



## **2024 Five Year Rule Review**

*Compiled by  
Oregon's Secretary of State's Publication Unit  
January 5, 2024*

# Five-Year Rule Review

ORS 183.405

**Rule Name:** Public Records Fees

**Rule Number(s):** OAR 847-005-0008

**Adoption Date:**

July 24, 2019

**Review Due Date:**

July 23, 2024

**Review Date:**

November 13, 2023

**Sent to SOS Date:**

January 5, 2024

**Advisory Committee Used:** Administrative Affairs Committee

**Advisory Committee Not Used**

**What was the intended effect of this rule adoption?**

The rule was intended to increase readability by separating licensing and records request fees into different rules. The rule aligned the Board's request fees with the Oregon Department of Administrative Services fees and charges policy, 107-001-030.

Yes  
 No

**Has this rule adoption had its intended effect?**

The rule has been used to determine fees for staff time required to fulfill a public records request.

Yes  
 No

**Was the anticipated fiscal impact of this rule correct?**

The Oregon Medical Board anticipated a minor fiscal impact by the rule. The rule only updated a few of the charges to align with the statewide policy. All state agencies charge the same hourly rate for a public records request.

Yes  
 No

**Have subsequent changes in the law required this rule to be/can be amended or repealed?**

The law has not changed requiring the rule to be amended. However, on April 11, 2023, the Board adopted an amendment to add a fee for the Board Attorney's time utilized during a public records request.

Yes  
 No

**Is there a continued need for this rule?**

Yes.

Yes  
 No

**What impact has the rule had on small businesses?**

Unknown, small businesses may request public records and would be charged these fees. All state agencies charge similar fees for a public records request.

**Additional Comments:** None

**Report provided by:** Rules Coordinator

**847-005-0008**  
**Public Record Fees**

Many public records are available on the Oregon Medical Board's website without charge; convenience copies of these records are available upon request for a set charge. Pursuant to ORS 192.324, public records fees reflect no more than the actual cost of producing and processing the public records request.

(1) Licensee Information Request Charges:

(a) Verification of Licensure — Individual Requests (1-4 licenses) — \$10 per license.

(b) Verification of Licensure — Multiple (5 or more licenses) — \$7.50 per license.

(c) Malpractice Report — Individual Requests — \$10 per license.

(d) Malpractice Report — Multiple (monthly report) — \$15 per report.

(e) Disciplinary — Individual Requests — \$10 per license.

(2) Record Search Charges: If a request for records can be fulfilled using less than 30 minutes of staff time, there will be no charge for the service.

(a) Clerical Staff — \$25 per hour.

(b) Administrative and Managerial Staff — \$40 per hour.

(c) Professional Staff and Medical Director — \$75 per hour.

(d) The actual cost to the Board of time spent by the Board's attorney in reviewing the public records, redacting material from the public records, and segregating the public records into exempt and nonexempt records.

(3) Data Order Charges:

(a) Standard Licensee Data Order — \$75 each.

(b) Custom Licensee Data Order — \$75 + \$40.00 per hour Administrative time.

(c) Address Label Data — \$50 each.

(d) Malpractice Information Data — \$75 each.

(4) All Board fees are non-refundable and non-transferable.

(5) The Board may waive or reduce fees for public records upon written request if the Board determines that making the record available primarily benefits the general public.

Statutory/Other Authority: ORS 677.265

Statutes/Other Implemented: ORS 677.265 & 192.324

History:

OMB 6-2023, amend filed 04/11/2023, effective 04/11/2023

OMB 2-2019, adopt filed 07/24/2019, effective 07/24/2019



### Oregon Department of Land Conservation and Development

#### 5-year Rule Review

#### Adopted Rules of Chapter 660



#### Division 25 (Periodic Review)

**Rules adopted:** 660-025-0185

**Date Adopted (Filing No.):** January 24, 2019 (LCDD 2-2019)

**Date Reviewed:** January 16, 2024

**Rulemaking Advisory Committee used:** No. The amendments were directed by legislation and were technical in nature.

<b>660-025-0185: Review of Urban Growth Boundary Amendment Components</b>	
Did the rule have its intended effect?	Yes, in 2023 the department approved two work programs as authorized under this rule, 1) the City of Molalla; and 2) the City of Canby. The department is currently reviewing two additional requests for work programs authorized by this rule; 1) the City of McMinnville; and 2) the City of Newberg.
What was the intended effect?	The intended effect of the rule was to give cities that need to expand their urban growth boundaries more flexibility to complete and have acknowledged by the state individual components of an overall program, such as an analysis of housing need and supply, or an analysis of land needs for commercial and industrial development vs. supply.
Was the fiscal impact underestimated or overestimated? What was the estimated fiscal impact?	The analysis of the rules found no significant fiscal impact, and to date this analysis is correct.
Have any changes in law required that the rule be repealed or amended?	No
Is the rule still necessary?	Yes
What impacts does the rule have on small business?	None

Landscape Contractors Board  
Five-year Administrative Rule Review

**Rule division name and rule number:**

808-003-0500 – Creates Modified Phase of License

**Date adopted:** February 1, 2019

**Date Reviewed:** January 19, 2024

**Advisory Committee Used:** Yes, the Board acts as its own Advisory Committee

1. **Did the rule achieve the intended effect?** Yes

2. **Was the fiscal impact statement:**

- Underestimated
- Overestimated
- Just about right
- Unknown

3. **Have the rules been repealed or amended?** Yes

4. **Are the rules still needed?** Yes

This rule created a new phase of licensure with reduced eligibility requirements. The rule reduced barriers to entry for licensing for people who want to perform landscape contracting work and own their own business. It has further improved the diversity, equity and inclusion of licensees, especially those in the Spanish community.

---

**The agency must review each adopted administrative rule not later than five years after its adoption.** Under ORS 183.405, the agency must determine:

- a. Whether the rule has had the intended effect;
- b. Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- c. Whether subsequent changes in the law require that the rule be repealed or amended;
- d. Whether there is a continued need for the rule.

The agency must report its findings to the Secretary of State and any Advisory Committee appointed under ORS 183.333. This agency has a Board that acts as the Advisory Committee.

The review requirement does not apply to rules adopted to:

- implement court orders or settle civil proceedings;
- adopt federal laws or rules by reference;
- implement legislatively-approved fee changes; or
- correct errors or omissions.

Landscape Contractors Board  
Five-year Administrative Rule Review

**Rule division name and rule number:**

808-003-0501 – Scope of work for Modified License

**Date adopted:** February 1, 2019

**Date Reviewed:** January 19, 2024

**Advisory Committee Used:** Yes, the Board acts as its own Advisory Committee

1. **Did the rule achieve the intended effect?** Yes
2. **Was the fiscal impact statement:**
  - Underestimated
  - Overestimated
  - Just about right
  - Unknown
3. **Have the rules been repealed or amended?** Yes
4. **Are the rules still needed?** Yes  
This rule defines the scope of work allowed under the new license phase and is still needed for clarity and consistency.

---

**The agency must review each adopted administrative rule not later than five years after its adoption.** Under ORS 183.405, the agency must determine:

- e. Whether the rule has had the intended effect;
- f. Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- g. Whether subsequent changes in the law require that the rule be repealed or amended;
- h. Whether there is a continued need for the rule.

The agency must report its findings to the Secretary of State and any Advisory Committee appointed under ORS 183.333. This agency has a Board that acts as the Advisory Committee.

The review requirement does not apply to rules adopted to:

- implement court orders or settle civil proceedings;
- adopt federal laws or rules by reference;
- implement legislatively-approved fee changes; or
- correct errors or omissions.

Landscape Contractors Board  
Five-year Administrative Rule Review

**Rule division name and rule number:**  
808-003-0502 Modified License Requirements

**Date adopted:** February 1, 2019

**Date Reviewed:** January 19, 2024

**Advisory Committee Used:** Yes, the Board acts as its own Advisory Committee

1. **Did the rule achieve the intended effect?** Yes

2. **Was the fiscal impact statement:**

- Underestimated
- Overestimated
- Just about right
- Unknown

3. **Have the rules been repealed or amended?** No

4. **Are the rules still needed?** Yes

This rule defines eligibility requirements used to qualify applicants for this phase of licensure. The requirements reduced barriers to entry for licensing for people who want to perform landscape contracting work and has further improved the diversity, equity and inclusion of licensees, especially those in the Spanish community. The rule is still needed for clarity and consistency.

---

**The agency must review each adopted administrative rule not later than five years after its adoption.** Under ORS 183.405, the agency must determine:

- i. Whether the rule has had the intended effect;
- j. Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- k. Whether subsequent changes in the law require that the rule be repealed or amended;
- l. Whether there is a continued need for the rule.

The agency must report its findings to the Secretary of State and any Advisory Committee appointed under ORS 183.333. This agency has a Board that acts as the Advisory Committee.

The review requirement does not apply to rules adopted to:

- implement court orders or settle civil proceedings;
- adopt federal laws or rules by reference;
- implement legislatively-approved fee changes; or
- correct errors or omissions.

Landscape Contractors Board  
Five-year Administrative Rule Review

**Rule division name and rule number:**

808-003-0503 Change of License Category for Modified License

**Date adopted:** February 1, 2019

**Date Reviewed:** January 19, 2024

**Advisory Committee Used:** Yes, the Board acts as its own Advisory Committee

1. **Did the rule achieve the intended effect?** Yes

2. **Was the fiscal impact statement:**

- Underestimated
- Overestimated
- Just about right
- Unknown

4. **Have the rules been repealed or amended?** Yes

4. **Are the rules still needed?** Yes

This Modified phase of licensure has reduced eligibility requirements. This rule denotes requirements for ensuring the applicable higher standards are met to change license categories. The rule is still needed for clarity and consistency.

---

**The agency must review each adopted administrative rule not later than five years after its adoption.** Under ORS 183.405, the agency must determine:

- m. Whether the rule has had the intended effect;
- n. Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- o. Whether subsequent changes in the law require that the rule be repealed or amended;
- p. Whether there is a continued need for the rule.

The agency must report its findings to the Secretary of State and any Advisory Committee appointed under ORS 183.333. This agency has a Board that acts as the Advisory Committee.

The review requirement does not apply to rules adopted to:

- implement court orders or settle civil proceedings;
- adopt federal laws or rules by reference;
- implement legislatively-approved fee changes; or
- correct errors or omissions.





**OREGON HOUSING *and*  
COMMUNITY SERVICES**

725 SUMMER STREET NE, SUITE B | SALEM, OR 97301  
503-986-2000 | [www.oregon.gov/OHCS](http://www.oregon.gov/OHCS)

**Report to the Secretary of State: 5-Year Rule Review  
(January 2019–December 2019)**

Compiled for submission by Feb. 1, 2024

ORS 183.405 requires all state agencies to make a reporting of all rulemakings that adopted rules in the fifth calendar year prior to date. The purpose of the review is to determine the rules' alignment with original intent, applicability, and anticipated fiscal impact. OHCS strives to make necessary rule amendments as the need arises.

The following records account for all of OHCS' adopted rules for the 2019 calendar year. A copy of this report shall be made available by Leann Knapp ([Leann.Knapp@hcs.oregon.gov](mailto:Leann.Knapp@hcs.oregon.gov)).

During the period of January 1, 2019, through December 31, 2019, OHCS adopted a total of six (6) rules. These rulemakings impacted four (4) divisions and programs:

- Home Ownership Assistance Program of the Oregon Housing Fund (Division 44)
- Low-Income Weatherization Assistance Program (Division 205)
- Housing Choice Landlord Guarantee Program (Division 360)
- Rent Guarantee Program (Division 365)

The appendices of this report detail the status of those filings.

**Appendix**

**Table of Contents:**

Appendix A: Division No. 44 (Home Ownership Assistance Program of the Oregon Housing Fund): .....3

Appendix B: Division No. 205 (Low-Income Weatherization Assistance Program):.....4

Appendix C: Division No. 360 (Housing Choice Landlord Guarantee Program): .....5

Appendix D: Division No. 365 (Rent Guarantee Program): .....7

**Appendix A**  
**5-Year Rule Review**  
**Adopted Rules of Chapter 813**

**Division No. 44 (Home Ownership Assistance Program of the Oregon Housing Fund):**

Rules Adopted: 813-044-0005

Date Adopted (Filing No.): 12-30-2019 (OHCS 41-2019)

Rule Advisory Committee Used: No

If not, please explain: We needed to make these changes based on feedback from partners and to promote more transparent and equitable service to Oregonians. These changes were vetted internally through a policy advisory group, our Executive Team members and the Housing Stability Council.

<b>OAR 813-044-0005: Definitions</b>	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing definitions for this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The agency has amended this rule once since adoption due to legislative activities.
<i>Is the rule still necessary?</i>	Yes

**Appendix B**  
**5-Year Rule Review**  
**Adopted Rules of Chapter 813**

**Division No. 205 (Low-Income Weatherization Assistance Program):**

Rules Adopted: 813-205-0011

Date Adopted (Filing No.): 12-18-2019 (OHCS 38-2019)

Rule Advisory Committee Used: No

If not, please explain: These changes only adopted language consistent with other divisions and programs implemented by the same community action agencies.

<b>OAR 813-205-0011: Administration</b>	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect by establishing the administration of the program and maintaining consistency among similar programs' rules.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	There has been no internal need to amend this rule or any legislative activity that changed it.
<i>Is the rule still necessary?</i>	Yes

**Appendix C**  
**5-Year Rule Review**  
**Adopted Rules of Chapter 813**

**Division No. 360 (Housing Choice Landlord Guarantee Program):**

Rules Adopted: 813-360-0045; 813-360-0055

Date Adopted (Filing No.): 12-31-2019 (OHCS 44-2019)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

<b>OAR 813-360-0045: Reporting and Recordkeeping</b>	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule met the intended effect by establishing requirements for reporting and recordkeeping and maintaining consistency among similar programs' rules.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	There has been no internal need to amend this rule or any legislative activity that changed it.
<i>Is the rule still necessary?</i>	Yes

<b>OAR 813-360-0055: Administrative Review</b>	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule met the intended effect by establishing requirements for administrative review and maintaining consistency among similar programs' rules.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.

**2024 5-Year Rule Review**

---

<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	There has been no internal need to amend this rule or any legislative activity that changed it.
<i>Is the rule still necessary?</i>	Yes

**Appendix D**  
**5-Year Rule Review**  
**Adopted Rules of Chapter 813**

**Division No. 365 (Rent Guarantee Program):**

Rules Adopted: 813-365-0030; 813-365-0070

Date Adopted (Filing No.): 12-31-2019 (OHCS 45-2019)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

<b>OAR 813-365-0030: Eligibility</b>	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule met the intended effect by establishing eligibility criteria for participants.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The agency has amended this rule once since adoption due to legislative activities.
<i>Is the rule still necessary?</i>	No

<b>OAR 813-365-0070: Administrative Review</b>	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule met the intended effect by establishing requirements for administrative review and maintaining consistency among similar programs' rules.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.

## 2024 5-Year Rule Review

---

<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	There has been no internal need to amend this rule or any legislative activity that changed it.
<i>Is the rule still necessary?</i>	No



**Retail Sales Agent Eligibility**

OAR 845-015-0115

**Date Adopted:** 1/17/2019

**Date Review Due:** 2/1/2024

**Date Review Completed:** 1/31/2024

**Advisory Committee (AC) used?** Yes

**AC members:**

**1) Did the rule achieve its intended effect?**

**a) What was the intended effect?**

Prior to the implementation of this rule, ORS 471.710 explicitly prevented a Retail Sales Agent from obtaining or being associated with a Full-On Premises or a Distillery license. The statute was previously silent regarding a Retail Sales Agent obtaining another license. Many Retail Sales Agents already had an Off-Premises license which allowed them to sell cider, malt beverages and wine for consumption off the licensed premises. In the spring of 2018, our Commission was petitioned to amend the rules. The petitioner requested that the Commission remove the prohibition on Retail Sales Agents from obtaining a Limited License for a separate location.

**b) How did the rule succeed or fail in achieving this effect?** The rule succeeded in that they can now obtain a limited license.

**2) Was the fiscal impact underestimated, overestimated, just about right, or unknown?** As expected.

**a) What was the estimated fiscal impact?**

**This statement takes into account the fiscal impact on: (a) Licensees; (b) Retail Sales Agents (c) Local Government; (d) State Agencies; and (e) the Public:**

(a) **Licensees:** The Commission forecasts that the amendments would have both a possible positive and negative fiscal impact on Limited Licensees, as they could see increased market competition from Retail Sales Agents entering the market. Conversely, a Limited Licensee, per the proposed amendments, would be eligible to apply for an opportunity to become a Retail Sales Agent of the Commission.

(b) **Retail Sales Agents:** The Commission forecasts that the amendments would have a possible positive fiscal impact on Retail Sales Agents. The amendments would enable a Retail Sales Agent to obtain a Limited License. This would allow a Retail Sales Agent to open a separate location to sell whom sell malt beverages,

cider or wine by the glass and factory sealed containers of malt beverages and kegs, if they chose to enter that business environment.

(c) **Local Government**: The Commission expects the proposed amendments to have no impact upon local governments, as the rules does not apply to them.

(d) **State Agencies**: The Commission expects the proposed rule to have a neutral effect. Oregon Health Authority has concerns that more outlets of alcohol will merely lead to more negative alcohol related impacts upon the populace.

(e) **The Public**: The Commission expects the proposed rule to have both a possible positive and negative fiscal impact on the public. Consumers of alcoholic beverages may find more retail options available to them. However, the Oregon Health Authority has concerns that more outlets of alcohol will merely lead to more negative alcohol related impacts upon the populace.

**COST OF COMPLIANCE**: *(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

1. **Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E))**: The Commission anticipates no new costs to comply with the proposed amendments for most state agencies and local government. The Oregon Health Authority has concerns that more outlets of alcohol will merely lead to more negative alcohol related impacts upon the populace.

2. **Cost of compliance effect on small business (ORS 183.336)**:

**a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule**: Currently, the Commission has 2,778 limited licensee and approximately 250 Retail Sales Agents.

**b. Projected reporting, record keeping and other administrative activities required for compliance, including costs of professional services**: A Retail Sales Agent would need to apply in a form and manner proscribed by the Commission in order to obtain a Limited License, and complete all subsequent licensing requirements. This is a basic expectation of all licensees.

**c. Equipment, supplies, labor and increased administration required for compliance**: A Retail Sales Agent would need to apply in a form and manner proscribed by the Commission in order to obtain a Limited License, and complete all subsequent licensing requirements.

b) **What was the actual fiscal impact?**

I don't believe there was a fiscal impact other than potential negative health impacts and positive impacts for the agents who have these licenses.

c) **If the answer to question 2 is unknown, briefly explain why:**

3) **Have subsequent changes in the law required the rule to be repealed or amended? If yes, explain: No**

4) **Is the rule still needed? Yes Explain:** The rule has provided agents the ability to have an additional license to potentially generate more income.

5) **What, if any, is the impact on small businesses?** Likely only a positive impact in that agents can take part in additional business activities.

**Review Completed By:**

Nicole M. Blossé	<i>Nicole M. Blossé</i>	Rules Coordinator	2/2/2024
<b>Name</b>	<b>Signature</b>	<b>Title</b>	<b>Date</b>

**Executive Review:**

Bryant Haley	<i>Bryant Haley</i>	Public Records Manager	2/5/2024
<b>Name</b>	<b>Signature</b>	<b>Title</b>	<b>Date</b>



State of Oregon Department of Environmental Quality

## **Five Year Rule Review** ([ORS 183.405](#))

### **2024 review of rules adopted in 2019**

Contact: [Emil Hnidey](#), Agency Rules Coordinator

## **The purpose of the review**

ORS 183.405 of the Administrative Procedures Act requires agencies to review all newly adopted rules within five years after adopting them. This document meets DEQ's responsibilities under that law.

## **Legal requirements**

The statute requires agencies to review new rules to determine whether:

- The rule had the intended effect
- The agency over- or underestimated the rule's anticipated fiscal impact
- Subsequent changes in the law required the agency to amend or repeal the rule
- There is a continued need for the rule

Agencies are only required to use available information to conduct this review.

If the agency appointed an advisory committee in developing the rule, the agency must provide the committee members a copy of the review.

## **Exemptions**

Rules are exempt from this review if they:

- Consist only of the repeal of or an amendment to an existing rule
- Are adopted to implement court orders or to settle civil proceedings
- Only adopt federal laws or rules by reference
- Implement legislatively approved fee changes
- Only correct omissions or errors

## **Distribution of the review**

DEQ's Agency Rules Coordinator:

- Provides a copy of this review to DEQ's Leadership Team
- Provides a copy of this review to any advisory committee members
- Posts a copy of the review on DEQ's rulemaking website

- Preserves a copy of the review in DEQ’s electronic rulemaking archives
- Sends a copy to the Oregon Secretary of State

## **EQC meetings in 2018**

On May 16, 2019, the EQC adopted rules subject to review.

## **Rules subject to this review**

### **Title – DEQ Rules Tables Attachments 2019**

**Adopted date:** May 16, 2019

**Rule numbers:** 340-230-8010, 340-232-8010

**Reviewer:** Emil Hnidey

### **Summary**

This rulemaking corrected references in Department of Environmental Quality administrative rules to external documents and published external documents that the rules referred to but that were not published with the rules. This rulemaking also corrected existing typographical or grammatical errors in several rules without making any substantive changes.

The purpose of this rulemaking is to make DEQ rules easier for readers to use. This rulemaking also helped ensure that readers and users of the rules are always relying on the current, correct version of external reference documents.

Many of DEQ’s rules refer to or incorporate external reference documents such as tables, graphs, maps or manuals. Many of these documents were not published with the official, online version of the rules that the Oregon Secretary of State publishes. This was an artifact of when rules were originally published in paper and there was not a practical way to attach or include large external documents with the rules.

The Secretary of State, whose office publishes the official Oregon Administrative Rules, is now able to attach most types of documents to the online published rules. It is much easier for people using the rules to find and access reference documents if they are located directly with the published rules and available electronically. DEQ conducted this rulemaking to correct errors in published rule attachments, to standardize formatting of rule attachments and to include reference documents that were not published with the rules.

The only change this rulemaking made to any rule text is to ensure that references to external documents were accurate. DEQ did not make changes to the meaning or effect of any of the rules included in this rulemaking.

This rulemaking had no fiscal impact on any party. This rulemaking did not require any new actions by, or impose any new requirements on, any party.

**Did the rule have the intended effect?**

Yes. These rules had the intended effect of creating a central place for tables to reside that all other rules in the Division can reference.

**Did the agency over- or underestimate the rule’s fiscal impact?**

DEQ accurately anticipated the fiscal impact of the rules and has not had to make any adjustment.

**Do subsequent changes in the law require the agency to amend or repeal the rule?**

No.

**Is there a continued need for the rule?**

Yes. These rules continue to serve as the place where all tables for Division 230 and 232 are housed.

**Translation or other formats**

[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)

800-452-4011 | TTY: 711 | [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov)

**Non-discrimination statement**

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities. Visit DEQ’s [Civil Rights and Environmental Justice page](#).

## **Oregon Administrative Rules 5-YEAR RULE REVIEW WORKSHEET**

1. All categories on this form are required by the Secretary of State and the Attorney General's Administrative Law Manual per ORS 183.405. The grey notes are advice to assist filling out this form.

2. Fill out and return this completed form to the Rules Coordinator.

TIP: Have the original Notice Filing, Permanent Filing that adopted the rules, and the list of RAC Members on hand when completing the 5-Year Rule Review.

### **This 5-year Rule Review Report was Reviewed by:**

Name: Jenifer McIntosh

Original Adopt Effective Date: 01/01/2019

5-Year Rule Review Due Date: 01/01/2024

5-Year Rule Review Completed Date: 03/01/2024

**Rule Numbers Adopted:** 413-215-0079

### **What was the intended effect of this rule?**

To require child-caring agencies to have and adhere to written policies and procedures regarding safety and environmental health. Specifically, the new required policies are on vehicle and transportation safety (only for agencies that transport children in care), searches (only for agencies that conduct searches on children in care or visitors), water safety (only for agencies that have a swimming pool on the premises or that take children in care swimming), and a general policy on hazards.

### **Has the rule had the intended effect? Yes or No? Explain.**

Yes. It is not required that all child-caring agencies have and follow written policies related to safety.

### **Was the anticipated Fiscal Impact of the underestimated?**

No. There was no expected impact regarding these changes and no fiscal impact was reported after the change was implemented.

### **Was the anticipated Fiscal Impact of the overestimated?**

No. There was no expected impact regarding these changes and no fiscal impact was reported after the change was implemented.

### **Have subsequent changes in the law required the rule to be repealed or amended?**

No

**Is there a continued need for this rule?** Yes

**What impact has the rule had on small businesses?**

The Rule Advisory Committee (RAC) for these rules determined there was no impact to small business. Child-caring agencies, some of who qualify as a small business under ORS 183.310, participated in the RAC and were also invited to comment during the public comment period.

**Was an Administrative Rule Advisory Committee (RAC) consulted?** Yes

**Date sent to RAC Members and SOS:** 3/14/2024



**2019 OLCC Industrial Hemp Rules Package**  
***Amend Division 25***

**Date Adopted:** 3/1/2019 (OLCC 3-2019, OLCC 4-2019), 3/11/2019 (OLCC 5-2019) & 3/13/2019 (OLCC 6-2019)

**Date Review Due:** 3/1/2024

**Date Review Completed:** 2/27/2024

**Advisory Committee (AC) used?** Yes. A Rules Advisory Committee was held on 9/27/2018.

**AC members:** Steve Livingston, Courtney Moran, Trista Okel, Daniel Williams, Erin Williams

1) **Did the rule achieve its intended effect?**

a) **What was the intended effect?**

Division 25 of Chapter 845 of the Oregon Administrative Rules sets forth the privileges and prohibitions for licensees and permittees of the Commission regarding the recreational cannabis market. The revisions within this package were made to implement the changes made by the 2018 Oregon legislature (HB 4089) relating to industrial hemp.

As a result:

The Oregon Liquor & Cannabis Commission amended the following rules:

- **845-025-1015** - Definitions
- **845-025-1060** - Fees
- **845-025-1335** - Marijuana Promotional Events
- **845-025-2700** - Industrial Hemp Grower Certificate Application; Denial; Revocation
- **845-025-2750** - Industrial Hemp Grower Certificate Privileges; Prohibitions
- **845-025-2800** - Retailer Privileges; Prohibitions
- **845-025-3210** - Marijuana Processors - Endorsements
- **845-025-3215** - Processor Privileges; Prohibitions
- **845-025-3500** - Wholesale License Privileges; Prohibitions
- **845-025-8520** - Prohibited Conduct
- **845-025-8590** - Suspension, Cancellation, Civil Penalties, Sanction Schedule

The Oregon Liquor & Cannabis Commission adopted the following rules:

- **845-025-2705** - Industrial Hemp Handler Certificate Application; Denial; Revocation
- **845-025-2755** - Industrial Hemp Handler Certificate Privileges; Prohibitions

- **845-025-2760** - THC Concentration Limits for Industrial Hemp and Hemp Items
- **845-025-2775** - CTS Requirements for Industrial Hemp and Hemp Items
- **845-025-2785** - Licensee Industrial Hemp Privileges; Requirements

The Oregon Liquor & Cannabis Commission repealed the following rule:

- **845-025-3285** – Industrial Hemp Processor Requirements

b) **How did the rule succeed or fail in achieving this effect?** The rule succeeded in implementing 2018 HB 4089 by creating a framework for issuing hemp certificates to hemp growers and hemp handlers to transfer hemp and hemp items to OLCC licensees in accordance with the provisions of 2018 HB 4089. OLCC began receiving applications the day after the rule was filed and issued the first hemp certificates under these rules on the date the rules became effective. Within the first year, OLCC issued 99 hemp certificates under these rules. The rules also successfully anticipated future trends in intoxicating hemp products; these rules were the first in the nation to limit the milligrams of THC in hemp items, not only the concentration of THC (mg/g or percent by weight) to avoid situations where a hemp item would be permitted to exceed the THC per serving and THC per container limits that apply to marijuana items.

2) **Was the fiscal impact underestimated, overestimated, just about right, or unknown?**  
Just about right.

a) **What was the estimated fiscal impact?**

This statement takes into account the fiscal impact on: (a) Marijuana Licensees; (b) Local Government; (c) State Agencies; and (d) the Public.

**(a) Marijuana Licensees:** The rules will implement the provisions of 2018 HB 4089 which allows for hemp growers and handlers licensed by the ODA to transfer industrial hemp and industrial hemp products into the OLCC marijuana market. The Commission forecasts that this package will have the following effects upon different layers of licensees:

Marijuana Producers will see an infusion of usable hemp and hemp-derived consumables into the regulated market. The Commission forecasts that this could affect the price of usable marijuana. Specifically, industrial hemp has much lower fees, oversight and security requirements. Hemp growers and handlers may be able to price their products at a lower price point due the lower costs of regulation. Further, marijuana producers will compete for “shelf space” with industrial hemp products.

Marijuana Processors with an industrial hemp endorsement will be able to accept and blend industrial hemp products. The Commission forecasts that this will have a positive impact upon marijuana processors, as they will be able to purchase industrial hemp flower, concentrates or extracts at a lower price point than marijuana items.

Marijuana Wholesalers will be able to purchase and resell industrial hemp flower and industrial hemp items. This provides wholesalers with an additional pool of potential clients by serving as the distribution channel for makers of consumer-ready hemp items to access marijuana retailers.

Marijuana Retailers: Will see an infusion of industrial hemp items into the market. This will give retailers the ability to sell more cannabidiol (CBD) products to consumers and compete with non-licensed entities that are already selling these products.

**(b) Local Government:**

The Commission forecasts that these rules will have a neutral impact, as the rules do not apply to them.

**(c) State Agencies:**

These rules will incur costs to state agencies. The Oregon Liquor & Cannabis Commission (OLCC) will need to certify hemp handlers and growers who wish to transfer products into the recreational system. This will also require the Commission to issue industrial hemp endorsements to processor licensees that wish to accept, process and sell hemp items. Further, the Commission will subsequently be required to monitor and track this new input into the market.

The Oregon Department of Agriculture (ODA) will need to ensure that all of their rules and regulations are being followed. Further, the ODA will need to coordinate with the Commission over policy and compliance issues surrounding industrial hemp. Additional businesses may register with ODA in order to access sales through marijuana retailers.

**(d) The Public:**

The Commission expects the proposed rules package may have a positive impact upon consumers of industrial hemp, as all OLCC retail shops will be able to sell industrial hemp products.

**b) What was the actual fiscal impact?**

Largely as projected above. Wholesale and retail prices for usable marijuana did not appear to be significantly impacted by these rules; prices in March 2019 were reaching the bottom of a downward trend. They subsequently recovered over the following two years, before declining again beginning around winter of 2020/2021. These trends appear to have been driven primarily by trends in marijuana harvests and consumer demand, not by competition with usable hemp. Usable hemp remains a niche segment of the market.

Many processors appear to have diversified their offerings, especially taking advantage of relatively inexpensive hemp-derived cannabinoids such as CBD, CBG, and CBN as ingredients in hemp items and in marijuana items. This has also created an additional client pool for wholesalers, as anticipated. In 2023, 41% of hemp handler certificate holders distributed some amount of hemp items through a

wholesaler license, with the remaining 59% distributing exclusively through direct transfers to processors or retailers. Retailer licenses have access to a greater variety of products including having the ability to receive finished hemp items directly from an OLCC-certified hemp handler.

Consumers now have greater access to hemp items in more retail outlets than before, including in OLCC-licensed marijuana retailers where consumers can have greater certainty that products have complied with Oregon's cannabis testing requirements. In general, prices of hemp items have decreased since these rules were adopted, but it is not possible to clearly attribute any price decrease to the increased market competition that these rules fostered. The adoption of these rules coincided with a national trend in the wholesale price of CBD dramatically decreasing.

c) **If the answer to question 2 is unknown, briefly explain why.**  
N/A

**3) Have subsequent changes in the law required the rule to be repealed or amended? If yes, explain.** Yes. In 2021, ORS 571.336 and 571.337 were amended by HB 3000. Changes were minor: hemp grower and handler "registrations" were changed to "licenses."

**4) Is the rule still needed? Yes. Explain:** The rule is still required in order to implement the provisions of ORS 571.336 and 571.337. Additionally, the rule is needed to protect public health and safety and prevent the diversion of marijuana. Both marijuana and hemp are cannabis. Marijuana items and hemp items are indistinguishable by visual inspection, and often indistinguishable by laboratory testing. These rules function to prevent the diversion or inversion of marijuana in the OLCC-licensed and regulated adult use market. Requiring hemp items to comply with labeling requirements and testing requirements within the cannabis tracking system described in ORS 475C.117 provides greater certainty to consumers that products have been testing in compliance with Oregon law, and ensures that consumers have access to clear consistent information about the potency and composition of hemp items purchased at a licensed marijuana retailer.

**5) What, if any, is the impact on small businesses?** These rules provide businesses, including small business, access to distribution of hemp items to additional retail outlets.

**Review Completed By:**

<u>Nicole Blossé</u>	<u>Nicole Blossé</u>	<u>Rules Coordinator</u>	<u>2/27/2024</u>
<b>Name</b>	<b>Signature</b>	<b>Title</b>	<b>Date</b>

**Executive Review:**

<u>Bryant Haley</u>	<u><i>Bryant Haley</i></u>	<u>Public Records Manager</u>	<u>Feb 28, 2024</u>
<b>Name</b>	<b>Signature</b>	<b>Title</b>	<b>Date</b>



# Oregon

Tina Kotek, Governor

**Oregon State Police**  
Oregon State Athletic Commission  
500 Airport Way Se  
Salem, Oregon 97301  
503-871-5091  
503-540-1440 Fax

## **Oregon State Athletic Commission (OSAC)**

### **Five Year Review of 2019 OSAC Rulemaking**

<b>Rule Number(s)</b>	<b>Filing Number</b>	<b>Adopted Date</b>	<b>Review Date</b>
230-080-0440	SAC 1-2019	08/2019	04/22/2024
230-070-0000	SAC 2-2019	08/2019	04/22/2024
230-140-0400	SAC 3-2019	08/2019	04/22/2024
230-140-0680	SAC 4-2019	08/2019	04/22/2024
230-070-0025	SAC 5-2019	08/2019	04/22/2024



## Five Year Review of New Rules Checklist

Date: April 22, 2024

OAR's Adopted: OAR 230-080-0440

Adoption Date: 08/2019

Advisory Committee List Attached:  Y  N

### Does Section Apply To:

Y

N

Implementation of court order or civil proceedings

Adoption of federal laws or rules by reference

Implementation of legislatively approved fee changes

Adoption to correct errors or omissions.

### Did Rule:

Have intended effect	<b>YES</b>
a. What was intended effect?	<b>To clarify equipment requirements for Boxing competitors</b>
b. How did rule succeed or fail in achieving this effect?	<b>It brought OSAC into line with currently recognized national standards.</b>
Was fiscal impact underestimated, overestimated, just about right, or unknown?	<b>Fiscal impact was appropriately estimated</b>
a. What was the estimated fiscal impact?	<b>No fiscal impact estimated</b>
b. What was the actual fiscal impact	<b>NONE</b>
c. If the answer to "b" is unknown, briefly explain why?	

Have Continued Need? **YES**

Impact on Small Businesses: **NONE**



## Five Year Review of New Rules Checklist

Date: April 22, 2024

OAR's Adopted: OAR 230-070-0000; OAR 230-070-0025; OAR 230-140-0400

Adoption Date: 08/2019

Advisory Committee List Attached:  Y  N

### Does Section Apply To:

Y

N

Implementation of court order or civil proceedings

Adoption of federal laws or rules by reference

Implementation of legislatively approved fee changes

Adoption to correct errors or omissions.

### Did Rule:

Have intended effect	<b>YES</b>
c. What was intended effect?	<b>To expand the allowable use of ring in unarmed combat sports</b>
d. How did rule succeed or fail in achieving this effect?	<b>These rules has been used by promoters to hold hybrid events. Previously, to hold multi-sports events promoter had to provide a ring and a cage. This allowance removed financial and space barriers to holding such events.</b>
Was fiscal impact underestimated, overestimated, just about right, or unknown?	<b>Fiscal impact appropriately measured</b>
d. What was the estimated fiscal impact?	<b>No fiscal impact</b>
e. What was the actual fiscal impact	<b>None</b>
f. If the answer to "b" is unknown, briefly explain why?	

Have Continued Need? **YES**

Impact on Small Businesses: **NONE**



## Five Year Review of New Rules Checklist

Date: April 22, 2024

OAR's Adopted: OAR 230-140-0680

Adoption Date: 08/2019

Advisory Committee List Attached:  Y  N

### Does Section Apply To:

Y

N

Implementation of court order or civil proceedings

Adoption of federal laws or rules by reference

Implementation of legislatively approved fee changes

Adoption to correct errors or omissions.

### Did Rule:

Have intended effect	<b>YES</b>
e. What was intended effect?	<b>To add Association of Boxing Commissions Unified MMA weight classes to Oregon OAR's to better standardize unarmed combat sports rules in Oregon and better enable out of state competitors to compete with the State.</b>
f. How did rule succeed or fail in achieving this effect?	<b>The rule brought OSAC rules and procedure in line with national standards.</b>
Was fiscal impact underestimated, overestimated, just about right, or unknown?	<b>Fiscal impact was appropriately estimated</b>
g. What was the estimated fiscal impact?	<b>No Fiscal Impact Estimated</b>
h. What was the actual fiscal impact	<b>NONE</b>
i. If the answer to "b" is unknown, briefly explain why?	

Have Continued Need? **YES**

Impact on Small Businesses: **NONE**



Rule number(s): [OAR 416-180-0005](#)

Date adopted: 03/29/2019

Date reviewed: 04/02/2024

Advisory committee used? No

1. Did the rule achieve its intended effect? Yes
  - a. What was the intended effect?  
The rule was added to provide clarity through definitions of terms used within the rule division.
  - b. How did the rule succeed or fail in achieving this effect?  
The rule did provide clear definitions for terms used within the rule division.
2. Was the fiscal impact statement (check one):  Underestimated or  Overestimated or  Just about right or  Unknown
  - a. What was the estimated fiscal impact?
  - b. What was the actual fiscal impact?
  - c. If the answer to question 2 is unknown, briefly explain why.  
Providing definitions did not have a known fiscal impact.
3. Have subsequent changes in the law required the rule be repealed or amended?  
No, but amendments have occurred since the rule's initial adoption.
4. Is the rule still needed?  
Yes. The rule is still needed to provide clarity.
5. What impacts does the rule have on small businesses?  
There does not appear to be an impact on small businesses as the rule only establishes definitions.

## 5-Year Rule Review Report

Rule number: OAR 438-007-0045 (Translation of Documents)

Date adopted: April 1, 2019

Advisory committee used?  Yes  No

If yes, identify members. After completing its review, the agency must provide advisory committee members a copy of its report. ORS 183.405(3).

Advisory committee members: Jennifer Flood (Ombuds Office for Oregon Workers), Krishna Balasubramani, Bin Chen, Katherine Krametbauer (SAIF), Ana Maria Meneses-Henry, and Matthew U'Ren. Administrative Law Judge Bruce Smith served as facilitator.

1. Did the rule achieve its intended effect?  Yes  No

a. What was the intended effect?

OAR 438-007-0045 was adopted to comply with the court's decision in *Camacho v. SAIF*, 263 Or App 647 (2014), and to provide a procedure for the translation of non-English language documents admitted into evidence at hearings before the Workers' Compensation Board's Hearings Division.

b. How did the rule succeed or fail in achieving this effect?

The rule requires documents admitted as evidence at a hearing to be written in English or translated into English. The parties may stipulate in writing or orally to the English translation of the document, or the party offering the document for admission may include an English translation. The Administrative Law Judge resolves disputes regarding the accuracy of the English translation. The costs incurred in reaching a stipulated translation shall be borne in a manner agreed on by the parties. The costs incurred in obtaining a party-offered translation shall be borne by the offering party. The costs incurred by the claimant for translation of documents are subject to reimbursement pursuant to ORS 656.386(2). Finally, the costs incurred in assisting the Administrative Law Judge to reach resolution of a dispute shall be borne by the Board.

2. Was the fiscal impact statement  underestimated or  overestimated or  just about right or  unknown? (Check one).

a. What was the estimated fiscal impact?

The Board Members noted that the rule would create costs for parties in

translating non-English documents. However, the Board explained that because most non-English documents were already being translated, most of those costs were presumably already incurred by the parties. The Board also projected minimal costs to the Board's Hearings Division in resolving disputes regarding the English translation of documents.

b. What was the actual fiscal impact?

The Board did not receive any comments regarding the fiscal impact of translating non-English documents on parties. Accordingly, it does not appear that the rule has had a noteworthy fiscal impact. Additionally, because there have been very few disputes regarding the English translation of documents that have required resolution by an Administrative Law Judge, the costs to the Board have been minimal.

c. If the answer to question 2 is unknown, briefly explain why.

3. Have subsequent changes in the law required the rule be repealed or amended?  
       Yes      X   No        If yes, explain.

4. Is the rule still needed?   X   Yes               No        Explain.

OAR 438-007-0045 provides parties with a process for admitting non-English documents into evidence at hearing. The rule also creates a process to resolve disputes regarding the accuracy of the translation.

Dated this   8   day of   May  , 2024.

**Workers' Compensation Board**

by:   
Joy Dougherty, Board Chair

  
Sally Anne Curey, Board Member

  
Moisés Ceja, Board Member

  
Roger Ousey, Board Member

  
Jenny Ogawa, Board Member

# Agency Rule Review Report Under ORS 183.405

---

Rule Number: 150-305-0018

Rule Title: Acceptance of Cash Payments

Date adopted: July 1, 2016

Date of review: April 8, 2024

This report was prepared and approved by: Joil Southwell, BUS Division

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

The rule established that cash payments of tax would no longer be accepted at any DOR regional office after December 31, 2016. The rule also provides that cash payments will only be accepted at the DOR main office in Salem, Oregon on or after January 1, 2017. Once the Marijuana Retail Sales Tax went into effect in 2016, DOR field offices saw marijuana businesses bring a lot of cash for payment of taxes due to a lack of banking services. These smaller field offices couldn't securely store these large amounts of cash. To safely secure these cash payments, DOR needed to invest in additional security measures (e.g. larger cash vaults, secure partitions to separate DOR staff from the public, and on-site security) for all field offices. A more cost-effective option established cash handling at one centralized location (DOR HQ) where the appropriate security measures could be implemented to handle large amounts of cash for tax payments. Additionally, the rule provides requirements for taxpayers to follow for DOR to accept cash payments (e.g. no mutilated or contaminated currency, DOR will not accept any more than one

dollar in US coins per transaction, no more than five (5) cash transactions will be accepted by DOR per month per taxpayer, etc.).

b. How did the rule succeed or fail in achieving this effect?

The rule provided guidance for marijuana retail taxpayers as most of their transactions are made in cash. For these taxpayers who could not acquire banking services because marijuana is still an outlawed federal Schedule 1 drug, tax payments for the marijuana retail sales tax are made using large amounts of cash and currency. For marijuana retailers (and any other taxpayers making large cash payments of tax), this rule provides guidelines to ensure that tax payments can be accepted when presented to DOR.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

There is no impact to state agencies and a de minimis effect on the counties. The public may experience an impact as cash payments will be restricted in DOR field offices until December 31, 2016 and completely eliminated in DOR field offices after December 31, 2016; cash payments will only be accepted at the Salem Main building after this date. This action may create a financial and/or compliance hardship for customers who don't have access to banking services to make payments with a financial instrument (i.e. personal check). Customers will be required to either bring their cash payments to the Salem Main building or secure a cashier's check or money order to pay at a DOR field office. Total cash payments received in all DOR field offices (excluding satellite offices) averaged approximately \$144,000 per month for calendar years 2010 to 2015.<sup>1</sup> Additionally, taxpayers subject to any other tax programs administered by DOR who want to make tax payments via cash may also have a hardship if they are required to remit cash payments only at the Salem HQ building.

b. What was the actual fiscal impact?

As expected, taxpayers who primarily pay tax in cash have to drive to DOR's Salem Main building to pay taxes at the dedicated Cash Payment center. This requirement mostly impacts marijuana retailers who primarily transact retail sales in cash due to constraints in the banking industry resulting from the federal Schedule 1 designation for marijuana and marijuana-related products. The actual costs of marijuana retailers traveling to Salem to make these payments is largely dependent on how far away the marijuana retailer is from the Salem Main building.

---

<sup>1</sup> Report on Cash Payments Taken in Field Offices – March 4, 2016

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain:

5. What impacts does the rule have on small businesses?

This rule may result in additional costs to comply (e.g. cost of fuel to drive to Salem, time spent away from business, etc.) for those people or businesses who don't have access to banking services and aren't located in the Salem area. The typical drive from Portland to Salem and back may total \$10-\$15 in fuel costs in addition to the added security risk of transporting cash to Salem to make payments. People or businesses who reside farther away from Salem may incur additional costs.

# Agency Rule Review Report Under ORS 183.405

---

Rule Number: 150-305-0092

Rule Title: Suspended Collection Status

Date adopted: 09/01/2016

Date of review: 04/04/2023

This report was prepared and approved by: Mathew Oldfield, Collection Division

Was an Administrative Rule Advisory Committee used for prior rulemaking?

- Yes
- No, rule did have a Rule Work Group

If yes, identify members. Cindy Test, Jean Jitan, Bobbi Yambasu, Susan Madu, Joann Herrigel, Angela Martin, Eric Olsen, Steven Ito

**1.** Has the rule achieved its intended effect?

- Yes
- No

**a.** What was the intended effect?

The rule was intended to interpret HB 2089 (2015) which amended OR 305.155 which required the department to offer suspended collection actions if certain criteria were met. The rule itself was intended to outline what is not considered “assets” for purposes of determining eligibility for suspended collection status. The rule also indicates that debtors must submit a financial statement to be considered for suspended collection status.

**b.** How did the rule succeed or fail in achieving this effect?

The rule achieved its intended effects.

**2.** Use the fiscal impact statement information shown in the original adoption of the rule.

**a.** What was the estimated fiscal impact?

There was an estimated fiscal impact of zero as the rule only interpreted statutes implemented by HB 2089 (2015).

**b. What was the actual fiscal impact?**

Minimal fiscal impact. The agency implemented the legislation with existing agency resources.

**c. Was the fiscal impact statement:**

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

**3. Have subsequent changes in the law required the rule to be repealed or amended?**

Yes

No

If 'yes' please explain: N/A

**4. Is the rule still needed?**

Yes

No

Explain: The rule continues to provide clarification on statutes implement by HB 2089 (2015).

**5. What impacts does the rule have on small businesses?**

It estimated the rule has zero impact on small businesses. The rule impacts individuals who may be experiencing financial hardship.



# Agency Rule Review Report Under ORS 183.405

---

Rule Number: 150-307-0900, 150-307-0905, 150-307-0910, 150-307-0915, 150-307-0920

Rule Title: Heavy Equipment Rental Tax definitions

Date adopted: 12/28/2018

Date of review: 12/5/2023

This report was prepared and approved by: Marcus Cridge approved by Business Policy

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

Provide definitions to heavy equipment dealers and renters to determine which transactions are subject to the tax.

b. How did the rule succeed or fail in achieving this effect?

There has been minimal taxpayer confusion regarding which transactions are subject to the HERT.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

None

b. What was the actual fiscal impact?

None

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain:

5. What impacts does the rule have on small businesses?

It assists those small businesses involved with the rental of heavy equipment to know which transactions are subject to the tax. It does not add costs for administration of the tax beyond the statute.

# Agency Rule Review Report Under ORS 183.405

---

Rule Number: 150-307-0900, 150-307-0905, 150-307-0910, 150-307-0915, 150-307-0920

Rule Title: Heavy Equipment Rental Tax definitions

Date adopted: 12/28/2018

Date of review: 12/5/2023

This report was prepared and approved by: Marcus Cridge approved by Business Policy

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

Provide definitions to heavy equipment dealers and renters to determine which transactions are subject to the tax.

b. How did the rule succeed or fail in achieving this effect?

There has been minimal taxpayer confusion regarding which transactions are subject to the HERT.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

None

b. What was the actual fiscal impact?

None

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain:

5. What impacts does the rule have on small businesses?

It assists those small businesses involved with the rental of heavy equipment to know which transactions are subject to the tax. It does not add costs for administration of the tax beyond the statute.

# Agency Rule Review Report Under ORS 183.405

---

Rule Number: 150-307-0900, 150-307-0905, 150-307-0910, 150-307-0915, 150-307-0920

Rule Title: Heavy Equipment Rental Tax definitions

Date adopted: 12/28/2018

Date of review: 12/5/2023

This report was prepared and approved by: Marcus Cridge approved by Business Policy

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

Provide definitions to heavy equipment dealers and renters to determine which transactions are subject to the tax.

b. How did the rule succeed or fail in achieving this effect?

There has been minimal taxpayer confusion regarding which transactions are subject to the HERT.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

None

b. What was the actual fiscal impact?

None

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain:

5. What impacts does the rule have on small businesses?

It assists those small businesses involved with the rental of heavy equipment to know which transactions are subject to the tax. It does not add costs for administration of the tax beyond the statute.

# Agency Rule Review Report Under ORS 183.405

---

Rule Number: 150-307-0900, 150-307-0905, 150-307-0910, 150-307-0915, 150-307-0920

Rule Title: Heavy Equipment Rental Tax definitions

Date adopted: 12/28/2018

Date of review: 12/5/2023

This report was prepared and approved by: Marcus Cridge approved by Business Policy

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

Provide definitions to heavy equipment dealers and renters to determine which transactions are subject to the tax.

b. How did the rule succeed or fail in achieving this effect?

There has been minimal taxpayer confusion regarding which transactions are subject to the HERT.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

None

b. What was the actual fiscal impact?

None

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain:

5. What impacts does the rule have on small businesses?

It assists those small businesses involved with the rental of heavy equipment to know which transactions are subject to the tax. It does not add costs for administration of the tax beyond the statute.



# Agency Rule Review Report Under ORS 183.405

---

Rule Number: 150-307-0900, 150-307-0905, 150-307-0910, 150-307-0915, 150-307-0920

Rule Title: Heavy Equipment Rental Tax definitions

Date adopted: 12/28/2018

Date of review: 12/5/2023

This report was prepared and approved by: Marcus Cridge approved by Business Policy

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

Provide definitions to heavy equipment dealers and renters to determine which transactions are subject to the tax.

b. How did the rule succeed or fail in achieving this effect?

There has been minimal taxpayer confusion regarding which transactions are subject to the HERT.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

None

b. What was the actual fiscal impact?

None

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain:

5. What impacts does the rule have on small businesses?

It assists those small businesses involved with the rental of heavy equipment to know which transactions are subject to the tax. It does not add costs for administration of the tax beyond the statute.

# Agency Rule Review Report Under ORS 183.405

---

Rule Number: 150-320-0060

Rule Title: Lodging Tax Information Sharing with Local Governments

Date adopted: 12/28/2018.

Date of review: 12/5/2023

This report was prepared and approved by: Marcus Cridge approved by Business Policy

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

Provides security requirements for local governments while participating in the information exchange program.

b. How did the rule succeed or fail in achieving this effect?

Local governments are provided with statutory citations which describe the requirements for their security and computer breach responsibilities under the information sharing agreement.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

None

b. What was the actual fiscal impact?

None

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain:

5. What impacts does the rule have on small businesses?

There is no impact to small business as this rule determines the security responsibilities of local governments and not small business.

# Agency Rule Review Report Under ORS 183.405

---

Rule Number: 150-320-0430

Rule Title: Vehicle Use Tax Alternative Filing Format

Date adopted: 12/28/2018.

Date of review: 12/5/2023

This report was prepared and approved by: Marcus Cridge approved by Business Policy

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

Provides guidance for filing the vehicle use tax on a quarterly basis and how that filing will avoid penalty.

b. How did the rule succeed or fail in achieving this effect?

Sellers of vehicles are given direction on the process to file the use tax return which avoids penalty.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

None

b. What was the actual fiscal impact?

None

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain:

5. What impacts does the rule have on small businesses?

There is no impact to small business as this rule provides an alternative for filing the use tax.

# Agency Rule Review Report Under ORS 183.405

---

Rule Number: 150-418-0010

Rule Title: Tax Compliance Certificates (Child-Caring Agencies)

Date adopted: January 1, 2017

Date of review: April 8, 2024

This report was prepared and approved by: Joil Southwell, BUS Division

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

This rule establishes criteria for individuals applying to become a child-caring agency with the Department of Human Services (DHS) to be tax compliant as required under ORS 418.255. The rule further defines the term “tax compliance” for PIT, withholding, transit, corporation excise, and corporation income tax programs administered by DOR. The criteria includes the following:

- All required returns or reports have been filed, whether timely or not, or, in the absence of a return or report, final assessments of tax have been issued by the department for the preceding three tax years and any tax period subsequent to the application date;
- Tax is paid in full for PIT, withholding, transit, corporation excise, and corporation income tax programs; or
- The child caring agency is in compliance with a department-approved payment plan for PIT, withholding, transit, corporation excise, and corporation income tax programs.

- b. How did the rule succeed or fail in achieving this effect?

The original rule provided the necessary criteria for DHS applicants to determine what DOR considers “tax compliance” with subject tax programs.

- 2. Use the fiscal impact statement information shown in the original adoption of the rule.

- a. What was the estimated fiscal impact?

There was no fiscal impact estimated for this rule. The rule codified the department’s current policy and procedure for processing tax compliance certificate requests.

- b. What was the actual fiscal impact?

There was no fiscal impact resulting from this rule. DOR added an online tax compliance request form to its GenTax system during DOR’s season-up process for ease of administration and processing for both DOR and the DHS applicants.



c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain: This rule was later amended to conform with DOR's overall tax compliance certification process by referencing its general tax compliance rule under OAR 150-305-0304.

4. Is the rule still needed?

Yes

No

Explain: ORS 418.255(2)(e) provides that DOR shall adopt rules to implement the requirement of tax compliance verification under this law.

5. What impacts does the rule have on small businesses?

There is a de minimus effect on those subject to this rule as the policy is clarifying or interpretive in nature and does not affect projected reporting, recordkeeping or other administrative activities or costs.



**Office of Child Welfare Programs**  
**Five Year Rule Review - OAR Chapter 413**  
ORS 183.405

**Rule Under Review:**

- 413-017-0095 "CIRT Discretionary Review" (Adopted 06/19/18)

- 
- Advisory Committee Used Prior to Initial Adoption of Permanent Rule**  
 **It does not appear that a Rule Advisory Committee was Used Prior to Initial Adoption of Permanent Rule**

---

**What was the intended effect of this rule adoption?**

When a CIRT is not required under OAR 413-017-0060 and ORS 419B.024, and the Department has received a report of abuse that has resulted in a child fatality or serious physical injury of a child, the Department Director or designee has the discretion to order an internal review of the incident.

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <b>Have these rule adoptions had the intended effect?</b><br>413-017-0095 is currently still effective. No amendments have been made since the adoption of this rule. |
|--|---|

- |  |  |
|--|--|
| <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <b>Was the anticipated fiscal impact of this rule underestimated?</b><br>The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business. |
|--|--|

- |  |  |
|--|--|
| <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <b>Was the anticipated fiscal impact of this rule overestimated?</b><br>The Department estimated adopting these rules would have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business. |
|--|--|

- |  |  |
|--|--|
| <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <b>Have there been any subsequent changes in the law that require this rule to be amended or repealed?</b><br>There have been no subsequent changes in the law that have required this rule to be amended. |
|--|--|

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <b>Is there a continued need for this rule?</b><br>Adopted administrative rule is currently still effective and practiced by Child Welfare. |
|--|---|

<input type="checkbox"/> Yes	<b>Has this rule had an impact on small businesses?</b> The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.
<input checked="" type="checkbox"/> No	

---

**Report Prepared On: 05/21/2024**

**Report Approved By: Child Welfare Policy Unit**

---



**Office of Child Welfare Programs  
Five Year Rule Review - OAR Chapter 413  
ORS 183.405**

**Rule Under Review:**

- 413-120-0735 – Current Caretaker or Relative Caregiver Request for an Adoption Home Study (Adopted 06/29/18)

- Advisory Committee Used Prior to Initial Adoption of Permanent Rule**  
 **It does not appear that a Rule Advisory Committee was Used Prior to Initial Adoption of Permanent Rule**

**What was the intended effect of this rule adoption?**

- The Oregon Department of Human Services, Child Welfare adopted rule 413-120-0735 to describe the responsibilities of the Department when a current caretaker or relative caregiver requests an adoption home study, specifically around convening a staffing.

- Yes  
 No
- Have these rule adoptions had the intended effect?**  
413-120-0735 is currently still effective. Amendments to the rule occurred on 9/1/2020 to remove the requirement the assigned ODHS certification supervisor be present at a staffing prior to the completion of the adoption home study.

- Yes  
 No
- Was the anticipated fiscal impact of this rule underestimated?**  
The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.

- Yes  
 No
- Was the anticipated fiscal impact of this rule overestimated?**  
The Department estimated adopting these rules would have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.

- Yes  
 No
- Have there been any subsequent changes in the law that require this rule to be amended or repealed?**  
There have been no subsequent changes in the law that have required this rule to be amended. Program amended rule on 9/1/2020 to remove the requirement the assigned ODHS certification supervisor be present at a staffing prior to the completion of the adoption home study.

<input checked="" type="checkbox"/> Yes	<b>Is there a continued need for this rule?</b>
<input type="checkbox"/> No	Adopted administrative rule is currently still effective and practice by Child Welfare.

<input type="checkbox"/> Yes	<b>Has this rule had an impact on small businesses?</b>
<input checked="" type="checkbox"/> No	The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.

---

**Report Prepared On: 05/21/2024**  
**Report Approved By: Child Welfare Policy Unit**

---

**Oregon Department of Human Services (ODHS)  
Five Year Rule Review  
ORS 183.405**

**Rule Name:** Child in Care Abuse Rules: Lay Representation in Contested Case Hearings (CCH)

**Rule Number(s):** OAR Chapter 407, Division 45, Rule 0913

\*Renumbered 7-1-2021 to OAR 407-046-0220 and then repealed 8-1-2022 with adoption of OAR chapter 407, division 44 rules for all OTIS child abuse rules.

**Program Area:** Office of Training, Investigations and Safety (OTIS)

**Adoption Date:** August 1, 2019

**Review Due Date:**  
July 31, 2024

**Review Date:**  
June 10, 2024

**Reviewer's Name:**  
T. Strahan

**X\*Advisory Committee Used**

Strikethrough means email address no longer valid as of 6-10-2024.

Name of Committee Member	Email/Contact Info
<del>Kris Scrabeck, OYA</del>	<del><a href="mailto:Kris.Scrabeck@state.or.us">Kris.Scrabeck@state.or.us</a></del>
Monica Moran, OYA	<a href="mailto:Monica.Moran@oya.state.or.us">Monica.Moran@oya.state.or.us</a>
Nick Gallo, Youth Progress	<a href="mailto:ngallo@youthprogress.org">ngallo@youthprogress.org</a>
Andy Boeger, SEIU Local 503	<a href="mailto:boegera@seiu503.org">boegera@seiu503.org</a>
Jeff Tapia, CASA supervisor	<a href="mailto:jeff.tapia@multco.us">jeff.tapia@multco.us</a>
Jeanne Bristol, CBC Survey APD	(declined)

**What was the intended effect of this rule adoption?**

To state that an OTIS employee is authorized to appear on behalf of ODHS in a CCH conducted by the Office of Administrative Hearing for appeals of founded child abuses; and lists requirements these lay representatives must follow.

<b>X Yes</b>	<p><b>Has the rule had the intended effect?</b></p> <p>OTIS needed to adopt OAR 407-045-0913 to their child-in-care abuse investigations rules (OAR 407-045-0800 to 407-045-0955) that were amended to add a new appeal process, offering a contested case hearing for all abuses substantiated, founded following investigation.</p>
--------------	---

<p>X Yes</p>	<p><b>Was the anticipated fiscal impact of the rule underestimated?</b></p> <p>OTIS was unable to predict the costs associated with the number of accused who would request a contested case hearing related to an investigation with a substantiated child abuse finding. OTIS expected new costs for OTIS positions to be created and funded; and as determined by the workload for the lay representatives, additional positions hired.</p> <p>Also, costs for agency legal counsel to provide training, advising and conducting some requests for hearings.</p>
<p>X No</p>	<p><b>Was the anticipated fiscal impact of the rule overestimated?</b></p>
<p>X No</p>	<p><b>Have subsequent changes in the law required the rule to be repealed or amended?</b></p> <p>The Department made the following policy decisions:</p> <ul style="list-style-type: none"> <li>• DHS 9-2021, renumbered OAR 407-045-0913 to 407-046-0220, within a new division 46 for OTIS child-in care rules, effective 7-1-2021; to make it easier to navigate the multiple OTIS rules in OAR chapter 407, division 45 for adult or child abuse investigations.</li> <li>• DHS 29-2022, adopt filed 7-20-2022, effective 8-1-2022 repealed OAR 407-046-0220 with creation of new division 44 in OAR chapter 407, “umbrella” procedures for use of lay representative for all CCH involving founded child abuse.</li> </ul>
<p>X No</p>	<p><b>Is there a continued need for the rule?</b></p> <p>Repealed 8-1-2022 (The use of lay representatives in CCH for founded child abuses adopted in OAR 407-044-0330, as of 8-1-2022.)</p>
	<p><b>What impact has the rule had on small businesses?</b></p> <p>This rule applied to ODHS OTIS operations only. They did not place additional requirements on respondents, paid caregivers, service providers or residential facilities for a child in care who may be a small business as defined in ORS 183.310.</p>

**Report approved by:** Dave Manley

6-10-2024

**Date report sent to advisory committee members:**

6-10-2024

**Oregon Department of Human Services (ODHS)  
Five Year Rule Review ORS 183.405**

**Rule Name:** Adult Abuse Investigations

**Rule Number(s):** OAR Chapter 407, Division 45, Rules 0605 & 0615\*  
0605: Requesting a Contested Case Hearing of Substantiated Abuse  
Determination

0615: Lay Representation in Contested Case Hearings

\*RENUMBERED to OAR chapter 419, division 50 as of December 1, 2023

**Program Area:** Office of Training, Investigations & Safety (OTIS)

**Adoption Date:** 8-1-2019

**Review Due Date:**

7-31-2024

**Review Date:**

June 10, 2024

**Reviewer's Name:**

T .Strahan

**X\*Advisory Committee Used**

Strikethrough means email address no longer valid as of 6-10-2024.

<b>Committee Members</b>	<b>Mailing Address or email</b>
Katie Rose	<a href="mailto:Katierose@oregonsupportservices.org">Katierose@oregonsupportservices.org</a>
Rita Rathkey	<a href="mailto:rrathkey@opportunityconnections.org">rrathkey@opportunityconnections.org</a>
Sarah Jane Owens	<a href="mailto:sjowens@aocmhp.org">sjowens@aocmhp.org</a>
Tyler Barnhouse	<a href="mailto:tehtycustomcomputers@gmail.com">tehtycustomcomputers@gmail.com</a>
Brett Turner	<a href="mailto:BTURNER@ALSOWEB.ORG">BTURNER@ALSOWEB.ORG</a>
Adria Cornell	<a href="mailto:acornell@co.linn.or.us">acornell@co.linn.or.us</a>
Colin Fitzgerald	<a href="mailto:colin_fitzgerald@co.washington.or.us">colin_fitzgerald@co.washington.or.us</a>
Gabrielle Guedon	<a href="mailto:gabrielle.guedon@askosac.org">gabrielle.guedon@askosac.org</a>
Isaac Miller	<a href="mailto:seifrietti@gmail.com">seifrietti@gmail.com</a>
Kyndall Mason	<a href="mailto:masonk@seiu503.org">masonk@seiu503.org</a>
Jaime Daignault	<a href="mailto:jaime.daignault@ocdd.org">jaime.daignault@ocdd.org</a>
Sybil Hebb	<a href="mailto:shebb@oregonlawcenter.org">shebb@oregonlawcenter.org</a>
Cherryl Ramirez	<a href="mailto:cramirez@aocmhp.org">cramirez@aocmhp.org</a>
Corissa Neufeldt	<a href="mailto:cneufeldt@co.marion.or.us">cneufeldt@co.marion.or.us</a>
Holly Oltman	<a href="mailto:hollyo@compassoregon.org">hollyo@compassoregon.org</a>
Stacy Brubaker	<a href="mailto:BrubakSJ@jacksoncounty.org">BrubakSJ@jacksoncounty.org</a>
Chris Bouneff	<a href="mailto:Chris@namior.org">Chris@namior.org</a>
Ebony Clark	<a href="mailto:ebony.clarke@multco.us">ebony.clarke@multco.us</a>
Beckie Child	<a href="mailto:beckie.child@gmail.com">beckie.child@gmail.com</a>
Barrett Crosby	<a href="mailto:barrett.crosby@cascadiabhc.org">barrett.crosby@cascadiabhc.org</a>
Randy Roddey	<a href="mailto:pghrandy@yahoo.com">pghrandy@yahoo.com</a>
Mark Fisher	<a href="mailto:mfisher@columbiacare.org">mfisher@columbiacare.org</a>
Mark Lewinsohn	<a href="mailto:Mark.Lewinsohn@lifeworksnw.org">Mark.Lewinsohn@lifeworksnw.org</a>
Eva Rippeteau	<a href="mailto:Erippeteau@oregonafscme.org">Erippeteau@oregonafscme.org</a>



Mickey Logan	<a href="mailto:MICKY.F.LOGAN@dhsosha.state.or.us">MICKY.F.LOGAN@dhsosha.state.or.us</a>
Ryan Stafford	<a href="mailto:RYAN.STAFFORD@dhsosha.state.or.us">RYAN.STAFFORD@dhsosha.state.or.us</a>
Dan Smith	<a href="mailto:DANIEL.V.SMITH@dhsosha.state.or.us">DANIEL.V.SMITH@dhsosha.state.or.us</a>
Wendy Compton	<a href="mailto:Wendy.C.COMPTON@dhsosha.state.or.us">Wendy.C.COMPTON@dhsosha.state.or.us</a>
Michael Kemp (OSH Patent)	<a href="mailto:MICHAEL.KEMP@state.or.us">MICHAEL.KEMP@state.or.us</a> None, c/o Pt & Family Services
Deborah Howard	<a href="mailto:DEBORAH.J.HOWARD@state.or.us">DEBORAH.J.HOWARD@state.or.us</a>
Derek Wehr	<a href="mailto:Derek.WEHR@state.or.us">Derek.WEHR@state.or.us</a>
Nancy Franz Geddes	<a href="mailto:Nancy.FRANTZ_GEDDES@state.or.us">Nancy.FRANTZ_GEDDES@state.or.us</a>
Emily Cooper	<a href="mailto:ecooper@droregon.org">ecooper@droregon.org</a>
Dan Torres	<a href="mailto:dtorres@oregonafscme.org">dtorres@oregonafscme.org</a>
Simon Turner	<a href="mailto:Simon.Turner@co.lane.or.us">Simon.Turner@co.lane.or.us</a>
Ciprian Gusetu	<a href="mailto:ciprian_gusetu@msn.com">ciprian_gusetu@msn.com</a>

<b>What was the intended effect of this rule adoption?</b>	
<p>To implement a Contested Case Hearing (CCH) process with Lay Representation used for appeals of all substantiated allegations of adult abuse defined in ORS 430.735, following investigation by OTIS or their designee investigators in community mental health or developmental disabilities programs (CMHP or CDDP).</p>	
<b>X Yes</b>	<p><b>Has the rule had the intended effect?</b></p> <p>OAR 407-045-0605 describes the CCH hearing process offered to all accused persons or service providers to challenge an adult abuse finding, and the issuing of final orders.</p> <p>OAR 407-045-0615 describes OTIS use of their staff as lay representatives in CCH conducted under OAR 407-045-0605.</p>
<b>X Yes</b>	<p><b>Was the anticipated fiscal impact of the rule underestimated?</b></p> <p>OTIS was unable to predict the costs associated with the number of accused who would request a contested case hearing related to an investigation with a substantiated adult abuse finding. OTIS expected new, additional costs for use of the agency’s legal counsel in setting up this process with the Office of Administrative Hearings (OAH); and legal counsel providing training, advising and conducting some requests for contested case hearings.</p> <p>Also new costs for OTIS positions to be created and funded; and as determined by the workload for the lay representatives, additional positions hired.</p>

<b>X No</b>	<b>Was the anticipated fiscal impact of the rule overestimated?</b>
<b>X No</b>	<p><b>Have subsequent changes in the law required the rule to be repealed or amended?</b></p> <p>OTIS renumbered these rules as of December 1, 2023 [DHS 7-2023].</p>
<b>X Yes</b>	<p><b>Is there a continued need for the rule?</b></p> <p>OTIS leadership finds the contested case hearing process through the OAH provides an impartial due process to an accused with adult abuse substantiated, following an investigation and prior to issuing a final order.</p>
	<p><b>What impact has the rule had on small businesses?</b></p> <p>It is unknown the number of small businesses who are MH or DD service providers for adults providing support, care or treatment; a regulated residential facility (including adult foster homes); or under contract with the Oregon State Hospital. These providers may have been economically affected due to additional time needed for the CCH processes before a final order was issued, in comparison to the former abuse review process these rules replaced. OTIS minimized impact by allowing witnesses to provide info by telephone (and later web-based applications) rather than in-person and OTIS monitored for efficiencies to expedite the process of records and info sharing.</p> <p>The use of OTIS staff as lay representation did not place additional requirements on accused persons or providers who may be a small business as defined in ORS 183.310.</p>

---

**Report approved by:** Dave Manley

6-10-2024

**Date report sent to advisory committee members:**

6-10-2024

---

Department of Consumer and Business Services  
Oregon Occupational Safety and Health Division (Oregon OSHA)

Administrative Rule Review per ORS 183.405

**AO 5-2016 and AO 4-2018**

**Rule division name and rule numbers:**

- OSHA 5-2016 - Adopted changes to occupational exposure to respirable silica in the General Industry, Construction, and Maritime rules
  - Adopted the following Oregon Administrative Rules in Division 2: 437-002-1053, 437-002-1054, 437-002-1055, 437-002-1056, 437-002-1057, 1058, 437-002-1059, 437-002-1060, 437-002-1061, 437-002-1062, 437-002-1063, 437-002-1064, 437-002-1065
- OSHA 4-2018 - Silica Medical Evaluation Clarification and Timeline Clarification
  - Amended Oregon Administrative Rule: 437-002-1062

**Date adopted:**

AO 5-2016 on September 26, 2016 and AO 4-2018 on July 5, 2018

**Date reviewed:** May 17, 2024

**Advisory Committee Used:** YES

Oregon OSHA convened a stakeholder group of interested parties as part of this rule adoption process.

**1. Did the rule achieve its intended effect?** Yes.

**a. What was the intended effect?**

As a State Plan, Oregon OSHA is required to adopt requirements that are at least as effective as federal OSHA requirements.

**b. How did the rule succeed or fail in achieving this effect?**

While federal OSHA adopted industry-specific rules, Oregon OSHA combined those requirements into a suite of rules in Division 2 that apply to the same industries as federal OSHA. Oregon OSHA believes this format that is easier to understand and navigate. The requirements of this rulemaking mirror the requirements of the federal OSHA rules.

**2. Was the fiscal impact statement:**

- Underestimated
- Overestimated
- Just about right
- Unknown

**a. What was the estimated fiscal impact?**

Construction Industry

Federal OSHA identified 10 construction industries that may have been impacted by this rule. The following table lists the industries, number of employers in Oregon within that industry at the time of the rule proposal, and the expected average annual costs per small employer. While the number of Oregon employers does not specifically indicate the number of small businesses, approximately 90% of all Oregon employers are small businesses. The costs reflect the most probable impact, based on the federal OSHA data.

NAICS Code	Industry	Average Annual Oregon Compliance	
		Employers	Costs
236100	Residential Building Construction	3,717	\$333
236200	Nonresidential Building Construction	673	\$879
237100	Utility System Construction	350	\$1,806
237200	Land Subdivision	125	\$459
237300	Highway, Street, and Bridge Construction	240	\$2,449
237900	Other Heavy and Civil Engineering Construction	121	\$1,368
238100	Foundation, Structure, and Building Exterior Contractors	1374	\$1,306
238200	Building Equipment Contractors	2,919	\$295
238300	Building Finishing Contractors	2,081	\$581
238900	Other Specialty Trade Contractors	1,184	\$1,241

The annual average compliance costs were estimated to range from \$295 to \$2,449 for the construction industry. These costs include equipment for engineering and work practice controls, respiratory protection, initial and

recurring airborne exposure assessments, medical surveillance, establishing and maintaining a written exposure control plan, and employee training.

### General Industry

Federal OSHA identified approximately 100 other industries that may have been impacted by this rule. The following table lists the industries, number of employers in Oregon within that industry at the time of the rule proposal, and the expected average annual costs per small employer. While the number of Oregon employers does not specifically indicate the number of small businesses, approximately 90% of all Oregon employers are small businesses. The costs reflect the most probable impact, based on the federal OSHA data.

NAICS Code	Industry	Oregon Employers	Average Annual Compliance Costs
34121	Asphalt Paving Mixture and Block Manufacturing	16	\$610
342122	Asphalt Shingle and Coating Materials Manufacturing	2	\$10,782
325510	Paint and Coating Manufacturing	14	\$887
327110	Pottery, Ceramics, and Plumbing Fixture Manufacturing	9	\$8,161
327120	Clay Building Material and Refractories Manufacturing	11	\$34,727
327211	Flat Glass Manufacturing	3	\$3,282
327212	Other Pressed and Blown Glass and Glassware Manufacturing	36	\$6,171
237213	Glass Container Manufacturing	3	\$81,273
237230	Ready-Mix Concrete Manufacturing	65	\$9,821
327331	Concrete Block and Brick Manufacturing	20	\$9,363
327332	Concrete Pipe Manufacturing	20	\$12,926
327390	Other Concrete Product Manufacturing	25	\$9,139
327991	Cut Stone and Stone Product Manufacturing	21	\$7,343
327992	Ground or Treated Mineral and Earth Manufacturing	6	\$16,878
327993	Mineral Wool Manufacturing	15	\$8,768
327999	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing	1	\$21,200
331110	Iron and Steel Mills and Ferroalloy Manufacturing	5	\$1,194
331210	Iron and Steel Pipe and Tube Manufacturing from Purchased Steel	3	\$1,262
331221	Rolled Steel Shape Manufacturing	ND	\$1,210
331222	Steel Wire Drawing	5	\$1,254
331314	Secondary Smelting and Alloying of Aluminum	ND	\$1,249
331420	Copper Rolling, Drawing, Extruding, and Alloying	ND	\$1,280

331492	Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)	1	\$1,218
331511	Iron Foundries	12	\$38,050
331512	Steel Investment Foundries	2	\$26,727
331513	Steel Foundries (except Investment)	22	\$31,446
331524	Aluminum Foundries (except Die-Casting)	ND	\$8,437
331529	Other Nonferrous Metal Foundries (except Die-Casting)	6	\$6,092
332111	Iron and Steel Forging	9	\$1,199
332112	Nonferrous Forging	ND	\$1,186
332117	Powder Metallurgy Part Manufacturing	ND	\$1,174
332119	Metal Crown, Closure, and Other Metal Stamping (except Automotive)	24	\$1,179
332215	Metal Kitchen Cookware, Utensil, Cutlery, and Flatware (except Precious) Manufacturing	1	\$1,181
332216	Saw Blade and Handtool Manufacturing	25	\$1,203
332323	Ornamental and Architectural Metal Work Manufacturing	69	\$1,081
332439	Other Metal Container Manufacturing	12	\$1,221
332510	Hardware Manufacturing	15	\$1,178
332613	Spring Manufacturing	6	\$1,245
332618	Other Fabricated Wire Product Manufacturing	22	\$1,213
332710	Machine Shops	399	\$1,147
332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers	106	\$1,851
332911	Industrial Valve Manufacturing	1	\$1,213
332912	Fluid Power Valve and Hose Fitting Manufacturing	ND	\$1,211
332913	Plumbing Fixture Fitting and Trim Manufacturing	4	\$1,198
332919	Other Metal Valve and Pipe Fitting Manufacturing	10	\$1,193
332991	Ball and Roller Bearing Manufacturing	2	\$1,237
332996	Fabricated Pipe and Pipe Fitting Manufacturing	13	\$1,172
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing	75	\$1,153
333318	Other Commercial and Service Industry Machinery Manufacturing	60	\$1,162
333413	Industrial and Commercial Fan and Blower and Air Purification	7	\$1,202
333414	Heating Equipment (except Warm Air Furnaces) Manufacturing	11	\$1,166
333511	Industrial Mold Manufacturing	ND	\$1,161
333514	Special Die and Tool, Die Set, Jig, and Fixture Manufacturing	26	\$1,150
333515	Cutting Tool and Machine Tool Accessory Manufacturing	8	\$1,166
333517	Machine Tool Manufacturing	11	\$1,169

333519	Rolling Mill and Other Metalworking Machinery Manufacturing	5	\$1,171
333612	Speed Changer, Industrial High-Speed Drive, and Gear Manufacturing	6	\$1,235
333613	Mechanical Power Transmission Equipment Manufacturing	ND	\$1,196
333911	Pump and Pumping Equipment Manufacturing	28	\$1,195
333912	Air and Gas Compressor Manufacturing	1	\$1,201
333991	Power-Driven Handtool Manufacturing	2	\$1,160
333992	Welding and Soldering Equipment Manufacturing	5	\$1,159
333993	Packaging Machinery Manufacturing	4	\$1,170
333994	Industrial Process Furnace and Oven Manufacturing	7	\$1,188
333995	Fluid Power Cylinder and Actuator Manufacturing	1	\$1,210
333996	Fluid Power Pump and Motor Manufacturing	2	\$1,158
333997	Scale and Balance Manufacturing	1	\$1,184
333999	All Other Miscellaneous General Purpose Machinery Manufacturing	82	\$1,156
334519	Other Measuring and Controlling Device Manufacturing	19	\$1,163
335210	Small Electrical Appliance Manufacturing	8	\$1,077
335221	Household Cooking Appliance Manufacturing	2	\$968
335222	Household Refrigerator and Home Freezer Manufacturing	ND	\$1,005
335224	Household Laundry Equipment Manufacturing	ND	\$958
335228	Other Major Household Appliance Manufacturing	1	\$986
336111	Automobile Manufacturing	6	\$1,031
336112	Light Truck and Utility Vehicle Manufacturing	8	\$1,017
336120	Heavy Duty Truck Manufacturing	2	\$1,164
336211	Motor Vehicle Body Manufacturing	7	\$1,207
336212	Truck Trailer Manufacturing	8	\$1,220
336213	Motor Home Manufacturing	ND	\$1,139
336310	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing	ND	\$1,144
336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing	7	\$1,179
336330	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing	ND	\$1,151
336340	Motor Vehicle Brake System Manufacturing	2	\$1,241
336350	Motor Vehicle Transmission and Power Train Parts Manufacturing	1	\$1,178
336370	Motor Vehicle Metal Stamping	ND	\$1,254
336390	Other Motor Vehicle Parts Manufacturing	48	\$1,199
336611	Ship Building and Repairing	21	\$7,778

336612	Boat Building	24	\$6,551
336992	Military Armored Vehicle, Tank, and Tank Component Manufacturing	3	\$1,186
337110	Wood Kitchen Cabinet and Countertop Manufacturing	484	\$900
337215	Showcase, Partition, Shelving, and Locker Manufacturing	12	\$1,177
339114	Dental Equipment and Supplies Manufacturing	15	\$6,215
339116	Dental Laboratories	197	\$878
339910	Jewelry and Silverware Manufacturing	41	\$988
339950	Sign Manufacturing	332	\$1,088
423840	Industrial Supplies Merchant Wholesalers	108	\$1,469
444110	Home Centers	217	\$1,219
561730	Landscaping Services	1829	\$716
621210	Offices of Dentists	3624	\$312

ND=No data available

**b. What was the actual fiscal impact?**

Unknown. Oregon OSHA reached out to the original Advisory Committee members asking for their feedback on the fiscal impact of the rule in Oregon for this 5-Year Review and did not receive feedback.

**c. If the answer to question 2 is unknown, briefly explain why.**

These new Oregon rules were based on rules adopted by federal OSHA. While Oregon OSHA chose a different format than federal OSHA, these rules have the same requirements of the federally mandated rules, and Oregon OSHA relied on the economic impact information generated by federal OSHA.

**3. Have subsequent changes in the law required the rule be repealed or amended?**

In 2018, Oregon OSHA identified a possible issue regarding medical evaluations for construction workers. In response, Oregon OSHA initiated rulemaking to clarify this requirement, and adopted rule changes in AO 4-2018 on July 5, 2018.

**4. Is the rule still needed? Yes.**

The federal OSHA rules are still in effect, and to meet its obligation to be as effective as federal OSHA, Oregon OSHA must retain them as well.



**5. What impacts has the rule had on small businesses?**

Unknown. Oregon OSHA reached out to the original Advisory Committee members asking for their feedback on the fiscal impact of the rule in Oregon for this 5-Year Review and did not receive feedback.

**Oregon Revised Statutes (ORS) 183 – Administrative Procedures Act**

**ORS 183.405 Agency review of rules; report by Secretary of State.**

**(1) Not later than five years after adopting a rule, an agency shall review the rule for the purpose of determining:**

**(a) Whether the rule has had the intended effect;**

**(b) Whether the anticipated fiscal impact of the rule was underestimated or overestimated;**

**(c) Whether subsequent changes in the law require that the rule be repealed or amended;**

**(d) Whether there is continued need for the rule; and**

**(e) What impacts the rule has on small businesses.**

**The department must report its findings to any advisory committee appointed under ORS 183.333, to the Secretary of State, and to the Small Business Advisory Committee.**

Department of Consumer and Business Services  
Oregon Occupational Safety and Health Division (Oregon OSHA)

Five-year Administrative Rule Review

**Rule division name and rule numbers:**

Division 4, Agriculture

- OAR 437-004-6405 Restrictions Associated With Outdoor Production Pesticide Applications
- OAR 437-004-6406 Pesticide Spray Drift and Innovative Methods

**Date adopted:** Adopted 6/29/2018, Effective 1/1/2019

**Date reviewed:** 6/21/2024

**Advisory Committee Used:** Yes

**1. Did the rule achieve its intended effect?** Yes

**a. What was the intended effect?**

Oregon OSHA generally adopted US Environmental Protection Agency's (EPA) rules to protect individuals from pesticide exposure during pesticide applications in outdoor agricultural production areas.

**b. How did the rule succeed or fail in achieving this effect?**

The rules established the Application Exclusion Zone (AEZ), which is an area that moves with pesticide application equipment. The rules also established various distances (25-, 100-, and 150-feet) where people must not be in the AEZ, based on the type of application equipment and the requirements of the pesticide label. Since the adoption of these rules, the enforcement has been more limited than originally intended due to the COVID-19 pandemic that impacted Oregon starting in early 2020. Oregon OSHA remains committed to using its resources, including enforcement activity, consultation services, technical support, and public education materials to reduce the risk of pesticide exposure to workers and occupants of labor housing.

**2. Was the fiscal impact statement:**

- Underestimated
- Overestimated
- Just about right
- Unknown

**a. What was the estimated fiscal impact?**

The EPA's economic analysis predicted no significant impact on most "small business entities" and a negligible effect on jobs and employment.

Oregon OSHA's analysis of cost for notification before each application to close doors, windows and air intakes, start and stop times, and whether or not occupants can stay within agricultural structures or evacuate is anticipated to be done within the same visit. Therefore, the following costs would be incurred one time per application.

- For compliance cost of a 100-foot AEZ airblast and aerial applications when the label requirements does not require a respirator: the notification method would be verbal, the time involved include driving to the housing location (15 miles - 20 minutes each way), for a supervisor from Oregon BLS the rate is approximately \$24.07/hr average providing 15 minutes on site from March to August would be a conservative estimate every ten days or 4 times a month (\$96.28) to approximately 1 time a month (\$24.07) with a mileage cost of \$0.55 per mile or approximately \$16.50 for total mileage. Oregon OSHA estimates that there is no fiscal impact if the occupants remain in the structure or if they were to evacuate.
- Compliance cost of 150-foot AEZ when label requires applicator to wear a respirator: the notification method would be verbal, the time involved include driving to the housing location (15 miles - 20 minutes each way), for a supervisor from Oregon BLS the rate is approximately \$24.07/hr average providing 15 minutes on site from March to August would be a conservative estimate every ten days or 4 times a month (\$96.28) to approximately 1 time a month (\$24.07) with a mileage cost of \$0.55 per mile or approximately \$16.50 for total mileage. Oregon OSHA estimates that there is no fiscal impact for the occupants to be evacuated from the structure.
- Compliance cost of a 25-foot AEZ when not applied either aerially or through an airblast sprayer greater than 12 inches from the planting medium: the notification method would be verbal, the time involved include driving to the housing location (15 miles - 20 minutes each way), for a supervisor from Oregon BLS the rate is approximately \$24.07/hr average providing 15 minutes on site from March to August would be a conservative estimate every ten days or 4 times a month (\$96.28) to approximately 1 time a month (\$24.07) with a mileage cost of \$0.55 per mile or approximately \$16.50 for total mileage. Oregon OSHA estimates that there is no fiscal impact if the occupants remain in the structure or if they were to evacuate.

- Compliance cost to notify occupants to close windows, doors, air intakes prior to spraying: the notification method would be verbal, the time involved include driving to the housing location (15 miles - 20 minutes each way), for a supervisor from Oregon BLS the rate is approximately \$24.07/hr average providing 15 minutes on site from March to August would be a conservative estimate every ten days or 4 times a month (\$96.28) to approximately 1 time a month (\$24.07) with a mileage cost of \$0.55 per mile or approximately \$16.50 for total mileage. Oregon OSHA estimates that there is no fiscal impact if the occupants remain in the structure or if they were to evacuate.
- Compliance cost to conduct initial training includes: the time involved to drive to the training location (15 miles - 20 minutes each way), for a supervisor from Oregon BLS the rate is approximately \$24.07/hr average providing 30 minutes onsite (\$28.08 per session) with a mileage cost of \$0.55 per mile or approximately \$16.50 for total mileage.

**b. What was the actual fiscal impact?**

Unknown

**c. If the answer to question 2 is unknown, briefly explain why.**

These new Oregon rules were based on rules adopted by the US EPA. While Oregon OSHA chose to be stricter than the EPA, these rules have similar requirements to the federally-mandated rules. To the best of our knowledge, the EPA has not revised its economic impact analysis nor has Oregon OSHA received any indication that the original fiscal impact was not accurate.

**3. Have subsequent changes in the law required the rule be repealed or amended?**

No

**4. Is the rule still needed? Yes**

The EPA's AEZ rules are still in effect.

**5. What impacts has the rule had on small businesses?**

This is unknown. However, the rule specifically has a provision to encourage innovation with pesticide application that allows employers to request a variance from the AEZ requirement. It is likely that small businesses would find this concept attractive which

could reduce the impact the rule had on the business. At this time, no variance requests have been submitted to Oregon OSHA.

**The department must review each administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:**

- (a) Whether the rule has had the intended effect;
- (b) Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- (c) Whether subsequent changes in the law require that the rule be repealed or amended;
- (d) Whether there is continued need for the rule; and
- (e) What impacts the rule has on small businesses.

**The department must report its findings to any advisory committee appointed under ORS 183.333, to the Secretary of State, and to the Small Business Advisory Committee.**

# Agency Rule Review Report Under ORS 183.405

---

Rule Number: 150-308-0245

Rule Title: Partial Exemptions and Special Assessments of Land

Date adopted: July 1, 2018

Date of review: June 21, 2023

This report was prepared and approved by: Arlen Stewart, PTD

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

To clarify how to handle exemption of land when a property is eligible for a partial exemption or a partial special assessment. This rule was separated out from OAR 150-308-0240 to make it easier for assessors, county personnel and taxpayers to locate.

b. How did the rule succeed or fail in achieving this effect?

The rule succeeds in that it continues to provide guidance on how to handle the exemption/special assessment of land when the property is eligible for a partial exemption or partial special assessment.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

No fiscal impact was anticipated due to this rule.

b. What was the actual fiscal impact?

No fiscal impact information has been reported or noted by county personnel or taxpayers and the rule has not created any fiscal impact upon the department.

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain: There are still partial exemptions and special assessments that affect both land and improvements. This rule continues to provide guidance to county assessors, other county personnel and taxpayers on how to handle the partial exemption/special assessment of land on a property that qualifies for a partial exemption or partial special assessment.

5. What impacts does the rule have on small businesses?

The rule has no known impact on small businesses as it provides guidance to county personnel and clarifies for taxpayers how the exemption of land will be handled when a property is eligible for a partial exemption.

# Agency Rule Review Report Under ORS 183.405

---

Rule Number: OAR 150-308-0355

Rule Title: Filing Requirements for Boundary Changes

Date adopted: 12/31/2018

Date of review: 3/11/2024

This report was prepared and approved by: Suzanne Irwin, PTD

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

Josh Gattis – Lane County

Deena Mehdikhan – Clackamas County

Joy Gardner – Lane County

Hall Guttormsen – Washington County

Fred Ramstad – Washington County

Hasina Wittenberg – SDAO

Ted Foster – Washington County

Rebecca Hall – DOR

Zac Christensen – Metro

Dave Waffle – City of Beaverton

Jeff Salvon – City of Beaverton

Erin Doyle – LOC

Elise Bruch – DOR

Robert Ayers – DOR



Vance Swenson – Clatsop County & OASES

Eileen Ystad – Clatsop County

Adam Niles – Clatsop County

Tim Mercer – Multnomah County

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

- To define a final approval form and specification for Boundary change maps and legal descriptions.

- To define Map requirements that DOR will use to approve maps.

b. How did the rule succeed or fail in achieving this effect?

Succeeded in streamlining the boundary change approval process and improved turnaround time for approvals.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

No impact

b. What was the actual fiscal impact?

None

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain: This is still needed to continue to provide uniform approval for future boundary change approvals from DOR.

5. What impacts does the rule have on small businesses?

The impact on small businesses is minimal but could affect their property taxes when their taxing districts boundaries are changed to include their property.

# Agency Rule Review Report Under ORS 183.405

---

Rule Number: 150-307-0800

Rule Title: Vertical Housing Development Zone Program

Date adopted: 12/31/2018

Date of review: 6/26/2023

This report was prepared and approved by: Jean Jitan, PTD

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

The rule is to assist county assessors and municipalities in administering the vertical housing exemption. The rule clarifies what is residential and non-residential use for the purpose of the exemption. It clarifies what is needed to opt-out of participating in the program. It clarifies that the exemption cannot apply to a partial tax lot and that vertical housing zones cannot overlap.

b. How did the rule succeed or fail in achieving this effect?

The county assessors are responsible for applying the correct amounts in the property tax roll. The county assessors rely on the rule to help determine the partial exemption amount for Vertical Housing Development Zones (VHDZ). This helps with the accuracy of the tax roll.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

\$0

b. What was the actual fiscal impact?

\$0

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes', please explain:

In 2021, SB 141 adjusted vertical housing statutes (ORS 307.841, 307.844, 307.857 307.858, 307.861,307.864, 307.866, and 307.867) for partial property tax exemption to disallow rounding in the calculation of the percentage to be exempted for vertical housing developments and removed the language "equalized floor" in the calculation basis. To be consistent with statute language, section (5) of OAR 150-307-0800 was removed as it instructs rounding on equalized floors.

4. Is the rule still needed?

Yes

No

Explain: To assist county assessors with the partial exemption process.

5. What impacts does the rule have on small businesses?

n/a



# Agency Rule Review Report

## Under ORS 183.405

---

Rule Number: OAR 150-316-0006

Rule Title: Application of Capital Losses and Capital Loss Carryforwards

Date adopted: Jan 1, 2018

Date of review: May 29, 2024

This report was prepared and approved by: Robert Oakes, PTAC Rules Coordinator

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members. N/A

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

The rule clarified that Capital Losses and Capital Loss Carryforwards fall under authority of ORS 316.007, which makes Oregon personal income tax law identical in effect to the provisions of the Internal Revenue Code relating to the measurement of taxable income of individuals, estates and trusts.

The rule provided examples of the amount of capital loss or capital loss carryforward that is not attributable to Oregon sources and may not be included as Oregon taxable income on the Oregon tax return.

b. How did the rule succeed or fail in achieving this effect?

The rule provided guidance and examples to resident, part-year resident and nonresident taxpayers who might claim Capital Losses and Capital Loss Carryforwards, and to tax preparers who file their returns.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

The estimated fiscal impact was none.

What was the actual fiscal impact?

There was no fiscal impact. Taxpayers who file these returns, and tax preparers who prepare their returns, incorporated this into existing filing practices and procedures.

b. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

Is the rule still needed?

Yes

No

4. What impacts does the rule have on small businesses?

None. Tax professionals who file these returns incorporate claims about Capital Losses and Capital Los Carryforwards into their existing work.



# Agency Rule Review Report

## Under ORS 183.405

---

Rule Number: OAR 150-316-0607

Rule Title: First-time Home Buyer Savings Account

Date adopted: Jan. 1, 2019

Date of review: May 29, 2024

This report was prepared and approved by: Robert Oakes, PTAC Rules Coordinator

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members. N/A

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

ORS 316.796 through 316.803 allow a subtraction for deposits made by a taxpayer to a "first-time home buyer savings account" (FTHBSA). Earnings on such deposits are exempt from Oregon tax and are included in the annual subtraction amount. The maximum dollar limits for the subtraction (and exemption) are \$10,000 for taxpayers filing a joint return and \$5,000 for all others.

b. How did the rule succeed or fail in achieving this effect?

The rule succeeded. The FTHBSA subtraction is taken by between 1,000 and 1,500 taxpayers per year, with the number expected to increase in the 2025 tax year due to legislative changes.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

The estimated fiscal impact was none.

What was the actual fiscal impact?

There was no fiscal impact. Taxpayers who file for the subtraction, and tax preparers who file their returns, incorporated this into existing filing practices and procedures.

b. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

The department is currently reviewing this rule for possible amendments due to recent legislation and attention.

SB 1527 (2024 Regular Session) modified provisions governing first-time home buyer savings accounts. The focus of SB 1527 was to remove barriers for taxpayers without access to the limited number of financial institutions that voluntarily offered these accounts. Burdens on these financial institutions were also repealed. The bill requires no changes to the rule, however, the original statute said DOR "may" adjust the maximum dollar limits for inflation. To date, DOR has not made this adjustment but could do so in the future if the department determines this is necessary and decides to amend the rule.

Is the rule still needed?

Yes

No

Explain: As state above, the FTHBSA subtraction is taken by between 1,000 and 1,500 taxpayers per year. The rule provides clarity and guidance for taxpayers who claim the subtraction and tax preparers who file their returns.

4. What impacts does the rule have on small businesses?

Tax preparers who file these returns need the clarity and guidance provided in the rule.



**True Name on Application; Interest in Business  
OAR 845-005-0311**

**Date Adopted:** 7/1/2019

**Date Review Due:** 6/30/2024

**Date Review Completed:** June 25, 2024

**Advisory Committee (AC) used?** Yes. The Commission held an advisory committee for this rule on March 6, 2019.

**1) Did the rule achieve its intended effect?**

- a) **What was the intended effect?** The rule clarifies the three categories of ownership interest by specifically naming them. These were already categories that the OLCC considered to have an ownership interest. However, because they were not specifically listed; and thus, not readily apparent, they could be difficult to comprehend and navigate. The rule also adds three categories where the OLCC could automatically waive an ownership interest. The rule further expands on circumstances when intervening circumstances may overcome a license denial by removing the term “good cause” and detailing these actual circumstances in rule. This rule was the Commission’s attempt to provide needed clarity for liquor licensees and the general public.
- b) **How did the rule succeed or fail in achieving this effect?** The rule succeeded in providing clarity to licensees and the public. By listing the specific categories of ownership interest in rule, applicants, licensees and the public were afforded a clearer understanding of which individuals and entities are required to be identified and disclosed on license applications and better equipped to provide accurate business structure documentation and are more likely to have their applications for licensure reviewed more efficiently and approved at a higher rate. By removing the vague “good cause” language and replacing it with specific examples of when the Commission may waive ownership interest requirements, the amendments provided consistency and clarity when determining whether a waiver applies. The rule continues to help prevent tied-house entanglements among licensees which are disfavored under federal law as they often result in anti-competitive practices

**2) Was the fiscal impact underestimated, overestimated, just about right, or unknown?**  
The fiscal impact assessment was just about right.

a) **What was the estimated fiscal impact?**

**This statement takes into account the fiscal impact on: (a) Licensees; (b) Local Government; (c) State Agencies; and (d) the Public.**

(a) **Liquor Licensees:** The Commission expected the proposed amendments to have a positive fiscal impact on licensees, as the amendments clarify ownership

interests and add categories in which the OLCC could automatically waive ownership interests.

(b) **Local Government:** The Commission expected the proposed amendments to have no impact upon local governments, as the rules do not apply to them.

(c) **State Agencies:** The Commission expected the proposed rules to have no fiscal impact on outside state agencies because these rules do not apply to outside state agencies.

(d) **The Public:** The Commission expected the proposed rules to have a neutral fiscal impact on the public since the amendments simply clarify when a business may or may not have ownership interest in a liquor license issued by the Commission.

**COST OF COMPLIANCE:** *(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

The Commission anticipates no new costs to comply with the proposed amendments for most state agencies and local government.

**2. Cost of compliance effect on small business (ORS 183.336):**

**a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:**

Currently, the Commission has 18,426 licensees that sell alcohol.

**b. Projected reporting, record keeping and other administrative activities required for compliance, including costs of professional services:**

The Commission anticipates no increased costs of compliance for small business, as the amendments simply clarify when an ownership interest may apply.

**c. Equipment, supplies, labor and increased administration required for compliance:**

An applicant for a liquor license would need to apply in a form and manner prescribed by the Commission and complete all subsequent licensing requirements.

b) **What was the actual fiscal impact?** For the reasons stated above the actual fiscal impact was nominal.

c) If the answer to question 2 is unknown, briefly explain why. N/A

3) **Have subsequent changes in the law required the rule to be repealed or amended? If yes, explain.** House Bill 2013 (2023) included amendments to ORS 471.313, which included inter alia, the renumbering of the statute's subsections. As a result, the rule was subsequently amended to correct the statutory citation referenced in the rule. Apart from changes in the law requiring rule amendment, the rule was amended to remove subsection 7, reference to the Commission's ability to waive the requirement to submit certain application material identified in OAR 845-005-0312 when the applicant provided written documentation that control of the day-to-day operation had been relinquished through a management agreement, or similar written agreement, to one or more parties who apply for the same license at the same premises.

4) **Is the rule still needed? Yes. Explain:** The rule implements the Commission's statutory authority to refuse an application if the applicant is not the legitimate owner of the business proposed to be licensed or other individuals have ownership interests which have not been disclosed; and to require a licensee to disclose financial interests in the business. The rule is necessary to address both ownership interest and financial interest in the Commission's authority to issue liquor licenses. The rule continues to help prevent tied-house entanglements between licensees that often result in anti-competitive practices.

5) **What, if any, is the impact on small businesses?** Small businesses applying for a liquor license will need to apply in a form and manner prescribed by the Commission and complete all subsequent licensing requirements.

**Review Completed By:**

Nicole Blossé	<i>Nicole M. Blossé</i>	Rules Coordinator	6/25/2024
<b>Name</b>	<b>Signature</b>	<b>Title</b>	<b>Date</b>

**Executive Review:**

Bryant Haley	<i>Bryant Haley</i>	Public Records Manager	Jun 25, 2024
<b>Name</b>	<b>Signature</b>	<b>Title</b>	<b>Date</b>

Department of Consumer and Business Services  
Oregon Occupational Safety and Health Division (Oregon OSHA)

Five-year Administrative Rule Review

**Rule division name and rule numbers:**

Division 2, General Occupational Safety and Health Rules

Oregon Administrative Rules adopted:

- 437-002-2024, Scope and Application
- 437-002-2025, Definitions
- 437-002-2026, Permissible Exposure Limit (PEL)
- 437-002-2028, Regulated and Restricted Access Areas
- 437-002-2029, Methods of Compliance
- 437-002-2030, Respiratory Protection
- 437-002-2032, Hygiene Areas and Practices
- 437-002-2033, Housekeeping
- 437-002-2034, Medical Surveillance
- 437-002-2035, Medical Removal
- 437-002-2036, Communication of Beryllium Hazards to Employees
- 437-002-2037, Recordkeeping
- 437-002-2038, Dates
- 437-002-2040, Exposure Assessment
- 437-002-2045, Personal Protective Clothing and Equipment

**Date adopted:** OSHA 3-2017, adopted July 7, 2017, effective March 12, 2018  
OSHA 4-2017, adopted July 31, 2017, effective March 12, 2018

**Date reviewed:** June 28, 2024

**Advisory Committee Used:** Yes

Oregon OSHA convened a stakeholder group of interested parties as part of this rule adoption process.

1. **Did the rule achieve its intended effect?** Yes

a. **What was the intended effect?**

Oregon OSHA is required to adopt requirements at least as effective as federal OSHA requirements.

b. **How did the rule succeed or fail in achieving this effect?**

While federal OSHA adopted rules specific to each industry covered, Oregon OSHA combined those requirements into a suite of rules that apply to those same industries in a format that is easier to understand and navigate. The requirements of this rulemaking mirror the requirements of the federal OSHA rules.

**2. Was the fiscal impact statement:**

- Underestimated
- Overestimated
- Just about right
- Unknown

**a. What was the estimated fiscal impact?**

Federal OSHA identified 83 industries with entities within those industries that may be impacted by this rule. However, many of those industries do not have any affected entities within Oregon. For example, federal OSHA identified six foundry and smelting industries that have entities that may be affected, but to the best of our knowledge, none of the affected entities are within Oregon. Federal OSHA also identified sixteen industries that may be affected by these rules because some entities within those industries use coal-fired utilities. The only entity we are aware of that has a coal-fired utility is the Portland General Electric Boardman facility, which is also scheduled to be decommissioned by 2020.

The following table lists the industries in Oregon where ten percent or more of the entities that are the most likely to be affected by these rules, number of employers in Oregon within that industry, and the expected average annual costs per small employer. While the number of Oregon employers does not specifically indicate the number of small businesses, approximately 90% of all Oregon employers are small businesses. The costs reflect the most probable impact, based on the federal OSHA data.

NAICS Code	Industry	Oregon Employers	Average Annualized Compliance Costs
332613	Spring Manufacturing	6	\$11,590
332721	Precision turned product manufacturing	10	\$22,015-\$33,512
334417	Electronic Connector Manufacturing	1	\$11,591
336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing	13	\$11,596
339116	Dental Laboratories	177	\$981-\$5,087

These costs include equipment for engineering and work practice controls, respiratory protection, initial and recurring airborne exposure assessments, medical surveillance, establishing and maintaining a written exposure control plan, establishing and maintaining a regulated area, establishing and maintaining a beryllium work area, establishing and maintaining hygiene facilities, housekeeping, and employee training.

**b. What was the actual fiscal impact?**

Unknown.

**c. If the answer to question 2 is unknown, briefly explain why.**

To the best of our knowledge, there are no industries within Oregon that were affected by this rulemaking, as Oregon OSHA could not identify any businesses that had the potential for exposures to beryllium.

**3. Have subsequent changes in the law required the rule be repealed or amended?**

No. There have been no changes in the law, the federal OSHA rules are still in effect. However, OSHA 4-2017 did amend OAR 437-002-2025 to correct a filing error in the definition of the Permissible Exposure Limit.

**4. Is the rule still needed? YES**

The federal OSHA rules are still in effect, and in order to meet its obligation to be as effective as federal OSHA, Oregon OSHA must retain them as well.

**5. What impacts has the rule had on small businesses?**

As we have not identified any businesses in Oregon whose employees use or otherwise are potentially exposed to beryllium, there were no identifiable impacts on small businesses.

**The department must review each administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:**

- (a) Whether the rule has had the intended effect;
- (b) Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- (c) Whether subsequent changes in the law require that the rule be repealed or amended;
- (d) Whether there is continued need for the rule; and

(e) What impacts the rule has on small businesses.

**The department must report its findings to any advisory committee appointed under ORS 183.333, to the Secretary of State, and to the Small Business Advisory Committee.**

Department of Consumer and Business Services  
Oregon Occupational Safety and Health Division (Oregon OSHA)

Five-year Administrative Rule Review

**Rule division name and rule numbers:**

Division 2, General Occupational Safety and Health Rules

Oregon Administrative Rules adopted:

- 437-002-2024, Scope and Application
- 437-002-2025, Definitions
- 437-002-2026, Permissible Exposure Limit (PEL)
- 437-002-2028, Regulated and Restricted Access Areas
- 437-002-2029, Methods of Compliance
- 437-002-2030, Respiratory Protection
- 437-002-2032, Hygiene Areas and Practices
- 437-002-2033, Housekeeping
- 437-002-2034, Medical Surveillance
- 437-002-2035, Medical Removal
- 437-002-2036, Communication of Beryllium Hazards to Employees
- 437-002-2037, Recordkeeping
- 437-002-2038, Dates
- 437-002-2040, Exposure Assessment
- 437-002-2045, Personal Protective Clothing and Equipment

**Date adopted:** OSHA 3-2017, adopted July 7, 2017, effective March 12, 2018  
OSHA 4-2017, adopted July 31, 2017, effective March 12, 2018

**Date reviewed:** June 28, 2024

**Advisory Committee Used:** Yes

Oregon OSHA convened a stakeholder group of interested parties as part of this rule adoption process.

1. **Did the rule achieve its intended effect?** Yes

a. **What was the intended effect?**

Oregon OSHA is required to adopt requirements at least as effective as federal OSHA requirements.

b. **How did the rule succeed or fail in achieving this effect?**



While federal OSHA adopted rules specific to each industry covered, Oregon OSHA combined those requirements into a suite of rules that apply to those same industries in a format that is easier to understand and navigate. The requirements of this rulemaking mirror the requirements of the federal OSHA rules.

**2. Was the fiscal impact statement:**

- Underestimated
- Overestimated
- Just about right
- Unknown

**a. What was the estimated fiscal impact?**

Federal OSHA identified 83 industries with entities within those industries that may be impacted by this rule. However, many of those industries do not have any affected entities within Oregon. For example, federal OSHA identified six foundry and smelting industries that have entities that may be affected, but to the best of our knowledge, none of the affected entities are within Oregon. Federal OSHA also identified sixteen industries that may be affected by these rules because some entities within those industries use coal-fired utilities. The only entity we are aware of that has a coal-fired utility is the Portland General Electric Boardman facility, which is also scheduled to be decommissioned by 2020.

The following table lists the industries in Oregon where ten percent or more of the entities that are the most likely to be affected by these rules, number of employers in Oregon within that industry, and the expected average annual costs per small employer. While the number of Oregon employers does not specifically indicate the number of small businesses, approximately 90% of all Oregon employers are small businesses. The costs reflect the most probable impact, based on the federal OSHA data.

NAICS Code	Industry	Oregon Employers	Average Annualized Compliance Costs
332613	Spring Manufacturing	6	\$11,590
332721	Precision turned product manufacturing	10	\$22,015-\$33,512
334417	Electronic Connector Manufacturing	1	\$11,591
336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing	13	\$11,596
339116	Dental Laboratories	177	\$981-\$5,087

These costs include equipment for engineering and work practice controls, respiratory protection, initial and recurring airborne exposure assessments, medical surveillance, establishing and maintaining a written exposure control plan, establishing and maintaining a regulated area, establishing and maintaining a beryllium work area, establishing and maintaining hygiene facilities, housekeeping, and employee training.

**b. What was the actual fiscal impact?**

Unknown.

**c. If the answer to question 2 is unknown, briefly explain why.**

To the best of our knowledge, there are no industries within Oregon that were affected by this rulemaking, as Oregon OSHA could not identify any businesses that had the potential for exposures to beryllium.

**3. Have subsequent changes in the law required the rule be repealed or amended?**

No. There have been no changes in the law, the federal OSHA rules are still in effect. However, OSHA 4-2017 did amend OAR 437-002-2025 to correct a filing error in the definition of the Permissible Exposure Limit.

**4. Is the rule still needed? YES**

The federal OSHA rules are still in effect, and in order to meet its obligation to be as effective as federal OSHA, Oregon OSHA must retain them as well.

**5. What impacts has the rule had on small businesses?**

As we have not identified any businesses in Oregon whose employees use or otherwise are potentially exposed to beryllium, there were no identifiable impacts on small businesses.

**The department must review each administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:**

- (a) Whether the rule has had the intended effect;
- (b) Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- (c) Whether subsequent changes in the law require that the rule be repealed or amended;
- (d) Whether there is continued need for the rule; and

(e) What impacts the rule has on small businesses.

**The department must report its findings to any advisory committee appointed under ORS 183.333, to the Secretary of State, and to the Small Business Advisory Committee.**

**OREGON ADMINISTRATIVE RULES**  
**5-YEAR RULE REVIEW**  
ORS 183.405

**Filing Caption:**

24-Hour Residential Programs and Settings for Individuals with Intellectual or Developmental Disabilities

**Adopted Rule:**

411-325-0490 about Provider Eligibility for Medicaid Service Payment

**Adoption Date:**

02/15/2019

**Review Date:**

06/18/2024

**Reviewer's Name:**

Christina Hartman, Rules and Policy Analyst

**What was the intended effect?**

OAR 411-325-0490 about "Provider Eligibility for Medicaid Service Payment" was adopted to clarify expectations for service payment claims according to current practice as directed by legislative mandate, policies, and current contract standards and procedures.

**Has each rule had the intended effect? Yes**

**Was the anticipated fiscal impact underestimated? No**

**Was the anticipated fiscal impact of overestimated? No**

**Have subsequent changes in the law required the rule to be amended or repealed?** Amended 03/01/2021

**Is there a continued need for the rule?** Yes

**What impact has the rule had on small businesses as defined in ORS 183.310?**

The rule applies to 24-hour residential programs and settings, some of which may meet the definition for a small business in ORS 183.310. Using available data, ODDS has determined the rule had a neutral impact on 24-hour residential programs and settings.

**Was an Administrative Rule Advisory Committee (RAC) consulted?** Yes

<b>RAC Member Name</b>	<b>Email</b>
Allen-Sleeman, Pat	pallensleeman@asioregon.org
Baker, Bruce M	BRUCE.M.BAKER@dhsoha.state.or.us
Brickey, Carrie	cbrickey@asioregon.org
Clifford, Crystal	cclifford@lifeways.org
Daignault, Jaime	Jaime.DAIGNAULT@dhsoha.state.or.us
Fuhrman, Joanne	Jfuhrman@pclpartnership.org
Gagliano, Leah	leah@onthemovepdx.org
Gibson, Lois	lgibson@oregonresource.org
Goodell, Flory	fgoodell@pclpartnership.org
Guedon, Gabrielle	gabrielle.guedon@askosac.org
Gustavson, Susan	susan@cas-dd.org
Hartman, Christina	Christina.HARTMAN@dhsoha.state.or.us
Herrera, Rose K	Rose.K.HERRERA@odhs.oregon.gov
Hittle, Dana	Dana.HITTLE@dhsoha.state.or.us
Kronenberg, Chelas A	CHELAS.A.KRONENBERG@dhsoha.state.or.us
LARSON, Toni R * RFO	Toni.R.LARSON@state.or.us
Lavoi, Loralei	loralei@omrs-dd.org
Magella, Gordon	gmagella@droregon.org
Markins Karen E	KAREN.E.MARKINS@dhsoha.state.or.us
Matthews, Lynn	Lynn.MATTHEWS@dhsoha.state.or.us
Olson, Sandi	solson@co.clackamas.or.us
Owens, Sarah Jane	sjowens@aocmhp.org
Parr, Mike R	Mike.R.PARR@dhsoha.state.or.us
Prentice, Don	dprentice@oslp.org
Rose, Katie	Katierose@oregonsupportservices.org
Smith, Jennifer R	Jennifer.R.SMITH@dhsoha.state.or.us
smode@oslp.org	

Southard, Barbara L  
Stockton, Cindy  
Sutton, Leslie J

BARBARA.L.SOUTHARD@dhsoha.state.or.us  
cindy.stockton@riversidecenters.com  
LESLIE.J.SUTTON@dhsoha.state.or.us  
leslie.sutton@ocdd.org  
angiet@riseservicesinc.org  
JULIE.L.VANNETTE@dhsoha.state.or.us  
bradleywat@co.clackamas.or.us  
shielaz@tfcc.org

Templeton, Angie  
VanNette, Julie L  
Watts, Bradley  
Zerngast, Shiela

**Report approved by:** Rose Herrera

**Date:** 06/24/2024

**OREGON ADMINISTRATIVE RULES  
5-YEAR RULE REVIEW  
ORS 183.405**

**Filing Caption:**

Functional Needs Assessments for Individuals with Intellectual or Developmental Disabilities

**Adopted Rules:**

- 411-425-0005 Statement of Purpose
- 411-425-0015 Definitions and Acronyms
- 411-425-0025 Policies and Procedures
- 411-425-0035 Qualifications and Training
- 411-425-0045 Quality Assurance
- 411-425-0055 Oregon Needs Assessment (ONA)

**Adoption Date:** 05/01/2019

**Review Date:** 06/21/2024

**Reviewer's Name:** Christina Hartman, Rules and Policy Analyst

**What was the intended effect?**

The rules in OAR chapter 411, division 425 about Functional Needs Assessments were adopted to prescribe standards, responsibilities, and procedures for conducting an Oregon Needs Assessment (ONA).

**Has each rule had the intended effect?** Yes

**Was the anticipated fiscal impact underestimated?** No

**Was the anticipated fiscal impact of overestimated?** No

**Have subsequent changes in the law required the rules to be amended or repealed?**

411-425-0005 Statement of Purpose No

411-425-0015 Definitions and Acronyms No

411-425-0025 Policies and Procedures	No
411-425-0035 Qualifications and Training	No
411-425-0045 Quality Assurance	No
411-425-0055 Oregon Needs Assessment (ONA)	Amended 12/15/2022

**Is there a continued need for the rules? Yes**

**What impact have the rules had on small businesses as defined in ORS 183.310?**

The rules do not have a direct impact on small businesses as defined in ORS 183.310.

**Was an Administrative Rule Advisory Committee (RAC) consulted? Yes**

<b>RAC Member Name</b>	<b>Email</b>
Daniel Alrick	danielalrick@hotmail.com
Adam Ayers	AAyers@RCOregon.org
Tracy Beck	tracyb@shangrilacorp.org
Chrystal Burns	CBurns@fullaccess.org
Nicholas Burton	NICHOLAS.R.BURTON@dhsaha.state.or.us
Katie Coombes	coombesk@seiu503.org
Jaime Daignault	Jaime.DAIGNAULT@dhsaha.state.or.us
Roberta Dunn	roberta@factoregon.org
Judie Foster-Lupkin	jfoster-lupkin@chamberlinhouse.org
Christina Hartman	Christina.HARTMAN@dhsaha.state.or.us
Fred Jabin	Fred.C.JABIN@dhsaha.state.or.us
Jennifer Jackson	jennifer.jackson@multco.us
Beth Kessler	beth.kessler@ocdd.org
Chelas Kronenberg	CHELAS.A.KRONENBERG@dhsaha.state.or.us
Toni Larson	Toni.R.LARSON@state.or.us
Gordon Magella	gmagella@droregon.org
Kyndall Mason	masonk@seiu503.org
Corissa Neufeldt	cneufeldt@co.marion.or.us



Sarah Jane Owens

sjowens@aocmhp.org

Mike Parr

Mike.R.PARR@odhs.oregon.gov

rhis541@gmail.com

Katie Rose

Katierose@oregonsupportservices.org

Lorena Young

lorena.young@ipaper.com

**Report approved by: Mike Parr**

**Date: 06/24/2024**

**OREGON ADMINISTRATIVE RULES  
5-YEAR RULE REVIEW  
ORS 183.405**

**Filing Caption:**

State Plan Personal Care Services for Individuals with Intellectual or Developmental Disabilities

**Adopted Rules:**

411-455-0000 Statement of Purpose

411-455-0010 Definitions and Acronyms

411-455-0020 Eligibility

411-455-0030 Needs Assessment, Service Authorization, and Monitoring

411-455-0040 Exceptions

411-455-0050 Services

411-455-0060 Standards for Providers

**Adoption Date:** 07/01/2019

**Review Date:** 06/17/2024

**Reviewer's Name:** Christina Hartman, Rules and Policy Analyst

**What was the intended effect?**

The rules in OAR chapter 411, division 455 about State Plan personal care services were adopted to prescribe standards, responsibilities, and procedures for the delivery of State Plan personal care services to individuals who are eligible for services through Community Developmental Disabilities Programs, Brokerages, or Children's Intensive In-Home Services.

**Has each rule had the intended effect?** Yes

**Was the anticipated fiscal impact underestimated?** No

**Was the anticipated fiscal impact of overestimated?** No

## Have subsequent changes in the law required the rules to be amended or repealed?

411-455-0000 Statement of Purpose	No
411-455-0010 Definitions and Acronyms	No
411-455-0020 Eligibility	Amended 12/15/2022
411-455-0030 Needs Assessment, Service Authorization, and Monitoring	Amended 01/01/2021
411-455-0040 Exceptions	No
411-455-0050 Services	No
411-455-0060 Standards for Providers	No

## Is there a continued need for the rule? Yes

## What impact has the rule had on small businesses as defined in ORS 183.310?

The rules apply to personal support workers and in-home care agencies. Personal support workers are not considered a small business.

Some in-home care agencies may meet the definition for a small business in ORS 183.310. Using available data, ODDS has determined the rules had a neutral impact on in-home care agencies.

## Was an Administrative Rule Advisory Committee (RAC) consulted? Yes

RAC Member Name	Email
Anderson, Caryn	canderson@co.clackamas.or.us
Baker, Bruce M	BRUCE.M.BAKER@dhsaha.state.or.us
Gibson, ToiNae L	toinae.gibson@multco.us
Hartman, Christina	Christina.HARTMAN@dhsaha.state.or.us
Long, Debbie	LongDA@jacksoncounty.org
Martin, May	may.martin@state.or.us
Martinez-Garcia, Mayra	mmartinez-garcia@youthcontac.org
Nale Rachel L	nale.rachel@co.polk.or.us
Perkins Karin	kperkins@co.marion.or.us

**Report approved by:** Carrie Salehiamin

**Date:** 06/20/2024

REVIEW OF ADOPTED RULES – ORS 183.405

License Refusal Reasons: Applicant Qualifications

OAR 845-005-0325

**Date Adopted:** 6/20/2019

**Date Review Due:** 7/1/2024

**Date Review Completed:** 7/29/2024

**Advisory Committee (AC) used?** Yes. The Commission held an advisory committee on the topic on March 6, 2019.

1) **Did the rule achieve its intended effect?**

a) **What was the intended effect?**

The rule describes reasons for license refusal and lists intervening circumstances the Commission considers when determining if refusal is supported or overcome. The 2019 amendments replace the term “good cause” with “intervening circumstances” which are detailed in rule, and identifies documentation the Commission uses to assess whether an applicant overcomes a refusal basis. The rule and the 2019 amendments were the Commission’s attempt to provide needed clarity for liquor licensees and the general public.

b) **How did the rule succeed or fail in achieving this effect?** The rule succeeded in providing clarity to liquor applicants, licensees and the general public by describing specific intervening circumstances the Commission considers when determining whether an applicant may overcome a refusal basis. It clarifies that intervening factors may weigh in favor of an applicant, weigh against an applicant or be weighed neutrally. Definitions were also added to further clarify intervening circumstances. Additionally, the rule provides a thorough explanation of the specific documentation an applicant may submit in order to overcome a refusal basis.

2) **Was the fiscal impact underestimated, overestimated, just about right, or unknown?** The fiscal impact was just about right.

a) **What was the estimated fiscal impact?**

This statement takes into account the fiscal impact on: (a) Licensees; (b) Local Government; (c) State Agencies; and (d) the Public.

(a) **Liquor Licensees:** The Commission expects the proposed amendments to have a positive fiscal impact on licensees, as the amendments both clarify ownership interests and add categories in which the OLCC could automatically waive ownership interests.

(b) **Local Government**: The Commission expects the proposed amendments to have no impact upon local governments, as the rules do not apply to them.

(c) **State Agencies**: The Commission expects the proposed rules to have no fiscal impact on outside state agencies because these rules do not apply to outside state agencies.

(d) **The Public**: The Commission expects the proposed rules to have a neutral fiscal impact on the public since the amendments simply clarify when a business may or may not have ownership interest in a liquor license issued by the Commission.

**Cost of Compliance**: (1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

The Commission anticipates no new costs to comply with the proposed amendments for most state agencies and local government.

**2. Cost of compliance effect on small business (ORS 183.336):**

**a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:**

Currently, the Commission has 16,829 licensees that sell alcohol.

**b. Projected reporting, record keeping and other administrative activities required for compliance, including costs of professional services:**

The Commission anticipates no increased costs of compliance for small business, as the amendments simply clarify when an ownership interest may apply.

**c. Equipment, supplies, labor and increased administration required for compliance:**

An applicant for a liquor license would need to apply in a form and manner prescribed by the Commission and complete all subsequent licensing requirements.

**b) What was the actual fiscal impact?**

The actual fiscal impact was as projected above.

**c) If the answer to question 2 is unknown, briefly explain why.**

3) **Have subsequent changes in the law required the rule to be repealed or amended? If yes, explain.** The rule was amended in February 2023 in efforts to modernized language and align with industry needs. Main changes included removing refusal criteria related to an applicant having inadequate financial resources, and an applicant’s ability to communicate effectively; as well as adding intervening circumstances the Commission will use to assess refusal criteria specific to false statement and when an applicant does not have a good record of compliance with the Commission.

4) **Is the rule still needed? Yes Explain:** The rule is necessary to inform liquor applicants, licensees and the public of the criteria the Commission considers to be a refusal basis and what factors or “intervening circumstances” and documentation the Commission may consider in assessing whether an applicant can overcome the refusal basis.

5) **What, if any, is the impact on small businesses?** Small businesses may be positively impacted with regard to application processing time. If a refusal basis is identified an applicant has clear understanding of what documentation they may submit to potentially overcome a refusal basis.

**Review Completed By:**

Nicole Blossé	<i>Nicole M. Blossé</i>	Rules Coordinator	7/29/2024
<b>Name</b>	<b>Signature</b>	<b>Title</b>	<b>Date</b>

**Executive Review:**

Bryant Haley	<i>Bryant Haley</i>	Public Records Manager	Jul 29, 2024
<b>Name</b>	<b>Signature</b>	<b>Title</b>	<b>Date</b>

Department of Consumer and Business Services  
Oregon Occupational Safety and Health Division (Oregon OSHA)

Five-year Administrative Rule Review

**Rule division name and rule numbers:**

Division 2/D Walking-Working Surfaces

- OAR 437-002-2021, Additional Oregon Definitions
- OAR 437-002-2022, Additional Oregon Rules for Powered Platforms
- OAR 437-002-2027, Rope Descent & Rope Access Systems
- OAR 437-002-2031, Delayed Effective Dates for Walking-Working Surfaces

Rulemaking: OSHA 2-2017, Adopted changes to Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)

**Date adopted:** Adopted 5/16/17, Effective 11/1/2017

**Date reviewed:** 7/31/2024

**Advisory Committee Used:** Yes.

1. **Did the rule(s) achieve its intended effect?** Yes.

a. **What was the intended effect?**

The revised standard on walking-working surfaces was intended to prevent and reduce workplace slips, trips, and falls, as well as other injuries and fatalities associated with walking-working surface hazards. The final federal OSHA rule added requirements on the design, performance, and use of personal fall protection systems. It also revised and created new provisions addressing, for example: fixed ladders; rope descent systems; fall protection systems and criteria, including personal fall protection systems; and training on fall hazards and fall protection systems.

b. **How did the rule succeed or fail in achieving this effect?**

Federal OSHA, in proposing the revised standard, predicted implementation of the standard would prevent 29 deaths and 5,842 lost workday cases each year, nationally. The actual effect of the adopted standard to prevent serious injuries and deaths in Oregon workplaces is unknown.



**2. Was the fiscal impact statement:**

- Underestimated
- Overestimated
- Just about right
- Unknown

**a. What was the estimated fiscal impact?**

Federal OSHA estimated the total cost for rule requirements implementation in the USA for predicted affected employers to be \$319,500,000. The percentage of the National Cost Share for Oregon, based upon state-to-state comparison of total employment, was 8.7 % (based upon 2015 data of 1,939,000 employees). This resulted in Oregon's estimated total cost share to be \$27,796,500. The total private, State and Local government employers affected by the rule changes was approximately 127,274 employers.

Based upon these estimates, Oregon's total cost for rule requirements implementation, equally distributed per affected employer, was approximately \$218.40 per employer.

**b. What was the actual fiscal impact?**

Unknown.

**c. If the answer to question 2 is unknown, briefly explain why.**

The new Oregon rules were based on rules adopted by federal OSHA. While Oregon OSHA chose a different format than federal OSHA that included Oregon Administrative Rules (OARs), these rules have generally the same requirements of the federally mandated rules, and Oregon OSHA relied on the economic impact information generated by federal OSHA.

Oregon OSHA reached out to stakeholders who participated in the rulemaking for comments on the actual fiscal impact they experienced as a result of the rule's adoption and received no comments.

**3. Have subsequent changes in the law required the rule be repealed or amended?**

No.

**4. Is the rule still needed? Yes.**

The federal OSHA rules are still in effect, and to meet its obligation to be as effective as federal OSHA, Oregon OSHA must retain them as well.

**5. What impacts has the rule had on small businesses?**

Unknown. Oregon OSHA reached out to stakeholders who participated in the rulemaking for comments on the impacts the rule had on small businesses and received no comments. Due to generally similar previous walking-working surfaces rule requirements that were in effect before the current rules were adopted, there were no identifiable impacts on small businesses.

**The department must review each administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:**

- (a) Whether the rule has had the intended effect;
- (b) Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- (c) Whether subsequent changes in the law require that the rule be repealed or amended;
- (d) Whether there is continued need for the rule; and
- (e) What impacts the rule has on small businesses.

**The department must report its findings to any advisory committee appointed under ORS 183.333, to the Secretary of State, and to the Small Business Advisory Committee.**



**Office of Child Welfare Programs  
Five Year Rule Review - OAR Chapter 413  
ORS 183.405**

**Rule Under Review:**

- 413-053-0000 - Definitions
- 413-053-0010 - History and Purpose
- 413-053-0020 - Eligibility Criteria
- 413-053-0030 - Referral for a SPRF Service
- 413-053-0040 - CPS Assessment Closure or Department Case Closure
- 413-053-0050 - Exception to CPS Assessment Closure: Other Admin-Only Cases
- 413-053-0060 - Outcome Measures
- 413-053-0070 - Flexible Funds for SPRF

- Advisory Committee Used Prior to Initial Adoption of Permanent Rule**  
 **It does not appear that a Rule Advisory Committee was Used Prior to Initial Adoption of Permanent Rule**

**What was the intended effect of this rule adoption?**

- The Oregon Department of Human Services, Child Welfare adopted these rules to comply with the Strengthening, Preserving and Reunifying Families (SPRF) statutes found in ORS 418.575 – 418.598.

- Yes  
 No
- Have these rule adoptions had the intended effect?**  
Division 053 rules are currently still effective.

- Yes  
 No
- Was the anticipated fiscal impact of this rule underestimated?**  
The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.

- Yes  
 No
- Was the anticipated fiscal impact of this rule overestimated?**  
The Department estimated adopting these rules would have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Have there been any subsequent changes in the law that require this rule to be amended or repealed?</b>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Is there a continued need for this rule?</b> Adopted administrative rules are currently still effective and practiced by Child Welfare.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Has this rule had an impact on small businesses?</b> The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.

---

**Report Prepared On: 08/08/2024**

**Report Approved By: Child Welfare Policy Unit**

---



**Office of Child Welfare Programs  
Five Year Rule Review - OAR Chapter 413  
ORS 183.405**

**Rule Under Review:**

- 413-100-0075 – Eligibility Status
- 413-100-0125 - Initial Determination Requirements

- Advisory Committee Used Prior to Initial Adoption of Permanent Rule**  
 **It does not appear that a Rule Advisory Committee was Used Prior to Initial Adoption of Permanent Rule – RAC Exception was Approved.**

**What was the intended effect of this rule adoption?**

- The Oregon Department of Human Services, Child Welfare adopted rule 413-100-0075 to add clarity regarding circumstances that impact a child’s IV-E eligibility status and 413-100-0125 created guidance for eligibility for Title IV-E at time of removal.

- Yes  
 No **Have these rule adoptions had the intended effect?**  
413-100-0075 and 413-100-0125 are currently still effective.

- Yes  
 No **Was the anticipated fiscal impact of this rule underestimated?**  
The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.

- Yes  
 No **Was the anticipated fiscal impact of this rule overestimated?**  
The Department estimated adopting these rules would have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.

- Yes  
 No **Have there been any subsequent changes in the law that require this rule to be amended or repealed?**  
413-100-0075 had temporary rule filed on 12/18/2018 to meet the requirements of the Family First Prevention Services Act (FFPSA) that was signed into law on February 2018, then filed permanently on 2/29/2019.

- Yes  
 No **Is there a continued need for this rule?**  
Adopted administrative rules are currently still effective and practice by Child Welfare.

<input type="checkbox"/> Yes	<b>Has this rule had an impact on small businesses?</b> The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.
<input checked="" type="checkbox"/> No	

---

**Report Prepared On: 08/08/2024**

**Report Approved By: Child Welfare Policy Unit**

---

# 5-Year Rule Review Report

## 2019

(8/9/2024)



**Director: Michael Reese**

---

**The mission of the Oregon Department of Corrections is to promote public safety by holding offenders accountable for their actions and reducing the risk of future criminal behavior**

## BACKGROUND AND INTRODUCTION

---

The Oregon Department of Corrections (DOC) is pleased to submit this report to the Secretary of State as directed by ORS 183.405. Paper copies of this report may be obtained from DOC Rules Coordinator, 3723 Fairview Industrial Drive SE, Suite 200, Salem, Oregon 97302.

ORS 183.405 requires all state agencies to review newly adopted rules not later than five years after adopting the rule, with the purpose of analyzing the impacts of each rule. Specifically, the report must determine:

- Whether the rule had the intended effect;
- Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- Whether subsequent changes in the law require that the rule be repealed or amended;
- Whether there is continued need for the rule; and
- What impacts the rule has had on small businesses.

In this report, DOC is submitting rule reviews for rules adopted 2019.

The final report will be sent to the Small Business Rules Advisory Committee, to any rule advisory committee that aided in the adoption of a rule subject to review, and to the Secretary of State for inclusion in the comprehensive report to the Oregon Legislative Assembly.

## EXEMPTIONS

Under ORS 183.405 (5) and (6), this rule review does not apply to the amendment or repeal of a rule, rules that are adopted to implement court orders or the settlement of civil proceedings, rules that adopt federal laws or rules by reference, rules adopted to implement legislatively approved fee changes, or rules adopted to correct errors or omissions.

## RULE REVIEWS 2019

DOC adopted a total of 51 rules subject to review as described in ORS 183.405(1).

These rulemakings involved seven rule divisions.

Rule(s)	Effective Date
291-100-0075	1/16/2019
291-100-0095	1/16/2019
291-035-0021	1/22/2019
291-035-0025	1/22/2019
291-035-0030	1/22/2019
291-149-0135	6/17/2019
291-149-0205	6/17/2019
291-158-0051	6/19/2019
291-158-0071	6/19/2019



291-158-0081	6/19/2019
291-127-0400	7/1/2019
291-127-0405	7/1/2019
291-127-0410	7/1/2019
291-127-0415	7/1/2019
291-127-0420	7/1/2019
291-127-0425	7/1/2019
291-127-0430	7/1/2019
291-127-0435	7/1/2019
291-127-0440	7/1/2019
291-127-0445	7/1/2019
291-127-0450	7/1/2019
291-127-0455	7/1/2019
291-127-0460	7/1/2019
291-127-0465	7/1/2019
291-127-0470	7/1/2019
291-127-0475	7/1/2019
291-127-0480	7/1/2019
291-127-0485	7/1/2019
291-127-0490	7/1/2019
291-127-0495	7/1/2019
291-127-0500	7/1/2019
291-127-0505	7/1/2019
291-127-0510	7/1/2019
291-127-0515	7/1/2019
291-006-0050	10/18/2019
291-006-0055	10/18/2019
291-006-0060	10/18/2019
291-006-0065	10/18/2019
291-006-0070	10/18/2019
291-006-0075	10/18/2019
291-006-0080	10/18/2019
291-109-0205	10/18/2019
291-109-0210	10/18/2019
291-109-0215	10/18/2019
291-109-0220	10/18/2019
291-109-0225	10/18/2019
291-109-0230	10/18/2019
291-109-0235	10/18/2019
291-109-0240	10/18/2019
291-109-0245	10/18/2019
291-109-0250	10/18/2019

## TABLE OF CONTENTS

---

Division 006 Discrimination Complaint Review System	5
Division 035 Research Proposals	7
Division 100 Admission, Sentence Computation and Release	9
Division 109 Grievance Review System	10
Division 127 Visiting	12
Division 149 Work Release Programs	14
Division 158 Trust Accounts (AIC)	15



**Rule Number(s):**

- 291-006-0050 Discrimination Complaint and Appeal Timelines
- 291-006-0055 Discrimination Complaint and Appeal Submission Limits
- 291-006-0060 Discrimination Complaint and Appeal Submission Requirements
- 291-006-0065 Discrimination Complaint and Appeal General Processing Standards
- 291-006-0070 Discrimination Complaint Appeal Process
- 291-006-0075 Improper Use of Discrimination Complaint Review System
- 291-006-0080 Recordkeeping of Discrimination Complaints

<b>Date Adopted:</b> 10/18/2019	<b>Date Review Due:</b> 10/18/2024	<b>Date Review Completed:</b> 8/6/2024	<b>Name of Reviewer:</b> Jacob Humphreys
------------------------------------	---------------------------------------	---	---

- Advisory Committee Used**
- Advisory Committee Not Used**

**If yes, identify members. Members must be provided a copy of this completed form.**

Randy Geer, Shawn Haywood, Terry Stein

**Intended Effect**

1. **Did the rule(s) achieve its intended effect?**  yes  no

**a. What was the intended effect of this rule(s) adoption?**

The intended effect was to establish a simplified approach through rule, policy, and process revisions for the administration of the Department's internal discrimination complaint review and appeal system for adults in custody in Oregon Department of Corrections (ODOC) facilities. The department has undergone and continues to undergo changes that create better opportunity for successful communication between staff and adults in custody to aid in conflict resolution. The discrimination complaint rules are a vital part of reaching this outcome.

In addition, court rulings regarding the discrimination complaint review system and their focus on ODOC's implementation of this program and associated processes necessitated ODOC to make rule and program enhancements that streamline and better serve both internal and external ODOC stakeholders.

**b. How did the rule(s) succeed or fail in achieving this effect?**

The revised rules and associated revised processes succeeded by making the discrimination complaint review system more transparent and easier to access, understand, and navigate for adults in custody and all stakeholders of ODOC. The revised rules and processes encourage dialogue between staff/administration and AICs in support of resolving issues at the lowest level.



---

**Fiscal Impact**

**2. Was the fiscal impact statement (check one)**

- underestimated     overestimated     just about right     unknown

**a. What was the estimated fiscal impact?**

The DOC Budget Office estimated no fiscal impact.

**b. What was the actual fiscal impact?**

There was no fiscal impact.

**c. If the answer to question 2 is unknown, briefly explain why.**

N/A

---

**3. Have subsequent changes in the law required the rule be repealed or amended?**     yes     no

**If yes, explain.**

While not necessarily a change in law, it should be noted that recently, Federal DOJ released FAQs that clarify and outline requirements for exempting administrative review systems for PREA related claims when there is an investigative process in place and complaints received through administrative review systems are immediately converted to investigations.

Effective August 1, 2024, ODOC temporarily adopted rule amendments to OAR 291-006 (AIC Discrimination Complaint Review System) that are in alignment with these FAQs.

**4. Is the rule still needed?**     yes     no

**Explain.**

Yes, the rule is still needed. The AIC discrimination complaint review system is essential to the safe, secure, and orderly operation of ODOC's facilities by aiding in conflict resolution. The discrimination complaint review system is also essential for risk identification/mitigation/management for the Department.



Rule Number(s):

- 291-035-0021 Research Proposal Review Process
- 291-035-0025 Use of Data
- 291-035-0030 Completion of Research Project

Date Adopted:	Date Review Due:	Date Review Completed:	Name of Reviewer:
1/22/2019	1/22/2024	11/20/2023	Kristen Banschbach

- Advisory Committee Used
- Advisory Committee Not Used

If yes, identify members. Members must be provided a copy of this completed form.

Intended Effect

1. Did the rule(s) achieve its intended effect?  yes  no
  - a. What was the intended effect of this rule(s) adoption?  
ORS 291-035 Research Proposal administrative rules provide a uniform structured framework for external research conducted within the Department of Corrections.
  - b. How did the rule(s) succeed or fail in achieving this effect?  
The administrative rule provides clear and comprehensive guidelines on the preparation and submission of research proposals. Clarity helps researchers understand expectations and requirements as the rule outlines the expectations and requirements for submitting review, use of data, and the publication process. The rule strikes a balance between structure and adaptability ensures that the rules remain relevant in a dynamic research environment.

Fiscal Impact

2. Was the fiscal impact statement (check one)
  - underestimated  overestimated  just about right  unknown
  - a. What was the estimated fiscal impact?  
\$0
  - b. What was the actual fiscal impact?  
\$0
  - c. If the answer to question 2 is unknown, briefly explain why.

3. Have subsequent changes in the law required the rule be repealed or amended?  yes  no

If yes, explain.

4. Is the rule still needed?  yes  no



**Explain.**

ORS 291-035 administrative rules are crucial to the Department of Corrections as it provides a uniform structured framework for external research conducted within the Department of Corrections that benefits both researchers and the institution overseeing the research. The rule is regularly utilized to govern the current internal research committee for the Department.



Rule Number(s):

291-100-0075 Definition of a Month

291-100-0095 Credit for Time Served Following Failure of Diversion or Specialty Court Program [(ORS 137.373(2))]

Date Adopted:  
1/16/2019

Date Review Due:  
1/16/2024

Date Review Completed:  
11/13/2023

Name of Reviewer:  
Dianne Erickson

Advisory Committee Used

Advisory Committee Not Used

If yes, identify members. Members must be provided a copy of this completed form.

Intended Effect

1. Did the rule(s) achieve its intended effect?  yes  no

a. What was the intended effect of this rule(s) adoption? To add clarification for AICs on these two topics.

b. How did the rule(s) succeed or fail in achieving this effect? The rule succeeded because staff can answer question on these topics and add the language from the rule to their responses. This information is given to the AIC which allows them to research the information and statutes in order to help them understand these topics.

Fiscal Impact

2. Was the fiscal impact statement (check one)

underestimated  overestimated  just about right  unknown

a. What was the estimated fiscal impact? No impact

b. What was the actual fiscal impact?

c. If the answer to question 2 is unknown, briefly explain why. Since there was "no fiscal impact", we did not analyze this impact.

3. Have subsequent changes in the law required the rule be repealed or amended?  yes  no

If yes, explain.

4. Is the rule still needed?  yes  no

Explain. Rule 100 rule explains how sentence calculations are done and that they follow the appropriate statute(s).



## 5-Year Review Rule Review (ORS 183.405)

**Rule Number(s):**

291-109-0205	Grievance and Appeal Timelines
291-109-0210	Permissible Grievance Issues
291-109-0215	Grievance and Appeal Submission Limits
291-109-0220	Grievance and Appeal Submission Requirements
291-109-0225	Grievance and Appeals General Processing Standards
291-109-0230	Initial Appeals
291-109-0235	Final Appeals
291-109-0240	Improper Use of Grievance Review System
291-109-0245	Sexual Abuse Grievances
291-109-0250	Retention of Inmate Grievances

<b>Date Adopted:</b> 10/18/2019	<b>Date Review Due:</b> 10/18/2024	<b>Date Review Completed:</b> 8/6/2024	<b>Name of Reviewer:</b> Jacob Humphreys
------------------------------------	---------------------------------------	---	---

- Advisory Committee Used**
- Advisory Committee Not Used**

**If yes, identify members. Members must be provided a copy of this completed form.**

Randy Geer, Shawn Haywood, Terry Stein

**Intended Effect**

1. **Did the rule(s) achieve its intended effect?**  yes  no

a. **What was the intended effect of this rule(s) adoption?**

The intended effect was to establish a simplified approach through rule, policy, and process revisions for the administration of the Department's internal grievance review and appeal system for adults in custody in Oregon Department of Corrections (ODOC) facilities. The department has undergone and continues to undergo changes that create better opportunity for successful communication between staff and adults in custody to aid in conflict resolution. The grievance rules are a vital part of reaching this outcome.

In addition, court rulings regarding the grievance review system and their focus on ODOC's implementation of this program and associated processes necessitated ODOC to make rule and program enhancements that streamline and better serve both internal and external ODOC stakeholders.

b. **How did the rule(s) succeed or fail in achieving this effect?**

The revised rules and associated revised processes succeeded by making the grievance review system more transparent and easier to access, understand, and navigate for adults in custody and all stakeholders of ODOC. The revised rules and processes encourage dialogue between staff/administration and AICs in support of resolving issues at the lowest level.





---

**Fiscal Impact**

**2. Was the fiscal impact statement (check one)**

- underestimated     overestimated     just about right     unknown

**a. What was the estimated fiscal impact?**

The DOC Budget Office estimated no fiscal impact.

**b. What was the actual fiscal impact?**

There was no fiscal impact.

**c. If the answer to question 2 is unknown, briefly explain why.**

N/A

---

**3. Have subsequent changes in the law required the rule be repealed or amended?**     yes     no

**If yes, explain.**

While not necessarily a change in law, it should be noted that recently, Federal DOJ released FAQs that clarify and outline requirements for exempting administrative review systems for PREA related claims when there is an investigative process in place and complaints received through administrative review systems are immediately converted to investigations.

Effective August 1, 2024, ODOC temporarily adopted rule amendments to OAR 291-109 (AIC Grievance Review System) that are in alignment with these FAQs.

**4. Is the rule still needed?**     yes     no

**Explain.**

Yes, the rule is still needed. The AIC grievance review system is essential to the safe, secure, and orderly operation of ODOC's facilities by aiding in conflict resolution. The grievance review system is also essential for risk identification/mitigation/management for the Department.



**Rule Number(s):**

- 291-127-0400 Authority, Purpose and Policy
- 291-127-0405 Definitions
- 291-127-0410 Eligibility of Inmates
- 291-127-0415 Eligibility of Prospective Visitors
- 291-127-0420 Visiting Application
- 291-127-0425 Inmate Visitor's List Maintenance
- 291-127-0430 Visiting Points System
- 291-127-0435 Visiting for Inmates Assigned to General Population
- 291-127-0440 Visiting for Inmates Assigned to Special Housing
- 291-127-0445 Special Visits
- 291-127-0450 Professional Visits
- 291-127-0455 Enhanced and Event Visits
- 291-127-0460 Visitor Clothing
- 291-127-0465 Facility Entry
- 291-127-0470 Prohibited Contraband
- 291-127-0475 Identification Requirements
- 291-127-0480 Security Screening
- 291-127-0485 Persons with Disabilities, Medical Conditions or Medical Devices
- 291-127-0490 Service Animals
- 291-127-0495 Visiting Room Protocol
- 291-127-0500 Exchanging Items with Inmates
- 291-127-0505 Early Termination of Visits
- 291-127-0510 Suspension or Removal from Inmate Visiting List
- 291-127-0515 Administrative Review of Denied Applications

<b>Date Adopted:</b> 7/1/2019	<b>Date Review Due:</b> 7/1/2024	<b>Date Review Completed:</b> 07/01/2024	<b>Name of Reviewer:</b> Michelle Axtell
----------------------------------	-------------------------------------	---	---

- Advisory Committee Used**
- Advisory Committee Not Used**

If yes, identify members. Members must be provided a copy of this completed form.

**Intended Effect**

1. **Did the rule(s) achieve its intended effect?**  yes  no

a. **What was the intended effect of this rule(s) adoption?** Rule was adopted for clarity of processes and eligibility for the Oregon Department of Corrections (ODOC) visitation program.

b. **How did the rule(s) succeed or fail in achieving this effect?** The rule succeeded by providing Adult in Custody (AIC) family and friends the processes and eligibility criteria surrounding AIC visitation within ODOC institutions statewide.



---

**Fiscal Impact**

**2. Was the fiscal impact statement (check one)**

underestimated     overestimated     just about right     unknown

a. **What was the estimated fiscal impact?** None

b. **What was the actual fiscal impact?** None

c. **If the answer to question 2 is unknown, briefly explain why.**

---

**3. Have subsequent changes in the law required the rule be repealed or amended?**     yes     no

**If yes, explain.**

**4. Is the rule still needed?**     yes     no

**Explain.** It is imperative that ODOC has rules in place to support AIC visitation while maintaining safety and security of ODOC institutions statewide.



Rule Number(s):

291-149-0135 Approval Process

291-149-0205 Administrative Review

Date Adopted: 6/17/2019	Date Review Due: 6/17/2024	Date Review Completed: 04/26/2024	Name of Reviewer: Greg Jones
----------------------------	-------------------------------	--------------------------------------	---------------------------------

- Advisory Committee Used  
 Advisory Committee Not Used

If yes, identify members. Members must be provided a copy of this completed form.

Intended Effect

1. Did the rule(s) achieve its intended effect?  yes  no

a. What was the intended effect of this rule(s) adoption?

Provide parameters related to the approval and administrative review process for work release programs

b. How did the rule(s) succeed or fail in achieving this effect?

ODOC has been able to successfully manage AICs participating in work release programs through the parameters provided in the rule; Rule outlines clear processes for approving AICs for work release as well as the process for AICs to request administrative review if removed from the program

Fiscal Impact

2. Was the fiscal impact statement (check one)

- underestimated     overestimated     just about right     unknown

a. What was the estimated fiscal impact?

There is no fiscal impact to the rule/ process

b. What was the actual fiscal impact?

There is no fiscal impact to the rule/ process

c. If the answer to question 2 is unknown, briefly explain why.

3. Have subsequent changes in the law required the rule be repealed or amended?  yes  no

If yes, explain.

4. Is the rule still needed?  yes  no

Explain.



Rule Number(s):

291-158-0051 Unauthorized Receipts

291-158-0071 Restitution

291-158-0081 Administrative Review

<b>Date Adopted:</b> 6/19/2019	<b>Date Review Due:</b> 6/19/2024	<b>Date Review Completed:</b> 4/4/2024	<b>Name of Reviewer:</b> Bob Culp
-----------------------------------	--------------------------------------	---	--------------------------------------

- Advisory Committee Used
- Advisory Committee Not Used

If yes, identify members. Members must be provided a copy of this completed form.

**Intended Effect**

1. Did the rule(s) achieve its intended effect?  yes  no

a. What was the intended effect of this rule(s) adoption?

**291-158-0051 Unauthorized Receipts-** to provide clarity to adults in custody (AICs), friends, and family relating to trust deposits.

**291-158-0071 Restitution-** Provided notice to the AIC population, the public and to align Department of Corrections Administrative Trust Rule with ORS 423.105 Court Ordered Financial Obligations.

**291-158-0081 Administrative Review-** To allow for AICs to receive due process in a timely manner without needing to go through a grievance process.

b. How did the rule(s) succeed or fail in achieving this effect?

By providing transparency it enables Department of Corrections the ability to effectively communicate to the AIC population, AIC family, AIC friends and the public.

**Fiscal Impact**

2. Was the fiscal impact statement (check one)

- underestimated
- overestimated
- just about right
- unknown

a. What was the estimated fiscal impact?

**Impact to DOC:**

DOC One-Time Startup Costs to implement SB 844

The 2017-19 Legislatively Adopted Budget included authority to spend up to \$500,000 of Other Funds to upgrade the TAG inmate trust accounting and commissary point of sale system to a newer and more stable version. Passage of SB 844 also required additional one-time enhancements to the TAG system of \$275,000 General Fund to pay for additional staff time, contracting costs, and other initial setup requirements during the 2017-19 biennium. In addition, one-time costs were estimated at \$9,338 for 2017-19 to 1) Create process to pick up



file and update TAG via interface, 2) create new interface, and 3) to create OJD debt collection file.

**DOC Ongoing Costs to implement SB 844:**

In addition to the one-time DOC startup costs mentioned above, it was estimated that DOC would experience roughly \$1,211 additional costs per month for quarterly maintenance of the TAG system. This resulted in an estimated increase of DOC expenditures in 2017-19 of \$9,691 per biennium.

SB 844 requires that until an inmate's transitional savings account reaches \$500, DOC will collect the following from inmate's trust account deposits: 1) 10% to pay Court Ordered Financial Obligations (COFO) and 2) 5% to be placed in the inmate's Transitional Savings Account. The department currently provides an inmate with a small housing allowance on being released. Most inmates in custody have sufficient transitional savings funds and therefore do not receive the allowance. As a result, this portion of SB 844 will have a minimal expenditure savings impact on DOC.

**Fiscal Impact to DOC Inmates:**

- As a result of the SB 844, DOC will collect 10% of inmate deposits electronically and transfer the funds to the Oregon Judicial Department. It is assumed that this new process could provide an increased opportunity for more successful debt collection by OJD. While there is a possible increase in inmates out of pocket costs due to more successful debt collection, DOC does not have adequate data to be able to estimate how likely an improvement in debt collection would become post SB 844. For this reason, this rule would have an indeterminate fiscal impact on DOC inmates.

- In addition, SB 844 directs DOC to collect 5% of inmate deposits electronically and place the funds to the inmate's Transitional Savings Account. Transitional Savings Accounts are a reserve account that holds funds for an inmate to use upon release from DOC custody. Funds in this account are not subject to the collection of any DOC and non-DOC debt. This savings requirement could have a future fiscal impact on the inmate if having more transitional funds on release lowers the chance that the inmate recidivates. If the transitional savings decrease the chance of recidivism, the potential for income generation would increase. Since every inmate's situation can vary dramatically it would be difficult to determine which inmates would recidivate and what the associated financial impact would be on the inmate. For this reason, this change would have an indeterminate fiscal impact on DOC inmates.

- The rule change would also require DOC to collect restitution payments from inmates that are due to an individual or other third party as determined by law. It is assumed that this new process could provide an increased opportunity for more successful debt collection by DOJ. While there is a possible increase to inmate's out of pocket costs if debt collection improves, DOC does not have adequate data to be able to estimate how likely an improvement in debt collection would become post SB 844. For this reason, this rule would have an indeterminate fiscal impact on DOC inmates.

**Fiscal Impact to other agencies - per IFAW fiscal impact analysis prepared early 2018:**

- SB 844 was drafted based on the recommendations made by the Inmate Financial Accountability Workgroup (IFAW). The workgroup consisted of representatives from DOC, OJD, DOJ, AFSCME, AOCE, crime victim groups, community corrections, the Oregon Criminal Defense Lawyers Association, Oregon District Attorneys Association, and Oregon CURE. Based on the fiscal analysis prepared for IFAW during the 2017 Legislative Session the estimated combined impact of SB 844 on the Oregon Judicial Department (OJD) and the Department of Justice (DOJ) is as follows:



- o One-time costs of \$3,498 in 2017-19 biennium for initial setup costs.
- o Ongoing costs of \$84,976 for ongoing maintenance, receipting, balancing and account reconciliation.
- o As a result of the SB 844, DOC will collect 10% of inmate deposits electronically and transfer the funds to the Oregon Judicial Department. It is assumed that this new process could provide an increased opportunity for more successful debt collection by OJD. While there is a possible increase to revenue if debt collection is more successful, it is difficult to predict at this point in time how much additional revenue may be collected from inmate as a result of the passage of SB 844. For this reason, this rule would have an indeterminate fiscal impact on the OJD.
- o The rule change would also require DOC to collect restitution payments from inmates that are due to an individual or other third party as determined by law. It is assumed that this new process could provide an increased opportunity for more successful debt collection by DOJ. While there is a possible increase to revenue if debt collection is more successful, it is difficult to predict at this point in time how much additional revenue may be collected as a result of this rule change. For this reason, this rule would have an indeterminate fiscal impact on the DOJ.
- Note: In the implementation of SB 844, DOJ and OJD are experiencing systemic issues that could change the implementation of SB 844 and the associated costs included in the original cost analysis discussed above.

**b. What was the actual fiscal impact?**

Unknown

**c. If the answer to question 2 is unknown, briefly explain why.**

Sources for some of the original data are unknown due to department attrition. Other information included in the fiscal impact were not tracked in DOC's accounting system in a way that enables attaining the level of accuracy of the initial fiscal impact.

---

**3. Have subsequent changes in the law required the rule be repealed or amended?**     yes     no

If yes, explain.

**4. Is the rule still needed?**     yes     no

**Explain.**

By providing transparency it enables Department of Corrections the ability to effectively communicate to the AIC population, AIC family, AIC friends and the public.



**Office of Child Welfare Programs**  
**Five Year Rule Review - OAR Chapter 413**  
ORS 183.405

**Rule Under Review: (Adopted 06/12/19)**

- 413-040-0208 - Placements Subject to the ICPC; Placements Not Subject to the ICPC
- 413-040-0222 - Delay, Denial, Termination, Reversal of ICPC Placement Approval, Appeal
- 413-040-0228 - Placement of Oregon Children
- 413-040-0248 - Travel Arrangements and Reimbursement for Transportation Expenses
- 413-040-0268 - Placement of Children or Young Adults from Other States in Oregon
- 413-040-0282 - Independent and Private Agency Adoptions; Documentation Required for Placement in or from Oregon
- 413-040-0292 - ICPC Case Closure

- Advisory Committee Used Prior to Initial Adoption of Permanent Rule**  
 **It does not appear that a Rule Advisory Committee was Used Prior to Initial Adoption of Permanent Rule**

**What was the intended effect of this rule adoption?**

- The Oregon Department of Human Services, Child Welfare adopted 413-040 The Interstate Compact on the Placement of Children rules listed above to be aligned with Child Welfare practice and state/federal laws. Adopting the rules gave a better guidance to Child Welfare staff and the public.

- Yes  
 No
- Have these rule adoptions had the intended effect?**  
413-040 adopted rules listed above are currently still effective.

- Yes  
 No
- Was the anticipated fiscal impact of this rule underestimated?**  
The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.

- Yes  
 No
- Was the anticipated fiscal impact of this rule overestimated?**  
The Department estimated adopting these rules would have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.



<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Have there been any subsequent changes in the law that require this rule to be amended or repealed?</b>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Is there a continued need for this rule?</b> 413-040 adopted rules listed above are currently still effective and practiced by Child Welfare.

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Has this rule had an impact on small businesses?</b> The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.
--	--

---

**Report Prepared On: 08/14/2024**  
**Report Approved By: Child Welfare Policy Unit**

---



**Office of Child Welfare Programs  
Five Year Rule Review - OAR Chapter 413  
ORS 183.405**

**Rule Under Review:**

- 413-050-0625 – Target Population (Adopted 06/05/19)
- 413-050-0635 – Choice of Provider (Adopted 06/05/19)

- Advisory Committee Used Prior to Initial Adoption of Permanent Rule**  
 **It does not appear that a Rule Advisory Committee was Used Prior to Initial Adoption of Permanent Rule – *RAC Exception Was Granted***

**What was the intended effect of this rule adoption?**

- The Oregon Department of Human Services, Child Welfare adopted 413-050-0625 and 413-050-0635 Targeted Case Management (TCM) rules to provide guidance to caseworkers on how to complete a TCM that meets the federal documentation and billing requirements. The Department needed to modified the rules to match the Centers for Medicare & Medicaid Services State Plan.

- Yes **Have these rule adoptions had the intended effect?**  
 No 413-050-0625 and 413-050-0635 are currently still effective.

- Yes **Was the anticipated fiscal impact of this rule underestimated?**  
 No The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.

- Yes **Was the anticipated fiscal impact of this rule overestimated?**  
 No The Department estimated adopting these rules would have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.

- Yes **Have there been any subsequent changes in the law that require this rule to be amended or repealed?**  
 No

- Yes **Is there a continued need for this rule?**  
 No 413-050-0625 and 413-050-0635 are currently still effective and practiced by Child Welfare.

<input type="checkbox"/> Yes	<b>Has this rule had an impact on small businesses?</b> The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.
<input checked="" type="checkbox"/> No	

---

**Report Prepared On: 08/14/2024**

**Report Approved By: Child Welfare Policy Unit**

---

Department of Consumer and Business Services  
Workers' Compensation Division

Five-year Administrative Rule Review

**Rule division name and rule numbers:** Premium Assessment; Determination of Assessable Premium: Insurers, Rule 436-085-0015

**436-085-0015 Premium Assessment; Determination of Assessable Premium: Insurers**

(1) For the purpose of these rules, "direct earned premium," as used in ORS 656.612 means "assessable earned premium."

(2) Assessable earned premium must be calculated by making the following modifications to earned premium:

(a) Subtracting exempted earned premium. The amount of exempted earned premium subtracted must be determined on a direct basis prior to reinsurance transactions; and

(b) Adding large deductible premium credits or modifications.

(3) Earned premium must be calculated in the same manner as direct premiums earned, as reported on Statutory Page 14 (Business in the State of Oregon), column 2, line 16 of the insurer's annual statement under OAR 836-011-0000. Earned premium:

(a) Excludes reinsurance accepted and is without deduction of reinsurance ceded;

(b) Excludes large deductible credits or modifications;

(c) Includes experience rating, premium discounts, retrospective rating, audit premiums, foreign terrorism premiums, domestic terrorism and catastrophic premiums, and other individual risk rating adjustments; and

(d) Excludes deposit premiums.

Stat. Auth.: 656.612, 656.726(4)

Stats. Implemented: ORS 656.612

Hist: Adopted 12/17/19 as Admin. Order 19-058, eff. 1/1/20

**Date adopted:** 12/17/19 (effective 1/1/20)

**Date reviewed:** 8/6/24

**Advisory Committee Used:** Yes

The committee met on September 11, 2019.

**1. Did the rule achieve its intended effect?** Yes.

**a. What was the intended effect?**

The provisions of rule 436-085-0015 were previously incorporated into rule 436-085-0005, which defines certain terms used in division 085. Because these provisions required insurers to take specific actions when calculating assessable

premium, the division determined that they should be moved into a new rule rather than remain in the definitions.

**b. How did the rule succeed or fail in achieving this effect?**

The rule achieved its intended effect by moving the substantive provisions of rule 436-085-0005 into rule 436-085-0015. No substantive changes were made to the provisions in question.

**2. Was the fiscal impact statement:**

- Underestimated
- Overestimated
- Just about right
- Unknown

**a. What was the estimated fiscal impact?**

The division anticipated that there would be no fiscal impact to the rule because its provisions were already incorporated into division 085 under rule 436-085-0005. These provisions were moved into rule 436-085-0015 with only minor proofing changes. Thus, the adoption of the rule should not have had any impact on state agencies, local governments, or the public.

**b. What was the actual fiscal impact?**

The division is unaware of any fiscal impact created by the rule.

**c. If the answer to question 2 is unknown, briefly explain why.**

**3. Have subsequent changes in the law required the rule be repealed or amended?**

No.

**4. Is the rule still needed?**

Yes. Rule 436-085-0015 provides necessary guidance to insurers on what premium elements should be included and excluded when calculating assessable premium.

**5. What impacts has the rule had on small businesses?**

The division is unaware of any impact the rule has had on small businesses.

**The department must review each administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:**

- (a) Whether the rule has had the intended effect;
- (b) Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- (c) Whether subsequent changes in the law require that the rule be repealed or amended;
- (d) Whether there is continued need for the rule; and
- (e) What impacts the rule has on small businesses.

**The department must report its findings to any advisory committee appointed under ORS 183.333, to the Secretary of State, and to the Small Business Advisory Committee.**

Department of Consumer and Business Services  
Workers' Compensation Division

Five-year Administrative Rule Review

**Rule division name and rule numbers:** Employer-at-Injury Program, Submitting Documents or Information; Calculating Time, Rule OAR 436-105-0004

**436-105-0004 Submitting Documents or Information; Calculating Time**

(1) Documents submitted to the division may be:

- (a) Mailed to the division's mailing address with sufficient postage and placed in the custody of the U.S. Postal Service;
- (b) Hand delivered to the division's Salem office;
- (c) Faxed, if the document transmitted indicates it has been delivered by fax, is sent to the correct fax number, and indicates the date it was sent; or
- (d) Sent by any other method authorized by the director.

(2) **Timeliness of documents submitted to the division:**

- (a) If a document is mailed, it will be considered submitted on the date it is postmarked.
- (b) If a document is hand-delivered, it must be delivered during regular business hours and marked as received to be considered submitted on that date.
- (c) If a document is faxed, it must be received by 11:59 p.m. Pacific Time to be considered submitted on that date.
- (d) Time periods allowed under these rules are calculated in calendar days. The first day is not included. The last day is included unless it is a Saturday, Sunday, or legal holiday. In that case, the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday. Legal holidays are those listed in ORS 187.010 and 187.020.

Statutory authority: ORS 656.622, 656.726(4)

Statutes implemented: ORS 656.622

Hist: Adopted 12/17/19 as WCD Admin. Order 19-059, eff. 1/1/20

**Date adopted:** 12/17/19

**Date reviewed:** 4/25/24

**Advisory Committee Used:** Yes

The committee met on Sept. 11, 2019.

**1. Did the rule achieve its intended effect?** Yes

**a. What was the intended effect?**

The provisions of rule 436-105-0004 were previously incorporated into rule 436-105-0003, which outlines the “Purpose and Applicability” of division 105. The intended effect was only to move rule language from existing rule 0003 to a new rule, 0004.

**b. How did the rule succeed or fail in achieving this effect?**

Rule language regarding submitting documents and calculating time was moved from rule 0003 to rule 0004. Some minor revisions were made, but no substantive changes were made to the rule language.

**2. Was the fiscal impact statement:**

- Underestimated
- Overestimated
- Just about right
- Unknown

**a. What was the estimated fiscal impact?**

The estimated fiscal impact did not specifically address this change. However, the division anticipated that there would be no fiscal impact to the rule because its provisions were already incorporated into division 105 under rule 436-105-0003. These provisions were moved into rule 436-105-0004 with only minor proofing changes. Thus, the adoption of the rule should not have had any impact on state agencies, local governments, or the public.

**b. What was the actual fiscal impact?**

The division is unaware of any fiscal impact created by the rule.

**c. If the answer to question 2 is unknown, briefly explain why.**

**3. Have subsequent changes in the law required the rule be repealed or amended?**

No.

**4. Is the rule still needed?      Yes**

The rule addresses how required documents may be submitted to the division, and how time periods are calculated. This information is necessary to ensure the public understands how to comply with submission requirements.

**5. What impacts has the rule had on small businesses?**

The division is unaware of any impact the rule has had on small businesses.



**The department must review each administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:**

- (a) Whether the rule has had the intended effect;
- (b) Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- (c) Whether subsequent changes in the law require that the rule be repealed or amended;
- (d) Whether there is continued need for the rule; and
- (e) What impacts the rule has on small businesses.

**The department must report its findings to any advisory committee appointed under ORS 183.333, to the Secretary of State, and to the Small Business Advisory Committee.**



**Office of Child Welfare Programs  
Five Year Rule Review - OAR Chapter 413  
ORS 183.405**

**Rule Under Review:**

- 413-015-0230 – Emergency Action (Adopted 09/30/19)

- Advisory Committee Used Prior to Initial Adoption of Permanent Rule**  
 **It does not appear that a Rule Advisory Committee was Used Prior to Initial Adoption of Permanent Rule**

**What was the intended effect of this rule adoption?**

- The Oregon Department of Human Services, Child Welfare adopted 413-015-0230 to direct screeners to contact 911 if immediate threats to safety or health are perceived.

<input checked="" type="checkbox"/> Yes	<b>Have these rule adoptions had the intended effect?</b>
<input type="checkbox"/> No	413-015-0230 are currently still effective.

<input type="checkbox"/> Yes	<b>Was the anticipated fiscal impact of this rule underestimated?</b>
<input checked="" type="checkbox"/> No	The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.

<input type="checkbox"/> Yes	<b>Was the anticipated fiscal impact of this rule overestimated?</b>
<input checked="" type="checkbox"/> No	The Department estimated adopting these rules would have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.

<input type="checkbox"/> Yes	<b>Have there been any subsequent changes in the law that require this rule to be amended or repealed?</b>
<input checked="" type="checkbox"/> No	

<input checked="" type="checkbox"/> Yes	<b>Is there a continued need for this rule?</b>
<input type="checkbox"/> No	413-015-0230 is currently still effective and practiced by Child Welfare.

<input type="checkbox"/> Yes	<b>Has this rule had an impact on small businesses?</b>
<input checked="" type="checkbox"/> No	The Department estimated adopting this rule will have no fiscal impact on state agencies, including the Department, clients, providers, the public, local government, or

	business, including small business. No small businesses are subject to this rule. There is no cost of compliance for small business.
--	--

---

**Report Prepared On: 09/25/2024**

**Report Approved By: Child Welfare Policy Unit**

---



# Oregon

Tina Kotek, Governor



OREGON  
**WATERSHED**  
ENHANCEMENT BOARD

775 Summer Street NE, Suite 360  
Salem OR 97301-1290  
[www.oregon.gov/oweb](http://www.oregon.gov/oweb)  
(503) 986-0178

October 30, 2024

**TO:** Oregon Secretary of State, Administrative Rules  
**FROM:** Eric Hartstein, Senior Policy Coordinator  
**SUBJECT:** OWEB 2024 Five Year Rule Review Report

## Introduction

This report satisfies ORS 183.405 requiring agencies to review newly adopted rules no later than five years after adoption.

In 2019, OWEB adopted rules for the agency's land acquisition grant program and for the newly developed Oregon Agricultural Heritage Program. ORS 183.405 requires agencies to answer the following questions:

- 1) Has the rule had its intended effect?
- 2) Did the agency overestimate or underestimate the rule's fiscal impact?
- 3) Do subsequent changes in the law require a change in the rule?
- 4) Does the rule continue to be necessary?
- 5) What impact does the rule have on small businesses?

**Rules: OWEB Land Acquisition Grant Program- 695-045-0010, 695-045-0020, 695-045-0160, 695-045-0170, 695-045-0175, 695-045-0180, 695-045-0185, 695- 045-0190, 695-045-0195, 695-045-0205, 695-045-0206, 695-045-0210**

- 1) Did the rule achieve its intended effect? Yes, revisions to the administrative rules in 2019 consisted of new definitions, making match requirements consistent with other OWEB grant programs, clarifying when site stabilization and certain due diligence costs may be reimbursed, how subsequent conveyances will be evaluated, and technical fixes.
- 2) Did the agency overestimate or underestimate the rule's fiscal impact? OWEB did not foresee that the revisions to the land acquisition grant program rules would have a fiscal impact as it is a voluntary grant program. This remains an accurate assessment of the fiscal impact of the rules.
- 3) Do subsequent changes in the law require a change in the rule? No, there have been no relevant changes in law that require a change in the rules.

- 4) Does the rule continue to be necessary? Yes, the land acquisition grant program is an integral element of OWEB's grant offerings, and these rules allow the program to be administered through annual solicitations.
- 5) What impact does the rule have on small businesses? There has been no known impact of the rules on small businesses. If there is an impact on small businesses, it would likely be positive as OWEB grantees often use small business consultants to implement their projects.

**Rules: Oregon Agricultural Heritage Program – Division 5 Oregon Agricultural Heritage Program Administration, Division 10 Conservation Management Plans, Division 15 Working Land Conservation Covenants and Easements, Division 20 Working Land Technical Assistance Grants, Division 25 Succession Planning Grants**

- 1) Did the rule achieve its intended effect? Yes, the Oregon Agricultural Heritage Program rules have provided OWEB the ability to solicit for two grant offerings since the rules were adopted in 2019. Through program administration, OWEB staff have identified areas where rule revisions would be beneficial, and rulemaking in the program is currently underway.
- 2) Did the agency overestimate or underestimate the rule's fiscal impact? The program rules are used to administer voluntary grant programs related to working land conservation and succession planning. As this is a voluntary grant program seeking to maintain working lands in communities, any fiscal impact was expected to be positive. This remains an accurate assessment of the fiscal impact of the rules.
- 3) Do subsequent changes in the law require a change in the rule? No, there have been no relevant changes in law that require a change in the rules.
- 4) Does the rule continue to be necessary? Yes, the Oregon Agricultural Heritage Program is an integral element of OWEB's grant offerings, and these rules allow for the program to be administered.
- 5) What impact does the rule have on small businesses? There has been no known impact of the rules on small businesses. If there is an impact on small businesses, it would likely be positive as OWEB grantees often use small business consultants to implement their projects.

**Oregon Department of Human Services (ODHS)  
Five Year Rule Review  
ORS 183.405**

**Rule Name:**

Death Reporting Reviews for Adults in Developmental Disabilities Services

**Rule Number(s):** OAR Chapter 407, Division 45, Rule 0645

[Rule Renumbered to OAR 419-105-0000 as of 12-1-2023.]

**Program Area:** Office of Training, Investigations and Safety (OTIS)

**Adoption Date:** November 15, 2019

**Review Due Date:**

Nov 14, 2024

**Review Date:**

11-13-2024

**Reviewer's Name:**

T. Strahan, OTIS

**\*Advisory Committee Used**

Dave Manley & Jeanette Herron, OTIS; Mike Parr, ODDS.

**\*Committee Members:** Strikethrough means email address no longer valid as of 6-10-2024

**Contact Information: (redacted)**

<del>Sarah Jane Owens, Assoc. of CMHP</del>	xxxxxx
<del>Katie Rose, Oregon Support Services</del>	xxxxxx
<del>Kyndall Mason, SEIU 503</del>	xxxxxx
<del>Jade McCready, Oregon AFSCME</del>	xxxxxx
<del>Dan Torres, Oregon AFSCME</del>	xxxxxx
<del>Rita Rathkey, Opportunity Connections</del>	xxxxxx
<del>Jaime Daignault, Oregon DD Council</del>	xxxxxx
<del>Adria Cornell, Linn CDDP</del>	xxxxxx
<del>Colin Fitzgerald, Washington CDDP</del>	xxxxxx
<del>Brett Turner, Advocates for Life Skills &amp; Opportunity</del>	xxxxxx
<del>Gabrielle Guedon, advocate</del>	xxxxxx

**What was the intended effect of this rule adoption?**

To implement Office of Developmental Disabilities Services (ODDS) policy for death reporting reviews related to adults with developmental disabilities in services. Expands the duties of OTIS and the designee community developmental disabilities programs (CDDP) adult abuse investigators to include a review of service records and info related to the adult's death to ascertain if alleged abuse was a factor. These death reviews are initiated when a death of an adult receiving case management services by either a CDDP or support services brokerage is reported to ODDS and there is no indication of alleged abuse.

<p><b>X</b> Yes</p>	<p><b>Has the rule had the intended effect?</b>                  OTIS and the designee investigator for each CDDP assist ODDS to ensure every reported death of an adult receiving at least case management services, is reviewed for possible alleged abuse, which includes neglect.</p>
<p>X No</p>	<p><b>Was the anticipated fiscal impact of the rule underestimated?</b>                  Costs were expected to be notable for CDDP adult abuse investigators who receive a majority of these death reports and conduct the reviews, a new duty that OTIS was unable to estimate for costs.                  Additional costs included development of operational processes for receiving, reporting, record-keeping and updating policies or materials to reflect the rule changes. Also, new costs for OTIS abuse investigation coordinators in receiving, reviewing and approving submitted death review reports from the abuse investigators. Also additional duties for OTIS in conducting death reviews in the ODHS-operated Stabilization and Crisis Units for adults.</p>
<p>X No</p>	<p><b>Was the anticipated fiscal impact of the rule overestimated?</b>                  Indeterminate, see above.</p>
<p>X No</p>	<p><b>Have subsequent changes in the law required the rule to be repealed or amended?</b></p>
<p>X Yes</p>	<p><b>Is there a continued need for the rule?</b>                  OTIS renumbered this rule 12-1-2023, see DHS 7-2023. This rule is part of the services ODHS OTIS provides to ODDS under a service level agreement for uniform investigations as required in ORS 430.731, related to ORS 430.735 and deaths.                  Since 2023, Death Reviews are part of the ODDS published statewide quarterly reports for <a href="#">Incident Management Teams</a> review of serious incidents, per OAR 411-415-0055(1)(e). The number of Death Reviews completed, number closed with abuse identified, timeliness of providers reporting deaths, and timeliness of investigator completion of the reviews are assessed for trends and actions by the case management entities, ODDS and OTIS.</p>
	<p><b>What impact has the rule had on small businesses?</b>                  Community developmental disabilities programs are not small businesses. These rules did not place additional requirements on brokerages, paid caregivers, support workers, DD service providers or residential facilities for adults with DD who may meet the definition of a small business in ORS 183.310.</p>

**Report approved by:** Dave Manley 11-13-2024  
**Date report sent to advisory committee members:** 11-14-2024



## Five-Year Review of New Administrative Rules adopted since January 1, 2006

Re: Date Adopted (Filing No.): 11/22/2019 (HWD 7-2019)

Rule number(s): OAR 734-064-0010, 734-064-0015, 734-064-0020, 734-064-0030,  
734-064-0040, 734-064-0050, 734-064-0060, 734-064-0070

Date adopted: November 22, 2019 (not date filed or effective)

Date review due: November 22, 2024

Advisory committee used?  yes  no

If yes, identify members below. Members must be provided a copy of this completed form.

1. Did the rule achieve its intended effect?  yes  no

a. What was the intended effect?

Establish process and procedures for the implementation of HB 4059 (ORS 377.700 to 377.844)

b. How did the rule succeed or fail in achieving this effect?

The rule succeeded in the complex outlining of how to process either the payment of full compensation or relocation benefits to the owner of an Outdoor Advertising Sign in cases where highway projects require their removal.

2. Was the fiscal impact statement (check one)

underestimated

overestimated

just about right

unknown

a. What was the estimated fiscal impact?

The estimated fiscal impact was deemed indeterminant because the cost of applying the rule change would be borne by project costs with either federal or state transportation project dollars.

b. What was the actual fiscal impact?

There has been no fiscal impact at this time because the expected costs have been absorbed by the projects in which the rules have applied.

c. If the answer to question 2 is unknown, briefly explain why.



3. Have subsequent changes in the law required the rule be repealed or amended?

\_\_\_\_\_ yes                      x   no

If yes, explain below.

4. Is the rule still needed?      x   yes                    \_\_\_\_\_ no

Explain below.

Future projects may impact existing Outdoor Advertising Signs such that they will need to be removed, triggering application of ORS 377.700 through 377.844 by using these rules.

Review completed by:   Keith Benjamin                      Date:   11/13/24  

Phone:   503-689-7047

**OREGON ADMINISTRATIVE RULES  
5-YEAR RULE REVIEW  
ORS 183.405**

**Filing Captions:**

1. ODDS: Agency Certification and Endorsement to Deliver Developmental Disabilities Services (411-323)
2. ODDS: 24-Hour Residential Programs and Settings for Children and Adults with Intellectual or Developmental Disabilities (411-325, 349)
3. ODDS: Foster Homes for Children with Intellectual or Developmental Disabilities (411-346)
4. ODDS: Adult Foster Homes for Individuals with Intellectual or Developmental Disabilities (411-360)
5. ODDS: CDDPs, Brokerages, and Case Management Services (411-320, 340, 415)

**Adopted Rules:**

411-323-0063	Abuse and Incident Handling and Reporting
411-325-0445	Notification of School District - Homes Serving Five or More Children
411-346-0185	Abuse and Incident Handling and Reporting
411-346-0240	Standards for Entry, Transfer, Exit, and Closure
411-360-0185	Abuse and Incident Handling and Reporting
411-415-0055	Abuse and Serious Incident Management

**Adoption Date:** 11/01/2019

**Review Date:** 10/09/2024

**Reviewer's Name:** Christina Hartman, Rules and Policy Analyst

**What was the intended effect?**

OAR 411-323-0063 about Abuse and Incident Handling and Reporting was adopted to codify language relating to abuse and incident reporting, protective services, and recommended actions.

OAR 411-325-0445 about Notification of School District for Homes Serving Five or More Children was adopted to bring ODDS into compliance with the requirements of ORS 336.575. OARs 411-349-0000, 0005, 0010, 0015, and 0020 were repealed with the adoption of OAR 411-325-0445.

OAR 411-346-0185 about Abuse and Incident Handling and Reporting was adopted to codify language relating to abuse and incident handling and reporting.

OAR 411-346-0240 about Standards for Entry, Transfer, Exit, and Closure was adopted to codify language relating to:

- Non-discrimination.
- Qualifications for ODDS-funded services.
- Entry.
- Voluntary transfers and exits.
- Involuntary reductions, transfers, and exits.
- Hearing rights.
- Exit meetings.
- Closures.

OAR 411-360-0185 about Abuse and Incident Handling and Reporting was adopted to codify language relating to abuse and incident reporting, protective services, and recommended actions.

OAR 411-415-0055 about Abuse and Serious Incident Management was adopted to codify language relating to CAM and incident reporting.

**Has each rule had the intended effect? Yes**

**Was the anticipated fiscal impact underestimated? No**

**Was the anticipated fiscal impact of overestimated? No**

**Have subsequent changes in the law required the rules to be amended or repealed?**

411-323-0063	Abuse and Incident Handling and Reporting	Amended 09/23/2023 Minor Correction 07/03/2024
411-325-0445	Notification of School District - Homes Serving Five or More Children	No
411-346-0185	Abuse and Incident Handling and Reporting	Amended 04/15/2022
411-346-0240	Standards for Entry, Transfer, Exit, and Closure	Amended 12/15/2022
411-360-0185	Abuse and Incident Handling and Reporting	Minor Correction 07/08/2024
411-415-0055	Abuse and Serious Incident Management	Amended 03/31/2021 Minor Correction 07/19/2024

**Is there a continued need for these rules? Yes**

**What impact have the rules had on small businesses as defined in ORS 183.310?**

ODDS identified the rules would require providers to:

- Update policies and procedures.
- Train employees around the new requirements (however, this impact may have been absorbed by the pre-existing requirement for 12 hours of annual training).
- Document medication errors on a written incident report.

Some providers may meet the definition of a small business.

**Was an Administrative Rule Advisory Committee (RAC) consulted? Yes**

<b>RAC Member Name</b>	<b>Email</b>
adahl@livingopps.org	adahl@livingopps.org
Brickey Carrie	cbrickey@asioregon.org
Denison Jessica	JESSICA.DENISON@dhsoha.state.or.us
Fitzgerald Colin	colin_fitzgerald@co.washington.or.us
HARTMAN Christina	Christina.HARTMAN@dhsoha.state.or.us
heidi@mckenziepersonnel.com	heidi@mckenziepersonnel.com
HERRERA Rose K	Rose.K.HERRERA@dhsoha.state.or.us
Huelsman Ken	ken.huelsman@multco.us
Jaynes Teresa	TERESA.JAYNES@dhsoha.state.or.us
LARSON Toni R * RFO	Toni.Larson@oregon.gov
Lawrence Pam	pam@mckenziepersonnel.com
Magella Gordon	gmagella@droregon.org
michellek@albertinakerr.org	michellek@albertinakerr.org
Noppenberger Laura N	lnopp@eossb.org
Okeeffe Darlene B	DARLENE.B.OKEEFFE@dhsoha.state.or.us
PARR Mike R	Mike.R.PARR@odhs.oregon.gov
Phillips Carrie	cphillips@pclpartnership.org
Phinney Mark	mark.phinney@co.lane.or.us
Reilly Kevin R	KEVIN.R.REILLY@dhsoha.state.or.us
Santiago Jennifer j	santiago@communitypath.org
stephanie@adlersvoice.org	stephanie@adlersvoice.org
tammorra.barnes@multco.us	tammorra.barnes@multco.us

**Report approved by: Mike Parr**

**Date: 10/10/2024**

**OREGON ADMINISTRATIVE RULES  
5-YEAR RULE REVIEW  
ORS 183.405**

**Filing Caption:**

ODDS: Host Home Programs and Settings - Provider Enrollment (411-348, 370)

**Adopted Rules:**

411-348-0010	Statement of Purpose
411-348-0020	Definitions and Acronyms
411-348-0025	Program Management, Endorsement, Certification, and Enrollment
411-348-0030	Issuance of License
411-348-0040	Application for Initial License
411-348-0045	In-Residence Caregiver Applicant Study
411-348-0050	License Expiration, Termination of Operations, and License Return
411-348-0060	License Conditions
411-348-0070	License Renewal
411-348-0090	Change of Ownership, Legal Entity, Legal Status, Management Corporation, and In-Residence Caregiver
411-348-0100	Capacity
411-348-0110	Variances
411-348-0120	Medical Services
411-348-0130	Food and Nutrition
411-348-0140	Physical Environment
411-348-0150	General Safety
411-348-0170	Staffing Requirements
411-348-0180	Individual Summary Sheets
411-348-0185	Emergency Information
411-348-0200	Transportation

411-348-0210	Transition Planning and Supporting Families
411-348-0220	Required Furnishings
411-348-0230	Emergency Plan and Safety Review
411-348-0240	Assessment of Fire Evacuation Assistance and Fire Safety Evacuation Plan
411-348-0250	Fire Drill Requirements and Fire Safety
411-348-0260	Fire Evacuation Plans
411-348-0280	Fire Safety Requirements
411-348-0300	Rights, Complaints, Notification of Planned Action, and Hearings
411-348-0350	Behavior Supports and Physical Restraints
411-348-0360	Psychotropic Medications and Medication for Behavior
411-348-0370	Personal Property
411-348-0380	Financial Records and Managing Money
411-348-0390	Entry, Exit, Transfer, and Closure
411-348-0410	Alternative Care, Childcare, Camp, and Alternate Caregivers
411-348-0430	Individual Support Plan
411-348-0460	Civil Penalties
411-348-0470	License Denial, Suspension, Revocation, and Refusal to Renew
411-348-0480	Criminal Penalties
411-348-0490	Provider Eligibility for Medicaid Service Payment

**Adoption Date:** 11/01/2019

**Review Date:** 10/09/2024

**Reviewer's Name:** Christina Hartman, Rules and Policy Analyst

**What was the intended effect?**

The rules in OAR chapter 411, division 348 were adopted to prescribe standards, responsibilities, and procedures for Host Home Programs and Settings.

**Has each rule had the intended effect?** Yes

**Was the anticipated fiscal impact underestimated?** No

**Was the anticipated fiscal impact of overestimated?** Yes. The number of youth receiving services in a host home is significantly lower than anticipated due to a lack of providers.

**Have subsequent changes in the law required the rules to be amended or repealed?**

411-348-0020	Definitions and Acronyms	Amended 04/15/2022 Amended 02/26/2024
411-348-0350	Behavior Supports and Physical Restraints (Renamed Behavior Supports)	Amended 04/15/2022

**Is there a continued need for these rules?** Yes

**What impact have the rules had on small businesses as defined in ORS 183.310?**

ODDS determined that the rules may impact providers. Some providers may meet the definition of a small business.

ODDS identified that the impact to providers would be largely dependent upon the business plan and marketing strategies of providers pursuing establishment of host home programs and settings.

Prospective and established providers may have had to absorb some initial upfront costs related to the recruitment, training, and application for licensing process for new host home settings but it was projected that the costs and activities to recruit and train caregivers and staff and to establish licensed home sites would be greater up front but will titrate down as the new service setting and delivery model becomes more established.

**Was an Administrative Rule Advisory Committee (RAC) consulted?** Yes

<b>RAC Member Name</b>	<b>Email</b>
Baker Bruce M	BRUCE.M.BAKER@dhsosha.state.or.us
Bakewell Tamara	bakewell@ohsu.edu



Coates Coury	coury.coates@multco.us
Emily Braman	ebraman@thearcoregon.org
FILES Carol * RFO	Carol.FILES@oregon.gov
HANEY Donna P	Donna.P.HANEY@dhsaha.state.or.us
HARTMAN Christina	Christina.HARTMAN@dhsaha.state.or.us
HERRERA Rose K	Rose.K.HERRERA@odhs.oregon.gov
Jamie Rheinholdt	jrheinholdt@pclpartnership.org
kristab@riseservicesinc.org	kristab@riseservicesinc.org
Kronenberg Chelas A	CHELAS.A.KRONENBERG@dhsaha.state.or.us
kthran@cs-inc.org	kthran@cs-inc.org
LARSON Toni R * RFO	Toni.Larson@oregon.gov
LARSON Toni R * RFO	Toni.R.LARSON@state.or.us
Magella Gordon	gmagella@droregon.org
MATTHEWS Lynn	Lynn.MATTHEWS@dhsaha.state.or.us
McHugh Beth	elizabeth.e.mchugh@multco.us
Mendez Brenda R	MendezBR@jacksoncounty.org
Milligan-Mock Nancy	nancy_milligan-mock@co.washington.or.us
Moore-Witter Amanda	amoorewitter@co.clackamas.or.us
Moore-Witter, Amanda	AMooreWitter@clackamas.us
mtsmileyem@gmail.com	mtsmileyem@gmail.com
nancy_milligan_mock	nancy_milligan_mock@co.washington.or.us
Peck Chris	chris.peck@co.lane.or.us
Sadler Dawn Alisa	dawn-alisa.sadler@multco.us
Schatz Heather C	HEATHER.C.SCHATZ@dhsaha.state.or.us
Southard Barbara L	BARBARA.L.SOUTHARD@dhsaha.state.or.us
Sutton Leslie J	LESLIE.J.SUTTON@dhsaha.state.or.us
VanNette Julie L	JULIE.L.VANNETTE@dhsaha.state.or.us
Walker Che C	CWalker@pclpartnership.org
Westbrooks Greg	GREG.WESTBROOKS@dhsaha.state.or.us

**Report approved by: Lisa Tyler**  
**Date: 10/23/2024**

Department of Consumer and Business Services  
Workers' Compensation Division

Five-year Administrative Rule Review

**Rule division name and rule numbers:** OAR chapter 436, division 001, "Procedural Rules, Attorney Fees, and General Provisions," OAR 436-001-0700 "Access to Public Records and Workers' Compensation Claim Records"

NOTE: This rule was repealed from OAR chapter 436, division 060, and adopted in division 001, with amendments.

**Date adopted:** March 13, 2020

**Date reviewed:** November 20, 2024

**Advisory Committee Used:** Yes

A rulemaking advisory committee met to review this and other rules on Oct. 14, 2019.

**1. Did the rule achieve its intended effect?** Yes

**a. What was the intended effect?**

The rule was moved from division 060, which is specific to claims administration, to division 001, which contains general provisions. The rule was also amended to include a reference to the form used to request claim file information, Form 3088, and to specify the information needed to determine whether the requester is entitled to claim file information under the Public Records Law. The rule was further amended to remove redundant or unnecessary language, update language, and streamline language to enhance clarity and consistency with other rules in chapter 436.

**b. How did the rule succeed or fail in achieving this effect?**

The rule has succeeded in achieving its intended effect.

**2. Was the fiscal impact statement:**

Underestimated

Overestimated

Just about right

Unknown

**a. What was the estimated fiscal impact?**

The division anticipated no fiscal impact from the rule.

**b. What was the actual fiscal impact?**

The division is not aware that the rule has had any fiscal impact.

**c. If the answer to question 2 is unknown, briefly explain why.**

N/A

**3. Have subsequent changes in the law required the rule be repealed or amended?**

No.

**4. Is the rule still needed?**

Yes.

**5. What impacts has the rule had on small businesses?**

The division is not aware of any direct impact of the rule on small businesses.

**The department must review each administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:**

- (a) Whether the rule has had the intended effect;
- (b) Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- (c) Whether subsequent changes in the law require that the rule be repealed or amended;
- (d) Whether there is continued need for the rule; and
- (e) What impacts the rule has on small businesses.

**The department must report its findings to any advisory committee appointed under ORS 183.333, to the Secretary of State, and to the Small Business Advisory Committee.**

Department of Consumer and Business Services  
Workers' Compensation Division

Five-year Administrative Rule Review

**Rule division name and rule numbers:** OAR chapter 436, division 009, "Oregon Medical Fee and Payment," rule OAR 436-009-0012 "Telemedicine"

**Date adopted:** March 4, 2020

**Date reviewed:** November 20, 2024

**Advisory Committee Used:** Yes

A rulemaking advisory committee met to review this and other rules on November 18, 2019.

**1. Did the rule achieve its intended effect?** Yes

**a. What was the intended effect?** The intent was to provide stakeholders a definition of telemedicine, as well as definitions for originating and distant sites. In addition to the definitions, the intent was to provide billing and payment parameters for telemedicine.

**b. How did the rule succeed or fail in achieving this effect?** The rule succeeded by giving stakeholders clear definitions regarding telemedicine. Providers now know how to bill for telemedicine services and insurers are able to correctly pay bills for telemedicine services.

**2. Was the fiscal impact statement:**

Underestimated

Overestimated

Just about right

Unknown

**a. What was the estimated fiscal impact?**

The division anticipated no fiscal impact from the rule.

**b. What was the actual fiscal impact?**

The division is not aware that the rule has had any fiscal impact.

c. **If the answer to question 2 is unknown, briefly explain why.** N/A

3. **Have subsequent changes in the law required the rule be repealed or amended?** No

4. **Is the rule still needed?** Yes

5. **What impacts has the rule had on small businesses?**

The division is not aware of any direct impact of the rule on small businesses.

**The department must review each administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:**

- (a) Whether the rule has had the intended effect;
- (b) Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- (c) Whether subsequent changes in the law require that the rule be repealed or amended;
- (d) Whether there is continued need for the rule; and
- (e) What impacts the rule has on small businesses.

**The department must report its findings to any advisory committee appointed under ORS 183.333, to the Secretary of State, and to the Small Business Advisory Committee.**

# Agency Rule Review Report Under ORS 183.405

---

Rule Number: 150-317-0245

Rule Title: Commencement of Long Term Enterprise Zone Tax Credit

Date adopted: 12/11/2019

Date of review: 10/8/2024 Agency Rule Review Report was presented at the Business Policy meeting. There was no discussion or questions. It was recommended that the Report be forwarded to the Business Division Administrator as written for review and approval. The Report was approved by the Business Division Administrator on 10/9/24.

This report was prepared and approved by: Department of Revenue's Business Division, Corporation and Estate Section, Corporation Policy Unit.

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

The rule was intended to clarify the start date for the Long Term Enterprise Zone (LTEZ) tax credit.

According to ORS 317.124(3)(a), corporate taxpayers who are eligible to claim the LTEZ tax credit must begin claiming the credit "on or after the tax year in which the facility" that is authorized for the credit "is *placed in service* and no later than the tax year beginning in the third calendar year after the year in which the facility is *placed in service* (emphasis added)." The statute, however, does not define "placed in service". OAR 150-317-0245 specifies that "a facility is 'placed in service' when a certified business has received a permit to occupy and use the building for its intended purpose", thus fulfilling the intended purpose.

b. How did the rule succeed or fail in achieving this effect?

The rule achieved its intended effect because it specifies when an LTEZ-certified facility has been “placed in service” for purposes of the start date of the LTEZ tax credit.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

There was no estimated fiscal impact associated with this rule.

b. What was the actual fiscal impact?

To the best of the department’s knowledge, there was no fiscal impact.

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If ‘yes’ please explain:

4. Is the rule still needed?

Yes

No

Explain: ORS 317.124 (3)(b) states that the LTEZ tax credit can be awarded for a duration of five to 15 years. Under ORS 285C.408 (2)(b), a business firm must have been certified for the tax credit on or before June 30, 2018. The rule is still needed so that a taxpayer who has a certified LTEZ tax credit that has not expired will know when their LTEZ-certified facility was placed in service for purposes of the start date of their LTEZ tax credit.

ORS 317.129 requires the Department of Revenue to deposit a specified amount of the corporate tax payments of a taxpayer allowed an LTEZ tax credit into the LTEZ Fund established in ORS 317.127. For each tax year in which a taxpayer is allowed an LTEZ tax credit, the department is required to distribute to the local taxing districts (in which the facility that is the basis of the credit is located) an amount of tax payments that corresponds to the amount of payments deposited into the LTEZ Fund. Deposits into the Fund begin when the facility that has been certified for the credit is placed in service. Therefore, this rule is also still needed so that the Department of Revenue will know when an LTEZ-certified

facility was placed in service for purposes of depositing corporate tax payments of a taxpayer allowed an LTEZ tax credit into the LTEZ Fund, and distributing that money to the local taxing districts.

5. What impacts does the rule have on small businesses?

As previously noted, the rule clarifies the start date for the Long Term Enterprise Zone tax credit. There should be no effect on those taxpayers who have been awarded the LTEZ tax credit, and who are subject to the rule.



**Oregon Department of Human Services (ODHS)  
Five Year Rule Review (ORS 183.405)**

**Rule Name:** Child Abuse Investigations in Schools

**Rule Number(s):** OAR chapter 407, Division 47,

Rules 0200, 0205, 0210, 0220, 0230, 0240, 0250, 0260, 0270, 0280, 0290, 0295, 0300, 0305.

*[Renumbered to OAR chapter 419, division 230 on 11-1-2024.]*

**Program Area:** Office of Training, Investigations and Safety (OTIS)

**Adoption Date:** January 1, 2020

**Review Due Date:**

12-31-2024

**Review Date:**

12-03-2024

**Reviewer's Name:**

T. Strahan

**X \*Advisory Committee Used**

**Committee Members:**

**Contact Information:**

Emily Nazarov, Dept. of Education	XXXXXX
Trent Danowski, Teachers Standards and Practices	XXXXXX
Barbara Spencer, Oregon Commission for Women	XXXXXX
John Larson, OEA President	XXXXXX
Lisa Gourley, President OSEA	XXXXXX
ODHS OTIS staff Adam Bergin and Michelle Pfeiffer. Deena Loughary, ODHS Child Welfare.	

**What was the intended effect of this rule adoption?**

These rules state the requirements of ODHS OTIS to receive reports of and investigate suspected child abuse when an education provider's employee, contractor, agent or volunteer is reported or suspected of child abuse of a student under ORS 419B.005 and ORS 419B.019. Also, the rules include procedures for due process for founded child abuse allegations determined following an investigation; notice of rights to request a contested case hearing to challenge the substantiated abuse finding, and use of ODHS OTIS employees as lay representatives in the hearing.

X Yes	<b>Has the rule had the intended effect?</b>
X No	<b>Was the anticipated fiscal impact of the rule underestimated?</b> These ODHS OTIS rules implement legislative changes due to 2019 SB 155 with funds appropriated to ODHS OTIS and Child Welfare, the Oregon Dept. of Education and the Teacher Standards and Practices Commission.

	<p>Economic impact to education providers and individuals named as a respondent, while awaiting OTIS completion of the processes described in these rules, were minimized by set timelines with limits on extending the due date to certain conditions.</p> <p>For the first four years (2020 through 2023):</p> <ul style="list-style-type: none"> <li>• The number of allegations investigated increased from 81, 118, 208, 214.</li> <li>• The majority of allegations were sex abuse (about 36%, 62%, 42.7%, 42.5%, respectively), then physical abuse (about 40.7%, 16%, 30%, 31.7%, respectively).</li> <li>• The substantiation rate for each year was about 14.8%, 10%, 20%, 15%.</li> <li>• The number of allegations in schools, in comparison to the total number investigated by OTIS as non-familial child abuse (includes child-in-care, child care, third-party) represented about 9.4%, 9%, 10.6%, 10.5% of the yearly totals.</li> </ul> <p>Additional funds were appropriated for legislation in 2023 SB 790, increased workload for OTIS per the Legislative Fiscal Office analysis. Minimal fiscal impact for OTIS in 2023 SB 93 per the Legislative Fiscal Office analysis.</p> <p>For the first nine months of 2024, 260 allegations were investigated:</p> <ul style="list-style-type: none"> <li>• The majority of allegations investigated were wrongful restraint (35%), followed by physical abuse at 20%, and sexual abuse at 18%.</li> <li>• The substantiation rate was 23.5%.</li> <li>• The number of allegations in schools represented 14% of the total number of allegations investigated by OTIS as non-familial child abuse.</li> </ul>
<p>X No</p>	<p><b>Was the anticipated fiscal impact of the rule overestimated?</b></p> <p>Increased complaints received due to awareness of new mandatory child abuse reporting and investigating by ODHS OTIS; coupled with school closures due to the public health emergency (Covid-19), results in an indeterminate impact.</p>
<p>X Yes</p>	<p><b>Have subsequent changes in the law required the rule to be repealed or amended?</b></p> <p>2023 Senate Bill 93 amended ORS 419B.005, the defined abuse term for “mental injury.” 2023 Senate Bill 790 added the abuse term corporal punishment in violation of ORS chapter 339; created specific seclusion and restraint abuse terms for education providers with required findings following investigation and certain facts found, for events on or after July 1, 2023. Rules were amended as:</p> <ul style="list-style-type: none"> <li>• DHS 4-2023, temporary rules effective 09-01-2023; due to emergency clauses (9-1-2023 and 7-1-2023) for SB93 and SB790, respectively.</li> <li>• DHS 18-2023, effective 01-01-2024 that adopted the temporary rules; new OAR 407-047-0273 for seclusion or wrongful restraint abuse findings, with new defined terms in OAR 407-047-0205 and OAR 407-047-0270 for abuse determinations.</li> <li>• DHS 2-2024, DHS 3-2024, DHS 4-2024, DHS 5-2024, minor corrections filed due to added new rule, OAR 407-047-0273.</li> </ul>

	<p>2023 Senate Bill 757 amended OAR 407-047-0290 to require OTIS provides a copy of the respondent's notification for founded child abuse to their attorney (if applicable), as part of DHS 18-2023.</p> <p>2023 House Bill 3558, minor correction for name change of the Office of Child Care to the Dept. of Early Learning and Care (DELIC), DHS 10-2023 and DHS 11-2023.</p> <p>Rules were also amended due to ODHS OTIS policy decisions or efficiencies:</p> <ul style="list-style-type: none"> <li>• DHS 6-2021 effective 04-01-2021: OTIS amended all rule sections (except OAR 407-047-0200) to align definitions with other OTIS child abuse investigation rules in this division 47 of OAR chapter 407.</li> <li>• DHS 29-2022 effective 08-01-2022: Repealed OAR 407-047-0300 &amp; OAR 407-047-0305 to create a single procedural rule in OAR chapter 407, division 44 for contested case hearings and use of lay representation in all appeals of OTIS child abuse determinations. Additional amends to align all OTIS child abuse rules related to deviations in notifications (OAR 407-047-0240, OAR 407-047-0290), add required Tribal notifications prior to an Indian child being contacted by OTIS (OAR 407-047-0250), allow 10 business day response time (OAR 407-047-0220) and minor corrections due to renumbering to new division 44 rules.</li> <li>• DHS 10-2024 effective 08-01-2024: Revised OAR 407-047-0250 and OAR 407-047-0290 upon request by representatives of education services workers. Added the requirement OTIS must provide written notification of investigation to a respondent before requesting an investigative interview; and upon closure of the investigation, OTIS must provide written information to the respondent about their ability to request a redacted report, as part of the notice of rights to appeal the substantiated abuse finding.</li> </ul> <p>Also minor corrections filed:</p> <ul style="list-style-type: none"> <li>• DHSD 1-2021, effective 02-04-2021, to update 2019 SB 155 to ORS 419B.</li> <li>• DHS 15-2024, renumbered from OAR chapter 408 to 419, effective 11-01-2024.</li> <li>• OTIS 35-2024 through OTIS 46-2024, effective 11-1-2024 due to renumbering.</li> </ul>
<p>X Yes</p>	<p><b>Is there a continued need for the rule?</b></p> <p>These rules are part of OTIS shared services with Child Welfare related to child abuse investigations under ORS 419B.019 in schools.</p> <p>As part of 2023 SB 790, Section 7 that amended OTS 419B.019: OTIS must submit quarterly reports to the Legislative committees for child welfare for the purposes of public review and oversight of the quality and safety of education providers. Info relates to substantiated abuses by type; name of the education provider, approximate date, a brief narrative description of the abuse, and whether a reportable injury, sexual abuse or death resulted from the abuse.</p>

	<p><b>What impact has the rule had on small businesses?</b> No additional costs were expected for contractors for educational providers who may be a small business and are in compliance to laws prohibiting child abuse.</p>
--	--

---

**Report approved by:** Dave Manley, 12-9-2024

**Date report sent to advisory committee members:** 12-9-2024

---



## Five-Year Review of New Administrative Rules adopted since January 1, 2006

Re: Date Adopted (Filing No.): 12-16-2019 (DMV 27-2019)

Rule number(s): OAR 735-010-0260

Date adopted: December 16, 2019 (not date filed or effective)

Date review due: \_\_\_\_\_

Advisory committee used? \_\_\_\_\_ yes  no

If yes, identify members below. Members must be provided a copy of this completed form.

1. Did the rule achieve its intended effect?  yes \_\_\_\_\_ no

a. What was the intended effect?

The rule's intended effect was to clearly state how DMV would send notice of suspension, notice of cancellation and notice of revocation to customers in accordance with Oregon laws 2019, chapter 312, section 24.

b. How did the rule succeed or fail in achieving this effect?

2. Was the fiscal impact statement (check one)

\_\_\_\_\_ underestimated

\_\_\_\_\_ overestimated

just about right

\_\_\_\_\_ unknown

a. What was the estimated fiscal impact?

DMV estimated there would be no fiscal impact because DMV was not changing the way it sent the notices to customers. The law change opens up the possibility for DMV to change the manner it notifies customers in the future.

b. What was the actual fiscal impact?

There was no actual fiscal impact. DMV may experience a fiscal impact if DMV changes the manner in which DMV sends the notices to customers. DMV did not change the manner in which

DMV sent notices to customers as a result of adoption of this rule and DMV does not have any current plans to change the manner in which notices are sent to customers moving forward.

c. If the answer to question 2 is unknown, briefly explain why.

3. Have subsequent changes in the law required the rule be repealed or amended?

yes       no

If yes, explain below.

Oregon laws 2019, chapter 312 (SB 57) contained multiple effective dates in the bill. The rule was adopted to comply with section 24 of the law and then amended to incorporate sections 23 and 28, all part of Oregon laws 2019, chapter 312. Section 23 states DMV is to determine by rule the manner in which DMV will notify a person that the suspension will commence 60 days from the date of the notice; and section 28 states DMV will send a notice of cancellation of a vehicle title or registration to a customer in a manner determined by the department by rule.

4. Is the rule still needed?     yes       no

Explain below.

ORS 809.090, 809.416 and 809.430, still require DMV to serve notice to the person in a manner determined by the department by rule. This is that rule.

Review completed by: Ty Yoder      Date: 12/10/2024

Phone: 503-945-5256



# Oregon

Tina Kotek, Governor

Department of Forestry  
Forest Resources Division  
2600 State St  
Salem, OR 97310-0340  
503-945-7200  
[www.oregon.gov/ODF](http://www.oregon.gov/ODF)

Oregon Revised Statute (ORS) 183.405 requires agencies to review Oregon Administrative Rules (OAR) within five years of adoption for the purpose of making specific determinations. The Forest Resources Division has completed the required review for two recent rulemaking efforts, the findings of which are contained in this report.

## Wildlife Food Plots

**Date Adopted:** 7/22/2020      **Review Date:** 7/16/2024      **Rule Number:** OAR 629-610-0100

**Review Findings:** In completing the required review, the Oregon Department of Forestry (ODF) has made the following determinations regarding OAR 629-610-0100:

- a) The rule achieved its intended effect.
- b) The anticipated fiscal impact of the rule was not under or overestimated.
- c) There have been subsequent changes in law prompting the November 2022 rule amendments.
- d) There is a continued need for the rule; and
- e) The rule has the potential to impact small businesses in the following manner: This rule applies to forestlands under the jurisdiction of the Forest Practices Act, which includes forestlands in Oregon owned by state, county, city or private individuals or entities. Forest practice rules apply to forestlands rather than to businesses, however businesses can be affected by being either landowners or working within related sectors.

This forest practice rule is not a mandate rather it's an option enabling eligible landowners to utilize a portion of their property for the establishment of one or more wildlife food plots to establish or increase the area of food or forage available to wildlife, and to exempt a percentage of their property from reforestation requirements following timber harvest.

## Single Rule Package to Implement the Private Forest Accord

**Date Adopted:** 10/26/2022      **Review Date:** 7/16/2024      **Number of Rules Adopted:** 57

**Rule Numbers:** OARs 629-603-0000, 629-603-0100, 629-603-0130, 629-603-0160, 629-603-0200, 629-603-0300, 629-603-0400, 629-603-0450, 629-603-0500, 629-603-0600, 629-607-0000, 629-607-0100, 629-607-0200, 629-607-0250, 629-607-0300, 629-607-0400, 629-607-0450, 629-607-0500, 629-607-0600, 629-607-0700, 629-607-0750, 629-607-0800, 629-625-0600, 629-625-0800, 629-625-0900, 629-625-0910, 629-625-0910, 629-625-0920, 629-630-0900, 629-630-0905, 629-630-0910, 629-630-

0915, 629-630-0920, 629-630-0925, 629-643-0000, 629-643-0100, 629-643-0105, 629-643-0120, 629-643-0125, 629-643-0130, 629-643-0135, 629-643-0140, 629-643-0141, 629-643-0142, 629-643-0143, 629-643-0145, 629-643-0150, 629-643-0200, 629-643-0300, 629-643-0400, 629-643-0500, 629-670-0225, 629-670-0228, 629-678-0000, 629-678-0100, 629-678-0110, and 629-678-0200

**Background:** In 2020, the Oregon Legislature passed Senate Bill (SB) 1602 which set helicopter pesticide application requirements and required the Governor to facilitate mediated sessions between representatives of the forest industry and representatives of environmental interests. As a product of this collaborative process, the 2022 Private Forest Accord (PFA) Report was drafted and released by an author group comprised of representatives from those discussions. During the 2022 Legislative Session, SB 1501 and SB 1502 passed making substantial changes to the Forest Practices Act and requiring the Board to incorporate the recommendations of the PFA Report into the forest practice rules through the adoption of a single rule package by November 30, 2022.

**Review Findings:** In completing the review, ODF has made the following determinations regarding the OARs first adopted as part of the single rule package required by sections two and three of SB 1501 (2022):

- a) The rules achieved their intended effect.
- b) Section 3 of SB 1501 (2022) exempted the single rule package from the requirements of ORS 183.333, 183.335 and 527.714 therefore a fiscal impact statement was not estimated.
- c) There have not been subsequent changes in law requiring the repeal or amendment of the rules, however Section 54 of Senate Bill 1501 (2022) states the policies of the bill shall only remain in effect if specific conditions are met.
- d) At the time of review there is a continued need for the rules; and
- e) The rules have the potential to impact small businesses in the following manner: These rules apply to forestlands under the jurisdiction of the Forest Practices Act, which include forestlands in Oregon owned by state, county, city or private individuals or entities. Forest practice rules apply to forestlands rather than to businesses, however businesses can be affected by being either landowners or working within related sectors.

The 2023-2024 Edition of Oregon Forest Facts, produced by the Oregon Forest Resources Institute, reports that 34% of forestlands in Oregon are owned by private landowners. The number of ownerships within that acreage and how many meet the definition of a small business is unknown, however small businesses are likely to be represented amongst this acreage.

**For more information contact:**

Nicole Stapp  
Forest Resources Division Policy Advisor/Rules Coordinator  
Oregon Department of Forestry  
[ODF.FRDrules@odf.oregon.gov](mailto:ODF.FRDrules@odf.oregon.gov)





## Five-Year Review of New Administrative Rules adopted since January 1, 2006

Re: Date Adopted (Filing No.): 12-16-2019 (DMV 30-2019)

Rule number(s):   OAR 735-030-0115  

Date adopted:   December 16, 2019   (not date filed or effective)

Date review due: \_\_\_\_\_

Advisory committee used? \_\_\_\_\_ yes  no

If yes, identify members below. Members must be provided a copy of this completed form.

1. Did the rule achieve its intended effect?  yes \_\_\_\_\_ no

a. What was the intended effect?

DMV adopted OAR 735-030-0115 because of the passage of Chapter 750, Oregon Laws 2017, Sections 32 and 37. Sections 32 and 37 became ORS 803.091 and ORS 803.422 respectively, and they required DMV to determine the combined MPG ratings for each motor vehicle pursuant to a method determined by the department. The rule achieved its intended effect by establishing the method DMV uses to determine MPG. On January 1, 2020, customers began paying an additional title and registration fee based on the vehicle's MPG.

Additionally, the adoption of the proposed rule clarifies the method DMV will use to exempt vehicles with a rating of 40 miles per gallon or greater who are enrolled in the OReGO program from the additional registration fee.

b. How did the rule succeed or fail in achieving this effect?

DMV successfully described how DMV would determine the MPG rating for each vehicle and applied those ratings to the issuance of a title and registration.

2. Was the fiscal impact statement (check one)

underestimated

overestimated

just about right

unknown

a. What was the estimated fiscal impact?

---

There was no additional fiscal impact as a result of the rule. The fiscal impact was a result of Oregon laws 2017, chapter 750, sections 32 and 37.

b. What was the actual fiscal impact?

There was no fiscal impact as a result of the rule. The fiscal impact was a result of Oregon laws 2017, chapter 750, sections 32 and 37.

c. If the answer to question 2 is unknown, briefly explain why.

3. Have subsequent changes in the law required the rule be repealed or amended?

yes  no

If yes, explain below.

4. Is the rule still needed?  yes  no

Explain below.

The law still requires DMV to determine the MPG of vehicles and apply the appropriate fee based during the issuance of an Oregon title or registration.

Review completed by: Ty Yoder Date: 12/10/2024

Phone: 503-945-5256



## Five-Year Review of New Administrative Rules adopted since January 1, 2006

Re: Date Adopted (Filing No.): 12-16-2019 (DMV 27-2019)

Rule number(s): OAR 735-010-0260

Date adopted: December 16, 2019 (not date filed or effective)

Date review due: \_\_\_\_\_

Advisory committee used? \_\_\_\_\_ yes  no

If yes, identify members below. Members must be provided a copy of this completed form.

1. Did the rule achieve its intended effect?  yes \_\_\_\_\_ no

a. What was the intended effect?

The rule's intended effect was to clearly state how DMV would send notice of suspension, notice of cancellation and notice of revocation to customers in accordance with Oregon laws 2019, chapter 312, section 24.

b. How did the rule succeed or fail in achieving this effect?

2. Was the fiscal impact statement (check one)

\_\_\_\_\_ underestimated

\_\_\_\_\_ overestimated

just about right

\_\_\_\_\_ unknown

a. What was the estimated fiscal impact?

DMV estimated there would be no fiscal impact because DMV was not changing the way it sent the notices to customers. The law change opens up the possibility for DMV to change the manner it notifies customers in the future.

b. What was the actual fiscal impact?

There was no actual fiscal impact. DMV may experience a fiscal impact if DMV changes the manner in which DMV sends the notices to customers. DMV did not change the manner in which

DMV sent notices to customers as a result of adoption of this rule and DMV does not have any current plans to change the manner in which notices are sent to customers moving forward.

c. If the answer to question 2 is unknown, briefly explain why.

3. Have subsequent changes in the law required the rule be repealed or amended?

yes       no

If yes, explain below.

Oregon laws 2019, chapter 312 (SB 57) contained multiple effective dates in the bill. The rule was adopted to comply with section 24 of the law and then amended to incorporate sections 23 and 28, all part of Oregon laws 2019, chapter 312. Section 23 states DMV is to determine by rule the manner in which DMV will notify a person that the suspension will commence 60 days from the date of the notice; and section 28 states DMV will send a notice of cancellation of a vehicle title or registration to a customer in a manner determined by the department by rule.

4. Is the rule still needed?     yes       no

Explain below.

ORS 809.090, 809.416 and 809.430, still require DMV to serve notice to the person in a manner determined by the department by rule. This is that rule.

Review completed by: Ty Yoder      Date: 12/10/2024

Phone: 503-945-5256



## Five-Year Review of New Administrative Rules adopted since January 1, 2006

Re: Date Adopted (Filing No.): 12-16-2019 (DMV 28-2019)

Rule number(s):   OAR 735-020-0090, 735-022-0140, 735-022-0150  

Date adopted:   December 16, 2019   (not date filed or effective)

Date review due: \_\_\_\_\_

Advisory committee used? \_\_\_\_\_ yes  no

If yes, identify members below. Members must be provided a copy of this completed form.

1. Did the rule achieve its intended effect?  yes \_\_\_\_\_ no

a. What was the intended effect?

DMV adopted OAR 735-020-0090, 735-022-0140, and 735-022-0150 to comply with Oregon Laws 2019, chapter 585.

DMV adopted OAR 735-020-0090 to state that DMV will cancel the title and, if applicable, the registration of a recreational vehicle that is being converted to use as a structure when the registered owner.

DMV adopted OAR 735-022-0140 to define the terms used in OAR 735-022-150.

DMV adopted OAR 735-022-0150 to outline the process of obtaining an Oregon title for a park model recreational vehicle.

b. How did the rule succeed or fail in achieving this effect?

OAR 735-020-0090 successfully outlined when DMV would cancel the title and registration of a recreational vehicle when the vehicle was used as a structure. The rule succeeded because DMV has cancelled the title and registration of a recreational vehicle that was converted to use as a structure.

OAR 735-022-0140 successfully outlined the terms used in OAR 735-022-0150.

OAR 735-022-0150 successfully outlined the process of obtaining an Oregon title for a park model recreational vehicle. The rule succeeded because DMV is issuing vehicle title's for park model recreational vehicles.

2. Was the fiscal impact statement (check one)

underestimated

overestimated

just about right  
 unknown

a. What was the estimated fiscal impact?

If the person chooses to obtain a title, on or after January 1, 2020, they will be charged a fee of \$98 for a Certificate of Title or \$27 for a salvage title.

Customers who have converted their recreational vehicles into structures may endure a fiscal impact as a result of the passage of HB 2333, but the adoption of these rules will not have a fiscal impact.

Passage of HB 2333 has a fiscal impact on state agencies and the impact was reported to the legislature prior to the passage of the bill. The proposed rules do not have an additional fiscal impact to state agencies.

Passage of HB 2333 may also have a financial impact on PMRV businesses engaged in an activity described in ORS 822.005. The businesses must obtain a vehicle dealer license if they do not already have one. The bill does not require businesses to assist members of the public in obtaining a title for a park model recreational vehicle. If the business chooses to assist its customers, the business may incur a fiscal impact.

b. What was the actual fiscal impact?

The rule was a result of the passage of Oregon laws 2019, chapter 585. The fiscal impacts are a result of that law and not this rulemaking as stated in the fiscal section in the rulemaking.

c. If the answer to question 2 is unknown, briefly explain why.

3. Have subsequent changes in the law required the rule be repealed or amended?

yes       no

If yes, explain below.

4. Is the rule still needed?     yes       no

Explain below.

Oregon residents still own park model recreational vehicles and the law still requires DMV issue title for those vehicles. DMV still needs to define terms used in the rules. Oregon residents also own recreational vehicles that Oregon has issued title and registrations to. In order to comply with the law, DMV need to be able to cancel the title and registration when the recreational vehicle is considered a structure.

Review completed by: Ty Yoder      Date: 12/10/2024  
 Phone: 503-945-5256



## Five-Year Review of New Administrative Rules adopted since January 1, 2006

Re: Date Adopted (Filing No.): 12-16-2019 (DMV 30-2019)

Rule number(s):   OAR 735-030-0115  

Date adopted:   December 16, 2019   (not date filed or effective)

Date review due: \_\_\_\_\_

Advisory committee used? \_\_\_\_\_ yes  no

If yes, identify members below. Members must be provided a copy of this completed form.

1. Did the rule achieve its intended effect?  yes \_\_\_\_\_ no

a. What was the intended effect?

DMV adopted OAR 735-030-0115 because of the passage of Chapter 750, Oregon Laws 2017, Sections 32 and 37. Sections 32 and 37 became ORS 803.091 and ORS 803.422 respectively, and they required DMV to determine the combined MPG ratings for each motor vehicle pursuant to a method determined by the department. The rule achieved its intended effect by establishing the method DMV uses to determine MPG. On January 1, 2020, customers began paying an additional title and registration fee based on the vehicle's MPG.

Additionally, the adoption of the proposed rule clarifies the method DMV will use to exempt vehicles with a rating of 40 miles per gallon or greater who are enrolled in the OReGO program from the additional registration fee.

b. How did the rule succeed or fail in achieving this effect?

DMV successfully described how DMV would determine the MPG rating for each vehicle and applied those ratings to the issuance of a title and registration.

2. Was the fiscal impact statement (check one)

underestimated

overestimated

just about right

unknown

a. What was the estimated fiscal impact?

---

There was no additional fiscal impact as a result of the rule. The fiscal impact was a result of Oregon laws 2017, chapter 750, sections 32 and 37.

b. What was the actual fiscal impact?

There was no fiscal impact as a result of the rule. The fiscal impact was a result of Oregon laws 2017, chapter 750, sections 32 and 37.

c. If the answer to question 2 is unknown, briefly explain why.

3. Have subsequent changes in the law required the rule be repealed or amended?

\_\_\_\_\_ yes        x   no

If yes, explain below.

4. Is the rule still needed?      x   yes                      \_\_\_\_\_ no

Explain below.

The law still requires DMV to determine the MPG of vehicles and apply the appropriate fee based during the issuance of an Oregon title or registration.

Review completed by:   Ty Yoder                        Date:   12/10/2024  

Phone:   503-945-5256





## Five-Year Review of New Administrative Rules adopted since January 1, 2006

Re: Date Adopted (Filing No.): 12-16-2019 (DMV 32-2019)

Rule number(s):   OAR 735-040-0140  

Date adopted:   December 16, 2019   (not date filed or effective)

Date review due: \_\_\_\_\_

Advisory committee used? \_\_\_\_\_ yes  no

If yes, identify members below. Members must be provided a copy of this completed form.

1. Did the rule achieve its intended effect?  yes \_\_\_\_\_ no

a. What was the intended effect?

DMV adopted OAR 735-040-0140 to carry out the provisions of SB 807 (Oregon Laws 2019, Chapter 348). The law authorizes DMV to issue registration plates for a motor vehicle when a car rental company submits an application for vehicle registration through an integrator and certain conditions are met, even though the car rental company does not include the primary ownership record for the motor vehicle.

b. How did the rule succeed or fail in achieving this effect?

The rule succeeded by providing a framework for the issuance of registration plates to car rental companies that possess a valid Oregon vehicle dealer certificate in accordance with the law.

2. Was the fiscal impact statement (check one)

underestimated

overestimated

just about right

unknown

a. What was the estimated fiscal impact?

This proposed rulemaking is a result of the passage of SB 807 (chapter 348, Oregon Laws 2019). DMV believed it would incur implementation costs and additional transaction costs on a per transaction basis and that DMV would absorb the increased per transaction costs because DMV believes the transaction volume and increased workload will be minimal.

The law permits car rental companies who possess a valid Oregon vehicle dealer certificate and submit application for Oregon vehicle title and registration through an integrator to submit vehicle registration transactions without a primary ownership document to an integrator, but it does not require car rental companies to submit transactions using this method.

If the car rental company chooses to submit transactions in accordance with the law and the proposed rules, there was projected reporting, recordkeeping and other administrative activities required by the car rental company. The car rental company will need to keep track of the number of days to ensure the primary ownership record is submitted to DMV within 42 days, send the primary ownership record to DMV, and pay the car rental company’s employees to do these tasks. The car rental company’s costs should be offset by the fees they may charge for renting the vehicle earlier than previously possible.

b. What was the actual fiscal impact?

Unknown

c. If the answer to question 2 is unknown, briefly explain why.

The actual fiscal impact is unknown. DMV does not track the internal cost for each transaction type. Additionally, DMV’s computer system was upgraded in 2019, and employee efficiency has increased with additional knowledge of the system. The one large business using this method is permitted, but not required, to use this method. DMV is unaware of the fiscal impacts to the large business.

3. Have subsequent changes in the law required the rule be repealed or amended?

yes       no

If yes, explain below.

DMV amended this rule to remove reference to ORS 822.040. The Oregon legislature in 2023 passed Oregon laws 2023, Chapter 400. The law changed where statute addresses the renewal of Oregon vehicle dealer certificates. Renewal of vehicle dealer certificates moved from ORS 822.040 to ORS 822.020. This changed removed reference to ORS 822.040 in ORS 803.552, where is law was placed in the Oregon Vehicle Code. DMV amended this rule to reflect that change.

4. Is the rule still needed?     yes       no

Explain below.

DMV still needs to issue registration plates to car rental companies prior to the car rental company receiving the primary ownership record in accordance with ORS 803.552.

Review completed by: Ty Yoder      Date: 12/10/2024

Phone: 503-945-5256



# Oregon

Tina Kotek, Governor

Department of Forestry  
2600 State Street  
Salem, OR 97310-0340  
503-945-7200  
[www.oregon.gov/ODF](http://www.oregon.gov/ODF)

Oregon Revised Statute (ORS) 183.405 requires agencies to review Oregon Administrative Rules (OAR) within five years of adoption for the purpose of making specific determinations. The Oregon Department of Forestry (ODF) has completed the required review for three recent rulemaking efforts, the findings of which are contained in this report.

## Wildlife Food Plots

**Date Adopted:** 7/22/2020      **Review Date:** 7/16/2024      **Rule Number:** OAR 629-610-0100

**Review Findings:** In completing the required review ODF has made the following determinations regarding OAR 629-610-0100:

- a) The rule achieved its intended effect.
- b) The anticipated fiscal impact of the rule was not under or overestimated.
- c) There have been subsequent changes in law prompting the November 2022 rule amendments.
- d) There is a continued need for the rule; and
- e) The rule has the potential to impact small businesses in the following manner: This rule applies to forestlands under the jurisdiction of the Forest Practices Act, which includes forestlands in Oregon owned by state, county, city or private individuals or entities. Forest practice rules apply to forestlands rather than to businesses, however businesses can be affected by being either landowners or working within related sectors.

This forest practice rule is not a mandate rather it's an option enabling eligible landowners to utilize a portion of their property for the establishment of one or more wildlife food plots to establish or increase the area of food or forage available to wildlife, and to exempt a percentage of their property from reforestation requirements following timber harvest.

## Single Rule Package to Implement the Private Forest Accord

**Date Adopted:** 10/26/2022      **Review Date:** 7/16/2024      **Number of Rules Adopted:** 57

**Rule Numbers:** OARs 629-603-0000, 629-603-0100, 629-603-0130, 629-603-0160, 629-603-0200, 629-603-0300, 629-603-0400, 629-603-0450, 629-603-0500, 629-603-0600, 629-607-0000, 629-607-0100, 629-607-0200, 629-607-0250, 629-607-0300, 629-607-0400, 629-607-0450, 629-607-0500, 629-607-0600, 629-607-0700, 629-607-0750, 629-607-0800, 629-625-0600, 629-625-0800, 629-625-0900, 629-625-0910, 629-625-0910, 629-625-0920, 629-630-0900, 629-630-0905, 629-630-0910, 629-630-0915, 629-630-0920, 629-630-0925, 629-643-0000, 629-643-0100, 629-643-0105, 629-643-0120, 629-643-0125, 629-643-0130, 629-643-0135, 629-643-0140, 629-643-0141, 629-643-0142, 629-643-0143,

629-643-0145, 629-643-0150, 629-643-0200, 629-643-0300, 629-643-0400, 629-643-0500, 629-670-0225, 629-670-0228, 629-678-0000, 629-678-0100, 629-678-0110, and 629-678-0200

**Background:** In 2020, the Oregon Legislature passed Senate Bill (SB) 1602 which set helicopter pesticide application requirements and required the Governor to facilitate mediated sessions between representatives of the forest industry and representatives of environmental interests. As a product of this collaborative process, the 2022 Private Forest Accord (PFA) Report was drafted and released by an author group comprised of representatives from those discussions. During the 2022 Legislative Session, SB 1501 and SB 1502 passed making substantial changes to the Forest Practices Act and requiring the Board to incorporate the recommendations of the PFA Report into the forest practice rules through the adoption of a single rule package by November 30, 2022.

**Review Findings:** In completing the review, ODF has made the following determinations regarding the OARs first adopted as part of the single rule package required by sections two and three of SB 1501 (2022):

- a) The rules achieved their intended effect.
- b) Section 3 of SB 1501 (2022) exempted the single rule package from the requirements of ORS 183.333, 183.335 and 527.714 therefore a fiscal impact statement was not estimated.
- c) There have not been subsequent changes in law requiring the repeal or amendment of the rules, however Section 54 of Senate Bill 1501 (2022) states the policies of the bill shall only remain in effect if specific conditions are met.
- d) At the time of review there is a continued need for the rules; and
- e) The rules have the potential to impact small businesses in the following manner: These rules apply to forestlands under the jurisdiction of the Forest Practices Act, which include forestlands in Oregon owned by state, county, city or private individuals or entities. Forest practice rules apply to forestlands rather than to businesses, however businesses can be affected by being either landowners or working within related sectors.

The 2023-2024 Edition of Oregon Forest Facts, produced by the Oregon Forest Resources Institute, reports that 34% of forestlands in Oregon are owned by private landowners. The number of ownerships within that acreage and how many meet the definition of a small business is unknown, however small businesses are likely to be represented amongst this acreage.

### **Smoke Management**

**Date Adopted:** 02/15/2019    **Review Date:** 3/05/2024    **Rule Numbers:** 629-048-0001, 629-048-0005, 629-048-0010, 629-048-0020, 629-048-0021, 629-048-0100, 629-048-0110, 629-048-0120, 629-048-0130, 629-048-0135, 629-048-0137, 629-048-0140, 629-048-0150, 629-048-0160, 629-048-0180, 629-048-0200, 629-048-0210, 629-048-0220, 629-048-0230, 629-048-0300, 629-048-0310, 629-048-0320, 629-048-0330, 629-048-0400, 629-048-0450, 629-048-0500

**Review Findings:** In completing the required review ODF, in consultation with the Smoke Management Rules Advisory Committee made the following determinations:

- a) The rules, as listed above, are achieving their intended effect.
- b) The anticipated fiscal impact of the rule has been as expected.
- c) No subsequent significant changes in the rules have been repealed or amended.
- d) The RAC review concluded that the rules are still needed.
- e) The rules have the potential to impact small businesses. Small businesses may be affected by fees associated with the rules. Additionally, it was noted by the RAC that small businesses may be impacted by smoke as a result of activities allowed within the rules.

**Questions?** Contact an ODF Rules Coordinator at [odfrulescoordinator@odf.oregon.gov](mailto:odfrulescoordinator@odf.oregon.gov).

**Oregon Department of Human Services (ODHS)  
Five Year Rule Review ORS 183.405**

**Rule Name:** Abuse Investigation and Protective Services Assessments in Adult Residential Substance Use Disorder Treatment Programs

**Rule Number(s):** OAR Chapter 407, Division 45, Rules 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110.  
[OTIS renumbered these rule to OAR chapter 419, division 130 on 12-1-2023.]

**Program Area:** Office of Training, Investigations & Safety (OTIS)

**Adoption Date:** January 1, 2020

**Review Due Date:**  
12-31-2024

**Review Date:**  
12-11-2024

**Reviewer's Name:**  
T. Strahan

**X Advisory Committee Used**

**\*OTIS staff Karla Kerstner**

Strikethrough means email address no longer valid as of 6-10-2024.

NAME of Committee Member	EMAIL
Cherryl Ramirez	XXXXX
Todd Noble	XXXXX
<del>Corissa Neufeldt</del>	
Holly Oltman	XXXXX
Ebony Clarke	XXXXX
Bill Ward	XXXXX
Mark Davis	XXXXX
Heather Jefferis	XXXXX
Cassie Bruske	XXXXX
Beckie Child	XXXXX
Joseph Conklin	XXXXX
Maree Wacker	XXXXX
Shelley Devens	XXXXX
Bethany Wallace	XXXXX
Randy Roddey	XXXXX
Cherie May	XXXXX
<del>Mark Fisher</del>	
Mark Lewinsohn	XXXXX
<del>Andy Boeger</del>	
<del>Dan Torres</del>	
<del>Emily Cooper</del>	
Heather Crow-Martinez	XXXXX
<del>LuAnn E Meulink, OHA HSD Licensing Manager</del>	
Lindsay Newton, OHA HSD	XXXXX
Julie Johnson, OHA Tribal Relations	XXXXX

<p><b>What was the intended effect of this rule adoption?</b>                  To implement Section 2 of Senate Bill 1540 (2018) that amended ORS 430.735, as used in ORS 430.735 to ORS 430.765. These rules ensure ODHS OTIS conducts the adult abuse investigations on behalf of the Oregon Health Authority (OHA) Health Systems Divisions for residents of their regulated residential treatment facilities and recovery centers for adults with substance use disorders (SUD). And aligns with federal laws for privacy under 42 Code of Federal Regulations, Part 2 for these treatment facilities.</p>	
<p><b>X Yes</b></p>	<p><b>Has the rule had the intended effect?</b>                  ODHS OTIS continues to receive allegations of abuse and conduct these abuse investigations as a business associate under a service level agreement with OHA. ODHS OTIS also assures notification of due process rights of an abuse review for any substantiated abuse finding following investigation under these rules.</p>
<p><b>X No</b></p>	<p><b>Was the anticipated fiscal impact of the rule underestimated?</b>                  No fiscal was provided in the legislative process, as the costs for investigating the complaints were considered a shift from being a licensing review to an abuse investigation, minimal cost.                   The costs were expected to be notable but manageable for OTIS, as the investigative authority responsible for implementing the amendments to ORS 430.735; while ensuring compliance to strict federal laws for privacy for adults in SUD treatment. Rules also assure each accused person/provider with a substantiated abuse finding, receives written notice of rights to appeal by an abuse review under ORS 183.484.                   An average of two complaints per month were estimated prior to these rules being adopted, based on OHA licensing complaints received prior to rulemaking. As of 11-27-2024, 83 complaints were received with 34 allegations investigated, well below the estimate.                   OTIS was unable to estimate the costs of these rules for SUD providers, as associated with new rule procedures for SUD residential treatment service providers under OHA rules [OAR 415-012-0051 (Temporary), then OAR 415-012-0052 (Permanent)]. Estimated minimal to none, as they relate to established licensing expectations and resident rights to receive treatment that is free from abuse.                   OTIS estimated minimal to no additional costs for the OHA’s Health Systems Division for their duties related to complaints and coordination with OTIS and SUD residential treatment programs, related to protective services, health and safety concerns.</p>
<p><b>X No</b></p>	<p><b>Was the anticipated fiscal impact of the rule overestimated?</b>                  No significant costs estimated.</p>
<p><b>X No</b></p>	<p><b>Have subsequent changes in the law required the rule to be repealed or amended?</b>                  OTIS renumbered these rules as of 12-1-2023 [see DHS 7-2023].</p>

	OTIS filed minor corrections as of 12-6-2024 [OTIS 63-2024 through OTIS 72-2024] for OHA's division name change from Health Systems to Behavioral Health.
<b>X</b> Yes	<b>Is there a continued need for the rule?</b> These rules are part of the ODHS OTIS shared services provided to the Oregon Health Authority (under ORS 413.085 and OAR chapter 943, Division 45) to help assure compliance to the laws for mandatory abuse reporting, assessing protective services and investigating alleged abuse of adults per ORS 430.731, and 430.735 to 430.765. These rules also assure due process for any abuses substantiated, right to appeal for an ODHS review under ORS 183.484 with the ODHS's final order provided to OHA.
	<b>What impact has the rule had on small businesses?</b> These rules in and of themselves did not place additional cost of compliance on SUD residential treatment providers or their contractors, who may meet the definitions of a small business in ORS 183.310.

---

**Report approved by:** Dave Manley, 12-13-2024

**Date report sent to advisory committee members:** 12-16-2024

---