

# OREGON BULLETIN

*Supplements the 2016 Oregon Administrative Rules Compilation*

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**JEANNE P. ATKINS**  
Secretary of State  
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# INFORMATION ABOUT ADMINISTRATIVE RULES

## General Information

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

## Background on Oregon Administrative Rules

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

## OAR Citations

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

## Understanding an Administrative Rule’s “History”

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

## Locating Current Versions of Administrative Rules

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

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

## Locating Administrative Rule Publications

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

## Filing Administrative Rules and Notices

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

## Administrative Rules Coordinators and Delegation of Signing Authority

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

## Publication Authority

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

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

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# EXECUTIVE ORDERS

## EXECUTIVE ORDER NO. 16-14

### INVOCATION OF EMERGENCY CONFLAGRATION ACT FOR THE WASSEN POND FIRE IN WASCO COUNTY

Pursuant to my authority as Governor of the State of Oregon, I find that:

The fire known as the “Wassen Pond Fire” is burning in Wasco County.

The resources necessary for protecting life and property from the Wassen Pond Fire is beyond local capabilities. Assistance with life, safety, and structural fire protection was requested by Robert Palmer, Wasco County Fire Defense Board Chief. The State Fire Marshal concurs with that request.

In accordance with ORS 476.510-476.610, I have determined that a threat to life, safety, and property exists due to a fire known as the Wassen Pond Fire in Wasco County and the threat exceeds the fire-fighting capabilities of local firefighting personnel and equipment. Accordingly, I have invoked the Emergency Conflagration Act.

These findings were made at 11:00 a.m. on July 4, 2016 and I now confirm them with this Executive Order.

### NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The Oregon State Police and the Office of State Fire Marshal shall mobilize fire resources statewide and coordinate with all appropriate Fire Defense Chiefs for the use of personnel and equipment in accordance with the Emergency Conflagration Act to suppress and contain this fire. Resources responding to Wassen Pond Fire, burning near The Dalles may be redistributed by the State Fire Marshal.

2. This emergency is declared only for the Wassen Pond Fire threatening structures in Wasco County near the city of The Dalles.

3. This order was made by verbal proclamation at 11:00 a.m. the 4th day of July, 2016, and signed this 16th day of November, 2016, in Salem, Oregon.

/s/ Kate Brown  
Kate Brown  
GOVERNOR

ATTEST

/s/ Jeanne P. Atkins  
Jeanne P. Atkins  
SECRETARY OF STATE

## EXECUTIVE ORDER NO. 16-15

### REVOCATION OF EXECUTIVE ORDER 12-17

### IT IS HEREBY DIRECTED AND ORDERED:

1. Executive Order 12-17 is revoked.
2. This Executive Order shall be effective immediately and shall not expire.

Done at Salem, Oregon, this 29th day of November, 2016.

/s/ Kate Brown  
Kate Brown  
GOVERNOR  
ATTEST

/s/ Jeanne P. Atkins  
Jeanne P. Atkins  
SECRETARY OF STATE

## OTHER NOTICES

### REQUEST FOR COMMENTS PROPOSED CERTIFICATE OF COMPLETION AND NO FURTHER ACTION FOR METRO AT TUALATIN RIVER LAUNCH

**COMMENTS DUE:** 5 p.m., Tuesday, Jan. 3, 2017  
**PROJECT LOCATION:** 9655 SW River Road, Washington County

**PROPOSAL:** DEQ is preparing to certify that all actions required have been satisfactorily completed and plans to issue a letter of No Further Action for cleanup activities completed at the property. This project has resulted in both environmental and economic benefits.  
**HIGHLIGHTS:** In Feb. 2014, Metro entered a Prospective Purchaser Agreement Consent Order with DEQ and agreed to complete a Scope of Work on the subject property, including excavation of contaminated soils at various locations on the property.

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.

The Certification of Completion confirms Metro'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 order and certification of completion also provide Metro with third party liability protection.

**HOW TO COMMENT:** Send comments to DEQ Project Manager Rob Hood at 700 NE Multnomah Street, Suite 600, Portland, OR 97232 or at hood.rob@deq.state.or.us. For more information contact the project manager at (503) 229-5617.

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 ECSI #5841 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI #5841 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?SourceIdType=11&SourceId=5841&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 completion certification of the remedial actions taken at the site. A public notice of DEQ's final decision will be issued.

**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](mailto:deqinfo@deq.state.or.us). People with hearing impairments may call 711.

### REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION DETERMINATION FOR COMFORT AUTO

**COMMENTS DUE:** 5 p.m., Friday, Jan. 6, 2017  
**PROJECT LOCATION:** 2653 NE MLK Jr. Blvd., Portland  
**PROPOSAL:** DEQ proposes to issue a No Further Action determination for the Comfort Auto site on the corner of Knott Street and Martin Luther King Jr. Boulevard in northeast Portland, conditioned

upon adherence to restrictions recorded in an Easement and Equitable Servitudes attached to the property deed.

**HIGHLIGHTS:** A service station operated on the northeast corner of the Comfort Auto site from the 1920s until 1987. Investigations in 2015 and 2016 identified petroleum-contaminated soils in this area, extending north beneath Knott Street and east beneath MLK. DEQ proposes to place restrictive covenants on the future redevelopment of the site, as contaminant concentrations may exceed acceptable risk levels for urban residential or mixed uses. The site does not pose an unacceptable risk to public health or the environment in its current state.

**HOW TO COMMENT:** Send comments to DEQ Project Manager Kevin Dana at 700 NE Multnomah St., Suite 600, Portland, Oregon, 97232-4100 or [dana.kevin@deq.state.or.us](mailto:dana.kevin@deq.state.or.us). For more information contact the project manager at 503-229-5369.

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

Find the File Review Application form at: <https://www.oregon.gov/deq/Pages/pr.aspx>

To access site summary information and other documents in the DEQ Leaking Underground Storage Tank database, go to <http://www.deq.state.or.us/lq/tanks/lust/LustPublicLookup.asp>, then enter 26-15-1674 (without hyphens) in the LUST Number boxes and click "Lookup" at the bottom of the page. Next, click the link labeled 26-15-1674 in the Log Number 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=26-15-1674&SourceIdType=12>.

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 close of the comment period before making a final decision regarding the proposed No Further Action determination.

**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](mailto:deqinfo@deq.state.or.us).

### PUBLIC NOTICE PROPOSED CONDITIONAL NFA MCCALL SITE, ECSI # 134

**COMMENTS DUE:** 5 p.m., December 30, 2016  
**PROJECT LOCATION:** McCall Oil and Chemical Corporation Site, 5480 NW Front Avenue Portland; ECSI # 134

**PROPOSAL:** The Oregon Department of Environmental Quality proposes a Conditional No Further Action determination for the McCall Oil and Chemical Corporation, ECSI #134, located at 5480 NW Front Avenue Portland, OR (Site).

Soil removal and investigation activities at the Site indicate potential risk due to residual contamination at the three areas. The Site shall have an Easement and Equitable Services specifying that a Contaminated Medial Management Plan be required if there are soil disturbing activities in the vicinity of the Tube Forgings LNAPL Plume, Brenntag Warehouse, and TPH impacted soils.

A Conditional NFA determination is therefore recommended for the Site. After recording of the EES DEQ will issuance of a Conditional NFA letter, the department's decision will be recorded in DEQ's ECSI database (ECSI # 134).

The proposed Conditional NFA determination meets the requirements of Oregon Administrative Rules Chapter 340 Division 122, Sections 010 to 0140; and ORS 465.200 through 465.455. The proposal is based on information documented in the administrative record for this Site.

**HIGHLIGHTS:** The Site is in the industrialized area of northwest Portland along NW Front Avenue (see Figures 1, 2, and 3). It occupies approximately 36 acres and three tax lots on the southwest bank of the Willamette River, bounded to the south by Tube Forgings and Glacier Northwest and to the west by Chevron Asphalt and

## OTHER NOTICES

Willbridge Terminals. As shown on Figure 3, the property is currently occupied by three separate facilities:

1. McCall Oil-Tax Lot 1300 marine terminal, McCall Oil-Tax Lot 1000; asphalt facility;
2. Brenntag Pacific-Tax Lot 100, chemical distribution (Former Great Western Chemical Corporation (GWCC)); and,
3. High Purity Products-Tax Lot 100, chemical distribution for semiconductor/electronics manufacturing.

A series of soil, soil vapor, groundwater investigations, and removal activities were completed at the Site between 1992 and 2015. On May 9, 2014 DEQ 2014 issued a Site Source Control Decision for the Portland Harbor

**HOW TO COMMENT:** Send comments to DEQ Project Manager Jim Orr at 700 NE Multnomah Street Suite 600 Portland, OR 97232 and [orr.jim@deq.state.or.us](mailto:orr.jim@deq.state.or.us). For more information contact the project manager at 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 134 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 134 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/Webdocs/Forms/Output/FPController.ashx?SourceId=134&SourceIdType=11>

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

**THE NEXT STEP:** After addressing public comments and recording of the EES, DEQ will issue a Conditional NFA letter and the department's decision will be recorded in DEQ's ECSI database (ECSI # 134).

**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](mailto:deqinfo@deq.state.or.us).

### REQUEST FOR COMMENT PROPOSED NO FURTHER ACTION FOR 888 SW 3RD AVENUE

**COMMENTS DUE:** 5 p.m., Monday January 2nd, 2017

**PROJECT LOCATION:** The AC Hotel at 888 SW 3rd Avenue, Portland, OR.

**HIGHLIGHTS:** The AC Hotel site has been recently redeveloped as hotel in downtown Portland, Oregon. Prior to re-development, the site was a vacant lot since the late 1990's. The earliest known development was sometime prior to 1889 with commercial buildings. The site remained in commercial use until on-site structures were demolished sometime in the later 1990's. There are no known releases of hazardous substances at the site. A series of environmental investigations were performed between 2007 and 2014. Groundwater was not found to be affected, and some elevated concentrations of metals were found in soil. Based on findings from these investigations some soil was removed and residual soil conditions do not pose significant risks.

**HOW TO COMMENT:** Send comments to DEQ Project Manager Paul Seidel, Oregon Department of Environmental Quality, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232 or [seidel.paul@deq.state.or.us](mailto:seidel.paul@deq.state.or.us). For more information, contact Paul Seidel at 503-229-5614.

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#5979 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI #5979 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at: <http://www.deq.state.or.us/Webdocs/Forms/Output/FPController.ashx?SourceIdType=11&SourceId=5979&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 prior to making a final decision on the property and issuance of a no further action determination.

**ACCESSIBILITY:** 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](mailto:deqinfo@deq.state.or.us).

### PUBLIC NOTICE PROPOSED CLEANUP REMEDY AND SOURCE CONTROL DECISION FOR THE TARR FACILITY IN NORTH PORTLAND

**COMMENTS DUE:** 5 p.m., Dec. 30, 2016

**PROJECT LOCATION:** 2429 North Borthwick Ave., Multnomah County, Portland

**PROPOSAL:** DEQ is proposing a cleanup plan that contains actions to address contaminated soils at the Tarr Facility in Portland, Oregon. The proposed plan also recommends steps to cleanup contaminated groundwater at, and migrating from the Facility. In addition, actions to control potential sources to the Willamette River are also summarized in the proposed cleanup plan, consistent with the 2005 EPA/DEQ *Portland Harbor Joint Source Control Strategy*. The recommended cleanup actions address risks associated with historic solvent spills of halogenated volatile organic compounds, primarily tetrachloroethene (PCE) and trichloroethene (TCE), in soils.

**HIGHLIGHTS:** The Tarr Facility was developed as a solvent distribution facility between 1958 and 1963. A 1990 investigation during the decommissioning of chemical storage and fuel tanks found petroleum-contaminated soil beneath underground storage tanks and such soils were removed to a depth of 65 feet or greater. Later investigations in the 1990s identified petroleum hydrocarbons and solvents in soil. From 2001 to 2016, investigations focused primarily on PCE and TCE in soil and groundwater. A PCE and TCE soil vapor plume was found in shallow soils extending west from the Facility to North Mississippi Ave. A soil vapor extraction (SVE) system was installed in 2009 that reduced contamination to below occupational risk-based levels. However, soil vapor concentrations have increased since 2009. The proposed cleanup plan would expand this existing SVE system. A PCE/TCE groundwater plume currently extends approximately 1800 feet west from the Facility to the Willamette River where groundwater discharges to surface water. The recommended cleanup action to address contaminated groundwater is enhanced bioremediation. This portion of the cleanup action entails injecting treatment materials into key areas of the groundwater contamination to reduce contaminant concentrations.

**HOW TO COMMENT:** Send comments to DEQ Project Manager Anna Coates at 700 NE Multnomah St. Suite 600, Portland, OR. 97232-4100 or via email at [coates.anna@deq.state.or.us](mailto:coates.anna@deq.state.or.us). For more information contact the project manager at 503-229-5213.

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 1139 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 1139 in the Site ID/Info column. Alternatively, you may go directly to the

## OTHER NOTICES

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database website for this page at <http://www.deq.state.or.us/lq/ECSI/ecsidetail.asp?seqnbr=1139>. If you do not have web access and want to review the project file contact the DEQ project manager.

**THE NEXT STEP:** Once the public comment period has closed DEQ will consider all comments before determining the final cleanup plan.

**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](mailto:deqinfo@deq.state.or.us).

# 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 Medical Imaging  
Chapter 337**

**Rule Caption:** Supervision specifications for limited x-ray permit candidates while completing practical experience requirements

**Stat. Auth.:** ORS 688.555

**Stats. Implemented:** ORS 688.515

**Proposed Amendments:** 337-010-0030, 337-010-0031

**Last Date for Comment:** 1-6-17, 4:30 p.m.

**Summary:** This rulemaking does two things:

1. Revises who can supervise a temporary limited permit holder who is completing clinical experience requirements. This new rule would delete physician, nurse practitioner or physician assistant as persons who could supervise a temporary limited x-ray permit holder (a trainee), while adding that a permanent limited permit holder may serve as a supervisor in certain situations.

2. Amends the Board's requirements for the way that limited x-ray schools supervise students who have completed didactic training and who are completing clinical requirements. The rule will require each school to designate a clinical coordinator, with specific requirements to oversee temporary permit holders (trainees) who are completing clinical requirements. The rule will require each of the five limited permit schools to provide oversight of the clinical component (which follows the didactic component) for a minimum of 180 hours. Also, regarding a temporary permit holder's clinical requirements, this rule specifies that no more than 35 percent of required x-ray images can be completed through simulation, and that none of the basic required images can be completed through simulation.

**Rules Coordinator:** Ed Conlow

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

**Telephone:** (971) 673-0216

## Board of Optometry Chapter 852

**Rule Caption:** To adopt the Board's 2017-19 biennial budget.

Date:	Time:	Location:
1-4-17	10 a.m.	1500 Liberty St SE Ste 210 Salem, OR 97302

**Hearing Officer:** Shelley Sneed

**Stat. Auth.:** ORS 683 & 18

**Stats. Implemented:** ORS 182.462(1) & (2)

**Proposed Amendments:** 852-005-0005

**Last Date for Comment:** 1-4-17, 11 a.m.

**Summary:** The Oregon Board of Optometry hereby adopts by reference the Oregon Board of Optometry 2017-19 Biennium Budget of \$656,980 in revenues and \$773,044 in expenses covering the period from July 1, 2017 through June 30, 2019. 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 2017-2019 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.

**Rules Coordinator:** Shelley Sneed

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

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

.....  
**Construction Contractors Board  
Chapter 812**

**Rule Caption:** Restoration Contractor Endorsement

**Stat. Auth.:** 670.310, 701.068, 701.088 and 701.235

**Other Auth.:** 701.540 (Oregon Laws 2015)

**Stats. Implemented:** ORS 701.042, ORS 701.068, 701.073, 701.081, 701.084, 701.088, 701.540 (Oregon Laws 2015)

**Proposed Amendments:** 812-003-0131, 812-003-0171, 812-003-0221

**Last Date for Comment:** 12-21-16, 5 p.m.

**Summary:** A law change in 2015 created a new classification of contractor - a residential restoration contractor. These are contractors that provide services such as non-routine cleaning, water removal, personal property inventory and boarding up window and door openings following a man-made or natural disaster (floods, fires, etc.) Beginning January 1, 2017, CCB must make this license available. Beginning July 1, 2017, all such businesses must be licensed or be subject to disciplinary sanctions.

AMEND:

-812-003-0131 is amended to add residential restoration contractor to the license endorsements issued by CCB.

- 812-003-0171 is amended to add a \$10,000 bond (or letter of credit) for a residential restoration contractor license endorsement.

-812-003-0221 is amended to add a \$100,000 minimum liability insurance policy for a residential restoration contractor license endorsement.

**Rules Coordinator:** Leslie Culpepper

**Address:** Construction Contractors Board, 201 High St. SE, Suite 600, Salem, OR 97301

**Telephone:** (503) 934-2228

.....  
**Department of Administrative Services  
Chapter 125**

**Rule Caption:** Amends Department of Administrative Services Public Contracting Rules.

Date:	Time:	Location:
12-15-16	1 p.m.	East Bachelor Butte (Rm. #11) 1225 Ferry St. SE Salem, OR 97301



# NOTICES OF PROPOSED RULEMAKING

**Hearing Officer:** Jay Jackson  
**Stat. Auth.:** ORS 279A.050; 279A.065; 279A.070  
**Stats. Implemented:** ORS 200.065; 200.075; 279A.020; 279A.030; 279A.050; 279A.065; 279.070; 279A.075; 279A.100; 279A.105; 279A.110; 279A.140; 279A.157; 279A.159; 279A.161; 279A.165; 279A.180; 279A.200; 279B.005; 279B.030; 279B.033; 279B.036; 279B.050-279B.085; 279B.120; 279B.125; 279B.215; Or Laws 2015, Ch. 807 (HB 3099)  
**Proposed Amendments:** 125-246-0100, 125-246-0110, 125-246-0135, 125-246-0140, 125-246-0165, 125-246-0170, 125-246-0200, 125-246-0210, 125-246-0220, 125-246-0350, 125-246-0360, 125-246-0555, 125-246-0570, 125-247-0110, 125-247-0185, 125-247-0275, 125-247-0287, 125-247-0288, 125-247-0305, 125-247-0550, 125-247-0691  
**Last Date for Comment:** 12-15-16, 5 p.m.  
**Summary:** Since 2005, the Department of Administrative Services (DAS) has developed and amended rules (Rules) to put into practice the Public Contracting Code, ORS 279ABC (Code). The Rules apply to state agencies subject to DAS procurement authority (Agencies). In 2015, the Legislature made changes to select sections of the Code and to ORS 279. In addition to the legislative changes to the Code, the Department of Justice and Agencies requested select Rule changes to streamline or reduce duplications. Now, in response to the legislative changes and requests for change from stakeholders, DAS needs to amend the select Rules listed in this filing.  
**Rules Coordinator:** Janet Chambers  
**Address:** Department of Administrative Services, 155 Cottage St. NE, Salem, OR 97301  
**Telephone:** (503) 378-5522

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

**Rule Caption:** Amend rules for the Oregon Farm Mediation Program.  
**Date:** 12-15-16      **Time:** 10 a.m.      **Location:** Oregon Department of Agriculture  
635 Capitol St. NE  
Salem, OR

**Hearing Officer:** Gary Roth  
**Stat. Auth.:** ORS 36; ORS 561  
**Stats. Implemented:** ORS 36.252 to ORS 36.268  
**Proposed Amendments:** 603-075-0005, 603-075-0025, 603-075-0050, 603-075-0100, 603-075-0110, 603-075-0120, 603-075-0130, 603-075-0140  
**Proposed Repeals:** 603-075-0015  
**Proposed Ren. & Amends:** 603-075-0010  
**Last Date for Comment:** 12-30-16, Close of Business  
**Summary:** The 2015 legislative assembly passed HB 2444 which made changes to ODA's Farm Mediation Program. The rule describes the process for selection of mediation services, fees to be charged for mediation services, methods of advertising the availability of mediation services, and the processing of requests for agricultural mediation or mediation of disputes directly related to activities of the department of mediations pursuant to ORS 36.252 to 36.268.  
**Rules Coordinator:** Sue Gooch  
**Address:** Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301  
**Telephone:** (503) 986-4583

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

**Rule Caption:** Amends the "manual exemption" provisions for 701 plans, adjusts fees and makes technical changes.  
**Stat. Auth.:** ORS 59.025, 59.065 & 59.285  
**Stats. Implemented:** ORS 59.025, 59.065 & 59.045  
**Proposed Adoptions:** 441-035-0300

**Proposed Amendments:** Rules in 441-025. 441-035, 441-049, 441-175  
**Proposed Repeals:** 441-025-0010, 441-035-0040, 441-065-0270  
**Last Date for Comment:** 12-30-16, 5 p.m.  
**Summary:** This proposed rulemaking makes technical changes to several rules addressing new statutory sections at the state and federal levels. The rules propose repealing the "exchange exemption" and relying on the federal rules regarding exchanges. The proposed rules remove references to Standard and Poor's Manual which ceased publication in May 2016. In order to provide adequate options for broker-dealers and salespersons utilizing the "manual exemption" provided for in ORS 59.025(5) these rules propose adding the OTCQ and OTCB Markets to the manual exemption for equity security offerings. The proposed rulemaking also makes changes to the registration requirements for SEC Rule 701 employee benefit stock option plans. The proposed rules would repeal the registration requirement, annual renewal, and salesperson licensing fees and establish a notice filing. The proposed rules also raise filing and renewal fees for investment company portfolios and reduce the fees related to broker-dealer salesperson registration renewals. The proposed rules are consistent with the intent of Oregon Revised Statute Chapter 59 to ensure licensing of individuals engaged in brokering or selling securities to the public.  
**Rules Coordinator:** Shelley Greiner  
**Address:** Department of Consumer and Business Services, Finance and Securities Regulation, 350 Winter St. NE, Rm. 410, Salem, OR 97301  
**Telephone:** (503) 947-7484

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

**Rule Caption:** Definition of Small Employer  
**Date:** 1-5-17      **Time:** 11 a.m.      **Location:** Conference Rm. E  
Labor & Industries Bldg.  
350 Winter St. NE  
Salem OR 97301

**Hearing Officer:** Jeannette Taylor  
**Stat. Auth.:** ORS 743B.005; 743B.020  
**Stats. Implemented:** ORS 743B.020  
**Proposed Amendments:** 836-053-0015  
**Last Date for Comment:** 1-12-17, 5 p.m.  
**Summary:** ORS 743B.020 requires the Department to adopt by rule the method for determining whether an employer is a small employer for purposes of group health benefit plans. The Department defines small employers in OAR 836-053-0015 as those with "an average of at least one but not more than 50 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year." This definition is applicable from January 1, 2016 through December 31, 2017. The proposed amendment would abolish the sunset provision and maintain the current definition of small employer indefinitely.  
**Rules Coordinator:** Karen Winkel  
**Address:** Department of Consumer and Business Services, Insurance Regulation, 350 Winter St. NE, Salem, OR 97301  
**Telephone:** (503) 947-7694

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**Department of Energy  
Chapter 330**

**Rule Caption:** Amending Residential Energy Tax Credit rules, rate chart, and sunset provisions  
**Date:** 12-21-16      **Time:** 2 p.m.      **Location:** Oregon Dept. of Energy  
550 Capitol St. NE  
Salem, OR 97301-2529  
**Hearing Officer:** Elizabeth Ross

# NOTICES OF PROPOSED RULEMAKING

**Stat. Auth.:** ORS 469.040, 469B.103, 469B.106, 469B.112, 316.116

**Stats. Implemented:** ORS 469B.100 through 469B.118, 316.116, Oregon Laws 2005, chapter 832, section 5A

**Proposed Amendments:** 330-070-0010, 330-070-0013, 330-070-0014, 330-070-0020, 330-070-0021, 330-070-0022, 330-070-0024, 330-070-0025, 330-070-0026, 330-070-0027, 330-070-0029, 330-070-0040, 330-070-0045, 330-070-0048, 330-070-0055, 330-070-0059, 330-070-0060, 330-070-0062, 330-070-0063, 330-070-0064, 330-070-0070, 330-070-0073, 330-070-0076, 330-070-0078, 330-070-0085, 330-070-0089, 330-070-0097

**Last Date for Comment:** 12-23-16, 5 p.m.

**Summary:** The Oregon Department of Energy proposes rule amendments for the Residential Energy Tax Credit (RETC) program to make program updates, including provisions for the program's sunset. The RETC program sunsets at the end of tax year 2017. Proposed rule amendments include reduction of the solar photovoltaic incentive based on market conditions, updating the tax credit calculation for solar radiation for domestic water heating and swimming pool heating systems, adding a lower eligibility tier for storage gas water heater devices, clarifying what is included for the eligible cost of the device, updating the photovoltaic solar site assessment method and timelines for the program's sunset. There are also general updates to the tax credit rate chart. The department plans for the rules to be effective January 1, 2017. The department requests public comment on these draft rules.

A call-in number is available for the public hearing, please see website for details and other materials: <http://www.oregon.gov/energy/CONS/Pages/Rulemaking-RETC.aspx>

**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:** Amending EIP Alternative Fuel Vehicle tax credit rules including amendment and program sunset provisions.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
1-5-17	2 p.m.	Oregon Dept. of Energy 550 Capitol St. NE Salem, OR 97301-2529

**Hearing Officer:** Elizabeth Ross

**Stat. Auth.:** ORS 469.040, 469B.326, 469B.332, 469B.347

**Stats. Implemented:** ORS 469B.320 to 469B.347, 315.336, Oregon Laws 2011, chapter 730, section 54

**Proposed Amendments:** 330-220-0000, 330-220-0010, 330-220-0020, 330-220-0030, 330-220-0040, 330-220-0050, 330-220-0070, 330-220-0080, 330-220-0090, 330-220-0100, 330-220-0150

**Last Date for Comment:** 1-6-17, 5 p.m.

**Summary:** The Oregon Department of Energy proposes rules for the Energy Incentives Program (EIP) alternative fuel vehicle tax credit to update program procedures, expand amendment requests and include provisions for the program's sunset.

The alternative fuel vehicle tax credits sunset at the end of tax year 2017. To align with statute and Oregon Laws, the draft rules propose that the department must receive an application for final certification prior to the end of the 2017 tax year of the applicant and for applicants choosing to sell the credit, the entity purchasing the credit must pay for it prior to the end of its 2017 tax year. For amendments, the draft rules propose allowing an applicant to submit an amendment request up until issuance of the final certificate rather than by the time the final application is submitted to the department.

Additionally the department through this rulemaking proposes:

- Updating cost terms to better explain program practice,
- Adding fleet requirements from Opportunity Announcements to rule,
- Adding a process for applicants to accept conditions on a preliminary certificate,

- Requiring at final certification that applicants provide itemized documentation of total project costs, and

- Allowing reconsideration of a denial during the technical review phase or request for an amendment.

The department plans for the rules to be effective upon filing. The department requests public comment on these draft rules. A call-in number is available for the public hearing, please see website for details and other materials: <http://www.oregon.gov/energy/Pages/Rulemaking-Alt-Fuel-Vehicles.aspx>

**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 Energy, Energy Facility Siting Council Chapter 345

**Rule Caption:** Incorporate ODFW sage-grouse rules and remove requirement to identify federally listed threatened and endangered species.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-16-16	9 a.m.	Oregon Dept. of Energy Meitner Conference Rm. 550 Capitol St. Salem, OR 97301

**Hearing Officer:** Jason Sierman

**Stat. Auth.:** ORS 469.470 & 469.501

**Stats. Implemented:** ORS 469.350, 469.501 & 469.503

**Proposed Amendments:** 345-021-0010, 345-022-0000, 345-022-0060

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

**Summary:** The proposed rule amendments relating to Oregon's Greater Sage-grouse Conservation Strategy for Oregon clearly and effectively make Oregon Department of Fish and Wildlife (ODFW) rules OAR 635-140-0000 through 635-140-0025 applicable to the Energy Facility Siting Council's (EFSC) review process.

- The proposed amendment to OAR 345-022-0060 is needed to ensure EFSC rules are consistent with Oregon's greater sage-grouse conservation policy for Oregon. In 2015, in efforts to implement the Oregon sage-grouse conservation policy, ODFW amended its sage-grouse rules in Chapter 635, Division 140 and the Oregon Department of Land Conservation and Development (DLCD) adopted a new sage-grouse rule, OAR 660-023-0115. The proposed amendment cross-references the newly amended ODFW sage-grouse rules and clearly establishes a new sage-grouse component to EFSC's Fish and Wildlife standard. Rule amendments are not needed to specifically cross-reference the newly adopted DLCD sage-grouse rule because existing EFSC rules and statutes already require general compliance with the statewide land use planning goals and directly applicable land use statutes and DLCD administrative rules.

- The proposed amendments to OAR 345-021-0010(1)(p) revise the required contents of Exhibit P of an application for an energy facility site certificate so that the application includes sage-grouse habitat information and addresses the proposed facility's compliance with the new sage-grouse component of the EFSC Fish and Wildlife Habitat standard at OAR 345-022-0060 that is proposed in this rule-making.

- The proposed amendments to OAR 345-022-0000 eliminate EFSC's authority to exercise its balancing authority over the newly proposed sage-grouse component of EFSC's Fish and Wildlife Standard with one limited exception. Pursuant to ORS 469.501(3) and OAR 345-022-0000(2), EFSC has the authority to issue a site certificate for a facility that does not meet one or more EFSC standards if EFSC determines that the overall public benefits of the facility outweigh any adverse effects on a resource or interest protected by the applicable standard the facility does not meet. However, EFSC cannot apply the balancing determination to the list of standards provided at OAR 345-022-0000(3). Because of the importance of pro-

# NOTICES OF PROPOSED RULEMAKING

tecting sage-grouse habitat, the proposed amendments add the sage-grouse component of the EFSC Fish and Wildlife Habitat Standard to the list of standards excluded from the balancing authority but include one exception. The only exception is that the proposed rules would still allow EFSC to exercise its balancing authority in those situations where linear facilities (transmission lines and pipelines) proposed to be located outside of core and low density sage-grouse habitat are expected to cause indirect impacts on core and low density sage-grouse habitat and those indirect impacts would prevent the facility from complying with ODFW's avoidance rules at OAR 635-140-0025(2)(a) and (b). While ODFW is developing guidance on sage-grouse indirect impact distances, the distances are not established in statute or rule and are subject to change. Therefore, applicants for site certificates have reduced certainty when planning to site an energy facility in areas of the state dominated by sage-grouse habitat. This uncertainty in indirect impact distances, coupled with the physical and geographic constraints in re-locating linear facilities compared to non-linear facilities, makes the siting of linear energy facilities especially difficult relative to non-linear energy facilities. The proposed limited exception to the balancing authority exclusion is intended to acknowledge that uncertainty by allowing EFSC to retain its balancing authority in those circumstances where a proposed facility avoids direct impacts to core and low-density sage-grouse but either cannot, or there is no reasonable way to, satisfy the sage-grouse rules for avoidance of indirect impacts.

The proposed amendment to OAR 345-021-0010(1)(q) to remove the requirement for an applicant to identify federally listed threatened and endangered species in Exhibit Q of a site certificate application would ensure the application requirements are consistent with the EFSC siting standards. The EFSC Threatened and Endangered Species Standard at OAR 345-022-0070 requires EFSC to find that the design, construction and operation of the proposed facility are not likely to cause a significant reduction in the likelihood of survival or recovery of a species that the Oregon Fish and Wildlife Commission has listed as threatened or endangered under ORS 496.172(2). The EFSC standard does not apply to species that are federally listed as endangered or threatened under 16 USC Sec. 1533 unless the identified species is also a state listed species. Therefore, it is not necessary for an applicant to identify federally listed species for purposes of demonstrating the proposed facility's compliance with the EFSC standard. The existing requirement to identify federally listed species that are not also listed as threatened or endangered by the Oregon Fish and Wildlife Commission has contributed to confusion for both applicants and the public about the relevance of the federally listed species to the EFSC decision on a site certificate application.

EFSC requests public comment on these draft rules. EFSC also requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business. A call-in number is available for the public hearing. Please see the Oregon Department of Energy website for hearing details and other materials: <http://www.oregon.gov/energy/Siting/Pages/council-rulemaking.aspx>

**Rules Coordinator:** Jason Sierman  
**Address:** Department of Energy, Energy Facility Siting Council, 625 Marion St. NE, Salem, OR 97301  
**Telephone:** (503) 373-2127

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**Department of Environmental Quality**  
**Chapter 340**

**Rule Caption:** Hazardous Waste Rules Revisions  
**Date:** 12-15-16      **Time:** 3 p.m.      **Location:** DEQ Headquarters  
700 NE Multnomah St., Ste. 600  
3rd Floor Conference Rm.

**Hearing Officer:** Rich Duval

**Stat. Auth.:** ORS 183, 192, 459, 465.009, 465.505, 466.015, 466.020, 466.075, 466.090, 466.105, 466.165, 466.180, 466.195, 468, 646

**Stats. Implemented:** ORS 465.003, 465.009, 465.505, 466.005, 466.015, 466.075, 466.105, 466.195

**Proposed Adoptions:** 340-102-0200

**Proposed Amendments:** 340-100-0002, 340-101-0004

**Last Date for Comment:** 12-23-16, 4 p.m.

**Summary:** The primary purpose of the rule revision is to incorporate federal requirements into the state's rules. The Environmental Protection Agency (EPA) authorizes DEQ to implement the federal hazardous waste rules in Oregon. To ensure consistency, DEQ must periodically update the rules by adopting new federal requirements. These changes provide consistency with the federal hazardous waste rules.

DEQ plans to make changes to the State's hazardous waste regulations Chapter OAR 340 to incorporate new federal hazardous waste rules to include:

- A new rule simplifying waste management at university and college laboratories
- Conditional exclusions for solvent-contaminated wipes
- EPA's withdrawal of comparable fuels rule
- Incorporate federal corrections to hazardous waste regulations

**Rules Coordinator:** Meyer Goldstein

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

**Telephone:** (503) 229-6478

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**Rule Caption:** Updating Oregon's Air Quality Rules to Address Federal Regulations

**Stat. Auth.:** ORS 468.020 and 468A.025

**Stats. Implemented:** ORS 468A.025 and 468A.040

**Proposed Amendments:** 340-230-0500, 340-238-0040, 340-238-0060, 340-244-0030, 340-244-0220

**Last Date for Comment:** 12-23-16, 4 p.m.

**Summary:** DEQ is re-opening the public comment period for this rulemaking to add new and amended federal rules adopted between July 1, 2015 and July 1, 2016 and amendments made to the federal emission guidelines for commercial and industrial solid waste incineration units on June 23, 2016. The comment period closes at 4 p.m., Dec. 23, 2016. Following is the amended DEQ proposal.

Short summary

DEQ proposes rules to adopt new and amended federal air quality regulations. This includes adopting:

- New federal standards for crude oil and natural gas facilities; electric generating units; kraft pulp mills; and wool fiberglass manufacturing; and
- Newly amended federal standards; and
- Amendments to the federal emission guidelines for commercial and industrial solid waste incineration units

Brief history

The federal Clean Air Act requires the U.S. Environmental Protection Agency to establish National Emission Standards for Hazardous Air Pollutants, known as NESHAPs, for both major and area sources of hazardous air pollutants. EPA finished establishing major source standards in 2004. EPA began establishing area source standards in 2006 and concluded in 2011. EPA may adopt additional NESHAPs in the future for new source categories.

The Clean Air Act also requires EPA to develop New Source Performance Standards for categories of sources that cause, or significantly contribute to, air pollution that may endanger public health or welfare. Such regulations apply to each new source within a category without regard to source location or existing air quality. When EPA establishes New Source Performance Standards for a category of sources, it may also establish emission guidelines for existing sources in the same category. States must develop rules and a state plan to implement Emission Guidelines or request delegation of the feder-

# NOTICES OF PROPOSED RULEMAKING

al plan. State plans, called Section 111(d) plans, are subject to EPA review and approval.

EPA performs a residual risk analysis for major source NESHAPs and periodic technology reviews for New Source Performance Standards and NESHAPs. These reviews are ongoing and in some cases result in EPA updating the standards. EPA also revises NESHAPs to address errors, implementation issues and lawsuits

## Regulated parties

This rulemaking regulates facilities subject to new and modified NESHAPs, and New Source Performance Standards, and Emission Guidelines outlined below.

## Outline

DEQ proposes rules to:

1. Adopt new rules to incorporate by reference the new federal New Source Performance Standards for:

a. Kraft pulp mills for which construction, reconstruction, or modification commences after May 23, 2013,

b. Crude oil and natural gas facilities for which construction, modification, or reconstruction commenced after Sep. 18, 2015, and

c. Greenhouse gas emissions for electric generating units.

2. Adopt new rules to incorporate by reference the new federal area source NESHAPs for wool fiberglass manufacturing.

3. Update existing rules to incorporate the following federal changes by reference; these updates are accomplished in the rules by updating the version of the Code of Federal Regulations in the definitions of that term in OAR Chapter 340 divisions 238 and 244:

a. Amended federal area source NESHAPs for:

-Electric arc furnaces steelmaking facilities (residual risk and technology review)

-Polyvinyl chloride and copolymers production

b. Amended federal major source NESHAPs for:

-Aerospace manufacturing and rework (residual risk and technology review)

- Amino and phenolic resin manufacturing (residual risk and technology review)

- Brick and structural clay products manufacturing

- Clay ceramics manufacturing

- Electric utility steam generating units

- Ferroalloys production: ferromanganese and silicomanganese

- Flexible polyurethane foam production (residual risk and technology review)

- Generic maximum achievable control technology (residual risk and technology review)

- Industrial, commercial, and industrial boilers and process heaters

- Marine tank loading operations

- Mineral wool production

- Offsite waste and recovery (residual risk and technology review)

- Pesticide active ingredient production (residual risk and technology review)

- Petroleum refineries

- Petroleum refineries - catalytic cracking, catalytic reforming and sulfur recovery

- Phosphate fertilizer production (residual risk and technology review)

- Phosphoric acid manufacturing (residual risk and technology review)

- Polyether polyols production (residual risk and technology review)

- Polymer and resin production (residual risk and technology review)

- Portland cement manufacturing

- Primary aluminum reduction (residual risk and technology review)

- Secondary lead smelting

c. Amended federal major and area source NESHAPs for:

- Chromium electroplating and anodizing

- Secondary aluminum production (residual risk and technology review)

d. Amended federal New Source Performance Standards for:

- Commercial and industrial solid waste incineration units

- Crude oil and natural gas production, transmission and distribution

- Electric utility steam generating units

- Nitric acid plants

- Onshore natural gas processing

- Petroleum refineries

- Phosphate fertilizer plants

- Polymer manufacturing

- Portland cement plants

- Rubber tire manufacturing

- Stationary gas turbines

- Synthetic organic chemical manufacturing

4. Update an existing rule to implement federal changes to the emission guidelines for commercial and industrial solid waste incineration units

**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:** Amend Rules for Protected Wildlife, Holding and Propagating

**Date:** 1-20-17

**Time:** 8 a.m.

**Location:**

ODFW

4034 Fairview Industrial Dr. SE  
Salem, OR 97302

**Hearing Officer:** ODFW Commission

**Stat. Auth.:** ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

**Stats. Implemented:** ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

**Proposed Ren. & Amends:** 635-044-0000 to 635-044-0132

**Last Date for Comment:** 1-20-17, Close of Hearing

**Summary:** The proposed rule amendments are needed to change or update various aspects of agency management of protected wildlife, holding, and propagating.

**Rules Coordinator:** Michelle Tate

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

**Telephone:** (503) 947-6044

\*\*\*\*\*

**Rule Caption:** Establish Average Market Values of Food Fish for Determining Damages Related to Commercial Fishing Violations.

**Date:** 1-20-17

**Time:** 8 a.m.

**Location:**

ODFW

4034 Fairview Industrial Dr. SE  
Salem, OR 97302

**Hearing Officer:** Oregon Fish and Wildlife Commission

**Stat. Auth.:** ORS 506.119

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

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

**Last Date for Comment:** 1-20-17, Close of Hearing

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

Housekeeping and technical corrections 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

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

# NOTICES OF PROPOSED RULEMAKING

**Date:** 1-20-17  
**Time:** 8 a.m.  
**Location:** 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:** 1-20-17, 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

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

**Rule Caption:** Oregon Deaf and Hard of Hearing Services Advisory Committee

**Date:** 12-15-16  
**Time:** 2:30 p.m.  
**Location:** Human Services Bldg.,  
500 Summer St. NE  
Salem, OR 97301, Rm. 160

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 410.070, 410.740

**Stats. Implemented:** ORS 410.740

**Proposed Adoptions:** 411-019-0000, 411-019-0010, 411-019-0020, 411-019-0030

**Last Date for Comment:** 12-21-16, 5 p.m.

**Summary:** The Department of Human Services (Department) is proposing to adopt rules for the Oregon Deaf and Hard of Hearing Services Advisory Committee in OAR chapter 411, division 019 to establish in rule, the structure of the Oregon Deaf and Hard of Hearing Services, (ODHHS) advisory committee. The new rules include a new membership configuration that will embody all affiliations within the Deaf and Hard of Hearing population and the purpose and responsibilities of the advisory committee. This change will empower, improve, and strengthen the voices of Deaf and Hard of Hearing people within the State of Oregon.

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:** ODDS: Children's Intensive In-Home Services (CIIS) and Ancillary Services

**Date:** 12-21-16  
**Time:** 11:30 a.m.  
**Location:** Human Services Bldg .  
500 Summer St. NE, Rm. 160  
Salem, OR 97301

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 409.050, 417.345, 427.104, 430.662

**Stats. Implemented:** ORS 417.345, 427.005, 427.007, 430.215, 430.610, 430.620, 430.662-430.670

**Proposed Amendments:** 411-300-0110, 411-300-0120, 411-435-0020, 411-435-0050, 411-435-0060, 411-435-0070

**Proposed Repeals:** 411-435-0020(T), 411-435-0050(T), 411-435-0060(T), 411-435-0070(T)

**Last Date for Comment:** 12-30-16, 5 p.m.

**Summary:** The Department of Human Services, Office of Developmental Disabilities Services (Department) is proposing to update the following rules:

- OAR chapter 411, division 300 for children's intensive in-home services (CIIS).

- OAR chapter 411, division 435 for ancillary services.

OAR 411-300-0110 about CIIS definitions and acronyms is being amended to —

- Specify that if the same word or term in OAR 411-300-0110 is defined differently than the general definitions in OAR 411-317-000, the definition in OAR 411-300-0110 applies.

- Include acronyms related to Medicaid eligibility.

- Remove the definition for "Expenditure Guidelines" because the definition has been added to the general definitions in OAR 411-317-0000.

OAR 411-300-0120 about CIIS eligibility is being amended to align service eligibility with the financial eligibility requirements in the waiver.

OAR 411-435-0020 about definitions and acronyms for ancillary services is being amended to —

- Specify that if the same word or term in OAR 411-435-0020 is defined differently than the general definitions in OAR 411-317-000, the definition in OAR 411-435-0020 applies.

- Include a definition for "Community Transportation" because community transportation is a specific ancillary service.

- Remove the definition for "In-Home Expenditure Guidelines" because the definition has been added to the general definitions in OAR 411-317-0000.

OAR 411-435-0050 about Community First Choice ancillary services is being amended to include behavior support services and the qualifications for a behavior consultant.

OAR 411-435-0060 and OAR 411-435-0070 about waiver ancillary services are being amended to align service eligibility with the financial eligibility requirements in the waiver.

In addition, the Department is also proposing additional edits to ensure consistent terminology, update statutory and rule references, correct formatting and punctuation, and improve ease of reading.

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:** ODDS: Definitions

**Date:** 12-21-16  
**Time:** 1 p.m.  
**Location:** Human Services Bldg.  
500 Summer St NE, Rm. 160  
Salem, OR 97301

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 409.050, 430.662, 443.450, 443.455, 443.725

**Stats. Implemented:** ORS 409.050, 430.610, 430.662, 430.670, 443.400-443.455, 443.705-443.825

**Proposed Amendments:** 411-317-0000, 411-325-0020, 411-328-0560, 411-345-0020, 411-360-0020

**Proposed Repeals:** Temporary Rules 411-317-0000(T), 411-325-0020(T), 411-328-0560(T), 411-345-0020(T), 411-360-0020(T)

**Last Date for Comment:** 12-30-16, 5 p.m.

# NOTICES OF PROPOSED RULEMAKING

**Summary:** The Department of Human Services, Office of Developmental Disabilities Services (ODDS) is proposing to amend the following:

- OAR 411-317-0000 (General Definitions).
- OAR 411-325-0020 (Definitions for 24-Hour Residential Programs and Settings).
- OAR 411-328-0560 (Definitions for Supported Living Programs).
- OAR 411-345-0020 (Definitions for Employment Services).
- OAR 411-360-0020 (Definitions for ODDS Adult Foster Homes).

OAR 411-317-0000 about general definitions for developmental disabilities services is being amended to —

- Include definitions to clarify Medicaid eligibility.
- Clarify the purpose for a functional needs assessment.
- Specify the functional needs assessments appropriate to the specific program in which an individual is enrolled.
- Incorporate the definition for the In-Home Expenditure Guidelines to provide consistency.
- Define Oregon Health Authority.
- Clarify a Service Agreement is a component of an ISP that describes the authorized services to be delivered by a provider.
- Remove the definition for service level. Service level is specific to community living supports and is defined in OAR 411-450-0020.

- Define working age.

OAR 411-325-0020, 411-328-0560, 411-345-0020, and 411-360-0020 are being amended to remove the definition for functional needs assessment. The definition for functional needs assessment in OAR 411-317-0000 now includes the functional needs assessments appropriate to the specific program in which an individual is enrolled.

In addition, the Department is also proposing additional edits to ensure consistent terminology, update statutory and rule references, correct formatting and punctuation, and improve ease of reading.

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:** ODDS: Independent Providers Delivering Developmental Disabilities Services

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-21-16	2 p.m.	Human Services Bldg. 500 Summer St. NE, Rm. 160 Salem, OR 97301

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 409.050

**Stats. Implemented:** ORS 410.600, 410.606-410.619, 427.007

**Proposed Amendments:** 411-375-0010, 411-375-0020, 411-375-0035, 411-375-0040, 411-375-0050, 411-375-0055, 411-375-0070

**Proposed Repeals:** 411-375-0010(T), 411-375-0020(T), 411-375-0035(T), 411-375-0040(T), 411-375-0050(T), 411-375-0055(T), 411-375-0070(T)

**Last Date for Comment:** 12-30-16, 5 p.m.

**Summary:** The Department of Human Services (Department), Office of Developmental Disabilities Services (ODDS) is proposing to amend the rules for independent providers delivering developmental disabilities services in OAR chapter 411, division 375.

OAR 411-375-0000 about definitions and acronyms is being amended to —

- Specify that if the same word or term in OAR 411-375-0010 is defined differently than the general definitions in OAR 411-317-000, the definition in OAR 411-375-0010 applies.

- Include claiming payment for hours that exceed limitations in the definition for fiscal improprieties.

- Define non-motorized transportation to be consistent with the rules for homecare workers.

- Remove definitions that are included in OAR 411-317-0000 or clearly defined within rule.

OAR 411-375-0020 about qualifications, exclusions, and enrollment responsibilities for independent providers is being amended to specify —

- A Provider Enrollment Agreement is effective for two years from the date of signature unless the provider enrollment has been terminated or inactivated by the Department.

- An employee of the state of Oregon may not be authorized to deliver services as a personal support worker.

- An independent provider must complete and submit properly completed paperwork and maintain valid contact information with the Department as a condition of maintaining an active provider number.

OAR 411-375-0035 about documentation and reporting requirements is being amended to —

- Specify completed timesheets fulfill the requirement for date and time a service was delivered.

- Update the statutory references for mandatory reporters.

OAR 411-375-0040 about fiscal and accountability responsibility is being amended to —

- Specify that Department funds may only be paid to personal support workers who properly complete all required paperwork for fiscal intermediary payments.

- Update payment limitations to reflect that a personal support worker may not work more than 40 hours in a workweek, inclusive of travel time and time worked with other Department programs as a personal support worker or homecare worker, unless the personal support worker meets specific criteria or an exception has been granted.

OAR 411-375-0050 about benefits and secondary expenses for personal support workers is being amended to clarify that travel between worksites contributes to the limitation of hours a personal support worker may work in a workweek as described in OAR 411-375-0040.

OAR 411-375-0055 about standards for common law employers for personal support workers is being amended to specify the legal or designated representative of an individual may be a common law employer.

OAR 411-375-0070 about inactivation and termination of independent providers is being amended to include that an independent provider may be terminated if the independent provider fails to complete training required by the Department as a condition of retaining their provider number due to a violation of the rules.

In addition, the Department is also proposing additional edits to ensure consistent terminology, update statutory and rule references, correct formatting and punctuation, and improve ease of reading.

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:** ODDS: Direct Nursing Services for Adults with Intellectual or Developmental Disabilities

# NOTICES OF PROPOSED RULEMAKING

**Date:** 12-21-16  
**Time:** 2:30 p.m.  
**Location:** Human Services Bldg.,  
500 Summer St NE, Rm. 160  
Salem, OR 97301

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 409.050, 413.085, 427.104

**Stats. Implemented:** ORS 409.050, 413.085

**Proposed Amendments:** 411-380-0020, 411-380-0030, 411-380-0060, 411-380-0090

**Proposed Repeals:** 411-380-0020(T), 411-380-0030(T), 411-380-0060(T), 411-380-0090(T)

**Last Date for Comment:** 12-30-16, 5 p.m.

**Summary:** The Department of Human Services (Department), Office of Developmental Disabilities Services (ODDS) is proposing to amend the rules for direct nursing services for adults with intellectual or developmental disabilities in OAR chapter 411, division 380.

OAR 411-380-0020 about definitions and acronyms is being amended to —

- Specify that if the same word or term in OAR 411-380-0020 is defined differently than the general definitions in OAR 411-317-000, the definition in OAR 411-380-0020 applies.

- Include acronyms related to Medicaid eligibility.

OAR 411-380-0030 about eligibility and limitations for direct nursing services is being amended to align service eligibility with the financial eligibility requirements in the waiver.

OAR 411-380-0060 about qualifications for providers of direct nursing services is being amended to specify that background check approval is effective for two years from the initial fitness determination.

OAR 411-380-0090 about provider billing and payment is being amended to correct rule references.

In addition, the Department is also proposing additional edits to ensure consistent terminology, update statutory and rule references, correct formatting and punctuation, and improve ease of reading.

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:** ODDS: Case Management Services and Community Living Supports for Individuals with Intellectual or Developmental Disabilities

**Date:** 12-21-16  
**Time:** 3 p.m.  
**Location:** Human Services Bldg.,  
500 Summer St. NE, Rm. 160  
Salem, OR 97301

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 409.050, 427.104, 427.154, 430.662

**Other Auth.:** SB 5701A Budget Note (2016 Legislative Session)

**Stats. Implemented:** ORS 427.005, 427.007, 427.101, 427.154-427.163, 430.212, 430.610, 430.620, 430.662-430.695

**Proposed Amendments:** 411-415-0020, 411-415-0060, 411-415-0070, 411-450-0020, 411-450-0030, 411-450-0060, 411-450-0070

**Proposed Repeals:** 411-415-0020(T), 411-415-0060(T), 411-415-0070(T), 411-450-0020(T), 411-450-0030(T), 411-450-0060(T)

**Last Date for Comment:** 12-30-16, 5 p.m.

**Summary:** The Department of Human Services (Department), Office of Developmental Disabilities Services (ODDS) is proposing to amend the rules for case management services in OAR chapter 411, division 415 and community living supports in OAR chapter 411, division 450, to take action to more efficiently align service authorization with individuals' needs and to incorporate appropriate

limits as directed in the 2016 Legislative Session SB5701A Budget Note.

OAR 411-415-0020 about definitions and acronyms is being amended to —

- Specify that if the same word or term in OAR 411-415-0020 is defined differently than the general definitions in OAR 411-317-000, the definition in OAR 411-415-0020 applies.

- Remove the definition for functional needs assessment and the In-Home Expenditure Guidelines. The definitions for functional needs assessment and the In-Home Expenditure Guidelines are now located in the general definitions, OAR 411-317-0000.

OAR 411-415-0060 about assessment and reassessment activities is being amended to —

- Specify a functional needs assessment must be completed within 45 days from the date a case management entity acquires information that the support needs of an individual may have changed significantly enough to change the current service level.

- Allow the Department the ability to conduct or assign an alternate assessor to conduct a functional needs assessment in lieu of a case manager.

- Specify a functional needs assessment must be conducted face-to-face.

OAR 411-415-0070 about service planning is being amended to —

- Require that an ISP for community living supports be developed based on assessed need and within the service level as defined in OAR 411-450-0020 and as determined by an Adult Needs Assessment (ANA) or Children's Needs Assessment (CNA).

- Specify an ISP must authorize the hours for personal support workers consistent with the payment limitations described in OAR 411-375-0040.

- Include family support services under the services a CDDP may authorize.

OAR 411-450-0020 about definitions and acronyms is being amended to —

- Specify that if the same word or term in OAR 411-450-0020 is defined differently than the general definitions in OAR 411-317-000, the definition in OAR 411-450-0020 applies.

- Define Adult In-Home Support Needs Assessment, Version C (ANA-C); Adult In-Home Support Needs Assessment, Version D (ANA-D); ANA/CNA Manual; Child In-Home Support Needs Assessment, Version C (CNA-C); Child In-Home Support Needs Assessment, Version D (CNA-D); and Service Level.

- Update the definition of functional needs assessment.

- Remove the definition for the In-Home Expenditure Guidelines.

OAR 411-450-0030 about eligibility for community living supports is being amended to require an individual to participate in a functional needs assessment and provide information necessary to complete the functional needs assessment, as a condition of eligibility for community living supports.

OAR 411-450-0060 about community living supports is being amended to —

- Clearly outline service limits.

- Specify —

- o The ANA-D or CNA-D must be used to develop an initial ISP after September 1, 2016.

- o The ANA-D or CNA-D must be used to renew an annual ISP that has a start date on or after November 1, 2016.

- o The ANA-D or CNA-D must be used for all functional needs assessment conducted after October 31, 2016.

- o A change in service level must be based on a reassessment.

- Provide the criteria for when the Department may approve a service level greater than was determined by a functional needs assessment.

OAR 411-450-0070 about community living support providers and provider requirements is being amended to remove the specific limitations on hours for personal support workers delivering supports to a child in children's intensive in-home services (CIIS). Hours

# NOTICES OF PROPOSED RULEMAKING

for all personal support workers must be consistent with the payment limitations in OAR 411-375-0040.

In addition, the Department is also proposing additional edits to ensure consistent terminology, update statutory and rule references, correct formatting and punctuation, and improve ease of reading.

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,  
Child Welfare Programs  
Chapter 413**

**Rule Caption:** Relating to Department responsibilities when a child is missing or is a sex trafficking victim

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-16-16	11 a.m.	Human Services Bldg. 500 Summer Street NE, Rm. 255 Salem, Oregon, 97301

**Hearing Officer:** Department Staff

**Stat. Auth.:** ORS 418.005

**Other Auth.:** Preventing Sex Trafficking and Strengthening Families Act of 2014; 42 USC 671

**Stats. Implemented:** ORS 418.005

**Proposed Amendments:** OAR 413-080-0053, 413-080-0062

**Proposed Repeals:** OAR 413-080-0053(T), 413-080-0062(T)

**Last Date for Comment:** 12-23-16, 5 p.m.

**Summary:** The Department of Human Services, Office of Child Welfare Programs, is amending rules to implement section 104 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. Specifically, the amendments require caseworkers to ensure law enforcement and the National Center for Missing and Exploited Children (NCMEC) are notified. These changes were adopted by temporary rule on November 1, 2016.

Rule text showing proposed changes is available at <http://www.dhs.state.or.us/policy/childwelfare/drafts/drafts.htm>.

**Rules Coordinator:** Kris Skaro

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

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

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**Rule Caption:** Amending rules relating to child welfare

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-16-16	11 a.m.	Human Services Bldg. 500 Summer St. NE, Rm. 255 Salem, Oregon, 97301

**Hearing Officer:** Department Staff

**Stat. Auth.:** ORS 409.050, 418.005, 418.340

**Other Auth.:** None.

**Stats. Implemented:** ORS 192.501, 409.010, 411.141, 418.005, 418.330, 418.335, 418.340

**Proposed Amendments:** 413-010-0035, 413-070-0516, 413-070-0518, 413-070-0670, 413-070-0900, 413-070-0917, 413-070-0959, 413-070-1020

**Proposed Repeals:** 413-010-0035(T), 413-030-0300, 413-030-0310, 413-030-0320, 413-070-0900(T), 413-070-0917(T), 413-070-0959(T), 413-110-0280, 413-110-0282, 413-110-0286, 413-110-0288, 413-110-0290, 413-110-0291, 413-110-0292, 413-110-0293, 413-110-0295, 413-110-0297, 413-110-0299

**Last Date for Comment:** 12-21-16, 5 p.m.

**Summary:** OAR 413-010-0035 relating to prohibited disclosure of client information is being amended to remove the requirement for explicit law enforcement approval prior to disclosing records that include investigatory information compiled for criminal law purposes. The amended rule prohibits disclosure of this information unless the Department determines after consultation with law enforcement or a prosecutor that the information can be disclosed without interfering in an ongoing law enforcement investigation or prosecution of a case or disclosure is required under ORS 419B.035. Disclosure will still need to be approved by the manager or designee.

OAR 413-030-0300 to 413-030-0320 relating to adoption program eligibility are being repealed.

OAR 413-110-0280 to 413-110-0299 relating to consultation with parents considering adoption are being repealed.

OAR 413-070-0516, 413-070-0518, 413-070-0670, and 413-070-1020 relating to permanency planning are being amended to state the requirements to change a permanency plan to guardianship or placement with a fit and willing relative before a provider has been identified. Current rules require that the Department: identify a guardianship or fit and willing relative resource; have the child in the home the required length of time; schedule a permanent committee to review both the alternative permanency plan and the provider's ability to provide for the long-term needs of the child; approve the plan and provider; and then go to court to ask for the plan to be changed. However, sometimes a court will either change a permanency plan prior to the required process or direct the Department to recommend a plan change. The rules are amended to state the requirement when that occurs. Specifically, the Department will hold two permanency committees: one to review the plan change directed by the court, and a later one to approve the provider once identified and once they meet eligibility requirements.

OAR 413-070-0900, 413-070-0917, and 413-070-0959 relating to eligibility for guardianship assistance are being amended to state that to be eligible for guardianship assistance, a child must be determined to have special needs or be placed with a potential guardian who indicates an economic need to care for the child, consistent with state law (see ORS 418.330). These rules are also amended to allow the Director of the Department to waive some of the eligibility requirements for state-funded guardianship assistance when certain requirements are met. These changes were adopted by temporary rule on September 2, 2016.

In addition, non-substantive edits may be 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.

Rule text showing edits for the rules described above is available at <http://www.dhs.state.or.us/policy/childwelfare/drafts/drafts.htm>.

**Rules Coordinator:** Kris Skaro

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

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

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

**Rule Caption:** Amending rules relating to public assistance

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-16-16	11 a.m.	500 Summer St. NE, Rm. 255 Salem, OR 97301

**Hearing Officer:** Department Staff

**Stat. Auth.:** ORS 329A.500, 409.050, 411.060, 411.070, 411.095, 411.103, 411.404, 411.408, 411.816, 411.892, 412.006, 412.009, 412.014, 412.049



## NOTICES OF PROPOSED RULEMAKING

**Other Auth.:** Food and Nutrition Act of 2008; 7 USC 2015(d); 7 USC 2015(o); 7 CFR 273.1(a)(3); 7 CFR 273.7; 7 CFR 273.9; 7 CFR 273.24; 45 CFR 261.70; P.L. 92-336; Child Care Development Block Grant (CCDBG) Act of 2014; CFR Part 98 (98.40, 98.41, 98.42, 98.44)

**Stats. Implemented:** ORS 329A.500, 409.050, 411.060, 411.070, 411.081, 411.087, 411.095, 411.103, 411.404, 411.408, 411.706, 411.816, 411.892, 412.006, 412.009, 412.014, 412.049, 412.069

**Proposed Amendments:** 461-025-0310, 461-110-0370, 461-115-0020, 461-130-0305, 461-130-0310, 461-130-0315, 461-130-0330, 461-135-0520, 461-135-0730, 461-145-0540, 461-155-0150, 461-155-0300, 461-165-0010, 461-165-0180, 461-190-0360, 461-190-0500, 461-195-0501

**Proposed Repeals:** 461-115-0020(T), 461-130-0305(T), 461-130-0310(T), 461-130-0315(T), 461-130-0330(T), 461-135-0520(T), 461-145-0540(T), 461-165-0180(T)

**Last Date for Comment:** 12-21-16, 5 p.m.

**Summary:** OAR 461-025-0310 about hearing requests is being amended to comply with federal regulations and place in rule the TANF state plan provisions about the use of the hearing process to resolve a complaint of an alleged violation by an employer of 45 CFR 261.70(a), prohibiting the displacement of other workers in favor of TANF work activity participants.

OAR 461-110-0370 about the SNAP filing group is being amended to comply with federal regulations regarding when a lodger may or must be included in the filing group with the rest of the household group member to whom the lodger pays room and board.

OAR 461-115-0020 about application requirements is being amended to clarify that the application and any additional information required for application be received by the Department in order to complete the application process. This clarification also applies to recertification requirements.

OAR 461-130-0305 about general provisions in employment programs is being amended to incorporate the SNAP definition of mandatory to include only those persons who are required to register for work as a SNAP eligibility requirement in accordance with OAR 461-130-0310. This makes permanent a temporary change adopted on October 19, 2016.

OAR 461-130-0310 about employment program participation classifications (exempt, mandatory, and volunteer) is being amended to divide the SNAP E&T exemption criteria list into two parts. One part is for the exemptions from work registration or any of the other E&T requirements. This includes an amendment to the definition of “chronically homeless” to align with federal guidance which requirements that homelessness must be tied to an inability to obtain employment. The second part is for those exemptions from participation in the E&T work-related activities due to employment or participation in another E&T program. Individuals meeting this second list are not exempt from work registration and the other E&T eligibility requirements: they are required to accept bone fide job offers and to maintain employment. This makes permanent temporary changes adopted on October 19, 2016.

OAR 461-130-0315 about the requirements for mandatory employment program clients is being amended to clarify which requirements apply to SNAP clients who are required to register for work. This makes permanent temporary changes adopted on October 19, 2016.

OAR 461-130-0330 about disqualifications is being amended to clarify that any mandatory SNAP client who is required to register for work must comply with all requirements in OAR 461-130-0315 (described above) including register for work must register for work, assist the department in determining if they are mandatory or exempt, accept a bone fide job offer, and maintain employment. If they fail to do these things, they are subject to the E&T disqualifications. Participation in the SNAP work-related activities are not included here because they are voluntary for all except the ABAWD in the time limit counties. ABAWD residing in the time limit counties are subject to disqualification if they fail to do the E&T requirements and

subject to the time limit if they fail to do the work related activities under OAR 461-135-0520. This makes permanent temporary changes adopted on October 19, 2016.

OAR 461-135-0520 about the SNAP time limit is being amended to reflect that an ABAWD may be exempt from the time limit under either list of exemption criteria in OAR 461-130-0310(3) described above. This makes permanent temporary changes adopted on October 19, 2016. This rule is also amended to add Clackamas as a county in which the federal ABAWD time limit applies. Oregon’s waiver of the time limit in Clackamas County expires January 1, 2017. (OAR 461-190-0360 about special payments in SNAP E&T and OAR 461-190-0500 about Workfare in the SNAP program are being amended to reference the time limit counties listed in OAR 461-135-0520.)

OAR 461-135-0730 about specific requirements for QMB, SMB, and SMF is being amended to align Oregon policy with federal policy and that of other state by making SMF (QI-1) unavailable to individuals receiving OSIPM.

OAR 461-145-0540 about the treatment of trusts when determining financial eligibility is being amended to change the treatment of revocable trust payments in the SNAP program to how they were treated in the SNAP program before January 1, 2016. Specifically, the total value of the trust will be considered a resource available to the client and payments made from the trust will be considered unearned income, consistent with 7 CFR 273.9. This makes permanent a temporary rule effective November 4, 2016.

OAR 461-155-0150 about child care eligibility standard, payment rates, and copayments is being amended to reflect provider rate increases approved and funded by the Legislature in HB 2015 (2015) and HB 5026 (2015) and negotiated with provider union representatives in the SEIU 2015-2019 Collective Bargaining Agreement. Specific rate changes based on the type of provider, location of the provider, age of the child in care, and type of billing used (hourly or monthly) are shown in the rule text available at [http://www.dhs.state.or.us/policy/selfsufficiency/ar\\_proposed.htm](http://www.dhs.state.or.us/policy/selfsufficiency/ar_proposed.htm).

OAR 461-155-0300 about shelter-in-kind standard for OSIP, OSIPM and QMB is being amended to reflect the annual federal cost of living adjustment that happen every January. This amendment keeps Oregon in line with current federal standards for Department Medicaid programs and changes in the cost of living.

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.

OAR 461-165-0180 about child care provider eligibility requirements is being amended to reflect changes to federal requirements that apply to child care providers who receive Child Care Development Fund (CCDF) funds. Primary changes are summarized below and were adopted by temporary rule on November 1, 2016.

- Defining “legally exempt” and “legally exempt relative”.
- Stating that legally exempt providers who are not legally exempt relatives must meet the Office of Child Care (OCC) Regulated Subsidy Provider requirements, including the site visit requirement.

# NOTICES OF PROPOSED RULEMAKING

- Stating that legally exempt providers who are legally exempt relatives are not subject to the OCC Regulated Subsidy Provider requirements.

- Adding training and certification requirements for legally exempt providers who are not legally exempt relatives and requiring them to be completed prior to providing child care, unless a temporary waiver is approved.

- Stating staff-to-children ratios for certain child care centers or programs.

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](http://www.dhs.state.or.us/policy/selfsufficiency/ar_proposed.htm).

**Rules Coordinator:** Kris Skaro

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

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## Department of Public Safety Standards and Training Chapter 259

**Rule Caption:** Adds military education/training transcripts as recognized education credits, makes uniform references to "education credits".

**Stat. Auth.:** ORS 181A.410

**Stats. Implemented:** ORS 181A.410, 181A.490, 181A.520, 181A.530, 181A.560 & 181A.570

**Proposed Amendments:** 259-008-0045, 259-008-0060

**Last Date for Comment:** 12-22-16, Close of Business

**Summary:** The amendments to OAR 259-008-0045 (College Education Credits) add the American Council on Education's Joint Service Transcript (JST) as a recognized source for the addition of education credits to a public safety officer's DPSST record.

The American Council on Education's (ACE) JST used by the Army, Marine Corps, Navy, and Coast Guard documents professional military education, training and occupation experiences of service members and veterans.

The current rule requires that education credits must be from an accredited, degree granting college or university. The JST does not originate from a degree granting and accredited body.

According to the ACE website, ACE's Military Guide presents credit recommendations for formal courses and occupations offered by all branches of the military. These credit recommendations appear on the service member's JST. All recommendations are based on ACE reviews conducted by college and university faculty members who are actively teaching in the areas they review. ACE provides quality assurance and policy guidance for the JST used by the Army, Marine Corps, Navy, and Coast Guard.

Under the current administrative rule language an individual would be required to provide their JST to an accredited and degree granting college and receive an official transcript from the college showing the JST recommendations as accepted education credits.

Additional amendments to OAR 259-008-0045 (College Education Credits) and 259-008-0060 (Public Safety Officer Certification) make uniform references to education credits. The current rule language references college education credits. The addition of the JST makes the reference to college education credits inaccurate.

Additional clarifying amendments to both rules regarding the interpretation and application of education credits have been included with the recommended changes.

**Rules Coordinator:** Jennifer Howald

**Address:** Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317

**Telephone:** (503) 378-2432

**Rule Caption:** Adopts the 2015 Edition for NFPA 1003 Airport Fire Fighter standard for DPSST certification requirements.

**Stat. Auth.:** ORS 181A.410

**Stats. Implemented:** ORS 181A.410

**Proposed Amendments:** 259-009-0062

**Last Date for Comment:** 12-21-16, Close of Business

**Summary:** The proposed rule change for 259-009-0062 (Fire Service Personnel Certification) updates the requirements for the Oregon fire service NFPA 1003 Airport Fire Fighter certification.

The NFPA 1003 Airport Fire Fighter Task Force evaluated the currently adopted 2010 Edition and compared it to the 2015 Edition. The Task Force conducted an in-depth comparison of the two standard editions and established the importance of the Oregon fire service maintaining the most current standards available from the National Fire Protection Association (NFPA).

While the technical requirements for obtaining the certification remain the same, the NFPA altered the numbering system used within the standard from the previous year. This will not cause an impact for those in process of completing course work or applying for certification. The application for certification and the task book have been updated to reflect the recommended adoption of the NFPA 1003 Airport Fire Fighter standard.

**Rules Coordinator:** Jennifer Howald

**Address:** Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317

**Telephone:** (503) 378-2432

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**Rule Caption:** Adopts 2014 Edition of the NFPA 1002 Fire Apparatus Driver/Operator standard for DPSST certification requirements.

**Stat. Auth.:** ORS 181A.410

**Stats. Implemented:** ORS 181A.410

**Proposed Amendments:** 259-009-0062

**Last Date for Comment:** 12-21-16, Close of Business

**Summary:** The proposed rule change for 259-009-0062 (Fire Service Personnel Certification) updates the requirements for the NFPA 1002 Fire Apparatus Driver/Operator certification.

The NFPA 1002 Fire Apparatus Driver/Operator Task Force evaluated the currently adopted 2009 Edition and compared it to the 2014 Edition of the standards available from the National Fire Protection Association (NFPA). The Task Force conducted an in-depth comparison of the two standard editions and established the importance of the Oregon fire service maintaining the most current standards available from the National Fire Protection Association (NFPA).

All of the technical requirements referenced by the 2014 Edition of the NFPA 1002 Fire Apparatus Driver/Operator standard remain the same and there are no changes to the task books or the application for certification other than updates that reflect the recommended adoption of the 2014 Edition of the of the NFPA 1002 Fire Apparatus Driver/Operator standard.

**Rules Coordinator:** Jennifer Howald

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**Rule Caption:** Requires department head or certified public safety professional to sign DPSST's F4/Personnel Action Report Forms.

**Stat. Auth.:** ORS 181A.410

**Stats. Implemented:** ORS 181A.410

**Proposed Amendments:** 259-008-0020

**Last Date for Comment:** 12-21-16, Close of Business

**Summary:** The proposed rule change for OAR 259-008-0020 adds a requirement that the DPSST Form F4 (Personnel Action Report Form) be signed by the department head or a currently certified public safety professional authorized by the department head. This requirement was recommended to increase the accuracy of the information reported during a separation from employment and reinforce the repercussions of falsifying the Form F4. The signature on the

## NOTICES OF PROPOSED RULEMAKING

Form F4 attests to the accuracy of the information reported and serves as a recognition that falsification of the document makes the signer's certifications subject to denial or revocation under ORS 181A.640 and OAR 259-008-0070.

OAR 259-008-0005 (10) defines "Department Head" as the chief of police, sheriff, or chief executive of a law enforcement unit or a public or private safety agency directly responsible for the administration of that unit or agency. There are some public or private safety agencies whose department head is not considered to be a certifiable position. The department head is not required to be DPSST-certified to sign the Form F-4.

If the department head designates the authority to sign the Form F4, the designee must be a currently certified public safety professional. Certified public safety professionals include corrections officers, emergency medical dispatchers, parole and probation officers, police officers, telecommunicators, regulatory specialists and DPSST certified instructors.

**Rules Coordinator:** Jennifer Howald

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**Rule Caption:** Amends language regarding the request to challenge the basic telecommunications course.

**Stat. Auth.:** ORS 181A.410

**Stats. Implemented:** ORS 181A.410

**Proposed Amendments:** 259-008-0025

**Last Date for Comment:** 12-21-16, Close of Business

**Summary:** OAR 259-008-0025 (Minimum Standards for Training) outlines the minimum standards for training for all criminal justice disciplines by identifying which mandated course is required, the timeline in which the mandated course must be completed and the process for waiver or challenge of a mandated course. This rule requires telecommunicators who have previously completed the prescribed basic course but have not been employed as a telecommunicator within the past two and one-half years to satisfactorily complete the prescribed basic course and field training manual in its entirety prior to reactivation of certification.

In the past, all telecommunicators who had completed a basic telecommunications course have had the opportunity to challenge the basic telecommunications course upon finding that the telecommunicator has current knowledge and skills to perform as a telecommunicator. There is no waiver or challenge available for the basic emergency medical dispatcher course.

On March 22, 2016, DPSST filed a permanent rule for a house-keeping change that amended the minimum standards for training in OAR 259-008-0025 and the minimum standards for mandated courses in OAR 259-008-0085. The language filed for OAR 259-008-0025 (Minimum Standards for Training) section (4) states that:

"Telecommunicators who have been employed by a public or private safety agency in another state within the past two and one-half years and have previously completed a basic training course deemed by the Department to meet or exceed Oregon's minimum training standards may challenge the basic telecommunications course."

The addition of the language "in another state within the past two and one-half years" created a limitation that did not exist prior to the March 2016 rule change. With the inclusion of that language, DPSST became unintentionally limited to approve requests to challenge the basic telecommunications course for telecommunicators who are coming from out of state and have been employed within the past two and one-half years.

The proposed amendments to 259-008-0025 (Minimum Standards for Training) correct the unintentional addition of a requirement that limits the eligibility for the opportunity to challenge the basic telecommunications course to telecommunicators who have been employed by a public or private safety agency in another state within the past two and one half years. This rule change will allow DPSST to continue the past application of the rule and approve

requests to challenge the basic telecommunications course when the telecommunicator has been employed by a public or private safety agency and has previously completed a basic training course deemed by DPSST to meet or exceed Oregon's minimum training standards.

This rule change also adds the requirement that a request to challenge the basic telecommunications course must be submitted in writing and adds documentation of the telecommunicator's employment history to the required documentation submitted to support an agency's written request to challenge the basic telecommunications course.

**Rules Coordinator:** Jennifer Howald

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**Rule Caption:** Changes requirements for public safety professional supervisory certification, deletes references to expired "old chart".

**Stat. Auth.:** ORS 181A.410

**Stats. Implemented:** ORS 181A.410, 181A.490, 181A.520, 181A.530, 181A.560 & 181A.570

**Proposed Amendments:** 259-008-0060

**Last Date for Comment:** 12-21-16, Close of Business

**Summary:** The amendments to OAR 259-008-0060 include changes to the requirements for supervisory certification.

The current requirements for supervisory certification are:

- Applicants must possess or be eligible to possess the Advanced Certificate in the discipline the supervisory certification is requested;

- Applicants must have satisfactorily completed no less than 45 education credits;

- Applicants must have satisfactorily completed the prescribed supervision training within five years of the application for the Supervisory Certificate; and

- Applicants must be presently employed in and have satisfactorily performed the duties of a first-level supervisor as defined in OAR 259-008-0005 for a period of one year. The required experience must have been acquired within five years of the date of the application.

In order to be eligible for supervisory certification under the proposed requirements:

- Applicants must possess or be eligible to possess the Basic Certificate in the discipline the supervisory certification is requested;

- Applicants must have satisfactorily completed the prescribed supervision training within five years of the application for the Supervisory Certificate; and

- Applicants must be presently employed in and have satisfactorily performed the duties of a first-level supervisor as defined in OAR 259-008-0005 for a period of two years. The required experience must have been acquired within five years of the date of the application.

The differences between the current requirements and the new requirements are that Intermediate and Advanced certification are no longer required to obtain Supervisory certification, college education credits are no longer required to obtain Supervisory certification, and the supervisory experience requirement was increased from one year in a supervisory position to two years of experience in a supervisory position.

The implementation of the change to the requirements for supervisory certification will include a grace period to phase out the current requirements. The proposed timeline starts the new requirements effective January 1, 2017 and the current requirements will expire on December 31, 2017. This means that both sets of requirements will be in effect through December 31, 2017 and an applicant may apply using the set of requirements that fit their employment, certification and education experiences.

Additional amendments to OAR 259-008-0060 include deletion of rules pertaining to the "All Disciplines" chart (referred to as the old chart) for Intermediate and Advanced certifications, which

# NOTICES OF PROPOSED RULEMAKING

expired on October 31, 2015, clarifying language regarding the application requirements using the current certification charts and minor housekeeping.

No changes were made to the current requirements for Basic, Intermediate, Advanced, Management or Executive certifications.

**Rules Coordinator:** Jennifer Howald

**Address:** Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, OR 97317

**Telephone:** (503) 378-2432

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**Rule Caption:** Adds recommendation for ethics training in order to phase in annual requirement to maintain certifications.

**Stat. Auth.:** ORS 181A.410

**Stats. Implemented:** ORS 181A.410 & 181A.530

**Proposed Amendments:** 259-008-0025, 259-008-0064, 259-008-0065, 259-008-0066

**Last Date for Comment:** 12-21-16, Close of Business

**Summary:** These proposed rule amendments will be used to add a recommended training period and identify when training will become required in order to phase in annual ethics training for all certified public safety officers.

The Criminal Justice Denial/Revocation Workgroup is recommending that public safety officers complete a minimum of one hour of ethics training annually. OAR 259-008-0005 (27) defines “public safety officer” as including corrections officers, emergency medical dispatchers, parole and probation officers, police officers, certified reserve officers, reserve officers, telecommunicators and regulatory specialists. These proposed rule changes will not apply to certified reserve officers or reserve officers.

In order to phase in an ethics training requirement for all certified public safety officers, the completion of a minimum of one hour of ethics training every year will be recommended training for a period of three years. At the end of the three year period, completing a minimum of one hour of ethics training annually will become a mandatory certification maintenance requirement for all disciplines. The three year recommended period will begin January 1, 2017 and end December 31, 2019. Beginning January 1, 2020, all certified public safety officers will be required to complete a minimum of one hour of ethics training annually in order to maintain their certifications.

In addition to proposed rule language for police, telecommunicator, emergency medical dispatcher and part-time parole and probation officer maintenance training, proposed rule language has been included in 259-008-0025 (Minimum Standards for Training) with the intention to show that the recommended annual ethics training is for all disciplines since corrections, parole and probation and regulatory specialists do not currently have a certification maintenance requirement.

Training may be reported to DPSST on the F6 training roster to be added to the public safety officer’s DPSST training record. The employing agency may determine what training will be provided in order to meet the minimum of one hour of ethics training. Completed ethics training will be applied to the total hourly maintenance requirements for police officers, telecommunicators, emergency medical dispatchers and part-time parole and probation officers.

These proposed rule amendments will be used to phase in annual ethics training for all certified public safety officers.

**Rules Coordinator:** Jennifer Howald

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## Department of State Lands Chapter 141

**Rule Caption:** Establish a Removal-Fill General Permit for Certain Activities Promoting Waterway-Floodplain Connectivity

**Date:**  
12-16-16

**Time:**  
4 p.m.

**Location:**  
City of Pendleton  
Community Rm.  
500 SW Dorion Ave  
Pendleton, OR

12-19-16

4 p.m.

Harney Co. Courthouse  
Basement Meeting Rm.  
450 N Buena Vista  
Burns, OR

12-20-16

4 p.m.

Dept. of State Lands  
Land Board Rm  
775 Summer St NE  
Salem, OR

1-12-17

2 p.m.

Anne Basker Auditorium  
600 NW 6th St.  
Grants Pass, OR

**Hearing Officer:** Bethany Harrington, Kirk Jarvie, Melody Rudenko

**Stat. Auth.:** ORS Chapter 183 - regarding administrative procedures and rules of state agencies ORS 196.817 - regarding the Department’s authority to create a removal-fill general permit by rule or order

**Stats. Implemented:** ORS 196.600–ORS 196.990

**Proposed Adoptions:** 141-093-0285, 141-093-0290, 141-093-0295, 141-093-0300, OAR 141-093-0305, 141-093-0310, 141-093-0315, 141-093-0320

**Last Date for Comment:** 1-20-17, 5 p.m.

**Summary:** This rule would establish a General Permit for certain restoration activities (“beaver dam analogues” and “restoration check dams”) that promote connectivity between incised waterways and their floodplains. This rulemaking reflects the Department’s interest reducing regulatory barriers for landowners and conservation interests that seek to voluntarily improve conditions within incised waterways to promote reconnection with their historic floodplains and that may simultaneously improve the economic capacity of adjacent lands. The Department proposes this General Permit as a 10-year pilot to assess the efficacy of the rule in promoting that interest.

The Department also specifically requests public comment on whether other options should be considered for achieving the rule’s substantive goals while reducing the negative economic impact of the rule on business pursuant to ORS 183.335(2)(b)(G).

For additional information on this rulemaking process please visit the following link on the Department’s website: <http://www.oregon.gov/dsl/Pages/Rulemaking-Activity.aspx>

To comment on this rulemaking, submit your comments by e-mail to rulemaking

Sabrina Foward, Rules Coordinator  
OAR 141-093 Rulemaking  
Department of State Lands  
775 Summer Street N.E., Suite 100  
Salem, OR 97301

**Rules Coordinator:** Sabrina L. Foward

**Address:** Department of State Lands, 775 Summer St. NE, Suite 100, Salem, OR 97301-1279

**Telephone:** (503) 986-5236

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

**Rule Caption:** Makes a minor revision to language for consistency with other DMV special registration plate rules.

**Stat. Auth.:** ORS 184.616, 184.619, 802.010, 805.200, 805.205, 805.222, 805.225

**Stats. Implemented:** ORS 805.200, 805.205, 805.222, 805.225

**Proposed Amendments:** 735-040-0115

**Last Date for Comment:** 12-21-16, 4 p.m.

**Summary:** DMV is making a minor revision to OAR 735-040-0115(3) to use language that is consistent with other DMV rules

## NOTICES OF PROPOSED RULEMAKING

relating to the qualifications, application and approval for special registration plates.

**Rules Coordinator:** Lauri Kunze

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

**Telephone:** (503) 986-3171

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**Rule Caption:** Closure of DMV Record Inquiry Accounts for Misuse or Improper Disclosure of Personal Information

**Stat. Auth.:** ORS 184.616, 184.619, 192.440, 802.010, 802.179, 802.183, 802.220, 802.230

**Stats. Implemented:** ORS 802.179, 802.183, 802.220, 802.230

**Proposed Amendments:** 735-010-0020

**Last Date for Comment:** 12-21-16, 4 p.m.

**Summary:** OAR 735-010-0020 defines processes and procedures for a person or business entity to apply for a Record Inquiry Account. As part of the application process the person or business entity must provide sufficient information for DMV to determine that the person or business entity is legally entitled to obtain DMV records. At times DMV receives complaints about the use of its records. DMV investigates reports of misuse or unlawful redisclosure. DMV proposes to amend OAR 735-010-0020 to give DMV authority to close a record inquiry account if an account holder misuses or improperly discloses personal information from DMV records.

**Rules Coordinator:** Lauri Kunze

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

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**Rule Caption:** Changes amount DMV will automatically refund when it receives money not legally due

**Stat. Auth.:** ORS 184.616, 184.619, 293.445, 802.010, 802.110

**Stats. Implemented:** ORS 293.445, 802.110

**Proposed Amendments:** 735-001-0100

**Last Date for Comment:** 12-21-16, 4 p.m.

**Summary:** ORS 293.445 authorizes state agencies to establish, by rule, the minimum dollar amount that an agency will refund when the agency receives money not legally due to the agency.

The proposed amendment of OAR 735-001-0100 changes from \$5.01 to \$10.01 the minimum amount that DMV will automatically refund when it determines it has received money not legally due to the division. DMV is changing the amount, which was established in 2006, to help offset DMV's cost to issue refunds.

**Rules Coordinator:** Lauri Kunze

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

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### Land Use Board of Appeals Chapter 661

**Rule Caption:** Amendments to change word limit for briefs; requires certification of rule compliance; other housekeeping amendments.

**Stat. Auth.:** ORS 197.820(4)

**Stats. Implemented:** ORS 197.805; ORS 197.835; ORS 197.845; ORS 197.830 (1), (2), (7), (9), (10), (11), (12), (13)

**Proposed Amendments:** 661-010-0000, 661-010-0005, 661-010-0015, 661-010-0021, 661-010-0025, 661-010-0030, 661-010-0035, 661-010-0050, 661-010-0068, 661-010-0075

**Last Date for Comment:** 12-21-16, Close of Business

**Summary:** Service of Notice

OAR 661-010-0015(2) and (3)(f)(D): Requires that when a local government provides only electronic mail addresses for persons whom written notice of the land use decision or limited land use decision was mailed, a petitioner fulfills its service of notice obligation for those persons by sending a copy of the notice of intent to appeal to those persons via electronic mail. Clarifies that a notice of intent

to appeal must be served on all persons to whom written notice of the land use decision or limited land use decision was mailed, either through the United States Postal Service or by electronic mail.

OAR 661-010-0021(5)(c)(C): Clarifies that an amended or refiled notice of intent to appeal must be served on all persons to whom written notice of the original or reconsidered land use decision or limited land use decision was mailed, either through the United States Postal Service or by electronic mail.

Petition for Review

OAR 661-010-0030(1): Clarifies that the filing of a single Notice of Intent to Appeal permits only one petition for review. The rules have always referred to Notice of Intent to Appeal and petition for review in the singular, but the Board felt that the clarification was important. This amendment makes clear that the correct practice is one petition for review per single notice of intent to appeal.

OAR 661-010-0030(2)(b): This amendment proposes a change from the 50-page limit for briefs to a word count of 14,000 words (still double-spaced text in 14 point font). The amendment also includes a new accommodation for parties that lack a word processor, permitting a brief of either 50 pages for a typewritten brief in 14 point font, or 35 pages for a type written brief in 12 point font. Since the implementation of our January 1, 2014 amendment that called for 14 point font briefs with double spacing, LUBA has received a number of briefs that violate page length, font size, and/or spacing, resulting in parties submitting what constitutes overlength briefs without permission from the board. This amendment is in response to that trend, and the word count approach makes it easier to determine violations of the brief length requirement. The idea of a word count with a certificate of compliance comes from the Oregon Appellate Courts' filing requirements. ORAP 5.05(2)(d).

OAR 661-010-0030(2)(d): Reiterates the amendment that permits 12 point font if the brief is produced on a typewriter.

OAR 661-010-0030(2)(j): Requires certificate of compliance with petition for review and response brief requirements; Introduces Exhibit 7.

OAR 661-010-0030(4)(b)(B): Modifies the content of petition for review rule to require only a brief summary of argument.

Response to a Cross Petition Brief

OAR 661-010-0035: Clarifies that a response brief responding to a cross petition for review is due at the same time as a response brief responding to a petition for review.

Intervention

OAR 661-010-0050: Clarifies that a single motion to intervene permits the filing of one intervenors' brief as appropriate.

Stays

OAR 661-010-0068(4): Revises the rule to conform to LUBA's prior practice of accepting cashier's checks or bank-certified checks in lieu of an undertaking.

Housekeeping

Several rules have been amended to ensure that the prefix of "OAR" precedes a reference to "661-010- 00\*\*." In addition, the term "intervenors-petitioner" has been revised to read "intervenors-petitioners." OAR 661-010-0000 is modified to provide for the effective date of different versions of OAR Chapter 661 Division 10 based on the date of filing, as amended.

Exhibit 7

This new exhibit is the template for the certificate of compliance for petitions for review and response briefs as required by OAR 661-010-0032(2)(j).

**Rules Coordinator:** Scott Hilgenberg

**Address:** Land Use Board of Appeals, 775 Summer St. NE, Suite 330, Salem, OR 97301-1283

**Telephone:** (503) 373-1265

# NOTICES OF PROPOSED RULEMAKING

## Landscape Architect Board Chapter 804

**Rule Caption:** Updates to Rules for Business Registration, Code of Professional Conduct, Fees, Advertising, Definitions, Inactive Status

**Date:** 12-22-16  
**Time:** 9 a.m.  
**Location:** Association Center  
707 13th St. SE  
Salem, OR

**Hearing Officer:** Christine Valentine

**Stat. Auth.:** 804-003-0000 - ORS 183.335(5), 670.310, 671.415; 804-022-0025 - ORS 671.376(4), 671.415; 671.310; 804-030-0011 - ORS 670.310, 671.318; 804-035-0000 - ORS 671.318, 671.415; 804-035-0010 - ORS 671.318, 671.415; 804-035-0020 - ORS 671.318, 671.415; 804-035-0030 - ORS 671.318, 671.415; 804-035-0035 - ORS 671.318, 671.415; 804-035-0040 - ORS 671.318, 671.415; 804-040-0000 - ORS 182.466(4), 670.310, 671.365, 671.415; 804-050-0005 - ORS 671.393, 671.415; 804-050-0010 - ORS 671.393, 671.415; 804-050-0015 - ORS 671.393, 671.415

**Other Auth.:** Not Applicable

**Stats. Implemented:** 804-003-0000 - ORS 671.310-459, 804-022-0025 - ORS 671.325, 671.335, 671.365, 671.415, 804-030-0011 - ORS 671.318, 804-035-0000 - ORS 671.318, 804-035-0010 ORS - 671.318, 804-035-0020 - ORS 671.318, 804-035-0030 - ORS 671.318, 804-035-0035 - ORS 671.318, 804-035-0040 - ORS 671.318, 804-040-0000 - ORS 671.325, 671.345, 671.365, 671.376, 804-050-0005 - ORS 671.393, 804-050-0010 - ORS 671.393, 804-050-0015 - ORS 671.393

**Proposed Adoptions:** 804-035-0000

**Proposed Amendments:** 804-003-0000, 804-022-0025, 804-030-0011, 804-035-0010, 804-035-0020, 804-035-0030, 804-035-0035, 804-035-0040, 804-040-0000, 804-050-0005, 804-050-0010, 804-050-0015

**Last Date for Comment:** 12-22-16, Close of Business

**Summary:** Comprehensive update of rules that relate to the Board's business registration program to improve clarity and transparency about purpose for and requirements of this registration type. Establish a new fee for filing of statements of responsibility as part of business registration. Miscellaneous other rule updates proposed, such as clarifying registrant requirements for keeping contact information on file with the Board, to support more efficient management of registration programs.

**Rules Coordinator:** Christine Valentine

**Address:** Landscape Architect Board, 707 13th St. SE, Suite 114, Salem, OR 97301

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

## Oregon Business Development Department Chapter 123

**Rule Caption:** These rule amendments relate to Economic Revenue Development Bonds.

**Stat. Auth.:** ORS 285A.075

**Stats. Implemented:** ORS 285B.320-285B.371

**Proposed Amendments:** Rules in 123-011

**Last Date for Comment:** 12-22-16, Close of Business

**Summary:** The Department has observed an increase in the number of solid-waste-to-energy project applications that are presented seeking qualification for Industrial Development Revenue Bonds (IDBs) to fund their respective project. Unlike more traditional manufacturing projects that submit application to the Department, the speculative nature of the solid-waste-to-energy projects and the respective technologies involved, most of the projects do not meet investment grade bond rating standards and the projects are not accompanied by qualified purchasers of the bonds necessary to fund and close the project. It has become a common occurrence for these solid-waste-to-energy projects failing to close and the application fee

of \$500 is not sufficient to support the processing of the application and the administration of the program.

Additionally the Oregon Department of Justice has advised Business Oregon to add a section of rule specifying how the State's Bond Counsel is selected and what the process is for considering alternate Counsel at the request of the borrower.

**Rules Coordinator:** Mindee Sublette

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

**Telephone:** (503) 986-0036

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**Rule Caption:** New rule division relating to the Solar Development Incentive Program.

**Stat. Auth.:** Ch. 63, OL 2016

**Stats. Implemented:** Ch. 63, OL 2016

**Proposed Adoptions:** Rules in 123-093

**Last Date for Comment:** 12-22-16, Close of Business

**Summary:** The 2016 Legislature passed HB 4037 which created the Solar Development Incentive Program. These rules clarify, specify and establish standards and criteria for the program. The program was established to incentivize the generation of electricity derived from solar photovoltaic energy.

**Rules Coordinator:** Mindee Sublette

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

**Telephone:** (503) 986-0036

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## Oregon Department of Education, Early Learning Division Chapter 414

**Rule Caption:** Rules for license exempt child care facilities accepting federal subsidy.

**Stat. Auth.:** ORS 329A.505

**Other Auth.:** ORS 326.425

**Stats. Implemented:** ORS 329A.505

**Proposed Amendments:** 414-180-0005, 414-180-0010, 414-180-0015, 414-180-0020, 414-180-0025, 414-180-0055

**Last Date for Comment:** 12-29-16, 5 p.m.

**Summary:** The Child Care Development Block Grant Act of 2014 requires the Early Learning Division to begin annual health and safety inspections of license exempt child care providers who accept federal subsidies. ORS 329A.505 authorizes the Office of Child Care to conduct on-site inspections when such inspections are required under federal law and authorizes the Office of Child Care to require improvements or corrections necessary to bring provider into compliance.

The Early Learning Council adopted administrative rules in June 2016 applicable to Regulated Subsidy Providers. Previous rules adopted addressed regulated subsidy family home facilities. These rules establish conditions and requirements for center-based regulated subsidy facilities.

**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, Board of Licensed Dietitians Chapter 834

**Rule Caption:** The rule changes clarify the continuing education requirement for dietitians and adds penalties for violations.

**Stat. Auth.:** ORS 691.465, 691.477

**Stats. Implemented:** ORS 691.465, 691.477

**Proposed Amendments:** 834-050-0000, 834-050-0010

**Last Date for Comment:** 12-28-16, 4 p.m.

**Summary:** The rule changes clarify the continuing education requirement for dietitians and adds penalties for violations.

# NOTICES OF PROPOSED RULEMAKING

**Rules Coordinator:** Samantha Patnode  
**Address:** Health Licensing Office, Board of Licensed Dietitians, 700 Summer St. NE, Suite 320, Salem, OR 97301-1287  
**Telephone:** (503) 373-1917

.....  
**Oregon Health Authority,  
Health Policy and Analytics  
Chapter 409**

**Rule Caption:** Amendment of Health Evidence Review Commission Rule

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-19-16	10 a.m.	500 Summer St NE, Rm. 554 Salem, Oregon 97301

**Hearing Officer:** Zarie Haverkate  
**Stat. Auth.:** ORS 414.695 and 413.042  
**Stats. Implemented:** ORS 414.695 and 414.698  
**Proposed Amendments:** 409-060-0110, 409-060-0120, 409-060-0140, 409-060-0150  
**Last Date for Comment:** 12-21-16, 5 p.m.

**Summary:** The Oregon Health Authority is amending the rule to align with the Health Evidence Review Commission's request to streamline its coverage guidance process.

**Rules Coordinator:** Zarie Haverkate  
**Address:** Oregon Health Authority, Health Policy and Analytics, 500 Summer St. NE, E-65, Salem, OR 97301  
**Telephone:** (503) 931-6420

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**Rule Caption:** Extending Patient-Centered Primary Care Home Program application deadline to 90 days from 30 days.

**Stat. Auth.:** ORS 413.042, 413.259 & 414.655  
**Stats. Implemented:** ORS 413.259, 413.260 & 414.655  
**Proposed Amendments:** 409-055-0030, 409-055-0040, 409-055-0045, and 409-055-0050  
**Proposed Repeals:** 409-055-0030(T)

**Last Date for Comment:** 12-20-16, 5 p.m.  
**Summary:** The Authority is filing an amendment to extend at the Authority's discretion, from a 30-day to a 90-day grace period for Patient-Centered Primary Care Homes to reapply on January 1, 2017 to submit a renewal application without having a lapse in recognition status. The Authority is also correcting in the rule and in Table 1 a miscalculation to the Recognition Criteria points for Tier 4 from 255-390 to 255-380. This change will not impact the clinics applying for recognition.

**Rules Coordinator:** Zarie Haverkate  
**Address:** Oregon Health Authority, Health Policy and Analytics, 500 Summer St. NE, E-65, Salem, OR 97301  
**Telephone:** (503) 931-6420

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

**Rule Caption:** Client Copayment

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
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  
**Stats. Implemented:** ORS 414.025, 414.065  
**Proposed Amendments:** 410-120-1230  
**Last Date for Comment:** 12-22-16, 5 p.m.

**Summary:** The Oregon Health Authority needs to revise OAR 410-120-1230 Client Copayment in order to reflect that effective with dates of service on or after January 1, 2017, copayments will not be assessed for Medicaid services. Under the ACA, states are required to meet some federal Marketplace requirements for recipients receiving benefits as a part of the expansion population. One of these requirements is to cover and to waive all cost sharing for certain

preventive services. The OHA determined that it will waive cost sharing for all services, not just preventive.

**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:** Compliance with a January 28, 2016, CMS Informational Bulletin Requiring Alternate Benefit Changes in OHP

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
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, 414.615, 414.635, and 414.651  
**Stats. Implemented:** ORS 414.610-414.685  
**Proposed Amendments:** 410-141-3070, 410-141-3300, 410-141-3395

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

**Summary:** The Affordable Care Act (ACA) amended section 1937 of the Social Security Act (the Act), requiring that Alternate Benefit Plan (ABP) coverage packages meet Essential Health Benefit (EHB) standards. A regulation published in 2015 made several regulatory changes to EHB standards that impact Medicaid ABPs (The Health and Human Services (HHS) Notice of Benefit and Payment Parameters for 2016, Final Regulation (CMS-9944-F), published by the Center for Consumer Information and Insurance Oversight (CCIIO) on February 27, 2015, (hereby called the CCIIO 2016 Payment Notice)). The Department of Labor issued interpretive information that also impacts preventive and contraceptive services under Medicaid ABPs. The CCIIO 2016 Payment Notice added new requirements for plans to use a pharmacy and therapeutics (P&T) committee starting in plan years beginning on or after January 1, 2017. Provisions regarding the P&T committee structure and operations, the formulary exceptions process, and the accessibility of formulary information were also included. Also, in order to be considered to provide EHB prescription drug coverage, health plans must publish up-to-date, accurate, and complete lists of all covered drugs on their formulary drug lists, including any tiering structures that have been adopted and any restrictions on the manner in which certain drugs can be obtained (see 45 CFR 156.122(d)). To the extent that a Medicaid ABP is furnished through a managed care network (including a pharmacy benefit manager), the ABP must satisfy the requirements of 45 CFR 156.122(e) by maintaining access to in-network retail pharmacies.

**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:** Adding Definition of Psychiatric Emergency Services and Its Reimbursement Method to General and Hospital Rules

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
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  
**Stats. Implemented:** ORS 413.065  
**Proposed Amendments:** 410-125-0085, 410-125-0360, 410-120-0000

**Proposed Repeals:** 410-125-0085(T), 410-125-0360(T), and 410-120-0000(T)

**Last Date for Comment:** 12-22-16, 5 p.m.  
**Summary:** The Division needs to adopt these temporary rules so that Psychiatric Emergency Services (PES) facilities that are preparing to establish themselves as a PES provider can use these rules to guide their preparations in time for a January 1, 2017, go-live date.

# NOTICES OF PROPOSED RULEMAKING

**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:** Expanding Services in State Plan for Babies First!, CaCoon TCM Effective Per CMS Approval

**Stat. Auth.:** ORS 413.042 & 414.065

**Stats. Implemented:** ORS 414.065

**Proposed Amendments:** 410-138-0000, 410-138-0005, 410-138-0007, 410-138-0009, 410-138-0020, 410-138-0040, 410-138-0060, 410-138-0080, 410-138-0390

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

**Summary:** The Division needs to amend these rules to incorporate changes to the State Plan for Targeted Case Management Public Health Nurse Home Visiting, Expanded Babies First!, CaCoon, and Nurse-Family Partnership services, recently approved by Centers for Medicare and Medicaid Services (CMS) effective 01/01/2017. The Division is adding definitions specific to the expanded services, qualifications of case managers, expanded target group, and identified risk criteria for clients eligible in the target group. All changes are pending subject to CMS approval of proposed language and/or changes to language for expanding services for Babies First!, CaCoon Targeted Case Management Services.

**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:** Adopt rules governing Psychiatric Emergency Services (PES) facility, staffing, patient care and quality assessment requirements

Date:	Time:	Location:
12-21-16	2 p.m.	Lincoln Bldg. 421 SW Oak St. Transformation Center Training Rm. Portland, OR

**Hearing Officer:** Nola Russell

**Stat. Auth.:** ORS 413.042

**Stats. Implemented:** ORS 413.042

**Proposed Adoptions:** 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

**Proposed Repeals:** 309-023-0100(T), 309-023-0110(T), 309-023-0120(T), 309-023-0130(T), 309-023-0140(T), 309-023-0150(T), 309-023-0160(T), 309-023-0170(T), 309-023-0180(T)

**Last Date for Comment:** 12-23-16, Close of Business

**Summary:** Adopt rules governing Psychiatric Emergency Services (PES) facility, staffing, patient care and quality assessment requirements.

The adoption of OAR 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

**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

\*\*\*\*\*

**Rule Caption:** Amend Secure Transport Rules Adding Requirements If Providing Transportation to Psychiatric Emergency Services Facilities

Date:	Time:	Location:
12-21-16	2 p.m.	421 SW Oak St. Portland, OR Transformation Center Training Rm.

**Hearing Officer:** Nola Russell

**Stat. Auth.:** ORS 413.042

**Stats. Implemented:** ORS 426.005–426.395

**Proposed Amendments:** 309-033-0432

**Last Date for Comment:** 12-23-16, Close of Business

**Summary:** The Division needs to amend this rule so that ambulances can provide transportation to Psychiatric Emergency Services (PES) facilities. The rule is being amended to add requirement that the secure provider must be licensed as an ambulance service pursuant to OAR 333-250-0040, if providing transportation to a Psychiatric Emergency Services facility.

**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:** Manufacturer Disclosure of High Priority Chemicals of Concern for Children's Health in Children's Products: Fees

Date:	Time:	Location:
12-16-16	11:30 a.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1D Portland, OR 97232

**Hearing Officer:** Jana Fussell

**Stat. Auth.:** ORS 413.042, 431A.258, 431A.268, 431A.270

**Stats. Implemented:** ORS 431A.253–431A.280

**Proposed Adoptions:** 333-016-2080

**Proposed Amendments:** 333-016-2040, 333-016-2060, 333-016-2070

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

**Summary:** The Oregon Health Authority (Authority), Public Health Division, is proposing to permanently adopt and amend administrative rules in chapter 333, division 16. The proposed rules establish a schedule of fees for manufacturers of children's products required to disclose high priority chemicals of concern for children's health used in children's products sold or offered for sale in Oregon. The fees, as specified in the Toxic Free Kids Act of 2015, are based on the cost to the Authority for administering the Act and its requirements.

**Rules Coordinator:** Brittany Hall

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

**Telephone:** (971) 673-1291

\*\*\*\*\*

**Rule Caption:** Nursing Staff Member Overtime

Date:	Time:	Location:
12-16-16	9 a.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1D Portland, OR 97232

**Hearing Officer:** Jana Fussell

**Stat. Auth.:** ORS 413.042, 441.166 & 441.168

**Stats. Implemented:** ORS 441.166 & 441.168

**Proposed Amendments:** 333-510-0130

**Proposed Repeals:** 333-510-0130(T)

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

**Summary:** The Oregon Health Authority, Public Health Division is proposing to permanently amend OAR 333-510-0130 relating to hospital nurse staffing in response to legislation (SB 469; Oregon Laws 2015, chapter 669) that was passed in the 2015 legislative session and to address an unintended gap in the rule language.

The proposed amendments clarify the definition of the word "require" as a verb and the application of the 10-hour rest period after a nursing staff member has worked an agreed-upon and prearranged shift in excess of 12 hours in a 24-hour period.

**Rules Coordinator:** Brittany Hall



## NOTICES OF PROPOSED RULEMAKING

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

\*\*\*\*\*

**Rule Caption:** EMS Course and EMS Provider Licensure Requirements

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-20-16	2:30 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1D Portland, OR 97232

**Hearing Officer:** Jana Fussell

**Stat. Auth.:** ORS 682.017, 682.208, 682.212, 682.216, 682.218

**Stats. Implemented:** ORS 676.165, 676.175, 682.017–682.991

**Proposed Amendments:** 333-265-0000, 333-265-0010, 333-265-0012, 333-265-0014, 333-265-0015, 333-265-0016, 333-265-0018, 333-265-0020, 333-265-0022, 333-265-0023, 333-265-0024, 333-265-0025, 333-265-0030, 333-265-0040, 333-265-0050, 333-265-0056, 333-265-0070, 333-265-0080, 333-265-0083, 333-265-0085, 333-265-0087, 333-265-0090, 333-265-0105, 333-265-0110, 333-265-0140, 333-265-0150, 333-265-0160, 333-265-0170

**Proposed Repeals:** 333-265-0011, 333-265-0060

**Proposed Ren. & Amends:** 333-265-0100 to 333-265-0045

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

**Summary:** The Oregon Health Authority (Authority), Public Health Division, Emergency Medical Services (EMS) and Trauma Systems Program is proposing to permanently amend, repeal and amend and renumber Oregon Administrative Rules in chapter 333, division 265 relating to EMS course requirements and requirements for EMS provider licensure. Amendments are necessary in order to remove outdated fees, continuing education references, and provisional licensure requirement; align the rules with current national registry language and education standards; and provide additional options for rural communities to provide courses to EMS providers. Amendments also clarify EMS provider licensure reinstatement requirements after reverting to a lower level. Non-substantive changes are proposed to ensure consistent use of terminology, make general updates consistent with current practice, update statutory and rule references, and clarify processes.

**Rules Coordinator:** Brittany Hall

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

**Telephone:** (971) 673-1291

\*\*\*\*\*

**Rule Caption:** Prescription drug monitoring and health information technology systems

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-19-16	1:30 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1B Portland, OR 97232

**Hearing Officer:** Jana Fussell

**Stat. Auth.:** ORS 431A.855

**Other Auth.:** HB 4124 (Oregon Laws 2016, chapter 100)

**Stats. Implemented:** ORS 431A.855–431A.900

**Proposed Adoptions:** 333-023-0830

**Proposed Amendments:** 333-023-0805, 333-023-0820

**Last Date for Comment:** 12-23-16, 5 p.m.

**Summary:** The Oregon Health Authority, Public Health Division is proposing to permanently adopt and amend administrative rules in chapter 333, division 23 pertaining to prescription drug monitoring and health information technology systems. The proposed rule adoption modifies the Prescription Drug Monitoring Program (PDMP) to allow authorized practitioners or pharmacists and their delegates to access PDMP information through health information technology systems. The proposed rule amendments are to address the approval process and compliance of health information technology systems with privacy and security requirements in accordance with state and federal laws.

**Rules Coordinator:** Brittany Hall

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

\*\*\*\*\*

**Rule Caption:** Oregon ContraceptiveCare (CCare)

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-16-16	1:30 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 368 Portland, OR 97232

**Hearing Officer:** Jana Fussell

**Stat. Auth.:** ORS 413.042

**Stats. Implemented:** ORS 413.032

**Proposed Amendments:** 333-004-0000, 333-004-0010, 333-004-0020, 333-004-0030, 333-004-0040, 333-004-0050, 333-004-0060, 333-004-0070, 333-004-0080, 333-004-0110, 333-004-0120, 333-004-0130, 333-004-0140, 333-004-0150, 333-004-0160

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

**Summary:** The Oregon Health Authority, Public Health Division is proposing to permanently amend Oregon Administrative Rules related to the Oregon ContraceptiveCare Program (CCare). CCare is a Medicaid waiver demonstration project approved by the Centers for Medicare and Medicaid Services (CMS). At this time, the program proposes to amend rules to reflect changes in program administration and operations, required in part by the most recently approved waiver renewal by CMS. Revisions include an expansion of the definitions section; changes to client eligibility verification processes for eligible immigrants; modifications related to covered services; updates to the program's standards of care.

**Rules Coordinator:** Brittany Hall

**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:** Ambulance Service Licensing

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-20-16	2:30 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1D Portland, OR 97232

**Hearing Officer:** Jana Fussell

**Stat. Auth.:** ORS 682.017, 682.068 & 682.079

**Stats. Implemented:** ORS 682.017–682.117, 682.224, 682.991, 820.330

**Proposed Adoptions:** 333-250-0220, 333-250-0225, 333-250-0230, 333-250-0235, 333-250-0255, 333-250-0265, 333-250-0310, 333-250-0320, 333-250-0350, 333-250-0360, 333-250-0380, 333-250-0390, 333-250-0410

**Proposed Repeals:** 333-250-0031, 333-250-0042, 333-250-0044, 333-250-0045, 333-250-0048, 333-250-0049, 333-250-0100

**Proposed Renumberings:** 333-250-0000 to 333-250-0200

**Proposed Ren. & Amends:** 333-250-0010 to 333-250-0205, 333-250-0020 to 333-250-0210, 333-250-0030 to 333-250-0215, 333-250-0040 to 333-250-0250, 333-250-0041 to 333-250-0270, 333-250-0043 to 333-250-0280, 333-250-0046 to 333-250-0290, 333-250-0047 to 333-250-0300, 333-250-0050 to 333-250-0340, 333-250-0060 to 333-250-0370, 333-250-0070 to 333-250-0400, 333-250-0080 to 333-250-0240, 333-250-0085 to 333-250-0330

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

**Summary:** The Oregon Health Authority (OHA), Public Health Division, Emergency Medical Services (EMS) and Trauma Systems Program is proposing to permanently adopt, amend and renumber, and repeal Oregon Administrative Rules in chapter 333, division 250 relating to the licensing requirements for ambulance service agencies. The proposed amendments seek to:

- Update language and terms used to reflect current terminology, technology and statutory references;
- Align rules with other facility licensing types including streamlining the organization of the rules;
- Clarify licensing requirements and actions necessary;

# NOTICES OF PROPOSED RULEMAKING

- Require criminal background checks on qualified drivers that are not a licensed EMS provider;
- Recommend minimum requirements for a quality assessment and performance improvement (QAPI) program;
- Clarify ambulance service agency responsibilities; and
- Clarify OHA responsibilities.

**Rules Coordinator:** Brittany Hall

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

**Telephone:** (971) 673-1291

.....  
**Oregon Liquor Control Commission**  
**Chapter 845**

**Rule Caption:** The amendments remove the prohibition on employees working at both wholesale and retail licensees.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
1-12-17	10 a.m.	9079 SE McLoughlin Blvd. Portland, Oregon 97222

**Hearing Officer:** Bryant Haley

**Stat. Auth.:** ORS 471.030, 471.040, 471.730(1) & 471.730(5)

**Stats. Implemented:** ORS 471.394(1)

**Proposed Amendments:** 845-013-0100

**Last Date for Comment:** 1-26-17, 5 p.m.

**Summary:** This rule change relaxes the prohibition on an employee of a manufacturer or wholesaler also working at a separate retail establishment. Further, the rule change will allow an employee of a brewery or brewery public house to sell alcoholic beverages at a retail licensee, as long as the retail licensee does not sell beverages from the brewery or brewery public house where the employee works.

**Rules Coordinator:** Bryant Haley

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

**Telephone:** (503) 872-5136

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

**Rule Caption:** Updates to reflect the 2017 Internal Revenue Code annual limitations for retirement contributions and benefits.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-22-16	2 p.m.	Boardroom, PERS 11410 SW 68th Parkway Tigard, OR 97223

**Hearing Officer:** Daniel Rivas

**Stat. Auth.:** ORS 238.630, 238.650, 238A.370 & 238A.450

**Stats. Implemented:** ORS 238.005–238.715, 238A.370

**Proposed Amendments:** 459-005-0525, 459-005-0545, 459-080-0500

**Last Date for Comment:** 12-30-16, 5 p.m.

**Summary:** The Internal Revenue Service (IRS) revises various dollar limits annually based on cost-of-living adjustments. These revisions are used throughout the PERS plan's statutes and rules, but revisions to the limits must be adopted by the legislature or PERS Board to be effective.

The proposed rule modifications incorporate these federal adjustments and are necessary to ensure compliance with the Internal Revenue Code's limits on the amount of annual compensation allowed for determining contributions and benefits, annual benefits, and annual additions to PERS.

**Rules Coordinator:** Daniel Rivas

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

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

**Oregon State Lottery**  
**Chapter 177**

**Rule Caption:** Clarifies that the award of contracts for major procurements requires Commission approval; housekeeping edits

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-15-16	9 a.m.	Oregon State Lottery 500 Airport Rd. SE Salem, Oregon 97301

**Hearing Officer:** Staff

**Stat. Auth.:** ORS Chapter 461

**Other Auth.:** Oregon Constitution, Article XV, Section 4(4)

**Stats. Implemented:** ORS 461.400, 461.410, 461.420, 461.430, and 461.440

**Proposed Amendments:** 177-036-0030

**Last Date for Comment:** 12-15-16, 9:30 a.m.

**Summary:** The Oregon Lottery has initiated temporary and permanent rulemaking to amend the above referenced administrative rule to clarify that it is the award of Lottery contracts for major procurements that requires Lottery Commission approval as provided in ORS 461.440. Other amendments include housekeeping changes.

**Rules Coordinator:** Mark W. Hohlt

**Address:** Oregon State Lottery, 500 Airport Rd. SE, Salem, OR 97301

**Telephone:** (503) 540-1417

.....  
**Oregon State Treasury**  
**Chapter 170**

**Rule Caption:** Creates new rules for the Oregon Retirement Savings Plan

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
12-15-16	10 a.m.	Oregon State Treasury - Tigard 16290 SW Upper Boones Ferry Rd Tigard, OR 97224

**Hearing Officer:** Jennifer Peet

**Stat. Auth.:** ORS 178.200–178.245

**Stats. Implemented:** ORS 178.215

**Proposed Adoptions:** Rules in 170-080

**Last Date for Comment:** 12-23-16, Close of Business

**Summary:** Creates new rules for the Oregon Retirement Savings Plan.

**Rules Coordinator:** Dan McNally

**Address:** Oregon State Treasury, 350 Winter St. NE, Suite 100, Salem, OR 97301

**Telephone:** (503) 373-1028

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

**Rule Caption:** Updating BRS Rate Table incorporated by reference.

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

**Stats. Implemented:** ORS 420A.010, ORS 420A.014

**Proposed Amendments:** 416-335-0090

**Last Date for Comment:** 12-7-16, Close of Business

**Summary:** OYA is amending the date and content of the BRS Rate Table referenced in OAR 416-335-0090 to reflect new rates.

**Rules Coordinator:** Winifred Skinner

**Address:** Oregon Youth Authority, 530 Center St. NE, Suite 500, Salem, OR 97301

**Telephone:** (503) 373-7570

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

**Rule Caption:** Adds Sitka Sedge State Natural Area Master Plan to the list of adopted master plans

**Stat. Auth.:** ORS 390.180 & ORS 390.124

**Stats. Implemented:** ORS 390.180(1)

**Proposed Amendments:** 736-018-0045

# NOTICES OF PROPOSED RULEMAKING

**Last Date for Comment:** 12-30-16, 5 p.m.

**Summary:** ORS 390.180(1) authorizes the Director of the Oregon Parks and Recreation Department (OPRD) to adopt administrative rules that establish a plan for each state park. Accordingly, OPRD is adopting a plan for Sitka Sedge State Natural Area. Plans for state parks are adopted as state rules under OAR 736-018-0045. The purpose of amending OAR 736-018-0045 is to adopt the plan for Sitka Sedge State Natural Area as a state rule.

The plan for the park responds to the most current information on park resource conditions and public recreation needs as they pertain to this park setting. The plan was formulated through OPRD's mandated planning process involving meetings with the general public, an advisory committee, recreation user groups, environmental advocacy groups, affiliated Tribes, affected state, federal and local government agencies, park neighbors and the local community.

**Rules Coordinator:** Claudia Ciobanu

**Address:** Parks and Recreation Department, 725 Summer St. NE, Suite C, Salem, OR 97301-1226

**Telephone:** (503) 872-5295

.....  
**Public Utility Commission**  
**Chapter 860**

**Rule Caption:** Revisions to 860-032-0060 Regarding Annual Reports from Telecommunications Providers.

**Stat. Auth.:** ORS 183, 192, 756, 759

**Stats. Implemented:** ORS 756.040, 756.105, 759.020, 759.060

**Proposed Amendments:** 860-032-0060

**Last Date for Comment:** 12-23-16, 5 p.m.

**Summary:** The proposed rule amendments provide clarifying and housekeeping changes to the rule regarding the annual report.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 608 on comments and file them by e-mail to the Commission's Filing Center at PUC. [FilingCenter@state.or.us](mailto:FilingCenter@state.or.us).

Interested persons may review all filings online at [web address]. 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](http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_001.html).

**Rules Coordinator:** Diane Davis

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

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

.....  
**Secretary of State,**  
**Audits Division**  
**Chapter 162**

**Rule Caption:** Considerations and Criteria for Selecting Performance Audit Topics

**Stat. Auth.:** ORS 297

**Stats. Implemented:** ORS 297.070

**Proposed Adoptions:** 162-050-0030

**Last Date for Comment:** 12-21-16, 5 p.m.

**Summary:** ORS 297.070 specifies that the Secretary of State shall adopt rules specifying criteria to be considered for conducting a performance or program audit.

**Rules Coordinator:** Julie A. Sparks

**Address:** Secretary of State, Audits Division, 255 Capitol St. NE, Suite 500, Salem, OR 97310

**Telephone:** (503) 986-2262

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

**Rule Caption:** Adopts and amends rules for educator licensure, professional practices and approval of educator preparation programs.

**Date:**  
1-10-17

**Time:**  
5 p.m.

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

**Hearing Officer:** Tamara Dykeman

**Stat. Auth.:** ORS 342

**Stats. Implemented:** Or Laws 2015, ch 756 (SB 78); Or Laws 2015 ch 245 (HB 2412); Or Laws 2015, ch 427(HB 3069); ORS 342.120–342.430, 342.455–342.495 & 342.553

**Proposed Adoptions:** 584-010, 584-010-0004, 584-010-0125, 584-225, 584-255-0060 584-420, 584-420-0015, 584-420-0016

**Proposed Amendments:** 584-017, 584-017-1100, 584-200, 584-200-0005, 584-200-0030, 584-210, 584-210-0040, 584-210-0050, 584-210-0060, 584-210-0070, 584-210-0100, 584-225, 584-225-0050, 584-420, 584-420-0020, 584-420-0310, 584-420-0345, 584-420-0360, 584-420-0365, 584-420-0415, 584-420-0420, 584-420-0425, 584-420-0440, 584-420-0460, 584-420-0490, 584-420-0630

**Proposed Ren. & Amends:** 584-020-0060 to 584-050-0125

**Last Date for Comment:** 1-10-17, Close of Hearing

**Summary:** 584-010-0004 is being adopted to provide guidance to programs for state approval process during transition to national accreditation requirements.

584-010-0125 adopts a method to allow programs to create innovative and collaborative programs on an experimental basis.

584-420-0015 adopts reading instruction program standards in accordance with new statutory requirement.

584-420-0016 adopts dyslexia instruction program standards in accordance with new statutory requirement.

584-255-0060 adopts provisions for Dual Language Specialization.

584-017-1100 is being amended to clarify provisions related to teacher performance assessments.

584-200-0005 is being amended to permits applicants who previously held middle level endorsement to add foundational endorsements with only a test.

584-200-0030 is being amended to define a month as 30 days for purposes of late fees and adds provision to allow 30 days to reopen an application after issuing license if new information is received.

584-210-0040 is being amended to clarify the applicant must hold an Initial, Initial I, Initial II, reciprocal, preliminary teaching license or equivalent out-of-state license to count teaching experience and permits .5 to .99 teaching experience for six years to meet experience requirement for the Professional.

584-210-0050 is being amended to create more flexible provisions related to teaching experience and evaluations.

584-210-0060 is being amended to allow applicants who have previously held restricted licenses to apply for this license.

584-210-0070 is being amended to remove provisions that allows out-of-state people to be issued the legacy.

584-210-0100 is being amended to clarify that an applicant may hold an emergency, charter school and restricted substitute license prior to qualifying restricted teaching license.

584-225-0050 is being amended to clarify all applicants must meet language proficiency requirements for Bilingual Specialization.

584-420-0020, 584-420-0310, 584-420-0360, 584-420-0365, 584-420-0415, 584-420-0420, 584-420-0425 is being amended to clarify cross-reference to teacher performance assessment requirements.

584-420-0345 is being amended to implement cross-references to new dyslexia and reading instruction standards (584-420-0015 and 584-420-0016) and to clarify cross-reference to teacher performance assessment rule.

## NOTICES OF PROPOSED RULEMAKING

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584-420-0440 is being amended to implement cross-references to new dyslexia and reading instruction standards (584-420-0015 and 584-420-0016) and to clarify cross-reference to teacher performance assessment rule.

584-420-0460 is being amended to implement cross-references to new dyslexia and reading instruction standards (584-420-0015 and 584-420-0016) and to clarify cross-reference to teacher performance assessment rule and removes highly qualified provisions, as this federal law has been repealed.

584-420-0490 is being amended to implement cross-reference to teacher performance assessment requirements and to provide language proficiency standard for Russian and Japanese programs.

584-420-0630 is being amended to include language proficiency standard.

584-020-0060 is being amended to clarify process for termination of informal reproof process and renumbers to 584-050-0125 so it will be with other professional practices rules.

The agency is seeking public comment on the proposed rules, including advantages, disadvantages, alternative options, potential costs of implementing and methods to reduce negative economic impact of the rule.

**Rules Coordinator:** Tamara Dykeman

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

**Telephone:** (503) 378-3586

# ADMINISTRATIVE RULES

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

**Rule Caption:** Amend rule for exhausting administrative remedies by adding specifications for the request.

**Adm. Order No.:** PAR 4-2016(Temp)

**Filed with Sec. of State:** 10-31-2016

**Certified to be Effective:** 10-31-16 thru 4-28-17

**Notice Publication Date:**

**Rules Amended:** 255-080-0001

**Subject:** The Oregon Court of Appeals found in “Brown v. Board of Parole” (09/26/2016), that an inmate has exhausted administrative remedies from the Board merely by filing a timely request for administrative review pursuant to OAR 255-080-0005. The Board has a rule that establishes formatting requirements for administrative review requests (OAR 255-080-0008). This rule amendment will expressly incorporate the specifications rule into the administrative review exhaustion requirements in OAR 255-080-0001.

The Board intends that this temporary rule amendment applies to requests for administrative review of all Board actions taken before, on, or after the effective date of these rule amendments.

**Rules Coordinator:** Perry Waddell—(503) 945-0946

### 255-080-0001

#### Exhaustion of Remedies

(1) A Board order is final and effective the date it is signed, however it is not final for purposes of the time period within which to appeal to the Court of Appeals until the inmate/offender exhausts his or her administrative review remedies.

(2) An inmate/offender has exhausted his or her administrative remedies after complying with OAR 255-080-0005 and 255-080-0008, and after the Board denies review, or grants review and either denies or grants relief. The Board shall notify the inmate/offender that exhaustion has occurred and the time for judicial appeal of appealable orders shall run from the mailing date of the notice.

Stat. Auth.: ORS 144.335

Stats. Implemented: ORS 144.335

Hist.: PAR 2-1991, f. & cert. ef. 2-20-91; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 7-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 13-2010, f. & cert. ef. 12-1-10; PAR 4-2016(Temp), f. & cert. ef. 10-31-16 thru 4-28-17

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## Bureau of Labor and Industries Chapter 839

**Rule Caption:** Amend OAR 839-005-0325 to correct statute citation.

**Adm. Order No.:** BLI 9-2016

**Filed with Sec. of State:** 11-8-2016

**Certified to be Effective:** 11-8-16

**Notice Publication Date:** 9-1-2016

**Rules Amended:** 839-005-0325

**Subject:** OAR 839-005-0325 pertains to unlawful retaliation or discrimination by career schools. The “Statutes Implemented” section currently incorrectly cites ORS 659A.030(1)(f). The amendment deletes that cite and instead cites ORS 659.850.

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

### 839-005-0325

#### Retaliation or Discrimination by Career Schools Prohibited

Pursuant to, ORS 659.852(1)(b), it is an unlawful practice for a career school or its agent to retaliate or discriminate against any individual because the individual has in good faith reported information that the student believes is evidence of a violation of a state or federal law, rule or regulation.

Stat. Auth.: ORS 651.060

Stats. Implemented: ORS 345.240 & 659.850

Hist.: BLI 14-2013, f. & cert. ef. 12-30-13; BLI 11-2015, f. & cert. ef. 8-4-15; BLI 9-2016, f. & cert. ef. 11-8-16

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**Rule Caption:** Amend rule to delete sections regarding confidentiality of settlement discussions.

**Adm. Order No.:** BLI 10-2016

**Filed with Sec. of State:** 11-8-2016

**Certified to be Effective:** 11-8-16

**Notice Publication Date:** 9-1-2016

**Rules Amended:** 839-003-0055, 839-003-0070

**Subject:** The proposed amendments would delete OAR 839-003-0055(7) and OAR 839-003-0070(5). Settlement discussion disclosure is determined by applicable law(s).

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

### 839-003-0055

#### Conciliation Agreements Prior to Completion of the Investigation

As used in enforcing ORS chapter 659A, including housing discrimination under ORS 659A.145 or 659A.421 or the federal Fair Housing Act (42 U.S.C. 3601 – 3614a):

(1) The division encourages aggrieved persons and respondents to resolve complaints by mutual agreement at any time. The division will facilitate settlement negotiations between the aggrieved person and respondent, as provided in this rule, at any time during the investigation.

(2) If the aggrieved person and respondent agree upon settlement, the division will draft a settlement agreement that states:

(a) That a “no fault” settlement has been reached;

(b) That the aggrieved person, the respondent and the Civil Rights Division accept the terms of the agreement as a resolution of the complaint;

(c) The specific action(s) the aggrieved person and respondent will take as a result of the complaint settlement and the time within which the action(s) will be taken; and

(d) That the division may investigate any alleged breach of the agreement.

(3) The settlement agreement will not include release language that applies to any forum other than the Civil Rights Division.

(4) The aggrieved person, the respondent and a representative of the division will sign the division’s settlement agreement. Upon execution of this agreement, the division will notify the aggrieved person and respondent that the complaint is dismissed. The aggrieved person and respondent will receive copies of the signed agreement.

(5) The division may allow the aggrieved person and the respondent to enter into a private agreement with release language in addition to the division’s agreement. The division will not be a party to nor enforce private agreements and they do not become part of the agency record.

(6) Nothing in these rules is intended to preclude private settlement between the aggrieved person and the respondent.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.835, 659A.840 & 659A.850

Hist.: BL 7-1981, f. & ef. 6-25-81; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 36-2007 f. 12-27-07 cert. ef. 1-1-08; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09; BLI 43-2008, f. 12-3-08, cert. ef. 12-5-08; BLI 9-2015, f. & cert. ef. 6-29-15; BLI 10-2016, f. & cert. ef. 11-8-16

### 839-003-0070

#### Settlement Process After Substantial Evidence Determination

(1) This section does not apply to housing discrimination complaints under ORS 659A.145 or 659A.421 or the federal Fair Housing Act (42 U.S.C. 3601 – 3614a). The settlement process after a substantial evidence determination in housing discrimination complaints is addressed in OAR 839-003-0225.

(2) If the division finds substantial evidence of unlawful practices, the division may seek to eliminate the effects of the unlawful discriminatory act(s) by conference, settlement and persuasion. The division will facilitate settlement negotiations between the aggrieved person and respondent as provided in OAR 839-003-0055.

(3) If no settlement agreement is reached in the period of time set aside for settlement after a substantial evidence determination, the division retains the discretion to further negotiate settlement, administratively dismiss the complaint, or proceed to a contested case hearing.

(4) The aggrieved person may withdraw the aggrieved person’s own complaint at any time.

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 659A.835 & 659A.840

Hist.: BL 7-1981, f. & ef. 6-25-81; BL 4-1996, f. & cert. ef. 3-12-96; BLI 11-2000, f. & cert. ef. 3-24-00; BLI 10-2002, f. & cert. ef. 5-17-02; BLI 7-2008(Temp), f. 3-20-08, cert. ef. 3-25-08 thru 9-21-08; Administrative correction 10-21-08; BLI 40-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 5-1-09; BLI 43-2008, f. 12-3-08, cert. ef. 12-5-08; BLI 9-2015, f. & cert. ef. 6-29-15; BLI 10-2016, f. & cert. ef. 11-8-16

# ADMINISTRATIVE RULES

## Department of Agriculture Chapter 603

**Rule Caption:** Amends rules for growing and handling industrial hemp and agricultural hemp seed.

**Adm. Order No.:** DOA 19-2016

**Filed with Sec. of State:** 10-28-2016

**Certified to be Effective:** 10-28-16

**Notice Publication Date:** 9-1-2016

**Rules Amended:** 603-048-0010, 603-048-0100, 603-048-0200, 603-048-0300, 603-048-0400, 603-048-0500, 603-048-0600, 603-048-0650, 603-048-0700, 603-048-0800, 603-048-0900, 603-048-1000

**Rules Repealed:** 603-048-0050, 603-048-0110, 603-048-0250

**Subject:** The 2016 legislative assembly passed HB 4060, which made substantial revisions to industrial hemp statutes, ORS 571.300 to ORS 571.315. The Oregon Department of Agriculture (department) promulgated temporary rules to immediately revise rules to address HB 4060. The department now seeks to adopt permanent rules as the temporary rules will soon expire. This proposed rule-making revises and makes permanent certain temporary rules, further aligns the regulatory scheme with HB 4060 revisions, and repeals certain rules that are now redundant. To summarize, the proposed rules make permanent temporary rules that; Remove the requirement for a 2.5 acre minimum production site; Authorize a single registration for growing on multiple, non-contiguous locations; Authorize growers to use any propagation method including planting seeds or starts, or the use of clones or cuttings; Authorize production in greenhouses or locations other than direct seeding into fields; Allow sampling and testing to be performed by other than the department; Clarifies sampling and testing requirements. In addition, the proposed rule amendments: Further clarify the processes for sampling and testing industrial hemp; Define how growers may designate lots for testing by distinguishing between “crop” and “harvest lot”; Clarifies reporting and record keeping requirements; Clarifies the scope of industrial hemp that may be detained, seized, or embargoed by the department; Defines the meaning of industrial hemp product.

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

### 603-048-0010

#### Definitions

The following definitions apply to OAR 603-048-0010 through 603-048-1000 unless the context requires otherwise.

(1) “Agricultural hemp seed” means Cannabis seed:

(a) That is sold to or intended to be sold to registered growers for planting; or

(b) That remains in an unprocessed or partially processed condition that is capable of germination.

(2) “Agricultural hemp seed producer” means a registered grower or handler that produces agricultural hemp seed or processes industrial hemp into agricultural hemp seed.

(3) “CBD” means cannabidiol, Chemical Abstracts Service Number 13956-29-1.

(4) “Consumable Product” means an industrial hemp product intended for human consumption.

(5) “Crop” means industrial hemp grown under a single registration.

(6) “Department” means the Oregon Department of Agriculture.

(7) “Grower” means a person, joint venture or cooperative that produces industrial hemp.

(8) “Handler” means a person, joint venture or cooperative that receives industrial hemp for processing into commodities, products or agricultural hemp seed.

(9) “Harvest Lot”:

(a) Means a quantity of industrial hemp harvested in a distinct time-frame for sampling and testing purposes that is:

(i) Grown in one contiguous field or growing area; or

(ii) Grown in a portion or portions of one contiguous field or one growing area.

(b) Does not include a quantity of industrial hemp comprised of industrial hemp grown in noncontiguous fields or noncontiguous growing areas.

(10) “Industrial hemp”:

(a) Means all nonseed parts and varieties of the Cannabis plant, whether growing or not, that contain an average tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis.

(b) Means any Cannabis seed:

(A) That is part of a crop;

(B) That is retained by a grower for future planting;

(C) That is agricultural hemp seed;

(D) That is for processing into or for use as agricultural hemp seed; or

(E) That has been processed in a manner or to an extent that the Cannabis seed is incapable of germination.

(c) Does not mean industrial hemp commodities or products.

(11) “Industrial hemp product”:

(a) Means an item processed by a registered handler containing any industrial hemp or containing any chemical compounds derived from industrial hemp, including CBD derived from industrial hemp.

(b) Includes items intended for human consumption that is:

(i) Processed in a manner or to an extent that the seed is incapable of germination and is suitable for human consumption;

(ii) Tested and approved by a laboratory to meet requirements adopted by the Oregon Health Authority under ORS 475B.555(1)(a) and (b) and (2) for marijuana items; and

(iii) Meets all department rules pertaining to industrial hemp products intended for human consumption.

(c) Does not include industrial hemp that has not been processed in any form or agricultural hemp seed.

(12) “Intended for human consumption” means intended for a human to ingest, inhale, topically apply to the skin or hair, or otherwise absorb into the body.

(13) “Laboratory” means a laboratory that is licensed by the Oregon Liquor Control Commission under ORS 475B.560 and accredited by the Oregon Health Authority under ORS 475B.565.

(14) “Produce” means the planting, cultivation, growing, or harvesting of industrial hemp.

(15) “Process” means the processing, compounding, or conversion of industrial hemp into industrial hemp commodities or products or agricultural hemp seed.

(16) “Registrant” means a grower or handler or agricultural hemp seed producer registered with the department under these rules.

Stat. Auth.: ORS 569.445, 571.300 - 571.315 & 633.511 - 633.996

Stats. Implemented: ORS 571.300 - 571.315

Hist.: DOA 3-2015, f. & cert. ef. 1-29-15; DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16; DOA 19-2016, f. & cert. ef. 10-28-16

### 603-048-0100

#### Production and Handling of Industrial Hemp and Agricultural Hemp Seed

(1) Industrial hemp is an agricultural product subject to regulation by the department.

(2) Only a grower registered with the department may produce industrial hemp. Only a handler registered with the department may process industrial hemp.

(3) Registrations are personal and may not be transferred. A registrant may not sell or transfer an industrial hemp or agricultural hemp seed production registration.

(4) A registered grower may use any propagation method, including planting seeds from, or starts, or the use of clones or cuttings, to produce industrial hemp.

(5) Any person holding a valid three-year or one-year industrial hemp license or agricultural hemp seed permit shall be considered a registrant for the purposes of these rules for the term remaining on the license or permit.

(6) The department shall make available to registered growers information that identifies registered agricultural hemp seed producers from whom growers may purchase agricultural hemp seed.

(7) A registrant may sell or transfer as follows:

(a) A registrant may only sell or transfer industrial hemp to another registrant.

(b) A registered agricultural hemp seed producer may only sell or transfer agricultural hemp seed to a registered grower, registered handler, or a registered agricultural hemp seed producer.

(c) A registered handler may sell or transfer industrial hemp commodities or products to any person.

Stat. Auth.: ORS 569.445, 571.300 - 571.315 & 633.511 - 633.996

Stats. Implemented: ORS 571.300 - 571.315

Hist.: DOA 3-2015, f. & cert. ef. 1-29-15; DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16; DOA 19-2016, f. & cert. ef. 10-28-16

# ADMINISTRATIVE RULES

## 603-048-0200

### Applications to Register or Renew Registrations

Registrations are valid for a one-year term beginning on January 1 of each calendar year. To ensure the department has sufficient time to process applications for registration, or renew a registration, any person applying for registration must apply with the department no less than 30 days prior to the date of the intended activity.

(1) Applications for registration under this section must be submitted to the department on forms provided by the department, and must be accompanied by the fee as described in OAR 603-048-0700. A person seeking to produce or process agricultural hemp seed must also apply for a separate registration as described in OAR 603-048-0300(2).

(2) An application to grow industrial hemp must include all of the following information: (a) The name and address of the applicant;

(b) The name and address of the applicant's industrial hemp operation(s);

(c) The global positioning system (GPS) coordinates provided in decimal of degrees and taken at the approximate center of the growing field, or entrance of building;

(d) A map of the growing area showing clear boundaries of the production area; and

(e) If industrial hemp is cultivated in a field, the number of square feet or acres of each cultivated field;

(f) If industrial hemp is cultivated in a greenhouse or other building, the approximate dimension or square feet of the building.

(3) An application to handle industrial hemp must include all of the following information:

(a) The name and address of the applicant;

(b) The name and address of applicant's industrial hemp operation(s).

(4) In addition to the requirements in sections (1) to (3), all applicants for registration must acknowledge and agree that:

(a) Any information provided to the department may be publicly disclosed and may be provided to law enforcement agencies without notice to the applicant;

(b) The department may enter any field, facility or greenhouse used for the production or handling of industrial hemp or agricultural hemp seed and may take samples of industrial hemp or agricultural hemp seed as necessary for the administration of the department's laws.

(c) All fees lawfully due to the department will be timely paid.

(d) The information provided is true and correct and that applicant's signature is an attestation of that fact.

Stat. Auth.: ORS 569.445, 571.300 - 571.315 & 633.511 - 633.996

Stats. Implemented: ORS 571.300 - 571.315

Hist.: DOA 3-2015, f. & cert. ef. 1-29-15; DOA 1-2016(Temp), f. & cert. ef. 1-29-16 thru 7-26-16; DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16; DOA 19-2016, f. & cert. ef. 10-28-16

## 603-048-0300

### Agricultural Hemp Seed

Registrations for growing or handling agricultural hemp seed are valid for a one-year term beginning on January 1 of each calendar year. To ensure the department has sufficient time to process applications for registration, or renew a registration, any person applying for registration must apply with the department no less than 30 days prior to the date of the intended activity.

(1) Only a grower registered with the department may produce agricultural hemp seed. Only a handler registered with the department may process agricultural hemp seed. An applicant may apply for a grower or handler registration at the same time the applicant applies for registration as an agricultural hemp seed producer.

(2) A registered grower or handler seeking to produce or process agricultural hemp seed must register with the department, on forms provided by the department, as an agricultural hemp seed producer unless:

(a) A registered grower retains agricultural hemp seed for the purpose of propagating industrial hemp for the grower's own use in future years;

(b) A registered grower produces Cannabis seeds that are incapable of germination; or

(c) A registered handler processes agricultural hemp seed in such a manner that the seeds are incapable of germination.

(3) An application to produce agricultural hemp seed must include all of the following information:

(a) The name and address of the applicant;

(b) The name and address of the applicant's agricultural hemp seed operation(s);

(c) The global positioning system (GPS) coordinates provided in decimal of degrees and taken at the approximate center of the growing field, or entrance of building;

(d) A map of the growing area showing clear boundaries of the production area; and

(e) If industrial hemp is produced in a field, the number of square feet or acres of each cultivated field;

(4) An application to process agricultural hemp seed must include all of the following information:

(a) The name and address of the applicant;

(b) The name and address of applicant's facility used for processing industrial hemp agricultural seed.

(5) A registered grower may retain agricultural hemp seed without registering as an agricultural hemp seed producer or complying with other seed standards set by the department under ORS 633.511 to 633.750 for the purpose of propagating industrial hemp in future years, except that a registered grower may not:

(a) Retain seed from a harvest lot for future planting when laboratory test results of the harvest lot indicate the tetrahydrocannabinol concentration exceeds 0.3 percent on a dry weight basis.

(b) Sell or transfer agricultural hemp seed for the purpose of planting without first obtaining a registration for agricultural hemp seed.

(6) An applicant for registration must acknowledge and agree that:

(a) Any information provided to the department may be publicly disclosed and may be provided to law enforcement agencies without notice to the applicant;

(b) The department may enter any field, facility or greenhouse used for the production or processing of industrial hemp and may take samples of industrial hemp as necessary for the administration of the department's laws.

(c) All fees lawfully due to the department will be timely paid.

(d) The information provided is true and correct and that applicant's signature is an attestation of that fact.

Stat. Auth.: ORS 569.445, 571.300 - 571.315 & 633.511 - 633.996

Stats. Implemented: ORS 571.300 - 571.315

Hist.: DOA 3-2015, f. & cert. ef. 1-29-15; DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16; DOA 19-2016, f. & cert. ef. 10-28-16

## 603-048-0400

### Reporting Requirements

A registered grower must ensure the grower's entire crop and each harvest lot is timely sampled and tested for tetrahydrocannabinol and must ensure test results are timely reported to the department.

(1) A registrant must immediately report to the department:

(a) The theft or loss of industrial hemp;

(b) All laboratory test results for tetrahydrocannabinol, for all harvest lots.

(2) On forms provided for by department, a registrant must immediately report to the department:

(a) Changes to the name, address, or telephone number of the registration holder;

(b) Changes in the ownership of the land or facilities used to produce or process industrial hemp or agricultural hemp seed;

(c) Changes in the ownership or structure of the entity holding an industrial hemp registration or agricultural hemp seed production registration;

(d) Changes in location or the addition of a facility for processing industrial hemp prior to beginning processing at the new location; and

(e) Changes in location or the addition of a field or growing area for producing industrial hemp prior to producing at the new location.

Stat. Auth.: ORS 569.445, 571.300 - 571.315 & 633.511 - 633.996

Stats. Implemented: ORS 571.300 - 571.315

Hist.: DOA 3-2015, f. & cert. ef. 1-29-15; DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16; DOA 19-2016, f. & cert. ef. 10-28-16

## 603-048-0500

### Record Keeping Requirements

Registrants must maintain records of all transfers of ownership or possession of industrial hemp for no less than three (3) years after the total disposition of each harvest lot.

(1) A registered grower must maintain records, which include:

(a) For any transfer of industrial hemp to a registered handler, the name and address of the recipient; receiving any amount of industrial hemp;

(b) Date(s) in which industrial hemp was transferred to the registered handler;

(c) Amount of industrial hemp, in pounds, transferred to the registered handler;

(d) All records of sampling including date, approximate number of plants sampled, total sample weight, and name of sampling entity;

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(e) Name of laboratory that analyzed the sample(s); and  
(f) All test report records for tetrahydrocannabinol for each harvest lot, as reported by the laboratory.

(2) A registered handlers of industrial hemp must maintain records, which include:

(a) For any receipt of industrial hemp from a registered grower or handler, the name and address of the transferor;

(b) All test report records for tetrahydrocannabinol for all industrial hemp received;

(c) Date industrial hemp was received;

(d) Amount in pounds and type of industrial hemp received;

(e) A copy of the test report records indicating concentration of tetrahydrocannabinol for each harvest lot of industrial hemp received; and

(f) When a registered handler sells or transfers an industrial hemp product or commodity intended for human consumption, test reports from a laboratory, as required by the Oregon Health Authority under ORS 475B.555(1)(a) and (b) and (2) for testing marijuana items.

(3) A registered agricultural hemp seed producer must maintain records which include:

(a) For any transfer of agricultural hemp seed to a registered grower or handler, the name and address of the recipient;

(b) Date(s) agricultural hemp seed was transferred to the registered grower or handler;

(c) Amount of agricultural hemp seed, in pounds, transferred to the registered grower or handler;

(d) All records of sampling including date, approximate number of plants sampled, total sample weight, and name of approved sampling entity;

(e) Name of laboratory that analyzed the sample(s); and

(f) All test report records for tetrahydrocannabinol for agricultural hemp seed, as reported by the laboratory.

Stat. Auth.: ORS 569.445, 571.300 - 571.315 & 633.511 - 633.996

Stats. Implemented: ORS 571.300 - 571.315

Hist.: DOA 3-2015, f. & cert. ef. 1-29-15; DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16; DOA 19-2016, f. & cert. ef. 10-28-16

## 603-048-0600

### Sampling and Testing for Tetrahydrocannabinol

(1) A registered grower must ensure that the grower's entire crop is timely sampled and tested according to these rules. At the discretion of the grower, industrial hemp grown in a contiguous field or growing area may be sampled and tested as a separate harvest lot consistent with these rules. The grower must ensure that each harvest lot is timely sampled and tested.

(2) A registered grower and agricultural hemp seed producer producing agricultural hemp seed must arrange for and ensure the sampling of a harvest lot no more than four (4) weeks prior to harvest for the purpose of ensuring that the harvest lot contains an average tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis.

(a) All sampling under these rules must be performed by the department, an entity contracted with the department to provide sampling services, or a laboratory.

(b) Sampling performed by the grower, other person with an interest in the testing outcome, or otherwise not performed by the department, department-contracted entity, or a laboratory, is insufficient to meet the requirement for testing under this rule.

(3) Sampling of a harvest lot must produce samples that are representative the harvest lot.

(a) No more than one sample shall be taken per plant, the plant randomly chosen throughout the harvest lot's growing area;

(b) Samples shall be obtained from flowering tops when flowering tops are present; and

(c) Samples shall be cut to a length of about 20 cm and stored in a paper bag.

(4) Harvest lots shall be tested separately.

(5) Testing must be performed by a laboratory or by the department as described in subsection (6) of this rule.

(6) Until such time as laboratories are licensed by the Oregon Liquor Control Commission under ORS 475B.560 and accredited by the Oregon Health Authority pursuant to ORS 475B.565, to test for tetrahydrocannabinol concentration of industrial hemp, the department may contract with registered growers who may request sampling and laboratory testing services from the department to ascertain the average tetrahydrocannabinol content of industrial hemp. The fee for each test shall be \$350.

(7) Test results must be reported to the department, and on forms provided by the department, and include for each harvest lot:

(a) Sample date;

(b) Sample size by weight;

(c) Test date;

(d) Total tetrahydrocannabinol percentage;

(e) Field/growing location information including GPS coordinates; and

(f) Registration number.

Stat. Auth.: ORS 569.445, 571.300 - 571.315 & 633.511 - 633.996

Stats. Implemented: ORS 571.300 - 571.315

Hist.: DOA 3-2015, f. & cert. ef. 1-29-15; DOA 1-2016(Temp), f. & cert. ef. 1-29-16 thru 7-26-16; DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16; DOA 19-2016, f. & cert. ef. 10-28-16

## 603-048-0650

### Industrial Hemp Inspection and Record Reviews

(1) The department, as it deems necessary in the enforcement and carrying out its laws may, during normal business hours, inspect premises, machinery, equipment and facilities of registrants and inspect, any crop during any growth phase, and take a representative composite sample for field analysis.

(2) Upon not less than three days' notice, the department may subject registrant records to inspection or audit during normal business hours. The department may make an inspection or audit for the purpose of ensuring compliance with:

(a) A provision of ORS 571.300 to 571.315;

(b) A rule adopted under a provision or ORS 571.300 to 571.315; or

(c) An order issued by the department pursuant to a provision of ORS 571.300 to 571.315 or rule adopted under a provision of ORS 571.300 to 571.315.

Stat. Auth.: ORS 571.300 - 571.315; 2016 HB 4060

Stats. Implemented: ORS 571.300 - 571.315; 2016 HB 4060

Hist.: DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16; DOA 19-2016, f. & cert. ef. 10-28-16

## 603-048-0700

### Registration Fees

The following designated annual permit fees shall be applicable to each described activity under authority of ORS 571.305:

(1) Industrial hemp grower registration \$500.00;

(2) Industrial hemp handler registration \$500.00; and

(3) Agricultural hemp seed producer registration \$25.00.

Stat. Auth.: ORS 569.445, 571.300 - 571.315 & 633.511 - 633.996

Stats. Implemented: ORS 571.300 - 571.315

Hist.: DOA 3-2015, f. & cert. ef. 1-29-15; DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16; DOA 19-2016, f. & cert. ef. 10-28-16

## 603-048-0800

### Enforcement and Civil Penalty for Industrial Hemp Law Violation

(1) In addition to any other liability or penalty provided by law, any person who violates any provision of ORS 571.300 to 571.315, a rule adopted pursuant thereto or order issued by the department under ORS 571.300 to 571.315, may be subject to a civil penalty not to exceed \$2,500 per violation.

(2) If a civil penalty is imposed, the department shall issue a written notice to the person being assessed the penalty consistent with ORS Chapter 183. Contested cases will be conducted pursuant to ORS Chapter 183. Each violation may be considered a separate and distinct offense.

(3) Subject to the provisions of ORS chapter 183, the department may revoke the registration of a grower, handler or agricultural hemp seed producer or may refuse to register or renew the registration if a grower, handler or agricultural hemp seed producer violates:

(a) A provision of ORS 571.300 to 571.315;

(b) A rule adopted under a provision of ORS 571.300 to 571.315;

(c) An order issued by the department for violation of a provision of ORS 571.300 to 571.315 or any rule adopted thereunder;

(d) Any statutory law or department rule related to agricultural activities other than industrial hemp operations.

Stat. Auth.: ORS 569.445

Stats. Implemented: ORS 571.300 - 571.315

Hist.: DOA 3-2015, f. & cert. ef. 1-29-15; DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16; DOA 19-2016, f. & cert. ef. 10-28-16

## 603-048-0900

### Embargo of Crop

If a harvest lot contains an average tetrahydrocannabinol concentration exceeding 0.3 percent on a dry weight basis, the department may detain, seize or embargo the harvest lot as provided in ORS 561.605 to 561.620 and consistent with these rules.

(1) The department shall cause to be affixed to the harvest lot being detained, seized or embargoed a notice that the industrial hemp is being detained, seized or embargoed by the department and warning all persons



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that the industrial hemp may not be moved from its current location without written permission from the department.

(2) The department shall notify in writing the owner or person in possession of the harvest lot that the harvest lot is being detained, seized or embargoed by the department.

(a) If the person in possession of the harvest lot is not the owner, the department shall make a reasonable effort to notify the owner.

(b) Such notification shall state the reason for the department's action and notify the owner or person in possession of the right to a hearing as provided under ORS chapter 183.

(c) A written request for hearing on the propriety of the detention, seizure or embargo must be filed either by the owner or person in possession with the department within 10 days of receiving actual notice of the action.

(d) Any hearing shall not be held sooner than 10 days after the request for hearing has been received by the department, however if the industrial hemp subject to the department's action is perishable, or if, in the opinion of the department, other good and sufficient reason appears, the department may, at the request of the owner or person in possession of such industrial hemp, be held at an earlier date.

(e) Any hearing shall be conducted by an administrative law judge assigned from the Office of Administrative Hearings and shall be conducted pursuant to ORS chapter 183. (3) If it appears that all or part of the harvest lot detained, seized or embargoed may be reconditioned or segregated in such a way as to comply with state laws, the owner or person in possession may cause the harvest lot to be reconditioned or segregated at the owner's or person's own expense after which the department may release the reconditioned industrial hemp.

Stat. Auth.: ORS 561 & 571

Stats. Implemented: ORS 571.300 - 571.315

Hist.: DOA 3-2015, f. & cert. ef. 1-29-15; DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16; DOA 19-2016, f. & cert. ef. 10-28-16

## 603-048-1000

### Violations and Penalties

#### Classification of Violations

(1) Violations are flagrant violations classified as follows:

(a) Class 1 violations:

(A) ORS 571.305(1) or OAR 603-048-0100(2);

(B) Providing false information on an application for a registration, or application to renew a registration;

(C) Falsifying, or failure to keep or provide, information and records as required by the department;

(D) Growing or handling hemp with an average Tetrahydrocannabinol concentration that exceeds 0.3 percent on a dry weight basis;

(E) Failing to provide the department with laboratory test results that verify compliance with 0.3 percent tetrahydrocannabinol threshold before handling or transfer.

(F) Repeat violations of Class 2 or Class 3 violations.

(b) Class 2 violations are any violations in which the person acted in a negligent manner:

(A) Violation of any other rule, regulation or requirement as specified in OAR 603-048.

(c) Class 3 violations are negligent violations of:

(A) OAR 603-048-0100 to 603-048-0700;

(B) Providing false information on an application for a registration, or application to renew a registration;

(C) Falsifying or failure to keep or provide, information and records as required by the department;

(D) Growing or handling hemp with an average Tetrahydrocannabinol concentration that exceeds 0.3 percent on a dry weight basis

(2) Civil Penalty amounts for each classification:

(a) Class 1 violation, \$2,500;

(b) Class 2 violation, \$1000;

(c) Class 3 violation, \$500.

Stat. Auth.: ORS 569.445, 571.300 - 571.315 & 633.511 - 633.996

Stats. Implemented: ORS 571.300 - 571.315

Hist.: DOA 3-2015, f. & cert. ef. 1-29-15; DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16; DOA 19-2016, f. & cert. ef. 10-28-16

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

**Rule Caption:** Creates a provisional journeyman plumber license category

**Adm. Order No.:** BCD 14-2016(Temp)

**Filed with Sec. of State:** 10-26-2016

**Certified to be Effective:** 11-1-16 thru 4-29-17

**Notice Publication Date:**

**Rules Adopted:** 918-695-0500, 918-695-0510, 918-695-0520

**Subject:** These temporary rules create a provisional plumbing journeyman license category that recognizes the qualifications of the State of Alaska's or the State of Nevada's journey level plumbers who have a certificate of completion from a registered State of Alaska or State of Nevada apprenticeship program.

**Rules Coordinator:** Holly A. Tucker—(503) 378-5331

## 918-695-0500

### Provisional Journeyman Plumber Licensure

(1) It is the purpose of these rules to recognize the qualifications of the State of Alaska's and the State of Nevada's journeyman level plumbers who have a certificate of completion from a registered State of Alaska or State of Nevada apprenticeship program or a program approved by the Oregon State Plumbing Board. The Oregon State Plumbing Board has determined that the registered apprenticeship programs in the State of Alaska and the State of Nevada are substantially similar to Oregon's standards, qualifications and examinations required under applicable Oregon statutes and rules. A State of Alaska or State of Nevada applicant may receive an Oregon journeyman plumber license in one of the following ways:

(a) The division, without examination, may issue a provisional journeyman plumber license to applicants that meet the conditions of these rules and pay the applicable application fee.

(b) A person may apply for the license in OAR 918-695-0030, by following the application requirements, passing the examination in OAR division 30, and paying the applicable application fee.

(2) Provisional journeyman plumbers may perform the same plumbing installations as an Oregon journeyman plumber as described under ORS chapters 447 and 693, and the rules adopted thereunder.

Stat. Auth.: ORS 455.117, 693.030, 693.060, 693.135

Stat. Implemented: ORS 455.117, 693.060

Hist.: BCD 14-2016(Temp), f. 10-26-16, cert. ef. 11-1-16 thru 4-29-17

## 918-695-0510

### Provisional Journeyman Plumber Application Process

For the purposes of this rule:

(1) Applicants for a provisional journeyman plumber license must apply on a division-approved form.

(2) The application must include:

(a) Applicant name and home address;

(b) Appropriate application fees; and

(c) Verification of training, examination, work experience and other required documentation.

(3) Verification referenced in subsection (2)(c) above includes:

(a) Submitting proof of qualifying criteria as required by the appropriate rules and in the manner established by this rule.

(b) Submitting training, examination and experience verification as follows:

(A) Applicants from the State of Alaska must provide:

(i) A copy of a valid journeyman plumber certification issued by the State of Alaska Department of Labor and Workforce Development. The certificate must be current and in good standing with no history of violations; and

(ii) Proof of passing the State of Alaska Department of Labor and Workforce Development journeyman plumber examination; and

(iii) Copy of certificate of completion from a registered State of Alaska apprenticeship program or program approved by the Oregon State Plumbing Board.

(B) Applicants from the State of Nevada must provide:

(i) A copy of a valid journeyman plumber or master plumber certification issued by the State of Nevada Board of Plumbing Examiners. The certificate must be current and in good standing with no history of violations; and

(ii) Proof of passing the State of Nevada Board of Plumbing Examiners journeyman plumber or master plumber examination; and

(iii) Copy of certificate of completion from a registered State of Nevada apprenticeship program or program approved by the Oregon State Plumbing Board;

(4) Individuals who have taken but failed the Oregon journeyman plumber examination more than once are not eligible to apply under these

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rules. These individuals may still apply for an Oregon journeyman plumber license under OAR 918-695-0030.

Stat. Auth: ORS 455.117, 693.030, 693.060, 693.135  
Stat. Implemented: ORS 455.117, 693.060  
Hist.: BCD 14-2016(Temp), f. 10-26-16, cert. ef. 11-1-16 thru 4-29-17

## 918-695-0520 Effective Dates

(1) The division may discontinue receipt of applications for provisional journeyman plumber license applications issued under OAR 918-695-0500 and 918-695-0510 on April 15, 2017.

(2) All provisional journeyman plumber licenses issued under this rule are valid from the date of issuance, expire on March 31, 2020, and are not eligible for renewal.

(3) OAR 918-695-0510 expires on April 30, 2017 unless modified by another rule.

(4) OAR 918-695-0510 to 918-695-0520 are repealed effective April 1, 2020.

Stat. Auth: ORS 455.117, 693.030, 693.060  
Stat. Implemented: ORS 455.117, 693.060  
Hist.: BCD 14-2016(Temp), f. 10-26-16, cert. ef. 11-1-16 thru 4-29-17

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**Rule Caption:** Amends the Oregon Structural Specialty Code for emergency responder radio coverage

**Adm. Order No.:** BCD 15-2016(Temp)

**Filed with Sec. of State:** 11-3-2016

**Certified to be Effective:** 11-3-16 thru 5-1-17

**Notice Publication Date:**

**Rules Amended:** 918-460-0015

**Subject:** This rule implements changes to clarify the construction requirements for emergency responder radio coverage in the Oregon Structural Specialty Code.

**Rules Coordinator:** Holly A. Tucker—(503) 378-5331

## 918-460-0015

### Amendments to the Oregon Structural Specialty Code

(1) The **Oregon Structural Specialty Code** is amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the **Oregon Structural Specialty Code** are placed in this rule, showing the section reference, a descriptive caption, and a short description of the amendment.

(2) Effective April 1, 2015 the Oregon Structural Specialty Code is amended according to the following:

(a) Amend Chapter 2 Definitions to include definitions related to solar photovoltaic installations;

(b) Amend Section 1008.1.10 Panic and Fire Exit Hardware by changing the ampere threshold to 800 to align with the Oregon Electrical Specialty Code. Clarifies that the Oregon Electrical Specialty Code determines what constitutes a “work space”;

(c) Amend Table 1016.2 Exit Access Travel Distance by adding “Note” (d) specifying exit travel distance;

(d) Amend Section 1018.1 Corridors by adding “Exception” (6) relating to fire-resistance rating;

(e) Amend Sections 1107.5.1 Group I-1 and 1107.6.4 Group R-4 by adding an “Exception” allowing folding seats to be omitted and shower controls to be located on the side wall;

(f) Amend Section 2902.2 Separate Facilities by amending “Exception” (2), and adding “Exception” (3); and

(g) Adopt Section 3111 Solar Photovoltaic Panels/Modules.

(3) Effective February 1, 2016, the Oregon Structural Specialty Code, Sections 907.2.11 and 908.7, for low frequency single- and multiple-station smoke alarms and carbon monoxide alarms is amended. NFPA 72 Section 29.3.8 and NFPA 720 Section 9.4.2.2 are not adopted.

(4) Effective November 3, 2016, for new construction standards related to emergency responder radio coverage, Oregon Structural Specialty Code Sections 403.4.5, 907.2.13.2, 915.1, 915.1.1, 915.2, and 915.3 are adopted and amended, and form OSSC 915 is adopted.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 447.231, 455.030, 455.110 & 455.496  
Stats. Implemented: ORS 455.110  
Hist.: BCA 18-1993, f. 8-24-93, cert. ef. 8-29-93; BCA 28-1993, f. 10-22-93, cert. ef. 1-1-94; BCD 6-1994, f. 2-25-94, cert. ef. 5-1-94; BCD 22-1994, f. 9-28-94, cert. ef. 1-1-95; BCD 31-1994(Temp), f. & cert. ef. 12-23-94; BCD 32-1994, f. & cert. ef. 12-30-94; BCD 2-1995, f. & cert. ef. 2-9-95; BCD 5-1995, f. & cert. ef. 3-15-95; BCD 2-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 6-1996, f. 3-29-96, cert. ef. 4-1-96; BCD 12-1997, f. 9-10-97, cert. ef. 10-1-97; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 24-1998(Temp), f. & cert. ef. 12-1-98 thru 5-29-99; Temporary Rule repealed by BCD 3-1999, f. 3-12-99, cert. ef. 4-1-99; BCD 5-1999, f. 6-17-99, cert. ef. 10-1-99; BCD 12-1999(Temp), f. 9-23-99, cert. ef. 11-1-99 thru 4-28-00;

BCD 2-2000, f. 1-14-00, cert. ef. 4-1-00; BCD 20-2000, f. 9-15-00, cert. ef. 10-1-00; BCD 8-2001, f. 7-17-01, cert. ef. 10-1-01; BCD 18-2001, f. 12-21-01, cert. ef. 1-1-02; BCD 14-2003, f. 8-13-03, cert. ef. 10-1-03; BCD 18-2003(Temp), f. & cert. ef. 11-14-03 thru 5-11-04; BCD 5-2004, f. & cert. ef. 4-1-04; BCD 16-2004, f. 9-24-04, cert. ef. 10-1-04; BCD 21-2004, f. & cert. ef. 10-1-04; BCD 9-2005(Temp), f. & cert. ef. 4-7-05 thru 9-30-05; BCD 14-2005, f. & cert. ef. 7-5-05; BCD 18-2005(Temp), f. & cert. ef. 7-12-05 thru 9-30-05; BCD 22-2005, f. 9-29-05, cert. ef. 10-1-05; BCD 23-2005, f. 9-29-05, cert. ef. 10-1-05; BCD 1-2006, f. & cert. ef. 2-1-06; BCD 9-2006, f. 6-30-2006, cert. ef. 7-1-06; BCD 1-2007, f. 2-15-07, cert. ef. 4-1-07; BCD 9-2008(Temp), f. & cert. ef. 6-25-08 thru 12-22-08; BCD 20-2008, f. 9-30-08, cert. ef. 10-1-08; BCD 4-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 19-2010, f. 12-30-10, cert. ef. 1-1-11; BCD 1-2011, f. & cert. ef. 2-15-11; BCD 14-2011(Temp), f. & cert. ef. 5-13-11 thru 11-9-11; BCD 28-2011, f. 9-30-11, cert. ef. 10-1-11; BCD 30-2011, f. & cert. ef. 11-1-11; BCD 32-2011, f. 12-30-11, cert. ef. 1-1-12; BCD 1-2012, f. 1-31-12, cert. ef. 2-1-12; BCD 8-2012, f. 8-31-12, cert. ef. 9-1-12; BCD 7-2014, f. 6-20-14, cert. ef. 7-1-14; BCD 3-2015, f. 3-24-15, cert. ef. 4-1-15; BCD 2-2016, f. 1-28-16, cert. ef. 2-1-16; BCD 15-2016(Temp), f. & cert. ef. 11-3-16 thru 5-1-17

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**Rule Caption:** Amends the Oregon Electrical Specialty Code.

**Adm. Order No.:** BCD 16-2016

**Filed with Sec. of State:** 11-8-2016

**Certified to be Effective:** 11-8-16

**Notice Publication Date:** 10-1-2016

**Rules Amended:** 918-305-0105

**Rules Repealed:** 918-305-0105(T)

**Subject:** This rule amends the Oregon Electrical Specialty Code by adding exceptions which allow temporary service equipment to be energized without posting the available fault current and without verification of equipment size relative to the available fault current.

**Rules Coordinator:** Holly A. Tucker—(503) 378-5331

## 918-305-0105

### Amendments to the Oregon Electrical Specialty Code

(1) The **Oregon Electrical Specialty Code** is amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the Oregon Electrical Specialty Code are placed in this rule, showing the section reference and a descriptive caption. Amendments to the Oregon Electrical Specialty Code are printed in their entirety in Table 1-E.

(2) Effective April 1, 2015 the **Oregon Electrical Specialty Code** Table 1-E is amended according to the following:

(a) Amend Section 110.26(C)(3) by adding a reference to Section 1008.1.10.1 of the Oregon Structural Specialty Code for listing and installation requirements for panic and fire exit hardware; and

(b) Amend Section 210.12(A) by deleting the reference to the statewide code interpretation for 210.12(A).

(3) Effective September 7, 2016 the Oregon Electrical Specialty Code Table 1-E is amended according to the following:

(a) Amend section 110.10 by adding an exception allowing a temporary service to be energized without demonstrating compliance with this section; and,

(b) Amend section 110.24(A) by adding an exception allowing a temporary service to be energized without demonstrating compliance with this section.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.730

Hist.: BCD 23-2004, f. 12-15-04, cert. ef. 4-1-05; BCD 6-2008, f. 3-7-08, cert. ef. 4-1-08; BCD 3-2011, f. 3-11-11, cert. ef. 4-1-11; BCD 5-2012(Temp), f. & cert. ef. 6-7-12 thru 10-31-12; BCD 11-2012(Temp), f. 10-5-12, cert. ef. 1-1-13 thru 6-29-13; BCD 14-2012(Temp), f. 11-16-12, cert. ef. 1-1-13 thru 6-29-13; BCD 5-2013, f. 4-12-13, cert. ef. 5-1-13; BCD 12-2014, f. 9-30-14, cert. ef. 10-1-14; BCD 3-2015, f. 3-24-15, cert. ef. 4-1-15; BCD 11-2016(Temp), f. & cert. ef. 9-7-16 thru 3-5-17; BCD 16-2016, f. & cert. ef. 11-8-16

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## Department of Consumer and Business Services,

### Director's Office

#### Chapter 440

**Rule Caption:** 2017 Workers' Compensation Premium Assessment Rates

**Adm. Order No.:** DO 2-2016

**Filed with Sec. of State:** 11-1-2016

**Certified to be Effective:** 1-1-17

**Notice Publication Date:** 10-1-2016

**Rules Amended:** 440-045-0020, 440-045-0025

**Subject:** Each year DCBS adopts by rule the workers' compensation premium assessment rate that is paid by employers to fund workers' compensation and workplace safety and health programs. The rule also adopts the rate for the amount that is collected from all self-insured employers and self-insured employer groups to fund the Self-Insured Employers Adjustment Reserve and the Self-Insured

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Employer Group Adjustment Reserve. These funds ensure worker benefits are available in the event of a financial failure of a self-insured employer or self-insured employer group.

The premium assessment rate for 2017 is 6.8 percent for all employers, self-insured employers, public self-insured employer groups and private self-insured employer groups. Self-insured employers will be assessed an additional 0.2 percent to fund the Self-Insured Employer Adjustment Reserve. Public self-insured employer groups will be assessed an additional 0.2 percent to fund the Self-Insured Employer Group Adjustment Reserve. Private self-insured employer groups will be assessed an additional 1.0 percent to fund the Self-Insured Employer Group Adjustment Reserve.

**Rules Coordinator:** Kate Grover—(503) 947-7872

## 440-045-0020

### Assessment Rate

The assessment to be levied against insurers, self-insured employers and self-insured employer groups for Calendar Year 2017 shall be 6.8 percent of direct earned premium and the direct earned premium self-insured employers and self-insured employer groups would have paid had they been insured employers.

Stat. Auth.: ORS 656.612, 656.726, 705.135

Stats. Implemented: ORS 656.612 & 656.614

SHist.: DO 2-1999, f. 10-1-99, cert. ef. 1-1-00; DO 1-2000, f. 10-11-00, cert. ef. 1-1-01; DO 3-2001, f. 10-22-01, cert. ef. 1-1-02; DO 4-2002, f. 10-17-02, cert. ef. 1-1-03; DO 3-2003, f. 10-22-03, cert. ef. 1-1-04; DO 1-2004, f. 10-21-04, cert. ef. 1-1-05; DO 1-2005, f. 10-20-05, cert. ef. 1-1-06; DO 3-2006, f. 10-19-06, cert. ef. 1-1-07; DO 1-2007, f. 10-4-07, cert. ef. 1-1-08; DO 2-2008, f. 10-1-08, cert. ef. 1-1-09; DO 1-2009, f. 10-7-09, cert. ef. 1-1-10; DO 3-2010, f. 9-24-10, cert. ef. 1-1-11; DO 1-2011, f. 10-14-11, cert. ef. 1-1-12; DO 1-2012, f. 9-28-12, cert. ef. 1-1-13; DO 1-2013, f. 10-2-13, cert. ef. 1-1-14; DO 1-2014, f. 10-7-14, cert. ef. 1-1-15; DO 1-2015, f. 10-28-15, cert. ef. 1-1-16; DO 2-2016, f. 11-1-16, cert. ef. 1-1-17

## 440-045-0025

### Adjustment Reserve Rate

In addition to the assessments established in OAR 440-045-0020, self-insured employers for the Calendar Year 2017 shall be assessed an additional 0.2 percent to fund the Self-Insured Employer Adjustment Reserve. Public self-insured employer groups for the Calendar Year 2017 shall be assessed an additional 0.2 percent to fund the Self-Insured Employer Group Adjustment Reserve. Private self-insured employer groups for the Calendar Year 2017 shall be assessed an additional 1.0 percent to fund the Self-Insured Employer Group Adjustment Reserve.

Stat. Auth.: ORS 656.612, 656.726, 705.135

Stats. Implemented: ORS 656.612 & 656.614

Hist.: DO 2-1999, f. 10-1-99, cert. ef. 1-1-00; DO 1-2000, f. 10-11-00, cert. ef. 1-1-01; DO 3-2001, f. 10-22-01, cert. ef. 1-1-02; DO 4-2002, f. 10-17-02, cert. ef. 1-1-03; DO 3-2003, f. 10-22-03, cert. ef. 1-1-04; DO 1-2004, f. 10-21-04, cert. ef. 1-1-05; DO 1-2005, f. 10-20-05, cert. ef. 1-1-06; DO 3-2006, f. 10-19-06, cert. ef. 1-1-07; DO 1-2007, f. 10-4-07, cert. ef. 1-1-08; DO 2-2008, f. 10-1-08, cert. ef. 1-1-09; DO 1-2009, f. 10-7-09, cert. ef. 1-1-10; DO 3-2010, f. 9-24-10, cert. ef. 1-1-11; DO 1-2011, f. 10-14-11, cert. ef. 1-1-12; DO 1-2012, f. 9-28-12, cert. ef. 1-1-13; DO 1-2013, f. 10-2-13, cert. ef. 1-1-14; DO 1-2014, f. 10-7-14, cert. ef. 1-1-15; DO 1-2015, f. 10-28-15, cert. ef. 1-1-16; DO 2-2016, f. 11-1-16, cert. ef. 1-1-17

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**Rule Caption:** Clarifies that references in previous administrative rules and orders refer to Division of Financial Regulation

**Adm. Order No.:** DO 3-2016

**Filed with Sec. of State:** 11-15-2016

**Certified to be Effective:** 11-15-16

**Notice Publication Date:** 10-1-2016

**Rules Adopted:** 440-001-9001

**Subject:** In 2016, the Director reorganized the department by combining two divisions, the Oregon Insurance Division and the Division of Finance and Corporate Securities, into one Division of Financial Regulation. This rule establishes the basis to maintain continuity between the actions the divisions have taken before and after the merger of the Oregon Insurance Division and the Division of Finance and Corporate Securities in particular regarding existing rules and orders. The proposed rules only provide greater clarity to readers of the administrative rules promulgated by the Department of Consumer and Business Services, through the administrative divisions the Director may reorganize from time to time under the director's organic statutes. These rules do not impose any new substantive provisions on regulated entities, nor does the proposed rulemaking activity apply rules from one division to another division in a manner that was not already occurring.

**Rules Coordinator:** Kate Grover—(503) 947-7872

## 440-001-9001

### Division of Financial Regulation Scope of Authority

Whenever any rule, order, document, record or proceeding refers to the Oregon Insurance Division or the Division of Finance and Corporate Securities, the reference is considered to be a reference to the Division of Financial Regulation. The substitution of the Division of Financial Regulation for the Oregon Insurance Division and the Division of Finance and Corporate Securities does not affect any legal rights, responsibilities, or obligations of the Director, Divisions or any licensee or registrant. The substitution of the Division of Financial Regulation for the Oregon Insurance Division and the Division of Finance and Corporate Securities does not affect the rules currently or previously adopted by the Oregon Insurance Division contained in Oregon Administrative Rule chapter 836 or the rules currently or previously adopted by the Division of Finance and Corporate Securities contained in Oregon Administrative Rule chapter 441.

Stat. Auth.: 705.135

Stat. Implemented: 705.115

Hist.: DO 1-2016(Temp), f. 6-23-16, cert. ef. 6-29-16 thru 12-23-16; DO 3-2016, f. & cert. ef. 11-15-16

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

**Rule Caption:** Adopt federal OSHA amendments: Improve Tracking of Workplace Injuries and Illnesses.

**Adm. Order No.:** OSHA 6-2016

**Filed with Sec. of State:** 11-10-2016

**Certified to be Effective:** 5-1-17

**Notice Publication Date:** 10-1-2016

**Rules Amended:** 437-001-0700

**Subject:** This rulemaking is to keep Oregon OSHA in harmony with recent changes to federal OSHA standards.

On May 12, 2016, federal OSHA adopted rules to improve tracking of work-place injuries and illnesses for employers. Due to the unique nature of the national recordkeeping program, state-plan states must promulgate recordkeeping and recording requirements that are substantially identical to 29 CFR part 1904.

This rulemaking will increase prevention of workplace injuries and illnesses as a result of expanded access to timely establishment-specific injury/illness information by federal OSHA, employers, employees, potential customers, and researchers. The benefits of the final rule also include the promotion of complete and accurate reporting of work-related injuries and illnesses.

The final rule requires employers in certain industries to electronically submit to federal OSHA injury and illness data that employers are already required to keep under existing federal OSHA regulations. The frequency and content of these establishment-specific submissions is set out in the final rule and is dependent on the size and industry of the employer. Federal OSHA intends to post the data from these submissions on a publicly accessible website. Federal OSHA does not intend to post any information on the website that could be used to identify individual employees.

The final rule also amends federal OSHA's recordkeeping regulation to update requirements on how employers inform employees to report work-related injuries and illnesses to their employer. The final rule requires employers to inform employees of their right to report work-related injuries and illnesses free from retaliation; clarifies the existing implicit requirement that an employer's procedure for reporting work-related injuries and illnesses must be reasonable and not deter or discourage employees from reporting; and incorporates the existing statutory prohibition on retaliating against employees for reporting work-related injuries or illnesses. The final rule also amends OSHA's existing recordkeeping regulation to clarify the rights of employees and their representatives to access the injury and illness records.

Oregon OSHA amends OAR 437-001-0700 Recording Workplace Injuries and Illness, in Division 1, General Administrative Rules, to reflect federal OSHA's final rule changes.

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Please visit our web site [osha.oregon.gov](http://osha.oregon.gov) Click 'Rules and laws' in the Topics, rules, guidelines column and view our adopted rules; or, select other rule activity from the left vertical column.

**Rules Coordinator:** Sue C. Joye—(503) 947-7449

## 437-001-0700

### Recordkeeping and Reporting

(1) Purpose. This rule requires employers to record work-related fatalities, injuries and illnesses.

**Note:** Recording a work-related injury, illness, or fatality does not assign fault to anybody, does not prove the violation of an OSHA rule, nor establish the employee's eligibility for workers' compensation or other benefits.

(2) Scope. This standard covers all employers covered by the Oregon Safe Employment Act, except for the exemptions below.

(3) Exemptions.

(a) If your company never had more than ten (10) employees during the last calendar year, including temporary employees, you do not need to keep Oregon OSHA injury and illness records unless the Director informs you in writing that you must keep records. The exemption for size is based on the number of employees in the entire company within the state of Oregon.

(b) If your company had more than ten (10) employees at any time during the last calendar year, you must keep Oregon OSHA injury and illness records unless your business is in a specific low hazard retail, service, finance, insurance or real estate industry in Table 1. If so, you do not need to keep Oregon OSHA injury and illness records unless the government asks you to keep the records under 437-001-0700(22).

(c) If one or more of your company's establishments are classified in a nonexempt industry, you must keep Oregon OSHA injury and illness records for all of such establishments unless your company is exempted because of size under 437-001-0700(3)(a). If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records, while others may be exempt.

(4) Alternate or Duplicate Records. If you create records to comply with another government agency's injury and illness recordkeeping requirements, those records meet Oregon OSHA's recordkeeping requirements if Oregon OSHA accepts the other agency's records under a memorandum of understanding with that agency, or if the other agency's records contain the same information as this standard requires you to record. Contact Oregon OSHA for help in determining if your records meet Oregon OSHA's requirements.

(5) Recording Criteria and Forms.

(a) Each employer required to keep records of fatalities, injuries, and illnesses must record each fatality, injury and illness that:

(A) Is work-related; and

(B) Is a new case; and

(C) Meets one or more of the general recording criteria of OAR 437-001-0700(8) or the application to specific cases of OAR 437-001-0700(9) through (12). The decision tree for recording work-related injuries and illnesses below shows the steps involved in making this determination.

(6) Work-Related. You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. You presume work-relatedness for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in Table 3 specifically applies.

(a) Oregon OSHA defines the work environment as the establishment and other locations where one or more employees work or are present as a condition of their employment.

(b) If it is not obvious where the precipitating event occurred you must evaluate the employee's work duties and environment to decide whether events or exposures in the work environment either caused or contributed to the condition or significantly aggravated a pre-existing condition.

(c) A pre-existing injury or illness is significantly aggravated when an event or exposure in the work environment results in (A) through (D) below. Oregon OSHA considers an injury or illness to be a pre-existing if it resulted solely from a non-work-related event or exposure that occurred outside the work environment.

(A) Death, provided that the pre-existing injury or illness would likely not have resulted in death but for the occupational event or exposure.

(B) Loss of consciousness, provided that the pre-existing injury or illness would likely not have resulted in loss of consciousness but for the occupational event or exposure.

(C) One or more days away from work, or days of restricted work, or days of job transfer that otherwise would not have occurred but for the occupational event or exposure.

(D) Medical treatment in a case where no medical treatment was needed for the injury or illness before the workplace event or exposure, or a change in medical treatment was necessitated by the workplace event or exposure.

(d) An injury or illness occurring in the work environment that falls under one of the following exceptions found in Table 3 is not work-related, and is not recordable.

(e) Travel. Injuries or illnesses occurring during travel are work-related if the employee was engaged in work activities in the interest of the employer and it is not one of the exceptions in Table 4.

(f) Work at home. Injuries and illnesses that occur while an employee works at home, including work in a home office, is work-related if the injury or illness relates directly to the work rather than to the general home environment or setting.

(g) Former employees. If you are notified that a former employee has had a work related injury or illness when they were your employee, record the date of the incident on the appropriate OSHA 300 log for the date of the injury. If the date is not known, use the last day of employment.

(7) New Cases. An injury or illness is a "new case" if:

(a) The employee has no previous recorded injury or illness of the same type that affects the same part of the body, or

(b) The employee previously had a recorded injury or illness of the same type that affected the same part of the body but recovered completely (all signs and symptoms disappeared) from the previous injury or illness and an event or exposure in the work environment caused the signs or symptoms to reappear.

(A) For occupational illnesses where the signs or symptoms may recur or continue in the absence of a workplace exposure, record the case only once when it is diagnosed. Examples include occupational cancer, asbestosis, byssinosis and silicosis.

(B) You are not required to seek the advice of a physician or other licensed health care professional. If you do seek such advice, you must follow their recommendation about whether the case is a new case or a recurrence.

(8) General Recording Criteria. A work-related injury or illness is recordable if it results in any of the following: death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness. You must record a case if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.

**NOTE:** Oregon OSHA believes that most significant injuries and illnesses will result in one of the events listed below. However, there are some significant injuries, such as a punctured eardrum or a fractured toe or rib, for which neither medical treatment nor work restrictions may be recommended. In addition, there are some significant progressive diseases, such as byssinosis, silicosis, and some types of cancer, for which medical treatment or work restrictions may not be recommended at the time of diagnosis but are likely to be recommended as the disease progresses. Cancer, chronic irreversible diseases, fractured or cracked bones, and punctured eardrums are generally considered significant injuries and illnesses, and must be recorded at the initial diagnosis even if medical treatment or work restrictions are not recommended, or are postponed, in a particular case.

(a) Death. You must record an injury or illness that results in death by entering a check mark on the OSHA 300 Log in the space for cases resulting in death.

**Note:** You must also report any work-related fatality to Oregon OSHA within 8 hours. See OAR 437-001-0704.

(b) Days Away from Work. When an injury or illness involves one or more days away from work, you must record the injury or illness on the OSHA 300 Log with a check mark in the space for cases involving days away and an entry of the number of calendar days away from work in the number of days column. If the employee is out for an extended period of time, you must enter an estimate of the days that the employee will be away, and update the day count when the actual number of days is known.

(A) Begin counting days away on the day after the injury occurred or the illness began.

(B) End the count of days away from work on the date the physician or other licensed health care professional recommends that the employee return to work. This applies regardless of whether the employee returns earlier or later than recommended. If there is no recommendation from the physician or licensed health care professional, enter the actual number of days the employee is off work.

(C) You must count the number of calendar days the employee was unable to work as a result of the injury or illness, regardless of whether or

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not the employee was scheduled to work on those day(s). Include weekend days, holidays, vacation days or other days off in the total number of days recorded if the employee would not have been able to work on those days because of a work-related injury or illness.

(D) You may stop tracking of the number of calendar days away from work once the total reaches 180 days away from work and/or days of job transfer or restriction. Entering 180 in the total days away column is adequate.

(E) If the employee leaves your company for a reason unrelated to the injury or illness, such as retirement, a plant closing, or to take another job, you may stop counting days away from work or days of restriction/job transfer. If the employee leaves your company because of the injury or illness, you must estimate the total number of days away or days of restriction/job transfer and enter the day count on the 300 Log.

(F) You must enter the number of calendar days away for the injury or illness on the OSHA 300 Log that you prepare for the year in which the incident occurred. If the time off extends into a new year, estimate the number of days for that year and add that amount to the days from the year of occurrence. Do not split the days between years and enter amounts on the logs for two different years. Use this number to calculate the total for the annual summary, and then update the initial log entry later when the day count is known or reaches the 180-day cap.

(c) Restricted Work or Job Transfer. When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, you must record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or transferred days in the restricted workdays column. Restricted work occurs when, as the result of a work-related injury or illness:

(A) You keep the employee from performing one or more of the routine functions of their job, or from working the full day that they would otherwise work; or

(B) A physician or other licensed health care professional recommends that the employee not perform one or more of the routine functions of their job, or not work the full workday that they would otherwise work.

**NOTE:** For recordkeeping purposes, an employee's routine functions are those work activities the employee regularly performs at least once per week.

(C) A recommended work restriction is recordable only if it affects one or more of the employee's routine job functions. To determine whether this is the case, you must evaluate the restriction in light of the routine functions of the injured or ill employee's job.

(D) A partial day of work is recorded as a day of job transfer or restriction for recordkeeping purposes, except for the day on which the injury occurred or the illness began.

(E) Record job transfer and restricted work cases in the same box on the OSHA 300 Log.

(F) Count days of job transfer or restriction in the same way you count days away from work. The only difference is that, if you permanently assign the injured or ill employee to a job modified or permanently changed to eliminate the routine functions the employee was restricted from performing, you may stop the day count when the modification or change is permanent. You must count at least 1-day of restricted work or job transfer for such cases.

(d) Medical Treatment. If a work-related injury or illness results in medical treatment beyond first aid, you must record it on the OSHA 300 Log. If the employee received medical treatment but remained at work without transfer or restriction and the injury or illness did not involve death, one or more days away from work, one or more days of restricted work, or one or more days of job transfer, you enter a check mark in the box for other recordable cases.

**NOTE:** You must record the case even if the injured or ill employee does not follow the physician or other licensed health care professional's recommendation.

(A) "Medical treatment" is the management and care of a patient to combat disease or disorder. For this rule, medical treatment does not include:

(i) Visits to a physician or other licensed health care professional solely for observation or counseling;

(ii) The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications solely for diagnostic purposes (e.g., eye drops to dilate pupils); or

(iii) "First aid" as in (B) below.

(B) First aid is any of the conditions listed in Table 6. This is a complete list of all first aid treatments for this standard. These treatments are considered first aid regardless of the professional status of the person providing the treatment.

(e) Loss of Consciousness. You must record a work-related injury or illness if the worker becomes unconscious, regardless of the length of time they remain unconscious.

(f) Other Injuries and Illnesses. Work-related cases involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum must always be recorded under the general criteria at the time of occurrence.

(9) Needlestick and Sharps Injury Recording Criteria.

(a) When an injury is diagnosed later as an infectious bloodborne disease, you must update the classification on the 300 log to reflect the new status or classification.

(b) You must record all work-related needlestick injuries and cuts from sharp objects contaminated with another person's blood or other potentially infectious material (as defined by OAR 437-002-1910.1030). You must enter the case on the OSHA 300 Log as an injury. To protect the employee's privacy, do not enter the employee's name on the OSHA 300 Log (see the requirements for privacy cases in OAR 437-001-0700(14)).

**NOTE:** If you have an exposure incident that is not a needlestick, you must still record it if it results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, loss of consciousness, or diagnosis of a significant injury or illness, such as HIV, hepatitis B, or hepatitis C.

(10) Medical Removal Recording Criteria. If another Oregon OSHA standard requires the medical removal of an employee, you must record the case on the OSHA 300 Log.

(a) You must enter each medical removal case on the OSHA 300 Log as either a case involving days away from work or a case involving restricted work activity, depending on how you decide to comply with the medical removal requirement. If the medical removal is the result of a chemical exposure, you must enter the case on the OSHA 300 Log by checking the "poisoning" column.

(b) If the case involves voluntary medical removal before reaching the medical removal levels required by an Oregon OSHA standard, do not record the case on the OSHA 300 Log.

(11) Occupational Hearing Loss Recording Criteria.

(a) Hearing loss must be recorded on the OSHA 300 Log by checking the hearing loss column when:

(A) An annual audiogram reveals a Standard Threshold Shift (STS) in either or both ears; and

(B) The hearing level in the same ear is 25 dB above audiometric zero.

**NOTE:** For the ease of the reader the definitions for STS and audiometric zero are provided here.

Standard Threshold Shift (STS) – A change in hearing threshold relative to the baseline audiogram of an average of 10 dB or more in either ear.

Audiometric Zero – The lowest sound pressure level that the average, young adult with normal hearing can hear.

(b) In determining whether an STS has occurred, you may correct for the age of the employee. Use the appropriate table in Appendix A to determine the age adjustment. If the STS is 10 dB or more after the age correction, it still meets the criteria for recordability.

(c) If you retest the employee's hearing within 30 days of the first test, and the retest does not confirm the recordable STS, you are not required to record the hearing loss case on the OSHA 300 Log. If the retest confirms the recordable STS, you must record the hearing loss case within 7 calendar days of the retest. If subsequent audiometric testing performed under the testing requirements of the noise standard (OAR 437-002-1910.95) indicates that an STS is not persistent, you may erase, delete, or line-out the recorded entry.

(d) If a physician or other licensed health care professional determines that the hearing loss is not work-related or has not been significantly aggravated by occupational noise exposure, the case is not work-related. Do not record it on the OSHA 300 Log.

(12) Tuberculosis Reporting Criteria. If any of your employees has an occupational exposure to anyone with a known case of active tuberculosis (TB), and that employee subsequently develops a tuberculosis infection, as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional, you must record the case on the OSHA 300 Log by checking the "respiratory condition" column.

(a) Do not record a pre-employment positive skin test because the exposure was not in your workplace.

(b) Line out or erase a recorded case if you prove that:

(A) The worker lives in a household with a person diagnosed with active TB;

(B) The Public Health Department identifies the worker as a contact of an individual with a case of active TB unrelated to the workplace; or

(C) A medical investigation shows that the employee's infection was caused by exposure to TB away from work, or proves that the case was not related to the workplace TB exposure.

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(13) Removed.

(14) Forms.

(a) You must use OSHA 300, 300A, and DCBS Form 801 or equivalent forms, for recordable injuries and illnesses. The OSHA 300 form is the Log of Work-Related Injuries and Illnesses, the 300A is the Summary of Work-Related Injuries and Illnesses, and the DCBS Form 801 or equivalent is the Worker's and Employer's Report of Occupational Injury or Disease. The OSHA 300 and 300A Summary forms must be kept on a calendar year basis.

(A) Even if you are exempt from recordkeeping, you must have at each establishment, a copy of DCBS Form 801 or equivalent for each occupational injury or illness that may result in a compensable claim.

(B) You must enter information about your business at the top of the OSHA 300 Log, enter a one or two line description for each recordable injury or illness, and summarize this information on the OSHA 300A Summary form at the end of the year.

(C) You must complete a DCBS Form 801 or equivalent form, for each recordable injury or illness entered on the OSHA 300 Log.

(D) You must enter each recordable injury or illness on the OSHA 300 Log and DCBS Form 801 or equivalent within 7 calendar days of receiving information that a recordable injury or illness has occurred.

(E) An equivalent form is one that has the same information, is as readable and understandable, and is completed using the same instructions as the OSHA form it replaces. Many employers use an insurance form instead of the DCBS Form 801, or supplement an insurance form by adding any additional information required by OSHA.

(F) You may use a computer to keep your records if it can produce equivalent forms when needed.

(G) Privacy Concern Cases. If you have a "privacy concern case," do not enter the employee's name on the OSHA 300 Log. Instead, enter "privacy case" in the space normally used for the employee's name. This will protect the privacy of the injured or ill employee when another employee, a former employee, or an authorized employee representative has access to the OSHA 300 Log. You must keep a separate, confidential list of the case numbers and employee names for your privacy concern cases so you can update the cases and provide the information to the government if asked to do so.

(H) The following injuries or illnesses are privacy concern cases:

(i) An injury or illness to an intimate body part or the reproductive system;

(ii) An injury or illness resulting from a sexual assault;

(iii) Mental illnesses;

(iv) HIV infection, hepatitis, or tuberculosis;

(v) Needlestick injuries and cuts from sharp objects contaminated with another person's blood or other potentially infectious material; and

(vi) Other illnesses, if the employee voluntarily requests that his or her name not be entered on the log.

**NOTE:** This is a complete list of all injuries and illnesses that are privacy concern cases.

(I) If you reasonably believe that information describing the privacy concern case may be personally identifiable even though the employee's name is omitted, use discretion in describing the injury or illness on both the OSHA 300 and DCBS 801 Forms. You must enter enough information to identify the cause of the incident and the general severity of the injury or illness, but you do not need to include details of an intimate or private nature. For example, describe a sexual assault case as "injury from assault," or an injury to a reproductive organ could be described as "lower abdominal injury."

(J) If you voluntarily disclose the forms to persons other than government representatives, employees, former employees or authorized representatives, you must remove or hide the employees' names and other personally identifying information, except for the following cases:

(i) To an auditor or consultant hired by the employer to evaluate the safety and health program;

(ii) To the extent necessary for processing a claim for workers' compensation or other insurance benefits; or

(iii) To a public health authority or law enforcement agency for uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required under Department of Health and Human Services Standards for Privacy of Individually Identifiable Health Information, 45 CFR.164.512.

(b) In addition, health care employers as defined in ORS 654.412 must record assaults against employees on the Health Care Assault Log. See OAR 437-001-0706.

(15) Multiple Business Establishments. You must keep a separate OSHA 300 Log for each establishment that you expect to operate for 1-year or longer.

(a) You may keep one OSHA 300 Log that covers all of your short-term establishments. You may also include the short-term establishments' recordable injuries and illnesses on an OSHA 300 Log that covers short-term establishments for individual company divisions or geographic regions.

(b) You may keep the records for an establishment at your headquarters or other central location if you can:

(A) Transmit information about the injuries and illnesses from the establishment to the central location within 7 calendar days of receiving information that a recordable injury or illness has occurred; and

(B) Produce and send the records from the central location to the establishment within the time frames required by OAR 437-001-0700(20) and OAR 437-001-0700(21) when you are required to provide records to a government representative, employees, former employees or employee representatives.

(c) You must link each employee with one of your establishments, for recordkeeping purposes. You must record the injury and illness on the OSHA 300 Log of the injured or ill employee's establishment, or on an OSHA 300 Log that covers that employee's short-term establishment.

(d) If the injury or illness occurs at one of your establishments, you must record the injury or illness on the OSHA 300 Log of the establishment where the injury or illness occurred. If the employee is injured or becomes ill and is not at one of your establishments, you must record the case on the OSHA 300 Log at the establishment where the employee normally works.

(16) Covered Employees. You must record on the OSHA 300 Log the recordable injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. You also must record the recordable injuries and illnesses that occur to employees who are not on your payroll if you supervise these employees on a day-to-day basis. If your business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for recordkeeping purposes.

(a) Record the injuries and illnesses to workers from temporary help agencies or employee leasing services only if you supervise these employees on a day-to-day basis.

(b) If a contractor's employee is under the day-to-day supervision of the contractor, the contractor is responsible for recording the injury or illness. If you supervise the contractor employee's work on a day-to-day basis, you must record the injury or illness.

(c) You and the temporary help service, employee leasing service, personnel supply service, or contractor should coordinate your efforts to make sure that each injury and illness is recorded only once: either on your OSHA 300 Log (if you provide day-to-day supervision) or on the other employer's OSHA 300 Log (if that company provides day-to-day supervision).

(17) Annual Summary and Posting Requirements. At the end of each calendar year, you must:

(a) Review the OSHA 300 Log to verify that the entries are complete and accurate, and correct any deficiencies identified.

(b) Use the OSHA 300A Summary form to create an annual summary of injuries and illnesses recorded on the OSHA 300 Log:

(A) Total the columns on the OSHA 300 Log (if you had no recordable cases, enter zeros for each column total); and

(B) Enter the calendar year covered, the company's name, establishment name, establishment address, annual average number of employees covered by the OSHA 300 Log, and the total hours worked by all employees covered by the OSHA 300 Log.

(C) If you are using an equivalent form other than the OSHA 300A Summary form, the summary you use must also include the employee access and employer penalty statements found on the OSHA 300A Summary form.

(c) Sign or have a representative sign the 300A Summary to certify that the OSHA 300 Log is correct to the best of the signer's knowledge. If the summary is signed by a person other than a company executive, a company executive must also review the OSHA 300 Log in order to be generally familiar with its contents. A company executive is:

(A) An owner of the company when the company is a sole proprietorship or partnership;

(B) An officer of the corporation;

(C) The highest ranking company official working at the establishment; or

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(D) The immediate supervisor of the highest ranking company official working at the establishment.

(d) Post a copy of the 300A Summary form in each establishment in a conspicuous place or places where notices to employees are customarily posted. Ensure that the posted annual summary is not altered, defaced or covered by other material.

(e) Post the 300A Summary no later than February 1 of the year following the year covered by the records and keep it posted until April 30.

(f) When you maintain records for all of your establishments at your headquarters or other central location, each 300A Summary form must be specific to each separate establishment.

(18) Paperwork Retention and Updating.

(a) You must save the OSHA 300 Log, the privacy case list (if any), the 300A Summary form, and the DCBS Form 801 or equivalent forms for 5 years following the end of the calendar year that they cover.

(b) During the storage period, you must update your stored OSHA 300 Logs to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, you must remove or line out the original entry and enter the new information.

NOTE: For more information on retention of medical and exposure records, see OAR 437-002-1910.1020.

(19) Change of Business Ownership. If your business changes ownership, you must record and report work-related injuries and illnesses only for the time you owned the establishment. You must transfer the records to the new owner. The new owner must save all records of the establishment kept by the prior owner, but need not update or correct the records of the prior owner.

(20) Prohibition against discrimination. Oregon Revised Statute 654.062(5) prohibits discrimination against an employee for reporting a work-related fatality, injury or illness. It also protects the employee who files a safety and health complaint, asks for access to this rule, records, or otherwise exercises any rights afforded by law or rule.

(21) Employee Involvement. You must involve your employees and their representatives in the recordkeeping system.

(a) You must establish a reasonable procedure for employees to report work-related injuries and illnesses promptly and accurately. A procedure is not reasonable if it would deter or discourage a reasonable employee from accurately reporting a workplace injury or illness.

(b) You must inform each employee of your procedure for reporting work related injuries and illnesses and tell each employee how they are to report an injury or illness to you.

(c) You must inform employees that they have the right to report work-related injuries and illnesses; and that employers are prohibited from discharging or in any manner discriminating against employees for reporting work-related injuries and illnesses.

(d) You must leave the names on the 300 Log. However, to protect the privacy of injured and ill employees, do not record the employee's name on the OSHA 300 Log for certain "privacy concern cases."

(e) You must provide limited access to your injury and illness records for your employees and their representatives.

(A) Your employees, former employees, their personal representatives, and their authorized collective bargaining representatives have the right to access the OSHA injury and illness records, in accordance with (B) through (E) below.

Note: A personal representative is anybody designated in writing by the employee or former employee, as well as the legal representative of a deceased or legally incapacitated employee.

(B) When an employee, former employee, personal representative, or authorized employee representative asks for copies of your current or stored OSHA 300 Log(s) for an establishment the employee or former employee has worked in, you must give the requester a copy of the relevant OSHA 300 Log(s) by the end of the next business day.

(C) When an employee, former employee, or personal representative asks for a copy of the DCBS Form 801 or equivalent describing an injury or illness to that employee or former employee, you must give the requester a copy of the DCBS Form 801 or equivalent containing that information by the end of the next business day.

(D) When an authorized employee representative asks for copies of the DCBS Form 801 or equivalent for an establishment where the agent represents employees under a collective bargaining agreement, you must give copies of those forms to the authorized employee representative within 7 calendar days. You are only required to give the authorized employee representative information from the releasable part of the DCBS Form 801

indicated in the "Worker" section. You must remove all other information from the copy of the DCBS Form 801 or equivalent form that you give to the authorized employee representative.

(E) You may not charge for these copies the first time. However, if one of the designated persons asks for additional copies, you may assess a reasonable charge for retrieving and copying the records.

(22) Providing Records to Government Representatives. When an authorized government representative asks for the records you keep in compliance with this standard, you must provide copies of the records within 4 business hours. Authorized government representatives are:

(a) A representative of the Oregon Department of Consumer and Business Services.

(b) A representative of the Secretary of Labor conducting an inspection or investigation under the Act.

(c) A representative of the Secretary of Health and Human Services (including the National Institute for Occupational Safety and Health - NIOSH) conducting an investigation under Section 20(b) of the Act.

(23) Requests from the Bureau of Labor Statistics or DCBS. If you receive a Survey of Occupational Injuries and Illnesses Form from the Bureau of Labor Statistics (BLS), or a BLS designee, or a request for data from the Oregon Department of Consumer and Business Services, you must promptly complete the form and return it following the instructions on the survey form.

(24) Electronic submission of injury and illness records to OSHA.

(a) If your establishment had 250 or more employees at any time during the previous calendar year, and you are required to maintain an OSHA 300 log, then you must electronically submit information from the three recordkeeping forms that you keep under this part (OSHA Form 300A Summary of Work-Related Injuries and Illnesses, OSHA Form 300 Log of Work-Related Injuries and Illnesses, and DCBS Form 801 Injury and Illness Incident Report) to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in paragraph (24) (g) of the year after the calendar year covered by the forms.

(b) If your establishment had 20 or more employees but fewer than 250 employees at any time during the previous calendar year, and your establishment is classified in an industry listed in Table 8, then you must electronically submit information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in paragraph (24)(g) of the year after the calendar year covered by the form.

(c) If you are required to submit information under paragraph (24)(a) or (24)(b), submit all of the information from the form except the following:

(A) Log of Work-Related Injuries and Illnesses (OSHA Form 300): Employee name (column B).

(B) Injury and Illness Incident Report (DCBS Form 801): Employee name, employee address, name of physician or other health care professional, facility name and address if treatment was given away from the worksite.

Note: Each individual employed in the establishment at any time during the calendar year counts as one employee, including full-time, part-time, seasonal, and temporary workers.

(d) If you are required to submit information under paragraph (24)(a) or (24)(b), then you must submit the information once a year, by the date listed in paragraph (24)(g) of the year after the calendar year covered by the form or forms. If you are submitting information because OSHA notified you to submit information as part of an individual data collection under paragraph (24)(g), then you must submit the information as often as specified in the notification.

(e) You must submit the information electronically. Federal OSHA will provide a secure website for the electronic submission of information.

(f) If your enterprise or corporate office had ownership of or control over one or more establishments required to submit information under paragraph (24)(a) or (24)(b), then the enterprise or corporate office may collect and electronically submit the information for the establishment(s).

(g) Reporting Dates.

(A) In 2017 and 2018, establishments required to submit under paragraph (24) must submit the required information according to Table 7 below.

(B) Beginning in 2019, establishments that are required to submit under paragraph (24)(a) or (24)(b) of this section will have to submit all of the required information by March 2 of the year after the calendar year covered by the form or forms (for example, by March 2, 2019, for the forms covering 2018).

[ED. NOTE: Forms, Graphics & Tables referenced are available from the agency.]

Stat. Auth.: ORS 654.025(2) & 656.726(4)  
Stats. Implemented: ORS 654.001 - 654.295

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Hist.: WCB 19-1974, f. 6-5-74, ef. 7-1-74; WCD 7-1979, f. 8-20-79, ef. 9-1-79; WCD 4-1981, f. 5-22-81, ef. 7-1-81; APD 7-1988, f. 6-17-88, ef. 7-1-74; OSHA 11-2001, f. 9-14-01, cert. ef. 1-1-02; OSHA 2-2002, f. & cert. ef. 3-12-02; OSHA 7-2002, f. & cert. ef. 11-15-02; OSHA 6-2003, f. & cert. ef. 11-26-03; OSHA 7-2006, f. & cert. ef. 9-6-06; OSHA 11-2007, f. 12-21-07, cert. ef. 1-1-08; OSHA 8-2008, f. & cert. ef. 7-14-08; OSHA 2-2015, f. 3-18-15, cert. ef. 1-1-16; OSHA 6-2016, f. 11-10-16, cert. ef. 5-1-17

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## Department of Consumer and Business Services, Workers' Compensation Division Chapter 436

**Rule Caption:** Training, certification, and employment of claims examiners

**Adm. Order No.:** WCD 2-2016

**Filed with Sec. of State:** 11-8-2016

**Certified to be Effective:** 1-1-17

**Notice Publication Date:** 8-1-2016

**Rules Amended:** 436-055-0003, 436-055-0005, 436-055-0008, 436-055-0070, 436-055-0085, 436-055-0100, 436-055-0110

**Rules Repealed:** 436-055-0001, 436-055-0002

**Subject:** The agency has amended OAR 436-055, "Certification of Claims Examiners" to:

- Repeal obsolete or redundant rules, and to delete obsolete, redundant, or erroneous rule text;
- Revise, reorganize, and consolidate rules to enhance clarity, ease of reading, and consistency;
- Revise definitions, including the definition of "process claims";
- Clarify the insurer's responsibilities related to renewal of claims examiner certification;
- Reduce the required number of training hours related to interactions with independent medical examination providers for renewal of claims examiner certification from three hours to one hour;
- Increase the required number of training hours related to rules, statutes, and case law for renewal of claims examiner certification from four hours to six hours;
- Include some record-keeping requirements currently published on an agency website;
- Insert rule wording inadvertently deleted during previous rule-making, while removing obsolete elements;
- Clarify an insurer's responsibility to issue certificates, acknowledge certifications from other insurers, and verify documentation that requirements have been met;
- Clarify the roles and qualifications of a claims examiner trainee and a temporary claims examiner;
- Allow a person who has not been certified for more than one year to be hired as a trainee;
- Allow a person whose certification has lapsed for one year or less to renew certification if training requirements have been met; and
- Clarify that nothing in the rules precludes an insurer from providing additional training.

**Rules Coordinator:** Fred Bruyns — (503) 947-7717

### 436-055-0003

#### Applicability of Rules

(1) Applicability. These rules apply to the certification of all workers' compensation claims examiners on or after the effective date of these rules.

(2) Purpose. The purpose of these rules is to establish standards for the certification of workers' compensation claims examiners under ORS chapter 656.

(3) Director's discretion. The director may waive any procedural rule as justice requires, unless otherwise obligated by statute.

Stat. Auth.: ORS 656.726, 656.780

Stats. Implemented: ORS 656.780

Hist.: WCD 28-1990, f. 11-30-90, cert. ef. 1-1-91; WCD 5-1994, f. 7-14-94, cert. ef. 9-1-94; WCD 15-1999, f. 12-21-99, cert. ef. 1-1-00; WCD 2-2016, f. 11-8-16, cert. ef. 1-1-17

### 436-055-0005

#### Definitions

Except where the context requires otherwise, the definitions under ORS 656.005 and the following apply to OAR 436-055-0008 to 436-055-0110:

(1) "Claims examiner" means anyone who has primary responsibility for decision making or benefit determination in a claim.

(2) "Director" means the director of the Department of Consumer and Business Services or the director's designee.

(3) "Hearings Division" means the Hearings Division of the Workers' Compensation Board.

(4) "Insurer" means the State Accident Insurance Fund Corporation; an insurer authorized under ORS chapter 731 to transact workers' compensation insurance in this state; an assigned claims agent selected by the director under ORS 656.054; an employer certified under ORS 656.430 that meets the qualifications of a self-insured employer under ORS 656.407; or a service company that processes claims for an insurer or self-insured employer under the conditions prescribed in ORS 731.475(3) and ORS 656.455(1).

(5) "Party" means a claimant for compensation, the employer of the worker at the time of injury, the insurer of the employer, or the insurer's service company, if any.

(6) "Process claims" means the determination of compensability and management of workers' compensation claims.

Stat. Auth.: ORS 656.726

Stats. Implemented: ORS 656.780

Hist.: WCD 28-1990, f. 11-30-90, cert. ef. 1-1-91; WCD 5-1994, f. 7-14-94, cert. ef. 9-1-94; WCD 15-1999, f. 12-21-99, cert. ef. 1-1-00; WCD 2-2016, f. 11-8-16, cert. ef. 1-1-17

### 436-055-0008

#### Administrative Review and Contested Cases

(1) Requests for hearings on sanctions and civil penalties. Any party that disagrees with a proposed order, or proposed assessment of civil penalty issued by the director under these rules, may request a hearing by the Hearings Division under ORS 656.740. To request a hearing, the party must:

(a) Mail or deliver a written request to the Workers' Compensation Division within 60 days of the mailing date of the proposed order or assessment; and

(b) Specify, in the request, the reasons why the party disagrees with the proposed order or assessment.

(2) Requests for administrative review. Any party that disagrees with an action taken under these rules may request an administrative review of the action by the director. To request administrative review, the party must:

(a) Mail or deliver a written request for review to the Workers' Compensation Division within 90 days of the action; and

(b) Specify, in the request, the reasons why the party disagrees with the action.

(3) Requests for hearing on any other action or order of the director. Any party that disagrees with an action or order of the director, except as described in section (1) of this rule, may request a hearing by filing a hearing request as provided in OAR 436-001-0019 within 60 days of the mailing date of the order or notice of action. OAR 436-001 applies to the hearing.

Stat. Auth.: ORS 656.704; 656.726; 656.745

Stats. Implemented: ORS 656.704, 656.740

Hist.: WCD 28-1990, f. 11-30-90, cert. ef. 1-1-91; WCD 15-1999, f. 12-21-99, cert. ef. 1-1-00; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 5-2006, f. 6-15-06, cert. ef. 7-1-06; WCD 2-2016, f. 11-8-16, cert. ef. 1-1-17

### 436-055-0070

#### Certification of Claims Examiners

(1) Claims examiner test. To become an Oregon certified claims examiner, an individual must complete a test that demonstrates the individual's competency in claims processing activities, subject to the following:

(a) The test must include questions that demonstrate the individual's:

(A) Familiarity with ORS chapter 656;

(B) Ability to navigate OAR chapter 436;

(C) Ability to perform claims processing activities; and

(D) Understanding of all of the components in OAR 436-055-0085(1); and

(b) The individual may use a copy of ORS chapter 656 and OAR chapter 436 during the testing period.

(2) Initial certification. An insurer may certify an individual as an Oregon certified claims examiner upon verification of the individual's satisfactory completion of the test under section (1) of this rule. The certification will remain in effect for three years from the date of the test. As used in this section, "satisfactory completion" means:

(a) The individual received a score of at least 80 percent on the test; and

(b) The test was not completed through dishonest or fraudulent means.

(3) Renewal of certification. An insurer may renew a claims examiner's certification upon verification that the claims examiner has completed



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24 hours of training within the past three years. The 24 hours of training must include:

(a) At least six hours of training on ORS chapter 656, OAR chapter 436, and relevant case law;

(b) At least one hour of training related to interactions with independent medical examination providers that has been approved under OAR 436-055-0085(1); and

(c) Additional training that covers any of the following subjects:

(A) Medical case management including, but not be limited to, medical terminology, basic human anatomy and the interpretation of medical reports;

(B) Communication skills including, but not be limited to, courses in ethics, mediation, negotiation and conflict management; or

(C) Claims processing skills relevant to Oregon workers' compensation claims.

(4) Expired certification. An insurer may renew a claims examiner's certification that expired within the past 12 months if the individual meets the requirements of section (3) of this rule. An insurer may recertify a claims examiner who has not held current certification in the past 12 months under section (2) of this rule.

(5) Acknowledgement of certification issued by another insurer. If an individual provides an insurer with documentation of current certification issued by another insurer, the insurer receiving the documentation may:

(a) Issue an acknowledgement of the certification stating that the individual has met the requirements for initial certification or renewal, if the documentation is sufficient to verify that the individual has met the requirements for initial certification or renewal; or

(b) Require the individual to recertify under section (2) of this rule, if the documentation is not sufficient to verify that the individual has met the certification requirements.

Stat. Auth.: ORS 656.726, 656.780

Stats. Implemented: ORS 656.780

Hist.: WCD 28-1990, f. 11-30-90, cert. ef. 1-1-91; WCD 5-1994, f. 7-14-94, cert. ef. 9-1-94;

WCD 15-1999, f. 12-21-99, cert. ef. 1-1-00; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD

5-2006, f. 6-15-06, cert. ef. 7-1-06; WCD 2-2016, f. 11-8-16, cert. ef. 1-1-17

## 436-055-0085

### Training for Interactions with Independent Medical Examination Providers

(1) Director approval of training curricula. Any training relating to interactions with independent medical examination (IME) providers must follow a curriculum that has been approved by the director. Curricula must include at least some of the following components:

(a) Appropriate and ethical communication with IME providers;

(b) Insurers' rights and responsibilities;

(c) Injured workers' rights and responsibilities;

(d) IME providers' standards of conduct requirement;

(e) IME complaint process and investigations by the Workers'

Compensation Division; or

(f) The requirements of ORS 656.325 and OAR 436-010.

(2) Request for approval. Any person may develop a training curriculum and request approval from the director under this section.

(a) The request for approval must:

(A) Be made in writing;

(B) Describe how the training content relates to the components in section (1) of this rule; and

(C) Specify the total number of training hours to be provided.

(b) The director will approve or deny the request and notify the person of the decision within 30 days of receipt of the request.

(A) If the request is approved, the curriculum will be valid until the content or number of hours of training change, at which time a new request for approval must be submitted.

(B) If the request is denied, the director will notify the person of the reasons for denial. The person may resubmit the request when the reasons for denial have been addressed.

(3) Registry of approved curricula. The director will maintain a registry of approved training curricula.

Stat. Auth.: ORS 656.726

Statutes Implemented: ORS 656.780

Hist.: WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 5-2006, f. 6-15-06, cert. ef. 7-1-06;

WCD 2-2016, f. 11-8-16, cert. ef. 1-1-17

## 436-055-0100

### Insurer Duties

(1) Insurer's responsibility to employ certified or qualified examiners. An insurer may only employ Oregon certified claims examiners to process claims. An Oregon certified claims examiner must have primary responsibility for all activities related to the determination of compensability and

management of a claim including, but not limited to, calculating benefits and authorizing payments to workers.

(2) Claims examiner trainees and temporary claims examiners. Notwithstanding section (1), an insurer may employ a claims examiner trainee or a temporary claims examiner who is not certified to assist with claims processing activities, subject to the following:

(a) A "claims examiner trainee" is an individual hired by an insurer to assist with claims processing activities who has no previous experience as an Oregon certified claims examiner, or who did not have current Oregon claims examiner certification in the 12 months before the date of hire. An individual may only work as a claims examiner trainee for up to 12 months in any five-year period;

(b) A "temporary claims examiner" is an individual hired by an insurer to assist with claims processing activities who has at least two years of prior experience as an Oregon certified claims examiner. An individual may only work as a temporary claims examiner for up to 90 days in any 12-month period;

(c) The claims examiner trainee or temporary claims examiner must work under the direct supervision of a certified claims examiner; and

(d) The claims examiner trainee or temporary claims examiner may not represent the insurer in communications with the director or the Workers' Compensation Board.

(3) Responsibility for training. An insurer must ensure that training required under these rules, including training related to interactions with independent medical examination providers, is provided for any claims examiners it employs. No provision of these rules is intended to prevent an insurer from providing training to its employees beyond the requirements of these rules.

(4) Records. An insurer must keep records sufficient to verify the certification and training of all certified claims examiners, temporary claims examiners, and claims examiner trainees it employs to process claims.

(a) The records must include:

(A) The names of all certified claims examiners, claims examiner trainees and temporary claims examiners, currently employed by the insurer;

(B) The names of the certified claims examiners supervising any claims examiner trainee or temporary claims examiner currently employed by the insurer;

(C) The date of certification and date of expiration of certification for each certified claims examiner;

(D) The dates of employment of any temporary claims examiner who has been employed by the insurer within the past 24 months;

(E) The dates of employment of any claims examiner trainee who has been employed by the insurer within the past five years;

(F) Documentation of any qualified trainings completed by each certified claims examiner during the most recent period of certification, including:

(i) The names of the instructors providing the training;

(ii) The syllabi;

(iii) The dates of training; and

(iv) The number of training hours completed for each component under OAR 436-055-0070(3); and

(G) Documentation provided to the insurer to support any acknowledgment of an initial certification or renewal issued by another insurer.

(b) Upon the director's request, the insurer must make the records available for inspection or review.

(c) The insurer must provide a claims examiner with a complete copy of all records verifying the most recent certification and any subsequent training completed by the claims examiner within 14 days of the termination of the claims examiner's employment, or upon receipt of a written request.

(d) The insurer must retain records used to verify the certification and renewal of any certified claims examiner it employs for six years from the date of the most recent certification or renewal.

(5) Civil penalties. An insurer that fails to comply with the requirements of this rule, or misrepresents information related to the certification of any of its employees to a worker, employer, or the director may be subject to a civil penalty under OAR 436-055-0110.

Stat. Auth.: ORS 656.726, 656.780

Stats. Implemented: ORS 656.780

Hist.: WCD 28-1990, f. 11-30-90, cert. ef. 1-1-91; WCD 15-1999, f. 12-21-99, cert. ef. 1-1-

00; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 2-2016, f. 11-8-16, cert. ef. 1-1-17

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436-055-0110

## Assessment of Civil Penalties

(1) Penalties for failure to comply with statutes, rules and orders. The director may assess a civil penalty against an insurer that fails to comply with these rules under ORS 656.745.

(2) Penalties for failure to comply with ORS 656.780. The director may assess a civil penalty against an insurer that fails to maintain or produce certification and training records as required by these rules, or that employs anyone other than an Oregon certified claims examiner to process claims.

(3) Penalty amounts. No civil penalty will exceed \$2,000 for each violation, or \$10,000 in aggregate for all violations within a three-month period. Each violation, or each day a violation continues, will be considered a separate violation.

Stat. Auth.: ORS 656.726, 656.780

Stats. Implemented: ORS 656.745, 656.780

Hist.: WCD 28-1990, f. 11-30-90, cert. ef. 1-1-91; WCD 5-1994, f. 7-14-94, cert. ef. 9-1-94; WCD 15-1999, f. 12-21-99, cert. ef. 1-1-00; WCD 5-2006, f. 6-15-06, cert. ef. 7-1-06; WCD 2-2016, f. 11-8-16, cert. ef. 1-1-17

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**Rule Caption:** Workers' compensation rules governing Workers' Benefit Fund assessments

**Adm. Order No.:** WCD 3-2016

**Filed with Sec. of State:** 11-8-2016

**Certified to be Effective:** 1-1-17

**Notice Publication Date:** 9-1-2016

**Rules Amended:** 436-070-0003, 436-070-0010

**Subject:** The agency has amended OAR 436-070, Workers' Benefit Fund Assessment, to:

- Decrease the hourly assessment rate that subject employers and their employees must pay to the Department of Consumer and Business Services for the Workers' Benefit Fund. Effective Jan. 1, 2017, the assessment rate will be reduced from 3.3 cents to 2.8 cents per hour worked.

**Rules Coordinator:** Fred Bruyns—(503) 947-7717

436-070-0003

## Applicability of Rules

(1) These rules are effective Jan. 1, 2017.

(2) These rules govern the Workers' Benefit Fund assessment under ORS 656.506.

(3) These rules apply to all subject employers as defined in ORS 656.005 and any otherwise non-subject employer who elects coverage pursuant to ORS 656.039.

(4) Applicable to this chapter, the director may, unless otherwise obligated by statute, in the director's discretion waive any procedural rules as justice so requires.

Stat Auth: ORS 656.506 & 656.726(4)

Stats. Implemented: ORS 656.506

Hist.: WCD 3-1983(Admin), f. 6-30-83, ef. 7-1-83; Renumbered from 436-055-0103, 5-1-85; WCD 9-1994, f. 10-31-94, cert. ef. 1-1-95; WCD 2-1996, f. & cert. ef. 1-12-96; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 10-2012, f. 12-7-12, cert. ef. 4-1-13; WCD 3-2016, f. 11-8-16, cert. ef. 1-1-17

436-070-0010

## Assessment Rate: Method and Manner of Determining

(1) All subject employers and any employer electing to provide workers' compensation coverage for its employees must pay an assessment rate of 2.8 cents per hour to the Department of Consumer and Business Services, under this rule division and ORS 656.506.

(2) Factors considered in developing the rate include, but are not limited to:

(a) The estimated annual fund expenditures and revenues;

(b) The fund balance requirements;

(c) The estimated annual hours worked per employee;

(d) The estimated number of employees covered by workers' compensation insurance; and

(e) Other records relating to fund expenditures and revenues.

Stat Auth: ORS 656.506 & 656.726(4)

Stats. Implemented: ORS 656.506

Hist.: WCD 3-1983(Admin), f. 6-30-83, ef. 7-1-83; Renumbered from 436-055-0120, 5-1-85; WCD 9-1994, f. 10-31-94, cert. ef. 1-1-95; WCD 2-1996, f. & cert. ef. 1-12-96; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 10-2012, f. 12-7-12, cert. ef. 4-1-13; WCD 3-2016, f. 11-8-16, cert. ef. 1-1-17

Department of Energy

## Chapter 330

**Rule Caption:** Amending EIP Conservation tax credit rules including amendment and program sunset provisions.

**Adm. Order No.:** DOE 4-2016

**Filed with Sec. of State:** 11-14-2016

**Certified to be Effective:** 11-14-16

**Notice Publication Date:** 10-1-2016

**Rules Amended:** 330-210-0000, 330-210-0010, 330-210-0020, 330-210-0030, 330-210-0040, 330-210-0045, 330-210-0050, 330-210-0060, 330-210-0070, 330-210-0080, 330-210-0090, 330-210-0100, 330-210-0150

**Subject:** These permanent rule amendments for the Energy Incentives Program (EIP) energy conservation tax credit update program procedures, expand amendment requests and include provisions for the program's sunset.

The conservation tax credit sunsets at the end of tax year 2017. To align with statute and Oregon Law, the rules provide that the department must receive an application for final certification prior to the end of the 2017 tax year of the applicant and for applicants choosing to sell the credit, the entity purchasing the credit must pay for it prior to the end of its 2017 tax year. For amendments, the rules allow an applicant to submit an amendment request up until issuance of the final certificate rather than by the time the final application is submitted to the department.

Additionally the rules:

- Update cost term to better explain program practice for competitive and small premium projects,

- Add requirements for combined heat and power and cogeneration projects,

- Add a process for applicants to accept conditions on a preliminary certificate,

- Require at final certification that applicants provide itemized documentation of total project costs, and

- Allow reconsideration of a denial during the technical review phase or request for an amendment.

**Rules Coordinator:** Elizabeth Ross—(503) 378-8534

330-210-0000

## Applicability of Rules in OAR 330, Division 210

(1) These rules implement the incentive program for energy conservation projects established by House Bill 3672 (2011) and amended by House Bill 4079 (2012) and House Bill 2448 (2015). The rules also provide procedures for submission, agency review and selection of energy conservation projects for preliminary and final certification of tax credits.

(2) These rules apply to all applications for tax credits and certifications for energy conservation projects, as governed by ORS 315.331 and 469B.270 to 469B.306.

Stat. Auth.: ORS 469.040, 469B.306

Stats. Implemented: ORS 469B.270 - 469B.306, 315.331

Hist.: DOE 12-2011(Temp), f. & cert. ef. 12-23-11 thru 6-19-12; DOE 6-2012, f. & cert. ef. 6-19-12; DOE 2-2016, f. & cert. ef. 3-15-16; DOE 4-2016, f. & cert. ef. 11-14-16

330-210-0010

## Definitions

For the purposes of this division, the following definitions apply:

(1) "Applicant" means a person who has applied for or who has received a preliminary certificate for a conservation energy incentive program tax credit, who has submitted an informational filing for a small premium project, who has applied for or received a final certification for an energy incentive program tax credit, or who has entered into a performance agreement with the department.

(2) "Certified cost" means the cost determined by the department during the review of the final application, used as the basis for calculating the tax credit documented on the final certificate.

(3) "Cost" has the meaning given in ORS 469B.270, the capital costs and expenses necessarily incurred in the acquisition, erection, construction and installation of an energy conservation project.

(4) "Department" means the Oregon Department of Energy.

(5) "Director" means the director of the department.

(6) "Energy conservation project" has the meaning given in ORS 469B.270, any capital investment for which the first year energy savings

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yields a simple payback period of greater than three years. "Energy conservation project" does not include:

- (a) Recycling equipment, products and projects;
- (b) Transportation projects;
- (c) Energy recovery as that term is defined in ORS 459.005; or
- (d) Alternative fuel vehicles.

(7) "Incremental cost" means the difference between the cost of doing the energy conservation project with the energy efficient features and the cost to construct a similar project at current Oregon energy code or documented industry standard.

(8) "Installation or construction" means the process of physical assembly of an energy conservation project or supporting infrastructure at its operating location.

(9) "Opportunity period" means the timeframe specified in an Opportunity Announcement for the department to accept applications for energy conservation projects.

(10) "Qualified third party" means a third party, selected by the director, that provides recommendations to the director regarding a research and development energy conservation project.

(11) "Qualifying cost" means the amount of the energy conservation project's proposed cost that may be eligible for the program.

(12) "Research and development project" means an energy conservation project that a qualified third party recommends to the department as one that demonstrates innovation.

(13) "Service life" means equipment service life as established in the 2015 edition of the American Society of Heating, Refrigeration and Air Conditioning Engineers' (ASHRAE) Heating, Ventilating and Air Conditioning (HVAC) Applications Handbook as of the date the department receives a complete preliminary application or, for equipment not rated by ASHRAE, as determined by the department.

(14) "Small premium project" means an energy conservation project with qualifying costs of less than \$20,000 for which the department has identified prequalified measures.

(15) "Total building retrofit" means a comprehensive building retrofit that includes energy efficiency projects for each energy-using system including the building envelope. A building retrofit that does not include each energy-using system may also apply as a total building retrofit; if the project meets the eligibility standards described in OAR 330-210-0070.

(16) "Total project cost" means all costs directly associated with an energy conservation project, including costs that are not qualifying costs.

Stat. Auth.: ORS 469.040, 469B.306  
Stats. Implemented: ORS 469B.270 - 469B.306, 315.331  
Hist.: DOE 12-2011(Temp), f. & cert. ef. 12-23-11 thru 6-19-12; DOE 6-2012, f. & cert. ef. 6-19-12; DOE 2-2016, f. & cert. ef. 3-15-16; DOE 4-2016, f. & cert. ef. 11-14-16

## 330-210-0020

### Opportunity Announcement

(1) The department will announce the availability of tax credits for energy conservation projects by issuing an Opportunity Announcement.

(2) The department will continually monitor the allocation of tax credits to ensure that the total amount of potential tax credits does not exceed the tax credit caps specified in ORS 469B.303.

(3) If the cumulative total of all tax credits awarded under the Opportunity Announcement is less than the total amount of tax credits available, the department may reallocate the balance to future Opportunity Announcements, including between categories.

(4) The Opportunity Announcement will include the following information:

- (a) Objectives for the opportunity period;
- (b) The approximate amount of tax credits available;
- (c) Application requirements, as defined in OAR 330-210-0050;
- (d) Dates of the application opportunity period;
- (e) Instructions and directions to the required application forms and materials;
- (f) Minimum technical standards based on relevant industry standards used to conserve or reduce energy use;
- (g) The criteria to be applied in prioritizing applications for tax credits, as described in OAR 330-210-0060;
- (h) The date of the sunset of the program; and
- (i) Other information the department considers necessary.

(5) The department may increase the amount of tax credits available for an Opportunity Announcement.

Stat. Auth.: ORS 469.040, 469B.306  
Stats. Implemented: ORS 469B.270 - 469B.306, 315.331  
Hist.: DOE 12-2011(Temp), f. & cert. ef. 12-23-11 thru 6-19-12; DOE 6-2012, f. & cert. ef. 6-19-12; DOE 4-2016, f. & cert. ef. 11-14-16

## 330-210-0030

### Preliminary Certification Application

(1) Any person may apply for preliminary certification by submitting a complete preliminary certification application. The application must meet requirements provided by applicable statutes, these rules and the current Opportunity Announcement. A preliminary certification application is not required for applicants submitting an informational filing under the small premium project process.

(a) The application must be in the form specified in the Opportunity Announcement and these rules.

(b) An applicant must submit a complete application during the opportunity period. For the purposes of this rule, the department considers an application "submitted" when the department receives the application accompanied by the fee specified in these rules.

(c) The department will not review applications received outside of an opportunity period and will return the application fee received.

(2) The application must be accompanied by the application fee specified in these rules. The department will not process applications received without fee payment.

(3) An applicant may withdraw an application and submit a replacement application during the opportunity period. Replacement applications may be submitted without an additional application fee during an open opportunity period.

(4) The application must include the following information, unless the department specifies otherwise in the Opportunity Announcement.

(a) The name of the applicant.

(A) If the applicant is a partnership, joint venture or association, the application must include the names of each person participating in the partnership, joint venture or association. The department may use this information to ensure compliance with ORS 469B.288(3).

(B) If the applicant is a corporation or limited liability company, the application must include the name of the corporation, or LLC and its parent corporations, members, and any close affiliates or subsidiaries. The department may use this information to ensure compliance with ORS 469B.288(3).

(C) If the applicant is a public or governmental entity, the application must include written authorization from the entity's governing body allowing submission of the application.

(b) The name, address, email address and telephone number of the responsible party for the applicant.

(c) The applicant's federal tax identification number or social security number, which may be shared with the Oregon Department of Revenue to facilitate the administration of state tax law.

(d) A statement verifying that the applicant will be the owner, contract purchaser or lessee of the energy conservation project at the time of installation or construction of the project.

(e) A description of the personnel and teams that will be working on the energy conservation project's development, implementation and operation.

(f) If the applicant has received final certification of tax credits or payment of grants issued by the department within the last 5 years, the application must contain a statement about the operational status of the projects awarded such grants or tax credits.

(g) The location of the energy conservation project.

(h) A statement explaining how and in what amount the energy conservation project will reduce the consumption of purchased energy or use energy more efficiently.

(A) The statement must identify the annual energy use separated by fuel type of the energy conservation project at the following conditions: proposed conditions, baseline conditions, along with existing conditions, if the project involves a retrofit.

(i) Annual energy use at proposed conditions must be calculated using energy engineering methods as outlined in the Opportunity Announcement.

(ii) Baseline conditions and assumptions must be described in detail.

(iii) For retrofit projects, existing annual energy usage must be supported by a minimum of 24 consecutive monthly utility bills or a calculation approved by the department.

(B) If applicable, provide information about the expected level of sustainable building practices project performance.

(i) A detailed description of the energy conservation project, including information that demonstrates how the project will be technically feasible and how the project will operate for at least five years as represented in the application. This may require documentation in addition to the application form.

(j) The expected operational life of the energy conservation project.

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(k) A statement of compliance with applicable state and local regulations and that the applicant will obtain required licenses and permits.

(L) The number and type of new jobs that will be created by the energy conservation project and the number of existing jobs that will be sustained throughout the construction, installation and operation of the project. Job estimates should be submitted in hours. These hours must directly relate to the energy conservation project.

(m) The energy conservation project's anticipated total project cost, including the energy conservation project's incremental cost, if applicable.

(n) The amount of anticipated or received incentives directly related to the energy conservation project.

(o) A project schedule.

(p) All research and development projects must include a recommendation from a qualified third party that the project demonstrates innovation.

(q) A description of the applicant's installation or construction financing plan.

(r) The dollar amount of tax credit requested by the applicant.

(s) If the applicant has already started installation or construction of the energy conservation project, a written description of the special circumstances that rendered the filing of an application prior to the start of construction or installation unreasonable.

(t) Other information the department considers necessary.

Stat. Auth.: ORS 469.040, 469B.306

Stats. Implemented: ORS 469B.270 - 469B.306, 315.331

Hist.: DOE 12-2011(Temp), f. & cert. ef. 12-23-11 thru 6-19-12; DOE 6-2012, f. & cert. ef. 6-19-12; DOE 4-2016, f. & cert. ef. 11-14-16

## 330-210-0040

### Fees

The department adopts the following schedule of fees as provided by ORS 469B.294 for applicants. All fee payments are non-refundable, despite the results of the department's review.

(1) Applicants, except those applying through the small premium project process, must submit an application fee of \$500 with their preliminary certification application.

(2) Applicants applying through the small premium project process must submit a fee of \$75 with their informational filing.

(3) Applicants selected for technical review will be required to pay an additional technical review fee prior to that review. The fee amount is equal to the qualifying cost multiplied by 0.9 percent. Small premium projects are not subject to the technical review fee.

(4) Applicants requesting amendments to preliminary certifications must submit a fee of \$300 with their amendment request.

(5) Applicants for final certification must submit with their application a final review fee. This fee amount is equal to the qualifying cost multiplied by 0.55 percent. All applicants seeking final certification for a project, including small premium projects, are required to apply for final review and pay the final review fee.

(6) Applicants that transfer their tax credit to a pass-through partner must pay a pass-through fee. The fee is due after a pass-through partner has been identified and before the department will issue a tax credit certificate.

(a) If the department assists the applicant, except those using the small premium project process, in obtaining a pass-through partner or partners, the fee for that assistance is 1.25 percent of the tax credit amount plus \$200 per tax credit certificate issued.

(b) If the department does not assist the applicant, except those using the small premium project process, in obtaining a pass-through partner, the fee is \$200 per tax credit certificate issued.

(c) Applicants for small premium projects, the fee is \$200 plus \$100 per each additional tax credit certificate issued. The additional fee of \$100 per certificate issued does not apply to the first certificate.

(7) Applicants issued a tax credit certificate that choose to have their tax credit re-issued to a transferee must pay a transfer fee. The fee for small premium project applicants is \$200 plus \$100 per each additional tax credit certificate issued and the fee for all other applicants is \$200 plus \$100 per tax credit certificate issued. The additional fee of \$100 per certificate issued does not apply to the first certificate for small premium project applicants.

(8) Applicants subject to recertification must submit a fee of \$750 with each application for recertification.

(9) If an applicant fails to pay fees timely as required by this rule, the department may reject the pending application and discontinue the review.

Stat. Auth.: ORS 469.040, 469B.306

Stats. Implemented: ORS 469B.270 - 469B.306, 315.331

Hist.: DOE 12-2011(Temp), f. & cert. ef. 12-23-11 thru 6-19-12; DOE 6-2012, f. & cert. ef. 6-19-12; DOE 3-2013, f. & cert. ef. 10-2-13; DOE 2-2015, f. 8-28-15, cert. ef. 9-1-15; DOE 2-2016, f. & cert. ef. 3-15-16; DOE 4-2016, f. & cert. ef. 11-14-16

## 330-210-0045

### Small Premium Project Review Process

(1) Projects with qualifying costs of less than \$20,000 may utilize the small premium project informational filing process, instead of the preliminary certification and competitive review process, if the project complies with the minimum department-established standards.

(a) Qualifying costs for the purposes of the small premium project informational filing process are determined by the predetermined tax credit amounts based on savings and cost. The department will post the predetermined tax credit amounts. Based on the estimated predetermined tax credit, the department will calculate the qualifying cost for the project.

(b) Based on the requested predetermined tax credit amount in the informational filing, the department will reserve a tax credit for the project.

(c) Energy conservation projects with qualifying costs of less than \$20,000 may participate in the preliminary certification process. Applicants may not receive an energy conservation tax credit for the same project from both processes.

(2) The department will issue an Opportunity Announcement for small premium projects. The opportunity period will remain open from the date the department issues the Opportunity Announcement until stated in the Opportunity Announcement and could end sooner if funds are exhausted. The Opportunity Announcement will list the types of technologies with the minimum standards as defined by the department. The types of technologies may include:

(a) Adjustable Flow Irrigation Pumping,

(b) Agricultural Irrigation System Improvement,

(c) Boiler-Vent Dampers,

(d) Building Envelope Thermal Improvement,

(e) Commercial Indoor Lighting,

(f) Compressed Air Systems Components,

(g) Direct-fired Radiant Heating in High Volume Spaces,

(h) Ductless Heat Pumps with Variable Refrigerant Flow,

(i) Energy Improvements to Commercial Greenhouses,

(j) High Performance Homebuilding,

(k) Heat Pump Service Hot Water Heating,

(L) Industrial Piping Insulation,

(m) LED Outdoor Lighting,

(n) Premium Efficiency Electric Air Conditioning Equipment,

(o) Solar Thermal Water Heating, and

(p) Technology offerings approved by the department under section

(9).

(3) Applicants must submit a complete informational filing prior to the project's installation or construction on the form specified in the Opportunity Announcement and include:

(a) The required filing fee; and

(b) Information demonstrating that the project meets the definition of an energy conservation project and is located in Oregon.

(4) The required fee to submit an informational filing is non-refundable, even if the informational filing is denied. The fee will be returned if tax credits for small premium projects have been fully allocated.

(5) Small premium projects are eligible for predetermined tax credit amounts based on savings and cost. During final certification, the department will determine the tax credit amount based on the certified cost, but the tax credit cannot exceed the lesser of:

(a) 35 percent of the cost actually incurred that are eligible for the energy conservation project as described in OAR 330-210-0070(4); or

(b) The credit reserved on the acknowledgment of the informational filing form.

(6) The sum of any incentives, grants, credits and the energy conservation tax credit may not exceed total project costs.

(7) The department will determine whether the project is a single energy conservation project, or is part of a larger project when considered in combination with other applications as described in OAR 330-210-0070(5).

(a) For small premium projects, the department considers a single energy conservation project as one or more projects that are applied for in response to the same Opportunity Announcement, for the same technology sector, owned or controlled by the same person and located at the same building or structure.

(b) The department may reduce the potential tax credit award or deny the application if the department finds that the proposed project is not a single energy conservation project as described in subsection (a).

(8) If the tax credits available for small premium projects have been fully allocated before the department receives a complete informational filing from an applicant, the applicant will not be eligible for any tax credits

# ADMINISTRATIVE RULES

for the project under the small premium review process but may participate in the preliminary certification competitive review process.

(9) If the department finds that the informational filing is complete, the department will confirm in writing the receipt of the informational filing. The department will not process incomplete filings, and will provide written notification to the applicant of the fact that the filing is incomplete.

(10) Receipt of an informational filing does not guarantee eligibility and issuance of a final certification for the tax credit. Applicants must also comply with all applicable statutory requirements and requirements listed these rules in order to receive tax credits. The department will determine the eligibility of the small premium project prior to issuing a final certificate.

(11) Informational filings for small premium projects may not be amended.

(12) Small premium project informational filings will expire 12 months after the date the department receives the informational filing or the sunset of the program, whichever comes first. The department must receive a complete final certification application before the end of the 12 month period or prior to the sunset of the program, whichever comes first.

(13) The department may consider proposals for new technology offerings for small premium projects within this section. The proposal application will include a set of guidelines that define the information that must be submitted for department review. The department will evaluate proposals and determine whether to include the technology and the rate at which to incentivize. The department may provide an opportunity for public comment on approved proposals prior to adding them to the Opportunity Announcement. All proposals must include:

(a) Regional data on the mean and range of technology unit costs,  
(b) Regional data on the mean and range technology unit energy savings,

(c) Market projections,  
(d) Evaluation of barriers and opportunities to market,  
(e) Research references (e.g. periodical and article reviews),  
(f) Evidence that the technology is currently listed as an emerging energy conservation technology by the Northwest Energy Efficiency Alliance, Bonneville Power Administration, U.S. Department of Energy or other agencies recognized and approved of by the department, and  
(g) Any other information the department requires.

Stat. Auth.: ORS 469.040, 469B.306

Stats. Implemented: ORS 469B.270 - 469B.306, 315.331

Hist.: DOE 12-2011(Temp), f. & cert. ef. 12-23-11 thru 6-19-12; DOE 6-2012, f. & cert. ef. 6-19-12; DOE 4-2016, f. & cert. ef. 11-14-16

## 330-210-0050

### Completeness Review

(1) The department will review all preliminary certification applications, other than those participating in the small premium project process, to determine whether:

(a) All sections of the application are complete as outlined in the Opportunity Announcement.

(b) The applicant has submitted the required fee.

(c) The project meets the definition of an energy conservation project.

(d) The applicant is applying prior to the installation or construction of the project.

(A) If the applicant applies after installation or construction of the project has started, the department will deny the application unless a written explanation of the special circumstances is received and approved by the director.

(B) Failing to submit a timely application or the fact that the project was not selected for a grant or tax credit under this or prior department programs does not constitute special circumstances.

(e) The energy conservation project is located in Oregon.

(2) If the department finds that the application is complete, the application will move into the competitive review process and the department will notify the applicant in writing.

(3) The department may deny incomplete applications and notify applicants in writing of the reason for denial of the application.

(4) The department considers the completeness review a test; the decision to deny an incomplete application is not subject to review under ORS chapter 183.

Stat. Auth.: ORS 469.040, 469B.306

Stats. Implemented: ORS 469B.270 - 469B.306, 315.331

Hist.: DOE 12-2011(Temp), f. & cert. ef. 12-23-11 thru 6-19-12; DOE 6-2012, f. & cert. ef. 6-19-12; DOE 4-2016, f. & cert. ef. 11-14-16

## 330-210-0060

### Competitive Review

(1) The department will conduct a competitive review of all applications that pass the completeness review, other than those participating in the small premium project process.

(2) During the competitive review, the department's internal review team will prioritize applications for preliminary certification according to the criteria described in the rules. Depending on the Opportunity Announcement objectives, the department may give greater or lesser weight to each of the criteria listed in rules.

(3) For the purposes of the competitive review, the department will compare projects of similar technology types against each other. The department may issue an Opportunity Announcement combining two or more of the following technological sector categories and compare projects from the technological sector categories together. The technological sector categories for energy conservation projects are:

(a) Building envelopes, weatherization.

(b) Renewably sourced thermal energy projects that use a renewable energy source, such as solar, biomass or geothermal, directly without converting it to electricity. Within this category, energy savings will be determined through energy displacement.

(c) Commercial building systems.

(d) Sustainable buildings. This category is for projects that are eligible for tax credits under the standards for new construction and total building retrofit.

(e) Commercial, agricultural and industrial processes.

(f) Combined heat and power or co-gen.

(4) Within the technological sector categories, the department may divide the applications into tiers based on project size. The Opportunity Announcement will have details about any tiers prior to implementation.

(5) In the Opportunity Announcement, the department will list the evaluation criteria for the competitive review. The competitive review will give preference to projects that have the highest energy savings over the five-year tax credit period per tax credit dollar requested. Additional criteria the department may consider includes:

(a) The amount of energy saved over the equipment's lifetime;

(b) The market or industry sector;

(c) The project's expected lifespan compared to the project's simple payback period;

(d) The incentive structure and whether the energy savings benefit a party other than the owner;

(e) Lifetime energy savings compared to lifetime cost (benefit-to-cost ratio);

(f) The project implementation plan;

(g) The project financial plan;

(h) Information on jobs created and sustained;

(i) The geographical area and local economic conditions of the site location;

(j) Agreement to a voluntary reduction of requested tax incentive; and

(k) Agreement to a voluntary measurement and verification plan, which includes an agreement to share the results with the department.

(L) Integration with broader energy and environmental goals.

(6) The department's internal review team will recommend to the director which projects to advance to technical review based on the competitive review results. The director will review and then amend or approve the recommendations.

(7) The department will notify applicants of the competitive review's outcome. The department may place projects not advanced to the technical review phase on a supplemental list, pending the technical reviews of the selected projects. The department will retain the supplemental list until preliminary certifications have been issued for the selected energy conservation projects. The supplemental list will include only those projects submitted in response to the particular Opportunity Announcement.

(8) The department will deny applications not advanced to the technical review phase or advanced from the supplemental list. The department will notify applicants in writing of the reason for denial of the application.

(9) If an applicant has not started installation or construction of the energy conservation project, an applicant may apply again for the same project in a future opportunity period by submitting a new application and fee. The department will not apply fees or applications submitted in response to a previous Opportunity Announcement to future Opportunity Announcements.

Stat. Auth.: ORS 469.040, 469B.306

Stats. Implemented: ORS 469B.270 - 469B.306, 315.331

Hist.: DOE 12-2011(Temp), f. & cert. ef. 12-23-11 thru 6-19-12; DOE 6-2012, f. & cert. ef. 6-19-12; DOE 4-2016, f. & cert. ef. 11-14-16

# ADMINISTRATIVE RULES

## 330-210-0070

### Technical Review

(1) Once the department requests the technical review fee and the applicant has paid the technical review fee, the department will conduct a technical review of the project application. If the applicant does not submit the required technical review fee to the department within 21 calendar days of from the date of the request for payment of the technical review fee, the department may deny the application.

(2) The department will review the information provided in the preliminary certification application against industry standards to determine whether the project is financially and technically feasible and should operate in accordance with the representations made by the applicant.

(3) To be eligible the energy conservation project must meet the following requirements:

(a) The project must meet the requirements of the statutes, these rules and the Opportunity Announcement.

(b) The applicant must be the owner, contract purchaser or project lessee at the time of the project's installation or construction.

(c) The applicant must be a trade, business or rental property owner with a business site in Oregon or be an Oregon non-profit organization, a federally recognized tribe or public entity that partners with an Oregon business or resident. The applicant may not restrict membership, sales or service on the basis of race, color, creed, religion, national origin, sexual preference or gender.

(d) A project located at a residential property must be rental property. A rental property must meet laws related to rental accommodations and contain a dwelling unit or rooming unit with permanent living facilities. Living facilities include facilities for sleeping, eating, cooking and sanitation, for one or more persons, other than the property owner, which is subject to a rental agreement that provides for meaningful compensation to the owner.

(e) The energy conservation project must have a simple payback period of greater than three years. The department bases simple payback on total project cost divided by the qualified annual energy savings. Total project cost is calculated for this purpose before any tax credits or grants are applied.

(f) An applicant for a new construction or total building retrofit project must indicate that the project will meet the current standard, at the time of application submission, for one of the following:

(A) Leadership in Energy and Environmental Design (LEED)

(i) The project must be seeking LEED platinum certification with a minimum of eight Optimize Energy Performance points; or

(ii) Using the appropriate peer reviewed energy modeling program, the project must show a minimum 26 percent improvement over ASHRAE 90.1-2007, without addenda.

(B) Green Globes

(i) The project must be seeking Green Globes, Four Globes certification; or

(ii) Using the appropriate peer reviewed energy modeling, the project must be a building falling within the 95th percentile, or better, of the equivalent building stock listed in the Commercial Buildings Energy Consumption Survey (CBECS). Where an equivalent building type is not listed, the modeling must be equivalent to a minimum 26 percent improvement over ASHRAE 90.1-2007, without addenda.

(C) Reach Code

(i) Project plans must be submitted to a local building department and approved for building under the Oregon Reach Code.

(ii) For proposed buildings either required to model or opting for the modeling path, the energy model must show at least an 18 percent improvement over the Oregon Energy Efficiency Specialty Code.

(D) Earth Advantage

(i) The project must be seeking Earth Advantage Gold Certification; or

(ii) Using the appropriate peer reviewed energy modeling program, the project must show a minimum 18 percent improvement over the Oregon Energy Efficiency Specialty Code.

(g) An application for replacing inefficient equipment must demonstrate that the equipment being replaced is within its useful service life and in a good state of repair.

(h) A qualified third party must evaluate and recommend research and development projects.

(i) The qualified annual energy savings of the energy conservation project must pay back the qualifying cost within the service life of the project. This requirement does not apply to research and development projects.

(j) The department may require that the baseline energy conservation project be specifically identified and permanently decommissioned.

(k) A combined heat and power or co-gen project must:

(A) Increase the overall efficiency as compared to existing energy use or standard separate power and heat production that would provide the same amount of net energy.

(B) Meet or exceed annual fuel conversion efficiency as outlined in the Opportunity Announcement.

(C) Meet any other requirements listed in the Opportunity Announcement.

(4) The department will review energy conservation project costs for eligibility to determine the qualifying cost. Qualifying costs may include the capital costs and expenses necessarily incurred in the acquisition, erection, construction and installation of an energy conservation project. The application must document total project cost by providing a list of itemized costs.

(a) Qualifying costs, that directly contribute to the claimed energy savings of the energy conservation project, include:

(A) The cost of components of the proposed energy conservation project;

(B) Fees to design or engineer the energy conservation project;

(C) The cost of title searches, escrow fees, permit and license fees, excluding fees required by this rule, and shipping;

(D) Costs for all materials and supplies needed for the erection, construction, installation or acquisition of the proposed energy conservation project;

(E) Cost of work performed by employees or independent contractors of the applicant based on the following conditions:

(i) Employees or contractors must be certified, accredited, licensed or otherwise qualified to do the work;

(ii) The work must be associated with the erection, construction, installation or acquisition of the proposed energy conservation project;

(iii) Project management and other similar costs may only account for up to 15 percent of the qualifying project costs; and

(iv) Costs for employees' or contractors' work on the energy conservation project must be detailed and documented as to specific tasks, hours worked and compensation costs. This cost may include employee benefits and taxes;

(F) Costs for legal counsel that is directly related to the development of an energy conservation project (excluding litigation, intellectual property, etc.);

(G) Costs of training associated with the energy conservation project that is approved by the department; and

(H) Other costs the department determines should be included.

(b) Qualifying costs do not include:

(A) Interest and warranty charges;

(B) Litigation or other operational-related legal fees and court costs;

(C) Intellectual property search, application and filing payments;

(D) Donated, in-kind or volunteer labor and materials;

(E) Administrative costs to apply for grants, loans, tax credits or other similar funding for an energy conservation project including, but not limited to the tax credit review charge, costs associated with the creation and development of the certified public accountant attestation letter and costs associated with securing a pass-through partner for the project;

(F) Routine operational, routine maintenance and repair costs associated with the energy conservation project;

(G) Expenses that are directly or indirectly offset with federal fee waivers;

(H) Expenses that are deemed not to have a benefit to the energy conservation project, including but not limited to, fines, penalties, entertainment, food, alcohol, gifts and lobbying;

(I) Costs that are incurred to bring a building up to building code standards or otherwise repair the building in order to install the project, including design or engineering expenses;

(J) Any portion of the cost for an energy conservation project that has previously received a tax credit or grant under ORS chapters 469 or 469B; and

(K) Other costs the department determines should be excluded.

(c) The department may do inspections to verify information reported on the preliminary certification application.

(d) Qualifying costs will be limited to the incremental costs for new facilities or for the replacement of facilities beyond their service life, including when a code, standard or other base system is required. The department will calculate incremental cost as the difference between the

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cost of the energy conservation project with the energy efficient features and the cost to construct a similar project at code or industry standard.

(A) In new construction and total building retrofit projects, incremental cost is the difference between building to code and building to exceed the applicable required standards.

(B) In other energy conservation projects, incremental cost is the difference between prevailing practices for that business or industry and a more energy efficient method.

(e) Qualifying costs may be reduced by the following amounts:

(A) If the energy conservation project has a simple payback greater than the service life of the project, the qualifying costs may be prorated down to an amount that would result in a payback within the service life of the project.

(i) Based on the 2015 edition of ASHRAE standards or as otherwise determined in these rules, the department may prorate qualifying cost based on the remaining service life of the equipment. If the baseline project has exceeded its service life, the department will consider only the incremental cost of the project as eligible for calculating the amount of a tax credit.

(ii) An applicant may submit, for department approval, a published or recognized standard or other documentation as considered necessary by the department to determine service life expectancy. If a published or recognized standard is unavailable, the department may use a 15-year limit on service life expectancy.

(B) Costs for a portion of or an entire energy conservation project that has previously received a tax credit certification or grant issued by the department.

(C) Costs to replace the same baseline energy conservation project more than once.

(f) An applicant may incur qualifying costs prior to the submission of an application, but may not begin installation or construction.

(5) The department will determine whether the project is a single energy conservation project, or is part of a larger project when considered in combination with other applications.

(a) For projects applying for preliminary certification, the department considers a single energy conservation project as one or more projects that are applied for in response to the same Opportunity Announcement, owned or controlled by the same person and located at the same building or structure.

(b) For small premium projects, the department considers a single energy conservation project as one or more projects that are applied for in response to the same Opportunity Announcement, for the same technology sector, owned or controlled by the same person and located at the same building or structure.

(c) For the purposes of this subsection, "same person" includes affiliated or subsidiary corporations, other subsidiary business organizations or other affiliated entities owned or controlled by the same parent corporation but excludes equity-only financing partners.

(d) The department may reduce the potential tax credit award or deny the application if the department finds that the proposed project is not a single energy conservation project as described in subsection (a) and (b).

(e) The department will not divide energy conservation projects applied for in the same application.

(6) If an application does not include all information needed to complete the technical review, the department may notify the applicant in writing, requesting additional information. If the department does not receive the requested information within 30 calendar days of the date of the notice, the department may deny the application.

(7) The department will notify the applicant in writing if the department denies the application during the technical review.

(8) If the technical review determines that inaccurate information was submitted by the applicant during the competitive process, the department may deny the application.

(9) If the department denies the application or reduces the tax credit during the technical review, the applicant may request reconsideration in writing within 60 days from the date of denial or reduction.

Stat. Auth.: ORS 469.040, 469B.306

Stats. Implemented: ORS 469B.270 - 469B.306, 315.331

Hist.: DOE 12-2011(Temp), f. & cert. ef. 12-23-11 thru 6-19-12; DOE 6-2012, f. & cert. ef. 6-19-12; DOE 4-2016, f. & cert. ef. 11-14-16

## 330-210-0080

### Preliminary Certification

(1) The department may issue a preliminary certificate if it determines that the energy conservation project is technically feasible and capable of operating in accordance with the representations made by the applicant.

(2) The department may issue a tax credit that is less than the amount requested in the energy conservation project application, pursuant to statute and applicable rules.

(3) The sum of any incentives, grants, credits and the energy conservation tax credit incentive may not exceed total project costs.

(4) The preliminary certificate will state the qualifying cost, the potential amount of allowable tax credit and may include any conditions for claiming the credit. The applicant has 60 days from the issue date of the preliminary certificate to return the signed conditions of preliminary certification. Failure to return the signed conditions of preliminary certification within the specified time period may result in revocation of the preliminary certificate.

(5) The applicant must report to the department on the project's status beginning one year from the issuing date of the preliminary certificate, unless the department has already received the project's application for final certification. The applicant must continue to submit project progress reports to the department every six months after the initial report until the department receives the project's application for final certification. Failure to submit reports may result in denial of a final certification.

(6) A preliminary certification remains valid for a period of three calendar years after the date the department issues the original preliminary certification or until the sunset of the program, whichever comes first.

(7) The department may revise a preliminary certificate to comply with statute, rule, the Opportunity Announcement or to correct clerical errors.

Stat. Auth.: ORS 469.040, 469B.306

Stats. Implemented: ORS 469B.270 - 469B.306, 315.331

Hist.: DOE 12-2011(Temp), f. & cert. ef. 12-23-11 thru 6-19-12; DOE 6-2012, f. & cert. ef. 6-19-12; DOE 4-2016, f. & cert. ef. 11-14-16

## 330-210-0090

### Amendments

(1) Amendments are documentation of changes to the project described in the application for preliminary certification.

(2) An applicant must submit requests for amendments prior to issuance of the final certification.

(3) Small premium projects are not eligible for amendments to informational filings.

(4) Failure of an applicant to submit documentation to the department of changes to the project may result in denial of final tax credit certification.

(5) Changes to the project must be documented by the applicant. The applicant must submit an amendment request on the form specified in the Opportunity Announcement along with the required amendment fee, except that:

(a) Changes that result in less than a five percent aggregate change in energy savings may be documented in the project's status report, the final certification application form, an amendment request form or by otherwise notifying the department in writing. These changes do not require an amendment fee. The applicant must demonstrate that the change to the project resulted in less than five percent aggregate change in energy savings.

(b) A change of responsible party information or applicant contact information may be documented by notifying the department in writing. These changes do not require an amendment fee.

(6) Undeclared changes found in the application for final certification or through later inspection must be documented by the applicant by submitting an amendment request on the form specified in the Opportunity Announcement with the required amendment fee. Undeclared changes that result in less than a five percent aggregate change in energy savings may be documented by the department through an inspection report or final review and do not require an amendment fee.

(7) When documenting a change, the applicant must demonstrate that the energy conservation project, with the proposed change, will continue to meet the requirements of statute, rule and the Opportunity Announcement; be technically feasible; will operate as represented and would remain in operation for at least five years. The applicant has the responsibility to provide an amendment request with complete technical documentation supporting the proposed amendment. The department may deny amendments submitted without such justification.

(8) An amendment may result in a reduction in tax credit, but may not increase the tax credit amount certified in the preliminary certificate.

(9) If an amendment request does not include all information needed to complete the review, the department may provide the applicant a written request for additional information. If the applicant does not provide the requested information to the department within 30 calendar days of the date

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of the department's written request, the department may deny the amendment request to amend the preliminary certification.

(10) Requests for amendments must include payment of the appropriate fee, unless provided otherwise in this rule.

(11) The department will evaluate amendments to determine impact on energy savings and other factors, including whether the change would have affected the outcome of competitive review, which may result in reduction of the potential tax credit amount based on energy savings or project cost or denial of the amendment request.

(12) The department will decide whether to approve the amendment request.

(a) If the amendment request is approved prior to submission of the application for final certification, the department will draft an amended preliminary certification, which may contain new or amended conditions and requirements.

(b) If the amendment request is approved after submission of the application for final certification, the department will notify the applicant in writing. The amendment may result in a reduction in tax credit and inclusion of conditions in the final certificate.

(c) If the amendment request is denied, the department will notify the applicant in writing. The notice will include the reasons for the denial of the amendment request. The amendment fee will not be applied to future amendments.

(d) No later than 60 days after the department denies an amendment request or reduces the tax credit under this section, the applicant may request reconsideration in writing. Under this request for reconsideration will not extend other mandated timelines, such as the expiration date of the preliminary certificate.

Stat. Auth.: ORS 469.040, 469B.306

Stats. Implemented: ORS 469B.270 - 469B.306, 315.331

Hist.: DOE 12-2011(Temp), f. & cert. ef. 12-23-11 thru 6-19-12; DOE 6-2012, f. & cert. ef. 6-19-12; DOE 4-2016, f. & cert. ef. 11-14-16

## 330-210-0100

### Final Certification

(1) An energy conservation project must be completed and operating prior to applying for a final certification. An applicant must submit requests for amendments prior to issuance of the final certification.

(2) The department will not review applications for final certification received after the expiration of the preliminary certification or informational filing or those without the final review fee.

(a) A preliminary certification remains valid for a period of three calendar years after the date the department issues the original preliminary certification or until the sunset of the program, whichever comes first.

(b) An informational filing remains valid for a period of 12 months after the date the department receives the informational filing, or the sunset of the program, whichever comes first.

(3) The applicant must submit the application on the current department-issued form and all sections must be completed.

(4) The department will review the application, and may conduct an inspection to verify:

(a) That the energy conservation project is complete and operating.

(b) Compliance with statute, rules and the preliminary certification or informational filing.

(c) Compliance with state and local regulations, including required licenses and permits.

(d) The lease or rental agreement if the project is leased or rented.

(e) That the property taxes for the project location are current.

(f) That the energy conservation project will be maintained and operated for at least five years.

(g) The total project costs for purchase and installation or construction of the energy conservation project were paid in full.

(A) A certified public accountant must attest to the total project cost, or if the total project cost is less than \$50,000, the applicant must submit copies of receipts for the project.

(i) The certified public accountant cannot be the project owner nor permanently employed by the project owner or pass-through partner.

(ii) Receipts for proof of payment may include canceled checks, credit card statements, binding contracts and agreements.

(B) The application must demonstrate that no contract or loan agreements directly related to the project are in default.

(C) The application must include information regarding all incentives, regardless of source, applied for or received in connection with the project.

(D) Applicants must provide itemized documentation of the installed energy conservation project. A detailed invoice or the public accountant's attestation may be sufficient documentation.

(h) Other information the department considers necessary.

(5) If an application for final certification does not include all information needed to complete the final certification review, the department may ask the applicant, in writing, to submit additional information. If the department does not receive the requested information within 30 calendar days of the date of the notice, the department may deny the application for final certification.

(6) Applicants may not receive multiple tax credit certifications from the department for the same energy conservation project.

(7) The department will notify the applicant, in writing, if the department denies the application during final review. An applicant may submit a written request for reconsideration within 60 days after the department issues a decision on a final certification application.

(8) As part of the final certification process, projects with certified cost of \$1 million or more will be required to enter into a performance agreement with the department and applicants with projects with certified cost of less than \$1 million may be required to enter into a performance agreement with the department.

(a) To determine if a performance agreement is required for projects with certified cost of less than \$1 million, the department may, but is not limited to evaluating:

(A) Financial aspects of the project,

(B) Technical aspects of the project, and

(C) Other areas as determined by the department.

(b) A performance agreement may include:

(A) A recertification requirement under ORS 469B.298,

(B) Energy performance requirements,

(C) Conditions and requirements in the preliminary certificate,

(D) A provision allowing the performance agreement to be terminated for reasons stated in the agreement and subject to terms described in the agreement, and

(E) Any additional requirements that the department determines are appropriate to promote the purposes of ORS 315.331 and 469B.270 to 469B.306.

(c) The department may require a legal sufficiency review of a performance agreement by the Oregon Department of Justice prior to entering into the agreement.

(d) If the department decides to require a performance agreement, the department will send a performance agreement to the applicant for review.

(e) Applicants will have 30 calendar days from the date of the offer letter accompanying the performance agreement to accept the performance agreement. The offer letter accompanying the performance agreement will specify how an applicant may accept the performance agreement. An applicant's failure to accept the performance agreement as specified in the offer letter may result in denial of the application for final certification.

(f) After the department receives the performance agreement signed by the applicant and the department executes the performance agreement, the department will issue the appropriate portion of the tax credit certificate. Projects subject to recertification may be issued a certified amount letter showing the total tax credit amount approved along with a final certificate for the initial portion of the tax credit.

(g) An applicant must submit a written amendment request to the department to amend a performance agreement. The department will decide whether to approve the request. An amendment cannot result in a greater tax credit amount.

(A) If approved, the department will draft an amended performance agreement, which may contain new or amended conditions and requirements. The amended performance agreement will become effective upon signature by all parties.

(B) If denied, the department will notify the applicant in writing. The notice will include the reasons for the denial of the amendment request.

(9) The department will determine the certified cost upon verification that the energy conservation project's installation or construction is complete and that the project complies with statute, rules, the preliminary certification or informational filing, and any other applicable requirements.

(a) Except as provided in subsection (c), the department may issue a tax credit certificate of up to 35 percent of the qualifying cost. The department may certify a lesser tax credit amount than approved in the preliminary certificate or reserved in the informational filing, but may not certify a greater amount.

(b) The sum of any incentives, grants, credits and the energy conservation tax credit may not exceed total project costs.

(c) If recertification of the tax credit is required under ORS 469B.298 and this rule, the department may issue a certificate for an initial portion of tax credit up to 10 percent of the certified cost. To receive certification of



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the full value of the tax credit, the applicant must recertify the tax credit as required under ORS 469B.298 and OAR 330-210-0110.

(10) The department will send a written notification to the applicant of its decision whether to issue a final certification within 60 days, after the department receives a complete application for final certification. If a written decision from the department is not issued within 60 days after receipt of the complete application, then the application is rejected and no further action will be taken. Any time required to provide additional information as provided in OAR 330-210-0100(5) is not included in this 60 day period.

(11) For purposes of administering the sunset of the energy conservation tax credit program under Oregon Laws 2011, chapter 730, section 36:

(a) The department must receive a complete application for final certification prior to the end of the 2017 tax year of the applicant.

(b) For applicants who choose to use the pass-through or transfer process, the entity purchasing the credit must pay for the tax credit prior to the end of its 2017 tax year.

Stat. Auth.: ORS 469.040, 469B.306

Stats. Implemented: ORS 469B.270 - 469B.306, 315.331

Hist.: DOE 12-2011(Temp), f. & cert. ef. 12-23-11 thru 6-19-12; DOE 6-2012, f. & cert. ef. 6-19-12; DOE 2-2016, f. & cert. ef. 3-15-16; DOE 4-2016, f. & cert. ef. 11-14-16

## 330-210-0150

### Compliance and Pass-through

(1) All participants in this program are subject to OAR 330-230. If the tax credit is subject to recertification under OAR 330-210-0110, only that portion of the tax credit that has been certified or recertified may be transferred at the five-year present value rate in OAR 330-230-0130.

(2) The department may periodically inspect energy conservation projects and related documents during the five-year term of the tax credit.

Stat. Auth.: ORS 469.040, 469B.306

Stats. Implemented: ORS 469B.270 - 469B.306, 315.331

Hist.: DOE 12-2011(Temp), f. & cert. ef. 12-23-11 thru 6-19-12; DOE 6-2012, f. & cert. ef. 6-19-12; DOE 2-2016, f. & cert. ef. 3-15-16; DOE 4-2016, f. & cert. ef. 11-14-16

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## Department of Environmental Quality Chapter 340

**Rule Caption:** Water Quality Standards for Copper

**Adm. Order No.:** DEQ 11-2016

**Filed with Sec. of State:** 11-2-2016

**Certified to be Effective:** 11-2-16

**Notice Publication Date:** 8-1-2016

**Rules Amended:** 340-041-0033, 340-041-8033

**Subject:** The rule amendments:

- Revise Oregon's water quality criteria for copper to protect freshwater aquatic life. The revised criteria are based on the U.S. Environmental Protection Agency's 2007 recommendation to use the Biotic Ligand Model to derive site-specific criteria based on the water chemistry of a site that affects the bioavailability and toxicity of copper to aquatic life in fresh waters.

- Address EPA's Jan. 31, 2013 disapproval of Oregon's current copper criteria in response to a National Marine Fisheries Service Biological Opinion that concluded the current criteria would jeopardize threatened and endangered species.

**Rules Coordinator:** Meyer Goldstein—(503) 229-6478

## 340-041-0033

### Toxic Substances

(1) Toxic Substances Narrative. Toxic substances may not be introduced above natural background levels in waters of the state in amounts, concentrations, or combinations that may be harmful, may chemically change to harmful forms in the environment, or may accumulate in sediments or bioaccumulate in aquatic life or wildlife to levels that adversely affect public health, safety, or welfare or aquatic life, wildlife or other designated beneficial uses.

(2) Aquatic Life Numeric Criteria. Levels of toxic substances in waters of the state may not exceed the applicable aquatic life criteria as defined in Table 30 under OAR 340-041-8033.

(3) Human Health Numeric Criteria. The criteria for waters of the state listed in Table 40 under OAR 340-041-8033 are established to protect Oregonians from potential adverse health effects associated with long-term exposure to toxic substances associated with consumption of fish, shellfish and water.

(4) To establish permit or other regulatory limits for toxic substances without criteria in Table 30 under OAR 340-041-8033 or Table 40 under 340-041-8033, DEQ may use the guidance values in Table 31 under 340-

041-8033, public health advisories, and published scientific literature. DEQ may also require or conduct bio-assessment studies to monitor the toxicity to aquatic life of complex effluents, other suspected discharges or chemical substances without numeric criteria.

(5) Establishing Site-Specific Background Pollutant Criteria: This provision is a performance-based water quality standard that results in site-specific human health water quality criteria under the conditions and procedures specified in this rule section. It addresses existing permitted discharges of a pollutant removed from the same body of water. For waterbodies where a discharge does not increase the pollutant's mass and does not increase the pollutant concentration by more than 3 percent, and where the water body meets a pollutant concentration associated with a risk level of  $1 \times 10^{-4}$ , DEQ concludes that the pollutant concentration continues to protect human health.

(a) Definitions: As used in this section:

(A) "Background pollutant concentration" means the ambient water body concentration immediately upstream of the discharge, regardless of whether those pollutants are natural or result from upstream human activity.

(B) An "intake pollutant" is the amount of a pollutant present in waters of the state (including groundwater) as provided in subsection (C), below, at the time it is withdrawn from such waters by the discharger or other facility supplying the discharger with intake water.

(C) "Same body of water": An intake pollutant is considered to be from the "same body of water" as the discharge if DEQ finds that the intake pollutant would have reached the vicinity of the outfall point in the receiving water within a reasonable period had the permittee not removed it. To make this finding, DEQ requires information showing that:

(i) The background concentration of the pollutant in the receiving water (excluding any amount of the pollutant in the facility's discharge) is similar to that in the intake water; and,

(ii) There is a direct hydrological connection between the intake and discharge points.

(I) DEQ may also consider other site-specific factors relevant to the transport and fate of the pollutant to make the finding in a particular case that a pollutant would or would not have reached the vicinity of the outfall point in the receiving water within a reasonable period had the permittee not removed it.

(II) An intake pollutant from groundwater may be considered to be from the "same body of water" if DEQ determines that the pollutant would have reached the vicinity of the outfall point in the receiving water within a reasonable period had the permittee not removed it. A pollutant is not from the same body of water if the groundwater contains the pollutant partially or entirely due to past or present human activity, such as industrial, commercial, or municipal operations, disposal actions, or treatment processes.

(iii) Water quality characteristics (e.g., temperature, pH, hardness) are similar in the intake and receiving waters.

(b) Applicability

(A) DEQ may establish site-specific criteria under this rule section only for carcinogenic pollutants.

(B) Site-specific criteria established under this rule section apply in the vicinity of the discharge for purposes of establishing permit limits for the specified permittee.

(C) The underlying waterbody criteria continue to apply for all other Clean Water Act programs.

(D) The site-specific background pollutant criterion will be effective when DEQ issues the permit for the specified permittee.

(E) DEQ will reevaluate any site-specific criteria developed under this procedure upon permit renewal.

(c) DEQ may establish a site-specific background pollutant criterion when all of the following conditions are met:

(A) The discharger has a currently effective NPDES permit;

(B) The mass of the pollutant discharged to the receiving waterbody does not exceed the mass of the intake pollutant from the same body of water, as defined in section (5)(a)(C) above, and therefore does not increase the total mass load of the pollutant in the receiving water body;

(C) DEQ has not assigned the discharger a TMDL wasteload allocation for the pollutant in question;

(D) The permittee uses any feasible pollutant reduction measures available and known to minimize the pollutant concentration in their discharge;

(E) The pollutant discharge has not been chemically or physically altered in a manner that causes adverse water quality impacts that would not occur if the intake pollutants were left in-stream; and,

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(F) The timing and location of the pollutant discharge would not cause adverse water quality impacts that would not occur if the intake pollutant were left in-stream.

(d) The site-specific background pollutant criterion must be the most conservative of the following four values. Section (5)(e) of this rule describes the procedures for deriving these values.

(A) The projected in-stream pollutant concentration resulting from the current discharge concentration and any feasible pollutant reduction measures under (c)(D) above, after mixing with the receiving stream.

(B) The projected in-stream pollutant concentration resulting from the portion of the current discharge concentration associated with the intake pollutant mass after mixing with the receiving stream. This analysis ensures that there will be no increase in the mass of the intake pollutant in the receiving water body as required by condition (c)(B) above.

(C) The projected in-stream pollutant concentration associated with a 3 percent increase above the background pollutant concentration as calculated:

(i) For the main stem Willamette and Columbia Rivers, using 25 percent of the harmonic mean flow of the waterbody.

(ii) For all other waters, using 100 percent of the harmonic mean flow or similar critical flow value of the waterbody.

(D) A criterion concentration value representing a human health risk level of  $1 \times 10^{-4}$ . DEQ calculates this value using EPA's human health criteria derivation equation for carcinogens (EPA 2000), a risk level of  $1 \times 10^{-4}$ , and the same values for the remaining calculation variables that were used to derive the underlying human health criterion.

(e) Procedure to derive a site-specific human health water quality criterion to address a background pollutant:

(A) DEQ will develop a flow-weighted characterization of the relevant flows and pollutant concentrations of the receiving waterbody, effluent and all facility intake pollutant sources to determine the fate and transport of the pollutant mass.

(i) The pollutant mass in the effluent discharged to a receiving waterbody may not exceed the mass of the intake pollutant from the same body of water.

(ii) Where a facility discharges intake pollutants from multiple sources that originate from the receiving waterbody and from other waterbodies, DEQ will calculate the flow-weighted amount of each source of the pollutant in the characterization.

(iii) Where a municipal water supply system provides intake water for a facility and the supplier provides treatment of the raw water that removes an intake water pollutant, the concentration and mass of the intake water pollutant must be determined at the point where the water enters the water supplier's distribution system.

(B) Using the flow weighted characterization developed in section (5)(e)(A), DEQ will calculate the in-stream pollutant concentration following mixing of the discharge into the receiving water. DEQ will use the resultant concentration to determine the conditions in section (5)(d)(A) and (B).

(C) Using the flow-weighted characterization, DEQ will calculate the in-stream pollutant concentration based on an increase of 3 percent above background pollutant concentration. DEQ will use the resultant concentration to determine the condition in Section (5)(d)(C).

(i) For the main stem Willamette and Columbia Rivers, DEQ will use 25 percent of the harmonic mean flow of the waterbody.

(ii) For all other waters, DEQ will use 100 percent of the harmonic mean flow or similar critical flow value of the waterbody.

(D) DEQ will select the most conservative of the following values as the site-specific water quality criterion.

(i) The projected in-stream pollutant concentration described in section (5)(e)(B);

(ii) The in-stream pollutant concentration based on an increase of 3 percent above background described in section (5)(e)(C); or

(iii) A water quality criterion based on a risk level of  $1 \times 10^{-4}$ .

(f) Calculation of water quality based effluent limits based on a site-specific background pollutant criterion:

(A) For discharges to receiving waters with a site-specific background pollutant criterion, DEQ will use the site-specific criterion in the calculation of a numeric water quality based effluent limit.

(B) DEQ will compare the calculated water quality based effluent limits to any applicable aquatic toxicity or technology based effluent limits and select the most conservative for inclusion in the permit conditions.

(g) In addition to the water quality based effluent limits described in section (5)(f), DEQ will calculate a mass-based limit where necessary to ensure that the condition described in section (5)(e)(B) is met. Where mass-

based limits are included, the permit will specify how DEQ will assess compliance with mass-based effluent limitations.

(h) The permit shall include a provision requiring DEQ to consider the re-opening of the permit and re-evaluation of the site-specific background pollutant criterion if new information shows the discharger no longer meets the conditions described in subsections (5)(c) and (e).

(i) Public Notification Requirements.

(A) If DEQ proposes to grant a site-specific background pollutant criterion, it must provide public notice of the proposal and hold a public hearing. The public notice may be included in the public notification of a draft NPDES permit or other draft regulatory decision that would rely on the criterion and will also be published on DEQ's water quality standards website;

(B) DEQ will publish a list of all site-specific background pollutant criteria approved according to this rule. DEQ will add the criterion to this list within 30 days of its effective date. The list will identify the:

(i) Permittee;

(ii) Site-specific background pollutant criterion and the associated risk level;

(iii) Waterbody to which the criterion applies;

(iv) Allowable pollutant effluent limit; and,

(v) How to obtain additional information about the criterion.

(6) Arsenic Reduction Policy: The inorganic arsenic criterion for the protection of human health from the combined consumption of organisms and drinking water is 2.1 micrograms per liter. While this criterion is protective of human health and more stringent than the federal maximum contaminant level (MCL) for arsenic in drinking water, which is 10 micrograms per liter, it is based on a higher risk level than EQC used to establish other human health criteria. This higher risk level recognizes that much of the risk is due to naturally high levels of inorganic arsenic in Oregon's waterbodies. In order to maintain the lowest human health risk from inorganic arsenic in drinking water, EQC determined that it is appropriate to adopt the following policy to limit the human contribution to that risk.

(a) It is EQC policy to reduce the addition of inorganic arsenic from new or existing anthropogenic sources to waters of the state within a surface water drinking water protection area to the maximum amount feasible. The requirements of this rule section (OAR 340-041-0033(6)) apply to sources that discharge to surface waters of the state with an ambient inorganic arsenic concentration equal to or lower than the applicable numeric inorganic arsenic criteria for the protection of human health.

(b) Definitions. As used in this section:

(A) "Add inorganic arsenic" means to discharge a net mass of inorganic arsenic from a point source (the mass of inorganic arsenic discharged minus the mass of inorganic arsenic taken into the facility from a surface water source).

(B) A "surface water drinking water protection area," means an area delineated as such by DEQ under the source water assessment program of the federal Safe Drinking Water Act, 42 U.S.C. § 300j 13. DEQ delineates these areas to protect public or community drinking water supplies that use surface water sources. These delineations are on DEQ's drinking water program Web page.

(C) "Potential to significantly increase inorganic arsenic concentrations in the public drinking water supply source water" means:

(i) A discharge will increase the concentration of inorganic arsenic in the receiving water by 10 percent or more after mixing with the harmonic mean flow of the receiving water; or

(ii) As an alternative, if sufficient data are available, the discharge will increase the concentration of inorganic arsenic in the surface water intake water of a public water system by 0.021 micrograms per liter or more based on a mass balance calculation.

(c) Following the effective date of this rule, applications for an individual NPDES permit or permit renewal received from industrial dischargers located in a surface water drinking water protection area and identified by DEQ as likely to add inorganic arsenic to the receiving water must include sufficient data to enable DEQ to determine whether:

(A) The discharge adds inorganic arsenic; and,

(B) The discharge has the potential to significantly increase inorganic arsenic concentrations in the public drinking water supply source water.

(d) Where DEQ determines that both conditions in subsection (c) of this section (6) are true, the industrial discharger must develop an inorganic arsenic reduction plan and propose all feasible measures to reduce its inorganic arsenic loading to the receiving water. The proposed plan, including proposed measures, monitoring and reporting requirements, and a schedule for those actions, will be described in the fact sheet and incorporated into the source's NPDES permit after public comment and DEQ review and approval. In developing the plan, the source must:

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(A) Identify how much it can minimize its inorganic arsenic discharge through pollution prevention measures, process changes, wastewater treatment, alternative water supply for groundwater users, or other possible pollution prevention and control measures;

(B) Evaluate the costs, feasibility and environmental impacts of the potential inorganic arsenic reduction and control measures;

(C) Estimate the predicted reduction in inorganic arsenic and the reduced human health risk expected to result from the control measures;

(D) Propose specific inorganic arsenic reduction or control measures, if feasible, and an implementation schedule; and,

(E) Propose monitoring and reporting requirements to document progress in plan implementation and the inorganic arsenic load reductions.

(e) In order to implement this section, DEQ will develop the following information and guidance within 120 days of the effective date of this rule and periodically update it as warranted by new information:

(A) A list of industrial sources or source categories, including industrial stormwater and sources covered by general permits likely to add inorganic arsenic to surface waters of the state. For industrial sources or source categories permitted under a general permit that have been identified by DEQ as likely sources of inorganic arsenic, DEQ will evaluate options for reducing inorganic arsenic during permit renewal or evaluation of Stormwater Pollution Control Plans.

(B) Quantitation limits for monitoring inorganic arsenic concentrations.

(C) Information and guidance to assist sources in estimating, according to subsection (d)(C) of this section, the reduced human health risk expected to result from inorganic arsenic control measures based on the most current EPA risk assessment.

(f) It is the policy of EQC that landowners engaged in agricultural or development practices on land where pesticides, fertilizers, or soil amendments containing arsenic are currently being or have previously been applied, implement conservation practices to minimize the erosion and runoff of inorganic arsenic to waters of the state or to a location where such material could readily migrate into waters of the state.

**NOTE:** Tables 30, 31 and 40 are found under OAR 340-041-8033.

Stat. Auth.: ORS 468.020, 468B.030, 468B.035 & 468B.048

Stats. Implemented: ORS 468B.030, 468B.035 & 468B.048

Hist.: DEQ 17-2003, f. & cert. ef. 12-9-03; DEQ 3-2004, f. & cert. ef. 5-28-04; DEQ 17-2010, f. & cert. ef. 12-21-10; DEQ 8-2011, f. & cert. ef. 6-30-11; DEQ 10-2011, f. & cert. ef. 7-13-11; DEQ 17-2013, f. 12-23-13, cert. ef. 4-18-14; DEQ 1-2015, f. & cert. ef. 1-7-15; DEQ 11-2016, f. & cert. ef. 11-2-16

## 340-041-8033

### Division 41 Tables and Figures

(1) Table 30: Aquatic Life Water Quality Criteria for Toxic Pollutants. This table, referenced in OAR 340-041-0033, contains information about the applicability and content of the criteria contained in the table.

(2) Table 31: Aquatic Life Water Quality Guidance Values for Toxic Pollutants. This table, referenced in OAR 340-041-0033, contains information about the applicability and content of the criteria contained in the table.

(3) Table 40: Human Health Water Quality Criteria for Toxic Pollutants. This table, referenced in OAR 340-041-0033, contains information about the applicability and content of the criteria contained in the table.

Stat. Auth.: ORS 468.020, 468B.030, 468B.035 & 468B.048

Stats. Implemented: ORS 468B.030, 468B.035 & 468B.048

Hist.: DEQ 1-2015, f. & cert. ef. 1-7-15; DEQ 11-2016, f. & cert. ef. 11-2-16

## Department of Fish and Wildlife Chapter 635

**Rule Caption:** Prior Year 5,000 Pound Landing Requirement Temporarily Removed from Brine Shrimp Permit Renewal Rule.

**Adm. Order No.:** DFW 134-2016(Temp)

**Filed with Sec. of State:** 10-17-2016

**Certified to be Effective:** 10-17-16 thru 12-31-16

**Notice Publication Date:**

**Rules Amended:** 635-005-0705

**Rules Suspended:** 635-005-0705(T)

**Subject:** This amended rule allows the renewal of Brine Shrimp permits without the previously required 5,000 pound landing from the previous year. Due to low water in Lake Abert, in 2016, harvesters were unable to use their boats and harvest enough Brine Shrimp to satisfy the 5,000 pounds in landings required by permanent rule for permit renewal.

**Rules Coordinator:** Michelle Tate—(503) 947-6044

## 635-005-0705

### Renewal of Permit

(1) Brine Shrimp Permits may be renewed the following year by submitting to the Department a \$100.00 fee (plus a \$2.00 license agent fee) and a complete application date-stamped or postmarked by January 31 of the year for which renewal is sought.

(2) An application for renewal of a Brine Shrimp Permit shall be considered complete if it is legible, has all information requested in the form, and is accompanied by the required fee in full. Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by December 31 of the permit year sought, the individual may not be considered to have applied for renewal in a timely manner.

(3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application may not be grounds for treating the application as having been filed in a timely and complete manner.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 131-2013(Temp), f. & cert. ef. 12-9-13 thru 6-7-14; Administrative correction, 6-30-14; DFW 156-2014(Temp), f. & cert. ef. 11-10-14 thru 1-31-15; Administrative correction, 2-24-15; DFW 145-2015(Temp), f. 10-19-15, cert. ef. 11-1-15 thru 2-1-16; Administrative correction, 12-24-16; DFW 134-2016(Temp), f. & cert. ef. 10-17-16 thru 12-31-16

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**Rule Caption:** Columbia River Fall Recreational Salmon and Steelhead Seasons Closed

**Adm. Order No.:** DFW 135-2016(Temp)

**Filed with Sec. of State:** 10-20-2016

**Certified to be Effective:** 10-22-16 thru 12-31-16

**Notice Publication Date:**

**Rules Amended:** 635-023-0130

**Rules Suspended:** 635-023-0130(T)

**Subject:** This amended rule prohibits Chinook and steelhead retention in the Columbia River recreational salmon fisheries from Buoy 10 upstream to the Highway 395 Bridge near Pasco, Wa. 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 October 19, 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.

(2) Beginning 12:01 a.m. Saturday, October 22 through Saturday, December 31, 2016; angling for and retention of all salmon and steelhead is prohibited from a true north-south line at Buoy 10 upstream to the Oregon-Washington border upstream of McNary Dam:

(3) 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,

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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; DFW 135-2016(Temp), f. 10-20-16, cert. ef. 10-22-16 thru 12-31-16

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**Rule Caption:** Treaty Indian Sturgeon Setline Fishery In the Columbia River Implemented.

**Adm. Order No.:** DFW 136-2016(Temp)

**Filed with Sec. of State:** 10-20-2016

**Certified to be Effective:** 10-24-16 thru 11-30-16

**Notice Publication Date:**

**Rules Amended:** 635-041-0063

**Subject:** Amended rule allows commercial sales of fish caught during the Treaty Indian sturgeon setline fisheries in the John Day, The Dalles and the Bonneville pools of the Columbia River. The fishery begins in the John Day Pool at 6:00 a.m. Monday, October 24 and runs through 6:00 p.m. Saturday, November 5, 2016. Separate season dates were adopted for The Dalles and Bonneville pools. Implementation is consistent with action taken October 19, 2016 by the Departments of Fish & 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

## 635-041-0063

### Sturgeon Setline Fishery

(1) White sturgeon may be taken by setline for commercial purposes during the following periods:

(a) From 6:00 a.m. Monday, October 24 through 6:00 p.m. Saturday, November 5 in the John Day Pool only white sturgeon taken must be 43-54 inches in fork length.

(b) From 6:00 a.m. Monday, November 7 through 6:00 p.m. Saturday, November 12 in The Dalles Pool only white sturgeon taken must be 43-54 inches in fork length.

(c) From 6:00 a.m. Monday, November 14 through 6:00 p.m. Saturday, November 26 in the Bonneville Pool and adjacent Yakima Tributary Fisheries white sturgeon taken must be 38-54 inches in fork length and may be sold, if caught during open setline periods in Bonneville Pool, or kept for subsistence use.

(2) Closed areas are set forth under OAR 635-041-0045.

(3) During the white sturgeon setline season it shall be unlawful to:

(a) Operate any fishing gear other than setlines except as provided in OAR 635-041-0060;

(b) Operate any setline having more than 100 hooks;

(c) Use other than single hooks size 9/0 or larger;

(d) Use treble hooks; and

(e) Operate any setline on which the buoy or marker does not have the tribal identification number of the individual operating the line clearly marked on it and which is attached in a manner that will not allow it to float visibly on the surface at all times.

(4) Notwithstanding OAR 635-041-0045(6)—(11), it is lawful during the open season to fish for white sturgeon by means of set lines in the Columbia River within areas at and adjacent to the mouths of rivers.

Stat. Auth.: ORS 183.325 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0063; FWC 6-1980, f. & ef. 1-28-80; FWC 12-1980, f. & ef. 2-29-80; FWC 64-1980(Temp), f. & ef. 11-7-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 2-1983, f. 1-21-83, ef. 2-1-83; FWC 9-1983(Temp), f. & ef. 3-1-83; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 48-1988, f. & cert. ef. 6-21-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 12-1989(Temp), f. & cert. ef. 3-21-89; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 9-1991, f. & cert. ef. 1-31-91; FWC 37-1991(Temp), f. & cert. ef. 4-3-91; FWC 4-1992, f. 1-30-92, cert. ef. 2-1-92; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 41-1992(Temp), f. 6-30-92, cert. ef. 7-1-92; FWC

107-1992(Temp), f. & cert. ef. 10-9-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 15-1996(Temp), f. & cert. ef. 4-1-96; FWC 25-1996(Temp), f. 5-14-96, cert. ef. 5-15-96; FWC 23-1997(Temp), f. 4-4-97, cert. ef. 4-7-97; FWC 35-1997(Temp), f. & cert. ef. 6-13-97; FWC 40-1997(Temp), f. 6-20-97, cert. ef. 6-23-97; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 50-1998(Temp), f. 6-25-98, cert. ef. 6-26-98 thru 7-24-98; DFW 57-1998(Temp), f. & cert. ef. 7-24-98 thru 12-31-98; DFW 22-1999(Temp), f. & cert. ef. 4-1-99 thru 4-23-99; DFW 28-1999(Temp), f. & cert. ef. 4-23-99 thru 7-31-99; DFW 41-1999(Temp), f. & cert. ef. 6-7-99 thru 7-31-99; DFW 79-1999(Temp), f. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 14-2000(Temp), f. 3-17-00, cert. ef. 3-20-00 thru 7-31-00; DFW 31-2000(Temp), f. 6-9-00, cert. ef. 6-10-00 thru 7-31-00; DMV 43-2000(Temp), f. 8-7-00, cert. ef. 8-8-00 thru 8-20-00; DFW 66-2000(Temp), f. 9-29-00, cert. ef. 10-2-00 thru 12-31-00; DFW 43-2001(Temp), f. 5-23-01, cert. ef. 5-24-01 thru 11-20-01; DFW 65-2001(Temp), f. & cert. ef. 7-24-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 114-2001(Temp), f. & cert. ef. 12-13-01 thru 12-31-01; DFW 51-2002(Temp), f. & cert. ef. 5-22-02 thru 9-1-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 121-2002(Temp), f. 10-24-02, cert. ef. 10-27-02 thru 12-31-02; DFW 49-2003(Temp), f. & cert. ef. 6-5-03 thru 9-1-03; DFW 58-2003(Temp), f. & cert. ef. 7-9-03 thru 12-31-03; DFW 67-2003(Temp), f. 7-18-03, cert. ef. 7-21-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 69-2006(Temp), f. 7-28-06, cert. ef. 7-31-06 thru 12-31-06; DFW 131-2006(Temp), f. 12-20-06, cert. ef. 1-1-07 thru 6-29-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 142-2008, f. 7-31-08, cert. ef. 11-21-08; DFW 19-2009, f. & cert. ef. 2-26-09; DFW 88-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; Administrative correction 1-25-10; DFW 103-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 142-2011(Temp), f. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; DFW 150-2011(Temp), f. 10-25-11, cert. ef. 10-26-11 thru 11-30-11; DFW 152-2011(Temp), f. 11-1-11, cert. ef. 11-2-11 thru 12-31-11; DFW 95-2012(Temp), f. 7-27-12, cert. ef. 7-30-12 thru 8-11-12; Administrative correction, 8-27-12; DFW 40-2013(Temp), f. 5-23-13, cert. ef. 5-24-13 thru 6-15-13; Administrative correction, 7-18-13; DFW 152-2014(Temp), f. & cert. ef. 10-23-14 thru 11-29-14; DFW 158-2014(Temp), f. & cert. ef. 11-25-14 thru 12-31-14; Administrative correction, 1-27-15; DFW 140-2015(Temp), f. 10-15-15, cert. ef. 10-19-15 thru 11-30-15; DFW 155-2015(Temp), f. 11-12-15, cert. ef. 11-13-15 thru 12-31-15; Administrative correction, 1-22-16; DFW 97-2016(Temp), f. 7-28-16, cert. ef. 8-1-16 thru 8-13-16; Administrative correction, 8-29-16; DFW 136-2016(Temp), f. 10-20-16, cert. ef. 10-24-16 thru 11-30-16

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**Rule Caption:** Sales from Columbia River Treaty Indian Fall Commercial Fishery Modified

**Adm. Order No.:** DFW 137-2016(Temp)

**Filed with Sec. of State:** 10-20-2016

**Certified to be Effective:** 10-24-16 thru 11-30-16

**Notice Publication Date:**

**Rules Amended:** 635-041-0075

**Rules Suspended:** 635-041-0075(T)

**Subject:** This amended rule authorizes the sales of white sturgeon caught in the Treaty Indian fall commercial fishery set for the Columbia River. The modified fishery begins at 6:00 a.m. Monday, October 24 and runs through 6:00 p.m. Friday, November 26, 2016, with specific dates for each of the three reservoirs: John Day, The Dalles and Bonneville. Modifications are consistent with action taken October 19, 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 sold or retained for subsistence use when the 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.

(2) Closed areas are set forth in OAR 635-041-0045, 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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lawfully enacted Yakama Nation fishing periods. Legal fish landed during the open periods may be sold after the period concludes.

(a) Sturgeon may be kept for ceremonial or subsistence purposes and may not be sold, except for sturgeon from 38 to 54 inches in fork length 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. Gill nets may only be used in Drano Lake.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982(Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984(Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-28-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988(Temp), f. & cert. ef. 9-27-88, cert. ef. 9-28-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 87-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989(Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. & cert. ef. 9-7-90; FWC 98-1990(Temp), f. & cert. ef. 9-14-90, cert. ef. 9-17-90; FWC 85-1991, f. & cert. ef. 8-12-91; FWC 98-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. & cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. & cert. ef. 9-2-92; FWC 87-1992(Temp), f. & cert. ef. 9-7-92; FWC 91-1992(Temp), f. & cert. ef. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. & cert. ef. 9-22-92, cert. ef. 9-23-92; FWC 105-1992(Temp), f. & cert. ef. 10-2-92, cert. ef. 10-5-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. & cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. & cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. & cert. ef. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. & cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. & cert. ef. 8-25-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. & cert. ef. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. & cert. ef. 9-2-96; FWC 51-1996(Temp), f. & cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. & cert. ef. 8-29-97, cert. ef. 9-2-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. & cert. ef. 9-16-97, cert. ef. 9-17-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; FWC 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; FWC 77-1998(Temp), f. & cert. ef. 9-15-98 thru 9-25-98; FWC 79-1998(Temp), f. & cert. ef. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; FWC 80-1998(Temp), f. & cert. ef. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; FWC 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; FWC 62-1999(Temp), f. & cert. ef. 9-3-99 thru 9-11-99; FWC 65-1999(Temp), f. & cert. ef. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; FWC 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; FWC 72-1999(Temp), f. & cert. ef. 9-22-99 thru 10-22-99; FWC 74-1999(Temp), f. & cert. ef. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; FWC 50-2000(Temp), f. & cert. ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; FWC 60-2000(Temp), f. & cert. ef. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; FWC 61-2000(Temp), f. & cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; FWC 75-2001(Temp), f. & cert. ef. 8-20-01 thru 8-8-01; FWC 87-2001(Temp), f. & cert. ef. 9-11-01 thru 9-15-01; FWC 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; FWC 94-2001(Temp), f. & cert. ef. 9-27-01 thru 12-31-01; FWC 100-2001(Temp), f. & cert. ef. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; FWC 89-2002(Temp), f. & cert. ef. 8-18-02 thru 12-31-02; FWC 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; FWC 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; FWC 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; FWC 113-2002(Temp), f. & cert. ef. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; FWC 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; FWC 81-2003(Temp), f. & cert. ef. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; FWC 91-2003(Temp), f. & cert. ef. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; FWC 97-2003(Temp), f. & cert. ef. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; FWC 101-2003(Temp), f. & cert. ef. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; FWC 103-2003(Temp), f. & cert. ef. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; FWC 104-2003(Temp), f. & cert. ef. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; FWC 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; FWC 95-2004(Temp), f. & cert. ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; FWC 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; FWC 104-2004(Temp), f. & cert. ef. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; FWC 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction 2-18-05; FWC 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; FWC 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; FWC 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; FWC 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; FWC 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; FWC 71-2006(Temp), f. & cert. ef. 8-1-06 thru 12-31-06; FWC 86-2006(Temp), f. & cert. ef. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; FWC 94-2006(Temp), f. & cert. ef. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; FWC 101-2006(Temp), f. & cert. ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; FWC 107-2006(Temp), f. & cert. ef. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; FWC 115-2006(Temp), f. & cert. ef. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; FWC 60-2007(Temp), f. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; FWC 77-2007(Temp), f. & cert. ef. 8-22-07 thru 12-31-07; FWC 88-2007(Temp), f. & cert. ef. 9-11-07 thru 12-31-07; FWC 95-2007(Temp), f. & cert. ef. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; FWC 100-2007(Temp), f. & cert. ef. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; FWC 110-2007(Temp), f. & cert. ef. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; FWC 106-2008(Temp), f. & cert. ef. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; FWC 109-2008(Temp), f. & cert. ef. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; FWC 112-2008(Temp), f. & cert. ef. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; FWC 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; FWC 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; FWC 125-2008(Temp), f. & cert. ef. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; FWC 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 12-31-12; 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; DFW 137-2016(Temp), f. 10-20-16, cert. ef. 10-24-16 thru 11-30-16

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**Rule Caption:** Chetco River Ocean Terminal Area Commercial Salmon Fishery Modified.

**Adm. Order No.:** DFW 138-2016(Temp)

**Filed with Sec. of State:** 10-24-2016

**Certified to be Effective:** 10-26-16 thru 11-30-16

**Notice Publication Date:**

**Rules Amended:** 635-003-0085

**Subject:** This amended rule increases the single daily landing and possession limit in the Chetco River terminal area commercial troll Chinook Salmon quota fishery. The daily limit is increased from 5 to 10 Chinook for the period of October 26 through 31, 2016. These modifications provide a better opportunity for accessing the remaining quota within the established season. This increased landing limit is within planned flexible season management options.

**Rules Coordinator:** Michelle Tate—(503) 947-6044

### 635-003-0085

#### Extended Commercial Seasons

In addition to the open seasons prescribed in OAR 635-003-0003 there are open seasons for Chinook salmon as follows:

(1) Elk River Ocean Terminal Area — from November 1-30 in the area described in section (1)(a) of this rule.

(a) The open area is all Pacific Ocean waters shoreward of a line drawn from Cape Blanco (42°50'20" N. Lat.) thence SW to Black Rock (42°49'24" N. Lat. 124°35'00" W. Long.), thence SSW to Best Rock (42°47'24" N. Lat. 124°35'42" W. Long.), thence SE to 42°40'30" N. Lat. 124°29'00" W. Long., thence to shore (Humbug Mountain).

(b) During the season described in this section (1), it is unlawful to take Chinook salmon less than 26 inches in total length; it is unlawful to use multipoint or barbed hooks or to fish more than four spreads per line; and it is unlawful to have in possession or to land more than 20 Chinook per day taken in this fishery. Landings are restricted to Port Orford.

(2) Chetco River Ocean Terminal Area — from October 10 through the earlier of October 31 or quota of 300 Chinook in the area described in section (2)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of the north shore of Twin Rocks (42°05'36" N. Lat.) to the Oregon/California border (42°00'00" N. Lat.) and seaward three nautical miles offshore;

# ADMINISTRATIVE RULES

(b) During the season described in this section (2) it is unlawful to take Chinook salmon less than 28 inches in total length; it is unlawful to use multipoint or barbed hooks, or to fish more than four spreads per line; and it is unlawful to have in possession or to land more than 5 Chinook per day taken in this fishery through October 25 or more than 10 Chinook per day taken in this fishery between October 26 and the close of the fishery. Landings are restricted to Brookings.

(c) All vessels landing salmon caught in this season must report to ODFW within one hour of delivery or prior to transport away from the port of landing by either calling (541) 867-0300, ext. 252 or by e-mail to kmzort.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing, location of delivery, and estimated time of delivery.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stat. Implemented: ORS 506.129

Hist.: FWC 48-1984(Temp), f. & ef. 8-31-84; 57-1984(Temp), f. & ef. 9-15-84; FWC 59-1986(Temp), f. & ef. 9-19-86; FWC 106-1992(Temp), f. 10-8-92, cert. ef. 10-24-92; FWC 111-1992(Temp), f. 10-26-92, cert. ef. 10-27-92; FWC 62-1993, f. & cert. ef. 10-1-93; FWC 56-1994, f. 8-30-94, cert. ef. 9-1-94; FWC 80-1994(Temp), f. 10-25-94, cert. ef. 10-26-94; FWC 82-1994(Temp), f. 10-28-94, cert. ef. 10-30-94; FWC 81-1995, f. 9-29-95, cert. ef. 10-1-95; FWC 85-1995(Temp), f. & cert. ef. 10-20-95; FWC 56-1996, f. 9-27-96, cert. ef. 10-1-96; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 66-1997(Temp), f. 10-24-97, cert. ef. 10-26-97; FWC 67-1997(Temp), f. 10-28-97, cert. ef. 10-29-97; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 78-2006(Temp), f. 8-7-06, cert. ef. 9-1-06 thru 12-15-06; Administrative correction 12-16-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 65-2008(Temp), f. 6-20-08, cert. ef. 9-1-08 thru 12-31-08; DFW 128-2008(Temp), f. 10-9-08, cert. ef. 10-12-08 thru 12-31-08; Administrative correction 1-23-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 102-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09; DFW 132-2009(Temp), f. & cert. ef. 10-19-09 thru 10-31-09; Administrative correction 11-19-09; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 147-2010(Temp), f. & cert. ef. 10-15-10 thru 10-31-10; DFW 151-2010(Temp), f. 10-19-10, cert. ef. 10-20-10 thru 10-31-10; DFW 153-2010(Temp), f. & cert. ef. 10-29-10 thru 10-31-10; Administrative correction 11-23-10; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 61-2014, f. & cert. ef. 6-10-14; DFW 78-2014, f. & cert. ef. 6-24-14; DFW 31-2015, f. & cert. ef. 4-27-15; DFW 143-2015(Temp), f. & cert. ef. 10-16-15 thru 12-31-15; DFW 146-2015(Temp), f. 10-19-15, cert. ef. 10-21-15 thru 12-31-15; DFW 148-2015(Temp), f. 10-22-15, cert. ef. 10-23-15 thru 12-31-15; DFW 149-2015(Temp), f. 10-26-15, cert. ef. 10-27-15 thru 12-31-15; Administrative correction, 1-22-16; DFW 33-2016, f. & cert. ef. 4-25-16; DFW 138-2016(Temp), f. 10-24-16, cert. ef. 10-26-16 thru 11-30-16

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**Rule Caption:** Amend rule to authorize Transfer of Tags to Terminally Ill Individuals

**Adm. Order No.:** DFW 139-2016(Temp)

**Filed with Sec. of State:** 10-26-2016

**Certified to be Effective:** 10-26-16 thru 3-31-17

**Notice Publication Date:**

**Rules Amended:** 635-060-0046

**Subject:** The adoption of these rules would provide a mechanism for qualifying terminally ill individuals to obtain controlled or limited hunt tags transferred from an immediate family member. To qualify for these tags individuals must have been diagnosed with a terminal illness by a licensed physician.

**Rules Coordinator:** Michelle Tate—(503) 947-6044

## 635-060-0046

### Lost Tags and Tag Exchanges

(1) A fee of \$23.50 (plus a \$2.00 license agent fee) is charged to replace a tag or permit. All licenses, tags and permits, issued to the same person, that are identified as being lost, destroyed or stolen may be listed on the same affidavit for a single fee (\$23.50 plus a \$2.00 license agent fee). A fee of \$5.00 (plus a \$2.00 license agent fee) is charged to exchange a tag or permit. However, a \$10.00 license agent fee will be charged for nonresident deer and elk tags. Duplicates and exchanges may be obtained only through the Salem headquarters, regional offices of the Department, and designated district offices. Exception: Replacement controlled hunt tags or permits will be issued at no charge only through the Salem headquarters or regional office of the Department if the Department determines that the person never received the original controlled tag or permit mailed from the Salem headquarters office.

(2) A Controlled Buck Deer Tag or Controlled Elk Tag may be exchanged for a general season tag before the opening date of the season for which either tag is valid.

(3) No controlled hunt tag shall be exchanged for another controlled hunt tag, except as described in 635-060-0008(5) and 635-075-0015(3).

(4) A Controlled Antlerless Deer Tag shall not be exchanged.

(5) In the event of the death of a successful controlled hunt applicant before the start of the season for which the tag or permit was issued, the tags of the deceased may be issued to a family member as defined by OAR

635-045-0002. Tag or permit transfer shall require a copy of the death certificate and the original controlled hunt tag or permit, and must be requested by the legal heir to the deceased which shall be presumed by possession of the tag or permit and death certificate.

(6) In the event that a family member, as defined by OAR 635-045-0002, of a successful controlled hunt applicant is diagnosed as terminally ill before the start of the season for which the tag or permit was issued, the Director may authorize that the tags of the successful applicant be issued to the "qualified family member". Tag or permit transfers shall require documentation of the terminal condition from a medical professional, and submission of the original controlled hunt tag or permit if already issued.

(a) A qualified family member may be either resident or non-resident and must comply with all requirements for lawful hunting including those concerning:

(A) Minimum hunting age (ORS 497.350);

(B) Hunter education (ORS 497.360);

(C) Hunting hours (OAR 635-065-0730);

(D) Holding a valid Oregon hunting license, and

(E) Using a legal weapon for hunting the species for which the tag is issued.

(b) There is no additional fee for tag exchanges under this subsection.

(7) A "leftover" controlled hunt tag may only be exchanged for a general season tag, but only if the person does not already possess a tag authorized by OAR 635-065-0015(4)(a), (b) or (c) or 635-0065-0015(5)(a), (b), (c), (d), (e), (f), or (g).

(8) The Commission shall accommodate Oregon residents who have lost preference points because of being called to active military service after June 1, 2002.

(a) The Commission shall accommodate the following individuals called to service at any location: Oregon National Guard.

(b) The Commission shall accommodate the following Oregon residents with military operational commitments: regular members of the United States Armed Forces (Army, Navy, Air Force, Marines, and Coast Guard), members of the United States military reserves, and members of the National Guard.

(c) The Commission authorizes the Director to make such accommodations by:

(A) Reinstating preference points existing for a series, plus an additional point for participating in the draw.

(B) Reinstating preference points lost after two consecutive years of not applying for a controlled hunt in that series.

(d) Individuals seeking accommodation pursuant to this rule (or immediate family members acting on their behalf) must make a request in writing or in person to the Salem headquarters office. Each request must include a letter from a supervising officer on official unit letterhead verifying operational commitments.

(9)(a) The Director may reinstate the preference points of a person who the Director determines did not or will not participate in a controlled hunt because of:

(A) Circumstances beyond the person's control; or

(B) Tragic personal circumstances.

(b) "Tragic personal circumstances" means:

(A) Death or life-threatening injury or illness in the person's immediate family; or

(B) The person's own serious injury or illness, which results in the person's hospitalization. The person need not be hospitalized during the hunt; this rule also applies if preparation for surgery or recovery after hospitalization renders the person incapable of participating in the hunt.

(c) To apply for reinstatement, the person must provide a sworn affidavit providing adequate details and must return the unused tag if it was purchased or a signed affidavit stating the tag was not used. When relying upon tragic personal circumstances, the person must also provide a sworn affidavit by a physician. When relying upon circumstances beyond the person's control, the person must also provide documentation of the circumstances (such as an accident report or affidavit from an employer).

(d) "Circumstances beyond the person's control" excludes complaints about the quality of a hunt (including, but not limited to, road closures, inclement weather and work being conducted in the hunt area).

(e) If the Director decides that the person does not qualify for reinstatement, the person may appeal that decision to the Oregon Fish and Wildlife Commission (Commission). The Commission must review the Director's decision within 60 days after receipt of appeal. The Commission will not take verbal testimony from the person, and the Commission's decision is final.

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(f) If the Director or Commission reinstates a person's preference point under this subsection, the person will be awarded a new point as when classified as "unsuccessful" in the draw and is not entitled to a refund of license or tag fees.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Other Auth.: SB 247 (2015)

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 118, f. & ef. 6-3-77; FWC 32-1978, f. & ef. 6-30-78; FWC 29-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 7-1981, f. 2-18-81, ef. 6-1-81; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82; FWC 38-1982, f. & ef. 6-25-82; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 40-1987, f. & ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 18-1991, f. & cert. ef. 3-12-91; FWC 55-1992(Temp), f. 7-22-92, cert. ef. 7-24-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 6-1994, f. & cert. ef. 1-26-94; FWC 94-1994, f. & cert. ef. 12-22-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 52-2001(Temp) f. & cert. ef. 6-27-01 thru 12-24-01; DFW 13-2002, f. & cert. ef. 2-12-02; DFW 34-2002, f. & cert. ef. 4-18-02; DFW 36-2002(Temp), f. & cert. ef. 4-22-02 thru 10-19-02; DFW 50-2002(Temp), f. & cert. ef. 5-16-02 thru 11-12-02; DFW 29-2003(Temp), f. & cert. ef. 4-9-03 thru 10-1-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 105-2004(Temp), f. & cert. ef. 10-13-04 thru 11-15-04; DFW 107-2004(Temp), f. & cert. ef. 10-18-04 thru 11-27-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 26-2005, f. & cert. ef. 4-20-05; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 93-2007(Temp), f. & cert. ef. 9-26-07 thru 3-23-08; Administrative correction 4-23-08; DFW 126-2008(Temp), f. & cert. ef. 10-6-08 thru 4-4-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 14-2012(Temp), f. & cert. ef. 2-10-12 thru 8-7-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 117-2013, f. & cert. ef. 10-10-13; DFW 139-2015, f. 10-14-15, cert. ef. 1-1-16; DFW 139-2016(Temp), f. & cert. ef. 10-26-16 thru 3-31-17

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**Rule Caption:** Coastal Pelagic Species Fisheries Rule Modified.

**Adm. Order No.:** DFW 140-2016

**Filed with Sec. of State:** 10-27-2016

**Certified to be Effective:** 10-27-16

**Notice Publication Date:** 5-1-2016

**Rules Amended:** 635-004-0375

**Rules Repealed:** 635-004-0375(T)

**Subject:** This adopted administrative rule for commercial pelagic species fisheries brings the State of Oregon concurrent with federally adopted regulations. Housekeeping and technical corrections to the regulations were made to ensure rule consistency.

**Rules Coordinator:** Michelle Tate—(503) 947-6044

## 635-004-0375

### Scope, Inclusion, and Modification of Rules

(1) The commercial coastal pelagic species fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon and the federal government through the Pacific Fishery Management Council process. The Code of Federal Regulations provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking coastal pelagic species. However, additional regulations may be promulgated subsequently by publication in the Federal Register, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations. Therefore, the following publications are incorporated into Oregon Administrative Rule by reference:

(a) Code of Federal Regulations, Part 660, Subpart I, (October 1, 2013 ed.);

(b) Federal Register Vol. 81, No. 122, dated June 24, 2016 (81 FR 41251);

(c) Federal Register Vol. 81, No. 163, dated August 23, 2016 (81 FR 57489); and

(d) Federal Register Vol. 81, No. 207, dated October 26, 2016 (81 FR 74309).

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable coastal pelagic species fishing requirements. Where federal regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone.

(3) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-0205 through 635-004-0235 and 635-004-0380 through 635-004-0545 for additions or modifications to federal coastal pelagic species regulations.

[Publications: Publications referenced are available from the agency.]

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

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 110-2012(Temp), f. 8-21-12, cert. ef. 8-23-12 thru 9-14-12; Administrative correction 9-20-12; DFW 58-2013, f. & cert. ef. 6-19-13; DFW 90-2013(Temp), f. 8-20-13, cert. ef. 8-22-13 thru 9-14-13; DFW 76-2014(Temp), f. 6-24-14, cert. ef. 6-25-14 thru 7-31-14; DFW 99-2014, f. 7-21-14, cert. ef. 7-22-14 thru 9-30-14; DFW 104-2014(Temp), f. 7-29-14, cert. ef. 8-1-14 thru 9-30-14; DFW 114-2014, f. &

cert. ef. 8-5-14; Suspended by DFW 129-2014(Temp), f. 9-10-14, cert. ef. 9-15-14 thru 9-30-14; DFW 136-2014(Temp), f. 9-19-14, cert. ef. 9-20-14 thru 12-31-14; Administrative correction, 1-27-15; DFW 30-2015(Temp), f. 4-22-15, cert. ef. 4-25-15 thru 6-30-15; DFW 47-2015(Temp), f. 5-21-15, cert. ef. 5-27-15 thru 11-22-15; DFW 77-2015, f. & cert. ef. 6-29-15; DFW 78-2015(Temp), f. & cert. ef. 6-29-15 thru 12-25-15; Administrative correction, 1-22-16; DFW 84-2016(Temp), f. 6-30-16, cert. ef. 7-1-16 thru 11-30-16; DFW 140-2016, f. & cert. ef. 10-27-16

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**Rule Caption:** Requirements to Purchase Fishing Licenses, Tags, and Endorsements Suspended for Free Fishing Weekend.

**Adm. Order No.:** DFW 141-2016(Temp)

**Filed with Sec. of State:** 10-31-2016

**Certified to be Effective:** 11-23-16 thru 1-1-17

**Notice Publication Date:**

**Rules Amended:** 635-011-0102, 635-011-0104

**Subject:** These amended rules allow anglers to participate in fisheries statewide without the need to purchase the licenses, tags, and endorsements usually required to fish in Oregon during two free fishing weekends scheduled for Friday, November 25 through Saturday, November 26, and Saturday, December 31, 2016 through Sunday, January 1, 2017.

**Rules Coordinator:** Michelle Tate—(503) 947-6044

## 635-011-0102

### Free Fishing Weekend

(1) The first full weekend (Saturday and Sunday) in the month of June shall be designated as an annual free fishing weekend. No angling licenses or tags shall be required for the taking of fish for personal use in Oregon waters on this weekend.

(2) The following days November 25, November 26 and December 31, 2016 shall be designated as free fishing days. No angling licenses or tags shall be required for the taking of fish for personal use in Oregon waters on these days.

(3) January 1, 2017 shall be designated as a free fishing day. No angling licenses or tags shall be required for the taking of fish for personal use in Oregon waters on this day.

Stat. Auth.: ORS 183.335

Other Auth.: Section 2, Chapter 344, Oregon Laws 1989; HB 2221, 1995 Legislature

Stats. Implemented: Sec. 2, Ch. 344, OL 1989; HB 2221, 1995

Hist.: FWC 103-1989, f. 9-29-89, cert. ef. 1-1-90; FWC 92-1995, f. 12-8-95, cert. ef. 12-15-95; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 141-2016(Temp), f. 10-31-16, cert. ef. 11-23-16 thru 1-1-17

## 635-011-0104

### Licenses, Tags, and Permits

(1) Hatchery Salmon and Steelhead Harvest Tag Requirements:

(a) Persons holding an annual angling license and an annual angling harvest tag may purchase Hatchery Salmon and Steelhead Harvest Tags. There is no limit on the number of Hatchery Salmon and Steelhead Harvest Tags an angler may purchase per year. The purchase of each tag entitles the angler to take a combined total of 10 hatchery salmon or steelhead;

(b) Only adipose or otherwise fin-clipped adult salmon or adipose fin-clipped steelhead may be recorded on the Hatchery Salmon and Steelhead Harvest Tag;

(c) A valid annual angling license and a valid annual angling harvest tag must be in possession while fish validated on the Hatchery Salmon and Steelhead Harvest Tag are in angler's possession. All tags purchased must be in angler's possession while angling for salmon or steelhead;

(d) Except during free fishing weekend or designated free fishing days, where every angler is considered as having a valid annual angling license and a valid annual angling harvest tag, fish must be recorded immediately upon removal from the water and fish must be recorded in the chronological order caught. The angler who landed the fish must record the fish on his or her tag irrespective of who hooked the fish;

(e) Hatchery Salmon and Steelhead Harvest Tags should be returned to ODFW upon expiration; and

(f) Purchase of a valid annual angling license and a valid annual angling harvest tag is not required for free fishing weekend or other designated free fishing days.

(2) Columbia River Basin Endorsement:

(a) The Columbia River Basin is defined as: The mainstem Columbia River from Buoy 10 upstream to include all rivers and their tributaries that drain into the mainstem Columbia River.

(b) Beginning January 1, 2014 a valid Columbia River Basin Endorsement must be in possession while angling for salmon, steelhead, or sturgeon in the Columbia River Basin except during free fishing weekend

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or designated free fishing days where every angler is considered as having a valid Columbia River Basin Endorsement.

(c) The fee for the Columbia River Basin Endorsement, when purchased in conjunction with an annual license is \$9.75, in addition to fees as described in ORS 497.121 and ORS 497.123.

(d) The fee for the Columbia River Basin Endorsement when purchased separately is \$9.75 (plus a \$2.00 agent fee).

(e) The fee for the Columbia River Basin Endorsement, when purchased in conjunction with a daily license is \$1.00 per each day, in addition to those fees as described in ORS 497-121.

(f) Purchase of a Columbia River Basin Endorsement is not required for free fishing weekend or other designated free fishing days.

(g) No fee will be charged for a Columbia River Basin Endorsement for an angler(s) in possession of:

(A) A resident disabled veteran, resident pioneer, resident and non-resident youth under 12 license; or

(B) A Permanent Wheel-chair Angling License, a Permanent Blind Angler License, or a Permanent Senior.

Stat. Auth.: ORS 496.138, 496.146, 497.121, 497.123, 506.119

Other Auth.: SB 247 (2015)

Stats. Implemented: ORS 496.162, 506.129

Hist.: DFW 101-2001, f. & cert. ef. 10-23-01; DFW 125-2013, f. 10-30-13, cert. ef. 11-1-13; DFW 128-2013(Temp), 11-18-13, cert. ef. 12-1-13 thru 12-31-13; DFW 133-2013, f. & cert. ef. 12-9-13; DFW 49-2014(Temp), f. 5-27-14, cert. ef. 6-1-14 thru 6-30-14; Administrative correction, 7-24-14; DFW 165-2014, f. 12-18-14, cert. ef. 1-1-15; DFW 139-2015, f. 10-14-15, cert. ef. 1-1-16; DFW 141-2016(Temp), f. 10-31-16, cert. ef. 11-23-16 thru 1-1-17

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**Rule Caption:** Columbia River Fall Recreational Coho Salmon and Steelhead Seasons Re-Opened.

**Adm. Order No.:** DFW 142-2016(Temp)

**Filed with Sec. of State:** 11-4-2016

**Certified to be Effective:** 11-5-16 thru 12-31-16

**Notice Publication Date:**

**Rules Amended:** 635-023-0130

**Rules Suspended:** 635-023-0130(T)

**Subject:** This amended rule authorizes the retention of coho salmon and hatchery steelhead in the mainstem Columbia River from Buoy-10 upstream to the Oregon-Washington Border upstream of McNary Dam beginning Saturday, November 5, 2016. The daily bag limit is two adult salmonids of which no more than one may be a hatchery steelhead. Chinook salmon and wild steelhead may not be kept. This fishery meets species and stock-specific allocations while remaining within ESA guidelines. Rule modifications are consistent with action taken November 3, 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.

(2) Beginning 12:01 a.m. Saturday, November 5 through Saturday, December 31, 2016; angling for and retention of coho salmon and hatchery steelhead is allowed in the mainstem Columbia River from a true north-south line at Buoy 10 upstream to the Oregon-Washington border upstream of McNary Dam.

(a) The daily bag limit is two (2) adult salmonids of which only one may be a hatchery steelhead. Chinook salmon (adults and jacks) and wild steelhead may not be retained.

(b) 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; DFW 135-2016(Temp), f. 10-20-16, cert. ef. 10-22-16 thru 12-31-16; DFW 142-2016(Temp), f. 11-4-16, cert. ef. 11-5-16 thru 12-31-16

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**Rule Caption:** In-season Adjustments to Commercial Nearshore Black Rockfish Fishery Trip Limits.

**Adm. Order No.:** DFW 143-2016(Temp)

**Filed with Sec. of State:** 11-10-2016

**Certified to be Effective:** 11-10-16 thru 12-31-16

**Notice Publication Date:**

**Rules Amended:** 635-004-0355

**Rules Suspended:** 635-004-0355(T)

**Subject:** The amended rule implements changes to in-season trip limits for the Oregon commercial nearshore black rockfish fishery that were inadvertently omitted from a previous filing of this rule. Trip limits for black rockfish increased from 1600 to 2400 pounds in period 4; from 1400 to 2200 pounds in period 5; and from 1000 to 1800 pounds in period 6.

**Rules Coordinator:** Michelle Tate—(503) 947-6044

## 635-004-0355

### Trip Limits

(1) The trip limits outlined in this rule are set at the beginning of each calendar year based on commercial harvest caps and projected fishing effort, and are subject to in-season adjustments and closures. Fishers should refer to Nearshore Commercial Fishery Industry Notices on the Marine Resources Program Commercial Fishing Rules and Regulations webpage for the most up-to-date information regarding trip limits and other regulations affecting the Nearshore Commercial Fishery.

(2) Vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery Permit, with or without a Nearshore Endorsement, may land no more than the following cumulative trip limits:

(a) Black rockfish:

(A) 1200 pounds in period 1;

(B) 1400 pounds in period 2;

(C) 1700 pounds in period 3;

(D) 2400 pounds in period 4;

(E) 2200 pounds in period 5;

(F) 1800 pounds in period 6; and

(b) 150 pounds of blue rockfish and deacon rockfish combined in each period.

(3) For all other nearshore species, vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery Permit with Nearshore Endorsement may land no more than the following cumulative trip limits in each period:

(a) 450 pounds of other nearshore rockfish combined;

(b) 2,000 pounds of cabezon; and

(c) 800 pounds of greenling species.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 79-2012(Temp), f. 6-28-12, cert. ef. 7-1-12 thru 12-27-12; DFW 118-2012(Temp), f. 9-10-12, cert. ef. 9-11-12 thru 12-31-12; DFW 141-2012(Temp), f. 10-31-12, cert. ef. 11-1-12 thru 12-31-12; DFW 151-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 99-2013(Temp), f. & cert. ef. 9-9-13 thru 12-31-13; Administrative correction, 2-5-14; DFW 101-2014(Temp), f. 7-23-14, cert. ef. 8-1-14 thru 12-31-14; DFW 147-2014(Temp), f. & cert. ef. 10-13-14 thru 12-31-14; DFW 164-2014(Temp), f. 12-15-14, cert. ef. 1-1-15 thru 1-16-15; DFW 4-2015, f. 1-13-15, cert. ef. 1-15-15; DFW 82-2015(Temp), f. 7-1-15, cert. ef. 7-5-15 thru 12-31-15; DFW 114-



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2015(Temp), f. 8-27-15, cert. ef. 9-1-15 thru 12-31-15; Administrative correction, 1-22-16; DFW 3-2016, f. & cert. ef. 1-19-16; DFW 83-2016(Temp), f. 6-29-16, cert. ef. 7-5-16 thru 12-31-16; DFW 114-2016(Temp), f. 9-12-16, cert. ef. 9-15-16 thru 12-31-16; DFW 143-2016(Temp), f. & cert. ef. 11-10-16 thru 12-31-16

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

**Rule Caption:** ODDS: Agency Background Checks to Provide Developmental Disabilities Services in Community-Based Settings  
**Adm. Order No.:** APD 40-2016(Temp)

**Filed with Sec. of State:** 10-24-2016

**Certified to be Effective:** 10-24-16 thru 4-21-17

**Notice Publication Date:**

**Rules Amended:** 411-323-0050

**Subject:** The Department of Human Services (Department), Office of Developmental Disabilities Services (ODDS) is temporarily amending OAR 411-323-0050 to update the background check requirements to comply with ORS 181A.190; OAR chapter 125, division 007; and OAR 407-007-0200 to 407-007-0370.

**Rules Coordinator:** Kimberly Colkitt-Hallman—(503) 945-6398

### 411-323-0050

#### Agency Management and Personnel Practices

(1) **NON-DISCRIMINATION.** The agency must comply with all applicable state and federal statutes, rules, and regulations in regard to non-discrimination in employment policies and practices.

(2) **BASIC PERSONNEL POLICIES AND PROCEDURES.** The agency must have in place and implement personnel policies and procedures that address suspension, increased supervision, or other appropriate disciplinary employment procedures when a staff member, provider, or subcontractor, including relief providers and volunteers, has been identified as an accused person in an abuse investigation or when an allegation of abuse has been substantiated.

(3) **PROHIBITION AGAINST RETALIATION.** The agency or provider may not retaliate against any staff member or subcontractor including relief providers and volunteers that report in good faith suspected abuse or retaliate against the individual with respect to any report. An accused person may not self-report solely for the purpose of claiming retaliation.

(a) Any agency, provider, or person that retaliates against any person because of a report of suspected abuse or neglect is liable according to ORS 430.755 in a private action to the reporting person for actual damages and, in addition, is subject to a penalty up to \$1000, notwithstanding any other remedy provided by law.

(b) Any adverse action is evidence of retaliation if taken within 90 days of a report of abuse. For purposes of this section, "adverse action" means any action taken by an agency, provider, or person involved in a report against the person making the report or against the individual because of the report and includes, but is not limited to:

- (A) Discharge or transfer from the agency, except for clinical reasons;
- (B) Discharge from or termination of employment;
- (C) Demotion or reduction in remuneration for program services; or
- (D) Restriction or prohibition of access to the agency or the individuals receiving services by the agency.

(4) **MANDATORY ABUSE REPORTING PERSONNEL POLICIES AND PROCEDURES.**

(a) Any staff, providers, substitute caregivers, independent contractors of the agency, and volunteers are mandatory reporters.

(b) The agency must notify all staff, providers, substitute caregivers, independent contractors of the agency, and volunteers of mandatory reporting status at least annually on forms provided by the Department.

(c) The agency must provide all staff, providers, substitute caregivers, independent contractors of the agency, and volunteers with a Department produced card regarding abuse reporting status and abuse reporting requirements.

(d) Agencies providing services to adults must report suspected abuse to the CDDP where the adult resides. A report must also be made to law enforcement if there is reason to believe a crime has been committed.

(e) Agencies providing services to children must report suspected abuse to the Department or law enforcement in the county where the child resides.

(5) **APPLICATION FOR EMPLOYMENT.** An application for employment at the agency must inquire whether an applicant has had any founded reports of child abuse or substantiated adult abuse.

(6) **BACKGROUND CHECKS.** Any staff, volunteer, provider, relief care provider, crisis provider, advisor, or any subject individual defined by OAR 407-007-0210, including staff who are not identified in this rule but use public funds intended for the operation of an agency, who has or shall have contact with an individual in services, must have an approved background check in accordance with OAR 407-007-0200 to 407-007-0370 and ORS 181A.190.

(a) The agency may not use public funds to support, in whole or in part, any person described above in section (6) of this rule in any capacity who has been convicted of any of the disqualifying crimes listed in OAR 407-007-0275.

(b) Subsection (a) of this section does not apply to agency staff who were hired prior to July 28, 2009 that remain in the current position for which the staff member was hired.

(c) Any person described above in section (6) of this rule must self-report any potentially disqualifying crimes under OAR 125-007-0270 and potentially disqualifying conditions under OAR 407-007-0290. The person must notify the Department or the designee of the Department within 24 hours.

(7) **EXECUTIVE DIRECTOR QUALIFICATIONS.** The agency must be operated under the supervision of an Executive Director who has a minimum of a bachelor's degree and two years of experience, including supervision, in intellectual or developmental disabilities, mental health, rehabilitation, social services, or a related field. Six years of experience in the identified fields may be substituted for a degree.

(8) **GENERAL STAFF QUALIFICATIONS.** Any staff member providing services to individuals must meet the following criteria:

(a) Be at least 18 years of age;

(b) Consent to a background check by the Department as described in OAR 407-007-0200 to 407-007-0370 and section (6) of this rule, resulting in a final fitness determination of approval or restricted approval;

(A) Background rechecks must be performed biennially, or as needed, if a report of criminal activity has been received by the Department.

(B) **PORTABILITY OF BACKGROUND CHECK APPROVAL.** A subject individual as defined in OAR 407-007-0210 may be approved for one position to work in multiple locations within the qualified entity as defined in OAR 407-007-0210. The Background Check Request form must be completed by the subject individual to show intent to work at various locations.

(c) If hired on or after July 28, 2009, not have been convicted of any of the disqualifying crimes listed in OAR 407-007-0275;

(d) Be legally eligible to work in the United States;

(e) Hold a current, valid, and unrestricted professional license or certification where services and supervision requires specific professional education, training, and skill;

(f) Understand requirements of maintaining confidentiality and safeguarding individual information;

(g) Not be on the list of excluded or debarred providers maintained by the Office of the Inspector General;

(h) Be literate and capable of understanding written and oral orders;

(i) Be able to communicate with individuals, health care providers, case managers, and appropriate others;

(j) Be able to respond to emergency situations at all times that services are being delivered;

(k) Be certified in CPR and First Aid by a recognized training agency within 90 days of employment;

(l) Receive 12 hours of job-related in-service training annually;

(m) Have clear job responsibilities as described in a current signed and dated job description;

(n) If transporting individuals, have a valid license to drive and vehicle insurance in compliance with the laws of the Department of Motor Vehicles; and

(o) Additional qualifications in the applicable program rules for the staff of an agency endorsed to those rules.

(9) **PERSONNEL FILES AND QUALIFICATION RECORDS.** The agency must maintain up-to-date written job descriptions for all staff as well as a file available to the Department or the designee of the Department for inspection that includes written documentation of the following for each staff member:

(a) Written documentation that references and qualifications were checked;

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(b) Written documentation by the Department of an approved background check in accordance with OAR 407-007-0200 to 407-007-0370;

(c) Written documentation of staff notification of mandatory abuse training and reporter status prior to supervising individuals and annually thereafter;

(d) Written documentation of any complaints filed against the staff member and the results of the complaint process, including, if any, disciplinary action;

(e) Written documentation of any founded report of child abuse or substantiated adult abuse;

(f) Written documentation of 12 hours of job-related in-service training annually;

(g) Documentation that the staff member has been certified in CPR and First Aid by a recognized training agency within 90 days of employment and that certification is kept current; and

(h) For staff operating vehicles that transport individuals, documentation of a valid license to drive and proof of vehicle insurance in compliance with the laws of the Department of Motor Vehicles.

(10) DISSOLUTION OF AN AGENCY. A representative of the governing body or owner of an agency must notify the Department in writing 30 days prior to the dissolution of the agency and make appropriate arrangements for the transfer of individual records.

Stat. Auth. ORS 409.050

Stats. Implemented: ORS 409.050

Hist.: SPD 12-2011, f. & cert. ef. 7-1-11; SPD 19-2011(Temp), f. & cert. ef. 7-1-11 thru 12-28-11; SPD 1-2012, f. & cert. ef. 1-6-12; APD 24-2014(Temp), f. & cert. ef. 7-1-14 thru 12-28-14; APD 42-2014, f. 12-26-14, cert. ef. 12-28-14; APD 25-2016, f. & cert. ef. 6-29-16; APD 40-2016(Temp), f. & cert. ef. 10-24-16 thru 4-21-17

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

**Rule Caption:** Relating to Department responsibilities when a child is missing or is a sex trafficking victim

**Adm. Order No.:** CWP 20-2016(Temp)

**Filed with Sec. of State:** 11-1-2016

**Certified to be Effective:** 11-1-16 thru 4-29-17

**Notice Publication Date:**

**Rules Amended:** 413-080-0053, 413-080-0062

**Subject:** The Department of Human Services, Office of Child Welfare Programs, is amending rules to implement section 104 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. Specifically, the amendments require caseworkers to ensure law enforcement and the National Center for Missing and Exploited Children (NCMEC) are notified. Rule text showing proposed changes is available at [http://www.dhs.state.or.us/policy/childwelfare/policy\\_releases.htm](http://www.dhs.state.or.us/policy/childwelfare/policy_releases.htm).

**Rules Coordinator:** Kris Skaro—(503) 945-6067

### 413-080-0053

#### When a Child or Young Adult in Substitute Care Is Missing

(1) When a caseworker receives information that a child or young adult in substitute care is missing, the caseworker must:

(a) Make immediate efforts to locate the child or young adult;

(b) Ensure law enforcement and the National Center for Missing and Exploited Children are notified immediately and in no case later than 24 hours after receiving information on the missing child or young adult; and

(c) As soon as practicable, ensure the court and legal parties to the case are notified, unless notification may jeopardize the safety of the child or young adult or interfere with an investigation.

(2) When a child or young adult missing from substitute care is located, the caseworker must:

(a) Determine and, to the extent possible, address the primary factors that contributed to the missing status of the child or young adult;

(b) Determine the child or young adult's experiences when missing;

(c) Determine if the child or young adult is a sex trafficking victim or at risk of being a sex trafficking victim; and

(d) Ensure the court and legal parties to the case are notified the child or young adult has been located.

(3) Documentation.

(a) When a child or young adult in substitute care is missing, the caseworker must document the following in the Department's electronic information system:

(A) Efforts made to locate the missing child or young adult; and

(B) The notifications in subsection (b) of section (1) of this rule.

(b) When a missing child or young adult is located, the caseworker must document the following in the Department's electronic information system:

(A) The determinations and notifications made in subsections (a) to (d) of section (2) of this rule; and

(B) Any actions taken to address the primary factors that contributed to the missing status of the child or young adult.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

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 20-2016(Temp), f. & cert. ef. 11-1-16 thru 4-29-17

### 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) Ensure law enforcement and the National Center for Missing and Exploited Children are notified immediately and in no case later than 24 hours after determination that the child or young adult is a sex trafficking victim;

(c) Identify and refer to appropriate services; and

(d) 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; CWP 20-2016(Temp), f. & cert. ef. 11-1-16 thru 4-29-17

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**Rule Caption:** Implementation of HB 2889 (2015)

**Adm. Order No.:** CWP 21-2016

**Filed with Sec. of State:** 11-1-2016

**Certified to be Effective:** 11-1-16

**Notice Publication Date:** 10-1-2016

**Rules Amended:** 413-010-0180

**Rules Repealed:** 413-010-0180(T), 413-040-0013(T)

**Subject:** The Department is amending OAR 413-010-0180 about the rights of children and young adults in Department custody to implement HB 2889 (2015). Specifically, the rule is amended to state that children and young adults have the right to receive assistance from the Department to establish a savings account as provided in ORS 418.708. This was adopted by temporary rule on May 17, 2016. (OAR 413-040-0013 was also amended by temporary rule to require caseworkers to monitor a child or young adult's savings account to ensure continuation of receipt of state and federal benefits. That temporary rule is being repealed because it is covered by other current Department rules and procedures.)

**Rules Coordinator:** Kris Skaro—(503) 945-6067

### 413-010-0180

#### Rights of Children and Young Adults

(1) Every child and young adult in the legal custody of the Department has rights, including but not limited to the right:

(a) To be placed in the least restrictive environment that appropriately meets individual needs;

(b) To be provided basic needs such as adequate food, clothing, and shelter;

(c) To receive appropriate care, supervision, and discipline, and to be taught to act responsibly and respect the rights of others;

(d) To be provided routine and necessary medical, dental, and mental health care and treatment;

(e) To be provided with free and appropriate public education;

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(f) To be protected from physical and sexual abuse, emotional abuse, neglect, and exploitation;

(g) To be provided services designed for reunification with the parent or guardian except when there is clear evidence that the parent or guardian may not protect the child's or young adult's welfare;

(h) To be provided services to develop a safe permanent alternative to the family, when family resources are not available;

(i) To be accorded the least restrictive legal status that is consistent with the need for protection, to have the Department present its position on best interests to the court, and to attend court hearings and speak directly to the judge;

(j) To receive respect, be nurtured, and attend activities in accordance with his or her background, religious heritage, race, and culture within reasonable guidelines as set by the case plan, the visitation plan, and the court;

(k) To visit and communicate with a parent or guardian, siblings, members of his or her family, and other significant people within reasonable guidelines as set by the case plan, the visitation plan, and the court;

(l) To be involved, in accordance with his or her age and ability and with the law, in making major decisions that affect his or her life, to participate in the development of his or her case plan, permanency plan, and comprehensive transition plan and to discuss his or her views about the plans with the judge;

(m) To receive encouragement and be afforded reasonable opportunities to participate in extracurricular, cultural, and personal enrichment activities consistent with his or her age and developmental level; and

(n) To earn and keep his or her own money and to receive guidance in managing resources to prepare him or her for living independently, including receiving assistance from the Department to establish a savings account as provided in ORS 418.708.

(2) This section establishes the Oregon Foster Children's Bill of Rights. In addition to the rights listed in section (1) of this rule, every child and young adult in the legal custody of the Department who is or was in substitute care has the following rights, as provided in ORS 418.201:

(a) To have the ability to make oral and written complaints about care, placement, or services that are unsatisfactory or inappropriate, and to be provided with information about a formal process for making complaints without fear of retaliation, harassment, or punishment.

(b) To be notified of, and provided with transportation to, court hearings and reviews by local citizen review boards pertaining to the child's or young adult's case when the matters to be considered or decided upon at the hearings and reviews are appropriate for the child or young adult, taking into account the age and developmental stage of the child or young adult.

(c) To be provided with written contact information of specific individuals whom the child or young adult may contact regarding complaints, concerns, or violations of rights, that is updated as necessary and kept current.

(d) When the child or young adult is 14 years of age or older, to be provided with written information within 60 days of the date of any placement or any change in placement, regarding:

(A) How to establish a bank account in the child's or young adult's name as allowed under state law;

(B) How to acquire a driver license as allowed under state law;

(C) How to remain in foster care after reaching 18 years of age;

(D) The availability of a tuition and fee waiver for a current or former foster child under ORS 351.293;

(E) How to obtain a copy of the child's or young adult's credit report, if any;

(F) How to obtain medical, dental, vision, mental health services, or other treatment, including services and treatments available without parental consent under state law; and

(G) A transition toolkit, including a comprehensive transition plan.

(e) With respect to a child's or young adult's rights under the federal and state constitutions, laws, including case law, rules, and regulations:

(A) To receive a document setting forth such rights that is age and developmentally appropriate within 60 days of the date of any placement or any change in placement;

(B) To have a document setting forth such rights that is age and developmentally appropriate posted at the residences of all foster parents, child-caring agencies, and independent resident facilities; and

(C) To have an annual review of such rights that is age and developmentally appropriate while the child or young adult is in substitute care.

(f) To be provided with current and updated contact information for adults who are responsible for the care of the child or young adult and who are involved in the child's or young adult's case, including but not limited to caseworkers, caseworker supervisors, attorneys, foster youth advocates

and supporters, court appointed special advocates, local citizen review boards, and employees of the Department that provide certification of foster parents, child-caring agencies, and independent resident facilities.

(g) To have a hotline phone number that is available to the child or young adult at all times for the purposes of enabling the child or young adult to make complaints and assert grievances regarding the child's or young adult's care, safety, or well-being.

(3) Children and young adults in the legal custody of the Department may have other rights not specified in this rule as appropriate to the child's or young adult's age and developmental stage.

Stat. Auth.: ORS 418.005, 418.202

Stats. Implemented: ORS 418.005, 418.200, 418.201, 418.202

Hist.: SOSCF 6-1998, f. 2-10-98, cert. ef. 2-15-98; CWP 14-2009, f. & cert. ef. 11-3-09;

CWP 13-2013, f. 12-31-13, cert. ef. 1-1-14; CWP 1-2015, f. & cert. ef. 1-1-15; CWP 7-

2016(Temp), f. & cert. ef. 5-17-16 thru 11-12-16; CWP 21-2016, f. & cert. ef. 11-1-16

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## Department of Human Services, Self-Sufficiency Programs Chapter 461

**Rule Caption:** Amending rules relating to employment and training requirements in the SNAP program

**Adm. Order No.:** SSP 38-2016(Temp)

**Filed with Sec. of State:** 10-19-2016

**Certified to be Effective:** 10-19-16 thru 4-16-17

**Notice Publication Date:**

**Rules Amended:** 461-130-0305, 461-130-0310, 461-130-0315, 461-130-0330, 461-135-0520

**Subject:** The Department of Human Services, Office of Self-Sufficiency Programs, is amending rules to support SNAP policies regarding SNAP Employment and Training (E&T) program policies. Effective October 1, 2016, the Department amended rules to change the Oregon Food Stamps Employment and Training (OFSET) program from a mandatory program to a voluntary program. The voluntary part of the E&T program is with the work activities. These rules need to reflect that some SNAP eligibility requirements related to E&T apply to any individual receiving benefits if they are mandatory to register for work. Specific changes include:

    OAR 461-130-0305 about general employment program provisions is being amended to incorporate the SNAP definition of mandatory to include only those persons who are required to register for work as a SNAP eligibility requirement.

    OAR 461-130-0310 and 461-130-0315 about requirements for mandatory employment program clients are being amended to divide the E&T exemption criteria list into two parts. One part is for the exemptions from work registration or any of the other E&T requirements. The second part is for those exemptions from participation in the E&T work-related activities due to employment or participation in another E&T program. Individuals meeting this second list are not exempt from work registration and the other E&T eligibility requirements. They are required to accept bona fide job offers and to maintain employment. In OAR 461-130-0315, the requirements for SNAP were reorganized to clarify which requirements apply to SNAP clients who are required to register for work.

    OAR 461-130-0330 about disqualifications is being amended to clarify any SNAP client who is required to register for work must register for work, assist the department in determining if they are mandatory or exempt, accept a bona fide job offer, and maintain employment. If they fail to do these things, they are subject to the E&T disqualifications. Participation in the SNAP work-related activities are not included here because they are voluntary for all except the ABAWD in the time limit counties. ABAWDs residing in the time limit counties are subject to disqualification if they fail to do the E&T requirements and subject to the time limit if they fail to do the work related activities under OAR 461-135-0520.

    OAR 461-135-0520 about the SNAP time limit is being amended to reflect that an ABAWD may be exempt from the time limit under either list of exemption criteria in OAR 461-130-0310(3) described above.

    These changes will be reviewed by a Rule Advisory Committee and then distributed in a Notice of Proposed Rulemaking for review

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and comment prior to permanent adoption. Rule text showing proposed changes is available at [http://www.dhs.state.or.us/policy/self-sufficiency/ar\\_recent.htm](http://www.dhs.state.or.us/policy/self-sufficiency/ar_recent.htm).

**Rules Coordinator:** Kris Skaro—(503) 945-6067

## 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) In all programs except the SNAP program, 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.

(B) In the SNAP program, a client in the need group who the Department determines must register for 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; SSP 38-2016(Temp), f. & cert. ef. 10-19-16 thru 4-16-17

## 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 parent-

ing 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 registration in an employment program and disqualification if the individual meets the requirements of one of the following paragraphs. The individual is:

(A) An individual with a physical or mental condition that prevents performance of any work.

(B) Responsible for the care of a child (see OAR 461-001-0000) in the filing group under 6 years of age.

(C) Responsible for 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) 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).

(E) Participating in a drug or alcohol treatment and rehabilitation program.

(F) Pregnant.

(G) Chronically homeless. For purposes of this rule, "chronically homeless" means the individual is currently homeless (see OAR 461-001-0015), unable to obtain employment due to being homeless, 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) An individual is mandatory for work registration and the requirements in OAR 461-130-0315 if the individual meets the requirements of one of the following paragraphs. These individuals may be disqualified under OAR 461-130-0330 for failing to meet the requirements in OAR 461-130-0315. 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) Receiving REF or TANF program benefits under Title IV of the Social Security Act.

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(C) 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).

(c) A mandatory client is an individual in the need group (see OAR 461-110-0630); who is 16 or 17 years of age and a primary person (see OAR 461-001-0015), or 18 years of age and older 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; SSP 38-2016(Temp), f. & cert. ef. 10-19-16 thru 4-16-17

## 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) In the Pre-TANF, REF, or TANF programs:

(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).

(b) In the SNAP program:

(A) Register for the SNAP Employment and Training program (see OAR 461-001-0020).

(B) Assist the Department in the exempt (see OAR 461-130-0305) or mandatory determination.

(C) Accept a bona fide offer of employment, whether temporary, permanent, full-time, part-time, or seasonal.

(D) 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) 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

(II) Quits working under a JOBS Plus agreement more than twice (see OAR 461 190 0426).

(E) An ABAWD residing in one of the time limit counties (see OAR 461-135-0520) must do all of the following:

(i) Schedule and keep required employment-related appointments and interviews.

(ii) Complete all work activities and components specified in the case plan (see OAR 461-001-0020).

(iii) Provide the Department, in the manner required, with verifiable documentation of participation hours.

(iv) Notify the Department or the SNAP Employment and Training contractor of the reason for not doing the employment-related activities as set forth on the case plan.

(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; SSP 38-2016(Temp), f. & cert. ef. 10-19-16 thru 4-16-17

## 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 (see OAR 461-130-0315) without good cause (see OAR 461-130-0327) is subject to disqualification. A disqualified client is removed from the need

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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 one of the time exempt counties (see OAR 461-135-0520) 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 requirements in OAR 461-130-0315(1)(b)(A) to (D) 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.

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 3-29-08; 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; SSP 38-2016(Temp), f. & cert. ef. 10-19-16 thru 4-16-17

## 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, Marrow, 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 from the time limit for any part of the month under OAR 461-130-0310(3)(a) or (b).

(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 in-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.

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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 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; SSP 38-2016(Temp), f. & cert. ef. 10-19-16 thru 4-16-17

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**Rule Caption:** Amending rule relating to application for public assistance

**Adm. Order No.:** SSP 39-2016(Temp)

**Filed with Sec. of State:** 10-19-2016

**Certified to be Effective:** 10-19-16 thru 4-16-17

**Notice Publication Date:**

**Rules Amended:** 461-115-0020

**Subject:** OAR 461-115-0020 about application requirements is being amended to clarify that the application and any additional information required for application be received by the Department in order to complete the application process. This clarification also applies to recertification requirements. The rule text showing proposed changes is available at [http://www.dhs.state.or.us/policy/self-sufficiency/ar\\_recent.htm](http://www.dhs.state.or.us/policy/self-sufficiency/ar_recent.htm).

**Rules Coordinator:** Kris Skaro—(503) 945-6067

## 461-115-0020

### Application Requirements

(1) To complete the application process, the applicant or his or her authorized representative must complete, sign, and submit an application, apply at the appropriate location, submit (see section (2) of this rule) necessary information to the Department within the time frames specified for each program, and meet the interview requirements of OAR 461-115-0230.

(2) As used in this rule and in OAR 461-175-0222, “submit” means that the Department has received the required documents and information.

Stat. Auth.: ORS 411.050, 411.060 & 411.070

Stats. Implemented: ORS 409.050, 411.060 & 411.070

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92;

AFS 8-1992, f. & cert. ef. 4-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 1-2000, f.

1-13-00, cert. ef. 2-1-00; SSP 39-2016(Temp), f. & cert. ef. 10-19-16 thru 4-16-17

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**Rule Caption:** Amending rules relating to public assistance programs

**Adm. Order No.:** SSP 40-2016

**Filed with Sec. of State:** 11-1-2016

**Certified to be Effective:** 11-1-16

**Notice Publication Date:** 10-1-2016

**Rules Amended:** 461-001-0000, 461-025-0310, 461-110-0530, 461-115-0150, 461-120-0210, 461-165-0045, 461-165-0180, 461-165-0410, 461-165-0420, 461-170-0130, 461-180-0085

**Rules Repealed:** 461-110-0530(T), 461-165-0180(T)

**Subject:** OAR 461-001-0000 about definitions is being amended to allow legal mothers and fathers to be considered parents.

OAR 461-025-0310 about hearing requests; OAR 461-115-0150 about offices where clients apply; OAR 461-170-0130 about acting on reported changes for OSIPM and QMB; and OAR 461-180-0085 about effective dates for OSIPM and QMB are being amended to remove outdated references to Cover Oregon.

OAR 461-110-0530 about financial groups is being amended to remove reference to the GA program.

OAR 461-120-0210 about the requirement to provide a Social Security Number (SSN) is being amended to allow the Department to include newborns who are born in an Oregon hospital to the filing, need, and benefit groups for six months following the child’s birth or until the next redetermination of the filing group, whichever is sooner.

OAR 461-165-0045 about emergency payees in the TANF program is being amended to allow caretaker relatives to access TANF benefits as an emergency payee even when there is another relative available to be the child’s caretaker relative.

OAR 461-165-0180 about child care provider eligibility is being amended to require child care providers to develop and disclose their suspension or expulsion policies. This change will be adopted by

temporary rule on October 1, 2016, to comply with federal Child Care and Development Fund (CCDF) regulations.

OAR 461-165-0410 about child care provider listing and disqualifying criminal history and OAR 461-165-0420 about child care provider listing and disqualifying child protective service history are being amended to update references to Department of Administrative Services (DAS) and Background Check Unit (BCU) rules that apply to child care providers paid by the Department through the child care subsidy program.

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.

**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 SDDSD), 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.

# ADMINISTRATIVE RULES

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.

(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,



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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.

(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 or legal mother or father of an individual or unborn. 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

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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 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. & cert. 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; SSP 40-2016, f. & cert. ef. 11-1-16

## 461-025-0310

### Hearing Requests

(1) A claimant (see OAR 461-025-0305) has the right to a contested case hearing in the following situations upon the timely completion of a request for hearing:

(a) Except as provided in subsection (o) of this section, the Department has not approved or denied a request or application for public assistance or medical assistance within 45 days of the application.

(b) The Department has not acted timely on an application as follows:

(A) An application for SNAP program benefits — within 30 days of the filing date.

(B) An application for a JOBS support service payment — within the time frames established in OAR 461-115-0190(3).

(c) The Department acts to deny, reduce, close, or suspend SNAP program benefits, a grant of public assistance, a grant of aid, a support service payment authorized in the JOBS program by OAR 461-190-0211, medical assistance, or child care benefits authorized under Division 160 or 165 of this chapter of rules in the ERDC or TANF child care programs. When used in this subsection, grant of public assistance and grant of aid mean the grant of cash assistance calculated according to the client's need.

(d) The Department has sent a decision notice (see OAR 461-001-0000) that the claimant is liable for an overpayment (see OAR 461-195-0501).

(e) The Department modifies a grant of public assistance or a grant of aid; or the claimant claims that the Department previously underissued public assistance, medical assistance, or SNAP program benefits and the Department denies, or denies in part, that claim.

(f) The household disputes its current level of SNAP program benefits.

(g) The filing group (see OAR 461-110-0370) is aggrieved by any action of the Department that affects the participation of the filing group in the SNAP program.

(h) The claimant asks for a hearing to determine if the waiver of an Intentional Program Violation hearing was signed under duress.

(i) The Department establishes or changes the client's premium for the Oregon Health Plan.

(j) In the Pre-TANF program, the Department denies payment for a basic living expense (see OAR 461-135-0475) or other support service payment in the JOBS program (see subsection (c) of this section).

(k) In the TA-DVS program, when OAR 461-135-1235 provides a right to a hearing.

(l) A service re-assessment of a client conducted in accordance with OAR Division 411-015 has resulted in a reduction or termination of nursing facility services or home and community-based care (see OAR 461-001-0030).

(m) The claimant's benefits are changed to vendor, protective, or two-party payments.

(n) Department has issued a notice seeking repayment under ORS 411.892 to an employer participating in the JOBS program.

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(o) In the OSIP and OSIPM programs, when the Department has not approved or denied an application within the time frames established in OAR 461-115-0190.

(p) The right to a hearing is otherwise provided by statute or rule.

(2) A client is not entitled to a hearing on the question of the contents of a case plan (defined in OAR 461-190-0151) unless the right to hearing is specifically authorized by the Department's rules. For a dispute about an activity in the JOBS program, the client is entitled to use the Department's re-engagement process (see OAR 461-190-0231). In the TA-DVS program, a dispute about the contents of a TA-DVS case plan (see OAR 461-135-1205) is resolved through re-engagement if there is no right to a hearing under OAR 461-135-1235.

(3) A request for hearing is complete:

(a) In public assistance and SNAP programs, when the Department's Administrative Hearing Request form (form DHS 443) is:

(A) Completed;

(B) Signed by the claimant, the claimant's attorney, or the claimant's authorized representative (see OAR 461-115-0090); and

(C) Received by the Department. OAR 137-003-0528(1)(a) (which allows hearing requests to be treated as timely based on the date of the post-mark) does not apply to hearing requests contesting a decision notice (see OAR 461-001-0000). The Department has adopted the exception to the Attorney General's model rules set out in this paragraph due to operational conflicts.

(b) In the SNAP program, when the Department receives an oral or written statement from the claimant, the claimant's attorney, or the claimant's authorized representative that the claimant wishes to appeal a decision affecting the claimant's SNAP program benefits to a higher authority.

(c) In the case of a provider of child care, when a written request for hearing from the provider is received by the Department.

(d) For medical assistance, when a hearing request is made in a manner permitted under OAR 410-200-0145 or this section.

(4) In the event a request for hearing is not timely, the Department may issue an order of dismissal if there is no factual dispute about whether sections (7) and (10) of this rule provide a right to a hearing. The Department may refer an untimely request to the Office of Administrative Hearings for a hearing on the question of timeliness.

(5) In the event the claimant has no right to a contested case hearing on an issue, the Department may enter an order accordingly. The Department may refer a hearing request to the Office of Administrative Hearings for a hearing on the question of whether the claimant has the right to a contested case hearing.

(6) For medical assistance, to be timely, a hearing request must be received by the Department or the OHP Customer Service in the time frame set out in OAR 410-200-0015 and 410-200-0145. In other programs, to be timely, a completed hearing request must be received by the Department not later than:

(a) Except as provided in subsection (b) of this section, the 45th day following the date of the decision notice (see OAR 461-001-0000) in public assistance programs.

(b) The 90th day following the effective date of the reduction or termination of benefits in a public assistance program if the reduction or termination of aid is a result of a JOBS disqualification (see OAR 461-130-0330) or a penalty for failure to seek treatment for substance abuse or mental health (see OAR 461-135-0085).

(c) The 90th day following the date of the decision notice in the SNAP program, except:

(A) A filing group may submit a hearing request at any time within a certification period (see OAR 461-001-0000) to dispute its current level of benefits.

(B) A filing group may submit a hearing request within 90 days of the denial of a request for restoration of benefits if not more than twelve months has expired since the loss of benefits.

(d) The 30th day following the date of notice from the Oregon Department of Revenue in cases covered by ORS 293.250.

(e) In a case described in subsection (1)(h) of this rule, the request must be made within 90 days of the date the waiver was signed.

(7) When the Department receives a completed hearing request that is not filed within the timeframe required by section (6) of this rule but is filed no later than 120 days after a decision notice became a final order:

(a) The Department refers the hearing request to the Office of Administrative Hearings for a contested case hearing on the merits of the Department's action described in the notice:

(A) If the Department finds that the claimant and claimant's representative did not receive the decision notice and did not have actual knowledge of the notice; or

(B) If the Department finds that the claimant did not meet the time-frame required by section (6) of this rule due to excusable mistake, surprise, excusable neglect (which may include neglect due to significant cognitive or health issues), good cause (see OAR 461-025-0305), reasonable reliance on the statement of a Department employee relating to procedural requirements, or due to fraud, misrepresentation, or other misconduct of the Department.

(b) The Department refers the request for a hearing to the Office of Administrative Hearings for a contested case proceeding to determine whether the claimant is entitled to a hearing on the merits if there is a dispute between the claimant and the Department about either of the following paragraphs.

(A) The claimant or claimant's representative received the decision notice or had actual knowledge of the decision notice. At the hearing, the Department must show that the claimant or claimant's representative had actual knowledge of the notice or that the Department mailed or electronically mailed the notice to the correct address of the claimant or claimant's representative, as provided to the Department.

(B) The claimant qualifies for a contested case hearing on the merits under paragraph (a)(B) of this section.

(c) The Department may only dismiss such a request for hearing as untimely without a referral to the Office of Administrative Hearings if the following requirements are met:

(A) The undisputed facts show that the claimant does not qualify for a hearing under this section; and

(B) The decision notice was served personally or by registered or certified mail.

(8) In computing the time periods provided by this rule, see OAR 461-025-0300(1).

(9) In the REF and REFM programs, a client is not eligible for a contested case hearing when assistance is terminated because the eligibility time period imposed by OAR 461-135-0900 has been reached. If the issue is the date of entry into the United States the Department provides for prompt resolution of the issue by inspection of the individual's documentation issued by the US Citizenship and Immigration Services (USCIS) or by information obtained from USCIS, rather than by contested case hearing.

(10) If the Department receives a hearing request more than 120 days after an overpayment notice became a final order by default:

(a) The Department verifies whether its records indicate that the liable adult requesting the hearing was sent the overpayment notice.

(b) If no overpayment notice was sent to that liable adult, the overpayment hearing request is timely. The Department will send the claimant a decision notice or a contested case notice.

(c) If the Department determines that an overpayment notice was sent to the liable adult, there is no hearing right based on the issue of whether or not the overpayment notice was received.

(d) Any hearing request is treated as timely when required under the Servicemembers Civil Relief Act.

(e) The Department may dismiss a request for hearing as untimely if the claimant does not qualify for a hearing under this section.

(11) If the Department receives a hearing request more than 120 days after a decision notice (other than an overpayment notice) became a final order by default:

(a) Any hearing request is treated as timely when required under the Servicemembers Civil Relief Act.

(b) The Department may dismiss a request for hearing as untimely if the claimant does not qualify for a hearing under subsection (a) of this section.

(12) Notwithstanding sections (7), (10), and (11) of this rule, for medical assistance, the time frame is the same as the one in OAR 410-200-0146 instead of 120 days.

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

Stat. Auth.: ORS 411.060, 411.095, 411.404, 411.408, 411.816, 411.892, 412.014, 412.049  
Stats. Implemented: ORS 411.060, 411.095, 411.103, 411.117, 411.404, 411.408, 411.816, 411.892, 412.009, 412.014, 412.049, 412.069  
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 4-1995, f. & ef. 2-1-95; AFS 26-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 3-2000, f. 1-31-2000, cert. ef. 2-1-00; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 23-2002(Temp), f. 12-31-02, cert. ef. 1-1-03 thru 6-30-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 21-2004, f. & cert. ef. 10-1-04; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; 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 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 4-2012(Temp), f. & cert. ef. 1-31-12 thru 7-29-12; SSP 25-2012, f. 6-29-12, cert. ef. 7-1-12; SSP 17-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SSP 24-2013, f. &

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cert. ef. 10-1-13; SSP 32-2013(Temp) f. & cert. ef. 10-2-13 thru 3-31-14; SSP 9-2014, f. & cert. ef. 4-1-14; SSP 40-2016, f. & cert. ef. 11-1-16

## 461-110-0530

### Financial Group

(1) Except as provided in section (4) of this rule, the “financial group” consists of the filing group (see OAR 461-110-0310) members whose income and resources the Department considers in determining eligibility (see OAR 461-001-0000) and benefits.

(2) In the ERDC, OSIPM-EPD, QMB, and SNAP programs, the “financial group” consists of each individual in the filing group.

(3) In the REF and REFM programs, the “financial group” consists of each individual in the filing group, except an individual who is eligible for and receives an SSI cash payment.

(4) In the OSIPM (except OSIPM-EPD) program:

(a) For the purposes of this section of this rule, “ineligible” means an individual not eligible to receive either SSI or TANF program benefits.

(b) When an individual lives in a standard living arrangement (see OAR 461-001-0000):

(A) Except as provided in paragraph (B) of this subsection, each member of the filing group is in the “financial group”.

(B) When an individual, whose eligibility is not determined under certain protected groups (see OAR 461-135-0771 to OAR 461-135-0830), is married, not assumed eligible (see OAR 461-135-0010) for OSIPM, and the individual’s spouse (see OAR 461-001-0000) is considered “ineligible” (see subsection (a) of this section):

(i) If the individual’s adjusted income (see OAR 461-001-0000) using the deductions allowed under OAR 461-160-0550(4) is greater than the OSIPM program adjusted income standard for a need group of one under OAR 461-155-0250, the individual is in his or her own “financial group” and not eligible for OSIPM.

(ii) When there are children in the home, if the ineligible spouse’s remaining countable (see OAR 461-001-0000) income after allocation (see OAR 461-160-0551) to each ineligible child is equal to or less than the difference between the couple and the individual SSI standards: the spouse is not included in the “financial group” when determining income eligibility; however, the spouse is included in the “financial group” when determining resource eligibility.

(iii) When there are no children in the home, if the ineligible spouse’s countable income is less than the difference between the couple and the individual SSI standards: the spouse is not included in the “financial group” when determining income eligibility; however, the spouse is included in the “financial group” when determining resource eligibility.

(c) When an individual lives in a nonstandard living arrangement (see OAR 461-001-0000), the “financial group” consists only of the individual applying for benefits, except that the community spouse (see OAR 461-001-0030) is included in the “financial group” to determine initial eligibility. At initial eligibility, the resources of the community spouse are considered and the provisions of OAR 461-160-0580 apply. The income of the community spouse is not considered in determining initial eligibility, and the community spouse is not included in any other eligibility group.

(5) In the TANF program, the “financial group” consists of each individual in the filing group except the following:

(a) A caretaker relative, other than a parent, who chooses not to be included in the need group and has income less than the non-needy countable income limit standard (see OAR 461-155-0030) for the filing group of the caretaker relative;

(b) The spouse of a caretaker relative, when the caretaker relative meets the requirements under subsection (a) of this section;

(c) A dependent child of a caretaker relative when the caretaker relative meets the requirements under subsection (a) of this section;

(d) An individual in the filing group solely due to the requirements of OAR 461-110-0310(2)(b); and

(e) An individual who is eligible for and receives an SSI cash payment.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.049, 412.064, 412.124, 414.712

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.816, 412.006, 412.049, 412.064, 412.124, 414.712, 414.826, 414.839

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; 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 17-2008, f. & cert. ef. 7-1-08; SSP 8-2009(Temp), f. 4-20-09, cert. ef. 5-1-09 thru 10-28-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 14-2009(Temp), f. & cert. ef. 7-1-09 thru 10-28-09; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 16-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-

2012, f. 9-28-12, cert. ef. 10-1-12; SSP 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 15-2014, f. & cert. ef. 7-1-14; SSP 24-2015, f. 9-29-15, cert. ef. 10-1-15; SSP 32-2016(Temp), f. & cert. ef. 9-1-16 thru 2-27-17; SSP 40-2016, f. & cert. ef. 11-1-16

## 461-115-0150

### Offices Where Clients Apply

(1) For all programs, applicants must apply at the branch office (see OAR 461-001-0000) serving the area in which they live or work. Applicants temporarily in another area of the state should apply at the branch office serving that area. Applicants may also apply at other locations for the following programs:

(a) Homeless clients may apply with a Community Action Agency for the Housing Stabilization program.

(b) Applicants may apply for health coverage by:

(A) Calling the OHP Customer Service toll-free number;

(B) Applying through the OregonHealthCare.gov online portal;

(C) Contacting a trained community partner who can help an applicant complete an application; or

(D) Contacting a federally qualified health center, a qualified hospital, a disproportionate-share hospital, or another entity authorized by rule.

(2) The Department has designated liaison branch offices for some groups of applicants (such as patients in state medical institutions and refugees). Those applicants must apply at the designated liaison branch office.

(3) REF and TANF applicants who meet the following requirements must apply through one of the local contracted refugee resettlement agencies:

(a) Have been in the US for eight months or less according to OAR 461-135-0900(4);

(b) Reside in Multnomah, Washington, or Clackamas County; and

(c) Meet the alien status requirements of OAR 461-120-0125(6)(a)–(h).

(4) SNAP applicants may apply at an office of the Social Security Administration if all members of the filing group (see OAR 461-110-0370) are applying for or are receiving SSI, and the filing group has not applied for or received SNAP benefits during the previous 30 days.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.816

Stats. Implemented: ORS 409.050, 411.060, 411.070, 411.404, 411.816

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; 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 24-2015, f. 9-29-15, cert. ef. 10-1-15; SSP 40-2016, f. & cert. ef. 11-1-16

## 461-120-0210

### Requirement to Provide Social Security Number (SSN)

(1) In the CAWEM, ERDC, REF, and REFM programs, a member of a need group (see OAR 461-110-0630) or a benefit group (see OAR 461-110-0750) is not required to provide or apply for a social security number (SSN). In these programs, the Department may request that a member of the filing group (see OAR 461-110-0310) or need group provide an SSN on a voluntary basis.

(2) In the EA and TA-DVS programs, an individual must provide his or her SSN if the individual can.

(3) Except as provided in section (6) of this rule, in the OSIPM and QMB programs:

(a) An individual is not required to apply for or provide an SSN:

(A) If the individual does not have an SSN; and

(B) May only be issued an SSN for a valid non-work reason in accordance with 20 CFR 422.104.

(b) When subsection (a) does not apply, to be included in the benefit group, an individual must:

(A) Provide a valid SSN for the individual; or

(B) Apply for a number if the individual does not have a valid one and provide the SSN when it is received.

(4) Except as provided in sections (6) to (8) of this rule, in the SNAP program, to be included in the need group, an individual (other than an unborn) must:

(a) Provide a valid SSN for the individual; or

(b) Apply for a number if the individual does not have one and provide the SSN when it is received.

(5) In the TANF program:

(a) Except as provided in subsection (b) of this section, an individual must:

(A) Provide a valid SSN for the individual; or

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(B) Provide verification of application for a SSN if the individual does not have one and provide the SSN within six months of the individual's initial TANF approval or by the end of the certification period (see OAR 461-001-0000), whichever is sooner.

(b) A child (see OAR 461-001-0000) born in an Oregon hospital is eligible for TANF benefits for six months following the child's date of birth or until the next redetermination of eligibility (see OAR 461-001-0000) of the filing group (see OAR 461-110-0310 and 461-110-0330), whichever is sooner.

(6) In the OSIPM, QMB, and SNAP programs, an individual is not required to apply for or provide an SSN if the individual is:

(a) A member of a religious sect or division of a religious sect that has continuously existed since December 31, 1950; and

(b) Adheres to its tenets or teachings that prohibit applying for or using an SSN.

(7) In the SNAP program, the requirement to apply for or provide the SSN is delayed as follows:

(a) An applicant eligible for expedited services may receive his or her first full month's allotment without meeting the SSN requirement but must meet the requirement before receiving a second full month's allotment.

(b) Before applying for or providing an SSN, a newborn may be included in a benefit group for six months following the date the child is born or until the next recertification of the benefit group, whichever is later.

(8) In the SNAP program:

(a) An individual who refuses or fails without good cause (see subsection (c) of this section) to provide or apply for an SSN when required by this rule is ineligible to participate. This period of ineligibility continues until the individual provides the SSN to the Department.

(b) An individual may participate in SNAP for one month in addition to the month of application, if the individual can show good cause why the application for an SSN has not been completed. To continue to participate, the individual must continue to show good cause each month until the application for an SSN is complete with Social Security Administration.

(c) An individual meets the good cause requirement in subsections (a) and (b) of this section if the individual provides evidence or collateral information that the individual applied for or made every effort to supply the Social Security Administration with the necessary information to complete the application process. Delays due to illness not associated with a disability (see OAR 461-001-0015), lack of transportation, or temporary absence do not qualify as good cause under this rule.

(9) This rule authorizes or requires the collection of an SSN for each of the following purposes.

(a) The determination of eligibility for benefits. The SSN is used to verify income and other assets, and match with other state and federal records such as the Internal Revenue Service (IRS), Medicaid, child support, Social Security benefits, and unemployment benefits.

(b) The preparation of aggregate information and reports requested by funding sources for the program providing benefits.

(c) The operation of the program applied for or providing benefits.

(d) Conducting quality assessment and improvement activities.

(e) Verifying the correct amount of payments, recovering overpaid benefits, and identifying any individual receiving benefits in more than one household.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049  
Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.826, 414.831, 414.839  
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 9-2012, f. 3-29-12, cert. ef. 4-1-12; SSP 25-2012, f. 6-29-12, cert. ef. 7-1-12; SSP 12-2013(Temp), f. & cert. ef. 5-29-13 thru 11-25-13; 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 16-2014, f. & cert. ef. 7-1-14; 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 40-2016, f. & cert. ef. 11-1-16

## 461-165-0045

### Emergency Payee; TANF

(1) An emergency payee for ongoing TANF may be used when the dependent children are abandoned by the caretaker relative for reasons such as the caretaker relative's death or whereabouts unknown.

(2) An emergency payee may be used for up to two payment months.

(3) An emergency payee does not have to be related to the dependent child.

(4) An emergency payee may not be used for initial payments.

(5) The emergency payee may be included in the benefit group if all the following are true:

(a) They meet all eligibility requirements except relationship and cooperation with JOBS.

(b) Their income and resources are counted.

(c) There is no other caretaker relative in the benefit group.

Stat. Auth.: ORS 411.060, 411.070, 411.081, 411.085, 412.006, 412.014 & 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.081, 411.085, 412.006, 412.014 & 412.049  
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; SSP 40-2016, f. & cert. ef. 11-1-16

## 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 indi-

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vidual 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).

(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.

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(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; SSP 41-2016(Temp), f. & cert. ef. 11-1-16 thru 4-29-17; SSP 40-2016, f. & cert. ef. 11-1-16

## 461-165-0410

### Provider Listing; Disqualifying Criminal History

(1) This rule explains the grounds upon which the Department denies a request by a child care provider to receive child care payments from a self-sufficiency program of the Department based on the records of a subject individual (see OAR 125-007-0210 and 407-007-0210(8)(a)(J)). For

the purposes of this rule, the provider and any individual identified under OAR 461-165-0180(4) is considered a subject individual under OAR 125-007-0210 and 407-007-0210(8)(a)(J).

(2) The Department may find a child care provider ineligible for payment when the criminal history of a subject individual indicates behavior that may jeopardize the safety of a child or have a detrimental effect on a child while in the care of the provider, in the following circumstances, the subject individual has:

(a) Been charged with or arrested for a drug-related, sexual, or violent crime listed in OAR 407-007-0270(1). There is a rebuttable presumption that such a subject individual is likely to engage in conduct that would pose a significant risk to a client, the Department, or a vulnerable individual.

(b) Been convicted of two or more crimes listed in OAR 125-007-0270 at any time.

(c) Been found in violation of probation for a crime listed in OAR 125-007-0270, at any time that relates to the person's qualification or duties as a child care provider.

(d) Been charged with two or more crimes listed in OAR 125-007-0270 within the past five years.

(e) Three or more arrests, at any time, for crimes listed in OAR 125-007-0270.

(3) The Department may pay for the services of a child care provider even if a subject individual has a potentially disqualifying criminal or abuse history, defined by OAR 125-007-0270 and 407 007 0290, only if the Department has determined, based on a weighing test as described in OAR 125-007-0260, 407-007-0300, and 407-007-0320 and consideration of the information listed in OAR 407-007-0280, 407-007-0290, and this rule, that repeated criminal behavior is unlikely and that the provider does not present a danger to a child in the provider's care.

Stat. Auth.: ORS 181.537, 411.060

Stats. Implemented: ORS 181.537, 411.060, 411.122

Hist.: AFS 12-1997, f. & cert. ef. 8-25-97; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 25-1998, f. 12-18-98, cert. ef. 1-1-99; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 40-2016, f. & cert. ef. 11-1-16

## 461-165-0420

### Provider Listing; Disqualifying Child Protective Service History

(1) This rule explains the grounds upon which the Department denies the request by a child care provider to receive child care payments from a self-sufficiency program of the Department based on the records of a subject individual (see OAR 125-007-0210 and 407-007-0210(8)(a)(J)). For the purposes of this rule, the provider and any individual identified under OAR 461-165-0180(4) is considered a subject individual under OAR 125-007-0210 and 407-007-0210(8)(a)(J).

(2) The Department may find a child care provider ineligible for payment when the Child Protective Service (CPS) history of a subject individual, based on prior conduct, indicates that a subject individual is likely to engage in conduct that would jeopardize the safety of or have a detrimental effect on a child while in the care of the provider.

(3) To make its determination, the Department may use any available information including the CPS records of the Department, an investigation of a complaint, or information provided by another agency. A single incident may be sufficient history for denial of eligibility.

(4) If the Department obtains information of a potentially disqualifying nature with respect to a subject individual, as described in OAR 461-165-0180(4), the Department may request additional information to determine the provider's ability to provide care and must conduct a weighing test under OAR 125-007-0260, 407-007-0300, and 407-007-0320. Any additional information obtained must be reviewed by the Criminal Records Unit (CRU) for determination of eligibility.

(5) Failure to respond to a request for information results in a finding of "failed" (see OAR 461-165-0180). The provider or subject individual must disclose fully all requested information as part of the records check.

(6) The Department may pay for the services of a child care provider even if a subject individual has a potentially disqualifying history of behavior if the Department determines, based on a fitness determination made under OAR 125-007-0260 and 407-007-0320, that repeated behavior is unlikely and that the presence of the individual likely would not jeopardize the safety of a child in the provider's care based on:

(a) The content and source of the reports, the time elapsed since the reports, and the number of reports and referrals;

(b) The individual's participation in rehabilitation, training, or counseling;

(c) The likelihood of the individual's abuse of drugs or alcohol; and

(d) Any other relevant eligibility requirements or supplemental information under OAR 407-007-0300 or 461-165-0180.

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Stat. Auth.: ORS 411.060  
Stats. Implemented: ORS 411.060 & 411.122  
Hist.: AFS 12-1997, f. & cert. ef. 8-25-97; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 40-2016, f. & cert. ef. 11-1-16

## 461-170-0130

### Acting on Reported Changes; OSIPM, QMB

(1) When an OSIPM or QMB client, who is required by this division of rules to report a change in circumstances, makes a timely report of a change that could reduce or end medical benefits, prior to reducing or ending medical benefits:

(a) The Department must review each individual in the filing group for eligibility for the other medical programs listed in this rule; and

(b) The Oregon Health Authority or the Department must review the individual for Medicaid eligibility under MAGI rules (OAR 410-200).

(2) If the Department needs additional information to act on the timely reported change, members of the benefit group (see OAR 461-110-0750) remain eligible from the date the change was reported until the Department determines their eligibility in accordance with the application processing time frames in OAR 461-115-0190.

Stat. Auth.: ORS 409.050, 411.060, 411.404  
Stats. Implemented: ORS 409.010, 411.060, 411.404  
Hist.: SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 9-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; 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 14-2007, f. 12-31-07, cert. ef. 1-1-08; 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 40-2016, f. & cert. ef. 11-1-16

## 461-180-0085

### Effective Dates; Redeterminations of OSIPM and QMB

In the OSIPM and QMB programs, when the Department initiates a redetermination of eligibility (see OAR 461-001-0000):

(1) Prior to reducing or ending medical benefits:

(a) The Department must review each individual in the filing group (see OAR 461-110-0410) for eligibility for the other medical programs listed in this rule; and

(b) The Oregon Health Authority or the Department must review the individual for Medicaid eligibility under MAGI rules (OAR 410-200).

(2) If additional information is needed to redetermine eligibility, members of the benefit group (see OAR 461-110-0750) who may be eligible for the other programs listed in this rule remain eligible from the date the review is initiated until the Department or the Oregon Health Authority determines their eligibility in accordance with the application processing time frames in OAR 410-200-0110.

Stat. Auth.: ORS 409.050, 411.060, 411.404  
Stats. Implemented: ORS 409.010, 411.060, 411.404  
Hist.: SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 9-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; 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 14-2007, f. 12-31-07, cert. ef. 1-1-08; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 35-2011, f. 12-27-11, cert. ef. 1-1-12; 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 40-2016, f. & cert. ef. 11-1-16

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**Rule Caption:** Amending rule relating to child care provider eligibility

**Adm. Order No.:** SSP 41-2016(Temp)

**Filed with Sec. of State:** 11-1-2016

**Certified to be Effective:** 11-1-16 thru 4-29-17

**Notice Publication Date:**

**Rules Amended:** 461-165-0180

**Subject:** OAR 461-165-0180 about child care provider eligibility requirements is being amended to reflect changes to federal requirements that apply to child care providers who receive Child Care Development Fund (CCDF) funds. Primary changes are summarized below and rule text showing changes is available at [http://www.dhs.state.or.us/policy/selfsufficiency/ar\\_recent.htm](http://www.dhs.state.or.us/policy/selfsufficiency/ar_recent.htm).

- Defining “legally exempt” and “legally exempt relative”.

- Stating that legally exempt providers who are not legally exempt relatives must meet the Office of Child Care (OCC) Regulated Subsidy Provider requirements, including the site visit requirement.

- Stating that legally exempt providers who are legally exempt relatives are not subject to the OCC Regulated Subsidy Provider requirements.

- Adding training and certification requirements for legally exempt providers who are not legally exempt relatives and requiring them

to be completed prior to providing child care, unless a temporary waiver is approved.

- Stating staff-to-children ratios for certain child care centers or programs.

**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:



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(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 comply with at least one of the following subsections:

(a) If the provider is not legally exempt (see section (11) of this rule):

(A) Be currently 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 and be in compliance with the applicable rules;

(B) Complete the Department's background check process;

(C) Complete the Department's listing process; and

(D) Be approved by the Department.

(b) If the provider is legally exempt and a legally exempt relative (see section (11) of this rule):

(A) Complete the Department's background check process;

(B) Complete the Department's listing process; and

(C) Be approved by the Department.

(c) If the provider is legally exempt and not a legally exempt relative for all children in care:

(A) Meet all OCC Regulated Subsidy Provider requirements under OAR 414-180-0005 through 414-180-0100;

(B) Submit to and pass a site visit at the location where care will be provided;

(C) Complete the Department's background check process;

(D) Complete the Department's listing process; and

(E) 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).

(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. Any gate or barrier may not pose a risk or hazard to any child in care.

(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.

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(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) Legally exempt providers must complete the "Introduction to Child Care Health and Safety" two-hour, web-based training as provided in the following subsections:

(a) Legally exempt providers with a list date prior to November 1, 2016, must complete the "Introduction to Child Care Health and Safety" training by June 30, 2017.

(b) Legally exempt providers with a list date of November 1, 2016 or later must complete the "Introduction to Child Care Health and Safety" prior to Department approval.

(9) Legally exempt providers 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.

(c) "Legally exempt" means the child care provider is exempt from licensing with the OCC because the provider is not subject to the licensing requirements under OAR 414-205-0000 to 414-205-0170, OAR 414-350-0000 to 414-350-0405, and 414-300-0000 to 414-300-0415.

(d) "Legally exempt relative" means a legally exempt provider who is a relative to all children in care including a great-grandparent, grandparent, aunt, uncle, or sibling not living in the home of any child in care.

(12) Legally exempt providers that are not a legally exempt relative to all children in care must meet all of the requirements in this section before approval by the Department, unless otherwise noted:

(a) Have an up-to-date, in-person infant and child CPR and first aid certification or have a currently valid waiver of this requirement from the Child Care Resource and Referral program.

(b) Complete the Recognizing and Reporting Child Abuse and Neglect (RRCAN) web-based training. If training is not immediately available, the Department may approve a child care provider prior to completing the training, but for no more than 90 days.

(c) Complete six hours of ongoing education in each two-year listing period as provided in this subsection. All trainings must be accepted by the Oregon Center for Career Development (OCCD) and be part of the OCCD's 10 Core Knowledge Categories recognized by Oregon Registry Online to count toward the six hours.

(A) Two of the six hours must fall under the "Human Growth and Development" category; and

(B) Two of the six hours must cover "Understanding & Guiding Behavior".

(13) Child care centers or programs that are legally exempt from certification or registration with the OCC, are located in a commercial or insti-

tutional facility, and receive payment from the Department on behalf of a family receiving a child care subsidy, may not exceed the following staff to children in care ratios:

(a) Six weeks through 23 months of age, the minimum number of staff to children is one to four. The maximum number of children in a group is eight.

(b) 24 months through 35 months of age, the minimum number of staff to children is one to five. The maximum number of children in a group is 10.

(c) 36 months of age to attending kindergarten, minimum number of staff to children is one to 10. The maximum number of children in a group is 20.

(d) Attending kindergarten and older, the minimum number of staff to children is one to 15. The maximum number of children in a group is 30.

(e) In a mixed-age group of children, the number of staff and group size shall be determined by the age of the youngest child in the group.

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; SSP 41-2016(Temp), f. & cert. ef. 11-1-16 thru 4-29-17

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**Rule Caption:** Amending revocable trust rule language to ensure payments are considered unearned income for SNAP

**Adm. Order No.:** SSP 42-2016(Temp)

**Filed with Sec. of State:** 11-4-2016

**Certified to be Effective:** 11-4-16 thru 5-2-17

**Notice Publication Date:**

**Rules Amended:** 461-145-0540

**Subject:** The Department is amending OAR 461-145-0540 to change treatment of revocable trust payments in the SNAP program to how they were treated in the SNAP program before January 1, 2016. The rule text showing proposed changes is available at [http://www.dhs.state.or.us/policy/selfsufficiency/ar\\_temporary.htm](http://www.dhs.state.or.us/policy/selfsufficiency/ar_temporary.htm).  
**Rules Coordinator:** Kris Skaro—(503) 945-6067

## 461-145-0540

### Trusts

(1) This section applies to all trust funds (see OAR 461-001-0000) in the REF, REFM, SNAP, and TANF programs. It also applies in the OSIP, OSIPM, and QMB-DW programs for trust funds established before October 1, 1993:

(a) Trust funds are counted as a resource if the fund is legally available for use by a member of the financial group (see OAR 461-110-0530) for items covered by program benefits. In the OSIP, OSIPM, and QMB-DW programs, the amount of the trust that is considered legally available is the maximum amount that could be distributed to the beneficiary under the terms of the trust, regardless of whether the trustee exercises his or her authority to actually make a distribution.

(b) Trust funds are excluded if the fund is not available for use by a member of the financial group. The financial group must try to remove legal restrictions on the trust, unless that would cause an expense to the group.

(c) The part of the fund available for use for medical expenses covered by the medical program for which the financial group is eligible is counted.

(2) In the ERDC program, all trust funds are excluded.

(3) In the OSIP, OSIPM, and QMB-DW programs, trust funds established on or after October 1, 1993, are treated in accordance with sections (5) to (11) of this rule.

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- (4) In the QMB-BAS, QMB-SMB, and QMB-SMF programs:
- All trust funds are excluded as a resource.
  - A payment made from the trust to or for the benefit of the client is counted as unearned income.
- (5) A trust is considered established if the financial group used their resources to form all or part of the trust and if any of the following established a trust, other than by a will:
- The client.
  - The client's spouse.
  - Any other person, including a court or administrative body, with legal authority to act in place of or on behalf of the client or the client's spouse.
  - Any other person, including a court or administrative body, acting in the direction or upon the request of the client or the client's spouse.
- (6) If the trust contains resources or income of another person, only the share attributable to the client is considered available.
- (7) Except as provided in section (10) of this rule, the following factors are ignored when determining how to treat a trust:
- The purpose for which the trust was established.
  - Whether or not the trustees have or exercise any discretion under the trust.
  - Any restrictions on when or if distributions may be made from the trust.
  - Any restrictions on the use of distributions from the trust.
- (8) If the trust is revocable, it is treated as follows:
- In all programs except the QMB-BAS, QMB-SMB, QMB-SMF, and SNAP programs:
    - The total value of the trust is considered a resource available to the client.
    - A payment made from the trust to or for the benefit of the client is excluded as income.
  - In the SNAP program:
    - The total value of the trust is considered a resource available to the client.
    - A payment made from the trust to or for the benefit of the client is considered unearned income.
    - A payment from the trust other than to or for the benefit of the client is considered a transfer of assets covered by OAR 461-140-0210 and following.
  - If the trust is irrevocable, it is treated as follows:
    - If, under any circumstances, the funds transferred into the trust are unavailable to the client and the trustee has no discretion to distribute the funds to or for the benefit of the client, the client is subject to a transfer-of-resources penalty as provided in OAR 461-140-0210 and following.
    - If, under any circumstances, payments could be made to or on behalf of the client, the share of the trust from which the payment could be made is considered a resource. A payment from the trust other than one to or for the benefit of the client is considered a transfer of assets that may be covered by OAR 461-140-0210.
    - If, under any circumstances, income is generated by the trust and could be paid to the client, the income is unearned income. Payments made for any reason other than to or for the benefit of the client are considered a transfer of assets subject to disqualification per OAR 461-140-0210.
    - If any change in circumstance makes assets (income or resources) from the trust unavailable to the client, the change is a disqualifying transfer as of the date of the change.
- (10) Notwithstanding the provisions in sections (1), (3), and (5) to (9) of this rule, the following trusts are not considered in determining eligibility (see OAR 461-001-0000) for OSIPM and QMB-DW:
- A trust containing the assets of a client determined to have a disability that meets the SSI criteria that was created before the client reached age 65, if the trust was established by one of the following and the state will receive all funds remaining in the trust upon the death of the client, up to the amount of medical benefits provided on behalf of the client:
    - The client's parent (see OAR 461-001-0000).
    - The client's grandparent.
    - The client's legal guardian or conservator.
    - A court.
  - A trust established between October 1, 1993 and March 31, 1995 for the benefit of the client and containing only the current and accumulated income of the client. The accumulated amount remaining in the trust must be paid directly to the state upon the death of the client up to the amount of medical benefits provided on behalf of the client. The trust is the total income in excess of the income standard for OSIPM. The remaining

income not deposited into the trust is available for the following deductions in the order they appear prior to applying the patient liability:

- Personal-needs allowance.
  - Community spouse monthly maintenance needs allowance.
  - Medicare and other private medical insurance premiums.
  - Other incurred medical.
- (c) A trust established on or after April 1, 1995 for the benefit of the client whose income is above 300 percent of the full SSI standard and containing the current and accumulated income of the client. The accumulated amount remaining in the trust must be paid directly to the state upon the death of the client up to the amount of medical assistance provided on behalf of the client. The trust contains all of the client's income. The income deposited into the trust is distributed monthly in the following order with excess amounts treated as income to the individual subject to the rules on transfer of assets in division 140 of this chapter of rules:
- Personal needs allowance and applicable room and board standard.
  - Reasonable administrative costs of the trust, not to exceed a total of \$50 per month, including the following:
    - Trustee fees.
    - A reserve for administrative fees and costs of the trust, including bank service charges, copy charges, postage, accounting and tax preparation fees, future legal expenses, and income taxes attributable to trust income.
    - Conservatorship and guardianship fees and costs.
  - Community spouse and family monthly maintenance needs allowance.
  - Medicare and other private medical insurance premiums.
  - Other incurred medical costs as allowed under OAR 461-160-0030 and 461-160-0055.
  - Contributions to reserves or payments for child support, alimony, and income taxes.
  - Monthly contributions to reserves or payments for the purchase of an irrevocable burial plan with a maximum value of \$5,000.
  - Contributions to a reserve or payments for home maintenance if the client meets the criteria of OAR 461-155-0660 or OAR 461-160-0630.
  - Patient liability not to exceed the cost of home and community-based care (see OAR 461-001-0030) or nursing facility services.
  - This section of the rule applies to a trust signed on or after July 1, 2006.
    - Notwithstanding the provisions of sections (1), (3), and (5) to (9) of this rule, a trust that meets the requirements of subsection (b) of this section is not considered in determining eligibility for OSIPM and QMB-DW, except that if the client is age 65 or older when the trust is funded or a transfer is made to the trust, the transfer may constitute a disqualifying transfer of assets under OAR 461-140-0210 and following.
    - This section of the rule applies to a trust that meets all of the following conditions:
      - The trust is established and managed by a non-profit association.
      - A separate account is maintained for each beneficiary of the trust, but, for purposes of investment and management of funds, the trust pools these accounts.
      - The trust is established by the client, client's parent, grandparent, or legal guardian or a court for clients who have disabilities.
      - Upon the death of the beneficiary or termination of the trust, the trust pays to the state an amount equal to the total medical assistance paid on behalf of the beneficiary under the State plan for Medicaid. The amount paid to the state may be reduced by administrative costs directly related to administering the sub-trust account of the beneficiary.
      - The trust contains the resources or income of a client who has a disability that meets the SSI criteria.
    - In the OSIP, OSIPM, and QMB-DW programs, the provisions of this rule may be waived for an irrevocable trust if the Department determines that denial of benefits would create an undue hardship on the client if, among other things:
      - The absence of the services requested may result in a life-threatening situation.
      - The client was a victim of fraud or misrepresentation.
- Stat. Auth.: ORS 411.060, 411.070, 411.083, 411.404, 411.816, 412.049, 413.085, 414.685  
Stats. Implemented: ORS 411.060, 411.070, 411.083, 411.404, 411.816, 412.049, 413.085, 414.685, 414.839  
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 18-1993(Temp), f. & cert. ef. 10-1-93; AFS 29-1993, f. 12-30-93, cert. ef. 1-1-94; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 21-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 13-1997, f. 8-28-97, cert. ef. 9-1-97; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 18-2002(Temp), f. & cert. ef. 11-19-02 thru 5-18-03; SSP 11-2003,

# ADMINISTRATIVE RULES

f. & cert. ef. 5-1-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 16-2006(Temp), f. 12-29-06, cert. ef. 1-1-07 thru 3-31-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 17-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SSP 26-2013, 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 35-2015, f. 12-23-15, cert. ef. 1-1-16; 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 42-2016(Temp), f. & cert. ef. 11-4-16 thru 5-2-17

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

**Rule Caption:** Addition of counseling benefits and payments to physicians through the SAVE Fund.

**Adm. Order No.:** DOJ 12-2016

**Filed with Sec. of State:** 10-24-2016

**Certified to be Effective:** 10-24-16

**Notice Publication Date:** 10-1-2016

**Rules Amended:** 137-084-0001, 137-084-0010, 137-084-0020, 137-084-0030, 137-084-0500

**Subject:** In order to address hospital and physician billing issues, the Sexual Assault Victims' Emergency Medical Response (SAVE) Fund will begin making separate payments to a Doctor of Medicine or a Doctor of Osteopathy who provides services for a sexual assault exam. The SAVE Fund will also offer five counseling sessions to any sexual assault survivor who has had a sexual assault exam that falls within the guidelines of the SAVE Fund. Other minor changes address vague or outdated rule language.

**Rules Coordinator:** Carol Riches—(503) 378-5987

## 137-084-0001

### Definitions

(1) "Department" means the Oregon Department of Justice.

(2) "Fund" means the Sexual Assault Victims' Emergency Medical Response Fund.

(3) "Application Form" means the most current version of the Application for Payment Sexual Assault Victims' Emergency Medical Response Fund form issued by the Department of Justice.

(4) "Eligible victim" means a person who has self-identified or been identified by another as a victim of a sexual assault that occurred in Oregon and who receives a medical examination by an eligible medical services provider within the time periods established in OAR 137-084-0010(4) and (5).

(5) "Eligible Medical Services Provider" means a person who has the facilities and supplies necessary to provide the complete medical assessment as provided in these rules and who is currently licensed in Oregon, Washington, Idaho or California in one of the following categories: a SANE/SAE, a registered nurse acting under the direct supervision of a Doctor of Medicine or a Doctor of Osteopathy, a nurse practitioner, a Physician's Assistant, a Doctor of Medicine, or a Doctor of Osteopathy.

(6) "Oregon State Police SAFE Kit" means the sexual assault forensic evidence collection kit, including protocol guidelines, approved by and distributed by the Oregon Department of State Police.

(7) "Medical Examination" means a medical examination of a victim of sexual assault conducted within the accepted patient standard of care by an eligible medical services provider.

(8) "Complete Medical Assessment" means use of an Oregon State Police SAFE Kit in conjunction with a medical examination of a victim of sexual assault conducted within the accepted patient standard of care by an eligible medical services provider and the offering and, if requested, provision of prescriptions for emergency contraception and sexually transmitted disease prevention.

(9) "Partial Medical Assessment" means a medical examination of a victim of sexual assault conducted within the accepted patient standard of care by an eligible medical services provider and the offering and, if requested, provision of prescriptions for emergency contraception and sexually transmitted disease prevention.

(10) "Sexually Transmitted Disease Prophylaxis" means administering prophylactic drugs to prevent sexually transmitted disease, or providing a prescription for such medication to be filled on-site, in conjunction with a complete medical assessment or a partial medical assessment.

(11) "Emergency Contraception" means administering prophylactic drugs to prevent pregnancy, or providing a prescription for such medication to be filled on-site, in conjunction with a complete medical assessment or a partial medical assessment.

(12) "SANE/SAE" (Sexual Assault Nurse Examiner/ Sexual Assault Examiner) means a nurse who has received certification as a SANE/SAE from the International Association of Forensic Nurses or from the Oregon Attorney General's Sexual Assault Task Force.

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

Stat. Auth.: 2003 OL Ch. 789 (SB 752)

Stats. Implemented: 2003 OL Ch. 789 (SB 752)

Hist.: DOJ 3-2004, f. & cert. ef. 1-29-04; DOJ 14-2004, f. & cert. ef. 11-22-04; DOJ 13-2007, f. & cert. ef. 12-11-07; DOJ 6-2016(Temp), f. & cert. ef. 4-19-16 thru 10-15-16; DOJ 12-2016, f. & cert. ef. 10-24-16

## 137-084-0010

### Claims Processing

(1) A victim of a sexual assault who wants the Fund to pay for a medical examination, collection of forensic evidence using the Oregon State Police SAFE Kit, emergency contraception, or sexually transmitted disease prophylaxis must indicate to the medical service provider that they wish for the provider to submit a completed Application Form to the Department.

(2) To obtain payment from the Fund, an eligible medical services provider must submit the Application Form to the Department within one year of the date the medical services are provided. At the Department's discretion, the Department may choose to pay claims that are received after one year of the date the medical services are provided.

(3) All medical services invoices must be submitted by the eligible medical services provider with the Application Form. Invoices submitted separately will not be paid.

(4) To be paid for by the Fund, a complete medical assessment using the Oregon State Police SAFE Kit must be completed within 84 hours (three and one-half days) of the sexual assault. The Kit must have been released to appropriate law enforcement personnel in a timely manner after its use for collection of information.

(5) To be paid for by the Fund, a partial medical assessment must be completed within 168 hours (seven days) of the sexual assault of the victim.

(6) Completed Application Forms submitted with medical services invoices will be processed for payment by the Fund within 60 days of submission.

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

Stat. Auth.: 2003 OL Ch. 789 (SB 752)

Stats. Implemented: 2003 OL Ch. 789 (SB 752)

Hist.: DOJ 3-2004, f. & cert. ef. 1-29-04; DOJ 13-2007, f. & cert. ef. 12-11-07; DOJ 6-2016(Temp), f. & cert. ef. 4-19-16 thru 10-15-16; DOJ 12-2016, f. & cert. ef. 10-24-16

## 137-084-0020

### Maximum Amounts Paid for Medical Services

(1) The Fund will pay eligible medical services providers the actual costs incurred for providing medical services to sexual assault victims up to the following maximum amounts:

(a) \$380 for a medical examination plus collection of forensic evidence using the Oregon State Police SAFE Kit;

(b) \$175 for a medical examination without collection of forensic evidence using the Oregon State Police SAFE Kit;

(c) \$55 for emergency contraception (including pregnancy test);

(d) \$100 for sexually transmitted disease prophylaxis;

(e) For dates of service April 1, 2016 or later, \$75 for services provided by a Doctor of Medicine or a Doctor of Osteopathy;

(f) For dates of services January 1, 2015 or later, five (5) counseling sessions, not to exceed \$840.00. Counseling sessions expire 18 months from the date of the sexual assault exam:

(i) \$140.00 per hour for a Doctor of Medicine;

(ii) \$110.00 per hour for a PhD or PsyD;

(iii) \$85.00 per hour for an LCSW, LPC, or LMFT;

(iv) \$55.00 per hour for a QMHP.

(2) An additional payment of \$75 will be made to eligible medical services providers who document that the medical examination, as part of either a partial or complete medical assessment, was conducted by a SANE/SAE.

(3) The payment amounts set out in this rule will be reviewed at least every two years by the Attorney General or the Attorney General's designee to determine whether they should be adjusted to meet current circumstances.

(4) An eligible medical services provider (including subcontractor or other designee) who submits a bill to the Fund under these rules may not bill the victim or the victim's insurance carrier for a medical examination, collection of forensic evidence using the Oregon State Police SAFE Kit, emergency contraception, or sexually transmitted disease prophylaxis, except to the extent the Department is unable to pay the bill due to lack of

# ADMINISTRATIVE RULES

funds or declines to pay the bill for reasons other than untimely or incomplete submission of the bill to the Fund under OAR 137-084-0030(2)(e).

Stat. Auth.: 2003 OL Ch. 789 (SB 752)  
Stats. Implemented: 2003 OL Ch. 789 (SB 752)  
Hist.: DOJ 3-2004, f. & cert. ef. 1-29-04; DOJ 13-2007, f. & cert. ef. 12-11-07; DOJ 6-2016(Temp), f. & cert. ef. 4-19-16 thru 10-15-16; DOJ 12-2016, f. & cert. ef. 10-24-16

## 137-084-0030

### Payment Restrictions and Disqualifications

(1) The Fund will not pay for any service not specifically described in ORS 147.397 or OAR 137-084-0001 through 137-084-0030. Examples of services not covered by the Fund include, but are not limited to: treatment of injuries; DNA testing; HIV testing; laboratory testing of blood for any purpose, other than pregnancy; and prescriptions filled off-site of the location of a medical examination. Nothing in this rule is intended to preclude an eligible medical services provider from submitting a claim against the victim, the victim's insurance carrier or any other source for payment for services not specifically described in ORS 147.395 through 147.397 or OAR 137-084-0001 through 137-084-0030.

(2) The Fund reserves the right not to pay for medical services described in ORS 147.395 through 147.397 or OAR 137-084-0001 through 137-084-0030 for any one of the following reasons:

(a) Services were not provided by an eligible medical services provider.

(b) Services were provided to someone other than an eligible victim.

(c) Services were not provided in accordance with the requirements in ORS 147.395 through 147.397 or OAR 137-084-0001 through 137-084-0030, including the timeliness requirements for complete medical assessments (within 84 hours (three and one-half days) of the sexual assault) and partial medical assessments (within 168 hours (seven days) of the sexual assault).

(d) Services provided were duplicate services for the same incident.

(e) Failure of the eligible medical services provider to submit a completed Application Form, submission of incomplete invoice(s) for medical services or submission of the Application Form or invoice(s) for medical services more than one year after the date services were provided. At the Departments discretion, the Department may choose to pay claims that are received after one year of the date the medical services are provided.

(f) Insufficient funds in the Fund to cover the services provided. The Fund will pay in full for services provided and billed to the Fund until the money in the Fund is exhausted.

(3) If the Attorney General or the Attorney General's designee determines that the Fund will not pay for one or more of the services described in ORS 147.395 through 147.397 or OAR 137-084-0020(1) and (2) for reasons other than those set out in 137-084-0030(2)(e) above, the Attorney General or the Attorney General's designee will provide notice to the medical services provider(s) affected. After receiving such notice, a medical services provider may bill the victim, the victim's insurance carrier or any other source for those medical services provided but not paid for by the Fund.

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

Stat. Auth.: 2003 OL Ch. 789 (SB 752)  
Stats. Implemented: 2003 OL Ch. 789 (SB 752)  
Hist.: DOJ 3-2004, f. & cert. ef. 1-29-04; DOJ 6-2016(Temp), f. & cert. ef. 4-19-16 thru 10-15-16; DOJ 12-2016, f. & cert. ef. 10-24-16

## 137-084-0500

### Sexual Assault Examiner (SAE) and Nurse Examiner (SANE) Certification Commission

(1) The Attorney General establishes a Sexual Assault Examiner (SAE) and Nurse Examiner (SANE) Certification Commission. The Commission is established to help ensure that registered nurses, physicians and physician assistants who provide sexual assault medical forensic examinations in Oregon and receive compensation through the Sexual Assault Victims' Emergency Medical Response Fund established by Oregon Laws 2003 c. 789 have the necessary training and qualifications to do so in accordance with the best standards of care, after consultation with the Attorney General's Sexual Assault Task Force.

(2) Commission members shall be appointed by the Attorney General and shall serve a period of two years from time of appointment. Terms may be renewed upon approval by the Attorney General.

(3) The Commission shall consist of nine (9) members, one each from the following groups:

(a) One (1) Oregon Certified Sexual Assault Examiner or Nurse Examiner;

(b) One (1) Oregon Certified Sexual Assault Nurse Examiner representing the Oregon Nurses Association (ONA);

(c) One (1) Representative from the Oregon State Board of Nursing (OSBN);

(d) One (1) Emergency Room Physician representing the Oregon Chapter of Emergency Physicians (OCEP);

(e) One (1) Licensed Independent Practitioner (LIP) (at large);

(f) One (1) Advocate;

(g) One (1) At-large position;

(h) One (1) Member of Law Enforcement or Prosecution; and

(i) One (1) Representative from the Forensic Services Division.

(4) A majority of a quorum of the Commission may take action and make recommendations to the Attorney General. A quorum shall be established by a simple majority of Commission members.

(5) The Attorney General delegates to the Commission the following powers and duties:

(a) Make recommendations to the Attorney General for rules deemed necessary to implement the Sexual Assault Nurse Examiners Program, including standards for certification and renewal of certification by the Commission;

(b) Evaluate and act upon applications for certification;

(c) Identify, update, and publicize best practices related to sexual assault examinations;

(d) Perform random SANE/SAE chart reviews of certified SANE/SAEs in Oregon to assure standards of practice as defined by the Oregon Sexual Assault Task Force are being upheld and set forth recommendations to SANEs who demonstrate standard practices;

(e) In accordance to nursing practice in Oregon if there is found to be any attempt to falsify documentation or demonstration of practicing outside of the scope of practice, a majority quorum of the Commission may take action to suspend or remove SANE certification; and

(f) If a SANE/SAE has a suspended or revoked state RN, NP, or PA license to practice, the Commission has the ability to suspend or revoke the SANE/SAE certification.

Stat. Auth.: 2003 OL Ch. 789 (SB 752)

Stats. Implemented: 2003 OL Ch. 789 (SB 752)

Hist.: DOJ 3-2007, f. & cert. ef. 3-16-07; DOJ 13-2007, f. & cert. ef. 12-11-07; DOJ 5-2014, f. & cert. ef. 4-1-14; DOJ 12-2016, f. & cert. ef. 10-24-16

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## Department of State Lands

### Chapter 141

**Rule Caption:** Amend rules governing the management of state-owned submerged and submersible lands.

**Adm. Order No.:** DSL 5-2016

**Filed with Sec. of State:** 11-3-2016

**Certified to be Effective:** 1-1-17

**Notice Publication Date:** 5-1-2016

**Rules Adopted:** 141-082-0311, 141-082-0312, 141-082-0313, 141-082-0314

**Rules Amended:** 141-082-0250, 141-082-0255, 141-082-0260, 141-082-0265, 141-082-0270, 141-082-0275, 141-082-0280, 141-082-0285, 141-082-0290, 141-082-0295, 141-082-0300, 141-082-0305, 141-082-0310, 141-082-0315, 141-082-0320, 141-082-0325, 141-082-0330, 141-082-0335, 141-082-0340

**Subject:** These rules govern the granting of leases, public facility licenses, short term access authorizations and registrations for a wide variety of commercial, non-commercial and public uses in, on, under and over state-owned submerged and submersible land. The Department initiated the rule revision process in February 2014 by obtaining Land Board approval. Then as a result of HB 2463 and the receipt of a petition to amend the Waterway Leasing rules in 2015, the Department moved forward to revise the rules. After conferring with a rules advisory committee, most of the changes were minor, clarifying wording in certain sections and adding a new section which lays out the process to implement the Submerged Lands Enhancement Fund (HB 2463).

**Rules Coordinator:** Sabrina L. Foward—(503) 986-5236

### 141-082-0250

#### Purpose and Applicability

(1) These rules:

(a) Govern the granting and renewal of leases, public facility licenses and registrations (hereafter collectively referred to as waterway use authorizations) for a wide variety of commercial, non-commercial, and public uses in, on, under or over state-owned submerged and submersible land.

# ADMINISTRATIVE RULES

(b) Do not apply to the granting of:

(A) Easements on state-owned submerged and/or submersible land governed by Division 122 of the Department's administrative rules;

(B) Authorizations for hydroelectric projects on state-owned Trust and Non-Trust Land governed by Division 87 of the Department's administrative rules;

(C) Authorizations for the removal or use of rock, sand, gravel and silt from state-owned submerged and/or submersible land governed by Division 14 of the Department's administrative rules;

(D) Authorizations for special uses of state-owned submerged and/or submersible land such as for short term access; the conduct of scientific experiments and the removal of sunken logs governed by Division 125 of the Department's administrative rules;

(E) Authorizations for ocean energy conversion devices and fiber optic and other cables in, on or over the Territorial Sea governed by Divisions 140 and 83 of the Department's administrative rules;

(F) Authorizations for remediation and habitat restoration activities governed by Division 145 of the Department's administrative rules; and

(G) Authorizations for uses and structures specifically governed by any other chapter of the Department's administrative rules.

(c) Provide that all uses of, and structures occupying state-owned submerged and submersible land not otherwise exempt from authorization under these rules, require prior written authorization from the Department pursuant to these rules.

(2) The Director may determine other uses and structures similar to those specified in OAR 141-082-0265 that are subject to a specific authorization under these rules.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0255

### Definitions

(1) "Abandoned Structure" means a structure that has been left without authorization on, under or over state-owned submerged or submersible lands.

(2) "Abandoned Vessel" means a vessel that has been left without authorization on public or private land, the waters of this state, or any other water.

(3) "Actual Annual Gross Income" means the gross revenue received by a lessee during the prior lease year from the authorized use(s) of state-owned submerged and submersible land, including but not limited to the rental of boat slips, boat rental, launch fees or from associated incidental services within the authorized area.

(4) "Adjacent Riparian Owner" or "Riparian Owner" means a person holding recorded title to property that fronts or abuts state-owned submerged and submersible land.

(5) "Adjacent Riparian Property" or "Adjacent Riparian Tax Lot" means the non-state-owned portion of a tax lot that fronts or abuts state-owned submerged and submersible land.

(6) "Annual Lease Compensation" means the amount of compensation a lessee pays to the Department for the use of an authorized area.

(7) "Applicant" is any person applying for a waterway use authorization.

(8) "Appraised Value" means an estimate of current fair market value of a parcel (expressed in dollars per square foot) derived by a state certified appraiser or a salaried public employee of the federal government, the State of Oregon, or a political subdivision of the federal government or the State of Oregon while engaged in the performance of the duties of the employee as defined in ORS 674.100(2)(h).

(9) "Aquaculture" means the culture, farming, or harvesting of food fish, shellfish, and other plants (exclusive of kelp which is governed by Division 125 of the Department's administrative rules) and animals in fresh or salt-water areas. Aquaculture practices include, but are not limited to, the hatching, seeding or planting, cultivating, feeding, raising, and harvesting of planted or natural species so as to maintain an optimum yield, and the processing of plants or animals.

(10) "Assessed Value" means the current value in dollars per square foot assigned to the land within the adjacent riparian tax lot or comparable tax lot by the county tax assessor.

(11) "Assignment" or "Assign" means a transfer by the lessee with the Department's approval of the rights of use and occupancy of the leasehold to another person.

(12) "Authorization" or "Waterway Use Authorization" means a lease, registration or public facility license granted by the Department to an applicant conveying a right to limited use of a specific area of state-owned

submerged and submersible land for a specific purpose for a fixed period of time.

(13) "Authorized Area" is the area of state-owned submerged and submersible land defined in the waterway use authorization for which a use is authorized.

(14) "Boat House" means a covered or enclosed structure used to store, shelter, or protect a boat or boats and boating equipment. A structure containing a dwelling does not qualify as a boat house. A boathouse may include an unenclosed recreation area, or a roof that is:

(a) Used as a viewing platform, for sunbathing, or for other related short-term recreational uses;

(b) Surrounded by a railing or other safety device;

(c) Accessible from the lower deck by a permanent or temporary stairway; or

(d) Used to gain access to a waterslide.

(15) "Boat Lift" is a device that is used to lift a boat from the water for out-of-water moorage or storage; movement to another location; or to enable maintenance to be conducted on the watercraft.

(16) "Boat Ramp" is a specific area that has been improved through the placement of a concrete pad or strips, steel mats, rails, gravel or other similar durable material that is used for the launching of boats into a waterway.

(17) "Commercial Marina" is a marina, the operation of which results in, or is associated with any monetary consideration or gain.

(18) "Commercial Use" means an activity conducted on, within, or over state-owned submerged and submersible land that results in, or is associated with any monetary consideration or gain, including but not limited to: offices, stores, hotels, banks, marinas, restaurants, or retail service outlets.

(19) "Compensation" or "Compensatory Payment" is the amount of money paid by an applicant for, or holder of an authorization to the Department for the use of Department-managed land.

(20) "Consent Agreement" is a document used when rights under a Waterway Use Authorization are held as collateral for repayment of a loan. The Department of State Lands must authorize the agreement prior to final loan approval.

(21) "Department" means the Department of State Lands.

(22) "Derelict Structure" means a structure that is on, under or over state-owned submerged or submersible lands and that is:

(a) Sunk or in imminent danger of sinking due to its dilapidated condition;

(b) Obstructing a waterway;

(c) Endangering life or property; or

(d) In dilapidated condition such that it is in danger of becoming an environmental hazard as evidenced by instances of leaking fuel, sewage or other pollutants.

(23) "Derelict Vessel" means a vessel that is on the waters of this state and that is:

(a) Sunk or in imminent danger of sinking;

(b) Obstructing a waterway;

(c) Endangering life or property; or

(d) In such a dilapidated condition that it is in danger of becoming a significant environmental hazard as evidenced by repeated and documented instances of leaking, fuel, sewage or other pollutants.

(24) "Diking District" means a public body organized under the provisions of ORS Chapter 551 for the purposes of improving by diking or damming the lands contained therein which are subject to overflow by tide-water or by freshets.

(25) "Director" means the Director of the Department of State Lands or designee.

(26) "Dock/Float" means an individual, unenclosed, structure which may either be secured to the adjacent or underlying land or that floats that is used for mooring boats and for similar recreational uses such as sunbathing or as a swimming platform. A structure does not lose its designation as a dock/float if it has an unenclosed recreation area, or includes a second level that may be used for a recreational purpose such as a viewing platform or sunbathing deck.

(27) "Dolphin" is a cluster of piles or piling which is bound together.

(28) "Drainage District" means a public body organized under the provisions of ORS Chapter 547 for the purpose of having swamp, wet or overflowed lands or irrigated lands reclaimed and protected by drainage or otherwise from the effects of water for sanitary or agricultural purposes, or when the same may be conducive to the public health, convenience and welfare or of public utility or benefit.

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(29) "Dwelling" means a structure designed or occupied as the permanent or temporary living quarters which is equipped with, but not limited to, any or a combination of sleeping cooking, bathing, toilet and heating facilities.

(30) "Flat Rate Method" means a manner of calculating annual compensation based on a fixed dollar amount per square foot of leasehold area that varies by use classification.

(31) "Floating Home" means a moored floating structure that is used as a dwelling.

(32) "Floating Recreational Cabin" is a moored floating structure, only accessible by boat, used wholly or in part as a dwelling, not physically connected to any upland utility services (for example, water, sewer, or electricity), and used only periodically or seasonally.

(33) "Gangway" means a walkway or access ramp which connects, and is used exclusively for the purpose of traversing from the upland to the first structure or use subject to an authorization by the Department such as a dock/float, marina, floating home, or boat house.

(34) "Goods or Merchandise" means products and raw materials transported in pursuit of trade, business, and/or economic gain. Goods and merchandise does not include passengers or materials used by a vessel for its maintenance, alteration, or operation.

(35) "Government Functions" are activities federal, state or local government agencies are assigned to perform to protect the health and safety of the public they serve. A ship, boat or vessel exclusively engaged in, or currently inactive but dedicated to, helping to maintain public health and safety is said to be performing a government function.

(36) "Highest Qualified Bidder" is a person who provides the highest bid at an auction and who submits a complete application to, and meets all the requirements of the Department for an authorization as provided in OAR 141-082-0280.

(37) "Historical Vessel" or "Historical Structure" is a vessel or structure listed or eligible for listing on the National Register of Historic Places as determined by the State Historic Preservation Office. In addition, these structures or vessels are owned by non-profit organizations for which their primary purpose is youth-oriented, historical, educational, or scientific purposes.

(38) "Holder" is the person who has been issued a waterway use authorization under these rules.

(39) "Incidental Services" include, but are not limited to restrooms, showers, minor boat and motor repair facilities; mooring buoys; refueling facilities; boat hoists/lifts; boat launch ramp; small office for marina management; club house and/or meeting room; vending machines; small retail area for marine, fishing and other outdoor supplies and equipment; ice, packaged beverages and foods; limited service restaurants; and temporary restaurants.

(40) "Industrial Use" means an activity conducted on, under, within, or over state-owned submerged and submersible land for business purposes that involves wholly or in part the fabrication, assembly, processing, or manufacture of products, structures or vessels from raw materials or fabricated parts, or that provides services such as, but not limited to storage, warehouses, factories, or shipyards.

(41) "Lease" for the purposes of these rules, is a valid, enforceable contract executed by the Department and signed by the lessee allowing the use of a specific area of state-owned submerged and submersible land for a specific use under the terms and conditions of the lease and these rules.

(42) "Lease Anniversary Date" means the date the lease was initially entered into and on which, in subsequent years, the annual lease compensation is due.

(43) "Limited Duration Use" means any temporary or infrequent use of state-owned waterways, with no long term or extended use intended. Limited Duration Use includes any commercial use of state-owned submerged or submersible land which is not more than a fourteen (14) consecutive day period in any one (1) location. Commercial use may include, but is not limited to, barge staging to facilitate movement of goods and services. For purposes of this section, "location" means, for example, an area necessary to moor at a dolphin or piling that is used by a vessel as it temporarily stops on its passage to its final location to off-load goods and services. Limited Duration Use also includes any non-commercial use of state-owned submerged or submersible land which is not more than thirty (30) calendar days during any contiguous 12-month time period, within a distance of five miles.

(44) "Limited Service Restaurant" means a business serving only pre-wrapped or pre-prepared food products, and nonperishable beverages as defined in ORS 624.010(5).

(45) "Line of Ordinary High Water" as defined in ORS 274.005(3), means the line on the bank or shore to which the high water ordinarily rises annually in season.

(46) "Line of Ordinary Low Water" as defined in ORS 274.005(4), means the line on the bank or shore to which the low water ordinarily recedes annually in season.

(47) "Log Boom Area" means a water surface area bounded by floating, connected logs or other devices, used for confining loose logs, grading and sorting logs, making log rafts, or to feed whole or partially processed wood products to a mill.

(48) "Log Raft" means a group of loose or bundled logs which can be stored or moved on water.

(49) "Log Raft Storage Area" means the unbounded water surface area used for mooring and storing log rafts, usually marked by piles and dolphins to which the rafts are fastened.

(50) "Marina" means a small harbor, boat basin, or moorage facility providing boat berthing, docking and mooring, and incidental services for recreational, commercial and/or charter fishing boats.

(51) "Marine Debris" means any manufactured or processed solid material that:

(a) Persists in the marine environment; and

(b) Is disposed of or abandoned, either with intention or unintentionally, in any waters of which the submersible or submerged lands belong to the State of Oregon.

(52) "Marine Industrial/Marine Service" means structures or uses which are commercial or industrial in nature and which need to be located in or adjacent to water areas because the use requires water access. Such uses include, but are not limited to: ship, tugboat, barge and workboat moorage and storage; used for industrial uses such as vessel repair facilities; aquaculture facilities; sea water desalination, mineral extraction, and processing facilities.

(53) "Mooring Buoy" means a floating device anchored to the bed of a waterway to which a boat is fastened through the use of lines or ropes for the purpose of mooring the boat in a stationary position in the water.

(54) "Multi-Family Dock" means a non-commercial dock, maintained and owned in common by two or more families, and where no dues or fees are required to be paid for use of the dock. A multi-family dock is not an ownership-oriented facility.

(55) "Navigation Aids" are structures or devices such as navigation buoys, channel markers, beacons, approach and landing lights, and radio navigation and landing aids, etc., placed in, on or over or along a waterway, by or with the consent of appropriate public agencies, to aid persons engaged in navigation of a waterway or aviation.

(56) "Non-Marine Uses" means structures or uses, typically commercial or residential, which do not need to be located in or adjacent to water areas. Such structures and uses include, but are not limited to: multi-family residences, hotels, motels, residences, restaurants, offices, retail stores, manufacturing plants, and warehouses.

(57) "Non-Commercial" means a use which does not result in and/or is not associated with any monetary consideration or gain. For example, a use which includes the renting, leasing, or sale of space would not qualify as "non-commercial."

(58) "Non-Commercial Marina" is one that is neither operated for, nor is associated with any monetary consideration or gain.

(59) "Not for Profit" refers to an association or group organized for purposes other than generating profit, such as an educational, charitable, scientific, or other organization qualifying under Section 501(c) of the Internal Revenue Code. In addition, organizations such as soil and water conservation districts and watershed councils may, at the discretion of the Department, also qualify as a non-profit organization for the purposes of these rules.

(60) "Owner" means a person who has a property interest in a structure or vessel.

(61) "Ownership-Oriented Facility" means non-commercial facilities where the access and privilege to use is limited to a membership group of persons who pay dues or fees of some type to maintain membership and to operate the facility.

(62) "Person" includes individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies as well as any state or other governmental or political subdivision or agency, public corporation, public authority, not for profit organizations, or Indian Tribe.

(63) "Pile" or "Piling" is a wood, steel, or concrete beam driven or jettied into the bed or bank of a waterway to secure a floating structure, log raft, or boat.

# ADMINISTRATIVE RULES

(64) "Preference Right" means a riparian property owner's statutory privilege, as found in ORS 274.040(1), to obtain a lease without advertisement or competitive bid for the state-owned submerged and submersible land that fronts and abuts the riparian owner's property. The preference right does not apply to the renewal of an existing lease where the lessee is in compliance with all the terms and conditions of the lease. A person claiming the right of occupancy to submerged and submersible land under a conveyance recorded before January 1, 1981, has a preference right to the requested lease area.

(65) "Preference Right Holder" means the person holding the preference right to lease as defined in these rules and ORS 274.040(1).

(66) "Processing Facility" means a structure or vessel where the cleaning, freezing, canning, preserving and storing of fish, crustaceans, or other forms of aquatic life are conducted.

(67) "Protective Boom" or "Shear Boom" refers to logs or similar floating devices attached to each other to protect a structure or bank from floating debris, erosion or wave action.

(68) "Public Agency" or "Government Agency" means an agency of the Federal Government, the State of Oregon, and every political subdivision thereof.

(69) "Public Facility License" is a form of authorization issued by the Department for structures owned, operated, and maintained, or uses made, by a public agency such as transient use docks/floats, boat ramps, boat landings and/or viewing structures where no or minimal entry or use fees are charged; and navigation aids.

(70) "Public Trust Use(s)" means those uses embodied in the Public Trust Doctrine under federal and state law including, but not limited to navigation, recreation, commerce and fisheries, and other uses that support, protect, and enhance those uses. Examples of Public Trust Uses include, but are not limited to, short term moorage, camping, bank fishing, picnicking, and boating.

(71) "Recreation Area" means an area of an authorized structure dedicated to day use recreation.

(72) "Redetermination" or "Redetermine" means, for the purposes of these rules, a revision, conducted in accordance with the administrative rulemaking process (ORS Chapter 183), of lease compensation using the methods, formulas, classifications or other factors as specified in OAR 141-082-0305.

(73) "Registration" is a form of authorization issued by the Department allowing a qualifying structure or use to occupy state-owned submerged and submersible land.

(74) "Residential Use" means an activity conducted on, in, or over state-owned submerged and submersible land devoted to, or available for single or multiple dwelling units, single-family homes, floating homes, apartments or condominiums.

(75) "Restaurant" means any establishment where food or drink is prepared for consumption by the public or any establishment where the public obtains food or drink so prepared in form or quantity consumable and there, whether or not it is consumed within the confines of the premises where prepared, and also includes establishments that prepare food or drink in consumable form for service outside the premises where prepared, but does not include railroad dining cars, bed and breakfast facilities or temporary restaurants as defined in ORS 624.010(9)(10).

(76) "Riparian Land Value Method" means a manner of calculating the annual lease rental payment by multiplying the assessed value times five percent times the area of the leasehold for each use classification.

(77) "Rip Rap" as defined in ORS 196.815(2)(e)(D), means the facing of a streambank with rock or similar substance to control erosion.

(78) "State Land Board" means the constitutionally created body consisting of the Governor, Secretary of State, and State Treasurer that is responsible for managing the assets of the Common School Fund as well as for additional functions placed under its jurisdiction by law. The Department is the administrative arm of the State Land Board.

(79) "Structure" means anything placed, constructed, or erected on, in, under or over state-owned submerged and submersible land that is associated with a use that requires a waterway use authorization. Structures include boat houses, floating homes and other structures secured to a pier or piling; except vessels, it cannot be both.

(80) "Sublease" means a subordinate lease between the lessee and a third party of all or part of the authorized area, where the lessee remains contractually and primarily liable under the lease with the Department.

(81) "Submerged Land" means land lying below the line of ordinary low water of all title navigable and tidally influenced water within the boundaries of the State of Oregon.

(82) "Submersible Land" means land lying between the line of ordinary high water and the line of ordinary low water of all title navigable and tidally influenced water within the boundaries of the State of Oregon.

(83) "Temporary Restaurant" means the same as ORS 624.010.

(84) "Tide gate" means a device mounted to a bridge or culvert to regulate the tidal flow or water level on the inside of the gate.

(85) "Use" means an activity with or without associated structures on state-owned submerged and submersible land that requires a waterway use authorization under these rules.

(86) "Use Classification" means the specific category of similar uses and structures subject to authorization described in OAR 141-082-0305.

(87) "Vessel" means a boat or small vehicle that is used for traveling on water. A vessel is not a structure as defined in this subsection (79) above.

(88) "Voluntary Habitat Restoration Work" means the same as set forth in ORS 274.043(5)(d). Voluntary habitat restoration work does not include:

(a) Activities undertaken to satisfy any actual or potential legal obligation;

(b) Activities for which the person undertaking the work receives compensation of any kind to do the work; or

(c) Work completed by an entity to satisfy an environmental mitigation obligation or to generate, sell or obtain credit as an offset against actual or potential natural resource damages liability.

(89) "Water Sport Structures" means water ski buoys, jumps and ramps, kayak race gates, and other such devices used in association with a water recreational sport. Such devices are typically temporary in nature, and not permanently attached to a piling, dolphin, or other fixed object.

(90) "Wharf" or "Wharves" as defined in ORS 780.040 and as used in these rules means a structure constructed or maintained by the owner of any land lying upon any navigable stream or other like water, and within the corporate limits of any incorporated town or within the boundaries of any port, that extends into the navigable stream or other like water beyond the low-water mark so far as may be necessary for the use and accommodation of any ships, boats or vessels engaged exclusively in the receipt and discharge of goods or merchandise or in the performance of governmental functions upon the navigable stream or other like water. A "wharf" does not include new lands created upon submersible or submerged lands by artificial fill or deposit.

(91) "Wharf Certification" means a written certification from the Department that a structure is a wharf as defined in ORS 780.040 and as used in these rules.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0260

### General Provisions

(1) Pursuant to Oregon law as defined in ORS 274, all tidally influenced and title navigable waterways (referred to as state-owned submerged and submersible land) have been placed by the Oregon State Legislature under the jurisdiction of the State Land Board and the Department, as the administrative arm of the State Land Board.

(2) The State Land Board, through the Department, has a constitutional responsibility to manage "the lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management" pursuant to Article 8, Section 5(2) of the Oregon Constitution.

(3) State-owned submerged and submersible land is managed to ensure the collective rights of the public, including riparian owners, to fully use and enjoy this resource for commerce, navigation, fishing, recreation and other public trust values. These rights are collectively referred to as "public trust rights."

(4) No person is allowed to place a structure or vessel on, or make use of state-owned submerged and submersible land, regardless of the length of time the structure may have existed on, or the use may have occurred on the land, without the required authorization described in these rules, unless the structure or use is exempt from such authorization by law or these rules. Ownership of state-owned submerged and submersible land cannot be obtained by adverse possession regardless of the length of time the structure or use has been in existence.

(5) All uses of state-owned submerged and submersible land must conform to local (including local comprehensive land use planning and zoning ordinance requirements), state and federal laws.

(6) The Department shall not authorize a proposed use or structure if it:



# ADMINISTRATIVE RULES

- (a) Is inconsistent with local, state, or federal laws;
- (b) Is not in compliance with these rules;
- (c) Would result in an unreasonable interference with the public trust rights of commerce, navigation, fishing and recreation;

(d) Would have unacceptable impacts on public health, safety or welfare, or result in the loss of, or damage to natural, historical, cultural or archaeological resources;

(e) Is prohibited by a State Land Board or Department-adopted area closure, use restriction, or waterway management plan (such as the Lower Willamette River Management Plan; a Total Maximum Daily Load Plan; or the Oregon Territorial Sea Plan);

(f) Is inconsistent with any endangered species management plan adopted by the Department under the Oregon Endangered Species Act (ORS 496.171 to 496.192); or

(g) If it extends from the bank of a waterway for a distance that exceeds 25 percent of the width of the waterway, unless authorized by the Director. In determining whether to authorize a structure that extends in excess of 25 percent of the width of the waterway, the Director shall consider:

(A) Whether the structure alone, or in combination with existing structures within the waterway, would unreasonably interfere with the public trust rights of commerce, navigation, fishing and recreation;

(B) Whether the physical conditions of the land or waterway requires a structure in excess of 25 percent of the width of the waterway in order to engage in the proposed use.

(7) No applicant for, or person holding an authorization from the Department shall request from any government agency a change in the zoning for, or approved uses of a parcel of state-owned submerged and submersible land without first applying to, and receiving written approval from the Department to request such a change.

(8) When a use or structure subject to written authorization from the Department becomes exempt from written authorization, compensation, or both, by a change in the law or in these rules the holder may terminate the written authorization or allow the written authorization to expire by its terms. If the written authorization is terminated, the holder is not entitled to receive any reimbursement from the Department for any compensation or other fees paid by the holder to the Department under the written authorization prior to expiration or termination.

(9) All references in these rules to "state-owned submerged and submersible land" include state-owned submerged lands or submersible lands or both.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0265

### Types of Uses and Required Authorizations

(1) All uses of, and structures occupying state-owned submerged and submersible land not otherwise exempt from authorization under these rules, require prior written authorization from the Department pursuant to these rules.

(2) Uses and structures requiring leases include, but are not limited to:

- (a) Aquaculture facilities;
- (b) Marine industrial/marine service uses;
- (c) Floating homes, floating home moorages, and other dwellings;
- (d) Fish or other processing facilities, sea water desalination and mineral extraction facilities;

(e) Log raft, log storage or log booming areas;

(f) Historical vessel moorages;

(g) Commercial and non-commercial marinas;

(h) Multi-family docks not qualifying for registration;

(i) Non-marine uses (for example, restaurants, warehouses, offices, motels, etc.);

(j) Individual non-commercial docks/floats, boathouses, and floating recreational cabins not qualifying for registration or public facility license;

(k) Commercial, industrial or residential uses;

(l) Water taxi, cruise ship and tour boat moorages;

(m) Ownership-oriented facilities; and

(n) Other similar uses and structures not exempted by statute or these administrative rules, and determined by the Director to be subject to lease.

(3) Uses and structures requiring a registration are:

(a) Non-commercial structures including docks/floats, multi-family docks, boat lifts, and/or boat houses of 2,500 square feet or less; measurement excludes calculation of associated gangways, pilings, dolphins, mooring buoys, protective and shear booms and boat ramps;

(b) Floating recreational cabins of 1,500 square feet or less; measurement excludes calculation of associated, pilings, dolphins, recreational use mooring buoys, and protective booms;

(c) Water sport structures unless authorized by the Oregon State Marine Board in compliance with OAR 250-010-0097 (Application for Special Use Device Permits);

(d) Rip-rap, pilings, dolphins, and private boat ramps;

(e) Structures constructed by a drainage or diking district;

(f) Tide gates;

(g) Rights of way established prior to November 1, 1981 for any county road or city street;

(h) Voluntary habitat restoration work; and

(i) Other similar structures or uses determined by the Director to be eligible for registration.

(4) Uses and structures that are eligible for a public facility license are publicly-owned, operated and maintained:

(a) Boat ramps/landings;

(b) Viewing structures;

(c) Fishing piers;

(d) Recreational boating, transient docks/floats;

(e) Structures, piers, docks/floats owned, operated by, or under contract to a government agency as long as they are in active service and used exclusively by the government agency to perform the function of that agency; and

(f) Navigation aids placed by public agencies including approach and landing lights, and radio navigation and landing aids for aviation.

(5) Limited Duration uses are exempt from authorization under these rules.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0270

### Wharf Certification

(1) Any person owning a wharf located on state-owned submerged and submersible lands must certify that the structure is a wharf. The certification of the wharf shall be on a form provided by the Department. There is no fee associated with submission of a wharf certification.

(2) Upon receipt of a wharf certification form, the Department shall review it for completeness. If the structure is a wharf as defined in ORS 780.040 and in these rules, the Department shall issue to the owner a written certification that the structure is a wharf. There is no compensation due the Department for a wharf certification.

(3) In applying the definition of a wharf as set forth in ORS 780.040 and in these rules, the following criteria will apply, where appropriate:

(a) A "government function," as used in this section, is an activity engaged in by federal, state or local government agencies in order to protect the health and safety of the public they serve;

(b) A ship, boat or vessel owned by a federal, state, or local government agency is engaged in a government function if it is exclusively dedicated to the performance of a government function and is either currently engaged in the performance of a government function (such as a ship owned or under contract to a government agency such as the United States Navy, United States Coast Guard, United States Army Corps of Engineers, or a fire, police or sheriff's department), or if not currently engaged in the performance of a government function, is able to be quickly activated to perform the function for which it is dedicated (such as a United States Maritime Administration Ready Reserve Force ship).

(c) A structure used to load and unload passengers from a ship, boat or vessel transporting passengers (such as a passenger ferry, cruise ship, or tour boat) is not a structure engaged in the receipt and discharge of goods or merchandise.

(4) A wharf certification is valid for a term of ten years from the date it is issued. Upon expiration of a wharf certification, the owner thereof must recertify that the structure is a wharf as set forth above.

(5) If the Department does not certify the structure as a wharf, the owner thereof must obtain the appropriate authorization from the Department in compliance with these rules. Unauthorized structures must be removed pursuant to OAR 141-082-0310.

(6) A wharf certified in compliance with these rules may be repaired or replaced without prior notice to the Department. However, the owner of the wharf must notify the Department in writing describing the repair or replacement within 90 calendar days of making such repairs or replacement.

(7) The Department must be notified in writing of any:

# ADMINISTRATIVE RULES

(a) Change in the location, size, or use of the wharf at least 90 calendar days prior to such change;

(b) Change in ownership of the wharf as a result of a sale or conveyance within 90 calendar days of the transfer of ownership.

(c) Change in ownership of the wharf by operation of law resulting from a bankruptcy, foreclosure, estate settlement, or the like within 30 calendar days of the final settlement or decision.

Failure of the owner to notify the Department of a change in the location, size, use, or the ownership of the wharf within the time provided shall result in the automatic termination of the wharf certification.

(8) The Department shall provide a copy of the wharf certification to the appropriate county official in the county where the wharf is located.

(9) If a structure is used in part as a wharf and in part for a use or uses that are subject to authorization under these rules, the owner must obtain the appropriate authorization for such use or uses from the Department in compliance with these rules.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0275

### Application Requirements for a Lease or Public Facility License

(1) Any person wanting to use state-owned submerged and submersible land that is subject to a lease or public facility license must, using a form provided by the Department, apply for and obtain the required authorization prior to using the submerged and submersible land.

(2) All applications for a lease or public facility license must be fully completed and accompanied by a non-refundable fee payable to the Department in the amount of \$750.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0280

### Lease and Public Facility License Application Review Process

(1) Upon receipt of an application for a lease or public facility license to use state-owned submerged and submersible land, the Department shall review it for completeness and to determine if it is for a use that conforms to the provisions of these rules. If the application is complete and the use conforms to the provisions of these rules, the application shall be deemed accepted by the Department.

(2) If an application for a lease or public facility license is determined by the Department to be incomplete, the Department shall notify the applicant of the additional information required. If a rejected application is resubmitted within 120 calendar days from the date the Department returned the application, no additional application fee shall be assessed.

(3) If more than one application for a specific area is received by the Department, the Department shall determine which proposed use best fulfills the general provisions specified in OAR 141-082-0260. The Department shall then accept and proceed with that application and deny the others.

(4) Notwithstanding the provisions of OAR 141-082-0260(6)(a), the Department may accept an application for a use or structure that is not currently allowed under local land use laws, or that requires a conditional use permit from the local government agency, if the applicant is actively pursuing in good faith a change to the local land use laws or a conditional use permit that would enable the use to occur, provided the Department has approved the change under OAR 141-082-0260(7).

(5) The Department may reject an application for a lease or public facility license if:

(a) The applicant's financial status or past business/management practices or experience indicates that they may not:

(A) Be able to fully meet the terms and conditions of a lease or other form of authorization offered by the Department; or

(B) Use the land applied for in a way that meets the provisions of OAR 141-082-0260(2) and (3).

(b) The applicant is in default on any other authorization granted to them by the Department.

(6) Following acceptance of an application for a lease, the Department shall offer a preference right to lease to the eligible party as defined in OAR 141-082-0255(64) and (65), hereafter referred to as the preference right holder. The Department shall take the following steps to offer a preference right:

(a) If the riparian property adjacent to the proposed lease area consists of tax lots having different owners, the Department shall subdivide the requested lease area into smaller parcels by extending lines from the boundaries of, or within the boundaries of the adjacent riparian tax lots, beginning

at the point on which the boundaries intersect with the line of state-ownership perpendicular to the thread of the stream so that there is a separate area offered for each adjacent riparian tax lot under separate ownership.

(b) If the riparian property adjacent to the proposed lease area consists of a single tax lot, or two or more contiguous tax lots owned by the same person, the Department shall extend the boundaries of the single tax lot or combined group of tax lots beginning at the point on which the boundaries intersect with the line of ordinary high water, perpendicular to the thread of the stream creating a single lease area.

(c) For applications to use state-owned submerged and submersible land within a cove or lake, the Department shall apply generally accepted surveying principles to determine the amount of lease area subject to the preference right of an adjacent riparian owner.

(d) Following identification of the preference right holder, or holders, the Department shall provide written notice to each preference right holder that a lease application has been accepted by the Department. Within 30 calendar days from the date of written notice from the Department, each preference right holder must provide the Department written notice of the preference right holder's intent to exercise the preference right to lease the proposed lease area, and submit a new application for a lease to the Department for the use applied for or any other use.

(e) Upon receipt of an application from a preference right holder, the Department shall review it for completeness and to determine if it is for a use that conforms to the provisions of these rules. If the application is complete and the use conforms to the provisions of these rules, the preference right holder's application shall be deemed accepted by the Department.

(f) Upon acceptance of a preference right holder's application, the Department shall process the application as set forth in OAR 141-082-0280(8)-(13), below.

(g) If the preference right holder does not exercise the preference right, or if the preference right holder's application is rejected, or if application is accepted but the preference right holder fails to execute a lease with the Department within 120 calendar days of the date of the preference right holder's notice of intent to the Department to exercise the preference right, the preference right holder shall be deemed to have waived the preference right and the Department shall process the application initiating the offering of the preference right as set forth in OAR 141-082-0280(7)-(13), below.

(7) If the preference right holder waives the preference right, the Department shall put the lease out for competitive bid pursuant to the requirements of ORS 274.040, and in accordance with the following process:

(a) The Department shall prepare and publish an advertisement for bids. The minimum bid amount shall be set by the Department.

(b) A bidder may bid on the use applied for in the application initiating the offering of the preference right or any other use that conforms to the provisions of these rules and that requires an annual lease compensation rate equal to or greater than the minimum bid amount. The highest bidder shall be awarded the right to lease, subject to compliance with the provisions of these rules.

(c) Following the closing of bids, the Department shall provide written notice to the highest bidder of the award and of the right to enter into a lease with the Department. Within 30 calendar days from the date of written notice from the Department, the person notified must provide the Department written notice of the bidder's intent to enter into a lease for the proposed lease area, submit a new application for a lease for the use that was the subject of the bid, and submit a bid deposit in a sum equal to one-half of the annual lease compensation for the use that was the subject of the bid. The purpose of the bid deposit is to ensure the bidder enters into a lease with the Department.

(d) Upon receipt of the application, the Department shall review it for completeness and to determine if it is for a use that conforms to the provisions of these rules. If the application is complete and the use conforms to the provisions of these rules, the application shall be deemed accepted by the Department. Upon acceptance of the application, the Department shall process the application as set forth in OAR 141-082-0280(8)-(13), below.

(e) If the bidder awarded the right to lease does not exercise the right to lease, or if the bidder's application is rejected, or if the application is accepted but the bidder fails to execute a lease with the Department within 120 calendar days of the date of the bidder's notice of intent to the Department to exercise the right to lease, the right to lease shall be deemed to have been waived. If bidder's right to lease is waived, the bidder's bid deposit will be forfeited to the Department and the Department shall offer the right to enter into a lease to the next highest bidder according to the procedures set forth in OAR 141-082-0280(7)(c).

# ADMINISTRATIVE RULES

(f) If the bidder enters into a lease with the Department, the amount of the bid deposit shall be applied to the first annual lease compensation payment.

(8) Except as provided in OAR 141-082-0280(10), the Department shall notify the appropriate city or county planning department, pertinent state and federal agencies, federally recognized tribal governments, ports and all lessees and adjacent riparian property owners (as available from the local county assessor's office records) of the application and request review and comment. The Department may require the applicant to respond to comments where applicable.

(9) The Department may provide notice of an application and opportunity to comment at a local government building, public library, or other appropriate locations in order to ensure that minority and low-income communities are included and aware of a proposed use. The Department shall make paper copies of an application available to any person upon request.

(10) The Department shall not request review and comment on an application to obtain a lease or public facility license as provided in OAR 141-082-0280(8) if the use or structure:

- (a) Has already received the necessary city or county approvals;
- (b) Has been subjected to public comment during a prior circulation, and

(c) Has not changed in terms of the size of the authorized area or use of that area since the time those approvals were given.

(11) Based on the evaluation of the application and the comments received, the Department shall:

- (a) Approve the application and continue to process the lease or public facility license;
- (b) Require that the applicant modify and resubmit the application; or
- (c) Deny the application.

(12) The Authorized Area shall include all state-owned submerged and submersible lands not available for public trust uses including the area between moorage slips, boat wells and all gangways; except those uses qualifying as a registration.

(13) In the event the Department cannot readily determine the limits/boundaries of the authorized area requested from the description provided by the applicant or, if in the judgment of the Department, a dispute may arise concerning the description, the Department may require the applicant to have a survey of the requested area conducted by a licensed professional engineer or surveyor. The applicant will be responsible for any costs of the survey.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 274  
Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0285

### General Lease and Public Facility License Conditions and Form

(1) The Department shall only offer a standard form of lease or public facility license that has been approved by the Department of Justice.

(2) Subject to the terms of an existing lease or public facility license or as otherwise agreed by the Department, the applicant shall have ninety (90) calendar days from the date of offer to execute a lease or public facility license with the Department. The Department may revoke the offer after ninety days, at which time the applicant may re-apply for the proposed use in accordance with OAR 141-082-0275(3). Unless otherwise approved by the Director, the initial term for a lease or public facility license for state-owned submerged and submersible land shall not exceed 15 years. The length of the initial term for a lease or public facility license shall be determined by the Department and shall be based on:

- (a) Whether the proposed use is reasonably expected to exist for the time period requested by the applicant;
- (b) Requirements imposed by financial institutions as a condition of project financing; and
- (c) The general provisions contained in these rules.

(4) The Department may include in a lease or public facility license, the right of the holder of a lease or public facility license to renew the authorization for an additional term not to exceed 15 years, subject to the requirements of OAR 141-082-0290.

(5) The Department may require an applicant or holder of a lease to obtain a surety bond or other form of financial assurance acceptable to the Department to ensure that the lessee will perform in accordance with all terms and conditions of the lease. The surety bond amount shall be determined by the Department and shall be reasonable and within generally accepted business practices. A certificate of deposit in an amount equal to the amount required for a surety bond and that names the State of Oregon as co-owner may be substituted in lieu of a bond.

(6) State-owned submerged and submersible land shall remain open to Public Trust Uses.

(a) Notwithstanding the provisions of OAR 141-088, a holder may close all or a portion of the authorized area to Public Trust Uses, or restrict Public Trust Uses within all or a portion of the authorized area, provided the closure or restriction is:

(A) Reasonably necessary to protect persons and property from harm arising from holder's authorized use of the submerged and submersible land;

- (B) Limited in duration; and
- (C) Limited in scope.

(b) If the proposed closure or restriction is wholly or partially within the navigation channel of the waterway as established by the United States Coast Guard, or is located in such a way as to increase traffic in or otherwise impact use of the navigation channel, holder shall consult with the United States Coast Guard and the Oregon Marine Board prior to implementing the closure or restriction. Holder shall comply with all requirements imposed by the United States Coast Guard and the Oregon Marine Board.

(c) The holder must provide written notice to the Department no less than fourteen (14) days prior to the implementation of any closure or restriction. The written notice must identify the need for, the scope of, and the duration of the closure or restriction, and must certify that holder has consulted with the United States Coast Guard and the Oregon Marine Board regarding the closure or restriction, if required under OAR 141-082-0285(6)(b).

(d) The Department, in its sole discretion, may at any time require holder to terminate or modify the closure or restriction. The Department, in its sole discretion, may at any time require the closure or restriction to be established pursuant to OAR 141-088.

(7) The holder may restrict public use of holder-owned property or structures authorized under a lease or public facility license.

(8) The Department or its authorized representative(s) shall have the right to enter into and upon the authorized area at any time for the purposes of inspection or management.

(9) The holder shall not encumber the rights held under a Waterway Use Authorization, nor mortgage or grant a security interest in the holder's interest in the Waterway Use Authorization without prior written consent of the Department. Written consent shall be applied for on a form provided by the Department.

(10) The holder shall pay a non-refundable fee of \$375 for each request for DSL's approval of a consent agreement.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 274  
Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0290

### Lease and Public Facility License Renewal

(1) Notwithstanding any provisions in the lease or public facility license to the contrary, the holder of a lease or public facility license containing a right to renew, shall exercise the right to renew as set forth below.

(2) The holder of a lease or public facility license shall exercise the right to renew not less than 90 calendar days prior to the expiration of the then current term of the lease or public facility license. If the holder of a lease or public facility license fails to renew within the time required, the lease or public facility license shall terminate at the expiration of the current term.

(3) To exercise the right to renew, the holder of a lease or public facility license must submit to the Department:

(a) A written statement, on a form provided by the Department:

- (A) Notifying the Department of the holder's intent to renew;
- (B) Certifying that the uses or structures that are the subject of the lease or public facility license are consistent with local, state, or federal law; and
- (C) Certifying that the existing uses and structures are consistent with those authorized under the lease or public facility license.

(b) A non-refundable renewal fee of \$375 payable to the Department if;

- (A) No changes in size or use have been made within the leasehold area, and
- (B) The application was received within 90 days of expiration of the lease

(c) If changes in use or size have been made within the leasehold area, then a non-refundable \$750 application fee is required.

(4) Upon receipt of the written statement and renewal fee, the Department shall determine, in its sole discretion, whether:

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(a) The right to renew was exercised not less than 90 calendar days prior to the expiration of the then current term of the lease or public facility license;

(b) The lessee or licensee has fully complied with the terms of their authorization, the applicable statutes, or Oregon Administrative Rules; and

(c) The holder of the lease or public facility license has fully complied with any other authorization granted to them by the Department.

(5) If the Department determines that the renewal complies with the requirements of OAR 141-082-0290(4), the Department shall provide written notice to the holder that the lease or public facility license has been renewed for the additional term stated in the notice. As a condition of renewal, the Department shall have the right to require amendment to the terms and conditions of the lease at the time of renewal. If the lease or public facility license contains a provision requiring that the annual compensation be re-determined on renewal, the written notice from the Department shall include the new annual compensation rate.

(6) If the Department determines that the renewal does not comply with the requirements of OAR 141-082-0290(4), the Department shall provide written notice to the holder that the lease or public facility license shall not be renewed. In that event, the lease or public facility license shall terminate at the expiration of the current term.

(7) If the lease or public facility license does not contain a right to renew, the holder of the lease or public facility license may apply for a new lease or public facility license as provided in these rules.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0295

### Lease and Public Facility License Modifications for Size and Use

(1) Change in Use: The holder of a lease or public facility license may not change the authorized use without prior written authorization from the Department. The holder shall submit an application to the Department that includes certification indicating that the proposed change is consistent with local, state, or federal law. The holder shall submit an application to the Department on a form provided by the Department together with an application fee of \$750.

(2) Reconfiguration of existing Uses and Structures: The holder of a lease or public facility license may change the internal arrangement of the uses or structures within an authorized area without prior written authorization from the Department. However, the holder must provide the Department written notice of the change no less than 90 days after the change. The written notice to the Department must include a drawing with dimensions and photographs documenting the change.

(3) Increase in area: The holder of a lease or public facility license may not increase the authorized area without prior written authorization from the Department. The holder shall submit an application to the Department that includes certification indicating that the proposed expansion is consistent with local, state, or federal law. The holder shall submit an application to the Department on a form provided by the Department together with an application fee of \$750.

(4) Decrease in area: The holder of a lease or public facility license may reduce the size of the authorized area without prior written authorization from the Department. However, the holder must provide the Department written notice of the reduction in the size of the authorized area, and an administrative fee of \$375, no less than 90 days after the change. The written notice to the Department must include a drawing with dimensions and photographs documenting the change.

(5) The Department will process and review all applications for changes of the authorized use or for an increase in the authorized area under a lease or public facility license in the same manner as a new lease or public facility license application as specified in these rules.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0300

### Subleasing and Assignment of Leases and Public Facility Licenses

#### (1) Subleasing

(a) The holder of a lease may not sublease any portion of the authorized area without the prior written consent of the Department, unless subleasing is specifically permitted under the lease or by these rules. The Department may terminate a lease where any portion of the authorized area has been sublet without the Department's written consent.

(b) Notwithstanding any provisions in the lease to the contrary, the holder of a lease shall comply with the process set forth below in subleas-

ing any portion of an authorized area where Department's consent is required by the lease or by these rules. In order to sublease any portion of an authorized area where the Department's consent is required, the holder must submit an application to the Department, on a form provided by the Department, together with a copy of the proposed sublease for review and approval and a non-refundable application fee of \$750 payable to the Department. The application, proposed sublease, and application fee must be submitted to the Department no less than 60 calendar days prior to the date of the proposed subletting.

(c) The holder of a lease may grant a sublease to another person without prior consent of the Department when:

(A) The lease specifically authorizes subleasing without the Department's prior written consent, or

(B) The sublease authorizes use of less than the entire authorized area and the use allowed under the sublease is included in the authorized use of the lease (for example, the rental of boat slips).

#### (2) Assignment of a Lease:

(a) The holder of a lease shall not assign the lease without the prior written consent of the Department, unless assignment without the Department's consent is specifically permitted under the lease or by these rules.

(b) Notwithstanding any provisions in the lease to the contrary, the holder of a lease shall comply with the process set forth below in assigning the lease where the Department's consent to assignment is required by the lease or by these rules. In order to assign a lease where the Department's consent is required by the lease or by these rules, the holder of a lease must submit an application to the Department, on a form provided by the Department, together with a non-refundable application fee of \$750 payable to the Department. The application and application fee must be submitted to the Department no less than 60 calendar days prior to the date of the proposed assignment.

(c) The Department may reject an application for assignment of a lease if the Department determines, in its sole discretion, that:

(A) The proposed assignee's financial status or past business/management practices or experience indicates that they may not be able to fully meet the terms and conditions of a lease;

(B) The proposed assignee is in default on any other authorization granted to them by the Department.

(d) If the application for assignment is approved by the Department, the Department shall prepare an assignment form for the signature of the lessee, the proposed assignee, and the Department. The assignment shall be effective on the date of signature by all parties.

(e) As part of the consideration for the Department's consent to the assignment, the Department shall have the right to require amendment to the terms and conditions of the lease prior to the assignment.

(f) Lessee shall remain liable for the performance of all obligations under the lease following assignment, unless the Department consents, in its sole discretion and in writing, to release lessee from liability.

(g) To assign a lease to a spouse or child on the death of the holder, the spouse or child must submit an application to the Department, on a form provided by the Department. There is no application fee associated with the assignment of a lease to the holder's spouse or child on the death of the holder.

#### (3) Assignment of a Public Facility License

(a) The holder of a public facility license shall not assign the public facility license without the prior written consent of the Department, unless assignment without the Department's consent is specifically permitted under the public facility license or by these rules.

(b) In order to assign a public facility license where Department's consent is required by the public facility license or by these rules, the holder of a public facility license must submit an application to the Department, on a form provided by the Department.

(c) There is no application fee required for an assignment of a public facility license to another public agency.

(d) If the application for assignment is approved by the Department, the Department shall prepare an assignment form for the signature of the licensee, the proposed assignee, and the Department. The assignment shall be effective on the date of signature by all parties.

(e) As part of the consideration for the Department's consent to the assignment, the Department shall have the right to require amendment to the terms and conditions of the license prior to the assignment.

(f) Licensee shall remain liable for the performance of all obligations under the license following assignment, unless the Department consents, in its sole discretion and in writing, to release licensee from liability.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274

# ADMINISTRATIVE RULES

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0305

### Lease Compensation Formulas, Methods and Annual Lease Compensation Adjustments

(1) The Department has established three methods to determine the compensation owed for the use of state-owned submerged and submersible land. For some uses, more than one method is available.

(2) The three methods are termed the:

(a) "Flat Rate Method" (which is determined by multiplying the number of square feet of an area requested, or that has been authorized, by a specific rate unique to the use).

(b) "Riparian Land Value Rate Method" (which is based on a percent of the assessed value of the upland adjacent to the area which has been requested, or that has been authorized).

(c) "Percent of Gross Method" (which is based on the percent of the actual annual gross income received by the lessee from using the area that has been requested, or that has been authorized).

(3) Regardless of which method (OAR 141-082-0305(2)(a), (b) or (c)) is used, under no circumstances shall the compensation owed be less than the base minimum rate, set forth in OAR 141-082-0305(6).

(4) For many use classifications, an applicant has the option of choosing among the above three methods to determine the compensation owed for their use of state-owned submerged and submersible land. Under the circumstances identified in OAR 141-082-0305(7), the Department shall choose the method to be used to determine the compensation owed to the Department for a use of state-owned submerged and submersible land.

(5) Once an applicant or the Department has selected a method of determining compensation, that method shall remain in effect for the entire term of the lease unless there is a change in the use.

(6) The base minimum annual compensation for any lease shall be the greater of:

(a) \$0.0085 per square foot times the lease area or four hundred and six dollars (\$406) which is rate in effect in July 2017. The base minimum annual compensation rates shall be increased by three percent each year on July 1st; or

(b) The annual compensation resulting from a competitive bid award.

(7) In the event the lessee and the Department cannot agree on the method of calculating the annual compensation or any aspect of the method to be used, the annual compensation owed by the lessee shall be determined by the Department using the flat rate method which shall remain in effect until such time as the a new rate is implemented at the next lease anniversary date. If, during the term of the lease, the lessee and the Department reach agreement on the method of compensation, the new lease rate shall be implemented on the next lease anniversary date.

(8) The annual compensation for individual non-commercial docks, boat houses, and floating recreational cabins not eligible for registration and that are not contained within marinas or moorages shall be calculated based on the area encompassed by the perimeter of the structures, excluding gangways, protective booms, pilings, and dolphins.

(9) The following eight use classifications and related lease compensation formulas described in OAR 141-082-0305(9)(a) through (h) shall be used to establish annual lease compensation payments or minimum bid, whichever is applicable, subject to the base minimum annual lease compensation payment established in OAR 141-082-0305(6). For the riparian land value method described below, utility, railroad or publicly-owned land shall not be used for establishing the assessed or appraised value [AV] unless the assessed value is readily available and reflective of comparable similarly situated tax lots. If not, the assessed or appraised value [AV] of privately owned comparable tax lots shall be substituted. In cases where the adjacent riparian tax lot is less than 100 feet deep, the Department shall assume the adjacent riparian tax lot has a depth of 100 feet and calculate the assessed or appraised value [AV] based on this derived area.

#### Formula Factors:

AV = Assessed value or appraised value (as defined in OAR 141-082-0255(8) and (10) of these rules) whichever is less except as stated in OAR 141-082-0305(14) and (15).

LA = Authorized lease area in square feet of state-owned submerged and submersible land.

AC = Annual compensatory payment

#### Uses and Compensation Determination Methodologies:

(a) Commercial marinas and docks, and commercial floating home moorages. The annual lease compensation payment calculation is the lesser of the:

(A) Flat rate method of \$0.0298 per square foot (which shall increase each year on July 1st by three percent) x LA; or

(B) Three percent of actual annual gross income; or

(C) Riparian land value method of AV x LA x five percent = AC.

(b) Non-commercial marinas and docks. The annual lease compensation payment calculation is the lesser of the:

(A) Flat rate method of \$0.0298 per square foot (which shall increase each year on July 1st by three percent) x LA; or

(B) Riparian land value method of AV x LA x five percent = AC.

(c) Non-commercial floating home moorages including those operated by ownership-oriented organizations. The annual lease compensation calculation is the lesser of the:

(A) Flat rate method of \$0.0298 per square foot (which shall increase each year on July 1st by three percent) x LA; or

(B) Riparian land value method of AV x LA x five percent = AC.

(d) Individual floating homes and similar structures and uses. The annual lease compensation calculation is the lesser of the:

(A) Flat rate method of \$0.0298 per square foot (which shall increase each year on July 1st by three percent) x LA; or

(B) Riparian land value method of AV x LA x five percent = AC.

(e) Historical vessels or structures not eligible for registration. The annual lease compensation is \$348 (which shall increase each year on July 1st by three percent) per structure or combination of structures at a single location or facility.

(f) Log boom areas, log raft storage areas. The annual lease compensation calculation is the lesser of the:

(A) Flat rate method of \$0.0148 per square foot (which shall increase each year on July 1st by three percent) x LA; or

(B) Riparian land value method of AV x LA x five percent = AC.

(g) Marine industrial and marine service commercial uses/structures.

The annual compensation payment calculation is the lesser of the:

(A) Flat rate method of \$0.5109 per square foot (which shall increase each year on July 1st by three percent) x LA; or

(B) Riparian land value method of AV x LA x five percent = AC.

(h) Non-Marine Uses. The annual compensation payment calculation is the lesser of the:

(A) Flat rate method of \$0.5967 per square foot (which shall increase each year on July 1st by three percent) x LA; or

(B) Riparian land value method of AV x LA x five percent = AC.

(10) The above described flat rate method factors (OAR 141-082-0305(9)(a) through (h)) are those in effect in July 2017. Each flat rate method factor shall be increased by three percent every year on July 1st. Annual lease compensation shall be billed on the basis of the adjustments described in OAR 141-082-0305(9). For any newly executed lease, the applicable flat rate that shall be applied is that which is in effect at the time of the execution of the lease. The annual compensatory payment for executed leases shall also be adjusted/redetermined annually on each lease anniversary date by increasing the annual lease compensation payment by three percent. This annual compensatory payment adjustment/redetermination for executed leases shall not apply to those calculated based on actual annual gross income.

(11) Compensation rates for each use within each authorized area shall be calculated by the Department on a square foot basis of state-owned submerged and submersible land as applicable for each use classification (for example, non-commercial marina), and based on the lessee's choice of rate calculation methods except as noted in OAR 141-082-0305(7) above. More than one use (known as a mixed use) may be permitted by the Department within an authorized area. Compensation rates shall be calculated for each use area based on the most applicable use classification, as specified in OAR 141-082-0305(9)(a) through (h), and added together to derive the total annual compensation payment or minimum bid for the entire leasehold. Compensation for each use classification is subject to the base annual minimum compensation as specified in OAR 141-082-0305(6).

(12) Documentation supporting the annual reporting statement submitted to the Department by a lessee must be available upon request by the Department if the lessee reports annual compensation based on three percent of actual annual gross income.

(13) The Department shall notify lessees in writing of the new annual compensatory payment not less than 60 calendar days in advance of the lessee's lease anniversary date.

(14) In calculating the initial annual compensatory payment using the riparian land value method, a lessee or lease applicants may substitute an appraised value of the adjacent riparian tax lot or as determined by the Department, a comparable tax lot. The Department reserves the right to evaluate, review, and challenge the appraisal. If required, the appraisal shall be conducted at the lessee or lease applicant's expense and prepared by a state-certified appraiser. The Department shall provide instructions to the

# ADMINISTRATIVE RULES

appraiser prior to conducting the appraisal. In the event of a dispute between the Department and the lessee or lease applicant, the value shall be determined through the three-appraiser method specified in ORS 274.929(3).

(15) If in the process of using the riparian land value method for calculating the initial annual compensation payment, the AV is found to be artificially depressed due to the presence of hazardous materials or some other extenuating circumstance(s) as determined by the Department, another comparable upland tax lot shall be selected by the Department as the basis for calculating the initial annual lease compensatory payment.

(16) The Director reserves the right to establish a rate of compensation due to the Department for all other structures and uses that do not fit into any of the above categories, or which are unique. However, the rate of compensation shall not be less than the base minimum annual compensatory payment as defined by OAR 141-082-0305(6).

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0310

### Removal of Unauthorized Structures

(1) The Department is authorized to seize a structure on, under or over state-owned submerged or submersible lands, if;

(a) The Department determines, after providing notice and opportunity for a hearing, that the structure is an abandoned structure or a derelict structure; and

(b) The owner of the structure has failed to correct the problems identified in the notice within 20 days or a longer reasonable time as specified in the notice or within any additional time that may be granted by the department.

(2)(a) The notice required under subsection (1) of this section must be delivered by certified mail, return receipt requested, to any person with an interest in the structure or the land upon which the structure is located, as determined by the Department after diligent investigation. "Diligent investigation" shall include the following:

(A) A search of the county real property records to identify the record owner of the submerged or submersible lands where the structure is located, and the record owner of the adjacent upland.

(B) Additional investigation warranted by the circumstances.

(b) The notice required under subsection (1) of this section must:

(A) Be delivered to the record owner of the submerged or submersible lands where the structure is located, if the record owner is not the State of Oregon.

(B) Be delivered to the record owner of the adjacent upland.

(C) Identify, with specificity, the Department's proprietary interest in and jurisdiction over the state-owned submerged or submersible lands where the structure is located. If the record owner of the submerged or submersible lands is not the State of Oregon, identify the Department's basis for asserting State ownership of the submerged or submersible lands, and state that the recipient has the right to contest the State's claim of ownership.

(3) The Department shall contact the property owner(s) who own riparian land that is adjacent to where the abandoned or derelict structure is located.

(4) Any person with an interest in the structure must, within 20 days of service of the notice, either;

(a) Provide written notice to the Department of their intent to authorize or remove the structure, or,

(b) Request a hearing. The notice must be on a form provided by the Department.

(5) If a person with an interest in the structure wants to obtain an authorization from the Department, the owner of the structure must submit a complete application within 30-days of service of the notice.

(a) Submission of an application under this section does not ensure that an authorization would be issued.

(b) If an application is submitted, the Department may not seize the structure while the application is under review.

(6) If a person with an interest wishes to remove the structure, that person must do so within 90 days of notice, or as otherwise agreed to by the Department.

(7) If a person with an interest in the structure wants to challenge the actions proposed in the notice, the person may request a hearing.

(a) The hearing request must be received by the Department within 20 days of service of the notice.

(b) The request must indicate if the person contends that the structure is not abandoned or derelict, or indicate such other specific grounds on which seizure is challenged

(c) Upon receipt of a request for a hearing, the Department shall suspend further action to seize the structure until the Director issues the Department's Final Order.

(8) Upon receipt of a request for a hearing, the Department shall process the hearing request as follows:

(a) The Department shall refer the matter to the Office of Administrative Hearings for a contested case hearing.

(b) The Administrative Law Judge shall issue a proposed order, making a recommendation for the Department's Final Order.

(9) After the hearing:

(a) The Director shall issue a Final Order, which is an order in a contested case and is subject to review under ORS 183.482.

(b) If the Department determines after a hearing that seizure of the structure is not warranted under the law, the Department shall immediately release custody of the structure to the owner who requested the hearing and may not charge the owner any costs incurred by the Department in removal, salvage, storage or disposal of the structure.

(c) If the Department determines after a hearing that seizure of the structure is warranted, the Department may seize the structure and remove, salvage or dispose of it, as the Department deems appropriate.

(d) The Department shall mail a written statement of the Department's Final Order to all persons who requested a hearing under this section.

(10) If the owner fails to either; (a) submit an application for an authorization, (b) remove the structure or (c) request a hearing within the time allowed in the notice, the Department's Notice shall become a Final Order by Default and the Department may immediately seize the abandoned or derelict structure. The Department may remove, salvage, store or dispose of any structure seized under this section.

(11) Nothing in these rules affects the ability of the Department to:

(a) Investigate and prosecute trespasses on and damage to state lands under ORS 273.185; or

(b) Immediately seize without notice a structure that presents a hazard to navigation or an imminent threat to public health or safety.

(12) If the Department seizes a structure without notice under this subsection and the Department decides to salvage or dispose of the structure, the Department shall provide notice as provided for in OAR 141-082-0310(2).

(13) The owner of an abandoned or derelict structure is liable to the Department for all costs arising out of removal, salvage, storage and disposal of a structure seized under this rule. However, an owner of a structure whose only interest in the structure is a security interest is not liable for costs arising out of the removal, salvage, storage or disposal of a structure under these rules. Any order imposing liability for the costs is an order other than a contested case and is subject to review under ORS 183.484.

(14) If the Department sells a structure seized under this rule, the liability imposed upon the owner shall be reduced by the net proceeds of the sale.

(15) For removal or seizure of abandoned and derelict vessels, the Department shall follow the process outlined in ORS 830.908 through 830.944.

Stat. Auth.: ORS 183, 273, 274

Stats. Implemented: ORS 274

Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0311

### Submerged Lands Enhancement Fund

(1) The Submerged Lands Enhancement Fund (fund) is a fund established in the State Treasury separate from the General Fund. Interest earned by the Submerged

Lands Enhancement Fund shall be credited to the fund. Moneys out of the fund are intended to be used to enhance, improve or protect state-owned submerged and submersible lands.

(2) The fund shall consist of:

(a) Moneys recovered by the Department for payments made from the fund from the owner of an abandoned or derelict structure.

(b) Up to 20 percent of the revenue collected by the Department per biennium pursuant to the Department's granting of leases, easements, registrations, and other permissions to use or occupy state-owned submerged or submersible lands.

(3) Moneys in the Submerged Lands Enhancement Fund may be used to pay the expenses of the Department associated with management and enhancement activities on state-owned submerged and submersible lands, including but not limited to:

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- (a) Removal, salvage, storage and disposal of abandoned or derelict structures;
- (b) Removal and disposal of marine debris;
- (c) Assistance with the salvage, towing, storage and disposal of abandoned or derelict vessels pursuant to ORS 830.908 to 830.944.
- (d) Engagement in activities to improve water quality, watershed enhancement and fish and wildlife habitat on submerged and submersible lands.
- (4) The Department shall select and prioritize projects for funding using an application review team consistent with requirements specified in this rule.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 274  
Hist.: DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0312

### Grant Eligibility

Eligibility Requirements: The Department may use moneys in the fund to provide funding to the following entities to assist the Department in completing any of the management or enhancement activities on state owned submerged or submersible land provided for in subsection (3) above:

- (1) State agency,
- (2) County,
- (3) City,
- (4) Water improvement district,
- (5) Watershed council,
- (6) Park and recreation district,
- (7) Port district,
- (8) Federal recognized Indian tribe, or
- (9) Non-profit organization.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 274  
Hist.: DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0313

### Application Process

Application Requirements:

- (1) Depending on availability of funds, the Department shall periodically solicit applications for requesting moneys from the Submerged Lands Enhancement fund for eligible activities.
- (2) Entities are limited to those identified in OAR 141-082-0312. Applications must be submitted to the Department consistent with these rules and by the deadline established by the Department.
- (3) Applications for funding shall be submitted using forms provided by the Department and provide the following information:
  - (a) Applicant name and contact information.
  - (b) Participating partners, if any.
  - (c) Project name.
  - (d) Detailed description of purpose and need for project.
  - (e) Relevancy to protect Public Trust Values (recreation, commerce, fisheries and navigation).
  - (f) Project location.
  - (g) Local jurisdiction approval.
  - (h) Project schedule including times of project beginning and completion.

- (i) Amount of funding requested.
- (j) Itemized budget.
- (k) Confirmation of contributing match.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 274  
Hist.: DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0314

### Application Review and Project Evaluation

- (1) The Department shall use an application review team to assist in the review and evaluation of eligible projects, prioritize funding requests and recommend funding allocation. Members of the review team may include, but are not limited to:
  - (a) Oregon Department of Fish and Wildlife,
  - (b) Oregon Department of Environmental Quality
  - (c) Oregon Marine Board
  - (d) Non-Profit Organization
- (2) The application review team shall make funding recommendations to the Director based on the following criteria:
  - (a) Significance of benefit to state owned land.
  - (b) Protection or enhancement of Public Trust Values.
  - (c) Capacity of applicant to perform the work.

- (d) Likelihood of project success.
- (e) Ability to meet match obligation.
- (3) Limitations of Use of Submerged Lands Enhancement Funds;
  - (a) Activities associated with compensatory mitigation requirements shall not be funded.
  - (b) 25% match is required for projects not initiated by the Department (may be in-kind or cash).
  - (c) Activities must be associated with management or enhancement of state-owned submerged or submersible lands consistent with these rules.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 274  
Hist.: DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0315

### Civil Penalties

(1) The unauthorized use of state-owned land managed by the Department constitutes a trespass.

(2) In addition to any other penalty or sanction provided by law, the Director may assess a civil penalty of not less than \$50 per day, and not more than \$1,000 per day of violation of any provision of these rules or ORS 274 that occurs on state-owned submerged and submersible lands pursuant to ORS 274.992.

(3) The Director shall give written notice of a civil penalty incurred under OAR 141-082-0315(2) by registered or certified mail to the person incurring the penalty. The notice shall include, but not be limited to the following:

- (a) The particular section of the statute, rule, or written authorization involved;
- (b) A short and clear statement of the matter asserted or charged;
- (c) A statement of the party's right to request a hearing within 20 calendar days of the date of service of the notice;
- (d) The time allowed to correct a violation; and
- (e) A statement of the amount of civil penalty which may be assessed and terms and conditions of payment if the violation is not corrected within the time period stated.

(4) The person incurring the penalty may request a hearing within 20 calendar days of the date of service of the notice provided in OAR 141-082-0315(3). Such a request must be in writing. If no written request for a hearing is made within the time allowed, or if the party requesting a hearing fails to appear, the Director may make a final order imposing the penalty.

(5) The amount of a civil penalty shall not be less than \$50 per day, or more than \$1,000 per day for violation of an authorization issued under ORS 274.992 or violation of any administrative rule adopted under ORS 274.

(6) In imposing a penalty under OAR 141-082-0315 of these rules, the Director shall consider the following factors as specified in ORS 274.994:

- (a) The past history of the person incurring a penalty with regard to other trespasses on state-owned land managed by the Department and the willingness of the person to take all feasible steps or procedures necessary or appropriate to correct any violation;
- (b) Any prior violations of statutes, rules, orders and authorizations pertaining to submerged and submersible lands;
- (c) The impact of the violation on public trust uses of commerce, navigation, fishing and recreation; and
- (d) Any other factors determined by the Director to be relevant and consistent with the policy of these rules.

(7) Pursuant to ORS 183.745(2), a civil penalty imposed under OAR 141-082-0315 shall become due and payable 10 calendar days after the order imposing the civil penalty becomes final by operation of law or on appeal.

(8) If a civil penalty is not paid as required by OAR 141-082-0315(7), interest shall accrue at the maximum rate allowed by law.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 274  
Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0320

### Registration of Structures and Uses

(1) Structures and uses subject to registration under this section are set forth in OAR 141-082-0265(3).

(2) The Director may determine that other structures and uses similar to those specified in OAR 141-082-0265(3) are also subject to registration and the rules governing registrable structures and uses. If the Director determines that a structure or use is registrable, s/he shall assign an appropriate fee.

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(3) A person who fails to apply for and obtain a registration, or who fails to renew an expired registration, for a structure or use subject to a registration under these rules is in trespass and subject to the civil penalties provided in OAR 141-082-0315.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 274  
Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0325

### Registration Requirements and Provisions

(1) All persons:

(a) Owning or placing structures on, or using state-owned submerged and submersible land in a way that is subject to registration under these rules must register the structure or use with the Department.

(b) Changing the location of a registered structure or use must notify the Department in writing 90 calendar days prior to such placement, or change in location.

(c) Making any modifications, including a change in size of the registered structure or a change in the registered use must notify the Department 90 calendar days prior to making such a modification.

(2) Except as provided in OAR 141-082-0325(3), an applicant for a registration must use a form provided by the Department and submit a registration form for all registrable structures or uses.

(3) A single registration form may be used to apply for a registration for all dikes, rip-rap, tide gates, erosion control barriers and other structures that occupy state-owned submerged and submersible land if they are located within:

(a) The jurisdiction of, and actively maintained by a diking or drainage district, or

(b) Contiguous parcels owned by the same person and maintained by that person.

(4) Except as provided in OAR 141-082-0335(2), each registration must be accompanied by a fee payment in the amount indicated in OAR 141-082-0335 of these rules.

(5) The Department shall not issue a registration where the Department determines that the use or structure:

(a) Will unreasonably interfere with the public's right to use the waterway and state-owned submerged and submersible land for fishing, navigation, commerce, and recreation;

(b) Will not comply with all applicable local, state, and federal laws including the local comprehensive plan and zoning requirements.

(6) Prior to issuance of a registration to use or occupy state-owned submerged and submersible land for the uses described in OAR 141-082-0265(3) (e), (f), (g) and (h) of these rules, the applicant, as a condition of their authorization and as required by ORS 274.043(6), must indemnify and hold harmless the State of Oregon from all liability and claims arising from or attributable to the use or occupation. The applicant's obligation to indemnify and hold harmless the State of Oregon from all liability and claims arising from or attributable to the use or occupation must be in writing on a form provided by the Department.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 274  
Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0330

### Registration Terms and Conditions

(1) A registration issued by the Department shall be for a term of five years for all structures and uses.

(2) Unless otherwise prohibited by law, any registered structure or use in compliance with these rules may be repaired or replaced in a manner consistent with the requirements of OAR 141-082-0325, and remain authorized under the original registration issued by the Department. However, any person making such repairs to a structure that changes its use or the area it occupies, or who replaces a structure entirely, must notify the Department in writing within 90 calendar days of making such repairs or replacement as a condition of the registration.

(3) The Department must be notified in writing of any:

(a) Change in the location or size of a registered structure or use 90 calendar days prior to such change;

(b) Change in ownership of a registered structure or use as a result of a sale or conveyance within 90 calendar days of the transfer of ownership.

(c) Change in ownership by operation of law resulting from a bankruptcy, foreclosure, estate settlement, or the like within 30 calendar days of the final settlement or decision. Failure to notify the Department of a change in the location, size, or the ownership of, a registered structure or use within the time provided shall result in the automatic termination of the registration.

(4) Registrations for privately-owned structures and uses subject to registration must be renewed every five years. An owner who fails to renew an expired registration for a structure or use subject to a registration under these rules is in trespass and subject to the civil penalties provided in OAR 141-082-0315.

(5) The Department may condition a registration to ensure compliance with law or these rules. The Department may modify the conditions of a registration, or terminate a registration, if during the term of the registration the Department determined that the structures or uses do not comply with law or these rules.

(6) The Department shall provide a copy of the registration to the appropriate county official in the county where the registered structure is located.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 274  
Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0335

### Fees

(1) Except as provided in OAR 141-082-0335(2), the fee for a registration is as follows:

(a) \$250 on and after January 1, 2017 for a dock/float or boat house 1,000 square feet or less in size (measurement excludes calculation of associated gangways, dolphins, pilings and protective booms); and any boat ramp not associated with another authorized waterway structure.

(b) \$500 on and after January 1, 2017 for a dock/float or boat house from 1,001 square feet to 2,000 square feet in size (measurement excludes calculation of associated gangways, dolphins, pilings and protective booms).

(c) \$600 on and after January 1, 2017 for a dock/float or boat house from 2,001 square feet to 2,500 square feet in size. Measurement excludes calculation of associated gangways, dolphins, pilings and protective booms.

(d) \$700 on and after January 1, 2017 for a floating recreational cabin. Measurement excludes calculation of pilings, dolphins, mooring buoys, and protective booms.

(e) \$250 on and after January 1, 2017 for a water sport structure, pilings, or a boat ramp not associated with another authorized waterway structure.

(2) No fee or other compensation is required for registering or renewing a registration for the following uses or structures:

(a) Erosion control structures, Rip-rap and tide gates.

(b) Structures maintained by a diking or drainage district.

(c) Rights of way established prior to November 1, 1981 for any county road or city street.

(d) Voluntary habitat restoration work.

(3) The fee for structures or uses not listed above that are subject to registration under these rules as determined by the Director under OAR 141-082-0265(3)(i) shall be determined on a case by case basis and be not less than \$250.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 274  
Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17

## 141-082-0340

### Appeals

(1) An applicant for an authorization, or any other person adversely affected by a decision by the Department concerning an authorization, closure of, or restriction to the use of state-owned submerged and submersible land may appeal the decision to the Director.

(a) Such an appeal must be received by the Director no later than 30 calendar days after the delivery of the decision.

(b) The Director shall decide the appeal within 60 calendar days after the date of delivery of the appeal.

(c) The Director may affirm the decision, issue a new or modified decision, or request the appellant to submit additional information to support the appeal.

(2) When an applicant for an authorization to use state-owned submerged and submersible land or any other person adversely affected by a decision of the Department concerning an authorization has exhausted the appeal process before the Director, s/he may submit an appeal for a contested case hearing pursuant to ORS 183.413 through 183.470.

Stat. Auth.: ORS 183, 273, 274  
Stats. Implemented: ORS 274  
Hist.: DSL 5-2012, f. 10-16-12, cert. ef. 1-1-13; DSL 5-2016, f. 11-3-16, cert. ef. 1-1-17



# ADMINISTRATIVE RULES

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

**Rule Caption:** Class C Third Party Testing Program Pilot - Purpose  
**Adm. Order No.:** DMV 6-2016(Temp)  
**Filed with Sec. of State:** 10-19-2016  
**Certified to be Effective:** 10-31-16 thru 4-28-17  
**Notice Publication Date:**  
**Rules Amended:** 735-061-0210  
**Subject:** DMV wants to continue a pilot for a Class C Third Party Testing Program and OAR 735-061-0210 contains a specific ending date.  
**Rules Coordinator:** Lauri Kunze—(503) 986-3171

### 735-061-0210 Purpose

(1) The purpose of these rules, OAR 735-061-0210 through 735-061-0390 is to establish criteria by which a third party testing business is authorized to have its examiners give a drive test to a Class C driver license applicant on behalf of DMV.

(2) The rules are written under the authority of ORS 802.600 allowing the department to enter into an agreement with a person who is not an employee of the department to transact a function on behalf of the department.

(3) These rules are adopted to establish a pilot program. The pilot program will continue for as long as necessary for DMV to establish a permanent program or to determine that DMV no longer wants to operate a Third Party Class C non-commercial program, if such a program is not administratively viable or that operating the program is not in the best interests of public safety.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 802.600  
Stats. Implemented: ORS 802.600  
Hist.: DMV 11-2014, f. 10-28-14, cert. ef. 11-1-14; DMV 1-2016, f. & cert. ef. 4-29-16; DMV 6-2016(Temp), f. 10-19-16, cert. ef. 10-31-16 thru 4-28-17

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**Rule Caption:** Renewal of Driver Licenses and Identification Cards  
**Adm. Order No.:** DMV 7-2016(Temp)  
**Filed with Sec. of State:** 10-19-2016  
**Certified to be Effective:** 10-19-16 thru 4-16-17  
**Notice Publication Date:**  
**Rules Amended:** 735-062-0090

**Subject:** OAR 735-062-0090 currently allows a person to renew a driver license or identification card 14 months prior to expiration. DMV established the 14-month time period in 2010 to allow flexibility for persons who may work or travel out-of-state for extended periods to have a reasonable amount of time to appear in person for a renewal of a driver license or identification card. DMV now proposes to reduce that to 12-months to comply with federal regulations regarding the issuance of a CDL.

**Rules Coordinator:** Lauri Kunze—(503) 986-3171

### 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 12 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  
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; DMV 7-2016(Temp), f. & cert. ef. 10-19-16 thru 4-16-17

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## Employment Relations Board Chapter 115

**Rule Caption:** Amends Division 10 to improve readability, allow email filing, and update Board policies and procedures.

**Adm. Order No.:** ERB 1-2016

**Filed with Sec. of State:** 11-9-2016

**Certified to be Effective:** 2-1-17

**Notice Publication Date:** 7-1-2016

**Rules Adopted:** 115-010-0033, 115-010-0103

**Rules Amended:** 115-010-0000, 115-010-0005, 115-010-0010, 115-010-0012, 115-010-0020, 115-010-0025, 115-010-0032, 115-010-0035, 115-010-0040, 115-010-0043, 115-010-0045, 115-010-0050, 115-010-0055, 115-010-0060, 115-010-0065, 115-010-0068, 115-010-0070, 115-010-0075, 115-010-0077, 115-010-0080, 115-010-0085, 115-010-0090, 115-010-0095, 115-010-0100, 115-010-0110  
**Rules Repealed:** 115-010-0015, 115-010-0030, 115-010-0105, 115-010-0115

**Subject:** Amend-115-010-0010, for improved clarity and to consolidate definitions from other Divisions and update the procedure for the Board's mailing list regarding proposed rules.

Repeal-115-010-0015, which repeats information from ORS 240.065 and 240.

Amend-115-010-0020, 0025, and 0032, to update Board public meetings and public records rules.

Repeal-115-010-0030, which repeats information from ORS 243.766(4).

Adopt-115-010-0033, to allow for email filing and stating general rule for service and proof of service.

# ADMINISTRATIVE RULES

Amend-115-010-0035, 0040, 0043, 0045, 0050, 0055, 0060, 0065, 0068, 0070, 0075, 0077, 0080, and 0085 to correct, clarify and consolidate Board's general rules, including rules for contested cases.

Amend-115-010-0090, to allow for cross-objections, and to set forth the Board's practice regarding recommended orders with no objections.

Amend-115-010-0095, to clarify rules on Board review and set page limit for any written argument in lieu of oral argument and for any memorandum in aid of oral argument.

Amend-115-010-0100, to provide procedure for petitions for reconsideration or rehearing.

Adopt-115-010-0103, to provide procedure for amicus curiae briefs.

Repeal-115-010-0105, which concerns service of documents, because new proposed OAR 115-010-0033 provides rules regarding service of documents.

Amend-115-010-0110, to clarify rules regarding ex parte communications

Repeal-115-010-0115, which concerns facsimile filings, because new proposed OAR 115-010-0033 provides rules regarding those filings.

**Rules Coordinator:** April Bathurst—(503) 378-3808

## 115-010-0000

### Purpose of Rules

The purpose of these rules is to implement and give effect to the provisions of state law in achieving the following objectives:

(1) To provide uniform procedures to resolve questions of representation, unit clarification and deauthorization.

(2) To remedy statutorily defined unfair labor practices.

(3) To render assistance to employers and employee organizations in resolving their differences without resort to strikes, lockouts or other forms of conflict.

(4) To foster and protect a merit system of personnel administration in state government.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 240 & 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0005

### Statutory Authority for Rules

These rules are adopted under the authority provided by ORS 240.086(3) and 243.766(7).

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 240 & 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 2-2014, f. 8-20-14, cert. ef. 9-3-14; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0010

### Definition of Terms

As used in these rules, unless the context requires otherwise:

(1) "Appeal" means any request for review of a personnel action under ORS ch 240.

(2) "Appellant" means a person who requests review of a personnel action under ORS ch 240.

(3) "Appointing Authority" is defined in ORS 240.015.

(4) "Board" means the Employment Relations Board.

(5) "Board Agent" means any employee designated by the Board to act on its behalf.

(6) "Business day" means Monday through Friday, but does not include any holiday as defined by ORS 187.010 and ORS 189.020, or any day that the Board is closed.

(7) "Class" or "Classification" is defined in ORS 240.015(4).

(8) "Complainant" means a party who has filed an unfair labor practice complaint or a complaint alleging a violation of ORS 240.309.

(9) "Conciliator" means the head of the State Conciliation Service.

(10) "Date of Filing" means the date received by the Board. A document received after 5 p.m. is considered to be filed on the following business day.

(11) "Date of Service" means the date sent to another party or the date of personal service.

(12) "Day" means calendar day unless otherwise specified.

(13) "Demotion," for purposes of action brought under ORS ch 240, means the voluntary or involuntary movement of an employee from a posi-

tion in one classification to a position in another classification having a lower salary range number.

(14) "Management Service" is defined in ORS 240.212.

(15) "Party" is any person, labor organization or employer filing a petition, complaint, charge or State Personnel Relations Law appeal with the Board; any person, labor organization or employer named as a party in a petition, complaint, charge or State Personnel Relations System appeal, or any other person, labor organization or employer whose timely motion to intervene has been granted. Where applicable, "party" also is a person, labor organization or employer under Division 40 of these rules.

(16) "Personnel Action," for purposes of appeals brought under ORS ch 240, means any action taken with reference to an applicant, employee or position.

(17) "Petitioner" means a party who files a petition with the Board.

(18) "Recommended Order" means the Order of an Administrative Law Judge or Board Agent consisting of proposed rulings on motions and evidentiary matters, findings of fact, conclusions of law, and a recommended order.

(19) "Regular Employee" means an employee who has been appointed to a position in the state service in accordance with state law after successfully completing a trial service period or who has been otherwise granted regular status through specific provisions of law.

(20) "Respondent" means a party who is required to respond to a complaint, petition, charge, or appeal.

(21) "Showing of interest" means the evidence of support that a petitioner must show in a proposed bargaining unit before its petition will be acted on. The showing may be made by original authorization cards or petitions, both of which must include a statement of a desire by affected employees to be represented by the petitioner for purposes of collective bargaining and that must be signed and dated by employees in the proposed unit during the 180 days preceding the filing of the petition; by dues records or payroll deduction records showing the employees to be current members of a petitioning organization; or, by an existing or the most recently expired bargaining agreement applicable to the bargaining unit, to which the petitioning organization was a party. A showing of interest in support of objections to a petition for certification without an election shall comply with OAR 115-025-0075.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 240 & 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 4-1985, f. 10-29-85, ef. 10-31-85; ERB 3-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0012

### Computation of Time

Unless otherwise specifically provided in these rules, time will be computed by excluding the first day and including the last day unless the last day falls upon a legal holiday, Saturday, or a day when the office is closed before the end of or all of the normal workday, in which case the last day also is excluded.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 240 & 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 2-2011(Temp), f. 8-25-11, cert. ef. 9-1-11 thru 12-31-11; ERB 4-2011, f. 12-28-11, cert. ef. 12-29-11; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0020

### Board Meetings and Contested Case Hearings

Ordinarily, contested case hearings shall be open to the public. When circumstances warrant, the Board may close contested case hearings. The Board shall meet at such times and places as specified by the chair or at the request of two members of the Board. Advance notice of the time and place of each meeting shall be given to each Board member. Two members shall constitute a quorum.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 192.610 - 192.690, 240.080

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 3-1998, f. & cert. ef. 1-26-98; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0025

### Record of Public Meetings

Any minutes of Board public meetings and proceedings shall be approved by the Board.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 240, 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0032

### Board Public Records

(1) Inspection. Any record of the Board that is defined as a public record under ORS 192.410 to 192.505, and that is not exempt from disclo-

# ADMINISTRATIVE RULES

sure, shall be available for inspection by members of the public at the office of the Board, in Salem, Oregon. All requests for inspection or copies of Board public records must be made in writing. Inspection of such records will be permitted:

(a) During normal work hours of the Board; and

(b) At reasonable times, provided there is no undue disruption of the work of the Board or its agents.

(2) Custodians and Certification:

(a) The Board's Business Operations Administrator is designated as the custodian of Board public records.

(b) The custodian shall certify, upon request, released copies of Board public records as true copies.

(3) The Board may assess a fee to provide public records. The requesting party must agree to pay the fee before the records will be made available. The amount of the fee will be the actual cost to locate, compile, make available for inspection, prepare copies (whether in paper, audio, microfilm, machine readable format, or other format), and deliver the public records.

(4) The actual cost described in section (3) of this rule include:

(a) \$1.50 per page for copies of any Board transcript or document of public record that is certified as a true copy;

(b) \$0.25 cents per page for copies of documents that are not certified, including paper, electronic, or facsimile copies;

(c) \$15 for a copy of the first compact disk (CD) recording of a hearing and \$10 for each subsequent CD;

(d) \$15 for a computer disk containing copies of Board forms;

(e) \$150 per calendar year to receive copies of final Board Orders once a month; and

(f) \$150 per calendar year to receive a copy of arbitration awards.

(5) No fees will be charged to state agencies for providing copies of Board transcripts, tapes, Orders or any document or exhibit included in a case record that is not exempt from disclosure.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 192

Hist.: ERB 4-1980, f. 8-15-80, ef. 8-18-80; ERB 4-1985, f. 10-29-85, ef. 10-31-85; ERB 1-1988, f. & cert. ef. 4-25-88; ERB 2-1989, f. 11-28-89, cert. ef. 12-4-89; ERB 2-1993, f. & cert. ef. 12-15-93; ERB 3-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 3-1998, f. & cert. ef. 1-26-98; ERB 3-2007, f. 12-17-07, cert. ef. 12-26-07; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0033

### Filings and Service of Documents

(1)(a) Any document required or allowed to be filed with the Board or served on a party may be filed or served by mail, email, facsimile (fax) or in person. The Board shall post on its website the street address for personal delivery, the mailing address for filing by mail, the telephone number for filing by fax, and the email address (or other method) to be used for electronic filing.

(b) A complaint or answer will not be considered filed until the filing fees required by ORS 243.672(3) have been paid.

(c) The Board will charge \$25 for each facsimile filing.

(d) Documents received after 5 p.m. shall be deemed filed with the Board the next business day.

(2) Unless otherwise stated in these rules or directed by the Board or Board Agent, all documents filed with the Board shall be served on the named parties or a representative of record and shall include proof of service.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 240 & 243

Hist.: ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0035

### Use of Board Agents

The Board may assign a Board Agent to hold any hearing that the Board is authorized to hold. Typically, the Board will assign an Administrative Law Judge (ALJ) as the Board Agent to conduct hearings and issue Recommended Orders.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 240 & 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0040

### Time, Place, and Notice of Hearings

(1) The Board Agent shall set the time and place for hearing and serve a notice of hearing containing such information on all interested parties at least ten days before the hearing date, unless otherwise agreed to by the parties.

(2) The notice is not a part of the hearing record, and any party wishing to rely on a notice as an exhibit shall make an appropriate submission at the hearing.

(3) Notice for Hearings on Representation Petitions under Division 25. When a valid petition has been filed and objections or intervening petitions have been timely filed, the hearing generally will be held within 21 days after the objection period ends. In addition to the requirements of subsection (1) of this section, the notice shall include:

(a) a description of any proposed bargaining unit(s) that may be involved; and

(b) any objector(s) or intervenor(s).

(4) Notice for Hearings on Complaints under Division 35. The hearing will be set within 20 days from the date of service of the complaint, unless both parties agree to a later date, and the Board Agent approves.

(5) Postponements. Postponement requests are subject to the approval of the Board or Board Agent, who may also postpone a scheduled hearing, subject to the time restrictions of section (4) of this rule. In determining whether to grant a postponement request, the Board or Board Agent will consider the promptness of the request. Any postponement request shall state:

(a) the reason for the request; and

(b) whether the other party agrees, objects, or has no objection to the request.

(6) Consolidation or Severance of Cases. The Board or Board Agent may consolidate or sever cases or charges for purposes of conducting a hearing or issuing a Recommended Order.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 240 & 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0043

### Hearings by Electronic Devices

(1) The Board or Board Agent has the discretion to conduct a hearing or portion of a hearing by an electronic device, such as telephone, video, and Internet devices.

(2) A party seeking to have a hearing or to offer evidence by an electronic device shall make the request at least ten days before the scheduled hearing date. Less notice may be allowed, if the Board or Board Agent determines that there is good cause for the late notice.

(3) In determining whether to grant a request that all or part of a hearing be conducted by an electronic device, the Board or Board Agent shall consider the circumstances of the particular case including:

(a) The amount of notice given;

(b) The availability of equipment;

(c) The length of hearing;

(d) The amount of documentary evidence to be utilized during the proposed testimony;

(e) The number and location of witnesses;

(f) The degree to which witness credibility is at issue;

(g) The hardship on the parties or witnesses;

(h) Any objections of an opposing party; and

(i) The cost to the Board.

(4) The Board may conduct oral argument, under OAR 115-010-0095, or conduct other business through hearings held by an electronic device.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1982, f. & ef. 1-19-82; ERB 2-1993, f. & cert. ef. 12-15-93; ERB 1-2000, f. & cert. ef. 12-1-00; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0045

### Motions

(1)(a) A request for any ruling, order, or other relief may be made by filing a typewritten motion. The motion need not be in any particular form.

(b) Motions to Intervene. Any motion to intervene must be filed with the Board or Board Agent at least seven days before the hearing. The motion shall state the grounds on which the motion should be granted. The decision to grant or deny the motion rests within the discretion of the Board or Board Agent. A filing fee of \$300 must be paid by the intervenor when the motion is filed. The motion will not be considered filed until the fee is paid.

(2) Before filing any motion, other than a dispositive motion (e.g., a motion to dismiss), the moving party shall make a good-faith effort to confer with the non-moving party to seek resolution of the matter. The motion must describe all efforts and the result of the effort.

(3) Any response to a motion must be filed within 14 days of the date the motion is served, unless another date is set by the Board or Board Agent.

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(4) A reply from the moving party to the response is allowed only when requested or authorized by the Board or Board Agent.

(5) Motions made at hearing may be stated orally on the record, and shall briefly identify the grounds for the motion and the order or relief sought.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 240, 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 2-2014, f. 8-20-14, cert. ef. 9-3-14; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0050

### Rules of Evidence

Except for hearings conducted under the rules for Divisions 60 and 70, the following rules of evidence apply:

(1) Evidence of a type commonly relied on by reasonably prudent persons in conduct of their serious affairs shall be admissible.

(2) Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

(3) All offered evidence, not objected to, may be received by the Board or Board Agent subject to the Board or Board Agent's discretion to exclude irrelevant, immaterial or unduly repetitious matter.

(4) Evidence objected to may be received by the Board Agent with rulings on its admissibility or exclusion to be made at the time a Recommended Order is issued.

(5) Rights of Party not Answering or Failing to Specifically Deny an Allegation. If the respondent fails to file a timely answer, it will not be allowed to present evidence at the hearing as to the facts alleged, unless it can establish good cause. Respondent will be restricted to making legal arguments.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 240 & 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0055

### Subpoenas

(1) A subpoena for the attendance of witnesses or for the production of records or other documents may be issued by an attorney of record in the manner and form prescribed by ORS 183.440.

(2) On its own motion, the Board or Board Agent may issue such a subpoena.

(3) The Board or Board Agent generally will not issue a subpoena on a party's request, unless the party is not represented by an attorney or the party establishes that it is necessary for the Board to issue the subpoena on the party's behalf.

(4) Subpoenaed witnesses shall receive fees and mileage as prescribed by ORS 44.415 for witnesses in civil proceedings. The fees and mileage shall be paid by the person that asks for the subpoena to be issued.

(5) All subpoenas shall be served within a reasonable time before the hearing or date designated for the production of records or documents.

(6) Any party desiring to contest a subpoena issued in any hearing of the Board may do so by filing a motion to quash.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 240 & 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-1982, f. & ef. 1-19-82; ERB 4-1985, f. 10-29-85, ef. 10-31-85; ERB 1-1988, f. & cert. ef. 4-25-88; ERB 1-2000, f. & cert. ef. 12-1-00; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0060

### Witnesses

(1) All testimony to be considered at a hearing, except matters officially noticed or entered by stipulation, shall be sworn or affirmed.

(2) Refusal of a witness to answer any question ruled to be proper shall, in the discretion of the Board or Board Agent, be grounds for excluding the witness or striking any or all testimony given by the witness.

(3) A party may not call the opposing party's representative as a witness, unless it shows that such testimony is necessary and will not be cumulative or repetitive. Notice of intention to call the opposing party's representative as a witness, together with a supporting affidavit, must be filed with the Board no later than 14 days before the hearing date.

(4) Subsection (3) of this rule does not apply to a party appearing pro se.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 240 & 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-1994, f. 6-23-94, cert. ef. 7-1-94; ERB 2-1998, f. & cert. ef. 1-26-98; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0065

### Depositions

The Board or Board Agent may order the taking of depositions for perpetuation of testimony. A request for deposition to perpetuate testimony shall be filed with the Board in a timely manner so that, if ordered, it can be taken in sufficient time to be prepared for use in any hearing scheduled on a complaint or petition, unless all parties agree to a continuance to accomplish same. The request shall set forth the name and address of the witness, materiality of testimony, reasons why perpetuation of such testimony is required, and specify the time that the deposition will be completed. The request shall ask for an order that the testimony of such witness be taken at no expense to the Board, before an officer authorized to administer oaths under state law, and shall set forth the name of such officer, and the time and place for said deposition.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 240 & 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 3-1998, f. & cert. ef. 1-26-98; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0068

### Prehearing Procedures

(1) The Board or Board Agent may convene prehearing conferences with the parties' representatives for the purpose of:

(a) Scheduling hearing dates, witnesses for hearing and further prehearing conferences;

(b) Disposing of pending motions;

(c) Formulating and simplifying issues;

(d) Discussing settlement of any or all of the issues;

(e) Avoiding submission of unnecessary or cumulative exhibits or other evidence;

(f) Stipulating to facts;

(g) Discussing the need for any special hearing procedures; and

(h) Discussing any other matters that may assist in the disposition of the matter.

(2) At the discretion of the Board or Board Agent, the prehearing conference may be held by telephone or in person and may be recorded.

(3) Each party shall provide a witness list to the other parties and the Board Agent. Each party shall also provide an exhibit list and exhibits to any other party. These documents must be received no later than seven days before the scheduled hearing, unless the Board Agent directs otherwise.

(4) A party that fails to comply with prehearing requirements set forth in the rule or ordered by the Board or Board Agent shall be denied the right to offer such evidence or make argument regarding such matter at the hearing unless good cause is shown.

(5) The Board or Board Agent may rule before hearing on one or more of the claims or defenses, or a portion of any claim or defense, asserted in a complaint or answer. The Board or Board Agent may defer issuing a proposed order on any such prehearing ruling until after a hearing is held and a Recommended Order is issued on remaining claims or defenses.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 240 & 243

Hist.: ERB 2-1993, f. & cert. ef. 12-15-93; ERB 2-2014, f. 8-20-14, cert. ef. 9-3-14; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0070

### Conduct of Hearings

(1)(a) The Board or Board Agent will open the hearing with a brief introduction of parties and issues.

(b) Parties shall enter appearances at the beginning of the hearing.

(c) Parties may make opening statements.

(d) Parties may present evidence in support of their respective positions. Parties shall be allowed to cross-examine witnesses and object to offered evidence.

(e) A party may make oral or written closing argument.

(2) Conference During Hearing. In any proceeding, the Board or Board Agent may call a conference. The results of such conference shall be stated on the record.

(3) Stipulation as to Facts. The parties to any proceeding or investigation may, by stipulation and subject to approval by the Board or Board Agent, agree on any fact. A stipulation shall be binding on the parties and may be regarded and used as evidence at hearing.

(4) Continuances. The Board or Board Agent may continue a hearing. The date of a continued hearing may be fixed at the time of the initial hearing or by later written notice to the parties.

(5) Burden of Proof:

(a) Representation, clarification and unit redesignation hearings are investigatory. Their purpose is to develop a full factual record. There is no

# ADMINISTRATIVE RULES

burden of proof. The Board or Board Agent shall determine the order of presentation of evidence and may examine witnesses, require the production of documents and call witnesses not called by the parties.

(b) Unfair labor practice complaint hearings are adversarial. The complainant has the burden of proof and the burden of going forward with the evidence. The respondent has the burden of proving affirmative defenses, if any.

(c) In a hearing on an appeal from a disciplinary action under ORS 240.555 or ORS 240.570(3), the respondent shall have the burden of proof and the burden of going forward with the evidence. The appellant shall have the burden of proving affirmative defenses. In all other ORS ch 240 cases, the appellant shall have the burden of proof and the burden of going forward with the evidence, and the respondent shall have the burden of proving affirmative defenses.

(6) Exhibits:

(a) A party intending to offer exhibits shall, where practicable, have them marked for identification and presented to any opposing party and the Board or Board Agent in a prehearing conference with the Board or Board Agent before the opening of any hearing.

(b) A party offering an exhibit shall provide two copies to the Board or Board Agent and a copy to any opposing party before seeking its admission into evidence. A failure to comply with this subparagraph shall result in the exhibit not being admitted, unless good cause is shown.

(c) A party seeking to offer an object other than a document shall provide a photograph of that object, which will be received in lieu of the object. A copy of the photograph must be provided to any other party.

(d) A party relying on voluminous or bulky documents shall provide the Board or Board Agent and any other party with written excerpts of matters therein that are being relied on.

(e) A party wishing to submit a transcript of an audio recording as an exhibit must also submit a notarized statement from the transcriptionist that the document is a verbatim transcript of the audio recording. A copy of the audio recording and transcript must be provided to the opposing party no less than 14 days before the first day of hearing.

(7) If a party chooses to have a certified transcript of the hearing prepared, the Board will be provided, at no charge, with a certified copy of such transcript.

Stat. Auth.: ORS 240.086(3), 243.766(7)  
Stats. Implemented: ORS 240 & 243  
Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 4-1980, f. 8-15-80, ef. 8-18-80; ERB 4-1985, f. 10-29-85, ef. 10-31-85; ERB 1-1988, f. & cert. 4-25-88; ERB 1-1991, f. 11-21-91, cert. ef. 12-1-91; ERB 2-1998, f. & cert. ef. 1-26-98; ERB 2-2014, f. 8-20-14, cert. ef. 9-3-14; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0075

### Conduct at Hearing

All parties to hearings, their counsel, and spectators shall conduct themselves in a respectful manner. Failure to comply with the Board Agent's effort to retain order is grounds for removal from the hearing.

Stat. Auth.: ORS 240.086(3), 243.766(7)  
Stats. Implemented: ORS 240 & 243  
Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0077

### Briefs

(1) Briefs must be captioned with the Board case title and number, and must be typewritten or printed with double spacing on letter-sized paper.

(2) Briefs must substantially comply with the following format:

(a) Brief statement of pertinent facts;

(b) Statement and discussion of disputed issues supported by available precedent; and

(c) Concise summary of reasons for granting requested relief.

(3) Briefs shall not exceed 30 pages, unless expressly permitted by the Board or Board Agent.

(4) Once the Board Agent establishes a brief filing date, parties must ask the Board Agent for an extension of time. Parties must provide the Board Agent with any other party's position to the extension request. An opposed extension request will be granted only for good cause.

(5) The Board or Board Agent may disregard any brief (or portion of a brief) that fails to comply with this rule.

(6) Reply briefs will not be accepted, unless expressly permitted by the Board or Board Agent.

Stat. Auth.: ORS 240.086(3), 243.766(7)  
Stats. Implemented: ORS 240 & 243  
Hist.: ERB 4-1980, f. 8-15-80, ef. 8-18-80; ERB 4-1985, f. 10-29-85, ef. 10-31-85; ERB 2-1998, f. & cert. ef. 1-26-98; ERB 2-2014, f. 8-20-14, cert. ef. 9-3-14; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0080

### Board Employees as Witnesses

A Board employee may not be called and may not appear as a witness in a case before the Board, without approval of the Board.

Stat. Auth.: ORS 240.086(3), 243.766(7)  
Stats. Implemented: ORS 240 & 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0085

### Recommended Order

Unless a majority of the Board hears the case or considers the entire record, the Board Agent shall issue a Recommended Order and serve a copy on each party.

Stat. Auth.: ORS 240.086(3), 243.766(7)  
Stats. Implemented: ORS 240 & 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 4-1985, f. 10-29-85, ef. 10-31-85; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0090

### Objections to Board Agent's Recommended Order

(1) The parties shall have 14 days from the date of service of a Recommended Order to file specific written objections with the Board. Upon good cause shown, the Board may extend the time for filing objections.

(2) If one party has filed objections as set forth in subsection (1), but the other party has not, the party that has not objected may file cross-objections within 7 days of the service of the objections.

(3) If a party fails to comply with subsections (1) and (2) of this rule, then any objections or cross-objections shall be deemed invalid and disregarded by the Board in making a final determination in the case.

(4) If no objections are timely filed, then the Board shall adopt the Recommended Order as the Final Order.

(5) Where the Board adopts a Recommended Order under section (4) of this rule, that Final Order is precedential unless the Board determines to make some or all of that Final Order non precedential.

Stat. Auth.: ORS 240.086(3), 243.766(7)  
Stats. Implemented: ORS 240 & 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0095

### Board Review

(1) If timely objections are filed, parties will be given an opportunity to present oral argument to the Board. If a party desires to submit written argument in lieu of oral argument, it must be filed with the Board at least five days before the date set for argument. The written argument shall be typewritten, double-spaced on letter-sized paper, and no more than 30 pages, unless the Board approves a greater page limit.

(2) When oral argument is provided, a party may submit a written memorandum in aid of oral argument. Any such written memorandum must be filed with the Board at least five days before the date set for oral argument. Any memorandum shall be typewritten, double-spaced on letter sized paper, and no more than 25 pages, unless the Board approves a greater page limit. The Board may strike any memorandum in aid of oral argument that does not comply with these rules.

Stat. Auth.: ORS 240.086(3), 243.766(7)  
Stats. Implemented: ORS 240 & 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0100

### Petitions for Reconsideration or Rehearing

(1) A party has 14 days from the date of service of a Board order to petition for reconsideration or rehearing. Any petition for reconsideration or rehearing must specifically state the ground(s) for the petition.

(2) Petition for Rehearing.

(a) A petition for rehearing asks the Board to return the matter to the ALJ for the purpose of submitting additional evidence.

(b) A petition for rehearing shall be granted only if the petitioner establishes that the petitioner would be unduly prejudiced if the petition was denied. If the basis for the petition is based on previously unavailable evidence, the petitioner must establish that the evidence could not reasonably have been discovered and produced at the hearing.

(3) Petition for Reconsideration.

(a) A petition for reconsideration asks the Board to reconsider a ruling, finding of fact, or conclusion of law in a Final Order.

(b) In a case where a Final Order is issued without a Recommended Order, the Board shall generally grant a party's request for reconsideration and grant oral argument.

(c) In a case where a Final Order is issued following a Recommended Order, a petition for reconsideration should be limited to:

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- (A) A claim of factual error;
  - (B) A claim that there has been a change in the statutes or case law since the issuance of the Final Order that affects the case; or
  - (C) A claim that the Board erred in construing or applying the law. A claim addressing legal and factual issues already argued and addressed in the Final Order is disfavored.
- Stat. Auth.: ORS 240.086(3), 243.766(7)  
Stats. Implemented: ORS 240 & 243  
Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 2-1998, f. & cert. ef. 1-26-98; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0103 Amicus Curiae

- (1) The Board will accept amicus curiae briefs that are received by the Board (and served on all parties) within 21 days after objections to the Recommended Order are filed with the Board, or, when an appellate court has remanded the matter to the Board, within 14 days of the appellate judgment. The Board may extend the filing date at its discretion.
  - (2) An amicus brief must be typewritten with double spacing on letter-sized paper and no more than 20 pages.
  - (3) Amicus curiae shall not be allowed to orally argue the case, unless authorized by the Board.
  - (4) The Board, at its discretion, may invite the filing of amicus curiae briefs. In such circumstances, the Board will set a briefing schedule.
- Stat. Auth.: ORS 240.086(3), 243.766(7)  
Stats. Implemented: ORS 240 & 243  
Hist.: ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-010-0110 Ex Parte Communications

- (1) An ex parte communication is an oral or written communication to a Board member or Board Agent concerning a fact at issue in any matter before the Board or Board Agent that is not made in the presence of all parties.
  - (2) If a Board member or Board Agent receives an ex parte communication during the pendency of a matter, the Board member or Board Agent shall:
    - (a) Give all parties notice of the substance of the communication, if oral, or a copy of the communication, if written; and
    - (b) Provide any party that did not make the ex parte communication with an opportunity to respond to the ex parte communication.
  - (3) The mere noting of such ex parte communications in the record will not be considered evidence of the facts in dispute unless otherwise agreed by all parties to the case. The Board or Board Agent shall rely only on the admissible evidence of record in determining the merits of any disputed issue in a case.
  - (4) This rule shall not apply to mediation communications. This rule shall also not apply to matters presented or obtained during preliminary investigation of the petition, complaint, objections, or challenge, made by Board Agents before the service of the notice of hearing in a case, and shall not apply to requests for subpoenas.
- Stat. Auth.: ORS 240.086(3), 243.766(7)  
Stats. Implemented: ORS 240 & 243  
Hist.: ERB 4-1980, f. 8-15-80, ef. 8-18-80; ERB 1-2016, f. 11-9-16, cert. ef. 2-1-17

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**Rule Caption:** Update Division 1 procedural rules regarding proposed rule notice and use of AG Model Rules.

**Adm. Order No.:** ERB 2-2016  
**Filed with Sec. of State:** 11-9-2016  
**Certified to be Effective:** 2-1-17  
**Notice Publication Date:** 7-1-2016

**Rules Amended:** 115-001-0000, 115-001-0005  
**Subject:** Amend 115-001-0000 for improved clarity and to update the procedure for the Board's mailing list regarding proposed rules.  
Amend 115-001-0005 for improved clarity on the Board's rules in relation to the Attorney General's Model Rules of Procedure.  
**Rules Coordinator:** April Bathurst—(503) 378-3808

## 115-001-0000 Notice of Proposed Rule

- (1) Before permanently adopting, amending, or repealing any rule, the Employment Relations Board shall give notice of the intended action:
  - (a) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the rule.
  - (b) By delivering a copy of the notice to persons on the Employment Relations Board's mailing list established pursuant to ORS 183.335(8).

- (c) By delivering a copy of the notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule.
  - (2) The Employment Relations Board may update the mailing list described in subsection (1)(b) of this rule annually by requesting persons to confirm that they wish to remain on the mailing list. If a person does not respond to a request for confirmation within 28 days of the date that the Employment Relations Board sends the request, the Employment Relations Board will remove the person from the mailing list. Any person removed from the mailing list will be immediately returned to the mailing list upon request, provided that the person provides a mailing address or email address to which the notice may be sent.
- Stat. Auth.: ORS 240.086(3) & 243.766(7)  
Stats. Implemented: ORS 183.341(4)  
Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 3-1985, f. 10-29-85, ef. 10-31-85; ERB 2-1993, f. & cert. ef. 12-15-93; ERB 1-1994, f. 6-23-94, cert. ef. 7-1-94; ERB 3-1998, f. & cert. ef. 1-26-98; ERB 2-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-001-0005 Model Rules of the Attorney General

The Employment Relations Board adopts only the Attorney General's Model Rules of Procedure specifically identified in these rules.  
[ED. NOTE: The full text of the Attorney General's Model Rules of Procedures is available from the agency.]  
Stat. Auth.: ORS 183.341, 240.086(3) & 243.766(7)  
Stats. Implemented: ORS 183.341, 240 & 243  
Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 2-1982, f. & ef. 1-21-82; ERB 3-1985, f. 10-29-85, ef. 10-1-85; ERB 1-1994, f. 6-23-94, cert. ef. 7-1-94; ERB 2-2016, f. 11-9-16, cert. ef. 2-1-17

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**Rule Caption:** Amends Division 20 to improve readability of rules regarding local charters/ordinances and the PECBA.

**Adm. Order No.:** ERB 3-2016  
**Filed with Sec. of State:** 11-9-2016  
**Certified to be Effective:** 2-1-17  
**Notice Publication Date:** 7-1-2016  
**Rules Amended:** 115-020-0000  
**Rules Repealed:** 115-020-0005  
**Subject:** Amend 115-020-0000 and

Repeal 115-020-0005 (but consolidate some provisions into 0000) to improve readability of rules regarding local charters and ordinances and the Public Employee Collective Bargaining Act.  
**Rules Coordinator:** April Bathurst—(503) 378-3808

## 115-020-0000 Method of Review

- (1) A determination under ORS 243.772 of whether local charters and ordinances conflict with the rights and duties established in ORS 243.650 through 243.782 will be made by the Board only after reviewing and hearing comments on such charters and ordinances at a public meeting. At least ten days public notice of such a meeting shall be given, setting forth the date, time and place of the meeting and the purpose for which it is called.
  - (2) Anyone may petition the Board for a determination under section (1) of this rule. The petition shall state the name of the local government, the full text of the provision in the local charter or ordinance, and the date that the charter or ordinance was adopted. Upon receipt of such a valid petition, the Board shall conduct a public meeting in accordance with section (1) of this rule.
- Stat. Auth.: ORS 240.086(3) & 243.766(7)  
Stats. Implemented: ORS 183.341, 240 & 243  
Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 3-2016, f. 11-9-16, cert. ef. 2-1-17

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**Rule Caption:** Amends Division 30 to make the rule more concise.

**Adm. Order No.:** ERB 4-2016  
**Filed with Sec. of State:** 11-9-2016  
**Certified to be Effective:** 2-1-17  
**Notice Publication Date:** 7-1-2016  
**Rules Amended:** 115-030-0000

**Subject:** Amend 115-030-0000 to make the rule more clear and concise, including the requirement that public employee petition for deauthorization of a fair share agreement be filed on a form provided by the Board.  
**Rules Coordinator:** April Bathurst—(503) 378-3808

## 115-030-0000 Deauthorization

- (1) Petition.

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(a) A petition to rescind a fair share agreement in the collective bargaining agreement between a public employer and a labor organization may be filed by an employee or group of employees. The petition must be accompanied by a statement signed by 30 percent or more of the employees in the bargaining unit stating that they desire to rescind the fair share agreement. To be valid, signatures must be obtained after the subject collective bargaining agreement is enforceable under ORS 243.672(1)(h) and (2)(e).

(b) The petition must be filed not more than 90 days after the collective bargaining agreement is executed and only one such election shall be conducted in a bargaining unit during the term of a collective bargaining agreement.

(c) The petition shall be filed in writing with the Board on a form provided by the Board.

(d) Upon receipt of the petition, the Board or Board Agent shall serve a copy on the parties disclosed in the petition.

(2) Withdrawal or Dismissal of Petition.

(a) Withdrawal. A petitioner may withdraw its petition with approval of the Board.

(b) Dismissal of Petition. If the Board determines after an investigation that the petition has not been timely or properly filed, it may request the petitioner to withdraw the petition, or in the absence of such withdrawal it may dismiss the petition. In the event of dismissal of the petition for deauthorization, the petitioner may, within 14 days from the date of service of the dismissal, request reconsideration of such action by the Board. This request shall contain a complete statement setting forth the facts and reasons for the request.

(3) Election.

(a) Directed Election. After investigating the petition and determining that 30 percent or more of the employees in the bargaining unit desire to rescind the fair share agreement, the Board shall direct a secret ballot election.

(b) Election Notices. Notices of election shall be furnished by the Board Agent to the public employer for posting. Such notices shall set forth the details and procedures for the election, a definition of eligible voters and the date(s), hour(s), and place(s) of the election and shall contain a sample ballot. The public employer shall promptly post such notices in areas granting maximum access to affected employees.

(c) Eligibility to Vote. Employees eligible to vote in an election will be bargaining unit members employed on the date of the election who were employed on a payroll date specified by the Board. The Board may include as eligible voters other employees who have reasonable expectation of continued employment, including but not limited to, seasonal employees or employees on layoff.

(d) List of Eligible Voters. The public employer shall submit an alphabetical list of eligible voters, their names, home addresses and job classifications to the labor organization(s), petitioner and to the Board at least 20 days before the election.

(e) Election Procedures. To the extent not inconsistent herewith, election procedures provided in these rules for representation elections, including the period for filing objections, shall be applicable. However, nothing in these rules shall be construed to afford the parties a hearing before the election as a matter of right. The Board may, in its discretion, set such a hearing if its investigation reveals that a hearing is necessary under the circumstances of the case;

(f) Post Election Hearings. When objections are filed or where the challenged ballots are sufficient in number to affect the results of the election, the Board shall conduct an investigation and shall, where appropriate, issue a notice of hearing designating a Board Agent to hear the matters alleged and to issue a report and recommendations. The objecting or challenging party shall bear the burden of proof regarding all matters alleged in its objections to the conduct of the election or conduct affecting the results of the election. The findings and recommendations shall be brought before the Board in the manner provided in these rules for all other Board Agent findings and recommendations.

(4) Certification of Results of Election. If no objections are filed within the time set forth above and if any challenged ballots are insufficient in number to affect the results of the election, the Board or its agent shall certify the results of the election to the parties. If a majority of the votes cast in the election do not favor the fair share agreement, the Board shall certify deauthorization. If a majority of the votes cast favor continuation of the fair share agreement, the Board shall so certify.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 7-1985, f. 10-29-85, ef. 10-31-85; ERB 1-1988, f. & cert. ef. 4-25-88; ERB 4-2016, f. 11-9-16, cert. ef. 2-1-17; ERB 4-2016, f. 11-9-16, cert. ef. 2-1-17

**Rule Caption:** Repeals Division 80.

**Adm. Order No.:** ERB 5-2016

**Filed with Sec. of State:** 11-9-2016

**Certified to be Effective:** 2-1-17

**Notice Publication Date:** 7-1-2016

**Rules Repealed:** 115-080-0000, 115-080-0005, 115-080-0010, 115-080-0015

**Subject:** Repeal 115-080-0000, 0005, 0010, and 0015, which implement a repealed statute and contain redundant mediation fee provisions.

**Rules Coordinator:** April Bathurst—(503) 378-3808

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**Rule Caption:** Repeals Division 75 rules.

**Adm. Order No.:** ERB 6-2016

**Filed with Sec. of State:** 11-9-2016

**Certified to be Effective:** 2-1-17

**Notice Publication Date:** 7-1-2016

**Rules Repealed:** 115-075-0000, 115-075-0005

**Subject:** Repeal 115-075-0000, which repeats language from ORS 662.425.

Repeal 115-075-0005, which repeats language from ORS 662.445.

**Rules Coordinator:** April Bathurst—(503) 378-3808

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**Rule Caption:** Amends Division 50 to improve clarity/concision re: State Personnel Relations Law arbitration awards.

**Adm. Order No.:** ERB 7-2016

**Filed with Sec. of State:** 11-9-2016

**Certified to be Effective:** 2-1-17

**Notice Publication Date:** 7-1-2016

**Rules Amended:** 115-050-0001, 115-050-0010, 115-050-0020, 115-050-0030

**Subject:** Amend 115-050-0001, 0010, 0020, and 0030 to improve clarity and concision regarding review and enforcement of State Personnel Relations Law Arbitration Awards.

**Rules Coordinator:** April Bathurst—(503) 378-3808

## 115-050-0001

### Petition for Enforcement

(1) A petition for enforcement of an arbitration award under ORS 240.086(2):

(a) May be filed only after at least 14 days have elapsed since the date of the award;

(b) Need not be filed if the other party has filed timely exceptions to the award under OAR 115-050-0010; and

(c) Must be accompanied by a copy of the award.

(2) The opposing party shall file its response to the petition within 14 days of the date that the petition was filed.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 240

Hist.: ERB 1-1982, f. & ef. 1-19-82; ERB 10-1985, f. 10-29-85, ef. 10-31-85; ERB 7-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-050-0010

### Written Exceptions

(1) A written exception to an arbitration award, pursuant to ORS 240.086(2), must:

(a) be filed with the Board within 14 days of the date of the award;

(b) specify which paragraph(s) of ORS 240.086(2) is (are) claimed as the basis for the exception, with a clear and concise statement of the facts on which the exception is based; and

(c) be accompanied by a copy of the award.

(2) Any response to the exceptions must be filed within 14 days of the date that the exceptions are filed.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 240

Hist.: ERB 1-1982, f. & ef. 1-19-82; ERB 10-1985, f. 10-29-85, ef. 10-31-85; ERB 7-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-050-0020

### Answers to Petitions

Submissions under OAR 115-050-0001 and OAR 115-050-0010 must comply with all other relevant rules regarding filings with the Board.

Stat. Auth.: ORS 240.086(3) & ORS 243.766(7)

# ADMINISTRATIVE RULES

Stats. Implemented: ORS 240  
Hist.: ERB 1-1982, f. & ef. 1-19-82; ERB 10-1985, f. 10-29-85, ef. 10-31-85; ERB 7-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-050-0030

### Hearings on Petitions

(1) If a submission under OAR 115-050-0001 or 115-050-0010 raises an issue of fact or law that warrants a hearing, the Board or Board Agent shall conduct a hearing in accordance with OAR 115-045-0025 and OAR 115-045-0030 (where applicable).

(2) A party that is excepting to an arbitration award or asserting that the award should not be enforced has the burden of proof and the burden of going forward with the evidence.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 240

Hist.: ERB 1-1982, f. & ef. 1-19-82; ERB 10-1985, f. 10-29-85, ef. 10-31-85; ERB 7-2016, f. 11-9-16, cert. ef. 2-1-17

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**Rule Caption:** Amends Division 45 to improve clarity/concision.

**Adm. Order No.:** ERB 8-2016

**Filed with Sec. of State:** 11-9-2016

**Certified to be Effective:** 2-1-17

**Notice Publication Date:** 7-1-2016

**Rules Amended:** 115-045-0000, 115-045-0002, 115-045-0005, 115-045-0010, 115-045-0017, 115-045-0020, 115-045-0021, 115-045-0025, 115-045-0030

**Rules Repealed:** 115-045-0023, 115-045-0035, 115-045-0040

**Subject:** Amend 115-045-0000 and 0002 as part of consolidation of Board's rules and to reflect relocations to other rules.

Amend 115-045-0005, 0010, 0017, 0020, 0021, and 0025 and

Repeal OAR 115-045-0023 to improve clarity and concision of rules regarding appeals and complaints under the State Personnel Relations Law.

Amend 115-045-0030 and

Repeal 115-045-0035 and 0040 regarding hearings and post-hearing procedures for State Personnel Relations Law matters, as part of overall consolidation of the Board's rules, and to indicate location of other applicable rules.

**Rules Coordinator:** April Bathurst—(503) 378-3808

## 115-045-0000

### Definition of Terms

See OAR 115-010-0010.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 240

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-1982, f. & ef. 1-19-82; ERB 6-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 1-1998, f. & cert. ef. 1-26-98; ERB 2-2000, f. 12-1-00, cert. ef. 7-1-01; ERB 8-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-045-0002

### Computation of Time

See OAR 115-010-0012.

Stat. Auth.: ORS 243

Stats. Implemented: ORS 240.086(3)

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 6-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 8-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-045-0005

### Filing of Appeals

An appeal must be in writing and filed not later than 30 days after the effective date of the action being appealed. An appeal shall be considered filed when it is received by the Board or postmarked, if mailed postpaid and properly addressed. Amendments or supplements to appeals will be accepted only on a showing of good cause. Failure to timely file may result in dismissal of the appeal.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 240

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 9-1985, f. 10-29-85, ef. 10-31-85; ERB 2-2000, f. 12-1-00, cert. ef. 7-1-01; ERB 1-2003(Temp), f. & cert. ef. 8-1-03 thru 1-31-04; Administrative correction 8-2-04; ERB 1-2005, f. & cert. ef. 1-24-05; ERB 8-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-045-0010

### Regular Employee Appeals from Suspension, Reduction in Pay, Demotion and Dismissal Actions

An appeal under ORS 240.560 must contain a detailed statement specifying:

(1) The action being appealed;

(2) The reasons why appellant believes the action was not in good faith for cause or was taken for political, religious or racial reasons, or because of sex, marital status or age; and

(3) The corrective action being requested.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 240

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-1982, f. & ef. 1-19-82; ERB 9-1985, f. 10-29-85, ef. 10-31-85; ERB 6-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 2-2000, f. 12-1-00, cert. ef. 7-1-01; ERB 1-2002, f. & cert. ef. 5-21-02; ERB 1-2003(Temp), f. & cert. ef. 8-1-03 thru 1-31-04; Administrative correction 8-2-04; ERB 1-2005, f. & cert. ef. 1-24-05; ERB 8-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-045-0017

### Appeals Concerning Temporary Appointments

(1) A complaint filed under ORS 240.307 that alleges a violation of ORS 240.309 (temporary appointment duration) must be in writing and must contain a detailed statement specifying:

(a) The action being appealed;

(b) The reason complainant believes that the action violates ORS 240.309; and

(c) The corrective action being requested.

(2) The complaint must be filed with the Board no later than 30 days after the employee knew or reasonably should have known of the alleged violation.

Stat. Auth.: ORS 240.086(3)

Stats. Implemented: ORS 240.086(1) & 240.309

Hist.: ERB 2-1990, f. 11-8-90, cert. ef. 11-19-90; ERB 6-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 8-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-045-0020

### Other Appeals from Other Personnel Actions

(1) Pursuant to ORS 240.086, a classified employee not in a bargaining unit may appeal any personnel action affecting the person (including trial service removals) that is alleged to be arbitrary or contrary to law, rule or policy, or taken for political reasons.

(2) The appeal must be in writing and must contain a detailed statement specifying:

(a) The action being appealed;

(b) The reasons why the appellant believes the action was arbitrary, contrary to law, rule or policy, or taken for political reasons; and

(c) The corrective action being requested.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 240

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-1982, f. & ef. 1-19-82; ERB 9-1985, f. 10-29-85, ef. 10-31-85; ERB 6-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 2-2000, f. 12-1-00, cert. ef. 7-1-01; Renumbered from 115-045-0015; ERB 1-2001, f. 2-16-01, cert. ef. 7-1-01; ERB 1-2002, f. & cert. ef. 5-21-02; ERB 1-2003(Temp), f. & cert. ef. 8-1-03 thru 1-31-04; Administrative correction 8-2-04; ERB 1-2005, f. & cert. ef. 1-24-05; ERB 8-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-045-0021

### Dismissal Appeals by Management Service Employees with Immediate Prior Regular Classified Service

An appeal under ORS 240.570 shall comply with OAR 115-045-0005 and must contain a detailed statement specifying:

(1) The action being appealed;

(2) The reason(s) why the employee believes that the action violated ORS 240.570 (and any related statute); and

(3) The corrective action being requested.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 240

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-1982, f. & ef. 1-19-82; ERB 9-1985, f. 10-29-85, ef. 10-31-85; ERB 6-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 2-2000, f. 12-1-00, cert. ef. 7-1-01; Renumbered from 115-045-0010; ERB 1-2003(Temp), f. & cert. ef. 8-1-03 thru 1-31-04; Administrative correction 8-2-04; ERB 1-2005, f. & cert. ef. 1-24-05; ERB 8-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-045-0025

### Hearings

(1) The Board Agent may investigate and attempt to resolve the dispute with the parties. If the case cannot be resolved within a reasonable time, the Board Agent will schedule a hearing.

(2) Time and Place of Hearings. The time and place of hearing will be set by the Board Agent. At least ten days before the hearing, the Board Agent will serve a notice of the hearing on the parties. The Board Agent will also provide the agency head and any other interested party with a copy of the notice. Unless the parties agree otherwise, the initial hearing date will be set within 30 days from the date that the appeal was filed.

(3) Postponements. When the parties to a hearing agree to a postponement, they shall promptly submit a written request for postponement to the Board Agent, who has the discretion to grant or deny the request.

Stat. Auth.: ORS 240.086(3) & ORS 243.766(7)



# ADMINISTRATIVE RULES

Stats. Implemented: ORS 240  
Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 6-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 2-2000, f. 12-1-00, cert. ef. 7-1-01; ERB 1-2002, f. & cert. ef. 5-21-02; ERB 1-2003(Temp), f. & cert. ef. 8-1-03 thru 1-31-04; Administrative correction 8-2-04; ERB 1-2005, f. & cert. ef. 1-24-05; ERB 8-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-045-0030

### Conduct of Hearings

Unless the context requires otherwise, OAR 115-010-0040 through 115-010-0110 apply to cases under this Division.

Stat. Auth.: ORS 240.086(3) & ORS 243.766(7)

Stats. Implemented: ORS 240

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 9-1985, f. 10-29-85, ef. 10-31-85; ERB 2-2000, f. 12-1-00, cert. ef. 7-1-01; ERB 8-2016, f. 11-9-16, cert. ef. 2-1-17

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**Rule Caption:** Amends Division 40 to improve clarity/concision, and update policies regarding public employment dispute resolution.

**Adm. Order No.:** ERB 9-2016

**Filed with Sec. of State:** 11-9-2016

**Certified to be Effective:** 2-1-17

**Notice Publication Date:** 7-1-2016

**Rules Amended:** 115-040-0000, 115-040-0005, 115-040-0010, 115-040-0015, 115-040-0017, 115-040-0018, 115-040-0020, 115-040-0030, 115-040-0032, 115-040-0035, 115-040-0040, 115-040-0041, 115-040-0042, 115-040-0043, 115-040-0044

**Rules Repealed:** 115-040-0033

**Subject:** Amend 115-040-0000 to improve clarity and concision on mediation rules for dispute resolution in public employment.

Amend 115-040-0005 to improve clarity and concision on conciliation service fees.

Amend 115-040-0010 to consolidate rules regarding factfinding.

Amend 115-040-0015 to correct, improve, and consolidate arbitration rules and procedures.

Amend 115-040-0017 to correct rule citation.

Amend 115-040-0018 to improve language usage.

Amend 115-040-0020 to correct and improve clarity of rules regarding petitions to declare a strike unlawful.

Amend 115-040-0030, and 0032 to improve clarity, accuracy, and concision of rules for arbitrator and factfinder panels and lists.

Amend 115-040-0041 and 0043 to correct grammar and usage errors.

Repeal 115-040-0033 (Arbitration Subpoenas), which repeats provisions of ORS 243.706.

**Rules Coordinator:** April Bathurst—(503) 378-3808

## 115-040-0000

### Mediation

(1) Negotiations concerning a new or reopened collective bargaining agreement.

(a) If the parties have not reached agreement on the terms of a collective bargaining agreement after a 150-calendar-day period of good faith negotiations, either party may notify the Board and request assignment of a mediator. The parties may jointly request assignment of a mediator during the 150-day period. Such notification and request shall be in writing and shall contain a statement as to each issue in dispute and a statement describing when negotiations commenced. Upon receipt of the notification and request, the State Conciliator shall appoint a mediator and notify the parties of the appointment.

(b) The 150-calendar-day period of negotiations begins:

(A) When an exclusive representative is recognized or certified; or

(B) In a successor-agreement negotiation or a contractual reopener negotiation, when the parties meet for the first bargaining session and each party has received the other party's initial proposal.

(c) Any time after 15 days of mediation, either party may declare an impasse. Written notification of an impasse shall be filed in writing with the State Conciliator, and a copy of the notification shall be submitted to the other party on that same day. The mediator may declare an impasse at any time during the mediation process.

(d) Within seven days of a declaration of impasse, each party shall submit to the mediator in writing the final offer of the party, including a cost summary of the offer. Each party's proposed contract language shall be titled "Final Offer." Each party shall submit a copy of the final offer and cost summary to the other party on the same day it is submitted to the medi-

ator. Upon receipt of the final offers and cost summaries, the mediator shall make them public.

(e) A party's cost summary shall be completed using a form approved by the Board. Although a party's cost summary may include additional information, it must, at a minimum, include a fully completed form approved by the Board.

(2) Mid-contract negotiations (ORS 243.698).

(a) At any time during a 90-day period of expedited negotiations concerning a proposed change in employment relations not covered by a collective bargaining agreement or concerning the renegotiation of contract terms pursuant to ORS 243.702, the parties may jointly request mediation. A written request must be filed with the State Conciliator and signed by a representative of each party. Upon receipt of a joint request, the State Conciliator shall assign a mediator and notify the parties of the assignment.

(b) Mediation of a labor dispute subject to expedited negotiations shall not continue past the 90-day period. The 90-day period of expedited negotiations begins:

(A) When the employer notifies the exclusive representative in writing of anticipated changes that impose a duty to bargain; or

(B) When a party requests in writing renegotiation of contract terms pursuant to ORS 243.702.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-1993, f. 9-30-93, cert. ef. 10-1-93; ERB 2-1995(Temp), f. 7-17-95, cert. ef. 8-1-95; ERB 4-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 1-1999, f. & cert. ef. 1-28-99; ERB 1-2000, f. & cert. ef. 12-1-00; ERB 9-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-040-0005

### Conciliation Service Fees

(1) When mediation concerns negotiations over the terms of a collective bargaining agreement, the Board will charge a fee for mediation services, subject to ORS 240.610.

(2) When mediation concerns a grievance arising under a collective bargaining agreement, a local public employer and an exclusive representative each will be charged \$250 per session.

(3) When mediation concerns a pending unfair labor practice complaint, a local public employer and an exclusive representative each will be charged \$250 per mediation session.

(4) Training: Fees for training under ORS 240.610 shall be \$2,500 for two-day training programs, \$1,500 for one-day refresher training, and \$700 for half-day training programs. The fees for facilitations and related travel time shall be \$60 per hour.

(5) Billing: For mediation services, parties will be billed when the first mediation session occurs. For training, parties will be billed when the training session occurs, with the employer and exclusive representative sharing equally the costs unless the parties agree otherwise.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 240, 243

Hist.: ERB 1-1995(Temp), f. 6-26-95, cert. ef. 7-1-95; ERB 5-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 1-2007(Temp), f. 6-29-07, cert. ef. 7-1-07 thru 12-27-07; ERB 3-2007, f. 12-17-07, cert. ef. 12-26-07; ERB 1-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 12-28-11; ERB 3-2011, f. 12-28-11, cert. ef. 12-29-11; ERB 9-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-040-0010

### Factfinding

Where the parties to a labor dispute jointly petition the Board to appoint a factfinder within 30 days after the mediator makes public their final offers, the State Conciliator shall acknowledge in writing the request, and factfinding shall occur using the process set forth in ORS 243.722.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-1982, f. & ef. 1-19-82; ERB 11-1985, f. 10-29-85, ef. 10-31-85; ERB 2-1989, f. 11-28-89, cert. ef. 12-4-89; ERB 2-1993, f. & cert. ef. 12-15-93; ERB 2-1995(Temp), f. 7-17-95, cert. ef. 8-1-95; ERB 4-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 1-2000, f. & cert. ef. 12-1-00; ERB 9-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-040-0015

### Binding Interest Arbitration

(1) Applicability of Rule. This rule shall apply in all cases in which the Board initiates arbitration of a labor dispute relating to negotiations over employment relations.

(2) Court-Ordered Arbitration. When arbitration is ordered by a circuit court pursuant to ORS 243.726(3)(c), the affected employer or labor organization, or both jointly, shall notify the Board of the court order within five days of the date that the order was issued. Such notification must be accompanied by a copy of the court order. The Board will initiate arbitration within five days of its receipt of the notification.

(3) Voluntary Arbitration. When an employer and a labor organization, pursuant to ORS 243.706(2) or 243.712(2)(e), agree to submit any or

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all of the issues in a negotiations labor dispute to arbitration, either party or both may request the Board to initiate arbitration. Such a request must be accompanied by a copy of the agreement to arbitrate. The Board will initiate arbitration within five days of its receipt of the request.

(4) Arbitration Where Strike is Prohibited. When a negotiations labor dispute exists between an employer and a labor organization that represents a bargaining unit that includes employees prohibited from striking by ORS 243.736 or 243.738, the Board shall initiate arbitration pursuant to ORS 243.746(2) or, where applicable, ORS 243.698.

(5) A labor organization that represents a bargaining unit which it contends includes strike-prohibited employees must file notice of such contention with the Board and the employer at least 180 days before the expiration of the contract covering such bargaining unit, unless such notice was previously filed and there has been no substantial change in the composition of the unit since that filing, or within 30 days after the labor organization demands bargaining for an initial contract. If the labor organization fails to file such notice and subsequently requests the Board to initiate arbitration, the Board shall notify the employer of the request and the employer shall have ten days to file objections on the basis that the unit does not include strike-prohibited employees or that the unit should be redesignated because it also includes strike-permitted employees. The Board shall resolve such objections prior to the initiation of arbitration.

(6) Selection of Arbitrator:

(a) Arbitrator selection shall be pursuant to ORS 243.746(1) and (2), as supplemented by this subsection.

(b) Financial or Personal Interest of Arbitrator. No person shall serve as an arbitrator in any arbitration proceeding in which he/she has any financial or personal interest in the result of the arbitration, unless the parties, in writing, waive such disqualification.

(c) Notice of Appointment. Upon selection of the arbitrator the parties shall notify the Board and the arbitrator of his/her selection.

(d) Disclosure by Arbitrator. Before accepting an appointment, the prospective arbitrator shall disclose to the parties and the Board any circumstances likely to create a presumption of bias. If the prospective arbitrator believes that there is any other potentially disqualifying information, that information also shall be disclosed. If either party declines to waive the presumptive disqualifications, the vacancy thus created shall be filled in the same manner as that governing the making of the original appointment.

(e) Challenges Relating to Bias or Qualifications of Arbitrator:

(A) A party may challenge a selected or appointed arbitrator by charging that the arbitrator is biased or not qualified.

(B) A petition raising such a challenge must be filed with the Board within 15 days of the selection or appointment of the arbitrator. The petition must include a statement of facts on which the challenge is based. The other party to the underlying labor dispute will be asked to respond to the petition.

(C) The Board will hold a hearing on the petition within 10 days of the date of filing. The hearing will be conducted according to the provisions of OAR 115, Division 010 to the extent that they are applicable and practicable in light of the statutory time lines.

(D) The Board will issue a final and binding decision regarding the arbitrator's neutrality or qualifications within 10 days of the hearing.

(f) Vacancies. If any arbitrator should resign, die, withdraw, refuse or be unable to, or be disqualified to perform the duties of his/her appointment, the Board shall, upon satisfactory proof, declare the appointment vacant. Vacancies shall be filled in the same manner as that governing the original appointment, and the matter shall be reheard by the new arbitrator, unless the parties mutually agree to a different procedure.

(7) Arbitration Rules and Procedures.

(a) Time and Place of Hearing. The arbitrator, with the agreement of the parties, shall fix the time and place for each hearing. However, in circumstances where final offer packages are submitted to the mediator, the arbitration hearing must be at least 30 days after that submission.

(b) Representation by Counsel. Any party may be represented by counsel or by other authorized representative.

(c) Last Best Offers. Last best offers shall be submitted consistent with ORS 243.746(3) and (4).

(d) Subpoenas. Subpoenas may be issued by the arbitrator.

(e) Attendance at Hearings. The arbitration hearing shall be open to the public unless otherwise mutually agreed to by the parties.

(f) Adjournments. If all parties agree, the arbitrator shall adjourn the hearing. Additionally, the arbitrator may adjourn the hearing:

(A) on the arbitrator's own motion; or

(B) at the request of a party, if good cause is shown.

(g) Oaths. In the discretion of the arbitrator, all witnesses who testify at the hearing may be sworn or make an affirmation.

(h) Order of Proceedings. The order of presentation at the hearing shall be as mutually agreed between the parties or as determined by the arbitrator.

(i) Exhibits. Each exhibit introduced by a party shall be filed with the arbitrator and a copy shall be provided to the other party. The arbitrator shall retain exhibits filed by the parties, unless the parties otherwise agree or the arbitrator otherwise permits.

(j) Evidence. The parties may offer such evidence as they desire and shall produce such additional evidence as the arbitrator may deem necessary to an understanding and determination of the dispute. The arbitrator shall be the judge of the relevancy and materiality of the evidence offered and conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of all of the parties except where any of the parties is absent in default or has waived the right to be present. Parties shall have the right to cross-examine.

(k) Arbitration in the Absence of a Party. The arbitrator may proceed in the absence of any party, who, after due notice, fails to be present or fails to obtain a continuance or recess. Findings of fact and order shall not be made solely on the default of a party. The arbitrator shall require the other party to submit such evidence as required for the making of findings of fact and issuing an order.

(l) Closing of Hearing(s).

(A) The arbitrator shall declare the hearing closed after the parties have completed presenting their cases.

(B) If the arbitrator allows the filing of post-hearing briefs or other documents, the hearing shall be deemed closed as of the final date set by the arbitrator for the filing of such briefs or other documents.

(m) Waiver of Rules. Any party who proceeds with arbitration after knowledge that any provision or requirement of these rules has not been complied with and who fails to state a written objection, shall be deemed to have waived the right to object.

(n) Waiver of Oral Hearing. The parties may provide, by written agreement, for the waiver of oral hearing.

(o) The parties shall cause to be made a record of all testimony, by recording or other method. The arbitrator shall resolve any dispute over the type of record to be made. The arbitrator or one of the parties, as agreed by the parties or directed by the arbitrator, shall maintain custody of such record, along with all other evidence produced by the parties, for at least 180 days after the arbitration decision was issued. However, when the hearing is recorded by a court reporter, but the parties agree not to have the reporter's notes transcribed, those notes may remain in the custody of the reporter.

(8) Time of Arbitration Findings and Order. The arbitration order shall be issued consistent with ORS 243.746(4), (5) and (6).

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 11-1985, f. 10-29-85, ef. 10-31-85; ERB 1-1987(Temp), f. & ef. 11-3-87; ERB 1-1988, f. & cert. ef. 4-25-88; ERB 2-1989, f. 11-28-89, cert. ef. 12-4-89; ERB 2-1995(Temp), f. 7-17-95, cert. ef. 8-1-95; ERB 4-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 1-2000, f. & cert. ef. 12-1-00; ERB 9-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-040-0017

### Interest Arbitration Enforcement

Pursuant to ORS 243.752, a party alleging that another party is refusing or failing to comply with an interest arbitration award may seek enforcement of the award by filing an unfair labor practice complaint with the Board charging a violation of 243.672(1)(f) or (2)(c). The Board generally will hold an expedited hearing on the matter, if requested to do so, under the procedures provided by OAR 115-035-0060.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 2-1983(Temp), f. 9-30-83, ef. 10-15-83; ERB 1-1984, f. & ef. 4-11-84; ERB 9-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-040-0018

### Notice of Intent to Strike

The exclusive representative shall send notice of intent to strike to the Board and the employer by certified mail. The notice shall state the reasons for the intent to strike including the unresolved bargaining issues. The Board and the employer must receive the certified notice ten days before the first date of the strike. However, the Board will not declare a strike unlawful when the exclusive representative has entrusted the notice to the postal service for certified mailing at such time that timely delivery could reasonably be expected, provided that both the Board and the employer

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have actually received written notice of intent to strike at least ten days before the strike begins.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 11-1985, f. 10-29-85, ef. 10-31-85; ERB 1-1998, f. & cert. ef. 1-26-98; ERB 9-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-040-0020

### Petition to Declare a Strike Unlawful

When it is alleged in good faith by a public employer that a labor organization representing a group of its employees has declared or authorized a strike by such employees and that such strike is or would be in violation of ORS 243.726 or 243.732, the employer may petition the Board for a declaration that the strike is or would be unlawful. The petition shall contain a detailed statement of the facts on which petitioner bases its request for a declaration of an unlawful strike. A copy of the petition shall be served upon the labor organization that is alleged to have declared or authorized the unlawful strike and proof of service shall be provided to the Board. Upon receipt of such a petition, the Board shall either dismiss the petition or set it for a hearing before the Board. If a hearing is held, it will be conducted like an unfair labor practice proceeding, and the Board will expedite processing of the petition to attempt to issue a decision before the strike begins. Notice of the hearing shall be by personal service or certified mail, and shall be personally served or mailed at least seven days before the date of the hearing, unless the parties, with the approval of the Board, otherwise agree. The Board shall issue its decision within seven days of the close of the hearing on the petition.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 5-1980, f. 10-14-80, ef. 10-17-80; ERB 2-1998, f. & cert. ef. 1-26-98; ERB 9-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-040-0030

### Panel of Arbitrators and Factfinders

(1) The State Conciliation Service of the Employment Relations Board shall maintain a panel of qualified labor arbitrators and factfinders for referral, upon request, to the parties to a labor dispute. Panel members are expected to conform to the ethical standards and procedures set forth in the code of professional responsibility for arbitrators of labor disputes as approved by the National Academy of Arbitrators.

(2) Persons seeking to be listed on the panel must complete and submit an application form. The form may be obtained from the State Conciliation Service of the Employment Relations Board. Upon receipt of a completed application, including the application fee in subsection (4) of this section, the Chair and the Conciliator will review the completed application in light of the criteria set forth below and decide whether to include an applicant on the panel. Each applicant will be notified in writing of the decision:

(a) General Criteria. Applicants will be accepted on the panel if they:

(A) Are experienced in decision-making roles in the resolution of collective bargaining or labor relations disputes; or

(B) Have extensive experience in relevant positions in collective bargaining; or

(C) Have relevant academic experience at the college or university level; and

(D) Are capable of conducting an orderly hearing, can analyze testimony and exhibits and can prepare clear and concise findings and awards within reasonable time limits, and appear, based on references, to be acceptable to the parties.

(b) Proof of Qualification. The qualifications listed in subsection (2)(a) of this rule, are preferably demonstrated by the submission of actual arbitration awards and/or factfinding reports prepared by the applicant while serving as an impartial arbitrator or factfinder chosen by the parties to disputes. Equivalent experience acquired in training, internship or other development programs, or experience such as that acquired as a hearing officer or judge in labor relations controversies also may be considered.

(c) Advocacy:

(A) An advocate is a person who or a member of a firm/business which represents employers or labor organizations, as an employee, attorney or consultant, in matters related to collective bargaining.

(B) No advocate shall be listed on the panel. A person who becomes an advocate while listed on the panel must notify the Conciliator immediately.

(d) Duration of Listing. A member will be removed from the panel by the Chair and Conciliator whenever the member:

(A) No longer meets the criteria for admission;

(B) Has been repeatedly and flagrantly delinquent in submitting awards;

(C) Has refused to make reasonable and periodic reports to the State Conciliation Service, as required;

(D) Has been the subject of complaints by parties who use the State Conciliation Service Panel and facilities and cause for removal has been shown;

(E) Is determined to be unacceptable to the parties who use the State Conciliation Service Arbitration and Factfinding Panel; or

(F) Fails to pay the annual fee in subsection (4) of this section within 30 days of billing;

(3) Procedures for Cancellation or Suspension of a Listing. The Conciliator, at the direction of the Board Chair, will review the reasons alleged for the cancellation or suspension. Before cancelling or suspending a listing, a panel member will be provided 30 days written notice of the proposed action. The notice will specify the action that is proposed, the reasons for the action, and the results of any review conducted by the Conciliator into this matter. The notice will also provide an opportunity for the panel member to submit a response or information to the Board Chair, or a designated representative, showing why the listing should not be canceled or suspended. The Board Chair's decision shall be in writing and shall be a final decision.

(4) An applicant to the panel of qualified arbitrators and factfinders shall pay an application fee in accordance with ORS 662.445. To remain on the panel, a member shall pay an annual fee in accordance with ORS 662.445.

(5) Nothing contained herein should be construed to limit the right of parties to select jointly any arbitrator or arbitration procedure acceptable to them.

(6)(a) Arbitrators and factfinders selected by the parties pursuant to State Conciliation Service procedures shall promptly notify the Service of their selection.

(b) Arbitrators and factfinders selected pursuant to State Conciliation Service procedures shall promptly provide the State Conciliation Service with copies of decisions or recommendations.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1984, f. & ef. 4-11-84; ERB 1-1991, f. 11-21-91, cert. ef. 12-1-91; ERB 3-1998, f. & cert. ef. 1-26-98; ERB 1-2000, f. & cert. ef. 12-1-00; ERB 5-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 5-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 9-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-040-0032

### Lists of Arbitrators or Factfinders

(1) When, pursuant to statute (including ORS 342.934(7) and ORS 342.905(10)), or at the request of a party, the State Conciliator submits a list of arbitrators or factfinders to the parties to a dispute, the names on the list shall be drawn at random from the panel described in OAR 115-040-0030. However, the State Conciliator will attempt to comply with a joint request of the parties to restrict the list in any of the following ways:

(a) Only arbitrators who are listed on the labor arbitration panel of the American Arbitration Association;

(b) Only arbitrators who are Oregon residents;

(c) Only arbitrators who are Oregon or Washington residents;

(d) Only arbitrators who charge from the Oregon border; or

(e) Only arbitrators who have issued at least two factfinding recommendations under ORS 243.722 or at least one interest arbitration award under ORS 243.752, if the dispute at issue is to be resolved through interest arbitration.

(2) Parties may jointly request a second list of arbitrators or factfinders. A second list will consist of names drawn at random from the panel without regard to any restrictions requested by the parties.

(3) Financial or Personal Interest of Arbitrator. No person shall serve as an arbitrator in any arbitration proceeding in which the arbitrator has any financial or personal interest in the result of the arbitration, unless the parties, in writing, waive such disqualification;

(4) Disclosure by Arbitrator. Before accepting an appointment, the prospective arbitrator shall disclose any circumstances likely to create a presumption of bias or which he/she believes might disqualify him/her as an impartial arbitrator. Upon receipt of such information, the Board shall immediately disclose it to the parties. If either party declines to waive the presumptive disqualifications, the vacancy thus created shall be filled in the same manner as that governing the making of the original appointment.

(5) Vacancies. If any arbitrator should resign, die, withdraw, refuse or be unable to, or be disqualified to perform the duties of his/her appointment, the Board shall, upon satisfactory proof, declare the appointment vacant. Vacancies shall be filled in the same manner as that governing the

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original appointment, and the matter shall be reheard by the new arbitrator, unless the parties mutually agree to a different procedure.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 2-1989, f. 11-28-89, cert. ef. 12-4-89; ERB 3-1998, f. & cert. ef. 1-26-98; ERB 1-2000, f. & cert. ef. 12-1-00; ERB 9-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-040-0035

### Filing of Arbitrator and Factfinder Decisions

All arbitrators and factfinders listed on the State Conciliation Panel pursuant to OAR 115-040-0030 shall provide the State Conciliation Service with one copy of all written decisions or recommendations issued concerning a labor dispute involving public employees, public employers or labor organizations as defined by ORS 243.650.

Stat. Auth.: ORS 240.086(3), 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 11-1985, f. 10-29-85, ef. 10-31-85; ERB 9-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-040-0040

### Exemption from Disclosure Under ORS 192.410 to 192.505 and Inadmissibility of Mediation Communication Pursuant to OEC Rule 408

(1) Except to the extent that rules of this agency adopted pursuant to Oregon Laws 1997, chapter 670 make mediation communications confidential, any mediation communications that are public records, as defined in ORS 192.410(4), are not confidential unless the substance of such communication is confidential under state or federal law. Mediation communications are exempt from disclosure under the Public Records Law to the extent provided in ORS 192.410 to 192.505.

(2) Nothing in this rule affects any confidentiality created by other law.

(3) To the extent mediation communications would otherwise be compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in ORS 40.190 (OEC Rule 408).

(4) The words and phrases used in this rule have the same meaning as given to them in Oregon Laws 1997, chapter 670, section 11.

Stat. Auth.: ORS 243.766(7), 240.086(3) & OL 1997, Ch. 670

Stats. Implemented: ORS 192.410 - 192.505

Hist.: ERB 5-1998(Temp), f. & cert. ef. 5-1-98 thru 10-27-98; ERB 6-1998, f. & cert. ef. 10-27-98; ERB 9-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-040-0041

### Applicability of Mediator Disclosure Rules

(1) OAR 115-040-0041 to 115-040-0044 apply only to mediations:

(a) In which the agency is a party or is mediating a dispute as to which the agency has regulatory authority; and

(b) That:

(A) Are conducted under OAR 115-040-0000, ORS 243.712, OAR 115-075-0000 and ORS 662.425; or

(B) Involve other joint requests for mediation from labor and management.

(2) OAR 115-040-0041 to 115-040-0044 do not apply when the agency is acting as the "mediator" in a matter in which the agency also is a party as defined in Oregon Laws 1997, chapter 670, section 7.

(3) Nothing in OAR 115-040-0041 to 115-040-0044 affects any confidentiality created by other law.

(4) The words and phrases used in OAR 115-040-0041 to 115-040-0044 have the same meaning as given to them in Oregon Laws 1997, chapter 670, sections 7 and 11.

Stat. Auth.: ORS 240.086(3) & 243.766(7), OL 1997, Ch. 670

Stats. Implemented: ORS 192.410 - 192.505

Hist.: ERB 5-1998(Temp), f. & cert. ef. 5-1-98 thru 10-27-98; ERB 6-1998, f. & cert. ef. 10-27-98; ERB 9-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-040-0042

### Mediator May Not Disclose Mediation Communications in Subsequent Proceedings

Except as provided in this rule, a mediator may not disclose or be compelled to disclose mediation communications in mediations described in OAR 115-040-0041(1) and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless all the parties to the mediation and the mediator agree in writing to the disclosure.

(1) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, a mediator may disclose mediation communications to the extent that those communications may be necessary to prosecute or defend the matter. At the request of a party, the

court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.

(2) A mediator may disclose confidential mediation communication directly related to child abuse or elder abuse if the mediator is a person who has a duty to report child abuse under ORS 419B.010 or elder abuse under 124.050 to 124.095.

(3) A mediator may disclose confidential mediation communications if the mediator reasonably believes that disclosing the communication is necessary to prevent a party from committing a crime that is likely to result in death or bodily injury to any person.

(4) A mediator may disclose a mediation communication if, as a condition of a professional license, the mediator is compelled by law or the rule of a court to disclose a communication related to the conduct of another licensed professional.

(5) When the only parties to the mediation are public bodies, mediation communications and mediation agreements are not confidential except to the extent those communications or agreements are exempt from disclosure under ORS 192.410 to 192.505 and may be disclosed and introduced into evidence in any subsequent proceeding.

(6) When the parties to the mediation include a private party and two or more public bodies, mediation communications are not confidential if the laws, rules or policies governing mediation confidentiality for at least one of the public bodies provide that mediation communications in the mediation are not confidential and may be disclosed and introduced into evidence in any subsequent proceeding.

(7) When a person acts as the mediator in the mediation and also acts as the hearing officer in a contested case involving some or all of the same matters, the communications in the mediation are not confidential and may be disclosed and introduced into evidence in any subsequent proceeding.

(8) A mediator may disclose mediation communications described in OAR 115-040-0043 and such communications may be introduced into evidence in any subsequent proceeding to the extent provided in that rule.

(9) The terms of any mediation agreement are not confidential, may be disclosed and may be introduced as evidence in any subsequent proceeding.

Stat. Auth.: ORS 243.766(7), 240.086(3) & OL 1997, Ch. 670

Stats. Implemented: ORS 192.410 - 192.505

Hist.: ERB 5-1998(Temp), f. & cert. ef. 5-1-98 thru 10-27-98; ERB 6-1998, f. & cert. ef. 10-27-98; ERB 9-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-040-0043

### Mediator May Disclose Certain Mediation Communications

For the purposes of OAR 115-040-0042, a mediator may disclose the following mediation communications and such communications may be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding:

(1) A request for mediation;

(2) Communications from the Conciliation Service establishing the time and place of mediation;

(3) Notification of declaration of impasse submitted to the Board;

(4) Communication from the Conciliation Service establishing the time for filing final offers;

(5) Final offers and cost summaries submitted by the parties to the mediators;

(6) Petitions to initiate factfinding or interest arbitration submitted to the Board; or

(7) Strike notices submitted to the Board.

Stat. Auth.: ORS 243.766(7), 240.086(3) & OL 1997, Ch. 670

Stats. Implemented: ORS 192.410 - 192.505

Hist.: ERB 5-1998(Temp), f. & cert. ef. 5-1-98 thru 10-27-98; ERB 6-1998, f. & cert. ef. 10-27-98; ERB 9-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-040-0044

### Notice of Disclosure of Mediation Communications

(1) When a mediation is of a type described in OAR 115-040-0041(1), the agency must provide written notice to all parties to the mediation and the mediator informing them of the extent to which mediation communications may be confidential.

(2) The notice required by this rule must be in writing and must include:

(a) An explanation of the agency's role in the mediation, including:

(A) Whether the agency is a party; and

(B) Whether the mediator is an employee, contractor or agent of the agency.

(b) A statement that:

(A) Mediation communications in mediations not described in OAR 115-040-0041(1) are not confidential unless provided otherwise by rules of

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this agency adopted pursuant to Oregon Laws 1997, chapter 670, section 3, or by other state or federal law; and

(B) The parties to the mediation may agree in writing to less confidentiality and greater disclosure of mediation communications.

(c) At least one of the following:

(A) A copy of OAR 115-040-0040 and 115-040-0041 to 115-040-0044;

(B) A summary of OAR 115-040-0040 and 115-040-0041 to 115-040-0044; or

(C) Citations to the rules affecting the confidentiality of mediation communications and a statement indicating where a copy of these rules can be obtained.

(3) Any notice required by this rule is not confidential and may be disclosed.

Stat. Auth.: ORS 243.766(7), 240.086(3) & OL 1997, Ch. 670

Stats. Implemented: ORS 192.410 - 192.505

Hist.: ERB 5-1998(Temp), f. & cert. ef. 5-1-98 thru 10-27-98; ERB 6-1998, f. & cert. ef. 10-27-98; ERB 9-2016, f. 11-9-16, cert. ef. 2-1-17

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**Rule Caption:** Amends Division 35 to improve clarity and concision, and update policies regarding PECBA ULP complaints.

**Adm. Order No.:** ERB 10-2016

**Filed with Sec. of State:** 11-9-2016

**Certified to be Effective:** 2-1-17

**Notice Publication Date:** 7-1-2016

**Rules Amended:** 115-035-0000, 115-035-0005, 115-035-0010, 115-035-0015, 115-035-0020, 115-035-0030, 115-035-0035, 115-035-0040, 115-035-0055, 115-035-0057, 115-035-0060, 115-035-0070, 115-035-0075

**Rules Repealed:** 115-035-0025, 115-035-0042, 115-035-0045, 115-035-0050, 115-035-0065, 115-035-0068

**Subject:** Amend 115-035-0000 to eliminate requirement to file three copies of an unfair labor practice complaint with the Board and to make filing rule more concise.

Amend 115-035-0005, 0010, 0015, 0020, 0025, 0030, and 0035 to improve clarity and make unfair labor practice rules more concise. OAR 115-035-0010(2) also modifies rules regarding amendments of complaints.

Amend 115-035-0040 and

Repeal 115-035-0042, 0045 and 0050, which concern unfair labor practice hearings and post-hearing procedures, as part of rules consolidation.

Amend 115-035-0055 to modify how representation costs are awarded, in particular to move to a mostly flat-fee structure and to eliminate the need (in most instances) to file a petition for representation costs

Amend 115-035-0057 to improve conciseness and clarity of attorney fee awards for appeals.

Amend 115-035-0060 and

Repeal 115-035-0065 and 115-035-0068 to improve conciseness and clarify of rules for expedited unfair labor practice complaints.

Amend 115-035-0070 to improve clarity and readability of consent order rules.

Amend 115-035-0075 to improve clarity and concision of rules on civil penalties and fee reimbursements.

**Rules Coordinator:** April Bathurst—(503) 378-3808

## 115-035-0000

### Filing an Unfair Labor Practice Complaint

(1) Who may file. An injured party may file a complaint, on a form approved by the Board, alleging that a person(s) has engaged in or is engaging in an unfair labor practice as defined in ORS 243.672.

(2) Supporting Data. At the time the complaint is filed, the complainant may submit documentary evidence that may be relevant to the issues raised by the complaint.

(3) Filing fee. A filing fee of \$300 must be paid at the time the complaint is filed. The complaint is not considered filed until the Board has received the filing fee. Complaints that are filed without a filing fee will not be considered.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-1994, f. 6-23-94, cert. ef. 7-1-94; ERB 2-1995(Temp), f. 7-17-95, cert. ef. 8-1-95; ERB 4-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 3-

1998, f. & cert. ef. 1-26-98; ERB 1-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 12-28-11; ERB 3-2011, f. 12-28-11, cert. ef. 12-29-11; ERB 2-2014, f. 8-20-14, cert. ef. 9-3-14; ERB 10-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-035-0005

### Investigation of Complaint

A Board Agent shall investigate the complaint to determine if an issue of fact or law exists that warrants a hearing. Information submitted by a party as part of the investigatory process is confidential.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 8-1985, f. 10-29-85, ef. 10-31-85; ERB 10-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-035-0010

### Amendment of Complaint

(1) At Request of Board Agent. When a complaint appears to raise an issue of fact or law, but such complaint is incomplete by reason of insufficiently detailed allegations or inadvertent omissions, the Board Agent, with notice to all parties, may request that the complainant amend its complaint within ten days of the request. Failure of the complainant to timely amend the complaint without good cause will subject the complaint to dismissal. If the complaint, as amended, does not raise an issue of fact or law that warrants a hearing, it shall be dismissed.

(2) Upon Request of Complainant. Complainant may amend the complaint at any time before service of the complaint. Thereafter, an amendment to the complaint may be made only if good cause is shown. If the Board or Board Agent allows the amendment, respondent shall be given a reasonable period of time to amend its answer. Any case severance or consolidation is governed by OAR 115-010-0040(6).

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 10-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-035-0015

### Withdrawal of Complaint

Unless the respondent agrees, a complainant may not withdraw a complaint after issuance of a Recommended Order without a showing of good cause.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 3-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 10-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-035-0020

### Dismissal of Complaint

If an investigation reveals that no issue of fact or law exists that warrants a hearing, the Board may dismiss the complaint.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 10-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-035-0030

### Service of Notice and Complaint

If a question of fact or law exists that warrants a hearing, the Board shall serve a notice of hearing and (if not provided previously) a copy of the complaint on the respondent(s).

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-1991, f. 11-21-91, cert. ef. 12-1-91; ERB 10-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-035-0035

### Answer to Complaint

(1) Answer. A respondent shall have 14 days from date of service of the complaint in which to file an answer. All allegations in the complaint not denied by the answer, unless the respondent states in the answer that it is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown. Complainant shall be required to establish a prima facie case. The answer will be deemed sufficient if it generally denies all allegations of the complaint. Respondent's answer shall specifically admit any undisputed allegations and shall set forth any affirmative defenses.

(2) Supporting Data. At the time that the answer is filed, the respondent shall either submit a written statement setting forth its version of the relevant facts, or include such information in the body of the answer. This information shall include individuals involved (by name or initials), dates and places, together with any documentary evidence that may be relevant to the issues raised by the complaint or by the answer, including available information in support of any affirmative defenses.

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(3) Amendments. A respondent may amend its answer with the approval of the Board Agent. If an amendment is allowed, complainant shall be given a reasonable period of time to amend its complaint.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 240, 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 8-1985, f. 10-29-85, ef. 10-31-85; ERB 2-1995(Temp), f. 7-17-95, cert. ef. 8-1-95; ERB 4-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 3-1998, f. & cert. ef. 1-26-98; ERB 1-2000, f. & cert. ef. 12-1-00; ERB 1-2007(Temp), f. 6-29-07, cert. ef. 7-1-07 thru 12-27-07; ERB 3-2007, f. 12-17-07, cert. ef. 12-26-07; ERB 1-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 12-28-11; ERB 3-2011, f. 12-28-11, cert. ef. 12-29-11; ERB 2-2014, f. 8-20-14, cert. ef. 9-3-14; ERB 10-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-035-0040

### Notice of Hearings, Conduct of Hearings, and Post-Hearing Procedures

Unless the context requires otherwise, OAR 115-010-0040 through 115-010-0110 apply to cases under this Division.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 8-1985, f. 10-29-85, ef. 10-31-85; ERB 2-2014, f. 8-20-14, cert. ef. 9-3-14; ERB 10-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-035-0055

### Representation Costs

(1) General:

(a) Pursuant to ORS 243.676(2)(d) and (3)(b), the Board shall award representation costs to the prevailing party in unfair labor practice cases.

(b) "Representation costs" shall be awarded as follows:

(A) \$250 for a case dismissed without a hearing, providing that the dismissal order contains a conclusion that the person named in the complaint has not engaged in or is not engaging in an unfair labor practice.

(B) \$1,000 for a case presented solely on stipulated facts.

(C) \$3,000 for a case that requires one day of hearing (the hearing need not last a full day).

(D) \$5,000 for a case that requires more than one day of hearing (neither hearing day need last a full day).

(E) The full amount of reasonable representation costs if a civil penalty is awarded.

(F) If a non-prevailing party had to rely on personal financial resources to litigate the matter, the prevailing party shall be awarded \$500 in representation costs, unless the Board determines that a lesser award is more appropriate.

(G) The Board will not award representation costs if the parties notify the Board that they have agreed to waive the awarding of those costs.

(c) A petition for representation costs needs to be filed only when a party seeks an award of costs in excess of \$5,000 (due to a civil penalty being awarded).

(d) Prevailing party is the party in whose favor a Board Order is issued. Where one charge (or more) in a complaint is upheld while one charge (or more) in a complaint is dismissed, the Board shall determine which party is the "prevailing party" based on the charge or charges that the Board determines to be the primary or most significant in the case. If the Board determines that upheld and dismissed charges are equally significant, no representation costs will be awarded.

(e) For purposes of this rule, charges are "separate" only if:

(A) they are based on clearly distinct and independent operative facts; i.e., the charges could have been pleaded and litigated without material reliance on the allegations of the other(s), and the separate charges concerned the enforcement of rights independent of the other(s); or

(B) they concern two or more scope of bargaining questions that are dealt with by the Board in separate conclusions of law.

(2) Representation Costs Order.

(a) The Board will not award representation costs until the appeal period under ORS 183.482 has run or, if an appeal has been filed, until the Board receives the appellate judgment.

(b) If the Board orders a civil penalty and a prevailing party seeks costs in excess of \$5,000, the party must file a petition within 21 days of the date of the issuance of the Board Order that awarded a civil penalty. That petition shall include a statement of the amount of costs requested, along with a description of the actual amount of the fees incurred by the petitioner or, where the petitioner has not charged fees, the basis for the amount of the costs requested. If a petition is not timely filed under this subsection, the Board shall award representation costs based on the scale set forth in section (1) of this rule.

(c) If a petition for representation costs in excess of \$5,000 is filed, an opposing party shall have 21 days from the date of service of such petition to file written objections.

(d) A party objecting to costs based on excessive time spent must submit a supporting statement describing the amount of time spent on the case by the objecting party.

(e) A party objecting to costs based on an excessive hourly rate must submit a supporting statement identifying the hourly rate and total costs incurred by the objecting party.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 240, 243

Hist.: ERB 4-1980, f. 8-15-80, ef. 8-18-80; ERB 1-1982, f. & ef. 1-19-82; ERB 2-1983(Temp), f. 9-30-83, ef. 10-15-83; ERB 1-1984, f. & ef. 4-11-84; ERB 8-1985, f. 10-29-85, ef. 10-31-85; ERB 2-2014, f. 8-20-14, cert. ef. 9-3-14; ERB 10-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-035-0057

### Attorney Fees For Appeals

Pursuant to ORS 243.676(2)(e), the Board shall designate the amount of and award attorney fees to the prevailing party on an appeal of a Board Order, subject to the following:

(1) Petitions for attorney fees must be filed with the Board within 21 days of the date of the appellate judgment. The petition shall include a statement of the amount of the costs requested, along with a description of the actual amount of the fees incurred by the petitioner or, where no fees were charged, the bases for the amount of costs requested.

(2) Any objection to the petition shall be filed within 14 days of the date of service of the petition. A party objecting to costs based on excessive time spent must submit a supporting statement describing the amount of time spent on the case by the objecting party. A party objecting to costs based on an excessive hourly rate must submit a supporting statement identifying the hourly rate and total costs incurred by the objecting party.

(3) The prevailing party is the party designated as such in the appellate judgment issued by the Court of Appeals or the Supreme Court following the ultimate appellate decision regarding a particular case.

(4) An award of attorney fees on appeal shall not exceed \$5,000, unless a civil penalty is awarded in the Board proceeding and not reversed by the court.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 2-1983(Temp), f. 9-30-83, ef. 10-15-83; ERB 1-1984, f. & ef. 4-11-84; ERB 8-1985, f. 10-29-85, ef. 10-31-85; ERB 1-1989(Temp), f. 6-15-89 & cert. ef. 6-23-89; ERB 2-1989, f. 11-28-89, cert. ef. 12-4-89; ERB 3-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 2-2014, f. 8-20-14, cert. ef. 9-3-14; ERB 10-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-035-0060

### Expedited Procedures for Unfair Labor Practice Complaints

(1) The Board has the discretion to expedite a complaint, or any portion of a complaint.

(2) If a party requests that a complaint be expedited, the complaint shall be filed in accordance with OAR 115-035-0000 and accompanied by an affidavit setting forth:

(a) The reason that the complaint should be expedited;

(b) An estimate of the length of any hearing;

(c) A statement of the complexity of the issues;

(d) Any specific harm, injury or loss that would result if the complaint is not expedited; and

(e) A specific statement of any legal authority in support of complainant's position.

(3) If the requested expedited complaint concerns an alleged unfair labor practice during or arising out of the collective bargaining procedures set forth in ORS 243.712 or 243.722, the complaint, in addition to meeting the requirements of subsection (2) of this section, shall identify the relevant collective bargaining stage at which the alleged unfair labor practice arose out of or was committed.

(4) If the requested expedited complaint concerns an allegation that respondent has violated ORS 243.672(1)(e) or (2)(b) by refusing to bargain over a mandatory subject, or by unlawfully pursuing a permissive or unlawful subject of bargaining, the complaint shall be filed in accordance with OAR 115-035-0000, and the affidavit identified in subsection (2) of this section shall also include:

(a) The precise language of the last bargaining proposal on the subject(s) in dispute;

(b) The date of the proposal; and

(c) Any date that respondent allegedly refused to bargain over the proposal.

(5) Expedited complaints under this section shall be processed in accordance with this Division of the Board's Rules, except for the following:

(a) When an expedited complaint raises a question of fact or law that warrants a hearing, the complaint shall be served on the respondent and the

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notice of hearing shall be served on all parties. The complaint must be answered within ten days.

- (b) Normally, the Board and not a Board Agent will hear the matter.
- (c) Post-hearing briefs will be permitted only if ordered by the Board.
- (d) If a complaint is withdrawn after the matter is heard, it shall be with prejudice.

(e) If the Board, and not a Board Agent, conducts the hearing, no Recommended Order will be issued; rather, the Board will issue a final order.

(6) When expedited consideration is granted, a Board order generally shall be issued within 45 days of the filing of the expedited complaint.

(7) In exercising its discretion to grant a request to expedite a complaint or a portion of a complaint, the Board shall consider:

- (a) Its schedule;
- (b) Its workload;
- (c) The complexity of the facts and legal issues in the case;
- (d) The necessity for prompt action and the possibility of immediate or irreparable injury, loss or damage to the complainant, if the complaint is not expedited; and
- (e) The relative importance to the parties and the public of a more rapid decision on the question presented.

Stat. Auth.: ORS 240.086(3) & 243.766(7)  
Stats. Implemented: ORS 243  
Hist.: ERB 2-1980(Temp), f. 1-31-80, ef. 2-1-80; ERB 3-1980, f. 7-16-80, ef. 8-1-80; ERB 8-1985, f. 10-29-85, ef. 10-31-85; ERB 3-1998, f. & cert. ef. 1-26-98; ERB 10-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-035-0070

### Consent Orders

Before the issuance of a final order, the Board may approve a consent order submitted by the parties to a contested case in which all factual, legal and remedial issues have been settled. The consent order submitted by the parties must contain a statement of the case and a recitation of the complete agreement of the parties. If the parties do not submit an agreement regarding representation costs, the Board will award representation costs consistent with OAR 115-035-0055.

Stat. Auth.: ORS 240.086(3) & 243.766(7)  
Stats. Implemented: ORS 243  
Hist.: ERB 3-1982(Temp), f. & ef. 8-19-82; ERB 1-1983, f. 2-16-83, ef. 2-25-83; ERB 2-1983(Temp), f. 9-30-83, ef. 10-15-83; ERB 1-1984, f. & ef. 4-11-84; ERB 8-1985, f. 10-29-85, ef. 10-31-85; ERB 10-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-035-0075

### Civil Penalty; Fee Reimbursement

Any request for civil penalty under ORS 243.676(4) or for reimbursement of a filing fee under ORS 243.672(3) must be included in a party's complaint or answer. The request must include a statement as to why a civil penalty or filing-fee reimbursement is appropriate, with a clear and concise statement of the facts alleged in support of the statement. A party may move to amend its complaint or answer to request a civil penalty or reimbursement of a filing fee at any time before the evidentiary hearing concludes.

Stat. Auth.: ORS 240.086(3) & 243.766(7)  
Stats. Implemented: ORS 243  
Hist.: ERB 2-1983(Temp), f. 9-30-83, ef. 10-15-83; ERB 1-1984, f. & ef. 4-11-84; ERB 2-1995(Temp), f. 7-17-95, cert. ef. 8-1-95; ERB 4-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 10-2016, f. 11-9-16, cert. ef. 2-1-17

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**Rule Caption:** Repeals Division 86.

**Adm. Order No.:** ERB 11-2016

**Filed with Sec. of State:** 11-9-2016

**Certified to be Effective:** 2-1-17

**Notice Publication Date:** 7-1-2016

**Rules Repealed:** 115-086-0000, 115-086-0010, 115-086-0020

**Subject:** Repeal 115-086-0000, 0010, and 0020, as the provisions are largely redundant or unnecessary. Other rules make clear that arbitration requests under ORS 342.905(10)(b) are still available.

**Rules Coordinator:** April Bathurst—(503) 378-3808

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**Rule Caption:** Repeals Division 85.

**Adm. Order No.:** ERB 12-2016

**Filed with Sec. of State:** 11-9-2016

**Certified to be Effective:** 2-1-17

**Notice Publication Date:** 7-1-2016

**Rules Repealed:** 115-085-0000, 115-085-0005, 115-085-0010

**Subject:** Repeal 115-085-0000, 0005, 0010 as the provisions are largely redundant or unnecessary. Other rules make clear that arbitration requests under ORS 342.934(7) are still available.

**Rules Coordinator:** April Bathurst—(503) 378-3808

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**Rule Caption:** Amends Division 25 to correct, clarify, and update rules regarding public employee representation.

**Adm. Order No.:** ERB 13-2016

**Filed with Sec. of State:** 11-9-2016

**Certified to be Effective:** 2-1-17

**Notice Publication Date:** 7-1-2016

**Rules Amended:** 115-025-0000, 115-025-0005, 115-025-0008, 115-025-0009, 115-025-0010, 115-025-0015, 115-025-0020, 115-025-0023, 115-025-0025, 115-025-0030, 115-025-0035, 115-025-0037, 115-025-0040, 115-025-0045, 115-025-0050, 115-025-0055, 115-025-0060, 115-025-0065, 115-025-0070, 115-025-0075, 115-025-0090

**Subject:** Amend 115-025-0000 to correct, clarify, and improve readability of representation petition rules.

Amend 115-025-0005 to correct, clarify, and improve readability of unit clarification rules.

Amend 115-025-0008, 0009, 0010, 0015, 0020, 0023, 0025, 0030, and 0035 to correct, clarify, and improve readability of representation petition rules.

Amend 115-025-0045 to improve clarity and consolidate rules regarding representation hearings and post-hearing procedures.

Amend 115-025-0050, 0055, 0060, 0065, 0070, 0075, and 0090 to improve clarity and concision of rules regarding bargaining unit certification, petitions, and objections. Also, 115-025-0060(4)(b) updates mail-ballot election rule (0060(4)(b)) to reflect longstanding agency practice.

**Rules Coordinator:** April Bathurst—(503) 378-3808

## 115-025-0000

### Who May File Representation Petitions

(1) A labor organization claiming to represent at least 30 percent of the public employees in an appropriate bargaining unit may petition for an election to be certified as a public employee representative.

(2) A labor organization claiming that 30 percent of the employees in a bargaining unit assert that the designated exclusive representative is no longer the representative of the majority of the employees may petition for an election to be certified as the public representative, so long as the petition also claims that at least 30 percent of employees in the bargaining unit want the petitioning labor organization to represent them.

(3) A public employer may petition for an election to certify a public employee representative if the employer is presented with a request from one or more labor organizations to be recognized (or continue to be recognized) as the employee representative, and the employer has a good faith doubt (based on reasonable objective standards) as to the continued majority status of the incumbent labor organization.

(4) An employee, group of employees, or a labor organization claiming that a majority of employees in an appropriate bargaining unit wish to be represented by a labor organization may petition to certify a public employee representative without an election, so long as no other labor organization is certified or recognized as the exclusive representative of any employee in the proposed unit.

(5) A public employee or group of public employees alleging that 30 percent of the employees in a bargaining unit assert that the designated exclusive representative is no longer the representative of the majority of the employees in the unit may petition for decertification of that representative.

(6) A public employer alleging that an existing bargaining unit includes an employee or employees who should not be included in the unit under the criteria set forth in ORS 243.682(1)(a) may petition for redesignation of the bargaining unit. The timeliness requirements of OAR 115-025-0015 shall serve as a bar to petitions under this subsection even if an election is not held. If a contract is in effect, a petition for a redesignation must be filed from 150 days through 180 days before the end of the contract. If a contract is for more than three years, a petition may also be filed any time after three years from the effective date of the contract. However, if a new contract is negotiated during the fourth year of the contract and before the filing of a petition for election, the new contract shall serve as a

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contract bar. An order redesignating a unit where a contract exists shall be effective upon expiration of the contract.

(7) All representation petitions shall be filed in writing with the Board on a form approved by the Board. The Board or Board Agent shall send a copy of the petition to the parties named in the petition.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-1981(Temp), f. 8-6-81, ef. 8-10-81; ERB 1-1982, f. & ef. 1-19-82; ERB 6-1985, f. 10-29-85, ef. 10-31-85; ERB 3-1998, f. & cert. ef. 1-26-98; ERB 1-2000, f. & cert. ef. 12-1-00; ERB 2-2007(Temp), f. 7-20-07, cert. ef. 7-23-07 thru 1-15-08; ERB 4-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0005

### Petitions for Clarification of Bargaining Unit

(1) Filing Petitions for Clarification of a Bargaining Unit:

(a) For purposes of this rule, a question of representation exists only when the employees who are the subject of such a petition are unrepresented and as a group would constitute an appropriate unit as determined by the Board;

(b) When no question of representation exists, the recognized or certified representative or the public employer may petition for clarification of a bargaining unit, subject to other applicable requirements of this rule.

(c) When no question of representation exists, a group of unrepresented employees may petition under ORS 243.682(2)(a) to include the unrepresented employees in an existing bargaining unit without an election, subject to other applicable requirements of this rule. A petition filed under this subsection may also be jointly filed with the recognized or certified representative of the existing bargaining unit.

(d) All petitions shall be filed in writing on a form approved by the Board. The petitioner shall designate one or more of the subsections on the form to indicate the clarification issue(s) that the petitioner intends to raise.

(e) After the filing of objections, if any, the Board Agent may determine the issues raised by the petition. If the Board Agent determines that the issue raised is different from that designated on the form, the Board Agent shall determine whether the petition complies with the requirements of the appropriate subsection(s).

(2) When the issue raised by the clarification petition is one of public employee status under ORS 243.650(6), (16), or (23), the petition may be filed at any time, except that a petition may be filed only during the open period provided for in OAR 115-025-0015(4) if a position sought to be excluded is expressly by title included within the unit description.

(a) If the Board determines that an election would be appropriate to further the policies expressed in ORS 243.662, the Board may order a self-determination election among the affected employees as a result of a petition filed by a labor organization under this subsection. For example, a self-determination election may be ordered if the affected employees, as a class, were excluded from voting when the bargaining unit was certified and subsequently were treated as being excluded from the unit.

(b) A petition filed by a group of unrepresented employees under ORS 243.682(2)(a) and subsection (1)(c) of this rule will be processed in accordance with subsection (7) of this rule and OAR 115-025-0065.

(3) When the issue raised by the clarification petition is whether certain positions are or are not included in a bargaining unit under the express terms of a certification description or collective bargaining agreement, a petition may be filed at any time, except that the petitioning party shall be required to exhaust any grievance in process that may resolve the issue.

(4) When the issue raised by the clarification petition is whether certain unrepresented positions should be added to an existing bargaining unit, the petition must be supported by a 30 percent showing of interest among the unrepresented employees sought to be added to the existing unit, unless the petition is filed under subsection (1)(c) of this rule, in which case the petition must be supported by a majority of employees as required by subsection (7)(a) of this rule. If the employees sought to be added to the unit occupy positions that existed and were filled at the time of the most recent certification or recognition agreement, the petition must be filed during the open period provided for in OAR 115-025-0015(4) and will be subject to the provisions of OAR 115-025-0015(1) and (3). If the employees sought to be added to the unit occupy positions that were created or were filled after the most recent certification or recognition agreement, the petition may be filed at any time and will not be subject to the provisions of OAR 115-025-0015. Except for unit clarification petitions described in subsections (1)(b) and (7) of this rule, if the Board determines that it would be appropriate to add the unrepresented positions to the existing bargaining unit, the Board shall order a self-determination election in which the unrepresented employees will vote either to be represented within the existing bargaining unit or for no representation. The election shall be conducted by a Board Agent in accordance with the provisions of OAR 115-025-0055

and 115-025-0060, to the extent such rules are applicable to a self-determination election. If a majority of the unrepresented employees who vote cast ballots in favor of representation, the existing bargaining unit shall be clarified to include those employees.

(5)(a) A clarification petition concerning whether there should be a merger of two or more bargaining units represented by the same labor organization and employed by the same employer must be filed during the open period provided for in OAR 115-025-0015(4), as that rule applies to the larger (or largest) of the bargaining units.

(b) A petition for clarification through merger must be supported by a showing of interest of a majority of the employees in each unit stating that they wish their unit to be merged with the other unit.

(c) The Board shall order a clarification through merger when it determines that the description of the merged unit, which must include all employees in the existing units, describes an appropriate unit.

(d) When the Board approves a clarification through merger, and the employees in the smaller unit are covered by a collective bargaining agreement, the employment conditions for the employees in the smaller unit will remain governed by their collective bargaining agreement until that agreement expires. Before the expiration of that agreement, the parties are obligated to begin negotiations for inclusion of the smaller unit employees under the larger-unit agreement.

(6)(a) A clarification petition that concerns a group of employees currently represented within (as a fragment of) another bargaining unit more appropriately belongs in a unit represented by the petitioning labor organization must include signatures of a majority of the employees in the affected group stating that they wish to be represented by the petitioning labor organization as part of that organization's bargaining unit.

(b) The petition must be filed during the open period provided for in OAR 115-025-0015(4), as that rule applies to the petitioning organization's bargaining unit.

(c) If the Board determines that it would be appropriate to add the positions in question to the petitioning organization's bargaining unit, the Board shall order a self-determination election in which the employees in question will vote either to be represented within the existing bargaining unit or by the petitioning organization's bargaining unit.

(d) The election shall be conducted by a Board Agent in accordance with the provisions of OAR 115-025-0055 and OAR 115-025-0060, to the extent that such rules are applicable to a self-determination election.

(e) If a majority of the employees who vote cast ballots in favor of representation by the petitioning organization, the Board shall order the clarification.

(7)(a) Unrepresented employees will be added to an existing bargaining unit without an election under ORS 243.682(2)(a) and subsection (1)(c) of this rule, if the Board finds that:

(A) a majority of employees in the group of employees seeking to be included in the existing bargaining unit have signed authorizations designating the labor organization specified in the petition as the exclusive representative; and

(B) no other labor organization is certified or recognized as the exclusive representative of any of the employees in the group of unrepresented employees seeking to be included in the existing bargaining unit.

(b) Authorizations submitted under this section must be signed by employees within 180 days of the filing of the petition for clarification without an election.

(c) Notwithstanding subsection (a) of this section, one or more of the unrepresented employees to be included in the existing bargaining unit may file a petition with the Board requesting that an election take place, as set forth in OAR 115-025-0075. In order for the petition for election to be granted, the petition must be accompanied by a showing of interest from at least 30 percent of the unrepresented employees to be included in the existing bargaining unit.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-1982, f. & ef. 1-19-82; ERB 6-1985, f. 10-29-85, ef. 10-31-85; ERB 1-1988, f. & cert. ef. 4-25-88; ERB 1-1990, f. 7-19-90, cert. ef. 8-1-90; ERB 2-1995(Temp), f. 7-17-95, cert. ef. 8-1-95; ERB 4-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 4-1998, f. & cert. ef. 1-26-98; ERB 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; ERB 3-2014, f. 8-25-14, cert. ef. 9-10-14; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0008

### Petitions for Amendment of Certification or Recognition

A petition for amendment of certification or recognition may be filed when no question of representation exists. The petition shall be filed in writing with the Board on a form provided by the Board. Such a petition may be appropriate to reflect a change in name or affiliation of the exclusive representative or a change in name of the employer. To show that no



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question of representation exists, the petitioner will be required to prove that the affiliation election was conducted in accordance with at least minimal due process.

Stat. Auth.: ORS 240.086(3) & 243.766(7)  
Stats. Implemented: ORS 243  
Hist.: ERB 1-1982, f. & ef. 1-19-82; ERB 6-1985, f. 10-29-85, ef. 10-31-85; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0009

### Petitions to Revoke Certification or Recognition

A petition to revoke an existing Board certification or employer recognition of an exclusive representative may be filed at any time by an employer or exclusive representative. The Board will order revocation only if:

- (1) No collective bargaining agreement is in effect; and
- (2) The labor organization disclaims further interest in representing the bargaining unit or the labor organization is defunct.

Stat. Auth.: ORS 240.086(3) & 243.766(7)  
Stats. Implemented: ORS 243  
Hist.: ERB 1-1988, f. & cert. ef. 4-25-88; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0010

### Contents of Petitions

(1) Certification of Public Employee Representative Filed by a Labor Organization Under ORS 243.682(1). A petition for an election to certify a public employee representative shall be completed on a form provided by the Board and shall be accompanied by a showing of interest of at least 30 percent of the employees in the alleged appropriate unit.

(2) Certification of Public Employee Representative Filed by a Public Employer:

(a) A petition filed by a public employer shall state that a request for representation or continued representation has been made by one or more labor organizations and that the public employer has a good faith doubt concerning the majority representative of its employees.

(b) A petition shall be completed on a form provided by the Board.

(3) Decertification of Public Employee Representative Filed by an Employee or a Group of Employees. A petition for decertification of a public employee representative shall be:

- (a) completed on a form provided by the Board; and
- (b) accompanied by a showing of interest from at least 30 percent of the employees in the unit in which an employee representative has been recognized or certified. The showing of interest shall indicate that the employees no longer desire to be represented for purposes of collective bargaining by the recognized or certified representative.

(4) Clarification of Unit or Amendment of Certification Filed by the Recognized or Certified Representative or by the Public Employer. A unit clarification or amendment of certification petition filed by the recognized or certified representative of a public employer or filed by a public employer shall be completed on a form provided by the Board.

(5)(a) Certification of Public Employee Representative Without an Election. An employee, a group of employees, or a labor organization may file a petition under ORS 243.682(2) to certify a public employee representative without a representation election. The petition shall be completed on a form provided by the Board.

(b) A petition shall be accompanied by a showing of interest from a majority of the employees in the proposed unit designating the labor organization named in the petition as the exclusive bargaining representative. If authorization cards are used for the showing of interest, they shall be arranged alphabetically. Authorizations that do not substantially comply with OAR 115-025-0065(2) shall not be counted.

(6) Unit Clarification Without an Election. A petition filed under ORS 243.682(2)(a) and OAR 115-025-0005(1)(c), (2), or (4) to add a group of unrepresented employees to an existing bargaining unit must be submitted on a form approved by the Board.

Stat. Auth.: ORS 240.086(3) & 243.766(7)  
Stats. Implemented: ORS 243  
Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 6-1985, f. 10-29-85, ef. 10-31-85; ERB 1-2000, f. & cert. ef. 12-1-00; ERB 2-2007(Temp), f. 7-20-07, cert. ef. 7-23-07 thru 1-15-08; ERB 4-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; ERB 3-2014, f. 8-25-14, cert. ef. 9-10-14; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0015

### Timeliness of Petitions

(1) Election Bar. No election may be held, and no petition for certification without an election may be filed, for a bargaining unit or a subdivision of one in which a valid election has been held or a petition for certification without an election has been filed during the preceding 12-month period. In mail ballot elections, the date of the election shall be the deadline for return of ballots to the Board. In on-site elections, the date of the

election shall be the last day that the polls are open. In mixed on-site and mail ballot elections, the date of the election will be the latest of the foregoing dates.

(2) Contract Bar.

(a) No representation election involving employees covered by a written collective bargaining agreement with a term of up to three years' duration shall be held during that agreement's term.

(b) For employees covered by a collective bargaining agreement with a term of more than three years, no representation election involving those employees shall be held during the first three years of its term.

(c) A contract renewed either by new agreement or as the result of an automatic renewal provision shall have the same effect as a new contract. However, the short-term extension of an existing contract to afford the parties time to negotiate a new contract shall not operate as an election bar.

(d) Notwithstanding subsections (2)(a), (b), and (c) of this rule, an existing collective bargaining agreement will not bar a representation election if:

- (A) the agreement is no longer a stabilizing influence; and
- (B) an election should be held to restore stability to the representation of employees in the unit.

(3) Certification Bar. The certification of an exclusive bargaining representative will serve as a bar to an election for a period of one year from the date of certification unless:

(a) The certified labor organization has dissolved or has become defunct;

(b) A schism has developed in the certified labor organization so that it cannot effectively represent bargaining unit members;

(c) The size of the bargaining unit has fluctuated radically within a short period of time; or

(d) Other changed circumstances warrant waiver of the certification bar.

(4) Open Period for Filing.

(a) If a collective bargaining agreement with a term of up to three years is in effect, a petition for an election must be filed from 60 through 90 days before the end of the contract period. For the open period for unit clarification petitions, see OAR 115-025-0005(4).

(b) If a collective bargaining agreement with a term of more than three years is in effect, a petition for an election may be filed from 60 to 90 days before the end of the first three years of the contract or any time after three years from the effective date of the contract. However, if a new contract is negotiated during the fourth year of the contract and before the filing of a petition for election, the new contract shall serve as a contract bar.

Stat. Auth.: ORS 240.086(3) & 243.766(7)  
Stats. Implemented: ORS 243  
Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 6-1985, f. 10-29-85, ef. 10-31-85; ERB 1-1988, f. & cert. ef. 4-25-88; ERB 1-2000, f. & cert. ef. 12-1-00; ERB 2-2007(Temp), f. 7-20-07, cert. ef. 7-23-07 thru 1-15-08; ERB 4-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0020

### Validity of Showing of Interest

(1) The showing of interest submitted under Division 25 of these rules shall not be furnished to any of the parties, except that the petitioner may examine cards or petitions when signatures are deemed invalid.

(2) The showing of interest shall be destroyed when the file is closed.

(3) The Board or Board Agent shall determine the adequacy of the showing of interest. That determination is an administrative matter not subject to attack.

Stat. Auth.: ORS 240.086(3) & 243.766(7)  
Stats. Implemented: ORS 243  
Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 6-1985, f. 10-29-85, ef. 10-31-85; ERB 1-1991, f. 11-21-91, cert. ef. 12-1-91; ERB 2-2007(Temp), f. 7-20-07, cert. ef. 7-23-07 thru 1-15-08; ERB 4-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0023

### Amendments to Petitions

(1) The Board Agent may require amendments to petitions filed under Division 25. A petition may be dismissed if the petitioner fails to amend the petition within ten days of such a Board Agent request, unless the petitioner can establish that it had good cause for failing to do so.

(2) A petitioner may amend a petition under OAR 115-025-0000 or 115-025-0005 at any time before it is sent to respondents. Once the petition is sent, amendments may only be made with approval of the Board Agent.

Stat. Auth.: ORS 240.086(3) & 243.766(7)  
Stats. Implemented: ORS 243  
Hist.: ERB 1-1988, f. & cert. ef. 4-25-88; ERB 1-1991, f. 11-21-91, cert. ef. 12-1-91; ERB 2-2007(Temp), f. 7-20-07, cert. ef. 7-23-07 thru 1-15-08; ERB 4-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

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## 115-025-0025

### Withdrawal or Dismissal of Petition

(1) Withdrawal of Petition.

(a) A petitioner may withdraw a petition filed under Division 25 of these rules with the approval of the Board or Board Agent.

(b) If a petition is withdrawn after a Recommended Order is issued, after a Consent Election Agreement is executed by the parties, or after a representation election is requested under OAR 115-025-0075, the withdrawal will be granted with prejudice, and the petitioner may not submit a new petition for the bargaining unit for a period of six months from the date that the withdrawal was approved. Any subsequent petition will also be subject to any applicable bars and window periods.

(2) Dismissal of Petition.

(a) The Board may request that a party withdraw a petition without prejudice, if the Board determines after an investigation that:

(A) The petition has not been timely or properly filed;

(B) No valid question concerning the representation of employees exists; or

(C) The petition should not be processed for other reasons.

(b) If the party declines to withdraw the petition after such a Board request, the Board may dismiss the petition. Such action may be taken by the Board at any time before the closing of the case.

(c) Within 14 days of the date of service of a Board dismissal of a petition, a petitioner may request reconsideration. This request shall contain a complete statement setting forth the facts and reasons for the request. On its own motion, the Board may or may not hear oral argument on a request for reconsideration. The Board may affirm the dismissal, or set the dismissal aside and remand the matter for hearing.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-1991, f. 11-21-91, cert. ef. 12-1-91; ERB 2-2007(Temp), f. 7-20-07, cert. ef. 7-23-07 thru 1-15-08; ERB 4-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 1-2008, f. 3-12-08, cert. ef. 3-17-08; ERB 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; ERB 3-2014, f. 8-25-14, cert. ef. 9-10-14; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0030

### Posting Notice of Petition

(1) Upon receipt of a petition under OAR 115-025-0010(1), (2), (3) or (4), a Board Agent will cause a notice of the petition to be posted in the work areas granting maximum access to employees in the existing or proposed unit. Copies of the notice shall be sent to the public employer and any known exclusive representative. The notice shall set forth:

(a) The name of the petitioning organization or employer;

(b) A description of the unit involved; and

(c) A statement that parties and interested persons will have 14 days from the date of the notice to file:

(A) Objections to the appropriateness of the proposed unit;

(B) Objections to the positions to be included or excluded;

(C) Objections to the petitioner's designation of the issue(s) in cases filed under OAR 115-025-0005; and

(D) Petitions to intervene as provided in OAR 115-025-0035.

(2) An affected employee or a party, including an intervenor, may file an objection regarding a petition filed under section (1) of this rule.

(3) Upon receipt of a petition for certification without an election under OAR 115-025-0010(5), or a petition for unit clarification without an election under OAR 115-025-0010(6), a Board Agent will cause a notice of the petition to be posted in the work areas granting maximum access to employees in the proposed bargaining unit. Copies of the notice shall be sent to the public employer. Copies of the notice of a petition for unit clarification without an election will also be sent to the recognized or certified representative of the existing bargaining unit if that representative did not jointly file the petition with the group of unrepresented employees. The notice shall set forth:

(a) A statement that certification or clarification without an election has been requested;

(b) The name of the labor organization that seeks certification, or, in the case of a unit clarification petition, the name of the recognized or certified representative of the existing bargaining unit;

(c) A description of the proposed bargaining unit, or, in the case of a unit clarification petition, a description of the existing bargaining unit and the unrepresented group of employees to be added to that existing unit; and

(d) A statement that there are 14 days from the date of the notice to file:

(A) Objections to the appropriateness of the unit;

(B) Objections that a labor organization is currently certified or recognized as the exclusive representative of one or more employees in the proposed unit, or, in the case of a unit clarification petition, that another labor organization is certified or certified or recognized as the exclusive

representative of any of the employees in the group of unrepresented employees seeking to be included in the bargaining unit;

(C) Objections to the positions to be included or excluded; or

(D) A request for an election pursuant to ORS 243.682(3).

(4) An affected employee or a party, including an intervenor, may file an objection regarding a petition filed under section (3) of this rule.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 6-1985, f. 10-29-85, ef. 10-31-85; ERB 1-1988, f. & cert. ef. 4-25-88; ERB 1-1991, f. 11-21-91, cert. ef. 12-1-91; ERB 2-2007(Temp), f. 7-20-07, cert. ef. 7-23-07 thru 1-15-08; ERB 4-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 1-2008, f. 3-12-08, cert. ef. 3-17-08; ERB 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; ERB 3-2014, f. 8-25-14, cert. ef. 9-10-14; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0035

### Intervention

(1) Except in petitions for certification without an election under OAR 115-025-0010(5), a labor organization may intervene as a candidate for representative of a bargaining unit if it files a representation petition within 14 days from the date of a notice of petition and supports its petition with a showing of interest of ten percent of the employees in the unit. A labor organization may intervene for the purpose of representing a bargaining unit of employees different from that sought by the petitioner, but including some of the employees in the bargaining unit proposed by the petitioner. In such case, it must file a petition for representation within 14 days from the date of the notice of petition with a showing of interest of 30 percent of the employees in its proposed unit.

(2) A labor organization currently certified or recognized as the exclusive representative of all or a major portion of the employees in the requested bargaining unit will be included as a party in interest in any hearing on the petition and will be included on the ballot in any resulting election, unless it files a disclaimer pursuant to OAR 115-025-0060(3).

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 6-1985, f. 10-29-85, ef. 10-31-85; ERB 2-2007(Temp), f. 7-20-07, cert. ef. 7-23-07 thru 1-15-08; ERB 4-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0037

### Filing Objections/Interventions

Concurrently with the filing of any intervention or objections to any petitions under Division 25 of these rules, the intervening or objecting party shall serve a copy of such intervention/objections upon all known interested parties and petitioner, and provide the Board with proof of such service.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1988, f. & cert. ef. 4-25-88; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0040

### Consent Election Agreements

The parties may waive a hearing and enter into a consent election agreement after 14 days from the date of the notice of petition. Such agreement shall include a description of the unit, time and place of the election and the payroll period to be used in determining the employees eligible to vote. The bargaining unit set out in the consent agreement shall be deemed an appropriate bargaining unit when the consent agreement is approved by the Board.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0045

### Notice of Hearings, Conduct of Hearings, and Post-Hearing Procedures

Unless the context requires otherwise, OAR 115-010-0040 through OAR 115-010-0110 apply to cases under this Division. .

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 6-1985, f. 10-29-85, ef. 10-31-85; ERB 1-1991, f. 11-21-91, cert. ef. 12-1-91; ERB 2-1998, f. & cert. ef. 1-26-98; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0050

### Appropriate Bargaining Unit(s)

(1) Subject to ORS 243.650(1), (19) and ORS 243.682(1)(a), a bargaining unit may consist of all of the employees of the employer, or any department, division, section or area, or any part or combination thereof, if found to be appropriate by the Board.

(2) Questions concerning public employee status shall not be decided in proceedings to determine the appropriate bargaining unit for a represen-

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tation election, unless the results of such an election cannot be certified without the resolution of such questions.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 3-1981(Temp), f. 10-5-81, ef. 10-9-81; ERB 1-1982, f. & ef. 1-19-82; ERB 2-1995(Temp), f. 7-17-95, cert. ef. 8-1-95; ERB 4-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0055

### Notice of Election; Improper Use of Notice

(1) Notices of election shall be furnished by a Board Agent to the public employer for suitable posting.

(2) Such notices shall set forth the details and procedures for the election, the appropriate unit, the employee eligibility period, and date(s), hour(s) and place(s) of the election. Notices shall also contain a sample ballot.

(3) The public employer shall promptly post notices in areas to give maximum access to affected employees.

(4) The reproduction of any document purporting to be a copy of the Board's official ballot, other than one completely unaltered in form and content and clearly marked "sample" on its face, which suggests either directly or indirectly to employees that the Board endorses a particular choice, may constitute grounds for setting aside an election.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0060

### Election Procedures

(1) Eligibility to Vote. Public employees eligible to vote in an election will be those employed on the date of the election who were employed on a payroll date agreed to by the parties or on a date specified by the Board. The Board may include as eligible voters other employees who have reasonable expectations of continued employment, including, but not limited to, seasonal employees or employees on layoff.

(2) List of Eligible Voters. The public employer shall submit an alphabetical list of eligible voters, their names, addresses and job classifications to the Board. Unless otherwise expressly agreed to by the parties, the submission shall be provided at least 20 days before the date of the on-site election or 20 days before the date set for the Board to mail out ballots in a mail-ballot election. The Board shall provide each labor organization with a copy of the list of eligible voters.

(3) Disclaimer. A labor organization may request in writing to have its name removed from the ballot, disclaiming any representation interest for the employees in the unit. Such disclaimer must be filed at least ten days before the date of the election in an on-site election or at least ten days before the date ballots are mailed in a mail-ballot election. When a disclaimer is filed and accepted after a consent agreement for an election is signed or after an election is ordered, the Board will not entertain a representation petition filed by the disclaiming organization for the bargaining unit for a period of six months from acceptance of the disclaimer.

(4) Voting.

(a) Voting shall be by secret ballot with an opportunity to vote for any one of the candidates on the ballot or for no representation.

(b) Elections shall be conducted by mail-ballot, unless a mail-ballot election would not fulfill the policy statements in ORS 243.656. In a mail-ballot election, a ballot that is not delivered through the U.S. mail or in person by the voter is void.

(c) For purposes of scheduling an election by mail, the date on which ballots are to be returned shall be the date of the election;

(d) The choice on the ballot receiving the majority of valid votes cast shall be declared the winner. If there are only two choices on the ballot in an initial election or runoff election and the balloting results in a tie vote, the Board Agent shall certify that no representative has been chosen.

(e) These provisions apply to all representation elections.

(5) Runoff Election. In any representation election where there are more than two choices on the ballot and none of the choices receives a majority of the valid votes cast, a runoff election shall be conducted. The ballot in a runoff election shall contain the two choices on the original ballot that received the largest number of votes. To be eligible to vote in the runoff election, an employee must have been eligible to vote in the original election and still be employed on the date of the runoff election.

(6) Observers. At on-site elections, any party may be represented at the polling place(s) by observers of its own selection, except that employer observers cannot be supervisors employed by the employers. Labor organization observers must be eligible voters. The number and the func-

tion of the observers shall be determined by the Board Agent conducting the election.

(7) Challenged Ballots. Any party or the Board Agent may challenge, for good cause, the eligibility of any person to participate in the election. Challenges submitted before the tally must be in writing, supported by a statement describing the challenge, and provided to the other parties to the election. At the tally, challenges may be made orally. The ballots of challenged persons shall be impounded.

(8) Tally of Ballots. The Board shall notify the parties of the date of the ballot count and advise the parties that they are entitled to have a representative present at the count. Upon the conclusion of the ballot count, the Board Agent shall furnish the parties with a tally of ballots on that same date.

(9) Objections to Conduct of Election or Conduct Affecting the Results of the Election.

(a) Objections to the conduct of the election or conduct affecting the results of the election must be filed, within ten days after the tally of ballots has been furnished.

(b) Objections may be filed by any party of record.

(c) Objections must contain a clear and concise statement of the reasons for the objections.

(d) Objections that are not timely filed shall be dismissed.

(10) Certification of Representative or Results of Election. If no objections are filed within ten days and any challenged ballots are insufficient in number to affect the results of the election, the Board Agent shall issue to the parties a certification of the results of the election, including certification of representative, where appropriate.

(11) Resolution of Objections and Challenged Ballots.

(a) When timely objections are filed or where the challenged ballots are sufficient in number to affect the results of the election, the Board Agent shall conduct an investigation and shall, when appropriate, issue a notice of hearing.

(b) The dispute will be processed in the manner set forth in OAR 115-035-0060(5).

(c) The objecting or challenging party shall bear the burden of proof and of going forward in the hearing.

(d) If the Board Agent exercised a challenge because the voter's name was not on the list of eligible voters, the party seeking to have the vote counted shall have the burden of proof and the burden of going forward.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 6-1985, f. 10-29-85, ef. 10-31-85; ERB 1-1991, f. 11-21-91, cert. ef. 12-1-91; ERB 3-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 4-1998, f. & cert. ef. 1-26-98; ERB 1-2010(Temp), f. & cert. ef. 4-13-10 thru 10-10-10; ERB 2-2010, f. 9-23-10, cert. ef. 10-1-10; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0065

### Certification or Unit Clarification Without Election

(1) Upon receipt of a petition under OAR 115-025-0010(5) for certification without an election or under OAR 115-025-0010(6) for unit clarification without an election, a Board Agent shall commence an investigation and shall cause a notice of the petition to be posted as described in OAR 115-025-0030(1).

(2) Authorization Documents.

(a) An authorization document is a type of showing of interest that is submitted in support of a petition for certification or unit clarification without an election. An authorization document must, at a minimum, contain the following:

(A) The employee's name, typed or legibly printed;

(B) The employee's signature;

(C) The date of the employee's signature;

(D) A statement that the employee designates the named labor organization as the employee's exclusive representative for purposes of collective bargaining with the employee's employer; and

(E) A statement that the employee understands that the employee's signature may be used to obtain certification of the named labor organization as the exclusive bargaining representative without an election.

(b) An authorization under subsection (a) must be signed and dated within the 180-day period before the petition is filed.

(c) Authorization cards shall be used as the showing of interest if the proposed bargaining unit involves more than 100 employees. If authorization cards are used as a showing of interest, they shall be submitted in alphabetical order.

(d) An authorization that does not comply with this section shall be deemed invalid.

(3) Eligible Employees. For the purpose of determining the adequacy of the showing of interest, public employees who were employed on the fil-

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ing date of the petition for certification or clarification without an election are included in the proposed bargaining unit and are considered eligible in the processing of the petition. The Board may also include as eligible other employees who have a reasonable expectation of continuing employment, including but not limited to, seasonal employees or employees on layoff.

(4) List of Eligible Employees. Within 7 days after a public employer receives notice under OAR 115-025-0030(3) that a petition has been filed seeking a certification or clarification without an election, the public employer shall submit to the Board an alphabetical list of employees in the proposed bargaining unit, including their names, addresses and job classifications. The Board will provide a copy of the list to the labor organization named in the petition.

(5) Challenges to the List of Eligible Employees.

(a) Challenges to the inclusion or exclusion of a name from the list of eligible employees must be filed with the Board within 7 days after the Board provides the labor organization with a copy of the list under section (4) of this rule.

(b) The Board Agent shall determine whether a majority of employees on the list supplied by the employer have signed valid authorizations. The Board Agent shall then determine whether there is a sufficient number of challenged names to affect the result.

(A) If the number of challenges is insufficient to potentially affect the result, then the challenges shall be dismissed.

(B) If the number of challenges is sufficient to potentially affect the result, the Board Agent shall investigate and, when appropriate, issue a notice of hearing on the challenges. The hearing will be conducted as set forth in OAR 115-025-0045. The challenging party shall bear the burden of proof.

(6) Authentication. The Board shall determine whether each otherwise valid authorization document was signed by an eligible employee.

(7) Objections. Objections to a petition for certification without an election must be filed within 14 days of the date of the notice posted pursuant to OAR 115-025-0030(3). Hearings on such objections shall be conducted under OAR 115-010-0040 through 0110, unless the context requires otherwise.

(8) Certification.

(a) If it is determined in a petition seeking certification without an election that a majority of employees in an appropriate unit have signed valid authorization documents designating the labor organization named in the petition as the exclusive representative, and that no other labor organization is currently certified or recognized as the exclusive representative for any employee in the proposed bargaining unit, then the Board shall certify the labor organization named in the petition as the exclusive representative without an election, unless a timely petition for election is filed under OAR 115-025-0075.

(b) If it is determined in a petition for unit clarification without an election that a majority of an unrepresented group of employees has signed valid authorization documents to be included in an existing bargaining unit, that the proposed petitioned-for unit is appropriate, and that no other labor organization is certified or recognized as the exclusive representative of any of the employees in the group of unrepresented employees, then the Board shall add the group to the designated existing bargaining unit without an election, unless a timely petition for election is filed under OAR 115-025-0075.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 2-2007(Temp), f. 7-20-07, cert. ef. 7-23-07 thru 1-15-08; ERB 4-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 1-2008, f. 3-12-08, cert. ef. 3-17-08; ERB 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; ERB 3-2014, f. 8-25-14, cert. ef. 9-10-14; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0070

### Objections to Petition for Certification Without Election or Petition for Unit Clarification Without Election

Objections to a petition for certification or unit clarification without election, including objections to the scope of the appropriate bargaining unit, shall be expedited and resolved under the procedures of OAR 115-0010-0040 through 0110, unless the context requires otherwise. If an election is requested under OAR 115-025-0075, the resolution may occur after the election. The Board may delay counting the ballots until all objections are resolved.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 2-2007(Temp), f. 7-20-07, cert. ef. 7-23-07 thru 1-15-08; ERB 4-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; ERB 3-2014, f. 8-25-14, cert. ef. 9-10-14; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0075

### Election Petition in Response to Petition for Representation or Unit Clarification Without an Election

(1) After a petition for certification without an election has been filed under OAR 115-025-0010(5), an employee or group of employees in the proposed bargaining unit may petition the Board for a representation election. The petition for an election must be filed within 14 days from the date of the notice posted under OAR 115-025-0030(2), and it must be accompanied by a showing of interest from at least 30 percent of the employees in the bargaining unit designated in the petition for certification without an election.

(2) After a petition for unit clarification without an election has been filed under OAR 115-025-0010(6), one or more of the unrepresented employees may petition the Board for a unit clarification election. The petition for an election must be filed within 14 days from the notice posted under OAR 115-025-0030(2), and it must be accompanied by a showing of interest from at least 30 percent of the unrepresented employees to be added to the existing bargaining unit.

(3) Showing of Interest. For purposes of this section, a showing of interest must contain the employee's name, typed or printed legibly, the employee's signature, the date of the employee's signature, and a statement indicating that the employee requests an election on whether the Board should certify the named labor organization as the exclusive bargaining representative for the employees of the employer, or in the case of a unit clarification petition, that the employee requests an election on whether the group of unrepresented employees should be added to the existing bargaining unit.

(4) Notice and Election.

(a) If the Board determines that the petition for election is accompanied by a sufficient showing of interest, the Board shall conduct an election by secret ballot.

(b) The Board Agent shall require the employer to post a notice of the election under OAR 115-025-0055 at least 14 days before the election.

(c) In an election by mail, the date of the election shall be the date on which the ballots are to be returned to the Board. Ballots must be delivered to the Board in person by the voter or by U.S. mail. Ballots not so delivered by the date of the election shall be void.

(d) The election shall be completed within 45 days from the date of the petition requesting an election.

(5) Procedures.

(a) The election shall follow the procedures in OAR 115-025-0060(4) and (7)-(11).

(b) All employees in the bargaining unit designated in the petition for certification without an election or all employees designated to be added to the existing bargaining unit in the petition for unit clarification without an election shall be eligible to vote. The two choices on the ballot shall be no representation, or the labor organization named in the petition for certification or unit clarification without an election.

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 2-2007(Temp), f. 7-20-07, cert. ef. 7-23-07 thru 1-15-08; ERB 4-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; ERB 3-2014, f. 8-25-14, cert. ef. 9-10-14; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## 115-025-0090

### Merger of School Districts

(1) Application of Rule. This rule shall apply when there is a "merger," as defined in ORS 330.003, of school districts. As used in this rule, the term "labor organization" includes, in addition to the definition under ORS 243.650(13), an entity composed of two or more local affiliates of a state or national labor organization.

(2) Petition for Certification. A labor organization may file a petition for certification as the exclusive representative of a group of employees of a surviving school district. A petition shall be filed on a form provided by the Board and a copy shall be sent by a Board Agent to parties disclosed in the petition.

(a) Time for Filing. A petition for certification may be filed only between the date of final action by the State Board of Education or by a boundary board to merge the districts and the date that the merger takes effect.

(b) Contents of Petition. The petition must include:

(A) A description of the proposed bargaining unit for which certification is sought;

(B) A statement that the labor organization currently represents a majority of the employees who will be included in the proposed bargaining unit when the merger takes effect. This statement must be supported by collective bargaining agreements or certifications of representative and must

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include the number of employees in the proposed bargaining unit and the number of employees represented by the labor organization in each current unit;

(C) The name of the superintendent of schools and the name, address and telephone number for each district affected by the merger; and

(D) The dates set forth in subsection (2)(a) of this rule.

(c) Posting of Notice. The Board shall send a notice of the filing of a petition for certification to each affected school district. Each district shall post copies of the notice in work areas granting maximum access to affected employees. The notice shall include a description of the proposed bargaining unit and shall state the rights of interested parties under this Division. The notice shall remain posted for at least ten regular school days.

(d) Objections by Surviving District. Within 14 days of the date the notice is posted, the surviving school district may file objections to the petition for certification on the ground that the proposed unit is not appropriate or that the district has a good faith doubt that a majority of the employees in the proposed bargaining unit will desire certification of the petitioners as their exclusive representative.

(A) Objections to Unit. If the proposed unit description on its face describes an appropriate bargaining unit, objections to the appropriateness of the unit or to the inclusion or exclusion of certain employees will not delay the certification of representative unless the Board finds that the resolution of the objections may affect the majority support for the petitioning labor organization. A hearing will be held on any valid objections after certification of representative by this Board.

(B) Good Faith Doubt. An objection based on a district's good faith doubt concerning the petitioner's majority support among employees in the proposed bargaining unit must include a statement of the objective basis for the doubt. If the board finds, based on the objection and any supporting material, that the district's doubt is reasonable, the petition for certification shall be dismissed.

(e) Certification. If no employer objections are filed or are sufficient to delay certification, and no petition for an election affecting employees in the proposed unit is pending, the Board shall issue a certification of representative as soon as is practicable, unless the Board finds the petition to be otherwise defective.

(3) Petition for Election. A labor organization claiming to represent at least 30 percent of the employees in a proposed bargaining unit in a surviving district may file a petition for representation at any time after the final official action, by the State Board of Education or a boundary board, necessary to effect a merger of school districts, unless a certification of representative for substantially the same group of employees has been issued by the Board.

(a) Showing of Interest. A labor organization's claim to represent 30 percent of the employees must be supported by a showing of interest, as provided for in OAR 115-010-0010(21) and 115-025-0010(1), by collective bargaining agreements or certifications showing current representation by the labor organization of at least 30 percent of the employees who will be in the proposed bargaining unit, or by a combination of a showing of interest and agreements or certification.

(b) Conduct of Election. After a petition is filed under section (3) of this rule, procedures concerning the petition and any subsequent election will be governed by the other provisions of OAR chapter 115, division 025, except that a labor organization's petition to intervene as a candidate under OAR 115-025-0035(1) may be supported by a ten percent showing of interest, by a showing that it currently represents at least ten percent of the employees who will be in the proposed bargaining unit or by a combination of the two showings equaling ten percent support.

(4) Voluntary Recognition. Nothing in this rule is intended to prevent an employer from recognizing a labor organization pursuant to ORS 243.666(3).

Stat. Auth.: ORS 240.086(3) & 243.766(7)

Stats. Implemented: ORS 243

Hist.: ERB 1-1992, f. & cert. ef. 6-15-92; ERB 3-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 3-1998, f. & cert. ef. 1-26-98; ERB 13-2016, f. 11-9-16, cert. ef. 2-1-17

## Occupational Therapy Licensing Board Chapter 339

**Rule Caption:** Amending Rule 339-010-0005 Definitions (b) and (c) to allow routine and general supervision via telehealth.

**Adm. Order No.:** OTLB 3-2016

**Filed with Sec. of State:** 10-28-2016

**Certified to be Effective:** 10-28-16

**Notice Publication Date:** 10-1-2016

**Rules Amended:** 339-010-0005

**Subject:** 339-010-0005

### Definitions

(1) "Supervision," is a process in which two or more people participate in a joint effort to promote, establish, maintain and/or evaluate a level of performance. The occupational therapist is responsible for the practice outcomes and documentation to accomplish the goals and objectives. Levels of supervision:

(a) "Close supervision" requires daily, direct contact in person at the work site;

(b) "Routine supervision" requires the supervisor to have direct contact in person at least every two weeks at the work site or via telehealth as defined in OAR 339 - 010 - 0006 (9) with interim supervision occurring by other methods, such as telephone or written communication;

(c) "General supervision" requires the supervisor to have at least monthly direct contact in person with the supervisee at the work site or via telehealth as defined in OAR 339 - 010 - 0006 (9) with supervision available as needed by other methods.

**Rules Coordinator:** Nancy Schuberg—(971) 673-0198

**339-010-0005**

### Definitions

"Supervision," is a process in which two or more people participate in a joint effort to promote, establish, maintain and/or evaluate a level of performance. The occupational therapist is responsible for the practice outcomes and documentation to accomplish the goals and objectives. Levels of supervision:

(1) "Close supervision" requires daily, direct contact in person at the work site;

(2) "Routine supervision" requires the supervisor to have direct contact in person at least every two weeks at the work site or via telehealth as defined in OAR 339-010-0006(9) with interim supervision occurring by other methods, such as telephone or written communication;

(3) "General supervision" requires the supervisor to have at least monthly direct contact in person with the supervisee at the work site or via telehealth as defined in OAR 339-010-0006(9) with supervision available as needed by other methods.

Stat. Auth.: ORS 675.320(11), (13) & (14)

Stats. Implemented: ORS 675.210(4) & 675.320(13)

Hist.: OTLB 1-1979, f. & cert. ef. 6-7-79; OTLB 1-1988, f. & cert. ef. 1-29-88; OTLB 2-1990, f. & cert. ef. 12-20-90; OTLB 1-1996, f. & cert. ef. 4-16-96; OTLB 1-1999, f. & cert. ef. 10-27-99; OTLB 2-2003, f. & cert. ef. 9-11-03; OTLB 1-2005, f. & cert. ef. 8-11-05; OTLB 1-2007, f. & cert. ef. 8-1-07; OTLB 3-2016, f. & cert. ef. 10-28-16

## Oregon Board of Dentistry Chapter 818

**Rule Caption:** Adopts new rule directed by HB 4095 (2016) to clarify relief from public disclosure.

**Adm. Order No.:** OBD 1-2016

**Filed with Sec. of State:** 10-25-2016

**Certified to be Effective:** 11-1-16

**Notice Publication Date:** 9-1-2016

**Rules Adopted:** 818-001-0083

**Subject:** The Board is adopting OAR 818-001-0083 Relief from Public Disclosure. The addition of 818-001-0083 is to be in compliance with HB 4095 (2016) that upon request of an individual who has been disciplined by the Oregon Board of Dentistry, the board shall remove from its website and other publicly accessible print and electronic publications under the board's control all information relating to disciplining the individual under ORS 679.140 and any findings and conclusions made by the board during the disciplinary proceeding if certain criteria are met.

**Rules Coordinator:** Stephen Prisby—(971) 673-3200

**818-001-0083**

### Relief from Public Disclosure

Upon the receipt of a written request of an individual who has been disciplined by the Oregon Board of Dentistry, the Board shall remove from its website, and other publicly accessible print and electronic publications under the Board's control, all information related to disciplining the individual under ORS 679.140 and any findings and conclusions made by the Board during the disciplinary proceeding, if:

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(1) The request is made 10 years or more after the date on which any disciplinary sanction ended;

(2) The individual was not disciplined for financially or physically harming a patient as determined by the Board;

(3) The individual informed the Board of the matter for which the individual was disciplined before the Board received information about the matter or otherwise had knowledge of the matter;

(4) The individual making the request, if the individual is or was a licensee, has not been subjected to other disciplinary action by the Board following the imposition of the disciplinary sanction; and

(5) The individual fully complied with all disciplinary sanctions imposed by the Board.

Stat. Auth.: HB 4095 (2016)

Stats. Implemented:

Hist.: OBD 1-2016, f. 10-25-16, cert. ef. 11-1-16

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**Rule Caption:** Multiple rule changes regarding procedures, background checks, standards of practice, licensure, anesthesia, hygiene and assistants.

**Adm. Order No.:** OBD 2-2016

**Filed with Sec. of State:** 11-2-2016

**Certified to be Effective:** 3-1-17

**Notice Publication Date:** 9-1-2016

**Rules Adopted:** 818-005-0050, 818-012-0032, 818-042-0112, 818-042-0113

**Rules Amended:** 818-001-0082, 818-001-0087, 818-005-0035, 818-012-0005, 818-012-0010, 818-012-0030, 818-012-0040, 818-012-0060, 818-012-0070, 818-021-0011, 818-021-0025, 818-021-0026, 818-026-0030, 818-026-0050, 818-026-0060, 818-026-0065, 818-026-0070, 818-026-0080, 818-026-0110, 818-035-0040, 818-042-0020, 818-042-0050, 818-042-0070, 818-042-0115, 818-042-0120, 818-042-0130

**Rules Repealed:** 818-005-0000, 818-005-0005, 818-005-0011, 818-005-0015, 818-005-0021, 818-005-0025, 818-005-0030, 818-005-0045

**Subject:** The Board is adopting OAR 818-005-0050 Criminal Records Check for Employees, Volunteers and Applicants. The addition of 818-005-0050 is required by House Bill 3168 (2013) and House Bill 2250 (2015), which gave the Department of Administrative Services (DAS) authority to adopt statewide administrative rules for criminal background checks and required other agencies to repeal or amend existing rules as needed in order to be consistent with the statewide rules.

The Board is adopting OAR 818-012-0032 Diagnostic Records. The addition of 818-012-0032 is to clarify the fees for digital patient records and how long the licensee has to release the digital patient records.

The Board is adopting OAR 818-042-0112 Expanded Functions Preventative Dental Assistants (EFPDA). The addition of 818-042-0112 is to add a new category of dental assistant.

The Board is adopting OAR 818-042-0113 Certification - Expanded Function Preventative Dental Assistants (EFPDA). The addition of 818-042-0113 is to add new duties for this level of expanded function dental assistants.

The Board is amending 818-001-0082 Access to Public Records. The amendment to 818-001-0082 is to clarify that public records requests must be in writing.

The Board is amending 818-001-0087 Fees. The amendment to 818-001-0087 is to clarify that the fee is for a background check and not for the permit itself.

The Board is amending 818-005-0035 Contesting a Fitness Determination. The amendment to 818-005-0035 is to correct a numbering and grammatical error in the rule.

The Board is amending 818-012-0005 Scope of Practice. The amendment to 818-012-0005 is to add the provision for dentists to utilize dermal fillers to treat a condition within the scope of the practice of dentistry and add 4 additional hours to education requirement.

The Board is amending 818-012-0010 Unacceptable Patient Care. The amendment to 818-012-0010 is to clarify that failure to determine and document dental justification prior to ordering a Cone

Beam CT series documentation with a field greater than 10x10 cm for patients under 20 years of age, and for failure to advise a patient of any recognized treatment complications.

The Board is amending 818-012-0030 Unprofessional Conduct. The amendment to 818-012-0030 is to clarify that duplicates of radiographs must be same quality as originals, to update the language as it pertains to substance use disorder, and to add additional language for what may be considered unprofessional conduct.

The Board is amending 818-012-0040 Infection Control Guidelines. The amendment to 818-012-0040 is to bring the rule in compliance with ORS 679.535.

The Board is amending 818-012-0060 Failure to Cooperate with Board. The amendment to 818-012-0060 is to include failure to cooperate in the course of an investigation.

The Board is amending 818-012-0070 Patient Records. The amendment to 818-012-0070 is to clarify that all licensees are required to prepare and maintain an accurate record and adding that the patient record must include documentation of informing patient of treatment complications. The Board is also adding that a licensee must notify the Board within 14 days of transferring patient records.

The Board is amending 818-021-0011 Application for License to Practice Dentistry without Further Examination. The amendment to 818-021-0011 is to clarify that teaching clinical dentistry at a CODA accredited dental school can count towards the 3,500 clinical practice hours.

The Board is amending 818-021-0025 Application for License to Practice Dental Hygiene without Further Examination. The amendment to 818-021-0025 is to clarify that 3,500 clinical teaching hours must be in a CODA accredited dental hygiene program.

The Board is amending 818-021-0026 State and Nationwide Criminal Background Checks, Fitness Determinations. The amendment to 818-021-0026 is required by House Bill 3168 (2013) and House Bill 2250 (2015), which gave the Department of Administrative Services (DAS) authority to adopt statewide administrative rules for criminal background checks and required other agencies to repeal or amend existing rules as needed in order to be consistent with the statewide rules.

The Board is amending 818-026-0030 Requirement for Anesthesia Permit, Standards and Qualifications of an Anesthesia Monitor. The amendment to 818-026-0030 is to clarify that in addition to the BLS for Health Care Providers certificate or equivalent, dentist permit holders who induce moderate, deep or general anesthesia must also hold an ACLS and/or PALS certificate, whichever is appropriate for the patient being sedated.

The Board is amending 818-026-0050 Minimal Sedation Permit. The amendment to 818-026-0050 is to clarify the rule and add to dentist, "dentist permit holder".

The Board is amending 818-026-0060 Moderate Sedation Permit. The amendment to 818-026-0060 is to clarify the rule and add to dentist, "dentist permit holder" and to clarify that the Certified Anesthesia Dental Assistant is certified by the Oregon Board of Dentistry.

The Board is amending 818-026-0065 Deep Sedation. The amendment to 818-026-0065 is to clarify the rule and add to dentist, "dentist permit holder" and to clarify that the Certified Anesthesia Dental Assistant is certified by the Oregon Board of Dentistry.

The Board is amending 818-026-0070 General Anesthesia Permit. The amendment to 818-026-0070 is to clarify the rule and add to dentist, "dentist permit holder" and to clarify that the Certified Anesthesia Dental Assistant is certified by the Oregon Board of Dentistry.

The Board is amending 818-026-0080 Standards Applicable When a Dentist Performs Dental Procedures and a Qualified Provider Induces Anesthesia. The amendment to 818-026-0080 is to clarify that the qualified anesthesia provider who induces moderate sedation,

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deep sedation and general anesthesia has to monitor the patient's condition until the patient is discharged.

The Board is amending 818-026-0110 Office Evaluations. The amendment to 818-026-0110 is to clarify the rule and add to dentist, "dentist permit holder".

The Board is amending 818-035-0040 Expanded Functions of Dental Hygienists. The amendment to 818-035-0040 is add that upon successful completion of a course of instruction approved by the Oregon Health Authority a dental hygienist may purchase epinephrine and administer epinephrine in case of an emergency.

The Board is amending 818-042-0020 Dentist and Dental Hygienist Responsibility. The amendment to 818-042-0020 is to clarify that a dental hygienist may supervise one or more dental assistants at a time, and allows an Expanded Practice Dental Hygienist to hire and supervise one or more dental assistant at a time.

The Board is amending 818-042-0050 Taking of X-Rays- Exposing of Radiographs. The amendment to 818-042-0050 is to clarify that a dental hygienist can authorize an assistant to take radiographs.

The Board is amending 818-042-0070 Expanded Functions Dental Assistants (EFDA). The amendment to 818-042-0070 is to clarify that when an EFDA polishes the coronal surfaces with a brush or rubber cup, the patient must be checked by a dental hygienist or dentist prior to being discharged.

The Board is amending 818-042-0115 Expanded Functions - Certified Anesthesia Dental Assistant. The amendment to 818-042-0115 is to clarify that only a Certified Anesthesia Dental Assistant by the Oregon Board of Dentistry can perform certain procedures.

The Board is amending 818-042-0120 Certification by Credential. The amendment to 818-042-0120 is to add an additional category of expanded functions to the certification by credentials pathway.

The Board is amending 818-042-0130 Application for Certification by Credential. The amendment to 818-042-0130 is to allow an additional category of expanded functions dental assistants to apply for certification by credentials.

The Board is repealing 818-005-0000 Definitions. Removal of 818-005-0000 is required by House Bill 3168 (2013) and House Bill 2250 (2015), which gave the Department of Administrative Services (DAS) authority to adopt statewide administrative rules for criminal background checks and required other agencies to repeal or amend existing rules as needed in order to be consistent with the statewide rules.

The Board is repealing 818-005-0005 Employee Applicant/Employee. The repeal of 818-005-0005 is required by House Bill 3168 (2013) and House Bill 2250 (2015), which gave the Department of Administrative Services (DAS) authority to adopt statewide administrative rules for criminal background checks and required other agencies to repeal or amend existing rules as needed in order to be consistent with the statewide rules.

The Board is repealing 818-005-0011 Criminal Records Check Required. The repeal of 818-005-0011 is required by House Bill 3168 (2013) and House Bill 2250 (2015), which gave the Department of Administrative Services (DAS) authority to adopt statewide administrative rules for criminal background checks and required other agencies to repeal or amend existing rules as needed in order to be consistent with the statewide rules.

The Board is repealing 818-005-0015 Criminal Records Check Process. The repeal of 818-005-0015 is required by House Bill 3168 (2013) and House Bill 2250 (2015), which gave the Department of Administrative Services (DAS) authority to adopt statewide administrative rules for criminal background checks and required other agencies to repeal or amend existing rules as needed in order to be consistent with the statewide rules.

The Board is repealing 818-005-0021 Potentially Disqualifying Crimes. The repeal of 818-005-0021 is required by House Bill 3168 (2013) and House Bill 2250 (2015), which gave the Department of Administrative Services (DAS) authority to adopt statewide administrative rules for criminal background checks and required other

agencies to repeal or amend existing rules as needed in order to be consistent with the statewide rules.

The Board is repealing 818-005-0025 Final Fitness Determination. The repeal of 818-005-0025 is required by House Bill 3168 (2013) and House Bill 2250 (2015), which gave the Department of Administrative Services (DAS) authority to adopt statewide administrative rules for criminal background checks and required other agencies to repeal or amend existing rules as needed in order to be consistent with the statewide rules.

The Board is repealing 818-005-0030 Incomplete Fitness Determination. The repeal of 818-005-0030 is required by House Bill 3168 (2013) and House Bill 2250 (2015), which gave the Department of Administrative Services (DAS) authority to adopt statewide administrative rules for criminal background checks and required other agencies to repeal or amend existing rules as needed in order to be consistent with the statewide rules.

The Board is repealing 818-005-0045 Record Keeping, Confidentiality. The repeal of 818-005-0045 is required by House Bill 3168 (2013) and House Bill 2250 (2015), which gave the Department of Administrative Services (DAS) authority to adopt statewide administrative rules for criminal background checks and required other agencies to repeal or amend existing rules as needed in order to be consistent with the statewide rules.

**Rules Coordinator:** Stephen Prisby — (971) 673-3200

## 818-001-0082

### Access to Public Records

(1) Public records not exempt from disclosure may be inspected during office hours at the Board office upon reasonable notice.

(2) Copies of public records not exempt from disclosure may be purchased upon receipt of a written request. The Board may withhold copies of public records until the requestor pays for the copies.

(3) The Board establishes the following fees:

(a) \$25 per hour for the time required to locate and remove non-public records or for filling special requests;

(b) Up to ten (10) pages at no cost; more than 10 pages, \$0.50 for each page plus postage necessary to mail the copies;

(c) \$0.10 per name and address for computer-generated lists on paper or labels; \$0.20 per name and address for computer-generated lists on paper or labels sorted by specific zip code;

(d) Data files on diskette or CD:

(A) All Licensed Dentists — \$50;

(B) All Licensed Dental Hygienists — \$50;

(C) All Licensees — \$100.

(e) \$60 per year for copies of minutes of all Board and committee meetings;

(f) Written verification of licensure — \$2.50 per name; and

(g) Certificate of Standing — \$20.

Stat. Auth.: ORS 183, 192, 670 & 679

Stats. Implemented: ORS 192.420, 192.430 & 192.440

Hist.: DE 11-1984, f. & ef. 5-17-84; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-001-0080; DE 1-1990, f. 3-19-90, cert. ef. 4-2-90; DE 1-1991(Temp), f. 8-5-91, cert. ef. 8-15-91; DE 2-1991, f. & cert. ef. 12-31-91; OBD 3-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-001-0087

### Fees

(1) The Board adopts the following fees:

(a) Biennial License Fees:

(A) Dental — \$390;

(B) Dental — retired — \$0;

(C) Dental Faculty — \$335;

(D) Volunteer Dentist — \$0;

(E) Dental Hygiene — \$230;

(F) Dental Hygiene — retired — \$0;

(G) Volunteer Dental Hygienist — \$0.

(b) Biennial Permits, Endorsements or Certificates:

(A) Nitrous Oxide Permit — \$40;

(B) Minimal Sedation Permit — \$75;

(C) Moderate Sedation Permit — \$75;

(D) Deep Sedation Permit — \$75;

(E) General Anesthesia Permit — \$140;

(F) Radiology — \$75;

(G) Expanded Function Dental Assistant — \$50;

# ADMINISTRATIVE RULES

- (H) Expanded Function Orthodontic Assistant — \$50;
- (I) Instructor Permits — \$40;
- (J) Dental Hygiene Restorative Functions Endorsement — \$50;
- (K) Restorative Functions Dental Assistant — \$50;
- (L) Anesthesia Dental Assistant — \$50;
- (M) Dental Hygiene, Expanded Practice Permit — \$75;
- (N) Non-Resident Dental Background Check - \$100.00;
- (c) Applications for Licensure:
  - (A) Dental — General and Specialty — \$345;
  - (B) Dental Faculty — \$305;
  - (C) Dental Hygiene — \$180;
  - (D) Licensure Without Further Examination — Dental and Dental Hygiene — \$790.

(d) Examinations:

- (A) Jurisprudence — \$0;
- (e) Duplicate Wall Certificates — \$50.

(2) Fees must be paid at the time of application and are not refundable.

(3) The Board shall not refund moneys under \$5.01 received in excess of amounts due or to which the Board has no legal interest unless the person who made the payment or the person's legal representative requests a refund in writing within one year of payment to the Board.

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 293.445, 679.060, 679.115, 679.120, 679.250, 680.050, 680.075, 680.200 & 680.205

Hist.: DE 6-1985(Temp), f. & ef. 9-20-85; DE 3-1986, f. & ef. 3-31-86; DE 1-1987, f. & ef. 10-7-87; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-001-0085; DE 2-1989(Temp), f. & cert. ef. 11-30-89; DE 1-1990, f. 3-19-90, cert. ef. 4-2-90; DE 1-1991(Temp), f. 8-5-91, cert. ef. 8-15-91; DE 2-1991, f. & cert. ef. 12-31-91; DE 1-1992(Temp), f. & cert. ef. 6-24-92; DE 2-1993, f. & cert. ef. 7-13-93; OBD 1-1998, f. & cert. ef. 6-8-98; OBD 3-1999, f. 6-25-99, cert. ef. 7-1-99; Administrative correction, 8-2-99; OBD 5-2000, f. 6-22-00, cert. ef. 7-1-00; OBD 8-2001, f. & cert. ef. 1-8-01; OBD 2-2005, f. 1-31-05, cert. ef. 2-1-05; OBD 2-2007, f. 4-26-07, cert. ef. 5-1-07; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 1-2009(Temp), f. 6-11-09, cert. e. 7-1-09 thru 11-1-09; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 3-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 12-27-11; OBD 4-2011, f. & cert. ef. 11-15-11; OBD 1-2012, f. & cert. ef. 1-27-12; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13; OBD 1-2014, f. 7-2-14, cert. ef. 8-1-14; OBD 2-2015(Temp), f. & cert. ef. 6-26-15 thru 12-22-15; OBD 3-2015, f. 9-8-15, cert. ef. 10-1-15; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-005-0035

### Contesting a Fitness Determination

(1) This rule sets forth a contested case hearing process by which a subject individual may appeal a fitness determination made under OAR 818-005-0050 that he or she is fit or not fit to be a Board employee, volunteer, contractor, or vendor.

(2) The Attorney General's Model Rules of Procedure, OAR 137-003-0001 through 137-003-0092, apply unless the Board refers the matter to the Office of Administrative Hearings to assign an Administrative Law Judge. If the Board refers the matter to the Office of Administrative Hearings, 137-003-0501 through 137-003-0700 shall apply.

(3) Process.

(a) To request a contested case hearing, the employee applicant/employee or the employee applicant/employee individual's legal representative must submit a written request to the Executive Director of the Board. To be timely, the request must be received by the Executive Director of the Board within 21 business days of the postmark of the fitness determination notification letter.

(b) A contested case hearing shall be conducted by an Administrative Law Judge appointed by the Office of Administrative Hearings once a timely request has been received by the Board as outlined in section (3)(a).

(4) The Administrative Law Judge will establish the time and place of the hearing. Notice of the hearing shall be served on the Board or designee and participants at least ten working days in advance of the hearing date.

(5) No Public Attendance. Contested case hearings on fitness determinations are closed to non-participants.

(6) A fitness determination made under OAR 818-005-0050 becomes final when:

(a) A timely request for hearing is not filed; or

(b) A party withdraws a hearing request, notifies the Board or the Administrative Law Judge that the party will not appear, or fails to appear for the hearing.

(7) The Administrative Law Judge will issue a proposed order following a hearing. Exceptions, if any, must be received by the Board within 10 working days after the service of the proposed order.

(8) An employee applicant/employee currently employed by the Board who is denied as unfit pursuant to a final fitness determination may appeal the fitness determination either under the contested case process made available by this rule or through a process available under applicable

personnel rules, policies and collective bargaining agreements. An employee applicant's/employee's decision to appeal a fitness determination through applicable personnel rules, policies, and collective bargaining agreements is an election of remedies as to the rights of the individual with respect to the fitness determination and is a waiver of the contested case process made available by this rule.

(9) The only remedy that may be awarded is a determination that the employee applicant/employee is fit or not fit. Under no circumstances shall the Board be required to place an employee applicant/employee in any position, nor shall the Board be required to accept services or enter into a contractual agreement with an employee applicant/employee.

(10) An employee applicant/employee may not use the appeals process established by this rule to challenge the accuracy or completeness of information provided by the Oregon State Police, the Federal Bureau of Investigation, or agencies reporting information to the Oregon State Police or the Federal Bureau of Investigation. To challenge the accuracy or completeness of information identified in this section, an employee applicant/employee may use any process made available by the agency that provided the information.

(11) Appealing a fitness determination, challenging criminal offender information with the agency that provided the information, or requesting a new criminal records check and re-evaluation of the original fitness determination will not delay or postpone the Board's hiring process or employment decisions.

(12) Alternative Process. An employee currently employed by the Board may choose to appeal a fitness determination either under the process made available by this rule or through a process made available by applicable personnel rules, policies and collective bargaining provision. A subject individual's decision to appeal a fitness determination through applicable personnel rules, policies and collective bargaining provisions is an election of remedies as to the rights of the individual with respect to the fitness determination and is a waiver of the contested case process made available by this rule.

(13) The only remedy that may be awarded is a determination that the employee is fit or not fit. Under no circumstances shall the Board be required to place an employee in any position, or shall the Board be required to accept services or enter into a contractual agreement with an employee.

Stat. Auth.: ORS 181.534, 676.303 & 679.253

Stats. Implemented: ORS 676.303 & 181.534

Hist.: OBD 4-2011, f. & cert., ef. 11-15-11; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-005-0050

### Criminal Records Check for Employees, Volunteers and Applicants

(1) The Board may require 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.

(3) Pursuant to ORS 181A.195, 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, 679.250

Hist.: OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-012-0005

### Scope of Practice

(1) No dentist may perform any of the procedures listed below:

- (a) Rhinoplasty;
- (b) Blepharoplasty;



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- (c) Rhydidectomy;
- (d) Submental liposuction;
- (e) Laser resurfacing;
- (f) Browlift, either open or endoscopic technique;
- (g) Platysmal muscle plication;
- (h) Otoplasty;
- (i) Dermabrasion;
- (j) Hair transplantation, not as an isolated procedure for male pattern baldness; and
- (k) Harvesting bone extra orally for dental procedures, including oral and maxillofacial procedures.

(2) Unless the dentist:

(a) Has successfully completed a residency in Oral and Maxillofacial Surgery accredited by the American Dental Association, Commission on Dental Accreditation (CODA), or

(b) Holds privileges either:

(A) Issued by a credentialing committee of a hospital accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) to perform these procedures in a hospital setting; or

(B) Issued by a credentialing committee for an ambulatory surgical center licensed by the State of Oregon and accredited by either the JCAHO or the Accreditation Association for Ambulatory Health Care (AAAHC).

(3) A dentist may utilize Botulinum Toxin Type A and dermal fillers to treat a condition that is within the scope of the practice of dentistry after completing a minimum of 20 hours in a hands on clinical course(s), which includes both Botulinum Toxin Type A and dermal fillers, and the provider is approved by the Academy of General Dentistry Program Approval for Continuing Education (AGD PACE) or by the American Dental Association Continuing Education Recognition Program (ADA CERP).

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 679.010(2), 679.140(1)(c), 679.140(2), 679.170(6) & 680.100

Hist.: OBD 6-2001, f. & cert. ef. 1-8-01; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13; OBD 3-2013, f. 10-24-13, cert. ef. 1-1-14; OBD 1-2014, f. 7-2-14, cert. ef. 8-1-14; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-012-0010

### Unacceptable Patient Care

The Board finds, using the criteria set forth in ORS 679.140(4), that a licensee engages in or permits the performance of unacceptable patient care if the licensee does or permits any person to:

(1) Provide treatment which exposes a patient to risk of harm when equivalent or better treatment with less risk to the patient is available.

(2) Fail to seek consultation whenever the welfare of a patient would be safeguarded or advanced by having recourse to those who have special skills, knowledge and experience; provided, however, that it is not a violation of this section to omit to seek consultation if other competent licensees in the same locality and in similar circumstances would not have sought such consultation.

(3) Fail to provide or arrange for emergency treatment for a patient currently receiving treatment.

(4) Fail to exercise supervision required by the Dental Practice Act over any person or permit any person to perform duties for which the person is not licensed or certified.

(5) Render services which the licensee is not licensed to provide.

(6) Fail to comply with ORS 453.605 to 453.755 or rules adopted pursuant thereto relating to the use of x-ray machines.

(7) Fail to maintain patient records in accordance with OAR 818-012-0070.

(8) Fail to provide goods or services in a reasonable period of time which are due to a patient pursuant to a contract with the patient or a third party.

(9) Attempt to perform procedures which the licensee is not capable of performing due to physical or mental disability.

(10) Perform any procedure for which the patient or patient's guardian has not previously given informed consent provided, however, that in an emergency situation, if the patient is a minor whose guardian is unavailable or the patient is unable to respond, a licensee may render treatment in a reasonable manner according to community standards.

(11) Use the behavior management technique of Hand Over Mouth (HOM) without first obtaining informed consent for the use of the technique.

(12) Use the behavior management technique of Hand Over Mouth Airway Restriction (HOMAR) on any patient.

(13) Fail to determine and document a dental justification prior to ordering a Cone Beam CT series with field greater than 10x10 cm for patients under 20 years of age where pathology, anatomical variation or

potential treatment complications would not be otherwise visible with a Full Mouth Series, Panoramic or Cephalometric radiographs.

(14) Fail to advise a patient of any recognized treatment complications.

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 679.140(1)(e), 679.140(4) & 680.100

Hist.: DE 6, f. 8-9-63, ef. 9-11-63; DE 14, f. 1-20-72, ef. 2-10-72; DE 5-1980, f. & ef. 12-26-80; DE 2-1982, f. & ef. 3-19-82; DE 5-1982, f. & ef. 5-26-82; DE 9-1984, f. & ef. 5-17-84; Renumbered from 818-010-0080; DE 3-1986, f. & ef. 3-31-86; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-011-0020; DE 2-1997, f. & cert. ef. 2-20-97; DE 3-1997, f. & cert. ef. 8-27-97; OBD 7-2001, f. & cert. ef. 1-8-01; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-012-0030

### Unprofessional Conduct

The Board finds that in addition to the conduct set forth in ORS 679.140(2), unprofessional conduct includes, but is not limited to, the following in which a licensee does or knowingly permits any person to:

(1) Attempt to obtain a fee by fraud, or misrepresentation.

(2) Obtain a fee by fraud, or misrepresentation.

(a) A licensee obtains a fee by fraud if the licensee knowingly makes, or permits any person to make, a material, false statement intending that a recipient, who is unaware of the truth, rely upon the statement.

(b) A licensee obtains a fee by misrepresentation if the licensee obtains a fee through making or permitting any person to make a material, false statement.

(c) Giving cash discounts and not disclosing them to third party payers is not fraud or misrepresentation.

(3) Offer rebates, split fees, or commissions for services rendered to a patient to any person other than a partner, employee, or employer.

(4) Accept rebates, split fees, or commissions for services rendered to a patient from any person other than a partner, employee, or employer.

(5) Initiate, or engage in, with a patient, any behavior with sexual connotations. The behavior can include but is not limited to, inappropriate physical touching; kissing of a sexual nature; gestures or expressions, any of which are sexualized or sexually demeaning to a patient; inappropriate procedures, including, but not limited to, disrobing and draping practices that reflect a lack of respect for the patient's privacy; or initiating inappropriate communication, verbal or written, including, but not limited to, references to a patient's body or clothing that are sexualized or sexually demeaning to a patient; and inappropriate comments or queries about the professional's or patient's sexual orientation, sexual performance, sexual fantasies, sexual problems, or sexual preferences.

(6) Engage in an unlawful trade practice as defined in ORS 646.605 to 646.608.

(7) Fail to present a treatment plan with estimated costs to a patient upon request of the patient or to a patient's guardian upon request of the patient's guardian.

(8) Misrepresent any facts to a patient concerning treatment or fees.

(9)(a) Fail to provide a patient or patient's guardian within 14 days of written request:

(A) Legible copies of records; and

(B) Duplicates of study models, radiographs of the same quality as the originals, and photographs if they have been paid for.

(b) The licensee may require the patient or guardian to pay in advance a fee reasonably calculated to cover the costs of making the copies or duplicates. The licensee may charge a fee not to exceed \$30 for copying 10 or fewer pages of written material and no more than \$0.50 per page for pages 11 through 50 and no more than \$0.25 for each additional page (including records copied from microfilm), plus any postage costs to mail copies requested and actual costs of preparing an explanation or summary of information, if requested. The actual cost of duplicating radiographs may also be charged to the patient. Patient records or summaries may not be withheld from the patient because of any prior unpaid bills, except as provided in (9)(a)(B) of this rule.

(10) Fail to identify to a patient, patient's guardian, or the Board the name of an employee, employer, contractor, or agent who renders services.

(11) Use prescription forms pre-printed with any Drug Enforcement Administration number, name of controlled substances, or facsimile of a signature.

(12) Use a rubber stamp or like device to reproduce a signature on a prescription form or sign a blank prescription form.

(13) Order drugs listed on Schedule II of the Drug Abuse Prevention and Control Act, 21 U.S.C. Sec. 812, for office use on a prescription form.

(14) Violate any Federal or State law regarding controlled substances.

(15) Becomes addicted to, or dependent upon, or abuses alcohol, illegal or controlled drugs, or mind altering substances, or practice with an

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untreated substance use disorder diagnosis that renders the licensee unable to safely conduct the practice of dentistry or dental hygiene.

(16) Practice dentistry or dental hygiene in a dental office or clinic not owned by an Oregon licensed dentist(s), except for an entity described under ORS 679.020(3) and dental hygienists practicing pursuant to ORS 680.205(1)(2).

(17) Make an agreement with a patient or person, or any person or entity representing patients or persons, or provide any form of consideration that would prohibit, restrict, discourage or otherwise limit a person's ability to file a complaint with the Oregon Board of Dentistry; to truthfully and fully answer any questions posed by an agent or representative of the Board; or to participate as a witness in a Board proceeding.

(18) Fail to maintain at a minimum a current BLS for Healthcare Providers certificate or its equivalent. (Effective January 2015).

(19) Conduct unbecoming a licensee or detrimental to the best interests of the public, including conduct contrary to the recognized standards of ethics of the licensee's profession or conduct that endangers the health, safety or welfare of a patient or the public.

(20) Knowingly deceiving or attempting to deceive the Board, an employee of the Board, or an agent of the Board in any application or renewal, or in reference to any matter under investigation by the Board. This includes but is not limited to the omission, alteration or destruction of any record in order to obstruct or delay an investigation by the Board, or to omit, alter or falsify any information in patient or business records.

(21) Knowingly practicing with a physical or mental impairment that renders the licensee unable to safely conduct the practice of dentistry or dental hygiene.

(22) Take any action which could reasonably be interpreted to constitute harassment or retaliation towards a person whom the licensee believes to be a complainant or witness.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 679.140(1)(c), 679.140(2), 679.170(6) & 680.100

Hist.: DE 6, f. 8-9-63, ef. 9-11-63; DE 14, f. 1-20-72, ef. 2-10-72; DE 5-1980, f. & ef. 12-26-80; DE 2-1982, f. & ef. 3-19-82; DE 5-1982, f. & ef. 5-26-82; DE 9-1984, f. & ef. 5-17-84; Renumbered from 818-010-0080; DE 3-1986, f. & ef. 3-31-86; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-011-0020; DE 1-1990, f. 3-19-90, cert. ef. 4-2-90; DE 2-1997, f. & cert. ef. 2-20-97; OBD 3-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 1-2007, f. & cert. ef. 3-1-07; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09; OBD 1-2014, f. 7-2-14, cert. ef. 8-1-14; OBD 3-2015, f. 9-8-15, cert. ef. 10-1-15; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-012-0032

### Diagnostic Records

(1) Licensees shall provide duplicates of physical diagnostic records that have been paid for to patient or patient's guardian within 14 calendar days of receipt of written request.

(A) Physical records include silver emulsion radiographs, physical study models, paper charting and chart notes.

(B) Licensees may require the patient or patient's guardian to pay in advance the fee reasonably calculated to cover costs of making the copies or duplicates.

(1) Licensee may charge a fee not to exceed \$30 for copying 10 or fewer pages of written material and no more than \$0.50 per page for 11-50 and no more than \$0.25 for each additional page, including cost of microfilm plus any postage costs to mail copies requested and actual costs of preparing an explanation or summary of information, if requested. The actual costs of duplicating radiographs may also be charged to the patient.

(2) Licensees shall provide duplicates of digital patient records within 14 calendar days of receipt of written request by the patient or patient's guardian.

(A) Digital records include any patient diagnostic image, study model, test result or chart record in digital form.

(B) Licensees may require the patient or patient's guardian to pay for the typical retail cost of the digital storage device, such as a CD, thumb drive, or DVD as well as associated postage.

(C) Licensees shall not charge any patient or patient's guardian to transmit requested digital records over email if total records do not exceed 25 Mb.

(D) A clinical day is defined as a day during which the dental clinic treated scheduled patients.

(E) Licensees may charge up to \$5 for duplication of digital records up to 25Mb and up to \$30 for more than 25Mb.

(F) Any transmission of patient records shall be in compliance with the Health Insurance Portability and Accountability Act (HIPAA Act) and the Health Information Technology for Economic and Clinical Health Act (HITECH Act).

(G) Duplicated digital records shall be of the same quality as the original digital file.

(3) If a records summary is requested by patient or patient's guardian, the actual cost of creating this summary and its transmittal may be billed to the patient or patient's guardian.

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679

Hist.: OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-012-0040

### Infection Control Guidelines

In determining what constitutes unacceptable patient care with respect to infection control, the Board may consider current infection control guidelines such as those of the Centers for Disease Control and Prevention and the American Dental Association.

(1) Additionally, licensees must comply with the following requirements:

(a) Disposable gloves shall be worn whenever placing fingers into the mouth of a patient or when handling blood or saliva contaminated instruments or equipment. Appropriate hand hygiene shall be performed prior to gloving.

(b) Masks and protective eyewear or chin-length shields shall be worn by licensees and other dental care workers when spattering of blood or other body fluids is likely.

(c) Between each patient use, instruments or other equipment that come in contact with body fluids shall be sterilized.

(d) Environmental surfaces that are contaminated by blood or saliva shall be disinfected with a chemical germicide which is mycobactericidal at use.

(e) Impervious backed paper, aluminum foil, or plastic wrap may be used to cover surfaces that may be contaminated by blood or saliva and are difficult or impossible to disinfect. The cover shall be replaced between patients.

(f) All contaminated wastes and sharps shall be disposed of according to any governmental requirements.

(2) Dentists must comply with the requirement that heat sterilizing devices shall be tested for proper function by means of a biological monitoring system that indicates micro-organisms kill each calendar week in which scheduled patients are treated. Testing results shall be retained by the dentist for the current calendar year and the two preceding calendar years.

Stat. Auth.: ORS 679.120, 679.250(7), 680.075 & 680.150

Stats. Implemented: ORS 679.140, 679.140(4) & 680.100

Hist.: DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; DE 2-1992, f. & cert. ef. 6-24-92; OBD 1-2004, f. 5-27-04, cert. ef. 6-1-04; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08; OBD 3-2013, f. 10-24-13, cert. ef. 1-1-14; OBD 1-2014, f. 7-2-14, cert. ef. 8-1-14; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-012-0060

### Failure to Cooperate with Board

(1) No licensee shall:

(a) Fail to report to the Board violations of the Dental Practice Act.

(b) Use threats or harassment to delay or obstruct any person in providing evidence in any investigation, contested case, or other legal action instituted by the Board.

(c) Discharge an employee based primarily on the employee's attempt to comply with or aid in the compliance with the Dental Practice Act.

(d) Use threats or harassment to obstruct or delay the Board in carrying out its functions under the Dental Practice Act.

(e) Deceive or attempt to deceive the Board with respect to any matter under investigation including altering or destroying any records.

(f) Make an untrue statement on any document, letter, or application submitted to the Board.

(g) Fail to temporarily surrender custody of original patient records to the Board when the Board makes a written request for the records. For purposes of this rule, the term records includes, but is not limited to, the jacket, treatment charts, models, radiographs, photographs, health histories, billing documents, correspondence and memoranda.

(h) Fail to cooperate with the Board during the course of an investigation.

(2) No applicant shall:

(a) Deceive or attempt to deceive the Board with respect to any matter under investigation including altering or destroying any records.

(b) Make an untrue statement on any document, letter, or application submitted to the Board.

(c) Fail to cooperate with the Board during the course of an investigation.

Stat. Auth.: ORS 679 & 680

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Stats. Implemented: ORS 679.060(4), 679.170(5), 679.250(8), 679.290, 679.310(1), 680.050(4) & 680.100  
Hist.: DE 9-1984, f. & ef. 5-17-84; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-011-0050; DE 2-1997, f. & cert. ef. 2-20-97; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-012-0070

### Patient Records

(1) Each licensee shall have prepared and maintained an accurate record for each person receiving dental services, regardless of whether any fee is charged. The record shall contain the name of the licensee rendering the service and include:

- (a) Name and address and, if a minor, name of guardian;
- (b) Date description of examination and diagnosis;
- (c) An entry that informed consent has been obtained and the date the informed consent was obtained. Documentation may be in the form of an acronym such as "PARQ" (Procedure, Alternatives, Risks and Questions) or "SOAP" (Subjective Objective Assessment Plan) or their equivalent.
- (d) Date and description of treatment or services rendered;
- (e) Date, description and documentation of informing the patient of any recognized treatment complications;
- (f) Date and description of all radiographs, study models, and periodontal charting;
- (g) Health history; and
- (h) Date, name of, quantity of, and strength of all drugs dispensed, administered, or prescribed.

(2) Each licensee shall have prepared and maintained an accurate record of all charges and payments for services including source of payments.

(3) Each licensee shall maintain patient records and radiographs for at least seven years from the date of last entry unless:

- (a) The patient requests the records, radiographs, and models be transferred to another licensee who shall maintain the records and radiographs;
- (b) The licensee gives the records, radiographs, or models to the patient; or
- (c) The licensee transfers the licensee's practice to another licensee who shall maintain the records and radiographs.

(4) When changing practice locations, closing a practice location or retiring, each licensee must retain patient records for the required amount of time or transfer the custody of patient records to another licensee licensed and practicing dentistry in Oregon. Transfer of patient records pursuant to this section of this rule must be reported to the Board in writing within 14 days of transfer, but not later than the effective date of the change in practice location, closure of the practice location or retirement. Failure to transfer the custody of patient records as required in this rule is unprofessional conduct.

(5) Upon the death or permanent disability of a licensee, the administrator, executor, personal representative, guardian, conservator or receiver of the former licensee must notify the Board in writing of the management arrangement for the custody and transfer of patient records. This individual must ensure the security of and access to patient records by the patient or other authorized party, and must report arrangements for permanent custody of patient records to the Board in writing within 90 days of the death of the licensee.

- (a) Having graduated from a school of dentistry accredited by the Commission on Dental Accreditation of the American Dental Association; or
- (b) Having graduated from a dental school located outside the United States or Canada, completion of a predoctoral dental education program of not less than two years at a dental school accredited by the Commission on Dental Accreditation of the American Dental Association or completion of a postdoctoral General Dentistry Residency program of not less than two years at a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, and proficiency in the English language; and

(6) Having passed the dental clinical examination conducted by a regional testing agency or by a state dental licensing authority; and

(7) Holding an active license to practice dentistry, without restrictions, in any state; including documentation from the state dental board(s) or equivalent authority, that the applicant was issued a license to practice dentistry, without restrictions, and whether or not the licensee is, or has been, the subject of any final or pending disciplinary action; and

(8) Having conducted licensed clinical practice in Oregon, other states or in the Armed Forces of the United States, the United States Public Health Service or the United States Department of Veterans Affairs for a minimum of 3,500 hours in the five years immediately preceding application. Having conducted licensed clinical practice in Oregon for a minimum of 3,500 hours in the five years immediately prior to application for licensed dentists employed by a dental education program, CODA accredited dental school, with documentation from the dean or appropriate administration of the institution regarding length and terms of employment, the applicant's duties and responsibilities, the actual hours involved in teaching clinical dentistry, and any adverse actions or restrictions; and

(9) Having completed 40 hours of continuing education in accordance with the Board's continuing education requirements contained in these rules within the two years immediately preceding application.

(10) Applicants must pass the Board's Jurisprudence Examination.

(11) A dental license granted under this rule will be the same as the license held in another state; i.e., if the dentist holds a general dentistry license, the Oregon Board will issue a general (unlimited) dentistry license. If the dentist holds a license limited to the practice of a specialty, the Oregon Board will issue a license limited to the practice of that specialty. If the dentist holds more than one license, the Oregon Board will issue a dental license which is least restrictive.

(12) Each licensee shall maintain patient records and radiographs for at least seven years from the date of last entry unless:

- (a) The patient requests the records, radiographs, and models be transferred to another licensee who shall maintain the records and radiographs;
- (b) The licensee gives the records, radiographs, or models to the patient; or
- (c) The licensee transfers the licensee's practice to another licensee who shall maintain the records and radiographs.

(13) When changing practice locations, closing a practice location or retiring, each licensee must retain patient records for the required amount of time or transfer the custody of patient records to another licensee licensed and practicing dentistry in Oregon. Transfer of patient records pursuant to this section of this rule must be reported to the Board in writing within 14 days of transfer, but not later than the effective date of the change in practice location, closure of the practice location or retirement. Failure to transfer the custody of patient records as required in this rule is unprofessional conduct.

(14) Upon the death or permanent disability of a licensee, the administrator, executor, personal representative, guardian, conservator or receiver of the former licensee must notify the Board in writing of the management arrangement for the custody and transfer of patient records. This individual must ensure the security of and access to patient records by the patient or other authorized party, and must report arrangements for permanent custody of patient records to the Board in writing within 90 days of the death of the licensee.

(15) Having graduated from a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association; or

(16) Having graduated from a dental hygiene program located outside the United States or Canada, completion of not less than one year in a program accredited by the Commission on Dental Accreditation of the American Dental Association, and proficiency in the English language; and

(17) Having passed the clinical dental hygiene examination conducted by a regional testing agency or by a state dental or dental hygiene licensing authority; and

(18) Holding an active license to practice dental hygiene, without restrictions, in any state; including documentation from the state dental board(s) or equivalent authority, that the applicant was issued a license to practice dental hygiene, without restrictions, and whether or not the licensee is, or has been, the subject of any final or pending disciplinary action; and

(19) Having conducted licensed clinical practice in Oregon, in other states or in the Armed Forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs for a minimum of 3,500 hours in the five years immediately preceding application. Having conducted licensed clinical practice in Oregon for a minimum of 3,500 hours in the five years immediately prior to application, for licensed dental hygienists employed by a dental hygiene program, CODA accredited, with documentation from the dean or appropriate administration of the institution regarding length and terms of employment, the applicant's duties and responsibilities, the actual hours involved in teaching clinical dental hygiene, and any adverse actions or restrictions; and

(20) Having completed 24 hours of continuing education in accordance with the Board's continuing education requirements contained in these rules within the two years immediately preceding application.

(21) Applicants must pass the Board's Jurisprudence Examination.

(22) A dental license granted under this rule will be the same as the license held in another state; i.e., if the dentist holds a general dentistry license, the Oregon Board will issue a general (unlimited) dentistry license. If the dentist holds a license limited to the practice of a specialty, the Oregon Board will issue a license limited to the practice of that specialty. If the dentist holds more than one license, the Oregon Board will issue a dental license which is least restrictive.

(23) Each licensee shall maintain patient records and radiographs for at least seven years from the date of last entry unless:

- (a) The patient requests the records, radiographs, and models be transferred to another licensee who shall maintain the records and radiographs;
- (b) The licensee gives the records, radiographs, or models to the patient; or
- (c) The licensee transfers the licensee's practice to another licensee who shall maintain the records and radiographs.

(24) When changing practice locations, closing a practice location or retiring, each licensee must retain patient records for the required amount of time or transfer the custody of patient records to another licensee licensed and practicing dentistry in Oregon. Transfer of patient records pursuant to this section of this rule must be reported to the Board in writing within 14 days of transfer, but not later than the effective date of the change in practice location, closure of the practice location or retirement. Failure to transfer the custody of patient records as required in this rule is unprofessional conduct.

(c) Having passed the dental clinical examination conducted by a regional testing agency or by a state dental licensing authority; and

(d) Holding an active license to practice dentistry, without restrictions, in any state; including documentation from the state dental board(s) or equivalent authority, that the applicant was issued a license to practice dentistry, without restrictions, and whether or not the licensee is, or has been, the subject of any final or pending disciplinary action; and

(e) Having conducted licensed clinical practice in Oregon, other states or in the Armed Forces of the United States, the United States Public Health Service or the United States Department of Veterans Affairs for a minimum of 3,500 hours in the five years immediately preceding application. Having conducted licensed clinical practice in Oregon for a minimum of 3,500 hours in the five years immediately prior to application for licensed dentists employed by a dental education program, CODA accredited dental school, with documentation from the dean or appropriate administration of the institution regarding length and terms of employment, the applicant's duties and responsibilities, the actual hours involved in teaching clinical dentistry, and any adverse actions or restrictions; and

(f) Having completed 40 hours of continuing education in accordance with the Board's continuing education requirements contained in these rules within the two years immediately preceding application.

(2) Applicants must pass the Board's Jurisprudence Examination.

(3) A dental license granted under this rule will be the same as the license held in another state; i.e., if the dentist holds a general dentistry license, the Oregon Board will issue a general (unlimited) dentistry license. If the dentist holds a license limited to the practice of a specialty, the Oregon Board will issue a license limited to the practice of that specialty. If the dentist holds more than one license, the Oregon Board will issue a dental license which is least restrictive.

Stat. Auth.: ORS 679  
Stats. Implemented: ORS 679.060, 679.065, 679.070, 679.080 & 679.090  
Hist.: OBD 4-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 4-2001, f. & cert. ef. 1-8-01; OBD 12-2001(Temp), f. & cert. ef. 1-9-01 thru 7-7-01; OBD 14-2001(Temp), f. 8-2-01, cert. ef. 8-15-01 thru 2-10-02; OBD 15-2001, f. 12-7-01, cert. ef. 1-1-02; OBD 1-2002(Temp), f. & cert. ef. 7-17-02 thru 1-12-03; Administrative correction 4-16-03; OBD 1-2003, f. & cert. ef. 4-18-03; OBD 1-2004, f. 5-27-04, cert. ef. 6-1-04; OBD 3-2004, f. 11-23-04 cert. ef. 12-1-04; OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-021-0025

### Application for License to Practice Dental Hygiene Without Further Examination

(1) The Oregon Board of Dentistry may grant a license without further examination to a dental hygienist who holds a license to practice dental hygiene in another state or states if the dental hygienist meets the requirements set forth in ORS 680.040 and 680.050 and submits to the Board satisfactory evidence of:

(a) Having graduated from a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association; or

(b) Having graduated from a dental hygiene program located outside the United States or Canada, completion of not less than one year in a program accredited by the Commission on Dental Accreditation of the American Dental Association, and proficiency in the English language; and

(c) Having passed the clinical dental hygiene examination conducted by a regional testing agency or by a state dental or dental hygiene licensing authority; and

(d) Holding an active license to practice dental hygiene, without restrictions, in any state; including documentation from the state dental board(s) or equivalent authority, that the applicant was issued a license to practice dental hygiene, without restrictions, and whether or not the licensee is, or has been, the subject of any final or pending disciplinary action; and

(e) Having conducted licensed clinical practice in Oregon, in other states or in the Armed Forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs for a minimum of 3,500 hours in the five years immediately preceding application. Having conducted licensed clinical practice in Oregon for a minimum of 3,500 hours in the five years immediately prior to application, for licensed dental hygienists employed by a dental hygiene program, CODA accredited, with documentation from the dean or appropriate administration of the institution regarding length and terms of employment, the applicant's duties and responsibilities, the actual hours involved in teaching clinical dental hygiene, and any adverse actions or restrictions; and

(f) Having completed 24 hours of continuing education in accordance with the Board's continuing education requirements contained in these rules within the two years immediately preceding application.

(2) Applicants must pass the Board's Jurisprudence Examination.

Stat. Auth.: ORS 680

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Stats. Implemented: ORS 680.040, 680.050, 680.060, 680.070 & 680.072  
Hist.: OBD 4-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 4-2001, f. & cert. ef. 1-8-01; OBD 12-2001(Temp), f. & cert. ef. 1-9-01 thru 7-7-01; OBD 14-2001(Temp), f. 8-2-01, cert. ef. 8-15-01 thru 2-10-02; OBD 15-2001, f. 12-7-01, cert. ef. 1-1-02; OBD 1-2002(Temp), f. & cert. ef. 7-17-02 thru 1-12-03; Administrative correction 4-16-03; OBD 1-2003, f. & cert. ef. 4-18-03; OBD 1-2004, f. 5-27-04, cert. ef. 6-1-04; OBD 3-2004, f. 11-23-04 cert. ef. 12-1-04; OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09; OBD 4-2011, f. & cert. ef. 11-15-11; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-021-0026

### State and Nationwide Criminal Background Checks, Fitness Determinations

(1) The Board requires fingerprints of all applicants for a dental or dental hygiene license to determine the fitness of an applicant. The purpose of this rule is to provide for the reasonable screening of dental and dental hygiene 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 hold a license that is issued by the Board.

(2) These rules are to be applied when evaluating the criminal history of all licensees and applicants for a dental or dental hygiene license and for conducting fitness determinations consistent with the outcomes provided in OAR 125-007-0260.

(3) Criminal records checks and fitness determinations are conducted according to ORS 181A.170 to 181A.215, ORS 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 but is not limited to military, dismissed or set aside criminal records.

(4) If the applicant or licensee has potentially disqualifying criminal offender information, the Board will consider the following factors in making a fitness determination:

(a) The nature of the crime;

(b) The facts that support the conviction or pending indictment or that indicates the making of the false statement;

(c) The relevancy, if any, of the crime or the false statement to the specific requirements of the subject individual's present or proposed position, services, employment, license, or permit; and

(d) Intervening circumstances relevant to the responsibilities and circumstances of the position, services, employment, license, or permit. Intervening circumstances include but are not limited to:

(A) The passage of time since the commission of the crime;

(B) The age of the subject individual 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) 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) The Board may require fingerprints of any licensed Oregon dentist or dental hygienist, who is the subject of a complaint or investigation for the purpose of requesting a state or nationwide criminal records background check.

(7) All background checks shall be requested to include available state and national data, unless obtaining one or the other is an acceptable alternative.

(8) Additional information required. In order to conduct the Oregon and National Criminal History Check and fitness determination, the Board may require additional information from the licensee/applicant as neces-

sary, such but not limited to, proof of identity; residential history; names used while living at each residence; or additional criminal, judicial or other background information.

(9) Criminal offender information is confidential. Dissemination of 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).

(10) 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 individual, provide the individual with a copy of the individual's own state and national criminal offender records.

(11) The Board shall determine whether an individual is fit to be granted a license or permit, based on fitness determinations, on any false statements made by the individual regarding criminal history of the individual, or any refusal to submit or consent to a criminal records check including fingerprint identification, and any other pertinent information obtained as a part of an investigation. If an individual is determined to be unfit, then the individual may not be granted a license or permit. The Board may make fitness determinations conditional upon applicant's acceptance of probation, conditions, or limitations, or other restrictions upon licensure.

(12) An applicant or licensee may appeal a final fitness determination pursuant to OAR 125-007-0300. Challenges to the accuracy of completeness of criminal history information must be made in accordance with OAR 125-007-0030(7).

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 181, 183, 670.280, 679.060, 679.115, 679.140, 679.160, 680.050, 680.082 & 680.100

Hist.: OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 4-2011, f. & cert. ef. 11-15-11; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-026-0030

### Requirement for Anesthesia Permit, Standards and Qualifications of an Anesthesia Monitor

(1) A permit holder who administers sedation shall assure that drugs, drug dosages, and/or techniques used to produce sedation shall carry a margin of safety wide enough to prevent unintended deeper levels of sedation.

(2) No licensee shall induce central nervous system sedation or general anesthesia without first having obtained a permit under these rules for the level of anesthesia being induced.

(3) A licensee may be granted a permit to administer sedation or general anesthesia with documentation of training/education and/or competency in the permit category for which the licensee is applying by any one the following:

(a) Initial training/education in the permit category for which the applicant is applying shall be completed no more than two years immediately prior to application for sedation or general anesthesia permit; or

(b) If greater than two years but less than five years since completion of initial training/education, an applicant must document completion of all continuing education that would have been required for that anesthesia/permit category during that five year period following initial training; or

(c) If greater than two years but less than five years since completion of initial training/education, immediately prior to application for sedation or general anesthesia permit, current competency or experience must be documented by completion of a comprehensive review course approved by the Board in the permit category to which the applicant is applying and must consist of at least one-half (50%) of the hours required by rule for Nitrous Oxide, Minimal Sedation, Moderate Sedation and General Anesthesia Permits. Deep Sedation and General Anesthesia Permits will require at least 120 hours of general anesthesia training.

(d) An applicant for sedation or general anesthesia permit whose completion of initial training/education is greater than five years immediately prior to application, may be granted a sedation or general anesthesia permit by submitting documentation of the requested permit level from another state or jurisdiction where the applicant is also licensed to practice dentistry or dental hygiene, and provides documentation of the completion of at least 25 cases in the requested level of sedation or general anesthesia in the 12 months immediately preceding application; or

(e) Demonstration of current competency to the satisfaction of the Board that the applicant possesses adequate sedation or general anesthesia skill to safely deliver sedation or general anesthesia services to the public.

(4) Persons serving as anesthesia monitors in a dental office shall maintain current certification in Health Care Provider Basic Life Support (BLS)/Cardio Pulmonary Resuscitation (CPR) training, or its equivalent, shall be trained in monitoring patient vital signs, and be competent in the use of monitoring and emergency equipment appropriate for the level of

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sedation utilized. (The term “competent” as used in these rules means displaying special skill or knowledge derived from training and experience.)

(5) A licensee holding a nitrous or minimal sedation permit, shall at all times maintain a current BLS for Health Care Providers certificate or its equivalent.

(6) A licensee holding an anesthesia permit for moderate sedation, deep sedation or general anesthesia at all times maintains a current BLS for Health Care Providers certificate or its equivalent, and a current Advanced Cardiac Life Support (ACLS) Certificate or Pediatric Advanced Life Support (PALS) Certificate, whichever is appropriate for the patient being sedated. If a licensee permit holder sedates only patients under the age of 12, only PALS is required. If a licensee permit holder sedates only patients age 12 and older, only ACLS is required. If a licensee permit holder sedates patients younger than 12 years of age as well as older than 12 years of age, both ACLS and PALS are required. For licensees with a moderate sedation permit only, successful completion of the American Dental Association’s course “Recognition and Management of Complications during Minimal and Moderate Sedation” at least every two years may be substituted for ACLS, but not for PALS.

(a) Advanced Cardiac Life Support (ACLS) and or Pediatric Advanced Life Support (PALS) do not serve as a substitute for Health Care Provider Basic Life Support (BLS).

(7) When a dentist utilizes a single dose oral agent to achieve anxiolysis only, no anesthesia permit is required.

(8) The applicant for an anesthesia permit must pay the appropriate permit fee, submit a completed Board-approved application and consent to an office evaluation.

(9) Permits shall be issued to coincide with the applicant’s licensing period.

Stat. Auth.: ORS 679 & 680  
Stats. Implemented: ORS 679.250  
Hist.: OBD 2-1998, f. 7-13-98, cert. ef. 10-1-98; OBD 3-2003, f. 9-15-03, cert. ef. 10-1-03; OBD 1-2005, f. 1-28-05, cert. ef. 2-1-05; OBD 2-2005, f. 1-31-05, cert. ef. 2-1-05; OBD 3-2005, f. 10-26-05, cert. ef. 11-1-05; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 2-2012, f. 6-14-12, cert. ef. 7-1-12; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-026-0050

### Minimal Sedation Permit

Minimal sedation and nitrous oxide sedation.

(1) The Board shall issue a Minimal Sedation Permit to an applicant who:

(a) Is a licensed dentist in Oregon;

(b) Maintains a current BLS for Healthcare Providers certificate or its equivalent; and

(c) Completion of a comprehensive training program consisting of at least 16 hours of training and satisfies the requirements of the ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students (2007) at the time training was commenced or postgraduate instruction was completed, or the equivalent of that required in graduate training programs, in sedation, recognition and management of complications and emergency care; or

(d) In lieu of these requirements, the Board may accept equivalent training or experience in minimal sedation anesthesia.

(2) The following facilities, equipment and drugs shall be on site and available for immediate use during the procedures and during recovery:

(a) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least two individuals to freely move about the patient;

(b) An operating table or chair which permits the patient to be positioned so the operating team can maintain the patient’s airway, quickly alter the patient’s position in an emergency, and provide a firm platform for the administration of basic life support;

(c) A lighting system which permits evaluation of the patient’s skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;

(d) Suction equipment which permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;

(e) An oxygen delivery system with adequate full facemask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system;

(f) A nitrous oxide delivery system with a fail-safe mechanism that will insure appropriate continuous oxygen delivery and a scavenger system;

(g) Sphygmomanometer, stethoscope, pulse oximeter, and/or automatic blood pressure cuff; and

(h) Emergency drugs including, but not limited to: pharmacologic antagonists appropriate to the drugs used, vasopressors, corticosteroids, bronchodilators, antihistamines, antihypertensives and anticonvulsants.

(3) Before inducing minimal sedation, a dentist permit holder who induces minimal sedation shall:

(a) Evaluate the patient;

(b) Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or psychological status of the patient, the patient’s guardian;

(c) Certify that the patient is an appropriate candidate for minimal sedation; and

(d) Obtain written informed consent from the patient or patient’s guardian for the anesthesia. The obtaining of the informed consent shall be documented in the patient’s record.

(4) No permit holder shall have more than one person under minimal sedation at the same time.

(5) While the patient is being treated under minimal sedation, an anesthesia monitor shall be present in the room in addition to the treatment provider. The anesthesia monitor may be the dental assistant. After training, a dental assistant, when directed by a dentist permit holder, may administer oral sedative agents or anxiolysis agents calculated and dispensed by a dentist permit holder under the direct supervision of a dentist permit holder.

(6) A patient under minimal sedation shall be visually monitored at all times, including recovery phase. The dentist permit holder or anesthesia monitor shall monitor and record the patient’s condition.

(7) The patient shall be monitored as follows:

(a) Color of mucosa, skin or blood must be evaluated continually. Patients must have continuous monitoring using pulse oximetry. The patient’s response to verbal stimuli, blood pressure, heart rate, and respiration shall be monitored and documented if they can reasonably be obtained.

(b) A discharge entry shall be made by the dentist permit holder in the patient’s record indicating the patient’s condition upon discharge and the name of the responsible party to whom the patient was discharged.

(8) The dentist permit holder shall assess the patient’s responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(a) Vital signs including blood pressure, pulse rate and respiratory rate are stable;

(b) The patient is alert and oriented to person, place and time as appropriate to age and preoperative psychological status;

(c) The patient can talk and respond coherently to verbal questioning;

(d) The patient can sit up unaided;

(e) The patient can ambulate with minimal assistance; and

(f) The patient does not have uncontrollable nausea or vomiting and has minimal dizziness.

(g) A dentist permit holder shall not release a patient who has undergone minimal sedation except to the care of a responsible third party.

(9) Permit renewal. In order to renew a Minimal Sedation Permit, the permit holder must provide documentation of a current BLS for Healthcare Providers certificate or its equivalent. In addition, Minimal Sedation Permit holders must also complete four (4) hours of continuing education in one or more of the following areas every two years: sedation, physical evaluation, medical emergencies, monitoring and the use of monitoring equipment, or pharmacology of drugs and agents used in sedation. Training taken to maintain current BLS for Healthcare Providers certificate, or its equivalent, may not be counted toward this requirement. Continuing education hours may be counted toward fulfilling the continuing education requirement set forth in OAR 818-021-0060.

Stat. Auth.: ORS 679  
Stats. Implemented: ORS 679.250(7) & 679.250(10)  
Hist.: OBD 6-1999, f. 6-25-99, cert. ef. 7-1-99; Administrative correction 8-12-99; OBD 3-2003, f. 9-15-03, cert. ef. 10-1-03; OBD 1-2005, f. 1-28-05, cert. ef. 2-1-05; OBD 2-2005, f. 1-31-05, cert. ef. 2-1-05; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 1-2014, f. 7-2-14, cert. ef. 8-1-14; OBD 4-2015, f. 9-8-15, cert. ef. 1-1-16; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-026-0060

### Moderate Sedation Permit

Moderate sedation, minimal sedation, and nitrous oxide sedation.

(1) The Board shall issue or renew a Moderate Sedation Permit to an applicant who:

(a) Is a licensed dentist in Oregon;

(b) In addition to a current BLS for Healthcare Providers certificate or its equivalent, either maintains a current Advanced Cardiac Life Support (ACLS) certificate and/or a Pediatric Advanced Life Support (PALS) certificate, whichever is appropriate for the patient being sedated; and

(c) Satisfies one of the following criteria:

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(A) Completion of a comprehensive training program in enteral and/or parenteral sedation that satisfies the requirements described in Part V of the ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students (2007) at the time training was commenced.

(i) Enteral Moderate Sedation requires a minimum of 24 hours of instruction plus management of at least 10 dental patient experiences by the enteral and/or enteral-nitrous oxide/oxygen route.

(ii) Parenteral Moderate Sedation requires a minimum of 60 hours of instruction plus management of at least 20 dental patients by the intravenous route.

(B) Completion of an ADA accredited postdoctoral training program (e.g., general practice residency) which affords comprehensive and appropriate training necessary to administer and manage parenteral sedation, commensurate with these Guidelines.

(C) In lieu of these requirements, the Board may accept equivalent training or experience in moderate sedation anesthesia.

(2) The following facilities, equipment and drugs shall be on site and available for immediate use during the procedures and during recovery:

(a) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least two individuals to freely move about the patient;

(b) An operating table or chair which permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency, and provide a firm platform for the administration of basic life support;

(c) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;

(d) Suction equipment which permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;

(e) An oxygen delivery system with adequate full face mask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system;

(f) A nitrous oxide delivery system with a fail-safe mechanism that will insure appropriate continuous oxygen delivery and a scavenger system;

(g) A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room;

(h) Sphygmomanometer, precordial/pretracheal stethoscope, capnograph, pulse oximeter, oral and nasopharyngeal airways, laryngeal mask airways, intravenous fluid administration equipment, automated external defibrillator (AED); and

(i) Emergency drugs including, but not limited to: pharmacologic antagonists appropriate to the drugs used, vasopressors, corticosteroids, bronchodilators, antihistamines, antihypertensives and anticonvulsants.

(3) No permit holder shall have more than one person under moderate sedation, minimal sedation, or nitrous oxide sedation at the same time.

(4) During the administration of moderate sedation, and at all times while the patient is under moderate sedation, an anesthesia monitor, and one other person holding a current BLS for Healthcare Providers certificate or its equivalent, shall be present in the operatory, in addition to the dentist permit holder performing the dental procedures.

(5) Before inducing moderate sedation, a dentist permit holder who induces moderate sedation shall:

(a) Evaluate the patient and document, using the American Society of Anesthesiologists Patient Physical Status Classifications, that the patient is an appropriate candidate for moderate sedation;

(b) Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian; and

(c) Obtain written informed consent from the patient or patient's guardian for the anesthesia.

(6) A patient under moderate sedation shall be visually monitored at all times, including the recovery phase. The dentist permit holder or anesthesia monitor shall monitor and record the patient's condition.

(7) The patient shall be monitored as follows:

(a) Patients must have continuous monitoring using pulse oximetry, and End-tidal CO<sub>2</sub> monitors. Patients with cardiovascular disease shall have continuous electrocardiograph (ECG) monitoring. The patient's blood pressure, heart rate, and respiration shall be recorded at regular intervals but at least every 15 minutes, and these recordings shall be documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. If this information cannot be

obtained, the reasons shall be documented in the patient's record. A patient under moderate sedation shall be continuously monitored and shall not be left alone while under sedation;

(b) During the recovery phase, the patient must be monitored by an individual trained to monitor patients recovering from moderate sedation.

(8) A dentist permit holder shall not release a patient who has undergone moderate sedation except to the care of a responsible third party.

(a) When a reversal agent is administered, the dentist permit holder shall document justification for its use and how the recovery plan was altered.

(9) The dentist permit holder shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(a) Vital signs including blood pressure, pulse rate and respiratory rate are stable;

(b) The patient is alert and oriented to person, place and time as appropriate to age and preoperative psychological status;

(c) The patient can talk and respond coherently to verbal questioning;

(d) The patient can sit up unaided;

(e) The patient can ambulate with minimal assistance; and

(f) The patient does not have uncontrollable nausea or vomiting and has minimal dizziness.

(10) A discharge entry shall be made by the dentist permit holder in the patient's record indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged.

(11) After adequate training, an assistant, when directed by a dentist permit holder, may dispense oral medications that have been prepared by the dentist permit holder for oral administration to a patient under direct supervision. Pursuant to OAR 818-042-0115 a Certified Anesthesia Dental Assistant, when directed by a dentist permit holder, may introduce additional anesthetic agents into an infusion line under the direct supervision of a dentist permit holder.

(12) Permit renewal. In order to renew a Moderate Sedation Permit, the permit holder must provide documentation of a current BLS for Healthcare Providers certificate or its equivalent; a current Advanced Cardiac Life Support (ACLS) certificate and/or a current Pediatric Advanced Life Support (PALS) certificate; Successful completion of a board approved course on minimal/moderate sedation at least every two years may be substituted for ACLS, but not for PALS; and must complete 14 hours of continuing education in one or more of the following areas every two years: sedation, physical evaluation, medical emergencies, monitoring and the use of monitoring equipment, or pharmacology of drugs and agents used in sedation. Training taken to maintain current ACLS or PALS certification or successful completion of the American Dental Association's course "Recognition and Management of Complications during Minimal and Moderate Sedation" may be counted toward this requirement. Continuing education hours may be counted toward fulfilling the continuing education requirement set forth in OAR 818-021-0060.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.250(7) & 679.250(10)

Hist.: OBD 2-1998, f. 7-13-98, cert. ef. 10-1-98; OBD 1-1999, f. 2-26-99, cert. ef. 3-1-99; OBD 6-1999, f. 6-25-99, cert. ef. 7-1-99; Administrative correction 8-12-99; OBD 2-2000(Temp), f. 5-22-00, cert. ef. 5-22-00 thru 11-18-00; OBD 2-2001, f. & cert. ef. 1-8-01; OBD 3-2003, f. 9-15-03, cert. ef. 10-1-03; OBD 1-2005, f. 1-28-05, cert. ef. 2-1-05; OBD 2-2005, f. 1-31-05, cert. ef. 2-1-05; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 2-2011(Temp), f. 5-9-11, cert. ef. 6-1-11 thru 1-27-11; OBD 4-2011, f. & cert. ef. 11-15-11; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13; OBD 3-2013, f. 10-24-13, cert. ef. 1-1-14; OBD 1-2014, f. 7-2-14, cert. ef. 8-1-14; OBD 4-2015, f. 9-8-15, cert. ef. 1-1-16; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-026-0065

### Deep Sedation

Deep sedation, moderate sedation, minimal sedation, and nitrous oxide sedation.

(1) The Board shall issue a Deep Sedation Permit to a licensee who holds a Class 3 Permit on or before July 1, 2010 who:

(a) Is a licensed dentist in Oregon; and

(b) In addition to a current BLS for Healthcare Providers certificate or its equivalent, maintains a current Advanced Cardiac Life Support (ACLS) certificate and/or a Pediatric Advanced Life Support (PALS) certificate, whichever is appropriate for the patient being sedated.

(2) The following facilities, equipment and drugs shall be on site and available for immediate use during the procedures and during recovery:

(a) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least two individuals to freely move about the patient;

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(b) An operating table or chair which permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency, and provide a firm platform for the administration of basic life support;

(c) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;

(d) Suction equipment which permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;

(e) An oxygen delivery system with adequate full face mask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system;

(f) A nitrous oxide delivery system with a fail-safe mechanism that will insure appropriate continuous oxygen delivery and a scavenger system;

(g) A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room;

(h) Sphygmomanometer, precordial/pretracheal stethoscope, capnograph, pulse oximeter, electrocardiograph monitor (ECG), automated external defibrillator (AED), oral and nasopharyngeal airways, laryngeal mask airways, intravenous fluid administration equipment; and

(i) Emergency drugs including, but not limited to: pharmacologic antagonists appropriate to the drugs used, vasopressors, corticosteroids, bronchodilators, antihistamines, antihypertensives and anticonvulsants.

(3) No permit holder shall have more than one person under deep sedation, moderate sedation, minimal sedation, or nitrous oxide sedation at the same time.

(4) During the administration of deep sedation, and at all times while the patient is under deep sedation, an anesthesia monitor, and one other person holding a current BLS for Healthcare Providers certificate or its equivalent, shall be present in the operatory, in addition to the dentist permit holder performing the dental procedures.

(5) Before inducing deep sedation, a dentist permit holder who induces deep sedation shall:

(a) Evaluate the patient and document, using the American Society of Anesthesiologists Patient Physical Status Classifications, that the patient is an appropriate candidate for deep sedation;

(b) Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian; and

(c) Obtain written informed consent from the patient or patient's guardian for the anesthesia.

(6) A patient under deep sedation shall be visually monitored at all times, including the recovery phase. The dentist permit holder or anesthesia monitor shall monitor and record the patient's condition.

(7) The patient shall be monitored as follows:

(a) Patients must have continuous monitoring using pulse oximetry, electrocardiograph monitors (ECG) and End-tidal CO<sub>2</sub> monitors. The patient's heart rhythm shall be continuously monitored and the patient's blood pressure, heart rate, and respiration shall be recorded at regular intervals but at least every 5 minutes, and these recordings shall be documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. If this information cannot be obtained, the reasons shall be documented in the patient's record. A patient under deep sedation shall be continuously monitored;

(b) Once sedated, a patient shall remain in the operatory for the duration of treatment until criteria for transportation to recovery have been met.

(c) During the recovery phase, the patient must be monitored by an individual trained to monitor patients recovering from deep sedation.

(8) A dentist permit holder shall not release a patient who has undergone deep sedation except to the care of a responsible third party. When a reversal agent is administered, the dentist permit holder shall document justification for its use and how the recovery plan was altered.

(9) The dentist permit holder shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(a) Vital signs including blood pressure, pulse rate and respiratory rate are stable;

(b) The patient is alert and oriented to person, place and time as appropriate to age and preoperative psychological status;

(c) The patient can talk and respond coherently to verbal questioning;

(d) The patient can sit up unaided;

(e) The patient can ambulate with minimal assistance; and

(f) The patient does not have uncontrollable nausea or vomiting and has minimal dizziness.

(10) A discharge entry shall be made by the dentist permit holder in the patient's record indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged.

(11) Pursuant to OAR 818-042-0115 a Certified Anesthesia Dental Assistant, when directed by a dentist permit holder, may administer oral sedative agents calculated by a dentist permit holder or introduce additional anesthetic agents into an infusion line under the direct visual supervision of a dentist

(12) Permit renewal. In order to renew a Deep Sedation Permit, the permit holder must provide documentation of a current BLS for Healthcare Providers certificate or its equivalent; a current Advanced Cardiac Life Support (ACLS) certificate and/or a current Pediatric Advanced Life Support (PALS) certificate; and must complete 14 hours of continuing education in one or more of the following areas every two years: sedation, physical evaluation, medical emergencies, monitoring and the use of monitoring equipment, or pharmacology of drugs and agents used in sedation. Training taken to maintain current ACLS and/or PALS certificates may be counted toward this requirement. Continuing education hours may be counted toward fulfilling the continuing education requirement set forth in OAR 818-021-0060.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.250(7) & 679.250(10)

Hist.: OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 2-2011(Temp), f. 5-9-11, cert. ef. 6-1-11 thru 1-27-11; OBD 4-2011, f. & cert. ef. 11-15-11; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13; OBD 1-2014, f. 7-2-14, cert. ef. 8-1-14; OBD 4-2015, f. 9-8-15, cert. ef. 1-1-16; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

### 818-026-0070

#### General Anesthesia Permit

General anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide sedation.

(1) The Board shall issue a General Anesthesia Permit to an applicant who:

(a) Is a licensed dentist in Oregon;

(b) In addition to a current BLS for Healthcare Providers certificate or its equivalent, maintains a current Advanced Cardiac Life Support (ACLS) certificate and/or a Pediatric Advanced Life Support (PALS) certificate, whichever is appropriate for the patient being sedated, and

(c) Satisfies one of the following criteria:

(A) Completion of an advanced training program in anesthesia and related subjects beyond the undergraduate dental curriculum that satisfies the requirements described in the ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students (2007) consisting of a minimum of 2 years of a postgraduate anesthesia residency at the time training was commenced.

(B) Completion of any ADA accredited postdoctoral training program, including but not limited to Oral and Maxillofacial Surgery, which affords comprehensive and appropriate training necessary to administer and manage general anesthesia, commensurate with these Guidelines.

(C) In lieu of these requirements, the Board may accept equivalent training or experience in general anesthesia.

(2) The following facilities, equipment and drugs shall be on site and available for immediate use during the procedure and during recovery:

(a) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least three individuals to freely move about the patient;

(b) An operating table or chair which permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency, and provide a firm platform for the administration of basic life support;

(c) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;

(d) Suction equipment which permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;

(e) An oxygen delivery system with adequate full face mask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system;

(f) A nitrous oxide delivery system with a fail-safe mechanism that will insure appropriate continuous oxygen delivery and a scavenger system;

(g) A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room;

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(h) Sphygmomanometer, precordial/pretracheal stethoscope, capnograph, pulse oximeter, electrocardiograph monitor (ECG), automated external defibrillator (AED), oral and nasopharyngeal airways, laryngeal mask airways, intravenous fluid administration equipment; and

(i) Emergency drugs including, but not limited to: pharmacologic antagonists appropriate to the drugs used, vasopressors, corticosteroids, bronchodilators, intravenous medications for treatment of cardiac arrest, narcotic antagonist, antihistaminic, antiarrhythmics, antihypertensives and anticonvulsants.

(3) No permit holder shall have more than one person under general anesthesia, deep sedation, moderate sedation, minimal sedation or nitrous oxide sedation at the same time.

(4) During the administration of deep sedation or general anesthesia, and at all times while the patient is under deep sedation or general anesthesia, an anesthesia monitor, and one other person holding a current BLS for Healthcare Providers certificate or its equivalent, shall be present in the operatory in addition to the dentist permit holder performing the dental procedures.

(5) Before inducing deep sedation or general anesthesia the dentist permit holder who induces deep sedation or general anesthesia shall:

(a) Evaluate the patient and document, using the American Society of Anesthesiologists Patient Physical Status Classifications, that the patient is an appropriate candidate for general anesthesia or deep sedation;

(b) Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian; and

(c) Obtain written informed consent from the patient or patient's guardian for the anesthesia.

(6) A patient under deep sedation or general anesthesia shall be visually monitored at all times, including recovery phase. A dentist permit holder who induces deep sedation or general anesthesia or anesthesia monitor trained in monitoring patients under deep sedation or general anesthesia shall monitor and record the patient's condition on a contemporaneous record.

(7) The patient shall be monitored as follows:

(a) Patients must have continuous monitoring of their heart rate, heart rhythm, oxygen saturation levels and respiration using pulse oximetry, electrocardiograph monitors (ECG) and End-tidal CO<sub>2</sub> monitors. The patient's blood pressure, heart rate and oxygen saturation shall be assessed every five minutes, and shall be contemporaneously documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. The person administering the anesthesia and the person monitoring the patient may not leave the patient while the patient is under deep sedation or general anesthesia;

(b) Once sedated, a patient shall remain in the operatory for the duration of treatment until criteria for transportation to recovery have been met.

(c) During the recovery phase, the patient must be monitored, including the use of pulse oximetry, by an individual trained to monitor patients recovering from general anesthesia.

(8) A dentist permit holder shall not release a patient who has undergone deep sedation or general anesthesia except to the care of a responsible third party. When a reversal agent is administered, the dentist permit holder shall document justification for its use and how the recovery plan was altered.

(9) The dentist permit holder shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(a) Vital signs including blood pressure, pulse rate and respiratory rate are stable;

(b) The patient is alert and oriented to person, place and time as appropriate to age and preoperative psychological status;

(c) The patient can talk and respond coherently to verbal questioning;

(d) The patient can sit up unaided;

(e) The patient can ambulate with minimal assistance; and

(f) The patient does not have nausea or vomiting and has minimal dizziness.

(10) A discharge entry shall be made in the patient's record by the dentist permit holder indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged.

(11) Pursuant to OAR 818-042-0115 a Certified Anesthesia Dental Assistant, when directed by a dentist permit holder, may introduce additional anesthetic agents to an infusion line under the direct visual supervision of a dentist permit holder.

(12) Permit renewal. In order to renew a General Anesthesia Permit, the permit holder must provide documentation of a current BLS for Healthcare Providers certificate or its equivalent; a current Advanced Cardiac Life Support (ACLS) certificate and/or a current Pediatric Advanced Life Support (PALS) certificate; and must complete 14 hours of continuing education in one or more of the following areas every two years: sedation, physical evaluation, medical emergencies, monitoring and the use of monitoring equipment, or pharmacology of drugs and agents used in sedation. Training taken to maintain current ACLS and/or PALS certificates may be counted toward this requirement. Continuing education hours may be counted toward fulfilling the continuing education requirement set forth in OAR 818-021-0060.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.250(7) & 679.250(10)

Hist.: OBD 2-1998, f. 7-13-98, cert. ef. 10-1-98; OBD 6-1999, f. 6-25-99, cert. ef. 7-1-99; Administrative correction 8-12-99; OBD 2-2000(Temp), f. 5-22-00, cert. ef. 5-22-00 thru 11-18-00; Administrative correction 6-21-01; OBD 3-2003, f. 9-15-03, cert. ef. 10-1-03; OBD 1-2005, f. 1-28-05, cert. ef. 2-1-05; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 2-2011(Temp), f. 5-9-11, cert. ef. 6-1-11 thru 1-27-11; OBD 4-2011, f. & cert. ef. 11-15-11; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13; OBD 1-2014, f. 7-2-14, cert. ef. 8-1-14; OBD 4-2015, f. 9-8-15, cert. ef. 1-1-16; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-026-0080

### Standards Applicable When a Dentist Performs Dental Procedures and a Qualified Provider Induces Anesthesia

(1) A dentist who does not hold an anesthesia permit may perform dental procedures on a patient who receives anesthesia induced by a physician anesthesiologist licensed by the Oregon Board of Medical Examiners, another Oregon licensed dentist holding an appropriate anesthesia permit, or a Certified Registered Nurse Anesthetist (CRNA) licensed by the Oregon Board of Nursing.

(2) A dentist who does not hold a Nitrous Oxide Permit for nitrous oxide sedation may perform dental procedures on a patient who receives nitrous oxide induced by an Oregon licensed dental hygienist holding a Nitrous Oxide Permit.

(3) A dentist who performs dental procedures on a patient who receives anesthesia induced by a physician anesthesiologist, another dentist holding an anesthesia permit, a CRNA, or a dental hygienist who induces nitrous oxide sedation, shall maintain a current BLS for Healthcare Providers certificate, or its equivalent, and have the same personnel, facilities, equipment and drugs available during the procedure and during recovery as required of a dentist who has a permit for the level of anesthesia being provided.

(4) A dentist, a dental hygienist or an Expanded Function Dental Assistant (EFDA) who performs procedures on a patient who is receiving anesthesia induced by a physician anesthesiologist, another dentist holding an anesthesia permit or a CRNA shall not schedule or treat patients for non emergent care during the period of time of the sedation procedure.

(5) Once anesthetized, a patient shall remain in the operatory for the duration of treatment until criteria for transportation to recovery have been met.

(6) The qualified anesthesia provider who induces moderate sedation, deep sedation or general anesthesia shall monitor the patient's condition until the patient is discharged and record the patient's condition at discharge in the patient's dental record as required by the rules applicable to the level of anesthesia being induced. The anesthesia record shall be maintained in the patient's dental record and is the responsibility of the dentist who is performing the dental procedures.

(7) A dentist who intends to use the services of a qualified anesthesia provider as described in section 1 above, shall notify the Board in writing of his/her intent. Such notification need only be submitted once every licensing period.

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.250(7) & (10)

Hist.: OBD 2-1998, f. 7-13-98, cert. ef. 10-1-98; OBD 3-2003, f. 9-15-03, cert. ef. 10-1-03; OBD 1-2005, f. 1-28-05, cert. ef. 2-1-05; OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 3-2015, f. 9-8-15, cert. ef. 10-1-15; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-026-0110

### Office Evaluations

(1) By obtaining an anesthesia permit or by using the services of a physician anesthesiologist, CRNA, an Oregon licensed dental hygienist permit holder or another dentist permit holder to administer anesthesia, a licensee consents to in-office evaluations by the Oregon Board of Dentistry, to assess competence in central nervous system anesthesia and to determine compliance with rules of the Board.

(2) The in-office evaluation may include, but is not limited to:



# ADMINISTRATIVE RULES

- (a) Observation of one or more cases of anesthesia to determine the appropriateness of technique and adequacy of patient evaluation and care;
- (b) Inspection of facilities, equipment, drugs and records; and
- (c) Confirmation that personnel are adequately trained, hold a current BLS for Healthcare Providers certificate, or its equivalent, and are competent to respond to reasonable emergencies that may occur during the administration of anesthesia or during the recovery period.

(3) The evaluation shall be performed by a team appointed by the Board and shall include:

- (a) A permit holder who has the same type of license as the licensee to be evaluated and who holds a current anesthesia permit in the same class or in a higher class than that held by the licensee being evaluated.
- (b) A member of the Board's Anesthesia Committee; and
- (c) Any licensed dentist, deemed appropriate by the Board President, may serve as team leader and shall be responsible for organizing and conducting the evaluation and reporting to the Board.

(4) The Board shall give written notice of its intent to conduct an office evaluation to the licensee to be evaluated. Licensee shall cooperate with the evaluation team leader in scheduling the evaluation which shall be held no sooner than 30 days after the date of the notice or later than 90 days after the date of the notice.

Stat. Auth.: ORS 679 & 680  
Stats. Implemented: ORS 679.250(7) & (10)  
Hist.: OBD 2-1998, f. 7-13-98, cert. ef. 10-1-98; OBD 3-2003, f. 9-15-03, cert. ef. 10-1-03; OBD 1-2005, f. 1-28-05, cert. ef. 2-1-05; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 4-2015, f. 9-8-15, cert. ef. 1-1-16; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-035-0040

### Expanded Functions of Dental Hygienists

(1) Upon completion of a course of instruction in a program accredited by the Commission on Dental Accreditation of the American Dental Association or other course of instruction approved by the Board, a dental hygienist who completes a Board approved application shall be issued an endorsement to administer local anesthetic agents and local anesthetic reversal agents under the general supervision of a licensed dentist. Local anesthetic reversal agents shall not be used on children less than 6 years of age or weighing less than 33 pounds.

(2) Upon completion of a course of instruction in a program accredited by the Commission on Dental Accreditation of the American Dental Association or other course of instruction approved by the Board, a dental hygienist may administer nitrous oxide under the indirect supervision of a licensed dentist in accordance with the Board's rules regarding anesthesia.

(3) Upon completion of a course of instruction approved by the Oregon Health Authority, Public Health Division, a dental hygienist may purchase Epinephrine and administer Epinephrine in an emergency.

Stat. Auth.: ORS 679 & 680  
Stats. Implemented: ORS 679.025(2)(j) & 679.250(7)  
Hist.: DE 5-1984, f. & ef. 5-17-84; DE 3-1986, f. & ef. 3-31-86; DE 2-1992, f. & cert. ef. 6-24-92; OBD 3-1998, f. & cert. ef. 7-13-98; OBD 7-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 8-1999, f. 8-10-99, cert. ef. 1-1-00; OBD 15-2001, f. 12-7-01, cert. ef. 1-1-02; OBD 2-2007, f. 4-26-07, cert. ef. 5-1-07; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08; OBD 1-2014, f. 7-2-14, cert. ef. 8-1-14; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-042-0020

### Dentist and Dental Hygienist Responsibility

(1) A dentist is responsible for assuring that a dental assistant has been properly trained, has demonstrated proficiency, and is supervised in all the duties the assistant performs in the dental office. Unless otherwise specified, dental assistants shall work under indirect supervision in the dental office.

(2) A dental hygienist who works under general supervision may supervise dental assistants in the dental office if the dental assistants are rendering assistance to the dental hygienist in providing dental hygiene services and the dentist is not in the office to provide indirect supervision. A dental hygienist with an Expanded Practice Permit may hire and supervise dental assistants who will render assistance to the dental hygienist in providing dental hygiene services.

(3) The supervising dentist or dental hygienist is responsible for assuring that all required licenses, permits or certificates are current and posted in a conspicuous place.

(4) Dental assistants who are in compliance with written training and screening protocols adopted by the Board may perform oral health screenings under general supervision.

Stat. Auth.: ORS 679 & 680  
Stats. Implemented: ORS 679.025(2)(j) & 679.250(7)  
Hist.: OBD 9-1999, f. 8-10-99, cert. ef. 1-1-00; OBD 1-2004, f. 5-27-04, cert. ef. 6-1-04; OBD 2-2012, f. 6-14-12, cert. ef. 7-1-12; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-042-0050

### Taking of X-Rays — Exposing of Radiographs

(1) A dentist may authorize the following persons to place films, adjust equipment preparatory to exposing films, and expose the films under general supervision:

(a) A dental assistant certified by the Board in radiologic proficiency; or

(b) A radiologic technologist licensed by the Oregon Board of Medical Imaging and certified by the Oregon Board of Dentistry (OBD) who has completed ten (10) clock hours in a Board approved dental radiology course and submitted a satisfactory full mouth series of radiographs to the OBD.

(2) A dentist or dental hygienist may authorize a dental assistant who has completed a course of instruction approved by the Oregon Board of Dentistry, and who has passed the written Dental Radiation Health and Safety Examination administered by the Dental Assisting National Board, or comparable exam administered by any other testing entity authorized by the Board, or other comparable requirements approved by the Oregon Board of Dentistry to place films, adjust equipment preparatory to exposing films, and expose the films under the indirect supervision of a dentist, dental hygienist, or dental assistant who holds an Oregon Radiologic Proficiency Certificate. The dental assistant must successfully complete the clinical examination within six months of the dentist or dental hygienist authorizing the assistant to take radiographs.

Stat. Auth.: ORS 679  
Stats. Implemented: ORS 679.025(2)(j) & 679.250(7)  
Hist.: OBD 9-1999, f. 8-10-99, cert. ef. 1-1-00; OBD 2-2003, f. 7-14-03 cert. ef. 7-18-03; OBD 4-2004, f. 11-23-04 cert. ef. 12-1-04; OBD 4-2011, f. & cert. ef. 11-15-11; OBD 1-2014, f. 7-2-14, cert. ef. 8-1-14; OBD 3-2015, f. 9-8-15, cert. ef. 10-1-15; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-042-0070

### Expanded Function Dental Assistants (EFDA)

The following duties are considered Expanded Function Duties and may be performed only after the dental assistant complies with the requirements of 818-042-0080:

(1) Polish the coronal surfaces of teeth with a brush or rubber cup as part of oral prophylaxis to remove stains providing the patient is checked by a dentist or dental hygienist after the procedure is performed, prior to discharge;

(2) Remove temporary crowns for final cementation and clean teeth for final cementation;

(3) Preliminarily fit crowns to check contacts or to adjust occlusion outside the mouth;

(4) Place temporary restorative material (i.e., zinc oxide eugenol based material) in teeth providing that the patient is checked by a dentist before and after the procedure is performed;

(5) Place and remove matrix retainers for alloy and composite restorations;

(6) Polish amalgam or composite surfaces with a slow speed hand piece;

(7) Remove excess supragingival cement from crowns, bridges, bands or brackets with hand instruments providing that the patient is checked by a dentist after the procedure is performed;

(8) Fabricate temporary crowns, and temporarily cement the temporary crown. The cemented crown must be examined and approved by the dentist prior to the patient being released;

(9) Under general supervision, when the dentist is not available and the patient is in discomfort, an EFDA may recement a temporary crown or recement a permanent crown with temporary cement for a patient of record providing that the patient is rescheduled for follow-up care by a licensed dentist as soon as is reasonably appropriate; and

(10) Perform all aspects of teeth whitening procedures.  
Stat. Auth.: ORS 679 & 680  
Stats. Implemented: ORS 679.020, 679.025 & 679.250  
Hist.: OBD 9-1999, f. 8-10-99, cert. ef. 1-1-00; OBD 1-2004, f. 5-27-04, cert. ef. 6-1-04; OBD 3-2005, f. 10-26-05, cert. ef. 11-1-05; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09; OBD 3-2015, f. 9-8-15, cert. ef. 10-1-15; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-042-0112

### Expanded Function Preventive Dental Assistants (EFPDA)

The following duties are considered Expanded Function Preventive Duties and may be performed only after the dental assistant complies with the requirements of 818-042-0113: Polish the coronal surfaces of teeth with a brush or rubber cup as part of oral prophylaxis to remove stains providing the patient is checked by a dentist or dental hygienist after the procedure is performed, prior to discharge.

Stat. Auth.: ORS 679  
Stats. Implemented: ORS 679  
Hist.: OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

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## 818-042-0113

### Certification — Expanded Function Preventive Dental Assistants (EFPDA)

The Board may certify a dental assistant as an expanded function preventive dental assistant:

- (1) By credential in accordance with OAR 818-042-0120, or
- (2) If the assistant submits a completed application, pays the fee and provides evidence of:
  - (a) Certification of Radiologic Proficiency (OAR 818-042-0060); and satisfactory completion of a course of instruction in a program accredited by the Commission on Dental Accreditation of the American Dental Association; or
  - (b) Certification of Radiologic Proficiency (OAR 818-042-0060); and passage of the Oregon Basic or Certified Preventive Functions Dental Assistant (CPFDA) examination, and the Expanded Function Dental Assistant examination, or equivalent successor examinations, administered by the Dental Assisting National Board, Inc. (DANB), or any other testing entity authorized by the Board; and certification by an Oregon licensed dentist that the applicant has successfully polished the coronal surfaces of teeth with a brush or rubber cup as part of oral prophylaxis to remove stains on six patients.

Stat. Auth.: ORS 679  
Stats. Implemented: ORS 679  
Hist.: OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-042-0115

### Expanded Functions — Certified Anesthesia Dental Assistant

(1) A dentist holding the appropriate anesthesia permit may verbally authorize a Certified Anesthesia Dental Assistant, who possesses a Certified Anesthesia Dental Assistant certificate from the Oregon Board of Dentistry to:

- (a) Administer medications into an existing intravenous (IV) line of a patient under sedation or anesthesia under direct visual supervision.
- (b) Administer emergency medications to a patient in order to assist the licensee in an emergent situation under direct visual supervision.

(2) A dentist holding the appropriate anesthesia permit may verbally authorize a Certified Anesthesia Dental Assistant to dispense to a patient, oral medications that have been prepared by the dentist and given to the anesthesia dental assistant by the supervising dentist for oral administration to a patient under Indirect Supervision.

Stat. Auth.: ORS 679  
Stats. Implemented: ORS 679.020(1), 679.025(1) & 679.250(7)  
Hist.: OBD 1-2001, f. & cert. ef. 1-8-01; OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-042-0120

### Certification by Credential

(1) Dental Assistants who wish to be certified by the Board in Radiologic Proficiency or as Expanded Function Dental Assistants, Expanded Function Orthodontic Dental Assistants, or as Expanded Function Preventive Dental Assistants shall:

- (a) Be certified by another state in the functions for which application is made. The training and certification requirements of the state in which the dental assistant is certified must be substantially similar to Oregon's requirements; or
- (b) Have worked for at least 1,000 hours in the past two years in a dental office where such employment involved to a significant extent the functions for which certification is sought; and
- (c) Shall be evaluated by a licensed dentist, using a Board approved checklist, to assure that the assistant is competent in the expanded functions.

(2) Applicants applying for certification by credential in Radiologic Proficiency must obtain certification from the Oregon Health Authority, Center for Health Protection, Radiation Protection Services, of having successfully completed training equivalent to that required by OAR 333-106-0055 or approved by the Oregon Board of Dentistry.

Stat. Auth.: ORS 679  
Stats. Implemented: ORS 679.020, 679.025 & 679.250  
Hist.: OBD 9-1999, f. 8-10-99, cert. ef. 1-1-00; OBD 2-2003, f. 7-14-03 cert. ef. 7-18-03; OBD 4-2004, f. 11-23-04 cert. ef. 12-1-04; OBD 3-2005, f. 10-26-05, cert. ef. 11-1-05; OBD 4-2011, f. & cert. ef. 11-15-11; OBD 1-2014, f. 7-2-14, cert. ef. 8-1-14; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

## 818-042-0130

### Application for Certification by Credential

An applicant for certification by credential shall submit to the Board:

- (1) An application form approved by the Board, with the appropriate fee;

(2) Proof of certification by another state and any other recognized certifications (such as CDA or COA certification) and a description of the examination and training required by the state in which the assistant is certified submitted from the state directly to the Board; or

(3) Certification that the assistant has been employed for at least 1,000 hours in the past two years as a dental assistant performing the functions for which certification is being sought.

(4) If applying for certification by credential as an EFDA, EFODA or EFPDA certification by a licensed dentist that the applicant is competent to perform the functions for which certification is sought; and

(5) If applying for certification by credential in Radiologic Proficiency, certification from the Oregon Health Authority, Center for Health Protection, Radiation Protection Services, or the Oregon Board of Dentistry, that the applicant has met that agency's training requirements for x-ray machine operators, or other comparable requirements approved by the Oregon Board of Dentistry.

Stat. Auth.: ORS 679  
Stats. Implemented: ORS 679.020, 679.025 & 679.250  
Hist.: OBD 9-1999, f. 8-10-99, cert. ef. 1-1-00; OBD 2-2003, f. 7-14-03 cert. ef. 7-18-03; OBD 4-2004, f. 11-23-04 cert. ef. 12-1-04; OBD 3-2005, f. 10-26-05, cert. ef. 11-1-05; OBD 4-2011, f. & cert. ef. 11-15-11; OBD 1-2014, f. 7-2-14, cert. ef. 8-1-14; OBD 2-2016, f. 11-2-16, cert. ef. 3-1-17

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## Oregon Department of Aviation Chapter 738

**Rule Caption:** Eliminates the ODA-issued airport license exemption for airports holding an FAA Part 139 certification

**Adm. Order No.:** AVIA 3-2016

**Filed with Sec. of State:** 10-31-2016

**Certified to be Effective:** 10-31-16

**Notice Publication Date:** 8-1-2016

**Rules Amended:** 738-020-0030

**Subject:** The Legislature amended ORS 836.105 by changing the fee to be paid for airport licenses and airport license renewals. OAR 738-020-0030 previously exempted airports holding an FAA Part 139 certification from being required to hold an airport license issued by ODA. The Department has aligned the rule with the statute and will collect the corresponding airport license fees.

**Rules Coordinator:** Lauri Kunze—(503) 986-3171

## 738-020-0030

### Application for License

(1) Except as provided in ORS 836.080, a person, municipality, or officer or employee thereof may not operate a public-use airport without a license issued by the Oregon Department of Aviation. The license fee is determined by statute and shall be paid in full for the initial calendar year or portion thereof, and for each annual renewal. Application for license and renewal shall be in writing on a form provided by the Department and shall be accompanied by the prescribed fee. Application for initial license shall be accompanied by a drawing or sketch depicting the airport "as built." Sketches depicting any changes to the "as built" sketch submitted when the airport was first licensed, or as subsequently revised, shall accompany any application for renewal of license.

(2) Personal-use airports are exempt from licensing, but sponsors are required to register the airport prior to February 1 of each year on a form furnished by the Department. There is no fee for registration. New airports must be registered within thirty days of completion of the airport in accordance with plans submitted for site approval, and be approved by the Department. These airports may be approved for use by aircraft whose published manufacturer specifications state they can be operated from an airport of a size less than the state minimum standards.

(3) Agstrips need not be licensed, registered, or have site approval if the use of that strip is to be of an occasional nature only. However, the use of an agstrip shall be the sole responsibility of the person operating it. The operator is responsible not only for his or her own safety, but for the safety of persons and property on the ground. Conflict with traffic patterns of an existing airport must be avoided or coordinated and resolved. Such strip shall not be used by aircraft not under the agstrip operator's control.

Stat. Auth.: ORS 825 & 826  
Stats. Implemented: ORS 836.105  
Hist.: 1 OTC 46, f. 11-29-74, ef. 12-25-74; 1 OTC 81, f. & ef. 5-3-77; 1AD 3-1984, f. & ef. 7-31-84; AERO 2-1989, f. & cert. ef. 9-20-89; AVIA 4-2002, f. 11-27-02, cert. ef. 12-1-02; AVIA 3-2016, f. & cert. ef. 10-31-16

# ADMINISTRATIVE RULES

**Rule Caption:** Rules to Establish the Aviation System Action Program (ASAP) Fund

**Adm. Order No.:** AVIA 4-2016

**Filed with Sec. of State:** 10-31-2016

**Certified to be Effective:** 10-31-16

**Notice Publication Date:** 6-1-2016

**Rules Adopted:** 738-124-0010, 738-124-0015, 738-124-0020, 738-124-0025, 738-124-0030, 738-124-0035, 738-124-0040, 738-124-0045

**Rules Repealed:** 738-124-0010(T), 738-124-0015(T), 738-124-0020(T), 738-124-0025(T), 738-124-0030(T), 738-124-0035(T), 738-124-0040(T), 738-124-0045(T)

**Subject:** HB 2075 (2015) mandates the Department of Aviation to adopt rules in order to administer financial assistance programs for aviation-related purposes throughout the state of Oregon funded by the fuels tax revenue derived from the Aviation System Action Program (ASAP) Fund. This rulemaking replaces the temporary rules ODA had in place to guide the overall program until permanent administrative rules could be adopted.

**Rules Coordinator:** Lauri Kunze—(503) 986-3171

## 738-124-0010

### Purpose

OL 2015 c.700 Section 7 creates the Aviation System Action Program Fund, allowing for the distribution of fuel tax revenues for the purpose of financing grants to fund Aviation and Airport Projects that involve:

(1) Providing assistance for federal grant match support, airport safety and emergency preparedness enhancements, services critical and essential to aviation, aviation-related business development, and airport development for local economic benefit;

(2) Rural commercial air service development; and

(3) Safety improvements and infrastructure projects at State owned airports. The purpose of division 124 rules is to establish the Aviation System Action Program Fund.

Stat. Auth.: ORS 835.035, 835.040, 835.112, OL 2015 c.700 Section 7

Stats. Implemented: ORS 835.015, 835.025, 836.015, 836.070, 319.020

Hist.: AVIA 1-2016(Temp), f. & cert. ef. 5-11-16 thru 11-4-16; AVIA 4-2016, f. & cert. ef. 10-31-16

## 738-124-0015

### Definitions

For the purposes of division 124 rules, the following terms have the following definitions, unless the context clearly indicates otherwise:

(1) “Agreement” means a legally binding contract between the Department and Recipient that contains the terms and conditions under which the Department is providing funds from the Aviation System Action Program Fund for an Approved Project.

(2) “Applicant” means a Person or Public Body that applies for funds from the Aviation System Action Program Fund.

(3) “Approved Project” means a Project that the Board has selected to receive funding through a grant or Selection Process from the Aviation System Action Program Fund.

(4) “ARC” means the Aviation Review Committee established in accordance with OL 2015 c.700 Section 7 (3).

(5) “Area Commissions on Transportation” means advisory bodies chartered by the Oregon Transportation Commission (OTC) through the Policy on Formation and Operation of Area Commissions on Transportation (ACTs) approved by the OTC on June 18, 2003.

(6) “Aviation” is defined in ORS 836.005(5).

(7) “Aviation Project” or “project” includes but is not limited to airport safety and emergency preparedness, enhancements, rural air service development, capital improvement and maintenance projects critical and essential to airports statewide connectivity.

(8) “Board” means the State Aviation Board created in ORS 835.102.

(9) “COAR” or Critical Oregon Airport Relief Program grants means grant funding described in OL 2015 c.700 Section 7 (5).

(10) “Department” or “Department of Aviation” means the Oregon Department of Aviation or ODA.

(11) “Director” means the Director of the Oregon Department of Aviation.

(12) “FAM” or Financial Aid to Municipalities Grant Program means the grant funding program described in OAR Chapter 738, Division 125.

(13) “Freight Advisory Committee” means the committee created in ORS 366.212.

(14) “Municipality” as defined by ORS 836.005, refers to the applicant or airport sponsor.

(15) “Oregon Business Development Department” means the department defined in ORS 285A.070.

(16) “Person” has the meaning given in ORS 174.100(6), limited to those Persons that are registered with the Oregon Secretary of State to conduct business within the State of Oregon.

(17) “Program” means the Aviation System Action Program established by division 124 rules to administer the Aviation System Action Program Fund.

(18) “Public Body” is defined in ORS 174.109.

(19) “Receive Federal Grants” means execution of a grant agreement with any agency of the United States.

(20) “Recipient” means an Applicant that enters into Agreement with the Department to receive funds from the Aviation System Action Program Fund.

(21) “Recipient’s Total Project Costs” means the funds received from the Aviation System Action Program Fund program plus the Recipient’s matching funds, and any additional funds, if applicable.

(22) “ROAR” or Rural Oregon Aviation Relief Program grants means grant funding for the sole purpose of assisting commercial air service to rural Oregon as described in OL 2015 c.700 Section 7 (6).

(23) “Rural Airport” means an airport that principally serves a city or metropolitan statistical area with a population of 500,000 or fewer.

(24) “SOAR” or State Owned Airport Reserve Program means funding described in OL 2015 c.700 Section 7 (7).

Stat. Auth.: ORS 835.035, 835.040, 835.112, OL 2015 c.700 Section 7

Stats. Implemented: ORS 835.015, 835.025, 836.015, 836.070, 319.020

Hist.: AVIA 1-2016(Temp), f. & cert. ef. 5-11-16 thru 11-4-16; AVIA 4-2016, f. & cert. ef. 10-31-16

## 738-124-0020

### Application Submission Periods

(1) The Department will announce periods for submitting applications for funding from the Aviation System Action Program Fund.

(2) Project applications will be reviewed for compliance with the requirements as prescribed in division 124 rules.

(3) Applications not funded may be resubmitted during subsequent application submission periods announced by the Department.

Stat. Auth.: ORS 835.035, 835.040, 835.112, OL 2015 c.700 Section 7

Stats. Implemented: ORS 835.015, 835.025, 836.015, 836.070, 319.020

Hist.: AVIA 1-2016(Temp), f. & cert. ef. 5-11-16 thru 11-4-16; AVIA 4-2016, f. & cert. ef. 10-31-16

## 738-124-0025

### Application Requirements

(1) Applicants interested in receiving funds from the Aviation System Action Program Fund must submit an application to the Department per the Department’s current program Policy as established for the COAR Grant Program and the ROAR Program.

(2) Applications may not be submitted for projects already completed by the application deadline.

(3) Applications for funding must be in a format prescribed by the Department and contain or be accompanied by such information as the Department may require, including:

(a) The expected results from the proposed Project for each of the considerations as prescribed in OAR 738-125-0035;

(b) Documented desire for and support of the Project from the businesses and entities to be served by the Project; and

(c) Documentation to validate the Project schedule and costs.

(4) Applications submitted for the purpose of receiving funding to assist commercial air service to rural Oregon will follow the ROAR Program guidelines set forth in the Department’s current program Policy.

(5) Only state-owned airports are eligible to receive funding from the SOAR Program following the SOAR Program guidelines set forth in the Board’s policy.

Stat. Auth.: ORS 835.035, 835.040, 835.112, OL 2015 c.700 Section 7

Stats. Implemented: ORS 835.015, 835.025, 836.015, 836.070, 319.020

Hist.: AVIA 1-2016(Temp), f. & cert. ef. 5-11-16 thru 11-4-16; AVIA 4-2016, f. & cert. ef. 10-31-16

## 738-124-0030

### Eligibility and Application Review

(1) The Department will review applications received to determine whether the application is complete and the Applicant and the Project are eligible for Program Funds.

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(a) COAR Grant Applications shall be reviewed using Department Policy guidelines as established by OAR 738-125-0035, in accordance with OL 2015 c.700 Section 7 (3) and ORS 836.015.

(b) ROAR Applications shall be reviewed using Department Policy guidelines and submitted directly to the Board for final review and approval per OL 2015 c.700 Section 7 (6).

(c) SOAR Projects submitted by the Oregon Department of Aviation for state airport improvements shall be reviewed and approved by the Board independently in accordance with ORS 835.060.

(2) Applicant Eligibility. Applicants that meet [of] the following criteria are eligible:

(a) The Applicant is a Public Body or Person within the State of Oregon.

(b) The Applicant has sufficient management and financial capacity to complete the Project including without constraint the ability to contribute match in accordance with OAR 738-125-0030.

(3) Project Eligibility. Projects that meet all of the following criteria are eligible:

(a) For the COAR Grant Program, the project is an Aviation Project described in 738-124-0035 (8).

(b) For the ROAR Program, applications will be reviewed in accordance with adopted policy for the purpose of assisting commercial air service to rural Oregon.

(c) The Project will not require or rely upon continuing subsidies from the Department for ongoing operations.

(d) The Project is not a public road or other project that is eligible for funding from revenues described in section 3a, Article IX of the Oregon Constitution, i.e. the State Highway Trust Fund.

(e) The Project is feasible, including the estimated cost of the Project, the expected results from the proposed Project for each of the considerations as prescribed by OAR 738-125-0035(2), the Project schedule, and all applicable and required permits that shall be obtained within the Project schedule.

(4) If an Applicant or Application for funding is incomplete and/or not eligible for Program Funds, the Department will, within 15 business days of making such determination:

(a) Specify the additional information the Applicant must provide to establish eligibility; or

(b) Notify the Applicant that the application request is ineligible.

(5) The Department may deem an application ineligible if the Applicant fails to meet eligibility requirements of subsections (2) and (3) of this rule, or fails to provide requested information in writing by the date required by the Department, or if the application contains false or misleading information.

(6) The Director will consider protests of the eligibility determination for the Program. Only the Applicant may protest. Protests must be submitted in writing to the Director within 15 business days of the event or action that is being protested. The Director's written decision is final.

(7) The Department will make all eligible applications available for review, as applicable under OL 2015 c.700 Section 7 to the designated Review committee and to the Board for final review and approval. If applicable, the Freight Advisory Committee, and the Oregon Business Development Department will provide additional comments to the Board.

Stat. Auth.: ORS 835.035, 835.040, 835.112, OL 2015 c.700 Section 7

Stats. Implemented: ORS 835.015, 835.025, 836.015, 836.070, 319.020

Hist.: AVIA 1-2016(Temp), f. & cert. ef. 5-11-16 thru 11-4-16; AVIA 4-2016, f. & cert. ef. 10-31-16

## 738-124-0035

### Project Selection

(1) The Board will select Projects to be funded through a grant with monies in the Aviation System Action Program Fund.

(2) Prior to selecting Projects to be funded with monies in the Aviation System Action Program Fund, the Board shall solicit recommendations when applicable from:

(a) The Aviation Review Committee (ARC).

(b) The Freight Advisory Committee for freight Transportation Projects when applicable.

(c) The Oregon Business Development Department for aviation transportation projects when applicable.

(3) Prior to selecting Projects to be funded with monies in the Aviation System Action Program Fund, the Board may solicit recommendations from transportation stakeholder and advocate entities not otherwise specified in section (2) of this rule including the Area Commissions on Transportation. Business Oregon and Regional Solutions Teams will pro-

vide comments to the designated aviation representative of the Area Commissions on Transportation.

(4) On behalf of the Board, the Department shall solicit recommendations from the committees and entities in section (2) of this rule before soliciting recommendations from entities in section (3) of this rule. The Department shall provide the recommendations from the committees and entities in section (2) of this rule to the entities in section (3) of this rule.

(5) The Director, in consultation with Department staff, shall provide the Board a list of recommendations from the review committees and entities in section (2) and section (3) of this rule. The list shall include the evaluation results and recommendations from each of the committees and entities in sections (2) and (3) of this rule. The Board shall provide its final recommendations in a report of projects to be funded with monies in the Aviation System Action Program Fund listing in priority order eligible Projects together with a reasonable number of alternate Projects in priority order.

(6) The Department shall determine the organizational guidance for the committees' and entities' processes and protocols.

(7) The committees and entities in sections (2), (3) and (5) of this rule shall follow the organizational guidance determined by the Department under section (6) of this rule.

(8) The Board will consider all of the following in its determination of eligible Projects to approve for receipt of funds from the Aviation System Action Program Fund through the COAR Grant Program. The ARC committee shall recommend applications to the State Aviation Board, which shall select applications with priority in accordance with OAR 738-125-0035 (3):

(a) Fifty percent of the Aviation System Action Program Fund amounts described in subsection OL 2015 c.700 Section 7 (4)(b) shall be prioritized in the following manner and distributed for the following purposes under the COAR Grant Program:

(A) First priority is to assist airports in Oregon with match requirements for Federal Aviation Administration Airport Improvement Program grants;

(B) Second priority is to make grants for emergency preparedness and infrastructure projects, in accordance with the Oregon Resilience Plan, including grants for emergency management plan development, seismic studies and emergency generators and similar equipment;

(C) Third priority is to make grants for:

(i) Services critical or essential to aviation, including, but not limited to, fuel, sewer, water and weather equipment.

(ii) Aviation-related business development, including, but not limited to, hangars, parking for business aircraft and related facilities.

(iii) Airport development for local economic benefit, including, but not limited to, signs and marketing.

(b) Priority in distributing grants shall be given to projects for which applicants demonstrate a commitment to contribute the greatest amounts toward the costs of the projects to which the applications relate. Priorities will be in accordance with the corresponding OAR as they relate to COAR Grants and ROAR.

Stat. Auth.: ORS 835.035, 835.040, 835.112, OL 2015 c.700 Section 7

Stats. Implemented: ORS 835.015, 835.025, 836.015, 836.070, 319.020

Hist.: AVIA 1-2016(Temp), f. & cert. ef. 5-11-16 thru 11-4-16; AVIA 4-2016, f. & cert. ef. 10-31-16

## 738-124-0040

### Grant Awards and Match

(1) Once a project is selected by the Board under this rule the amount of monies identified by the Board is considered allocated from the Fund to a Recipient. If an Agreement with a Recipient has not been executed within 180 days from the date of selection, the grant is deemed terminated, and the funds may be reassigned by the Board.

(2) Grants will be awarded only when there are sufficient funds available in the Aviation System Action Program Fund to cover the costs of the grants.

(a) Recipient matching funds must be provided by the Recipient in the form of monetary outlay for elements necessary for implementation of the Project, including land, excavation, permits, engineering, payroll, special equipment purchase or rental, and cover a percentage of the eligible Project costs required by OAR 738-125-0030 and/or Board approval. The match requirement is not applicable to the SOAR Program.

(b) Board has the sole authority to amend required match responsibility of the Recipient if Recipient cannot meet OAR 738-125-0030(4) match requirement. These requirements are not applicable to the SOAR Program. Board at its sole discretion may determine no match is required if the

# ADMINISTRATIVE RULES

Recipient can demonstrate economic distress by submitting supporting documentation, including but not limited to:

- (A) Copies of current budget;
- (B) Letters of support.

Stat. Auth.: ORS 835.035, 835.040, 835.112, OL 2015 c.700 Section 7  
Stats. Implemented: ORS 835.015, 835.025, 836.015, 836.070, 319.020  
Hist.: AVIA 1-2016(Temp), f. & cert. ef. 5-11-16 thru 11-4-16; AVIA 4-2016, f. & cert. ef. 10-31-16

## 738-124-0045

### Project Administration

- (1) The Department will administer all Grants.

(2) The Department and Recipient will execute an Agreement prior to the disbursement of Program Funds for an Approved Project. The Agreement is effective on the date all required signatures are obtained or at such later date as specified in the Agreement. Agreements shall follow Board approved Department Policy and Procedures document and manual.

(3) The Agreement will contain provisions and requirements, including but not limited to:

(a) Documentation of the projected costs for an Approved Project must be submitted to the Department prior to the disbursement of Program Funds.

(b) Only Project costs incurred on or after the effective date of the Agreement are eligible for grant funds.

(c) Disbursement of Program Funds for grants will be paid on a reimbursement basis and will not exceed one disbursement per month; this is not applicable to the SOAR Program. The Director or the Board may make exceptions to the reimbursement basis if the Department finds that the Recipient would have difficulty meeting requirements.

(d) Except under the SOAR Program, five percent of funds received from the Aviation System Action Program Fund will be withheld from each reimbursement request and shall be released to Recipient as the conditions established by the Department are met. The Department will determine retainage limits in accordance with ORS 835.112. Funds withheld shall be released to Recipient upon final project acceptance by the Department.

(e) Upon request, a Recipient must provide the Department with a copy of documents, studies, reports and materials developed during the Project, including a written report on the activities or results of the Project and any other information that may be reasonably requested by the Department.

(f) Recipients must separately account for all monies received from the Aviation System Action Program Fund in Project accounts in accordance with Generally Accepted Accounting Principles.

(g) Any Program Funds disbursed but not used for an Approved Project must be returned to the Department.

(h) Amendments to Agreements are required to change an Approved Project's cost, scope, objectives or timeframe.

(i) Recipients must covenant, represent and agree to use Project funds in a manner that will not adversely affect the tax-exempt status of any bonds issued under the Program.

(j) Recipients, if applicable, must covenant, represent and agree to remain current on all state and local taxes, fees and assessments for the useful life of the Project as prescribed in the Agreement.

(4) The Department may invoke sanctions against a Recipient that fails to comply with the requirements governing the Program. The Department will not impose sanctions until the Recipient has been notified in writing of such failure to comply with the Program requirements as specified in this Rule and has been given a reasonable time to respond and correct the deficiencies noted. The following circumstances may warrant sanctions:

- (a) Work on the Approved Project has not been substantially initiated within six months of the effective date of the Agreement;
- (b) State statutory requirements have not been met;
- (c) There is a significant deviation from the terms and conditions of the Agreement; or

(d) The Department finds that significant corrective actions are necessary to protect the integrity of the Program Funds for the Approved Project and those corrective actions are not, or will not be, made within a reasonable time.

(5) The Department may impose one or more of the following sanctions:

- (a) Revoke an existing award.
- (b) Withhold unexpended Program Funds.
- (c) Require return of unexpended Program Funds or repayment of expended Program Funds.
- (d) Bar the Recipient from applying for future assistance.

(e) Other remedies that may be incorporated into grant Agreements.  
(6) The remedies set forth in this rule are cumulative, are not exclusive, and are in addition to any other rights and remedies provided by law or under the agreement.

(7) The Director will consider protests of the funding and Project administration decisions for the Program. Only the Recipient may protest. Protests must be submitted in writing to the Director within 15 business days of the event or action that is being protested. The Director's decision is final. Jurisdiction for review of the Director's decision is in the circuit court for Marion County pursuant to ORS 183.484.

(8) The Director may waive non-statutory requirements of this Program if it is demonstrated such a waiver would serve to further the goals and objectives of the Program.

Stat. Auth.: ORS 835.035, 835.040, 835.112, OL 2015 c.700 Section 7  
Stats. Implemented: ORS 835.015, 835.025, 836.015, 836.070, 319.020  
Hist.: AVIA 1-2016(Temp), f. & cert. ef. 5-11-16 thru 11-4-16; AVIA 4-2016, f. & cert. ef. 10-31-16

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**Rule Caption:** Removes minimum grant amount available; allows multiple applications per airport up to \$150,000 per application  
**Adm. Order No.:** AVIA 5-2016

**Filed with Sec. of State:** 10-31-2016

**Certified to be Effective:** 10-31-16

**Notice Publication Date:** 10-1-2016

**Rules Amended:** 738-125-0015, 738-125-0030

**Subject:** These amendments eliminate the minimum FAM grant dollar amount and remove the restriction of per application per airport per grant cycle found in OAR 738-125-0015 and 738-125-0030(2).

**Rules Coordinator:** Lauri Kunze—(503) 986-3171

## 738-125-0015

### General Provisions

The FAM Grant Program is a discretionary grant program of the Department. Program funding depends upon:

(1) The dedicated FAM Grant Program line item amount(s) in the Department's biennial budget, as approved by the Oregon Legislature; and  
(2) Department policies and priorities, as described in these rules.

(3) The FAM Grant Program is available to the following categories:

- (a) Emergency Preparedness Funding Grants
- (b) Economic Development Opportunity Funding Grants
- (c) Grant matching — FAA Airport Improvement Program Funding Match

(4) The maximum amount of money available from a FAM Grants is \$150,000 per application.

Stat. Auth.: ORS 835.035, 835.040 & 835.112  
Stats. Implemented: ORS 835.015, 835.025, 836.015 & 836.070  
Hist.: AVIA 2-2004, f. & cert. ef. 5-24-04; AVIA 2-2016, f. & cert. ef. 5-26-16; AVIA 5-2016, f. & cert. ef. 10-31-16

## 738-125-0030

### Matching Requirements

(1) All applicants must show the ability to provide a dollar match if awarded a FAM grant. This match can be either in cash or in-kind services.

(2) FAM grants may be made to the applicant for a maximum of \$150,000 per application.

(3) FAM grant funds may be used as:

(a) Local match for a federally funded Airport Improvement Program (AIP) grant or planning grant to develop or update an airport ALP or Master Plan;

(b) Local match for a project eligible under the AIP but not funded by that program; and

(c) Local match for other federal grants.

(4) FAM grant match requirements are based on the airport's category as listed in the current OAP. This match will be:

- (a) Category 1a — Commercial Primary: 50%
- (b) Category 1b — Other Commercial Non-Primary (less than 10,000 enplanements): 35%

(c) Category 2 — Business: 25%

(d) Category 3 — Regional: 10%

(e) Category 4 — Community: 10%

(f) Category 5 — Low Activity: 5%

(5) Labor costs and equipment rental related to the project may be submitted as in-kind contributions; however, a list of all proposed hourly labor costs or equipment rental fees must be submitted with the grant application. If proposed rates and fees are not approved by the Department, the

# ADMINISTRATIVE RULES

applicant may substitute cash. Labor hourly rates may not include overhead.

- (6) The following are not eligible as in-kind resources:
  - (a) Land values for previously acquired land;
  - (b) Value of buildings or other improvements; and
  - (c) Non-capital expenditures or expenditures that may be properly designated as "operations and maintenance," including but not limited to:
    - (A) Wages or salaries;
    - (B) Utilities;
    - (C) Service vehicles;
    - (D) Professional services, except for engineering services for the proposed capital improvements under the program;
    - (E) Supplies;
    - (F) Value of construction equipment; or
    - (G) Upkeep and landscaping.
- (7) FAM grant funds will not be used as a match for any other Department funded program, such as the Pavement Maintenance Program or ODOT ConnectOregon.

Stat. Auth.: ORS 835.035, 835.040 & 835.112  
Stats. Implemented: ORS 835.015, 835.025, 836.015 & 836.070  
Hist.: AVIA 2-2004, f. & cert. ef. 5-24-04; AVIA 2-2016, f. & cert. ef. 5-26-16; AVIA 5-2016, f. & cert. ef. 10-31-16

## Oregon Department of Education Chapter 581

**Rule Caption:** Amends LTCT to allow implementation of the Minimum Staffing Level Model required by HB 5016

**Adm. Order No.:** ODE 45-2016

**Filed with Sec. of State:** 11-1-2016

**Certified to be Effective:** 11-1-16

**Notice Publication Date:** 10-1-2015

**Rules Amended:** 581-015-2572

**Subject:** Currently OAR 581-015-2572 identifies a funding model based upon a predetermined formula which includes student counts as the basis for the allocation of state funding. HB 5016 contained a budget note which directs the department to allocate funding based upon an MSL model. This model bases the allocation of funding on a formula related to minimum classroom support rather than student count.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

### 581-015-2572

#### Long-Term Care and Treatment (LTCT) Education Program Funding Formula

(1) The Department of Education shall provide funding to LTCT education programs based on a Minimum Staffing Level (MSL) model. The MSL model is based on standard classroom staffing that addresses the educational and safety needs of the students and educational staff in eligible LTCT day and residential treatment program classrooms.

(2) The Department shall base the MSL model on a ratio of staff to students per classroom that is based upon:

- (a) One teacher and two instructional assistants for up to 15 students per classroom.
- (b) One teacher and three assistants for between 15-20 students per classroom.
- (c) When there are more than 20 students in a classroom, the distribution may factor in opening an additional classroom staffed with one teacher and two additional assistants to bring the student number back to 10 students per classroom.

(d) Staffing levels may vary from this guideline for safety, student characteristics, or treatment needs and still meet the MSL standard as determined by the department.

(e) At the department's discretion up to 15.0 percent may be added to LTCT contracts to cover educational overhead costs such as indirect, administrative costs and other educational service related costs.

(3) If the total state funding available for all LTCT programs is less than the total state funding needed to fully fund each LTCT contract under the MSL model, the amount of state funding in each contract determined under paragraph (2) of this subsection will be prorated.

(4) LTCT education programs shall use the funding from the department based on the MSL model to implement the MSL model as described under paragraph (2) of this rule. Any variation in staff to student classroom ratios under the MSL model must be approved by the department.

(5) A special needs fund is established at the Oregon Department of Education which will be up to five percent of the total state monies made available for the LTCT program during a biennium:

(a) Individual applications may be made to the Department for this fund to cover unexpected, emergency expenses;

(b) Funds not utilized under this paragraph for the first year of the biennium will be carried forward by the Department to the next fiscal year and the remaining balance at the end of the biennium will be carried over as reserve funds into the next biennium.

Stat. Auth. ORS 326.051 & 343.961

Stats. Implemented: ORS 343.243 & 343.961

Hist.: ODE 14-2009, f. & cert. ef. 12-10-09; ODE 15-2011, f. & cert. ef. 12-15-11; ODE 19-2014, f. & cert. ef. 6-3-14; ODE 10-2015, f. & cert. ef. 7-13-15; ODE 16-2015(Temp), f. 9-25-15, cert. ef. 9-28-15 thru 3-15-16; Administrative correction, 4-29-16; ODE 45-2016, f. & cert. ef. 11-1-16

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**Rule Caption:** Approved Transportation Costs for Payments from the State School Fund

**Adm. Order No.:** ODE 46-2016

**Filed with Sec. of State:** 11-1-2016

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**Rules Amended:** 581-023-0040

**Subject:** Updates the non-reimbursable cost per mile for the 2015-2016 and 2016-2017 school years. This rule is being refiled due to a filing error in the text.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

### 581-023-0040

#### Approved Transportation Costs for Payments from the State School Fund

(1) Definitions for the purpose of this rule:

(a) "Elementary School Student" means, notwithstanding any other OAR or statute, pupils attending a school offering only an elementary curriculum, any combination of grades K through 8;

(b) "Secondary School Student" means, notwithstanding any other OAR or statute, pupils attending a school offering any secondary curriculum for grades 9, 10, 11, or 12. Additionally, all students attending a school designated by the local school board through board action as a junior high school or middle school may be considered secondary students;

(c) "Local School Board" means, notwithstanding any other OAR or statute, the local school board for the district in which the student's legal residence is physically located. Local school boards are not required to provide transportation for students who have requested and received approval to attend a school other than that designated by the local school board for students living in their specified attendance area;

(d) "Manufacturer's Rated Capacity" means the number of students to be used in the calculations specified in paragraph (5)(n)(B) of this rule and described below:

(A) Buses transporting only elementary students will have a passenger capacity as stated on the manufacturer's identification plate;

(B) Buses transporting only high school students, grades 9 through 12 will have a passenger capacity based on two students for each 39 inch bus seat;

(C) Buses transporting mixed groups from grades K–12 (in any combination) or groups of only junior high or middle school students will have a passenger capacity based on 2.5 students for each 39-inch bus seat.

**EXAMPLE:** A bus with a manufacturer's passenger capacity stated on the identification plate of 72 would have the following ratings: elementary — 72, high school only — 48, mixed groups — 60, middle school and junior high school — 60.

(e) "Mile(s) from School" means the distance a student lives from school, measured from the closest, reasonable, and prudent point between the school property identified by the local board for that pupil's attendance and the property where the pupil lives. The distance will be measured over the shortest practicable route on maintained public roadways or over existing pedestrian facilities or pedestrian facilities capable of meeting the requirements listed in ORS 332.405(4);

(f) "Patron" means any individual, organization, or entity that is able to use student transportation services except for charter schools (as defined in ORS 338) or a public agency (described in ORS 339.133(4) if the school or agency reimburses school districts up to one hundred percent (100%) of incurred transportation costs pursuant to 338.145 or 339.133(4).

(g) "Supplemental Plan" means a plan adopted by local school board resolution identifying groups or categories of students who live within the 1 and 1.5 mile limitations and require transportation based on health or safety reasons, including special education. Supplemental plan approvals

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may be ordered by the State Board of Education or its designated representatives. The State Board shall have the right of final review of any actions regarding supplemental plans. Appeals will be directed to the State Board for final consideration. The Plan must include the following:

(A) The approximate number of students to be transported based on the plan;

(B) The health or safety reasons cited for providing transportation;

(C) The local board resolution specifying the supplemental plan as submitted; and

(D) Any additional information or documentation supporting the supplemental plan deemed appropriate locally.

(2) Approved transportation costs shall include those costs incurred in transporting pupils to and from instructional programs during the regularly scheduled school term within the limitations specified by ORS 327.006 and 327.033. Approved transportation costs may include costs incurred in transporting students participating in extended school year programs eligible for funding from the State School Fund.

(3) Approved transportation costs shall include those district expenditures associated with:

(a) Home-to-school transportation of elementary school pupils who live at least one mile from school;

(b) Home-to-school transportation of secondary school pupils who live at least one and one-half miles from school;

(c) Transportation of pupils between educational facilities either within or across district boundaries, if the facilities are used as part of the regularly-scheduled instructional program approved by the Board;

(d) Transportation of pupils for in-state field trips when such represents an extension of classroom activities for instructional purposes, and shall include out-of-state destinations within 100 miles of the Oregon border;

(e) Transportation of pupils home to school for whom a supplemental plan has been approved by the State Board of Education in addressing safety, health, and special education needs;

(f) Transportation of preschool children in Early Childhood Special Education Services having an Individual Family Service Plan requiring transportation and preschool children receiving Early Intervention Services under the authority of ORS 343.533.

(g) School to home transportation following extended school day instructional programs for:

(A) Elementary school pupils who live at least one mile from school;

(B) Secondary school pupils who live at least one and one-half miles from school.

(4) Approved transportation costs shall exclude those district expenditures associated with transportation for the following unless the school program is required under provisions of the Individuals with Disabilities Education Act, ORS 343.533 or 339.010 through 339.090 and 339.250:

(a) Pupils living within the limits prescribed in ORS 327.006(2) for whom no supplemental plan has been approved by the State Board;

(b) Activity trips other than for instructional purposes;

(c) Athletic trips;

(d) School lunch purposes;

(e) Summer school;

(f) Adult education;

(g) Evening school;

(h) Preschool and/or nursery school;

(i) Board and room in lieu of transportation associated with field trips;

(j) Transportation facility and staff costs other than those directly related to approved pupil transportation activities.

(5) The computation shall be made as follows:

(a) Pupil Transportation Salaries;

(b) Pupil Transportation Supplies, Equipment, Repairs, and Maintenance;

(c) All contracted Transportation;

(d) Travel of Pupil Transportation Personnel;

(e) Employee Benefits on Pupil Transportation Salaries;

(f) Pupil Transportation Insurance;

(g) Payments in Lieu of Transportation;

(h) Other Expenses of Pupil Transportation;

(i) Payments to Other Districts for Pupil Transportation;

(j) Leases and Rentals;

(k) Depreciation:

(A) Depreciation of Garage, but this shall not include land;

(B) Depreciation of Buses that are used at least 50% for reimbursable mileage.

(C) Shall include the costs to retrofit, as defined in ORS 468A.795, or to replace school buses for the purpose of reducing or eliminating diesel engine emissions, except that these costs may not include the costs paid with moneys received from the state by a school district from the Clean Diesel Engine Fund that are described in 468A.801 (2)(a) to retrofit or to replace school buses for the purpose of reducing or eliminating diesel engine emissions.

(l) Total of subsections (5)(a) through (k) of this rule;

(m) Deduct (if cost is included in detail above):

(A) Payments Received from Other Districts and from Patrons for reimbursable transportation;

(B) Non-reimbursable Transportation Costs:

(i) For 2013–14:

(I) Number of miles @ \$2.18 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles @ \$1.10 per mile for all school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver; or

(ii) For 2014–15:

(I) Number of miles @ \$2.26 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles @ \$1.14 per mile for all school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(iii) For 2015 – 16:

(I) Number of miles @ \$2.34 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles @ \$1.18 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(iv) For 2016 – 17:

(I) Number of miles @ \$2.42 per mile for all school buses and school activity vehicles having a manufacturers' designed passenger capacity of greater than 20 persons including the driver, or

(II) Number of miles @ \$1.22 per mile for all school activity vehicles having a manufacturers' designed passenger capacity of 20 or less including the driver.

(v)(I) Those local school board certified marginal costs attributable to services described in section (4)(a) of this rule, calculated and documented as follows: Documentation maintained by local district shall include: bus and route identification, school(s) being served, number of eligible students on board, number of ineligible students on board;

(II) Calculation of marginal costs shall be as follows: District Cost Per Mile of bus operation divided by the total number of students transported on each bus to derive an average cost per student. The cost per student multiplied by the number of ineligible students and the number of miles inside the limits provides the amount for deduction. Example: Cost per student = district cost per bus mile - number of students on bus; Total Deduction = cost per student x ineligible students x number of miles inside limit.

(III) No deduction will be made for transportation inside prescribed limits if the local board certifies student demographics would require student bus rides to or from school of more than one hour if the bus is routed in a manner making it accessible to the number of eligible students living outside the prescribed mileage limit equal to 130 percent of the bus manufacturer's rated capacity; or

(IV) The local school board certifies that buses are routed in a manner to serve at least the number of eligible students living outside the prescribed mileage limits equal to 130 percent of the bus manufacturer's rated passenger capacity; and

(V) In either of the aforementioned situations, no additional costs have been incurred by the district for the identified service.

(C) State and Federal Receipts for Transportation, except those apportioned under ORS 327.006 or third party Medicaid payments for transportation, if used to support expenditures in subsections (5)(a) through (l) of this rule;

(D) Rental or Lease Payments from Private Contractors;

(E) The percentage of transportation facility depreciation commensurate with the percentage of the total district fleet value based upon purchase price (see subsection (6)(k) of this rule) represented by non-pupil transportation equipment. Examples of nonpupil transportation equipment would include the following: lawnmowers, tractors, backhoes, trucks, pickups, cars, trailers, snow blowers, etc.

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(n) Total Deductions ((5)(m)(A)+(m)(B)+(m)(C)+(m)(D)+ (m)(E));

(o) Approved Cost ((5)(l) minus (5)(n)).

(6) In the above computation, the following definitions apply:

(a) Pupil Transportation Salaries. Salaries and wages paid school bus drivers, assistants to driver, and that portion of salaries paid mechanics and other bus maintenance employees, supervisors of transportation, secretarial and clerical assistants, and persons assigned transportation oversight and coordination responsibilities attributable to the transportation program and documented through position descriptions and payroll records. No school district General Administration salaries may be included in this area;

(b) Pupil Transportation Supplies, Equipment, Repairs, and Maintenance. Costs of fuel, oil, lubricants, tires, tire repair, batteries, vehicle diagnosis and repair equipment identified as capital expenditures in the "Program Budget Manual," vehicle repair parts and supplies, repair of vehicles by other than the school district, garage maintenance and operation, and garage equipment repair and maintenance;

(c) All Contracted Transportation. Payments to parents and independent public or private contractors for transporting pupils from home to school, between educational facilities and for non-reimbursable activities enumerated in paragraph (6)(l)(B) of this rule; and fares to public carriers for transporting pupils from home to school and between educational facilities:

(A) If a district retains ownership of buses and garages and contracts for the operation of the transportation system with provision in the contract for lease or rental of the buses and garages, the contracted transportation cost shown should reflect the gross bid including the lease or rental payment. The lease or rental payment shall be deducted in the computation as reported in paragraph (5)(n)(D) of this rule;

(B) If the district retains ownership of buses and garages and participates in a transportation cooperative or consortium through an intergovernmental agreement, depreciation apportionment provided under ORS 327.033 will be disbursed directly to the district. No depreciation component is approved for cooperative-owned buses or garages.

(d) Travel of Pupil Transportation Personnel. Meals, lodging, mileage, per diem and other travel expenses of pupil transportation personnel, and private car mileage if paid to bus drivers for travel to and from the point where school bus is parked if other than the central garage. The same travel expenses plus tuition or registration are included for attendance at Department of Education sponsored or presented pupil transportation training programs and seminars;

(e) Employee Benefits on Pupil Transportation Salaries. The district's contributions for employee benefits including social security and retirement, employee health insurance, workers' compensation, and unemployment insurance;

(f) Pupil Transportation Insurance. Payments for public liability and property damage, medical care, collision, fire and theft, and insurance on garages and shops;

(g) Payments in Lieu of Transportation. Payments for pupils' board and room in lieu of transportation, consistent with ORS 332.405(2);

(h) Other Expenses of Pupil Transportation. District-paid fees for school bus drivers' physical examinations; interest on bus or garage contracts payable including lease-purchase agreements if capitalized (see subsection (6)(k) of this rule);

(i) Payments to Other In-State or Out-of-State Districts for Transportation. Payments to other districts for approved pupil transportation costs;

(j) Leases and Rentals. Rental or lease payments for the use of land or buildings used for approved pupil transportation. Rental or lease payments for buses operated by district personnel for approved pupil transportation.

**NOTE:** Only those leases which do not contain an option to purchase or application of rentals to purchase should be included in subsection (5)(j) of this rule. See subsection (6)(k) of this rule as to the proper treatment of other lease-purchase agreements.

(k) Depreciation. For purposes of computing depreciation, capitalized cost is defined to include the unit cost of the asset, exclusive of interest, for such assets purchased outright, by conventional contract, or by lease-purchase agreement if such agreement contains any provision to acquire ownership at the end of the agreement by application of a portion of the rentals paid or a terminal payment. The computation of the capitalized cost and the depreciation shall be according to the following:

(A) Portions of Garages and Other Buildings Used for Approved Pupil Transportation:

(i) Outright purchase (including purchase by conventional contract). For each outright purchase or purchase by conventional contract, each district shall report to the Oregon Department of Education, on the forms provided, the unit cost of the garage or other building purchased and the dollar amount of interest payments associated with such purchase. The pur-

chase of land shall not be included in the Garage Depreciation. The capitalized value shall represent the unit cost, exclusive of interest. Depreciation shall be computed at an annual rate of four percent;

(ii) Lease-purchase agreements. For each lease-purchase agreement, the district shall report to the Oregon Department of Education, on the forms provided, the dollar amount of the agreement, the interest payments contained in the agreement, and the schedule of such interest payments contained in the agreement. Land shall not be included in the lease purchase agreement for the purpose of reimbursement. Subsequent to July 1, 1975, the capitalized value shall represent the lease-purchase price less any interest payments contained in the agreement. Depreciation shall be computed at an annual rate of four percent.

(B) Buses and Other Vehicles Used for Approved Pupil Transportation:

(i) Outright purchase (including purchase by conventional contract). For each outright purchase or purchase by conventional contract, each district shall report to the Oregon Department of Education, on the forms provided, the unit cost of the vehicle(s) purchased and the dollar amount of interest payments associated with such purchase. The capitalized value shall represent the unit cost, exclusive of interest. Depreciation shall be computed at an annual rate of ten percent;

(ii) Lease-purchase agreements. For each lease-purchase agreement, the district shall report to the Oregon Department of Education, on the forms provided, the dollar amount of the agreement, any applicable trade-in value, the dollar amounts of interest payments contained in the agreement, and the schedule of such interest payments contained in the agreement. The capitalized value of the vehicles shall represent the lease-purchase price including the trade-in allowance less interest payments contained in the agreement. Depreciation shall be computed at an annual rate of ten percent;

(iii) Lease agreements. If the district is leasing its buses under a lease agreement, the district shall report the annual lease cost. A lease agreement as used in this paragraph means an agreement whereby the lessor retains title to the buses being leased to the lessee school district and the title to the buses is never received by the lessee. Under such a lease agreement, the use of the buses by the lessee is limited by the term of the lease. If there is an auxiliary agreement either written or oral whereby at the end of the lease term, the title of the buses shall pass to the lessee school district, the agreement is not a lease agreement as described in this paragraph but is a lease-purchase agreement as outlined in subparagraph (ii) of this paragraph. The lease payment made by a school district obtaining the use of buses pursuant to a lease as defined in this paragraph shall be used in the computation of the reimbursement in place of the depreciation set forth in subparagraphs (i) and (ii) of this paragraph.

(l) Deductions:

(A) Payments Received from Other Districts and from Patrons. Money received from other school districts, parents, guardians, or students for transportation if paid in support of expenditures listed in subsections (5)(a) through (l) of this rule;

(B) Nonreimbursable Transportation Costs. Actual bus mileage of excludable trips shall include the actual mileage in district owned or contracted buses for transportation for activity trips, athletic trips, school lunch purposes, summer school, adult education, evening school, nursery school, and any other nonreimbursable purposes. Such mileage shall be deducted at the rate indicated in subsection (5)(m)(B) of this rule. The rate of deduction may be reviewed periodically by the State Board of Education and adjusted accordingly;

(C) State and Federal Receipts for Transportation. All state and federal receipts for transportation expenditures, exclusive of funds apportioned under ORS 327.006 and 327.033, that have been included in subsection (5)(a) through (l) of this rule;

(D) Rental or Lease Payments from Private Contractors. Payments received from private contractors for the use of district owned buses and garages in the operation of the pupil transportation system by the private contractor. This item must be shown as Revenue Code 1930 in the school district audit and the gross payments to the contractor must be included in subsection (5)(c) of this rule.

(7) Each district shall maintain a record, by purpose, of total pupil transportation miles and shall submit a report of such to the Oregon Department of Education on the form provided. The accuracy of such records shall be certified by the district clerk.

(8) If an education service district offers a special service under the provisions of section (4) of ORS 334.175, including home-to-school transportation that would qualify for reimbursement under the provisions of ORS 327.006 if provided by a local school district, the following procedure



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in crediting the transportation expenditure to the local district may be employed:

(a) The education service district shall compute approved home-to-school transportation costs as provided in section (4) of this rule;

(b) The approved costs so determined shall be billed to and paid by each of the local school districts. The expenditure shall be accounted for by the local district as a transportation expenditure paid to another education agency;

(c) The audited district expenditure shall be recognized by the State Superintendent of Public Instruction in computing the local district's entitlement under ORS 327.006;

(d) If the education service district reimburses the local district the difference between that portion billed and that paid under ORS 327.006, such reimbursement — if derived from property tax sources by education service district resolution — shall not be deducted by the state in determining the local district's approved costs. The local district shall account for the education service district reimbursement as other general receipts are accounted for from the education service district.

(9) For purposes of computing board and room entitlement for a district operating a dormitory under provisions of ORS 327.006, the state assumes responsibility for its proportionate share of costs associated with the provision of food, facilities, staff, operation, and maintenance necessary to provide students with safe and healthy living conditions. The state does not assume responsibility for costs associated with recreation or entertainment of students. The approved cost against which the computation is made for state liability shall not exceed the limit stated in ORS 332.405. In addition, the state will assume its proportionate share of the cost of field trips as defined in subsection (3)(c) of this rule.

(10) The computation of approved expenditures for board and room entitlement shall be made as follows:

(a) Salaries;

(b) Operation:

(A) Utilities;

(B) Supplies;

(C) Other Operational Costs.

(c) Maintenance:

(A) Upkeep;

(B) Replacement.

(d) Fixed Charges:

(A) Employee Benefits;

(B) Other Fixed Charges.

(e) Food;

(f) Operation of Buses and Other Vehicles — Supplies, Repairs and Maintenance;

(g) Depreciation:

(A) Dormitory;

(B) Buses and Other Vehicles.

(h) Total Expenditures (Sum of subsections (10)(a) through (g) of this rule);

(i) Deductions (subtract if cost is included in cost above):

(A) Payments Received from Other Districts and from Patrons;

(B) Nonreimbursable Transportation Costs as indicated in subsection (5)(m)(B) of this rule;

(C) State and Federal Receipts for Transportation, except those apportioned under ORS 327.006, 327.033, or third party Medicaid payments, if used to support expenditures in subsections (10)(a) through (g) of this rule;

(D) Federal School Lunch, Breakfast, and Milk Reimbursements;

(E) Sales of Food.

(j) Total Deductions (sum (10)(i)(A) + (i)(B) + (i)(C) + (i)(D) + (i)(E));

(k) Approved Cost ((10)(h) minus (10)(j) of this rule).

(11) The items included in the board and room entitlement computation are defined as follows:

(a) Salaries. Salaries and wages paid dormitory personnel, including the dormitory manager, cooks, custodians, and other personnel directly concerned with operation of the dormitory, and that portion of salaries paid secretarial and clerical assistants and other personnel attributable to the dormitory program;

(b) Operation:

(A) Utilities. Heat for buildings, water and sewage, electricity, telephone, and other utilities necessary for the operation of the dormitory;

(B) Supplies. Custodial supplies, supplies for care of grounds, linens, and other supplies necessary for the operation of the dormitory including food services. Purchase of food is included in subsection (11)(e) of this rule;

(C) Other Operational Costs. Contracted custodial services, window washing, laundry or linen services, etc., necessary for the operation of the dormitory.

(c) Maintenance:

(A) Upkeep. Expenditures associated with maintaining the existing dormitory facilities in a safe, healthy, and efficient condition, including supplies and materials for upkeep of dormitory grounds and the dormitory building. Costs associated with maintenance of recreational or entertainment facilities are excluded;

(B) Replacement of Equipment. Expenditures associated with replacing equipment necessary to the safe, healthy, and efficient operation of the dormitory. Replacement of equipment used for recreational or entertainment purposes are excluded.

(d) Fixed Charges:

(A) Employee Benefits. Expenditures for dormitory employees' benefits including social security and retirement, employee health insurance, workers' compensation, and unemployment insurance;

(B) Other Fixed Charges. Expenditures for property insurance, liability insurance, rental of land and buildings for purposes associated with operation of the dormitory, and other fixed charges directly attributable to operation of the dormitory.

(e) Food. Expenditures for food necessary for the operation of the dormitory;

(f) Operation of Buses and Other Vehicles — Supplies, Repairs, and Maintenance. Expenditures for fuel, oil, lubricants, tires, tire repair, batteries, vehicle repair parts and supplies, repair of vehicles by other than the school district, garage maintenance and operation, and garage equipment repair and maintenance necessary for the operation of buses utilized for purposes stated in section (3) of this rule and of other vehicles necessary for the operation of the dormitory;

(g) Depreciation:

(A) Dormitory. For purposes of computing dormitory depreciation, capitalized cost is defined as the unit cost of the asset (including the cost of original equipment), exclusive of interest, plus the cost of substantial improvements or remodeling. The purchase of land shall not be included. Costs associated with providing recreational or entertainment facilities are not included. Depreciation shall be computed at an annual rate of four percent;

(B) Buses and Other Vehicles. Depreciation for buses used for approved pupil transportation and that portion of other vehicles necessary for operation of the dormitory shall be computed in accordance with the formula and definition stated in paragraph (6)(k)(B) of this rule.

(h) Total. Sum of subsections (10)(a) through (g) of this rule;

(i) Deductions:

(A) Payments Received from Other Districts and from Patrons. Money received from other school districts, parents, guardians, or students for transportation or room and board if paid in support of expenditures listed in subsections (10)(a) through (f) of this rule;

(B) Nonreimbursable Transportation Costs. Costs for nonreimbursable transportation according to the formula and definition stated in paragraph (6)(l)(B) of this rule;

(C) State and Federal Receipts for Transportation. All state and federal receipts for transportation or room and board expenditures exclusive of funds apportioned under ORS 327.006 that have been included in subsections (10)(a) through (f) of this rule;

(D) Federal School Lunch, Breakfast, and Milk Reimbursements. All federal receipts for school lunch, breakfast, and milk expenditures that have been included in subsections (10)(a) through (f) of this rule;

(E) Sales of Food. Money received from teachers, students, or other individuals from food sales for which the expenditures are included in subsections (10)(a) through (f) of this rule.

(12) Such items of expenditure as may be questionable in applying the policy stated in this administrative rule shall be resolved by the State Superintendent of Public Instruction and such determination shall be final.

(13) Apportionment of the State School Fund for 2001–02 and subsequent years.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 327.013 & 820.100 - 820.120

Stats. Implemented: ORS 327.013 & 820.100 - 820.120

Hist.: 1EB 177, f. 10-2-74; 1EB 181, f. 1-17-75, ef. 7-1-75; 1EB 209, f. 12-5-75, ef. 1-16-76; 1EB 220, f. 2-17-76, ef. 3-15-76; 1EB 233, f. 6-11-76, ef. 6-18-76; 1EB 4-1978, f. 1-27-78, ef. 1-27-78; 1EB 10-1980, f. & ef. 5-5-80; 1EB 6-1981, f. 3-2-81, ef. 3-3-81; 1EB 4-1982, f. & ef. 2-10-82; 1EB 15-1982, f. 8-4-82, ef. 8-5-82; 1EB 17-1983, f. 11-23-83, ef. 11-25-83; 1EB 1-1985, f. 1-4-85, ef. 1-7-85; 1EB 5-1986, f. 1-30-86, ef. 2-1-86; EB 4-1987, f. & ef. 2-20-87; EB 32-1987, f. & ef. 12-10-87; EB 42-1988, f. & cert. ef. 11-15-88; EB 3-1992, f. & cert. ef. 2-21-92; EB 21-1993, f. & cert. ef. 6-2-93; EB 4-1997, f. & cert. ef. 4-25-97; ODE 9-2000, f. & cert. ef. 4-5-00; ODE 25-2001, f. & cert. ef. 11-7-01; ODE 9-2003, f. & cert. ef. 6-13-03; ODE 10-2006, f. & cert. ef. 2-21-06; ODE 8-2008, f. & cert. ef. 3-21-08; ODE 6-

# ADMINISTRATIVE RULES

2010, f. & cert. ef. 4-26-10; ODE 22-2011, f. & cert. ef. 12-15-11; ODE 39-2014, f. & cert. ef. 9-3-14; ODE 4-2016, f. & cert. ef. 2-5-16; ODE 46-2016, f. & cert. ef. 11-1-16

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**Rule Caption:** Establishes Farm to School Program Grant.

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**Rules Amended:** 581-017-0432, 581-017-0435, 581-017-0438, 581-017-0441, 581-017-0444, 581-017-0447

**Subject:** The legislature modified the Oregon Farm to School Grant Program in 2015, creating a noncompetitive grant available to all school districts and a competitive grant. These proposed rules will govern the competitive grant. School districts, nonprofit organizations and commodity commissions or councils organized under ORS 576.051 to 576.455 or ORS chapter 577 or 578, may apply for a competitive grant to assist in paying costs of providing food-based, agriculture-based or garden-based educational activities in a school district. The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business. The incorrect version of this rule was previously filed. This is the corrected version.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

## 581-017-0432

### Definitions

As used in OAR 581-017-0432 to 581-017-0447:

(1) "Commodity commissions or councils" means a commodity commission or council organized under ORS 576.051 to 576.455, the Oregon Beef Council, and the Oregon Wheat Commission.

(2) "Including" means including but not limited to.

(3) "Nonprofit organization" means:

(a) A nonprofit business corporation incorporated under ORS Chapter 65;

(b) A foreign nonprofit business corporation authorized to transact business in the state of Oregon; or

(c) An organization that is recognized as tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986.

(4)(a) "School district" means an Oregon common school district, joint school district, union high school district, or public charter school.

(b) "School district" does not include an education service district.

Stat. Auth.: OL 2015, ch. 840, sec.13

Stats. Implemented: OL 2015, ch. 840, sec.13

Hist.: ODE 11-2016, f. & cert. ef. 2-5-16; ODE 47-2016, f. & cert. ef. 11-1-16

## 581-017-0435

### Purpose

(1) The purpose of the competitive Oregon Farm to School Program grant is to assist entities in paying the costs they incur providing food-based, agriculture-based, or garden-based educational activities in a school district.

(2) A school district, nonprofit organization, or commodity commission or council that receives a competitive Oregon Farm to School Program grant may use the grant for costs directly associated with the educational activities offered to children enrolled in either a public school or public charter school within a school district, including staff time, supplies, equipment, and travel.

Stat. Auth.: OL 2015, ch. 840, sec.13

Stats. Implemented: OL 2015, ch. 840, sec.13

Hist.: ODE 11-2016, f. & cert. ef. 2-5-16; ODE 47-2016, f. & cert. ef. 11-1-16

## 581-017-0438

### Eligibility

(1) A school district, nonprofit organization, or commodity commission or council may apply for a competitive Oregon Farm to School Program grant.

(2)(a) A school district, nonprofit organization, or commodity commission or council that applies for a competitive Oregon Farm to School Program grant may partner with one or more organizations to provide food-based, agriculture-based, or garden-based educational activities in a school district. Grant applicants that partner with other organizations to provide educational activities must serve as the fiscal agent for the partnered organizations.

(b) Fiscal agents are responsible for:

(A) Ensuring that their partner organizations comply with the terms and conditions of the competitive Oregon Farm to School Program grant;

(B) Overseeing the delivery of food-based, agriculture-based, or garden-based educational activities to children enrolled in either a public school or public charter school within a school district;

(C) Ensuring that the educational activities offered satisfy the criteria identified in OAR 581-017-0441, the request for proposals, and any related guidance documents produced by the Oregon Department of Education;

(D) Maintaining all records regarding the educational activities offered using, and costs paid for with, grant funds; and

(E) Delivering those records and any completion reports regarding the educational activities funded with, and the expenditure of, grant funds to the Oregon Department of Education.

(3) A school district, nonprofit organization, or commodity commission or council may lose its eligibility to apply for a competitive Oregon Farm to School Program grant during the succeeding biennium, or continue receiving a previously awarded grant, if the school district, nonprofit organization, or commodity commission or council does not:

(a) Comply with the applicable provisions of Oregon Laws 2015, chapter 840, section 13 (Enrolled Senate Bill 501);

(b) Comply with the provisions of OAR 581-017-0432 to 581-017-0447;

(c) Comply with the grant criteria printed in the competitive Oregon Farm to School Program grant request for proposal and any related guidance documents produced by the Oregon Department of Education;

(d) If awarded a competitive Oregon Farm to School Program grant, spend the entire amount of the grant award during the biennium for which the grant was awarded; or

(e) If awarded a competitive Oregon Farm to School Program grant, spend the majority of the grant award on food-based, agriculture-based, or garden-based educational activities for the benefit of children enrolled in either a public school or public charter school within a school district.

Stat. Auth.: OL 2015, ch. 840, sec.13

Stats. Implemented: OL 2015, ch. 840, sec.13

Hist.: ODE 11-2016, f. & cert. ef. 2-5-16; ODE 47-2016, f. & cert. ef. 11-1-16

## 581-017-0441

### Application Process and Criteria

(1) The Oregon Department of Education shall establish a request for proposal solicitation and approval process to be conducted each biennium for which competitive Oregon Farm to School Program grant funds are available.

(2) The department shall notify school districts, nonprofit organizations, and commodity commissions or councils of the proposal process and the dates when proposals are due, and make available necessary guidelines and application forms.

(3)(a) School districts, nonprofit organizations, and commodity commissions or councils must submit their grant proposals on the most current form prescribed by the department. The department shall publish the current request for proposals solicitation forms on the department's website.

(b) If a school district, nonprofit organization, or commodity commission or council that has applied for a competitive Oregon Farm to School Program grant is unable to provide the information required in the request for proposals, then the grant applicant must provide an explanation why the information cannot be provided. Grant applicants may submit additional information that will aid the department in evaluating their grant proposals.

(4) To be considered by the department, the grant proposals submitted by school districts, nonprofit organizations, or commodity commissions or councils must include the following information:

(a) The name of the school district in which the educational activities will be offered;

(b) The name of the person who will serve as the grant applicant's primary contact regarding the grant proposal and that person's contact information, including the primary contact's email address and telephone number;

(c) The name of the organizations which the grant applicant either has partnered, or is intending to partner, with for the purpose of providing food-based, agriculture-based, or garden-based educational activities for the benefit of children enrolled in either a public school or public charter school within a school district;

(d) The name and contact information of the persons who will serve as the partner organizations' primary contacts regarding the grant proposal and the educational activities the grant applicant and its partner organizations intend to provide;

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(e) A description of the educational activities the grant applicant proposes to offer;

(f) An explanation of how the educational activities the grant applicant proposes to offer with grant funds will address the grant criteria and benefit children enrolled in either a public school or public charter school within a school district;

(g) An estimate of the costs associated with providing the proposed educational activities; and

(h) An analysis of the proposed educational activities and the proposed means of delivering those programs using the Equity Lens adopted under OAR 581-017-0010.

(5) Grant applicants' proposals will be reviewed for completeness and how well they address the evaluation criteria adopted by the department. The Oregon Department of Education shall give preference to eligible entities that propose educational activities that:

- (a) Are well designed;
- (b) Promote healthy food activities;
- (c) Have clear educational objectives;
- (d) Involve parents or the community;
- (e) Are connected to a school district's farm-to-school procurement activities; and

(f) Are culturally relevant to the students being served by the grant moneys.

(6) Additional information may be required and additional criteria may be identified in the applicable request for proposal and guidelines published by the department.

(7) Recipients of a competitive Oregon Farm to School Program grant will:

- (a) Represent a variety of school sizes and geographic locations; and
- (b) Serve a high percentage of children who qualify for free or reduced price school meals under the United States Department of Agriculture's National School Lunch Program.

Stat. Auth.: OL 2015, ch. 840, sec.13  
Stats. Implemented: OL 2015, ch. 840, sec.13  
Hist.: ODE 11-2016, f. & cert. ef. 2-5-16; ODE 47-2016, f. & cert. ef. 11-1-16

## 581-017-0444

### Awarding and Using Competitive Oregon Farm to School Program Grants

(1) The Oregon Department of Education shall allocate funds for competitive Oregon Farm to School Program grants.

(2) Competitive Oregon Farm to School Program grants will be awarded to those school districts, nonprofit organizations, or commodity commissions or councils whose grant proposals are judged by the department as best addressing the applicable evaluation criteria.

(3) The department will notify those school districts, nonprofit organizations, or commodity commissions or councils selected for a proposed competitive grant award by either mail or email. Within two weeks of receiving notice, the entity must notify the department whether it accepts the award.

(4) The department will award the first competitive Oregon Farm to School Program grants for the biennium beginning on July 1, 2015, and ending on June 30, 2017. If funding is available, additional competitive grants will be awarded in subsequent biennia.

(5) The amount of each competitive Oregon Farm to School Program grants awarded by the department in any biennia will be at least \$2,000.00 and no more than \$100,000.00.

(6) A school district, nonprofit organization, or commodity commission or council which is awarded a competitive Oregon Farm to School Program grant may use up to ten percent of the total amount awarded for each of the following:

(a) Direct administrative costs, including administrative labor and supplies; and

(b) Costs associated with planning and developing the food-based, agriculture-based, or garden-based educational activities the grant recipient proposes to offer for the benefit of children enrolled in either a public school or public charter school within a school district.

(7) Grant funds awarded for use in one biennium may not be carried over to the following biennium, and will revert to the department at the end of the biennium, unless otherwise determined by the department.

(8) Grant recipients must deposit the grant funds they receive in a separate account, or assign them a separate account or index number. Grant funds may only be used for the purpose of providing the food-based, agriculture-based, or garden-based educational activities it proposed to offer for the benefit of children enrolled in either a public school or public charter school within a school district.

(9) Grant recipients may not charge indirect costs to their grant award.  
Stat. Auth.: OL 2015, ch. 840, sec.13  
Stats. Implemented: OL 2015, ch. 840, sec.13  
Hist.: ODE 11-2016, f. & cert. ef. 2-5-16; ODE 47-2016, f. & cert. ef. 11-1-16

## 581-017-0447

### Performance Measures and Reporting

(1) The Oregon Department of Education shall publish performance measures for recipients of a competitive Oregon Farm to School Program grant in the request for proposals solicitation forms and any related guidance documents produced by the department.

(2) The department shall provide grant recipients with a template for an interim and final grant report. To receive the final disbursement of grant funds, grant recipients must submit both a completed interim and final grant report to the department.

Stat. Auth.: OL 2015, ch. 840, sec.13  
Stats. Implemented: OL 2015, ch. 840, sec.13  
Hist.: ODE 11-2016, f. & cert. ef. 2-5-16; ODE 47-2016, f. & cert. ef. 11-1-16

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**Rule Caption:** Poverty Eligibility Determination for Purposes of State School Fund Distribution.

**Adm. Order No.:** ODE 48-2016

**Filed with Sec. of State:** 11-1-2016

**Certified to be Effective:** 11-1-16

**Notice Publication Date:** 1-1-2014

**Rules Adopted:** 581-023-0102

**Subject:** The rule addresses how to determine poverty eligibility for purposes of the State School Fund distribution.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

## 581-023-0102

### Poverty Eligibility Determination for Purposes of State School Fund Distribution

(1) The following definitions and abbreviations apply to this rule:

(a) "ADM" means Average Daily Membership as defined under ORS 327.006 and OAR 581-023-0006.

(b) "Census Bureau" means the United State Census Bureau.

(c) "SAIPE" means the Small Area Income Poverty Estimate published by the Census Bureau every year and available to the public on the Census Bureau's website at: <http://www.census.gov/did/www/saipe/>.

(2) Pursuant to ORS 327.013(1)(c)(A)(v)(i) the Department of Education will determine poverty using Census Bureau data and ADM data from the school districts.

(3) The Department will obtain SAIPE data published on the Census Bureau website for all Oregon school districts annually as it is released.

(4)(a) The Department will divide the concurrent year's ADM data by the total children ages 5 to 17 as reported in the SAIPE data.

(b) For those districts where the ratio of the ADM divided by total children ages 5 to 17 as reported in SAIPE data is greater than 100%, the Department will reduce the ratio to 100%.

(5) The Department will multiply the population ages 5 to 17 in families in poverty as reported by the SAIPE by the percentage calculated above.

(6) The Department will round the resulting product to two decimal places.

(7) The Department will use the previous year's SAIPE data to calculate the final poverty weights for the current year pursuant to ORS 327.013(1)(c)(A)(v).

Stat. Auth.: ORS 327.013 & 327.125  
Stats. Implemented: ORS 327.013  
Hist.: ODE 9-2014, f. 2-19-14, cert. ef. 7-1-14; ODE 14-2016, f. & cert. ef. 2-5-16; ODE 48-2016, f. & cert. ef. 11-1-16

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**Rule Caption:** Amends rules for District Collaboration Grant to align with SB 216.

**Adm. Order No.:** ODE 49-2016

**Filed with Sec. of State:** 11-1-2016

**Certified to be Effective:** 11-1-16

**Notice Publication Date:** 11-1-2015

**Rules Amended:** 581-018-0110, 581-018-0120

**Subject:** Amends OAR to align with SB 216. Provides a \$50,000 supplement to districts under 1,500 ADMw to hire a Project Director and caps their award at 150,000. Includes a stipulation for an additional 10% of grant funds to be provided to districts who implement a new, research based program to increase student achievement

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and removes the provision to include district consortiums. The incorrect version of this rule was previously filed. This is the correct version.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

## 581-018-0110

### Criteria

(1) The Oregon Department of Education shall establish a request for proposal solicitation and approval process to be conducted each biennium for when District Implementation and Design Collaboration grant funds are available. The Department shall notify eligible applicants of the proposal process and the due dates, and make available necessary guidelines and application forms.

(2) All proposals must comply with the requirements of ORS 329.838 and ORS 342.950 and rules adopted to implement those laws. Grants shall be awarded based on whether the grant application identifies how the funds will be used to improve education outcomes identified by the Department of Education or set forth in ORS 351.009.

(3) Prior to applying for a grant, the school district must receive the approval to apply for the grant from:

(a) The exclusive bargaining representative for the teachers of the school districts, or if the teachers are not represented by an exclusive bargaining representative, from the teachers of the school districts;

(b) The chairperson of the school district board; and

(c) The superintendent of the school district.

(4) Districts shall establish a collaborative leadership team to oversee the design and implementation process. The collaborative leadership team shall include the exclusive bargaining representative for the teachers of the school district or, if the teachers are not represented by an exclusive bargaining representative, the teachers of the school district.

(5) Districts shall display readiness and eligibility for an implementation grant by submitting detailed blueprints, developed collaboratively by teachers, administrators, and the teacher bargaining unit, in the four required areas:

(a) Career pathways processes for teachers and administrators;

(b) Evaluation processes for teachers and administrators;

(c) Compensation models for teachers and administrators, and

(d) Enhanced professional development opportunities for teachers and administrators.

(6) The Department of Education shall award design and implementation grants based on the evaluation of the district application, eligibility criteria, and the following considerations:

(a) Geographic location of districts to insure geographic diversity within the recipients of grant program funds throughout the state;

(b) Districts that have an achievement gap as defined in 581-018-0005;

(c) Districts that have a high level of economically disadvantaged students as defined in 581-018-0005.

Stat. Auth.: ORS 329.838

Stats. Implemented: ORS 329.838

Hist.: ODE 18-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14; ODE 33-2013, f. & cert. ef. 12-18-13; ODE 18-2015(Temp), f. 9-25-15, cert. ef. 9-28-15 thru 3-15-16; ODE 9-2016, f. & cert. ef. 2-5-16; ODE 34-2016, f. & cert. ef. 5-17-16; ODE 49-2016, f. & cert. ef. 11-1-16

## 581-018-0120

### Implementation Grant Funding

(1) The Department of Education shall determine for each fiscal year the total amount available for distribution to school districts as implementation grants.

(2) The Department of Education shall determine the grant amount to be awarded to each district that is eligible to receive a grant based on the following formula:

Grant Amount = school district ADMw x (the total amount available for distribution for an implementation grant in a fiscal year through the School District Collaboration Grant Program / the total ADMw of the School Districts that receive an implementation grant for the fiscal year.

(3) Notwithstanding subsection (2) of this section, a school district may receive a grant for an amount that is 10 percent more than the amount calculated under subsection (2) of this section if the Department approves a school district's supplemental plan to design and implement new approaches to improve student achievement that are in addition to the approaches identified in OAR 581-015-0110(5) and that are research-based best practices.

(4) In addition to any amounts received under subsections (2) and (3), a school district that has an average daily membership of less than 1,500 may receive a supplemental amount of up to \$50,000 if:

(a) The supplemental amount is used for expenses incurred in relation to a grant manager who:

(A) Manages the use of a grant received under this paragraph;

(B) Supports the school district's committees related to the grant;

(C) Monitors and measures the implementation of new approaches funded by the grant;

(D) Ensures timely and accurate communications with educators in the school district;

(E) Completes all Department of Education requirements related to the grant; and

(F) Attends meetings and collaborates with other school districts; and  
(b) The total of the implementation grant and the supplemental amount does not exceed \$150,000.

Stat. Auth.: ORS 329.838

Stats. Implemented: ORS 329.838

Hist.: ODE 18-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14; ODE 33-2013, f. & cert. ef. 12-18-13; ODE 18-2015(Temp), f. 9-25-15, cert. ef. 9-28-15 thru 3-15-16; ODE 9-2016, f. & cert. ef. 2-5-16; ODE 49-2016, f. & cert. ef. 11-1-16

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**Rule Caption:** STEM Hubs Grant

**Adm. Order No.:** ODE 50-2016

**Filed with Sec. of State:** 11-1-2016

**Certified to be Effective:** 11-1-16

**Notice Publication Date:** 11-1-2015

**Rules Adopted:** 581-017-0302

**Rules Amended:** 581-017-0301, 581-017-0306, 581-017-0309, 581-017-0312, 581-017-0315, 581-017-0318

**Subject:** Revises the existing rules on STEM Hub grants to align with new requirements in HB 3072 (2015) and creates a new rule specifying what entities can be a fiscal agent for CTE and STEM grants.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

## 581-017-0301

### Definitions

The following definitions apply to 581-017-0300 TO 581-017-0333:

(1) "Achievement Gap" means the gap in achievement (state test scores in science and mathematics as well as postsecondary degree attainment in STEM) that often exists between students who are economically disadvantaged, students learning English as a second language, African American, Hispanic or Native American compared to their peers.

(2) "Authentic Problem-Based Learning" means using real world questions, problems, and tasks—often drawn from local community issues and industries—as the focus to drive the learning experiences, deepen understanding, and developing rich contextual connections across a variety of STEM and non-STEM disciplines.

(3) "Career and Technical Education (CTE)" is a comprehensive educational program for students based on industry needs. CTE includes coursework in areas such as health care, engineering, and computer science.

(4) "Community Engagement" means a broad collaboration and participation between multiple sectors of the community for the mutually beneficial exchange of knowledge and resources to identify local needs and contribute to larger conversations on visioning planning which may include, but not limited to parent groups and advocacy groups, industry and STEM agencies, economic and workforce groups, student input, and educators.

(5) "Education service district" or "ESD" means an education service district as defined in ORS 334.003.

(6) "Effective STEM Instruction" means the use of evidence-based practices that support interconnected, relevant STEM instruction as stated in definition number one.

(7) "Effective STEM Leadership" means identifying schools, school districts, postsecondary institutions, business & industry, student-focused nonprofits and community leadership to support implementing and improving STEM teaching and learning in addition to creating a culture that fosters STEM learning with evidence-based resources. Effective STEM leadership develops an understanding of what effective and interconnected STEM education looks like in the classroom and supports the development of learning environments that empower educators to implement innovative STEM education approaches.

(8) "Effective STEM Learning Environments" means supporting student interaction with STEM education during formal and informal settings in ways that promote deeper understanding of real-world complex concepts. Such learning environments need to engage all students in solving

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complex problems, using highly interactive learning opportunities that create new opportunities for STEM learning across the core curriculum.

(9) "Equity Lens" refers to the commitment and principles adopted by the Oregon Education Investment Board to address inequities of access, opportunity, interest, and attainment for underserved and underrepresented populations in all current and future strategic investments.

(10) "Postsecondary Institution" means a:

- (a) A community college operated under ORS Chapter 341.
- (b) The following public universities within the Oregon University System:

- (A) University of Oregon.
- (B) Oregon State University.
- (C) Portland State University.
- (D) Oregon Institute of Technology.
- (E) Western Oregon University.
- (F) Southern Oregon University.
- (G) Eastern Oregon University.
- (c) Oregon Health and Science University.
- (d) An Oregon-based, generally accredited, not-for-profit institution of higher education.

(11) "Regional STEM Hub" means a commitment of a group of key stakeholders from different sectors such as, but not limited to school districts, informal education providers, postsecondary institutions, business & industry, student-focused nonprofits, students, families, community members and policy makers to advance state and local educational goals related to science, technology, engineering, mathematics and career & technical education (CTE).

(12) "Statewide STEM Network" means a supportive collaboration between and across Regional STEM Hubs to share knowledge, expertise, insights, and leadership to assist other communities in their efforts to create similar STEM partnerships.

(13) "STEM Education" means an approach to teaching and lifelong learning that emphasizes the natural interconnectedness of the four separate STEM disciplines. Developing and deepening content knowledge and skills in science and mathematics is the foundation of STEM teaching and learning. The natural connections among science, mathematics and STEM are made explicit through collaboration between educators resulting in real and appropriate context built into instruction, curriculum, and assessment. The common element of problem solving is emphasized across all STEM disciplines allowing students to discover, explore, and apply critical thinking skills as they learn.

(14) "STEM Practitioners" refers to individuals engaged in STEM-related professions such as but not limited to, natural resources management, high-tech manufacturing and product development, information technology, industrial design, health sciences, software, scientific research, engineering, data analytics, etc.

(15) "Student-Focused Nonprofits" means an organization that meets all of the following requirements:

- (a) Is established as a nonprofit organization under the laws of Oregon;
- (b) Qualifies as an exempt organization under section 501(c)(3) of the Internal Revenue Code as defined in ORS 314.011; and
- (c) Is focused on providing services to students who's goals or mission are focused on impacting and improving outcomes in STEM education.

(16) "Underserved Students" are students whom systems have placed at risk because of their race, ethnicity, English language proficiency, socioeconomic status, gender, sexual orientation, differently abled, or geographic location.

(17) "Underrepresented Students" in STEM are from demographic groups who's representation in STEM fields and industries does not mirror regional and national focus populations specifically, women, African American, Native American, Hispanic and Pacific Islander students which systems have provided insufficient or inadequate balance of opportunity.

Stat. Auth.: ORS 327.820; 2015 OL Ch. 763, Sec. 1 (Enrolled HB 3072)  
Stat. Implemented: ORS 327.820; 2015 OL Ch. 763, Sec. 1 (Enrolled HB 3072)  
Hist.: ODE 30-2014, f. & cert. ef. 6-24-14; ODE 15-2015(Temp), f. 9-25-15, cert. ef. 9-28-15 thru 3-15-16; Administrative correction, 4-29-16; ODE 34-2016, f. & cert. ef. 5-17-16; ODE 50-2016, f. & cert. ef. 11-1-16

## 581-017-0302

### Fiscal Agent for CTE and STEM Grants

The following entities shall be eligible to be the fiscal agent for the grants available under 581-017-0301 to 0333:

- (1) School districts;
- (2) Education service district (ESD) as defined in ORS 334.003;
- (3) Public schools;

- (4) Public charter schools;
- (5) Community Colleges; and
- (6) Public Universities.

Stat. Auth.: 2015 OL Ch. 763, Sec. 1 (Enrolled HB 3072)  
Stat. Implemented: 2015 OL Ch. 763, Sec. 1 (Enrolled HB 3072)  
Hist.: ODE 50-2016, f. & cert. ef. 11-1-16

## 581-017-0306

### Establishment of Regional STEM Hubs

(1) The Regional STEM Hub Grant is established as part of the Connecting to the World of Work Program.

(2) The purposes of these Regional STEM Hubs includes, but is not limited to:

(a) Engage school districts, post-secondary institutions, student-focused nonprofit organizations, business and industry around common outcomes related to increasing students' proficiency, interest, and attainment in science, technology, engineering and mathematics along with career and technical education.

(b) Align STEM program activities and leverage State and local resources, both financial and human, around common student outcomes to advance the State 40/40/20 goals.

(c) Address ongoing access, opportunity, interest, and attainment gaps for underserved and underrepresented students in STEM consistent with the Equity Lens.

(d) Engage local communities to elevate the importance of STEM to the prosperity of individuals, and the local and state economy.

(e) Promote effective instructional practices by providing professional learning opportunities and to support educators in ways that are consistent with the implementation of the Common Core State Standards and Oregon Science Standards.

(f) Provide age-appropriate career exploration opportunities in STEM for students along the education continuum including career guidance, tours, and internships.

(g) Expand effective STEM learning experiences for students both in and out of school.

(h) Share knowledge, expertise, insights, and leadership to assist other communities in their efforts to create similar STEM partnerships.

(i) Foster greater coherency across institutions to smooth student transitions and support services along education and career pathways.

(j) Diminish the sense of academic isolation and silos, both locally and statewide.

(k) Increase interactions of STEM practitioners with students and educators.

Stat. Auth.: ORS 327.820  
Stat. Implemented: ORS 327.820  
Hist.: ODE 30-2014, f. & cert. ef. 6-24-14; ODE 15-2015(Temp), f. 9-25-15, cert. ef. 9-28-15 thru 3-15-16; Administrative correction, 4-29-16; ODE 50-2016, f. & cert. ef. 11-1-16

## 581-017-0309

### Eligibility of Regional STEM Hubs

The Oregon Department of Education shall allocate funds for Regional STEM Hubs based on the following criteria:

(1) The following entities shall be eligible for the Regional STEM Hub Grant:

- (a) Existing STEM Hubs;
- (b) School districts;
- (c) Education service districts;
- (d) Student-focused nonprofit organizations;
- (e) Postsecondary institutions for the purpose of supporting STEM & CTE education; and
- (f) Any of the nine federally recognized Native American Tribes in Oregon.

(2) A Regional STEM Hub must be established by a school district, postsecondary institutions or student-focused nonprofit and is required to include the following additional partners at a minimum:

- (a) A School District or ESD,
- (b) A Postsecondary Education Partner,
- (c) A Student-focused nonprofit; and
- (d) An Industry, Business or STEM focused Community Partner.

(3) A Regional STEM Hub must be able to demonstrative that the Hub has the following five key elements:

- (a) A common agenda;
- (b) Shared measurement systems;
- (c) Mutually reinforcing activities;
- (d) Continuous communication; and
- (e) Backbone support organizations.

Stat. Auth.: ORS 327.820; 2015 OL Ch. 763, Sec. 1 (Enrolled HB 3072)  
Stat. Implemented: ORS 327.820; 2015 OL Ch. 763, Sec. 1 (Enrolled HB 3072)

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Hist.: ODE 30-2014, f. & cert. ef. 6-24-14; ODE 15-2015(Temp), f. 9-25-15, cert. ef. 9-28-15 thru 3-15-16; Administrative correction, 4-29-16; ODE 50-2016, f. & cert. ef. 11-1-16

## 581-017-0312

### Criteria of Regional STEM Hubs Awards

(1) The Oregon Department of Education shall establish a solicitation and approval process to be conducted each biennium for which the Regional STEM Hub grant funds for operations support and program support are available. The solicitation and approval process must comply with the requirements of section 1, Chapter 763, Oregon Law 2015 (Enrolled House Bill 3072) and rules adopted to implement that section.

(2) The Oregon Department of Education may only award grants for operations support to Regional STEM Hubs which meet the minimum criteria by having a record of success in, or clearly established plans for, addressing the following:

(a) Establishing a partnership for a Regional STEM Hub consisting of the partners identified in OAR 581-017-0309(2);

(b) Selecting and supporting a backbone organization to coordinate and support the various partners of the Regional STEM Hub and ensure effective communication, a focus on data and outcomes, and alignment of programming to address the STEM-related needs of the community; and

(c) Creating, implementing, and improving a Partnership Plan that guides the vision, goals, strategies, and outcomes of the Regional STEM Hub; incorporates the principles of the Equity Lens adopted by the Chief Education Office; and contributes to the achievement of the State's education goals and the STEM-related goals identified by the STEM Investment Council.

(3) The Oregon Department of Education may only award grants for program support to Regional STEM Hubs which meet the minimum criteria by having a record of success in or clearly established plans for addressing the following:

(a) An established Regional STEM Hub with a formalized and approved Partnership Plan, and contributions by partners of human, material, and financial resources;

(b) An established backbone organization to coordinate and support the various partners of the Regional STEM Hub and ensuring effective communication, a focus on data & outcomes, and aligning programming to address the STEM-related needs of the community; and

(c) An approved Partnership Plan that guides the vision, goals, strategies, and outcomes of the Regional STEM Hub; incorporates the principles of the Equity Lens adopted by the Chief Education Office; and contributes to the achievement of the State's education goals and the STEM-related goals identified by the STEM Investment Council.

Stat. Auth.: ORS 327.820; 2015 OL Ch. 763, Sec. 1 (Enrolled HB 3072)  
Stat. Implemented: ORS 327.820; 2015 OL Ch. 763, Sec. 1 (Enrolled HB 3072)  
Hist.: ODE 30-2014, f. & cert. ef. 6-24-14; ODE 15-2015(Temp), f. 9-25-15, cert. ef. 9-28-15 thru 3-15-16; Administrative correction, 4-29-16; ODE 34-2016, f. & cert. ef. 5-17-16; ODE 50-2016, f. & cert. ef. 11-1-16

## 581-017-0315

### Implementation of Grant Funding of Regional STEM Hubs

(1) The Oregon Department of Education shall allocate funds to support the operations and programs of expanding and newly established Regional STEM Hubs.

(2) The Department of Education, in collaboration with the Chief Education Office and the STEM Council, shall determine for each biennium the portion of the funds available for operations support and program support grants.

(3) Grantees and the associated Regional STEM Hub will be expected to:

(a) Participate in data collection and reporting progress against agreed upon outcomes determined by the Chief Education Office, the STEM Investment Council, and the Oregon Department of Education;

(b) Engage in mutually reinforcing activities for improving STEM/CTE education with partners within and outside the formal education system;

(c) Engage in collaboration and communication, within and between Regional STEM Hubs, including regular coordination calls, site visits, and convenings; and

(d) Identify and select a backbone organization to coordinate and support the various partners of the Regional STEM Hub and ensuring effective communication, a focus on data & outcomes, and aligning programming to address the STEM-related needs of the community.

Stat. Auth.: ORS 327.820; 2015 OL Ch. 763, Sec. 1 (Enrolled HB 3072)  
Stat. Implemented: ORS 327.820; 2015 OL Ch. 763, Sec. 1 (Enrolled HB 3072)  
Hist.: ODE 30-2014, f. & cert. ef. 6-24-14; ODE 15-2015(Temp), f. 9-25-15, cert. ef. 9-28-15 thru 3-15-16; Administrative correction, 4-29-16; ODE 50-2016, f. & cert. ef. 11-1-16

## 581-017-0318

### Reporting of Regional STEM Hubs

(1) The Department of Education shall develop partnership-reporting requirements for allocation of funds for implementation of Regional STEM Hubs as required by the Chief Education Office.

(2) The Department of Education, in collaboration with the STEM Investment Council and the committee established under ORS 344.075, shall submit a biennial report to the Legislative Assembly related to distributions made under this section. The report must include metrics that identify how distributions made under this section are contributing to the development of a skilled workforce that is able to secure high wage and high demand jobs.

Stat. Auth.: ORS 327.820; 2015 OL Ch. 763, Sec. 1 (Enrolled HB 3072)  
Stat. Implemented: ORS 327.820; 2015 OL Ch. 763, Sec. 1 (Enrolled HB 3072)  
Hist.: ODE 30-2014, f. & cert. ef. 6-24-14; ODE 15-2015(Temp), f. 9-25-15, cert. ef. 9-28-15 thru 3-15-16; Administrative correction, 4-29-16; ODE 34-2016, f. & cert. ef. 5-17-16; ODE 50-2016, f. & cert. ef. 11-1-16

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**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 6-2016(Temp)

**Filed with Sec. of State:** 10-28-2016

**Certified to be Effective:** 10-28-16 thru 3-27-17

**Notice Publication Date:**

**Rules Amended:** 414-350-0115

**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 health and safety training requirements for all caregivers.

**Rules Coordinator:** Lisa Pinheiro—(503) 910-8135

## 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.

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(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.

(6) All new staff that may have unsupervised access to children must have completed OCC approved health and safety training within thirty days of employment.

(7) All current staff that may have unsupervised access to children must complete OCC approved health and safety training by June 30, 2017.

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; ELD 6-2016(Temp), f. & cert. ef. 10-28-16 thru 3-27-17

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## Oregon Health Authority, Health Policy and Analytics Chapter 409

**Rule Caption:** Establishes criteria for awarding grants under Safety Net Capacity Grant Program.

**Adm. Order No.:** OHP 15-2016

**Filed with Sec. of State:** 11-1-2016

**Certified to be Effective:** 11-1-16

**Notice Publication Date:** 10-1-2016

**Rules Adopted:** 409-110-0025, 409-110-0030, 409-110-0035, 409-110-0040, 409-110-0045

**Rules Repealed:** 409-110-0025(T), 409-110-0030(T), 409-110-0035(T), 409-110-0040(T), 409-110-0045(T)

**Subject:** The Oregon Health Authority is adopting permanent administrative rules to govern the operation of the Safety Net Capacity Grant Program (SNCGP). Senate Bill 5507, passed during the 2015 legislative session, appropriated resources to fund the SNCGP effective July 1, 2015. The grant ensures that safety net providers have the capacity to serve vulnerable and under-served children in Oregon with health care services to include physical, oral, mental, behavioral, and vision health services.

**Rules Coordinator:** Zarie Haverkate—(503) 931-6420

### 409-110-0025

#### Scope

These rules establish criteria for awarding grants under the Safety Net Capacity Grant Program, which was established to ensure that safety net providers have capacity to serve vulnerable and underserved children in Oregon.

Stat. Auth.: ORS 413.225

Stats. Implemented: ORS 413.225

Hist.: OHP 8-2016(Temp), f. & cert. ef. 5-9-16 thru 11-4-16; OHP 15-2016, f. & cert. ef. 11-1-16

### 409-110-0030

#### Definitions

The following definitions apply to OAR 409-110-0025 to 409-110-0045:

(1) "Authority" means the Oregon Health Authority.

(2) "Community-sponsored Clinic" means a non-profit, community-based clinic that does not receive state or federal funding and is sponsored by the local community in the form of grants and donations, including in-kind donations of goods and services.

(3) "Culturally and Linguistically Appropriate Services" means health care services that are respectful of and responsive to cultural and linguistic needs. Please refer to the "National Standards on Culturally and Linguistically Appropriate Services" (CLAS), United States Department of Health and Human Services, Office of Minority Health.

(4) "Primary Healthcare Service" means physical, oral, mental, behavioral, and vision health services that are delivered in a manner that reflects the state's emphasis on patient-centered care.

(5) "Program" means the Safety Net Capacity Grant Program.

(6) "Safety Net Provider" means a public or non-profit federally qualified health center, school-based health center, tribal health clinic, rural health clinic, or community-sponsored clinic that provides primary care and preventive physical, oral, mental, behavioral and vision health services to low-income patients without charge or using a sliding scale.

(8) "Target Population" refers to children who are not eligible for the Oregon Healthy Kids Program for reasons other than income.

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

Stat. Auth.: ORS 413.225

Stats. Implemented: ORS 413.225

Hist.: OHP 8-2016(Temp), f. & cert. ef. 5-9-16 thru 11-4-16; OHP 15-2016, f. & cert. ef. 11-1-16

### 409-110-0035

#### Program Administration

(1) The Program is intended to ensure that the target population has access to primary physical, oral, mental, behavioral, and vision health services.

(2) The Authority shall award grants to safety net providers through the Program.

(3) Services covered through the Program are limited to primary and preventive physical, oral, mental, behavioral, and vision health services.

(4) Children in the target population through the age of 18 are eligible to receive services through the program.

(5) The grant amount awarded shall take into consideration the distribution and concentration of the target population in the proposed service area.

(6) The Program is competitive and proposals that include collaboration with community partners may be given preference.

(7) The Authority shall administer the Program including soliciting, reviewing, evaluating, and selecting successful grant proposals. The Authority shall also provide project monitoring, technical assistance and submit periodic status reports to interested parties.

(8) Grant funding shall be awarded for the remainder of the 2015-2017 biennium, with the possibility of extensions.

(10) The Authority shall distribute safety net grant funds to successful applicants on an incremental basis.

Stat. Auth.: ORS 413.225

Stats. Implemented: ORS 413.225

Hist.: OHP 8-2016(Temp), f. & cert. ef. 5-9-16 thru 11-4-16; OHP 15-2016, f. & cert. ef. 11-1-16

### 409-110-0040

#### Grant Award Process

(1) The Authority shall advertise grant proposals through publication on its website and through communication to eligible entities.

(2) All proposals must be submitted in a form specified by the Program and by the date specified in the solicitation document.

(3) The Authority shall document receipt of all proposals.

(4) To qualify for a grant through the Program, applicants must be able to credibly estimate the number of new and existing children in the target population they will serve, as well as the number of estimated visits for the target population.

(5) The Authority shall evaluate all proposals based upon but not limited to the following evaluation elements:

(a) Demonstrated capacity to provide primary health care services.

(b) Demonstrated capacity or description of a credible plan to serve the target population.

(c) Demonstrated capacity or description of a credible plan to assure that services are culturally and linguistically competent.

(d) Demonstrated capacity or description of a credible plan to identify, contact, and provide primary care services to the target population.

(e) Demonstrated readiness to be operational within 60 days of grant award.

(f) Maintenance of operating hours and locations to ensure accessibility.

(g) Demonstrated ability to partner with community-based and other community organizations and to leverage funds, where possible.

(h) Submission of a proposed work plan, including timeline, discrete programs and products, evaluation outcomes, and budget.

(i) Demonstrated capacity or description of a credible plan for implementing data systems that can report on delivery of services and health outcomes, preferably through the utilization of electronic health records that are Certification Commission for Health Information Technology certified.

(6) The Authority shall form a committee to consider and make recommendations on the submitted proposals.

(7) The Authority shall notify applicants, in writing, whether their proposal was selected for funding. The Authority shall provide a question

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and answer opportunity through electronic or telephone communication both before and after the selection of proposals.

Stat. Auth: ORS 413.225

Stats. Implemented: ORS 413.225

Hist.: OHP 8-2016(Temp), f. & cert. ef. 5-9-16 thru 11-4-16; OHP 15-2016, f. & cert. ef. 11-1-16

## 409-110-0045

### Monitoring and Reporting Requirements

(1) A grantee shall:

(a) Submit grant reports to the Authority on a periodic basis. Grant reports will indicate progress to achieve grant benchmarks and goals and report on the expenditure of grant dollars. Failure to comply with reporting requirements may result in grant suspension or termination; and

(b) Report specific data or information, to be determined by the Authority.

(2) Grant disbursements are contingent on grantee achieving proposed service delivery levels. Failure to achieve proposed service levels or benchmarks may result in grant reduction or termination.

(3) Periodically grantee and the Authority shall jointly review progress.

Stat. Auth: ORS 413.225

Stats. Implemented: ORS 413.225

Hist.: OHP 8-2016(Temp), f. & cert. ef. 5-9-16 thru 11-4-16; OHP 15-2016, f. & cert. ef. 11-1-16

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

**Rule Caption:** Adding Definition of Psychiatric Emergency Services and Its Reimbursement Method to General and Hospital Rules

**Adm. Order No.:** DMAP 63-2016(Temp)

**Filed with Sec. of State:** 11-10-2016

**Certified to be Effective:** 11-10-16 thru 5-8-17

**Notice Publication Date:**

**Rules Amended:** 410-125-0085, 410-125-0360, 410-120-0000

**Subject:** The rules governing Hospital Services will be amended to add the definition of Psychiatric Emergency Services (PES) to OAR 410-120-0000 and reimbursement rates in OAR 410-125-0360 and 410-120-0085. Psychiatric Emergency Services (PES) is a new facility for Oregon Medicaid.

**Rules Coordinator:** Sandy Cafourek—(503) 945-6430

## 410-125-0085

### Outpatient Services

(1) Outpatient services that may require prior authorization (PA) include (see the individual program in the Authority's Health Systems Division (Division)) Oregon Administrative Rules:

- (a) Physical Therapy (chapter 410, division 131);
- (b) Occupational Therapy (chapter 410, division 131);
- (c) Speech Therapy (chapter 410, division 129);
- (d) Audiology (chapter 410, division 129);
- (e) Hearing Aids (chapter 410, division 129);
- (f) Dental Procedures (chapter 410, division 123);
- (g) Drugs (chapter 410, division 121);
- (h) Apnea monitors, services, and supplies (chapter 410, division 122);

(i) Home Parenteral/Enteral Therapy (chapter 410, division 148);

(j) Durable Medical Equipment and Medical supplies (chapter 410, division 122);

(k) Certain hospital services.

(2) The National Drug Code (NDC) must be included on the electronic (837I) and paper (UB 04) claims for physician administered drug codes required by the Deficit Reduction Act of 2005.

(3) Outpatient surgical procedures:

(a) For Coordinated Care Organization (CCO) members: Contact the CCO. The CCO may have different PA requirements than the Division. Some services are not covered under CCO contracts and require PA from the Division, or the Division's Dental Services program analyst;

(b) For Medicare clients enrolled in a CCO: These services must be authorized by the CCO even if Medicare is the primary payer. Without this authorization, the provider may not be paid beyond any Medicare payments (see also OAR 410-125-0103);

(c) For fee-for-service clients on the OHP Plus benefit package:

(A) Surgical procedures listed in OAR 410-125-0080 require PA when performed in an outpatient or day surgery setting, unless they are urgent or emergent;

(B) Contact the Division for PA (unless indicated otherwise in OAR 410-125-0080).

(d) Out-of-State services: Outpatient services provided by hospitals located less than 75 miles from the border of Oregon do not require PA unless specified in the Division's Hospital Services Program rules. All non-urgent or non-emergent services provided by hospitals located more than 75 miles from the border of Oregon require PA. For clients enrolled in a CCO, contact the CCO for authorization. For clients not enrolled in a health plan, contact the Division's Provider Clinical Support Unit.

(4) Psychiatric Emergency Services (PES):

(a) Psychiatric emergency services as defined by OAR 309-023-0110 delivered in a PES facility as described in OAR 309-023-0120 shall be reimbursed for a maximum of 20 hours per admittance;

(b) Psychiatric emergency services shall be reimbursed with a bundled, hourly rate using a fee-for-service rate methodology that is based on rates paid for similar services, using similar providers at a similar level-of-care.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: HR 42-1991, f. & cert. ef. 10-1-91; HR 39-1992, f. 12-31-92, cert. ef. 1-1-93; HR 36-1993, f. & cert. ef. 12-1-93; HR 5-1994, f. & cert. ef. 2-1-94; HR 4-1995, f. & cert. ef. 3-1-95; OMAP 34-1999, f. & cert. ef. 10-1-99; OMAP 70-2004, f. 9-15-04, cert. ef. 10-1-04; DMAP 39-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 32-2010, f. 12-15-10, cert. ef. 1-1-11; DMAP 37-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 75-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 23-2014, f. & cert. ef. 4-4-14; DMAP 63-2016(Temp), f. & cert. ef. 11-10-16 thru 5-8-17

## 410-125-0360

### Definitions and Billing Requirements

(1) Total days on an inpatient claim must equal the number of accommodation days. Do not count the day of discharge when calculating the number of accommodation days.

(2) Inpatient services are reimbursed based on the admission date and discharge diagnosis.

(3) Inpatient services are services to patients who typically are admitted to the hospital before midnight and listed on the following day's census, with the following exceptions:

(a) A patient admitted and transferred to another acute care hospital on the same day is considered an inpatient;

(b) A patient who expires on the day of admission is an inpatient; and

(c) Births.

(4) Outpatient services:

(a) Outpatient services are services to patients who are treated and released the same day;

(b) Outpatient services also include services provided prior to midnight and continuing into the next day if the patient was admitted for ambulatory surgery, admitted to a birthing center, a treatment or observation room, or a short term stay bed;

(c) Outpatient observation services are services provided by a hospital, including the use of a bed and periodic monitoring by hospital nursing or other staff for the purpose of evaluation of a patient's medical condition. A maximum of 48 hours of outpatient observation shall be reimbursed. An outpatient observation stay that exceeds 48 hours shall be billed as inpatient; and

(d) Outpatient observation services do not include the following:

(A) Services provided for the convenience of the patient, patient's family or physician but that are not medically necessary;

(B) Standard recovery period; and

(C) Routine preparation services and recovery for diagnostic services provided in a hospital outpatient department.

(5) Outpatient and inpatient services provided on the same day: If a patient receives services in the emergency room or in any outpatient setting and is admitted to an acute care bed in the same hospital on the same day, combine the emergency room and other outpatient charges related to that admission with the inpatient charges. Bill on a single UB-04 for both inpatient and outpatient services provided under these circumstances:

(a) If on the day of discharge, the client uses outpatient services at the same hospital, these shall be billed on the UB-04 along with other inpatient charges, regardless of the type of service provided or the diagnosis of the client. Prescription medications provided to a patient being discharged from the hospital may be billed separately as outpatient Take Home Drugs if the patient receives more than a three-day supply;

(b) Inpatient and outpatient services provided to a client on the same day by two different hospitals shall be reimbursed separately. Each hospital shall bill for the services provided by that hospital;



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(c) Inpatient and psychiatric emergency services (PES) as defined in OAR 309-023-0110 provided to the patient on the same day, whether in the same hospital or two different hospitals, shall be reimbursed separately.

(6) Outpatient procedures that result in an inpatient admission: If, during the course of an outpatient procedure, an emergency develops requiring an inpatient stay, place a "1" in the Type of Admission field. The principal diagnosis should be the condition or complication that caused the admission. Bill charges for the outpatient and inpatient services together.

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: AFS 14-1980, f. 3-27-80, ef. 4-1-80; AFS 30-1982, f. 4-26-82 & AFS 51-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the AFS branch offices located in North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 37-1983 (Temp), f. & ef. 7-15-83; AFS 1-1984, f. & ef. 1-9-84; AFS 45-1984, f. & ef. 10-1-84; AFS 48-1984(Temp), f. 11-30-84, ef. 12-1-84; AFS 29-1985, f. 5-22-85, ef. 5-29-85; AFS 52-1985, f. 9-3-85, ef. 10-1-85; AFS 38-1986, f. 4-29-86, ef. 6-1-86; AFS 46-1987, f. & ef. 10-1-87; AFS 49-1989(Temp), f. 8-24-89, cert. ef. 9-1-89; AFS 72-1989, f. & cert. ef. 12-1-89, Renumbered from 461-015-0055; HR 21-1990, f. & cert. ef. 7-9-90, Renumbered from 461-015-0330, 461-015-0340 & 461-015-0380; HR 31-1990(Temp), f. & cert. ef. 9-11-90; HR 2-1991, f. & cert. ef. 1-4-91; HR 42-1991, f. & cert. ef. 10-1-91, Renumbered from 410-125-0380 & 410-125-0460; HR 22-1993 (Temp), f. & cert. ef. 9-1-93; HR 36-1993, f. & cert. ef. 12-1-93; HR 4-1995, f. & cert. ef. 3-1-95; OMAP 34-1999, f. & cert. ef. 10-1-99; OMAP 70-2004, f. 9-15-04, cert. ef. 10-1-04; DMAP 19-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 32-2010, f. 12-15-10, cert. ef. 1-1-11; DMAP 63-2016(Temp), f. & cert. ef. 11-10-16 thru 5-8-17

## 410-120-0000

### Acronyms and Definitions

Identification of acronyms and definitions within this rule specifically pertain to their use within the Oregon Health Authority (Authority), Health Systems Division (Division) administrative rules, applicable to the medical assistance program. This rule does not include an exhaustive list of Division acronyms and definitions. For more information, see Oregon Health Plan (OHP) program OAR 410-141-0000 Acronyms and Definitions; 410-200-0015 General Definitions; and any appropriate governing acronyms and definitions in the Department of Human Services (Department) chapter 411 or 413 administrative rules; or contact the Division.

(1) "Abuse" means provider practices that are inconsistent with sound fiscal, business, or medical practices and result in an unnecessary cost to the Authority or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes recipient practices that result in unnecessary cost to the Authority.

(2) "Action" means a termination, suspension, or reduction of eligibility or covered services. For the definition as it is related to a CCO member, refer to OAR 410-141-0000.

(3) "Acupuncturist" means a person licensed to practice acupuncture by the relevant state licensing board.

(4) "Acupuncture Services" means services provided by a licensed acupuncturist within the scope of practice as defined under state law.

(5) "Acute" means a condition, diagnosis, or illness with a sudden onset and that is of short duration.

(6) "Acquisition Cost" means, unless specified otherwise in individual program administrative rules, the net invoice price of the item, supply, or equipment plus any shipping or postage for the item.

(7) "Addictions and Mental Health Division" means the Division within the Authority's Health Systems Division that administers mental health and addiction programs and services.

(8) "Adequate Record Keeping" means documentation that supports the level of service billed. See 410-120-1360, Requirements for Financial, Clinical, and Other Records, and the individual provider rules.

(9) "Administrative Medical Examinations and Reports" means examinations, evaluations, and reports, including copies of medical records requested on the OHP 729 form through the local Department branch office or requested or approved by the Authority to establish client eligibility for a medical assistance program or for casework planning.

(10) "Advance Directive" means an individual's instructions to an appointed person specifying actions to take in the event that the individual is no longer able to make decisions due to illness or incapacity.

(11) "Adverse Event" means an undesirable and unintentional, though not necessarily unexpected, result of medical treatment.

(12) "Aging and People with Disabilities (APD)" means the division in the Department of Human Services (Department) that administers programs for seniors and people with disabilities. This division was formerly named "Seniors and People with Disabilities (SPD)."

(13) "All-Inclusive Rate" or "Bundled Rate" means the nursing facility rate established for a facility. This rate includes all services, supplies,

drugs, and equipment as described in OAR 411-070-0085 and in the Division's Pharmaceutical Services program administrative rules and the Home Enteral/Parenteral Nutrition and IV Services program administrative rules, except as specified in OAR 410-120-1340 Payment.

(14) "Allied Agency" means local and regional governmental agency and regional authority that contracts with the Authority or Department to provide the delivery of services to covered individuals (e.g., local mental health authority, community mental health program, Oregon Youth Authority, Department of Corrections, local health departments, schools, education service districts, developmental disability service programs, area agencies on aging (AAAs), federally recognized American Indian tribes).

(15) "Alternative Care Settings" means sites or groups of practitioners that provide care to members under contract with a PHP or CCO, including urgent care centers, hospice, birthing centers, out-placed medical teams in community or mobile health care facilities, long-term care facilities, and outpatient surgical centers.

(16) "Ambulance" means a specially equipped and licensed vehicle for transporting sick or injured persons that meets the licensing standards of the Authority or the licensing standards of the state in which the ambulance provider is located.

(17) "Ambulatory Payment Classification" means a reimbursement method that categorizes outpatient visits into groups according to the clinical characteristics, the typical resource use, and the costs associated with the diagnoses and the procedures performed. The groups are called Ambulatory Payment Classifications (APCs).

(18) "Ambulatory Surgical Center (ASC)" means a facility licensed as an ASC by the Authority.

(19) "American Indian/Alaska Native (AI/AN)" means a member of a federally recognized Indian tribe, band, or group, and an Eskimo or Aleut or other Alaska native enrolled by the Secretary of the Interior pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. 1601, or a person who is considered by the Secretary of the Interior to be an Indian for any purpose.

(20) "American Indian/Alaska Native (AI/AN) Clinic" means a clinic recognized under Indian Health Services (IHS) law or by the Memorandum of Agreement between IHS and the Centers for Medicare and Medicaid Services (CMS).

(21) "Ancillary Services" means services supportive of or necessary for providing a primary service, such as anesthesiology, which is an ancillary service necessary for a surgical procedure.

(22) "Anesthesia Services" means administration of anesthetic agents to cause loss of sensation to the body or body part.

(23) "Appeal" means a request for review of an action.

(24) "Area Agency on Aging (AAA)" means the designated entity with which the Department contracts to meet the requirements of the Older Americans Act and ORS Chapter 410 in planning and providing services to the elderly or elderly and disabled population.

(25) "Atypical Provider" means an entity able to enroll as a billing provider (BP) or rendering provider for medical assistance programs related non-health care services but that does not meet the definition of health care provider for National Provider Identification (NPI) purposes.

(26) "Audiologist" means a person licensed to practice audiology by the State Board of Examiners for Speech Pathology and Audiology.

(27) "Audiology" means the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling, and instruction related to hearing and hearing impairment for the purpose of modifying communicative disorders involving speech, language, auditory function, including auditory training, speech reading and hearing aid evaluation, or other behavior related to hearing impairment.

(28) "Automated Voice Response (AVR)" means a computer system that provides information on clients' current eligibility status from the Division by computerized phone response.

(29) "Behavioral Health" means mental health, mental illness, addiction disorders, and substance use disorders.

(30) "Behavioral Health Assessment" means a qualified mental health professional's determination of a member's need for mental health services.

(31) "Behavioral Health Case Management" means services provide to members who need assistance to ensure access to mental health benefits and services from local, regional, or state allied agencies or other service providers.

(32) "Behavioral Health Evaluation" means a psychiatric or psychological assessment used to determine the need for mental health or substance use disorder services.

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(33) "Benefit Package" means the package of covered health care services for which the client is eligible.

(34) "Billing Agent or Billing Service" means third party or organization that contracts with a provider to perform designated services in order to facilitate an Electronic Data Interchange (EDI) transaction on behalf of the provider.

(35) "Billing Provider (BP)" means a person, agent, business, corporation, clinic, group, institution, or other entity who submits claims to or receives payment from the Division on behalf of a rendering provider and has been delegated the authority to obligate or act on behalf of the rendering provider.

(36) "Buying Up" means the practice of obtaining client payment in addition to the Division or managed care plan payment to obtain a non-covered service or item. (See 410-120-1350 Buying Up.)

(37) "By Report (BR)": means services designated, as BR requires operative or clinical and other pertinent information to be submitted with the billing as a basis for payment determination. This information must include an adequate description of the nature and extent of need for the procedure. Information such as complexity of symptoms, final diagnosis, pertinent physical findings, diagnostic and therapeutic procedures, concurrent problems, and follow-up care will facilitate evaluation.

(38) "Case Management Services" means services provided to ensure that CCO members obtain health services necessary to maintain physical, mental, and emotional development and oral health. Case management services include a comprehensive, ongoing assessment of medical, mental health, substance use disorder or dental needs plus the development and implementation of a plan to obtain or make referrals for needed medical, mental, chemical dependency, or dental services, referring members to community services and supports that may include referrals to Allied Agencies.

(39) "Certified Traditional Health Worker" means an individual who has successfully completed a training program or doula training as required by OAR 410-180-0305, known to the Centers of Medicare and Medicaid as non-traditional health worker.

(40) "Child Welfare (CW)" means a division within the Department responsible for administering child welfare programs, including child abuse investigations and intervention, foster care, adoptions, and child safety.

(41) "Children's Health Insurance Program (CHIP)" means a federal and state funded portion of the Oregon Health Plan (OHP) established by Title XXI of the Social Security Act and administered by the Authority.

(42) "Chiropractor" means a person licensed to practice chiropractic by the relevant state licensing board.

(43) "Chiropractic Services" means services provided by a licensed chiropractor within the scope of practice as defined under state law and federal regulation.

(44) "Citizen/Alien-Waived Emergency Medical (CAWEM)" means aliens granted lawful temporary resident status or lawful permanent resident status under the Immigration and Nationality Act are eligible only for emergency services and limited service for pregnant women. Emergency services for CAWEM are defined in OAR 410-120-1210 (4)(d).

(45) "Claimant" means a person who has requested a hearing.

(46) "Client" means an individual found eligible to receive OHP health services.

(47) "Clinical Nurse Specialist" means a registered nurse who has been approved and certified by the Board of Nursing to provide health care in an expanded specialty role.

(48) "Clinical Social Worker" means a person licensed to practice clinical social work pursuant to state law.

(49) "Clinical Record" means the medical, dental, or mental health records of a client or member.

(50) "Co-morbid Condition" means a medical condition or diagnosis coexisting with one or more other current and existing conditions or diagnoses in the same patient.

(51) "Comfort Care" means medical services or items that give comfort or pain relief to an individual who has a terminal illness, including the combination of medical and related services designed to make it possible for an individual with terminal illness to die with dignity and respect and with as much comfort as is possible given the nature of the illness.

(52) "Community Health Worker" means an individual who:

(a) Has expertise or experience in public health;

(b) Works in an urban or rural community either for pay or as a volunteer in association with a local health care system;

(c) To the extent practicable, shares ethnicity, language, socioeconomic status, and life experiences with the residents of the community where the worker serves;

(d) Assists members of the community to improve their health and increases the capacity of the community to meet the health care needs of its residents and achieve wellness;

(e) Advocates for the individual patient and community health needs, building individual and community capacity to advocate for their health;

(f) Provides health education and information that is culturally appropriate to the individuals being served;

(g) Assists community residents in receiving the care they need;

(h) May give peer counseling and guidance on health behaviors; and  
(i) May provide direct services such as first aid or blood pressure screening.

(53) "Community Mental Health Program (CMHP)" means the organization of all services for individuals with mental or emotional disorders operated by, or contractually affiliated with, a local Mental Health Authority operated in a specific geographic area of the state under an inter-governmental agreement or direct contract with the Authority.

(54) "Condition/Treatment Pair" means diagnoses described in the International Classification of Diseases Clinical Modifications, 10th edition (ICD-10-CM); the Diagnostic and Statistical Manual of Mental Disorders, 5th edition (DSM-V); and treatments described in the Current Procedural Terminology (CPT); or American Dental Association Codes (CDT) or the Authority Behavioral Health Fee Schedule, that, when paired by the Health Evidence Review Commission, constitute the line items in the Prioritized List of Health Services. Condition/treatment pairs may contain many diagnoses and treatments.

(55) "Contested Case Hearing" means a proceeding before the Authority under the Administrative Procedures Act when any of the following contests an action:

(a) A client or member or their representative;

(b) A PHP or CCO member's provider; or

(c) A PHP or CCO.

(56) "Contiguous Area" means the area up to 75 miles outside the border of the State of Oregon.

(57) "Contiguous Area Provider" means a provider practicing in a contiguous area.

(58) "Continuing Treatment Benefit" means a benefit for clients who meet criteria for having services covered that were either in a course of treatment or scheduled for treatment the day immediately before the date the client's benefit package changed to one that does not cover the treatment.

(59) "Coordinated Care Organization (CCO)" as defined in OAR 410-141-0000.

(60) "Co-Payments" means the portion of a claim or medical, dental, or pharmaceutical expense that a client must pay out of their own pocket to a provider or a facility for each service. It is usually a fixed amount that is paid at the time service is rendered. (See 410-120-1230 Client Copayment.)

(61) "Cost Effective" means the lowest cost health service or item that, in the judgment of Authority staff or its contracted agencies, meets the medical needs of the client.

(62) "Covered Services" means medically appropriate health services described in ORS Chapter 414 and applicable administrative rules that the legislature funds, based on the Prioritized List of Health Services.

(63) "Current Dental Terminology (CDT)" means a listing of descriptive terms identifying dental procedure codes used by the American Dental Association.

(64) "Current Procedural Terminology (CPT)" means the physicians' CPT is a listing of descriptive terms and identifying codes for reporting medical services and procedures performed by physicians and other health care providers.

(65) "Date of Receipt of a Claim" means the date on which the Authority receives a claim as indicated by the Internal Control Number (ICN) assigned to a claim. Date of receipt is shown as the Julian date in the 5th through 7th position of the ICN.

(66) "Date of Service" means the date on which the client receives medical services or items, unless otherwise specified in the appropriate provider rules. For items that are mailed or shipped by the provider, the date of service is the date on which the order was received, the date on which the item was fabricated, or the date on which the item was mailed or shipped.

(67) "Declaration for Mental Health Treatment" means a written statement of an individual's decisions concerning his or her mental health treatment. The individual makes the declaration when they are able to understand and make decisions related to treatment that is honored when the individual is unable to make such decisions.

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(68) “Dental Emergency Services” means dental services provided for severe tooth pain, unusual swelling of the face or gums, or an avulsed tooth.

(69) “Dental Services” means services provided within the scope of practice as defined under state law by or under the supervision of a dentist or dental hygienist.

(70) “Dentist” means a person licensed to practice dentistry pursuant to state law of the state in which he or she practices dentistry or a person licensed to practice dentistry pursuant to federal law for the purpose of practicing dentistry as an employee of the federal government.

(71) “Denturist” means a person licensed to practice denture technology pursuant to state law.

(72) “Denturist Services” means services provided within the scope of practice as defined under state law by or under the personal supervision of a denturist.

(73) “Dental Hygienist” means a person licensed to practice hygiene under the direction of a licensed professional within the scope of practice pursuant to state law.

(74) “Dental Hygienist with an Expanded Practice Permit” means a person licensed to practice dental hygiene services as authorized by the Board of Dentistry with an Expanded Practice Dental Hygienist Permit (EPDHP) pursuant to state law.

(75) “Dentally Appropriate” means services that are required for prevention, diagnosis, or treatment of a dental condition and that are:

(a) Consistent with the symptoms of a dental condition or treatment of a dental condition;

(b) Appropriate with regard to standards of good dental practice and generally recognized by the relevant scientific community and professional standards of care as effective;

(c) Not solely for the convenience of the client or a provider of the service;

(d) The most cost effective of the alternative levels of dental services that can be safely provided to a client.

(76) “Department of Human Services (Department or DHS)” means the agency established in ORS Chapter 409, including such divisions, programs and offices as may be established therein.

(77) “Department Representative” means a person who represents the Department and presents the position of the Department in a hearing.

(78) “Diagnosis Code” means as identified in the International Classification of Diseases, 10th revision, Clinical Modification (ICD-10-CM). The primary diagnosis code is shown in all billing claims, unless specifically excluded in individual provider rules. Where they exist, diagnosis codes shall be shown to the degree of specificity outlined in OAR 410-120-1280, Billing.

(79) “Diagnosis Related Group (DRG)” means a system of classification of diagnoses and procedures based on the ICD-10-CM.

(80) “Diagnostic Services” mean those services required to diagnose a condition, including but not limited to: radiology, ultrasound, other diagnostic imaging, electrocardiograms, laboratory and pathology examinations, and physician or other professional diagnostic or evaluative services.

(81) “Division (Division)” means the Health Systems Division within the Authority. The Division is responsible for coordinating the medical assistance programs within the State of Oregon including the Oregon Health Plan (OHP) Medicaid demonstration, the State Children’s Health Insurance Program (SCHIP-Title XXI), and several other programs.

(82) “Durable Medical Equipment, Prosthetics, Orthotics and Medical Supplies (DMEPOS)” means equipment that can stand repeated use and is primarily and customarily used to serve a medical purpose. Examples include wheelchairs, respirators, crutches, and custom built orthopedic braces. Medical supplies are non-reusable items used in the treatment of illness or injury. Examples of medical supplies include diapers, syringes, gauze bandages, and tubing.

(83) “Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services (aka, Medichex)” mean the Title XIX program of EPSDT services for eligible clients under age 21. It is a comprehensive child health program to assure the availability and accessibility of required medically appropriate health care services and to help Authority clients and their parents or guardians effectively use them.

(84) “Electronic Data Interchange (EDI)” means the exchange of business documents from application to application in a federally mandated format or, if no federal standard has been promulgated, using bulk transmission processes and other formats as the Authority designates for EDI transactions. For purposes of rules 943-120-0100 through 943-120-0200, EDI does not include electronic transmission by web portal.

(85) “EDI Submitter” means an individual or an entity authorized to establish an electronic media connection with the Authority to conduct an EDI transaction. An EDI submitter may be a trading partner or an agent of a trading partner.

(86) “Electronic Verification System (EVS)” means eligibility information that has met the legal and technical specifications of the Authority in order to offer eligibility information to enrolled providers of the Division.

(87) “Emergency Department” means the part of a licensed hospital facility open 24 hours a day to provide care for anyone in need of emergency treatment.

(88) “Emergency Medical Condition” means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in placing the health of the individual (or with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. An emergency medical condition is determined based on the presenting symptoms (not the final diagnosis) as perceived by a prudent layperson (rather than a health care professional) and includes cases in which the absence of immediate medical attention would not in fact have had the adverse results described in the previous sentence. (This definition does not apply to clients with CAWEM benefit package. CAWEM emergency services are governed by OAR 410-120-1210(4)(d)(C).

(89) “Emergency Medical Transportation” means transportation necessary for a client with an emergency medical condition as defined in this rule and requires a skilled medical professional such as an Emergency Medical Technician (EMT) and immediate transport to a site, usually a hospital, where appropriate emergency medical service is available.

(90) “Emergency Services” means health services from a qualified provider necessary to evaluate or stabilize an emergency medical condition, including inpatient and outpatient treatment that may be necessary to assure within reasonable medical probability that the patient’s condition is not likely to materially deteriorate from or during a client’s discharge from a facility or transfer to another facility.

(91) “Evidence-Based Medicine” means the conscientious, explicit, and judicious use of current best evidence in making decisions about the care of individual patients. The practice of evidence-based medicine means integrating individual clinical expertise with the best available external clinical evidence from systematic research. By individual clinical expertise we mean the proficiency and judgment that individual clinicians acquire through clinical experience and clinical practice. Increased expertise is reflected in many ways, but especially in more effective and efficient diagnosis and in the more thoughtful identification and compassionate use of individual patients’ predicaments, rights, and preferences in making clinical decisions about their care. By best available external clinical evidence we mean clinically relevant research, often from the basic sciences of medicine, but especially from patient-centered clinical research into the accuracy and precision of diagnostic tests (including the clinical examination), the power of prognostic markers, and the efficacy and safety of therapeutic, rehabilitative, and preventive regimens. External clinical evidence both invalidates previously accepted diagnostic tests and treatments and replaces them with new ones that are more powerful, more accurate, more efficacious, and safer. (Source: BMJ 1996; 312:71-72 (13 January)).

(92) “False Claim” means a claim that a provider knowingly submits or causes to be submitted that contains inaccurate, misleading, or omitted information and such inaccurate, misleading, or omitted information would result, or has resulted, in an overpayment.

(93) “Family Planning Services” means services for clients of child bearing age (including minors who can be considered to be sexually active) who desire such services and that are intended to prevent pregnancy or otherwise limit family size.

(94) “Federally Qualified Health Center (FQHC)” means a federal designation for a medical entity that receives grants under Section 329, 330, or 340 of the Public Health Service Act or a facility designated as an FQHC by Centers for Medicare and Medicaid (CMS) upon recommendation of the U.S. Public Health Service.

(95) “Fee-for-Service Provider” means a health care provider who is not reimbursed under the terms of an Authority contract with a Coordinated Care Organization or Prepaid Health Plan (PHP). A medical provider participating in a PHP or a CCO may be considered a fee-for-service provider when treating clients who are not enrolled in a PHP or a CCO.

# ADMINISTRATIVE RULES

(96) "Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to him or some other person. It includes any act that constitutes fraud under applicable federal or state law.

(97) "Fully Dual Eligible" means for the purposes of Medicare Part D coverage (42 CFR 423.772), Medicare clients who are also eligible for Medicaid, meeting the income and other eligibility criteria adopted by the Department for full medical assistance coverage.

(98) "General Assistance (GA)" means medical assistance administered and funded 100 percent with State of Oregon funds through OHP.

(99) "Health Care Interpreter" Certified or Qualified as defined in ORS 413.550.

(100) "Health Care Professionals" means individuals with current and appropriate licensure, certification, or accreditation in a medical, mental health, or dental profession who provide health services, assessments, and screenings for clients within their scope of practice, licensure, or certification.

(101) "Healthcare Common Procedure Coding System (HCPCS)" means a method for reporting health care professional services, procedures, and supplies. HCPCS consists of the Level I — American Medical Association's Physician's Current Procedural Terminology (CPT), Level II — National codes, and Level III — Local codes. The Division uses HCPCS codes; however, the Division uses Current Dental Terminology (CDT) codes for the reporting of dental care services and procedures.

(102) "Health Evidence Review Commission" means a commission that, among other duties, develops and maintains a list of health services ranked by priority from the most to the least important representing the comparative benefits of each service to the population served.

(103) "Health Insurance Portability and Accountability Act (HIPAA) of 1996 (HIPAA)" means the federal law (Public Law 104-191, August 21, 1996) with the legislative objective to assure health insurance portability, reduce health care fraud and abuse, enforce standards for health information, and guarantee security and privacy of health information.

(104) "Health Maintenance Organization (HMO)" means a public or private health care organization that is a federally qualified HMO under Section 1310 of the U.S. Public Health Services Act. HMOs provide health care services on a capitated, contractual basis.

(105) "Health Plan New/non-categorical client (HPN)" means an individual who is 19 years of age or older, is not pregnant, is not receiving Medicaid through another program, and who must meet all eligibility requirements to become an OHP client.

(106) "Hearing Aid Dealer" means a person licensed by the Board of Hearing Aid Dealers to sell, lease, or rent hearing aids in conjunction with the evaluation or measurement of human hearing and the recommendation, selection, or adaptation of hearing aids.

(107) "Home Enteral Nutrition" means services provided in the client's place of residence to an individual who requires nutrition supplied by tube into the gastrointestinal tract as described in the Home Enteral/Parenteral Nutrition and IV Services program provider rules.

(108) "Home Health Agency" means a public or private agency or organization that has been certified by Medicare as a Medicare home health agency and that is licensed by the Authority as a home health agency in Oregon and meets the capitalization requirements as outlined in the Balanced Budget Act (BBA) of 1997.

(109) "Home Health Services" means part-time or intermittent skilled nursing services, other therapeutic services (physical therapy, occupational therapy, speech therapy), and home health aide services made available on a visiting basis in a place of residence used as the client's home.

(110) "Home Intravenous Services" means services provided in the client's place of residence to an individual who requires that medication (antibiotics, analgesics, chemotherapy, hydrational fluids, or other intravenous medications) be administered intravenously as described in the Home Enteral/Parenteral Nutrition and IV Services program administrative rules.

(111) "Home Parenteral Nutrition" means services provided in the client's residence to an individual who is unable to absorb nutrients via the gastrointestinal tract, or for other medical reasons, requires nutrition be supplied parenterally as described in the Home Enteral/Parenteral Nutrition and IV Services program administrative rules.

(112) "Hospice" means a public agency or private organization or subdivision of either that is primarily engaged in providing care to terminally ill individuals and is certified by the federal Centers for Medicare and Medicaid Services as a program of hospice services meeting current standards for Medicare and Medicaid reimbursement and Medicare Conditions

of Participation and is currently licensed by the Oregon Health Authority (Authority), Public Health Division.

(113) "Hospital" means a facility licensed by the Office of Public Health Systems as a general hospital that meets requirements for participation in OHP under Title XVIII of the Social Security Act. The Division does not consider facilities certified by CMS as religious non-medical facilities as hospitals for reimbursement purposes. Out-of-state hospitals will be considered hospitals for reimbursement purposes if they are licensed as a short term acute care or general hospital by the appropriate licensing authority within that state and if they are enrolled as a provider of hospital services with the Medicaid agency within that state.

(114) "Hospital-Based Professional Services" means professional services provided by licensed practitioners or staff based on a contractual or employee/employer relationship and reported as a cost on the Hospital Statement of Reasonable Cost report for Medicare and the Calculation of Reasonable Cost (division 42) report for the Division.

(115) "Hospital Dentistry" means dental services normally done in a dental office setting, but due to specific client need (as detailed in OAR chapter 410 division 123) are provided in an ambulatory surgical center or inpatient or outpatient hospital setting under general anesthesia (or IV conscious sedation, if appropriate).

(116) "Hospital Laboratory" means a laboratory providing professional technical laboratory services as outlined under laboratory services in a hospital setting as either an inpatient or outpatient hospital service whose costs are reported on the hospital's cost report to Medicare and to the Division.

(117) "Indian Health Care Provider" means an Indian health program or an urban Indian organization.

(118) "Indian Health Program" means any Indian Health Service (IHS) facility, any federally recognized tribe or tribal organization, or any FQHC with a 638 designation.

(119) "Indian Health Service (IHS)" means an operating division (OPDIV) within the U.S. Department of Health and Human Services (HHS) responsible for providing medical and public health services to members of federally recognized tribes and Alaska Natives.

(120) "Indigent" means for the purposes of access to the Intoxicated Driver Program Fund (ORS 813.602), individuals without health insurance coverage, public or private, who meet standards for indigence adopted by the federal government as defined in 813.602(5).

(121) "Individual Adjustment Request Form (OHP 1036)" means a form used to resolve an incorrect payment on a previously paid claim, including underpayments or overpayments.

(122) "Inpatient Hospital Services" means services that are furnished in a hospital for the care and treatment of an inpatient. (See Division Hospital Services program administrative rules in chapter 410, division 125 for inpatient covered services.)

(123) "Institutional Level of Income Standards (ILIS)" means three times the amount SSI pays monthly to a person who has no other income and who is living alone in the community. This is the standard used for Medicaid eligible individuals to calculate eligibility for long-term nursing care in a nursing facility, Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID), and individuals on ICF/IID waivers or eligibility for services under Aging and People with Disabilities (APD) Home and Community Based Services program.

(124) "Institutionalized" means a patient admitted to a nursing facility or hospital for the purpose of receiving nursing or hospital care for a period of 30 days or more.

(125) "International Classification of Diseases, 10th Revision, Clinical Modification (ICD-10-CM) (including volumes 1, 2, and 3, as revised annually)" means a book of diagnosis codes used for billing purposes when treating and requesting reimbursement for treatment of diseases.

(126) "Laboratory" means a facility licensed under ORS 438 and certified by CMS, Department of Health and Human Services (DHHS), as qualified to participate under Medicare and to provide laboratory services (as defined in this rule) within or apart from a hospital. An entity is considered to be a laboratory if the entity derives materials from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of or the assessment of the health of human beings. If an entity performs even one laboratory test, including waived tests for these purposes, it is considered to be a laboratory under the Clinical Laboratory Improvement Act (CLIA).

(127) "Laboratory Services" means those professional and technical diagnostic analyses of blood, urine, and tissue ordered by a physician or other licensed practitioner of the healing arts within his or her scope of

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practice as defined under state law and provided to a patient by or under the direction of a physician or appropriate licensed practitioner in an office or similar facility, hospital, or independent laboratory.

(128) "Licensed Direct Entry Midwife" means a practitioner who has acquired the requisite qualifications to be registered or legally licensed to practice midwifery by the Public Health Division.

(129) "Liability Insurance" means insurance that provides payment based on legal liability for injuries or illness. It includes, but is not limited to, automobile liability insurance, uninsured and underinsured motorist insurance, homeowner's liability insurance, malpractice insurance, product liability insurance, Worker's Compensation, and general casualty insurance. It also includes payments under state wrongful death statutes that provide payment for medical damages.

(130) "Long-Term Acute Care (LTAC) Hospital" means a facility that provides specialty care designed for patients with serious medical problems that require intense, special treatment for an extended period of time. (131) "Managed Care Organization (MCO)" means a contracted health delivery system providing capitated or prepaid health services, also known as a Prepaid Health Plan (PHP). An MCO is responsible for providing, arranging, and making reimbursement arrangements for covered services as governed by state and federal law. An MCO may be a Chemical Dependency Organization (CDO), Dental Care Organization (DCO), Mental Health Organization (MHO), or Physician Care Organization (PCO).

(132) "Maternity Case Management" means a program available to pregnant clients. The purpose of maternity case management is to extend prenatal services to include non-medical services that address social, economic, and nutritional factors. For more information refer to the Division's Medical-Surgical Services program administrative rules.

(133) "Medicaid" means a joint federal and state funded program for medical assistance established by Title XIX of the Social Security Act as amended and administered in Oregon by the Authority.

(134) "Medical Assistance Eligibility Confirmation" means verification through the Electronic Verification System (EVS), AVR, Secure Web site or Electronic Data Interchange (EDI), or an authorized Department or Authority representative.

(135) "Medical Assistance Program" means a program for payment of health services provided to eligible Oregonians, including Medicaid and CHIP services under the OHP Medicaid Demonstration Project and Medicaid and CHIP services under the State Plan.

(136) "Medical Care Identification" means the card commonly called the "medical card" or medical ID issued to clients (called the Oregon Health ID starting Aug. 1, 2012).

(137) "Medical Services" means care and treatment provided by a licensed medical provider directed at preventing, diagnosing, treating, or correcting a medical problem.

(138) "Medical Transportation" means transportation to or from covered medical services.

(139) "Medically Appropriate" means services and medical supplies that are required for prevention, diagnosis, or treatment of a health condition that encompasses physical or mental conditions or injuries and that are:

(a) Consistent with the symptoms of a health condition or treatment of a health condition;

(b) Appropriate with regard to standards of good health practice and generally recognized by the relevant scientific community, evidence-based medicine, and professional standards of care as effective;

(c) Not solely for the convenience of an OHP client or a provider of the service or medical supplies; and

(d) The most cost effective of the alternative levels of medical services or medical supplies that can be safely provided to a Division client or CCO member in the Division or CCO's judgment.

(140) "Medicare" means a federally administered program offering health insurance benefits for persons aged 65 or older and certain other aged or disabled persons. This program includes:

(a) Hospital Insurance (Part A) for inpatient services in a hospital or skilled nursing facility, home health care, and hospice care; and

(b) Medical Insurance (Part B) for physicians' services, outpatient hospital services, home health care, end-stage renal dialysis, and other medical services and supplies;

(c) Prescription drug coverage (Part D) means covered Part D drugs that include prescription drugs, biological products, insulin as described in specified paragraphs of section 1927(k) of the Social Security Act, and vaccines licensed under section 351 of the Public Health Service Act. It also includes medical supplies associated with the injection of insulin. Part D covered drugs prohibit Medicaid Title XIX Federal Financial Participation

(FFP). For limitations, see the Division's Pharmaceutical Services program administrative rules in chapter 410, division 121.

(141) "Medicare Advantage" means an organization approved by CMS to offer Medicare health benefits plans to Medicare beneficiaries.

(142) "Medicheck for Children and Teens" means services also known as Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) services. The Title XIX program of EPSDT services is for eligible clients under age 21. It is a comprehensive child health program to assure the availability and accessibility of required medically appropriate health care services and to help Authority clients and their parents or guardians effectively use them.

(143) "Member" means an OHP client enrolled with a pre-paid health plan or coordinated care organization.

(144) "National Correct Coding Initiative (NCCI)" means the Centers for Medicare and Medicaid Services (CMS) developed the National Correct Coding Initiative (NCCI) to promote national correct coding methodologies and to control improper coding leading to inappropriate payment.

(145) "National Drug Code or (NDC)" means a universal number that identifies a drug. The NDC number consists of 11 digits in a 5-4-2 format. The Food and Drug Administration assigns the first five digits to identify the manufacturer of the drug. The manufacturer assigns the remaining digits to identify the specific product and package size. Some packages will display less than 11 digits, but the number assumes leading zeroes.

(146) "National Provider Identification (NPI)" means federally directed provider number mandated for use on HIPAA covered transactions; individuals, provider organizations, and subparts of provider organizations that meet the definition of health care provider (45 CFR 160.103) and who conduct HIPAA covered transactions electronically are eligible to apply for an NPI. Medicare covered entities are required to apply for an NPI.

(147) "Naturopathic physician" means a person licensed to practice naturopathic medicine by the Oregon Board of Naturopathic Medicine.

(148) "Naturopathic Services" means services provided within the scope of practice as defined under state law and by rules of the Oregon Board of Naturopathic Medicine.

(149) "Non-covered Services" means services or items for which the Authority is not responsible for payment or reimbursement. Non-covered services are identified in:

(a) OAR 410-120-1200 Excluded Services and Limitations; and

(b) 410-120-1210 Medical Assistance Benefit Packages and Delivery System;

(c) 410-141-0480 OHP Benefit Package of Covered Services;

(d) 410-141-0520 Prioritized List of Health Services; and

(e) Any other applicable Division administrative rules.

(150) "Non-Emergent Medical Transportation Services (NEMT)" means transportation to or from a source of covered service, that does not involve a sudden, unexpected occurrence which creates a medical crisis requiring emergency medical services as defined in OAR 410-120-0000(76) and requiring immediate transportation to a site, usually a hospital, where appropriate emergency medical care is available.

(151) "Non-Paid Provider" means a provider who is issued a provider number for purposes of data collection or non-claims-use of the Provider Web Portal (e.g., eligibility verification).

(152) "Nurse Anesthetist, C.R.N.A." means a registered nurse licensed in the State of Oregon as a CRNA who is currently certified by the National Board of Certification and Recertification for Nurse Anesthetists.

(153) "Nurse Practitioner" means a person licensed as a registered nurse and certified by the Board of Nursing to practice as a nurse practitioner pursuant to state law.

(154) "Nurse Practitioner Services" means services provided within the scope of practice of a nurse practitioner as defined under state law and by rules of the Board of Nursing.

(155) "Nursing Facility" means a facility licensed and certified by the Department and defined in OAR 411-070-0005.

(156) "Nursing Services" means health care services provided to a patient by a registered professional nurse or a licensed practical nurse under the direction of a licensed professional within the scope of practice as defined by state law.

(157) "Nutritional Counseling" means counseling that takes place as part of the treatment of a person with a specific condition, deficiency, or disease such as diabetes, hypercholesterolemia, or phenylketonuria.

(158) "Occupational Therapist" means a person licensed by the State Board of Examiners for Occupational Therapy.

(159) "Occupational Therapy" means the functional evaluation and treatment of individuals whose ability to adapt or cope with the task of liv-

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ing is threatened or impaired by developmental deficiencies, physical injury or illness, the aging process, or psychological disability. The treatment utilizes task-oriented activities to prevent or correct physical and emotional difficulties or minimize the disabling effect of these deficiencies on the life of the individual.

(160) “Ombudsman Services” means advocacy services provided by the Authority to clients whenever the client is reasonably concerned about access to, quality of, or limitations on the health services provided.

(161) “Oregon Health ID” means a card the size of a business card that lists the client name, client ID (prime number), and the date it was issued.

(162) “Oregon Health Plan (OHP)” means the Medicaid and Children’s Health Insurance (CHIP) Demonstration Project that expands Medicaid and CHIP eligibility beyond populations traditionally eligible for Medicaid to other low-income populations and Medicaid and CHIP services under the State Plan

(163) “Optometric Services” means services provided within the scope of practice of optometrists as defined under state law.

(164) “Optometrist” means a person licensed to practice optometry pursuant to state law.

(165) “Oregon Health Authority (Authority )” means the agency established in ORS Chapter 413 that administers the funds for Titles XIX and XXI of the Social Security Act. It is the single state agency for the administration of the medical assistance program under ORS chapter 414. For purposes of these rules, the agencies under the authority of the Oregon Health Authority are the Public Health Division, Health Systems Division, External Relations, Health Policy and Analytics, Fiscal and Operations, Health System Division, Office of Equity and Inclusion, and the Oregon State Hospital.

(166) “Oregon Youth Authority (OYA)” means the state department charged with the management and administration of youth correction facilities, state parole and probation services, and other functions related to state programs for youth corrections.

(167) “Out-of-State Providers” means any provider located outside the borders of the State of Oregon:

(a) Contiguous area providers are those located no more than 75 miles from the border of the State of Oregon;

(b) Non-contiguous area providers are those located more than 75 miles from the borders of the State of Oregon.

(168) “Outpatient Hospital Services” means services that are furnished in a hospital for the care and treatment of an outpatient. For information on outpatient-covered services, see the Division’s Hospital Services administrative rules found in chapter 410, division 125.

(169) “Overdue Claim” means a valid claim that is not paid within 45 days of the date it was received.

(170) “Overpayment” means a payment made by the Authority to a provider in excess of the correct Authority payment amount for a service. Overpayments are subject to repayment to the Authority.

(171) “Overuse” means use of medical goods or services at levels determined by Authority medical staff or medical consultants to be medically unnecessary or potentially harmful.

(172) “Paid Provider” means a provider who is issued a provider number for purposes of submitting medical assistance program claims for payment by the Authority.

(173) “Panel” means the Hearing Officer Panel established by section 3, chapter 849, Oregon Laws 1999.

(174) “Payment Authorization” means authorization granted by the responsible agency, office, or organization for payment prior or subsequent to the delivery of services, as described in these General Rules and the appropriate program rules. See the individual program rules for services requiring authorization.

(175) “Peer Review Organization (PRO)” means an entity of health care practitioners of services contracted by the state to review services ordered or furnished by other practitioners in the same professional field.

(176) “Peer Wellness Specialist” means an individual who is responsible for assessing mental health service and support needs of the individual’s peers through community outreach, assisting individuals with access to available services and resources, addressing barriers to services and providing education and information about available resources and mental health issues in order to reduce stigmas and discrimination toward consumers of mental health services and to provide direct services to assist individuals in creating and maintaining recovery, health, and wellness.

(177) “Person Centered Care” means care that reflects the individual patient’s strengths and preferences, reflects the clinical needs of the patient

as identified through an individualized assessment, is based upon the patient’s goals, and will assist the patient in achieving the goals.

(178) “Personal Health Navigator” means an individual who provides information, assistance, tools, and support to enable a patient to make the best health care decisions in the patient’s particular circumstances and in light of the patient’s needs, lifestyle, combination of conditions, and desired outcome.

(179) “Pharmaceutical Services” means services provided by a pharmacist, including medications dispensed in a pharmacy upon an order of a licensed practitioner prescribing within his or her scope of practice.

(180) “Pharmacist” means a person licensed to practice pharmacy pursuant to state law.

(181) “Physical Capacity Evaluation” means an objective, directly observed measurement of a person’s ability to perform a variety of physical tasks combined with subjective analysis of abilities of the person.

(182) “Physical Therapist” means a person licensed by the relevant state licensing authority to practice physical therapy.

(183) “Physical Therapy” means treatment comprising exercise, massage, heat or cold, air, light, water, electricity, or sound for the purpose of correcting or alleviating any physical or mental disability, or the performance of tests as an aid to the assessment, diagnosis, or treatment of a human being. Physical therapy may not include radiology or electrosurgery.

(184) “Physician” means a person licensed to practice medicine pursuant to state law of the state in which he or she practices medicine or a person licensed to practice medicine pursuant to federal law for the purpose of practicing medicine under a contract with the federal government. A physician may be an individual licensed under ORS 677 or ORS 685.

(185) “Physician Assistant” means a person licensed as a physician assistant in accordance with ORS 677. Physician assistants provide medical services under the direction and supervision of an Oregon licensed physician according to a practice description approved by the Board of Medical Examiners.

(186) “Physician Services” means services provided within the scope of practice as defined under state law by or under the personal supervision of a physician.

(187) “Podiatric Services” means services provided within the scope of practice of podiatrists as defined under state law.

(188) “Podiatrist” means a person licensed to practice podiatric medicine pursuant to state law.

(189) “Post-Payment Review” means review of billings or other medical information for accuracy, medical appropriateness, level of service, or for other reasons subsequent to payment of the claim.

(190) “Practitioner” means a person licensed pursuant to state law to engage in the provision of health care services within the scope of the practitioner’s license or certification.

(191) “Prepaid Health Plan (PHP)” means a managed health, dental, chemical dependency, or mental health organization that contracts with the Authority on a case managed, prepaid, capitated basis under OHP. PHPs may be a Chemical Dependency Organization (CDO), Dental Care Organization (DCO), Mental Health Organization (MHO), or Physician Care Organization (PCO)

(192) “Primary Care Dentist (PCD)” means a dental practitioner who is responsible for supervising and coordinating initial and primary dental care within their scope of practice for their members.

(193) “Primary Care Provider (PCP)” means any enrolled medical assistance provider who has responsibility for supervising, coordinating, and providing initial and primary care within their scope of practice for identified clients. PCPs initiate referrals for care outside their scope of practice, consultations, and specialist care and assure the continuity of medically appropriate client care. A Federally qualified PCP means a physician with a specialty or subspecialty in family medicine, general internal medicine, or pediatric medicine as defined in OAR 410-130-0005.

(194) “Prior Authorization (PA)” means payment authorization for specified medical services or items given by Authority staff or its contracted agencies prior to provision of the service. A physician referral is not a PA.

(195) “Prioritized List of Health Services” means the listing of conditions and treatment pairs developed by the Health Evidence Review Commission for the purpose of administering OHP.

(196) “Private Duty Nursing Services” means nursing services provided within the scope of license by a registered nurse or a licensed practical nurse under the general direction of the patient’s physician to an individual who is not in a health care facility.

(197) “Provider” means an individual, facility, institution, corporate entity, or other organization that supplies health services or items, also

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termed a rendering provider, or bills, obligates, and receives reimbursement on behalf of a rendering provider of services, also termed a billing provider (BP). The term provider refers to both rendering providers and BP unless otherwise specified.

(198) "Provider Organization" means a group practice, facility, or organization that is:

(a) An employer of a provider, if the provider is required as a condition of employment to turn over fees to the employer; or

(b) The facility in which the service is provided, if the provider has a contract under which the facility submits claims; or

(c) A foundation, plan, or similar organization operating an organized health care delivery system, if the provider has a contract under which the organization submits the claim; and

(d) Such group practice, facility, or organization is enrolled with the Authority, and payments are made to the group practice, facility, or organization;

(e) An agent if such entity solely submits billings on behalf of providers and payments are made to each provider. (See Subparts of Provider Organization.)

(199) "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.

(200) "Public Health Clinic" means a clinic operated by a county government.

(201) "Public Rates" means the charge for services and items that providers, including hospitals and nursing facilities, made to the general public for the same service on the same date as that provided to Authority clients.

(202) "Qualified Medicare Beneficiary (QMB)" means a Medicare beneficiary as defined by the Social Security Act and its amendments.

(203) "Qualified Medicare and Medicaid Beneficiary (QMM)" means a Medicare beneficiary who is also eligible for Division coverage.

(204) "Quality Improvement" means the efforts to improve the level of performance of a key process or processes in health services or health care.

(205) "Quality Improvement Organization (QIO)" means an entity that has a contract with CMS under Part B of Title XI to perform utilization and quality control review of the health care furnished, or to be furnished, to Medicare and Medicaid clients; formerly known as a Peer Review Organization.

(206) "Radiological Services" means those professional and technical radiological and other imaging services for the purpose of diagnosis and treatment ordered by a physician or other licensed practitioner of the healing arts within the scope of practice as defined under state law and provided to a patient by or under the direction of a physician or appropriate licensed practitioner in an office or similar facility, hospital, or independent radiological facility.

(207) "Recipient" means a person who is currently eligible for medical assistance (also known as a client).

(208) "Recreational Therapy" means recreational or other activities that are diversional in nature (includes, but is not limited to, social or recreational activities or outlets).

(209) "Recoupment" means an accounts receivable system that collects money owed by the provider to the Authority by withholding all or a portion of a provider's future payments.

(210) "Referral" means the transfer of total or specified care of a client from one provider to another. As used by the Authority, the term referral also includes a request for a consultation or evaluation or a request or approval of specific services. In the case of clients whose medical care is contracted through a Prepaid Health Plan (PHP), or managed by a Primary Care Physician, a referral is required before non-emergency care is covered by the PHP or the Authority.

(211) "Remittance Advice (RA)" means the automated notice a provider receives explaining payments or other claim actions. It is the only notice sent to providers regarding claim actions.

(212) "Rendering provider" means an individual, facility, institution, corporate entity, or other organization that supplies health services or items, also termed a provider, or bills, obligates, and receives reimbursement on behalf of a provider of services, also termed a billing provider (BP). The term rendering provider refers to both providers and BP unless otherwise specified.

(213) "Request for Hearing" means a clear expression in writing by an individual or representative that the person wishes to appeal a

Department or Authority decision or action and wishes to have the decision considered by a higher authority.

(214) "Representative" means an individual who can make OHP-related decisions for a client who is not able to make such decisions themselves.

(215) "Retroactive Medical Eligibility" means eligibility for medical assistance granted to a client retroactive to a date prior to the client's application for medical assistance.

(216) "Ride" means non-emergent medical transportation services for a client either to or from a location where covered services are provided. "Ride" does not include client-reimbursed medical transportation or emergent medical transportation in an ambulance.

(217) "Rural" means a geographic area that is ten or more map miles from a population center of 30,000 people or less.

(218) "Sanction" means an action against providers taken by the Authority in cases of fraud, misuse, or abuse of Division requirements.

(219) "School Based Health Service" means a health service required by an Individualized Education Plan (IEP) during a child's education program that addresses physical or mental disabilities as recommended by a physician or other licensed practitioner.

(220) "Self-Sufficiency" means the division in the Department of Human Services (Department) that administers programs for adults and families.

(221) "Service Agreement" means an agreement between the Authority and a specified provider to provide identified services for a specified rate. Service agreements may be limited to services required for the special needs of an identified client. Service agreements do not preclude the requirement for a provider to enroll as a provider.

(222) "Sliding Fee Schedule" means a fee schedule with varying rates established by a provider of health care to make services available to indigent and low-income individuals. The sliding-fee schedule is based on ability to pay.

(223) "Social Worker" means a person licensed by the Board of Clinical Social Workers to practice clinical social work.

(224) "Speech-Language Pathologist" means a person licensed by the Oregon Board of Examiners for Speech Pathology.

(225) "Speech-Language Pathology Services" means the application of principles, methods, and procedure for the measuring, evaluating, predicting, counseling, or instruction related to the development and disorders of speech, voice, or language for the purpose of preventing, habilitating, rehabilitating, or modifying such disorders in individuals or groups of individuals.

(226) "State Facility" means a hospital or training center operated by the State of Oregon that provides long-term medical or psychiatric care.

(227) "Subparts (of a Provider Organization)" means for NPI application, subparts of a health care provider organization would meet the definition of health care provider (45 CFR 160.103) if it were a separate legal entity and if it conducted HIPAA-covered transactions electronically or has an entity do so on its behalf and could be components of an organization or separate physical locations of an organization.

(228) "Subrogation" means right of the state to stand in place of the client in the collection of third party resources (TPR).

(229) "Substance Use Disorder (SUD) Services" means assessment, treatment, and rehabilitation on a regularly scheduled basis or in response to crisis for alcohol or other drug abuse for dependent members and their family members or significant others, consistent with Level I, Level II, or Level III of the American Society of Addiction Medicine Patient Placement Criteria 2-Revision (ASAM PPC-2R). SUD is an interchangeable term with Chemical Dependency (CD), Alcohol and other Drug (AOD), and Alcohol and Drug (A & D).

(230) "Supplemental Security Income (SSI)" means a program available to certain aged and disabled persons that is administered by the Social Security Administration through the Social Security office.

(231) "Surgical Assistant" means a person performing required assistance in surgery as permitted by rules of the State Board of Medical Examiners.

(232) "Suspension" means a sanction prohibiting a provider's participation in the medical assistance programs by deactivation of the provider's Authority-assigned billing number for a specified period of time. No payments, Title XIX, or State Funds will be made for services provided during the suspension. The number will be reactivated automatically after the suspension period has elapsed.

(233) "Targeted Case Management (TCM)" means activities that will assist the client in a target group in gaining access to needed medical, social, educational, and other services. This includes locating, coordinating,

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and monitoring necessary and appropriate services. TCM services are often provided by allied agency providers.

(234) "Termination" means a sanction prohibiting a provider's participation in the Division's programs by canceling the provider's Authority-assigned billing number and agreement. No payments, Title XIX, or state funds will be made for services provided after the date of termination. Termination is permanent unless:

- (a) The exceptions cited in 42 CFR 1001.221 are met; or
- (b) Otherwise stated by the Authority at the time of termination.

(235) "Third Party Liability (TPL), Third Party Resource (TPR), or Third party payer" means a medical or financial resource that, under law, is available and applicable to pay for medical services and items for an Authority client.

(236) "Transportation" means medical transportation.

(237) "Service Authorization Request" means a member's initial or continuing request for the provision of a service including member requests made by their provider or the member's authorized representative.

(238) "Type A Hospital" means a hospital identified by the Office of Rural Health as a Type A hospital.

(239) "Type B AAA" means an AAA administered by a unit or combination of units of general purpose local government for overseeing Medicaid, financial and adult protective services, and regulatory programs for the elderly or the elderly and disabled.

(240) "Type B AAA Unit" means a Type B AAA funded by Oregon Project Independence (OPI), Title III—Older Americans Act, and Title XIX of the Social Security Act.

(241) "Type B Hospital" means a hospital identified by the Office of Rural Health as a Type B hospital.

(242) "Urban" means a geographic area that is less than ten map miles from a population center of 30,000 people or more.

(243) "Urgent Care Services" means health services that are medically appropriate and immediately required to prevent serious deterioration of a client's health that are a result of unforeseen illness or injury.

(244) "Usual Charge (UC)" means the lesser of the following unless prohibited from billing by federal statute or regulation:

(a) The provider's charge per unit of service for the majority of non-medical assistance users of the same service based on the preceding month's charges;

(b) The provider's lowest charge per unit of service on the same date that is advertised, quoted, or posted. The lesser of these applies regardless of the payment source or means of payment;

(c) Where the provider has established a written sliding fee scale based upon income for individuals and families with income equal to or less than 200 percent of the federal poverty level, the fees paid by these individuals and families are not considered in determining the usual charge. Any amounts charged to third party resources (TPR) are to be considered.

(245) "Utilization Review (UR)" means the process of reviewing, evaluating, and assuring appropriate use of medical resources and services. The review encompasses quality, quantity, and appropriateness of medical care to achieve the most effective and economic use of health care services.

(246) "Valid Claim" means an invoice received by the Division or the appropriate Authority or Department office for payment of covered health care services rendered to an eligible client that:

(a) Can be processed without obtaining additional information from the provider of the goods or services or from a TPR; and

(b) Has been received within the time limitations prescribed in these General Rules (OAR 410 division 120).

(247) "Valid Preauthorization" means a document the Authority, a PHP, or CCO receives requesting a health service for a member who would be eligible for the service at the time of the service, and the document contains:

(a) A beginning and ending date not exceeding twelve months, except for cases of PHP or CCO enrollment where four months may apply; and

(b) All data fields required for processing the request or payment of the service including the appropriate billing codes.

(248) "Vision Services" means provision of corrective eyewear, including ophthalmological or optometric examinations for determination of visual acuity and vision therapy and devices.

(249) "Volunteer" (for the purposes of NEMT) means an individual selected, trained and under the supervision of the Department who is providing services on behalf of the Department in a non-paid capacity except for incidental expense reimbursement under the Department Volunteer Program authorized by ORS 409.360.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Hist.: AFS 5-1981, f. 1-23-81, ef. 3-1-81; AFS 33-1981, f. 6-23-81, ef. 7-1-81; AFS 47-1982, f. 4-30-82; AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the branch offices of North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 57-1982, f. 6-28-82, ef. 7-1-82; AFS 81-1982, f. 8-30-82, ef. 9-1-82; AFS 4-1984, f. & ef. 2-1-84; AFS 12-1984, f. 3-16-84, ef. 4-1-84; AFS 13-1984(Temp), f. & ef. 4-2-84; AFS 37-1984, f. 8-30-84, ef. 9-1-84; AFS 24-1985, f. 4-24-85, ef. 6-1-85; AFS 13-1987, f. 3-31-87, ef. 4-1-87; AFS 7-1988, f. & cert. ef. 2-1-88; AFS 69-1988, f. & cert. ef. 12-5-88; HR 2-1990, f. 2-12-90, cert. ef. 3-1-90, Renumbered from 461-013-0005; HR 25-1991(Temp), f. & cert. ef. 7-1-91; HR 41-1991, f. & cert. ef. 10-1-91; HR 32-1993, f. & cert. ef. 11-1-93; HR 2-1994, f. & cert. ef. 2-1-94; HR 31-1994, f. & cert. ef. 11-1-94; HR 40-1994, f. 12-30-94, cert. ef. 1-1-95; HR 5-1997, f. 1-31-97, cert. ef. 2-1-97; HR 21-1997, f. & cert. ef. 10-1-97; OMAP 20-1998, f. & cert. ef. 7-1-98; OMAP 10-1999, f. & cert. ef. 4-1-99; OMAP 31-1999, f. & cert. ef. 10-1-99; OMAP 11-2000, f. & cert. ef. 6-23-00; OMAP 35-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 42-2002, f. & cert. ef. 10-1-02; OMAP 3-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 62-2003, f. 9-8-03, cert. ef. 10-1-03; OMAP 67-2004, f. 9-14-04, cert. ef. 10-1-04; OMAP 10-2005, f. 3-9-05, cert. ef. 4-1-05; OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; OMAP 65-2005, f. 11-30-05, cert. ef. 1-1-06; OMAP 15-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 45-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 24-2007 f. 12-11-07 cert. ef. 1-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 13-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 11-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 36-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 11-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 28-2012, f. 6-21-12, cert. ef. 7-1-12; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12; DMAP 37-2013(Temp), f. 6-27-13, cert. ef. 7-1-13 thru 12-24-13; DMAP 71-2013, f. & cert. ef. 12-27-13; DMAP 57-2014, f. 9-26-14, cert. ef. 10-1-14; DMAP 5-2015, f. & cert. ef. 2-10-15; DMAP 29-2015, f. & cert. ef. 5-29-15; DMAP 55-2015, f. 9-22-15, cert. ef. 10-1-15; DMAP 30-2016, f. 6-29-16, cert. ef. 7-1-16; DMAP 31-2016, f. 6-29-16, cert. ef. 7-1-16; DMAP 63-2016(Temp), f. & cert. ef. 11-10-16 thru 5-8-17

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## Oregon Health Authority, Oregon Educators Benefit Board Chapter 111

**Rule Caption:** Amendments to update benefit plan name changes and other housekeeping updates

**Adm. Order No.:** OEBB 4-2016(Temp)

**Filed with Sec. of State:** 10-18-2016

**Certified to be Effective:** 10-18-16 thru 4-15-17

**Notice Publication Date:**

**Rules Amended:** 111-070-0001, 111-070-0005, 111-070-0015, 111-070-0020, 111-070-0040, 111-070-0050

**Subject:** Amendments to update benefit plan name changes and other housekeeping updates related to premium payments for the HB2557 population.

**Rules Coordinator:** April Kelly—(503) 378-6588

### 111-070-0001

#### Definitions

For the purpose of this rule:

(1) "HB 2557 eligible member" means a part time faculty who is eligible for membership in the Public Employees Retirement System (PERS) by teaching or conducting research at a single institution of higher education or in aggregate at multiple public institutions of higher education during the prior year. "HB 2557 eligible member" does not mean or include a part time faculty member who has revoked PERS membership by opting to enroll in another employer retirement plan, or a part time faculty member who is eligible for benefits through the Public Employees' Benefit Board (PEBB).

(2) "Eligible Dependent" means a Spouse, Domestic Partner or dependent child as defined in OAR 111-010-0015.

(3) "Overpayment" means the amount of a participating HB 2557 eligible member's monthly payment to OEBB that exceeded the amount due.

(4) "PERS" means the Oregon Public Employees Retirement System.

(5) "Plan Year" means the coverage period, usually 12 months long that is used for administration of a health benefits plan.

(6) "Public institution of higher education" means an Oregon community college or a state institution of higher education listed in ORS 352.002.

(7) "Underpayment" means a payment submitted by a participating HB 2557 eligible member that is less than the invoiced amount.

(8) "ACH Debit" for purposes of this OAR refers to a payment through an Automated Clearing House (ACH) credit or debit that initiates the movement of funds electronically from the HB 2557 eligible member's individual banking account within the United States to the OEBB Treasury account.

Stat. Auth.: ORS 243.864, 2009 OL Ch. 351 (HB 2557)

Stats. Implemented: 2009 OL Ch. 351 (HB 2557)

Hist.: OEBB 4-2010, f. & cert. ef. 3-15-10; OEBB 4-2016(Temp), f. & cert. ef. 10-18-16 thru 4-15-17



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## 111-070-0005

### Plan Selections

(1) HB 2557 eligible members will use the tiered rate structure and may elect to enroll in the following medical plans:

(a) Kaiser Permanente Plan 3 (limited to OEBB members in the Kaiser service area),

(b) Moda Health Cedar Plan,

(c) Moda Health Dogwood Plan,

(d) Moda Health Evergreen Plan (limited to members who qualify for and contribute to a Health Savings Account (HSA)).

(2) If enrolling in a Moda Health medical plan, the HB 2557 eligible member may elect to enroll in the PPO option or the Synergy or Summit network plan option if the HB 2557 member lives or works in an area where the Synergy or Summit network is available.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented 243.864(1)(a)

Hist.: OEBB 4-2010, f. & cert. ef. 3-15-10; OEBB 7-2013(Temp), f. & cert. ef. 7-12-13 thru 1-7-14; OEBB 17-2013, f. & cert. ef. 10-23-13; OEBB 4-2014(Temp), f. & cert. ef. 7-31-14 thru 1-27-15; OEBB 5-2014, f. & cert. ef. 11-5-14; OEBB 4-2016(Temp), f. & cert. ef. 10-18-16 thru 4-15-17

## 111-070-0015

### Enrollment

(1) OEBB will directly provide HB 2557 eligible members notice of their eligibility, the open enrollment schedule and instructions for completing the required enrollment information prior to the beginning of the open enrollment period.

(2) HB 2557 eligible members and eligible dependents may enroll in a medical plan as specified in 111-070-0005 when one of the following occurs:

(a) During the annual open enrollment period (August 15 through September 25);

(A) Required enrollment information may be submitted by the member to the OEBB office prior to the beginning of the open enrollment period;

(B) All required enrollment information must be received by OEBB from the member by close of business on September 25;

(C) Required enrollment information not received from the member on or before the end of the open enrollment period will be considered a declination of coverage for the Plan Year;

(D) Coverage selected will be effective at the beginning of the new Plan Year (October 1) for HB 2557 eligible member and dependent(s) who have submitted the required enrollment information by the submission deadline; or

(b) Following confirmation that an individual not initially identified as eligible for benefits is eligible for benefits:

(A) All required enrollment information must be received from the member by OEBB by close of business on the date specified in the written eligibility notice sent to the HB 2557 eligible member. Failure to meet the due date will be considered a declination of coverage for the Plan Year;

(B) Coverage selected will be effective the first day of the month following eligibility confirmation and receipt of the required enrollment information.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented 243.864(1)(a)

Hist.: OEBB 4-2010, f. & cert. ef. 3-15-10; OEBB 7-2013(Temp), f. & cert. ef. 7-12-13 thru 1-7-14; OEBB 17-2013, f. & cert. ef. 10-23-13; OEBB 4-2016(Temp), f. & cert. ef. 10-18-16 thru 4-15-17

## 111-070-0020

### Effective Date

(1) HB 2557 eligible members who are eligible for membership in PERS during a calendar year are eligible for medical benefits through OEBB for the following Plan Year.

(2) Eligibility will be determined annually within 30 days after the first quarter of the current calendar year.

Stat. Auth.: ORS 243.864, 2009 OL Ch. 351 (HB 2557)

Stats. Implemented: 2009 OL Ch. 351 (HB 2557)

Hist.: OEBB 4-2010, f. & cert. ef. 3-15-10; OEBB 4-2016(Temp), f. & cert. ef. 10-18-16 thru 4-15-17

## 111-070-0040

### Qualified Status Changes (QSCs)

(1) HB 2557 eligible members experiencing a change in family status the plan year, have 31 calendar days beginning on the date of the event to make changes. If the event is gaining a child, as defined by 111-070-0040(2)(c), or results in a loss of eligibility, the eligible member has 60 calendar days after the event to make changes.

(a) The member must report the Qualified Status Change (QSC) to OEBB within the specified timeframe. Failure to report a QSC that would result in a removal of a spouse, domestic partner or child within the timeframe stated in 111-070-0040(1) may be considered intentional misrepresentation by OEBB and OEBB may retroactively terminate the individuals coverage back to the last day of the month in which the individual lost eligibility. If benefits are to be terminated retroactively, OEBB shall give the affected individual 30 days' notice of the termination and an opportunity to appeal before the retroactive termination takes effect.

(b) The member's failure to report timely a QSC that allows the addition of a spouse, domestic partner, or child means that the individual does not have coverage. The next opportunity the HB 2557 eligible member has to add their spouse, domestic partner, or child will be during open enrollment.

(2) The HB 2557 eligible member can only make those changes that are consistent with the event for themselves and eligible dependent(s).

(3) Qualified Status Changes which allow the member to make changes to his or her coverage are:

(a) Gaining a spouse by marriage or domestic partner by meeting domestic partner eligibility;

(b) Loss of a spouse or domestic partner by divorce, annulment, death or termination of domestic partnership,

(c) Gaining a child by birth, placement for/or adoption, or Domestic Partner's children (by affidavit of domestic partnership), 60 days from the event;

(d) Event by which dependent child satisfies eligibility requirements under OEBB plans;

(e) Event by which dependent ceases to satisfy eligibility requirements under OEBB plans;

(f) Related laws or court orders. For example: Qualified Medical Child Support Order (QMSCO), Entitlement to Medicare or Medicaid, HIPAA or Children's Health Insurance Program (CHIP). Changes are determined by the applicable law or court order.

(4) Changes in cost or coverage do not constitute a Qualified Status Change. All changes resulting from a change in cost or coverage must be made during Open Enrollment.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 4-2010, f. & cert. ef. 3-15-10; OEBB 14-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 5-2011, f. & cert. ef. 2-11-11; OEBB 4-2014(Temp), f. & cert. ef. 7-31-14 thru 1-27-15; OEBB 5-2014, f. & cert. ef. 11-5-14; OEBB 4-2016(Temp), f. & cert. ef. 10-18-16 thru 4-15-17

## 111-070-0050

### Premium Payment

(1) **HB 2557 Eligible Member Payment Methods and Due Dates:**

(a) HB 2557 eligible members will submit payment to OEBB for benefits through Direct Payment via ACH (ACH Debit).

(b) OEBB may grant an exception from the requirement in section (1) to pay by ACH Debit if the HB 2557 eligible member demonstrates their financial institution cannot accommodate an ACH transfer, or the member does not maintain an account at a financial institution.

(c) Notwithstanding section (2), the ACH Debit will occur on the 25th day of the month prior to the next month's health care coverage. All payments will be subject to this due date.

(2) If the HB 2557 member has a checking account, but submits a written letter declining to use the ACH Debit payment method, a \$35.00 processing fee shall be applied to the HB 2557 member's monthly premium.

(3) **HB 2557 Eligible Member Invoicing:**

(a) OEBB will enroll a new HB 2557 eligible member after one of the following is completed:

(A) The required ACH Debit Authorization Form is received from the member, processed and set-up with their financial institution; or

(B) The Exception Request Form is received from the member, reviewed and approved;

(b) OEBB will mail payment reminders to HB 2557 eligible members to provide notification of the amount and date the ACH Debit will occur.

(c)(A) If the payment is not received in full by the 25th calendar day of the month, the member's coverage will be terminated on the last day of the month in which a full premium payment was received. All premium payments must be paid in full before payment to the carrier will be made.

(B) OEBB shall not be responsible for any unpaid portion of premiums for coverage and will terminate the HB 2557 eligible member and dependent coverage for non-payment or underpayment of premiums due.

(4) **HB 2557 Eligible Member Overpayments:**

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(a) OEBB will mail notification of overpayments to the HB 2557 eligible member. This written notice shall inform the member of the amount overpaid and a description of the overpayment.

(b)(A) OEBB will automatically apply any overpayments to the next month's premium due. The member may complete a Request for Reimbursement form if a refund of an overpayment is desired. However, the member may be responsible for processing fees associated with refunds less than \$100.

(B) Remaining balances on coverage that has ended will be refunded in full.

(5) HB 2557 Eligible Member Underpayments:

(a) Premiums that are not paid in full by the 25th calendar day of the month prior to the coverage effective month will result in the eligible member's and dependent's coverage being terminated at the end of the last month for which premiums were paid in full.

(b)(A) HB 2557 eligible members will be notified if their coverage was terminated due to the premium not being paid in full, including payments returned by the bank for Non-Sufficient Funds (NSF), closed bank accounts, and frozen accounts.

(B) A check or ACH transaction that is returned for NSF, closed bank account, or frozen account is considered non-payment of premiums.

(c) Coverage terminated due to non-payment or underpayment cannot be reinstated until a following Plan Year in which a person is deemed a HB 2557 eligible member.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented 243.864(1)(a)

Hist.: OEBB 4-2010, f. & cert. ef. 3-15-10; OEBB 7-2013(Temp), f. & cert. ef. 7-12-13 thru 1-7-14; OEBB 17-2013, f. & cert. ef. 10-23-13; OEBB 4-2016(Temp), f. & cert. ef. 10-18-16 thru 4-15-17

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**Rule Caption:** Amendments to update benefit plan name changes, other housekeeping updates and clarifications

**Adm. Order No.:** OEBB 5-2016(Temp)

**Filed with Sec. of State:** 10-18-2016

**Certified to be Effective:** 10-18-16 thru 4-15-17

**Notice Publication Date:**

**Rules Amended:** 111-030-0010, 111-030-0035, 111-030-0040, 111-030-0045, 111-030-0046, 111-030-0047, 111-030-0050

**Subject:** Amendments to update benefit plan name changes, other housekeeping updates and clarifications on rate structures for different groups.

**Rules Coordinator:** April Kelly—(503) 378-6588

## 111-030-0010

### Medical, Pharmaceutical, Dental and Vision Plan Selection Criteria

Entities may choose or allow all medical, dental and vision plans available in the service area to be available to some or all Entity Employee Groups with the following exceptions:

(1) The HMO vision plan offered through Kaiser Permanente is only available if the HMO medical plan offered through Kaiser Permanente is available.

(2) Moda Health Evergreen Plan can only be offered to employee groups who have the option to participate in a Health Savings Account (HSA) effective October 1, 2016. (Previously Moda Health Plan H) Eligible employees must qualify and contribute to an HSA during the plan year to enroll in Moda Health Evergreen Plan.

Stat. Auth.: ORS 243.860–243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 8-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 2-2011, f. & cert. ef. 2-11-11; OEBB 3-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 8-2012, f. & cert. ef. 10-9-12; OEBB 8-2013(Temp), f. & cert. ef. 7-12-13 thru 1-7-14; OEBB 14-2013, f. & cert. ef. 10-23-13; OEBB 5-2016(Temp), f. & cert. ef. 10-18-16 thru 4-15-17

## 111-030-0035

### Optional Benefit Plans Selection Criteria

(1) Basic Life Insurance — Entities may select or allow one Basic Life plan per Employee Group unless otherwise specified in an OEBB administrative rule. Note: Employee Groups may select one Basic Life amount and offer optional life. Basic Life requires 100 percent enrollment if selected.

(2) Basic Accidental Death and Dismemberment (AD&D) — Entities may select or allow one Basic AD&D plan per Employee Group unless otherwise specified in an OEBB administrative rule. Note: Employee Groups can select one Basic AD&D plan and offer optional AD&D if desired. The Employee Group must select Basic Life coverage to select a Basic AD&D plan. Basic AD&D requires 100 percent enrollment if selected.

(3) Optional Employee Life Insurance and Optional Employee AD&D — Entities may select or allow Optional Employee Life and Optional AD&D for each Employee Group unless otherwise specified in an OEBB administrative rule. No minimum enrollment requirement.

(4) Optional Spouse/Partner Life Insurance and Optional Spouse/Partner AD&D — Entities may select or allow Optional Spouse/Partner Life and Optional Spouse/Partner AD&D coverage for each Employee Group unless otherwise specified in an OEBB administrative rule. No minimum enrollment requirement. The Employee Group must offer Optional Employee Life and Optional AD&D to offer this coverage. The Optional Employee Life Insurance and Optional Employee AD&D must be greater or equal to Optional Spouse/Partner Life Insurance and Optional Spouse/Partner AD&D.

(5) Optional Child Life Insurance and Optional Child AD&D — Entities may select or allow Optional Child Life and Optional Child AD&D coverage for each Employee Group unless otherwise specified in an OEBB administrative rule. No minimum enrollment requirement. The Employee Group must offer Optional Employee Life and Optional AD&D to offer this coverage. Optional Child Life Insurance and Optional Child Life AD&D requires enrollment in the minimum amount of Optional Employee Life and Optional AD&D by the employee.

(6) Optional Early Retiree Life Insurance and Optional Early Retiree AD&D — Entities may select or allow Optional Early Retiree Life and Optional Early Retiree AD&D coverage unless otherwise specified in an OEBB administrative rule. No minimum enrollment requirement, but enrollment is limited to initial open enrollment period only and subject to the following restrictions:

(a) Optional Early Retiree Life and Optional Early Retiree AD&D are only available to early retirees who had this coverage as an active employee.

(b) The Entity must offer this coverage for the early retiree to continue enrollment.

(c) When an employee moves from active to retiree status they may select coverage up to the amount they had as an active employee, or decrease coverage. Increases in coverage are not allowed.

(7) Voluntary Short Term Disability (STD) — Entities may select or allow one Voluntary STD plan per Employee Group unless otherwise specified in an OEBB administrative rule. No minimum enrollment requirement. The employee pays all or part of the premium. An Employee Group cannot select more than one STD Plan (Voluntary, Mandatory, or Mandatory/Employee-paid).

(8) Mandatory Short Term Disability (STD) — Entities may select or allow one Mandatory STD plan per Employee Group unless otherwise specified in an OEBB administrative rule. This plan requires 100 percent enrollment if selected and the premium is employer-paid. An Employee Group cannot select more than one STD Plan (Voluntary, Mandatory, or Mandatory/Employee-paid).

(9) Mandatory/Employee-paid Short Term Disability (STD) — Entities may select or allow one Mandatory/Employee-paid STD plan per Employee Group unless otherwise specified in an OEBB administrative rule. This plan requires 100 percent enrollment and the premium is paid by the employee. An Employee Group cannot select more than one STD Plan (Voluntary, Mandatory, or Mandatory/Employee-paid).

(10) Voluntary Long Term Disability (LTD) — Entities may select or allow one Voluntary LTD plan per Employee Group unless otherwise specified in an OEBB administrative rule. No minimum enrollment requirement. The employee pays all or part of the premium. An Employee Group cannot select more than one LTD Plan (Voluntary, Mandatory, or Mandatory/Employee-paid).

(11) Mandatory Long Term Disability (LTD) — Entities may select or allow one Mandatory LTD plan per Employee Group unless otherwise specified in an OEBB administrative rule. This plan requires 100 percent enrollment and the premium is employer-paid. An Employee Group cannot select more than one LTD Plan (Voluntary, Mandatory, or Mandatory/Employee-paid).

(12) Mandatory/Employee-paid Long Term Disability (LTD) — Entities may select or allow one Mandatory/Employee-paid LTD plan per Employee Group unless otherwise specified in an OEBB administrative rule. This plan requires 100 percent enrollment and the premium is paid by the employee. An Employee Group cannot select more than one LTD Plan (Voluntary, Mandatory, or Mandatory/Employee-paid).

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a), 243.868(1) & 243.872(2)

Hist.: OEBB 8-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 2-2011, f. & cert. ef. 2-11-11; OEBB 5-2016(Temp), f. & cert. ef. 10-18-16 thru 4-15-17

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## 111-030-0040

### Long Term Care (LTC) Benefit Plan Selection Criteria

Entities may select or allow LTC options to be available for or to each Employee Group unless otherwise specified in an OEBB administrative rule. OEBB offers employer-paid and employee-paid LTC options.

(1) Employee-paid LTC is a voluntary plan where members can choose to enroll. No minimum enrollment requirement.

(2) Employer-paid LTC requires 100 percent eligible employee enrollment if selected.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a), 243.868(1) & 243.872(2)

Hist.: OEBB 8-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 2-2011, f. & cert. ef. 2-11-11; OEBB 5-2016(Temp), f. & cert. ef. 10-18-16 thru 4-15-17

## 111-030-0045

### Employee Assistance Program (EAP) Plan Selection Criteria

(1) Entities may select or allow an EAP option to be available to all Entity employees including, but not limited to, OEBB benefit-eligible employees and their dependents.

(2) Enrollment will happen automatically if selected by an Entity.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a), 243.868(1), 243.872(2)

Hist.: OEBB 8-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 2-2011, f. & cert. ef. 2-11-11; OEBB 5-2016(Temp), f. & cert. ef. 10-18-16 thru 4-15-17

## 111-030-0046

### Development of Health Savings Accounts (HSA)

(1) Effective October 1, 2011, OEBB will offer the use of an employer sponsored vendor for Health Savings Accounts (HSA). For purposes of this rule, an HSA vendor will be considered employer sponsored if the Entity offers:

(A) Employer contributions to the HSA; or

(B) Pre-tax or direct deposit of employee contributions to the HSA.

(2) If an Entity chooses to offer an employer sponsored HSA, the Entity may offer this plan through the OEBB-contracted HSA.

(3) Entities may select or allow the HSA option to be available to eligible employees who enroll in OEBB's high-deductible health plan (HDHP) option (currently Moda Health Evergreen Plan).

(4) Eligible employees who are eligible to enroll in an HSA, and choose the employer sponsored HSA vendor, may do so directly through the HSA vendor or their Entity.

(5) Eligible employees must meet requirements established by the Internal Revenue Service (IRS) to qualify for enrollment in an HSA. Once enrolled in an HSA, members are responsible to adhere to tax requirements of the IRS.

(6) Because IRS requirements for an individual to qualify for enrollment in an HSA include concurrent enrollment in a high-deductible health plan (HDHP), an Entity that offers an employer sponsored HSA must offer its employees the choice of a HDHP option, currently Moda Health Evergreen Plan and Kaiser Permanente Plan 3, from among OEBB's medical plans. If an employee is enrolled in an OEBB medical plan other than OEBB's HDHP, the employee may not enroll in the OEBB HSA.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.874(5)

Hist.: OEBB 13-2011(Temp), f. & cert. ef. 8-2-11 thru 1-28-12; OEBB 21-2011, f. 10-13-11, cert. ef. 10-14-11; OEBB 8-2013(Temp), f. & cert. ef. 7-12-13 thru 1-7-14; OEBB 14-2013, f. & cert. ef. 10-23-13; OEBB 5-2016(Temp), f. & cert. ef. 10-18-16 thru 4-15-17

## 111-030-0047

### Development of Flexible Spending Accounts

(1) Effective October 1, 2012, OEBB will offer the use of an employer sponsored vendor for Flexible Spending Accounts (FSAs) including a Health Care Flexible Spending Account, Limited Health Care Spending Account and Dependent Care Flexible Spending Account.

(2) If an Entity chooses to offer an employer sponsored FSA, the Entity may offer this plan through the OEBB-contracted FSA vendor.

(3) Eligible employees who are eligible to enroll in an FSA, and choose the employer sponsored FSA vendor, do so directly through their Entity.

(4) Eligible employees must meet requirements established by the Internal Revenue Service (IRS) to qualify for enrollment in an FSA. Once enrolled in an FSA, members are responsible to adhere to tax requirements of the IRS.

Stat. Auth.: ORS 243.860-243.886

Stats. Implemented: ORS 243.874(5)

Hist.: OEBB 3-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 8-2012, f. & cert. ef. 10-9-12; OEBB 5-2016(Temp), f. & cert. ef. 10-18-16 thru 4-15-17

## 111-030-0050

### Premium Rate Structure Selection Process and Limitations

(1) Educational Entities may choose a composite or tiered rate structure for each Employee Group for medical, dental and vision coverage unless otherwise specified in an OEBB administrative rule. The rate structure selected for each coverage type applies to all individuals electing to participate as active employees within an Employee Group. Local Governments are limited to using the tiered rate structure for medical, dental and vision plans.

(2) Educational Entities may select a composite or tiered rate structure for early retirees unless otherwise specified in an OEBB administrative rule. Local Governments are limited to using the tiered rate structure for medical, dental and vision plans.

(3) Educational Entities may select a composite or tiered rate structure for part-time employees of an Employee Group unless otherwise specified in an OEBB administrative rule. If a different rate structure is selected for part-time employees that structure must apply to all participating part-time employees within that Employee Group. Local Governments are limited to using the tiered rate structure for medical, dental and vision plans.

(4) Rate structures must be selected during the plan selection process.

(5) Once an Educational Entity elects a change in rate structure for a type of coverage within an Employee Group, the rate structure selection cannot be changed for at least three plan years. The rate structure change will go into effect on the first day of the next plan year, October 1.

(6) Educational Entities or Local Governments who offered LTD on a composite rate structure prior to moving to OEBB coverages can continue to do so. Use of the composite rate structure for LTD plans is only available on a mandatory LTD plan and requires 100 percent enrollment.

(a) Employee Groups using a composite rate structure for mandatory LTD plans effective October 1, 2012, may continue to use either the employer-paid or employee-paid option.

(b) Effective October 1, 2013, OEBB will expand the availability of the composite rate structure for mandatory LTD plans only to those Employee Groups that chose to elect an employer-paid plan option.

(c) Rate structures must be selected during the plan selection period and become effective the first day of the next plan year, October 1.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 864(1)(a)

Hist.: OEBB 8-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 2-2011, f. & cert. ef. 2-11-11; OEBB 1-2013(Temp), f. & cert. ef. 2-21-13 thru 8-19-13; OEBB 4-2013, f. & cert. ef. 5-10-13; OEBB 10-2013(Temp), f. & cert. ef. 10-11-13 thru 4-8-14; OEBB 21-2013, f. & cert. ef. 12-27-13; OEBB 5-2016(Temp), f. & cert. ef. 10-18-16 thru 4-15-17

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**Rule Caption:** Amendments to update benefit plan name changes and other housekeeping updates

**Adm. Order No.:** OEBB 6-2016(Temp)

**Filed with Sec. of State:** 10-18-2016

**Certified to be Effective:** 10-18-16 thru 4-15-17

**Notice Publication Date:**

**Rules Amended:** 111-010-0015

**Subject:** Amendments to update benefit plan name changes and other housekeeping updates.

**Rules Coordinator:** April Kelly — (503) 378-6588

## 111-010-0015

### Definitions

Unless the context indicates otherwise, as used in OEBB administrative rules, the following definitions will apply:

(1) "Actuarial value" means the expected financial value for the average member of a particular benefit plan.

(2) "Adverse Benefit Determination" means a denial, reduction, or termination of, or a failure to provide or make payment (in whole or in part), for a benefit, including any such denial, reduction, termination, or failure to provide or make payment that is based on but not limited to:

(a) A determination of a member's eligibility to participate in the plan;

(b) A determination that the benefit is not a covered benefit; or

(c) A rescission of coverage, whether or not, in connection with rescission, there is an adverse effect on any particular benefit.

(3) "Affidavit of Domestic Partnership" means a document that attests the eligible employee and one other eligible individual meet the criteria in section (15)(b).

(4) "Benefit plan" includes, but is not limited to, insurance or other benefits including:

(a) Medical (including non-integrated health reimbursement arrangements (HRAs));

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(b) Dental;  
(c) Vision;  
(d) Life, disability and accidental death;  
(e) Long term care;  
(f) Employee Assistance Program Plans;  
(g) Supplemental medical, dental and vision coverages (including Integrated General Purpose and Integrated Post-Deductible health reimbursement arrangements (HRAs); and Limited Purpose, Post-Separation/Retiree, and Premium Only health reimbursement arrangements (HRAs));

(h) Any other remedial care recognized by state law, and related services and supplies;

(i) Comparable benefits for employees who rely on spiritual means of healing; and

(j) Self-insurance programs managed by the Board.

(5) "Benefits" means goods and services provided under Benefit Plans.

(6) "Board" means the ten-member board established in the Department of Administrative Services as the Oregon Educators Benefit Board under chapter 00007, Oregon Laws 2007.

(7) "Child" means and includes the following:

(a) An eligible employee's, spouse's, or domestic partner's biological son or daughter; adopted child; child placed for adoption; or legally placed child, who is 25 or younger on the first day of the month. An eligible employee must provide the required custody or legal documents to their Educational Entity showing proof of adoption, legal guardianship or other court order if enrolling a child for whom the employee, spouse, or domestic partner is not the biological parent. Grandchildren are only eligible when the eligible employee is the legal guardian or adoptive parent of the grandchild.

(b) A person who is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. There is no age limit for a dependent child who is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. When the dependent child is 26 years of age or older all the following requirements must be met:

(A) The disability must have existed before attaining age 26.

(B) The employee must provide evidence to the Entity or OEBB that (1) the person had health plan coverage, group or individual, prior to attaining age 26, and (2) health plan coverage continued without a gap until the OEBB health plan effective date.

(C) The person's attending physician must submit documentation of the disability to the eligible employee's OEBB health insurance plan for review and approval. If the person receives health plan approval, the health plan may review the person's health status at any time to determine continued OEBB coverage eligibility.

(D) The person must not have terminated from OEBB health plan coverage after attaining the age of 26.

(c) Eligibility for coverage under this rule includes people who may not be dependents under federal or state tax law and may require an Entity to adjust an eligible employee's income based on the imputed value of the benefit.

(8) "Comparable cost (Medical, Dental and Vision)" means that the total cost to a district for enrollment in OEBB plans comparable in design to the district's plan(s) do not exceed the total cost to a district for enrollment in the district's plan(s) using the rate(s) in effect or proposed for the benefit plan year.

(9) "Comparable cost (Basic and Optional Life Insurance, Accidental Death & Dismemberment, and Short and Long Term Disability)" means that the premium rates of an OEBB plan design option do not exceed the average, aggregate premium rates of a district's pre-OEBB plan design in effect the year prior to implementation.

(10) "Comparable plan design (Medical, Dental and Vision)" means that the actuarial values of two plan designs are within 2.5 percent higher or lower of each other.

(11) "Comparable plan design (Basic and Optional Life Insurance and Accidental Death & Dismemberment)" means that 90 percent of district employees can obtain a maximum benefit through an OEBB plan design that is within \$2,500 of the maximum benefit obtained through a pre-OEBB plan design in effect the year prior to implementation.

(12) "Comparable plan design (Short and Long Term Disability)" means 90 percent of the district employees can obtain the same elimination period, percentage of covered compensation, definition of covered compensation, coverage period duration, and maximum payment per benefit

period through an OEBB plan design as through a pre-OEBB plan design in effect the year prior to implementation.

(13) "Dependent" means and includes the eligible employee's spouse or domestic partner, or child as defined by OAR 111-010-0010(7), unless otherwise defined in another OEBB rule.

(14) "Documented entity policies" means Entities' policies and practices that apply to an employee group and are submitted to the Oregon Educators Benefit Board during the plan selection process. Entities' policies and practices must be identified and submitted with the applicable employee group plan selections.

(15) "Eligible Domestic partner," unless otherwise defined by a collective bargaining agreement or documented district policy in effect on January 31, 2008, means and includes the following:

(a) An unmarried individual of the same sex who has entered into a "Declaration of Domestic Partnership" with the eligible employee that is recognized under Oregon law; or

(b) An unmarried individual of the same or opposite sex who has entered into a partnership that meets the following criteria:

(A) Both are at least 18 years of age;

(B) Are responsible for each other's welfare and are each other's sole domestic partners;

(C) Are not married to anyone and have not had a spouse or another domestic partner within the prior six months. If previously married, the six-month period starts on the final date of divorce;

(D) Share a close personal relationship and are not related by blood closer than would bar marriage in the State of Oregon;

(E) Have jointly shared the same regular and permanent residence for at least six months immediately preceding the date the Affidavit of Domestic Partnership is signed and submitted to the Educational Entity; and

(F) Are jointly financially responsible for basic living expenses defined as the cost of food, shelter and any other expenses of maintaining a household. Financial information must be provided if requested.

(G) The eligible employee and domestic partner must jointly complete and submit to the Entity an Affidavit of Domestic Partnership form, within five business days of the electronic enrollment date or the date the Entity received the enrollment/change form. If the affidavit is not received, coverage will terminate for the domestic partner retroactive to the effective date.

(c) The eligible employee must notify the Entity within 31 days of meeting all criteria as defined in 111-010-0015 (15)(b) or obtaining the "Declaration of Domestic Partnership" which is recognized under Oregon law.

(d) Entities' must calculate and apply applicable imputed value tax for domestic partners covered under OEBB benefit plans.

(16) "Educational Entity" means public school districts (K-12), education service districts (ESDs), community colleges and public charter schools participating in OEBB.

(17) "Eligible employee" means and includes an employee of an Educational Entity or Local Government who is actively working or on paid or unpaid leave that is recognized by federal or state law, and:

(a) Is employed in a half time or greater position or is in a job-sharing position; or

(b) Meets the definition of an eligible employee under a separate OEBB rule or under a collective bargaining agreement or documented district policy in effect on January 31, 2008; or

(c) Is an employee of a community college who is covered under a collectively bargained contract and has worked a class load of between 25 percent and 49 percent for a minimum period of two years and is expected to continue to work a class load of at least 25 percent. Coverage is limited to medical to include Kaiser Medical Plan 2 (where available), Moda Health Cedar Plan, Moda Health Dogwood Plan, or Moda Health Evergreen Plan. Moda Health Evergreen Plan can only be elected if the eligible employee is eligible for and actively contributing to a Health Savings Account (HSA). The tiered rate structure will apply to all medical plans.

(18) "Eligible Early Retiree" means and includes a previously eligible employee who is:

(a) Not Medicare-eligible; or

(b) Under 65 years old; and

(A) Receiving a service or disability retirement allowance or pension under the Public Employees Retirement System (PERS) or under any other retirement or disability benefit plan or system offered by an OEBB participating organization for its employees;

(B) Eligible to receive a service retirement allowance under PERS and has reached earliest retirement age under ORS Chapter 238;

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(C) Eligible to receive a pension under ORS 238A.100 to 238A.245 and has reached earliest retirement age as described in ORS 238A.165; or

(D) Eligible to receive a service retirement allowance or pension under another retirement benefit plan or system offered by an OEGB participating organization and has reached earliest retirement age under the plan or system.

(19) "Employee Group" means employees and early retirees of a similar employment type, for example administrative, represented classified, non-represented classified, confidential, represented licensed, or non-represented licensed, within an Entity. If one or more collective bargaining unit exists within an employee group, each unit will be considered a separate employee group.

(20) "Entity" means an Educational Entity, Local Government or Special district.

(21) "Flexible benefit plan" includes plans that allow contributions on a tax-favored basis including health savings accounts.

(22) "Health Reimbursement Arrangement (HRA)" means an account established and funded solely by the employer that can be used to pay for qualified health care expenses for eligible employees and their spouses and federal tax dependents, up to a maximum dollar amount for a coverage period, and any unused portion of the maximum dollar amount at the end of a coverage period is carried forward to increase the maximum reimbursement amount in subsequent coverage periods. This definition should be interpreted to comply with the guidelines established by the IRS for treatment of HRAs on a tax-favored basis in Technical Release No. 2013-03, IRS Publication 969 and IRS Notice 2002-45. HRA includes, but is not limited to, the following:

(a) "Integrated General Purpose HRA" is an HRA that allows participants to be reimbursed for all IRS qualified expenses and is available only to eligible employees who are enrolled in an OEGB medical plan as the primary subscriber, or as an eligible dependent.

(b) "Integrated Post-Deductible HRA" is an HRA that allows participants to be reimbursed for expenses up to a certain amount, but only after the participants have met the annual deductible on an OEGB medical plan in which the employee participant is enrolled as the primary subscriber, or as an eligible dependent.

(c) "Limited Purpose HRA" is an HRA that allows participants to be reimbursed for only standard dental, vision, and orthodontia expenses and does not require the employee participant to be enrolled in an OEGB medical plan as the primary subscriber, or as a dependent.

(d) "Non-integrated HRA" is an HRA that allows participants to be reimbursed for all IRS qualified expenses when the employee participant is not enrolled in an OEGB medical plan as the primary subscriber, or as an eligible dependent.

(e) "Post-Separation/Retiree HRA" is an HRA that allows participants to be reimbursed for qualified expenses only after the employee separates/retires and does not require the employee participant to be enrolled in an OEGB medical plan as the primary subscriber, or as a dependent.

(f) "Premium Only HRA" is an HRA that allows participants to be reimbursed only for insurance premiums paid on an after tax basis, where the employee participant has no ability to pay the premium on a pre-tax basis and the HRA does not require the employee participant to be enrolled in an OEGB medical plan as the primary subscriber, or as a dependent.

(23) "Health Savings Account (HSA)" means a tax-exempt trust or custodial account that is set up with a qualified HSA trustee to pay or reimburse certain incurred medical expenses, as defined in 26 U.S.C. Sec. 223(d) and IRS Publication 969.

(24) "High Deductible Health Plan (HDHP)" means a health plan that meets the criteria for a "high deductible health plan" as outlined in 26 U.S.C. Sec. 223(c)(2). Enrollment in an HDHP is one of the requirements that must be met in order to qualify to contribute to a health savings account (HSA).

(25) "Local Government" means cities, counties and special districts in Oregon.

(26) "Members" means and includes the following:

(a) "Eligible employee" as defined by OAR 111-010-0015(17).

(b) "Child" as defined by OAR 111-010-0015(7).

(c) "Domestic Partner" as defined by OAR 111-010-0015(15).

(d) "Spouse" as defined by OAR 111-010-0015(34).

(27) Newly-hired and newly-eligible employee means a benefit-eligible employee who is being hired at an Entity and has not been employed or eligible for benefits through the hiring Entity in the past six months, or within the same benefit Plan Year.

(28) "Non-subject District" means a community college not yet participating in benefit plans provided by the Oregon Educators Benefit Board,

or a charter school whose employees are not considered employees of a school district.

(29) "Oregon Educators Benefit Board or OEGB" means the program created under chapter 00007, Oregon Laws 2007.

(30) "OEGB participating organization" means a Subject District, Non-subject District, or Provisional Non-subject District that participates in benefit plans provided by the Oregon Educators Benefit Board (OEGB).

(31) "Provisional Non-subject District" means a common school district, a union high school district, or an education service district that:

(a) Was self-insured on December 31, 2006;

(b) Had an independent health insurance trust established and functioning on December 31, 2006; or

(c) Can provide comparable plan designs at a comparable cost as defined by sections (8) and (10) of this Rule.

(32) "Qualified Status Change (QSC)" means a change in family or work status that allows limited mid-year changes to benefit plans consistent with the individual event. Outside of open enrollment, a QSC is the only time a change in enrollments can occur.

(33) "Special district" means any district listed in ORS chapter 198 "Special Districts Generally," or as determined by the Board.

(34) "Spouse" means a person who is married under the laws of the State of Oregon or under the laws of any other state or country. The definition of spouse does not include a former spouse and a former spouse does not qualify as a dependent.

(35) "Subject District" means a common school district, a union high school district, or an education service district that:

(a) Did not self-insure on January 1, 2007;

(b) Did not have a health trust in effect on January 1, 2007; or

(c) Does not provide comparable plan designs at a comparable cost as defined by sections (8) and (10) of this rule.

Stat. Auth.: ORS 243.860 – 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEGB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; OEGB 2-2008, f. & cert. ef. 1-4-08; OEGB 10-2008(Temp), f. & cert. ef. 8-13-08 thru 2-6-09; OEGB 1-2009, f. & cert. ef. 1-30-09; OEGB 5-2009(Temp), f. & cert. ef. 3-10-09 thru 9-4-09; OEGB 8-2009, f. & cert. ef. 5-1-09; OEGB 12-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEGB 19-2009, f. & cert. ef. 12-17-09; OEGB 7-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEGB 11-2010(Temp), f. & cert. ef. 10-1-10 thru 1-29-11; OEGB 1-2011, f. & cert. ef. 2-11-11; OEGB 6-2011(Temp), f. & cert. ef. 2-15-11 thru 8-13-11; OEGB 14-2011, f. & cert. ef. 8-2-11; OEGB 15-2011(Temp), f. & cert. ef. 8-2-11 thru 1-28-12; OEGB 16-2011(Temp), f. & cert. ef. 9-30-11, cert. ef. 10-1-11 thru 1-28-12; OEGB 20-2011, f. & cert. ef. 10-13-11, cert. ef. 10-14-11; OEGB 22-2011, f. & cert. ef. 12-14-11; OEGB 13-2012, f. & cert. ef. 12-19-12; OEGB 6-2013, f. & cert. ef. 7-12-13; OEGB 12-2013(Temp), f. & cert. ef. 10-11-13 thru 4-8-14; OEGB 19-2013(Temp), f. & cert. ef. 11-19-13 thru 4-8-14; OEGB 20-2013, f. & cert. ef. 12-27-13; OEGB 24-2013(Temp), f. & cert. ef. 12-27-13 thru 4-8-14; OEGB 1-2014, f. & cert. ef. 3-7-14; OEGB 6-2016(Temp), f. & cert. ef. 10-18-16 thru 4-15-17

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**Rule Caption:** Clarifying language relating to Local Governments participating in the OEGB benefits program

**Adm. Order No.:** OEGB 7-2016

**Filed with Sec. of State:** 10-26-2016

**Certified to be Effective:** 10-26-16

**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

# ADMINISTRATIVE RULES

Assistance Program (EAP) and Long Term Care (LTC). Entities cannot choose to offer some coverages or plans through OEBB and other coverages or plans outside of the OEBB benefits program.

(3) A Local Government must provide OEBB with medical plan premium rates and loss ratios for the two most-recent years, if available, with its Notice of Intent to join OEBB to allow OEBB'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 OEBB's costs during the same two-year period, the Local Government may participate in the OEBB plan(s) at current OEBB rates.

(b) If an actuarial plan comparison for a Local Government demonstrates that costs are equal to or greater than 10 percent higher than OEBB's costs during the same two year period, the Local Government may participate in the OEBB 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 OEBB's current rates.

(4) The Local Government must submit a final Letter of Participation to OEBB 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 OEBB 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 OEBB on a one-time basis provided the Local Government completes and submits a Letter of Participation to OEBB at least 60 days prior to the date OEBB 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 OEBB 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.: OEBB 11-2013(Temp), f. & cert. ef. 10-11-13 thru 4-8-13; OEBB 22-2013, f. & cert. ef. 12-27-13; OEBB 3-2014, f. & cert. ef. 7-22-14; OEBB 1-2015(Temp), f. & cert. ef. 3-13-15 thru 9-8-15; OEBB 3-2015, f. & cert. ef. 7-10-15; OEBB 2-2016, f. & cert. ef. 10-6-16; OEBB 7-2016, f. & cert. ef. 10-26-16

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**Rule Caption:** Amendment to OEBB Procurement and Contracting Rules for Benefit Plans and Services

**Adm. Order No.:** OEBB 8-2016

**Filed with Sec. of State:** 10-26-2016

**Certified to be Effective:** 10-26-16

**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 OEBB'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 (OEBB) 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  
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; OEBB 8-2016, f. & cert. ef. 10-26-16

## 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; OEBB 8-2016, f. & cert. ef. 10-26-16

## 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.

# ADMINISTRATIVE RULES

(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; OEBB 8-2016, f. & cert. ef. 10-26-16

## 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;

(ii) A description of the resulting prejudice to the Proposer; and

(iii) A statement of the desired changes to the RFP.

(C) OEBB will not consider a protest after the submission deadline.

(D) OEBB will provide notice to the protestor if it entirely rejects a protest. If OEBB 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 OEBB receives a written protest that meets this rule's requirements, the closing may be extended if OEBB 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) OEBB will not consider a request for change after the submission deadline.

(D) OEBB will provide notice to the requestor if it entirely rejects a change. If OEBB agrees with the request for change, in whole or in part, OEBB 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 OEBB receives a written request for change that meets this rule's requirements, closing may be extended if OEBB 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 OEBB clarify any provision of the RFP.

(C) OEBB will not consider a request for clarification after the submission deadline. OEBB's clarification to a Proposer, whether orally or in writing, does not change the RFP and is not binding on OEBB 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. OEBB 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 OEBB will provide notice of addenda and make the addenda available.

(c) Timelines; extensions. OEBB will issue addenda within a reasonable time to allow potential Proposers to consider the addenda in preparing their Proposals. OEBB may extend the closing if it determines potential Proposers need additional time to review and respond to addenda. OEBB 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 OEBB'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. OEBB 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. OEBB staff, Consultants, or other persons designated by OEBB may provide recommendations to the Board on determining the Competitive Range and selecting the ASP(s).

# ADMINISTRATIVE RULES

(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. 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) OEGB has failed to conduct the evaluation of Proposals in accordance with the criteria or processes described in the RFP;

(C) OEGB has abused its discretion in rejecting the protestor's Proposal as nonresponsive; or

(D) OEGB's evaluation of Proposals or OEGB's subsequent determination of award is otherwise in violation of OEGB's rules or ORS 243.860 to 243.886.

(c) OEGB 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, OEGB 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, OEGB 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. OEGB will approve the ASP(s), taking into consideration any recommendations made by OEGB 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 OEGB 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. OEGB 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.: OEGB 1-2007(Temp), f. & cert. ef. 7-23-07 thru 1-4-08; OEGB 1-2008, f. & cert. ef. 1-4-08; OEGB 18-2010(Temp), f. & cert. ef. 12-13-10 thru 6-10-11; OEGB 10-2011, f. & cert. ef. 5-3-11; OEGB 1-2012(Temp), f. & cert. ef. 1-13-12 thru 7-10-12; OEGB 2-2012, f. & cert. ef. 4-18-12; OEGB 1-2016(Temp), f. & cert. ef. 6-10-16 thru 12-6-16; OEGB 3-2016, f. & cert. ef. 10-6-16; OEGB 8-2016, f. & cert. ef. 10-26-16

## 111-005-0042

### Intermediate Procurement Process

Except as provided under OAR 111-005-0046 or 111-005-0048, OEGB will use the following procedure for an Intermediate Procurement:

(1) Selection procedure. OEGB will contact a minimum of three Proposers known to OEGB to be qualified to provide the work and services sought.

(2) Submission. All Proposals must comply with the OEGB'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. OEGB may give the Proposer an opportunity to submit a responsive Proposal. Submission of Proposals must meet the specifications for the Intermediate Procurement. OEGB is not responsible for unreadable or incomplete electronic transmissions or for electronic transmissions that are not received by OEGB.

(3) Evaluation. OEGB will evaluate Proposals in accordance with criteria set forth in the Intermediate Procurement.

(4) Discussions and negotiations. If OEGB chooses to enter into discussions and negotiations with a Proposer under this Intermediate Procurement procedure, OEGB will do so consistent with 111-005-0010.

(5) Notice of intent to award. OEGB 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 OEGB a written protest of OEGB'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 OEGB.

(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) OEGB committed a substantial violation of its Intermediate Procurement procedure or of an applicable procurement statute or administrative rule.



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(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; OEBB 8-2016, f. & cert. ef. 10-26-16

## 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; OEBB 8-2016, f. & cert. ef. 10-26-16

## 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; OEBB 8-2016, f. & cert. ef. 10-26-16

## 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; OEBB 8-2016, f. & cert. ef. 10-26-16

## 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; OEBB 8-2016, f. & cert. ef. 10-26-16

## 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; OEBB 8-2016, f. & cert. ef. 10-26-16

## 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-

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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; OEBB 8-2016, f. & cert. ef. 10-26-16

## 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; OEBB 8-2016, f. & cert. ef. 10-26-16

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**Oregon Health Authority,  
Public Health Division  
Chapter 333**

**Rule Caption:** Nursing Staff Member Overtime

**Adm. Order No.:** PH 29-2016(Temp)

**Filed with Sec. of State:** 10-25-2016

**Certified to be Effective:** 10-25-16 thru 4-21-17

**Notice Publication Date:**

**Rules Amended:** 333-510-0130

**Subject:** The Oregon Health Authority, Public Health Division is temporarily amending OAR 333-510-0130 relating to hospital nursing staff member overtime, which was adopted in response to legislation (SB 469, Oregon Laws 2015, chapter 669) that was passed in the 2015 legislative session.

The temporary rulemaking clarifies the rule regarding the definition of the word "require" as a verb and the application of the 10-hour rest period after a nurse staffing member has worked an agreed-upon and prearranged shift in excess of 12 hours in a 24-hour period.

**Rules Coordinator:** Brittany Hall — (971) 673-1291

## 333-510-0130

### Nursing Staff Member Overtime

(1) For purposes of this rule "require" means to make compulsory as a condition of employment whether as a result of a previously scheduled shift or hours actually worked during time spent on call or on standby.

(2) A hospital may not require a nursing staff member to work:

(a) Beyond the agreed-upon and prearranged shift, regardless of the length of the shift;

(b) More than 48 hours in any hospital-defined work week;

(c) More than 12 hours in a 24-hour period;

(d) During the 10-hour period immediately following the 12th hour worked during a 24-hour period. This work period begins when the nursing staff member begins a shift; or

(e) During the 10-hour period immediately following any agreed-upon and prearranged shift in which the nurse worked more than 12 hours in a 24-hour period.

(3) Time spent by the nursing staff member in required meetings or receiving education or training shall be included as hours worked for the purpose of section (2) of this rule.

(4) Time spent on call or on standby when the nursing staff member is required to be at the hospital shall be included as hours worked for the purpose of section (2) of this rule.

(5) Time spent on call or on standby when the nursing staff member is not required to be at the hospital may not be included as hours worked for the purpose of section (2) of this rule.

(6) Nothing in this rule precludes a nursing staff member from volunteering to work overtime.

(7) A hospital may require an additional hour of work beyond the hours authorized in section (2) of this rule if:

(a) A staff vacancy for the next shift becomes known at the end of the current shift; or

(b) There is a potential harm to an assigned patient if the nursing staff member leaves the assignment or transfers care to another nursing staff member.

(8) Each hospital must have a policy and procedure in place to ensure, at minimum, that:

(a) Mandatory overtime, when required, is documented in writing; and

(b) Mandatory overtime policies and procedures are clearly written, provided to all new nursing staff and readily available to all nursing staff.

(9) If a nursing staff member believes that a hospital unit is engaging in a pattern of requiring direct care nursing staff to work overtime for non-emergency care, the nursing staff member may report that information to the staffing committee. The staffing committee shall consider the information when reviewing the staffing plan as described in OAR 333-510-0115.

(10) The provisions of sections (2) through (8) of this rule do not apply to nursing staff needs:

(a) In the event of a national or state emergency or circumstances requiring the implementation of a facility disaster plan; or

(b) In emergency circumstances that include:

(A) Sudden and unforeseen adverse weather conditions;

(B) An infectious disease epidemic suffered by hospital staff;

(C) Any unforeseen event preventing replacement staff from approaching or entering the premises; or

(D) Unplanned direct care staff vacancies of 20 percent or more of the nursing staff for the next shift hospital-wide at the Oregon State Hospital if, based on the patient census, the Oregon State Hospital determines the number of direct care staff available hospital-wide cannot ensure patient safety.

(11) Nothing in section (10) of this rule relieves the Oregon State Hospital from contacting voluntary replacement staff as described in OAR 333-510-0125 and documenting these contacts.

(12) A registered nurse at a hospital may not place a patient at risk of harm by leaving a patient care assignment during an agreed upon scheduled shift or an agreed-upon extended shift without authorization from the

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appropriate supervisory personnel as required by the Oregon State Board of Nursing OAR, chapter 851.

(13) Until the Authority defines “other nursing staff” as that term is described in ORS 441.166(1), this rule applies only to “nursing staff member” as that term is defined in these rules.

Stat. Auth.: ORS 413.042, 441.166 & 441.168

Stats. Implemented: ORS 441.155 & 441.165

Hist.: PH 22-2016, f. & cert. ef. 7-1-16; PH 29-2016(Temp), f. & cert. ef. 10-25-16 thru 4-21-17

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**Rule Caption:** Permitted pesticide use by persons responsible for a marijuana grow site

**Adm. Order No.:** PH 30-2016(Temp)

**Filed with Sec. of State:** 10-27-2016

**Certified to be Effective:** 10-28-16 thru 4-25-17

**Notice Publication Date:**

**Rules Adopted:** 333-008-0650

**Subject:** The Oregon Health Authority, Public Health Division, Oregon Medical Marijuana Program is temporarily adopting OAR 333-008-0650 pertaining to pesticide use by persons responsible for a marijuana grow site.

The Oregon Health Authority (OHA) regulates medical marijuana growers, and establishes rules and standards for testing of marijuana items. As of October 1, 2016 registrants must comply with permanent rules related to the testing of marijuana items including testing for pesticides. This rule makes it a violation of OHA rules to violate Oregon’s pesticide laws and gives OHA the authority to investigate any potential violations of this rule that may have occurred as a result of pesticide use that is not in accordance with Oregon Revised Statute and Oregon Department of Agriculture administrative rule.

**Rules Coordinator:** Brittany Hall—(971) 673-1291

## 333-008-0650

### Pesticides

(1) A PRMG may only use pesticides in accordance with ORS Chapter 634 and OAR chapter 603, division 57.

(2) The Authority may investigate any violation of this rule based on:

- (a) A failed pesticide test received on or after October 1, 2016;
- (b) Information provided by any other state agency;
- (c) A grow site inspection; or
- (d) The receipt of a complaint alleging unlawful pesticide use.

(3) If the Authority determines that a violation of this rule has occurred, it may provide information obtained by the Authority to the Oregon Department of Agriculture.

Stat. Auth.: ORS 475B.420, 475B.525, 475B.555

Stats. Implemented: ORS 475B.420, 475B.555

Hist.: PH 30-2016(Temp), f. 10-27-16, cert. ef. 10-28-16 thru 4-25-17

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**Rule Caption:** Hospital Emergency Department Classification and Enforcement

**Adm. Order No.:** PH 31-2016

**Filed with Sec. of State:** 11-14-2016

**Certified to be Effective:** 11-15-16

**Notice Publication Date:** 9-1-2016

**Rules Amended:** 333-500-0032, 333-501-0010, 333-501-0020, 333-501-0055

**Subject:** The Oregon Health Authority, Public Health Division, Health Care Regulation and Quality Improvement Program is permanently amending administrative rules in chapter 333, divisions 500 and 501. Hospital rules are being amended in response to concerns presented to the Oregon Health Authority about Oregonians at risk by seeking emergency, lifesaving treatment in care settings and facilities where these services are not available. Such medical facilities advertising to offer emergency services and emergency room doctors is a patient safety and public health issue and may result in patients being turned away due to inability to pay, delays in needed care for life threatening medical conditions, poor health outcomes, and increased costs to patients, their families and to the health care system. As technology advances and the health care system innovates, such as when urgent care clinics offer more advanced services, the Oregon Health Authority must consider how patients under-

stand where to seek appropriate care for life-threatening medical conditions such as heart attacks, strokes, severe traumas and other very serious conditions.

**Rules Coordinator:** Brittany Hall—(971) 673-1291

## 333-500-0032

### Classification

(1) A hospital shall be classified as one of the following:

- (a) General Hospital;
- (b) Low Occupancy Acute Care Hospital; or
- (c) Mental or Psychiatric Hospital.

(2) A hospital’s classification shall be determined by the type of services it provides, as described in OAR chapter 333, divisions 520 and 525, and the staffing requirements related to the provision of those services.

(a) A hospital classified as a general hospital shall:

- (A) Provide at least general medical, maternity and surgical services;
- (B) Have an emergency department;
- (C) Have available on-site or through contract, dietary, laboratory, and radiology services;
- (D) Have an on-site pharmacy;
- (E) Have a pharmacist on call 24 hours a day, 7 days a week (24/7) to staff the pharmacy; and
- (F) Have on-site or in-house 24/7 staffing for its laboratory and radiology services.

(D) Have an on-site pharmacy;

(E) Have a pharmacist on call 24 hours a day, 7 days a week (24/7) to staff the pharmacy; and

(F) Have on-site or in-house 24/7 staffing for its laboratory and radiology services.

(b) A low occupancy acute care hospital shall:

- (A) Have 25 or fewer inpatient beds;
- (B) Provide at least general medical services;
- (C) Have an emergency department;
- (D) Have available on-site or through contract, dietary, laboratory, and radiology services;
- (E) Have an on-site pharmacy or a drug room; and
- (F) Have appropriately trained laboratory, radiology, and pharmacy staff on-site or on-call 24/7.

(E) Have an on-site pharmacy or a drug room; and

(F) Have appropriately trained laboratory, radiology, and pharmacy staff on-site or on-call 24/7.

(c) A mental or psychiatric hospital shall:

(A) Be devoted primarily to the care of people suffering from mental illness;

(B) Have available on-site or through contract, dietary, laboratory, and radiology services;

(C) Have an on-site pharmacy or a drug room;

(D) Have appropriately trained laboratory, radiology, and pharmacy staff on-site or on-call 24/7; and

(E) Comply with the requirements in OAR 333-525-0000.

(3) The classification of each hospital shall be included on the license.

(4) A hospital licensed by the Division may not assume a descriptive title or hold itself out under a descriptive title other than the classification title established by the Division and under which the hospital is licensed. This rule applies to the name on the hospital and any stationery, advertising, media, or other representations made by the hospital. A general hospital and a low occupancy acute care hospital may be described as a “hospital” without any modifications. A mental or psychiatric hospital shall use a descriptive title that describes or is reflective of the specialty services it offers.

(5) A hospital may not change its license classification unless it reapplies for licensure on a form prescribed by the Division and submits a fee as required by ORS 441.020. The Division shall conduct an on-site survey prior to granting a hospital a new classification to determine compliance with this rule.

(6) No person shall hold itself out to the public as an emergency department (ED), emergency room (ER), emergency-, emergent- or emergent-care center or use any derivative term in a posted name or advertising that would give the impression that emergency medical services as that is defined in OAR 333-500-0010 is provided by the person at a particular facility unless that facility is a hospital licensed under ORS 441.025 with an emergency department. Use of the words “urgent” or “immediate” shall not be considered derivative terms.

Stat. Auth.: ORS 441.025

Stats. Implemented: ORS 441.025

Hist.: PH 11-2009, f. & cert. ef. 10-1-09; PH 17-2012, f. 12-20-12, cert. ef. 1-1-13; PH 31-2016, f. 11-14-16, cert. ef. 11-15-16

## 333-501-0010

### Investigations

(1) As soon as practicable after receiving a complaint, taking into consideration the nature of the complaint, Division staff will begin an investigation.

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(2) A hospital shall permit Division staff access to the facility during an investigation.

(3) An investigation may include but is not limited to:

(a) Interviews of the complainant, patients of the hospital, patient family members, witnesses, hospital management and staff;

(b) On-site observations of patients, staff performance, and the physical environment of the hospital; and

(c) Review of documents and records.

(4) In determining whether a violation has occurred under OAR 333-501-0020(8), the Division will consider the facility name, advertising used, and related content.

(5) Except as otherwise specified in 42 CFR § 401, Subpart B, information obtained by the Division during an investigation of a complaint or reported violation under this section is confidential and not subject to public disclosure under ORS 192.410 to 192.505. Upon the conclusion of the investigation, the Division may publicly release a report of its findings but may not include information in the report that could be used to identify the complainant or any patient at the health care facility. The Division may use any information obtained during an investigation in an administrative or judicial proceeding concerning the licensing of a health care facility, and may report information obtained during an investigation to a health professional regulatory board as defined in ORS 676.160 as that information pertains to a licensee of the board.

Stat. Auth.: ORS 441.025

Stats. Implemented: ORS 441.057

Hist.: PH 11-2009, f. & cert. ef. 10-1-09; PH 26-2010, f. 12-14-10, cert. ef. 12-15-10; PH 31-2016, f. 11-14-16, cert. ef. 11-15-16

## 333-501-0020

### Violations

In addition to non-compliance with any health care facility licensing law or condition of participation, 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 hospital, 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;

(6) Fail to comply with rules governing the storage of medical records following the closure of a hospital;

(7) Establish, conduct, maintain, manage or operate a health care facility or health maintenance organization, without a license; or

(8) Use the terms “emergency,” “emergency department (ED),” “emergency room (ER),” “emergency-,” “emergent-,” or “emergent-care center” or any derivative term in a posted name or advertising that would give the impression that emergency medical services as that is defined in OAR 333-500-0010 is provided by the person at a particular facility unless that facility is a hospital licensed under ORS 441.025 with an emergency department. Use of the words “urgent” or “immediate” shall not be considered derivative terms.

(9) A person not licensed as a hospital under ORS 441.025 with an emergency department using the terms prescribed in section (8) of this rule has 90 days from November 15, 2016 to come into compliance.

Stat. Auth.: ORS 441.025

Stats. Implemented: ORS 441.015, 441.025, 441.030 & 441.055

Hist.: PH 11-2009, f. & cert. ef. 10-1-09; PH 31-2016, f. 11-14-16, cert. ef. 11-15-16

## 333-501-0055

### Civil Penalties, Generally

(1) This rule does not apply to civil penalties for violations of ORS 441.155, 441.166, 441.815, or 435.254 or rules adopted to implement these statutes.

(2) A person that violates a health care facility licensing law, including OAR 333-501-0020 (violations), is subject to the imposition of a civil penalty not to exceed \$500 per day per violation.

(3) In addition to the penalties under section (2) of this rule, civil penalties may be imposed for violations of ORS 441.030 or 441.015(1).

(4) In determining the amount of a civil penalty the Division shall consider whether:

(a) The Division made repeated attempts to obtain compliance;

(b) The licensee has a history of noncompliance with health care facility licensing laws;

(c) The violation poses a serious risk to the public’s health;

(d) The licensee gained financially from the noncompliance; and

(e) There are mitigating factors, such as a licensee’s cooperation with an investigation or actions to come into compliance.

(5) The Division shall document its consideration of the factors in section (4) of this rule.

(6) Each day a violation continues is an additional violation.

(7) A civil penalty imposed under this rule shall comply with ORS 183.745.

Stat. Auth.: ORS 441.025

Stats. Implemented: ORS 441.990

Hist.: PH 11-2009, f. & cert. ef. 10-1-09; PH 26-2010, f. 12-14-10, cert. ef. 12-15-10; PH 31-2016, f. 11-14-16, cert. ef. 11-15-16

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## Oregon Housing and Community Services Department Chapter 813

**Rule Caption:** Adds acquisition of shelter facilities and transitional housing units as allowable services for program funds

**Adm. Order No.:** OHCS 13-2016(Temp)

**Filed with Sec. of State:** 10-26-2016

**Certified to be Effective:** 10-26-16 thru 4-23-17

**Notice Publication Date:**

**Rules Amended:** 813-046-0011

**Subject:** The amended rules allow the State Homeless Assistance Program (SHAP) funds be used for the acquisition of shelter facilities and transitional housing units for homeless and at-risk of homelessness households.

**Rules Coordinator:** Sandy McDonnell—(503) 986-2012

## 813-046-0011

### Definitions

All words and terms that are used in OAR chapter 813, division 46 are defined in the Act, and in 813-005-0005 and 813-005-0015 and below. As used in OAR chapter 813, division 46, unless the context indicates otherwise:

(1) “Account” means the Emergency Housing Account, revolving account within the Oregon Housing Fund created under ORS 458.620.

(2) “Administrative costs” means all program costs that are not directly related to delivery of program services.

(3) “Assistant director” means the department’s assistant director for the housing stabilization programs.

(4) “Community action agency” or “CAA” means a private, nonprofit corporation organized under ORS chapter 65, or an office, division or agency of a political subdivision designated as a community action agency pursuant to the Economic Opportunity Act of 1964 by the U.S. Department of Health and Human Services, which meets the requirements outlined in ORS 458.505(4).

(5) “Conditional” means subject to relevant conditions subsequent, including but not limited to continued department authority and funding capacity as well as subgrantee agency, to the satisfaction of the department, satisfying the terms of its funding application, maintaining legal standing as a CAA, timely satisfying relevant program requirements, and executing and recording (if required) relevant documents.

(6) “Department” or “OHCS” means the Housing and Community Services Department for the state of Oregon.

(7) “Director” means the department director as appointed by the governor.

(8) “Funding agreement” means that master grant agreement or other written agreement, together with all incorporated documents and references, to be executed by and between the department and subgrantee agency in form and substance satisfactory to the department as a condition precedent for receipt of program funding from the department.

(9) “Funding application” means the subgrantee agency’s application to the department for a program grant.

(10) “HMIS” means the Homeless Management Information System.

(11) “Homeless” means an individual, family or household that lacks a fixed, regular and adequate nighttime residence in accordance with department categorical definitions. Categorical definitions are contained in the program manual.

(12) “Household” means an individual living alone, a family with or without children or a group of individuals who are living together as one economic unit.

(13) “Household income” means the total household income from all sources before taxes. Income under this definition may be reduced by deductions allowed by the department in compliance with program require-

# ADMINISTRATIVE RULES

ments. Income does not include assets or funds over which the applicant or household has no control.

(14) "HUD" means the U.S. Department of Housing and Urban Development.

(15) "Low-income household" means a household with an annual household income that is more than fifty (50) percent but at or below eighty (80) percent of the area median income based on HUD determined guidelines as adjusted for family size.

(16) "Program" or "EHA" means the Emergency Housing Assistance program administered by the department pursuant to this division and other applicable law.

(17) "Program manual" or "manual" means the Emergency Housing Assistance Program Operations Manual as amended from time to time, incorporated herein by this reference. The manual may be accessed online on the department's website.

(18) "Program requirements" means all funding agreement terms and conditions (including work plan objectives), department directives (including deficiency notices), and applicable state, local, and federal laws and regulations (including these rules, other applicable department rules and the manual), executive orders, local ordinances and codes.

(19) "Program services" means allowable services for emergency shelter and transitional housing inclusive of, but not limited to, acquisition, conversion or rehabilitation of shelter facilities and transitional housing units, supportive in-home services, rapid re-housing, homelessness prevention services, veterans housing stabilization services, data collection, and community capacity building activities as defined in the department program manual and eligible for funding under the program.

(20) "Self-sufficiency" means meeting basic needs and achieving stability in areas including, but not limited to, housing, household income, nutrition and health care, and accessing needed services.

(21) "Service area" means the specific geographic area or region within which a subgrantee agency provides program services directly or by contract.

(22) "Subcontractor" or "subrecipient" means a nonprofit corporation established under ORS Chapter 65, a housing authority established under ORS 456.055 to 456.235, or local government as defined in ORS 197.015, contracting with a subgrantee agency to provide program services.

(23) "Subgrantee agency" or "agency" means a private, nonprofit corporation organized under ORS Chapter 65, a housing authority established under ORS 456.055 to 456.235, or a local government as defined in ORS 197.015 with whom the department has contracted to administer program services at the local level.

(24) "Sufficiency" means that the quantity, thoroughness and quality of performance is satisfactory to the department, including but not limited to providing relevant information in a manner and to a degree for the department to assess appropriately subgrantee agency's compliance with relevant program requirements such as the provision of services consistent with the terms of the funding agreement, state plan and other appropriate standards, goals and requirements established by the department.

(25) "Work plan" or "plan" means the subgrantee agency's plan for use of program funds as approved by the department, which is part of its approved funding application, and included in its funding agreement with the department.

(26) "Very-low income household" means a household with an annual household income that is fifty (50) percent or less of the area median income based on HUD determined guidelines, adjusted for family size.

(27) "Veteran" means a person who served in the U.S. Armed Forces with an honorable discharge or is receiving a nonservice-connected pension from the U.S. Department of Veterans Affairs as further defined in ORS 408.225 and the program manual.

Stat. Auth.: ORS 456.555

Stats. Implemented: ORS 458.505, 458.620 & 458.650

Hist.: HSG 5-1991(Temp), f. & cert. ef. 10-10-91; HSG 5-1992, f. & cert. ef. 6-16-92; HSG 9-1994, f. & cert. ef. 11-9-94; OHCS 3-2001(Temp) f. & cert. ef. 12-7-01 thru 5-26-02; Renumbered from 813-046-0020; OHCS 3-2002, f. & cert. ef. 5-15-02; OHCS 11-2014(Temp), f. 1-27-14 thru 7-25-14; Temporary Suspended by OHCS 14-2014(Temp), f. & cert. ef. 2-10-14 thru 7-27-14; Administrative correction, 5-2-14; OHCS 8-2015, f. & cert. ef. 8-25-15; OHCS 13-2016(Temp), f. & cert. ef. 10-26-16 thru 4-23-17

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**Rule Caption:** Adds acquisition of shelter facilities as allowable program services

**Adm. Order No.:** OHCS 14-2016(Temp)

**Filed with Sec. of State:** 10-26-2016

**Certified to be Effective:** 10-26-16 thru 4-23-17

**Notice Publication Date:**

**Rules Amended:** 813-240-0005

**Subject:** The amended rules allow the Homeless Assistance Program funds be used for the acquisition of shelter facilities.

**Rules Coordinator:** Sandy McDonnell—(503) 986-2012

## 813-240-0005

### Definitions

All words and terms as used in OAR chapter 813, division 240 are defined in the Act, in OAR 813-005-0005 and below. As used in OAR chapter 813, division 240, unless the context indicates otherwise:

(1) "Administrative costs" means all costs that are not directly related to delivery of program services.

(2) "Assistant director" means the department's assistant director for the housing stabilization program.

(3) "Community action agency" or "CAA" means a private, nonprofit corporation organized under ORS chapter 65, or office, division or agency of a political subdivision designated as a community action agency pursuant to the Economic Opportunity Act of 1964 by the U.S. Department of Health and Human Services, which meets the requirements outlined in ORS 458.505(4).

(4) "Conditional" means subject to relevant conditions subsequent, including but not limited to continued department authority and funding capacity as well as subgrantee agency, to the satisfaction of the department, satisfying the terms of its funding application, maintaining legal standing as a CAA, timely satisfying relevant program requirements, and executing and recording (if required) relevant documents.

(5) "Department" or "OHCS" means the Housing and Community Services Department for the state of Oregon.

(6) "Director" means the department director as appointed by the governor.

(7) "Emergency shelter" means any appropriate facility that has the primary purpose of providing temporary or transitional shelter for the homeless in general or for specific populations of the homeless and the use of which does not require occupants to sign leases or occupancy agreements.

(8) "Funding agreement" means that master grant agreement or other written agreement, together with all incorporated documents and references, to be executed by and between the department and subgrantee agency in form and substance satisfactory to the department as a condition precedent for receipt of program funding from the department.

(9) "Funding application" means the subgrantee agency's application to the department for a program grant.

(10) "HMIS" means the Homeless Management Information System.

(11) "Homeless" means an individual, family or household that lacks a fixed, regular and adequate nighttime residence in accordance with department categorical definitions. Categorical definitions are contained in the program manual.

(12) "Household" means an individual living alone, a family with or without children or a group of individuals who are living together as one economic unit.

(13) "HUD" means the U.S. Department of Housing and Urban Development.

(14) "Program" or "SHAP" means the State Homeless Assistance Program administered by the department pursuant to this division and other applicable law.

(15) "Program manual" or "manual" means the State Homeless Assistance Program Operations Manual as amended from time to time, incorporated herein by this reference. The manual may be accessed online on the department's website.

(16) "Program requirements" means all funding agreement terms and conditions (including work plan objectives), department directives (including deficiency notices), and applicable state, local, and federal laws and regulations (including these rules, other applicable department rules, and the manual), executive orders, local ordinances and codes.

(17) "Program services" means allowable services and activities related to emergency shelter funding and operation including, but not limited to, operational costs, shelter acquisition, conversion or rehabilitation, shelter resident support services, and data collection as defined in the department program manual and eligible for funding under the program.

(18) "Service area" means the specific geographic area or region within which a subgrantee agency provides program services directly or by contract.

(19) "Subcontractor" or "subrecipient" means a nonprofit corporation established under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235 or local government as defined in ORS 197.015, contracting with a subgrantee agency to provide program services.

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(20) "Subgrantee agency" or "agency" means a private, nonprofit corporation organized under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235, or a local government as defined in ORS 197.015, with whom the department has contracted to administer program services at the local level.

(21) "Sufficiency" means that the quantity, thoroughness and quality of performance is satisfactory to the department, including but not limited to providing relevant information in a manner and to a degree for the department to assess appropriately subgrantee agency's compliance with relevant program requirements such as the provision of services consistent with the terms of the funding agreement, state plan and other appropriate standards, goals and requirements established by the department.

(22) "Work plan" or "plan" means the subgrantee agency's plan for the use of program funds as approved by the department, which is a part of its approved funding application, and included in its funding agreement with the department.

Stat. Auth.: ORS 456.555  
Stats. Implemented: ORS 458.505 - 458.515  
Hist.: AFS 65-1985, f. & ef. 11-5-85; HSG 8-1992, f. & cert. ef. 7-29-92; Renumbered from 461-100-0000; HSG 10-1993, f. & cert. ef. 10-1-93; OHCS 4-2001(Temp) f. & cert. ef. 12-7-01 thru 5-26-02; Renumbered from 813-240-0000; OHCS 6-2002, f. & cert. ef. 5-15-02; OHCS 13-2014(Temp), f. & cert. ef. 1-27-14 thru 7-25-14; Temporary Suspended by OHCS 23-2014(Temp), f. & cert. ef. 2-10-14 thru 7-25-14; Administrative correction, 5-2-14; OHCS 17-2015, f. & cert. ef. 8-25-15; OHCS 14-2016(Temp), f. & cert. ef. 10-26-16 thru 4-23-17

## Oregon Liquor Control Commission Chapter 845

**Rule Caption:** The amendments relax the prohibitions of drinking on duty and clarify several technical issues.

**Adm. Order No.:** OLCC 18-2016

**Filed with Sec. of State:** 11-15-2016

**Certified to be Effective:** 12-1-16

**Notice Publication Date:** 9-1-2016

**Rules Amended:** 845-006-0345

**Subject:** The amendments contain four main changes:

- Subsection (1)(a) currently defines "on duty" to include "coffee or meal breaks." Staff has harmonized this language with an analogous marijuana rule by stating "any" breaks.

- The Commission has relaxed the prohibition of drinking alcohol while on duty for both quality control and educational purposes. Specifically, the relaxation allows licensees, permittees, and agents of the licensee to taste malt beverages (beer), wine and cider while on duty. The amount of alcohol consumed at one time may not exceed one ounce per serving and only six ounces may be consumed in one business day.

- (5)(a) is amended to read "immediately" instead of "promptly."

- The new subsection (13) prohibits a licensee or permittee from permitting the consumption of marijuana items as defined in ORS 475B.015 and OAR 845-025-1015 on a premises licensed to sell or serve alcoholic beverages. "Marijuana items" is defined as marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts.

**Rules Coordinator:** Bryant Haley—(503) 872-5136

### 845-006-0345

#### Prohibited Conduct

The Commission holds licensees accountable for the acts of their agents and employees. (OAR 845-006-0362). No employee or agent of a licensee may violate any provision of this rule. A violation of any section of this rule by an employee or agent of a licensee is considered a violation by the licensee.

(1) Drinking on Duty: No licensee, permittee, or agent of a licensee will drink alcoholic beverages or be under the influence of intoxicants while on duty.

(a) "On duty" means from the beginning of a work shift that involves the mixing, sale or service of alcoholic beverages, checking identification or controlling conduct on the premises, to the end of the shift including any breaks.

(b) "On duty" also means, for those working outside a scheduled work shift, having the authority to put himself or herself on duty and performing acts on behalf of the licensee which involve the mixing, sale or service of alcoholic beverages, checking identification or controlling conduct on the premises. Whether a person is paid or scheduled for work is not

determinative of whether the person is considered "on duty" under this subsection.

(c) "A work shift that involves the sale and service of alcoholic beverages" includes supervising those who mix, sell or serve, check identification or control the premises.

(d) Being under the influence of intoxicants on duty is a Category II violation.

(e) Drinking on duty is a Category III violation.

(2) Despite subsection (1) of this rule, a person may self-serve and may taste malt beverages, wine, or cider while on duty or as an agent of a licensee only under the following conditions:

(a) The person is not a minor.

(b) The person is not visibly intoxicated.

(c) The time the alcoholic beverage is consumed is between 7:00 a.m. and 2:30 a.m. on the succeeding calendar day.

(d) The alcoholic beverage consumed is only malt beverages, wine, or cider.

(e) The amount of alcoholic beverage consumed per serving does not exceed one ounce.

(f) The person does not consume more than a total of six ounces of alcoholic beverages pursuant to this section between 7:00 a.m. and 2:30 a.m. on the succeeding calendar day.

(g) The purpose of the consumption is for educational purposes or to test the quality of the alcoholic beverage to ensure the product is not flawed or deteriorated.

(3) No licensee or permittee will fail to call the police when a Commission regulatory employee directs the licensee or permittee to call. Violation of this section is a Category II violation.

(4) Evidence:

(a) No licensee or permittee will:

(A) Destroy, damage, alter, remove, or conceal potential evidence, or attempt to do so;

(B) Refuse to give a Commission regulatory employee or police officer this evidence when the employee or officer lawfully requests it; or

(C) Ask or encourage another person to do subsections (a) or (b) of this section.

(b) Violation of this section is a Category III violation.

(5) Access to Premises:

(a) Both during regular business hours and when a premises is closed, no licensee or permittee will refuse to admit or fail to immediately admit to the licensed premises a Commission regulatory employee or police officer who identifies him/herself and who enters or wants to enter to conduct a reasonable search to ensure compliance with alcoholic beverage law. Examination of premises that are or appear closed occurs only when there is reason to believe an alcoholic beverage law violation is occurring.

(b) Once the regulatory employee or police officer is on the licensed premises, no licensee or permittee will ask the regulatory employee or officer to leave until the regulatory employee or officer has had an opportunity to conduct a reasonable search to ensure compliance with the alcoholic beverage laws.

(c) Violation of this section is a Category II violation.

(6) Open Containers: No licensee or permittee will permit a person to take an open container of alcoholic beverages from the licensed premises, except as ORS 471.175, 471.178, 471.186, 471.190, 471.200, 471.220, 471.223 and 471.227 allow. Except for tastings as allowed in OAR 845-006-0450, no Off-Premises Sales licensee will permit an open container of alcoholic beverages on the licensed premises unless the licensee also holds another license at the premises that allows on-premises consumption. Violation of this section is a Category V violation.

(7) Liquor on Premises: No licensee or permittee will have or permit any alcoholic liquor on the licensed premises which the license does not allow the licensee to sell or serve. Notwithstanding this requirement, a limited on-premises or brewery-public house sales licensee may have distilled spirits on the premises if the distilled spirits are used only for cooking, are kept in a container only in the food preparation area, and the container is clearly marked "for cooking only." Violation of this section is a Category V violation.

(8) Drive-up Window: No licensee or permittee will sell or deliver any alcoholic beverages through a drive-up window. Violation of this section is a Category III violation.

(9) Liquor as a Prize: Except as allowed in ORS 471.408, no licensee or permittee will give or permit any alcoholic beverage as a prize, premium, or consideration for any lottery, contest, game of chance or skill, exhibition, or any competition of any kind on the licensed premises. Violation of this section is a Category V violation.

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(10) “Good Faith Effort”: ORS 471.315(1)(a)(H), and 471.412(1) prohibit a licensee or permittee from allowing a visibly intoxicated person to drink alcoholic beverages. A licensee or permittee who makes a good faith effort to remove the alcoholic beverage does not violate these statutes.

(a) As used in ORS 471.412(2) and this rule, “good faith effort” means:

(A) Placing a hand on the drink and trying to remove it; or

(B) Making a verbal request for the drink, if the server has reason to believe that touching the patron’s drink could cause a disturbance;

(b) The Commission will issue letters of reprimand for the first three violations of this section within a two-year period. A fourth violation within a two-year period is a Category III violation assessed at the fourth level (cancellation).

(11) Promotions.

(a) The following practices are prohibited:

(A) The sale, offer or service to any person of an unlimited number of alcoholic beverage(s) during any set period of time for a fixed price;

(B) The sale, offer or service of alcoholic beverages by the drink for a price per drink that is less than the licensee’s cost for the alcohol to any person paying a fixed “buy in” price, entry fee, cover or door charge;

(C) Price reductions on alcoholic beverages by the drink from 12:00 midnight until 2:30 a.m. A price reduction is a lower price as compared to the usual, customary, or established non-discounted price the licensee charges for a drink of that type on the licensed premises;

(D) The sale, offer or service of distilled spirits by the bottle for consumption on the premises, except as allowed in OAR 845-006-0433 (Minibars in Hotel Guest Rooms) and 845-006-0434 (Minibars in Arena Suites). This subsection does not prohibit a Full On-Premises Public Location Sales Licensee (F-PL) or Full On-Premises Catering Sales Licensee (F-Cat) from charging clients by the bottle for distilled spirits that are served by the drink at hotel suites, banquets, receptions or catered events where the reasonably projected attendance is at least 20 patrons;

(E) Operating, encouraging or permitting games of chance or skill, contests, exhibitions, or competitions of any kind on the licensed premises that involve drinking alcoholic beverages, (e.g., beer pong, “21 for 21”);

(F) Dispensing, pouring or otherwise serving any alcoholic beverage directly into a person’s mouth, including through any device such as a “bong”; and

(G) The use of any device or serving technique that produces an alcoholic mist or vapor for consumption by inhalation. An alcohol vaporization device, for example, also called an alcohol without liquid machine, is a device, machine or process which mixes spirits, alcoholic liquors or any product containing alcoholic liquor with oxygen or any other gas to produce a vaporized product for consumption by humans by inhalation.

(b) Violation of this section is a Category III violation.

(12) Self-Service. No licensee or permittee will permit any patron to mix, dispense or serve an alcoholic beverage for or to himself or herself for on-premises or off-premises consumption. Violation of this section is a Category III violation.

(13) Marijuana Use. No licensee or permittee will permit the use, consumption, ingestion, or inhalation of marijuana items as defined in ORS 475B.015 and OAR 845-025-1015 on a premises licensed to sell or serve alcoholic beverages. Violation of this section is a Category III violation.

Stat. Auth.: ORS 471. 471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.030, 471.040 471.175, 471.178, 471.186, 471.200, 471.223, 471.227, 471.315(1)(a)(H), 471.351(1), 471.405(1), 471.408, 471.412, 471.675 & 471.730  
Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 6-2001, f. 8-15-01, cert. ef. 9-1-01; OLCC 4-2003, f. 3-31-03 cert. ef. 4-1-03; OLCC 5-2007, f. 3-22-07, cert. ef. 4-1-07; OLCC 3-2009, f. 4-21-09, cert. ef. 5-1-09; OLCC 18-2010, f. 12-22-10, cert. ef. 1-1-11; OLCC 8-2011, f. 11-1-11, cert. ef. 1-1-12; OLCC 2-2013, f. 3-15-13, cert. ef. 4-1-13; OLCC 10-2013, f. 11-14-13, cert. ef. 12-1-13; OLCC 18-2016, f. 11-15-16, cert. ef. 12-1-16

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**Rule Caption:** The amendments relax minor employee limitations and create a new minor posting.

**Adm. Order No.:** OLCC 19-2016

**Filed with Sec. of State:** 11-15-2016

**Certified to be Effective:** 12-1-16

**Notice Publication Date:** 9-1-2016

**Rules Amended:** 845-006-0335, 845-006-0340

**Subject:** This rule package deals with minor postings that the Commission assigns to licensed premises that allow on-premises consumption of alcoholic beverages. These minor postings define if and

under what conditions minors are allowed in areas where alcohol is consumed or there is a drinking environment.

Staff is seeking to amend 845-006-0335 so that a licensee may obtain Commission approval to allow minor employees to remain on the premises and continue job duties when the minor posting changes to prohibit minors. To obtain approval, the licensee would submit a written plan detailing how the licensee will adequately manage minor employees so as to prevent problems and violations.

This package also amends 845-006-0340 to add an exception to allow a minor to access a restroom that is within an area that is normally prohibited to minors. Also, 845-006-0340 is amended to create a new “Minors Allowed with No Drinking Environment” posting for establishments that do not have a “drinking environment”. Further, the package alters the Temporary Relaxation clause to include a Tightening of Minor Postings. This will allow a licensee to submit a new control plan that prevents minors from entering the premises, room or area.

**Rules Coordinator:** Bryant Haley—(503) 872-5136

## 845-006-0335

### Age Verification; Minors on Licensed Premises

(1) Age Verification:

(a) ORS 471.130 requires a licensee or permittee to verify the age of a person who wants to buy or be served alcoholic beverages when there is “any reasonable doubt” that the person is at least 21 years old. The Commission requires a licensee or permittee to verify the age of anyone who wants to drink alcoholic beverages, or is in an area prohibited to minors, if there is reasonable doubt that the person is at least 21 years old. “Reasonable doubt” exists if the person appears to be under the age of 26;

(b) Whenever a licensee or permittee verifies age, he/she must verify it as ORS 471.130 requires (statement of age card or the specified items of identification) and must reject any obviously altered document or one which obviously does not identify the person offering it;

(c) Licensees must require all their employees who sell, serve, oversee or control the sale or service of alcoholic beverages to verify age as subsection (a) of this section requires.

(2) Sanctions for Failure to Verify Age:

(a) The Commission will sanction a licensee or permittee who does not verify the age of a person who appears to be under the age of 26 only if the person:

(A) Actually is a minor who buys, is served or drinks an alcoholic beverage at the licensed premises (Category III violation); or

(B) Actually is a minor who is in an area of the licensed premises prohibited to minors (Category IV violation).

(b) If the Commission sanctions a licensee or permittee for one or more of the following violations under this rule: Failure to verify the age of a minor; Allowing a minor to drink; or Allowing a minor in an area prohibited to minors, the Commission will not sanction the licensee or permittee separately under ORS 471.130 or 471.410(2) for the same conduct. The Commission may charge a licensee or permittee for one or more violations under this rule and also charge violation of one or more of the statutes in the alternative.

(c) Failure to verify age as ORS 471.130 requires or to reject obviously altered or false identification is a Category III violation.

(3) Minors on Premises: General Prohibitions. No licensee, permittee, or licensee’s employee will permit a minor:

(a) To drink any alcoholic beverage on licensed premises;

(b) To be on licensed premises or an area of the licensed premises prohibited to minors, except as provided in ORS 471.430, 471.480, 471.482, OAR 845-006-0340 and this rule. (The assigned minor posting(s) describes where on the premises minors are allowed or prohibited. See OAR 845-006-0340, Minor Postings.)

(4) Minor Employee and Minor Service Permittee:

(a) A Number 1 minor posting. Minor employees and minor service permittees are prohibited from the entire licensed premises at all times.

(b) A Number 2 minor posting. Minor employees and minor service permittees may be in this area of the premises only if they are performing work duties or going to or returning from a rest room. The minor employee or minor service permittee may not remain in the prohibited area longer than is necessary to perform the work duties or go to or return from a rest room and while in the area may not check identification, control conduct in the area, or mix, sell, or serve alcoholic beverages or directly supervise any person who does mix, sell, or serve alcoholic beverages.

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(c) A Number 3A, 4, 6, and 7 minor posting during the times when minors are prohibited. Minor employees and minor service permittees may be in areas of the premises during the times prohibited to them only if they are performing work duties or going to or returning from a rest room. The minor employee or minor service permittee may not remain in the prohibited area longer than is necessary to perform the work duties or go to or return from a rest room and while in the area may not check identification, control conduct in the area, or mix, sell, or serve alcoholic beverages or directly supervise any person who does mix, sell, or serve alcoholic beverages.

(d) A Number 3A, 4, 6, and 7 minor posting in the areas and during the times when minors are permitted. Minor employees and minor service permittees are permitted in the areas and during the times when minors are allowed. The primary duty of minor service permittees must be food service.

(e) A Number 3 minor posting. Minor employees and minor service permittees are allowed at all times in the area. The primary duty of minor service permittees must be food service.

(f) A Number 5 minor posting. Minor employees and minor service permittees are allowed at all times in the area.

(g) If a premises has one or more areas where minors are prohibited and one or more areas where minors are allowed, minor employees and minor service permittees may be in areas of the premises prohibited to them during the times prohibited to them only if they are performing work duties or going to or returning from a rest room. The minor employee or minor service permittee may not remain in the prohibited area longer than is necessary to perform the work duties or go to or return from a rest room and while in the area may not check identification, control conduct on the premises, or mix, sell, or serve alcoholic beverages or directly supervise any person who does mix, sell, or serve alcoholic beverages.

(5) Minor Vendor or Contractor. A minor, other than a licensee's employee, who has a legitimate business purpose, may be in the area of the licensed premises normally prohibited to minors. (For example, a minor who is a plumber may repair the plumbing in a prohibited area).

(6) Minor Entertainer:

(a) A minor entertainer may perform on licensed premises. If the minor entertainer stays on the premises when not performing, he/she must stay in an area where minors are permitted, such as an area with a Number 3 posting. If there is no break room, dressing room or patron area where minors are permitted, the licensee may, with prior Commission approval, designate space for minor entertainers in an area of the licensed premises normally prohibited to them. At a minimum, this place must be within the bartender's sight but not at the bar, and there must be no alcoholic beverages in this place. If conditions become unsuitable, the Commission may revoke its approval. If a minor entertainer is not performing and is not in a Commission-approved designated area on the licensed premises, then the minor entertainer must leave the licensed premises.

(b) If the minor is under 18 years old, and the licensee proposes to employ that minor to conduct or assist in conducting any public dance, including but not limited to dancing by the child as a public performance, or to assist in or furnish music for public dancing, the licensee and minor must make sure the minor has the written permission of the appropriate juvenile court judge as required by ORS 167.840(2).

(c) If the minor is under 18 years old, and the licensee proposes to employ that minor to perform or entertain on the licensed premises in a capacity other than described in (6)(b) of this rule, before allowing the minor to perform on the licensed premises the licensee must apply for and receive prior written permission from the Administrator of the Oregon Liquor Control Commission, or the Administrator's designee. Application must be made upon a form supplied by the Commission. The Administrator or designee shall grant such permission only if:

(A) The parents or legal guardians of the minor have consented to the child's participation in such activity; and

(B) The Administrator or designee has found that participation in such activity will not be inconsistent with the health, safety and morals of the minor.

(d) Minors under 14 years old must also get a work permit if one is required by the Oregon Bureau of Labor and Industries.

(7) Minor Patron. If the licensee permits it, a minor may be in the immediate company of his/her spouse or Domestic Partner who is at least 21 years old. "Domestic Partner" means an individual who, along with another individual of the same sex, has received a Certificate of Registered Domestic Partnership pursuant to the Oregon Family Fairness Act. The minor must not buy, possess or drink alcoholic beverages.

(8) Sanctions: A violation of subsection (3)(a) of this rule is a Category III violation. A violation of subsection (3)(b) through section (7) of this rule is a Category IV violation.

Stat. Auth.: ORS 471, 471.030, 471.040, 471.430, 471.482 & 471.730

Stats. Implemented: ORS 471.130, 471.410, 471.430, 471.480 & 471.482

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 12-2002, f. 8-29-02, cert. ef. 1-2-03; OLCC 13-2003(Temp), f. & cert. ef. 9-23-03 thru 3-20-04; OLCC 4-2004, f. & cert. ef. 4-9-04; OLCC 9-2005, f. 11-21-05, cert. ef. 1-1-06; OLCC 9-2008, f. 6-12-08, cert. ef. 7-1-08; OLCC 2-2009, f. 3-17-09, cert. ef. 4-1-09; OLCC 3-2012, f. 4-10-12, cert. ef. 5-1-12; OLCC 5-2013(Temp), f. 7-12-13, cert. ef. 7-15-13 thru 1-11-14; OLCC 14-2013, f. 12-12-13, cert. ef. 1-1-14; OLCC 19-2016, f. 11-15-16, cert. ef. 12-1-16

## 845-006-0340 Minor Postings

(1) The Commission is charged with regulating the sale of alcohol in a manner which protects the safety and welfare of the citizens, and ensures that alcohol is used legally. As a policy making body, the Commission has a responsibility to send a clear message to the community and its youth that drinking alcohol is an adult activity and that drinking environments are for adults. This rule applies only to licenses that allow on-premises alcohol consumption including tastings, except for tasting areas at an Off-Premises license approved under OAR 845-006-0450.

(2) Definitions. For this rule:

(a) "Eating food is the predominant activity" means the Commission has determined that more people eat food than drink alcohol (or the Commission determines that the licensee has reasonably projected this).

(b) "Drinking predominates" means the Commission has determined that more people are, or at times are likely to be, drinking alcohol than not drinking alcohol.

(c) "Drinking environment" means the Commission determines that there is a combination of conditions or factors in a premises, room, or area which make it likely that minors will obtain alcohol or which create an environment where drinking alcohol is or appears to be the predominant activity. Some examples of factors that contribute to a drinking environment include but are not limited to cocktail tables, a bar, bar equipment and accessories, dim lighting, alcohol advertising, events or entertainment primarily targeted to adults, and events or operations where the monitoring of patron behavior is or could be insufficient to prevent minors from obtaining alcohol.

(d) "Recent serious violation history" means:

(A) Two or more category III or IIIa administrative violations of any type, or category IV violations involving minors, at the premises by the applicant or licensee within the last two years. However, if the circumstances of a violation include aggravation, one violation may be sufficient; or

(B) One category I, II or IIa administrative violation at the premises by the applicant or licensee within the last two years; or

(C) The applicant or licensee has incurred an immediate license suspension at the premises within the last two years; or

(D) There are two or more crimes or offenses involving liquor laws within the last two years at the premises.

(e) "Civic group" means a non-profit corporation, association or political entity, or any authorized representative of a governmental entity. Examples are parent-teacher associations, Rotary and Toastmasters. Civic group does not include any group made up primarily of minors.

(f) "Stage revue" means a live performance with adult or sexual themes of a type usually performed on a stage, involving players performing such activities as skits, song, dance and comedy routines.

(g) "Minor" means a person under the age of 21.

(h) "Adult" means a person 21 years of age or older.

(i) "Bar" means a counter at which the preparation, pouring, serving, sale or consumption of alcoholic beverages is the primary activity.

(j) "Food counter" means a counter in an area in which minors are allowed and at which the primary activity at all times is the preparation, serving, sale or consumption of food.

(k) "Video lottery game" means a video lottery game terminal authorized by the Oregon State Lottery. Examples include but are not limited to video poker and video slots. Keno monitors are not considered a video lottery game.

(l) "Social game" means a game other than a lottery, if authorized by a local county or city ordinance pursuant to ORS 167.121, between players in a private business, private club, or place of public accommodation where no house player, house bank, or house odds exist and there is no house income from the operation of the social game.

(m) "Domestic Partner" means an individual who, along with another individual of the same sex, has received a Certificate of Registered Domestic Partnership pursuant to the Oregon Family Fairness Act.



## ADMINISTRATIVE RULES

(n) "Minor control plan" means a written, dated and signed plan submitted to the Commission by an applicant or licensee for a premises, room, or area that shows where and when minors are permitted and the control measures used to prevent minors from obtaining alcohol, prohibit minors when drinking alcohol predominates, and minimize minors' exposure to a drinking environment.

(3) The Commission uses Section (5) to assign minor postings to a premises, room, or area where alcohol is consumed or where there is a drinking environment. When the facts do not clearly and convincingly meet the criteria for allowing minors, the Commission interprets the rule to prohibit minors. The Commission does not assign more than one type of minor posting to an area unless there are definable boundaries.

(4) Even when minors are otherwise allowed under this rule:

(a) Minors may not sit or stand at a bar; however, minors may sit or stand at a food counter;

(b) Minors may not be in a room or area where there is entertainment which is often found in a drinking environment. Examples include but are not limited to: video lottery games; social games; stage revues; nude entertainment; and wet t-shirt events. Minors may not be in an area where this entertainment is visible.

(c) Subsections (4)(a) through (4)(b) of this rule do not apply to a minor in the immediate company of his/her spouse or Domestic Partner who is at least 21 years of age, if allowed by subsection (10) (e) of this rule.

(d) Exception. Despite this prohibition, a minor in a room or area where minors are allowed may go to and return from a rest room that is in a room or area prohibited to minors provided the minor does not remain longer than necessary in the room or area prohibited to minors.

(5) The Commission uses the following minor posting signs to tell the public where minors are allowed or prohibited, and to assist licensees in controlling the presence of minors. In those circumstances when the licensee's operation would qualify for a Number 3, 3A, 4, 5, 6, or 7 minor posting, the licensee may have a Number 1 or 2 posting prohibiting minors.

(a) Number 1 minor posting. "No Minors Permitted Anywhere on This Premises". The Commission assigns this posting to an entire premises where there is a drinking environment or drinking alcohol does or is likely to predominate most of the time. An example could be a tavern.

(b) Number 2 minor posting. "No Minors Permitted in This Portion of The Premises or at This Bar". The Commission assigns this posting to rooms or areas of a premises where there is a drinking environment or drinking alcohol does or is likely to predominate most of the time. Some examples are lounges, gambling rooms, the bar and other rooms or areas where drinking alcohol is the predominant activity.

(c) Number 3 minor posting. "Minors Allowed in This Area with No Drinking Environment and Drinking Alcohol Does Not Predominate" (. The Commission assigns this posting to a premises, room, or area where there is no drinking environment and drinking alcohol will never predominate. The Commission does not generally require the Number 3 sign to be physically posted. Minors may use entertainment devices. Some examples are restaurants and dining rooms in premises with separate lounges.

(d) Number 3A minor posting. "Minors Allowed From: \_\_\_ To: \_\_\_ (Hours) On: \_\_\_ (days)". The Commission assigns this posting to allow minors in a premises, room, or area during times when there is no drinking environment and drinking alcohol does not predominate and to prohibit minors during times when there is a drinking environment or drinking alcohol does or is likely to predominate. Minors may use entertainment devices during the times minors are allowed. An example is a pizza parlor with karaoke during some times. Minors are allowed in the area and may participate in karaoke during the times when there is no drinking environment and drinking alcohol does not predominate.

(e) Number 4 minor posting. "Minors Allowed During These Hours Only. On: (days) from: \_\_\_ to: \_\_\_ and only for the purpose of consuming food". The Commission assigns this posting to an area or entire premises that often has a drinking environment to let minors consume food during times when drinking does not predominate and eating food is the predominant activity. Eating food must predominate during all times when minors are allowed, even if minors are not present. Minors may not use entertainment devices in this area.

(f) Number 5 minor posting. "Minors Allowed in Tasting Room." The Commission assigns this posting to rooms or areas where the only alcoholic beverages served or consumed are sample tastings of distilled spirits, wine, malt beverages or cider. For purposes of this rule, a sample tasting is defined as a single container with no more than one and a half ounces of wine or cider, three ounces of malt beverages, one-half ounce of distilled spirits for the general public, or one ounce of distilled spirits for a trade visitor.

(g) Number 6 minor posting. "Minors Allowed in this Premises or in this Portion of this Premises only as provided in the Licensee's Minor Control Plan Approved by the Commission". The Commission may assign this posting to a premises, room, or area where minors will be allowed only as per the minor control plan approved by the Commission. Minors are allowed only during the days and times or types of events approved in the minor control plan. The Commission will not approve a minor control plan that proposes to allow minors in a premises, room, or area during times when the Commission determines that the predominant activity is the consumption of alcohol or when the drinking environment is not minimized. The minor control plan must be in writing, dated and signed by the licensee, and approved by the Commission prior to operating with this posting.

(h) Number 7 minor posting. "Minors Allowed with No Drinking Environment". This posting allows minors up until no later than 9:00 p.m. in a premises, room, or area when there is no drinking environment in the premises, room, or area.

(6) Temporary Relaxation or Tightening of Minor Postings. The Commission recognizes that under special, limited circumstances, it may be appropriate to allow minors in a premises, room, or area where minors are normally prohibited or temporarily prohibit minors in a Number 3 or in a 3A posted area during times when minors are allowed. Therefore, the Commission may grant a temporary relaxation or tightening of a minor posting for an occasional event held on a licensed premises. For a temporary relaxation the licensee must submit a written and dated request, including a control plan, to the Commission explaining the details of the temporary relaxation and how the licensee will prevent minors from obtaining alcohol, prohibit minors when drinking alcohol predominates, and minimize minors' exposure to a drinking environment. For a temporary tightening the licensee must submit a written and dated request, including a control plan, to the Commission explaining the details of the temporary tightening and how the licensee will prevent minors from entering the premises, room, or area. The licensee must obtain Commission approval prior to temporarily relaxing or tightening the minor posting.

(a) The Commission does not grant a temporary relaxation when:

(A) There has been a recent serious violation history in the room, area or entire premises; or

(B) During the activity, the premises, room, or area has or will have entertainment described under section (4)(b) of this rule. The Commission does not grant relaxations if any of this entertainment is visible from the area where the activity is held. Despite this prohibition, a minor in a room or area where minors are allowed may go to and return from a rest room that is in a room or area prohibited to minors as per subsection (4)(d) of this rule.

(b) The Commission may temporarily allow minors into a normally prohibited area under these circumstances:

(A) The licensee needs additional space for overflow dining and eating predominates during all times when minors are allowed, even if minors are not present;

(B) The activity is held in a room or area where drinking alcohol does not predominate during all times when minors are allowed. Some examples are wedding receptions and family reunions;

(C) The activity is sponsored and promoted by a civic group and there is no sale, service, or consumption of alcohol during all times when minors are allowed. An example is a school-sponsored party.

(c) The Commission does not grant a temporary tightening when it is not convinced that the licensee's plan is adequate to prevent minors from entering the premises, room, or area.

(d) When the Commission refuses to temporarily relax or tighten a minor posting, the licensee has a right to contest the decision. The licensee must comply with the assigned minor posting unless the refusal is overturned through the contested case process.

(7) Permanent Changes to Minor Postings:

(a) The Commission may change a minor posting at any time if:

(A) The existing posting is inconsistent with this rule;

(B) There has been a recent serious violation history in the premises, room, or area; or

(C) The Commission determines that the minor control plan that is the basis for the minor posting is not adequate to control the premises, room, or area.

(b) When the Commission changes a minor posting, and the licensee does not agree to the change, the licensee has a right to contest the decision. The licensee must comply with the changed minor posting unless the change is overturned through the contested case process.

(c) A licensee may not change a minor posting or the minor control plan on which a posting is based without prior written approval of the

# ADMINISTRATIVE RULES

## Oregon State Lottery Chapter 177

Commission. A licensee must submit a change request in writing. The Commission approves or denies a licensee's request in writing.

(d) The Commission may refuse a licensee's request to change a minor posting or minor control plan when:

(A) The requested posting is inconsistent with this rule;

(B) There has been a recent serious violation history in the premises, room, or area; or

(C) The Commission determines that the proposed minor control plan is not adequate to control the premises, room, or area.

(e) When the Commission refuses a licensee's request to change a minor posting or minor control plan, the licensee has a right to contest the decision. The licensee must comply with the assigned minor posting unless the refusal is overturned through the contested case process.

(8) Minor Control Plan:

(a) The minor control plan must explain where and when minors are permitted and the control measures the applicant or licensee will use to prevent minors from obtaining alcohol, prohibit minors when drinking alcohol predominates, and minimize minors' exposure to a drinking environment.

(b) When the Commission approves a minor control plan that is the basis to assign a minor posting or temporarily relax a minor posting, the licensee must follow that minor control plan. Failure to follow that control plan is a Category III violation.

(c) The licensee must keep the minor control plan that was the basis to assign a minor posting and last approved by the Commission on the licensed premises and make the minor control plan available at any time for immediate inspection by any Commission employee or any peace officer. Failure to comply with this requirement is a Category IV violation.

(9) Licensee Responsibilities:

(a) The burden is on the licensee to convince the Commission that the premises does not have a "drinking environment" or that "eating food is the predominant activity" where those standards apply;

(b) The licensee is responsible for developing and completing any required written minor control plan;

(c) A licensee must use the minor posting signs provided by the Commission and place minor posting signs in full public view as directed by the Commission. A licensee must immediately replace any altered, unreadable or missing sign. Failure to do so is a Category V violation.

(10) Other Information on Minor Postings.

(a) This rule does not apply to a premises with a temporary license that is not on any part of a premises with an annual license issued by the Commission. Examples of a temporary license or authority include: a Temporary Sales License issued under OAR 845-005-0440; a Special Events Winery and Special Events Grower license issued under OAR 845-005-0415; a Special Events Distillery license issued under OAR 845-005-0413; a Special Events Brewery-Public House license issued under OAR 845-005-0414; and a temporary use of an annual license issued under OAR 845-005-0410.

(b) This rule does not apply to premises with a liquor license at a tribal gaming facility.

(c) To prevent violations from occurring or reoccurring, or in response to the licensee's request, the Commission may assign a minor posting to the following businesses where a minor posting is not usually assigned:

(A) Nonprofit or for-profit private clubs licensed as per ORS 471.175;

(B) Pre-approved small-scale private catered events as per OAR 845-005-0405 and pre-approved large-scale private catered events as per 845-005-0410.

(d) Minor Postings apply 24 hours a day, including when the premises is closed to the public or the liquor license is suspended, except that the minor posting for an outdoor area that is on a sidewalk or other public right-of-way applies to that area only during the times the premises is open for business and there is the sale, service or consumption of alcohol in the outdoor area.

(e) Notwithstanding other provisions, a minor in the immediate company of his/her spouse or Domestic Partner who is at least 21 years old may be in a premises or area where minors are prohibited if the licensee permits it. The minor must not buy, possess, or drink alcoholic beverages.

Stat. Auth.: ORS 471, 471.030, 471.430(3) & 471.730(1) & (5)

Stats. Implemented: ORS 471.430(3)

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 14-2003, f. 9-23-03 cert. ef. 11-1-03; OLCC 25-2007, f. 12-17-07, cert. ef. 1-1-08; OLCC 7-2008, f. 4-24-08, cert. ef. 6-1-08; OLCC 3-2010, f. 4-19-10, cert. ef. 5-1-10; OLCC 19-2016, f. 11-15-16, cert. ef. 12-1-16

**Rule Caption:** Clarifies that the award of contracts for major procurements requires Commission approval; housekeeping edits

**Adm. Order No.:** LOTT 12-2016(Temp)

**Filed with Sec. of State:** 11-8-2016

**Certified to be Effective:** 11-8-16 thru 5-6-17

**Notice Publication Date:**

**Rules Amended:** 177-036-0030

**Subject:** The Oregon Lottery has initiated temporary and permanent rulemaking to amend the above referenced administrative rule to clarify that it is the award of Lottery contracts for major procurements that requires Lottery Commission approval as provided in ORS 461.440. Other amendments include housekeeping changes.

**Rules Coordinator:** Mark W. Hohl—(503) 540-1417

**177-036-0030**

**Procurement Authority**

(1) General: The Director is authorized to initiate procurements and enter into all Contracts and Contract amendments for Goods and Services that have been approved by the Lottery Commission in the Lottery's annual financial plan (as it may be amended) or are otherwise pre-approved in concept at a Lottery Commission meeting, on behalf of the Lottery Commission except as follows:

(a) Price in Excess of \$75,000: The Award of any unbudgeted procurements that will result in a Contract with a Contract Price in excess of \$75,000 over the term of the Contract and Unbudgeted Contracts with a Contract Price in excess of \$75,000 over the term of the Contract requires the approval of the Lottery Commission. For purposes of section (1) of this rule, "Unbudgeted" means expenditures that have not been previously approved by the Commission in the Lottery's current financial plan or at a Commission meeting.

(b) Amendments in Excess of \$75,000: The Award of the first Unbudgeted Contract amendment that increases the Contract Price to more than \$75,000 and all subsequent Unbudgeted Contract amendments that increase the Contract Price by more than \$75,000 since the last Unbudgeted Contract Amendment approved by the Commission, requires the approval of the Lottery Commission.

(c) Major Procurements: The Award of all Contracts for Major Procurements requires the approval of the Lottery Commission.

(2) Commission Approved Awards: Notwithstanding the provisions of section (1) of this rule, the Commission having once approved the Award of a Contract or Contract amendment authorizes the Director to negotiate the terms of and execute the Contract or Contract amendment, and make all disbursements and payments as provided in the Contract or Contract amendment, without further action by the Commission.

(3) Emergency Procurements: Notwithstanding the provisions of section (1) of this rule, the Director is authorized to enter into a Contract awarded as an Emergency procurement as set forth in OAR 177-036-0040(6).

(4) Rule or Statutory Authorization: If a Contract action is authorized by statute or rule, the Director is authorized to execute the Contract or any Contract amendment, and make all disbursements and payments as required by the terms of the Contract or Contract amendment.

(5) Price Reduction: The Director is authorized, without further action by the Commission, to execute any Contract amendment that results in a reduction of the price paid by the Lottery per item, unit, or other measure of the Goods or Services provided under the Contract, and may exercise any option under a Contract previously approved by the Commission, where the option terms of the approved Contract establish a specific price for the Goods or Services to be acquired under the option.

(6) Delegation by Director: Pursuant to ORS 461.180(7), the Director may delegate, in writing, to any of the employees of the Lottery the exercise or discharge of any of the powers, duties, or functions of the Director in these Division 36 rules.

(7) Legal Sufficiency Review: When Attorney General legal sufficiency review and approval is required under ORS 291.047, the Lottery must seek legal sufficiency review and approval of Contracts pursuant to ORS 291.047 and review of procurement documents pursuant to OAR 137-045-0035.

Stat. Auth.: OR Const., Art. XV, §4(4) & ORS 461

Stats. Implemented: ORS 461.400, 461.410, 461.420, 461.430 & 461.440

Hist.: LOTT 12-2005(Temp), f. & cert. ef. 11-3-05 thru 4-30-06; LOTT 16-2005, f. 12-21-05, cert. ef. 12-31-05; LOTT 12-2016(Temp), f. & cert. ef. 11-8-16 thru 5-6-17

# ADMINISTRATIVE RULES

## Oregon State Marine Board Chapter 250

**Rule Caption:** Establishment of a two year biennial charter boat license option.

**Adm. Order No.:** OSMB 14-2016

**Filed with Sec. of State:** 10-27-2016

**Certified to be Effective:** 11-1-16

**Notice Publication Date:** 8-1-2016

**Rules Amended:** 250-015-0005

**Subject:** This rule action established the option of being issued an annual or a two year biennial charter boat license with associated fee.

**Rules Coordinator:** June LeTarte—(503) 378-2617

### 250-015-0005

#### License Application and Fees

(1) An owner shall make application to the Board by completing and signing the Charter Boat License application as provided by the Board.

(2) The applicant must certify in the space provided that the boat complies with the equipment requirements established by the Board.

(3) The completed application must be accompanied by copies of:

(a) The current U.S. Coast Guard "Certificate of Inspection" (if an inspected boat); or

(b) Documents prescribed in OAR 250-015-0035.

(4) The charter boat operator must be in possession of a valid USCG Operators License appropriate for the area of operation.

(5) Upon approval of the application a charter boat license, decal and validation sticker shall be provided to the applicant:

(a) The Oregon charter boat license issued shall identify the applicant, the boat, whether or not the boat operates within 20 or less miles from shore, the license expiration and such other items as deemed appropriate by the Board. It shall be carried on board and made available upon demand of a peace officer;

(b) The charter boat decals shall be of such size and color as designated by the Board and shall be displayed in any visually unobstructed location on the boat's port and starboard cabin sides or windows, or in the case of an open boat, at or near the operator's position, port and starboard, in as highly visible a location as possible. The validation sticker shall be affixed to this decal in the space provided.

(6) A Charter Boat license may be issued either as an annual or biennial license. The fee for a two year biennial license is double the amount of an annual license fee as described in ORS 830.440(3).

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.430 - 830.460

Hist.: MB 6-1989, f. 12-20-89, cert. ef. 1-1-90; OSMB 5-2014, f. & cert. ef. 1-15-14; OSMB 14-2016, f. 10-27-16, cert. ef. 11-1-16

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**Rule Caption:** Authorization to operate a boat at Willamette Falls in accordance with the Ceremonial Harvest Permit

**Adm. Order No.:** OSMB 15-2016

**Filed with Sec. of State:** 10-27-2016

**Certified to be Effective:** 11-1-16

**Notice Publication Date:** 8-1-2016

**Rules Amended:** 250-020-0032

**Subject:** This rule will allow the Confederate Tribes of the Grand Ronde to operate a boat in the area of the Oregon City Falls on the Willamette River to construct and access a fishing platform.

**Rules Coordinator:** June LeTarte—(503) 378-2617

### 250-020-0032

#### Boat Operations on the Willamette River in Clackamas County

(1) No person shall operate a motorboat in excess of 10 MPH in the following areas:

(a) Between the southern shore of Hog Island and the mainland;

(b) Within 100 feet of the west shore, between RM 30.0 and 30.5.

(2) No person shall operate a boat:

(a) Downstream from Oregon City Falls in an area from the base of the falls to a line across the river between the northeast corner of the West Linn Paper Company Mill A Grinder Room on the west bank of the river to the southwest corner of the previous power plant associated with the previous Blue Heron Mill on the east bank of the river as marked;

(b) In the area commonly known as the "cul-de-sac" or the West Linn Paper Company tailrace; beginning at the mouth of the tailrace on the south bank then extending across the tailrace following the line established by the

bridge across the tailrace to the north bank, then in a westerly, southerly, and easterly direction around the bank of the tailrace to the place of beginning.

(c) Exceptions:

(A) Boats of any federal, state, county, or local governmental agency, Portland General Electric Sullivan Plant and West Linn Paper Company maintenance crews may operate in the closed area when on official business;

(B) Boats used in taking lamprey under a permit issued by the Oregon Department of Fish and Wildlife may operate in the closed area subject to the conditions specified in the permit.

(C) Holders of a Ceremonial Harvest Permit may operate a boat for activities conducted in accordance with OAR 635-041-0610 as adopted by the Oregon Department of Fish and Wildlife.

(D) To operate in the closed area under special permits as prescribed in sections (2)(c)(B) and (2)(c)(C), each operator must hold a valid Oregon Boater Education Card and each boat must pass an inspection by a Clackamas County Marine Law Enforcement officer for compliance with Oregon boating safety statutes and administrative rules.

(3) No person shall operate a motorboat in excess of a "slow-no wake" speed on the following waters:

(a) Cedar Island lagoon;

(b) From the north point of the eastern spit of Cedar Island 100 yards due north and then due west to the shore line;

(c) Within 200 feet of a designated public launching ramp or marked swimming area;

(d) Within 200 feet of shore adjacent to George Rogers Park (Lake Oswego), from the southern bank of Sucker Creek north along the west bank of the Willamette, to a point 200 yards north of the boat ramp, as posted;

(e) From the I-5 Boones Bridge west approximately 1,700 feet to the Railroad Bridge.

(4) No person shall operate a personal watercraft in continuous operation on the Willamette River between Hog Island and the Union Pacific Railroad Bridge during the period from May 1 through September 30, except to transit through this zone.

(5) On the Willamette River from the Hwy 219 Bridge at RM 48.5 to the upper end of Willow Island at RM 31.5, the following rules apply:

(a) No person shall operate a motorboat in excess of a "slow-no wake" speed within 100 feet of private docks, boathouses or moorages legally permitted by the Oregon Department of State Lands.

(b) No person shall use wake-enhancing devices, including ballast tanks, wedges or hydrofoils or other mechanical devices, or un-even loading of persons or gear, to artificially operate bow-high.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 26, f. 7-20-64; MB 80, f. & ef. 4-19-77; MB 83, f. & ef. 4-22-77; Renumbered from 250-020-0142, MB 9-1982, f. 10-13-82, ef. 10-15-82; MB 6-1986, f. & ef. 5-23-86; MB 1-1987, f. & ef. 2-4-87; MB 13-1987, f. & ef. 6-15-87; MB 3-1996, f. & cert. ef. 2-22-96; OSMB 5-2000, f. & cert. ef. 10-30-00; OSMB 5-2007(Temp), f. & cert. ef. 6-18-07 thru 12-13-07; Administrative correction 12-20-07; OSMB 5-2008, f. & cert. ef. 7-11-08; OSMB 9-2008, f. 10-22-08, cert. ef. 1-1-09; OSMB 3-2014, f. & cert. ef. 1-15-14; OSMB 4-2015, f. 4-30-15, cert. ef. 5-1-15; OSMB 6-2016(Temp), f. & cert. ef. 6-7-16 thru 10-31-16; OSMB 15-2016, f. 10-27-16, cert. ef. 11-1-16

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**Rule Caption:** Authorization for agency representative to appear on behalf of agency at particular classes of hearings.

**Adm. Order No.:** OSMB 16-2016

**Filed with Sec. of State:** 10-27-2016

**Certified to be Effective:** 11-1-16

**Notice Publication Date:** 8-1-2016

**Rules Adopted:** 250-001-0035

**Subject:** This rule confirms that a Marine Board employee may represent the agency in a particular class of contested case hearings: outfitter and guide registration and civil penalties; charter/livery registrations and certificates; and registration and certificates in accordance with ORS 183.452.

**Rules Coordinator:** June LeTarte—(503) 378-2617

### 250-001-0035

#### Agency Representation by Officer or Employee

(1) A Marine Board employee is authorized to appear on behalf of the Board in a hearing or in a class of contested hearings in which the Attorney General or the Deputy Attorney General has given written consent for such representation.

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(2) The contested case hearings for which the Attorney General has given its consent for the Marine Board to act as a representative of the agency are outfitter/guide, charter/livery and boat registration.

(3) The agency representative may not make legal argument on behalf of the agency.

(4) "Legal argument" as used in ORS 183.450(8) and this rule shall include arguments on:

- (a) The jurisdiction of the agency to hear the contested case;
- (b) The constitutionality of a statute or rule or the application of a constitutional requirement to an agency;

(c) The application of court precedent to the facts of the particular contested case proceeding.

(5) "Legal argument" does not include presentation of evidence, examination and cross-examination of witnesses or presentation of factual arguments or arguments on:

(a) The application of the facts to the statutes or rules directly applicable to the issues in the contested case;

(b) Comparison of prior actions of the agency in handling similar situations;

(c) The literal meaning of the statutes or rules directly applicable to the issues in the contested case;

(d) The admissibility of evidence or the correctness of procedures being followed.

(6) When a Marine Board employee represents the agency, the presiding officer shall advise such representative of the manner in which objections may be made and matters preserved for appeal.

(a) Such advice is of a procedural nature and does not change applicable law on waiver or the duty to make timely objection.

(b) Where such objections involve legal argument, the presiding officer shall provide reasonable opportunity for the agency officer or employee to consult legal counsel and permit such legal counsel to file written legal argument within a reasonable time after conclusion of the hearing.

Stat. Auth.: ORS 830.110, 183.452

Stats. Implemented: ORS 704.040, 830.465, 830.420, 830.815

Hist.: OSMB 5-2016(Temp), f. & cert. ef. 5-12-16 thru 10-31-16; OSMB 16-2016, f. 10-27-16, cert. ef. 11-1-16

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**Rule Caption:** Amend Outfitter/Guide rules to modify non-resident tag program fees and adopt civil penalties.

**Adm. Order No.:** OSMB 17-2016

**Filed with Sec. of State:** 11-2-2016

**Certified to be Effective:** 1-1-17

**Notice Publication Date:** 6-1-2016

**Rules Adopted:** 250-016-0095, 250-016-0100

**Rules Amended:** 250-016-0020, 250-016-0035, 250-016-0040

**Rules Repealed:** 250-016-0030

**Subject:** These rules adopted civil penalties to comply with Oregon Revised Statutes. Amended rules to remove unauthorized exclusions. The non-resident tag program requirements were modified and an additional hunt unit certificate fee was added.

**Rules Coordinator:** June LeTarte—(503) 378-2617

## 250-016-0020

### Definitions

(1) "Decal" is an identifying registration sticker or fabric tag visibly displayed on a vessel, vehicle, pack or other equipment.

(2) "Deposit" is a collection of fees prior to providing outdoor recreational activities.

(3) "Drop Camp" is a site whose location is chosen either by the Outfitter and Guide or the client but where no guided hunt or fishing services are provided to the client.

(4) "Guide Boatsman Trainee" is an individual who is an Outfitter and Guide or an employee of an Outfitter and Guide who is receiving experience on whitewater as required in ORS 704.070.

(5) "Outfitter and Guide Hunt" is an outdoor recreational activity in which the client is physically accompanied in the field by the registered Outfitter and Guide or the employee(s) of the registered Outfitter and Guide during the hunt.

(6) "Owned or Controlled" land means any lands owned or under a formal leasing giving the individual as a sole-proprietor, partnership, or other corporation exclusive control of the use of the lands.

(7) "Packing" is the act by the registered Outfitter and Guide or the employee(s) of the registered Outfitter and Guide to lead clients in overland outdoor recreational activities including but not limited to the transporta-

tion of client, equipment and supplies, harvested game, by machine, boat, animal or guide.

(8) "Person" means an individual, partnership, corporation or non-profit organization.

(9) "Resident" is a person who permanently or continuously resides in Oregon.

(10) "Serious" violation is:

(a) A Felony or Class A, B or C misdemeanor conviction for a violation of any requirements listed in ORS 704.040(5) or any rules adopted pursuant to those Chapters; or

(b) An action that results in a fishing or hunting license or permit to be suspended, revoked, canceled or denied by the courts or by a state or federal agency with appropriate jurisdiction; or

(c) Any violation of the requirements in ORS 704.040(5)(b), or any rules adopted pursuant to those Chapters, while the guide was operating with a conditional registration.

(11) "Repeated" violation is:

(a) Any combination of three Class A, B, C or D infractions, or violations of ethical or professional standards in OAR 250-016-0060, during a five year period; or

(b) Any two felony or Class A, B or C misdemeanor convictions within a period of ten (10) years.

Stat. Auth.: ORS 830.110 & 830.435

Stats. Implemented: ORS 704 & 705

Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11; OSMB 7-2015, f. 6-26-15, cert. ef. 7-1-15;

OSMB 17-2016, f. 11-2-16, cert. ef. 1-1-17

## 250-016-0035

### Registration Requirement

(1) The completed and signed application, with all required attachments and the fee required by ORS 704.020 must be submitted to the Marine Board. The required fee is nonrefundable. The required attachments are:

(a) A copy of the certificate of first aid and CPR training (American Red Cross or equivalent); or

(A) A copy of training and certification as an Emergency Medical Technician I, II or III; or

(B) A copy of licensure as a registered nurse or medical doctor.

(b) Certificate of insurance;

(c) Proof of surety bond or letter of credit, if applicable; and

(d) Copy of US Coast Guard Operator's license, if applicable.

(2) The first aid and CPR training certificate or medical license as defined in (1)(a)(A)(B) of this rule shall remain current. If the first aid and CPR training certificate or medical license expires, the Outfitter and Guide's registration is automatically suspended.

(3) The certificate of insurance shall:

(a) Be issued in the applicant's name;

(b) Reflect all insured business names; and

(c) Reflect the lawfully required insurance minimum amounts.

(d) Remain current. If the certificate of insurance expires, the Outfitter and Guide's registration is automatically suspended.

(4) An incomplete application will not be processed. An incomplete application will be deemed inactive following twelve (12) months from date of receipt and lacking any action on the applicant's part to complete.

(5) Applications for non-boating related outfitter and guide licenses issued between July 1 and December 31 of each year will expire on June 30 of the following year.

Stat. Auth.: ORS 830.110 & 830.435

Stats. Implemented: ORS 704 & 705

Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11; OSMB 7-2015, f. 6-26-15, cert. ef. 7-1-15;

OSMB 17-2016, f. 11-2-16, cert. ef. 1-1-17

## 250-016-0040

### Proof of Registration Compliance

(1) Outfitter and Guide registration certificate:

(a) Upon meeting the registration requirements as outlined in ORS 704.020, the Marine Board will issue proof of compliance in the form of a registration certificate to the applicant. This registration certificate will contain the applicant's:

(A) Name and address;

(B) Registration number;

(C) Business name (if any) and

(D) Expiration date.

(b) A decal will be issued for each boat used in the Outfitter and Guide business with the following information:

# ADMINISTRATIVE RULES

(A) For motorized boats used on federally navigable waters, an oval decal shall show the area of operation allowed by the license, and the passenger carrying capacity.

(B) For all non-motorized and motorized boats where the operator does not have a US Coast Guard license, a square decal shall show the passenger carrying capacity.

(C) Boats not under the direct operation of an Outfitter and Guide or employee of an Outfitter and Guide are exempt from the decal requirement. Boats operated exclusively by the client of an Outfitter and Guide are exempt from the decal requirement.

(2) Duplicate Fees:

(a) An Outfitter and Guide may apply to the Marine Board for a duplicate registration certificate when an original has been lost, stolen or mutilated;

(b) A duplication fee of \$5.00 shall be paid for each replacement requested.

(3) The Outfitter and Guide registration certificate shall be carried at all times while providing outfitting or guiding services and shall be presented to any peace officer upon demand.

(4) An Outfitter and Guide seeking to participate in the Oregon Department of Fish and Wildlife allocation of non-resident tags for Outfitter and Guides established under ORS 496.151, must be certified.

(5) To be certified, an Outfitter and Guide must:

(a) Certify that they have three (3) years hunting experience working as a registered Outfitter and Guide in Oregon or,

(b) Submit a signed affidavit stating that they have three (3) years hunting experience working as an employee of an Outfitter and Guide registered in Oregon.

(c) Pass a written examination on the Outfitter and Guide program and Oregon Department of Fish and Wildlife laws and rules. The passing score is (75) seventy five percent.

(A) If the applicant fails the test, they may retake it after a thirty (30) day waiting period.

(B) If the applicant fails it a second time, the hunting certification for that year will be denied.

(d) Submit documentation from the issuing authority confirming that they have applied for the necessary federal government permits (U.S. Forest Service, Bureau of Land Management), private land leases or authorizations of not less than 1,280 contiguous acres for the area in which the Department of Fish and Wildlife hunting tags are to be requested.

(e) Submit a copy of the federal government permits, private land leases or authorizations to the Marine Board prior to June 1 of the hunt year.

(6) Hunt Tag Program Certification Fees:

(a) A nonrefundable \$100.00 certification application fee.

(b) An application renewal fee of \$25.00.

(7) Annual Hunt Unit Certification Fees:

(a) \$25.00 for 0 to 10 hunt units.

(b) \$50.00 for 11 to 20 hunt units.

(c) \$75.00 for 21 or more hunt units.

Stat. Auth.: ORS 830.110 & 830.435

Stats. Implemented: ORS 704 & 705

Hist.: OSMB 15-2011, f. & cert. ef. 11-1-11; OSMB 17-2016, f. 11-2-16, cert. ef. 1-1-17

## 250-016-0095

### Civil Penalties, Procedures

(1) When the State Marine Board proposes to impose a civil penalty for failure to comply with ORS 704.020, 704.021, 704.065, or 704.070, or for violation of ORS 704.030, the penalty shall be imposed pursuant to ORS 183.745.

(2) If a hearing is requested, the hearing shall be conducted as a contested case hearing through the Office of Administrative Hearings pursuant to the applicable provisions of ORS 183.411 to 183.470.

(3) A Marine Board employee is authorized to appear on behalf of the Marine Board in a hearing or in a class of contested hearings as provided by OAR 250-001-0035.

Stat. Auth.: ORS 183, 704

Stats. Implemented: ORS 183, 704

Hist.: OSMB 17-2016, f. 11-2-16, cert. ef. 1-1-17

## 250-016-0100

### Schedule of Civil Penalties

(1) Penalties for first violations of ORS 704.020, 704.021, 704.030, or 704.065 are \$200 per violation.

(2) The penalty for the first violation of 704.070 is \$250.

(3) Penalties for violations of ORS 704.020, 704.021, 704.030, or 704.065, when a person has previously been found guilty of a violation of ORS 704.020, 704.021, 704.030, or 704.065, are \$400 per violation.

(4) The penalty for a violation of 704.070, when a person has previously been found guilty of a violation of ORS 704.020, 704.021, 704.030, 704.065, or 704.070, is \$500.

Stat. Auth.: ORS 704.500, 704.900

Stats. Implemented: ORS 704.900

Hist.: OSMB 17-2016, f. 11-2-16, cert. ef. 1-1-17

## Public Utility Commission Chapter 860

**Rule Caption:** Reporting Rules for Companies with a Qualified Project Determination from the Public Utility Commission.

**Adm. Order No.:** PUC 4-2016

**Filed with Sec. of State:** 10-25-2016

**Certified to be Effective:** 10-25-16

**Notice Publication Date:** 8-1-2016

**Rules Adopted:** 860-200-0200, 860-200-0250

**Subject:** These rules establish reporting requirements for companies with a Qualified Project Determination from the Public Utility Commission. The rules facilitate the collection and verification of information to be reported by the Commission to the Legislature per ORS 308.681.

**Rules Coordinator:** Diane Davis—(503) 378-4372

### 860-200-0200

#### Report to Commission

(1) A company that has received a determination under ORS 308.677(4) that its project is a qualified project must submit a report to the Commission on or before November 1 each year. The information reported may be included in a report prepared by the Commission for the Legislative Assembly.

(2) A company submitting a report per section (1) must include a completed eFiling Report Cover Sheet form found on the Commission website at [www.puc.state.or.us/Pages/eFiling/Reports.aspx](http://www.puc.state.or.us/Pages/eFiling/Reports.aspx).

(3) A company submitting a report per section (1) that offered the qualified service in Oregon during the preceding calendar year must report the information required to be reported in OAR 860-200-0250.

(4) A company submitting a report per section (1) that did not offer the qualified service in Oregon during the preceding calendar year shall submit a declaration of a company representative that the company did not offer the qualified service during the preceding calendar year.

(5) Each company submitting a report under section (3) will arrange for an on-site review by Staff prior to December 31 of the current reporting year of the company's most recent Form 477 Oregon-specific broadband subscription data submitted to the Federal Communications Commission, in an electronic format acceptable to Staff, at a location convenient to Staff. Form 477 subscription data reviewed by Staff will not be included in the Commission's report to the Legislative Assembly. The company and Staff will coordinate on measures to protect Form 477 subscription data from disclosure as a result of Staff's review.

Stat. Auth.: ORS 308.681, 756.040, 756.060

Stats. Implemented: ORS 308.681

Hist.: PUC 4-2016, f. & cert. ef. 10-25-16

### 860-200-0250

#### Report Requirements

A company submitting a report required under OAR 860-200-0200(3) must include all of the following in the report. A company must report information that is accurate and complete as of June 30 of the year of submission unless otherwise stated in these rules.

(1) A certification executed by an authorized representative of the company in which the representative affirms that the company has met the requirements for service capacity and offering service to residential customers specified in ORS 308.677(2). The representative must further affirm that all of the information in the company's report is accurate and complete. The representative's certification must be a sworn statement under ORS 162.055 attesting to the truth of the certification.

(2) The amount of capital investment made in the previous calendar year by the company in Oregon in newly constructed or installed real or tangible personal property constituting communication infrastructure that enables the company to offer the qualified service.

(3) A general description of how the company is providing the qualified service.

(4) A map, including county and city designations, depicting the area where the company offers qualified service and identifying, using census blocks, where residential customers of the company subscribe to broadband

# ADMINISTRATIVE RULES

services indicating the highest of the following download speed tiers for each census block in which it has customers:

- (a) Up to and including 100 Megabits per second (Mbps);
- (b) Greater than 100 Mbps up to and including 500 Mbps; and
- (c) Greater than 500 Mbps.

(d) The company may submit information regarding speed tiers in addition to those shown above. As an example, a company may choose to also submit information regarding download speed of 1 gigabit per second (Gbps) or greater.

(5) The quartile containing the percentage of the company's residential broadband services customers in Oregon that have access to the company's at least, approximately one gigabit per second symmetrical service.

- (a) Quartile 1 – 0 percent to 25 percent;
- (b) Quartile 2 – 26 percent to 50 percent;
- (c) Quartile 3 – 51 percent to 75 percent;
- (d) Quartile 4 – greater than 75 percent.

(6) The percentage, rounded up to a whole percent, of the company's residential broadband services customers with access to the company's qualified service that subscribe to broadband service in the following download speed tiers:

- (a) Up to and including 100 Mbps;
- (b) Greater than 100 Mbps up to and including 500 Mbps; and
- (c) Greater than 500 Mbps.

(d) The company may submit information regarding speed tiers in addition to those shown above. As an example, a company may choose to also submit information regarding download speed of 1 gigabit per second (Gbps) or greater.

(7) The percentage, rounded up to a whole percent, of the company's residential broadband services customers in Oregon that subscribe to broadband service in the following download speed tiers:

- (a) Up to and including 100 Mbps;
- (b) Greater than 100 Mbps up to and including 500 Mbps; and
- (c) Greater than 500 Mbps.

(d) The company may also submit information regarding speed tiers in addition to those shown above. As an example, a company may choose to also submit information regarding download speed of 1 gigabit per second (Gbps) or greater.

(8) A product description and a copy of the company's customer service agreement form for each qualified service offering.

(9) The network speed test methods, data, and results from a sample of tests conducted within six months of the date of the report, using industry-standard testing methodology, for the company's broadband service that provides at least, approximately one gigabit per second symmetrical service.

(10) In the previous calendar year, the percentage of households to whom the company offers its qualified service who properly placed an order requesting the equivalent of at least, approximately one gigabit per second symmetrical service and were denied that service by the company.

(11) In the previous calendar year, the number of complaints the company received that the company had denied access to its qualified service to a group of residential customers because of the income level of the residential customers in the local service area in which the residential customers reside, and a description of how each complaint was resolved.

(12) Any additional information the company wishes to report regarding benefits of any tax exemption granted to the company under ORS 308.677.

Stat. Auth.: ORS 308.681, 756.040, 756.060  
Stats. Implemented: ORS 308.681  
Hist.: PUC 4-2016, f. & cert. ef. 10-25-16

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

**Rule Caption:** Updates Reporting System Reference; Revises Hand Count Processes for Counties that Tally Ballots by Batch

**Adm. Order No.:** ELECT 5-2016(Temp)

**Filed with Sec. of State:** 11-7-2016

**Certified to be Effective:** 11-7-16 thru 12-9-16

**Notice Publication Date:**

**Rules Amended:** 165-007-0290

**Subject:** This rule describes the process by which county elections officials conduct hand counts of ballots counted by county vote tally systems at each general election. This temporary amendment revises the random selection and notification process for ballot count

batches used by a county, that tallies ballots by batch, to conduct the hand count. The process has been revised to ensure all ballot count batches used to produce the official tally of votes are available for random selection. Additionally this temporary amendment provides that the results posted to the Secretary of State's electronic reporting system for unofficial results as of noon the day after the date of the general election will be used to determine the percentage of precincts or ballot count batches hand counted.

**Rules Coordinator:** Brenda Bayes—(503) 986-1518

## 165-007-0290

### Hand Count of Ballots at General Election

(1) This rule is adopted to implement hand counts of ballots counted by the vote tally system in the county at every general election as required by ORS 254.529.

(a) The hand count must be compared to the tally of votes produced by a vote tally system for the same ballots.

(b) The number of ballots that must be hand counted is dependent on the margin of victory between the two candidates in the same race receiving the largest number of votes in the county, as determined by the unofficial tally of ballots.

(c) Depending on the margin of victory, which will be determined by the results posted to the Secretary of State's electronic reporting system for unofficial results, as of noon the day after the date of the general election, either 10%, 5% or 3% of all precincts or of ballots in ballot count batches will be hand counted.

(2) For purposes of implementing ORS 254.529 and this rule:

(a) "Margin of victory" means the percentage difference between the first and second place candidates in a given contest. For a contest for state measure the "margin of victory" is the difference between the "yes" and "no" votes.

(b) "Precinct" means any precinct with registered voters.

(c) "Ballot count batch" means a subset of ballots which can be associated with a subtotal in the vote tally system.

(3) In order to assist the Secretary in selecting the election contests for which ballots are to be hand counted, the Secretary shall appoint three members, one of whom will be an expert in statistics, to the Secretary of State's Hand Count Advisory Committee.

(4) Not later than 5 p.m. of the third business day after the date of the general election the Committee shall meet to randomly select for each county:

(a) An office to be voted on in the state at large;

(b) A state measure; and

(c) The precincts or ballot count batches in which ballots are to be hand counted.

(d) The same precincts or ballot count batches will be used to conduct the hand counts on all three election contests to be hand counted.

(e) If the randomly selected office to be voted on in the state at large is the same contest in the county receiving the largest number of votes between two candidates, another office to be voted on in the state at large will be randomly selected.

(5) For a county that tallies ballots by batch, the Committee will randomly select either 10%, 5% or 3% of an estimated number of ballot count batches. The estimated number of ballot count batches shall be calculated by dividing the maximum number of ballots in a batch into the number of registered voters reported by the county in the electronic reporting system for unofficial results as of noon the day after the date of the general election.

(6) Once the Committee has randomly selected the election contests and the precincts or ballot count batches in which ballots are to be hand counted, the Secretary of State will notify county elections officials. The notice shall:

(a) Identify the office to be voted on in the state at large, the state measure and the contest between the two candidates receiving the largest number of votes in the county; and

(b) For counties that tally ballots by precinct a complete list of the randomly selected precincts to be used in conducting the hand count.

(7) Not later than the 20th day after the date of the general election the county elections official, in a county that tallies ballots by batch, shall provide to the Secretary of State information identifying all ballot count batches used to produce the official tally of votes.

(a) Upon receipt, the Secretary of State shall provide the county elections official with a complete list of the randomly selected estimated ballot count batches that corresponds to 10%, 5% or 3% of the official number of ballot count batches.

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(b) Estimated ballot count batches that do not correspond to an official ballot count batch or are in excess of 10%, 5% or 3% of the official number of ballot count batches shall not be sent.

(8) Not later than the 5th business day after the date of the general election the Secretary of State will provide written notification to all affected candidates for selected election contests, chief petitioners or legislative sponsor of the state measure selected and any registered opponents of the measure. Notice will be sent by email or if no email address is available, by first class mail.

(9) Members of the public may observe the hand count. The County Elections Official shall permit only so many persons as observers as will not interfere with an orderly procedure at the office of the County Elections Official.

(10) A county elections official may only begin the hand count after certification of the official results to the Secretary of State, but not later than the 21st day after the election. All hand counts must be completed no later than the 30th day after the election.

(11) If a comparison of the tally of votes produced by a vote tally system with the tally of votes produced by the hand count shows that the tally of votes produced by the vote tally system differs by no more than one-half of one percent of the total votes cast in the contest, from the tally of votes produced by the hand count, the hand count is complete and the county elections official reports the results as provided in subsection (11). If the difference exceeds one-half of one percent of the total votes cast in the contest, a second hand count is conducted as provided in subsection (12).

(12) Valid votes that have been marked by the voter outside the vote targets or using a marking device that cannot be read by the vote tally system shall not be included in making the determination whether the voting system has met the standard of acceptable performance for any precinct or ballot batch under ORS 254.529(8)(a) through (c).

(13) Upon completion of the hand count, but not later than the 30th day after the election, the county elections official must submit to the Secretary of State form SEL 798 detailing any difference and providing an explanation of the difference between the hand count and the tally of votes produced by the vote tally system in the county. Over votes and under votes are excluded from the totals on the SEL 798. Valid votes referenced in (10) of this rule, are to be listed as exceptions on the SEL 798.

(14) If after the first hand count, a second hand count is required to be conducted, the county elections official must again upon completion, but not later than the 30th day after the election, submit to the Secretary of State form SEL 798 detailing any difference and providing an explanation of the difference between the hand count and the tally of votes produced by the vote tally system in the county.

(15) If the county elections official is required under ORS 254.529(8)(d) to conduct a hand count of all ballots counted by the vote tally system, the county elections official not later than the 30th day after the election must certify to the Secretary of State and any other appropriate elections official an amended abstract of votes.

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 254.529

Hist.: ELECT 9-2008, f. & cert. ef. 10-23-08; ELECT 23-2009, f. & cert. ef. 12-31-09;

ELECT 5-2016(Temp), f. & cert. ef. 11-7-16 thru 12-9-16

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## Teacher Standards and Practices Commission Chapter 584

**Rule Caption:** Amending rules related to program standards for dyslexia instruction.

**Adm. Order No.:** TSPC 5-2016(Temp)

**Filed with Sec. of State:** 11-9-2016

**Certified to be Effective:** 11-9-16 thru 2-27-17

**Notice Publication Date:**

**Rules Amended:** 584-420-0016

**Subject:** HB 2412 (2015) directs the Commission to adopt standards that require educator preparation programs to provide instruction on dyslexia. The new statutory provisions require that the instruction be consistent with the knowledge and practice standards of an international organization on dyslexia. Programs must demonstrate compliance with the dyslexia instruction standards no later than December 31, 2016. The rule adopts standards based on international standards for dyslexia instruction and requires Oregon educator preparation programs to report on alignment of their elementary education, reading intervention and special education programs with the new dyslexia standards before December 31, 2016.

**Rules Coordinator:** Tamara Dykeman—(503) 378-3586

## 584-420-0016

### Dyslexia Instruction: Program Standards

(1) Purpose of the Standards: ORS 342.147 requires the Commission to establish standards for approval of an educator preparation program that require early childhood education, elementary education, special education or reading programs to provide instruction on dyslexia and that the instruction be consistent with the knowledge and practice standards of an international organization on dyslexia.

**Note:** This rule is established pursuant to Section 8, Chapter 245, Oregon Laws 2015 (Enrolled HB 2412).

(2) Scope of standards: The dyslexia instruction standards set forth in this rule apply to Oregon educator preparation programs preparing candidates for the following endorsements:

(a) Elementary-Multiple Subjects (includes early childhood education);

(b) Reading Intervention; and

(c) Special Education: Generalist.

(3) Oregon educator preparation programs, as provided in subsection (2), must provide the necessary program components that will enable candidates to meet the standards related to dyslexia instruction, as provided in subsection (5).

(4) Oregon education preparation programs must demonstrate compliance with the dyslexia standards by submitting a plan to the Commission no later than December 31, 2016. The plan must describe the revisions to program components that are necessary to meet the dyslexia instruction standards for the Elementary-Multiple Subjects, Reading Intervention or Special Education: Generalist.

(5) STANDARDS FOR DYSLEXIA INSTRUCTION: Candidates must demonstrate the ability to:

(a) Identify the characteristics that may predict or are associated with dyslexia;

(b) Understand how to provide evidence-based reading instruction to all students, including students who demonstrate characteristics that may predict or are associated with dyslexia;

(c) Administer, interpret and apply screening and progress monitoring assessments for students who demonstrate characteristics that may predict or are associated with dyslexia; and

(d) Apply dyslexia assessment and instruction knowledge to pedagogy practice.

(6) The standards for dyslexia instruction provided in subsection (5) apply to all students the candidate is being prepared to teach, including English Language Learner (ELL) students.

(7) Program alignment with the dyslexia instruction standards provided in subsection (5) must be consistent with the knowledge and practice standards of an international organization on dyslexia.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495 & 342.553

Hist.: TSPC 4-2016(Temp), f. 8-31-16, cert. ef. 9-1-16 thru 2-27-17; TSPC 5-2016(Temp), f. & cert. ef. 11-9-16 thru 2-27-17

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**Rule Caption:** Adopts, amends and repeals rules related to educator licensure and approval of preparation programs.

**Adm. Order No.:** TSPC 6-2016

**Filed with Sec. of State:** 11-15-2016

**Certified to be Effective:** 11-15-16

**Notice Publication Date:** 8-1-2016

**Rules Amended:** 584-070-0012, 584-070-0111, 584-210-0160, 584-220-0010, 584-220-0080, 584-220-0110

**Rules Repealed:** 584-050-0060, 584-050-0065, 584-050-0066, 584-050-0067, 584-050-0070

**Subject:** 584-070-0012 is amended to add back a phrase that was inadvertently deleted during previous amendments.

584-070-0111 is being amended to change name of license from Transitional to Reciprocal. Clarifies process for moving to Preliminary license.

584-210-0160 is being amended to remove provisions related to highly qualified for License for Conditional Assignment.

584-220-0010 is being amended to change name of the endorsement from Family and Consumer Studies to Family and Consumer Sciences.

584-220-0080 is being amended to changes name of the endorsement from Family and Consumer Studies to Family and Consumer Sciences.

# ADMINISTRATIVE RULES

584-220-0110 is being amended to replace missing phrases related to alternative courses in lieu of testing.

584-050-0060; 584-050-0065; 584-050-0066; 584-050-0067; 584-050-0070 are being repealed because the underlying statutory requirements were abolished in Or Laws 2015 ch 245 (HB 2412).

Makes other grammatical and technical changes.

**Rules Coordinator:** Tamara Dykeman—(503) 378-3586

## 584-070-0012

### Preliminary School Counselor License

(1) Upon filing a correct and complete application in form and manner prescribed by the Commission, a qualified applicant may be granted a Preliminary School Counselor License for three years plus time to the applicant's birthday.

(2) The Preliminary School Counselor License is valid for school counselor assignments in prekindergarten to grade 12 assignments.

(a) The license is also valid for substitute counseling; and

(b) The license is also valid for substitute teaching in any subject-matter area.

(3) To be eligible for a Preliminary School Counselor License, an applicant must satisfy all of the following general preparation requirements:

(a) A master's or higher degree in counseling, education, or related behavior sciences from a regionally accredited institution in the United States, or the foreign equivalent of such degree approved by the Commission and a bachelor's degree. A master's degree or a doctoral degree from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree;

(b) Admission to and completion of an Oregon or another U.S. jurisdiction, as part of the master's degree or separately, Commission-approved initial program in school counseling;

(c) Obtain a passing score on a Commission-adopted test of knowledge of U.S. and Oregon civil rights laws and professional ethics; and

(d) Complete a background clearance that includes:

(A) Furnishing fingerprints (if necessary);

(B) Providing satisfactory responses to character questions in the form and manner prescribed by the Commission; and

(e) If the Preliminary School Counselor license was issued on the basis of an out-of-state non-provisional license rather than completion of an Oregon-approved program; the educator must complete all requirements in subsection (3) of this rule.

(4) Renewal: To be eligible to apply for renewal of the Preliminary School Counselor License, the applicant must:

(a) Complete 75 continuing professional development units as provided in OAR 584-255-0010, Professional Development Requirements;

(b) Submit a complete and correct renewal application in the form and manner required by the Commission and the payment of all required fees as provided in OAR 584-200-0050.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495; 342.553

Hist.: TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 5-2008, f. & cert. ef. 6-13-08; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; Administrative correction 11-19-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 5-2013, f. & cert. ef. 11-14-13; TSPC 1-2014(Temp), f. & cert. ef. 3-15-14 thru 9-10-14; TSPC 5-2014, f. & cert. ef. 8-5-14; TSPC 6-2015(Temp), f. & cert. ef. 7-1-15 thru 12-27-15; TSPC 11-2015, f. 11-13-15, cert. ef. 1-1-16; TSPC 1-2016, f. & cert. ef. 2-10-16; TSPC 6-2016, f. & cert. ef. 11-15-16

## 584-070-0111

### Reciprocal School Counselor License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant who has completed an out-of-state approved school counselor program, and is applying for licensure in Oregon for the first time may be granted a Reciprocal School Counselor License.

(2) The Reciprocal School Counselor License is issued for one year and is non-renewable. However, under extenuating circumstances, additional time may be allowed, as described below in subsection 6 of this rule.

(3) The Reciprocal School Counselor License is valid for regular or substitute school counseling at all age or grade levels.

(4) To be eligible for a Reciprocal School Counselor License, the applicant must have:

(a) A master's or higher degree in counseling, education, or related behavioral sciences, from a regionally accredited institution or an approved foreign equivalent; a master's degree or a doctoral degree from a regionally accredited institution validates a non-regionally accredited bachelor's degree;

(b) Held an unrestricted school counseling license in any state; and

(c) Furnished fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.)

(5) The Reciprocal School Counselor License will not be restricted as to employer if the applicant has held an unrestricted license for school counseling in any state.

(6) If extenuating circumstances prevent the educator from completing these requirements on time, an Emergency School Counselor License may be issued, at the sole discretion of the Executive Director. Evidence of the extenuating circumstances must be presented to the Executive Director, who then determines if and for how long an emergency license should be issued as needed to protect the district's programs or students.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495& 342.553

Hist.: TSPC 3-1999, f. & cert. ef. 7-15-99; TSPC 9-1999, f. & cert. ef. 11-22-99; TSPC 3-2001, f. & cert. ef. 6-21-01; TSPC 5-2001, f. & cert. ef. 12-13-01; TSPC 6-2002, f. & cert. ef. 10-23-02; TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 3-2010, f. & cert. ef. 4-2-10; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10; TSPC 9-2010, f. 12-15-10, cert. ef. 1-1-11; TSPC 3-2011, f. & cert. ef. 3-15-11; TSPC 6-2016, f. & cert. ef. 11-15-16

## 584-210-0160

### License for Conditional Assignment

(1) Purpose of License Conditional Assignment: An Oregon school district may request a License for Conditional Assignment (LCA) for any educator holding a Preliminary, Professional, Teacher Leader, Legacy or Reciprocal teaching license. The purpose of an LCA is to allow a school district to request misassignment for an educator to teach in an out-of-field subject-matter endorsement area for which the educator is not authorized to teach, while the educator completes requirements necessary either to add the subject-matter to the underlying license or to obtain a new license type.

(2) The LCA is required when teaching or working out-of-field under any of the following circumstances:

(a) Teaching assignments for more than 10 hours weekly in one subject-matter area without the appropriate subject-matter endorsement;

**EXAMPLE:** A physical education teacher without a health endorsement teaching health three periods of the day would require a LCA for health. If only teaching two periods a day; that would fall under the 10 hours per week threshold.

(b) Teaching in more than one unendorsed subject-matter endorsement area for any amount of time; or

**EXAMPLE:** If the physical education teacher above was teaching one period of health and one period of math; then an LCA would be required for both areas regardless of the 10 hours per week rule. The 10 hours per week rule applies to one subject only.

(c) Moving from one license to another.

**EXAMPLE:** A teacher moving to administration; an administrator moving to teaching (if the educator does not hold a valid teaching license); a teacher moving to school psychology.

(3) Term of License for Conditional Assignment: The LCA is a provisional license that provides temporary conditional approval to teach out-of-field under the following conditions:

(a) All LCAs will expire on June 30 following the date the LCA is issued;

(b) For endorsements that require only a test, experience or nine quarter hours or less of coursework, all endorsement requirements must be completed by June 30th following the date the LCA is issued;

(c) For endorsements requiring coursework exceeding nine quarter or six semester hours of coursework, the LCA will not exceed more than three academic years in total. The LCA for these endorsements will be issued as follows:

(A) The first LCA will expire on June 30th following the date the first LCA is issued;

(B) The second LCA will be reauthorized upon application by the educator and the school district upon evidence the educator has completed some coursework toward adding the endorsement and will expire on June 30th following the date the second LCA is issued;

(C) The third LCA will be reauthorized upon application by the educator and the school district and upon evidence the educator has substantially completed the coursework needed to add the endorsement or complete the new licensure program and will expire on June 30th following the date the third LCA is issued.

(4) The LCA will not be "back dated." Time spent on assignments where the district failed to request the LCA will be deducted from the allowable LCA total (either one year or three years).

(5) The LCA is not renewable and is not eligible for a 120 day grace period beyond its expiration date.

(6) The LCA is not a stand-alone or independent license. The underlying license must be kept current in order for the LCA to remain active.



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The LCA will not be issued for a duration that exceeds the expiration date of the underlying license. In cases where there is a lapse in the underlying license, the LCA may be re-activated for a time as determined by the Executive Director or Licensure Director upon reinstatement of the underlying license.

(7) The district applying for an LCA is assumed to have informed the educator for which the LCA is being requested. Failure to inform the educator may result in an invalid LCA upon a finding by the Commission that the educator did not grant the district permission to add the LCA to the educator's license.

(8) Licenses not eligible for an LCA include, but are not limited to the following provisional licenses:

- (a) Any Restricted License;
  - (b) Limited Teaching License;
  - (c) American Indian Language;
  - (d) Teaching Associate License;
  - (e) Career and Technical Education Teaching License;
  - (f) Substitute Teaching License;
  - (g) Restricted Substitute Teaching License;
  - (h) Limited Student Services License;
  - (i) Exceptional Administrator License; or
  - (j) International Visiting Teaching License.
- (9) Other Special LCA Limitations:

(a) An administrator, school counselor, or school psychologist who has never held a non-provisional teaching license in any state may not be issued an LCA to teach;

(b) Applicants seeking conditional assignment as an administrator must hold a master's degree, educational specialist, or doctoral in education to be eligible for the LCA; [See, OAR 584-080-0153 Restricted Transitional Administrator License for other possible alternatives.]

(c) Applicants seeking conditional assignment in school counseling or school psychology must hold at least a bachelor's degree or master's, educational specialist, or doctoral degree in the respective field of counseling or psychology; and

(d) Applying educators must never have held any one of the following licenses or permits endorsed in the subject-matter area or licensure areas in which the educator is seeking to work out-of-field:

- (A) Conditional assignment permit;
- (B) Restricted Licenses;
- (C) Transitional or out-of-state Initial Teaching License; or
- (D) Out of state license in the out-of-field subject-area or grade-levels.

(10) The LCA is restricted to use within the district that has applied for it. A new district may request to transfer the LCA so long as there is time remaining since the date the LCA was first issued.

(11) A district must:

(a) Apply for an LCA by October 31 for the fall term; or thereafter, apply for the LCA within two weeks after the assignment has begun; and

(b) Agree to provide professional assistance specific to the assignment for the educator during the first year of the conditional assignment.

(12) After an LCA has expired, the educator must have completed all requirements necessary to add the appropriate endorsement or new licensure program in order to continue working in the area in which the educator held the LCA. Continuing to work in an out-of-field position on an expired LCA is a violation of licensure law and is unauthorized. In these cases, the license-holder or the assigning administrator or both may be subject to sanctions for gross neglect of duty by the Commission pursuant to OAR 584-020-0040(4).

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16; TSPC 1-2016, f. & cert. ef. 2-10-16; TSPC 6-2016, f. & cert. ef. 11-15-16

## 584-220-0010

### Endorsement on Teaching Licenses: General Provisions

(1) Purpose of Teaching License Endorsements: The purpose of an endorsement on a teaching license is to indicate the subject areas (content knowledge) for which the educator is authorized to teach. New educators must meet the requirements for content and subject-specific pedagogical knowledge prior to adding an endorsement to an existing Preliminary Teaching License. Experienced educators must meet the Commission-established requirements for content knowledge prior to adding the endorsement to an existing Professional, Teacher Leader or Legacy Teaching Licenses. Only Commission-adopted endorsements may be added to teaching licenses. New endorsements may only be established through official Commission action at a meeting.

(2) Teaching endorsements may be added to the following teaching licenses:

- (a) Preliminary Teaching License;
- (b) Professional Teaching License;
- (c) Teacher Leader License; and
- (d) Legacy Teaching License.

(3) Teaching endorsements may not be added to the following teaching licenses and registrations, except as noted:

- (a) American Indian Languages Teacher (May add another American Indian Language);
- (b) Charter school teacher registration;
- (c) Reciprocal Teaching License;
- (d) Restricted Teaching License;
- (e) Emergency Teaching License;
- (f) Limited Teaching License;
- (g) Career and Technical Education Teaching License (May add Career and Technical Education endorsements);
- (h) International Visiting Teaching License;
- (i) Substitute Teaching License (Already valid to teach any subject);

and

- (j) Restricted Substitute Teaching License (Already valid to teach any subject);

(4) Scope of Endorsements: The scope of the endorsement shall be determined by the National Center for Educational Statistics (NCES) course codes associated with the endorsement as provided by the TSPC Licensure Guide. An educator may only be assigned to teach courses within the scope of the endorsements on their license except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(5) Removing an Endorsement: An educator may request to remove an endorsement from their license. It is the responsibility of the educator to understand all employment issues related to the removal of the endorsement. To remove an endorsement from a license, an educator must submit a correct and complete application for removal of the endorsement in the manner and form required by the Commission, including all required fees as provided in OAR 584-200-0050. Once removed, the educator must meet all current endorsement requirements in order to add back the endorsement.

(6) The Commission approved general education endorsements for teaching licenses are:

- (a) Advanced Mathematics;
- (b) Agricultural Science;
- (c) Art;
- (d) Biology;
- (e) Business: Generalist;
- (f) Business: Marketing;
- (g) Career Trades: Generalist (formerly Technology Education);
- (h) Chemistry;
- (i) Drama;
- (j) Elementary – Multiple Subjects (formerly Multiple Subjects Self-Contained);
- (k) English Language Arts;
- (l) English to Speakers of Other Languages (ESOL);
- (m) Family and Consumer Science
- (n) Foundational English Language Arts (formerly Middle School Language Arts);
- (o) Foundational Mathematics (formerly Basic Math);
- (p) Foundational Science (formerly Middle School Science);
- (q) Foundational Social Studies (formerly Middle School Social Studies);
- (r) Health;
- (s) Integrated Science;
- (t) Legacy Art;
- (u) Legacy English to Speakers of Other Languages;
- (v) Legacy Health;
- (w) Legacy World Language;
- (x) Legacy Family and Consumer Science;
- (y) Legacy Career Trades: Generalist;
- (z) Legacy Library Media;
- (aa) Legacy Music;
- (bb) Legacy Physical Education; (cc) Legacy Reading;
- (dd) Legacy Five Year Elementary;
- (ee) Legacy Five Year Secondary; (ff) Library Media;
- (gg) Music;
- (hh) Physical Education;
- (ii) Physics;

# ADMINISTRATIVE RULES

- (jj) Reading Intervention (formerly Reading Specialist); (kk) Social Studies;
  - (ll) Special Education: Generalist;
  - (mm) Special Education: Early Intervention;
  - (nn) Special Education: Deaf and Hard-of-Hearing; (oo) Special Education: Visually Impaired;
  - (pp) Special Education: Communication Disorders; (qq) Speech (Forensics);
  - (rr) World Language: Chinese;
  - (ss) World Language: French;
  - (tt) World Language: German;
  - (uu) World Language: Japanese;
  - (vv) World Language: Latin;
  - (ww) World Language: Russian; and
  - (xx) World Language: Spanish.
- Stat. Auth.: ORS 342  
Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553  
Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16; TSPC 1-2016, f. & cert. ef. 2-10-16; TSPC 6-2016, f. & cert. ef. 11-15-16

## 584-220-0080

### Family and Consumer Studies

(1) Purpose: A Family and Consumer Science endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in Family and Consumer Science as provided by the TSPC Licensure Guide for Family and Consumer Science.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Existing Preliminary Teaching License: A Family and Consumer Science endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Family and Consumer Science pedagogy requirements as defined in this rule. To be eligible to add a Family and Consumer Science endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following Family and Consumer Science content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Family and Consumer Science; or

(B) Complete Commission-approved coursework of at least forty-eight quarter or thirty-two semester hours designed to develop competency in family and consumer Science that includes:

- (i) Life-span development;
- (ii) Clothing and textiles;
- (iii) Family relationships;
- (iv) Personal and family resource management;
- (v) Foods and nutrition;
- (vi) Housing; and
- (vii) Program organization and administration, such as advisory committees, student organizations, and supervision of occupational experience.

(C) At least fifty percent (50%) of the Family and Consumer Science coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Meet one of the following Family and Consumer Science pedagogy requirements:

(A) Admission to and completion of a Commission-approved Family and Consumer Science preparation program; or

(B) Complete a Family and Consumer Science pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title or must be acceptable to the Commission upon evaluation of course syllabi or other evidence; or

(C) Complete a supervised practicum in a Family and Consumer Science assignment in a public school setting. To verify the practicum, a school district must submit a PEER form and a statement verifying that:

(i) The applicant completed at least 60 hours of a supervised practicum in Family and Consumer Science courses;

(ii) The practicum was supervised by a teacher holding a Professional, Teacher Leader or Legacy Teaching license with a Family and Consumer Science endorsement;

(iii) The applicant has obtained the required pedagogy skills to teach Family and Consumer Science.

**Note:** The district must indicate in the statement that the supervisory teacher supports the verification of applicant skill level.

(iv) At the Executive Director's or Licensure Director's discretion, other Family and Consumer Science teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Family and Consumer Science instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

**Note:** Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

(4) Adding Family and Consumer Science Endorsement to Other Licenses: To be eligible to add a Family and Consumer Science endorsement to an existing Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Family and Consumer Science;

(B) Complete Commission-approved coursework of at least forty-eight quarter or thirty-two semester hours designed to develop competency in Family and Consumer Science that includes:

- (i) Life-span development;
- (ii) Clothing and textiles;
- (iii) Family relationships
- (iv) Personal and family resource management;
- (v) Foods and nutrition;
- (vi) Housing; and
- (vii) Program organization and administration, such as advisory committees, student organizations, and supervision of occupational experience.

(C) At least fifty percent (50%) of the Family and Consumer Science coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

**Note:** Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16; TSPC 1-2016, f. & cert. ef. 2-10-16; TSPC 6-2016, f. & cert. ef. 11-15-16

## 584-220-0110

### Integrated Science

(1) Purpose: An Integrated Science endorsement indicates that an educator is qualified to teach prekindergarten through grade 12 assignments in Integrated Science as provided by the TSPC Licensure Guide for Integrated Science.

(2) An educator is not authorized to teach in the endorsed area unless and until the endorsement is officially added to the license, except as provided in OAR 584-210-0170, Atypical Assignments and OAR 584-210-0160, License on Conditional Assignment.

(3) Adding to Existing Preliminary Teaching License: An Integrated Science endorsement may be added to an existing Preliminary Teaching license by demonstrating content knowledge and completing Integrated Science pedagogy requirements as defined in this rule. To be eligible to add an Integrated Science endorsement to an existing Preliminary Teaching License, an applicant must:

(a) Meet one of the following Integrated Science content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Integrated Science; or

(B) Complete Commission-approved coursework of at least forty-five quarter or thirty semester hours designed to develop competency in Integrated Science that includes forty-five quarter hours designed to develop competence in science, distributed as follows:

- (i) Eighteen quarter hours in:
  - (a) Astronomy;
  - (b) Geology;
  - (c) Meteorology;
  - (d) Oceanography.
- (ii) Twenty-seven quarter hours in:
  - (a) Biology; and
  - (b) Chemistry or physics.

# ADMINISTRATIVE RULES

(C) At least fifty percent (50%) of the Integrated Science coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Meet one of the following Integrated Science pedagogy requirements:

(A) Admission to and Completion of a Commission-approved Integrated Science preparation program; or

(B) Complete an Integrated Science pedagogy course of at least three quarter or two semester hours acceptable to the Commission. The course must include the word pedagogy or methods in the course title or must be acceptable to the Commission upon evaluation of course syllabi or other evidence; or

(C) Complete a supervised practicum in an Integrated Science assignment in a public school setting. To verify the practicum, a school district must submit a PEER form and a statement verifying that:

(i) The applicant completed at least 60 hours of a supervised practicum in Integrated Science courses;

(ii) The practicum was supervised by a teacher holding a Professional, Teacher Leader or Legacy Teaching license with an Integrated Science endorsement;

(iii) The applicant has obtained the required pedagogy skills to teach Integrated Science.

**Note:** The district must indicate in the statement that the supervisory teacher supports the verification of applicant skill level.

(iv) At the Executive Director's or Licensure Director's discretion, other Integrated Science teaching experience such as teaching in at a post-secondary institution or in a private school setting may qualify to satisfy the practicum experience. In these settings, verification from the employer of satisfactory completion of the teaching experience with at least 60 clock hours of Integrated Science instruction is required to qualify as a suitable practicum to add the endorsement.

(c) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

**Note:** Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process

(4) Adding Integrated Science Endorsement to Other Licenses: To be eligible to add an Integrated Science endorsement to an existing Professional, Teacher Leader or Legacy teaching license, an applicant must:

(a) Meet one of the following content knowledge requirements:

(A) Provide documentation of a passing score on the Commission-approved subject mastery test for Integrated Science; or

(B) Complete Commission-approved coursework of at least forty-five quarter or thirty semester hours designed to develop competency in Integrated Science that includes forty-five quarter hours designed to develop competence in science, distributed as follows:

(i) Eighteen quarter hours in:

(a) Astronomy;

(b) Geology;

(c) Meteorology;

(d) Oceanography.

(ii) Twenty-seven quarter hours in:

(a) Biology; and

(b) Chemistry or physics.

(C) At least fifty percent (50%) of the Integrated Science coursework must have been completed within five years prior to the date of application for the endorsement.

(b) Submit a complete and correct application to obtain the endorsement in the form and manner required by the Commission, including payment of all required fees as provided in OAR 584-200-0050.

**Note:** Adding the endorsement at the time of renewal will not require an additional cost to add the licensure renewal process.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553

Hist.: TSPC 12-2015, f. 11-13-15, cert. ef. 1-1-16; TSPC 1-2016, f. & cert. ef. 2-10-16; TSPC 6-2016, f. & cert. ef. 11-15-16

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

**Rule Caption:** Updates to Grande Ronde Basin Program and Extension of Reservations

**Adm. Order No.:** WRD 6-2016

**Filed with Sec. of State:** 10-18-2016

**Certified to be Effective:** 10-18-16

**Notice Publication Date:** 7-1-2016

**Rules Amended:** 690-508-0000, 690-508-0010, 690-508-0020, 690-508-0030, 690-508-0040, 690-508-0050, 690-508-0100, 690-508-0110

**Subject:** A reservation of water for future economic development sets aside a quantity of water for storage to meet future needs. The rules establishing the Grande Ronde Basin reservations of water are set to expire on February 7, 2017, unless extended by rule by the Water Resources Commission. This rule would extend reservations of water for future economic development for the Upper Grande Ronde Subbasin and Middle Grande Subbasin of the Grande Ronde Basin for an additional 20 years, and changes reporting requirements. Without these rules, the Grande Ronde Basin reservations will expire. In addition, the rules include expansion of classified uses to clarify that the allowable uses include agricultural, commercial, and flow augmentation for instream use, and to address inconsistencies in terminology.

**Rules Coordinator:** Diana Enright—(503) 986-0874

## 690-508-0000

### General Classifications

(1) Stored water may be used for any beneficial purpose.

(2) The storage of up to 900 acre-feet of water for domestic or livestock purposes authorized under water rights with priority dates after November 6, 1992, shall be exempt from regulation for storage of water reserved under OAR 690-508-0110 through 0120.

Stat. Auth.: ORS 536

Stats. Implemented: ORS 536.220 & 536.310

Hist.: WRB 15, f. 3-7-62; WRB 27, f. 5-11-64; WRD 2-1981, f. & cert. ef. 4-30-81; WRD 5-1985, f. & cert. ef. 6-14-85; Administrative Renumbering 1-1993, Renumbered from 690-080-0080; WRD 2-1997, f. & cert. ef. 2-25-97; WRD 6-2016, f. & cert. ef. 10-18-16

## 690-508-0010

### Upper Grande Ronde Subbasin

(1) Classifications:

(a) The maximum economic development of this state and the attainment of the highest and best use of the waters of the Upper Grande Ronde for the benefit of the state as a whole, will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, flow augmentation, commercial, agriculture, power development, industrial, mining, recreation, wildlife, and fish life uses and the waters of the Upper Grande Ronde Basin are hereby so classified.

(b) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Water Quality: Rights to use of water for industrial or mining purposes shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

(3) Power Development: Water rights acquired for hydroelectric power purposes utilizing the waters of the Upper Grande Ronde Basin shall be subordinate in priority to future upstream beneficial uses of water except for hydroelectric power.

Stat. Auth.: ORS 536

Stats. Implemented: ORS 536.220 & 536.310

Hist.: WRB 15, f. 3-7-62; WRB 27, f. 5-11-64; WRD 2-1981, f. & cert. ef. 4-30-81; WRD 5-1985, f. & cert. ef. 6-14-85; Administrative Renumbering 1-1993, Renumbered from 690-080-0080; WRD 2-1997, f. & cert. ef. 2-25-97; WRD 6-2016, f. & cert. ef. 10-18-16

## 690-508-0020

### Middle Grande Ronde Subbasin

(1) Classifications:

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Middle Grande Ronde Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole, will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, flow augmentation, commercial, agriculture, power development, industrial, mining, recreation, wildlife and fish life purposes and the waters of the Middle Grande Ronde Basin are hereby so classified.

(b) Structures or works for utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works

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are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Water Quality: Rights to use of water for industrial or mining purposes shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses.

(3) Power Development: Water rights acquired for hydroelectric power purposes utilizing the waters of the Middle Grande Ronde Basin shall be subordinate in priority to future beneficial uses of water except for hydroelectric power.

Stat. Auth.: ORS 536  
Stats. Implemented: ORS 536.220 & 536.310  
Hist.: WRB 15, f. 3-7-62; WRB 27, f. 5-11-64; WRD 2-1981, f. & cert. ef. 4-30-81; WRD 5-1985, f. & cert. ef. 6-14-85; Administrative Renumbering 1-1993, Renumbered from 690-080-0080; WRD 2-1997, f. & cert. ef. 2-25-97; WRD 6-2016, f. & cert. ef. 10-18-16

## 690-508-0030

### Lower Grande Ronde Subbasin

(1) Classifications:

(a) The maximum economic development of this state, the attainment of the highest and best use of waters of the Lower Grande Ronde Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole, will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, flow augmentation, commercial, agriculture, power development, industrial, mining, recreation, wildlife, and fish life uses and the waters of the Lower Grande Ronde Basin are hereby so classified.

(b) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Water Quality: Rights to use of water for industrial or mining purposes shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Stat. Auth.: ORS 536  
Stats. Implemented: ORS 536.220 & 536.310  
Hist.: WRB 15, f. 3-7-62; WRB 27, f. 5-11-64; WRD 2-1981, f. & cert. ef. 4-30-81; WRD 5-1985, f. & cert. ef. 6-14-85; Administrative Renumbering 1-1993, Renumbered from 690-080-0080; WRD 2-1997, f. & cert. ef. 2-25-97; WRD 6-2016, f. & cert. ef. 10-18-16

## 690-508-0040

### Wallowa River Subbasin

(1) Classifications:

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Wallowa River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole, will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, flow augmentation, commercial, agriculture, power development, industrial, mining, recreation, wildlife, and fish life purposes and the waters of the Wallowa River Basin are hereby so classified with the following specific exceptions:

(A) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Minam River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole, will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation, recreation, wildlife, and fish life uses and the waters of the Minam River Basin are hereby so classified.

(B) Further, no out-of-basin diversions of waters of the Minam River shall be permitted for any use.

(b) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Water Quality: Rights to use of water for industrial or mining purposes for waters of the Wallowa River Basin shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses.

Stat. Auth.: ORS 536  
Stats. Implemented: ORS 536.220 & 536.310  
Hist.: WRB 15, f. 3-7-62; WRB 27, f. 5-11-64; WRD 2-1981, f. & cert. ef. 4-30-81; WRD 5-1985, f. & cert. ef. 6-14-85; Administrative Renumbering 1-1993, Renumbered from 690-080-0080; WRD 2-1997, f. & cert. ef. 2-25-97; WRD 6-2016, f. & cert. ef. 10-18-16

## 690-508-0050

### Imnaha River Subbasin

(1) Classifications:

(a) The maximum economic development of the state, the attainment of the highest and best use of the waters of the Imnaha River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole, will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, flow augmentation, commercial, agriculture, power development, industrial, mining, recreation, wildlife, and fish life purposes and the waters of the Imnaha River Basin are hereby so classified.

(b) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Water Quality: Rights to use of water for industrial or mining purposes shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses.

(3) Power Development: Water rights acquired for hydroelectric power purposes utilizing the waters of the Imnaha River Basin shall be subordinate in priority to future upstream beneficial uses of water except for hydroelectric power.

Stat. Auth.: ORS 536  
Stats. Implemented: ORS 536.220 & 536.310  
Hist.: WRD 2-1997, f. & cert. ef. 2-25-97; WRD 6-2016, f. & cert. ef. 10-18-16

## 690-508-0100

### Application Process to Store Reserved Water

(1) Reservations of water for economic development are established pursuant to ORS 537.249 and 537.356 to ensure sufficient surface water will be available in the future to meet expected needs. Economic development includes, but is not limited to, the production of goods and services and management of natural resources which contribute economic benefits through both instream and out-of-stream uses of water.

(2) "Multipurpose reservoir", as used in OAR 690-508-0100 through 0120, means a reservoir storing water to serve multiple potential beneficial uses such as, but not limited to irrigation, commercial, agriculture, power development, municipal, recreation and flow augmentation for instream purposes.

(3) Reservations of water for future economic development in OAR 690-508-0110 through 0120 reserve surface water for future storage in multipurpose reservoirs.

(4) Permits to store reserved water shall receive the priority date of the reservation. The priority date for reservations under 690-508-0110 through 0120 shall be November 6, 1992.

(5) In addition to the requirements of ORS Chapter 537, OAR Chapter 690, Division 310, and any other applicable rules, an application for a permit to store reserved water shall include:

(a) An assessment of the effect of the proposed reservoir on fish and wildlife developed after consultation with the Oregon Department of Fish and Wildlife;

(b) An assessment of the effect of the proposed reservoir on water quality developed after consultation with the Oregon Department of Environmental Quality;

(c) An analysis of water supply alternatives to the proposed reservoir, such as off-stream storage, water right transfers and implementation of conservation measures; and

(d) An analysis summarizing and describing how the proposed project will enhance instream values, including but not limited to instream flows.

(6) For the purposes of review of water right permit applications to store reserved water under OAR Chapter 690, Division 310, the reserved quantities of water listed in OAR 690-508-0110 through 0120 are available for appropriation. However, the determination that water is available under OAR 690-508-0110 through 0120 shall not substitute for consideration during the public interest review of site-specific information as required under OAR Chapter 690, Division 310 and any other applicable statutes or rules. Because the finding that water is available in OAR 690-0110 through 0120 is a water availability determination for a sub-basin, analysis of water availability at the specific location shall be conducted at the time of permit application review.

(7) In addition to any other findings required for issuance of a reservoir permit under ORS Chapter 537, OAR 690, Division 310, and applica-

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ble rules and prior to issuance of permit for a proposed project storing water reserved under 690-508-0110 through 0120, the Department shall also find:

(a) The proposed reservoir is consistent with the purpose of the reservation following consultation with the Department of Agriculture and other state agencies;

(b) The proposed reservoir will enhance instream values, including but not limited to instream flows; and

(c) Whether minimum bypass flow are required.

(8) The Department shall determine, and impose as a condition, an appropriate storage season and shall include other conditions to ensure no injury to senior water rights and to protect instream values.

(9) Progress Reports: Until the Department has issued permits for reservoirs for the full quantity of reserved water under OAR 690-508-0110 through 0120, the Department shall biennially report to the Water Resources Commission on the amount of water available under the reservation, and the quantity allocated under the reservation. The Department or Commission may request periodic reports from the Oregon Department of Agriculture on continued interest in the reservation, efforts undertaken to develop the reservation, and any challenges to developing the reservation.

(10) Effective date of rules:

(a) OAR 690-508-0110 through 0120 shall be effective until February 7, 2037, unless effective date has been extended by further rulemaking of the Water Resources Commission.

(b) The expiration of these reservation rules shall not affect pending applications that have been received and deemed complete and not defective by the Water Resources Department pursuant to ORS 537.150(2), prior to the expiration date of the rules.

Stat. Auth.: ORS 536 & 537

Stats. Implemented: ORS 536.310, 537.249, 537.356 & 537.358

Hist.: WRD 2-1997, f. & cert. ef. 2-25-97; WRD 6-2016, f. & cert. ef. 10-18-16

## 690-508-0110

### Upper Grande Ronde Subbasin Reservation

Unappropriated water is reserved for storage in multipurpose reservoirs to be constructed in the future. The priority date of the reservations is November 6, 1992. The quantity and source of reserved water are as follows:

(1) Fourteen thousand nine hundred (14,900) acre-feet of Meadow Creek and tributaries;

(2) Twelve thousand (12,000) acre-feet of the Grande Ronde River and tributaries, including Fly Creek and tributaries, upstream of river mile 184 (NE 1/4, Section 14, Township 4 South, Range 35 East, Willamette Meridian).

Stat. Auth.: ORS 537

Stats. Implemented: ORS 537.249 & 537.356

Hist.: WRD 2-1997, f. & cert. ef. 2-25-97; WRD 6-2016, f. & cert. ef. 10-18-16

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**Rule Caption:** Updates to Malheur Basin Program and Extension of Reservations

**Adm. Order No.:** WRD 7-2016

**Filed with Sec. of State:** 10-18-2016

**Certified to be Effective:** 10-18-16

**Notice Publication Date:** 7-1-2016

**Rules Amended:** 690-510-0010, 690-510-0020, 690-510-0100, 690-510-0110

**Rules Repealed:** 690-510-0000

**Subject:** A reservation of water for future economic development sets aside a quantity of water for storage to meet future needs. The rules establishing the Malheur Basin reservations of water are set to expire on January 7, 2017, unless extended by rule by the Water Resources

Commission. This rule would extend reservations of water for future economic development for the three Malheur Reservations of the Malheur Basin for an additional 20 years, and changes reporting requirements. Without these rules, the Malheur Basin reservations will expire. In addition, the rules include expansion of classified uses to clarify that the allowable uses include agricultural, commercial, and flow augmentation for instream use, and to address inconsistencies in terminology

**Rules Coordinator:** Diana Enright—(503) 986-0874

## 690-510-0010

### Classifications

(1) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Malheur Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, flow augmentation, commercial, agriculture, power development, industrial, mining, recreation, wildlife, and fish life uses, and the waters of the Malheur Basin are hereby so classified with the following exceptions:

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the natural lakes of the Malheur Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7 1/2 theoretical horsepower, recreation, wildlife, and fish life uses, and the waters of the natural lakes of the Malheur Basin are hereby so classified.

(b) Stored water may be used for any beneficial purpose.

(c) Storage, of up to 1000 acre-feet of water in the Malheur Basin, for domestic or livestock purposes authorized under water rights with priority dates after November 6, 1992, shall be exempt from regulation for storage of water reserved under OAR 690-510-0110 through 0120.

(2) The maximum economic development of this state, the attainment of the highest and best use of 1,454,000 acre-feet annually of natural flows of the Snake River, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, and irrigation uses, and the 1,454,000 acre-feet annually of natural flows of the Snake River are hereby so classified.

(3) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give cognizance to the multiple-purpose concept.

Stat. Auth.: ORS 536

Stats. Implemented: ORS 536.220 & 536.310

Hist.: WRD 2-1997, f. & cert. ef. 2-25-97; WRD 7-2016, f. & cert. ef. 10-18-16

## 690-510-0020

### Water Quality

Rights to use of water for industrial or mining purposes shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Stat. Auth.: ORS 536 & 537

Stats. Implemented:

Hist.: WRB 44, f. 10-29-70; WRD 1-1981, f. & cert. ef. 4-20-81; WRD 2-1985, f. & cert. ef. 3-28-85; WRD 2-1986, f. & cert. ef. 2-20-86; Administrative Renumbering 1-1993, Renumbered from 690-080-0100; WRD 7-2016, f. & cert. ef. 10-18-16

## 690-510-0100

### Application Process to Store Reserved Water

(1) Reservations of water for economic development are established pursuant to ORS 537.249 and 537.356 to ensure sufficient surface water will be available in the future to meet expected needs. Economic development includes, but is not limited to, the production of goods and services and management of natural resources which contribute economic benefits through both instream and out-of-stream uses of water.

(2) "Multipurpose reservoir", as used in OAR 690-510-0100 and 0110, means a reservoir storing water to serve multiple potential beneficial uses such as, but not limited to irrigation, commercial, agriculture, power generation, municipal, recreation, and flow augmentation for instream purposes.

(3) Reservations of water for future economic development in OAR 690-511-0110 reserve surface water for future storage in multipurpose reservoirs.

(4) Permits to store reserved water shall receive the priority date of the reservation. The priority date for reservations under OAR 690-510-0110 shall be November 6, 1992.

(5) In addition to the requirements of ORS Chapter 537, OAR Chapter 690, Division 310, and any other applicable rules, an application for a permit to store water reserved under 690-511-0110 shall include:

(a) An assessment of the effect of the proposed reservoir on fish and wildlife developed after consultation with the Oregon Department of Fish and Wildlife;

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(b) An assessment of the effect of the proposed reservoir on water quality developed after consultation with the Oregon Department of Environmental Quality;

(c) An analysis of water supply alternatives to the proposed reservoir, such as off-stream storage, water right transfers and implementation of conservation measures; and

(d) An analysis summarizing and describing how the proposed project will enhance instream values, including but not limited to instream flows.

(6) For the purposes of review of water right permit applications to store reserved water under OAR chapter 690, division 310, the reserved quantities of water listed in OAR 690-510-0110 are available for appropriation. However, the determination that water is available under OAR 690-510-0110 shall not substitute for consideration during the public interest review of site-specific information as required under OAR chapter 690, division 310 and applicable statutes or rules. Because the finding that water is available in OAR-510-0110 is a water availability determination for a sub-basin, analysis of water availability at the specific location shall be conducted at the time of permit application review.

(7) In addition to any other findings required for issuance of a reservoir permit under ORS Chapter 537, OAR 690, Division 310, and applicable rules and prior to issuance of a permit for a proposed project storing water reserved under 690-510-0110, the Department shall also find:

(a) The proposed reservoir is consistent with the purpose of the reservation following consultation with the Department of Agriculture and other state agencies;

(b) The proposed reservoir will enhance instream values, including but not limited to instream flows; and

(c) Whether minimum bypass flows are required.

(8) The Department shall determine, and impose as a condition, an appropriate storage season, and shall include other conditions to ensure no injury to senior water rights and to protect instream values.

(9) Progress Reports: Until the Department has issued permits for reservoirs for the full quantity of reserved water under OAR 690-510-0110, the Department shall biennially report to the Water Resources Commission on the amount of water available under the reservation, and the quantity allocated under the reservation. The Department or Commission may require periodic reports from the Department of Agriculture on the continued interest in the reservation, efforts undertaken to develop the reservation, and any challenges to developing the reservation.

(10) Effective date of rules:

(a) OAR 690-510-0110 shall be effective until January 7, 2037, unless effective date has been extended by further rulemaking of the Water Resources Commission.

(b) The expiration of these reservation rules shall not affect pending applications that have been received and deemed complete and not defective by the Water Resources Department pursuant to ORS 537.150(2), prior to the expiration date of the rules.

Stat. Auth.: ORS 536 & 537

Stats. Implemented: ORS 536.310, 537.249, 537.356 & 537.358

Hist.: WRD 2-1997, f. & cert. ef. 2-25-97; WRD 7-2016, f. & cert. ef. 10-18-16

## 690-510-0110

### Malheur Reservations

Unappropriated water is reserved for storage in multipurpose reservoirs to be constructed in the future. The priority date of the reservations is November 6, 1992. The quantity and source of reserved water is as follows:

(1) Thirty five thousand (35,000) acre-feet of the Malheur River and tributaries, excluding the North Fork and South Fork Malheur Rivers and tributaries;

(2) Thirteen thousand two hundred (13,200) acre-feet of the South Fork Malheur River and tributaries.

Stat. Auth.: ORS 537

Stats. Implemented: ORS 537.249 & 537.356

Hist.: WRD 2-1997, f. & cert. ef. 2-25-97; WRD 7-2016, f. & cert. ef. 10-18-16

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**Rule Caption:** Updates to Owyhee Basin Program and Extension of Reservations

**Adm. Order No.:** WRD 8-2016

**Filed with Sec. of State:** 10-18-2016

**Certified to be Effective:** 10-18-16

**Notice Publication Date:** 7-1-2016

**Rules Amended:** 690-511-0010, 690-511-0020, 690-511-0100

**Subject:** A reservation of water for future economic development sets aside a quantity of water for storage to meet future needs. The rules establishing the Owyhee Basin reservations of water are set to

expire on January 7, 2017, unless extended by rule by the Water Resources

Commission. This rule would extend reservations of water for future economic development for the Owyhee Reservations of the Owyhee Basin for an additional 20 years, and changes reporting requirements. Without these rules, the Owyhee Basin reservations will expire. In addition, the rules include expansion of classified uses to clarify that the allowable uses include agricultural, commercial, and flow augmentation for instream use; an addition of withdrawal from further appropriation for irrigation purposes from Owyhee River and its tributaries above the Owyhee Reservoir by order of the State Engineer dated May 27, 1929; and to address inconsistencies in terminology.

**Rules Coordinator:** Diana Enright—(503) 986-0874

## 690-511-0010

### Classifications

(1) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Owyhee Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, flow augmentation, commercial, agriculture, power development, industrial, mining, recreation, wildlife, and fish life uses, and the waters of the Owyhee Basin are hereby so classified with the following exceptions:

(a) The maximum economic development of this state, and the attainment of the highest and best use of the waters of the mainstem of the South Fork Owyhee River from the Oregon – Idaho border to Three Forks (the confluence of the North, Middle and South Forks Owyhee River), and the main stem Owyhee River from Crooked Creek (river mile 118) to the mouth of Birch Creek (river mile 76), and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, industrial, mining, recreation, wildlife, and fish life uses and the aforementioned waters are hereby so classified.

(b) The maximum economic development of this state, the attainment of the highest and best use of the waters of the natural lakes of the Owyhee Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7 1/2 theoretical horsepower, recreation, wildlife, and fish life uses, and the waters of the natural lakes of the Owyhee Basin are hereby so classified.

(2) Surface water classification:

(a) Owyhee River and its tributaries above the Owyhee Reservoir are withdrawn from further appropriation for irrigation purposes by order of the State Engineer dated May 27, 1929.

(3) Stored water may be used for any beneficial purpose.

(4) Storage, of up to 1,000 acre-feet of water in the Owyhee Basin, for domestic or livestock purposes authorized under water rights with priority dates after November 6, 1992, shall be exempt from regulation for storage of water reserved under OAR 690-511-0110.

Stat. Auth.: ORS 536

Stats. Implemented: ORS 536.220 & 536.310

Hist.: WRD 2-1997, f. & cert. ef. 2-25-97; WRD 8-2016, f. & cert. ef. 10-18-16

## 690-511-0020

### Water Quality

Rights to use of water for industrial or mining purposes shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Stat. Auth.: ORS 536

Stats. Implemented: ORS 536.220 & 536.310

Hist.: WRD 2-1997, f. & cert. ef. 2-25-97; WRD 8-2016, f. & cert. ef. 10-18-16

## 690-511-0100

### Application Process to Store Reserved Water

(1) Reservations of water for economic development are established pursuant to ORS 537.249 and 537.356 to ensure sufficient surface water will be available in the future to meet expected needs. Economic development includes, but is not limited to, the production of goods and services and management of natural resources which contribute economic benefits through both instream and out-of-stream uses of water.

(2) "Multipurpose reservoir", as used in OAR 690-511-0100 and 0110, means a reservoir storing water to serve multiple potential beneficial

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uses such as irrigation, commercial, agriculture, power generation, municipal, recreation, and flow augmentation for instream purposes.

(3) Reservations of water for future economic development in OAR 690-511-0110 reserve surface water for future storage in multipurpose reservoirs.

(4) Permits to store reserved water shall receive the priority date of the reservation. The priority date for reservations under OAR 690-511-0110 shall be November 6, 1992.

(5) In addition to the requirements of ORS Chapter 537, OAR Chapter 690, Division 310, and any other applicable rules, an application for a permit to store reserved water shall include:

(a) An assessment of the effect of the proposed reservoir on fish and wildlife developed after consultation with the Oregon Department of Fish and Wildlife;

(b) An assessment of the effect of the proposed reservoir on water quality developed after consultation with the Oregon Department of Environmental Quality;

(c) An analysis of water supply alternatives to the proposed reservoir, such as off-stream storage, water right transfers and implementation of conservation measures; and

(d) An analysis summarizing and describing how the proposed project will enhance instream values, including but not limited to instream flows.

(6) For the purposes of review of water right permit applications to store reserved water under OAR Chapter 690, Division 310, the reserved quantities of water listed in OAR 690-511-0110 are available for appropriation. However, the determination that water is available under ORS 690-511-0110 shall not substitute for consideration during the public interest review of site-specific information as required under ORS Chapter 537, OAR Chapter 690, Division 310, or applicable statutes or rules. Because the finding that water is available in OAR 690-511-0110 is a water availability determination for a sub-basin, analysis of water availability at the

specific location shall be conducted at the time of permit application review.

(7) In addition to any other findings required for issuance of a reservoir permit under ORS Chapter 537, OAR 690, Division 310, or applicable rules and prior to issuance of a permit for a proposed project storing water reserved under 690-511-0110, the Department shall also find:

(a) The proposed reservoir is consistent with the purpose of the reservation following consultation with the Department of Agriculture and other state agencies;

(b) The proposed reservoir will enhance instream values, including but not limited to instream flows; and

(c) Whether minimum bypass flows are required.

(8) The Department shall determine, and impose as a condition, an appropriate storage season, and shall include other conditions to ensure no injury to senior water rights and to protect instream values.

(9) Progress Reports: Until the Department has issued permits for reservoirs for the full quantity of reserved water under OAR 690-511-0110, the Department shall biennially report to the Water Resources Commission on the amount of water available under the reservation, and the quantity allocated under the reservation. The Department or Commission may require periodic reports from the Oregon Department of Agriculture on continued interest in the reservation, efforts undertaken to develop the reservation, and any challenges to developing the reservation.

(10) Effective date of rules

(a) OAR 690-511-0110 shall be effective until January 7, 2037, unless extended by further rulemaking of the Water Resources Commission.

(b) The expiration of these reservation rules shall not affect pending applications that have been received and deemed complete and not defective by the Water Resources Department pursuant to ORS 537.150(2), prior to the expiration date of the rules.

Stat. Auth.: ORS 536 & 537

Stats. Implemented: ORS 536.310, 537.249, 537.356 & 537.358

Hist.: WRD 2-1997, f. & cert. ef. 2-25-97; WRD 8-2016, f. & cert. ef. 10-18-16

## OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
101-020-0012	8-24-2016	Amend	10-1-2016	105-040-0080	7-1-2016	Repeal	8-1-2016
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
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104-080-0000	12-1-2015	Amend	1-1-2016	111-005-0010	10-6-2016	Amend	11-1-2016
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104-080-0022	12-1-2015	Repeal	1-1-2016	111-005-0015	6-10-2016	Amend(T)	7-1-2016
104-080-0023	12-1-2015	Repeal	1-1-2016	111-005-0015	10-6-2016	Amend	11-1-2016
104-080-0024	12-1-2015	Repeal	1-1-2016	111-005-0015	10-26-2016	Amend	12-1-2016
104-080-0025	12-1-2015	Repeal	1-1-2016	111-005-0015(T)	10-6-2016	Repeal	11-1-2016
104-080-0026	12-1-2015	Repeal	1-1-2016	111-005-0015(T)	10-26-2016	Repeal	12-1-2016
104-080-0027	12-1-2015	Repeal	1-1-2016	111-005-0020	6-10-2016	Amend(T)	7-1-2016
104-080-0028	12-1-2015	Repeal	1-1-2016	111-005-0020	10-6-2016	Amend	11-1-2016
104-080-0030	12-1-2015	Repeal	1-1-2016	111-005-0020	10-26-2016	Amend	12-1-2016
104-080-0040	12-1-2015	Repeal	1-1-2016	111-005-0020(T)	10-6-2016	Repeal	11-1-2016
104-080-0050	12-1-2015	Repeal	1-1-2016	111-005-0020(T)	10-26-2016	Repeal	12-1-2016
104-080-0060	12-1-2015	Repeal	1-1-2016	111-005-0040	6-10-2016	Amend(T)	7-1-2016
104-080-0070	12-1-2015	Repeal	1-1-2016	111-005-0040	10-6-2016	Amend	11-1-2016
104-080-0100	12-1-2015	Adopt	1-1-2016	111-005-0040	10-26-2016	Amend	12-1-2016
104-080-0110	12-1-2015	Adopt	1-1-2016	111-005-0040(T)	10-6-2016	Repeal	11-1-2016
104-080-0120	12-1-2015	Adopt	1-1-2016	111-005-0040(T)	10-26-2016	Repeal	12-1-2016
104-080-0125	12-1-2015	Adopt	1-1-2016	111-005-0042	6-10-2016	Amend(T)	7-1-2016
104-080-0135	12-1-2015	Adopt	1-1-2016	111-005-0042	10-6-2016	Amend	11-1-2016
104-080-0140	12-1-2015	Adopt	1-1-2016	111-005-0042	10-26-2016	Amend	12-1-2016
104-080-0150	12-1-2015	Adopt	1-1-2016	111-005-0042(T)	10-6-2016	Repeal	11-1-2016
104-080-0160	12-1-2015	Adopt	1-1-2016	111-005-0042(T)	10-26-2016	Repeal	12-1-2016
104-080-0165	12-1-2015	Adopt	1-1-2016	111-005-0044	6-10-2016	Amend(T)	7-1-2016
104-080-0170	12-1-2015	Adopt	1-1-2016	111-005-0044	10-6-2016	Amend	11-1-2016
104-080-0180	12-1-2015	Adopt	1-1-2016	111-005-0044	10-26-2016	Amend	12-1-2016
104-080-0190	12-1-2015	Adopt	1-1-2016	111-005-0044(T)	10-6-2016	Repeal	11-1-2016
104-080-0195	12-1-2015	Adopt	1-1-2016	111-005-0044(T)	10-26-2016	Repeal	12-1-2016
104-080-0200	12-1-2015	Adopt	1-1-2016	111-005-0046	6-10-2016	Amend(T)	7-1-2016
104-080-0210	12-1-2015	Adopt	1-1-2016	111-005-0046	10-6-2016	Amend	11-1-2016
105-010-0000	7-1-2016	Repeal	8-1-2016	111-005-0046	10-26-2016	Amend	12-1-2016
105-010-0011	7-1-2016	Repeal	8-1-2016	111-005-0046(T)	10-6-2016	Repeal	11-1-2016
105-010-0016	7-1-2016	Repeal	8-1-2016	111-005-0046(T)	10-26-2016	Repeal	12-1-2016
105-020-0001	7-1-2016	Amend	8-1-2016	111-005-0047	6-10-2016	Amend(T)	7-1-2016
105-020-0015	7-1-2016	Amend	8-1-2016	111-005-0047	10-6-2016	Amend	11-1-2016
105-040-0001	7-1-2016	Amend	8-1-2016	111-005-0047	10-26-2016	Amend	12-1-2016
105-040-0010	7-1-2016	Repeal	8-1-2016	111-005-0047(T)	10-6-2016	Repeal	11-1-2016
105-040-0020	7-1-2016	Repeal	8-1-2016	111-005-0047(T)	10-26-2016	Repeal	12-1-2016
105-040-0030	7-1-2016	Repeal	8-1-2016	111-005-0048	6-10-2016	Amend(T)	7-1-2016
105-040-0040	3-1-2016	Amend(T)	3-1-2016	111-005-0048	10-6-2016	Amend	11-1-2016
105-040-0040	10-4-2016	Repeal	11-1-2016	111-005-0048	10-26-2016	Amend	12-1-2016
105-040-0040(T)	7-1-2016	Repeal	8-1-2016	111-005-0048(T)	10-6-2016	Repeal	11-1-2016
105-040-0050	7-1-2016	Repeal	8-1-2016	111-005-0048(T)	10-26-2016	Repeal	12-1-2016
105-040-0060	7-1-2016	Repeal	8-1-2016	111-005-0050	6-10-2016	Amend(T)	7-1-2016
105-040-0065	3-1-2016	Amend(T)	3-1-2016	111-005-0050	10-6-2016	Amend	11-1-2016
105-040-0065	10-4-2016	Repeal	11-1-2016	111-005-0050	10-26-2016	Amend	12-1-2016
105-040-0065(T)	7-1-2016	Repeal	8-1-2016	111-005-0050(T)	10-6-2016	Repeal	11-1-2016
105-040-0070	7-1-2016	Repeal	8-1-2016	111-005-0050(T)	10-26-2016	Repeal	12-1-2016



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111-005-0055	10-26-2016	Amend	12-1-2016	115-025-0000	2-1-2017	Amend	12-1-2016
111-005-0055(T)	10-6-2016	Repeal	11-1-2016	115-025-0005	2-1-2017	Amend	12-1-2016
111-005-0055(T)	10-26-2016	Repeal	12-1-2016	115-025-0008	2-1-2017	Amend	12-1-2016
111-005-0080	6-10-2016	Amend(T)	7-1-2016	115-025-0009	2-1-2017	Amend	12-1-2016
111-005-0080	10-6-2016	Amend	11-1-2016	115-025-0010	2-1-2017	Amend	12-1-2016
111-005-0080	10-26-2016	Amend	12-1-2016	115-025-0015	2-1-2017	Amend	12-1-2016
111-005-0080(T)	10-6-2016	Repeal	11-1-2016	115-025-0020	2-1-2017	Amend	12-1-2016
111-005-0080(T)	10-26-2016	Repeal	12-1-2016	115-025-0025	2-1-2017	Amend	12-1-2016
111-010-0015	10-18-2016	Amend(T)	12-1-2016	115-025-0030	2-1-2017	Amend	12-1-2016
111-020-0010	10-6-2016	Amend	11-1-2016	115-025-0035	2-1-2017	Amend	12-1-2016
111-020-0010	10-26-2016	Amend	12-1-2016	115-025-0045	2-1-2017	Amend	12-1-2016
111-030-0010	10-18-2016	Amend(T)	12-1-2016	115-025-0050	2-1-2017	Amend	12-1-2016
111-030-0035	10-18-2016	Amend(T)	12-1-2016	115-025-0055	2-1-2017	Amend	12-1-2016
111-030-0040	10-18-2016	Amend(T)	12-1-2016	115-025-0060	2-1-2017	Amend	12-1-2016
111-030-0045	10-18-2016	Amend(T)	12-1-2016	115-025-0070	2-1-2017	Amend	12-1-2016
111-030-0046	10-18-2016	Amend(T)	12-1-2016	115-025-0075	2-1-2017	Amend	12-1-2016
111-030-0047	10-18-2016	Amend(T)	12-1-2016	115-025-0090	2-1-2017	Amend	12-1-2016
111-030-0050	10-18-2016	Amend(T)	12-1-2016	115-030-0000	2-1-2017	Amend	12-1-2016
111-070-0001	10-18-2016	Amend(T)	12-1-2016	115-035-0000	2-1-2017	Amend	12-1-2016
111-070-0005	10-18-2016	Amend(T)	12-1-2016	115-035-0005	2-1-2017	Amend	12-1-2016
111-070-0015	10-18-2016	Amend(T)	12-1-2016	115-035-0010	2-1-2017	Amend	12-1-2016
111-070-0020	10-18-2016	Amend(T)	12-1-2016	115-035-0015	2-1-2017	Amend	12-1-2016
111-070-0040	10-18-2016	Amend(T)	12-1-2016	115-035-0020	2-1-2017	Amend	12-1-2016
111-070-0050	10-18-2016	Amend(T)	12-1-2016	115-035-0025	2-1-2017	Repeal	12-1-2016
115-001-0000	2-1-2017	Amend	12-1-2016	115-035-0030	2-1-2017	Amend	12-1-2016
115-001-0005	2-1-2017	Amend	12-1-2016	115-035-0035	2-1-2017	Amend	12-1-2016
115-010-0010	2-1-2017	Amend	12-1-2016	115-035-0040	2-1-2017	Amend	12-1-2016
115-010-0015	2-1-2017	Repeal	12-1-2016	115-035-0042	2-1-2017	Repeal	12-1-2016
115-010-0020	2-1-2017	Amend	12-1-2016	115-035-0045	2-1-2017	Repeal	12-1-2016
115-010-0025	2-1-2017	Amend	12-1-2016	115-035-0050	2-1-2017	Repeal	12-1-2016
115-010-0030	2-1-2017	Repeal	12-1-2016	115-035-0055	2-1-2017	Amend	12-1-2016
115-010-0032	2-1-2017	Amend	12-1-2016	115-035-0057	2-1-2017	Amend	12-1-2016
115-010-0033	2-1-2017	Adopt	12-1-2016	115-035-0060	2-1-2017	Amend	12-1-2016
115-010-0035	2-1-2017	Amend	12-1-2016	115-035-0065	2-1-2017	Repeal	12-1-2016
115-010-0040	2-1-2017	Amend	12-1-2016	115-035-0068	2-1-2017	Repeal	12-1-2016
115-010-0043	2-1-2017	Amend	12-1-2016	115-035-0070	2-1-2017	Amend	12-1-2016
115-010-0045	2-1-2017	Amend	12-1-2016	115-035-0075	2-1-2017	Amend	12-1-2016
115-010-0050	2-1-2017	Amend	12-1-2016	115-040-0000	2-1-2017	Amend	12-1-2016
115-010-0055	2-1-2017	Amend	12-1-2016	115-040-0005	2-1-2017	Amend	12-1-2016
115-010-0060	2-1-2017	Amend	12-1-2016	115-040-0010	2-1-2017	Amend	12-1-2016
115-010-0065	2-1-2017	Amend	12-1-2016	115-040-0015	2-1-2017	Amend	12-1-2016
115-010-0068	2-1-2017	Amend	12-1-2016	115-040-0017	2-1-2017	Amend	12-1-2016
115-010-0070	2-1-2017	Amend	12-1-2016	115-040-0018	2-1-2017	Amend	12-1-2016
115-010-0075	2-1-2017	Amend	12-1-2016	115-040-0020	2-1-2017	Amend	12-1-2016
115-010-0077	2-1-2017	Amend	12-1-2016	115-040-0030	2-1-2017	Amend	12-1-2016
115-010-0080	2-1-2017	Amend	12-1-2016	115-040-0032	2-1-2017	Amend	12-1-2016
115-010-0085	2-1-2017	Amend	12-1-2016	115-040-0033	2-1-2017	Repeal	12-1-2016
115-010-0090	2-1-2017	Amend	12-1-2016	115-040-0041	2-1-2017	Amend	12-1-2016
115-010-0095	2-1-2017	Amend	12-1-2016	115-040-0043	2-1-2017	Amend	12-1-2016
115-010-0100	2-1-2017	Amend	12-1-2016	115-045-0000	2-1-2017	Amend	12-1-2016
115-010-0103	2-1-2017	Adopt	12-1-2016	115-045-0002	2-1-2017	Amend	12-1-2016
115-010-0105	2-1-2017	Repeal	12-1-2016	115-045-0005	2-1-2017	Amend	12-1-2016
115-010-0110	2-1-2017	Amend	12-1-2016	115-045-0010	2-1-2017	Amend	12-1-2016
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115-045-0023	2-1-2017	Repeal	12-1-2016	123-042-0076(T)	2-29-2016	Repeal	4-1-2016
115-045-0025	2-1-2017	Amend	12-1-2016	123-042-0122	2-29-2016	Amend	4-1-2016
115-045-0030	2-1-2017	Amend	12-1-2016	123-042-0122(T)	2-29-2016	Repeal	4-1-2016
115-045-0035	2-1-2017	Repeal	12-1-2016	123-042-0132	2-29-2016	Amend	4-1-2016
115-045-0040	2-1-2017	Repeal	12-1-2016	123-042-0132(T)	2-29-2016	Repeal	4-1-2016
115-050-0001	2-1-2017	Amend	12-1-2016	123-042-0155	2-29-2016	Amend	4-1-2016
115-050-0010	2-1-2017	Amend	12-1-2016	123-042-0155(T)	2-29-2016	Repeal	4-1-2016
115-050-0020	2-1-2017	Amend	12-1-2016	123-042-0165	2-29-2016	Amend	4-1-2016
115-050-0030	2-1-2017	Amend	12-1-2016	123-042-0165(T)	2-29-2016	Repeal	4-1-2016
115-075-0000	2-1-2017	Repeal	12-1-2016	123-042-0175	2-29-2016	Amend	4-1-2016
115-075-0005	2-1-2017	Repeal	12-1-2016	123-042-0175(T)	2-29-2016	Repeal	4-1-2016
115-080-0000	2-1-2017	Repeal	12-1-2016	123-042-0180	2-29-2016	Amend	4-1-2016
115-080-0005	2-1-2017	Repeal	12-1-2016	123-042-0180(T)	2-29-2016	Repeal	4-1-2016
115-080-0010	2-1-2017	Repeal	12-1-2016	123-042-0190(T)	2-29-2016	Repeal	4-1-2016
115-080-0015	2-1-2017	Repeal	12-1-2016	123-052-1000	8-3-2016	Amend	9-1-2016
115-085-0000	2-1-2017	Repeal	12-1-2016	123-052-1100	2-9-2016	Amend(T)	3-1-2016
115-085-0005	2-1-2017	Repeal	12-1-2016	123-052-1100	8-3-2016	Amend	9-1-2016
115-085-0010	2-1-2017	Repeal	12-1-2016	123-052-1100(T)	8-3-2016	Repeal	9-1-2016
115-086-0000	2-1-2017	Repeal	12-1-2016	123-052-1150	8-3-2016	Adopt	9-1-2016
115-086-0010	2-1-2017	Repeal	12-1-2016	123-052-1200	8-3-2016	Repeal	9-1-2016
115-086-0020	2-1-2017	Repeal	12-1-2016	123-052-1300	8-3-2016	Amend	9-1-2016
123-021-0010	4-11-2016	Amend(T)	5-1-2016	123-052-1400	8-3-2016	Amend	9-1-2016
123-021-0010	6-3-2016	Amend	7-1-2016	123-052-1500	8-3-2016	Amend	9-1-2016
123-021-0010(T)	6-3-2016	Repeal	7-1-2016	123-052-1600	8-3-2016	Amend	9-1-2016
123-021-0015	4-11-2016	Amend(T)	5-1-2016	123-052-1610	8-3-2016	Adopt	9-1-2016
123-021-0015	6-3-2016	Amend	7-1-2016	123-052-1700	8-3-2016	Amend	9-1-2016
123-021-0015(T)	6-3-2016	Repeal	7-1-2016	123-052-1800	8-3-2016	Repeal	9-1-2016
123-021-0020	4-11-2016	Amend(T)	5-1-2016	123-052-1850	2-9-2016	Adopt(T)	3-1-2016
123-021-0020	6-3-2016	Amend	7-1-2016	123-052-1850(T)	8-3-2016	Repeal	9-1-2016
123-021-0020(T)	6-3-2016	Repeal	7-1-2016	123-052-1900	8-3-2016	Amend	9-1-2016
123-021-0050	4-11-2016	Amend(T)	5-1-2016	123-052-2000	8-3-2016	Amend	9-1-2016
123-021-0050	6-3-2016	Amend	7-1-2016	123-200-1000	1-5-2016	Amend	2-1-2016
123-021-0050(T)	6-3-2016	Repeal	7-1-2016	123-200-1100	1-5-2016	Amend	2-1-2016
123-021-0080	4-11-2016	Amend(T)	5-1-2016	123-200-1200	1-5-2016	Repeal	2-1-2016
123-021-0080	6-3-2016	Amend	7-1-2016	123-200-1210	1-5-2016	Adopt	2-1-2016
123-021-0080(T)	6-3-2016	Repeal	7-1-2016	123-200-1220	1-5-2016	Adopt	2-1-2016
123-021-0090	4-11-2016	Amend(T)	5-1-2016	123-200-1230	1-5-2016	Adopt	2-1-2016
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
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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
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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
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123-623-1525	1-29-2016	Amend	3-1-2016	123-674-6100	9-16-2016	Amend	11-1-2016
123-623-1600	1-29-2016	Amend	3-1-2016	123-674-6400	9-16-2016	Amend	11-1-2016
123-623-1700	1-29-2016	Amend	3-1-2016	123-674-6600	9-16-2016	Amend	11-1-2016
123-623-1800	1-29-2016	Amend	3-1-2016	123-674-6880	9-16-2016	Amend	11-1-2016
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123-623-1950	1-29-2016	Amend	3-1-2016	123-674-7220	9-16-2016	Amend	11-1-2016
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123-623-3000	1-29-2016	Amend	3-1-2016	123-674-8000	9-16-2016	Amend	11-1-2016
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123-635-0100	3-28-2016	Amend	5-1-2016	123-690-5000	9-16-2016	Amend	11-1-2016
123-635-0150	3-28-2016	Amend	5-1-2016	125-007-0200	1-4-2016	Amend	2-1-2016
123-635-0150	9-16-2016	Amend	11-1-2016	125-007-0210	1-4-2016	Amend	2-1-2016
123-635-0175	3-28-2016	Amend	5-1-2016	125-007-0220	1-4-2016	Amend	2-1-2016
123-635-0200	3-28-2016	Amend	5-1-2016	125-007-0230	1-4-2016	Repeal	2-1-2016
123-635-0250	3-28-2016	Amend	5-1-2016	125-007-0240	1-4-2016	Repeal	2-1-2016
123-635-0270	3-28-2016	Amend	5-1-2016	125-007-0250	1-4-2016	Amend	2-1-2016
123-635-0300	3-28-2016	Amend	5-1-2016	125-007-0260	1-4-2016	Amend	2-1-2016
123-635-0350	3-28-2016	Amend	5-1-2016	125-007-0270	1-4-2016	Amend	2-1-2016
123-650-4500	9-16-2016	Amend	11-1-2016	125-007-0280	1-4-2016	Repeal	2-1-2016
123-650-4800	9-16-2016	Amend	11-1-2016	125-007-0290	1-4-2016	Repeal	2-1-2016
123-650-4900	9-16-2016	Amend	11-1-2016	125-007-0300	1-4-2016	Amend	2-1-2016
123-656-1600	9-16-2016	Amend	11-1-2016	125-007-0310	1-4-2016	Amend	2-1-2016
123-662-1000	9-16-2016	Amend	11-1-2016	125-007-0320	1-4-2016	Repeal	2-1-2016
123-674-0001	9-16-2016	Amend	11-1-2016	125-007-0330	1-4-2016	Amend	2-1-2016
123-674-0100	9-16-2016	Amend	11-1-2016	125-045-0200	1-7-2016	Amend	2-1-2016
123-674-0200	9-16-2016	Amend	11-1-2016	125-045-0205	1-7-2016	Amend	2-1-2016
123-674-0500	9-16-2016	Amend	11-1-2016	125-045-0225	1-7-2016	Amend	2-1-2016
123-674-0600	9-16-2016	Amend	11-1-2016	125-045-0235	1-7-2016	Amend	2-1-2016
123-674-0700	9-16-2016	Amend	11-1-2016	125-045-0245	1-7-2016	Amend	2-1-2016
123-674-1000	9-16-2016	Amend	11-1-2016	125-055-0040	1-1-2016	Amend	2-1-2016
123-674-1100	9-16-2016	Amend	11-1-2016	125-246-0100	1-1-2016	Amend	2-1-2016
123-674-1200	9-16-2016	Amend	11-1-2016	125-246-0110	1-1-2016	Amend	2-1-2016
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

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137-010-0030	1-1-2017	Amend	10-1-2016	141-067-0150	6-1-2016	Amend	6-1-2016
137-020-0020	1-1-2016	Amend	2-1-2016	141-067-0155	6-1-2016	Amend	6-1-2016
137-020-0050	1-1-2016	Amend	2-1-2016	141-067-0170	6-1-2016	Amend	6-1-2016
137-046-0110	1-1-2016	Amend	2-1-2016	141-067-0180	6-1-2016	Amend	6-1-2016
137-046-0140	1-1-2016	Adopt	2-1-2016	141-067-0195	6-1-2016	Amend	6-1-2016
137-046-0200	1-1-2016	Amend	2-1-2016	141-067-0200	6-1-2016	Repeal	6-1-2016
137-046-0210	1-1-2016	Amend	2-1-2016	141-067-0215	6-1-2016	Amend	6-1-2016
137-047-0260	1-1-2016	Amend	2-1-2016	141-067-0220	6-1-2016	Amend	6-1-2016
137-047-0640	1-1-2016	Amend	2-1-2016	141-067-0270	6-1-2016	Amend	6-1-2016
137-048-0220	1-1-2016	Amend	2-1-2016	141-067-0300	6-1-2016	Amend	6-1-2016
137-049-0120	1-1-2016	Amend	2-1-2016	141-068-0000	6-1-2016	Adopt	6-1-2016
137-049-0370	1-1-2016	Amend	2-1-2016	141-068-0010	6-1-2016	Adopt	6-1-2016
137-049-0390	1-1-2016	Amend	2-1-2016	141-068-0020	6-1-2016	Adopt	6-1-2016
137-049-0440	1-1-2016	Amend	2-1-2016	141-068-0030	6-1-2016	Adopt	6-1-2016
137-050-0715	7-1-2016	Amend	8-1-2016	141-068-0040	6-1-2016	Adopt	6-1-2016
137-050-0735	1-29-2016	Amend(T)	3-1-2016	141-068-0050	6-1-2016	Adopt	6-1-2016
137-050-0735	4-1-2016	Amend	5-1-2016	141-068-0060	6-1-2016	Adopt	6-1-2016
137-050-0745	1-1-2016	Amend	2-1-2016	141-068-0070	6-1-2016	Adopt	6-1-2016
137-050-0750	7-1-2016	Amend	8-1-2016	141-068-0080	6-1-2016	Adopt	6-1-2016
137-055-1140	2-1-2016	Amend	3-1-2016	141-068-0090	6-1-2016	Adopt	6-1-2016
137-055-1160	2-1-2016	Amend	3-1-2016	141-068-0100	6-1-2016	Adopt	6-1-2016
137-055-3220	10-1-2016	Amend(T)	11-1-2016	141-068-0110	6-1-2016	Adopt	6-1-2016
137-055-3240	1-1-2016	Amend	2-1-2016	141-068-0120	6-1-2016	Adopt	6-1-2016
137-055-3300	2-1-2016	Amend	3-1-2016	141-068-0130	6-1-2016	Adopt	6-1-2016
137-055-3490	1-1-2016	Amend	2-1-2016	141-068-0140	6-1-2016	Adopt	6-1-2016
137-055-3660	1-1-2016	Amend	2-1-2016	141-082-0250	1-1-2017	Amend	12-1-2016
137-055-5035	1-1-2016	Amend	2-1-2016	141-082-0255	1-1-2017	Amend	12-1-2016
137-055-5080	1-1-2016	Amend	2-1-2016	141-082-0260	1-1-2017	Amend	12-1-2016
137-055-5110	2-1-2016	Amend	3-1-2016	141-082-0265	1-1-2017	Amend	12-1-2016
137-055-6220	1-1-2016	Amend	2-1-2016	141-082-0270	1-1-2017	Amend	12-1-2016
137-055-6240	1-1-2016	Amend	2-1-2016	141-082-0275	1-1-2017	Amend	12-1-2016
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137-055-7040	1-1-2016	Amend	2-1-2016	141-082-0285	1-1-2017	Amend	12-1-2016
137-055-7060	1-1-2016	Amend	2-1-2016	141-082-0290	1-1-2017	Amend	12-1-2016
137-055-7100	1-1-2016	Amend	2-1-2016	141-082-0295	1-1-2017	Amend	12-1-2016
137-055-7120	1-1-2016	Amend	2-1-2016	141-082-0300	1-1-2017	Amend	12-1-2016
137-055-7140	1-1-2016	Amend	2-1-2016	141-082-0305	1-1-2017	Amend	12-1-2016
137-055-7160	1-1-2016	Amend	2-1-2016	141-082-0310	1-1-2017	Amend	12-1-2016
137-055-7160	1-1-2016	Repeal	2-1-2016	141-082-0311	1-1-2017	Adopt	12-1-2016
137-055-7180	1-1-2016	Amend	2-1-2016	141-082-0312	1-1-2017	Adopt	12-1-2016
137-055-7190	1-1-2016	Amend	2-1-2016	141-082-0313	1-1-2017	Adopt	12-1-2016
137-084-0001	4-19-2016	Amend(T)	6-1-2016	141-082-0314	1-1-2017	Adopt	12-1-2016
137-084-0001	10-24-2016	Amend	12-1-2016	141-082-0315	1-1-2017	Amend	12-1-2016
137-084-0010	4-19-2016	Amend(T)	6-1-2016	141-082-0320	1-1-2017	Amend	12-1-2016
137-084-0010	10-24-2016	Amend	12-1-2016	141-082-0325	1-1-2017	Amend	12-1-2016
137-084-0020	4-19-2016	Amend(T)	6-1-2016	141-082-0330	1-1-2017	Amend	12-1-2016
137-084-0020	10-24-2016	Amend	12-1-2016	141-082-0335	1-1-2017	Amend	12-1-2016
137-084-0030	4-19-2016	Amend(T)	6-1-2016	141-082-0340	1-1-2017	Amend	12-1-2016
137-084-0030	10-24-2016	Amend	12-1-2016	141-089-0820	1-2-2016	Amend(T)	2-1-2016
137-084-0500	10-24-2016	Amend	12-1-2016	141-089-0820	6-15-2016	Amend	7-1-2016
137-085-0060	2-3-2016	Adopt	3-1-2016	141-089-0825	1-2-2016	Amend(T)	2-1-2016
137-085-0070	2-3-2016	Adopt	3-1-2016	141-089-0825	6-15-2016	Amend	7-1-2016
137-085-0080	2-3-2016	Adopt	3-1-2016	141-089-0835	1-2-2016	Amend(T)	2-1-2016
137-085-0090	2-3-2016	Adopt	3-1-2016	141-089-0835	6-15-2016	Amend	7-1-2016
137-105-0025	5-23-2016	Adopt(T)	7-1-2016	141-093-0185	2-8-2016	Amend	3-1-2016

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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
141-125-0170	12-29-2015	Amend	2-1-2016	150-267.380(4)	9-1-2016	Renumber	9-1-2016
150-118.005	9-1-2016	Renumber	9-1-2016	150-267.385(3)	9-1-2016	Renumber	9-1-2016
150-118.010	9-1-2016	Renumber	9-1-2016	150-276.595	9-1-2016	Renumber	9-1-2016
150-118.010(1)	9-1-2016	Renumber	9-1-2016	150-280.060(A)	9-1-2016	Renumber	9-1-2016
150-118.010(2)	9-1-2016	Renumber	9-1-2016	150-280.075	8-1-2016	Amend	9-1-2016
150-118.010(3)	9-1-2016	Renumber	9-1-2016	150-280.075	9-1-2016	Renumber	9-1-2016
150-118.010(4)(b)	9-1-2016	Renumber	9-1-2016	150-285C.140(12)	9-1-2016	Renumber	9-1-2016
150-118.010(7)	9-1-2016	Renumber	9-1-2016	150-285C.180	9-1-2016	Renumber	9-1-2016
150-118.010(8)	9-1-2016	Renumber	9-1-2016	150-285C.409	9-1-2016	Renumber	9-1-2016
150-118.100(1)	9-1-2016	Renumber	9-1-2016	150-285C.420	9-1-2016	Renumber	9-1-2016
150-118.100(6)	9-1-2016	Renumber	9-1-2016	150-285C.420-(A)	1-1-2016	Adopt	2-1-2016
150-118.140	1-1-2016	Amend	2-1-2016	150-285C.420-(A)	9-1-2016	Renumber	9-1-2016
150-118.140	9-1-2016	Renumber	9-1-2016	150-291.349	9-1-2016	Renumber	9-1-2016
150-118.160	9-1-2016	Renumber	9-1-2016	150-293.250(2)	9-1-2016	Renumber	9-1-2016
150-118.160-(B)	9-1-2016	Renumber	9-1-2016	150-293.445(4)	9-1-2016	Renumber	9-1-2016
150-118.171	9-1-2016	Renumber	9-1-2016	150-293.475(3)	9-1-2016	Renumber	9-1-2016
150-118.225	9-1-2016	Renumber	9-1-2016	150-293.525(1)(b)	9-1-2016	Renumber	9-1-2016
150-118.250	9-1-2016	Renumber	9-1-2016	150-294-175(6)	9-1-2016	Renumber	9-1-2016
150-118.260	9-1-2016	Renumber	9-1-2016	150-294.175	9-1-2016	Renumber	9-1-2016
150-118.260(6)	9-1-2016	Renumber	9-1-2016	150-294.175-(B)	9-1-2016	Renumber	9-1-2016
150-118.265	9-1-2016	Renumber	9-1-2016	150-294.175-(C)	9-1-2016	Renumber	9-1-2016
150-118.300	9-1-2016	Renumber	9-1-2016	150-294.175(1)(c)	1-1-2016	Am. & Ren.	2-1-2016
150-118.NOTE	1-1-2016	Repeal	2-1-2016	150-294.175(2)	1-1-2016	Am. & Ren.	2-1-2016
150-137.300	9-1-2016	Renumber	9-1-2016	150-294.175(2)-(A)	9-1-2016	Renumber	9-1-2016
150-18.385	9-1-2016	Renumber	9-1-2016	150-294.175(2)-(B)	9-1-2016	Renumber	9-1-2016
150-18.385-(A)	9-1-2016	Renumber	9-1-2016	150-294.181	9-1-2016	Renumber	9-1-2016
150-18.855(5)	9-1-2016	Renumber	9-1-2016	150-294.187	9-1-2016	Renumber	9-1-2016
150-18.855(6)	9-1-2016	Renumber	9-1-2016	150-294.187(1)(c)	9-1-2016	Renumber	9-1-2016
150-180.455	9-1-2016	Renumber	9-1-2016	150-294.311	9-1-2016	Renumber	9-1-2016
150-181.534(9)	9-1-2016	Renumber	9-1-2016	150-294.311(31)	9-1-2016	Renumber	9-1-2016
150-181.534(9)-(A)	9-1-2016	Renumber	9-1-2016	150-294.311(6)	9-1-2016	Renumber	9-1-2016
150-181.534(9)-(B)	9-1-2016	Renumber	9-1-2016	150-294.338(2)	9-1-2016	Renumber	9-1-2016
150-181.534(9)-(C)	9-1-2016	Renumber	9-1-2016	150-294.346	9-1-2016	Renumber	9-1-2016
150-181.534(9)-(D)	9-1-2016	Renumber	9-1-2016	150-294.346-(A)	9-1-2016	Renumber	9-1-2016
150-181.534(9)-(E)	9-1-2016	Renumber	9-1-2016	150-294.358	9-1-2016	Renumber	9-1-2016
150-181.534(9)-(F)	9-1-2016	Renumber	9-1-2016	150-294.361(1)-(A)	9-1-2016	Renumber	9-1-2016
150-181.534(9)-(G)	9-1-2016	Renumber	9-1-2016	150-294.361(1)-(B)	9-1-2016	Renumber	9-1-2016
150-181.534(9)-(H)	9-1-2016	Renumber	9-1-2016	150-294.361(2)	9-1-2016	Renumber	9-1-2016
150-181.534(9)-(I)	9-1-2016	Renumber	9-1-2016	150-294.368(2)	9-1-2016	Renumber	9-1-2016
150-181.534(9)-(J)	9-1-2016	Renumber	9-1-2016	150-294.388	9-1-2016	Renumber	9-1-2016
150-181.534(9)-(K)	9-1-2016	Renumber	9-1-2016	150-294.388(1)-(A)	9-1-2016	Renumber	9-1-2016
150-181.534(9)-(L)	9-1-2016	Renumber	9-1-2016	150-294.388(7)	9-1-2016	Renumber	9-1-2016
150-181.534(9)-(M)	9-1-2016	Renumber	9-1-2016	150-294.398	9-1-2016	Renumber	9-1-2016
150-183.330	9-1-2016	Renumber	9-1-2016	150-294.414	9-1-2016	Renumber	9-1-2016
150-183.330(1)	1-1-2016	Am. & Ren.	2-1-2016	150-294.426(8)	9-1-2016	Renumber	9-1-2016
150-183.341(2)	9-1-2016	Renumber	9-1-2016	150-294.438	9-1-2016	Renumber	9-1-2016
150-183.341(4)	9-1-2016	Renumber	9-1-2016	150-294.453(1)	9-1-2016	Renumber	9-1-2016
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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
150-294.905(4)	9-1-2016	Renumber	9-1-2016	150-305.270(3)-(B)	9-1-2016	Renumber	9-1-2016
150-294.915	9-1-2016	Renumber	9-1-2016	150-305.270(4)-(A)	9-1-2016	Renumber	9-1-2016
150-294.920	9-1-2016	Renumber	9-1-2016	150-305.270(4)-(B)	9-1-2016	Renumber	9-1-2016
150-305.100	9-1-2016	Renumber	9-1-2016	150-305.270(8)	9-1-2016	Renumber	9-1-2016
150-305.100-(A)	9-1-2016	Renumber	9-1-2016	150-305.285	9-1-2016	Renumber	9-1-2016
150-305.100-(B)	9-1-2016	Renumber	9-1-2016	150-305.295(1)(c)	9-1-2016	Renumber	9-1-2016
150-305.100-(C)	1-1-2016	Repeal	2-1-2016	150-305.295(1)(d)	9-1-2016	Renumber	9-1-2016
150-305.100-(D)	9-1-2016	Renumber	9-1-2016	150-305.295(4)	9-1-2016	Renumber	9-1-2016
150-305.100-(E)	7-1-2016	Adopt	8-1-2016	150-305.295(6)	9-1-2016	Renumber	9-1-2016
150-305.100-(E)	9-1-2016	Renumber	9-1-2016	150-305.305	9-1-2016	Renumber	9-1-2016
150-305.105	9-1-2016	Renumber	9-1-2016	150-305.385(4)(a)-(A)	9-1-2016	Renumber	9-1-2016
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150-305.120	9-1-2016	Renumber	9-1-2016	150-305.385(6)-(B)	9-1-2016	Renumber	9-1-2016
150-305.140	9-1-2016	Renumber	9-1-2016	150-305.385(6)-(C)	9-1-2016	Renumber	9-1-2016
150-305.140(3)(d)	9-1-2016	Renumber	9-1-2016	150-305.385(7)	9-1-2016	Renumber	9-1-2016
150-305.145	9-1-2016	Renumber	9-1-2016	150-305.501	9-1-2016	Renumber	9-1-2016
150-305.145(2)	9-1-2016	Renumber	9-1-2016	150-305.525	9-1-2016	Renumber	9-1-2016
150-305.145(3)	9-1-2016	Renumber	9-1-2016	150-305.565(2)(a)	9-1-2016	Renumber	9-1-2016
150-305.145(4)	9-1-2016	Renumber	9-1-2016	150-305.612	1-1-2016	Amend	2-1-2016
150-305.145(5)	1-1-2016	Renumber	2-1-2016	150-305.612	9-1-2016	Renumber	9-1-2016
150-305.145(A)	9-1-2016	Renumber	9-1-2016	150-305.620(1)-(A)	9-1-2016	Renumber	9-1-2016
150-305.150	9-1-2016	Renumber	9-1-2016	150-305.620(4)	9-1-2016	Renumber	9-1-2016
150-305.155	9-1-2016	Renumber	9-1-2016	150-305.720(1)(a)	9-1-2016	Renumber	9-1-2016
150-305.155-(A)	1-1-2016	Adopt	2-1-2016	150-305.725(1)	9-1-2016	Renumber	9-1-2016
150-305.155(1)(d)	9-1-2016	Renumber	9-1-2016	150-305.727	9-1-2016	Renumber	9-1-2016
150-305.155(A)	9-1-2016	Renumber	9-1-2016	150-305.727(3)(a)	9-1-2016	Renumber	9-1-2016
150-305.190	9-1-2016	Renumber	9-1-2016	150-305.727(3)(b)	9-1-2016	Renumber	9-1-2016
150-305.192	9-1-2016	Renumber	9-1-2016	150-305.727(3)(b)-(B)	9-1-2016	Renumber	9-1-2016
150-305.193	9-1-2016	Renumber	9-1-2016	150-305.730	9-1-2016	Renumber	9-1-2016
150-305.217	9-1-2016	Renumber	9-1-2016	150-305.747	9-1-2016	Renumber	9-1-2016
150-305.220(1)	9-1-2016	Renumber	9-1-2016	150-305.749(3)	9-1-2016	Renumber	9-1-2016
150-305.220(2)	9-1-2016	Renumber	9-1-2016	150-305.792	12-7-2015	Adopt(T)	1-1-2016
150-305.220(3)	9-1-2016	Renumber	9-1-2016	150-305.796	9-1-2016	Renumber	9-1-2016
150-305.222	9-1-2016	Renumber	9-1-2016	150-305.810	9-1-2016	Renumber	9-1-2016
150-305.222(3)	9-1-2016	Renumber	9-1-2016	150-305.820	9-1-2016	Renumber	9-1-2016
150-305.228	9-1-2016	Renumber	9-1-2016	150-305.992	9-1-2016	Renumber	9-1-2016
150-305.230	9-1-2016	Renumber	9-1-2016	150-306.115	9-1-2016	Renumber	9-1-2016
150-305.242(2)	9-1-2016	Renumber	9-1-2016	150-306.115-(A)	9-1-2016	Renumber	9-1-2016
150-305.242(5)	9-1-2016	Renumber	9-1-2016	150-306.115-(C)	9-1-2016	Renumber	9-1-2016
150-305.265(1)	9-1-2016	Renumber	9-1-2016	150-306.125	1-1-2016	Repeal	2-1-2016
150-305.265(1)-(B)	9-1-2016	Renumber	9-1-2016	150-306.125(1)	9-1-2016	Renumber	9-1-2016
150-305.265(10)	9-1-2016	Renumber	9-1-2016	150-306.126	9-1-2016	Renumber	9-1-2016
150-305.265(11)	9-1-2016	Renumber	9-1-2016	150-306.126-(A)	9-1-2016	Renumber	9-1-2016
150-305.265(12)-(B)	9-1-2016	Renumber	9-1-2016	150-306.126-(B)	9-1-2016	Renumber	9-1-2016
150-305.265(13)	9-1-2016	Renumber	9-1-2016	150-306.126-(C)	9-1-2016	Renumber	9-1-2016
150-305.265(14)	9-1-2016	Renumber	9-1-2016	150-306.126(1)	1-1-2016	Am. & Ren.	2-1-2016
150-305.265(15)	9-1-2016	Renumber	9-1-2016	150-306.126(2)	1-1-2016	Am. & Ren.	2-1-2016
150-305.265(2)-(A)	9-1-2016	Renumber	9-1-2016	150-306.126(3)-(A)	1-1-2016	Am. & Ren.	2-1-2016

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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
150-307.010(1)	9-1-2016	Renumber	9-1-2016	150-307.547	9-1-2016	Renumber	9-1-2016
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
150-307.112	9-1-2016	Renumber	9-1-2016	150-308.010	9-1-2016	Renumber	9-1-2016
150-307.115(1)	9-1-2016	Renumber	9-1-2016	150-308.010(1)	9-1-2016	Renumber	9-1-2016
150-307.120	9-1-2016	Renumber	9-1-2016	150-308.015	9-1-2016	Renumber	9-1-2016
150-307.120(3)(a)	9-1-2016	Renumber	9-1-2016	150-308.030	9-1-2016	Renumber	9-1-2016
150-307.123	9-1-2016	Renumber	9-1-2016	150-308.057	9-1-2016	Renumber	9-1-2016
150-307.126	8-1-2016	Am. & Ren.	9-1-2016	150-308.059-(A)	9-1-2016	Renumber	9-1-2016
150-307.130-(A)	9-1-2016	Renumber	9-1-2016	150-308.059-(B)	9-1-2016	Renumber	9-1-2016
150-307.130(1)	9-1-2016	Renumber	9-1-2016	150-308.105	9-1-2016	Renumber	9-1-2016
150-307.140	9-1-2016	Renumber	9-1-2016	150-308.115	9-1-2016	Renumber	9-1-2016
150-307.140(4)	9-1-2016	Renumber	9-1-2016	150-308.146	9-1-2016	Renumber	9-1-2016
150-307.145	9-1-2016	Renumber	9-1-2016	150-308.146(5)(a)	9-1-2016	Renumber	9-1-2016
150-307.147	9-1-2016	Renumber	9-1-2016	150-308.146(8)	9-1-2016	Renumber	9-1-2016
150-307.150	9-1-2016	Renumber	9-1-2016	150-308.149-(A)	9-1-2016	Renumber	9-1-2016
150-307.162(1)	9-1-2016	Renumber	9-1-2016	150-308.149(3)	9-1-2016	Renumber	9-1-2016
150-307.166	9-1-2016	Renumber	9-1-2016	150-308.149(5)	9-1-2016	Renumber	9-1-2016
150-307.175	9-1-2016	Renumber	9-1-2016	150-308.149(6)	9-1-2016	Renumber	9-1-2016
150-307.180	9-1-2016	Renumber	9-1-2016	150-308.156	9-1-2016	Renumber	9-1-2016
150-307.183	9-1-2016	Renumber	9-1-2016	150-308.156-(B)	9-1-2016	Renumber	9-1-2016
150-307.190	9-1-2016	Renumber	9-1-2016	150-308.156(5)	9-1-2016	Renumber	9-1-2016
150-307.210	9-1-2016	Renumber	9-1-2016	150-308.156(5)-(A)	9-1-2016	Renumber	9-1-2016
150-307.210(5)	9-1-2016	Renumber	9-1-2016	150-308.156(5)-(B)	8-1-2016	Am. & Ren.	9-1-2016
150-307.220-(A)	9-1-2016	Renumber	9-1-2016	150-308.156(5)-(C)	9-1-2016	Renumber	9-1-2016
150-307.220-(B)	9-1-2016	Renumber	9-1-2016	150-308.156(5)-(D)	9-1-2016	Renumber	9-1-2016
150-307.230-(A)	9-1-2016	Renumber	9-1-2016	150-308.159	9-1-2016	Renumber	9-1-2016
150-307.230-(B)	9-1-2016	Renumber	9-1-2016	150-308.205-(A)	1-1-2016	Amend	2-1-2016
150-307.240-(B)	9-1-2016	Renumber	9-1-2016	150-308.205-(A)	9-1-2016	Renumber	9-1-2016
150-307.241	9-1-2016	Renumber	9-1-2016	150-308.205-(C)	9-1-2016	Renumber	9-1-2016
150-307.242	9-1-2016	Renumber	9-1-2016	150-308.205-(D)	1-1-2016	Amend	2-1-2016
150-307.242(2)	1-1-2016	Am. & Ren.	2-1-2016	150-308.205-(D)	9-1-2016	Renumber	9-1-2016
150-307.250	9-1-2016	Renumber	9-1-2016	150-308.205-(E)	9-1-2016	Renumber	9-1-2016
150-307.260(1)(a)	9-1-2016	Renumber	9-1-2016	150-308.205-(F)	9-1-2016	Renumber	9-1-2016
150-307.260(3)	9-1-2016	Renumber	9-1-2016	150-308.205-(G)	9-1-2016	Renumber	9-1-2016
150-307.270(1)-(A)	9-1-2016	Renumber	9-1-2016	150-308.205-(H)	9-1-2016	Renumber	9-1-2016
150-307.270(1)-(B)	9-1-2016	Renumber	9-1-2016	150-308.205(2)	1-1-2016	Am. & Ren.	2-1-2016
150-307.270(1)-(C)	9-1-2016	Renumber	9-1-2016	150-308.215(1)-(A)	9-1-2016	Renumber	9-1-2016
150-307.286	9-1-2016	Renumber	9-1-2016	150-308.215(1)-(B)	9-1-2016	Renumber	9-1-2016
150-307.289	9-1-2016	Renumber	9-1-2016	150-308.215(1)(g)	9-1-2016	Renumber	9-1-2016
150-307.320	9-1-2016	Renumber	9-1-2016	150-308.219	9-1-2016	Renumber	9-1-2016
150-307.330	9-1-2016	Renumber	9-1-2016	150-308.225	9-1-2016	Renumber	9-1-2016
150-307.370	9-1-2016	Renumber	9-1-2016	150-308.231	9-1-2016	Renumber	9-1-2016
150-307.375	9-1-2016	Renumber	9-1-2016	150-308.232	9-1-2016	Renumber	9-1-2016
150-307.394	9-1-2016	Renumber	9-1-2016	150-308.234	9-1-2016	Renumber	9-1-2016
150-307.397	9-1-2016	Renumber	9-1-2016	150-308.235	9-1-2016	Renumber	9-1-2016
150-307.405	9-1-2016	Renumber	9-1-2016	150-308.242(3)	9-1-2016	Renumber	9-1-2016
150-307.405(3)	1-1-2016	Repeal	2-1-2016	150-308.250	9-1-2016	Renumber	9-1-2016
150-307.455	8-1-2016	Amend	9-1-2016	150-308.256(4)	9-1-2016	Renumber	9-1-2016
150-307.455	9-1-2016	Renumber	9-1-2016	150-308.275(1)	9-1-2016	Renumber	9-1-2016
150-307.475	8-1-2016	Amend	9-1-2016	150-308.290	9-1-2016	Renumber	9-1-2016

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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
150-308.490	9-1-2016	Renumber	9-1-2016	150-309.100(3)-(A)	9-1-2016	Renumber	9-1-2016
150-308.505(6)	9-1-2016	Renumber	9-1-2016	150-309.100(3)-(B)	9-1-2016	Renumber	9-1-2016
150-308.515	9-1-2016	Renumber	9-1-2016	150-309.100(3)-(C)	9-1-2016	Renumber	9-1-2016
150-308.515(2)(b)	9-1-2016	Renumber	9-1-2016	150-309.100(5)	9-1-2016	Renumber	9-1-2016
150-308.525	9-1-2016	Renumber	9-1-2016	150-309.110-(A)	1-1-2016	Amend	2-1-2016
150-308.540	9-1-2016	Renumber	9-1-2016	150-309.110-(A)	9-1-2016	Renumber	9-1-2016
150-308.550(2)-(A)	9-1-2016	Renumber	9-1-2016	150-309.110(1)	9-1-2016	Renumber	9-1-2016
150-308.550(2)-(B)	9-1-2016	Renumber	9-1-2016	150-309.110(1)-(A)	9-1-2016	Renumber	9-1-2016
150-308.550(2)-(C)	9-1-2016	Renumber	9-1-2016	150-309.110(1)-(C)	9-1-2016	Renumber	9-1-2016
150-308.550(2)-(D)	9-1-2016	Renumber	9-1-2016	150-309.110(1)-(D)	9-1-2016	Renumber	9-1-2016
150-308.550(2)-(E)	9-1-2016	Renumber	9-1-2016	150-309.115	9-1-2016	Renumber	9-1-2016
150-308.550(2)-(F)	9-1-2016	Renumber	9-1-2016	150-309.115(1)-(C)	9-1-2016	Renumber	9-1-2016
150-308.550(2)-(G)	9-1-2016	Renumber	9-1-2016	150-309.115(2)	9-1-2016	Renumber	9-1-2016
150-308.550(2)-(H)	9-1-2016	Renumber	9-1-2016	150-309.115(2)(e)	9-1-2016	Renumber	9-1-2016
150-308.555	9-1-2016	Renumber	9-1-2016	150-309.200-(A)	9-1-2016	Renumber	9-1-2016
150-308.560	9-1-2016	Renumber	9-1-2016	150-309.200-(B)	9-1-2016	Renumber	9-1-2016
150-308.605(2)	9-1-2016	Renumber	9-1-2016	150-309.200-(C)	9-1-2016	Renumber	9-1-2016
150-308.655	9-1-2016	Renumber	9-1-2016	150-309.360	9-1-2016	Renumber	9-1-2016
150-308.671	9-1-2016	Renumber	9-1-2016	150-310.055	9-1-2016	Renumber	9-1-2016
150-308.704	9-1-2016	Renumber	9-1-2016	150-310.060-(A)	9-1-2016	Renumber	9-1-2016
150-308.709	9-1-2016	Renumber	9-1-2016	150-310.060(4)	9-1-2016	Renumber	9-1-2016
150-308.712	9-1-2016	Renumber	9-1-2016	150-310.070-(A)	9-1-2016	Renumber	9-1-2016
150-308.714-(A)	9-1-2016	Renumber	9-1-2016	150-310.090	9-1-2016	Renumber	9-1-2016
150-308.714-(B)	9-1-2016	Renumber	9-1-2016	150-310.110	9-1-2016	Renumber	9-1-2016
150-308.865	9-1-2016	Renumber	9-1-2016	150-310.110(1)	1-1-2016	Repeal	2-1-2016
150-308.875-(A)	9-1-2016	Renumber	9-1-2016	150-310.630(11)	9-1-2016	Renumber	9-1-2016
150-308.875-(B)	9-1-2016	Renumber	9-1-2016	150-310.630(4)	9-1-2016	Renumber	9-1-2016
150-308A.056	9-1-2016	Renumber	9-1-2016	150-310.630(5)	9-1-2016	Renumber	9-1-2016
150-308A.056(1)(g)	9-1-2016	Renumber	9-1-2016	150-310.630(8)(a)-(A)	9-1-2016	Renumber	9-1-2016
150-308A.062	9-1-2016	Renumber	9-1-2016	150-310.630(8)(a)-(C)	9-1-2016	Renumber	9-1-2016
150-308A.068	9-1-2016	Renumber	9-1-2016	150-310.630(8)(a)-(D)	9-1-2016	Renumber	9-1-2016
150-308A.071	9-1-2016	Renumber	9-1-2016	150-310.630(8)(a)-(O)	9-1-2016	Renumber	9-1-2016
150-308A.074	9-1-2016	Renumber	9-1-2016	150-310.630(8)(b)-(F)	9-1-2016	Renumber	9-1-2016
150-308A.080	9-1-2016	Renumber	9-1-2016	150-310.630(9)	9-1-2016	Renumber	9-1-2016
150-308A.092	9-1-2016	Renumber	9-1-2016	150-310.635	9-1-2016	Renumber	9-1-2016
150-308A.107	9-1-2016	Renumber	9-1-2016	150-310.635(7)	9-1-2016	Renumber	9-1-2016
150-308A.113	9-1-2016	Renumber	9-1-2016	150-310.657	9-1-2016	Renumber	9-1-2016
150-308A.116	9-1-2016	Renumber	9-1-2016	150-311.105(1)(b)	9-1-2016	Renumber	9-1-2016
150-308A.250	9-1-2016	Renumber	9-1-2016	150-311.150	9-1-2016	Renumber	9-1-2016
150-308A.253	9-1-2016	Renumber	9-1-2016	150-311.160(2)	9-1-2016	Renumber	9-1-2016
150-308A.256	9-1-2016	Renumber	9-1-2016	150-311.160(4)	9-1-2016	Renumber	9-1-2016
150-308A.315(4)	9-1-2016	Renumber	9-1-2016	150-311.205(1)(a)	9-1-2016	Renumber	9-1-2016
150-308A.703	9-1-2016	Renumber	9-1-2016	150-311.205(1)(b)-(A)	9-1-2016	Renumber	9-1-2016
150-308A.706	9-1-2016	Renumber	9-1-2016	150-311.205(1)(b)-(B)	9-1-2016	Renumber	9-1-2016
150-308A.712	9-1-2016	Renumber	9-1-2016	150-311.205(1)(b)-(C)	9-1-2016	Renumber	9-1-2016
150-308A.718	9-1-2016	Renumber	9-1-2016	150-311.205(3)	9-1-2016	Renumber	9-1-2016
150-309.022(1)	9-1-2016	Renumber	9-1-2016	150-311.206-(A)	9-1-2016	Renumber	9-1-2016
150-309.024	9-1-2016	Renumber	9-1-2016	150-311.206-(B)	9-1-2016	Renumber	9-1-2016



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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
150-311.356(3)(c)	9-1-2016	Renumber	9-1-2016	150-314.280-(M)	9-1-2016	Renumber	9-1-2016
150-311.395(1)(d)	9-1-2016	Renumber	9-1-2016	150-314.280-(N)	9-1-2016	Renumber	9-1-2016
150-311.507(1)(d)	9-1-2016	Renumber	9-1-2016	150-314.280-(O)	1-1-2016	Adopt	2-1-2016
150-311.508(1)	9-1-2016	Renumber	9-1-2016	150-314.280-(O)	1-26-2016	Amend(T)	3-1-2016
150-311.520	9-1-2016	Renumber	9-1-2016	150-314.280-(O)	7-1-2016	Amend	8-1-2016
150-311.520-(A)	9-1-2016	Renumber	9-1-2016	150-314.280-(O)	9-1-2016	Renumber	9-1-2016
150-311.525	9-1-2016	Renumber	9-1-2016	150-314.280(3)	9-1-2016	Renumber	9-1-2016
150-311.525-(A)	9-1-2016	Renumber	9-1-2016	150-314.295	9-1-2016	Renumber	9-1-2016
150-311.633	9-1-2016	Renumber	9-1-2016	150-314.297	9-1-2016	Renumber	9-1-2016
150-311.635	9-1-2016	Renumber	9-1-2016	150-314.297(6)	1-1-2016	Am. & Ren.	2-1-2016
150-311.670(1)(a)	9-1-2016	Renumber	9-1-2016	150-314.300	9-1-2016	Renumber	9-1-2016
150-311.672(1)(a)	9-1-2016	Renumber	9-1-2016	150-314.302	9-1-2016	Renumber	9-1-2016
150-311.676	9-1-2016	Renumber	9-1-2016	150-314.306	9-1-2016	Renumber	9-1-2016
150-311.679-(A)	9-1-2016	Renumber	9-1-2016	150-314.308	9-1-2016	Renumber	9-1-2016
150-311.684	9-1-2016	Renumber	9-1-2016	150-314.330(2)	9-1-2016	Renumber	9-1-2016
150-311.688	9-1-2016	Renumber	9-1-2016	150-314.355	9-1-2016	Renumber	9-1-2016
150-311.690(4)	9-1-2016	Renumber	9-1-2016	150-314.360	9-1-2016	Renumber	9-1-2016
150-311.691	9-1-2016	Renumber	9-1-2016	150-314.360(2)	9-1-2016	Renumber	9-1-2016
150-311.708	9-1-2016	Renumber	9-1-2016	150-314.364(A)	9-1-2016	Renumber	9-1-2016
150-311.711	9-1-2016	Renumber	9-1-2016	150-314.364(B)	9-1-2016	Renumber	9-1-2016
150-311.725	9-1-2016	Renumber	9-1-2016	150-314.380-(A)	9-1-2016	Renumber	9-1-2016
150-311.806-(A)	9-1-2016	Renumber	9-1-2016	150-314.380(2)(B)	1-1-2016	Am. & Ren.	2-1-2016
150-311.806-(B)	9-1-2016	Renumber	9-1-2016	150-314.385(1)-(A)	9-1-2016	Renumber	9-1-2016
150-311.806-(C)	9-1-2016	Renumber	9-1-2016	150-314.385(1)-(B)	9-1-2016	Renumber	9-1-2016
150-311.807	9-1-2016	Renumber	9-1-2016	150-314.385(3)	9-1-2016	Renumber	9-1-2016
150-311.812(3)	9-1-2016	Renumber	9-1-2016	150-314.385(4)	9-1-2016	Renumber	9-1-2016
150-311.814	9-1-2016	Renumber	9-1-2016	150-314.385(c)-(A)	9-1-2016	Renumber	9-1-2016
150-311.860	9-1-2016	Renumber	9-1-2016	150-314.385(c)-(B)	9-1-2016	Renumber	9-1-2016
150-311.865	9-1-2016	Renumber	9-1-2016	150-314.395	9-1-2016	Renumber	9-1-2016
150-312.030(1)(d)	9-1-2016	Renumber	9-1-2016	150-314.395(1)	9-1-2016	Renumber	9-1-2016
150-312.030(2)	9-1-2016	Renumber	9-1-2016	150-314.400	9-1-2016	Renumber	9-1-2016
150-312.040(1)(b)	9-1-2016	Renumber	9-1-2016	150-314.400(1)	1-1-2016	Am. & Ren.	2-1-2016
150-312.110	9-1-2016	Renumber	9-1-2016	150-314.400(2)	9-1-2016	Renumber	9-1-2016
150-314.085(2)	9-1-2016	Renumber	9-1-2016	150-314.400(4)	9-1-2016	Renumber	9-1-2016
150-314.105	9-1-2016	Renumber	9-1-2016	150-314.402	1-1-2016	Repeal	2-1-2016
150-314.105(1)(d)	9-1-2016	Renumber	9-1-2016	150-314.402-(A)	9-1-2016	Renumber	9-1-2016
150-314.220	9-1-2016	Renumber	9-1-2016	150-314.402-(C)	9-1-2016	Renumber	9-1-2016
150-314.255(1)	9-1-2016	Renumber	9-1-2016	150-314.402(1)	1-1-2016	Am. & Ren.	2-1-2016
150-314.255(2)	9-1-2016	Renumber	9-1-2016	150-314.402(4)(b)	9-1-2016	Renumber	9-1-2016
150-314.256	9-1-2016	Renumber	9-1-2016	150-314.402(6)	1-1-2016	Am. & Ren.	2-1-2016
150-314.258	9-1-2016	Renumber	9-1-2016	150-314.403	9-1-2016	Renumber	9-1-2016
150-314.260	9-1-2016	Renumber	9-1-2016	150-314.410(1)	9-1-2016	Renumber	9-1-2016
150-314.260(4)	9-1-2016	Renumber	9-1-2016	150-314.410(2)	9-1-2016	Renumber	9-1-2016
150-314.276	9-1-2016	Renumber	9-1-2016	150-314.410(4)	9-1-2016	Renumber	9-1-2016
150-314.280-(A)	9-1-2016	Renumber	9-1-2016	150-314.410(6)	9-1-2016	Renumber	9-1-2016
150-314.280-(B)	9-1-2016	Renumber	9-1-2016	150-314.410(7)	9-1-2016	Renumber	9-1-2016
150-314.280-(C)	9-1-2016	Renumber	9-1-2016	150-314.410(9)	9-1-2016	Renumber	9-1-2016
150-314.280-(D)	9-1-2016	Renumber	9-1-2016	150-314.415	9-1-2016	Renumber	9-1-2016
150-314.280-(E)	9-1-2016	Renumber	9-1-2016	150-314.415(2)(b)-(A)	9-1-2016	Renumber	9-1-2016

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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
150-314.425	9-1-2016	Renumber	9-1-2016	150-314.665(6)	9-1-2016	Renumber	9-1-2016
150-314.425-(B)	9-1-2016	Renumber	9-1-2016	150-314.665(6)(a)	9-1-2016	Renumber	9-1-2016
150-314.430(1)-(A)	9-1-2016	Renumber	9-1-2016	150-314.665(6)(b)	9-1-2016	Renumber	9-1-2016
150-314.430(1)-(B)	9-1-2016	Renumber	9-1-2016	150-314.665(6)(c)	9-1-2016	Renumber	9-1-2016
150-314.430(2)	9-1-2016	Renumber	9-1-2016	150-314.667-(A)	9-1-2016	Renumber	9-1-2016
150-314.466-(B)	9-1-2016	Renumber	9-1-2016	150-314.670-(A)	7-1-2016	Renumber	8-1-2016
150-314.505-(A)	9-1-2016	Renumber	9-1-2016	150-314.675	9-1-2016	Renumber	9-1-2016
150-314.505-(B)	9-1-2016	Renumber	9-1-2016	150-314.684(4)	9-1-2016	Renumber	9-1-2016
150-314.505(2)	9-1-2016	Renumber	9-1-2016	150-314.686	9-1-2016	Renumber	9-1-2016
150-314.515	9-1-2016	Renumber	9-1-2016	150-314.714(3)	9-1-2016	Renumber	9-1-2016
150-314.515-(A)	9-1-2016	Renumber	9-1-2016	150-314.722	9-1-2016	Renumber	9-1-2016
150-314.515(2)	1-1-2016	Am. & Ren.	2-1-2016	150-314.724	9-1-2016	Renumber	9-1-2016
150-314.518	9-1-2016	Renumber	9-1-2016	150-314.724(3)	9-1-2016	Renumber	9-1-2016
150-314.525(1)-(A)	9-1-2016	Renumber	9-1-2016	150-314.732(2)(c)	9-1-2016	Renumber	9-1-2016
150-314.525(1)-(B)	9-1-2016	Renumber	9-1-2016	150-314.732(2)(d)	9-1-2016	Renumber	9-1-2016
150-314.525(1)(c)-(A)	9-1-2016	Renumber	9-1-2016	150-314.752	9-1-2016	Renumber	9-1-2016
150-314.525(1)(d)	9-1-2016	Renumber	9-1-2016	150-314.775	9-1-2016	Renumber	9-1-2016
150-314.525(2)-(A)	9-1-2016	Renumber	9-1-2016	150-314.778	9-1-2016	Renumber	9-1-2016
150-314.525(2)-(B)	9-1-2016	Renumber	9-1-2016	150-314.781	9-1-2016	Renumber	9-1-2016
150-314.525(5)	9-1-2016	Renumber	9-1-2016	150-314.784	9-1-2016	Renumber	9-1-2016
150-314.610(1)-(A)	9-1-2016	Renumber	9-1-2016	150-314.835	9-1-2016	Renumber	9-1-2016
150-314.610(1)-(B)	9-1-2016	Renumber	9-1-2016	150-314.840	9-1-2016	Renumber	9-1-2016
150-314.610(1)-(C)	9-1-2016	Renumber	9-1-2016	150-314.855	9-1-2016	Renumber	9-1-2016
150-314.615-(A)	9-1-2016	Renumber	9-1-2016	150-314.870	9-1-2016	Renumber	9-1-2016
150-314.615-(C)	9-1-2016	Renumber	9-1-2016	150-315.068	9-1-2016	Renumber	9-1-2016
150-314.615-(D)	9-1-2016	Renumber	9-1-2016	150-315.104(1)	9-1-2016	Renumber	9-1-2016
150-314.615-(E)	9-1-2016	Renumber	9-1-2016	150-315.104(10)	9-1-2016	Renumber	9-1-2016
150-314.615-(F)	9-1-2016	Renumber	9-1-2016	150-315.104(2)	9-1-2016	Renumber	9-1-2016
150-314.615-(G)	9-1-2016	Renumber	9-1-2016	150-315.104(5)	9-1-2016	Renumber	9-1-2016
150-314.615-(H)	9-1-2016	Renumber	9-1-2016	150-315.113	9-1-2016	Renumber	9-1-2016
150-314.620-(A)	9-1-2016	Renumber	9-1-2016	150-315.138(9)	9-1-2016	Renumber	9-1-2016
150-314.620-(B)	9-1-2016	Renumber	9-1-2016	150-315.144	1-1-2016	Amend	2-1-2016
150-314.620-(C)	9-1-2016	Renumber	9-1-2016	150-315.144	9-1-2016	Renumber	9-1-2016
150-314.620-(D)	9-1-2016	Renumber	9-1-2016	150-315.156	9-1-2016	Renumber	9-1-2016
150-314.640	9-1-2016	Renumber	9-1-2016	150-315.164	9-1-2016	Renumber	9-1-2016
150-314.650	9-1-2016	Renumber	9-1-2016	150-315.204-(A)	9-1-2016	Renumber	9-1-2016
150-314.655(1)-(A)	9-1-2016	Renumber	9-1-2016	150-315.204-(B)	9-1-2016	Renumber	9-1-2016
150-314.655(1)-(B)	9-1-2016	Renumber	9-1-2016	150-315.204-(C)	9-1-2016	Renumber	9-1-2016
150-314.655(1)-(C)	9-1-2016	Renumber	9-1-2016	150-315.208	9-1-2016	Renumber	9-1-2016
150-314.655(1)-(D)	9-1-2016	Renumber	9-1-2016	150-315.213(4)	9-1-2016	Renumber	9-1-2016
150-314.655(2)-(A)	9-1-2016	Renumber	9-1-2016	150-315.237(8)	9-1-2016	Renumber	9-1-2016
150-314.655(2)-(B)	9-1-2016	Renumber	9-1-2016	150-315.262	9-1-2016	Renumber	9-1-2016
150-314.655(2)-(C)	9-1-2016	Renumber	9-1-2016	150-315.274(3)	9-1-2016	Renumber	9-1-2016
150-314.655(2)-(E)	9-1-2016	Renumber	9-1-2016	150-315.274(4)	9-1-2016	Renumber	9-1-2016
150-314.655(3)	9-1-2016	Renumber	9-1-2016	150-315.304(1)(a)	9-1-2016	Renumber	9-1-2016
150-314.660(1)	9-1-2016	Renumber	9-1-2016	150-315.304(1)(b)	9-1-2016	Renumber	9-1-2016
150-314.660(2)	9-1-2016	Renumber	9-1-2016	150-315.304(10)	9-1-2016	Renumber	9-1-2016
150-314.665(1)-(A)	1-1-2016	Amend	2-1-2016	150-315.304(2)	9-1-2016	Renumber	9-1-2016

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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
150-315.610(5)(c)	9-1-2016	Renumber	9-1-2016	150-316.162(2)-(B)	9-1-2016	Renumber	9-1-2016
150-316.007	9-1-2016	Renumber	9-1-2016	150-316.162(2)-(C)	9-1-2016	Renumber	9-1-2016
150-316.007-(A)	9-1-2016	Renumber	9-1-2016	150-316.162(2)(j)	9-1-2016	Renumber	9-1-2016
150-316.007-(B)	9-1-2016	Renumber	9-1-2016	150-316.162(3)	9-1-2016	Renumber	9-1-2016
150-316.012	9-1-2016	Renumber	9-1-2016	150-316.164	9-1-2016	Renumber	9-1-2016
150-316.021	9-1-2016	Renumber	9-1-2016	150-316.167(1)	9-1-2016	Renumber	9-1-2016
150-316.027(1)	9-1-2016	Renumber	9-1-2016	150-316.167(2)	9-1-2016	Renumber	9-1-2016
150-316.027(1)(b)	9-1-2016	Renumber	9-1-2016	150-316.168(1)-(A)	9-1-2016	Renumber	9-1-2016
150-316.028	9-1-2016	Renumber	9-1-2016	150-316.168(2)	9-1-2016	Renumber	9-1-2016
150-316.032(2)	9-1-2016	Renumber	9-1-2016	150-316.171	9-1-2016	Renumber	9-1-2016
150-316.037	9-1-2016	Renumber	9-1-2016	150-316.177(1)-(A)	9-1-2016	Renumber	9-1-2016
150-316.045	9-1-2016	Renumber	9-1-2016	150-316.177(1)-(B)	9-1-2016	Renumber	9-1-2016
150-316.047-(A)	9-1-2016	Renumber	9-1-2016	150-316.177(2)	9-1-2016	Renumber	9-1-2016
150-316.048	9-1-2016	Renumber	9-1-2016	150-316.182	9-1-2016	Renumber	9-1-2016
150-316.054	9-1-2016	Renumber	9-1-2016	150-316.187-(A)	9-1-2016	Renumber	9-1-2016
150-316.078	9-1-2016	Renumber	9-1-2016	150-316.187-(B)	9-1-2016	Renumber	9-1-2016
150-316.079	9-1-2016	Renumber	9-1-2016	150-316.189	9-1-2016	Renumber	9-1-2016
150-316.082(1)-(A)	9-1-2016	Renumber	9-1-2016	150-316.189(6)	9-1-2016	Renumber	9-1-2016
150-316.082(1)-(B)	9-1-2016	Renumber	9-1-2016	150-316.191	9-1-2016	Renumber	9-1-2016
150-316.082(2)	9-1-2016	Renumber	9-1-2016	150-316.193	9-1-2016	Renumber	9-1-2016
150-316.082(3)	9-1-2016	Renumber	9-1-2016	150-316.196	9-1-2016	Renumber	9-1-2016
150-316.082(4)	9-1-2016	Renumber	9-1-2016	150-316.197(1)(a)-(A)	9-1-2016	Renumber	9-1-2016
150-316.082(6)	9-1-2016	Renumber	9-1-2016	150-316.197(1)(a)-(B)	9-1-2016	Renumber	9-1-2016
150-316.087	9-1-2016	Renumber	9-1-2016	150-316.197(1)(b)	9-1-2016	Renumber	9-1-2016
150-316.095	9-1-2016	Renumber	9-1-2016	150-316.197(2)	9-1-2016	Renumber	9-1-2016
150-316.095(6)	9-1-2016	Renumber	9-1-2016	150-316.198	9-1-2016	Renumber	9-1-2016
150-316.099	9-1-2016	Renumber	9-1-2016	150-316.198-(A)	9-1-2016	Renumber	9-1-2016
150-316.102	9-1-2016	Renumber	9-1-2016	150-316.202(1)	9-1-2016	Renumber	9-1-2016
150-316.109	9-1-2016	Renumber	9-1-2016	150-316.202(2)	9-1-2016	Renumber	9-1-2016
150-316.116	9-1-2016	Renumber	9-1-2016	150-316.202(3)	9-1-2016	Renumber	9-1-2016
150-316.117-(A)	9-1-2016	Renumber	9-1-2016	150-316.202(4)	9-1-2016	Renumber	9-1-2016
150-316.117-(B)	9-1-2016	Renumber	9-1-2016	150-316.207	9-1-2016	Renumber	9-1-2016
150-316.119	9-1-2016	Renumber	9-1-2016	150-316.207(3)(a)	9-1-2016	Renumber	9-1-2016
150-316.122	9-1-2016	Renumber	9-1-2016	150-316.212	9-1-2016	Renumber	9-1-2016
150-316.124(2)	9-1-2016	Renumber	9-1-2016	150-316.223	9-1-2016	Renumber	9-1-2016
150-316.124(4)	9-1-2016	Renumber	9-1-2016	150-316.272	9-1-2016	Renumber	9-1-2016
150-316.127-(9)	9-1-2016	Renumber	9-1-2016	150-316.277	9-1-2016	Renumber	9-1-2016
150-316.127-(A)	9-1-2016	Renumber	9-1-2016	150-316.282	9-1-2016	Renumber	9-1-2016
150-316.127-(B)	9-1-2016	Renumber	9-1-2016	150-316.282(4)	9-1-2016	Renumber	9-1-2016
150-316.127-(C)	9-1-2016	Renumber	9-1-2016	150-316.287	9-1-2016	Renumber	9-1-2016
150-316.127-(D)	9-1-2016	Renumber	9-1-2016	150-316.298	9-1-2016	Renumber	9-1-2016
150-316.127-(E)	9-1-2016	Renumber	9-1-2016	150-316.307	9-1-2016	Renumber	9-1-2016
150-316.127-(F)	9-1-2016	Renumber	9-1-2016	150-316.362(1)(c)	9-1-2016	Renumber	9-1-2016
150-316.127(1)(a)	9-1-2016	Renumber	9-1-2016	150-316.362(2)	9-1-2016	Renumber	9-1-2016
150-316.127(1)(a)-(A)	9-1-2016	Renumber	9-1-2016	150-316.368	9-1-2016	Renumber	9-1-2016
150-316.127(10)	9-1-2016	Renumber	9-1-2016	150-316.369	9-1-2016	Renumber	9-1-2016
150-316.127(3)(a)	9-1-2016	Renumber	9-1-2016	150-316.382	9-1-2016	Renumber	9-1-2016
150-316.130(2)(c)-(A)	9-1-2016	Renumber	9-1-2016	150-316.387(1)	9-1-2016	Renumber	9-1-2016

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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
150-316.587(5)(b)	9-1-2016	Renumber	9-1-2016	150-317.080	9-1-2016	Renumber	9-1-2016
150-316.587(5)(c)	9-1-2016	Renumber	9-1-2016	150-317.080	9-1-2016	Renumber	9-1-2016
150-316.587(5)(d)	9-1-2016	Renumber	9-1-2016	150-317.090	9-1-2016	Renumber	9-1-2016
150-316.587(8)-(A)	9-1-2016	Renumber	9-1-2016	150-317.092	9-1-2016	Renumber	9-1-2016
150-316.587(8)-(B)	9-1-2016	Renumber	9-1-2016	150-317.097	9-1-2016	Renumber	9-1-2016
150-316.587(8)-(C)	9-1-2016	Renumber	9-1-2016	150-317.099	9-1-2016	Renumber	9-1-2016
150-316.680-(A)	9-1-2016	Renumber	9-1-2016	150-317.111	9-1-2016	Renumber	9-1-2016
150-316.680-(B)	9-1-2016	Renumber	9-1-2016	150-317.112	9-1-2016	Renumber	9-1-2016
150-316.680(1)(a)	9-1-2016	Renumber	9-1-2016	150-317.112(1)	9-1-2016	Renumber	9-1-2016
150-316.680(2)(a)	9-1-2016	Renumber	9-1-2016	150-317.112(7)	9-1-2016	Renumber	9-1-2016
150-316.680(2)(b)	9-1-2016	Renumber	9-1-2016	150-317.131	9-1-2016	Renumber	9-1-2016
150-316.680(2)(c)	9-1-2016	Renumber	9-1-2016	150-317.147	9-1-2016	Renumber	9-1-2016
150-316.680(2)(i)	9-1-2016	Renumber	9-1-2016	150-317.151	9-1-2016	Renumber	9-1-2016
150-316.680(5)	9-1-2016	Renumber	9-1-2016	150-317.152	1-1-2016	Adopt	2-1-2016
150-316.681	9-1-2016	Renumber	9-1-2016	150-317.152	9-1-2016	Renumber	9-1-2016
150-316.683(1)	9-1-2016	Renumber	9-1-2016	150-317.153	9-1-2016	Renumber	9-1-2016
150-316.685(1)	9-1-2016	Renumber	9-1-2016	150-317.154	9-1-2016	Renumber	9-1-2016
150-316.685(2)	9-1-2016	Renumber	9-1-2016	150-317.259-(A)	9-1-2016	Renumber	9-1-2016
150-316.687	9-1-2016	Renumber	9-1-2016	150-317.267-(A)	9-1-2016	Renumber	9-1-2016
150-316.693	9-1-2016	Renumber	9-1-2016	150-317.267-(B)	9-1-2016	Renumber	9-1-2016
150-316.695(1)	9-1-2016	Renumber	9-1-2016	150-317.288	9-1-2016	Renumber	9-1-2016
150-316.695(1)(c)-(A)	9-1-2016	Renumber	9-1-2016	150-317.307	9-1-2016	Renumber	9-1-2016
150-316.695(2)	9-1-2016	Renumber	9-1-2016	150-317.309	9-1-2016	Renumber	9-1-2016
150-316.707(1)-(A)	9-1-2016	Renumber	9-1-2016	150-317.310(2)	9-1-2016	Renumber	9-1-2016
150-316.707(1)-(B)(1)	9-1-2016	Renumber	9-1-2016	150-317.314	9-1-2016	Renumber	9-1-2016
150-316.707(1)-(C)	9-1-2016	Renumber	9-1-2016	150-317.329	9-1-2016	Renumber	9-1-2016
150-316.737	9-1-2016	Renumber	9-1-2016	150-317.349-(A)	9-1-2016	Renumber	9-1-2016
150-316.752	9-1-2016	Renumber	9-1-2016	150-317.349-(B)	9-1-2016	Renumber	9-1-2016
150-316.758	9-1-2016	Renumber	9-1-2016	150-317.356	9-1-2016	Renumber	9-1-2016
150-316.771	9-1-2016	Renumber	9-1-2016	150-317.362	9-1-2016	Renumber	9-1-2016
150-316.777	9-1-2016	Renumber	9-1-2016	150-317.374(2)	9-1-2016	Renumber	9-1-2016
150-316.778	9-1-2016	Renumber	9-1-2016	150-317.374(3)	9-1-2016	Renumber	9-1-2016
150-316.792	9-1-2016	Renumber	9-1-2016	150-317.476(4)	9-1-2016	Renumber	9-1-2016
150-316.806	9-1-2016	Renumber	9-1-2016	150-317.478	9-1-2016	Renumber	9-1-2016
150-316.818	9-1-2016	Renumber	9-1-2016	150-317.660(1)	9-1-2016	Renumber	9-1-2016
150-316.832(2)	9-1-2016	Renumber	9-1-2016	150-317.660(2)	9-1-2016	Renumber	9-1-2016
150-316.844	9-1-2016	Renumber	9-1-2016	150-317.705	9-1-2016	Renumber	9-1-2016
150-316.846	9-1-2016	Renumber	9-1-2016	150-317.705(3)(a)	9-1-2016	Renumber	9-1-2016
150-316.852	9-1-2016	Renumber	9-1-2016	150-317.705(3)(b)	9-1-2016	Renumber	9-1-2016
150-316.856	9-1-2016	Renumber	9-1-2016	150-317.705(3)(c)	9-1-2016	Renumber	9-1-2016
150-316.863	9-1-2016	Renumber	9-1-2016	150-317.710(5)(a)-(A)	9-1-2016	Renumber	9-1-2016
150-316.992	9-1-2016	Renumber	9-1-2016	150-317.710(5)(a)-(B)	9-1-2016	Renumber	9-1-2016
150-316.992(5)	9-1-2016	Renumber	9-1-2016	150-317.710(5)(a)-(C)	9-1-2016	Renumber	9-1-2016
150-317.010	9-1-2016	Renumber	9-1-2016	150-317.710(5)(b)	9-1-2016	Renumber	9-1-2016
150-317.010(10)	9-1-2016	Renumber	9-1-2016	150-317.710(6)	9-1-2016	Renumber	9-1-2016
150-317.010(10)-(B)	9-1-2016	Renumber	9-1-2016	150-317.710(7)	9-1-2016	Renumber	9-1-2016
150-317.010(4)	9-1-2016	Renumber	9-1-2016	150-317.713	9-1-2016	Renumber	9-1-2016
150-317.013	9-1-2016	Renumber	9-1-2016	150-317.715(3)-(A)	9-1-2016	Renumber	9-1-2016

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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
150-317.NOTE	9-1-2016	Renumber	9-1-2016	150-321.839(4)	9-1-2016	Renumber	9-1-2016
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150-318.010	9-1-2016	Renumber	9-1-2016	150-323.030	9-1-2016	Renumber	9-1-2016
150-318.020(1)	9-1-2016	Renumber	9-1-2016	150-323.030-(B)	9-1-2016	Renumber	9-1-2016
150-318.020(2)	9-1-2016	Renumber	9-1-2016	150-323.105	9-1-2016	Renumber	9-1-2016
150-318.060	9-1-2016	Renumber	9-1-2016	150-323.106	9-1-2016	Renumber	9-1-2016
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150-320.016(5)	9-1-2016	Renumber	9-1-2016	150-323.110	9-1-2016	Renumber	9-1-2016
150-320.080	9-1-2016	Renumber	9-1-2016	150-323.130	9-1-2016	Renumber	9-1-2016
150-320.305	9-1-2016	Renumber	9-1-2016	150-323.140	9-1-2016	Renumber	9-1-2016
150-320.308	9-1-2016	Renumber	9-1-2016	150-323.160(1)	9-1-2016	Renumber	9-1-2016
150-321.005(12)	9-1-2016	Renumber	9-1-2016	150-323.160(2)	9-1-2016	Renumber	9-1-2016
150-321.005(9)	9-1-2016	Renumber	9-1-2016	150-323.160(3)-(A)	9-1-2016	Renumber	9-1-2016
150-321.045	9-1-2016	Renumber	9-1-2016	150-323.160(3)-(B)	9-1-2016	Renumber	9-1-2016
150-321.045(2)	9-1-2016	Renumber	9-1-2016	150-323.170	9-1-2016	Renumber	9-1-2016
150-321.207-(A)	9-1-2016	Renumber	9-1-2016	150-323.175	9-1-2016	Renumber	9-1-2016
150-321.207(1)	1-1-2016	Am. & Ren.	2-1-2016	150-323.180	9-1-2016	Renumber	9-1-2016
150-321.257(3)	9-1-2016	Renumber	9-1-2016	150-323.190	9-1-2016	Renumber	9-1-2016
150-321.348(2)	9-1-2016	Renumber	9-1-2016	150-323.211	9-1-2016	Renumber	9-1-2016
150-321.349	9-1-2016	Renumber	9-1-2016	150-323.220-(A)	9-1-2016	Renumber	9-1-2016
150-321.354	9-1-2016	Renumber	9-1-2016	150-323.220-(B)	9-1-2016	Renumber	9-1-2016
150-321.358(3)(b)-(A)	9-1-2016	Renumber	9-1-2016	150-323.225	9-1-2016	Renumber	9-1-2016
150-321.358(4)	9-1-2016	Renumber	9-1-2016	150-323.320-(A)	9-1-2016	Renumber	9-1-2016
150-321.358(4)(b)	9-1-2016	Renumber	9-1-2016	150-323.320-(B)	9-1-2016	Renumber	9-1-2016
150-321.358(5)	9-1-2016	Renumber	9-1-2016	150-323.320-(C)	9-1-2016	Renumber	9-1-2016
150-321.550	9-1-2016	Renumber	9-1-2016	150-323.325	9-1-2016	Renumber	9-1-2016
150-321.550(1)	9-1-2016	Renumber	9-1-2016	150-323.340	9-1-2016	Renumber	9-1-2016
150-321.550(3)(a)	9-1-2016	Renumber	9-1-2016	150-323.343	9-1-2016	Renumber	9-1-2016
150-321.560(2)	9-1-2016	Renumber	9-1-2016	150-323.365(1)	9-1-2016	Renumber	9-1-2016
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150-321.609(2)-(A)	9-1-2016	Renumber	9-1-2016	150-323.480(1)-(B)	9-1-2016	Renumber	9-1-2016
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150-321.609(2)-(C)	9-1-2016	Renumber	9-1-2016	150-323.505	9-1-2016	Renumber	9-1-2016
150-321.609(2)-(D)	9-1-2016	Renumber	9-1-2016	150-323.505(2)	9-1-2016	Renumber	9-1-2016
150-321.684-(A)	9-1-2016	Renumber	9-1-2016	150-323.510	9-1-2016	Renumber	9-1-2016
150-321.684(1)	9-1-2016	Renumber	9-1-2016	150-323.515	9-1-2016	Renumber	9-1-2016
150-321.700(1)	9-1-2016	Renumber	9-1-2016	150-323.520	9-1-2016	Renumber	9-1-2016
150-321.700(12)	9-1-2016	Renumber	9-1-2016	150-323.525	9-1-2016	Renumber	9-1-2016
150-321.700(13)	9-1-2016	Renumber	9-1-2016	150-323.530	9-1-2016	Renumber	9-1-2016
150-321.706	9-1-2016	Renumber	9-1-2016	150-323.535	9-1-2016	Renumber	9-1-2016
150-321.706(2)	9-1-2016	Renumber	9-1-2016	150-323.540	9-1-2016	Renumber	9-1-2016
150-321.706(4)	9-1-2016	Renumber	9-1-2016	150-323.560	9-1-2016	Renumber	9-1-2016
150-321.706(7)	9-1-2016	Renumber	9-1-2016	150-323.630-(A)	9-1-2016	Renumber	9-1-2016
150-321.709(1)(b)	9-1-2016	Renumber	9-1-2016	150-323.630-(B)	9-1-2016	Renumber	9-1-2016
150-321.709(1)(c)	9-1-2016	Renumber	9-1-2016	150-324.050-(A)	9-1-2016	Renumber	9-1-2016
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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
150-457.430	9-1-2016	Renumber	9-1-2016	165-005-0070	7-6-2016	Amend	8-1-2016
150-457.440(2)	9-1-2016	Renumber	9-1-2016	165-005-0170	1-1-2016	Adopt	2-1-2016
150-457.440(9)	9-1-2016	Renumber	9-1-2016	165-005-0170	5-13-2016	Amend	6-1-2016
150-457.440(9)-(A)	9-1-2016	Renumber	9-1-2016	165-007-0030	12-11-2015	Amend	1-1-2016
150-457.440(9)-(B)	9-1-2016	Renumber	9-1-2016	165-007-0035	1-1-2016	Amend	2-1-2016
150-457.450	9-1-2016	Renumber	9-1-2016	165-007-0035	7-6-2016	Amend	8-1-2016
150-457.450(1)	9-1-2016	Renumber	9-1-2016	165-007-0290	11-7-2016	Amend(T)	12-1-2016
150-465.101	9-1-2016	Renumber	9-1-2016	165-010-0005	1-1-2016	Amend	2-1-2016
150-465.101(5)	9-1-2016	Renumber	9-1-2016	165-010-0005	7-6-2016	Amend	8-1-2016
150-465.101(5)-(B)	9-1-2016	Renumber	9-1-2016	165-010-1103	8-9-2016	Adopt(T)	9-1-2016
150-465.104(1)-(A)	9-1-2016	Renumber	9-1-2016	165-012-0005	1-1-2016	Amend	2-1-2016
150-465.104(1)-(B)	9-1-2016	Renumber	9-1-2016	165-012-0005	7-6-2016	Amend	8-1-2016
150-465.104(1)-(C)	9-1-2016	Renumber	9-1-2016	165-012-0240	1-1-2016	Amend	2-1-2016
150-465.104(2)	9-1-2016	Renumber	9-1-2016	165-012-0240	7-6-2016	Amend	8-1-2016
150-465.104(3)	9-1-2016	Renumber	9-1-2016	165-013-0010	1-1-2016	Amend	2-1-2016
150-465.104(4)	9-1-2016	Renumber	9-1-2016	165-013-0010	7-6-2016	Amend	8-1-2016
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150-475-2090	10-1-2016	Adopt	11-1-2016	165-013-0020	7-6-2016	Amend	8-1-2016
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150-475B.710-(A)	1-4-2016	Adopt(T)	1-1-2016	165-014-0005	1-1-2016	Amend	2-1-2016
150-475B.710-(A)	7-1-2016	Adopt	8-1-2016	165-014-0005	7-6-2016	Amend	8-1-2016
150-475B.710-(A)	9-1-2016	Renumber	9-1-2016	165-014-0100	1-1-2016	Amend	2-1-2016
150-475B.710-(B)	1-4-2016	Adopt(T)	1-1-2016	165-014-0100	7-6-2016	Amend	8-1-2016
150-475B.710-(B)	7-1-2016	Adopt	8-1-2016	165-014-0260	1-1-2016	Amend	2-1-2016
150-475B.710-(B)	9-1-2016	Renumber	9-1-2016	165-014-0260	7-6-2016	Amend	8-1-2016
150-475B.710-(C)	1-4-2016	Adopt(T)	1-1-2016	165-014-0280	1-1-2016	Repeal	2-1-2016
150-475B.710-(C)	7-1-2016	Adopt	8-1-2016	165-014-0280	7-6-2016	Repeal	8-1-2016
150-475B.710-(C)	9-1-2016	Renumber	9-1-2016	165-016-0000	1-1-2016	Amend	2-1-2016
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150-475B.715	9-1-2016	Renumber	9-1-2016	166-017-0005	5-5-2016	Adopt	6-1-2016
150-475B.720	7-1-2016	Adopt	8-1-2016	166-017-0010	5-5-2016	Amend	6-1-2016
150-475B.720	10-1-2016	Am. & Ren.	11-1-2016	166-017-0015	5-5-2016	Adopt	6-1-2016
150-475B.740	7-1-2016	Adopt	8-1-2016	166-017-0020	5-5-2016	Repeal	6-1-2016
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150-475B.755	9-1-2016	Renumber	9-1-2016	166-017-0035	5-5-2016	Adopt	6-1-2016
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150-90.650	9-1-2016	Renumber	9-1-2016	166-017-0045	5-5-2016	Adopt	6-1-2016
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165-001-0016	7-6-2016	Amend	8-1-2016	166-017-0065	5-5-2016	Adopt	6-1-2016
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170-062-0000	6-30-2016	Amend	8-1-2016	177-098-0060	10-18-2016	Amend	11-1-2016
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173-005-0000	7-28-2016	Amend	9-1-2016	177-098-0100	10-18-2016	Amend	11-1-2016
173-006-0005	7-28-2016	Amend	9-1-2016	177-098-0110	10-18-2016	Amend	11-1-2016
173-007-0000	7-28-2016	Amend	9-1-2016	177-099-0000	10-6-2016	Amend	11-1-2016
173-007-0005	7-28-2016	Amend	9-1-2016	177-099-0080	10-6-2016	Amend	11-1-2016
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173-009-0015	7-28-2016	Amend	9-1-2016	199-040-0050	6-1-2016	Adopt	7-1-2016
173-010-0000	7-28-2016	Amend	9-1-2016	213-003-0001	5-10-2016	Amend	6-1-2016
173-010-0025	7-28-2016	Amend	9-1-2016	213-017-0002	5-10-2016	Amend	6-1-2016
173-011-0000	7-28-2016	Amend	9-1-2016	213-017-0003	5-10-2016	Amend	6-1-2016
173-012-0000	7-28-2016	Amend	9-1-2016	213-017-0005	5-10-2016	Amend	6-1-2016
173-012-0005	7-28-2016	Amend	9-1-2016	213-017-0006	5-10-2016	Amend	6-1-2016
173-014-0000	7-28-2016	Amend	9-1-2016	213-017-0007	5-10-2016	Amend	6-1-2016
173-014-0010	7-28-2016	Amend	9-1-2016	213-017-0008	5-10-2016	Amend	6-1-2016
173-016-0010	7-28-2016	Amend	9-1-2016	213-018-0035	5-10-2016	Amend	6-1-2016
177-010-0094	1-1-2016	Adopt	2-1-2016	213-018-0050	5-10-2016	Amend	6-1-2016
177-036-0030	11-8-2016	Amend(T)	12-1-2016	213-018-0068	5-10-2016	Amend	6-1-2016
177-040-0001	10-4-2016	Amend	11-1-2016	230-030-0150	9-30-2016	Amend(T)	10-1-2016
177-040-0003	4-1-2016	Amend(T)	5-1-2016	250-001-0035	5-12-2016	Adopt(T)	6-1-2016
177-040-0003	9-1-2016	Amend	10-1-2016	250-001-0035	11-1-2016	Adopt	12-1-2016
177-040-0003(T)	9-1-2016	Repeal	10-1-2016	250-010-0057	4-13-2016	Suspend	5-1-2016
177-052-0020	6-7-2016	Amend	7-1-2016	250-010-0057	7-1-2016	Repeal	8-1-2016
177-052-0030	6-7-2016	Amend	7-1-2016	250-010-0058	7-1-2016	Amend	8-1-2016
177-052-0040	6-7-2016	Amend	7-1-2016	250-011-0050	5-2-2016	Amend(T)	6-1-2016
177-052-0050	6-7-2016	Amend	7-1-2016	250-011-0050	7-1-2016	Amend	8-1-2016
177-052-0060	6-7-2016	Amend	7-1-2016	250-011-0050(T)	7-1-2016	Repeal	8-1-2016
177-052-0070	6-7-2016	Amend	7-1-2016	250-011-0060	5-2-2016	Amend(T)	6-1-2016
177-070-0080	2-22-2016	Amend(T)	4-1-2016	250-011-0060	7-1-2016	Amend	8-1-2016
177-070-0080	8-1-2016	Amend	9-1-2016	250-011-0060(T)	7-1-2016	Repeal	8-1-2016
177-070-0080(T)	8-1-2016	Repeal	9-1-2016	250-015-0005	11-1-2016	Amend	12-1-2016
177-085-0005	10-19-2016	Amend	11-1-2016	250-016-0020	1-1-2017	Amend	12-1-2016
177-085-0015	8-1-2016	Amend	9-1-2016	250-016-0030	1-1-2017	Repeal	12-1-2016
177-085-0015	10-19-2016	Amend	11-1-2016	250-016-0035	1-1-2017	Amend	12-1-2016
177-085-0020	10-19-2016	Amend	11-1-2016	250-016-0040	1-1-2017	Amend	12-1-2016
177-085-0025	10-19-2016	Amend	11-1-2016	250-016-0095	1-1-2017	Adopt	12-1-2016
177-085-0030	10-19-2016	Amend	11-1-2016	250-016-0100	1-1-2017	Adopt	12-1-2016
177-085-0035	10-19-2016	Amend	11-1-2016	250-020-0032	6-7-2016	Amend(T)	7-1-2016
177-085-0040	10-19-2016	Amend	11-1-2016	250-020-0032	11-1-2016	Amend	12-1-2016
177-085-0050	10-19-2016	Amend	11-1-2016	250-020-0091	8-21-2016	Amend(T)	9-1-2016
177-085-0065	10-19-2016	Amend	11-1-2016	250-020-0091	8-21-2016	Amend(T)	10-1-2016
177-085-0070	10-19-2016	Adopt	11-1-2016	250-020-0091	9-23-2016	Amend(T)	11-1-2016
177-094-0080	8-9-2016	Amend(T)	8-1-2016	250-020-0091(T)	8-21-2016	Suspend	10-1-2016
177-094-0080	10-1-2016	Amend	11-1-2016	250-020-0091(T)	9-23-2016	Suspend	11-1-2016
177-094-0080(T)	10-1-2016	Repeal	11-1-2016	250-020-0161	7-1-2016	Amend	8-1-2016
177-098-0010	10-18-2016	Amend	11-1-2016	250-020-0221	4-1-2016	Amend(T)	5-1-2016
177-098-0020	10-18-2016	Amend	11-1-2016	250-020-0340	7-1-2016	Amend	8-1-2016

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250-030-0020	2-1-2016	Repeal	2-1-2016	259-009-0070	1-1-2016	Amend	2-1-2016
250-030-0030	2-1-2016	Repeal	2-1-2016	259-009-0070	9-22-2016	Amend	11-1-2016
250-030-0041	2-1-2016	Repeal	2-1-2016	259-009-0087	9-22-2016	Amend	11-1-2016
250-030-0100	2-1-2016	Adopt	2-1-2016	259-060-0010	12-22-2015	Amend	2-1-2016
250-030-0110	2-1-2016	Adopt	2-1-2016	259-060-0010	6-22-2016	Amend	8-1-2016
250-030-0120	2-1-2016	Adopt	2-1-2016	259-060-0015	12-22-2015	Amend	2-1-2016
250-030-0130	2-1-2016	Adopt	2-1-2016	259-060-0015	6-22-2016	Amend	8-1-2016
250-030-0140	2-1-2016	Adopt	2-1-2016	259-060-0025	6-22-2016	Amend	8-1-2016
250-030-0150	2-1-2016	Adopt	2-1-2016	259-060-0025	9-22-2016	Amend	11-1-2016
250-030-0160	2-1-2016	Adopt	2-1-2016	259-060-0030	6-22-2016	Amend	8-1-2016
250-030-0170	2-1-2016	Adopt	2-1-2016	259-060-0060	3-22-2016	Amend	5-1-2016
250-030-0180	2-1-2016	Adopt	2-1-2016	259-060-0120	3-22-2016	Amend	5-1-2016
255-030-0015	4-26-2016	Amend(T)	6-1-2016	259-060-0130	6-22-2016	Amend	8-1-2016
255-030-0015	8-29-2016	Amend	10-1-2016	259-060-0135	3-22-2016	Amend	5-1-2016
255-080-0001	10-31-2016	Amend(T)	12-1-2016	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
255-085-0050	1-27-2016	Adopt	3-1-2016	259-061-0120	12-22-2015	Amend	2-1-2016
257-070-0010	3-7-2016	Repeal	4-1-2016	259-061-0160	3-22-2016	Amend	5-1-2016
257-070-0015	3-7-2016	Amend	4-1-2016	259-061-0170	3-22-2016	Repeal	5-1-2016
257-070-0100	3-7-2016	Adopt	4-1-2016	259-061-0250	3-22-2016	Repeal	5-1-2016
257-070-0110	3-7-2016	Adopt	4-1-2016	259-061-0300	3-22-2016	Amend	5-1-2016
257-070-0120	3-7-2016	Adopt	4-1-2016	274-005-0040	12-28-2015	Amend	2-1-2016
257-070-0130	3-7-2016	Adopt	4-1-2016	274-005-0046	12-28-2015	Adopt	2-1-2016
259-008-0005	1-1-2016	Amend	2-1-2016	291-014-0110	4-29-2016	Amend	6-1-2016
259-008-0005	4-1-2016	Amend	5-1-2016	291-014-0120	4-29-2016	Amend	6-1-2016
259-008-0010	1-1-2016	Amend	2-1-2016	291-041-0010	3-24-2016	Amend	5-1-2016
259-008-0010	4-1-2016	Amend	5-1-2016	291-041-0015	3-24-2016	Amend	5-1-2016
259-008-0010	7-29-2016	Amend	9-1-2016	291-041-0016	3-24-2016	Amend	5-1-2016
259-008-0011	4-1-2016	Amend	5-1-2016	291-041-0018	3-24-2016	Amend	5-1-2016
259-008-0011	7-29-2016	Amend	9-1-2016	291-041-0020	3-24-2016	Amend	5-1-2016
259-008-0015	4-1-2016	Amend	5-1-2016	291-041-0030	3-24-2016	Amend	5-1-2016
259-008-0020	4-1-2016	Amend	5-1-2016	291-041-0035	3-24-2016	Amend	5-1-2016
259-008-0020	7-29-2016	Amend	9-1-2016	291-082-0110	3-8-2016	Amend	4-1-2016
259-008-0025	1-1-2016	Amend	2-1-2016	291-097-0200	9-15-2016	Amend	10-1-2016
259-008-0025	3-22-2016	Amend	5-1-2016	291-097-0210	9-15-2016	Amend	10-1-2016
259-008-0030	3-22-2016	Repeal	5-1-2016	291-097-0215	9-15-2016	Amend	10-1-2016
259-008-0035	3-22-2016	Repeal	5-1-2016	291-097-0220	9-15-2016	Amend	10-1-2016
259-008-0040	1-1-2016	Amend	2-1-2016	291-097-0225	9-15-2016	Amend	10-1-2016
259-008-0060	1-1-2016	Amend	2-1-2016	291-097-0230	9-15-2016	Amend	10-1-2016
259-008-0060	7-29-2016	Amend	9-1-2016	291-097-0231	9-15-2016	Amend	10-1-2016
259-008-0064	7-29-2016	Amend	9-1-2016	291-097-0236	9-15-2016	Adopt	10-1-2016
259-008-0065	7-29-2016	Amend	9-1-2016	291-097-0240	9-15-2016	Amend	10-1-2016
259-008-0066	7-29-2016	Amend	9-1-2016	291-097-0245	9-15-2016	Amend	10-1-2016
259-008-0076	7-29-2016	Amend	9-1-2016	291-097-0260	9-15-2016	Amend	10-1-2016
259-008-0080	7-29-2016	Amend	9-1-2016	291-131-0005	5-10-2016	Amend	6-1-2016
259-008-0085	3-22-2016	Amend	5-1-2016	291-131-0010	5-10-2016	Amend	6-1-2016
259-008-0100	1-1-2016	Amend	2-1-2016	291-131-0015	5-10-2016	Amend	6-1-2016
259-009-0010	7-29-2016	Amend	9-1-2016	291-131-0020	5-10-2016	Amend	6-1-2016
259-009-0010	9-22-2016	Amend	11-1-2016	291-131-0021	5-10-2016	Amend	6-1-2016
259-009-0059	1-1-2016	Amend	2-1-2016	291-131-0025	5-10-2016	Amend	6-1-2016
259-009-0059	9-22-2016	Amend	11-1-2016	291-131-0026	5-10-2016	Adopt	6-1-2016
259-009-0062	12-22-2015	Amend	2-1-2016	291-131-0030	5-10-2016	Amend	6-1-2016



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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
291-209-0010(T)	3-30-2016	Repeal	5-1-2016	309-019-0100	7-1-2016	Amend(T)	8-1-2016
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
291-209-0030	1-1-2016	Amend(T)	2-1-2016	309-019-0130	7-1-2016	Amend(T)	8-1-2016
291-209-0030	3-30-2016	Amend	5-1-2016	309-019-0140	7-1-2016	Amend(T)	8-1-2016
291-209-0030(T)	3-30-2016	Repeal	5-1-2016	309-019-0145	7-1-2016	Amend(T)	8-1-2016
291-209-0040	1-1-2016	Amend(T)	2-1-2016	309-019-0195	7-1-2016	Amend(T)	8-1-2016
291-209-0040	3-30-2016	Amend	5-1-2016	309-019-0215	7-1-2016	Amend(T)	8-1-2016
291-209-0040(T)	3-30-2016	Repeal	5-1-2016	309-019-0220	7-1-2016	Amend(T)	8-1-2016
291-209-0050	1-1-2016	Suspend	2-1-2016	309-019-0225	7-1-2016	Adopt(T)	8-1-2016
291-209-0050	3-30-2016	Repeal	5-1-2016	309-019-0230	7-1-2016	Adopt(T)	8-1-2016
291-209-0050(T)	3-30-2016	Repeal	5-1-2016	309-019-0235	7-1-2016	Adopt(T)	8-1-2016
291-209-0060	1-1-2016	Suspend	2-1-2016	309-019-0240	7-1-2016	Adopt(T)	8-1-2016
291-209-0060	3-30-2016	Repeal	5-1-2016	309-019-0245	7-1-2016	Adopt(T)	8-1-2016
291-209-0060(T)	3-30-2016	Repeal	5-1-2016	309-019-0248	7-1-2016	Amend(T)	8-1-2016
291-209-0070	1-1-2016	Amend(T)	2-1-2016	309-019-0250	7-1-2016	Adopt(T)	8-1-2016
309-008-0100	7-1-2016	Adopt(T)	8-1-2016	309-019-0255	7-1-2016	Adopt(T)	8-1-2016
309-008-0100	7-29-2016	Amend(T)	9-1-2016	309-022-0100	7-1-2016	Amend(T)	8-1-2016
309-008-0200	7-1-2016	Adopt(T)	8-1-2016	309-022-0105	7-1-2016	Amend(T)	8-1-2016
309-008-0250	7-1-2016	Adopt(T)	8-1-2016	309-022-0135	7-1-2016	Amend(T)	8-1-2016
309-008-0250	7-29-2016	Amend(T)	9-1-2016	309-022-0175	7-1-2016	Amend(T)	8-1-2016
309-008-0300	7-1-2016	Adopt(T)	8-1-2016	309-022-0205	7-1-2016	Amend(T)	8-1-2016
309-008-0400	7-1-2016	Adopt(T)	8-1-2016	309-023-0100	10-6-2016	Adopt(T)	11-1-2016
309-008-0500	7-1-2016	Adopt(T)	8-1-2016	309-023-0110	10-6-2016	Adopt(T)	11-1-2016
309-008-0600	7-1-2016	Adopt(T)	8-1-2016	309-023-0120	10-6-2016	Adopt(T)	11-1-2016
309-008-0700	7-1-2016	Adopt(T)	8-1-2016	309-023-0130	10-6-2016	Adopt(T)	11-1-2016
309-008-0800	7-1-2016	Adopt(T)	8-1-2016	309-023-0140	10-6-2016	Adopt(T)	11-1-2016
309-008-0900	7-1-2016	Adopt(T)	8-1-2016	309-023-0150	10-6-2016	Adopt(T)	11-1-2016
309-008-1000	7-1-2016	Adopt(T)	8-1-2016	309-023-0160	10-6-2016	Adopt(T)	11-1-2016
309-008-1100	7-1-2016	Adopt(T)	8-1-2016	309-023-0170	10-6-2016	Adopt(T)	11-1-2016
309-008-1200	7-1-2016	Adopt(T)	8-1-2016	309-023-0180	10-6-2016	Adopt(T)	11-1-2016
309-008-1300	7-1-2016	Adopt(T)	8-1-2016	309-035-0100	9-7-2016	Amend(T)	10-1-2016
309-008-1400	7-1-2016	Adopt(T)	8-1-2016	309-035-0105	9-7-2016	Amend(T)	10-1-2016
309-008-1500	7-1-2016	Adopt(T)	8-1-2016	309-035-0107	9-7-2016	Adopt(T)	10-1-2016
309-008-1600	7-1-2016	Adopt(T)	8-1-2016	309-035-0110	9-7-2016	Amend(T)	10-1-2016
309-012-0130	11-25-2015	Amend(T)	1-1-2016	309-035-0113	9-7-2016	Amend(T)	10-1-2016
309-012-0130(T)	7-1-2016	Suspend	8-1-2016	309-035-0115	9-7-2016	Amend(T)	10-1-2016
309-012-0140(T)	7-1-2016	Suspend	8-1-2016	309-035-0117	9-7-2016	Amend(T)	10-1-2016
309-012-0150(T)	7-1-2016	Suspend	8-1-2016	309-035-0120	9-7-2016	Amend(T)	10-1-2016

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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
309-035-0250(T)	9-7-2016	Suspend	10-1-2016	309-040-0400	9-7-2016	Amend(T)	10-1-2016
309-035-0260(T)	9-7-2016	Suspend	10-1-2016	309-040-0405	9-7-2016	Amend(T)	10-1-2016
309-035-0270(T)	9-7-2016	Suspend	10-1-2016	309-040-0410	9-7-2016	Amend(T)	10-1-2016
309-035-0280(T)	9-7-2016	Suspend	10-1-2016	309-040-0415	9-7-2016	Amend(T)	10-1-2016
309-035-0290(T)	9-7-2016	Suspend	10-1-2016	309-040-0420	9-7-2016	Amend(T)	10-1-2016
309-035-0300(T)	9-7-2016	Suspend	10-1-2016	309-040-0425	9-7-2016	Amend(T)	10-1-2016
309-035-0310(T)	9-7-2016	Suspend	10-1-2016	309-040-0430	9-7-2016	Amend(T)	10-1-2016
309-035-0320(T)	9-7-2016	Suspend	10-1-2016	309-040-0435	9-7-2016	Amend(T)	10-1-2016
309-035-0330(T)	9-7-2016	Suspend	10-1-2016	309-040-0440	9-7-2016	Amend(T)	10-1-2016
309-035-0340(T)	9-7-2016	Suspend	10-1-2016	309-040-0445	9-7-2016	Amend(T)	10-1-2016
309-035-0350(T)	9-7-2016	Suspend	10-1-2016	309-040-0450	9-7-2016	Amend(T)	10-1-2016
309-035-0360(T)	9-7-2016	Suspend	10-1-2016	309-040-0455	9-7-2016	Amend(T)	10-1-2016
309-035-0370(T)	9-7-2016	Suspend	10-1-2016	309-088-0100	4-7-2016	Adopt(T)	5-1-2016
309-035-0380(T)	9-7-2016	Suspend	10-1-2016	309-088-0110	4-7-2016	Adopt(T)	5-1-2016
309-035-0390(T)	9-7-2016	Suspend	10-1-2016	309-088-0120	4-7-2016	Adopt(T)	5-1-2016
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309-035-0410(T)	9-7-2016	Suspend	10-1-2016	309-090-0005	5-3-2016	Amend	6-1-2016
309-035-0420(T)	9-7-2016	Suspend	10-1-2016	309-090-0010	5-3-2016	Amend	6-1-2016
309-035-0430(T)	9-7-2016	Suspend	10-1-2016	309-090-0015	5-3-2016	Amend	6-1-2016
309-035-0440(T)	9-7-2016	Suspend	10-1-2016	309-090-0020	5-3-2016	Amend	6-1-2016
309-035-0450(T)	9-7-2016	Suspend	10-1-2016	309-090-0025	5-3-2016	Amend	6-1-2016
309-035-0460(T)	9-7-2016	Suspend	10-1-2016	309-090-0030	5-3-2016	Amend	6-1-2016
309-035-0500(T)	9-7-2016	Suspend	10-1-2016	309-090-0035	5-3-2016	Amend	6-1-2016
309-035-0550(T)	9-7-2016	Suspend	10-1-2016	309-090-0050	5-3-2016	Amend	6-1-2016
309-035-0560(T)	9-7-2016	Suspend	10-1-2016	309-090-0055	5-3-2016	Amend	6-1-2016
309-035-0570(T)	9-7-2016	Suspend	10-1-2016	309-090-0060	5-3-2016	Amend	6-1-2016
309-035-0580(T)	9-7-2016	Suspend	10-1-2016	309-090-0065	5-3-2016	Amend	6-1-2016
309-035-0590(T)	9-7-2016	Suspend	10-1-2016	309-090-0070	5-3-2016	Amend	6-1-2016
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309-039-0580	7-1-2016	Amend(T)	8-1-2016	309-112-0015	4-21-2016	Amend	6-1-2016
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309-040-0305	9-7-2016	Amend(T)	10-1-2016	309-112-0025	4-21-2016	Amend	6-1-2016
309-040-0310	9-7-2016	Amend(T)	10-1-2016	309-112-0030	4-21-2016	Amend	6-1-2016
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309-114-0005	5-25-2016	Amend	7-1-2016	333-007-0010	2-8-2016	Amend(T)	3-1-2016
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325-010-0025	1-29-2016	Amend	3-1-2016	333-007-0010	6-28-2016	Adopt	8-1-2016
330-070-0022	6-2-2016	Amend	7-1-2016	333-007-0010	9-30-2016	Amend(T)	11-1-2016
330-135-0055	1-1-2016	Amend	2-1-2016	333-007-0010(T)	6-28-2016	Repeal	8-1-2016
330-140-0020	12-23-2015	Amend	2-1-2016	333-007-0020	6-28-2016	Adopt	8-1-2016
330-140-0060	12-23-2015	Amend	2-1-2016	333-007-0020	6-28-2016	Adopt	8-1-2016
330-140-0070	12-23-2015	Amend	2-1-2016	333-007-0020(T)	6-28-2016	Repeal	8-1-2016
330-140-0140	12-23-2015	Amend	2-1-2016	333-007-0030	6-28-2016	Adopt	8-1-2016
330-170-0010	3-1-2016	Amend	4-1-2016	333-007-0030	6-28-2016	Adopt	8-1-2016
330-170-0050	3-1-2016	Amend	4-1-2016	333-007-0030(T)	6-28-2016	Repeal	8-1-2016
330-210-0000	3-15-2016	Amend	4-1-2016	333-007-0040	6-28-2016	Adopt	8-1-2016
330-210-0000	11-14-2016	Amend	12-1-2016	333-007-0040	6-28-2016	Adopt	8-1-2016
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330-210-0010	11-14-2016	Amend	12-1-2016	333-007-0050	6-28-2016	Adopt	8-1-2016
330-210-0020	11-14-2016	Amend	12-1-2016	333-007-0050	6-28-2016	Adopt	8-1-2016
330-210-0030	11-14-2016	Amend	12-1-2016	333-007-0050(T)	6-28-2016	Repeal	8-1-2016
330-210-0040	3-15-2016	Amend	4-1-2016	333-007-0060	6-28-2016	Adopt	8-1-2016
330-210-0040	11-14-2016	Amend	12-1-2016	333-007-0060	6-28-2016	Adopt	8-1-2016
330-210-0045	11-14-2016	Amend	12-1-2016	333-007-0060(T)	6-28-2016	Repeal	8-1-2016
330-210-0050	11-14-2016	Amend	12-1-2016	333-007-0070	6-28-2016	Adopt	8-1-2016
330-210-0060	11-14-2016	Amend	12-1-2016	333-007-0070	6-28-2016	Adopt	8-1-2016
330-210-0070	11-14-2016	Amend	12-1-2016	333-007-0070(T)	6-28-2016	Repeal	8-1-2016
330-210-0080	11-14-2016	Amend	12-1-2016	333-007-0080	6-28-2016	Adopt	8-1-2016
330-210-0090	11-14-2016	Amend	12-1-2016	333-007-0080	6-28-2016	Adopt	8-1-2016
330-210-0100	3-15-2016	Amend	4-1-2016	333-007-0080(T)	6-28-2016	Repeal	8-1-2016
330-210-0100	11-14-2016	Amend	12-1-2016	333-007-0083	6-28-2016	Adopt	8-1-2016
330-210-0110	3-15-2016	Adopt	4-1-2016	333-007-0083	6-28-2016	Adopt	8-1-2016
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330-210-0150	11-14-2016	Amend	12-1-2016	333-007-0085	6-28-2016	Adopt	8-1-2016
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333-002-0030	7-1-2016	Amend	7-1-2016	333-007-0100	6-28-2016	Adopt	8-1-2016
333-002-0035	7-1-2016	Amend	7-1-2016	333-007-0100	6-28-2016	Adopt	8-1-2016
333-002-0040	7-1-2016	Amend	7-1-2016	333-007-0100(T)	9-30-2016	Amend(T)	11-1-2016
333-002-0050	7-1-2016	Amend	7-1-2016	333-007-0100(T)	6-28-2016	Repeal	8-1-2016
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333-002-0080	7-1-2016	Amend	7-1-2016	333-007-0200	6-28-2016	Adopt	8-1-2016
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333-002-0130	7-1-2016	Repeal	7-1-2016	333-007-0210(T)	6-28-2016	Repeal	8-1-2016
333-002-0140	7-1-2016	Amend	7-1-2016	333-007-0220	6-28-2016	Adopt	8-1-2016
333-002-0150	7-1-2016	Amend	7-1-2016	333-007-0220	6-28-2016	Adopt	8-1-2016
333-002-0160	7-1-2016	Repeal	7-1-2016	333-007-0220(T)	6-28-2016	Repeal	8-1-2016
333-002-0170	7-1-2016	Amend	7-1-2016	333-007-0300	6-28-2016	Adopt	8-1-2016
333-002-0180	7-1-2016	Repeal	7-1-2016	333-007-0300	6-28-2016	Adopt	8-1-2016
333-002-0190	7-1-2016	Amend	7-1-2016	333-007-0310	6-28-2016	Adopt	8-1-2016
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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
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333-007-0340(T)	6-28-2016	Repeal	8-1-2016	333-008-0023	3-1-2016	Adopt	4-1-2016
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333-007-0350	6-28-2016	Adopt	8-1-2016	333-008-0025	6-28-2016	Amend	8-1-2016
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333-007-0380	6-28-2016	Adopt	8-1-2016	333-008-0040	6-28-2016	Amend	8-1-2016
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333-008-0580	3-1-2016	Adopt	4-1-2016	333-008-1220	3-1-2016	Amend	4-1-2016
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333-008-0630	3-1-2016	Adopt	4-1-2016	333-008-1225	4-15-2016	Amend(T)	5-1-2016
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333-008-0700	3-1-2016	Adopt	4-1-2016	333-008-1230	6-28-2016	Amend	8-1-2016
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333-008-0720	3-1-2016	Adopt	4-1-2016	333-008-1240	3-1-2016	Repeal	4-1-2016
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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
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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
333-008-1073	6-28-2016	Repeal	8-1-2016	333-008-1620	3-1-2016	Adopt	4-1-2016
333-008-1075	3-1-2016	Adopt	4-1-2016	333-008-1620	6-28-2016	Amend	8-1-2016
333-008-1075	6-28-2016	Amend	8-1-2016	333-008-1630	3-1-2016	Adopt	4-1-2016
333-008-1078	3-1-2016	Adopt	4-1-2016	333-008-1640	3-1-2016	Adopt	4-1-2016
333-008-1078	6-28-2016	Amend	8-1-2016	333-008-1640	6-28-2016	Repeal	8-1-2016
333-008-1080	3-1-2016	Repeal	4-1-2016	333-008-1650	3-1-2016	Adopt	4-1-2016
333-008-1090	3-1-2016	Repeal	4-1-2016	333-008-1650	6-28-2016	Amend	8-1-2016
333-008-1100	3-1-2016	Repeal	4-1-2016	333-008-1660	3-1-2016	Adopt	4-1-2016
333-008-1110	3-1-2016	Amend	4-1-2016	333-008-1670	3-1-2016	Adopt	4-1-2016
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333-008-1130	3-2-2016	Repeal	4-1-2016	333-008-1690	3-1-2016	Adopt	4-1-2016
333-008-1140	3-2-2016	Repeal	4-1-2016	333-008-1690	6-28-2016	Amend	8-1-2016
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333-008-1170	3-2-2016	Repeal	4-1-2016	333-008-1710	6-28-2016	Amend	8-1-2016
333-008-1180	3-2-2016	Repeal	4-1-2016	333-008-1720	3-1-2016	Adopt	4-1-2016
333-008-1190	3-1-2016	Amend	4-1-2016	333-008-1720	6-28-2016	Amend	8-1-2016
333-008-1190	6-28-2016	Amend	8-1-2016	333-008-1730	3-1-2016	Adopt	4-1-2016
333-008-1200	3-1-2016	Amend	4-1-2016	333-008-1730	6-28-2016	Amend	8-1-2016
333-008-1200	6-28-2016	Amend	8-1-2016	333-008-1740	3-1-2016	Adopt	4-1-2016
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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
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333-008-1790	6-28-2016	Amend	8-1-2016	333-010-0140(T)	4-1-2016	Repeal	5-1-2016
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333-008-1800	6-28-2016	Amend	8-1-2016	333-010-0145(T)	4-1-2016	Repeal	5-1-2016
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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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333-008-2030	6-28-2016	Amend	8-1-2016	333-015-0030	1-1-2016	Amend	2-1-2016
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333-008-2090	6-28-2016	Amend	8-1-2016	333-015-0078	1-1-2016	Amend	2-1-2016
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333-015-0375	6-24-2016	Adopt	8-1-2016	333-052-0080	1-1-2016	Amend	1-1-2016
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333-018-0127	8-16-2016	Amend	9-1-2016	333-055-0015	2-8-2016	Amend	3-1-2016
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333-022-1145	8-2-2016	Amend	9-1-2016	333-061-0060	1-1-2016	Amend	1-1-2016
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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
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333-106-0205	9-1-2016	Amend	10-1-2016	333-505-0050	2-24-2016	Amend	4-1-2016
333-106-0325	9-1-2016	Amend	10-1-2016	333-510-0002	7-1-2016	Amend	8-1-2016
333-106-0710	9-1-2016	Amend	10-1-2016	333-510-0030	2-24-2016	Amend	4-1-2016
333-116-0020	9-1-2016	Amend	10-1-2016	333-510-0045	7-1-2016	Amend	8-1-2016
333-116-0125	9-1-2016	Amend	10-1-2016	333-510-0105	7-1-2016	Adopt	8-1-2016
333-116-0130	9-1-2016	Repeal	10-1-2016	333-510-0110	7-1-2016	Adopt	8-1-2016
333-116-0640	9-1-2016	Amend	10-1-2016	333-510-0115	7-1-2016	Adopt	8-1-2016
333-116-0720	9-1-2016	Amend	10-1-2016	333-510-0120	7-1-2016	Adopt	8-1-2016
333-116-0905	9-1-2016	Amend	10-1-2016	333-510-0125	7-1-2016	Adopt	8-1-2016
333-116-0910	9-1-2016	Amend	10-1-2016	333-510-0130	7-1-2016	Adopt	8-1-2016
333-116-1000	9-1-2016	Amend	10-1-2016	333-510-0130	10-25-2016	Amend(T)	12-1-2016
333-116-1010	9-1-2016	Repeal	10-1-2016	333-510-0135	7-1-2016	Adopt	8-1-2016
333-125-0060	9-1-2016	Amend	10-1-2016	333-510-0140	7-1-2016	Adopt	8-1-2016
333-125-0100	9-1-2016	Amend	10-1-2016	333-515-0030	2-24-2016	Amend	4-1-2016
333-125-0120	9-1-2016	Amend	10-1-2016	333-515-0050	2-24-2016	Repeal	4-1-2016
333-125-0180	9-1-2016	Amend	10-1-2016	333-515-0060	2-24-2016	Repeal	4-1-2016
333-200-0000	1-1-2016	Amend	1-1-2016	333-520-0020	2-24-2016	Amend	4-1-2016
333-200-0010	1-1-2016	Amend	1-1-2016	333-520-0050	2-24-2016	Amend	4-1-2016
333-200-0020	1-1-2016	Amend	1-1-2016	333-525-0000	2-24-2016	Amend	4-1-2016
333-200-0030	1-1-2016	Amend	1-1-2016	333-535-0061	2-24-2016	Amend	4-1-2016
333-200-0035	1-1-2016	Amend	1-1-2016	333-535-0080	2-24-2016	Amend	4-1-2016
333-200-0040	1-1-2016	Amend	1-1-2016	333-535-0110	2-24-2016	Amend	4-1-2016
333-200-0050	1-1-2016	Amend	1-1-2016	334-010-0015	7-1-2016	Amend	7-1-2016
333-200-0060	1-1-2016	Amend	1-1-2016	334-010-0017	7-1-2016	Amend	7-1-2016
333-200-0070	1-1-2016	Amend	1-1-2016	334-010-0018	7-1-2016	Amend	7-1-2016
333-200-0080	1-1-2016	Amend	1-1-2016	334-010-0033	7-1-2016	Amend	7-1-2016
333-200-0090	1-1-2016	Amend	1-1-2016	334-010-0050	7-1-2016	Amend	7-1-2016
333-200-0235	1-1-2016	Adopt	1-1-2016	337-010-0007	8-5-2016	Amend	9-1-2016
333-200-0245	1-1-2016	Adopt	1-1-2016	337-021-0073	8-5-2016	Adopt	9-1-2016
333-200-0250	1-1-2016	Adopt	1-1-2016	339-010-0005	10-28-2016	Amend	12-1-2016
333-200-0255	1-1-2016	Adopt	1-1-2016	339-020-0010	7-29-2016	Amend	9-1-2016
333-200-0265	1-1-2016	Adopt	1-1-2016	339-020-0020	7-29-2016	Amend	9-1-2016
333-200-0275	1-1-2016	Adopt	1-1-2016	340-012-0054	1-1-2016	Amend	1-1-2016
333-200-0285	1-1-2016	Adopt	1-1-2016	340-012-0135	1-1-2016	Amend	1-1-2016



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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
340-215-0030	12-10-2015	Amend	1-1-2016	340-253-0450	1-1-2016	Amend	1-1-2016
340-215-0040	12-10-2015	Amend	1-1-2016	340-253-0500	1-1-2016	Amend	1-1-2016
340-215-0060	12-10-2015	Amend	1-1-2016	340-253-0600	1-1-2016	Amend	1-1-2016
340-220-0030	6-9-2016	Amend	7-1-2016	340-253-0620	1-1-2016	Amend	1-1-2016
340-220-0040	6-9-2016	Amend	7-1-2016	340-253-0630	1-1-2016	Amend	1-1-2016
340-220-0050	6-9-2016	Amend	7-1-2016	340-253-0650	1-1-2016	Amend	1-1-2016
340-244-0010	4-21-2016	Amend(T)	6-1-2016	340-253-1000	1-1-2016	Amend	1-1-2016
340-244-0010	10-3-2016	Amend	11-1-2016	340-253-1010	1-1-2016	Amend	1-1-2016
340-244-0010(T)	10-3-2016	Repeal	11-1-2016	340-253-1020	1-1-2016	Amend	1-1-2016
340-244-9000	4-21-2016	Adopt(T)	6-1-2016	340-253-1030	1-1-2016	Amend	1-1-2016
340-244-9000	10-3-2016	Adopt	11-1-2016	340-253-1050	1-1-2016	Amend	1-1-2016
340-244-9000(T)	10-3-2016	Repeal	11-1-2016	340-253-2000	1-1-2016	Amend	1-1-2016
340-244-9010	4-21-2016	Adopt(T)	6-1-2016	340-253-2100	1-1-2016	Amend	1-1-2016
340-244-9010	10-3-2016	Adopt	11-1-2016	340-253-2200	1-1-2016	Amend	1-1-2016
340-244-9010(T)	10-3-2016	Repeal	11-1-2016	340-253-8010	1-1-2016	Amend	1-1-2016
340-244-9015	10-3-2016	Adopt	11-1-2016	340-253-8010	4-22-2016	Amend(T)	6-1-2016

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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
407-007-0070	1-14-2016	Amend(T)	2-1-2016	407-007-0325	6-15-2016	Repeal	7-1-2016
407-007-0070	6-15-2016	Amend	7-1-2016	407-007-0330	1-14-2016	Amend(T)	2-1-2016
407-007-0070(T)	6-15-2016	Repeal	7-1-2016	407-007-0330	6-15-2016	Amend	7-1-2016
407-007-0075	1-14-2016	Suspend	2-1-2016	407-007-0330(T)	6-15-2016	Repeal	7-1-2016
407-007-0075	6-15-2016	Repeal	7-1-2016	407-007-0350	1-14-2016	Amend(T)	2-1-2016
407-007-0080	1-14-2016	Amend(T)	2-1-2016	407-007-0350	6-15-2016	Amend	7-1-2016
407-007-0080	6-15-2016	Amend	7-1-2016	407-007-0350(T)	6-15-2016	Repeal	7-1-2016
407-007-0080(T)	6-15-2016	Repeal	7-1-2016	407-007-0370	1-14-2016	Amend(T)	2-1-2016
407-007-0090	1-14-2016	Amend(T)	2-1-2016	407-007-0370	6-15-2016	Amend	7-1-2016
407-007-0090	6-15-2016	Amend	7-1-2016	407-007-0370(T)	6-15-2016	Repeal	7-1-2016
407-007-0090(T)	6-15-2016	Repeal	7-1-2016	407-007-0400	1-14-2016	Suspend	2-1-2016
407-007-0200	1-14-2016	Amend(T)	2-1-2016	407-045-0260	2-3-2016	Amend	3-1-2016
407-007-0200	6-15-2016	Amend	7-1-2016	407-045-0350	2-3-2016	Amend	3-1-2016
407-007-0200(T)	6-15-2016	Repeal	7-1-2016	407-045-0800	7-1-2016	Amend(T)	8-1-2016
407-007-0210	1-14-2016	Amend(T)	2-1-2016	407-045-0810	7-1-2016	Suspend	8-1-2016
407-007-0210	6-15-2016	Amend	7-1-2016	407-045-0820	7-1-2016	Amend(T)	8-1-2016

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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
409-025-0170	1-5-2016	Amend	2-1-2016	409-062-0030	4-22-2016	Adopt(T)	6-1-2016
409-026-0100	2-8-2016	Amend(T)	3-1-2016	409-062-0030	9-26-2016	Adopt	11-1-2016
409-026-0100	3-25-2016	Amend	5-1-2016	409-062-0030(T)	9-26-2016	Repeal	11-1-2016
409-026-0100(T)	3-25-2016	Repeal	5-1-2016	409-062-0040	4-22-2016	Adopt(T)	6-1-2016
409-026-0110	2-8-2016	Amend(T)	3-1-2016	409-062-0040	9-26-2016	Adopt	11-1-2016
409-026-0110	3-25-2016	Amend	5-1-2016	409-062-0040(T)	9-26-2016	Repeal	11-1-2016
409-026-0110(T)	3-25-2016	Repeal	5-1-2016	409-062-0050	4-22-2016	Adopt(T)	6-1-2016
409-026-0120	2-8-2016	Amend(T)	3-1-2016	409-062-0050	9-26-2016	Adopt	11-1-2016
409-026-0120	3-25-2016	Amend	5-1-2016	409-062-0050(T)	9-26-2016	Repeal	11-1-2016
409-026-0120(T)	3-25-2016	Repeal	5-1-2016	409-062-0060	4-22-2016	Adopt(T)	6-1-2016
409-026-0130	2-8-2016	Amend(T)	3-1-2016	409-062-0060	9-26-2016	Adopt	11-1-2016
409-026-0130	3-25-2016	Amend	5-1-2016	409-062-0060(T)	9-26-2016	Repeal	11-1-2016
409-026-0130(T)	3-25-2016	Repeal	5-1-2016	409-110-0025	5-9-2016	Adopt(T)	6-1-2016
409-026-0140	2-8-2016	Amend(T)	3-1-2016	409-110-0025	11-1-2016	Adopt	12-1-2016
409-026-0140	3-25-2016	Amend	5-1-2016	409-110-0025(T)	11-1-2016	Repeal	12-1-2016
409-026-0140(T)	3-25-2016	Repeal	5-1-2016	409-110-0030	5-9-2016	Adopt(T)	6-1-2016

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409-110-0035	5-9-2016	Adopt(T)	6-1-2016	410-122-0360	3-1-2016	Amend	4-1-2016
409-110-0035	11-1-2016	Adopt	12-1-2016	410-122-0365	3-1-2016	Amend	4-1-2016
409-110-0035(T)	11-1-2016	Repeal	12-1-2016	410-122-0380	3-1-2016	Amend	4-1-2016
409-110-0040	5-9-2016	Adopt(T)	6-1-2016	410-122-0475	3-1-2016	Amend	4-1-2016
409-110-0040	11-1-2016	Adopt	12-1-2016	410-122-0480	3-1-2016	Amend	4-1-2016
409-110-0040(T)	11-1-2016	Repeal	12-1-2016	410-122-0510	3-1-2016	Amend	4-1-2016
409-110-0045	5-9-2016	Adopt(T)	6-1-2016	410-122-0525	3-1-2016	Amend	4-1-2016
409-110-0045	11-1-2016	Adopt	12-1-2016	410-122-0640	3-1-2016	Amend	4-1-2016
409-110-0045(T)	11-1-2016	Repeal	12-1-2016	410-122-0678	3-1-2016	Amend	4-1-2016
410-050-0861	4-1-2016	Amend(T)	5-1-2016	410-123-1060	7-1-2016	Amend	8-1-2016
410-050-0861	9-1-2016	Amend	9-1-2016	410-123-1220	5-10-2016	Amend(T)	6-1-2016
410-050-0861(T)	9-1-2016	Repeal	9-1-2016	410-123-1220	7-22-2016	Amend(T)	9-1-2016
410-120-0000	7-1-2016	Amend	8-1-2016	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	11-10-2016	Amend(T)	12-1-2016	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
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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	410-125-0085	11-10-2016	Amend(T)	12-1-2016
410-121-0030	12-27-2015	Amend	2-1-2016	410-125-0141	7-1-2016	Amend	8-1-2016
410-121-0030	1-1-2016	Amend(T)	2-1-2016	410-125-0360	11-10-2016	Amend(T)	12-1-2016
410-121-0030	5-1-2016	Amend(T)	6-1-2016	410-125-0400	7-1-2016	Amend	8-1-2016
410-121-0030	6-28-2016	Amend	8-1-2016	410-129-0020	8-1-2016	Amend	9-1-2016
410-121-0030	7-1-2016	Amend(T)	8-1-2016	410-129-0040	8-1-2016	Amend	9-1-2016
410-121-0030	10-1-2016	Amend(T)	11-1-2016	410-129-0060	8-1-2016	Amend	9-1-2016
410-121-0030(T)	12-27-2015	Repeal	2-1-2016	410-129-0065	8-1-2016	Amend	9-1-2016
410-121-0030(T)	6-28-2016	Repeal	8-1-2016	410-129-0070	8-1-2016	Amend	9-1-2016
410-121-0040	12-27-2015	Amend	2-1-2016	410-129-0080	8-1-2016	Amend	9-1-2016
410-121-0040	1-1-2016	Amend(T)	2-1-2016	410-129-0100	8-1-2016	Amend	9-1-2016
410-121-0040	2-12-2016	Amend(T)	3-1-2016	410-129-0180	8-1-2016	Amend	9-1-2016
410-121-0040	5-1-2016	Amend(T)	6-1-2016	410-129-0220	8-1-2016	Amend	9-1-2016
410-121-0040	6-28-2016	Amend	8-1-2016	410-129-0260	8-1-2016	Amend	9-1-2016
410-121-0040	7-1-2016	Amend(T)	8-1-2016	410-130-0200	12-1-2015	Amend(T)	1-1-2016
410-121-0040	8-26-2016	Amend(T)	10-1-2016	410-130-0200	1-1-2016	Amend	2-1-2016
410-121-0040	10-13-2016	Amend(T)	11-1-2016	410-130-0200(T)	1-1-2016	Repeal	2-1-2016
410-121-0040(T)	12-27-2015	Repeal	2-1-2016	410-130-0220	3-4-2016	Amend(T)	4-1-2016
410-121-0040(T)	6-28-2016	Repeal	8-1-2016	410-130-0220	5-1-2016	Amend	6-1-2016
410-121-0135	1-1-2016	Amend	2-1-2016	410-130-0220(T)	5-1-2016	Repeal	6-1-2016
410-121-0146	1-1-2016	Amend	2-1-2016	410-131-0040	8-1-2016	Amend	9-1-2016
410-121-4000	1-1-2016	Am. & Ren.	2-1-2016	410-131-0080	8-1-2016	Amend	9-1-2016
410-121-4005	1-1-2016	Am. & Ren.	2-1-2016	410-131-0100	8-1-2016	Amend	9-1-2016
410-121-4010	1-1-2016	Am. & Ren.	2-1-2016	410-131-0120	8-1-2016	Amend	9-1-2016
410-121-4015	1-1-2016	Renumber	2-1-2016	410-131-0160	8-1-2016	Amend	9-1-2016
410-121-4020	1-1-2016	Renumber	2-1-2016	410-133-0000	7-1-2016	Amend	8-1-2016
410-122-0186	2-3-2016	Amend	3-1-2016	410-133-0040	7-1-2016	Amend	8-1-2016
410-122-0204	3-1-2016	Amend	4-1-2016	410-133-0060	7-1-2016	Amend	8-1-2016
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410-133-0120	7-1-2016	Amend	8-1-2016	410-141-3145	7-6-2016	Amend(T)	8-1-2016
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
410-133-0300	7-1-2016	Amend	8-1-2016	410-141-3260	7-6-2016	Amend(T)	8-1-2016
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
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410-140-0040	3-1-2016	Amend	4-1-2016	410-141-3300	7-6-2016	Amend(T)	8-1-2016
410-140-0050	3-1-2016	Amend	4-1-2016	410-141-3345	1-1-2016	Amend(T)	2-1-2016
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
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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
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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
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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
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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
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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
410-141-3080	1-1-2016	Amend(T)	2-1-2016	410-172-0710	8-3-2016	Amend(T)	9-1-2016
410-141-3080	6-28-2016	Amend	8-1-2016	410-172-0710	10-11-2016	Amend	11-1-2016
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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
410-200-0135(T)	6-3-2016	Repeal	7-1-2016	411-027-0005(T)	3-18-2016	Repeal	4-1-2016
410-200-0140	12-22-2015	Amend(T)	2-1-2016	411-027-0170	3-18-2016	Adopt	4-1-2016
410-200-0140	6-3-2016	Amend	7-1-2016	411-027-0170	7-1-2016	Amend(T)	8-1-2016

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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
411-031-0050	3-23-2016	Amend(T)	5-1-2016	411-054-0005(T)	6-28-2016	Repeal	8-1-2016
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
411-031-0050(T)	8-28-2016	Repeal	10-1-2016	411-054-0012(T)	6-28-2016	Repeal	8-1-2016
411-032-0050	12-27-2015	Amend	1-1-2016	411-054-0025	1-1-2016	Amend(T)	2-1-2016
411-032-0050(T)	12-27-2015	Repeal	1-1-2016	411-054-0025	6-28-2016	Amend	8-1-2016
411-035-0000	10-1-2016	Amend	11-1-2016	411-054-0025(T)	6-28-2016	Repeal	8-1-2016
411-035-0010	10-1-2016	Amend	11-1-2016	411-054-0027	1-1-2016	Amend(T)	2-1-2016
411-035-0075	10-1-2016	Amend	11-1-2016	411-054-0027	6-28-2016	Amend	8-1-2016
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
411-050-0602(T)	6-28-2016	Repeal	8-1-2016	411-054-0036	1-1-2016	Amend(T)	2-1-2016
411-050-0610	6-28-2016	Amend	8-1-2016	411-054-0036	6-28-2016	Amend	8-1-2016
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
411-050-0615(T)	6-28-2016	Repeal	8-1-2016	411-054-0038	6-28-2016	Adopt	8-1-2016
411-050-0625	6-28-2016	Amend	8-1-2016	411-054-0038(T)	6-28-2016	Repeal	8-1-2016
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
411-050-0630(T)	6-28-2016	Repeal	8-1-2016	411-054-0120	6-28-2016	Amend	8-1-2016
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
411-050-0635(T)	6-28-2016	Repeal	8-1-2016	411-089-0030	4-1-2016	Amend	4-1-2016
411-050-0640	6-28-2016	Amend	8-1-2016	411-300-0100	6-29-2016	Amend	8-1-2016
411-050-0642	1-1-2016	Amend(T)	2-1-2016	411-300-0110	1-1-2016	Amend(T)	2-1-2016
411-050-0642	6-28-2016	Amend	8-1-2016	411-300-0110	6-29-2016	Amend	8-1-2016
411-050-0642(T)	6-28-2016	Repeal	8-1-2016	411-300-0120	6-29-2016	Amend	8-1-2016
411-050-0645	1-1-2016	Amend(T)	2-1-2016	411-300-0130	1-1-2016	Amend(T)	2-1-2016

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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	411-323-0050	10-24-2016	Amend(T)	12-1-2016
411-308-0080	6-29-2016	Repeal	8-1-2016	411-323-0060	1-1-2016	Amend(T)	2-1-2016
411-308-0090	6-29-2016	Repeal	8-1-2016	411-323-0060	6-29-2016	Amend	8-1-2016
411-308-0100	1-1-2016	Amend(T)	2-1-2016	411-323-0065	6-29-2016	Adopt	8-1-2016
411-308-0100	6-29-2016	Repeal	8-1-2016	411-323-0070	6-29-2016	Amend	8-1-2016
411-308-0110	1-1-2016	Amend(T)	2-1-2016	411-325-0010	1-1-2016	Amend(T)	2-1-2016
411-308-0110	6-29-2016	Repeal	8-1-2016	411-325-0010	6-29-2016	Amend	8-1-2016
411-308-0120	1-1-2016	Amend(T)	2-1-2016	411-325-0020	1-1-2016	Amend(T)	2-1-2016
411-308-0120	6-29-2016	Repeal	8-1-2016	411-325-0020	6-29-2016	Amend	8-1-2016
411-308-0130	1-1-2016	Amend(T)	2-1-2016	411-325-0020	9-1-2016	Amend(T)	10-1-2016
411-308-0130	6-29-2016	Repeal	8-1-2016	411-325-0025	6-29-2016	Amend	8-1-2016
411-308-0135	6-29-2016	Repeal	8-1-2016	411-325-0030	6-29-2016	Amend	8-1-2016
411-308-0140	6-29-2016	Repeal	8-1-2016	411-325-0040	1-1-2016	Amend(T)	2-1-2016
411-308-0150	6-29-2016	Repeal	8-1-2016	411-325-0040	6-29-2016	Amend	8-1-2016
411-317-0000	1-1-2016	Amend(T)	2-1-2016	411-325-0040	6-29-2016	Amend	8-1-2016
411-317-0000	6-29-2016	Amend	8-1-2016	411-325-0110	6-29-2016	Amend	8-1-2016
411-317-0000	9-1-2016	Amend(T)	10-1-2016	411-325-0130	1-1-2016	Amend(T)	2-1-2016
411-318-0000	1-1-2016	Amend(T)	2-1-2016	411-325-0130	6-29-2016	Amend	8-1-2016
411-318-0000	6-29-2016	Amend	8-1-2016	411-325-0140	1-1-2016	Amend(T)	2-1-2016
411-318-0005	1-1-2016	Amend(T)	2-1-2016	411-325-0140	6-29-2016	Amend	8-1-2016
411-318-0005	6-29-2016	Amend	8-1-2016	411-325-0150	1-1-2016	Amend(T)	2-1-2016
411-318-0010	1-1-2016	Amend(T)	2-1-2016	411-325-0150	6-29-2016	Amend	8-1-2016
411-318-0010	6-29-2016	Amend	8-1-2016	411-325-0170	1-1-2016	Amend(T)	2-1-2016
411-320-0010	6-29-2016	Amend	8-1-2016	411-325-0170	6-29-2016	Amend	8-1-2016
411-320-0020	1-1-2016	Amend(T)	2-1-2016	411-325-0220	1-1-2016	Amend(T)	2-1-2016
411-320-0020	6-29-2016	Amend	8-1-2016	411-325-0220	6-29-2016	Amend	8-1-2016
411-320-0030	6-29-2016	Amend	8-1-2016	411-325-0270	6-29-2016	Amend	8-1-2016
411-320-0040	1-1-2016	Amend(T)	2-1-2016	411-325-0280	6-29-2016	Amend	8-1-2016
411-320-0040	6-29-2016	Amend	8-1-2016	411-325-0290	6-29-2016	Amend	8-1-2016
411-320-0050	6-29-2016	Amend	8-1-2016	411-325-0300	1-1-2016	Amend(T)	2-1-2016
411-320-0060	1-1-2016	Amend(T)	2-1-2016	411-325-0300	6-29-2016	Amend	8-1-2016
411-320-0060	6-29-2016	Repeal	8-1-2016	411-325-0390	1-1-2016	Amend(T)	2-1-2016
411-320-0070	6-29-2016	Amend	8-1-2016	411-325-0390	6-29-2016	Amend	8-1-2016
411-320-0080	1-1-2016	Amend(T)	2-1-2016	411-325-0410	6-29-2016	Amend	8-1-2016
411-320-0080	6-29-2016	Amend	8-1-2016	411-325-0420	6-29-2016	Repeal	8-1-2016
				411-325-0430	1-1-2016	Amend(T)	2-1-2016



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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
411-340-0060	6-29-2016	Amend	8-1-2016	411-346-0170	8-20-2016	Amend	10-1-2016
411-340-0070	6-29-2016	Amend	8-1-2016	411-346-0170(T)	8-20-2016	Repeal	10-1-2016

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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
411-355-0075(T)	12-28-2015	Repeal	1-1-2016	411-375-0055	6-29-2016	Adopt	8-1-2016
411-355-0080	12-28-2015	Amend	1-1-2016	411-375-0055	9-1-2016	Amend(T)	10-1-2016
411-355-0080	6-29-2016	Repeal	8-1-2016	411-375-0060	6-29-2016	Am. & Ren.	8-1-2016

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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	413-010-0180	11-1-2016	Amend	12-1-2016
411-380-0060	1-1-2016	Adopt(T)	2-1-2016	413-010-0180(T)	11-1-2016	Repeal	12-1-2016
411-380-0060	6-29-2016	Adopt	8-1-2016	413-015-0100	7-1-2016	Amend(T)	8-1-2016
411-380-0060	9-1-2016	Amend(T)	10-1-2016	413-015-0115	1-1-2016	Amend	2-1-2016
411-380-0070	1-1-2016	Adopt(T)	2-1-2016	413-015-0115	7-1-2016	Amend(T)	8-1-2016
411-380-0070	6-29-2016	Adopt	8-1-2016	413-015-0115	9-29-2016	Amend	11-1-2016
411-380-0080	1-1-2016	Adopt(T)	2-1-2016	413-015-0115(T)	1-1-2016	Repeal	2-1-2016
411-380-0080	6-29-2016	Adopt	8-1-2016	413-015-0115(T)	9-29-2016	Repeal	11-1-2016
411-380-0090	1-1-2016	Adopt(T)	2-1-2016	413-015-0125	7-1-2016	Amend(T)	8-1-2016
411-380-0090	6-29-2016	Adopt	8-1-2016	413-015-0205	1-1-2016	Amend	2-1-2016
411-380-0090	9-1-2016	Amend(T)	10-1-2016	413-015-0205	7-1-2016	Amend(T)	8-1-2016
411-415-0010	6-29-2016	Adopt	8-1-2016	413-015-0210	7-1-2016	Amend(T)	8-1-2016
411-415-0020	6-29-2016	Adopt	8-1-2016	413-015-0210	9-29-2016	Amend	11-1-2016
411-415-0020	9-1-2016	Amend(T)	10-1-2016	413-015-0210	10-5-2016	Amend(T)	11-1-2016
411-415-0030	6-29-2016	Adopt	8-1-2016	413-015-0210(T)	9-29-2016	Repeal	11-1-2016
411-415-0040	6-29-2016	Adopt	8-1-2016	413-015-0211	1-1-2016	Amend	2-1-2016
411-415-0050	6-29-2016	Adopt	8-1-2016	413-015-0211	7-1-2016	Amend(T)	8-1-2016
411-415-0060	6-29-2016	Adopt	8-1-2016	413-015-0211	9-29-2016	Amend	11-1-2016
411-415-0060	9-1-2016	Amend(T)	10-1-2016	413-015-0211(T)	1-1-2016	Repeal	2-1-2016
411-415-0070	6-29-2016	Adopt	8-1-2016	413-015-0211(T)	9-29-2016	Repeal	11-1-2016
411-415-0070	9-1-2016	Amend(T)	10-1-2016	413-015-0212	7-1-2016	Amend(T)	8-1-2016
411-415-0080	6-29-2016	Adopt	8-1-2016	413-015-0215	4-11-2016	Amend(T)	5-1-2016
411-415-0090	6-29-2016	Adopt	8-1-2016	413-015-0215	7-1-2016	Amend(T)	8-1-2016
411-415-0100	6-29-2016	Adopt	8-1-2016	413-015-0215	9-29-2016	Amend	11-1-2016
411-415-0110	6-29-2016	Adopt	8-1-2016	413-015-0215(T)	7-1-2016	Suspend	8-1-2016
411-415-0120	6-29-2016	Adopt	8-1-2016	413-015-0215(T)	9-29-2016	Repeal	11-1-2016
411-435-0010	6-29-2016	Adopt	8-1-2016	413-015-0300	7-1-2016	Amend(T)	8-1-2016
411-435-0020	6-29-2016	Adopt	8-1-2016	413-015-0409	7-1-2016	Amend(T)	8-1-2016
411-435-0020	9-1-2016	Amend(T)	10-1-2016	413-015-0415	1-1-2016	Amend	2-1-2016
411-435-0030	6-29-2016	Adopt	8-1-2016	413-015-0415	7-1-2016	Amend(T)	8-1-2016
411-435-0040	6-29-2016	Adopt	8-1-2016	413-015-0415	9-29-2016	Amend	11-1-2016
411-435-0050	6-29-2016	Adopt	8-1-2016	413-015-0415(T)	1-1-2016	Repeal	2-1-2016
411-435-0050	9-1-2016	Amend(T)	10-1-2016	413-015-0415(T)	9-29-2016	Repeal	11-1-2016
411-435-0060	6-29-2016	Adopt	8-1-2016	413-015-0420	7-1-2016	Amend(T)	8-1-2016
411-435-0060	9-1-2016	Amend(T)	10-1-2016	413-015-0422	9-29-2016	Amend	11-1-2016
411-435-0070	6-29-2016	Adopt	8-1-2016	413-015-0440	7-1-2016	Amend(T)	8-1-2016
411-435-0070	9-1-2016	Amend(T)	10-1-2016	413-015-0445	7-1-2016	Amend(T)	8-1-2016
411-435-0080	6-29-2016	Adopt	8-1-2016	413-015-0450	7-1-2016	Amend(T)	8-1-2016
411-450-0010	6-29-2016	Adopt	8-1-2016	413-015-0460	1-1-2016	Amend	2-1-2016
411-450-0020	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	413-090-0070	7-1-2016	Amend(T)	8-1-2016
413-015-0470(T)	9-29-2016	Repeal	11-1-2016	413-090-0075	7-1-2016	Amend(T)	8-1-2016
413-015-0620	7-1-2016	Adopt(T)	8-1-2016	413-090-0080	7-1-2016	Amend(T)	8-1-2016
413-015-0625	7-1-2016	Adopt(T)	8-1-2016	413-090-0085	1-1-2016	Amend	2-1-2016
413-015-0630	7-1-2016	Adopt(T)	8-1-2016	413-090-0085	6-14-2016	Amend(T)	7-1-2016
413-015-0640	7-1-2016	Adopt(T)	8-1-2016	413-090-0085	9-1-2016	Amend	10-1-2016
413-015-1000	7-1-2016	Amend(T)	8-1-2016	413-090-0085(T)	1-1-2016	Repeal	2-1-2016
413-015-1220	1-1-2016	Amend	2-1-2016	413-090-0085(T)	9-1-2016	Repeal	10-1-2016
413-015-9000	1-1-2016	Amend	2-1-2016	413-090-0087	1-1-2016	Adopt	2-1-2016
413-015-9000(T)	1-1-2016	Repeal	2-1-2016	413-090-0087	7-1-2016	Amend(T)	8-1-2016
413-015-9030	7-1-2016	Amend(T)	8-1-2016	413-090-0087	9-29-2016	Amend	11-1-2016
413-015-9040	7-1-2016	Amend(T)	8-1-2016	413-090-0087(T)	1-1-2016	Repeal	2-1-2016
413-030-0400	11-24-2015	Amend(T)	1-1-2016	413-090-0087(T)	9-29-2016	Repeal	11-1-2016
413-030-0400	2-1-2016	Amend	3-1-2016	413-090-0090	7-1-2016	Amend(T)	8-1-2016
413-030-0400(T)	2-1-2016	Repeal	3-1-2016	413-090-0400	2-1-2016	Amend	3-1-2016
413-040-0000	1-1-2016	Amend(T)	2-1-2016	413-090-0410	2-1-2016	Repeal	3-1-2016
413-040-0000	6-1-2016	Amend	7-1-2016	413-090-0420	2-1-2016	Repeal	3-1-2016
413-040-0000(T)	6-1-2016	Repeal	7-1-2016	413-090-0430	2-1-2016	Repeal	3-1-2016
413-040-0010	11-24-2015	Amend(T)	1-1-2016	413-090-0500	6-1-2016	Repeal	7-1-2016
413-040-0010	2-1-2016	Amend	3-1-2016	413-090-0510	6-1-2016	Repeal	7-1-2016
413-040-0010(T)	2-1-2016	Repeal	3-1-2016	413-090-0520	6-1-2016	Repeal	7-1-2016
413-040-0013	5-17-2016	Amend(T)	7-1-2016	413-090-0530	6-1-2016	Repeal	7-1-2016
413-040-0013(T)	11-1-2016	Repeal	12-1-2016	413-090-0540	6-1-2016	Repeal	7-1-2016
413-040-0145	1-1-2016	Amend(T)	2-1-2016	413-090-0550	6-1-2016	Repeal	7-1-2016
413-040-0145	6-1-2016	Amend	7-1-2016	413-100-0400	12-21-2015	Amend	2-1-2016
413-040-0145(T)	6-1-2016	Repeal	7-1-2016	413-100-0410	12-21-2015	Amend	2-1-2016
413-040-0150	1-1-2016	Amend(T)	2-1-2016	413-100-0420	12-21-2015	Amend	2-1-2016
413-040-0150	6-1-2016	Amend	7-1-2016	413-100-0435	12-21-2015	Amend	2-1-2016
413-040-0150(T)	6-1-2016	Repeal	7-1-2016	413-100-0457	12-21-2015	Repeal	2-1-2016
413-070-0551	11-24-2015	Amend(T)	1-1-2016	413-100-0800	4-1-2016	Amend	5-1-2016
413-070-0551	2-1-2016	Amend	3-1-2016	413-100-0810	4-1-2016	Amend	5-1-2016
413-070-0551(T)	2-1-2016	Repeal	3-1-2016	413-100-0820	4-1-2016	Amend	5-1-2016
413-070-0670	8-1-2016	Amend	9-1-2016	413-100-0830	4-1-2016	Amend	5-1-2016
413-070-0900	9-2-2016	Amend(T)	10-1-2016	413-100-0840	4-1-2016	Repeal	5-1-2016
413-070-0917	9-2-2016	Amend(T)	10-1-2016	413-100-0850	4-1-2016	Repeal	5-1-2016
413-070-0959	9-2-2016	Amend(T)	10-1-2016	413-120-0000	6-1-2016	Amend	7-1-2016
413-080-0050	11-24-2015	Amend(T)	1-1-2016	413-120-0025	6-1-2016	Amend	7-1-2016
413-080-0050	1-1-2016	Amend	2-1-2016	413-120-0730	2-24-2016	Amend(T)	4-1-2016
413-080-0050	7-1-2016	Amend(T)	8-1-2016	413-120-0730	6-1-2016	Amend	7-1-2016
413-080-0050(T)	11-24-2015	Suspend	1-1-2016	413-120-0730(T)	6-1-2016	Repeal	7-1-2016
413-080-0050(T)	1-1-2016	Repeal	2-1-2016	413-120-0925	1-1-2016	Amend(T)	2-1-2016
413-080-0051	7-1-2016	Adopt(T)	8-1-2016	413-120-0925	6-1-2016	Amend	7-1-2016
413-080-0052	7-1-2016	Amend(T)	8-1-2016	413-120-0925(T)	6-1-2016	Repeal	7-1-2016
413-080-0053	1-1-2016	Adopt	2-1-2016	413-130-0000	1-1-2016	Amend(T)	2-1-2016
413-080-0053	11-1-2016	Amend(T)	12-1-2016	413-130-0000	6-29-2016	Amend	8-1-2016
413-080-0053(T)	1-1-2016	Repeal	2-1-2016	413-130-0300	1-1-2016	Amend(T)	2-1-2016
413-080-0054	1-1-2016	Amend	2-1-2016	413-130-0300	6-29-2016	Amend	8-1-2016
413-080-0054	7-1-2016	Amend(T)	8-1-2016	413-130-0310	1-1-2016	Amend(T)	2-1-2016
413-080-0054(T)	1-1-2016	Repeal	2-1-2016	413-130-0310	6-29-2016	Amend	8-1-2016
413-080-0059	7-1-2016	Amend(T)	8-1-2016	413-130-0320	1-1-2016	Amend(T)	2-1-2016
413-080-0062	9-29-2016	Adopt	11-1-2016	413-130-0320	6-29-2016	Amend	8-1-2016
413-080-0062	11-1-2016	Amend(T)	12-1-2016	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

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413-130-0350	6-29-2016	Amend	8-1-2016	413-215-0101	7-1-2016	Amend(T)	8-1-2016
413-130-0355	1-1-2016	Amend(T)	2-1-2016	413-215-0106	7-1-2016	Amend(T)	8-1-2016
413-130-0355	6-29-2016	Amend	8-1-2016	413-215-0111	7-1-2016	Amend(T)	8-1-2016
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



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414-180-0005	6-29-2016	Adopt	8-1-2016	415-060-0050	1-5-2016	Suspend	2-1-2016
414-180-0010	6-29-2016	Adopt	8-1-2016	415-060-0050	7-13-2016	Repeal	8-1-2016
414-180-0015	6-29-2016	Adopt	8-1-2016	416-115-0025	4-1-2016	Amend	5-1-2016
414-180-0020	6-29-2016	Adopt	8-1-2016	416-300-0000	7-18-2016	Amend	9-1-2016
414-180-0025	6-29-2016	Adopt	8-1-2016	416-300-0010	7-18-2016	Amend	9-1-2016
414-180-0030	6-29-2016	Adopt	8-1-2016	416-300-0020	7-18-2016	Amend	9-1-2016
414-180-0035	6-29-2016	Adopt	8-1-2016	416-300-0030	7-18-2016	Amend	9-1-2016
414-180-0040	6-29-2016	Adopt	8-1-2016	416-300-0040	7-18-2016	Amend	9-1-2016
414-180-0045	6-29-2016	Adopt	8-1-2016	416-300-0050	7-18-2016	Amend	9-1-2016
414-180-0050	6-29-2016	Adopt	8-1-2016	416-300-0060	7-18-2016	Amend	9-1-2016
414-180-0055	6-29-2016	Adopt	8-1-2016	416-300-0080	7-18-2016	Amend	9-1-2016
414-180-0090	6-29-2016	Adopt	8-1-2016	416-335-0090	3-10-2016	Amend(T)	4-1-2016
414-180-0100	6-29-2016	Adopt	8-1-2016	416-335-0090	5-2-2016	Amend	6-1-2016
414-205-0040	9-29-2016	Amend(T)	11-1-2016	416-335-0090	6-3-2016	Amend(T)	7-1-2016
414-205-0055	9-29-2016	Amend(T)	11-1-2016	416-470-0010	10-3-2016	Amend	11-1-2016
414-205-0100	9-29-2016	Amend(T)	11-1-2016	416-470-0020	10-3-2016	Amend	11-1-2016
414-205-0110	9-29-2016	Amend(T)	11-1-2016	416-470-0050	10-3-2016	Amend	11-1-2016
414-300-0120	9-29-2016	Amend(T)	11-1-2016	416-490-0032	10-3-2016	Amend	11-1-2016
414-300-0170	9-29-2016	Amend(T)	11-1-2016	416-530-0010	3-2-2016	Amend	4-1-2016
414-300-0220	9-29-2016	Amend(T)	11-1-2016	416-530-0010	8-5-2016	Amend	9-1-2016
414-300-0350	9-29-2016	Amend(T)	11-1-2016	416-530-0020	3-2-2016	Amend	4-1-2016
414-350-0050	9-29-2016	Amend(T)	11-1-2016	416-530-0030	3-2-2016	Amend	4-1-2016
414-350-0115	9-29-2016	Amend(T)	11-1-2016	416-530-0030	8-5-2016	Amend	9-1-2016
414-350-0115	10-28-2016	Amend(T)	12-1-2016	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
415-012-0060	7-1-2016	Amend(T)	8-1-2016	418-040-0000(T)	6-20-2016	Repeal	7-1-2016
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
415-020-0000	8-10-2016	Amend(T)	9-1-2016	418-040-0020	6-20-2016	Adopt	7-1-2016
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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
415-057-0020	8-10-2016	Amend(T)	9-1-2016	418-040-0040(T)	6-20-2016	Repeal	7-1-2016
415-060-0010	1-5-2016	Suspend	2-1-2016	418-040-0050	1-1-2016	Adopt(T)	2-1-2016
415-060-0010	7-13-2016	Repeal	8-1-2016	418-040-0050	6-20-2016	Adopt	7-1-2016
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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

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418-040-0080	1-1-2016	Adopt(T)	2-1-2016	436-055-0110	1-1-2017	Amend	12-1-2016
418-040-0080	6-20-2016	Adopt	7-1-2016	436-070-0003	1-1-2017	Amend	12-1-2016
418-040-0080(T)	6-20-2016	Repeal	7-1-2016	436-070-0010	1-1-2017	Amend	12-1-2016
418-040-0090	1-1-2016	Adopt(T)	2-1-2016	437-001-0700	5-1-2017	Amend	12-1-2016
418-040-0090	6-20-2016	Adopt	7-1-2016	437-002-0005	8-19-2016	Amend	10-1-2016
418-040-0090(T)	6-20-2016	Repeal	7-1-2016	437-002-0005	9-7-2016	Amend	10-1-2016
431-121-2005	12-7-2015	Amend	1-1-2016	437-002-0134	8-19-2016	Amend	10-1-2016
436-001-0003	1-1-2016	Amend	1-1-2016	437-002-0134	9-7-2016	Amend	10-1-2016
436-001-0004	1-1-2016	Amend	1-1-2016	437-002-0182	8-19-2016	Amend	10-1-2016
436-001-0009	1-1-2016	Amend	1-1-2016	437-002-0182	9-7-2016	Amend	10-1-2016
436-001-0019	1-1-2016	Amend	1-1-2016	437-002-0382	7-1-2018	Amend	11-1-2016
436-001-0027	1-1-2016	Amend	1-1-2016	437-002-1053	7-1-2018	Adopt	11-1-2016
436-001-0030	1-1-2016	Amend	1-1-2016	437-002-1054	7-1-2018	Adopt	11-1-2016
436-001-0170	1-1-2016	Amend	1-1-2016	437-002-1055	7-1-2018	Adopt	11-1-2016
436-001-0240	1-1-2016	Amend	1-1-2016	437-002-1056	7-1-2018	Adopt	11-1-2016
436-001-0246	1-1-2016	Amend	1-1-2016	437-002-1057	7-1-2018	Adopt	11-1-2016
436-001-0259	1-1-2016	Amend	1-1-2016	437-002-1058	7-1-2018	Adopt	11-1-2016
436-001-0410	1-1-2016	Amend	1-1-2016	437-002-1059	7-1-2018	Adopt	11-1-2016
436-001-0420	1-1-2016	Amend	1-1-2016	437-002-1060	7-1-2018	Adopt	11-1-2016
436-001-0435	1-1-2016	Adopt	1-1-2016	437-002-1061	7-1-2018	Adopt	11-1-2016
436-001-0500	1-1-2016	Adopt	1-1-2016	437-002-1062	7-1-2018	Adopt	11-1-2016
436-009-0001	4-1-2016	Amend	4-1-2016	437-002-1063	7-1-2018	Adopt	11-1-2016
436-009-0004	1-1-2016	Amend(T)	1-1-2016	437-002-1064	7-1-2018	Adopt	11-1-2016
436-009-0004	4-1-2016	Amend	4-1-2016	437-002-1065	7-1-2018	Adopt	11-1-2016
436-009-0004(T)	4-1-2016	Repeal	4-1-2016	437-003-0001	8-19-2016	Amend	10-1-2016
436-009-0005	4-1-2016	Amend	4-1-2016	437-003-0001	9-7-2016	Amend	10-1-2016
436-009-0008	4-1-2016	Amend	4-1-2016	437-003-0001	1-1-2017	Amend	4-1-2016
436-009-0010	1-1-2016	Amend(T)	1-1-2016	437-003-0134	8-19-2016	Amend	10-1-2016
436-009-0010	4-1-2016	Amend	4-1-2016	437-003-0134	9-7-2016	Amend	10-1-2016
436-009-0010(T)	4-1-2016	Repeal	4-1-2016	437-003-0134	1-1-2017	Amend	4-1-2016
436-009-0020	4-1-2016	Amend	4-1-2016	437-003-0503	10-1-2017	Amend	4-1-2016
436-009-0025	4-1-2016	Amend	4-1-2016	437-003-1000	7-1-2018	Amend	11-1-2016
436-009-0030	4-1-2016	Amend	4-1-2016	437-003-1500	10-1-2017	Amend	4-1-2016
436-009-0040	4-1-2016	Amend	4-1-2016	437-003-1501	1-1-2017	Amend	4-1-2016
436-009-0060	4-1-2016	Amend	4-1-2016	437-003-2501	1-1-2017	Adopt	4-1-2016
436-009-0080	4-1-2016	Amend	4-1-2016	437-003-3502	10-1-2017	Repeal	4-1-2016
436-009-0090	4-1-2016	Amend	4-1-2016	437-005-0001	8-19-2016	Amend	10-1-2016
436-009-0110	4-1-2016	Amend	4-1-2016	437-005-0001	9-7-2016	Amend	10-1-2016
436-010-0001	4-1-2016	Amend	4-1-2016	437-005-0001	7-1-2018	Amend	11-1-2016
436-010-0005	4-1-2016	Amend	4-1-2016	437-005-0002	8-19-2016	Amend	10-1-2016
436-010-0008	4-1-2016	Amend	4-1-2016	437-005-0002	9-7-2016	Amend	10-1-2016
436-010-0240	4-1-2016	Amend	4-1-2016	437-005-0003	8-19-2016	Amend	10-1-2016
436-010-0265	4-1-2016	Amend	4-1-2016	437-005-0003	9-7-2016	Amend	10-1-2016
436-010-0270	4-1-2016	Amend	4-1-2016	438-005-0035	1-1-2016	Amend	2-1-2016
436-010-0330	4-1-2016	Amend	4-1-2016	438-005-0046	11-1-2016	Amend	10-1-2016
436-010-0340	4-1-2016	Amend	4-1-2016	438-006-0100	11-1-2016	Amend	10-1-2016
436-050-0003	1-1-2016	Amend	2-1-2016	438-015-0005	11-1-2016	Amend	11-1-2016
436-050-0175	1-1-2016	Amend	2-1-2016	438-015-0010	1-1-2016	Amend	2-1-2016
436-055-0001	1-1-2017	Repeal	12-1-2016	438-015-0010	11-1-2016	Amend	11-1-2016
436-055-0002	1-1-2017	Repeal	12-1-2016	438-015-0019	1-1-2016	Amend	2-1-2016
436-055-0003	1-1-2017	Amend	12-1-2016	438-015-0025	1-1-2016	Amend	2-1-2016
436-055-0005	1-1-2017	Amend	12-1-2016	438-015-0033	1-1-2016	Adopt	2-1-2016
436-055-0008	1-1-2017	Amend	12-1-2016	438-015-0040	11-1-2016	Amend	11-1-2016
436-055-0070	1-1-2017	Amend	12-1-2016	438-015-0045	1-1-2016	Amend	2-1-2016
436-055-0085	1-1-2017	Amend	12-1-2016	438-015-0048	1-1-2016	Adopt	2-1-2016



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438-015-0055	1-1-2016	Amend	2-1-2016	461-001-0000	4-1-2016	Amend	5-1-2016
438-015-0055	11-1-2016	Amend	11-1-2016	461-001-0000	7-1-2016	Amend(T)	8-1-2016
438-015-0065	1-1-2016	Amend	2-1-2016	461-001-0000	9-1-2016	Amend	10-1-2016
438-015-0070	1-1-2016	Amend	2-1-2016	461-001-0000	10-1-2016	Amend	11-1-2016
438-015-0080	11-1-2016	Amend	11-1-2016	461-001-0000	11-1-2016	Amend	12-1-2016
438-015-0082	11-1-2016	Amend	11-1-2016	461-001-0000(T)	1-1-2016	Repeal	2-1-2016
438-015-0110	1-1-2016	Amend	2-1-2016	461-001-0000(T)	9-1-2016	Repeal	10-1-2016
440-001-9000	1-1-2016	Adopt(T)	2-1-2016	461-001-0020	4-1-2016	Amend	5-1-2016
440-001-9001	6-29-2016	Adopt(T)	8-1-2016	461-001-0025	12-28-2015	Amend	2-1-2016
440-001-9001	11-15-2016	Adopt	12-1-2016	461-001-0025	4-1-2016	Amend	5-1-2016
440-045-0020	1-1-2017	Amend	12-1-2016	461-025-0310	11-1-2016	Amend	12-1-2016
440-045-0025	1-1-2017	Amend	12-1-2016	461-101-0010	7-1-2016	Amend(T)	8-1-2016
441-175-0002	3-7-2016	Amend	4-1-2016	461-101-0010	9-1-2016	Amend	10-1-2016
441-175-0010	3-7-2016	Amend	4-1-2016	461-101-0010(T)	9-1-2016	Repeal	10-1-2016
441-175-0015	3-7-2016	Amend	4-1-2016	461-110-0210	4-1-2016	Amend	5-1-2016
441-175-0020	3-7-2016	Amend	4-1-2016	461-110-0370	10-1-2016	Amend	11-1-2016
441-175-0030	3-7-2016	Amend	4-1-2016	461-110-0390	7-1-2016	Suspend	8-1-2016
441-175-0040	3-7-2016	Amend	4-1-2016	461-110-0390	9-1-2016	Repeal	10-1-2016
441-175-0041	3-7-2016	Amend	4-1-2016	461-110-0530	9-1-2016	Amend(T)	10-1-2016
441-175-0046	3-7-2016	Amend	4-1-2016	461-110-0530	11-1-2016	Amend	12-1-2016
441-175-0050	3-7-2016	Amend	4-1-2016	461-110-0530(T)	11-1-2016	Repeal	12-1-2016
441-175-0055	3-7-2016	Amend	4-1-2016	461-110-0630	4-1-2016	Amend	5-1-2016
441-175-0060	3-7-2016	Amend	4-1-2016	461-110-0630	7-1-2016	Amend(T)	8-1-2016
441-175-0070	3-7-2016	Amend	4-1-2016	461-110-0630	9-1-2016	Amend	10-1-2016
441-175-0085	3-7-2016	Amend	4-1-2016	461-110-0630(T)	9-1-2016	Repeal	10-1-2016
441-175-0100	3-7-2016	Amend	4-1-2016	461-110-0750	4-1-2016	Amend	5-1-2016
441-175-0110	3-7-2016	Amend	4-1-2016	461-110-0750	7-1-2016	Amend(T)	8-1-2016
441-175-0120	3-7-2016	Amend	4-1-2016	461-110-0750	9-1-2016	Amend	10-1-2016
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441-175-0140	3-7-2016	Amend	4-1-2016	461-115-0016	1-1-2016	Amend(T)	2-1-2016
441-175-0150	3-7-2016	Amend	4-1-2016	461-115-0016	4-1-2016	Amend	5-1-2016
441-175-0160	3-7-2016	Amend	4-1-2016	461-115-0016(T)	4-1-2016	Repeal	5-1-2016
441-175-0165	3-7-2016	Amend	4-1-2016	461-115-0020	10-19-2016	Amend(T)	12-1-2016
441-175-0171	3-7-2016	Amend	4-1-2016	461-115-0030	7-1-2016	Amend(T)	8-1-2016
441-175-0175	3-7-2016	Amend	4-1-2016	461-115-0030	9-1-2016	Amend	10-1-2016
441-500-0020	3-16-2016	Amend(T)	5-1-2016	461-115-0030(T)	9-1-2016	Repeal	10-1-2016
441-710-0305	1-1-2016	Adopt	2-1-2016	461-115-0050	7-1-2016	Amend(T)	8-1-2016
441-855-0114	1-1-2016	Adopt	1-1-2016	461-115-0050	9-1-2016	Amend	10-1-2016
441-865-0060	12-14-2015	Amend	1-1-2016	461-115-0050(T)	9-1-2016	Repeal	10-1-2016
441-880-0009	9-9-2016	Adopt	10-1-2016	461-115-0071	7-1-2016	Amend(T)	8-1-2016
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459-005-0001	5-27-2016	Amend	7-1-2016	461-115-0150	11-1-2016	Amend	12-1-2016
459-005-0220	7-29-2016	Amend	9-1-2016	461-115-0430	7-1-2016	Amend(T)	8-1-2016
459-005-0260	9-30-2016	Adopt	11-1-2016	461-115-0430	9-1-2016	Amend	10-1-2016
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459-005-0350	11-20-2015	Amend	1-1-2016	461-115-0651	1-1-2016	Amend	2-1-2016
459-005-0605	1-29-2016	Adopt	3-1-2016	461-115-0700	1-1-2016	Amend	2-1-2016
459-010-0012	11-20-2015	Amend	1-1-2016	461-115-0700	7-1-2016	Amend(T)	8-1-2016
459-011-0500	11-20-2015	Amend	1-1-2016	461-115-0700	9-1-2016	Amend	10-1-2016
459-013-0060	11-20-2015	Amend	1-1-2016	461-115-0700(T)	9-1-2016	Repeal	10-1-2016
459-013-0310	11-20-2015	Amend	1-1-2016	461-120-0030	7-1-2016	Amend(T)	8-1-2016
459-075-0020	5-27-2016	Amend	7-1-2016	461-120-0030	9-1-2016	Amend	10-1-2016
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461-120-0110	5-1-2016	Amend	6-1-2016	461-130-0310	10-1-2016	Amend	11-1-2016
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461-120-0125	7-1-2016	Amend(T)	8-1-2016	461-130-0315	4-1-2016	Amend	5-1-2016
461-120-0125	9-1-2016	Amend	10-1-2016	461-130-0315	10-1-2016	Amend	11-1-2016
461-120-0125(T)	9-1-2016	Repeal	10-1-2016	461-130-0315	10-19-2016	Amend(T)	12-1-2016
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461-120-0210	7-1-2016	Amend(T)	8-1-2016	461-130-0327	7-1-2016	Amend	8-1-2016
461-120-0210	9-1-2016	Amend	10-1-2016	461-130-0330	1-1-2016	Amend	2-1-2016
461-120-0210	11-1-2016	Amend	12-1-2016	461-130-0330	4-1-2016	Amend	5-1-2016
461-120-0210(T)	9-1-2016	Repeal	10-1-2016	461-130-0330	7-1-2016	Amend	8-1-2016
461-120-0315	7-1-2016	Amend(T)	8-1-2016	461-130-0330	10-1-2016	Amend	11-1-2016
461-120-0315	9-1-2016	Amend	10-1-2016	461-130-0330	10-19-2016	Amend(T)	12-1-2016
461-120-0315(T)	9-1-2016	Repeal	10-1-2016	461-130-0335	4-1-2016	Amend	5-1-2016
461-120-0330	7-1-2016	Amend	8-1-2016	461-130-0335	7-1-2016	Amend	8-1-2016
461-120-0340	4-1-2016	Amend	5-1-2016	461-130-0335	10-1-2016	Amend	11-1-2016
461-120-0345	7-1-2016	Amend(T)	8-1-2016	461-135-0010	10-1-2016	Amend	11-1-2016
461-120-0345	9-1-2016	Amend	10-1-2016	461-135-0070	4-1-2016	Amend	5-1-2016
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461-120-0350	7-1-2016	Amend(T)	8-1-2016	461-135-0073	4-1-2016	Adopt	5-1-2016
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461-120-0350(T)	9-1-2016	Repeal	10-1-2016	461-135-0085	10-1-2016	Amend	11-1-2016
461-120-0510	7-1-2016	Amend(T)	8-1-2016	461-135-0087	4-1-2016	Repeal	5-1-2016
461-120-0510	9-1-2016	Amend	10-1-2016	461-135-0089	7-1-2016	Amend	8-1-2016
461-120-0510(T)	9-1-2016	Repeal	10-1-2016	461-135-0200	10-1-2016	Amend	11-1-2016
461-125-0010	4-1-2016	Repeal	5-1-2016	461-135-0400	1-1-2016	Amend	2-1-2016
461-125-0030	4-1-2016	Repeal	5-1-2016	461-135-0400	7-1-2016	Amend	8-1-2016
461-125-0050	4-1-2016	Repeal	5-1-2016	461-135-0405	1-1-2016	Amend	2-1-2016
461-125-0060	4-1-2016	Repeal	5-1-2016	461-135-0405(T)	1-1-2016	Repeal	2-1-2016
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461-125-0110	4-1-2016	Repeal	5-1-2016	461-135-0407(T)	1-1-2016	Repeal	2-1-2016
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461-125-0130	4-1-2016	Repeal	5-1-2016	461-135-0485	4-1-2016	Amend	5-1-2016
461-125-0170	4-1-2016	Repeal	5-1-2016	461-135-0506	1-1-2016	Amend(T)	2-1-2016
461-125-0230	4-1-2016	Repeal	5-1-2016	461-135-0506	4-1-2016	Amend	5-1-2016
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461-125-0370	4-1-2016	Amend	5-1-2016	461-135-0520	3-2-2016	Amend(T)	4-1-2016
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461-125-0370	5-13-2016	Amend(T)	6-1-2016	461-135-0520	4-5-2016	Amend(T)	5-1-2016
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461-125-0370(T)	3-1-2016	Suspend	4-1-2016	461-135-0520	10-1-2016	Amend	11-1-2016
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461-125-0370(T)	7-1-2016	Repeal	8-1-2016	461-135-0520(T)	3-2-2016	Suspend	4-1-2016
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461-125-0810	9-1-2016	Amend	10-1-2016	461-135-0521(T)	7-1-2016	Repeal	8-1-2016
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461-135-0750	4-1-2016	Amend	5-1-2016	461-145-0050(T)	9-1-2016	Repeal	10-1-2016
461-135-0750(T)	4-1-2016	Repeal	5-1-2016	461-145-0080	1-1-2016	Amend	2-1-2016
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461-135-0835	10-1-2016	Amend	11-1-2016	461-145-0110(T)	9-1-2016	Repeal	10-1-2016
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461-135-0950	9-1-2016	Amend	10-1-2016	461-145-0220	9-1-2016	Amend	10-1-2016
461-135-0950(T)	9-1-2016	Repeal	10-1-2016	461-145-0220(T)	9-1-2016	Repeal	10-1-2016
461-135-0990	7-1-2016	Amend(T)	8-1-2016	461-145-0230	7-1-2016	Amend(T)	8-1-2016
461-135-0990	9-1-2016	Amend	10-1-2016	461-145-0230	9-1-2016	Amend	10-1-2016
461-135-0990(T)	9-1-2016	Repeal	10-1-2016	461-145-0230(T)	9-1-2016	Repeal	10-1-2016
461-135-1250	4-1-2016	Amend	5-1-2016	461-145-0240	1-1-2016	Amend	2-1-2016
461-135-1270	4-1-2016	Adopt	5-1-2016	461-145-0240	7-1-2016	Amend(T)	8-1-2016
461-140-0010	7-1-2016	Amend(T)	8-1-2016	461-145-0240	9-1-2016	Amend	10-1-2016
461-140-0010	9-1-2016	Amend	10-1-2016	461-145-0240(T)	9-1-2016	Repeal	10-1-2016
461-140-0010(T)	9-1-2016	Repeal	10-1-2016	461-145-0250	7-1-2016	Amend(T)	8-1-2016
461-140-0020	1-1-2016	Amend	2-1-2016	461-145-0250	9-1-2016	Amend	10-1-2016
461-140-0040	7-1-2016	Amend(T)	8-1-2016	461-145-0250(T)	9-1-2016	Repeal	10-1-2016
461-140-0040	9-1-2016	Amend	10-1-2016	461-145-0252	1-1-2016	Amend	2-1-2016
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
461-140-0250	7-1-2016	Amend(T)	8-1-2016	461-145-0320	7-1-2016	Amend(T)	8-1-2016
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

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461-145-0360	9-1-2016	Amend	10-1-2016	461-150-0050	1-1-2016	Amend	2-1-2016
461-145-0360(T)	9-1-2016	Repeal	10-1-2016	461-150-0050	7-1-2016	Amend(T)	8-1-2016
461-145-0365	1-1-2016	Amend	2-1-2016	461-150-0050	9-1-2016	Amend	10-1-2016
461-145-0365	7-1-2016	Amend(T)	8-1-2016	461-150-0050(T)	9-1-2016	Repeal	10-1-2016
461-145-0365	9-1-2016	Amend	10-1-2016	461-150-0090	1-1-2016	Amend	2-1-2016
461-145-0365(T)	9-1-2016	Repeal	10-1-2016	461-155-0010	7-1-2016	Amend(T)	8-1-2016
461-145-0370	7-1-2016	Amend(T)	8-1-2016	461-155-0010	9-1-2016	Amend	10-1-2016
461-145-0370	9-1-2016	Amend	10-1-2016	461-155-0010(T)	9-1-2016	Repeal	10-1-2016
461-145-0370(T)	9-1-2016	Repeal	10-1-2016	461-155-0020	4-1-2016	Amend	5-1-2016
461-145-0380	1-1-2016	Amend	2-1-2016	461-155-0020	7-1-2016	Amend(T)	8-1-2016
461-145-0380	7-1-2016	Amend	8-1-2016	461-155-0020	9-1-2016	Amend	10-1-2016
461-145-0410	1-1-2016	Amend	2-1-2016	461-155-0020(T)	9-1-2016	Repeal	10-1-2016
461-145-0410	4-1-2016	Amend	5-1-2016	461-155-0030	1-1-2016	Amend	2-1-2016
461-145-0410	7-1-2016	Amend(T)	8-1-2016	461-155-0030	4-1-2016	Amend	5-1-2016
461-145-0410	9-1-2016	Amend	10-1-2016	461-155-0030	5-12-2016	Amend(T)	6-1-2016
461-145-0410(T)	9-1-2016	Repeal	10-1-2016	461-155-0030	10-1-2016	Amend	11-1-2016
461-145-0420	1-1-2016	Amend	2-1-2016	461-155-0030(T)	10-1-2016	Repeal	11-1-2016
461-145-0420	7-1-2016	Amend(T)	8-1-2016	461-155-0035	1-1-2016	Amend	2-1-2016
461-145-0420	9-1-2016	Amend	10-1-2016	461-155-0150	1-1-2016	Amend(T)	2-1-2016
461-145-0420(T)	9-1-2016	Repeal	10-1-2016	461-155-0150	3-1-2016	Amend(T)	4-1-2016
461-145-0430	1-1-2016	Amend	2-1-2016	461-155-0150	4-1-2016	Amend	5-1-2016
461-145-0455	7-1-2016	Amend(T)	8-1-2016	461-155-0150	7-1-2016	Amend	8-1-2016
461-145-0455	9-1-2016	Amend	10-1-2016	461-155-0150	9-1-2016	Amend	10-1-2016
461-145-0455(T)	9-1-2016	Repeal	10-1-2016	461-155-0150(T)	3-1-2016	Suspend	4-1-2016
461-145-0460	1-1-2016	Amend	2-1-2016	461-155-0150(T)	4-1-2016	Repeal	5-1-2016
461-145-0460	7-1-2016	Amend(T)	8-1-2016	461-155-0180	4-1-2016	Amend	5-1-2016
461-145-0460	9-1-2016	Amend	10-1-2016	461-155-0190	10-1-2016	Amend	11-1-2016
461-145-0460(T)	9-1-2016	Repeal	10-1-2016	461-155-0210	7-1-2016	Amend(T)	8-1-2016
461-145-0470	7-1-2016	Amend(T)	8-1-2016	461-155-0210	9-1-2016	Amend	10-1-2016
461-145-0470	9-1-2016	Amend	10-1-2016	461-155-0210(T)	9-1-2016	Repeal	10-1-2016
461-145-0470(T)	9-1-2016	Repeal	10-1-2016	461-155-0290	3-1-2016	Amend	4-1-2016
461-145-0490	1-1-2016	Amend	2-1-2016	461-155-0291	3-1-2016	Amend	4-1-2016
461-145-0510	1-1-2016	Amend	2-1-2016	461-155-0295	3-1-2016	Amend	4-1-2016
461-145-0510	7-1-2016	Amend(T)	8-1-2016	461-155-0360	7-1-2016	Amend(T)	8-1-2016
461-145-0510	9-1-2016	Amend	10-1-2016	461-155-0360	9-1-2016	Amend	10-1-2016
461-145-0510(T)	9-1-2016	Repeal	10-1-2016	461-155-0360(T)	9-1-2016	Repeal	10-1-2016
461-145-0540	1-1-2016	Amend	2-1-2016	461-155-0575	1-1-2016	Amend	2-1-2016
461-145-0540	7-1-2016	Amend(T)	8-1-2016	461-155-0580	7-1-2016	Amend(T)	8-1-2016
461-145-0540	9-1-2016	Amend	10-1-2016	461-155-0580	9-1-2016	Amend	10-1-2016
461-145-0540	11-4-2016	Amend(T)	12-1-2016	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

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461-160-0010	7-1-2016	Amend	8-1-2016	461-165-0180	11-1-2016	Amend	12-1-2016
461-160-0010	7-1-2016	Amend(T)	8-1-2016	461-165-0180	11-1-2016	Amend(T)	12-1-2016
461-160-0010	9-1-2016	Amend	10-1-2016	461-165-0180(T)	3-14-2016	Suspend	4-1-2016
461-160-0010(T)	9-1-2016	Repeal	10-1-2016	461-165-0180(T)	5-23-2016	Suspend	7-1-2016
461-160-0015	1-1-2016	Amend	2-1-2016	461-165-0180(T)	7-1-2016	Repeal	8-1-2016
461-160-0015	7-1-2016	Amend	8-1-2016	461-165-0180(T)	8-1-2016	Repeal	9-1-2016
461-160-0015	7-1-2016	Amend(T)	8-1-2016	461-165-0180(T)	11-1-2016	Repeal	12-1-2016
461-160-0015	9-1-2016	Amend	10-1-2016	461-165-0410	11-1-2016	Amend	12-1-2016
461-160-0015	10-1-2016	Amend	11-1-2016	461-165-0420	11-1-2016	Amend	12-1-2016
461-160-0015(T)	9-1-2016	Repeal	10-1-2016	461-170-0011	1-1-2016	Amend	2-1-2016
461-160-0040	1-1-2016	Amend	2-1-2016	461-170-0011	4-1-2016	Amend	5-1-2016
461-160-0040(T)	1-1-2016	Repeal	2-1-2016	461-170-0011	7-1-2016	Amend(T)	8-1-2016
461-160-0055	7-1-2016	Amend(T)	8-1-2016	461-170-0011	9-1-2016	Amend	10-1-2016
461-160-0055	9-1-2016	Amend	10-1-2016	461-170-0011	10-1-2016	Amend	11-1-2016
461-160-0055(T)	9-1-2016	Repeal	10-1-2016	461-170-0011(T)	9-1-2016	Repeal	10-1-2016
461-160-0060	7-1-2016	Amend(T)	8-1-2016	461-170-0101	1-1-2016	Amend	2-1-2016
461-160-0060	9-1-2016	Amend	10-1-2016	461-170-0103	1-1-2016	Amend	2-1-2016
461-160-0060(T)	9-1-2016	Repeal	10-1-2016	461-170-0103(T)	1-1-2016	Repeal	2-1-2016
461-160-0100	4-1-2016	Amend	5-1-2016	461-170-0130	11-1-2016	Amend	12-1-2016
461-160-0300	1-1-2016	Amend	2-1-2016	461-170-0150	1-1-2016	Amend	2-1-2016
461-160-0300(T)	1-1-2016	Repeal	2-1-2016	461-170-0150(T)	1-1-2016	Repeal	2-1-2016
461-160-0410	4-1-2016	Amend(T)	5-1-2016	461-170-0160	1-1-2016	Amend	2-1-2016
461-160-0410	7-1-2016	Amend	8-1-2016	461-170-0160(T)	1-1-2016	Repeal	2-1-2016
461-160-0410(T)	7-1-2016	Repeal	8-1-2016	461-175-0200	1-1-2016	Amend	2-1-2016
461-160-0420	10-1-2016	Amend	11-1-2016	461-175-0200	4-1-2016	Amend	5-1-2016
461-160-0430	10-1-2016	Amend	11-1-2016	461-175-0200	7-1-2016	Amend	8-1-2016
461-160-0500	7-1-2016	Amend(T)	8-1-2016	461-175-0200(T)	1-1-2016	Repeal	2-1-2016
461-160-0500	9-1-2016	Amend	10-1-2016	461-175-0210	4-1-2016	Amend	5-1-2016
461-160-0500(T)	9-1-2016	Repeal	10-1-2016	461-175-0210	7-1-2016	Amend(T)	8-1-2016
461-160-0550	1-1-2016	Amend	2-1-2016	461-175-0210	9-1-2016	Amend	10-1-2016
461-160-0551	1-1-2016	Amend	2-1-2016	461-175-0210(T)	9-1-2016	Repeal	10-1-2016
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461-160-0620	7-1-2016	Amend	8-1-2016	461-175-0220	7-1-2016	Amend	8-1-2016
461-160-0620	7-1-2016	Amend(T)	8-1-2016	461-175-0220	10-1-2016	Amend	11-1-2016
461-160-0620	9-1-2016	Amend	10-1-2016	461-175-0222	1-1-2016	Amend	2-1-2016
461-160-0620(T)	9-1-2016	Repeal	10-1-2016	461-175-0222(T)	1-1-2016	Repeal	2-1-2016
461-165-0010	7-1-2016	Amend	8-1-2016	461-175-0240	7-1-2016	Amend(T)	8-1-2016
461-165-0030	1-1-2016	Amend	2-1-2016	461-175-0240	9-1-2016	Amend	10-1-2016
461-165-0030	4-1-2016	Amend	5-1-2016	461-175-0240(T)	9-1-2016	Repeal	10-1-2016
461-165-0030	7-1-2016	Amend(T)	8-1-2016	461-175-0250	1-1-2016	Amend	2-1-2016
461-165-0030	9-1-2016	Amend	10-1-2016	461-175-0300	1-1-2016	Amend	2-1-2016
461-165-0030(T)	9-1-2016	Repeal	10-1-2016	461-175-0300	4-1-2016	Amend	5-1-2016
461-165-0045	11-1-2016	Amend	12-1-2016	461-175-0300(T)	1-1-2016	Repeal	2-1-2016
461-165-0050	7-1-2016	Amend(T)	8-1-2016	461-175-0305	1-1-2016	Amend	2-1-2016
461-165-0050	9-1-2016	Amend	10-1-2016	461-175-0310	1-1-2016	Amend	2-1-2016
461-165-0050(T)	9-1-2016	Repeal	10-1-2016	461-175-0310	7-1-2016	Amend(T)	8-1-2016
461-165-0120	7-1-2016	Amend(T)	8-1-2016	461-175-0310	9-1-2016	Amend	10-1-2016
461-165-0120	9-1-2016	Amend	10-1-2016	461-175-0310(T)	9-1-2016	Repeal	10-1-2016
461-165-0120(T)	9-1-2016	Repeal	10-1-2016	461-175-0340	1-1-2016	Amend	2-1-2016
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461-165-0180	3-14-2016	Amend(T)	4-1-2016	461-180-0010	1-22-2016	Amend(T)	3-1-2016
461-165-0180	5-23-2016	Amend(T)	7-1-2016	461-180-0010	4-1-2016	Amend	5-1-2016
461-165-0180	7-1-2016	Amend	8-1-2016	461-180-0010	7-1-2016	Amend(T)	8-1-2016
461-165-0180	7-1-2016	Amend(T)	8-1-2016	461-180-0010	9-1-2016	Amend	10-1-2016
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461-180-0040	10-1-2016	Amend	11-1-2016	462-200-0660	6-6-2016	Adopt	7-1-2016
461-180-0050	4-1-2016	Amend	5-1-2016	462-200-0670	6-6-2016	Adopt	7-1-2016
461-180-0065	7-1-2016	Amend(T)	8-1-2016	462-220-0040	5-9-2016	Amend	6-1-2016
461-180-0065	9-1-2016	Amend	10-1-2016	462-220-0080	1-27-2016	Amend	3-1-2016
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461-180-0070	7-1-2016	Amend(T)	8-1-2016	471-010-0080	8-2-2016	Amend	9-1-2016
461-180-0070	9-1-2016	Amend	10-1-2016	471-030-0017	7-1-2016	Amend	8-1-2016
461-180-0070(T)	9-1-2016	Repeal	10-1-2016	471-030-0079	8-1-2016	Adopt	9-1-2016
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461-180-0090	1-22-2016	Amend(T)	3-1-2016	543-010-0003	1-11-2016	Amend(T)	2-1-2016
461-180-0090	4-1-2016	Amend	5-1-2016	543-010-0003	6-13-2016	Amend	7-1-2016
461-180-0090	7-1-2016	Amend(T)	8-1-2016	543-010-0016	1-11-2016	Amend(T)	2-1-2016
461-180-0090	9-1-2016	Amend	10-1-2016	543-010-0016	6-13-2016	Amend	7-1-2016
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461-180-0090(T)	4-1-2016	Repeal	5-1-2016	543-010-0021	6-13-2016	Amend	7-1-2016
461-180-0090(T)	9-1-2016	Repeal	10-1-2016	543-010-0022	1-11-2016	Suspend	2-1-2016
461-180-0135	4-1-2016	Adopt(T)	5-1-2016	543-010-0022	6-13-2016	Repeal	7-1-2016
461-180-0135	7-1-2016	Adopt	8-1-2016	543-010-0026	1-11-2016	Adopt(T)	2-1-2016
461-180-0135(T)	7-1-2016	Repeal	8-1-2016	543-010-0026	6-13-2016	Adopt	7-1-2016
461-180-0140	12-15-2015	Amend(T)	1-1-2016	543-010-0030	1-11-2016	Amend(T)	2-1-2016
461-180-0140	1-22-2016	Amend(T)	3-1-2016	543-010-0030	6-13-2016	Amend	7-1-2016
461-180-0140	4-1-2016	Amend	5-1-2016	543-010-0032	1-11-2016	Suspend	2-1-2016
461-180-0140(T)	1-22-2016	Suspend	3-1-2016	543-010-0032	6-13-2016	Repeal	7-1-2016
461-180-0140(T)	4-1-2016	Repeal	5-1-2016	543-020-0010	1-11-2016	Suspend	2-1-2016
461-190-0211	12-28-2015	Amend	2-1-2016	543-020-0010	6-13-2016	Repeal	7-1-2016
461-190-0211	7-1-2016	Amend	8-1-2016	543-020-0025	1-11-2016	Suspend	2-1-2016
461-190-0231	7-1-2016	Amend	8-1-2016	543-020-0025	6-13-2016	Repeal	7-1-2016
461-190-0310	4-1-2016	Amend	5-1-2016	543-020-0026	1-11-2016	Suspend	2-1-2016
461-190-0310	10-1-2016	Amend	11-1-2016	543-020-0026	6-13-2016	Repeal	7-1-2016
461-190-0360	11-30-2015	Amend(T)	1-1-2016	543-020-0030	1-11-2016	Suspend	2-1-2016
461-190-0360	4-1-2016	Amend	5-1-2016	543-020-0030	6-13-2016	Repeal	7-1-2016
461-190-0360	10-1-2016	Amend	11-1-2016	543-020-0050	1-11-2016	Adopt(T)	2-1-2016
461-190-0360(T)	4-1-2016	Repeal	5-1-2016	543-020-0050	6-13-2016	Adopt	7-1-2016
461-190-0406	4-1-2016	Amend	5-1-2016	543-020-0055	1-11-2016	Adopt(T)	2-1-2016
461-190-0500	2-5-2016	Adopt(T)	3-1-2016	543-020-0055	6-13-2016	Adopt	7-1-2016
461-190-0500	4-1-2016	Adopt	5-1-2016	543-020-0060	1-11-2016	Adopt(T)	2-1-2016
461-190-0500(T)	4-1-2016	Repeal	5-1-2016	543-020-0060	6-13-2016	Adopt	7-1-2016
461-193-0010	7-1-2016	Repeal	8-1-2016	543-020-0070	1-11-2016	Adopt(T)	2-1-2016
461-193-0031	10-1-2016	Amend	11-1-2016	543-020-0070	6-13-2016	Adopt	7-1-2016
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



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573-076-0000	9-1-2016	Repeal	10-1-2016	575-035-0025	12-18-2015	Amend	2-1-2016
573-076-0010	9-1-2016	Repeal	10-1-2016	575-035-0030	12-18-2015	Amend	2-1-2016
573-076-0020	9-1-2016	Repeal	10-1-2016	575-035-0040	12-18-2015	Amend	2-1-2016
573-076-0030	9-1-2016	Repeal	10-1-2016	575-035-0045	12-18-2015	Amend	2-1-2016
573-076-0040	9-1-2016	Repeal	10-1-2016	575-035-0046	12-18-2015	Amend	2-1-2016
573-076-0050	9-1-2016	Repeal	10-1-2016	575-035-0050	12-18-2015	Amend	2-1-2016
573-076-0060	9-1-2016	Repeal	10-1-2016	575-035-0051	12-18-2015	Amend	2-1-2016
573-076-0070	9-1-2016	Repeal	10-1-2016	575-035-0055	12-18-2015	Amend	2-1-2016
573-076-0080	9-1-2016	Repeal	10-1-2016	575-037-0005	12-18-2015	Amend	2-1-2016
573-076-0090	9-1-2016	Repeal	10-1-2016	575-037-0010	12-18-2015	Amend	2-1-2016
573-076-0100	9-1-2016	Repeal	10-1-2016	575-037-0020	12-18-2015	Amend	2-1-2016
573-076-0110	9-1-2016	Repeal	10-1-2016	575-037-0030	12-18-2015	Amend	2-1-2016
573-076-0120	9-1-2016	Repeal	10-1-2016	575-037-0040	12-18-2015	Amend	2-1-2016
573-076-0130	9-1-2016	Repeal	10-1-2016	575-038-0000	12-18-2015	Amend	2-1-2016
573-080-0005	9-1-2016	Repeal	10-1-2016	575-038-0010	12-18-2015	Amend	2-1-2016
573-080-0025	9-1-2016	Repeal	10-1-2016	575-038-0020	12-18-2015	Amend	2-1-2016
573-095-0000	9-1-2016	Repeal	10-1-2016	575-038-0030	12-18-2015	Amend	2-1-2016
573-095-0005	9-1-2016	Repeal	10-1-2016	575-038-0040	12-18-2015	Amend	2-1-2016
573-095-0010	9-1-2016	Repeal	10-1-2016	575-039-0010	4-21-2016	Adopt	6-1-2016
575-001-0000	12-18-2015	Amend	2-1-2016	575-039-0020	4-21-2016	Adopt	6-1-2016
575-001-0005	12-18-2015	Amend	2-1-2016	575-039-0030	4-21-2016	Adopt	6-1-2016
575-001-0010	12-18-2015	Amend	2-1-2016	575-039-0040	4-21-2016	Adopt	6-1-2016
575-001-0015	12-18-2015	Amend	2-1-2016	575-039-0050	4-21-2016	Adopt	6-1-2016
575-001-0030	12-18-2015	Amend	2-1-2016	575-039-0060	4-21-2016	Adopt	6-1-2016
575-001-0035	12-18-2015	Amend	2-1-2016	575-039-0070	4-21-2016	Adopt	6-1-2016
575-007-0210	12-18-2015	Amend	2-1-2016	575-039-0080	4-21-2016	Adopt	6-1-2016
575-007-0240	12-18-2015	Amend	2-1-2016	575-039-0090	4-21-2016	Adopt	6-1-2016
575-007-0280	12-18-2015	Amend	2-1-2016	575-039-0100	4-21-2016	Adopt	6-1-2016
575-007-0310	12-18-2015	Amend	2-1-2016	575-039-0110	4-21-2016	Adopt	6-1-2016
575-007-0330	12-18-2015	Amend	2-1-2016	575-039-0120	4-21-2016	Adopt	6-1-2016
575-007-0340	12-18-2015	Amend	2-1-2016	575-039-0140	4-21-2016	Adopt	6-1-2016
575-007-0380	12-18-2015	Amend	2-1-2016	575-039-0150	4-21-2016	Adopt	6-1-2016
575-030-0005	12-18-2015	Amend	2-1-2016	575-045-0005	12-18-2015	Amend	2-1-2016
575-030-0005	4-21-2016	Amend	6-1-2016	575-050-0005	12-18-2015	Amend	2-1-2016
575-031-0005	12-18-2015	Amend	2-1-2016	575-050-0010	12-18-2015	Amend	2-1-2016
575-031-0005	4-21-2016	Amend	6-1-2016	575-050-0015	12-18-2015	Amend	2-1-2016
575-031-0010	12-18-2015	Amend	2-1-2016	575-050-0020	12-18-2015	Amend	2-1-2016
575-031-0010	4-21-2016	Amend	6-1-2016	575-050-0025	12-18-2015	Amend	2-1-2016
575-031-0015	4-21-2016	Amend	6-1-2016	575-050-0030	12-18-2015	Amend	2-1-2016
575-031-0016	4-21-2016	Amend	6-1-2016	575-050-0035	12-18-2015	Amend	2-1-2016
575-031-0020	12-18-2015	Amend	2-1-2016	575-050-0040	12-18-2015	Amend	2-1-2016
575-031-0022	12-18-2015	Amend	2-1-2016	575-050-0042	12-18-2015	Amend	2-1-2016
575-031-0022	4-21-2016	Amend	6-1-2016	575-050-0045	12-18-2015	Amend	2-1-2016
575-031-0023	12-18-2015	Amend	2-1-2016	575-050-0050	12-18-2015	Amend	2-1-2016
575-031-0023	4-21-2016	Amend	6-1-2016	575-060-0005	12-18-2015	Amend	2-1-2016
575-031-0025	12-18-2015	Amend	2-1-2016	575-060-0020	12-18-2015	Amend	2-1-2016
575-031-0025	4-21-2016	Amend	6-1-2016	575-063-0010	12-18-2015	Amend	2-1-2016
575-031-0030	4-21-2016	Amend	6-1-2016	575-065-0001	12-18-2015	Amend	2-1-2016
575-031-0045	12-18-2015	Amend	2-1-2016	575-065-0045	12-18-2015	Amend	2-1-2016
575-031-0045	4-21-2016	Amend	6-1-2016	575-065-0055	12-18-2015	Amend	2-1-2016
575-031-0046	4-21-2016	Amend	6-1-2016	575-070-0005	12-18-2015	Amend	2-1-2016
575-031-0060	4-21-2016	Adopt	6-1-2016	575-070-0010	12-18-2015	Amend	2-1-2016
575-035-0005	12-18-2015	Amend	2-1-2016	575-070-0020	12-18-2015	Amend	2-1-2016
575-035-0010	12-18-2015	Amend	2-1-2016	575-070-0030	12-18-2015	Amend	2-1-2016
575-035-0015	12-18-2015	Amend	2-1-2016	575-070-0040	12-18-2015	Amend	2-1-2016
575-035-0020	12-18-2015	Amend	2-1-2016	575-070-0045	12-18-2015	Amend	2-1-2016



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575-070-0050	12-18-2015	Amend	2-1-2016	581-017-0291	12-18-2015	Adopt	2-1-2016
575-070-0060	12-18-2015	Amend	2-1-2016	581-017-0294	12-18-2015	Adopt	2-1-2016
575-070-0070	12-18-2015	Amend	2-1-2016	581-017-0297	12-18-2015	Adopt	2-1-2016
575-070-0080	12-18-2015	Amend	2-1-2016	581-017-0301	12-28-2015	Amend(T)	2-1-2016
575-070-0090	12-18-2015	Amend	2-1-2016	581-017-0301	5-17-2016	Amend	7-1-2016
575-071-0000	12-18-2015	Amend	2-1-2016	581-017-0301	11-1-2016	Amend	12-1-2016
575-071-0040	12-18-2015	Amend	2-1-2016	581-017-0302	11-1-2016	Adopt	12-1-2016
575-072-0000	12-18-2015	Amend	2-1-2016	581-017-0306	11-1-2016	Amend	12-1-2016
575-072-0010	12-18-2015	Amend	2-1-2016	581-017-0309	12-28-2015	Amend(T)	2-1-2016
575-072-0040	12-18-2015	Amend	2-1-2016	581-017-0309	11-1-2016	Amend	12-1-2016
575-072-0050	12-18-2015	Amend	2-1-2016	581-017-0312	5-17-2016	Amend	7-1-2016
575-072-0060	12-18-2015	Amend	2-1-2016	581-017-0312	11-1-2016	Amend	12-1-2016
575-072-0080	12-18-2015	Amend	2-1-2016	581-017-0315	11-1-2016	Amend	12-1-2016
575-072-0090	12-18-2015	Amend	2-1-2016	581-017-0318	12-28-2015	Amend(T)	2-1-2016
575-073-0000	12-18-2015	Amend	2-1-2016	581-017-0318	5-17-2016	Amend	7-1-2016
575-074-0000	12-18-2015	Amend	2-1-2016	581-017-0318	11-1-2016	Amend	12-1-2016
575-075-0001	12-18-2015	Amend	2-1-2016	581-017-0321	12-28-2015	Amend(T)	2-1-2016
575-075-0005	12-18-2015	Amend	2-1-2016	581-017-0321	3-22-2016	Amend	5-1-2016
575-075-0007	12-18-2015	Amend	2-1-2016	581-017-0324	12-28-2015	Amend(T)	2-1-2016
575-075-0008	12-18-2015	Amend	2-1-2016	581-017-0324	3-22-2016	Amend	5-1-2016
575-075-0010	12-18-2015	Amend	2-1-2016	581-017-0327	12-28-2015	Amend(T)	2-1-2016
575-075-0030	12-18-2015	Amend	2-1-2016	581-017-0327	3-22-2016	Amend	5-1-2016
575-075-0040	12-18-2015	Amend	2-1-2016	581-017-0330	12-28-2015	Amend(T)	2-1-2016
575-075-0043	12-18-2015	Amend	2-1-2016	581-017-0330	3-22-2016	Amend	5-1-2016
575-075-0044	12-18-2015	Amend	2-1-2016	581-017-0333	12-28-2015	Amend(T)	2-1-2016
575-075-0045	12-18-2015	Amend	2-1-2016	581-017-0333	3-22-2016	Amend	5-1-2016
575-075-0046	12-18-2015	Amend	2-1-2016	581-017-0335	5-17-2016	Amend	7-1-2016
575-075-0047	12-18-2015	Amend	2-1-2016	581-017-0347	5-17-2016	Amend	7-1-2016
575-075-0049	12-18-2015	Amend	2-1-2016	581-017-0350	2-5-2016	Amend	3-1-2016
575-075-0050	12-18-2015	Amend	2-1-2016	581-017-0353	2-5-2016	Amend	3-1-2016
575-075-0055	12-18-2015	Amend	2-1-2016	581-017-0356	2-5-2016	Amend	3-1-2016
575-076-0010	12-18-2015	Amend	2-1-2016	581-017-0359	2-5-2016	Amend	3-1-2016
575-080-0100	12-18-2015	Amend	2-1-2016	581-017-0362	2-5-2016	Amend	3-1-2016
575-085-0000	12-18-2015	Amend	2-1-2016	581-017-0365	4-7-2016	Adopt	5-1-2016
575-085-0020	12-18-2015	Amend	2-1-2016	581-017-0367	4-7-2016	Adopt	5-1-2016
575-085-0030	12-18-2015	Amend	2-1-2016	581-017-0369	4-7-2016	Adopt	5-1-2016
575-085-0040	12-18-2015	Amend	2-1-2016	581-017-0371	4-7-2016	Adopt	5-1-2016
575-085-0050	12-18-2015	Amend	2-1-2016	581-017-0373	4-7-2016	Adopt	5-1-2016
575-085-0060	12-18-2015	Amend	2-1-2016	581-017-0375	4-7-2016	Adopt	5-1-2016
575-085-0070	12-18-2015	Amend	2-1-2016	581-017-0380	2-5-2016	Adopt	3-1-2016
575-090-0020	12-18-2015	Amend	2-1-2016	581-017-0383	2-5-2016	Adopt	3-1-2016
575-090-0030	12-18-2015	Amend	2-1-2016	581-017-0386	2-5-2016	Adopt	3-1-2016
575-090-0040	12-18-2015	Amend	2-1-2016	581-017-0389	2-5-2016	Adopt	3-1-2016
575-090-0050	12-18-2015	Amend	2-1-2016	581-017-0392	2-5-2016	Adopt	3-1-2016
575-095-0005	12-18-2015	Amend	2-1-2016	581-017-0395	2-5-2016	Adopt	3-1-2016
581-001-0002	4-7-2016	Amend	5-1-2016	581-017-0432	2-5-2016	Adopt	3-1-2016
581-005-0001	4-7-2016	Repeal	5-1-2016	581-017-0432	11-1-2016	Amend	12-1-2016
581-011-0080	7-18-2016	Amend	9-1-2016	581-017-0435	2-5-2016	Adopt	3-1-2016
581-015-2200	12-21-2015	Amend	2-1-2016	581-017-0435	11-1-2016	Amend	12-1-2016
581-015-2572	11-1-2016	Amend	12-1-2016	581-017-0438	2-5-2016	Adopt	3-1-2016
581-015-2595	12-18-2015	Amend	2-1-2016	581-017-0438	11-1-2016	Amend	12-1-2016
581-015-2930	12-22-2015	Amend	2-1-2016	581-017-0441	2-5-2016	Adopt	3-1-2016
581-017-0010	5-17-2016	Amend	7-1-2016	581-017-0441	11-1-2016	Amend	12-1-2016
581-017-0020	5-17-2016	Amend	7-1-2016	581-017-0444	2-5-2016	Adopt	3-1-2016
581-017-0215	5-17-2016	Amend	7-1-2016	581-017-0444	11-1-2016	Amend	12-1-2016
581-017-0287	12-18-2015	Adopt	2-1-2016	581-017-0447	2-5-2016	Adopt	3-1-2016

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581-017-0450	2-5-2016	Adopt	3-1-2016	581-019-0049	5-3-2016	Adopt	6-1-2016
581-017-0453	2-5-2016	Adopt	3-1-2016	581-020-0530	12-28-2015	Adopt(T)	2-1-2016
581-017-0456	2-5-2016	Adopt	3-1-2016	581-020-0531	3-22-2016	Adopt	5-1-2016
581-017-0459	2-5-2016	Adopt	3-1-2016	581-020-0533	12-28-2015	Adopt(T)	2-1-2016
581-017-0462	2-5-2016	Adopt	3-1-2016	581-020-0534	3-22-2016	Adopt	5-1-2016
581-017-0465	12-28-2015	Adopt(T)	2-1-2016	581-020-0536	12-28-2015	Adopt(T)	2-1-2016
581-017-0466	3-22-2016	Adopt	5-1-2016	581-020-0537	3-22-2016	Adopt	5-1-2016
581-017-0469	12-28-2015	Adopt(T)	2-1-2016	581-020-0539	12-28-2015	Adopt(T)	2-1-2016
581-017-0470	3-22-2016	Adopt	5-1-2016	581-020-0540	3-22-2016	Adopt	5-1-2016
581-017-0473	12-28-2015	Adopt(T)	2-1-2016	581-020-0541	12-28-2015	Adopt(T)	2-1-2016
581-017-0474	3-22-2016	Adopt	5-1-2016	581-020-0542	3-22-2016	Adopt	5-1-2016
581-017-0477	12-28-2015	Adopt(T)	2-1-2016	581-020-0600	2-5-2016	Adopt	3-1-2016
581-017-0478	3-22-2016	Adopt	5-1-2016	581-020-0603	2-5-2016	Adopt	3-1-2016
581-017-0481	12-28-2015	Adopt(T)	2-1-2016	581-020-0606	2-5-2016	Adopt	3-1-2016
581-017-0482	3-22-2016	Adopt	5-1-2016	581-020-0609	2-5-2016	Adopt	3-1-2016
581-017-0485	12-28-2015	Adopt(T)	2-1-2016	581-020-0612	2-5-2016	Adopt	3-1-2016
581-017-0486	3-22-2016	Adopt	5-1-2016	581-020-0615	2-5-2016	Adopt	3-1-2016
581-017-0550	6-15-2016	Adopt	7-1-2016	581-021-0017	6-15-2016	Adopt	7-1-2016
581-017-0553	6-15-2016	Adopt	7-1-2016	581-021-0019	9-6-2016	Amend	10-1-2016
581-017-0556	6-15-2016	Adopt	7-1-2016	581-021-0026	7-18-2016	Amend	9-1-2016
581-017-0559	6-15-2016	Adopt	7-1-2016	581-021-0029	7-18-2016	Amend	9-1-2016
581-017-0562	6-15-2016	Adopt	7-1-2016	581-021-0037	3-22-2016	Amend	5-1-2016
581-017-0565	6-15-2016	Adopt	7-1-2016	581-021-0043	2-5-2016	Adopt	3-1-2016
581-018-0010	5-17-2016	Amend	7-1-2016	581-021-0043	4-28-2016	Amend	6-1-2016
581-018-0020	5-17-2016	Amend	7-1-2016	581-021-0047	3-22-2016	Amend	5-1-2016
581-018-0110	2-5-2016	Amend	3-1-2016	581-021-0065	2-5-2016	Amend	3-1-2016
581-018-0110	5-17-2016	Amend	7-1-2016	581-021-0070	2-5-2016	Amend	3-1-2016
581-018-0110	11-1-2016	Amend	12-1-2016	581-021-0077	2-5-2016	Amend	3-1-2016
581-018-0120	2-5-2016	Amend	3-1-2016	581-021-0505	4-7-2016	Adopt	5-1-2016
581-018-0120	11-1-2016	Amend	12-1-2016	581-021-0576	7-18-2016	Adopt	9-1-2016
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581-018-0130	12-18-2015	Amend	2-1-2016	581-021-0579	7-18-2016	Adopt	9-1-2016
581-018-0145	12-18-2015	Amend	2-1-2016	581-021-0580	4-28-2016	Adopt	6-1-2016
581-018-0148	12-18-2015	Amend	2-1-2016	581-021-0582	4-28-2016	Adopt	6-1-2016
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581-018-0336	5-17-2016	Amend	7-1-2016	581-022-0610	12-21-2015	Amend	2-1-2016
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581-018-0575	5-17-2016	Amend	7-1-2016	581-022-1133	9-6-2016	Amend	10-1-2016
581-018-0584	5-17-2016	Amend	7-1-2016	581-022-1310	4-7-2016	Amend	5-1-2016
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581-019-0045	5-3-2016	Adopt	6-1-2016	581-023-0102	11-1-2016	Adopt	12-1-2016
581-019-0046	5-3-2016	Adopt	6-1-2016	581-023-0106	3-22-2016	Amend	5-1-2016
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581-026-0210	12-18-2015	Amend	2-1-2016	583-030-0051(T)	2-19-2016	Repeal	4-1-2016
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581-027-0015	4-28-2016	Adopt	6-1-2016	583-030-0054	2-19-2016	Adopt	4-1-2016
581-027-0020	4-28-2016	Adopt	6-1-2016	583-030-0054(T)	2-19-2016	Repeal	4-1-2016
581-027-0025	4-28-2016	Adopt	6-1-2016	583-030-0056	2-19-2016	Adopt	4-1-2016
581-027-0030	7-20-2016	Adopt	9-1-2016	583-030-0056(T)	2-19-2016	Repeal	4-1-2016
581-027-0035	7-20-2016	Adopt	9-1-2016	583-050-0006	2-19-2016	Amend	4-1-2016
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581-027-0045	7-20-2016	Adopt	9-1-2016	583-050-0011	2-19-2016	Amend	4-1-2016
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581-044-0250	12-18-2015	Amend	2-1-2016	583-050-0014	2-19-2016	Amend	4-1-2016
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583-001-0005	2-19-2016	Amend	4-1-2016	583-050-0016(T)	2-19-2016	Repeal	4-1-2016
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583-030-0016	2-19-2016	Amend	4-1-2016	584-010-0125	7-1-2016	Adopt(T)	8-1-2016
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583-030-0020	2-19-2016	Amend	4-1-2016	584-018-0110	1-1-2016	Suspend	2-1-2016
583-030-0020(T)	2-19-2016	Repeal	4-1-2016	584-018-0110	4-15-2016	Repeal	5-1-2016
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583-030-0046	2-19-2016	Amend	4-1-2016	584-040-0200	2-10-2016	Repeal	3-1-2016
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584-040-0243	2-10-2016	Repeal	3-1-2016	584-100-0061	4-15-2016	Repeal	5-1-2016
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584-220-0080	11-15-2016	Amend	12-1-2016	584-420-0425	2-10-2016	Adopt	3-1-2016
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584-220-0090	2-10-2016	Amend	3-1-2016	584-420-0440	9-1-2016	Amend(T)	10-1-2016
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584-220-0165	2-10-2016	Amend	3-1-2016	603-011-0212	4-5-2016	Amend	5-1-2016
584-220-0170	2-10-2016	Amend	3-1-2016	603-012-0210	4-29-2016	Amend	6-1-2016
584-220-0175	2-10-2016	Amend	3-1-2016	603-012-0220	4-29-2016	Amend	6-1-2016
584-220-0180	2-10-2016	Amend	3-1-2016	603-012-0230	4-29-2016	Amend	6-1-2016
584-220-0185	2-10-2016	Amend	3-1-2016	603-012-0240	4-29-2016	Amend	6-1-2016
584-220-0190	2-10-2016	Amend	3-1-2016	603-012-0250	4-29-2016	Adopt	6-1-2016
584-220-0195	2-10-2016	Amend	3-1-2016	603-024-0017	6-20-2016	Amend	8-1-2016
584-220-0200	2-10-2016	Amend	3-1-2016	603-024-0041	6-20-2016	Amend	8-1-2016
584-220-0205	2-10-2016	Amend	3-1-2016	603-024-0211	6-20-2016	Amend	8-1-2016
584-220-0210	2-10-2016	Amend	3-1-2016	603-024-0594	6-20-2016	Amend	8-1-2016
584-220-0215	2-10-2016	Amend	3-1-2016	603-024-0641	6-20-2016	Amend	8-1-2016
584-220-0220	2-10-2016	Amend	3-1-2016	603-025-0150	2-9-2016	Amend	3-1-2016
584-220-0225	2-10-2016	Amend	3-1-2016	603-025-0151	2-9-2016	Adopt	3-1-2016
584-220-0230	2-10-2016	Amend	3-1-2016	603-025-0152	2-9-2016	Adopt	3-1-2016
584-225-0010	2-10-2016	Adopt	3-1-2016	603-025-0190	12-2-2015	Amend	1-1-2016
584-225-0020	2-10-2016	Adopt	3-1-2016	603-025-0315	5-19-2016	Adopt	7-1-2016
584-225-0030	2-10-2016	Adopt	3-1-2016	603-025-0320	5-19-2016	Adopt	7-1-2016
584-225-0040	2-10-2016	Adopt	3-1-2016	603-025-0325	5-19-2016	Adopt	7-1-2016
584-225-0050	2-10-2016	Adopt	3-1-2016	603-025-0330	5-19-2016	Adopt	7-1-2016
584-225-0070	2-10-2016	Adopt	3-1-2016	603-027-0410	8-4-2016	Amend	9-1-2016
584-225-0090	2-10-2016	Adopt	3-1-2016	603-027-0420	8-4-2016	Amend	9-1-2016
584-225-0100	2-10-2016	Adopt	3-1-2016	603-027-0430	8-4-2016	Amend	9-1-2016
584-255-0010	2-10-2016	Amend	3-1-2016	603-027-0450	8-4-2016	Amend	9-1-2016
584-255-0030	2-10-2016	Amend	3-1-2016	603-027-0470	8-4-2016	Amend	9-1-2016
584-420-0010	2-10-2016	Adopt	3-1-2016	603-027-0490	8-4-2016	Amend	9-1-2016
584-420-0015	9-1-2016	Adopt(T)	10-1-2016	603-048-0010	5-3-2016	Amend(T)	6-1-2016
584-420-0016	9-1-2016	Adopt(T)	10-1-2016	603-048-0010	10-28-2016	Amend	12-1-2016
584-420-0016	11-9-2016	Amend(T)	12-1-2016	603-048-0050	5-3-2016	Suspend	6-1-2016
584-420-0020	2-10-2016	Adopt	3-1-2016	603-048-0050	10-28-2016	Repeal	12-1-2016
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584-420-0040	2-10-2016	Adopt	3-1-2016	603-048-0100	10-28-2016	Amend	12-1-2016
584-420-0300	2-10-2016	Adopt	3-1-2016	603-048-0110	5-3-2016	Suspend	6-1-2016
584-420-0310	2-10-2016	Adopt	3-1-2016	603-048-0110	10-28-2016	Repeal	12-1-2016
584-420-0345	2-10-2016	Adopt	3-1-2016	603-048-0200	1-29-2016	Amend(T)	3-1-2016
584-420-0345	9-1-2016	Amend(T)	10-1-2016	603-048-0200	5-3-2016	Amend(T)	6-1-2016
584-420-0360	2-10-2016	Adopt	3-1-2016	603-048-0200	10-28-2016	Amend	12-1-2016
584-420-0365	2-10-2016	Adopt	3-1-2016	603-048-0250	5-3-2016	Suspend	6-1-2016
584-420-0375	2-10-2016	Adopt	3-1-2016	603-048-0250	10-28-2016	Repeal	12-1-2016

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603-048-0400	5-3-2016	Amend(T)	6-1-2016	629-025-0050	3-11-2016	Amend	4-1-2016
603-048-0400	10-28-2016	Amend	12-1-2016	629-025-0060	3-11-2016	Amend	4-1-2016
603-048-0500	5-3-2016	Amend(T)	6-1-2016	629-025-0070	3-11-2016	Amend	4-1-2016
603-048-0500	10-28-2016	Amend	12-1-2016	629-025-0080	3-11-2016	Amend	4-1-2016
603-048-0600	1-29-2016	Amend(T)	3-1-2016	629-025-0090	3-11-2016	Adopt	4-1-2016
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603-048-0600	10-28-2016	Amend	12-1-2016	629-025-0099	3-11-2016	Adopt	4-1-2016
603-048-0650	5-3-2016	Adopt(T)	6-1-2016	629-170-0001	7-1-2016	Adopt	7-1-2016
603-048-0650	10-28-2016	Amend	12-1-2016	629-170-0005	7-1-2016	Adopt	7-1-2016
603-048-0700	5-3-2016	Amend(T)	6-1-2016	629-170-0010	7-1-2016	Adopt	7-1-2016
603-048-0700	10-28-2016	Amend	12-1-2016	629-170-0015	7-1-2016	Adopt	7-1-2016
603-048-0800	5-3-2016	Amend(T)	6-1-2016	629-170-0020	7-1-2016	Adopt	7-1-2016
603-048-0800	10-28-2016	Amend	12-1-2016	629-170-0025	7-1-2016	Adopt	7-1-2016
603-048-0900	5-3-2016	Amend(T)	6-1-2016	629-170-0030	7-1-2016	Adopt	7-1-2016
603-048-0900	10-28-2016	Amend	12-1-2016	629-170-0035	7-1-2016	Adopt	7-1-2016
603-048-1000	5-3-2016	Amend(T)	6-1-2016	629-170-0040	7-1-2016	Adopt	7-1-2016
603-048-1000	10-28-2016	Amend	12-1-2016	632-030-0016	1-14-2016	Amend(T)	2-1-2016
603-052-0052	11-18-2015	Adopt(T)	1-1-2016	632-030-0016	6-27-2016	Amend	8-1-2016
603-052-0347	2-12-2016	Amend	3-1-2016	632-030-0016(T)	6-27-2016	Repeal	8-1-2016
603-052-0385	2-12-2016	Amend	3-1-2016	632-030-0022	1-14-2016	Amend(T)	2-1-2016
603-052-0862	8-16-2016	Amend	10-1-2016	632-030-0022	6-27-2016	Amend	8-1-2016
603-052-0870	8-16-2016	Amend	10-1-2016	632-030-0022(T)	6-27-2016	Repeal	8-1-2016
603-052-1200	7-26-2016	Amend	9-1-2016	635-001-0030	12-9-2015	Adopt	1-1-2016
603-054-0014	4-29-2016	Adopt	6-1-2016	635-001-0210	4-27-2016	Amend	6-1-2016
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
603-054-0018	4-29-2016	Amend	6-1-2016	635-003-0085	4-25-2016	Amend	6-1-2016
603-055-0100	4-5-2016	Amend	5-1-2016	635-003-0085	10-26-2016	Amend(T)	12-1-2016
603-055-0200	4-5-2016	Adopt	5-1-2016	635-004-0215	1-19-2016	Amend	3-1-2016
603-056-0095	4-15-2016	Amend	5-1-2016	635-004-0275	11-25-2015	Amend(T)	1-1-2016
603-057-0107	1-1-2016	Adopt(T)	1-1-2016	635-004-0275	1-19-2016	Amend	3-1-2016
603-057-0108	6-28-2016	Adopt	8-1-2016	635-004-0275	7-5-2016	Amend(T)	8-1-2016
603-057-0155	1-1-2016	Adopt(T)	1-1-2016	635-004-0275	9-15-2016	Amend(T)	10-1-2016
603-057-0157	1-1-2016	Adopt(T)	1-1-2016	635-004-0275(T)	11-25-2015	Suspend	1-1-2016
603-057-0502	2-26-2016	Amend	4-1-2016	635-004-0275(T)	9-15-2016	Suspend	10-1-2016
603-057-0529	2-26-2016	Adopt	4-1-2016	635-004-0295	1-19-2016	Amend	3-1-2016
603-057-0530	2-26-2016	Amend	4-1-2016	635-004-0300	1-19-2016	Amend	3-1-2016
603-057-0531	2-26-2016	Adopt	4-1-2016	635-004-0340	1-19-2016	Amend	3-1-2016
603-057-0532	2-26-2016	Amend	4-1-2016	635-004-0350	1-19-2016	Amend	3-1-2016
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603-059-0050	7-1-2016	Amend	8-1-2016	635-004-0355	9-15-2016	Amend(T)	10-1-2016
603-059-0055	7-1-2016	Amend	8-1-2016	635-004-0355	11-10-2016	Amend(T)	12-1-2016
603-059-0060	7-1-2016	Adopt	8-1-2016	635-004-0355(T)	9-15-2016	Suspend	10-1-2016
603-059-0070	7-1-2016	Amend	8-1-2016	635-004-0355(T)	11-10-2016	Suspend	12-1-2016
603-059-0080	7-1-2016	Amend	8-1-2016	635-004-0360	1-19-2016	Amend	3-1-2016
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629-025-0020	3-11-2016	Amend	4-1-2016	635-004-0378	6-13-2016	Adopt	7-1-2016
629-025-0021	3-11-2016	Adopt	4-1-2016	635-004-0379	6-13-2016	Adopt	7-1-2016
629-025-0022	3-11-2016	Adopt	4-1-2016	635-004-0425	6-13-2016	Repeal	7-1-2016

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635-004-0440	6-13-2016	Repeal	7-1-2016	635-011-0100	4-1-2016	Amend(T)	5-1-2016
635-004-0555	6-13-2016	Amend	7-1-2016	635-011-0100	8-10-2016	Amend	9-1-2016
635-004-0585	4-26-2016	Amend	6-1-2016	635-011-0100(T)	8-10-2016	Repeal	9-1-2016
635-005-0290	1-1-2016	Amend	1-1-2016	635-011-0102	11-23-2016	Amend(T)	12-1-2016
635-005-0305	1-1-2016	Amend	1-1-2016	635-011-0104	11-23-2016	Amend(T)	12-1-2016
635-005-0310	1-1-2016	Amend	1-1-2016	635-012-0090	6-13-2016	Amend	7-1-2016
635-005-0350	1-1-2016	Amend	1-1-2016	635-012-0100	6-13-2016	Amend	7-1-2016
635-005-0355	1-1-2016	Amend	1-1-2016	635-013-0003	4-25-2016	Amend	6-1-2016
635-005-0355	2-23-2016	Amend(T)	4-1-2016	635-013-0004	1-1-2016	Amend	2-1-2016
635-005-0385	1-1-2016	Amend	1-1-2016	635-013-0007	4-25-2016	Amend	6-1-2016
635-005-0387	1-1-2016	Adopt	1-1-2016	635-014-0080	1-1-2016	Amend	2-1-2016
635-005-0387	9-16-2016	Amend(T)	10-1-2016	635-014-0090	1-1-2016	Amend	2-1-2016
635-005-0465	11-20-2015	Amend(T)	1-1-2016	635-014-0090	4-1-2016	Amend(T)	5-1-2016
635-005-0465	1-1-2016	Amend(T)	2-1-2016	635-014-0090	5-1-2016	Amend(T)	6-1-2016
635-005-0465(T)	1-1-2016	Suspend	2-1-2016	635-014-0090	8-1-2016	Amend(T)	9-1-2016
635-005-0705	10-17-2016	Amend(T)	12-1-2016	635-014-0090	8-4-2016	Amend(T)	9-1-2016
635-005-0705	10-17-2016	Suspend	12-1-2016	635-014-0090	8-10-2016	Amend	9-1-2016
635-005-0790	4-1-2016	Amend	5-1-2016	635-014-0090	10-1-2016	Amend(T)	11-1-2016
635-005-0795	4-1-2016	Amend	5-1-2016	635-014-0090	10-1-2016	Amend(T)	11-1-2016
635-005-0800	4-1-2016	Amend	5-1-2016	635-014-0090(T)	5-1-2016	Suspend	6-1-2016
635-005-0805	4-1-2016	Amend	5-1-2016	635-014-0090(T)	8-1-2016	Suspend	9-1-2016
635-005-0810	4-1-2016	Amend	5-1-2016	635-014-0090(T)	8-4-2016	Suspend	9-1-2016
635-005-0815	4-1-2016	Amend	5-1-2016	635-014-0090(T)	8-10-2016	Repeal	9-1-2016
635-005-0820	4-1-2016	Amend	5-1-2016	635-014-0090(T)	10-1-2016	Suspend	11-1-2016
635-005-0825	4-1-2016	Amend	5-1-2016	635-016-0080	1-1-2016	Amend	2-1-2016
635-005-0830	4-1-2016	Amend	5-1-2016	635-016-0090	1-1-2016	Amend	2-1-2016
635-005-0835	4-1-2016	Amend	5-1-2016	635-016-0090	4-1-2016	Amend(T)	5-1-2016
635-005-0840	4-1-2016	Amend	5-1-2016	635-016-0090	5-11-2016	Amend(T)	6-1-2016
635-005-0845	4-1-2016	Amend	5-1-2016	635-016-0090	8-4-2016	Amend(T)	9-1-2016
635-005-0920	6-3-2016	Amend(T)	7-1-2016	635-016-0090	8-10-2016	Amend	9-1-2016
635-005-0931	6-13-2016	Adopt	7-1-2016	635-016-0090(T)	5-11-2016	Suspend	6-1-2016
635-005-0932	6-13-2016	Adopt	7-1-2016	635-016-0090(T)	8-4-2016	Suspend	9-1-2016
635-005-0933	6-13-2016	Adopt	7-1-2016	635-016-0090(T)	8-10-2016	Repeal	9-1-2016
635-006-0136	6-13-2016	Adopt	7-1-2016	635-017-0080	1-1-2016	Amend	2-1-2016
635-006-0210	2-1-2016	Amend(T)	3-1-2016	635-017-0090	1-1-2016	Amend	2-1-2016
635-006-0210	7-29-2016	Amend(T)	8-1-2016	635-017-0090	4-1-2016	Amend(T)	5-1-2016
635-006-0210(T)	7-29-2016	Suspend	8-1-2016	635-017-0090	4-8-2016	Amend(T)	5-1-2016
635-006-0212	5-18-2016	Amend(T)	7-1-2016	635-017-0090	6-9-2016	Amend(T)	7-1-2016
635-006-0215	5-18-2016	Amend(T)	7-1-2016	635-017-0090	6-16-2016	Amend(T)	7-1-2016
635-006-0225	5-18-2016	Amend(T)	7-1-2016	635-017-0090	8-10-2016	Amend	9-1-2016
635-006-0232	1-19-2016	Amend	3-1-2016	635-017-0090(T)	4-8-2016	Suspend	5-1-2016
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635-008-0123	11-25-2015	Amend	1-1-2016	635-019-0090	1-1-2016	Amend	2-1-2016
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635-008-0147	4-27-2016	Amend	6-1-2016	635-019-0090	5-28-2016	Amend(T)	7-1-2016
635-008-0155	4-27-2016	Amend	6-1-2016	635-019-0090	6-15-2016	Amend(T)	7-1-2016
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635-019-0090(T)	6-15-2016	Suspend	7-1-2016	635-023-0130(T)	11-5-2016	Suspend	12-1-2016
635-019-0090(T)	7-2-2016	Suspend	8-1-2016	635-023-0134	1-1-2016	Amend	2-1-2016
635-019-0090(T)	7-3-2016	Suspend	8-1-2016	635-023-0134	4-23-2016	Amend(T)	5-1-2016
635-019-0090(T)	7-18-2016	Suspend	9-1-2016	635-023-0134	6-2-2016	Amend(T)	7-1-2016
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635-021-0090	1-1-2016	Amend	2-1-2016	635-023-0134(T)	6-2-2016	Suspend	7-1-2016
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635-021-0090	8-10-2016	Amend	9-1-2016	635-039-0085	4-26-2016	Amend	6-1-2016
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635-021-0090(T)	6-8-2016	Suspend	7-1-2016	635-039-0085	6-8-2016	Amend(T)	7-1-2016
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635-023-0095	2-8-2016	Amend(T)	3-1-2016	635-039-0090	4-26-2016	Amend	6-1-2016
635-023-0095	4-30-2016	Amend(T)	6-1-2016	635-039-0090	4-26-2016	Amend(T)	6-1-2016
635-023-0095	5-1-2016	Amend(T)	6-1-2016	635-039-0090	7-14-2016	Amend(T)	8-1-2016
635-023-0095	5-29-2016	Amend(T)	7-1-2016	635-039-0090	8-10-2016	Amend	9-1-2016
635-023-0095	6-30-2016	Amend(T)	8-1-2016	635-039-0090	10-1-2016	Amend(T)	10-1-2016
635-023-0095(T)	4-30-2016	Suspend	6-1-2016	635-039-0090(T)	4-26-2016	Repeal	6-1-2016
635-023-0095(T)	5-1-2016	Suspend	6-1-2016	635-039-0090(T)	7-14-2016	Suspend	8-1-2016
635-023-0095(T)	5-29-2016	Suspend	7-1-2016	635-039-0090(T)	8-10-2016	Repeal	9-1-2016
635-023-0095(T)	6-30-2016	Suspend	8-1-2016	635-041-0030	9-15-2016	Amend(T)	10-1-2016
635-023-0125	1-1-2016	Amend	2-1-2016	635-041-0045	6-16-2016	Amend(T)	7-1-2016
635-023-0125	3-1-2016	Amend(T)	3-1-2016	635-041-0045	8-1-2016	Amend(T)	9-1-2016
635-023-0125	4-8-2016	Amend(T)	5-1-2016	635-041-0045	9-16-2016	Amend(T)	10-1-2016
635-023-0125	5-6-2016	Amend(T)	6-1-2016	635-041-0045(T)	8-1-2016	Suspend	9-1-2016
635-023-0125	5-13-2016	Amend(T)	6-1-2016	635-041-0045(T)	9-16-2016	Suspend	10-1-2016
635-023-0125	5-20-2016	Amend(T)	7-1-2016	635-041-0061	9-15-2016	Amend(T)	10-1-2016
635-023-0125	5-28-2016	Amend(T)	7-1-2016	635-041-0063	8-1-2016	Amend(T)	9-1-2016
635-023-0125	6-10-2016	Amend(T)	7-1-2016	635-041-0063	10-24-2016	Amend(T)	12-1-2016
635-023-0125	6-10-2016	Suspend	7-1-2016	635-041-0065	2-1-2016	Amend(T)	3-1-2016
635-023-0125(T)	4-8-2016	Suspend	5-1-2016	635-041-0065	2-12-2016	Amend(T)	3-1-2016
635-023-0125(T)	5-6-2016	Suspend	6-1-2016	635-041-0065	2-19-2016	Amend(T)	4-1-2016
635-023-0125(T)	5-13-2016	Suspend	6-1-2016	635-041-0065	2-26-2016	Amend(T)	4-1-2016
635-023-0125(T)	5-20-2016	Suspend	7-1-2016	635-041-0065	3-5-2016	Amend(T)	4-1-2016
635-023-0125(T)	5-28-2016	Suspend	7-1-2016	635-041-0065	5-16-2016	Amend(T)	6-1-2016
635-023-0128	1-1-2016	Amend	2-1-2016	635-041-0065	5-25-2016	Amend(T)	7-1-2016
635-023-0128	6-16-2016	Amend(T)	7-1-2016	635-041-0065	6-6-2016	Amend(T)	7-1-2016
635-023-0130	1-1-2016	Amend	2-1-2016	635-041-0065(T)	2-12-2016	Suspend	3-1-2016
635-023-0130	8-1-2016	Amend(T)	9-1-2016	635-041-0065(T)	2-19-2016	Suspend	4-1-2016
635-023-0130	9-1-2016	Amend(T)	10-1-2016	635-041-0065(T)	2-26-2016	Suspend	4-1-2016
635-023-0130	9-6-2016	Amend(T)	10-1-2016	635-041-0065(T)	3-5-2016	Suspend	4-1-2016
635-023-0130	9-15-2016	Amend(T)	10-1-2016	635-041-0065(T)	5-25-2016	Suspend	7-1-2016
635-023-0130	9-15-2016	Amend(T)	10-1-2016	635-041-0065(T)	6-6-2016	Suspend	7-1-2016
635-023-0130	9-23-2016	Amend(T)	11-1-2016	635-041-0075	8-1-2016	Amend(T)	9-1-2016
635-023-0130	10-22-2016	Amend(T)	12-1-2016	635-041-0075	8-22-2016	Amend(T)	9-1-2016
635-023-0130	11-5-2016	Amend(T)	12-1-2016	635-041-0075	9-16-2016	Amend(T)	10-1-2016
635-023-0130(T)	9-1-2016	Suspend	10-1-2016	635-041-0075	9-23-2016	Amend(T)	11-1-2016
635-023-0130(T)	9-6-2016	Suspend	10-1-2016	635-041-0075	10-1-2016	Amend(T)	11-1-2016
635-023-0130(T)	9-15-2016	Suspend	10-1-2016	635-041-0075	10-10-2016	Amend(T)	11-1-2016



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635-041-0075	10-10-2016	Suspend(T)	11-1-2016	635-042-0145	8-1-2016	Amend(T)	9-1-2016
635-041-0075	10-17-2016	Amend(T)	11-1-2016	635-042-0145(T)	3-28-2016	Suspend	5-1-2016
635-041-0075	10-24-2016	Amend(T)	12-1-2016	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)	10-17-2016	Suspend	11-1-2016	635-042-0145(T)	5-31-2016	Suspend	7-1-2016
635-041-0075(T)	10-24-2016	Suspend	12-1-2016	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
635-042-0031(T)	9-27-2016	Suspend	11-1-2016	635-042-0180	2-8-2016	Amend(T)	3-1-2016
635-042-0100	10-3-2016	Amend(T)	11-1-2016	635-042-0180	3-28-2016	Amend(T)	5-1-2016
635-042-0130	2-1-2016	Amend(T)	3-1-2016	635-042-0180	4-21-2016	Amend(T)	6-1-2016
635-042-0145	2-8-2016	Amend(T)	3-1-2016	635-042-0180	8-1-2016	Amend(T)	9-1-2016
635-042-0145	3-28-2016	Amend(T)	5-1-2016	635-042-0180(T)	3-28-2016	Suspend	5-1-2016
635-042-0145	4-6-2016	Amend(T)	5-1-2016	635-042-0180(T)	4-21-2016	Suspend	6-1-2016
635-042-0145	4-13-2016	Amend(T)	5-1-2016	635-042-0180(T)	8-1-2016	Suspend	9-1-2016
635-042-0145	4-21-2016	Amend(T)	6-1-2016	635-043-0155	9-1-2016	Adopt(T)	10-1-2016
635-042-0145	5-11-2016	Amend(T)	6-1-2016	635-044-0200	12-9-2015	Repeal	1-1-2016
635-042-0145	5-23-2016	Amend(T)	7-1-2016	635-044-0205	12-9-2015	Repeal	1-1-2016
635-042-0145	5-31-2016	Amend(T)	7-1-2016	635-044-0210	12-9-2015	Repeal	1-1-2016
635-042-0145	6-7-2016	Amend(T)	7-1-2016	635-044-0215	12-9-2015	Repeal	1-1-2016

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635-044-0245	12-9-2015	Repeal	1-1-2016	635-065-0720	3-21-2016	Amend	5-1-2016
635-044-0250	12-9-2015	Repeal	1-1-2016	635-065-0735	3-21-2016	Amend	5-1-2016
635-044-0255	12-9-2015	Repeal	1-1-2016	635-065-0740	3-21-2016	Amend	5-1-2016
635-044-0280	12-9-2015	Repeal	1-1-2016	635-065-0760	3-21-2016	Amend	5-1-2016
635-044-0300	12-9-2015	Repeal	1-1-2016	635-065-0760	6-27-2016	Amend	8-1-2016
635-044-0305	12-9-2015	Repeal	1-1-2016	635-065-0765	2-25-2016	Amend(T)	4-1-2016
635-044-0310	12-9-2015	Repeal	1-1-2016	635-065-0765	3-21-2016	Amend	5-1-2016
635-045-0000	11-25-2015	Amend	1-1-2016	635-065-0765	6-27-2016	Amend	8-1-2016
635-045-0000	4-27-2016	Amend	6-1-2016	635-065-0765(T)	6-27-2016	Repeal	8-1-2016
635-045-0002	11-25-2015	Amend	1-1-2016	635-066-0000	3-21-2016	Amend	5-1-2016
635-047-0010	4-27-2016	Amend	6-1-2016	635-066-0010	6-27-2016	Amend	8-1-2016
635-050-0047	6-14-2016	Amend	7-1-2016	635-067-0000	3-21-2016	Amend	5-1-2016
635-050-0070	6-14-2016	Amend	7-1-2016	635-067-0000	6-27-2016	Amend	8-1-2016
635-050-0080	6-14-2016	Amend	7-1-2016	635-067-0027	12-1-2015	Amend(T)	1-1-2016
635-050-0090	6-14-2016	Amend	7-1-2016	635-067-0030	3-21-2016	Amend	5-1-2016
635-050-0100	6-14-2016	Amend	7-1-2016	635-067-0036	3-21-2016	Adopt	5-1-2016
635-050-0110	6-14-2016	Amend	7-1-2016	635-068-0000	3-21-2016	Amend	5-1-2016
635-050-0120	6-14-2016	Amend	7-1-2016	635-068-0000	6-27-2016	Amend	8-1-2016
635-050-0130	6-14-2016	Amend	7-1-2016	635-069-0000	3-21-2016	Amend	5-1-2016
635-050-0140	6-14-2016	Amend	7-1-2016	635-069-0000	6-27-2016	Amend	8-1-2016
635-050-0150	6-14-2016	Amend	7-1-2016	635-070-0000	4-6-2016	Amend	5-1-2016
635-050-0170	6-14-2016	Amend	7-1-2016	635-070-0000	6-27-2016	Amend	8-1-2016
635-050-0183	6-14-2016	Amend	7-1-2016	635-071-0000	4-6-2016	Amend	5-1-2016
635-050-0189	6-14-2016	Amend	7-1-2016	635-071-0000	6-27-2016	Amend	8-1-2016
635-051-0000	4-27-2016	Amend	6-1-2016	635-072-0000	3-21-2016	Amend	5-1-2016
635-052-0000	4-27-2016	Amend	6-1-2016	635-073-0000	3-21-2016	Amend	5-1-2016
635-053-0000	4-27-2016	Amend	6-1-2016	635-073-0000	5-10-2016	Amend(T)	6-1-2016
635-053-0005	8-8-2016	Amend(T)	9-1-2016	635-073-0000	6-27-2016	Amend	8-1-2016
635-054-0000	4-27-2016	Amend	6-1-2016	635-073-0000	6-27-2016	Repeal	8-1-2016
635-060-0000	11-25-2015	Amend	1-1-2016	635-073-0100	3-21-2016	Adopt	5-1-2016
635-060-0000	4-27-2016	Amend	6-1-2016	635-073-0100	6-27-2016	Amend	8-1-2016
635-060-0005	11-25-2015	Amend	1-1-2016	635-075-0020	3-21-2016	Amend	5-1-2016
635-060-0018	11-25-2015	Amend	1-1-2016	635-075-0020	9-30-2016	Amend(T)	11-1-2016
635-060-0046	10-26-2016	Amend(T)	12-1-2016	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
635-062-0030	12-9-2015	Adopt	1-1-2016	635-190-0010	8-9-2016	Amend	9-1-2016
635-062-0035	12-9-2015	Adopt	1-1-2016	635-200-0020	6-13-2016	Amend	7-1-2016
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
635-062-0055	12-9-2015	Adopt	1-1-2016	635-435-0005	12-9-2015	Amend	1-1-2016
635-062-0060	12-9-2015	Adopt	1-1-2016	635-435-0010	12-9-2015	Amend	1-1-2016
635-065-0001	3-21-2016	Amend	5-1-2016	635-435-0010	12-9-2015	Amend(T)	1-1-2016
635-065-0001	3-25-2016	Amend(T)	5-1-2016	635-435-0010	6-14-2016	Amend	7-1-2016
635-065-0001	6-27-2016	Amend	8-1-2016	635-435-0015	12-9-2015	Amend	1-1-2016
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635-065-0011	3-21-2016	Amend	5-1-2016	635-435-0025	12-9-2015	Amend	1-1-2016
635-065-0015	3-21-2016	Amend	5-1-2016	635-435-0030	12-9-2015	Repeal	1-1-2016
635-065-0090	3-21-2016	Amend	5-1-2016	635-435-0035	12-9-2015	Repeal	1-1-2016
635-065-0401	3-21-2016	Amend	5-1-2016	635-435-0040	12-9-2015	Amend	1-1-2016

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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
660-025-0035	2-10-2016	Amend	3-1-2016	690-051-0180	1-1-2016	Amend	2-1-2016
660-025-0040	2-10-2016	Amend	3-1-2016	690-051-0190	1-1-2016	Amend	2-1-2016
660-025-0060	2-10-2016	Amend	3-1-2016	690-051-0200	1-1-2016	Amend	2-1-2016
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
660-033-0135	2-10-2016	Amend	3-1-2016	690-051-0400	1-1-2016	Amend	2-1-2016
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
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660-038-0020	1-1-2016	Adopt	2-1-2016	690-079-0160	4-19-2016	Amend	6-1-2016
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660-038-0040	1-1-2016	Adopt	2-1-2016	690-200-0005	9-6-2016	Amend	10-1-2016
660-038-0050	1-1-2016	Adopt	2-1-2016	690-200-0028	9-6-2016	Amend	10-1-2016
660-038-0060	1-1-2016	Adopt	2-1-2016	690-200-0048	9-6-2016	Amend	10-1-2016
660-038-0070	1-1-2016	Adopt	2-1-2016	690-200-0050	9-6-2016	Amend	10-1-2016
660-038-0080	1-1-2016	Adopt	2-1-2016	690-205-0210	9-6-2016	Amend	10-1-2016
660-038-0090	1-1-2016	Adopt	2-1-2016	690-210-0030	9-6-2016	Amend	10-1-2016
660-038-0100	1-1-2016	Adopt	2-1-2016	690-210-0140	9-6-2016	Amend	10-1-2016
660-038-0110	1-1-2016	Adopt	2-1-2016	690-210-0150	9-6-2016	Amend	10-1-2016
660-038-0120	1-1-2016	Adopt	2-1-2016	690-210-0155	9-6-2016	Amend	10-1-2016

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690-215-0055	9-6-2016	Amend	10-1-2016	731-035-0020	12-17-2015	Amend	2-1-2016
690-215-0060	9-6-2016	Amend	10-1-2016	731-035-0030	12-17-2015	Amend	2-1-2016
690-215-0200	9-6-2016	Repeal	10-1-2016	731-035-0040	12-17-2015	Amend	2-1-2016
690-240-0005	9-6-2016	Amend	10-1-2016	731-035-0050	12-17-2015	Amend	2-1-2016
690-240-0010	9-6-2016	Amend	10-1-2016	731-035-0060	12-17-2015	Amend	2-1-2016
690-240-0024	9-6-2016	Amend	10-1-2016	731-035-0070	12-17-2015	Amend	2-1-2016
690-240-0035	9-6-2016	Amend	10-1-2016	731-035-0080	12-17-2015	Amend	2-1-2016
690-240-0043	9-6-2016	Amend	10-1-2016	731-070-0010	3-22-2016	Amend	5-1-2016
690-240-0395	9-6-2016	Amend	10-1-2016	731-070-0020	3-22-2016	Amend	5-1-2016
690-240-0440	9-6-2016	Amend	10-1-2016	731-070-0030	3-22-2016	Repeal	5-1-2016
690-240-0510	9-6-2016	Amend	10-1-2016	731-070-0050	3-22-2016	Amend	5-1-2016
690-240-0525	9-6-2016	Amend	10-1-2016	731-070-0055	3-22-2016	Amend	5-1-2016
690-240-0540	9-6-2016	Amend	10-1-2016	731-070-0060	3-22-2016	Amend	5-1-2016
690-504-0000	8-23-2016	Amend	10-1-2016	731-070-0080	3-22-2016	Amend	5-1-2016
690-504-0005	8-23-2016	Adopt	10-1-2016	731-070-0110	3-22-2016	Amend	5-1-2016
690-504-0020	8-23-2016	Amend	10-1-2016	731-070-0130	3-22-2016	Amend	5-1-2016
690-504-0100	8-23-2016	Amend	10-1-2016	731-070-0140	3-22-2016	Amend	5-1-2016
690-508-0000	10-18-2016	Amend	12-1-2016	731-070-0160	3-22-2016	Amend	5-1-2016
690-508-0010	10-18-2016	Amend	12-1-2016	731-070-0170	3-22-2016	Amend	5-1-2016
690-508-0020	10-18-2016	Amend	12-1-2016	731-070-0190	3-22-2016	Repeal	5-1-2016
690-508-0030	10-18-2016	Amend	12-1-2016	731-070-0195	3-22-2016	Repeal	5-1-2016
690-508-0040	10-18-2016	Amend	12-1-2016	731-070-0240	3-22-2016	Am. & Ren.	5-1-2016
690-508-0050	10-18-2016	Amend	12-1-2016	731-070-0245	3-22-2016	Am. & Ren.	5-1-2016
690-508-0100	10-18-2016	Amend	12-1-2016	731-070-0250	3-22-2016	Am. & Ren.	5-1-2016
690-508-0110	10-18-2016	Amend	12-1-2016	731-070-0260	3-22-2016	Am. & Ren.	5-1-2016
690-509-0000	3-1-2016	Amend	4-1-2016	731-070-0350	3-22-2016	Amend	5-1-2016
690-509-0100	3-1-2016	Amend	4-1-2016	731-070-0360	3-22-2016	Repeal	5-1-2016
690-510-0000	10-18-2016	Repeal	12-1-2016	731-090-0000	9-26-2016	Amend	11-1-2016
690-510-0010	10-18-2016	Amend	12-1-2016	731-090-0020	9-26-2016	Amend	11-1-2016
690-510-0020	10-18-2016	Amend	12-1-2016	731-090-0030	9-26-2016	Amend	11-1-2016
690-510-0100	10-18-2016	Amend	12-1-2016	731-090-0040	9-26-2016	Amend	11-1-2016
690-510-0110	10-18-2016	Amend	12-1-2016	731-090-0070	9-26-2016	Amend	11-1-2016
690-511-0010	10-18-2016	Amend	12-1-2016	731-090-0080	9-26-2016	Amend	11-1-2016
690-511-0020	10-18-2016	Amend	12-1-2016	731-090-0090	9-26-2016	Amend	11-1-2016
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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
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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
731-007-0500	4-29-2016	Adopt	6-1-2016	734-031-0010	6-21-2016	Adopt	8-1-2016
731-007-0510	4-29-2016	Adopt	6-1-2016	734-031-0015	6-21-2016	Adopt	8-1-2016
731-007-0520	4-29-2016	Adopt	6-1-2016	734-031-0020	6-21-2016	Adopt	8-1-2016
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731-007-0540	4-29-2016	Adopt	6-1-2016	734-031-0030	6-21-2016	Adopt	8-1-2016
731-007-0550	4-29-2016	Adopt	6-1-2016	734-074-0027	12-17-2015	Amend	2-1-2016
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734-082-0045	12-17-2015	Amend	2-1-2016	735-062-0110	1-1-2016	Amend	2-1-2016
734-082-0070	12-17-2015	Amend	2-1-2016	735-062-0110	9-26-2016	Amend	11-1-2016
735-010-0030	9-26-2016	Amend	11-1-2016	735-062-0120	1-1-2016	Amend	2-1-2016
735-016-0060	9-26-2016	Amend	11-1-2016	735-062-0125	9-26-2016	Amend	11-1-2016
735-016-0070	9-26-2016	Amend	11-1-2016	735-062-0150	9-26-2016	Repeal	11-1-2016
735-032-0070	1-1-2016	Adopt	1-1-2016	735-062-0190	9-26-2016	Am. & Ren.	11-1-2016
735-040-0040	7-1-2016	Amend	8-1-2016	735-062-0200	9-26-2016	Repeal	11-1-2016
735-040-0045	7-1-2016	Adopt	8-1-2016	735-062-0210	9-26-2016	Am. & Ren.	11-1-2016
735-040-0055	7-1-2016	Repeal	8-1-2016	735-062-0300	9-26-2016	Amend	11-1-2016
735-040-0061	7-1-2016	Repeal	8-1-2016	735-062-0310	9-26-2016	Amend	11-1-2016
735-040-0095	7-1-2016	Repeal	8-1-2016	735-062-0330	9-26-2016	Amend	11-1-2016
735-040-0097	7-1-2016	Repeal	8-1-2016	735-063-0000	9-26-2016	Am. & Ren.	11-1-2016
735-040-0100	7-1-2016	Repeal	8-1-2016	735-063-0050	9-26-2016	Am. & Ren.	11-1-2016
735-040-0110	7-1-2016	Adopt	8-1-2016	735-063-0060	9-26-2016	Am. & Ren.	11-1-2016
735-040-0115	7-1-2016	Adopt	8-1-2016	735-063-0065	9-26-2016	Am. & Ren.	11-1-2016
735-040-0120	7-1-2016	Adopt	8-1-2016	735-063-0067	9-26-2016	Am. & Ren.	11-1-2016
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735-040-0130	7-1-2016	Adopt	8-1-2016	735-063-0075	9-26-2016	Am. & Ren.	11-1-2016
735-060-0000	9-26-2016	Am. & Ren.	11-1-2016	735-063-0130	9-26-2016	Am. & Ren.	11-1-2016
735-060-0001	9-26-2016	Adopt	11-1-2016	735-063-0180	9-26-2016	Am. & Ren.	11-1-2016
735-060-0030	9-26-2016	Amend	11-1-2016	735-063-0200	9-26-2016	Adopt	11-1-2016
735-060-0040	9-26-2016	Amend	11-1-2016	735-063-0250	9-26-2016	Adopt	11-1-2016
735-060-0050	9-26-2016	Amend	11-1-2016	735-063-0260	9-26-2016	Adopt	11-1-2016
735-060-0051	9-26-2016	Adopt	11-1-2016	735-063-0270	9-26-2016	Adopt	11-1-2016
735-060-0055	9-26-2016	Amend	11-1-2016	735-063-0280	9-26-2016	Adopt	11-1-2016
735-060-0057	9-26-2016	Amend	11-1-2016	735-063-0300	9-26-2016	Adopt	11-1-2016
735-060-0060	9-26-2016	Repeal	11-1-2016	735-063-0370	9-26-2016	Adopt	11-1-2016
735-060-0065	9-26-2016	Repeal	11-1-2016	735-064-0070	1-1-2016	Amend	2-1-2016
735-060-0090	9-26-2016	Amend	11-1-2016	735-064-0220	9-26-2016	Amend	11-1-2016
735-060-0095	9-26-2016	Amend	11-1-2016	735-064-0230	9-26-2016	Amend	11-1-2016
735-060-0100	9-26-2016	Amend	11-1-2016	735-064-0235	9-26-2016	Amend	11-1-2016
735-060-0101	9-26-2016	Adopt	11-1-2016	735-070-0080	1-1-2016	Amend	2-1-2016
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735-060-0110	9-26-2016	Repeal	11-1-2016	735-070-0185	9-26-2016	Am. & Ren.	11-1-2016
735-060-0115	9-26-2016	Amend	11-1-2016	735-070-0190	9-26-2016	Am. & Ren.	11-1-2016
735-060-0120	9-26-2016	Amend	11-1-2016	735-118-0000	1-1-2016	Amend	2-1-2016
735-060-0130	9-26-2016	Amend	11-1-2016	735-118-0050	1-1-2016	Amend	2-1-2016
735-060-0145	9-26-2016	Adopt	11-1-2016	735-150-0010	1-1-2016	Amend	2-1-2016
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735-062-0005	1-1-2016	Amend	2-1-2016	735-150-0047	1-1-2016	Amend	2-1-2016
735-062-0005	9-26-2016	Amend	11-1-2016	735-150-0055	1-1-2016	Amend	1-1-2016
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735-062-0007	9-26-2016	Amend	11-1-2016	735-150-0110	1-1-2016	Amend	2-1-2016
735-062-0016	9-26-2016	Amend	11-1-2016	735-150-0140	1-1-2016	Amend	1-1-2016
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735-062-0032	9-26-2016	Amend	11-1-2016	736-009-0030	5-2-2016	Amend	6-1-2016
735-062-0035	1-1-2016	Amend	2-1-2016	736-015-0006	9-21-2016	Amend	11-1-2016
735-062-0070	9-26-2016	Amend	11-1-2016	736-015-0010	7-13-2016	Amend	8-1-2016
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735-062-0080	9-26-2016	Amend	11-1-2016	736-015-0015	9-21-2016	Amend	11-1-2016
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736-015-0035	7-13-2016	Amend	8-1-2016	738-125-0040	5-26-2016	Amend	7-1-2016
736-015-0035	9-21-2016	Amend	11-1-2016	738-125-0045	5-26-2016	Amend	7-1-2016
736-056-0000	9-21-2016	Adopt	11-1-2016	738-125-0050	5-26-2016	Amend	7-1-2016
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736-056-0020	9-21-2016	Adopt	11-1-2016	738-140-0005	12-15-2015	Adopt	1-1-2016
736-056-0030	9-21-2016	Adopt	11-1-2016	738-140-0010	12-15-2015	Adopt	1-1-2016
736-056-0040	9-21-2016	Adopt	11-1-2016	738-140-0015	12-15-2015	Adopt	1-1-2016
736-056-0050	9-21-2016	Adopt	11-1-2016	738-140-0020	12-15-2015	Adopt	1-1-2016
736-056-0060	9-21-2016	Adopt	11-1-2016	738-140-0025	12-15-2015	Adopt	1-1-2016
736-056-0070	9-21-2016	Adopt	11-1-2016	738-140-0030	12-15-2015	Adopt	1-1-2016
736-056-0080	9-21-2016	Adopt	11-1-2016	738-140-0035	12-15-2015	Adopt	1-1-2016
738-001-0035	12-15-2015	Amend	1-1-2016	738-140-0040	12-15-2015	Adopt	1-1-2016
738-010-0025	12-15-2015	Amend	1-1-2016	740-020-0010	9-26-2016	Amend	11-1-2016
738-010-0035	12-15-2015	Amend	1-1-2016	740-030-0010	9-26-2016	Amend	11-1-2016
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738-010-0050	12-15-2015	Amend	1-1-2016	740-035-0145	9-26-2016	Amend	11-1-2016
738-010-0060	12-15-2015	Amend	1-1-2016	740-035-0150	9-26-2016	Amend	11-1-2016
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738-080-0020	12-15-2015	Amend	1-1-2016	740-050-0010	9-26-2016	Amend	11-1-2016
738-080-0030	12-15-2015	Amend	1-1-2016	740-050-0020	9-26-2016	Amend	11-1-2016
738-080-0040	12-15-2015	Repeal	1-1-2016	740-050-0050	9-26-2016	Amend	11-1-2016
738-080-0045	12-15-2015	Adopt	1-1-2016	740-050-0060	9-26-2016	Amend	11-1-2016
738-124-0010	5-11-2016	Adopt(T)	6-1-2016	740-050-0070	9-26-2016	Repeal	11-1-2016
738-124-0010	10-31-2016	Adopt	12-1-2016	740-050-0080	9-26-2016	Repeal	11-1-2016
738-124-0010(T)	10-31-2016	Repeal	12-1-2016	740-050-0090	9-26-2016	Repeal	11-1-2016
738-124-0015	5-11-2016	Adopt(T)	6-1-2016	740-050-0100	9-26-2016	Amend	11-1-2016
738-124-0015	10-31-2016	Adopt	12-1-2016	740-050-0110	9-26-2016	Amend	11-1-2016
738-124-0015(T)	10-31-2016	Repeal	12-1-2016	740-050-0120	9-26-2016	Amend	11-1-2016
738-124-0020	5-11-2016	Adopt(T)	6-1-2016	740-050-0130	9-26-2016	Repeal	11-1-2016
738-124-0020	10-31-2016	Adopt	12-1-2016	740-050-0140	9-26-2016	Amend	11-1-2016
738-124-0020(T)	10-31-2016	Repeal	12-1-2016	740-050-0210	9-26-2016	Repeal	11-1-2016
738-124-0025	5-11-2016	Adopt(T)	6-1-2016	740-050-0220	9-26-2016	Amend	11-1-2016
738-124-0025	10-31-2016	Adopt	12-1-2016	740-050-0230	9-26-2016	Amend	11-1-2016
738-124-0025(T)	10-31-2016	Repeal	12-1-2016	740-050-0270	9-26-2016	Repeal	11-1-2016
738-124-0030	5-11-2016	Adopt(T)	6-1-2016	740-050-0400	9-26-2016	Repeal	11-1-2016
738-124-0030	10-31-2016	Adopt	12-1-2016	740-050-0410	9-26-2016	Repeal	11-1-2016
738-124-0030(T)	10-31-2016	Repeal	12-1-2016	740-050-0430	9-26-2016	Repeal	11-1-2016
738-124-0035	5-11-2016	Adopt(T)	6-1-2016	740-050-0500	9-26-2016	Amend	11-1-2016
738-124-0035	10-31-2016	Adopt	12-1-2016	740-050-0600	9-26-2016	Amend	11-1-2016
738-124-0035(T)	10-31-2016	Repeal	12-1-2016	740-050-0610	9-26-2016	Amend	11-1-2016
738-124-0040	5-11-2016	Adopt(T)	6-1-2016	740-050-0630	9-26-2016	Amend	11-1-2016
738-124-0040	10-31-2016	Adopt	12-1-2016	740-050-0820	9-26-2016	Amend	11-1-2016
738-124-0040(T)	10-31-2016	Repeal	12-1-2016	740-050-0830	9-26-2016	Amend	11-1-2016
738-124-0045	5-11-2016	Adopt(T)	6-1-2016	740-055-0150	9-26-2016	Amend	11-1-2016
738-124-0045	10-31-2016	Adopt	12-1-2016	740-055-0170	9-26-2016	Amend	11-1-2016
738-124-0045(T)	10-31-2016	Repeal	12-1-2016	740-055-0190	9-26-2016	Amend	11-1-2016
738-125-0010	5-26-2016	Amend	7-1-2016	740-055-0210	9-26-2016	Amend	11-1-2016
738-125-0015	5-26-2016	Amend	7-1-2016	740-055-0310	9-26-2016	Repeal	11-1-2016
738-125-0015	10-31-2016	Amend	12-1-2016	740-055-0500	9-26-2016	Amend	11-1-2016
738-125-0020	5-26-2016	Amend	7-1-2016	740-100-0010	7-27-2016	Amend	9-1-2016
738-125-0025	5-26-2016	Amend	7-1-2016	740-100-0065	7-27-2016	Amend	9-1-2016
738-125-0030	5-26-2016	Amend	7-1-2016	740-100-0070	7-27-2016	Amend	9-1-2016

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740-100-0085	7-27-2016	Amend	9-1-2016	808-003-0126	1-1-2016	Amend	2-1-2016
740-100-0090	7-27-2016	Amend	9-1-2016	808-003-0130	5-23-2016	Amend	7-1-2016
740-110-0010	7-27-2016	Amend	9-1-2016	808-003-0230	1-1-2016	Amend	2-1-2016
740-200-0010	7-27-2016	Amend	9-1-2016	808-003-0230	5-23-2016	Amend	7-1-2016
740-200-0020	7-27-2016	Amend	9-1-2016	808-003-0234	5-23-2016	Adopt	7-1-2016
740-200-0040	7-27-2016	Amend	9-1-2016	808-003-0610	1-1-2016	Amend	2-1-2016
740-300-0040	9-26-2016	Amend	11-1-2016	808-003-0610(T)	1-1-2016	Repeal	2-1-2016
741-520-0010	11-17-2015	Repeal	1-1-2016	808-003-0611	1-1-2016	Amend	2-1-2016
800-020-0025	4-1-2016	Amend	5-1-2016	808-003-0613	1-1-2016	Amend	2-1-2016
801-001-0035	1-1-2016	Amend(T)	2-1-2016	808-003-0700	5-23-2016	Adopt	7-1-2016
801-001-0035	6-28-2016	Amend	8-1-2016	808-003-0700	7-21-2016	Amend(T)	9-1-2016
804-025-0000	5-25-2016	Amend	7-1-2016	808-003-0710	5-23-2016	Adopt	7-1-2016
804-025-0010	5-25-2016	Amend	7-1-2016	808-003-0720	5-23-2016	Adopt	7-1-2016
804-025-0015	5-25-2016	Amend	7-1-2016	808-003-0730	5-23-2016	Adopt	7-1-2016
804-025-0020	5-25-2016	Amend	7-1-2016	808-003-0740	5-23-2016	Adopt	7-1-2016
804-025-0030	5-25-2016	Amend	7-1-2016	808-003-0750	5-23-2016	Adopt	7-1-2016
804-025-0035	5-25-2016	Amend	7-1-2016	808-003-0760	10-1-2016	Adopt	11-1-2016
806-010-0010	12-14-2015	Amend	1-1-2016	808-003-0800	5-23-2016	Adopt	7-1-2016
806-010-0020	12-14-2015	Amend	1-1-2016	808-003-0810	5-23-2016	Adopt	7-1-2016
806-010-0035	12-14-2015	Amend	1-1-2016	808-003-0820	5-23-2016	Adopt	7-1-2016
808-001-0005	5-23-2016	Amend	7-1-2016	808-003-0830	5-23-2016	Adopt	7-1-2016
808-001-0008	8-19-2016	Amend	10-1-2016	808-003-0840	5-23-2016	Adopt	7-1-2016
808-002-0020	1-1-2016	Amend	2-1-2016	808-003-0850	5-23-2016	Adopt	7-1-2016
808-002-0200	1-1-2016	Amend	2-1-2016	808-003-0900	5-23-2016	Adopt	7-1-2016
808-002-0200	5-23-2016	Amend	7-1-2016	808-003-0910	5-23-2016	Adopt	7-1-2016
808-002-0250	1-1-2016	Repeal	2-1-2016	808-003-0920	5-23-2016	Adopt	7-1-2016
808-002-0300	1-1-2016	Amend	2-1-2016	808-003-0930	5-23-2016	Adopt	7-1-2016
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
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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

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808-004-0540	5-23-2016	Amend	7-1-2016	812-021-0037	7-1-2016	Repeal	7-1-2016
808-004-0550	5-23-2016	Repeal	7-1-2016	812-021-0040	7-1-2016	Repeal	7-1-2016
808-004-0560	5-23-2016	Repeal	7-1-2016	812-021-0042	7-1-2016	Repeal	7-1-2016
808-004-0590	5-23-2016	Amend	7-1-2016	812-021-0045	7-1-2016	Repeal	7-1-2016
808-030-0020	5-23-2016	Amend	7-1-2016	812-021-0047	7-1-2016	Repeal	7-1-2016
808-030-0040	5-23-2016	Amend	7-1-2016	812-022-0010	7-1-2016	Amend	7-1-2016
808-040-0020	1-1-2016	Amend	2-1-2016	812-022-0011	7-1-2016	Repeal	7-1-2016
808-040-0020	5-23-2016	Amend	7-1-2016	812-022-0021	7-1-2016	Amend	7-1-2016
808-040-0025	4-8-2016	Amend	5-1-2016	813-005-0005	6-29-2016	Amend(T)	8-1-2016
808-040-0050	4-8-2016	Amend	5-1-2016	813-005-0025	6-29-2016	Adopt(T)	8-1-2016
808-040-0050	8-19-2016	Amend	10-1-2016	813-006-0005	6-29-2016	Amend(T)	8-1-2016
808-040-0060	4-8-2016	Amend	5-1-2016	813-006-0010	6-29-2016	Amend(T)	8-1-2016
808-040-0070	5-23-2016	Amend	7-1-2016	813-013-0001	11-30-2015	Amend(T)	1-1-2016
808-040-0080	1-1-2016	Amend	2-1-2016	813-013-0001	5-27-2016	Amend	7-1-2016
808-040-0080	5-23-2016	Amend	7-1-2016	813-013-0005	11-30-2015	Amend(T)	1-1-2016
809-010-0001	9-20-2016	Amend	11-1-2016	813-013-0005	5-27-2016	Amend	7-1-2016
809-015-0000	9-20-2016	Amend	11-1-2016	813-013-0010	11-30-2015	Amend(T)	1-1-2016
809-015-0005	9-20-2016	Amend	11-1-2016	813-013-0010	5-27-2016	Amend	7-1-2016
809-015-0010	9-20-2016	Amend	11-1-2016	813-013-0015	11-30-2015	Amend(T)	1-1-2016
809-015-0015	9-20-2016	Repeal	11-1-2016	813-013-0015	5-27-2016	Amend	7-1-2016
809-020-0025	9-20-2016	Amend	11-1-2016	813-013-0020	11-30-2015	Amend(T)	1-1-2016
809-055-0000	9-20-2016	Amend	11-1-2016	813-013-0020	5-27-2016	Amend	7-1-2016
811-010-0084	6-6-2016	Amend	7-1-2016	813-013-0035	11-30-2015	Amend(T)	1-1-2016
811-010-0085	5-2-2016	Amend	5-1-2016	813-013-0035	5-27-2016	Amend	7-1-2016
811-010-0110	6-6-2016	Amend	7-1-2016	813-013-0040	11-30-2015	Amend(T)	1-1-2016
812-006-0100	7-1-2016	Amend	7-1-2016	813-013-0040	5-27-2016	Amend	7-1-2016
812-006-0150	7-1-2016	Amend	7-1-2016	813-013-0050	11-30-2015	Amend(T)	1-1-2016
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	813-046-0011	10-26-2016	Amend(T)	12-1-2016
812-008-0072	7-1-2016	Amend	7-1-2016	813-055-0010	7-19-2016	Amend	9-1-2016
812-008-0074	7-1-2016	Amend	7-1-2016	813-110-0010	5-5-2016	Amend(T)	6-1-2016
812-020-0050	7-1-2016	Amend	7-1-2016	813-110-0010	10-13-2016	Amend	11-1-2016
812-020-0062	7-1-2016	Amend	7-1-2016	813-110-0010(T)	10-13-2016	Repeal	11-1-2016
812-020-0070	7-1-2016	Amend	7-1-2016	813-110-0013	5-5-2016	Amend(T)	6-1-2016
812-020-0071	7-1-2016	Amend	7-1-2016	813-110-0013	10-13-2016	Amend	11-1-2016
812-020-0080	7-1-2016	Repeal	7-1-2016	813-110-0013(T)	10-13-2016	Repeal	11-1-2016
812-021-0000	7-1-2016	Repeal	7-1-2016	813-110-0015	5-5-2016	Amend(T)	6-1-2016
812-021-0005	7-1-2016	Repeal	7-1-2016	813-110-0015	10-13-2016	Amend	11-1-2016
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812-021-0011	7-1-2016	Repeal	7-1-2016	813-135-0010	9-12-2016	Adopt(T)	10-1-2016
812-021-0015	7-1-2016	Repeal	7-1-2016	813-135-0020	9-12-2016	Adopt(T)	10-1-2016
812-021-0016	7-1-2016	Repeal	7-1-2016	813-135-0030	9-12-2016	Adopt(T)	10-1-2016
812-021-0019	7-1-2016	Repeal	7-1-2016	813-135-0040	9-12-2016	Adopt(T)	10-1-2016
812-021-0021	7-1-2016	Repeal	7-1-2016	813-135-0050	9-12-2016	Adopt(T)	10-1-2016
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812-021-0028	7-1-2016	Repeal	7-1-2016	813-280-0000	10-13-2016	Repeal	11-1-2016
812-021-0030	7-1-2016	Repeal	7-1-2016	813-280-0010	10-13-2016	Repeal	11-1-2016
812-021-0031	7-1-2016	Repeal	7-1-2016	813-280-0020	10-13-2016	Repeal	11-1-2016
812-021-0032	7-1-2016	Repeal	7-1-2016	813-280-0030	10-13-2016	Repeal	11-1-2016
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813-280-0060	10-13-2016	Repeal	11-1-2016	818-042-0112	3-1-2017	Adopt	12-1-2016
813-280-0070	10-13-2016	Repeal	11-1-2016	818-042-0113	3-1-2017	Adopt	12-1-2016
813-300-0005	3-25-2016	Amend	5-1-2016	818-042-0115	3-1-2017	Amend	12-1-2016
813-300-0120	3-25-2016	Amend	5-1-2016	818-042-0120	3-1-2017	Amend	12-1-2016
813-300-0150	3-25-2016	Amend	5-1-2016	818-042-0130	3-1-2017	Amend	12-1-2016
813-300-0150	4-20-2016	Amend(T)	6-1-2016	819-005-0000	7-1-2016	Adopt(T)	8-1-2016
813-300-0150	10-13-2016	Amend	11-1-2016	819-020-0030	7-1-2016	Adopt(T)	8-1-2016
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813-300-0150(T)	10-13-2016	Repeal	11-1-2016	819-020-0050	7-1-2016	Adopt(T)	8-1-2016
813-330-0000	2-11-2016	Adopt	3-1-2016	819-020-0060	7-1-2016	Adopt(T)	8-1-2016
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813-330-0030	2-11-2016	Adopt	3-1-2016	819-040-0000	7-1-2016	Adopt(T)	8-1-2016
813-330-0040	2-11-2016	Adopt	3-1-2016	820-001-0025	10-4-2016	Amend(T)	11-1-2016
813-330-0050	2-11-2016	Adopt	3-1-2016	820-005-0036	10-4-2016	Adopt	11-1-2016
813-330-0060	2-11-2016	Adopt	3-1-2016	820-005-0051	10-4-2016	Adopt	11-1-2016
817-090-0025	4-4-2016	Amend	5-1-2016	820-005-0066	10-4-2016	Adopt	11-1-2016
817-090-0035	4-4-2016	Amend	5-1-2016	820-010-0505	2-16-2016	Amend	4-1-2016
817-090-0050	4-4-2016	Repeal	5-1-2016	820-010-0615	5-12-2016	Amend	6-1-2016
817-090-0080	4-4-2016	Amend	5-1-2016	820-010-3020	1-14-2016	Adopt	2-1-2016
817-090-0090	4-4-2016	Amend	5-1-2016	820-010-4000	3-15-2016	Amend(T)	4-1-2016
817-090-0100	4-4-2016	Amend	5-1-2016	820-010-4000	10-4-2016	Amend	11-1-2016
818-001-0082	3-1-2017	Amend	12-1-2016	820-010-5000	1-15-2016	Amend(T)	2-1-2016
818-001-0083	11-1-2016	Adopt	12-1-2016	820-010-5000	5-12-2016	Amend	6-1-2016
818-001-0087	3-1-2017	Amend	12-1-2016	820-010-5000(T)	5-12-2016	Repeal	6-1-2016
818-005-0000	3-1-2017	Repeal	12-1-2016	820-015-0026	2-16-2016	Amend	4-1-2016
818-005-0005	3-1-2017	Repeal	12-1-2016	820-020-0015	2-16-2016	Amend	4-1-2016
818-005-0011	3-1-2017	Repeal	12-1-2016	820-020-0025	2-16-2016	Amend	4-1-2016
818-005-0015	3-1-2017	Repeal	12-1-2016	820-020-0030	2-16-2016	Amend	4-1-2016
818-005-0021	3-1-2017	Repeal	12-1-2016	820-020-0035	2-16-2016	Amend	4-1-2016
818-005-0025	3-1-2017	Repeal	12-1-2016	820-020-0040	1-14-2016	Amend	2-1-2016
818-005-0030	3-1-2017	Repeal	12-1-2016	820-025-0005	5-12-2016	Amend	6-1-2016
818-005-0035	3-1-2017	Amend	12-1-2016	820-025-0015	1-15-2016	Amend(T)	2-1-2016
818-005-0045	3-1-2017	Repeal	12-1-2016	820-025-0015	5-12-2016	Amend	6-1-2016
818-005-0050	3-1-2017	Adopt	12-1-2016	820-025-0015(T)	5-12-2016	Repeal	6-1-2016
818-012-0005	3-1-2017	Amend	12-1-2016	820-030-0005	2-16-2016	Adopt	4-1-2016
818-012-0010	3-1-2017	Amend	12-1-2016	820-040-0005	2-16-2016	Amend	4-1-2016
818-012-0030	3-1-2017	Amend	12-1-2016	820-080-0010	10-4-2016	Amend	11-1-2016
818-012-0032	3-1-2017	Adopt	12-1-2016	830-011-0000	1-1-2016	Amend	2-1-2016
818-012-0040	3-1-2017	Amend	12-1-2016	830-011-0020	1-1-2016	Amend	2-1-2016
818-012-0060	3-1-2017	Amend	12-1-2016	830-011-0040	1-1-2016	Amend	2-1-2016
818-012-0070	3-1-2017	Amend	12-1-2016	830-011-0065	1-1-2016	Adopt	2-1-2016
818-021-0011	3-1-2017	Amend	12-1-2016	830-011-0065	7-6-2016	Amend(T)	8-1-2016
818-021-0025	3-1-2017	Amend	12-1-2016	830-020-0000	1-1-2016	Amend	2-1-2016
818-021-0026	3-1-2017	Amend	12-1-2016	830-020-0030	1-1-2016	Amend	2-1-2016
818-026-0030	3-1-2017	Amend	12-1-2016	830-020-0040	1-1-2016	Amend	2-1-2016
818-026-0050	3-1-2017	Amend	12-1-2016	830-030-0004	1-1-2016	Amend	2-1-2016
818-026-0060	3-1-2017	Amend	12-1-2016	830-030-0090	1-1-2016	Amend	2-1-2016
818-026-0065	3-1-2017	Amend	12-1-2016	830-040-0095	1-1-2016	Adopt	2-1-2016
818-026-0070	3-1-2017	Amend	12-1-2016	833-001-0000	8-8-2016	Amend	9-1-2016
818-026-0080	3-1-2017	Amend	12-1-2016	833-001-0015	8-8-2016	Amend	9-1-2016
818-026-0110	3-1-2017	Amend	12-1-2016	833-001-0020	8-8-2016	Amend	9-1-2016
818-035-0040	3-1-2017	Amend	12-1-2016	833-010-0001	8-8-2016	Amend	9-1-2016
818-042-0020	3-1-2017	Amend	12-1-2016	833-020-0011	10-10-2016	Amend	11-1-2016
818-042-0050	3-1-2017	Amend	12-1-2016	833-020-0021	10-10-2016	Amend	11-1-2016

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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
833-020-0401	10-10-2016	Repeal	11-1-2016	833-130-0060	10-10-2016	Repeal	11-1-2016
833-020-0501	10-10-2016	Repeal	11-1-2016	833-130-0070	10-10-2016	Amend	11-1-2016
833-030-0011	10-10-2016	Amend	11-1-2016	833-130-0080	10-10-2016	Amend	11-1-2016
833-030-0021	10-10-2016	Amend	11-1-2016	834-020-0000	3-1-2016	Amend	4-1-2016
833-030-0031	10-10-2016	Repeal	11-1-2016	834-030-0000	3-1-2016	Amend	4-1-2016
833-030-0041	10-10-2016	Amend	11-1-2016	834-030-0010	3-1-2016	Amend	4-1-2016
833-040-0011	10-10-2016	Amend	11-1-2016	834-040-0000	3-1-2016	Amend	4-1-2016
833-040-0021	10-10-2016	Amend	11-1-2016	834-050-0000	3-1-2016	Amend	4-1-2016
833-040-0031	10-10-2016	Repeal	11-1-2016	834-050-0010	3-1-2016	Amend	4-1-2016
833-040-0041	10-10-2016	Amend	11-1-2016	836-009-0020	4-8-2016	Repeal	5-1-2016
833-050-0021	10-10-2016	Amend	11-1-2016	836-009-0025	4-8-2016	Repeal	5-1-2016
833-050-0031	10-10-2016	Amend	11-1-2016	836-009-0030	4-8-2016	Repeal	5-1-2016
833-050-0041	10-10-2016	Amend	11-1-2016	836-009-0035	4-8-2016	Repeal	5-1-2016
833-050-0051	10-10-2016	Amend	11-1-2016	836-009-0040	4-8-2016	Repeal	5-1-2016
833-050-0061	10-10-2016	Amend	11-1-2016	836-010-0013	4-8-2016	Amend	5-1-2016
833-050-0071	10-10-2016	Amend	11-1-2016	836-010-0013	4-28-2016	Amend(T)	6-1-2016
833-050-0081	10-10-2016	Amend	11-1-2016	836-010-0155	4-26-2016	Adopt	6-1-2016
833-050-0091	10-10-2016	Amend	11-1-2016	836-011-0000	2-3-2016	Amend	3-1-2016
833-050-0111	10-10-2016	Amend	11-1-2016	836-027-0005	3-3-2016	Amend	4-1-2016
833-050-0121	10-10-2016	Repeal	11-1-2016	836-027-0010	3-3-2016	Amend	4-1-2016
833-050-0131	10-10-2016	Amend	11-1-2016	836-027-0012	3-3-2016	Amend	4-1-2016
833-050-0161	10-10-2016	Amend	11-1-2016	836-027-0100	3-3-2016	Amend	4-1-2016
833-060-0012	10-10-2016	Repeal	11-1-2016	836-027-0125	3-3-2016	Amend	4-1-2016
833-060-0022	10-10-2016	Repeal	11-1-2016	836-027-0140	3-3-2016	Amend	4-1-2016
833-060-0032	10-10-2016	Repeal	11-1-2016	836-027-0160	3-3-2016	Amend	4-1-2016
833-060-0042	10-10-2016	Repeal	11-1-2016	836-051-0150	1-1-2016	Adopt	2-1-2016
833-060-0052	10-10-2016	Repeal	11-1-2016	836-051-0153	1-1-2016	Adopt	2-1-2016
833-060-0062	10-10-2016	Repeal	11-1-2016	836-051-0156	1-1-2016	Adopt	2-1-2016
833-070-0011	10-10-2016	Amend	11-1-2016	836-052-0142	1-1-2016	Amend	2-1-2016
833-070-0021	10-10-2016	Amend	11-1-2016	836-052-0536	7-6-2016	Repeal	8-1-2016
833-075-0010	10-10-2016	Adopt	11-1-2016	836-052-0740	7-6-2016	Amend	8-1-2016
833-075-0020	10-10-2016	Adopt	11-1-2016	836-052-1000	4-8-2016	Amend	5-1-2016
833-075-0030	10-10-2016	Adopt	11-1-2016	836-053-0002	12-17-2015	Amend(T)	2-1-2016
833-075-0040	10-10-2016	Adopt	11-1-2016	836-053-0002	4-26-2016	Amend	6-1-2016
833-075-0050	10-10-2016	Adopt	11-1-2016	836-053-0004	12-17-2015	Adopt(T)	2-1-2016
833-075-0060	10-10-2016	Adopt	11-1-2016	836-053-0004	4-26-2016	Adopt	6-1-2016
833-075-0070	10-10-2016	Adopt	11-1-2016	836-053-0004(T)	4-26-2016	Repeal	6-1-2016
833-075-0080	10-10-2016	Adopt	11-1-2016	836-053-0008	12-17-2015	Amend(T)	2-1-2016
833-075-0090	10-10-2016	Adopt	11-1-2016	836-053-0008	4-26-2016	Amend	6-1-2016
833-080-0011	10-10-2016	Amend	11-1-2016	836-053-0009	12-17-2015	Amend(T)	2-1-2016
833-080-0021	10-10-2016	Amend	11-1-2016	836-053-0009	4-26-2016	Amend	6-1-2016
833-080-0031	10-10-2016	Amend	11-1-2016	836-053-0010	4-8-2016	Amend	5-1-2016
833-080-0041	10-10-2016	Amend	11-1-2016	836-053-0010	4-26-2016	Am. & Ren.	6-1-2016
833-080-0051	10-10-2016	Amend	11-1-2016	836-053-0012	12-17-2015	Adopt(T)	2-1-2016

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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
836-053-0230	4-8-2016	Amend	5-1-2016	837-012-0340	1-1-2016	Amend	2-1-2016
836-053-0300	9-14-2016	Adopt	10-1-2016	837-012-0350	1-1-2016	Amend	2-1-2016
836-053-0310	9-14-2016	Adopt	10-1-2016	837-012-0360	1-1-2016	Amend	2-1-2016
836-053-0320	9-14-2016	Adopt	10-1-2016	837-012-0370	1-1-2016	Amend	2-1-2016
836-053-0330	9-14-2016	Adopt	10-1-2016	837-012-0500	1-1-2016	Amend	2-1-2016
836-053-0340	9-14-2016	Adopt	10-1-2016	837-012-0510	1-1-2016	Amend	2-1-2016
836-053-0350	9-14-2016	Adopt	10-1-2016	837-012-0515	1-1-2016	Amend	2-1-2016
836-053-0410	4-8-2016	Amend	5-1-2016	837-012-0520	1-1-2016	Amend	2-1-2016
836-053-0431	4-8-2016	Amend	5-1-2016	837-012-0525	1-1-2016	Amend	2-1-2016
836-053-0432	7-29-2016	Adopt(T)	9-1-2016	837-012-0530	1-1-2016	Amend	2-1-2016
836-053-0465	4-8-2016	Amend	5-1-2016	837-012-0535	1-1-2016	Amend	2-1-2016
836-053-0472	4-8-2016	Amend	5-1-2016	837-012-0540	1-1-2016	Amend	2-1-2016
836-053-0510	4-8-2016	Amend	5-1-2016	837-012-0545	1-1-2016	Amend	2-1-2016
836-053-0600	1-1-2016	Adopt	2-1-2016	837-012-0550	1-1-2016	Amend	2-1-2016
836-053-0600(T)	1-1-2016	Repeal	2-1-2016	837-012-0555	1-1-2016	Amend	2-1-2016
836-053-0605	1-1-2016	Adopt	2-1-2016	837-012-0560	1-1-2016	Amend	2-1-2016
836-053-0605(T)	1-1-2016	Repeal	2-1-2016	837-012-0565	1-1-2016	Amend	2-1-2016
836-053-0610	1-1-2016	Adopt	2-1-2016	837-012-0570	1-1-2016	Amend	2-1-2016
836-053-0610(T)	1-1-2016	Repeal	2-1-2016	837-012-0600	1-1-2016	Amend	2-1-2016
836-053-0615	1-1-2016	Adopt	2-1-2016	837-012-0610	1-1-2016	Amend	2-1-2016
836-053-0615(T)	1-1-2016	Repeal	2-1-2016	837-012-0615	1-1-2016	Amend	2-1-2016
836-053-0825	4-8-2016	Amend	5-1-2016	837-012-0620	1-1-2016	Amend	2-1-2016
836-053-0830	4-8-2016	Amend	5-1-2016	837-012-0625	1-1-2016	Amend	2-1-2016
836-053-0835	4-8-2016	Amend	5-1-2016	837-012-0630	1-1-2016	Amend	2-1-2016
836-053-1020	12-17-2015	Amend(T)	2-1-2016	837-012-0635	1-1-2016	Amend	2-1-2016
836-053-1020	4-26-2016	Amend	6-1-2016	837-012-0640	1-1-2016	Amend	2-1-2016
836-053-1404	12-17-2015	Amend(T)	2-1-2016	837-012-0645	1-1-2016	Amend	2-1-2016
836-053-1404	4-26-2016	Amend	6-1-2016	837-012-0650	1-1-2016	Amend	2-1-2016
836-053-1405	12-17-2015	Amend(T)	2-1-2016	837-012-0655	1-1-2016	Amend	2-1-2016
836-053-1405	4-26-2016	Amend	6-1-2016	837-012-0660	1-1-2016	Amend	2-1-2016
836-053-1406	4-26-2016	Am. & Ren.	6-1-2016	837-012-0665	1-1-2016	Amend	2-1-2016
836-053-1500	4-8-2016	Adopt	5-1-2016	837-012-0670	1-1-2016	Amend	2-1-2016
836-053-1500(T)	4-8-2016	Repeal	5-1-2016	837-012-0675	1-1-2016	Amend	2-1-2016
836-053-1505	4-8-2016	Adopt	5-1-2016	837-012-0700	1-1-2016	Amend	2-1-2016
836-053-1505(T)	4-8-2016	Repeal	5-1-2016	837-012-0710	1-1-2016	Amend	2-1-2016
836-053-1510	4-8-2016	Adopt	5-1-2016	837-012-0720	1-1-2016	Amend	2-1-2016
836-053-1510(T)	4-8-2016	Repeal	5-1-2016	837-012-0730	1-1-2016	Amend	2-1-2016
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836-054-0000(T)	1-1-2016	Repeal	2-1-2016	837-012-0750	1-1-2016	Amend	2-1-2016
836-054-0020	1-1-2016	Adopt	2-1-2016	837-012-0760	1-1-2016	Amend	2-1-2016
836-071-0108	7-1-2016	Amend	8-1-2016	837-012-0770	1-1-2016	Amend	2-1-2016
836-071-0354	1-1-2016	Adopt	2-1-2016	837-012-0780	1-1-2016	Amend	2-1-2016
836-071-0354	1-20-2016	Adopt	3-1-2016	837-012-0790	1-1-2016	Amend	2-1-2016
836-071-0355	1-1-2016	Amend	2-1-2016	837-012-0800	1-1-2016	Amend	2-1-2016

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837-012-0830	1-1-2016	Amend	2-1-2016	839-007-0060	1-1-2016	Adopt	1-1-2016
837-012-0835	1-1-2016	Amend	2-1-2016	839-007-0065	1-1-2016	Adopt	1-1-2016
837-012-0840	1-1-2016	Amend	2-1-2016	839-007-0100	1-1-2016	Adopt	1-1-2016
837-012-0850	1-1-2016	Amend	2-1-2016	839-007-0120	1-1-2016	Adopt	1-1-2016
837-012-0855	1-1-2016	Amend	2-1-2016	839-009-0270	1-1-2016	Amend	2-1-2016
837-012-0860	1-1-2016	Amend	2-1-2016	839-020-0004	7-1-2016	Amend	7-1-2016
837-012-0865	1-1-2016	Amend	2-1-2016	839-020-0010	7-1-2016	Amend	7-1-2016
837-012-0870	1-1-2016	Amend	2-1-2016	839-020-0011	7-1-2016	Adopt	7-1-2016
837-012-0875	1-1-2016	Amend	2-1-2016	839-020-0012	1-1-2017	Amend	10-1-2016
837-012-0880	1-1-2016	Amend	2-1-2016	839-020-0030	1-1-2016	Amend	2-1-2016
837-012-0890	1-1-2016	Amend	2-1-2016	839-020-0042	1-1-2016	Amend	2-1-2016
837-012-0900	1-1-2016	Amend	2-1-2016	839-020-0052	1-1-2016	Adopt	2-1-2016
837-012-0910	1-1-2016	Amend	2-1-2016	839-020-0080	1-1-2017	Amend	10-1-2016
837-012-0920	1-1-2016	Amend	2-1-2016	839-020-0083	1-1-2017	Amend	10-1-2016
837-012-0940	1-1-2016	Amend	2-1-2016	839-020-0125	1-1-2016	Amend	2-1-2016
837-012-0950	1-1-2016	Amend	2-1-2016	839-020-1010	1-1-2016	Amend	2-1-2016
837-012-0960	1-1-2016	Amend	2-1-2016	839-025-0004	3-31-2016	Amend	5-1-2016
837-012-0970	1-1-2016	Amend	2-1-2016	839-025-0020	3-31-2016	Amend	5-1-2016
837-012-1000	1-1-2016	Amend	2-1-2016	839-025-0037	3-31-2016	Amend	5-1-2016
837-012-1010	1-1-2016	Amend	2-1-2016	839-025-0100	3-31-2016	Amend	5-1-2016
837-012-1020	1-1-2016	Amend	2-1-2016	839-025-0320	3-31-2016	Amend	5-1-2016
837-012-1030	1-1-2016	Amend	2-1-2016	839-025-0530	3-31-2016	Amend	5-1-2016
837-012-1040	1-1-2016	Amend	2-1-2016	839-025-0700	1-1-2016	Amend	1-1-2016
837-012-1050	1-1-2016	Amend	2-1-2016	839-025-0700	4-1-2016	Amend	5-1-2016
837-012-1060	1-1-2016	Amend	2-1-2016	839-025-0700	7-1-2016	Amend	7-1-2016
837-012-1070	1-1-2016	Amend	2-1-2016	839-025-0700	8-16-2016	Amend	10-1-2016
837-012-1080	1-1-2016	Amend	2-1-2016	839-025-0700	10-1-2016	Amend	10-1-2016
837-012-1090	1-1-2016	Amend	2-1-2016	839-025-0700	10-7-2016	Amend	11-1-2016
837-012-1100	1-1-2016	Amend	2-1-2016	845-003-0210	2-23-2016	Amend(T)	4-1-2016
837-012-1110	1-1-2016	Amend	2-1-2016	845-003-0210	8-19-2016	Amend	10-1-2016
837-012-1120	1-1-2016	Amend	2-1-2016	845-003-0220	2-23-2016	Amend(T)	4-1-2016
837-012-1130	1-1-2016	Amend	2-1-2016	845-003-0220	8-19-2016	Amend	10-1-2016
837-012-1140	1-1-2016	Amend	2-1-2016	845-003-0270	2-23-2016	Amend(T)	4-1-2016
837-012-1150	1-1-2016	Amend	2-1-2016	845-003-0270	8-19-2016	Amend	10-1-2016
837-012-1160	1-1-2016	Amend	2-1-2016	845-003-0331	2-23-2016	Amend(T)	4-1-2016
837-090-1030	7-1-2016	Amend	8-1-2016	845-003-0331	8-19-2016	Amend	10-1-2016
839-003-0055	11-8-2016	Amend	12-1-2016	845-004-0015	2-23-2016	Amend(T)	4-1-2016
839-003-0070	11-8-2016	Amend	12-1-2016	845-004-0015	8-19-2016	Amend	10-1-2016
839-005-0003	1-1-2016	Amend	2-1-2016	845-004-0031	9-3-2016	Adopt	10-1-2016
839-005-0325	11-8-2016	Amend	12-1-2016	845-004-0101	2-1-2016	Amend	2-1-2016
839-005-0400	1-1-2016	Amend	2-1-2016	845-004-0105	2-1-2016	Repeal	2-1-2016
839-007-0000	1-1-2016	Adopt	1-1-2016	845-005-0400	3-1-2016	Amend	4-1-2016
839-007-0005	1-1-2016	Adopt	1-1-2016	845-005-0413	2-1-2016	Amend	2-1-2016
839-007-0007	1-1-2016	Adopt	1-1-2016	845-005-0417	1-1-2016	Amend(T)	2-1-2016
839-007-0010	1-1-2016	Adopt	1-1-2016	845-005-0417	6-29-2016	Amend	8-1-2016
839-007-0012	1-1-2016	Adopt	1-1-2016	845-005-0420	1-1-2016	Suspend	2-1-2016
839-007-0015	1-1-2016	Adopt	1-1-2016	845-005-0420	6-29-2016	Repeal	8-1-2016
839-007-0020	1-1-2016	Adopt	1-1-2016	845-005-0428	4-1-2016	Amend	5-1-2016
839-007-0025	1-1-2016	Adopt	1-1-2016	845-005-0431	2-1-2016	Amend	2-1-2016
839-007-0030	1-1-2016	Adopt	1-1-2016	845-006-0335	12-1-2016	Amend	12-1-2016
839-007-0032	1-1-2016	Adopt	1-1-2016	845-006-0340	12-1-2016	Amend	12-1-2016
839-007-0035	1-1-2016	Adopt	1-1-2016	845-006-0345	12-1-2016	Amend	12-1-2016
839-007-0040	1-1-2016	Adopt	1-1-2016	845-006-0392	1-1-2016	Amend(T)	2-1-2016
839-007-0045	1-1-2016	Adopt	1-1-2016	845-006-0392	6-29-2016	Amend	8-1-2016

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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
845-025-1030	1-1-2016	Adopt(T)	1-1-2016	845-025-1410	6-29-2016	Adopt	8-1-2016
845-025-1030	6-29-2016	Adopt	8-1-2016	845-025-1420	1-1-2016	Adopt(T)	1-1-2016
845-025-1030	6-30-2016	Amend(T)	8-1-2016	845-025-1420	6-29-2016	Adopt	8-1-2016
845-025-1045	1-1-2016	Adopt(T)	1-1-2016	845-025-1430	1-1-2016	Adopt(T)	1-1-2016
845-025-1045	6-29-2016	Adopt	8-1-2016	845-025-1430	6-29-2016	Adopt	8-1-2016
845-025-1045	6-30-2016	Amend(T)	8-1-2016	845-025-1440	1-1-2016	Adopt(T)	1-1-2016
845-025-1060	1-1-2016	Adopt(T)	1-1-2016	845-025-1440	6-29-2016	Adopt	8-1-2016
845-025-1060	6-29-2016	Adopt	8-1-2016	845-025-1450	1-1-2016	Adopt(T)	1-1-2016
845-025-1060	6-30-2016	Amend(T)	8-1-2016	845-025-1450	6-29-2016	Adopt	8-1-2016
845-025-1070	1-1-2016	Adopt(T)	1-1-2016	845-025-1460	1-1-2016	Adopt(T)	1-1-2016
845-025-1070	6-29-2016	Adopt	8-1-2016	845-025-1460	6-29-2016	Adopt	8-1-2016
845-025-1080	1-1-2016	Adopt(T)	1-1-2016	845-025-1470	1-1-2016	Adopt(T)	1-1-2016
845-025-1080	6-29-2016	Adopt	8-1-2016	845-025-1470	6-29-2016	Adopt	8-1-2016
845-025-1090	1-1-2016	Adopt(T)	1-1-2016	845-025-1600	1-1-2016	Adopt(T)	1-1-2016
845-025-1090	6-29-2016	Adopt	8-1-2016	845-025-1600	6-29-2016	Adopt	8-1-2016
845-025-1090	6-30-2016	Amend(T)	8-1-2016	845-025-1620	1-1-2016	Adopt(T)	1-1-2016
845-025-1100	1-1-2016	Adopt(T)	1-1-2016	845-025-1620	6-29-2016	Adopt	8-1-2016
845-025-1100	6-29-2016	Adopt	8-1-2016	845-025-2000	1-1-2016	Adopt(T)	1-1-2016
845-025-1115	1-1-2016	Adopt(T)	1-1-2016	845-025-2000	6-29-2016	Adopt	8-1-2016
845-025-1115	1-1-2016	Amend(T)	2-1-2016	845-025-2020	1-1-2016	Adopt(T)	1-1-2016
845-025-1115	6-29-2016	Adopt	8-1-2016	845-025-2020	6-29-2016	Adopt	8-1-2016
845-025-1115	6-30-2016	Amend(T)	8-1-2016	845-025-2020	6-30-2016	Amend(T)	8-1-2016
845-025-1130	1-1-2016	Adopt(T)	1-1-2016	845-025-2030	1-1-2016	Adopt(T)	1-1-2016
845-025-1130	6-29-2016	Adopt	8-1-2016	845-025-2030	6-29-2016	Adopt	8-1-2016
845-025-1145	1-1-2016	Adopt(T)	1-1-2016	845-025-2030	6-30-2016	Amend(T)	8-1-2016
845-025-1145	6-29-2016	Adopt	8-1-2016	845-025-2040	1-1-2016	Adopt(T)	1-1-2016
845-025-1160	1-1-2016	Adopt(T)	1-1-2016	845-025-2040	6-29-2016	Adopt	8-1-2016
845-025-1160	6-29-2016	Adopt	8-1-2016	845-025-2050	1-1-2016	Adopt(T)	1-1-2016
845-025-1175	1-1-2016	Adopt(T)	1-1-2016	845-025-2050	6-29-2016	Adopt	8-1-2016
845-025-1175	6-29-2016	Adopt	8-1-2016	845-025-2060	1-1-2016	Adopt(T)	1-1-2016
845-025-1190	1-1-2016	Adopt(T)	1-1-2016	845-025-2060	6-29-2016	Adopt	8-1-2016
845-025-1190	6-29-2016	Adopt	8-1-2016	845-025-2060	6-30-2016	Amend(T)	8-1-2016
845-025-1200	1-1-2016	Adopt(T)	1-1-2016	845-025-2070	1-1-2016	Adopt(T)	1-1-2016
845-025-1200	6-29-2016	Adopt	8-1-2016	845-025-2070	6-29-2016	Adopt	8-1-2016
845-025-1215	1-1-2016	Adopt(T)	1-1-2016	845-025-2080	1-1-2016	Adopt(T)	1-1-2016
845-025-1215	6-29-2016	Adopt	8-1-2016	845-025-2080	6-29-2016	Adopt	8-1-2016
845-025-1230	1-1-2016	Adopt(T)	1-1-2016	845-025-2100	6-30-2016	Adopt(T)	8-1-2016
845-025-1230	6-29-2016	Adopt	8-1-2016	845-025-2400	1-1-2016	Adopt(T)	1-1-2016

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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
845-025-3200	6-29-2016	Adopt	8-1-2016	845-025-5590	1-1-2016	Adopt(T)	1-1-2016
845-025-3210	1-1-2016	Adopt(T)	1-1-2016	845-025-5590	6-29-2016	Adopt	8-1-2016
845-025-3210	6-29-2016	Adopt	8-1-2016	845-025-5700	1-1-2016	Adopt(T)	1-1-2016
845-025-3215	6-29-2016	Adopt	8-1-2016	845-025-5700	6-29-2016	Adopt	8-1-2016
845-025-3215	6-30-2016	Amend(T)	8-1-2016	845-025-5700	9-30-2016	Amend(T)	11-1-2016
845-025-3220	1-1-2016	Adopt(T)	1-1-2016	845-025-5720	1-1-2016	Adopt(T)	1-1-2016
845-025-3220	6-29-2016	Adopt	8-1-2016	845-025-5720	6-29-2016	Adopt	8-1-2016
845-025-3230	1-1-2016	Adopt(T)	1-1-2016	845-025-5730	6-29-2016	Adopt	8-1-2016
845-025-3230	6-29-2016	Adopt	8-1-2016	845-025-5740	1-1-2016	Adopt(T)	1-1-2016
845-025-3240	1-1-2016	Adopt(T)	1-1-2016	845-025-5740	6-29-2016	Adopt	8-1-2016
845-025-3240	6-29-2016	Adopt	8-1-2016	845-025-5760	1-1-2016	Adopt(T)	1-1-2016
845-025-3250	1-1-2016	Adopt(T)	1-1-2016	845-025-5760	6-29-2016	Adopt	8-1-2016
845-025-3250	6-29-2016	Adopt	8-1-2016	845-025-5790	6-29-2016	Adopt	8-1-2016
845-025-3260	1-1-2016	Adopt(T)	1-1-2016	845-025-7000	1-1-2016	Adopt(T)	1-1-2016
845-025-3260	6-29-2016	Adopt	8-1-2016	845-025-7000	6-29-2016	Adopt	8-1-2016
845-025-3280	1-1-2016	Adopt(T)	1-1-2016	845-025-7000	9-30-2016	Amend(T)	11-1-2016
845-025-3280	6-29-2016	Adopt	8-1-2016	845-025-7020	1-1-2016	Adopt(T)	1-1-2016
845-025-3290	1-1-2016	Adopt(T)	1-1-2016	845-025-7020	2-23-2016	Amend(T)	4-1-2016
845-025-3290	6-29-2016	Adopt	8-1-2016	845-025-7020	6-29-2016	Adopt	8-1-2016
845-025-3300	6-30-2016	Adopt(T)	8-1-2016	845-025-7020	8-23-2016	Amend(T)	10-1-2016
845-025-3310	6-30-2016	Adopt(T)	8-1-2016	845-025-7030	6-29-2016	Adopt	8-1-2016
845-025-3310	9-20-2016	Amend(T)	11-1-2016	845-025-7030	9-30-2016	Amend(T)	11-1-2016
845-025-3500	1-1-2016	Adopt(T)	1-1-2016	845-025-7040	1-1-2016	Adopt(T)	1-1-2016
845-025-3500	6-29-2016	Adopt	8-1-2016	845-025-7040	6-29-2016	Adopt	8-1-2016
845-025-3500	6-30-2016	Amend(T)	8-1-2016	845-025-7060	1-1-2016	Adopt(T)	1-1-2016
845-025-3510	6-30-2016	Adopt(T)	8-1-2016	845-025-7060	6-29-2016	Adopt	8-1-2016
845-025-3600	6-30-2016	Adopt(T)	8-1-2016	845-025-7500	1-1-2016	Adopt(T)	1-1-2016
845-025-5000	1-1-2016	Adopt(T)	1-1-2016	845-025-7500	6-29-2016	Adopt	8-1-2016
845-025-5000	6-29-2016	Adopt	8-1-2016	845-025-7520	1-1-2016	Adopt(T)	1-1-2016
845-025-5000	6-30-2016	Amend(T)	8-1-2016	845-025-7520	6-29-2016	Adopt	8-1-2016
845-025-5030	1-1-2016	Adopt(T)	1-1-2016	845-025-7540	1-1-2016	Adopt(T)	1-1-2016
845-025-5030	6-29-2016	Adopt	8-1-2016	845-025-7540	6-29-2016	Adopt	8-1-2016
845-025-5045	1-1-2016	Adopt(T)	1-1-2016	845-025-7560	1-1-2016	Adopt(T)	1-1-2016
845-025-5045	6-29-2016	Adopt	8-1-2016	845-025-7560	6-29-2016	Adopt	8-1-2016
845-025-5060	1-1-2016	Adopt(T)	1-1-2016	845-025-7570	6-29-2016	Adopt	8-1-2016
845-025-5060	6-29-2016	Adopt	8-1-2016	845-025-7580	1-1-2016	Adopt(T)	1-1-2016
845-025-5075	1-1-2016	Adopt(T)	1-1-2016	845-025-7580	6-29-2016	Adopt	8-1-2016
845-025-5075	6-29-2016	Adopt	8-1-2016	845-025-7580	9-20-2016	Amend(T)	11-1-2016

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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
845-025-8520	1-1-2016	Adopt(T)	1-1-2016	847-050-0025	10-7-2016	Amend	11-1-2016
845-025-8520	6-29-2016	Adopt	8-1-2016	847-050-0025(T)	1-8-2016	Repeal	2-1-2016
845-025-8540	1-1-2016	Adopt(T)	1-1-2016	847-050-0027	9-1-2016	Amend	8-1-2016
845-025-8540	6-29-2016	Adopt	8-1-2016	847-050-0036	9-1-2016	Adopt	8-1-2016
845-025-8560	1-1-2016	Adopt(T)	1-1-2016	847-050-0037	9-1-2016	Amend	8-1-2016
845-025-8560	6-29-2016	Adopt	8-1-2016	847-050-0040	9-1-2016	Amend	8-1-2016
845-025-8570	6-29-2016	Adopt	8-1-2016	847-050-0043	1-8-2016	Amend	2-1-2016
845-025-8580	1-1-2016	Adopt(T)	1-1-2016	847-050-0043	10-7-2016	Amend	11-1-2016
845-025-8580	6-29-2016	Adopt	8-1-2016	847-050-0063	1-8-2016	Repeal	2-1-2016
845-025-8590	1-1-2016	Adopt(T)	1-1-2016	847-050-0065	1-8-2016	Repeal	2-1-2016
845-025-8590	6-29-2016	Adopt	8-1-2016	847-070-0019	10-7-2016	Amend	11-1-2016
845-025-8700	6-29-2016	Adopt	8-1-2016	847-070-0045	1-8-2016	Amend	2-1-2016
847-001-0015	1-8-2016	Amend	2-1-2016	847-070-0045	10-7-2016	Amend	11-1-2016
847-001-0024	10-7-2016	Amend	11-1-2016	847-080-0010	4-8-2016	Amend	5-1-2016
847-001-0045	10-7-2016	Amend	11-1-2016	847-080-0013	10-7-2016	Amend	11-1-2016
847-002-0000	10-7-2016	Repeal	11-1-2016	847-080-0018	4-8-2016	Amend	5-1-2016
847-002-0005	10-7-2016	Repeal	11-1-2016	847-080-0021	4-8-2016	Amend	5-1-2016
847-002-0010	10-7-2016	Repeal	11-1-2016	847-080-0021	10-7-2016	Amend	11-1-2016
847-002-0015	10-7-2016	Repeal	11-1-2016	847-080-0022	4-8-2016	Amend	5-1-2016
847-002-0020	10-7-2016	Repeal	11-1-2016	847-080-0035	4-8-2016	Amend	5-1-2016
847-002-0025	10-7-2016	Repeal	11-1-2016	850-005-0190	12-30-2015	Amend	2-1-2016
847-002-0030	10-7-2016	Repeal	11-1-2016	850-030-0035	10-12-2016	Amend	11-1-2016
847-002-0035	10-7-2016	Repeal	11-1-2016	850-050-0010	10-12-2016	Amend	11-1-2016
847-002-0040	10-7-2016	Repeal	11-1-2016	850-050-0190	10-12-2016	Amend	11-1-2016
847-002-0045	10-7-2016	Amend	11-1-2016	850-060-0223	10-12-2016	Adopt	11-1-2016
847-005-0005	1-8-2016	Amend	2-1-2016	850-060-0225	10-12-2016	Repeal	11-1-2016
847-005-0005	10-7-2016	Amend	11-1-2016	850-060-0226	12-30-2015	Amend	2-1-2016
847-008-0003	10-7-2016	Amend	11-1-2016	850-060-0226	10-12-2016	Amend	11-1-2016
847-008-0020	1-8-2016	Amend	2-1-2016	851-002-0010	8-1-2016	Amend	8-1-2016
847-008-0022	1-8-2016	Amend	2-1-2016	851-002-0010	9-22-2016	Amend	10-1-2016
847-008-0023	1-8-2016	Amend	2-1-2016	851-002-0040	9-22-2016	Amend	10-1-2016
847-008-0025	1-8-2016	Amend	2-1-2016	851-031-0005	1-1-2016	Amend	1-1-2016
847-008-0030	1-8-2016	Amend	2-1-2016	851-031-0086	1-1-2016	Amend	1-1-2016
847-008-0035	1-8-2016	Amend	2-1-2016	851-050-0001	9-13-2016	Amend(T)	10-1-2016
847-008-0037	1-8-2016	Amend	2-1-2016	851-050-0138	11-24-2015	Amend(T)	1-1-2016
847-008-0050	1-8-2016	Amend	2-1-2016	851-050-0138	4-1-2016	Amend	4-1-2016
847-008-0055	1-8-2016	Amend	2-1-2016	851-056-0000	11-30-2015	Amend(T)	1-1-2016
847-008-0055	10-7-2016	Amend	11-1-2016	851-056-0000	4-1-2016	Amend	4-1-2016

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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
852-005-0005	9-27-2016	Amend	11-1-2016	855-043-0130(T)	12-23-2015	Repeal	2-1-2016
852-010-0015	4-1-2016	Amend	4-1-2016	855-043-0300	7-1-2016	Repeal	8-1-2016
852-010-0080	4-1-2016	Amend	4-1-2016	855-043-0310	7-1-2016	Repeal	8-1-2016
852-010-0080	4-8-2016	Amend	5-1-2016	855-043-0700	7-1-2016	Adopt	8-1-2016
852-050-0006	4-1-2016	Amend	4-1-2016	855-043-0705	7-1-2016	Adopt	8-1-2016
852-050-0014	4-1-2016	Amend	4-1-2016	855-043-0710	7-1-2016	Adopt	8-1-2016
852-050-0018	4-1-2016	Amend	4-1-2016	855-043-0715	7-1-2016	Adopt	8-1-2016
852-050-0025	4-1-2016	Amend	4-1-2016	855-043-0720	7-1-2016	Adopt	8-1-2016
852-050-0025	4-8-2016	Amend	5-1-2016	855-043-0725	7-1-2016	Adopt	8-1-2016
852-070-0010	4-1-2016	Amend	4-1-2016	855-043-0730	7-1-2016	Adopt	8-1-2016
852-070-0020	4-1-2016	Amend	4-1-2016	855-043-0735	7-1-2016	Adopt	8-1-2016
852-070-0035	4-1-2016	Amend	4-1-2016	855-043-0740	7-1-2016	Adopt	8-1-2016
852-070-0037	4-1-2016	Adopt	4-1-2016	855-043-0745	7-1-2016	Adopt	8-1-2016
852-070-0047	4-1-2016	Adopt	4-1-2016	855-043-0750	7-1-2016	Adopt	8-1-2016
855-006-0005	12-23-2015	Amend	2-1-2016	855-062-0040	12-23-2015	Amend	2-1-2016
855-006-0005	7-1-2016	Amend	8-1-2016	855-062-0040(T)	12-23-2015	Repeal	2-1-2016
855-006-0020	7-1-2016	Adopt	8-1-2016	855-080-0021	8-22-2016	Amend(T)	10-1-2016
855-019-0110	12-23-2015	Amend	2-1-2016	855-090-0005	12-23-2015	Repeal	2-1-2016
855-019-0200	12-23-2015	Amend	2-1-2016	855-110-0003	7-1-2016	Amend	8-1-2016
855-019-0264	12-23-2015	Adopt	2-1-2016	855-110-0005	7-1-2016	Amend	8-1-2016
855-019-0270	12-23-2015	Amend	2-1-2016	855-110-0007	7-1-2016	Amend	8-1-2016
855-019-0280	12-23-2015	Amend	2-1-2016	855-110-0010	7-1-2016	Amend	8-1-2016
855-019-0400	5-1-2016	Adopt	6-1-2016	856-010-0010	3-31-2016	Amend	5-1-2016
855-019-0400(T)	5-1-2016	Repeal	6-1-2016	856-010-0012	1-25-2016	Amend	3-1-2016
855-019-0405	5-1-2016	Adopt	6-1-2016	856-010-0012	2-10-2016	Amend	3-1-2016
855-019-0405(T)	5-1-2016	Repeal	6-1-2016	856-010-0026	3-31-2016	Amend	5-1-2016
855-019-0410	5-1-2016	Adopt	6-1-2016	856-010-0027	8-23-2016	Amend	10-1-2016
855-019-0410(T)	5-1-2016	Repeal	6-1-2016	856-010-0029	7-22-2016	Amend	9-1-2016
855-019-0415	5-1-2016	Adopt	6-1-2016	856-030-0040	5-25-2016	Amend(T)	7-1-2016
855-019-0415(T)	5-1-2016	Repeal	6-1-2016	858-010-0007	2-1-2016	Amend	3-1-2016
855-019-0420	5-1-2016	Adopt	6-1-2016	858-010-0020	2-1-2016	Amend	3-1-2016
855-019-0420(T)	5-1-2016	Repeal	6-1-2016	858-010-0020	5-23-2016	Amend	7-1-2016
855-019-0425	5-1-2016	Adopt	6-1-2016	858-010-0036	2-2-2016	Amend	3-1-2016
855-019-0425(T)	5-1-2016	Repeal	6-1-2016	858-010-0041	6-15-2016	Amend	7-1-2016
855-019-0430	5-1-2016	Adopt	6-1-2016	858-020-0075	5-23-2016	Amend	7-1-2016
855-019-0430(T)	5-1-2016	Repeal	6-1-2016	858-040-0035	2-1-2016	Amend	3-1-2016
855-019-0435	5-1-2016	Adopt	6-1-2016	858-040-0055	2-1-2016	Amend	3-1-2016
855-019-0435(T)	5-1-2016	Repeal	6-1-2016	858-040-0065	2-1-2016	Amend	3-1-2016



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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	860-200-0200	10-25-2016	Adopt	12-1-2016
859-020-0015	3-17-2016	Amend	5-1-2016	860-200-0250	10-25-2016	Adopt	12-1-2016
859-030-0005	3-17-2016	Amend	5-1-2016	863-060-0011	4-25-2016	Adopt	6-1-2016
859-030-0010	3-17-2016	Amend	5-1-2016	863-060-0011	5-13-2016	Adopt	6-1-2016
859-040-0005	3-17-2016	Amend	5-1-2016	875-010-0045	8-4-2016	Amend(T)	9-1-2016
859-040-0010	3-17-2016	Amend	5-1-2016	875-030-0050	8-4-2016	Amend(T)	9-1-2016
859-040-0015	3-17-2016	Amend	5-1-2016	877-001-0020	1-1-2016	Amend	2-1-2016
859-040-0020	3-17-2016	Amend	5-1-2016	877-015-0108	3-14-2016	Amend(T)	4-1-2016
859-040-0025	3-17-2016	Amend	5-1-2016	877-020-0005	12-15-2015	Amend	1-1-2016
859-045-0005	3-17-2016	Adopt	5-1-2016	877-020-0009	3-14-2016	Amend(T)	4-1-2016
859-045-0010	3-17-2016	Adopt	5-1-2016	877-020-0021	12-15-2015	Adopt	1-1-2016
859-050-0001	3-17-2016	Adopt	5-1-2016	877-030-0110	1-1-2016	Adopt	2-1-2016
859-050-0005	3-17-2016	Amend	5-1-2016	918-020-0090	1-1-2016	Amend	1-1-2016
859-050-0010	3-17-2016	Amend	5-1-2016	918-020-0090(T)	1-1-2016	Repeal	1-1-2016
859-050-0015	3-17-2016	Amend	5-1-2016	918-020-0095	9-29-2016	Amend(T)	11-1-2016
859-050-0020	3-17-2016	Amend	5-1-2016	918-098-1010	1-26-2016	Amend(T)	3-1-2016
859-050-0025	3-17-2016	Amend	5-1-2016	918-098-1010	4-1-2016	Amend	5-1-2016
859-050-0030	3-17-2016	Amend	5-1-2016	918-098-1010	7-1-2016	Amend	8-1-2016
859-050-0035	3-17-2016	Amend	5-1-2016	918-098-1010(T)	4-1-2016	Repeal	5-1-2016
859-050-0040	3-17-2016	Amend	5-1-2016	918-098-1012	4-1-2016	Amend	5-1-2016
859-050-0045	3-17-2016	Amend	5-1-2016	918-098-1012	7-1-2016	Amend	8-1-2016
859-050-0050	3-17-2016	Amend	5-1-2016	918-098-1015	4-1-2016	Amend	5-1-2016
859-050-0055	3-17-2016	Amend	5-1-2016	918-098-1015	7-1-2016	Amend	8-1-2016
859-050-0060	3-17-2016	Amend	5-1-2016	918-098-1025	1-26-2016	Amend(T)	3-1-2016
859-050-0065	3-17-2016	Amend	5-1-2016	918-098-1025	4-1-2016	Amend	5-1-2016
859-050-0070	3-17-2016	Amend	5-1-2016	918-098-1025	7-1-2016	Amend	8-1-2016
859-050-0075	3-17-2016	Amend	5-1-2016	918-098-1025(T)	4-1-2016	Repeal	5-1-2016
859-050-0080	3-17-2016	Amend	5-1-2016	918-098-1028	7-1-2016	Amend	8-1-2016
859-050-0083	3-17-2016	Adopt	5-1-2016	918-098-1100	7-1-2016	Adopt	8-1-2016
859-050-0085	3-17-2016	Amend	5-1-2016	918-098-1210	4-1-2016	Amend	5-1-2016
859-050-0090	3-17-2016	Amend	5-1-2016	918-098-1215	4-1-2016	Amend	5-1-2016
859-050-0095	3-17-2016	Amend	5-1-2016	918-098-1305	4-1-2016	Amend	5-1-2016
859-050-0100	3-17-2016	Amend	5-1-2016	918-098-1320	4-1-2016	Amend	5-1-2016
859-050-0105	3-17-2016	Amend	5-1-2016	918-098-1470	1-26-2016	Amend(T)	3-1-2016
859-200-0070	3-17-2016	Amend	5-1-2016	918-098-1470	4-1-2016	Amend	5-1-2016
859-400-0001	3-17-2016	Adopt	5-1-2016	918-098-1470(T)	4-1-2016	Repeal	5-1-2016
859-400-0005	3-17-2016	Adopt	5-1-2016	918-098-1475	7-1-2016	Adopt	8-1-2016
859-400-0010	3-17-2016	Adopt	5-1-2016	918-098-1480	1-26-2016	Amend(T)	3-1-2016
859-400-0015	3-17-2016	Adopt	5-1-2016	918-098-1480	4-1-2016	Amend	5-1-2016
859-400-0020	3-17-2016	Adopt	5-1-2016	918-098-1480(T)	4-1-2016	Repeal	5-1-2016
859-400-0025	3-17-2016	Adopt	5-1-2016	918-098-1900	1-26-2016	Amend(T)	3-1-2016
859-400-0030	3-17-2016	Adopt	5-1-2016	918-098-1900	4-1-2016	Amend	5-1-2016
859-400-0035	3-17-2016	Adopt	5-1-2016	918-098-1900(T)	4-1-2016	Repeal	5-1-2016
859-400-0040	3-17-2016	Adopt	5-1-2016	918-271-0040	1-1-2016	Amend	1-1-2016
859-400-0045	3-17-2016	Adopt	5-1-2016	918-271-0105	4-1-2016	Adopt	5-1-2016
860-024-0020	5-17-2016	Amend	7-1-2016	918-305-0105	9-7-2016	Amend(T)	10-1-2016
860-024-0021	5-17-2016	Amend	7-1-2016	918-305-0105	11-8-2016	Amend	12-1-2016
860-038-0300	3-10-2016	Amend	4-1-2016	918-305-0105(T)	11-8-2016	Repeal	12-1-2016
860-200-0005	5-3-2016	Adopt	6-1-2016	918-308-0000	9-29-2016	Amend(T)	11-1-2016
860-200-0005(T)	5-3-2016	Repeal	6-1-2016	918-308-0010	9-29-2016	Amend(T)	11-1-2016
860-200-0050	5-3-2016	Adopt	6-1-2016	918-308-0020	9-29-2016	Amend(T)	11-1-2016
860-200-0050(T)	5-3-2016	Repeal	6-1-2016	918-308-0160	9-29-2016	Amend(T)	11-1-2016
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918-309-0040	4-1-2016	Amend	5-1-2016	918-695-0520	11-1-2016	Adopt(T)	12-1-2016
918-309-0060	4-1-2016	Amend	5-1-2016	943-120-0350	10-1-2016	Amend	11-1-2016
918-309-0070	4-1-2016	Amend	5-1-2016	945-030-0020	3-25-2016	Amend(T)	5-1-2016
918-309-0075	4-1-2016	Adopt	5-1-2016	945-030-0020	9-16-2016	Amend	11-1-2016
918-440-0012	7-1-2016	Amend	8-1-2016	945-030-0030	4-12-2016	Amend	5-1-2016
918-460-0015	2-1-2016	Amend	3-1-2016	945-030-0035	4-12-2016	Repeal	5-1-2016
918-460-0015	11-3-2016	Amend(T)	12-1-2016	945-060-0000	9-8-2016	Adopt	10-1-2016
918-460-0500	3-3-2016	Amend(T)	4-1-2016	945-060-0005	9-8-2016	Adopt	10-1-2016
918-460-0500	8-30-2016	Amend(T)	10-1-2016	945-060-0010	9-8-2016	Adopt	10-1-2016
918-480-0010	2-1-2016	Amend	3-1-2016	945-060-0015	9-8-2016	Adopt	10-1-2016
918-480-0100	6-28-2016	Suspend	8-1-2016	945-060-0020	9-8-2016	Adopt	10-1-2016
918-480-0100	10-1-2016	Repeal	11-1-2016	945-060-0025	9-8-2016	Adopt	10-1-2016
918-480-0110	6-28-2016	Suspend	8-1-2016	945-060-0030	9-8-2016	Adopt	10-1-2016
918-480-0110	10-1-2016	Repeal	11-1-2016	945-060-0035	9-8-2016	Adopt	10-1-2016
918-480-0120	6-28-2016	Suspend	8-1-2016	945-060-0040	9-8-2016	Adopt	10-1-2016
918-480-0120	10-1-2016	Repeal	11-1-2016	951-006-0000	6-21-2016	Amend	8-1-2016
918-480-0125	6-28-2016	Adopt(T)	8-1-2016	951-006-0001	6-21-2016	Amend	8-1-2016
918-480-0125	10-1-2016	Adopt	11-1-2016	951-006-0005	6-21-2016	Amend	8-1-2016
918-480-0125(T)	10-1-2016	Repeal	11-1-2016	951-006-0010	6-21-2016	Amend	8-1-2016
918-695-0410	4-1-2016	Amend	5-1-2016	951-006-0020	6-21-2016	Amend	8-1-2016
918-695-0500	11-1-2016	Adopt(T)	12-1-2016	976-002-0020	7-1-2016	Amend	8-1-2016