T)	10-1-2016	413-015-0215	7-1-2016	Amend(T)	8-1-2016
411-415-0080	6-29-2016	Adopt	8-1-2016	413-015-0215	9-29-2016	Amend	11-1-2016
411-415-0090	6-29-2016	Adopt	8-1-2016	413-015-0215(T)	7-1-2016	Suspend	8-1-2016
411-415-0100	6-29-2016	Adopt	8-1-2016	413-015-0215(T)	9-29-2016	Repeal	11-1-2016
411-415-0110	6-29-2016	Adopt	8-1-2016	413-015-0300	7-1-2016	Amend(T)	8-1-2016
411-415-0120	6-29-2016	Adopt	8-1-2016	413-015-0409	7-1-2016	Amend(T)	8-1-2016
411-435-0010	6-29-2016	Adopt	8-1-2016	413-015-0415	1-1-2016	Amend	2-1-2016
411-435-0020	6-29-2016	Adopt	8-1-2016	413-015-0415	7-1-2016	Amend(T)	8-1-2016
411-435-0020	9-1-2016	Amend(T)	10-1-2016	413-015-0415	9-29-2016	Amend	11-1-2016
411-435-0030	6-29-2016	Adopt	8-1-2016	413-015-0415(T)	1-1-2016	Repeal	2-1-2016
411-435-0040	6-29-2016	Adopt	8-1-2016	413-015-0415(T)	9-29-2016	Repeal	11-1-2016
411-435-0050	6-29-2016	Adopt	8-1-2016	413-015-0420	7-1-2016	Amend(T)	8-1-2016
411-435-0050	9-1-2016	Amend(T)	10-1-2016	413-015-0422	9-29-2016	Amend	11-1-2016
411-435-0060	6-29-2016	Adopt	8-1-2016	413-015-0440	7-1-2016	Amend(T)	8-1-2016
411-435-0060	9-1-2016	Amend(T)	10-1-2016	413-015-0445	7-1-2016	Amend(T)	8-1-2016
411-435-0070	6-29-2016	Adopt	8-1-2016	413-015-0450	7-1-2016	Amend(T)	8-1-2016
411-435-0070	9-1-2016	Amend(T)	10-1-2016	413-015-0460	1-1-2016	Amend	2-1-2016
411-435-0080	6-29-2016	Adopt	8-1-2016	413-015-0470	1-1-2016	Amend	2-1-2016

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413-015-0470	9-29-2016	Amend	11-1-2016	413-090-0085	1-1-2016	Amend	2-1-2016
413-015-0470(T)	9-29-2016	Repeal	11-1-2016	413-090-0085	6-14-2016	Amend(T)	7-1-2016
413-015-0620	7-1-2016	Adopt(T)	8-1-2016	413-090-0085	9-1-2016	Amend	10-1-2016
413-015-0625	7-1-2016	Adopt(T)	8-1-2016	413-090-0085(T)	1-1-2016	Repeal	2-1-2016
413-015-0630	7-1-2016	Adopt(T)	8-1-2016	413-090-0085(T)	9-1-2016	Repeal	10-1-2016
413-015-0640	7-1-2016	Adopt(T)	8-1-2016	413-090-0087	1-1-2016	Adopt	2-1-2016
413-015-1000	7-1-2016	Amend(T)	8-1-2016	413-090-0087	7-1-2016	Amend(T)	8-1-2016
413-015-1220	1-1-2016	Amend	2-1-2016	413-090-0087	9-29-2016	Amend	11-1-2016
413-015-9000	1-1-2016	Amend	2-1-2016	413-090-0087(T)	1-1-2016	Repeal	2-1-2016
413-015-9000(T)	1-1-2016	Repeal	2-1-2016	413-090-0087(T)	9-29-2016	Repeal	11-1-2016
413-015-9030	7-1-2016	Amend(T)	8-1-2016	413-090-0090	7-1-2016	Amend(T)	8-1-2016
413-015-9040	7-1-2016	Amend(T)	8-1-2016	413-090-0400	2-1-2016	Amend	3-1-2016
413-030-0400	11-24-2015	Amend(T)	1-1-2016	413-090-0410	2-1-2016	Repeal	3-1-2016
413-030-0400	2-1-2016	Amend	3-1-2016	413-090-0420	2-1-2016	Repeal	3-1-2016
413-030-0400(T)	2-1-2016	Repeal	3-1-2016	413-090-0430	2-1-2016	Repeal	3-1-2016
413-040-0000	1-1-2016	Amend(T)	2-1-2016	413-090-0500	6-1-2016	Repeal	7-1-2016
413-040-0000	6-1-2016	Amend	7-1-2016	413-090-0510	6-1-2016	Repeal	7-1-2016
413-040-0000(T)	6-1-2016	Repeal	7-1-2016	413-090-0520	6-1-2016	Repeal	7-1-2016
413-040-0010	11-24-2015	Amend(T)	1-1-2016	413-090-0530	6-1-2016	Repeal	7-1-2016
413-040-0010	2-1-2016	Amend	3-1-2016	413-090-0540	6-1-2016	Repeal	7-1-2016
413-040-0010(T)	2-1-2016	Repeal	3-1-2016	413-090-0550	6-1-2016	Repeal	7-1-2016
413-040-0013	5-17-2016	Amend(T)	7-1-2016	413-100-0400	12-21-2015	Amend	2-1-2016
413-040-0145	1-1-2016	Amend(T)	2-1-2016	413-100-0410	12-21-2015	Amend	2-1-2016
413-040-0145	6-1-2016	Amend	7-1-2016	413-100-0420	12-21-2015	Amend	2-1-2016
413-040-0145(T)	6-1-2016	Repeal	7-1-2016	413-100-0435	12-21-2015	Amend	2-1-2016
413-040-0150	1-1-2016	Amend(T)	2-1-2016	413-100-0457	12-21-2015	Repeal	2-1-2016
413-040-0150	6-1-2016	Amend	7-1-2016	413-100-0800	4-1-2016	Amend	5-1-2016
413-040-0150(T)	6-1-2016	Repeal	7-1-2016	413-100-0810	4-1-2016	Amend	5-1-2016
413-070-0551	11-24-2015	Amend(T)	1-1-2016	413-100-0820	4-1-2016	Amend	5-1-2016
413-070-0551	2-1-2016	Amend	3-1-2016	413-100-0830	4-1-2016	Amend	5-1-2016
413-070-0551(T)	2-1-2016	Repeal	3-1-2016	413-100-0840	4-1-2016	Repeal	5-1-2016
413-070-0670	8-1-2016	Amend	9-1-2016	413-100-0850	4-1-2016	Repeal	5-1-2016
413-070-0900	9-2-2016	Amend(T)	10-1-2016	413-120-0000	6-1-2016	Amend	7-1-2016
413-070-0917	9-2-2016	Amend(T)	10-1-2016	413-120-0025	6-1-2016	Amend	7-1-2016
413-070-0959	9-2-2016	Amend(T)	10-1-2016	413-120-0730	2-24-2016	Amend(T)	4-1-2016
413-080-0050	11-24-2015	Amend(T)	1-1-2016	413-120-0730	6-1-2016	Amend	7-1-2016
413-080-0050	1-1-2016	Amend	2-1-2016	413-120-0730(T)	6-1-2016	Repeal	7-1-2016
413-080-0050	7-1-2016	Amend(T)	8-1-2016	413-120-0925	1-1-2016	Amend(T)	2-1-2016
413-080-0050(T)	11-24-2015	Suspend	1-1-2016	413-120-0925	6-1-2016	Amend	7-1-2016
413-080-0050(T)	1-1-2016	Repeal	2-1-2016	413-120-0925(T)	6-1-2016	Repeal	7-1-2016
413-080-0051	7-1-2016	Adopt(T)	8-1-2016	413-130-0000	1-1-2016	Amend(T)	2-1-2016
413-080-0052	7-1-2016	Amend(T)	8-1-2016	413-130-0000	6-29-2016	Amend	8-1-2016
413-080-0053	1-1-2016	Adopt	2-1-2016	413-130-0300	1-1-2016	Amend(T)	2-1-2016
413-080-0053(T)	1-1-2016	Repeal	2-1-2016	413-130-0300	6-29-2016	Amend	8-1-2016
413-080-0054	1-1-2016	Amend	2-1-2016	413-130-0310	1-1-2016	Amend(T)	2-1-2016
413-080-0054	7-1-2016	Amend(T)	8-1-2016	413-130-0310	6-29-2016	Amend	8-1-2016
413-080-0054(T)	1-1-2016	Repeal	2-1-2016	413-130-0320	1-1-2016	Amend(T)	2-1-2016
413-080-0059	7-1-2016	Amend(T)	8-1-2016	413-130-0320	6-29-2016	Amend	8-1-2016
413-080-0062	9-29-2016	Adopt	11-1-2016	413-130-0330	1-1-2016	Amend(T)	2-1-2016
413-080-0070	7-1-2016	Adopt(T)	8-1-2016	413-130-0330	6-29-2016	Amend	8-1-2016
413-090-0000	7-1-2016	Amend(T)	8-1-2016	413-130-0340	1-1-2016	Amend(T)	2-1-2016
413-090-0055	7-1-2016	Amend(T)	8-1-2016	413-130-0340	6-29-2016	Amend	8-1-2016
413-090-0065	7-1-2016	Amend(T)	8-1-2016	413-130-0350	1-1-2016	Amend(T)	2-1-2016
413-090-0070	7-1-2016	Amend(T)	8-1-2016	413-130-0350	6-29-2016	Amend	8-1-2016
413-090-0075	7-1-2016	Amend(T)	8-1-2016	413-130-0355	1-1-2016	Amend(T)	2-1-2016

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413-130-0360	1-1-2016	Amend(T)	2-1-2016	413-215-0116	7-1-2016	Amend(T)	8-1-2016
413-130-0360	6-29-2016	Amend	8-1-2016	413-215-0121	7-1-2016	Amend(T)	8-1-2016
413-130-0365	1-1-2016	Adopt(T)	2-1-2016	413-215-0126	7-1-2016	Amend(T)	8-1-2016
413-130-0365	6-29-2016	Adopt	8-1-2016	413-215-0131	7-1-2016	Amend(T)	8-1-2016
413-130-0400	1-1-2016	Suspend	2-1-2016	413-215-0201	7-1-2016	Amend(T)	8-1-2016
413-130-0400	6-29-2016	Repeal	8-1-2016	413-215-0206	7-1-2016	Suspend	8-1-2016
413-130-0420	1-1-2016	Suspend	2-1-2016	413-215-0211	7-1-2016	Amend(T)	8-1-2016
413-130-0420	6-29-2016	Repeal	8-1-2016	413-215-0216	7-1-2016	Amend(T)	8-1-2016
413-130-0430	1-1-2016	Suspend	2-1-2016	413-215-0221	7-1-2016	Amend(T)	8-1-2016
413-130-0430	6-29-2016	Repeal	8-1-2016	413-215-0226	7-1-2016	Amend(T)	8-1-2016
413-130-0440	1-1-2016	Suspend	2-1-2016	413-215-0231	7-1-2016	Amend(T)	8-1-2016
413-130-0440	6-29-2016	Repeal	8-1-2016	413-215-0236	7-1-2016	Amend(T)	8-1-2016
413-130-0450	1-1-2016	Suspend	2-1-2016	413-215-0241	7-1-2016	Amend(T)	8-1-2016
413-130-0450	6-29-2016	Repeal	8-1-2016	413-215-0246	7-1-2016	Amend(T)	8-1-2016
413-130-0455	1-1-2016	Suspend	2-1-2016	413-215-0251	7-1-2016	Amend(T)	8-1-2016
413-130-0455	6-29-2016	Repeal	8-1-2016	413-215-0256	7-1-2016	Suspend	8-1-2016
413-130-0460	1-1-2016	Suspend	2-1-2016	413-215-0261	7-1-2016	Amend(T)	8-1-2016
413-130-0460	6-29-2016	Repeal	8-1-2016	413-215-0266	7-1-2016	Amend(T)	8-1-2016
413-130-0480	1-1-2016	Suspend	2-1-2016	413-215-0271	7-1-2016	Amend(T)	8-1-2016
413-130-0480	6-29-2016	Repeal	8-1-2016	413-215-0276	7-1-2016	Amend(T)	8-1-2016
413-130-0490	1-1-2016	Suspend	2-1-2016	413-215-0301	7-1-2016	Amend(T)	8-1-2016
413-130-0490	6-29-2016	Repeal	8-1-2016	413-215-0306	7-1-2016	Suspend	8-1-2016
413-130-0500	1-1-2016	Suspend	2-1-2016	413-215-0311	7-1-2016	Amend(T)	8-1-2016
413-130-0500	6-29-2016	Repeal	8-1-2016	413-215-0313	7-1-2016	Amend(T)	8-1-2016
413-130-0510	1-1-2016	Suspend	2-1-2016	413-215-0316	7-1-2016	Amend(T)	8-1-2016
413-130-0510	6-29-2016	Repeal	8-1-2016	413-215-0321	7-1-2016	Amend(T)	8-1-2016
413-130-0520	1-1-2016	Suspend	2-1-2016	413-215-0326	7-1-2016	Amend(T)	8-1-2016
413-130-0520	6-29-2016	Repeal	8-1-2016	413-215-0331	7-1-2016	Amend(T)	8-1-2016
413-140-0032	4-26-2016	Amend(T)	6-1-2016	413-215-0336	7-1-2016	Amend(T)	8-1-2016
413-140-0032	10-1-2016	Amend	11-1-2016	413-215-0341	7-1-2016	Amend(T)	8-1-2016
413-140-0032(T)	10-1-2016	Repeal	11-1-2016	413-215-0346	7-1-2016	Suspend	8-1-2016
413-200-0352	9-29-2016	Amend	11-1-2016	413-215-0349	7-1-2016	Amend(T)	8-1-2016
413-215-0000	7-1-2016	Adopt(T)	8-1-2016	413-215-0351	7-1-2016	Amend(T)	8-1-2016
413-215-0001	7-1-2016	Amend(T)	8-1-2016	413-215-0356	7-1-2016	Amend(T)	8-1-2016
413-215-0006	7-1-2016	Suspend	8-1-2016	413-215-0361	7-1-2016	Amend(T)	8-1-2016
413-215-0011	7-1-2016	Amend(T)	8-1-2016	413-215-0366	7-1-2016	Amend(T)	8-1-2016
413-215-0016	7-1-2016	Amend(T)	8-1-2016	413-215-0371	7-1-2016	Amend(T)	8-1-2016
413-215-0021	7-1-2016	Amend(T)	8-1-2016	413-215-0376	7-1-2016	Amend(T)	8-1-2016
413-215-0026	7-1-2016	Amend(T)	8-1-2016	413-215-0381	7-1-2016	Amend(T)	8-1-2016
413-215-0031	7-1-2016	Amend(T)	8-1-2016	413-215-0386	7-1-2016	Amend(T)	8-1-2016
413-215-0036	7-1-2016	Amend(T)	8-1-2016	413-215-0391	7-1-2016	Amend(T)	8-1-2016
413-215-0041	7-1-2016	Amend(T)	8-1-2016	413-215-0396	7-1-2016	Amend(T)	8-1-2016
413-215-0046	7-1-2016	Amend(T)	8-1-2016	413-215-0401	7-1-2016	Amend(T)	8-1-2016
413-215-0051	7-1-2016	Amend(T)	8-1-2016	413-215-0406	7-1-2016	Suspend	8-1-2016
413-215-0056	7-1-2016	Amend(T)	8-1-2016	413-215-0411	7-1-2016	Amend(T)	8-1-2016
413-215-0061	7-1-2016	Amend(T)	8-1-2016	413-215-0416	7-1-2016	Amend(T)	8-1-2016
413-215-0066	7-1-2016	Amend(T)	8-1-2016	413-215-0421	7-1-2016	Amend(T)	8-1-2016
413-215-0071	7-1-2016	Amend(T)	8-1-2016	413-215-0426	7-1-2016	Amend(T)	8-1-2016
413-215-0076	7-1-2016	Amend(T)	8-1-2016	413-215-0431	7-1-2016	Amend(T)	8-1-2016
413-215-0081	7-1-2016	Amend(T)	8-1-2016	413-215-0436	7-1-2016	Amend(T)	8-1-2016
413-215-0086	7-1-2016	Amend(T)	8-1-2016	413-215-0441	7-1-2016	Amend(T)	8-1-2016
413-215-0091	7-1-2016	Amend(T)	8-1-2016	413-215-0446	7-1-2016	Amend(T)	8-1-2016
413-215-0096	7-1-2016	Amend(T)	8-1-2016	413-215-0451	7-1-2016	Amend(T)	8-1-2016
413-215-0101	7-1-2016	Amend(T)	8-1-2016	413-215-0456	7-1-2016	Amend(T)	8-1-2016
413-215-0106	7-1-2016	Amend(T)	8-1-2016	413-215-0461	7-1-2016	Amend(T)	8-1-2016

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413-215-0471	7-1-2016	Amend(T)	8-1-2016	413-215-0816	7-1-2016	Amend(T)	8-1-2016
413-215-0476	7-1-2016	Amend(T)	8-1-2016	413-215-0821	7-1-2016	Amend(T)	8-1-2016
413-215-0481	7-1-2016	Amend(T)	8-1-2016	413-215-0826	7-1-2016	Amend(T)	8-1-2016
413-215-0501	7-1-2016	Amend(T)	8-1-2016	413-215-0831	7-1-2016	Amend(T)	8-1-2016
413-215-0506	7-1-2016	Suspend	8-1-2016	413-215-0836	7-1-2016	Amend(T)	8-1-2016
413-215-0511	7-1-2016	Amend(T)	8-1-2016	413-215-0841	7-1-2016	Amend(T)	8-1-2016
413-215-0516	7-1-2016	Amend(T)	8-1-2016	413-215-0846	7-1-2016	Amend(T)	8-1-2016
413-215-0521	7-1-2016	Amend(T)	8-1-2016	413-215-0851	7-1-2016	Amend(T)	8-1-2016
413-215-0526	7-1-2016	Amend(T)	8-1-2016	413-215-0856	7-1-2016	Amend(T)	8-1-2016
413-215-0531	7-1-2016	Amend(T)	8-1-2016	413-215-0901	7-1-2016	Amend(T)	8-1-2016
413-215-0536	7-1-2016	Amend(T)	8-1-2016	413-215-0906	7-1-2016	Suspend	8-1-2016
413-215-0541	7-1-2016	Amend(T)	8-1-2016	413-215-0911	7-1-2016	Suspend	8-1-2016
413-215-0546	7-1-2016	Amend(T)	8-1-2016	413-215-0916	7-1-2016	Amend(T)	8-1-2016
413-215-0551	7-1-2016	Amend(T)	8-1-2016	413-215-0918	7-1-2016	Amend(T)	8-1-2016
413-215-0554	7-1-2016	Amend(T)	8-1-2016	413-215-0921	7-1-2016	Amend(T)	8-1-2016
413-215-0556	7-1-2016	Amend(T)	8-1-2016	413-215-0926	7-1-2016	Amend(T)	8-1-2016
413-215-0561	7-1-2016	Amend(T)	8-1-2016	413-215-0931	7-1-2016	Amend(T)	8-1-2016
413-215-0566	7-1-2016	Amend(T)	8-1-2016	413-215-0936	7-1-2016	Amend(T)	8-1-2016
413-215-0571	7-1-2016	Amend(T)	8-1-2016	413-215-0941	7-1-2016	Amend(T)	8-1-2016
413-215-0576	7-1-2016	Amend(T)	8-1-2016	413-215-0946	7-1-2016	Amend(T)	8-1-2016
413-215-0581	7-1-2016	Amend(T)	8-1-2016	413-215-0951	7-1-2016	Amend(T)	8-1-2016
413-215-0586	7-1-2016	Amend(T)	8-1-2016	413-215-0956	7-1-2016	Amend(T)	8-1-2016
413-215-0601	7-1-2016	Amend(T)	8-1-2016	413-215-0961	7-1-2016	Amend(T)	8-1-2016
413-215-0606	7-1-2016	Suspend	8-1-2016	413-215-0966	7-1-2016	Amend(T)	8-1-2016
413-215-0611	7-1-2016	Amend(T)	8-1-2016	413-215-0971	7-1-2016	Amend(T)	8-1-2016
413-215-0616	7-1-2016	Amend(T)	8-1-2016	413-215-0976	7-1-2016	Amend(T)	8-1-2016
413-215-0621	7-1-2016	Amend(T)	8-1-2016	413-215-0981	7-1-2016	Amend(T)	8-1-2016
413-215-0626	7-1-2016	Amend(T)	8-1-2016	413-215-0986	7-1-2016	Amend(T)	8-1-2016
413-215-0631	7-1-2016	Amend(T)	8-1-2016	413-215-0991	7-1-2016	Amend(T)	8-1-2016
413-215-0636	7-1-2016	Amend(T)	8-1-2016	413-215-0992	7-1-2016	Amend(T)	8-1-2016
413-215-0641	7-1-2016	Amend(T)	8-1-2016	413-215-0996	7-1-2016	Amend(T)	8-1-2016
413-215-0646	7-1-2016	Amend(T)	8-1-2016	413-215-1001	7-1-2016	Amend(T)	8-1-2016
413-215-0651	7-1-2016	Amend(T)	8-1-2016	413-215-1006	7-1-2016	Amend(T)	8-1-2016
413-215-0656	7-1-2016	Amend(T)	8-1-2016	413-215-1011	7-1-2016	Amend(T)	8-1-2016
413-215-0661	7-1-2016	Amend(T)	8-1-2016	413-215-1016	7-1-2016	Amend(T)	8-1-2016
413-215-0666	7-1-2016	Amend(T)	8-1-2016	413-215-1021	7-1-2016	Amend(T)	8-1-2016
413-215-0671	7-1-2016	Amend(T)	8-1-2016	413-215-1026	7-1-2016	Amend(T)	8-1-2016
413-215-0676	7-1-2016	Amend(T)	8-1-2016	413-215-1031	7-1-2016	Amend(T)	8-1-2016
413-215-0681	7-1-2016	Amend(T)	8-1-2016	414-150-0050	1-25-2016	Amend	3-1-2016
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413-215-0706	7-1-2016	Suspend	8-1-2016	414-150-0060	1-25-2016	Amend	3-1-2016
413-215-0711	7-1-2016	Amend(T)	8-1-2016	414-150-0070	1-25-2016	Amend	3-1-2016
413-215-0716	7-1-2016	Amend(T)	8-1-2016	414-150-0080	1-25-2016	Repeal	3-1-2016
413-215-0721	7-1-2016	Amend(T)	8-1-2016	414-150-0090	1-25-2016	Repeal	3-1-2016
413-215-0726	7-1-2016	Amend(T)	8-1-2016	414-150-0100	1-25-2016	Repeal	3-1-2016
413-215-0731	7-1-2016	Amend(T)	8-1-2016	414-150-0110	1-25-2016	Amend	3-1-2016
413-215-0736	7-1-2016	Amend(T)	8-1-2016	414-150-0120	1-25-2016	Amend	3-1-2016
413-215-0741	7-1-2016	Amend(T)	8-1-2016	414-150-0130	1-25-2016	Amend	3-1-2016
413-215-0746	7-1-2016	Amend(T)	8-1-2016	414-150-0140	1-25-2016	Adopt	3-1-2016
413-215-0751	7-1-2016	Amend(T)	8-1-2016	414-150-0150	1-25-2016	Adopt	3-1-2016
413-215-0756	7-1-2016	Amend(T)	8-1-2016	414-150-0160	1-25-2016	Adopt	3-1-2016
413-215-0761	7-1-2016	Amend(T)	8-1-2016	414-150-0170	1-25-2016	Adopt	3-1-2016
413-215-0766	7-1-2016	Amend(T)	8-1-2016	414-180-0005	6-29-2016	Adopt	8-1-2016
413-215-0801	7-1-2016	Amend(T)	8-1-2016	414-180-0010	6-29-2016	Adopt	8-1-2016
413-215-0806	7-1-2016	Suspend	8-1-2016	414-180-0015	6-29-2016	Adopt	8-1-2016

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414-180-0035	6-29-2016	Adopt	8-1-2016	416-300-0040	7-18-2016	Amend	9-1-2016
414-180-0040	6-29-2016	Adopt	8-1-2016	416-300-0050	7-18-2016	Amend	9-1-2016
414-180-0045	6-29-2016	Adopt	8-1-2016	416-300-0060	7-18-2016	Amend	9-1-2016
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414-180-0090	6-29-2016	Adopt	8-1-2016	416-335-0090	5-2-2016	Amend	6-1-2016
414-180-0100	6-29-2016	Adopt	8-1-2016	416-335-0090	6-3-2016	Amend(T)	7-1-2016
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414-205-0055	9-29-2016	Amend(T)	11-1-2016	416-470-0020	10-3-2016	Amend	11-1-2016
414-205-0100	9-29-2016	Amend(T)	11-1-2016	416-470-0050	10-3-2016	Amend	11-1-2016
414-205-0110	9-29-2016	Amend(T)	11-1-2016	416-490-0032	10-3-2016	Amend	11-1-2016
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414-300-0170	9-29-2016	Amend(T)	11-1-2016	416-530-0010	8-5-2016	Amend	9-1-2016
414-300-0220	9-29-2016	Amend(T)	11-1-2016	416-530-0020	3-2-2016	Amend	4-1-2016
414-300-0350	9-29-2016	Amend(T)	11-1-2016	416-530-0030	3-2-2016	Amend	4-1-2016
414-350-0050	9-29-2016	Amend(T)	11-1-2016	416-530-0030	8-5-2016	Amend	9-1-2016
414-350-0115	9-29-2016	Amend(T)	11-1-2016	416-530-0035	3-2-2016	Amend	4-1-2016
414-350-0170	9-29-2016	Amend(T)	11-1-2016	416-530-0035	8-5-2016	Amend	9-1-2016
414-350-0180	9-29-2016	Amend(T)	11-1-2016	416-530-0040	3-2-2016	Amend	4-1-2016
414-350-0250	9-29-2016	Amend(T)	11-1-2016	416-530-0050	8-5-2016	Amend	9-1-2016
415-012-0000	7-1-2016	Amend(T)	8-1-2016	416-530-0060	3-2-2016	Amend	4-1-2016
415-012-0010	7-1-2016	Amend(T)	8-1-2016	416-530-0060	8-5-2016	Amend	9-1-2016
415-012-0020	7-1-2016	Amend(T)	8-1-2016	416-530-0070	3-2-2016	Amend	4-1-2016
415-012-0030	7-1-2016	Amend(T)	8-1-2016	416-530-0090	3-2-2016	Amend	4-1-2016
415-012-0035	7-1-2016	Amend(T)	8-1-2016	416-530-0125	8-5-2016	Amend	9-1-2016
415-012-0040	7-1-2016	Amend(T)	8-1-2016	416-530-0200	3-2-2016	Amend	4-1-2016
415-012-0050	7-1-2016	Amend(T)	8-1-2016	418-040-0000	1-1-2016	Adopt(T)	2-1-2016
415-012-0055	7-1-2016	Amend(T)	8-1-2016	418-040-0000	6-20-2016	Adopt	7-1-2016
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415-012-0065	7-1-2016	Amend(T)	8-1-2016	418-040-0010	1-1-2016	Adopt(T)	2-1-2016
415-012-0067	7-1-2016	Amend(T)	8-1-2016	418-040-0010	6-20-2016	Adopt	7-1-2016
415-012-0070	7-1-2016	Amend(T)	8-1-2016	418-040-0010(T)	6-20-2016	Repeal	7-1-2016
415-012-0090	7-1-2016	Amend(T)	8-1-2016	418-040-0020	1-1-2016	Adopt(T)	2-1-2016
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415-020-0010	8-10-2016	Amend(T)	9-1-2016	418-040-0030	1-1-2016	Adopt(T)	2-1-2016
415-020-0090	8-10-2016	Amend(T)	9-1-2016	418-040-0030	6-20-2016	Adopt	7-1-2016
415-055-0000	8-10-2016	Amend(T)	9-1-2016	418-040-0030(T)	6-20-2016	Repeal	7-1-2016
415-055-0010	8-10-2016	Amend(T)	9-1-2016	418-040-0040	1-1-2016	Adopt(T)	2-1-2016
415-055-0035	8-10-2016	Amend(T)	9-1-2016	418-040-0040	6-20-2016	Adopt	7-1-2016
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415-060-0010	7-13-2016	Repeal	8-1-2016	418-040-0050	6-20-2016	Adopt	7-1-2016
415-060-0020	1-5-2016	Suspend	2-1-2016	418-040-0050(T)	6-20-2016	Repeal	7-1-2016
415-060-0020	7-13-2016	Repeal	8-1-2016	418-040-0060	1-1-2016	Adopt(T)	2-1-2016
415-060-0030	1-5-2016	Suspend	2-1-2016	418-040-0060	6-20-2016	Adopt	7-1-2016
415-060-0030	7-13-2016	Repeal	8-1-2016	418-040-0060(T)	6-20-2016	Repeal	7-1-2016
415-060-0040	1-5-2016	Suspend	2-1-2016	418-040-0070	1-1-2016	Adopt(T)	2-1-2016
415-060-0040	7-13-2016	Repeal	8-1-2016	418-040-0070	6-20-2016	Adopt	7-1-2016
415-060-0050	1-5-2016	Suspend	2-1-2016	418-040-0070(T)	6-20-2016	Repeal	7-1-2016
415-060-0050	7-13-2016	Repeal	8-1-2016	418-040-0080	1-1-2016	Adopt(T)	2-1-2016
416-115-0025	4-1-2016	Amend	5-1-2016	418-040-0080	6-20-2016	Adopt	7-1-2016
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418-040-0090(T)	6-20-2016	Repeal	7-1-2016	437-002-1059	7-1-2018	Adopt	11-1-2016
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436-001-0003	1-1-2016	Amend	1-1-2016	437-002-1061	7-1-2018	Adopt	11-1-2016
436-001-0004	1-1-2016	Amend	1-1-2016	437-002-1062	7-1-2018	Adopt	11-1-2016
436-001-0009	1-1-2016	Amend	1-1-2016	437-002-1063	7-1-2018	Adopt	11-1-2016
436-001-0019	1-1-2016	Amend	1-1-2016	437-002-1064	7-1-2018	Adopt	11-1-2016
436-001-0027	1-1-2016	Amend	1-1-2016	437-002-1065	7-1-2018	Adopt	11-1-2016
436-001-0030	1-1-2016	Amend	1-1-2016	437-003-0001	8-19-2016	Amend	10-1-2016
436-001-0170	1-1-2016	Amend	1-1-2016	437-003-0001	9-7-2016	Amend	10-1-2016
436-001-0240	1-1-2016	Amend	1-1-2016	437-003-0001	1-1-2017	Amend	4-1-2016
436-001-0246	1-1-2016	Amend	1-1-2016	437-003-0134	8-19-2016	Amend	10-1-2016
436-001-0259	1-1-2016	Amend	1-1-2016	437-003-0134	9-7-2016	Amend	10-1-2016
436-001-0410	1-1-2016	Amend	1-1-2016	437-003-0134	1-1-2017	Amend	4-1-2016
436-001-0420	1-1-2016	Amend	1-1-2016	437-003-0503	10-1-2017	Amend	4-1-2016
436-001-0435	1-1-2016	Adopt	1-1-2016	437-003-1000	7-1-2018	Amend	11-1-2016
436-001-0500	1-1-2016	Adopt	1-1-2016	437-003-1500	10-1-2017	Amend	4-1-2016
436-009-0001	4-1-2016	Amend	4-1-2016	437-003-1501	1-1-2017	Amend	4-1-2016
436-009-0004	1-1-2016	Amend(T)	1-1-2016	437-003-2501	1-1-2017	Adopt	4-1-2016
436-009-0004	4-1-2016	Amend	4-1-2016	437-003-3502	10-1-2017	Repeal	4-1-2016
436-009-0004(T)	4-1-2016	Repeal	4-1-2016	437-005-0001	8-19-2016	Amend	10-1-2016
436-009-0005	4-1-2016	Amend	4-1-2016	437-005-0001	9-7-2016	Amend	10-1-2016
436-009-0008	4-1-2016	Amend	4-1-2016	437-005-0001	7-1-2018	Amend	11-1-2016
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436-009-0010	4-1-2016	Amend	4-1-2016	437-005-0002	9-7-2016	Amend	10-1-2016
436-009-0010(T)	4-1-2016	Repeal	4-1-2016	437-005-0003	8-19-2016	Amend	10-1-2016
436-009-0020	4-1-2016	Amend	4-1-2016	437-005-0003	9-7-2016	Amend	10-1-2016
436-009-0025	4-1-2016	Amend	4-1-2016	438-005-0035	1-1-2016	Amend	2-1-2016
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436-009-0040	4-1-2016	Amend	4-1-2016	438-006-0100	11-1-2016	Amend	10-1-2016
436-009-0060	4-1-2016	Amend	4-1-2016	438-015-0005	11-1-2016	Amend	11-1-2016
436-009-0080	4-1-2016	Amend	4-1-2016	438-015-0010	1-1-2016	Amend	2-1-2016
436-009-0090	4-1-2016	Amend	4-1-2016	438-015-0010	11-1-2016	Amend	11-1-2016
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436-010-0005	4-1-2016	Amend	4-1-2016	438-015-0033	1-1-2016	Adopt	2-1-2016
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436-010-0240	4-1-2016	Amend	4-1-2016	438-015-0045	1-1-2016	Amend	2-1-2016
436-010-0265	4-1-2016	Amend	4-1-2016	438-015-0048	1-1-2016	Adopt	2-1-2016
436-010-0270	4-1-2016	Amend	4-1-2016	438-015-0050	11-1-2016	Amend	11-1-2016
436-010-0330	4-1-2016	Amend	4-1-2016	438-015-0052	11-1-2016	Amend	11-1-2016
436-010-0340	4-1-2016	Amend	4-1-2016	438-015-0055	1-1-2016	Amend	2-1-2016
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436-050-0175	1-1-2016	Amend	2-1-2016	438-015-0065	1-1-2016	Amend	2-1-2016
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437-002-0134	9-7-2016	Amend	10-1-2016	438-015-0110	1-1-2016	Amend	2-1-2016
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437-002-1054	7-1-2018	Adopt	11-1-2016	441-175-0015	3-7-2016	Amend	4-1-2016
437-002-1055	7-1-2018	Adopt	11-1-2016	441-175-0020	3-7-2016	Amend	4-1-2016
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441-175-0046	3-7-2016	Amend	4-1-2016	461-110-0630	9-1-2016	Amend	10-1-2016
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441-175-0085	3-7-2016	Amend	4-1-2016	461-110-0750(T)	9-1-2016	Repeal	10-1-2016
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441-175-0120	3-7-2016	Amend	4-1-2016	461-115-0016(T)	4-1-2016	Repeal	5-1-2016
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441-175-0150	3-7-2016	Amend	4-1-2016	461-115-0030(T)	9-1-2016	Repeal	10-1-2016
441-175-0160	3-7-2016	Amend	4-1-2016	461-115-0050	7-1-2016	Amend(T)	8-1-2016
441-175-0165	3-7-2016	Amend	4-1-2016	461-115-0050	9-1-2016	Amend	10-1-2016
441-175-0171	3-7-2016	Amend	4-1-2016	461-115-0050(T)	9-1-2016	Repeal	10-1-2016
441-175-0175	3-7-2016	Amend	4-1-2016	461-115-0071	7-1-2016	Amend(T)	8-1-2016
441-500-0020	3-16-2016	Amend(T)	5-1-2016	461-115-0071	9-1-2016	Amend	10-1-2016
441-710-0305	1-1-2016	Adopt	2-1-2016	461-115-0071(T)	9-1-2016	Repeal	10-1-2016
441-855-0114	1-1-2016	Adopt	1-1-2016	461-115-0430	7-1-2016	Amend(T)	8-1-2016
441-865-0060	12-14-2015	Amend	1-1-2016	461-115-0430	9-1-2016	Amend	10-1-2016
441-880-0009	9-9-2016	Adopt	10-1-2016	461-115-0430(T)	9-1-2016	Repeal	10-1-2016
459-001-0000	1-29-2016	Amend	3-1-2016	461-115-0651	1-1-2016	Amend	2-1-2016
459-005-0001	11-20-2015	Amend	1-1-2016	461-115-0700	1-1-2016	Amend	2-1-2016
459-005-0001	5-27-2016	Amend	7-1-2016	461-115-0700	7-1-2016	Amend(T)	8-1-2016
459-005-0220	7-29-2016	Amend	9-1-2016	461-115-0700	9-1-2016	Amend	10-1-2016
459-005-0260	9-30-2016	Adopt	11-1-2016	461-115-0700(T)	9-1-2016	Repeal	10-1-2016
459-005-0310	11-20-2015	Amend	1-1-2016	461-120-0030	7-1-2016	Amend(T)	8-1-2016
459-005-0350	11-20-2015	Amend	1-1-2016	461-120-0030	9-1-2016	Amend	10-1-2016
459-005-0605	1-29-2016	Adopt	3-1-2016	461-120-0030	10-1-2016	Amend	11-1-2016
459-010-0012	11-20-2015	Amend	1-1-2016	461-120-0030(T)	9-1-2016	Repeal	10-1-2016
459-011-0500	11-20-2015	Amend	1-1-2016	461-120-0110	3-4-2016	Amend(T)	4-1-2016
459-013-0060	11-20-2015	Amend	1-1-2016	461-120-0110	5-1-2016	Amend	6-1-2016
459-013-0310	11-20-2015	Amend	1-1-2016	461-120-0110(T)	5-1-2016	Repeal	6-1-2016
459-075-0020	5-27-2016	Amend	7-1-2016	461-120-0125	1-1-2016	Amend	2-1-2016
459-080-0020	5-27-2016	Amend	7-1-2016	461-120-0125	7-1-2016	Amend(T)	8-1-2016
459-080-0150	1-1-2016	Amend	1-1-2016	461-120-0125	9-1-2016	Amend	10-1-2016
461-001-0000	1-1-2016	Amend	2-1-2016	461-120-0125(T)	9-1-2016	Repeal	10-1-2016
461-001-0000	4-1-2016	Amend	5-1-2016	461-120-0210	4-1-2016	Amend	5-1-2016
461-001-0000	7-1-2016	Amend(T)	8-1-2016	461-120-0210	7-1-2016	Amend(T)	8-1-2016
461-001-0000	9-1-2016	Amend	10-1-2016	461-120-0210	9-1-2016	Amend	10-1-2016
461-001-0000	10-1-2016	Amend	11-1-2016	461-120-0210(T)	9-1-2016	Repeal	10-1-2016
461-001-0000(T)	1-1-2016	Repeal	2-1-2016	461-120-0315	7-1-2016	Amend(T)	8-1-2016
461-001-0000(T)	9-1-2016	Repeal	10-1-2016	461-120-0315	9-1-2016	Amend	10-1-2016
461-001-0020	4-1-2016	Amend	5-1-2016	461-120-0315(T)	9-1-2016	Repeal	10-1-2016
461-001-0025	12-28-2015	Amend	2-1-2016	461-120-0330	7-1-2016	Amend	8-1-2016
461-001-0025	4-1-2016	Amend	5-1-2016	461-120-0340	4-1-2016	Amend	5-1-2016
461-101-0010	7-1-2016	Amend(T)	8-1-2016	461-120-0345	7-1-2016	Amend(T)	8-1-2016
461-101-0010	9-1-2016	Amend	10-1-2016	461-120-0345	9-1-2016	Amend	10-1-2016
461-101-0010(T)	9-1-2016	Repeal	10-1-2016	461-120-0345(T)	9-1-2016	Repeal	10-1-2016
461-110-0210	4-1-2016	Amend	5-1-2016	461-120-0350	7-1-2016	Amend(T)	8-1-2016
461-110-0370	10-1-2016	Amend	11-1-2016	461-120-0350	9-1-2016	Amend	10-1-2016
461-110-0390	7-1-2016	Suspend	8-1-2016	461-120-0350(T)	9-1-2016	Repeal	10-1-2016
461-110-0390	9-1-2016	Repeal	10-1-2016	461-120-0510	7-1-2016	Amend(T)	8-1-2016
461-110-0530	9-1-2016	Amend(T)	10-1-2016	461-120-0510	9-1-2016	Amend	10-1-2016

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461-125-0010	4-1-2016	Repeal	5-1-2016	461-135-0407	1-1-2016	Amend	2-1-2016
461-125-0030	4-1-2016	Repeal	5-1-2016	461-135-0407(T)	1-1-2016	Repeal	2-1-2016
461-125-0050	4-1-2016	Repeal	5-1-2016	461-135-0475	4-1-2016	Amend	5-1-2016
461-125-0060	4-1-2016	Repeal	5-1-2016	461-135-0485	4-1-2016	Amend	5-1-2016
461-125-0090	4-1-2016	Repeal	5-1-2016	461-135-0506	1-1-2016	Amend(T)	2-1-2016
461-125-0110	4-1-2016	Repeal	5-1-2016	461-135-0506	4-1-2016	Amend	5-1-2016
461-125-0120	4-1-2016	Repeal	5-1-2016	461-135-0506(T)	4-1-2016	Repeal	5-1-2016
461-125-0130	4-1-2016	Repeal	5-1-2016	461-135-0520	1-1-2016	Amend	2-1-2016
461-125-0170	4-1-2016	Repeal	5-1-2016	461-135-0520	2-5-2016	Amend(T)	3-1-2016
461-125-0230	4-1-2016	Repeal	5-1-2016	461-135-0520	3-2-2016	Amend(T)	4-1-2016
461-125-0250	4-1-2016	Repeal	5-1-2016	461-135-0520	4-1-2016	Amend	5-1-2016
461-125-0255	4-1-2016	Repeal	5-1-2016	461-135-0520	4-5-2016	Amend(T)	5-1-2016
461-125-0370	3-1-2016	Amend(T)	4-1-2016	461-135-0520	5-1-2016	Amend(T)	6-1-2016
461-125-0370	4-1-2016	Amend	5-1-2016	461-135-0520	10-1-2016	Amend	11-1-2016
461-125-0370	5-10-2016	Amend	6-1-2016	461-135-0520(T)	3-2-2016	Suspend	4-1-2016
461-125-0370	5-13-2016	Amend(T)	6-1-2016	461-135-0520(T)	4-1-2016	Repeal	5-1-2016
461-125-0370	7-1-2016	Amend	8-1-2016	461-135-0521	4-1-2016	Amend(T)	5-1-2016
461-125-0370(T)	3-1-2016	Suspend	4-1-2016	461-135-0521	7-1-2016	Amend	8-1-2016
461-125-0370(T)	4-1-2016	Repeal	5-1-2016	461-135-0521(T)	7-1-2016	Repeal	8-1-2016
461-125-0370(T)	7-1-2016	Repeal	8-1-2016	461-135-0560	7-1-2016	Amend(T)	8-1-2016
461-125-0510	7-1-2016	Suspend	8-1-2016	461-135-0560	9-1-2016	Amend	10-1-2016
461-125-0510	9-1-2016	Repeal	10-1-2016	461-135-0560(T)	9-1-2016	Repeal	10-1-2016
461-125-0810	7-1-2016	Amend(T)	8-1-2016	461-135-0700	7-1-2016	Amend(T)	8-1-2016
461-125-0810	9-1-2016	Amend	10-1-2016	461-135-0700	9-1-2016	Amend	10-1-2016
461-125-0810(T)	9-1-2016	Repeal	10-1-2016	461-135-0700	10-1-2016	Amend	11-1-2016
461-125-0830(T)	1-1-2016	Repeal	2-1-2016	461-135-0700(T)	9-1-2016	Repeal	10-1-2016
461-130-0305	10-1-2016	Amend	11-1-2016	461-135-0701	7-1-2016	Amend(T)	8-1-2016
461-130-0310	1-1-2016	Amend	2-1-2016	461-135-0701	9-1-2016	Amend	10-1-2016
461-130-0310	1-1-2016	Amend(T)	2-1-2016	461-135-0701(T)	9-1-2016	Repeal	10-1-2016
461-130-0310	4-1-2016	Amend	5-1-2016	461-135-0705	7-1-2016	Suspend	8-1-2016
461-130-0310	10-1-2016	Amend	11-1-2016	461-135-0705	9-1-2016	Repeal	10-1-2016
461-130-0310(T)	4-1-2016	Repeal	5-1-2016	461-135-0708	7-1-2016	Amend(T)	8-1-2016
461-130-0315	4-1-2016	Amend	5-1-2016	461-135-0708	9-1-2016	Amend	10-1-2016
461-130-0315	10-1-2016	Amend	11-1-2016	461-135-0708(T)	9-1-2016	Repeal	10-1-2016
461-130-0327	4-1-2016	Amend	5-1-2016	461-135-0750	12-15-2015	Amend(T)	1-1-2016
461-130-0327	7-1-2016	Amend	8-1-2016	461-135-0750	4-1-2016	Amend	5-1-2016
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461-130-0330	4-1-2016	Amend	5-1-2016	461-135-0780	2-3-2016	Amend	3-1-2016
461-130-0330	7-1-2016	Amend	8-1-2016	461-135-0834	8-1-2016	Amend	9-1-2016
461-130-0330	10-1-2016	Amend	11-1-2016	461-135-0835	7-1-2016	Amend	8-1-2016
461-130-0335	4-1-2016	Amend	5-1-2016	461-135-0835	10-1-2016	Amend	11-1-2016
461-130-0335	7-1-2016	Amend	8-1-2016	461-135-0850	10-1-2016	Amend	11-1-2016
461-130-0335	10-1-2016	Amend	11-1-2016	461-135-0950	7-1-2016	Amend(T)	8-1-2016
461-135-0010	10-1-2016	Amend	11-1-2016	461-135-0950	9-1-2016	Amend	10-1-2016
461-135-0070	4-1-2016	Amend	5-1-2016	461-135-0950(T)	9-1-2016	Repeal	10-1-2016
461-135-0071	4-1-2016	Adopt	5-1-2016	461-135-0990	7-1-2016	Amend(T)	8-1-2016
461-135-0073	4-1-2016	Adopt	5-1-2016	461-135-0990	9-1-2016	Amend	10-1-2016
461-135-0075	4-1-2016	Amend	5-1-2016	461-135-0990(T)	9-1-2016	Repeal	10-1-2016
461-135-0085	10-1-2016	Amend	11-1-2016	461-135-1250	4-1-2016	Amend	5-1-2016
461-135-0087	4-1-2016	Repeal	5-1-2016	461-135-1270	4-1-2016	Adopt	5-1-2016
461-135-0089	7-1-2016	Amend	8-1-2016	461-140-0010	7-1-2016	Amend(T)	8-1-2016
461-135-0200	10-1-2016	Amend	11-1-2016	461-140-0010	9-1-2016	Amend	10-1-2016
461-135-0400	1-1-2016	Amend	2-1-2016	461-140-0010(T)	9-1-2016	Repeal	10-1-2016
461-135-0400	7-1-2016	Amend	8-1-2016	461-140-0020	1-1-2016	Amend	2-1-2016
461-135-0405	1-1-2016	Amend	2-1-2016	461-140-0040	7-1-2016	Amend(T)	8-1-2016

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461-140-0040(T)	9-1-2016	Repeal	10-1-2016	461-145-0259	1-1-2016	Adopt	2-1-2016
461-140-0120	1-1-2016	Amend	2-1-2016	461-145-0259	7-1-2016	Amend(T)	8-1-2016
461-140-0120	7-1-2016	Amend(T)	8-1-2016	461-145-0259	9-1-2016	Amend	10-1-2016
461-140-0120	9-1-2016	Amend	10-1-2016	461-145-0259(T)	9-1-2016	Repeal	10-1-2016
461-140-0120(T)	9-1-2016	Repeal	10-1-2016	461-145-0260	1-1-2016	Amend	2-1-2016
461-140-0210	7-1-2016	Amend(T)	8-1-2016	461-145-0260	7-1-2016	Amend(T)	8-1-2016
461-140-0210	9-1-2016	Amend	10-1-2016	461-145-0260	9-1-2016	Amend	10-1-2016
461-140-0210(T)	9-1-2016	Repeal	10-1-2016	461-145-0260(T)	9-1-2016	Repeal	10-1-2016
461-140-0242	7-1-2016	Amend(T)	8-1-2016	461-145-0280	1-1-2016	Amend	2-1-2016
461-140-0242	9-1-2016	Amend	10-1-2016	461-145-0300	1-1-2016	Amend	2-1-2016
461-140-0242(T)	9-1-2016	Repeal	10-1-2016	461-145-0310	1-1-2016	Amend	2-1-2016
461-140-0250	1-1-2016	Amend	2-1-2016	461-145-0320	1-1-2016	Amend	2-1-2016
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461-140-0250	9-1-2016	Amend	10-1-2016	461-145-0320	9-1-2016	Amend	10-1-2016
461-140-0250(T)	9-1-2016	Repeal	10-1-2016	461-145-0320(T)	9-1-2016	Repeal	10-1-2016
461-140-0296	7-1-2016	Amend(T)	8-1-2016	461-145-0330	1-1-2016	Amend	2-1-2016
461-140-0296	9-1-2016	Amend	10-1-2016	461-145-0330	7-1-2016	Amend(T)	8-1-2016
461-140-0296	10-1-2016	Amend(T)	11-1-2016	461-145-0330	9-1-2016	Amend	10-1-2016
461-140-0296(T)	9-1-2016	Repeal	10-1-2016	461-145-0330(T)	9-1-2016	Repeal	10-1-2016
461-140-0300	7-1-2016	Amend(T)	8-1-2016	461-145-0340	7-1-2016	Amend(T)	8-1-2016
461-140-0300	9-1-2016	Amend	10-1-2016	461-145-0340	9-1-2016	Amend	10-1-2016
461-140-0300(T)	9-1-2016	Repeal	10-1-2016	461-145-0340(T)	9-1-2016	Repeal	10-1-2016
461-145-0000	7-1-2016	Adopt(T)	8-1-2016	461-145-0360	1-1-2016	Amend	2-1-2016
461-145-0005	7-1-2016	Amend(T)	8-1-2016	461-145-0360	7-1-2016	Amend	8-1-2016
461-145-0005	9-1-2016	Amend	10-1-2016	461-145-0360	7-1-2016	Amend(T)	8-1-2016
461-145-0005(T)	9-1-2016	Repeal	10-1-2016	461-145-0360	9-1-2016	Amend	10-1-2016
461-145-0010	1-1-2016	Amend	2-1-2016	461-145-0360(T)	9-1-2016	Repeal	10-1-2016
461-145-0020	1-1-2016	Amend	2-1-2016	461-145-0365	1-1-2016	Amend	2-1-2016
461-145-0040	1-1-2016	Amend	2-1-2016	461-145-0365	7-1-2016	Amend(T)	8-1-2016
461-145-0040	7-1-2016	Amend(T)	8-1-2016	461-145-0365	9-1-2016	Amend	10-1-2016
461-145-0040	9-1-2016	Amend	10-1-2016	461-145-0365(T)	9-1-2016	Repeal	10-1-2016
461-145-0040(T)	9-1-2016	Repeal	10-1-2016	461-145-0370	7-1-2016	Amend(T)	8-1-2016
461-145-0050	1-1-2016	Amend	2-1-2016	461-145-0370	9-1-2016	Amend	10-1-2016
461-145-0050	7-1-2016	Amend(T)	8-1-2016	461-145-0370(T)	9-1-2016	Repeal	10-1-2016
461-145-0050	9-1-2016	Amend	10-1-2016	461-145-0380	1-1-2016	Amend	2-1-2016
461-145-0050(T)	9-1-2016	Repeal	10-1-2016	461-145-0380	7-1-2016	Amend	8-1-2016
461-145-0080	1-1-2016	Amend	2-1-2016	461-145-0410	1-1-2016	Amend	2-1-2016
461-145-0089	1-1-2016	Amend	2-1-2016	461-145-0410	4-1-2016	Amend	5-1-2016
461-145-0110	7-1-2016	Amend(T)	8-1-2016	461-145-0410	7-1-2016	Amend(T)	8-1-2016
461-145-0110	9-1-2016	Amend	10-1-2016	461-145-0410	9-1-2016	Amend	10-1-2016
461-145-0110(T)	9-1-2016	Repeal	10-1-2016	461-145-0410(T)	9-1-2016	Repeal	10-1-2016
461-145-0220	1-1-2016	Amend	2-1-2016	461-145-0420	1-1-2016	Amend	2-1-2016
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461-145-0220	9-1-2016	Amend	10-1-2016	461-145-0420	9-1-2016	Amend	10-1-2016
461-145-0220(T)	9-1-2016	Repeal	10-1-2016	461-145-0420(T)	9-1-2016	Repeal	10-1-2016
461-145-0230	7-1-2016	Amend(T)	8-1-2016	461-145-0430	1-1-2016	Amend	2-1-2016
461-145-0230	9-1-2016	Amend	10-1-2016	461-145-0455	7-1-2016	Amend(T)	8-1-2016
461-145-0230(T)	9-1-2016	Repeal	10-1-2016	461-145-0455	9-1-2016	Amend	10-1-2016
461-145-0240	1-1-2016	Amend	2-1-2016	461-145-0455(T)	9-1-2016	Repeal	10-1-2016
461-145-0240	7-1-2016	Amend(T)	8-1-2016	461-145-0460	1-1-2016	Amend	2-1-2016
461-145-0240	9-1-2016	Amend	10-1-2016	461-145-0460	7-1-2016	Amend(T)	8-1-2016
461-145-0240(T)	9-1-2016	Repeal	10-1-2016	461-145-0460	9-1-2016	Amend	10-1-2016
461-145-0250	7-1-2016	Amend(T)	8-1-2016	461-145-0460(T)	9-1-2016	Repeal	10-1-2016
461-145-0250	9-1-2016	Amend	10-1-2016	461-145-0470	7-1-2016	Amend(T)	8-1-2016
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461-145-0510	1-1-2016	Amend	2-1-2016	461-155-0360	7-1-2016	Amend(T)	8-1-2016
461-145-0510	7-1-2016	Amend(T)	8-1-2016	461-155-0360	9-1-2016	Amend	10-1-2016
461-145-0510	9-1-2016	Amend	10-1-2016	461-155-0360(T)	9-1-2016	Repeal	10-1-2016
461-145-0510(T)	9-1-2016	Repeal	10-1-2016	461-155-0575	1-1-2016	Amend	2-1-2016
461-145-0540	1-1-2016	Amend	2-1-2016	461-155-0580	7-1-2016	Amend(T)	8-1-2016
461-145-0540	7-1-2016	Amend(T)	8-1-2016	461-155-0580	9-1-2016	Amend	10-1-2016
461-145-0540	9-1-2016	Amend	10-1-2016	461-155-0580(T)	9-1-2016	Repeal	10-1-2016
461-145-0540(T)	9-1-2016	Repeal	10-1-2016	461-155-0600	7-1-2016	Amend(T)	8-1-2016
461-145-0600	1-1-2016	Amend	2-1-2016	461-155-0600	9-1-2016	Amend	10-1-2016
461-145-0600	7-1-2016	Amend(T)	8-1-2016	461-155-0600(T)	9-1-2016	Repeal	10-1-2016
461-145-0600	9-1-2016	Amend	10-1-2016	461-155-0610	7-1-2016	Amend(T)	8-1-2016
461-145-0600(T)	9-1-2016	Repeal	10-1-2016	461-155-0610	9-1-2016	Amend	10-1-2016
461-145-0910	1-1-2016	Amend	2-1-2016	461-155-0610(T)	9-1-2016	Repeal	10-1-2016
461-145-0910	7-1-2016	Amend(T)	8-1-2016	461-155-0620	7-1-2016	Amend(T)	8-1-2016
461-145-0910	9-1-2016	Amend	10-1-2016	461-155-0620	9-1-2016	Amend	10-1-2016
461-145-0910(T)	1-1-2016	Repeal	2-1-2016	461-155-0620(T)	9-1-2016	Repeal	10-1-2016
461-145-0910(T)	9-1-2016	Repeal	10-1-2016	461-155-0640	7-1-2016	Amend(T)	8-1-2016
461-145-0920	7-1-2016	Amend(T)	8-1-2016	461-155-0640	9-1-2016	Amend	10-1-2016
461-145-0920	9-1-2016	Amend	10-1-2016	461-155-0640(T)	9-1-2016	Repeal	10-1-2016
461-145-0920(T)	9-1-2016	Repeal	10-1-2016	461-155-0670	7-1-2016	Amend(T)	8-1-2016
461-145-0930	7-1-2016	Amend(T)	8-1-2016	461-155-0670	9-1-2016	Amend	10-1-2016
461-145-0930	9-1-2016	Amend	10-1-2016	461-155-0670(T)	9-1-2016	Repeal	10-1-2016
461-145-0930(T)	9-1-2016	Repeal	10-1-2016	461-160-0010	1-1-2016	Amend	2-1-2016
461-150-0050	1-1-2016	Amend	2-1-2016	461-160-0010	7-1-2016	Amend	8-1-2016
461-150-0050	7-1-2016	Amend(T)	8-1-2016	461-160-0010	7-1-2016	Amend(T)	8-1-2016
461-150-0050	9-1-2016	Amend	10-1-2016	461-160-0010	9-1-2016	Amend	10-1-2016
461-150-0050(T)	9-1-2016	Repeal	10-1-2016	461-160-0010(T)	9-1-2016	Repeal	10-1-2016
461-150-0090	1-1-2016	Amend	2-1-2016	461-160-0015	1-1-2016	Amend	2-1-2016
461-155-0010	7-1-2016	Amend(T)	8-1-2016	461-160-0015	7-1-2016	Amend	8-1-2016
461-155-0010	9-1-2016	Amend	10-1-2016	461-160-0015	7-1-2016	Amend(T)	8-1-2016
461-155-0010(T)	9-1-2016	Repeal	10-1-2016	461-160-0015	9-1-2016	Amend	10-1-2016
461-155-0020	4-1-2016	Amend	5-1-2016	461-160-0015	10-1-2016	Amend	11-1-2016
461-155-0020	7-1-2016	Amend(T)	8-1-2016	461-160-0015(T)	9-1-2016	Repeal	10-1-2016
461-155-0020	9-1-2016	Amend	10-1-2016	461-160-0040	1-1-2016	Amend	2-1-2016
461-155-0020(T)	9-1-2016	Repeal	10-1-2016	461-160-0040(T)	1-1-2016	Repeal	2-1-2016
461-155-0030	1-1-2016	Amend	2-1-2016	461-160-0055	7-1-2016	Amend(T)	8-1-2016
461-155-0030	4-1-2016	Amend	5-1-2016	461-160-0055	9-1-2016	Amend	10-1-2016
461-155-0030	5-12-2016	Amend(T)	6-1-2016	461-160-0055(T)	9-1-2016	Repeal	10-1-2016
461-155-0030	10-1-2016	Amend	11-1-2016	461-160-0060	7-1-2016	Amend(T)	8-1-2016
461-155-0030(T)	10-1-2016	Repeal	11-1-2016	461-160-0060	9-1-2016	Amend	10-1-2016
461-155-0035	1-1-2016	Amend	2-1-2016	461-160-0060(T)	9-1-2016	Repeal	10-1-2016
461-155-0150	1-1-2016	Amend(T)	2-1-2016	461-160-0100	4-1-2016	Amend	5-1-2016
461-155-0150	3-1-2016	Amend(T)	4-1-2016	461-160-0300	1-1-2016	Amend	2-1-2016
461-155-0150	4-1-2016	Amend	5-1-2016	461-160-0300(T)	1-1-2016	Repeal	2-1-2016
461-155-0150	7-1-2016	Amend	8-1-2016	461-160-0410	4-1-2016	Amend(T)	5-1-2016
461-155-0150	9-1-2016	Amend	10-1-2016	461-160-0410	7-1-2016	Amend	8-1-2016
461-155-0150(T)	3-1-2016	Suspend	4-1-2016	461-160-0410(T)	7-1-2016	Repeal	8-1-2016
461-155-0150(T)	4-1-2016	Repeal	5-1-2016	461-160-0420	10-1-2016	Amend	11-1-2016
461-155-0180	4-1-2016	Amend	5-1-2016	461-160-0430	10-1-2016	Amend	11-1-2016
461-155-0190	10-1-2016	Amend	11-1-2016	461-160-0500	7-1-2016	Amend(T)	8-1-2016
461-155-0210	7-1-2016	Amend(T)	8-1-2016	461-160-0500	9-1-2016	Amend	10-1-2016
461-155-0210	9-1-2016	Amend	10-1-2016	461-160-0500(T)	9-1-2016	Repeal	10-1-2016
461-155-0210(T)	9-1-2016	Repeal	10-1-2016	461-160-0550	1-1-2016	Amend	2-1-2016
461-155-0290	3-1-2016	Amend	4-1-2016	461-160-0551	1-1-2016	Amend	2-1-2016

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461-160-0620	7-1-2016	Amend	8-1-2016	461-175-0250	1-1-2016	Amend	2-1-2016
461-160-0620	7-1-2016	Amend(T)	8-1-2016	461-175-0300	1-1-2016	Amend	2-1-2016
461-160-0620	9-1-2016	Amend	10-1-2016	461-175-0300	4-1-2016	Amend	5-1-2016
461-160-0620(T)	9-1-2016	Repeal	10-1-2016	461-175-0300(T)	1-1-2016	Repeal	2-1-2016
461-165-0010	7-1-2016	Amend	8-1-2016	461-175-0305	1-1-2016	Amend	2-1-2016
461-165-0030	1-1-2016	Amend	2-1-2016	461-175-0310	1-1-2016	Amend	2-1-2016
461-165-0030	4-1-2016	Amend	5-1-2016	461-175-0310	7-1-2016	Amend(T)	8-1-2016
461-165-0030	7-1-2016	Amend(T)	8-1-2016	461-175-0310	9-1-2016	Amend	10-1-2016
461-165-0030	9-1-2016	Amend	10-1-2016	461-175-0310(T)	9-1-2016	Repeal	10-1-2016
461-165-0030(T)	9-1-2016	Repeal	10-1-2016	461-175-0340	1-1-2016	Amend	2-1-2016
461-165-0050	7-1-2016	Amend(T)	8-1-2016	461-180-0010	12-15-2015	Amend(T)	1-1-2016
461-165-0050	9-1-2016	Amend	10-1-2016	461-180-0010	1-22-2016	Amend(T)	3-1-2016
461-165-0050(T)	9-1-2016	Repeal	10-1-2016	461-180-0010	4-1-2016	Amend	5-1-2016
461-165-0120	7-1-2016	Amend(T)	8-1-2016	461-180-0010	7-1-2016	Amend(T)	8-1-2016
461-165-0120	9-1-2016	Amend	10-1-2016	461-180-0010	9-1-2016	Amend	10-1-2016
461-165-0120(T)	9-1-2016	Repeal	10-1-2016	461-180-0010(T)	1-22-2016	Suspend	3-1-2016
461-165-0180	1-20-2016	Amend(T)	3-1-2016	461-180-0010(T)	4-1-2016	Repeal	5-1-2016
461-165-0180	3-14-2016	Amend(T)	4-1-2016	461-180-0010(T)	9-1-2016	Repeal	10-1-2016
461-165-0180	5-23-2016	Amend(T)	7-1-2016	461-180-0040	10-1-2016	Amend	11-1-2016
461-165-0180	7-1-2016	Amend	8-1-2016	461-180-0050	4-1-2016	Amend	5-1-2016
461-165-0180	7-1-2016	Amend(T)	8-1-2016	461-180-0065	7-1-2016	Amend(T)	8-1-2016
461-165-0180	8-1-2016	Amend	9-1-2016	461-180-0065	9-1-2016	Amend	10-1-2016
461-165-0180	10-1-2016	Amend(T)	11-1-2016	461-180-0065(T)	9-1-2016	Repeal	10-1-2016
461-165-0180(T)	3-14-2016	Suspend	4-1-2016	461-180-0070	7-1-2016	Amend(T)	8-1-2016
461-165-0180(T)	5-23-2016	Suspend	7-1-2016	461-180-0070	9-1-2016	Amend	10-1-2016
461-165-0180(T)	7-1-2016	Repeal	8-1-2016	461-180-0070(T)	9-1-2016	Repeal	10-1-2016
461-165-0180(T)	8-1-2016	Repeal	9-1-2016	461-180-0090	12-15-2015	Amend(T)	1-1-2016
461-170-0011	1-1-2016	Amend	2-1-2016	461-180-0090	1-22-2016	Amend(T)	3-1-2016
461-170-0011	4-1-2016	Amend	5-1-2016	461-180-0090	4-1-2016	Amend	5-1-2016
461-170-0011	7-1-2016	Amend(T)	8-1-2016	461-180-0090	7-1-2016	Amend(T)	8-1-2016
461-170-0011	9-1-2016	Amend	10-1-2016	461-180-0090	9-1-2016	Amend	10-1-2016
461-170-0011	10-1-2016	Amend	11-1-2016	461-180-0090(T)	1-22-2016	Suspend	3-1-2016
461-170-0011(T)	9-1-2016	Repeal	10-1-2016	461-180-0090(T)	4-1-2016	Repeal	5-1-2016
461-170-0101	1-1-2016	Amend	2-1-2016	461-180-0090(T)	9-1-2016	Repeal	10-1-2016
461-170-0103	1-1-2016	Amend	2-1-2016	461-180-0135	4-1-2016	Adopt(T)	5-1-2016
461-170-0103(T)	1-1-2016	Repeal	2-1-2016	461-180-0135	7-1-2016	Adopt	8-1-2016
461-170-0150	1-1-2016	Amend	2-1-2016	461-180-0135(T)	7-1-2016	Repeal	8-1-2016
461-170-0150(T)	1-1-2016	Repeal	2-1-2016	461-180-0140	12-15-2015	Amend(T)	1-1-2016
461-170-0160	1-1-2016	Amend	2-1-2016	461-180-0140	1-22-2016	Amend(T)	3-1-2016
461-170-0160(T)	1-1-2016	Repeal	2-1-2016	461-180-0140	4-1-2016	Amend	5-1-2016
461-175-0200	1-1-2016	Amend	2-1-2016	461-180-0140(T)	1-22-2016	Suspend	3-1-2016
461-175-0200	4-1-2016	Amend	5-1-2016	461-180-0140(T)	4-1-2016	Repeal	5-1-2016
461-175-0200	7-1-2016	Amend	8-1-2016	461-190-0211	12-28-2015	Amend	2-1-2016
461-175-0200(T)	1-1-2016	Repeal	2-1-2016	461-190-0211	7-1-2016	Amend	8-1-2016
461-175-0210	4-1-2016	Amend	5-1-2016	461-190-0231	7-1-2016	Amend	8-1-2016
461-175-0210	7-1-2016	Amend(T)	8-1-2016	461-190-0310	4-1-2016	Amend	5-1-2016
461-175-0210	9-1-2016	Amend	10-1-2016	461-190-0310	10-1-2016	Amend	11-1-2016
461-175-0210(T)	9-1-2016	Repeal	10-1-2016	461-190-0360	11-30-2015	Amend(T)	1-1-2016
461-175-0220	1-1-2016	Amend	2-1-2016	461-190-0360	4-1-2016	Amend	5-1-2016
461-175-0220	7-1-2016	Amend	8-1-2016	461-190-0360	10-1-2016	Amend	11-1-2016
461-175-0220	10-1-2016	Amend	11-1-2016	461-190-0360(T)	4-1-2016	Repeal	5-1-2016
461-175-0222	1-1-2016	Amend	2-1-2016	461-190-0406	4-1-2016	Amend	5-1-2016
461-175-0222(T)	1-1-2016	Repeal	2-1-2016	461-190-0500	2-5-2016	Adopt(T)	3-1-2016
461-175-0240	7-1-2016	Amend(T)	8-1-2016	461-190-0500	4-1-2016	Adopt	5-1-2016
461-175-0240	9-1-2016	Amend	10-1-2016	461-190-0500(T)	4-1-2016	Repeal	5-1-2016

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461-193-0320	7-1-2016	Amend	8-1-2016	543-020-0080	1-11-2016	Adopt(T)	2-1-2016
461-193-0560	10-1-2016	Repeal	11-1-2016	543-020-0080	6-13-2016	Adopt	7-1-2016
461-193-0890	7-1-2016	Repeal	8-1-2016	543-060-0020	1-11-2016	Amend(T)	2-1-2016
461-193-0940	7-1-2016	Repeal	8-1-2016	543-060-0020	6-13-2016	Amend	7-1-2016
461-193-0960	7-1-2016	Repeal	8-1-2016	543-060-0030	1-11-2016	Amend(T)	2-1-2016
461-193-1230	7-1-2016	Repeal	8-1-2016	543-060-0030	6-13-2016	Amend	7-1-2016
461-195-0501	7-1-2016	Amend	8-1-2016	543-060-0040	1-11-2016	Amend(T)	2-1-2016
461-195-0521	1-1-2016	Amend	2-1-2016	543-060-0040	6-13-2016	Amend	7-1-2016
461-195-0521	7-1-2016	Amend(T)	8-1-2016	543-060-0070	1-11-2016	Amend(T)	2-1-2016
461-195-0521	9-1-2016	Amend	10-1-2016	543-060-0070	6-13-2016	Amend	7-1-2016
461-195-0521(T)	9-1-2016	Repeal	10-1-2016	573-001-0000	9-1-2016	Repeal	10-1-2016
461-195-0541	7-1-2016	Amend(T)	8-1-2016	573-001-0010	9-1-2016	Repeal	10-1-2016
461-195-0541	9-1-2016	Amend	10-1-2016	573-001-0015	9-1-2016	Repeal	10-1-2016
461-195-0541(T)	9-1-2016	Repeal	10-1-2016	573-001-0020	9-1-2016	Repeal	10-1-2016
461-195-0621	1-1-2016	Amend	2-1-2016	573-001-0030	9-1-2016	Repeal	10-1-2016
462-160-0130	6-17-2016	Amend	8-1-2016	573-001-0040	9-1-2016	Repeal	10-1-2016
462-200-0660	6-6-2016	Adopt	7-1-2016	573-001-0050	9-1-2016	Repeal	10-1-2016
462-200-0670	6-6-2016	Adopt	7-1-2016	573-001-0055	9-1-2016	Repeal	10-1-2016
462-220-0040	5-9-2016	Amend	6-1-2016	573-001-0060	9-1-2016	Repeal	10-1-2016
462-220-0080	1-27-2016	Amend	3-1-2016	573-001-0070	9-1-2016	Repeal	10-1-2016
471-010-0080	1-29-2016	Amend(T)	3-1-2016	573-001-0075	9-1-2016	Repeal	10-1-2016
471-010-0080	8-2-2016	Amend	9-1-2016	573-005-0005	9-1-2016	Repeal	10-1-2016
471-030-0017	7-1-2016	Amend	8-1-2016	573-005-0015	9-1-2016	Repeal	10-1-2016
471-030-0079	8-1-2016	Adopt	9-1-2016	573-005-0025	9-1-2016	Repeal	10-1-2016
543-001-0010	1-11-2016	Amend(T)	2-1-2016	573-005-0035	9-1-2016	Repeal	10-1-2016
543-001-0010	6-13-2016	Amend	7-1-2016	573-005-0045	9-1-2016	Repeal	10-1-2016
543-010-0003	1-11-2016	Amend(T)	2-1-2016	573-005-0055	9-1-2016	Repeal	10-1-2016
543-010-0003	6-13-2016	Amend	7-1-2016	573-005-0065	9-1-2016	Repeal	10-1-2016
543-010-0016	1-11-2016	Amend(T)	2-1-2016	573-005-0075	9-1-2016	Repeal	10-1-2016
543-010-0016	6-13-2016	Amend	7-1-2016	573-005-0085	9-1-2016	Repeal	10-1-2016
543-010-0021	1-11-2016	Amend(T)	2-1-2016	573-005-0095	9-1-2016	Repeal	10-1-2016
543-010-0021	6-13-2016	Amend	7-1-2016	573-005-0105	9-1-2016	Repeal	10-1-2016
543-010-0022	1-11-2016	Suspend	2-1-2016	573-005-0115	9-1-2016	Repeal	10-1-2016
543-010-0022	6-13-2016	Repeal	7-1-2016	573-005-0125	9-1-2016	Repeal	10-1-2016
543-010-0026	1-11-2016	Adopt(T)	2-1-2016	573-005-0135	9-1-2016	Repeal	10-1-2016
543-010-0026	6-13-2016	Adopt	7-1-2016	573-005-0145	9-1-2016	Repeal	10-1-2016
543-010-0030	1-11-2016	Amend(T)	2-1-2016	573-005-0155	9-1-2016	Repeal	10-1-2016
543-010-0030	6-13-2016	Amend	7-1-2016	573-005-0165	9-1-2016	Repeal	10-1-2016
543-010-0032	1-11-2016	Suspend	2-1-2016	573-005-0175	9-1-2016	Repeal	10-1-2016
543-010-0032	6-13-2016	Repeal	7-1-2016	573-005-0185	9-1-2016	Repeal	10-1-2016
543-020-0010	1-11-2016	Suspend	2-1-2016	573-005-0195	9-1-2016	Repeal	10-1-2016
543-020-0010	6-13-2016	Repeal	7-1-2016	573-005-0205	9-1-2016	Repeal	10-1-2016
543-020-0025	1-11-2016	Suspend	2-1-2016	573-005-0215	9-1-2016	Repeal	10-1-2016
543-020-0025	6-13-2016	Repeal	7-1-2016	573-010-0005	9-1-2016	Repeal	10-1-2016
543-020-0026	1-11-2016	Suspend	2-1-2016	573-010-0010	9-1-2016	Repeal	10-1-2016
543-020-0026	6-13-2016	Repeal	7-1-2016	573-010-0015	9-1-2016	Repeal	10-1-2016
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543-020-0030	6-13-2016	Repeal	7-1-2016	573-010-0025	9-1-2016	Repeal	10-1-2016
543-020-0050	1-11-2016	Adopt(T)	2-1-2016	573-010-0030	9-1-2016	Repeal	10-1-2016
543-020-0050	6-13-2016	Adopt	7-1-2016	573-010-0035	9-1-2016	Repeal	10-1-2016
543-020-0055	1-11-2016	Adopt(T)	2-1-2016	573-010-0040	9-1-2016	Repeal	10-1-2016
543-020-0055	6-13-2016	Adopt	7-1-2016	573-010-0045	9-1-2016	Repeal	10-1-2016
543-020-0060	1-11-2016	Adopt(T)	2-1-2016	573-010-0050	9-1-2016	Repeal	10-1-2016
543-020-0060	6-13-2016	Adopt	7-1-2016	573-010-0055	9-1-2016	Repeal	10-1-2016

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573-010-0070	9-1-2016	Repeal	10-1-2016	573-070-0012	9-1-2016	Repeal	10-1-2016
573-015-0005	9-1-2016	Repeal	10-1-2016	573-070-0013	9-1-2016	Repeal	10-1-2016
573-015-0010	9-1-2016	Repeal	10-1-2016	573-070-0067	9-1-2016	Repeal	10-1-2016
573-025-0005	9-1-2016	Repeal	10-1-2016	573-070-0068	9-1-2016	Repeal	10-1-2016
573-026-0005	9-1-2016	Repeal	10-1-2016	573-071-0005	9-1-2016	Repeal	10-1-2016
573-030-0005	9-1-2016	Repeal	10-1-2016	573-071-0010	9-1-2016	Repeal	10-1-2016
573-030-0015	9-1-2016	Repeal	10-1-2016	573-071-0020	9-1-2016	Repeal	10-1-2016
573-030-0025	9-1-2016	Repeal	10-1-2016	573-071-0040	9-1-2016	Repeal	10-1-2016
573-030-0026	9-1-2016	Repeal	10-1-2016	573-075-0120	9-1-2016	Repeal	10-1-2016
573-030-0030	9-1-2016	Repeal	10-1-2016	573-075-0200	9-1-2016	Repeal	10-1-2016
573-030-0035	9-1-2016	Repeal	10-1-2016	573-075-0230	9-1-2016	Repeal	10-1-2016
573-030-0040	9-1-2016	Repeal	10-1-2016	573-075-0240	9-1-2016	Repeal	10-1-2016
573-030-0045	9-1-2016	Repeal	10-1-2016	573-075-0250	9-1-2016	Repeal	10-1-2016
573-030-0050	9-1-2016	Repeal	10-1-2016	573-075-0260	9-1-2016	Repeal	10-1-2016
573-030-0051	9-1-2016	Repeal	10-1-2016	573-076-0000	9-1-2016	Repeal	10-1-2016
573-030-0052	9-1-2016	Repeal	10-1-2016	573-076-0010	9-1-2016	Repeal	10-1-2016
573-030-0053	9-1-2016	Repeal	10-1-2016	573-076-0020	9-1-2016	Repeal	10-1-2016
573-030-0055	9-1-2016	Repeal	10-1-2016	573-076-0030	9-1-2016	Repeal	10-1-2016
573-030-0060	9-1-2016	Repeal	10-1-2016	573-076-0040	9-1-2016	Repeal	10-1-2016
573-030-0065	9-1-2016	Repeal	10-1-2016	573-076-0050	9-1-2016	Repeal	10-1-2016
573-035-0005	9-1-2016	Repeal	10-1-2016	573-076-0060	9-1-2016	Repeal	10-1-2016
573-035-0010	9-1-2016	Repeal	10-1-2016	573-076-0070	9-1-2016	Repeal	10-1-2016
573-035-0020	9-1-2016	Repeal	10-1-2016	573-076-0080	9-1-2016	Repeal	10-1-2016
573-035-0030	9-1-2016	Repeal	10-1-2016	573-076-0090	9-1-2016	Repeal	10-1-2016
573-035-0040	9-1-2016	Repeal	10-1-2016	573-076-0100	9-1-2016	Repeal	10-1-2016
573-035-0050	9-1-2016	Repeal	10-1-2016	573-076-0110	9-1-2016	Repeal	10-1-2016
573-035-0060	9-1-2016	Repeal	10-1-2016	573-076-0120	9-1-2016	Repeal	10-1-2016
573-035-0070	9-1-2016	Repeal	10-1-2016	573-076-0130	9-1-2016	Repeal	10-1-2016
573-035-0080	9-1-2016	Repeal	10-1-2016	573-080-0005	9-1-2016	Repeal	10-1-2016
573-040-0005	5-4-2016	Amend	6-1-2016	573-080-0025	9-1-2016	Repeal	10-1-2016
573-040-0005	9-1-2016	Repeal	10-1-2016	573-095-0000	9-1-2016	Repeal	10-1-2016
573-042-0005	9-1-2016	Repeal	10-1-2016	573-095-0005	9-1-2016	Repeal	10-1-2016
573-045-0000	9-1-2016	Repeal	10-1-2016	573-095-0010	9-1-2016	Repeal	10-1-2016
573-045-0005	9-1-2016	Repeal	10-1-2016	575-001-0000	12-18-2015	Amend	2-1-2016
573-045-0010	9-1-2016	Repeal	10-1-2016	575-001-0005	12-18-2015	Amend	2-1-2016
573-045-0020	9-1-2016	Repeal	10-1-2016	575-001-0010	12-18-2015	Amend	2-1-2016
573-050-0010	5-4-2016	Amend	6-1-2016	575-001-0015	12-18-2015	Amend	2-1-2016
573-050-0025	5-4-2016	Amend	6-1-2016	575-001-0030	12-18-2015	Amend	2-1-2016
573-050-0030	5-4-2016	Amend	6-1-2016	575-001-0035	12-18-2015	Amend	2-1-2016
573-050-0035	5-4-2016	Amend	6-1-2016	575-007-0210	12-18-2015	Amend	2-1-2016
573-050-0045	5-4-2016	Amend	6-1-2016	575-007-0240	12-18-2015	Amend	2-1-2016
573-051-0005	9-1-2016	Repeal	10-1-2016	575-007-0280	12-18-2015	Amend	2-1-2016
573-051-0010	9-1-2016	Repeal	10-1-2016	575-007-0310	12-18-2015	Amend	2-1-2016
573-051-0020	9-1-2016	Repeal	10-1-2016	575-007-0330	12-18-2015	Amend	2-1-2016
573-051-0030	9-1-2016	Repeal	10-1-2016	575-007-0340	12-18-2015	Amend	2-1-2016
573-051-0040	9-1-2016	Repeal	10-1-2016	575-007-0380	12-18-2015	Amend	2-1-2016
573-051-0050	9-1-2016	Repeal	10-1-2016	575-030-0005	12-18-2015	Amend	2-1-2016
573-055-0010	9-1-2016	Repeal	10-1-2016	575-030-0005	4-21-2016	Amend	6-1-2016
573-055-0020	9-1-2016	Repeal	10-1-2016	575-031-0005	12-18-2015	Amend	2-1-2016
573-055-0030	9-1-2016	Repeal	10-1-2016	575-031-0005	4-21-2016	Amend	6-1-2016
573-055-0040	9-1-2016	Repeal	10-1-2016	575-031-0010	12-18-2015	Amend	2-1-2016
573-055-0050	9-1-2016	Repeal	10-1-2016	575-031-0010	4-21-2016	Amend	6-1-2016
573-070-0001	9-1-2016	Repeal	10-1-2016	575-031-0015	4-21-2016	Amend	6-1-2016
573-070-0004	9-1-2016	Repeal	10-1-2016	575-031-0016	4-21-2016	Amend	6-1-2016

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575-090-0030	12-18-2015	Amend	2-1-2016	581-017-0444	2-5-2016	Adopt	3-1-2016
575-090-0040	12-18-2015	Amend	2-1-2016	581-017-0447	2-5-2016	Adopt	3-1-2016
575-090-0050	12-18-2015	Amend	2-1-2016	581-017-0450	2-5-2016	Adopt	3-1-2016
575-095-0005	12-18-2015	Amend	2-1-2016	581-017-0453	2-5-2016	Adopt	3-1-2016
581-001-0002	4-7-2016	Amend	5-1-2016	581-017-0456	2-5-2016	Adopt	3-1-2016
581-005-0001	4-7-2016	Repeal	5-1-2016	581-017-0459	2-5-2016	Adopt	3-1-2016
581-011-0080	7-18-2016	Amend	9-1-2016	581-017-0462	2-5-2016	Adopt	3-1-2016
581-015-2200	12-21-2015	Amend	2-1-2016	581-017-0465	12-28-2015	Adopt(T)	2-1-2016
581-015-2595	12-18-2015	Amend	2-1-2016	581-017-0466	3-22-2016	Adopt	5-1-2016
581-015-2930	12-22-2015	Amend	2-1-2016	581-017-0469	12-28-2015	Adopt(T)	2-1-2016
581-017-0010	5-17-2016	Amend	7-1-2016	581-017-0470	3-22-2016	Adopt	5-1-2016
581-017-0020	5-17-2016	Amend	7-1-2016	581-017-0473	12-28-2015	Adopt(T)	2-1-2016
581-017-0215	5-17-2016	Amend	7-1-2016	581-017-0474	3-22-2016	Adopt	5-1-2016
581-017-0287	12-18-2015	Adopt	2-1-2016	581-017-0477	12-28-2015	Adopt(T)	2-1-2016
581-017-0291	12-18-2015	Adopt	2-1-2016	581-017-0478	3-22-2016	Adopt	5-1-2016
581-017-0294	12-18-2015	Adopt	2-1-2016	581-017-0481	12-28-2015	Adopt(T)	2-1-2016
581-017-0297	12-18-2015	Adopt	2-1-2016	581-017-0482	3-22-2016	Adopt	5-1-2016
581-017-0301	12-28-2015	Amend(T)	2-1-2016	581-017-0485	12-28-2015	Adopt(T)	2-1-2016
581-017-0301	5-17-2016	Amend	7-1-2016	581-017-0486	3-22-2016	Adopt	5-1-2016
581-017-0309	12-28-2015	Amend(T)	2-1-2016	581-017-0550	6-15-2016	Adopt	7-1-2016
581-017-0312	5-17-2016	Amend	7-1-2016	581-017-0553	6-15-2016	Adopt	7-1-2016
581-017-0318	12-28-2015	Amend(T)	2-1-2016	581-017-0556	6-15-2016	Adopt	7-1-2016
581-017-0318	5-17-2016	Amend	7-1-2016	581-017-0559	6-15-2016	Adopt	7-1-2016
581-017-0321	12-28-2015	Amend(T)	2-1-2016	581-017-0562	6-15-2016	Adopt	7-1-2016
581-017-0321	3-22-2016	Amend	5-1-2016	581-017-0565	6-15-2016	Adopt	7-1-2016
581-017-0324	12-28-2015	Amend(T)	2-1-2016	581-018-0010	5-17-2016	Amend	7-1-2016
581-017-0324	3-22-2016	Amend	5-1-2016	581-018-0020	5-17-2016	Amend	7-1-2016
581-017-0327	12-28-2015	Amend(T)	2-1-2016	581-018-0110	2-5-2016	Amend	3-1-2016
581-017-0327	3-22-2016	Amend	5-1-2016	581-018-0110	5-17-2016	Amend	7-1-2016
581-017-0330	12-28-2015	Amend(T)	2-1-2016	581-018-0120	2-5-2016	Amend	3-1-2016
581-017-0330	3-22-2016	Amend	5-1-2016	581-018-0125	5-17-2016	Amend	7-1-2016
581-017-0333	12-28-2015	Amend(T)	2-1-2016	581-018-0130	12-18-2015	Amend	2-1-2016
581-017-0333	3-22-2016	Amend	5-1-2016	581-018-0145	12-18-2015	Amend	2-1-2016
581-017-0335	5-17-2016	Amend	7-1-2016	581-018-0148	12-18-2015	Amend	2-1-2016
581-017-0347	5-17-2016	Amend	7-1-2016	581-018-0215	5-17-2016	Amend	7-1-2016
581-017-0350	2-5-2016	Amend	3-1-2016	581-018-0265	5-17-2016	Amend	7-1-2016
581-017-0353	2-5-2016	Amend	3-1-2016	581-018-0325	5-17-2016	Amend	7-1-2016
581-017-0356	2-5-2016	Amend	3-1-2016	581-018-0336	5-17-2016	Amend	7-1-2016
581-017-0359	2-5-2016	Amend	3-1-2016	581-018-0509	5-17-2016	Amend	7-1-2016
581-017-0362	2-5-2016	Amend	3-1-2016	581-018-0529	5-17-2016	Amend	7-1-2016
581-017-0365	4-7-2016	Adopt	5-1-2016	581-018-0575	5-17-2016	Amend	7-1-2016
581-017-0367	4-7-2016	Adopt	5-1-2016	581-018-0584	5-17-2016	Amend	7-1-2016
581-017-0369	4-7-2016	Adopt	5-1-2016	581-018-0590	5-17-2016	Amend	7-1-2016
581-017-0371	4-7-2016	Adopt	5-1-2016	581-019-0036	5-3-2016	Adopt	6-1-2016
581-017-0373	4-7-2016	Adopt	5-1-2016	581-019-0037	5-3-2016	Adopt	6-1-2016
581-017-0375	4-7-2016	Adopt	5-1-2016	581-019-0038	5-3-2016	Adopt	6-1-2016
581-017-0380	2-5-2016	Adopt	3-1-2016	581-019-0039	5-3-2016	Adopt	6-1-2016
581-017-0383	2-5-2016	Adopt	3-1-2016	581-019-0040	5-3-2016	Adopt	6-1-2016
581-017-0386	2-5-2016	Adopt	3-1-2016	581-019-0041	5-3-2016	Adopt	6-1-2016
581-017-0389	2-5-2016	Adopt	3-1-2016	581-019-0042	5-3-2016	Adopt	6-1-2016
581-017-0392	2-5-2016	Adopt	3-1-2016	581-019-0043	5-3-2016	Adopt	6-1-2016
581-017-0395	2-5-2016	Adopt	3-1-2016	581-019-0044	5-3-2016	Adopt	6-1-2016
581-017-0432	2-5-2016	Adopt	3-1-2016	581-019-0045	5-3-2016	Adopt	6-1-2016
581-017-0435	2-5-2016	Adopt	3-1-2016	581-019-0046	5-3-2016	Adopt	6-1-2016
581-017-0438	2-5-2016	Adopt	3-1-2016	581-019-0047	5-3-2016	Adopt	6-1-2016

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581-019-0049	5-3-2016	Adopt	6-1-2016	581-026-0600	7-18-2016	Adopt	9-1-2016
581-020-0530	12-28-2015	Adopt(T)	2-1-2016	581-027-0005	4-28-2016	Adopt	6-1-2016
581-020-0531	3-22-2016	Adopt	5-1-2016	581-027-0005	7-20-2016	Amend	9-1-2016
581-020-0533	12-28-2015	Adopt(T)	2-1-2016	581-027-0010	4-28-2016	Adopt	6-1-2016
581-020-0534	3-22-2016	Adopt	5-1-2016	581-027-0015	4-28-2016	Adopt	6-1-2016
581-020-0536	12-28-2015	Adopt(T)	2-1-2016	581-027-0020	4-28-2016	Adopt	6-1-2016
581-020-0537	3-22-2016	Adopt	5-1-2016	581-027-0025	4-28-2016	Adopt	6-1-2016
581-020-0539	12-28-2015	Adopt(T)	2-1-2016	581-027-0030	7-20-2016	Adopt	9-1-2016
581-020-0540	3-22-2016	Adopt	5-1-2016	581-027-0035	7-20-2016	Adopt	9-1-2016
581-020-0541	12-28-2015	Adopt(T)	2-1-2016	581-027-0040	7-20-2016	Adopt	9-1-2016
581-020-0542	3-22-2016	Adopt	5-1-2016	581-027-0045	7-20-2016	Adopt	9-1-2016
581-020-0600	2-5-2016	Adopt	3-1-2016	581-027-0050	7-20-2016	Adopt	9-1-2016
581-020-0603	2-5-2016	Adopt	3-1-2016	581-044-0250	12-18-2015	Amend	2-1-2016
581-020-0606	2-5-2016	Adopt	3-1-2016	583-001-0000	2-19-2016	Amend	4-1-2016
581-020-0609	2-5-2016	Adopt	3-1-2016	583-001-0000(T)	2-19-2016	Repeal	4-1-2016
581-020-0612	2-5-2016	Adopt	3-1-2016	583-001-0005	2-19-2016	Amend	4-1-2016
581-020-0615	2-5-2016	Adopt	3-1-2016	583-001-0005(T)	2-19-2016	Repeal	4-1-2016
581-021-0017	6-15-2016	Adopt	7-1-2016	583-001-0015	2-19-2016	Amend	4-1-2016
581-021-0019	9-6-2016	Amend	10-1-2016	583-001-0015(T)	2-19-2016	Repeal	4-1-2016
581-021-0026	7-18-2016	Amend	9-1-2016	583-030-0005	2-19-2016	Amend	4-1-2016
581-021-0029	7-18-2016	Amend	9-1-2016	583-030-0005(T)	2-19-2016	Repeal	4-1-2016
581-021-0037	3-22-2016	Amend	5-1-2016	583-030-0009	2-19-2016	Amend	4-1-2016
581-021-0043	2-5-2016	Adopt	3-1-2016	583-030-0009(T)	2-19-2016	Repeal	4-1-2016
581-021-0043	4-28-2016	Amend	6-1-2016	583-030-0010	2-19-2016	Amend	4-1-2016
581-021-0047	3-22-2016	Amend	5-1-2016	583-030-0010(T)	2-19-2016	Repeal	4-1-2016
581-021-0065	2-5-2016	Amend	3-1-2016	583-030-0011	2-19-2016	Repeal	4-1-2016
581-021-0070	2-5-2016	Amend	3-1-2016	583-030-0015	2-19-2016	Amend	4-1-2016
581-021-0077	2-5-2016	Amend	3-1-2016	583-030-0015(T)	2-19-2016	Repeal	4-1-2016
581-021-0505	4-7-2016	Adopt	5-1-2016	583-030-0016	2-19-2016	Amend	4-1-2016
581-021-0576	7-18-2016	Adopt	9-1-2016	583-030-0016(T)	2-19-2016	Repeal	4-1-2016
581-021-0578	7-18-2016	Adopt	9-1-2016	583-030-0020	2-19-2016	Amend	4-1-2016
581-021-0579	7-18-2016	Adopt	9-1-2016	583-030-0020(T)	2-19-2016	Repeal	4-1-2016
581-021-0580	4-28-2016	Adopt	6-1-2016	583-030-0025	2-19-2016	Amend	4-1-2016
581-021-0582	4-28-2016	Adopt	6-1-2016	583-030-0025(T)	2-19-2016	Repeal	4-1-2016
581-021-0584	4-28-2016	Adopt	6-1-2016	583-030-0030	2-19-2016	Amend	4-1-2016
581-022-0102	12-18-2015	Amend	2-1-2016	583-030-0030(T)	2-19-2016	Repeal	4-1-2016
581-022-0421	12-22-2015	Amend	2-1-2016	583-030-0032	2-19-2016	Amend	4-1-2016
581-022-0610	12-21-2015	Amend	2-1-2016	583-030-0032(T)	2-19-2016	Repeal	4-1-2016
581-022-0617	3-22-2016	Amend	5-1-2016	583-030-0035	2-19-2016	Amend	4-1-2016
581-022-1133	4-28-2016	Amend	6-1-2016	583-030-0035(T)	2-19-2016	Repeal	4-1-2016
581-022-1133	9-6-2016	Amend	10-1-2016	583-030-0036	2-19-2016	Amend	4-1-2016
581-022-1310	4-7-2016	Amend	5-1-2016	583-030-0036(T)	2-19-2016	Repeal	4-1-2016
581-022-1420	12-22-2015	Amend	2-1-2016	583-030-0041	2-19-2016	Amend	4-1-2016
581-022-1440	3-22-2016	Amend	5-1-2016	583-030-0041(T)	2-19-2016	Repeal	4-1-2016
581-022-1723	5-5-2016	Amend	6-1-2016	583-030-0042	2-19-2016	Amend	4-1-2016
581-022-1910	12-18-2015	Amend	2-1-2016	583-030-0042(T)	2-19-2016	Repeal	4-1-2016
581-022-2130	5-17-2016	Amend	7-1-2016	583-030-0043	2-19-2016	Amend	4-1-2016
581-022-2223	8-19-2016	Adopt	10-1-2016	583-030-0043(T)	2-19-2016	Repeal	4-1-2016
581-023-0006	2-5-2016	Amend	3-1-2016	583-030-0045	2-19-2016	Amend	4-1-2016
581-023-0040	2-5-2016	Amend	3-1-2016	583-030-0045(T)	2-19-2016	Repeal	4-1-2016
581-023-0102	2-5-2016	Amend	3-1-2016	583-030-0046	2-19-2016	Amend	4-1-2016
581-023-0106	3-22-2016	Amend	5-1-2016	583-030-0046(T)	2-19-2016	Repeal	4-1-2016
581-023-0250	2-5-2016	Adopt	3-1-2016	583-030-0049	2-19-2016	Amend	4-1-2016
581-024-0275	12-22-2015	Amend	2-1-2016	583-030-0049(T)	2-19-2016	Repeal	4-1-2016
581-024-0275	8-19-2016	Amend	10-1-2016	583-030-0051	2-19-2016	Adopt	4-1-2016

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583-030-0052	2-19-2016	Adopt	4-1-2016	584-040-0243	2-10-2016	Repeal	3-1-2016
583-030-0052(T)	2-19-2016	Repeal	4-1-2016	584-040-0250	2-10-2016	Repeal	3-1-2016
583-030-0053	2-19-2016	Adopt	4-1-2016	584-040-0260	2-10-2016	Repeal	3-1-2016
583-030-0053(T)	2-19-2016	Repeal	4-1-2016	584-040-0265	2-10-2016	Repeal	3-1-2016
583-030-0054	2-19-2016	Adopt	4-1-2016	584-040-0270	2-10-2016	Repeal	3-1-2016
583-030-0054(T)	2-19-2016	Repeal	4-1-2016	584-040-0280	2-10-2016	Repeal	3-1-2016
583-030-0056	2-19-2016	Adopt	4-1-2016	584-040-0290	2-10-2016	Repeal	3-1-2016
583-030-0056(T)	2-19-2016	Repeal	4-1-2016	584-040-0300	2-10-2016	Repeal	3-1-2016
583-050-0006	2-19-2016	Amend	4-1-2016	584-040-0310	2-10-2016	Repeal	3-1-2016
583-050-0006(T)	2-19-2016	Repeal	4-1-2016	584-040-0315	2-10-2016	Repeal	3-1-2016
583-050-0011	2-19-2016	Amend	4-1-2016	584-040-0350	2-10-2016	Repeal	3-1-2016
583-050-0011(T)	2-19-2016	Repeal	4-1-2016	584-050-0150	2-10-2016	Adopt	3-1-2016
583-050-0014	2-19-2016	Amend	4-1-2016	584-052-0005	2-10-2016	Repeal	3-1-2016
583-050-0014(T)	2-19-2016	Repeal	4-1-2016	584-052-0010	2-10-2016	Repeal	3-1-2016
583-050-0016	2-19-2016	Amend	4-1-2016	584-052-0015	2-10-2016	Repeal	3-1-2016
583-050-0016(T)	2-19-2016	Repeal	4-1-2016	584-052-0021	2-10-2016	Repeal	3-1-2016
583-050-0026	2-19-2016	Amend	4-1-2016	584-052-0025	2-10-2016	Repeal	3-1-2016
583-050-0026(T)	2-19-2016	Repeal	4-1-2016	584-052-0027	2-10-2016	Repeal	3-1-2016
583-050-0027	2-19-2016	Amend	4-1-2016	584-065-0001	2-10-2016	Repeal	3-1-2016
583-050-0027(T)	2-19-2016	Repeal	4-1-2016	584-065-0060	2-10-2016	Repeal	3-1-2016
583-050-0028	2-19-2016	Amend	4-1-2016	584-065-0070	2-10-2016	Repeal	3-1-2016
583-050-0028(T)	2-19-2016	Repeal	4-1-2016	584-065-0080	2-10-2016	Repeal	3-1-2016
583-050-0036	2-19-2016	Amend	4-1-2016	584-065-0090	2-10-2016	Repeal	3-1-2016
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583-050-0040	2-19-2016	Amend	4-1-2016	584-065-0125	2-10-2016	Repeal	3-1-2016
583-050-0040(T)	2-19-2016	Repeal	4-1-2016	584-066-0001	2-10-2016	Repeal	3-1-2016
584-010-0004	7-1-2016	Adopt(T)	8-1-2016	584-066-0010	2-10-2016	Repeal	3-1-2016
584-010-0090	1-1-2016	Suspend	2-1-2016	584-066-0015	2-10-2016	Repeal	3-1-2016
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584-017-1100	2-10-2016	Adopt	3-1-2016	584-066-0025	2-10-2016	Repeal	3-1-2016
584-018-0110	1-1-2016	Suspend	2-1-2016	584-066-0030	2-10-2016	Repeal	3-1-2016
584-018-0110	4-15-2016	Repeal	5-1-2016	584-070-0012	2-10-2016	Amend	3-1-2016
584-020-0060	7-1-2016	Amend(T)	8-1-2016	584-070-0014	2-10-2016	Repeal	3-1-2016
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584-040-0030	2-10-2016	Repeal	3-1-2016	584-100-0007	4-15-2016	Repeal	5-1-2016
584-040-0040	2-10-2016	Repeal	3-1-2016	584-100-0008	4-15-2016	Repeal	5-1-2016
584-040-0050	2-10-2016	Repeal	3-1-2016	584-100-0011	4-15-2016	Repeal	5-1-2016
584-040-0060	2-10-2016	Repeal	3-1-2016	584-100-0016	4-15-2016	Repeal	5-1-2016
584-040-0080	2-10-2016	Repeal	3-1-2016	584-100-0017	4-15-2016	Repeal	5-1-2016
584-040-0090	2-10-2016	Repeal	3-1-2016	584-100-0021	4-15-2016	Repeal	5-1-2016
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584-040-0120	2-10-2016	Repeal	3-1-2016	584-100-0031	4-15-2016	Repeal	5-1-2016
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584-040-0150	2-10-2016	Repeal	3-1-2016	584-100-0038	4-15-2016	Repeal	5-1-2016
584-040-0160	2-10-2016	Repeal	3-1-2016	584-100-0041	4-15-2016	Repeal	5-1-2016
584-040-0165	2-10-2016	Repeal	3-1-2016	584-100-0051	4-15-2016	Repeal	5-1-2016
584-040-0170	2-10-2016	Repeal	3-1-2016	584-100-0056	4-15-2016	Repeal	5-1-2016
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584-040-0210	2-10-2016	Repeal	3-1-2016	584-100-0071	4-15-2016	Repeal	5-1-2016
584-040-0230	2-10-2016	Repeal	3-1-2016	584-100-0091	4-15-2016	Repeal	5-1-2016
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584-200-0005	7-1-2016	Amend(T)	8-1-2016	584-220-0150	2-10-2016	Amend	3-1-2016
584-200-0010	1-1-2016	Amend(T)	2-1-2016	584-220-0155	2-10-2016	Amend	3-1-2016
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584-200-0020	2-10-2016	Adopt	3-1-2016	584-220-0165	2-10-2016	Amend	3-1-2016
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584-200-0030	7-1-2016	Amend(T)	8-1-2016	584-220-0175	2-10-2016	Amend	3-1-2016
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584-200-0050	1-1-2016	Amend(T)	2-1-2016	584-220-0185	2-10-2016	Amend	3-1-2016
584-200-0050	2-10-2016	Adopt	3-1-2016	584-220-0190	2-10-2016	Amend	3-1-2016
584-200-0060	2-10-2016	Adopt	3-1-2016	584-220-0195	2-10-2016	Amend	3-1-2016
584-200-0070	2-10-2016	Adopt	3-1-2016	584-220-0200	2-10-2016	Amend	3-1-2016
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584-200-0090	2-10-2016	Adopt	3-1-2016	584-220-0210	2-10-2016	Amend	3-1-2016
584-200-0100	2-10-2016	Adopt	3-1-2016	584-220-0215	2-10-2016	Amend	3-1-2016
584-210-0030	2-10-2016	Amend	3-1-2016	584-220-0220	2-10-2016	Amend	3-1-2016
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584-210-0050	2-10-2016	Amend	3-1-2016	584-220-0230	2-10-2016	Amend	3-1-2016
584-210-0050	7-1-2016	Amend(T)	8-1-2016	584-225-0010	2-10-2016	Adopt	3-1-2016
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584-210-0090	2-10-2016	Amend	3-1-2016	584-225-0050	2-10-2016	Adopt	3-1-2016
584-210-0100	2-10-2016	Amend	3-1-2016	584-225-0070	2-10-2016	Adopt	3-1-2016
584-210-0110	2-10-2016	Amend	3-1-2016	584-225-0090	2-10-2016	Adopt	3-1-2016
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584-220-0085	2-10-2016	Amend	3-1-2016	584-420-0440	9-1-2016	Amend(T)	10-1-2016
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584-220-0130	2-10-2016	Amend	3-1-2016	584-420-0620	2-10-2016	Adopt	3-1-2016
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584-420-0660	2-10-2016	Adopt	3-1-2016	603-056-0095	4-15-2016	Amend	5-1-2016
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603-011-0212	4-5-2016	Amend	5-1-2016	603-057-0108	6-28-2016	Adopt	8-1-2016
603-012-0210	4-29-2016	Amend	6-1-2016	603-057-0155	1-1-2016	Adopt(T)	1-1-2016
603-012-0220	4-29-2016	Amend	6-1-2016	603-057-0157	1-1-2016	Adopt(T)	1-1-2016
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603-012-0240	4-29-2016	Amend	6-1-2016	603-057-0529	2-26-2016	Adopt	4-1-2016
603-012-0250	4-29-2016	Adopt	6-1-2016	603-057-0530	2-26-2016	Amend	4-1-2016
603-024-0017	6-20-2016	Amend	8-1-2016	603-057-0531	2-26-2016	Adopt	4-1-2016
603-024-0041	6-20-2016	Amend	8-1-2016	603-057-0532	2-26-2016	Amend	4-1-2016
603-024-0211	6-20-2016	Amend	8-1-2016	603-059-0020	7-1-2016	Amend	8-1-2016
603-024-0594	6-20-2016	Amend	8-1-2016	603-059-0030	7-1-2016	Amend	8-1-2016
603-024-0641	6-20-2016	Amend	8-1-2016	603-059-0050	7-1-2016	Amend	8-1-2016
603-025-0150	2-9-2016	Amend	3-1-2016	603-059-0055	7-1-2016	Amend	8-1-2016
603-025-0151	2-9-2016	Adopt	3-1-2016	603-059-0060	7-1-2016	Adopt	8-1-2016
603-025-0152	2-9-2016	Adopt	3-1-2016	603-059-0070	7-1-2016	Amend	8-1-2016
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603-025-0320	5-19-2016	Adopt	7-1-2016	623-010-0010	9-1-2016	Amend	7-1-2016
603-025-0325	5-19-2016	Adopt	7-1-2016	629-025-0000	3-11-2016	Amend	4-1-2016
603-025-0330	5-19-2016	Adopt	7-1-2016	629-025-0005	3-11-2016	Amend	4-1-2016
603-027-0410	8-4-2016	Amend	9-1-2016	629-025-0011	3-11-2016	Amend	4-1-2016
603-027-0420	8-4-2016	Amend	9-1-2016	629-025-0020	3-11-2016	Amend	4-1-2016
603-027-0430	8-4-2016	Amend	9-1-2016	629-025-0021	3-11-2016	Adopt	4-1-2016
603-027-0450	8-4-2016	Amend	9-1-2016	629-025-0022	3-11-2016	Adopt	4-1-2016
603-027-0470	8-4-2016	Amend	9-1-2016	629-025-0030	3-11-2016	Amend	4-1-2016
603-027-0490	8-4-2016	Amend	9-1-2016	629-025-0040	3-11-2016	Amend	4-1-2016
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603-048-0050	5-3-2016	Suspend	6-1-2016	629-025-0060	3-11-2016	Amend	4-1-2016
603-048-0100	5-3-2016	Amend(T)	6-1-2016	629-025-0070	3-11-2016	Amend	4-1-2016
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603-048-0400	5-3-2016	Amend(T)	6-1-2016	629-170-0005	7-1-2016	Adopt	7-1-2016
603-048-0500	5-3-2016	Amend(T)	6-1-2016	629-170-0010	7-1-2016	Adopt	7-1-2016
603-048-0600	1-29-2016	Amend(T)	3-1-2016	629-170-0015	7-1-2016	Adopt	7-1-2016
603-048-0600	5-3-2016	Amend(T)	6-1-2016	629-170-0020	7-1-2016	Adopt	7-1-2016
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603-048-0900	5-3-2016	Amend(T)	6-1-2016	629-170-0040	7-1-2016	Adopt	7-1-2016
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603-052-0870	8-16-2016	Amend	10-1-2016	632-030-0022(T)	6-27-2016	Repeal	8-1-2016
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603-054-0016	4-29-2016	Amend	6-1-2016	635-001-0341	1-6-2016	Adopt	2-1-2016
603-054-0017	4-29-2016	Amend	6-1-2016	635-003-0003	4-25-2016	Amend	6-1-2016
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635-004-0275	7-5-2016	Amend(T)	8-1-2016	635-006-0212	5-18-2016	Amend(T)	7-1-2016
635-004-0275	9-15-2016	Amend(T)	10-1-2016	635-006-0215	5-18-2016	Amend(T)	7-1-2016
635-004-0275(T)	11-25-2015	Suspend	1-1-2016	635-006-0225	5-18-2016	Amend(T)	7-1-2016
635-004-0275(T)	9-15-2016	Suspend	10-1-2016	635-006-0232	1-19-2016	Amend	3-1-2016
635-004-0295	1-19-2016	Amend	3-1-2016	635-007-0605	2-23-2016	Amend(T)	4-1-2016
635-004-0300	1-19-2016	Amend	3-1-2016	635-008-0053	4-27-2016	Amend	6-1-2016
635-004-0340	1-19-2016	Amend	3-1-2016	635-008-0068	4-27-2016	Amend	6-1-2016
635-004-0350	1-19-2016	Amend	3-1-2016	635-008-0080	4-27-2016	Amend	6-1-2016
635-004-0355	1-19-2016	Amend	3-1-2016	635-008-0095	4-27-2016	Amend	6-1-2016
635-004-0355	7-5-2016	Amend(T)	8-1-2016	635-008-0112	6-27-2016	Amend	8-1-2016
635-004-0355	9-15-2016	Amend(T)	10-1-2016	635-008-0115	4-27-2016	Amend	6-1-2016
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635-004-0370	6-13-2016	Amend	7-1-2016	635-008-0123(T)	11-25-2015	Repeal	1-1-2016
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635-004-0378	6-13-2016	Adopt	7-1-2016	635-008-0190	4-27-2016	Amend	6-1-2016
635-004-0379	6-13-2016	Adopt	7-1-2016	635-010-0015	11-25-2015	Amend	1-1-2016
635-004-0425	6-13-2016	Repeal	7-1-2016	635-011-0100	1-1-2016	Amend	2-1-2016
635-004-0430	6-13-2016	Amend	7-1-2016	635-011-0100	4-1-2016	Amend(T)	5-1-2016
635-004-0435	6-13-2016	Repeal	7-1-2016	635-011-0100	8-10-2016	Amend	9-1-2016
635-004-0440	6-13-2016	Repeal	7-1-2016	635-011-0100(T)	8-10-2016	Repeal	9-1-2016
635-004-0555	6-13-2016	Amend	7-1-2016	635-012-0090	6-13-2016	Amend	7-1-2016
635-004-0585	4-26-2016	Amend	6-1-2016	635-012-0100	6-13-2016	Amend	7-1-2016
635-005-0290	1-1-2016	Amend	1-1-2016	635-013-0003	4-25-2016	Amend	6-1-2016
635-005-0305	1-1-2016	Amend	1-1-2016	635-013-0004	1-1-2016	Amend	2-1-2016
635-005-0310	1-1-2016	Amend	1-1-2016	635-013-0007	4-25-2016	Amend	6-1-2016
635-005-0350	1-1-2016	Amend	1-1-2016	635-014-0080	1-1-2016	Amend	2-1-2016
635-005-0355	1-1-2016	Amend	1-1-2016	635-014-0090	1-1-2016	Amend	2-1-2016
635-005-0355	2-23-2016	Amend(T)	4-1-2016	635-014-0090	4-1-2016	Amend(T)	5-1-2016
635-005-0385	1-1-2016	Amend	1-1-2016	635-014-0090	5-1-2016	Amend(T)	6-1-2016
635-005-0387	1-1-2016	Adopt	1-1-2016	635-014-0090	8-1-2016	Amend(T)	9-1-2016
635-005-0387	9-16-2016	Amend(T)	10-1-2016	635-014-0090	8-4-2016	Amend(T)	9-1-2016
635-005-0465	11-20-2015	Amend(T)	1-1-2016	635-014-0090	8-10-2016	Amend	9-1-2016
635-005-0465	1-1-2016	Amend(T)	2-1-2016	635-014-0090	10-1-2016	Amend(T)	11-1-2016
635-005-0465(T)	1-1-2016	Suspend	2-1-2016	635-014-0090	10-1-2016	Amend(T)	11-1-2016
635-005-0790	4-1-2016	Amend	5-1-2016	635-014-0090(T)	5-1-2016	Suspend	6-1-2016
635-005-0795	4-1-2016	Amend	5-1-2016	635-014-0090(T)	8-1-2016	Suspend	9-1-2016
635-005-0800	4-1-2016	Amend	5-1-2016	635-014-0090(T)	8-4-2016	Suspend	9-1-2016
635-005-0805	4-1-2016	Amend	5-1-2016	635-014-0090(T)	8-10-2016	Repeal	9-1-2016
635-005-0810	4-1-2016	Amend	5-1-2016	635-014-0090(T)	10-1-2016	Suspend	11-1-2016
635-005-0815	4-1-2016	Amend	5-1-2016	635-016-0080	1-1-2016	Amend	2-1-2016
635-005-0820	4-1-2016	Amend	5-1-2016	635-016-0090	1-1-2016	Amend	2-1-2016
635-005-0825	4-1-2016	Amend	5-1-2016	635-016-0090	4-1-2016	Amend(T)	5-1-2016
635-005-0830	4-1-2016	Amend	5-1-2016	635-016-0090	5-11-2016	Amend(T)	6-1-2016
635-005-0835	4-1-2016	Amend	5-1-2016	635-016-0090	8-4-2016	Amend(T)	9-1-2016
635-005-0840	4-1-2016	Amend	5-1-2016	635-016-0090	8-10-2016	Amend	9-1-2016
635-005-0845	4-1-2016	Amend	5-1-2016	635-016-0090(T)	5-11-2016	Suspend	6-1-2016
635-005-0920	6-3-2016	Amend(T)	7-1-2016	635-016-0090(T)	8-4-2016	Suspend	9-1-2016
635-005-0931	6-13-2016	Adopt	7-1-2016	635-016-0090(T)	8-10-2016	Repeal	9-1-2016
635-005-0932	6-13-2016	Adopt	7-1-2016	635-017-0080	1-1-2016	Amend	2-1-2016
635-005-0933	6-13-2016	Adopt	7-1-2016	635-017-0090	1-1-2016	Amend	2-1-2016
635-006-0136	6-13-2016	Adopt	7-1-2016	635-017-0090	4-1-2016	Amend(T)	5-1-2016

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635-017-0090	6-9-2016	Amend(T)	7-1-2016	635-023-0125(T)	5-13-2016	Suspend	6-1-2016
635-017-0090	6-16-2016	Amend(T)	7-1-2016	635-023-0125(T)	5-20-2016	Suspend	7-1-2016
635-017-0090	8-10-2016	Amend	9-1-2016	635-023-0125(T)	5-28-2016	Suspend	7-1-2016
635-017-0090(T)	4-8-2016	Suspend	5-1-2016	635-023-0128	1-1-2016	Amend	2-1-2016
635-017-0090(T)	6-9-2016	Suspend	7-1-2016	635-023-0128	6-16-2016	Amend(T)	7-1-2016
635-017-0090(T)	6-16-2016	Suspend	7-1-2016	635-023-0130	1-1-2016	Amend	2-1-2016
635-017-0090(T)	8-10-2016	Repeal	9-1-2016	635-023-0130	8-1-2016	Amend(T)	9-1-2016
635-017-0095	1-1-2016	Amend	2-1-2016	635-023-0130	9-1-2016	Amend(T)	10-1-2016
635-018-0080	1-1-2016	Amend	2-1-2016	635-023-0130	9-6-2016	Amend(T)	10-1-2016
635-018-0090	1-1-2016	Amend	2-1-2016	635-023-0130	9-15-2016	Amend(T)	10-1-2016
635-018-0090	4-15-2016	Amend(T)	5-1-2016	635-023-0130	9-15-2016	Amend(T)	10-1-2016
635-019-0080	1-1-2016	Amend	2-1-2016	635-023-0130	9-23-2016	Amend(T)	11-1-2016
635-019-0090	1-1-2016	Amend	2-1-2016	635-023-0130(T)	9-1-2016	Suspend	10-1-2016
635-019-0090	5-10-2016	Amend(T)	6-1-2016	635-023-0130(T)	9-6-2016	Suspend	10-1-2016
635-019-0090	5-28-2016	Amend(T)	7-1-2016	635-023-0130(T)	9-15-2016	Suspend	10-1-2016
635-019-0090	6-15-2016	Amend(T)	7-1-2016	635-023-0130(T)	9-15-2016	Suspend	10-1-2016
635-019-0090	7-2-2016	Amend(T)	8-1-2016	635-023-0130(T)	9-23-2016	Suspend	11-1-2016
635-019-0090	7-3-2016	Amend(T)	8-1-2016	635-023-0134	1-1-2016	Amend	2-1-2016
635-019-0090	7-18-2016	Amend(T)	9-1-2016	635-023-0134	4-23-2016	Amend(T)	5-1-2016
635-019-0090(T)	5-28-2016	Suspend	7-1-2016	635-023-0134	6-2-2016	Amend(T)	7-1-2016
635-019-0090(T)	6-15-2016	Suspend	7-1-2016	635-023-0134	9-1-2016	Amend(T)	9-1-2016
635-019-0090(T)	7-2-2016	Suspend	8-1-2016	635-023-0134(T)	6-2-2016	Suspend	7-1-2016
635-019-0090(T)	7-3-2016	Suspend	8-1-2016	635-023-0140	1-1-2016	Amend	2-1-2016
635-019-0090(T)	7-18-2016	Suspend	9-1-2016	635-039-0080	1-1-2016	Amend	2-1-2016
635-021-0080	1-1-2016	Amend	2-1-2016	635-039-0080	1-19-2016	Amend	3-1-2016
635-021-0090	1-1-2016	Amend	2-1-2016	635-039-0085	4-26-2016	Amend	6-1-2016
635-021-0090	4-1-2016	Amend(T)	5-1-2016	635-039-0085	6-2-2016	Amend(T)	7-1-2016
635-021-0090	5-1-2016	Amend(T)	6-1-2016	635-039-0085	6-8-2016	Amend(T)	7-1-2016
635-021-0090	6-8-2016	Amend(T)	7-1-2016	635-039-0085(T)	6-8-2016	Suspend	7-1-2016
635-021-0090	8-10-2016	Amend	9-1-2016	635-039-0090	1-1-2016	Amend	2-1-2016
635-021-0090(T)	5-1-2016	Suspend	6-1-2016	635-039-0090	1-19-2016	Amend	3-1-2016
635-021-0090(T)	6-8-2016	Suspend	7-1-2016	635-039-0090	4-1-2016	Amend(T)	5-1-2016
635-021-0090(T)	8-10-2016	Repeal	9-1-2016	635-039-0090	4-26-2016	Amend	6-1-2016
635-023-0080	1-1-2016	Amend	2-1-2016	635-039-0090	4-26-2016	Amend(T)	6-1-2016
635-023-0090	1-1-2016	Amend	2-1-2016	635-039-0090	7-14-2016	Amend(T)	8-1-2016
635-023-0095	1-1-2016	Amend	2-1-2016	635-039-0090	8-10-2016	Amend	9-1-2016
635-023-0095	2-8-2016	Amend(T)	3-1-2016	635-039-0090	10-1-2016	Amend(T)	10-1-2016
635-023-0095	4-30-2016	Amend(T)	6-1-2016	635-039-0090(T)	4-26-2016	Repeal	6-1-2016
635-023-0095	5-1-2016	Amend(T)	6-1-2016	635-039-0090(T)	7-14-2016	Suspend	8-1-2016
635-023-0095	5-29-2016	Amend(T)	7-1-2016	635-039-0090(T)	8-10-2016	Repeal	9-1-2016
635-023-0095	6-30-2016	Amend(T)	8-1-2016	635-041-0030	9-15-2016	Amend(T)	10-1-2016
635-023-0095(T)	4-30-2016	Suspend	6-1-2016	635-041-0045	6-16-2016	Amend(T)	7-1-2016
635-023-0095(T)	5-1-2016	Suspend	6-1-2016	635-041-0045	8-1-2016	Amend(T)	9-1-2016
635-023-0095(T)	5-29-2016	Suspend	7-1-2016	635-041-0045	9-16-2016	Amend(T)	10-1-2016
635-023-0095(T)	6-30-2016	Suspend	8-1-2016	635-041-0045(T)	8-1-2016	Suspend	9-1-2016
635-023-0125	1-1-2016	Amend	2-1-2016	635-041-0045(T)	9-16-2016	Suspend	10-1-2016
635-023-0125	3-1-2016	Amend(T)	3-1-2016	635-041-0061	9-15-2016	Amend(T)	10-1-2016
635-023-0125	4-8-2016	Amend(T)	5-1-2016	635-041-0063	8-1-2016	Amend(T)	9-1-2016
635-023-0125	5-6-2016	Amend(T)	6-1-2016	635-041-0065	2-1-2016	Amend(T)	3-1-2016
635-023-0125	5-13-2016	Amend(T)	6-1-2016	635-041-0065	2-12-2016	Amend(T)	3-1-2016
635-023-0125	5-20-2016	Amend(T)	7-1-2016	635-041-0065	2-19-2016	Amend(T)	4-1-2016
635-023-0125	5-28-2016	Amend(T)	7-1-2016	635-041-0065	2-26-2016	Amend(T)	4-1-2016
635-023-0125	6-10-2016	Amend(T)	7-1-2016	635-041-0065	3-5-2016	Amend(T)	4-1-2016
635-023-0125	6-10-2016	Suspend	7-1-2016	635-041-0065	5-16-2016	Amend(T)	6-1-2016
635-023-0125(T)	4-8-2016	Suspend	5-1-2016	635-041-0065	5-25-2016	Amend(T)	7-1-2016

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635-041-0065(T)	2-12-2016	Suspend	3-1-2016	635-042-0130	2-1-2016	Amend(T)	3-1-2016
635-041-0065(T)	2-19-2016	Suspend	4-1-2016	635-042-0145	2-8-2016	Amend(T)	3-1-2016
635-041-0065(T)	2-26-2016	Suspend	4-1-2016	635-042-0145	3-28-2016	Amend(T)	5-1-2016
635-041-0065(T)	3-5-2016	Suspend	4-1-2016	635-042-0145	4-6-2016	Amend(T)	5-1-2016
635-041-0065(T)	5-25-2016	Suspend	7-1-2016	635-042-0145	4-13-2016	Amend(T)	5-1-2016
635-041-0065(T)	6-6-2016	Suspend	7-1-2016	635-042-0145	4-21-2016	Amend(T)	6-1-2016
635-041-0075	8-1-2016	Amend(T)	9-1-2016	635-042-0145	5-11-2016	Amend(T)	6-1-2016
635-041-0075	8-22-2016	Amend(T)	9-1-2016	635-042-0145	5-23-2016	Amend(T)	7-1-2016
635-041-0075	9-16-2016	Amend(T)	10-1-2016	635-042-0145	5-31-2016	Amend(T)	7-1-2016
635-041-0075	9-23-2016	Amend(T)	11-1-2016	635-042-0145	6-7-2016	Amend(T)	7-1-2016
635-041-0075	10-1-2016	Amend(T)	11-1-2016	635-042-0145	8-1-2016	Amend(T)	9-1-2016
635-041-0075	10-10-2016	Amend(T)	11-1-2016	635-042-0145(T)	3-28-2016	Suspend	5-1-2016
635-041-0075	10-17-2016	Amend(T)	11-1-2016	635-042-0145(T)	4-6-2016	Suspend	5-1-2016
635-041-0075(T)	8-22-2016	Suspend	9-1-2016	635-042-0145(T)	4-13-2016	Suspend	5-1-2016
635-041-0075(T)	9-16-2016	Suspend	10-1-2016	635-042-0145(T)	4-21-2016	Suspend	6-1-2016
635-041-0075(T)	9-23-2016	Suspend	11-1-2016	635-042-0145(T)	5-11-2016	Suspend	6-1-2016
635-041-0075(T)	10-1-2016	Suspend	11-1-2016	635-042-0145(T)	5-23-2016	Suspend	7-1-2016
635-041-0075(T)	10-10-2016	Suspend	11-1-2016	635-042-0145(T)	5-31-2016	Suspend	7-1-2016
635-041-0075(T)	10-17-2016	Suspend	11-1-2016	635-042-0145(T)	6-7-2016	Suspend	7-1-2016
635-041-0076	6-16-2016	Amend(T)	7-1-2016	635-042-0145(T)	8-1-2016	Suspend	9-1-2016
635-041-0076	7-5-2016	Amend(T)	8-1-2016	635-042-0160	2-8-2016	Amend(T)	3-1-2016
635-041-0076	7-11-2016	Amend(T)	8-1-2016	635-042-0160	3-28-2016	Amend(T)	5-1-2016
635-041-0076	7-18-2016	Amend(T)	8-1-2016	635-042-0160	4-21-2016	Amend(T)	6-1-2016
635-041-0076(T)	7-5-2016	Suspend	8-1-2016	635-042-0160	6-16-2016	Amend(T)	7-1-2016
635-041-0076(T)	7-11-2016	Suspend	8-1-2016	635-042-0160	6-23-2016	Amend(T)	8-1-2016
635-041-0076(T)	7-18-2016	Suspend	8-1-2016	635-042-0160	6-30-2016	Amend(T)	8-1-2016
635-041-0610	4-25-2016	Adopt	6-1-2016	635-042-0160	7-7-2016	Amend(T)	8-1-2016
635-042-0010	8-22-2016	Amend(T)	10-1-2016	635-042-0160	7-14-2016	Amend(T)	8-1-2016
635-042-0022	3-28-2016	Amend(T)	5-1-2016	635-042-0160	8-24-2016	Amend(T)	9-1-2016
635-042-0022	4-5-2016	Amend(T)	5-1-2016	635-042-0160	10-1-2016	Amend(T)	11-1-2016
635-042-0022	5-11-2016	Amend(T)	6-1-2016	635-042-0160(T)	3-28-2016	Suspend	5-1-2016
635-042-0022	5-23-2016	Amend(T)	7-1-2016	635-042-0160(T)	4-21-2016	Suspend	6-1-2016
635-042-0022	5-31-2016	Amend(T)	7-1-2016	635-042-0160(T)	6-16-2016	Suspend	7-1-2016
635-042-0022	6-7-2016	Amend(T)	7-1-2016	635-042-0160(T)	6-23-2016	Suspend	8-1-2016
635-042-0022(T)	4-5-2016	Suspend	5-1-2016	635-042-0160(T)	6-30-2016	Suspend	8-1-2016
635-042-0022(T)	5-11-2016	Suspend	6-1-2016	635-042-0160(T)	7-7-2016	Suspend	8-1-2016
635-042-0022(T)	5-23-2016	Suspend	7-1-2016	635-042-0160(T)	7-14-2016	Suspend	8-1-2016
635-042-0022(T)	5-31-2016	Suspend	7-1-2016	635-042-0160(T)	8-24-2016	Suspend	9-1-2016
635-042-0022(T)	6-7-2016	Suspend	7-1-2016	635-042-0160(T)	10-1-2016	Suspend	11-1-2016
635-042-0027	6-16-2016	Amend(T)	7-1-2016	635-042-0170	2-8-2016	Amend(T)	3-1-2016
635-042-0027	7-11-2016	Amend(T)	8-1-2016	635-042-0170	4-21-2016	Amend(T)	6-1-2016
635-042-0027(T)	7-11-2016	Suspend	8-1-2016	635-042-0170	6-16-2016	Amend(T)	7-1-2016
635-042-0031	8-7-2016	Amend(T)	9-1-2016	635-042-0170	6-23-2016	Amend(T)	8-1-2016
635-042-0031	8-22-2016	Amend(T)	10-1-2016	635-042-0170	6-30-2016	Amend(T)	8-1-2016
635-042-0031	8-28-2016	Amend(T)	10-1-2016	635-042-0170	7-7-2016	Amend(T)	8-1-2016
635-042-0031	9-7-2016	Amend(T)	10-1-2016	635-042-0170	7-14-2016	Amend(T)	8-1-2016
635-042-0031	9-16-2016	Amend(T)	10-1-2016	635-042-0170	8-24-2016	Amend(T)	9-1-2016
635-042-0031	9-23-2016	Amend(T)	11-1-2016	635-042-0170(T)	4-21-2016	Suspend	6-1-2016
635-042-0031	9-27-2016	Amend(T)	11-1-2016	635-042-0170(T)	6-16-2016	Suspend	7-1-2016
635-042-0031(T)	8-22-2016	Suspend	10-1-2016	635-042-0170(T)	6-23-2016	Suspend	8-1-2016
635-042-0031(T)	8-28-2016	Suspend	10-1-2016	635-042-0170(T)	6-30-2016	Suspend	8-1-2016
635-042-0031(T)	9-7-2016	Suspend	10-1-2016	635-042-0170(T)	7-7-2016	Suspend	8-1-2016
635-042-0031(T)	9-16-2016	Suspend	10-1-2016	635-042-0170(T)	7-14-2016	Suspend	8-1-2016
635-042-0031(T)	9-23-2016	Suspend	11-1-2016	635-042-0170(T)	8-24-2016	Suspend	9-1-2016
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635-042-0180	4-21-2016	Amend(T)	6-1-2016	635-062-0060	12-9-2015	Adopt	1-1-2016
635-042-0180	8-1-2016	Amend(T)	9-1-2016	635-065-0001	3-21-2016	Amend	5-1-2016
635-042-0180(T)	3-28-2016	Suspend	5-1-2016	635-065-0001	3-25-2016	Amend(T)	5-1-2016
635-042-0180(T)	4-21-2016	Suspend	6-1-2016	635-065-0001	6-27-2016	Amend	8-1-2016
635-042-0180(T)	8-1-2016	Suspend	9-1-2016	635-065-0001(T)	6-27-2016	Repeal	8-1-2016
635-043-0155	9-1-2016	Adopt(T)	10-1-2016	635-065-0011	3-21-2016	Amend	5-1-2016
635-044-0200	12-9-2015	Repeal	1-1-2016	635-065-0015	3-21-2016	Amend	5-1-2016
635-044-0205	12-9-2015	Repeal	1-1-2016	635-065-0090	3-21-2016	Amend	5-1-2016
635-044-0210	12-9-2015	Repeal	1-1-2016	635-065-0401	3-21-2016	Amend	5-1-2016
635-044-0215	12-9-2015	Repeal	1-1-2016	635-065-0625	3-21-2016	Amend	5-1-2016
635-044-0240	12-9-2015	Repeal	1-1-2016	635-065-0720	3-21-2016	Amend	5-1-2016
635-044-0245	12-9-2015	Repeal	1-1-2016	635-065-0735	3-21-2016	Amend	5-1-2016
635-044-0250	12-9-2015	Repeal	1-1-2016	635-065-0740	3-21-2016	Amend	5-1-2016
635-044-0255	12-9-2015	Repeal	1-1-2016	635-065-0760	3-21-2016	Amend	5-1-2016
635-044-0280	12-9-2015	Repeal	1-1-2016	635-065-0760	6-27-2016	Amend	8-1-2016
635-044-0300	12-9-2015	Repeal	1-1-2016	635-065-0765	2-25-2016	Amend(T)	4-1-2016
635-044-0305	12-9-2015	Repeal	1-1-2016	635-065-0765	3-21-2016	Amend	5-1-2016
635-044-0310	12-9-2015	Repeal	1-1-2016	635-065-0765	6-27-2016	Amend	8-1-2016
635-045-0000	11-25-2015	Amend	1-1-2016	635-065-0765(T)	6-27-2016	Repeal	8-1-2016
635-045-0000	4-27-2016	Amend	6-1-2016	635-066-0000	3-21-2016	Amend	5-1-2016
635-045-0002	11-25-2015	Amend	1-1-2016	635-066-0010	6-27-2016	Amend	8-1-2016
635-047-0010	4-27-2016	Amend	6-1-2016	635-067-0000	3-21-2016	Amend	5-1-2016
635-050-0047	6-14-2016	Amend	7-1-2016	635-067-0000	6-27-2016	Amend	8-1-2016
635-050-0070	6-14-2016	Amend	7-1-2016	635-067-0027	12-1-2015	Amend(T)	1-1-2016
635-050-0080	6-14-2016	Amend	7-1-2016	635-067-0030	3-21-2016	Amend	5-1-2016
635-050-0090	6-14-2016	Amend	7-1-2016	635-067-0036	3-21-2016	Adopt	5-1-2016
635-050-0100	6-14-2016	Amend	7-1-2016	635-068-0000	3-21-2016	Amend	5-1-2016
635-050-0110	6-14-2016	Amend	7-1-2016	635-068-0000	6-27-2016	Amend	8-1-2016
635-050-0120	6-14-2016	Amend	7-1-2016	635-069-0000	3-21-2016	Amend	5-1-2016
635-050-0130	6-14-2016	Amend	7-1-2016	635-069-0000	6-27-2016	Amend	8-1-2016
635-050-0140	6-14-2016	Amend	7-1-2016	635-070-0000	4-6-2016	Amend	5-1-2016
635-050-0150	6-14-2016	Amend	7-1-2016	635-070-0000	6-27-2016	Amend	8-1-2016
635-050-0170	6-14-2016	Amend	7-1-2016	635-071-0000	4-6-2016	Amend	5-1-2016
635-050-0183	6-14-2016	Amend	7-1-2016	635-071-0000	6-27-2016	Amend	8-1-2016
635-050-0189	6-14-2016	Amend	7-1-2016	635-071-0000	6-27-2016	Amend	8-1-2016
635-050-0189	6-14-2016	Amend	7-1-2016	635-072-0000	3-21-2016	Amend	5-1-2016
635-051-0000	4-27-2016	Amend	6-1-2016	635-073-0000	3-21-2016	Amend	5-1-2016
635-052-0000	4-27-2016	Amend	6-1-2016	635-073-0000	5-10-2016	Amend(T)	6-1-2016
635-053-0000	4-27-2016	Amend	6-1-2016	635-073-0000	6-27-2016	Amend	8-1-2016
635-053-0005	8-8-2016	Amend(T)	9-1-2016	635-073-0000	6-27-2016	Repeal	8-1-2016
635-054-0000	4-27-2016	Amend	6-1-2016	635-073-0100	3-21-2016	Adopt	5-1-2016
635-060-0000	11-25-2015	Amend	1-1-2016	635-073-0100	6-27-2016	Amend	8-1-2016
635-060-0000	4-27-2016	Amend	6-1-2016	635-075-0020	3-21-2016	Amend	5-1-2016
635-060-0005	11-25-2015	Amend	1-1-2016	635-075-0020	9-30-2016	Amend(T)	11-1-2016
635-060-0018	11-25-2015	Amend	1-1-2016	635-075-0022	6-27-2016	Amend	8-1-2016
635-062-0000	12-9-2015	Adopt	1-1-2016	635-075-0022	9-30-2016	Amend(T)	11-1-2016
635-062-0005	12-9-2015	Adopt	1-1-2016	635-075-0023	9-30-2016	Adopt(T)	11-1-2016
635-062-0010	12-9-2015	Adopt	1-1-2016	635-075-0025	3-21-2016	Amend	5-1-2016
635-062-0015	12-9-2015	Adopt	1-1-2016	635-075-0026	3-21-2016	Amend	5-1-2016
635-062-0020	12-9-2015	Adopt	1-1-2016	635-160-0010	8-9-2016	Amend	9-1-2016
635-062-0025	12-9-2015	Adopt	1-1-2016	635-190-0000	8-9-2016	Amend	9-1-2016
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635-062-0040	12-9-2015	Adopt	1-1-2016	635-200-0120	6-13-2016	Amend	7-1-2016
635-062-0045	12-9-2015	Adopt	1-1-2016	635-415-0025	3-25-2016	Amend	5-1-2016
635-062-0050	12-9-2015	Adopt	1-1-2016	635-435-0000	12-9-2015	Amend	1-1-2016

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635-435-0010	12-9-2015	Amend	1-1-2016	660-038-0040	1-1-2016	Adopt	2-1-2016
635-435-0010	12-9-2015	Amend(T)	1-1-2016	660-038-0050	1-1-2016	Adopt	2-1-2016
635-435-0010	6-14-2016	Amend	7-1-2016	660-038-0060	1-1-2016	Adopt	2-1-2016
635-435-0015	12-9-2015	Amend	1-1-2016	660-038-0070	1-1-2016	Adopt	2-1-2016
635-435-0020	12-9-2015	Amend	1-1-2016	660-038-0080	1-1-2016	Adopt	2-1-2016
635-435-0025	12-9-2015	Amend	1-1-2016	660-038-0090	1-1-2016	Adopt	2-1-2016
635-435-0030	12-9-2015	Repeal	1-1-2016	660-038-0100	1-1-2016	Adopt	2-1-2016
635-435-0035	12-9-2015	Repeal	1-1-2016	660-038-0110	1-1-2016	Adopt	2-1-2016
635-435-0040	12-9-2015	Amend	1-1-2016	660-038-0120	1-1-2016	Adopt	2-1-2016
635-435-0045	12-9-2015	Amend	1-1-2016	660-038-0130	1-1-2016	Adopt	2-1-2016
635-435-0050	12-9-2015	Amend	1-1-2016	660-038-0140	1-1-2016	Adopt	2-1-2016
635-435-0055	12-9-2015	Amend	1-1-2016	660-038-0150	1-1-2016	Adopt	2-1-2016
635-435-0060	12-9-2015	Amend	1-1-2016	660-038-0160	1-1-2016	Adopt	2-1-2016
647-010-0010	7-1-2016	Amend	6-1-2016	660-038-0170	1-1-2016	Adopt	2-1-2016
657-010-0015	7-1-2016	Amend	7-1-2016	660-038-0180	1-1-2016	Adopt	2-1-2016
660-004-0018	2-10-2016	Amend	3-1-2016	660-038-0190	1-1-2016	Adopt	2-1-2016
660-006-0005	2-10-2016	Amend	3-1-2016	660-038-0200	1-1-2016	Adopt	2-1-2016
660-006-0010	2-10-2016	Amend	3-1-2016	668-010-0010	3-9-2016	Amend	4-1-2016
660-006-0025	2-10-2016	Amend	3-1-2016	690-051-0000	1-1-2016	Amend	2-1-2016
660-006-0026	2-10-2016	Amend	3-1-2016	690-051-0010	1-1-2016	Amend	2-1-2016
660-006-0027	2-10-2016	Amend	3-1-2016	690-051-0020	1-1-2016	Amend	2-1-2016
660-012-0060	8-1-2016	Amend	9-1-2016	690-051-0030	1-1-2016	Amend	2-1-2016
660-015-0000	1-1-2016	Amend	2-1-2016	690-051-0050	1-1-2016	Amend	2-1-2016
660-023-0115	2-10-2016	Amend	3-1-2016	690-051-0060	1-1-2016	Amend	2-1-2016
660-024-0000	1-1-2016	Amend	2-1-2016	690-051-0090	1-1-2016	Amend	2-1-2016
660-024-0050	1-1-2016	Amend	2-1-2016	690-051-0095	1-1-2016	Amend	2-1-2016
660-024-0060	1-1-2016	Amend	2-1-2016	690-051-0130	1-1-2016	Amend	2-1-2016
660-024-0065	1-1-2016	Adopt	2-1-2016	690-051-0140	1-1-2016	Amend	2-1-2016
660-024-0067	1-1-2016	Adopt	2-1-2016	690-051-0150	1-1-2016	Amend	2-1-2016
660-024-0070	1-1-2016	Amend	2-1-2016	690-051-0160	1-1-2016	Amend	2-1-2016
660-025-0020	2-10-2016	Amend	3-1-2016	690-051-0170	1-1-2016	Amend	2-1-2016
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660-025-0085	2-10-2016	Amend	3-1-2016	690-051-0210	1-1-2016	Amend	2-1-2016
660-025-0090	2-10-2016	Amend	3-1-2016	690-051-0220	1-1-2016	Amend	2-1-2016
660-025-0130	2-10-2016	Amend	3-1-2016	690-051-0230	1-1-2016	Amend	2-1-2016
660-025-0140	2-10-2016	Amend	3-1-2016	690-051-0240	1-1-2016	Amend	2-1-2016
660-025-0150	2-10-2016	Amend	3-1-2016	690-051-0250	1-1-2016	Amend	2-1-2016
660-025-0160	2-10-2016	Amend	3-1-2016	690-051-0270	1-1-2016	Repeal	2-1-2016
660-025-0175	2-10-2016	Amend	3-1-2016	690-051-0280	1-1-2016	Amend	2-1-2016
660-027-0070	2-10-2016	Amend	3-1-2016	690-051-0290	1-1-2016	Amend	2-1-2016
660-033-0020	3-24-2016	Amend	5-1-2016	690-051-0310	1-1-2016	Repeal	2-1-2016
660-033-0030	2-10-2016	Amend	3-1-2016	690-051-0320	1-1-2016	Amend	2-1-2016
660-033-0030	3-24-2016	Amend	5-1-2016	690-051-0330	1-1-2016	Repeal	2-1-2016
660-033-0045	2-10-2016	Amend	3-1-2016	690-051-0340	1-1-2016	Repeal	2-1-2016
660-033-0100	3-24-2016	Amend	5-1-2016	690-051-0350	1-1-2016	Amend	2-1-2016
660-033-0120	2-10-2016	Amend	3-1-2016	690-051-0360	1-1-2016	Repeal	2-1-2016
660-033-0120	8-26-2016	Amend	10-1-2016	690-051-0370	1-1-2016	Repeal	2-1-2016
660-033-0130	2-10-2016	Amend	3-1-2016	690-051-0380	1-1-2016	Amend	2-1-2016
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660-033-0150	2-10-2016	Repeal	3-1-2016	690-079-0010	12-2-2015	Amend(T)	1-1-2016
660-038-0000	1-1-2016	Adopt	2-1-2016	690-079-0010	4-19-2016	Amend	6-1-2016
660-038-0010	1-1-2016	Adopt	2-1-2016	690-079-0160	12-2-2015	Adopt(T)	1-1-2016
660-038-0020	1-1-2016	Adopt	2-1-2016	690-079-0160	4-19-2016	Amend	6-1-2016

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690-200-0028	9-6-2016	Amend	10-1-2016	731-035-0080	12-17-2015	Amend	2-1-2016
690-200-0048	9-6-2016	Amend	10-1-2016	731-070-0010	3-22-2016	Amend	5-1-2016
690-200-0050	9-6-2016	Amend	10-1-2016	731-070-0020	3-22-2016	Amend	5-1-2016
690-205-0210	9-6-2016	Amend	10-1-2016	731-070-0030	3-22-2016	Repeal	5-1-2016
690-210-0030	9-6-2016	Amend	10-1-2016	731-070-0050	3-22-2016	Amend	5-1-2016
690-210-0140	9-6-2016	Amend	10-1-2016	731-070-0055	3-22-2016	Amend	5-1-2016
690-210-0150	9-6-2016	Amend	10-1-2016	731-070-0060	3-22-2016	Amend	5-1-2016
690-210-0155	9-6-2016	Amend	10-1-2016	731-070-0080	3-22-2016	Amend	5-1-2016
690-210-0280	9-6-2016	Amend	10-1-2016	731-070-0110	3-22-2016	Amend	5-1-2016
690-210-0320	9-6-2016	Amend	10-1-2016	731-070-0130	3-22-2016	Amend	5-1-2016
690-215-0055	9-6-2016	Amend	10-1-2016	731-070-0140	3-22-2016	Amend	5-1-2016
690-215-0060	9-6-2016	Amend	10-1-2016	731-070-0160	3-22-2016	Amend	5-1-2016
690-215-0200	9-6-2016	Repeal	10-1-2016	731-070-0170	3-22-2016	Amend	5-1-2016
690-240-0005	9-6-2016	Amend	10-1-2016	731-070-0190	3-22-2016	Repeal	5-1-2016
690-240-0010	9-6-2016	Amend	10-1-2016	731-070-0195	3-22-2016	Repeal	5-1-2016
690-240-0024	9-6-2016	Amend	10-1-2016	731-070-0240	3-22-2016	Am. & Ren.	5-1-2016
690-240-0035	9-6-2016	Amend	10-1-2016	731-070-0245	3-22-2016	Am. & Ren.	5-1-2016
690-240-0043	9-6-2016	Amend	10-1-2016	731-070-0250	3-22-2016	Am. & Ren.	5-1-2016
690-240-0395	9-6-2016	Amend	10-1-2016	731-070-0260	3-22-2016	Am. & Ren.	5-1-2016
690-240-0440	9-6-2016	Amend	10-1-2016	731-070-0350	3-22-2016	Amend	5-1-2016
690-240-0510	9-6-2016	Amend	10-1-2016	731-070-0360	3-22-2016	Repeal	5-1-2016
690-240-0525	9-6-2016	Amend	10-1-2016	731-090-0000	9-26-2016	Amend	11-1-2016
690-240-0540	9-6-2016	Amend	10-1-2016	731-090-0020	9-26-2016	Amend	11-1-2016
690-504-0000	8-23-2016	Amend	10-1-2016	731-090-0030	9-26-2016	Amend	11-1-2016
690-504-0005	8-23-2016	Adopt	10-1-2016	731-090-0040	9-26-2016	Amend	11-1-2016
690-504-0020	8-23-2016	Amend	10-1-2016	731-090-0070	9-26-2016	Amend	11-1-2016
690-504-0100	8-23-2016	Amend	10-1-2016	731-090-0080	9-26-2016	Amend	11-1-2016
690-509-0000	3-1-2016	Amend	4-1-2016	731-090-0090	9-26-2016	Amend	11-1-2016
690-509-0100	3-1-2016	Amend	4-1-2016	734-010-0200	4-29-2016	Repeal	6-1-2016
690-512-0010	4-15-2016	Adopt	5-1-2016	734-010-0210	4-29-2016	Repeal	6-1-2016
690-512-0020	4-15-2016	Adopt	5-1-2016	734-010-0220	4-29-2016	Repeal	6-1-2016
690-512-0040	4-15-2016	Repeal	5-1-2016	734-010-0230	4-29-2016	Repeal	6-1-2016
690-512-0090	4-15-2016	Adopt	5-1-2016	734-010-0240	4-29-2016	Repeal	6-1-2016
710-015-0000	6-20-2016	Adopt	8-1-2016	734-010-0250	4-29-2016	Repeal	6-1-2016
715-013-0005	12-14-2015	Amend(T)	1-1-2016	734-010-0260	4-29-2016	Repeal	6-1-2016
715-013-0005	2-19-2016	Amend	4-1-2016	734-010-0270	4-29-2016	Repeal	6-1-2016
715-013-0005(T)	2-19-2016	Repeal	4-1-2016	734-010-0280	4-29-2016	Repeal	6-1-2016
715-015-0005	6-14-2016	Adopt	7-1-2016	734-020-0018	11-20-2015	Amend	1-1-2016
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715-045-0007	3-9-2016	Amend	4-1-2016	734-031-0001	6-21-2016	Adopt	8-1-2016
715-045-0012	3-9-2016	Amend	4-1-2016	734-031-0005	6-21-2016	Adopt	8-1-2016
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731-007-0510	4-29-2016	Adopt	6-1-2016	734-031-0015	6-21-2016	Adopt	8-1-2016
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731-007-0530	4-29-2016	Adopt	6-1-2016	734-031-0025	6-21-2016	Adopt	8-1-2016
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731-007-0560	4-29-2016	Adopt	6-1-2016	734-082-0005	12-17-2015	Amend	2-1-2016
731-007-0570	4-29-2016	Adopt	6-1-2016	734-082-0040	12-17-2015	Amend	2-1-2016
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731-035-0020	12-17-2015	Amend	2-1-2016	734-082-0070	12-17-2015	Amend	2-1-2016
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731-035-0040	12-17-2015	Amend	2-1-2016	735-016-0060	9-26-2016	Amend	11-1-2016
731-035-0050	12-17-2015	Amend	2-1-2016	735-016-0070	9-26-2016	Amend	11-1-2016

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735-040-0045	7-1-2016	Adopt	8-1-2016	735-062-0310	9-26-2016	Amend	11-1-2016
735-040-0055	7-1-2016	Repeal	8-1-2016	735-062-0330	9-26-2016	Amend	11-1-2016
735-040-0061	7-1-2016	Repeal	8-1-2016	735-063-0000	9-26-2016	Am. & Ren.	11-1-2016
735-040-0095	7-1-2016	Repeal	8-1-2016	735-063-0050	9-26-2016	Am. & Ren.	11-1-2016
735-040-0097	7-1-2016	Repeal	8-1-2016	735-063-0060	9-26-2016	Am. & Ren.	11-1-2016
735-040-0100	7-1-2016	Repeal	8-1-2016	735-063-0065	9-26-2016	Am. & Ren.	11-1-2016
735-040-0110	7-1-2016	Adopt	8-1-2016	735-063-0067	9-26-2016	Am. & Ren.	11-1-2016
735-040-0115	7-1-2016	Adopt	8-1-2016	735-063-0070	9-26-2016	Am. & Ren.	11-1-2016
735-040-0120	7-1-2016	Adopt	8-1-2016	735-063-0075	9-26-2016	Am. & Ren.	11-1-2016
735-040-0125	7-1-2016	Adopt	8-1-2016	735-063-0130	9-26-2016	Am. & Ren.	11-1-2016
735-040-0130	7-1-2016	Adopt	8-1-2016	735-063-0180	9-26-2016	Am. & Ren.	11-1-2016
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735-060-0001	9-26-2016	Adopt	11-1-2016	735-063-0250	9-26-2016	Adopt	11-1-2016
735-060-0030	9-26-2016	Amend	11-1-2016	735-063-0260	9-26-2016	Adopt	11-1-2016
735-060-0040	9-26-2016	Amend	11-1-2016	735-063-0270	9-26-2016	Adopt	11-1-2016
735-060-0050	9-26-2016	Amend	11-1-2016	735-063-0280	9-26-2016	Adopt	11-1-2016
735-060-0051	9-26-2016	Adopt	11-1-2016	735-063-0300	9-26-2016	Adopt	11-1-2016
735-060-0055	9-26-2016	Amend	11-1-2016	735-063-0370	9-26-2016	Adopt	11-1-2016
735-060-0057	9-26-2016	Amend	11-1-2016	735-064-0070	1-1-2016	Amend	2-1-2016
735-060-0060	9-26-2016	Repeal	11-1-2016	735-064-0220	9-26-2016	Amend	11-1-2016
735-060-0065	9-26-2016	Repeal	11-1-2016	735-064-0230	9-26-2016	Amend	11-1-2016
735-060-0090	9-26-2016	Amend	11-1-2016	735-064-0235	9-26-2016	Amend	11-1-2016
735-060-0095	9-26-2016	Amend	11-1-2016	735-070-0080	1-1-2016	Amend	2-1-2016
735-060-0100	9-26-2016	Amend	11-1-2016	735-070-0082	1-1-2016	Amend	2-1-2016
735-060-0101	9-26-2016	Adopt	11-1-2016	735-070-0185	9-26-2016	Am. & Ren.	11-1-2016
735-060-0105	9-26-2016	Amend	11-1-2016	735-070-0190	9-26-2016	Am. & Ren.	11-1-2016
735-060-0110	9-26-2016	Repeal	11-1-2016	735-118-0000	1-1-2016	Amend	2-1-2016
735-060-0115	9-26-2016	Amend	11-1-2016	735-118-0050	1-1-2016	Amend	2-1-2016
735-060-0120	9-26-2016	Amend	11-1-2016	735-150-0010	1-1-2016	Amend	2-1-2016
735-060-0130	9-26-2016	Amend	11-1-2016	735-150-0015	1-1-2016	Amend	2-1-2016
735-060-0145	9-26-2016	Adopt	11-1-2016	735-150-0017	1-1-2016	Amend	2-1-2016
735-061-0210	4-29-2016	Amend	6-1-2016	735-150-0020	1-1-2016	Amend	2-1-2016
735-062-0001	9-26-2016	Adopt	11-1-2016	735-150-0037	1-1-2016	Amend	2-1-2016
735-062-0002	9-26-2016	Amend	11-1-2016	735-150-0047	1-1-2016	Amend	2-1-2016
735-062-0005	1-1-2016	Amend	2-1-2016	735-150-0055	1-1-2016	Amend	1-1-2016
735-062-0005	9-26-2016	Amend	11-1-2016	735-150-0110	1-1-2016	Amend	2-1-2016
735-062-0007	4-29-2016	Amend	6-1-2016	735-150-0110	1-1-2016	Amend	2-1-2016
735-062-0007	9-26-2016	Amend	11-1-2016	735-150-0140	1-1-2016	Amend	1-1-2016
735-062-0016	9-26-2016	Amend	11-1-2016	736-009-0025	5-2-2016	Amend	6-1-2016
735-062-0030	9-26-2016	Amend	11-1-2016	736-009-0030	5-2-2016	Amend	6-1-2016
735-062-0032	9-26-2016	Amend	11-1-2016	736-015-0006	9-21-2016	Amend	11-1-2016
735-062-0035	1-1-2016	Amend	2-1-2016	736-015-0010	7-13-2016	Amend	8-1-2016
735-062-0070	9-26-2016	Amend	11-1-2016	736-015-0015	7-13-2016	Amend	8-1-2016
735-062-0075	9-26-2016	Repeal	11-1-2016	736-015-0015	9-21-2016	Amend	11-1-2016
735-062-0080	9-26-2016	Amend	11-1-2016	736-015-0026	7-13-2016	Amend	8-1-2016
735-062-0087	9-26-2016	Adopt	11-1-2016	736-015-0026	9-21-2016	Amend	11-1-2016
735-062-0090	9-26-2016	Amend	11-1-2016	736-015-0030	9-21-2016	Amend	11-1-2016
735-062-0110	1-1-2016	Amend	2-1-2016	736-015-0035	3-16-2016	Amend	5-1-2016
735-062-0110	9-26-2016	Amend	11-1-2016	736-015-0035	7-13-2016	Amend	8-1-2016
735-062-0120	1-1-2016	Amend	2-1-2016	736-015-0035	9-21-2016	Amend	11-1-2016
735-062-0125	9-26-2016	Amend	11-1-2016	736-056-0000	9-21-2016	Adopt	11-1-2016
735-062-0150	9-26-2016	Repeal	11-1-2016	736-056-0010	9-21-2016	Adopt	11-1-2016
735-062-0190	9-26-2016	Am. & Ren.	11-1-2016	736-056-0020	9-21-2016	Adopt	11-1-2016
735-062-0200	9-26-2016	Repeal	11-1-2016	736-056-0030	9-21-2016	Adopt	11-1-2016

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736-056-0050	9-21-2016	Adopt	11-1-2016	740-050-0090	9-26-2016	Repeal	11-1-2016
736-056-0060	9-21-2016	Adopt	11-1-2016	740-050-0100	9-26-2016	Amend	11-1-2016
736-056-0070	9-21-2016	Adopt	11-1-2016	740-050-0110	9-26-2016	Amend	11-1-2016
736-056-0080	9-21-2016	Adopt	11-1-2016	740-050-0120	9-26-2016	Amend	11-1-2016
738-001-0035	12-15-2015	Amend	1-1-2016	740-050-0130	9-26-2016	Repeal	11-1-2016
738-010-0025	12-15-2015	Amend	1-1-2016	740-050-0140	9-26-2016	Amend	11-1-2016
738-010-0035	12-15-2015	Amend	1-1-2016	740-050-0210	9-26-2016	Repeal	11-1-2016
738-010-0040	12-15-2015	Repeal	1-1-2016	740-050-0220	9-26-2016	Amend	11-1-2016
738-010-0050	12-15-2015	Amend	1-1-2016	740-050-0230	9-26-2016	Amend	11-1-2016
738-010-0060	12-15-2015	Amend	1-1-2016	740-050-0270	9-26-2016	Repeal	11-1-2016
738-080-0010	12-15-2015	Amend	1-1-2016	740-050-0400	9-26-2016	Repeal	11-1-2016
738-080-0015	12-15-2015	Adopt	1-1-2016	740-050-0410	9-26-2016	Repeal	11-1-2016
738-080-0020	12-15-2015	Amend	1-1-2016	740-050-0430	9-26-2016	Repeal	11-1-2016
738-080-0030	12-15-2015	Amend	1-1-2016	740-050-0500	9-26-2016	Amend	11-1-2016
738-080-0040	12-15-2015	Repeal	1-1-2016	740-050-0600	9-26-2016	Amend	11-1-2016
738-080-0045	12-15-2015	Adopt	1-1-2016	740-050-0610	9-26-2016	Amend	11-1-2016
738-124-0010	5-11-2016	Adopt(T)	6-1-2016	740-050-0630	9-26-2016	Amend	11-1-2016
738-124-0015	5-11-2016	Adopt(T)	6-1-2016	740-050-0820	9-26-2016	Amend	11-1-2016
738-124-0020	5-11-2016	Adopt(T)	6-1-2016	740-050-0830	9-26-2016	Amend	11-1-2016
738-124-0025	5-11-2016	Adopt(T)	6-1-2016	740-055-0150	9-26-2016	Amend	11-1-2016
738-124-0030	5-11-2016	Adopt(T)	6-1-2016	740-055-0170	9-26-2016	Amend	11-1-2016
738-124-0035	5-11-2016	Adopt(T)	6-1-2016	740-055-0190	9-26-2016	Amend	11-1-2016
738-124-0040	5-11-2016	Adopt(T)	6-1-2016	740-055-0210	9-26-2016	Amend	11-1-2016
738-124-0045	5-11-2016	Adopt(T)	6-1-2016	740-055-0310	9-26-2016	Repeal	11-1-2016
738-125-0010	5-26-2016	Amend	7-1-2016	740-055-0500	9-26-2016	Amend	11-1-2016
738-125-0015	5-26-2016	Amend	7-1-2016	740-100-0010	7-27-2016	Amend	9-1-2016
738-125-0020	5-26-2016	Amend	7-1-2016	740-100-0065	7-27-2016	Amend	9-1-2016
738-125-0025	5-26-2016	Amend	7-1-2016	740-100-0070	7-27-2016	Amend	9-1-2016
738-125-0030	5-26-2016	Amend	7-1-2016	740-100-0080	7-27-2016	Amend	9-1-2016
738-125-0035	5-26-2016	Amend	7-1-2016	740-100-0085	7-27-2016	Amend	9-1-2016
738-125-0040	5-26-2016	Amend	7-1-2016	740-100-0090	7-27-2016	Amend	9-1-2016
738-125-0045	5-26-2016	Amend	7-1-2016	740-110-0010	7-27-2016	Amend	9-1-2016
738-125-0050	5-26-2016	Amend	7-1-2016	740-200-0010	7-27-2016	Amend	9-1-2016
738-125-0055	5-26-2016	Amend	7-1-2016	740-200-0020	7-27-2016	Amend	9-1-2016
738-140-0005	12-15-2015	Adopt	1-1-2016	740-200-0040	7-27-2016	Amend	9-1-2016
738-140-0010	12-15-2015	Adopt	1-1-2016	740-300-0040	9-26-2016	Amend	11-1-2016
738-140-0015	12-15-2015	Adopt	1-1-2016	741-520-0010	11-17-2015	Repeal	1-1-2016
738-140-0020	12-15-2015	Adopt	1-1-2016	800-020-0025	4-1-2016	Amend	5-1-2016
738-140-0025	12-15-2015	Adopt	1-1-2016	801-001-0035	1-1-2016	Amend(T)	2-1-2016
738-140-0030	12-15-2015	Adopt	1-1-2016	801-001-0035	6-28-2016	Amend	8-1-2016
738-140-0035	12-15-2015	Adopt	1-1-2016	804-025-0000	5-25-2016	Amend	7-1-2016
738-140-0040	12-15-2015	Adopt	1-1-2016	804-025-0010	5-25-2016	Amend	7-1-2016
740-020-0010	9-26-2016	Amend	11-1-2016	804-025-0015	5-25-2016	Amend	7-1-2016
740-030-0010	9-26-2016	Amend	11-1-2016	804-025-0020	5-25-2016	Amend	7-1-2016
740-035-0010	9-26-2016	Amend	11-1-2016	804-025-0030	5-25-2016	Amend	7-1-2016
740-035-0145	9-26-2016	Amend	11-1-2016	804-025-0035	5-25-2016	Amend	7-1-2016
740-035-0150	9-26-2016	Amend	11-1-2016	806-010-0010	12-14-2015	Amend	1-1-2016
740-035-0160	9-26-2016	Repeal	11-1-2016	806-010-0020	12-14-2015	Amend	1-1-2016
740-035-0165	9-26-2016	Amend	11-1-2016	806-010-0035	12-14-2015	Amend	1-1-2016
740-045-0110	9-26-2016	Amend	11-1-2016	808-001-0005	5-23-2016	Amend	7-1-2016
740-050-0010	9-26-2016	Amend	11-1-2016	808-001-0008	8-19-2016	Amend	10-1-2016
740-050-0020	9-26-2016	Amend	11-1-2016	808-002-0020	1-1-2016	Amend	2-1-2016
740-050-0050	9-26-2016	Amend	11-1-2016	808-002-0200	1-1-2016	Amend	2-1-2016
740-050-0060	9-26-2016	Amend	11-1-2016	808-002-0200	5-23-2016	Amend	7-1-2016
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808-002-0320	1-1-2016	Amend	2-1-2016	808-003-0940	5-23-2016	Adopt	7-1-2016
808-002-0338	1-1-2016	Amend	2-1-2016	808-003-0950	5-23-2016	Adopt	7-1-2016
808-002-0455	1-1-2016	Amend	2-1-2016	808-003-0960	5-23-2016	Adopt	7-1-2016
808-002-0480	1-1-2016	Amend	2-1-2016	808-003-0970	5-23-2016	Adopt	7-1-2016
808-002-0480	5-23-2016	Amend	7-1-2016	808-003-0980	5-23-2016	Adopt	7-1-2016
808-002-0490	1-1-2016	Amend	2-1-2016	808-003-0985	5-23-2016	Adopt	7-1-2016
808-002-0500	1-1-2016	Amend	2-1-2016	808-003-0990	5-23-2016	Adopt	7-1-2016
808-002-0620	5-23-2016	Amend	7-1-2016	808-003-0995	5-23-2016	Adopt	7-1-2016
808-002-0730	1-1-2016	Amend	2-1-2016	808-004-0160	5-23-2016	Amend	7-1-2016
808-002-0780	1-1-2016	Amend	2-1-2016	808-004-0180	1-1-2016	Amend	2-1-2016
808-002-0810	1-1-2016	Repeal	2-1-2016	808-004-0180	5-23-2016	Repeal	7-1-2016
808-002-0884	1-1-2016	Repeal	2-1-2016	808-004-0211	1-1-2016	Amend	2-1-2016
808-002-0920	1-1-2016	Amend	2-1-2016	808-004-0211	5-23-2016	Amend	7-1-2016
808-003-0015	1-1-2016	Amend	2-1-2016	808-004-0240	5-23-2016	Repeal	7-1-2016
808-003-0018	1-1-2016	Amend	2-1-2016	808-004-0250	5-23-2016	Amend	7-1-2016
808-003-0025	5-23-2016	Amend	7-1-2016	808-004-0260	5-23-2016	Amend	7-1-2016
808-003-0030	5-23-2016	Amend	7-1-2016	808-004-0310	5-23-2016	Amend	7-1-2016
808-003-0040	1-1-2016	Amend	2-1-2016	808-004-0320	1-1-2016	Amend	2-1-2016
808-003-0045	5-23-2016	Amend	7-1-2016	808-004-0320	5-23-2016	Amend	7-1-2016
808-003-0055	5-23-2016	Repeal	7-1-2016	808-004-0350	5-23-2016	Amend	7-1-2016
808-003-0060	1-1-2016	Amend	2-1-2016	808-004-0400	5-23-2016	Amend	7-1-2016
808-003-0060	5-23-2016	Repeal	7-1-2016	808-004-0440	5-23-2016	Amend	7-1-2016
808-003-0065	5-23-2016	Repeal	7-1-2016	808-004-0450	5-23-2016	Amend	7-1-2016
808-003-0075	5-23-2016	Repeal	7-1-2016	808-004-0460	5-23-2016	Repeal	7-1-2016
808-003-0080	5-23-2016	Repeal	7-1-2016	808-004-0470	5-23-2016	Repeal	7-1-2016
808-003-0081	5-23-2016	Repeal	7-1-2016	808-004-0480	5-23-2016	Amend	7-1-2016
808-003-0085	5-23-2016	Repeal	7-1-2016	808-004-0500	5-23-2016	Amend	7-1-2016
808-003-0095	1-1-2016	Amend	2-1-2016	808-004-0510	5-23-2016	Amend	7-1-2016
808-003-0125	1-1-2016	Amend	2-1-2016	808-004-0520	5-23-2016	Amend	7-1-2016
808-003-0126	1-1-2016	Amend	2-1-2016	808-004-0530	5-23-2016	Amend	7-1-2016
808-003-0130	5-23-2016	Amend	7-1-2016	808-004-0540	5-23-2016	Amend	7-1-2016
808-003-0230	1-1-2016	Amend	2-1-2016	808-004-0550	5-23-2016	Repeal	7-1-2016
808-003-0230	5-23-2016	Amend	7-1-2016	808-004-0560	5-23-2016	Repeal	7-1-2016
808-003-0234	5-23-2016	Adopt	7-1-2016	808-004-0590	5-23-2016	Amend	7-1-2016
808-003-0610	1-1-2016	Amend	2-1-2016	808-030-0020	5-23-2016	Amend	7-1-2016
808-003-0610(T)	1-1-2016	Repeal	2-1-2016	808-030-0040	5-23-2016	Amend	7-1-2016
808-003-0611	1-1-2016	Amend	2-1-2016	808-040-0020	1-1-2016	Amend	2-1-2016
808-003-0613	1-1-2016	Amend	2-1-2016	808-040-0020	5-23-2016	Amend	7-1-2016
808-003-0700	5-23-2016	Adopt	7-1-2016	808-040-0025	4-8-2016	Amend	5-1-2016
808-003-0700	7-21-2016	Amend(T)	9-1-2016	808-040-0050	4-8-2016	Amend	5-1-2016
808-003-0710	5-23-2016	Adopt	7-1-2016	808-040-0050	8-19-2016	Amend	10-1-2016
808-003-0720	5-23-2016	Adopt	7-1-2016	808-040-0060	4-8-2016	Amend	5-1-2016
808-003-0730	5-23-2016	Adopt	7-1-2016	808-040-0070	5-23-2016	Amend	7-1-2016
808-003-0740	5-23-2016	Adopt	7-1-2016	808-040-0080	1-1-2016	Amend	2-1-2016
808-003-0750	5-23-2016	Adopt	7-1-2016	808-040-0080	5-23-2016	Amend	7-1-2016
808-003-0760	10-1-2016	Adopt	11-1-2016	809-010-0001	9-20-2016	Amend	11-1-2016
808-003-0800	5-23-2016	Adopt	7-1-2016	809-015-0000	9-20-2016	Amend	11-1-2016
808-003-0810	5-23-2016	Adopt	7-1-2016	809-015-0005	9-20-2016	Amend	11-1-2016
808-003-0820	5-23-2016	Adopt	7-1-2016	809-015-0010	9-20-2016	Amend	11-1-2016
808-003-0830	5-23-2016	Adopt	7-1-2016	809-015-0015	9-20-2016	Repeal	11-1-2016
808-003-0840	5-23-2016	Adopt	7-1-2016	809-020-0025	9-20-2016	Amend	11-1-2016
808-003-0850	5-23-2016	Adopt	7-1-2016	809-055-0000	9-20-2016	Amend	11-1-2016
808-003-0900	5-23-2016	Adopt	7-1-2016	811-010-0084	6-6-2016	Amend	7-1-2016
808-003-0910	5-23-2016	Adopt	7-1-2016	811-010-0085	5-2-2016	Amend	5-1-2016
808-003-0920	5-23-2016	Adopt	7-1-2016	811-010-0110	6-6-2016	Amend	7-1-2016

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812-006-0160	7-1-2016	Adopt	7-1-2016	813-013-0050	5-27-2016	Amend	7-1-2016
812-006-0200	7-1-2016	Amend	7-1-2016	813-013-0054	11-30-2015	Amend(T)	1-1-2016
812-006-0310	7-1-2016	Adopt	7-1-2016	813-013-0054	5-27-2016	Amend	7-1-2016
812-006-0400	7-1-2016	Amend	7-1-2016	813-042-0010	7-19-2016	Amend	9-1-2016
812-008-0020	7-1-2016	Amend	7-1-2016	813-055-0010	7-19-2016	Amend	9-1-2016
812-008-0072	7-1-2016	Amend	7-1-2016	813-110-0010	5-5-2016	Amend(T)	6-1-2016
812-008-0074	7-1-2016	Amend	7-1-2016	813-110-0010	10-13-2016	Amend	11-1-2016
812-020-0050	7-1-2016	Amend	7-1-2016	813-110-0010(T)	10-13-2016	Repeal	11-1-2016
812-020-0062	7-1-2016	Amend	7-1-2016	813-110-0013	5-5-2016	Amend(T)	6-1-2016
812-020-0070	7-1-2016	Amend	7-1-2016	813-110-0013	10-13-2016	Amend	11-1-2016
812-020-0071	7-1-2016	Amend	7-1-2016	813-110-0013(T)	10-13-2016	Repeal	11-1-2016
812-020-0080	7-1-2016	Repeal	7-1-2016	813-110-0015	5-5-2016	Amend(T)	6-1-2016
812-021-0000	7-1-2016	Repeal	7-1-2016	813-110-0015	10-13-2016	Amend	11-1-2016
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812-021-0016	7-1-2016	Repeal	7-1-2016	813-135-0040	9-12-2016	Adopt(T)	10-1-2016
812-021-0019	7-1-2016	Repeal	7-1-2016	813-135-0050	9-12-2016	Adopt(T)	10-1-2016
812-021-0021	7-1-2016	Repeal	7-1-2016	813-135-0060	9-12-2016	Adopt(T)	10-1-2016
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812-021-0025	7-1-2016	Repeal	7-1-2016	813-280-0010	10-13-2016	Repeal	11-1-2016
812-021-0028	7-1-2016	Repeal	7-1-2016	813-280-0020	10-13-2016	Repeal	11-1-2016
812-021-0030	7-1-2016	Repeal	7-1-2016	813-280-0030	10-13-2016	Repeal	11-1-2016
812-021-0031	7-1-2016	Repeal	7-1-2016	813-280-0040	10-13-2016	Repeal	11-1-2016
812-021-0032	7-1-2016	Repeal	7-1-2016	813-280-0050	10-13-2016	Repeal	11-1-2016
812-021-0033	7-1-2016	Repeal	7-1-2016	813-280-0060	10-13-2016	Repeal	11-1-2016
812-021-0034	7-1-2016	Repeal	7-1-2016	813-280-0070	10-13-2016	Repeal	11-1-2016
812-021-0035	7-1-2016	Repeal	7-1-2016	813-300-0005	3-25-2016	Amend	5-1-2016
812-021-0037	7-1-2016	Repeal	7-1-2016	813-300-0120	3-25-2016	Amend	5-1-2016
812-021-0040	7-1-2016	Repeal	7-1-2016	813-300-0150	3-25-2016	Amend	5-1-2016
812-021-0042	7-1-2016	Repeal	7-1-2016	813-300-0150	4-20-2016	Amend(T)	6-1-2016
812-021-0045	7-1-2016	Repeal	7-1-2016	813-300-0150	10-13-2016	Amend	11-1-2016
812-021-0047	7-1-2016	Repeal	7-1-2016	813-300-0150(T)	3-25-2016	Repeal	5-1-2016
812-022-0010	7-1-2016	Amend	7-1-2016	813-300-0150(T)	10-13-2016	Repeal	11-1-2016
812-022-0011	7-1-2016	Repeal	7-1-2016	813-330-0000	2-11-2016	Adopt	3-1-2016
812-022-0021	7-1-2016	Amend	7-1-2016	813-330-0010	2-11-2016	Adopt	3-1-2016
813-005-0005	6-29-2016	Amend(T)	8-1-2016	813-330-0020	2-11-2016	Adopt	3-1-2016
813-005-0025	6-29-2016	Adopt(T)	8-1-2016	813-330-0030	2-11-2016	Adopt	3-1-2016
813-006-0005	6-29-2016	Amend(T)	8-1-2016	813-330-0040	2-11-2016	Adopt	3-1-2016
813-006-0010	6-29-2016	Amend(T)	8-1-2016	813-330-0050	2-11-2016	Adopt	3-1-2016
813-013-0001	11-30-2015	Amend(T)	1-1-2016	813-330-0060	2-11-2016	Adopt	3-1-2016
813-013-0001	5-27-2016	Amend	7-1-2016	817-090-0025	4-4-2016	Amend	5-1-2016
813-013-0005	11-30-2015	Amend(T)	1-1-2016	817-090-0035	4-4-2016	Amend	5-1-2016
813-013-0005	5-27-2016	Amend	7-1-2016	817-090-0050	4-4-2016	Repeal	5-1-2016
813-013-0010	11-30-2015	Amend(T)	1-1-2016	817-090-0080	4-4-2016	Amend	5-1-2016
813-013-0010	5-27-2016	Amend	7-1-2016	817-090-0090	4-4-2016	Amend	5-1-2016
813-013-0015	11-30-2015	Amend(T)	1-1-2016	817-090-0100	4-4-2016	Amend	5-1-2016
813-013-0015	5-27-2016	Amend	7-1-2016	819-005-0000	7-1-2016	Adopt(T)	8-1-2016
813-013-0020	11-30-2015	Amend(T)	1-1-2016	819-020-0030	7-1-2016	Adopt(T)	8-1-2016
813-013-0020	5-27-2016	Amend	7-1-2016	819-020-0040	7-1-2016	Adopt(T)	8-1-2016
813-013-0035	11-30-2015	Amend(T)	1-1-2016	819-020-0050	7-1-2016	Adopt(T)	8-1-2016
813-013-0035	5-27-2016	Amend	7-1-2016	819-020-0060	7-1-2016	Adopt(T)	8-1-2016
813-013-0040	11-30-2015	Amend(T)	1-1-2016	819-020-0070	7-1-2016	Adopt(T)	8-1-2016

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819-040-0000	7-1-2016	Adopt(T)	8-1-2016	833-020-0501	10-10-2016	Repeal	11-1-2016
820-001-0025	10-4-2016	Amend(T)	11-1-2016	833-030-0011	10-10-2016	Amend	11-1-2016
820-005-0036	10-4-2016	Adopt	11-1-2016	833-030-0021	10-10-2016	Amend	11-1-2016
820-005-0051	10-4-2016	Adopt	11-1-2016	833-030-0031	10-10-2016	Repeal	11-1-2016
820-005-0066	10-4-2016	Adopt	11-1-2016	833-030-0041	10-10-2016	Amend	11-1-2016
820-010-0505	2-16-2016	Amend	4-1-2016	833-040-0011	10-10-2016	Amend	11-1-2016
820-010-0615	5-12-2016	Amend	6-1-2016	833-040-0021	10-10-2016	Amend	11-1-2016
820-010-3020	1-14-2016	Adopt	2-1-2016	833-040-0031	10-10-2016	Repeal	11-1-2016
820-010-4000	3-15-2016	Amend(T)	4-1-2016	833-040-0041	10-10-2016	Amend	11-1-2016
820-010-4000	10-4-2016	Amend	11-1-2016	833-050-0021	10-10-2016	Amend	11-1-2016
820-010-5000	1-15-2016	Amend(T)	2-1-2016	833-050-0031	10-10-2016	Amend	11-1-2016
820-010-5000	5-12-2016	Amend	6-1-2016	833-050-0041	10-10-2016	Amend	11-1-2016
820-010-5000(T)	5-12-2016	Repeal	6-1-2016	833-050-0051	10-10-2016	Amend	11-1-2016
820-015-0026	2-16-2016	Amend	4-1-2016	833-050-0061	10-10-2016	Amend	11-1-2016
820-020-0015	2-16-2016	Amend	4-1-2016	833-050-0071	10-10-2016	Amend	11-1-2016
820-020-0025	2-16-2016	Amend	4-1-2016	833-050-0081	10-10-2016	Amend	11-1-2016
820-020-0030	2-16-2016	Amend	4-1-2016	833-050-0091	10-10-2016	Amend	11-1-2016
820-020-0035	2-16-2016	Amend	4-1-2016	833-050-0111	10-10-2016	Amend	11-1-2016
820-020-0040	1-14-2016	Amend	2-1-2016	833-050-0121	10-10-2016	Repeal	11-1-2016
820-025-0005	5-12-2016	Amend	6-1-2016	833-050-0131	10-10-2016	Amend	11-1-2016
820-025-0015	1-15-2016	Amend(T)	2-1-2016	833-050-0161	10-10-2016	Amend	11-1-2016
820-025-0015	5-12-2016	Amend	6-1-2016	833-060-0012	10-10-2016	Repeal	11-1-2016
820-025-0015(T)	5-12-2016	Repeal	6-1-2016	833-060-0022	10-10-2016	Repeal	11-1-2016
820-030-0005	2-16-2016	Adopt	4-1-2016	833-060-0032	10-10-2016	Repeal	11-1-2016
820-040-0005	2-16-2016	Amend	4-1-2016	833-060-0042	10-10-2016	Repeal	11-1-2016
820-080-0010	10-4-2016	Amend	11-1-2016	833-060-0052	10-10-2016	Repeal	11-1-2016
830-011-0000	1-1-2016	Amend	2-1-2016	833-060-0062	10-10-2016	Repeal	11-1-2016
830-011-0020	1-1-2016	Amend	2-1-2016	833-070-0011	10-10-2016	Amend	11-1-2016
830-011-0040	1-1-2016	Amend	2-1-2016	833-070-0021	10-10-2016	Amend	11-1-2016
830-011-0065	1-1-2016	Adopt	2-1-2016	833-075-0010	10-10-2016	Adopt	11-1-2016
830-011-0065	7-6-2016	Amend(T)	8-1-2016	833-075-0020	10-10-2016	Adopt	11-1-2016
830-020-0000	1-1-2016	Amend	2-1-2016	833-075-0030	10-10-2016	Adopt	11-1-2016
830-020-0030	1-1-2016	Amend	2-1-2016	833-075-0040	10-10-2016	Adopt	11-1-2016
830-020-0040	1-1-2016	Amend	2-1-2016	833-075-0050	10-10-2016	Adopt	11-1-2016
830-030-0004	1-1-2016	Amend	2-1-2016	833-075-0060	10-10-2016	Adopt	11-1-2016
830-030-0090	1-1-2016	Amend	2-1-2016	833-075-0070	10-10-2016	Adopt	11-1-2016
830-040-0095	1-1-2016	Adopt	2-1-2016	833-075-0080	10-10-2016	Adopt	11-1-2016
833-001-0000	8-8-2016	Amend	9-1-2016	833-075-0090	10-10-2016	Adopt	11-1-2016
833-001-0015	8-8-2016	Amend	9-1-2016	833-080-0011	10-10-2016	Amend	11-1-2016
833-001-0020	8-8-2016	Amend	9-1-2016	833-080-0021	10-10-2016	Amend	11-1-2016
833-010-0001	8-8-2016	Amend	9-1-2016	833-080-0031	10-10-2016	Amend	11-1-2016
833-020-0011	10-10-2016	Amend	11-1-2016	833-080-0041	10-10-2016	Amend	11-1-2016
833-020-0021	10-10-2016	Amend	11-1-2016	833-080-0051	10-10-2016	Amend	11-1-2016
833-020-0031	10-10-2016	Repeal	11-1-2016	833-080-0061	10-10-2016	Amend	11-1-2016
833-020-0041	10-10-2016	Amend	11-1-2016	833-110-0011	8-8-2016	Amend	9-1-2016
833-020-0051	10-10-2016	Amend	11-1-2016	833-110-0021	8-8-2016	Amend	9-1-2016
833-020-0061	10-10-2016	Amend	11-1-2016	833-120-0011	4-1-2016	Amend	5-1-2016
833-020-0071	10-10-2016	Amend	11-1-2016	833-120-0011	8-8-2016	Amend	9-1-2016
833-020-0081	10-10-2016	Amend	11-1-2016	833-120-0021	8-8-2016	Amend	9-1-2016
833-020-0091	10-10-2016	Repeal	11-1-2016	833-120-0031	8-8-2016	Repeal	9-1-2016
833-020-0101	6-7-2016	Amend	7-1-2016	833-120-0041	8-8-2016	Amend	9-1-2016
833-020-0101	10-10-2016	Repeal	11-1-2016	833-130-0020	10-10-2016	Amend	11-1-2016
833-020-0112	10-10-2016	Repeal	11-1-2016	833-130-0030	10-10-2016	Repeal	11-1-2016
833-020-0201	10-10-2016	Repeal	11-1-2016	833-130-0040	10-10-2016	Amend	11-1-2016
833-020-0301	10-10-2016	Repeal	11-1-2016	833-130-0050	10-10-2016	Amend	11-1-2016

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833-130-0070	10-10-2016	Amend	11-1-2016	836-053-0300	9-14-2016	Adopt	10-1-2016
833-130-0080	10-10-2016	Amend	11-1-2016	836-053-0310	9-14-2016	Adopt	10-1-2016
834-020-0000	3-1-2016	Amend	4-1-2016	836-053-0320	9-14-2016	Adopt	10-1-2016
834-030-0000	3-1-2016	Amend	4-1-2016	836-053-0330	9-14-2016	Adopt	10-1-2016
834-030-0010	3-1-2016	Amend	4-1-2016	836-053-0340	9-14-2016	Adopt	10-1-2016
834-040-0000	3-1-2016	Amend	4-1-2016	836-053-0350	9-14-2016	Adopt	10-1-2016
834-050-0000	3-1-2016	Amend	4-1-2016	836-053-0410	4-8-2016	Amend	5-1-2016
834-050-0010	3-1-2016	Amend	4-1-2016	836-053-0431	4-8-2016	Amend	5-1-2016
836-009-0020	4-8-2016	Repeal	5-1-2016	836-053-0432	7-29-2016	Adopt(T)	9-1-2016
836-009-0025	4-8-2016	Repeal	5-1-2016	836-053-0465	4-8-2016	Amend	5-1-2016
836-009-0030	4-8-2016	Repeal	5-1-2016	836-053-0472	4-8-2016	Amend	5-1-2016
836-009-0035	4-8-2016	Repeal	5-1-2016	836-053-0510	4-8-2016	Amend	5-1-2016
836-009-0040	4-8-2016	Repeal	5-1-2016	836-053-0600	1-1-2016	Adopt	2-1-2016
836-010-0013	4-8-2016	Amend	5-1-2016	836-053-0600(T)	1-1-2016	Repeal	2-1-2016
836-010-0013	4-28-2016	Amend(T)	6-1-2016	836-053-0605	1-1-2016	Adopt	2-1-2016
836-010-0155	4-26-2016	Adopt	6-1-2016	836-053-0605(T)	1-1-2016	Repeal	2-1-2016
836-011-0000	2-3-2016	Amend	3-1-2016	836-053-0610	1-1-2016	Adopt	2-1-2016
836-027-0005	3-3-2016	Amend	4-1-2016	836-053-0610(T)	1-1-2016	Repeal	2-1-2016
836-027-0010	3-3-2016	Amend	4-1-2016	836-053-0615	1-1-2016	Adopt	2-1-2016
836-027-0012	3-3-2016	Amend	4-1-2016	836-053-0615(T)	1-1-2016	Repeal	2-1-2016
836-027-0100	3-3-2016	Amend	4-1-2016	836-053-0825	4-8-2016	Amend	5-1-2016
836-027-0125	3-3-2016	Amend	4-1-2016	836-053-0830	4-8-2016	Amend	5-1-2016
836-027-0140	3-3-2016	Amend	4-1-2016	836-053-0835	4-8-2016	Amend	5-1-2016
836-027-0160	3-3-2016	Amend	4-1-2016	836-053-1020	12-17-2015	Amend(T)	2-1-2016
836-051-0150	1-1-2016	Adopt	2-1-2016	836-053-1020	4-26-2016	Amend	6-1-2016
836-051-0153	1-1-2016	Adopt	2-1-2016	836-053-1404	12-17-2015	Amend(T)	2-1-2016
836-051-0156	1-1-2016	Adopt	2-1-2016	836-053-1404	4-26-2016	Amend	6-1-2016
836-052-0142	1-1-2016	Amend	2-1-2016	836-053-1405	12-17-2015	Amend(T)	2-1-2016
836-052-0536	7-6-2016	Repeal	8-1-2016	836-053-1405	4-26-2016	Amend	6-1-2016
836-052-0740	7-6-2016	Amend	8-1-2016	836-053-1406	4-26-2016	Am. & Ren.	6-1-2016
836-052-1000	4-8-2016	Amend	5-1-2016	836-053-1500	4-8-2016	Adopt	5-1-2016
836-053-0002	12-17-2015	Amend(T)	2-1-2016	836-053-1500(T)	4-8-2016	Repeal	5-1-2016
836-053-0002	4-26-2016	Amend	6-1-2016	836-053-1505	4-8-2016	Adopt	5-1-2016
836-053-0004	12-17-2015	Adopt(T)	2-1-2016	836-053-1505(T)	4-8-2016	Repeal	5-1-2016
836-053-0004	4-26-2016	Adopt	6-1-2016	836-053-1510	4-8-2016	Adopt	5-1-2016
836-053-0004(T)	4-26-2016	Repeal	6-1-2016	836-053-1510(T)	4-8-2016	Repeal	5-1-2016
836-053-0008	12-17-2015	Amend(T)	2-1-2016	836-054-0000	1-1-2016	Amend	2-1-2016
836-053-0008	4-26-2016	Amend	6-1-2016	836-054-0000(T)	1-1-2016	Repeal	2-1-2016
836-053-0009	12-17-2015	Amend(T)	2-1-2016	836-054-0020	1-1-2016	Adopt	2-1-2016
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836-053-0010	4-8-2016	Amend	5-1-2016	836-071-0354	1-1-2016	Adopt	2-1-2016
836-053-0010	4-26-2016	Am. & Ren.	6-1-2016	836-071-0354	1-20-2016	Adopt	3-1-2016
836-053-0012	12-17-2015	Adopt(T)	2-1-2016	836-071-0355	1-1-2016	Amend	2-1-2016
836-053-0012	4-26-2016	Adopt	6-1-2016	836-071-0355	1-20-2016	Amend	3-1-2016
836-053-0012(T)	4-26-2016	Repeal	6-1-2016	836-071-0370	1-1-2016	Amend	2-1-2016
836-053-0013	12-17-2015	Adopt(T)	2-1-2016	836-071-0370	1-20-2016	Amend	3-1-2016
836-053-0013	4-26-2016	Adopt	6-1-2016	836-071-0380	1-1-2016	Amend	2-1-2016
836-053-0013(T)	4-26-2016	Repeal	6-1-2016	836-071-0380	1-20-2016	Amend	3-1-2016
836-053-0014(T)	4-8-2016	Repeal	5-1-2016	836-071-0450	7-1-2016	Adopt	8-1-2016
836-053-0015	4-8-2016	Adopt	5-1-2016	837-012-0305	1-1-2016	Amend	2-1-2016
836-053-0015(T)	4-8-2016	Repeal	5-1-2016	837-012-0310	1-1-2016	Amend	2-1-2016
836-053-0021	4-8-2016	Amend	5-1-2016	837-012-0315	1-1-2016	Amend	2-1-2016
836-053-0030	4-8-2016	Amend	5-1-2016	837-012-0320	1-1-2016	Amend	2-1-2016
836-053-0050	4-8-2016	Amend	5-1-2016	837-012-0325	1-1-2016	Amend	2-1-2016
836-053-0066	4-8-2016	Amend	5-1-2016	837-012-0330	1-1-2016	Amend	2-1-2016

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837-012-0350	1-1-2016	Amend	2-1-2016	837-012-0900	1-1-2016	Amend	2-1-2016
837-012-0360	1-1-2016	Amend	2-1-2016	837-012-0910	1-1-2016	Amend	2-1-2016
837-012-0370	1-1-2016	Amend	2-1-2016	837-012-0920	1-1-2016	Amend	2-1-2016
837-012-0500	1-1-2016	Amend	2-1-2016	837-012-0940	1-1-2016	Amend	2-1-2016
837-012-0510	1-1-2016	Amend	2-1-2016	837-012-0950	1-1-2016	Amend	2-1-2016
837-012-0515	1-1-2016	Amend	2-1-2016	837-012-0960	1-1-2016	Amend	2-1-2016
837-012-0520	1-1-2016	Amend	2-1-2016	837-012-0970	1-1-2016	Amend	2-1-2016
837-012-0525	1-1-2016	Amend	2-1-2016	837-012-1000	1-1-2016	Amend	2-1-2016
837-012-0530	1-1-2016	Amend	2-1-2016	837-012-1010	1-1-2016	Amend	2-1-2016
837-012-0535	1-1-2016	Amend	2-1-2016	837-012-1020	1-1-2016	Amend	2-1-2016
837-012-0540	1-1-2016	Amend	2-1-2016	837-012-1030	1-1-2016	Amend	2-1-2016
837-012-0545	1-1-2016	Amend	2-1-2016	837-012-1040	1-1-2016	Amend	2-1-2016
837-012-0550	1-1-2016	Amend	2-1-2016	837-012-1050	1-1-2016	Amend	2-1-2016
837-012-0555	1-1-2016	Amend	2-1-2016	837-012-1060	1-1-2016	Amend	2-1-2016
837-012-0560	1-1-2016	Amend	2-1-2016	837-012-1070	1-1-2016	Amend	2-1-2016
837-012-0565	1-1-2016	Amend	2-1-2016	837-012-1080	1-1-2016	Amend	2-1-2016
837-012-0570	1-1-2016	Amend	2-1-2016	837-012-1090	1-1-2016	Amend	2-1-2016
837-012-0600	1-1-2016	Amend	2-1-2016	837-012-1100	1-1-2016	Amend	2-1-2016
837-012-0610	1-1-2016	Amend	2-1-2016	837-012-1110	1-1-2016	Amend	2-1-2016
837-012-0615	1-1-2016	Amend	2-1-2016	837-012-1120	1-1-2016	Amend	2-1-2016
837-012-0620	1-1-2016	Amend	2-1-2016	837-012-1130	1-1-2016	Amend	2-1-2016
837-012-0625	1-1-2016	Amend	2-1-2016	837-012-1140	1-1-2016	Amend	2-1-2016
837-012-0630	1-1-2016	Amend	2-1-2016	837-012-1150	1-1-2016	Amend	2-1-2016
837-012-0635	1-1-2016	Amend	2-1-2016	837-012-1160	1-1-2016	Amend	2-1-2016
837-012-0640	1-1-2016	Amend	2-1-2016	837-090-1030	7-1-2016	Amend	8-1-2016
837-012-0645	1-1-2016	Amend	2-1-2016	839-005-0003	1-1-2016	Amend	2-1-2016
837-012-0650	1-1-2016	Amend	2-1-2016	839-005-0400	1-1-2016	Amend	2-1-2016
837-012-0655	1-1-2016	Amend	2-1-2016	839-007-0000	1-1-2016	Adopt	1-1-2016
837-012-0660	1-1-2016	Amend	2-1-2016	839-007-0005	1-1-2016	Adopt	1-1-2016
837-012-0665	1-1-2016	Amend	2-1-2016	839-007-0007	1-1-2016	Adopt	1-1-2016
837-012-0670	1-1-2016	Amend	2-1-2016	839-007-0010	1-1-2016	Adopt	1-1-2016
837-012-0675	1-1-2016	Amend	2-1-2016	839-007-0012	1-1-2016	Adopt	1-1-2016
837-012-0700	1-1-2016	Amend	2-1-2016	839-007-0015	1-1-2016	Adopt	1-1-2016
837-012-0710	1-1-2016	Amend	2-1-2016	839-007-0020	1-1-2016	Adopt	1-1-2016
837-012-0720	1-1-2016	Amend	2-1-2016	839-007-0025	1-1-2016	Adopt	1-1-2016
837-012-0730	1-1-2016	Amend	2-1-2016	839-007-0030	1-1-2016	Adopt	1-1-2016
837-012-0740	1-1-2016	Amend	2-1-2016	839-007-0032	1-1-2016	Adopt	1-1-2016
837-012-0750	1-1-2016	Amend	2-1-2016	839-007-0035	1-1-2016	Adopt	1-1-2016
837-012-0760	1-1-2016	Amend	2-1-2016	839-007-0040	1-1-2016	Adopt	1-1-2016
837-012-0770	1-1-2016	Amend	2-1-2016	839-007-0045	1-1-2016	Adopt	1-1-2016
837-012-0780	1-1-2016	Amend	2-1-2016	839-007-0050	1-1-2016	Adopt	1-1-2016
837-012-0790	1-1-2016	Amend	2-1-2016	839-007-0055	1-1-2016	Adopt	1-1-2016
837-012-0800	1-1-2016	Amend	2-1-2016	839-007-0060	1-1-2016	Adopt	1-1-2016
837-012-0810	1-1-2016	Amend	2-1-2016	839-007-0065	1-1-2016	Adopt	1-1-2016
837-012-0820	1-1-2016	Amend	2-1-2016	839-007-0100	1-1-2016	Adopt	1-1-2016
837-012-0830	1-1-2016	Amend	2-1-2016	839-007-0120	1-1-2016	Adopt	1-1-2016
837-012-0835	1-1-2016	Amend	2-1-2016	839-009-0270	1-1-2016	Amend	2-1-2016
837-012-0840	1-1-2016	Amend	2-1-2016	839-020-0004	7-1-2016	Amend	7-1-2016
837-012-0850	1-1-2016	Amend	2-1-2016	839-020-0010	7-1-2016	Amend	7-1-2016
837-012-0855	1-1-2016	Amend	2-1-2016	839-020-0011	7-1-2016	Adopt	7-1-2016
837-012-0860	1-1-2016	Amend	2-1-2016	839-020-0012	1-1-2017	Amend	10-1-2016
837-012-0865	1-1-2016	Amend	2-1-2016	839-020-0030	1-1-2016	Amend	2-1-2016
837-012-0870	1-1-2016	Amend	2-1-2016	839-020-0042	1-1-2016	Amend	2-1-2016
837-012-0875	1-1-2016	Amend	2-1-2016	839-020-0052	1-1-2016	Adopt	2-1-2016
837-012-0880	1-1-2016	Amend	2-1-2016	839-020-0080	1-1-2017	Amend	10-1-2016

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839-020-0125	1-1-2016	Amend	2-1-2016	845-025-1030	6-29-2016	Adopt	8-1-2016
839-020-1010	1-1-2016	Amend	2-1-2016	845-025-1030	6-30-2016	Amend(T)	8-1-2016
839-025-0004	3-31-2016	Amend	5-1-2016	845-025-1045	1-1-2016	Adopt(T)	1-1-2016
839-025-0020	3-31-2016	Amend	5-1-2016	845-025-1045	6-29-2016	Adopt	8-1-2016
839-025-0037	3-31-2016	Amend	5-1-2016	845-025-1045	6-30-2016	Amend(T)	8-1-2016
839-025-0100	3-31-2016	Amend	5-1-2016	845-025-1060	1-1-2016	Adopt(T)	1-1-2016
839-025-0320	3-31-2016	Amend	5-1-2016	845-025-1060	6-29-2016	Adopt	8-1-2016
839-025-0530	3-31-2016	Amend	5-1-2016	845-025-1060	6-30-2016	Amend(T)	8-1-2016
839-025-0700	1-1-2016	Amend	1-1-2016	845-025-1070	1-1-2016	Adopt(T)	1-1-2016
839-025-0700	4-1-2016	Amend	5-1-2016	845-025-1070	6-29-2016	Adopt	8-1-2016
839-025-0700	7-1-2016	Amend	7-1-2016	845-025-1080	1-1-2016	Adopt(T)	1-1-2016
839-025-0700	8-16-2016	Amend	10-1-2016	845-025-1080	6-29-2016	Adopt	8-1-2016
839-025-0700	10-1-2016	Amend	10-1-2016	845-025-1090	1-1-2016	Adopt(T)	1-1-2016
839-025-0700	10-7-2016	Amend	11-1-2016	845-025-1090	6-29-2016	Adopt	8-1-2016
845-003-0210	2-23-2016	Amend(T)	4-1-2016	845-025-1090	6-30-2016	Amend(T)	8-1-2016
845-003-0210	8-19-2016	Amend	10-1-2016	845-025-1100	1-1-2016	Adopt(T)	1-1-2016
845-003-0220	2-23-2016	Amend(T)	4-1-2016	845-025-1100	6-29-2016	Adopt	8-1-2016
845-003-0220	8-19-2016	Amend	10-1-2016	845-025-1115	1-1-2016	Adopt(T)	1-1-2016
845-003-0270	2-23-2016	Amend(T)	4-1-2016	845-025-1115	1-1-2016	Amend(T)	2-1-2016
845-003-0270	8-19-2016	Amend	10-1-2016	845-025-1115	6-29-2016	Adopt	8-1-2016
845-003-0331	2-23-2016	Amend(T)	4-1-2016	845-025-1115	6-30-2016	Amend(T)	8-1-2016
845-003-0331	8-19-2016	Amend	10-1-2016	845-025-1130	1-1-2016	Adopt(T)	1-1-2016
845-004-0015	2-23-2016	Amend(T)	4-1-2016	845-025-1130	6-29-2016	Adopt	8-1-2016
845-004-0015	8-19-2016	Amend	10-1-2016	845-025-1145	1-1-2016	Adopt(T)	1-1-2016
845-004-0031	9-3-2016	Adopt	10-1-2016	845-025-1145	6-29-2016	Adopt	8-1-2016
845-004-0101	2-1-2016	Amend	2-1-2016	845-025-1160	1-1-2016	Adopt(T)	1-1-2016
845-004-0105	2-1-2016	Repeal	2-1-2016	845-025-1160	6-29-2016	Adopt	8-1-2016
845-005-0400	3-1-2016	Amend	4-1-2016	845-025-1175	1-1-2016	Adopt(T)	1-1-2016
845-005-0413	2-1-2016	Amend	2-1-2016	845-025-1175	6-29-2016	Adopt	8-1-2016
845-005-0417	1-1-2016	Amend(T)	2-1-2016	845-025-1190	1-1-2016	Adopt(T)	1-1-2016
845-005-0417	6-29-2016	Amend	8-1-2016	845-025-1190	6-29-2016	Adopt	8-1-2016
845-005-0420	1-1-2016	Suspend	2-1-2016	845-025-1200	1-1-2016	Adopt(T)	1-1-2016
845-005-0420	6-29-2016	Repeal	8-1-2016	845-025-1200	6-29-2016	Adopt	8-1-2016
845-005-0428	4-1-2016	Amend	5-1-2016	845-025-1215	1-1-2016	Adopt(T)	1-1-2016
845-005-0431	2-1-2016	Amend	2-1-2016	845-025-1215	6-29-2016	Adopt	8-1-2016
845-006-0392	1-1-2016	Amend(T)	2-1-2016	845-025-1230	1-1-2016	Adopt(T)	1-1-2016
845-006-0392	6-29-2016	Amend	8-1-2016	845-025-1230	6-29-2016	Adopt	8-1-2016
845-006-0396	1-1-2016	Amend(T)	2-1-2016	845-025-1245	1-1-2016	Adopt(T)	1-1-2016
845-006-0396	6-29-2016	Amend	8-1-2016	845-025-1245	6-29-2016	Adopt	8-1-2016
845-006-0446	4-1-2016	Adopt	5-1-2016	845-025-1260	1-1-2016	Adopt(T)	1-1-2016
845-006-0450	4-1-2016	Amend	5-1-2016	845-025-1260	6-29-2016	Adopt	8-1-2016
845-006-0452	2-1-2016	Amend	2-1-2016	845-025-1275	1-1-2016	Adopt(T)	1-1-2016
845-013-0040	4-1-2016	Amend	5-1-2016	845-025-1275	6-29-2016	Adopt	8-1-2016
845-015-0130	6-29-2016	Repeal	8-1-2016	845-025-1290	1-1-2016	Adopt(T)	1-1-2016
845-015-0148	5-2-2016	Amend	6-1-2016	845-025-1290	6-29-2016	Adopt	8-1-2016
845-015-0155	6-29-2016	Amend	8-1-2016	845-025-1295	1-1-2016	Adopt(T)	1-1-2016
845-015-0175	6-29-2016	Amend	8-1-2016	845-025-1295	6-29-2016	Adopt	8-1-2016
845-015-0177	6-29-2016	Amend	8-1-2016	845-025-1300	1-1-2016	Adopt(T)	1-1-2016
845-015-0177	8-23-2016	Amend	10-1-2016	845-025-1300	6-29-2016	Adopt	8-1-2016
845-015-0190	6-29-2016	Amend	8-1-2016	845-025-1330	6-29-2016	Adopt	8-1-2016
845-025-1000	1-1-2016	Adopt(T)	1-1-2016	845-025-1360	6-29-2016	Adopt	8-1-2016
845-025-1000	6-29-2016	Adopt	8-1-2016	845-025-1400	1-1-2016	Adopt(T)	1-1-2016
845-025-1015	1-1-2016	Adopt(T)	1-1-2016	845-025-1400	6-29-2016	Adopt	8-1-2016
845-025-1015	6-29-2016	Adopt	8-1-2016	845-025-1405	6-29-2016	Adopt	8-1-2016
845-025-1015	6-30-2016	Amend(T)	8-1-2016	845-025-1410	1-1-2016	Adopt(T)	1-1-2016

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845-025-1410	6-29-2016	Adopt	8-1-2016	845-025-3200	6-29-2016	Adopt	8-1-2016
845-025-1420	1-1-2016	Adopt(T)	1-1-2016	845-025-3210	1-1-2016	Adopt(T)	1-1-2016
845-025-1420	6-29-2016	Adopt	8-1-2016	845-025-3210	6-29-2016	Adopt	8-1-2016
845-025-1430	1-1-2016	Adopt(T)	1-1-2016	845-025-3215	6-29-2016	Adopt	8-1-2016
845-025-1430	6-29-2016	Adopt	8-1-2016	845-025-3215	6-30-2016	Amend(T)	8-1-2016
845-025-1440	1-1-2016	Adopt(T)	1-1-2016	845-025-3220	1-1-2016	Adopt(T)	1-1-2016
845-025-1440	6-29-2016	Adopt	8-1-2016	845-025-3220	6-29-2016	Adopt	8-1-2016
845-025-1450	1-1-2016	Adopt(T)	1-1-2016	845-025-3230	1-1-2016	Adopt(T)	1-1-2016
845-025-1450	6-29-2016	Adopt	8-1-2016	845-025-3230	6-29-2016	Adopt	8-1-2016
845-025-1460	1-1-2016	Adopt(T)	1-1-2016	845-025-3240	1-1-2016	Adopt(T)	1-1-2016
845-025-1460	6-29-2016	Adopt	8-1-2016	845-025-3240	6-29-2016	Adopt	8-1-2016
845-025-1470	1-1-2016	Adopt(T)	1-1-2016	845-025-3250	1-1-2016	Adopt(T)	1-1-2016
845-025-1470	6-29-2016	Adopt	8-1-2016	845-025-3250	6-29-2016	Adopt	8-1-2016
845-025-1600	1-1-2016	Adopt(T)	1-1-2016	845-025-3260	1-1-2016	Adopt(T)	1-1-2016
845-025-1600	6-29-2016	Adopt	8-1-2016	845-025-3260	6-29-2016	Adopt	8-1-2016
845-025-1620	1-1-2016	Adopt(T)	1-1-2016	845-025-3280	1-1-2016	Adopt(T)	1-1-2016
845-025-1620	6-29-2016	Adopt	8-1-2016	845-025-3280	6-29-2016	Adopt	8-1-2016
845-025-2000	1-1-2016	Adopt(T)	1-1-2016	845-025-3290	1-1-2016	Adopt(T)	1-1-2016
845-025-2000	6-29-2016	Adopt	8-1-2016	845-025-3290	6-29-2016	Adopt	8-1-2016
845-025-2020	1-1-2016	Adopt(T)	1-1-2016	845-025-3300	6-30-2016	Adopt(T)	8-1-2016
845-025-2020	6-29-2016	Adopt	8-1-2016	845-025-3310	6-30-2016	Adopt(T)	8-1-2016
845-025-2020	6-30-2016	Amend(T)	8-1-2016	845-025-3310	9-20-2016	Amend(T)	11-1-2016
845-025-2030	1-1-2016	Adopt(T)	1-1-2016	845-025-3500	1-1-2016	Adopt(T)	1-1-2016
845-025-2030	6-29-2016	Adopt	8-1-2016	845-025-3500	6-29-2016	Adopt	8-1-2016
845-025-2030	6-30-2016	Amend(T)	8-1-2016	845-025-3500	6-30-2016	Amend(T)	8-1-2016
845-025-2040	1-1-2016	Adopt(T)	1-1-2016	845-025-3510	6-30-2016	Adopt(T)	8-1-2016
845-025-2040	6-29-2016	Adopt	8-1-2016	845-025-3600	6-30-2016	Adopt(T)	8-1-2016
845-025-2050	1-1-2016	Adopt(T)	1-1-2016	845-025-5000	1-1-2016	Adopt(T)	1-1-2016
845-025-2050	6-29-2016	Adopt	8-1-2016	845-025-5000	6-29-2016	Adopt	8-1-2016
845-025-2060	1-1-2016	Adopt(T)	1-1-2016	845-025-5000	6-30-2016	Amend(T)	8-1-2016
845-025-2060	6-29-2016	Adopt	8-1-2016	845-025-5030	1-1-2016	Adopt(T)	1-1-2016
845-025-2060	6-30-2016	Amend(T)	8-1-2016	845-025-5030	6-29-2016	Adopt	8-1-2016
845-025-2070	1-1-2016	Adopt(T)	1-1-2016	845-025-5045	1-1-2016	Adopt(T)	1-1-2016
845-025-2070	6-29-2016	Adopt	8-1-2016	845-025-5045	6-29-2016	Adopt	8-1-2016
845-025-2080	1-1-2016	Adopt(T)	1-1-2016	845-025-5060	1-1-2016	Adopt(T)	1-1-2016
845-025-2080	6-29-2016	Adopt	8-1-2016	845-025-5060	6-29-2016	Adopt	8-1-2016
845-025-2100	6-30-2016	Adopt(T)	8-1-2016	845-025-5075	1-1-2016	Adopt(T)	1-1-2016
845-025-2400	1-1-2016	Adopt(T)	1-1-2016	845-025-5075	6-29-2016	Adopt	8-1-2016
845-025-2800	1-1-2016	Adopt(T)	1-1-2016	845-025-5300	1-1-2016	Adopt(T)	1-1-2016
845-025-2800	6-29-2016	Adopt	8-1-2016	845-025-5300	6-29-2016	Adopt	8-1-2016
845-025-2800	6-30-2016	Amend(T)	8-1-2016	845-025-5300	6-30-2016	Amend(T)	8-1-2016
845-025-2820	1-1-2016	Adopt(T)	1-1-2016	845-025-5350	1-1-2016	Adopt(T)	1-1-2016
845-025-2820	6-29-2016	Adopt	8-1-2016	845-025-5350	6-29-2016	Adopt	8-1-2016
845-025-2840	1-1-2016	Adopt(T)	1-1-2016	845-025-5350	6-30-2016	Amend(T)	8-1-2016
845-025-2840	6-29-2016	Adopt	8-1-2016	845-025-5500	1-1-2016	Adopt(T)	1-1-2016
845-025-2840	6-30-2016	Amend(T)	8-1-2016	845-025-5500	6-29-2016	Adopt	8-1-2016
845-025-2860	1-1-2016	Adopt(T)	1-1-2016	845-025-5500	6-30-2016	Amend(T)	8-1-2016
845-025-2860	6-29-2016	Adopt	8-1-2016	845-025-5520	1-1-2016	Adopt(T)	1-1-2016
845-025-2880	1-1-2016	Adopt(T)	1-1-2016	845-025-5520	6-29-2016	Adopt	8-1-2016
845-025-2880	6-29-2016	Adopt	8-1-2016	845-025-5540	1-1-2016	Adopt(T)	1-1-2016
845-025-2890	1-1-2016	Adopt(T)	1-1-2016	845-025-5540	6-29-2016	Adopt	8-1-2016
845-025-2890	6-29-2016	Adopt	8-1-2016	845-025-5540	6-30-2016	Amend(T)	8-1-2016
845-025-2900	6-30-2016	Adopt(T)	8-1-2016	845-025-5560	1-1-2016	Adopt(T)	1-1-2016
845-025-2910	6-30-2016	Adopt(T)	8-1-2016	845-025-5560	6-29-2016	Adopt	8-1-2016
845-025-2910	9-20-2016	Amend(T)	11-1-2016	845-025-5580	1-1-2016	Adopt(T)	1-1-2016
845-025-3200	1-1-2016	Adopt(T)	1-1-2016	845-025-5580	6-29-2016	Adopt	8-1-2016

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845-025-5590	6-29-2016	Adopt	8-1-2016	845-025-8520	6-29-2016	Adopt	8-1-2016
845-025-5700	1-1-2016	Adopt(T)	1-1-2016	845-025-8540	1-1-2016	Adopt(T)	1-1-2016
845-025-5700	6-29-2016	Adopt	8-1-2016	845-025-8540	6-29-2016	Adopt	8-1-2016
845-025-5700	9-30-2016	Amend(T)	11-1-2016	845-025-8560	1-1-2016	Adopt(T)	1-1-2016
845-025-5720	1-1-2016	Adopt(T)	1-1-2016	845-025-8560	6-29-2016	Adopt	8-1-2016
845-025-5720	6-29-2016	Adopt	8-1-2016	845-025-8570	6-29-2016	Adopt	8-1-2016
845-025-5730	6-29-2016	Adopt	8-1-2016	845-025-8580	1-1-2016	Adopt(T)	1-1-2016
845-025-5740	1-1-2016	Adopt(T)	1-1-2016	845-025-8580	6-29-2016	Adopt	8-1-2016
845-025-5740	6-29-2016	Adopt	8-1-2016	845-025-8590	1-1-2016	Adopt(T)	1-1-2016
845-025-5760	1-1-2016	Adopt(T)	1-1-2016	845-025-8590	6-29-2016	Adopt	8-1-2016
845-025-5760	6-29-2016	Adopt	8-1-2016	845-025-8700	6-29-2016	Adopt	8-1-2016
845-025-5790	6-29-2016	Adopt	8-1-2016	847-001-0015	1-8-2016	Amend	2-1-2016
845-025-7000	1-1-2016	Adopt(T)	1-1-2016	847-001-0024	10-7-2016	Amend	11-1-2016
845-025-7000	6-29-2016	Adopt	8-1-2016	847-001-0045	10-7-2016	Amend	11-1-2016
845-025-7000	9-30-2016	Amend(T)	11-1-2016	847-002-0000	10-7-2016	Repeal	11-1-2016
845-025-7020	1-1-2016	Adopt(T)	1-1-2016	847-002-0005	10-7-2016	Repeal	11-1-2016
845-025-7020	2-23-2016	Amend(T)	4-1-2016	847-002-0010	10-7-2016	Repeal	11-1-2016
845-025-7020	6-29-2016	Adopt	8-1-2016	847-002-0015	10-7-2016	Repeal	11-1-2016
845-025-7020	8-23-2016	Amend(T)	10-1-2016	847-002-0020	10-7-2016	Repeal	11-1-2016
845-025-7030	6-29-2016	Adopt	8-1-2016	847-002-0025	10-7-2016	Repeal	11-1-2016
845-025-7030	9-30-2016	Amend(T)	11-1-2016	847-002-0030	10-7-2016	Repeal	11-1-2016
845-025-7040	1-1-2016	Adopt(T)	1-1-2016	847-002-0035	10-7-2016	Repeal	11-1-2016
845-025-7040	6-29-2016	Adopt	8-1-2016	847-002-0040	10-7-2016	Repeal	11-1-2016
845-025-7060	1-1-2016	Adopt(T)	1-1-2016	847-002-0045	10-7-2016	Amend	11-1-2016
845-025-7060	6-29-2016	Adopt	8-1-2016	847-005-0005	1-8-2016	Amend	2-1-2016
845-025-7500	1-1-2016	Adopt(T)	1-1-2016	847-005-0005	10-7-2016	Amend	11-1-2016
845-025-7500	6-29-2016	Adopt	8-1-2016	847-008-0003	10-7-2016	Amend	11-1-2016
845-025-7520	1-1-2016	Adopt(T)	1-1-2016	847-008-0020	1-8-2016	Amend	2-1-2016
845-025-7520	6-29-2016	Adopt	8-1-2016	847-008-0022	1-8-2016	Amend	2-1-2016
845-025-7540	1-1-2016	Adopt(T)	1-1-2016	847-008-0023	1-8-2016	Amend	2-1-2016
845-025-7540	6-29-2016	Adopt	8-1-2016	847-008-0025	1-8-2016	Amend	2-1-2016
845-025-7560	1-1-2016	Adopt(T)	1-1-2016	847-008-0030	1-8-2016	Amend	2-1-2016
845-025-7560	6-29-2016	Adopt	8-1-2016	847-008-0035	1-8-2016	Amend	2-1-2016
845-025-7570	6-29-2016	Adopt	8-1-2016	847-008-0037	1-8-2016	Amend	2-1-2016
845-025-7580	1-1-2016	Adopt(T)	1-1-2016	847-008-0050	1-8-2016	Amend	2-1-2016
845-025-7580	6-29-2016	Adopt	8-1-2016	847-008-0055	1-8-2016	Amend	2-1-2016
845-025-7580	9-20-2016	Amend(T)	11-1-2016	847-008-0055	10-7-2016	Amend	11-1-2016
845-025-7590	1-1-2016	Adopt(T)	1-1-2016	847-008-0056	1-8-2016	Repeal	2-1-2016
845-025-7590	6-29-2016	Adopt	8-1-2016	847-008-0068	10-7-2016	Amend	11-1-2016
845-025-7700	1-1-2016	Adopt(T)	1-1-2016	847-008-0070	4-8-2016	Amend	5-1-2016
845-025-7700	6-29-2016	Adopt	8-1-2016	847-010-0073	1-8-2016	Amend	2-1-2016
845-025-7750	1-1-2016	Adopt(T)	1-1-2016	847-015-0005	7-8-2016	Amend	8-1-2016
845-025-7750	6-29-2016	Adopt	8-1-2016	847-015-0010	7-8-2016	Amend	8-1-2016
845-025-8000	1-1-2016	Adopt(T)	1-1-2016	847-015-0030	7-8-2016	Amend	8-1-2016
845-025-8000	6-29-2016	Adopt	8-1-2016	847-017-0003	4-8-2016	Amend	5-1-2016
845-025-8020	1-1-2016	Adopt(T)	1-1-2016	847-017-0015	4-8-2016	Amend	5-1-2016
845-025-8020	6-29-2016	Adopt	8-1-2016	847-017-0020	4-8-2016	Amend	5-1-2016
845-025-8040	1-1-2016	Adopt(T)	1-1-2016	847-020-0135	1-1-2016	Adopt	1-1-2016
845-025-8040	6-29-2016	Adopt	8-1-2016	847-020-0150	10-7-2016	Amend	11-1-2016
845-025-8060	1-1-2016	Adopt(T)	1-1-2016	847-020-0183	10-7-2016	Amend	11-1-2016
845-025-8060	6-29-2016	Adopt	8-1-2016	847-023-0005	4-8-2016	Amend	5-1-2016
845-025-8080	1-1-2016	Adopt(T)	1-1-2016	847-023-0010	10-7-2016	Amend	11-1-2016
845-025-8080	6-29-2016	Adopt	8-1-2016	847-026-0015	10-7-2016	Amend	11-1-2016
845-025-8500	1-1-2016	Adopt(T)	1-1-2016	847-050-0010	9-1-2016	Amend	8-1-2016
845-025-8500	6-29-2016	Adopt	8-1-2016	847-050-0025	1-8-2016	Amend	2-1-2016

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847-050-0025(T)	1-8-2016	Repeal	2-1-2016	852-010-0015	4-1-2016	Amend	4-1-2016
847-050-0027	9-1-2016	Amend	8-1-2016	852-010-0080	4-1-2016	Amend	4-1-2016
847-050-0036	9-1-2016	Adopt	8-1-2016	852-010-0080	4-8-2016	Amend	5-1-2016
847-050-0037	9-1-2016	Amend	8-1-2016	852-050-0006	4-1-2016	Amend	4-1-2016
847-050-0040	9-1-2016	Amend	8-1-2016	852-050-0014	4-1-2016	Amend	4-1-2016
847-050-0043	1-8-2016	Amend	2-1-2016	852-050-0018	4-1-2016	Amend	4-1-2016
847-050-0043	10-7-2016	Amend	11-1-2016	852-050-0025	4-1-2016	Amend	4-1-2016
847-050-0063	1-8-2016	Repeal	2-1-2016	852-050-0025	4-8-2016	Amend	5-1-2016
847-050-0065	1-8-2016	Repeal	2-1-2016	852-070-0010	4-1-2016	Amend	4-1-2016
847-070-0019	10-7-2016	Amend	11-1-2016	852-070-0020	4-1-2016	Amend	4-1-2016
847-070-0045	1-8-2016	Amend	2-1-2016	852-070-0035	4-1-2016	Amend	4-1-2016
847-070-0045	10-7-2016	Amend	11-1-2016	852-070-0037	4-1-2016	Adopt	4-1-2016
847-080-0010	4-8-2016	Amend	5-1-2016	852-070-0047	4-1-2016	Adopt	4-1-2016
847-080-0013	10-7-2016	Amend	11-1-2016	855-006-0005	12-23-2015	Amend	2-1-2016
847-080-0018	4-8-2016	Amend	5-1-2016	855-006-0005	7-1-2016	Amend	8-1-2016
847-080-0021	4-8-2016	Amend	5-1-2016	855-006-0020	7-1-2016	Adopt	8-1-2016
847-080-0021	10-7-2016	Amend	11-1-2016	855-019-0110	12-23-2015	Amend	2-1-2016
847-080-0022	4-8-2016	Amend	5-1-2016	855-019-0200	12-23-2015	Amend	2-1-2016
847-080-0035	4-8-2016	Amend	5-1-2016	855-019-0264	12-23-2015	Adopt	2-1-2016
850-005-0190	12-30-2015	Amend	2-1-2016	855-019-0270	12-23-2015	Amend	2-1-2016
850-030-0035	10-12-2016	Amend	11-1-2016	855-019-0280	12-23-2015	Amend	2-1-2016
850-050-0010	10-12-2016	Amend	11-1-2016	855-019-0400	5-1-2016	Adopt	6-1-2016
850-050-0190	10-12-2016	Amend	11-1-2016	855-019-0400(T)	5-1-2016	Repeal	6-1-2016
850-060-0223	10-12-2016	Adopt	11-1-2016	855-019-0405	5-1-2016	Adopt	6-1-2016
850-060-0225	10-12-2016	Repeal	11-1-2016	855-019-0405(T)	5-1-2016	Repeal	6-1-2016
850-060-0226	12-30-2015	Amend	2-1-2016	855-019-0410	5-1-2016	Adopt	6-1-2016
850-060-0226	10-12-2016	Amend	11-1-2016	855-019-0410(T)	5-1-2016	Repeal	6-1-2016
851-002-0010	8-1-2016	Amend	8-1-2016	855-019-0415	5-1-2016	Adopt	6-1-2016
851-002-0010	9-22-2016	Amend	10-1-2016	855-019-0415(T)	5-1-2016	Repeal	6-1-2016
851-002-0040	9-22-2016	Amend	10-1-2016	855-019-0420	5-1-2016	Adopt	6-1-2016
851-031-0005	1-1-2016	Amend	1-1-2016	855-019-0420(T)	5-1-2016	Repeal	6-1-2016
851-031-0086	1-1-2016	Amend	1-1-2016	855-019-0425	5-1-2016	Adopt	6-1-2016
851-050-0001	9-13-2016	Amend(T)	10-1-2016	855-019-0425(T)	5-1-2016	Repeal	6-1-2016
851-050-0138	11-24-2015	Amend(T)	1-1-2016	855-019-0430	5-1-2016	Adopt	6-1-2016
851-050-0138	4-1-2016	Amend	4-1-2016	855-019-0430(T)	5-1-2016	Repeal	6-1-2016
851-056-0000	11-30-2015	Amend(T)	1-1-2016	855-019-0435	5-1-2016	Adopt	6-1-2016
851-056-0000	4-1-2016	Amend	4-1-2016	855-019-0435(T)	5-1-2016	Repeal	6-1-2016
851-056-0020	11-30-2015	Amend(T)	1-1-2016	855-019-0450	9-7-2016	Adopt(T)	10-1-2016
851-056-0020	4-1-2016	Amend	4-1-2016	855-019-0455	9-7-2016	Adopt(T)	10-1-2016
851-070-0000	8-1-2016	Amend	8-1-2016	855-019-0460	9-7-2016	Adopt(T)	10-1-2016
851-070-0005	8-1-2016	Amend	8-1-2016	855-025-0001	7-1-2016	Amend	8-1-2016
851-070-0010	8-1-2016	Amend	8-1-2016	855-025-0005	7-1-2016	Amend	8-1-2016
851-070-0020	8-1-2016	Amend	8-1-2016	855-025-0010	7-1-2016	Amend	8-1-2016
851-070-0025	8-1-2016	Adopt	8-1-2016	855-025-0012	7-1-2016	Amend	8-1-2016
851-070-0030	8-1-2016	Amend	8-1-2016	855-025-0015	12-23-2015	Amend	2-1-2016
851-070-0040	8-1-2016	Amend	8-1-2016	855-025-0015	7-1-2016	Amend	8-1-2016
851-070-0045	8-1-2016	Adopt	8-1-2016	855-025-0015(T)	12-23-2015	Repeal	2-1-2016
851-070-0050	8-1-2016	Amend	8-1-2016	855-025-0060	7-1-2016	Amend	8-1-2016
851-070-0060	8-1-2016	Amend	8-1-2016	855-041-1120	7-1-2016	Amend	2-1-2016
851-070-0070	8-1-2016	Amend	8-1-2016	855-041-2320	8-26-2016	Amend	10-1-2016
851-070-0075	8-1-2016	Adopt	8-1-2016	855-041-2340	9-7-2016	Adopt(T)	10-1-2016
851-070-0075	8-2-2016	Amend	9-1-2016	855-041-4200	7-1-2016	Amend	8-1-2016
851-070-0080	8-1-2016	Amend	8-1-2016	855-043-0110	7-1-2016	Repeal	8-1-2016
851-070-0090	8-1-2016	Amend	8-1-2016	855-043-0130	12-23-2015	Amend	2-1-2016
851-070-0100	8-1-2016	Amend	8-1-2016	855-043-0130	7-1-2016	Repeal	8-1-2016

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855-043-0300	7-1-2016	Repeal	8-1-2016	859-050-0025	3-17-2016	Amend	5-1-2016
855-043-0310	7-1-2016	Repeal	8-1-2016	859-050-0030	3-17-2016	Amend	5-1-2016
855-043-0700	7-1-2016	Adopt	8-1-2016	859-050-0035	3-17-2016	Amend	5-1-2016
855-043-0705	7-1-2016	Adopt	8-1-2016	859-050-0040	3-17-2016	Amend	5-1-2016
855-043-0710	7-1-2016	Adopt	8-1-2016	859-050-0045	3-17-2016	Amend	5-1-2016
855-043-0715	7-1-2016	Adopt	8-1-2016	859-050-0050	3-17-2016	Amend	5-1-2016
855-043-0720	7-1-2016	Adopt	8-1-2016	859-050-0055	3-17-2016	Amend	5-1-2016
855-043-0725	7-1-2016	Adopt	8-1-2016	859-050-0060	3-17-2016	Amend	5-1-2016
855-043-0730	7-1-2016	Adopt	8-1-2016	859-050-0065	3-17-2016	Amend	5-1-2016
855-043-0735	7-1-2016	Adopt	8-1-2016	859-050-0070	3-17-2016	Amend	5-1-2016
855-043-0740	7-1-2016	Adopt	8-1-2016	859-050-0075	3-17-2016	Amend	5-1-2016
855-043-0745	7-1-2016	Adopt	8-1-2016	859-050-0080	3-17-2016	Amend	5-1-2016
855-043-0750	7-1-2016	Adopt	8-1-2016	859-050-0083	3-17-2016	Adopt	5-1-2016
855-062-0040	12-23-2015	Amend	2-1-2016	859-050-0085	3-17-2016	Amend	5-1-2016
855-062-0040(T)	12-23-2015	Repeal	2-1-2016	859-050-0090	3-17-2016	Amend	5-1-2016
855-080-0021	8-22-2016	Amend(T)	10-1-2016	859-050-0095	3-17-2016	Amend	5-1-2016
855-090-0005	12-23-2015	Repeal	2-1-2016	859-050-0100	3-17-2016	Amend	5-1-2016
855-110-0003	7-1-2016	Amend	8-1-2016	859-050-0105	3-17-2016	Amend	5-1-2016
855-110-0005	7-1-2016	Amend	8-1-2016	859-200-0070	3-17-2016	Amend	5-1-2016
855-110-0007	7-1-2016	Amend	8-1-2016	859-400-0001	3-17-2016	Adopt	5-1-2016
855-110-0010	7-1-2016	Amend	8-1-2016	859-400-0005	3-17-2016	Adopt	5-1-2016
856-010-0010	3-31-2016	Amend	5-1-2016	859-400-0010	3-17-2016	Adopt	5-1-2016
856-010-0012	1-25-2016	Amend	3-1-2016	859-400-0015	3-17-2016	Adopt	5-1-2016
856-010-0012	2-10-2016	Amend	3-1-2016	859-400-0020	3-17-2016	Adopt	5-1-2016
856-010-0026	3-31-2016	Amend	5-1-2016	859-400-0025	3-17-2016	Adopt	5-1-2016
856-010-0027	8-23-2016	Amend	10-1-2016	859-400-0030	3-17-2016	Adopt	5-1-2016
856-010-0029	7-22-2016	Amend	9-1-2016	859-400-0035	3-17-2016	Adopt	5-1-2016
856-030-0040	5-25-2016	Amend(T)	7-1-2016	859-400-0040	3-17-2016	Adopt	5-1-2016
858-010-0007	2-1-2016	Amend	3-1-2016	859-400-0045	3-17-2016	Adopt	5-1-2016
858-010-0020	2-1-2016	Amend	3-1-2016	860-024-0020	5-17-2016	Amend	7-1-2016
858-010-0020	5-23-2016	Amend	7-1-2016	860-024-0021	5-17-2016	Amend	7-1-2016
858-010-0036	2-2-2016	Amend	3-1-2016	860-038-0300	3-10-2016	Amend	4-1-2016
858-010-0041	6-15-2016	Amend	7-1-2016	860-200-0005	5-3-2016	Adopt	6-1-2016
858-020-0075	5-23-2016	Amend	7-1-2016	860-200-0005(T)	5-3-2016	Repeal	6-1-2016
858-040-0035	2-1-2016	Amend	3-1-2016	860-200-0050	5-3-2016	Adopt	6-1-2016
858-040-0055	2-1-2016	Amend	3-1-2016	860-200-0050(T)	5-3-2016	Repeal	6-1-2016
858-040-0065	2-1-2016	Amend	3-1-2016	860-200-0100	5-3-2016	Adopt	6-1-2016
859-010-0005	12-3-2015	Amend(T)	1-1-2016	860-200-0100(T)	5-3-2016	Repeal	6-1-2016
859-010-0005	10-5-2016	Amend	11-1-2016	860-200-0150	5-3-2016	Adopt	6-1-2016
859-020-0005	3-17-2016	Amend	5-1-2016	860-200-0150(T)	5-3-2016	Repeal	6-1-2016
859-020-0010	3-17-2016	Amend	5-1-2016	863-060-0011	4-25-2016	Adopt	6-1-2016
859-020-0015	3-17-2016	Amend	5-1-2016	863-060-0011	5-13-2016	Adopt	6-1-2016
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859-030-0010	3-17-2016	Amend	5-1-2016	875-030-0050	8-4-2016	Amend(T)	9-1-2016
859-040-0005	3-17-2016	Amend	5-1-2016	877-001-0020	1-1-2016	Amend	2-1-2016
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859-040-0015	3-17-2016	Amend	5-1-2016	877-020-0005	12-15-2015	Amend	1-1-2016
859-040-0020	3-17-2016	Amend	5-1-2016	877-020-0009	3-14-2016	Amend(T)	4-1-2016
859-040-0025	3-17-2016	Amend	5-1-2016	877-020-0021	12-15-2015	Adopt	1-1-2016
859-045-0005	3-17-2016	Adopt	5-1-2016	877-030-0110	1-1-2016	Adopt	2-1-2016
859-045-0010	3-17-2016	Adopt	5-1-2016	918-020-0090	1-1-2016	Amend	1-1-2016
859-050-0001	3-17-2016	Adopt	5-1-2016	918-020-0090(T)	1-1-2016	Repeal	1-1-2016
859-050-0005	3-17-2016	Amend	5-1-2016	918-020-0095	9-29-2016	Amend(T)	11-1-2016
859-050-0010	3-17-2016	Amend	5-1-2016	918-098-1010	1-26-2016	Amend(T)	3-1-2016
859-050-0015	3-17-2016	Amend	5-1-2016	918-098-1010	4-1-2016	Amend	5-1-2016

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918-098-1012	4-1-2016	Amend	5-1-2016	918-440-0012	7-1-2016	Amend	8-1-2016
918-098-1012	7-1-2016	Amend	8-1-2016	918-460-0015	2-1-2016	Amend	3-1-2016
918-098-1015	4-1-2016	Amend	5-1-2016	918-460-0500	3-3-2016	Amend(T)	4-1-2016
918-098-1015	7-1-2016	Amend	8-1-2016	918-460-0500	8-30-2016	Amend(T)	10-1-2016
918-098-1025	1-26-2016	Amend(T)	3-1-2016	918-480-0010	2-1-2016	Amend	3-1-2016
918-098-1025	4-1-2016	Amend	5-1-2016	918-480-0100	6-28-2016	Suspend	8-1-2016
918-098-1025	7-1-2016	Amend	8-1-2016	918-480-0100	10-1-2016	Repeal	11-1-2016
918-098-1025(T)	4-1-2016	Repeal	5-1-2016	918-480-0110	6-28-2016	Suspend	8-1-2016
918-098-1028	7-1-2016	Amend	8-1-2016	918-480-0110	10-1-2016	Repeal	11-1-2016
918-098-1100	7-1-2016	Adopt	8-1-2016	918-480-0120	6-28-2016	Suspend	8-1-2016
918-098-1210	4-1-2016	Amend	5-1-2016	918-480-0120	10-1-2016	Repeal	11-1-2016
918-098-1215	4-1-2016	Amend	5-1-2016	918-480-0125	6-28-2016	Adopt(T)	8-1-2016
918-098-1305	4-1-2016	Amend	5-1-2016	918-480-0125	10-1-2016	Adopt	11-1-2016
918-098-1320	4-1-2016	Amend	5-1-2016	918-480-0125(T)	10-1-2016	Repeal	11-1-2016
918-098-1470	1-26-2016	Amend(T)	3-1-2016	918-695-0410	4-1-2016	Amend	5-1-2016
918-098-1470	4-1-2016	Amend	5-1-2016	943-120-0350	10-1-2016	Amend	11-1-2016
918-098-1470(T)	4-1-2016	Repeal	5-1-2016	945-030-0020	3-25-2016	Amend(T)	5-1-2016
918-098-1475	7-1-2016	Adopt	8-1-2016	945-030-0020	9-16-2016	Amend	11-1-2016
918-098-1480	1-26-2016	Amend(T)	3-1-2016	945-030-0030	4-12-2016	Amend	5-1-2016
918-098-1480	4-1-2016	Amend	5-1-2016	945-030-0035	4-12-2016	Repeal	5-1-2016
918-098-1480(T)	4-1-2016	Repeal	5-1-2016	945-060-0000	9-8-2016	Adopt	10-1-2016
918-098-1900	1-26-2016	Amend(T)	3-1-2016	945-060-0005	9-8-2016	Adopt	10-1-2016
918-098-1900	4-1-2016	Amend	5-1-2016	945-060-0010	9-8-2016	Adopt	10-1-2016
918-098-1900(T)	4-1-2016	Repeal	5-1-2016	945-060-0015	9-8-2016	Adopt	10-1-2016
918-271-0040	1-1-2016	Amend	1-1-2016	945-060-0020	9-8-2016	Adopt	10-1-2016
918-271-0105	4-1-2016	Adopt	5-1-2016	945-060-0025	9-8-2016	Adopt	10-1-2016
918-305-0105	9-7-2016	Amend(T)	10-1-2016	945-060-0030	9-8-2016	Adopt	10-1-2016
918-308-0000	9-29-2016	Amend(T)	11-1-2016	945-060-0035	9-8-2016	Adopt	10-1-2016
918-308-0010	9-29-2016	Amend(T)	11-1-2016	945-060-0040	9-8-2016	Adopt	10-1-2016
918-308-0020	9-29-2016	Amend(T)	11-1-2016	951-006-0000	6-21-2016	Amend	8-1-2016
918-308-0160	9-29-2016	Amend(T)	11-1-2016	951-006-0001	6-21-2016	Amend	8-1-2016
918-309-0000	4-1-2016	Amend	5-1-2016	951-006-0005	6-21-2016	Amend	8-1-2016
918-309-0030	4-1-2016	Amend	5-1-2016	951-006-0010	6-21-2016	Amend	8-1-2016
918-309-0040	4-1-2016	Amend	5-1-2016	951-006-0020	6-21-2016	Amend	8-1-2016
918-309-0060	4-1-2016	Amend	5-1-2016	976-002-0020	7-1-2016	Amend	8-1-2016